

**The Geopolitics of Minority Rights and Civil Rights in Nation-States:  
Lessons from the Republic of Macedonia**

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Any citizen who cares deeply about the future of the State of Israel cannot but feel uneasy about the developments of the past decade and the growing number of racist incidents and intolerance exhibited toward Palestinian Arab citizens, who comprise a minority in the country. Setting aside (artificially) for a moment the issue of events in the “territories” beyond the Green Line, conflicts are also becoming more intense and numerous within the Green Line. Since its establishment in 1948, Israel has lived through many stages of the internal Israeli-Arab conflict, which can be roughly divided as follows: an initial stage during which a military regime was imposed on the Arab minority (1948-1966); a subsequent phase of increasing liberalization and democratization (particularly during the first half of the 1990s); and thereafter a stage in which majority-minority relations deteriorated, from the events of October 2000 onwards. The past decade has witnessed a number of attempts (some more provocative than others) to restrict the rights of the Arab minority in Israel in various ways, including proposals for an exchange of populated areas with the Palestinian National Authority, the Citizenship and Entry to Israel Law (Emergency Order) of 2003 banning family unification, the letter signed by rabbis forbidding the sale or leasing of apartments to Arabs, and various legislative proposals demanding declarations of loyalty from individuals who wish to acquire Israeli citizenship.

In addition to those citizens and public officials who seek to limit the strength of the minority in Israel, there is a substantial group of citizens and scholars who wish to bring the state into conformity with the values of democracy and to improve the status of the Palestinian Arab minority (in addition to striving to resolve the conflict in the West Bank and Gaza). Intensive debates have taken place over the past two decades on the subject of the civic status of the Palestinian Arab minority in Israel. There is broad agreement among scholars that there is considerable room for improvement in the status of Arab citizens in Israel, but no consensus over the appropriate measures that should be taken: Should Israel become “a state of all its citizens?” Should it become a “bi-national democracy?” Or should it progress towards an “enhanced ethnic democracy?” Many doubt whether the desired change can be achieved through a revision of the definition of the state, a definition that moves beyond “the border of the Zionist paradigm”.

At the same time, a new political discourse has emerged within the Palestinian Arab community in Israel over the past two decades that emphasizes the national identity of Arab citizens and demands, in addition to greater protection for their individual rights, and expansion of their collective rights. These demands have been expressed, inter alia, in “the Vision documents”, which include Adalah’s Democratic Constitution and similar documents. The Vision documents clearly indicate that there has been a significant shift in the nature of the demands put forward by the Arab minority in Israel to the political authorities in the state: no longer do they demand only local benefits, but a significant change of policy toward the minority, and even a change in the definition of the state to one that includes the minority as a partner.

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Governments in democratic states that seek to remain on a democratic path while contending with significant conflicts between various communities within a society have a number of potential policy solutions to choose from in relation to homeland minorities. The main options include: 1) preserving territorial integrity at the price of diluting the national character; 2) preserving the national character and relinquishing part of the state's territory; 3) preserving both the national character and the territorial borders of the state at the price of democracy and minority rights and/or civil rights in the state. These strategies, which each have their advantages and disadvantages, can be found in the global political reality. Israel, for example, is still engaged in an internal struggle for a suitable solution, but has so far adhered to the third option, namely trying to preserve both its national character and its territorial integrity. As noted above, the price of selecting this option is the infliction of real harm to the rights of the minority. Comparative research can be beneficial in examining a potential transition to a different model of government.

The current research analyzes the inherent tension between citizenship, democracy and the nation-state, and questions whether and how a divided state can define itself as both "national" (exclusive) and democratic (inclusive) at the same time. The paradox between the terms national/democratic and inclusion/exclusion is particularly problematic in divided societies. The theoretical literature on divided societies emphasizes that an important part of their identity and experience is the historical geography of the various communities they live within the state. Divided societies are comprised of a number of homeland communities (or communities that consider themselves to be homeland communities) in which ethnic and religious identity is generally intrinsic and strong, and includes elements of political and geographic organization. Homeland minorities view themselves as communities with long-held rights to their land and homeland and therefore tend to demand many rights from the state, including collective rights. Such minorities sometimes demand a status that is no less than full partnership in government. The most significant problem is that, as the global socio-political reality shows, majority communities represented by the state tend to act with intolerance towards the minority community and not to comply with their demands, unless massive pressure is brought to bear by the minority.

Indeed, one of the central principles of a democratic regime is the principle of majority rule; however, majority rule without the presence of moderating elements in societies that are ethnically or religiously divided is liable to create a situation in which minorities might find themselves in an inferior position and unable to participate in governance or in shaping the collective good. Such minorities will often also face pressures of assimilation and the erosion of their culture. In divided societies, if there are no arrangements for the proportional allocation of resources and the involvement of all of the different communities within the state in significant political decisions, then the status of certain communities may be significantly undermined. Such a situation may constitute a severe flaw in the democracy of the regime because the principles of democracy entail far more than "majority rule." Democracy also means protecting the rights of the minority. In this study, majority-minority relations in divided societies are discussed in a context in which the demographic proportion of majority-minority is particularly problematic, where the majority comprises what is defined in the research literature as "a substantial majority," ranging between 65% and 84% of the population. According to the literature, the most difficult conflicts between majorities and minorities occur in societies in which the

proportions between the communities fall within the range of these percentages (Peleg, 2007).

In a previous study, I argued that a direct transition from the current situation in Israel to a solution of liberal democracy (in the form of the Indian case) is not suitable in the Israeli case (Harel-Shalev, 2010). The Indian case teaches us that a formal definition of a “neutral” state in a political and social reality that is inclined towards the hegemony and dominance of the majority community is liable to produce serious conflicts between the various communities within the society. In other words, changing the definition of the State of Israel to “a state of all its citizens” does not constitute a *sufficient* condition for the improvement of the status of the Arab community in Israel to the extent of achieving full equality of rights. Moreover, the Indian case – as reflected in the recurring community-based riots that stem from dissatisfaction on the part of both the majority and the minority with the status of a Muslim minority in a Hindu-dominated state – teaches us that it is not at all clear whether it constitutes a *necessary* condition for improving the status of the Palestinian Arab minority in Israel (Harel-Shalev, 2010).

Clearly, therefore, we must examine other theoretical and empirical models. Since the question of how to establish a new society is different from the question of how to change an existing society (Saban, 1999), we should try to examine divided societies that have a similar demographic makeup to that of Israel, and that have also experienced some processes of democratization in which the minority has had some involvement in the government. In this article, I will focus on the short political experience of Macedonia, which underwent a conscious process of diluting the national character in order to preserve the unity of the state and uphold its democracy. We will then ask whether Israel has anything to learn from the Macedonian experience.

It is not surprising that in Macedonia, which has undergone significant processes of democratization, the minority is accorded some rights, but still enjoys only a limited share of government power at the national level. The minority still does not enjoy full equality of rights in Macedonia. However, one can note a significant improvement in the status of the minority and in its ability to identify with the independent Macedonian state.

The brief history of Macedonia reveals that tension and mutual suspicions between the majority and minority emerged even before the state gained independence (Poulton, 2000). In fact, Macedonia became an independent state only in 1991, after the disintegration of the former Yugoslavia. It has since suffered numerous problems, both international and domestic, including the non-recognition of its legitimacy, borders and sovereignty, and sharp internal disputes between the Macedonian majority and the Albanian minority (Holliday, 2005). The Macedonian nation-state includes a large Macedonian majority, which speaks Macedonian, a Slavic language, as well as a large Albanian minority, which is predominantly Muslim and Albanian-speaking. There are also other smaller minorities which each account for no more than 2% of the population. The precise size of the Albanian minority is a subject of controversy because some Albanians boycotted the last census and another group (which includes immigrants from Kosovo) is not entitled to citizenship status, but only residency. However, most estimates indicate that the minority makes up 20%-35% of the citizenry (Büchenschütz, 2001).

After the establishment of the state of Macedonia, doubts were raised concerning the loyalty of its Albanian citizens. Many argued that their loyalty was to Albania and

Kosovo rather than to the Macedonian state, and that they were undermining state sovereignty. This argument was not without grounds, since the Albanians in Macedonia once demanded an independent Albanian unit under the umbrella of Yugoslavia (Holliday, 2005, 141). Therefore, when the state was formed, the Albanian minority was seen as a “problem” for the government, which accordingly set forth clear rules that emphasized the Macedonian character of the state. For example, the preamble to the constitution clearly states that the Republic of Macedonia is “the nation-state of the Macedonian people,” which also accords equality of civil rights to the various minority groups. The preamble further notes the struggle of the Macedonian people to preserve its identity and national independence, and addresses historical events of significance to the Macedonian people. The Macedonian language, which is written in the Cyrillic alphabet, is designated as the official language of the state, while the Albanian language has recognized status in regions in which the Albanian minority comprises a majority. The constitution also makes special mention of the Macedonian Orthodox Church (without granting it the status of a state religion), and declares the state’s connection to the Macedonian diaspora, made up of members of the Macedonian people living in neighboring lands, and provides for immediate citizenship for any Macedonian who wishes to become a citizen of Macedonia (Holliday, 2005).

Upon establishment, Macedonia gained recognition as a democratic state in the European arena and was praised for successfully preserving inter-communal harmony, in contrast to other states in the former Yugoslavia. The various European institutions that examined the constitutions of the states of the former Yugoslavia to ensure that they met with European standards of human rights did not ask Macedonia to institute constitutional reform or to delete the national definitions contained in the constitution, although they did criticize some practical aspects relating to the Albanian minority (Danforth, 1995, 149). Thus, Macedonia has adopted essentially the same constitutional format that Israel espouses today – “Macedonian and democratic” – and was still regarded as a regular democracy in Western European eyes.

However, while much of Western Europe gave its “stamp of approval” to the model of independent Macedonia as a regular democracy, the Albanians in Macedonia did not accept the status assigned to them and began to make demands for Macedonia to become a bi-national state. Extremists demanded the secession of the majority Albanian areas from the state. In the late 1990s, the state faced the threat of civil war and braced itself for violent acts of protest and political extremism by the Albanian minority. The government of Macedonia, following the advice of Western European states, decided to negotiate with various Albanian parties, which resulted in the signing of a compromise agreement on 13 August 2001. During all stages of the negotiations between the two sides, the Macedonian leadership rejected a federal option, fearing that such a move would lead to the dismantling of the state. (Yakobson and Rubinstein, 2003, 300-304).

The new agreement signed in Ohrid, known as the Ohrid Framework Agreement, dilutes the Macedonian character of the state. See, for example, parts of the preamble to the constitution as revised in light of the Ohrid agreement:

The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people... taking responsibility for the present and future of their fatherland, aware of and grateful to their predecessors for their sacrifice

and dedication in their endeavors and struggle to create an independent and sovereign state of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good – the Republic of Macedonia...

Thus, in light of the Ohrid agreement, the introduction to the constitution was amended and now refers to Macedonia as “the state of the Macedonian people and all of Macedonia’s citizens,” and not only as “the state of the Macedonian people.” Other noteworthy amendments include: the expansion of the minority’s regional authorities; the stipulation that certain constitutional amendments pertaining to internal affairs require the consent of Albanian members of parliament who do not belong to the Macedonian majority; the strengthening of the official status of the Albanian language; and the mention of the Muslim community in the constitution alongside the Christian Orthodox community. However, the name of the state remains Macedonia, the Macedonian language is still the primary language, the national anthem (which refers to the Macedonian people) remains unchanged, and the connection with the Macedonian people in the diaspora is still described. Other issues of contention were only resolved later. For example, the state’s recognition of an Albanian university (Tetovo University) was only reached in mid-2003 (Büchschütz, 2003), and negotiations continue on other issues that are still on the agenda. However, an open dialogue between Macedonia and representatives of the Albanian minority is ongoing. It is difficult to argue that either the Macedonian majority or the Albanian minority in Macedonia is satisfied with the current arrangement. However, the agreement is based on a balance in which the basic interests of the various communities are taken into account and protected.

During the last quarter of the 20<sup>th</sup> century, a number of common conceptions can be found in the writings of central thinkers and researchers in the field of democratization and the development of regimes, including the following: 1) that intense conflicts are liable to erupt in divided societies if there no appropriate political formula is devised; 2) that religious and ethnic divisions create many challenges for the stability of democracy and democratic development; and 3) that democracy in divided societies is not impossible. And in Macedonia we have an example of a state that is contending with a longstanding history of hostility and yet is succeeding to weave a political fabric that includes both the majority and the minority.

Some argue that the current solution has brought Macedonia closer to a bi-national state (Engstrom, 2002). In my view, the actual situation in Macedonia is not that of a bi-national state, but rather is closer to the definition of “an enhanced ethnic democracy” (Smootha, 2001). The title is, however, less important. What is important to understand is that significant measures were taken to include the minority as a partner in the political system. True, even after the democratization process had taken place, the minority is sometimes excluded from Macedonia’s mainstream (for example, in the context of the use of the minority language at the national level) (Bokulić and Kostadinova; 2008, 23-24). And, of course, the disagreements and suspicions have not evaporated overnight. However, overall the new political formula, as of today, is working well. Will the citizens of Macedonia all “live happily ever after?” It is too early to say. We will have to wait a decade or two in order to see whether there will be a political divorce occurs in this state or whether we will be able to determine the Macedonian model a “success.”

To return to the case of Israel, the Israeli state continues to try to “hold the stick at both ends.” It wants to have it both ways: to maintain the national character of the state *and* its territorial borders. But the “stick” cannot bear the load. The leaders of Israel will face critical decisions in the coming years. In the territories over the Green Line (and if we put aside for the moment the ideological positions), Israel will soon have to decide which arrangement it wishes to establish with the Palestinians and to demarcate its final borders to avoid finding itself in the situation of Serbia in the Kosovar context. And with regard to the internal divide between Israel's Jewish and Palestinian Arab citizens, a close examination of the Macedonian solution could generate fruitful ideas for the implementation of democratic principles and co-existence in Israel.

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