

Comparative Analysis of Multicultural policies in post-conflict societies: the cases of Kosovo and Macedonia

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MSc Thesis in Human Rights and Multiculturalism

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31st of January

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Name: Pajtm Zeqiri	Date: 31st of January, 2017
Title and subtitle:	
Title: Comparative analysis of multicultural policies in post-conflict societies: the cases of Kosovo and Macedonia	
<p><u>Abstract:</u></p> <p>Multiculturalism as a theory and policy in its essence aims to address the needs of national minorities, protect them against assimilation and accommodate them in state institutions by a politics of recognition. This study aims to describe, analyze and compare multicultural policies designed for national minorities in two post-conflict societies: Kosovo and Macedonia. The units of this analysis will be national minorities in these countries, with special emphasis on the largest ones: Kosovo Serbs and Macedonia Albanians. The study will investigate three central multicultural policies designed for national minorities: a) language policies, b) political representation, and c) employment opportunities in terms of equitable representation. In addition, it will highlight also some of the challenges in adopting multicultural policies in these post-conflict societies.</p>	
Key words: Multiculturalism, multiculturalism policies, national minority, minority rights, language policies, political representation	
Number of words: 26.660 words	

DECLARATION

I certify that this is all my own work. Any material quoted or paraphrased from reference books, journals, www. etc. has been identified as such and duly acknowledged in the text or foot/end notes. Such sources are also listed in the bibliography. I have read the College's policy on plagiarism and am aware of the penalties for plagiarism.

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Introduction

The majority of countries nowadays are ethno-culturally diverse. Sujit Choudhry argues that “the age of ethno-culturally homogenous state, if there ever was one, is long over” (Choudhry, 2008, p. 5). In our contemporary world, there is an on-going debate which policies should be applied in order to address this ethno-cultural diversity, hence how the relation between the majority and minority shall be settled. In post-conflict or divided societies such issues become even more problematic because this diversity translates into political fragmentation (Choudhry, 2008, p. 5).

In the past, minorities historically have been forced to assimilate into the dominant majority culture as part of the state building process. However lately during the last decades, we are experiencing an internationalization of minority rights (Kymlicka, 2007, p. 3), in which multiculturalism is considered to be the appropriate policy in addressing the historical injustices of the past and providing minorities with different set of rights to protect them against assimilation. This internalization of minority rights is evident in international and regional documents, such as for instance the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1993. In addition, the Council of Europe also adopted a declaration on minority language rights in 1992. Thus, minority rights are considered to be part of the overall human rights system.

The 1993 UN Minorities Declaration refers to minorities as based on national or ethnic, cultural, religious and linguistic identity and that states should ensure to protect their existence, although there is no internationally agreed definition in terms as to which groups constitutes a minority. Therefore, in this study, I will use the term *national minority* as described by Kymlicka. “A *national minority refers to a group that is territorially concentrated, is institutionally complete, and shares a common language and culture*”. (Kymlicka, 1995, p. 10)

The main goal of this research is to analyze multicultural policies adopted in Kosovo and Macedonia by comparing these two case studies so as to make a comparative analysis of these policies. My target groups are national minorities in these countries with special emphasis on the Macedonia Albanians and Kosovo Serbs. Kymlicka's term of national minority fits well with what are the Serbian minority in Kosovo and the Albanian minority in Macedonia. The Serbian

minority is territorially concentrated in northern Kosovo, it is institutionally complete, and have a distinct language and culture from the Albanian majority in Kosovo. The Albanians in Macedonia, are also territorially concentrated in western Macedonia, are institutionally complete, speak a different language from the Macedonian majority and have different cultural traditions. These groups have similar patterns with the prototypes of national minorities given by Kymlicka such as the Quebecois in Canada, Basque or Catalonia in Spain or the Maoris in New Zealand (Kymlicka, 2007, p. 140).

The current situation in Kosovo and Macedonia is relevant because both countries are post-conflict states and considered to be divided societies; therefore they provide a quite similar political and social environment. In such circumstances, multicultural policies that recognize differences among groups are necessary to address the injustices that are historically rooted. Furthermore, both countries are in the process of democratization, and respecting and promoting human rights, especially the rights of national minorities is of crucial importance for any further development. There is an important link between adopting multiculturalism policies and minority rights, because in order to triumph multicultural policies, distinctive ethnic, cultural or religious groups must be provided with some group differential rights. As Kymlicka asserts, providing only individual human rights are not sufficient to address the challenges of ethno-cultural diversity. Human rights shall be supplemented with minority rights (Kymlicka, 2001, p. 88). In addition, there is also a link between multiculturalism and power-sharing, since both of them aim to accommodate minorities in a particular country. However, the difference is that power-sharing is a more a short-term policy designed to maintain peace and stability through the distribution of political power. Multiculturalism on the other hand, is a broader concept that incorporates a variety of policies for different purposes such ensuring the survival of a group through a politics of recognition, addressing injustices of the past, empowering the less advantaged, or saying it differently it aims to build a more inclusive and fairer society in all life-sectors.

In this study, my aim is to analyze three separate multicultural policies designed for national minorities in these countries. These policies will include: language rights, the political representation of national minorities, and employment policies. This research aims to describe, analyze and compare these three significant policies in the respective countries in order to provide similarities and/or differences in terms of the existing legal framework and its

implementation. It is important also to note the fact that these policies are only some of the several multicultural policies that are designed to the advancement of minority rights. During the literature review, I had the perception that many scientific written articles when it comes to multicultural policies in these societies are more focused on the aspect of self-autonomy for these groups. Therefore, I tried to shift the direction to other multicultural policies: language, political representation and employment policies which are crucial aspects of a multicultural society, too.

In this study, first of all I will provide a short historical and social background of Kosovo and Macedonia in order to be well informed with the countries contexts, although, in general the study is divided in five main chapters. The first chapter is intended to explain the methodology and methods used for this research. It aims to explain in details why particular methods have been used and providing also some other relevant information regarding the study. The second chapter will be a theoretical discussion about multiculturalism as a theory and policy, so as to have a better understanding of what multiculturalism stands for. The analysis chapters are divided into three main components. The third chapter or the first component of analysis will be in regard to language rights and policies in Kosovo and Macedonia. The fourth chapter is going to be an analysis of the political representation of national minorities in these countries. The last chapter will be an analysis of employment opportunities for minorities in Kosovo and Macedonia. In the end, I will summarize my main findings and answer my research question by framing a final thesis conclusion.

The historical and political context in Macedonia

The Republic of Macedonia is located in southeastern Europe. It was one of the constituent nations in the Former Yugoslavia Republic. In 1991, Macedonia declared its independence after the disintegration of the former Yugoslavia. Currently the population of Macedonia is estimated at 2.1 million citizens, of whom 65% are ethnic Macedonians and 25% are ethnic Albanians, while the rest are Turks, Romas, Serbs and Vllahi (Skaric, 2004).

Macedonians are overwhelmingly Christians and speak the Macedonian language. Albanians in Macedonia are predominantly Muslims; however Albanian's nation was not build upon religion

criterion but rather on its unique language. In this perspective, what makes an Albanian an Albanian is that they have in common a language and a shared identity, be that from Kosovo, Albania, Macedonia or anywhere else (Judah 2008, 9). The Albanians in Macedonia are the second largest community in the Republic of Macedonia and are mostly concentrated in the western part of Macedonia.

Ethnic Albanians in large part boycotted the 1991 referendum on independence claiming that their basic human rights were not properly respected. In the same year, ethnic Albanian members of parliament abstained from ratifying the new constitution on grounds that its preamble mentioned ethnic Albanians as a minority not as a constituent nation with equal rights as the Macedonians. More precisely the constitution stated that Macedonia was 'a national state of the Macedonian people'. A principle of constitutional nationalism was established, according to which Macedonians, being the dominant nation, were privileged over others (Myhrvold, 2004-5). The alienation of ethnic Albanians from the new state was further reinforced by discrimination; despite constituting approximately 25% of the population, ethnic Albanians accounted for only 7% of the civil service and 3% of the police force in 2001 (Kellener, 2005, p. 2). Macedonians have always enjoyed clear political domination and Albanians in Macedonia did not accept the status assigned to them, and they require greater political recognition and to maintain its share of power (Harel-Shalev, 2013).

Thus, Albanians in that period of time in Macedonia experienced what Johan Galtung would describe as 'structural violence'. We have a situation of structural violence when violence is constructed into the structure and shows up as unequal power and consequently as unequal life chances. Recourses are distributed unevenly, as when income distribution are heavily skewed, literary/education unevenly distributed, medical services existent in some district and for some groups only (Galtung, 1969, p. 71).

The consequences of this uneven distribution of power have led to a civil war in 2001, in which the ethnic Albanian National Liberation Army began attacking the Macedonian military forces. Following the advice of Western Europe states, Macedonian government and political parties decided to negotiate with various Albanian parties, which resulted in the signing of a compromise agreement, which resulted in ending up the conflict. The Ohrid accord was a compromise between the warring parties- Macedonian as the majority people and Albanian as

the largest minority in Macedonia. Other minorities were not involved in the conflict (Skaric, 2004). The Ohrid Framework Agreement (OFA) was signed on August 13, 2001 by the leaders of the largest Parliamentary parties, two of them representing mainly Macedonians and two representing mainly Albanians, together with Special Envoys of the US and the EU (Taleski D. , 2008, p. 131).

So, after the adoption of the Ohrid Framework Agreement the definition of the state was changed. The Macedonian constitution now refers to Macedonia as 'the state of the Macedonian people', and 'citizens living within their borders' and not only as 'the state of Macedonian people'. In addition, despite the fact the main goal of the OFA was to stop hostilities, its main contribution to the future of Macedonia was in providing some kind of 'group differential rights' for minorities, which in detail will be elaborated in the analysis chapters.

The historical and political context in Kosovo

Kosovo is the youngest European country. Its secession was enabled by the 1999 NATO intervention that did stop the genocide against ethnic Albanians from Europe's last dictator, Slobodan Milošević. It is not yet a member of the United Nations; although, its independence has been recognized by the majority of the UN member states, including the United States, Canada, and 23 of 28 members of the European Union.¹ After a number of negotiations in Vienna about the final status of Kosovo had failed, the special envoy Mahti Ahtisaari was in addition unable to broker a political solution, so Kosovo decided to declare unilaterally its independence. Kosovo declared its independence on 17th of February 2008, in the face of ongoing opposition from Serbia and Security Council ally Russia. The Draft UN Security Council Resolutions providing the legal basis for the Ahtisaari Plan's implementation have been rejected by Russia and China (Stevens, 2009, p. 24).

After independence, Kosovo in 2011 made its first registering of population. According to this census officially there are 1,739,825 residents in Kosovo and terms of ethnicity the statics are as

¹ Greece, Slovakia, Cyprus, Rumania and Spain are the five EU members who still oppose Kosovo's statehood

following: 92.2% Albanians, 1.5% Serbs, 1.6%, Bosniaks, 0.6% Gorani, 0.5 % Roma, 0.6% Egyptians, 0.9 % Ashkali 1.1% Turks, and 0.6% 'others' or not specified (Kosovo Agency of Statistics, 2012). However, it remains controversial since the four Serbian majority municipalities of Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan and North Mitrovica/Mitrovicë boycotted this census (Kosovo Agency of Statistics , 2013). On the other hand, Serbia wanted to conduct its own census in north of Kosovo in order to estimate the number of Serbs living in these municipalities (Karadaku, 2012). As a result, since official reliable statistics regarding the percentage of the total number of Serbs in Kosovo due to the boycott of four municipalities is missing, other alternative sources are needed. Based on OSCE 2010 Community Profiles and 2013 OSCE Municipal Profiles, around 146,128 Serbs are estimated to reside in Kosovo, making up around 7.8% of the total population.

The Serb community is approximately equally divided between northern Kosovo (70,430 Serb residents) and southern Kosovo (75,698 Serb residents). There are a total of ten municipalities where the Serb community constitutes a numerical majority. The largest Serb communities reside in the four northern municipalities and in the southern municipalities of Gračanica/Gračanicë and Štrpce/Shtërpçë (ECMI: Serbian community profile, 2014).

In terms of political representation, the Serb community in Kosovo in the aftermath of independence was represented by two sets of parties: Belgrade based party branches and Kosovo-based Serb parties. The former were adamantly opposed to participation in Kosovo's institutions, while the latter support it. The Kosovo-based Serb parties are not recognized by Belgrade and by a portion of the Serb population in Kosovo, making it difficult for them to claim wide legitimacy and operate in areas where Belgrade-based parties have a political monopoly-the Serb-majority municipalities in the north. This contributed to the fragmentation of the Serb community's political spectrum (Serb Accommodation in Kosovo , 2011). So, basically most of the Serbian population in northern municipalities denied Kosovo's independence in 2008. They relied on a set of parallel institutions supported by Belgrade which was illegal. Nevertheless, once Serbia started to seek an EU membership, it has slowly started to demolish its parallel system in Kosovo (Prelec & Rashiti, 2015, p. 2).

In 2011, Kosovo and Serbia started a process of normalization of relations mediated by the European Union. Several issues concerning the Serbian minority in Kosovo have been discussed between governmental actors in this dialogue. There have been many issues in play: Serb participation in Kosovo institutions, ending Serbia's interference on Kosovo territory, Kosovo's access to the international community, and the legacy of war (Ibid, p. 3). When it comes to the participation of Serbs in Kosovo's institution, it is important to note that for the first time in 2014, the so called Belgrade branch political parties have taken part in Kosovo's national election by representing this voice of Kosovo Serbs in the national legislative.

Chapter I

Methodology

Introduction

This chapter will primarily be focused on the methodology aspect that I have been used in analyzing and comparing multicultural policies in Kosovo and Macedonia, as well as its implementation in practice. Thus, this chapter will be dealing in details with research question and objectives of my studies, clarification of definitions, methods used, research strategies, the collecting of data and any other procedures that have been followed during this research. I will briefly explain why particular approaches have been selected to address my research question, as for example the qualitative method of interviewing, and analyzing policy documents. Some delimitation of this study will also be given. Furthermore, I will provide a short background of the informants who were chosen to be part of this study, the main policy documents that were taken into account during my work and some ethical consideration that have been taken into account while doing this research.

Research question and objectives of the study

The primary purpose of this study is to examine, analyze and understand the multiculturalism policies in Kosovo and Macedonia. By comparing these policies, it is aimed to discover similarities and differences of these policies in terms of providing group-differential rights for national minorities. Since in this research a special focus will be given on the largest national minorities in these countries, the Kosovo Serbs and Macedonia Albanians, my research question is as following: what are the main similarities and differences of multicultural policies in Kosovo and Macedonia in terms of language rights, political representation and employment opportunities for Kosovo Serbs and Macedonia Albanians?

Another objective is to shed light on the impact of multicultural policies in terms of ethnic-relations in these societies. In other words, what are the main challenges of adopting multicultural policies in such contexts?

Definition and clarification of concepts

- The notion “*national minority*” is fundamental in this study. I will be using Kymlicka’s definition of national minority as a group that is territorially concentrated, is institutionally complete, and shares a common language and culture (Kymlicka, 1995, p. 10).
- However, the term “*ethnic group*” that will be used in our context differs from what Kymlicka understand by an ‘ethnic group’. Kymlicka, by the term ethnic groups refers to immigrants in western democratic societies and policies dedicated for them are known as Polyethnicity policies. According to Kymlicka, ethnic groups (immigrants), do not possess a societal culture, thus their justification for group-differentiated rights is very limited. In our contexts, both Kosovo and Macedonia are considered to be as multi-ethnic societies and ‘ethnicity’ is the basis in which policies are framed in these societies. Therefore, the term ‘ethnic groups’ here does not refer to immigrants but it is rather closely to national minorities.
- The United Nations Minorities Declaration in its article 1 refers to *minorities* as based on national or ethnic, cultural, religious and linguistic identity. Kosovo and Macedonia’s constitutions from a legal point of view are not using the term minority, but rather ‘non-majority communities’. In this study the term *national minority* and *non-majority community* will be used as interchangeably. So, when speaking of national minorities or non-majority communities, I mean a group of people that can be distinguished on the basis of ethnicity or culture and that differs from the majority group.
- In this study as emphasized above, I will use Kymlicka’s understanding of multiculturalism. Kymlicka by multiculturalism understands that sort of diversity that arises from national and ethnic differences. According to him, a multicultural state is when its members either belong to different nations and consequently the national

minority lives in that state. In contrast, when members have emigrated from different nations, the country is considered as a polyethnic state (Kymlicka, 1995, p. 18). Since the target groups of this research are not immigrants but national minorities, from a Kymlickan approach we are talking about a multination state. However, in Kosovo and Macedonia, the constitutional term that is used for expressing the national diversity of their societies is the notion 'multi-ethnicity'. Therefore, in this study the term *multicultural/national society* and *multi-ethnicity society* should be seen as interchangeably.

Research Methodology

As my aim of this study is to analyze and compare multicultural policies in Kosovo and Macedonia, a qualitative study research was selected. Despite the fact that qualitative research differs from quantitative research in terms of concentrating with words rather than numbers, Bryman provides three important distinct features of qualitative researches; a) An inductive view of the relationship between theory and research, b) An epistemological position described as interpretivist, in which the focus is on the understanding of the social world through an examination of the interpretation of that world by its participants, c) An ontological position described as constructionists, which implies that social properties are outcomes of the interactions between individuals, rather than phenomena out there (Bryman, 2012, p. 380).

The key idea behind qualitative research is to learn about the problem or issue from participants to address the research to obtain that information (Creswell, 2007, p. 39). I have chosen this qualitative approach due to the nature of my topic, which is very difficult to measure it in numbers. Further, it makes it possible to collect a large amount of detailed data in very a short period of time. Therefore, I consider qualitative study approach as the most appropriate approach to address my research question and also achieving its objectives.

Data methods

My intention is to include a range of qualitative data methods: semi-structured interview, document analysis of multicultural policies in Kosovo and Macedonia, and an extensive review of existing research and reports relating to ethnic-relations and multicultural policies in the given contexts.

Interviewing

The interview is probably the most widely employed method in qualitative research. It is the flexibility of the interview that makes it so attractive. In qualitative interviewing, the researcher wants rich, detailed answers (Bryman, 2012, pp. 469-70). Kvale, asserts that an interview can be defined as a meeting where a reporter gains information from a person, as a meeting with another person to achieve a specific goal, and more generally, as a conversation with a purpose (Kvale, 2006, p. 483). Since I need rich and detailed answers to analyze and compare multicultural policies in two different countries, the interview as process is considered to be a very important method to achieve the purposes of this study.

Document analysis

Document analysis involves skimming, reading and interpretation. The iterative process combines elements of content analysis and thematic analysis (Bowen, 2009, p. 32). Document analysis is often used in combining with other qualitative study methods in form of a triangulation that is “the combination of methodologies in the study of the same phenomenon” with the purpose of overcoming the deficiencies inherent in a specific method and increasing validity of the research findings (Denzin, 1970, p. 297). The aim of triangulation is it to guard against the accusation that a study’s findings are simply an artifact of a single method, a single course, or a single investigator’s bias (Patton, 1990, p. 470). Indeed, the document analysis in this research can play the supplementary role of the interview method and therefore increase the data validity.

Bowen asserts that document analysis can serve three main purposes. First, documents can provide data on the context within which the research operates. Documents provide background

information as well as historical insight. Such information can help researchers to understand the historical roots of specific issues, second, information contained in documents can suggest some questions that need to be asked and situations that need to be observed as part of the research. Third, documents provide supplementary research data, so information and insights derived from documents can be valuable addition to a knowledge base (Bowen, 2009, p. 30).

The position of the researcher in a qualitative study

Another very significant detail to be discussed is the position of the researcher in a qualitative study. Slightly different from the quantitative studies, the researcher is central to analyzing and interpretation of data. Thereby, reflexivity is an important issue that needs to be taken into account when dealing with qualitative research. Reflexivity is a major strategy for quality control in qualitative research. Researchers need to increasingly focus on self-knowledge and sensitivity; better understand the role of the self in the creation of knowledge; carefully monitor the impact of their biases, beliefs, and personal experiences on their research; and maintain the balance between the personal and the universal (Berger, 2013, p. 2). In addition, reflexivity requires that we suspend our judgment, our propensity for foreclosed inquiry, and our enthusiasm for the early answers that usually seem to present themselves (Russell & Kelly, 2002, p. 10).

In this context, there might be some possible implications in terms of my positionality. I am an ethnic Albanian from Kosovo and have experienced the recent major events happened in Kosovo. Therefore, some of previous information of events in Kosovo is coming from the dominant majority discourse and it might have indirectly an impact on the way how discussion and analysis have been made.

Delimitation

There are identified two major reliability issues when choosing these particular qualitative methods. First of all, the accuracy of some sources may be questionable; and second the problem

is 'subjectivity', or in other words the possible implications of my positionality as explained above.

Additionally one characteristic of qualitative study is also the emergent design. This means that the initial plan for research cannot be tightly prescribed, and that all phases of the process may change or shift after the researcher enter the field and begin to collect data. For example, the questions may change, the forms of data collection may shift, and the individuals studied or planning to interview may be modified (Creswell, 2007, p. 39). This has been the case in my research in which some pre-planned individuals for interview have been modified and also the time of collecting data have been changed, as well.

Research design

My study is tended to be explanatory and descriptive. The design of my study will be a comparative design. This design entails two different cases using more or less identical methods. Regarding to Bryman, the logic of comparison implies that we can understand social phenomena better when they are compared in relation to two or more meaningfully contrasting cases or situations (Bryman, 2012, p. 72). Cross-national comparative research are used to observe social phenomena across nations, to develop explanations of similarities or differences, and to attempt to assess their consequences, whether it is for the purposes of testing theories, or gaining a better understanding of how social processes operate (Hantrais, 1999, p. 93). The key to the comparative design is its ability to allow the distinguishing characteristics of two or more cases to act as a springboard for theoretical reflections about contrast findings (Bryman, 2012, p. 75).

Comparative case studies involve the analysis and synthesis of similarities, differences and patterns across two or more cases that share a common focus or goal (Goodrick, 2014, p. 1). Studies applying this method are more intensive and less extensive since they encompass more of the nuances specific of each case. It provides ways in which to compare similarities and differences across countries to arrive at a series of generalization about a particular issue (Landman, 2009, p. 33).

The type of comparison of this research is referred to as 'case oriented' and since the case is often the unit of analysis, the focus tends to be on similarities and differences among cases rather than analytical relationships between variables (Ibid, p.33). Due to the fact that my study is a comparative analysis of multiculturalism policies in Kosovo and Macedonia, this design fits well on my research questions and objectives.

Moreover, there is a three-dimensional way of classifying comparative studies. The first dimension is geographic/ local. A second dimension represents no locational demographic groupings, including ethnicity, religion, age, and gender, as well as an entire population. The third dimension embraces aspects of education and of society, such as curriculum, teaching methods, finance, management structures, political change, etc. Every comparative study involves all three dimensions (Bray & Murray, 1995, pp. 473-474). In the geographical dimension my study will be focused in the Western Balkan region - to be more precise in two neighbor states, Macedonia and Kosovo. The second dimension will include national minorities in these countries. The last dimension is concentrated on the aspect of the multiculturalism policies, specifically on language rights, political representation of national minorities and employment opportunities for these groups.

Sampling technique

In my research, the technique of purposive sampling is considered to be used. The reason of that is that the research question is the indication of what units need to be sampled. According to Bryman, purposive sampling is a non-probability form of sampling in which the researcher does not seek to sample research participants based on a random basis. The goal of purposive sampling is sample participants in a way, so as those sampled are important for the research questions (Bryman, 2012, p. 418). Therefore, many of the informants in my research are selected in advance; and those a group of suitable informants that are engaged with minority and multicultural issues in the respective countries.

The selected informants come from a variety of working fields, such as minority representatives; people who are working in governmental sector; representatives of particular NGO-s; and

academics in this field. All these people are selected in advance and are seen as important in collecting rich and detailed data. It is obvious that the interviewees come from very different fields, and they are not expert on all the multicultural policies, however, the majority of them have a particular knowledge on a specific multicultural policy. So, due to their related work in this field, it will also make the collected data more reliable and accurate. Further, their data will provide a good ground for analyzing policies from an implementation perspective, and thus analytically relate it with the legal aspect.

The number of selected participants was initially not quantitatively fixed, because my main criterion for the sample size was to achieve data saturation. This means that; successive interviews have formed the basis for the creation of a category and there is no need to continue with data collection in relation to one category or cluster of categories (Bryman, 2012, p. 420). Hence, there are no rules for sample size in qualitative inquiry. Sample size depends on what you want to know, the purpose of the inquiry, what's at stake, what will be useful, what will have credibility, and what can be done with available time and resources (Patton, 1990, p. 184). Specifying minima or maxima for sample sizes is useless (Bryman, 2012, p. 426). Thus, by taking into account all these inter-related factors, I decided and achieved to successfully complete eight (8) semi-structured interviews in general.

Since my research question is specific, I need also specific information, and this target group can provide me a high detailed insight into the subject. Furthermore, in one case in Macedonia I have been used also the snowball sampling, as a technique to find a new informant who was expecting to have a detailed knowledge about my particular topic.

The secondary data derived from selected policy documents, as it is the example of official state documents. The state is the source of a great deal of information it produces a great deal of textual material such as Acts of Parliament and official reports (Bryman, 2012, p. 549); also minority rights reports from non-governmental institutions; and eventually selected articles written by different authors whether national or international. However, the basic documents that I have been used in this research are: "The Comprehensive Proposal for the Kosovo Status Settlement", which is known in other words also as the 'Ahtisaari Plan', and was the foundation of Kosovo's final and current Constitution. Thus, naturally the 'Constitution of the Republic of Kosovo' has been used very significantly during my analysis. In the context of Macedonia, two

documents were of critically importance: "The 1991's Constitution of the Republic of Macedonia" and the "Ohrid Framework Agreement" (OFA). This data is used with the intention to supplement the first method of qualitative interviews. Furthermore, the benefit of analyzing documents is also to assist in generating new questions for my qualitative interviews. As written evidence, the document analysis, unlike the interviewing saved me a plenty of time of transcribing records.

Forms of data collection technique

As I asserted earlier, personal semi-structured interviews have been conducted with minority representatives; Non-Governmental Organization that are operating within issues of minority concern; people who are working in the governmental sector; and academics on this subject. The reason of choosing to conduct interviews with these people is due to the nature of my research which requires specific and detailed knowledge, which can be obtained from people who are familiar with the topic and possess these attributes. The interviews have taken the form of a semi-structured interview. Semi structured interview means that questions may not follow exactly in the way outlined on the schedule (Bryman, 2012, p. 471). The reason of picking the semi-structured interview is that it easier for me to keep a clearly focus on what I want to know. Nevertheless, in a multiple case study research, as it is my case, one needs some structure in order to ensure cross-case comparability (Ibid, p. 472).

In Kosovo, four (4) interviews have been completed. One (1) interviewee was a Parliamentary representative of the Serbian community in Kosovo; (2) two interviewees were people working for the government of Kosovo - in a sector that is closely linked with community issues. And, another interviewee was realized with a member of a community based NGO in Northern Mitrovica – a dominated Serbian minority municipality. On the other hand, in Macedonia four (4) interviews have been conducted, as well. One (1) interviewee was working in a governmental sector that deals with issues of minority concern; (1) interviewee was a former minister coming from the Albanian community in Macedonia and also currently working as a university professor; (1) interviewee was also a university professor who also worked within a NGO; one

(1) another interviewee was head director of a NGO based on Skopje. Further details information about the participants, are shown on the table:

<i>Interviewed people in Kosovo</i>
<ul style="list-style-type: none"> • Alastair Butchart Livingston - is a Senior Adviser working in the Office of Community Affairs, Office of the Prime Minister, in the Government of Kosovo. He has previously worked in the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo. • Blerim Gashi - works in the Office of Community Affairs of the Prime Minister in the Government of Kosovo. • Nenad Rašić – is a parliamentarian representative coming from the Serbian community in Kosovo. He is part of Parliamentarian Commission on Human Rights, Gender Equality, Missing Persons and Petitions. Rašić, was former Minister in the Ministry of Labor and Social Welfare, during the period 2008- 2014. • Milica Andric – is working as a project manager in the NGO AKTIV in Northern Mitrovica.
<i>Interviewed people in Macedonia</i>
<ul style="list-style-type: none"> • Rizvan Sulejmani – is a former Deputy Minister of Defense and Minister of Local-Selfgovernment, and also former director of the Institute for Political and multicultural studies. Further, he was also MP in the Macedonian Parliament. • Peter Atanasov – is a professor of Sociology and Communication at the University “St. Cyril and Methodius”. His major academic interest are Ethnicity and Multiculturalism. He is also the Head of the Postgraduate Studies at the Institute for Sociological, Political and Legal Research at the University “St. Cyril and Methodius”, in Skopje. • Naser Muharremi – a state official coming from the ministry of Local Self-government in Macedonia. • Dusica Perisic – is the director of the Association of the Units of the Local Self-Government of Macedonia (ZELS).

Before starting to contact the informants, I have previously searched on internet on people who are working directly or indirectly with multicultural issues, or are at least are relatively engaged within this field of interest. After that, a previous list of people are identified and considered to be relevant for this research and thereby started to write emails to all of them. As expected not all of the previously selected people did reply back to my emails. However, the majority of them replied did so, and I started immediately to arrange appointments about the place and time with the informants in order to conduct the eye to eye interviews. At the end, in Kosovo three interviews have been realized in Prishtina; and one in Northern Mitrovica (with the NGO Aktiv staff member). On the other hand in Macedonia, all the interviews were held in the city of Skopje – capital of Macedonia.

The language of the conducted interviews was dependent on the fact who I was interviewing. Since my native language is Albanian, it was easy for me to conduct some interviews with participants whom the Albanian language was their native language, too. In total, 3 interviews have been conducted in the Albanian language (one in Kosovo and two in Macedonia). The rest of the interviews (5 in total) have been held in English, since Albanian was not their mother tongue, although, they felt quite comfortable and confident conducting the interview in English. As a matter of fact, English was the native language of one the participants in this study. In general, all interviews have been realized entirely by me, without the need of an external help, such as for example employing a language translator.

Ethical considerations

An interview research is saturated with moral and ethical issues (Kvale, 2007, p. 23). Interviews are considered to be recorded with a media recorder, but before starting to conduct the interview, informants were well known about the research subject and the objectives of my investigation. I have firstly contact them via email, explained all the necessary information regarding to the research, and asked kindly whether they want to participate on it or not. Before conducting the

eye to eye interview, I have let them know about their right to withdraw from this study at any time they want.

Confidentiality is another important aspect which will be taken into account while conducting interviews with the informants. Confidentiality means that private data identifying the subjects will not be reported (Kvale, 2007, p. 27), unless the informants want to be credited with their full name (Ibid, p. 28). In my research, I have first via email informed the participants regarding the confidentiality issues and asked them in advance whether they want to keep their data as anonymous. In order to double-check it, I have asked them again verbally before starting the eye to eye interview. Since my informants were mostly public persons, all of them agreed to conduct the interview without keeping their confidentiality and also expressed their fully confirmation to write their names and any background information when analyzing the data.

At last but not least important is my role as a researcher. Regarding this issue, there are not any kinds of attachment or closeness with the participants. I did not have beforehand any kind of friendship or closeness with the participants, as a matter of fact it was the first time I have ever met the participants - all of them.

Summary

In this chapter, in short I have stated my research question and purposes of this study and made some important clarification on the concepts that have been used. I justified the use of the qualitative methodology and explained in details the main methods used in this research. Some delimitations of the study have been provided and elaborated my role as researcher in this study, as well. In addition, the sample, data collection techniques and research design have been thoroughly explained and justified. In the end, I described also some ethical considerations that have been carefully taken into account during the process of conducting the research.

Chapter II

Theoretical background of multiculturalism as a normative theory and policy

Introduction

Multiculturalism as an ideology and policy is not an easy task to define and explain. Knowing this fact, it is important for this research to make a literature review about what multiculturalism stands for. Plenty of different aspects that are related with multiculturalism will be shortly introduced so as to provide an appropriate theoretical framework regarding this topic.

This chapter is divided in six relevant sections. In the first section, the focus will be on the clarification between the concepts of assimilation, integration and multiculturalism. This will be done by following an ontological approach meaning that concepts of what “something is” sometimes can be understood by explaining what it is not. In this sense, the concept of multiculturalism will be better understood by explaining the two other perspectives; that of assimilation and integration. The second section, will try to develop moral justifications that are rationally acceptable why multiculturalism is a fair policy to implement in a diverse society. In short, I will provide some of normative arguments and theories of political philosophers, such as Kymlicka, Taylor, Habermas, Kukathas and Moodod in order to have a comprehensive theoretical review of multiculturalism. The reason of selecting these eminent scholars is due to the great impact their theories have made to the discussions and debates in the field of multiculturalism.

Furthermore, in the third part the multiculturalism backlash discourse will be explored. This section is important for the fact that there is a tendency to categorize multiculturalism policies as “failed” starting by famous politician statements coming from France, Great Britain and Germany. In the next part, we will take a short insight into the academic debate about which groups shall be included in the multicultural paradigm. The fifth part is going to be about multiculturalism policies dedicated for national minorities. Since national minorities are the main target of my research, briefly some of policies related to national minorities by the multicultural index will be investigated. In the last segment, from Kymlicka’s perspective, some of the main

challenges of adopting multicultural policies in non-western societies will be highlighted. In the end, I will summarize some of the key issues discussed in this chapter.

Multiculturalism as a response to assimilation and integration

There are numerous of methods that try to manage differences between groups, but the most cited ones are assimilation, integration and multiculturalism perspectives. Theoretically, the difference lies in the possibility to manifest their differences in the private and the public sphere (Coello, 2010, p. 15).

Assimilation literally means “making alike”, policies are made to “try to erode the cultural differences between groups” in the public and in the private sphere. (Coello, 2010, p. 16). Kukathas defines assimilationism as a policy that seeks to assimilate outsiders into the existing society, and therefore limiting expands of domestic cultural transformation. States that require all members of society to integrate fully into the ways of the dominant culture are “assimilationist” polities. Modern France is an example of this. It admits a diversity of peoples but strongly requires becoming French. France has usually been portrayed as a prototypical 'assimilationist' country (Kukathas, 2004, p. 5), (Vertovec & Wessendorf, 2010, p. 25). However, a familiar version of assimilation is the American melting pot as well. Assimilation there has been a major strategy to control difference. There are forms of monoculturalism, or nationalionalism framed by a cultural hegemony. Group boundaries are taken to be fluid except those of the dominant group: all groups are expected to gradually melt and converge on the center (Pieterse, 2004, p. 37).

On the other hand, policies of integration seek to bring people of various ethnic backgrounds closer by asserting one, common public identity or culture, yet allowing or tolerating manifestations of differences in the private sphere (Coello, 2010, p. 16). Integrationists primarily seek the equality of individual citizens before the law and within public institutions. They are against the public institutional recognition of group identities (Choudhry, 2008, p. 41). Examples of integration strategies include common state institutions, “ethnically blind” public policies, the promotion of individual rather than communal rights, the design of mixed or non-ethnic

territorial entities, and electoral systems which encourage the formation of pre-election coalitions across ethnic divides (Lyon, 2013, p. 87).

Despite that, multiculturalist scholars incline to demonstrate how difference-blind principles were in reality a manifestation of one dominant cultural system of beliefs. Kymlicka argues that the idea of being ethno-culturally neutral in a liberal democratic state is manifestly false (Kymlicka 2001, 24). The claim of state neutrality with the difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture (Taylor 1994, 43). Most polities will have a history in which one or more dominant cultural, linguistic or religious groups have fashioned institutions and conventions to suit themselves (Modood 2007, 23). Kymlicka is defending this position by reasoning that, first, mainstream institutions are not neutral but rather supporting the interests and identities of the dominant group. Second, if the interests in recognition, identity, language and cultural membership are ignored or trivialized by the state, then people will feel harmed- even if their civil, political and welfare rights are respected. As a result of these unfair disadvantages minorities must be compensated with certain group rights (Kymlicka 2001, 33).

With this in mind, multiculturalism can be described as a position that rejects assimilation and the "melting pot" image as an imposition of the dominant culture, and instead prefers such metaphors as the "salad bowl" or the "glorious mosaic," in which ethnic and racial element in the population maintain its distinctiveness (Glazer, 1997, p. 10). Multiculturalism is characterized as a feel-good celebration of ethno-cultural diversity, encouraging citizens to acknowledge and embrace the panoply of customs, traditions, music, and cuisine that exist in a multi-ethnic society (Kymlicka, 2010, p. 33). Thus, the question is no longer whether to adopt multiculturalism, but rather what kind of multiculturalism is needed. 'We are all multiculturalists now', was Glazer's famous pronouncement, underlying that multiculturalism now is an evitable thing and one has to accept it (Glazer 1997, 160).

The philosophical foundation of multiculturalism

This section tries to give a briefly explanation of the moral justifications for embracing multiculturalism as the ideal social ideology when dealing with group-differences in multinational states. Nevertheless, it is important to grasp that there is no consensus among the academics about what multiculturalism really is, neither as an ideology nor as a policy. Michael Murphy claims that there is no set of core normative principles that all multiculturalist may agree upon, in other words there is not any standard agreement about the moral standpoint of justifying multiculturalism. Besides that, multiculturalists also disagree about which kinds of minorities belong inside the multicultural pot. Another disagreement between them, according to Murphy, is over the issue whether race, religion, gender and sexual orientation should be considered as multicultural subjects or entirely distinct phenomena (Murphy 2012, 12). Despite saying that, we will take a short look to some of the well-known multicultural theorists in order to view their philosophical justifications for adopting multiculturalism as the 'prima facie' policy in a diverse society.

Some argue that the ideology of multiculturalism is based on the Kantian principle of individual freedom to live by the rules and judgments of one's own rationality. It was further developed into the theories of liberalism. Liberalism assumes that individuals have some fundamental freedoms, and of these is the liberty to explore and to choose the concept of what is the 'good life'. For this, two preconditions are needed: the freedoms and the resources. By freedom it is meant that individuals should be able to choose between different concepts of the 'good life'; by resources, it is meant that not only should different lifestyles and culture exists, but the state should create the opportunities necessary for different cultures to exist so that individuals can explore, question and compare what they consider best for themselves in the light of other perspectives (Coello 2010, 21).

On the other hand, Charles Taylor as a communitarian claims that the demand for multiculturalism comes to the urgency in linking identity and recognition. He asserts that our identity is partly shaped by recognition or its absence, or misrecognition by others. Non-recognition or misrecognition can cause harm, and can be a form of oppression, by incarcerating someone in a false, misrepresented mode of being (Taylor 1994, 25). Charles Taylor is

considered as a communitarian who emphasizes the role of communities in shaping individual identity. In order to understand the relation between identity and recognition, one has to take into account the crucial feature of the human life; its genesis. It is not monological, not something each person accomplishes on his own, but dialogical (Taylor 1994, 32). Saying it differently, an identity crucially depends on the dialogical relations with others, and this is why culture matters and ought to be recognized with a politics of difference. This politics of difference asks to recognize the crucial identity of group distinctness that has been ignored or assimilated to a dominant majority identity in the past (Ibid, p. 38).

The famous German political philosopher, Jurgen Habermas, argues that rights are derived from individuals who are not atomistic. Instead individuals sit to each other, collaborate with one another as free and equal subjects (Habermas J. , 1996, p. 89). Habermas' discourse principle asserts that every one that faces the consequences of any norm has the right to participate in the rational discourse which eventually will lead to a consensus (Ibid, p. 127). Implicitly one can say, according to Habermas, minorities should have a voice in the public discourse and any norm that may affect them badly, for example by not recognizing their minority rights, cannot be enforced as a law because it would be illegitimate. In spite of that, Habermas' critique in Taylor's 'politics of recognition' is that an equal right for different ethnic group does not need to be protected by collective rights that would undermine individual rights of persons. Presuming that such group rights could be granted in a multinational democratic state, they would be questionable from a normative point of view (Habermas 1994, 130).

Will Kymlicka is another prominent scholar of multiculturalism who believes that the debate of multiculturalism is no longer one between liberalism and communitarianism but rather one among the liberalist camp about the meaning of liberalism itself (Kymlicka 2001, 21). Kymlicka is an exponent of the idea of individual autonomy; his arguments are that there are interests related to culture and identity which are fully consistent with the liberal principles of freedom and equality and which justify granting special rights to minorities. He calls this the liberal culturalist position (Kymlicka, 2002, 339). Kymlicka justifies minority rights by saying that (a) many institutions are not neutral, but rather are implicitly or explicitly tilted towards the interests and identities of the majority group. This creates a range of burdens and exclusions for members of minority groups which can only be compensated by providing them minority rights; and (b)

by emphasizing the importance of certain interests in recognition, identity, language, and cultural membership. If these interests are ignored by the state, then people will feel harmed, even if their civil, political and welfare rights are respected (Kymlicka, 2001, 32).

The radical philosopher of multiculturalism is considered to be Chandran Kukathas; he is closest to adopt a sort of radical relativist assumptions, even though he denies it himself (Murphy 2012, 23). Kukathas is a libertarian and generally libertarians hold the view that the state has a minimal role in interfering in human affairs. It should do so only if it is necessary for maintaining peace and order to the individuals. Kukathas expresses this position when he says that: "the state's only concern is with upholding the framework of law within which individuals and groups can function peacefully" (Kukathas 1998, 691). The duty of a state is that what Robert Nozick would call 'a night watchman', that upholds order only if needed. From a liberal point of view, it does not matter what happens to the identities of particular groups or to the identities of individuals. Whether some groups fragment into a number of smaller associations or are assimilated into the dominant culture of the wider society, or disappear altogether, does not matter from the liberal standpoint (Kukathas 1998, 692). Put it differently, Kukathas' liberalism is the liberalism of the limited state; and the foundation of this liberalism lies in a particular view of freedom, that is the freedom of individuals to associate or dissociate from others in pursuit of their diverse – although often shared-ends (Kukathas 1998, 697).

The multiculturalism backlash

Steven Vertovec and Susanne Wessendorf claimed that "*we are witnessing remarkably common claims by a way of critical assessments of multiculturalism*". (Vertovec and Wessendorf 2010, 6) In other words, there is a national backlash discourse among western European societies to condemn multiculturalism as the appropriate policy when dealing with diversity or group-accommodation. The most common complaint for multiculturalism is that it has driven to social breakdown by promoting ethnic separatism, an explicit rejection of common national values, and a lack of interest in social integration (Vertovec & Wessendorf, 2010, p. 7).

There is another critique of those who see the moral foundation of multiculturalism directly linked with the cultural relativism reference. According to this critique, cultural relativism portrays all aspect of cultures as good, and because of this reason, critics say, multiculturalism supports 'backward minority cultures', unequal treatment of women, forced marriages, honor killings and female genital mutilation (Ibid, p. 9).

The term has already been successfully associated with the idea of misguided policy (Ibid, p. 14). To add some more fuel to the fire in this discourse, in the year 2010, the German Chancellor Angela Merkel proclaimed that multiculturalism has utterly failed in Germany (Guardian 2010). In February 2011, the British Prime Minister David Cameron also publicly announced that multiculturalism has failed, by pointing that the British society needs much more muscular liberalism and a lot less of passive tolerance of the recent years (BBC 2011). This multiculturalism backlash discourse appeared in France as well, when Nicolas Sarkozy declares multiculturalism as a failed policy (Telegraph 2011).

Diversity is being used in today's policy documents, the term now meant to do much of the work that 'multicultural used to', to reduce discrimination; to promote equality of opportunity and overcome barriers to full participation in society (Vertovec and Wessendorf 2010, 19). Linking all such discourse in an assumed, sequential logic that (a) multiculturalism fosters accentuated or preserved cultural differences, (b) such differences lead to communal separateness and (c) separateness deepens socio-economic standing, intensifies the breakdown of social relations and provides an incubator for extremism and possible terrorism. Within this line of thinking, the blame on multiculturalism also entails blame on immigrants/ethnic minorities themselves; as the reasoning goes, it is their own desire to maintain cultural traditions and distinct identities – a desire that multiculturalism supports – which leads to all these negative consequences (Ibid, p. 13).

Kymlicka, on the other hand asserted that the reports of multiculturalism's death are very much exaggerated. We need to keep in mind the different forms that multiculturalism takes, only some of which have faced serious backlash. The trend towards enhanced land rights for, self-government powers and customary law for indigenous peoples, and the trends toward enhanced language rights and regional autonomy for sub-national groups remain fully in place in Western democracies. It is only with respect to immigrant groups that we see any serious retreat. Here,

there has been a backlash against multiculturalism policies relating to migrants in several Western democracies (Kymlicka, 2010, p. 40). Coello suggested that the implementation of policies of multiculturalism in some countries (for example in Netherland) have been temporary and unfulfilled. Therefore, concluding that multiculturalism has failed is very mistaken (Coello, 2010, p. 47).

Which groups are included in multiculturalism?

Multiculturalism, basically as concluded in the previous sections aims to protect minorities from being assimilated by the majority culture. Nonetheless, it is important to understand the academic debate about which groups should be included in the multiculturalism tool.

Taylor stated that the claim of state neutrality with the difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture (Taylor 1994, 43). Kymlicka argues the same, "*the idea of being ethno-culturally neutral in a liberal democratic state is manifestly false*". (Kymlicka 2001, 24) Kymlicka separated minorities into two main categorical groups: national minorities and immigrants.

National minorities own a societal culture which means they are territorially concentrated, share a language and possess a variety of societal institutions such as schools, media, law, economy, and government. Freedom for the members of the members of national minorities involves the ability to live and work in their own societal culture (Kymlicka 2001, 25-55). Kymlicka claims that promoting integration into a societal culture is part of nation-building project that all liberal democracies have adopted; yet states can promote more than one societal culture. This is why national minorities should have the same tools of nation-building available to them as the majority nation (Kymlicka 2001, 25-29). Despite that, he takes a very different approach when it comes to the second group, immigrants. He does not advocate group-differential rights for immigrants as it is the case with national minorities, but rather fair terms of integration. The justification for this comes from the idea that immigrants, firstly, do not own a societal culture, and second; they have made a voluntary choice to emigrate (Kymlicka 2001, 55). Parekh interprets it in this form; national minorities have the strongest and voluntary immigrant the weakest claim; the rest falls in between (Parekh 2002, 102).

On the other hand, Tariq Modood is making an important critique to Kymlicka's theory, because of its distinction to treat national minority and religious groups differently. Modood is asking if neutrality is incoherent to ethno-cultural groups, then is it not unfair to ethno-religious groups as well. Kymlicka thinks that liberal neutrality in relation to religion is correct and not problematic and there is certain blindness here, Modood calls it a secular bias (Modood 2007, 25). The critique of state neutrality is limited; it does not extend to religious groups. Modood's commentary is why Kymlicka treats ethnic and religious groups in such a radically different matter. Putting religious outside of the multiculturalism realm may function in USA, Canada or Australia, but it makes multiculturalism irrelevant in the European context. Modood is suggesting a theory of multiculturalism that brings together rather than drives apart ethnicity and religion (Modood 2007, 28-33).

Multiculturalism policies of national minorities

As it was said, Kymlicka is one of the major political philosophers that theorized the rights of cultural minorities. His theory is considered as one of the most influential in the area of multiculturalism. One of greatest contribution of Kymlicka is that he explains multiculturalism inside a liberal framework, and unlike of many other liberals he claims that ethno-cultural neutrality is impossible. Furthermore, Kymlicka provides clear differences in terms of which groups shall be granted with 'group differential rights'. Thus, I consider it as reasonable to use Kymlicka's theoretical framework as a basis to explain and analyze multicultural policies in Kosovo and Macedonia and compare them.

When it comes to the area of policies, it is necessary to say that there is no single multicultural policy but rather there are several multicultural policies. Michael Murphy has identified seven dimensions of multicultural policies. These dimensions are: a) political voice, b) symbols, c) redistribution of goods, d) protection, e) exemptions, f) assistance and g) autonomy. However, the multiculturalism policy index² is more relevant since it has divided the appropriate policies

² The Multiculturalism Policy Index is a scholarly research project that monitors the evolution of multiculturalism policies in 21 Western democracies. The project is designed to provide information about multiculturalism policies

according to specific groups, whether they are immigrant minorities, indigenous peoples or national minorities. Since my target groups are national minorities in Kosovo and Macedonia, I will briefly describe the six policies according to the index, so as to have a clear image of these policies. Yet, not all of provided policies will be taken into account in my analysis chapters, since I have previously decided that my focus will be on language policies, political representation and employment policies.

Kymlicka has provided six multicultural policies for national minorities: 1. Federal or quasi federal territorial autonomy, 2. Official language status, 3. Guarantees of representation in the central government or on constitutional courts, 4. Public funding of minority language universities/ schools/media, 5. Constitutional or parliamentary affirmation of “multinationalism”, 6. According international personality (Kymlicka, 2010, p. 37).

a. Federal or quasi federal territorial autonomy

Autonomy grants minorities a measure of independent jurisdictional autonomy and the right to govern aspects of their own affairs relatively free of state oversight or interference (Murphy 2012, 43). Despite that fact, it is important to make clear two concepts of autonomy: territorial autonomy and non-territorial autonomy. Territorial autonomy is defined in territorial terms, thus a population living in a certain territory is granted an autonomous status regardless of whether the individuals living on this territory belong to one or another cultural (ethnic) group. Territorial autonomy can be implemented in various degrees, from so-called administrative autonomy to full self-government. Administrative autonomy describes an arrangement of executive independence within the framework of central legislation, thus, the autonomous territory does not have its own legislature or judicial system. Full self-government, on the other hand, incorporates the right for the population of the designated autonomous territory to elect its own legislature, it endows them with the authority to take charge of all executive and administrative functions usually provided by the central state institutions except in areas of foreign and defense policy and in relation to the broad framework of economic and monetary policy, and also grants significant judicial powers to the autonomous entity (Weller & Wolf, 2006, p. 12).

in a standardized format that aids comparative research and contributes to the understanding of state-minority relations. Web page: <http://www.queensu.ca/mcp/>

Non-territorial autonomy means that the autonomous entity is defined in personal terms, that is, a particular (ethnic) group is granted autonomy rights and all of its members can enjoy these rights, regardless of where they live on the territory of their host-state (Weller & Wolf, 2006, p. 13).

b. Official language status

In the contemporary world every society is characterized by at least some degree of linguistic diversity. Multicultural politics concerning freedom of expression, the content of curricula, official language, access to media, and the like, moreover, can properly be called 'identity politics' (Young, 2002, p. 107). Granting minorities with official recognition of their language; either in the national or local level is a recognition of their cultural identity.

According official language status to a minority's language is partly valued as a form of symbolic "recognition" of a historically-stigmatized language. But is also a form of economic and political empowerment: the more a minority's language is used in public institutions, the more its speakers have access to employment opportunities and decision-making procedures (Kymlicka, 2010). Policies that help to promote and protect minority languages have an effect in ensuring the survival of the minority communities themselves (Murphy, 2012, p. 38).

c. Public funding of minority-language universities/schools/media

Public funding for separate minority schools, play a vital role in the transmission of minority languages, histories, and belief systems to future generations (Murphy, 2012, p. 41). Public funding for things like minority education, festivals, cultural associations or media outlets can be justified as a means of reducing the unequal burden these groups must bear in their efforts to sustain elements of their own cultural heritage.

Affirmative action is another well-known assistance policy, and is employed as a means of increasing the presence of minorities in legislatures, judiciaries, armed forces, and police services, institutions of higher education and bureaucracies (Murphy, 2012, p. 42).

d. Guarantees of representation in the central government or on constitutional courts

Electoral systems determine how votes are translated into parliamentary seats. It regulates how many votes and what kind of votes are needed in order to get a seat in parliament for a candidate or a party. Differently electoral systems produce different results and give the voters different kinds of choices. Furthermore, electoral districts can be drawn in a way that a minority becomes a majority in a local administrative level. In contrast, electoral system can also be designed in such a way as to make a minority politically powerless. Therefore, what kind of electoral system is used in a multicultural and/or post-conflict society is very important in terms of accommodating minorities and enhancing ethnic-relations.

There is a scholar debate which electoral system is best to use in a post-conflict society. This is widely known as the Lijphart – Horowitz debate which will be elaborated in details in the political representation analysis chapter.

e. Constitutional or parliamentary affirmation of multinationalism

Arend Lijphart focus was on institutional mechanisms of power-sharing such as coalition governments and veto rights to address issues (conflict) between ethnic and national groups. However, it does not resolve disagreements over the normative principles that are to apply to the entire state (Lerner, 2011, p. 38). The character of the constitution of a state has either to be plurinational which means that there exist two or more nations on the state's territory or it can partially recognize the existence of more than one nation (the majority one), however the minority groups have a distinct-status such as for example: communities, regions, or linguistic minorities, that gives them special group rights. (Multiculturalism Policy Index, <http://www.queensu.ca/mcp>)

f. Accorded international personality

Minority nations have been accorded an international personality through one or more of the following:

- Minorities have legislative competence on the international personality scene in their areas of internal competencies (constitutionally or de facto);

- Minorities have authority to sign bilateral or multilateral treaties;
- Minorities can be represented on international bodies or have their own delegations abroad;
- Minorities have their own team at the Olympics and other international sporting events.

Nevertheless, there is also another approach which “partially” grants minorities an international personhood. Such policies are when minorities are consulted by the state when it comes to making policy decisions on the international scene but cannot make unilateral decisions on matters in their areas of internal competence. Minorities can be represented on international bodies or have their own delegations abroad, but under the authority of the central state. Minorities have their own team at regional sporting events (Multiculturalism Policy Index, <http://www.queensu.ca/mcp>).

Factors that influence the adoption of multicultural policies

Kymlicka argues that there are several factors that can either facilitate or impede the successful implementation of multicultural policies in a diverse society. According to him, not all attempts to adopt models of multiculturalism have achieved their intended effects. Nevertheless, Kymlicka in this specific case talks about immigrant multiculturalism, although, I consider that some of the provided factors are also strongly related when discussing of national minorities. According to Kymlicka, factors that may have a positive or negative impact in adopting multicultural policies are described as below:

- Desecuritization of ethnic relations – Multiculturalism works best if relation between the state and minorities are seen as an issue of social policy, not as an issue of state security. If the state perceives minorities as an issue of security threat, support for multiculturalism will drop, and the voices for multicultural claims will be diminished.
- Human rights - support for multiculturalism rests on the assumption that there is a commitment to human rights. If states perceive certain groups as unable or unwilling to respect human rights norms, they are unlikely to provide them group differential rights.

- Border control – multiculturalism is more controversial when citizens fear they lack control over their borders.
- Diversity of immigrant groups – multiculturalism works best when it is genuinely multicultural, meaning that immigrants (in our case national minorities), come from many countries rather than coming from just one, which is likely to lead to polarized relations with the majority.
- Economic contributions – support for multiculturalism depends on the perception whether groups are making good efforts to economically contribute to society. (Kymlicka, 2012)

Conclusion

The debate of multiculturalism is a very complex one. It is not only a dispute between liberalism and communitarianism, yet also inside the liberalism paradigm about the meaning of it. Multiculturalism as a political philosophically is defended in various ways from different scholars; it is highly depended on the basic principles which are taken as moral starting points in framing one's theory. Therefore, there is no single normative justification of why we need multiculturalism but rather there are multi-perspectives in justifying it as a theory and policy.

Kymlicka is one of the major political philosophers that theorized the rights of cultural minorities. His theory is considered as one of the most influential in the area of multiculturalism. One of greatest contribution of Kymlicka is that he explains multiculturalism inside a liberal framework, and unlike of many liberals he claims ethno cultural neutrality is impossible, and that is the reason why we need to address these unjust affairs. He provides clear differences in terms of which groups shall be granted with 'group differential rights' and has designed specific multicultural policies that are appropriate for national minorities. Thus, I consider it as reasonable to try to use Kymlicka's theoretical framework as some sort of basis to explain the multicultural policies for national minorities in Kosovo and Macedonia and to compare them. I also assess that Moodod's critique on Kymlicka about neglecting religious groups from the multicultural paradigm is interesting and might be well applied in other contexts, but it is not relevant for the units of my analysis. Religion might be part of the ethno-cultural aspect, but

these differences are not the major driven force for ethnic differences. For instance, the Albanians whether they are from Kosovo, Macedonia or Albania do not define themselves according to religious criteria but rather based on their ethno-cultural distinctiveness.

Nevertheless, as it has been previously stated in my analysis three main multicultural policies will be investigated, two of which are explicitly mentioned in the multicultural index and one implicitly. The first is the official language rights policy, the next one is the political representation of minorities, and the third is regarding to employment policies for minorities which can be placed as sub-element on the dimension of "*Public funding of minority-language universities/schools/media*", since affirmative actions used in these issues can well be applied in employment, too. I have chosen these policies not that I find them more relevant than the others, but already many writings have been focused for instance on the political autonomy of minorities, therefore I consider it as important to shift the point on other important aspects of multicultural policies in these societies.

Chapter III

Minority language policies in Kosovo and Macedonia

Introduction

In this analysis chapter, language policies in Kosovo and Macedonia will be described, critically analyzed and compared. First, I will provide some normative theoretical discussions of minority language rights, according to relevant scholars such as Will Kymlicka, Alan Patten and Charles Taylor. Second, language policies in Kosovo will be explained and analyzed in detail by critically assessing some of the main concerns in the adoption of this policy in the Kosovan context. Afterwards, I will briefly try to do the same analysis within the Macedonian setting. In the end, a comparative conclusion of language policies in Kosovo and Macedonia will be presented in order to evaluate the similarities and differences of this important dimension of multiculturalism.

Theoretical discussion of minority language rights

Many theorists have tried to explain why a theory of language rights is needed? From a classical liberal perspective, the appropriate solution would be just leaving in the choice up to the individuals, with so called “ethnic-blind” policies. Relating it to the context of language policy, the state should not support or neglect a particular language. This classical liberal viewpoint tries to correlate it with the separation of the state and church, in which the state should not recognize or support a particular church, the same ought to be valid with the language policy (Kymlicka & Patten , 2003, p. 9). Nevertheless, this is practically impossible, because the state have to decide which language its institutions will operate or which language ought to be learned in national schools. According to Kymlicka, human rights are also insufficient to prevent ethno-cultural

injustice. The majority can invoke human rights principles to reject linguistic policies that try to protect the territorial viability of minority communities (Kymlicka 2001, 80).

Inside the language rights debate, firstly there are two extreme opposite perspectives regarding the issue of implementing appropriate policies in this context. The first approach is associated with nation-building projects of the nineteenth and twentieth centuries which seek to diffuse a common spoken language in the whole territory of a state. Governments have usually adopted the majority's language as the one "official language" that shall be used as the language of government, bureaucracy, courts, schools, and so on. This policy is often defended in the name of "efficiency", although it is also adopted to ensure the eventual assimilation of the national minority into the majority group (Kymlicka 2001, 78).

On the other side, some scholars assume that language policy should aim to prevent linguistic assimilation, in order to maintain cultural survival. Taylor is an exponent of the later approach; he relates languages policies with the meaning of identity. Taylor argued that the nation-building model is unfair, because the unique identity of the individual any group was not recognized. This distinctiveness has been ignored, and assimilated toward the dominant majority identity (Taylor, 1994, p. 36). Taylor's solution for struggle of recognition is a regime of reciprocal recognition among equals (Ibid, p.50).

The liberal proceduralist approach, supported by Kymlicka and Patten says that we should assess language policies not by asking about the outcomes, but by asking whether the conditions and procedures under which people form their linguistic repertoires are appropriate or not (Kymlicka & Patten, 2003, p. 17). According to this approach, both the nation-building and the language survival approach formulate the outcomes of a language policy. For the first one, the outcome is a single common language diffused among all citizens of the state. For the later, it involves the preservation of languages that are vulnerable to disappearance of marginalization (Ibid, p.16).

Nonetheless, Charles Taylor does not agree with this procedural from of liberalism, because according to him a) it insists on uniform application of the rules defining these rights, without exception, and b) it is suspicious of collective goals. He calls it inhospitable to difference because it fails to accommodate what the members of distinct societies really aspire to, which is

survival (Taylor, 1994, p. 60). Taylor thinks that Kymlicka's theory fails to capture the actual demands that groups are requiring, and that is cultural survival for infinitive future (Ibid, p.41).

On the other hand, the proceduralist approach response is that there are internal group differences concerning the attachment to a language and we should not seek to impose the preferences of one sub-group onto everybody. The strength of the identity interest in language varies within and between groups, and any plausible normative theory must respect this (Kymlicka & Patten, 2003, p. 16).

Alan Patten, inside this proceduralist discourse gives the model of an official multilingualism in multicultural states. Under official multilingualism, each language spoken in the community enjoys the same benefits of the law. The aim of the official multilingualism approach is to provide a form of equality – equality of treatment between speakers of different languages. So considering this fact, many minority languages will often turn out to be a necessary part of the institutional framework that established fair background conditions under which members of different language communities can each strive for the survival and success of their respective languages (Patten 2014, 200). Saying it differently, Kymlicka and Pattern support the idea of equal opportunity for each community in preserving their language, but they do not pay attention to the outcome of a language policy. In order to make it more clear, what distinguish this approach from Charles Taylor is the point that they are calling for an equal recognition of official multilingualism in multicultural states but are not concerned about the outcome, which might convergence to the common language or the preservation of minority language. Charles Taylor, on other hand strives for the survival of a minority language, and is very much interested in the outcomes of a language policy.

In some states that have chosen to adopt some degree of institutional multilingualism, one notices two different approaches. In some cases, several languages are recognized across the state, not matter where a speaker of one of these languages lives. All of them have the same rights with respect to education, public services, courts and etc. In other cases, there is an attempt to identify regional patterns of language use within a state. Under this approach, language rights are given dependent on where or in which part of the state one is living. This first is called the personality principle and the latter is generally labeled as the "territoriality principle" (Patten, 2014, p. 228).

Kosovo's legal and policy framework in terms of language rights

The right to use one's own language is one of the central rights enjoyed by persons belonging to national minorities and it is a right guaranteed by Council of Europe Framework Convention for the Protection of National Minorities. Despite the fact that Kosovo as a new state has not signed yet any of the international human rights agreements and instruments, they are however directly applicable in the Republic of Kosovo. Furthermore, if there is a conflict between the laws in Kosovo and the international human rights agreements and instruments, the latter have priority over the former. *"Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions"*. (Kosovo's constitution, article 22 n.d., 6)

The government of Kosovo adopted in 2006 the law on the use of languages and has been the same since. This policy document clearly gives an equal status of Albanian and Serbian as official languages in the territory of Kosovo. The purpose of the law was to ensure that communities in Kosovo preserve maintain and promote their linguistic identity. The law also recognized other languages which are spoken by more than three percent of population at the municipal level, or if a language has been traditionally spoken in a municipality (Law on the use of language, 2006).

The Government and Kosovo institutions shall adopt all the necessary measures in order to promote the use and equal status of official language, as well as ensuring the protection and preservation of these languages (Ibid, article 31). Moreover, a Language Commission is established in order to supervise the implementation of the Law on the Use of Languages. (Ibid, article 32).

What is important to highlight is the term "preserve", which is related very much to Taylor's argument on group survival. Taylor asserts that policies shall be designed to serve the cultural survival; meaning that it involves making sure that there is a community of people in the future that will want to avail itself of the opportunity to use the language. Policies aimed at survival actively seek to create members of community in assuring that future generations continue to identify as speakers of that language (Taylor 1994, 59).

The de jure perspective seems to embrace very well an important policy of multiculturalism, and that is the use of a national minority language. Kosovo's legal framework provides crucial safeguards for extensive language rights of different communities living in Kosovo, and especially for the Serbian minority since their language is an official recognized state language. In other words, there is an equalizing on the use of language between the majority that are Kosovo Albanians and the minority that are Kosovo Serbs. This appears to be close to Kymlicka's liberal culturalist position and his argument about external protections that provides group differentiated rights for minorities. Minority rights are consistent with liberal culturalism if (a) they protect the freedom of individuals within the group; and (b) they promote relations of equality (non-dominance) between groups. (Kymlicka 2001, 23). In this perspective, Kosovo's law on the use of language clearly gives de jure the equalization on the use of language for the Serbian minority in Kosovo.

Translation of basic laws and documents in the minority language in Kosovo

As it was shown, the Serbian language in Kosovo is symbolically recognizes as equal with the Albanian majority language. This is well enshrined in the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari plan) and Kosovo's constitution. However, an important point raised by some interviewees is that this policy, nonetheless, lacks an effective implementation. The informants agree that there are plenty of mistakes when it comes to the translation of certain laws into the Serbian language.

Nenad Rašić, a representative of the Serbian minority in Kosovo's parliament points out the fact that laws that are passed by the Assembly of Kosovo, lack a proper translation. *"If you read the laws from the Assembly of Kosovo in Albanian, English and Serbian language you will realize that in the Serbian language it does not make sense, definitely not"*. Consequently, he thinks that this might create a language barrier, especially for his deputy colleagues in the Parliament of Kosovo who speak neither Albanian nor English. *"The laws do not make sense, and when I read them I have it easier because I understand English and Albanian very well, but for my colleagues who do not speak any of the other languages, it is very problematic because the essence of the law, article, or paragraph does absolutely makes no sense."* (N. Rašić, personal interview, 2016)

Further, in the prime-minister's office there are also documents that need to be translated the Serbian language, but many of these documents are translated badly. (A. Livingstone, personal interview, 2016). An investigation in 2014, done by the Serbian-language institute *Frankfurtske Vesti* uncovered more than 5,500 mistakes in the Serbian translation of Kosovo's Criminal Code, while over 4,000 more were found in the Kosovo Constitution and seven other Kosovo laws. Even the Serbian translation of the law on languages itself contains 249 mistakes on just 11 pages of text (Ostojic, 2016).

While some of these translations might easily be interpreted, some of them are ambiguous and have the potential to cause legal problems. Considering this fact, it is noteworthy to analyze the causes that brought to a situation where basic laws and documents are not well translated to the Serbian language – which is an official state language in the Republic of Kosovo and institutions have an obligation to ensure that the law on the use of language is properly being implemented.

Most of the interviewees agreed that the causes are basically the lack of human and financial resources. In terms of human resources, usually the most professional translators are working for international organizations in Kosovo. There are economic reasons for this – they are better paid there comparing to a job in any of the institutions in Kosovo (A. Livingstone, personal interview, 2016). Despite this, there is also a lack of insufficient translators that are working in some central governmental institutions. There are totally 48 translators at the central level, which is an insufficient number. There are usually one or two translators per ministry whereas in the ministry of agriculture and ministry of EU integration there are no translators at all. Another relevant point is that out of these 48 translators, 41 do not have Serbian as their mother tongue (M. Andric, personal interview, 2016).

Furthermore, some of interviews perceived that you can barely find public servants in central and local level who speak the Serbian minority language. According to Nenad Rašić, some of the municipalities are also lacking public servants who speak the Serbian language and this creates a language barrier for the Serbian community. *“When often ordinary people from the Serbian community are going to municipal offices and are contacting public servants, they are unable to communicate and understand each-other, although it is an obligation of the servants to understand the other language”*. On the other hand, Milica, provided a personal example when she was unable to follow a session in the Kosovo Assembly because there was no translation

offered in the Serbian language. *"I took a group of Serbs to follow the committee on the EU integration in Kosovo's assembly, and we did not have a simultaneous translation. This is an obligation of Kosovo's institution, so we could not follow up the work of the committee"*.

The law on the use of language in the Republic of Kosovo has various obstacles in its implementation process. As most of the participants agreed, basic laws and documents in the Serbian language are not properly translated, public servants who speak the Serbian language are rare, albeit the Serbian language is an official state language, and all this creates a language barrier for the Serbian community living in Kosovo. An important question to ask is how do we suppose that the Serbian minority will feel that they belong to this society if they do not understand the basic laws and documents of the Republic of Kosovo? The lack of real implementation of the language policy in Kosovo makes this specific dimension of multiculturalism relatively weak.

In the Republic of Kosovo problems are not judicial in nature since the Serbian minority language has an equal status with the Albanian language in Kosovo but rather the effective implementation of this policy. Kosovo's institutional framework provides the Serbian minority language an equal status with the Albanian language as the two official languages spoken in the whole territory of Kosovo. This is close to Patten and Kymlicka's theory of language rights since their theory is focused on ensuring fair opportunities for language survival by an institutional framework. Further, between the personality language principle and the territorial one, *de jure* Kosovo has adopted the personality principle, meaning that no matter where citizens are living in the country, they should enjoy the same set of language rights. Despite this fact, the lack of a real implementation of the language policy in Kosovo makes this specific dimension of multiculturalism relatively weak. In this context, the outcomes of this language policy are fragile and not in harmony with the rights guaranteed in the constitutional framework. In addition, its implementation also provides a practical ground which might be more close to the territorial principle.

Language policies in Northern Kosovo

The adequate implementation of the Serbian language in some of the central government institutions and municipalities as affirmed by the participants is missing yet, and what is worth noting is the fact that also the Albanian language is not being respected in the Northern Kosovo- which is dominated by Serbian municipalities.

One informant claimed that there is basically no Albanian translation offered in the Northern Serbian Municipalities. He critically asked “*do you have translations of laws in Albanian in northern municipalities?*” (B. Gashi, personal interview, 2016) In addition, he explained that the point is not dividing Albanians and Serbians, but it is due to the lack of technical capacities within the institutions to implement these policies (Ibid).

Another informant also agrees that Albanian language as an official state language is not being respected in the Northern part of Kosovo. “*You cannot find the documents in the Albanian language; you cannot find public servants speaking in Albanian*”. Further, she explained that the reason is because northern municipalities are still working in the Serbian parallel-system. “*The administrations of the four municipalities are still working in the Serbian system*”. (M. Andric, personal interview, 2016)

In Kosovo, we have a situation in which de jure there is a personal bilingualism, meaning that both the Albanian majority and the Serbian minority languages have an equal official status throughout the whole territory of Kosovo. In other words, the personal principle of language rights is de jure present in Kosovo. However, when analyzing the implementation of this policy, it might be closer to what Kymlicka refers as territorial bilingualism, in which the official recognition of a language depends on a territory where a state minority is basically a majority in that region or area.

Thus, the Serbian language is not well respected in some central and dominated Albanian municipalities, on the other side the Albanian language is not respected in the Northern Serbian dominated municipalities. This indicates that de facto in Kosovo there is a policy which is more close to that of territorial language rights rather than a principle of language rights which is de

jure being affirmed. The risk remains that this practical implementation is dividing these societies rather than building a cohesive multicultural society.

Language rights and policies in Macedonia

Macedonia is a multilingual country, with Macedonian being spoken by 64% of the total population of approximately 2 million people, and Albanian being spoken by 25% of the population. Besides these two languages, there are other minor languages spoken, such as Turkish, Serbian, Rumanian, Roma, etc. (Xhaferri, 2014, p. 30). The signing of the Ohrid Framework Agreement, which put an end to the armed conflict between the UÇK (Albanian Liberation Army) and the Macedonian armed forces in 2001, led to legal regulations, especially the modification of the Constitution of the Republic of Macedonia (Ibid, p.31).

Thus, the Article 7 of the Macedonian constitution was replaced by amendment V - in the former legally binding article 7 the Republic of Macedonia recognizes only the Macedonian language as the official language in the Republic of Macedonia without leaving any alternative to recognize the Albanian language as an official state language. So, before the Ohrid Agreement the Republic of Macedonia has used a kind of state mono-lingualism, other community languages were recognized only in some units of the Republic of Macedonia. In other words, no official multilingualism as emphasized by Patten, was presented in Macedonia before the Ohrid Agreement. Nevertheless, with the inclusion of the amendment V to the Macedonian constitution, the Macedonian language is the official language on the whole territory of the Republic of Macedonia, but any other language spoken by at least 20 percent of the citizens is also an official language. Based on this agreement, the Albanian language and its Latin letters, which is the language of 25% of the total population in the Republic of Macedonia, is an official language of the country. It is obvious that the Macedonian negotiators were careful enough not to include the term "the Albanian language" in the new Constitution of the Republic of Macedonia (Xhaferri, 2014, p. 30). Despite this constitutional amendment that derived from the Ohrid Framework Agreement, yet the question remains whether Macedonia is using a multilingualism policy or not.

As we seen according to the 2002 census of population Albanians represent 25.1 percent of the overall population in this country. This implicitly means since the Albanian community is larger than 20 percent, the Albanian language is an official state language in the territory of Macedonia. Furthermore, any citizen living in a unit of local self-government in which at least 20 percent of the citizens speak an official language other than Macedonian may use any of the official languages in communication with the local office of the central government. The local offices in these units of local self-government shall reply in the Macedonian language as well as in the official language used by the citizen. However, the bodies of the units of local self-government decide on the use of the languages and alphabets spoken by less than 20% of the citizens in that unit of local self-government (Macedonian Constitution, p. 13).

As stated by the Ohrid Framework Agreement, in which its provisions have been later incorporated into the Macedonian constitution as new amendments, it emphasized in article 6.4, that the official language throughout Macedonia and in the international relations of Macedonia is the Macedonian language, and as it was explained earlier, any other language spoken by at least 20 percent of the population is also an official state language, according to article 6.5. However, it is not clearly specified if the “other” language spoken by at least 20 percent of the population can be used throughout the whole Macedonia and in the international relations as it is the case with the Macedonian language. By providing two separate articles in which in the first one it is crystal clear that the Macedonian language can be used internally and externally as the official state language, the case remains very ambiguously about any language that is spoken by at least 20 percent of the population, in terms where to use it officially. Peter Atanasov, a Macedonian scholar of multiculturalism, noted the fact that the use of language is a hot political question in terms where it shall be used:” *the uses of language, where to use it, where also in official correspondence, or in the media or in the public, it is a hot political question*”. (P. Atanasov, personal interview, 2016)

Also another interesting perspective came from Naser Muharremi, an official adviser in the ministry of local self-government; *“There are some tendencies to interpret the law on the use of language differently, however Albanians always seek their rights and those who do not respect it will be punished by the law”* (N. Muharremi, personal interview, 2016). This statement also

confirms that the use of Albanian language as an official language is somehow ambiguous, because otherwise it would not leave space for different interpretations.

Nonetheless, what is worth noting here is the fact that recognition of the Albanian language came as a result of demographics, rather than as a result of symbolic recognition of equal status of the ethnic Albanian community within the state of Macedonia. Actually, no-where in the Framework Agreement is use of 'Albanian' language specifically mentioned (Lyon, 2011, p. 32). This means that in the Republic of Macedonia there is no model of bilingualism or multilingualism as proclaimed by Patten. The Albanian language is not explicitly regarded as an official state language; only the Macedonian language does so. Therefore this does not provide a form of equality among communities which is an essential tool of state bi- or multilingualism. To put it differently, there is no equalization between the Macedonian and Albanian languages.

Implementation on the use of language in Macedonia

The Ohrid Framework Agreement provided the Albanian community with more group-differentiated rights that they had in the former 1991 Macedonian constitution; this is evident also in the case of the language policies. Since the Albanian community is more than 20% of the population, the state of Macedonia has a duty to respect the Albanian language as an official language, despite the fact it is not clearly specified where to use it and still not yet considered as equally valuable as the Macedonian language.

When it comes to the implementation of the language policy, the Executive Director of the Association of the Units of the Local Self-Government of Macedonia (ZELS), Dusica Perisic, argues that the law on the use of language is rightfully implemented everywhere. *"The law on the use of language is respected everywhere, in every municipality in which are more than 20% of citizens of people belonging to a community in Macedonia it is like fulfilling an obligation. I would say also the same is in the central institutions"*. (D. Perisic, personal interview, 2016)

However, there seems to be a contradiction between this statement that in "the central institutions" the law on the use of language is being respected and some of the empirical

evidences. In the Republic of Macedonia there are in total fourteen (14) state ministries. Based on a personal observation, by the time of writing this paper seven (7) of these ministries in their websites do not provide an Albanian version of translation. These ministries are: The Ministry of Interior; Ministry of Foreign Affairs; Ministry of Labor and Social Policy; Ministry of Finance; Ministry of Transport and Communications; Ministry of Health; and Ministry of Culture.³ This indicates that these official Macedonian Ministries are undermining and not respecting the law on the use of languages in Macedonia as it was emphasized by the Ohrid Framework Agreement, and thus they are violating the right of the Albanian community in serving information in their native language since they compose a population that is more than 20 percent. Another interesting point here is that these ministries are governed by Macedonian ministries, and in the other hand all ministries that are leading by Albanian ministers have their version of Macedonian and Albanian translation in their website. This signifies that the ideology of nationalism can be regarded as an important factor when over-viewing the implementation of the language policy in Macedonia.

Bilingualism - a policy to address ethno-cultural justice in the republic of Macedonia?

Bilingualism policy in the case of Macedonia would mean that two ethnic communities in ethnically heterogeneous regions, no matter which is the majority; speak both languages, if they satisfy the criteria given in the Framework Agreement. Practically, bilingualism in education means that all the children are taught in both languages; each community is taught the basic subjects in its own language and the other subjects in one or the other language. If the language of the majority community is more represented, special lessons are organized for the second language (Petrovski, Mirascieva, & Jakimova, 2010, p. 26).

Benefits of adopting bilingualism in the case of Macedonia is that it can be seen as an essential tool of massive communication - which would gradually transform ethno-centric policies into

³ Look at the official websites: Ministry of interior, <http://www.mvr.gov.mk/> ;Ministry of Foreign Affairs, <http://www.mfa.gov.mk/index.php/mk/>; Ministry of Labor and Social Policy, <http://www.mtsp.gov.mk/> ; Ministry of Finance, <http://www.finance.gov.mk/>; Ministry of Transport and Communications, <http://www.mtc.gov.mk/> ; Ministry of Health, <http://zdravstvo.gov.mk/> ;Ministry of Culture, <http://www.kultura.gov.mk/>

ideological ones. Further, in terms of economy bilingualism would expand the Macedonian national trade since it would expand more opportunities for trade. In terms of personal relations, bilingualism policies would increase communication among different communities in Macedonia in which prejudices would be less and less. At the end a culture of trustiness among communities could be reached (Rizvan Sulejmani, personal interview, 2016).

The learning of foreign languages in the Republic of Macedonia starts in the first grade, i. e., at the age of 6, when English is introduced to the students as the first foreign language. In the 4th grade, local languages are introduced to the students, with Albanian speakers obliged to learn Macedonian; by contrast, Macedonian speakers are not obligated to learn Albanian (Xhaferri, 2014, p. 30).

In Macedonia there is no bilingualism in educational practice, but diglottism. Which means that one group knows both languages and other only its own; concretely, in Macedonia this refers to the relation between the Macedonian majority community and the Albanian community. In Macedonia, members of all ethnic communities know both their mother tongue and Macedonian, including members of the Albanian community, while at the same time few exceptions, the members of the Macedonian community know only their language; this in principle means that one group knows both languages, and the other only one. The communication is performed in only one language instead two, which would be possible if both groups knew both languages and this would mean bilingualism in the true sense or word (Petrovski, Mirascieva, & Jakimova, 2010, p. 26).

Thus, Macedonia, as a multilingual and multicultural society since its independence in 1991, imposes on the Albanian children the requirement to learn Macedonian starting with the 4th grade, but the Macedonian educational system does not require the learning of Albanian by Macedonian students. From this, it can be concluded that when the Ministry of Education of the Republic of Macedonia refers to integration into a multiethnic and multilingual society, they solely mean the integration of the Albanian community into Macedonian society. By enacting this policy, the Macedonian politicians make it clear that the Macedonian language should dominate the Albanian language, despite the fact that it is spoken by more than 20% of the total population of the country (Xhaferri, 2014, p. 31).

Bilingualism, as a policy is not being implemented in the case of Macedonia. In terms of granting an equal status of language rights, in the context of Macedonia this is certainly not the case. The Macedonian language is predominant since its learning in the educational systems, whether it is from the first or fourth grade is compulsory for every other community in Macedonia – including the Albanian community. However, the Albanian language is not being learned by Macedonian pupils in schools, even not in municipalities in which the Albanian community comprises a majority. As discussed earlier, one fundamental principle of Kymlicka normative theory of multiculturalism is that it should promote inter-group equality (Kymlicka, 2007, p. 138). Thus, regarding the issue of language recognition in Macedonia, it can be said that from Kymlicka's perspective, it seems that the Albanian minority does not possess proper 'external protection'.

A Comparative conclusion of language policies in Kosovo and Macedonia

The Kosovo of constitution has successfully incorporated the basic standards that were provided by the Ahtisaari plan. This is was especially evident in the terms of providing communities with some sort of group-differential rights. One of the most important provisions was the use of language which granted the Serbian language an official status within the Republic of Kosovo, and thus it provides a symbolic equality with the Albanian majority in terms of language recognition. This was to make sure that the Serbian national minority in Kosovo preserve, maintain, and promote their linguistic identity.

So in Kosovo, de jure, it might be concluded that a policy of recognizing bilingualism was presented in this case. Even though the Serbian national minority consists around 6-7 percent of the overall population in Kosovo, this community has an equal status with the Albanian majority that is around ninety (90) percent. In Kosovo, there was no language recognition for the Serbian language based on demography as it is the case within the Republic of Macedonia, but rather the Serbian language was symbolically considered as equally important as the Albanian language. Equality of recognition among groups is one of the main normative arguments of Kymlicka theory, and in terms of language recognition it is well institutionalized in Kosovo. However, the

implementation of this policy has many flaws in terms of providing the basic translating of documents in the Serbian language by failing to ensure that the Serbian national minority has access to main documents in their native language. Consequently, this creates a gap between what is constitutionally written and what it is implemented in practice.

On the other hand, in the territory of the Republic of Macedonia, the Macedonian language is the only officially state recognize language, although any other language spoken at least by 20% of the population is also an officially state language. The Albanians according to the 2002 national census comprise 25.1 percent of population, implicitly it means that the Albanian language practically is an official language in the Republic of Macedonia, even though in the Ohrid Framework Agreement, the Albanian language was nowhere mentioned as an official state language. This can indicate that the Albanian language in Macedonia has not equal symbolic status as the Macedonian language. Thus, a policy of recognizing bilingualism in terms of equality is missing in the Macedonian context, and it does not fit within the normative theories of language rights proclaimed by Patten and Kymlicka.

Chapter IV

Political participation of minorities

Introduction

This chapter is going to deal with the political participation of national minorities in Kosovo and Macedonia. It aims to shed light on the fact whether national minorities in the two respective countries are adequately being politically represented in the legislative and/or are constitutionally protected by some special procedures or mechanisms. Furthermore, analysis and discussions about the political participation and inter-ethnic relations will be elaborated.

In the first section, are given some relevant normative discussions and arguments for group representation in a politically decision-making process. In other words, it aims to understand the normative points behind a political representation of national minorities. The next section will discuss the importance of electoral systems in multicultural societies from a theoretical perspective. Afterwards, the political representation of minorities in Kosovo will be analyzed, by also explaining some of the special procedures of it. The same logic will follow also in the context of Macedonia. In the end, a comparative conclusion will be inserted in order to see the main similarities and/or differences between the countries.

Normative arguments for group-representation

Minority rights in the past have been largely focused on two key areas: linguistic and educational rights. Therefore, the political participation of minority groups has not been the primary concern of minority rights. This neglect of minority representation has been reduced in recent years. Both recent minority rights' legislation in Southeastern Europe, as well as some international approaches, most notable Lund Recommendations on the Effective Participation of National Minorities in Public Life', have included provisions on the political participation of minorities (Bieber, 2008, p.5). Despite this, there have been and there are still disputes between majorities

and minorities in terms of what are the fair conditions of a political representation of minorities. As said by Kymlicka, these disputes among groups must be resolved politically and this mean we need to examine the fairness that usually is defined and interpreted in a decision-making process (Kymlicka, 1995, p. 131).

Contrast to this, Barry emphasizes that in a society everyone must be treated equally and have equal opportunities. To achieve this, rights must be framed in a universal manner. Therefore, special rights or exemptions from existing rules for certain groups should not be granted (Barry, 2001, p. 11). And even if there are some special treatments for members of disadvantaged groups it is justifiable only as long as the inequality exists. Barry believes that the objective of special treatment of members of disadvantaged groups is to make the need for that special treatment disappear as rapidly as possible (Ibid, p.13). On this basis, we can deduct that according to Barry, the special political representation of minorities in decision-making does not fit within its normative theory. On the other hand, Kymlicka believes that individual political rights are not sufficient to a fair accommodation of group differences. Many groups remain highly underrepresented in legislatures, even though there are no legal restrictions on political rights of their members (Kymlicka, 1995, p.131). Iris Young, also thinks that the more inclusion and influence for under-represented social groups can help a society to find some remedies for structural social inequality. She asserts that this can be achieved through institutional mechanisms that are designed specifically to increase the representation of under-represented groups. Those tools can be quotas in electoral lists, proportional representation, reserved seats, the drawing of boundaries for electoral jurisdictions and etc. (Young, 2000, p. 141).

Moreover, according OSCE 1999 Lund Recommendations: 'the effective participation of national minorities in public life is an essential component of a peaceful and democratic society. Experience in Europe and elsewhere has shown that, in order to promote such participation, governments often need to establish specific arrangements for national minorities.' Indeed, states should ensure that minorities have an effective voice at the level of central government, including through special arrangements as necessary (OSCE/HCMN, 'The Lund Recommendations', 2009, p. 1).

Electoral systems as a tool for enabling minority representation

Electoral systems are the set of procedures which translates votes into seats won by political parties or individuals. The decision of choosing an appropriate electoral system is one of most challenging issues of every democratic polity. Electoral systems are of huge institutional importance; they can have a major impact in the political future of a polity. Different electoral systems can produce very different results and providing citizens different kind of choices.

It is often argued that the easiest political institution to be manipulated, for good or for bad, is the electoral system, because during the process of translating votes cast in general election into seats in the legislature, the choice of electoral system can effectively determine who is elected and which party gains power. Even with exactly the same number of votes for parties, one electoral system might lead to a coalition government while another might allow a single party to assume majority control (Reynolds & Reilly, 1997, pp. 7-8). The importance of electoral systems is especially evident in post-conflict societies. These societies are marked by ethnic, religious, cultural or any other form of cleavages. The most common terminology that describes this particular context is the term "divided societies". Jurg Steimer, asserted that being a diverse society does not necessarily mean that we are talking about a divided society, according to him "a divided society is not merely a society which is ethnically, linguistically, religiously, or culturally diverse, but rather that these differences are politically important. In this term, ethno-cultural diversity translates into political fragmentation. In a divided society, the political conflict is synonymous with conflict among ethno-cultural groups (Choudhry, 2008, p. 5).

Considering these facts, it makes the choice of an electoral system even more complex and important. Sometimes choosing a particular electoral system is necessary for ethnic conflict management. An electoral system can help to "engineer" co-operation and accommodation in a divided society (Reynolds & Reilly, 1997, p. 2), but they can also be designed in such a way as to make the minority politically voiceless. They can systematically produce unrepresentative legislatures and over centralized decision-making (Kymlicka, 2001, 32).

The electoral engineering helps to shape broader forms of political behaviour, scholars alike agree that electoral system can play a powerful role in promoting democracy and successful

conflict management. While political scientists agree broadly that electoral systems do shape the wider political area, they disagree deeply about which electoral systems are most appropriate in divided societies (Reilly , 2002, pp. 156-157). Indeed, there is a scholarly debate which electoral system is the best to be used in a divided society. Two schools of thoughts are dominant in this academic discourse. The first is orthodoxy school and the second is the 'preferential option. This is also known as the Lijphart- Horowitz debate.

According to Arend Lijphart, in deeply divided societies the interests and demands of communal groups can be accommodated only by the establishment of a power-sharing structure (Lijphart, 2004, p. 96). Lijphart uses the terms power-sharing and consociational democracy as interchangeable. The simplified model of Lijphart is grounded on two main elements: Power sharing, consisting of the participation of major ethnic groups in political decision making; and group autonomy, especially over education and culture. Proportionality and the minority veto on vital interests are secondary characteristics that reinforce the first two (Choudhry, 2008, pp. 18-19). Thus, according to Lijphart, the best electoral system of representative legislature should be proportional representation (PR). This category can be subdivided further into semi-proportional systems, mixed systems, and finally, majoritarian systems that offer guaranteed representation to particular minorities (Lijphart, 2004, p.100). Nevertheless, Lijphart recommends highly a system of Proportional Representation that is simple to understand and operate. This is characterizes by a degree of proportionality; multimember districts that are not too large: list PR, in which parties present lists of candidates to the voters, and almost or closed list, in which voters mainly choose parties instead of individual candidates within the list (Ibid, p. 101).

The "preferential option" is the second school of thought, in contrast to the orthodoxy model, they argue that the best of designing an electoral in divided societies is not to encourage the formation of ethnic parties, but rather to utilize electoral systems that encourage cooperation and accommodation among rival groups, and therefore helps to reduce the importance of ethnicity (Reilly , 2002, p. 157). Daniel Horowitz, supports the idea that electoral systems shall promote reciprocal vote-pooling, bargaining, and accommodation across group lines. The most powerful electoral systems for encouraging accommodation are those that make politicians reciprocally dependent on votes from groups other than their own (Reilly , 2002, p. 157). Horowitz proposes a set of electoral arrangements that creates the political motivation toward ethnic moderation that

Lijphart's lacks. Cross-ethnic support will only be forthcoming if ethnic parties moderate their platforms and moderate their conduct while in office. Thus, ethnic moderation depends on vote transfers across ethnic lines – or as Horowitz refers to as “vote pooling”. The key mechanism is the alternative vote. Alternative voting electoral systems require winning candidates to secure a majority of the votes cast. Voters rank candidates in order of preference. The theory behind the alternative vote is that it creates the incentive for parties representing a majority ethnic group to appeal across ethnic boundaries in order to secure an absolute majority through second preferences (Choudhry, 2008, p. 22).

Special representation for national minorities in Kosovo

After the ratification of the Comprehensive Status Settlement by the Assembly of Kosovo in 2008, Parliament was responsible for the implementation of necessary legislation in which the law on General Election and the Law on Local Elections were included (Gashi & Morina, 2012, p. 9). Many minority rights have been included in this Comprehensive Status Settlement. The issues of representation of communities that are not in the majority in Kosovo are settled by this document, which provided later as the significant framework in which Kosovo's constitution was drafted. Kosovo is a Parliamentary Republic, where members of the Parliament are chosen every four years by a secret ballot. Kosovo is considered as a single, multi-member electoral district. Kosovo's Parliament is unicameral and seats in the Parliament are distributed through the proportional representation system. The total number of Parliamentary seats is one-hundred twenty (120) that elected by secret ballot based on open lists for a mandate of 4 years. One hundred (100) of these seats are distributed in a proportional manner based on the number of votes received in the general elections, and the rest of twenty (20) of seats are guaranteed for representatives from the non-majority community, in which ten (10) are reserved for the Serbian community and ten (10) for the smaller communities living in Kosovo.

First of all, it is important to make a clear distinction between the ‘*reserved*’ and ‘*guaranteed*’ seats. Both terms have been included in this document and therefore it is important to explain the difference in order to avoid any later ambiguity. The Ahtisaari document declares that in the first

two electoral mandates communities that are not in the majority will be granted with reserved seats:

“For the first two electoral mandates upon the adoption of the Constitution, the Assembly of Kosovo shall have twenty (20) seats reserved for representation of Communities that are not in the majority in Kosovo, as follows: Ten (10) seats shall be allocated to the parties, coalitions, citizens’ initiatives and independent candidates having declared themselves representing the Kosovo Serb Community and ten (10) seats shall be allocated to other Communities as follows: the Roma community one (1) seat; Ashkali community one (1) seat; the Egyptian community one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; Bosniak community three (3) seats; Turkish community two (2) seats; and Gorani community one (1) seat. Any seats gained through elections shall be in addition to the ten (10) reserved seats allocated to the Kosovo Serb Community and other Communities respectively.” (2007, p. 12)

This indicates that smaller communities in Kosovo in the first two elections after independence will have twenty reserved (20) seats: ten (10) for the Serbian community and ten (10) for all the other communities, plus any extra seats in addition gained through the proportional distribution of the other 100 seats. In 2010, the Serbian government called for all Serbs in Kosovo to boycott the national elections, thus the boycotting plea was made only to Serbs in the north of Kosovo. In 2010, Kosovo Serb despite the 10 reserved seats, its political parties won three additional seats in the Parliament by direct vote and brought the total number of Serbian MPS to 13 (Gashi & Morina, 2012, p. 14).

Nenad Rašić, who was a former Minister of Labour and Social Welfare at that time asserted that during the period after independence, the impact of the Serbian community in the political life of Kosovo had reached its zenith. *“At that time we have established new municipalities, we have been active member of government, we had three Ministers and one Deputy Prime Minister”* (N. Rašić, personal interview, 2016). However, after the first two national elections, the reserved seats were replaced by guaranteed seats as confirmed by the Ahtisaari plan:

3.3 After the first two electoral mandates:

3.3.1 Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10).

3.3.2 Parties, coalitions, citizen initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats guaranteed, as set forth in Article 3.2, if each Community's number of seats won is less than the number of seats provided for in Article 3.2.

This indicates that Serbian minority, despite their ten (10) guaranteed seats will not get any additional seats in the Parliament unless the number of winning seats is higher than ten (10) seats. The same counts for all the other minorities as well. Practically, in the elections of 2007 and 2010, non-majority communities in Kosovo had reserved seats, and the last election in 2014 it was replaced by guaranteed seats. In the last 2014 national elections in Kosovo, the Serbian minority party: SRPSKA Initiative won 9 seats in the parliament with 5.22% of overall national votes. Another Serbian minority party called; The Independent Serbian Liberal party won 1 seat with 0.89% of total votes (The 2014 Kosovo's national elections results , 2014).

According to Arend Lijphart, minorities can be overrepresented or on a proportional basis (Choudhry, 2008, p. 19). In Kosovo, minorities are overrepresented in the legislature due to the guaranteed seats they get, despite the possible outcomes of the general votes. Some of the interviewees agree that this special representation is necessary to reduce inequalities before the law and institutions. This is stressed by M. Andric and B. Gashi:

“Kosovo’s constitution allows additional measure which will help to reduce the inequalities before the law and inequality before institutions: therefore special representation is necessary”. (M. Andric, personal interview, 2016)

“The idea behind special representation is to protect minorities, because they are minorities, and there are mechanism derived from the Mahti Ahtisaari package for this”. (B. Gashi, personal interview, 2016).

This is in line with Kymlicka and Young's normative arguments about granting minorities with some kind of special representation, due to the structural inequalities that are presented in a society. In other words, it can be implied that interviewees affirm that a special representation for minorities in Kosovo is needed to address what Kymlicka referred as an ethno-cultural justice. So in Kosovo, due to the guaranteed seats in Parliament for minorities that have been derived from the 'Ahtisaari plan' and incorporated in Kosovo's constitution, it can be said that it provides a good foundation for a political group representation of national minorities. Strictly speaking, one interviewee deducted it in this way: "*Minority voices in Kosovo are institutionalized because you get guaranteed seats for smaller communities*". (A. Livingstone, personal interview, 2016)

Lowering the threshold for minorities in Kosovo

Thresholds are another important tool for engineering the electoral process. Most democracies rely on electoral threshold to prevent a fragmentation of parliamentary representation into numerous small parties. As thresholds might exclude smaller minorities, they can be either lowered for all parties participating in elections, or, alternatively, minority parties can be exempt from the threshold or face a lower threshold (Bieber, 2004, p. 234).

In Kosovo there is a five (5) percent threshold for Albanian political entities, in order to translate their votes into the 100 parliamentary seats that are distributed proportionality. Minorities in Kosovo, despite the guaranteed seats, can also get any additional seat from the 100 seats if the number of their votes exceed or is larger than the guaranteed seats. The threshold is lower rather than that provided for Albanian political entities. The threshold for national minorities is two (2) percent (Gashi & Morina, 2012, p. 9).

So, despite the guaranteed seats for minorities in Parliament, Kosovo's institutional framework provides also some other special measurement, such as a lowering the electoral threshold for them in order to ensure their political participation in the legislative decision-making process. Therefore, minorities can gain also additional seats if any of the minority political entities cross

the threshold of 2 percent. In other words, these mechanisms are present to support an over-proportional representation in the legislative.

Veto rights for issues of minority concern in Kosovo

Veto rights are another institutional engineering tool that is important in the recognition and representation of marginalized groups. Veto rights are a necessary tool of national minorities in order to avoid being swept away by the majority in the name of democracy (Kymlicka, 2001, pp.) The role of veto rights is intended to deter one ethnic group from proceeding within a proposal that impose the vital interests of the other ethnic group. A veto can be justified on the argument that proportional representation of minority groups is not sufficient to protect the vital interests of that particular minority, because it simply can be outvoted by numbers. Veto rights can be seen a shield that guarantees ethnic minority groups that they vital interests cannot be threatened (Kellener, 2005, pp. 3-4).

Lijphart argues that consociational democracy violates the principle of majority rule, but it does not deviate much from normative democratic theory. Countries prescribe majority rule for the some normal transaction of business, but extraordinary majorities are required for the most important decisions, such as changes in the constitution (Lijphart, 1969, p. 214).

In the context of Kosovo, a mechanism of veto rights for issues that are of major concern is available for communities living in Kosovo. For example any amendment of the constitution of the Republic of Kosovo needs to be decided by a double majority, meaning that it must have two thirds (2/3) votes of all deputies in Parliament, including two thirds (2/3) of all deputies coming from the representatives of communities that are not majority in Kosovo. This clearly expressed in article 65 of Kosovo's constitution: "*The Assembly of the Republic of Kosovo: (2) decides to amend the Constitution by two third (2/3) of all its deputies including two thirds (2/3) of all deputies holding seats reserved and guaranteed for representatives of communities that are not in the majority in Kosovo*".

What is worthy to highlight is the point that it needs "2/3 of all deputies holding seats reserved and guaranteed for minority communities", meaning that decisive for any constitutional

amendment is not solely the Serbian community, but also all the other communities that are living in Kosovo. So, the veto right issue in Kosovo is all-inclusive, in terms of providing all the communities with a vital voice on issues that are of their own concern.

Therefore, as it was explained, in order to ensure effective participation of minorities in decision-making which directly affect their interests, amendments or adoptions of laws on certain issues of direct concern to minority must be approved by both a majority of the Assembly and a majority of the parliamentary members representing minorities present and voting. The latter wording prevents a boycott by minority representatives from forestalling the adoption of legislation. It also means, however, that if Serb representatives do boycott the Assembly, there will be no effective participation for their communities in decision-making on laws which may directly affect their interests (Stevens, 2009, p. 18).

The political representation of the Serbian community – an issue of ‘state-security’

Lijphart points out that in a consociational democracy, organizing representative of the political subcultures can have an effect on the elite cartel relations. In other words, there must be “adequate articulation of the interests of the subcultures. Aggregation of the clearly articulated interests can then be performed by the cartel of elites” (Lijphart, 1969, p. 221). However, in certain cases, the recognition of minority rights by national governments in their constitutional design does not necessarily guarantee effective minority participation (Visoka & Beha, 2011, p. 5).

Ten (10) guaranteed seats for Serbian representatives and ten (10) for the other smaller communities living in Kosovo, no matter what the outcome of the elections is, provides a good constitutional framework of representing minorities that otherwise might be underrepresented. However, it is said that formal representation not always means effective participation. According to some interviewees, issues that are of concern for the Serbian community are not effectively being addressed by its representatives. The reason for this is that the majority of Serbian representatives are more focused on listening to the voice of Serbian institutions in

Belgrade rather than addressing issues that are of interests for the Serbian community living in Kosovo. Some of the interviewees confirmed this by stating that:

“The political situation is difficult at the moment; Kosovo Serbs rights are not being properly addressed as it should be. SRPSKA Lista, which is currently in a party coalition in government, is perceived to be more responsive to Serbia’s institutions rather than Kosovo’s ones” (A. Livingstone, personal interview, 2016).

“The impact of Serbs in Kosovo is being diminished because of Serbia’s influence on Kosovo’s political system. Serbian representatives are following instructions that are coming from Belgrade and because of this the Government of Serbia through parliamentary representatives of the Serbian community and/or municipal mayor has entered into Kosovo’s political system” (N. Rašić, personal interview 2016).

“The Kosovo Serbs voice is not heard, because of the fact that Serbian representatives are not sufficiently independent to address issues that are of interests for their community” (M. Andric, personal interview 2016).

As a consequence, based on these statements it can be concluded that two important points are being raised here. First, it is the ‘accountability’ issue concerning the institutional representation of national minorities. Iris Young, discusses the problem about the institutional representation of some certain groups. According to her, this representation can include the opinions, perspectives and interests of some citizens at the expense of marginalizing the opinion, perspective and interests of others. Further, a problem with institutional reforms aimed at increasing the representation of historically disadvantaged groups is that such reforms can and often do decrease the accountability of representatives. Policy makers must show that views of the group have been taken into account in any policy that they formulate. This would ensure that the interests of an oppressed or under-represented group are routinely taken into account (Young, 1989: 262). This seems to be a serious problem of the Serbian representatives that are working in Kosovo’s Assembly and other governmental institutions. Serbian political representatives in Kosovo, especially those coming from the current largest Serbian political party in Kosovo, “SRPSKA Lista”, as agreed by the interviewers, are accountable only to the government of Serbia. This diminishes the importance of listening to the needs and interests of the Serbian

minority living in Kosovo, whom they are politically representing; and as a result, seriously undermine the accountability of the representatives in line with the community and institutions they are formally representing.

Second, the influence of Serbian government within Kosovo's institution through the Serbian political representatives raises a very sensitive point – that of perceiving ethnic-relations as a matter of state-security. Kymlicka as shown in theoretical part reminded us that multiculturalism is predestined to fail if the majority - minority relations are seen within the security lens.

In particular, states will not accommodate groups which are seen as likely to collaborate with foreign enemies...minority groups are often seen as kind of 'fifth column', likely to be working for neighboring enemy...this is particularly a concern where the minority is related to a neighboring state by ethnicity or religion, so that neighboring state claims the right to intervene to protect 'its' minority. Minorities are seen (rightly or wrongly) as allies or collaborators with external powers that have historically oppressed the majority group (Kymlicka, 2002, pp. 19-20).

In addition, Kymlicka insists that even if the minority demands can be voiced, or in other words as one interviewee phrased 'the institutionalization of minority voices (A. Livingstone, personal interview, 2016), they will intend to be flatly rejected by the larger society and the state. After all, how can groups that are disloyal have any legitimate claims against the state? Hence, securitization of ethnic relations erodes both the democratic space to voice minority demands, and the likelihood that those demands will be accepted (Kymlicka, 2002, p. 20).

Therefore, it can be said that despite the fact that the Serbian community as a national minority has ten (10) guaranteed seats in Kosovo's assembly; its community needs are not being effectively addressed. All this is due to the fact that Serbian representatives are highly depended on the instructions given by the Central Government of Serbia. In addition knowing the fact that Serbia strongly opposes Kosovo's independence, the Albanian majority perceives the Serbian minority as a collaborator of an 'enemy' that continuously questioned Kosovo's statehood. As a consequence, this non-effective articulation of Kosovo Serbs interests and needs from its representatives in one hand, and the influence of an external power at the other hand, damages the ethnic-relations between the Albanian majority in Kosovo and the Serbian minority. These

relations, due to the explained factors continue to be fragile and built upon mistrust. In other words, as Kymlicka asserted *'the successful negotiation and implementation of minority rights can only take place within democratic spaces that have been 'desecuritized.'* (Kymlicka, 2002, p.22). In Kosovo, the adoption of an effective multicultural policy, especially the dimension of political representation of minorities, can be only effective in a society where the ethnic-relations are de-securitized.

Electoral system and parliamentary representation of the Albanians in Macedonia

Macedonia has undergone four substantial changes of the election system during the past 8 parliamentary elections held between 1990 and 2014. The 1990 and 1994 elections were held using the majoritarian electoral system, in which all of the 120 parliamentary seats were elected through single-member districts, but there was a significant disproportion between the share of votes and the share of seats in the legislature that the results were unacceptable to political parties. In 1998, Macedonia adopted the mixed electoral system, in which 85 seats were elected under the majority system, and 35 seats were elected proportionally (Berisha, 2016).

In 2002, a six-district proportional model was used, and during the 2011 and 2014 elections, three seats using the first-past-the-post system were added to Macedonian parliament, for the representation of Macedonians living abroad (Ibid). Currently, the legislative of the Republic of Macedonia is composed of 120 to 140 members who are elected by a secret ballot and are chosen for four (4) years. Macedonia besides the six election units (constituencies), the voting is conducted in some newly established elections units abroad. With that the number of Parliamentary deputies increased by 3 and to 123 seats in total (Dimeski, 2014, p. 35).

Each constituency delegates 20 members of parliament by a proportional representation system. The mandates are distributed by the D'Hondt formula which differs from the Saint-Legue formula that is being used in Kosovo, because when calculating votes it favors more the major political parties. What is worth mentioning is that the proportion held by Albanian parties increased from 19 percent in 1990 and 16 percent 1994 to 23 percent in 2006 and 24 percent in 2008 (Berisha, 2016). However, it decreased in 2011 to 20.3 percent and increased again in 2014 by 22.7 percent (Historical archive of parliamentary election results).

In Macedonia, unlike Kosovo, there are no guaranteed seats for non-majority communities, meaning that there is no group representation for communities based on a quota-scheme. An institutional mechanism that guarantees seats in the parliament for non-majority communities in Macedonia is lacking. Albanian political parties have to run in equal terms with Macedonian political parties in all the 6 constituencies in which votes are translated according to a proportional representation. However, in this system there is no legal threshold – a minimum percentage of the total votes that a party needs in order to get seats in the Parliament.

According to Rizvan Sulejmani, the electoral system in Macedonia does not fairly represent Albanians in the Parliament:

“Macedonia’s electoral system favors a single powerful Macedonian political party, in order to face the pressure coming from Albanian political parties. Thus, we permanently have one very strong Macedonian political party, whether it is a left or right one, and that sometimes needs an Albanian political party. Albanians never have reached 25% of representation in parliament; they never achieved to have 30 deputies in Parliament. The percentage of Albanians in Parliament is under the level of what they proportionality really are. Based on this principle, the Macedonians are building a powerful government in order to keep under control the situation”. (R.Sulejmani, personal interview, 2016)

By analyzing the last three parliamentary elections held in Macedonia and considering the fact that Albanians according to the 2002 census reflected 25.1 % of the population, this statement provides an important highlight that the former and now electoral system in Macedonia did not achieve to proportionality represent minorities in Parliament, with emphasis on the Albanian minority. In 2008, the largest Albanian political party, The Democratic Union for Integration won 18 seats, while the second largest one, The Democratic Party of Albanians won 11 seats. Statistically Albanians parties’ altogether won 29 out of 120 seats; turning it into a percentage it reflects 24.1% of total votes (Historical archive of parliamentary election results: Elections in 2008). In 2011, three Albanian political parties won seats in the Parliament and all together won 25 out of 123 seats in the Parliament; 20.3 % of overall seats (Historical archive of parliamentary election results). And In the last parliamentary elections in 2014, Albanian political parties, all together won 28 of 123 seats in the Parliament, a percentage of 22.7 % of overall seats. The Democratic Union for Integration won 19 seats, the second biggest Albanian political party, the

democratic party of Albanians won 7 seats, and 1 seat was won by the National Democratic Revival (Last Elections, 2014).

These statistics are important to conclude that the electoral system in Macedonia, unlike from Kosovo does not offer an adequate proportionality in terms of political representation in the legislative, despite the fact that in 2008 the seats gained by Albanian parties were close to reach its proportionality. However, the number has been decreased since. In Macedonia, the provided statistics confirms what was stated by Sulejamani, that the Albanian minority since now have never reached a proportional representation in the assembly. So the political representation of Albanians in Macedonia is entirely linked to the outcomes of general national votes.

Kymlicka's main point of group representation is that if historical exclusion from representative bodies seems unlikely to be redressed by less formal mechanism, such as the internal procedures of political parties, then the only practical and symbolic way to include some groups in the polity may be through group representation. Kymlicka provides the example of denied self-determination and inclusion within Australian democracy, whose historically been systematically abused, would on Kymlicka's eye have a strong case to make for guaranteed political representation. The historical exclusion of Albanians in Macedonia, it would also justify a guaranteed political representation in terms of proportionality.

Double majority voting on issues of minority concerns in Macedonia

The Ohrid Framework Agreement seeks protection of ethnic rights through the introduction of special procedures for passing laws and decision-making in the Assembly of the Republic of Macedonia. These procedures require dual majority of votes for passing laws of special interest for ethnic communities, meaning that it is needed a total number of deputies plus majority of votes of deputies who belong to minority communities (Škaric, 2010, p. 97).

These special parliamentary mechanisms are designed to protect minorities from being outvoted by the majority in fields of (a) culture, (b) language use, (c) education, (d) personal documents, (e) the use of symbols, (f) municipal finances, (g) municipal elections, (h) the affairs of the city

of Skopje and (i) the demarcation of municipalities. Any change of legislation in these fields needs a double majority (Dehnert, 2010, p. 3).

In Macedonia this double system majority voting system on issues of minority concern is similar to that provided in Kosovo. These 'veto rights' are crucial to prevent a democracy from becoming what Giovanni Sartori once described as 'a tyranny of the majority' (Sartori, 1998, p. 16).

Political elites in Macedonia– a factor of destabilizing ethnic-relations?

Some of the interviewees clearly stated that the political elite in Macedonia are a factor that has a negative influence on the relations between the Macedonian majority and the largest national minority - the Albanian Community.

"The political fragmentation in Macedonia is presented due to the political elites.....the situation in Macedonia is a not a game of ordinary people, it is a game of politicians whom are playing the nationalistic card. They are harming the personal relations among citizens". (D.Perisic, personal interview, 2016)

"The main political figures in Macedonia do not care about multiculturalism. They never say that multiculturalism or ethnic cooperation will make life better for citizens. The two main political parties that are governing the country do not care about multiculturalism or a multi-life society. They just want more rights for their communities, and I believe they are following a hidden nationalist agenda. Macedonia needs politicians that praise multiculturalism and do not create ethnic-boxes". (P. Atanasov, personal interview, 2016)

Moreover, according to a survey conducted in 2010, most of the ethnic Macedonians and ethnic Albanians would not vote for a candidate from a different ethnic group. In the perception of the survey respondents, their political leaders frequently use nationalistic rhetoric in order to attract votes (Report: People Centred Analyses, 2010, p. 67). This does indicate that the political elite in Macedonia, whether it comes from the Macedonian or Albanian side are promoting solely ethno-

centrism which is a source of what Brown calls “internal elite triggered factors“ (Brown, 1993, p. 15).

Furthermore, as it was shown earlier, Horowitz is very critical to electoral arrangements that promote the formation of mono-ethnic political parties. He is an exponent of the idea that ethnic cooperation and cross-ethnic supporting will be achieved if ethnic parties moderate their platforms. In Macedonia since independence political parties had been purely mono-ethnic. Hence, the political elite are promoting solely their own ethnic agenda and are playing an especially negative role in the overall inter-ethnic relations in this country. As a result, it harms the effective implementation of multicultural policies, since ethnic-relations are seen within the nationalist discourse rather a multicultural discourse.

Analysis and Comparison

By the analysis of the electoral systems in these countries, it indicates that both countries apply a form of proportional representation (PR) that was highly recommended from Arend Lijphart. However, there are relatively significant differences inside their proportional electoral model. For example Kosovo is considered as a single electoral district, while Macedonia is divided in six electoral units. Minorities in Kosovo had first reserved seats, and now guaranteed seats in the legislative, which provide minorities legally with a political voice, despite of the outcomes of the general elections. On the other hand, minorities in Macedonia do not have any kind of guaranteed or reserved seats in the Parliament: their representation in the Parliament is highly depended on the general votes gained from the national elections. The Albanian minority since now, has never signed any pre-election coalition with any of the Macedonian political parties, thus their representation in Parliament is determined by the obtained votes in the national elections.

The relation between the two ethnic-groups in Kosovo is seen as an issue of ‘securitization’. The minority is perceived as a collaborator of a ‘foreign enemy’. This indicates, what Kymlicka called ‘the problem of implementing liberal multicultural policies in post-conflict societies/or non-western social contexts’. The securitization of ethnic relations can really harm the

implementation of multicultural policies. Thereby, in Kosovo we have a situation in which a minority is perceived as a collaborator of a former enemy which historically has subjected the majority in the past. This is due to the Kosovo Serbs political representatives that are perceived as being responsible only to the government of Serbia. The latter continues to contest the very existence of Kosovo's statehood and that is the main reason why ethnic-relations are seen within security lens. On the other hand, in Macedonia political elites are playing a negative role in terms of improving inter-ethnic relations in Macedonia. This is due to the promotion of a predominantly nationalistic discourse from both sides.

Chapter V

Employment policies towards minorities in terms of equitable representation

Introduction

In this chapter of analysis, equitable representation of minorities will be discussed and analyzed in our case studies. As it was witnessed, this is another policy dimension of multiculturalism and closely linked with affirmative action provided for marginalized groups in order to address the inequalities that persist in a society.

In this chapter, I will in short provide some normative justifications behind affirmative action in terms of employment for minorities. After that, the case studies will be explained by taking into account the existing legal measures that ensure an equitable representation in employment for national minorities in Kosovo and Macedonia. This will be supplemented by a critical analysis on the practical implementation and achievements of these given legal measures. In the end, I will briefly summarize some of the main points discussed in this chapter.

Normative justification behind affirmative action in employment for minorities

Affirmative actions in employment are plans that are designed to set goals for better inclusion of individual members of marginalized groups. Since the national minorities are usually considered to be excluded groups, affirmative actions are present to decrease the gap between formal equality and de-facto inequality and exclusion. Nevertheless, antagonists of affirmative action plans claim that such programs harm the principle of meritocracy by usually hiring persons who are not even minimally qualified for certain employment positions.

Young stresses out that identifying inequalities according to group categories helps identify structural inequalities, where structural inequalities are “a set of reproduced social processes that reinforce one another to enable or constrain individual actions in many ways” (Young, 2001, p. 2). In terms of the ‘merit’ criteria, it is important to note the fact that is not a static element, but

rather it is a 'social' construct', that is depended on various factors such as environment, family background, school education, financial resources and etc. The moral justification for such actions is based on the fact that when inequality exists; we cannot apply a pure egalitarian approach. In other words, inequality in employment must be addressed with unequal criteria, in order to serve what John Rawls would call "*justice as fairness*".

As a matter of fact, Rawls provides the concept of '*original position*', which is a hypothetical reasoning in which members of a society initially have no idea what their position in the society is. Rawls, uses the term '*veil of ignorance*', meaning that individuals have initially no idea who they are, for instance what is their social background, education, nationality and etc. In such a situation, Rawls argued that all members would accept a dispensation which made special provision for the disadvantaged and that social and economic inequalities are to be so arranged that they are to the greatest benefit to the least advantaged (Rawls, 1971, p. 12). Thus, I believe that Rawls would have been an exponent of affirmative actions regarding employment opportunities for national minorities since they are not in the same socio-economic position as the majority usually is. That is to say, the minority needs some assistance in employment opportunities in which the majority can do unassisted.

Equitable representation of minorities in employment in Macedonia

The issue of equitable representation is an important political tool for the inclusion of minorities. It was one of the main principles that constituted the Ohrid Framework Agreement (OFA). The section 4.2 of the Framework deals with and regulates the issue of employment in public administration by ensuring an equitable representation of communities in all central and local public bodies. This section has been later incorporated as an amendment into the Constitution of Macedonia, respectively in Article 8.

This principle measures to assure equitable representation of communities in all central and local public bodies at all levels of employment, election of one-third of the members of the Constitutional Court, three members of the Judicial Council, as well as the Public Attorney by a special parliamentary procedure (Taleski, 2008, p. 132).

According to the report of 'People Center Analysis', in the course of the last years there has been an overall improvement in increasing equitable representation in the administration. Nevertheless, it is not yet in compliance with official demography numbers. In 2006, 65.500 people are employed in the state and public administration, as well as in the judiciary and court bodies. 84% are Macedonians and only 10% are Albanians, Turks are represented with 1%, whereas Roma with 0.7% (Report: People Centred Analyses, 2010, p. 65). Regarding to the European Commission progress report for Macedonia, in 2013, the overall proportion of civil servants coming from non-majority communities increased slightly to reach the level of 19%, but there is still room for improvement (European Commission: FYROM Progress Report, 2014, p. 13)

In addition, The Ombudsman 2015 report in terms of equitable representation in employment for minorities in Macedonia concludes that there is a low quality of implementation of the principle of just and proper representation and recommended that institutions need to undertake concrete measures and activities for affirmation and implementation of this constitutional principle. (Ombudsman annual report, 2015, p. 92). Several aspects are having an impact on the slow pace of ensuring equitable representation for non-majority communities in Republic of Macedonia, starting from a lack of sufficiently educated candidates coming from these communities, a lack of political willingness among the ruling majority, and the need to decrease the overall number of administrative works due to economic crisis conditions (Report: People Centred Analyses, 2010, p. 65).

There are as well tendencies to negatively or skeptically perceive the 'equitable representation principle' for non-majority communities in Macedonia. First, there is a skeptical perception regarding the equitable representation. This kind of equitable representation hinders the principle of meritocracy; because it provides special representation without taking into account one's own capacities and abilities. As one interviewee said, *"Representation should depend on qualifications and abilities one have. Everyone should be selected regarding their own capacities. I am against any idea of employing someone according to ethnicity"* (D. Persisic, personal interview, 2016).

This approach implicitly signifies that there is no need for special proportional representation for minorities in employment. This is close to the classical idea of liberalism and the so called “ethnic-blind” policies. However, of the main critique of multiculturalists, especially Kymlicka, regarding these approaches was the fact that it is not fair to the non-majority communities since these policies that are predestined to be “blind”, will support and create advantages, in one way or another to the dominant majority group. In fact, many institutions are not neutral, but rather are implicitly or explicitly tilted towards the interests and identities of the majority group (Kymlicka, 2001, p. 32).

Another critique is the underlying ‘quantitative’ approach to the provisions and development of minority rights in Macedonia. This would mean that the size of the minority group predominantly determines the quality of their rights (Taleski, 2008, p. 151). Further, employment opportunities are hindered by the syndrome of “state party-ization”. Atanasov, asserts that employment is highly depended on the fact whether you are a member of one of the ruling parties, either it can be the Macedonian or Albanian one. *“People are employed according to the political criteria....if you are a member of the ruling party(ties) or not, they do not care what your skills or competences are”* (P. Atanasov, personal interview, 2016).

It can be said that this “state party-ization”, is due to the fact that Macedonia is not yet a fully democratic country. According to the ‘*Democratic Index*’, Macedonia is ranked as 78th democracy worldwide, by fitting into the category of “flawed democracies” - as the last one ranked. It is very close to the “hybrid regimes” (Democracy Index , 2015). All these indicators are making an impact in terms of how effectively and merit-based policies of proportional representation in employment are being implemented.

Another interesting perspective, but contrast comparing to those above, is that proportionality does not always mean fairness. One interviewee claimed that we need to make a clear distinction between equality and equity. *We should take into account also the “principle of need”. Some people (especially the marginalized communities) have more needs than others; thus, dealing with it exclusively in terms of proportionality is wrong.* (R. Sulejmani, personal interview, 2016) This can be translated that policies in Macedonia that try to resolve everything with

proportionality are not serving a principle of justice, since the non-majority communities are disadvantaged and thus have more needs comparing to the majority. Indicatively, policies of affirmative action that over-represent minorities in employment would better address the needs of them. This approach is very close to Rawls principle of justice as fairness and its normative justification for affirmative action policies.

Despite these contrasting issues discussed above, what remains a fact is that even though there is an increase of non-majority communities that are employed in public institutions, statistics and reports have shown us that it is not yet close for an equitable representation in employment. The 'equitable representation principle' was one of the main pillars discussed and regulated in the Ohrid Framework Agreement and was later constitutionally enshrined as an amendment. Apart from that, due to some inter-related factors its practical implementation remains relatively weak.

Equitable representation in employment of minorities in public institutions in Kosovo

Kosovo has a comprehensive legislative framework for the protection of the non-majority communities and guaranteeing an equitable representation of minorities in the public employment sector. The constitution of Kosovo, in article 61 asserts that "*communities and their members shall be entitled to equitable representation of employment in public bodies and publicly owned enterprises*". There are also several laws that set the standards for the protection of non-majority groups in Kosovo, such as the Kosovo Civil Service Law 03/L-149 and the MPA regulation 04/2010.

Article 3 from the Kosovo Civil Service Law No.03/L-149, emphasizes the fact that the Civil Service shall reflect multi-ethnicity and gender equality. Further, article 11, expresses the importance that members from non-majority shall be granted with a right to fair and proportional presentation in civil services and bodies of central and local public administration and provides a 10% minimal quota of minority employment, in order to ensure that in the municipal level the number of reserved working places should reflect the percentage of representation of the minorities in these municipalities.

According to the OSCE's Community Rights Assessment Report of 2012, fair and equitable representation of all community members in public administration is one of the main challenges minorities are facing in Kosovo. Based on the research done by 'The Office for Community Affairs' (OCA) in the Office of the Prime Minister (OPM), in 2013, 7.7% of civil servants in central and local institutions in Kosovo are coming from non-majority communities. (Assessment report: Office for Community Affairs, 2013, p. 19).

There are a variety of factors that create obstacles in fulfilling these legally-binding employment criteria. One of them is the non-recognition of university diplomas gained from the University of North Mitrovica, which is a university in Northern Kosovo operating within the education system of Serbia, and thus financed by the Republic of Serbia. In 2011, Kosovo and Serbia at the level of Prime-Ministers and under the facilitation of the European Union reached an agreement. In this agreement, a special focus was given to the reciprocal acceptance of university diplomas. Later, it was concluded by the constitutional of Serbia that it was illegal, and it felt apart. Since the end of the war, this non-reciprocal recognition of diplomas made it very difficult for graduated students from the University operating in the Serbian language in Northern Mitrovica to apply for high level jobs which require a university degree within any public service institution (A. Livingstone, personal interview, 2016). But, recently the government of Kosovo in a unilateral basis has developed a transitional technical process, which will certify diplomas of graduates from the University of Mitrovica. The purpose of this regulation is to establish procedures and criteria for the issuance of certificates of validity to the citizens of Kosovo who have graduated from the University of North Mitrovica (Regulation, - No.21, 2015).

These graduates will be able to apply for governmental jobs and will create opportunities to bring more non-majority people into the state public bodies, and thus trying to reach the criteria of 10% (A. Livingstone, personal interview, 2016). In other words, this regulation has been made to ensure an equitable representation of all communities in Kosovo regarding to the employment in the public institutions.

Despite this, some of the interviewees claim that the non-qualification criterion due to the non-recognition of diplomas is not a justification in failing to reach the quota of 10 percent public

employees that are coming from the non-majority communities. According to Nenad Rašić, if there are not enough qualified people coming from the Serbian minority than the quota can be accomplished by employing other non-majority communities. *"I am sure that there are not qualified people for each post, and that is normal....but there is no need to find a justification that is not real....if the Serbs are not filling the employment conditions, than I am sure it can be filled by Roma, Turks or other smaller communities"* (N.Rašić, personal interview 2016).

Another problematic issue that raises here and that is negatively affecting the other smaller non-majority communities (Turkish, Bosniaks, Goran, Roma, Ashkali and Egyptians) in terms of employment opportunities is the perception that many Kosovo Albanians often declare themselves as an ethnic group coming from the non-majority communities in order to get a job in the public sector (N.Rašić, personal interview 2016), (M. Andric, personal interview, 2016). This diminishes the chances of reaching an equitable representation of minorities in public employment, despite the fact that it is legally-binding.

A comparative conclusion

What is worthy to note is the fact that both Macedonia and Kosovo provide 'group-differential rights' in terms of employment issues for their respective minorities. In Macedonia, unlike in Kosovo, there is no strict quota of representation in employment for minorities in public positions, although, it is stated that it aims to reach 'a proportional representation in employment'. To rephrase it, proportionality is understood in terms of demography, meaning that representation in employment depends on fact what is your size as a minority. The Albanians in Macedonia consists 25.1 percent of the population, statistics and reports have shown us that in terms of employment, proportionality is not reached yet, even though there are improvement in regard to this dimension.

On the other hand, Kosovo as well, is facing the problem of ensuring an equitable representation in employment for non-majority communities. The legally binding quota of 10 per cent of employment is not fulfilled, although there have been made some positive steps that will contribute to the achievement of this criterion. The certifying of diplomas from the University of

Northern Mitrovica will raise the number of qualified people from the Serbian community that will be able to apply for jobs in public state bodies in the future. However, the most marginalized groups in terms of employment in Kosovo are the smaller non-majority communities, which are facing the problem of 'false representation' from people of the majority group who declare to be members of a minority group.

In this dimension, it can be concluded that even though constitutionally Macedonia and Kosovo provide good foundation of in terms of equitable employment for minorities, the implementation of these policies is of serious concern. That is to say, there is a clear gap between the legal aspect and the effective implementation of this particular policy.

Final Conclusion

In this final conclusion, some of main findings in relation to the similarities and differences among the three analyzed multicultural policies will be provided. The Ahtisaari plan in Kosovo, and the Ohrid Framework Agreement in Macedonia provided 'group-differential rights' for their national minorities, with special emphasis on the Serbian national minority in Kosovo and the Albanian national minority in Macedonia.

In the language policy dimension this group differential rights includes the rights of recognizing the minority language. The analysis of the language policies in Kosovo and Macedonia has highlighted some of the similarities and differences. In Kosovo de jure we have a personal bilingualism in which the Albanian and Serbian language are granted with an equal recognized status in which the implementation of these language should be made in the whole territory. In contrast, implementations of these policies are close to what Kymlicka refers as *territorial bilingualism*, in which the implementation of a language is depended on the territory where a minority or majority is pre-dominantly residing. Serbian language is hardly respected and implemented in municipalities where the Albanian is a majority, and the Albanian language is not respected and implemented in the four- dominated northern Serbian municipalities.

On the other hand, the Albanian language in Macedonia does not have an equal status with the Macedonian language. As a matter of fact, nowhere in the constitution or the Ohrid Agreement the Albanian language is specifically mentioned. Nevertheless, the Albanian comprises more than 20 percent of the overall population, therefore explicitly it is being recognized as an official language in Macedonia. However, where and when it shall be used publicly remains very ambiguous and various actors are interpreting it differently. Furthermore, Albanian children are obliged to learn the Macedonian language in schools whereas the Macedonian children do not have Albanian language classes, even in some municipalities in which the Albanian national minority comprises a numerical majority. This indicates that the Albanian language in Macedonia has not equal symbolic status as the Macedonian language and a policy of recognizing bilingualism in terms of equality among groups is missing in the Macedonian context. Therefore, it does not fit within the normative theories of language rights proclaimed by Patten and Kymlicka.

When it comes to the dimension of political inclusion/representation of minorities in the legislative in the two respective countries there are differences as well as some similarities present. The Kosovo Serbs have guaranteed seats in the parliament, meaning that no matter what the outcomes of the national elections are, 10 seats in Kosovo's assembly are guaranteed for the Serbian minority. In contrast, the Albanian minority in Macedonia does not have any special rights regarding the political representation of their community. Strictly speaking, they never have reached a proportional representation in the Assembly. Thus, while the Kosovo Serbs are proportionally overrepresented in the legislative, the Macedonia Albanians are proportionally under-represented.

In addition, there are some factors that are having a negative impact on why multicultural policies in these post-conflict countries are not improving the inter-ethnic relations. In Kosovo, the Kosovo Serbs are perceived from the majority as a collaborator of a foreign enemy that has historically violated the rights of the Albanian minority in the former Yugoslavia. Kymlicka asserted that this is one of the main obstacles of adopting multicultural policies in non-western contexts and as shown it is very significant in Kosovo's context. The political representatives of the Serbian minority in Kosovo are accountable to an authority that continues to contest the existence of Kosovo's statehood. This is identified to have a negative influence regarding to ethnic-relations in Kosovo. In the Macedonian context, the political elite is following a nationalist discourse in which each ethnic group is trying to advance its own ethnic-agenda without promoting any form of multiculturalism. I consider that in such circumstances, it is hard to believe that multiculturalism policies will be achieved to successfully implement in practice.

In the third dimension of analysis – the employment of minorities in public institutions, Kosovo and Macedonia provide a good legal framework in guarantying a fair and proportional employment for minorities. Notwithstanding, none of them have achieved to successfully implement this policy in practice since the rate of employment of national minorities is relatively low comparing to their size of population. The Kosovo Serbs had faced the problem of non-recognition of University diplomas attained in the Northern Mitrovica by making them unable to apply for high-level jobs in Kosovo's public institutions and sectors. Nevertheless, recently the Government of Kosovo has taken some positive steps concerning this point. By the same token, Macedonia is failing to achieve an equitable representation in employment for the Albanian

minority, as well. The employment opportunities are hindered by the party-zation of the state, in which employment chances are depended on the ruling parties. Therefore in this policy dimension, in both countries there is clear gap between what is written and what is implemented.

Bibliography

(2013). *Assessment report: Office for Community Affairs*. Office of Primeminister/Office for Community Affairs.

Barry, B. (2001). *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge: Polity Press.

BBC. (2011, February 5). State multiculturalism has failed, says David Cameron. Retrieved January 15, 2016, from <http://www.bbc.com/news/uk-politics-12371994>

Beha, A. (2014). Minority Rights: An Opportunity for Adjustment of Ethnic Relations. *Journal on Ethnopolitics and Minority Issues in Europe* , 85-110.

Berger , R. (2013). Now I see it, now I don't researcher's position and reflexivity in qualitative research. *Qualitative Research* .

Berisha, D. (2016). *Ever-Changing Electoral System Fuelled Macedonia's Crisis*. Balkan Insight.

Bowen, G. A. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal* , 27-40.

Bray, M., & Murray, T. (1995). Levels of comparison in educational studies. *Harvard Educational Review* , 472-490.

Brown, M. E. (1993). *Nationalism and Ethnic Conflict*. London: The Mitt Press.

Bryman, A. (2012). *Social Research Methods* (Vol. IV). New York: Oxford University Press.

Choudhry, S. (2008). *Constitutional design in divided societies*. New York: Oxford University Press.

Coello, L. (2010). *Significant Difference? A comparative analysis of multicultural policies in the United Kingdom and the Netherlands*. Amsterdam: Aksant.

Creswell, J. W. (2007). *Qualitative Inquiry & Research Design: Choosing among five approaches* (Vol. II). Thousand Oaks, London, New Delhi: SAGE Publications.

Dehnert, S. (2010). *Elections and Conflict in Macedonia: Country Analysis*. Berlin: Friderich Ebert Stiftung.

(2015). *Democracy Index*. The Economist Intelligence Unit.

Denzin, N. K. (1970). *The Research Act in Sociology*. Chicago: Aldine.

Dimeski, J. (2014). *The Republic of Macedonia's 2014 Parliamentary Elections Handbook*. Skopje: 1. The Konrad Adenauer Stiftung in the Republic of Macedonia 2. Institute for Democracy "Societas Civilis" – Skopje.

ECMI: *Serbian community profile*. (2014). Retrieved January 19, 2017, from <http://www.ecmikosovo.org/uploads/Serbcommunity1.pdf>

(2014). *European Commission: FYROM Progress Report*. Brussels.

Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6, 167-191.

Gashi, D., & Morina, R. (2012). *Policy Brief: Elections for the citizen - Evaluation of the Kosovo Electoral System and Recommendations for Future Elections*. Prishtina: Kosovar Institute for Policy Research and Development.

Glazer, N. (1997). *We are all multiculturalists now*. London, Cambridge: Harvard University Press.

Goodrick, D. (2014). *Comparative case studies - Methodological Briefs: Impact Evaluation*. Florence: UNICEF Office of Research.

Guardian, T. (2010, 10 17). Angela Merkel: German multiculturalism has 'utterly failed'. Retrieved January 15, 2016, from <http://www.theguardian.com/world/2010/oct/17/angela-merkel-german-multiculturalism-failed>

- Habermas, J. (1994). Struggles for Recognition in the Democratic Constitutional State. In C. Taylor, A. K. Appiah, J. Habermas, S. Rockefeller, M. Walzer, S. Wolf, & A. Gutman (Ed.), *Multiculturalism: Examining the Politics of Recognition* (pp. 107-148). New Jersey: Princeton University Press.
- Hantrais, L. (1999). Contextualization in cross-national comparative research. *Taylor & Francis*, 93-108.
- Harel-Shalev, A. (2013). Implementing democracy and minority rights in deeply divided societies: a comparison of Macedonia and Israel. *New Balkan Politics*.
- Historical archive of parliamentary election results*. (n.d.). Retrieved August 5, 2016, from http://www.ipu.org/parline-e/reports/arc/2313_11.htm
- Historical archive of parliamentary election results: Elections in 2008*. (n.d.). Retrieved August 5, 2016, from <http://www.sec.mk/sq/izbori-2014/predvremeni-parlam-2014>
- Judah, T. (2008). *Kosovo - what everyone needs to know*. New York: Oxford University Press.
- Karadaku, L. (2012, October 17). *Kosovo Completes 2011 Census Without Data From North*. Retrieved December 10, 2016, from <http://www.eurasiareview.com/17102012-kosovo-completes-2011-census-without-data-from-north/>
- Kellener, S. (2005). Minority Veto Rights in Power Sharing Systems: Lessons from Macedonia, Northern Ireland and Belgium. *Adalah's Newsletter*, 1-8.
- Kosovo Agency of Statistics*. (2013, March 2013). Retrieved December 10, 2016, from Estimation of Kosovo Population 2012: <http://ask.rks-gov.net/>
- Kukathas, C. (1998). Liberalism and Multiculturalism: The politics of indifference. 26, 689-699.
- Kukathas, C. (2004). Theoretical foundations of multiculturalism. Retrieved 11, 2016
- Kvale, S. (2007). *Doing Interviews*. London: SAGE.
- Kvale, S. (2006). Dominance Through Interviews and Dialogues. *Qualitative Inquiry*, 480-500.

Kymlicka, W. (2012). Multiculturalism: Success, Failure, and the Future. *Immigration policy institute* , 1-32.

Kymlicka, W. (1995). *Multicultural Citizenship. A Liberal Theory of Minority Rights*. New York: Oxford University Press.

Kymlicka, W. (2001). *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. New York: Oxford University Press.

Kymlicka, W. (2010). The rise and fall of multiculturalism. In S. Vertovec, & S. Wessendorf, *The Multiculturalism Backlash: European discourses, policies and practices* (pp. 32-49). New York: Routledge.

Kymlicka, W., & Patten , A. (2003). Language Rights and Political Theory. *Annual Review of Applied Linguistics* , 3-21.

Landman, T. (2009). Social Science Methods and Human Rights. In F. Coomans, F. Grunfeld, & M. T. Kamminga, *Methods of Human Rights Research* (pp. 19-41). Antwerp - Oxford - Portland: intersentia.

Last Elections. (2014). Retrieved August 5, 2016, from http://www.ipu.org/parline-e/reports/2313_E.htm

Law on the use of language, Law No. 02/L-37 (Assembly of Kosovo 2006).

Lerner, H. (2011). *Making Constitutions in Deeply Divided Societies*. New York: Cambridge University Press.

Lijphart, A. (2004). Constitutional Design for Divided Societies. *Journal of Democracy* , 96-109.

Lyon, A. (2013). Between the Integration and Accommodation of Ethnic Difference: Decentralization in the Republic of Macedonia. *Journal on Ethnopolitics and Minority Issues in Europe* , 80-103.

Lyon, A. (2011). Municipal decentralization in the Republic of Macedonia: preserving a multi-ethnic state? *Federal Governance* , 28-49.

- Modood, T. (2007). *Multiculturalism: A Civic Idea* (2nd ed.). Cambridge: Polity Press.
- Multiculturalism Policy Index*, <http://www.queensu.ca/mcp>. (n.d.). Retrieved January 26, 2016, from <http://www.queensu.ca/mcp/national-minorities/decision-rules>
- Murphy, M. (2012). *Multiculturalism: A critical introduction*. London and New York: Routledge.
- Myhrvold, R. (2004-5). *Former Yugoslav Republic Of Macedonia: Education as Political Phenomenon*. NORDEM.
- (2015). *Ombudsman annual report*. Skopje.
- Ostojic, S. (2016, September 23). Kosovo lost in translation. *Prishtina Insight*.
- Parekh, B. (2002). *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Harvard University Press.
- Patten, A. (2014). *Equal Recognition: The Moral Foundations of Minority Rights*. Princeton: Princeton University Press.
- Patton, M. (1990). Qualitative evaluation and research methods . *SAGE* , 169-186.
- Pieterse, J. N. (2004). Ethnicities and multiculturalisms: politics of boundaries. In S. May, T. Modood, & J. Squires, *Ethnicity, Nationalism and Minority Rights* (pp. 27-49). New York: Cambridge University Press.
- Prelec, M., & Rashiti, N. (2015, March 9). Serb Integration in Kosovo. pp. 1-45.
- Rawls, J. (1971). *A Theory of Justice*. London: The Belknap Press of Harvard University Press.
- Reilly, B. (2002). Electoral Systems for Divided Societies. *Journal of Democracy* , 156-170.
- (2010). *Report: People Centred Analyses*. UNDP and SEEU.
- Reynolds, A., & Reilly, B. (1997). *The International IDEA Handbook of Electoral System Design*. Stockholm: Institute for Democracy and Electoral Assistance.

Russell, G. M., & Kelly, N. H. (2002). Research as Interacting Dialogic Processes: Implications for Reflexivity. *Qualitative Social Research* , 1-18.

Sartori, G. (1998). *C'eshte demokracia*. Tirane: Dituria.

(2011). *Serb Accomodation in Kosovo* . New York: Council for Inclusive Governance .

Skaric, S. (2004). Ohrid Agreement and Minority Communities. In V. Stanovčić, & G. Bašić, *Prospects of multiculturalism in western Balkan states* (pp. 94-100). Belgrade: Ethnicity Research Center, Friedrich Ebert Stiftung.

Škaric, S. (2010). *Ohrid Agreement and Minority Communitities* . Prospects of Multiculturalism in Western Balkan States.

Stevens, G. (2009). *Filling the Vacuum: Ensuring Protection and Legal Remedies for Minorities in Kosovo* . Minority rights groups International.

Taleski, D. (2008). Minorities and Political Parties in Macedonia. In *Political Participation and Minority Participation* (pp. 127-151). Skopje: Friderich Ebert Stiftung.

Taleski, D. (2008). Minorities and Political Parties in Macedonia. In *Political parties and Minority Protection* (pp. 127-142). Skopje: Friderich Erbert Stiftung.

Taylor, C. (1994). The politics of recognition. In C. Taylor, A. Gutmann, A. K. Appiah, J. Habermas, S. Rockefeller, S. Wolf, et al., *Multiculturalism - The politics of recognition* (pp. 25-73). New Jersey: Princeton University Press.

Telegraph, T. (2011, February 11). Nicolas Sarkozy declares multiculturalism had failed.

Retrieved January 15, 2016, from

<http://www.telegraph.co.uk/news/worldnews/europe/france/8317497/Nicolas-Sarkozy-declares-multiculturalism-had-failed.html>

(2014). *The 2014 Kosovo's national elections results* . Central Election Comission.

Vertovec, S., & Wessendorf, S. (2010). *The Multiculturalism Backlash: European discourses, policies and practices*. London and New York: Routledge .

Visoka, G., & Beha, A. (2011). Minority in Consultative Bodies in Kosovo: A Quest for Effective Emancipation or Elusive Participation . *Journal on Ethnopolitics and Minority Issues in Europe* , 1-30.

Weller, M., & Wolf, S. (2006). Self-determination and autonomy: a conceptual introduction. In M. Weller, & S. Wolf, *Autonomy, Self-governance and Conflict resolution* (pp. 1-42). London and New York: Routledge.

Xhaferri, G. (2014). Language policy and language learning in Macedonia: Which lessons may be adopted from the Swiss model? *Linguistik Online* , 29-33.

Young, I. M. (2001). Equality of Whom? Social Groups and Judgements of Injustice. *The Journal of Political Philosophy* , 1-18.

Young, I. M. (2000). *Inclusion and Democracy*. Oxford; New York: Oxford University Press.

