

The language of the communities as important element of coexistence and stability in interethnic relationship

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Abstract

In multi-ethnic societies, from the past to the present, until nowadays minorities had problems with their rights in a multi-ethnic society, where the majority population was trying to integrate them into their societies through assimilation, which has now been an unhappy and conflicting situation among ethnic communities.

Since the independence of the Republic of Macedonia¹, the question of the use of the languages of national minorities has not been fully clarified. We are witnessing the ethnic intolerance, the political crises and the conflicting periods that have happened to us as a result of denial of some minority rights, and the right to use the languages of ethnic minorities, during a period which is very decisive for the future of the Republic of Macedonia.

The right to use the language of minorities as one of the minority rights is a major obstacle for the final relaxation of interethnic relations in the Republic of North Macedonia, and with short pauses it returns permanently to the daily political agenda. The right to use the language of national minorities is part of the corpus of the rights of national communities and can be divided into two aspects of: a legal and political aspect.

From a legal point of view, international documents containing the right of members of national (ethnic), religious or linguistic minorities, including the Covenant on Civil and Political Rights - Article 27; European Convention on Human Rights - Article 14; The Framework Convention on National Minorities; European Charter for Regional or Minority Languages, etc.

The political aspect of addressing the issue of using native language by non-majority communities in a state exists in the way that, even today, some states treat the problem of minorities as two subtle ideas and that of integration and pluriculturalism.

With integration, states that at no cost want to lose the homogeneity of the nation-state and for which there are no minority groups in their territories,² they all integrate into a homogeneous society in one nation, one culture, one language. With the outgrowth of integration, the cultural, linguistic and other differences of minorities are lost, denying the existence of minority groups and gradually leading to their complete assimilation. On the other hand, we have countries with pluriculturalism, those states recognize the existence of minority groups.

The question of the use of the native language is related to a chain of other rights in the field of culture. The nurturing of the historical tradition and heritage is directly related to the use of the native language, further, the democratization of the cultural and educational system through the opening of schools in the native language from basic to unusual, cultural arts associations, media from the written ones to the electronic, art, etc.

The Republic of North Macedonia in 2008 adopted Law for the use of a language spoken by at least 20% of the citizens in the Republic of North Macedonia and in the local self-government units, who did not indicate what language groups they are referring to, but they indicate a percentage of 20% in the territories and units of local self-government where the ethnic communities pass that percentage. Determination of the threshold of 20% gives the element of objectivity, that is, the set members who cross the specified threshold, automatically follow the rights to use the language, according to the law, and in the same law is given the possibility in the units of local self-government where a hundred ethnic minorities are less than 20% decided by the councils of those local self-government units to

¹ On 08 September 1991. R. Macedonia declared independence

² Example France, Greece, Bulgaria, Romania, Turkey and others.

use those languages in their territory as a third official language.³ The provisions of the Law on the use of a language spoken by at least 20% of the citizens in the Republic of North Macedonia and in the units of local self-government are not fully operational, as a result of the lack of conditions and good will by the policy.

The Republic of Macedonia has adopted a new Law on the Use of the Languages of the Communities by which it is complementary and more perfect in terms of the right to use the language of the communities, but the same although it has been passed and has been voted twice in the Assembly of the Republic of Macedonia, force as a result of politics. Considering that the Republic of North Macedonia has its policy in the direction of Euro-Atlantic integration, in the last years, it is working very intensively in solving minority issues, including the right to use the languages of communities in all spheres and levels of functioning of the state, I hope to fully solve this issue which is one of the key elements for the identification of a national and cultural community and interethnic stability.

Keywords: multi-ethnic society, minorities, language of minorities, international documents, Law.

1. Introduction

In multi-ethnic societies, from the past to the present, until nowadays minorities had problems with their rights in a multi-ethnic society, where the majority population was trying to integrate them into their societies through assimilation, which has now been an unhappy and conflicting situation among ethnic communities.

Determining the term national minority or any other minority, there has always been great difficulty, so there is, no international document to which it is precisely stated, what is a minority, and what is meant by the term minority. There have been quite a lot of attempts to formulate the notion of a minority, but the definition of Francesco Capotorti⁴, which is the most widespread, and is more acceptable⁵.

Throughout history, many countries have been created and disintegrated, and as a result of these territorial changes, some nations have split into several states, lost their citizenship and became minorities in their own territory, which is already part of another state.⁶

A newer case of the creation of new states is the end of the eighties and the beginning of the nineties of the last century, with the fall of the Berlin Wall and the collapse of the communist regime of Eastern European states, with which various ethnic conflicts occurred. These conflicts were a serious threat to the stability of Europe, which also followed the change in the borders of some of those states. One such example in the region is the collapse of the SFR Yugoslavia⁷, as a result, new states have been formed, including the Republic of North Macedonia⁸.

With the formation of new states in the region of the former Yugoslavia, the problem of the rights of members of national minorities, including the right to use the language of those minorities, has

³ Official Newspaper of the Republic of Macedonia' No. 101/2008

⁴ Professor Francesco Capotorti formulates the widest and most acceptable definition for minorities - " MINORITY is a group of people which are in number less than the rest of the population in a state, nationals of that state, who have ethnic, religious or language characteristics differences from the rest of the population and show even an implicit sense of solidarity in order to preserve traditions, religion or language. ., - UN document E / CN.4 / Sub.2 / 384 / Rev.1., 1979.

⁵ Vojin Dimitrijević and Milan Paunović - "Human Rights" - Belgrade 1997.

⁶ The case with the Hungarian people that with the Versailles Treaty some parts split between Slovakia, Romania, Ukraine and Serbia

⁷ SFR Yugoslavia with the 1991 conflicts has collapsed and seven new states have been established on its territory (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, North Macedonia and Kosovo), of which Kosovo has been recognized by many countries but not yet is a member of the UN.

⁸ On September 8, 1991, R. North Macedonia declared independenc.

not been solved. In the Republic of North Macedonia, the issue of the use of the languages of national minorities is not fully clarified, and is the subject of a continuous discussion that is not seen ending and with short breaks always returns to the daily political agenda. The right to use the languages of national minorities are part of the corpus of rights of national minorities and can be divided into two aspects: the legal and political aspects.

From a legal point of view, are international documents that contain the right of members of national (ethnic), religious or linguistic minorities. Many international documents on ethnic minorities have been adopted, including the Covenant on Civil and Political Rights - Article 27; European Convention on Human Rights - Article 14; The Framework Convention on National Minorities; European Charter for Regional or Minority Languages, etc.

The political aspect of addressing the issue of the use of native language by ethnic communities in one state exists in the way in which, even today, some states treat the problem of minorities as two subtle ideas, such as: integration and pluriculturalism.

With integration are the states that, at no cost do not want to lose the homogeneity of the nation-state, and which do not recognize minority groups in their territories⁹, all integrate them into a homogeneous society in one nation, one culture, one language. This concept, although guaranteeing full equality among its citizens, does not take into account the cultural, linguistic and other differences that are lost in the integration, which denies the existence of minority groups and is gradually being brought to their full assimilation.

On the other hand, we have countries with pluriculturalism, these countries recognize the existence of minority groups and endeavour to implement the rights of minorities deriving from international documents in their legislation. The question of the use of the minority language is linked to a chain of other rights in the field of culture; nurturing the historical tradition that is directly related to the use of the native language; the democratization of the cultural and educational system through the opening of schools in the native language, from primary schools to the universities, cultural and artistic associations, media - written and electronic; art and so on.

With the delay of the complete solution for the use of the languages of the communities, it brought a lot of frustration and dissatisfaction among all the communities, dissatisfaction which from time to time gave the skilled politicians the opportunity to manipulate and channel such dissatisfaction, often in an unwanted direction. This issue should be resolved once and for all, with the solutions provided for in the International Conventions that treat this issue as a basic minimum, and to take into account all the specifics of minorities, historical and cultural lessons, the positive examples of all countries with similar problems, to use the experiences of famous experts in this field, etc.

⁹ Example: France, Greece, Bulgaria, Romania, Turkey and others.

2. Use the language of communities in accordance with international documents - The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages

The Republic of North Macedonia as a signatory to a series of international documents, including the two most important documents adopted by the Council of Europe, the Framework Convention for the Protection of National Minorities and the Charter of Charter for Regional and Minority Languages, is one of the good examples of the implementation of the provisions of those international documents in internal legislation.

2.1 The Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities, in relation to the provision on the use of the language of the communities,¹⁰ is fully implemented in the internal legislation, thus, in terms of this provision, the formal legal obligation of the Republic of Macedonia as an agreed side of this international document.

The use of the languages of the communities in accordance with this provision, are achieved through: use of language in private life, in daily communication within the family; in the official records; when issuing personal documents that citizens who speak an official language different from the Macedonian language and its alphabet, personal documents are issued in Macedonian language and its Cyrillic alphabet and in the official language and alphabet used by the citizen; the right to education in their native language in primary and secondary education; the right to use the languages of the communities in the units of local self-government; right to use the languages in communication with ministries and regional offices of ministries and state authorities; right to use languages of communities in court proceedings; the right to use the languages of the communities in plenary sessions in the Assembly of the Republic of Macedonia; the right to use the languages of communities when publishing laws and other regulations.¹¹

2.2 The European Charter for Regional or Minority Languages

The Republic of Macedonia has also signed the European Charter for Regional or Minority Languages, but has not yet been ratified by the Assembly, and therefore has no obligation to apply its provisions. However, although the Republic of Macedonia has no obligation to apply the provisions of the Charter in its internal legislation, the provisions relating to the communication of persons spoken by regional or minority languages with the administrative authorities and public services,¹² are fully incorporated in the internal right. This conclusion does not imply incorporation of one of the given options in each of Odell items of the relevant Article 10 of the European Charter

¹⁰ Article 10 of the Framework Convention for the Protection of National Minorities

¹¹ In accordance with the provisions of the Framework Agreement and Amendment V of the Constitution, the Assembly of the Republic of Macedonia adopted the Law Amending the Law on Publication of the Laws and Other Regulations in the Official Gazette of the Republic of Macedonia, thus Article 8 paragraph 2 of the Law stipulates that the laws are published and in another official language and alphabet spoken by at least 20% of the citizens belonging to the communities in the Republic of Macedonia.

¹² Article 10 of the European Charter for Regional and / or Minority Languages

for Regional or Minority Languages. Far plurality, and more completely, the relevant Constitutional and legal provisions of the Republic of North Macedonia mean the implementation of the highest standards of the European Charter for Regional or Minority Languages in each of the individual items, and at the same time implementing several solutions in parallel, as a mutual complement in order to create a real basis for as far as possible the favourable position of the members of the communities.

10. Use of the language of communities in internal legislation

The Republic of North Macedonia since its independence, as a new higher national state in Southeast Europe, is continuously in the exercise of the rights of the members of the national minorities.

The right to use the language of the communities is guaranteed by the Constitution¹³ and by the legal acts that have been adopted by the Assembly of the Republic of North Macedonia. In the Constitution states that: in the Republic of North Macedonia, the official language is the Macedonian language and its Cyrillic alphabet; in the units of local self-government in which the majority of the inhabitants of the nationalities live in official use, in addition to the North Macedonian language and the Cyrillic alphabet, the language and alphabet of the nationalities are in the manner prescribed by law; in the units of the local self-government in which the members of the nationalities live as a significant number, in official use, in addition to the North Macedonian language and the Cyrillic alphabet, are the language and alphabet of the nationalities, provided and manner determined by law.¹⁴

With the signing of the Ohrid Framework Agreement in 2001, Constitutional changes for the rights of communities were made, where they are listed which communities are,¹⁵ and are emphasized as part of the people concerned and guaranteed the free expression of the national affiliation and adequate equitable representation of the citizens belonging to them national minorities, state authorities and other public institutions at all levels, according to international standards. With the signing of the Ohrid Framework Agreement in 2001, are committed, constitutional changes for the rights of the communities where they are listed which communities, and highlights a part of the concerned people and guarantee the free expression of national affiliation and appropriate equitable representation of citizens belonging to national minorities in the state government and other public institutions at all levels, according to international standards.¹⁶

With the constitutional changes in addition to the North Macedonian language and its Cyrillic alphabet which is official throughout the country and in the international relations, the use of the languages and alphabets of the members of the national minorities that are at least 20% of the

¹³ Official Gazette of the Republic of North Macedonia no. 52/91, 1/92, 31/98, 91/01

¹⁴ Article 7 of the Constitution of the Republic of Macedonia

¹⁵ Amendment IV, item 1, of the Constitution of the Republic of Macedonia, - lists the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Roma people, the Bosnia people and others.

¹⁶ Article 8, of the Constitution of the Republic of Macedonia, supplemented by Amendment VI, of the Constitution of the Republic of Macedonia.

population as the second official language is guaranteed. Members of national minorities in the territories of the local self-governments where at least 20% of the population is issued with personal documents, which, in addition to the Macedonian language and Cyrillic alphabet, are also in the language and alphabet they use.

Also, in communication with the regional offices of the ministries in that territory, with the state authorities in the Republic of North Macedonia, they can use their language and alphabet, and receive the answers, in addition to the Macedonian and Cyrillic alphabet, and in the language and alphabet which they use it.¹⁷ The Constitution of the Republic of North Macedonia guarantees that all international agreements ratified under the Constitution are part of the internal order and cannot be amended by law, and therefore all rights for national minorities, including the right to use the language, adopted with the international documents will be implemented in the legislation of the Republic of North Macedonia.¹⁸

In 2008 it adopted the Law on Use of Languages spoken by at least 20% of the citizens in the Republic of North Macedonia and in the units of the local self-government, which does not specify which language groups it behaves, but lists a percentage of 20% in the territories and units of local self-government where the ethnic communities pass that percentage. Determining the threshold of 20% gives the element of objectivity, that is, the ethnic communities that pass the specified threshold, automatically follow the rights to use the language in accordance with the law, and in the same law is given the possibility for the units of local self-government where the ethnic minorities are less than 20% decided by the Councils of those local self-government units for the use of those languages in their territory as the third official language.¹⁹

With this law, the use of the language of communities is guaranteed in the organs of the state government in the Republic of Macedonia, such as: Assembly of the Republic of Macedonia; communication of citizens with ministries, court procedures; administrative procedure; execution of sanctions; Ombudsman; the election process; with immediate explanation of the citizens; when issuing personal documents to citizens; while keeping the record; application of police powers; in the broadcasting activity; infrastructure facilities; local self-government; finances; economy; education and science; culture and other areas and institutions in accordance with this Law.²⁰

The Republic of North Macedonia also adopted a new Law on the Use of the Languages of the Communities with which it was complemented and improved in terms of the right to use the language of the communities, but the same, although it has been passed and voted twice in the Assembly of the Republic of North Macedonia, is still out of power as a result of politics.

¹⁷ Amendment V, item 1, of the Constitution of the Republic of North Macedonia - replaces Article 7 of the Constitution of the Republic of Macedonia

¹⁸ Article 118 of the Constitution of the Republic of North Macedonia

¹⁹ Article 42 paragraph 3 of the Law on the use of the language spoken by at least 20% of the citizens in the Republic of Macedonia and the units of the local self-government "Official Gazette of the Republic of North Macedonia" No. 101/2008

²⁰ Article 2, of the Law on the use of the language spoken by at least 20% of the citizens in the Republic of Macedonia and the units of the local self-government "Official Gazette of the Republic of Macedonia" No. 101/2008

11. Conclusion

According to the analysis of the internal legislation of the Republic of North Macedonia and the implementation of the provisions of the two important international documents, the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages, in the same, there are still spheres where the use of the Languages of communities should be introduced. The European Charter for Regional and Minority Languages has not yet been ratified, and with its ratification and formal and legal completion of the domestic legislation with the provisions of the international documents. The provisions of the Law on Language use spoken by at least 20% of the citizens in the Republic of North Macedonia and the units of local self-government, are not fully implemented, as a result of the lack of conditions and good will by the policy. For full implementation in practice, should be created the conditions, for which time is required for creating human resources; education and employment required number of persons; replacement and completion of documentation in the languages of communities, forms and other; completing and introducing the technical conditions for a simulated translation; means and time to replace names and inscriptions on the streets, boulevards, squares, institutions and other public and private institutions with a bilingual inscription. For all the above actions need time and money, and mostly thinking and political will, which is often an obstacle to it.

Given that the Republic of North Macedonia has directed its policy in the direction of the Euro-Atlantic integration, in the past years, it is working very intensively in addressing minority issues, including the right to use the Languages of communities in all spheres and levels of the functioning of the state, I hope that this issue will be solved completely, which is one of the key elements for identification of a national and cultural community.

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