

Sustainability and Law, optional course

Faculty of Law, University of Miskolc, Hungary

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Topic: Sustainability of minority rights in the Macedonian case

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In an economic context, development is related to the production system, which is measured by material progress and economic growth.

In social context, development means having good health conditions and service, having clean water and air, access to education, and a good rule of law. All these conditions are related to social sustainability.

Theorists are divided into two perspectives:

-one that views ethnic heterogeneity in multicultural societies as an obstacle to development, and

-another that argues it can contribute to development through the implementation of appropriate policies.

Economic sustainability involves maintaining a stable and viable economy over time.

This means:

- promoting economic growth and development,
- reducing poverty, and
- ensuring that economic activities do not lead to the depletion of resources or harm to the environment.

Social sustainability emphasizes the well-being and quality of life for all individuals and communities.

Promoting:

social equity, diversity, and inclusivity is a key component.

It includes:

access to basic needs like clean water, food, healthcare, education, and social justice.

	1991	%	1994	%	2002	%	2021	%
Total	2.033.964	100	1.936.877	100	2,022,547	100	2.097.319	100
Macedonians	1.328.187	64,2	1.288.300	66,6		64,18		54,21
Albanians	441.987	25,2	442.914	22,9		25,17		29,52
Turks	77.080	3,9	77.251	2,3		3,85		3,98
Roma	52.103	2,7	43.727	2,1		2,66		2,34
Valacs	7.764	0,5	8.467	1,2		0,48		0,44
Serbs	42.755	1,8	39.260	2,0		1,78		1.18
Bosniaks	/	/	7.244	0,4		0,84		0.87
Egypt	3.307	0,2	3.169	0,2				
Jugoslavs	15.703	0,8	595	0,2				
Muslims	31.365	0,8	15.315	0,4				
Others	33.702	1,6	10.599	0,4		1,04		0.98

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.

Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanies and other nationalities living in the Republic of Macedonia. +

Art. 7 the Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia. law.

Art. 19 freedom of religious confession is guaranteed. The right to express one's faith freely and publicly, individually or with others is guaranteed. The Macedonian Orthodox Church and other religious communities and groups are separate from the state and equal before the law.

Art. 9 Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and law.

Art. 48 Members of nationalities have the right to express, foster and develop their identity and national attributes. The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities. Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity.

Art 7. In the units of local self-government where there is a considerable number of inhabitants belonging to a nationality, their language and alphabet are also in official use, in addition to the Macedonian language and Cyrillic alphabet, under conditions and in a manner determined by law.

Does the constitution guarantee equal rights and freedoms?

- Full equality as citizens and permanent co-existence.
- All citizens are equal before the Constitution and law.
- Art 48
- Language and alphabet of nationalities are also in official use in the units of local self-government where there is a considerable number of inhabitants belonging to a nationality
- Freedom of religious confession is guaranteed.

Macedonia is established as a national state of the Macedonian people

The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia

The Macedonian Orthodox Church and other religious communities and groups

Are these rights sustainable?
What do we mean by
sustainability?

Sustainability refers to the ability to maintain or continue a particular state or condition over the long term without depleting resources or causing harm to the environment or society.

In this context, **sustainability means that the rights meet the citizens' needs in a long-term period**, or

Sustainability refers to the ability to meet the current needs of society without compromising the future.

Badinter commission report

Requests and Reforms

Armed conflict in 2001

Ohrid framework agreement

Constitutional amendments and law changes (2001):

education and use of languages; expression of identity; non-discrimination and equitable representation; special parliamentary procedures; development of decentralized government.

Constitution did not satisfy the needs of Albanian nationality. **The rights and reforms were not sustainable solution.**

OFA, **Amendment 4 and 34**

have changed the
Constitution Preamble

Citizen princip with ethnic
color.

1. Whether this provision will
be subject to additional
amendments. YES

2. Whether they contribute to
development in society.
Enhances all citizens' sense of
belonging to the state

3. Whether the amendments
satisfy the needs of minorities

Bulgarian case

2001 **The citizens** of the Republic of Macedonia, **the Macedonian people**, as well as citizens living within its borders who are part of the **Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others** in accordance with... Referendum of September 8, 1991 year...have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating the rule of law, guaranteeing human rights and civil liberties.

2019 the words “as well as citizens living within its borders who are” shall be deleted,

the words “which expressed the will to create an independent sovereign state and the Ohrid Framework Agreement” **shall be added** after the word “year”, and the words “have decided to“ shall be deleted.

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

Mother tongue of population in Macedonia

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.

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.).

Laws in accordance with 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.

Sustainable?

Does constant constitutional and legal changes improve or weaken the laws?

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**

In practice:

Ethnic employments
neglecting merit system

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.*

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.

Not sustainable solution

Amendment 7 to Article 19 religion

	2002	2021
	64,78%	46.14 % are Orthodox Christians
	33,33%	32.17 % are Muslims
In addition to the Macedonian Orthodox Church	0.35%	0.37 % are Catholics
- the Islamic Religious Community in Macedonia,	0,03%	13.21% are Christians
- the Catholic Church,		0.07% are Protestants
- the Evangelical Methodist Church,		0.04% are Evangelist
- the Jewish Community, and		0.05 % are Evangelist – Methodist
-groups, other religious communities	1,52%	0.06% are Jehovah's Witnesses
		0.48% are atheists
		0.12% are not- stated
		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 of 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 two-thirds 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.

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

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 don'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

Constantly changing the constitution, which is the foundation of a society, is an indicator of instability; changing laws is an indicator of adopting inappropriate regulations;

Failure to respect the laws and neglecting the merit principle in implementing certain policies certainly represent a brake on a stable and democratic society that strives for development.

All these examples show that even after 33 years of the adoption of the Constitution and 23 years of the Ohrid Framework Agreement, there are still open issues regarding minority rights. Citizens and political representatives are still dealing with these issues, instead of directing their shared energy towards better economic development and progress of the country, for the benefit of all citizens.