

**POWER SHARIG**  
NEW CONCEPT OF DECISION MAKING PROCESS IN  
MULTICULTURAL MUNICIPALITIES

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*Power-Sharing - new concept of decision making process in multicultural municipalities*

*An EU funded project  
Managed by the European Agency for Reconstruction*

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**POWER SHARING**  
NEW CONCEPT DECISION MAKING PROCESS IN  
MULTICULTURAL MUNICIPALITIES I

*Research Report*

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## EXECUTIVE SUMMARY

### 1. What kind of a society we are?

As the title we are multicultural society. In political theories concerning societies that are divided along ethnic lines, multiculturalism is used in discussions about whether such societies should remain divided or move towards pluralism. These are societies in which there are many people from different ethnic groups, languages, religions, cultures, customs, economic, and educational backgrounds. Furthermore, these groups have their own political parties, media outlets, non-governmental and other organizations. Since the concept of a divided(or plural) society immediately evokes ideas of conflict, we suggest that the most appropriate term to use with regard to the situation in former Yugoslav Republic of Macedonia, the term plural society should be used. This term simultaneously suggests that there is separation and the possibility for cooperation.

### 2. “There are no territorial solutions for ethnical conflicts”:

The Ohrid Peace Agreement starts with a strong message to all citizens that there are no territorial solutions for ethnic conflicts. This message has a meaning only if the minority rights are efficiently protected in the state and municipalities. The concept of the *minority rights* is complemented with the fundamental principal of nondiscrimination. In this case, minority rights may be defined as a second generation or second level of the nondiscriminatory legislation.<sup>1</sup> This is important to be stressed in all circumstances and acknowledged in every possible way. The biggest discontent that was substantiated during our research is because of the feeling of injustice, indignity, and discrimination. It is almost irrelevant if someone unjustly treated because of something important or because of an irrelevant procedure that is overlapped.

This is the initial mood that lays the foundation for trust or distrust; loyalty or disloyalty; cooperation or conflict.

**3. Location of the research:** Nowadays, whenever the countries of EU and those that are going to be members of EU, it is impossible to talk about democratic governance without mentioning full and active participation of people belonging to national minorities in cultural, social, and economic life as well as their participation in public affairs.

The vital aspect of the current understanding of the minority rights is the standard of the participation of the minorities in the decision-making process related to the issues concerned with the minorities both in national and local level. <sup>2</sup> Therefore, the topic of the research in this project is the multi-cultural municipalities in former Gostivar, Kicevo, Debar and Struga.

**4. The main aim of the research:** “Complete and efficient participation of people belonging to national minorities (Art. 15 of the Framework Agreement for protection of national minorities) is not a political declaration. This is a legal agreement. Moreover, as a state, we signed this agreement.

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<sup>1</sup> “The concept of minority rights is complementary to the fundamental principle of non-discrimination. One could define minority rights as a second generation-or a second level-of non-discrimination legislation”, it is mentioned in many international documents.

<sup>2</sup>“It is not possible to conceive of fully democratic governance in the absence of full and effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs. Key aspect of modern understanding of minority rights is the principle of participation of minorities in decision-making on the issues directly affecting them”.

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At the same time, this is a “document of principles” for protection of minorities that could be applied and adopted to the needs of different countries.

The successful implementation of the Convention is highly dependant on the continuously monitoring of the same by the political and professional commission, at the same time the commission would prepare reports on their findings and discuss possible emerging problems.<sup>3</sup> This is the main objective of the project: to put together a report, based on the monitoring process of building political affairs in former Yugoslav Republic of Macedonian multiethnic municipalities (Gostivar, Kicevo, Debar, and Struga). The outcome of this process will be the creation of an opportunity for an open discussion and fostering positive changes.

**5. Research topic: “full and effective participation,”** At the very beginning of the research, we posed the main question: what is *full and effective participation*? Does *full and effective participation* concern only the minorities in the country or the minorities in local level, as well? The character and the spirit of the FAPNM, that are based on the universal right of nondiscrimination, show the way towards recognition of full and effective participation of minorities in decision-making issues directly affecting them.

The rights of minorities cannot be automatically given to the members of the national minorities; they need to have this right, initially, to choose if they want to be treated differently or not.

**6. The legal framework of the research:** In the Explanatory report that supports the FAPNM, countries are encouraged to promote “...effective participation of persons belonging to national minorities in the process of decision-making in two levels: in elected bodies both at national and local level.”<sup>4</sup> Law for local government in the former Yugoslav Republic of Macedonia is the starting point in creating a legal framework, for participation of minorities in decision-making in the municipalities.

During the course of the research, we identified ways to expand upon or change the legal frame towards effective participation, which will lay out the foundation for creation of public awareness and lobbying in the former Yugoslav Republic of Macedonian Parliament and Municipalities.

**7. Definition of the problem:** What is *full and effective participation* of the minority communities and to which issues is referred? Principles, the actual members and the monitoring of the FAPNM created the fundamental standards of what is meant by this term. It involves the participation of the elected bodies both in national and local level in the process of policy setting (establishment of the goals of politics) and decision-making on the issues that concern minorities such as cultural and language issues, education, and media. Nevertheless, this concern exceeds the formal participation and takes into account the social-economic status of the minorities. To summarize, effective

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<sup>3</sup> “In meanwhile, it is “a document of principles”: it offers only basic principles of minority protection that may be implemented differently in different States, according to their concrete situations. “Compliance of these concrete methods with the letter and spirit of the Framework Convention is verified through monitoring procedures carried out by competent expert body, and improved using constant dialogue, consultations with all parties involved, and taking into account good praxis”(eng. )

<sup>4</sup> (Explanatory Report accompanying the FC), States are encouraged to promote “the effective participation of persons belonging to national minorities in the decision-making process and elected bodies both at national and local level. This formulation would have pointed towards an acknowledgement of special rights of consultation or participation in decision-making of persons belonging to national minorities living in territorially compact areas. (eng.)

participation includes comprehensible political, cultural and social dimensions. **Our goal is to explore and research only the political dimension.**

**8. Application of the model in practice:** The implementation of the model of *power sharing* in former Yugoslav Republic of Macedonian multi-ethnic municipalities, will be explored from several aspects: a) Full and effective participation in the communities with minorities in setting the goals of the politics in the municipalities and decision-making; b) Legal participation of communities in the municipality administration, public enterprises and institutions. c) The right of the minority veto, or the so called Bandinter's Principles and d) Commission for international relations

**9. The model of "very small minorities":** This project, deals with a par excellence political phenomenon: the power and participation of minority communities in creation of politics in the municipalities and decision-making. This caused many side effects that were unexpected even to us (methodological procedures were designed to give a real picture of the current situation of all ethnic communities existing in the municipalities of the sample). Eventually, the report was mainly carried out.

There was participation among Macedonian communities within the municipalities where Macedonians are minority (Gostivar, Debar and Struga) and where the Albanian community, is the minority (Kicevo). Objectively, the Turkish, Roma and the other smaller communities still remained excluded from the field of investigation.

**10. Bi-national country?** "former Yugoslav Republic of Macedonia state, in Ohrid's Framework Agreement became bi-national country, because of this we felt awfully discriminated against," said one of the participants of Turkish descent during the discussions. He continued:

The right to a veto, objectively is being used by Albanian community in the Parliament, since they represent the big majority; some municipalities that have previously been of Turkish majority are not longer majority, their rights have been denied, as a result of "bargaining" between the two major communities in the country, in our expense, and the juridical representation is hard to achieve, with only few members in the representational bodies. After they get our votes in the elections, our coalition partners in power forget about us.

**11. What about the Roma population?** The Roma community is actually in the worst situation because of their low status and disperse minority, thus their community has been excluded from governing in the municipalities. As an outcome of exclusion, they experience both judicial injustice and poverty. A representative of Roma non-governmental organization in the municipalities stated, "We are still the most discriminated against. For our projects, only the foreigners are concerned, local governments are not doing anything."

**12. "Saving clause" for very small minorities:** The main focus of these findings should be the support of the initiative for *reserved* seats in the Assembly, to revoke the electoral barriers. This could push abolition of election thresholds for small minorities. The "saving clause" guarantees the presence of the people belonging to national minority in the Parliament, unless they got the required number of votes; implementation of a national program for their protection, education and development, establishment of offices for minority rights both in the minority rights in the state and municipal authority, and so on. This practice may be found in other countries; however what we need is political leadership, especially on the Albanian Parliamentarian parties, who oppose the idea of the reserved seats.

**13. What are the practices and standards in Europe?** Even though it was not our duty to propose solution in national level, on a state level we did come across some findings that we are going to put forward. Advancement of the status of the minority groups surpasses the local boundaries of the municipalities and it should be regarded in the context of conflict prevention and increasing the level of security and stability in the country.

Not only that we offer our experiences but decisions, for example, a decision-making person, representative of the government responsible for the implementation of the Ohrid Framework Agreement or state officer in the Ministry of Education, responsible for advancement of education of the Roma population, National program for improving the living conditions of the Roma population and so on. Nevertheless, we have to take into consideration praxis countries that have special offices established to work with issues related with the rights of minorities and that can develop coherent politics in this field; Minister who is appointed exclusively to deal with this issue, Special commissioner of the President, that will serve like an Institution to raise the question of the minorities to an upper level, appoint a person in the Ministry of local government who will work for the issues related with the minority rights in the municipalities, National Consultative board that will function both nationally and regionally and at the same time would make the communication between legislative and executive power much easier on the questions dealing with the following topics:

- Participation in planning of the governmental strategies and measures for people belonging to national minorities and would report on the same issues
- Operates like a forum that will ease the communication among minorities
- Will have the role of a forum that will provide exchange of experiences among Members of the Parliament and officials of the executive power
- Will create some kind of a guidance on the issue of participation of minorities in government
- Along with the consulting function, those bodies may have executive function of the distribution of resources toward cultural needs. Basically, these will help to strengthen legislatures, but in some specific situations may have executive function
- These bodies may also have and should include representatives of smaller minorities. For that it is desirable to balance political orientation along with the ethnical one.
- National and municipality government national and municipal authorities should set goals and present the action plan of accomplishing these goals (approach to education, special professional development sessions of the groups that are not represented, recruiting, procedures for appointing and promoting. Etc.)
- Ombudsman:

In accordance with the Law for Ombudsman has jurisdictions to promote adequate and equitable representation of the communities in the bodies of the state bodies to secure the rights of the communities that are not majority and to promote equitable representation of the communities in the bodies of the state government and entities of the local self-governing and other public institutions and services.<sup>5</sup>

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<sup>5</sup> In the Article 11 from the Law, which concerns the jurisdictions, states the following:

*“the Ombudsman in the time of completing the duties of his competence undertakes acts and means for which is authorized by this Law, in order of the protection of constitutional and Legal rights of the citizens or the protection of Principles of indiscrimination and adequate and legal representation of the citizens which belong to all communities when they are violated by the organs of article 4 of this Law”*

From our discussion with the authorities in this institution and the annual report of the work of the Ombudsman in 2005, we concluded that in this regard the judicial representation of the communities in government both in public and governmental administration, the position of the Albanian community significantly has improved, however smaller communities, are still underrepresented. Because of the personal reconstruct of the entities in the local self-governing in relation with the country-local government, these kind of information have not been asked from the entities of the local self-governing, which has been a big handicap for our research, even though some indications we managed to get some data in the field and we presented the data in the municipality.

**Illustration of the structure of the employers according their ethnical background in 2005 (presented in percentage) presented in Annual Report of the Ombudsman for 2005 <sup>6</sup>**

	Macedonians	Albanians	Turks	Roma	Vlach	Serbians	Bosnian	Other
Assembly	81, 31	13, 18	1, 6	1, 09	0	1, 64	0, 54	
Government	82, 52	9, 34	1, 82	1, 42	1, 42	2, 03	1, 01	0, 4
Ministries	85, 21	8, 8	1, 6	0, 71	0, 91	1, 76	0, 33	0, 61
Independent state bodies	89, 8	4, 91	0, 58	0, 55	0, 67	2, 22	0, 34	0, 9
Funds	94, 52	3, 84	0, 3	0, 15	0, 75	0, 3	0	0
Public enterprises	85, 5	7, 22	0, 74	1, 03	0, 82	3, 23	0, 38	1, 03
Judiciary	85, 4	8, 93	1, 27	1, 22	1, 81	0, 58	0, 24	0, 44
Penal and correction places	81, 38	15, 15	0	0, 43	0, 86	0, 86	0	1, 29

One of the jurisdictions of the Ombudsman is to act according to the requests given by the citizens and by the citizens that are related to violation of their rights the right to veto, and equitable representation in employments in the public administration. In 2005, the time frame, during which we carried out the research, the number of requests was 13, but only 5 requests were met. All this indicates that the institution Ombudsman should be reinforced by cooperation of all adequate institutions and the public, particularly that the Attorney general in several occasions has complained of obstructions, especially by the Ministry of Internal Affairs. In the jurisdiction of this institution, supervision and concern should also be included for implementation of other collective rights of the minorities, such as the use of languages and symbols, the right of the minority veto, the right to education, culture, religion and etc.

**14. To what extent is the new model of power sharing enabling the minority communities in the municipalities to participate in the process of defining and making policy significant for local governing?**

The law for local self-governing decrees that citizens preserve their rights to local governing immediately through their representatives in the bodies of the municipalities (Art. 5). So, citizens govern with the municipality by the means of instantaneous democracy (citizens gathering,

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<sup>6</sup> Some institutions have not submitted this kind of a document or the reports had insufficient data

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referendum, and citizens' initiatives) (Art.25) and the means of representative democracy, actually through the elected bodies: The Council and the mayor (Art. 31).

**Categories of instantaneous democracy.** The research that we carried out has shown that the monitoring period (November 2005-June 2006) the above mentioned categories of the instantaneous or direct democracy were not used, nor the other categories of citizens' participation. There are few exceptions, which indicates big democratic discrepancy that directly influences the possibility of having bigger participation of the majority communities. Local community, a significant prospective category of political participation of citizens, in fact have not been activated nor included in this process, yet.

The conclusion of the citizens from the local community of "Ezerski Lozja" in Struga, may be used as an example to illustrate this, where unanimously it was stated that the municipality power and the mayor were not allowed to bring decision for the opening of the traffic in the road to the lake that goes by a populated area, without previously informing or asking for the opinion of those that are affected by this issue, particularly the residents of this area!

We should take into account the fact that these categories of direct democracy comprehend the majority principles of decision-making; essentially the new model of power sharing does not apply to them.

The lack of this models of democracy in the monitoring period<sup>7</sup> keep us from analyzing their effect on the multi-ethnic relations in the units of the local self-government, nonetheless hypothetically generates some questions. What would happen, for instance, if no decisions were being made in the council meeting, as a result of disagreement among minority communities (art. 41 from LSG)? Subsequently, regarding the same issue, the majority of citizens in the municipality positively respond in the referendum. Hence, it is necessary to examine the judicial regulation and to anticipate the situations that might emerge.

**Representative democracy.** Considering the fact that the management of the bodies in the local self-government is supervised by bodies of the representative democracy (model of instantaneous democracy, after all, their partial substitution, our focus of the research was mainly on them.

**Council.** In the function of representative body of the citizens, the Council brings decisions relevant for the functioning of the municipality and for the accomplishment of the jurisdiction that they have power over. So, the Council creates politics on the level of the unit of the local self-governing and it follows their performance. The decisions of the Council, related with the everyday, as well as the long-term interests of all citizens of the bodies in the local self-government, are brought up by majority votes, which present a commonly used democratic principle of functioning the representative bodies.

In a multi-cultural setting, this opens an opportunity for emphasis of the diverse communities. On the other hand, this creates a predisposition for negligence of the interests of one community

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<sup>7</sup> The Macedonian citizens are experienced in using the forms of the direct democracy. Let's note that they have been broadly used in the socialism, for different self contributions, for example, that were used to build buildings for public services. Lately (2004) there were about 40 referendums in the municipality as a result of the disappointment by the proposal of the Government of Our Country for the new territorial organization of the local self-governing in Our Country.

on the expense of the other community, the feeling of negligence from political and social life, the feeling of discrimination, etc.

Two crucial areas that we focused on were, how and whether or not the new concept of power sharing in local level contributed to overcome of this democratic deficit. By examining the process of decision-making in the Council, this process in our research was considered in a broader context of the word itself –being an opportunity for effective political participation of minority communities. It leads to the real opportunity for their influence in the decisions that are being brought up by the Council.

In this respect **the effective participation of the minority communities** in decision-making depends on **several structural aspects**:

**(1) *The normative framework (constitutional design)***: Constitution, The Law of local self-governing, the regulations in municipality level (status and Book of rules), what should constitute a legal ground for participation and influence (effective participation) in the decision –making.

**(2) *Model of elective representation, who*** should facilitate necessary representation of the communities in the Councils and wider.

**(3) *Establishment of adequate institutions and praxis***, that will stimulate the model of effective participation in decision-making (for instance, minority veto, Committee for International Relations, etc.)

**(1) The Normative Framework.** When changes in the constitution occurred in 2001 elements of social democracy were added to our political system. In that sense, it creates a positive foundation for establishment of institutions and praxis that are a result of the logic of this kind of democracy. The local self-governing law of 2002 practically follows this concept, by promoting solutions that stimulate effective political participation of minority communities in the bodies of the local self-governing.

#### The two important points:

First – There is the mandatory usage of the “Bandinter’s Principle” or the “Double Majority” in certain circumstances. Namely Art.41 from LSG (Local Self-governing Law) affirms that the so called *double majority* is intended for, “...the regulations that regulate culture, the use of languages and letters spoken by less than 20% of the citizens in the municipality, as well as confirmation and use of the emblem and the flag of the municipality. . .”

Second - In Art.155 of the same law, of the creation of the Committee for relations among communities is anticipated. This deals with the issues of relations among communities represented in the municipality. The aim is to give opinions and suggestions for their solutions. The Council is responsible for considering such opinions and suggestions; however, they do not have sufficient influence on them.

The Commission that consists of equal number of representatives from each community, should make the interests of the minorities more *transparent and* along with the Bandinter’s Principle to contribute in the balancing of multi-ethnic relations in the municipality.

In a broader context, two other solutions that are included in the Law of Self Governing, should contribute to effective participation of the minority communities in decision-making. The first solution pertains to the possibility in the work of the Council to use the languages of the minority

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communities (Art.90). This holds two overarching benefits: it directly promotes better participation of the representatives of the minority communities in the work of the council (the use of native language is always a benefit for participation in the debates), and it strengthens their participation as an equal partner in the process.

The second solution is related to the appropriate and judicial representation of the citizens from all communities in the administration of the municipality (and in public services) (art.59 from LSG). We anticipate that the members of the council with greater reliability and freedom will communicate closely with the members of *their community* in order to improve their active participation in the meetings of the councils (to search for information, materials, to assist in arranging plans and so on).

#### **15. The municipalities of Gostivar, Kicevo, Debar and Struga under monitoring:**

**Council of the municipality:** What does the current performance of the Council indicate? We focused the attention of our research particularly in democratic procedures.

The democratic procedures that are being practiced in the Council of the municipality, as well as the organizational capacity, are in close relation to the participation of the minority communities. The research has shown that the Councils of the municipalities, only partially fulfill the standards of the democratic decision-making: to be informed for the meetings on time and to plan the agenda of the meeting prior to the meeting, as well as distribute documents for the meeting. They are to respect the regulations by which assemblies are held in two (three in Gostivar) languages and publication of the documents in two languages.

The members of the Councils that were interviewed in some municipalities have complained about the proposal for the decisions that come out from the mayor and the administration; however, these are insufficiently argued, because it is not the opinion of an individual that counts. The majority of the Council, when belonging to the same party as the Mayor it functions as a *voting machine*.

Another criticism was addressed to the purchase of the equipment of the simultaneous translation. Due to the highly costs of the equipments, their purchase is being delayed and that results into ineffectiveness of the meetings and emergence of problems in communication. It may not be exaggeration to say that people are “Lost in translation,” as portrayed the movie of that title. Disruptions in communication lead to the inability or unwillingness to be an active participant. In some municipalities, providing an office to hold a meeting is even a problem. As a result, meetings are held in other buildings (e.g. hotels). The meetings of the Council itself are held with a formal respect of the common procedures and manipulations have not been spotted during the election.

*We consider the occurrence of the aforementioned circumstances (of organizational, technical, and procedural character) important democratic indicators for qualitative participation of the members of the minority communities in the work of the Councils.*

#### **16. Explanation, monitoring, dialogue, promotion, and implementation of the rights of the minority veto (decision-making in Bandinter’s Principles majority).**

Analysis of the empirical indicators showed the following:

In the statutes of the municipalities and in the Book of Rules Art. 41 line 3, the rights of the minority veto is non-existent, although, it should be a priority among these regulations. Was the

Art. 41 of LSG considered as sufficient? Some of the interviewees assume that neither in AUSG, nor in any other level within the country is there an inclination for development or promotion of the institutionalized framework for the actual implementation of this defense mechanism. Multiethnic topics are therefore avoided. If the problems are hidden, they do not exist.

In the municipalities, our example of Bandinter's Principles, was not applied in any of the cases in the past. The explanation on the part of the authorities was that there was no requirement because the issues related to culture, the usage of languages, emblem, and flag, were not in the agenda of the council meetings. Nonetheless, we have noticed several occasions when these kinds of decisions were brought by the Council of the municipality and supported unanimously by all Councils (for example, emblem and flag in a municipality, use of the Turkish language, etc.). On the other hand, in the past, other issues were brought up in the public, that opened discussion on the manipulation of the judicial regulations including the Article 41 of AUSG (actually the principle of double majority). The first case deals with the construction of the statue in respect to a member of NLA in Struga, a decision made without applying the minority veto. The second case deals with bringing a decision about emblem and flag of the municipality of Cair (This was not in the example of the research, nevertheless the case is exceptional). Another exception was the decision for building the statue of Skender Beg in Old Bazaar in Skopje - breaking many judicial regulations.

From our discussions with the Councils and representatives of the political parties, we got the impression that some of them were not aware of the compulsory use of this Article - issues regulated by law. Additionally, judicial regulation may be interpreted in the broader meaning of the word (it is not specifically stated what may be defined or included in the term "culture" or "the use of languages"). This may create problems in the application. Also, a certain number of our interviews that belong to majority community in the municipality oppose the use of this regulation.

In order to bring the regulation closer to the municipal bodies and its, it is of great importance that LSG re-evaluate the issue of the double majority more adequately. The necessity of monitoring is highly required in its application. The majority being ignorant on this right, as well as their mishandling and constant application, by the minority may damage the idea of *power sharing*, resulting in deepening of ethnic divisions.

**17. Problematic judicial norms:** Another major observation made, is that in certain cases the application of judicial norms of the Article 41 line 3 on LSG becomes problematic. Namely, "...majority votes of the members that are present in the Council belonging to the communities that are not majority group in the municipality," is required. What does actually this mean? In certain municipalities that have 4-5 council members of the minority community, it means that 3 of them have to be present. In fact, the decision must be supported with 2 votes of minority communities. On the other hand, if the majority of councils are taken into account that also (by law) belong to the majority group, it is obvious that few members of the minority community will be *under huge pressure*. This conclusion does not take into account the application of the Bandinter's Principles, but in general, the decision-making processes of the Councils (in the cases where the minority group is represented in smaller number of the councils). The question remains - Would it be better if in this cases, the majority of the total number of councils (absolute majority) and in this case the Commission Inter-ethnic Relations Commission to be observed like one of the solutions for balancing the power in the council?

#### **18. Minority veto: to widen or to narrow?**

The research shows that the efficient participation of the minority communities in setting the goals of the political agenda and making decisions in the municipalities is questioned by a more restrictive application of minority veto (only for the questions related to culture, emblem, the flag

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and the language). The aim of the policies in the municipalities is planned in its program and is carried out by the means of the finances from the budget - unless the representatives of the minority communities in the Council, are out-voted, since objectively they cannot participate in decision-making. For instance, decisions related to culture, may be overruled due to the lack of funding. The budget is decided at the beginning of the year based on the goals of the municipality politics, and is drafted in its program. For this reason, decision-making on the basis of the double majority should be extended in the establishment of the statutes, the program, and the budget of the municipality.

**19. Education and the minority veto:** *The full and effective participation of the communities can not be accomplished without the right of the minority veto over the decisions in the field of education related to minorities.*

This right is establishment on a state level where, until now, political education was held. Currently this situation is changing. Municipal authorities will provide the most important decisions concerning the education of their citizens. Education is a factor that has the most value in strengthening the identity of communities. It; therefore, is expected to be a leading problem. There is a common fear that the educational politics of the municipalities will favor the students belonging to the majority group. It cannot be ignored.

**20. Inter ethnic Relations Commission: between the regulation and practice:** If one carefully reads Article 55 of the Law of self governing, one would conclude that it lacks logic in terms of the creation of a commission that is expected only in the cases when less than 20% of the total number of the population belong to a certain community. It states that if the commission is established, it will consist of equal numbers of representatives from every community represented in the municipality. This, in fact means that unless the municipality contains minority communities, with, for example, 19% of the total number of the population, the commission will not be established. The community with more than 20% is a *visa* for all the other communities in the municipalities to be presented in the commission! Since the statement, "...every community represented in the municipality," is not specific, it leads to questioning. Who and what kind of communities will be taken into account in creating the Commission?

How is the issue of appointment of the Commission in the status of the municipalities resolved?

We will illustrate an example: Within the municipality, it is estimated that nominations for members of the Commission are to be given by the political parties represented in the council. Afterwards, the nomination goes through Election Committee for appointment. Its President is chosen by the majority community/party in the Council.

We think that this kind of a solution is not satisfactory because of the following: The structure of the commission would be under total control of the political parties, that constitute the council (what about the smaller communities that does not have representatives in the council, for instance?). After that, their proposal goes to the Commission for Appointment, where it is dominated by members of the majority group in the municipality. It is interesting that in our case, the President of the Inter-Ethnic Relations Committee is a member of the party that is in power.

In one of the municipalities of our research, we found out that the Mayor recommends the president of the commission and the members! Based on this example, we conclude that the foundation for election of the commission is too restricted and under the strong influence of the political party. Efforts must be made to get the members of the commission, who reflect the interests of the citizens in the local community.

What is the current benefit of these commissions in their effectiveness towards the political participation in the minority communities? There is almost no benefit. In all four municipalities from our example, this commission has never held a meeting. Why? Because there is no need. We found that the majority of our interviewees are not clear as to whether or not this commission should exist. They question how it would function. It is viewed as a possible source of new problems. In some cases, it was obvious that the interviewees' perceptions of the Bandinter's Principle are an indicator that the situations in the municipalities are not good. This is why they should be avoided.

In other words, what is the point of the Bandinter's Principles? What is the use of these Commissions when there are no problems in multi-ethnic relations? These kinds of opinions, may have applied in *the good old' days*, but they does not reflect the current relations in the municipalities, nor in the country. We must take into account the areas of ethnic tension.

There was also an example of manipulation with the double majority, hurting the already fragile multi-ethnic relations within the local body. For example, in Struga, it was obvious that the Commission for Inter-Community Relations still had not gained the right place in the bodies of the local self-government. Bear in mind that municipalities tare in the process of changing symbols, re-naming the streets, schools, villages, etc. They are also undertaking the application of adequate and equitable representation. The process of decentralization is expanding, which will result in strengthening the position and the power of the local government. It may be expected that multi-ethnic relations will become more sensitive and face new challenges.

Additionally, it should be taken into account the fact, that the efficiency of the process of decentralization obviously is obstructed, with a certain number of unpleasant occurrences (lack of economic development of the municipalities and the country, problems in the operation of the principle of the dominance of the rights, corruption, and so on, problems that not only are local but national as well, in this context minority communities, municipalities will have many reasons to believe that they are marginalized (righteously or not), or maybe discriminated. The modest resources of the country, that will be effected by the replacements (in the municipalities as stated in our examples, obviously the biggest number of employments are in the public sector), this will be an additional factor of the tensions.

**21. The role of the Commissions:** The role of the Commission for inter-ethnic relations among the communities will have meaning and importance only if these conditions are met:

- The candidature and the election of the members to be placed in a broader foundation (to emerge from the close frameworks of the Council and the political parties: NGOs to be included, the public, Medias and so on.)
- To decide with consensus
- To consist of equal numbers of the members of all communities, in this case the President not to be from the majority community in the municipality
- Jurisdictions to be evenly distributed, in a broader context than it is already stated in art.. 41 of LSG (actually to have the right to argument and bring conclusions for certain problems in the municipality: it means to point out, prevent, not only to take sides on the issues related to the agenda of the meeting in the Council, for which double majority is expected, to play the role of the consultant of the Mayor about these issues.
- The Council and the Mayor to be responsible for examination and elaboration, additionally to give written explanation why they do not agree with the conclusions of the Council.

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- Commission that is established in this way could be a strong foundation both for minority Counselors and would promote multiethnic dialogue (and sort out problems), and would strengthen efficient political participation of the minority communities in the municipalities.

## 22. The Mayor of the municipality

The mayor of the municipality was not a special focus of our research but we believe it is necessary, just briefly, to comment on the results of the research. The executive power of the Municipality is concentrated in this body. He represents the municipality, is responsible for implementation of regulations and decisions brought by the council (whose proposal is mostly him), governs with the administration of the municipality and decides about employments in the municipality, elects directors in the public services established by the municipality . . . and so on. (Article 50 on LSG). His position and influence in the municipality are very significant; not only because of his jurisdictions, but also because of the fact that he is chosen by the citizens through direct election (the principle of the majority) and that actually cannot be replaced if he carries out the work inefficiently. There are certain exceptions like personal skillfulness and qualifications, certain structural factors: his political affiliation that was in the ruling coalition in national level and his belonging of the party that constitutes the majority in the council influence his actual power. Even though it is still early to tell if this body in the structure of the power of the municipality has a little or a lot of power (the indicator of this are the discussions with our interviewees), the above mentioned structural factors of influence proved to be significant in our research as well (look at the report of the municipalities). *I do not have time to waste for some procedures: when I have a problem, I go immediately to the new leader and the problem is solved, these are the words of one of the mayors of the coalition in power.* However, since the authorities change, when the same mayor will be working with the opposition, he will protest for the ignorance of the procedures.

The strongest component of the model is “sharing the executive power”. This is non-existent in the municipalities, because the mayor is elected by the citizens and he will always be from the majority community. Exclusion of the minority communities is legal and now the question is how to balance this. On the contrary, not only that the municipalities will be turned into “pashalik”, of one or more local persons, but this may worsen the multiethnic issues.

We consider that the practice of other plural societies should be followed in balancing the ethnic question. The opposition of the power of the mayor could be the president of the Council, who could be from the minority communities. When electing presidents for other municipality commissions it should to make sure that its members come from different communities and parties). The commission for international relations should get more powerful function of the legislative body of the mayor and council of the municipality, whose opinion will have influence in decisions of the municipalities, especially those related to minority communities.

**23. Decentralization of power:** The research has shown that there is disappointment in the ways that the decentralization has been carried out. Here is an example of a typical response of a member of the Council of the municipality: “The government does not provide enough money, neither the jurisdiction, nor donations: in education and public health there will be no progress by following this pace of transition of the jurisdictions: the municipality is responsible only for the maintenance but not for governing, cooperation with the country is good only if the mayor or the president of the Council belong to the same political party as the bodies in the central power; the financial decentralization is totally inadequate, it is necessary that the changes in the law of the ATV and personal taxes to be directed to the municipalities. . .”

Two questions are particularly important for the process of the decentralization that we looked upon from the aspect of the institutional solution that is helpful for the prevention of the ethnic conflicts. It is necessary the further fiscal decentralization to continue, that will reduce the dependency of the municipality from the central power and the bureaucratic procedures for receiving donations. On the other hand, the power that is exercised by the bodies of the central government has to be much more efficient than it is currently, as well as the legal system. It has to be noted that if we take into the consideration the current situation that Our Country is currently facing, it is not easy to reach these goals. The national report for the human development in UNDP, for example, states that it is “*difficult to achieve financial independence at the time when the gross domestic production in a person in country is relatively low*”. The research has shown that the poor financial resources of the municipalities, unemployment, inherited debts and corruption, may deteriorate the multiethnic problems.

Unless there are investments and progress to absorb the unemployment, then the politics of the “equal representation” of the communities” will turn into the politics of “zero-sum-game” (so that one has to win and the other one has to lose). At the time of the monitoring this issues was not so obvious, except in the municipality of Struga, but it may appear in the future. The mass education of Albanians will create a mass of young educated people that reasonably will expect their hopes for employment to be met. The ones that will be betrayed definitely will be a source of conflict.

**24.** In the questionnaire of the public opinion in the sample 600, the participants in the survey in this municipalities, that were carried out by the Brima-Galup, (in June 2006) in the level of general frequency, the citizens of Gostivar, Kicevo, Debar and Struga **are mainly pleased with the work of the municipality authorities.** Namely, 47, 1% of the citizens positively evaluate (“very good” and “approximately good”) the results of the work of the new municipality authorities, 27, 9 “neither good nor bad” and 15, 9 % of these results evaluate negatively (mainly bad) and “very bad”). Nevertheless, if we look upon the answers of the people divided along the ethnical line, we get different picture. Macedonians in the municipality of Gostivar, Debar and Struga are far more disappointed from the work of the municipality authorities than the participants in the survey Albanian.

When asked about who should be blamed when the municipality authorities give poor results, Macedonians and “others”(Turks, Romas and so on)say “the central power”, probably because they feel they are left on their own resources, whereas Albanians blame the mayor.

**24. Symbols:** Ethnic groups have a right to prestige through symbols (flags, headings, language, and so on). The term “authoritarian allocation of prestige” may be used for this phenomenon or “symbolic conflict”. What is the size and intensity of the symbols?

Symbols are transparent code of the “prestige and self-respect “, that’s why, the politics among others, becomes a ritual in which the status is being determined. The goals of the request for the symbols in the public promotion of legitimacy, where this legitimacy is obstructed.

The political theory states that the symbolism is efficient in ethnical conflict, that’s why it encompasses ethnical requests in ideas and associations that are distant, hence disguising something that would be in any case regarded as a controversy.

In order to be open for different interpretations in politics, symbolism allows deliberate confusion of the flags. Let’s say, for a long time there have been here “symbolic conflicts”. Albanians requested their right to use their symbols in public institutions, whereas the government did not allow this, since there was neither political willingness nor judicial foundations for this, however, there was power. In 1997 there was a conflict in Gostivar due to this request that resolved in bloodshed. Even in the armed conflict in 2001, on the grounds of Constitutional changes, the law for the use of the flags was brought, that clearly confirms the procedure for the use of flags, the law

is very apparent about the use of the flags. So the flags that are put in the mast in front of the official institutions speak of the prestige of the communities in the country. <sup>8</sup>

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<sup>8</sup> It regulated by law when and how the community flags and the state flags can be used.

We will mention only the most important ones:

- in front of and inside the bodies of the units of the local self-governing the flag of republic of Macedonia and the flag of the community are put **all the time**;
- in front of and in the buildings of the governmental bodies, public services and judicial places **established by the government** the flag of Republic of Macedonia and the flag of the community during **national holidays** of Republic of Macedonia is placed;
- in front of the buildings of public services and civilians *established by the bodies of the local self-government*, the flag of republic of Macedonia and the flag of the community during the **national holidays** of the Republic is placed;
- in front of and inside the buildings of the governmental bodies, public services and 4 Legal subjects *established by the government*, are emphasized the flag of the Republic Republic of Macedonia and the flag of the communities during the days of the **holidays of the communities**;
- in front of the buildings of the public services *established by the bodies of the local self-government*, are emphasized the flag of Republic of Macedonia and the flag of the community **on days of holidays in the community**;
- in front of and inside the building of the governmental bodies, public services and civilians *established by the government*, the flag of Republic of Macedonia and the flag of the community during the days of **the municipal and other holidays established by the decisions of the bodies of the local self - government is placed**;
- in front of and in the buildings that provide public services and civilians *established by the bodies of the local self-government*, the flag is placed of Republic of Macedonia and the flag of the community **during the days of the municipal and other holidays confirmed with the decision of the body of the local self-government**;
- in front of and inside the buildings of the governmental bodies, public services *established by the state*, the flag of Republic of Macedonia and the flag of the community is placed during official visits and departures **of the President of the Assembly of Republic of Macedonia , the President of Republic of Macedonia and the Members of the Government of Republic of Macedonia**;
- in front of and in the buildings of the public services and civilians *established by the bodies of the local self-government*, the flag of Republic of Macedonia and the flag of the community **during official visits of the President of the Assembly of Republic of Macedonia ,, the President of the Republic of Macedonia and the Members of the Governmentof the Republic of Macedonia**;
- in front of and in the buildings of the state bodies, public services and civilians *established by the state*, the flag of The Republic of Macedonia and the flag of the community is placed **during official visits of the presidents or the prime minister from other countries, as well as, of an independent or official representative of the international community**;
- in front of and in the public services and civilians *established by the bodies of the local self-government*, the flag of the republic of Macedonia and the flag of the community are placed **during official visit of the President or Prime Minister from foreign countries; as well as visits by independent or official representative of the international community**;
- in the buildings of the local services *established by the bodies of the local self-government*, the flag of the Republic of Macedonia and the flag of the community
- During international meetings, competitions, and other gatherings, (political, scientific, cultural-artistic, sport and other) the organizer or participant of which is the vocal self-government, **if the flag of the Republic of Macedonia? (by placed is meant put in front and inside the buildings)**;

Those, whose equal membership in politics is suspected with the politics of inclusion, probably will intensify their requests for equity of symbols. After a long time, of obstruction of the right of the Albanian community to officially place its flag, now it goes to the other extreme – to manifest superiority). The decision to build a monument of Skenderbeg in the municipality of Cair, that has broken several judicial regulations, the decision for building a monument of a commander in Struga, without applying “Bandinter Principle”, as it is requested by law or placing the Albanian flag all over the shopping center in Bitpazar, while the state flag was not placed, as it is stated by law (similar cases were noticed in some other municipalities as well), all this, reflects the eagerness to use it, as noticeably as it can, the symbols that show the newly acquired prestige of the community. However, let the bygones be by gone and injustice done to the Albanian community and it should be forgotten. An agreement has been reached, there are regulations and the right and everyone should follow them, in the name of peace and stability for everyone. The disappointments in the institutions of the state can be articulated in democratic way and through democratic procedures.

## **25. Language politics:**

Language represents the statute of a group that speaks and represents the symbol of supremacy. The group that demands priority, actually demands its language to gain “lawful position” that would mean to gain exclusive official statute. The group that is not sure of its own value, with the glorification of the language, reflects its aspirations for bigger value of statute.

The Statute of the language is symbol of newly established dignity of the group. The requests for official statute of the language are typical indicators that some people have judicial requests for bigger respect, significance and value in society, equal to the groups that already have all this. The demand for official use of the language, are more far reaching than this. Just like the demand for one official language demonstrates an aspiration for supremacy, the demand for language parity is a transparent code of equity in a broader sense of the word, as well. The politics may be used not only to confirm the statute of the group, but promote the group as well. (The example with the Macedonian language).

In the former Yugoslav Republic of Macedonia politics, there was a protracted conflict of Albanian speaking community that lasted for a decade. With the Framework agreement “the language conflict” is resolved and currently Albanian language is official language as well. The right for private use of the language of the minorities has never been obstructed. “The language conflict” that symbolizes a more profound statute multi ethnical conflict usually happens over the use of the language of the minorities in the administration, in judicial and other institutions of the government (official use). According to international standards, the use of the language by public authorities is allowed only if two conditions are met: to be practical and reasonable, only if the group is in certain number and in certain territory. What does “reasonable” and “practical” mean? Legislative Commission of the experts for application of the framework agreement for the protection of national minorities in the area of the language rights (Advisory Committee of experts of the Framework Convention on the Protection of National Minorities in the area of language rights) *believe that the authorities should be as generous and flexible as they can be about the issue of the language rights of the minorities.* This means that the code is being applied which is not discriminatory, that’s why it should be applied in all activities related with “administrative and public authorities”: in every field where the state is presented (courts, public education, public health, public information and so on).

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The former Yugoslav Republic of Macedonia constitution has set a threshold: “one more language that is being spoken by less than 20% of the citizens is an official language as well...” In the bodies of the local self-government the language that is used by less than 20% of the citizens as an official language, apart from Macedonian language and its Cyrillic letters”. Hence there is a bilingual administration in the municipalities of Gostivar, Kicevo, Struga and Debar. In the municipality of Gostivar, Turkish language is an official language as well. In this sense our intention was to report on some of the findings from the research related to threshold of 20% of Turkish and other minor communities that we believe are being discriminated.

For instance, only in the municipality of Gostivar the decision for the use of Turkish language as an official language is made and this is a result of pre-electoral “bargaining” of parties. In addition, the exclusion of some traditional municipalities with Turkish majority, weakness the Turkish community, whose representatives believe that they will be exposed to, enforced assimilation? The decision to bring in official language in municipalities for the communities that are less 20%, it means that they depend on majorities (Macedonians and Albanians), which is also one of the irrationalities of LSG. To be exact, in case that during this kind of a decisions the Badinters Principles Principle is applied or the veto that they may use or not, the majority of the representatives of the minorities in the Council, Macedonians (Gostivar, Struga and Debar) and Albanians (Kicevo), but this is not the case with Turkish population to whom this right does not apply. That’s why, it should be considered if this threshold is not too high how Turkish community can influence the decisions that have an affect on them. The same, may be said for the Roma community, if there is some municipal concentration of this population and if we bring in the Roma language as an official language, which is reasonable and practical thing to do.

#### **26. The language of decision – making**

Bilingualism or trilingual except for the political willingness also needs funds so that it can be applied and this is a practice where most of the municipalities differ. The documents for the meetings are usually published in two or three languages. However, this issue gets more complicated during the meetings of the Council, Mainly, there is no technique for simultaneous translation and practical one language is being used in the meetings. This phenomenon not only that is humiliation for the representatives of the other communities but it also prevents efficient participation in the decision making process. Additionally, the proposal for the decisions is based on formulations without previous justification and argumentation: apart from this the electoral majority is supported in advance, and then it is difficult to speak of “full and effective participation” of the minority communities.

**27. Expectations and concerns:** Expectations and concerns were the two main issues we came across in the municipalities during our research. The expectations of the majority of the Albanian population are “at last things to get better” (regarding the judicial representation, economic development, employment, standards, etc.), and the concerns of the Macedonian population that, now, as a minority they will be discriminated and will be in the streets, just because they are Macedonians. The Turkish community feels in same way, while the Roma population is almost socially and politically marginalized. When the mechanisms work, who is going to stimulate the efficient political participation of the minorities, that we have talk about in our research, to some extend it might be helpful to make the atmosphere of the anticipation and concerns more relaxed and to clear out possible misunderstandings.

The most important thing is, the political parties, non-governmental organizations and associations, by the means of efficient expression and action of the mayors, to create an atmosphere where all the citizens of different communities will get the feeling that they are all participating in building the future of their municipality. They must all share the same concerns and benefits of the development. In this sense, it is crucial to raise awareness of the actual condition of the municipality by upholding democratic procedures in decision-making and transparency.

*It is necessary to support the efforts that are currently being made in all the different areas (AUSG, political and scientific forums) in order to raise the awareness of one multi-ethnic municipality. Tolerance, tranquility, understanding, and compromise, are all necessary elements of every decision-making process.*

**28. The project is justified?** In the end we will answer a question that we thought was imposed during our research: If the process that is in the early beginning is being supervised and that for this reason has limited acknowledged value, what is the justification of this kind of a research? Let us examine whether or not we are on the right track: To register the beginnings, of a formula that for now secures peace and stability to Our Country, which, in turn serves as an experience of similar multi-ethnic states, helps us to view the structures, institutions, and cultural deficiencies in order to suggest some possible ways of development of the model and procedure. In other words – a catalyst for change.

The state should also develop its own mechanisms of monitoring and to make the reports public or to encourage scientific and nongovernmental organizations to develop researches of this kind or similar to his one. In the politics, solving one problem creates another one, often unexpectedly. *Power sharing* provides only the basic “rules of the game” in which Macedonians, Albanians, Turkish, Roma, and other communities express their interests, formulate political goals, submit requests, and make decisions. This can happen through permanent process of peaceful adjustment (accommodation), provided there are favorable internal factors (economic development and political maturity), and external factors (European integration, regional stability, cooperation, etc.). It can also happen through ethnic conflicts, which could get out of control and expands in a civil war. The international community, especially the European Union and its leaders, should continue to push policies of active support and every kind of aide for peaceful programs for the people of this country.

## I. INTRODUCTION

### 1. FROM CONFLICT TO COOPERATION

Our society is multi-ethnic or plural in the sense that Lijphart uses this word.. There is diversity in language, alphabets, religious practices and beliefs, tradition, culture, lifestyle, history, and background. This is an evident fact that gained a political significance, after we stepped delicately in the democracy. The census of the population in 2002, that was accepted by the political representatives of all communities in the state, a fact that should not be underestimated in a multi-ethnic society, it showed the following proportion of the ethnic groups that live in the state: Macedonian – 64, 18%; Albanians -25, 17% Turkish -3, 85%; Roma -2, 85%; Serbian– 1, 78%; Bosnian-0, 84 % and other - 1, 04%. This kind of societies, usually are called pluralist, multi-cultural or multi-ethnic society. In our report, that usually presents political analyses, as the most adequate term we will use the terms *multi-ethnic* society or *pluralistic* society.

After the collapse of the socialist system in 1989, our society faced a number of challenges: transition from one party to several parties, chaotic and unlawful privatization, an increase in unemployment and social poverty, economic barriers, and ethnic conflicts. Up until 2001, our society successfully avoided civil war, in the midst of brutal nationalistic wars in the territories of ex Yugoslav republics. In the last 15 years; however, multi-ethnic relations have been elevated, even on verge of open conflict - which was prevented.

The most sensitive issue was the request that the Albanian community gain status of a second nation within the country. They wanted to be recognized by the constitution, with all consecutive implications that this position entails. At the time, when the Yugoslav federation was falling by a series of brutal civil wars, this request was regarded as a threat to Macedonian, Turkish, and Roma populations of one more civil war.

The improvement of the position of the Albanian community has been postponed, which eventually resulted in the escalation of an armed conflict in 2001. The intervention by NATO in Kosovo, the withdrawal of the Yugoslavian army from the border and heightened Albanian nationalism, resulted in the *spill-over effect*. Namely, the conflict expanded from Kosovo<sup>9</sup> (which in the present day is confirmed by the leaders of the autonomous armed movement of Albanians –

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<sup>9</sup> In the portrayal of Ali Ahmeti, that during the discussion with him the interviewer K. Blazevska journalist in the daily newspaper (Dnevnik, 2nd of March 2002), she says: "He believes that the Macedonian and Albanians were not prepared for war in 1998, when the conflicts in Kosovo started. However, when the West helped the kosovar Albanians to win, there were enough people in Macedonia to start a conflict at the beginning of 2001. "I knew that without help from the West we will not win. Nonetheless we did not know how prepared are they to help us", said Ahmeti to a historian Timoti, Garton E {"". According to the text of Ljubov Minceva:" The Albanian Ethno territorial Separatist Movement and the Macedonian 2001 crisis" published in the journal: "New Balkan Politics", in 19/2005 it is stated one more argument that confirms the existence of the "spill over effect": "About mid-March 2001 the insurgents stated that they wanted to talk to the Macedonian government. Insurgence goal was articulated in a joint statement by the Kosovar leaders: Ibrahim Rugova, Hashim Tachi and Ramush Haradinaj".

In the interview that Mark Lejti a former spokesperson of NATO for the New Balkan Politics ("Painful Confrontations" by M. Maleska), the same was confirmed. parliamentary parties: the first Albanian villages and civil casualties, resulted in escalation of hostility between Albanians and other citizens.

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NLA: National Liberation Army).<sup>10</sup> The Government in Skopje responded violently, by using force. They sent the army and police forces in to the critical regions. The two major ethnic groups in the state that held the potential for conflict, began to threaten one another, especially over the political symbol of the *hank*. Our Country was heading towards a civil war until the moment when the international community decided to take control of the situation. Thanks to the diplomatic reaction of the EU, UN and NATO, a consensus was reached among the politicians of the both parties that now were willing to sit and discuss political solutions. In this way, the armed conflict, with casualties on side, displayed profound mutual hostility and distrust. The great material damages and delay in the reforms that had already begun, ended with signing the Ohrid framework agreement on the 13 of August 2001.

Decentralization was one of the crucial outcomes of this Agreement, because the Government was viewed as being too centralized. The distribution of a number of duties from national to municipality, after the conflict of 2001, should be regarded in a context of measures for reduction of multi-ethnic conflict. The new boundaries of the municipalities as a second important provision of the Ohrid Framework Agreement increased the Albanian power at a local level. Twenty-eight municipalities were created, where the Albanians are the majority. There are also four municipalities with a Turkish majority, one Roma municipality and one Serbian municipality. Was this an optimal solution?

The Balkan experience in the last decade shows that no one wants to remain minority because of inefficient protection, fear of discrimination, or in some cases, loss of privileges. In some municipalities where Macedonians (without expressing their consent in referendum) remain the minority, for example in Struga, disappointment grew into a threat to national security. At the same time, Albanians are not happy with their position in the municipalities where they are a minority group. Turkish and Roma communities feel that their institutional solutions for protection of collective rights lead to their exclusion - resulting in the creation of a bi-national country. The disappointment and instability in the country, shows the need for an in-depth research of the conditions and strengthening the rights of the minorities: *power sharing*, *minority veto*, international commissions, equal representations, and mechanisms for the protection of minorities. We must work for “full and effective participation” in municipality power. In the end, we have to be aware that all these institutions, regulations and policies for the protection of the minorities are necessary for the well-being of everyone and minimize ethnic tensions.

## **2. WHAT ARE THE GOALS OF THE PROJECT? (OVERALL AND SPECIFIC OBJECTIVES)**

The “Project for the support of the minority groups and activities,” is part of the CARDS program.<sup>11</sup> The major goal of this program is the support of the municipality in raising awareness for the specific needs of the minorities.

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<sup>10</sup> We’re conditionally using the term “autonomist”, because there is a lack of objectivistic analyzes for the aims of NLA in the beginning. Here, we would only like to emphasize what D. Horowitz says, that in these kind of movements “calculation of rational interests underlies strategic choice”

<sup>11</sup> It is a grant within the CARDS Program for non-governmental and non profit organizations that should be looked in the context of measures, political and instruments for reduction of ethnic conflicts and

In the project EAR, “Support for the minority groups/activities,” three objectives are highlighted as priority issues:

- a) To improve the situation of minority communities in the places they live
- b) To increase the active participation of minority communities in the policy-setting and decision-making process in the municipalities
- c) To improve the relationship and co-operation between the minority communities and the municipalities they live in.

The project “Power sharing-a new concept of decision making in the multicultural municipalities ,” is aimed at accomplishing the second (b) and the third (c) objectives, as well as the priority issues of the EAR project.

Hence, the crucial goal of the project: “Power Sharing – new concept in the multicultural municipalities ” is to find ways to increase the full and effective participation of the minority communities in the policy-setting and decision-making processes within the municipalities in Our Country.

The specific objectives of the Project that the group of experts set forth in the project:

1. To evaluate the effectiveness of the model of *power sharing* within the municipalities, to what extent it increases the active participation of the minorities, and determining its strengths and weaknesses
2. To present public reports based on facts that objectively present the situation of the participation of the minority communities in policy-setting and decision-making in the multi-cultural municipalities”
3. To draw conclusions and create measures that will promote an increase in effective participation of the minority communities in the policy-setting decision-making processes in the multi-cultural municipalities”.
4. The report with the results of the research and recommendations to be used for lobbying in the former Yugoslav Republic of Macedonia Assembly of the and AUSG for changing the regulations (particularly the Law of self government, the Statute and the book of rules in the municipality councils) and practical policies regarding the minority community and multi-ethnic municipalities.

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establishment of bigger trust among the ethnic groups in local level. In “Guidelines for grant applicants” of EAR, in the section “Background”(item 1. 1. ), it is stated that “especially now with the decentralisation process, the municipalities need more support as they will receive more responsibilities to take care for the needs of their citizens. Support to the municipalities to raise their awareness about their minority communities is essential. Projects that will aim to improve the situation of minorities in the communities they live in are thus targeted with this call for proposals”

### 3. THE TOPIC OF THE RESEARCH:

#### “POWER SHARING”

The topic of the research, that uses monitoring as the main methodological technique, is the model of *power sharing*. We chose four municipalities with a mixed ethnic structures and populations, as our areas of focus. We sought to answer: What is *power sharing*? What are its advantages and disadvantages? and Does it promote the “full and effective participation” of the minorities in the municipalities?

Most of the countries in the world are multi-ethnic. Even most of the western countries, which were previously viewed as nation-states, are no longer homogeneous. Even in Great Britain, the scholarly model of a national country, the flag contains the Scottish, Welsh, and Irish minority. In the Balkans, where there were often wars in close proximity, there are many different ethnic groups. The situation gets more complicated due to the fact that the ethnic groups are not marked by state borders. This creates potential hostility among neighboring countries that are, by and large, mistreated both in the recent and the distant history by the local politicians.

Having ethnic diversity in a country does not necessarily mean that ethnic conflict is inevitable. Nonetheless, different ethnic identities are not artificially created and should not be ignored. The language, religion, culture, symbols, etc., are very important for people, since they possess their identity, as well as their right for decent life and prosperity. Unfortunately, during the ethnic conflicts and the civil wars in the Balkans in nineties, we saw the mobilization of one nation against the other. These acts were carried out by ambitious local leaders who used fear, ignorance, and prejudice as a means to gain or maintain power. They wanted to lead a nation to dominate other nations by using military power to establish new “more reasonably judicial borders.”

“When different identities within one multi-ethnic country, may potentially be defeated, Amin Maluf<sup>12</sup> states, is it possible then to come to a solution.” It is evident that democracies -especially new democracies - cannot survive when facing serious ethnic separation. After numerous ethnical conflicts, including the armed conflict of the 2001 in Our Country, we may be inclined to believe that exclusion and discrimination of the minorities is one of the main sources of ethnic conflict, especially if it is associated with poverty, hopelessness, disappointment, or fear.

In *plural societies* that A. Lijphart names, are societies that are highly divided by religion, ideology, linguistic, culture, ethnicity, or racial differences. They are ultimately *sub-societies*, with their own political parties, interest groups, and media outlets. Plural societies do not necessarily have the flexibility that is needed for a democracy. In these circumstances, majority ruling is not only undemocratic, but dangerous as well. By doing this, the minorities will always lack the possibility to access power. They will feel excluded and discriminated against. They will lose their trust in the system. “In plural societies,” says Lijphart, “majority rule spells majority dictatorship and civil strife rather than democracy. What this society needs is a democratic regime that emphasizes consensus instead of opposition, that includes rather than excludes, and that tries to maximize the size of the ruling majority instead of being satisfied with a bare majority: consensus democracy.”<sup>13</sup> In his comparative study: “The democracies: Models of majority and consensus ruling in 21 countries,” there was a debate among the members of the academic community about the positive and negative

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<sup>12</sup> Amin Maluf: “Pogubni identiteti”, Matica Makedonska, 2001

<sup>13</sup> Arend Lijphart: “Democracies,” Yale University Press, 1984

sides of this theory. Our academic community did not know about these debates or they were simply ignored. As we are currently facing this problem, we started to ask the same questions: Is the model based on the same praxis of the three most developed countries of Western Europe: Switzerland, Belgium and Holland? Can it serve as a model for solutions of ethnic conflicts in Africa, Asia or in the Balkans? Are leaders of the groups, even motivated to reduce the conflict, as suggested in this concept? What happens if they secretly or publicly work in deepening the differences and yearn for territorial solutions that may cause new instability?

According to another author, D. Horowitz, there are more important incentives or “windows of opportunity” for accommodation.<sup>14</sup> This might be an unpleasant experience from the previous conflict that brought damage to all groups. It might become an election model that will help to avoid majority rule or to force the leaders of the groups to act reasonably during the elections. It could mean territorial autonomy - a kind of “reward” for any multi-ethnic coalition. Or it may be, for example, some strong community interest, such as membership in European Union.

In the political arena, ethnic conflicts that occurred during the collapse of the Soviet Union and former Yugoslavia (as a result of biased, unscrupulous, requests for territorial solutions for ethnic conflict), forced the “international community” to impose alternative solutions. Conflict resolution can be reached by strengthening human rights, free and fair elections, fighting corruption, making judicial governing work properly, and building/strengthening the participatory system of the power in all levels.<sup>15</sup> We view this report as a form of power sharing. Even though ethnic conflicts (including the 2001 conflict) start by maximum request for territorial sovereignty and self-determination, they often end in compromise. This entails, the building of a participatory system of the power in levels, or *power sharing*. This is especially the case when we are looking for quick and effective solutions to conflict when a “third party” is involved.

It is important to point out that even though *power sharing* is an outcome of the agreement between some of the leading political parties in the country (SDSM, VMRO-DPMNE, DPA and PDP),<sup>16</sup> the involvement of external ‘players’ is of great importance. The international community acted quickly and effectively to help resolve the conflict in 2001. They promoted the model of *power sharing* and took certain military actions, economic, political, and diplomatic measures to sustain its function. In the political theory and practice, there are two legitimate solutions for ethnic conflict: 1. Segregation or separation of the state along the ethnic lines with use of the model for *power sharing* or 2. Building/strengthening the participatory system of the power in all segments.

There are strong opposing views regarding segregation. However, even the biggest opponents believe that this solution discarded altogether. Nonetheless, most of people think that segregation is a highly dangerous solution, which may lead to greater instability and conflict. Now that the European countries make great efforts towards integration, it is obvious that the multi-ethnic conflicts are primarily prevented with the use of *power sharing*.

At the same time, we should not naively believe that this is the “panacea” for all multiethnic conflicts and that its application will create a situation of “everlasting peace.” Nationalism is deeply rooted and no one is impervious to it. During the nineties, Our Country’s nationalism manifested

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<sup>14</sup> Donald L. Horowitz: “Ethnic Conflict Management”, in:” Conflict and Peacemaking in Multiethnic Societies”, ed. By J. V. Montville, Lexington Books

<sup>15</sup> “An Inventory of Post-Conflict Peace-Building Activities”, United Nations, New York, 1996

<sup>16</sup> This concerns four political parties, or leaders that signed the Framework Agreement on the 13th August 2001

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itself through *Albanophobia*. Today, it seems as though Albanians have been afflicted with the same virus - especially in the resolution of the status of Kosovo. The political leaders of some Albanian parties, preceding parliamentary elections, stated that the integration of the Albanian community in former Yugoslav Republic of Macedonia society is a useless thing to do. They expressed that they will work on a broader and more liberal application of the Ohrid Framework Agreement, in the form of establishing parallel state institutions.<sup>17</sup>

#### 3. 1. What are the characteristics of the concept/model of *power sharing*?

The model of *power sharing* is defined as praxis and institutions that result from the broader coalition of the power. In general, it is open to more relevant ethnic groups in the society and adds value to self-determination and democracy in multi-ethnic countries. These are principles that are sometimes conflicting.<sup>18</sup>

The scholarly example of this model has four characteristics, two of which are of great significance:<sup>19</sup>

1. Participation of all of the most significant groups in power (mainly in executive power). The parliamentary system should consist of representatives of all the most relevant groups - a "government of the big coalition." It fulfils the criteria of this model: In the presidential system, distribution of the executive operations among the representatives, as well as, the creation of commissions or bodies with an advisory function.
2. Providing a high level of autonomy to groups. Namely, if the group is concentrated territorially, then is highly recommended to provide high level of autonomy in a way of strong local power. Regarding the federal arrangements, academic thoughts are in diametric opposition: ranging from connectivity to high contest.

In case the groups are dispersed and mixed, it is recommended (at the national level) that certain issues be resolved by the groups themselves, whereas the community interests be resolved by communities in the national parliament.

3. Mechanisms and politics that constitute proportionality.

This is considered to be the crucial standard in proper distribution and the main standard in the political representation, appointments in public services, military and the police, as well as in allocation of public funds.

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<sup>17</sup> Dnevnik of 12 June 2006 writes: "The Party of Arben Xhaferi believe that the multiethnic conflicts are not solved yet, and they tell voters not to trust politics of integration, because the country has a heterogeneous ethnic structure: in Macedonia there are different interests. "Integration means assimilation and acceptance of the unitary aspect which excludes the cultural and language differences. That's why DPA affirms the politics of free expression of differences. **This may be achieved only by creation of equivalent institutions", it is said in the election program.**

On the other hand, as an answer to this DUI, the party of A. Ahmeti is invited to take part in the government, even though they got the support of the Albanian voters, the threat arrived that Our Country should be centralized.

<sup>18</sup> Timoty D. Sisk: "Power-sharing and International Mediation in Ethnic Conflicts", USIP, 1996 "Power-sharing, defined as praxis and institutions that result in broad-based governing coalitions generally inclusive of all major ethnic groups in society, can reconcile principles of self-determination and democracy in multiethnic states, principles that are often perceived to be at odds"

<sup>19</sup> The Model is build based on the research done by Arend Liphart

4. Application of the minority veto, which is a strong weapon in protection of the vital interests of the minorities, even when the minorities share power with majority. The right to a veto contains danger of sullyng the whole system of *power sharing*, if one or more minorities abuse *this* right. This functions properly when it is mainly exercised where vital issues of the minorities are concerned. Obstruction by the majority, as well as the abuse of the right of the veto by the majority, results in a collapse of the participatory/negotiated democracy.

Needless to say, there are more factors that positively influence the application of the model, but its supporters claim that the aforementioned factors are not a prerequisite. The model never functions in absence of some of these favorable factors (similar size of the ethnic groups, equity of economic power, equal awards, etc). The model of *power sharing* is being adaptable to circumstances where it is applied. Nevertheless, in this context, the warnings of the T. Sisk should be taken into account.<sup>20</sup> He states that *power sharing* helps to successfully resolve conflicts only if certain conditions are met. These conditions include: 1. To be accepted by a sufficient number of political leaders who have experience with conflict and have been elected as representatives for their community; 2. *Power sharing* should not be an outcome solely of a strong tension of the outside “actors” or of the short-term, zero- sum expectations of the parties; 3. Parties explore more inclusive and liberal forms of democracy.

### 3. 2. Former Yugoslav Republic of Macedonia Specifics

The main characteristics of this general model are being adapted and embodied in the structure of the Our Country. We see this through the procedures in the Amendment, through which the decisions of the Ohrid framework agreement become part of the constitutional system. In this context, we will briefly explore them:

1. Big coalition of the power? This element of *power sharing* became present in 1991 as a multiethnic coalition, which was important for the creation of a firm political climate. It is almost impossible to imagine a government not coalition with an Albanian parliamentary party. It upholds the majority in the Assembly of Our Country.

We predict the future establishment of a pre-election, multi-ethnic, and inter-party coalition as a result of the crises over the establishment of the government after the most recent parliamentary elections (July 2006). This coalition might be a stimulus for unbiased actions for the leaders of the political parties .

2. Nonetheless, the problem of representation of the *very few minorities* remains unsolved. If these minorities are 1-2 % of the population, they cannot expect to be a part of the system of *power sharing*. There are ways to meet the needs of these minorities. If the minorities are geographically identified, we create an autonomous region or strong local power. On the contrary, there will be requests of some kind of a cultural autonomy. Some of the municipalities in Our Country will probably use this model, by making the smallest ethnic communities (Turkish and Roma for example) a part of the municipal power.

It is also possible to strengthen the position of the minority communities in national level. This is achieved by pledging a certain number of places in Parliament for the members of the ethnic minority community. The condition that one community to represent 20% of the

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<sup>20</sup> Timothy D. Sisk: "Power-sharing and International Mediation in Ethnic Conflicts", USIP, Washington

population, in order to accomplish their collective rights, remains an obstacle for the participation of the smaller communities in power. In reality, it leads to the creation of the bi-national country. In this case “the small communities” feel excluded and discriminated against. Whether this constitutional decision should be changed or not, is still in question.

3. Proportionality is also, included in the “Our Country model”. The election model is proportional as well, which enables small ethnic communities to be even over-represented in the representative bodies. Proportionality is reflected in the request of the “judicial representation” of the municipality resources. After 2001 constitutional principle of judicial representation of minority community in public administration, military, police, as well as local administration, is brought.

4. The right to a veto is also a part of this model of *power sharing*. In our country this right is also known as “Badinter’s majority” (after the name of the French judge, Badinter). The right to veto is being practiced in Belgium and Switzerland in the issues related to vital interests of the certain ethnic communities that live within this countries. According to the former Yugoslav Republic of Macedonia constitution, this right to veto is called *special majority* and is intended for precisely defined questions.<sup>21</sup>

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<sup>21</sup> It is applied in the following cases:

- a) In the laws that are directly related to culture, the use of the languages, education, personal identification documents and the use of the symbols. The assembly decides with the majority votes of the members of the parliament that are present, **for this there should be majority votes of the members of the parliament that belonging to the communities that are not majority in the Republic of Macedonia(art.. 69);**
- b) When the Ombudsman is being elected, apart from the majority of the **total** number of members of parliament, there should be majority **from the total number of the members of parliaments belonging to the communities that are not majority in the Republic of Macedonia.**
- c) When electing three judges in the Supreme court, besides majority votes of the **total** number of the members of parliament, **there must be majority votes form the total number of the members of the parliament belonging to the communities that are not majority in the Republic of Macedonia**
- d) When electing three judges in the judicial council of the Republic, besides the majority. While bringing a decision for changes in the Preamble, members of local self governance, article 131, whatever disposition which is related to the rights of members of the community by including the articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as the decision for adding any regulation related to this subject, it will be necessary to get 3/3 majority votes from the total number of Member of Parliament, **there should be majority votes in the total number of members belonging to the communities that are not a majority in the Republic of Macedonia**
- e) Whenever a new law of local self-governing is brought, except for 2/3 of the majority of the **total** number of members of parliament, there must be a **majority of the total number of the members of parliament belonging to the communities that are not majority in the Republic of Macedonia;**
- f) The laws for local funding, local election, municipality bordering for city of Skopje are also brought with the majority votes of the members **present**, **only if majority of the members of the parliament present belong to the communities that are not majority in the Republic of Macedonia**

To gain majority votes of the total number of members of Parliament, there must be a majority of the total number of members that belong to the communities that are not the majority in the former Yugoslav Republic of Macedonia

In our constitution, the right to veto is called *special majority*. It is applicable to 120 members in the Assembly of Our Country. Thirty-five members claim to belong to this *special majority*, and they are not of Macedonian ethnic background. However, the majority, twenty-seven, are Albanians. Therefore this right is used only by the Albanian ethnic community.

During the interview with some of the members of the parliament that are of Turkish and Roma nationalities, we were told that, there is not a practice of a previous planning of a mutual political platform. “Albanian members of the parliament do not need this. They have majority.”

5. The right of the representatives of the minorities to veto in the assembly of the municipality. This principle is related to culture and the use of the languages of less than 20% of the citizens in the municipality. The confirmation and the use of the emblem and the flag in the municipalities are adopted by majority votes. There must be a majority of votes of the members of the assembly that are present and not belonging to the majority community (art. 41 of the law for local self governing).

*This right, as well as the right of the judicial representation of the communities (the use of the languages and symbols and the commission for international relations in the municipalities), are the focus of our monitoring during 2006 and our conclusions and recommendations are part of this Report.*

#### 4. Hypothesis

The theoretical explanation of the concept of *power sharing*, and particularly the need for its practical application, requires hypotheses that are used as a starting point for gathering the research material. They will aide in monitoring the processes of decision-making in the municipalities:

- The everlasting exclusion of the minorities in approaching power, their cultural, economic and political discrimination or majority domination usually is a motive for ethnic conflicts that may grow into violence, even in civil war. Models, politics and instruments that lead towards the inclusion of the minorities in the power and the use of the instruments in the government, increases the possibility for avoiding the worst kind of conflicts. The common political conflicts eventually remain in the institutions of the country and that's where they are resolved.
- Decentralization of the power of one of the means (political) of reducing the ethnical conflict. It is supposed that conflicts are less dangerous, unless it is not reduced in local level. It is believed that local autonomy will provide the best and more efficient access towards the instruments of the local power of the minority group that is concentrated in a certain territory, which results in reducing conflicts. At the same time it is very important to prevent the process of decentralization from causing further fragmentation of the society.
- The timing for the implementation of the measures and politics for reduction of the ethnic conflict is very important. The chances to resolve conflict are bigger, if more emphasis is put on the prevention of the possible conflict is taken into account as well as more local power is

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given to the minorities, rather than solutions for the decentralization to be imposed after the conflict is over, as an exception that majority is forced to make.

- Power in the hands of the minorities, chances are bigger for resolving the conflict, instead of solutions for the decentralization to be imposed, after the conflict is over an exception that the majority is forced to make.
- Favorable factors for the implementation of the model of *power sharing* are neglected due to the poverty (and other economic problems) that increase the probable discrimination. The injured trust among the ethnic communities in the conflict of 2001 has a negative effect on the implementation of the model. The reestablishment of the model complete by *international community* is not a favorable factor; however, on the other hand, it gives more opportunity to the ethnic communities that have been in conflict to come to agreement and find strong mutual interests that will surpass the less favorable circumstances.
- The employment in the public sector is one of the few positive public resources that local politicians still control, which results in intensification of the political and ethnic conflicts. Redistribution of the public resources in the municipalities, under these circumstances, will be a source for future conflicts, especially if “zero-sum-game” politics is still continued, in other words a politics for improving the situation of one community, to the expense of the other one. The main risk to the implementation of the OFA is its tendency, in an environment of declining public resources, to reduce to a series of zero-sum-games between the ethnic Macedonians and Albanian communities. Only a serious commitment from the European Union can break that dynamic by generating opportunities for both communities to participate equally in a balanced process of development.
- *Democratic deficit*, namely, the issue of how to organize public institutions and how to distribute public resources is a central issue of the political analysis. Redistribution of the insufficient public resources will eventually make looser and winners of this process and may endangers the multiethnic relations, provided that the negative economic processes continue.
- The model of *power sharing* (decision-making with consensus, proportionality and right to a veto) may increase the social tension, as well as to block the process of the decision-making, in case that the right to a *minority veto* is misused by minorities or if the whole process is being obstructed by the majority.
- Ethnic tensions should be viewed the same as the symptoms of deeper problems, such as discrimination and breaking the basic rights of the minorities. The research, diagnosis, and reports on the situation of the rights of the minorities for the full and effective participation may bring corrections in the practice and by doing this the reasons for the ethnic tensions and violence will be barred and avoided.

## 5. Methodology

The team of experts in the Center for peace and democracy “Ian Collins,” planned the methodology, indicators and tables that focused in the accomplishment of the overall objective and the specific objectives of the Project.

1) **Selection of the model of the research.** We decided to carry out the research and the process of monitoring in four municipalities, where mixed ethnic groups live: Gostivar, Kicevo, Debar and Struga. In each of these municipalities, the two biggest ethnic communities, Macedonians and Albanians present both the majority and the minority. (In Kicevo, Albanians are minority, whereas in Struga, Gostivar and Debar, Macedonians are minority group). The Turkish community is a minority everywhere, except in Debar, where they are more than 20%. The Roma are an example of small dispersed minority, that in our sample is more frequent in Kicevo, Gostivar and Debar. Above all, it was crucial to select municipalities where the minorities are more that 20% because of the implementation of the minority rights confirmed by the Law of the local self-governing.

Municipality	Kichevo	Struga	Gostivar	Debar
<b>Population structure</b>				
Macedonians	53, 55 %	32, 09 %	19, 58 %	14, 30 %
Albanians	30, 53 %	56, 85 %	66, 69 %	44, 77 %
Turks	8, 06 %	5, 72 %	9, 86 %	34, 75 %
Serbs	0, 29 %	0, 17 %	0, 20 %	0, 08 %
Romas	5, 41 %	0, 18 %	2, 76 %	4, 09 %
Vlachs	0, 25 %	1, 04 %	0, 02 %	0, 01 %
Bosnians	0, 02 %	0, 16 %	0, 05 %	0, 01 %
Others	1, 88 %	3, 79 %	0, 85 %	1, 99 %

### 2) Establishment and the Training of the Team of the Researchers and Observers

According to certain criteria, the non-governmental organization, ADI of Gostivar, will take on this task. The criteria for the selection of the observers were each of the major ethnic community to have a representative, so that ethnic balance may be achieved. At the same time gender was taken into account so both male and female were included. The criteria of ethnic balance were reached; however, this was not the case with the gender balance. <sup>22</sup>

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#### <sup>22</sup> List of Monitors:

Gostivar:

Lulzim Haziri

Njomza Selimi

Natasha Tanceska

Lair Ismail

Kicevo:

Shaban Dalipi

Goran Belovinov

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The observers were trained how to follow and analyze the process of decision-making in the municipalities. The unit of the monitoring was the meeting of the Assembly of the municipality. Together, they gathered objective indicators for the municipalities. They explored papers such as the Statute of the municipality and Set of Rules of the Assembly, reports from the meetings, and other relevant documentation. Additionally, they carried out interviews with some of the Councilors belonging to different political parties and municipality authorities.

#### **3) Planning of the methodology, indicators and tables, and guidelines for filling them out.**

The team of experts developed the methodology of the research and the process of the monitoring. They carried out a short pilot-research study of the representative bodies of the government of the Republic and prepared the following stencils:

- Protocol for following the meetings in the Assembly of the municipality
- Stencils for gathering of the objective indicators in the municipalities
- Interview with a member of the Assembly
- Interview with a member of the leadership of the political parties that has Councilors
- Interview with an authority from the municipality in charge of culture
- Interview with an authority from the municipality in charge of economic development
- Stencils for the use of the flags

#### **4) Analyses of the material of the research and the process of monitoring**

When the process of the research and monitoring of the meetings of the Assembly of the municipalities was complete (starting from November 2005 until May 2006), the team of experts started the analyses of approximately 68 stencils, documentations, and statistic data, which was a starting point of writing the research report and the recommendations for lobbying.

#### **5) Analyses of the domestic and international jurisdiction that is related to the protection of the rights of the minorities.**

The analyses carried out by the team of experts includes the following documents and laws:

- (Framework Convention for the Protection of National Minorities)
- European Charter for Regional and Minority Languages
- European Declaration of the Local Self-governing
- Ohrid Framework Agreement

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Aleksandra Krsteska Cedomir

Debar:

Atli Dema

Katica Apostolovska

Agim Mustafai

Struga:

Shpend Vinca

Toni Kostovski

- The constitution of Our Country
- The Law of the Local Self-governing
- The Law of Financing of the bodies of the local self-governing
- The Law of Municipality border and other judicial norms
- The Statute of the municipalities and the Book of Rules for the Work of Municipality Authority

## **6) The Focus Groups**

The team of experts discussed the issue of the protection of the minorities, their full and effective participation in decision-making processes, as well as the process of decentralization with four focus groups. These groups were from the municipalities of Gostivar, Debar, Kicevo, and Struga. Each focus group included members from the Assembly of the municipality, observers, representatives of non-governmental organizations, and journalists.

## **7) Public Opinion**

The team of research experts and of the agency for the research of the public opinion, "Brima Galup," prepared a survey for the representative sample of 600 citizens from Gostivar, Kicevo, Debar and Struga. The questions mainly asked citizens to evaluate the work of the new municipality power, the mayor, and the multi-ethnic relations in these municipalities.

## **8) Analyses of the material and Writing the Report of the results of the research and the process of the observation, with recommendations for lobbying.**

Based on the aforementioned methodological techniques, as well as the political literature on this topic, the experts from the Center for Peace and Democracy: "Ian Collins," prepared the research report with conclusions and recommendations to be used as a foundation for lobbying. The objective of the report is to elaborate the problems and to point out in which direction the course of the current judicial regulation should move. Also, to give direction to the political practice to ensure active, full, and efficient participation of the minorities in the power of the multi-ethnic municipalities.

## II. RESEARCH RESULTS

### 1. Decentralization of power: Majority like minority. Very small minority

Territorial design usually is viewed as a useful tool for the reduction of the conflicts. Nonetheless, this kind of a design, that could be illustrated in a form of a federation, autonomy or creation of a strong local self-governing (devolution of power), inevitably raises the following question how far can we go with the devolution of the power and avoid the danger of stimulating further fragmentation of the country by decentralizing it. The regional autonomy or federal arrangements are interpreted as a probable concession of the separatist sentiment. The current fear that the various kinds of strong regional autonomy feed secessionism, which cannot be regarded as groundless. There are two ways to answer these fears. One is the central power to keep its ultimate control over the power of the local government.<sup>23</sup> The second way to eliminate the opposition of the regional autonomy or decentralization is by giving power to all regions not only to the regions where the ethnic conflicts may potentially be turned into requests for separation. Judging by experience, it can be stated that timing is of high importance. If autonomy is offered before the conflict begins, in this case it can be regarded helpful for the balancing powers that are making an effort to survive within the borders of the country. Giving autonomy, after the conflict, can be viewed as a weakness of the central government.

The Ohrid framework agreement starts with the crucial message, “There are no territorial solutions for the ethnic conflicts” and logically, it means that “Our Country is a unitary country.” As an exception for the unitary character of the country, a consensus has been made for a high level of the decentralization of power. However, one of the lines of the Ohrid framework agreement, through a *small door* brought in the territorial principle as a solution for the ethnic conflict of 2001.

Namely, the right to veto that is usually used for protection of the ethnic identity of a minority, their language, culture, and education. Here it expands to the confirmation of the new municipality bordering, as well.<sup>24</sup> Needless to say, the armed conflict, which ended with the help of the international community, contains certain concessions. However, the constitutional resolution that requires minimal agreement, actually adopts new municipality borders by the simple majority in the Assembly - instead of 2/3 (qualified), which caused huge disappointment<sup>25</sup> of the citizens and political opposition. The process of decentralization itself, presents political prevention of ethnic conflicts - especially where minorities are territorially concentrated. It is assumed that the increase

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<sup>23</sup> D. Horowitz in the book: “Ethnic Groups in Conflict” states that in Sudan, Sri Lanka and Spain central power could maintain this control without having to lose the cooperation of the local groups that get benefit from this process. . (1985)

<sup>24</sup> In art. 114 of the Constitution of the Our Country, all laws of local self-government as well as the municipality orders are brought by majority votes from the members present, this should be done by the neither majority of votes from the members belonging to the neither communities that are nor majority in the Republic.

<sup>25</sup> A. Bexeti in:” Decentralization and taking sides”(Multiethnic forum of December 2004) writes about the biases of the process of decentralization, “ when the lacks are known of the transparency and their ignorance of the opposition at the time of creation of the local maps with narrow daily party interests, otherwise how can we explain the joining of the municipality of Xhepcishte to Tetovo, or Kamenjane to Bogovino and the separation of Mavrovi Anovi from Gostivar”. “In this process, states Bexheti, the international community cannot be forgiven- especially those who guaranteed the Ohrid Framework Agreement . . . Sometimes even they asked this typical political process not to be biased”

in number of the minorities to the majority at local level, will decrease the danger of conflict and it will result in the sustainable development of the municipalities. In the political theory and practice, it becomes a conventional truth that there is horizontal separation of the power of the legislative, executive and juridical branches. There is vertical separation of the central and local power, as well. This presents a limit in power by constitutional means.

This is the essence of the constitutionalism of every modern, democratic country - including Our Country. Institutions of *judicial control*, fall in the line with requests for maintaining ultimate control of the central over the local power. If these principles are applied we can say that the Supreme Court has judicial control over the constitutionality of the decisions that are made by the local powers. The Supreme Court, among others, decides on the solutions for conflicts within jurisdictions among the bodies of the Republic and the bodies of the local self-government.

The law of the local self-government, confirms that the jurisdiction of the work of the bodies in the municipalities (at the time of that the surveillance of the municipalities, themselves), the surveillance over the judicial system, and control over the material and financial operations, is the Ministry's responsibility. We stress this because of our understanding after conducting research. Essentially, the state bodies are slow, inefficient, and biased.

In our opinion, this is done by Macedonian minority, so that they feel left to their own devices. On the other hand, the political representatives of the majority Albanians are dissatisfied, as well. To illustrate this, one of the mayors is sending a terrible message that, as a result of the corruption of the judicial system, they will not respect the decision of the Supreme Court (regarding his position, work, and lack of usefulness in only of one judicial systems). To put it differently, the weakness of the institutions, jeopardize the positive outcomes of the newly established process of the decentralization.

Why decentralization? Because it is absurd to govern from the center with all the functions and services. Additionally, it creates opportunity for greater and more efficient participation of the citizens who live in the municipalities. This means that even the minority ethnic communities will create greater and more efficient participation in creating the politics of the municipalities.

The questions we raised at the beginning of the process of the monitoring were: How real is the power of the decentralization? Does the municipality possess enough economic and political power to fulfill their jurisdictions? Only if the answers are positive, can we speak of the "full and effective participation" of the minorities in the municipalities. According to the Explanatory Report that followed the Framework Convention, "States are encouraged to promote the effective participation of persons belonging to national minorities in the decision-making process and elected bodies both at national and local level."<sup>26</sup> It looks at the adequate representation of the minorities in national and local level in the representational bodies. Other policy instruments for full and effective participation will result from the imaginative practice, as well.

The process of decentralization itself has not been a topic of our research and few months of monitoring probably is enough to open the problematic issues that accompany this long, complex, and extensive process. We will illustrate some basic problems that resulted from the research and the monitoring of the process of the decision making in the municipalities from the sample:

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<sup>26</sup> "Filling the Frame", Council of Europe Publishing, 2004

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Closely and inevitably related to the decentralization the issue of the new municipality borders is related. Even though the law is already brought, the citizens in the referendum of Our Country confirmed the agreement reached within the coalition that was in power at that time<sup>27</sup>, the disappointment of the Macedonians in Struga and Kicevo still remains. On the other hand, during the research we noticed that the disappointment grew because of the hope for the better future, of the Albanian citizens in Struga, Gostivar and Debar, even though it may be true that their social statute has not been changed during the last two years. For example, in this and other municipalities of our sample, the Albanian interviewees support the law of territorial separation and local self-government (some of them even believe that there should be a new minor separation of the municipalities, *(there should be 30-40 municipalities and governing in two level*<sup>28</sup>). On the contrary, the Macedonians and Turkish interviewees fear and express insecurity and disappointment. Here are some of their comments:

*“In terms of territorial division, the law for decentralization is not fully elaborated, it does not take into account the economic parameters for creation of a municipality within this borders, the questions that are regulated with a veto in the Law of the self-governing do not secure participation of the minority Councilors in the local self-governing” (Struga).*

*“ Kicevo should remain within this borders so that it functions better, by uniting the urban and rural aortas the effects of the decentralization will be reduces; the proposal of the new borders of the municipalities are absurd, because the city should be united with 5 rural places and some of them are within the distance of 100 km. from the city.”*

*“With the new decentralization the municipality of Struga is set within different frameworks and both rural and urban areas are united. With its size it obstructs efficient governing”.*

The ethnic Macedonian interviewees, that are in municipality power or municipality political organizations, that we interviewed, expect the new municipality organization to negatively effect the further development of the municipality.

*“Education will be the first victim, since the number of the Macedonian nationality will be reduced and Macedonian Muslims will become Albanians.”(Struga)*

*“The Obrid framework agreement is carried out one-sidedly. The exceptions are done only by Macedonians and usually the citizens do not understand it well enough, which leads to misuse.” (Struga)*

*“Basically the idea of decentralization is good; but; the concept of territorial separation is appallingly idealized. The advantage: transfer of jurisdictions from central to local power.” (Struga)*

The members of the Turkish community (Kicevo and Struga) express their dissatisfaction in this law because as they say it is insultingly designed:

*“Of the four municipalities with a majority Turkish population now only two remain so; the Turkish population of the municipality will be exposed to a further assimilation by the Albanian majority. ”*

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<sup>27</sup> The coalition government of DSM and DUI during 2002-2006

<sup>28</sup> In parentheses the statements made by the interviewees citizens are put, members of the Council of the municipality, officials of the municipality management and mayors.

In the discussion with the authority of the ethnic Turkish party, there is disappointment due to the cut-off of some traditional municipalities with Turkish population (ie. Xhepcishite).

*“It is not the Albanians fault, but the Macedonians, that were bargaining with the Albanians in our expense. The international community did not forget when signing the Ohrid framework agreement and designing the “bi-national state”, even though we all understand that we were on the verge of a civil war that should have been prevented.”*

Needless to say, the disappointment of Macedonians of the municipality of Struga results from the fact that some of their previous privileges are lost. The disappointment also comes from changes occurred as a result of the political concessions following the conflict of 2001. They are considered to be victims.

In what ways can we uphold the democratic principle outlined in the European Declaration for local self-governing that citizen in the referendum vote about the change of the municipality borders, with the political decision of the political elite to redistribute the power in benefit of the second by size ethnic community in the country? The solution can be found by preventing the majority from voting (in the referendum) on questions concerning multiethnic relations and municipality borders, in order to keep the delicate ethnic balance.

We want to stress that there is still a wide gap between the two largest ethnic communities: Macedonians and Albanians. One group is disappointed, whereas the other groups are satisfied by the results of the Ohrid Framework Agreement. It may be a source for new conflicts. Because of this, we believe that the practice of upholding the rights of the minorities for effective participation in the municipality should be reinforced. It presents an adequate way to oppose tendencies towards territorial solutions of ethnic conflict. Unfortunately, the work has just begun, which is shown by the research.

Another problem related to the decentralization is the transfer of the jurisdiction and fiscal decentralization. The process of the decentralization itself was positively evaluated through the interviews and surveys. The biggest changes will be implemented in the education because of the possibility of more surveillance by the citizens.” (Struga) or “With decentralization the citizens will get faster and more qualitative service and that reduces inter-ethnic tensions.” (Gostivar).

Nevertheless, there are many complaints about the ways in which the process is carried out. In interviews with authority from the Ministry of the local self-government, the mayor, and councilors, we found out that the shift is carried out in public health, protection of the environment, and space planning and in education.<sup>29</sup> Reasons may be objective or some centers of power in the country are not willing to give up of their jurisdictions. This may be the case, particularly in public health and education. These operations have public expenses are reaching around 500 million dollars annually.

In the interviews with authorities in the municipalities and counselors over the shift of power and jurisdiction, there is no difference among Macedonians, Albanians, Turkish and others. They all share the same opinion that there is still a lot to be done in the establishment of the process of decentralization:

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<sup>29</sup> An Interview with officials of the Ministry of the local self-government

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*“The state does not provide enough findings, nor does it give enough jurisdiction, nor donations: in education and public health there will be no progress with this pace of transferring the jurisdiction; the municipality is responsible only for the maintenance, heating but not responsible for governing; cooperation with the state is good only if the local power is the same as the political affiliation of the coalition in power; financial decentralization is totally inadequate, changes are needed in the law for DDV and the personal taxes to be directed towards the municipalities. ..” (Struga)*

*“The law of decentralization is very reasonable. The government is closer to citizens, however some other jurisdictions of the central power should be decentralized in order the municipality to govern with its property.”(Debar).*

*“Due to the amount of the funds it is not possible to be in command of the jurisdictions in the municipalities and the process of the shift of the jurisdictions and the means is too slow.” (Kicevo)*

*The resources for the funds obstruct the function of the jurisdictions of the municipality, that’s why for now only the funds of the citizens are the only resource, the rest is planned to be obtained by the sale of the municipality property.” (Struga)*

*“The municipality would like to have more jurisdictions over the construction sites, especially the area along the beach.” (Struga)*

Essentially, the main concern of the interviewees is the transfer of the jurisdictions, particularly the fiscal decentralization. Here, we should reiterate the statement written in the National report for the human development by UNDP. *“Difficult to reach financial independence when the gross domestic production in a person in the country is relatively low.”* In fact this issue was also mentioned in the research by the mayors and counselors, and from the analyses of each municipality. The poor economic potential of the municipalities is reflected in the following data. In the municipality of Struga for example, the budget of each project from last year, modestly ranged from 3000EU to 15,000 EU.

Nevertheless, there is room for political decision-making that could improve the fiscal decentralization, which is the main criterion for the existence of the local self-government. The sources of financing of the jurisdictions of the municipalities with 3 % DDV that the government of distributes according to some certain criteria. 3% local personal taxes, tax of property 0, 01%; tax of trade with property and communal tax, even currently are not enough.<sup>30</sup>

It is probable that because of this, the municipalities will be dependant on the central power, since they will be in charge of making decisions for the distribution of the finances. By doing this, the mayors of the municipalities belonging to the parties in power will be favored. The procedure planned in the Law of financing of the local self-government is lengthy, complicated, and not clear enough. It only strengthens the bureaucracy.<sup>31</sup> The same was

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<sup>30</sup> Apart from the interviews with the mayors and councillors, here we quote the National report for the human development in 2004 of UNDP, where it is sated that “Macedonian local powers have put a certain tax values, property tax, inheritance tax; and profit by taxes and trade with property and rights) which generate insignificant means for the local powers, that the most valuable source of the means (DDV, tax for traffic, tax for personal income) are available only to the central power”

<sup>31</sup> We can take for example the article 12 of the Law of financing of the bodies in the local self-government, where first of all, “the officials and the funds of the ministry prepare the methodology to confirm the criteria’s for distribution of donations, which is based in the formula by using adequate indicators for the needs of each program; then, the Government of Macedonia brings the Regulation for the methodology for confirmation of the criteria’s for the distribution of the funds by the proposal of the

explicitly stated by the Councilors of the municipality of Struga, *“If only they could cut down the bureaucratic procedures!”*

The research, confirms that it is easier for the mayors belonging to the ruling party to solve their problems about necessary donations and subventions by direct communication. *“When I have a problem, I do not have to waste time in some formal procedures, but I go directly to our party leader and I solve the problem,”* proudly stated one of the mayors. Or *“In Struga this issue is well-established mostly because of the fact that the local authorities and those in the state power belong to the same political party,”* said another interviewee.

This is one of the indicators that point out that by the lengthy, complex, and unclear procedures, certain centers of power in the country, still maintain huge political and economic power in relation to the local government. It all results in biased bureaucracy. The strengthening of a politically state of bias damages the idea of the decentralization itself. For instance, the mayors belonging to the opposition, and that frequently face major obstacles in their work, have openly complained.<sup>32</sup> They say that the power greatly resists the decentralization, especially in some areas, like education, for example.

Another problem that became evident, was corruption and debt from the previous government that has taken the responsibility:

*“Previously, here in the municipality, people of the territory unit of the Ministry of transport and relations have taken a big amount of money from the citizens, when issuing different kinds of documents for building shops and most of this money ended in their pocket. Now they do not communicate with the administration of the municipality, neither give money in order to get things done. . . .”*(Gostivar).

One of the interviewee’s states, *“With the laws of self-governing I do not have any problem, everything is ok. However, what we should do when the court is corrupted and brings political decisions? To illustrate this, yesterday I demolished 14 garages, now, friendlier, which by a family relativity; the Court does not protect the citizens but protects somebody’s family ties. The judges are subjective; bring decisions based on who the person is so that they do not harm family and friends relations . . . Then the case goes to supreme court . . . A judge told me once, I am not like you, unlike, I am afraid . . . When the law is not respected, and everything may be expected. I am not scared, I demolish . . . Somebody has to carry out the reform and I have the support of the 95% of the citizens and the city looks much better. Because of this there are no multinational problems.”* (Gostivar)

*“The positive side of the decentralization is that it promotes creativity and resourcefulness of the mayor and Councilors. The negative side is that the rules and principles related to the interest of the individuals and groups may be easily broken. ”* (Struga)

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jurisdictions of the Ministry by prior consent from the Ministry of Finances and Commission for following of the development of the system of the financing in the municipality.”

<sup>32</sup> According to Dnevnik of 2nd March 2006, mayors from the opposition in a mutual meeting stated that they will transfer the jurisdictions by the government but not the funds and that the situation is quite worrying in the field of education, transport and finances. They also state that the government did not fulfil the promises about the reprogramming of the debts except for those of public enterprises, whereas all the other debts are left to the municipalities to handle with them. The mayor of the municipality of Gazi Baba blamed the government for keeping the capital investments, and did not transfer neither the promised funds (only 40 or 50% of the funds). The funds for the education are not transferred to the municipalities, even though this was promised to them, and one of the crucial problems is the transfer of the land, which is done very slowly with foreign investors, if there are, contracts cannot be signed.

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The problem with debts that are still unpaid by the previous municipality power is present in all four municipalities included in our research: *“Where did the millions of Euros disappear during the last twelve years? No one has ever taken responsibility for this? The revision is over and yet no measure has been taken against the previous mayors.”*

As for what they expect from the new concept of the decentralization of the power, the interviewees say that we should not be too optimistic. Some of the results could be expected in the field of the urbanism and communal activities. Education and public health still remain “out of reach” of the municipality. When it comes to the economy and finances, municipalities do not have any jurisdiction or enough human resources, for that matter. That is why, according to some interviewees, the expectation of concrete results in economy is an illusion. Only a small number of those interviewed expect good results in economy.

The interviewees view that a major problem is the land in state-ownership. *“Who would invest under these circumstances?” (Gostivar).*

*“The transfer of the land from the state-ownership to municipality ownership is considered to be the root of the municipality development.” (Debar, Struga, Kicevo, Gostivar)*

One answer to the question regarding the strategy for the local development, was, *“I told you, don’t make delusional questions. I am talking about the land. How can you design a plan? How will you tell someone to invest?”*

Other problems related to the development of the municipalities are poor funding sources that block the implementation of the jurisdiction of the municipalities. This is especially true of the more deprived municipalities where taxes are not always collected. In Debar, for example, decentralization has started in very poor conditions. The municipality functions without administrative building. They rent spaces for usual proceeding of activities.<sup>33</sup> The municipality is responsible for covering these extra expenses. Nonetheless, the biggest problems are related to infrastructure and education.<sup>34</sup>

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<sup>33</sup> There, the new concept of the local self-government is regarded to be good but its inefficiency is also noted and the slow process of the decentralisation in the country is that the state still has the judgement word, as the interlocutor states it goes in loss and not in the interest of the local self governance. This made impossible even the establishment of one desk system and at this moment the employees are in a permanent movement from one building to another. In other hand, it is positive that the citizens can directly communicate with the Mayor and the problems can be solved more efficient and faster.

<sup>34</sup> The situation in this municipality, as well as in others from the sample, expressed in some indicators, you’ll find it in this Report.

**1. 1. Education as a “case study”**

In order to clear out the issues that were raised by our interviewees, especially relating to the participation of the minority communities in power, we will take education as a “small case-study.”

Education is a field included in the process of the decentralization that according to the law provides:

- Higher level of independence of the municipalities in management of the financial resources;
- Greater participation of the power in the creation and control of the educational politics;
- More specific limitation of the rights and jurisdiction of different subject involved in the educational process in national, local, or school level;
- Strengthen the control over the efficiency of the work of the schools.

Decentralization, in field of education, is followed by fiscal decentralization that is carried out in stages and of financing through the municipality. The funding procedures have to be transparent and based on objective measures.

The first stage, beginning in July 2005, includes donations and resources for the maintenance of the primary and high schools. It also includes transportation for students in the primary school. The second stage will start in 2007, and it concerns distribution of accumulation<sup>35</sup> of donations. Thereby, the distribution and funding of the teachers' salaries and the overall staff will be under municipality jurisdiction. The funds are defined by determined donations and are used for the work of the primary schools: municipal services, heating, electrical energy, communication and transport, office supplies, equipment, maintenance supplies, newspapers and journals, other supplies, food and accommodation of students in the dormitories, etc.

The distribution of funds is based on previously prepared financial plans, submitted by the schools in the municipality. After this, the municipality submits the report to the Ministry of Education and science. The field of education is complex in itself - when we take into account that in 2007 the bigger municipalities will have to separate about 40% from their own budget and the smaller ones about 60%. There are many factors that may damage the principle of equity in the distribution of the funds. This may lead to a poor evaluation of the country for the capacity of the municipality, different party affiliation of the people in government, intolerance, and the ethnic structure of a given municipality. Since the municipalities starting from 2007, will be in possession of their funds (given on the basis of the block funds), the question arises – Will there be multi-ethnic conflicts in this field? If the majority municipality Assembly makes decisions about the distribution of the resources in the schools, they will likely exercise bias. They will questionably be in favor the education of the majority in the municipality.

The system of education should be viewed in three levels: state, municipality, and school. At the state level, the main subject are the Ministry of education and science, the state educational inspector, and the Office for development and advancement of the education.

<sup>35</sup> According to the Law of the bodies in the local self-government, accumulative donations are defined as donations meant for the financing of the jurisdictions in certain place regulated by law.

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Just as before the process of decentralization, these main subjects are responsible for the unification of the quality in the educational process in the whole territory. They observe the pedagogical standards and norms, the textbooks, the manner and standards for professional development, control over the efficiency of the educational process, respect the jurisdiction etc.

At the municipality level, we may identify the mayor and the Assembly of the municipality. The mayor appoints the principals of the schools based on the proposals made by the school assembly. The school assembly opens or closes a school, decides about the location of the schools, makes sure that all children have access to primary and secondary school, and appoints members from the municipality in the school assembly. It is possible to have problems in multiethnic relations. For example, the mayor may turn down the proposal for the director given by the school assembly just because the candidate that belongs to the minority community. Or, the municipality may bring a decision to close a school where most of the students belong to the minority community without presenting concrete reasons. Another possibility is that a school may be opened without taking consideration of the distance of the school from the minority ethnic community, in case this minority group is concentrated in a definite territory. Or, the municipality may appoint members in the school assembly<sup>36</sup> who belong only to the majority ethnic community in the municipality. Hypothetically, the assembly in a small primary school,<sup>37</sup> where children of minority ethnic groups go to school, are made up of another ethnic group. The full and adequate participation of the citizens may be questioned.

The Law for local self-governing does not include education as a field where minority veto could be applied. We would like to suggest that this be changed, because of the possible problems that may emerge. .

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<sup>36</sup> The most significant jurisdictions of the school assembly are:

- They adopt the Statute
- Suggest the annual work program prepare and submit the reports about the achievements of the school to the Municipality Assembly;
- Suggest financial plan to the Founder;
- Recommend the annual situation of the accounts to the Founder;
- Publicise open announcements for election of the school principle;
- Carry out interviews with the candidates for the School Principle;
- Propose candidate for the school director from the candidate that were interviewed to the mayor of the municipality;
- Make decisions on the complaints made by the employers of the school;
- Make decisions on the complaints of the students, parents and trustees of the students.

The school Assembly in the primary school also gives their opinion to the principle of the school regarding the employment of teachers, scientific collaborators and pedagogue.

<sup>37</sup> The School Assembly in small primary schools (small schools are regarded those with 24 classes) it consists of 7 members, as follows: two representatives from the teachers, professional collaborators и pedagogues, two representatives form parents //trustees of the students, one representative from the ministry and two representatives from the founder.

**1. 2. The opinion of the citizens in the research of the public opinion for the work of the municipality power<sup>38</sup>**

As a part of our research methodology, we will also include some questions of the research on the public opinion in the municipality of Gostivar, Struga, Debar, and Kicevo. The question we asked the citizens is related to their evaluation of the work of the municipality power, which was introduced after the last local elections in 2005.

Generally, citizens in the municipality that present an example of the research (Gostivar, Kicevo, Debar and Struga) are **mainly satisfied by the work of the municipality powers**. *Namely, 47, 1% of the citizens evaluate positively (“very good” and “mainly good”) the results of the work of the new municipality power, 27, 9 “neither good nor bad”, whereas 15, 9% give negative evaluation (“mainly bad” and “very bad”).* Here is the general frequency (the general frequency may be viewed in the table **“Valid Percent”**)

How do you evaluate the current results and the work of the **new municipality power?**

		Freq	Percent	Valid Percent	Cumulative Percent
Valid	1 Very good	64	10.6	<b>10.6</b>	10.6
	2 Mainly good	220	36.5	<b>36.5</b>	47.2
	3 Neither good, nor bad	168	27.9	<b>27.9</b>	75.1
	4 Mainly bad	37	6.1	<b>6.1</b>	81.2
	5 Very bad	59	9.8	<b>9.8</b>	91.0
	9 Doesn't know/No answer	54	9.0	<b>9.0</b>	100.0
	Total	602	100.0	<b>100.0</b>	

Nonetheless, if we take a look at the answers by ethnicity, the picture becomes more complicated while the knowledge is deepened. Macedonians from the municipalities of Gostivar, Debar and Struga are far more disappointed in the municipality authorities than the Albanians. We will illustrate in a chart, the situation in the municipality of Struga, as most characteristic. In it, 34, 7% of Macedonians negatively evaluate the results of the current work in the municipality power (“mainly bad” or “very bad”) in contrast to 6% of Albanians. They positively evaluate the results of the work of the new municipality authorities 43, 8% of Albanians (“very good” and “mainly good”), whereas 11, 6% of the Macedonians claim so. Majority of the citizens of Macedonian ethnic background claim that the results are “neither good, nor bad”, 47, 8 and 26, 7% of Albanians, they cannot be regarded as a positive evaluation.

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<sup>38</sup> The research was made by the professional agency: “Brima-Galup”. The sample of the research and the results are published as supplement of this Report

**How do you evaluate the current results of the work of the new municipality power in the municipality of Struga?**

		D4B			
		1 Macedonian	2 Albanian	3 Other nationality	Total
Q1 How do you evaluate the current results of the work of the new municipality?	1 Very good		13.9%	20.0%	8.9%
	2 Mainly good	11.6%	47.5%	10.0%	31.7%
	3 Neither good, nor bad	47.8%	26.7%	50.0%	36.1%
	4 Mainly bad	15.9%	4.0%	20.0%	9.4%
	5 Very bad	18.8%	2.0%		8.3%
	9 Doesn't know/No answer	5.8%	5.9%		5.6%
Total		100.0%	100.0%	100.0%	100.0%

In the next question about who is responsible for the current poor results of the work of the municipality power the majority of the citizens answered with “neither good nor bad”; “mainly bad”; “very bad” <sup>39</sup>, **40, 5% of citizens claim that it is the responsibility of the “central power”**. Next, they blame the mayor's, **33, 3% of them claim Assembly of the municipality - 8.7%, citizens themselves; no one 9, 8%.**

<sup>39</sup> Next issue was, who should take the merit for the good results from the work of the municipalities, and here answered only the citizens which evaluated positively the work of the new local governance, from them 54% consider that the biggest merit person is the Mayor, 26,8% the Municipality Council, 7,4% the citizens, 8,1% the state actually the Central Governance and 3,5% no one, that's the state

**Q2 who is responsible for the current results (neither good/nor bad, mainly bad or very bad from the work of the new municipality power? General frequency**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 The Mayor	88	14.6	<b>33.3</b>	33.3
	2 Assembly of the municipality	23	3.8	<b>8.7</b>	42.0
	3 Citizens	20	3.3	<b>7.6</b>	49.6
	4 State, central power	107	17.8	<b>40.5</b>	90.2
	5 No one, that's what the objective situation is like	26	4.3	<b>9.8</b>	100.0
	Total	264	43.9	<b>100.0</b>	
Missing	System	338	56.1		
Total		602	100.0		

In any way you look at it, ethnic background changes the picture. Macedonians and other smaller minorities (ie. Turkish), for the poor results in municipality blame “the central power.” This is likely because they think that they are left on their own. On the contrary, Albanians claim that the responsibility for the failure of the new municipality power should be put on the mayor. In the places where they are minority, Albanians (municipality of Kicevo) are also disappointed from the “central power.” Likely, because Kicevo still remains within the old municipality borders.

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(Below, we illustrated the citizens' answers, the stencils with the answers from the municipality of Struga and Kicevo)

**Q2 Who should be blamed for the current results (neither good/nor bad, mainly bad and very bad) for the work of the new municipality power? - Kicevo**

		D4B			Total
		1 Macedonian	2 Albanians	3 Other nationalities	
Q2 Who is responsible for the current results (neither good/nor bad, mainly bad/ very bad) for the work of the municipality?	1 Mayor	39.1%	16.7%	25.0%	33.9%
	2 Assembly of the municipality	10.9%	8.3%		9.7%
	3 Citizens	4.3%		25.0%	4.8%
	4 The state, central power	32.6%	66.7%	25.0%	38.7%
	5 No one, the situation is like this	13.0%	8.3%	25.0%	12.9%
Total/Kicevo		100.0%	100.0%	100.0%	100.0%

**Q2 Who should be blamed for the current results (neither good/nor bad, mainly bad and very bad) for the work of the new municipality power? - Struga**

		D4B			Total
		1 Maccdonian	2 Albanian	3 Other nationality	
Q2 Who is responsible for the current results (neither good/nor bad, mainly bad/very bad) for the work of the municipality?	1 The mayor	26. 3%	42. 4%	14. 3%	30. 9%
	2 Assembly of the municipality	7. 0%	15. 2%		9. 3%
	3 Citizens	15. 8%	21. 2%		16. 5%
	4 State, Central Government	43. 9%	12. 1%	85. 7%	36. 1%
	5 No one, the situation is like this	7. 0%	9. 1%		7. 2%
Total/Struga		100. 0%	100. 0%	100. 0%	100. 0%

In short, an important conclusion of the public opinion is that there is a disappointed minority and relatively satisfied majority in these municipalities. We could say that these institutions, mechanisms, and policies for the protection of the rights of the minorities, are either not enough or they are misunderstood. They may not be applied in a way that creates trust or cooperation among communities in the multiethnic municipalities. This is especially true among Macedonians on one side and Albanians on the other side, at one level of making polities and decisions.

## 2. The political participation of the minority community. Participation and influence. Symbols and language.

The development of the decentralization of power was one of the basic requirements of the Ohrid Framework Agreement. The transfer of a significant part of the power from national to local level, aiming at giving opportunities to minorities, that at local level appears as majority, to govern *one self*. Since in the state the standard have already been set, that the decision making of the fundamental interests of the ethnic communities, will be based on the consensus and compromise, rather than on outvoting, this standard, in a limited way, expanded on decision making in the municipalities, **opposing the possible further fragmentation of the society** <sup>40</sup>

The law of the local self-government that was brought in 2002, the jurisdictions of the municipalities related to the fields of the public services, urban and rural planning, protection of the environment, local and economic development, culture, local finances, education, social protection and public health. Additionally, a limited right to a veto for the minority community is introduced, by the decisions of the municipality assembly.

### *The basic components of “power sharing” in municipalities*

**1. Sharing of the executive power:** This is what the municipalities are missing. Namely, the local government elections, concentrate the executive power to one political figure, who will get more votes from the citizens. Resistance for this pure majority principle of constituting executive power can be found in the fact that there is an Assembly for international relations and other professional structures within the frameworks of the municipality administration that are responsible for the minority communities. In this context, the question of whether or not presidential or the parliamentary system enhances the model of *power sharing*, should not be discarded. Is it more favorable to have a president of the assembly of the municipality, who will delegate responsibility to the Council or should the mayor be elected by the citizens? Since ethnic balance is a requirement of *power sharing*, the “mayor” institution in the research was also analyzed in this context.

**2. Proportionality:** This is embedded in the model in few ways: a) Through the proportional election model that allows for greater participation of the representatives of the smaller ethnic communities. b) Through the principle of the **judicial representation of the citizens belonging to all communities present in the municipality** (Art. 59 of the law of the local self-government)

**3. The right to a veto:** The regulations about culture, the use of languages and alphabets that are used by less than 20% of the citizens in the municipalities, the confirmation and use of the emblem and the flag of the municipality are elected by the majority votes of the members that have voted. We have to notice that there should be majority votes of the members of the assembly belonging to the communities that do not belong to majority population (art. 41 of the law of the local self-government).

This model, especially the proportionality actually the equal participation of the minorities in the public and municipality administration and the right to a veto, should facilitate “full and efficient” participation of the minorities in building the policies of the municipality and decision-making.

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<sup>40</sup> And other researchers, like Kenneth McRae (in the text “Theory of Power sharing and conflict management” noticed that if in a country with limited form it is used the consociational model for solving a kind of segregation, and then exists a tendency and other segregations to be solved with similar model.

**4. Full and efficient participation:** When the Cold War was over, most of the conflicts involved minorities. Of the fifteen conflicts that occurred in 1990, less than five were international. Over thirty have expanded to bigger wars. 40 millions people killed and over 45 millions refugees are now all over the world.<sup>41</sup>

These and similar appalling data, attracted the attention of the international organizations, such as UN, OBSE, or the Council of Europe. Even though the reasons for ethnic conflicts traditionally were blamed on poverty or the lack of democracy, the latest theory suggests that it is a complex phenomenon that is result in the disrespect for the minority rights. Three documents are particularly important for promoting the rights of the minorities, among them the right for the full and effective participation: The declaration for the rights of people that belong to the national or ethnic, religious and language minorities - adopted by the General Assembly of the UN (Resolution 47/135 on the 18th December 1992); “Ohrid Framework Agreement for protection of national minorities” and “European declaration of minority languages” of the Council of Europe.

In the resolution of the UN it is stated that “People that belong to minorities have the right to efficiently and fully participate in the decisions in national, and when that it possible in regional level, in approving suggestions that are related to minority group that they belong to or in regions where they live, in a way that does not correspond with the national legislative.” (Art. 2)

In Art. 15 of the Framework Agreement for protection of the national minorities, it is stated that, “The foreign (countries that have signed) are obliged to create necessary conditions for efficient participation of the national minorities in the cultural, social and economic life as well as in the public sector, especially in those that concern the.”

The Framework Convention For The Protection Of National Minorities-entered into force on 1 February 1998. It is the first legally binding, multilateral instrument devoted to the protection of national minorities in general. It covers a wide range of issues that are central to the protection of national minorities and makes clear that the latter is an integral part of the protection of human rights. Art. 25 obliges the countries that have signed the Convention to submit annual reports for their undertakings.

In the discussion brought up after the 5-years monitoring of the Framework Agreement for protection of national minorities, “full and effective participation,” is defined as something that encompass political participation, and more broadly, includes the economic and the social dimensions. According to M. Weller, “It is not possible to conceive of fully democratic governance in the absence of full and effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs.”<sup>42</sup>

The participation of minorities in public life yields responses to the following questions: Which consultation measures/structures should be used to include persons belonging to national minorities in decisions affecting them? Is there political representation for minorities? Where do they stand in regards to economic and social integration? In order to evaluate the “full and effective participation,” it is necessary to address the question - In what ways are minorities represented in the executive power? Especially in the area of the language, education, and media. Are there “equal opportunities” guaranteed for the minorities? What is the constitutional design of the country? Where is the representation of institutions and practices that influence the national minorities? Is there autonomy or local self-governance? Is there efficient participation of the

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<sup>41</sup> From the lecture “Ethnic Conflicts and the Rights of minorities” by F. de Varennes, School of Law, Skopje, 16 December 2005

<sup>42</sup> M. Weller ‘s article in:” Filling the Frame”, Council of Europe Publishing, 2004

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minorities in state and local level? Is it possible for the ethnic parties and candidates to register, maintain proportional representation and quota? Is there special protection for the small and disperse minorities? Are the minorities represented at both local and regional levels? Are the election districts, rules, and praxis designed in a ways that allow participation of small ethnic communities? Are there positive parliamentary working practices and consultative bodies that represent the interests of the minorities? Is there efficient representation or executive representation? In the end, Is there efficient participation of the minorities in cultural, social and economic life?

It is obvious that the project that we carried out, cannot tackle all these questions. We did focus; however, on the ones we found the most important. More precisely, the topic of our research was the *political participation of the minority community in the multiethnic community (in the illustration the municipality of Gostivar, Kicevo, Debar and Struga are chosen) in the creation of politics and decision making of the Assembly of the municipality*. Even further, we looked at the juridical representation of the minority communities in the municipality administration, in public institutions, and enterprises. We also explored the right to a minority veto (the Badinter's Principle or *double majority*). The Commission for the international relations was subject of our monitoring in 2006. In fact, through they accomplished full and effective participation of the minority community in creation of the policies of the municipality and decision-making within the municipality power.

Our hypothesis was that, if not followed by the economic development of the country and the municipalities, *judicial representation* would lead to deepening the distrust among the ethnic communities. This hypothesis proved to be true. The gathered indicators in the municipalities show that the change in the ownership structure caused unemployment and social problems within all ethnic communities. This greatly effected Macedonians who were employed in the former socialist enterprises. The anticipated foreign investments and the fast economic development, that would absorb the unemployment or reduce the multiethnic problems, is unlikely to happen. For this reason the political struggle for power continues.

Since the majority of employment is from the state and the source of power and privileges, people try to gain power by any means. The question itself of the "equal representation of the communities," becomes a more political and security sensitive issue. If we look at it in a way that some will gain while others loose (zero sum-game), it may result in the weakening of the coalition in power (SDSM-DUI). If a strategy is chosen to gradually establish this principle (a threat for DUI), it may loose the support.

Based on what we witnessed in the field, it is possible to find a solution for changing the ownership structure of the enterprises that provide public services – privatization. In this case, veto power could not be used, and yet prominently influence the minority rights. Namely, it is claimed that "equal representation," does not concern the private enterprises that provide public services. This is open for discussion.

The right to veto is a well-known concept within system of the power sharing. It involves questions related to the identity of the ethnic communities, such as education, culture, language, symbols, etc. It gives the minority access to veto power, to help prevent majority dominance. Belgium is known for "cultural federalism." It preceded the territorial federalism, where within the framework of the representation, two ethnic communities, separately decide on issues related to the culture and education of their communities. The praxis of the multi-ethnic or pluralistic countries such as Switzerland, Belgium, and Canada, decisions are related to community identities, and must be supported by necessary financial aid.

The research that we carried out in the four municipalities has shown an interesting phenomenon that concerns all the ethnic communities in the country. Namely, when you are a minority, the rights are never enough. You always seek for more rights. Conversely, when you are of the majority, you believe that “the minorities have too many rights.” This is also related to the right of the veto or Badinter’s Principle (double majority).

“*The multi-ethnic relations are great! There was no need for this.*” This is the most common answer given by the representatives of the majority in the municipality. On the other hand, the representatives of the minorities believe that they are marginalized, that there were delicate situations concerning the multi-ethnic relations. They felt that decisions for them would be better to be made by agreement, with or without the use of “culture and symbols.” If we add the lack of democratic tradition, the expanded power in the hands of the mayor (whose decisions cannot be objected by anyone, especially not if the majority of the Assembly belongs to same political party), the Commission for the international relations (that only exists on paper), then there is not much left for democracy. There is even less room for “full and effective participation of the minority communities” in creation of the politics of the municipalities and decision-making.

## 2. 1. Municipality of Kicevo

### OBJECTIVE INDICATORS

Population: 30 138

Number of populated places: 1 city and 6 villages

Number of communities: 17

Ethnic structure of the population:

Macedonians: 53. 55%

Vlach: 0. 25%

Albanians: 30. 53%

Serbians: 0. 29%

Turkish: 8. 06%

Bosnians: 0. 02%

Roma: 5. 41%

Other: 1. 89%

Total number of employed in LSGU: 61

Total of employed in the LSGU: 61

Educational Structure: 20 -VSS, 5- V[S, 30- SSS, 6 -others (primary)

Gender structure: 30 Fem, 31- Male

Ethnic structure: 54 - Macedonians, 5- Albanians, 2- Turkish

Organizational structure of the LSGU

Sectors:

1. Sector for juridical and public services

2. Sector for Urbanism, communal activities and protection of environment

Division:

1. Division for normative services and judicial activities

2. Division for finances and budget

3. Division for general services

4. Division for municipality services

5. Division for protection of the environment

Public administration:

1. Public communal enterprise:

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“Komunalec”-Kicevo

#### 2. Education

1. Primary schools
2. High School

#### 3. Public health:

JZO “Medical Center”- Kicevo with stationary and policlinic Ambulance

#### 4. Social security:

Inter municipality center for social security- Kicevo

#### 5. Culture

1. Museum of “Western Our Country in NOB”
2. Center for scientific and cultural activities “Koco Racin” –Kicevo
3. Workers University “Krstev Petkov Misirkov”

#### 6. Firefighters:

Territorial firefighter’s entity of the municipality Kicevo

#### 7. Civic sector

NVO

#### 8. Media:

Local television channels: 3

2 in Albanian

1 in Macedonian language

Local radio stations: 4

2 in Macedonian language

1 in Albanian

1 in both languages

Bodies for the municipality governing

Mayor: Vladimir Tolevski, Macedonian, independent

Council of the municipality:

Ethnic and party affiliation of the Councilors:

	Macedonians	Albanians	Turk	Roma	Total
VMRO Narodna	3				3
VMRO DPMNE	5			1	6
SDSM	3				3
DUI		4			4
Democratic Turkish Party			1		1
LDP	1				1
Independent	1				1
Total	13	4	1	1	19

Gender structure:

Male-11

Female-8

In order to properly answer the main question to what extent the minority community in the municipality have an access to power, we looked at the three following assumptions:

- Functionality of the new model of the local
- Self-government
- The level of the economic development of the
- Municipality
- The quality of the multiethnic relations in the
- Municipality

We already mentioned above in the explanation of the project, that these three segments are of crucial importance for the implementation of the model of power sharing. In what ways?

First of all, we should ask the question of how the new model functions in the local self-government in the municipalities and whether or not the model enables the citizens to exercise their rights.

Only under the conditions successful/functional local self-governing the participation of the citizens from the minority communities in this process, could this be measured. Furthermore, unless the new model of the decentralization power is not reached, namely in itself is not functional, the mechanism of power sharing will have no significance. In this case, the local power will entice disappointment of the citizens in all ethnic communities. This disappointment, may be misused in the political goals in gaining ethnic dimensions. Due to the fact that the process of the function of the local power itself was not part of our project, under the circumstance, we only had the perceptions of the citizens in the municipality. We will present the opinions and attitudes given in the interviews, the answers of the citizens given in the survey, as well as the discussions in the focus groups.

#### **A. The new concept of the local self-government**

##### **1. What do citizens think about it (attitudes and opinions?)**

All of our interviewees have positive attitudes towards the new concept of the local self-government, because the power should be easily accessible by all citizens. In doing so, their problems are more easily solved. The concept is well elaborated on, so the work of the institutions is more transparent for the citizens. The local self-government is able to be familiar with the problems and is more efficient in finding solutions. *(Below in parenthesized italics are given the statements made by the citizens)* That is something that had to happen, according to the interviewees. This kind of a positive attitude is expected because the requirements for the decentralization of the power in Our Country were presented many times throughout the transition. This means that this did not originate in the Framework Agreement.

When the Law for territorial division was mentioned, interviewees had different attitudes. The Albanian interviewees support the Law (some of them even claim that there should be a new bordering of the municipalities: in Our Country *there are 30-40 municipalities or two level self-governing*), the Macedonian interviewees have entirely different opinion (*Kicevo should remain within the current borders in order to function well; due to the enormity of the municipalities, with the joint urban and rural parts the effects of the decentralization will be reduced; the suggestion for the new bordering of the municipalities are absurd because 5 rural places should join the town, and some of them are within 100 km distance from the town*). A member of Turkish community is dissatisfied by this law because of the injustice that is caused to the Turkish population in Our Country (*in 4 municipalities with majority Turkish population now remain only 2: with the new territorial division of 2008, the Turkish population in the municipality will undergo further assimilation by Albanians*)

##### **2. What is in fact expected from the new model of the local self-governing?**

Our interviewees pointed out that there should not be a too optimism and that some results could be expected only in urbanism and communal activities. Education and public health still remain “within the realm” of the municipality, whereas the economy, human resources are out of municipalities reach. That is why, according to some, it is an illusion to expect good results in economy, contrary to this, some think (a small number) that even in economy positive results could be expected. As far as the interethnic relations are concerned, within the decentralization of power, all of them expect improvement or relatively good level of relations. The evaluations of the current work of the new municipality power are different. One of the councilors, for example, claims that it is still early to evaluate its work and that practically its work is still not felt.

##### **3. What are the problems that the municipality faces in the realization of the new concept of the decentralization of power?**

Problems are located in several groups:

- Cooperation with government or the central power is not enough *(the state does not distribute neither jurisdictions nor funds, in education or public health there is not development with the pace of the distribution of the jurisdictions, the only support we get from the central power is in beating, maintenance, but not in governance, the cooperation with the government is good only if the local government belongs to the same political party like the central power)*.
- The municipality is poor, and doesn't have enough funds to carry out the duties that are given to it, *(the municipality is a dead end in the state...with the current devastating economy, the sources and revenues of the municipalities does not covered even 30% of the needs. . .)*
- Financial decentralization is entirely inadequate; changes are needed in the law (DDV and personal taxes to be directed towards the municipalities . . .)

### **B. Socioeconomic aspects in the municipalities (ECONOMY)**

Kicevo is one of the most underdeveloped municipalities in the state, with a large percent of unemployment. Its citizens view the city *as worthless*. The municipality has many socioeconomic problems that are much greater than those in other cities. The economic transition shown is quite similar to that of the many cities in Our Country. During the socialist era, there were many production facilities - mining, bloomery, woodcarving, etc. Inadequate privatization, as claimed by the interviewees, resulted in the bankruptcy, which left many people (mostly Macedonians) on the street.

The newly created private sector is made up of smaller enterprises in the field of hostelry and trade. There were new services that could not fit the capabilities of those that were unemployed. The capital mainly belonged to ethnic Albanians, even though employers in these enterprises were Albanian and Macedonian. Even the Albanian Diaspora invests more than the Macedonian. Due to these processes, Macedonians are affected more by the economic transition than the Albanians. In essence, all the citizens in Our Country are losers in the transition, with few minor exceptions (*exceptions are the key people in politics that are winners: due to bad privatization and securing the factories, everyone lost, the beneficiaries are the former directors*).

The main obstacles that prevent the successful work of the economy in the municipality in the next period are mentioned the following: incapability of the administration, inefficient work, robbery of state and municipality property, lack of investments, lack of jurisdictions, out of date technology, bad business climate, insufficient work of political parties, distrust of foreigners, personal interests, etc.

The analyses of the aforementioned obstacles show the problems that the economic development of the municipality faced in the next period:

- Insufficient jurisdictions of the municipality power in these areas (construction area was a state property)
- Inefficient functioning of the institution that creates bad business climate and distrust by the foreign inventors.

### **C. Multiethnic relations in the municipality**

Our interviewees stressed that Kicevo is traditionally a multi-cultural municipality, with a long tradition in harmonious life. In 2001 the multi-ethnic relations remained stable, even though there was tension (*...did not succeed to contaminate us, luckily, local politicians played a good role in this who were among their people most of the time*). During that time the contacts among the citizens of different ethnic communities were at a minimum, and people mainly stayed in their part of the town (*we did not go to their part of the town, neither did we*). By signing the framework agreement the relations gradually became more relaxed, but there was still tension. It is hard to regain trust. Some interviewees claim that relations are not as they were before 2001, while others view them as good.

Although, the evaluations of the happenings of the 2001 are different (depending whether the statements are given by the ethnic Albanians or ethnic Macedonians), we may say that all of our interviewees accept the application of the framework agreement as a necessity and prerequisite for the development and prosperity of the country. When asked about the framework agreement, doubt was only expressed by the member Turkish community. According to him, with this agreement Our Country *is turned into bi-national state and it gave up its multiethnic character*. Being a numerous minority community, Albanians are privileged at the expense of other ethnic communities. The majority number of the interviewees and both of the two ethnic communities claim that the priority now is the economic issue, and that the main concern to all of the citizens is

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to improve their life standard (*Both Macedonians and Albanians want to be part of Europe; now we are allowed to use "the eagles", the most important is economy*).

Even though almost everyone agrees that nationalism is reduced, communication among the members of the two major ethnic groups is still very rare. *This, in their opinion should be improved. (My sister is employed by an Albanian doctor and that is her only contact with the Albanian community; young people do go out at the same places, now I learn Albanian language and I notice that Albanians are happy when I talk to them in their native language)*. It is interesting that all of our interviewees claim that politicians play a big role in the direction of multi-ethnic relations (*Politicians are not always careful when they deliver a speech. Just one word is all that it takes to start the conflict. This is all a consequence of the bad economic situation, everybody is concerned and worried, and that's why the possibility for a conflict is high-member of DUI*).

## **D. Power sharing or the way to a full and efficient participation of the minorities**

- 1. Proportional representation**
- 2. Minority veto (Decision – making by Bandinter's Principle )**
- 3. Use of languages, flags, symbols**

### **1. Proportional representation**

Basically, the process of proportional representation is at the very beginning. Though, every one is aware of the inevitability of the changes in the structure of the employers in the local administration and in the public enterprises. The objective indicators show the following: of 61 employers in the Body of the local self-governing 54 are Macedonians, only 6 are Albanians, and two are Turkish. Hence, it is obvious that the ethnic structure of the employers is not balanced, which in long term will not be tolerated.

Although we did not get exact data for the ethnic structure of the employers in public enterprises and buildings, we came to a conclusion from our discussions that most of the employers are Macedonians.

Expectations and disappointments are omnipresent, even if it is not openly spoken about. The problem is as follows: in this sector there is unemployment, and the municipality is in a very poor financial position and could not bear the burden of having new employments. On the other hand, if the Macedonian administrators are made redundant, and replaced by Albanians, the reaction would be more enormous. Moreover, there are few new opportunities for employment in Kicevo. Macedonians already face the consequences of the economic transition. Essentially, Albanians still expect this process to happen in one fulfilling pace (since in this way, according to them the Ohrid framework agreement is being obstructed), and Macedonians "*wonder if they will be out of work or not.*" So, what next? The economic prospects are non-existent (*If we are made redundant this means that in the following years in the administration and public enterprises there will be no Macedonians employed! This is terrible!*). Such reactions show that among others, Macedonian population shows little flexibility and initiative for starting their own businesses. The security that the socialist enterprises used to give to them, proved to be counterproductive in these periods of transition. (This, needless to say, is not the only reason for their low representation in the private business).

### **2. The process of the decision-making**

The process decision-making is undoubtedly the key element in establishing the model of power sharing. It is made successful by the participation and direct influence of the minority

communities. This is why the initiators of this model, have indicated *double majority* as a mechanism that will enable improvement of the position of the minorities in the process of decision-making. The law for the self-governing regulates its use under certain circumstances and in explicit definite cases. To what extent and frequency are these decision-making processes applied in the municipalities? What is the usefulness of its application? Do these processes facilitate protection from majority domination or do they obstructs the process of the decision making in the Assembly of the municipality? Does it facilitate the improvement of the multi-ethnic relations or deteriorate them? These are the questions we wanted to answer in the research. In setting up the research we took into account some assumptions:

Since the process of the decision-making is intended for the full and efficient (qualitative) inclusion of the participation, (qualitative inclusion means a possibility for participation and influence in all aspects of its phases) many preconditions need to be fulfilled. First, it is necessary to fulfill the basic organizational and technical conditions of having a meeting in the Assembly of the municipality. This assumes the existence of adequate spaces, arranging meeting in advance, distribution of materials, and providing translation in native language. Second, disagreements should be settled in a democratic atmosphere during the meetings. Each person present in the meeting should be allowed to express his/her own opinion and to vote lawfully. The majority should be present when voting for certain issue. They must respect the lawful preconditions for application of the double voting majority.

What are the outcomes of the research that we carried out in Kicevo?

Due to the lack of space for the meetings, the Assembly usually has meetings in a hotel in town. All of the other organizational and technical preconditions for having a meeting were, in general, met (announcing the meeting on time, providing materials, and translation in Albanian). The municipality does not have the necessary equipment for simultaneous translation, due to lack of financial support. This influences the length of the meeting and the quality of the translation. This sometimes causes anxiety among the councilors. Generally, the meetings were public, and as far as the democratic atmosphere, most of the observers ranked them among 3 and 4 (The ranking used for the evaluation was 1 – bad democratic atmosphere, and 5- excellent democratic atmosphere).

The Assembly of the municipality of Kicevo has 19 members. Except for the members of VMRO DPMNE, there are members of the coalition in power. The quorum does not represent a problem for the work of the Assembly. On the contrary, all the meetings are held with less than 17 members, which indicates a strong motivation of the Councilors to participate in the work of the Council.

What does the Council discuss? The analyses of the daily agenda of the meetings of the Councils show that most of the time and energy is spent on the following issues: 1. Financing the municipality and its activities (budget, accomplishment of the budget revenues); 2. Issues relating to the staff (election of the president of the Council and members of the commissions); 3. Issues related to the field of urbanism and communal activities.

For seven months, the council was unable to choose a spokesperson and complete the commissions. From the reports and notes taken during the meetings, it is obvious that there are extreme contradictions among the members of different parties on these issues. As a result, the process of decision- making is deteriorated.

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The members of different political affiliation blame each other for the obstructions. The disagreements are long and take up most of the time in the meetings. There are often objections for not getting the papers in time, some of agenda points have not been previously approved, etc. As a result, they may ask that the meeting to be postponed. Obviously, these are issues that result from the interests of certain political parties that orchestrate the work of the councilors. From the documents, we get the impression that the basic line of separation is drawn between the power and the opposition. The members of the parliament are aware of the fact that by working in this way, they damage the dignity of the council and the status of both parties in the eyes of the citizens. This is why some of them even suggest that the council to be dismissed and in order to hire new people for these positions.

Some of the councilors claim that the *ethnic map*, is being used for political marketing. Namely, the councilors of DUI left the 5th meeting of the council, because the documents of one of the issues of the agenda has not been submitted to them in Albanian. The mayor, who claims that has not been informed about this issue, said that he would take measures against the administration if these kinds of mistakes were repeated. The representatives of DUI left the meeting and the others remained there in silence. The administration's excuse was that they had some technical problems for the translation, and that is the reason why only 2 out of 4 members showed up for the meeting.

A typical example of a counterproductive meeting was the one held on the 27th December 2005. In the discussion about the Proposal for a program of the Public enterprise Komunalec, more than two hours were consumed. 3-4 councilors participated. The dispute was over the disqualifications, threats, anonymous phone calls, and political manipulations that were at hand. *"I am not scared of any thing. In the former structure there were no threats. These kind of messages were addressed to the President of my Party and the President of the Council, as well."* The President had to stop the meeting. When it resumed, the councilors did not vote for the suggested program of the Public enterprise. We get the impression that even the mayor is vulnerable to "political games" and if this goes on, the reduction of his efficiency is expected.

The issue that was of particular interest to us, was whether the *Badinter's Principles* is applied in cases when interests of the ethnic communities are concerned. We found out that this praxis was non-existent in the municipality, because issues of this kind were not in the agenda of Council of the municipality. Additionally, we found out that the members did not declare the ethnic community that they belong to. As a hypothesis for the application of the right for decision-making with double majority, the Commission for multi-ethnic relations has never met. According to our interviewees, it was not necessary. From the documents that are available to us, we get the impression that the meetings of the council were used as a kind of arena for the disagreements among the parties. On the other hand, we get the impression that the members of all political parties and ethnic groups have continuous access to the disagreement. That is a very important assumption for democratic decision-making. Another impression is that in the meetings, a lot of attention is given to the maintenance of strong multi-ethnic relations. For example: The commission met to discuss holidays, giving awards, and certificates. During this time, the president, not by chance, was Albanian. In the constitutive meeting, all members, without any exception, *requested a plea for versatile cooperation of all ethnic communities. . . . (20. 12. 2005).* The second example is the one is when the member of DUI complained because the documents were not translated in Albanian. Aside from the apology from the mayor, the responsible authorities received a severe warning that in the future, responsible people will get sanctions if something similar happens.

The answers that we got in the survey point out that for citizens of Kicevo the main problem is not the multi-ethnic relations, but rather, a variety of other problems. Much more important is the issue of unemployment. Additionally, the three problems that are highly ranked by Albanians are: unemployment (non existence of investments), ecology problems (the municipality has many problems with trash), and public health. For Macedonians, the major problems are: unemployment, infrastructure, and corruption.

When they were asked about which of their rights they think is being deteriorated in the municipality, both Macedonians and Albanians answered the right to employment. 35% Macedonians and 45% Albanians gave this answer (For the deterioration of other rights only small number of interviewees gave their answers).

If we compare the general frequency gathered by the interviews in the four municipalities, the citizens of Kicevo give less favorable evaluations for the accomplishments of the new municipality power. This is particularly evident in the following: there is no progress in any field, the services given by the local power have not improved, when I have problems I do not expect the municipality to solve them, or the problems are solved with “strings attached” or bribery. Generally, the Albanians are not as satisfied as Macedonians with the condition of the municipality. The ranking of Kicevo compared to the other municipalities, is mainly based on the importance of both ethnic communities in relation to the municipality power. In the end, we should say that the interviewees from Kicevo claim that they do not see their perspective in the municipality. This is a result of the founding based on the research as well, probably due to the poor economic situation in the municipality.

**If we compare it to the other municipalities, the stencils are helpful to use**

**Do you see your prospect in the municipality?**

	Macedonian	Albanian	Other nationalities
1. Yes	62, 7%	48, 4%	75, 0%
2. No	35, 8%	35, 5%	25, 0%
3. To me that's not important	1, 5%	16, 1%	
Total	100, 0%	100, 0%	100, 0%

### 3. The use of the language, flags, symbols

The meetings and documents of the Councils are in both Macedonian and Albanian. The continuous translation helps in cases when documents are submitted to the municipality for the members who are ethnic Albanians. The texts are translated in Macedonian. Most of the symbols in the municipality (advertisements, posters, and signs for public transportation) are written in Macedonian; however, there are some cases when the signs are only in Albanian. The members of Turkish community complain because the Turkish language is not used. Up to this moment, they have not placed a request for this due to objective conditions (lack of finances).

There has not been any initiative for changing the names of the streets, schools, kinder gardens, villages etc. They do not feel that it is a priority at this time. Macedonian is taught two classes per week in schools where the lessons are taught in one of the languages of the minority communities. A member of Turkish community had questions that he would like the Council to answer. Those questions are closely related to the maintenance of the identity of his community: opening new classes for primary education of the Turkish in a school, reconstruction of graveyards in a Turkish village, the use of Turkish language in public places, etc. He does not expect anything to be done about these issues (*he only expects is obstruction and rejection*).

Some members state that these kinds of requests are legitimate, but that the municipality does not have the necessary funds to do this. Democracy is expensive, right?

## CONCLUSION:

The analyses have shown that the current work of the local government in the municipality does not have many elements that would accommodate the mechanisms for power sharing. The proportionality is in its beginning. All the communities wait in suspense and look to each other with distrust. There are conflicting fears that the process will never start or that it will yield poor results if it does start. Macedonians feel that this, righteously or not, will result in closing their perspectives.

With the application of the *Badinter's Principle*, unanswered questions will have to wait for a better political climate. In this sense the questions related to symbols of the ethnic communities (flags, names of public places, streets, etc were not in the agenda of the meetings of the Council).

We observed the mechanisms of power sharing in its broader context: economy, the work of the new model in the decentralized power, the current level of the multi-ethnic relations in the municipality, etc., as an assumption for its greater functionality. Economy is indisputably a negative topic in Kicevo, since it is a poor municipality with many limited resources.

The model of power sharing is at the very beginning. Hence, it is difficult to evaluate. We may point out, however, the many elements that burden its functionality. In this respect there should not be high expectations related to this process. On the other hand, the current political parties' confrontations fuel the situation and reduce the effects of sharing the local power. The current level of the multi-ethnic relations can be evaluated as relatively good (especially compared to other places in Our Country), which could be regarded as a positive evaluation.

All in all, the research results give possibilities to conclude the following: the new power sharing model will happen in relatively difficult circumstances. We should raise the awareness of the citizens (members of all ethnic communities), so that the work can be done properly. Moreover, the low efficiency of the system (at the central and local levels) creates an inability to concrete solutions for all of the citizens in the municipality. This could very easily be misused in a multi-ethnic confrontation, especially if it serves for certain politicians' goals. Many statements given by citizens confirm this. Politicians can easily start a conflict. The interviewees feel that their role is too big. Actually, we saw this in the campaign of the parliamentary election of 2006. We saw statements like - *Nothing is done in the implementation of the framework agreement, given by the Albanians politicians or Struga is not anymore what it used to be, Macedonians cannot walk along the main street.* This is uttered by some Macedonian politicians, and surely does not help in building mutual trust among communities.

## 2. 2. MUNICIPALITY OF GOSTIVAR

Number of population: 81. 042

Number of populated places: 31

Ethnic structure of the population:

Albanians: 66, 6%                      Roma: 3, 8%  
 Macedonians: 19. 5%                      Others:  
 Turkish: 9, 8%

Total number of people employed in ELS: 53

Educational structure:

Ethnic structure: 38 Albanians, 14 Turkish people, 1 Turkish, 1 Roma

Bodies of government in the municipality

Mayor: Nevzat Bejta, Albanian, DUI

Ethnic and party structure of the councilors:

	Macedonians	Albanians	Turkish	Roma	Total
DUI		14			
DPA-PDP		8			
DPT			4		
SDSM	3				
VMRO-DPMNE	1				
VMRO-NP	1				
Total:	5	22	4		31

Gender structure:

Male: 24

Female: 7

### A) The new concept of the local self-government

#### 1. What do citizens think of it?

In general, the interviewees have positive attitudes towards the new concept of the local self-government. They feel that *as a direct participant in the process within the municipality, the local self-government will be far more responsible for its citizens. It is closer to the citizens and problems get solved more efficiently. Decentralization was necessary, because Our Country was the most centralized country in the world.*

The law for the new borders of the municipalities caused many contradictory reactions. This time the people criticizing it were not only Macedonians (which was expected), but also Albanians who were not members of the ruling political party. They object that when the current division was made, no previous analyses had been done. They would have formed the foundation of the criteria and marking the borders. *Instead of doing this here, some political agendas dominated: artificial municipalities are formed because of some political reasons. Some municipalities with greater capacity have disappeared. There are too many politics involved in marking the municipalities, without taking into account the economic factor.* This,

according to some interviewees, will have a negative implication over the economic development of some of the municipalities.

## **2. What in fact is expected from the application of the new model of the local self-governing?**

We could say that the expectations are pretty different. While *some expect only positive changes in all areas of life*, and even claim that changes are already *evident* (these are mainly the opinions of members of the ruling party in the Councils), others are withdrawn, and focus on the public health and education (fields where in the future will have more positive changes). Down-to-earth citizens, stress the improvements in the infrastructure and hygiene in the municipality. Some of the Macedonian Councilors stress that changes will mostly be reflected in the ethnic structure of the employers. *“Changes are going in a negative direction. An example for this is the public health. In the primary public health there many Macedonians employed, under local power, they will be out of work, and this is against the law, but law here is not respected. It is expected that the living standard and multi-ethnic relations will be improved, but for now nothing of that . . .”*

How did the interviewees evaluate the current work of the local powers? If we make a comparative analysis of the municipalities' frequency, it turns out that citizens of Gostivar are more satisfied by their local government. Even 60% of the interviewees positively evaluate the current work of the local government, which is much better than the other municipalities (negative evaluation was given only by 9 % of the citizens). The mayor's contribution is also highly evaluated, whereas the contribution of the state is much more purely evaluated compared to other municipalities. The percentage of the interviewees who highly ranked the services they get from the local government, (which has improved since the previous one) are the highest.

Is this positive evaluation only a result of the satisfaction of the Albanians? Or Macedonians as well? This, of course, is very crucial in our research. The overall impression of the analyses of the crossing data (besides the fact that Albanians express higher level of satisfaction in the building), the positive evaluation of the accomplishments of the local government was also felt by Macedonians. For example, the current results of the work of the local government evaluate positively about 48% of Macedonians, about 85 % of them think that the mayor has a big contribution for this (Albanians the contribution for the positive evaluation -79%; share between the mayor (50%) and the Council (37%); about 70% of the Macedonian interviewees believe that the services provided by the local government are much better now - according to the opinion of the 70 % of Macedonians and 70 % of Albanians etc.

What are the problems in Our Country? The research has shown that unemployment is number one problem for the Macedonian interviewees (much more problematic than other issues). Next (of the same importance) we have: infrastructure, public health, and corruption. For Albanians, after unemployment, we have, the infrastructure, ecology, and education.

It should also be noted that about 15-20% of the Macedonian interviewees have the impression that they are not treated equally by the Albanian citizens. About 18% believe that the position of their ethnic community is worse in the municipality (only 1% of Albanians think so), and the reasons for this kind of attitude is that Macedonians are moving. Their rights are not respected. They feel that Albanians get the new positions, while Macedonians are out of work. Maybe that is why about 35 % of Macedonians claim that their right to work is deteriorated. About 5% of Albanians feel this way, as well. Many also feel that their right to ownership is deteriorated. For Macedonians this is at about 12%. Within Albanians, this percentage is 5%. About 22% of the

Macedonians believe that their ethnic community is discriminated against in the municipality. 5% of the Albanians believe that they are discriminated against. About 22 % of Macedonians claim that they had problems in the municipality because of the language barrier. This percentage within Albanians is 7%. In the end the question do the citizens see their prospect in the municipality?

	Macedonians	Albanians	Other nationalities	Total
1. Yes	69, 1%	88, 4%	100, 0%	82, 6%
2. No	25, 0%	4, 8%	11, 0%	
3. To me this is not relevant	5, 9%	6, 8%		6, 4%
Total	100, 0%	100, 0%	100, 0%	100, 0%

### 3. What kind of problems the municipality faces in the realization of the new concept of the decentralization of power?

The interviewees stated the following problems: the sources of the finances, the height of the incomes, the slow transfer of the jurisdictions from central to local level, (*according to some –the transfer of the jurisdictions is huge, but the funds from the government are not enough*). On the other hand, the cooperation with the government is very good (*in some interviewees opinion is exaggerated*). The funds that are available to the municipality are much bigger in comparison to the other municipalities. In the municipality it is said that with the arrival of the new government, the payments by the citizens is much higher than before. The position of the municipality would be much better if it did not inherit so much debt. The current government needs to pay back (according to the Mayor). The Mayor's opinion about the problems that the municipality face is that he prefers doing to talking, so everyone needs to talk less and complain less and the result will be much better.

#### B) Employment

In the economic plan we faced a common transitional scheme. During socialism in Gostivar, there were more industrial jobs where most of the citizens were employed. Most of them were ethnic Macedonians. When everything became privatized, these factories were shut down. The workers joined the army of the unemployed people (it is estimated that around 8. 000 people were out of work). The newly established companies could not hire the amount of people as the former companies (they employ around 100 people). The capital is mostly in the hands of Albanians. The role of Diaspora is crucial. People still do not trust the institutions of the system to invest. According to the opinion of many interviewees, unjust and suspicious privatization is done (*No one knows the roots of the capital that is being invested. Everybody lost except for a small number of people who become rich. The loss is undoubtedly bigger for those who lost their jobs*).

In the discussions about problem identification, obstacles in improving the economy, corruption, (people that work out of Our Country would be willing to invest if there was complete security and they do not want to be misused by the bureaucracy), and the law for construction itself, do not allow the municipality to attract foreign investments. Today in Gostivar there are 3645 business ventures, with different economic power. The employments in the main categories are as follows: trade and maintenance-14, 6%, industrial production-13, 0%, education 11, 5%, public health and social work-9, 5%, public service and defense-8, 6%.

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During the analyses of the data of the (un)employment, we should always take into account the fact that there remains omnipresent dark economy. This restrains the data of the official data (in Gostivar the opportunities given by the agriculture should also be taken into account). The fact remains that in the structure of the employers, the percentage of those who are financed by the governmental funds, is important. This gives a special dimension to multi-ethnic relations. It actually creates the notion that, “those who have the power favor their own people.” This, at times of deteriorated economic and social conditions, becomes problematic.

## C) The Multi-ethnic Relations in the Municipality

Interviewees stress the importance of the tradition of the multi-ethnic relations in the municipality, which luckily had not been jeopardized (even in 2001). However, all of them admit that the conflict of the 2001 influenced the relations of ethnic groups and reduced their mutual trust. In relation to the framework agreement most of them think that it is positive. Though, Macedonians state that its application creates big problems for Macedonians. Probably the best illustration for the different perceptions of the essence of the Ohrid Framework Agreement are in the following statements: *“Some believe that it is important to give, whereas others to get. In fact, no one should neither give nor get; only the justice should be brought to light. In this context the mentality of people should be changed. (Albanian) The Ohrid Framework Agreement was brought too soon, in the context of threat from a war and does not represent the true relation between the ethnic groups. It is expected to be applied as soon as possible, and this is negatively reflected within Macedonians from the western part of the country.*

Macedonian and Turkish people feel that they are unjustly treated, and that they are neglected, as citizens of second degree. Politicians play a big role in multi-ethnic relation. Our interviewees agree on this, regardless of their ethnic backgrounds. Unfortunately, the current politicians played along this line, and did not spend much time on economy and well-being. Some claim that all of this influences the multi-ethnic relations. (Albanian)

## D) Power Sharing

### 1. Equitable Representation

In the municipal administration, Albanians dominate. Unfortunately, we cannot get proper data for the public enterprises and institutions. From different sources, we found out that in the ethnic structure of the municipality is reflected in these institutions, but there are opposing opinions. According to the Mayor, since until now the principle of the juridical representation has not been in function, recent efforts have been made for the implementation of this process. This is especially true in the field of the public health.

What are the citizens' perceptions for this process? *Out of 15 newly employed in the public health sector, 14 are Albanians and one is Macedonian. Macedonians are restricted in every way, with no opportunity of taking any kind of action. Turkish people are easily manipulated. Albanians show their superiority. Everything depends on the willingness of the Albanian electoral leader. Macedonians do not want to accept that Our Country is a multi-ethnic country. There are people who are dissatisfied with the implementation of the principle of the percentage representation in every ethnic community, due to the fast implementation of this process*

### 2. Process of the decision-making

In the municipality of Gostivar, there are organizational and technical preconditions for a quality work of the Council of the municipality: necessary space, meetings are arranged in time, necessary documentation available, and discussions are carried out in Albanian, Macedonian and in Turkish language. There is no equipment for simultaneous translation, but there is a plan to get one. The Council has 31 members, and the quorum has never been a problem. In many of the meetings, only councilors from DPA have been absent, which is a result of the relation between the two biggest parties in the central level. Except for the councilors of the DPA, the opposition is represented by 1 councilor of VMRO DPMNE, and 1 councilor from VMRO NP. The others, three Councilors of Macedonian background are from the SDSM party that is in coalition both in local and central level with DUI.

Unlike the other municipalities in our example, the meetings are relatively short, discussions are rare, and it reflects a meeting of a more procedural nature. This means that the time and energy spent in the Council, is very productive in decision-making. Is this the result of a well-planned meeting or the dedication of the commissioners? The empirical documentation that was available did not have enough data to come to conclusions. However, certain indicators show the following: The opposition with 2 members in the parliament (both Macedonians) is a very weak balance for the strong coalition in power. If to this we add the fact that the Mayor belongs to one of the parties that has the biggest number of the members in the council, there is no. (The *Councilors of the opposition view the power of the Mayor as too big and that there is no judicial way for its control*). The party discipline and divisions in categories of the branches of local parties in central furthermore strengthen this opinion.

In this context we will illustrate two meetings: one was held in 25. 01. 2006, when the observer found out that *unlike the other meetings, the ninth meeting had many suggestions by the Councilors*. The greatest number of the suggestions (about 14, this could also be seen in the reports) made by the councilors of the SDSM, concerned the Statute of the municipality. These were not accepted by the majority of the councilors (Albanians). In fact, only 3 were accepted. The second meeting was held on the 27. 02. 2006 and the Macedonian councilors of the opposition asked why a Macedonian was fired from the executive board of a public institution. This position was given to an Albanian. An explanation was not given, and the proposal was voted on by 19 people, 5 against (voting was no the ethnic ground).

Actually, according to the report the answer to the question is as follows: *The members in the councils are appointed and dismissed depending on their competence in their work they do in these institutions. We cannot block the successful work of an institution because of a councilor.* Undoubtedly, it is not our intention to draw conclusions based on these kinds of cases, but we do consider them as indicators of ethnic voting. Moreover, in other cases when proposals are given by Macedonian councilors, ethnic voting is noticeable (more often in questions in the field of urbanism and communal activities).

The *Badinter's Principle* has not been used in voting. The only two issues were it was presupposed was when the implementation of the Turkish language as a third language and setting a date to determine the anniversary of the municipality. Both of these proposals had been accepted without any objections. The mayor has supported the proposal for the Turkish language, and emphasized that he also supports the proposal for the Roma language (though, finding a translator would be difficult). Hence, we should bear in mind that before the elections for the Mayor, an agreement was reached between the Democratic party of the Turkish people and DUI. The Turkish community supports the proposal of DUI, whereas they would, in turn, get an official use of the Turkish language in the municipality.

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The Councilors did not formally announce their ethnic community. The Commission for multi-ethnic relations has never met, because according to our interviewees, there was no need for this. From our discussions, we were under the impression that the Councilors did not understand the importance of the use of “Badinter’s Principle.” The possible use of this mechanism is viewed as an indicator of problems in *multi-ethnic relations*. They believe that *for now, there is no need to use it*. Though they may support its application, they do not know how and whether they should apply it in the praxis of the municipality.

### **3. The use of language, flags, symbols**

The meetings of the Council are held in Macedonian and Albanian (and now, Turkish). They feel that having equipment for simultaneous translation will increase the quality of the work. Members of different ethnic communities are allowed to speak in their native language in the municipality services, and all the documents are bi-lingual. Some say that the documents are not edited. As far as the use of the Macedonian language in public places in municipality (signs, public transportation etc), the rules are respected. Even though we did not get exact understanding for the changing of the names of the streets, schools, buildings, etc., the representative of the Albanian opposition party said he intends to put this kind of requests.

## **CONCLUSION**

In the municipality of Gostivar, the function of the mechanism of power sharing is at the very beginning. There are a few cases through which the effects that this model produces may be evaluated. Bandinter’s Principle is still not in use in the decision-making of the Council of the municipality. They do use of the principles of the percentage representation, there are experiences but the process still goes on. The questions related to the changing of the names of the streets, public places etc. are being planned for the future.

Judging by the most crucial assumptions, we might say that the situation is quite optimistic. The economic situation in Gostivar is more favorable than in Kicevo. The new municipality power and citizens are pleased with certain results. More importantly, as shown from our research, these results were positive from both Macedonians and Albanians. This is obvious in the results we summarized from the interview. Finally, the multi-ethnic relations might be evaluated as encouraging. Though, from the interview with a Roma NGO, we found that despite the efforts made by this community, they are still discriminated against. This is not just the case in Gostivar.

Are there any threats that can be identified? Voting along the ethnic lines is not known to the Assembly in Gostivar. When the opposition is weak, opposite the Mayor’s *untouchable position*, there is a chance that the rights of the Macedonians, Turkish and Roma communities will be marginalized. This, even more, intensifies the application of the Principle of the percentage representation (the upcoming change of the street names, institutions, schools, etc.). This may be a possible source of conflict. It will be difficult to assume that the economic development in the municipality will continue at this pace so that it can embrace the social and multi-ethnic problems.

## 2. 3 The Municipality of Struga

### A) The New Concept of Self-Governing

#### 1. What do citizens think?

The opinion towards the new concept of the local governing is quite positive; however, the attention of our Macedonian interviewees was focused on the process of the decentralization in Our Country – the new territorial organization. This is quite expected, owing to the Law for territorial organization in local self-governing, the borders of the municipality of Struga are extended. Within its borders, there are many rural areas with a large Albanian population. This caused a drastic change in ethnic structure of the municipality – Macedonians became the minority. Macedonians viewed this as a big injustice, resulting in protests and violence (the anger was primarily addressed towards the Our Country's Government and its Prime Minister who were blamed for the situation). The situation was calmed down under strong political pressure. Still this event left a deep scar within the population. This is made clear in the research.

Macedonians of this municipality sense the new concept of the local self-governing by the new territorial division. With this division *from majority, they become minority in their own country and in the municipality*. As it may be expected, the attitude towards new municipality borders is negative. Basically, *as an idea, decentralization is good, but holds a catastrophic concept of territorial division. The multi-ethnic relations will suffer because of the hegemony, the dominance of one over the other ethnic group. Different municipalities with both rural and urban population are mixed and result in difficult management. Of Struga: there was no consideration for the economic parameters of the new municipalities.*

The perception of the Albanian interviewees is totally different. They focus on the process of the decentralization: *Power is closer to citizens, some other jurisdictions should be decentralized; The Law is very reasonable....*

What is the evaluation of the local power by the interviewed citizens?

The analyses of the data show two major findings. The first is that the satisfaction from the work of the new municipality government is lower than is Gostivar and Debar. The second is that the perceptions of the two major ethnic groups are quite different, often times opposite. We will present data that illustrates these findings. Positive evaluation of the work in the local government has given about 62% Albanians and 11% Macedonians and vice versa: negative evaluation gave 34 % Macedonians and 6%Albanians. The Macedonians put the blame in the state for the poor work (about 40%), (16%) blame the citizens; from this we may assume that Macedonians in the answers to this question have expressed their disappointment in the territorial division. The disappointment from the work of the Mayor, which within Macedonians is percept in the fact that how much he is concerned with the ethnicity (66%), whereas Albanians in the fact that he is concerned only with personal/party issue (61%), and he has done just a little of what he has promised to do (58%). In relation to the perception of the basic problems in the municipality there is similarity between the two communities, but also differences. Both for Macedonians and Albanians there were no investments and new employments, which is the biggest problem. The difference is that Macedonians show much more concern (87%) than Albanians (67%). For Albanians almost with the same importance are the infrastructure problems (64%), whereas for Macedonians the infrastructure problems even citizens of second level are not as important (43%). In the end the problem that is number three ranked is quite differently viewed: for Macedonians this is corruption (29%), and for Albanians the social (25%). For the majority of the Albanians municipality is the

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place where they can ask solutions for their problems (42%), Macedonians believe that problems are solved only with “strings attached,” or asking family favors (25%). Some Macedonians think that their representation is smaller in the municipality because of the problems in language communication (30%), whereas the language communication as an obstacle is viewed only by 10% of Albanians.

#### **Which of the rights is being jeopardized?**

	The right for employment	Personal safety	The right to an ownership	The right to information
Macedonians	33, 3%	14, 5%	13, 0%	11, 6%
Albanians	15, 8%	12, 9%	8, 9%	9, 9%

The conclusion that might be drawn by this question is that the aforementioned rights with the same order are problematic within the citizens, of both ethnic groups. Feelings of fear are more common within Macedonians, particularly in relation to employment. Finally, the perceptions regarding multi-ethnic relations, this has only confirmed the attitudes of the representatives of the political parties and councilors during the interviews.

#### **What is the situation of your ethnic community after the election of 2005?**

	Macedonians	Albanians
1. Improved a lot	1, 4%	7, 9%
2. Improved	15, 9%	62, 4%
3. Has not changed	58, 0%	29, 7%
4. Worse	15, 9%	
5. Much worse	4, 3%	
6. I don't know	4, 3%	
Total	100, 0	100, 0%

The answers show that the majority of Albanians notice positive changes (about 70%), whereas the Macedonians in the survey have given different opinions. Besides the diffusion of the given answers, positive changes are percept by 17% of them. The negative evaluation of the situation of their own ethnic group, Macedonians believe is because of the following reasons: The Mayor works only for his own ethnic community, the rights of Macedonians are not respected, only Albanians are employed, Macedonians move out, etc. In one of the following questions 32% Macedonians claim to be discriminated against in the municipality (this kind of opinion has 16% of Albanians). The evaluation of the effects of the Ohrid Framework Agreement is different within both ethnic communities, as it may be expected.

#### **How do you evaluate the changes in the implementation of the Ohrid Framework Agreement?**

	Macedonians	Albanians
1. Positive	24, 6%	79, 2%

2. Negative	46, 4%	4, 0%
3. No changes	17, 4%	3, 0%
4. I don't know	11, 6%	13, 9%
5. Total:	100, 0%	100, 0%

## 2. What exactly is expected from the new model of the local self-government?

The expectations are different, when we talk with the Macedonian interviewees the pessimism is quite obvious - especially when discussing multi-ethnic relations . . . *I don't know what to expect in the new municipality. Changes in the public health and education are expected, but for now there are only new staff solutions (employments of Albanians). Improvements in the life standard are expected, and not very clear perspectives in the multiethnic relations; or extreme negative attitude: Negative changes – Macedonian nationality is minimized, Our Country's Muslims will be "Albanized." Better allocation of resources is expected, more efforts in the development of the economy, multi-ethnic relations will suffer due to dominance of one ethnic group over the other. There will be major changes in education because of the possibility of a bigger surveillance in the schools by the citizens.*

On the contrary, the Albanian interviewees have noticed a completely different picture of the changes: *Changes in tourism are expected, because here we see the perspective, but in education and public health, as well. Changes are well accepted by the citizens, they feel that they are served well, quickly, and efficiently and this is all in the spirit of the good ethnic relations.*

## 3. What kind of problems will the municipality face with the decentralization of power?

Most of the interviewees think that the cooperation with the state is not a problem. The municipality leadership has contributed to strong relations. During the time of the research, it belonged to the same political party as the central power: *The local authorities have the same political affiliation as the central government.* The lack of funds in Struga is not as evident as in some other municipalities (The development of the municipality of Struga is average).

The biggest obstacles blocking the success of the future work are anticipated to be the *municipality borders* (for Macedonians), and bureaucracy. According to all of the interviewees: It prolongs the issuing of the documents . . . *the lack of certain measures by the government that would create appropriate condition for the economy.* Albanians are more optimistic: *There will be no obstacles if all the authorities and property belong to the municipality.*

## B) Socioeconomic factors

Struga is an average developed municipality. The dominant economy branches were the textile industry and tourism. Most of the employers were Macedonian. When these companies went bankrupt due to privatization, they no longer had jobs. During the transition, new, small companies were established. It is interesting that Macedonians claim that these are mainly Albanian companies that employ only *on the basis of the ethnicity.* Albanians, on the other hand, believe that Macedonians hold most of the newly made capital. Either way, the bankruptcy of the huge socialist enterprises, just like in other parts of Our Country, resulted in increasing the number of the unemployed of mostly Macedonian people. According the interviews, the *loser in this economic transition* is the Macedonians (so the accent is put in the ethnic component). According to other interviewees – both Macedonian and Albanians believe that the losers are all the citizens, except for a small number of privileged ones (Perception that we notice in the other municipalities). (*The losers are the common people, with modest qualifications and the young people.*)

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In order to identify the reasons for the slow economic development in the municipality, our interviewees point out the following problems: *The economy is faced with the lack of finances, biased country and municipality administration and bad managerial potential.* Today in Struga there are 2706 business locations, the employment in the main economic branches is distributed in the following way: reproduction industry – 20, 7 %; public health and social work – 14, 4 %; education – 9, 0 %, public service and defense – 8, 9 %, Trade and repairs – 8, 3%.

### **C) Multiethnic relations in the municipality**

The negative attitude and disappointment by Macedonians due to the change of the municipality borders is evident in the answers given in the survey. Although Struga is a typical multi-ethnic municipality with a long tradition of harmonious life (the conflict of 2001 did not expand in this area), the feeling of hurt and concern within the Macedonian population is evident. Most of our interviewees (both Albanian and Macedonian) agree that the multi-ethnic relations have always been good. Macedonians think that the rights of Albanians in their municipalities have always been respected and that there was no reason for them to be disappointed. *Why should they fight in 2001 when they have lived a good life, better than the Macedonians? In Struga, even the previous leaders in the local government were distributed not according to their juridical representation but 50 – 50 % among the ethnic communities. Life was great.* In the former municipality Struga where the difference in size of the ethnic communities was small, there was a huge multi-ethnic balance. This contributed greatly to the agreement. Decisions are now made without agreement, but by over voting - actually by the 14 votes of Albanians from the two parties. When asked if there is a rivalry between DUI and DPA, interviewees claim that the conflict between the two is superficial. In the Council of the municipality decisions are always made only with the majority votes from these two parties.

Some of the interviewees say that the multi-ethnic relations, even without conflict between the two biggest ethnic communities, there is still not enough communication reflected in the work of the Council of the municipality. They are operating, *as two worlds. There is no cooperation within the council. Problems are caused by criminals, with the support of certain politicians, but did not succeed to get support by the majority of the citizens that are decent and have normal work and life* (this is the opinion of one Macedonian).

The multi-ethnic relations changed for the worse after the armed conflict of 2001. Macedonians believe that the loyalty of the Albanians for the country is weak. *The loyalty is catastrophic, and they do not respect the laws. . . For some of the citizens even if we give the country itself will not be enough. They will not be satisfied.* On the other hand, Albanians drew a different picture of the multi-ethnic relations in the municipality: *The multi-ethnic relations are featured by the mutual friendship, help and respect. Our municipality is the strongest proof for life in harmony in the whole territory of Our Country.* This kind of an example should be followed by politicians throughout the country.

Judging by the previous opinions, the perceptions of the framework agreement are obviously different, as well. We found opinions ranging from highly negative to balanced opinions (within Macedonians). While, there were many highly positive answers given by Albanians: *The act that is brought violently with a previously prepared scenario, foreign lobbies are involved; the implementation of the Ohrid Framework Agreement is biased. There are few exceptions made by the Macedonians and this act is not available for the citizens at all (not public), this results in its mistreatment. Fair agreement, with many weaknesses in its implementation, especially the law for territorial division. The Ohrid Framework Agreement should be implemented gradually. The Ohrid Framework Agreement was the foundation for the ending of the conflict and a document that secures the future of the country. It should be implemented at the municipality level, otherwise it has no meaning.*

All of our interviewees claim that politicians play a major role in improving the multi-ethnic relations. In this respect, they felt the need to discuss bad experiences: *“Politicians act in negative direction; Politicians sometimes for the sake of their own personal gain, exaggerate the problems; they encourage the citizens in a negative context of the word. The main motions for the multi-ethnic relations are indicated by politicians.”*

## **D) POWER SHARING**

### **1. The Proportional Representation**

Even though we do not have full data for the ethnic structure of the employers in the public enterprises and institutions, we do know that the structure of the local administration has much more Macedonians. This is due to the fact that Struga was a municipality with a dominant Macedonian population. Albanian interviewees are again relatively satisfied, whereas the Macedonians are disappointed. They wait in suspense for opportunities to keep their places of work or to get new places of work. Interviews with some of the councilors of Macedonian nationality, which belong to different political parties, emphasize the fact that this year, councilors of Albanian nationality and the Mayor, are not necessarily interested in making communal decisions. Because of this structure, the municipality itself is changing. Namely, according to them, decisions are brought, not to the public enterprises but to the private enterprises. By doing this, the statute is being changed from public to private enterprise. For this kind of enterprises the principle of “proportional representation” remains the same, unlike those that are still municipalities. Macedonians are placed in a very difficult situation. Unemployment in this community has grown from 8500 to 9300. Our interviewees are right when they say that unless the service is public, regardless of the character of the ownership, the principle of the “proportional representation” should be applied. This is a good example of how the definition of “full and effective participation of minorities,” that goes beyond the “cultural questions” in the area of socio-economics, makes more sense.

The process of decentralization is looked at as the technical distribution of jurisdictions. At the same time, the issue of quality of services is not a topic for discussion at all. It has been postponed for some time. With the exception of some of the municipalities that are now within Struga, many initiatives that have already started. The staff is not fully used, whereas the current statute of the of the local community is degraded to the extent that the local community cannot even have their own bank account. *In the enterprises and organizations, people are willing to implement the principle of the proportional representation right away. People get employed without taking into account their competency or professionalism, or Macedonians are not satisfied, whereas Albanians are satisfied. This will have bad implications. The dominance and aggressiveness in creation of politics, employment without order, causes chaos, disappointment, and weakens multi-ethnic relations.*

The perception of the Albanians is quite different: *In the administration, we inherited 90% Macedonians and how can we improve the situation? The principle of the proportionality should be applied as soon as possible, because Albanians in the municipalities and in the other institutions are not represented even 10%. Albanians have a right to expect more. We have acted so that there are no implications in the multi-ethnic relations.* It turns out that no one is satisfied by the situation. Obviously both of the ethnic communities have different perceptions.

## 2. Bandinter's Principle

According to our data, the Councilors do not know how to interpret "Bandinter's Principle." They do not know when to use it and when not to use it. *None of the competent services, because of different motives, can help us in this. Up to this moment, no decisions have been made by applying this principle. It was not even used for building a monument to honor a man who pointed his gun towards his fellow citizens. It was Commander Struga, in a town where majority are still Macedonians.*

The decision was made in the assembly where the councilors of Macedonian background were not invited. The local government claims that it was legal to build a monument (right after this its construction has begun). Macedonians view this as a controversial act that enhanced their feeling of being unsafe. *This is a society where the others (stronger ones) do not respect the regulations.* There was no coordination between members of the Council, before the meetings. Some important decisions for the infrastructure buildings (for example, opening traffic on the road by the lake in the area Ezerski Lozja) were raised on short formulation of the decision with no explanation. There was no documentation, such as a detailed urban plan. Ultimately, the decision comes down to majority domination of Macedonians that are represented in the Council of the municipality. Even some of the initiatives that the citizens view as good, for example, green line along the river Drim, doubt and distrust the process.

There was a decision made for building a dump in a field near Struga. It seems that the professional as well as other indicators think that the place for the waste disposal site is not adequate. Unfortunately, these opinions were not taken into account. The most efficient control over the municipality government is the one that comes from the state inspections. Yet, these are slow and inefficient. Additionally, majority domination is supported at the "highest level." When we asked about the "higher level," the council members told us that it lies within the leadership of the coalition parties in power. There is an agreement not to obstruct some questions related to the multi-ethnic relations in order to keep the political situation stable.

The application of the minority veto, which does not currently provide real protection from majority domination, depends on the goodwill and election account of the parties represented in the council of the municipality. It is not outlined in the law and there are no specific formulas to know when to apply it. If it is known that the councilors are not materially stimulated for this duty they perform, then it is obvious that they are put in an inferior position in relation to the Mayor and the municipality administration that is under his control.

Majority domination is looked upon in the way that the commissions are formed by the Mayor, which are all guided by Albanians. In the same way, the commission for multi-ethnic barely functions. The Mayor has similar jurisdiction at hand, and may make decisions without the council. If it is agreed that the majority in the council should be from the same party as he, then the council is brought down to "nothing" (*British Queen* or voting *machine*).

*The municipalities are turned into "Pashalik" of one person or close group of municipality authorities.* It is necessary to support the condition, "If the Mayor belongs to the majority ethnic community, the President of the Council should be from one of the minority communities." The second way to establish a system of projects and balance is the election of the Mayor. This election should be solely based on the peoples' decision. This may be achieved with a pre-electoral coalition that will nominate a mayor and president of the council. It is expected that this will mode the behaviors of the political parties of the communities and will promote their cooperation.

Here are some of the most distinguished statements of the interviews:

*“Bandinter’s Principles is still a big fuss for our municipality. The power of the mayor is huge and he will not be concerned about all the ethnic communities; he will only care about some of them, selectively.”*

*“Every mayor prior to sitting in a chair is a different person, with the appointment he changes; It is early to say if the Mayor has enough power or not, it is important to respect the law: if the law is implemented it will be ok, taxes are not gathered in some certain places. In some places inspection does not function.”*

*“For us in Struga it is absurd as Macedonians in our own country to seek Bandinter’s Principles.”*

It happens in other places as well. The majority thinks that minorities are given too many rights, while the minority looks at the same rights as too few. Representatives of the majority Albanians in the four municipalities believe that the protection mechanisms, such as the right to veto, are not necessary: *Multiethnic relations in the municipality are good!* They feel that this way of decision-making makes the municipality power inefficient and the issues that are solved by the “Bandinter’s Principles.” The mechanisms should be narrowed. No “Bandinter’s Principles”, because it causes obstacles in the decision-making. Albanians estimate that the power of the mayor is optimal and that he will pay equal attention to all of the ethnic communities in the municipality.

### 3. The use of the languages, flags, symbols

The meetings of the council are held in Albanian, with translation in to Macedonian. Some of the Macedonians complain of poor translation that caused misunderstandings. In this regard the perceptions are different: *Macedonian and Albanian languages, which are the two official languages, are used equally. The meetings are lead by the President of the council in Albanian language, which is not legal.* According to the Albanians, the use of the languages in the schools is regulated by law. The advertisements, posters, and signs, are in Macedonian, as well. Macedonians state that their language is not used as regulated by law. Some Macedonian interviewees claim that they have problems with the municipality administration in this plan. There were no prior requests for changing the names of the schools, buildings, streets etc. It is expected to be brought up in the future.

### Conclusion

We can conclude that in the multi-ethnic plan, the situation in the municipalities is very sensitive. This is a result of the change in the municipality borders in 2005. The feelings of unjust treatment and disappointment are very obvious in Our Country’s communities. Macedonians expect negative outcomes due to these changes. They fear that they will be discriminated against and left on the willingness of the local power, as the state does not support them. The principle of the judicial representation is still at the very beginning stages. Changes in the names of the streets, schools, villages, etc., are to be done in the future. These feelings of injustice and disappointments could be further deepened

Struga is a municipality that may follow the institutions and procedures for the protection of the minorities, but what do they need in order to be better? It is important to explore the rights that will strengthen the system of the “obstacles and balances.” Strengthening the democracy and multi-ethnic state will be achieved: If the mayor is of a certain nationality, then the president of the council should be from a different one. The motivation for a pre-electoral multi-ethnic coalition will be greater. There will be an expansion of the principle to a veto (*double majority*) or Bandinter’s Principle in education of the minority communities.

## 2. 4. Debar Municipality

### Main data for the municipality

There are 19 542 people in the municipality of Debar after the territorial organization in 2005, it consists of one city area and 17 villages. In the town there are 4 communities. The ethnic structure is the following: Macedonians – 3911; Albanians – 11 348; Turkish – 2694; Roma – 1080; Vlach -2; Serbians – 22; Bosnians – 3 and other – 492.

### The employers in the municipality administration

The government has 23 employees. 10 of them have high education, 11 with primary school . 18 Albanians. 2 Macedonians. and 3 Turkish.

Technical staff 7; 5 with high school and 2 primary school. 1 Macedonians, 1 Roma and 5 Albanians.

### The structure of the municipality administration

- Sector for judicial and general services, budget, financial, and economic development and cooperation with other branches
- Sector for urbanism, municipal services, and protection of the environment

### Municipal services and enterprises

In the municipality there is a municipal enterprise *Standard* where 86 people are employed. Education: *primary*: in the municipality there are three primary schools with 2784 students and one high school (gymnasium) with 709 students, 469 of students attend classes in Albanian and 240 in Macedonian.

### A) The new concept of the local self-government

Generally, the new concept of the local self-government is evaluated as effective. However, rarely mentioned because the process of the decentralization is very slow. The state still has the final word, whereas the fiscal decentralization, functions in disadvantage of the local self-government: not in its advantage. Decentralization has started under very bad circumstances. The municipality does not function in a single administrative building, and in order to accomplish all the duties the municipality has, it has to rent additional spaces. Due to this, employers constantly move.

The positive thing is that citizens may communicate with the mayor directly and problems are solved more efficiently. However, the major problems are:

- In the field of education, compared to the previous year, 30% of the maintenance budget has been reduced.
- The firefighters service is not obtained, which covers 36,000 people and three municipalities: Mavrovo, Rostushe, Centar Zhupa and Debar. This is a huge territory and it only has four employed people and old cars. The mayor said, *if you need to employ more than you should employ firefighters. Until the 2007, it is the responsibility of the government to provide payment for the firefighters.*
- Along with the municipal enterprise it has a debt of over 1,200,000, and the administration itself is in debt more than 750,000 euros (the equivalent of the budget of the municipality for several years). *Some of the debts are made on the grounds of expropriation of the land, which was not the responsibility of the municipality, claims the mayor.*

The infrastructure is in a very bad situation. Last year, an investment of 1,200,000 euros was made in reconstruction of the following: ambulance, the system for irrigation system for the fields

in Debar, a new ceiling for the high school (gymnasium), computers for two primary schools, the sewerage system of 3km, drain pipe 5 km, atmospheric canal 700m, side walk 6000m<sup>2</sup>, road 1km, green places 1500m<sup>2</sup>. Only about 130 000 euros of the debt are payed back.

Just like in the other municipalities our research focused on, a survey was carried out with the citizens. The question was posed: *How do you evaluate the current results of the work done by the current central power?* Generally, most of the interviewees gave a good evaluation. However, if we divide the answers according to the ethnicity of the interviewees, the percentage of positive responses differs between ethnic groups. Namely, the answer *generally good* was given by 22% of Macedonians, 72% of Albanians and 16% of the other ethnic communities. Even though the interview took place in June 2006, the citizens still had an opportunity to analyze and evaluate the work of the municipality authorities, including the mayor. Having in mind the immediate election of the mayor and the legal jurisdictions that this body has on a local level, the following question was raised: *To what extent did the mayor of the municipality fulfill your expectations?* Most of the persons interviewed answered: *to some extent*. However, if we look at the ethnic structure of the interviewees, we'll notice that Albanians gave this answer almost two times more than Macedonians and other ethnic communities. The citizens gave different reasons why the mayor did not fulfill their expectations. From the answers, we conclude that Macedonians criticize the mayor because he spends more time on personal/party issues at the expense of the municipality. Albanians criticize the mayor for not communicating with the citizens, whereas the members of the other communities that live in the municipality of Debar criticized the mayor because he has promised a great deal but done very little this year. It should be noted that most of the interviewees never made an appointment to talk to the mayor; this percentage is higher within the members of Macedonian communities (about 77%). All of the ethnic communities share the same opinion about the basic issues in the municipality. Actually, a big percentage of the interviewees from all the ethnic communities agree the issues are unemployment and little investments. When the interviewees were asked to give their opinion about *The field where the local government has achieved more progress*, they say the improvement of multiethnic relations. However, if we look at the answers based on ethnic background, we concluded that the bigger percentage of Macedonians say the infrastructure is where the local government has achieved most progress. However, it is the general impression among all ethnic communities that the municipality will improve after the establishment of the new local government. Contrary to these an identical answers, there is a drastic difference in the answers between different ethnic communities about the question: *When you personally as a citizen have a problem can you go to the municipality and ask for help?*, 74% of Albanians answered positively, 11% of Macedonians and 20% of the other ethnic communities.

On the issue of endangering certain rights of the citizens, we concluded that regardless of their ethnic background, the majority of citizens do not feel that their right of ownership, the right of employment, expressing their national identity, the right to education and the right to information are being endangered; approximately the same percentage of the interviewees think that in the municipality that they live their personal safety is not endangered.

## **B) Socioeconomic aspects in the municipality**

Prior to transition, the enterprises *Radika*, *Shqipe*, *8th September*, *Progress* and *Deplas* were active, and in the municipality there were about 4500 employers. Now there are about 1000 people employed that get their payment from the budget, about 900 in the economy sector and about 5000 are registered as unemployed.

The biggest obstacle mentioned for investments in the city is *the bad infrastructure of the streets. Debar is left aside like a village and the road is registered as a highway and interstate. If someone wants to invest, he wants the infrastructure to be good*. The municipality is famous for the numerous Diaspora, but they are not interested to invest in Debar because the business interest should be a priority (not the local patriotism). The better infrastructure connection with Albania is mentioned as a big potential for

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the municipality, because on the other side *there is a market with more than 200000 people and this potential should be used*. One of the interviewees believes in *taking advantage of the natural resources by the foreign companies (for example Knauf) at the moment and by the central government (for example the power plant)*.

The municipality has planned a Strategy for local economic development until 2015 and the main priorities are:

- Development of small and middle size enterprises;
- Development of tourism and
- Development of the agriculture

### **C) Multiethnic relations in the municipality**

Interviewees mention the fact that the multiethnic relations in the municipality of Debar have always been good and that there were not any major problems. Interviewees positively evaluate the Ohrid Framework Agreement. Some claim that is being implemented slowly and the major reason for this, in their opinion, is the economic situation in the country. With regards to judicial representation, the mayor said the following: the distribution of positions is always done proportionally starting from directors of the schools, deputy directors and members of executive boards.

In the municipality, we never decide by the double majority principle because this issue has never been in the agenda. We wanted to spend more time on economy and infrastructure. By mutual cooperation in solving these problems, opportunities will arise to solve the other problems, assuming these are solved without any prejudice. We decided to solve these problems after the elections.

In the commission for inter-community relations, there are 7 members from all the ethnic communities. We received different answers regarding the issue of multi-ethnic relations. The answers differ depending on the ethnic background of the interviewees. About 70% of Albanians believe that the situation of their ethnic community has improved after the local elections of 2005, whereas the highest percentage of Macedonians and members of other ethnic communities believe that the situation has not changed. The interviewees from all ethnic groups share the opinion that there are no discriminated ethnic communities in the municipality. The largest amount of the members of the Albanian community and other ethnic communities think that in the next few years, the multi-ethnic relations will be improved in the municipality. Members of the Macedonian community believe that they will remain the same. Furthermore, the fear that multi-ethnic relations will get worse is greater within the Macedonian community (about 11%). Additionally, about half of the Macedonian interviewees do not see their prospect in the municipality of Debar. About 2/3 of the Albanian interviewees and those that belong to the other ethnic communities see their prospect in the municipality. When it comes to the Ohrid Framework Agreement, about half of the interviewees believe that the agreement will bring more positive changes. This opinion is shared by 2/3 of the Albanians.

### **D) Power sharing and the process of decision-making<sup>43</sup>**

#### **Conclusion**

The council consists of DUI – 6 councilors, DPA-4 Councilors, PDP – 1 Councilor, NDP – 1 councilor, SDSM – 1 councilor, VMRO DPMNE – 2 councilors. The majority is shared among DUI, NDP and SDSM. In the meetings that were observed, we concluded that the formal conditions for having a meeting in the Council of the municipality were fulfilled. Albanian and

Macedonian were spoken and the initiative for calling a meeting of the council was given by the presiding officer of the council. In the 6th meeting, there were 11 people of 15 councilors and in the 7<sup>th</sup>, they were all present. During the 6th meeting, the Budget of the municipality was discussed and in the 7th meeting the commission of security in traffic was adopted. Decisions for the regulations in the traffic were made, and the program for 'JKP Standard' for 2006 was adopted. All of the issues passed unanimously. The main finding of the observation was that the meetings were quiet. The mayor was present in every meeting of the council. There was a small obstacle during the two meetings when it came to group work. *If you don't know people's political affiliations by looking at them you cannot tell because the work is done constructively*, claims the Mayor.

When it comes to employment in the municipality administration - 17 are employed in the administration. From the 1st of July, by taking over the Ministry of transportation and communication, the Ministry of finances, Ministry of education and science, and funds of local roads, the number of the employers increased to 33. Center Zhupa did not accept any employees even though these employers previously worked with the municipality. *By Our Country's standards the municipality has 13 more employees. However, here is the situation in our municipality: some say, take the employees in the ministries, others say— employ new, so that you may ensure judicial representation, and others claim that the employers should be made redundant so that you may use these funds to cover the expenses of other goals.*

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### III. ANNEXES

#### Debar

DPA: Anonim

PDP: Ferit Vojnika

Obrazovanie: Nuri Koleci

PDK: Rexhep Qormemeti

Pretsedatel na Sovetot na Opstina Debar: Nizamedin Papraniku

#### Kercove:

DUI: Zulbie Bekteshi

Nezavisen kandidat: Lupce Petkoski – Secerko

TDP: Bedrudin Telak

Kultura: Marjan Dimoski- Sovetnik po pravni prasanja

SDSM: Vlado Aleksoski

VMRO DPMNE: Elena Poposka

Sekretar na Opsinata: Nuhi Jusufi

VMRO NP: Maja Lazareska

#### Struga

Sekretar na Opstina: Zoran Gulicoski

Kultura: Xhemi Hajredin- Rak.na Odd. Za opsht.dejnosti

Pres na Sovet: Sejfula Hani – pretsedatel na Sovetot na Opstinata

VMRO DPMNE: Krste Miladinov

LDP: Simon Aleksieski

SDSM: Goran Poposki

VMRO Narodna: Mitre Angjelkoski

#### Gostivar

Nevzat Bejta - Gradonacalnik

Muamer Sadiku – Presedavac na sovet

Selim Ademi - sekretar na opstina

*Nexhadi Jakupi* - DUI

Ismet Beqiri - sovetnik PDP

Muzafer Shabani – DPA

Darko Dimitrieski - VMRO DPMNE

Valentina Poposka - SDSM

Natasha Sazdoska - VMRO NP

Erxhan Çulezi - TDP

### PARTICIPANTS OF THE FOCUS GROUP

**List of participants in the municipality of Gostivar in the implemented focus group on behalf of the Center for Peace and Democracy-Ian Collins**

No	Name and Surname	Organization/Adress
1	Marijana Velickoska	Citizens Association:Womens Center Gostivar
2	Borjanka Stojkoska	
3	Sukri Toci	European Center for Minority Issues
4	Lair Ismaili	HDZR “Mesecina” Gostivar
5	Erol Bekiri	Association “Millenium”
6	Safet Selmani	HO “Mother Theresa” Gostivar
7	Xheladin Ibraimi	El Hilal – Gostivar
8	Magbule Vreskala	Albanian Women Union Macedonia
9	Lazime Ejupi	
10	Bulent Kamberi	IPG Inter Ethnic Program
11	Jetmir Bajrami	PPC – Center of Perma Culture
12	Ebru Kukul	TWOM
13	Arzu Kain	TWOM
14	Lulzim Haziri	ADI
15	Aleksandra Josifofska	CGI

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2	<b>Luljeta Ajrulai</b>	
3	<b>Svetlana Veljanovska</b>	Radio Kicevo
4	<b>Lindita Vrangaloska</b>	Aktiv na `eni romki „Prerodba“-Ki~evo
5	<b>Zejnepa Mamudoska</b>	Aktiv na `eni romki „Prerodba“-Ki~evo
6	<b>Awur Seloski</b>	Union of Trainings and Sustainable Development - ORT
7	<b>Senad Ibraimoski</b>	
8	<b>Enis Idrizov</b>	Roma Youth Organization “Bela Kula”
9	<b>Senad Mustafoski</b>	
10	<b>Zenel Zulfeari</b>	Association of Blind People of Kicevo
11	<b>Miruçe Tahiri</b>	Association of Blind People of Kicevo
12	<b>Maja Lazareska</b>	Member of the Municipality Council
13	<b>Leonora Iliovska</b>	Member of the Municipality Council
14	<b>Aleksandar ^iplakovski</b>	Member of the Municipality Council
15	<b>Biqana Menoska</b>	Boem TV
16	<b>Ratka Trpeska</b>	SEEU
17	<b>Beleska Aleksandra</b>	SEEU
18	<b>Sandra Stojanovska</b>	SEEU
19	<b>Donka Tiposka</b>	SEEU
20	<b>Misajlovska Angelina</b>	SEEU

**List of participants in the municipality of Debar in the implemented focus group on behalf of the Center for Peace and Democracy-Ian Collins**

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2	Lidija Petrusevska	
3	Katica Apostolovska	ADI
4	Illir Ostreni	Member of the Municipality Council
5	Nizamedin Papraniku	Member of the Municipality Council
6	Filip Vasilevski	Member of the Municipality Council
7	Ismet Sadiku	Member of the Municipality Gostivar Council
8	Muarem Sadiku	Member of the Municipality Gostivar Council
9	Xumali Neziri	Member of the Municipality Gostivar Council
10	Atli Dema	MTV
11	Shaban Dalipi	MTV

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#### **People with which the interviews has been done on behalf of the experts group of the Center for Peace and Democracy-Ian Collins:**

Zudi Xhelili- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of Democratic Party of Albanians

Ismet Ramadani- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of Democratic Prosperity Party

Ejup Rustemi- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of Democratic Union for Integration. Interethnic Committee on the Parliament of former Yugoslav Republic of Macedonia

Cvetanka Ivanova- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of Social Democratic Union and President of legal- legislative commission on the Parliament of the former Yugoslav Republic of Macedonia

Ilija Kitanovski- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of VMRO\_DPMNE

Silvana Boneva- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of VMRO-DPMNE

Kenan Hasipi- representative in the Parliament of the former Yugoslav Republic of Macedonia from the representatives group of The Turkish Democratic Party

Nevzat Bejta- Mayor of Municipality of Gostivar

Argetim Fida- Mayor of Municipality of Debar

Eli Cakar- state Councilor in the Ministry of Local Self Governance

Simon Aleksioevski, Councilor in the Council of municipality of Struga from the Councilor Group from the Liberal-Democratic Party

Ilija Maceski, Councilor in the Council of municipality of Struga from the Councilor Group from the Social Democratic Union of Macedonia

PEOPLE WITH WHICH THE INTERVIEW HAS BEEN REALIZED ON BEHALF OF THE  
MONITORS OF ADI-GOSTIVAR

**Municipality Debar**

Party of democratic Prosperity - Ferit Vojnika

Head of educational Center in municipality Debar: Nuri Koleci

National-Democratic Party - Rexhep Qormemeti

President of the Council of Municipality of Debar: Nizamedin Papraniku

**Municipality Kicevo**

Democratic Union for Integration - Zulbie Bekteshi

Independent councilor – Lupce Petkoski

Turkish Democratic Party - Bedrudin Telak

Councilor for legal questions - Marjan Dimovski

Social-democratic Union of Macedonia - Vlado Aleksoski

VMRO\_DPMNE - Elena Poposka

Municipality Secretar - Nuhi Jusufi

VMRO-NP - Maja Lazareska

**MUNICIPALITY Struga**

Municipality Secretary – Zoran Gulicoski

Head of public activities Unity- Xhemi Hajredin

VMRO- DPMNE - Krste Miladinov

Liberal Democratic Party - Simon Aleksieski

VMRO NP - Mitre Angeloski

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### **Municipality Gostivar**

Chair man of the Council - Muamer Sadiku

Municipality Secretary - Selim Ademi

Democratic Union for Integration – Nexhadi Jakupi

Party of Democratic Prosperity – Ismet Beqiri

Democratic Party of Albanians - Muzafer Shabani

VMRO-DPMNE - Darko Dimitrieski

Social Democratic Union of Macedonia - Valentina Poposka

VMRO-NP - Natasha Sazdoska

Turkish Democratic Party - Erxhan Culezi

**RESUME:**

1. *Power Sharing* is a term that is used to signify a democratic political system, which differs from majoritarian/Westminster/ model of democracy. Majoritarian model is mainly applied in more ethnically homogeneous societies. Unlike the democratic majority - which is commonly known for the basic election principle of “winner takes it all” - *power sharing*, as the name itself implies, is a political system that functions on the basis of a documented agreement to share power among the political elite of ethnic communities within the country. It may be regarded as a synonym for consensus or consociational *democracy*. In a sense, these concepts are being used by Arend Lijphart<sup>44</sup>

In the political theory, it is believed that plural societies are potential victims of the multi-ethnic conflicts. These are societies where smaller and deeper divisions exist along the ethnic lines (ethnic background, language, culture, religion, etc.), whereas other divisions based on party affiliation, ideology, civil rights, etc., do not cut ethnic lines. In this case, larger social cohesion is made possible. The risk of ethnic conflicts will be reduced, if the government does not neglect nor discriminate against minority groups.

V. Zartman writes on this topic, stating, “National conflicts are caused due to various reasons, in various situations; however, all problems may be summed up in two related categories – negligence and discrimination, or problem in distribution and problem in identity.”<sup>45</sup> This general statement may be applied to our country, where divisions along the ethnic lines remain quite strong. In other words, the same theoretical model of *power sharing* (sometimes the term *participatory democracy* is used) contains some basic principles and institutions such as: (1) Big coalition of power;(2) Different levels of territorial autonomy; (3) Proportional and equitable representation of minorities in the bodies of the government (administration, military, and police); (4) The right to veto; (5) Written constitution.

From this model, there are minor or major exceptions that depend on the given situation. However, the foundation of the *consensual democracy* is the prior agreement among the elite of the ethnic communities to share power - among other *rules of the game* that everyone should follow. There are both followers opponents of the model itself, which yields many conflicting issues. The most severe being a question of whether or not the elite is honest in its intention to secure the unity and harmony of the state. Nonetheless, it is very important to understand that the system of the *power sharing* is either implemented or imposed in post conflict situations. It is used as a framework for the building peace, stability, and trust among groups that were previously involved in conflict.

2. After the armed conflict in 2001, the Former Yugoslav Republic of Macedonia drafted a political framework that encompasses all the critical principles of consensual democracy and/or *power sharing*. More importantly, the biggest parliamentary parties in the country have signed the Framework Agreement. Its implementation is guaranteed to the international community (EU, USA, NATO).

3. Former Yugoslav Republic of Macedonia is now a unitary state, which sends a strong message that it discourages ethnic conflict and territorial separation. In other solutions of the Ohrid Framework Agreement, the crucial institutions and principles of the consociational model may be identified: (1) The government of 1991 has formed a coalition, in which a significant role is played by the Albanian political parties. These are not *big coalitions* in power, as A. Lijphart would say. This

<sup>44</sup> Arend Lijphart: “**Democracy in Plural Societies**”, Yale University Press

<sup>45</sup> William Zartman, ed. “**Elusive peace**”, Brookings Institution

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is not the case when examining the armed conflict in 2001. The conflict displayed true *big coalition*, made up of the major parliamentary parties of the ethnic communities in the country. Nonetheless, the coalition has contributed to the legitimacy of sharing power; (2) Minorities have equitable representation in the communities, both in the country and in the municipalities (military, police, public administration, etc.); (3) Minority veto or *particular majority* (generally known as Bandinter's Principles); (4) Proportional election system ;(5) High level of decentralization of power and (6) Written constitution where individuals and collective rights of the minorities are guaranteed.

All of these principles and political instruments are part of a peace plan for reaching greater stability and security in the country. It is especially important for universities, scientific institutions, non-governmental organizations, and the public sector, to follow-through in its application. They must constantly point out the problems that arise and initiate discussion regarding the issues, in order to create better solutions.

4. **“There are no territorial solutions for ethnic conflicts”:** The Ohrid Framework Agreement begins with this strong message. This message is applicable only when the rights of minorities within country and municipalities are protected. In this case, it is important to confirm that these rights are complementary with the fundamental principle of non-discrimination. The largest factors of dissatisfaction that we noted during our research were feelings of injustice, disloyalty, and discrimination. The Framework is almost irrelevant if someone is continuously treated unjustly because of a procedure that is overlooked or neglected. It breaks the trust among ethnic communities.

5. A key aspect of a modern understanding of minority rights is the principle of minority participation in decision-making process at both the national and local levels. “Full and efficient participation,” as rightfully formulated in the Framework Agreement of the Protection of National Minorities(FAPNM) ensures the protection of rights for national minority groups (Art. 15). This Article includes the participation of the minorities in the process of creating politics in the country or municipalities. In essence, it encourages minority participation in decision-making that directly concerns *them*.

When Article 15 was revisited during a conference in Strasburg , it was affirmed that, “ Full and effective participation,” does not only mean the participation of minorities in making political decisions, but also the economic decisions. In short, it is believed that the overall socio-economic situation of the minorities should be looked upon <sup>46</sup>.

6. The right for “full and efficient participation,” is the most important aspect of the model of *power sharing* in former Yugoslav Republic of Macedonian multi-ethnic municipalities<sup>47</sup>. The aim of our research was to figure out the ways in which the elective sample of the multi-ethnic municipalities function in reality. We focused on the most crucial principles of *power sharing*: (1) “Full and efficient participation” of the minorities in creation of politics and their participation in the decision-making process within the Council of the municipality; (2) The right to veto or

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<sup>46</sup> “Filling the Frame, Five years of monitoring the Framework Convention of the protection of National Minorities”, Council of Europe Publishing

<sup>47</sup> The sample of four municipalities is chosen, Gostivar, Kicevo, Debar and Struga, where representatives of Macedonians, Albanians, Turkish and Roma population live. In the municipality of Gostivar, Struga and Debar Albanians are majority, but there are also many Turkish people, whereas Macedonians are majority in Kicevo. Roma population is represented in a smaller number in these municipalities. Exact data may be found in the Report.

decision-making by *particular majority* (3) Equitable representation of the minorities in public administration within the municipality and (4) The use of language and symbols of the minorities within the municipalities. What is our conclusion?<sup>48</sup>

7. The most vulnerable minority groups, particularly in terms of “full and effective participation” in decision-making, are the Turkish and Roma. The status of the *very small and disperse minorities*, do not allow them political influence to decision-making bodies within the country, as well as in the municipalities mentioned in the sample. The minority veto (the aforementioned Bandinter’s Principles) has no meaning for these communities. This results when members of the Parliament vote with favor to *particular majority*. Albanians have the majority and in order to finalize a decision, they do not need the votes of the representatives of the other minority communities. For this reason, during the Assembly, one of the interviewees from the Turkish community stated:” our state became bi-national” In the municipalities where we carried out the research, the impact of the Turkish community in the decision-making process is too small. This is particularly the case when traditional municipalities of Turkish majority are joined to other communities (ie. Xhepcishte).

8. As far as the poor economic and social situation of the Roma community is concerned, it can be correlated with their marginal position in the centers of the power - with an exception of the municipality of Shuto Orizari. In this context, we suggest a political and professional debate for improvement of the position of the Roma communities. This could aide in the establishment of *reserved* seats, to revoke the electoral barriers, (the so called *saving clause*), adopting national programs, education, and economic development, establishing offices for minority rights both nationally and locally, parity composition of the Commissions for international relations in the municipalities, etc..

Even though efforts have been made to improve the position of the Roma population, experiences from other countries should be taken into account that established:

- Offices that work specifically on minority issues, and incorporate those issues in to policy
- Minister of minority affairs
- Special Commissioner to the President, raise questions of the minority rights at a higher level
- Appointment of authorities in the Ministry for local self-government that will deal with the issues concerning the minority rights within the municipality
- National council that may function in national, regional or municipality levels for the purpose of improving the communication between the judicial and executive branches

9. The institution of Ombudsman is justifiably useful in its existence. We suggest that this institution be granted broader societal support and affirmation. Within the jurisdiction of the Ombudsman, apart from the equitable *representation of the communities*, monitoring collective minority rights, in practice, should include: use of the languages and symbols, the right to minority veto, the right to education in their native language, and so on.

10. Our research revealed that throughout the monitoring period, (December 2005-June 2006) in the municipalities of the sample, the categories of direct democracy have been used only in few

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<sup>48</sup> Research in the field lasted from December 2005 until the end of May 2006, by the application of the following methods: a) direct observation of the meeting of the Council in the municipalities from the sample; b) gathering objective indicators) interviews) survey with 600 people carried out by a professional agency for research of public opinion “Brima - Galup”.

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cases: referendum, civil initiative, initiative in the local communities, etc. This displays a *democratic deficiency*, which directly influences the possibility for greater participation of minority groups. We suggest, that the programs of the civil (non-governmental) organizations, pay more attention to this statement. These organizations exist, among others, to strengthen the direct influence of citizens on the Government.

11. According to the research, the Council of the municipalities only partially satisfy the standards for democratic decision-making. The technical procedure is respected in that the Councilors attend meetings and participate. However, some councilors have noted that important proposal decisions are not well discussed or explored, because majority has already been established.

In the cases where the Mayor is from the same party, as the majority of the Council, you find short-term efficiency of power and long-term disappointment. Eventually, the power *runs out* of the Council, turning it to the *electoral minority*. In this case, the possibility for effective participation of the members belonging to minority groups is narrowed. In some cases, this manifests itself in different ways. For example, some may boycott or leave during a meeting, which contributes to the distrust among different communities.

12. The language that is being used in meetings, may deteriorate the work of the Council in the municipality, and even be used as means of manipulation. Due to a lack of funding, there is no equipment for simultaneous translation. Thus, placing the Councilors who speak the languages of the minorities in a position of the observer; therefore, reducing his or her ability to engage in “Full and effective participation.” In some cases, they withdraw from active participation in the work of the Council of the municipality, all together.

13. During several months of research, we concluded that in only two cases were there decisions that should have been addressed with *particular majority*. The first was in regard to the decision to incorporate the Turkish language into the work of the Municipality of Gostivar. This was supported unanimously, as a result of a prior pre-electoral agreement between DUI and DPT. The second decision dealt with the construction of a monument in Struga, to commemorate a member of NLA. This was discussed without applying the *particular majority*. Normally, Macedonian councilors have not voted for this, but this has started to be applied; that causes disappointment within Macedonians of Struga. Information that there will be a referendum for the impeachment of the mayor was in the media. Today it is clear that the former coalition in power (SDSM-DUI) avoided the initiation of certain issues in the Council of the municipality on purpose, so that they do not eventually get in situation that would be hard to manage and cause further conflict.

14. If the majority in the municipality (for certain reasons, particularly if it wants to slow down the legitimacy of the government in the country) obstructs the right to a minority veto related to particular issues (culture, language, symbols), the minorities reaction to this will be a demand to expand this right in all the decisions that are being made.

15. **Questionable judicial norms:** In certain cases the application of the judicial norm of Article 41, line 3 of LSG may be questionable. Namely, “...majority votes of the members present in the Council belonging to the communities that do not present the majority of the population in the municipality,” is requested. What does this practically mean? In some municipalities, this means that three of them need to be present; actually the decision can be brought with two votes of the minority community. If, on the other hand, the majority of the Councilors is taken into account, as well as the mayor, who also (as a rule) belongs to the majority community, it is obvious that

minority members of the community will be under *great pressure*. (This assertion does not concern the Bandinter's Principles. Instead, it concerns general decision making in the Council, in cases when minority communities are represented by smaller number of Councilors). In these cases, we suggest the majority to be requested out of the overall number of Councilors (absolute majority). In doing this, the Commission for inter-community relations should be regarded as a possible solution for overcoming this obvious disparity of the powers in the Council.

#### **16. Minority veto: whether to narrow it or to broaden it?**

The research has shown that efficient participation of the minority community in setting up goals, decision-making, and politics of the municipality is doubted with a very restricted application of the minority veto (only in some cases related to culture, emblem, flag and language).

The goals of the politics in the municipality are established in its program and are utilized with the help of the finances from the budget. For this reason we suggest that the decisions related to minorities, which are stated in the Statute, Program and Budget of the municipality, should be made by a *double majority*.

**17. Education and the minority veto:** *Full and effective participation of the communities cannot be established without the right to a veto as well, on the decisions made in the field of education that are related to minorities.* This right can be found in the state level, where previously the educational politics existed. Now this situation is changing and future municipality power will make the most important decisions in the education of their citizens. Consequently, we suggest that the *double majority* should be expanded to questions of education related to the education of the minorities. The category of *related* could be elucidated.

#### **19. The Commission for inter-ethnic relations: between the norm and praxis**

The judicial solutions for the establishment of this Commission (Art.55 of the Law for local self governing) are illogical and contradictory. In our opinion, they should be changed. In the Statutes of the municipalities, the foundation for electing a member for this Commission is very limited and under big party influence. Our suggestion is to establish a body of the Commission that would consist of people who would primarily represent the interest of the citizens in the local community and who would not be as concerned with the interests of the political parties that they are affiliated with. As far as the praxis is concerned, in all four of our sampled municipalities these Commissions have remained only in their Constitutional assemblies, not a single meeting has been held. Why? We came to the conclusion that this was unnecessary. We were under the impression that it is not clear as to whether or not this Commission should exist. Some interviewees wondered if it would just become a new source for confrontations and problems. That is why surveillance of work and support for this commission is needed.

The Commission, neither legitimately nor by Statute, is being established as an important body that will harmonize possible confrontations about the issues where minority veto should be applied. Firstly, municipalities will start the process of changing the symbols, the names of the streets, schools, and villages. Secondly, municipalities will apply the principle of the appropriate and judicial representation in the future. Finally, the process of decentralization will grow deeper. As a result, the position and the power of the local governing authorities within the municipalities should be more multi-ethnically sensitive facing new challenges. Due to this, the public, Assembly, and AUSG should pay attention to judicial and statute norms for creating these Commissions as well as the current praxis.

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18. **The role of the Commission :** The role of the Commission for Inter-community Relations will gain value and sense only if the following conditions are met:

- Application and election of the members should be made including the broader community, not just the Council and the political parties (NGO should be involved in the process, the public, medias).
- To decide with consensus
- To be comprised by an equal number of members from all communities. The President should not be from the majority community in the municipality
- Jurisdictions to be clearly distributed, and broadly from ~l. 41 of LSG (actually to have a right to argue and bring decisions on certain problems in the municipality: hence not only to take sides on a given issue from the agenda of the meeting in the Council, where double majority is anticipated to be applied); to function as the Mayor's counselor on these issues
- The Council and the Mayor have a strong duty to examine and respond, as well as to give written explanation about their decisions and conclusions brought by the Commission

19. **The Mayor:** The strongest component of the consensual democracy is the “sharing of the executive power.” This does not exist in the municipalities, because the citizens ultimately choose the mayor; therefore, he will be from the majority community. The exclusion of the minority communities from the executive power is legalized. Now, it is a challenge to establish multiethnic balance. In our opinion, the president of the Council should belong to one of the minority communities (this currently is not a practice). In addition, we think that a debate should be initiated about the changes in electoral legislature, which will inspire pre-electoral coalitions. They will have to cooperate and work properly in order to win these two crucial positions in the municipality (the Mayor and the president of the Council of the municipality).

20. **Equitable representation of the communities:** The efficiency of the process of decentralization is obstructed, accompanied by series of unfavorable circumstances such as underdeveloped local and national economy, problems in the functioning of the principle of ruling by law, and corruption. Due to this, minority communities will have more reasons to think that they are being marginalized or discriminated (rightfully or not). The modest resources of the country, that now need to be re-distributes, make it obvious that the biggest percent of the employments are in the public sector. These are expected to be an additional factor for tension. For these reasons, it is very important to raise awareness that without economic development of the country, and particularly without development of the multiethnic municipalities, it will turn into a zero-sum-game politics where one wins and the other one loses, which will undoubtedly deteriorate multiethnic relations.

21. **Symbols:** Ethnic groups identify themselves through the official proclamations of the symbols (flags, signs, language etc.). Since symbols are arguably a transparent code of the *prestige and self-respect*, political arenas, becomes a ritualistic platform where the status of the group is determined. For this phenomenon the terms *authoritarian allocation of prestige* or *symbolic conflict* may be used. In order to avoid the *symbolic conflict* (which lead to bloodshed in Gostivar in 1997), law supporting the use of flags is introduced. The law includes the procedure for using the flags in public. However, the research indicates that this law is not always respected. For example, during the celebration of the Albanian flag, the former Yugoslav Republic of Macedonia national flag was used later, after receiving much pressure from the public.

**22. Language politics:**

Language signifies the statute of the group that uses it and acts as a symbol of domination. The group that struggles for priority demands its language to gain *lawful place*, which means to gain exclusive official status. Requests for official status of a language are typical indicators that some people have legitimate demands for more respect, value, and importance in the society. With the Ohrid Framework Agreement, we are heading towards this goal. “one more language that is being spoken by less than 20% of the citizens is an official language as well...” In the bodies of the local self-government the language that is used by less than 20% of the citizens as an official language, apart from Macedonian language and its Cyrillic letters”. Hence there is a bi-lingual administration in the municipalities of Gostivar, Kicevo, Struga and Debar. In the municipality. In the municipality of Gostivar the Turkish language is an official language, as well.

In this context, our aim was to point out some findings from the research related to the threshold of 20% and what the Turkish and other smaller communities view as discriminatory. The decision to incorporate multiple official languages into the municipalities where communities do not reach 20% depends on the Macedonians. This is another irrationality of LSG. Namely, in cases where Bandinter’s Principles is applied, veto power may or may not be used where most of the representatives of the minorities in the Council, are Macedonians (Gostivar, Struga and Debar) and Albanians (Kicevo), but not Turkish or Roma, to whom this right is addressed. For this reason it is necessary, the law to be exercised in accordance with the spirit and character of the Ohrid Framework Agreement for the rights of the minorities.

**23. Expectations and concerns:** What we came up with in the municipalities during our research and public interviews, is the atmosphere of *expectations and concerns*. The expectations of the majority Albanian population seem to be that conditions *will finally improve* (primarily related to equal representation, economic development, employment, etc.). At the same time, the concerns of the Macedonian population are that, now, as a minority they will be discriminated against. They fear that they will be out in the street simply because they are Macedonian minority. The Turkish community feels the same way, whereas the Roma population is feels socially and politically marginalized. Putting the mechanisms into practice will stimulate the efficient political participation of the minorities. It can help us to diminish this atmosphere of suspense and concern, and also reduce possible ethnic misunderstandings. *It is necessary to support all the efforts that are being made in different levels (AUSG, political, and scientific forums) in order to raise awareness that in one multi-ethnic community, patience, balance, understanding, tolerance and compromise are necessary parts of every decision-making process ,with or without formal mechanisms, that protect minority community from majority domination.* This is certainly a process and it takes time to achieve it.

**24. Is the project justified?** We would say, yes it is. Our goal was to see if we are on the right track, to document the beginnings of a formula that for now ensures peace and a significant level of stability. We hope that this may serve as an experience of similar multi-ethnic countries. We aim to point out the structures, institutional, and cultural deficiencies, to suggest some possible directions for developing a model and praxis. The country has to develop its own monitoring mechanisms and publicize results from within.