

BONA MENTE: Support to Committees for Inter- Community Relations

POLICY BRIEF

COMMITTEES FOR INTER-COMMUNITY RELATIONS



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POLICY BRIEF

COMMITTEES FOR INTER-COMMUNITY RELATIONS

The aim of this project is to **provide evidence-based policy recommendations to the Committees for Inter-Community Relations' (CICR) work and foster their sustainability by establishing a mechanism for transfer of know-how and competences** from existing CICRs to succeeding ones, ensuring continuity of their work. Strengthening the CICRs shall enable citizens coming from different communities to fully exercise their specific rights in multi-ethnic municipalities across the country. This action will further support the implementation of the Ohrid Framework Agreement at local level at the same time promoting active citizen participation. The creation of this policy brief was enabled with the support of the European Union Instrument for Pre-Accession Assistance (IPA) Operational Programme 2008 – Supporting Participation of Civil Society in Decision Making and in Providing Social Services.

Background of CICR

The post-conflict developments and reforms relating to the decentralization of governance in the Republic of Macedonia are based on the Ohrid Framework Agreement. According to this document, all ethnic communities are entitled to equitable representation in the public institutions at both local and central level. In order to ensure its implementation and to solve issues of concern for the ethnic communities, the 2002 Law on Local Self-Government¹ foresaw the establishment of Committees for Inter-Community Relations (CICR) in municipalities where at least 20% of the citizens are of an ethnic background different from the majority population.

The CICR are envisaged by the Law as permanent advisory board to Municipal Councils on matters of concern for interethnic relations. Synergies between CICR and Municipal Councils have grown through years; however after the local elections in March 2009 the lack of mechanisms to secure the continuation of the work of the CICR within the municipalities has resulted in **discontinuity of activities**.

Throughout the years, CDI has identified numerous issues regarding the work of CICR that can be categorised in few groups:

- Lack of mechanisms to support the continuity of work of CICR after new administration comes into place;
- Lack of transparency and information (i.e. lack of systematic, accurate and organized data base regarding the work of the municipal CICR) available for the citizens within the municipality;
- Lack of citizen involvement in the work of the CICR.

¹ Law on Local Self-Government, *Official Gazette of the Republic of Macedonia*, No. 5/2002; Article 55 Committees for Inter-Community Relations.

Recommendations

Legal and Institutional Framework

Amendment to Article 55 of the Law on Local Self-Government.

Current formulation of the Article 55:

Article 55

(Commissions for Inter-Community Relations)

- (1) In the municipality in which more than 20% of the total numbers of inhabitants of the municipality determined at the last census are members of a certain community, a Commission for Inter-Community Relations shall be established.
- (2) The Commission from paragraph 1 of this Article shall be composed of an equal number of representatives of each community represented in the municipality.
- (3) The manner of election of the members of the Commission shall be regulated by the Statute.
- (4) The Commission shall review issues that refer to the relationships among the communities represented in the municipality and shall give opinions and propose ways for their resolving.
- (5) The Municipal Council shall be obliged to review the opinions and proposals from paragraph 4 of this Article and to make a decision with regards to them.

Proposed changes - Regulation of the certain aspects of the election of the members of Committee by the LAW instead of leaving total discretion to the municipal statutes:

- 1) CICR members to be elected by the Municipal Council following open competition – This will introduce transparency in the election of the CICR members and possibility respected persons devoted to building good inter-ethnic relations to apply for membership in this body
- 2) Introducing incompatibility between position member of the CICR and member of the Municipal Council – The past years practice showed that in some municipalities, members of the CICR were at the same time members of the Municipal council. That led to duplication of the debates from the council into the CICR or to bigger influence of these members on the work of CICR.
- 3) Increasing of the term of office of the CICR members in order to achieve continuity when the local bodies change due to the local elections. That means that the term of office of the CICR members will be 5 years, while the term of office of the Municipal council is 4 years.
- 4) Introducing deadline for the obligation of the Municipal Council to review the opinions and proposals of CICR - The municipal council should be obliged to review the opinions and proposals in written form from CICR within 15 days of its submission, or to the next Municipal Council meeting.
- 5) Introducing the obligation the Municipal Council to demand an opinion by the CICR for the decisions made with Badenter rule
- 6) Introducing rule that the president of CICR is representative of the community that is not majority in the municipality.
- 7) Enhancing the competences of the CICR by introducing the right of the CICR to give opinions and proposals on municipal budget, which should be considered by the Municipal council
- 8) Introducing the obligation of the municipal council to provide in the budget financial means for the work of the CICR.
- 9) Introducing regular communication between CICR and Parliamentary Committee for Inter-Community Relations by introducing obligation the CICRs at least three times per year to inform the Parliamentary Committee for Inter-Community Relation on the situation with the inter-ethnic relations in their municipalities.

Amended Article 55 from the Law on Local Self-Government with proposed solutions will be:

Article 55

(Commissions for Inter-Community Relations)

- (1) In the municipality in which more than 20% of the total numbers of inhabitants of the municipality determined at the last census are members of a certain community, a Commission for Inter-Community Relations shall be established.
- (2) The Commission from paragraph 1 of this Article shall be composed of an equal number of representatives of each community represented in the municipality.
- (3) The members of the Commission shall be elected by the Municipal Council for a term of five years on the basis of open competition announced by the Major of the municipality.
- (4) The manner of election of the members of the Commission shall be regulated by the Statute of the municipality.
- (5) The position member of the Commission is incompatible with the position Member of the Council of the municipality.
- (6) The Commission shall elect the President of the Commission among the members who belong to the community which is not majority in the municipality.
- (7) The Commission shall:
 - Review issues that refer to the relationships among the communities represented in the municipality and shall give opinions and propose ways for their resolving.
 - Give opinions on the proposed decisions which are adopted by the municipal council with majority of votes of the present council members belonging to the communities which are not majority of the population of the municipality and
 - Give opinions on the municipal budget
 - Give opinions on equitable representation in employment within the municipal administration and municipal public organisations and institutions
- (8) The Commission shall be obliged to deliver opinion for proposals from paragraph 7 to the municipal council within 7 days of receiving request for opinion.
- (9) The Municipal Council shall be obliged to review the opinions and proposals from paragraph 7 of this Article and to make a decision with regards to them within 15 days of their submission, or to the next Municipal Council meeting.
- (10) The Commission shall submit report to the Committee for Inter-Community Relations about the inter-ethnic issues regularly or at least three times a year: in April, August and December.
- (11) The municipal council shall be obliged to allocate budget for the work of CICR.

Amendment to Article 41 of the Law on Local Self-Government
Current formulation of Article 41:

Article 41
(Work of the meetings of the municipal council)

- (1) The Council can work if the majority of the total number of the members of the Council is present.
- (2) The Council decides with the majority of votes of the present members, if different majority is not provided by the law or the statute.
- (3) The regulations referring to culture, use of language and alphabet spoken by less than 20% of the citizens in the municipality, determining the coat of arms and flag of the municipality and their use, shall be adopted by the majority of votes of the present council members, within which there must be a majority of votes of the present council members belonging to the communities which are not majority of the population in the municipality.
- (4) Voting of the meetings of the council is public.
- (5) For every meeting the minutes are taken.

Proposed changes:

- 1) The municipal council should send the decisions that are adopted with Badenter rule to prior consideration and opinion by the CICR.

The amended Article 41 will be:

Article 41
(Work of the meetings of the municipal council)

- (1) The Council can work if the majority of the total number of the members of the Council is present.
- (2) The Council decides with the majority of votes of the present members, if different majority is not provided by the law or the statute.
- (3) The regulations referring to culture, use of language and alphabet spoken by less than 20% of the citizens in the municipality, determining the coat of arms and flag of the municipality and their use, shall be adopted by the majority of votes of the present council members, within which there must be a majority of votes of the present council members belonging to the communities which are not majority of the population in the municipality.
- (4) Prior to adoption of the decision from paragraph (3) the Council must send the proposed decisions for consideration and opinion by the Commission of Inter-Community relations.
- (5) Voting of the meetings of the council is public.
- (6) For every meeting the minutes are taken.

To have a standardized section of the Municipal Statute – the part that relates to the work of CICR.
Section to include:

- CICR membership open to all citizens;
- Defined and unified remuneration of ALL Commission members

Rulebook (Rules of Procedure)

One standardized Template to be adapted by municipalities.

Mayor to appoint one person from the administration to be responsible for the necessary logistics and administrative support for the work of CICR.

Administrator appointed by Mayor to be responsible for all proper documentation and record-keeping of all CICR meetings, activities, issues and accomplishments, electronic as well as physical records.

Physical transfer of all records and documentation from one CICR to another within 15 days of election of new CICR.

Capacity Building

Mandatory meeting of former and new CICR members within 15 days of election of new CICR mandate to transfer skills and give short overview of past activities and issues.

Training for **CICR and municipal administration** on visibility, communication and awareness-raising for the work and role of CICR.

Sharing of good practices between CICRs and fostering inter-municipal cooperation.

Outreach of CICR: involvement of civil society and the citizens

Formal partnership with a local NGO to support the work of CICR, to record and transfer knowledge to new CICR members, in cases where the municipality or CICRs are unable to do so.

CICRs to have standardized and unified procedure for direct complaints to be filed by citizens. Available and easy to fill forms available with the municipal administrator, citizen information center or municipal web-page.

Monitoring by local NGOs of the work of CICR – to be stated in the Rulebook. NGO representatives to be regularly present at CICR meeting and to have access to their annual program, annual report and work documents.

Citizens to be fully informed of the role and possibilities that CICR can offer to them and have clearly defined mechanisms and channels for uninterrupted and efficient communication with the CICR.

About the Community Development Institute (CDI)

The CDI is civic association that has been operating for 15 years so far. Initially, it was established to address the inter-ethnic tensions in Tetovo region, and today operates in about 30 municipalities, including about 60% of total population of the country. The CDI's mission is to increase inter-ethnic understanding and tolerance and to improve the living conditions and citizens' standard of life. The primary target group are non-majority ethnic groups in the municipalities where the Ohrid Framework Agreement is implemented.

The project build-ups on previous efforts and actions by the CDI; since 2006 CDI has devoted part of its program to support the work of CICRs in the country, through various actions, such as capacity-building, workshops, coaching sessions, informative meetings and even financial support. Starting from 2009/2010 past year CDI's activities have taken turn into the policy realm in order to ensure long-lasting effect of the action.

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