

# Macedonia: Defusing the Bombs

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## I. Overview

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Macedonia is reeling from two shocks. Amid a scandal over leaked wiretaps revealing a state apparatus captured and corrupted by the leading party, a battle in ethnically mixed Kumanovo between police and ethnic-Albanian gunmen, many from Kosovo, caused the region's worst loss of life in a decade. Unless addressed urgently, the double crisis (government legitimacy/regional security) carries risk that could extend to violent confrontation, perhaps in worst case to elements of the conflict narrowly averted in 2001. Discredited national institutions cannot cope alone. The opposition has broken off talks on a European Union (EU) mediated deal between parties for reforms and early elections that deadlocked, substantially over whether the prime minister, in power since 2006, must resign and the time a transitional government would need to level the field. The EU must press for a comprehensive agreement addressing the state capture and alleged corruption, including independent investigation and monitoring with international help. Macedonia and Kosovo, also with aid, should jointly investigate Kumanovo.

In February 2015, the main opposition party began publishing excerpts from what it said was an illegal wiretap program leaked by unidentified persons. The massive surveillance, from at least 2010 to 2014, seems to have targeted thousands, including nearly all top opposition and government officials, as well as ambassadors and media figures. The fraction of published wiretaps focus on what appear to be conversations of senior government persons plotting to subvert elections, manipulating courts, controlling a nominally independent press and punishing enemies. Many who should be responsible for dealing with apparent illegalities are themselves implicated.

In the midst of this crisis, a police raid in Kumanovo on 9 May found a heavily armed group of ethnic Albanians, including former liberation army fighters from Kosovo. By the time fighting died down the next day, a multi-ethnic neighbourhood was destroyed, eight police were dead and 37 wounded; ten gunmen were dead and about 30 in custody. Top Macedonian and Kosovo officials had advance knowledge of at least some of the group's activities, but much remains worryingly obscure, including its plans in Macedonia, possible allies on both sides of the border and many details of the police operation.

The incident did not spark ethnic conflict. Ethnic Albanians, roughly a quarter of the population, deeply resent what they perceive to be their second-class status and unequal treatment in a state dominated by ethnic Macedonians. They had expected

more from the 2001 Ohrid Framework Agreement (OFA) that ended the incipient civil war and was meant to give them a power-sharing role in a unitary state. For now, there is little constituency for fighting. While the inter-ethnic peace has proven resilient, however, further wiretap releases or a new deadly incident could raise the risk quotient unpredictably.

Macedonia appeared for a time to be building a modern, transparent state and integrating its ethnic-Albanian community, but that progress has ceased, even reversed, at least since a 2008 Greek veto resulting from the two countries' eccentric dispute over the republic's name blocked the prospect of EU and NATO integration indefinitely. The wiretaps, which appear to illustrate that governing parties have entrenched their power and privileges through corruption and criminality, have also dramatically compromised the ruling coalition's ethnic-Albanian partner. Prime Minister Nikola Gruevski, who has denied any wrongdoing, and opposition leader Zoran Zaev are playing high-stakes poker at the EU-sponsored talks, while some of the tens of thousands of activists who held duelling political rallies in the centre of Skopje in May remain encamped outside government and parliament buildings.

The EU, which has a direct stake in the threat to regional stability and a responsibility to assist a country to which it has granted membership candidacy status, should redouble efforts to persuade Macedonia's leaders to restore trust in government by reaching an inter-party agreement that commits to:

- ❑ establishing through normal parliamentary procedures an interim government with appropriate membership of all main parties, whose main task should be to implement reforms necessary for credible elections by April 2016 (two years early), especially those related to voter lists, equal media access and abuse of office for partisan purposes;
- ❑ adopting a law in parliament establishing two independent commissions ("A" and "B"), both with authority to request and receive active expert help from the EU, U.S. and others. The mandate of "A" should be to assist with and monitor the transitional government's efforts with respect to preparing credible early elections; The mandate of "B" should be to deal with the wiretaps, including investigation into the crimes and corruption they appear to show;
- ❑ accepting that the transitional government will remain in office and early elections will not be held unless Commission "A" determines that benchmarks have been met, and implementation is sufficiently advanced; and
- ❑ working to improve implementation of the OFA by ensuring equal representation of ethnic Albanians at all levels of public office; a fair share of government investment in ethnic-Albanian areas; and respect for language equality.

The inter-party agreement should further commit Macedonia's leaders to:

- ❑ seek a joint Macedonia-Kosovo investigation into the Kumanovo incident, with expert assistance from EU and U.S. agencies, in order to improve the security situation and prevent future attacks; and
- ❑ improve bilateral relations with Kosovo, for example by holding regular joint cabinet meetings and cooperating on border monitoring.

## II. The Political Crisis

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### A. *The Broken Party System*

Macedonia escaped Yugoslavia's collapse in the 1990s with less trauma than most of the republics but needed vigorous EU and NATO political intervention to end its own deadly ethnic conflict in 2001. The Ohrid Framework Agreement that brought peace committed the country to power sharing and decentralisation. The next steps should have been the kind of rule-of-law and economic transparency reforms that would be expected to lead naturally to membership in both bodies. Instead, those paths have been blocked by dispute with Greece over the republic's name and, in effect, claims to precedence with respect to Alexander the Great.

Politics have long been defined by a bitter confrontation between the two leading parties, the Internal Macedonian Revolutionary Organisation – Democratic Party of Macedonian National Unity (VMRO-DPMNE) and the Social Democratic League of Macedonia (SDSM). The former is a centre-right, ethnic-Macedonian nationalist grouping, the latter a reformed, former Communist entity from Yugoslav times. Both are overwhelmingly ethnic Macedonian and have shared a winner-take-all belief in their right to run the country, with a tendency to treat electoral success as licence to use the state for private benefit.<sup>1</sup>

With exception of two years, 2006-2008, ethnic-Albanian politics has been dominated by the Democratic Union for Integration (DUI). It has been in the ruling coalition with VMRO or SDSM virtually since its creation as a political movement by veterans of the 2001 uprising. Its leader, Ali Ahmeti, was one of the original ethnic-Albanian guerrillas and overall commander of the National Liberation Army (NLA) in 2001. The years in harness with ex-enemies have drained much of its old rebel credibility, and it now suffers from wiretap revelations that claim to show it collaborating with partners who disparage Albanians.<sup>2</sup> Prime Minister Gruevski's relentless promotion of his vision of Macedonian identity has left Albanians feeling like strangers in another's house, and discontent with DUI defence of community interests has grown. Former ethnic-Albanian officials say "extreme chauvinism" of their Macedonian partners goes unremarked.<sup>3</sup>

Elections have been marred by allegations of fraud and occasional deadly violence. The SDSM accuses the governing party of massive corruption and authoritarian tendencies; VMRO counters that SDSM in power was no better.<sup>4</sup> Outsiders see a government that mostly keeps the trains running on time but rules "by fear and

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<sup>1</sup> For background, see earlier Crisis Group analysis, including Europe Reports N°212, *Macedonia Ten Years After the Conflict*, 11 August 2011; and N°133, *Macedonia's Public Secret: How Corruption Drags the Country Down*, 14 August 2002. Henceforth this report will use the short form VMRO for the leading party.

<sup>2</sup> According to accounts published in the ethnic-Albanian press, Gordana Jankuloska, the influential internal affairs minister – one of three VMRO officials to resign over revelations but who has remained visibly close to the prime minister – called Albanians "Indians and wild tribes" in one of the alleged leaked conversations. In another, she is said to be heard boasting that the police could get rid of Albanians "in an hour". <http://top-channel.tv/lajme/artikull.php?id=299305>. Links to alleged disparaging conversations among VMRO officials about ethnic Albanians can be found at <http://sds.org.mk/default.aspx?mId=55&agId=6&articleId=12042>. Crisis Group interviews, senior SDSM and Albanian officials, Skopje, June 2015.

<sup>3</sup> Crisis Group interview, former Macedonian ambassador, Skopje, 9 June 2015.

<sup>4</sup> Crisis Group interviews, SDSM and VMRO officials, Skopje, June 2015.

intimidation” and call the opposition weak and disorganised.<sup>5</sup> Civil society has been unable to speak or act in an effective political way.

The current confrontation has been building since at least December 2012, when SDSM deputies filibustered parliament against passage of the budget. VMRO officials summoned police, physically ejected the opposition (and the press), and unilaterally adopted the measure.<sup>6</sup> The EU mediated an agreement creating a joint committee of inquiry that concluded VMRO had violated the constitution and laws.<sup>7</sup> While both parties formally endorsed the findings and established a working group to implement recommendations, VMRO made plain it did so solely due to EU pressure.<sup>8</sup> Two months later, after arrest of a senior party official, SDSM pulled out of the working group.

VMRO won parliamentary elections advanced to April 2014, capturing 61 of 123 seats and forming a government with DUI. International monitors identified serious problems with the vote, however, and SDSM, asserting massive fraud, has boycotted the legislature.<sup>9</sup> EU efforts to mediate the dispute failed, but there was little apparent concern in Brussels until the wiretap scandal broke.<sup>10</sup>

## B. *SDSM “Bombs” and the Citizen Response*

In February 2015, SDSM leader Zoran Zaev began publishing what he said were transcripts from wiretapped conversations, apparently leaked to the party by whistleblowers and known universally in Macedonia as SDSM’s “bombs”.<sup>11</sup> Zaev, who unveils the recordings at press conferences, couples their release with demands for Gruevski to step down. The government reacted by denying wrongdoing, claiming fabrication and bringing a charge against him for treason, including cooperation with foreign agents, that it did not initially press. Zaev has progressively ratcheted up his rhetoric and the selective, strategic use of wiretaps; his 5 May disclosure, which implicated government officials in the cover-up of a 2011 police murder, triggered street protests in Skopje. Police used teargas and water cannons to disperse crowds chant-

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<sup>5</sup> Erwan Fouéré, “The worsening crisis in Macedonia: Waiting for EU leadership”, Centre for European Policy Studies, 13 April 2015.

<sup>6</sup> Kole Casule, “Macedonia opposition ejected from parliament in row”, Reuters (online), 24 December 2012.

<sup>7</sup> The joint committee’s final report was released 26 August 2013. Natasha Gaber-Damjanovska, “Barometer: Current events and political parties development in the Republic of Macedonia”, December 2013, pp.67-72; “2013 Macedonia progress report”, European Commission, 16 October 2013, p. 6.

<sup>8</sup> A VMRO representative publicly referred to the agreement as “toilet paper”. Cited in Ljupcho Petkovski and Bojan Marichikj, “Traitors, bombs, spies and coup – Macedonian political surrealism”, Balkans in Europe Policy Blog ([balkansineurope.org](http://balkansineurope.org)), 4 February 2015.

<sup>9</sup> “OSCE/ODIHR Election Observation Mission Final Report”, 15 July 2014. The SDSM won 34 seats in the election, the DUI nineteen, the smaller Albanian party (the Democratic Party of Albanians, DPA) seven and unaffiliated candidates two.

<sup>10</sup> Crisis Group telephone interview, Erwan Fouéré, former EU Special Representative and head of delegation to Macedonia, 10 June 2015; Crisis Group interviews, senior SDSM official, Skopje, 11 June 2015; international official, Skopje, 23 June 2015.

<sup>11</sup> For more on the “bombs”, see Petkovski and Marichki, *op. cit.*; James Montague, “Bombs over Skopje”, *Politico*, 24 May 2015. Al Jazeera has made translations of selected wiretaps available in English on its website, [interactive.aljazeera.com/ajb/2015/makedonija-bombe/eng/index.html](http://interactive.aljazeera.com/ajb/2015/makedonija-bombe/eng/index.html).

ing anti-government slogans. After some violence for which responsibility is disputed, police responded in kind, with injuries on both sides.<sup>12</sup>

SDSM has had some success attaching both civil society and a small number of ethnic Albanians to its demand for change. On 17 May, a coalition of more than 80 civil society organisations, “Citizens for Macedonia”, announced its own campaign of demonstrations, to continue “until the definitive fall of the government”. Though it refrains from endorsing a party, it works closely with Zaev and has declared the prime minister’s resignation and free access to the media as red lines.<sup>13</sup> Demonstrations have included ethnic Albanians, and organisers of the camp that has been maintained for several months in front of the main government building make a point of showing visitors the Albanian flags at some tents.<sup>14</sup>

Foreign observers believe the protests’ anger is mostly spontaneous and genuine.<sup>15</sup> VMRO responded by convening a pro-government counter-demonstration on 18 May, whose impressive size showed its ability to mobilise. The sides maintain overnight camps in close proximity to each other (VMRO’s is in front of parliament) that are likely to grow if no agreement is reached.

### C. *Staggering Skulduggery*

The wiretaps, which are widely believed to be authentic, show illegal surveillance on a breath-taking scale.<sup>16</sup> The some 670,000 recordings focus on a core group of 4,000-5,000 targets but capture roughly 20,000 people in total.<sup>17</sup> There are also daily briefs, addressed to the prime minister, on such topics as opposition campaign and negotiation strategy.<sup>18</sup> Prime Minister Gruevski and his closest associates are implicated, along with leaders of both ethnic-Albanian parties.

An EU expert group that investigated the wiretaps described a “massive invasion of fundamental rights including the right to participate in public affairs and to vote; the right of equal access to public services, the rights to privacy and the protection of personal data, as well as the right to an independent and impartial judiciary”. The range of apparent criminal or corrupt behaviour, it said, included:

... apparent direct involvement of senior government and party officials in illegal activities including electoral fraud, corruption, abuse of power and authority, conflict of interest, blackmail, extortion (pressure on public employees to vote for

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<sup>12</sup> The government and protestors blame one another for violence. Civil society activists claim that masked protestors organised by the government threw stones at the police to provoke their reactions. Crisis Group interviews, Skopje, June 2015.

<sup>13</sup> “Finally, we unanimously demand the establishment of a transitional government that will secure the cleaning of the voters’ list, the release of [public broadcaster] MRT from government control, the appointment of an independent public prosecutor, and the organisation of fully free and democratic elections, which will reflect the real political will of the citizens of Macedonia”. “Declaration of Citizens for Macedonia”, May 2015.

<sup>14</sup> Crisis Group observations, Skopje, 24 May 2015.

<sup>15</sup> Crisis Group interview, international official, Skopje, 9 June 2015.

<sup>16</sup> The quantity is too big to manufacture, and many people have recognised their voices, though it is possible some recordings have been edited. Crisis Group interview, international official, Skopje, 9 June 2015.

<sup>17</sup> At least six ambassadors were included as targets. Crisis Group interviews, EU member-state ambassador, SDSM officials, Skopje, 5 June 2015.

<sup>18</sup> Crisis Group interview, senior SDSM official with knowledge of the wiretaps, Skopje, 11 June 2015.

a certain part with the threat to be fired), criminal damage, severe procurement procedure infringements aimed at gaining an illicit profit, nepotism and cronyism; ... unacceptable political interference in the nomination/appointment of judges as well as interference with other supposedly independent institutions for either personal or party advantage.<sup>19</sup>

The Gruevski government of the past nine years did not invent corruption or state capture. Crisis Group reported in 2002 that: “Corrupt links between large enterprises, state organs and political parties were a feature of the landscape in Macedonia long before the present government came to power”. Observers charge, and SDSM leaders admit, corrupt practices were common under previous governments, including their own 2002-2006 administration. VMRO officials argue that, at worst, they have not improved the system they inherited but, unlike their predecessors, they have run a competent government, boosted employment and built up national pride.<sup>20</sup>

The wiretaps released so far, about 500 pages in transcript, are a tiny fraction of the total. SDSM leaders have listened to only a small part; little of those that are in Albanian have been reviewed.<sup>21</sup> The party was a special target, but it has released few, if any, of its own conversations. The content of the intercepted material is politically explosive in ways that go beyond evidence of crime to embarrassing personal revelations that could be used for character assassination.<sup>22</sup>

The government has the legal and institutional tools that in principle can prevent abuses like those exposed by the wiretaps, but it circumvents or ignores those tools.<sup>23</sup> Most of the institutions that should prevent abuse of power have been co-opted or undermined. Some officials cannot be relied on to deal with wiretap revelations, in part because they are reportedly implicated.<sup>24</sup> The judiciary is known for making decisions based on the political affiliation of the involved parties<sup>25</sup> and widely viewed as “totally controlled”;<sup>26</sup> the Agency for Audio and Audiovisual Media Services issues reports on technical infractions but ignores the control exercised in effect by government over the press.<sup>27</sup>

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<sup>19</sup> “Recommendations of the Senior Experts’ Group on systemic Rule of Law issues relating to the communications interception revealed in Spring 2015”, 8 June 2015, pp. 4-6; [http://ec.europa.eu/enlargement/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf).

<sup>20</sup> Crisis Group Report, *Macedonia’s Public Secret*, op. cit., p. 8; Crisis Group interviews, senior SDSM official, Skopje, 11 June 2015; VMRO officials, Skopje, 17 June 2015.

<sup>21</sup> Crisis Group interviews, senior SDSM officials with knowledge of the wiretaps, Skopje, 9 and 11 June 2015.

<sup>22</sup> Crisis Group interview, senior SDSM official with knowledge of the wiretaps, Skopje, 11 June 2015.

<sup>23</sup> Crisis Group interviews, EU and U.S. diplomats, Skopje, 9 June 2015.

<sup>24</sup> SDSM has filed 27 criminal complaints, most on illegal wiretapping, but has been told investigations cannot move forward without the original recordings, which are presumably still in government hands; Crisis Group interview, senior SDSM official, Skopje, 11 June 2015.

<sup>25</sup> Crisis Group interview, international official, Skopje, 9 June 2015. EU experts describe “an atmosphere of pressure and insecurity within the judiciary” and note “many judges believe that promotion depends on decisions that “favour the political establishment”. “Recommendations”, op. cit., p. 9.

<sup>26</sup> Crisis Group interview, international lawyer with significant Balkans experience, Pristina, 15 June 2015.

<sup>27</sup> Reporters Without Borders’s World Press Freedom index for 2015 rates Macedonia’s 117th of 180 countries in press freedom, in part due to “misuse of defamation legislation and politically motivated allocation of state advertising”.

#### D. *The Deadlocked Settlement Negotiations*

Concerned by the escalating political crisis and the deadly violence in Kumanovo (see below), the EU seeks a negotiated inter-party settlement. On 2 June 2015, Johannes Hahn, commissioner for European neighbourhood policy and enlargement negotiations, persuaded the four leading parties to agree to advance elections by two years, to April 2016, as well as to make structural reforms related both to more credible elections and to advancing Macedonia's membership candidacy.<sup>28</sup> Subsequent negotiations, in some of which the U.S. ambassador participated, have deadlocked over details. With the failure to achieve a breakthrough on 29 June in Skopje, the end-of-month target shared by Hahn and the SDSM was missed, and Zaev has threatened more "dramatic", though peaceful, protests.<sup>29</sup> Civil society leaders, who note an uptick in incidents of personal intimidation, said they plan to resume their separate protests if no deal has been reached at least by the end of the summer holidays.<sup>30</sup>

On 8 July, Zaev announced that "The negotiating process has failed. ... The June 2 deal is off. There will be no elections in April 2016 because they can-not happen without the opposition".<sup>31</sup> One dramatic further step may now involve release of wiretaps SDSM insiders say show the government arrested – and courts sentenced to life imprisonment – seven ethnic Albanians for the murder of five ethnic Macedonians (four teenagers) in 2012. SDSM officials say the wiretaps do not show that the government knew who was guilty, and there appears to be nothing that indicates DUI officials were aware the government knew the ethnic Albanians were being made scapegoats, but if it is documented that the government framed the ethnic Albanians, their community's response could introduce a new volatility into the situation.<sup>32</sup>

Perhaps not coincidentally, a Skopje criminal court ruled on 29 June that one of the charges brought by the government against Zaev – allegedly attempting to use the wiretaps to blackmail the prime minister into resigning – should go to trial. Zaev responded that he did not "recognise the judiciary as an independent authority. ... It is under the complete control of [Prime Minister] Nikola Gruevski", and said he would not participate in the trial.<sup>33</sup>

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<sup>28</sup> Sinisa Jakov Marusic, "Hahn brokers snap election deal in Macedonia", *Balkan Insight* (online), 3 June 2015. The European Commission has taken the lead for the EU because it is responsible for the procedures of Macedonia's still active membership candidacy.

<sup>29</sup> "Statement following the meeting of Commissioner Hahn with the political leaders of the former Yugoslav Republic of Macedonia", European Commission, 10 June 2015. Zaev interview, Alsat (Macedonian TV), 16 June 2015; "Fresh Macedonia Crisis Talks End in Logjam", *Balkan Insight* (online), 30 June 2015. There appears to have been little direct negotiation between Gruevski and Zaev; for example, at the 10 June session, EU officials and Ali Ahmeti spoke with the two separately and developed a compromise proposal that neither accepted. Crisis Group interviews, participants in Brussels talks, June 2015; Zoran Zaev, Skopje, 17 June 2015. A working group of second-level party officials formed to address details of the 2 June agreement has also made little progress, and SDSM representatives are not presently taking part.

<sup>30</sup> Crisis Group interview, leading civil society activist, 23 June 2015.

<sup>31</sup> *Balkan Insight* (online), 8 July 2015.

<sup>32</sup> Crisis Group interviews, senior SDSM officials knowledgeable of wiretaps, Skopje, 24 May, 9 and 17 June 2015. The wiretaps allegedly include discussion of fabricating evidence. "Macedonia Postpones 'Terrorist Murder' Appeals Hearing", *Balkan Insight* (online), 6 July 2005.

<sup>33</sup> "Macedonian opposition chief dares court to arrest him", *Balkan Insight* (online), 1 July 2015.

Generally, SDSM wants an effective share of power in a transition government that it says should not be led by Gruevski and must have sufficient time to establish a fair electoral playing field, essentially six to nine months following the summer holidays. VMRO believes the opposition is exploiting the crisis to take power it cannot win at the ballot box and that a transitional government should have no more than three months to prepare a new vote.<sup>34</sup>

The situation is more complicated for DUI. Despite VMRO's overt nationalism, the party sees little difference between Gruevski and Zaev when it comes to advancing ethnic-Albanian interests. Because he has power to deliver, the prime minister is considered a better partner in some respects.<sup>35</sup> But the party's influence is not nearly what its community desires. Most ethnic Albanians want full implementation of their view of Ohrid: state-wide use of their language, equal access to good jobs and a meaningful role in running the state.<sup>36</sup> Ethnic Albanians still lag far behind ethnic Macedonians in managerial posts, and raw numbers understate the problem.<sup>37</sup> At top state levels, decision-making and implementation are handled within VMRO.<sup>38</sup> Nearly fifteen years after Ohrid, the communities increasingly live separate lives with little interaction. Deep poverty persists in ethnic-Albanian parts of the north, centred on Kumanovo and Skopje suburbs.

Gruevski has delegated to his junior partner only a modest share of the budget and jobs, not national policy or governance tasks. Limited access to state resources hampers DUI's ability to deliver services to the fourteen municipalities it runs.<sup>39</sup> Jobs that can reward loyalists are mostly non-managerial in the public sector, some existing only on paper. They pay a salary but reinforce the message that ethnic Albanians have little role in governing.<sup>40</sup> Those without even such sinecures are frustrated. The dynamic generates disaffection and persistent poverty.

Ali Ahmeti is under increasing pressure – including via the release of wiretaps that show him and his party in a bad light – to take the DUI out of the coalition.<sup>41</sup> That would weaken Gruevski but could force a premature election before necessary reforms are in place to make its results credible.

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<sup>34</sup> Crisis Group interviews, SDSM officials, former government official (VMRO), Skopje, June 2015.

<sup>35</sup> For its part, VMRO takes credit for recognising Kosovo's independence, which a large majority of ethnic Macedonians opposed. Crisis Group interview, Skopje, 17 June 2015.

<sup>36</sup> Crisis Group interviews, DUI, Albanian government and opposition officials, June 2015.

<sup>37</sup> The target for employment, based on the 2002 census, is 25 per cent; as of 2014, ethnic Albanians held 18.9 per cent of non-managerial and 14.5 per cent of managerial public sector jobs. About 1,800 of the 22,000 ethnic Albanians employed have jobs that exist only on paper. The country's other minorities, including Bosniaks, Roma, Serbs, Turks and others, about 10 per cent of the population, are even less well served. Government statistics made available to Crisis Group, June 2015.

<sup>38</sup> Crisis Group interviews, ethnic-Albanian ministers, June 2015. Crisis Group Report, *Macedonia Ten Years after the Conflict*, op. cit. Ethnic Albanians hold eight of 24 minister posts in the current cabinet, including education and EU integration, but especially in those staffed heavily by VMRO loyalists, the Albanian ministers have limited say over their portfolios.

<sup>39</sup> Crisis Group interviews, Cair district of Skopje, Tetovo, June 2015.

<sup>40</sup> Crisis Group interview, ex-NLA fighter, Likovo, 10 June 2015.

<sup>41</sup> Crisis Group interview, senior DUI official, Tetovo, June 2015. "Macedonia's Junior Ruling Party Accused of Corruption", *Balkan Insight* (online), 16 June 2015.



The issues in play include:<sup>42</sup>

- ❑ The census: the 2011 exercise failed, with recriminations between VMRO and DUI, leaving great uncertainty about the population's ethnic composition.<sup>43</sup>
- ❑ Voter registration: the electoral lists reportedly include many dead and emigrated persons and false names.
- ❑ Media independence: most private broadcasters and print media depend on the government for advertising revenue and subsidies, so heavily favour VMRO. The state broadcaster favours the government more subtly. Defamation lawsuits are abused to punish criticism.<sup>44</sup>
- ❑ Separation of party and state: the bloated public sector includes many patronage jobs. Civil servants have an incentive to support the parties that secured their employment and are under active pressure to mobilise others.
- ❑ Ministries: opposition negotiators are focused on portfolios with highest potential for electoral abuse, including finance, agriculture, culture and labour and social affairs, which have large budgets that can be used to buy votes; and internal affairs and judiciary that can be used to harass the opposition.<sup>45</sup>
- ❑ Judicial professionalism: prosecutors and judges often take political direction.
- ❑ Inactive or ineffective institutions: many that should prevent election abuses do not meet, lack adequate budgets and staff and follow a political lead.

### III. Kumanovo

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The political crisis was given a new jolt of urgency in the early morning hours of 9 May, when the ethnically mixed town of Kumanovo was rocked by explosions. Over two days, Macedonian police battled more than 40 ethnic-Albanian fighters in a confrontation that left eight police and fourteen fighters dead and dozens wounded.<sup>46</sup> Some 30 fighters were arrested, several houses destroyed by artillery and rocket fire and many more damaged by rifle and machine gun rounds.

The police had several days' notice that ethnic-Albanian fighters were in Kumanovo. The group was well prepared, and two police died early on, one the on-scene deputy commander. Most of the group eventually surrendered, but a few fighters held off police for a day. The police say they suffered most of their losses in a battle with

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<sup>42</sup> Unless otherwise noted, this list is drawn from interviews with European and U.S. diplomats in Skopje, June 2015. Many of the issues are included in a "priorities" paper prepared by the EU, given to participants in the inter-party negotiations and viewed by the European Commission as expressing essential commitments for settlement of the political crisis and for maintaining the Euro-Atlantic perspective; "Urgent reform priorities for the former Yugoslav Republic of Macedonia (June 2015)", European Commission.

<sup>43</sup> Sinisa Jakov Marusic, "Macedonia scraps 'failed' census", *Balkan Insight* (online), 13 October 2011.

<sup>44</sup> Crisis Group interviews, EU official, SDSM official, Skopje, 9 and 11 June 2015.

<sup>45</sup> The compromise offered in Brussels would give SDSM four "co-ministers" with veto power in the internal affairs, finance, social welfare and agriculture ministries; SDSM sought the internal affairs, justice, culture and transport ministries outright, with veto powers in finance, social welfare and agriculture. Crisis Group interviews, SDSM and DUI leaders, Skopje, June 2015.

<sup>46</sup> Some 37 police were injured. Crisis Group interview, police official, June 2015.

these holdouts and were eventually forced to destroy the house they were in with heavy weapons fire.<sup>47</sup>

The incident immediately spawned conspiracy theories. One noted that VMRO's party congress had originally been scheduled for 9 May in Kumanovo (it was advanced to 2 May). More compellingly, SDSM and civil society activists had been holding growing demonstrations in Skopje and announced a massive protest for 17 May. This, along with stories about links between the fighters and Macedonian intelligence, fuelled a theory, popular among Albanians and pro-opposition ethnic Macedonians, that the government staged the incident to deflect anger over the wiretaps onto a convenient ethnic target. Two leading fighters, veteran NLA commanders whose bodies were later turned over to Kosovo authorities, seem to be visible on photographs showing them surrendering.<sup>48</sup>

Much about the incident remains uncertain: the aims of the fighters; whether some are still at large; their links, if any, to Macedonian authorities; their ability to operate with impunity on both sides of the Kosovo-Macedonia border; and the force deployed to subdue them.<sup>49</sup> The loss of life, the worst in the Balkans since the March 2004 anti-Serb riots in Kosovo, could easily have been much higher: ethnic-Albanian fighters in Kumanovo had wanted to go to the group's aid until dissuaded by Ahmeti's phone calls.<sup>50</sup> The absence of civilian casualties was remarkable given the firepower deployed. In a quick internal review, the internal affairs ministry approved its handling of Kumanovo, but this is insufficient.<sup>51</sup>

Several worrying things about Kumanovo are already clear. The highest levels of the Kosovo and Macedonia governments had known about the group of fighters from multiple sources for months, perhaps as early as September 2014.<sup>52</sup> 40-45 fighters, aged 23 to 48, including at least 28 from Kosovo and nine from Macedonia who arrived days before and were seen moving around openly, were a serious threat.<sup>53</sup> At least five were wartime commanders in the Macedonian NLA or its Kosovo equivalent.<sup>54</sup> Many had experience fighting in northern Macedonia.<sup>55</sup> They were looking for heavy weapons: some had briefly seized a remote police post near Gosince vil-

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<sup>47</sup> Crisis Group interview, police official, 17 June 2015. Crisis Group visited the scene on 10 June and observed damage consistent with use of heavy weapons and M80 "Zolja" rocket-propelled grenades normally used against tanks. Most fire concentrated on a house that matched the description of the one into which the holdouts moved; its owner said it had been occupied only by his family, which survived by escaping into a neighbouring basement and hiding there.

<sup>48</sup> An NLA veteran who knew both men said the photos were inconclusive but called for examination by international experts; Crisis Group interview, Kumanovo area, 10 June 2015.

<sup>49</sup> An EU official said "we may never know what really happened [in Kumanovo]"; Crisis Group interview, Skopje, 9 June 2015.

<sup>50</sup> Crisis Group interview, businessman from Kumanovo, 10 June 2015.

<sup>51</sup> "Macedonia: police internal evaluation concludes Kumanovo operation was justified", *Independent* (Macedonia, online), 9 June 2015.

<sup>52</sup> Crisis Group interviews, senior members of Kosovo and Macedonian governments and party leaders, May and June 2015.

<sup>53</sup> Crisis Group analysis based on publicly available material and documents made available to Crisis Group; and Crisis Group interviews, Skopje, Likovo, 10 June 2015.

<sup>54</sup> These were Fadil Fejzullahu, in whose house the group stayed until fighting began; Muhamet Krasniqi, commander of the Malishevë region; Mirsad Ndrecaj (aka Commander NATO); Beg Rizaj (aka Commander Begu); and Sami Ukshini (aka Commander Sokolli). Ndrecaj and Rizaj were killed.

<sup>55</sup> Crisis Group interview, senior member of DUI, Skopje, 5 June 2015.

lage on 20 April, briefly detaining the officers and making off with their weapons;<sup>56</sup> Macedonian police reportedly reached out to Kosovo colleagues after this but without result.<sup>57</sup>

Several fighters had been convicted of serious crimes in Macedonia, including murder and robbery, but were able to circulate unimpeded; the group as a whole “treated Macedonia as their back yard”, a diplomat said.<sup>58</sup> The leaders had been recruiting former fighters in Kosovo and Macedonia for months, apparently with limited success, but promising action “soon” in Macedonia.<sup>59</sup> A senior Kosovo official said the group had plans to free one or more of the leaders’ friends from prison in Kosovo.<sup>60</sup> Macedonian government officials say they believe it aimed to stage simultaneous attacks on police stations and other sites in Kumanovo, Skopje, Tetovo and Kichevo, perhaps with still unknown confederates.<sup>61</sup>

Rumours abound implicating members in organised crime, especially drugs, or connecting one or more to at least five members of the Macedonian security services (three ethnic Albanian, two ethnic Macedonian).<sup>62</sup> At least one commander from Kosovo had a Macedonian passport, despite connection to a political killing there in 2008.<sup>63</sup> For the old-fighter community and friends, these stories distance the group from the narrative of the ethnic-Albanian struggle, by portraying them as fringe elements, criminals or patsies. For guerrillas who fought in one another’s wars in Kosovo, Macedonia and Serbia’s Preshevo Valley, they help ease the sting of a humiliating defeat at the hands of Macedonian security forces they still see as weak. No conclusive evidence of drug dealing or intelligence links has appeared, but if it does, it may tell little. Armed groups with political goals often dabble in crime, and intelligence services are meant to track them.

The core of the Kumanovo group is said to have rejected Ohrid and sought to re-frame Macedonia as a federal state with an Albanian unit.<sup>64</sup> If its goal was to spark an uprising, it miscalculated. Ex-fighters, ethnic-Albanian and Macedonian politicians, civil society activists and international officials Crisis Group interviewed agree ethnic Albanians presently have no appetite to re-start the conflict. But Kumanovo has been traumatised, and the political crisis that consumes the country presents serious challenges, not least to the ethnic-Albanian political leadership, whose credibility is

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<sup>56</sup> Stations of that type, near the border, often have such weapons, but they had apparently been removed several days before. Crisis Group interviews, ex-NLA fighter, Likovo, 10 June 2015.

<sup>57</sup> Crisis Group interview, internal affairs official, Skopje, 17 June 2015.

<sup>58</sup> Crisis Group interview, Skopje, 4 June 2015.

<sup>59</sup> Crisis Group interviews, friends of members of the Kumanovo group, Skopje, 8 June 2015.

<sup>60</sup> Crisis Group interview, senior Kosovo official, Pristina, June 2015.

<sup>61</sup> Crisis Group interview, police official, Skopje, 17 June 2015.

<sup>62</sup> Crisis Group interviews, journalist, diplomats and former minister, Skopje, June 2015. Several of the fighters allegedly murdered a member of a DUI rival and were saved from arrest by a senior member of the Macedonian security services; Crisis Group interview, former NLA fighter, Kumanovo area, 10 June 2015.

<sup>63</sup> Crisis Group interview, Likovo, 10 June 2015.

<sup>64</sup> Crisis Group interview, police officials, government and Albanian representatives, Skopje, 17 June 2015. This is also reflected in written statements made by detained members of the Kumanovo group, who claim to have “fought for better rights for Albanians in Macedonia”; “The Ohrid agreement failed to secure better life for Albanians .... only a federation would satisfy Albanians needs”, one of the leading members of the group asserted. Unpublished statements made available to Crisis Group.

crumbling, eroded by years in corrupt governments. A worsening of that crisis or another deadly incident, whatever its provenance, might change attitudes quickly.

#### **IV. A Way Forward**

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The problems at the heart of the political crisis are deep and will trouble Macedonia past any new elections.<sup>65</sup> The parties agreed in principle in their discussions with the EU on 2 June that the present VMRO/DUI government should be dissolved and the country brought to the polls by a transitional government not later than April 2016. The inter-party negotiations need to be promptly resumed to answer the critical questions: how quickly those steps should be taken, the composition of the transitional government, including whether it should be headed by Prime Minister Gruevski, and how much time it needs to prepare for the vote. On these, and particularly what must be done in advance to make elections credible, they are far apart.

The severity of the political crisis and the security uncertainty represented by Kumanovo argue for rapidly launching the process to install a transitional government. The outlines, including main personnel and office matters, should be fixed as part of or at least informally on the margins of the inter-party agreement the EU seeks. Parliament would then implement normal procedures for the prime minister to return his mandate to the president and a new government to be formed. That transitional government would have to distinguish itself from the present government by including representation from the opposition SDSM and the Democratic Party of Albanians (DPA). Ethnic-Albanian parties should receive sufficiently senior responsibilities to signal their community that the transitional government intends to address its growing resentment. Not all ministries would have to change hands, though disposition of finance, agriculture and labour, social affairs and internal affairs would seem most sensitive, and it is difficult to see the transitional system working unless Prime Minister Gruevski distances himself from it.<sup>66</sup>

The minimum requirements the transitional government must meet for credible elections appear to include establishing accurate electoral rolls and equal access to media and taking interim steps to limit and neutralise the abuses of public office in key areas, all matters the election observation mission of the Organisation for Security and Cooperation in Europe (OSCE) noted in 2014.<sup>67</sup> Voter lists may be simplest; the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has a track record for effective help and monitoring. Government advertising in the media should cease promptly.<sup>68</sup>

Something more fundamental than shuffling posts among political personalities is needed, however, to address the depth of apparent wrongdoing, corruption and state

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<sup>65</sup> Crisis Group interview, European ambassador, Skopje, 9 June 2015.

<sup>66</sup> The constitution (Article 93) envisages that the full government resigns when the prime minister does but retains a technical mandate until a new government is formed. The president would be expected to appoint a prime minister-designate from the largest party (VMRO) who would be tasked to form the new government and present it to the assembly for approval. The prime minister of the transitional government should thus be a moderate, respected person from VMRO acceptable to SDSM, DUI and DPA, who should name figures from SDSM and DUI as deputy prime ministers and then share out the ministries equitably.

<sup>67</sup> "OSCE/ODIHR", *op. cit.*

<sup>68</sup> Crisis Group interview, U.S. diplomat, Skopje, 9 June 2015.

capture that the wiretaps have exposed and the distrust and cynicism among citizens with regard to the system to which this contributes. Neither the government nor the opposition appears capable of developing and implementing an adequate strategy, separately or jointly. Yet, until one is put in operation, Macedonia will remain vulnerable to political brinksmanship and the violent spasms of a Kumanovo-like event.

The EU thus should press the party negotiators to commit also to creation by parliament of two independent bodies. Each should be led by Macedonians, with membership – determined by consensus among the political parties after consultation with civil society – to include at least equal numbers from government and opposition and proportional representation of ethnic Albanians. Each should also have an international component appropriate to its tasks. The parliament could activate these most simply as specially mandated committees of the legislature. However, the preferable method would probably be to emphasise independence by adopting a law to create distinct commissions.

Commission “A” should be given authority to set benchmarks regarding the conditions necessary for credible elections and to issue findings with regard to progress toward meeting them. To assist its work, it would develop relationships with international experts (making its own decision whether one or more such persons might be given full membership), as well as international entities with electoral experience.

“Benchmarks on their own are useless”, however, the EU’s former Special Representative for Macedonia has noted, “because the politicians in Skopje are skilled at “tick[ing] boxes but not implementing”.<sup>69</sup> Rigorous monitoring of the relevant actions of the transitional government would thus be required, including an assessment before an election is called.<sup>70</sup> That assessment should aim for consensus of opposition and government members, with active participation as well by EU, U.S. and other experts. If the assessment is negative or insufficiently consistent among the monitors, elections should be postponed. In the absence of a positive determination, the transitional government would remain in office until the scheduled 2018 elections, though its composition would remain subject to consensus decision among the parties, after consultation with civil society.

The remit of Commission “B” would be to investigate and decide what to do about the wiretaps, including to ascertain abuses and potential crimes, gather evidence and make recommendations for prosecution or other appropriate action. To perform these tasks, it would require broad powers to subpoena evidence and testimony, access to classified information and a considerable budget. A comprehensive investigation would also need technical aid that EU and U.S. experts could best provide.<sup>71</sup> The commission would develop such personnel and institutional relationships and decide whether one or more individuals might be given full membership. While international engagement with both commissions would be essential for the resulting expert contributions, it would also importantly boost public confidence by creating a

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<sup>69</sup> Crisis Group telephone interview, Erwan Fouéré, ex-EU Special Representative and Macedonia delegation head, 10 June 2015.

<sup>70</sup> Crisis Group interview, U.S. diplomat, Skopje, 9 June 2015.

<sup>71</sup> “Recommendations”, *op. cit.*, p. 8.

disincentive for officials to evade or obscure important points, a concern EU experts flagged at the time of the parliament's failed 2013 inquiry.<sup>72</sup>

The EU should engage closely with both commissions, not only making expertise generously available, but also drawing them into the process of the high-level accession dialogue it conducts with the main political parties and civil society and associating them thereby with the annual membership candidacy progress report the European Commission issues. This extensive engagement should be maintained beyond the new elections, including a monitoring aspect more detailed and extensive than what is customary in the annual progress review for a membership candidate, until the European Commission is satisfied that progress is real and substantial.<sup>73</sup>

Kumanovo presents a somewhat different problem, due to its ethnic and more immediately explosive aspects. An investigation could tamp down fears, clarify circumstances, decrease recurrence risk and prevent hijacking to serve a false political or ethnic narrative. But, again for credibility, it cannot be solely Macedonian. It should be conducted with Pristina jointly, with EU and U.S. technical aid and also as part of a broader effort to improve bilateral ties with Kosovo.<sup>74</sup>

## V. Conclusion

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The political crisis set off by the wiretap scandal suggests Macedonia is less a democracy with difficulties than a country needing transition to democracy, its political parties often giving the impression they have less problem with state capture than with which of them that situation benefits. Today only a fringe of the ethnic-Albanian community is willing to take up arms, but the political aims that seem to have motivated at least some of the Kumanovo fighters are shared by many of their ethnic brethren, who are disappointed with how things have turned out since the Ohrid Agreement, for which meaningful implementation lags and there is little present prospect of improvement. On both fronts, the state is seriously vulnerable to additional pressures, whether more wiretap revelations or another deadly ethnic-violence event. Preventive measures – political reforms – are urgently needed that go much deeper and have more lasting impact than a mere advanced election and new government can provide in themselves.

Macedonia was once viewed as almost the head of the western Balkans class, well launched on a program of EU-inspired reforms. That reputation is now deservedly in tatters. Over the last decade, the country has adopted an outwardly modern legislative and regulatory framework that leaves the old patronage machine largely undis-

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<sup>72</sup> Key oversight and control bodies “appear unwilling to carry out their mandate”, while the few that are willing, such as the Ombudsman, “are hampered by other institutions”. *Ibid*, p. 4. Crisis Group interview, international official, Skopje, 23 June 2015.

<sup>73</sup> The EU's General Affairs Council on 23 June 2015 supported the “urgent reform priorities” and recommendations the European Commission had communicated to the Macedonian parties in connection with the negotiations for a political settlement; called electoral reform “urgently required” and concluded that it is “necessary to ensure as soon as possible a thorough and independent investigation of the [wiretap] material revealed and any criminal wrongdoing”. It also expressed expectation that implementation of the various recommendations would be “closely monitored” by the European Commission. Council Conclusions, 23 June 2015.

<sup>74</sup> Crisis Group interviews, Likovo, 10 June 2015.

turbed, to an extent that appears to go well beyond similar dysfunction elsewhere in the region, notably Montenegro and Serbia.

This is the chief policy problem for the EU: Macedonia has developed an immunity to the medications it prescribes. The Skopje government knows how to formally implement what is asked and how to ensure it makes little difference. Domestic and international officials concur that the challenge is not passing new laws but genuinely using the many mechanisms and tools mainly already established by Ohrid and over the course of Macedonia's effort to qualify for EU candidacy.<sup>75</sup> The twin challenges of the wiretapping scandal and the bloodshed in Kumanovo thus require stronger measures than those hitherto attempted. As an observer put it, Macedonia "can't sweep democratic deficiency under the carpet any more. The carpet is gone".<sup>76</sup>

It may take trial and error to develop more effective therapies, but treatment is dangerously overdue, and there is no realistic chance that it can be fully self-administered with success. EU leverage is less than it once seemed, because for multiple reasons membership is at best a fairly distant prospect, but Brussels still has more leverage than any other friend. It also retains an important security interest in assisting transformative change. The U.S. and others should stand ready to offer their support as well.

Rescuing the inter-party political agreement that the EU has been working on is the immediate need, but it should provide for and lead into more creative and intrusive cooperation with national authorities than hitherto in monitoring what is really happening on promised reforms. Learning from experience, Brussels should withhold any seals of approval until there is a solid track record confirmed by broad consultations, including with opposition and civil society. Anything less than close and sceptical attention, including at a significant political level, would carry an unacceptable risk of another tragedy in the western Balkans.

**Skopje/Brussels, 9 July 2015**

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<sup>75</sup> Crisis Group interviews, EU officials, opposition leaders, Skopje, June 2015. The EU Senior Experts' Group noted: "Almost across the board [there is] an attitude of abdication of responsibility, minimalist interpretation of institutions' mandates and an inclination to hide behind the competences of other institutions as an excuse not to act ... [instead of working ] to overcome the current crisis situation and to reverse the backwards trend". "Recommendations", op. cit., p. 4.

<sup>76</sup> Ivana Jordanovska, "Time to pull out the stick", *Balkanist* (online), 12 June 2015.

Appendix A: Map of Macedonia

