

REFLECTIONS OT THE OHRID FRAMEWORK AGREEMENT ON THE POLITICAL SYSTEM OF NORTH MACEDONIA

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Abstract

In this study, we will focus on the Ohrid Agreement that derived from a peaceful conference which put an end to the armed conflict in Macedonia in 2001. We will also approach the causes that led to the conflict, the circumstances created that caused this interethnic military clash, the deadlock of the implementation of the Agreement, within the time frame envisaged in that agreement itself, the attitude of the Albanian and Macedonian political parties towards the Ohrid Framework Agreement and the contribution of the international political factor, which provided their contribution to the achievement of this Agreement from the position of facilitators. A lot has been written and said about this agreement, since its endorsement; numerous comprehensive analyzes have been carried out in various scientific conferences, debates have been held at university level and many papers have been published in different journals and conference proceedings by various different authors, who expressed their thoughts theoretically, scientifically and empirically, based on their arguments which they claimed were objective and real. I believe that the main cause of the non-implementation of this agreement or the prolongation of its implementation for more than a decade, is the result of the lack of a proper scientific analysis of the genesis of the military conflict between the two largest communities in Macedonia, namely between the Macedonian military and police forces and the NLA. Despite the pledge of the Government of the time as well as the post-conflict government, that they would respect this agreement and implement its provisions within the set deadlines, this did not happen

because the intellectual attitudes and recommendations were absent or were disrespected; they were even fully ignored by the political class, which already showed divergent attitudes between the Albanian and Macedonian side, and even internally, depending on who represented the opposition and the position.

Key words: Agreement, framework, conflict, implementation, international

INTRODUCTION

The dissolution of the former Yugoslav Federation as a result of the collapse of the "Berlin Wall", which remained the symbol of the collapse of Communism in Europe, ended in bloodshed because of the Serbian hegemonism, which could not accept the right of self-determination of the peoples represented through the republics and autonomous provinces in the Yugoslav Federation. As a result, it declared war on all of those who were set for independence due to the newly established democratic circumstances. Part of the federal units of Yugoslavia upon the emergence of political pluralism as well as the military confrontation with the remaining armed forces of the Yugoslav army, led by Milosevic, allegedly used to protect and defend Yugoslavia, gained their independence under constant and continuous military threats.

Macedonia, as a former Yugoslav Republic, managed to overcome this turmoil in an easier way, by proclaiming independence through a referendum that was boycotted by the Albanians, who were aware that in an independent state shaped by the views of its then president Gligorov, their requirements that had already become part of their political programs, would not be fulfilled. Those political parties were established under the conditions and provisions of the Law on Political Parties, which allowed political organization, as did many other ethnic Macedonian parties. Ten years after the declaration of independence of the Republic of Macedonia, the demands of the Albanians expressed through their political representatives were repeatedly ignored by the Macedonian majority. Overvoting as a phenomenon of the power of majority vote, through which democracy was abused, as Macedonian political forces did not make way for the consensual mechanism, so that Albanians too could realize their rights, did not allow any democratic changes at all; on the contrary, the rights of other communities living in Macedonia

remained at the level of the individual and collective rights provided by the 1974 Constitution, perhaps worse than that.

The deterioration of the legal status of Albanians, which essentially ruined those few rights inherited from previous Constitution, originated in the 1989 Constitution as a warning for inter-ethnic destabilization and as a result of the Macedonian politics that was also influenced by the anachronistic Serbian nationalism, when under the conditions of a classical curfew, through amendments, Kosovo was denied its full autonomy that provided a constitutive status in the Yugoslav Federation. This model of the reduction of the inherited rights of the Albanians in Macedonia, which practically hardly managed to get realized in the single-party system, began to be realized precisely with the adoption of the 16th amendment of the Constitution, whereupon the following words were erased from it: "..., and a state of the Albanian and Turkish nationality in it".

At times when an advancement of the general state of the Albanians in Macedonia was expected by the Albanian factor, in terms of political pluralism and democratization, which would be even more favorable than the one guaranteed by the 1974 Constitution, the 1991 "democratic" constitution was adopted by the Macedonian MPs as a majority, at a plenary session by overvoting the Albanian MPs and bringing the status of the Albanian community to that of national minorities. These two constitutional amendments that were adopted by overvoting the Albanian MPs and the complete ignorance of their legitimate demands as well as many other politically-mounted events to the detriment of Albanians, brought up the armed uprising i.e. the inter-ethnic military conflict between the Macedonian police and military forces and the NLA.

The Ohrid Agreement, which actually terminated this interethnic conflict, and which obliged political parties to fulfill its provisions so that peace and trust between the two largest ethnic communities, Macedonians and Albanians, could be fostered, not only failed to meet the set deadlines, but rather lost its meaning and purpose, even though it was signed in the presence of international facilitators. The four-year deadline for the full implementation of the said agreement, is about to go through its second decade, remaining far from being implemented,

even though different political factors, from both the Albanian and Macedonian bloc, being part of several government coalitions, claim from time to time that this agreement, which has had all the attributes to remain in history, has been realized in its finest detail; it is even worth mentioning some recent statements by certain politicians from both sides, that it has already been realized hundred percent, and even more than what was initially foreseen.

HOW WAS THIS AGREEMENT REACHED AND WHY DID IT REMAIN A FRAMEWORK?

Despite comprehensive assessments by individuals, political parties, institutions, foreign politicians, diplomats, and many scholars of various fields who approached the Ohrid Conference, as a consequence of which this Agreement was designed aiming to be historic for the role it should have had in terminating a conflict that could have been transformed into the greatest bloodshed in the region, even today, 18 years later, this event has not been ultimately explained and clarified as such. Soon after the endorsement of this document by the main actors involved, under the presence of the international factors, who were not incidentally called facilitators and not mediators, there were two different assessments over this event - that of the Albanian collectivity, which hoped much from this achievement, even considering it as historic for the Albanians; and that of the Macedonians who considered it as the worst thing that had ever happened to them in history. Among the above-mentioned assessments by the two sides which obviously differed from one another, international views did not lack as well. They shed optimism that despite all issues the Ohrid Agreement may have caused, there were still hopes for a prospective future for Macedonia and its citizens. In the foreword of a scientific debate summary on the Implementation of the Ohrid Agreement, the President of Friedrich-Ebert Foundation, Peter Thelen, inter alia said: “However, it remains to be hoped that the relevant political and social factors, despite the objective problems, will succeed in creating conditions for a desired development by both its own citizens and the European nations¹.

On the other hand, Ambassador James Perdue, on the occasion of the 10th anniversary of this Agreement, said: “The Ohrid Agreement is not perfect - negotiations under the threat of war are

¹ Peter Thelen, Preface of the Proceedings “Implementimii Marrëveshjesë Ohrit”, Skopje 2002, p.10

rarely perfect and implementation has not always gone smoothly. However, overall, it has come to be a model for ethnic relations in Macedonia and elsewhere.

This new beginning shared between those who thought they would lose everything and those who appreciated it as a moment of hope, divided on ethnic grounds, signaled in time that despite all expectations, this agreement was unlikely to be implemented in a qualitative manner within the planned time frame. The international factors, such as the EU, the US and NATO, were committed to establish a ceasefire since the outbreak of the armed conflict, when they harshly criticized the military organization of the Albanian guerrilla, considering it a formation with terrorist elements. These international assessments soon changed after the statements made by the then leader of the Albanian party in the government coalition, Mr. Arbën Xhaferi, who claimed that this conflict was not imported from external factors, referring to Kosovo, where their liberation war had just ended, but as a reflection of the violation of the rights of Albanians, including those inherited from the former Yugoslav Federation. This reality was not to be accepted by the Macedonian side, and they continued to believe that this war was imposed from abroad, alluding to Kosovo. Even after the Endorsement of the Ohrid Agreement, the NLA continued to be considered as a terrorist organization, and therefore they did not even want to hear about the inclusion of NLA representatives in the peace negotiations in Ohrid.

The political class, as well as most Macedonians, refused to accept and let alone to implement such an agreement. Crvenkovski's left-wing political party, not being satisfied with this agreement, repeatedly ignored it seeking to create and endorse other inter-ethnic agreements, being certain that they would be able to find ways to prevent the real implementation of the Ohrid Framework Agreement.² The Macedonian parties of the time could not accept the fact that, Albanians were organized in an army and had a military uniform in their country, rather, they used to claim that a group of terrorists had come from Kosovo to occupy Macedonian territories. Their attitude towards them and their qualification of them as terrorist groups continued even after the Macedonian Assembly, under the influence of the international factor, made the decision that these young men who had gone out into the mountain, were internal

² See in: Arbën Xhaferi "Kazuza Shqiptarenë Maqedoni 02", Tirana, p.309

armed groups; therefore, even after the endorsement of this document, which they could not stop from coming into being, they could still not believe this new reality, which was the result of a conflict between those who "defended the state and those who wanted to destroy it." Based on these completely opposing assessments between Albanians and Macedonians with regard to the 2001 conflict, which resulted in the Ohrid Agreement, the epilogue of its realization was known in advance, and that was its prolongation to the limits of non-realization and ultimately its annihilation.

If we analyze the title or the name of this document itself, the "Ohrid Framework Agreement", we can conclude that, since the beginnings of the organization of this conference, its epilogue was known, perhaps this document not only is not devastating for Macedonia at all, but on the contrary, it greatly strengthens the unitary character of the state, privileging the majority of the population as the only ethnicity comprising the constitutive element of the state. The framework of this agreement does not allow for additional demands by Albanians, so Macedonian politicians felt quite comfortable in this situation because the definition itself guaranteed that Macedonia would exist within its actual framework, even though they trumpeted that the demands of Albanians, some of which were included in this agreement, were devastating for the state³.

STATISTICAL CALCULATION IN PERCENTAGES – IRRITATING TO ALBANIANS

The most frustrating part of this agreement for Albanians has always been the "20%". For the first time in a peaceful conference aimed at extinguishing the armed conflict between the members of two larger ethnicities, one party maintains all the privileges continuing to utilize its original name, while the other party continues to be mentioned only as a percentage. This label attributed to the Albanian community, at a conference that sought reconciliation, became part of the Constitution of the country and the laws that derived from those changes. The denomination of the Albanians through percentage, on the basis of which they were supposed to acquire their rights, attests to the humiliating attitude by the Macedonians towards the second largest ethnic

³Ibid, p.308

community in this country; therefore, even though the document in question provided for the *officialization* of the language spoken by 20% of the population, it did not determine which community it was. Other rights as well, such as adequate representation, the use of the consensus mechanism, local government, denomination of institutions, etc., remained without the denomination of the community to which those rights belong. This way of defining ones' rights, without mentioning which community it is about, is not a strong and permanent warrantee for the full and equal affirmation of the part of the Albanian nation living in Macedonia, which means that this agreement is founded upon numbers and percentages.⁴ The masterminds of the transformation of the denomination of Albanians, apparently without any remarks from the international facilitators, did not actually mind the "framework" addendum, which means that Macedonia as a state should remain the same as it was before the conflict, within the limits that should not be affected, and the majority community, the Macedonians, should further remain the only nation-state community that excludes Albanians by considering them only as a percentage, within which another minority community may reach this percentage at the level of local self-government units. Apparently, through the mechanism of numbers that does not apply to Macedonians, the status of the Albanians, even after this agreement, remained that of the minority, against a single community as a majority.

This new political philosophy that claimed the multiethnic state model by percentage divided the citizens into two categories, favoring only the largest majority while eliminating the second largest community, against the minority which does not exceed 4% at a state level. Although the spirit of the Ohrid Agreement was the establishment of a civic state, Macedonia has continued to function as a mono-ethnic state even after about two decades of the endorsement of this conciliatory philosophy⁵. Another ploy, that also underestimates the Albanians, apart from the percentage, although not named as such, is the formulation of equal and adequate representation of the non-majority (i.e. minority). The wording "Equal representation for all citizens" would be comprehensive, and would represent all in the same way. The word

⁴ See: Etem Aziri "Rëndësia e Implementimit të Marrëveshjes së Kornizë për demokratizmin e shoqërisë Maqedonase", Conference Proceedings, Implementation of the OFA, Skopje 2003, p.87

⁵ See Blerim Reka, "Marrëveshja Kornizë e Ohrit – Filozofi e re politike për funksionimin e shtetit Multi-etnik" Ohrid Agreement, Tetovo, 2001, p.12

"adequate" prejudices the Albanians who, although being required to have necessary percentage, should also be adequate in order to respond to the given workplace. Based on this part of the formulation, Macedonian authorities in some way retain the right to veto some of the top state functions, such as the President of the State, the President of the Assembly⁶, the Minister of Foreign Affairs, the Minister of the Interior and many directors of specially important directorates concerning 'state security'. These manipulative tendencies are not necessary and complicate the employment procedures for Albanians, with the hypothetical assessment whether the Albanians converted into numbers, are prepared to perform certain tasks that are indirectly reserved only for Macedonians.

THE OHRID AGREEMENT LIMITS THE OFFICIAL USE OF THE ALBANIAN LANGUAGE

When speaking of the use of the Albanian language and its *officialization*, according to the Ohrid Agreement, the syntagm 'Albanian language' is implied within the percentage, which according to the authors of this mathematical expression, this language has a temporary privilege of use at this level meaning that with the decrease in the number of inhabitants of the Albanian population, these rights are automatically reduced. The Macedonian language and its Cyrillic script remain in undisputed positions, even in more comfortable positions, because any advancement of the percentage language cannot go beyond the framework of this Agreement, which in this case serves as a protective element of the state, majority ethnicity and their language, which, as a language of uncontested positions, should be present wherever the other language converted into percentages is used. The Albanian language in this case will rather play the role of the interpreting/translating mechanism rather than act as an independent and a resourceful language. It is a fact that Macedonian politicians and government officials in general are more concerned about acquiring translators from Macedonian into Albanian rather than the position of a second official language which Albanians should use and write in its own script, by respecting

⁶In the current composition of the Parliament, with the insistence of all Albanian parliamentary political parties that conditioned the formation of the Government led by Zaev, among other requested that the Speaker of Parliament this time be Albanian; this request was accepted by the parliamentary majority. The MPs of the Macedonian opposition VMRO-DPMNE did not agree with this and incited the Macedonian nationalist crowds outside the Parliament to get in, providing the possibility of attacking in the most brutal way the MPs elected by people's vote, among whom Ziadin Sela, the leader of the Alliance for Albanians, were tortured almost to death.

all the norms required by the contemporary language standards, wherever it is spoken and written.

The status of the Albanian language in Macedonia, in the country where it is spoken by more than 30% (officially 25%) of the population, seems to share the same fate with those who speak it, because linguistic pluralism in this country was understood and interpreted according to the desires of the majority people and their political elites, sanctioned by laws that favored only the language of the Macedonian majority⁷, those laws were supposed to be based on the Ohrid Agreement. In later laws adopted by the Macedonian Parliament, as with many other issues, the issue of the Albanian language, always converted in percentage, failed to gain an equal status with the Macedonian language. If we read paragraph 5 of Article 6 of this Agreement, which reads, "Any other language spoken by at least 20% of the population is also an official language", then there is no need for this language and its use to be limited only to the percentage at a local level, and in certain state bodies, as according to the above-mentioned Article of the Agreement, 20 percent refers to the general population in the entire geographic extent of the state. However, even when this percentage language was significantly advanced, obstacles of different nature derive from laws that in some way undermine the use of this language, as foreseen in the Ohrid's Agreement. This flounder of the use of the Albanian language, expressed in percentage, was reflected in a number of laws on the use of languages that did not guarantee that right, as foreseen in the Ohrid Framework Agreement. The new government led by the Prime Minister Zaev, finally brought a law, which compared to the previous legislation, significantly advances the status of the Albanian language, even at the official level, though not equal with the Macedonian language. Moreover, it was done as a result of the pressure of the Albanian parties, which conditioned the granting of the consent for the formation of the current Government by revealing the above-mentioned requirement.

⁷VebiBexheti, "Jehu dhe Jehu ifjalës", Tetovo 2015, p.118

CONCLUSIONS

The Ohrid Agreement terminated the armed conflict on ethnic grounds, giving way to peace and understanding between ethnicities in the Republic of Macedonia.

There were impressions and appreciations of this agreement, which was also considered historic, which differed based on ethnic grounds. Although the Macedonian side was obliged to implement it within the set deadlines, being also a legal obligation as such, it never expressed any political will to implement this Agreement, as evidenced by its lack in their political party programs.

All Albanians were interested in implementing the Ohrid Agreement, which came out as a result of a conference, under the supervision of the international factor and of the political elite of Albanians, in synchronization with the representatives of the armed wing at that time.

The biggest responsibility for the non-implementation of the agreement, according to the envisaged plan, lies on the VMRO-DPMNE, installed for about 15 years in the Government of Macedonia, without excusing the Albanian Party, DUI, as their government coalition partner, having always led the Secretariat for the Implementation of the Agreement.

The international community was also very interested in the timely and accurate implementation of the Ohrid Agreement; they have constantly stated the need of full implementation of this agreement in their Progress Reports on Macedonia, since it was one of the key elements for the integrative processes of this country in NATO and the EU.

Statistics speak of the failure to meet the right and adequate representation of the Albanians, even 18 years later, from the time when this Peace Conference was held; what is worse, in many directorates and government institutions, this percentage ranges from zero to less than 5%.

Failure to engage in and ignorance with boycotting elements by the Macedonian political elite of the implementation of the Ohrid Agreement can also be seen in the still low percentage of ministries, directorates and many other institutions lead by them.

The Law on Local Self-Government and the Law on Financing of Municipalities, as a very important segment where the non-majority population was about to realize their rights, has remained disadvantageous until today for the majority of Albanian municipalities.

REFERENCES:

- Arbën Xhaferi, Ndryshimet e dy Kushtetutave të Maqedonisë, në: Kauza shqiptare në Maqedoni 02, Tiranë 2017
- Arbën Xhaferi, Korniza e Marrëveshjes së Ohrit, në: Kauza shqiptare në Maqedoni 02, Tiranë 2017
- Peter Thelen, parathënie: Debat shkencor, Implementimi Marrëveshjes kornizë të Ohrit, Shkup xxx
- Xhejms Perdju, Historia diplomatike e Marrëveshjes Kornizë të Ohrit, në: 10 Vite Marrëveshja Kornizë e Ohrit, Tetovë 2011
- Etem Aziri, Rëndësia e implementimit të Marrëveshjes Kornizë për demokratizimin e shoqërisë maqedonase, në: Debat shkencor, Implementimi I Marrëveshjes kornizë të Ohrit, Skup 2003
- Blerim Reka, Marrëveshjakornizë e Ohrit- filozofi e re politike për funksionimin e shtetit multi-etnik, në: 10 vite Marrëveshja kornizë e Ohrit, Tetovë 2003
- Vebi Bexheti, Statusi i gjuhës shqipe, pas Marrëveshjes së Ohrit, Jehu dhe theu I fjalës, Tetovë 2015