



**Делуваме.Локално.Заедно**

**Daja zor.Lokalnikane.Jekha jek**

**Act.Local.Together**

**Birlikte.Yerel.Hareket ediyoruz**

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**Делујемо.Локално.Заједно**

SIXTH REPORT ON THE PARTICIPATION OF SMALL(ER)  
COMMUNITIES AT THE LOCAL LEVEL

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

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# REPORT ON THE PARTICIPATION OF SMALLER COMMUNITIES AT THE LOCAL LEVEL

## 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 April the 1st 2016 till August 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 were developed on the quality of the meetings of the municipal council regarding participation of smaller communities in decision-making process at the local level.

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

Before you is the sixth report that refers to the participation of smaller communities at the local level, that is, their involvement in the decision-making process.

## **LEGAL FRAMEWORK FOR PROTECTION AND INSTITUTIONAL ARRANGEMENTS IN MUNICIPALITIES KUMANOVO, KOCANI, PRILEP, TETOVO and BITOLA**

### **Constitution with the amendments of the Ohrid Framework Agreement**

Constitution 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.

With Amendment 4 of the Ohrid Framework Agreement, the Preamble of the Constitution was changed, and along with the Macedonians, the members of the Albanian, Turkish, Roma, Vlach, Serbian and Bosnian communities were introduced in the Constitution.

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 8 changed Article 48 of the Constitution and it provides that members of communities have the right to freely express, nurture and develop their identity and the characteristics of their communities and to use the symbols of their community. The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities. Members of communities have the right to establish cultural, artistic, educational institutions, as well as scientific and other associations in order to express, nurture and develop their identity. The members of the communities have the right to learn in their language in primary and secondary education in the manner determined by law, and in the schools in which education is conducted in another language the Macedonian language is also studied.

Amendment 10 paragraph 2 provides that for laws directly affecting culture, the use of languages, education, personal documents and the use of symbols, the Assembly shall decide by a majority of the votes of the present Members of Parliament, but the majority of the votes of the present Members of Parliament must belong of non-majority communities. The dispute over the application of this provision is decided by the Committee for Inter-Community Relations.

Amendment 11 also provides that in the election of the Ombudsman, there must be a majority of the votes of the total number of Members of Parliament belonging to non-majority communities. 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.

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

The Ohrid Framework Agreement provides decentralization of power from central to local level as a key element in promoting and protecting the rights of non-majority communities. Amendment 16 envisages that the local self-government will be regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, and there must be a majority of votes from the total number of Members of Parliament belonging to non-majority communities. Likewise, the laws on local financing, local elections, municipal borders and the city of Skopje are adopted by a majority of votes of the present Members of the Parliament, and there must be a majority of the votes of the present Members belonging to the non-majority communities.

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 populations 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.

### **Committee and Commission for Inter-Community Relations**

With the OFA, as an advisory body to the Assembly, it was envisaged to establish a Committee for Inter-Community Relations, which consists of 19 members, which will consider issues of relations between the communities and will give opinions and suggestions for their resolution.

The establishment of the Commissions for Inter- Community Relations is envisaged with the Law on Local Self-Government with the aim of promoting and protecting the participation of smaller communities at the local level. The commissions face problems of functioning due to lack of legal regulations and by-laws and absence of funds for operating expenses. Due to these shortcomings, the commissions have no positioning in the structure and adequate support to express their capacities, attitudes and proposals for resolving interethnic relations at the local level.

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

The Commission for Inter-Community Relations in the municipality of Tetovo consists of 6 members, out of which two are representatives of the Albanian and Macedonian communities and one from the Roma and Turkish communities.

## **Law on the promotion and protection of the rights of members of communities that are less than 20% of the population**

The purpose of this law is promotion and protection of the rights of communities that are less than 20% of the population in the country. According to this law, the members of the smaller communities have the right to education in all levels of their own language, in accordance with the law, have the right to be informed in their own language and the right to establish associations and foundations, as well as to use the symbols of their own culture in accordance with the law. The Association for the Enforcement of Rights of Communities (AOPP) was established to promote and protect the rights of members of smaller communities.

### **Non-discrimination**

The Ohrid Framework Agreement as one of its priority points introduces non-discrimination and equitable representation. One of the most important steps for preventing discrimination was the adoption of the Law on Prevention of Discrimination and the establishment of a Commission for Protection against Discrimination to act on assumptions, to give opinions and recommendations on specific cases of discrimination. On the other hand, the Ombudsman handles cases of discrimination in the public sector.

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

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.

In the Statute of the municipality of Tetovo adopted on June 9, 2011, Article 23, paragraph 3 stipulates that the regulations referring to the culture, the use of languages and letters spoken by less than 20% of the citizens in the municipality, the establishment and use of the back and flag of the municipality shall be adopted by a majority vote of the present members of the Council, and there must be a majority of the votes of the present members of the Council who belong to the communities that are not the majority population in the municipality. Article 40 foresees the establishment of a Commission for Inter-Community Relations that will consist of an equal number of representatives from each community represented in the municipality of Tetovo. The

commission will review issues related to the relations between the communities represented in the municipality and will give opinions and suggestions on the ways of their resolution that the municipal council is obliged to consider and decide in relation to them. Article 151 foresees that the coat of arms and the flag of the municipality are elected by a majority of councilors, and a majority of councilors belonging to non-majority communities is also required.

In the statute of the Municipality of Bitola adopted on July 18, 2005, there are no provision that involve the smaller communities, ie it is not necessary for the votes to belong to the members of the smaller communities so that the council can decide valid.

## **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.

The Council of the municipality of Tetovo consists of 31 councilors, of which twelve are from DUI, ten are from DPA, five are from VMRO-DPMNE Coalition, one from NDP, one from SDSM Coalition, one from TDP and one from VMRO People's.

The Council of the Municipality of Bitola consists of 31 advisers, of which thirteen are from the VMRO-DPMNE Coalition, eight from the SDSM Coalition, two from the VMRO-People's Party and the LDP, one from Dignity, Rise, SP, OM, Vlachs and Turks.

During the implementation of the project activities there was a change of the executive government on the early parliamentary elections that took place in December 2016.

On August 6, 2017, the President of the Assembly adopted a decision for announcing local elections for 2017, which will be held on October 15, 2017 with the aim of electing councilors and mayors of the municipalities and the City of Skopje.

## **CONCLUSIONS AND RECOMMENDATIONS**

The Ohrid Framework Agreement changes the Preamble to the Constitution and with it, along with the Macedonian people as citizens, the members of the smaller communities are also included.

For laws directly affecting the culture, the use of languages, education, personal documents and the use of symbols, the Assembly decides by a majority of the votes of the present Members of

Parliament, and there must be a majority of the votes of the present Members belonging to the non-majority communities.

Establishment of the Committee for Inter-Community Relations, consisting of 19 members, 7 of which are from among the members of the Assembly of the two largest communities and one from among the representatives of Turks, Vlachs, Roma, Serbs and Bosnians.

The Ohrid Framework Agreement provides decentralization of power from central to local level as a key element in promoting and protecting the rights of non-majority communities.

With the Law on Local Self-Government was established the Commission for Inter-Community Relations which should be established in municipalities where at least 20% of the total number of inhabitants are members of a certain community

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.

The Commission for Inter-ethnic Relations in the municipality of Tetovo consists of 6 members, out of which two are representatives of the Albanian and Macedonian communities and one from the Roma and Turkish communities.

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 Ohrid Framework Agreement as one of its priority points introduces non-discrimination and equitable representation.

During the implementation of the project activities there was a change of the executive government on the early parliamentary elections that took place in December 2016.

On August 6, 2017, the President of the Assembly adopted a decision for announcing local elections for 2017, which will be held on October 15, 2017 with the aim of electing councilors and mayors of the municipalities and the City of Skopje.

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