

Dear sir/madam,

The European Centre for Minority Issues (ECMI) is a German-Danish action oriented centre offering expertise in the field of conflict resolution and working on the improvement of minority-majority relations. Within its mandate, ECMI conducts research and offers advice and information concerning the position of minorities. The Expert Group on Civil Rights is part of the ECMI project “Romani Expert Groups for Romani Integration”, funded by the Swedish International Cooperation Agency (Sida).

Having in mind the relevance of the issue of electoral legislation, including the debates and proposals in that field, the Expert Group on Civil Rights has prepared a proposal for modification of the Electoral Code with a recommendation in the direction of developing and stimulating a real and just multiethnic society.

Unlike the existing election models, this proposal offers the following:

- 12 additional parliamentary mandates for the smaller ethnic communities which are not strictly guaranteed;
- An open voting list where the voter may circle the name of a specific candidate;
- Competition between the political parties within a specific ethnic community, as well as competition within the political parties themselves;
- The Republic of Macedonia as a single electoral district for the smaller ethnic communities;
- A ballot, identical for the whole country, divided into two parts:
 - The first part will be used for the distribution of 20 parliamentary seats according to the proportional model, in 6 electoral units.
 - The second part of the ballot will refer to the political parties of the smaller ethnic communities, which will compete for the additional 12 seats.

Should you have questions or the need for a detailed presentation of the election model proposed by the Expert Group on Civil Rights, please do not hesitate to contact the offices of the European Centre for Minority Issues.

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Introduction

Through the project “Romani Expert Groups for Romani Integration”, the European Centre for Minority Issues seeks to bring change through the active involvement of Roms in the creation of programmes intended for the Romani community in the Republic of Macedonia, greater professionalism among Roms, and the creation of possibilities for the inclusion of Roms in the institutions of the state. The project aims to increase the level of integration of Roms in Macedonian society as a whole, providing Roms with the tools necessary to play an effective role in a democratic society based on the rule of law, as well as to successfully participate in a competitive labour market.

The Expert Group on Civil Rights at the European Centre for Minority Issues consists of Romani activists, students, and representatives of Romani NGOs who work on the improvement of the situation of Roms in the Republic of Macedonia. In the past year, the Expert Group on Civil Rights has worked on raising the personal capacities and professionalisation of its members, contributed actively to the finalization of the *Strategy for Roma in the Republic of Macedonia*, conducted research in the area of civil rights, and continuously followed societal and political developments in the country.

The Republic of Macedonia is currently introducing changes in the Electoral Code, which will be used for the upcoming parliamentary elections in 2006. Supporting the initiative for changes to the Electoral Code, the Expert Group on Civil Rights has joined the discussion with its proposals and requests in the form of a recommendation aimed at greater representation of the smaller ethnic communities in the Parliament of the Republic of Macedonia. In so doing, the Expert Group on Civil Rights accepts and emphasizes the issue of Roms’ greater participation in the passing of common decisions.

Summary of the proposal

In accordance with the Constitution of the Republic of Macedonia (article 62), the Parliament comprises 120 to 140 deputies. The manner and conditions for election of the deputies is regulated by Law (paragraph 4 of the same article).

In that context, the initiative of the Expert Group on Civil Rights consists in a proposal for modification of the electoral model for the upcoming parliamentary elections in the Republic of Macedonia, which should provide for a greater participation of the smaller ethnic communities.

The proposal offers a possibility for applying the existing proportional model for 120 seats in the six electoral units, with the addition of 12 seats for the smaller ethnic communities (*ethnic communities which participate with less than 20% of the total population in the Republic of Macedonia*), selected on the basis of national lists in accordance with the proportional model.

The 12 seats shall be allocated in accordance with the percentage share of the smaller ethnic communities:

- 4 seats for the Turkish ethnic community;
- 3 seats for the Romani ethnic community;
- 3 seats for the Serbian ethnic community;
- 1 seat for the Vlach ethnic community;
- 1 seat for the Bosniak ethnic community.

A guarantee with competition

The proposal is not to have strict guarantees for the 12 seats in Parliament, but rather to have these seats subject to predetermined quotas for each of the smaller ethnic communities. The number of seats allocated to a particular ethnic community will depend on the extent of the achievement of that ethnic community. This will preserve the spirit of competition for acquiring a seat in the legislature, within the framework of these political parties.

Method of voting

From a technical point of view, the proposal is that the ballot contains two separate parts. The first part, in accordance with the proportional election model, will be used for the selection of 20 seats per electoral unit, or 6 electoral units each with 20 deputies, while the second part of the ballot will be identical for the whole country and will refer to the political parties of the smaller ethnic communities which will compete for the 12 seats (whereby the Republic of Macedonia will be a single electoral unit).

Unlike the existing proportional election model, for these 12 seats the proposal is to have an open voting list where the voter can circle the specific name of the candidate in any political party.

Such an open voting list contributes towards decreasing the hierarchical character and dominance of leaders within the political parties of the smaller ethnic communities. This proposal provides on the one hand for competition among the political parties of a specific ethnic community within the ethnic community in question, while on the other hand providing for competition within the political parties themselves. In the open voting list there will be no competition among the different ethnic communities.

In each of the 5 ethnic lists, the candidates for parliament can come from any of the political parties from that ethnic community, with the exception of those which form part of an electoral coalition with other political parties and thus run their candidates on the first part of the ballot.

Because the smaller ethnic communities vary in size, special attention should be paid to the determination of the relevant quotas which will apply for each of the smaller ethnic communities. The quota should be the basis for the legitimacy of representatives selected from the list of the smaller ethnic communities.

Advantages of the model

- More efficient representation of the smaller ethnic communities in the legislature;
- Departure from the bipolar character of decisions enacted within the legislature;
- Strengthening of the multiethnic society;
- Building of trust and creation of equal opportunities and equal basis for participation;
- Greater representation of the voices of the smaller ethnic communities;
- Accentuation of individual qualities as opposed to the domination of party leadership in the passing of the decisions on candidacy;
- Greater possibilities for independent participation of the smaller ethnic communities represented with less than 20% in the total population of the Republic of Macedonia;
- Increase of the influence of the smaller ethnic communities with respect to decision making and in implementing state policy.

Recommendations

1. Increase in the representation of the smaller ethnic communities in the legislature.
2. Preparation of an Electoral Code which will work toward strengthening the multiethnic society.
3. Involvement of the smaller ethnic communities in the public discussion of the Electoral Code.
4. Departure from the bipolar character of public discussions, taking into account the interests of the smaller ethnic communities.