

The process of lustration in Macedonia – purification or contamination of the political?

Since its independence, in Macedonia there has been a lack of sound analytical or scientific debate over the totalitarian character of the previous communist regime. It is a widely popular opinion that Yugoslavia was a rare example of liberal socialism which was essentially different from the Soviet type of communism. Regarding today's weak economical performance and high rate of unemployment, Macedonian citizens evoke strong feelings of nostalgia about the greater social security and life standard they had in the previous regime. It is a phenomenon known as "Yugonostalgia". On the other hand, with the rise of nationalistic cultural policies, (for example the recent opening of the Museum of the Macedonian struggle for statehood and the Victims of communism), the totalitarian side of the communist regime in Macedonia is being publically underlined.

The process of decommunization is inherent of the process of democratization which in Macedonia started with the proclamation of independence, the adopting of the first liberal Constitution from 1991 and the establishment of democratic institutions. The goal of the ongoing lustration process is to condemn the crimes committed under communism and unable ex-communist collaborators to hold public and political positions in the newly established democratic institutions. It is crucial to be mentioned that in most of the countries from Central and Eastern Europe the lustration was completed in the early or middle 90ties.

In contrast to other countries, Macedonian Law on assigning additional criteria for executing public function was promulgated in 2008, nearly 18 years after the independence of the country. Some of the provisions of the Law were annulated by the Constitutional Court such as the unusual decision the lustration to include the period after 1991 until the moment when the law was enacted and the fact that it encompassed wide range of actors such as journalists, civil society and representatives from reli-

gious communities. Furthermore the Law establishes a separate body - Commission for the Verification of the facts - tasked to assess the authenticity of the statements provided by the holders of public functions on their non-collaborator's role with the intelligence services.

Even though the main goal of the lustration according to the Council of Europe Resolution 1096, Article 2 is "to create pluralist democracies based on the rule of law and respect for human rights and diversity" it seems that in Macedonia serves as a weapon for confrontation with political enemies. Uncontrolled media leakage, public purges and political polarization are some of the outcomes of this process since there are several problematic solutions coming as a consequence from that particular Law. Firstly, the relevance of the records and documents based on which the verification of the facts is conducted by the Commission is highly questionable. This is due to the fact that these documents were produced by informants¹ and people from the UDBA² which makes the information hardly reliable and therefore makes it easy the victims of the past to be proclaimed as collaborators. Secondly, it is believed that a significant part of the records have been fabricated or destroyed in the meanwhile. In fact, 20 years after the independence proclamation in Macedonia, the records are still closed for the broader public. This is actually the second problem related to the working methodology of the Commission. Despite the fact that Commission members are not professionally trained to work with these records, they have arbitrary right to interpret the facts therein. The eleven members of the Commission "have the exclusive right to mediate the past" –said in the words of Macedonian professor and writer Jasna Koteska. The Rulebook of the Commission stipulates that two thirds majority is required for endorsement that someone has been a collaborator. This indicates that the decision for such a serious question that may violate someone's human dignity and position in society is based on a subjective interpretation of the given documentation. Some experts on human rights claim that the Macedonian Law is opposing the Resolution 1096 recommendations from the Council of Europe on measures to dismantle the heritage of former communist totalitarian systems. Despite these argu-

ments, there are some who claim that "Some law on lustration is better from none" (Prof. Dr. Ilo Trajkovski) or that "...Macedonia has to overcome the "culture of impunity" and that its finally time the political and security intelligence elites to learn the lessons of responsibility" (Ivica Bocevski, Liberal Democratic Party).

This being said, Macedonia needs complete and non-restricted access to the 14. 572 records situated in the Archive of Republic of Macedonia in the manner of fundamental transparency. Journalists, political scientists, historians, researchers and all interested citizens should be allowed to examine these historical documents in the light of the German concept "to acknowledge the atrocities of the past so it would never be repeated".

It is clear that political revenge should never be a driver for lustration because it brings greater contamination to the political sphere in Macedonia. What we need is an objective and scientific approach towards the questions of the past in order to reach symbolical purification of the political goals and means of the present.

1 According to the Law on assigning additional criteria for executing public function (Official Gazette of the Republic of Macedonia, No. 14/2008), informant or collaborator is a person who under full conscious secretly and in continuity was supplying the state security bodies with information on other person/s violating their fundamental rights and freedoms based on political and ideological ground in exchange for material gain or other privileges.

2 UDBA or Department of State Security was the Yugoslavian intelligence service from 1946-1991 and was primarily responsible for internal state-security.

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