



BiEPAG

Policy Brief

**Ending the Crisis in  
Macedonia: Who Is in  
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# Policy Brief

## Ending the Crisis in Macedonia: Who Is in the Driver's Seat?<sup>1</sup>

*“Let me be crystal clear: the EU has not simply facilitated a short-term stabilising arrangement. Our aim is to help the country get back on its Euro-Atlantic track and reinvigorate its democracy, open society and governance through elections and sustainable reforms.”*

Commissioner Johannes Hahn

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Macedonia has been a successful example of international crisis prevention. First it was the unprecedented UN preventive deployment in the 1990s, and then it was the preventive diplomacy and close coordination between the EU and NATO that helped avoid a civil war in 2001. Now the risk is that Macedonia will become a failed case of international prevention. “Paradoxically, the EU’s record is worst in the country where the union achieved its greatest success”, wrote Stefan Lehne.

If 10 years ago Macedonia was a front-runner in the reform process, today it struggles to stop moving backwards on virtually every single political criterion for EU membership. It is sadly the most devastating case against the credibility of the EU’s enlargement policy; a country where the transformative effect has indeed made a difference, but in the wrong direction. A candidate country for membership since 2005, Macedonia has received six consecutive recommendations by the European Commission to open accession talks. But the doors to the most transformative stage of the integration process – the accession negotiations - were and remain blocked by Greece, due to an on-going dispute over the use of the name Macedonia. This blockage on Macedonia’s path toward Europe has taken the incentives for reform out of the political equation and created a sense of disillusionment with the EU, clearly contributing to the making of the biggest institutional crisis in the country since its independence.

# Government Demystified: Crisis escalates in 2015

The surreal and massive wiretapped conversations released by the Macedonian opposition in 2015, laid bare the machinery of the regime that has ruled the country for almost 10 years. As established by the independent senior rule of law experts recruited by the EC, the recordings provide ample indications of apparent direct involvement of senior government and party officials in corruption, abuse of power, blackmail, political interference in the judiciary system, as well as electoral fraud, according to the EC report.

While Prime Minister Nikola Gruevski accused opposition leader Zoran Zaev of attempting a coup, civil society movements and the emboldened opposition went to the streets in a series of protests. Government supporters answered with a counter protest, but it was the sudden burst of bloodshed in Kumanovo, on 9 and 10 May, 2015, that seized international attention. While the government claimed that the group planned terror attacks in Macedonia, somber suspensions continued that the bloodshed was somehow exploited or even orchestrated to distract attention from the scandal and change the narrative. Interior Minister Gordana Jankuloska, Transportation Minister Mile Janakieski, and the chief of the secret police Sasho Mijalkov, resigned two days after the deadly weekend in Kumanovo. Twenty-nine ethnic Albanians, mainly from Kosovo, accused of involvement in the carnage, face terrorism charges at a trial that started in February 2016. However, given the poor credibility of the Macedonian judicial system, and in particular taking into account the interests at stake, it will take an international inquiry into the clashes to provide the much-needed answers.

# The EU-Brokered Agreement: A potential way out?

**D**espite wide preferences for an expert government with a meaningful mandate to “clean up” the system, the EU brokered an agreement between the main political parties in June/July 2015, and paved another way out. First, the EU called to implement urgent reform priorities “to address the systemic weaknesses inherent in the making and the content of the wiretap revelations”. Second, it aimed to establish accountability and level the playing field, before the next early elections, initially agreed for 24 April 2016.

However, some reforms – envisaged in the agreement - were implemented half-heartedly and others were blocked, which led the 24 April elections to be put under question. The main opposition party threatened to boycott the elections, while VMRO-DPMNE and DUI, governing coalition partners supported by opposition DPA, voted to dissolve parliament. The EU and US stepped in to resolve the imbroglio, announcing they would make an assessment if the conditions for credible elections were met. In their assessment, they note that such conditions are still not present, because the voter registry was not cleared, there were reports of voter intimidation and there was a lack of media reforms.

Under heavy international pressure, and largely due to a change of heart of the smaller coalition partner DUI, the parliamentary majority eventually agreed to postpone the election date from April 24 to June 5. However, it is not fully clear if the conditions for free and fair elections still stand, if there is a functional process in place to deliver on them, and if there will be another international assessment made. According to Gruevski, the US and EU confirmed that this will be a one-off delay, and that “all issues are absorbed in the moving of the election date”. On the other hand, one of the three facilitators from the EP, Richard Howitt, countered that no such commitment has been made.

# Gruevski's Empire Strikes Back

It was instantly clear, however, that the EU-brokered agreement suffers from two major flaws. First, the alleged wrongdoers in highest level of government are supposed to work, in good faith, on their own political demise. It is naïve to expect them to dismantle their authoritarian hold on the country voluntarily, by allowing accountability and a level playing field for elections. Hence, continuous attention and pressure by the international community have been necessary, to keep the process running. Given the overwhelming refugee crisis the EU has been facing, and the seemingly (and falsely) unimportant Macedonian democratic challenge in the current priorities in Europe, this level of attention has not been fully maintained.

Second, the date for early elections was already set before the parties had agreed to other key parameters: “It was agreed that by the end of April next year, there should be early elections”, said Commissioner Hahn, and he (thankfully) added, “but it is important to prepare the country”. In other words, the election date has not been clearly tied to the implementation of other essential milestones, such as the audit of the voter list or the assurance of greater media freedom. This has created tensions between the ruling party’s run towards (unprepared) elections on the one side, and the insistence of the opposition (backed with a threat to boycott) to first meet the necessary preconditions for free and fair elections. On the other side, the nascent efforts to establish the rule of law and accountability are met with resistance from the old delegitimised style of governance that seeks its salvage through quick elections.

The ruling party is fighting to maintain the status quo, and they are pushing back against the reforms envisaged in the EU-brokered agreement. They essentially boycotted the work of the Parliamentary Commission of Inquiry, set up to investigate the wiretapping scandal. They publicly denounced the EU facilitator on the ground. In addition, they publicly attacked the Special Public Prosecutor, established to clear the wrongdoings heard in the wiretapped material, proclaiming, in a pre-emptive move, that they “no

longer believed in her independence” and expressed “serious reservations to each step Janeva will take in the future, both in terms of her impartiality, and in terms of the legality of her actions.” A number of criminal charges have been brought against her team for alleged intimidation of witnesses. In a recent public [appeal](#), the special prosecutor’s office underlined that several state institutions are ignoring its repeated requests for cooperation.

Last month, the Special Prosecutor opened her first investigation into electoral fraud, targeting the former Ministers Jankulovska and Janakievski, as well as the secretary general of the government. The related requests for their detention were denied by the court. Finally, the law establishing the Special Public Prosecutor has been challenged before the Constitutional Court, a challenge that hangs over this newly created institution as a Sword of Damocles ever since.

At the same time, the [Constitutional court](#) gave the President the right to pardon electoral crimes. The initiative to the Court was submitted by Risto Kiteski, a young lawyer who works in a law firm involved in the defence of former Minister Jankulovska. The process brought protests in the streets. On one side, civil society organisations and the opposition were protesting, “to protect the Constitution from the Constitutional Court”, and on the other side, government supporters rallied “to support the Constitutional Court from interference”. This shows the firm grip that Gruevski has over the judiciary system in Macedonia, and the potential for future polarisation and hostilities.

There is still no agreement on how to ensure more balanced media coverage. According to the latest [report](#) by the *Institute for Communication Studies*, for the period of February 6<sup>th</sup> to March 4<sup>th</sup>, there are three main conclusions as to the state of the media in Macedonia: 1) The TV News on the majority of TV stations is used for political promotion of the government and the leader of VMRO DPMNE, 2) there is selective censorship of political expression, 3) there are orchestrated media attacks aimed at opponents.

Since *Reporters Without Borders* ranks Macedonia between Tajikistan and Mali in the [Press Freedom Index](#), with the [EC reporting](#) a continuing decline last year, reforms to the regulatory body and the public service broadcaster are indispensable for free and fair elections.

The State Electoral Commission started to cross-reference voters' data from various state institutions. However, ever since it allowed public digital access to the electoral roll, revealing numerous cases of dozens or more voters registered at one address, it became obvious that the challenge it faces is enormous ("The Macedonian voters' register is like an onion. The more you open it, the more you want to cry.").

According to the recent report of the State Electoral Commission (SEC), about 330,000 voters on Macedonia's electoral roll of 1.8 million need to be verified. The Commission will conduct field checks of 89,000 voters and further administrative checks of the rest. However, 124,000 voters which exist in the database of the Ministry of Interior, but do not appear in any other database in the past 8 months, will not be subject to any additional verification. It is assumed that they have left the country. This decision prompted the opposition members of the SEC to leave the session in protest, citing the risk of manipulation. In addition to complaints related to the transparency of the SEC's work, and the impression that numbers have been subject to political bargaining, there are two major concerns with the clean-up process. First, there is still no clear legal framework in place for timely removal of names that do not belong on the electoral roll. Second, it is now obvious that the work of the SEC will not be done before the scheduled dissolution of Parliament on 7 April.

# Refugee crisis: No horse-trading?

At the same time, Macedonia is on the front line of the refugee crisis. For the regime, cooperation with the EU on the refugee crisis is not least an opportunity to detract attention from the growing authoritarian tendencies in Macedonia. The importance of balancing the need for cooperation with the country, that Europe suddenly needs more than it used to, with the feat of ensuring compliance with democratic and rule of law standards prior to any progress on the membership path, cannot be overestimated.

Commissioner Hahn's departing [statement](#), after his latest visit to Skopje, created an ambiguous political dynamic: "Despite all the talk about elections, we should not forget that there is a very serious migration crisis in Europe ... the crisis is also about the European, Euro-Atlantic perspective, where I believe a strong, decisive government, which can take decisions, is important." Seizing the moment of confusion, the ruling parties promptly and unilaterally voted to dissolve parliament.

Macedonia is beyond the point where a "strong, decisive government" could have been built at the expense of democratic standards and the rule of law. The EU should stand by its principles, and boldly call a spade a spade, publicly denouncing those who undermine them and holding them accountable. For those who openly defy these calls, to be effective, Europe should not exclude deploying sanctions in the form of travel restrictions and asset freezes.

Support for a "strong, decisive government" would bring far more damage than benefits for the region. With upcoming elections in Bosnia and Herzegovina, Serbia and Montenegro, the dangers for tolerating semi-democratic regimes outweighs the potential benefits in terms of temporary remedy for the refugee crisis.

# No Driver in the Driving Seat

The joint EU and the US assessment of the preparedness of Macedonia to hold credible elections was a step in the right direction. The subsequent political pressure to postpone the date was another. Even though it seems self-evident, the fact that it has been seriously considered warrants stating it here loud and clear: Allowing another rigged election cannot resolve a deep institutional crisis, rather it can only deepen it.

Europe does have a unique opportunity to ensure that the long-term objective set by the political agreement of June/July is met. By prioritising the vital reforms necessary for proper elections to take place, by giving all possible support to the work of the special prosecutor, including international monitoring of her work and vigilant monitoring of the courts, Europe will ensure that democracy returns to Macedonia, and send a powerful message to other political elites in the Balkans.

That goal, however, is far from accomplished. The strong and clear wording of the assessment and the subsequent political heavy lifting helped. Yet, as MEP Howitt put it: “One catastrophe has been averted, only to create a different one in the future.” That future is imminent, and the very nature of the agreement requires strong European engagement, backed by Washington, to make it work and avoid a déjà vu. Ever since 24 February, there has been no such engagement worth speaking of. Statements of hope that the political leaders will do what is necessary in the interest of the country will never break the deadlock. The stakes are simply too high to be a friendly bystander in the last 100 meters.

Macedonia may appear too small and too complicated to keep the attention. Europe may be busy with bigger and more pressing problems. But the country is on the front line of Europe’s refugee crisis and is currently facing the direct consequences of the European disunity in that regard. When its institutions are undermined, when they are weak and dysfunctional, its multi-ethnic society becomes vulnerable and easy to manipulate. The geography and the demography both point in the same direction – hands-on engagement. “The bloodshed in Kumanovo ... should be a wake-up call.

Direct engagement by the EU's top political leaders is needed to finally break the deadlock and avert a dangerous new Balkan crisis," Lehne highlighted last year. Europe must not wait for another wake up call. It must act now.

# Policy Proposals

One should distinguish between support that would return Macedonia to a democratic track and toward an EU future in the short-term, and support for long-term processes.

**THE WORST-CASE SCENARIO.** In the short term, the end of the institutional crisis and restoration of democracy depends on whether there will be credible elections. This brief argues that another rigged election will only escalate the political crisis in Macedonia. Additionally, rigged elections will be a negative example for democratization processes across the region. A corrupt and authoritarian regime will be given a chance to consolidate and reinforce a culture of impunity in Macedonia, and it will be an encouragement for undemocratic practices and illiberal forces across the Western Balkans and beyond. This is the worst-case scenario.

**ANOTHER POSTPONEMENT.** The clean-up of the electoral roll will not be finalised by 7 April. There is still no agreement on how to ensure more balanced media coverage, let alone sufficient time to implement one. To ensure the fulfilment of the criteria for credible elections, an international “hands-on” approach (i.e. continuous international involvement) is a must:

- The EU and US should announce and subsequently make a new assessment of whether there are standards to have credible elections before 7 April.
- Once the announcement is made, there should be a strong push to deliver on the most urgent conditions for credible elections, in particular the media reforms.
- If the conditions are not in place, then concerted action will be needed to again postpone elections.
- If ruling parties insist on elections without credible standards, then the EU should consider whether to accept the legitimacy of the results, and take action accordingly, including, but not limited to, implications for the candidate status, as suggested in the last EU report.

It will be necessary to maintain all political parties involved in the process and to continue efforts for improvements. However, it is of crucial importance that the quality of the reforms should not fall prey to time, which includes a credible voter registry and balanced media coverage, including an independent composition of the regulatory body and the public broadcaster.

**DEMOCRATIC, FREE AND FAIR ELECTIONS.** The main argument of this brief is that if there is heavy and sustained international involvement with clear red lines and a “carrot and stick” approach, then it is possible to have democratic, free and fair elections and to resolve the institutional crisis. However, the engagement will have to be ubiquitous and continuous. Therefore we make the following recommendations:

- The EU, backed by the US, appoint a special envoy in Macedonia as soon as possible with a mandate until the formation of the new parliament. The envoy’s main task would be to assure credible conditions for the entire electoral process (from the start of the campaign, to voting day and the formation of new political institutions). The envoy would work closely with the EU Ambassador in Skopje, embassies from EU member states and the US, and the OSCE. During the envoy’s mandate, it is not likely that a wide range of technical issues or legislative changes will need to be discussed or agreed between the political parties. However, it will be necessary to ensure that democratic standards are upheld by all, that there is free and fair process and that all parties participate in elections and in the work of institutions. Therefore, it would be advisable if the person were to have significant political experience and weight.
- The EU and the US complement OSCE/ODIHR long-term observers in monitoring the entire electoral process up to voting day. Following the experience with their previous assessment, the EU and the US should make sure that credible conditions for elections are maintained throughout the entire period. Abuse of public institutions and spending, selective usage of public resources and intimidation of public administration on national and local levels, along with media reporting, should be the main areas of monitoring.
- The EU and the US should support civil society organisations that have a proven track-record of independent and objective monitoring, to organise observation missions and use their findings in their further assessment.

Also, the EU and US should have observation missions on the ground in order to deter possible electoral malpractice. All activities of possible vote buying, voter intimidation and harassment, organised voting, and misuses of public institutions and resources should be prevented.

- The EU and the US, supported by OSCE/ODIHR, should work closely with the State Electoral Commission to monitor parties' spending during the electoral campaign and institutional spending even prior to the election campaign, to assure financial transparency. Paid media advertisement and possible misuses of public resources will require special attention.
- The EU and the US, supported by OSCE/ODIHR, should work closely with the State Electoral Commission to assure that there is balanced media coverage. Cooperation with the Public Broadcaster will be necessary, but also a liaison with private media outlets will be needed. The EU and US should push the main political parties (e.g. SDSM, VMRO-DPMNE, DUI and DPA) to commit to a series of TV debates, which will be organised on different TV stations.
- All political parties represented in the European Parliament should unequivocally support the resolution of the institutional crisis in a way that ensures respect for the rule of law and the democratic processes.

**LONG-TERM RECOMMENDATIONS.** In the long run, three processes should be supported to restore democracy and move the country forward in the EU integration process.

The first process is to strengthen the rule of law. The strong support for the actions of the Special Public Prosecutor should continue. Further, it is essential to empower the judiciary system to be independent from political pressures and to facilitate closer cooperation with the Special Public Prosecutor. If the independence of the judiciary system is strengthened, then it can play a key role in resolving the current political crisis and increasing the accountability of elected officials in future.

The second process is to preserve and strengthen the newly enfranchised civil society to hold authorities to account, regardless of who happens to be in power.

Finally, the name issue must not be allowed to continue to hold up the accession process. The road to the most transformative phase of the accession process – negotiations - should be cleared. This will return the incentive for reforms (“the carrot”) in the political equation. Decoupling the accession process from the name issue is in line with the Interim Accord between Macedonia and Greece of 1995. The start of the negotiations will leave ample political space for resolving the structural weaknesses of the country. At the same time, as the EC underlined in 2013 suggesting the parallel track, opening the accession negotiations would be conducive to resolving the name issue. Unimpeded integration in Euro-Atlantic structures provides a clear path toward the consolidation of democracy in Macedonia.

# About the Balkans in Europe Policy Advisory Group

The Balkans in Europe Policy Advisory Group (BiEPAG) is a co-operation initiative of the European Fund for the Balkans (EFB) and Centre for the Southeast European Studies of the University of Graz (CSEES) with the aim to promote the European integration of the Western Balkans and the consolidation of democratic, open countries in the region. BiEPAG is composed by prominent policy researchers from the Western Balkans and wider Europe that have established themselves for their knowledge and understanding of the Western Balkans and the processes that shape the region. Current members of the BiEPAG are: Florian Bieber, Dimitar Bechev, Milica Delević, Dane Taleski, Dejan Jović, Marko Kmezić, Leon Malazogu, Corina Stratulat, Marika Djolai, Jovana Marović, Nikolaos Tzifakis, Natasha Wunsch, Srđan Cvijić, Nikola Dimitrov, Mirna Vlašić Feketija, Milan Nič and Vedran Džihić.

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# About the European Fund for the Balkans

The European Fund for the Balkans is a joint initiative of European foundations that envisions, runs and supports initiatives aimed at strengthening democracy, fostering European integration and affirming the role of the Western Balkans in addressing Europe's emerging challenges.

The up-to-date programme strategy based on three overarching areas – Capacity Development, Policy Development and Regional Cooperation – is channelled via flagship programmes and selected projects, complemented with a set of actions arising from EFB's regional identity as a relevant player in its fields of focus.

Their synergetic effects are focussed on continuous “Europeanisation” of the policies and practices of the Western Balkans countries on their way to EU accession, through merging of the region's social capacity building with policy platform development, and a culture of regional cooperation.

For more info visit: [balkanfund.org](http://balkanfund.org)

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# About the Centre for Southeast European Studies, University of Graz

The Centre for Southeast European Studies was set up in November 2008 following the establishment of Southeast Europe as a strategic priority at the University of Graz in 2000. The Centre is an interdisciplinary and cross-faculty institution for research and education, established with the goal to provide space for the rich teaching and research activities at the university on and with Southeast Europe and to promote interdisciplinary collaboration. Since its establishment, the centre also aimed to provide information and documentation and to be a point of contact for media and the public interested in Southeast Europe, in terms of political, legal, economic and cultural developments. An interdisciplinary team of lawyers, historians, and political scientists working at the Centre has contributed to research on Southeast Europe, through numerous articles, monographs and other publications. In addition, the centre regularly organizes international conferences and workshops to promote cutting edge research on Southeast Europe.

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