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"On my honour as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it."

Ljubica Kostovska

I express my endless gratitude to my parents Vesna and Edvard, and my grandmother and idol Todorka for their love, support, and for believing in me on my path. Ziggy – you will always be my stardust.

Abstract

North Macedonia is the rare case of seceding from the former Yugoslavia without any bloodshed on the way to its independence. However, ten years after its independence, in 2001 the country faced its internal armed ethnic conflict, which even though shorter than a year, has left mark on the future development on the country. This is especially in terms of reconciliation of its peoples, with emphasis on the Albanian minority, whose rebels initiated the conflict, and the Macedonian majority. The conflict was ended with the Ohrid Framework Agreement (OFA), which was concluded through the efforts of international mediation. The nature of the agreement is still disputed today, but it cannot be denied that in reality it goes beyond being “just” a peace agreement, initiating reconstruction of the government, and legal and socio-political structure of the country. However, a neglected side of the interpretation and debate over the Ohrid Framework Agreement is, in all its impact and legacy, how did its wording, interpretation and its implementation affect the reconciliation in the multiethnic country? This thesis investigates these aspects through analysis of different perceptions and provides some conclusions of the effect peace agreements have on post-conflict reconciliation.

Keywords: ethnic conflicts, peace agreements, reconciliation, transitional justice, North Macedonia

Abstrakt

Nordmazedonien stellt den seltenen Fall einer Abspaltung vom ehemaligen Jugoslawien ohne jegliches Blutvergießen auf dem Weg zur Unabhängigkeit dar. Im Jahr 2001, zehn Jahre nach seiner Unabhängigkeit sah sich das Land jedoch mit einem internen bewaffneten ethnischen Konflikt konfrontiert, der, obwohl er kürzer als ein Jahr dauerte, Spuren in der zukünftigen Entwicklung des Landes hinterlassen hat. Dies gilt vor allem für die Aussöhnung der Völker, insbesondere der albanischen Minderheit, deren Rebellen den Konflikt ausgelöst hatten, sowie der mazedonischen Mehrheit. Der Konflikt wurde mit dem Rahmenabkommen von Ohrid (OFA) beendet, das durch internationale Vermittlung zustande kam. Der Charakter des Abkommens ist bis heute umstritten, aber es lässt sich nicht leugnen, dass es sich in Wirklichkeit mehr als „nur“ um ein Friedensabkommen handelte, denn es leitete den Wiederaufbau der Regierung sowie der rechtlichen und soziopolitischen Struktur des Landes ein. Eine vernachlässigte Seite der Interpretation und der Debatte über das Rahmenabkommen von Ohrid stellt jedoch die Frage dar, welche Auswirkungen sein Wortlaut, seine Interpretation und seine Umsetzung auf die Versöhnung in dem multiethnischen Land haben. Die vorliegende Arbeit untersucht diese Aspekte durch die Analyse unterschiedlicher Wahrnehmungen und zieht einige Schlussfolgerungen über die Auswirkungen von Friedensabkommen auf die Versöhnung nach Konflikten.

Schlüsselwörter: ethnische Konflikte, Friedensabkommen, Versöhnung, Übergangsjustiz, Nordmazedonien

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List of Abbreviations

DPA – Democratic Party of the Albanians

DUI (BDI) – Democratic Union for Integration

EU – European Union

FYR Macedonia – Former Yugoslav Republic of Macedonia

ICTY – International Tribunal for the Former Yugoslavia

KLA – Kosovo's Liberation Army

NATO – North-Atlantic Treaty Organization

NLA – National Liberation Army

OFA – Ohrid Frame Agreement

OSCE – Organization for Security and Cooperation in Europe

PDP – Party for Democratic Prosperity

SDSM – Social-Democratic Party of Macedonia

VMRO-DPMNE – Democratic Party for Macedonian National Unity

1. Introduction

The discussion in this thesis will center on the implications that peace agreements have on reconciliation among the peoples in a post-conflict country.

Firstly, the theoretical framework of ethnic conflicts - being the focal point in this thesis will be discussed, followed by analysis of peace agreements and their different typologies, proceeding with the theoretical situating the concepts of post-conflict reconciliation and transitional justice as closely intertwined concepts. After this theoretical part, the focus will fall on the particular case which will be studied in this light and where the above mentioned concepts will be applied – the case of post-2001 North Macedonia, which will be analyzed through exploring the prelude to the armed conflict, the conflict itself – its actors, nature and dynamics, and its ending with signing of the Ohrid Framework Peace agreement, which will then become the further central point of analysis – its nature, the actors involved in the negotiations, and of course – its direct and indirect effects on the Macedonian society, or between the two largest ethnic groups in the society: ethnic Macedonians and ethnic Albanians. Here it is worth noting that the theoretical part will be set vis-à-vis the case-study part, since the peculiarities of the case put into question the parts of this topic: was the agreement, which is part of the below analysis a peace agreement per se, what was the ethnic conflict that led to it, and what are the implications on the reconciliation in a country whose society has been destabilized and gripped under armed conflict preceded and followed by mutual mistrust, uncertainty and parallel societies?

The applied part of this thesis will delve into deeper exploration of the underlying issues and causes for the armed conflict in 2001 in North Macedonia, or the prelude of the conflict, the conflict itself and its resolving with signing of the Ohrid Framework Agreement, moving towards the present – twenty four years later and analyzing whether the Agreement has added towards solving those issues and reconciling the different ethnicities in the post-Yugoslav state, today still an EU membership aspirant.

When reading different authors on this problematique who come from the country or from the region, one can sense the biases to which they are prone to fall, usually depending on their ethnic belonging. This signals the lasting issue of different

perception of almost every aspect of the topic. The writings disagree about the reasons for the conflict, the conflict itself and the aftermath of the Ohrid Framework Agreement. Speaking of the reasons for the conflict, some authors talk about systematic injustices, marginalization and lack of recognition and rights for the ethnic Albanians, while others speak of secessionist ideas inspired and lead by Kosovo's separatists at the time. When it comes to the Ohrid Framework Agreement, some see it as a victory, some as indispensable factor for stability in the country and the region, some as capitulation, some as something that was never implemented, countered by those who argue that it was "over-implemented". The nature of the Agreement itself falls no short of disputes, whether it is a peace agreement, constitutional basis for the further state-rebuilding, political act, legal act etc. A thing that is rarely discussed in this chaos is the reconciliation – the changes felt among the communities, mutual trust, cohabitation and collaboration. Still, when this topic comes, what is usually agreed upon is a general pessimistic look; however, the reasons are again not clarified, nor it is examined what ought to be done to bring some positive changes in common spirit. In that light, finding a balance between the contradictory claims, analyses and assumptions and making sense out of them is a challenging task. Nonetheless, delving into the body of literature on the topic can help to filter and sort out some main ideas and claims of both sides.

The past leaves a mark and impacts the future of a country; such is the case of North Macedonia. This is not only said poetically, but in the socio-political reality of North Macedonia, the state is still facing some of the past "demons", some of which come from within the society and the political actors in the country, others coming as critique from the international community. In that manner, dealing with the past, resolving the issues and reconciling of the population towards a common goals and future is a condition for the healthy development and integration of the country within and in the international arena.

2. Literature Review

In order to map the case in post-2001 North Macedonia, a theoretical framework comprised by influential scholars in the fields of the essential concepts on the matter

needs to be outlined. First, ethnic conflicts will be tackled, as concept concerning multiethnic states, which goes along with the complexities and struggles of different nature as identity, marginalization and suppression, their different forms and endurance, and different types of their resolution. After understanding the essence of ethnic conflict, the literature review will go on to peace agreements, or peace settlements that put an end to this the conflicts. In this regard, peace agreements concerning internal ethnic conflicts will be analyzed, mostly considering what qualities are crucial for their relevance and further implementation in the society. Last, but not least the concept or reconciliation will be explored through two approaches for it: relational, or holistic and formal, or institutional. As part of the analysis of post-conflict reconciliation, the concept of transitional justice, its dichotomy, and its impact on reconciliation will be observed.

2.1 Ethnic Conflicts

Ethnic conflicts in the sense of this paper are seen as intrastate political and violent struggle between ethnic groups regarding questions of identity, power, territory or resources. A quality that differentiates ethnic conflicts in this regard from other types of violent conflicts or civil wars is the collective identity and the perception of experienced injustice, discrimination or other grievances.

Before moving to discussing ethnic conflicts, the concept of ethnic groups needs to be defined. As Harff and Gurr (2004) put it, ethnic groups are “psychological communities whose members share a persisting sense of common interest and identity that is based on some combination of shared historical experience and valued cultural traits — beliefs, language, ways of life, a common homeland” (Harff and Gurr 2004, 3). In today’s world the ethnic groups can be constituents of states, or some cases, they are minority groups that have to care about preserving their interests and having rights in order to practice who they are accordingly with the other groups in the state.

Today’s reality shows that the states are mostly composed of a majority and minorities who coexist with each other, each with own interests, but all shall have guaranteed

rights. Nonetheless, in this reality it is not a rare case that the non-majoritarian ethnic groups within the states experience discrimination and are unable to practice their identity, which leads to building up their frustrations and eventually bursts into conflict that may include violence. Accordingly, one of the most influential scholars in the field Horowitz (1985) speaks of ethnicity as something that “embodies an element of emotional intensity that can be readily aroused when the group’s interests are thought to be at stake” (Horowitz 1985, 59). In this regard, he addresses how ethnic conflicts are aggravated by governance structures that practice, or allow practicing ethnic favoritism, majoritarian politics, and politicization of ethnic identities by political elites (Horowitz 1985).

Similarly, Fearon and Laitin (2003) contest the notion that ethnic conflicts are inevitable consequence of ethnic diversity within a state, but put an emphasis on the state weakness which creates structural opportunities for rebellion. They do not dismiss the idea that ethnic identities create framework for mobilization, but according to them, the ethnic struggles are prone to turn into violent conflicts when the state apparatus is unable to function properly due to lack of administrative reach, level of economic development and weak legal system and law enforcement capacities.

Gurr (1970), another influential scholar in the field, argues that what creates a fertile ground for mobilization is the feeling of “*relative deprivation*”, or a gap between the expected and the real political, social or economic status. Accordingly, when the ethnic groups have the perception of experiencing political exclusion, cultural repression or economic marginalization, they may seek radical changes in the society’s system and refer to violence as a method to do so. To support this, in his more recent work of analyzing minorities at risk, he found that groups who were systematically denied autonomy, were underrepresented in the government structure or experienced other repression were prone to address their discontent with rebellion or violent means (Gurr 1993 and 2000).

A more recent work by Wimmer (2018) analyses the issue through the lenses of nation-building and state formation. He locates the causes of ethnic conflicts in the unequal access to state power and resources in the course of state consolidation. In this manner,

when there is prevalence of one ethnic group over another, the deprived one tends to resist, mobilize or rebel.

The above outlined considerations represent a common ground in the literature which also can be applied in the case study which will be discussed in the following chapters. After the preconditions for ethnic conflict are met, they occur and last until they are settled with help of peace agreements. As such important tool, they are being examined in the following sub-chapter.

2.2 Peace Agreements and Resolution of Ethnic Conflicts

Peace agreements have an essential role for reconciliation in conflict-torn societies. They serve more than instruments for ceasing hostilities and often are comprehensive frameworks for reshaping the state structure and its political institutions, relations within the society, and aim to prevent relapses of the conflict. In this regard, they are significant for post-conflict reconciliation as well. However, the perception of success does not end with the ceasefire and the fact that the opposed groups have shown a political will to negotiate, but multifaceted efforts from variety of actors are needed, in order for the agreements to be a stable and fertile ground for sustainable peace and reconciliation.

In this regard, Horowitz (1985) points out that “efforts to ameliorate ethnic conflict must be preceded by an understanding of the sources and patterns of that conflict” (Horowitz 1985, 563). Therefore, the roots of the conflict should be addressed, and according to those, accommodations such as power-sharing mechanisms, dispersal of power, policy interventions, and affirmative actions ought to be undertaken, so the causes for further or relapsed conflict are neutralized.

While investigating why some peace agreements fail, Walter (1997) highlights the importance of having *credible commitments* and guarantees for enforcement within the peace agreements, especially having on mind the existing distrust between the groups and the security dilemma which continues to threaten the peace processes. In another work, she discusses the role of third-party enforcers of the agreements who need to

have authority and power to monitor the process, deter from relapsing and provide some incentives for compliance. According to her works, a stable peace requires serious and committed approach and eventual third-party facilitation.

When conducting a comparative analysis of peace agreements in ethnic conflicts, De Varennes (2002) makes some important remarks regarding their role in sustainable peace in the societies. Firstly, he speaks of the motives minority groups have for rebelling. Speaking of minorities, when he tackles the Macedonian case, and he perceives the Albanian minority as a “substantial minority who are a majority in a part of the state in which they live, or at least a very high percentage of the population on a given territory” (De Varennes 2002, 54). Moving on from the motives to the agreements, he identifies some qualities that unsuccessful peace agreements lack, and some qualities that the ones leading to more sustainable peace have, connecting them on one hand with the roots of the conflicts, on another with the mechanisms for implementing the solutions. Among else, he speaks of the necessity of addressing minority rights as condition for sustainable peace. He underscores this further arguing that the agreements should have legal and institutional mechanisms that incorporate the political, cultural and linguistic rights, the addressed previous unfair treatment and the inclusion of the groups in the system. Accordingly, he stresses that lack of implementation, or partial implementation of the agreements and superficial reforms and laws that are not being executed obstruct the peace process and fail to contribute to sustainable peace.

Similarly, analyzing the cases of North Macedonia, Kosovo and Bosnia, Reuter (2012) evaluates the inclusion of minority rights in peace agreements, and whether that fosters or hinders the sustainable peace. She finds three important categories of rights: protection against discrimination, participatory rights, and cultural preservation rights. She stresses the importance of all categories, also praising and approach of addressing the previous injustices on one hand, and forward-looking one aiming for sustainable inclusive peace. She finds that the minority rights need to be accompanied with political will and inclusion efforts, at the same time warning about the risks for further ethnic divisions when the ethnic rights are being overemphasized, or only formally stipulated without further implementation.

On the skeptical side, authors like Bell (2006) and Papagianni (2008) further warn of risks that may hinder the reconciliation process, firstly by over-legalistic approach in the peace agreements' implementation, secondly by institutionalizing of ethnic identities. In this light, the codification of ethnic identities may add to enhanced ethnic divisions and put integration in question. On one hand, this can lead the majority to resist such approach; on the other it may reduce the flexibility and adaptability needed for successful reconciliation process, which requires dialogue on more levels in the society, negotiations and informal mechanisms in accordance with the local cultures.

Bell (2000) developed a typology of peace agreements: pre-negotiation agreements, framework or substantive agreements, and implementation agreements. The first type of agreements are concluded to "set the stage for substantive negotiations" and identify the parties, facilitators, procedures and make sure that the parties are committing to dialogue (Bell 2000, 20-21). Important elements of the pre-negotiation agreements are ceasefire guarantees and mutual recognition of the groups. Examples for this type are the agreements and arrangements in Bosnia between 1992 and 1995, before concluding the Dayton Accords. The framework agreements, on other hand, are result of "all inclusive peace talks" (Reuter 2012, 362) and provide framework that aims to resolve the conflict and addresses crucial issues like minority rights, constitutional changes, justice reforms and power-sharing (Bell 2000, 24-25). An example for a framework agreement is the Ohrid Framework Agreement which will be subject of analysis in the following chapters. The implementation agreements serve for implementation of the framework agreements. They deal with matters of further legislation, timelines and guidelines for the actions that need to be taken, as in her words, "without implementation, even the most sophisticated peace accord will remain aspiration" (Bell 2000, 28).

This section has provided different approaches from leading scholars in perceiving the goals and the qualities of peace agreements in ethnic conflicts' context. While general alignment in the importance of addressing the past injustices and the inclusion of minority rights exists not only on paper, but also strong implementation is needed, there are some concerns about the level of this inclusion, institutionalization of the differences and the quality of the implementation, which although aim for fostering sustainable peace in the society, may turn into factors of obstruction for its achieving.

2.3 Post-Conflict Reconciliation

After examining the literature on ethnic conflicts and their resolution with peace agreements, the third essential segment of the theoretical framework which sets the ground for the case study of post-2001 Macedonia is the concept of post-conflict reconciliation. The idea of reconciliation is connected to soft power (Josep and Power 2004) and replacing competition with cooperation (Frckoski 2011). According to Frckoski, reconciliation encompasses emotional, cognitive and behavioral elements (Frckoski 2011, 44).

This section shall include two leading approaches important for the case study: reconciliation through the lenses of relational peacebuilding and repairing of the broken trust and relationship, whose leading scholar is Lederach, and reconciliation through institutional mechanisms such as Consociationalism whose proponent is Lijphart. Moreover, the concept of transitional justice as an essential pillar of reconciliation will be tackled.

Lederach is considered as the pioneer in the field of post-conflict reconciliation. His most influential work on the topic is *Building Peace* (1997), where he emphasizes the importance of the human and emotional nuances in the process, while criticizing the rigidity of the elite-driven approach to political agreements to conflict resolution. In this regard, he sets out a model that gives prominence to dialogue, justice, truth, mutual recognition and forgiveness in the peacebuilding process. This concept underscores the *“restoration and rebuilding of relationships”* (Lederach 1997, 24) as the focal point of sustainable reconciliation. He perceives reconciliation not as endpoint, but as multilevel and multifaceted evolving process, in which all societal actors should take part: not only the political elites that traditionally conclude peace agreements, but also actors from other society levels, such as the grassroots communities. As each conflict is addressing particular issues within a society, the peacebuilding framework should be rooted in the culture and the relationships of the society (Lederach 1997). Lederach’s approach contests the perception of reconciliation as a rigid political task and conceptualizes it as a moral, ethical and communal on-going effort of the whole society. However, in the reality of deeply divided and conflict-torn societies there is a big challenge to get to the

point of dialogue between the communities, so a political approach by higher representatives and/or third parties needs to be conducted first.

Unlike Lederach, when it comes to reconciliation, Lijphart (1977) proposes institutional arrangements approach to achieve and maintain peace in multiethnic and divided societies. He is the founder of the concept of *consociational democracy*, or Consociationalism, which underscores the importance of the cooperation of the elites, group autonomy, minority veto rights and proportional representation in the public domain. He emphasizes the power-sharing as method for stable governance, where the non-majoritarian groups, proportionally represented in the government as being part of a big coalition, have veto rights, which enables them to have a bigger role in the decision-making process, especially when it comes to protecting their group interests. In this regard, Consociationalism enables participation of the minorities in the governance and disables the majorities from domination by outvoting and eventual exclusion of the non-majoritarian groups. In fact, Lijphart's concept have shown to be inspiration for the Ohrid Framework Agreement and the policies it led to, as it incorporates many of his ideas, such as grand multiethnic coalition, proportionality, autonomy and a modified version of the veto. However, Consociationalism is not immune to some critique. Firstly, this rigid institutional approach neglects the importance of the informal prospects for reconciliation, like those elaborated above in Lederach's concept. Furthermore, Lijphart's theory potentially contributes to formalization of societal fragmentation, which may obstruct broader processes of integration and cohesion.

In sum, Lederach's focus on relational transformation, soft power and grassroots engagement, together with Lijphart's emphasis on institutional power-sharing shows the multifaceted nature of the reconciliation process in divided societies. Even though they have different starting points and rationale, they do not exclude each other; rather, they underscore the importance of taking into account both the emotional and the institutional dimensions of the post-conflict recovery.

2.4 Transitional Justice

Transitional justice is another concept closely related to post-conflict reconciliation that sparks exchange of different opinions in the literature about whether, and in what extent is it essential for the reconciliation. Although universally accepted definition for the concept remains absent, some core elements appear across various definitions. For instance, the UN's definition of transitional justice states that it includes

“full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation (including) both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof” (UN 2004, 4).

This definition provides the essential elements of transitional justice: accountability, justice, reconciliation, (non)judicial mechanisms, varying degrees of international involvement and the combination of mechanisms as reparations, truth-seeking, institutional reform, vetting and dismissals. While on one hand truth and justice are indispensable for peacebuilding, coming to terms with the past and mutual acceptance, there are some criticisms towards the concept. For instance, a valid question is whether investigations and proceedings regarding accountability may hinder the peace processes in fragile societies. This is also known as the *peace versus justice* dilemma – where one side speaks of preservation of the peace when one is allowed to neglect serving justice, but the other questions whether peace is possible without the justice element. One example of the prevalence of the *peace over justice* argument is enacting amnesty laws, where no prosecution is initiated for certain deeds committed in the armed conflicts, like it was attempted up to some degree in the case of North Macedonia, which will be illustrated in Chapter six of this thesis. On the other hand, justice prevails as concept in cases where prosecutions are undertaken, whether by the domestic judiciary or by international tribunals, like the International Tribunal for Former

Yugoslavia (ICTY), who in fact also processed some case related to the 2001 conflict in North Macedonia.

In reality there is no prevailing side, as each case of ethnic conflict has own peculiarities and each approach has own strengths and weaknesses. Moreover, the cultural relativism argument is also raised by authors like Shaw (2007) and Hayner (2011), who share the idea that transitional justice is appropriate to the western liberal ideals, while it may undermine the cultural and political environments of particular cases.

Even though contested paradigm, no solution can fit and apply to all cases, transitional justice remains an essential concept closely related to post-conflict reconciliation and is being applied in different cases through different mechanisms and in different degrees.

3. Methodology

3.1 Research Question and its Relevance

The research question around which the thesis revolves and aims to answer by integrating both theoretical perspectives and practical realities is the following:

“How did the Ohrid Framework Agreement of 2001 affect the post-conflict reconciliation in North Macedonia?”

Examining this question sheds a new light on domestic armed ethnic conflicts that arise from dissatisfaction from the systemic treatment and feelings of discrimination, making one ethnic group rebel against a fragile young democracy, which then goes through a further systemic makeover of its institutions and society dynamics. The importance of assessing this has several reasons.

To begin with, it provides a quite contemporary case-study of “yet another, but still not like the others” armed ethnic conflict in a post-Yugoslav country. This conflict differentiates itself as it occurred a decade after the state gained its independence by

democratic means, but the democracy in the state was still not so strong, since it led to growing dissatisfaction and frustrations with the way of governing and the state of human rights and privileges among part of the population which was the largest minority of the country. Even though the conflict was internal, due to the timing and the ethnic and citizenship composition of the rebels, who were connected with the Kosovo's liberation army (KLA), which was the main actor in the Kosovo war, a spill-over effect from that war has been also implied, putting the initial motivation for the rebellion into question.

Secondly, the Ohrid Framework Agreement is an interesting document worth looking at, as like its own name suggests, it establishes a framework for the future development of the institutions and the structure of the country. On one hand, it is a peace agreement that led to a ceasefire, disarmament, and resorting to political solutions for the pressing issues, but then delves deeper into those political solutions and lays down the ground for institutional and legislative changes in the country and their further implementation. This relatively short document (of around fourteen pages) has gained a special status in the country, a status which is still disputed through different perceptions: for some it is a historical step towards improvement, but still lacking full implementation, for others a historical mistake which is being prolonged and over-implemented. This difference in perspectives mirrors the division in the society that is still existent.

Moreover, the case-study of the 2001 ethnic conflict in North Macedonia is neglected in research when it comes to the above-mentioned matter, and seems to be considered as less relevant, especially when compared to the other conflicts and wars of greater scale in the region. On other hand, the writings on the topic, as stated in the previous paragraph pose the reality of contradicted interpretations of the conflict, its resolution and the impact that the Ohrid Framework agreement has in the society. In conjunction with that, the Agreements' effect in the societal realities, and whether there has been a development in the reconciliation of the peoples has not been deeper evaluated, and that is an important matter, as lack of reconciliation, mutual acceptance and rebuilding trust in the society, hinders it from real peaceful development.

Sub-topic, or sub-question arising and going together with the main research question is first the success of the Ohrid Framework Agreement, which will be assessed by comparing the pressing issues, which led to the conflict and are being analyzed in the next chapter, how they were addressed in the Agreement and how was that implemented. However, while this speaks of the needs for structural change and how that was achieved, it does not tell how it affected the reconciliation in the country.

3.2 Research Design

To approach this problematique, a qualitative interpretative methodology will be employed. The focus at the beginning is engaging with literature on post-conflict reconciliation, concentrating on ethnic conflicts, peace agreements and transitional justice, all important concepts to set out the theoretical basis for moving on to the case study of the thesis. Since the thesis assesses reconciliation in a context, its brief analyzing as concept were the first part of the thesis.

Moving forward from the literature review on theoretical part, the thesis will go on towards unpacking the logic behind the 2001 conflict in North Macedonia, its prelude, and its resolution, and the impact on the reconciliation in the country. This will be undertaken by assessing retrospective writings on the ethnic conflict in North Macedonia, analyzing the wording of the Ohrid Framework Agreement as the focal point of this thesis, and the legacy of the Agreement, its implementation and contestation. While doing so, references to the theoretical framework and a further relevant literature review will be conducted.

Moreover, the thesis will investigate some media discourse as well, which provides more informal, “on the ground” perspectives and narratives that mirror the socio-political climate and the public sentiment, which cannot be derived by only examining official documents and academic writings on the issue.

3.3 Limitations and Ethical Considerations

As this thesis is analyzing a violent ethnic conflict within a country, where different perspectives on the past and the present, and perhaps on the future exist, it aims to represent objectively the different narratives, but at the same time to critically engage with them. However, the critical engagement does not imply ungrounded mischaracterizing, dismissing or omitting the existence of facts and based writings on them. Still, even though there is not a plethora on writings and perceptions on this issue, not all can be included, which speaks of itself as one limitation.

Therefore, the body of academic literature will be curated to convey the different perspectives on this topic. Firstly, that means selecting writings from authors who have been engaging with the issue and are ethnic Macedonians and ethnic Albanians, since the disparity in the interpretation of the conflict and its resolution among them is of highly notable. Moreover, the approaches of foreign authorities who were included in the process, and foreign authors who have been writing on the country and the region will also be put forward, as a more objective, or at least a perspective built from a greater and healthier distance from the issue, which provides clearer lenses for analysis.

Furthermore, having in mind the research design and the main sources being academic writings and media output, another limitation is the lack of groundwork and conducting interviews or other opinion evaluating methods. Nevertheless, the media output is meant to be a substitute for that, as reporting on real situations, societal and political crises and on politicians' statements mirrors the socio-political reality of the country. The media sources are to be selected to include both Macedonian-language based and Albanian-language based media outlets, in order to present balanced reporting on the same or similar issues. However, a limitation on this is the availability of some relevant media outlets, since the conflict dates in 2001, when the online publishing was not widespread, especially in this geographic context.

4. North Macedonia – “A brave new country”

This Chapter provides the background for the ethnic conflict of 2001 by addressing the brief historical development of the country after its independence in 1991, followed by internal and external turbulences; moving on to identification of the root causes of the conflict, presented as multiethnic challenges, and the conflict of 2001 itself: its nature and perceptions of it.

4.1 Prelude to the conflict: Multiethnic challenges

When tackling issues like societal disintegration or armed conflict, an analogy to making a diagnosis for an ill patient is appropriate (Atanasov 2006). In the analogy case, a diagnosis is needed in order to identify the symptoms and the problems to accordingly cure the patient, while in the first case it is essential in order to understand what lies beneath the conflict, what has built it up and led into its culmination, so one can then see if there is any healing of the society, to use the parallel once more.

In the case of post-2001 North Macedonia, the cure that has been applied to the conflict is the Ohrid Framework Agreement, which will be a focus of analysis in the next Chapter. However, here it is essential to see if the cure had the wanted, or the needed effect: in the case of this thesis, that is the reconciliation among the conflicted communities. Even more so, applying the wrong cure and sticking to it can lead to complications and even lethal consequences for the patient; in this case the risk would be further collapse of the fragile society. Therefore, this part will be dedicated to analyzing the prelude to the conflict, or the structural and situational dynamics that contributed to the emergence of the conflict. What shall follow in the coming paragraphs is brief historical analysis of North Macedonia from its independence, including the conundrums around it, emphasizing the factors that sparked the armed conflict in 2001, and the conflict itself.

As communism and socialism as systems and respectively the countries governed in that manner across Europe started to crumble and fall apart in the 1990s, this “trend” didn’t overlook Southeastern Europe and Yugoslavia as socialist federation of six republics (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and FYR

Macedonia) and two autonomous provinces (Vojvodina and Kosovo and Metohija). Before diving into the post-independence situation, it is noteworthy to mention the position of Albanians in the former Yugoslavia; as Vodlan puts it, they “were the largest ethnicity in the state which was not recognized as a nation, and their language was never one of the official ones” (Vodlan 2023, 70). Geographically they were concentrated on the territories of Kosovo and Macedonia, with the Albanians in North Macedonia having the best position from those in Kosovo and even Albania (Ramet 2005).

The dissolution of Yugoslavia was accompanied with ethnic armed conflicts which turned into wars with high-scale atrocities. However, North Macedonia was one of the countries that “managed” to avoid the bloodshed and seceded from the Federation peacefully and in democratic manner. This was achieved with referendum on independence conducted on September the 8th, 1991, which turned out successful, with overwhelming majority of votes in favor of the independence. However, if one takes a look at this time, there were some structural issues and miscommunication between the two largest ethnic communities in the country – ethnic Macedonians, as majority of the population, and ethnic Albanians, as the biggest minority. This even resulted in boycott of the referendum by the ethnic Albanians, who were skeptical towards the new state organization, level of democracy and the rights of the communities which are not majority – especially the Albanian community.

One important factor that needs to be taken into consideration is that the county, as tackled above, at the time was experiencing a massive structural, institutional, and mindset changes in several aspects – economic, political, legal and societal. This also included a process of democratization and state building. Having in mind the burden of all the other changes, the democratic consolidation and nation-state building are especially important to mention in this case, as they also provided fertile ground for development, but also for discrepancies and disagreements of the process and what is to be accomplished with it.

In this turbulent birth and first steps of the new democracy, the ethnic Macedonians were primarily concerned about leaving Yugoslavia and working on the new independent country, which already was troubled on the outside and on the inside,

bearing the consequences of the UN sanctions against Yugoslavia, and already facing own international challenges with its neighbors: Greece and the trade blockage arising from the name dispute, which then lasted for more than two decades; the Kosovo war, which brought few hundred thousand refugees in the country; and on the inside: the rising ethnic tensions and the overall challenges of state-building and economic struggles. The combination of internal challenges and international strained atmosphere coming from the neighbors made Macedonians to feel insecure and defensive of their identity and country.

On the other hand, the ethnic Albanians in the country were highly concerned about their status, their constitutional recognition, rights, and increased power-sharing. Some of the points were recognized and at least partially accommodated by the government during the 1990s, but some were not. These early misunderstandings and different priority perceptions of the mentioned communities led the ethnic Albanians to boycott the referendum on the independence, as clear symptom of a developing illness which was going to culminate a decade later.

When mapping out the issues that have been brought up by the ethnic Albanian representatives and the community as a whole, several strike as discernible and can be perceived as of identity, status, and representative nature (Atanasov 2006). This typology is made by analyzing the claims in the decade after North Macedonia's independence, the negotiations for the Ohrid Framework Agreement (the Ohrid Process), and taking a look at the post-conflict situation in the country that went under institutional and social changes and developments, including the contemporary time of the writing of this thesis. These aspects, being considered as crucial for assessing the success of the Ohrid Framework Agreement in theory and practice on one hand, but also crucial to gauge the reconciliation in light of bestowal of rights and claims and thereby achieving and sustaining peace in the society where the different groups can then collaborate and cohabitate, will be determinants for delving into deeper analysis in the following paragraphs.

Firstly, there is the issue of recognition of the ethnic Albanians as constituent peoples with more elevated position in the constitution of the country, also meaning having a bigger share in the power-sharing in the institutions of the state. Moving from

that, but also deriving from the constitution-drafting and voting debates, there is the issue of language and its recognition and usage as an official language on local and central level, and the issue of lack of higher education in Albanian language. Moreover, there were demands for stronger, or as claimed, proportionate ethnic Albanian representation in the state institutions, public administration and state-owned companies on central and local level. Further problematized points were, and still are the national and at the same time the ethnic symbols: the use of the flag and (in a lesser degree) the hymn of the country, and the overall multiethnic and multicultural nature of the country. Even more so, authors like Daskalovski (2004) and Karakamisheva and Mucunski (2014) see the behavioral pattern of the ethnic Albanians as advocating for bi-nationalism of the state.

While some of these claims can fall under the umbrella of minority rights, it is noteworthy that the term *minority* itself was a point of contention in this case: the ethnic Albanians' claims were revolving around repealing and overcoming the status of "minority" in the country, demanding more equal position with the ethnic Macedonians. As mentioned in the literature review, the position of ethnic Albanians is indeed somewhat different than of the other minorities. As de Vadennes (2002) named them, they are a *substantial minority*, firstly much bigger when compared to the other minorities in the country, and in most density geographically located in the north-western parts of the country, making them the majority in some municipality units. Moreover, these units are of distance proximity to the neighboring Kosovo and Albania, making them feel close unity and solidarity to the Albanians on the other side of the borders. Therefore, authors like Babuna (2000) differentiate the ethnic Albanians from the other minorities as the only ones being in a struggle to improve their position in the country.

The basis of the claim against the word "minority" can be a topic for discussion, but one argument that in this case is always on the table is the problematization of "counting people". Even though that is the goal of the worldwide accepted concept of conducting a population census, among else, the measuring and stating the percentage of the ethnic Albanian population was a source of tension, and "counting" was, and still is seen as merely degrading to a number. The first population census after the independence was conducted in 1994, whose results showed that ethnic Macedonians made 67% of the

population, followed by ethnic Albanians who made about 23%, followed with 4% ethnic Turks, 2% ethnic Serbs and others (Facts about National Minorities 1997, 11). The results show ethnic Albanians as the biggest minority group at the time – a phrase that was going to be rephrased with the Ohrid Framework Agreement, although the percentage/counting issue will remain part of the Agreement and the criticism towards it.

While feelings are subjective, the tangible primary sources of discontent can be identified in the constitutional and legal framework of the country, tangling the aforementioned identity, status and representation issues.

To begin with, one of the main issues was the Constitution of the country itself. The representatives of the ethnic Albanians, even though taking part in the drafting of the Constitution, boycotted its voting in the Parliament, voicing strong criticism of some stipulations, and lack of others. Even the Preamble, the part of the Constitution that has symbolic value, which stipulated that “*Macedonia is established as a nation state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies, and other nationalities living in the Republic of Macedonia*” (Constitution of Republic of Macedonia 1991) was disputed. According to the critics, this wording of the Preamble put the Macedonian ethnic group as the mere constituent group to the country and above the other ethnic groups in the country.

However, if one takes a look at the previous socialist constitution of 1974, whose Preamble speaks of Macedonia as “national state of the Macedonian people and state of the Albanian and Turkish communities” (Constitution of the Socialist Republic of Macedonia 1974), this criticism is grounded. Moreover, the Constitution of 1974 speaks explicitly of the Albanian and the Turkish community in more occasions when speaking of equal representation and the Committee for international relations (Constitution of the Socialist Republic of Macedonia 1974, Articles 177-183). In this manner, the new Constitution of 1991 can be perceived as “downgrade” of the stipulated status of the Albanian (and respectively of the Turkish) community in the country.

Some other disputed stipulations of the Constitution and certain laws will follow in parallel with the notes taken by the European Commission against Racism and Intolerance (ECRI) in its “First report on the Former Yugoslav Republic of Macedonia”, a report on the situation in the country, which, *inter alia*, stressed the “the tense state of relationships between different ethnic groups, in particular ethnic Macedonians and Albanians, and the existence of prejudice on both sides”, and in that light assessed some constitutional clauses, laws and policies and whether they have been implemented in an adequate institutional framework (ECRI 1999, 6).

Tackling the language issue, ECRI’s report is positive towards Article 7 of the Constitution, which “provides for the right of members of national minorities to use their language and alphabet, in accordance with the law, in those units of local self-government where they constitute a majority or a considerable number of the population” (Constitution of Republic of Macedonia 1991), moving on to Article 9 which establishes the concept of equality before the law, followed by Article 19 dealing with the freedom of religion.

However, in reality the wording of the Article 19, which was: *“1- Freedom of religious confession is guaranteed. 2- The right to express one’s faith freely and publicly, individually or with others is guaranteed. 3- The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law”* (Constitution of Republic of Macedonia 1991) was disputed at the time, as it explicitly mentions the Macedonian Orthodox Church and “other religious communities and groups”, which triggered dissatisfaction in those other religious communities and groups, especially the Islamic religious community, to which the majority of the ethnic Albanian population in the country belongs.

Article 48, which is especially important for this topic as it establishes the *“right of national minorities freely to express and develop their identity, including the right to instruction in their language in primary and secondary education”* (Constitution of Republic of Macedonia 1991), and Article 20 which guarantees the freedom of association and restricts “associations aimed to ethnic, racial or religious hatred or

intolerance” (Constitution of Republic of Macedonia 1991) are also addressed as essential for the country by ECRI.

Moreover, a positive note was given to the establishment of the office of the Ombudsman in 1997 and the Council for Inter-Ethnic Relations, which was made of two representatives from each of the Macedonians, Albanians, Vlachs, Roma, Turks and “others” communities, which had an advisory role to the Parliament. This meant inclusion, dialogue and some influence by addressing the interests and concerns of the non-majority communities.

Moving from the Constitution to some at the time important and disputed laws, ECRI pointed out the Citizenship law, which was in force at the time, recommending lowering the residence threshold, which required fifteen years of residency in the country for obtaining citizenship by naturalization. This comes from the demands from the representatives of the ethnic Albanians in the country who demanded lowering the residency threshold to five years, most notably by the at the time leader of the Democratic Party of Albanians Arben Xhaferi, who stated that *“Albanians have been moving freely around this area for centuries. You can’t use the term emigration. This law aims at ethnic cleansing because at once there are a large number of people who are stateless”* (quoted by Human Rights Watch 1996). The reason for the unsettling around this issue is connected to the Kosovo war of 1999, which led to displacement and massive refugee influx in Macedonia from around 240.000 refugees (UNHCR 1999).

Another pressing issue, the using of Albanian language in relation to local self-government was also tackled in this report. The Law on local self-government at the time distinguished between local self-government units in which members of a particular ethnic minority constitute either the majority or where they are a considerable proportion of the population – in this case assessed as more than 20% of the population. In such units, among else, the language and the alphabet of the particular group were to be used in addition to the Macedonian language in alphabet, including during sessions of the institutions and bodies of the self-government units; the obligation to publish the adopted general normative acts in both languages; and bilingual display of the institutions’ names and other public signage (ECRI 1999). Nevertheless, there were interpretative ambiguities in the legal delineation between

units in which the minority forms a majority, and units where it constitutes a considerable percentage of the population. In this light, it is worth mentioning that the ratification of the European Charter for Regional or Minority Languages was recommended, as at the time that wasn't the case.

Yet another issue related to the language is the topic of education. In the years following the independence, only a small portion of all students in secondary and higher education were Albanian: for instance, on university level, out of 22994 students, 386 were ethnic Albanian (Poulton 1993, 38). Moreover, on the lower levels of education complaints of not having enough schools in the locations where ethnic Albanians were majority and needed education in Albanian language (Daskalovski 2003, 57).

Addressing the longstanding demand for higher education in Albanian language, a private Albanian-language university was founded in 1994 in the city of Tetovo by joined efforts of the municipal councils of the cities of Tetovo, Debar and Gostivar. This was very controversial, as it bypassed the state monopoly over higher education and posed a challenge to the legal system, as on one hand it was an illegal founding, but on another it highlighted the ethnic division and the fragility of the state. The initial response of the government was closing the university, which led to outrage and protests among the ethnic Albanian community. However, in 1995 the University reopened, and that was not contested by the officials, so the University was functioning without legal recognition, being financed by the ethnic Albanian community in the country and from the Diaspora. This was until 2000, when a new Law on Higher Education was enacted, which recognized the Tetovo University. An important article of the Law is Article 95, stipulating that "education at private institutions of higher education can also be offered in the national minority languages or in any other language". (Law on Higher Education 2000). However, this is tackling "private institutions of higher education", while the point of the Tetovo University was for it to be a public state university. In the above mentioned 1999 ECRI Report on Macedonia, the reforms that were carried out at the time were positively met, for instance introducing a quota-system in the Public University of Skopje. Even though the number of students from non-ethnic Macedonian communities which take part in the secondary and higher education (including the Albanian) was still small, ECRI found that the number of students from these communities was "steadily increasing" (ECRI 1999, 12).

The matter of inclusion and representation of ethnic Albanians in the public sphere was also an object of concern, being addressed as underrepresentation. However, towards the late 1990s, their position in leading roles was being advanced in a range of areas in the public and institutional domain on local and central level. This could be documented in public administration, civil service, educational system, and state-controlled enterprises. An illustration for this is the city of Tetovo with majority ethnic Albanian population, where in 2001 ethnic-Albanians were in managerial positions in four out of five state-owned enterprises or served as headmasters in four out of five high schools and the majority of elementary schools. In addition, ethnic Albanians administered nine out of fourteen governmental departments and administrative centers, among others the offices responsible for Justice, Interior Affairs and Social Security, as well as cultural and social institutions such as the Cultural Center or the Medical Center of the city. (Ortakovski 2001).

The aforementioned contested aspects of the constitutional and legal system, which led to frustrations among the ethnic Albanian population of the country fall under the introduced identity, status and representation umbrella, where the elements of discontent are complementing each other. The lesser treatment in the Constitution harmed the identity perception of the community and its status as being degraded to a non-constituent group, followed by the omitting of explicitly mentioning the Islamic religious community, the limited usage of language and symbols as the Albanian flag and the feeling of underrepresentation in leading positions in the public sphere also added to the sense of devaluation. As Daskalovski (2004) puts it, even though equal rights and possibilities were outlined legally for all the ethnicities in the country, the Macedonians “conceived them as junior partners in the enterprise” (Daskalovski 2004, 55).

These aspects are important to be addressed, as they also serve for measuring what and in what degree has changed and improved after the conflict and the signing of the Ohrid Framework Agreement, including the reconciliation with the state, the Macedonian majority and the other groups within the country.

Outside of the legal framework, interesting developments can be located at the time of the “birth” and the first steps of the new democratic state, by contrasting

political mobilization by the ethnic Albanians and even preparations for parallel “state” apparatus gained some traction. By adopting this course of action, in the western, ethnic Albanian dominated parts of the country an illicit referendum was organized for creation of the so-called “Republic of Ilirida”, for which the majority of ethnic Albanians in the country voted in favor (Economist 1992). Even though this attempt was not taken too seriously by the officials, in the city of Struga an “Albanian Autonomous Republic of Ilirida” was proclaimed. At the same time, the ethnic Albanian representatives in the Macedonian parliament and other authoritative personas were boycotting the parliamentary procedures and were calling against the international recognition of the country until “greater ethnic rights were given to the Albanian community” (Fekrat et al. 1999). In this period, protests by the ethnic Albanians were also organized, some of which escalated with violence and incidents. Another way of disrupting the constitutional order was spreading propaganda leaflets for “waging war for the right to self-determination by the Ilirida Albanian Youth Movement” (Daskalovski 2004, 17). Further disturbing event of the time was discovering illegal weapons and paramilitary uniforms leading to a reasonable doubt that the constitutional order of the country is under threat, which resulted with arrests, where some of arrested were ministers and officials belonged to the PDP, the ethnic Albanian party in the Macedonian Parliament (Fekrat et. al 1999) and the retreat of its leader from the public political life.

4.2 The 2001 Insurgence in North Macedonia

Having accumulated the above discussed frustrations with the developments in the country, followed by citizens’ protests, the armed conflict began in late January 2001, when a police station in the village Tearce nearby the city of Tetovo was attacked by members of the so-called National Liberation Army (NLA). What followed was a several month-long series of attacks and fighting between the rebelling groups coordinated by NLA command and the Macedonian state police and its special forces. What is peculiar for the conflict is that it was not a full-scale armed conflict which spread all over the country, but it was geographically limited mostly to the north-western parts of the country, and it involved short-lived attacks of different types, such as destruction of property, killings, taking over villages and controlling rural territories,

ambushing and killing state police and security forces and similar deeds. This fragmentation of actions, and the fact that the country at the time did not declare state of war, makes naming and putting the conflict into a particular category difficult.

Important for noting is that while the conflict was ongoing, constant political discussions and attempts for dialogue were simultaneously taking place. Even more so, the international community was actively involved into facilitating negotiations and political resolutions that would prevent further escalation and end the conflict, after their fiasco in the other wars in the former Yugoslavia.

This sub-chapter will not get technically into the details of the conflict's chronological events, but will revolve around the nomenclature, nature and perceptions of the conflict, as they remain to be factor that obstructs the reconciliation in the country, having in mind that contesting perceptions still exist and the unity around the sources, and the nature of the conflict still seem to be far from a settled issue. As a result, in absence of unity of opinions, but also lack of will and arguments, the conflict has turned into a taboo topic, which is often left out of the open public discussions, but is felt as omnipresent in the air, coming to light only in negative sense, as a painful memory, tool for political bargaining, or even a threat for relapse.

As hinted above, there is no universally accepted term being used for the 2001 conflict, as there is disunity in interpretation of its nature. When trying to define the conflict, it can be deducted that it is an internal armed conflict initiated by one ethnic group with a minority status in the country – the reasons for this are still prone to be subject of misinterpretation and contestation; it was geographically limited to the western parts of the country, and it lasted less than a year. Even though the number of casualties is lesser and the damage is of lesser degree when compared to other examples from the region like Kosovo and Bosnia in the 1990s, a longstanding issue within the country is the internally displaced persons, especially in the northwestern parts of the country. This group is comprised mostly of ethnic Macedonians who had to leave their homes, especially in the rural areas where ethnic Albanians were the predominant group (Frckoski 2011, Reuter 2012). When investigating the existing literature, the most used terms are insurgency, terrorism, rebellion, uprising, interethnic conflict, civil conflict, and even limited war.

According to Frckoski's analysis, what happened is a conflict "with low intensity (up to 1000 casualties; in reality there were two or three hundred, and small scale destruction)" (Frckoski 2011, 43).

KonfliktBarometer, an international source dealing with mapping of conflicts, declared that what occurred in 2001 was "limited war", as there were only around hundred lethal cases, but also considered the combination of autonomy, equality and secession as its main causes (HIIK, 2001 and 2002).

While the causes for the conflict are considered to arise from the position of the ethnic Albanians in North Macedonia and are of identity, status and representative nature (Atanasov 2006), there is one alternative contesting theory supported by some authors (Reuter 2012) and by certain portions of the population in the country and its neighborhood.

In this line, a correlation between this conflict and the Kosovo war is drawn, where the conflict is considered to be a spill-over, or even "spin-off" from the Kosovo war with similar ethno-nationalist and secessionist goals. One claimed basis for this link is the influx of Kosovo refugees that entered the country during the war, who were perceived as potential recruits for the NLA, as they were concentrated in the north-western parts of the country (Grizold and Zupančič 2008), which then turned to be the epicenter of the 2001 conflict.

On other hand, even though fighters of Kosovo's KLA were involved in the conflict, some directly, some indirectly, but logistically providing weapons or training to the rebels from Macedonia, the conflict is not considered to have an international dimension. Nonetheless, as Rusi (2015) admits, many ethnic Albanians from Macedonia took part in the military activities of KLA in Kosovo. Moreover, there were close ties between the Albanian parties in Macedonia and KLA. Even more so, figures like Ali Ahmeti and Fazli Veliu, who are among the founding members of NLA and then became leading political figures in the Albanian party bloc in the state, used to be politically active in Kosovo and were also among the founders of KLA. (Rusi 2015, 12) However, their response to the allegations that NLA is an offspring of the Kosovo's KLA is dismissed by them by dividing the Kosovo and the Macedonia matters (Rusi 2015, 12-13).

Similarly, the ethnic Albanian officials in North Macedonia, such as Arben Xhaferi, the leader of the Democratic Party of the Albanians, denied the speculations of the connectedness between the Kosovo's and North Macedonia's issues and adhered to the claim that the rebellion and the conflict were reflecting the contesting of the violation of the Albanians' rights in the state (Bexheti 2019).

On the psychological side, there is a big sense of cohesion and solidarity between people belonging to the same ethnicity, especially when parts of it are under threat in another country, such as the case in Kosovo, and the claims for the human rights situation in North Macedonia. In addition to that, as among the other Balkan nations, there is the ethno-nationalist irredentist ideology of Albanians as the *autochthones*, or peoples in the region, with a right to have the state of *Greater Albania*, which includes Albania, Kosovo, the western parts of North Macedonia, the southeastern parts of Montenegro, and the northwestern parts of Greece. In this manner, as Pettifer and Vickers (2017) identify this, "the Greater Albania concept reappears during periods of crisis or perceived injustice to Albanians in neighboring states, but lacks a strategic political framework" (Pettifer and Vickers 2007, 162). On the other hand, having this in mind the majoritarian groups in the states can feel threatened by this idea and thus be motivated to suppress the Albanian minorities, fearing that more space and rights may lead to actions towards fulfillment of this ideology. Nonetheless, in line with Pettifer and Vickers the realistic chances for these ideas are minimal, since there are no conditions for mobilization and action. Moreover, these ideologies are marginalized and while there may be supporters and proponents, the majority of people consider them as obsolete, redundant and not applicable. However, looking at the world of nebulousness one can never be sure.

When following the timeline of the conflict, a change of the narrative of NLA, and therefore changes, or softening of the narrative of the Macedonian government and the representatives of the international community are evident.

Firstly, an important indicator for the initial motives of NLA is the so-called *Communiqué No. 4* which followed in January, after the attack in Tearce that initiated the conflict, where NLA claimed responsibility for the attack and described the need for its formation and actions after the Macedonian state, being referred to as "the

Macedonian occupiers and their Albanophone collaborators" (quoted by Uppsala Conflict Data Program) failed to reform itself (Rusi 2015). Moreover, these actions were about to continue "until the Albanian people are liberated" (quoted by Uppsala Conflict Data Program). However, two months later a representative of NLA explained the narrative as one not aiming for Greater Albania, but for improving the position of ethnic Albanians in the country, as the peaceful means for that were not successful (quoted by Uppsala Conflict Data Program). Soon after that, a new statement was issued stating that the NLA is respecting the territorial integrity of the country, but "Macedonia must be defined as a state of two peoples ... (which would end) the discrimination against the Albanian population by the Slav-Macedonian majority" (quoted by Uppsala Conflict Data Program).

Accordingly, the international community expressed harsh rhetoric against the rebels at the time; however, with time the rhetoric has softened and turned into practice of "shuttle diplomacy" between the government and the NLA. The Macedonian government, in a similar manner of taking the approach to neutralize the armed conflict and not to engage in negotiating with terrorists, soon resorted to the diplomatic methods and tried to negotiate with help of the international representatives' facilitation and guidance.

In this manner and with time, what was initially considered as spill-over and attempt on the state then turned out to be treated as rebelling for improving the human rights condition of certain minority in the country.

5. The Ohrid Framework Agreement

After months of fighting, the mission of the international community to facilitate peace process was successful, the parties in the conflict showed political will and However, although it is often perceived as a success story, and even a model for framework agreements, the Ohrid Framework Agreement is still a controversial act in the Macedonian history, being praised as much as contested, and instead of point for unity, serves as point of divergence of perceptions and contestations. The following

Chapter will provide insights of the circumstances around signing the Agreement, the actors involved, the international facilitation, and a full analysis of its the text.

5.1 Pre-Signing Conditions

The Ohrid Framework Agreement was negotiated and concluded in the city of Ohrid, whose name it bears, and signed in Skopje, the capital of North Macedonia on 13th of August 2001. Part of the negotiations and signatories were the representatives of the four biggest political parties in the country; two ethnic Macedonian: Branko Crvenkovski of SDSM and Ljubco Georgievski of VMRO-DPMNE, and two ethnic Albanian: Arben Xhaferi of DPA and Imer Imeri of PDP, the President of Macedonia Boris Trajkovski, and the special envoys of the European Union, Francois Leotard and of the United States of America, James Pardew. This speaks of the involvement of the international community in facilitating and scrutinizing the peace negotiations and ending the violent conflict. The prevention of escalation or broadening the scope of the conflict, for instance towards secessionism, was of great importance for the international community for keeping stability in the region, especially after learning some lessons through their failures in the neighborhood. The conflict was in the spotlight of international factors such as the European Union, OSCE, NATO and the USA. During the conflict, almost all of them had their special envoys and some troops sent, or prepared to be sent in the country. To them, it was critical to prevent the conflict from escalation and through that to prevent further deteriorations in the country and the region, especially after the experience with the post-Yugoslav wars of the 1990s. In this manner, and especially related to the de-escalation, and conclusion and keeping the peace after the Ohrid Framework Agreement, NATO played an essential role.

It is important to note, that the Ohrid Framework Agreement was not the first attempt for reaching ceasefire and beginning further political negotiations. Some of the earlier attempts were on local level, with details not available to the public, and most of them unsuccessful.

One noteworthy attempt was brokered by NATO on 5th of July 2001, a month before signing the Ohrid Framework Agreement. NATO succeeded to facilitate a country-wide ceasefire by signing separate agreements with the NLA leadership and the Macedonian

authorities, and at the time this was considered a big success that was supposed to last. Some of the crucial requirements by the highest representatives of NLA were early parliamentary elections and granting amnesty for the rebels “who have not committed any crime during the more than four months of fighting” (cited by Radio Free Europe/Radio Liberty 2001). This Agreement was signed by Ali Ahmeti as the representative of the NLA and the Macedonian Army Chief of Staff and the Interior Ministry General. Another important consequence of this ceasefire was the deployment of NATO troops in Macedonia in order to have active participation in the planned 30-day long disarmament of the NLA. Moreover, after this Agreement and the disarmament the NLA rebels were supposed to change their roles from rebels and fighters into civilians, politicians and civil servants, visible through the statement of the at the time NLA commander Shpati: “We should transform ourselves -- which we see as integrating ourselves into the political life of the country, the army of the future, the police, and other sectors. ... As far as the collection of arms is concerned, this will be [a] gradual [process], hand-in-hand with the political outlook” (quoted by Radio Free Europe/Radio Liberty 2001). As this agreement attempt was considered to be *the* attempt that would prove fruitful, especially due to the fact that the international factor, in particular NATO was not only the broker, but would keep having a significant role in the whole process, the parties were more engaged into looking for political solutions for the issues that led to the conflict as basis for further negotiations and introducing foundational reforms of the state. One important step for a crucial point was looking into ways to undergo changes of the Constitution: for this, the French constitutional expert Robert Badinter was consulted for proposals, which would then also be deliberated by domestic and foreign experts and put on the table for further negotiating between the involved parties and the international envoys. According to the parties involved, which were the above-mentioned parties of the Ohrid Framework Agreement, these negotiations were also promising, with the drafted plan based on Badinter’s guidelines being deliberated. As reported, some points of the draft included the idea of multiethnic state with amended Constitution, empowerment of the local elected officials, revision of the municipality boundaries and a census to be conducted by the end of the year (Naegele 2001).

However, while the representatives of the international community were optimistic and welcoming the ceasefire, the negotiations for the draft document, and its prospect to lead to a peace accord, in reality was not going smooth either in terms of cessation of fire, nor in the negotiations. According to the reports, the parties of the negotiations were having different requests. While the Macedonian side reported to “have reservations about some aspects of the draft document but found it generally acceptable” (Naegele 2001), the Albanian side had stronger opposition to the contents and the spirit of the document. Even in the phase of making the proposals, Badinter has discouraged their insisting on having an “ethnic veto” based in the Constitution – the right to veto any act in the Parliament which would concern the Albanian community. This led to dissatisfaction, with high party officials stating that “Badinter's approach is based on treating Albanians in Macedonia as a minority rather than as an equal community” (Naegele 2001). Another example is the disputing of Macedonia being or remaining a nation state. The concept of nation state, according to the mentioned negotiators and high officials would mean discriminating against the other communities living in the country. This rhetoric once again spoke of the aspiration of the ethnic Albanian representatives to achieve status equal as the majority Macedonians, however not based on demographic realities, but on ideational motives.

The BBC News Archive has a short chronology of the events in this period, and shows not only how the negotiations were deteriorating and the clashes ongoing, but also how the tension in the society was reaching a worrying point such as damaging of property and citizens’ protests. For the negotiations dynamics, it is interesting to see how at first the Albanian representatives have dismissed the process stating that “says the proposals will not stop the fighting” as they are not in favor to their requests (BBC 2001), for some days the Macedonian side to dismiss them as well, accusing the international special envoys for “caving in to Albanian demands, describing their blueprint for a settlement as brutal interference” (BBC 2001).

Moreover, the ceasefire was not fully respected, as incidents were reported from numerous critical points in the conflict in the northwestern parts of the country, especially around the cities Tetovo and Kumanovo. Still, with enhanced international pressure and domestic tension, the negotiations were still going and getting closer to finalizing of the document that was later known as the Ohrid Framework Agreement. On

the 8th of August, in the days close to its concluding and signing, an event that could have undermined the whole process and escalate the conflict occurred: the Karpalak ambush, where an army truck with army reservists was struck by a rocket-propelled grenade fired by the NLA fighters, resulting in deaths of ten reservists. This caused immediate retaliation in the city of Prilep, from where most of the reservists were, where Albanian-owned shops were demolished, and the mosque was torched (Marusic 2017). Two days later, eight more Macedonian soldiers were killed by a landmine, making the atmosphere even more tensed and putting the concluding of any agreement in question. Still, this tremendous pressure and the risk of escalation were overcome and the commitment for political solution instead of continued violence prevailed, so the Ohrid Framework Agreement was finally signed on 13th of August 2001.

In line with the negotiated points regarding ceasefire and disarmament, there were three successive NATO-led operations to “mitigate the rising ethnic tension” (NATO 2023): Operation Essential Harvest (2001) which was dedicated to the disarmament of the Albanian armed groups; Operation Amber Fox (2001), which was mandated with protecting the international monitors who were monitoring the implementation of the OFA; and Operation Allied Harmony (2002) entitled with advisory role and assistance to the government in keep stability in the country (NATO 2023).

5.2 Analysis of the Agreement

The Ohrid Framework Agreement is called a “framework” one in line with Bell’s (2000) typology of peace agreements, as it establishes the framework and lays the ground for the future reorganization and development of the state.

The Agreement is composed of ten points, each with sub-points, and three annexes.

5.2.1 Purposes

At the beginning of the document, the purposes of the Agreement are outlined: securing the future of the country’s democracy, “permitting the development of closer and more integrated relations with the Euro-Atlantic community” and promotion of “harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens” (OFA 2001, 1). This seems like an interesting

combination of purposes and goals, as it includes internal and external elements. When speaking of the future of the country's democracy, it is important to note the democracy that was unofficially established with the Agreement. As the political and legal developments after its signing show, the country unofficially, but in reality, turned into a consociational democracy, introduced in the theory by Lijphart and more discussed in the second Chapter of this thesis. What characterizes Consociationalism is grand coalition of political representatives from all major groups in the society who can veto decisions in order to protect minority interests, proportionality in political representation, and segmental autonomy. According to Lijphart, Consociationalism is suitable for plural and fragmented societies for avoiding dominance of one group and promoting cooperation and protecting the minorities (Lijphart 1969).

Advancing the integration and relations with the Euro-Atlantic community means the getting closer to the European Union, NATO and the USA, as they were facilitators of the negotiations and the Agreement, so the country's logical inclination should be towards them. However, it is interesting that what does not depend only on the country itself, like its NATO and EU-membership is set as a purpose in the Framework Agreement which put an end to a violent conflict. Still, the prospects of those memberships were a "carrot, an incentive that brought the 2001 conflict to an end and facilitated the implementation of the Ohrid Agreement" (Reka 2008, 67). In April 2001 Macedonia signed the Stabilization and Association Agreement with the European Union, becoming the first one from the Southeast European countries to do so.

Moreover, in the years that followed its conclusion, this has led to rhetoric making the NATO and EU integration as indispensable for the implementation of the Agreement on the one hand, and on the other hand the implementation of the Agreement being indispensable criteria for the EU integration.

The harmonious development of the civil society and respect for the ethnic identity and interests of all citizens of the country is a logical goal for the country, especially for the state the country was in. However, authors like Marolov (2013) and Remenski (2007) argue that the Framework Agreement has institutionalized ethnicity, as the ethnic belonging became a prerequisite in many public domains, something that, as discussed in Chapter two, can hinder the reconciliation process.

5.2.2 Main Provisions

Moving on to the main provisions of the Agreement, the first provision sets out five basic principles. The first one stipulates that “the use of violence in pursuit of political aims is rejected completely and unconditionally. Only peaceful political solutions can assure a stable and democratic future for Macedonia” (OFA 2001, 1.1). Even though this principle points out that political, not violent methods should be used for political goals, the OFA and its further implementation was, in fact, achieved with violence. The importance of the wording of this point is obvious and can be interpreted as future oriented as well, but at the moment when it is drafted, it is contradictory to the reality. As Marolov points out the irony, the Agreement itself was both the aim and the product of violence (Marolov 2013). He goes on arguing that the paramilitary NLA managed to achieve in few months of violence what the Albanian politicians, who were legally elected, could not achieve through legitimate political and democratic processes for more than a decade (Marolov 2013).

The second principle emphasizes “the sovereignty and territorial integrity, and the unitary character of the State” which “are inviolable and must be preserved” (OFA 2001, 1.2). Moreover, it is highlighted that “there are no territorial solutions to ethnic issues” (OFA 2001, 1.2). This principle is essential, as the aspects of sovereignty, territorial integrity and the unitary character were endangered and matter of concern and negotiations both internally as externally. With this, the fears of dissolution of the country and of the secessionist scenarios were overcome, at least for the time being, even though twenty-four years later, these principles are still preserved. As Karajkov states, “preservation of the unitary character of the state was a gain for the majority Macedonian community, but also an investment in the region’s future stability” (Karajkov 2008, 482). Moreover, this fact goes in favor of the argument that the conflict was not motivated by secessionist ideas, which, as discussed in the fourth Chapter, was contested.

Adding to that, the third principle underscores the multi-ethnic character of the society, which “must be preserved and reflected in public life” (OFA 2001, 1.3). Another logical principle in the light of the causes for the conflict and what ought to be the basis of the integrative structure for the society in the future.

Moreover, the fourth principle hints the constitutional matter which is articulated in the Annex A, which speaks of the amendments of the Constitution. This principle suggests the need for constant assurance that the “Constitution fully meets the needs of all its citizens and comports with the highest international standards, which themselves continue to evolve” (OFA 2001, 1.4). The continuous evolution of the standards reminds that the constitutional matter should also be a live matter and not rigid towards change.

The fifth principle introduces another revolutionary concept in the state structure: the development of self-government as prerequisite for encouragement for citizen participation in the democracy and the promotion of respect for the different communities’ identities (OFA 2001, 1.5).

The second provision of the Agreement, finally, lays out the cessation of hostilities. It involves “complete cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups and their complete voluntary disbandment” (OFA 2001, 2) and acknowledges NATO’s involvement in the process and accept the conditions for that, once more emphasize the political solution to the issues and the commitment to disarm voluntarily by the armed groups (OFA 2001, 2).

Decentralization of the Government is further introduced in the third provision and will be specified as a particular Law in the Annex B of the Agreement. The decentralization was introduced in such manner in order to keep the unitary character of the state. As the ethnic Albanian community felt that they do not have the needed autonomy in the areas where they are majority, decentralization was one of the ways to gain that autonomy. The other case would have been changing the unitary character of the state, by turning it into a federation or confederation, something that was not desirable. Decentralization as concept adds to democracy by bringing the decision making closer to the citizens, but in this case, it was introduced for ethnic reasons. In practice, introducing this type of decentralization meant revision of the Law on Local Self-Government, which enhances the competences of the elected local officials, and a special Law on Financing Local Self-Government Units, which gives them independency from the central government (OFA 2001, 3.1). Another point of this provision is the revision of the boundaries of the municipalities, which was to be undertaken in one year after the conduction of an internationally supervised census by the end of 2001 (OFA

2001, 3.2). The census topic, “recounting” and restructuring of the municipalities and the need for international supervision sparked negative reaction in the public; some of it shall be discussed in the following chapter. The last point is concerning the police forces, whose heads ought to be selected by the municipal councils, however leaving the authority of the Ministry of Interior to lawfully remove them (OFA 2001, 3.3).

The fourth provision is tackling the principles of non-discrimination and equal treatment before the law. The emphasis here is put on employment and representation in public administration and other public entities, and a possibility to obtain public financing for business development (OFA 2001, 4.1). The further points of this provision discuss more thoroughly the public administration employment in the central and local bodies and the police and emphasize correcting of “present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities” (OFA 2001, 4.2). Correcting the imbalances of the composition of the mentioned bodies includes introducing positive discrimination elements like the quota system, where the members of the under-represented groups would have certain leverage before the members of the ethnic Macedonian majority. In practice, this has led to many controversies and backlash in the public – again referring to the issue of institutionalization of ethnicity. The last point hints the establishing of a special majority for making decisions in the Macedonian Assembly. In this light, the majority for choosing one-third of the judges of the Constitutional Court, three members of the Judicial Council and the Ombudsman should include “majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia” (OFA 2001, 4.3). Even more so, this point has introduced the famous phrasing “*communities not in the majority in the population of (North) Macedonia*” – which is a concept that is stronger than a minority and as such does not address all the minorities in the country, but in practice is used to point to the ethnic Albanian community in the country, which can be interpreted as favoring one non-majority community before the others, again a questionable point.

The fifth provision “Special Parliamentary Procedures” delves deeper into the above hinted majority concept. In this context, it is firstly stipulated that peculiar amendments of the Constitution and the Law on Local Self-Government can only be

approved with “qualified majority of two thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population” (OFA 2001, 5.1). Furthermore, the laws that deal with culture, use of symbols, use of language, education and laws on personal documentation, and laws concerning the local self-government such as municipality boundaries, local elections, local finances and the city of Skopje can be adopted with the majority of votes including the majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population” (OFA 2001, 5.2).

The sixth provision is dealing with more identity questions such as education and the use of languages. Speaking of education, the primary and secondary education was to be taught in the native languages of the students, and for the higher education there shall be uniform standards in the country (OFA 2001, 6.1). Moreover, state funding ought to be provided for higher education in languages spoken by at least one fifth of the population (OFA 2001, 6.2). The principle of positive discrimination is explicitly mentioned regarding admission in State universities for applicants who belong to communities that are not majority of the population (OFA 2001, 6.3).

Moving on to the languages topic, which remains to be a controversial one even in the time of writing this thesis, any language in the country, which is spoken by at least 20% of the population will get a status of an official language. This especially affects the municipalities where more than 20% of the inhabitants speak an official language which in this light is not Macedonian, in which case they can communicate with the institutions in any of the official languages, also having the right to receive a response in Macedonian and in the other official language they used (OFA 2001, 6.5). Moreover, in those municipalities the other official language will be used as official in addition to Macedonian, and when it comes to the other underrepresented languages, “the local authorities will decide democratically on their use in public bodies” (OFA 2001, 6.6). This use of double languages further applies in criminal and judicial proceedings, where the translation is on State expense (OFA 2001, 6.7), and in issuing official personal documents, who will be issued in the other official language in addition to the Macedonian (OFA 2001, 6.8).

The seventh provision is launching the symbols that express the identity of the majority populations in the municipalities, in which case the local authorities shall be able to present “emblems marking the identity of the community in the majority in the municipality” (OFA 2001, 7.1) in front of the local public bodies.

The eighth principle is of technical character and tackles the implementation of the Agreement, speaking of establishing time frames for implementation of the Constitutional amendments which are to be introduced in the Annex A, which is forty five days after the signing of the Agreement (OFA 2001, 8.1), and further time frames to be established for the other legislative adoptions stemming from the Annex B (OFA 2001, 8.2). Moreover, the need for international financial support is stressed, in order to implement the Agreement, especially in the area of local self-government (OFA 2001, 8.3).

The Agreement was to take effect upon its signing. Interestingly, but also having in mind the internationally facilitated negotiations for the Agreement, it is written in English language which is to be the only authentic version (OFA 2001, 10.2). Symbolically, this can also be interpreted in a way of how the ethnic Macedonian and the ethnic Albanian community couldn't find closer common language, so they turned to the international community's wisdom and rationale and accepted the English wording. The Agreement was finalized under the auspices of the President at the time, Boris Trajkovski (OFA 2001, 10.3).

5.2.3 Annexes

The Annexes are an integral part of the Ohrid Framework Agreement and articulate more thoroughly the legislative and institutional changes and measures to be undertaken. They are announced in the ninth provision of the Agreement: Annex A: “Constitutional Amendments”, Annex B: “Legislative Modifications” and Annex C: “Implementation and confidence-building measures”.

The first Annex is dealing with the revision of the Constitution, which was to include some of the points addressed in Chapter 4, and which were repeatedly voiced as

part of the *ethnic Albanians versus the state struggle*. Basically, the Annex A is stipulating the upcoming new or amended provisions in the Constitution, which were later adapted as part of the implementation of the Agreement. As they correspond to the main provisions, but are written in article-stipulation way, there is no need to repeat where the content is the same with the previous part of this Chapter, but there are few things worth illustrating below.

First, the change of the Preamble of the Constitution is worth addressing, which was contentious issue since the drafting of the Constitution, more thoroughly addressed in Chapter 3 of this thesis, got a new wording, worth stipulating here:

“The citizens of the Republic of Macedonia, taking over responsibility for the present and future of their fatherland, aware and grateful to their predecessors for their sacrifice and dedication in their endeavors and struggle to create an independent and sovereign state of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good - the Republic of Macedonia” (OFA, 5).

This is a notable difference from the earlier Preamble, which stated that *“Macedonia is established as a nation state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies, and other nationalities living in the Republic of Macedonia”* (Constitution of Republic of Macedonia 1991), and speaks of *“the citizens of the Republic”* – which shows no differentiation between the “Macedonian people” as ethnic group and the other earlier stipulated groups, and while with this wording the multi-ethnic character is not explicitly demonstrated, what is demonstrated is that everyone belongs in the category of *the citizens*, irrelevant from the ethnicity.

What follows in the first Annex, as introduced above, are the amended Constitution provisions. First there is the Article 7, which is dealing with the languages and emphasizes the status of official language of any other language spoken by at least 20% of the population.

Article 8, which lays out the “fundamental values of the constitutional order” (Article 8 OFA 2001) encompasses “the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; and the equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life” (Article 8 OFA 2001). Again, this is putting an emphasis of the people belonging to any community in the country and their equitable representation in the public institutions and other areas belonging to the public life.

Article 19 dealing with religion in the state, which was mentioned as problematic in the Chapter 3 is correcting the explicit mentioning of only the Orthodox Church in the Constitution. As correction, the “the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups” (Article 19 OFA 2001) are formally acknowledged, separated from the state and “free to establish schools and other social and charitable institutions” (Article 19 para. 3 and 4 OFA 2001).

Article 48 is dedicated to identity and cultural symbols and attributes, guaranteeing freedom of expression, fostering and developing them (Article 48 para 1 OFA 2001), protection of the ethnic, cultural, linguistic and religious identity of all communities (Article 48 para 2 OFA 2001), allowing the communities to found institutions and associations for culture, art, science and education (Article 48 para 3 OFA 2001), and the right of education in the community language in primary and secondary education, whereas that is the case, Macedonian language ought to be studied as well (Article 48 para 4 OFA 2001).

Article 56 “guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status” (Article 56 OFA 2001).

Some of the following articles are dealing with the majority needed for passing some laws or electing officials, which, as reminder, is enhanced majority by including the *majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population* to the already needed majority of all representatives, two thirds of all representatives or the present representatives respectively. For instance, this applies to the “laws that directly affect culture, use of language, education, personal

documentation, and use of symbols” (Article 69 OFA 2001); the Public Attorney (Article 77 OFA 2001); the newly introduced Committee for Inter-Community Relations, which includes “seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities” (Article 78 OFA 2001); the Security Council of the Republic dealing with security and defense matter, which besides the Presidents of the Republic and the Assembly, the Prime Minister and the Ministers governing security, defense and foreign affairs, should include three additional members who should reflect the composition of the citizens (Article 86 OFA 2001); the Republican Judicial Council (Article 104 OFA 2001); the Constitutional Court (Article 109 OFA 2001); the law regarding the local self-government and its financing, and the locally made decisions (Articles 114 and 115 OFA 2001); and the initiative for further Constitution amendments.

The Annex B, named “Legislative Modifications” introduces new Laws, or amendments of Laws which were to be undertaken for implementation of the Agreement. The laws to be enacted or amended, outlined in this part, concern the local self-government, public administration, elections, the use of languages, the rules of procedures in the Assembly, the Public Attorney and other laws “that may be necessary to give full effect to the Framework Agreement and amend or abrogate all provisions incompatible with the Framework Agreement” (OFA 2001, 10.)

The laws concerning the local self-government are: the Law on local self-government, being already drafted in March 2001; the Law on local finance, which ought to ensure sufficient resources for the local self-government units including local taxes and transfers from the central government and ensuring budgetary autonomy; the Law on municipal boundaries, which was meant to be adopted in 2002 after the planned census and in accordance with its results; Laws pertaining to police located in the municipalities; Laws on the civil service and public administration; Law on electoral districts; Laws pertinent to the use of languages, Law on the Public Attorney and the mentioned Rules of procedure in the Assembly, which are to be amended to enable the use of the Albanian language (OFA 2001, 9-11).

The last, but not the least, Annex C is named “Implementation and confidence-building measures”, whose title is self-explanatory, is dedicated to some issues

regarding implementing the Agreement and emphasizing some of its goals, but mostly addresses the international community, especially the European Union, OSCE and the United States by inviting them to assist in the processes regarding the implementation of the Agreement.

Firstly, the role of the international community is being acknowledged and it is invited to “facilitate, monitor and assist in the implementation of the provisions” of the Agreement (OFA 2001, 12). This especially calls upon the European Union, since one of the purposes of the Agreement elaborated above was concerning the European integration of the country.

The second provision is setting timeframe for the census to be conducted in October 2001, once again emphasizing the role of the international supervision over them, and for the parliamentary elections, which were to be held by 27 January 2002, once again with invitation for international monitoring (OFA 2001, 12).

The third provision is concerning return of the refugees and displaced persons, stipulating that the parties of the Agreement ought to ensure their return to their homes, and rehabilitation and reconstruction in the hostility-affected regions, inviting the international community for logistical and financial assistance (OFA 2001, 12).

The development of decentralized government is reassured in the fourth provision, after being introduced in the third main provision of the Agreement and technically elaborated in Annex A and B, whereas the international community is invited for assistance in its advancement and empowering, through activities like assistance in preparing legal documents and financing (OFA 2001, 12).

The fifth provision of the Annex, delving into the principles of non-discrimination and equitable representation is related to the third main provision of the Agreement. It includes some particular steps in areas as the public administration, military, public bodies and the police, where five hundred new policemen who are not part of the majority should be hired and trained in the following year and five hundred more in two years, deployed into municipalities where the respective communities live. Moreover, the European Union, OSCE and the USA are invited to assist in training the police,

lawyers and judges, increasing not only the number, but also the quality of the representatives in the law enforcement and judicial system. (OFA 2001, 12-13).

The last provision touches upon culture, education and the using of languages and the importance of strengthening the media in Albanian language and other multiethnic media and the higher education, once again calling for the efforts assistance by the international community, or in this part the OSCE (OFA 2001, 13).

6. Discussion: Challenges and Prospects of Reconciliation

After the thorough analysis of the Ohrid Framework Agreement, which showed how the Agreement was to affect the country's structural organization, territorial organization, the power-sharing mechanisms and decision making process, the specifying of particular rights for particular groups that are not majority groups, especially rights that speak of their identity, and the future prospects of the country, a chapter dedicated to the impact of the reconciliation in the country follows. The first part of the chapter will deal with some notable perceptions on the issue, then transitional justice aspects, including the Hague processes and the Laws on Amnesties in the country, and then the emphasis will be on some actors and factors for reconciliation.

6.1 Perceptions of the Ohrid Framework Agreement

Just as the causes and the nature of the 2001-armed conflict have been disputed, or their defining has been made confusing and hard to grasp, such is the "destiny" of the Ohrid Framework Agreement. This mostly arises from the two confronted tabors, those who have a positive and praising outlook, and those who stand on negative and highly criticizing viewpoint towards the Agreement. These are mostly concentrated within the country and coincidentally, most of them belong either to ethnic Albanians, or to ethnic Macedonians. When it comes to the international perception of the Agreement, it is

generally positive, as it is also seen as a success of the so-called preventive diplomacy, which halted the escalation of the conflict. In this sub-chapter some notable positions by prominent figures from the public and academic sphere from and outside from the country will be addressed. To maintain objectivity and equal representation in this sense, views from individuals belonging to the ethnic Macedonian and ethnic Albanian communities within the country will be taken, as well as from recognized authorities from the international community.

Firstly, broadly and technically speaking, the Ohrid Framework Agreement can be perceived as a hybrid peace Agreement, or as Bell (2000) puts it, a substantial, or framework agreement, which not only marked an end of the armed conflict within the country and prevented its further escalation, but also established a framework, or a foundational structure, for reorganization of the state and its future development, including changes in the Constitution, amending and enacting new laws, power-sharing mechanisms in the government, territorial reorganization and enhanced decentralization of the government, and human rights developments with emphasis on cultural rights and group identity. This speaks of its multi-faceted character and extensive reach, which open space for different approaches, perceptions and critical standpoints, often coming from two contrasting factions: supporters and skeptics. This also goes in line with the divergent perceptions of the armed conflict itself, which was touched upon in Chapter 4 of this thesis.

To begin with, Bexheti (2019) offers interesting ideas regarding the nature of the Agreement, and as he points out, for the ethnic Albanian community the Agreement was considered historic, while for the ethnic Macedonians it was considered “as the worst thing that had ever happened to them in history” (Bexheti 2019). This, even though it may be perceived as overstating, speaks of the divided public mood towards the Agreement from the communities which are mostly affected by it. However, in his analysis of the Agreement, he keeps highly skeptical stance towards it, claiming that the privileges of the majority Macedonians remain, while the space for claims by Albanians is narrowed – so, according to him, after all, the Agreement is not so historical for the Albanians, and not devastating for the ethnic Macedonians (Bexheti 2019). He tries to support his claim by contesting what he calls “statistical calculation in percentages – irritating to Albanians” (Bexheti 2019, 35). In this manner, he sees as frustrating the

provisions that are concerning the “20% of the population”, used as threshold for the usage of the language and additional rights – a percentage that reducing the ethnic Albanians to a numerical status even in the Agreement, while the Macedonian remains to be Macedonian, which he highlights as “humiliating attitude by the Macedonians” (Bexheti 2019, 35). Moreover, according to him, one consequence from the stipulations in percentage is that any other community, which would rise to 20% of the population in the state, would have the rights set out with the Agreement, and not only the Albanians – hence the Agreement is problematic for not addressing Albanians as a community, but for speaking of general percentages vis-à-vis Macedonian majority in a mono-ethnic state (Bexheti 2019, 36). He also sees the usage of the Albanian language as dependent on the percentage of people who speak it as problematic, since it is not guaranteed, while the Macedonian language remains in an undisputed position. In his conclusion of the above outlined contestation of the Agreement, he claims that the Agreement is not being implemented due to lack of political will of both governing parties at the time of his writing, while the international community has continuously emphasized the need for its full implementation as important for the Euro-Atlantic integration of the country (Bexheti 2019, 39). His critique is grounded on the aspiration for creating enhanced or equal status of the Albanian community alongside the Macedonian in the country, but overlooks the fact that there are other ethnic minority groups in the country as well. By following his reasoning, the country was supposed to be reorganized into a bi-national country, while the other minorities would remain with somewhat limited status, identity and representation. This mirrors bits of ethno-nationalism, as one group making one fifth of the population is believed to be more equal to the majority than the other groups making less than fifth.

In their critical-analytical paper “Framework” Macedonia within Rule of Law Europe: An Ongoing Transition or a Unique “Founding” Model of Democracy”, Karakamisheva and Mucunski (2014) refer to the post-2001 Macedonia as “Framework Macedonia” and put into question on one hand the congruence of the Framework Agreement with the constitutional order of the country, and on another the congruence with the European standards and values. In that manner, the authors question whether OFA contributed towards building a multi-ethnic state, or a bi-national one with elements of *ethnification* (Karakamisheva and Mucunski 2014, 10-11). They base their

criticism of the Agreement on several points. First, they point out the failure of providing new instruments which would put the community interests over those of the political parties, which prevents the adequate communication of the interests. This leads to *politicization* of ethnic issues and so-called “*bargaining for rights*”, usually abused by political actors (Karakamisheva and Mucunski 2014, 12-13). Similarly to Bexheti, but from different point of criticism towards the Agreement, they contest the demographic numerical threshold for language matters and rights. While Bexheti (2019) argues that this is demeaning towards the ethnic Albanian group, Karakamisheva and Mucunski (2014) warn that it can fuel new tensions, for instance when a community loses the 20% of the population in certain municipality, or if another one narrowly misses the 20% benchmark. These situations on one hand politicize the population census, and on other could spark new conflicts (Karakamisheva and Mucunski 2014, 13). They go further into dismantling the nature of the Agreement and point out its political nature, and lacking formal legal status, as it wasn't ratified and incorporated in the legal system of the country, but only served as basis for changes in the system. In this line, they also dispute the constant pushing for the implementation of the Agreement as overshadowing the constitutional framework that already implemented it – and by this putting a political act on the pedestal above the Constitution and the other legal acts of the country. This is a valid point which, as it hints the dangers of parallel normativity, where a political document has disproportionate influence over the constitutional and legal order of the country. Moreover, as the system has already been adapted to the provisions of the Agreement, the rhetoric of implementation of the Agreement should have been shifted towards implementation of the legal acts of the state. Moreover, this parallel normativity in practice could also mean weakening of the rule of law and the primary role of the democratic institutions – which can be traced in some rhetoric, but still not in official practice.

Probably the most important point for this thesis raised by the authors is the contesting the Agreement's role to solving the interethnic problems and contributing towards “inter-communal trust and support for the institutions the agreement created or transformed” (Karakamisheva and Mucunski 2014, 13). Moreover, instead of state of citizens, it has contributed to the country to become a state of communities. In line of

their thinking, the OFA didn't address the actual causes for the conflict, nor managed to establish mechanisms and actors who would promote and ensure sustainable peace and further development of the country. On the contrary, it introduced a power-sharing system which is estranged from the everyday needs of the citizens, and instead empowers the ethnic political elites, most of which were involved in the escalation of the original conflict. As a result, this leaves little room for participatory democracy and further marginalizes citizens, their engagement and their needs (Karakamisheva and Mucunski 2014).

In their conclusion, they similarly argue that the Agreement is perceived from the perspective of the ethnic Macedonians as an attempt for "hostile takeover" (Karakamisheva and Mucunski 2014, 16) of the system, the perspective of the ethnic Albanians, who dispute the level of its implementation, and the perspective of the international community, who see the implementation as a process essential for the future of the country and its Euro-Atlantic integration (Reeker 2011).

Interestingly, Frckoski (2011), as one of the experts being involved in the drafting of the Agreement, argues that OFA is, in fact, not a peace agreement. His logic lies in the fact that there was no declaration of state of war in the country, and as mentioned in the previous chapter, the conflict was of low intensity, so with these qualities, or with absence of some others, there was no basis for peace agreement. However, this rationale can be contested, among else, because the nature of the conflict itself is still an open topic in the literature; the intensity was low and the victims and damages confirm that; however, peace agreements do occur in internal ethnic conflicts, and the OFA has qualities to be considered as a peace agreement. Firstly, an armed conflict which lasted several months and included casualties and damage has led to its conclusion - cessation of fire was stipulated and arranged immediately – so it put an end to the conflict. Secondly, it brought together representatives of the state and of the armed group which fought against the state: so there was a political will to negotiate peace on one hand, and to address further issues on another. The Agreement was facilitated by representatives of the international community, who were following the developments of the conflict closely and cared about prevention of further escalation. Furthermore, besides the cessation of fire, it addressed the issues which were considered as root cause for starting the conflict and it provided solutions through

laying down the ground for legal, administrative, structural and policy changes in the country. Even though Frckoski (2011) disputes the peacemaking nature of the Agreement, it was a peacemaking act with additional qualities. Referring back to the second Chapter of this thesis, OFA is being analyzed as a peace agreement by the academic community, and its provisions are considered to have important qualities of peace agreements, and their implementation is important for lasting peace and reconciliation in the country. No formula can fit all circumstances and all peculiarities of armed conflicts and their resolution, so even though this Agreement has disputed nature and disputed outcomes, it can be considered as peace agreement.

However, in the same paper he also does an analysis of the Agreement vis-à-vis the reconciliation after the conflict. In this manner, he firstly identifies three pillars of the model of political system that was introduced in the country: enhancing the use of languages of minorities, equitable representation of minorities in public administration, and local government, alongside with the special majority, which he identifies as defensive way of voting, or a passive veto (Frckoski 2011, 45-46). His position on the success of the Agreement in terms of reconciliation is skeptical, as he points out some of its shortcomings. Firstly, he addresses that the Agreement does not include stipulations that establish institutions for transitional justice and reconciliation. Even though certain sections (as the purposes and the Annex C) of the Agreement speak of reflecting the multicultural character of the society, or cooperation with the international factors to achieve the goals, this is insufficient and still disputed (Frckoski 2011, 46). Moreover, he tackles the issue of transitional justice, emphasizing that while state officials did undergo through the ICTY justice system, no NLA members were prosecuted, which caused tensions and “sense of selectivity of international justice (which) narrowed the possibilities for reconciliation between the actors of the conflict, instead of mitigating them” (Frckoski 2011, 46). Moreover, the eventual judicial proceedings in the state led to tension among the Macedonian and Albanian parts of the government, opening the questions of amnesties and judicial objectivity, among else. He moves to the even more disturbing fact that the question and “strategy” of prosecution became topic for political bargain and selectiveness which case would fall under the Law on Amnesties, and which would go through the judicial system. At this point he dismisses the idea that war crimes against civilians can fall under the amnesty law (Frckoski 2011), nor can be

matter for political bargain. In his opinion, upon the completion of the judicial process, “the families of the victims and families of missing persons (both Macedonians and Albanians) should be approached with a program of reconciliation or forgiveness” (Frckoski 2011, 47). Without this, the process of reconciliation is seriously obstructed. In addition, he addresses the inability of part of the internally displaced persons to return to their homes, which mostly concerns Macedonians whose homes were in rural areas with Albanian majority – another issue adding to the feeling of victimization on the Macedonian part of the population. In this regard, he points to the lack of a “plan for reconciliation (while) the communities had plans of their own to compensate for their own perception of the conflict” (Frckoski 2011, 47). This aligns with other scholarly perceptions on the two-decade post-conflict mood in the country: each community has its own narrative of being a winner or a loser after the conflict and especially after the Agreement.

One neutral theoretical consideration of the Ohrid Framework Agreement comes from Reuter (2012). As noted in the second Chapter of the thesis, she was analyzing the peace agreements in North Macedonia, Bosnia and Kosovo and assessed the inclusion of minority rights in the agreements. When assessing the Agreement, she finds it as relatively functional and balanced model that reaches this. On one hand, it promoted integration and preserved the unitary character of the state, avoiding overdoing power-sharing and its Bosnian consequences, providing decentralization and minority participation and representation and enhanced language rights. Moreover, the Agreement contributed to the multi-ethnic character of the country through the integration and eliding territorial segregations or separation. She also praises the constitutional amendments, which expand the linguistic, cultural and participatory rights, and introduction of the Committee for Inter-Community Relations as body for monitoring and protecting rights of ethnic minorities.

Nevertheless, while holding positive position for the formal side of the Agreement, she points out that it does not generate reconciliation: legislative reforms per se are insufficient for that.

6.2 Reconciliation without justice?

As the theoretical part of this thesis set out, one of the ways to reconciliation is transitional justice. In this part, the emphasis will be put on the cases that emerged from the conflict and “succeeded” to get to the International Tribunal for the Former Yugoslavia due to their severity and momentum. For the same reasons, these cases were, and still are of importance for experiencing judicial resolving of some perpetrations in 2001, meaning justice from the conflict, and the impact that resolving (or in this case, not resolving) has on the society as a whole, parts of the society and the reconciliation of the peoples in the country. Taking look at the “peace vs. justice” debate in terms of reconciliation, it can be reasonably deducted that the country authorities took the “peace” approach over the “justice” one. Was it, and how was it successful in maintaining peace and reconciling the country’s population can be inferred later in the thesis, after this important part is set out.

This sub-chapter shall address the role of the ICTY regarding the grievances committed in 2001, followed by analyzing the Law on Amnesties. These topics are chosen to be set out due to their importance on the reconciliation. The importance of tackling ICTY, among else, lies in how it approaches the Macedonian case when compared to the other post-Yugoslav armed conflicts, and how its decisions, or lack of them then is handled by the Macedonian judiciary and how all that affects the mindset of the population, their trust in the system, mutual trust and reconciliation.

Even though the Ohrid Framework Agreement does not directly address the notion of amnesty, or amnesties regarding the parties that took part in the conflict, the below set out Law on Amnesties is considered to be a consequence of the Agreement. In that light, these two topics are intertwined and speak of the mood of the Macedonian authorities to initiate judicial proceedings related to the 2001 conflict by enacting the Law of Amnesties, but more importantly, by (re)interpreting it with a latter Authentic Interpretation of the Law. This affected the reconciliation process, and it still does, as the biggest part of the below presented cases are still unresolved and without political and judicial will to be resolved.

After that, some acts of prominent political and societal figures as well as state officials which also speak of their willingness to add towards reconciled society of equal citizens that trust each other will be articulated.

6.2.1 The role of ICTY in the post-2001 transitional justice

The International Criminal Tribunal for the Former Yugoslavia (ICTY) was established in 1993 for international facilitation of processing the grievances committed during the wars related to the dissolution of Yugoslavia from 1991. The mandate of ICTY had three pillars: “to bring to justice persons responsible for war crimes, to deter the commission of further crimes and to ‘contribute to the restoration and maintenance of peace’ (ICTY Statute 1993), by “prosecuting individuals responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991” (Article 1, ICTY Statute). Throughout its existence and operating until 2018, ICTY brought charges against a total of 161 individuals, which resulted in 90 convictions and 19 acquittals, according to its database. The tribunal’s mandate encompassed range of serious breaches of the Geneva Conventions of 1949 (Article 2, ICTY Statute), violations of the laws or customs of war (Article 3, ICTY Statute), acts of genocide (Article 4, ICTY Statute) and crimes against humanity (Article 5, ICTY Statute).

It is worthy to note that the ICTY primarily focused on the salient grievances, usually involving chain of command, leading to bringing up charges against government leaders and other high state officials like Milosevic, Karadzic, Prlic and others, which also meant sending a universal message of the fragility of the notion of impunity, behind which many perpetrators were hiding. Nonetheless these grievances meant genocide and atrocities, while the 2001 conflict in Macedonia was of lesser scale in duration, grievances and losses. Therefore, it did not fall under the primarily focus of ICTY.

However, the Macedonian judiciary asked for deference of several cases regarding the conflict to the jurisdiction of the ICTY in 2002, due to reasons of their gravity and the suspected actors involved in them, signaling that the domestic courts are unable or under pressure to (not) deal with them, while the ICTY has had the capacity and the

mandate to do so. Even more strikingly, even though only five cases were named to be deferred, a general deferral was requested for "all current and future investigations and proceedings" (ICTY 2002), revealing the will to grant jurisdiction to the Tribunal for all cases stemming from the conflict where international humanitarian law may have been violated. The Macedonian experience with ICTY not only that didn't last long, but it was also a bumpy ride without clear direction and destination.

In the beginning, three cases were accepted by the ICTY's Trial Chamber, and it took two more years to accept one more case, acknowledging that its processing in Macedonia would "effectively block the domestic courts from initiating any investigation or prosecution with regard to these groups of alleged perpetrators"(ICTY 2002), as it will be shown below, it involved government officials. However, at the end it turned out that the procedures did result in no convictions, or in convictions that did not last long. The five cases will be briefly set out below, in order to better grasp some of the "methodology" of the conflict.

The first submitted case was the "NLA Leadership" case. It revolves around known ethnic Albanians as belonging to the leadership ranks in the NLA, through which were suspected of being (in)directly involved in committing war crimes such as in the cases "Brioni", where a hotel with that name was blown up with two guards being tied up inside, the case "Chelopek" involving killing civilians, and the case "Vejce", where Macedonian police and security forces were ambushed and killed in the village of Vejce (Zdravkova and Volchevska 2020).

The second case was called "Mavrovo Workers" and concerns abduction and torturing road workers on their way back home near the village Grupchin in the north-western part of Macedonia, for which twenty three NLA members were being suspected at the time, but only two were identified and arrested.

The "Lipkovo" case centers on denial of access to water by ceasing the water supply coming from the Lipkovo Dam for the city of Kumanovo and its inhabitants in the northern part of the country.

The fourth case, the one that resulted in indictment and even conviction was the case “Ljuboten”. This case involves chain of command leading to the former Minister of Interior of Macedonia LjubeBoskoski and Johan Tarculovski, an officer in the police forces also being part of President’s security. After a tank-mine killed seven members of the state security forces in August 2001 in the village of Ljuboten, there was retaliation from the interior ministry forces lead by Tarculovski (Popetrevski and Latifi 2004), resulting in breaches of Article 3 of the ICTY’s Statute regarding violations laws or customs of war as wanton destruction of cities, towns or villages and cruel treatment (ICTY).The ICTY took an active role in investigating and prosecuting this case, with the trials beginning in April 2005, resulting with verdicts in 2008. The former Minister of Interior Boskovski was however acquitted, as he was “neither de jure nor de facto a superior of the police that entered Ljuboten on 12 August 2001” and he did not fail “to take the necessary and reasonable measures for the punishment of the police which were required of him” (ICTY). On the other hand, Tarculovski was convicted and found as individually “criminally responsible for ordering, planning and instigating the offences committed in the village by the police” and with that being guilty of murder, “wanton destruction of cities, towns or and cruel treatment”, all of them falling under Article 3 of ICTY Statute – violations of the laws or the customs of war, and was sentenced to 12 years of imprisonment (ICTY). After the filings of appeals both by the prosecution regarding the Boskovski’s case and by the defense regarding the Tarculovski’s case, the Court dismissed all of them and confirmed its verdicts in 2010. Albeit the verdict against Tarculovski, he was granted an early release from serving his sentence in 2013.

The “Neproshteno” case is about abductions and murders of civilians belonging to the ethnic Macedonian community, committed by NLA members in various locations in and around the city of Tetovo, for which a mass grave was later discovered (Amnesty International 2010).

Simultaneously dealing with other cases regarding the post-Yugoslav wars and the time pressure of the need for closure of the ongoing investigations in 2007, the ICTY decided to defer the cases revolving around the 2001 conflict back to the Macedonian judiciary, stating that “none of the alleged perpetrators had reached the level of responsibility required for indictment in case there is sufficient evidence to link them to

the crimes committed” (ICTY 2005). By doing so, ICTY backed from investigating the cases, but still kept its role to monitor and assist the Macedonian prosecutors, at least on paper. For that, a Law on Cooperation between the Republic of Macedonia and the ICTY was adopted in 2007. Nevertheless, the practice showed that the ICTY did not play the role it was supposed to play and did not show interest to assist, monitor or guide the Macedonian judiciary (Zdravkova and Volchevska 2020). In this light, it is also noteworthy to mention that the ICTY has had a three-phase Plan as part its Completion strategy, one of the phases being transferring cases and assisting local judiciaries. The rationale behind this is, as mentioned above, the Tribunal’s primary focus on prosecuting the high-ranking leaders who were suspected for the crimes within its jurisdiction. That means that the prosecution of mid- and lower-level perpetrators was to be transferred to the competent national judicial authorities, who could moreover initiate such proceedings independently, at the same time meaning strengthening the justice competence of those authorities. However, when addressing this, the Tribunal was mentioning only Serbia, Croatia and Bosnia and Herzegovina, which could be interpreted as disinterest in the Macedonian cases. Moreover, a Mechanism for International Criminal Tribunals was established in 2010 as an ad hoc body to continue the “jurisdiction, rights and obligations and essential functions” of the Tribunal and to maintain its legacy, but it did not concern the Macedonian cases.

All things considered, the ICTY’s role from perspective of transitional justice and prosecuting severe crimes from the 2001 conflict was not significant and did not “deliver” justice in post-2001 Macedonia. Moreover, some further points can be made here. Firstly, it did initially accept some cases, which then deferred back to the Macedonian judiciary, as they did not involve state or military leadership, so they did not fall under the ICTY’s scope of prioritization – this can be critically evaluated by posing the question whether the ranking or the chain of command makes an alleged war crime or crime against humanity prominent and important enough, so it can be thoroughly investigated and prosecuted by an international tribunal? Moving on to the lack of monitoring, guidance and assistance for the deferred cases back to the Macedonian authorities, this stands also for criticism, as it was already stated by the authorities and the Tribunal, that initiating and processing those investigations and eventual prosecutions before the domestic courts would be full of obstacles and

obstructions of justice, whether by lack of competence at the time, lack of political will affecting the “judicial will” or other pressures by various stakeholders. In such cases, the authority of an impartial Tribunal with mandate to investigate and prosecute those deeds in the region would be of big importance for strengthening the sense of justice and weakening the already established notion of alleged impunity. However, even the existence of expert navigation of the judiciary, help in drafting further laws or other sort of aiding the Macedonian judiciary or legislation would be of importance for processing the cases and doing so with authority by impartial and effective international support. The deferral and the lack of aiding by ICTY did show the weakness of the Macedonian system and society, leaving the so-called “Hague cases” as source for controversies and an obstacle for reconciliation and trust in the judicial system. Another notion when comparing the public reaction to ICTY’s functioning and decisions in North Macedonia and the other post-Yugoslav countries affected by war was the lack of nationalist outrage against it, but this has to be taken into consideration having in mind that only one case involving Macedonian officials was processed. However, taking it together with other frustrations of the ethnic Macedonians in this matter, there is an existing notion that the Tribunal did not do its work in order not to prosecute ethnic Albanians. This can of course be put into question, considering what was stated above regarding the Tribunal’s prosecution priorities, however it remains to be in the air in the society as sense of injustice and betrayal not only by the domestic, but also by the international judiciary which did not do enough in the cases.

A reinforcing argument for the domestic lack of will to prosecute the Hague cases and to abide to the notion of transitional justice is the controversy of the Law of Amnesties of 2002, its notorious Authentic Interpretation by the Macedonian Parliament in 2011, which will be addressed in the following part of this chapter.

6.2.2 Law on Amnesties

As introduced above, the Law on Amnesties, followed by its Authentic Interpretation and a decision by the Constitutional Court on its validity and non-breaching the Macedonian Constitution and its values have a significant role firstly on

the transitional justice in the country and the understanding of it, and on the reconciliation in the society arising from that. This part of the chapter will outline the most problematic provision(s) of the Law which concern the grievances committed in the 2001 conflict, including the above set out Hague cases, and their interpretation from the Parliament and the Constitutional Court, but also the reactions from the society. The timeframe of this problematique stretches from 2002, but the issue still remains open today.

To begin with, it is sometimes falsely noted that the Ohrid Framework Agreement has a provision that requires a new Law on Amnesties which will provide impunity for the 2001 deeds. However, there is a close correlation between the Agreement and the Law, since as mentioned in the section for the circumstances of signing the Agreement, one of the prerequisites set from the ethnic Albanian rebels for ceasefire in late spring and the summer of 2001, and for negotiating and signing an Agreement, was an amnesty for the crimes committed in the conflict. Deriving from this, the Ohrid Framework Agreement did indirectly generate a new Law on Amnesties, but impunity was not part of the plan.

When speaking of the amnesties, posed as problematic regarding the 2001 insurgence, it should be noted that there is the Law on Amnesty enacted in 2002 after the insurgence, and then there is an Authentic Interpretation of the Law, passed in 2011 – almost a decade later.

In 2002, the year following the signing of the Ohrid Framework Agreement, a Law on Amnesties was adopted. The Law is brief and straightforward, and the most important stipulations can be found in Article 1. The first paragraph sets out the scope and the applicability of the Law, stating that it *“exempts from prosecution, discontinues the criminal proceedings and fully exempts from execution of the sentence to imprisonment (hereinafter: amnesty) persons, (...) for whom there is a reasonable doubt that they have prepared or committed criminal acts related to the conflict in the year 2001, conclusive of 26 September 2001”* (Article 1, Law on Amnesty 2002, unofficial translation).

However, in Article 1 paragraph 4, an important exception is pointed out: “The provisions of paragraphs 1, 2 and 3 of this Article *do not apply* to persons who have

committed criminal acts related to and in connection with the conflict in the year 2001, *which are under the jurisdiction of and for which the 1991 International Tribunal for Prosecution of Persons Responsible for Serious Violation of International Humanitarian Law in the Territory of Former Yugoslavia, will instigate proceedings*" (Law on Amnesty 2002). This paragraph is explicitly saying that the amnesty will not apply to those acts which are under ICTY's jurisdiction and for which ICTY will instigate proceedings, which applies to the cases that were returned to the Macedonian jurisdiction. This stipulation is a clear message that some crimes cannot be exonerated, and some perpetrators need to face justice for the grave crimes they have committed.

However, even the amnesties which do not apply to those grievances were found problematic from human rights and justice point of view, as expressed by Human Rights Watch, warning that the Law "would ensure impunity for many serious violations, since ICTY would be able to pursue only a few high profile cases", and inter alia reminding that "the law barred domestic courts from trying war crimes committed during the conflict, and therefore appeared to violate Macedonia's obligations under the Geneva Conventions" (Human Rights Watch 2003).

Nearly a decade after adopting the Law on Amnesty, in 2011 the Macedonian Parliament with its own political bargains and pressures adopted the infamous Authentic Interpretation of the Law on Amnesty. Hereby the Parliament interpreted the wording of Article 1 paragraph 4 of the Law from "*for which the 1991 International Tribunal for Prosecution of Persons Responsible for Serious Violation of International Humanitarian Law in the Territory of Former Yugoslavia, will instigate proceedings*" to "*for which (...) ICTY has initiated proceedings*" (Authentic Interpretation of the Law on Amnesty 2011). This has created an opportunity to apply the amnesty to everyone involved in the Hague cases which were discussed above, as the status of the cases when they were returned to the Macedonian authorities was unknown to the public.

This act has caused big turmoil in the Macedonian society. There were several initiatives posed in front of the Constitutional Court of North Macedonia to assess the constitutionality and legality of the Interpretation, but each of them was dismissed by the Court who did not find breaches of the Constitution or other Law.

In this segment it is important to mention that according to international law, amnesties cannot be granted to persons accused or convicted for war crimes, which holds the status of a customary international law. Therefore, the Interpretation, which lead to dismissal of the Hague cases in the Macedonian courts is also a breach of international customary law. To make the audacity in the problematique even bigger, in 2012 the Constitutional Court of North Macedonia refused to evaluate the Authentic Interpretation of the Law on Amnesties by denying the citizens' initiatives for it, causing a public outrage. The destiny of the so-called "Hague cases" remains open, which opens vacuum for further mistrust and different approaches towards them, mirroring the mood of the ethnic Macedonian and ethnic Albanian communities. As such they re-emerge as topic from time to time, the last time being instigated from the international community, in this case by the Commissioner for Human Rights of the Council of Europe Dunja Milatovic, emphasizing the need for the country to deal with the human rights violations emerging from the 2001 conflict (Council of Europe Commissioner for Human Rights 2024).

However, to express their dissatisfaction with the situation, ethnic Macedonian organizations like the United Macedonian Diaspora (UMD) were pushing forward the need for those cases to be re-opened and judicially resolved. In 2013 UMD sent a letter to ICTY urging for them to take the cases again "as a response to the failure of the Macedonian judicial system to prosecute these cases in accordance with the rule of law" – but this did not initiate anything.

Regarding the debate "peace versus justice" in reconciliation processes, even where decisions are undertaken in order to maintain peace over the notion of reaching justice for committed grievances, the Macedonian case shows that this goal is not reached as it is expected to be. Without justice, reconciliation seems improbable, as there is no trust in the institutions, in the justice system and in the justice itself – meaning that the what is still obvious to the population's mindset is the notion of impunity and injustice: what happened - happened, the lost lives and property, the scars, traumas and memories of the conflict remain a burden, but no one is to be put in front of justice in the name of "maintaining peace". The institutions of the state continue to function, laws are being enacted, the country is being rebuilt, but the mindset and mutual mistrust still maintain their presence and add to the uneasy weight of the air.

6.3 Actors and factors for reconciliation

When speaking of actors and factors of reconciliation, they can be formal or informal, domestic or international. The ECRI Report on the situation in Macedonia in 1999, discussed in Chapter 4 of this thesis, also contained encouragement for engagement of not only governmental and local authorities in fostering multi-ethnic tolerance and cohabitation by, for instance, supporting civil society's initiatives, but also stressed that "politicians and other public figures from all ethnic backgrounds should play important role in shaping public opinion and in avoiding expressions which might lead to sentiments of inter-ethnic hostility or intolerance" (ECRI 1999, 13).

When it comes to actors and factors on domestic level, worth mentioning is that in accordance with the Ohrid peace process and the Annex C of the Ohrid Framework Agreement, aided by the outcomes of the Law on Amnesties, a large portion of former NLA fighters have become active participators in the public life of the country, and the leadership of NLA founded a political party called DUI (in Albanian BDI), which soon asserted its dominance on Albanian side of the political landscape in the country. In that regard, the reign of DUI as coalition partner in North Macedonia's future governments lasted for more than twenty years (in which fifteen years consecutively). As the core of its founding hints, the positions of the party are often ethno-nationalist, disregarding mutual communal interests. Moreover, its leader, the former representative of the NLA during the 2001 conflict – Ali Ahmeti, is known for the public as a leading political figure in North Macedonia who never gives statements in Macedonian language, an example which is sometimes followed by other party members or ministers in the government. The length of its being in power and the authority it put DUI in a position to be a strong contributor to reconciliation. However, during their reign more examples of ethno-nationalistic rhetoric and attempts for pushing that kind of policies and laws are known to the public. A recent example is the one when the party stopped being a coalition partner in the government. Instead of accepting the loss of power in the government, they turned the loss into a dangerous political spin, calling it jeopardizing of democracy and threat for the "respect of the spirit of the Ohrid accord" (Marusic 2024).

On the Macedonian political party landscape, VMRO-DPMNE is worth mentioning. Being a demo-Christian party for Macedonian national unity, as their name states, they are the

counterpart of DUI. They often resort to rhetoric of defensiveness of the nation (or the ethnic Macedonian part of the nation?) from the attacks on the identity that come from the international community: the neighbors with their requests, but also the international community per se, by “meddling in the domestic affairs” and from the inside of the country: usually the (un)realistic requests from the ethnic Albanian representatives and (sometimes) their coercion to make them true.

The combination of two political parties from different ethnic blocs, both of them acting for preserving and enhancing of the position of “their own” community and implying a status of victimhood is certainly a challenging format for governing. However, this was made possible in the last two decades. This fact may be a valid reason and non-fertile ground for lack of real efforts for reconciliation in the society, when the ones who govern do not have the same language (metaphorically and literally), and disagree on many issues, beginning with the 2001 conflict and its resolution.

The political figures with authority in both, or at least in one of the communities should act as enablers and contributors towards reconciliation: that means initiating dialogue, acceptance of one’s mistakes, facing uncomfortable truths and setting mechanisms for building trust and cohesion in the society. However, this is not the case in North Macedonia. Firstly, the political campaigns are led by ethno-nationalist rhetoric – which, to be fair, then does not turn into reality, but still it is the (unnecessary) quality that excites the masses, engages them and wins votes. An exception was the campaign of SDSM in 2015, which had the slogan “One society for all”. During it, the party was using rhetoric of inclusion and integration, also having candidates for government and local-government positions who were ethnic Albanians. It needs to be noted that some tabors in the ethnic Macedonian part of the population named the party and its members “traitors to the nation”. However, after the election victory, almost nothing was done for reconciliation, and the rhetoric of inclusion evaporated in the air.

One bizarre moment worth for illustrating occurred in 2014, when Nevzat Halili, a former high official in PDP, the party which was a signatory of the OFA, but in meantime significantly loss political power, and one of the first ethnic Albanian representatives in the Macedonian Parliament stepped out in a public square in Skopje and proclaimed a “Republic of Illyria”. However, this is not very isolated occurrence, since in 2012 he was

still discussing the topic of turning North Macedonia into federation or confederation, claiming that the country “should consist of two ethnic territorial units, Macedonian and Albanian, because otherwise the Albanian territories would to declare “the Republic of Illyria as an independent state within the existing borders of the former Yugoslav Republic of Macedonia” (Telegrafi 2012). As the media source reported, he posed this as an ultimatum; otherwise, the institutions of such republic will begin to function within the borders (Telegrafi 2012). Worth to mention is that in 2021 a debate called “Republic of Illyria - a basic solution for the functioning of equality in the RVM” took place in the city of Tetovo, led by some other political factors, or colloquially said, “wannabe”-factors, where a similar rhetoric was used (Iseni 2001). It is interesting to observe that the idea of the so-called Republic of Illyria which can be perceived as secessionist idea and movement still survives and re-emerges through the years, and while it was (more or less) sanctioned by the legal system, nowadays such secessionist claims going against the Constitutional order remain unsanctioned. However, what has happened is still considered a marginal moment, since it was not taken seriously by the other actors and factors in the state or abroad, except for some criticism and pointing out to the obsolescence of the idea and the figures who promote it. As the political analyst Klekovski stated, “similar ideas for ‘great’ ethnic states exist among all Balkan peoples but do not have support in mainstream politics, (but at the same time) “the moves of these marginalized groups or parties should be followed carefully, to see whether they are getting wider public support” (quoted in Marusic 2014). Halili however claimed that he had support in some representatives by the at the time ruling DUI, which claims were denied by the party (Marusic 2004). In that line, this example serves as a symbolic sign of the existence, even marginally, of a sentiment ant rhetoric that is not reconciliation-prone, but divisive and unity-undermining, and that should always be looked at with precaution and considering ways to overcome them with ideas of reconciliation. At the end of the day, it should be also taken into consideration that they do not incite big excitement of attract many followers and are regarded to as a “worn-out topic” (Iseni 2001), which is a good sign for the mood of the population.

An important actor on the ground among the citizens is the civil society, of the non-governmental sector. However, their role in the country is often being overridden by the government, or their legitimacy is being put into question, as some of the more

vocal ones usually turn to side with some of the political parties in the government, or in the opposition, which then becomes part of it. Moreover, there is no notable non-governmental organization that is specialized in doing work on reconciliation and inter-ethnic dialogue, although on paper several exist for that purpose. Due to the questionable legitimacy and lack of voicing issues and actual contribution to reconciliation, the civil society is not receiving more emphasis in this thesis.

A factor that always plays an important role in the domestic affairs is the perception of the country in the eyes of the international community, or the international (f)actors – and by that, prospects for further Euro-Atlantic integration. Being a member of the United Nations, OSCE and the Council of Europe, successfully becoming a NATO member in the last decade, the membership in the European Union remains to be the one missing piece. To achieve that, not only formal reforms need to be undertaken, but they also need to be effective in reality. However, the European Union has not shown to be a vocal critic for the state of the reconciliation in the country. On the other hand, a recent criticism on this matter was voiced by the office of the Commissioner for Human Rights from the Council of Europe. This office has been publishing a report addressing the situation of the post-war peace and justice in the countries of former Yugoslavia. The 2023 report, which carried the name “Dealing with the Past for a Better Future - Achieving justice, peace and social cohesion in the region of the former Yugoslavia”, assessed the dimensions it carried in its name. In this regard, Dunja Milatovic, who served as the Commissioner in 2023, issued letters to each of the countries concerned, including North Macedonia. In the Letter, she emphasized the importance of battling impunity when it comes to war crimes, whether on international, or on domestic level. Moreover, she highlighted that “dealing with the past is not a past-oriented endeavor that would somehow stand in the way of countries moving forward, but on the contrary, it is a pre-condition for building cohesive, democratic societies grounded in respect for human rights and the rule of law” (Commissioner for Human Rights 2024). In this manner, the Authentic Interpretation of the Law on Amnesties of 2011 was recommended to be repealed, further investigation of the Hague cases was encouraged, and reforms in the educational system, including curriculums that enable the students to learn objectively about the conflict were recommended, alongside with promotion of reconciliation and societal unity (Commissioner for Human Rights 2024).

As the international community played a significant role in preventing further escalation of the 2001 conflict, facilitated the Ohrid peace process and the implementation of the Ohrid Framework Agreement, but then did not get too involved and vocal about the inter-ethnic relationship in the country, this example still signals that the situation in the country is being observed, and the lack of progress on the reconciliation topic has attracted its attention. The wording of the Report and of the Letter moreover show, that even though the Laws and other formalities exist, the reality cannot function as reconciled without dealing with the deeds of 2001 through the judiciary mechanism, while the judiciary keeps losing its legitimacy in the eyes of those who are waiting for justice.

7. Concluding Remarks

Reconciliation in a context of ethnic internal conflicts is a complex and multifaceted concept unique to each society, its realities and challenges. It is both a process and an outcome, and can be assessed through different approaches and dimensions, more or less formal. This assessment can be conducted through the lenses of, among else, achieved transitional justice, institutional transformation, human rights, politics of memory and symbols, and intergroup relations. A key question in this regard is: what is, in fact, an achieved reconciliation? Is it fully achievable at all? And how does one measure it? The practice does not really offer an answer to this problematique, as there is no society that is “fully reconciled”.

Not delving into the rabbit hole of the un-measurable, this thesis attempted to assess the role of peace agreements in reconciliation after internal ethnic conflicts, and it used the case study of North Macedonia, where in 2001 an ethnic armed conflict occurred and was ended by concluding of the Ohrid Framework Agreement.

At the beginning, the theoretical framework through which the assessment can be conducted was set out. When it comes to the case study, an essential step was to investigate the root causes for the conflict and how were they perceived. Then, the conflict itself was briefly outlined, along with its actors, and the circumstances of its

ending and resorting to political solutions for the aforementioned root causes and further issues. This was followed by a thorough analysis of the Ohrid Framework Agreement, which led to ceasefire and also addressed the core causes of the conflict.

Moving from the Agreement's analysis, some approaches toward its relevance and credibility, and the changes and consequences it produced were outlined, which show broader perceptions towards the issue. At the end of the day, it seems that no party is satisfied with the outcomes of the Ohrid Framework Agreement, but for totally different, if not contradicting reasons. Some are criticizing the over-implementation, others the lack of real and far from full implementation. Both sides however "agree" in putting the blame for it on the other side. This speaks of lack of common perception and lack of direct exchange of opinions via dialogue.

Drawing on the peace versus justice debate, the stance of the Macedonian government on the topic was shown, where peace was chosen, but justice was neglected – leading to the question, what kind of peace is the one where people feel lack of justice? Is it feasible, and is it sustainable? So far, it has shown to be sustainable, as no serious threats or altercations have risen in the country. However, in this manner – is peace a mere absence of large-scale altercation and violence, or does it require some further qualities, like more identity-cautious and justice elements that address everyone in the society? Moreover, this issue of impunity and rehabilitation can also be perceived as decriminalization of (alleged) war criminals and rewarding them with leading positions in the country.

The political will for resolution of the inter-ethnic issues and misunderstandings was crucial and was expressed in the Ohrid peace process, but has it remained in the future two decades? As the brief overview of the political landscape in the country, evasion of political responsibility for justice and reconciliation is evident. Unfortunately, the main political actors are often trading and bargaining with elements that led to, or emerged from the conflict and the Ohrid Framework Agreement, instead of addressing them seriously and demystifying and destigmatizing the myths of the conflict that hinder building of mutual trust, trust in the system, and reconciliation. This lack of political will, which is often trumped by political interests does not provide healthy narratives for cohesion. As the political factor is strong in the country and overrides the civil

society factor, the process is not very promising. However, resorting to more serious approach from the non-governmental domestic actors, as the civil society, who should enhance their credibility by taking proactive role in reconciliation matters, can be promising. Two NGOs who are worth mentioning in this regard are Loya and RECOM, who are engaging with the grassroots levels of the society. In addition, learning from examples of other cases around the world, by taking some lessons and adapting them to the conditions of the domestic situation can enrich the reconciliation process.

In line with Chapter 2, when looking at the suggested qualities which peace agreements should contain in order to facilitate sustainable peace and reconciliation, the Ohrid Framework Agreement fits into the picture of successful agreements. The root causes for the conflict are not only addressed, but solutions for them are immediately proposed in the Agreement and its Annexes, and then enacted as amendments or laws in the provided timeframes. Power-sharing mechanisms, dispersal of power, enhanced rights and policies were introduced. All that was introduced with the Agreement falls into the categories of status, representation and identity, and all of them were accordingly improved.

However, as some of the authors analyzed in the previous chapters warned, the Ohrid Framework Agreement has led to a degree of institutionalization of ethnicity, which can be felt in the aforementioned trend of affirmative actions, or positive discrimination. Another question is whether the implementation of the Agreement means reconciliation? For the formalists, it may; but even in that case: how much implementation is a full implementation? As Chapter 5 showed, there is lack of consensus in opinions on this issue, going from claims for non-implementation to over-implementation.

Nonetheless, applying the discussion from the theoretical background and the dichotomy Lederach-Lijphart discussed in Chapter 2, the formal institutional approach to post-conflict reconciliation proved itself as dominant in the Ohrid peace process, resulting in concluding the Ohrid Peace Agreement, and its further implementation in the constitutional and legal system of the country. That resulted in changes of many aspects of the society: constitutional and legislative changes and novelties, territorial reorganization, different power-sharing mechanism in the government and the public

bodies, enhanced special enhanced majority rules, trend of affirmative actions and more. Evidently, this overlooked the Lederach's approach to post-conflict reconciliation and his emphasis on the human and emotional nuances, such as building trust, rebuilding of the relationship in the society, truth and forgiveness.

The fact that there are remarkable differences in perception of the causes for the conflict, the conflict itself, its resolution with the Ohrid Framework Agreement, whose nature remains disputed and its aftermath among the academia and the population in the country speaks of lack of cohesion, reconciliation and coming to terms with the past by accepting, to some degree, some "own" mistakes and "others'" claims.

Moreover, the psychological aspects of the feeling of reconciliation and the mood towards the process, but also towards the "other" in the society should not be neglected. When taking a look at the common people from both sides, there is still mistrust, but as the time goes this mistrust has turned to be a distrust in the governing elites. However, on one hand ethnic Albanians still feel that their status in the country has not improved enough and they are still treated as a lesser minority, a problematic term, however used; and the ethnic Macedonians fear that the ethnic Albanians have no loyalty to the Macedonian state and just care about the interests of their own community with hegemonic ideals. While this mutual skepticism and general one towards the governing structures exist, the soil for reconciliation loses its fertility. However, as it was already discussed, dialogue and exchange of opinions, experiences and ideas is a key for re-establishing and developing social cohesion. Nevertheless, in the last decades all sides of the society are facing the challenge of the youth leaving the country in search for better life conditions. This problem is tackling everyone, irrelevant of the ethnic background, but the state itself as well, as without the promising, progressive and educated youth, the prospects for progressive and developed society and country are getting slimmer.

To conclude briefly, peace agreements, if looked at as part of the bigger peacebuilding picture, do not impact reconciliation *per se*, but their provisions, which are to be implemented through enacting laws and building institutions, should pave the path for further dialogue. They are indispensable element of reconciliation, but as the scholarship agrees, they are just one initial step toward reconciliation and insufficient without further engagement. Sustainable peace, including reconciliation require

broader processes that address the underlying conflict causes, and concepts as accountability, transitional justice, social recognition of the past and future-oriented integration in practice, besides the institutional reforms. Without this, there is a risk for re-appearance of the old grievances, or emergence of some new, based on subjective feeling of injustice and intolerance. In this manner, political will from the political elites is needed, but also bigger and more active inclusion of other actors from the society into the process of reconciliation that should include dialogue, truth, acceptance and justice are essential for the peacebuilding process to be successful. In this regard, North Macedonia has a lot more to achieve on its path towards reconciliation.

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