

Macedonia: Wobbling toward Europe

I. OVERVIEW

The European Union summit's December 2005 decision to grant EU candidacy status is a significant milestone on Macedonia's path to European integration. However, its open-ended nature, with no start date for accession talks, indicates the practical and policy challenges the country still faces to become a stable post-conflict democracy. Implementation of the Ohrid Framework Agreement, which ended incipient civil war in 2001, is nearly complete and essential reforms are underway but progress, while significant, is also relative. The international community needs to keep pressure on the government to move faster and more seriously in vital sectors, including the police and especially the judiciary, which still lag and where on-the-ground implementation often does not keep pace with government rhetoric.

Just as the aptly-timed American recognition of Macedonia's constitutional name did in November 2004, the EU's decision gave an important boost to prestige and self-confidence. However, the cautionary language used indicates the EU will continue to press, as it should, for more movement on a number of fronts. Police and judicial reform are particular issues of critical concern for average Macedonians as well as their political leaders. Progress on them is not only a prerequisite for EU membership but also directly impacts coalition ability to govern responsibly.

The police reform mandated by Ohrid has made notable progress in recruiting and training new cadets, adding Albanian officers, and assuming responsibility for the borders. But until the government moves beyond a "ticking the box" approach and tackles fundamental management issues, including decentralising authority and instituting a merit-based personnel system, the police will still not be a transparent and accountable community-based service.

The judicial system remains unreformed and dysfunctional. A country of two million citizens has a backlog of some 1.2 million cases. The crippled system, which is still subject to excessive executive branch influence and corruption, suits entrenched political interests. The international community recognised the problem late, only after the judicial system began to endanger progress in other areas. The government has drafted several constitutional amendments aimed at promoting judicial independence, including life tenure and a required two-

thirds parliamentary majority for appointments, but must now actually implement these measures and take immediate steps to improve quality and accountability by rooting out corrupt and incompetent judges and training the capable and qualified.

Two unrelated issues require particular attention in 2006. The imminent return of four war crimes cases from The Hague Tribunal threatens to stir up ghosts of the 2001 conflict and challenge the inadequate judicial system. How these cases are handled – operationally and politically – will have an impact on domestic politics and Macedonia's relationship with its international partners. Increasing tension within the Islamic community, whose leadership disputes have spilled into the public arena, has raised the question whether the country is threatened by radical Islam. There is no genuine Wahhabi threat, but ethnic Albanian leaders are concerned that the power struggles reflect poorly on their community and could be manipulated by political foes.

Although the insecurities which culminated in the November 2004 referendum – including concerns about power-sharing among ethnic communities and the brief emergence of a group of armed ethnic Albanians on Skopje's outskirts – seem long gone, Macedonia is still an immature democracy, vulnerable to spoilers seeking to hijack or exploit an imperfect reform process. The road to Europe will be secure only if it implements necessary initiatives and manages political challenges before they grow into crises. These are some of the necessary steps:

- **Judiciary.** The international community and Macedonia should lobby the Hague Tribunal to delay return of the four cases until at least late 2006 (preferably 2008) while donors work with the government to fast-track judiciary reforms, including specialised training for judges on serious crimes; crime scene investigation techniques; a viable witness protection program; and a court for serious crimes. Once the constitutional amendments are passed, the government must quickly purge corrupt and non-performing judges, set up the new administrative court for misdemeanours, and establish a permanent judicial and prosecutorial training academy.
- **Police.** The pending Law on Police should devolve authority to more, not fewer, police districts. Staff

and resources (including an EU presence) need to be added to the Professional Standards Unit so it can investigate internal corruption and police abuse, and a merit-based career path, including a fast-track program for the best and brightest officers and recruits, should be developed. The police also need to coordinate work closer with other government agencies.

- **EU.** Drawing staff and expertise from the former Proxima and the interim successor EUPAT police missions, Brussels should establish a new mission, to begin in June 2006, with increased financial and staff resources. Reporting to the new EU Special Representative (EUSR), it should be mandated to expand its scope to include the full justice sector including judges, prosecutors and prisons. It should place advisers in the justice and interior ministries, the public prosecutor's office and the recently established regional police headquarters. EUSR should also work with the government to establish a justice and home affairs adviser in the prime minister's office charged with pushing reforms and coordination between ministries and other government entities.

II. RETURN TO SENDER: WAR CRIMES CASES

In September 2002, the government of Macedonia yielded jurisdiction over five alleged war crimes cases to the International Criminal Tribunal for the Former Yugoslavia (ICTY, The Hague Tribunal). In its last publicly issued indictment, issued March 2005, the ICTY charged former Interior Minister Ljube Boskovski and his bodyguard, Johan Tarculovski, with war crimes related to their alleged activities in the village of Ljuboten. Their trial is slated to begin in 2006, but by the terms of an agreement brokered on the fringes of the Ohrid peace negotiations and as reconfirmed by the Tribunal in April 2005, the four cases for which the ICTY has not issued indictments will be returned to Macedonia at a yet-to-be-determined date. The repatriation of these cases poses serious political and procedural questions for Macedonia and the international community.¹

¹ Boskovski and Tarculovski are charged with murder, wanton destruction of towns and villages and cruel treatment. The other four cases are: i) "NLA Leadership", concerning ten suspected senior NLA members accused of having participated in "serious crimes"; ii) "Lipkovo Water Reserve", involving the interruption of the water supply to the Kumanovo area, leaving nearly 100,000 without fresh water for several weeks; iii) "Mavrovo Road

The handling of the cases dates back to August 2001, when Ali Ahmeti's National Liberation Army (NLA) negotiated disarmament terms with then-NATO Secretary General George Robertson. Their deal – crafted separately from the political framework negotiated simultaneously between Macedonian political leaders at Ohrid – was of critical concern to Macedonian officials, clinched NLA support for the peace agreement and paved the way for Operation Essential Harvest, NATO's mission to collect and destroy insurgent weapons pursuant to voluntary disarmament.² As part of the deal, the Macedonian government pledged to grant amnesty to ethnic Albanian insurgents, apart from any responsible for war crimes. It adopted a law to that effect in March 2002, which also provided that "no criminal procedures [will be taken] against those who committed criminal acts linked with the 2001 conflict [which] shall fall under the ICTY and against whom the ICTY will take action".³

By the time NATO brokered the NLA disarmament deal, and the government adopted its amnesty law, the ICTY had already been operating for nearly a decade. Given its existing time and resource constraints, and indeed the relative scale of the alleged atrocities compared to those of earlier conflicts in the region, it was never enthusiastic about handling these cases and was "more or less forced by NATO to deal with [them]".⁴ Ali Ahmeti had been reluctant to sign onto any deal that gave the Macedonian courts jurisdiction over war crimes, while the international community was reluctant to amnesty such crimes. By bringing ICTY in, NATO delivered on the promise it made to get Ahmeti's buy-in on the disarmament deal: that no

Workers", regarding the abduction of five road workers in the area around the village of Grupcin; and iv) "Neprosteno", a mass grave in the village of Neprosteno-Tetovo. See "Decision on the Prosecutor's Request for Deferral and Motion for Order to the Former Yugoslav Republic of Macedonia", Case No.: IT-02-55-MISC.6.4 October 2002 at <http://www.un.org/icty/misc/decision-e/28115138.htm>.

² For more detail on Essential Harvest see <http://www.nato.int/fyrom/tfh/home.htm>, also the Secretary General's 14 September 2001 press conference comments at <http://www.nato.int/fyrom/tfh/2001/t010914a.htm>.

³ Law on Amnesty, 7 March 2002, Article 1.

⁴ Crisis Group telephone interview with international official, 28 October 2005. Per UN Security Council Resolutions 1503 and 1534, the Office of the Prosecutor (OTP) was due to complete all its investigations for the region by the end of 2004. OTP stresses, however, that "the end of the investigative mandate is not the end of the Tribunal...there are two other deadlines in the completion strategy: 2008 and 2010", <http://www.un.org/icty/briefing/2005/PB050316.htm>. Also see the statement by the ICTY spokesperson during the weekly press briefing, 25 May 2005: "With respect to the remaining investigations, none of the alleged perpetrators reached the level of responsibility required for an indictment to be issued in the event there was sufficient evidence to link them to the crimes committed".

war crimes indictments would be issued or such cases tried in Macedonia. “We signed a deal with the international community on this, in the form of the agreement with NATO. We have a deal”, insists Ahmeti, now the head of Democratic Union for Integration (DUI), the leading ethnic Albanian political party in the ruling coalition.⁵

A. INTERPRETING THE AMNESTY LAW

With the announcement that the Boskovski-Tarculovski indictment is the Tribunal’s last and the confirmation that the remaining cases will be returned to Macedonia, the practical and political implications of the amnesty law – whether and how it will be applied, for example – are coming into focus. Politicians have begun to weigh in. Prime Minister Buckovski has said that “depending on the stage in which those cases are [in]...it is our wish to act on at least two of them....We must open a process in connection with the kidnapped and missing Macedonians and Albanians”.⁶ In contrast, his own party’s spokesperson cautioned that “a decision [will] be made by the experts and the authorised institutions. Politicians should not make statements and assessments because the cases are highly politicised”.⁷ Ahmeti, who has been noticeably quiet on the issue due to his former position in the NLA, told Crisis Group: “It would be good if the Hague closed those cases. We’ve made a political request that none of the cases return”.⁸ Barring that, however, Ahmeti’s position is that only one case – that of five kidnapped road workers from the Mavrovo region – should be pursued, as “the other three are covered by the amnesty law”.⁹

There is also a surprising lack of consensus about the amnesty law’s applicability among Macedonia’s international supporters. NATO insists that the amnesty law does apply to the four cases to be returned from The Hague, and that a 2001 NATO/EU/OSCE agreement to this effect is still applicable. However, their EU colleagues, along with other Western diplomats, defer any interpretation to the relevant Macedonian authorities. As

one explained, “we’re not competent to interpret the amnesty law, either for or against. What the government needs to do is take a look and make an above-board determination”.¹⁰ Another stated, “They went up as cases; they’ll come back as cases. It’s up to Macedonia to do as [it] see[s] fit”.¹¹ With no official position or guidance, some Skopje-based international officials have expressed a personal belief that the law does not apply to these four cases, and that Macedonia is therefore obliged to pursue them.¹²

B. TIME TO DEVELOP A STRATEGY

Although the government is preoccupied with its reform agenda, it must make the time to focus on this issue. The minister of justice will soon meet again with ICTY officials to agree on the process which “has yet to be decided”.¹³ For the Tribunal, these process and timing issues are relatively trivial, but they have serious implications for Macedonia, which does not want to put in question the guarantees the Albanian leadership was given in 2001. In addition, if the cases are returned prior to the 2006 parliamentary elections, they risk becoming political footballs. Moreover, after the dubious nature of the last round of local elections (April 2005), the EU will be paying careful attention to how this next campaign and election are conducted.¹⁴ This logic informs the general consensus that it would be best if the Tribunal postponed the return of cases until after elections. Yet, beyond the timing issue, the government must also devise a strategy to address sequencing, the amnesty question, the role and responsibilities of relevant government institutions and public outreach.

While the government works on its strategy, Macedonia’s partners must do the same and develop a unified position on the amnesty law. Concerns about apparent impunity must be addressed or risk undermining the international community’s commitment to deal with war crimes and, more broadly, international humanitarian law. Macedonia’s partners have an important role to play in, for example; buttressing government efforts to explain the process to the public; developing specialised courts and prosecutorial capacities; fast-tracking specialised training programs to prepare prosecutors, lawyers and judges; and subsidising

⁵ Crisis Group interview, Ali Ahmeti, Tetovo, 15 November 2005.

⁶ In January 2005, Prime Minister Buckovski stated: “Recent Macedonian history will be distorted if investigation is launched by The Hague into one case alone”. President Crvenkovski echoed that sentiment. See “PM Buckovski: indictment only for Ljuboten is illogical”, Makedonija Press Agency, 20 January 2005, and “Buckovski says Macedonia plans to act on ‘at least’ two cases returned by ICTY”, Skopje Radio Makedonija, 1330 GMT 17 June 2005.

⁷ SDSM spokesperson Boris Kondarko, *Dnevnik*, 27 April 2005.

⁸ Crisis Group interview, Ali Ahmeti, Tetovo, 15 November 2005.

⁹ Ibid.

¹⁰ Crisis Group interviews with international representatives, Brussels, 28 October 2005 and Skopje, 14 November 2005.

¹¹ Crisis Group interviews with international official, Skopje, 9 November 2005.

¹² Crisis Group interviews with international security officials, Skopje, 9 and 14 November 2005.

¹³ Crisis Group interview, Minister of Justice Meri Mladenovska, Skopje, 14 November 2005.

¹⁴ Macedonia’s next elections will be for its parliament in late 2006.

witness protection programs. Much of this would also make a longer term contribution to reforming judicial capacity, process and capabilities.

The return of these Tribunal cases is inevitable and imminent. A coherent game plan, developed by the government and endorsed by the international community, is more likely to make an impression upon the Tribunal and perhaps encourage a short delay that would allow necessary judicial reforms to be put into practice.¹⁵

III. JUDICIAL REFORM AND ITS DISCONTENTS

Macedonia's struggle with the war crimes issue is emblematic of the broader flaws in the country's judicial system. The judicial sector is, however, confident about its capacity to respond to the Tribunal's pass-back. "Macedonia has the capacity to deal with these four cases", the president of the Republican Council¹⁶ assured Crisis Group. "We have competent lawyers and [any] cases will be assigned to judges with relevant and significant experience. Implementation and performance aren't going to be issues".¹⁷ Although her colleagues at the justice ministry agree, their language is more tempered. Minister Mladenovska says that "we're educating judges on humanitarian law, reforming the laws – we *will* handle the cases".¹⁸

Nonetheless there are officials within relevant ministries and the ruling coalition whose off-the-record comments indicate grave concern about the judicial branch's true capacity. One high-ranking official insisted: "[The cases] cannot be handled at all! We don't have the political climate, and we have a very unprofessional judicial system".¹⁹ And though there may be disagreement among internationals on the amnesty issue, most agree that "the courts just aren't ready", "judicial reform is at zero" and

"judges simply are not prepared to be guardians of the constitution".²⁰

The judiciary has long been recognised as inefficient, corrupt and subject to political influence.²¹ Yet, while officials espouse it, bureaucrats legislate it, and international partners offer training, practical implementation of judicial reforms remains in its infancy. In addition to many of the same challenges faced by other sectors of national life, some unique factors have contributed to this. For starters, the Ohrid Framework Agreement, the blueprint for post-conflict reforms, did not address the judiciary,²² and progress has been hampered by the government's preoccupation with the Ohrid-mandates, politicians' general lack of interest in surrendering influence, and the absence of a designated international "lead".²³ The absence of strong civil society organisations focused on judicial reform is another missing piece to the puzzle. The prospect of EU membership – and the EU's oft-stated concerns regarding the country's judicial capacity – has finally helped establish a political consensus, incentive and some momentum.

²⁰ Crisis Group interviews with international officials in Brussels and Skopje, 28 October 2005 and 14 November 2005.

²¹ Several high-profile cases have illustrated the difficulties of the judiciary. The most notable, as discussed in previous Crisis Group reports, is perhaps the Rastanski Lozja case, the March 2002 killing of a group of six Pakistanis and one Indian who were seized by Macedonian security officials at the border with Bulgaria with forged travel documents. After detaining the group for several days, they were driven to a deserted area and killed, with evidence planted to indicate the seven were terrorists en route to bomb Western embassies in Skopje. Yet despite overwhelming evidence, in May 2005 a court acquitted the three police officers and one businessman charged with the murder of the seven. Other cases of note include the incompetent prosecution of "archbishop" Jovan Vraiskovski and the corruption cases highlighted by the U.S. Embassy's "judicial scorecard", available at <http://skopje.usembassy.com/>. See also the Central European and Eurasian Law Initiative (CEELI) Skopje report from February 2005 regarding U.S. concerns about "unjustifiably prolonged" corruption cases, <http://www.abanet.org/ceeli/countries/macedonia/feb2005.html>, and the EU analytical assessment (avis) on the Macedonian candidacy, p. 23, available at http://www.delmkd.cec.eu.int/en/whatsnew/2005/sec_1425_final_en_analytical_report_mk.pdf.

²² The Ohrid Agreement mandated significant reforms on police, decentralised government, finance and the Office of the Public Attorney, or Ombudsman. See the Ohrid Framework Agreement, Annex B, Legislative Modifications, available at <http://www.european-defence.co.uk/keydocuments/ohrid.pdf>.

²³ See Crisis Group Europe Report N°149, *Macedonia: No Room for Complacency*, 23 October 2003, p. 15: "There is no consensus among donors and Macedonian civil society, however, regarding the most serious problems with the judiciary. Most funding is aimed at capacity building, salaries and training, rather than judicial independence specifically".

¹⁵ There has been one domestic war crimes trial in Macedonia: in 2003, Ibrahim Sulejmani was convicted in a Macedonian court of war crimes committed in 2001 in Drenovec. He was sentenced to fifteen years imprisonment and remains in prison as of early 2006.

¹⁶ The body currently responsible for selection, discipline and dismissal of judges.

¹⁷ Crisis Group interview, Lence Sofronievska, president, Republican Council, Skopje, 14 November 2005.

¹⁸ Crisis Group interview, Minister of Justice Meri Mladenovska, Skopje, 14 November 2005.

¹⁹ Crisis Group interview with senior government official, Skopje, 4 November 2005.

Utter dissatisfaction with the judiciary is a common theme among Macedonian citizens and officials and diplomats, and must be harnessed to put pressure on political decisionmakers to produce the changes required. Insufficient progress on reforms has created a situation where, in a country of two million, the courts are clogged with 1.2 million pending cases. Those that involve the politically or financially well-connected are highly susceptible to outside influence. The recent dismissal of several judges has done little to assuage concerns that “citizens are trapped with little chance of getting a fair trial independent of any political influence”.²⁴ Moreover, day-to-day judicial operations are hamstrung by ineffective summons, bail and sentencing systems; a vicious cycle of non-appearance and delays; rogue prosecutors; and a lack of security for court officials and witnesses. Limited training or professional development opportunities, a general lack of respect for procedure and a court culture of blame and malaise have created a situation where the system barely limps along.

It was not until November 2004 – and then with considerable outside inspiration and stimulation – that Macedonia published its first national judicial reform strategy.²⁵ The “Strategy on the Reform of the Judicial System” laid out a timetable for legal and functional fixes aimed at advancing independence and efficiency. After securing parliament’s approval to amend the constitution in May 2005, the justice ministry undertook to draft the amendments and other legal provisions. It is now putting the finishing touches on the amendments and has already achieved passage of several key laws.

The package of amendments and laws includes provisions on the selection and appointment of judges; composition of the Republican Council; mechanisms to relieve the glut of minor cases; witness protection; conflict of interest; and an anti-corruption commission. However, the tug-of-

war over two key issues – the parliamentary majority required to approve judicial appointments and the length of service for judges – highlighted the ongoing disconnect between political rhetoric and will. Contrary to advice from outside experts (who subsequently were dismissed), the government’s original drafts envisaged only a simple parliamentary majority, not the recommended two-thirds, and the appointment of judges for a “trial period”, rather than lifetime. In effect, the government aimed to preserve executive branch influence over the judiciary. It yielded only after the international community intervened.

Although it is a key driver behind judicial reform, the international community’s early involvement was not particularly coordinated or comprehensive. Like the government, international partners were consumed with promoting Ohrid Agreement implementation, and their early efforts only nibbled at the edges of judicial reform.²⁶ Once it became obvious that an unreformed judiciary jeopardised progress in other areas, including police, economic development and the fight against corruption, they began to press for the government to focus on the issue. Now, with some progress on the legislative front, international observers give the justice ministry fair marks on managing the process. However, many still doubt the ministry’s ability to deliver a final product. “[The ministry] just isn’t a convincing leader of change”, said one diplomat especially concerned about the impact on foreign direct investment. Another noted that “judicial reform is all about changing the laws...but there’s no one in charge of actually implementing them”.²⁷

The public prosecutor’s office also has an important role in promoting judicial reform by fighting corruption. It is meant to team with relevant state entities, particularly the State Commission for the Prevention of Corruption.²⁸

²⁴ Crisis Group interview, Mirjana Najcevska, president, Helsinki Committee, Skopje, 11 November 2005.

²⁵ The “Strategy on the Reform of the Judicial System” is available at http://www.vlada.mk/english/Assets/Strategy%20JUDICIAL%20SYSTEM/1.STRATEGY%2011-ANG_koreg_irana.doc. Two factors helped push the government to translate its rhetoric into action. Several months after Macedonia submitted its answers to the EU questionnaire and its application for membership was under consideration, Brussels strongly criticised progress on the issue. With candidacy on the line, the government was worried. And while other international partners continued to press for reforms, the U.S. publicly released a list of flagging corruption cases about which it was concerned. The government did pass several key laws, including, for example, the Law on the Independent Court Budget (passed in 2003) which gave the judiciary greater control over the formulation and allocation of its budget. For an unofficial sampling of these laws, see <http://www.courtmodernization.com/publications.htm>.

²⁶ See Crisis Group Europe Briefing N°33, *Macedonia: Make or Break*, 3 August 2004, which noted: “Ironically NATO – a political-military organisation – has been most prominent among international actors on these issues. At top-level meetings at its Brussels headquarters, it has delivered blistering criticism to Macedonian leaders for failing to tackle corruption. Recently, the European Commission has also shown more interest”. Meanwhile, international donors – notably the European Commission, OSCE, and U.S. Agency for International Development (USAID) – have each undertaken projects aimed at, for example, training judges and court officials, providing technical equipment to improve court facilities (e.g. case tracking software, metal detectors), and involving NGOs and citizens in the judicial reform process.

²⁷ Crisis Group interview, Skopje, 16 November 2005.

²⁸ In November 2002, pursuant to Article 1 of the Law on the Prevention of Corruption, adopted in April 2002 (Official Gazette of Republic of Macedonia, no. 28 of 2002), the National Commission for the Prevention of Corruption was established as an independent entity responsible for developing a national action plan to prevent and suppress corruption, monitoring the

However, after his appointment in January 2003, Public Prosecutor Aleksandr Prcevski rebuffed all requests by the Commission to meet, and the bitter institutional rivalry became an open matter conducted in part through the media.²⁹ In November 2005, as EU member states deliberated Macedonia's application, Prime Minister Buckovski forced a face-to-face meeting between Prcevski and Commission Chairman Dragan Malinovski but it is too early to judge whether post-meeting pledges to "boost cooperation" will be carried out.

The government's oft-stated support for judicial reform has been limited to the obligatory work of negotiating, drafting, and passing the legal framework, led by the Ministry of Justice, which has worked feverishly to produce the fifty-four laws that comprise the government's judicial reform program (to police reform's five). However, in a system where, as an international official noted, "the law is just a suggestion", the government must treat the new legislation as an important first step, not the end of the line.³⁰ With the passage of key laws and constitutional amendments essentially complete by the end of 2005, its intentions will soon be tested. Non-controversial fixes should be implemented rapidly.³¹ If the government is serious about building a professional, capable and accountable judicial system worthy of citizen trust, it will act to ensure that well-known corruption cases, which are frequently cited by the EU and U.S., are carried to conclusion. This should be the beginning of a concerted effort to root out corruption, political patronage and non-performance within the judiciary. Meanwhile, a parallel effort to cultivate professionalism must be undertaken in the form of a standing entity that offers educational opportunities and specialised training for Macedonia's 645 judges, prosecutors and other court officers, much as the police academy does for law enforcement officers.

plan's implementation and reporting progress to parliament. That plan singled out "apparent insufficient coordination between the Public Prosecutors' Office and other stakeholders in the fight against corruption and organised crime". See <http://spai-rslo.org/documents/macedonia/strategy/SCPC%20ANTICORRUPTION%20PROGRAMME.doc>.

²⁹ The Public Prosecutor has accused the Commission of politically-motivated investigations and meddling in executive branch affairs, including 16 May 2005 comments to parliament's Committee on the Political System regarding the work of the prosecutor's office and his critique of the Commission. See for example "Sekerinska: institutions battling corruption to coordinate", *Makfax*, 1440 GMT 29 June 2005; "Slagana Taseva: Prcevski obstructs the fight against corruption", *Dnevnik*, 23 May 2005; and Zoran Andonovski, "Facilitators and billygoats", *Vreme*, 29 November 2005, p. 3.

³⁰ Crisis Group interview with international official, Skopje, 10 November 2005.

³¹ For example, establishment of a separate administrative court to handle minor (misdemeanour) offences.

Several key stakeholders bear primary responsibility for judicial reform – including the judiciary and its Republican Judicial Council leadership, the Ministry of Justice, and Office of the Public Prosecutor – but other state actors also have obligations. For example, a more accurate, timely and accessible National Gazette, the official record for legal texts, would lessen confusion about important laws.³² Parliament has the oversight authority to organise public hearings for senior judicial nominees. Instead of exploiting the parliamentary process to turn debates on the laws into "political party scoreboards", as one international official characterised the process, parliamentarians should exercise their authority in a more constructive manner by, for example, requesting progress reports from the executive branch and opening inquiries into the judiciary's performance on corruption cases.³³ Meanwhile, organised civil society, which strives to play a greater role in promoting judicial reform in Macedonia, should build upon efforts to, for example, increase transparency and accountability of judicial institutions and representatives, monitor and advertise government implementation and progress, and provide specialized training for relevant government officials.³⁴

International partners remain concerned about near term prospects for progress. "It's difficult to see a near or mid-term solution", worried one official.³⁵ "The core problems are generational... You can't change the mindset of 75 per cent of judges", said another.³⁶ But through whatever combination, the Organisation for Security and Cooperation in Europe (OSCE), the EU and individual countries must help Macedonia by developing a strategy to collectively press the government to tackle corruption and political patronage within the judiciary while also providing up-close advice, mentoring and training. Drawing upon successful aspects of police and defence reform, the international community should work with the government to provide institutionalised training programs

³² The National Gazette is a daily publication containing the official text of federal laws, presidential documents, administrative regulations and notices, and descriptions of federal organisations, programs and activities. See http://www.vlada.mk/english/gen_secretariat.htm.

³³ Crisis Group email exchange with international official, 10 January 2006. On 30 May 2005, parliament held its first – and thus far only – public oversight hearing. The minister of environment and physical planning was invited to speak before the Committee on Transport, Communications and Environment regarding his ministry's progress on meeting EU regulations. The hearing was broadcast on parliament's television channel.

³⁴ For example, the Foundation Open Society Institute Macedonia and Central European and Eurasian Law Initiative.

³⁵ Crisis Group interview with international security official, Skopje, 8 November 2005.

³⁶ Crisis Group interview with international official, Skopje, 10 November 2005.

for the judiciary and adapt “twinning” mechanisms that place seconded international experts alongside judicial officials with whom they are paired, providing expert guidance, technical training, and a degree of oversight. If it continues to engage only in words and not in practice, progress will waver.

IV. POLICE REFORM

In contrast to judicial reform’s more recent emergence as a government priority, efforts to tackle police reform date back to the 2001 peace accord. The Ohrid Agreement obliged the government to establish, train and deploy a more diverse force and to involve municipalities in selecting their police chiefs.³⁷ Subsequent planning and legislation called for recruiting benchmarks to be accompanied by management reforms aimed at a merit-based personnel system, more decentralised decision-making, delegation of authorities and responsibilities, and an overall increase in transparency and accountability.³⁸ The resources and attention devoted to the establishment of a professional, modern and multi-ethnic police service have yielded results, though Albanian leader Ali Ahmeti sums up the view of many from all sides: “There are some positive changes, but there’s work to be done”.³⁹

On the surface the accomplishments are impressive. With considerable external support, the government has boosted ethnic Albanian representation in the police, trained thousands of officers and deployed multi-ethnic patrols in minority areas. The interior ministry has assumed full responsibility for the border police; established a police academy, an organised crime unit, and a rescue directorate; and has organised community-based outreach mechanisms to encourage citizen engagement.⁴⁰ On the management side, it has produced strategic and action plans; drafted the Law on Police and an operational plan for assigning regional police chiefs; and set up an internal Professional Standards Unit (PSU). It has also enhanced communication and cooperation with the judicial sector and the National Ombudsman. Minister Mihajlovski said confidently: “The reforms in the interior ministry are in the final stages, and

we plan to have them completed by the end of the year”.⁴¹ However, an honest assessment must also take into account the quality of the reforms undertaken and what remains undone.

The ministry’s preliminary attempts to address institutional dysfunction have been modest steps in the right direction but implementation of the twin tracks – programmatic and management – is spotty. Tense relations between the minister, a SDSM appointee, and his deputy, a DUI loyalist, illustrate and exacerbate management challenges and contribute to the widening gap between tactical progress, such as trainee-by-trainee efforts to professionalise and diversify the ranks, and faltering management reforms.⁴² On-the-ground implementation of projects is inconsistent and of varying quality. Although recent statistics support public impressions of an overall drop in street crime (particularly in the capital), reports of heavy-handed policing and allegations of ties to criminal interests raise serious questions about whether and how officers apply their training in the field.

The government frequently cites the important role two units within the ministry play in rooting out police corruption and human rights abuses: the Organized Crime and Professional Standards Units. The latter, established in 2003, was the ministry’s first step toward instituting internal oversight. Its original mandate included only administrative and disciplinary matters, but with encouragement from international partners, this was

³⁷ See Ohrid Framework Agreement, op. cit., Annex C, Implementation and Confidence Building Measures, Paragraph 5, “Non-Discrimination and Equitable Representation”.

³⁸ See the National Police Reform Strategy (adopted February 2004), and the action plan deriving from it (adopted January 2005).

³⁹ Crisis Group interview with Ali Ahmeti, Tetovo, 15 November 2005.

⁴⁰ The interior ministry assumed responsibility for border police from the defence ministry and merged its rescue capabilities (related to natural disasters and de-mining) with its fire brigade.

⁴¹ Gjuner Ismail, “There is no longer threat of outbreak of larger scale interethnic crisis”, *Skopje Forum*, 1 July 2005, pp. 34-41.

⁴² Minister Mihajlovski’s relations with representatives of the government’s ethnic Albanian coalition partner – especially Deputy Minister Fatmir Dehari – are notoriously bad and inform his reluctance to decentralise ministry authority and cooperate with outside entities, including the national ombudsman. For example, in June 2005, Mihajlovski refused to introduce the government’s proposal for appointing police commanders in parliament, which had been brokered by Prime Minister Buckovski and DUI leader Ahmeti. Buckovski was forced to table and defend the proposal himself. In the same period, Mihajlovski successfully fought the appointment of DUI’s preferred candidate for deputy director of the secret service, the slot vacated by Dehari’s promotion to deputy minister. The position remains vacant. International and government officials and the press alike complain about the “frozen” relations between the ministry’s two top officials. Crisis Group interviews with international security and government officials, Skopje, 8-14 November 2005. See also Diana Mladenovska, “Macedonian interior minister ‘threatened’ to resign over police bill”, *Skopje Vreme*, 24 June 2005, p. 3; Fami Bajrami “Ahmeti applies pressure for Dzango to be replaced, latter disputes BDI cadres”, *Koha Ditore*, 8 June 2005, p. 5; and “Albanians ignored by Macedonian colleagues, Dzango scorns Dehari”, *Koha Ditore*, 23 April 2005, pp. 1, 4.

expanded to include police corruption and human rights abuses. While cases involving such abuses tend to flounder or clear police of any wrongdoing, a 2004 corruption investigation led to dismissal of eight officers and two ministry officials, as well as the demotion of 70 traffic police.⁴³

The Organised Crime Unit was established in January 2005. Although it reportedly lacked offices, computers and vehicles for most of the year, officials gave it a prominent place in the EU membership application and continue to tout its role in “growing and systemic efforts to address corruption”.⁴⁴ But while there is some evidence to suggest the government is beginning to get serious about corruption, it is premature to speak of a full-blown campaign.

The ministry’s own mechanisms to combat corruption and abuse are complemented by the National Ombudsman’s oversight. The two entities generally cooperate on cases related to administrative issues. However, recent inquiries into allegations of police abuse from the ombudsman have seriously strained relations. The ministry now accuses the ombudsman of “abusing the institution of public ombudsman to impede the work of the police”.⁴⁵ Meanwhile, its refusal to turn over documents is regularly cited by international officials as inconsistent with government claims to support external oversight. “[The ministry] is not prepared to cooperate with anyone else: other ministries, NGOs, or media”, explained a senior government adviser,⁴⁶ while another official described the invocation of the Law on Classified Documents as “legal cherry picking” to dodge the ombudsman’s requests.⁴⁷ “Look”, a third concluded, “[the ministry] simply cannot claim effective oversight”.⁴⁸

The ministry’s allergy to oversight is coupled with a pervasive and instinctive reluctance to devolve authorities to municipalities. The debate about the selection and appointment of police chiefs – a major element of the Ohrid Agreement – is indicative. While there is relative clarity on the selection and nomination process for heads of police, there is still no agreed formula for demarcating police districts. The current ministry proposal would divide Macedonia into eight districts, each with a police chief, but tending toward preserving greater central authority. A competing proposal, supported by the ethnic Albanian DUI party, envisions 34 units with approximately fifteen municipalities apiece. DUI asserts that this would promote community input and engagement, while the ministry’s proposal would essentially maintain the bureaucratic center of power. “This is not an ethnic problem”, Ahmeti said, “it’s about management”.⁴⁹ A European official acknowledged the ministry’s reluctance to decentralise: “Mid-level [ministry] bureaucrats are digging in, and nothing serious is being done to address it”.⁵⁰

The lack of transparency in police personnel matters, including transfers, promotions and demotions, is pervasive and consistently cited as a long-term management challenge but one with some immediate implications. “The concept of a meritocracy is totally foreign”, explained an official, who described how the transfer of the border police to civilian control was handled.⁵¹ His complaint is not unique. Without any merit-based career path or a fast-track program for the best and brightest, the ministry continues to support a dysfunctional system based on patronage, not talent. This serves some political agendas but undermines efforts to recruit, train and deploy a professional, community-based police service.

A. THE INTERNATIONAL ROLE

The international community’s contribution has been critical in shepherding police reform along and will continue to be important in bringing the police up to European standards. In addition to bilateral support, the OSCE has provided basic and specialised training courses for thousands of cadets since 2001. With its hands-on

⁴³ For additional details see the U.S. Department of State human rights reports for 2003 and 2004, available at <http://www.state.gov/g/drl/rls/hrrpt/2003/27852.htm>.

⁴⁴ Crisis Group interview with international official, Skopje, 14 November 2005. See the president’s address before ambassadors to NATO member states, 6 April 2005, available at [http://www.vlada.mk/english/speeches/April 2005/speech6-4-2005.htm](http://www.vlada.mk/english/speeches/April%202005/speech6-4-2005.htm).

⁴⁵ Statement by Goran Pavlovski, interior ministry spokesman, in a report by Nada Maricic, Skopje Radio Makedonija, 1330 GMT 19 September 2005.

⁴⁶ Crisis Group interview with senior government official, Skopje, 4 November 2005.

⁴⁷ In this context, the official cited the laws governing the work of the ombudsman and the Law on Classified Information, which was “introduced in 2004 out of eagerness to join NATO, but is now being used as an excuse not to hand over information”. Crisis Group interview with international official, Skopje, 9 November 2005. The new proposed law on Freedom of Information has been criticised for failing to meet international standards. Interview with civil society activist, 12 January 2006.

⁴⁸ Crisis Group interview with European official, Skopje, 8

November 2005.

⁴⁹ Crisis Group interview with Ali Ahmeti, Tetovo, 15 November 2005.

⁵⁰ Crisis Group interview with international political official, Skopje, 8 November 2005.

⁵¹ This point regarding the transfer of the border police was made by nearly every international official Crisis Group interviewed on police reform. One noted that the military transferred many of its ethnic Macedonian officers while retaining its minority soldiers, thus boosting its representation figures while diluting those of the police.

work, the EU Police Mission (“Proxima”) has been one of the most effective advisory mechanisms. Since December 2003 it has worked with senior and middle management to “monitor, mentor and advise” police and ministry officials on methods, practice and coordination.

Proxima has been the only multilateral entity able to use the leverage created by Macedonian desire for EU membership and to enjoy consistent working level access. Its strength has been its ability to work closely with government entities, pressing them to talk and collaborate with each other. One of its most effective initiatives was the institution of regular meetings among officials from the public prosecutor’s office and the interior ministry. By focusing on real-life situations, including legal and operational aspects of investigations, surveillance and witness protection, the two entities began to communicate and coordinate. Though still limited, this helps law enforcement authorities focus on a common objective rather than engage in finger-pointing.⁵²

Proxima’s mandate expired on 15 December 2005; it has been replaced by a smaller EU Police Advisory Team (EUPAT), with a mandate to June 2006. The reasons for its removal were more bureaucratic than substantive. Macedonia does not want to be categorised as a country in need of assistance from the EU’s “crisis management” funding mechanism, but it also remains keen to address Brussels’ critiques on police reform. With consensus to carry on Proxima’s mission, albeit in a different guise, EUPAT represents an interim bureaucratic solution that gives the EU time to organise and fund a full follow-on mission.

In the short term, however, EUPAT’s interim status translates into fewer staff resources, which could slow the momentum Proxima created. However, EUPAT draws on Proxima personnel and should benefit from a reconfigured and streamlined organisation that has consolidated all EU in-country authority in a Special Representative (EUSR).⁵³ The EUSR should be able to use Macedonia’s desire to meet membership standards to push the interior ministry on reforms, something that some complained Proxima was less effective at.

B. LOOKING AHEAD

While EUPAT and the new dual-hatted EUSR work on, the EU should also be pressing the government to go beyond its “ticking the box” mentality and crafting the true follow-on mission – EUPAT Plus. Its mandate should build on hard-won progress, like the burgeoning cooperation between police and prosecutors, but not limit itself to a more-of-the-same approach. Instead, it should expand its targets to include additional measures such as expanded “twinning” projects that place experts alongside and within relevant ministries and sub-units; advisory pairings in regional police district headquarters; and (once the tug-of-war regarding appointment and assignment of police chiefs is resolved), advisers who can work to ensure that decentralised authority is implemented in regional field offices. Such expanded engagement would both benefit Macedonia efforts to reach EU standards and permit Brussels to keep a watchful eye on its candidate’s progress.

Since 2001, “the ministry has come a long way”, a Western official said, “partly because it had no choice, partly because [the minister] can recognise the merits”.⁵⁴ Police reform, while far from complete, has outpaced judicial reform by leaps and bounds⁵⁵ but as Macedonia moves into the next stage of its EU membership application, it must address a growing disconnect, where “police assume all the risk, only to have criminals released [by corrupt judges]”.⁵⁶ Discussions regarding a cabinet-level international adviser on justice and home affairs issues could be the beginning of a strategy to bridge this gap but whether or not this proves to be the mechanism of choice, there is an obvious need to synchronise reforms so that police and judicial experts can work together on overlapping interest areas.

In the meantime, it remains untenable that, for example, the public prosecutor’s only meeting to date with the chairman of the government’s Anti-Corruption Commission required a personal intervention from Prime Minister Buckovski, that the interior ministry deflects inquiries from the ombudsman, and that specialized crime units do not coordinate efforts. While the international community, particularly EUSR (and potentially EUPAT), can do much at the intersection of police and judicial reform, the government must assume responsibility for practical implementation. As time passes, the stakes rise, and EU membership is pushed further down the road.

⁵² Crisis Group interviews with international officials, Skopje, 11-14 November 2005.

⁵³ The EU has combined the old position of EU Special Representative (EUSR) and that of European Commission Head of Delegation into a single individual, Ambassador Erwan Fouéré, who assumed his post on 1 November 2005. Such “double-hatting” was recommended in Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005 p. 43.

⁵⁴ Crisis Group interview with international security official, 8 November 2005.

⁵⁵ In fairness, police reform was easier in that it could largely be provided for by ministerial decree, whereas judicial reform requires primary legislation.

⁵⁶ Crisis Group interview, Ali Ahmeti, Tetovo, 15 November 2005.

V. THE ISLAMIC COMMUNITY'S DIRTY LAUNDRY

No discussion of crime and security can be complete without considering the heated rhetoric on the question of extremist Islamic infiltration in Macedonia. Over the past year a power struggle within the Islamic community has spilled into public view and raised concerns about such influences. The internal strife has paralysed the Islamic Association of Macedonia (IAM), the governing body of the country's Muslims, attracted international attention and lent a degree of credibility to those who argue that there is a growing Wahhabi influence. However, there is no realistic prospect that fundamentalism is gaining a genuine foothold.⁵⁷ "It's difficult to distinguish the ideologies at stake here. It could just be a generational dispute", an informed observer said.⁵⁸

The internal dispute first became a public concern in October 2004 when the then-reis (head) of the IAM, Arif Emini, was taken hostage by a group of Skopje-area imams demanding back-pay from their boss, Zenon Berisha, the head of the Skopje Muftiate. The imams also accused Emini of endorsing fraud in the vote that reelected Berisha. After agreement to reopen the election issue, Emini was released the same day. The incident made the news and served as the public's introduction to the drama unfolding within the Islamic community.

The issues surrounding Berisha's contested reelection and the IAM's efforts to deal with the matter continue to drag on.⁵⁹ In May 2005, Reis Emini finally dismissed

⁵⁷ For example, in a media interview one imam attacked in Kondovo stated: "The people who attacked us [in Kondovo on Saturday] are definitely radical Islam members, or Wahabists, as we would call them, who would resort to any means to achieve their goal. These are Zenon Berisha's followers, whose main goal for a year now has been to take over the Community [IAM]. If necessary, they are prepared for attacks, armed threats and even murders, if it gets them what they want. Shukri Aliu and Metin, who were among our attackers, had barged into the office of former Islamic Community head Haxhi Arif Emini with Kalashnikovs on several occasions. They did so again when they violently interrupted the Islamic Community's Assembly in Kondovo by shooting". Interview with Hudaverli Mosque Chief Imam Shaban Ahmeti by Biljana Jovanovska, "Radical Islam members attacked us", *Skopje Utrinski Vesnik*, 5 July 2005, p. 4.

⁵⁸ Crisis Group interview with Western official, Skopje, 7 November 2005.

⁵⁹ For more see "Berisha's group of saboteurs expel Reis Emini", *Skopje Makedonija Denes*, 5 March 2005, p. 5; "Macedonia: new Skopje mufti to be elected after 20 Jan Bajram holiday", *Skopje Utrinski Vesnik*, 14 January 2005, p. 4; "Macedonian Islamic community faces 'deep rift' over new mufti's election", *Skopje Dnevnik*, 4 April 2005, pp. 1-2.

Berisha and held elections that resulted in Taxhedin Beslimi's appointment (he had been Berisha's chief opponent in the previous election). But Berisha's camp continued to jockey for influence, and his supporters were allegedly behind threats and violent incidents targeted at the reis.⁶⁰ It became too much for Emini, who resigned in July 2005, three months before the end of his term. The following week, five imams were carjacked and beaten by armed men in Kondovo, whom the imams accused of being Berisha supporters and Wahhabis.⁶¹ Now, with no elected reis to lead the community and the Skopje Muftiate still in dispute, dysfunction reigns. Even Skopje's October 2005 Bajram celebration was affected. Contrary to longstanding tradition, the Jahja Pasha Mosque, which is aligned with Berisha, did not host the IAM's annual services. Instead, acting Reis Aliu reassured the faithful at another mosque that the community's problems would soon be resolved.⁶² The death of Jakup Hasipi, the charismatic mufti of Kumanovo, in a January 2006 traffic accident, creates a second vacancy among Macedonia's thirteen muftiates. The IAM may aim to fill Hasipi's vacancy, which will be contested by rival factions, during the elections for the new mufti of Skopje, already scheduled for mid-February 2006, with the reis to be chosen later.⁶³

Despite insinuations that the division is rooted in religious theology, religion rarely is mentioned in discussions about the community's troubles. Access to property, money and influence are what is at stake, with religion an afterthought. In conversations with community officials the term "Wahhabi" is used more to imply opposition to IAM leadership and decisions than any particular ideology. "Whoever leads Shkup (Skopje) muftiate is in the most powerful position in all of Macedonia's Islamic community", explained Jakup Selimoski, a former reis.⁶⁴ In fact, the bulk of the property claimed by the IAM is within the Skopje muftiate, which Berisha managed for nearly a decade. The IAM claims the state has restituted only a fraction of this property (a common complaint in Macedonia), but rumours and allegations of embezzlement

⁶⁰ See Branko Gjorgjevski, "Skopje mufti elected with bombs, kalishnakovs", *Dnevnik*, 20 June 2005, p. 3.

⁶¹ See Igor K. Ilievski, "Five imams beaten", *Dnevnik*, 4 July 2005, pp. 1, 3. Reports were also carried in Lajm, Koha Ditore, Utrinski Vesnik, Vreme, and Vest.

⁶² Aliu downplayed the significance of the venue change: "The Sultan Pasha is a bigger, more spacious mosque that can accommodate more believers". Crisis Group interview, Skopje, 11 November 2005.

⁶³ As reported in Macedonian media 22 December 2005. The position is elected by the 250 Skopje imams.

⁶⁴ Selimoski is not only a former reis of the IAM, but was also the last reis-ul-ulema (supreme head) of the Islamic community in the former Yugoslavia, and remained in that post in Sarajevo until 1995.

and off-the-books deals fuel speculation about the motives behind the struggle.⁶⁵ Another key community revenue source is the annual “tax” collected from followers by each mosque, which the IAM relies on to pay staff and imam salaries, maintain buildings and infrastructure, and perform charitable works. Reis Aliu, however, speaks of a proliferation of unaffiliated NGOs and organisations that solicit and collect contributions in IAM’s name. “Some of our current tensions stem from this problem”, said Aliu, who has since instituted annual membership dues in an attempt to compensate for budget shortfalls.⁶⁶

While Berisha manoeuvres to retain his Skopje muftiate, there have been several hints of outside interest in the Muslim community. “When the troubles began”, Selimoski, the former reis, says, “they began to use ‘outsiders’ to stir up trouble. They were not employed but were promised financial incentives if certain groups came to power”.⁶⁷ During Ramadan, television commercials promoting more radical views aired frequently. The campaign was not countered by a more moderate message from the IAM, which says it cannot afford the airtime and raises questions about the interests of those who funded the media campaign.

Observers also note an increase in young women wearing headscarves in places like Tetovo, but suggest they are being paid. While some worry that a more radical brand of Islam might have a certain appeal for the rural population, they also acknowledge that any influence would be marginal. With the community’s infrastructure – including educational centres for young imams – based in or near urban centres, radicalism is seen as “a sickness, but not a virus that will spread”, a Western observer said.⁶⁸

In contrast to Macedonia’s longstanding and pervasive system of political patronage, where political affiliations often inform the most basic business and employment opportunities, the IAM’s ties to ethnic Albanian political parties is minimal. Although IAM leaders profess an interest in more hands-on government engagement to help deal with their problems, both the government and

the coalition parties tend to be wary. In fact, the limited role that Ali Ahmeti played in facilitating the election of an acting reis was driven by concern that the IAM’s struggles were getting out of hand and reflecting poorly on the Albanian community. “I didn’t want to get directly involved”, he explained, “but I was willing to help get the best people to assume leadership in their own structures”.⁶⁹ Although it is often at odds with DUI, even the hard-line Albanian DPA party acknowledges that Wahhabi influence “can have a negative effect on the Albanian community and be a handicap to Albanians in the Balkans”.⁷⁰

As important posts remain contested or unfilled, Macedonians are left wondering whether the Islamic community is vulnerable to radical influences. However, the divisions are more about competing interests than competing ideologies. It is the responsibility of the IAM’s institutional bodies and leadership to manage and overcome the crisis that has prevented it from actively representing its followers as it should. Contrary to Aliu’s assertions, the situation is not simply the product of a sensationalist media.⁷¹ When leaders drive about in flashy sports cars and imams are unpaid, the younger generation’s claims that the older generation must go, find traction. Nor is it something that the state and political parties can appropriately do much about.⁷² While the government and international partners monitor from afar, Ahmeti, who describes his involvement as “reluctant, but willing”, may be called upon once again to encourage the IAM to move ahead with elections.

VI. CONCLUSION

Macedonia’s newly minted status as an EU membership candidate is as much recognition for its (almost) complete implementation of the 2001 peace agreement as it is a reward for progress on democratic reform. Total Ohrid implementation will confirm that Macedonia’s is indeed a

⁶⁵ Similar tensions – stemming from alleged corruption, generational change, power struggles and the use of community assets – also exist in the Islamic communities of Bosnia and Serbia’s Sandzak region. However, unlike Macedonia, the disputes have significant theological underpinnings. In Sandzak, for example several mosques are used by a small group of committed Wahhabi adherents. For more see Crisis Group Europe Report N°162, *Serbia’s Sandzak: Still Forgotten*, 8 April 2005, pp.23-25.

⁶⁶ Crisis Group interview, Skopje, 14 November 2005.

⁶⁷ Crisis Group interview, Jakup Selimoski, Skopje, 10 November 2005. Selimoski declined to identify “they”, but implied he was speaking about Berisha loyalists.

⁶⁸ Interview with Western officials, Skopje, 7 November 2005.

⁶⁹ Crisis Group interview, Ali Ahmeti, Tetovo, 15 November 2005. Ahmeti, far from being the jihadist that some portray him as, comes from a militantly secular, political background.

⁷⁰ Crisis Group interview with DPA General Secretary, Tetovo, 15 November 2005.

⁷¹ “There are problems”, Aliu acknowledged, “but I’m certain that the media has played a role in pumping up and deepening the confrontation”. Crisis Group interview, Skopje, 11 November 2005.

⁷² Similarly, in the dispute between the Macedonian Orthodox Church and its former archbishop, Jovan Vraniskovski, who has declared allegiance to the Serbian Orthodox church, the state’s involvement (particularly on the part of the judiciary and state prosecutor) has been characterised by confusion and procedural mis-steps.

post-conflict society but that agreement was never designed as a comprehensive program for democratic reform. Rather, it was intended to advance the country to a point where grievances of minority communities would no longer threaten peace and stability, and where the dangers of the continued uncertainty over Kosovo's status corroding Macedonia's statehood have receded.⁷³ In the Balkan context, Ohrid puts Macedonia on equal or slightly better footing than its neighbours but it still has a long way to go before it can be considered functional enough to enter into membership negotiations.

In singling out police and judicial reform, the EU highlighted two key obstacles. The attention the EU assessment of Macedonia's qualifications (the "*avis*") gave to police reform, reinvigorated a process that was losing speed. In a few short years, the police have been transformed into a more representative and better-trained force, but the ruling coalition must now sort out the laws governing police districts and selection of police chiefs, implement them and work with the international community, especially EUSR and EUPAT, to take the next steps in promoting effective community policing.

Judicial reform is much more desultory. This has suited the government because it allows it to continue to wield its authority and influence. But Macedonia is now at the point where progress across key sectors – including economic development, anti-corruption initiatives and the police – is in jeopardy. The *avis* provides critical impetus but government manoeuvres over the constitutional amendments do not inspire faith in its motives or commitment. Delayed progress on judicial reform is also a symptom of the lack of attention of the international community, which must move beyond worthy ad hoc initiatives and develop a strategy that complements the government's.

If Macedonia fails to get police and judicial reform right, the government not only risks the EU candidacy but also undermines its own ability to respond effectively to political crises, spoilers and foes. Recent history, including the 2004 referendum and Kondovo⁷⁴ – illustrates how

vulnerable it can be. In the coming year disputes within the Islamic Community, exaggerated rumours of a Wahhabi threat, the repatriation of the ICTY war crimes cases, and "constructive ambiguity" of the amnesty law could each provide opportunities for rivals. Parallel to the day-to-day implementation of judicial and police reform, the government must develop strategies to head off these and other challenges, before they become crises.

Macedonia's evolution from near conflict to EU candidate has been marred by tragedy, threatened by spoilers and plagued by dysfunction. Nevertheless, with consistent international support, it has managed to move ahead, despite the continuing uncertainties of the neighbourhood. One year after the strategically-timed U.S. decision to recognise the country's official name as "Macedonia" in November 2004 and on the cusp of full implementation of the peace agreement, the EU *avis* has breathed new life into government reform strategies. With political cover and incentive, it is now up to the political leadership to decide if the country will limp awkwardly or stride confidently toward Europe.

Skopje/Brussels, 12 January 2006

⁷³ This despite continuing irresponsible speculation by Arben Xhaferi, the leader of the DPA (the smaller ethnic Albanian political party), about the creation of a Greater Albanian state. Macedonian government officials from both main ethnic communities are united in their desire for a swift and peaceful solution to the Kosovo question that will secure Macedonia's borders.

⁷⁴ See Crisis Group Europe Briefing N°37, *Macedonia: Not Out Of The Woods Yet*, 25 February 2005. In mid-2004 the coalition government began internal negotiations on legislation to redefine municipal boundaries, a critical element mandated by the Ohrid peace agreement. When negotiations became difficult, government opposition teamed with the nationalist World

Macedonian Congress on a signature drive that successfully triggered a referendum vote on the proposed law. The opposition then used the pre-referendum campaign period to question government performance and the wisdom of power-sharing among the ethnic communities. Only two weeks before the 7 November 2004 vote, a small group of uniformed and armed men appeared in the village of Kondovo, an ethnic Albanian village in the hills northwest of Skopje. Although they did not issue statements or demands, the armed gang vaguely threatened violence if the referendum passed. Tensions ran high until the strategically-timed decision of the U.S. to recognize the country by its constitutional name, "Republic of Macedonia", versus the awkward provisional name insisted upon by Greece, the "Former Yugoslav Republic of Macedonia", helped defuse tensions among voters. The referendum failed and by mid-December 2005 the militia had quietly disbanded.

APPENDIX A

MAP OF MACEDONIA

