

Sustainability of minority rights in the Macedonian case



JORDANKA GALEVA, Phd,
Ass. Prof. Faculty of Law,
University Goce Delcev, Stip,
N. Macedonia



IN AN ECONOMIC CONTEXT,
DEVELOPMENT IS RELATED TO
THE PRODUCTION SYSTEM,
WHICH IS MEASURED BY
MATERIAL PROGRESS AND
ECONOMIC GROWTH.

A developed society also means having
good health conditions,
clean water and air,
access to education and
a good rule of law.

Collection of elements that provide conditions for a
decent life for the population, i.e., for **individual
(human) development**.

Individual (HUMAN) development

1. In multicultural societies, are the rights and freedoms equal for all?
2. Are the rights sustainable?
3. Does constant change in laws and the constitution mean improvement or weakening of the laws?
4. Do they lead to development?

MAJORITY OF POPULATION - ETHNIC
MACEDONIANS; MACEDONIAN
LANGUAGE; ORTODOX CRISTIAN
RELIGION

NATIONALITIES:

-THE MAJOR MINORITY NATIONALITY IS
ALBANIAN; ALBANIAN LANGUAGE;
MUSLIM RELIGION

TURKS, TURKS LANGUAGE, MUSLIM
RELIGION

ROMA, ROMA LANGUAGE, MUSLIMS OR
ORTODOX RELIGION

SERBS, SERBIAN LANGUAGE, ORTODOX

VALACS, VALAC LANGUAGE, ORTODOX

	1991	%	1994	%
Total	2.033.964	100	1.936.877	100
Macedonian	1.328.187	64,2	1.288.300	66,6
Albanian	441.987	25,2	442.914	22,9
Turks	77.080	3,9	77.251	2,3
Roma	52.103	2,7	43.727	2,1
Valacs	7.764	0,5	8.467	1,2
Serbs	42.755	1,8	39.260	2,0
Musulm	31.365	0,8	15.315	0,4
Egypt	3.307	0,2	3.169	0,2
Jugoslavs	15.703	0,8	595	0,2
Bosniaks	/	/	7.244	0,4
Others	33.702	1,6	10.599	0,4

1. Do the constitution and the law guarantee equal rights and freedoms?

DA SE STAVATA PRAVATA

еднаквост

- Constitution of 1946 - "**the Macedonian people**", and "**national minorities**". The constitutive holder is Macedonian people.
- Constitution of 1963 - "**ethnic groups-national minorities**"
- Constitution of 1974 - "the **Macedonian people**, together with the **nationalities** in Macedonia, created the Socialist Republic of Macedonia as a **national state** of the **Macedonian people** and a state of the **Albanian and Turkish nationalities** within it."

Constitution 1991:
Macedonia is national state of
Macedonian people

Art.7: the Macedonian language and its Cyrillic alphabet are the official languages of the country, and the official use of the nationalities' languages can be applied in units of local self-government where they live in significant numbers, as well as in primary and secondary education.

Art: 19 guaranteed religious freedom and free and public expression of faith, whether alone or in community with others, as well as equality of religious communities and groups with the Macedonian Orthodox Church

According to **Art. 48** It was fully committed to nationalities, guaranteed the right to free expression, nurturing and developing its identity and national characteristics, and the Republic undertook to guarantee the protection of nationalities' ethnic, cultural, linguistic, and religious identities, according to of the Constitution.

2. Are these rights sustainable?

- Badinter commission report
- Requests and Reforms in high education
- Armed conflict in 2001
- Ohrid framework agreement
- Constitutional amendments and law changes (2001)

3. Do constitutional and legal changes lead to improvement of laws or do they mean weakening of laws and the constitution?

Census 2002 - 2,022,547

64,18% Macedonians

25,17% Albanians

3,85 Turks

2,66% Roma

1,78% Serbs

0,84% Bosniaks

0,48% Vlachs

1,04% Others

Census 2021, total population - 2.097.319

1,836,713 residents / 260,606 not resident citizens

- **54.21% Macedonians** (58.44% residents and 24.45% non - resident)
- **29.52% Albanians** (24.30% residents and 66.36% non - residents)
- **3.98% Turks** (3.86% residents and 4.79% non - residents)
- **2.34% Roma** (2.53% residents and 1.02% non - residents)
- **1.18% Serbs** (1.30% residents and 0.35% non - residents)
- **0.87% Bosniaks** (0.87% the residents and 0.81% non- residents)
- **0.44% Vlachs** (0.47% the residents and 0.19% non - residents),
- **0.98 %** are members of **other** ethnic communities (non-nominated),
- 0.02% non-stated and 0.03% unknown.

Ohrid framework agreement and constitutional amendments

The Amendment 4 (2001), has changed the Constitution Preamble: citizens, Macedonian people and parts of other people; **The Amendment 34** (2019) deleted the words “as well as citizens living within its borders who are” and have introduced the Ohrid Framework Agreement as constituent part- document for state creation.

Amendment 5 replaced article 7: official language: Macedonian and any other language spoken by at least 20%

Amendment 6 has added new fundamental values to art. 8: equitable representation of people from all communities in public bodies at all levels and in other areas of public life

Amendment 7 amendment to Article 19: In addition to the Macedonian Orthodox Church in the article are cited also other religious community

Amendment 8 replaced Article 48, related to identity of the community and use of their community symbols

Amendment 10 replaced Article 69, introduction of Badenter's rule for voting determined provisions

**In line with Annex B of
OFA, Amendment 5
replaced article 7:**

The **Macedonian language** and its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the Republic of Macedonia's international relations;

any other language spoken by at least 20% of the population is also an official language, written using its alphabet, as specified in the Constitution and laws.

Mother tongue of population in Macedonia

2002		2021	
• 66,49%	/	61.38%	Macedonian
• 25,12%	/	24.34%	Albanian
• 3,55%	/	3.41%	Turkish
• 1,9%	/	1.73%	Romani
• 1,22%	/	0.61%	Serbian
• 0,42%	/	0.85%	Bosniak
• 0,34%	/	0.17%	Vlach
• 0,95%	/		other language (English Poland, Italian, Serbo-Croatian, Croatian, Russian etc.).

Amendment 5

Language

- The Law on the use of languages spoken by at least 20% of the citizens in the Republic of Macedonia and in local self-government units (2008)
- The Law on the Protection and Promotion of the Rights of Members of Communities that are less than 20% in the Republic of Macedonia (2008)
- The Law on amending the Law on the use of the language spoken by at least 20% of citizens in the Republic of Macedonia and in local self-government units (2011)
- Law on the use of the languages (2018 - into force from 2019).

- Law on the use of the languages of 2018

the official language on the entire territory of the Republic of Macedonia and in its international relations is the Macedonian language and its Cyrillic alphabet,

another language spoken by at least 20% of the citizens (**Albanian**) is also the official language and its alphabet.

In the local self-government units, in addition to the Macedonian language and its Cyrillic alphabet, the language and alphabet spoken by at least 20% of the citizens is also the official language, whereas for the use of languages and alphabet spoken by less than 20% of the citizens in the local self-government units, decisions are made by the bodies of the local self-government units.

Amendment 6

In terms of implementation, item 5 of Annex C of the OFA lists the activities that should have been carried out to **increase the representation of members of communities that do not constitute the majority in RM**

Amendment VI has added new fundamental values to art. 8: *equitable representation of people from all communities in public bodies at all levels and in other areas of public life.* The essence of this principle is full respect for the principle of non-discrimination and equal treatment of all persons before the law, which will be especially applied in public administration, public enterprises, the military and the police.

Amendment 7 to Article 19 religion

In addition to the **Macedonian Orthodox Church** cites:

- **the Islamic Religious Community in Macedonia,**
- **the Catholic Church,**
- **the Evangelical Methodist Church,**
- **the Jewish Community,** and
- **groups, other religious communities**

	2002		2021
•	64,78%	/	46.14 % are Orthodox Christians,
•	33,33%	/	32.17 % are Muslims,
•	0.35%	/	0.37 % are Catholics,
•			13.21% are Christians,
•	0,03%	/	0.07% are Protestants,
•			0.04% are Evangelist,
•			0.05 % are Evangelist – Methodist,
•			0.06%, are Jehovah's Witnesses,
•			0.48% are atheists,
•			0.12% are not- stated,
•	1,52%	/	0.07% are <i>others</i> ,
•			0.5% are <i>unknown</i>

(persons whose data are taken from administrative sources are 7.2%).

Amendment 8 replaced art. 48 symbols

Regarding the expression of identity, point 7.1. of OFA determined that: **with respect to emblems, next to the emblem of the Republic of Macedonia**, local authorities will be free to place on the front of local public buildings **emblems marking the identity of the majority community in the municipality.**

- Constitutional Amendment 8
- Law on the Use of Community Flags in the Republic of Macedonia (in 2005)
- Law on amending and supplementing the Law on the Use of the Flags of the Communities in the Republic of Macedonia (in 2011).

-Amendment VIII replaced Article 48, stating that members of communities have the right to **freely express, foster and develop their identity and community attributes**, as well as to **use their community symbols**, and that the Republic guarantees the protection of all communities' ethnic, cultural, linguistic, and religious identities.

According to Article 4 of the amended Law, **in units of local self-government where citizens belonging to the community constitute more than 50%** of the population, the flag of the Republic of Macedonia and the flag of that community are constantly displayed in front of and in the buildings of the bodies of the local self-government

The new Law on use of language 2018 extended the spheres of use of the language spoken by at least 20% of the population and mandates that banknotes, coins, and postal stamps bear symbols representing the cultural heritage of citizens speaking Macedonian and the language spoken by at least 20% of the population.

Amendment 10

art 69

Special Parliamentary Procedures

A rule, known as “Badinter’s rule» was introduced for issues od 5.2. OFA and thus became part of Article 69 which was replaced by Amendment 10.

According to this provision for laws that directly affect culture, the use of languages, education, personal documents and the use of symbols, the Parliament decides by applying Badenter's rule

- On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government **cannot be approved without a qualified majority of twothirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.** 5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

4. Do the minority rights lead to development

- The use of Language spoken at least 20% of the population for university education increased the number of Albanian students, but a lot of them can't use the official language properly.
- The equitable representation of people from all communities in public bodies could lead to development if the merit system is respected.
- Highlighting the ethnic before the state elements does not lead to the development of unity but to segregation and that is the opposite of development of healthy society.