

## **SVETOMIR ŠKARIĆ**

# **OHRID AGREEMENT AND MINORITY COMMUNITIES IN MACEDONIA**

## **OHRID AGREEMENT AND MINORITY RIGHTS**

1. Ohrid Agreement was signed on August 13, 2001, as the result of interethnic armed conflict in Macedonia which lasted from January to August 2001. This document is a compromise between the warring parties – Macedonians as the majority people and Albanians as the largest national minority in Macedonia. Other minorities were not involved in the conflict.

Ohrid Agreement was signed by the then President of the Republic of Macedonia, Boris Trajkovski, and by leaders of four biggest political parties in Macedonia: Ljubco Georgievski, Branko Crvenkovski, Imer Imeri and Arben Xhaferi. The composition of signatories itself leads to the conclusion that this was an ethnic conflict between two parties and that Ohrid Agreement is a document on pacification of that conflict.

In 2001 Ljubco Georgievski was the Prime Minister of the Republic of Macedonia and the leader of the ruling Internal Macedonian Revolutionary Organization – Democratic Party of National Unity of Macedonia (VMRO-DPMNE). At present he is a deputy in the Assembly of the Republic of Macedonia and the leader of a new political party: VMRO-People's. At the time of the conflict he was more deeply involved with the Macedonian party than the President of the Republic. He unreservedly criticized the international community that it had openly sided with the Albanian party. He claimed that an aggression against Macedonia had taken place in 2001 by Kosovo Protection Corps (KPC) as a United Nations agency.<sup>1</sup>

At that time Branko Crvenkovski was the leader of Social Democratic Alliance of Macedonia (SDSM), the then biggest opposition party in Macedonia. Now he is the President of the Republic of Macedonia elected in early presidential elections in April 2004. He replaced at that post former president Boris Trajkovski, who was tragically killed in the plane accident that took place in the end of February 2004 in the vicinity of Mostar airport in Bosnia & Herzegovina. At the time of the conflict, as a leader of an opposition party, he played a reconciliatory role, having believed that the cause of the conflict was in fact 1991 Constitution of the Republic of Macedonia.

Imer Imeri was the leader of the Party of Democratic Prosperity (PDP). At the time this party was the biggest Albanian opposition party in Macedonia. Nowadays, it is a small opposition party with a few deputies in the Assembly of the Republic of Macedonia and with a new leader. Majority of its members and leading team joined a new political party – Democratic Union for Integration (DUI).

DUI is nowadays the biggest ruling party in Macedonia. This party was established by former members of the People's Liberation Army (ONA) which waged the war in Macedonia in 2001. The leader of this party is Ali Ahmeti, a man who does not speak Macedonian language and who had lived for twenty years in the West (in Switzerland) before the armed conflict. He raised and organized the People's Liberation Army and was its commander, at first with the seat in Prizren (Kosovo), and then with the seat in Sipkovicica (Macedonia). Foreign sources explicitly claim that during the war in Macedonia Kosovo was the *rear base for armament supply* of ONA members and that this paramilitary organization fought for recognition of *greater rights of Albanian minority in Macedonia*.<sup>2</sup>

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<sup>1</sup> Svetomir Škarić, *Law, Force and Peace – Macedonia and Kosovo*, Tri D, Skopje, 2002, p. 183.

<sup>2</sup> Jean-Marc Belancie et Amaud de la Grange, *L'Encyclopedie des acteurs, conflicts, violences politiques*, Edition Michalon, Paris, 2001, p. 1570

Arben Dzhafari is the leader of Democratic Party of Albanians (DPA). In 2001 DPA was the ruling Albanian party in coalition with VMRO-DPMNE. Nowadays DPA is the most powerful opposition Albanian party in Macedonia. Its leader is still Arben Xhaferi, the man who believes that Ohrid Agreement does not resolve the Albanian issue in Macedonia in a satisfactory manner. In DPA's 1997 platform it was stated that the Albanians in Macedonia are to be treated as *a people* and that Macedonian state should be a *two-member federation* with consensual democracy.<sup>3</sup>

Three years after signing Ohrid Agreement, its signatories interpret its value in different ways. Branko Crvenkovski thinks that Ohrid Agreement is a necessary solution and that survival of Macedonia and its membership in the European Union and NATO is possible only on its basis.

On the contrary, Ljubco Georgievski believes that the Agreement is detrimental for Macedonia and that it leads to its dissolution into two opposed parts that have to be separated by a wall. That is why he proposed territorial demarcation between Macedonians and Albanians, including resettlement of the people on both sides. He considers Ohrid Agreement to be illegitimate because it was imposed on the signatories. He accused representatives of the international community of having behaved *brutally* during negotiations in Ohrid, in *cowboy style*.<sup>4</sup>

Views differ within the Albanian party, too. Arben Xhaferi believes that Ohrid Agreement does not resolve the Albanian issue in Macedonia and that it should be revised. On the contrary, Ali Ahmeti thinks that Ohrid Agreement is a good solution for both parties, looking upon unitariness of Macedonia through the prism of Switzerland where he has lived a long time.

2. Guarantors of Ohrid Agreement are the USA and the European Union. The document bears the signatures of American representative James Pardu and European representative Francois Leotar, together with signatures of the President of the Republic of Macedonia and leaders of the listed political parties (the total of seven signatures).

Signatures of foreign representatives point out to the fact that Ohrid Agreement has an international aspect, although it was designed only for the Macedonian party. Guarantors of Ohrid Agreement were not independent individuals with freedom of decision-making. On the contrary, they worked according to instructions and were in the true sense of the word *representatives* of certain countries (USA and EU).<sup>5</sup>

Guarantors of the Agreement were not mediators, and least of all *peace workers*. They were active participants in drawing up the document itself. Moreover, they played the decisive role, because the opposed parties did not directly negotiate. A large number of solutions were dictated from abroad, since the parties in conflict could not reach a solution on their own. Simultaneously with the negotiations, military actions were taking place with quite a large number of victims on both sides. The role of the USA representative was the key one, since NATO was present both in Macedonia and in Kosovo.

The Agreement was drawn up in English, or more precisely – in American English. The English text of the document is the only authentic version of Ohrid Agreement. Only that version can be taken as the basis for interpretation of the content and the spirit of the document in its implementation in complicated Macedonian reality in which different legal terminology is used.

The document was translated into Macedonian by competent translators with a note that some English terms were neither sufficiently precise nor clear. For instance, the English word *community* is insufficiently precise either in the sense of its concept or its contents. Does it refer to a local or an ethnic community, or something else? If it refers to an ethnic

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<sup>3</sup> Svetomir Škarić, *Makedonija na site kontinenti*, Union trejd, Skopje, 2000, p. 190–191.

<sup>4</sup> Svetomir Škarić, *Law, Force and Peace – Macedonia and Kosovo*, Tri D, Skopje, 2002, p. 148.

<sup>5</sup> Tatjana Petruševska, *Recognition of the Republic of Macedonia* (La réinvention de l'Etat), Bruylant, Bruxelles, 2003, p. 387.

community, it is not clear whether it includes the Macedonian ethnic community or just national minorities? This concept has one meaning on the local and another on the state level. The concept *community* in Ohrid Agreement has a more complicated meaning than the concept of *community* in the 1970 and 1994 Constitution of Belgium.<sup>6</sup>

Or there is the English phrase *public body*. It is not clear what this phrase includes in Macedonian reality. For example, in Macedonia there are a number of institutions with public character or public authority: public institutions, public enterprises, state agencies, public administration and other institutions. In Macedonian terminology there is a difference between the terms *body* and *institution*.

The English phrase *public life* is even more complicated. Ohrid Agreement insists on equal representation of communities in public life on all levels, but it is not clear what segments and institutions are covered by the concept of *public life*? These differences create significant difficulties in the implementation of the Agreement in practice.

In drawing up Ohrid Agreement Macedonian legal terminology was not sufficiently taken into account, or the different meanings of certain English terms. The 1991 Constitution of the Republic of Macedonia was not taken into account either. According to that document, Ohrid Agreement had to be signed in Macedonian language as well, because that language was identified as the official language in Macedonian state. The signatories of Ohrid Agreement violated the Constitution, regardless of the warning of the public and Council for the Protection of Macedonian Language. The wish to terminate war actions and reach a peaceful solution of the conflict was stronger than the obligation to observe the Constitution.<sup>7</sup>

In the two-year implementation practice, Ohrid Agreement is interpreted in different ways depending on the interests of those who interpret its provisions. Some believe that Ohrid Agreement should be interpreted strictly – as written in its text. Others, however, think that this document should be interpreted more broadly, depending on the seriousness of problems and specific circumstances and depending on political agreement of ruling parties. The role of political elites is crucial, however, in view of the deep division of Macedonia's society.

The views of the nature and prospects of this document also differ. There are those who believe that Ohrid Agreement is more significant than the Constitution of the Republic of Macedonia and that it is a lasting solution for the survival of the Macedonian state. Others think that the Constitution is more important, because Ohrid Agreement has been fully converted into 15 Constitutional amendments on November 16, 2001. Deputies of Albanian minority voted in favour of these amendments, which was not the case with the vote on the Constitution of the Republic of Macedonia in 1991. Constitutional amendments are the ones that should be interpreted, and not Ohrid Agreement. The Agreement is a matter of the past and it should be left behind.

There is also the scientific interpretation of Ohrid Agreement. According to this interpretation, Ohrid Agreement is a specific source of Constitutional law in Macedonia. It is the foundation for the interpretation of 2001 Constitutional amendments and will remain in force for as long as interethnic relations do not become stable in Macedonia or for as long as Macedonia does not become a member of the European Union. Officials of the European Union have indeed repeatedly stressed that the road to the European Union leads via Ohrid.<sup>8</sup>

3. The main objective of Ohrid Agreement was the survival of Macedonian state through the respect of ethnic identity of every citizen of Macedonia and development of civil society as its prospect for the future. In this context, larger space is given to minority rights, but especially the rights of Albanian minority.

This is understandable in the light of the ethnic nature of the 2001 conflict in Macedonia, the number of persons who belong to Albanian minority and its marginalization in actual life of the Macedonian state. Marginalization of other minorities should not be

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<sup>6</sup> Svetomir Škarić, *Sporedbeno i makedonsko ustavno pravo*, Matica makedonska, Skopje, p. 244–246.

<sup>7</sup> Svetomir Škarić, *Macedonia a Multiethnic and Corporative State – The Ohrid Framework Agreement of 13 th August 2001*, (La réinvention de l'État), Bruylant, Bruxelles, 2003, pp. 157–176.

<sup>8</sup> Svetomir Škarić, *Sporedbeno i makedonsko ustavno pravo*, Matica makedonska, Skopje, 2004, p. 68.

disregarded either, especially the marginalization of Roma minority which has lately attracted increased attention of the European Union and international community in general.<sup>9</sup>

Expanding of minority rights is not an end in itself, but it serves the purpose of achieving broader objectives and interests of the Macedonian state and the international community. These broader objectives are explicitly stated in Ohrid Agreement: promotion of peaceful and harmonious development of civil society; preservation and further development of democracy in the Republic of Macedonia; development of local self-administration and decentralization of state power; rejection of violence as a means for the achievement of political goals; inviolability of sovereignty; territorial integrity and unitarian character of Macedonian state; protection and further development of multiethnic character of Macedonian society; and integration of Macedonian state into Euro-Atlantic structures (EU and NATO).

Ethnic identity acquires significance through strengthening of the identity of ethnic communities in Macedonia, through greater participation of the persons who belong to them in state authorities and public life in the country in proportion with the number of persons who belong to them out of the total number of inhabitants and through the increase of cultural rights of the persons who belong to ethnic communities (collective rights). This is indeed the transformation of the Republic of Macedonia from a national state into a multiethnic state in the true sense of the word.<sup>10</sup>

However, Ohrid Agreement does not resolve ethnic issues on territorial grounds, through mechanical fragmentation of Macedonian society into ethnic collectivities. This document does not give a possibility of the establishment of territorial autonomy, nor does it permit fragmentation of Macedonian state on ethnic grounds. This is the *diferentia specifica* of this document which distinguishes it from the Agreement from Rambouillet on Kosovo reached in February 1999 and the Agreement on Afghanistan dated December 2001.<sup>11</sup>

Ohrid Agreement seeks solution for ethnic problems in the integration of ethnic communities into Macedonian society and preservation of multiethnic nature of Macedonian society without questioning the Unitarian character of Macedonian state. The Unitarian character of the state implies a higher level of decentralization of power and broader local self-administration than the ones prescribed by 1991 Constitution of the Republic of Macedonia. In this context, decentralization of power and local self-administration acquire an ethnic dimension, besides just civil and democratic significance.

Ohrid Agreement seeks protection of ethnic rights through the introduction of special procedures for passing laws and decision-making in the Assembly of the Republic of Macedonia. These procedures require dual majority of votes for passing laws of special interest for ethnic communities (majority of votes of the total number of deputies plus majority of votes of deputies who belong to minority communities). The practice of application of dual majority in passing laws for two years has proved to be a confidence building measure, and not as a measure of *defiance* or as a blockade of the law-enforcement process, as assumed at the time of passing of the Constitution of the Republic of Macedonia in 1991.<sup>12</sup>

The mentioned objectives and principles of Ohrid Agreement required passing of the amendments of the Constitution of the Republic of Macedonia, amending of the existing legislature and passing of a large number of new laws, amending of the Rules of Procedure of the Assembly of the Republic of Macedonia and implementation of measures that increase confidence between the majority Macedonian people and minority communities. The obligation of a new population census was prescribed, along with passing of the Law on

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<sup>9</sup> *Report on the Situation of Roma and Sinti in the OSCE Area*, OSCE, The Hague, 10 March 2000, pp/1–177.

<sup>10</sup> Svetomir Škarić, *Macedonia – A Multiethnic and Corporative State (The Ohrid Framework Agreement of 13<sup>th</sup> August 2001)*, (La réinvention de l'Etat), Bruylant, Bruxelles, 2003, pp.157–176.

<sup>11</sup> Svetomir Škarić, *Law, Force and Peace – Macedonia and Kosovo*, Tri D, Skopje, 2002, pp.263–279.

<sup>12</sup> Svetomir Škarić, *Sporedbeno i makedonsko ustavno pravo*, Matica makedonska, Skopje, 2004, p. 209.

municipal borders, taking into account greater decentralization of power and broader jurisdiction of local self-administration. Population census is necessary in order to determine the number of persons who belong to minority communities and the proportions of their rights, especially the right to official use of language and the right to proportional representation in state agencies, as two most delicate rights in Ohrid Agreement.<sup>13</sup>

4. Constitutional amendments were passed on November 16, 2001, three months after Ohrid Agreement had been signed. The amendments were passed in the Assembly of the Republic of Macedonia with qualified majority of votes, with the content and formulations determined by Ohrid Agreement, except Amendment IV which refers to the changes of Constitutional preamble. The total of 15 amendments (IV–XV) was passed.

The greatest difficulties have arisen in amending the 1991 Constitutional preamble. Albanian minority demanded that the formulation *Republic of Macedonia as the national state of the Macedonian people* be stricken out from the preamble. This minority considered the stated formulation unacceptable, because of its ethno-centric character, unacceptable for a multiethnic society such as the Macedonian.

International mediators accepted the Albanian demand and offered a civic concept of the preamble, which does not specify the Macedonian people or national minorities. In the preamble, the concept of individual rights and the concept of civil society were offered instead, while the other amendments contained the concept of collective rights and the concept of multiethnic state for which there are no examples in other countries in the world.

The first draft of the preamble was not acceptable, because Macedonian nation as an ethnic category had *disappeared* from it. Macedonian people as a sociological category also *disappeared*. On the one hand, Ohrid Agreement has *stricken out* the existence of a nation which has existed for quite some time, and on the other, the Agreement from Rambouillet signed in 1999, created a new nation (*Kosovars* or *Kosovar people*) which had not existed before the event in Rambouillet. The first to observe this was Marcelo Cohen, Professor of international law in Geneva.<sup>14</sup>

The resistance to the elimination of Macedonian people as the main pillar of Macedonian state was very strong and lucid. The first to oppose this were professors of Law School in Skopje and the first president of independent Macedonian state, Kiro Gligorov. This resistance was understandable, because the civil concept was introduced only in the Preamble, but not in the other 14 amendments. These amendments are dominated by the concept of ethnic communities, with a vague status of Macedonian people. An incorrect attitude to Macedonian nation and Macedonian people as civilizational categories was obvious.

Taking the conscience of legal science as the starting point, contrary to the wish of signatories of the Agreement, on July 31, 2001, professors made a comprehensive analysis of legal aspects of the Draft Ohrid Agreement and were the first to establish that *Macedonian people* and *Macedonian nation* were not mentioned anywhere in the text. This sounded the alarm in public, because the intention of the authors of the Draft was to impersonalize the Macedonian state and transform it from a national state (*L'état nation*) into a state of ethnic communities (corporative state).<sup>15</sup>

Concepts *majority population in Macedonia* and *community* attracted greatest attention. The first concept covers the Macedonian nation and Macedonian people, and the other national minorities. Forgotten Johanez Altuzius from the 17th century *emerged* again in the debate and his concept *consociatio simbiotica*. Omission of Macedonian nation and Macedonian people from the Draft Agreement was supported by some professors of Law

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<sup>13</sup> *Framework Agreement* (Concluded at Ohrid, Macedonia, Signed at Skopje, Macedonia on 13 August, 2001).

<sup>14</sup> Marcelo G. Kohen, *L'Emploi de la force vers un nouveau désordre juridique international*, Revue belge de droit international. 1/1999, Edition Bruyant, Bruxelles, 1999, p. 125.

<sup>15</sup> *Draft Amendments to the Constitution of the Republic of Macedonia* (Faculty of Law, Skopje, 2001, p. 30).

School who were involved in drawing up of the Draft Agreement as expert advisors of the President of the Republic.<sup>16</sup>

Kiro Gligorov also had a critical opinion of the Draft Agreement: „I am not satisfied with Ohrid Agreement, as I have publicly said on several occasions. The first draft of that Agreement was brought to our President by the American Ambassador who said: 'for such documents in America we say – take it or leave it. This has to be implemented or you will have a civil war'. The next day Boris Trajkovski proclaimed that document as his own plan. Something was written there that I don't believe the parliament would have approved – to strike out of the Constitution of Macedonia that this is the country of Macedonian people and all the others who live in the Republic of Macedonia. The Albanians had asked that this be stricken out“.<sup>17</sup>

Under pressure of the public opinion, a new text of the preamble was proposed as a compromise. The Macedonian people were put back but as an ethnicity, and national minorities as *parts of the people*. The content of the new preamble is more suitable for the ethnic nature of Ohrid Agreement than it was the case with the content of the original text of the preamble. By doing it, the main protagonists of Ohrid Agreement showed their true face.

The following national minorities were listed in the new preamble: Albanians, Turks, Vlachs, Serbs, Roma and Bosniacs. Apart from them, there are 20 other ethnicities in Macedonia, but with a small number of persons who belong to them. The Republic of Macedonia with its majority people and 26 minor ethnicities is a multiethnic society *par excellence*. That is where the French expression *La salade macedoine* comes from.

*Salad* as a synonym for Macedonian society fits in the concept of the new preamble, because according to its content it enables *mixing* or integration of different ethnicities into a single whole, with civil values. Apart from ethnicities, the preamble recognizes citizens, laying stress on development of the Republic of Macedonia as a civic state. This is similar to the *model of cultural assimilation* which has successfully been applied in the USA and Germany for quite some time.

However, deputies of the Albanian community reject the identification of the Macedonian society with a mixed salad. They demand that Macedonia resemble of a *salad plate* in which every *ingredient* is separate: *we want a salad plate in which everything is separate*.

Albanian deputies are against mixing of ethnicities. They are in favour of coexistence of ethnicities one beside the other. They refuse to declare themselves as Macedonians of Albanian origin, and they do not accept the existence of Macedonian nation as a political concept. This is a case of the *model of ghettoization of culture* or ghettoization of ethnic communities.

Advocates of this model are the deputies of the largest Albanian party in the Assembly of the Republic of Macedonia. That party calls itself *Democratic Union for Integration (DUI)*. The mentioned party should fight for integration, not separation of ethnic communities. These stands were clearly stated in the debate on August 10, 2004, occasioned by passing of the Law on Territorial Organization of Local self-Administration in Macedonia. These were the stands that caused concern of Macedonian public and scientists. This should also cause concern of the guarantors of Ohrid Agreement, because it questions the Unitarian character of Macedonian state.

In the new preamble Macedonia is defined as a *common good* and a *common fatherland* of the Macedonian people and parts of other peoples who live in it. The preamble also speaks of ancestors and the sacrifices they have made for the creation of the Republic of Macedonia as a sovereign and common state. This formulation is similar to Cicero's formulation about Rome as *patria nature* and *patria civitas*.<sup>18</sup>

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<sup>16</sup> They are: Vlado Popovski, Professor of History of Law, and Ljubomir Frčkovski, Professor of International Law. These professors were the main authors of 1991 Constitution of the Republic of Macedonia.

<sup>17</sup> Kiro Gligorov, *Ohridska senka*, NIN, 17/07/ 2003, p. 55.

<sup>18</sup> Cicero, *De legibus*, II, 5.

Just and proportional representation of all communities in state agencies and institutions of public life is introduced on local and state level. This novelty changes the character of Macedonian state determined by 1991 Constitution of the Republic of Macedonia. The intention of this change was to make the citizens feel that Republic of Macedonia is their common state. This principle can increase cohesion in Macedonian society if it increases the values of civil society. And vice versa, this principle may disintegrate the Macedonian state, if representation in state structure and local self-administration is based solely on ethnic origin of individuals, disregarding their competence.

Minority rights expand their domain to include the sphere of cultural rights. Besides Macedonian language and Cyrillic script, the language and script spoken and written by persons belonging to communities which exceed 20% of the total population of the Republic of Macedonia have also become official. On the level of the state, Albanian language is also official, since Albanians form more than 20% of the total population of Macedonia, but with certain limitations prescribed by the Constitution and law. For instance, Albanian deputies speak in their language in plenary sessions and working bodies of the Assembly of the Republic of Macedonia. Identity papers are also issued in their language, and laws and other regulations of the Assembly of the Republic of Macedonia are published in it.

The same solution is introduced on the local level. For example, persons belonging to a certain ethnic community which forms at least 20% of the population of a municipality are entitled to use their language and script. This was one of the reasons for setting the obligation by Ohrid Agreement that the Law on New Municipal Borders be passed, along with decentralization of power and introduction of broader jurisdiction of local self-administration.

All minority rights introduced by 1991 Constitution of the Republic of Macedonia remain the same, but they are now expanded to include the right to use the insignia of minority communities and the right to establish education institutions on all levels. The obligation of the state to finance university education in languages spoken by at least 20% of the population of Macedonia is also introduced. This refers to universities in Albanian language.

Constitutional amendments also introduced consensual decision-making on issues of special interest for minority communities. For example, in passing any law that regulates the rights of minority communities, majority of votes in the assembly of the Republic of Macedonia is required plus the majority of votes of deputies who belong to minority communities. The number of deputies who belong to these communities is determined at the first constitutional session of the Assembly of the Republic of Macedonia. These solutions are similar to the ones for linguistic communities in Belgium.

Consensual decision-making is also necessary for amending the preamble and a certain number of articles of the Constitution which regulate the rights of minority communities. Dual two-third majority is required for the amendment of Constitutional provisions. This is a unique solution existing only in the Constitution of the Republic of Macedonia. This solution makes minority communities in Macedonia constitutive factors of Macedonian state, but with limited reach.

A new agency is also introduced whose task is to protect and develop a multiethnic society in Macedonia. This is the *Committee for Relations among Communities*. This agency replaced the former agency – Council for Relations among Nations introduced by 1991 Constitution of the Republic of Macedonia.

The Committee for Relations among Communities consists of 19 members: seven members from each of the groups of deputies in the Assembly of the Republic of Macedonia who declare themselves as Macedonians and Albanians, and one member from each group of deputies who are Turks, Vlachs, Serbs, Roma and Bosniacs. In this agency the Albanians are represented by the same number of members as the Macedonians, although there are three times less of them than the Macedonians. The principle of equality between the Macedonians and the Albanians was introduced because of crucial significance of these two ethnicities for the survival and further development of the Macedonian state.

The Committee discusses the questions of interest for ethnic communities, gives its opinion and proposals for their solution. Dialogue is the basic method for resolving ethnic disputes. This method assumes openness to arguments of others whose views may be different and opposed.

The Committee is also in charge of resolving disputes in connection with dual voting in the Assembly of the Republic of Macedonia, when decisions are made on issues of interest for minority communities. This body can decide that voting be repeated if the first vote is unsuccessful or if it is questionable. This body might develop into a second chamber of the parliament, similar to Lahting in Norwegian parliament (Storting).

The Committee for Relations among Communities has its president. The president is elected by the members of the Committee from their own ranks. This body is better balanced than its predecessor – the Council for relations among nations. In its ranks, unlike the Council, there must be an elected member from the Serb and the Bosniac community. The Roma were represented both in the preamble and the normative text. This enabled Western investigators to conclude that the Roma in Macedonia have a higher reputation and better treatment than in other states of Central and Eastern Europe.<sup>19</sup>

The Committee for Relations among Communities meets regularly, when a minority community requires it, or at the demand of the Assembly of the Republic of Macedonia. This was not the case with the Council for Relations among Nations while it existed. The latter Council mostly existed only on paper in the first decade of development of Macedonian state (1991–2001). In that period, the sense for resolving ethnic conflicts was not pronounced, especially disputes in connection with the use of languages of minority communities.

How serious the controversy concerning language is can best be seen on the example of passing of the Rules of Procedure of the Assembly of the Republic of Macedonia. It was impossible to pass new Rules for a whole decade due to controversies concerning the use of Albanian language in the work of Macedonian parliament. After 13 previous versions, Rules of Procedure of the Assembly of the Republic of Macedonia were passed only in 2002 after Ohrid Agreement had been signed. The process of development of Macedonian state was a hard and very complicated process due to the profundity of ethnic conflicts and insufficient creativity and responsibility of the ruling elites.<sup>20</sup>

#### **MINORITY COMMUNITIES IN MACEDONIA WITH A SPECIAL REVIEW OF THE STATUS OF ROMA COMMUNITY**

1. Minority communities in Macedonia were introduced for the first time by Ohrid Agreement. This document speaks of *communities which are not majority population in Macedonia*. This leads to the conclusion that all ethnicities in Macedonia are minority communities, except Macedonian ethnicity which is the majority population in Macedonia.

Before signing of Ohrid Agreement there was *nationalities* in Macedonia, which was a synonym for national minorities. The 1991 Constitution of the Republic of Macedonia included the following nationalities: Albanians, Turks, Vlachs and Roma. For the first time in the world, the Roma have become a constitutional category. They highly appreciate that and are proud of it, especially in the light of the fact that they are a people with no parent country. The same is the case with Vlachs. This is a specific value of Macedonian society in relation to other societies and states in Europe.

The Serbs were not listed in 1991 Constitution, although there were five times more numerous in 1990 census than the Vlachs. The Serbs were *squeezed* into the category of *other nationalities*. The reason for such an unprincipled treatment of the Serbs was not given when the Constitution of the Republic of Macedonia was passed in 1991. Later on president Kiro Gligorov explained that the Serbs were left out from the Constitution because they would

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<sup>19</sup> *A Pleasant Fiction: The Human Rights Situation of Roma in Macedonia*, European Roma Rights Centre, July 1998, p. 7.

<sup>20</sup> Svetomir Škarić, *Le bilan de la construction démocratique en ex – R.Y. de Macedoine 1991–1996* (La démocratie constitutionnelle en Europe centrale et orientale), Bruyant, Bruxelles, 1998, pp. 487–513.

have felt uneasy as a minority in Macedonia after having been a people in Macedonia for many years, before disintegration of SFRY.

Nevertheless, this was a pretext or just camouflage of the real reason. The real reason was a broader campaign of demonization of the Serbs on the international level as a pretext for dissolution of Yugoslav federation. Macedonian state leadership took part in that campaign, especially some ministers who were the authors of the Constitution of the Republic of Macedonia in 1991.<sup>21</sup>

The decisions of the 1944 First Session of Anti-Fascist Assembly of People's Liberation of Macedonia (ASNOM) and 1946 Constitution of the People's Republic of Macedonia used the term *national minorities*, like the decisions of 1946 Anti-Fascist Council of People's Liberation of Yugoslavia and the Constitution of the Federal People's Republic of Yugoslavia. The term *national minorities* existed also in 1963 Constitution of the Socialist Republic of Macedonia, together with the term *nationality*. This latter term was broadly adopted by 1974 Constitution of Socialist Republic of Macedonia.

ASNOM defined Democratic Federal Macedonia in two ways: in legal documents Macedonian state was defined as the state of the *people of Macedonia* (state-demos), and in political documents as the state of the *Macedonian people* (state-ethnos). According to these documents, national minorities did not have a constitutive status, but they did have certain collective rights (the right to use mother tongue and preserve minority cultural tradition). Every form of discrimination on ethnic basis was prevented. Ohrid Agreement does not have a stronghold in ASNOM documents or its Declaration on Fundamental Rights of Citizens in democratic Macedonia. They have completely different approaches to national minorities and two different concepts of the Macedonian state.

Constitutive status was given only to the Albanian and Turkish minority by 1971 Amendment XV and 1974 Constitution of Socialist Republic of Macedonia. According to these documents, Macedonian state is defined as a national state of the Macedonian people and the state of the Albanian and Turkish nationalities in it. Constitutiveness of the Albanian and Turkish minorities was abolished by Amendment LVI in 1989, as the result of the growing nationalism at the time. In this Amendment Macedonia is for the first time defined in an ethnocentric manner.<sup>22</sup>

2. Constitutional Amendments of 2001 introduced five minority communities in Macedonia: Albanian, Turkish, Roma, Serb, Bosniac and Vlach communities.

Persons belonging to the listed communities are entitled to free expression of their identity and free use of symbols of their communities. They are entitled to found cultural, artistic and educational institutions, as well as scientific and other associations for expressing, fostering and developing their identities.

Persons belonging to these communities also have the right to be taught in their languages in elementary and secondary schools in a manner determined by law. They have the right to have their language as the official one on the level of the state if there are more than 20% of them out of the total population, and the right to make their language official on the local level if there is more than 20% of them out of the total population of a municipality. These collective rights enable national minorities to also be political communities.

Macedonian state guarantees the protection of ethnic, cultural, linguistic and religious identity of all communities. The People's Public Attorney of Macedonia plays a special role in the protection of these rights. He protects these rights from violation by state administration and other agencies with public authority.

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<sup>21</sup> Svetomir Škarić, *Konstitucionalne osnove multikulturalnosti u Makedoniji* (Položaj i identitet srpske manjine u Jugoistočnoj i Centralnoj Evropi)/ Constitutional Foundations of Multiculturalism in Macedonia (Status and Identity of Serb Minority in Southeastern and Central Europe), SANU, 26–29. November 2003, Belgrade, 2003, p. 1.

<sup>22</sup> Svetomir Škarić, *Kontroverzi vo vrska so definicijata na SRM* (Prilog kon javnata rasprava za amandmanot 56), Pogledi, br. 3, 1989, p. 109–122.

People's attorney devotes special attention to just representation of persons belonging to these communities in state administration, in local self-administration agencies and in public institutions and services. There are also preconditions for the protection of rights of persons belonging to the communities which are not the majority in the Republic of Macedonia.

In order to enjoy greater confidence, and therefore greater power, People's Attorney is elected by majority of the votes of the total number of deputies in the Assembly of the Republic of Macedonia and majority of votes of the total number of deputies belonging to minority communities. He also plays a certain role in constituting the Committee for Relations among Communities, when a community does not have a deputy from among its ranks. In this case, he nominates a candidate for the member of the Committee in the Assembly of the Republic of Macedonia.

*Albanian community* is the largest minority community in Macedonia. According to 2004 census, it has 509,083 inhabitants or 25.17% of the total population of Macedonia (2,040,929). This number exceeds by a few percent the figure in 1994 census.<sup>23</sup>

The number of persons who belonged to Albanian community in 1961 has constantly been increasing ever since. According to state census, the participation of Albanian community in the total population of Macedonia increased at the following rate: 13.0% in 1961; 17.0% in 1971; 19.8% in 1981; 21.7% in 1991; 22.7% in 1994; and 25.17% in 2004.<sup>24</sup>

Albanian community has four legislative parties in the Assembly of the Republic of Macedonia: DUI, DPA, PDP and National Democratic Party of the Albanians (NDPA). DUI has 14, DPA 7, PDP 2 and NDPA 1 deputy in the Assembly of the Republic of Macedonia. DUI is the only party in power, and the others are opposition parties.

Since Albanian community has more than 20% of the total population in Macedonia, the persons who belong to it have the following rights: the right to use Albanian language on the level of the state; the right to have identity and traveling papers in Albanian language; the right to use Albanian language in university education; and the right to have the university financed from the state budget.

According to the Rules of Procedure of the Assembly of the Republic of Macedonia adopted in 2002, the deputies of the Albanian community are entitled to speak in Albanian language in the work of the parliament. They use their language both at plenary sessions and sessions of working bodies of the Assembly of the Republic of Macedonia. The issue that remained open is whether an Albanian deputy may speak in Albanian language when chairing a working body of the Assembly or whether deputy chairman of the Assembly may speak in Albanian language at plenary sessions when replacing the chairman of the Assembly of the Republic of Macedonia.

In the period since Constitutional amendments were passed in 2001 to this day, deputies of Macedonian ethnic origin have not allowed presiding in Albanian language, because this was not explicitly prescribed by Ohrid Agreement. This issue remains open although it is not especially important. The issue here is in fact the matter of different interpretation of Ohrid Agreement and constitutional amendments.

The amendment of the Law on University Education passed in 2002 enabled the use of Albanian language in university education although it is not explicitly prescribed by Ohrid Agreement. Albanian language is nowadays used in the work of the University for Southeastern Europe in Tetovo (Shtool University) and the State University in Tetovo which was legalized in 2004 by a special law of the Assembly of the Republic of Macedonia.

State University in Tetovo is financed from the state budget. This is the University established illegally in 1994, despite police intervention and disapproval of Macedonian state authorities for a whole decade. Nowadays, persons belonging to the Albanian minority have two universities, which are just several hundred meters away from each other.

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<sup>23</sup> *Book I – Total population, households and dwellings*, Republic of Macedonia State Statistical Office, Skopje, February, 2004, 137.

<sup>24</sup> *Shadow Report on the Situation of National Minorities in the Republic of Macedonia*, Prepared by the Working group for Minority Issues, March, 2004, p. 7.

According to the Law on Territorial Organization and Local Self-Administration in the Republic of Macedonia of August 2004, Albanian language has become the official language in all the municipalities where persons who belong to Albanian community form more than 20% of the total population. Out of 84 established municipalities, Albanian is the official language in 30.

Albanian language is going to become the official language in the city of Skopje because out of the total number of inhabitants of the capital of Macedonia (502.665) there are 20,76 % of persons who belong to the Albanian community. The limit of 20% was reached by annexation of Saraj municipality to the city of Skopje, where there are 32,406 persons who belong to Albanian community. This annexation was the result of a political agreement of the ruling parties SDSM and DUI which bear the greatest responsibility for the implementation of Ohrid Agreement.

Enlargement of municipalities of Kicevo and Struga is also the result of political agreement with the intention to make persons who belong to Albanian community the majority population in these municipalities and enable them to have their mayors. For example, the former municipality of Kicevo had majority Macedonian population (53,55%), and nowadays the Albanians have the majority (54,52%) there. The Albanians have also become the majority population in the municipality of Struga (56,85%) by annexation of surrounding Albanian villages. Before the new municipality was established, Struga had had 36.000 inhabitants, and nowadays it has 66.000.<sup>25</sup>

Since Macedonia became independent to this day, Albanian political parties have regularly participated in the establishment of the Government of the Republic of Macedonia, regardless of the results of parliamentary elections. Now they have four ministerial posts and one deputy prime minister. This is a sign that in the Republic of Macedonia consociational democracy has been practiced for quite some time, in other words that political elites of Macedonia and Albanian political block have cooperated.

*Theater of National Minorities* has existed for a long time now in Skopje in which performances are in Albanian and Turkish language. There is a newspaper in Albanian language called Fakti, and a large number of private radio and television stations in Albanian language. On the second channel of state television station, Albanian is the main language.

Under the influence of Ohrid Agreement, the number of employed Albanians in the past three years in relation to the total number of the employed in Macedonia has gradually been increasing: 3.63% in 2001; 7.50% in 2002; 11.40% in 2003. This trend will have to be continued, because the large imbalance between the number of the employed and the number of persons belonging to the Albanian community in Macedonia is still great. This is a difficult and painful process both for DUI and the Government of the Republic of Macedonia.<sup>26</sup>

About 35.000 persons who belong to the Albanian community in 2003 were faced with the problem of acquiring the citizenship of Macedonia. Another problem is a large number of students in small premises in elementary and secondary schools in Albanian language.<sup>27</sup>

In the Republic of Macedonia there are 77.059 persons who belong to the *Turkish community*, or 3.85% percent of the total population. Its participation in the total population shows certain oscillations in the negative sense: 15.6% in 1953; 9.4% in 1961; 6.6% in 1971; 4.5% in 1981; 3.8 in 1991; 4.0% in 1994; and 3.85% in 2002. A large number of persons from the Turkish minority immigrated to Turkey in the fifties of the past century based on an agreement between the Republic of Turkey and Federal People's Republic of Yugoslavia.

Persons who belong to the Turkish community have the right to officially use their language in four municipalities. Before the introduction of new territorial organization of

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<sup>25</sup> *Predlog – zakon za teritorijalna organizacija na lokalnata samouprava vo Republika Makedonija*, Skopje, juli 2004, p. 8–9.

<sup>26</sup> Musa Xaferi, *Pravičnata zastapenost na etnikumite će bide bolen proces i za DUI i za Vladata*, Dnevnik, 18. januari 2003, p. 13.

<sup>27</sup> *Shadow Report on the Situation of National Minorities in the Republic of Macedonia*, Prepared by the Working Group for Minority Issues, March, 2004, pp. 15, 20, 21, 25.

local self-administration, the Turks were entitled to use their language in five municipalities.

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The number of the employed has been constantly increasing: 0.35% in 2000; 0.36% in 2001; 0.50% in 2002; 0.56% in 2003. In this case there is also an imbalance between the number of the employed and the number of persons who belong to Turkish community in the total number of the inhabitants of this country.

Every day 150 minutes of program in Turkish language is broadcast by state television on its third channel. There is a class in Turkish language in Struga, but it cannot take all the candidates from Struga and Ohrid who wish to learn in Turkish. There are drastic differences in living conditions between the Turks living in cities and the ones who live in villages. A large number of Turkish villages have neither infrastructure nor health institutions.<sup>29</sup>

*Roma community* ranks third in Macedonia according to the number of inhabitants. It has the total of 53.879 persons, or 2.66% out of the total population in Macedonia. In 1961 and 1971 there were 1.5% of them out of the total population of Macedonia, and in 1981 2.3%, in 1991 there were 2.6% and in 1994 2.2%.

The Roma mostly live in cities. Most of them are in Skopje (48.0%), Prilep (8.2%), Gostivar (4.9%) and Bitolj (3.9%).<sup>30</sup>

Roma non-governmental organizations claim that the number of Roma is much higher than the official one. They claim that in 32 cities of Macedonia there are 135.490 Roma. Most of them are in the following cities: Skoplje (69.120); Prilep (12.000); Strumica (6.500); Kumanovo (6.000); Tetovo (6,000); Bitolj (5.000); Stip (5.000); Veles (5.000); Kocani (3.500); Gostivar (3.000); and Kicevo (3.000).<sup>31</sup>

The difference between official data and the data of non-governmental organizations is the result of precise records about the number of the Roma in Macedonia. There is quite a large number of the Roma who have no identity papers and who are unable to achieve the right to citizenship due to difficult requirements. For example, 30% of the Roma in Kumanovo are not citizens of any country.<sup>32</sup>

The legislative party is the Democratic Progressive Party of the Roma in Macedonia (DPPRM) with one deputy in the Assembly. This party is a member of the ruling coalition *Together for Macedonia*. The Roma have another four political parties: Party for Full Emancipation of the Roma (PCER); Union of the Roma of Macedonia (SRM); Democratic Party for Full Emancipation of the Roma of Macedonia (DPPERM); and Party of Democratic Forces of the Roma in Macedonia (PDSRM).

The oldest political party of the Roma is PCER. This party was established in 1990, at the very beginning of development of political pluralism in Macedonia. Its president was Faik Abdi, the first deputy of the Roma in the Assembly of the Republic of Macedonia (1990–1998). He was one of the most competent deputies in the Assembly of the Republic of Macedonia, with a broad support of the Macedonian public.

The Roma also had a deputy in the third Assembly of the Republic of Macedonia (1998–2002). This deputy was from the Union of the Roma in Macedonia.

The Roma have one representative in the Ministry of Internal Affairs, one in the Ministry of Labour and Social Policy, and one in the Ministry of Finance. They have no representatives in other ministries, nor do they have any representatives in agencies of the Government of the Republic of Macedonia and commissions of the Assembly of the Republic

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<sup>28</sup> *Predlog za donosivanje zakon za teritorijalna organizacija na lokalnata samouprava vo Republika Makedonija*, Skopje, dekemvri 2003, str. 11–14.

<sup>29</sup> *Shadow Report on the Situation of National Minorities in the Republic of Macedonia*, Prepared by the Working Group for Minority Issues, March, 2004, pp. 7, 15, 20, 22, 25.

<sup>30</sup> Violeta Petrovska-Beska and Mirjana Najcevska, *Situation Analysis of Roma Women and Children in the Former Yugoslav Republic of Macedonia*, March, 1997, p. 6.

<sup>31</sup> Asmet Elezovski, *Between the Fiction and the Reality* (First edition), Roma Community Centre Drom, Kumanovo 2003, pp. 31–32.

<sup>32</sup> *Prijatna fikcija-sostojbata so čovekovite prava na Romite vo Makedonija*, Evropski centar za pravata na Romite, Juli 1998, p. 17.

of Macedonia. There are none of them among clerks behind various counters, for instance, although the Roma are most numerous users of social welfare in Macedonia.<sup>33</sup>

Persons who belong to the Roma community have the right to official use of their language in one municipality (Suto Orizari). This municipality is in Skopje, a part of that city community. The Roma are the majority population in it (64.14%).

In Suto Orizari municipality, the mayor is a Roma. This municipality was established in 1996. Suto Orizari municipality is widely known as the first municipality in the world with Roma majority, Roma language as the official one and Roma mayor.<sup>34</sup>

The Roma have advisors only in Suto Orizari municipality. In other municipalities the Roma have no elected advisors although they live in more than 12 cities in Macedonia.

The Roma have two private television stations and four radio stations. State television also broadcasts program in Roma language. Sutel TV station in Skopje is very popular, especially its show called Dvogled (Binoculars). This is a very popular show because it has been one of the best television shows in Macedonia in the past few years. The merit for that goes primarily to its host, journalist Misko Talevski. With his guests, he analytically and objectively discusses the most topical developments in Macedonia and the world, regardless of how difficult or delicate they may be.

The use of Roma language is a big problem in schools where Roma children learn. For instance, optional teaching in Roma language is available in only one elementary school in Suto Orizari municipality. There are not enough books and other publications on the life and work of the Roma. A large number of the Roma never complete even elementary education. The achievement of the right to citizenship is also a big problem.

The situation is even more difficult in the sphere of the economy. The number of employed Roma is very small: 0.43% in 2000; 0.40% in 2001; 0.73% in 2002 and 2003. The data show that there is great imbalance between the number of employed Roma and their participation in the total number of the population of the country. The imbalance between the total number of the Roma and the number of them employed in state agencies and public institutions is especially high.<sup>35</sup>

The rate of poverty of the Roma in Macedonia is several times higher than the rate of poverty among persons belonging to other minority communities. The Roma are the most threatened minority in the country: 85% of the Roma live on social welfare.

The Roma are the most threatened minority in Europe. It is estimated that there are between 7 and 9 million of them. They are the biggest minority group in Europe which is increasing at the highest rate: Europe must not disregard the Roma.<sup>36</sup>

What is the hardest for the Roma and what hurts the most is that they are scorned and underestimated. This is best illustrated by the statement of Dane Akivovski who was deported from Germany with large groups of Roma in 1994 and sent back to Kumanovo: „A Roma cannot have a fair trial in Macedonia. If the punishment is five years, you will get ten. If a Roma speaks in court, the judge will not believe him. You may engage a lawyer if you have the money, but lawyers do not believe you either. If there were a Roma lawyer, I would believe him, but me not the judges“.<sup>37</sup>

The attitude of the international community towards 5.000 Roma refugees from Kosovo is also painful. Fleeing from bombing they found refuge in Skopje. After bombing, Albanian refugees have returned to Kosovo, but the Roma cannot return to their homes, although there are several ten thousand members of KFOR there. These Roma have been

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<sup>33</sup> *Izveštaj za sostojbata na romskata zaednica vo Republika Makedonija*, Br. 1. fevuari, 2004, p. 5–8.

<sup>34</sup> *Toward Regional Guidelines for the Integration of Roma*, European Centre for Minority Issues, February 2004, p. 5.

<sup>35</sup> *Shadow Report on the Situation of National Minorities in the Republic of Macedonia*, Prepared by Working Group for Minority Issues, March, 2004, pp. 7,20.

<sup>36</sup> *The World Bank Europe and Central Asia Region*, Woshington, June 23, 2003, p. 1.

<sup>37</sup> *A Pleasant Fiction: The Human Rights Situation of Roma in Macedonia*, European Roma Rights Center, July 1998, p. 7.

forgotten just as genocide of the Roma in Germany of the thirties of the past century has been forgotten.<sup>38</sup>

Serb community consists of 35.939 persons, or makes 1.79% of the total population in Macedonia. Without major oscillations the number of persons who belong to the Serb community amounted to: 2.6% in 1948; 2.7% in 1953; 3.0% in 1961; 2.8% in 1971; 2.3% in 1981; 2.1% in 1991 and 1994.

Oscillations are also small when the number of employed Serbs is concerned: 1.97% in 2000; 1.94% in 2001; 1.86% in 2002; and 1.89% in 2003. The ratio between the number of the employed and the percent of participation of the Serbs in the total population of Macedonia is balanced.

This community has only one legislative party in the Assembly of the Republic of Macedonia. It is the Democratic Party of the Serbs in Macedonia with one deputy. This party is a member of the ruling coalition *Together for Macedonia*.

Persons belonging to the Serb community are entitled to officially use their language just in one municipality – Cucer Sandevo. In Staro Nagoricane municipality 19.13% of the population is Serbs. This is on the very verge of the limit required for the introduction of Serbian language as one of the official languages in that municipality. Majority population in that municipality is Macedonians (80.70%).

State television station (MRTV) has a show called Vidik (View) but without a single employed journalist. There is also a radio-show in Serbian on state radio station. In 2004 weekly Pogledi was launched by a group of intellectuals. Other minority communities also have the problem of journalists. For example, Albanian editorial team alone needs 100 journalists and other experts.

There are a few elementary schools in Serbian (Tabanovce, Kuceviste and Staro Nagoricane). There are mixed classes in Skopje and Kumanovo.

Persons who belong to Serb community are not entitled to religious services in their language. Persons who belong to Vlach community or any other ethnic group who are Orthodox (Bulgarians, Greeks, Russians, Romanians and others) do not enjoy that right either.<sup>39</sup>

In *Bosniac community* there is the total of 17.018 persons or 0.84% out of the total number of inhabitants in Macedonia. This community has one legislative political party and one deputy in the parliament. This is the Party of the Bosniacs in Macedonia. That party is a member of the ruling coalition *Together for Macedonia*.

Persons who belong to the Bosniac community do not have the right to official use of Bosniac language in any municipality, because they do not meet the determined requirement concerning their number. Majority of the Bosniacs live in municipalities of Dolneni (17.54%), Petrovec (13.24%) and Gradsko (12.37%).

Bosniac community became a constitutional category only in 2001 thanks to Ohrid Agreement. This is the main reason why there are no data about the changes of the number of persons who belong to this community, or about their employment rate. It is the youngest ethnic community in Macedonia.

*Vlach community* has 9.695 persons or 0.48% of the total population in Macedonia. This is the smallest community in Macedonia with a slight increase of the number of person who belong to it in relation to 1991 and 1994 census (0.4%). In 1948 census this community had the biggest number of persons (0.8%).

Vlach community has one legislative party in the Assembly of the Republic of Macedonia. This is the Democratic Party of Vlachs in Macedonia. It is a member of the ruling coalition *Together for Macedonia*.

The largest numbers of persons who belong to this community live in Krusevo (10.53%). In this city, majority population is the Macedonians (62.79%) and the Albanians (21.31%).

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<sup>38</sup> *ERRC Press Statement: Roma in the Macedonian Conflict*, 2001, p. p. 2.

<sup>39</sup> *Ibid*, pp. 7,17, 202, 328.

State television broadcasts a program in Vlach language (three times a week 30 minutes). There is also a program on state radio (30 minutes every day). There is no newspaper in Vlach. There are no schools in Vlach either, due to controversies about textbooks and qualification of teachers to carry out the teaching process in Vlach language.

There are more Vlachs in Macedonia than registered by 2002 state census. The Union for Culture of Vlachs in Macedonia believes that there are 70.000 Vlachs in Macedonia. A large number of them declare themselves as Macedonians, although among them and in their families they speak Vlach language and observe customs and tradition of their ancestors.<sup>40</sup>

The Vlachs have always been loyal citizens. They respect the state they live in and they are open to all the peoples and ethnic groups. They have also been the first bearers of literacy and civil ideas in the Balkan. Their best representative was Hristofer Zefarovic, born in Dojran in the beginning of 18. century. He spoke all Balkan languages, and considered himself to be a *graecist Yugoslav*.<sup>41</sup>

3. The Law on Territorial Organization of Local Self-Administration in the Republic of Macedonia was passed after 12 days of a lively debate in the Assembly of the Republic of Macedonia. Out of 68 deputies present at the session of the Republican parliament, 61 voted in favour, and 7 deputies were against. Out of the present deputies who belonged to minority communities, 14 voted in favour, and 2 deputies were against.

In protest, deputies of the biggest opposition party VMRO-DPMNE left the session during voting. Deputies of the biggest Albanian opposition party DPA did not take part in the session either. This party boycotted all the sessions in which this draft law was discussed, convinced that the offered solutions were unacceptable for Albanian community. This is the best proof that this party does not support Ohrid Agreement.

The ruling coalition was not unanimous either. A few deputies from the ranks of SDSM and Liberal Democratic Party (LDP) voted against this Law. Differences are especially big concerning the introduction of bilingualism in Skopje and Albanian majority in municipalities of Kicevo and Struga.

The resistance to passing of this Law appeared immediately after the Draft Law on territorial Organization of Local Self-Administration was published in December 2003. This Draft prescribed the establishment of 62 municipalities and 9 municipalities in the City of Skopje in the Draft Law for the City of Skopje. This meant a reduction of the number of municipalities from 123 to 71.<sup>42</sup>

Out of the total of 52 municipalities to be abolished, local referendums were organized in 41 pursuant 1985 European Charter on Local Self-Administration (Article 5). In all these municipalities a large majority of citizens declared themselves against the proposal of the Government of the Republic of Macedonia on the abolishment of their municipalities. They believed that without their consent their municipalities could not be abolished by simple majority of votes in the Assembly of the Republic of Macedonia. The Assembly ratified the European Charter for Local Self-Administration on May 14, 1997, and it has to be observed.

Struga – the place where world festival of poetry is held - put up the strongest resistance. Headquarters of People's Resistance were established there and it was announced that Struga would be constituted on the same foundations as San Marino in Italy. In sign of protest Struga did not allow world poetry evenings to be held on bridges crossing the river Drim which flows through the town. This year the festival was held in Skopje. That is how poetry has become the first victim of the new territorial organization of local self-administration in Macedonia.

Resistance acquired larger proportions through citizens' initiative for collection of 150.000 signatures in favour of scheduling a referendum on the state level. The organization that launched the initiative was *World Macedonian Congress*. The initiators wish to maintain

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<sup>40</sup> *Ibid*, pp. 7,13,17,27.

<sup>41</sup> D. J. Popović, *O Cincarima*, Prometej, Beograd, 1998, p. 27.

<sup>42</sup> *Predlog za donesuvanje zakon za teritorijalna organizacija na lokalnata samouprava vo Republika Makedonija i Predlog za donesuvanje zakon za grad Skopje*, Skopje, dekemvri 2003.

all municipalities established in 1996 (123 of them) or to make a minor correction of their number without disturbing the existing ethnic balance of the population on the local level. They believe that decentralization of power can be accomplished without changing the existing municipal borders.

Opposition parties VMRO–DPMNE and DPA joined the resistance, along with the newly established *Civil Movement of Macedonia*. These parties think that the Law was passed in an undemocratic manner, contrary to the European Charter on Local Self-Administration, taking into account only political interests of the ruling coalition. Civil Movement of Macedonia thinks that the Law was passed hastily and that it will not achieve expected results. This movement supports the idea of the referendum, even if it is *monoethnic*.<sup>43</sup>

On the contrary, the ruling coalition (SDSM-LDP and DUI) thinks that the passed Law on new borders of municipalities is in the spirit of Ohrid Agreement and that it enables decentralization of power pursuant the Law on Local Self-Administration of January 2002. It believes that only bigger municipalities with a larger population than the existing ones can carry out new duties of local self-administration and have their own financial revenue. Out of the existing 123 municipalities, 50 do not have the necessary manpower, and 20 have just about ten employees.

Initiators have collected 184,000 signatures and the referendum will be organized. It will take place on November 7, 2004. This will be the second referendum on state level, after the first one which was organized on September 8, 1991 on independence of the Republic of Macedonia. That referendum was monoethnic, too. Whether Macedonia is on the verge of a new crisis, it is hard to tell. It is also hard to tell whether revision of Ohrid Agreement is in sight.

The forthcoming referendum is a big event for the Republic of Macedonia. Macedonia will be the sight of a fervent campaign which will last for a month. The ruling parties have announced that they will defend the passed law, and opposition parties will advocate its abolishment in the referendum. The Law shall be abolished if majority of citizen's vote against it provided at least 50% of the total number of registered voters come to the polls.

DUI announced that it would boycott the referendum, and SDSM still has not declared whether it will call the citizens to abstain from voting. This is a delicate issue, because SDSM was against abstention of the citizens in presidential elections in April 2004. At the time SDSM was interested in having citizens come to the polls because it had its candidate for president of the Republic. Its candidate had a very difficult time, because the number of the citizens who voted was on the very verge (53%). DUI was also in favour of a high turnout, but nowadays it is appealing on the Albanian electorate to abstain from voting.

If the referendum succeeds, a new solution will have to be sought. Maintenance of the existing 123 municipalities is impossible, because among them there are some which objectively are not capable of discharging new duties of local self-administration. They do not have the money or experienced human resources necessary for executing local power, nor do they have a sufficient number of inhabitants to offer better conditions to persons who belong to minority communities, which is one of the objectives of Ohrid Agreement.<sup>44</sup>

It is also impossible to maintain the number of municipalities prescribed by the new law, because the will of the citizens expressed in a referendum is more powerful than the will of 61 deputies in the Assembly of the Republic of Montenegro. The will of 14 deputies of minority communities is not more powerful either. The referendum has the nature of an imperative mandate, because it is a *dialogue between the elected and the people*.<sup>45</sup>

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<sup>43</sup> Biljana Vankovska, *Gradanskoto движенje se formira vo vistinsko vreme*, Utrinski vesnik, 5. avgust 2004, p. 4.

<sup>44</sup> Niamh Walsh, *Power-Sharing in Macedonia, Emerging Frameworks of Power-Sharing in Southeast Europe: Strengths and Weaknesses An Interactive Workshop*, Tetovo, Macedonia, 26–29. March, 2003, pp. 7–8.

<sup>45</sup> Jacques Cadart, *Institutions politiques et droit constitutionnel*, Economica, Paris, 1990, pp. 1029–1054.

The referendum may cause dissolution of the Assembly of the Republic of Macedonia if democratic awareness of the deputies awakens. The abolition of a law is also the lack of confidence of the electorate against those who have passed the law but are not supported by majority of the citizens (*Vox populi – Vox Dei*).

The solution is the correction of the passed law especially those of its solutions that have caused the biggest controversies in the parliament and profound division of the public. It is going to be difficult to realize these corrections without the participation of international guarantors of Ohrid Agreement, especially the European Union.

The controversies are mostly ethnic in nature and connected with the status of minority communities in the context of Ohrid Agreement. That is why the scheduled referendum is not just an internal issue of the Macedonian state. Its consequences also concern the interests of the European Union and the international community in general.

It turned out that it is very difficult to carry out the experiment of a multinational state in Unitarian form – much harder than the concept of a civil state. A multinational state in Unitarian form is a big challenge not just for political factors, but also for scientists. This points out to how valuable a broad debate on this concept is.<sup>46</sup>

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<sup>46</sup> Svetomir Škarić, *The Case of The Former Yugoslave Republic of Macedonia (The Transformation of the Nation – State in Europe at the Dawn of the 21<sup>st</sup> Century)*, Council of Europe, Strassbourg, 1998, pp. 313–334.