

THE ROLE OF THE COMMISSIONS FOR INTER-ETHNIC RELATIONS - EFFECTS, PERSPECTIVES, AND INTERNATIONAL PRACTICES

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Abstract

Following the armed ethnic conflict between the two largest ethnic communities in the country and the efforts on building inclusive post-conflict society, the legislator, adhering to the principles of consensual democracy, introduced the Commissions for Inter-ethnic Relations (CIRs), comprised of representatives from every ethnic community living in municipalities with mixed ethnic structure. The study is aiming at evaluating the effects from the work of CIRs. Hence the research question is focused on whether and in what manner CIRs do or do not contribute for harmonization of inter-ethnic relations. Semi-structured interviews and municipal statutes were principal sources used for data gathering, while the method of Framework analysis was deployed for data analysis. The results have shown that the introduction of CIRs has not been subject of parliamentary or public debate. Designed as forums where distinguished community members debate and advice municipal authorities on how to address inter-ethnic issues, in reality CIRs find themselves under heavy influence from the political parties and rather protect party interests. The legal framework for functioning of CIRs is insufficient, while many CIRs are facing absence of financial, technical and administrative support from respective municipalities. With rare exceptions, CIRs reveal lack of capacity on addressing difficult issues of inter-ethnic nature. Instead these issues are regularly addressed by politicians. As consequence CIRs are reluctant on submitting initiatives to the municipal authorities, with exception for the cases where the issue in question received prior support from political representatives of largest ethnic communities. The conclusion is that CIRs give insignificant contribution for harmonization of inter-ethnic relations. In order of improving CIRs effectiveness the legislator should amend the existing legal provisions pertaining: precise defining of CIRs competences, banning politicians from CIRs, provision of annual budget, administrative and technical support necessary for CIRs unimpeded functioning. In addition the legislator should introduce penalties for those failing to comply with existing legal regulations considering CIRs.

Keywords: *Commissions, Inter-ethnic, Municipalities, Consocialism*

Introduction:

Ever since declaring its independence from the Yugoslav Federation¹, Republic of Macedonia couldn't manage to set up its political organization in accordance with the views and the stances of major political actors. Many ethnic Macedonian academics and major political parties of ethnic Macedonians have conceptualized Republic of Macedonia as civic state in which the rights and freedoms of ethnic minorities are guaranteed in accordance with the internationally accepted standards (Шкарик, 1994; Фрчкоски & Иванов, 2003; Поповска Петкова, 1995), whereas academics and political parties of the ethnic Albanians² in Republic of Macedonia did not accept the status of ethnic minority, claiming that the ethnic Albanians should be treated as constitutive nation and therefore should be equal with the ethnic Macedonians especially considering equitable access to public funding, employment in public administration and equal treatment of Albanian language and culture (Rexhepi, 2005). The inability of academic and political elites of Macedonians and Albanians for reconciliation of differences, with certainty fueled the fire toward interethnic conflict, which had brought the state in 2001 on the verge of dissolution along ethnic lines. Fortunately, the conflicting parties with help from the international community managed to cease the hostilities, sign peace accord in August 2001 (Рамковен договор, 2001), popularly known as Ohrid Agreement, and thus restore peace in Republic of Macedonia. The Ohrid Agreement offered several mechanisms devised to guarantee the future equality between members of Macedonian ethnic community and members of Albanian and other smaller ethnic communities living in Macedonia, such as: veto right; multiethnic government; equitable representation of ethnic communities in public administration, etc. In essence the Ohrid Agreement to a large extent prescribes Consocial recipes, defined in the work of Arend Lijphart (Lijphart, 1977). According to Brendan O'Leary: "Consocialism is the favorite approach utilized by the UN, USA, and EU", with reference to the mechanisms for implementation of peace accords in worldwide³ (O'Leary, 2005).

Aim of study/research:

The research is aiming at evaluating the effects of the work of CIRs on managing and improving inter-ethnic relations between members of different ethnic communities in municipalities where CIRs are functioning.

Research topics:

The Commissions for Inter-ethnic Relations (CIRs) could be qualified as one of the Consocial mechanisms for addressing inter-ethnic issues (Deskovska, 2009). CIRs are

1 In 1991.

2 According to the results from the last census of population held in 2002, 25,17% of the total population of approximately 2 million citizens of Republic of Macedonia, declared as ethnic Albanians.

3 Consocial mechanisms have been utilized as part of the peace structure in Afghanistan, Bosnia and Hercegovina, Sri Lanka, Irak, Lebanon etc.

introduced with article 55 of the Law on local government (Закон за локална самоуправа, 2002). According to article 55, the establishment of a Commission for Inter-ethnic Relations is mandatory in every municipality where percentage of members belonging to minority ethnic communities exceeds 20% of the total population. In real life, 19 of Macedonia's 84 municipalities and the city of Skopje are obliged to establish CIRs. In addition 14 other municipalities have established CIRs even though not being legally required to do so. Regarding CIR's composition, law stipulates that every CIR should be comprised of equal number of representatives of each of the ethnic communities living in the municipality. CIRs have mandate to review issues related to inter-ethnic relations in the municipality, and to give suggestions and submit initiatives to the Council of the municipality for resolution of inter-ethnic issues and advancement of inter-ethnic relations.

Research questions:

Hence, general research question is focused on finding whether and in what manner CIRs do or do not contribute for harmonization of inter-ethnic relations. In relation to the general research question, the research includes several specific research questions, focusing on revealing; the actual social circumstances and theoretical assumptions at the time of introduction of CIRs, as well as the expected effects from their work; the most important factors of influence upon the work of CIRs; the topics/issues addressed by CIRs; the overall working intensity and the responsiveness in situations when certain events result in prospects for deterioration of inter-ethnic relations; and the outcomes from the suggestions and the initiatives submitted by CIRs to the municipal Councils.

Scientific methods:

Qualitative methodology was used for realization of the research. Research data was gathered from books, academic papers, published researches, municipal statutes and laws. In addition, the author conducted 19 semi structured interviews with members from 12 different CIRs, 5 unstructured interviews with representatives of civic organizations⁴, 3 semi structured interviews with university professors, one interview with a member of the group of experts which have prepared the first draft of the Law on Local Self-governance, and one member of Parliament.

Data analysis:

The method of thematic or framework analysis, primarily used in applied political sciences (Lacey & Luff, 2001), was used for processing of gathered data.

Findings:

4 Which have worked on realization of CIRs related projects and researches.

The 2nd International Conference on Research and Education – “Challenges Toward the Future” (ICRAE2014), 30-31 May 2014,

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The concept of CIRs is well known and has been implemented around the world for more than 50 years. In different parts of the world CIRs exist under different names, District Policing Partnership Board in Northern Ireland, Local Peace Committees in South Africa or Local Peace Commissions in Nicaragua (Odendaal, 2010). Seven years prior to introduction of CIRs an establishment of Local Committees for Inter-ethnic relations with very similar mandate and structure was planned with the Law on Local Self-government from 1995, but no such Committees were ever established. The adoption of the Law on Local Self-government from 2002, had taken place in a period when the country was struggling to recover from the devastating inter-ethnic conflict from 2001, and to fulfill the provisions from the Peace Accord, especially those concerning amending of the existing constitutions and several laws of vital importance for the structure of the political system. According to the words of Ms. Elena Petkanovska⁵: "The Law on local government had other more important provisions that have occupied the interest of the political parties, thus the introduction of CIRs practically went unnoticed". The official notes from the 95 session of the Parliament in 2001, confirm that CIRs stood out of MPs interest during the Parliamentary debate on the Draft of the Law on Local Self-government. Some domestic authors claim that the basis for introduction of CIRs could be found in the 15th article of the Framework Convention for the Protection of National Minorities from 1995, according to which Republic of Macedonia is obliged to create all the necessary preconditions for effective participation of the members of ethnic minorities in the cultural, social, economic and public spheres (Neziri & Tomovska, 2011).

Author Renata Deskovska is of opinion that the genesis of CIRs could be found in the provisions of Ohrid Agreement (Deskovska, 2009). Nevertheless, all authors agree around the expected effects from the work of CIRs, and that is that CIRs will contribute toward harmonization of the inter-ethnic relations while balancing between the needs of the different communities within the municipality.

The findings related to identifying the most important factors of influence upon the work of CIRs, could be structured in several sub categories: legal factors; political factors; administrative & technical factors; ability to communicate; and dependence on support from the outside. Regarding legal factors, the Law on Local Government does not provide a clear definition of when and under what circumstances the Council of the Municipality bears the obligation to ask CIR for a consultative opinion. In reality the Councils of the Municipalities very often decide to circumvent CIRs and make decisions in absence of CIRs opinion on the matter in question. This practice is especially present when the Councils take decisions on issues of particular and often conflicting interests between largest ethnic communities, such as: avoiding CIRs when deciding on the budget of the municipality or taking decision on changing the names of schools by replacing the existing names associated to the culture of one community with names associated to the culture of the other community. The mandate of CIRs is defined too broadly. Bearing in mind that CIRs have mandate to address issues associated to inter-ethnic relations in the municipality, many CIRs find difficult to determine which issues could be interpreted as inter-ethnic? It could easily be interpreted that virtually every issue in a multiethnic municipality could be viewed through an ethnic angle.

5 Interview with Elena Petkanovska - then vice minister in the ministry of Local Government - was member of the Working Group that had produced the text of the Draft Law on local government from 2002.

In relation with the previous, the results (displayed in table 1) from the interview show that majority of respondents perceive CIRs as consultative forums with mandate to help in resolution of inter-ethnic incidents, should they occur.

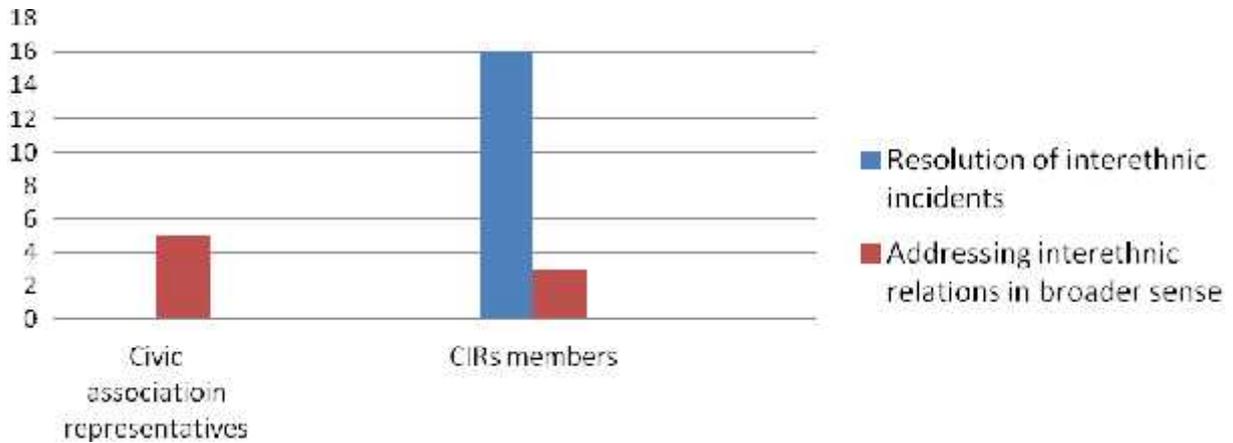


Table 1. Answers from 24 respondents on question: "What is the core mandate of CIRs?"

The duration of the mandate of CIRs members is defined neither by the law nor by Municipal statutes. In practice the duration of the mandate of CIRs members is equal to the duration of the mandate of the mayor and the Council of the Municipality, i.e. 4 years. The lack of effective instruments for ensuring the implementation of the legal provisions concerning CIRs, is another important factor contributing toward inconsistency in the implementation of the Law on Local Government and its provisions concerning CIRs. Even though, most of the interviewed respondents have confirmed that the inconsistency in the implementation of legal provisions is a serious problem impeding normal functioning of CIRs, in the same time majority of the 24 respondents were against the introduction of penalties for those responsible for non implementation of legal provisions concerning CIRs.

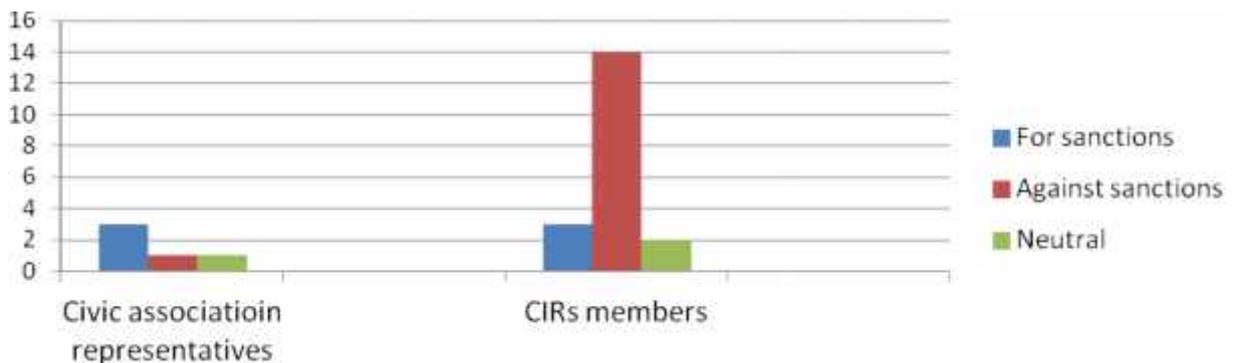
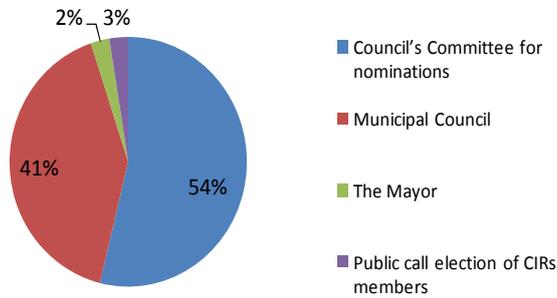


Table 2. Answers from 24 respondents on question: "Should penalties be introduced for non implementation of the legal provisions concerning CIRs?"

Considering the political factors, the authors and the activists from civic organizations are unanimous that the influence of the political parties on the work of CIRs is enormous and to a large extent is determining the activity of CIRs in direction of political parties' interests.

The most frequently used means for securing CIRs alignment with the policies of the dominant political parties is through controlling the process of election of CIRs members.

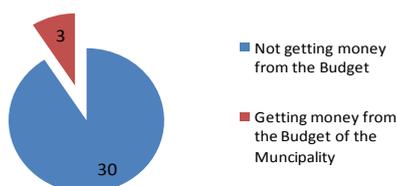
Table 3. Who has nominated members of 33 CIRs.



As displayed in Table 3, the Members of CIRs are nominated either by suggestion from one or more members of the Council or upon suggestion of Council's Committee on Elections and Appointments. In either ways the dominant political party in the Council of the Municipality has the final say regarding the composition of CIRs, because the Council of the Municipality is

electing CIRs members by majority vote. Additional evidence for the tendency of controlling the composition of CIRs could be found in the Statutes of several municipalities. Article 74 from the Statute of Krushevo municipality stipulates that Council's Committee on Elections and Appointments shall submit its proposal for election of CIR members to the Council of the Municipality, only after considering the suggestions for CIR members given by the political parties represented in the Council. Similar provisions exist in the Statutes of Sopsishte and Chair municipalities, as well as in the Statute of the City of Skopje. In the research conducted by United Nations Development Programme, a conclusion has been reached that delicate issues of inter-ethnic nature are most frequently being addressed by local political leaders or mayors instead by Commissions for Inter-ethnic Relations (UNDP, 2010). Administrative & technical factors also have considerable influence on the work of CIRs. Although these are factors of secondary importance, in the case of CIRs it often seems that the issues of administrative and technical nature appear as insurmountable impediments to their work. Such is the case with financing the work of CIRs. According to the Survey on the work of CIRs conducted by the Organization for Security and Cooperation in Europe, only 3 out of 33 existing CIRs received financial support from the Budget of the Municipality based on annual program of activities (OSCE Mission to Skopje, 2010).

Table 4. Number of CIRs financed from the Budget of the municipality



Many from the interviewed CIR members complained that the lack of finances is seriously impeding their work because they cannot make field visits. Field visits are especially important considering the fact that most of the municipalities include both urban and rural areas and CIR members don't have means to visit villages located at considerable distances.

CIRs members do not get financial reward for their work, therefore it is inappropriate to expect from CIRs members to spend personal money for the purpose of CIRs work. In addition, most CIRs are faced with lack of administrative support and guidance from the municipal administration, in some cases CIRs are faced with lack of space for holding their meetings and files. The review of international practice of the work of peace committees has shown that committees which are well structured and receive substantial administrative and financial support from municipal or state institutions, are the ones which produce serious work and effective outcomes. In this direction Andries Odendaal is making reference to the structure and the work of peace committees in South Africa (Odendaal, 2010), while Bawumnia & Ojielo are praising the work of peace committees in Ghana, informing that local peace committees in Ghana have their own budgets (Bawumnia & Ojielo, 2007). The citizens of Republic of Macedonia and particularly the citizens of municipalities where CIRs exist, are not particularly familiar with CIRs mandate and activities. Authors Neziri and Tomovska report that CIRs do not have strategies for public relations nor have capacity to address this issue (Neziri & Tomovska, 2011). Faced with lack of financial and administrative support, many CIRs relied on support provided by various donors and civic organizations. Organization for Security and Cooperation in Europe, foreign diplomatic missions to Republic of Macedonia, and few civic organizations prove to be principle supporters in the process of establishment and providing training and guidance for CIRs and its members. Unfortunately the support provided by afore mentioned organizations wasn't continuous, but was rather taking place following the initial establishment of CIRs and occasionally in later stages whenever some of the organizations would manage to get hold of financial grant for support of CIRs. The results concerning topics/issues addressed by CIRs reveal that some of the most frequent issues are related to: changing names of streets and public schools (in Debar and Tetovo); overcoming tensions that broke out as consequence of fights between students from different ethnic groups (in Sopsishte, Chair, Tetovo, Kumanovo and Struga); organizing cultural activities for presentation of cultural characteristics of different ethnic communities (in Kumanovo and Tetovo); initiative for construction of new school for Albanian students (in Kumanovo); disagreements on the location for construction of new church (in Dolneni); and issuing recommendation to the Council of the municipality to find ways for compliance of the ethnic structure of the employees in the municipal administration, with the existing ethnic structure in the municipality (in Debar).

With only few exceptions the results show that CIRs are considerably irresponsible in managing situations when certain events result in prospects for deterioration of inter-ethnic relations. CIR from the municipality of Struga barely issued a press release in the case of series of fights between Macedonian and Albanian high school students, and didn't react in the case when citizens of Islamic profession found themselves offended by a mask presented at a local Christian carnival and subsequently organized protest that included damaging of several churches in vicinity of Struga. The responses of CIRs in Chair, Kumanovo and Tetovo were very similar to the one in Struga concerning the fights between high school students of ethnic Albanian and ethnic Macedonian origin. A rear example of timely and appropriate response was the response of CIR from Sopsishte municipality, where members of CIR were involved in intensive activities for preventing the retaliation from the members of the local Albanian community, after Albanian students were attacked and beaten in the local bus on their way back home from school. The dynamic of CIRs frequency of meetings held in the period between April 2009 and April 2010 displayed in table 5 is confirming the general trend of CIRs inactivity. Concerning the CIRs that had 3 or more meetings, it should

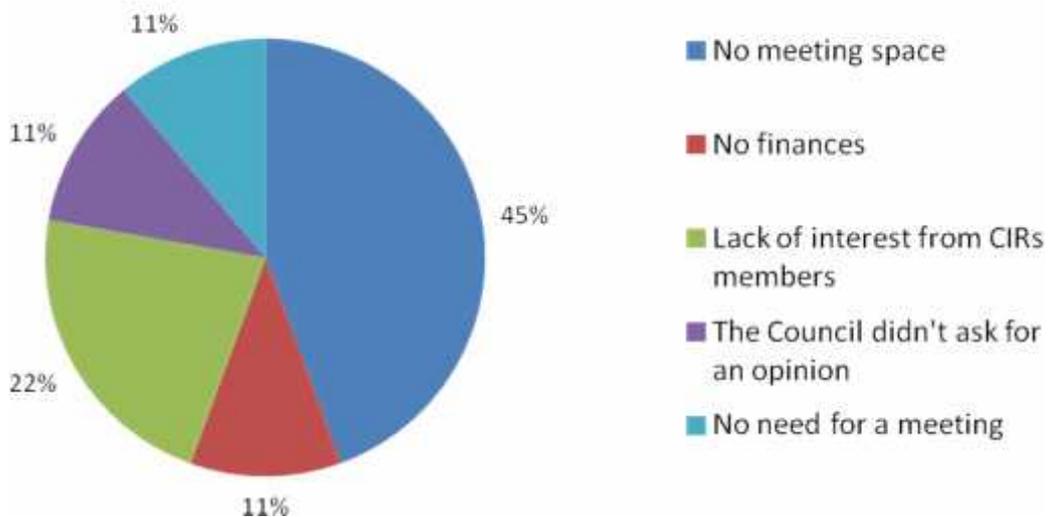
be noted that majority members of CIRs from this category are in the same time members of the Council of Municipality, and often they are holding their meetings along with the meeting

Table 5. Display of the number of meetings held by 33 CIRs in the period between April 2009 and April 2010



of the Council. Complementary with the high number of CIRs that didn't conduct a meeting for a period of one year is the finding published by authors Neziri and Tomovska (displayed in table 6), showing the most common reasons stated by 154 CIRs members, as excuses for not conducting meetings on regular basis (Neziri & Tomovska, 2011).

Table 6. Answers from 154 CIRs members, when asked to state the reasons for not convening CIRs meetings on regular basis



It is striking that over 55% of the respondents claimed insufficiencies of administrative or financial nature as main impediments in the work of CIRs. Concerning the final results from CIRs suggestions to the Council of the municipality, the author would like to emphasize the

outcome of the initiative of CIR from Sopishte municipality, where the efforts for reconciliation following the incidents between Macedonian and Albanian students have resulted with suggesting the Council an establishment of a football league, allowing the students from the municipality to visit different villages, play, and mingle with peers from different nationalities. It is worth of mentioning the suggestions to the respective municipal Council made by CIRs from Tetovo and Kumanovo. CIRs suggested to municipality the organization of cultural days, where each ethnic community will be given space and financial support to present their cultural characteristics. Both aforementioned initiatives were accepted and implemented by respective municipalities.

Conclusions:

The research findings clearly show that the introduction of CIRs with the Law on Local Self-government in 2002 was completely out of the focus of both the Government as author of the law and the Parliament as enactor. The law was enacted without a single discussion or debate related to CIRs. The legal frame for the work of CIRs is clearly insufficient and leaves too much space for different interpretations. A clear definition of competences and cases where the Council of the municipality would be obliged to consult and take into consideration CIR's opinion, needs to be put in place. At present Municipal Councils are rather keen to find ways of avoiding CIRs instead of inviting their opinion, and when doing so the Councils justify their actions by making reference to the fact that the law does not clearly stipulate an obligation for the Municipal Council to consult CIRs. Lack of provisions on the duration of the mandate of CIRs members as well as the lack of administrative support from the municipal administration has additional negative influence on CIRs performance. The absence of secure sources for continuity in financing of CIRs activities presents additional serious obstacle. As presented in the previous section, the lack of finances discouraged CIRs members to travel to remote villages in situations where events that threaten to deteriorate inter-ethnic relations have taken place. Such was the case with CIRs members from Struga that didn't want to travel and investigate the events that took place at the carnival in the village of Vevchani, but the same issue was reported from CIRs in Kumanovo, Chucher Sandevo, Tetovo and Dolneni. Acknowledging that lack of finances and financial remuneration for the work of CIR members results in a serious setback in the activity of CIRs, the biggest setback in the functioning of CIRs is undoubtedly caused by the ambition of the political parties to influence and control the work of CIRs. Research results clearly show that political parties use several instruments for exercising their influence such as: approval of the nominations for CIRs members and nominating and electing partisan members from the Municipal Council. Under circumstances of clear party control over the work of CIRs, it is clear that CIRs are rather transformed into safeguards of party interests, and not necessarily the inter-ethnic relations. The partisanship in the work of CIRs affects the frequency and the responsiveness in their work, as well as the final results from the suggestions and initiatives directed toward the Council of the municipality. Given the inconsistent frequency and general irresponsiveness in the work of CIRs, the results from the work of CIRs seem insignificant taking into consideration their mandate and the expected effects from their work. Hence the author came to the conclusion that CIRs are not delivering the expected contribution for harmonization of inter-ethnic relations. The successful completion of the initiatives from several CIRs is certainly encouraging, but certainly insufficient to bring us to a different conclusion.

Recommendations:

In order of improving CIRs effectiveness the legislator should:

Amend the existing legal provisions pertaining precise defining of CIRs competences with special accent on defining the cases where the Council of the municipality would have to consult with the CIR prior to taking decisions concerning inter-ethnic relations; Finding ways for decrease of influence of political parties over CIRs, through election of non partisan members; Provision of financial sustainability through adoption of annual budget for the work of every CIR within respective municipality; Provision of administrative and technical support through appointment of full time professional who will manage issues of administrative and technical nature, thus securing the necessary preconditions for unimpeded work of CIR members; Introduction of penalties for those who fail to comply with the existing legal regulations considering CIRs.

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