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**The situation in the Former Yugoslav Republic
of Macedonia (FYROM)**

REPORT

submitted on behalf of the Defence Committee
by Mr Goris, Rapporteur

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*The situation in the Former Yugoslav Republic
of Macedonia (FYROM)*

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The Rapporteur, Mr Goris, would like to thank Mrs Bakoyianni and Mr Jelincić for their contributions to this report.

¹ Adopted unanimously by the Committee.

² *Members of the Committee:* Mr Schloten (Chairman); MM Baumel, McNamara (Vice Chairmen); MM Acosta Padrón, de Arístegui San Román, Mrs Bakoyianni, MM Blaauw, Colla, Cox, Dhaille, Díaz de Mera (Alternate: Agramunt), Dreyfus-Schmidt, Glesener, Goris, Goulet, Gubert, Henry, Irmer, Kotsonis, Koulouris, Leers, Lemoine (Alternate: Lengagne), Medeiros Ferreira, Mota Amaral, Neumann, Pellicini (Alternate: De Zulueta), Pereira Coelho, de Puig, Ranieri (Alternate: Nessa), Rapson, Rigoni, Rivolta, Lord Russell-Johnston (Alternate: Wilkinson), Siebert, Valk, Wilshire, Zierer.

Associate members: MM Bársony, Bielecki (Alternate: Czarnecki), Braun, Chobot, Docekal, Mrs Fjeldsted, MM Godal, Gönül, Kalkan, Kelemen, S. Konarski, W. Konarski, Mutman, Necas, Pastusiak, Telek.

N.B. The names of those taking part in the vote are printed in italics.

RECOMMENDATION 693

on the situation in the Former Yugoslav Republic of Macedonia (FYROM)

The Assembly,

- (i) Aware that a settlement of the inter-ethnic conflict in FYROM is essential for the development of that country and for the stability of the region;
- (ii) Stressing the importance of preventive diplomatic action by the European Union, United States and NATO;
- (iii) Noting that notwithstanding the signing of the 13 August 2001 framework agreement, the situation in FYROM remains unstable and unpredictable;
- (iv) Welcoming the NATO decision to maintain a military presence in order to strengthen local security and ensure the protection of the OSCE and EU observers in the exercise of their duties;
- (v) Noting with satisfaction the action taken by UNMIK and KFOR to secure the border between Kosovo and Macedonia and to prevent a spread of the conflict;
- (vi) Welcoming the progress made by the Albanian police thanks to the WEU Multinational Advisory Police Element (MAPE) training mission in Albania, which ended in May 2001;
- (vii) Concerned at the lack of sufficient numbers of European troops for forming peacekeeping forces where required, for example in the case of Operation Essential Harvest,

RECOMMENDS THAT THE COUNCIL

1. Invite the governments of the WEU countries, in particular those which are members of the EU or NATO:
 - to actively pursue, together with the community leaders and political authorities in FYROM, the process of constitutional reform which is essential for the peace and stability of the country;
 - to step up the economic assistance provided by the European Union and various bilateral or multilateral aid programmes, in order to boost the process of economic development in FYROM which was hampered by the recent upheaval;
 - to stand ready to maintain a military presence in the area as long as is necessary for the refugees and displaced persons to return home and for living conditions to return to normal;
 - to keep in a state of readiness contingents of troops which may need to intervene at short notice in the event of a crisis, in addition to the personnel necessary for a periodical rotation of the forces currently deployed in the area;
 - to make the requisite budgetary effort to ensure that realistic provision is made in draft defence budgets for the funding of peace-support activities, in order to avoid recourse to equipment budgets during the course of the financial year;
2. Put the monitoring of the situation of FYROM on the agenda of the Council in order to be ready to call on the European Union to take on the political control of a military presence where “NATO as a whole” is no longer in charge.

EXPLANATORY MEMORANDUM

submitted by Mr Goris, Rapporteur

I. Introduction

1. The Former Yugoslav Republic of Macedonia (FYROM), which came into being on 20 November 1991, has experienced a decade of upheaval, as a result of the wars in Croatia, Bosnia and Herzegovina and Kosovo, chronic instability in Albania and difficulties in establishing good neighbourly relations with Bulgaria and Greece.
2. Independence from the authorities of Federal Yugoslavia, which were divided and increasingly dominated by Serbia and Montenegro, was achieved without strife. The conflict in Croatia was at its height (start of the siege of Dubrovnik and attack on Vukovar) when, on 8 September 1991, a majority of FYROM's electorate voted in favour of leaving Yugoslavia and for independence. Contrary to what happened in the other territories of the Yugoslav Federation, the birth of the new state two weeks later went off without major difficulty.
3. Nevertheless the new "Republic of Macedonia" was soon to encounter both internal and external problems, which were unexpected although foreseeable: difficulties beyond its borders due to the intensification of the war in Croatia and Bosnia and Herzegovina, and Bulgaria and Greece's reaction to a state which identified itself as "Macedonian"; difficulties arising out of the co-existence of two major communities, the "Slavs" and the "Albanians".
4. FYROM has a border with Albania to the west, Kosovo to the north, Bulgaria to the east and Greece to the south. The Bulgarian Government, engaged in the transition to a democratic regime, fears the new state, given the existence of a Macedonian minority in Bulgaria. The continuing territorial disputes over the borders that were the outcome of the first and second world wars have presented an obstacle to establishing good neighbourly relations, which is likely in the regional economic context to be a handicap to Macedonia's development prospects.
5. However it was Greece, a NATO and EU member, which for over four years was to prove a major stumbling block and source of all kinds of difficulties for FYROM. The name "Macedonia" is regarded by Athens as a trademark going back to the era of Philip and Alexander (359-323 B.C.) and the Golden Age of Ancient Greece. Yugoslav Macedonia is regarded as an artificial creation by Tito, a throw-back to the cold war between "socialist" Yugoslavia and "western Atlanticist" Greece. FYROM is weak, but for the Greek political and military leadership it presents the danger of national borders becoming destabilised in the medium to longer term.
6. For four years, relations between Greece and FYROM were to be dominated by this issue, until an interim accord was signed under United Nations auspices in New York on 13 September 1995, normalising their relations. In the intervening period, Greece had imposed a trade embargo on FYROM, preventing it from benefiting from most of the economic aid and technical assistance programmes set up by the European Union for other central and eastern European states in the Balkans.
7. Protection of FYROM's northern frontiers (with Kosovo) by the OSCE's Spillover Monitor Mission (since 1992) and the United Nations (UNPROFOR in 1992 and UNPREDEP from 1995 to 1999) guaranteed the country's external security, but failed to prevent the development of internal conflict between the country's Slav and Albanian communities. This intensified during and after the Kosovo crisis and its outcome is still uncertain. Ten years on, FYROM has lost the status it enjoyed of a model state – bearing in mind the wars that took place in Croatia, Bosnia and Herzegovina, Kosovo and the Federal Republic of Yugoslavia (FRY) – and has become a serious problem in terms of European security.

II. Albanians in FYROM: from a minority to a constituent people (1991-2001)

8. Since it first achieved independence as a state, FYROM has had to deal with the "Albanian question". A major part of the Albanian-speaking electorate abstained in the referendum held in 1991, notwithstanding its support for the idea of independence. Remaining within the Yugoslav fold meant, as far as the Macedonian Slav and Albanian communities were concerned, exposing themselves to the

risk of being drawn into the growing armed conflict in Croatia and Bosnia and Herzegovina, and for the Albanian community, becoming embroiled sooner or later in a situation similar to that in the autonomous region of Kosovo, which had been transformed into a Serb province directly supervised from Belgrade.

9. Once independence had been achieved and the northern border made secure by a United Nations force in which there was a major US military component (one third of the force out of a total of one thousand soldiers), FYROM could have become a Balkan success story, like Slovenia. Instead, the new state faced major difficulties in its relations with Greece and Bulgaria and has continued to suffer the negative economic effects of the UN and EU embargoes on the new Federal Republic of Yugoslavia.

10. On the domestic front, the relationship between the two main communities remains tense. The Macedonian state is the ideal of a by and large Slav political class, which is the descendent of the 19th century nationalist movements that fought against the Turkish presence and the attempts by the Austro-Hungarian empire to control the region. The Albanians do not attach the same significance to that “inheritance”, but the situation in which they initially found themselves was more promising in terms of their political, economic and social development than that in Albania, much less Kosovo or southern Serbia.

11. Albanian demands to be part of building a democratic, multi-ethnic state also imply recognition of their differences (language, history and traditions), equal political rights and equal rights in education and public service employment. The presence in the first governments and parliaments of Albanian ministers and political parties seems to signal progress towards gradual settlement of the difficulties of Macedonian Slavs and Albanians in coexisting with one another. However, for the majority of the Macedonian Slav political leaders, fear of Albanians is something very real, arising out of the nation’s history and also from the fact that the latter constitute almost a quarter of the population (22% according to the 1994 census of a total population of two million) and that the birthrate among them continues to rise.

12. FYROM’s economic difficulties complicate the equation, as they are holding back the development of both the country and its infrastructure, bearing down most harshly on the Albanians, who are not in a position to derive an equal share of the country’s economic resources. This exacerbates feelings of discrimination and encourages the creation and strengthening of a parallel economy and of alternative social and educational structures. Ties have also been formed and developed with Albanians in Albania, Kosovo and southern Serbia (Presevo), which certainly has political implications in the crises these regions have experienced since the late nineties.

13. The first skirmishes took place in FYROM in 1994, following the arrest in Tetovo (the main town in the Albanian part of the country) of twelve people accused of planning attacks and forming armed groups. In 1995 the issue of the creation of an Albanian university (something the Albanians had demanded as soon as the country became independent) was to create a rift between the two communities. That same year an attempt to assassinate Macedonia’s President, Kiro Gligorov, was attributed without any proof to Albanians involved with criminal groups. In 1997 Macedonian flags in Tetovo and Gostivar were replaced with Albanian flags, resulting in violent clashes between Albanian demonstrators and police officers, most of whom were Slavs. In 1998 the situation deteriorated when what appeared to be an Albanian armed organisation laid claim to a series of bomb attacks on public buildings.

14. Parliamentary and presidential elections in 1998 and 1999 brought to power a coalition of different parties including the Democratic Party of Albanians (DPA). In the meantime NATO, the OSCE, the EU and the United States focused their attention on the situation in Kosovo and used FYROM as a base from which to deploy OSCE observers and NATO forces who were supposed to protect them. This international presence stabilised the situation inside the country despite periods of great tension, especially during NATO’s armed campaign against the FRY (March to June 1999). Following the end of the war in Kosovo, the province became a protectorate of NATO and the United States working in cooperation with the Kosovar Albanians including their armed forces – the KLA – giving the Macedonian authorities cause for concern.

15. Notwithstanding the demilitarisation of the Albanian armed groups in Kosovo and the deployment of the Kosovo Protection Corps, cells within the Kosovo Liberation Army (KLA) have remained active: in 2000 they went into action in the Serbian region of Presevo and in 2001 were involved in incursions into FYROM's territory. In both cases the short-term aim was to exert pressure with a view to obtaining more political, economic and social rights for ethnic Albanians, but there is still a longer-term aspiration to create a united Albanian geographic area known as "greater Albania" and this worries other states in the Balkans, including Greece and Montenegro. While Serbia succeeded in withstanding such attacks (the Albanians have not succeeded in turning this conflict into an international issue because the priority for NATO and the European Union was to stabilise the new federal authorities in the person of President Kostunica and the Serbian government under Zoran Djindjic), its smaller neighbour, FYROM, quickly became isolated in its attempts to put up opposition to what is seen in Skopje as the beginning of a division of the country between its two main communities.

1. Political issues

16. The preamble to FYROM's 1991 Constitution draws a distinction between "the Macedonian people" and other nationalities "living in the Republic of Macedonia". Thus the Albanians are listed alongside "Turks, Vlachs [and] Romanies" even though they make up over a quarter of the population. This text was not approved by the Albanian community's representatives, who were seeking greater openness and recognition from the Macedonian authorities in favour of independence. This is a very important aspect in trying to understand the present situation because this particular claim is one that has constantly been present in Albanian politics, the objective being to obtain for ethnic Albanians the status of a "constituent people" in FYROM with all that implies in political, economic and social terms.

17. Even though the situation of Albanians in FYROM cannot be compared to that of Kosovar Albanians over the period 1989-99, there is a strong feeling among them that they are the subject of discrimination, especially in terms of the number of posts allocated to members of their community in the public sector, the percentage of Albanians in the police and armed forces and the economic and social situation of each community. The country's economic problems over the last ten years are in part to blame for this, especially as international aid has been given sparingly in exchange for economic reforms which have merely widened the gap between the communities. Furthermore, those responsible for managing the aid in question were the central authorities in which ethnic Albanians have little representation and which are notorious for being prone to corruption¹.

18. One example of the difference between political and civic rights as enshrined in the Constitution and what happens in actual practice can be seen in the four-year conflict over Tetovo University. In Yugoslavia under Tito, Pristina University was the centre of higher education for the country's ethnic Albanians. When Kosovo's autonomy was removed in 1989, the Serb authorities took over responsibility for the university and entry for Albanian citizens was restricted. When FYROM became independent, the only alternative for ethnic Albanians was at Skopje, where almost all teaching is given in the Macedonian language.

19. Under the Constitution the right of instruction in a person's mother tongue is confined to primary and secondary education. On a number of occasions this prompted ethnic Albanians to demand the right to open their own university in Tetovo. In the absence of a reply from the central authorities, an unofficial university was set up, rather similar to the "parallel society" created by the Kosovar Albanians². The "official" opening of the Albanian University in Tetovo on 15 February 1995 met with a violent response on the part of the central authorities who considered it illegal and "dangerous" for the unity of the country. Clashes between the army and Albanian demonstrators resulted in one death and 15 people hurt and led to the arrest of the "rector" of the university.

¹ In 1998 the World Bank put FYROM in 107th place (in increasing order) in terms of investment risk.

² As they were excluded from higher education and public service employment, the Kosovar Albanians set up their own administration and system of higher education, separate from the official structures.

20. Setting up such an institution poses a problem for the Macedonian government in that it sees it as the first step towards a separation of the communities, with each having its own educational establishments. Another recurring fear concerns the emergence of an Albanian intellectual elite which could provide arguments for those advocating a “greater Albania” or a new federal or cantonal structure for the country. For ethnic Albanians on the other hand, having their own university is a way of gaining access to higher education and technical, political and economic structures that could strengthen their community’s autonomy and influence within FYROM. A compromise was finally reached in 2000 with the adoption of the law on higher education (supervised by the OSCE), which makes provision for a private Albanian university.

21. Another point of persistent discord is the 1994 census according to which the Albanian community accounts for 22.9% of the population. The ethnic Albanians dispute this figure and claim they make up over a third of the citizens of FYROM. As the birth rate in their community is higher than that in others, this claim may well be true and for the Slav majority in FYROM it is a source of concern for the longer term, as it would reverse the situation of the country’s demographic balance. The Kosovo crisis and the massive influx of ethnic Albanian refugees in 1999 strengthened these fears, explaining why the authorities attempted to send refugees on to other countries and ensure that they would quickly be returned to their homes once hostilities ceased.

22. Albanian political groups have been active in national politics ever since the country gained independence, but a large section of the ethnic Albanian community considers the advantages and progress that have resulted from such action to be inadequate. Since independence two parties have been represented in parliament and in the various FYROM governments: the Democratic Party of Albanians (DPA) which is part of the government coalition in which it has ten representatives: five ministers and five deputy ministers, and the Party for Democratic Prosperity which is part of the opposition. A third, more radical, party appeared in March 2001 and acts as the political wing of the National Liberation Army of Macedonia.

23. The appearance of the NLA and the violent clashes that have taken place with Macedonian armed forces and the police have weakened the position of the “established” parties, especially the DPA, two of whose members hold the offices of deputy defence and deputy interior minister respectively. The growing popularity of the ethnic Albanian rebel fighters, particularly among the younger generation, and their statements about defending the rights of their community have forced Albanian politicians to take a stance in the emerging conflict and to step up their demands for a global reform of the political institutions in FYROM. Bending to pressure from the European Union and NATO, who have no wish to see another conflict unfold in the Balkans, the government was obliged to negotiate an agreement for settling the Albanian question in FYROM with the Albanian side, represented by the government’s coalition partner the DPA and its leader Arben Xhaferi. Known as the “framework agreement”, it was signed on 13 August 2001.

III. The 13 August 2001 framework agreement

24. In January 2001 the National Liberation Army (NLA or UCK-M in Albanian) claimed responsibility for armed attacks against FYROM security forces. Making the most of the involvement of Albanian rebel fighters in Macedonia and support from the Kosovo Liberation Army’s networks and the Liberation Army of Presevo, Medvedja and Bujanovac (based in Serbia), the NLA kept harassing government forces which led to the violence spiralling and gradually moving into areas with an ethnic Albanian majority (on the borders with Kosovo and Albania) and reaching the capital Skopje. The confrontation ended with some 100 people killed (civilians and combatants on both sides) and over 100 000 displaced.

25. The political objectives of the NLA leaders, whose spokesman is Ali Ahmeti, are the establishment of international mediation (along similar lines to the arrangements made in Kosovo but which initially had no success in southern Serbia), a new census of the ethnic Albanian population, constitutional changes recognising the Albanian community as a constituent people of FYROM and not a minority, and progress towards a federal system of government. The Macedonian authorities rejected these demands as they considered – initially along with NATO, the EU and the United States – that the NLA was no more than a terrorist movement and that the “Albanian question” was merely a

pretext to further the project of creating a “greater Albania” at the expense of FYROM. The government’s position was also strengthened by support in the early stages from the two mainstream Albanian parties (the Democratic Party of Albanians and the Party for Democratic Prosperity) but they were somewhat sidelined later on, mainly owing to the launch on 11 March 2001 of a new party called the National Democratic Party, which has taken up some of the NLA’s demands, in particular those calling for a federal project and greater autonomy for regions in which there is an ethnic Albanian majority.

26. In the meantime the conflict escalated. In March, the army met with little resistance in regaining control over villages occupied by the NLA on the outskirts of the town of Tetovo. At the same time, FYROM was insisting that NATO’s KFOR troops should make the border with Kosovo secure to prevent rebel fighters and arms entering the country. This was duly done but with mixed results, since most of the traffic was diverted towards the border between Albania and FYROM, which was not patrolled by international troops. On the political front there was no dialogue between the communities, notwithstanding a statement issued by the DPA and the Party for Democratic Prosperity on 20 March condemning the use of violence to advance the ethnic Albanians’ cause.

27. In April and May the conflict took a more violent and intensive turn with successful skirmishes against the security forces (eight soldiers and police officers were killed near Tetovo on 28 April and two near Skopje on 3 May). The army retaliated using helicopter gunships to attack villages and positions they suspected of sheltering NLA units. At the end of May the situation deteriorated very quickly with the launch of an Albanian offensive heading towards Tetovo and Skopje. On 10 June the NLA captured Aracinovo, on the outskirts of the capital. With the threat of an urban warfare conflict looming, both sides signed a ceasefire on 11 June but it was to be short-lived, ending on the 22nd of that same month. Trapped in Aracinovo, the NLA started to prepare for an assault by the Macedonian army, which intended to wipe out all the rebel fighters (of whom there were some 300³) in the town and thus win a decisive victory over the Albanian rebel forces.

28. That moment was a political turning-point for the EU and NATO which, with United States support, entered into negotiations with the government of FYROM, putting it under pressure to allow the Albanian rebel fighters to leave Aracinovo unarmed and under NATO escort. The reasons for that move have not as yet been clearly explained, but they are certainly linked with the continued presence of NATO in Kosovo and FYROM. Had the Albanian rebel fighters been physically eliminated, this would have exacerbated the conflict and triggered reactions from the Albanians in Kosovo, who have close ties with their fellows in FYROM. Furthermore, much of the logistic support for Kosovo transits through FYROM and regions with an Albanian majority. An aggravation of the conflict could jeopardise the understanding that exists between the international civilian-military administration in Kosovo and the KLA networks, the Kosovo Protection Corps (KPC) and the Albanian political movements.

29. The government finds itself isolated, with no international support, in the face of this rebellion which has succeeded in turning the settlement of the “Albanian question” in FYROM into an international issue. The protection given during the Aracinovo affair by the EU and NATO to the Albanians has forced the central authorities to engage in political negotiations with the Albanian parties on the future of inter-ethnic relations, while at the same time having to deal with a resumption of NLA attacks around Tetovo, which have caused thousands of Slav Macedonians to flee. The government in Skopje is losing control of the situation and it was NATO which signed the ceasefire with the NLA on 25 July 2001. Moreover the political process underwent a dramatic change in July with the arrival in Skopje of the representatives of the EU (François Léotard, who was appointed by the EU Council of Ministers on 25 June) and the United States (Ambassador James Pardew), whose task was to conduct negotiations with a view to reaching a political settlement between the government and the Albanian political parties. On 5 July the government and the Albanian parties arrived at a political agreement, and on 7 July the text of a framework agreement was submitted by the international mediators.

³ “Macedonia: Country Background and Recent Conflict”, Congressional Research Service Report for Congress (United States); Julie Kim, 20 September 2001; www.house.gov/shays/CRS/CRSProducts.htm, RL309900.

30. The negotiations were conducted under difficult conditions, with repeated attacks being launched by the NLA and ceasefires constantly being broken. On 7 August five Albanians were killed during a police raid in Skopje, and on 10 August eighteen Macedonian soldiers lost their lives in an ambush between Skopje and Tetovo and in mine explosions around the capital. On 12 August five Albanians were killed near Skopje, and there were accusations that these were civilians executed in reprisal for the previous attacks on the security forces. While all those events were going on, the international emissaries were negotiating with the NLA to secure a ceasefire and a process of disarmament guaranteed by NATO. The government was clearly isolated and the negotiations under the conditions laid down by the EU, NATO and the United States offered the only alternative to an all-out conflict between the two communities with no possibility of military assistance⁴. On 13 August the framework agreement was signed by the government and the Albanian parties.

31. The framework agreement is composed of 26 paragraphs and three annexes concerning constitutional amendments, legislative reform and confidence- and security-building measures⁵. The main provisions of the agreement can be summarised as follows:

- the Constitution will be amended to delete the reference to the role of the Slav Macedonians as a constituent people, and to explicitly recognise the multiethnic nature of Macedonian society;
- the agreement will introduce a system of “double majority” into parliament and the local public institutions, so that any vote will also call for a majority among the representatives of the “minority” population groups. Albanian will be used in a more widespread fashion and will become the official language of those regions in which Albanian speakers represent more than 20% of the population. Legislation will be drafted in both languages, so that Albanian will also become a language of parliament;
- changes will be introduced into the civil service, Constitutional Court and police services to guarantee the proportional representation of the different communities of FYROM. Local government will be developed and its powers strengthened, particularly in regions where a minority group exceeds 20% of the local population;
- the Macedonian government undertakes to finance and contribute to the development of the use of the Albanian language for higher education, in addition to primary and secondary education, in areas where Albanian speakers account for at least 20% of the population;
- a population census under international supervision is to be held by the end of 2001 in order to establish the precise ethnic breakdown of the Macedonian population. Furthermore, all religions, including Islam, will enjoy the same status.

32. The practical implementation of these reforms is highly delicate and complex, given the far-reaching changes they entail for the running of the Macedonian state, taking it towards a *de facto*, if not *de jure*, state of federalism. That process of reform, conducive to internal stability and economic development and offering the hope of a fresh start for FYROM, cannot succeed without European and Euro-Atlantic involvement, both in economic terms and in terms of security. However, this time no concessions will be made if there is any attempt to destabilise the process by the use of armed force. This will be the yardstick by which the effectiveness of NATO's role as a peacekeeper in the region will be judged. It must not appear to be a “hostage” to Albanian extremists. Operation Essential Harvest is only the first step in that direction.

IV. Implementing the 13 August framework agreement: regional security issues

33. The 13 August framework agreement, if fully applied, will have consequences not only for FYROM, but for the region as a whole, particularly in areas where there is an Albanian majority. This is the beginning of a global settlement for the problem of minorities, which will be decisive for future economic and social development as well as for the process of enlarging NATO and the EU, both of

⁴ The biggest supplier of weapons to FYROM was Ukraine, which suspended its official deliveries of armaments at the end of July 2001 at the request of the United States.

⁵ Framework Agreement of 13 August 2001, Annex 1.

which have invested considerable sums in the stabilisation of south-eastern Europe. The “western”-style approach (in the sense of NATO and the EU) to the situation in FYROM may be criticised in that it appears to favour the Albanians, but only seems consistent if seen in that light.

34. If the framework agreement is not applied, then the factors of chronic disruption will persist, radical forces will prevail and there will be a polarisation of the different communities, with the only immediate solution being to separate them, which would mean changing borders. That option, given the region’s historical legacy, would bring with it new, complex problems which none of the players currently present in the region (governments, NATO, the EU, OSCE and UN, and others) is able or willing to deal with. A redrawing of borders and transfer of population groups would only resolve the Albanian, Macedonian or Serb (in Bosnia and Herzegovina and Croatia) questions if backed up by large-scale political and economic assistance and a major contribution to security on the part of the relevant European and Euro-Atlantic structures. While the question is sometimes raised in the media, it is not on the agenda, as there is no consensus or common position among the different governments and organisations on the approach to be adopted.

35. The preservation of an acceptable *status quo* is the only possible policy, backed up where necessary by intervention (Bosnia and Herzegovina, Kosovo, FYROM) on the basis of arrangements which in some cases are more the result of the balance of forces and confrontation of different ideologies (“European” values versus a “narrow-minded” nationalism) than of any global thinking on the medium-term future of south-eastern Europe and its political, socio-economic and security perspectives. The logic behind this in terms of stability is that a conflict situation must be effectively averted by avoiding the domination of one population group over another which would feed a climate of resentment conducive to new crises and confrontation.

36. Following its military defeat, the Republika Srpska was nevertheless able to preserve its autonomy, and has become a core element in the functioning of Bosnia and Herzegovina. NATO has “given” the territory of Kosovo to the ethnic Albanians, but they are far from having achieved independence, at least in the short term. As for FYROM, the framework agreement provides a way out of a dangerous situation and a real chance of survival, by making political concessions which may be difficult in the short term but which are necessary if a higher-intensity armed conflict is to be avoided.

37. All three cases have one point in common: the security which is so essential for political and economic stabilisation is provided by the presence of an external armed force, whose multinational composition prevents it in practice from developing an approach favouring only one of the ethnic groups involved. Indeed, the protection provided by NATO extends to the Serbs, Croats, Bosnians, the Albanians of Kosovo (and perhaps in the future also of southern Serbia and FYROM) as well as the Macedonians, even if specific actions or stances – whether individual or collective – may appear to be to the detriment of one of the communities. NATO – or at least the majority of its European members – is thus engaged in missions of long duration (six years already in Bosnia and Herzegovina, two in Kosovo) for the sole purpose of stabilising explosive situations pending a political settlement which is late in coming.

38. The latest of those missions is Operation Essential Harvest, which is an integral part of the political settlement of the crisis in Macedonia. The condition for acceptance of the framework agreement by both parties to the conflict was the disarmament of the armed Albanian rebel groups (Macedonian government demand) by an international force, which could only be NATO (Albanian demand). This led to the internationalisation of the Albanian question in FYROM – one of the aims of the NLA and ethnic Albanian politicians. On the other hand, however, NATO’s credibility depended on ensuring that the Albanian armed groups would really be disarmed this time and that greater control would be exerted over the KLA, Kosovar, Macedonian and southern Serbian networks. That is to the advantage of the governments in place and can help preserve the integrity of the territories over which they have legal or *de facto* control.

1. Operation Essential Harvest (August to September 2001)

39. NATO’s initial reaction to the clashes which shook FYROM at the beginning of 2001 was hesitant, and only in June did it enter into a phase of more or less active engagement. Throughout the process, and up until today, the Alliance has given the impression of being only reluctantly engaged,

and that there are differing assessments among its political and military bodies of the approach to be adopted. That impression is strengthened by the member states' reluctance to deploy the requisite number of forces for Task Force Harvest and a possible follow-up mission.

40. To begin with, NATO considered the attacks as unwarranted aggression by extremist groups which should be opposed, while at the same time calling for a substantive political dialogue between the government and the representatives of the Albanian community. It has provided technical assistance to the government armed forces, which have also been involved for several years now in the Partnership for Peace (PfP) programme. Through that programme NATO has gleaned a better understanding of the strengths and weaknesses of the Macedonian armed forces and can help them improve their reaction capability while at the same time exercising restraint, in order to avoid the so-called collateral damage which would provoke a more radical response from the Albanian community. However, that assistance has been perceived by the FYROM government and the Macedonian security forces as an obstacle in the way of their initial goal of defeating the NLA forces and guaranteeing their control over the entire territory.

41. At the same time, KFOR has been boosted with units whose task is to provide more effective control of the UN-administered border between FYROM and Kosovo. That move was aimed at stopping the cross-border traffic of men and equipment in support of the NLA. It has yielded modest results and has not prevented Kosovo from becoming a sanctuary for wounded combatants or withdrawing forces. Moreover, those controls do not cover the mountainous border between Albania and FYROM and no extension of KFOR's mandate has been envisaged for that purpose. Member states have been called on to contribute and have undertaken to deploy a further 1 400 troops in Kosovo. The real contribution in practice has been Task Force Viking, composed of 300 British and Norwegian soldiers, which was deployed last March for the purpose of supervising the border area in the Zegra valley known as the "chicken leg". It was replaced in April by a paratrooper battalion and a cavalry unit from the Italian armed forces. The American military presence has also been strengthened in the border area.

42. Given the rapid deterioration of the military situation in FYROM, particularly since May, NATO's involvement in the political process, and not just in border-monitoring activities, has become a necessity. On 14 June the President of FYROM, Boris Trajkovski, officially requested that NATO take charge of disarming the Albanian rebel groups as part of the political settlement. On 20 June the NATO member states agreed on an operational concept for the NATO mission in FYROM, on the condition that the parties strike a political agreement and cease hostilities. The Aracinovo affair, during which the Albanian rebel fighters were evacuated on 25 June from their positions by NATO forces (including 80 American servicemen) was perceived by the government of FYROM and Slav Macedonian public opinion as a pro-Albanian move, giving rise to doubts about the Alliance's impartiality and the wisdom of giving it the task of supervising the disarmament process.

43. Given the lack of realistic alternatives, the Macedonian authorities have had to agree to NATO performing that role and on 29 June the operational plan for Operation Essential Harvest was approved by the North Atlantic Council in Brussels. That mission had the following objectives⁶:

- "collection of weapons and ammunition from the insurgents;
- transportation and disposal of weapons which are surrendered; and,
- transportation and destruction of ammunition that is turned in".

The mission was not to exceed 30 days because the Macedonian government did not want the NATO force to become a buffer force. It was divided into three phases:

- "phase one: preparation, pre-deployment and deployment;
- phase two: weapons/ammunition collection and disposal/destruction (...);
- phase three: redeployment of all personnel".

⁶ "Task Force Harvest Mission": <http://www.afsouth.nato.int/>

One of the major problems NATO faced was to get its members to contribute sufficient personnel. It was finally the UK contribution – consisting of some 2 000 out of the 4 500 troops required – that enabled the Task Force to get off the ground quickly. Fourteen states contributed to the mission which was commanded by a senior Danish officer, Major General Gunnar Lange. The British officer Brigadier General Barney White-Spunner had the operational command of the mission.

44. The operation officially commenced on 27 August. It got off to a difficult start, in particular due to the disagreement between the Macedonian authorities and NATO on the number of weapons that the Albanian rebel groups were supposed to surrender. The number of weapons was estimated by NATO at 3 300, while the Macedonian government set the figure at least three times higher. The ensuing discussions gave rise among the Slav population to the suspicion that the NATO troops were pro-Albanian, and this was certainly a factor in the “accident” which cost one British soldier his life at the start of the operation. The weapons issue may be open to debate, but what matters is not the number of arms that are surrendered (the armaments collection and voluntary disarmament operations under way from Albania to Kosovo have not put a lasting stop to the circulation and acquisition of weapons), but rather the clear political signal that is given concerning the will to resolve the crisis, calling for concessions on both sides. Voluntary disarmament is a confidence-building measure, according to the comments made by the EU special representative François Léotard during talks with your Rapporteur in Skopje. It goes hand in hand with the political and parliamentary process of reforming the Macedonian institutions with a view to taking on board Albanian aspirations and recognising the status of the Albanian community as a “constituent people”.

45. Operation Essential Harvest ended on 26 September 2001 with a positive result: more than 3 800 weapons and 397 625 mines and munitions had been “harvested”⁷. The operation also paved the way for a further NATO deployment in FYROM, this time in order to protect the OSCE and EU civilian monitors in charge of supervising the application of the political and institutional arrangements contained in the 13 August framework agreement. This new mission is not free of risks, given that the internal situation will remain highly delicate and complex as long as the process of political settlement and economic assistance promised by the EU has not yielded tangible results which are satisfactory to both of FYROM’s main communities.

2. The parliamentary process

46. While the Skopje parliament’s vote on 5 September 2001 in favour of launching the process of constitutional reform is to be welcomed (90 votes in favour, 19 against), it has to be admitted that the majority of Slav Macedonians find it hard to accept the need for constitutional reform.

47. Many parliamentarians of the Slav Macedonian party VRMO-DPMNE, which has a majority in parliament, consider the current situation to be the result of terrorist attacks launched from Kosovo. In their view the current 1991 constitution is a model for the protection of the Albanian ethnic minority, since it was drawn up under the auspices of the international community. To negotiate under the threat of armed force is to their way of thinking tantamount to supporting terrorism. They believe that the present situation is due to the fact that the United States support the ethnic Albanians who, they say, will not be satisfied with minority rights, since they want a “greater Albania”.

48. However, the representative of the Social Democratic Party (SDU), Mr Spasov, made it clear that his party was fully aware of the need to negotiate a compromise with the Albanian party, while pointing out that the situation of the Albanian minority as enshrined in the 1991 constitution was “normal”. He was very conscious of the effort being made by the international community and felt that the terms of the 13 August framework agreement were acceptable since they respected Macedonia’s sovereignty and unity.

49. The parliamentary procedure for reviewing and voting on the 15 proposed constitutional amendments has followed its course in the Macedonian parliament and ended on 24 September. At the instigation of the leaders of the parties of the current coalition majority, the amendments proposed by

⁷ <http://www.afsouth.nato.int/operations/skopje/harvest.htm>

the 13 August framework agreement were voted by a simple majority, without waiting for the two thirds of votes which will be required for the final ratification of the constitutional reforms. There will be a ten-day period of debate on the reform proposals, starting at the beginning of October, before the final ratification vote.

50. Furthermore, although this is not a formal part of the framework agreement, the Macedonian President, Mr Trajkovski, has agreed at the insistence of the international community to the principle of an amnesty for the Albanian rebels, or more precisely to the idea of not taking legal action against them. This, however, remains to be translated into a bill which must go before parliament.

3. The international military presence following the end of Operation Essential Harvest

51. Since the beginning of Operation Essential Harvest, whose duration was planned from the outset to be one month, the Albanian community has asked for a western military presence to be maintained in the conflict area, out of fear of reprisals by extremist Slav Macedonians following the departure of the NATO troops.

52. Furthermore, the EU and OSCE recently decided to bring the number of their observers up to a total of 284. One of their main tasks will be to accompany the return of refugees from both the Albanian and Slav communities. There are still many refugees: 76 000 in Macedonia and a further 34 000 ethnic Albanians in Kosovo. A military presence is not only necessary for the protection, but also for the credibility of those observers.

53. Since the beginning of September, the EU foreign affairs ministers have accepted the need for a minimum military presence following the end of Operation Essential Harvest, while the Macedonian President has publicly agreed to the presence of a small NATO force, provided that it has a UN mandate.

54. The proposal that the EU should have direct political control over that force in order to play down the role of NATO – considered by the Slav community to be pro-Albanian due to its intervention in Kosovo – was not accepted by the EU member states, which took the view that the ESDP structures being organised within the EU could not become operational at such short notice.

55. The North Atlantic Council (NAC) therefore agreed to the principle of deploying a 1 000-strong force to protect the observers. This mission, entitled Operation Amber Fox, has been placed under German command. The force has a three-month mandate, but should stay in place for longer than that, depending on the time needed to reform the Macedonian security forces in order to comply with the quota of ethnic Albanians stipulated by the framework agreement. 700 men are due to join the 300 already present on the spot under NATO auspices. The 600-strong German contingent will make up the bulk of those troops.

56. Finally, the UN Security Council has unanimously approved this effort aimed at organising a military presence in FYROM and at the end of September it adopted a resolution calling on both communities to comply strictly with the terms of the 13 August framework agreement.

57. Nevertheless, many observers fear that this small force will not be enough to really help restore sufficient confidence among both communities to allow the return of the refugees to their villages.

V. Implications for the neighbouring Albanian-speaking regions

1. Kosovo

58. Since the start of the armed rebellion in FYROM, the involvement of former KLA combatants has been obvious. To prevent Kosovo from serving as a base for the NLA, the international community gave KFOR the job of monitoring the area around the border with FYROM to prevent all movements of troops or weapons.

59. The KFOR command has therefore organised a large-scale surveillance operation in southern Kosovo, with the involvement of 19 companies, or a total of 2 500 to 3 000 troops. All available resources, not only human but also the most sophisticated technologies – electronic surveillance, infrared vision, helicopters, and so on – are used to gather intelligence. The arrangements for monitoring peoples' movements have also been stepped up in the province. As a result, KFOR has

seized 5 000 weapons and arrested 500 people since the beginning of May 2001. Most of the weapons were seized in the western and southern parts of the province and come from other countries, such as Albania, Bosnia or Montenegro. The seizures included some highly sophisticated modern weaponry, including surface-to-air and anti-tank missiles.

60. However, it would seem that the traffickers of arms for the Albanian rebel fighters in Macedonia are now avoiding Kosovo. Clearly, transit through Albania is a lot easier.

61. The international authorities in Kosovo have some difficulty in deciding what to do with the people arrested in connection with these arms seizures. Out of 500 arrests, which were examined case by case, only 200 people are still being detained in prison in Kosovo. This is a delicate situation, since the ethnic Albanian population expects an amnesty in FYROM once the political process has been completed.

62. As regards the presence of former KLA fighters among the ranks of the NLA, KFOR, which is in close contact with the KPC (Kosovo Protection Corps, former KLA) estimates that their numbers are limited, since it has not noticed any absenteeism in the KPC.

2. Albania

63. The opportunities for arms trafficking through Albania certainly make it very dangerous for the stability of this part of the Balkans. Your Rapporteur was therefore very interested in the police-training activities being conducted by the EU, following its takeover of the WEU Multinational Advisory Police Element (MAPE) training mission.

64. WEU's MAPE mission ended late May/early June 2001, and the equipment it had used was stored under the responsibility of the Albanian police. The EU cooperated with the WEU authorities and sent an audit mission to take stock of progress in the Albanian police force. Indeed, the results achieved are to be welcomed. The EU has placed the police mission under the responsibility of the Commission.

65. The Commission has decided to place this mission in the more general context of the programme of assistance to Albania (CARD), but it was not possible to release funds sufficiently early to ensure continuity of the ongoing mission.

66. Following the release of an emergency sum of two million euros, a first group will arrive in Tirana on 1 October, with a view to organising a mission of 25 to 30 people under the responsibility of a Spanish police officer. The staff will be paid directly by the contributing countries for another 10 months, and then the Commission will take over direct responsibility for paying their salaries.

67. The Commission is applying the so-called "twinning" method to this mission, whereby the leadership of the operation is assumed by an EU member state, in this instance Spain.

68. The aim for the moment is to focus on the training of about a hundred high-ranking officers. The plan is to set up small teams specialised in specific areas such as drugs trafficking, trafficking of human beings, illegal immigration, protection of witnesses etc.

69. The CARD programme for Albania should receive a total budget of some 40 million euros, half of which will be devoted to activities in the fields of policing, justice and border controls.

APPENDIX

Framework Agreement of 13 August 2001

The following points comprise an agreed framework for securing the future of Macedonia's democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community. This Framework will promote the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens.

1. Basic Principles

1.1. The use of violence in pursuit of political aims is rejected completely and unconditionally. Only peaceful political solutions can assure a stable and democratic future for Macedonia.

1.2. Macedonia's sovereignty and territorial integrity, and the unitary character of the State are inviolable and must be preserved. There are no territorial solutions to ethnic issues.

1.3. The multi-ethnic character of Macedonia's society must be preserved and reflected in public life.

1.4. A modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comports with the highest international standards, which themselves continue to evolve.

1.5. The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.

2. Cessation of Hostilities

2.1. The parties underline the importance of the commitments of July 5, 2001. There shall be a complete cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups and their complete voluntary disbandment. They acknowledge that a decision by NATO to assist in this context will require the establishment of a general, unconditional and open-ended cease-fire, agreement on a political solution to the problems of this country, a clear commitment by the armed groups to voluntarily disarm, and acceptance by all the parties of the conditions and limitations under which the NATO forces will operate.

3. Development of Decentralized Government

3.1. A revised Law on Local Self-Government will be adopted that reinforces the powers of elected local officials and enlarges substantially their competencies in conformity with the Constitution (as amended in accordance with Annex A) and the European Charter on Local Self-Government, and reflecting the principle of subsidiarity in effect in the European Union. Enhanced competencies will relate principally to the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care. A law on financing of local self-government will be adopted to ensure an adequate system of financing to enable local governments to fulfil all of their responsibilities.

3.2. Boundaries of municipalities will be revised within one year of the completion of a new census, which will be conducted under international supervision by the end of 2001. The revision of the municipal boundaries will be effectuated by the local and national authorities with international participation.

3.3. In order to ensure that police are aware of and responsive to the needs and interests of the local population, local heads of police will be selected by municipal councils from lists of candidates proposed by the Ministry of Interior, and will communicate regularly with the councils. The Ministry of Interior will retain the authority to remove local heads of police in accordance with the law.

4. Non-Discrimination and Equitable Representation

4.1. The principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development.

4.2. Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities. Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia, as specified in Annex C.

4.3. For the Constitutional Court, one-third of the judges will be chosen by the Assembly by a majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. This procedure also will apply to the election of the Ombudsman (Public Attorney) and the election of three of the members of the Judicial Council.

5. Special Parliamentary Procedures

5.1. On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

6. Education and Use of Languages

6.1. With respect to primary and secondary education, instruction will be provided in the students' native languages, while at the same time uniform standards for academic programs will be applied throughout Macedonia.

6.2. State funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia, on the basis of specific agreements.

6.3. The principle of positive discrimination will be applied in the enrolment in State universities of candidates belonging to communities not in the majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.

6.4. The official language throughout Macedonia and in the international relations of Macedonia is the Macedonian language.

6.5. Any other language spoken by at least 20 percent of the population is also an official language, as set forth herein. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law, as further elaborated in Annex B. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which will reply in that language in addition to Macedonian.

6.6. With respect to local self-government, in municipalities where a community comprises at least 20 percent of the population of the municipality, the language of that community will be used as an official language in addition to Macedonian. With respect to languages spoken by less than 20 percent of the population of the municipality, the local authorities will decide democratically on their use in public bodies.

6.7. In criminal and civil judicial proceedings at any level, an accused person or any party will have the right to translation at State expense of all proceedings as well as documents in accordance with relevant Council of Europe documents.

6.8. Any official personal documents of citizens speaking an official language other than Macedonian will also be issued in that language, in addition to the Macedonian language, in accordance with the law.

7. Expression of Identity

7.1. With respect to emblems, next to the emblem of the Republic of Macedonia, local authorities will be free to place on front of local public buildings emblems marking the identity of the community in the majority in the municipality, respecting international rules and usages.

8. Implementation

8.1. The Constitutional amendments attached at Annex A will be presented to the Assembly immediately. The parties will take all measures to assure adoption of these amendments within 45 days of signature of this Framework Agreement.

8.2. The legislative modifications identified in Annex B will be adopted in accordance with the timetables specified therein.

8.3. The parties invite the international community to convene at the earliest possible time a meeting of international donors that would address in particular macro-financial assistance; support for the financing of measures to be undertaken for the purpose of implementing this Framework Agreement, including measures to strengthen local self-government; and rehabilitation and reconstruction in areas affected by the fighting.

Annexes

The following Annexes constitute integral parts of this Framework Agreement:

A. Constitutional Amendments

B. Legislative Modifications

C. Implementation and Confidence-Building Measures

10. Final Provisions

10.1. This Agreement takes effect upon signature.

10.2. The English language version of this Agreement is the only authentic version.

10.3. This Agreement was concluded under the auspices of President Boris Trajkovski.

Done at Skopje, Macedonia on 13 August 2001, in the English language.

Annex A

Constitutional amendments

Preamble

The citizens of the Republic of Macedonia, taking over responsibility for the present and future of their fatherland, aware and grateful to their predecessors for their sacrifice and dedication in their endeavours and struggle to create an independent and sovereign state of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good -- the Republic of Macedonia, in accordance with the tradition of the Krushevo Republic and the decisions of the Antifascist People's Liberation Assembly of Macedonia, and the Referendum of September 8, 1991, they have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and in this regard through their

representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, they adopt

Article 7

- (1) The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.
- (2) Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.
- (3) Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.
- (4) Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.
- (5) In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.
- (6) In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

Article 8

- (1) The fundamental values of the constitutional order of the Republic of Macedonia are:
 - the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;
 - equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life;

Article 19

- (1) The freedom of religious confession is guaranteed.
- (2) The right to express one's faith freely and publicly, individually or with others is guaranteed.
- (3) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are separate from the state and equal before the law.
- (4) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

Article 48

- (1) Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.
- (2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.
- (3) Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.

(4) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Article 56

(2) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

Article 69

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Article 77

(1) The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

(2) The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

Article 78

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

(2) The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.

(3) The Assembly elects the members of the Committee.

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

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

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

Article 84

The President of the Republic of Macedonia

- proposes the members of the Council for Inter-Ethnic Relations; (to be deleted)...

Article 86

(1) The President of the Republic is President of the Security Council of the Republic of Macedonia.

(2) The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the

fields of security, defence and foreign affairs and three members appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.

(3) The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

Article 104

(1) The Republican Judicial Council is composed of seven members.

(2) The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. . . .

Article 109

(1) The Constitutional Court of Macedonia is composed of nine judges.

(2) The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. . . .

Article 114

(5) Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia.

Article 115

(1) In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law. . . .

Article 131

(1) The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(2) The draft amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

(3) The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(4) A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

(5) The change in the Constitution is declared by the Assembly.

Annex B
Legislative modifications

The parties will take all necessary measures to ensure the adoption of the legislative changes set forth hereafter within the time limits specified.

1. Law on Local Self-Government

The Assembly shall adopt within 45 days from the signing of the Framework Agreement a revised Law on Local Self-Government. This revised Law shall in no respect be less favourable to the units of local self-government and their autonomy than the draft Law proposed by the Government of the Republic of Macedonia in March 2001. The Law shall include competencies relating to the subject matters set forth in Section 3.1 of the Framework Agreement as additional independent competencies of the units of local self-government, and shall conform to Section 6.6 of the Framework Agreement. In addition, the Law shall provide that any State standards or procedures established in any laws concerning areas in which municipalities have independent competencies shall be limited to those which cannot be established as effectively at the local level; such laws shall further promote the municipalities' independent exercise of their competencies.

2. Law on Local Finance

The Assembly shall adopt by the end of the term of the present Assembly a law on local self-government finance to ensure that the units of local self-government have sufficient resources to carry out their tasks under the revised Law on Local Self-Government. In particular, the law shall:

- Enable and make responsible units of local self-government for raising a substantial amount of tax revenue;
- Provide for the transfer to the units of local self-government of a part of centrally raised taxes that corresponds to the functions of the units of local self-government and that takes account of the collection of taxes on their territories; and
- Ensure the budgetary autonomy and responsibility of the units of local self-government within their areas of competence.

3. Law on Municipal Boundaries

The Assembly shall adopt by the end of 2002 a revised law on municipal boundaries, taking into account the results of the census and the relevant guidelines set forth in the Law on Local Self-Government.

4. Laws Pertaining to Police Located in the Municipalities

The Assembly shall adopt before the end of the term of the present Assembly provisions ensuring:

- That each local head of the police is selected by the council of the municipality concerned from a list of not fewer than three candidates proposed by the Ministry of the Interior, among whom at least one candidate shall belong to the community in the majority in the municipality. In the event the municipal council fails to select any of the candidates proposed within 15 days, the Ministry of the Interior shall propose a second list of not fewer than three new candidates, among whom at least one candidate shall belong to the community in the majority in the municipality. If the municipal council again fails to select any of the candidates proposed within 15 days, the Minister of the Interior, after consultation with the Government, shall select the local head of police from among the two lists of candidates proposed by the Ministry of the Interior as well as three additional candidates proposed by the municipal council;
- That each local head of the police informs regularly and upon request the council of the municipality concerned;
- That a municipal council may make recommendations to the local head of police in areas including public security and traffic safety; and

- That a municipal council may adopt annually a report regarding matters of public safety, which shall be addressed to the Minister of the Interior and the Public Attorney (Ombudsman).

5. Laws on the Civil Service and Public Administration

The Assembly shall adopt by the end of the term of the present Assembly amendments to the laws on the civil service and public administration to ensure equitable representation of communities in accordance with Section 4.2 of the Framework Agreement.

6. Law on Electoral Districts

The Assembly shall adopt by the end of 2002 a revised Law on Electoral Districts, taking into account the results of the census and the principles set forth in the Law on the Election of Members for the Parliament of the Republic of Macedonia.

7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

- Representatives may address plenary sessions and working bodies of the Assembly in languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A);
- Laws shall be published in the languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A); and
- All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents.

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents.

The Assembly shall amend by the end of the term of the present Assembly all relevant laws to make their provisions on the use of languages fully compatible with Section 6 of the Framework Agreement.

9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:

- That the Public Attorney shall undertake actions to safeguard the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life, and that there are adequate resources and personnel within his office to enable him to carry out this function;
- That the Public Attorney establishes decentralized offices;
- That the budget of the Public Attorney is voted separately by the Assembly;
- That the Public Attorney shall present an annual report to the Assembly and, where appropriate, may upon request present reports to the councils of municipalities in which decentralized offices are established; and
- That the powers of the Public Attorney are enlarged:
- To grant to him access to and the opportunity to examine all official documents, it being understood that the Public Attorney and his staff will not disclose confidential information;

- To enable the Public Attorney to suspend, pending a decision of the competent court, the execution of an administrative act, if he determines that the act may result in an irreparable prejudice to the rights of the interested person; and
- To give to the Public Attorney the right to contest the conformity of laws with the Constitution before the Constitutional Court.

10. Other Laws

The Assembly shall enact all legislative provisions that may be necessary to give full effect to the Framework Agreement and amend or abrogate all provisions incompatible with the Framework Agreement.

Annex C *Implementation and confidence-building measures*

1. International Support

1.1. The parties invite the international community to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes, and request such efforts to be coordinated by the EU in cooperation with the Stabilization and Association Council.

2. Census and Elections

2.1. The parties confirm the request for international supervision by the Council of Europe and the European Commission of a census to be conducted in October 2001.

2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

3. Refugee Return, Rehabilitation and Reconstruction

3.1. All parties will work to ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe, and invite the international community and in particular UNHCR to assist in these efforts.

3.2. The Government with the participation of the parties will complete an action plan within 30 days after the signature of the Framework Agreement for rehabilitation of and reconstruction in areas affected by the hostilities. The parties invite the international community to assist in the formulation and implementation of this plan.

3.3. The parties invite the European Commission and the World Bank to rapidly convene a meeting of international donors after adoption in the Assembly of the Constitutional amendments in Annex A and the revised Law on Local Self-Government to support the financing of measures to be undertaken for the purpose of implementing the Framework Agreement and its Annexes, including measures to strengthen local self-government and reform the police services, to address macro-financial assistance to the Republic of Macedonia, and to support the rehabilitation and reconstruction measures identified in the action plan identified in paragraph 3.2.

4. Development of Decentralized Government

4.1. The parties invite the international community to assist in the process of strengthening local self-government. The international community should in particular assist in preparing the necessary legal amendments related to financing mechanisms for strengthening the financial basis of municipalities and building their financial management capabilities, and in amending the law on the boundaries of municipalities.

5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training. The parties invite the OSCE, the European Union, and the United States to send an expert team as quickly as possible in order to assess how best to achieve these objectives.

5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including:

- professional, human rights, and other training;
- technical assistance for police reform, including assistance in screening, selection and promotion processes;
- development of a code of police conduct;
- cooperation with respect to transition planning for hiring and deployment of police officers from communities not in the majority in Macedonia; and
- deployment as soon as possible of international monitors and police advisors in sensitive areas, under appropriate arrangements with relevant authorities.

5.4. The parties invite the international community to assist in the training of lawyers, judges and prosecutors from members of communities not in the majority in Macedonia in order to be able to increase their representation in the judicial system.

6. Culture, Education and Use of Languages

6.1. The parties invite the international community, including the OSCE, to increase its assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media. The parties also invite the international community to increase professional media training programs for members of communities not in the majority in Macedonia. The parties also invite the OSCE to continue its efforts on projects designed to improve inter-ethnic relations.

6.2. The parties invite the international community to provide assistance for the implementation of the Framework Agreement in the area of higher education.