

**UNDP's GLOBAL CONFERENCE
ON STRENGTHENING PARLIAMENTS
IN CONFLICT / POST-CONFLICT SITUATIONS**

**CASE STUDY:
MACEDONIAN PARLIAMENT**

(Draft Report)

**by Saso Ordanoski
Program Director
of
Forum - Centre for Strategic Research and Documentation**

12 July 2005

Summary

Macedonian parliament – as most of the parliaments in the newly democratized post-communist countries in Central and South East Europe – is a re-actor, not a pro-actor in the political developments in the country. The institution is mostly used to verify or to transform into legal acts and formal agreements political decisions done in other power centres in the country (political parties with their oligarchs, government with its ministries, president's and prime minister's offices etc.). Very few meaningful political processes were/are opened or taking place in the parliament, with the exception of the so-called "political marketing" by the MPs and other speakers during the televised parliamentary sessions.

That was especially true when the crisis developed in the Republic of Macedonia in 2001. The parliament held one session at the beginning of the conflict (in March 2001), and than it deliberated on the political conclusion of the crisis only after the Framework Agreement, an internationally brokered compromise between ethnic Macedonian and ethnic Albanian conflicted sides, was reached in Ohrid in August of 2001. The parliament was mostly a silent observer of the crisis and its resolution.

However, there are "good reasons" for such a role of the Macedonian parliament. These "reasons" are rooted in the model of a "post-communist transitional democracy" practice in the country, where most of the power was concentrated in the hands of party oligarchs and governmental structures, directed by its prime ministers. They were the instances where all key decisions on the future of the country and its democracy were decided.

To an important extant this approach was favoured by the international community, too, which appreciated a less complicated governmental and presidential channels of influence over the processes in the country, as opposed to a more complicated parliamentary way of political decision making and policy developing.

This practice, followed by steady decrease of public confidence in the democratic and state institutions in the country, lead to the situation in which the Macedonian parliament was neither considered, nor treated as a factor in the pre- and during the conflict period in Macedonia in 2001.

I - Introduction

I.1. Political developments, actors and the conflict

There are, broadly speaking, three wide spread versions of the background and the political/security nature surrounding the political and security crisis of 2001 in the Republic of Macedonia:

- A majority of ethnic Macedonian experts, journalists and a substantial part of the local public opinion, including some of the ethnic Albanian politicians (increasingly those who have lost the power as a result of the way the crisis was ended) and certain foreign experts, believe that the crisis was mostly "imported" from Kosovo as a result of criminal and/or extremist political agendas among the ethnic Albanians in the Balkan. At the beginning it was solely a fight for territories, inspired either by ideological extremism ("Great Albania") or/and organised crime ambitions to control regional passages for illegal trade. Only after the involvement of the international factor the crisis took an *Albanian-human-rights'* domestic angle;
- A majority of ethnic Albanians, including influential international security, diplomatic and media circles, and some ethnic Macedonian experts and journalists believe that the crisis was initiated by incident on the Macedonian border with Kosovo, but than took a full domestic spin (with some logistic help from Kosovo) as a result of a slow pace of addressing the full agenda of ethnic Albanian minority and human rights' demands in Macedonia;
- Some circles in the country and in the region and a portion of the Macedonian public opinion believe that the crisis is almost solely a result of a "conspiracy" by the mighty Western Intelligence services in order further to strengthen the pan-Albanian ethnic agenda on their way of a creation of "Greater Albania" on the Balkan.

All of these theorists, however, do agree that the conflict did not start at the first day of the crisis, in March 2001.

This report is neither about a definition of the nature and the background of the crisis in Macedonia (and its post-crisis analytical proponents), nor about judging of its results and its actors. It is about the role of the Macedonian Parliament in pre-, during and post-crisis period.

But the three generally described versions mentioned above of how people viewed the crisis in Macedonia are important in understanding of some of the motives and positions of the political actors involved in the crisis' resolution and in comprehending the broader atmosphere in the Macedonian society during the times described in this report. These views are also important in order to determine the behaviour of the parliament both in a formal way ("the floor", with the institutionalised channels and procedures of performance), and in the broader political process in the country as a "tool" of creation and debate on country's legislation and, generally, a factor in the overall domestic political environment.

The Framework Agreement, signed in Ohrid on August 13, 2001, represented a formal end of confrontations between Macedonian security forces and ethnic Albanian extremists of the National Liberation Army (NLA) in the conflict that started March the same year. Macedonian parliament was barely politically involved in the phase at the very beginning of the conflict, but mostly in the post-conflict implementation process of the Agreement. Both pre- and post-conflict periods were politically much tensed. As Albanian extremists were demilitarised, a process of radical change was drawn up for the old constitutional order of the republic. Certain political structures used every possible method to obstruct implementation of the peace process and a tough political battle was fought over those stressful months.

Nevertheless, on November 16, 2001, two months after the NLA formally disbanded, the Macedonian assembly adopted the agreed constitutional amendments. That signifies a conclusion of an important chapter in Macedonian history in which the Macedonian parliament played mostly occasional and only in few rare occasions essential political role.

I.2. Regional environment and international involvement

The Kosovo war in 1999 shifted political parameters across the region, as foreign governments - in particular the U.S. - demonstrated a willingness to support Albanian military organisation and activism. That course of international community's action was made without a deeper analysis for the dangerous regional consequences, especially those concerning Macedonia. The economic impact of the war in Kosovo and the flow of some 400,000 Albanian refugees to Macedonian territory also contributed to the deepening social and political crisis in Macedonia. Organized crime and contrabands, particularly among ethnic Albanian's still very dangerous ex-UCK factions (UCK was the rebel's movement in Kosovo, supported by the West, for the liberation of that Serbian province in 1999 from the Serb rule), emphasized the importance of regional criminal corridors through Macedonian territory to/from Kosovo. The emergence of the NLA in February 2001 was, actually, connected with an incident that occurred between the Albanian criminal elements and Macedonian army at the village of Tanusevci, a well-known smuggling and contraband passage on the north-western part of the Macedonian-Kosovar border. NLA, as a rebellion force led by Ali Ahmeti, conducted operations against Macedonian security forces in north and north-western Macedonia in the spring and early summer of 2001. NLA presented itself as a represent of interests of Albanian minority in Macedonia, maintaining majority of its members from Macedonian ethnic Albanians, but also with military instructors and experienced fighters from Kosovo and from some other previous crisis spots on the Balkan. In the complex pattern of inter- and intra-communal violence and crimes that followed the NLA's emergence and its confused political demands that ranged from territorial demands to human rights claims, Macedonian army launched attacks against Albanian villages. NLA responded by ambushing police and military reservists with deadly efficiency. During the entire violent period of the conflict (March-November 2001) 15 police officers, 43 army staff, and 10 civilians were killed in the NLA's military operations against Macedonian security forces. The

number of NLA casualties was never officially disclosed, but is unofficially assessed to be around 100-200 killed rebels (according to these assessments, several dozens of them were Albanians from Kosovo).

The international community reacted with quick and direct involvement. In contrast to the Bosnian crisis of 1991-95, United States and European Union policy moved in tandem, along with diplomatic activity from NATO. Negotiations began between different political parties, with ethnic Albanian political leaders from within the governing coalition representing the NLA. Despite continuing incidents, the violence was brought under control. This process culminated in the Ohrid Agreement of August 2001, followed by the NLA demilitarisation and a wide-ranging programme of human rights reforms and proposals for state modernisation.

The highlights of the Ohrid Agreement include:

- Albanian guerrillas to disarm and disband under NATO supervision;
- Macedonian government to devolve local administration, and allow Albanian to be an official language where Albanians comprise 20% or more of the population;
- Municipal councils to select local heads of police, though police service to remain centrally administered;
- Equitable representation for minorities in public administration jobs;
- Legislation affecting minority rights or status to be enacted only by a two-thirds majority including at least 50% of the minority's members of parliament;
- The Macedonian constitution to be amended, with a preamble stressing Macedonia's civil society, and list all the religious denominations in the country;
- Macedonia's official "Council on Interethnic Relations" to comprise equal numbers of Macedonian Slavs and Albanians and proportional representation of the smaller minorities.

It is useful to be stressed that the Ohrid Agreement does not incorporate any specific governmental or parliamentary measures for monitoring of the fulfilment and practice of the stipulated commitments in the Agreement. That is left to the good political will of subsequent Macedonian governments or the continuous monitoring of the international community to ensure sustainability and progress regarding the Agreement and an overall inter-ethnic relations in the country.

II - Institutional Arrangements and Practices

II.1. Macedonian Sобрание, Generally

The Macedonian parliament (*Sобрание*) is a representative body of Macedonian citizens and the main holder of the legislative power in the state. The parliamentary tenure is four years. It is in a permanent session through the work of various parliamentary commissions, committees and sessions of the assembly, numbering 120-140 members of the parliament. On the last four democratic general elections (1990, 1994, 1998, 2002) the parliament

had 120 elected members, voted according to a majority electoral system in two rounds. Only on the last elections in 2002 a Dhont's formula of mixed electoral system has been exercised (85 members in single seat constituencies and 35 members by proportional representation), according to the best practices of most European parliamentary democracies.

Main jurisdiction of the parliament is in the areas of:

- Establishment of state's political preferences through the adoption of declarations, resolutions, recommendations and conclusions;
- Approval of highest legal documents in the country, including the Constitution, various laws, state's budget and the budget's current account;
- Selection of other main representatives of the state's authority, including the government of the Republic, members of the Constitutional Court, members of the state's Court Council, judges of other courts, and the people's ombudsman;
- Political control and supervision over the government and other bearers of public posts who are responsible for their work before the parliament;
- Making decisions in the foreign affair's field through determinations on taking part in international multilateral or bi-lateral unions, making decision on war and peace, change of state's borders, ratification of international treaties;
- Deciding on referendum initiatives when obliged by the Constitution.

Minimum five MPs can form a parliamentarian group in the assembly. One MP can be a member of only one group, and every group has its co-ordinator and deputy co-ordinator.

A minimum of five MPs can submit, in writing, an initiative for interpellation and start a debate in the assembly for any of the public officials elected by the parliament. Several dozens of interpellations, in principal initiated by MPs from the opposition, were undertaken in the last four democratically assembled parliaments since 1990, and most of them were submitted against various members (ministers) of Macedonian 14 post-communist governments. None of these initiatives produced resignation or vote of non-confidence for the ministers who were subject of interpellation, although debates were extensive and elaborated. Only in one case, in June 1992, the expert government lead by the than prime minister Nikola Kljusev was voted a non-confidence vote as a result of a political re-grouping and creation of a new majority in the parliament.

At the international level, the Republic of Macedonia has undertaken many important obligations under the UN treaty system and is a party to virtually all major international human rights instruments. A member of the Council of Europe since 9 November 1995, it is a party to the European Convention on Human Rights and several of its protocols, as well as to the Framework Convention for the Protection of National Minorities (entered into force on 1 February 1998), *inter alia*. Most basic laws have been put into place and create the basis for the respect and promotion of human rights.

However, there are still many technical and financial difficulties in implementing these rights. Surely, challenges in implementing international rights-based instruments also apply generally to all other international commitments, some of which deal with security issues important to the crisis related matters.

II.2. Crisis Related Mechanisms

According to the Macedonian Constitution, there is no exact and tangible role for the parliament, projected by the Constitution, in a case of mediating a national crisis. Of course, a broad content and meaning of the parliament's work (defined in the article 68 of the Constitution) can embrace any initiative by the MPs in the field of crisis prevention or crisis management either through its obligation to carry out "political monitoring and supervision of the Government and other holders of public office responsible to the Assembly" (Art. 68), through the debates and decisions in the law creation process, or through its right to set up a survey commission "for any domain or any matter of public interest" (Art. 76) that can be used as a forum for public discussions, negotiations and/or settlements of political or crisis related disputes. Standing working bodies are set up in the Assembly of the Republic of Macedonia to consider proposals for adoption of laws, draft-laws, and other acts to be adopted by the Assembly, to follow the implementation of parliamentary acts, as well as to study and consider other issues within its sphere of competence. This especially is true for the parliament's obligation to set up "a permanent survey commission for the protection of the freedoms and rights of citizens" (Art. 76).

In 2001, when the crisis was looming around Macedonia, 24 different committees and other standing bodies were functional in the Macedonian Parliament. Today, 18 of such bodies are in force.

One of these bodies is the **Committee on the Political System and Inter-Ethnic Relations**, consisted of 9 members elected among the representatives of the assembly and three members - scientists and experts. Among other things, the Committee considers questions regarding the functioning of the political system, changes of the borders of the Republic, state symbols and their use, public information system, the right of citizens to associate and establish political organizations, referendum initiatives, issues related to the local self-government, the ombudsman activities, issues regarding the Macedonian Orthodox Church and other religious communities and "other questions from the domain of the political system". According to the recent report of the Committee's activities in 2003-2004 (no records or data is publicly available for the period before that) this Committee has discussed 48 laws and 15 other regulations proposed to the parliament. This activity of its members resulted in 10 amendments suggested to the parliament. Also, the Committee discussed various other issues regarding the public media work and the activity of the ombudsman, and took part in some internationally organised public discussions and round tables.

However, one of the conclusions written in the Committee's report for 2003-2004 is very illustrative for the influence of the parliament in the overall

political life of the country: "In its work the Committee has frequently been faced with the absence of the government's representatives regarding the issues from the government's jurisdiction although the Committee, time and again, has in written form asked for the presence of the government's ministers or their deputies (...)". Also, the Committee complains on the slow feedbacks from the government that routinely missed dead-lines for the reactions to proposed laws and other regulations.

The Committee on Internal Policy and Defence, among other things, considers questions regarding the protection of the state order stipulated by the Constitution, citizenship, judiciary, bar, and public prosecutor's office, amnesty and granting a pardon, public gatherings and performances, security of road, air, railway and lake transport, freedom of movement and freedom of choosing a place of residence, registration of place of domicile and residence, purchase, possessing, carrying, testing and marking of arms and ammunition, register books and protection of personal data, personal names, identity cards and travel documents, border crossing and movement along the border lines, movement and stay of foreigners, defence of the Republic and civil protection, census, and "other questions concerning the internal policy and defence."

Some of the proceedings of this Committee are mostly close for public, and no document is publicly available on deliberations—if there were any—that took place in this Committee related to the events before, during or after the crisis of 2001. But, if there were any important imputes that this Committee did to any aspect of the pre-, during or post-crisis aspects, it would have been publicly known so far – and they are not.

These parliamentary mechanisms have not been effectively used in most of the past 10 years between 1991-2001, especially not in the format of a crisis-prevention or a crisis-settlement way. Only the right to proclaim amnesty (Art. 68) was used by the Macedonian parliament after the conflict in 2001 as one of the agreed measures with the Framework Agreement reached in Ohrid in order NLA's fighters to be more easily disarmed and NLA to be dissolved.

During the Ohrid's settlement of the crisis in 2001 an attempt was made for a more profound role of the parliament in the future crisis prevention. In that context, in order to create more exact and efficient instrument for discussion and policy development, Parliament's **Council of Inter-Ethnic Relations** (that is a different body than the Committee on the Political System and Inter-Ethnic Relations) which work was regulated in the Article 78 in the old Macedonian Constitution, was replaced with the **Committee for Inter-Community Relations** with the constitutional Amendment No. XII.

The old version of the Article 78, as well as the Amendment XII adopted through the post-Ohrid changes of the Constitution, are as follows:

Article 78

*The Assembly establishes a Council for Inter-Ethnic Relations.
The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks,*

Vlachs and Romanies, as well as two members from the ranks of other nationalities in Macedonia.

The President of the Assembly is President of the Council.

The Assembly elects the members of the Council.

The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.

AMENDMENT XII

1. The Assembly shall establish a Committee for Inter-Community Relations.

The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Assembly and a member each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have representatives, the Public Attorney, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee.

The Assembly elects the members of the Committee.

The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.

In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by a majority vote whether the procedure applies.

2. Item 1 of this amendment replaces Article 78 of the Constitution of the Republic of Macedonia and line 7 of Article 84 is deleted.

This new Committee - in the past the Council has been criticised for under-representing the Albanian minority and for not having the power to influence government policy - constituted on 18 September 2003, is not envisioned as an instrument for crisis resolution, but is more modelled as a place where inter-ethnic tensions could be considered and ideas and suggestions for their resolution would be submitted to the parliament where they would be taken into consideration. Committee decisions are made by simple majority and then submitted to Parliament. The Committee has developed a work program based on the implementation of different aspects of the Ohrid Framework Agreement. In particular, it intends to focus on four themes: 1) primary and secondary education for members of non-majority communities; 2) equitable representation; 3) use of non-majority languages; 4) use of national symbols of all communities not in the majority.

Since its first "post-Ohrid" session held on September 18, 2003, until its last one held on January 28, 2005, the Committee met seven times. It discussed minority related problems from the area of education, cultural

policy, use of the minority languages in the travel documents and education, and some internationally related activities in the field of inter-ethnic relations.

In its last report (adopted in June, 2004, and made public in February, 2005) the Council of Europe's European Commission against Racism and Intolerance (ECRI) suggested that "the Council for Interethnic Relations continue to provide a forum not only for seeking the resolution of problems arising between different communities, but also to develop long-term initiatives to foster increased communication and constructive interaction between different ethnic groups." Also, the same report states that "ECRI is concerned that at present, this aspect of interethnic relations is not being given a sufficient place within the Committee's work. ECRI also believes that the Committee has a crucial role to play in ensuring that the needs of smaller minority communities are duly considered in all aspects of the implementation of the Ohrid Framework Agreement."

II.3. "State of War" & "State of Emergency"

Still, there is one specific aspect of the Parliament's work and jurisdiction that is very important regarding the possible crisis development and crisis management. It is the power of the Parliament to decide and declare on the introduction of a "state of war" and a "state of emergency" statuses in the country. These conditions would substantially change the competences and executive powers of the government and the president of the country, authorizing them to act without a regular democratic system of checks and balances between the executive and legislative branches in the state. If this situation is declared, the role of the army and the police also changes, among other things, allowing the army to operate (and use its full force) on the whole of the territory of the country for the purposes and on the pretext of national defence, endangered territorial integrity and security of the country.

This is how the Macedonian Constitution describes the role of different instances of the state institutions, including the parliament, in such occasion:

Article 124

A state of war exists when direct danger of military attack on the Republic is impending, or when the Republic is attacked, or war is declared on it.

A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of the Assembly, on the proposal of the President of the Republic, the Government or at least 30 Representatives.

If the Assembly cannot meet, the decision on the declaration of a state of war is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet.

Article 125

A state of emergency exists when major natural disasters or epidemics take place.

A state of emergency on the territory of the Republic of Macedonia or on part thereof is determined by the Assembly on a proposal by the President of the Republic, the Government or by at least 30 Representatives.

The decision to establish the existence of a state of emergency is made by a two-thirds majority vote of the total number of Representatives and can remain in force for a maximum of 30 days.

If the Assembly cannot meet, the decision to establish the existence of a state of emergency is made by the President of the Republic, who submits it to the Assembly for confirmation as soon as it can meet.

Article 126

During a state of war or emergency, the Government, in accordance with the Constitution and law, issues decrees with the force of law.

The authorization of the Government to issue decrees with the force of law lasts until the termination of the state of war or emergency, on which the Assembly decides.

Article 127

During the state of war, if the Assembly cannot meet, the President of the Republic may appoint and discharge the Government, as well as appoint or dismiss officials whose election is within the sphere of competence of the Assembly.

In the months of May, June and July of 2001 there was an open and much deeper behind-the-scene growing rift between president Trajkovski's rigid adherence to the dialogue approach in solving the Macedonian crisis and the increasingly frequent calls of the Macedonian prime minister Ljupco Georgievski for a state of emergency in which Trajkovski would effectively rule by decree. Increasingly volatile prime minister Georgievski issued several statements threatening the certain introduction of a state of "war and mobilisation." This idea was strongly opposed by both the U.S. and the EU administrations. US State Department spokesman Richard Boucher said that the Bush administration "does not see how introducing a state of war would facilitate a political solution to the crisis," and EU's Javier Solana condemned the idea, reiterating his previously voiced concern that it "would be playing into the hands of extremists."

At the beginning of June 2001 the parliament's Committee on Internal Policy and Defence had a two hours deliberation in an attempt by its president (Gjorgji Kotevski, MP from the governing VMRO-DPMNE, close to the prime minister Georgievski) and other VMRO-DPMNE's members to propose to the parliament to open a discussion for the security situation in the country, attempting to come to a situation where a declaration of a state of war or emergency would be discussed. But the majority of the members of this Committee concluded that a special session of the parliament is not necessary, having in mind the efforts done by other political and state instances to deal with the crisis.

Members of the Macedonian parliament, with or without initiative by its standing bodies, could have opened discussion on the declaration of war or emergency states in the country. It is not clear whether the initiators for the declaration of these measures would have got the necessary two-thirds majority vote of the total number of MPs in the parliament. But it can be claimed with a high degree of confidence that even a prolonged discussion in the parliament on these issues, televised live to the audience, would have provoked further escalation in the political tensions and conflicts in the country.

On the other hand, precisely the fact that parliament had not declared the state of emergency or war was used by some instances in the police and in the army as an excuse for their inefficiency in containing the Albanian extremist's activities in the North-Western parts of Macedonia.

At the end of this outlook it has to be noted that, having in mind that general elections in Macedonia—like in most other Balkan countries—have never been perfectly fair and free in all of the country, resulting in a situation in which some of the elected representatives have not honestly been given a full mandate by the public. In that context, any decision in the parliament to declare a state of war or emergency risk exacerbating public sentiment and aggravating the situation because they could be perceived to promote party or other agendas.

II.4. Gender Dimension

A general situation in Macedonia is that women rarely succeed in making a serious breakthrough to the higher levels of political decision making (in the Parliament, in the Government, in the high functionary places within the Ministries). This is especially valid when it comes to the members of the ethnic minorities in the country: for instance, even today, there are **no** ethnic Albanian women holding any important state function in the country, both on state and on local level.

As "The status of women's human rights in Republic of Macedonia 2000/2001" of the Macedonian Helsinki Committee for Human Rights shows, women make up a half of the staff employed in the state institutions, but there is a clear fact that women usually have low-ranking jobs, mainly with the status of administrative or support/executive staff. Moreover, the number of women who are senior staff is very small. According to the data from the Parliamentary elections in 1998, there were 53 women out of the total of 614 candidates by the majority election model, whereas on the proportional lists of the political parties, there were 99 women out of the proposed 595 candidates. After the first parliamentary elections in 1990, only 5 women were elected Members of the Parliament out of the total of 120 seats. After the second elections in 1994 only 4 women became MPs, and after the third elections (in 1998) there were 9 women who were elected MPs. After two elected female MPs have moved to the Prime minister's cabinet, there were 8 female MPs who participated in the work of the Parliament, since one of the two initially MPs and now members of the Government was elected from the proportional list of her party. In none of the parliamentary elections from the

year 1990 onwards has an Albanian woman even been a candidate, let alone elected for position.

In the political programs and platforms of the political parties in Macedonia, on the basis of which they participated in the parliamentary and local elections till 2002, it is clearly explained that they strongly object to every type of discrimination on whatever grounds. It should also be stressed that gender equality is ranked on the lower places on the lists of priorities of the political parties. Despite the fact that political parties in their programs are supporting the idea of improving the status of women in the society, according to the above stated data concerning the proposing of women-candidates for performing senior administrative functions, this idea was very little implemented. It can be concluded that the process of proposing candidates depends to a large extent on the positions women-members occupy within the parties. Available data for the 1998-2002 demonstrates that women were represented with 16-20% in the decision-making bodies of the big political parties in Macedonia.

This situation prevents women from really influencing and acting on the key decisions of a broader social meaning or from initiating issues of specific interest to women. Starting from the fact that the policy of gender equality is to a great extent a product of the political orientations and of the political will of governments, and that the participation of women in the political processes and in the structuring of governments is of high importance, the Parliament of the Republic of Macedonia adopted in 1998 the "Declaration for promotion of gender equality in the decision making process". This Declaration includes an opinion that there has still been a discrepancy between the legally guaranteed and the realistically achieved equality between men and women in the process of decision making in the state, and the need for an active approach to overcome the prejudice and stereotypes concerning the role of the woman is emphasized. This document also identifies the institutional and organizational final shaping of the existing mechanisms and the fixing of procedures as a next step in the effectuation of gender equality. The adoption of this document has not, so far, brought about significant changes in the direction of an increased and more essential participating of women in the decision making processes.

At the beginning of year 2000 the first women lobby group was formed whose basic objective was organized influence on the political and state structures concerning the issues of women's interest and aimed to factual equality. The lobby group was of great importance during the last local election in mid September 2000.

However, having in mind all of the above mentioned, it is safe to conclude that women did not play any significantly different role than the rest of the parliamentarians before, during and after the crisis in 2001.

II.5. Elections

Apparently, an illusion of stability in the Republic of Macedonia was maintained through most of the 1990s with the ruling coalition of the Social Democrats, the Liberals and the Albanian Party for Democratic Prosperity (PDP), under the presidency of Kiro Gligorov. This régime, heavily dominated

by politicians who had learned their skills under communism, exploited popular fears that their opponents were radical nationalists who would plunge the country into civil war.

Minorities, including Albanians, Turks, and Serbs, raised various allegations of human rights infringements and discrimination. Ethnic Macedonians filled a disproportionate number of positions in state institutions, including formerly state-owned companies, mostly as a result of Yugoslav state legacy where ethnic Albanians in Macedonia were populating mostly rural areas, were less educated and had more restricted access to the ex-socialist economic resources. Government's constant promises to boost the number of minorities in the state institutions have not been implemented with satisfactory speed, except for the conscript ranks of the armed forces. The Government has agreed in principle to most minority demands, but has done little to implement them, citing resource constraints as the reason. That was only partly true: although Macedonia was the poorest of the ex-Yugoslav republics, Kiro Gligorov and his allays in the government didn't do enough to integrate country's minorities, especially ethnic Albanians, into the mainstream of Macedonian state administration, system of education, country's economic resources etc.

In 1998, after six years of steady economic decline and growing public frustration, the ruling coalition was finally defeated in parliamentary elections. A new coalition composed of the centre-right Macedonian party VMRO-DPMNE, lead by Ljupco Georgievski, the Democratic Party of Albanians (DPA), headed by Arben Xhaferi, and the new Democratic Alternative (DA) of Vasil Tupurkovski took over and announced some long-overdue reforms. The government's majority in the parliament was stable: out of 120 MPs, the governing coalition numbered 73 MPs – 49 from VMRO-DPMNE, 13 from DA, and 11 from DPA. This convincing victory was a result primarily of public discontent with the SDSM's corruption and failed process of socio-economic transition in almost a decade of post-communism.

The newly elected 120 members' parliament numbered 24 ethnic Albanians. Out of 26 ministers in the newly founded coalition government 5 were ethnic Albanians (and 5 more as deputy ministers). Both of these institutions approximately reflected the portion of 22-23% of ethnic Albanians in the total number of Macedonian population. Also, it is a non-written rule that an ethnic Albanian is always one of the vice-presidents of the parliament and of the government, as it too happened in 1998.

At the beginning, the new majority in the parliament and the new government represented a significant ideological change at the top of the state. However, on the lower levels of the state administration, and among a wide range of VMRO's activists and officials, this ideological change was deployed only at a rhetorical level, while using the same communist methodology and means in accomplishment of their personal and party interests. Without an innovative governmental platform, VMRO started to develop an idea of building a "national economy," a strange economic policy that threatened relations with the international community. A high level of corruption and organized crime activities followed shortly afterwards, spanning from the top to the bottom of the state administrative levels. In the first couple of years in the shared coalition of the government both ethnic Macedonians and ethnic Albanians on different governmental levels (including

the highest) benefited enormously by the use of their state functions and positions in various forms of criminal enterprises.

This pattern of political behaviour was shared by most of the members of the parliament from the governing coalition – "They were breathing the same air," as one of the interviewed individuals for this study described the functioning of the governing coalition at that time. On each proposed regulation or political initiative MPs of all ethnic and political background were involved in endless quarrels over supposed ideological differences between left and right, and between past and present, deeply entrenched in their party lines.

In the meantime, the legitimacy of all of the institutions of the democratic state, including the parliament, were in a constant low, solidly stuck in majority of a non-confidence public attitudes. According to the BRIMA Gallup surveys--a member of the Gallup International surveying network--done in Macedonia in the years of 2000 and 2001 for the purposes of the UNDP's Early Warning Reports, the overall confidence in the government in Macedonia before the conflict started was low, parallel to the prevailing atmosphere of pessimism and depression among the people, primarily produced by a difficult socio-economic situation in the country: unemployment, poverty and high prices, followed by corruption, were constantly the biggest problems selected by respondents (regardless of their ethnic background) on a scale of 15 choices.

The political stability in the country, measured through the public confidence in its institutions, can be demonstrate with a choice of answers given to several questions in the surveys done some months before the conflict actually started:

According to you, in which direction is Macedonia going?			
	June '00	October '00	January '01
It is going in a right direction	24.6%	32.7%	29.9%
It is going in a wrong direction	62.5%	52.6%	50.9%
Don't know	12.9%	14.7%	19.2%

Do the actions of the present Government give hope or are they disappointing?			
	June '00	October '00	January '01
Give hope	27.5%	33.4%	30.2%
Disappointing	60.4%	53.3%	53.1%
Don't know	12.1%	13.3%	16.7%

Do you have confidence in the Parliament?			
	June '00	October '00	January '01
Yes	25.0%	28.7%	28.7%
No	67.2%	62.2%	62.9%
Don't know	7.9%	9.1%	8.4%

Do you have confidence in the President?			
	June '00	October '00	January '01
Yes	35.6%	48.2%	47.1%
No	54.2%	40.2%	41.4%
Don't know	10.1%	11.5%	11.5%

Do you have confidence in the Government?			
	June '00	October '00	January '01
Yes	25.0%	32.1%	30.9%
No	66.8%	58.1%	59.7%
Don't know	8.1%	9.8%	9.4%

Parallel to these trends, the notion of the possibility for the ethnic conflict in the country was growing:

In your opinion, is there a risk of ethnic conflict in Macedonia?			
	June '00	October '00	January '01
Yes	65.0%	55.9%	60.1%
No	27.6%	34.4%	29.5%
Don't know	7.4%	9.7%	10.4%

Public perception for the ineffectiveness of political institutions of democracy and the growing notion of a possibility for ethnic conflict "boost" the relative confidence in the Army (in June 2000 the confidence was at the 50% intensity, in October it has raised up to 52.8%, and in January 2001 54.6%), opposite to the confidence in the police (in those months the non-confident opinion was circling around 51%), perceived to be ineffective in containing the organised crime and ethnic-based incidents in the country.

III - The Role of the Legislature in Conflict/Post-Conflict Situation

III.1. Late anticipation, without coherent policy

During six sessions of the Macedonian Parliament held in the period of March 2001 - March 2002, various crisis and post-conflict related issues were discussed. Parliamentary commissions on Political System and on Internal Politics and Defence also discussed important matters related to the crises and post-crisis outcomes.

At the beginning of the armed confrontations in March 2001 the parliament held an urgent and closed for public session (March 16-18) entirely related to the Government's information on the existing security situation in the country. After a three days of intense debate behind closed doors, on March 18, 2001, the parliament adopted several conclusions (Conclusions No. 07-1072/5) that politically framed the dimensions and possible consequences of the developments. It was concluded that the security situation in the country is worsening and that "the armed activities of the armed groups of extremists" are challenging the territorial integrity and the sovereignty of the state; that the state institutions have to utilize "urgent and efficient measures" to prevent the escalation of the situation. The parliament has appealed to the international organizations to continue to support Macedonia's stability, territorial integrity and sovereignty and "to give (to Macedonia) necessary help, without military presence on the territory of the Republic of Macedonia from the neighbouring countries." The parliament called on all political parties to withhold from "entering into destructive scenarios" and "to direct their efforts in support to the state, peace, stability and democracy, contrary to violence and ethnic hatred." It demanded "greater

presence and powerful engagement of the forces of K-FOR along the whole length of the northern border" of Macedonia with Kosovo, in the interest of the stability of Macedonia and the entire region. The Parliament appealed to the citizens not to leave their homes and not to relinquish to disinformation that their life and their property are at risk and not to give up "to the pressures from the armed groups for recruitment of Macedonian citizens, by fear-provoking and promising bloody political successes." It concluded "immediately to intensify wider political dialogue with the relevant political actors in the state through the institutions of the system in order to obtain solution to all open problems in the Republic of Macedonia."

In other words, Macedonian parliament recognised the dangerous direction of the events and the need for a resolute institutional action in order this deadly course to be diverted. The parliament implied the international community's responsibility for part of the occurrences by allowing some of the neighbours to influence developments, but also blamed K-FOR troupes for an incompetent protection of the Macedonian-Kosovo border. By that, the parliament made an assumption that at least part of "the armed activities of the armed groups of extremists"—which, as a result of a strong pressure by the ethnic Albanian MPs in the parliamentary debate, were not labelled as "terrorists", but rather an "extremist" description was agreed to be used in defining the rebels--are inspired, supported and manned from Kosovo and that ethnic Albanians in Macedonia are being under pressure to join NLA's ranks "by fear-provoking and promising bloody political successes."

The parliament also acknowledged the need for an urgent political action through a dialogue "with the relevant political actors in the state through the institutions of the system" in order to address continuing problems of the political and social position of ethnic Albanians in the country and in the society. But this sudden urgency of the assembly came after 10 years of delays and postponements to address ethnic Albanian parties' attempts to discuss the need for a wider use of Albanian language in the public and state institutions, especially in the educational process and media, coupled with a larger level of decentralisation of power in the framework of the unitary character of the Macedonian state.

It seemed that this rapid parliamentary anticipation of the imminent crisis came few years too late on the agenda of the political actors in the country. In fact, the parliament has never adopted a coherent political platform or declaration on how and in which direction the inter-ethnic relations in the country should develop. As a matter of fact, the than existing and constitutionally based parliamentary Council on inter-ethnic relations has rarely, if ever, met to talk about the ethnic related political issues in the country. It had an ethnic Albanian (Sejfedin Haruni, a senior MP from the than opposition Party for Democratic Prosperity - PDP - of the Albanians) for a president and 10 other members from ethnic Macedonian and all of the ethnic minorities in the country. But the inter-ethnic relations in the country were never considered nor treated by the MPs as an area where they can build their political influence, especially not in a constructive manner. They rather derogated this important area of political content to the intra-party relations in the government, mostly decided by the highest party instances, or through the president of the state's initiatives for a high level (again: presidents of the parties) inter-ethnic discussions in the country.

Also, the public generally perceived the parliament as a plain extension of the government's executive powers. It was never regarded, even in the eyes of the MPs, as a place from which the government policies could be influenced. This is a result of the state of the mind and state of the democracy in Macedonian political parties that mostly operate as groups of people not connected by ideology, political platforms or enthusiasm of ideas, but by sole mercantile interests, lead by an undisputed totalitarian-style leader and his powerful and loyal oligarchy. Candidates for the members of the parliament, proposed at the elections by this kind of party structures were, actually, in most of the cases only fully functional constituents of ill-defined interest groups, without personal integrity or political initiative. Their political legitimacy primarily came out of their approximation to the party leader or his main aids, not to the citizens and their interests.

This being said, however, it does not necessary mean that, even with a different practice and policy in the Macedonian assembly, the war crisis of 2001 could have been aborted before it took a full confrontational shape in north-western parts of Macedonia. NATO's war against Milosevic's Yugoslavia and advancement of Kosovo's independent agenda seemed to be too great a challenge for Macedonian internal stability and strength, aggravated in 10 years of long and unsuccessful political and economic transition. Also, it seems that a decade long controversial and complicated relations between the international community, Albanian radicals, Milosevic's regime and the operations of the networks of regional organised crime did not helped at all for an overall resolution of yet another crisis on the Balkan.

III.2. Unfavourable context

This was the context in which the Macedonian assembly took initiative on its closed session in March 2001 to address the emergence of the crisis. The next, 84th session of the Parliament will be held only after the Framework Agreement was reached in Ohrid in August 2001.

In the meantime, in the first half of April, Macedonia signed the Stability and Association Agreement (SAA) with the European Union, as recognition by the international community that Macedonia has sufficient political and democratic resources to overcome peacefully the ongoing crisis.

But it seems that, beside this international public agenda, there was another, not-so-public plan that started to unpack. Namely, since the international community invested a lot of efforts in converting NLA's original platform from one of territorial claims in the one of human rights nature, the main partner that EU and NATO recognised on Macedonian side able and willing to involve NLA in a constructive process of its political legitimisation was the opposition SDSM, not the governing VMRO-DPMNE. So, shortly after the SAA was signed in Luxembourg, under a considerable pressure by the EU and American administration, a new all party government was created in the mid of May, 2001, still led by Ljupco Georgievski as a prime minister, but including two SDSM party vice presidents, Vladimir Buckovski and Ilinka Mitreva, as ministers for Defence and Foreign Affairs, respectively.

The political result concerning the Macedonian parliament was that the role of the parliament further declined and the role of the SDSM and of the

country's president, Boris Trajkovski, gained central position in the international and domestic efforts for crisis management. In general, the parliament had taken mostly a re-acting, as opposed to a pro-acting, role in the crisis solution. Since after the conflict developed an all-party government was constructed (on May 13, 2001, lead by the VMRO-DPMNE's Ljupco Georgievski prime minister) MPs most conveniently left the initiative to the government and their highest party structures.

As a consequence of these political repositioning, the assembly, with the majority of VMRO-DPMNE/DPA/LP MPs, did not held a session dedicated to the crisis during the months between March and August. Only after the Ohrid agreement was signed, the parliament scheduled its session for August 31, with one point on its agenda: changing of the country's Constitution in accordance with the Agreement accomplished in Ohrid. Several more long and nervous sessions of the Parliament will be needed in the course of September, October and November that year in order the Ohrid Agreement assignment to be fulfilled.

Most of the analysts and political actors consulted in the making of this report agreed that the Macedonian parliament, contrary to its possible role in anticipation and political containment of the crises, was not an environment where an accord, such as the Ohrid Agreement, could have been reached. This is primarily a result of the fact that NLA was not represented in the Macedonian parliament during the time of the crises, but also because the existing balance of power in the parliament would not have positively influenced the outcome of such a project. Also, the violent character of the conflict and the way the international community was involved in the preparation, escalation and resolution of the crisis did not favoured the parliament as an arena where very focused, intense and tough negotiations, but also very untransparent for the general public, could have been possible or productive.

III.3. Procedural manoeuvrings

However, barely had the ink from the signatures on the Agreement dried, when the situation started to get complicated. An early indication that the Framework Agreement would not precede smoothly came in a report that the prime minister and leader of VMRO-DPMNE, Ljupco Georgievski, had granted his party's 46 MPs a free vote on the constitutional amendments. The Macedonian parliament numbers 120, out of which two thirds, or 80, needed to endorse the changes for the constitution to be altered. Allowing VMRO-DPMNE MPs to vote according to individual conscience posed an obvious threat to the passage of the amendments, not least because with the exception of the SDSM, all other ethnic Macedonian parties were openly resisting the Ohrid Agreement. For instance, the speaker of the parliament and leader of the small Liberal Party, Stojan Andov, did not even attend the signing ceremony of the Agreement. In fact, international representatives Lord George Robertson (NATO), Javier Solana (EU), Louis Michel (EC) and Mircea Geoana (OSCE) were forced to visit Andov at the parliament building to extract an assurance that he would not exploit his position to obstruct the parliamentary procedure.

The months of August and September 2001 would see Andov employ all the procedural manoeuvres and techniques he had learned in the course of his long political and parliamentary career to try to block and modify the peace process. At this point, partly as a result of Andov's efforts, but also as a good moment for a start up of NLA's demilitarisation, an agreement was reached to link the process of constitutional change to the progress of NLA disarmament. They were to be synchronised as follows: the first phase of the parliamentary procedure, which comprised the submission of a draft proposal for constitutional changes, would start after the extremists handed over one third of their arms; the second phase, determining exact amendments to be voted on, would begin after confirmation that the extremists had handed a second third of their arms; the final phase, adoption of the amendments, would occur only after the international force had collected and destroyed the entire NLA arsenal.

In accordance to these plans, two days after the Ohrid agreement was signed, President Trajkovski's office confirmed a presidential decree, supported by the government, whereby former NLA members would be amnestied. The only exceptions to this blanket amnesty would be those who had committed crimes that fell under the jurisdiction of The Hague Tribunal. At the same time, Trajkovski submitted an initiative for changing the constitution that marked the beginning of the parliamentary process. Speaker Andov scheduled the first parliamentary session, at which the proposal to alter the constitution was to be adopted, for the August 31, 2001. By then, NATO troops were to have collected one third of NLA arms. The government, meanwhile, passed a measure regulating the status, mandate and legal basis of the NATO deployment of 3,500 troupes to oversee NLA disarmament, which had been named "Essential Harvest".

Behind a facade of smooth synchronised political progress, the reality was more complicated. In Tetovo and the surrounding area, there were almost daily incidents including street battles, regardless of the declared truce. Twenty members of the Macedonian security forces died in several separate incidents in clashes with the NLA in the weeks before and after the signing of the Agreement in Ohrid, marking the bloodiest period since the beginning of the Macedonian-Albanian conflict and damaging public confidence in the peace process. The number of displaced people also grew rapidly in this period, reaching 60,000 according to the records of the Macedonian Red Cross.

NATO's deployment was a turning point, since it ruled out further direct fighting between the two sides. NATO intervention had been long desired by Macedonian ethnic Albanians. Moderates in the government, especially president Boris Trajkovski, also welcomed it. He thought the presence of international forces would give his peace plan a greater chance of success, telling the Macedonian language newspaper Dnevnik on August 25, "I hope that we have found a way out of the crisis towards a better future for our country. The disarmament of terrorists should eliminate the greatest threat to our peace and stability".

On August 29, the first third of surrendered NLA arms was transported to a military training ground at Krivolak in central Macedonia. Fourteen hundred pieces had been collected. The next day General Gunar Lange, the commanding officer of the NATO troupes in Macedonia, informed President

Trajkovski in writing that the first third of the disarmament programme was complete. In accordance with agreed procedure, Trajkovski informed parliamentary speaker Stojan Andov, who scheduled a parliamentary session for the adoption of proposed amendments to the constitution.

III.4. Constitutional modifications

As the parliamentary session started on August 31, several hundred refugees from the Tetovo region formed a human chain around the parliament building, trying to prevent MPs from attending. As the crowds, directed by the leaders of Macedonian nationalist parties, shouted insults and hurled objects, MPs were escorted into the building under heavy security.

After hours of mayhem, the session started. President Trajkovski outlined his proposal for amending the constitution and called on the leaders of the political parties who had signed the Framework Agreement to fulfil their responsibilities. This appeal was directed mainly at his former party colleague, Ljupco Georgievski, whom many people feared might obstruct the agreement. Those fears were borne out on September 1, when Georgievski used an interview with the pro-government Macedonian-language daily *Vecer*, to present extra conditions for amending the constitution. In addition to NLA disarmament, he now demanded that all ethnic Macedonians displaced from their homes must first return. Georgievski and his closest collaborators were clearly planning to undermine the parliamentary implementation of the Framework Agreement.

The parliamentary session was supposed to continue on September 1, a Saturday. With no prior notice, parliamentary speaker Andov called a press conference, at which he informed journalists that he was postponing the session indefinitely, until all displaced ethnic Macedonians had returned home. Other politicians were quick to react. Speaking at the doors of the parliament building, minister of defence and vice president of the pro-Ohrid Agreement SDSM party, Vlado Buckovski, was openly critical. "Now the masks are coming off," he said. "Andov has removed his; let's see who the others are. He has joined those trying to obstruct the peace process by exploiting the plight of displaced people."

Andov buckled under pressure from the U.S. and EU, but the atmosphere during the parliamentary session was highly charged, filled with verbal confrontations on pro and contra Ohrid Agreement speeches. On the day of the voting, September 6, the EU commissioner Javier Solana, who visited Skopje and held a meeting with them, exerted further pressure on VMRO-DPMNE 46 MPs. He urged them to support the initiative for constitutional modification.

Out of a parliament of 120, 91 MPs voted for the initiative. Only seven VMRO-DPMNE MPs were among those voting against. The second phase of the NLA disarmament process could begin.

In the second week of September the terrorist attacks on the World Trade Centre in New York and the Pentagon in Washington cast a shadow over domestic issues. Like people all over in the world, citizens of Macedonia were shocked by the atrocity and visited the U.S. embassy in large numbers, holding candles to express their sorrow and solidarity with the American

people. Against this backdrop, the second phase of the disarmament process passed without too much fuss.

III.5. Referendum initiative

A third "anti-Ohrid" move came with the referendum initiative. This idea came from New Democracy, a small party that had emerged from the wreckage of the Democratic Alliance (DA) of former communist functionary and 1998 coalition partner of VMRO-DPMNE, Vasil Tupurkovski. New Democracy proposed that a referendum should be held before any changes were made to the constitution. This idea was clearly aimed at obstructing the Ohrid Agreement. It gained support, because many ethnic Macedonians were upset at the way agreement had been reached in Ohrid. A public opinion survey conducted by the Institute for Democracy, Solidarity and Civil Society, revealed that 50.7 percent of ethnic Macedonians did not approve of the signing of the Ohrid document, while 43.7 percent supported it. Tupurkovski himself also proposed a less radical referendum initiative, in which people would vote only on the proposed new preamble to the constitution, which was supposed to erase all reference to ethnic identity, including the "Macedonian people". Leader of the Democratic Party of Albanians, DPA, Arben Xhaferi, threatened to call a counter-referendum among Albanians, which would have further heightened tensions.

The adoption of a referendum initiative required 61 votes in the parliament. The two camps were evenly divided, with the VMRO-DPMNE's 46 members and its smaller satellite parties on one side, and the SDSM and Albanian parties on the other. However, on September 18, Georgievski visited Bulgaria and Greece and his position seemed to shift during the trip. In Sofia he said that "the citizens would support" the Ohrid agreement in any future referendum. When he reached Thessalonica, he appeared to have entirely lost interest in the idea. From that moment the referendum campaign began to falter. Almost simultaneously, the campaign against a new NATO mission lost momentum.

On September 19, Georgievski's government sent a request to NATO to organise a "light mission" with a mandate to protect OSCE observers, who would be monitoring the return of the police and displaced people to the villages in the crisis zones. By March 2002, Georgievski went so far as to say that NATO troops should remain in Macedonia at least until 2003.

III.6. Redrafting the draft?

The parliamentary constitutional commission spent mid-September deciding upon the form of 15 constitutional amendments. As required by the process, the amendments were then released for public debate. For the next ten days, the Ohrid Agreement and the peace process faced a new trial. Almost all those who took part in the debate - academics, intellectuals, professors, businessmen and political luminaries, including the influential former president Kiro Gligorov - crusaded against the document. For the most part, they sought to redraft important parts to benefit the ethnic Macedonian

community, which they felt had been asked to make too many concessions. Macedonian Orthodox Church, for example, warned MPs that by voting for constitutional change they would be reducing the status of the church to that of the Islamic community. The church would accordingly declare the MPs outcasts of the faith, it said, and their names would be inscribed on pillars of shame in Orthodox cathedrals across Europe, America and Australia.

The atmosphere remained tense. There were incidents almost every day between the police and partly "disarmed" extremists in the Tetovo region. On September 25 the operation for the voluntary surrender of weapons by Albanian extremists concluded. NATO Secretary General Robertson visited Macedonia again and speaking at a NATO base in the Tetovo region, pronounced the successful end of the Essential Harvest mission: 3,875 pieces of weaponry had been handed over, including two tanks and two transporters, 17 air defence systems, 483 machine-guns, 161 mortars, and over 3,200 rifles and automatic guns. The collection had also included 380,000 pieces of ammunition and other explosive ordinance. On the same day, Brussels decided to send a new mission of 700 troops to the Republic of Macedonia. The operation, called Amber Fox, would last between six and nine months, with a mandate to protect the OSCE and EU monitoring missions.

On September 27, Ali Ahmeti, political leader of NLA, staged a press conference at his residence in the Tetovo's village of Sipkovica. He and his closest collaborators, NLA chief of staff G'zim Ostreni and spokesperson Nazmi Beqiri appeared in civilian suits to announce that the NLA had been disbanded. "The war is over and Macedonian security forces can return to Sipkovica as well," declared Ahmeti.

The autumn was marked by sustained international pressure on the prime minister's party. Between October 4 and November 7, came a barrage of visits: four by senior officials from NATO, OSCE and the EU, and one by a delegation from the European Parliament. On October 4, EU foreign policy commissioner Chris Patten said, "The international community expects those who signed the agreement to keep their word." It seemed clear that he was addressing Ljupco Georgievski, who had worked hard to label the other signatories of the Framework Agreement as traitors and to present himself as a patriot.

III.7. Preamble of the Constitution

One of the main causes adopted by Macedonian hardliners - and shared more broadly by the public - was the wording of the preamble, or preface, to the constitution. The Framework Agreement required that no ethnic group should be mentioned, Macedonian, Albanian or otherwise. However, the majority of ethnic Macedonians found this unacceptable, and a movement was created to lobby for the preservation of the existing reference to the "Macedonian people." It was a broad coalition, including not only VMRO-DPMNE members, but also members of Branko Crvenkovski's SDSM, the Macedonian Academy of Arts and Sciences, MANU, the Orthodox Church, the University of Cyril and Methodius in Skopje, and many other institutions and organisations.

Once more, the international community sprang into action. On October 6, the European Union parliamentary delegation in Skopje offered its services as mediator. As an opening gambit, the president of the delegation on south-east Europe at the European Parliament, Doris Pack, said that the parliament would facilitate a debate on a compromise solution for the preamble, but only after the Macedonian Parliament voted to adopt all the amendments. Albanian political parties were perturbed that the Ohrid Agreement now appeared to be open for re-negotiation, but decided that it would be better to accept one compromise than risk losing everything that had been agreed in August.

Parliament's president Stojan Andov now proposed that the amendments should be debated individually. Those regarded as less problematic amendments could be adopted first, he said, with the more complicated ones postponed until the future.

Andov's proposal elicited a swift and angry response from the NATO secretary general, George Robertson. "When Andov and I discussed the parliamentary process, there was only one condition - disarmament," he said on yet another visit to Skopje. "We shook hands then and I did not expect a man of honour and reputation to create new obstacles after he had offered his hand." Robertson's attack coincided with the publication of a report by the International Crisis Group, which named Andov as a member of the so-called "anti-Ohrid group", along with Prime Minister Georgievski and the chief of police Ljube Boskovski. Two such high profile, public denunciations damaged Andov's standing, and like Prime Minister Georgievski before him, he backed away from his confrontational stance.

Javier Solana took up the issue of the preamble to the constitution. After extensive consultations, he proposed that the phrase "Macedonian people" should be reincorporated into the text, but that Macedonia should also be defined as the state of the Albanian, Turkish, Serbian and Vlach people who live there. This solution was criticised as strange, clumsy, impractical and even ridiculous, but VMRO-DPMNE, the SDSM, DPA and the leader of NLA, Ali Ahmeti, all accepted the compromise. Initially, the PDP did not, but after yet another intervention from the international community, leader Imer Imeri announced on November 12 that his party would join fellow Ohrid signatories in accepting Solana's proposal.

On November 15, the parliament determined the form of the final two controversial amendments, the preamble and the provision on religious communities. Opponents of the process were subdued by the death in a road accident of VMRO-DPMNE's MP Gjorgji Kotevski, two days earlier. Kotevski was one of the bitterest opponents of constitutional change and some MPs reportedly viewed his death as a "sign" that the discussions should end. Solana's proposal for the preamble was accepted, and the Islamic religious community was granted equal status with Macedonian Orthodoxy. On Friday November 16, the final Assembly took place and a vote was held on the passage of all fifteen amendments. More than 90 MPs voted in favour, easily fulfilling the required two-thirds majority. Members of one Albanian party, the National Democratic Party, left the parliament hall as a mark of protest, but all other Albanian parties supported the amendments.

By a strange coincidence, that weekend marked the tenth anniversary of the first constitution of the Republic of Macedonia, adopted two months

after the declaration of independence in September 1991. Reflecting on that, Stojan Andov stressed the opportunities that now lay ahead for all parties to show their creativity and commitment to development. "Parliament has confirmed the national identity of the Macedonian nation and strengthened its legal foundation, it has broadened the rights of minorities and strengthened the guarantees for their implementation. Parliament has thereby created a constitutional basis for the loyalty all the citizens to the state," he declared.

III.8. Post-conflict activities / Law on Amnesty

Despite Andov's words, all the parties continued to display the same unwillingness and reserve that had characterised their conduct throughout, which seemed to suggest that more business lay ahead. VMRO-DPMNE's spokesperson Vlatko Gjorcev, offered only the terse comment, "We hope the situation will stabilise." The SDSM expressed only cautious optimism regarding their expectations, "The amendments to the constitution represent a common investment in the peace and return to trust among the people of the country," said Gjorgji Spasov, secretary general of the party. When asked by journalists if the changes to the constitution satisfied the main demand of the Albanians of Macedonia, the leader of the Democratic Party of the Albanians, DPA, Arben Xhaferi avoided a precise answer. "Demands go through phases," he said. "And in general we can be content with the adoption of amendments to the constitution. I hope that the situation will now calm down and that displaced persons will return to their homes." He also suggested, however, that amendments to the constitution formed the first step in a wider process. "The overhaul of the constitution is done, now an overhaul of the mentality that provoked the crisis should follow." Speaking for the Party for Democratic Prosperity, PDP, Zahir Bekteshi acknowledged that the constitutional amendments represented an important first step towards overcoming the crisis.

On November 20, the new, private South East European University in Tetovo, referred to by some as the "Van der Stoehl" University, with predominantly Albanian language lectures, opened for business. Ten days later, Prime Minister Georgievski announced his new, seventh, government. The moderate Vlado Popovski from the Liberal party became minister of defence, the former member of the Democratic Alliance and now of the New Democracy Party, Slobodan Casule, became foreign minister and Dosta Dimovska, a former VMRO-DPMNE vice-president, returned to the government as deputy prime minister and president of the Crisis Management Coordinating Body. Speaker Andov expressed some surprise that the SDSM had quit the government, and now stood in opposition "to an agreement they had voted for".

Implementation continued, with discussions beginning on the law on decentralisation and self-government considered so vital by the international community. That law will be adopted in the parliament on January 25, 2002, giving greater authority to the municipalities in the areas of education, health care and inter-municipal cooperation. It also included provisions for the use of the Albanian language alongside Macedonian in personal documents and on traffic signs in municipalities where at least 20 percent of the population are

Albanian. Even though Albanian MPs were not completely satisfied with some of the provisions regarding health services and education, they approved the law. This was vital, as the vote was a test-run for a new procedure for the adoption of laws that addressed inter-ethnic issues. The procedure demanded a majority of the votes of MPs who identified themselves as members of the ethnic community that was not in the majority. The law had been scheduled for adoption 45 days after the signing of the Ohrid Framework Agreement; the procedure was concluded five months later.

On December 5, 2001, President Trajkovski amnestied the first 11 members of the NLA from a list of 88 submitted by the minister of justice, Ixhet Memeti. The police returned to another 15 villages in the Tetovo and Kumanovo regions. On December 20, Trajkovski granted amnesty to a further 53 of former NLA fighters, judging that another 24 of those proposed did not meet the conditions for amnesty. The next day, in an end of year address to parliament, he declared that the crisis had passed. "The Framework Agreement is far from ideal," he told the MPs, "but it was the best political response to the crisis. By signing it we managed to avoid a bloody ethnic war, while sustaining the unitary character of the state. We have adopted constitutional amendments that are for the first time supported by Macedonian Albanians."

One more conflict related issue that Macedonian parliament had to resolve: adoption of the Law on amnesty. The law was scheduled for the 103rd session of the parliament, held on March 7, 2002. The next day the amnesty law was adopted, as another exercise in compromise. Whereas PDP and DPA, the two largest Albanian parties, fully supported the law, the coordinator of the VMRO-DPMNE parliamentary group in the parliament, Cedomir Krlevski, claimed that his party had only supported the law in the interests of the greater good. "Despite the many arguments against the law, we still voted for it, in order to give the peace process a chance," he said. "This will make the return of the security forces easier, and create the conditions for the reintegration of the country, a new census of the population, and parliamentary elections. We decided it was necessary to support this generous gesture by the state towards those who broke the law during the last year's events." The UNHCR had encouraged adoption of the law, on the grounds that it would facilitate the return of displaced people and facilitate the reconciliation of opposed ethnic groups.

The Macedonian parliament held its 107th session on June 16, and approved the package of legal reforms demanded by the Ohrid Agreement. These included the electoral laws, state administration legislation regulating the use of non-majority languages and a law to guarantee better representation of minorities in state institutions. Compromise and accommodation had produced a hard-won victory against ethnic polarisation and confrontation.

Up to the time this report was produced the parliament did not take any initiative, nor discussed on other's initiative, any legal measures related to the veterans of the conflict in 2001.

IV - Recommendations for the future

Emergence, growth and conclusion of the Macedonian crises in 2001 and its relation to the work of the parliament can be used as a more general case study for what can and should be done in order to avoid similar developments in the future. On these bases, some unambiguous recommendations can be outlined:

- Un-reformed, authoritarian and corrupted political parties are in the centre of the crises of legitimacy and incompetence of an assembly. If elected members of the parliament do not represent real social and political mood of their base, and do not have sufficient integrity and political initiative in relation to the executive branch of the government, than the political and intellectual power centre that the assembly should represent is nonexistent or replaced by inadequate factors in the society.
- International community should invest its utmost efforts into the reform of political parties. Only than a relevant parliamentary political process can be expected. However, the international community prefers to work through more efficient channels of power - a president or a prime minister - because to influence a work of a parliament requires much more energy and patience that typically is not a preferred option by internationals.
- The role of the parliament is to anticipate a political process that leads to a crisis. In that process of anticipation, the assembly should take initiative and try to discuss and resolve, both in political and in legislative way, reasons that accelerate political, ethnic or other tensions.
- In a case when multi-ethnic and/or multi-cultural communities cannot reach a *consensus on the system of values* in the society, which may be and usually is a base for a crisis development, than a *consensus on procedures* how to reach consensus on values becomes vital in the process of crisis prevention. Parliaments, through a process of lawmaking and other political debates, are usually those places in the political system where established procedures enable political consensuses to be reached and crisis to be worked out before they dangerously escalate.
- Regular and meaningful work of parliamentary commissions, committees, debating panels and other forms of activities beside the sessions of a general assembly are a kind of an effective early warning system that is usually a sufficient practice that can anticipate an up-and-coming crisis.
- If a non-violent crisis emerges, a parliament is a convenient place for domestic politics to contain and frame the crisis into a political process. A parliament should try to transform any crisis into an opportunity for democratic improvement of the political reality in the country.

- If a non-violent crisis becomes violent and packed with human drama, there is a danger that MPs' deliberations may magnify its dimensions and consequences simply as a result of the fact that parliaments are places where populist energies often confronts each other on an ethnic, religious, political or other backgrounds. The role of the parliament in that possible venue of development of the crisis becomes even more responsible and necessary since any stage of the crisis can further be escalated and de-escalated, depending on the efficiency and conscientiousness of the political actors to prevent further escalations.
- Political agreements in the assembly are most binding if transformed in legislative. Any delays or modifications in fulfilling political agreements concluded by confronted sides are beneficial for the extremists on both sides of the conflict.
- A parliament should develop internal instruments in order to avoid a renewal of a crisis.

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