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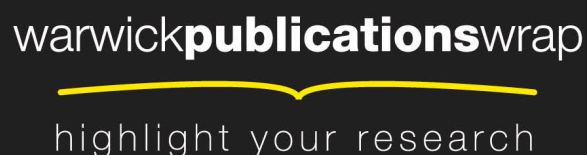
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# **Challenging Assumptions of the Enlargement Literature: The EU Impact on Human and Minority Rights in Macedonia**

## **Abstract**

This article argues that a fusion of security and democratization concerns from the very start of the transition process in Macedonia in 1990 locked local nationalist elites and international organizations in a political dynamic that prioritizes security over democratization concerns. This dynamic has led to little progress in the implementation of human and minority rights until 2009, despite heavy EU involvement in Macedonia after the 2001 internal warfare. The effects of this dynamic are overlooked by scholarship on Eastern Europe enlargement, making generalizations based on assumptions relevant for the democratization of countries in Eastern Europe, but not for the Western Balkans.

## **Introduction**

Contemporary scholarship on the impact of the European Union on reforming post-communist countries in Eastern Europe concentrates on the effects of the EU on domestic change. Powerful accounts (Schimmelfennig and Sedelmaier 2005, Sedelmaier 2005, Vachudova 2005, Moravcsik and Vachudova 2003, Schimmelfennig 2001, 2003, Zielonka and Pravda 2001, Risse 2001, 2004, Jacoby 2004, Risse and Sikink 1999) discussed the mechanisms by which domestic change takes place – conditionality, norms socialization, rhetorical entrapment, and geopolitical expansion. This literature made two underlying assumptions. First was the understanding between the EC (EU) and the Eastern European countries that democratization would be the major “game in town,” despite possible resistance and the asymmetry of power. This understanding sprang from heightened expectations for a better political and economic future in the East, was supported by increased emotional euphoria after the end of communism, and was enforced throughout the negotiation process by a commitment to enlargement of the EU. The Copenhagen criteria (1993), provided conditions for future accession, were presented to the candidate countries early in the process. One clause offered a framework for achieving democracy by respecting individual and minority rights, the hallmarks of liberal democracy. The second assumption was that the EU was an exclusive club interested in selectively expanding its membership. With these assumptions, the EU cast a “long shadow” on its neighbors for the future (Axelrod, 1984), and so was supposed to provide a framework for the local actors to restrain themselves and not to defect from the path of democratization.

This article argues that these two assumptions did not apply to Macedonia for two major reasons. First, democratization was not the only game in town. Security concerns had trumped concerns over democratization since Macedonia’s inception as an independent state in 1991. Macedonia did not experience war during the disintegration of former Yugoslavia, but fears over security persisted regarding the inviolability of its external borders vis-à-vis neighbors with historical records of irredentism (Greece, Bulgaria, Serbia, Albania), and regarding the country’s ability to maintain its multi-cultural society. Macedonia is composed of a number of ethno-national groups, most notably a Macedonian majority and an

Albanian minority.<sup>1</sup> Although democracy has often been rhetorically engaged during the transition process, security concerns have predominated. Second, despite the EU's increased role in Macedonia after the internal warfare of 2001 and its commitments to the Western Balkans during the Thessaloniki Process (2003), the EU is unlikely to offer membership to Macedonia anytime soon. This process is exacerbated by the EU's emotional fatigue after adding 12 members between 2004 and 2007. Consequently, both the EU's leverage and the political will of local elites to comply with the EU have weakened, while the need to reassess EU impact on post-conflict countries in the Western Balkans, including Macedonia, have grown stronger.

This article focuses more narrowly on the EU's impact on one policy area: human and minority rights. I broadly discuss human rights from the first and second generation (political and civic, and economic and social, respectively). I concentrate on the minority rights dimension because in a multi-cultural society with strong conflict potential, such as Macedonia, all human rights are blended and usually assessed through an ethnic lens. Which nationality will be mistreated more by the police, which will lose more jobs during economic restructuring, which will be silenced by the lack of freedom of speech?

This article argues that Macedonia advanced minimally with respect to human rights when comparing the 1991-2001 period to the end of internal warfare in 2001 when the EU became more involved. The EU has played an important role in pressuring the local elites to make unpopular choices to translate provisions of the Ohrid Framework Agreement (the 2001 Peace Accords) into legal instruments. The EU has also cast the long shadow of future integration, offering some incentives to local elites and acting as a reference point for international organizations and NGOs to link their own human rights projects. However, the EU has been unable to address an underlying dynamic at the core of the minimal improvement of the human rights record since 2001. Local actors have been socialized with liberal values by way of international legal texts, conditionality, and other mechanisms. Simultaneously, they have learned that security and stability matter more to the international community than meritocratic advancement on aspects of democratization. Locked into this dynamic, they have played a two-level game:

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<sup>1</sup> The last population census in Macedonia (2002) revealed the following ethnic make-up: Macedonian 64.18%, Albanian 25.17%, Turkish 3.85%, Roma 2.66%, Serb 1.78%. US Department of State, 2004, <http://www.state.gov/g/drl/rls/hrrpt/2004/41695.htm>, accessed in November 2009.

they have selectively addressed certain human rights issues, while resisting reform on others or using democratic procedures to further advance their nationalist goals. The latter actions resulted in driving the Macedonian and Albanian communities further apart since 2001.

The first section of this article presents a critique of the theoretical literature on major processes and mechanisms of EU influence on candidate countries. The next section mentions major human rights instruments and their implementation between 1991 and 2001, the period when the EU was not a major actor in this country. The third section analyzes how the treatment variable, “EU involvement,” affects the outcome, “respect for human and minority rights.”<sup>2</sup> A more detailed discussion on the state of affairs of human rights after 2001 is followed by evidence of the dynamic into which local elites continue to be locked and reproduce nationalist divisions. I conclude by explaining how my findings speak to the larger literature on EU impact on reforming countries in Eastern Europe.

### **Theoretical Accounts**

Schimmelfennig and Sedelmaier (2005) rightly observe that debates about the mechanisms of EU influence on domestic change gravitate around the contentious lines of arguments advanced by rationalists versus constructivists in IR theory, or corresponding to “logic of consequences” vs. “logic of appropriateness” in March and Olsen’s (1989) terms. While the debates grew with the speeding pace of Eastern European integration in the early 2000s, a couple of accounts gained major influence. Viewing the EU and local elites as actors engaging in self-interested interactions in order to maximize benefits and reduce costs, rationalists emphasized the importance of bargaining in a situation of asymmetrical interdependence (Moravcsik and Vachudova 2003, Heritier 2001). Eastern European countries were weaker in this relationship, but nevertheless interested in introducing change because of the benefits of complying

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<sup>2</sup> Dividing a single case (here Macedonia) into two sub-cases (Macedonia before and after 2001) is part of a logic of “before-and-after comparison” of quasi-experimental design (Collier 1963 quoted by George and Bennett 2004, p. 166). According to this logic, the longitudinal case is divided into two parts, exposing the later period to the effects of a treatment variable, “EU involvement”. EU involvement is operationalized broadly on major mechanisms discussed in the theoretical literature, most notably conditionality and socialization with human rights norms and values. “Respect for human and minority rights” is the outcome variable. This variable is operationalized not simply on the adoption of human and minority rights legislation, but on their implementation in practice. Aggregate quantitative measurements are provided by the scores of Freedom House, rating the performance of states on their respect for political and civil rights on a scale of highest to lowest freedoms (1-7). Qualitative measurements are provided by reports of major monitors of human rights such as the Helsinki Committee of Macedonia, the International Helsinki Federation, OSCE, and the US Department of State.

with EU requirements. *Conditionality* is the major mechanism here (Vachudova 2005, Zielonka 2001, 2006). Conditionality on human and minority rights was embedded in the 1993 Copenhagen criteria and was tied to the entire package of requirements that a state must satisfy in order to become an EU member (Grabbe 1999). Compliance was easier in certain policy areas than others, especially in economic cooperation. Most notably, resistance occurred in the area of human and minority rights. Power costs for local elites were higher when EU conditions negatively affected the security and integrity of the state and eroded the government's domestic power base (Schimmelfennig et al. 2005). Nevertheless, pro-western governments in Bulgaria, Romania, and Slovakia introduced resented minority rights reforms, recognizing that the long-term benefits of EU membership outweighed the costs (Noucheva and Bechev 2008, Vachudova 2005, Koinova, 2005, Vermeersh 2003).

While these accounts capture the difficulty of introducing minority rights reforms when issues of security are at stake, they hesitate to discuss the EU's impact on domestic change under conditions of pervasive external and internal security threats, and during post-conflict reconstruction. These conditions characterize the case of Macedonia. The few European scholars addressing these concerns work on democratization during post-conflict reconstruction, focusing mostly on Bosnia-Herzegovina (Belloni 2008, Bieber 2006, Hayden 2005, Bose 2002). Their works focus on why international intervention – including that of the EU – failed to build a viable state. These accounts usually do not derive their insights from the literature of rationalism, but from that on state-building.

Constructivist accounts emphasize the importance of European values, ideas, and norms as incentives for domestic change, not rational cost-benefit calculations. The “return to Europe” was a major driving force for the Eastern European countries at the beginning of the transition process. A collective identification with European values and norms made governments prone to introducing reforms (Checkel 2001). However, over time, mechanisms such as socialization and learning mattered even more than common identity in synchronizing values. In lectures and workshops, by building common “epistemic communities,” through specific programs, and through the media, European institutions and governments socialized the target governments and publics with liberal values (Deets 2008, Schimmelfennig 2003, Checkel 2001, Haas 1992). Human and minority rights norms were particularly important in this process, since the communist interpretation of the same principles differed significantly from that of liberalism.

Thus, elites in target countries had to learn how to interpret human rights anew. Elites were more likely to adopt these rules if they were persuaded that they were appropriate (Risse 1999, 2000). Appropriateness stemmed also from the legitimacy of the rules and how they were created and enforced. If rules were clear and focused, they facilitated an easier adoption (Franck, 1990). The lack of a clearly defined and consistently applied EU policy on minority rights often created confusion among target countries (Rechel 2008, DeWitte 2000). Despite the fact that the Framework Convention for the Protection of National Minorities (1994) and the European Charter for Regional or Minority Languages (1992) aspired to create a common standard, this standard was selectively applied by France, Belgium, and Greece, but applied vigorously towards the reforming states of Eastern Europe. Moreover, new applicants were treated differently. Latvia received much less pressure to accommodate its Russian minority which had lost citizenship after the country's independence from the Soviet Union in 1991, whereas the EU insisted that Romania accommodate the Hungarian minority.

A final account needs to be considered here, since it bridges the rationalist and the constructivist paradigms and present a mechanism – *rhetorical action* – which is relevant to this article's central argument. Schimmelfenning argues that in the institutional environment of the EU political actors used strategically norm-based arguments in order to justify their self-interested preferences. In doing so and gaining legitimacy on the grounds of community standards, they became “rhetorically entrapped” in their own statements. If they violated them, they risked damaging their reputation as community members. Thus, normative justifications for Eastern enlargement became a necessity and translated into rational action (2001, p. 48). Rhetorical action by the EU has been strong with respect to Macedonia and other countries in the Western Balkans since the Thessaloniki Process in 2003. However, entrapment has not yet occurred. While it is beyond the scope of this article to analyze why one needs to consider a major reason why Schimmelfennig's argument might not work in a post-conflict environment such as Macedonia. Security concerns exist. Preservation of security is part of the normative basis of the EU alongside promotion of democratization, and selectively invoking either of these norms could lead to different outcomes in the target country. By approaching the Western Balkans clearly through the lens of preserving stability rather than promoting democracy (as was the case with the previous Eastern European applicants) EU members send the message that political criteria for future membership are measured not predominantly on the



meritocratic achievement of democratic standards, but in terms of peace-building. What local elites understand from this message is that costly reforms in human and minority rights are far from being a priority.

### **1992-2001: Fusion of Democratization with Security and State-building Concerns**

In order to establish the basis for a “before-and-after” comparison, in the following pages I will lay out the state of human and minority rights affairs in Macedonia before the internal warfare in 2001 and mention the international community’s involvement, of which the EU played a minimal part.

Macedonian elites adopted human rights instruments in the 1990s driven by their interest to preserve their newly independent Macedonian state in an insecure neighborhood. International legal instruments were adopted in two packages. The first round took place in 1993, soon after Macedonia was admitted to the UN. As a new member it needed to redefine its international legal commitments which expired after it proclaimed independence from Federal Yugoslavia. In 1992-1993 Macedonia became part of a number of fundamental UN instruments: 1) International Covenant on Civil and Political Rights and its two optional protocols; 2) International Covenant on Economic, Social and Cultural Rights, 3) Convention on the Elimination of All Forms of Racial Discrimination, 4) Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and 5) Convention on the Prevention and Punishment of the Crime of Genocide. Paradoxically, Macedonia adopted the Geneva Conventions and its additional Protocols even earlier than other UN legislation. A plausible explanation rests in the fear of a war scenario resembling the war in neighboring Bosnia-Herzegovina which started in 1992. International legal guarantees were needed for an eventual state of war on its Macedonia’s territory (Koinova, 2005).

The adoption of the second package, of Council of Europe conventions, was also driven by a state-building logic. Around the same time, other Eastern European countries adopted Council of Europe instruments driven by a desire to prove their democratic commitments and enter the “antechamber” to European integration, while Macedonia was striving with the recognition of its self-proclaimed name, “Republic of Macedonia,” and adopted legislation motivated by the need to boost its international

standing.<sup>3</sup> Between 1996 and 1997 Macedonia became part of the: 1) European Convention on Human Rights and its five additional Protocols; 2) the Framework Convention on the Protection of National Minorities, and 3) the European Charter for Regional and Minority Languages. Because of differing legacies, local Macedonian elites paid little costs to adopt the new instruments, unlike other elites in Eastern Europe, caught in bitter debates and resistance to change. Communism in Eastern Europe advanced a homogenizing interpretation of the nation, while federal Yugoslavia, of which Macedonia was an integral part during communism, organized its ethnic diversity in a three-tier system of “nations,” “nationalities” and “ethnic groups.” Respect for national diversity was part of Yugoslavia’s “social contract.” Thus, local elites had to pay relatively little costs during the transition period when persuading their constituencies of the appropriateness of policies on collective rights, presented this time with a different legalistic spin.

The quick adoption of international human and minority rights legislation had two domestic effects stalling liberal democratization. It temporarily raised hopes and induced patience among the ethnic Albanians and other minorities that their rights would be respected, since they had already been feeling disadvantaged by the Preamble of the new Constitution (1991), proclaiming Macedonia a state of the Macedonian people, and mentioning minorities only in passing. This allowed governments to buy time for their own political survival rather than to address difficult issues of implementation. The quick adoption of human rights instruments also helped the governments to build a case against critical domestic and international actors who might pressure them for further implementation of human rights. The governments usually claimed that Macedonia had demonstrated its commitments, and that minority rights in this country were broader in scope compared to other reforming countries in Eastern Europe.<sup>4</sup>

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<sup>3</sup> The dispute over the name of the Macedonian state has not yet been resolved due to strong resistance from Greece, an EU member and a neighbor to Macedonia. In 1991 Greece objected to Macedonia’s international recognition under its constitutionally proclaimed name “Republic of Macedonia” due to disputes over history and identity. After negotiations in 1991-1992 Greece backed down and allowed Macedonia to enter the UN, the Council of Europe, and later into negotiations with the EU under the name “Former Yugoslav Republic of Macedonia.” Greece introduced an economic embargo on the country during the first half of the 1990s, and later became a key player in EU decisions related to Macedonia. Although at present a new round of negotiations on the name are being held, there is little chance for a resolution. Both Macedonia and Greece hold unwavering positions in addition to the open nationalist sentiments with strong anti-Greek spin, voiced by current Macedonian Prime Minister, Nikola Gruevski.

<sup>4</sup> *Authors interviews* with Eran Frankel, Executive Director of the international NGO “Search for Common Ground” in Macedonia”, 11 September 2000, Skopje, Macedonia, and with Ljubomir Frckoski, Professor of International Law and former Minister of Interior of the Republic of Macedonia, 15 September 2000, Skopje, Macedonia.

This does not mean that the Macedonian state did not translate international legislation into domestic legislation. Indeed, after significant pressure from the international community, numerous legal acts emerged over the 1990s to address aspects of inter-ethnic coexistence. 1) The 1996 Law on the Political Parties opened the polity for registration of parties on ethnic basis. 2) The 1998 Law on the Use of Foreign Flags allowed state flags other than the Macedonian one to be flown at any time on private property and in front of town halls during Republic of Macedonia state holidays (HRW, 1998:8), but not on foreign countries' holidays. 3) The new Criminal Code stipulated that the incitement of ethnic hatred, mistreatment and endangering the security of people was considered a punishable offense.<sup>5</sup> 4) The 1995 Laws on the Identity Card and on the Personal Names provided for persons belonging to minorities to have their names written in their own language and their own alphabet. 5) The Law on Criminal Procedure and the Law on the Lawsuit Procedure allowed for the use of minority languages in court, where the state is obliged to ensure translation (Ortakovski, 1998, p. 349). 6) The Broadcasting Law (Article 31) postulated that the “public broadcasting enterprise... besides the programs in Macedonian, also features programs in the languages of the nationalities.”

However, other controversies and ambiguities remained. The 1998 Law on the Use of the Macedonian Language postulated that the official language of Macedonia is the “Macedonian literary language and its Cyrillic alphabet,” while other laws guaranteed the use of minority languages other than Macedonian. The 1995 Law on Local Self-Government postulated that in areas where nationalities live, and where the latter were either the “majority” (50% of the population according to the last population census) or were in “considerable numbers” (20% of the population), the language and alphabet of a nationality may also be used.<sup>6</sup> Most notably, the right to higher education in the minority languages – and of the Albanian language in particular –remained a subject of a bitter controversy. Finally, legal acts often remained on paper, while the individual citizens continued to experience abuse of their rights. Macedonia’s rating on civil and political rights by Freedom House remained low as demonstrated by Table 1.<sup>7</sup>

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<sup>5</sup> Koinova, M. with I. Gigova (2002), *Albanians of Macedonia*, Report, CEDIME-SE. April <http://www.greekhelsinki.gr>, accessed in November 2009.

<sup>6</sup> Ibid, 2002.

<sup>7</sup> Freedom House. *Freedom in the World Report*. Comparative Scores for All Countries from 1973 to 2009, <http://www.freedomhouse.org>, accessed in November 2009.

TABLE 1

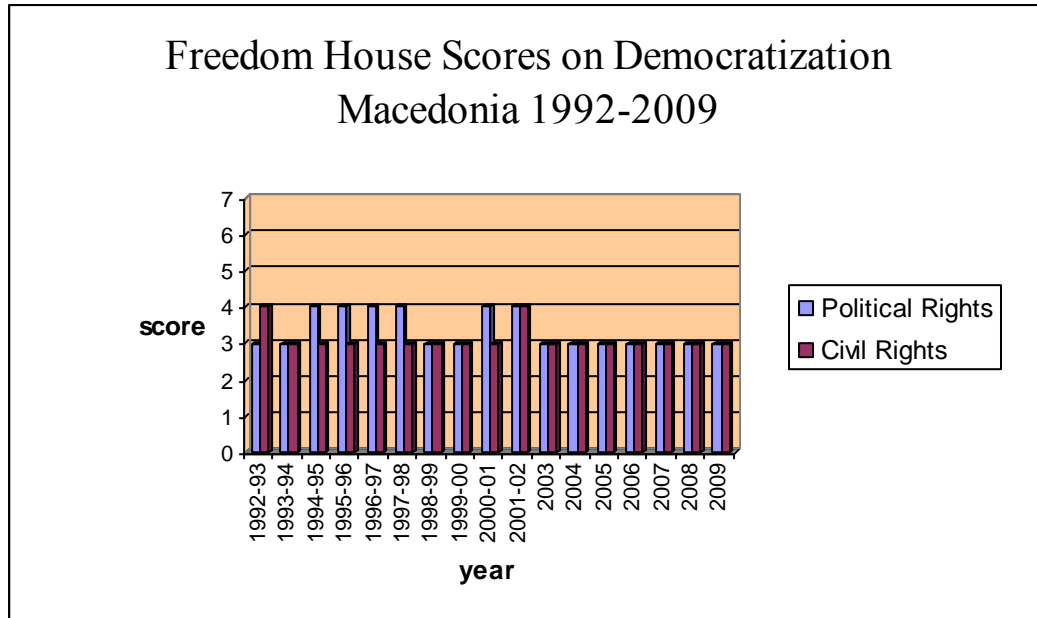


Table 1 demonstrates that the implementation of human rights in Macedonia was relatively low during the 1990s, and remained almost the same during the 2000s. While a discussion on the period after the 2001 violent warfare follows, major restrictions on the political freedoms of minorities, freedom of speech, and abuse of power lay behind the lowest performance points before 2001. During the 1990s, the police, composed primarily of ethnic Macedonians, had a record of targeting Albanians and using excessive force against other vulnerable groups (Grillot 2008). From 1994-1998 heated controversies between Albanians and the Macedonian-dominated governments ensued with respect to minority education and self-government, most notably the opening of the self-proclaimed Tetovo University in 1994 and raising the Albanian flag on municipalities in Albanian-inhabited Western Macedonia in 1997. Both incidents triggered violent encounters with the police.

However, Macedonia differed from some countries in Central and Eastern Europe during the transition period in two respects. The legal acts allowed the formation of parties on an ethnic basis, unlike neighboring Bulgaria or the Baltic countries, for example. Second, Roma in Macedonia enjoyed more political freedoms than other Roma in Eastern Europe at that time. They had their own local government in

a municipality in Skopje, the capital, a representative in the Parliament and often formed coalitions with mainstream parties.<sup>8</sup> While they were not integrated into the educational system or public administration, had difficulty acquiring citizenship after Macedonia's independence and were recipients of insufficient welfare, there were no skin-heads to attack them during the 1990s, and they were rarely beaten to death by the police.<sup>9</sup> Roma have been considered a minority "loyal" to the Macedonian state, unlike the Albanians.

The adoption of human and minority rights instruments and their domestic implementation were driven primarily by the logic of state-building rather than democratization. Similarly, when the international community approached the political development of Macedonia during this period, it was preoccupied with preventing deadly conflict and with maintaining stability and security rather than advancing democratization. While journalists and scholars have already criticized the international community for this approach, the novelty of my argument stems from the observation that local elites were not simply socialized with liberal democratic values during this period. They received a parallel message as well: security, state-building and democratization are fused, while democratization is not a priority. This parallel learning process established the basis for perpetuating a lack of respect for human rights.

How did major international organizations provide these conflicting lessons? As a civilian power promoting democracy, the EU had minimal impact on Macedonia prior to 2001. In the early 1990s, together with the US, major EU countries such as Germany, France, and Britain became involved in the International Conference on the Former Yugoslavia (ICFY) seeking solutions to the disintegration of former Yugoslavia. Within the ICFY the EU engaged sporadically in addressing Greek-Macedonian relations evolving around the name dispute. In 1991 it also opened the European Community Monitoring Mission with headquarters in Sarajevo, which monitored political processes throughout former Yugoslavia, including Macedonia.<sup>10</sup> However, compared to the OSCE monitoring activities throughout the 1990s, those

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<sup>8</sup> *Author's interviews* with Nezhdet Mustafa, Mayor of the Shuto Orizari Municipality in Skopje and owner of TV "Shutel," 10 and 18 February 1999, Skopje, Macedonia; and with Amdi Bajram, Roma Member of the Parliament of the Republic of Macedonia on behalf of the Alliance of Roma in Macedonia, 17 February 1999, Skopje, Macedonia.

<sup>9</sup> Interview, Friedman 2008.

<sup>10</sup> The ECMM became EUMM in 2000 to reflect restructuring processes in the EU. Currently the mission responds to the European Council by way of EU's head of Common Foreign and Security Policy, Javier Solana. Its primary objective is to monitor political and security developments, borders, inter-ethnic issues and refugee returns., available at: [http://www.consilium.europa.eu/cms3\\_fo/showPage.asp?id=622&lang=en](http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=622&lang=en), accessed in November 2009.

of the EU mission were insignificant. The EU established diplomatic relations with Macedonia only in 1995, and kept a low profile until the end of the decade (Gyurcilova, 2005, p. 119-121). In 1996 Macedonia started receiving assistance through EU's PHARE Program, the only effective instrument to exert domestic influence at that time. However, local experts assert that although PHARE had economic and educational components, it had no direct impact on various human rights issues and on inter-ethnic relations in particular.<sup>11</sup> Until the start of the negotiations on the Stabilization and Association Agreement (SAA) in 2000, the EU considered Macedonia mainly within regional initiatives such as the Royamount Process (1996), the Regional Approach (1997) and the Stability Pact for Southeastern Europe (1999) that were all aimed at fostering stability while adding a component of democracy (Gyurcilova 2005, Tuerkes et al, 2006).<sup>12</sup> By monitoring Macedonia's performance in these processes, the EU was not consistent in its evaluations of Macedonia's human and minority rights performance. Gyurcilova gives two good examples. In an April 1998 communication the EU Commission mentioned that Macedonia still needed progress on a number of human rights issues such as reforms in the public administration, judiciary, law enforcement, minority education and representation in the security forces. Six months later the European Commission noted that Macedonia "clearly presents a picture of political maturity" and a positive example in the region, respecting basic democratic principles and the principle of regional cooperation (2005, p. 129-130). The reason behind this sudden change was not a change in democratic performance, but the coming to power of an initially pro-Western oriented coalition of the Macedonian VMRO/DPMNE and the Albanian DPA.

During the 1990s three other organizations strongly influenced Macedonia's political development: UNPREDEP, OSCE, and the Council of Europe. As much as they managed to monitor the

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<sup>11</sup> *Author's interview* with Teuta Arifi, Currently an MP on the ticket of the Democratic Union for Integration (DUI), in her then-capacity as lecturer at the Faculty of Philology, Department of Albanian Language, 7 September 2000, Skopje, Macedonia.

<sup>12</sup> The Royamount Process (1996) was the first post-war regional initiative aimed at supporting good-neighborly relations in Southeastern Europe vis-à-vis the implementation of the Dayton Accord (1995) which put an end to the war in Bosnia-Herzegovina. It had a clear focus on elite dynamics: preventive diplomacy and inter-parliamentary relations. The Regional Approach was adopted in April 1997 by the EU General Affairs Council. It established for the first time economic and political conditionality with respect to democratic principles, and launched a financial program for reconstruction (OBNOVA) of which Macedonia was a beneficiary alongside Albania, Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro). The Stability Pact for Southeastern Europe (1999) was a direct response to NATO's military intervention in Kosovo. Initiated by the Commission, this was a declaration of commitment and a framework for development of a common strategy for stability, growth and development in the Western Balkans. Working on democratic principles was considered a major element of this strategy (Tuerkes and Goekgoez, 2006).

situation locally and prevent the eruption of large-scale violence, they set the stage for the development of the above-mentioned dynamic with the local elites. The Council of Europe was the only organization with a clear mission to promote human rights, yet it was the least influential among the three. Moreover, its most efficient mechanism for implementation of human rights – the opportunities for an individual to litigate at the European Court on Human Rights in Strasbourg – was little known in Macedonia until the late 1990s. Then, UNPREDEP had a peace-keeping mission and a mandate to monitor Macedonia's borders, primarily the Serb and Albanian ones (Lund, 2000). However, it had a political wing interested in democratic reforms only on a procedural level, and only so far as they were in line with their mandated security concerns. Deeper human rights reforms were not part of their agenda.

The most influential organization at the time, the OSCE, also had a security mission: to prevent the “spillover” of conflict. More elements of democracy promotion were visible in its activities. The OSCE gained a reputation as the institution that monitored elections and proclaimed whether they were free and fair. It had a political office monitoring minority affairs in education, media, and self-government. Most notably, the OSCE's High Commissioner on the National Minorities, Max Van der Stoep, played a leading role in developing the legislative and institutional basis for a multi-cultural university in which Albanians could receive higher education in their own language (Kemp 2002). However, the mission did not go further. For example, while human rights organizations such as the International Helsinki Federation, Amnesty International, and Human Rights Watch openly criticized the new constitutional status putting the Macedonian nation above other nationalities, the OSCE did not open a debate, but kept instead a low profile.<sup>13</sup> During the controversial raising of the Albanian flag on municipal buildings in Tetovo in 1997, it did not condemn the police violence against the demonstrators, but instead engaged in dampening tensions between the parties involved.<sup>14</sup> Finally, despite violations of electoral procedures, it considered the general elections in 1998 free and fair. The reasons were political: a pro-Western coalition was the winner.

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<sup>13</sup> Human Rights Watch (1998). *Macedonia: Police Violence in Macedonia*. <http://www.hrw.org/reports98/macedonia>, accessed in November 2009.

<sup>14</sup> OSCE's mission mandate prevented the mission from doing so. As an interviewee observed, when the OSCE went too far in intervening in relations between the Albanian elites and the government, the Macedonian government reminded the OSCE that its only mandate was to monitor “spillover” with no broader functions. Senior Official (1), anonymous, *author's interview* 7 September, 2000, Skopje, Macedonia.

The most influential international organizations represented in Macedonia in 1991-2001 socialized the local actors with an understanding that democracy and the respect for human rights had their limits, and when security, stability or state-building were concerned, democracy was not a priority.

**TABLE 2**

**Milestones of EU-Macedonia Relations**

1992. Macedonia appoints its representative in Brussels, agreeing to use the name “Former Yugoslav Republic of Macedonia”
1995. Diplomatic relations are established
1996. Macedonia is included in the Royamount Process A bilateral Co-operation Agreement is signed Macedonia becomes part of EU’s PHARE program
1997. Regional Approach includes Macedonia
1999. Macedonia takes part in the Stability Pact for Southeastern Europe
2000. EU Delegation is appointed to Skopje
2001. EU-induced Ohrid Framework Agreement stops the internal violence between Albanian rebels and Macedonian government
2001. Stabilization and Association Agreement is ratified
2003. EU Thessaloniki Process promises future membership
2004. The Macedonian government adopts a national strategy for EU integration
2005. The European Council approves Macedonia’s candidate for membership status
2009-10. Citizens of Macedonia are granted visa-free-travel in the EU. Macedonia has not yet received a date for the start of accession talks

**2001-2009: Strong EU Involvement, No Significant Improvement**

The internal warfare of 2001 resulted in thousands of internally displaced on both the Macedonian and Albanian sides. However, the conflict in Macedonia was not as bloody as the fighting in Bosnia-Herzegovina and Kosovo and a total of 38 members of the security forces were killed and 220 people were wounded (Ordanoski, 2001). Nevertheless, serious human rights violations were committed, which later became a subject of international prosecutors’ attention. Most seriously, the crisis increased the existing divide between Macedonians and Albanians of Macedonia.

While the events of the crisis are not described in this article, two points are directly relevant to the discussion. First, Javier Solana, the highest ranked EU official, became directly involved in pressuring and mediating between leaders of the two ethnic groups to come to terms with each other and form a broad



coalition government. He visited Macedonia three times during the crisis. His unprecedented attention was not without a reason, since the EU had signed an Association and Stabilization Agreement with Macedonia in early 2001, and had a stake in securing the country's stability.<sup>15</sup> Secondly, the Ohrid Framework Agreement – the peace-agreement that stipulated all the important rearrangements of inter-ethnic relations in the state, starting from the Constitutional Preamble and going deeper through laws on decentralization and self-government – became a reference point for future EU conditionality towards Macedonia.<sup>16</sup> Moreover, the 2003 Thessaloniki Process, opening the prospects for future EU integration from countries in the Western Balkans, reinforced the importance of existing stabilization agreements (Thessaloniki Declaration, 2003). Thus, one can argue that it added another layer to a long shadow that the EU cast on Macedonia after 2001. Nevertheless, while one cannot omit the deeper EU involvement in Macedonia's internal affairs, especially compared to the previous period, one can still ask how much this involvement effectively offered an institutional framework encouraging local actors to seek non-zero-sum-game solutions in the long run. In the next pages I cast a doubt on such a strong assumption.

Let us first look into some arguments that would support a thesis that the EU created an environment conducive to more respect for human and minority rights. First, the EU and NATO exerted strong pressure

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<sup>15</sup> The Stabilization and Association Agreement with Macedonia is part of an entire EU process of signing similar agreements with other countries in the Western Balkans, as well as Ukraine. This type of agreement resembles the Europe Agreements signed with the Eastern European front-runners in the early 1990s, yet emphasizes the centrality of maintaining stability. At the core of this agreement is the beginning of harmonization between EU legislation and that of target country.

<sup>16</sup> On November 15, 2001, the Macedonian Parliament voted 15 constitutional amendments envisaged by the Framework Agreement, which was signed on 13 August 2001 in the town of Ohrid in Macedonia. First, this agreement amended the preamble, which was the most disputed part of the Constitution. In the later version it says that Macedonia is a state of “all citizens [...] of the Macedonian nation, as well as citizens living within its borders who are part of the Albanian nation, Turkish nation, the Vlach nation, the Serb nation, the Roma nation and others, taking responsibility for the present and the future of their country...” Balalovska, Kristina, Alessandro Silj, and Mario Zucchoni. “Minority Politics in Southeastern Europe. Crisis in Macedonia” *Ethnobarometer Working Paper Series*, 2002 at <http://www.ethnobarometer.org/pdf/wp06.pdf> Second, the changes also increased the Albanians' language rights. A minority language became official if spoken by more than 20 percent of the population. It could be used officially in communications with the central government, and could be spoken in the parliament with a simultaneous interpretation into Macedonian. Most notably, laws were to be published in Macedonian and in Albanian. However, Macedonian remains the official language for governmental sessions and in the state's foreign relations. Third, the special status earlier enjoyed by the Macedonian Orthodox Church was slightly diminished. The Islamic Community and the Roman-Catholic Church and other religious communities were explicitly mentioned alongside it. Fourth, a new voting mechanism was introduced. It required a two-thirds majority in the parliament when constitutional changes or legislation of cultural or linguistic significance are affected. It extended only to five areas: local administration, territorial division, use of languages, protection of cultural identity and use of flags and symbols. See Framework Agreement 2001 and International Crisis Group (ICG). (2001). ‘Macedonia. War on Hold’. *Europe Briefing* 21, 15 August, <http://www.crisisgroup.org/home/index.cfm?id=1785&l=1>, accessed in November 2009.

on the Macedonian government to disband the special police unit, the Lions, created during the warfare and active at sites of major clashes with the Albanian rebels in 2001 (Ordanoski 2001). This group was officially disbanded in 2003 after a government change in Skopje.<sup>17</sup> In a similar vein, former interior minister Ljube Bozhkovski, who was behind the creation of this group, was indicted by the International Tribunal on Former Yugoslavia in The Hague in 2005 for crimes against humanity committed during the internal warfare in 2001. He received little defense from the Macedonian government coalition partner at the time he surrendered, and he was extradited to International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague. The external pressure exerted on the Macedonian government was much less than that exerted on the Serbian government in the cases of Karadzic, Mladic, and Milosevic. While a pro-European course of action is certainly a reason for why the government claimed it agreed to extradite Bozhkovski, the exact reasons are not entirely clear. Speculations exist that the then-Prime-minister, Branko Crvenkovski, sent Bozhkovski to the ICTY in The Hague in order to get rid of a possible political rival in a future presidential race, which he eventually won in 2004. Bozhkovski allegedly held similar ambitions, but unlike Crvenkovski, who was losing clout due to the costly reforms he was introducing with regard to the Ohrid Framework Agreement, Bozhkovski enjoyed one of the highest popularity ratings in the country. Regardless of which logic is true – whether the coalition government acted because of EU persuasion, conviction of the appropriateness of the move, or because of a rhetorical action linking self-interested reasoning with enlargement standards, EU involvement created an incentive for the government to abide by international legal standards of prosecution of war crimes.<sup>18</sup>

Secondly, major legal amendments were passed alongside provisions of the Ohrid Framework Agreement. In one of the most controversial cases, decentralization laws were approved by the parliament in August 2004, which decreased the number of municipalities from 123 to 80 and allowed them authority

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<sup>17</sup> During 2001 Bozhkovski overstepped his powers of Minister of the Interior and created a special rapid reaction unit, the Lions, drawn from the list of police reservists who were called to defend their country. Some of them were known for their criminal record (Ordanoski 2001). The unit functioned as a VMRO-DPMNE-based paramilitary until April 2003 when it was officially disbanded by Prime Minister Branko Crvenkovski who came to power after the September 2002 elections when his SDSM defeated the ethnic Macedonian rival, VMRO-DPMNE's, in the polls.

<sup>18</sup> In July 2008 The ICTY acquitted Ljube Bozhkovski and let him return to Macedonia, but sentenced Jovan Tarculovski, a junior leader connected to the “Lions” special unit during the 2001 internal warfare, to 12 years in prison. Bozhkovski's return in July created euphoria among the Macedonians. He was accepted by the Prime Minister Gruevski, and was greeted by former members of the officially disbanded “Lions” unit. To Bozhkovski's credit, his first messages on Macedonian territory were to call people to consider forgiveness and moving on for the sake of the country.

over areas of culture, primary and secondary education, health care, urban planning, and local policing. These laws were enacted forcefully by the ruling SDSM-DUI coalition in order to qualify Macedonia for future EU and NATO membership. They strongly benefitted the Albanian minority and tailored the new municipality size to meet EU standards.<sup>19</sup> Third, EU efforts to support the Roma's rights in Macedonia – alongside those of other Roma in other parts of Europe – have reaped some results as well. As Friedman noted, Macedonian authorities undertook various measures to encourage the preservation and cultivation of Romani culture through Romani-language broadcast time and primary school instruction (2004). Some new positive developments since 2001 are the pressure on the government to employ educated Roma in positions in the public administration. Recently there has been a director at the Ministry of Social Affairs, a Minister without portfolio, and a deputy justice minister of Romani origin. Roma political parties have been able to cut better political deals while participating in coalitions with mainstream parties.<sup>20</sup> Also, a December 2007 Amnesty International Report entitled “Little by Little We Women Have Learned Our Rights” featured the mobilization of Romani women in Macedonia among other issues.<sup>21</sup> Theoretically, this argues in support of a successful socialization of Roma with liberal democratic values over time. However, the magnitude of the problems of their social discrimination remained large, as I will discuss shortly.

Fourth, the EU identified major lines for reform related to granting Macedonia a candidate membership status in 2005. Dominant issues have been police and judicial reform, the fight against corruption, and the promulgation of an anti-discrimination law. With respect to the police, after 2001 some effort was made to increase the number of ethnic Albanians in the police force, especially on the local level.<sup>22</sup> In addition, in 2003 the EU established its own police mission, EUPOL/PROXIMA. This mission was experimental for the EU and was meant to monitor, mentor, and advise police counterparts on the local level. It was focused primarily on developing guidelines on the implementation of EU police standards, and

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<sup>19</sup> Biljana Stavrova, “Macedonia: Drawing the Line.” *Transitions Online*, <http://www.tol.cz>, 16 August, 2004, pass-protected electronic archives accessed in February 2007.

<sup>20</sup> *Author's telephone interview* with Eben Friedman, Independent Consultant on Romani Affairs in Macedonia, 12 September 2008.

<sup>21</sup> Amnesty International 2007, <http://www.amnesty.org/en/library/info/EUR65/004/2007>, accessed in November 2009.

<sup>22</sup> Nevertheless, the police remained largely Macedonian, while the government maintains a 25% recruiting quota for ethnic minority officers. According to the Ministry of Interior, at the end of 2006, 80% of the police was Macedonian, a decline of 12% from 2002. US Department of State 2007, available at <http://www.state.gov/g/drl/rls/hrrpt/2007/100571.htm>, accessed in November 2009.

worked closely with local counterparts to fight organized crime and human trafficking.<sup>23</sup> The EU was also behind the 2003 launching of a new Police Academy in 2003 in coordination with the OSCE, the Council of Europe and Europol, and established a new Academy for Training of Judges and Prosecutors in 2006 as well.<sup>24</sup> Thus, the EU put effort into training and professionalization of local personnel in general, and in inculcating human rights principles among police officers in particular. Furthermore, encouraged by the EU and other international organizations, the Macedonian Interior Ministry established units within its own system to deal with corruption and abuse of human rights. As the ICG points out, a 2004 corruption investigation led to the dismissal of eight police officers and two ministry officials and the demotion of 70 traffic police.<sup>25</sup>

Part of the reforms of the judicial system included changes in the legislation related to the Ombudsperson, an institution established in 1997, which was largely inactive prior to 2001. As a Senior Official at the Ombudsperson's office observed, the new 2003 law gave more competences for monitoring minority rights. In line with them, the new ethnic Albanian Ombudsman Idzet Memeti introduced a number of changes.<sup>26</sup> He raised awareness of the need to dismiss two judges considered responsible for the backlog of a large number of human rights related cases in the courts. He also involved the office into investigations of police abuse, especially from special security units, and into raising awareness of the need for minority representation in the public administration, and of other issues of discrimination. As a result of these measures, according to the Senior Official, the Ombudsman's popularity has grown: while in 2004 around 2000 cases were filed to the office; already around 3000 cases were filed in 2004. More Albanians turned for help to the office after 2004.<sup>27</sup> While the OSCE gave the most direct external support, the Ombudsperson has been working within the overall framework of EU requirements for future integration.<sup>28</sup>

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<sup>23</sup> *Author's interview* with a Senior Official (2) at an international organization, anonymous, 19 July, 2008, Skopje, Macedonia.

<sup>24</sup> *Author's interview* with Mirjana Najceska, Professor in Sociology and former director of the Helsinki Committee of Macedonia. 10 July 2008, Skopje, Macedonia.

<sup>25</sup> International Crisis Group (2006) 'Macedonia: Wobbling Toward Europe' *Europe Briefing* 41, 12 January, <http://www.crisisgroup.org/home/index.cfm?l=1&id=3869>, accessed in November 2009.

<sup>26</sup> In 2004 the Macedonian Parliament elected Idzet Memeti (Albanian) to replace Branko Naumoski (Macedonian) as the Ombudsman of Macedonia who has occupied the office since 1997 (IHF, 2005a).

<sup>27</sup> *Interview*, Senior Official 2, 2008.

<sup>28</sup> *Author's interview*, Official at the Ombudsperson Office, 16 July, 2008. Skopje, Macedonia.

As the narrative above has demonstrated, major institutional changes and socialization with liberal values occurred under EU pressure. Also, the EU enlargement became the reference point to which other governmental and non-governmental organizations could link their work. While the role of the OSCE significantly diminished compared to the previous period, the organization continued to be involved with various human and minority rights projects.<sup>29</sup> After 2001 the role of the Council of Europe increased with major litigation cases being filed in the European Court on Human Rights in Strasbourg.<sup>30</sup> The traditionally pro-American Soros Foundation, a major donor for human rights and civil society projects in Macedonia, reoriented some of its projects to link civil society issues to concerns over Macedonia's future enlargement. The Swedish Helsinki Committee has joined the Macedonian Helsinki Committee, Greek Helsinki Monitor, and the Macedonian Center for International Cooperation, other major NGOs that have been active in sponsoring or advocating for human and minority rights initiatives. It has sponsored projects on media and information freedom, fair trial, and anti-corruption.<sup>31</sup> Thus, although the EU may not be directly involved in many human and minority rights projects, European integration provided a focal point for cooperation of other organizations that target human and minority rights issues more narrowly.<sup>32</sup>

However, problems persist beyond the institutional and socialization levels. When measuring implementation, the end point for respect of human and minority rights, results are not very different from the 1990s as demonstrated by the Freedom House scores in Table 1. Narratives of various monitoring organizations point to specific issues. First, the government's support for decentralization has been more rhetorical than effective. The lack of a clear implementation strategy and communication, vague and unrealistic timelines, and the political leadership's toleration for the lack of reform are creating barriers to

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<sup>29</sup> Ibid, 2008.

<sup>30</sup> *Author's interview* with Gordana Nestorovska, Project Coordinator, Macedonian Helsinki Committee. 17 July 2008, Skopje, Macedonia.

<sup>31</sup> *Author's interview* with a Senior Official (3) at an international NGO, anonymous, 16 July 2008, Skopje, Macedonia.

<sup>32</sup> I borrow the idea about the EU enlargement creating a "focal point for cooperation" from Vachudova (2006), yet I use it in a different sense. While she found that EU enlargement became a focal point for cooperation among the divided liberal opposition against non-liberal incumbents in Eastern Europe, I see that the EU can create another focal point. In this case EU enlargement gives human rights organizations the opportunity to link their own projects to specific tasks identified as important for Macedonia, and thus enhances their own credibility and reputation.

changing the bureaucracy.<sup>33</sup> In addition, reforms have slowed down in Macedonia since it received EU candidate status in 2005, especially in key areas, among them police reform (Lingescu, 2007). Finally, some of the most significant aspects of the obligations taken under the Ohrid Agreement – such as the return of the internally displaced and the passing of language legislation – have not taken place.<sup>34</sup> As a result, the EU has withheld the date for the start of accession talks, considering that Macedonia faces major challenges in implementing and enforcing legislation, and that the country’s administrative capacity may not be able to carry the reform process through.<sup>35</sup>

Second, while the implementation of the Ohrid Framework Agreement led to the adoption of laws, institutional structures, and policies to induce ethnic diversity in the public administration, mostly the ethnic Albanians have benefitted from them. Other minorities – Roma, Turks, Serbs, Vlachs – have been neglected in the process, especially with respect to employment in the public administration, police and security forces, as indicated in Table 3. These public institutions are major employers in a state experiencing significant economic decline after the 2001 internal warfare and continued privatization during the post-conflict reconstruction period, leading to further unemployment.<sup>36</sup> Roma are in the worst economic situation (ECMI 2006). Related to this point is another problematic issue, the lack of sufficient EU attention to social and economic rights. The fact that Macedonia signed the European Social Charter in 1998, but did not ratify it until 2005, demonstrates that the international community did not exert systematic pressure on the governments to adopt it. Instead, even after 2001 the EU preferred to hold onto its own hegemonic project to export economic liberalism to the accession countries without considering its consequences for weak states and post-conflict societies (Tuerkes et al. 2006).

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<sup>33</sup> International Crisis Group (2005) ‘Macedonia: Not Out of the Woods Yet’, *Europe Briefing* 37, 25 February 25, <http://www.crisisgroup.org/home/index.cfm?l=1&id=3295>, accessed in November 2009.

<sup>34</sup> Bilijana Stavrova and Robert Alagiozovski. “Balkan War Crimes: from Skopje to the Hague,” in *Transitions Online*, <http://www.tol.cz>, March 21, 2005, pass-protected electronic archives accessed in February 2007.

<sup>35</sup> Stavrova, 2004.

<sup>36</sup> In 2007 the unemployment rate in Macedonia was 37%, according to official statistics, a very high percentage for Europe. The statistical institute collects its data based on the number of people who register at the employment agency so that they can receive health insurance and “blue cards.” Yet many people are employed part-time or are unofficially employed. Thus, the informal figure for unemployment was 20% in 2007, which is still very high. See Nikolovski, Z. ‘Confusion, Concern over Unemployment in Macedonia’ *Southeast European Times*, 2 May 2007, [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2007/05/03/feature-02](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2007/05/03/feature-02)

TABLE 3

**Ethnic Distributions of Employees in State Institutions**

<b>Ethnic group</b>	<b>December 2002</b>		<b>December 2004</b>		<b>December 2006</b>	
	<b>No of Employees</b>	<b>%</b>	<b>No of Employees</b>	<b>%</b>	<b>No of Employees</b>	<b>%</b>
<b>Macedonian</b>	58,348	83,27	56,871	80,31	55,086	77,39
<b>Albanian</b>	8,164	11,65	10,294	14,54	12,397	17,42
<b>Turkish</b>	826	1,18	928	1,31	1,047	1,47
<b>Roma</b>	358	0,51	376	0,53	407	0,57
<b>Vlach</b>	321	0,46	330	0,47	342	0,48
<b>Serbian</b>	1,215	1,73	1,172	1,66	1,117	1,57
<b>Bosnian</b>	160	0,23	181	0,25	214	0,30
<b>Others</b>	682	0,97	660	0,93	572	0,80
<b>Total</b>	70,074	100	70,812	100	71,182	100

Source: Ministry of Finance of Republic of Macedonia,  
quoted by the Center for Research and Policy Making, 2008.

However, even in the sphere of political and civil rights many issues have remained. The excessive use of force is a pervasive problem. Although torture and ill-treatment have significantly decreased since the armed conflict, they are still widespread.<sup>37</sup> Armed groups have been officially disbanded, but

<sup>37</sup> International Helsinki Federation (IHF)\_(2003 b) *Torture and Inhuman and Degrading Treatment or Punishment in Selected OSCE Participating States*. November 2003. [http://www.ihf-hr.org/viewbinary/viewdocument.php?doc\\_id=5219](http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=5219), accessed in November 2009; and Macedonian

disarmament has not been satisfactory. The illegal ownership of small arms has resulted in an increased number of murders, injuries, and armed robberies (IHF 2005a). Arbitrary arrests and detention continue (IHF 2006). Inhuman conditions in Macedonian prisons, especially for men, led to an increase in suicides.<sup>38</sup> Moreover, many internally displaced during the 2001 conflict – around 40,000 out of 70,000 – were involuntarily returned to their places of origin. They were threatened and brutalized by the authorities (IHF 2002). More reports assert that Roma are being mistreated, and that there is no local investigation into their cases.<sup>39</sup>

Problems with the judiciary are equally pervasive. A new academy for judges exists, but the judiciary's dependency on political patronage has been growing since 2001 rather than declining. Moreover, human rights organizations receive a large number of complaints because of citizens' inability to receive justice in the courts. The lack of justice stems from politically motivated decisions, a backlog of cases lasting for years and increased filing fees that many cannot afford to pay (IHF 2003, 2005a). Freedom of speech has also been problematic. Media are primarily based within each national community, thus limiting the possibility for a respectful multi-cultural dialogue. Moreover, harassment of journalists continues, and libel is considered a criminal offense. Several journalists have already been sentenced on the basis of this legislation (IHF 2005a). There is no legal act allowing for the disclosure of information, making politicians and public officials feel little accountability towards civil society.<sup>40</sup> Human trafficking – identified as a pervasive problem in Macedonia in the late 1990s and early 2000s – has decreased as a trans-border phenomenon, but transformed itself into one of internal trafficking.<sup>41</sup> Finally, the absence of an anti-discrimination law – which is currently being prepared but has not been adopted – has perpetuated the vulnerability of certain communities.<sup>42</sup> Domestic violence remains a major problem for women and children in Macedonia. Professional discrimination of women continues especially at a time of limited economic opportunities. Moreover, minority women are the most vulnerable due to dual discrimination on

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Helsinki Committee (MHC) (2008) *Torture is Still Among Us!* <http://www.mhc.org.mk/default.asp?ItemID=B51A7FB78DAC8A4E971B1F53B107046E>, accessed in November 2009.

<sup>38</sup> IHF (2005 b) *Places of Detention in Macedonia*, January <http://www.unhcr.org/refworld/docid/46963af60.html>, accessed in November 2009.

<sup>39</sup> MHC report, 2008.

<sup>40</sup> *Author's interview* with Violeta Gligorovska, Media Coordinator. Soros Foundation in Macedonia, 10 July, 2008. Skopje, Macedonia.

<sup>41</sup> US State Department, 2007.

<sup>42</sup> Nestorovska, interview 2008.



the basis of gender and nationality. Finally, homosexuals are subject to harsh discrimination and isolation from society regardless of their ethnic affiliation.<sup>43</sup>

Why is this disconnect between strong EU involvement and no significant improvement of the human rights record? One can rightly argue that for long-lasting reforms to take place, time needs to pass while policies are implemented in the right direction. Nevertheless, the failed attempts of the international community to build a viable state in Bosnia-Herzegovina for the past 14 years warn the scholar from giving the benefit of the doubt to such an argument. A close examination of existing dynamics is needed in order to prevent another failure. I argue that the EU – despite being the major international presence in Macedonia after 2001 – has not been able to change the two-level game the local actors have been playing vis-à-vis the international community since Macedonia's independence as a state. They introduce reforms selectively while simultaneously resisting reform or using the pressure to advance their nationalist goals. I have already mentioned a number of reforms which are the result of the elites' willingness to introduce change. Now let us look into the other part of the game.

New laws and policies constituted a political opportunity for local elites to appropriate power for their particularistic and nationalist purposes. As IHF points out, the authorities used the Framework Agreement as an excuse not to apply meritocratic criteria for employment in the public administration, to make changes in the State Judicial Council, or to appoint Constitutional Judges (2003). Instead, appointments were made with political aims. For example, the ethnic Albanian appointed as Ombudsman was not a politically neutral figure. He was a member of the Albanian DUI party, which was in power at that time, and in naming him, Parliament violated articles 6 and 8 of the new Law on National Ombudsperson (IHF 2005). Also, during privatization reforms, the most influential independent daily newspapers – *Dnevnik* and *Utrinski vestnik* – were bought by the German concern VAC which established a print media monopoly. The government allegedly supported this development (IHF 2004). Members of the Macedonian opposition, aided by a nationalist diaspora primarily from Australia, exploited constitutional provisions allowing that a referendum be held on an issue if 150,000 people signed a petition for the civil initiative. In 2004 such an initiative called for a referendum to stop the adoption of decentralization laws envisaged by the Framework Agreement to allot more municipal authority to the

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<sup>43</sup> Senior Official 3, interview 2008.

ethnic Albanians. The EU intervened against holding the referendum, and the United States recognized Macedonia under its constitutionally proclaimed name. Both moves restrained the majority of ethnic Macedonians from going to the polls. Finally, as of autumn 2008 students were allowed to take religious education as a “chosen” subject in primary and secondary schools. Long-time human rights activist Mirjana Najceska considers this process the “most retrograde” of all, since it allows the denominations to actively interfere in the secular affairs of the state and to further perpetuate divisions among the communities.<sup>44</sup>

However, problems of disconnect between EU pressure and implementation of human rights standards are not simply located in the field of activities of the local elites. The nationalist game thrives on problems with EU credibility. There is a pervasive argument among Macedonian local elites that the EU has deficits in implementation of its own minority rights policies. This argument has already penetrated policies rather than remained an intellectual observation. For example, Macedonian electronic media, often controlled for the content of their programs, pay disproportionate attention to the inter-ethnic problems in Belgium. Moreover, the lack of credibility argument is often tied to the debate with Greece about the name, and with Greece and Bulgaria as a new EU member with respect to recognition of their Macedonian minorities. The argument goes that if neither country could change its narrow historical vision with regard to the Macedonian nationality, why would Macedonians be eager to further support ethnic diversity in their own country?

Problems with appointment of personnel have also exacerbated the ability of the local elites to play their narrow particularistic game with the EU. As an interviewee observed, local representatives’ contracts are often short-term. Shifts change and in the process institutional memory is lost, especially against the backdrop of an ever changing union. The periods of change have been effectively exploited by the local elites on various occasions on which the official did not want to elaborate.<sup>45</sup> Moreover, since Macedonia is considered neither a crisis zone nor a case for a rapid enlargement, stagnation is the word that best describes the political situation.<sup>46</sup> Under such political circumstances, the most knowledgeable personnel move on with their careers and find employment elsewhere.

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<sup>44</sup> Najceska, interview 2008.

<sup>45</sup> Senior Official 2, Interview 2008.

<sup>46</sup> Friedman, Interview, 2008.

Moving from the micro to the macro level of interactions, the current Prime Minister Nikola Gruevski has no major incentives to make further steps towards EU integration. This holds especially true against the backdrop of a continued disagreement over the name and minority issues with Greece considered unreasonable by its ethnic Macedonian opposition (SDSM and other smaller parties included), as well as by a growing number of international experts working on Macedonia, including the Greek Helsinki Monitor. Moreover, the decision of the 2008 NATO Summit in Bucharest not to invite Macedonia for membership due to the name dispute with Greece, and the decision of the EU not to give a date to Macedonia to start accession talks gave important signals for isolationism beyond the general Euro-fatigue over further enlargement.<sup>47</sup> Thus, instead of advancing on the European agenda, the government has moved in a nationalist direction. Nationalism helps it thrive in times of economic instability for which ethnic Macedonians have few coping mechanisms, unlike the Albanians who have a large diaspora abroad. Oddly enough, Macedonian nationalism is now discovering its roots in Pakistan, where allegedly Alexander the Great left his wounded soldiers behind and where over the centuries their descendants had founded families and settlements.<sup>48</sup> Also, Macedonians – regardless of whether sympathizing with Gruevski’s VMRO-DPMNE or with its rival SDSM – often express the sentiment that the EU has seriously pressured them to implement the Ohrid Framework Agreement, but has shown little appreciation and understanding for what the Macedonians have done. Thus, revisionist sentiments exist among the Macedonian community as a whole. Against the backdrop of these political developments, and having in mind that Gruevski enjoys great popularity among the Macedonians at present, further implementation of European human and minority rights standards do not seem to be a priority.

### **Conclusions**

This article asked to what extent the strong EU involvement with Macedonia after the internal warfare of 2001 encouraged greater implementation of human and minority rights compared to 1991-2001, when the EU had little involvement. I argued that quantitative and qualitative accounts demonstrate that Macedonia advanced only minimally in demonstrating an improved human and minority rights record. The

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<sup>47</sup> In April 2008, NATO invited Albania and Croatia to become members of the alliance. Macedonia was excluded due to the name dispute with Greece.

<sup>48</sup> A delegation of Pakistani Hunza peoples claiming to be descendents of Alexander the Great visited Skopje in July 2008. They were officially received by Prime Minister Gruevski.

repercussions of the conflict are one possible explanation of why reforms would develop more slowly in a post-conflict environment. However, I pointed to another reason that accounts for this minimal change – the dynamic of relations between local elites in Macedonia and the international community inherited from the 1990s. I argued that in the course of their interactions with the OSCE, UNPREDEP, the Council of Europe, and only marginally with the EU during the 1990s, local elites learned that security, stability, and democratization are fused in the policies of the international community, but democratization is not a priority when security and stability are at risk. Local elites do not achieve and maintain political capital from the international community through meritocratic advancement on aspects of liberal democratization. In line with this dynamic, the local elites have played a two-level game: they introduced reforms when having the proper incentives, but resisted other reforms and often used the implementation of new laws and policies to pursue particularistic and nationalist goals. This dynamic has been at the core of the visible disconnect between implementation and the active EU promotion of institutional and legalistic reforms, socialization of local actors with liberal democratic values including human and minority rights, and providing a focal point for governmental and non-governmental organizations to cooperate more closely on their own human and minority rights projects.

This account challenges the established literature on European enlargement on two of its major assumptions derived from theorizing on EU relations towards states in Eastern Europe during the 1990s. For one, the literature does not take into account that democracy has not been the “only game in town” in Macedonia (and the Western Balkans at large) as in Eastern Europe. In Macedonia security and democracy have been fused in a single framework in which security concerns trumped those over democratization as of the early 1990s. As a result, the dynamics of the relationship between the EU and local elites in Eastern Europe and Macedonia are qualitatively different. Secondly, the literature assumes that all the mechanisms of EU influence – leverage, conditionality, socialization, rhetorical entrapment, geopolitical expansion and others - are working in the same way as during the previous wave of enlargement. Although these may be the same mechanisms, they are applied under different conditions in the target country and the EU itself. Currently the majority of target countries in the Western Balkans and Macedonia in particular, are characterized by post-conflict environments and weak states. Moreover, the EU is no longer credibly committed to expansion. At present, there is a significant EU enlargement fatigue. Further credibility

problems exist with respect to its minority rights policies. These new conditions are reducing the effect of the previously successful mechanisms.

More narrowly, my argument challenges another line of argument in the literature, that the EU-induced learning and socialization processes are usually only associated with the transfer of liberal democracy values (Dolowitz and Marsh 2000, Rose 1991). I argue that learning could take place on two levels simultaneously. Liberal democratic values are transferred to elites, police, judges, Albanians, Roma, and other vulnerable groups, but at the same time there is behavioral socialization that democracy does not matter compared to security and stability.

In addition, the majority of EU enlargement accounts are still either embedded in exclusively rationalist or constructivist logics, while only recently a trend has been growing to combine both paradigms and see them as complementary (Schimmelfennig and Sedelmaier 2005, Jupille, Caporaso, and Checkel 2003). In line with this latter scholarly trend, my account argues about a sequence of relations. First, the dual track learning has locked the local elites and the international community, including the EU after 2001, into a specific dynamic. In a second step, local elites who have internalized this learned dynamic, perpetuate it in rational action within a two-level game. Prime Minister Crvenkovski delivered former interior minister Ljube Bozhkovski with no strong resistance to the ICTY in The Hague because his alleged personal interest aligned with the goal of Macedonia's EU integration. Elements of the Framework Agreement were introduced into legislation with the incentive of Macedonia's receiving a candidate membership status in 2005. Together with the EU, Crvenkovski pressured Macedonians not to participate in the referendum on decentralization in 2004, supported by the US recognition of Macedonia's constitutionally proclaimed name. At the same time, further reforms stalled. Local elites often used new laws and policies to empower their own party and/or community. They developed unreasonable timelines, and used the weakness of the state and the need to implement the Framework Agreement as excuses in order to employ political patronage in relevant public administration positions. Privatization and developing of media monopoly have disproportionately benefitted the Crvenkovski government. Compared to other minorities, the Albanians who have participated in coalition governments have benefitted disproportionately from the reforms. Moreover, the Macedonian opposition VMRO-DPMNE and Macedonian citizens used the possibility for a democratic referendum in 2004 to attempt to reverse the

course of reforms and nurture Macedonian revisionism. By passing a new law allowing students to study religion as a chosen subject in the schools, the local elites implicitly agreed that the highly politicized denominations can interfere in the secular affairs of this country. These are only some examples of how the latter elite actions resulted in driving the two major communities – the Macedonian and Albanian – further apart from each other after 2001. Thus, the quality of democracy in Macedonia at present could be viewed as becoming more majoritarian within the communities, rather than more liberal as required for EU integration.

### References

- Axelrod, R. (1984) *The Evolution of Cooperation* (NY: Basic Books).
- Belloni, R. (2008) *State Building and International Intervention in Bosnia*. (London: Routledge).
- Bieber, F. (2006) 'Bosnia-Herzegovina: Slow Progress towards a Functional State', *Southeast European and Black Sea Studies* 6, 1.
- Bose, S. (2002) *Bosnia after Dayton: Nationalist Partition and International Intervention*. (Oxford: Oxford University Press).
- Center for Research and Policy Making. *Budget Watchdogs*. 2008. February, Skopje, Macedonia.
- Checkel, J. (2001) 'Why Comply? Social Learning and European Identity Change', *International Organization* 30, 3.
- Deets, S. (2006) 'Reimagining the Boundaries of the Nation: Politics and the Development of Ideas on Minority Rights', *East European Politics and Societies* 20, 3.
- De Witte, B. (2000) *Politics Versus Law in the EU's Approach to Ethnic Minorities*. Working Paper RSC 00/4 (San Domenico, Italy: European University Institute).
- Dolowitz, D. and D. Marsh (2000) 'Learning from Abroad. The Role of Policy Transfer in Contemporary Policy-Making' *Governance* 13, 1.
- Framework Agreement*, (2001), 13 August (Ohrid: Macedonia).
- European Centre for Minority Issues and SIDA (2006) *Roms on Integration II: Analyses and Recommendations*. (Flensburg, Germany: ECMI).
- EU-Western Balkans Summit (2003) *Thessaloniki Declaration 2003*. (Thessaloniki, Greece).

- Franck, T. (1990) *The Power of Legitimacy among Nations*. (New York: Oxford University Press).
- Friedman, E. (2004) 'No Greater Macedonia Than I' in *Transitions Online*, <http://www.tol.cz>, October 1, 2004, pass-protected electronic archives accessed in February 2007.
- Grabbe, H. 'A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicants', *Working Paper RSC 99/12*. (San Domenico di Fiesole: European University Institute).
- Grillot, S. (2008) 'Policing Via Principles: Reforming the Use of Force in the Western Balkans', *East European Politics and Societies* 22, 1, pp. 319-346.
- Gjurcilova, P. (2005). *From Co-operation to Membership: The Development of Relations Between the EU and Eastern European Countries Leading to the Stabilization and Association Process, with Special Emphasis on the Republic of Macedonia* (Skopje, Macedonia: Delegation of the European Commission).
- Haas, P. (1992) 'Introduction: Epistemic Communities and International policy Co-ordination' *International Organization* 46, 1, pp. 1-35.
- Hayden, R. (2005). 'Democracy with a Demos? The Bosnian Constitutional Experiment and the International Construction of Non-functioning States', *East European Politics and Societies* 19, 2, pp. 226-259.
- Heritier, Adrienne. 'How Does Europeanization Affect CEE Governance? Conditionality, Diffusion, and Diversity' *Journal of European Public Policy* 8, 6, pp. 1013-31.
- International Helsinki Federation (IHF) (2002, 2003 (a), 2005(a)). 'Human Rights in the OSCE Region: Europe, Central Asia, and North America' *Annual Reports*.
- Jacoby, W. (2004). *The Expansion of the European Union and NATO: Ordering from the Menu in Central Europe* (Cambridge: Cambridge University Press).
- Jupille, J., J. Caporaso, and J. Checkel. (2003). 'Integrating Institutions: Rationalism, Constructivism and the Study of the European Union' *Comparative Political Studies* 36, 1-2.
- Kemp, W. (2002). *Quiet Diplomacy in Action. The OSCE High Commissioner on National Minorities*. (Leiden, Netherlands: Kluwer Law International).

- Koinova, M. (2005) *Degrees of Ethnic Violence: The Cases of Kosovo, Macedonia and Bulgaria After the End of Communism*, Ph.D. Dissertation, (San Domenico di Fiesole, Italy European University Institute).
- Lingescu, O. (2007) 'ÉU Warns Macedonia Over Entry, *BBC News*, 9 February, <http://news.bbc.co.uk/2/hi/europe/6344907.stm>, accessed in February 2007.
- Lund, M. (2000). 'Preventive Diplomacy for Macedonia, 1992-1999: From Containment to Nation Building.' In Jentleson B. (ed.) (2000).
- March, J. and J. Olsen (1989) *Rediscovering Institutions: The Organizational Basis of Politics* (New York: Free Press).
- Moravcsik, A. and M. Vachudova (2003) 'National Interests, State Power, and EU Enlargement,' *East European Politics and Societies* 17, 1, pp. 42-57.
- Noutcheva, G. and D. Bechev (2008) 'The Successful Laggards: Bulgaria and Romania's Accession to the EU' *East European Politics and Societies* 22, 1, pp. 114-138.
- Ordanoski, S. (2004) 'Lions and Tigers. The Militarization of the Macedonian Right. The 2001 Conflict in FYROM' Working Paper, June (Shrivenham, UK: Conflict Studies Research Centre).
- Ortakovski, V. (1998). *Minorities in the Balkans / Matsinstvata na Balkanot* (Skopje: 2-ri August S).
- Rechel, B. (2008). 'What Has Limited the EU's Impact on Minority Rights in Accession Countries' *East European Politics and Societies* 22, 1.
- Risse, T. 'International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area' *Politics and Society* 27, 4.
- \_\_\_\_\_ (2000) 'Let's Argue! Communicative Action in World Politics' *International Organization* 54, 1.
- \_\_\_\_\_ (2001) 'A European Identity? Europeanization and the Evolution of Nation-State Identities.' In Caporaso, J. (2001).
- \_\_\_\_\_ (2004) 'Social Constructivism and European Integration'. In Wiener, A. and T. Diez (eds.) (2004).
- Risse, T. and K. Sikkink (1999) 'The Socialization of International Human Rights Norms into Domestic Practices: Introduction' Risse T. et al. (eds.) (1999).
- Rose, R. (1991). 'What is Lesson-Drawing?'" *Journal of Public Policy* 11.



- Sedelmaier, U. (2005) *Constructing the Path to Eastern Enlargement*. (Manchester: Manchester University Press).
- Schimmelfennig, F. (2001). 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union' *International Organization* 55, 1.
- \_\_\_\_\_(2003). *The EU, NATO, and The Integration of Europe: Rules and Rhetoric*. (Cambridge: Cambridge University Press).
- Tuerkes, M. and G. Goekgoez (2006) 'The European Union's Strategy towards the Western Balkans: Exclusion or Integration?' *East European Politics and Societies* 20, 4.
- Vachudova, Milada. *Europe Undivided. Democracy, Leverage and Integration after Communism*. Oxford: Oxford University Press, 2005.
- \_\_\_\_\_(2006). 'Democratization in Post-communist Europe. Illiberal Regimes and the Leverage of International Actors' Working Paper 39, Cambridge, MA: Harvard University CES).
- Vaknin, S. (2001). 'Unemployment. The Case of Macedonia' *Central Europe Review* 3, 9.
- Vermeersh, P. (2003). 'EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary, and Poland', *Journal of Ethnopolitics and Minority Issues in Europe* 1.
- Zielonka, J. and A. Pravda (2001). *Democratic Consolidation in Eastern Europe*, Vol. 2. International and Transnational Factors. (Oxford: Oxford University Press).