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MUNICIPAL DECENTRALISATION IN THE REPUBLIC OF MACEDONIA: *Preserving a Multi-Ethnic State?*

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Abstract: Ten years on from signing the Ohrid Framework Agreement, is the Republic of Macedonia's peace process, of which municipal decentralisation is a primary component, broadly benefitting all communities equally? To what extent is municipal decentralisation and minority protection mechanisms administered at the local level preserving Macedonian society's multiethnic character, or has the country taken a step closer towards the development of a bi-national state? There were definitely 'winners' as a result of the Ohrid Framework Agreement, but were there also 'losers', and who are they? The decentralisation process in Macedonia has widely been regarded as a success story by regional and international actors alike. It is frequently considered a suitable model of ethnic conflict management that can be replicated in other regional contexts, such as for Serbs living in neighbouring Kosovo. Decentralisation sought to offer limited autonomy to Macedonia's ethnic communities, in particular the ethnic Albanians. By increasing the number of competencies administered at the municipal level, the reforms aimed to provide local, culturally diverse communities greater control over the management of their own affairs. This paper seeks to apprise the minority rights protection mechanisms contained in the 2001 Ohrid Framework Agreement, particularly those at the municipal level, along with implementation of the wider of decentralisation reforms. The paper will also consider the claim that the protection mechanisms envisaged in Ohrid and the process of decentralisation to date has not benefitted all Macedonia's ethnic communities equally. Instead, it has reinforced steps towards bi-nationalism at the expense of genuine multiculturalism.

Keywords: *Macedonia, decentralisation, minority rights, multiculturalism*

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Introduction

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1. Ohrid Framework Agreement and Minority Rights Protection Mechanisms

Macedonia became an independent state in September 1991. The most southerly located of the former Yugoslav republics, Macedonia shares borders with Albania, Bulgaria, Greece, Kosovo and Serbia; and its ethnically diverse population, although totally a mere two million, reflects the cultural diversity of the region and a legacy changing borders and empirical conquests. According to the most recent census in 2002, Macedonia's ethnic breakdown is 64.18 percent Macedonian, 25.17 percent

¹ Hereafter referred to as 'Macedonia'. It should be noted that the 'Republic of Macedonia' is the constitutional name for the state, however this name is the subject of dispute with neighbouring Greece. Consequently, the Republic of Macedonia is currently recognised under its temporary name the 'Former Yugoslav Republic of Macedonia' ('FYROM') in its dealings with international organisations, such as the United Nations and European Union.

² According to Bhikhu Parekh, the term 'multiculturalism' implies the traditional culture of the majority should not be give pride of place in state policy. Minority cultures should be equally central to state identity and should be respected and even cherished.

Albanian, 3.85 percent Turkish, 2.66 percent Roma, 0.48 percent Vlach, 1.78 percent Serbian, 0.84 percent Bošniak, and 1.04 percent who declared themselves 'Other' (Statistical Office, 2005: 713). After a decade of attempts to consolidate the country's transition towards democracy and a market economy, and of appeasing increasingly vocal demands from ethnic Albanian politicians for greater collective rights, Macedonia found itself on the brink of civil war in 2001. The peace agreement³ that was signed in August 2001 reflects the demands of the ethnic Albanian insurgents; an issue of significance which will be discussed later, and laid the foundations of a 'Framework' for the enhanced recognition of community rights.

According to Florian Bieber and Veton Latifi, the main goal of the Framework Agreement was to accommodate the grievances of the Albanian community, whilst at the same time address the concerns of the Macedonian majority by preserving the territorial integrity of the unitary state (Bieber, 2005; Latifi, 2001). The Agreement was "designed to usher in an era of genuine, as opposed to cosmetic power-sharing" between Macedonians and Albanians (Gallagher, 2005: 117). Unlike Bosnia's Dayton Agreement, which aimed to maintain peace by institutionalising ethnicity through the creation of separate territorial and political communities, Macedonia's Framework Agreement claimed "there are no territorial solutions to ethnic issues" (Official Gazette 2001b, Art. 1.1). Its aim was to achieve peace through a process of integration, institutional bargaining and compromise, at both the municipal and state level, rather than through the creation of either federal or regional levels of governance. Its complexity reflects the delicate balance it strikes between consociational and integrative approaches to peace building (Bieber, 2005; Daskalovski, 2006; Ilievski, 2007; Maleska, 2005; Minchev, 2005; Ordanoski & Matovski, 2007). In doing so, according to the Nadège Ragaru, the Agreement endeavoured to "square a circle"; that is, confirm the existence of a unitary state whilst promoting institutional recognition of ethnic diversity (Ragaru, 2008, 21). Consequently, the Agreement represented a combination of measures designed both to favour multi-ethnicity and the integration of ethnic communities (equitable representation in public administration and enterprises, parliamentary and municipal committees on inter-ethnic relations), and reforms which institutionalise the social and cultural distance that already existed between the different communities (enhanced language rights, municipal decentralisation and special voting procedures) (Ragaru, 2008).

Of the minority rights protection mechanisms enshrined in the Framework Agreement, greater use of national languages and symbols has probably had most impact on the daily lives of citizens. Under the terms of the Agreement and subsequent Law on the Use of Languages, the Macedonian language remains the official language in the country and is used for international relations⁴ (Official Gazette, 2001b, Art. 7; Official Gazette 2008b). However, any other language spoken by at least 20 percent of the population is also recognised as an official language, and can be used for personal

³ Hereafter the 'Framework Agreement'.

⁴ See also Article 7 of the amended Constitution (Official Gazette 2001a).

documents, civil and criminal proceedings, within municipalities, in communication between citizens and central government, and in higher education. Previously, the threshold for official use of community languages in municipalities had been 50 percent, although this was rarely respected and was indeed annulled by the Constitutional Court in 1994 (Official Gazette, 1995, Art. 88; Ilievski, 2007: 5; Caca, 2001: 152). As Joseph Marko has noted, although the Albanian language can now be used again in parliamentary sessions, Albanian is not an official language 'throughout' the country. The connection with decentralisation, which will be discussed in greater detail below, is therefore of great symbolic significance (Marko, 2004/05: 707).

With regard to languages spoken by less than 20 percent of the population within a municipality, the Agreement also allows the possibility for their use as an official language, but the decision to do so remains at the discretion of the local authority (Official Gazette 2001b, Art. 6.6). It is worth noting that the 20 percent threshold meant that Albanian was the only language other than Macedonian granted recognition at the state level. However, this recognition came as a function of demographics, rather than as a symbolic recognition of equal status of the ethnic Albanian community (Brown et al., 2002: 54). No-where in the Framework Agreement is use of 'Albanian' language specifically mentioned. The Agreement and subsequent Law on the Use of the Flags of the Communities also regulated the use of community emblems, such as the flying of community flags in front of local public buildings if that community constitutes a majority within a municipality (Official Gazette, 2001b, Art. 7; Official Gazette, 2005). Previous legislation on the use of flags had also been repealed by the Constitutional Court in December 1998 (Helsinki Committee, 1999; Ragaru, 2008: 5).

The consociational principle of non-discrimination and equitable representation within public administration and enterprises, at both the national and local level, and within the police, was another crucial element of minority protection contained in the Framework Agreement⁵ (Official Gazette, 2001b, Art. 4). Although the equitable representation of Macedonia's communities had long been declared a state goal, and was indeed enshrined in the 1974 Constitution of the Social Republic of Macedonia⁶, in 2001 the reality was very different. Even almost ten years after the conflict, the proportion of ethnic Albanians employed in state employment in 2010 remained at 16.9 percent, although this represents an improvement on the 10.2 percent employed in 2000 and 8.3 percent in 1997. The representation of Macedonians, Turks, Roma and Serbs in 2010 was 77.3 percent, 1.6 percent, 0.7 percent and 1.6 percent respectively (Ombudsman, 2010: 33). It is worth emphasising that the Framework Agreement did not call for strict ethnic quotas in Macedonia's public administration. This is in contrast to other consociation-inspired political settlements, such as Bosnia's Dayton Agreement. In

⁵ See also Article 8.1 of the amended Constitution (Official Gazette, 2001a).

⁶ Chapter 11 entitled 'Equality of Nationalities' stated: "Municipalities and the Republic ensure that nationalities be proportionately represented in the municipal assemblies and the assembly of the Socialist Republic of Macedonia, and be adequately represented in their bodies (Caca, 2001).

Macedonia, state institutions are not obliged by law to employ a certain percentage of a particular ethnic group.

Special voting procedures to ensure greater consensus in decision-making within both parliament and municipal councils constitute another mechanism for protecting non-majority communities living in Macedonia. This procedure, sometimes referred to as 'double-majority' or 'Badinter⁷-majority' voting, operates along similar lines to Arend Lijphart's concept of minority veto and practices adopted in Bosnia. However, it differs in that this right is not given to any one particular community; instead it guarantees certain Constitutional amendments and legislation⁸ "cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes from those claiming to belong to non-majority communities (Official Gazette, 2001b, Art. 5)⁹. Whilst offering protection to minority communities against the strength of the majority in parliamentary and municipal decision-making, Joseph Marko concedes the procedure does not constitute full veto power and represents a much weaker mechanism than comparable provisions on veto powers in the constitutions of other ex-Yugoslav republics (Marko, 2004/05: 709). One reason for this is the fact that use of 'double majority' voting in Macedonia is restricted to the following areas of decision-making: culture, use of languages, education, personal identification, use of symbols, and issues pertaining to local self-government (Official Gazette, 2001b, Art. 5.2). In practice it also appears to allow only the Albanian minority to block legislation since, although formally extended to all minority communities, smaller communities with limited parliamentary representation, remain marginalised (Engström, 2002: 18; Bieber, 2005: 111).

The final aspect of minority protection contained in the Framework Agreement and subsequent Constitutional amendments was reform of the parliamentary and municipal Committees for Inter-Community Relations. A Human Rights Watch report commented in 1996 that, since its formation in 1992, the parliamentary Committee had not played an active role in promoting inter-ethnic dialogue; an observation supported by Henryk Sokalski, Special Representative of the UN Secretary General to Macedonia (Helsinki Committee, 1996: 16; Sokalski, 2003: 69). Under the new configuration its mandate, akin with Lijphart's recommendation for arbitration mechanisms to mediate disputes between segments, is to consider issues of inter-community relations, such as application of special voting procedures, and to make proposals for their solution. Parliament is obliged to consider the Committee's appraisals and to make decisions regarding them. The Parliamentary Committee consists of seven members each from the ranks of the Macedonians and Albanians, and five members from among the Turks,

⁷ Named after the French judge Robert Badinter.

⁸ The relevant laws were defined as those that "directly affect culture, use of language, education, personal documentation, and use of symbols". However there was no precise definition or delimitation of the legislation requiring double-majority approval, and this was to give rise to a dispute during 2006 when bills on policing and the Broadcasting Council was passed without a double-majority (Reka. 2008: 66). For further information on the 'Skopje Agreement' and the development of a list of laws requiring double-majority approval, see Ilievski (2007).

⁹ This principle is also enshrined in Article 69.2 of the amended Constitution (Official Gazette, 2001a).

Vlach, Roma and two other communities (Official Gazette. 2001a, Official Gazette. 2007, 3.3). Previously, the Committee had comprised “two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanies, as well as two members from the ranks of other nationalities in Macedonia” (Official Gazette 1991, Art. 78). The reduced influence of Macedonia’s smaller communities in this new arrangement has prompted some to remark how little attention has been paid to promoting the political inclusion of these communities (Bieber, 2005: 112). Similar Committees have also been re-established in municipalities where more than 20 percent of local inhabitants are from non-majority communities (Official Gazette. 2002: 55). 22 ethnically mixed municipalities (out of a total of 85) are obliged to establish these Committees in accordance with the law.

2. Municipal Decentralisation: a Territorial Solution to Ethnic Issues?

Municipal decentralisation was considered such a crucial aspect of Macedonia’s peace process that the Law on Local Self-Government was the only law formally stipulated as a prerequisite for an international donors’ conference to be held (Macedonia 2001b, Annex C). In its Basic Principles, the Framework Agreement declared: “The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities” (Official Gazette, 2001b, Art. 1.5). Decentralisation sought to offer limited autonomy to Macedonia’s ethnic Albanians, compatible with the principles of consociationalism, whilst shying away from granting them full or formal autonomy. Indeed, the reforms were supported by another Basic Principle which declared: “There are no territorial solutions to ethnic issues” (Official Gazette 2001b, Art. 1.2). One ethnic Albanian member of the opposition observed in 2003 that decentralisation was “a cure against federalisation” (PER, 2003: 11). Florian Bieber noted that decentralisation was framed to conform to European standards, especially the principle of subsidiarity enshrined in the European Charter of Local Self-Government, rather than facilitating fully-fledged self-government for the ethnic Albanian community (Bieber, 2005: 116).

Kamelia Dimitrova has concluded that the devolution of power has generally been perceived as a positive step towards improving inter-ethnic relations, since it places institutional limitations on “unbridled central authority” and provides local communities greater control over the management of their own affairs (Dimitrova, 2004: 176). Certainly, the Framework Agreement called for enhanced municipal competences¹⁰ and a revised law on local government financing to ensure fiscal autonomy and sufficient resources to enable municipalities fulfill their enhanced responsibilities (Official Gazette, 2001b). Dimitrova also regards decentralisation as a method for improving the

¹⁰ Those specifically referenced in the Framework Agreement were: areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, primary and secondary education, social welfare, and health care (Official Gazette, 2001b) (Official Gazette, 2002, Art. 22).

participation of non-majority communities in public life, thereby increasing their trust and identification with the state, and as a way to maintain the unique identity and culture of national minorities (Dimitrova, 2004: 176; ICG, 1999: 26).

A significant fear the majority Macedonian population (and some smaller communities as well) held regarding decentralisation in 2001, however, was the concern of being marginalised in Albanian-dominated municipalities (Bieber, 2005: 118). The worry was that Macedonians would become “foreigners in their own country” because of the extensive use of the Albanian language in these municipalities, with their own identities being considered under threat (ICG, 2000: 6; Brunnbauer, 2002: 17). Židas Daskalovski also suggests a common fear of being denied access to public resources and employment, and refers to events in 1991, when ethnic Albanians took local power in Tetovo municipality and promptly replaced all Macedonians in charge of the public enterprises in the towns with Albanians (Daskalovski, 2006: 212). The fact that ethnic communities in Macedonia appear to regard the decentralisation of power to municipalities as a zero-sum game, where one gains control over communities at the expense of the other, exacerbates such fears (Brunnbauer, 2002: 16). As Nadège Ragaru candidly concluded: “the moment one community comprises above 50 percent of the total population in any given unit of government, that unit becomes ‘hers’... Minority rights might be respected, yet community preference will be the rule rather than the exception. In this respect, ‘minorities’ (nationally) do not behave better than the ‘majority’ when they are locally dominant” (Ragaru, 2008: 25).

The process of territorial reorganisation during 2004, when municipal boundaries were redrawn to create 84 municipalities¹¹ from the previous 123, did little to dispel anxiety over the decentralisation process. In fact, it almost undermined the legitimacy of the entire process (IRIS, 2006: 9). The apparent lack of any objective criteria upon which to make decisions regarding boundary changes suggested to citizens that the reorganisation was based largely on political and ethnic compromises (Siljanovska-Davkova, 2009: 112). A senior ethnic Albanian government official interviewed by International Crisis Group at the time explained the logic behind the decisions: “We want to maximise the number of municipalities where Albanians make up 20 percent of the population [and thereby make Albanian an official language] and we want to bring Albanians in connection with the urban centre; the Macedonians want the opposite – to preserve Macedonian urban control, keeping Albanians in rural areas and minimising the number of 20 percent Albanian municipalities (ICG, 2003: 20). The obvious lack of transparency within which new boundaries were redrawn also gave rise to accusations that decentralisation was indeed a ‘zero-sum game’ over local control and access to resources between the two largest ethnic groups (ICG, 2003: 13). It is within this context, therefore, that the process of decentralisation and the importance of effective minority protection mechanisms at the municipal level need to be considered.

¹¹ Excluding the City of Skopje.

3. Minority Rights Protection at the Municipal Level

With regard to minority protection mechanisms at the local level, it is important to note that the Framework Agreement and subsequent legislative amendments replicate most of the provisions foreseen at state level. Thus, greater municipal use of national languages and symbols, equitable representation of municipal employees, the use of 'double-majority' voting procedures in municipal councils, and the existence of municipal Committees for Inter-Community Relations are all enshrined within the Agreement. This detail is very often neglected by the municipalities themselves, government agencies tasked with monitoring implementation of the Framework Agreement, some international organisations based in Macedonia, and academics alike.

As discussed above, the Framework Agreement and subsequent 2002 Law on Local Self-Government enhanced the use of community languages at the municipal level by reducing the threshold for official use from 50 to 20 percent. The Agreement also allowed for the possibility of languages spoken by less than 20 percent of the local population to be recognised as an official language within the municipality. In practice this has meant that, in municipalities where the local community constitutes at least 20 percent, Albanian has acquired official status in 29 of the 85 municipalities (including the City of Skopje), Turkish in three municipalities, Serbian in one, and Romani also in one (Common Values, 2009: 53). More recently, the rural municipality of Kruševo formally recognised the Vlach language even though the local Vlach population constitutes only ten percent. Of particular symbolic importance was the redrawing of the City of Skopje's municipal boundary in 2004 to ensure Albanian became an official language in the capital (Daskalovski, 2006: 207). The European Stability Initiative has however voiced caution in the wake of these legislative changes by suggesting that, regardless of the attitudes of local officials or their legal obligations, the problem of language use within municipalities will not be resolved until non-majority communities are represented significantly in the local administration (ESI, 2002: 30). The OSCE's survey findings also suggest that, in practice, working materials prepared for municipal councils are not always provided in all official languages, despite legal obligations to do so (OSCE, 2009a: 57). Non-majority communities, particularly ethnic Albanians, will therefore need to be patient in pursuing this goal

The Agreement and subsequent Law on the Use of Flags of the Communities also regulates the use of community emblems, such as flags in front of municipal buildings (Official Gazette, 2001b, Art. 7; Official Gazette, 2005). Although a Constitutional Court ruling on 24 October 2007 upheld selected provisions of the 2005 Law, such as the right of all recognised communities to display their flag under the same conditions in special circumstances, there is currently political agreement among the main political parties in Macedonia not to implement this ruling. "While this [ruling] might be in the best interest of peaceful inter-ethnic relations in the country", commented the OSCE in a recent report, they also note the situation represents "a serious problem in light of the rule of law" (OSCE, 2009b).

Equitable representation of all communities within public administration and enterprises is another critical aspect of minority protection envisaged at both the central and municipal level. However, as with the realisation of community language use locally, progress since 2001 in the municipalities has been hampered by practical considerations rather than simply a lack of political will. "Often", observed the OSCE in its 2009 Decentralisation Survey, "the municipal leadership is willing to implement the principle of equitable representation but possesses only limited resources to do so." Respondents to the same survey regarded the following factors obstruct municipalities' ability to achieve a representative workforce: lack of qualified candidates from non-majority communities, political pressures to employ staff, and the lack of any legal obligation to do so (OSCE, 2009: 58-9). Indeed, considering the post-2001 non-majority recruitment drive in the public administration began at time when state agencies were under increasing pressure to downsize and when public enterprises were scheduled for restructuring, privatisation and often closure, equitable representation has frequently been regarded as "one of the most sensitive elements of the Ohrid Agreement" (ICG, 2003: 13; Ragaru, 2008: 14; Brown et al., 2002: 16).

With regard to the use of 'double-majority' voting procedures designed to ensure greater consensus in decision-making by municipal councils, research undertaken by both the Institute for Regional and International Studies (IRIS, 2006) and the Association for Democratic Initiatives (ADI, 2006) suggests this practice is "rarely respected on the local level". IRIS's research notes that the lack of application of the law is felt "especially acutely" in newly reorganised towns, such as Struga and Tetovo, where minority Macedonians "feel sidelined" in the decision-making process (IRIS, 2006: 14). Indeed, Struga municipality's decision to place a memorial to the killed municipal councillor, Nura Mazar, an alleged former National Liberation Army member, was adopted without applying this rule (Ragaru, 2008: 26). ADI's interviews with representatives from the multiethnic municipalities of Gostivar, Kičevo, Struga and Debar during 2006 found that in many instances council members were either unaware of the compulsory nature of the special voting procedures for certain topics or felt its use unnecessary (ADI, 2006: 17, 64). Other council members interviewed were opposed to the application of special voting procedures outright, suggesting their use would be perceived as an indication of poor community relations and should therefore be avoided (ADI, 2006: 19, 72, 82). Fieldwork undertaken by the author to selected multiethnic municipalities during June 2010 found that attitudes towards the use of special voting procedures in municipal council sessions have not changed significantly. As with the inconsistent application of language and community emblem rights locally, limited use of special voting procedures in municipal councils implies non-majority communities are not enjoying the protections envisaged in Ohrid and are frequently being marginalised in local decision-making processes.

Finally, the Framework Agreement and subsequent legislation established Committees for Inter-Community Relations in municipalities where more than 20 percent of the local

population belongs to a certain non-majority community (Official Gazette, 2002, Art. 55). Municipalities can also establish Committees in areas where local communities comprise less than 20 percent; however this decision is at the discretion of the municipal council. Their role is to enable institutional dialogue between the different ethnic communities and to act as an instrument for enabling direct citizen participation within municipal decision-making processes (CDI, 2007). The Committees are obliged by law to review issues that refer to the relationships among the local communities, to provide opinions, and to propose ways to resolve problems that may arise between communities. They are critical for resolving issues pertinent to non-majority communities, particularly those requiring the adoption of special voting procedures, since municipal councils are obliged to consider the Committee's opinions and make decisions based on them. The 20 multiethnic municipalities legally required to establish such Committees have now done so¹² and, according to data collated by ZELS at the end of 2010, a further twelve municipalities have on a voluntarily basis (refer to Annex B). It is admirable that so many municipalities have recognised the benefit of establishing Committees for Inter-Ethnic Relations, even though they are not obliged to do so.

In practice, however, research completed by the Community Development Initiative (CDI), a non-governmental organisation based in Tetovo, found the effectiveness of these Committees questionable. The research reported how "citizens remain generally uninformed on the existence of the [Committees]" (CDI, 2007: 9). The OSCE's recent decentralisation survey corroborates this conclusion, finding that only 19 percent of respondents were aware of their existence (OSCE, 2009a: 62). A subsequent interview with a senior representative of CDI indicated that their research also found that Committee membership remains highly politicised, members have a limited understanding of their role, and the frequency with which municipal councils fail to consider the recommendations of the Committees is high (CDI March 2009). Such criticism has led an influential United Nations Programme in Macedonia to conclude in 2010 that the Committees are "generally found to convene for the sake of demonstrating that they have done so, and they rarely provide advisory, preventive or reactive recommendations" (UN).

4. The Experiences of the Smaller Communities Locally

There has been much academic debate since 2001 regarding what kind of Macedonian state the Framework Agreement is designed to promote. In an article entitled 'Multi-ethnicity or Bi-nationalism? The Framework Agreement and the Future of the Macedonian State', Jenny Engström has claimed that implementation of the Framework Agreement will effectively signify a move towards the creation of a de facto bi-national

¹² However missing membership data for half of these 20 municipalities suggests these Committees may not be as active as first thought. See Annex B.

state in which Macedonians and Albanians constitute the country's two ethno-political elites, whilst "other ethnic communities are largely relegated to the fringes of political life" (Engström, 2002: 3). This view is shared by many who have emphasised that the Agreement does not provide the same degree of protection for Macedonia's smaller ethnic communities, such as Turks, Roma, Serbs, Vlachs, etc. (Bieber, 2005; Daskalovski, 2002; Engström, 2003; Friedman, 2003; Mandaci, 2007; Vankovska, 2006). The International Crisis Group commented in 2003 on the "revealing irony" that the Agreement is unpopular with Orthodox Serbs, Vlachs and Muslim Turks (ICG 2003, 24). Interestingly, a national opinion poll conducted in 2001 found that as many as 50 percent of Macedonia's Turkish population intended to boycott the 2002 parliamentary elections in protest that "of all the minorities in Macedonia, only the Albanians will benefit from the [Framework] Agreement" (Engström, 2002: 14). Bearing in mind that the principle goal of the Framework Agreement had been to redress the asymmetrical power-relations between Macedonians and ethnic Albanians, and in doing so avoid further conflict, Florian Bieber considers it understandable that the Agreement gave greater weight to ethnic Albanian concerns at the expense of others (Bieber, 2005: 109; Reka, 2008: 64). Indeed, in reaction to the appointment of a member of the Turkish community to the Constitutional Court in 2003, Abdylhadi Veseli, Vice-President of the ethnic Albanian Party of Democratic Prosperity (PDP) complained: "Albanians did not fight to see their places go to others" (ICG, 2003: 24).

At an event organised by the internationally-sponsored Project on Ethnic Relations in 2004 a senior political representative of one of the smaller ethnic communities declared: "We should not mistake bilingualism with true multiculturalism" (PER, 2004: 22). The politician stressed that, post-2001, very often the concept of multiculturalism had been used to argue for the introduction of Albanian as a second official language, and he noted that this is not the same as using the languages of all the communities on an equal basis. It is worth remembering that out of Macedonia's 85 municipalities, community languages other than Albanian are currently only official in six of them. The Framework Agreement leaves the decision to recognise the languages of smaller communities at the discretion of municipalities generally dominated by Macedonian or ethnic Albanians. To date this option has only been considered by a handful, prompting the European Commission to state in its 2009 progress report on Macedonia that "little progress can be reported regarding use of the languages of the smaller ethnic communities" (EC, 2009: 20). The geographic dispersal of the Turkish, Roma, Serbian, and Vlach communities throughout Macedonia means that in most municipalities they fall well below the 20 percent threshold, and it has been claimed that the mismanaged process of territorial reorganisation in 2004 may have exacerbated this reality. Kenan Hasipi, leader of the political party Democratic Party of Turks, for example, claimed prior to the reorganisation that "we Turks make up about 36 percent of Vrapčište's municipal population. Under the new, bigger borders, we will be only 12 percent; far below the

Ohrid Agreement's stated 20 percent [for language and other rights]" (Balkananalysis 24/02/2005; Ragaru, 2005: 19).

The European Commission's progress reports on Macedonia for 2009 and 2010 note how the representation of the smaller communities, particularly the Turkish and Roma communities are still particularly underrepresented in the public administration (EC, 2009: 21). This finding further supports the claim that not all of Macedonia's ethnic communities are benefitting equally from the protection mechanisms envisaged by the Framework Agreement. In its 2010 submission to the Council of Europe regarding its compliance with the Framework Convention for the Protection of National Minorities, the Government reported: "from 2004 to September 2008 ... a total number of 774 persons belonging to the communities which do not constitute the majority ... were employed ... 729 of these are persons belonging to the Albanian community (94.1%), 24 are Turks (3.1%), 13 Roma (1.6%), 5 Bosniaks (0.6%) and 3 others (0.38%)" (Government of R. Macedonia 2010, 10). Employment data from a selection of fifteen multiethnic municipalities displayed in Annex A also suggests that progress on achieving equitable representation within municipal administrations has been inconsistent across municipalities and the different non-majority groups. Whilst improvement to the equitable representation of the ethnic Albanian community has been greater in some municipalities than others (noticeably in those with an ethnic Albanian Mayor)¹³; the smaller communities remain frequently under-represented¹⁴. In March 2010 the daily newspaper Dnevnik noted how Ivan Stoilkovic from the Democratic Party of Serbs and Amdi Bajram from the Roma Alliance had decided to boycott the work of the Parliamentary Committee for Interethnic Relations until agreement is reached on the employment of their communities in the public administration (Dnevnik, 2010).

With regard to the use of 'double-majority' voting procedures in municipal councils and the work of municipal Committees for Inter-Community Relations, again the smaller communities have benefitted least from these protection mechanisms. As previously discussed, the use of special voting procedures at both the parliamentary and municipal levels only seem to benefit the larger minority communities, leaving the rest politically marginalised (Engström, 2002; Bieber, 2005). Membership of the municipal Committees for Inter-Community Relations also suggests that the smaller communities, particularly the Roma, are frequently sidelined. The Committee membership data displayed at Annex B illustrates how the smaller communities, when they are represented, are frequently outnumbered by the representatives of other, larger local communities, notably Macedonians and ethnic Albanians. The significant under-representation of

¹³ Progress has been greatest in Brvenica, Čair, and Vrapčište municipalities (all with ethnic Albanian Mayors); whilst less impressive in Čaška, Jegunovce, Kičevo, Kruševo, Mavrovo and Rostuša, Petrovec, Sopište, Zelenikovo (all with Macedonian Mayors).

¹⁴ In particular the Serbs in Kumanovo, the Roma in Kichevo, and the Bosniak community in Petrovec. It is important to note that Serbs in Čučer-Sandevo and Staro Nagoričane are in fact over-represented in the municipal administrations. However, staffing numbers are small in both municipalities, which may make the proportional analysis less accurate.

women in the membership of these Committees is another alarming development which undoubtedly affects local communities' ability to represent their diverse needs effectively to the local administration. Since there are currently no consequences for municipalities when a community is not represented within a Committee or where that representation is unequal, the NGO Forum doubts municipal leaders will attach a high priority towards resolving such breaches in implementation of the law (Forum, 2008: 7).

Conclusion

In summary, it is clear that not all of Macedonia's ethnic communities are benefitting equally from the minority protection mechanisms enshrined in the Ohrid Framework Agreement and the decentralisation reforms thus far. There were and still are 'losers' in Macedonia's post-conflict political landscape, and these are the smaller ethnic communities living scattered throughout the country who fail to reach the thresholds required to benefit from the envisaged protection mechanisms. As a result, these smaller communities are denied the opportunity to participate meaningfully in their local administrations and to influence the delivery of newly devolved competencies in a way which benefits their own communities. Macedonians and ethnic Albanians residing in small numbers in municipalities where another ethnic community may be in the majority are also subject to a similar fate. The reason for this is partly because the Framework Agreement was never actually designed to offer equal protection to all Macedonia's ethnic communities, and partly a result of poor implementation of the law at state and, most significantly, municipal levels. The principle aim of Framework Agreement in 2001 had been to address the grievances of the ethnic Albanian community and in doing so, avert further conflict. It should come as no surprise, therefore, that almost nine years on, the Agreement is failing to offer adequate protection to all Macedonia's ethnic communities equally.

An analysis of minority protection in Macedonia must be placed within the context of a wider debate regarding what kind of state the Framework Agreement was designed to promote and fundamentally, what type of state citizens want Macedonia to become. The conflict in 2001 and experiences to date suggest Macedonia is indeed moving towards becoming a bi-national state. The more the two largest communities continue to regard decentralisation and the protection mechanisms enshrined in the Framework Agreement as a zero-sum game, the further this reality will be achieved and the fate of Macedonia's smaller communities sealed. Initial steps have recently been taken to improve the lot of these communities, but their impact so far has been negligible. More urgently needs to be achieved if Macedonia is to remain a genuinely multicultural state.

Annex A: Equitable Representation within Selected Municipal Administrations¹⁵

No.	Name of Municipality	No. of Pop / Staff	Mac. %	Alban. %	Turkish %	Roma %	Vlach %	Serb %	Bosniak %	Other %
1	Brvenica	15855	37.5	61.6	0.0	0.0	0.0	0.5	0.0	0.3
	2006	12	66.7	33.3	0.0	0.0	0.0	0.0	0.0	0.0
	2010	16	37.5	62.5	0.0	0.0	0.0	0.0	0.0	0.0
2	Čair	64823	24.1	57.0	6.9	4.8	0.1	1.0	4.6	1.5
	2006	36	55.6	38.9	2.8	0.0	0.0	0.0	0.0	0.0
	2010	58	29.3	67.2	5.2	0.0	0.0	0.0	0.0	0.0
3	Časka	7673	57.3	35.2	5.1	0.0	0.0	0.7	0.9	0.8
	2006	11	100.0	0.0	0.0	9.1	0.0	0.0	0.0	0.0
	2010	22	86.4	9.1	0.0	4.5	0.0	0.0	0.0	0.0
4	Čučer - Sandevo	8493	47.3	22.9	0.0	0.3	0.2	28.6	0.0	0.8
	2006	18	44.4	5.6	0.0	0.0	0.0	50.0	0.0	0.0
	2010	23	39.1	8.7	0.0	0.0	0.0	52.2	0.0	0.0
5	Dolneni	13568	35.9	26.7	19.1	0.1	0.0	0.1	17.5	0.6
	2006	8	62.5	25.0	0.0	0.0	0.0	0.0	0.0	0.0
	2010	16	56.3	6.3	12.5	0.0	0.0	0.0	25.0	0.0
6	Jegunovce	10790	55.3	43.0	0.0	0.4	0.0	1.0	0.0	0.3
	2006	11	90.9	9.1	0.0	0.0	0.0	0.0	0.0	0.0
	2010	17	88.2	11.8	0.0	0.0	0.0	0.0	0.0	0.0
7	Kičevo	30138	53.6	30.5	8.1	5.4	0.3	0.3	0.0	1.9
	2006	61	88.5	8.2	3.3	0.0	0.0	0.0	0.0	0.0
	2010	89	83.1	11.2	5.6	0.0	0.0	0.0	0.0	0.0
8	Kruševo	9684	62.8	21.3	3.3	0.0	10.5	0.4	1.4	0.3
	2006	20	75.0	0.0	0.0	0.0	20.0	20.0	0.0	0.0
	2010	22	81.8	0.0	0.0	0.0	18.2	0.0	0.0	0.0
9	Kumanovo	105484	60.4	25.9	0.3	4.0	0.1	8.6	0.0	0.6
	2006	76	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	2010	118	80.5	11.9	0.0	0.0	6.8	0.0	0.0	0.8
10	Mavrovo & Rostuša	8618	50.5	17.2	31.1	0.1	0.0	0.1	0.4	0.7
	2006	11	72.7	9.1	18.2	0.0	0.0	0.0	0.0	27.3
	2010	15	53.3	0.0	26.7	0.0	0.0	0.0	0.0	20.0
11	Petrovec	8255	51.4	22.9	0.9	1.6	0.0	5.0	17.5	0.7
	2006	10	100.0	0.0	0.0	0.0	0.0	20.0	0.0	0.0
	2010	21	90.5	0.0	0.0	0.0	0.0	9.5	0.0	0.0
12	Sopište	5656	60.2	34.3	4.3	0.0	0.1	0.6	0.0	0.5
	2006	18	100.0	0.0	0.0	0.0	0.0	0.0	0.0	5.6
	2010	30	86.7	10.0	0.0	0.0	0.0	0.0	0.0	3.3

¹⁵ Data from selected multiethnic municipal administrations taken from the Directory of the Municipalities in the Republic of Macedonia (MCIC 2006; 2010).

Annex B: Membership Data for Municipal Committees for Inter-Ethnic Relations¹⁶

No.	Municipality	Required by Law?	No. of Members	No. of Female Members	No. of Municipal Council Members	All Local Communities Represented? ¹⁷	Equal Representation of Communities?
1	Brvenica	Yes	6	0	2	No: S = 0.49%	Yes
2	Butel	Yes					
3	Čair ¹⁸	Yes	4	1		No: R = 4.76%	Yes
4	Čaška	Yes	5	1		No: A = 35.23%, T = 5.1%	
5	Čucer Sandevo	Yes					
6	Debar ¹⁹	Yes	5	0		Yes	Yes
7	Dolneni	Yes					
8	Jegunovce	Yes	5	1	5 - all	Yes	No – 3M, 2A
9	Kičevo	Yes					
10	Kruševo	Yes	5	0		No: V = 10.53%	Yes
11	Kumanovo	Yes	12	2	0 - none	Yes	Yes
12	Mavrovo & Roštusa	Yes					
13	Petrovec	Yes					
14	Sopište	Yes					
15	Struga ²⁰	Yes	8	0		Yes	Yes
16	Šuto Orizari	Yes	5	0			
17	Tetovo ²¹	Yes	5	0		Yes	Yes
18	Vraneštica	Yes					
19	Vrapčište	Yes					
20	Zelenikovo	Yes					
21	Bogovinje	No	3	1	3	No: T = 4.09%	No – all Albanian
22	Dojran	No	5	1	5 - all	No: R = 1.05% (A = only 0.47%)	No – 2A, 1M, 1S, 1T
23	Drugovo	No	3	1	1	No: A = 4.77%	No – 2T
24	Gevgelija	No	5	2	0	Yes	Yes
25	Gostivar ²²	No	4	0		Yes	Yes
26	Kratovo	No	5	1	5 - all	No: S = 0.23% (T = only 0.08%)	No – 3M, 1T, 1R
27	Lipkovo	No	5	0	2	No: S = 1.7%	No – 3A, 2M
28	Lozovo	No	7	1	2	Yes	No – 2T
29	Oslomej	No	5	0	4	Yes	No – 4A, 1M
30	Saraj	No	3	0	3 - all	No: M = 3.9%, B = 3.2%	No – all Albanian

¹⁶ This data was collected directly from municipalities by ZELS in September 2010.

¹⁷ The following abbreviations apply to the different nationalities: Albanian - A, Bosniak - B, Macedonian - M, Roma - R, Serbian - S, Turkish - T, Vlach - V.

¹⁸ (Foundation Metamorphosis & Common Values, p.26)

¹⁹ (Foundation Metamorphosis & Common Values, p.25)

²⁰ Information available at Municipality of Struga's website:

www.struga.gov.mk/index.php?option=com_content&view=category&layout=blog&id=76&Itemid=117&lang=sq (Accessed: April 7, 2010).

²¹ (Foundation Metamorphosis & Common Values, p.26)

²² (Foundation Metamorphosis & Common Values, p.26)

No.	Municipality	Required by Law?	No. of Members	No. of Female Members	No. of Municipal Council Members	All Local Communities Represented? ²³	Equal Representation of Communities?
31	Staro Nagoricane	No	5	1	2	Yes	No – 4M, 1S
32	Valandovo	No	6	2	6 - all	No: R = 6.27%	Yes

²³ The following abbreviations apply to the different nationalities: Albanian - A, Bosniak - B, Macedonian - M, Roma - R, Serbian - S, Turkish - T, Vlach - V.

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