SECURITY IN THE LAW PARADIGM

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A HUMAN RIGHTS ISSUE THROUGH CONFLICT TRANSFORMATION – THE MACEDONIAN APPROACH

Abstract:	*A human rights issue gains additional importance with actualizing the human security concept and conflict transformation approach. In fact, through the prism of such concepts, a human rights issue acquires a security dimension, which complements the modern understanding of security on the one hand, and the broader understanding of the conflict transformation process on the other hand. Experience so far in global frameworks shows that human rights, i.e., their violation, are often pointed out as part of the reasons for the emergence and escalation of conflicts. On the other hand, such an issue occupies a central place in the activities related to conflict transformation and post-conflict peacebuilding. Their importance is further highlighted once they occur in multi-ethnic or multi-religious contexts. In this sense, the paper more specifically analyses the human rights issue impact on the emergence of the conflict in Macedonia in 2001, as well as the managing process of such issue in the post-conflict period. Hence, such analysis should create a clearer framework for understanding the essential aspects of human rights issues, both during the pre-conflict and the post-conflict period, especially through the prism of implementing the Ohrid Framework Agreement.*
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Introduction

The question about the importance of human rights as part of the security and peace agenda especially started to become relevant after the end of the Cold War. Namely, contrary to the expectations that more relaxed international and interstate relations would follow the end of the Cold War and people would live in safer and more peaceful environments, the mosaic of the global and European strategic picture was filled with new sources of threats and instability. It refers to both - the security of the states themselves, and international peace and security as well. Namely, the complexity of the relations characteristic of the period of democratic transformations of the states in transition, among other things, directly manifested the sensitivity in the political, economic, social, and especially in the sphere of relations in the inter-ethnic existence as a potential source of instability. Within all indicated spheres, the issue of respecting human rights began to receive significant attention.

Such new risks and threats to peace and security have initiated a necessity for new responses and approaches in dealing with them. As a result, within the academic and political communities, attention has

been especially focused on strategies and instruments of preventive diplomacy, conflict prevention, conflict management, conflict transformation, and peacebuilding.

Since its formal independence from the former Yugoslavia in 1991, the Republic of Macedonia[1] has been the subject of different conflict prevention strategies utilized by numerous international institutions. Faced with the need for constant balancing between regional (the violent breakup of the former Yugoslavia) and internal challenges for peace and stability, and periodically supported in avoiding violent scenarios, Macedonia, from numerous international representatives, was labeled as the most successful case of conflict prevention, or later (since 2001), as a successful case of crisis prevention and conflict transformation as well. Different arguments were used to support such assessments, but the main one was that the violence that was experienced in other ex-Yugoslav conflicts did not emerge in Macedonia[2].

However, in 2001, ten years after independence, Macedonia faced an armed conflict. At least three ownership attempts appeared because of the various explanations and justifications of the reasons for the conflict and the use of violence by different actors. In this sense, the explanation that came predominantly from the ethnic Macedonians referred to that the criminal and ethnic political agendas have found common ground and it differed from the explanation exposed predominantly by the ethnic Albanians. The ethnic Albanians saw the cause of the conflict due to poor respect for human rights and minority status as the primary sources of the conflict. Judging by the position taken by the international community vis-à-vis the Macedonian conflict, it seemed that this conflict was similar, but not the same as the other Yugoslav conflicts. However, ethnic radicalism and nationalism, human rights abuse, and weak state institutions have created the international actors' explanatory agenda[3].

Considering the noted reason for the conflict from the Albanian ethnic community, i.e., weak respect for human rights and minority status, the paper specifically analyses the management of the human rights issue as part of the process of conflict transformation in Macedonian society. Therefore, the paper analysis is generally based on the four chapters: 1) the theoretical framework about the nexus between the human rights issue, peace, and security agenda; 2) the pre-conflict environment and challenges; 3) the process of conflict transformation and post-conflict peacebuilding; and 4) concluding observations. The application of such an analytical framework aims to provide a clearer perception of the management of human rights as part of the structural potentials and causes of the conflict in 2001 on the one hand, as well as part of the agenda of the conflict transformation approach after 2001, on the other hand.

Human Rights Issue Through the Peace and Security Agenda – Theoretical Aspects

There is no universal definition of the meaning of human rights in the academic community. Still, from the most general point of view, what is a common aspect of the numerous approaches to defining human rights, is the fact that the focus is generally on socially developed perceptions about human freedom as an individual. For example, T. Cushman analyzes the human rights issue through the prism of the socially constructed ideals of freedom and human–being[4].

Hence, the need for establishing norms, ideals, and values by the states arises, which firstly would be labeled as human rights, and which, then would define the framework of approaches for their respect and promotion at local, national, and global levels as well. Namely, from today's perspective, there is no doubt that most international and universal documents and declarations in the field of human rights, among other things, create and offer an adequate framework for universal treatment of such issues. The reason for this is also

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[1] Since the independence from the former Yugoslavia in 1991, Greece has not accepted the constitutional name Republic of Macedonia and therefore has blocked the Euro-Atlantic integration path of Macedonia. On June 17, 2018, Macedonia and Greece signed the so-called Prespa Agreement, by which Macedonia agreed to change its constitutional name to the Republic of North Macedonia to realize its strategic goals for membership in the EU and NATO. Considering that the analysis in the paper generally covers the period until the signing of the Prespa Agreement, the first official name is used in the paper, i.e. Republic of Macedonia.

[2] Lidija Georgieva, Marina Mitrevska, *Macedonia towards the EU: whether and how much prevention matters*, "Croatian International Relations Review", Vol. 10, No. 36/37, 2004, p. 127

[3] Lidija Georgieva, *The Dilemma of Prevention or Resolution of Conflicts: Is Macedonia Unique Case?*, "Journal of International Relations and Conflict Resolution", Vol.1, No.1, 2016, p. 52

[4] Thomas Cushman, *The Globalization of Human Rights*, "The Routledge International Handbook of Globalization Studies", London, 2010, p. 590

because human rights themselves are, in their essence, global rights at the same time. As a result, persons that are not able to enjoy the goods of their human rights (regardless of their location), are victims of serious moral wrongs[5].

An additional significant aspect of the human rights issue is the fact, that today within the academic community, this issue is not perceived as a static one, but as a continuous development process of various ideas of rights as ideals of human freedom and therefore as protections against types of human vulnerability[6].

According to the provisions of the UN Universal Declaration of Human Rights, there is a set of 30 universal human rights and freedoms, of which, in the context of the research focus in this paper, the following are particularly significant: right to equality; freedom from discrimination; right to equal treatment before the law; freedom of opinion and expression, the right to work and education[7].

The analysis of the situation with these rights in the Macedonian context before 2001, shows the existence of a certain level of their respect. Namely, within the first parliamentary composition of the Macedonian Assembly out of a total of 120 members of Parliament (MPs), 23 were from the Albanian ethnic community in the country, represented by three political parties. However, at the same time, it is characteristic that these MPs did not vote for the adoption of the Macedonian constitution on 17.11.1991, considering that the constitutional framework didn't provide the necessary level of respect for the rights of the Albanian ethnic community.

A debate about the nexus between human rights issue and peace, security, and conflicts, usually notes that human rights issue has a two-dimensional meaning. Namely, from one aspect, it can be analyzed in terms of factors for threatening peace and initiating conflict, while from another aspect, as part of the peace and security's strengthening and promoting instruments. Regarding the first aspect, Human needs theory as developed by John Burton (1990), labels the unfulfilled basic human needs and rights as part of conflict causes. Moreover, according to such a theoretical view, humans are deeply motivated to satisfy their basic needs of identity, recognition, and security, so, if any of such needs remain unfulfilled, individual or group conflict will result[8]. It follows that the complete and effective conflict transformation and resolution is directly determined by the entire fulfillment of basic human needs and rights. On the other hand, the human rights issue is also one of the challenging aspects of the conflict transformation approaches that could facilitate post-conflict peacebuilding and that could create a new, and relaxed dynamic in the relations between the conflict parties or groups and communities as well. It follows that human rights issues have a significant role in post-conflict transformation and development. Therefore, no doubt trusted relationships building as well as developing networks based on human rights respecting and promoting, among other aspects, is substantial for any society.

From the theoretical view of the sociologist Emile Durkheim, the human rights issue might be analyzed through the social cohesion context. Namely, he understands social cohesion as the capacity of a society to ensure the well-being of all its members, minimizing disparities and avoiding marginalization[9]. Therefore, in terms of eliminating or mitigating the structural potential for conflict, societies should respect the human rights of all existing social groups. Still, although there is no single agreed definition of social cohesion, this term can be linked to the generation of shared values, identities, and norms, and denotes an awareness of social exclusion and inclusion. According to Green, social cohesion emphasizes the integration of the individual and the group as the basis of overcoming social, ethnic, or political conflict[10]. Such an integration understanding usually implies that "other" (e.g., minority) groups must adjust to the majority's social and cultural norms so that the society becomes cohesive.

However, the example with the context in the Macedonian society in the period from 1991 to 2001, shows that the indicated approach is not equally applicable, especially in multi-ethnic societies. Namely, according to the Albanian ethnic community, their poor social inclusion, and their refusal for adoption to the

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[5] Paul Robert Churchill, *Human Rights and Global Diversity*, Pearson Education, New Jersey, 2006, p. 12

[6] Bryan Turner, *Vulnerability and Human Rights*, PA Pennsylvania State University Press, 2006, pp. 27-29

[7] United Nations, *Universal Declaration of Human Rights (1948),* https://https://www.un.org/en/about-us/universal-declaration-of-human-rights (20.10.2023)

[8] John Burton, *Conflict: Resolution and Prevention*, St. Martin's Press, New York, 1990, p. 37

[9] Emile Durkheim, *Le suicide: Étude de Sociologie*, F. Alcan, New York, 1897, p. 67

[10] Andry Green, Jan Janmaat G., Cristine Han, *Regimes of Social Cohesion, Centre for Learning and Life Chances in Knowledge Economies and Societies*, Institute of Education, University of London, 2009, pp. 19-20

social and cultural norms of the majority, Macedonian ethnic community, was one of the main causes of the conflict in 2001.

Within peace and security studies, the issue of human rights gains additional importance, especially with the peace and security concepts expansion. In this sense, the term - positive peace, introduced by Johan Galtung, highlights the meaning and importance of another type of violence - "structural violence". The term "structural" is used because violence and injustice can also arise from structural inequalities in society, both from different forms of inequality between people and from a deliberate act of using force or violence[11].

In this sense, Galtung precisely distinguishes three types of violence: direct, structural, and cultural violence. Direct and indirect violence, according to him, are related to the source of the violence. Namely, in a situation where the provider of the violence is visible, it is a question of direct violence, while in the case of indirect violence, the provider cannot be recognized. Hence, indirect, or structural violence does not result from an act of violence by one person against another person, but violence is embedded in the structure of society and is shown as a situation of unequal power, which as a result creates unequal opportunities for life[12].

Within such a novel approach, the concept of peace includes the phenomenon of basic human needs and rights as a part of the key values within the so-called positive peace.

The shifts in the concept are made by accepting that structural violence not only affects the condition of the individual but also increases the tensions that lead to conflict and war. Hence, the concept has been expanded with accepting of the basic human rights issue and the protection of the individual. Therefore, peace research is beginning to focus on the issue of freedoms and basic human rights at multiple levels, including small groups, ethnic groups, international collectivities, etc.[13] The significance of the human rights issue is even more concretely recognized in the post-new agenda of peace research, which highlights the main challenges for peace and security after the Cold War. They are as follows: 1) identity and nationalism; 2) respect for human rights; and 3) respect for human rights at different levels.

On the other hand, the human rights issue has also received significant attention within security studies and more specifically with the expansion and broader understanding of the security concept. As an outcome, the sub-concepts of human security, societal security, social security, etc. are increasingly being discussed within the security agenda. Hence, the issue of human rights occupies a significant place in the analyses and research within the indicated security types. For example, as the importance of human security has increased in the past three decades, it has become an integral part of theoretical and practical approaches to security versus human rights and freedoms.

Pre-Conflict Environment: Challenges and Conflict Potentials

Macedonia on its path following the dissolution of former Yugoslavia faced numerous challenges, which emanated from the economic, social, and political transition processes[14]. Since 1991, Macedonia "struggled" with the image of a successful case of conflict prevention in the Balkans and wider. Such status resulted from the relatively successful strategy of international actors that decided to apply the model of preventive diplomacy in the country, strengthened with the preventive deployment of peacekeeping forces on the north-western border to deter the spill-over effects of the conflict from Bosnia and Herzegovina to Kosovo and Macedonia. In this sense, the "message" sent by the implementation UNPREDEP mission had more symbolic political, and psychological meaning regarding the security of Macedonia, differentiating from the usual mandate and goals of precedent peacekeeping UN missions.

Such a so-called "peace comfortable period" occurred due to the presence of UN forces on Macedonian frontiers and due to the continuous attention of the international community due to the prevention of spilling over the conflicts from former Yugoslavia. Such circumstances created a state of hibernation in the Macedonian society[15]. In this regard, the external input of conflict prevention was perceived by the domestic political actors as an appropriate long-term peacekeeping mechanism. In addition, such an approach was

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[11] Johan Galtung, *Peace Research – Education – Action*, "Essays in Peace Research", Vol.1, No.4, 1975, pp. 30-35

[12] Johan Galtung, *Cultural Violence*, "Journal of Peace Research", Vol. 27, No. 3, 1990, p. 291

[13] Lidija Georgieva, *Peacemaking*, Faculty of Philosophy, Skopje, 2007, p. 108

[14] Alice Ackerman, *Making Peace Prevail: Preventing Violent Conflict in Macedonia*, Syracuse University Press, 1999, p. 47

[15] Lidija Georgieva, *Conflict Prevention and Peacebuilding: Macedonian Post-Conflict Dilemmas*, Faculty of Philosophy, Skopje, 2005, p. 354

combined with some confidence-building measures between domestic political actors, that hypothetically had to provide guarantees for peace. At the same time, there was a lack of an initiative or state policy for designing the essential approach to peace-building mechanisms aimed at reducing the conflict potential or institutionalizing the ways to solve persistent internal problems and challenges. Macedonian society, like the majority of other post-communist and post-socialist societies, did not avoid the process of structurally embedding potential for conflict. Such a thing would be too much to expect in the period of Macedonia's independence and in a situation where it is a classic post-communist society in which political dilemmas and thinking are manifested, in which economic potentials are limited. The valves that connected it with economic partners from the former Yugoslav republics closed due to armed conflicts or the embargo established by the UN. As a result, the informal trust-building meetings between the political parties of the Macedonians and the Albanians primarily touched the established leadership positions of the parties, but not the entire society. This approach was used by the political representatives of the ethnic Albanians to provide access to more power in the society but seen on the long term it was out of their commitments and agenda for providing more human rights and freedoms for ethnic Albanians in the country. From the aspect of human security and human rights issues, multiethnicity turned into a process of seeking a balance of power between the largest ethnic groups, which, supplemented by social inequality and poverty, deepened more and more.

In this sense, the structural problems that supported and "fed" the conflict process became embedded with the ethnic signs of the political parties. Their strategy of being a legitimate representative of the ethnic majority or minority community strengthened the process of additional segregation along ethnic lines and the feeling of belonging to "us" and "them". The struggle for access and exercise of power, based on the principle of dividing spheres of influence on the electorate and control of regions loyal to the party, threw out ethno-political mobilization as the simplest, but at the same time, the most dangerous means of obtaining public support and votes. In particular, the ethno-political mobilization as a means of obtaining political legitimacy from and on behalf of the ethnic community was at times based on extremely radicalized political attitudes of both the Macedonian and the Albanian bloc of parties and their fans. It made the conflict process a closed circle of ethnic competition and a race to gain an advantage over the other or at least not to lose the position gained.

The coalition of political parties (from different ethnic backgrounds) in all governments dated since 1991, was not a sufficient recommendation to relativize the conflict process. On the contrary, the already ethicized political process did not resist the challenge of criminalization and the use of such (non-political and non-democratic) means in and for political purposes, which further burdened inter-ethnic trust and the sense of security and stability.

The absence of efficient governance was another characteristic shortcoming of Macedonian society in the last decade of the 20th century. In that sense, experts and the public have often criticized the functioning of institutions deeply affected by the process of partisanship, nepotism, and corruption. As such, the institutional capacities did not enable efficient implementation of the rule of law's principle, and state's functionality and were not addressing the citizens' interests and needs. At the same time, all phenomena that affected the institutions due to politicization largely contributed to increasing the potential of further conflicts and to an additional polarization of society. In an environment with a lack of efficient functioning of democratic institutions, and ethicized and criminalized political activity, a series of events took place that turned the political scene into the so-called "undemocratic battlefield". The use of pressure, threats, and physical violence was part of the strategy of the political parties, who accepted the speech of force and nationalistic rhetoric, instead of the speech of democracy[16].

A Human Rights Issue Through Conflict Transformation: The Outcomes of Armed Conflict in 2001
The complex internal and regional security situation connected to many political scandals in Macedonia led to a serious political and military crisis in 2001. After six months of uncertainty and armed conflict between the Macedonian security forces and the National Liberation Army (NLA), the Ohrid Framework Agreement (OFA) was signed in August 2001. Representatives of the international community mediated this process. It can be noted that the Agreement ended the armed conflict and provided the basis for post-conflict peacebuilding and conflict transformation, especially through the prism of constitutional and

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[16] *Ibidem*, p. 355

political reforms. In addition, OFA also provided grounds for addressing the police reforms as a part of the process of introducing democratic policing. Key aspects of the OFA related to the police were directed to address better representation of the ethnic communities (mostly ethnic Albanians) in the police, redeployment of ethnically mixed police patrols to the post-conflict areas, retraining of the police, introduction of community policing and other activities typical for post-conflict policing. The basic OFA's principles considered the following:

- the complete and unconditional rejection of the use of violence in achieving political goals;
- the inviolability and completeness of the territorial integrity and sovereignty of the state;
- the need to preserve and promote the multi-ethnic character of the Macedonian society;
- constitutional guarantees for full fulfillment of the needs of all citizens following the highest international standards; and
- the development and decentralization of local self-government[17].

In Chapter 4, the OFA highlighted the commitment to full respect of the principle of non-discrimination and equal treatment of all persons before the law.[18] The main challenge regarding such an issue before 2001, was the dilemma of how to change the perception among the Albanian ethnic community that the situations in which the representatives of this community will find themselves in court (for criminal or illegal activities) are directly and only related to their ethnicity.

On the other hand, within OFA it is emphasized that the non-discrimination principle will be specifically applied concerning the Albanian community representatives' employment in public administration and public enterprises as well. Regarding the issue of education and the use of languages, in Chapter 6, it is emphasized that in primary and secondary education, teaching will be carried out in the student's native languages, as well as that the state itself, will provide funding for higher education in the languages that are spoken by at least 20% of the population (ethnic communities) in society. In addition, it is indicated that during the enrolment of new students to the state universities, who belong to communities that are not the majority population in Macedonia, the principle of positive discrimination will be applied until the enrolment fairly reflects the composition of the population in Macedonia[19]. However, this indicated solution does not mean that before 2001 the representatives of the Albanian community did not have access to the state educational institutions. The only problem was the possibility of studying on Albanian language of instruction, for which a certain solution has been offered even a year before 2001, with the provisions of the new Law for higher education from 2000.

Regarding the issue of identity expression, the Agreement states that next to the symbol of the Republic of Macedonia, local authorities will have the freedom to place symbols on the front of local public buildings that mark the identity of the majority community in the local community, under international rules and applications. Three annexes are an integral part of the Agreement: 1) constitutional amendments; 2) legislative changes; and 3) implementation and confidence-building measures. Regarding the third annex, both parties manifested their commitment to the active engagement of the international community in facilitating, monitoring, and assisting the implementation of the Agreement provisions, emphasizing the commitment that such efforts should be coordinated by the EU in cooperation with the Stabilization and Association Council[20].

In addition, within the framework of such an Annex, special attention is also devoted to the issues of repatriation of refugees, election monitoring; protection of human rights; revitalization and reconstruction; development of decentralized government; non-discrimination and fair representation; as well as to the culture, education, and languages use. So, the Agreement foresees a comprehensive set of measures for restoring and building trust, through which a successful and efficient transformation of the conflict and its structural potentials should be ensured. However, despite all the controversies and dilemmas that followed the crisis itself and the OFA's content and purpose, as well as despite the different agendas for explaining the immediate or structural causes of the conflict, most of the time the Agreement was considered a political solution instrument, aimed to "break" the cycle of violence, to some extent way as an exhaustive model for conflict

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[17] *Ohrid Framework Agreement*, *13.08.2001*,
 https://www.pravdiko.mk/wpcontent/uploads/2013/11/ramkoven_dogovor-3.pdf (19.10.2023), pp. 2-3
[18] *Idem*
[19] *Ibidem*, p. 4
[20] *Ibidem*, pp. 8-12

transformation. Although it mainly defines the peacebuilding strategy at the constitutional-normative and political level and determines or encourages the dimensions for political peacebuilding, the process of social peacebuilding and conflict transformation is ignored.

Certainly, political peacebuilding cannot replace the social peace-building process. Social peacebuilding is mainly based on and created at the local level to create prerequisites for sustainable stability, and human development, while trust between the local community, citizens, and local institutions is of essential importance. Therefore, this is exactly the main challenge that will inevitably have to be paid attention to in the following period. Moreover, the process of the Agreement's implementation and post-conflict peacebuilding were not immune to the old problems and challenges that characterized the pre-conflict period. The structural problems that constituted the potential for conflict have to a certain extent been displaced by the political and legal reforms and the introduction of a kind of new framework of relations. In particular, the majority-minority relationship is broken down by the formula of communities in the Constitutional preamble, and the solutions in the Agreement introduce consensual democracy and strengthened language rights, equal representation in public democracy, and decentralization. All these issues, to a lesser or greater extent, create a new relationship of relations in the Macedonian society in which multi-ethnicity and the civil concept require a compromise.

However, such a situation is not without contradictions and challenges, characteristic of the post-conflict environment. The potential for instability and uncertainty, as well as the potential for conflict, has not and cannot be eliminated. In that sense, even the theory does not recognize sterile, conflict-free societies. However, two components are always needed: opportunities and political will, for eradication of structural problems and potentials. In the Macedonian case, the opportunities/security risks in the period after 2001 were still present, such as illegal weapons, the criminalization of politics and corruption, illegal armed groups, etc. On the other hand, the last precondition was also present, i.e., the political will to use non-democratic means to achieve interests. In this sense, the talk of force and violence heard by political leaders sounded like a lesson badly learned. In such an environment, the political crisis represented an almost "normal" state in the relations of the political competition, but also a too sensitive and worrisome warning for a possible introduction into a security crisis.

The idea of OFA, as an instrument supposed to enable successful post-conflict peacebuilding and conflict transformation, was to promote the peaceful and harmonious prosperity and development of civil society, while also respecting the ethnic identity and interests of all Macedonian citizens. Still, the main challenge in this context, especially from today's perspective, is the fact that most representatives of the Albanian ethnic community do not identify themselves as Macedonian citizens, but as Albanian ones, with specific identity. In fact, to this day, the absence of the acceptance of the state symbols of Macedonia by the Albanian ethnic community is somehow visible. Regardless it is a sports competition, a politician's office, the celebration of public holidays, etc. the absence of the symbols of the Macedonian state is visible among the representatives of the Albanian community.

Current Perspectives and Dilemmas

There is no doubt that OFA put a formal end to the military conflict in the country and established frameworks for inter-ethnic coexistence. What is characteristic of the OFA itself two decades and a couple of years later, is the fact that it was perceived and understood all this time as the only instrument whose successful implementation is determined by the extent of achievement of human rights protection and the transformation of the structural potentials that led to the conflict.

From today's perspective (end of 2023), it can be emphasized that the Agreement guaranteed the unitary character of the state, and parallel to that, the rights of the Albanians and other smaller ethnic communities in the country, including the Turks, Bosniaks, Roma, Serbs, Vlachs and others, were advanced. The Agreement traced the process of conflict transformation, mainly through constitutional amendments, new legislation, and confidence-building measures. In this sense, since the implementation of the OFA, legal amendments and additions have been adopted, most of which are laws on non-discrimination and fair representation in state institutions, and some of them are in the sphere of identity, culture, education, and decentralization of government. In addition, it was decided that the language spoken by more than 20 percent of the ethnic communities would be the language for official use in any city of the country, in addition to the Macedonian language. The Law on the Use of Languages, adopted by the Parliament on January 11, 2018,

promoted the use of the Albanian language. The provisions of this law entered into force one year later, on January 15, 2019. As part of the implementation of the agreement, the Secretariat responsible for the implementation of the OFA, which was part of the Government in 2004, has been established. The Secretariat was later transformed into the Ministry of Political System and Community Relations.

From the aspect of basic human freedoms and rights, as well as from the aspect of the human security approach, it can be pointed out that 23 years later, most of the items from the OFA have been fulfilled. In particular, the Agreement turned into a process of multi-ethnic democracy. However, on the other hand, the political representatives of the minority communities over the years pointed out that there is an obvious need for additional involvement of the state in implementing, promoting, and protecting the rights of the minority ethnic communities in the country. In particular, the incomplete implementation of the fair representation of underprivileged ethnic communities in the institutions of the state is highlighted.

In this context, on the 20th anniversary of the signing of the Agreement, the current Macedonian President, Mr. Stevo Pendarovski, declared: "The deal has stood the test of time, although it is far from perfect. If we look for omissions in it, then, in my opinion, the biggest mistake was that under the pressure of the extremely unfavorable dynamics of the events on the ground, the participants in the negotiations did not have time at all to devote themselves to the rights and status of the less numerous ethnic communities, and therefore the agreement with is qualified as binational, and that is certainly not an advantage in a multicultural society. In a heterogeneous political community like ours, the binational must not be a substitute for the authentic multinational model that we need to develop"[21].

According to him, for the only successful example of a functional multi-ethnic democracy in the region to continue to exist, the basic principles of the Framework Agreement, which reject the use of violence to achieve political goals, should be constantly considered, because only political solutions can guarantee a stable and democratic future.

On the other hand, the current president of the Assembly, Mr. Talat Xhaferi, declared that: "The OFA is a Peace Treaty and Agreement that set the new rules for social cohesion and better inter-ethnic functioning, which was the most solid foundation on which we visibly transformed our multi-ethnic, multi-confessional, and multicultural society"[22].

According to Ali Ahmeti, (the political leader of the National Liberation Army during the conflict), who after 2001 formed the political party Democratic Union for Integration (DUI) and has been at its head since then, stereotypes and prejudices are still present in the country. In this sense, he believes that the citizens of Macedonia have no other alternative but to respect the agreements reached, so he points out that the communities in the country should be the masters of their destinies, while the language and culture of the other/others should not be an obstacle to that way[23].

Related to the current perspectives of the OFA, the former Prime Minister - Zoran Zaev, believes that the Agreement sent a message of mutual understanding, apology, and forgiveness between Macedonians and Albanians, as well as among all other citizens. It is a message for coexistence, for equal citizens, in the common state. According to him, the Agreement brought a new spirit of policy-making – policies that build bridges, not tear them down. Policies that bring citizens together, and do not divide them, on the path that ensures the common future[24].

Such indicated statements of the political leaders manifest their firm conviction in the rightness of accepting the OFA, not only as an instrument for ending the violence in 2001 but also as the main instrument of the conflict transformation and post-conflict peacebuilding process. To a certain extent, it is expected, especially if we consider the fact that the Agreement itself is a political product/instrument of the four largest political parties (two Macedonian and two Albanian) in 2001.

On the other hand, in addition to the political, the importance of civil and social peace-building conflict transformation should also be considered, for which in the Macedonian case the entire past period is in the shadow of the first, i.e., of the political peacebuilding. Namely, since 2001 political initiatives have had a

[21]META-Independent News Agency, *The Ohrid Agreement "turned" 20 years old - the Ccelebration Passed without the Surviving Signatories,* https://meta.mk/ohridskiot-dogovor-napolni-20-godini-odbelezhuvanjeto-pomina-bez-prezhiveanite-potpisnici/ (22.10.2023)
[22] *Idem*
[23] *Idem*
[24] *Idem*

central place for such issues, which gives the entire process of conflict transformation a so-called centralized approach, i.e., from "top to bottom". The main challenge regarding such an approach is that the applicability of political initiatives and proposed solutions as well as their long-term sustainability is often questioned on the ground.

For example, related to the issue of adequate (20%) representation of members of the Albanian community in the bodies and institutions at the central and local levels, the tendency to solve it quickly in a large number of cases allowed the violation of the criteria for selection of the best candidates, and on the other hand, also in a relatively large percentage of cases, the newly employed Albanians did not even go to work, because objectively, in a good part of the state and local institutions, there was neither a need for new employment nor were new jobs foreseen. However, despite that, they received monthly income from the state or local budgets for their "job" engagement.

What is different about such issues, before and after the conflict in 2001, is the fact that representatives of the Albanian community, for the first time, held and still hold some of the highest state and local offices: Minister for Defence, Minister of Finance, Minister of Economy, Minister of Education, Vice Prime Minister, Speaker of the Assembly, Mayors and other high ranked position in the government, including the Prime Minister in the last 100 days of the current ruling government, as agreed within the coalition.

Parallel to this process/fact, according to public perception it is characteristic that the fight against corruption at a high level in the past 20 -annual period, is largely selective. Namely, even though DUI (the political wing/party of the National Liberation Army) has been in state power for 22 years now (as a most frequent coalition partner of various Macedonian political parties). In the indicated period the subjects of investigations for high corruption are generally politicians from the Macedonian community.

What is most characteristic about such issue, is the fact that usually after the public presentation of high-level corruption activities, the issues of non-compliance or incomplete implementation of the Framework Agreement, as well as the issues of its upgrading and expansion are also re-opened, such as: Constitutional introduction of Albanian language as the second official language on the entire territory of the country, introducing Albanians as the second constituent nation (besides Macedonian), opening the possibility for an Albanian to be appointed as the president of the country, contrary to the already established procedure and necessary votes for such position, etc.).

Such, as well as other activities and events generally undermine the faith of political leaders in the public, including their sincere intentions and policies that in the past 20 years should have enabled effective handling of all pre-conflict and post-conflict structural conflict potentials and factors.

Conclusions

There is no doubt that the human rights issue occupies a significant place in the peace and security agenda and hence in the efforts for effective conflict transformation, in the past 20-30 years. As the analysis in the paper shows, this very issue was largely connected with the causes of the conflict in 2001, as well as with the processes of conflict transformation and post-conflict peacebuilding. Regarding to the reasons themselves, it is characteristic that even today there are different interpretations between the Albanian and Macedonian ethnic communities and therefore there is still no acceptable explanation. Namely, as it was already pointed out, Albanians' perceptions of the conflict causes are somewhat simpler, starting with the Constitution as the cause, then, their long-term repression, and ending with the inability to study in their mother tongue in higher education, which means that in general their attitude is focused on the issue of human rights and repression. On the other hand, there is a noticeable greater confusion in the perceptions of Macedonians regarding the causes, which is due to the presence of several scenarios, starting from the perception that international actors and certain states are the main directors and generators of the conflict, to the perception that the causes are ideological, i.e. creation of a Greater Albania and that the issue of human rights is only abused in that context.

Regardless of whose perception is more accurate, to this day, the dilemma remains open as to whether the violence in 2001 was the only option to resolve the open issues, ie. whether weapons are the only alternative for promoting and respecting human rights. As the analysis in the paper shows, it is characteristic that in the pre-conflict period, the Albanians, continuously had their representatives in the highest echelons of the government, hence the dilemma inevitably arises, why they were not replaced by the Albanian electorate if they did not act effectively in the direction of advancing their rights, or why the blame for such a situation lies solely with the political representatives of the Macedonian ethnic community. Moreover, why if they were so

poorly represented and did not protect the interests of the disadvantaged, were new representatives not elected, or why was no clear criticism of the inefficient Albanian politicians from any party manifested in any civil association of the Albanians? Such dilemmas are still present in the Macedonian ethnic community even today and in some way burden the attempts to fully restore mutual trust as one of the aspects of real peacebuilding and transformation of the conflict.

Additionally, in this regard, the Macedonian case is characterized by the fact that the issue of human rights, as part of the process of conflict transformation and peacebuilding, somehow bypassed the instruments known as facing the past, judicial instruments, or sanctioning the perpetrators of war crimes during the conflict (except 2 representatives from the Macedonian community), reconciliation, etc.

What is specific to the Macedonian case is the fact that the success of the human rights issue management in the post-conflict period is mainly analyzed through the prism of the implementation of the OFA. However, the main challenge in this context is the application of the so-called "top-down" approach, despite the importance of the "bottom-up" approach to this plan. It means that opposed to the minor and insufficient role of the local communities, the non-governmental sector, etc. the main role in such issue management was played by the highest representatives of the government in the past 22 years. In this sense, the "small" role of the civil society and the non-governmental sector is evident, as opposed to the main role of the political elites in the entire process of implementation of the Agreement. In some way, the civil and non-governmental sectors did not sufficiently recognize the significance of their role in the entire past 22-year period.

As a result, it opened the possibility of making political decisions whose applicability is questioned on the ground, especially in terms of their justification and long-term sustainability. For example, if we analyze the issue of education in our language of instruction in higher education, the fact is indisputable that contrary to the only two state universities with the Macedonian language of instruction in the period until 2001, today besides others, three new state universities with the Albanian language of instruction are also functioning. Such a political solution certainly made it possible to improve the right to study in the native language of the representatives of the Albanian ethnic community, and thus increase the number of graduated and newly enrolled Albanian students, but the dilemma is whether such a solution improved mutual trust, communication, etc. between the two communities, and thus, how it advanced the peacebuilding and conflict-transformation process in the country.

The concessions made by the incompetent Macedonian politicians about the illegal use of the Albanian language in Macedonia and many other illegal privileges that seem like disrespect and manipulation with provisions of the Constitution can encourage the anger of the Macedonian people and the representatives of other ethnic communities towards the Albanian community in Macedonia and this could lead to a new open conflict. There is still a need for greater sensitivity and awareness of the Macedonian political elites and decision-makers about the long-term applicability and acceptability of the instruments and approaches they promote regarding human rights issue management through an effective conflict transformation and successful peace-building processes.

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