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**Делујемо.Локално.Заједно**

FOURTH REPORT ON MONITORING OF MEETINGS OF MUNICIPAL COUNCILS  
REGARDING INTER-ETHNIC RELATIONS

# IMPROVING THE PARTICIPATION OF SMALL(ER) COMMUNITIES AT THE LOCAL LEVEL

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# REPORT FROM THE MONITORING OF THE SESSIONS OF MUNICIPAL COUNCILS REGARDING INTER-ETHNIC RELATIONS

Period: 02 January – 31 March

## INTRODUCTION

This report was prepared within the project activities “Improving participation of small(er) communities at the local level” with the support of Delegation of the European Union and Insok. The main objective of the project is to establish mechanisms to improve the participation and protection of the rights of Roma and other smaller communities at the local level in accordance with the Ohrid Framework Agreement. The implementation period of the project is from 01.04.2016 until 30.09.2017, in 5 municipalities: Kumanovo, Bitola, Kocani, Prilep and Tetovo.

Association National Roma Centrum from Kumanovo (NRC) together with the Association of Roma Avena Kocani, starting from January the 2nd till March 31st, year 2017 monitored the level of quality of the sessions and their dynamics, structure of participants in decision-making process regarding inter-ethnic relations, whether the Commission on inter-ethnic relations is functional and consulted and whether their opinions and recommendations have been taken into account, planning and allocation of funds, participation of smaller communities directly or indirectly as citizens. During the monitoring 5 quarterly reports will be developed on the quality of the meetings of the municipal council regarding participation of smaller communities in decision-making process at the local level. Before you is the third report which refers to the period from 2nd January till March 31st, year 2017.

The purpose this monitoring of the councils sessions is to get additional transparency in decision-making process and participation of smaller communities in policy making at the local level.

After each monitoring period, civil associations and local authorities will be informed through reports on key findings from the monitoring of the sessions on the municipal councils about inter-ethnic issues.

## **LEGAL FRAMEWORK FOR PROTECTION AND INSTITUTIONAL ARRANGEMENTS IN MUNICIPALITIES KUMANOVO AND KOCANI**

### **Constitution**

Constitution of Republic of Macedonia in the preamble and amendments from 16.11.2001 stemming from the Ohrid Framework Agreement brought some changes in the status and positioning of the smaller ethnic communities in the Republic of Macedonia.

Amendment 5 is amending Article 7 of the Constitution which introduces that on the whole territory of the Republic of Macedonia and in international relations official language is Macedonian and its Cyrillic alphabet and the language spoken by at least 20% of the population and their letter. Personal documents on citizens who speak an official language different than Macedonian are published in Macedonian and its Cyrillic alphabet and the language spoken by the citizens and its alphabet.

Any person living in a unit of local self-government in which at least 20% of the population speaks a language other than Macedonian in communication with regional offices of ministries and in communication with the ministries may use any of the official languages and the ministries and regional offices will answer in Macedonian language and its Cyrillic alphabet as the official language and on the alphabet and its letter used by the citizen.

Amendment 12 replaces Article 78 of the Constitution whereby the Committee on Community Relations is formed which consists of 19 members of whom 7 are Macedonians and Albanians from the Members of Parliament and one from among Turks, Vlachs, Roma, Serbs and Bosniaks. Committee members are elected by the Parliament, and if a community does not have representatives, the Ombudsman after consultation with relevant representatives of those communities, shall propose the remaining members of the committee. The main function of the Committee is to consider matters of relations between communities and to give opinions and suggestions which the Parliament is obliged to consider. In case of dispute for conducting the voting procedure in Parliament, the Committee will decide with majority votes from the members whether the procedure will conduct.

### **Law on Local Self-Government**

Law on Local Self Government in Article 55 establishes the Commission for community relations to be formed in municipalities where at least 20% of the total population are members of a particular community. The Commission is composed of an equal number of representatives from each community in the municipality, and the manner of selection is determined by the statute of the municipality. The Commission considers issues regarding relations between communities and gives opinions and suggestions which the municipal council should consider and decide about them. Article 90 stipulates that in the municipalities official language alongside Macedonian and its Cyrillic alphabet is the language and alphabet that at least 20% of the inhabitants of the municipality use, about the language and alphabet which less than 20% of the inhabitants are speaking in the municipality, the municipal council decides about its use.

## **Statutes of municipalities of Kumanovo, Kocani and Prilep**

The statute of municipality of Kumanovo adopted on 30.06.2003, in Article 27 stipulates that the regulations regarding on culture, use of languages and alphabets spoken by less than 20% of the citizens of the municipality, determining and use of back and flag of the municipality shall be adopted by the majority of present council members, with a majority of votes of the present council members belonging to communities that are not the majority population in the municipality. Article 47 predicted the establishment of the Commission for Inter-Ethnic Relations which will consider issues related to community relations and will give opinions and suggestions for their resolution which the Council shall consider and decide about them.

In the statute of municipality of Kocani in Article 30 is set to be established a Commission for Inter-Ethnic relations, whose composition, method and scope of work will be determined by the council. Also in Article 7 of the Statute stipulates that back and flag of the municipality will be elected by the majority votes of the councilors, for which the majority of the councilors belonging to the minority communities will be necessary.

The statute of municipality of Prilep adopted on 14.07.2003 year has no provisions involving the smaller communities and it is not necessary that the votes belong to smaller communities for the council to be able to decide in full right.

## **METHODOLOGY OF MONITORING**

The monitoring includes 8 sessions of municipal councils in Kumanovo and Prilep:

### **Kumanovo**

- 31.01.2017
- 22.02.2017
- 13.03.2017

### **Prilep**

- 27.01.2017
- 14.03.2017

During these sessions we analyzed the quality of the sessions and their dynamics, structure of participants, the process of making decisions about inter-ethnic issues, whether the Commission on inter-ethnic relations was consulted and whether their opinions and recommendations have been taken into account, their participation in policy making process, implementation plan, planning and allocation of funds, the involvement of smaller communities directly or indirectly as citizens and so on.

## POLITICAL CONTEXT

On the sessions of the municipal council of Kumanovo almost all members of the council from position and opposition group attend the sessions including the members from the smaller communities. Commission on Inter-ethnic Relations did not attend on any meetings of the council of municipality of Kumanovo.

Council of municipality of Kumanovo consists of 32 councilors of which eleven are from the Coalition SDSM twelve councilors from Coalition VMRO-DPMNE, four councilors of DUI, two councilors from DPA, one of the NDP and two councilors from Group voters.

Council of municipality of Prilep consists of 27 councilors of which sixteen are from Coalition VMRO-DPMNE and eleven from Coalition SDSM, the council has one representative of the Roma community.

## FINDINGS OF THE MONITORING

At the session held on 31.01.2017, the Council of the Municipality of Kumanovo had discussions regarding the points on the agenda that concerns the rights of the smaller communities in the municipality of Kumanovo. Following the opening of the session, the councillor representative of the Roma community from the VMRO-DPMNE Coalition, asked to put a new point on the agenda for consideration, an information regarding the manner in which Public company "Purity and Greenery" manages the private property owned by religious Board of Roma from the city of Kumanovo. For this point the councilor gave an explanation that in 1994 the Roma from temporary work in Germany collected funds in order to help the inhabitants of the city of Kumanovo to buy land for a cemetery and that in the property list with the CP 3407 stands a religious board of Roma with 4600 m2 of land Managed by public company "Purity and Greenery" and for which the Roma community charges 6120 MKD for a tomb place. The president of the council said that for council questions the council holds separate sessions and for an oral question that question will be answered at the session where the question is asked if the person to whom the question is asked is present and the person who asks and gave an advise to the councilor to submit the question in writing to the director of public company "Purity and Greenery". On this suggestion, the councilor replied that he did not ask an advisory question but a draft item on the agenda. The councilor from a group of voters said that there are no materials for work for this point, the proposal should be withdrawn in order for the municipal administration to prepare materials and this point to be discussed at the next session of the council. The councillor representative of the albanian community said that this proposal was submitted a year ago and has not been adopted so far because they did not have any materials for discussion. The proposed point on the agenda from the councilor about the Information on the manner in which Public company "Clean and Greenery" manages private land owned by a religious council of Roma was not included on the agenda.

Point two on the agenda was a draft decision for verification of the mandate of a member of the council of the municipality of Kumanovo. After reviewing the certificate for the selected counselor, the Verification Commission proposed to the council to adopt the report and verify the mandate of the councilor Samet Salievski from the Coalition of SDSM. The Council of the municipality of Kumanovo adopted the report of the verification commission, as well as the decision on verification of the mandate of the councilor, after which the councilor gave and signed a solemn declaration. Point twelve on the agenda, a draft decision on granting consent to the annual plan for employment in the municipality of Kumanovo for 2017. The Secretary of the municipality of Kumanovo said that according to the plan for employment in the municipality of Kumanovo, are predicted employments for 31 Macedonians, 12 Albanians and 5 Roma. Currently there are 26 Serbs employed in the

municipality of Kumanovo, and according to the 2002 census, members of the Serbian community are not allowed to be hired. The councilor representing the Roma community from the VMRO-DPMNE Coalition said that in the municipality from 1945 until today, in December last year, for the first time one Roma was employed and another 5 are planned. He emphasized that it is necessary to make systematization to open a working position referent on issues of ethnic communities where a member of the Roma community would be employed. The Secretary of the municipality said that in previous years that affiliation was not included as a condition in the announcements of the municipality and anyone could apply for an open position if it meets the requirements for a public administration and that the data in the balance sheet are placed by the Ministry of Information Society and Administration. The councilor replied to this answer and said that in 2005-2015 there are strategies and action plans from the Decade of Roma, and that in the municipality of Kumanovo in the employment segment for 2016, action plans were adopted. The Secretary of the Municipality of Kumanovo said that according to the law, priority can not be given to someone, according to the balance sheet that is at the state level, all employments are foreseen. After the material discussion, the councilors adopted the point on the agenda a draft decision on granting consent to the annual plan for employment in the municipality of Kumanovo for 2017.

At the session of the council on 22.02.2017, on the agenda the councillors had discussions on several of the points on the agenda for the rights of the members of the smaller communities in the municipality of Kumanovo. About the third and fourth point of the agenda Annual report on the work of the Territorial Fire Brigade for 2016, as well as for the Territorial Fire Brigade Program for 2017, the councilor from the Roma community from VMRO-DPMNE Coalition said that in the next programs of the fire fighting unit would be good as an activity to put more communication in a densely populated place, especially in the Roma community, because the council in the last 8 years has been making decisions for granting assistance for burnt homes, especially among the Roma population. He emphasized that the fire fighting unit enters densely populated at least places with flyers and information especially during the winter period. He also said that in the future they should have qualified servants who will work to clean the chimneys both to individuals and legal entities. He emphasized that there is no Roma employed in this unit and there is no equitable representation. The Secretary of the municipality said that the fire department is part of the municipality of Kumanovo and should not be considered separately and to be said that there are not or will not be employed people from the Roma community. The fire brigade's commander said that they are operational and not preventive service and that they have no right to form a chimney sweep service, but there is a voluntary company that should be functional soon. The Council of the Municipality of Kumanovo adopted the report on the work for 2016 and the program of the territorial fire brigade for 2017.

Point six of the agenda was related to granting consent for amending and supplementing the annual plan for employment in the municipality of Kumanovo for 2017. A councillor representative of the Serbian community from the VMRO-DPMNE Coalition said there was discrimination against members of the Serb community in the area of employment in the municipality of Kumanovo. The councilor from the Roma community from the VMRO-DPMNE coalition said that in 2016 was only written and there were no employed members of the Roma community that for 12 years no Roma is employed in the municipality of Kumanovo. The secretary of the municipality said that for 2016, even though there was an employment plan, the Ministry of Information Society and administration did not adopt a methodology for employment, and thus the plan could not be realized, so the municipality, due to the increased volume of work, had to employ persons for temporary employment through the agency for Temporary employment. She said that it is necessary to have new employments because it is not possible to keep the employees through the agency, it is necessary to announce a public call for the vacant places. The law does not allow new employments in public administration at the time of elections, and public announcements cannot be announced. She stressed that the municipality does not envisage the procedure for employment for the communities, it is within the framework of the legislation. The employment

procedure as one of the conditions is the national affiliation of the employee. Since 26 people in the municipality have declared themselves as members of the Serb community, the municipality cannot employ members of that community because the percentage of representation according to the last census of 2002 has been fulfilled. A representative of the Roma community from the VMRO-DPMNE Coalition said that the Roma community doesn't know the law and is the most marginalized community, and that in the Public Company "Clean and Greenery" a number of Roma employees has already been filled and that there will be no employment for Roma in that public company. The Secretary said that if there the number is fulfilled, the representation in other public enterprises may not be. A member of the Serbian community from the Coalition of VMRO-DPMNE, demanded that the item on the agenda be withdrawn because there is injustice and the materials were received before the beginning of the session and they did not have enough time to review them and that only after two weeks there is a supplement to the proposal for Employment plan. The percentage of employment should be related to new employments, not to the already employed in the municipality. The Secretary said that the law is decisive and refers to a procedure, where employees have to be balanced, it cannot be said that it does not matter. A group of voters councillor said that the employment law will allow living in a multicultural society. This law is the only way to ensure equitable representation of all communities living in the state at all levels. The President of the council asked whether the quantity is being pushed and not the quality, only the first on the list enters the other ones declaring that only one condition can be met, and that is a national determination and therefore be eliminated from the workplace. He also stressed and asked whether the list was closed only with Albanians, Roma, Macedonians and Serbs, where other communities Vlachs, Turks, Bosniaks and other communities. The point of granting consent for amending and supplementing the employment plan for the municipality of Kumanovo for 2017 was adopted.

As a point number seven on the agenda, was a draft decision for adoption of a statutory decision on the names and additions to the statute of the primary school "Pance Pesev" Kumanovo. The representative from the Albanian community said that the changes that have now been submitted as a proposal to the council are in accordance with the law and the Constitution. Another councillor representative of Albanian community also praised this proposal and said that for two years they have been advocating for the opening of a class of Albanian language in elementary music school "Panche Peshev" in Kumanovo for solfesh and theory and that in the future with increased interest classes will be opened for musical instruments. After an elaborate discussion by the councillors for this draft item on the agenda, the president of the council put it to the vote, after which the council adopted the draft decision on the adoption of a statutory decision for change and additions to the statute of the primary school "Pance Pesev" Kumanovo.

As the twelfth point on the agenda, was found the decision to co-finance the project to reduce flood risks in the municipality of Kumanovo intended for reconstruction of the riverbed of the watershed of the Lipkovka River. The representative of the Roma community from the SDSM coalition asked where the sanation will start, because the most vulnerable are the members of the Roma community, whether the rehabilitation will foresee demolition of houses or remediation of the houses where the Roma live and whether there will be any compensation for it. He welcomed the goal of the project. The municipal Secretary said that the contractors will try to minimize or at best not to break down the houses, and with the implementation of the project will solve the problems with the floods. The twelfth point on the session of the council was adopted.

At the session of the council held on 13.03.2017, the agenda did not have any points for the smaller communities at the local level. A representative of the Roma community from VMRO-DPMNE asked why before the councilor from the SDSM coalition, a representative of the Roma community has no board in the Roma language, as one of the four official languages of use. The President of the council asked the services for this, where he received a reply that during the session the mistake will be corrected.

Representative of the Roma community from the VMRO-DPMNE Coalition, proposed an item on the agenda, information on Roma employees in the municipal administration. The secretary of the municipality said that until the formation of a government there will be no employment in the municipal administration in accordance with the law for administrative officials and that no new employee has been received, regardless of the nationality. The councilor on this explanation by the municipal secretary withdrew the point from the agenda.

For the first and second point on the agenda, an annual report for the work of a public municipal institution Library "Tane Georgievski" Kumanovo for 2016 and a financial report on revenues and expenditures of a public municipal institution Library "Tane Georgievski" Kumanovo for 2016, the council conducted a joint material debate. The representative of the Roma community from the VMRO-DPMNE Coalition said that several years ago with the former director started the promotion of Roma books, with the goal of bringing the Roma community into the library, but in 2016 nothing has been done for the Roma community in order to attract the members of this community. It might be helpful to ask for help from citizen associations as well as from councilors and to allocate minimal funds to promote books in Roma language. A representative from the Albanian community said that there should be promotion of Albanian language books as well as the languages of the members of the smaller communities. Also, the library should cooperate with primary and secondary schools and promote books. The director of the public institution said that since 2016 the number of engagement of persons on the basis of a work contract, copyright agreement and others has been limited, they should seek the consent of the ministry for organizing promotions where royalties are paid. The library seeks to provide books for all citizens who create in the municipality in their own language and for the procurement of books in other languages. Since they have not received the consent to engage individuals with authorizations, they do not have the opportunity to find a promoter in schools to promote books in any of the languages. The Council of the Municipality adopted the two points of the agenda with an individual voting.

At the session of the Council of the Municipality of Prilep on 27.01.2017 on the agenda as a point twenty-nine was found a Draft Conclusion on the adoption of the Action Plan for Employment of Roma of the Municipality of Prilep. After which the point by the proposer was withdrawn from the agenda.

On 14.03.2017 at the session of the Council of the Municipality of Prilep agenda was found not found any point for improving the participation of the smaller communities at the local level.

## **CONCLUSIONS AND RECOMMENDATIONS**

The points on the agenda for the participation of smaller communities at the local level are not on the agenda of the sessions of the councils enough, only in the part of the material discussions the councilors discuss the rights of the smaller communities and improvement of their rights at the local level.

The Commission for Inter-Community Relations was not invited to the sessions of the council of the municipality of Kumanovo. It is necessary for the Commission to be consulted and summoned when issues on inter-ethnic relations are on the agenda and its recommendations and opinions to be taken into account.

The inclusion of smaller communities directly or indirectly as citizens is very small in the sessions of the councils. It is necessary to involve the citizens in the decision-making process at the local level and to participate in the sessions of the councils in order to enable greater transparency of the sessions.

In the municipality of Kumanovo, there were no points for the smaller ethnic communities on the agenda, but some of the points on the agenda opened discussions that raise issues that concern the smaller ethnic communities. It is necessary that these issues and dilemmas to be placed as points on the agenda of the council as they would receive appropriate explanation in order for timely solution of the problems that affect the smaller ethnic communities in the municipality of Kumanovo.

At the sessions of the council of the municipality of Prilep, one point was found for inclusion of the smaller communities on a local level, but it was withdrawn from the agenda by the proposer.

## **SUMMARY**

The key findings in the fourth report from the monitoring of the sessions are that during the monitoring period from January 2 to March 31, 2017, at the sessions of the councils in contrast to the previous sessions, there was an increased discussion about the smaller communities and their participation on a local level.

In the municipality of Kumanovo, in place of the president of the council, whose term of office was terminated due to the appointment of a councilor in the Assembly, a new councilor was appointed who is a member and representative of the Roma community.

In the municipality of Kumanovo, the official languages besides the Macedonian language and its Cyrillic alphabet are the Roma language, the Serbian language and the Albanian language.

The Commission for Inter-Community Relations in the municipality of Kumanovo consists of 12 members, of which two members are members of the Macedonian, Roma, Turkish, Albanian, Serbian and Vlach communities.

Commission for Inter-ethnic Relations has not been established in the municipality of Kocani, although in the statute there is a article that enables the establishment of such a Commission, even though this is not a legal obligation.

Issues of inter-ethnic relations are not on the agenda of sessions of the municipal councils. Only a few issues are raised for which a debate is open about smaller communities, but there are no specific points that concern them.

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