

DIALOGUE - CENTER FOR DELIBERATIVE DEMOCRACY

IMPACT ASSESSMENT OF THE REGULATION ON THE USE OF LANGUAGES IN MACEDONIA

Josipa Rizankoska and Jasmina Trajkoska
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Impact Assessment of the Regulation on the Use of Languages in Macedonia

®DIALOGUE Center for Deliberative Democracy

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Introduction

The introduction of the Albanian as an official language in Macedonia, in addition to the Macedonian one, (a long-standing request by the "Albanian block" parties) became part of the 2016 election campaign of the opposition SDSM as well. In the post-election coalition negotiations, the Albanian Platform (Mejdini 2017) highlighted the issue of bilingualism as one of the most important requirements for forming a government. The narrow difference in number of seats in the Assembly of the Republic of Macedonia between the two largest "Macedonian" parties increased the negotiating power of the "Albanian" parties (Trajkoska and Rizankoska 2018), and thus the issue of bilingualism.

The vote through of the Law on the Use of Languages (LUL) in January 2018, in the absence of lawmakers of the then the largest opposition party VMRO-DPMNE, raised fierce public debate, followed by demonstrations. First of all, the need for adopting the law and the implications of its content (economic and democratic) was debated, regarding the shortened procedure of adoption and avoidance of the Regulatory Impact Assessment (RIA).

The cyclical nature of the processes of creating public policies leaves room for analysis of several aspects of this legal solution in order to assess its efficiency and effectiveness in resolving the issue, and the possible need for its further change. Thus, the main goal of this study is to determine to what extent this new regulation solves the issue of advancing the use of the languages of non-majority communities in Macedonia. The specific objective of the study is to determine the capacities of the citizens and the civil sector to participate in the policy-making processes, consequently in the RIA.

The study is structured in seven major sections. In the first part, we define the problem and the research questions, in the second we present the data collection methodology, in the third part we provide an overview of the steps in the adoption of the LUL, and the observance of the RIA procedure, in the fourth part we present the results of the surveys with which we consult the affected parties in the issue, and in the fifth part, we analyze the capacities of the law enforcement institutions and the implications of the LUL on their work, and in the sixth section we assess the capacities of the citizen and civil society organizations for active involvement in the policy creating process/RIA. Finally, we present our general conclusions and offer recommendations for solving the problems covered in the study.

1. Problem and research questions

The 1991 Constitution of the Republic of Macedonia allowed the use of minority languages in local self-government units only if the language community was majority, while the municipal council could decide on the official use of the languages spoken by at least 50% of the population in that municipality (Bliznakovski 2011). The Law on the Use of Languages, spoken by at least 20% of the citizens of the Republic of Macedonia and the units of the local self-government from 2008 (from now on in the text only the 2008 Law) (Official Gazette 2008/2011), significantly improved the use of languages of non-majority ethnic communities. Official languages within the local self-government can be languages used by 20% of citizens living in the relevant local government, and languages that make up less than 20% could also use their language as official if the municipal council adopts such decision.

This legal solution accurately determines the way in which each ethnic community representing at least 20% of the population can use its language in communication with state institutions (government, ministries and regional offices, all types of judicial, administrative and tax procedures, in procedures before the Ombudsman, the Parliament of the Republic of Macedonia, etc.)¹. 30 out of 81 municipalities, together with the City of Skopje, have a presence of 20% Albanian population and consequently, the Albanian language is official at the level of those municipalities (Bliznakovski 2014). Turkish, Serbian, Vlach, Romani and Bosniak are used according to the same rules in a smaller number of municipalities (Bliznakovski 2011).

There are numerous remarks on the implementation of the 2008 Law. The weakest links in the implementation of this legal solution were assessed first in the process of access to public information. In units of local self-government the practices differ; somewhere the process takes place in two languages, and somewhere there are requests in one language, and the answer is given in another language. The communication of the citizens with the organs and bodies of the units of the local self-government is also less developed, and the oral communication between the citizens and the units of the local self-government is rarely systematically implemented. Furthermore, there is no clear budget item in the local government units that relates to the implementation of language policy. (Bliznakovski 2014) In addition, the implementation of the 2008 Law is subject to criticism regarding the respect of the Macedonian language in places where the ethnic Macedonians are a minority.²

On August 4, 2017, a draft law on the use of languages was submitted to the President of the Assembly of the Republic of Macedonia, whose proposer is the Ministry of Justice (2017), and the same as stated in the document derives from the National Program for the Adoption of the Acquis. The reason for the

1 For example, the laws that are adopted in the Assembly of the Republic of Macedonia are published in the Macedonian language and in the language used by the ethnic community which is 20% of the total population of the Republic of Macedonia. Also, members of the different ethnic communities with a 20% figure can be issued personal documents in their own language. The plates in those local self-governments that are multilingual are written in Macedonian language and in languages that are 20% of the population in the respective municipality.

2 The 2008 law stipulates that the units of local self-government will use the other language in parallel with the Macedonian one, but the actual situation in practice, according to Gruevska-Madjovska (2012), is different. In the units of the local self-government where the majority Albanian population lives, the inscriptions, the companies' names, the billboards are written only in Albanian, without translation into Macedonian, and during the elections, billboards, posters, election programs are written in Albanian language, without translation into Macedonian language, which is contrary to the Law on the use of the Macedonian language.

need for a new regulation in the proposal was stated as:

"In the current practice and the detected inconsistencies in the application and scope of the existing legal regulations, it is necessary to regulate the legal matter governing the use of languages, therefore the Government of the Republic of Macedonia proposes a new Law on the Use of Languages." (SEA 2017)

According to the RIA methodology, in order to choose another possible option from the "do nothing" option, such as non-regulatory measures, new regulation, or regulatory and non-regulatory measures together, a strategic analysis of the problem needs to be made through measurable indicators for estimating the same. (Gapich-Dimitrovska 2013, 10-11). The most frequent such indicators are administrative, procedural, economic and democratic, which are not taken into account for the LUL because of the complete skipping of RIA. (Shikova 2017, 20-21; Radaeli and Fritish 2012) The adoption of the new law implies the cessation of the 2008 Law's validity. It aims to overcome certain shortcomings of the 2008 Law through a wider official use of the language used by at least 20% of the citizens of the Republic of Macedonia (the ethnic Albanians), despite its inconsistent implementation.

The objectives set out in the draft regulation should be clearly set up so that possible measures can be identified, the options for solving the identified problem being compared, and the success of the implementation of the legal solution should be further monitored.

In the draft law there is an enumeration of the institutions, state administration bodies, bodies and organs in which the implementation is envisaged. In listing the institutions, in Article 1, paragraph 3 and Article 2, paragraphs 2 and 3, some expressions like "like all other bodies, organs and other institutions" or "as in other areas" are insufficiently clear and leave room for different interpretations in different areas and institutions (and therefore the possibility of party-political manipulations). In the explanation of the draft law regarding the manner of the application of the regulation in the institutions, the application in all the foreseen institutions, bodies, organs³, creates confusion which leads to new open questions as to the way in which the application is more specifically planned in these areas, institutions and bodies.

The imprecise language in the text of the LUL additionally complicates the assessment of how much a new regulatory solution could overcome the obstacles that prevented the implementation of the 2008 Law, and thus more effectively solve the problem. Therefore, in the event of the possible start of the implementation of the LUL, the efficiency in the implementation of the regulation would be difficult to measure.

The Regulation on the Use of Languages caused division in the public discourse, and therefore the LUL was publicly supported by the Government and part of the expert public. Chupevska (2018)

3 The application of the regulations in the Assembly of the Republic of Macedonia, the Government, the State Election Commission, the institutions' names, postage stamps, fiscal reports, notaries and executors, institutions for execution of sanctions, personal documents, passports, ID cards, passports, travel papers is explained, and it is not explained how the application of the use of another language by the President of the Republic of Macedonia is envisaged in the Constitutional and Supreme Court, in education, science, health and culture. In finance and economics, some of the foreseen applications are listed, but it does not specify in what way and where.

believes that with the greater accessibility of institutions to Albanians in Macedonia, ethno-cultural justice is ensured, and greater loyalty is expected. According to her, the law itself disallowed attempts for any federalization or localization, or language ghettoization in a particular area. "[...] with the dispersed use of language, in fact, the availability of all organs to be closer to this particular community, the Albanian community, is possible" (ibid 2018)

Another argument in the defense of the LUL is that "giving rights to one, does not diminish the rights of others" (Polozhani 2018; Arifi 2018). Polozhani (ibid) addresses the problem of the quality of the law, and although she agrees that the LUL is not the best possible law, "it is limited in the same range of the Ohrid Framework Agreement (OFA), and non-innovative", she does not agree that it is bad. She thinks that the LUL is incomplete and that it will need to be upgraded, but she doubts the readiness for that at the moment. "Institutions, especially state institutions, must be the first instance of these changes," she says. Kadriu (2018) goes further and argues that the LUL is in line with the European Charter for Regional and Minority Languages, which envisages the widespread use of languages, and that it is in line with the EU's permanent recommendations for improving the use of the Albanian language in the Republic of Macedonia.

In domestic public discourse, however, the negative criticism over the law prevailed. Fierce criticism that followed the adoption of the LUL was primarily a reflection of the lack of public consultation in the law-making process. The basic criticism was related to the constitutionality of the legal solution and its departure from the OFA. According to the Government and part of the Academic Fellowship, the LUL is within the frames of OFA, and its horizontal enlargement is not unconstitutional (Frchkovski 2018, Radio Free Europe 2018). On the contrary, President Ivanov, MPs of the opposition VMRO-DPMNE and part of the expert public, claimed that LUL was unconstitutional (Kjulafkova, Siljanovska-Davkova, and Gruevska-Madjovska 2017) and that after the passing of the law it should be submitted to the Constitutional Court. Although on several occasions the Government claimed that the law was sent to the Venice Commission and that an opinion was expected in relation to the law, this did not happen.

The placing of the European flag of the law was not in accordance with Article 170 of the Rules of Procedure of the Assembly (2013) because although the LUL is a systemic and complex law, the procedure for hearing was shortened, and it was carried with a simple, instead of a two-thirds majority.⁴ This, together with the placing of the law on the hearing in an inadequate commission⁵, avoiding a debate on proposed amendments from the opposition and lack of public consultation were the most often attacked procedural aspects of the regulation. This way of adopting regulation, without consulting, excludes the most important mechanism for achieving effective regulations, because it shortens public debate and prevents stakeholders from giving their opinion.

Regarding the contents of the law, the economic and social democratic implications of it, the regulation

4 The High Representative of the European Union, Johannes Hahn, said: "The government and other factors in the country focus on the laws and conditions that are relevant to obtaining a recommendation. Language law is not part of what has been agreed in this context." (Libertas 2017)

5 The LUL was put to the Commission for European Affairs, instead of the Commission for Political System and Inter-Community Relations.

was criticized for the institutional paralysis that the law would imply⁶, the chaos in the legal circulation in the state, the inefficiency of institutions and the financial implications. Furthermore, the LUL was considered an attack on the unitary character of the state, a basis for transforming the character of the Macedonian society from a multicultural to a bicultural and, ultimately, a threat to the position of the Macedonian language (because of the fines and new institutions envisaged by the Law – the Inspectorate and the Agency). (Ivanov 2018 VMRO-DPMNE 2018)

Additional criticism arose in the public regarding the adoption of a law based on the assumption of percentage representation of the community whose language is proposed as official, without updated statistical data, i.e., a population census. (Najcheska 2018)

This polarization of the public discourse serves as the basis for the formulation of research questions in this study. Thus, they will be related to the procedure for adopting the LUL (following RIA and awareness of its importance), stakeholder consultation to ensure considering involvement, information and transparency in the process and public support for the regulation, then the socio-political, the democratic and economic effects of the prism of the stakeholders and the readiness of the institutions to implement the LUL.

The general argument in this study is that the LUL is not based on clear, measurable, and time-specific indicators, and skips the entire RIA procedure, which prevents us from assessing whether and how many goals are realistic and achievable. We assume that the general public is very little informed (even misinformed) about the contents and implications of the LUL, and that it has not been consulted in the lawmaking process. We argue that the LUL does not have public support, but that it would depend mainly on the ethnicity of the respondents, both among the citizens and among the institutions. We expect the readiness of the institutions (administrative and financial) to respond to the challenges of the LUL to be at a low level, as no analysis of the specific human, financial and spatial-administrative implications of the regulation has been made.

We claim that citizens and civic organizations are little informed and/or ready to participate in the consultative processes of RIA in general, including for the LUL.

2. Methodology

This case study is based on a combined research methodology between the types of end users/stakeholders of the Law on the Use of Languages. Namely, secondary data is obtained from initial analysis and monitoring of processes, political developments and debates on research issues, and primary data are collected through four different research techniques, from three main target groups: citizens, civil society organizations affected by the regulation and institutions – implementers of the LUL.

We use the empirical method on two occasions: one internet survey to examine the opinion of citizens

6 President Ivanov (2018) stated on January 17, 2018: "[...] this law introduces very expensive parallelism in all organs of state power that leads to a complete blockade and dysfunction [...]".

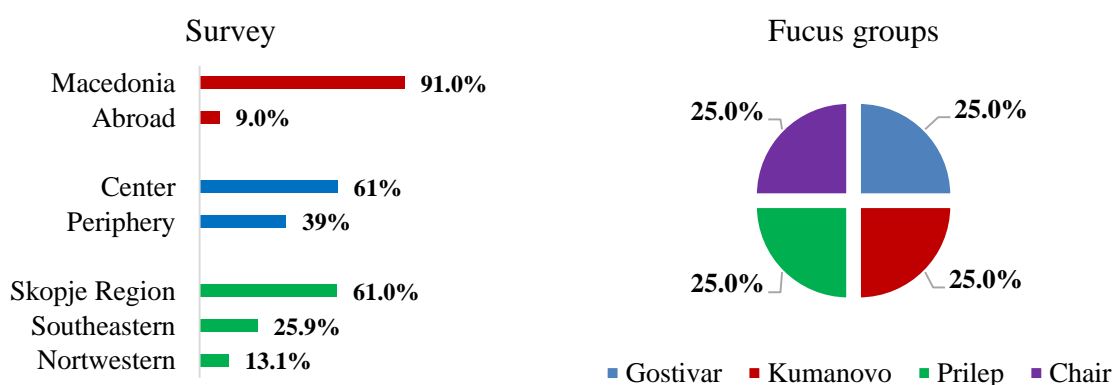
and one questionnaire for civil society organizations. With this, we strive to measure the level of support for the LUL by the general public and the civil sector's opinion on its inclusion in the process of consulting RIA for the LUL. The qualitative method is also used in two cases: when conducting and analyzing the discussions of four focus groups and in conducting interviews with the implementers of the regulation (state institutions and public enterprises).

The content of this study is not based on the types of techniques used during the research project or the types of target groups, but is structured by research questions. Consequently, all four types of data, as appropriate, will be used in parallel to analyze each research issue separately. Below we will look at the main methodological details of each particular research.

2.1. Public Opinion Research on the Law on the Use of Languages.

In the period from April 7 to May 10, 2018 an internet survey was conducted, whose unit of analysis were citizens of the Republic of Macedonia in the country and abroad. The survey covered 669 respondents. The questionnaires were filled in electronically, in Macedonian or in Albanian. The marginal error is $\pm 5\%$. According to their place of residence, 91% live in Macedonia, 9% abroad. Of those who live in Macedonia, the majority of the respondents, 61%, are from the Center, and 39% from the outskirts of Macedonia, i.e., 61% are from the Skopje region, 26% from the Southeast, and 13% from the Northwest. (Figure 1)

Figure.1. Place of residence of respondents from the survey and location of focus group



Of the respondents, 61% are men and 39% are women, 42% have university education, and only 3.7% have primary education. The population in this sample is predominantly young (39% are aged 31 to 40). (Figure 2a) 45% of the sample are employed in the private sector, 15% in the public sector, and 12% are unemployed. Only 21% of the respondents are members of families with monthly income below 18,000 denars. (Figure 2b). 71% of the respondents are declared ethnic Macedonians, and 19.6% are ethnic Albanians. For 81% of the respondents the Macedonian is the mother tongue, and for 14% the Albanian language. (Figure 2c).

2.2. Focus groups on the topic of impact assessment of the Law on the Use of Languages.

On May, 4 focus groups, each including 10 respondents, were conducted on the territory of Macedonia in the municipalities of Cair, Kumanovo, Prilep and Gostivar.

Particular emphasis is placed on the number of specific ethnic communities in the selection of cases (places) where the focus groups are organized. Namely, the first is in the Municipality of Cair as the majority Albanian, in Prilep as the majority Macedonian (where there is an insignificant number of other ethnic groups, in this case - Roma), in a significantly ethnically heterogeneous environment (Kumanovo) and finally in a place where there is a significant number of non-majority minorities (Turks in Gostivar). (Figure 1)

Figure 2a. Demographics of respondents in the survey and focus groups (sex, age, education)

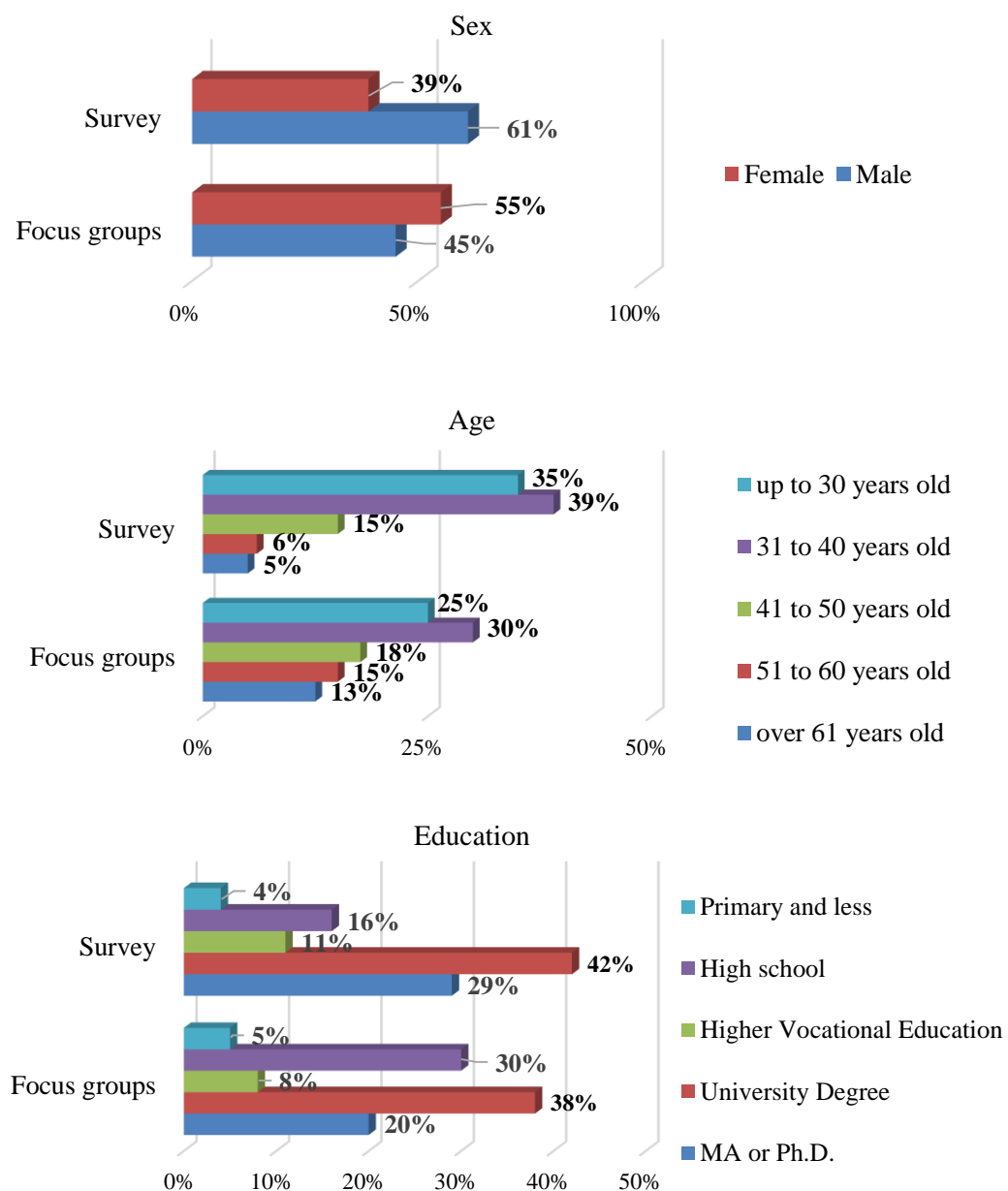
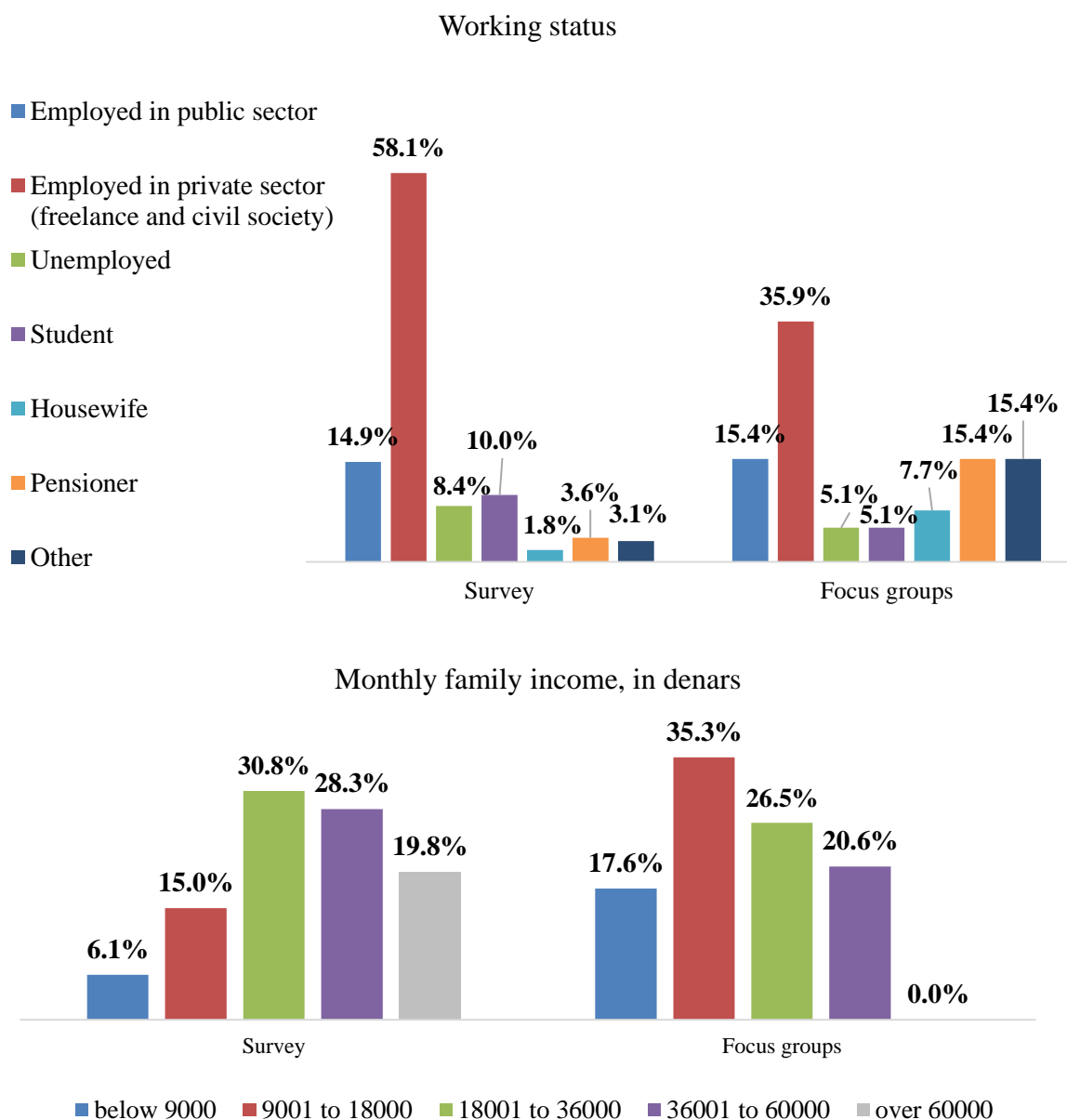
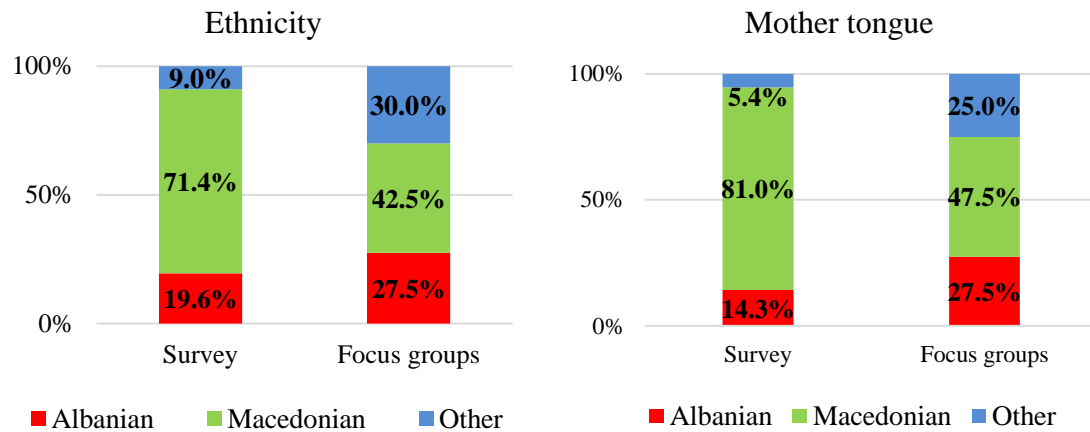


Figure 2b. Demographics of respondents in the survey and focus groups (working status and monthly income in the family)



Focus groups strive to correct the demographic bias of the survey; therefore, when choosing the respondents, the non-majority ethnic communities, the elderly, socially vulnerable groups and women are emphasized. Thus, 55% of the respondents are women, and 45% are over the age of 41. (Figure 2a) 42% of the respondents in the focus groups do not have a higher education, and 46% are with monthly income below 18,000 denars. (Figure 2b). Finally, the Macedonian ethnic group is 43%, the Albanian 27%, the Turkish 13%, the Roma 10%, the Serbian 5% and the Bosniak 2%. For 48% Macedonian is mother tongue, 27% Albanian, 10% Turkish, 8% Serbian, 5% Romani and 2% Bosnian. (Figure 2c)

Figure 2c. Demographics of respondents in the survey and focus groups (ethnicity and mother tongue)



2.3. Exploring the views of CSOs and the Law on the Use of Languages.

The unit of analysis in this research is the civil society organizations (CSOs) in Macedonia. The time period of data collection in the research was from April 10 to May 10, 2018. It is based on 50 electronically completed questionnaires of CSOs. More than 500 CSOs were contacted and asked to fill in the questionnaire, more than 1800 CSOs' accessions were made via e-mail, social networks, personal messages and telephone calls by the research team. The response is 2.8%, which is an indicator of the unsatisfactory level of interest of CSOs for cooperation, and/or for the particular topic.

In 50% of cases, the questionnaire was filled in by the director/manager of CSOs, 10% by the head of the sector, 18% by a project coordinator, 10% by a researcher and the rest by volunteers or people of some other function in the CSO.

54% of CSOs are registered in Skopje, 30% in a place where the Macedonians are over 70%, and 16% in a place where the Macedonians are a minority. In terms of the year of existence, we have a very diverse sample: 29% exist for 5 years, 26% are from 6 to 10 years old, 29% are from 11 to 20 years old and 18% are over 21 years old. Most of the organizations (56%) have up to 5 people currently working there, 26% have 6 to 10, 14% from 11 to 20 and 4% above that. (Figure 3a)

Regarding the turnover of funds during 2017, 22% of CSOs from the sample had a turnover of up to 2,000 euro, 16% from 2,001 to 5,000 euro, 14% from 5,001 to 10,000, 14% from 10,001 up to 50,000 euro, 6 % from 50,001 to 100,000 euro and 28% (maximum) over 100,001 euro. (Figure 3a). 44% of organizations mostly have operating area "nationally", and for 48% the primary field of action is good governance (democracy and human rights). Most of the CSOs (66%) use analyzes/research and publications to achieve the organization's main goals. (Figure 3b)

Figure 3.a. Characteristics of the CSOs involved (place of registration, years of existence, number of people currently working and turnover in 2017)

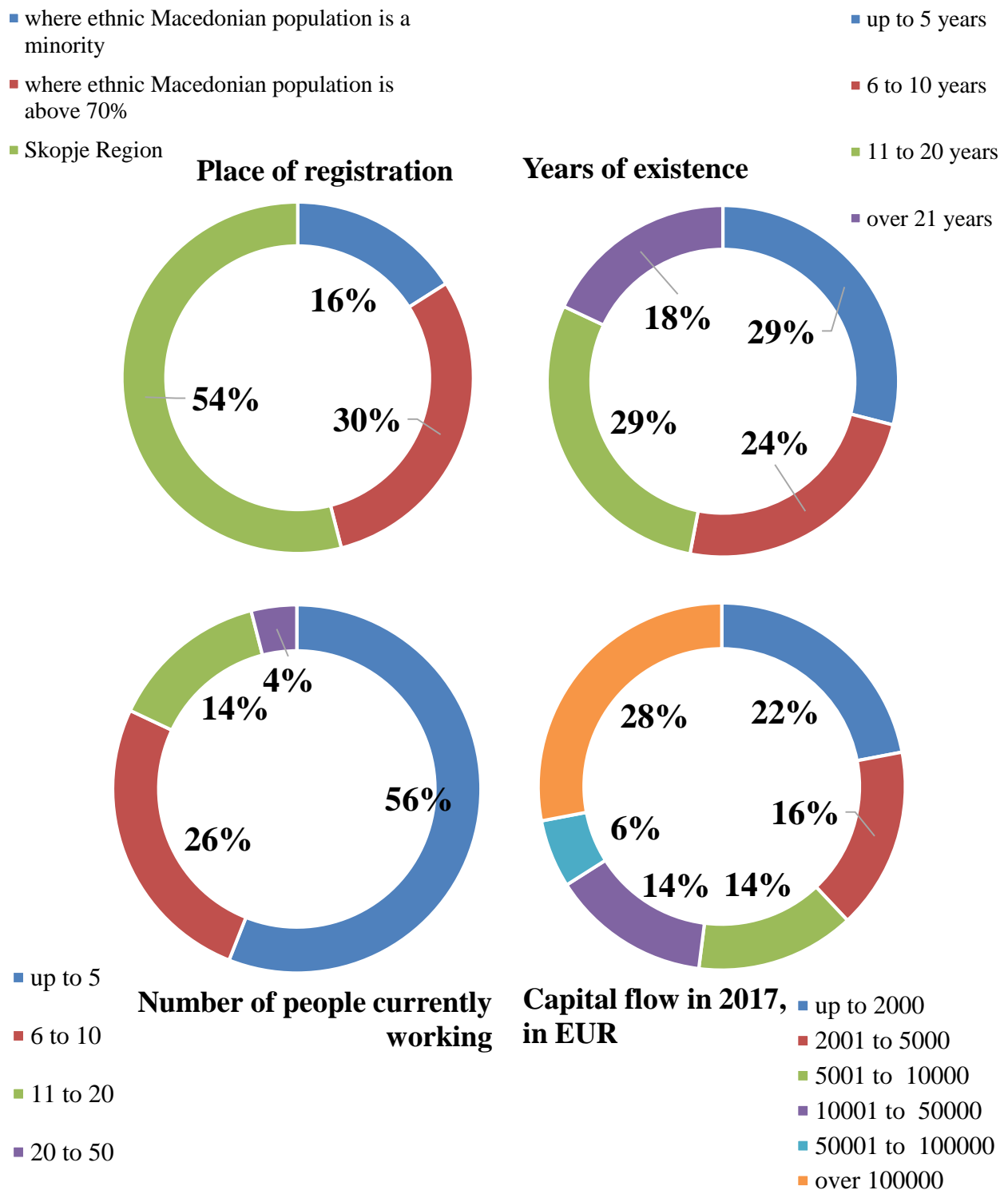
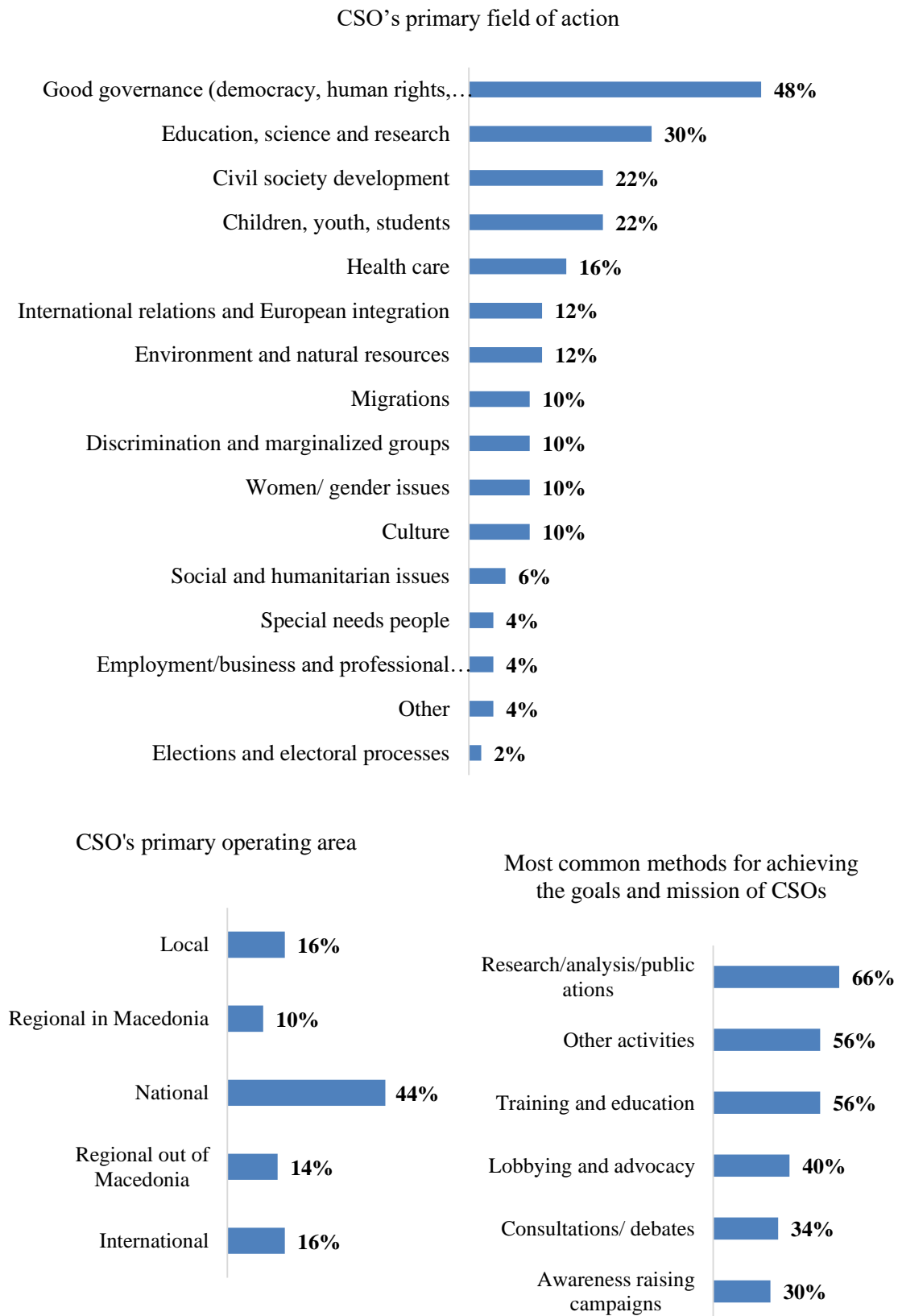


Figure 3.b. Characteristics of civil society organizations involved (operating area, primary field of action, and most common methods for achieving goals and mission)



2.4. Interviews with representatives of state institutions and public institutions affected by the Law on the Use of Languages

Interviews are based on semi-open questionnaires with representatives from institutions that are the ultimate "enforcers" of the regulation, according to the areas in which the Law is envisaged to be used. Forty interviews with officials from 23 state institutions (ministries, agencies and public enterprises) were conducted in the period from June to August 2018. (Table 1)

Table 1: Institutions covered by this part of the research	
Agency for Administration	Ministry of Information Society
Lawyer Chamber	Ministry of Culture
Public Procurement Bureau	Ministry of Local Self-Government
Government of Republic of Macedonia	Ministry of Defense
State Archive of the Republic of Macedonia	Ministry of Justice
State Clinic "Mother Teresa"	Ministry of Labor and Social Policy
State Appeals Commission on Public Procurement	Secretariat for Legislation
Public Enterprise Water Management Skopje	Secretariat for the implementation of the Framework Agreement
Public Enterprise Water Management Prilep	Assembly of the Republic of Macedonia
Public enterprise for spatial and urban planning Prilep	University FON Skopje
Macedonian Power Transmission System Operator (MEPSO)	Center for Social Work Prilep
Ministry of Health	

3. Review of the steps in the adoption and RIA of the Law on the Use of Languages

By a decision of the Government of the Republic of Macedonia from 2009, the methodology for regulatory impact assessment - RIA (2013) becomes mandatory for all legal proposals. The first step to be taken by the proposing institution is to determine the seriousness of the problem that needs to be resolved. Implementation of RIA begins with strategic planning of the regulation, which should be part of the strategy of the Government and the relevant Ministry (proposer of the law), which is followed by the phases of the implementation of the RIA and decision-making. In order to achieve a higher quality of the regulation in the implementation phase, three sub-phases of consultation with stakeholders are foreseen, with the Ministry of Information Society and Administration (MISA) responsible for giving an opinion on the draft RIA report. (Gapich-Dimitrovska 2013; Shikova 2017).

The Government of the Republic of Macedonia in its program 2017-2020 (Government of the Republic of Macedonia 2017a), in the part of "Building a Common Society", says that it will support a proposal for a legal solution for the use of languages that will extend the use of the official language spoken by more than 20% of the citizens. In the National Program for the Adoption of the Law of the European Union 2017-2019 the Government states:

"In the course of 2017, activities to promote the policy of the use of the official languages of communities will continue. The Secretariat for the Implementation of the Framework Agreement during 2017 will prepare action plan(s) on how to achieve the set goals in the Review of the implementation of the Ohrid Framework Agreement for Social Cohesion."

In the Government's "Plan 3-6-9" (2017b), in the part of the OFA implementation, it is envisaged the adoption of a Draft Law on the Use of Languages, which would then be submitted to the Venice Commission for Opinion. In the program of the Government of the Republic of Macedonia, in the period June-December 2017, initiatives with high priority and explanation for them were covered, but a draft LUL is not an integral part of it. Also, strategic planning of a legal solution for the use of languages is missing from the strategic plan 2017-2019 of the Ministry of Justice (the proposer of the LUL), nor on the website of the Ministry (in the part of strategies), there is a plan for implementing the regulation that applies the use of languages.

After the first reading of the draft LUL by the Committee on European Affairs (2017), in the period from 5 to 7 September 2017, with 9 votes in favor, none against and none abstained, the conclusion was reached that the legal proposal is acceptable and should be given for further reading. From 11 to 13 September, a proposal for the LUL is also being considered by the Committee on the Political System and Inter-Ethnic Relations (CPSIER), with 9 votes in favor and six against, it is concluded that the draft law is acceptable and should be given for further reading. The proposal submitted by the MP Ilija Dimovski for item 2 to be removed from the agenda of the session was not adopted. On September 13, a report was prepared by the Legislative Committee (LC) on the need for adopting the LUL, in which, with 8 votes in favor and 6 votes "against", it was concluded that the draft law is acceptable and should be given for further reading. On November 15th, at the 17th session of the Assembly of the Republic of Macedonia, the draft law is being considered and it is concluded that it is acceptable and it can go to second reading.⁷

At the second reading by CEA, on December 11 (with continuations on December 13 and 14), a hearing was underway on the amendment to change the title of the legislative proposal (given by the deputies Afrim Gashi, Nexhbedin Karemani and Recep Memedi), but the Committee did not state regarding this. (CEA 2017) The additional 89 amendments submitted by the Members of Parliament were not open to hearing on this session, because pursuant to Article 171c⁸ of the Rules of Procedure of the Assembly of the Republic of Macedonia (2013), the deadline of at least three working days for hearing the amendments had expired. As a result of this regulation having a European flag, there was no room for hearing on the amendments after the third day. On December 14, at the meeting of the LC, a Draft LUL was considered (second reading). At the session of this committee, there was no hearing for 90 amendments for the same reason stated previously (the shortened procedure does not allow this). At this session the draft law is being implemented in a further procedure.

On January 11, 2018, at the 27th session of the Assembly of the Republic of Macedonia, the Law on the Use of Languages was passed, with 69 votes in favor, out of 69 MPs present at the session, in the absence of the opposition. Total votes from non-majority communities for this legal proposal are 27

⁷ Out of 109 MPs present at this session, 66 vote "for" and 41 "against".

⁸ This article stipulates that the alignment of a legal solution with the EU lasts for a maximum of three days.

"for" and 1 "abstained". Finally, on March 14, 2018, for the second time, with 64 votes "for" and none "against" and/or "abstained", the LUL was voted in the Parliament of the Republic of Macedonia. For this legal solution, none of the 35,569 previously submitted amendments from the opposition was accepted, the session was interrupted several times by the MPs from the opposition VMRO-DPMNE (due to the lack of debate on the amendments), while there was a protest in front of the Parliament building of about a hundred citizens. The President of the Republic of Macedonia for the second time did not sign the decree on the Law on the Use of Languages, which means the LUL has not yet been enforced.

Regarding the following of the RIA process, the draft regulation has not been published on the Unique National Electronic Registry of Regulations (UNERR), which is a step in the strategic planning of the RIA process. Also, the stakeholders have not been consulted, no possible solutions have been stated, nor an impact analysis of each option and the definition of an optimal solution has been made. A draft law on planning, monitoring and evaluation has not been prepared, and no draft RIA report has been prepared. Regarding the implementation of the RIA, the Legal Proposal has not been published to UNERR for stakeholder consultation, a draft RIA report has not been prepared and has not been signed by the relevant minister. In the area of decision-making, the draft law and the draft RIA report were not submitted to the General Secretariat of the Government. The draft law was established by the Government of the Republic of Macedonia, but it was not published on UNERR along with the report of the RIA.⁹

Such a complete skipping of the RIA for a law that is passed in a shortened (not urgent) procedure is not justified (Gapich-Dimitrovska 2013, 5), which undermines representative democracy, transparency, civic participation and the rule of law, whose integral part is the RIA (Shikova 2017, 4).

4. Consultations with stakeholders on the Law on the Use of Languages - Outcomes.

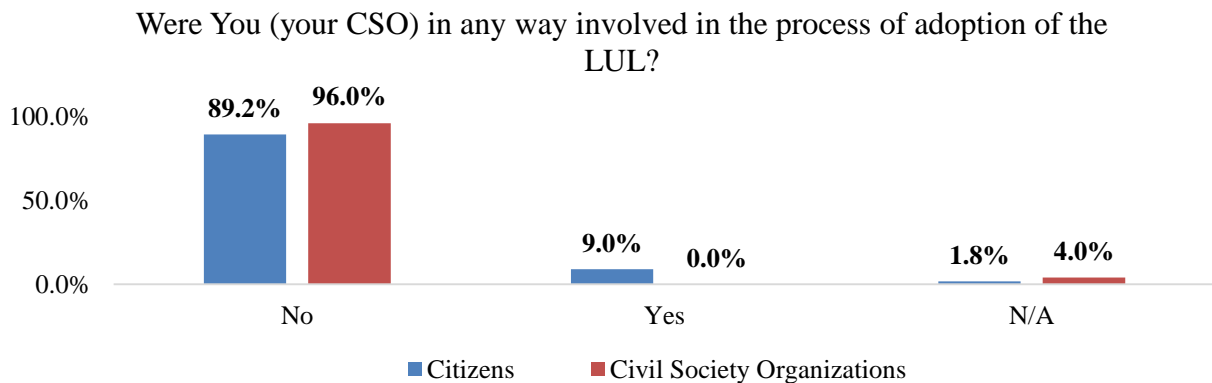
In the absence of implemented RIA by the proposer of the Law on the Use of Languages (LUL), we perform (ex-post) consultations with stakeholders, in the case of the LUL, citizens, civil society organizations and institutions in which the new regulation will be implemented.

4.1. Involvement, awareness and transparency in the process of adopting the Law on the Use of Languages.

We establish exceptionally low level of involvement/consultation of stakeholders in the process of preparation and adoption of the regulation. 89.2% of the citizens and even 96% of the civil society organizations say they have not been consulted in any way for the LUL. (Figure 4)

⁹ This, the correspondence and the interviews, is confirmed by a representative from MISA and the proposer of the LUL, (former) Minister of Justice, Bilen Saliji.

Figure 4. Involvement of citizens and civil society organizations in the process of adopting the LUL

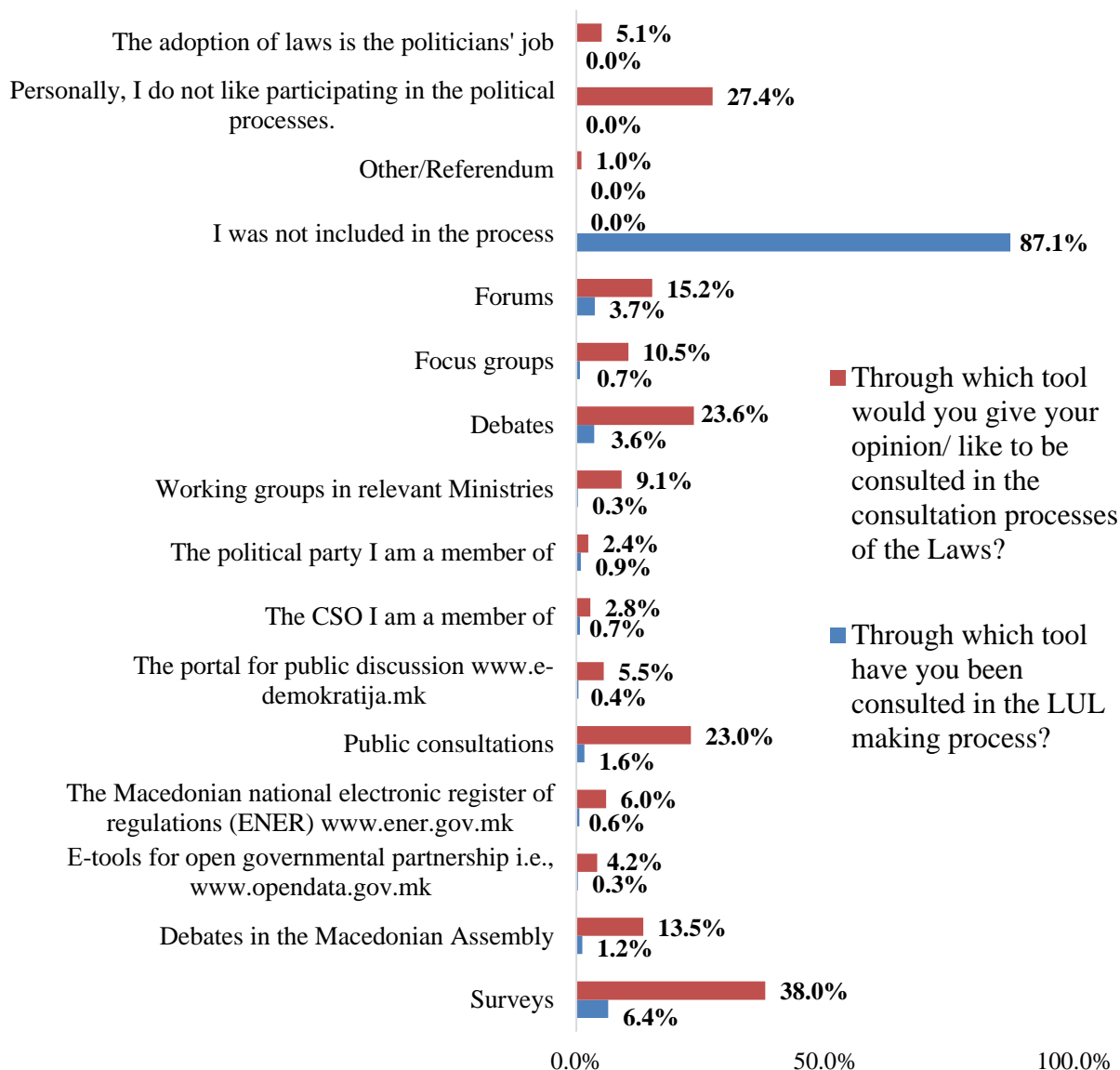


In the same line, the participants in the focus groups generally consider that they were not personally involved in the process of adoption (preparation) of the law. Of those citizens who were involved in such consultations, most were involved through surveys (6.4%), forums (3.7%) and debates (3.6%). (Figure 5) Although the majority of participants in the focus groups think that there was not enough public debate on the law and that the decision-making process was politicized, there is a division over this issue along ethnic lines. According to one female participant in the focus group in Prilep, "everything happened hushed and pushed under the carpet." Participants in Prilep (ethnic Macedonians and Roma) are unanimous that there was no debate on the law, and several participants emphasize that the positions of (the same) experts in media debates largely depended on the party that the media holding the debate supported.

Nevertheless, among the participants in the focus groups with a majority Albanian population, such as Cair and Gostivar, there were some who think there was substantial public debate on the law, that "the language issue was talked about for years" and one female participant (a member of the smaller ethnic groups in Macedonia), believes that there was "even too much debate". One participant from Kumanovo emphasizes that there were quite a lot of public events where negative feelings about the law were presented, but not a constructive debate. A participant from the Turkish community believes that the Turks were neglected in the debate, and that although with the 1987 Constitution of Yugoslavia they had their own language, they no longer had it.

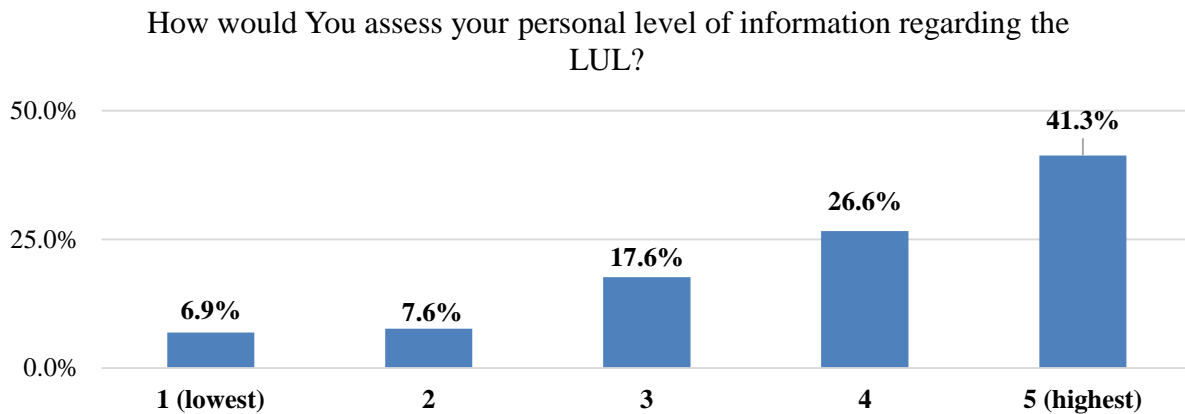
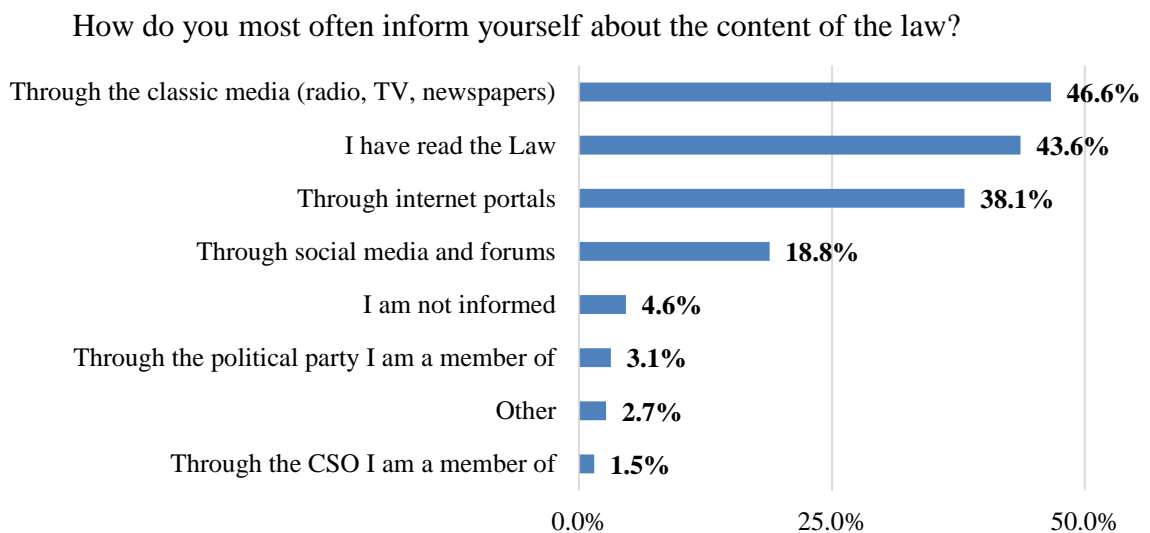
Hence, we inevitably continue with the question whether citizens want to be part of those consultations. 58% of the citizens answered that they would like to participate more directly in the process of policy creation in the country. However, in Kumanovo one respondent believes that "for big decisions the people should not be asked and that the leaders should be responsible and see what is behind the mountain; although initially some laws are not popular, in the long run they will have great success." The interviewer here makes a comparison of this law with the declaration of US President Abraham Lincoln for the abolition of slavery that was not popular at the time, but today it is considered an advantage of civilization. What comes in as a conclusion is that there is still a significant percentage of citizens who either do not know whether they want (20%) or explicitly do not want (22%) to engage in policy making. 27.4% of the respondents do not personally want to participate in political procedures, and 5.1% think that the adoption of laws is a matter for politicians. (Figure 5)

Figure 5. Tools for citizen involvement in the process of adoption of the LUL and the process of RIA in general



Of those who in the future would like to be more involved in law-making processes, most often they would do the same through surveys (38%), debates (24%) and public consultations (23%), and a much lower percentage take into account the possibility for inclusion in the RIA process through UNERR (6%), e-democracy portal (5.5%) or e-tool for open government partnership (4.2%). (Figure 5) This is an indication of the low level of awareness of the citizens with the possibilities for inclusion in the democratic procedures for creating the regulations, consequently the RIA, which in large part explains the low level of citizen involvement in the consultations. However, as previously stated, in the case of the LUL, the citizens, CSOs and institutions were prevented from engaging in such an involvement due to the skipping of RIA procedures for this regulation.

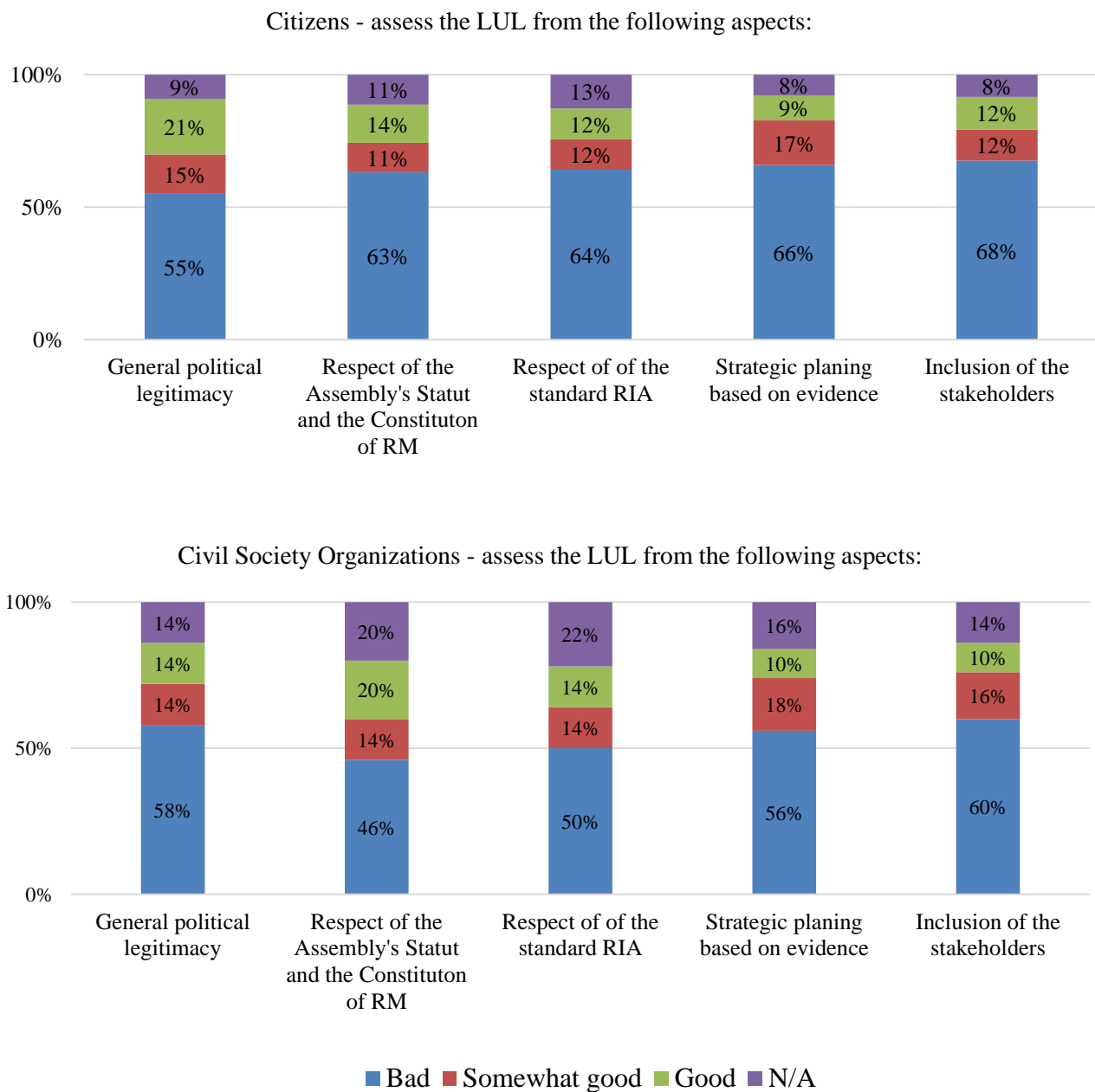
Although consultations in the RIA process are those that should provide transparency, it can also be obtained through various media. Citizens are to a large extent assessed as well informed (68% rated their own level of information with 4 or 5 (on scale from 1 to 5, where 1 is the lowest) (Figure 6)

Figure 6. Level of information for the LUL**Figure 7. Means used to inform about the LUL**

Most often, they are informed through classical media (46.6%) or internet portals (38%), and 43% read the law. (Figure 7) However, in the focus group participants, generally there is a low level of information and rarely any of the participants read the law, which could be explained by the research method. Namely, the survey could be filled by citizens who are already more interested and informed about the LUL.

From the point of view of the adoption procedure (Figure 8), citizens and CSOs largely equally assessed the LUL. Firstly, 65.9% of the citizens, and 56% of the CSOs, think that the LUL is not based on evidence-based strategic planning, and then 67.7% of the citizens and 60% of the CSOs think that the LUL does not consult all stakeholders of the law. 64.1% of the citizens and 50% of CSOs consider that the standard RIA was not respected, 66.7% of the citizens think that the adoption procedure was not transparent, and 64% of the civil society organizations think that the comments did not have a significant impact on the legal content. Finally, 63.2% of the citizens and 46% of the CSOs consider that the LUL was not adopted in accordance with the Parliamentary Rulebook and the Constitution of the Republic of Macedonia. Additionally, 56% of CSOs consider that the procedure for placing the European flag on the LUL was inadequate, and 64% think that the time and/or political conditions in which the law was adopted were inadequate.

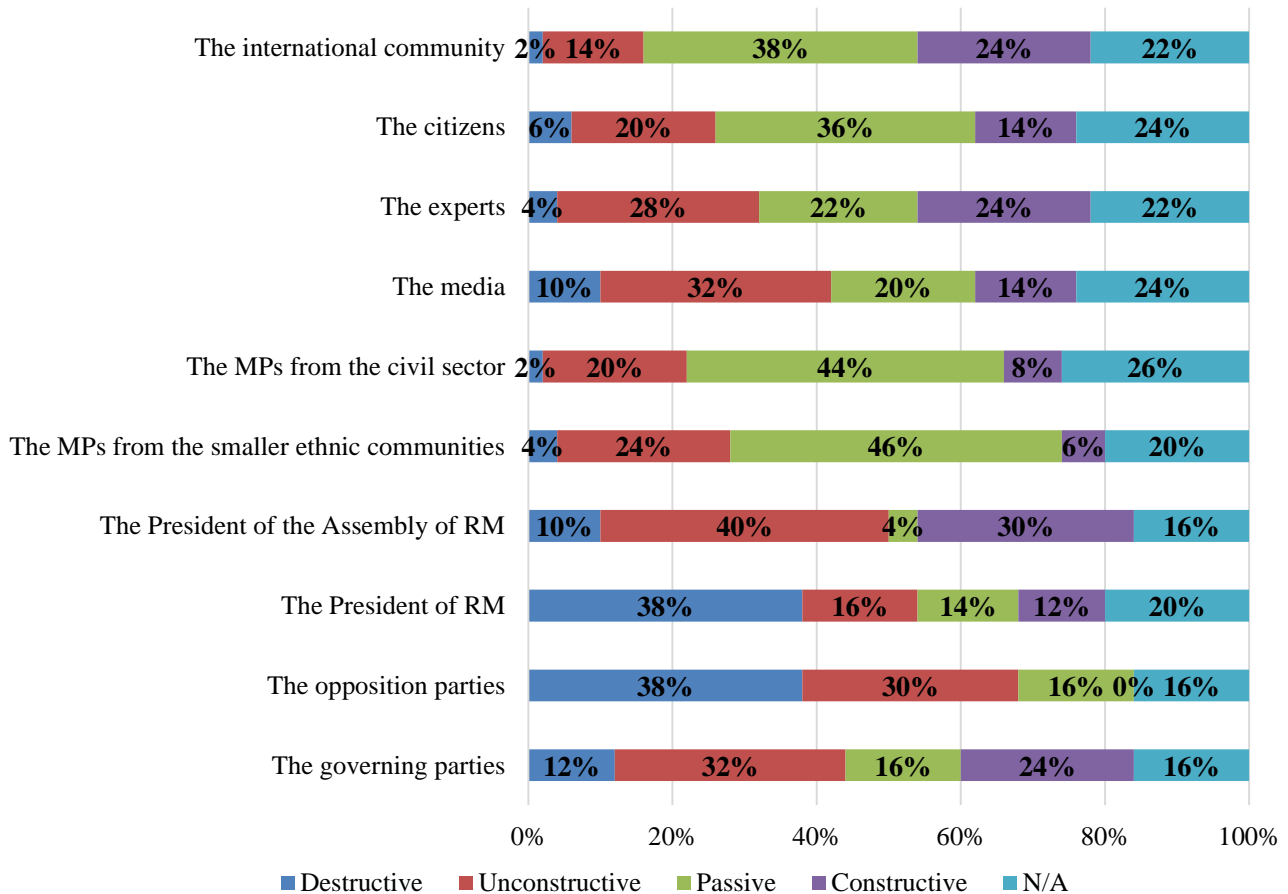
Figure 8. Aspects from the procedure for adopting the LUL



From Figure 9 we see that 68% of CSOs assess the role of the opposition, and 54% the role of President Ivanov as destructive or non-constructive. MPs of smaller ethnic parties and civil society deputies are rated as the most passive (44% for each individual). The biggest difference is in regarding the views on the role of the President of the Assembly of the Republic of Macedonia, Xhaferi. 40% consider it non-constructive, while 30% consider it to be constructive. Both percentages are the highest in categories, i.e. of all possible factors, the role of President Xhaferi was assessed both as the most and the least constructive.

Figure 9. The role of social stakeholders in the process of adopting the LUL

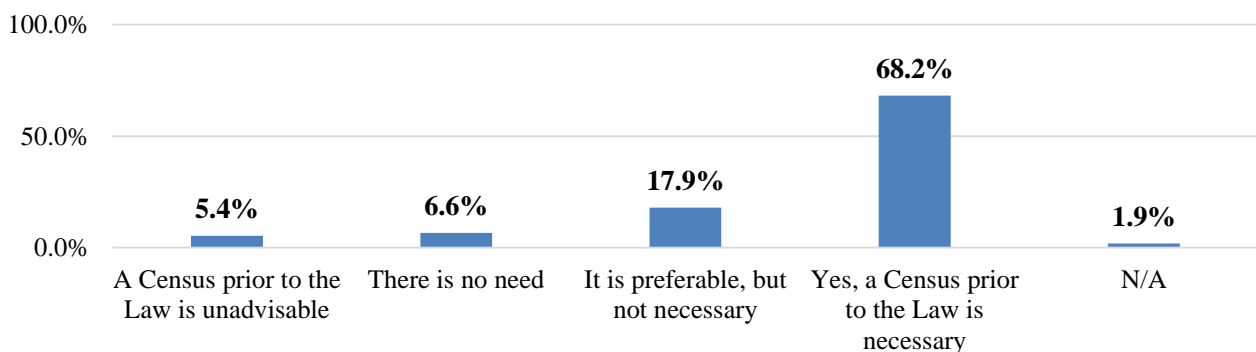
Assess the role of the following parts in the full process of debate regarding and adoption of the LUL:



Regarding the procedure and prospects for the implementation of the LUL, 68% of the citizens believe that before the law is adopted, a census in Macedonia is needed. (Figure 10)

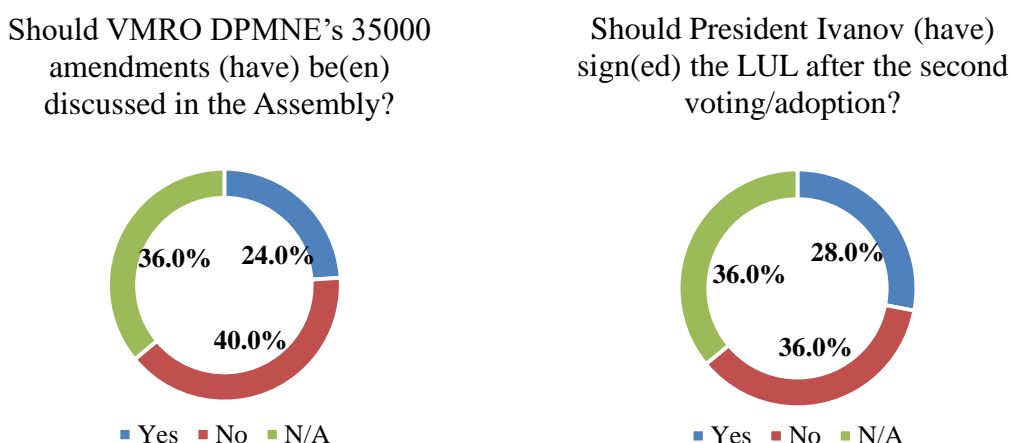
Figure 10. Census for effective planning of the implementation of the LUL

Do You believe that for an efficient planning and implementation of the LUL a prior Census of the population in Macedonia is needed?



CSOs are divided in regard to the questions whether it is (was) primarily necessary to consider over 35,000 amendments to the LUL by VMRO DPMNE (24% said “yes”, and 40% said “no”), and whether President Ivanov should (have) sign (ed) the Law after the second vote went through without hearing on the opposition's amendments (28% "yes" and 36% "no"). (Figure 11) The large part (of 36%) of CSO's respondents who have no answer to both questions and the division regarding them indicate the institutional confusion that has been present in the country for a long time and the need to democratize the institutions, This implies greater inclusion the citizens and the civil sector in the processes of policy making. Thus, they would at the same time learn about the institutions and would have the opportunity to improve them.

Figure 11. Opposition and the President of the Republic of Macedonia in the process of adopting the LUL



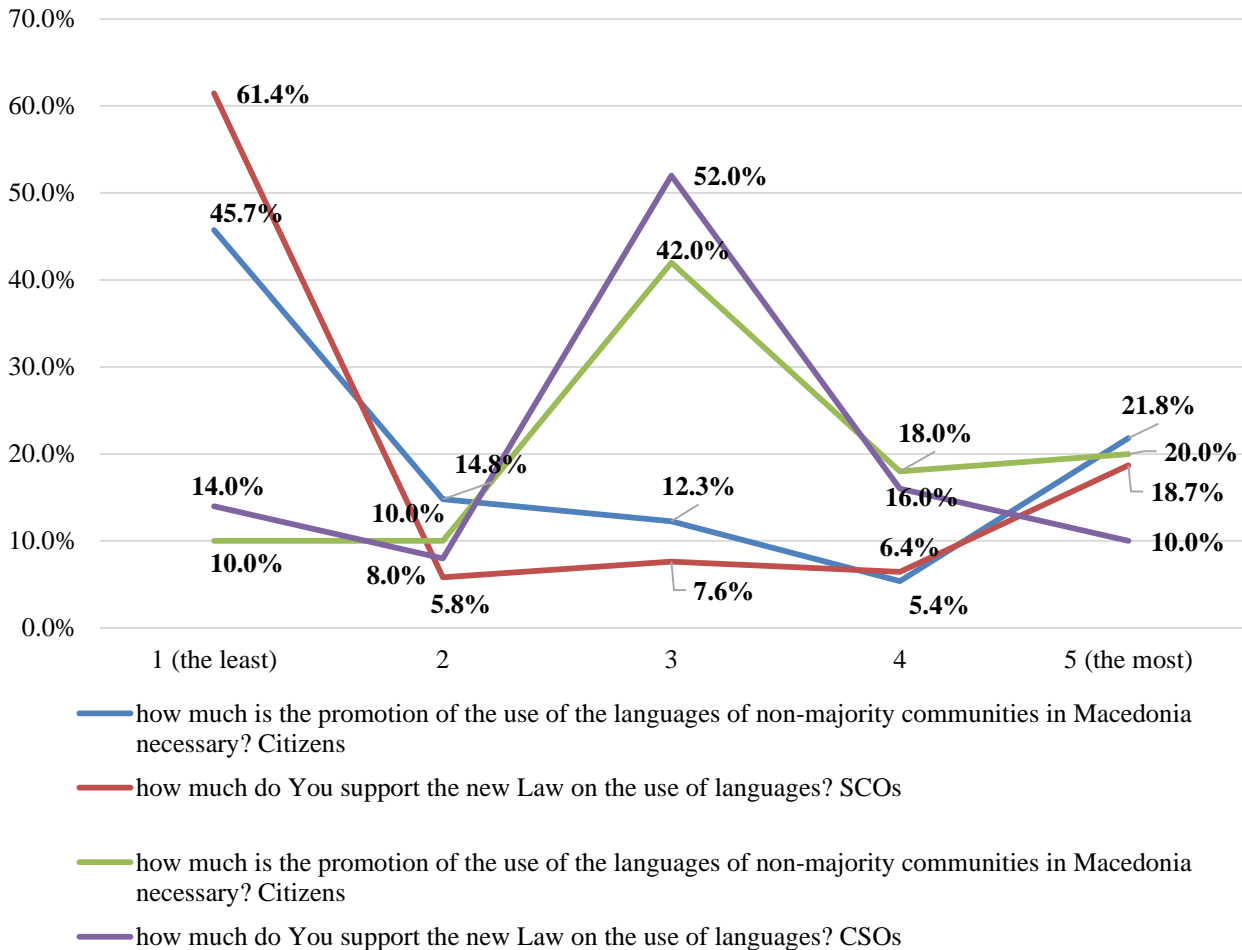
4.2. Public opinion and support for the Law on the Use of Languages

The general support of public opinion on the LUL is at a very low level. On a scale from 1 to 5 (where 1 is the lowest and 5 is the highest), 64.1% of the citizens assess the law with a score of 1, and 18.7% with grade 5. (Figure 12) For CSOs, the weight of the assessment falls in the middle (52% rate the law with 3), and the extremes are balanced, 14% do not support it at all, and 10% completely support it.

45% of citizens and 10% of CSOs do not support the idea that the use of languages of non-majority communities in Macedonia should be promoted, and 22% of citizens and 20% of CSOs consider it to be very necessary. Again, CSOs largely (43%) assess such a need as a secondary requirement. The trend of support between the two issues is largely parallel. Among the citizens, the most visible difference is between those who do not think that the languages of the non-majority communities in Macedonia should be promoted (45.7%), in contrast to those who do not support the law at all (61.4%).

Figure 12. Promoting the use of non-majority communities' languages and support for the LUL

In a scale of 1 to 5 (where 1 is the least, and 5 is the most):

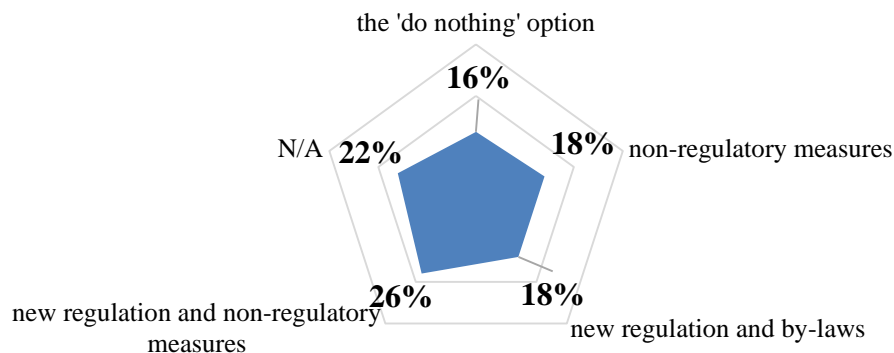


There is a strong positive correlation between the support for the LUL and the citizens who declared themselves as Albanians (Pearson's coefficient of 0.61), and a stronger correlation between support for the law and the ethnic Macedonians (Pearson's coefficient of -0.72). This is particularly reflected in the comments of the participants in the focus groups. While the group in Prilep, which is composed of Macedonians and Roma, does not explicitly support the law, the groups dominated by Albanians are largely positively inclined towards the LUL (Gostivar and Chair), and the worst debate develops in the mixed group in Kumanovo, where opinions are drastically polarized.

CSOs are divided on the question of which option would be most appropriate in order to promote the languages of non-majority communities in Macedonia. The highest percentage (26%) believe that new regulations and regulatory measures are needed, and the smallest percentage (16%) are for the "do nothing" option, which would mean keeping the law from 2008/2011. (Figure 13) What should not be disregarded is the fact that 22% of CSOs do not know which alternative is the most appropriate for addressing the issue of languages in Macedonia. This shows how the issue itself is complex, systemic and socially sensitive.

Figure 13. The most appropriate option for the promotion of the languages of non-majority communities in Macedonia

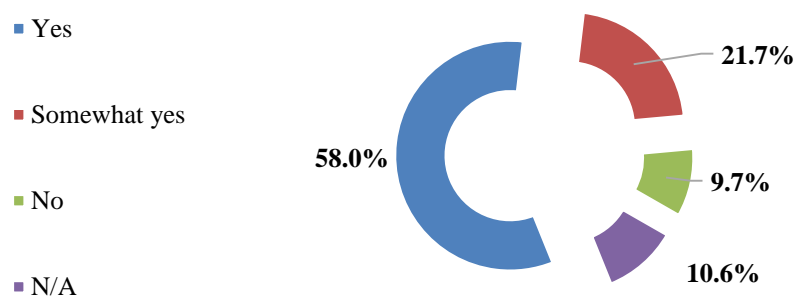
Which of the following options would be the most adequate for the purpose of promotion of the languages of the non majority communities in Macedonia?



When it comes to the option "do nothing", what in this case would mean the further application of the 2008 Law (which regulates the use of the language spoken by at least 20% of the citizens in the Republic of Macedonia and the local self-government units) we get a different picture from the citizens. More than half (58%) of Macedonian citizens believe that the 2008 Law has met the needs of non-majority communities for use in their mother tongue. (Figure 14)

Figure 14. The 2008 Law and meeting the needs of non-majority communities to use their mother tongues

According to You, the Law of 2008 has satisfied the needs of the non-majority communities for the use of their mother tongues.



However, 87.6% of those who gave this response are ethnic Macedonians. On the other hand, 56.9% of those who believe that the 2008 Law does not meet the needs of non-majority communities for use in their mother tongue are Albanians. Again ethnic divisions on the issue of languages in Macedonia, especially on the ethnic Albanian-Albanian line, reappear.

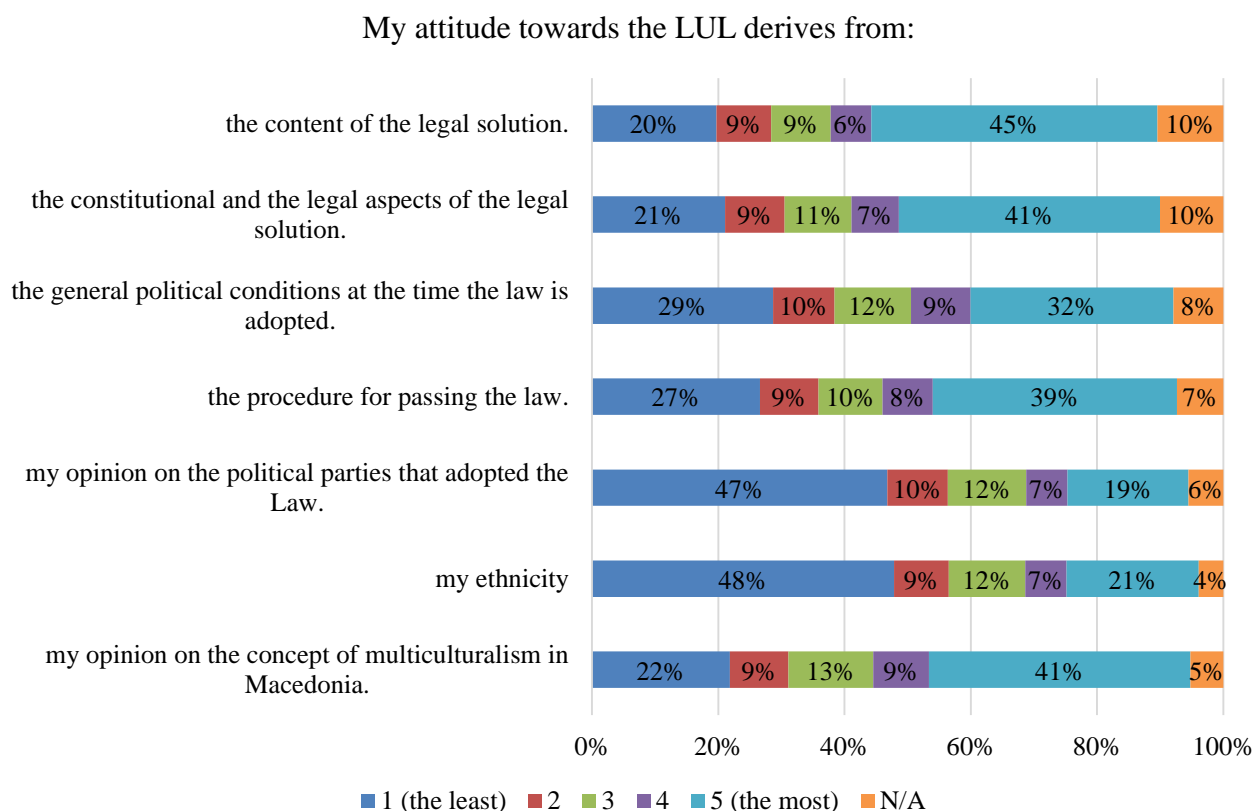
Ethnicity emerges as an important indicator of the positive or negative opinion of the 2008 Law and

the 2018 LUL. Participants of the focus groups of all ethnic groups largely assess the LUL through the prism of their ethnicity, while the respondents in the survey indicate ethnicity among the weakest relevant factors for the formulation of its opinion regarding the LUL.

Namely, from Figure 15 we see that 47.8% grade the importance of their ethnicity with 1 (the lowest). 76% of Albanians, and 18.4% of ethnic Macedonians, rated ethnicity with importance of 4 and 5 (high). On the other hand, citizens stated that the content of the legal solution (45.3%), the constitutional and legal aspects of the legal solution (41.4%), and their opinion on the concept of multiculturalism in Macedonia (41.4%) had the greatest impact on the creation of their attitude towards the LUL.

The most important factor for the formation of their opinion, the content of the legal solution, we addressed separately, asking citizens to evaluate the application of bilingualism by areas and institutions, as envisaged in the law. Twenty-one such area/institution were offered, and the assessment was carried out by evaluating each separately (on a school scale from 1 to 5, where 1 means "I least agree").

Figure 15. Aspects that create the citizens' opinion on the LUL



Out of the total sample we get unsatisfactory assessments of the use of bilingualism in all mentioned areas (an average of 2.23). Among the least desired areas for the use of bilingualism are "banknotes and coins, postage stamps, banderoles", "police, fire department and health-care uniforms", "President of the Republic of Macedonia", "payment orders, invoices and fiscal reports" and "Constitutional court". Among the least negatively assessed are the areas "culture-broadcasting activity", "education and science", and "healthcare". (Figure 16)

Figure 16. Public Opinion on the LUL by areas and institutions

Survey- how much do you agree with the introduction of the Albanian language as an official language on the whole territory of Macedonia (envisaged by the LUL) in the following areas and institutions:

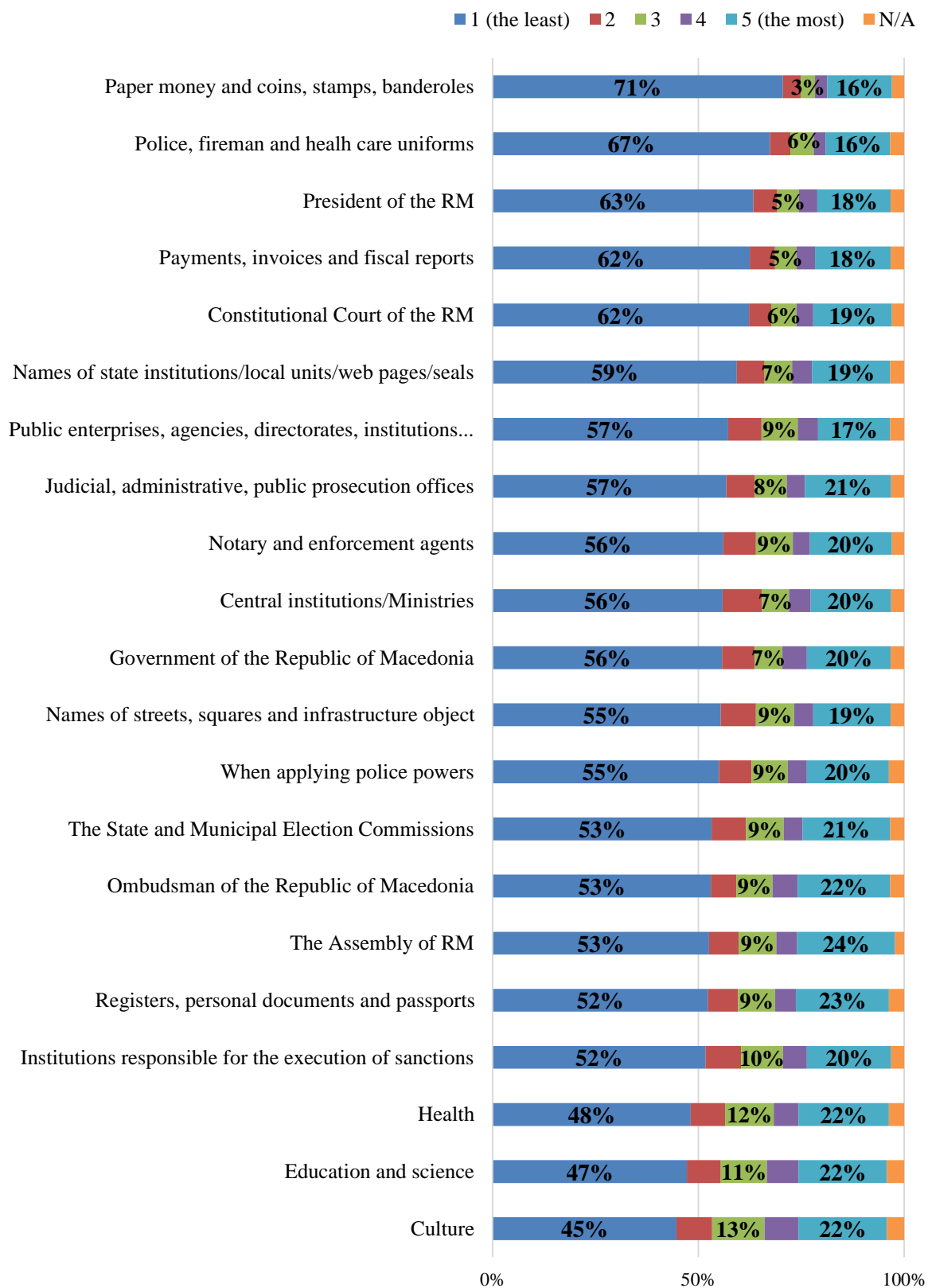
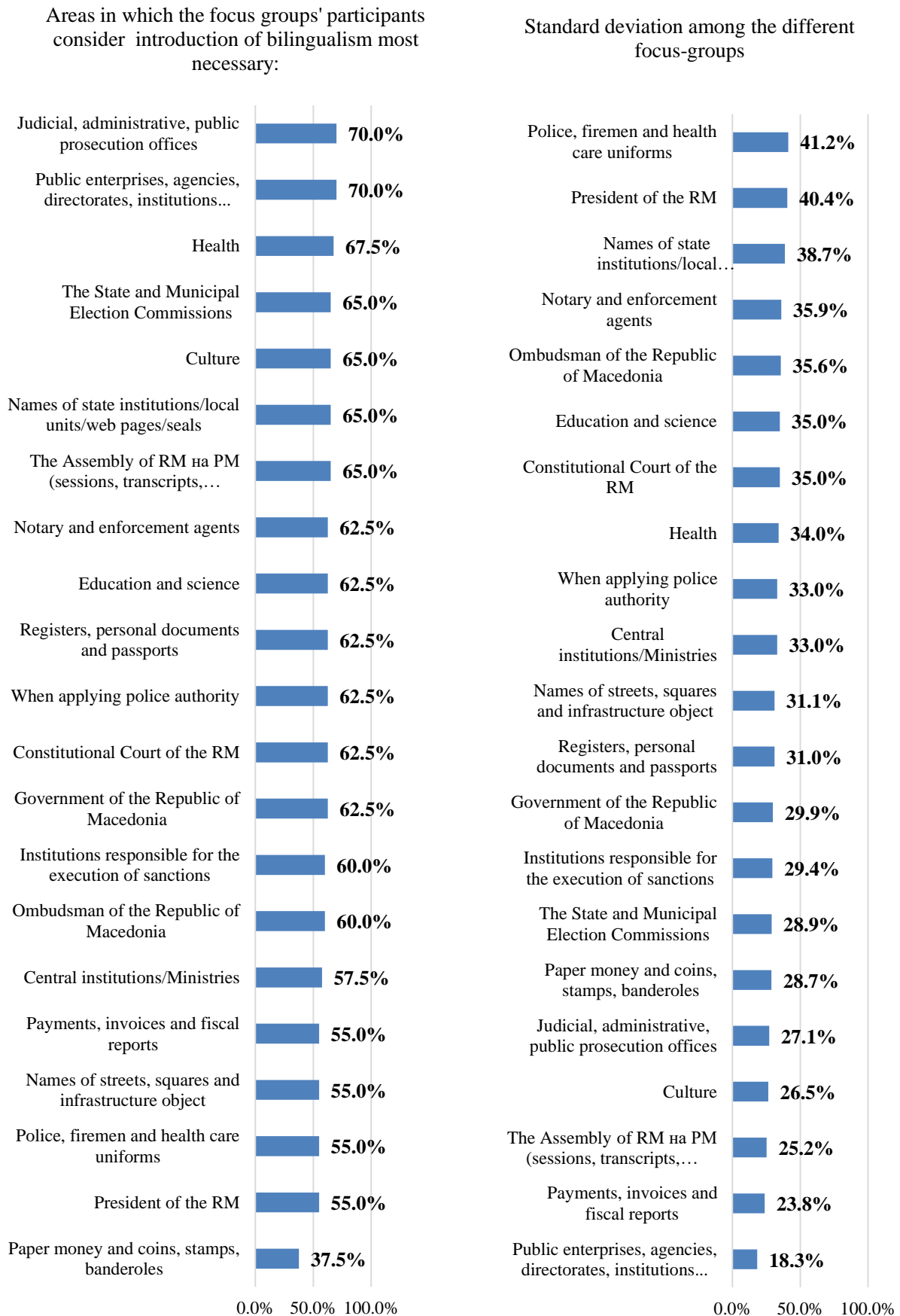


Figure 17. Support for the LUL by area and standard deviation between different focus groups

However, ethnicity also plays a crucial role here. The difference in the assessments between the areas is not great among the respondents within the specific ethnic groups, but it is significant among the ethnic communities. In the Macedonian respondents, the average grade for all areas is 1.65 (ranging from 1.21 to 2.01), with the smaller ethnic groups, the average is 2.34 (moving from 1.95 to 2.64 per region), while with the Albanians are visibly higher, 4.57 (moves from 4.65 to 4.72 per area). Although we could expect to see that the support for the LUL differs by ethnic groups, these data confirm that citizens evaluate (and thus support or not) the LUL as a complete project, determined by ethnicity, before the contents of the law (as they state the respondents themselves in the survey). There is no drastic difference in the assessment of the specific parts of the law, and the assessments are largely a reflection of the general assessment of the law.

For example, the average grade on the question "How much do you personally support the LUL?" is 2.15, which corresponds to the average grade in all areas separately from the above (2.23). Furthermore, the average grade of the general question among the Macedonians is 1.44, (by areas is 1.65), in other/smaller ethnic communities it is 2.38 (by area is 2.34), and among Albanians it is 4.66 (by region is 4.57).

Focus groups participants were also asked to answer this question by asking them to determine which of the areas in which the introduction of bilingualism in Macedonia was envisaged would they be most bothered about, but they believe is necessary. Figure 17 shows that out of a total of 40 respondents, only 37.5% answered that the introduction of bilingualism in the area of "banknotes and coins, stamps, banderoles" is necessary, which follows the same logic from the answers in the survey. 55% of the respondents answered that the introduction of bilingualism is necessary in the following areas: "President of the Republic of Macedonia", "street name, square, bridge and other infrastructure facility", "payment receipts, invoices and fiscal reports issued by the institutions and stamps of state institutions and regional units" and "police, fire department and health-care uniforms".

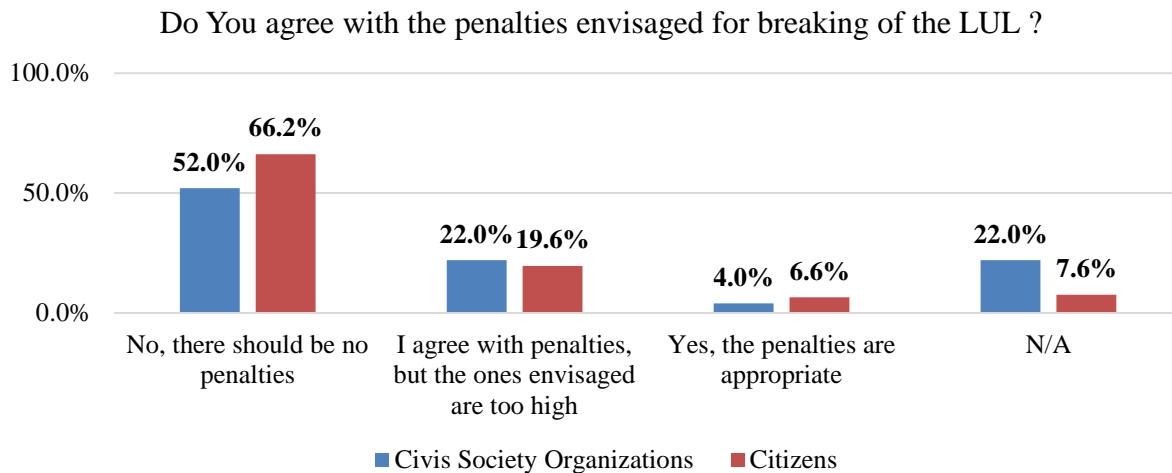
Five of the ten least priority aspects of the focus groups (Figure 17) coincide with the ten most priority aspects of the survey (Figure 16). Three of them are among the areas/institutions with the highest standard deviation from the average support for bilingualism in the focus group focus group: "President", "police, fire department and health-care uniforms", "payment receipts, invoices, etc." (Figure 17)

The results visibly differ when compared by location of the focus group. The most visible difference is between support for bilingualism in places with a majority ethnic Macedonian population and those where there is a mixed, or majority Albanian population. In Prilep, support for introducing bilingualism by regions reaches 50% in only one area of culture, while areas such as "Education and Science", "State Election Commission", "Government of RM", "Health", "street name, Square, etc." and "President of the Republic of Macedonia" have only 10%. The focus group in Gostivar showed strong support (over 70%) for introducing bilingualism in all areas provided by the Law on the Use of Languages. The least need for this is seen in the area "President of the Republic of Macedonia" (70%).

Finally, citizens largely oppose the existence of fines for disregarding the provisions of the LUL (envisaged in the text of the Law), and 66% think that there should be no fines, and almost 20% agree that they agree with fines, but consider that the envisaged fines (from 4,000 to 5,000 euros for bodies,

and 30% of the same for the official and responsible person in the bodies) are high. CSOs, to a lesser extent, oppose the existence of fines (52%), and almost the same part (22%) agree, but consider that the envisaged ones are high. 22% of CSOs, and 7.6% of citizens do not know if the existence or the amount of envisaged fines is justified and appropriate. (Figure 18)

Figure 18. Fines for non-compliance with the provisions of the LUL



4.3. Socio-political, democratic and economic effects of the Law on the Use of Languages through the stakeholders' perspective.

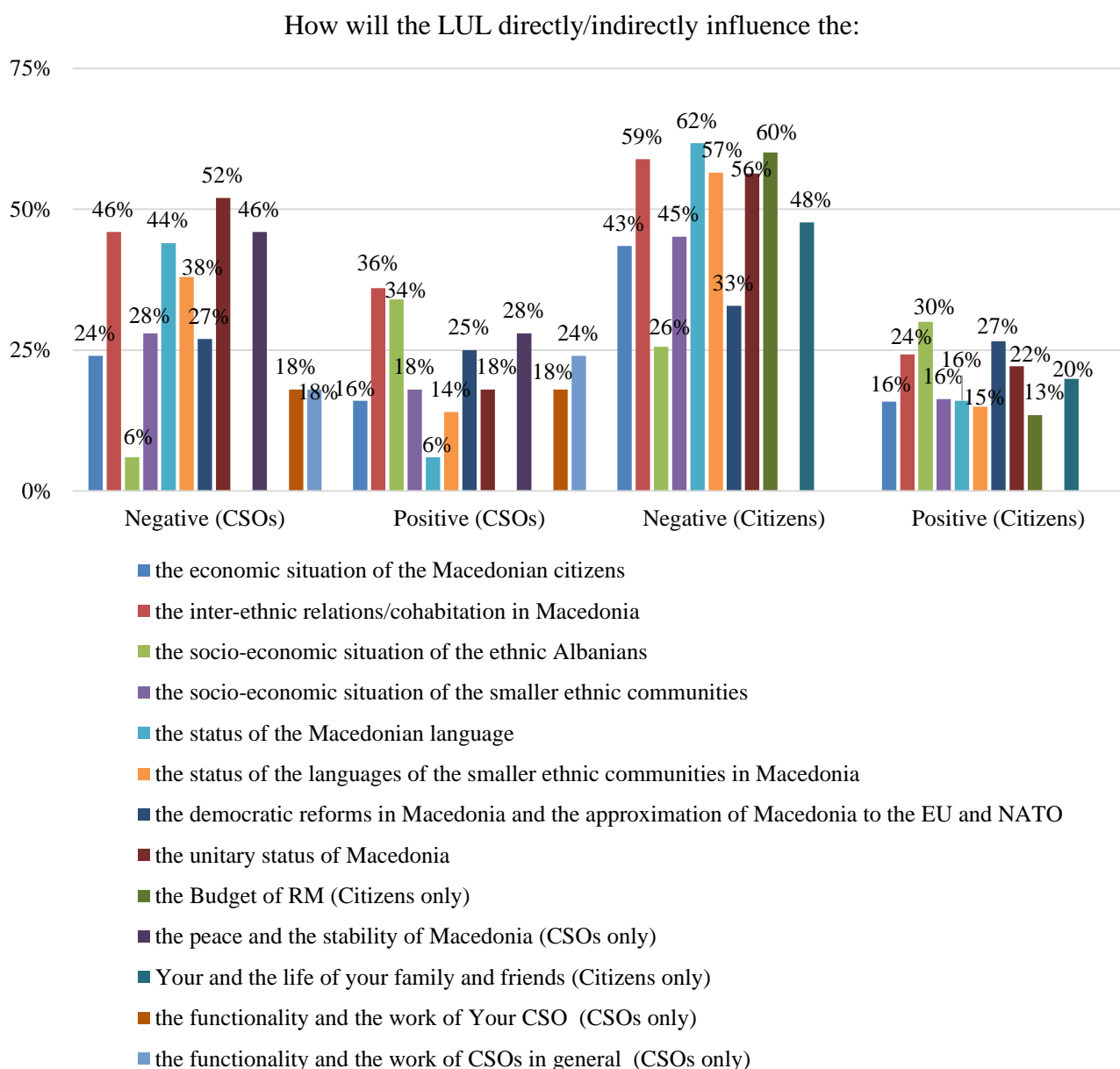
The biggest benefit from the LUL according to the citizens is in improving the socio-economic position of ethnic Albanians (30% of the citizens assess it as positive), and democratic reforms and the EU and NATO integration (26.6% rated it positively). (Figure 19) However, these two issues are quite divided between the categories positively, neutrally and negatively, with over 30% of the respondents assessing them as neutral. CSOs also assess the most neutral the socio-economic situation of ethnic Albanians, and Macedonia's accession to the EU and NATO (48% for each individual). Therefore, in relation to the citizens, it would be more correct to read the results from the other end of the axis and to conclude that these two issues are the two least negatively assessed areas for which the LUL would have implications. On the other hand, in terms of the status of the Macedonian language and the budget of the Republic of Macedonia, the LUL is ranked the most negative by the citizens (61.7% and 60.1% negative). (Figure 19)

CSOs generally assess the impact of the LUL on the status of the Macedonian language as negative, but in a smaller percentage (44%). While 57% of the citizens see the negative impact of the LUL on the status of languages of smaller ethnic communities, only 38% of CSOs see the same. The greatest contrast in the opinions of the CSOs is related to the issue of inter-ethnic relations/coexistence in Macedonia after the LUL. Namely, 46% assess the effect of the LUL as very negative or negative, and 36% as positive or very positive. On the other hand, almost 60% of the citizens think that the effect will be negative. Regarding the peace and stability in the country and the unitary character of Macedonia, the answers to both the citizens and the CSO are leaning mostly towards “negative”, and are approximately similar (46% and 52% respectively with CSOs and 56% among the citizens). (Figure 19)

Regarding the economic situation of the citizens in Macedonia, 46% of the CSOs assess the impact of the LUL as neutral (24% as negative), and 43.5% of the citizens as negative (37% as neutral). 38% of the citizens and 48% of the CSOs assess the impact of the LUL on the socio-economic situation of the Albanians as neutral, while 30% of the citizens, and 18% of the CSOs as positive.

Similarly, the assessment and the influence of the LUL on the socio-economic situation of small ethnic communities by CSOs (28% negative, 18% positively), and by the citizens (45% negative, 16% positively). Almost 48% of the citizens think that the LUL would have a negative impact on their personal life or the lives of their friends. 44% of CSOs think that the LUL will have a neutral impact on the work of CSOs in general, and 52% do not see the impact of the LUL on the work of their organization. (Figure 19)

Figure 19. Impact of the LUL on socio-political conditions in Macedonia



Focus group participants raised additional issues that they thought should be considered in relation to the LUL and the implications of inter-ethnic relations. The first is the nonexistence of a lingua franca, a common language of understanding in the case of language parallelization of the system, the division of students from different ethnic backgrounds into different school shifts. Several participants from different ethnicities emphasize the problem of unfamiliarity of the Macedonian language by young Albanians, caused by such divisions at school, the technology that has reduced direct socialization among the youth from mixed backgrounds "on the street", and because the young people don't think that they need the Macedonian language. Although there is no consensus on the issue, the main conclusion is that there is a possibility for the LUL to parallel societies if the school system is not reformed. The President of the Assembly of the Republic of Macedonia, Xhaferi, states in the interviews: "[...] we must understand that in this country knowledge of language is a treasure. Unfortunately, there is still no climate in our country for mutual learning of the languages. The reality of young Albanians not using the Macedonian language is a relapse of the education system."

Hence, the issue of children studying other foreign languages from an early age (especially the children of smaller ethnic communities), which, according to several participants in the focus groups, would additionally burden the children. In general, participants believe that communication would deteriorate if each ethnic community speaks only its own language. The focus groups focus on the view that general economic progress will not follow after the law, although it would positively influence the status of the Albanian community. Although budgetary burdens are expected to be sustained, one female participant believes that the LUL is worth the money, "especially when all this money can be spent on the project Skopje 2014".

However, the focus groups themselves have repeatedly emphasized the potential for inciting nationalism in ethnic communities, and party plays behind the law, which brings us to questions about political motives and their implications. The three most common reasons that according to respondents in the survey influenced the ruling parties to adopt this law are: post-election coalition bargaining between SDSM and DUI (60%), pre-election opposition campaign promises to win over votes (52%) and the provisions from the Albanian Platform (47%). (Figure 20)

Respondents from the focus groups classify the reasons for adopting the law as "a theater for getting votes by the Albanian parties" (according to a female Albanian participant), "bargaining for a coalition", "for a position", and some participants cite integration into the EU and NATO as a reason because "that's what the foreigners want".

Additionally, the respondents in the survey believe that the LUL will fuel nationalism among all ethnic groups. Namely, from Figure 21 it can be seen that 50% think it will be among ethnic Albanians, and 46% among ethnic Macedonians. However, the aggregate positive score (4 and 5) brings together the two communities. Namely, 59% of the respondents consider that nationalism would increase with the ethnic Macedonians, and 58% among the ethnic Albanians. The intermediate assessment of the expectations that the LUL will lead to an increase in nationalisms in the total of all ethnic groups is 2.38.

Figure 20. Motives for adopting the law with the ruling parties

In your opinion, the political parties in power have adopted the LUL because of:

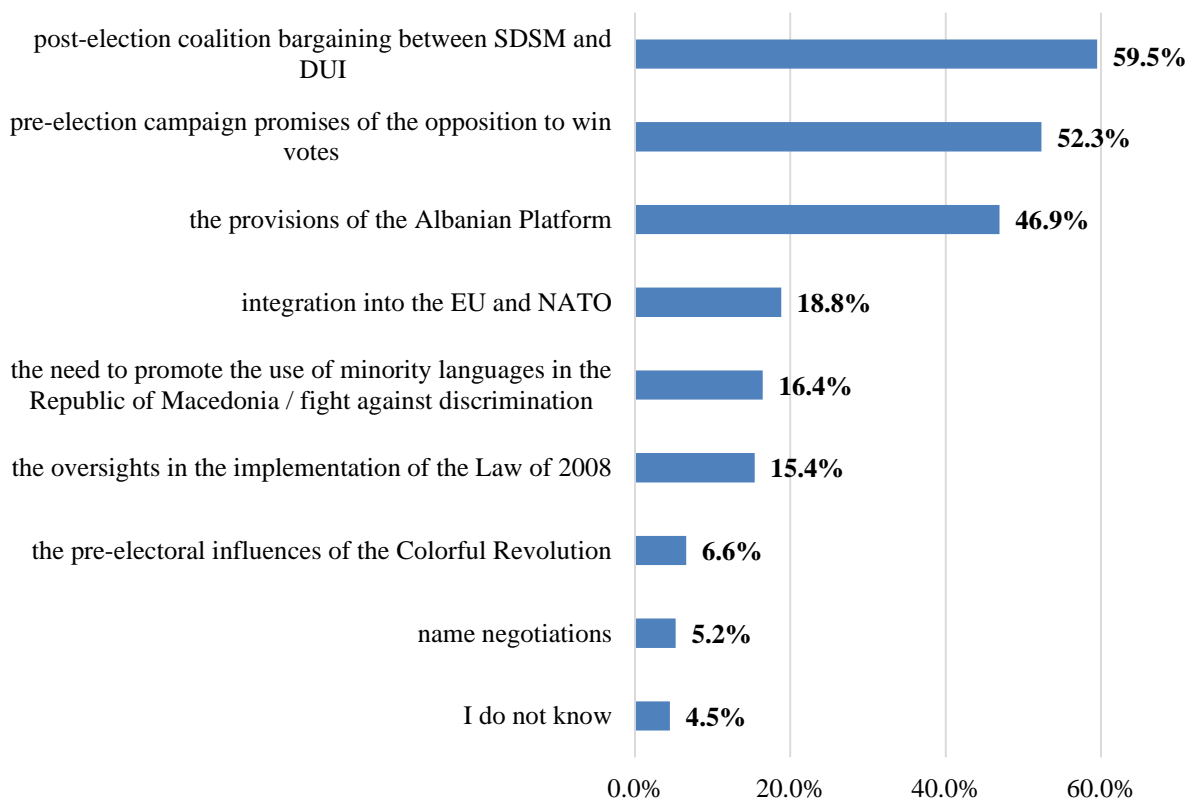
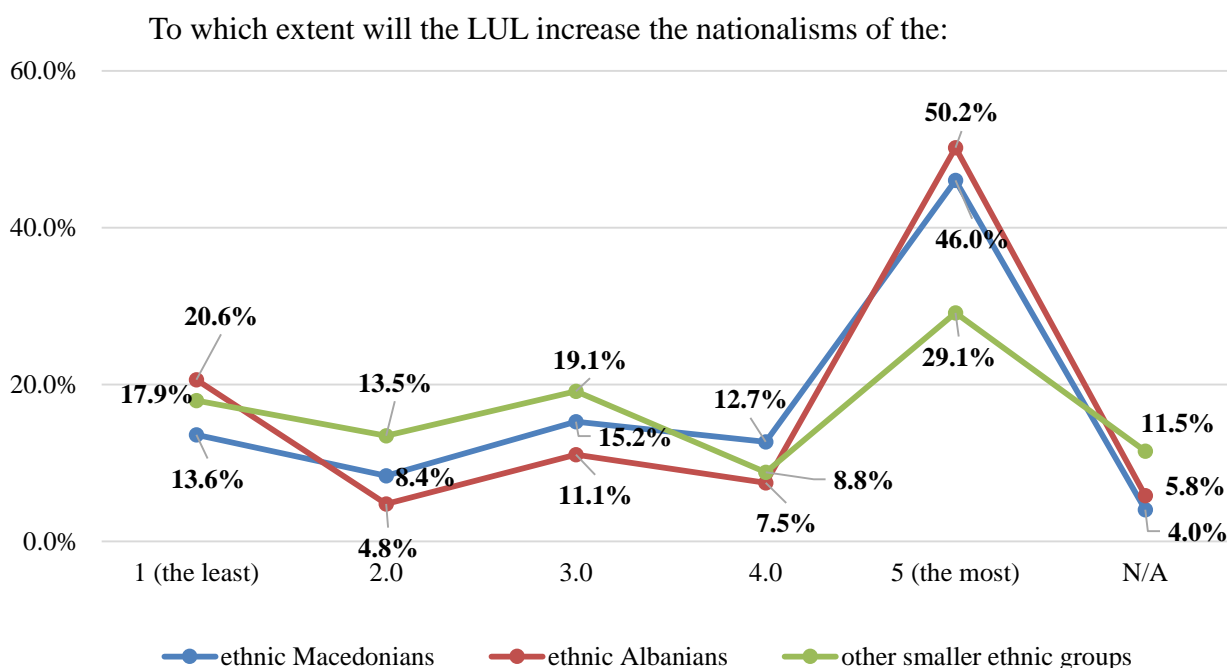


Figure 21. The effect of the LUL on nationalistic feelings among different ethnic groups



However, if we look at the ethnicity of the respondents, we see a greater degree of conviction in Macedonians, than in other communities, that nationalist sentiment will grow. The difference between such expectations among Macedonian and Albanian respondents is high. Macedonians, in average, assess that nationalist sentiment would increase mostly in ethnic Albanians (average 4.2), followed by ethnic Macedonians (4) and smaller ethnic groups (3.5). Although significantly lower, ethnic Albanians have the highest average rating (expectations to increase nationalism) in ethnic Macedonians (average 2.9), in other/smaller ethnic groups (2.7) and finally in ethnic Albanians (2.2).

Hence, we see that skepticism is lower among the Albanians, but in both communities, the expectations for radicalization are directed towards the opposite ethnic community. Participants in the focus groups only confirmed the direction of skepticism in terms of ethnicity. While the group in Chair was optimistic and did not see the need to warm the nationalistic feelings among the citizens, the opinions in Prilep were quite the opposite.

Regarding the question of how much the LUL would improve the services to citizens and which would be the social benefit of the regulation, 1/3 of the representatives of the institutions implementing the LUL emphasized that the solution would have a negative effect, i.e. would complicate social relations due to complex procedures and procedures, procedures before the judicial authorities or due to the financial and human capacities needed for its implementation. They do not see a direct implication on improving the services to citizens, most often because the implementation of bilingualism does not touch the problem of unprofessionalization of existing state institutions, or in the case of public enterprises - the quality of the primary service (water supply, etc.).

However, generally, the representatives of public institutions see social benefits from proper implementation of the LUL, above all as a right, in promoting the use of mother tongue among the Albanian population, through which they expect it to provide better communication between citizens and institutions. Some problems that would be resolved with the introduction of Albanian in the central institutions, the respondents report, are "facilitating communication between institutions and Albanian women who do not know Macedonian, and know Albanian", or "easier passing of psychological tests among Albanian professional soldiers, which has so far proved to be an obstacle due to the inability to use the mother tongue." This creates more accessible institutions (easier access to and flow of information), institutions that all citizens essentially understand, and are more efficient. The LUL can increase confidence in institutions and between different ethnic communities and strengthen stability in the country through the reduction of nationalism.

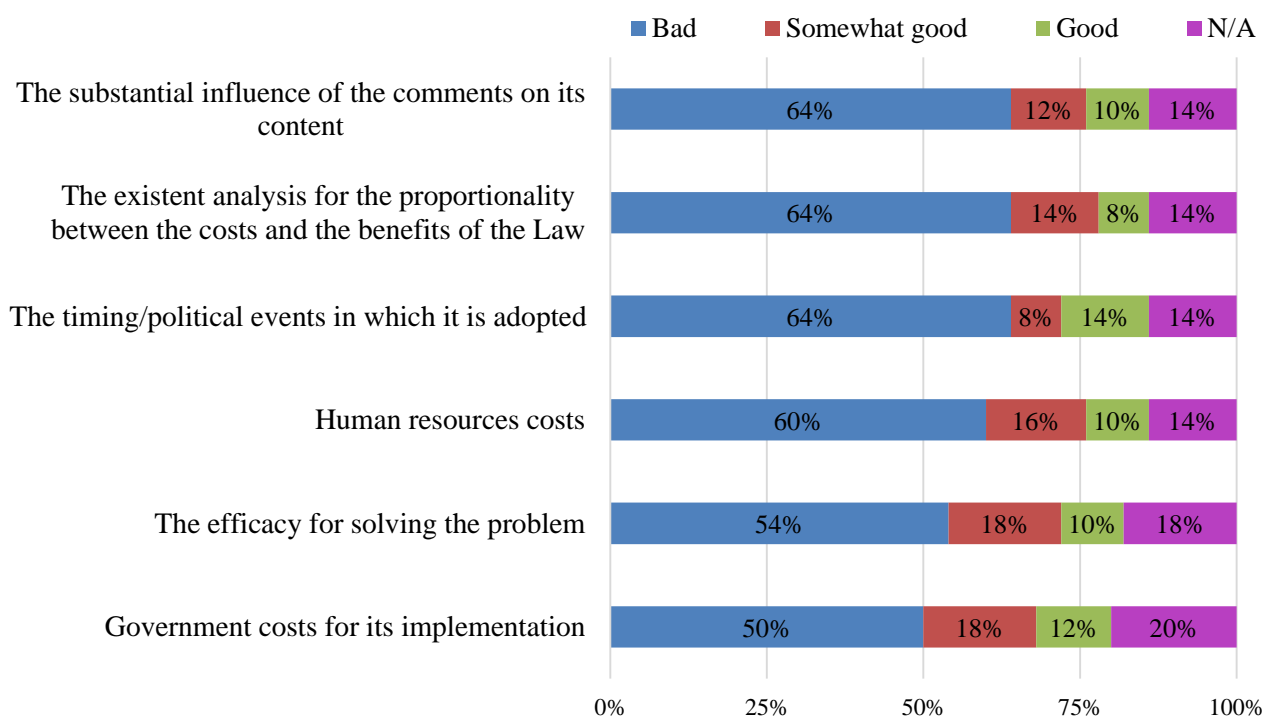
According to one participant, the LUL "frees up space for expression and cultural development of communities, which are a constitutional category and a European value". According to another respondent, "it is possible for the LUL to provide a good basis for greater involvement of citizens, non-governmental, private and academic sectors, [...] to encourage participation and activism among citizens who do not speak the Macedonian language, but does not necessarily mean that that will happen." Yet, the optimism regarding the LUL and institutions depends on the ethnicity of the interlocutor. There is a positive correlation between the perceptions of the social benefit of the law among the Albanians than among the Macedonians (Pearson's coefficient of +0.56).

5. The implications of the Law on the Use of Languages on the work of State Institutions and Public Enterprises

Apart from the democratic and socio-political aspects, CSOs assessed the LUL on the basis of its practical (administrative-financial) aspects and effectiveness of the regulation in relation to solving the problem for which it was designed. CSOs evaluate all listed aspects with less than 2.5. The highest, with 2.4, estimates the time required for implementation for one year for all competent institutions to adopt the bylaws and to harmonize the provisions of other laws with those of this law/6 months for changing the names and seals of the institutions. The lowest, with 2.05, is the existence of an analysis of the ratio between the costs and benefits of the regulatory policy and its impact on the overall economy. Thus, a poor assessment in all financial and technical aspects offered in Figure 22 is observed in more than half of CSOs.

Figure 22. Financial-administrative aspects of the LUL

CSOs: Assess the LUL from the aspect of: CSOs:



Through interviews with representatives of state institutions and public institutions in the country, we get a more detailed picture of the willingness of the stakeholders to welcome the adoption of the law and the challenges that the institutions face in terms of financial, administrative and human capacity.

First of all, the majority of the institutions have not started preparations for the implementation of the Law, or are not informed about the necessary steps regarding the solutions arising from the law. To a large extent, this is explained by the fact that the LUL is not yet in force. In addition to the Cabinet of the Government of the Republic of Macedonia, institutions that positively respond to the issue of

readiness for the implementation of the Law are the Ministry of Justice (the proposer of the law), the Ministry of Culture, and the Secretariat for Implementation of the Framework Agreement (SIOFA) and the Public Enterprise "Vodovod" Skopje. These institutions are ready for the new law because they were obliged to implement bilingual policies in their institutions in 2008. However, only the SIOFA in its Strategic Plan for 2018-2020 (SIOFA 2017) has a program for implementing language policy measures. The rest do not yet prepare for the implementation of the new text of the law, which implies harmonization of other laws and by-laws with the regulation on the use of languages.

In general, the institutions have not made any calculations about the financial implications of the Law on the Use of Languages, although most of them would have financial implications from its adoption. Institutions that believe that the LUL should not cause additional financial burden due to the already established practice of using the Albanian parallel with the Macedonian language are the SIOFA, where the funds would be from the current costs and the FON University, where classes are already held in Albanian and the professors and the administration function in both languages. An additional systematization would be needed in most institutions in order to plan new employments, and therefore additional costs to the budget. The Parliament of the Republic of Macedonia is already in the phase of budget preparation (each sector will separately determine how much it needs for the implementation of the LUL), the Ministry of Local Self-Government, the Public Procurement Bureau will wait for the law to be published before they start such analyzes, and additional two institutions (who wish to remain anonymous) hope that the law will not be adopted and that they will not have to do such analyzes. The Constitutional Court does not want to comment on issues related to the quality of the regulation, because the Court will eventually have to give a ruling on the matter of the LUL.

Of those institutions that tried to make an assessment of the financial implications of the LUL (arbitrarily), although they did not have analyzes at the level of the institution, the calculations go towards the annual increase in the budgets of at least 8,000 euro (Center for Social Welfare, Prilep), about 12,000 euro (Water Management Prilep), 30,000 euro (Government of the Republic of Macedonia), up to 100,000 euro (each institution of the Ministry of Culture). Somewhere those costs mean an increased budget of 7-8% (Water management Prilep), somewhere 20-30% (Public enterprise for urban planning - Prilep), but there are no official calculations made in relation to the law in any institution. The costs would most often be related to the employment of specialized staff for consecutive or simultaneous translation, translation of documentation, accounts and web content, publishing and technical translation equipment.

However, some costs are considered to be one-off, as in the example with the increased 20-30% budget expenditures for translation of contracts and fiscal records in both languages in the Public enterprise for urban planning - Prilep. They estimate that the costs in the long run will not be in the same percentage, even though more would be spent on paper. Fiscal apparatuses should however be bilingual at the state level (which would not be their direct cost). The Center for Social Welfare in Prilep believes that due to the competencies at the level of Prilep, Dolneni and Krivogastani, additional funds would be needed for the municipality of Dolneni, but that it should not be a major burden on the institution's budget.

Water Management from Prilep, however, runs all payments through Skopje, because it is one of the twelve subsidiaries of the state publicly-owned enterprise Water Management. However, they consider

printing service tenders would double in budget because double printing would be required. From Water Management Skopje say that such double printing of user accounts is not a big expense and is feasible. However, the LUL is not directly related to the company's founding activity, water production, and it is in good financial condition, and it can withstand such burden in order to comply with the law and users.

The Agency for Administration further points out that the expenditures arising from this law, and related to the implementation of information technologies, would depend on the market. Until now, they have no analysis of how much they would be, nor human resources to cope with the implications of the law.

Here the question is raised about the need for new jobs in order to more effectively implement the law, to which each institution has its own special needs. About 1/4 of the institutions do not know at the moment how many new employments would arise from the LUL. From the State Clinic they think that this would be a significant number of translators considering the size of the patients. Other 2/4 do not have new jobs envisaged so far due to the sufficient capacity of the current staff to respond to the requirements of the LUL or because of the already completed quotas according to the OFA. In the case of the SIOFA, reallocations /transfers of employees from the institution into new institutions and jobs that would be disseminated in accordance with the Law on Implementation (it is thought of the Inspectorate and the Agency) are possible. The Minister of Justice (outgoing at the time of the interview), Saliji, (the proposer of the law) declares that in the Agency for the use of languages, which will have to be established by the government, people from the OFA will be employed. "We have [...] 1,800 unallocated people," says Saliji.

The remaining (1/4) institutions would need 1 to 12 new people for bilingual translation, accounting, archiving or in the case of the Agency of Administration, for administrative selection, interviewing or examinations of candidates. Professional translators will be needed for translating on specific subjects of each institution. This requires serious analysis, several respondents consider, and in some institutions such as the Parliament of the Republic of Macedonia, the Ministry of Information Society currently makes concrete functional analyzes of the positioning of the working structure in the institutions. In Water Management Skopje, such systematization was made, but Water Management from Prilep, has not yet received information about possible changes after the new systematization.

When asked about the challenges that the particular institution would encounter in the implementation of the LUL, one third of the organizations do not see challenges to the implementation of the regulation. Table 2 outlines challenges raised by other institutions. The most commonly mentioned material challenges are the financial implications (budget deficits), the human resources needed for its implementation and space, while the most common problem is the incompetence of the existing staff, which results in inaccurate and literal rather than expert translations, and the possibility of unwillingness by the (mostly non-Albanian) employees for the implementation of the law because of their attitudes, fears, prejudices and insufficiently developed awareness of the benefits of the law.

Table 2. The most common challenges and risks that the institutions would encounter when implementing the Law on the Use of Languages	
Institution	Challenges
Agency for Administration	<ul style="list-style-type: none"> ○ the challenge of novelty - the application of another language; ○ difficulty finding staff skilled for professional-legal language; ○ space; ○ finance; ○ the aspect of quality control of the work / translation and its reliability (there are cases of disciplinary procedures for incorrect translation); ○ by-laws for specifying general formulations ○ the time for implementation which will mean comfortable and easy implementation; ○ if there are complaints submitted in Albanian, a Macedonian will not be able to answer; ○ contradictory situations may occur in cases where some documents are issued in Macedonian and some in Albanian; ○ obstacles for implementation by the Macedonians;
State Appeals Commission on Public Procurement	<ul style="list-style-type: none"> ○ complicating the work of the already small number of employees in our institution; ○ the costs for translation will fall on the institution/the Budget;
Government of Republic of Macedonia	<ul style="list-style-type: none"> ○ insufficient knowledge and information about the obligations arising from the legal solution; ○ the establishment of a procedure for translation of documents and their publication; ○ the quality of the translation; ○ the manner of communication at the Parliament sessions, the conducting of the processes, the meetings, the minutes, etc.; ○ duration of sessions; ○ reducing efficiency due to the need for additional time for translation; ○ reducing the possibility of managing emergency situations ○ implementation of Article 2; ○ in procedures for processing and answering civil questions, complaints and remarks addressed to the Cabinet of the President of the Government of the Republic of Macedonia; ○ non-acceptance of legal obligations by some employees because of their attitudes, fears, prejudices and insufficiently developed awareness of the benefits of the law;
State Archive of the Republic of Macedonia	<ul style="list-style-type: none"> ○ bilingual web site; ○ bilingual forms; ○ incompetence to translate / ensure archivists are professional; ○ inefficiency in translation of all descriptions; ○ software in this institution; ○ employment in the information department; ○ exhibitions would be set with bilingual captions; ○ problems between the employees themselves;
Public Enterprise Water Management Prilep	<ul style="list-style-type: none"> ○ employees to match the profile of a worker at the institution; ○ employees from other municipalities with Albanian population

	will have to be brought in;
Public enterprise for spatial and urban planning Prilep	<ul style="list-style-type: none"> ○ financially; ○ dependence on the municipality;
State Clinic "Mother Teresa"	<ul style="list-style-type: none"> ○ financial expenses for employment; ○ organizing working in shifts; ○ material costs for the translation of all forms, protocols, procedures;
Ministry of Information Society	<ul style="list-style-type: none"> ○ acceptance of changes by employees; ○ finding appropriate staff;
Ministry of Culture	<ul style="list-style-type: none"> ○ the correct translation of the texts; ○ engaging professionals;
Ministry of Local Self-Government	<ul style="list-style-type: none"> ○ space (this can apply to all ministries);
Ministry of Defense	<ul style="list-style-type: none"> ○ discrimination and reprisal against a small number of employees who are against the implementation of this law;
Ministry of Justice	<ul style="list-style-type: none"> ○ insufficient finance and human resources;
Ministry of Labor and Social Policy	<ul style="list-style-type: none"> ○ practical application of the law;
Secretariat for the implementation of the Framework Agreement	<ul style="list-style-type: none"> ○ Our role is to follow the process and give an opinion, I think the challenge will be for the new state authorities. We will act same as with other institutions up to now;
Assembly of the Republic of Macedonia	<ul style="list-style-type: none"> ○ for those who will be re-writing the acts; ○ shorthand - very few people are trained to write in shorthand (stenography) ○ literal rather than expert translation may occur;
University FON Skopje	<ul style="list-style-type: none"> ○ When candidates defend their master or specialist thesis orally in Albanian, there is not always a translation into Macedonian, which creates a problem in communication and proficiency.

Regarding the risks related to the political system, the respondents do not expect great consequences for the system or they do not want to go into analyzes for which they have no competence. Of the remaining $\frac{1}{4}$ of the institutions, the most frequent implications would be the fiscal ones on the Budget of the Republic of Macedonia, the lack of adequate staff in the institutions that could lead to inefficiency in the use, practice and application of the language spoken by at least 20% of the citizens and its alphabet, as well as the prolongation of the procedures. On the other hand, the human resources needs can serve as an excuse for new employments (in the party-influenced administration), which would additionally burden the budget. At the expense of that, certain projects or activities will have to have their financial allocations reduced, and the quality of the work of the institutions will be disturbed (such an example was pointed out by the respondents in the field of health, one of the most sensitive in the society, which refers to life and health of citizens). At the local level, taking into account the conditions in which part of the municipalities are located (blocked accounts, etc.), the implementation of the LUL could drain the funds from the state budget allocated to them.

Additional remarks go in the direction of political risks. For example, when establishing new institutions such as the Agency, Inspectorate, etc. it takes time and political will, and inadequate implementation of the LUL can cause divisions among citizens on an ethnic basis, especially within the institutions. The division within the institutions can be easily reflected further in all spheres of society that will certainly have a negative impact on the political system. Danger, according to one respondent, exists in certain groups that do not use the other language, which would lead to parallel functioning. "Institutions that will be led by Albanians may not use the Macedonian language. Since the minority was not given sufficient rights in due time, today it tends to show repulsiveness to the Macedonian language", one official says. Another respondent states that the greatest risk at the level of the political system would be "the ethnocentric division of citizens and the creation of parallel worlds, which will not have one language that will integrate them."

6. The capacities of the civil sector and the citizens for active participation in the RIA.

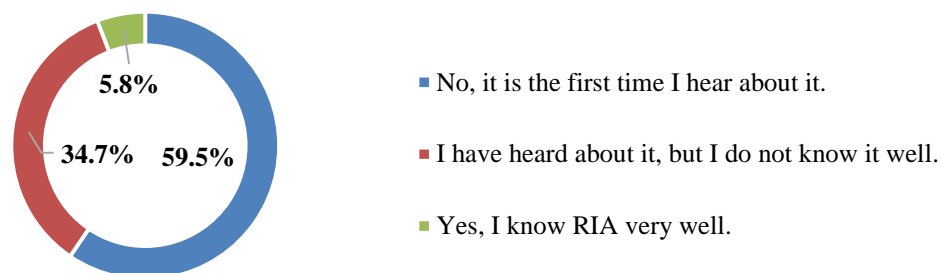
The RIA instrument was introduced with the aim, through democratization of the processes of creating public policies, to bring Macedonia closer to the European Union. (Gapich-Dimitrovska 2013, 4) The RIA aims to measure the effects of the regulation through various indicators: economic, administrative, financial and democratic, and stakeholder consultation is an indispensable part of the process of such assessments. The consultations (envisaged in three instances in the RIA process) improve the quality of the regulation and improve the efficiency and effectiveness in implementing the envisaged measures, and in turn, it contributes to increase the transparency of the work of the Government and the decision-making process and the strengthening of the basic mechanisms of democracy. (Gapich-Dimitrovska 2013, 15)

With the placing of the European flag of the LUL, in the name of the Euro-integration, the opposite effect is achieved on the democratic process of policy-making, precisely in the part of reducing the possibility of public participation in the consultation process. First of all, it is important to measure the capacity of stakeholders to participate in the policy-making process. Below, we provide an overview based on the information, the will and the ability of citizens and civil society organizations to participate in these processes. First of all, we see that a large percentage of citizens, almost 60%, hear about the RIA instrument for the first time¹⁰, and 35% have heard, but do not know enough. (Figure 23)

¹⁰ According to the IDSCS and CEA survey (2017, 3), the percentage of citizens who have never heard of RIA at the national level is 77% (72% among civil servants). This can be explained by the demographic structure of the respondents in this research, i.e., a higher number of young and highly educated.

Figure 23. Citizens' way of informing regarding the RIA instrument

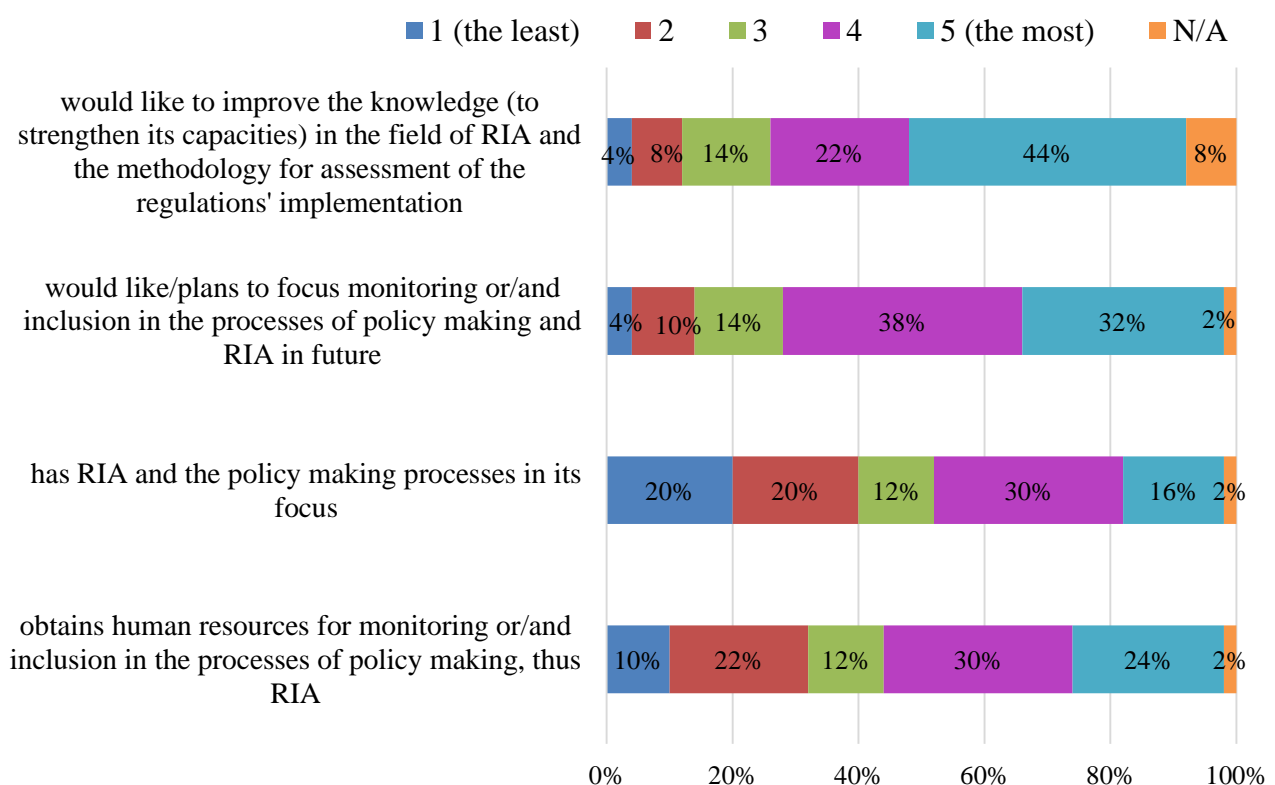
Have you ever heard about the Regulatory Impact Assessment (RIA) in Macedonia?



When it comes to civil society organizations (CSOs), (Figure 24), 44% of them want to advance their knowledge and strengthen their capacities in the area of RIA methodology and the methodology for assessing the implementation of regulations (rated with 5 - highest). 32% of the surveyed CSOs plan to focus in the future on monitoring the RIA process and/or to engage in the process of policy creation and RIA. Less than one-third of them, or 16%, have the RIA process and create policies in their work focus, and only 24% have human capacities to be involved in the policy-making process, and consequently in RIA. If we summarize the positive grades 4 and 5, the percentages increase considerably for all issues. (Figure 24)

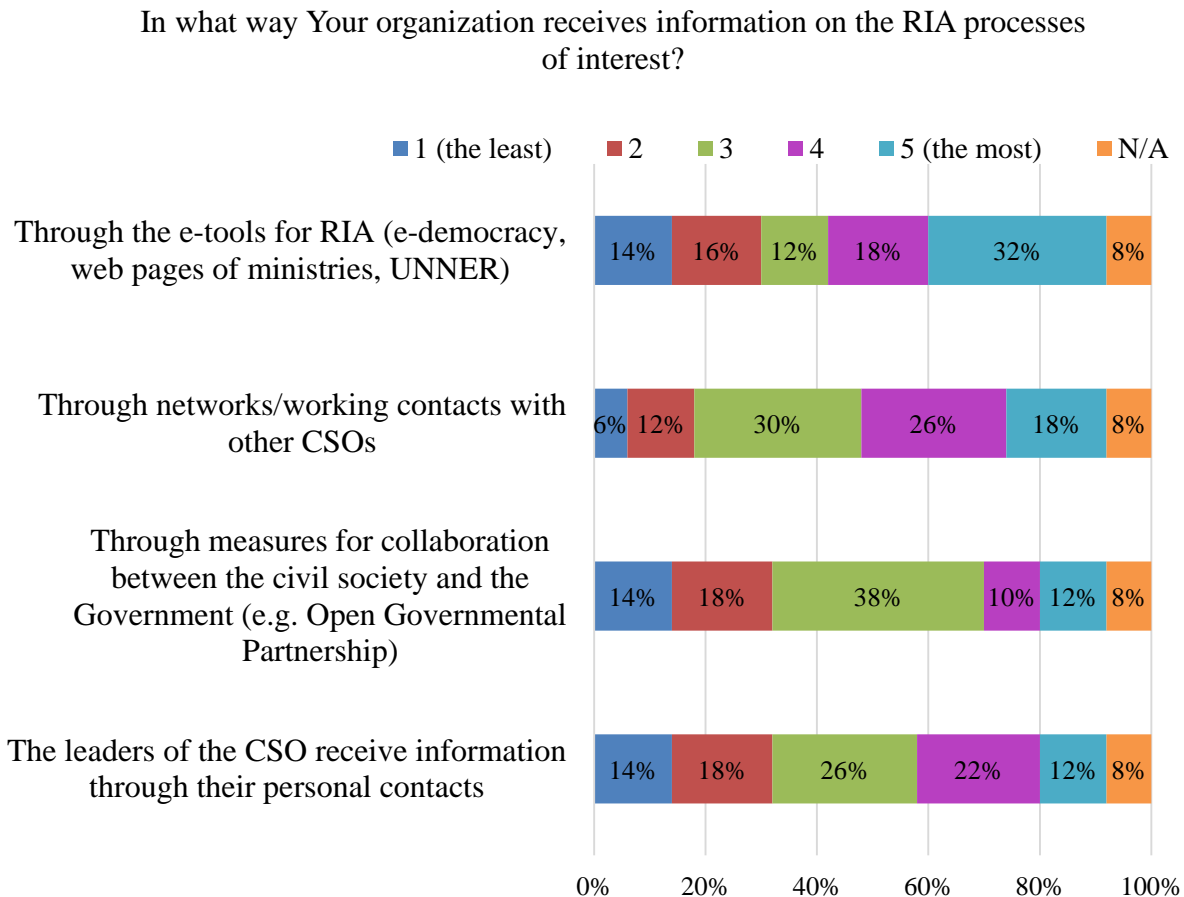
Figure 24. The capacities of civil organizations for inclusion in the RIA process

Assess to what extent Your organization:



The information on RIA that are of interest to CSOs is mostly received from the e-tools for RIA (32% of CSOs rated it the highest 5). Only 18% of them are informed via networks, work circles with other civil society organizations. Even less is the number of CSOs who receive this information through the measures for cooperation with the civil sector of the Government of the Republic of Macedonia (12%), and the same percentage of CSOs receive the information through personal contacts of the leaders of the organizations. (Figure 25)

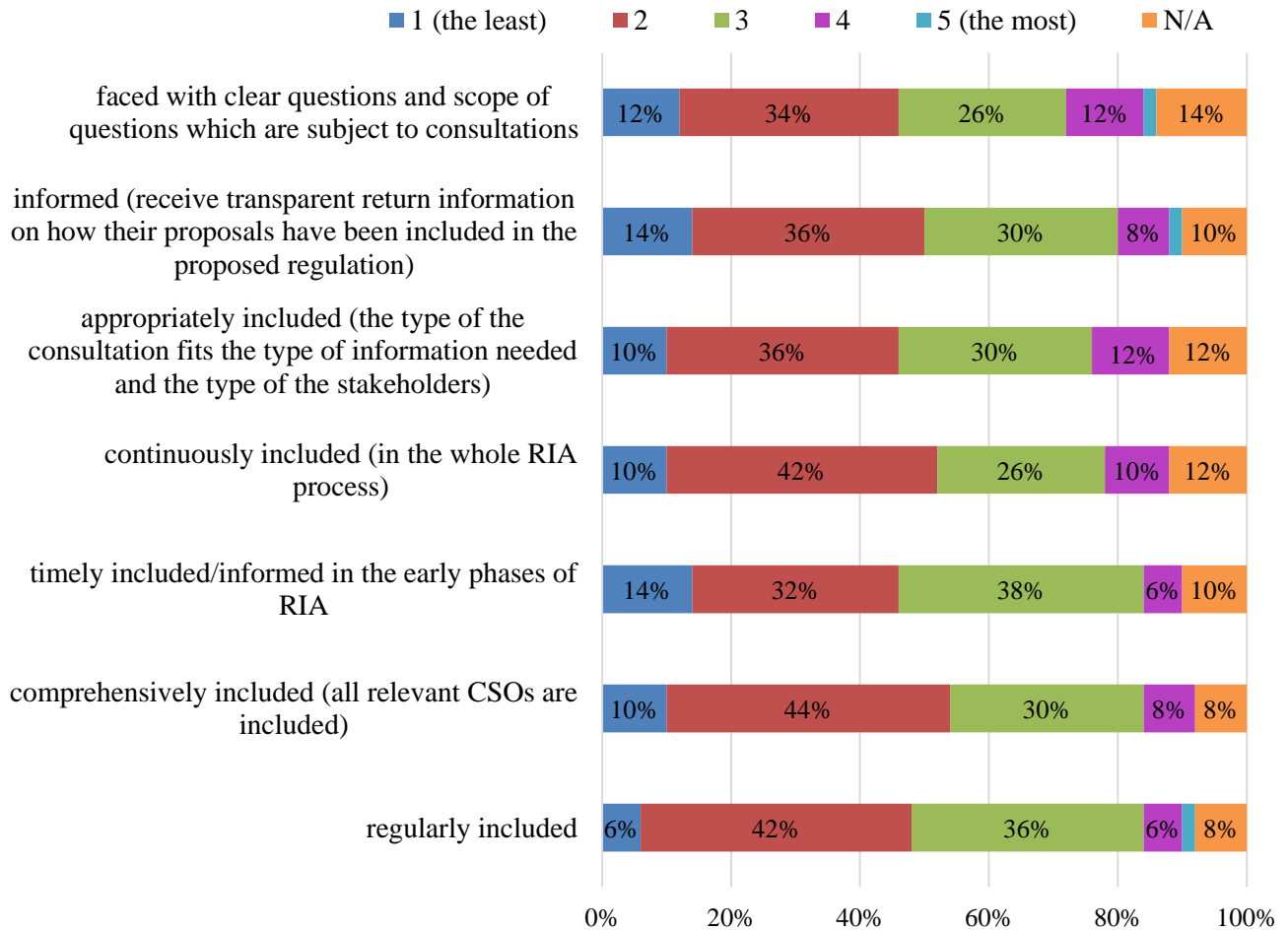
Figure 25. CSOs' way of informing regarding the RIA



From Figure 26 we note that only 2% of CSOs are faced with clearly predicted type and scope of issues that are subject to consultation in the conduct of RIA debate. The same percentage is transparently informed and regularly involved in the process of consulting in policy making. The number of CSOs that are adequately, continuously and on a timely basis included as stakeholders in the consultation process for policy-making, come to 12%, 10% and 8% respectively).

Figure 26. The involvement of civil organizations in consultation regarding the RIA

In the consultation processes within the policy making procedures/RIA, the CSOs are:

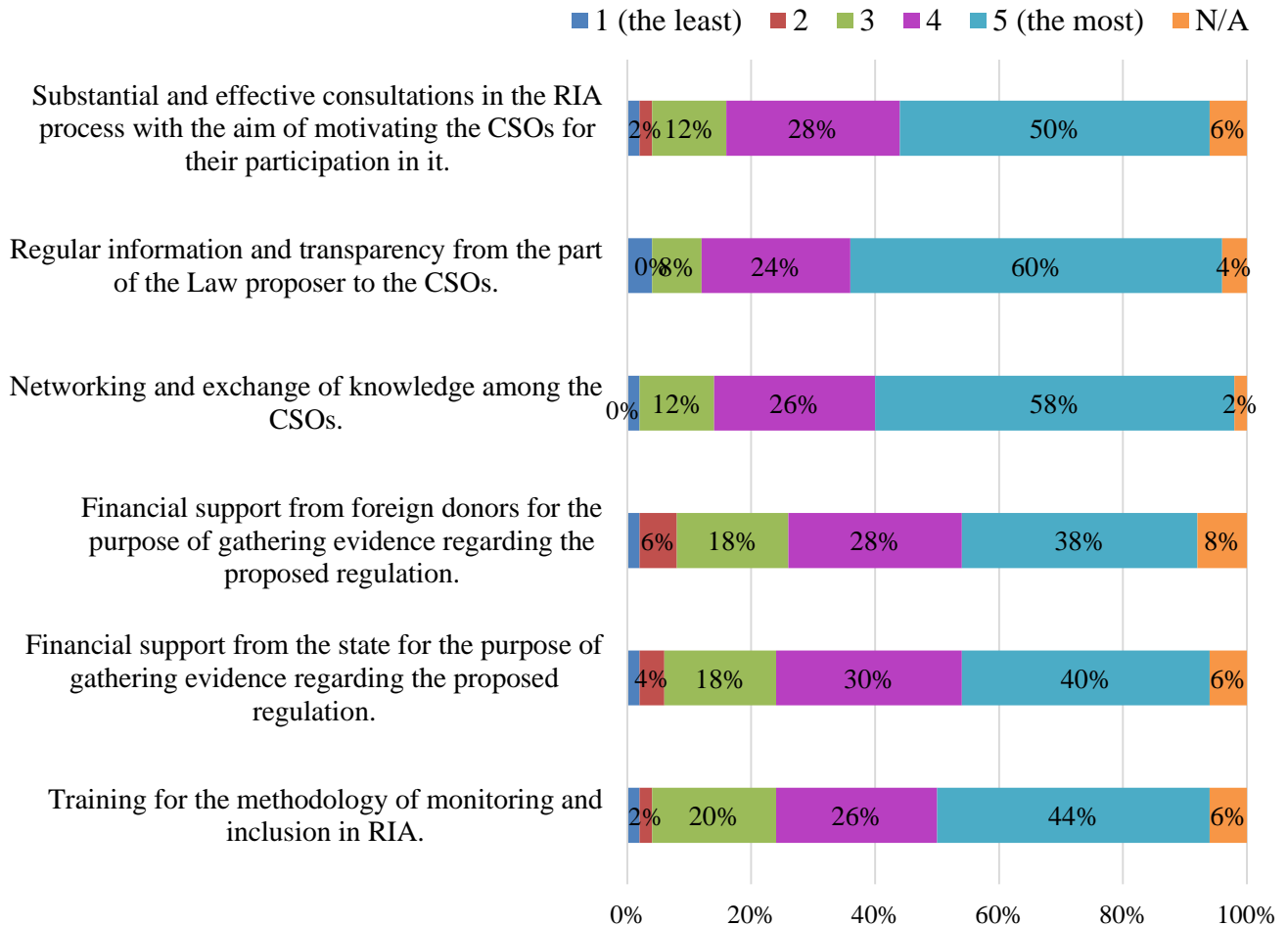


In order to overcome the poor involvement of CSOs in the consultation processes, for most of them (60%) (Figure 27), it is important that they are timely and regularly informed by the proposers of public policies, and for 58% of CSOs there is a need from greater cooperation between civil society organizations, for the purpose of greater exchange of experiences and information.

For 50% of the surveyed CSOs it is important to carry out substantive and efficient consultations in the RIA process by which CSOs would be truly motivated. Financial assistance from the state in order to collect evidence of the draft regulation is most important (rated with 5) for 44% of CSOs, and financial assistance from abroad for 38% of them. Just under half (44%) of CSOs think that trainings, which will increase their capacities for monitoring methodology and inclusion in RIA, are needed. (Figure 27)

Figure 27. Requirements for strengthening the capacities of civic organizations for inclusion in RIA

What is necessary for the CSOs to strengthen their capacities in a direction of better inclusion in the processes of policy creation and monitoring of RIA?



Regarding the issue of what would contribute to increasing the quality of the regulation, 86% of CSOs consider that the most important is the transparent and essential involvement of the public and the stakeholders in the process of creating it, 84% think that overcoming political and political motives and the assessment of social impacts are most important for the creation of quality regulation, and 82% think it is the assessment of costs and benefits from the introduction of new regulation. (Figure 28).

The highest percentage of citizens (76%) believe that consistent compliance with all envisaged parts of the procedure for passing a law is the most important condition for adopting quality regulation, and, same as in CSOs, citizens stress the importance of assessing social impacts (75%) and transparency and essential involvement of stakeholders (74%). (Figure 28)

As least important the CSOs evaluate strategic planning (66%) and compliance of the legislation with the EU legislation (68%), which is also the least important condition for good regulation and according to citizens (54%). (Figure 28).

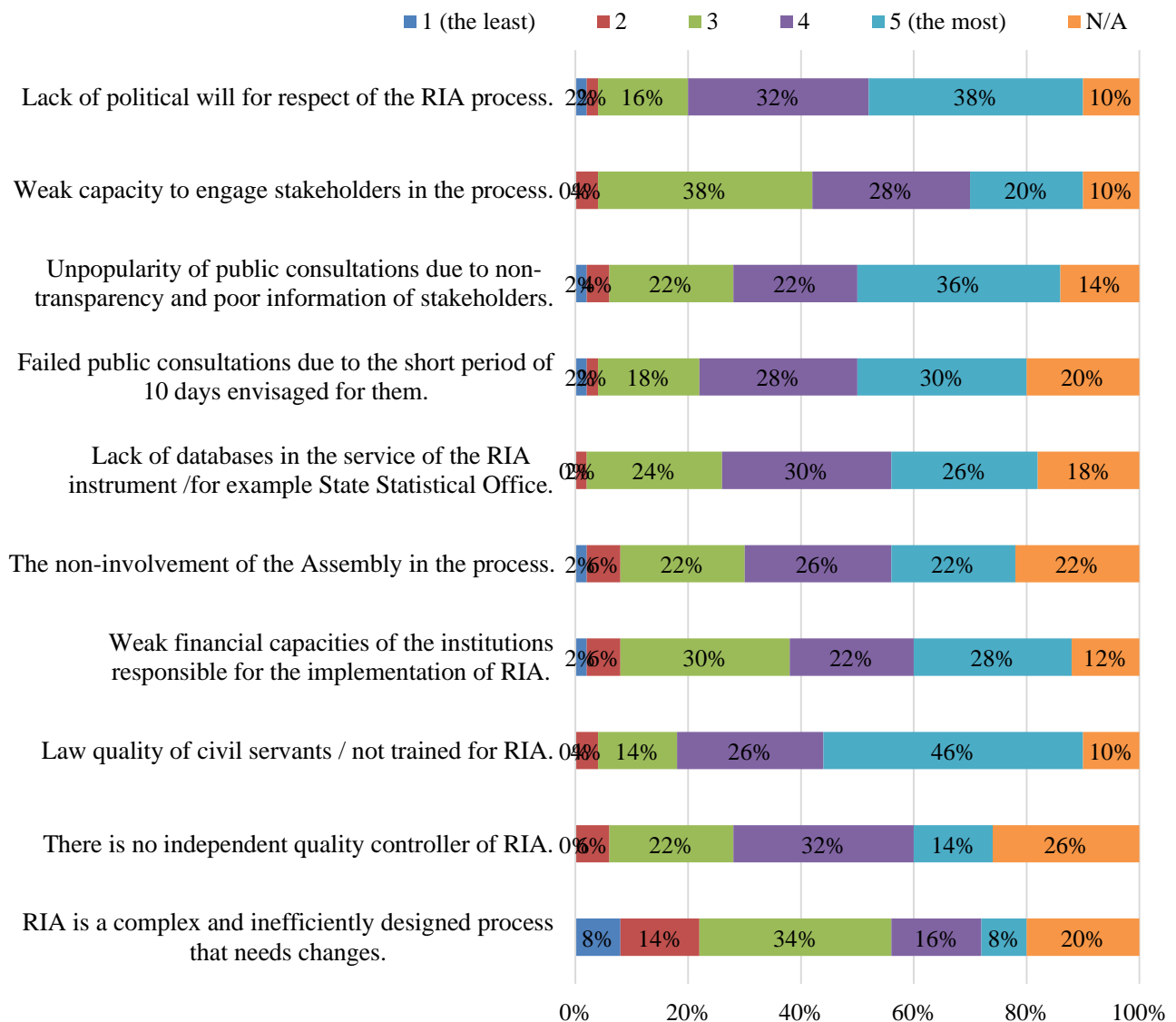
Figure 28. Required conditions for passing good laws / assess the importance of the following aspects of adopting quality regulation (little, somewhat, very, I do not know)



The European Commission's Report on Macedonia from 2016 assesses the quality of the mandatory RIA process as weak, the procedures are only formally applied, and the preparation of an analysis of the financial impact is neglected. Only 7% of the laws adopted in 2016 in the Parliament, and for which there is a legal obligation to develop RIA, have been published on UNNER. (Bliznakovski 2017) Therefore CSOs were asked to evaluate to what extent certain factors could explain this. The low capacity of civil servants, their lack of knowledge about the RIA process (48% rated with 5 - highest), lack of political will (38% rated with 5) and unpopularity for public consultation with stakeholders (36% rated with 5) are the three biggest reasons CSOs point to the inefficient implementation of the RIA procedure for the largest number of proposed regulations by the relevant institutions of the political system of the Republic of Macedonia (Figure 29)

Figure 29. Reasons for the poor RIA process in Macedonia

To what extent could the following factors explain the fact that the European Commission assessed the Macedonian RIA's quality in 2016 as low?



Conclusions and recommendations

The Law on the Use of Languages aims to address the issue of promoting the use of languages of non-majority communities in Macedonia. The general research objective of this study is to assess the capacity of the law to address this problem by consulting with all stakeholders (citizens, civil society organizations and institutions). Using the language of the RIA methodology, this would mean that the best possible option for solving the problem is determined.

The adoption of the LUL as a new regulation is the option that lies on the opposite side of the axis of the "do nothing" option, which would mean applying the 2008 Law without additional measures. Two alternative scenarios for solving the problem would stand between: the option for non-regulatory measures and a combination of non-regulatory and regulatory measures.

The 2008 Law met the needs of non-majority communities for the use of their mother tongue for 58% of the citizens, and only 16% of CSOs think that the option "do nothing" would be the solution to the problem. The highest percentage of CSOs believe that new regulation and non-regulatory measures are needed (26%), and 22% of CSOs have no answer to the question of the most appropriate option for resolving the language policy in Macedonia. Therefore, we conclude that the option "do nothing" is not a clear solution to the problem, according to the stakeholders, primarily because the Albanian ethnic community itself (whose language is subject to regulation) largely supports the new law, and not the 2008 Law. In addition, the implementation of the 2008 Law is incomplete, and this contributes to the Albanian community not to consider it as a good solution.

Good quality regulation is based on a comprehensive analysis that identifies possible ways to solve the problem and achieve goals, is prepared in a transparent manner by involving stakeholders in the process, and it should be clear and understandable. In the case of the LUL, the standard RIA is completely skipped. The parliamentary procedure is breached by deciding not to consider the amendments of the opposition (with a justification that they are not constructive, but a blocking move by the opposition) and the Parliamentary Rulebook is not respected. While the President of the Republic of Macedonia and the opposition have been assessed as the most destructive factors in the process of adopting the LUL, the Government, the international community and the expert public are assessed as the most constructive ones. The President of the Parliament is the most controversial factor in the process of adopting the LUL, assessed as the most nonconstructive and most constructive.

The public is quite divided in regard to whether over 35,000 amendments from the opposition should be considered and whether the President of the Republic of Macedonia should have signed the LUL after the second vote. Citizens and CSOs show an extremely low level of involvement in the lawmaking process, i.e. consulting for the LUL. Hence, the adoption of the LUL is not based on extensive analysis/strategic planning, does not involve stakeholders, and does not have clear and comprehensible content. We conclude that the LUL lacks wider social support. Thus, the option of a new regulation (which in this case applies to the LUL) is also challenged.

Recommendation:

- Restoring the draft law for a new procedure, preparing RIA, opening a public debate and involving

stakeholders in the process of planning the best possible ways to resolve the need for the use of the languages of non-majority communities in Macedonia.

Only 12% of the respondents consider it purposeless or that there is no need for a population census prior to the adoption of this law. The implementation of a population census would be more relevant in the case of the 2008 Law, which is based on local self-government units, where percent is the first requirement for the introduction of multilingualism at the local level. Thus, the census is not directly related to the introduction of bilingualism on the entire territory of Macedonia. The LUL, which refers to the Albanian language, could be adopted in good faith and a wider political consensus and without percentages of ethnic representation, if it is based on evidence-based analysis. However, the census is a measure which is, in addition, necessary for assessing the demographic and socio-economic image of Macedonia and improving the economic indicators, it can serve in the strategic planning of regulations and non-regulatory measures that would improve the use of the languages of non-majority communities.

Recommendation:

Conducting a census as soon as possible in order to obtain a clear socio-demographic image of the population in Macedonia.

Most of the institutions that need to implement this draft law have not yet begun with such preparations (which would require the preparation of by-laws). The institutions are generally not familiar with the specific steps that they should take with regard to the LUL, which stems from certain textual ambiguities of the LUL. Thus, the planning (determination of measurable indicators) of implementation, monitoring and evaluation in the LUL is further complicated. The most commonly mentioned material challenges are the financial implications (budget deficiencies), the human resources needed for its implementation and space. The need for an increased number of jobs will be imposed in almost every institution, and the precise number of required jobs is still unknown. Of the immaterial challenges, the most common problem is the incompetence of existing staff and the need for new professional translators-interpreters. The challenge is in the quality of the translation and the control over it.

Finally, the CSO, among other things, greatly assesses the LUL as bad on the basis of the time and the political conditions in which it is carried, the essential impact of the comments on the contents of the same and (non) existence of an analysis of the costs and benefits thereof. Hence, there is no adequate assessment of the way in which its implementation would take place, thus presenting the risk of inadequate implementation, as in the case of the 2008 Law.

Recommendations:

- The first necessary measure is the professionalization of the administration, which would avoid employing unskilled cadres in order to meet the quotas, or reallocation of inadequate personnel in the institutions. It is necessary to invest in professional translation in the institutions. For example, in the Assembly of the Republic of Macedonia, translators need to be perfected in writing transcripts or simultaneous translations.

- Digitization of the state administration would enable (centralization of forms) and easier direct access of citizens to central institutions in several languages, including smaller ethnic communities.
- Free trainings for civil servants for the languages of different communities in institutions at local level (especially in areas where there is a lack of professional staff in the administration) and more time for implementing systemic and comprehensive regulations like this.
- A compulsory analysis of the costs and benefits of introducing the regulation in order to reverse doubts about political motives (in a period of political crisis) that would prevent appropriate resolution of the problem.

The general public support for the LUL is at a very low level, while somewhat higher is the general support for the promotion of the use of the languages of non-majority communities in Macedonia. Citizens think that the content of the law, the constitutional and legal aspects of it and their opinion on multiculturalism are the main reasons for their opinion on the law. However, ethnicity (which has the highest low-grade percentage) is shown as the main driver. Ethnic Albanians are more optimistic than ethnic Macedonians and smaller ethnic communities in terms of the law.

The issue of inter-ethnic coexistence as a result of the adoption of a law that has clear polarization along the ethnic line is also added here. The survey shows that citizens and CSOs consider that this legal solution will adversely affect the use of the Macedonian language, inter-ethnic coexistence, unity and the budget of Macedonia. Most positively, it is considered that it would affect the socio-economic situation of the Albanian community in Macedonia, but this draft law is not expected to positively influence the overall level of economic development in the country. A high degree of negative assessment (57% of citizens and 38% of CSOs) is also placed on the influence of the LUL on the languages of the smaller ethnic communities. Citizens expect an increase in nationalistic feelings among particular ethnic communities, and such skepticism is greatest among ethnic Macedonians.

The LUL should not directly affect the status of the Macedonian language, because this law does not regulate how it should be studied or used, while the fines prescribed by the LUL for violation of the provisions of the LUL (although unpopular among the citizens) also apply for disrespect of the Macedonian language. There remains a problem with the lack of analysis that would see the need and capacity for introducing bilingualism and in areas where the Albanian population does not live. The introduction of such provisions without an assessment of the social benefits for most citizens can increase the animosity between the communities, and thus further weaken the inter-ethnic cohabitation.

Opinion on specific areas and topics between different focus groups (which means a different degree of concentration of ethnic groups) varies most in the areas of "police and firemen uniforms", "President of the Republic of Macedonia", "names of state institutions", "notary and executor" and so on.

Partisan-political motives are rated as the main factors in the process of adopting the LUL, and neither the citizens nor the CSO disagree with the fines for disregarding the provisions of the law.

According to the above mentioned results, one can clearly see the ethnocentric division of the citizens' attitudes, whose attitudes very rarely arise from the content of the draft law. Given that these results

reflect the public discourse in Macedonia, it is necessary to recognize the necessity of introducing non-regulatory measures that would build trust between the communities. Non-regulatory measures, although often overlooked, are an important component in creating and changing public awareness/political culture. Therefore the success of a language policy would depend largely on them.

Recommendations:

- The Government should transparently explain the effects and the need for this solution, in parallel through all media and through public debates, in order to provide citizens with comprehensive, timely and accurate information.
- The inter-ethnic coexistence and the status of the Macedonian language will depend on educational policies. It is therefore necessary to revise and improve the "Steps towards Integrated Education" Strategy of 2010, which stipulates the compulsory study of the Macedonian language by the members of the other communities, as early as possible, and optional study of the language of the non-majority communities for Macedonian students. Bilingualism at the local or national level must not segregate ethnic groups and create parallel worlds (co-existence rather than cohabitation). Therefore, different language/ethnic shifts in particular schools are not recommended. On the contrary, integrated curricula are needed for the joint study of certain subjects (e.g. sports, music, art, etc.).
- In ethnically homogeneous local communities, the learning of the languages of other communities can be stimulated in secondary schools and faculties with appropriate scholarships. With scholarships for students who would study the language of the "other", the quality and expertise of the translations and interpretations would also be improved. This indirectly implies strengthening/raising the level of the Institute for Macedonian Language and Strengthening the Department of Albanian Language.
- Alternative approaches to the promotion of intercultural development can be through the establishment of a linguistic and cultural institution that will aim to bring the two languages closer to the citizens and to indicate the need for knowledge of the two languages, organizing joint cultural events for getting acquainted with and bringing each citizen up to the different.
- In order to better communicate with institutions, the 2008 Law, apart from appropriately implemented, can be gradually expanded. Thus, the areas and institutions that are subject to deep polarization at the moment, and do not imply daily direct contact with citizens (ex. President of the Republic of Macedonia, Constitutional Court, etc.) could be left to be regulated in the future. In the direction of building confidence, and showing goodwill, the fines foreseen for non-compliance with the law could be reduced (because they are provided for officials/persons in charge, but also institutions, and that would be an additional burden to taxpayers). Most importantly, the LUL should not be perceived as a "tyranny of the minority" and therefore requires a wider general legitimacy.

Regarding the specific research objective in this study, we realize that citizens have very low level knowledge of the RIA procedure. Therefore it is necessary to work on transparent and timely informing the citizens about the RIA instrument and their essential involvement in the policy making processes. What is clearly seen in the results of the survey is that CSOs have very poor capacities to monitor the RIA process and evidence-based analysis. There is a need to develop practices in investment research

and analysis institutions (in the process of strategic planning and ex post analyzes) for the civil sector and/or research centers in order to improve the cyclical process of policy making and better involvement of the civil sector in the same.

On the other hand, the practice of excluding the civil sector from the processes for creating public policies by the institutions does not help to strengthen the capacities of CSOs for active participation in RIA. All of this is also reflected in the process of adopting the LUL. Particular attention needs to be paid to the assessment of the social impacts of regulations and consistent compliance with the procedures in order to avoid political motives that would prevent the adoption of quality regulation.

Finally, we conclude that the draft LUL again expounds the deep ethnic division and a lack of democratic capacities in the Macedonian society. We point out the need for further improvement of the use of the language of the non-majority communities in Macedonia, but we conclude that in this form and in these social constellations, the LUL would not be the appropriate language policy that would solve the problem. Therefore, we recommend that the issue of language use be dealt with through the RIA option for a combination of non-regulatory and regulatory measures that would allow for the simultaneous change of regulations and political culture. Most importantly, awareness of the benefits of studying the "language of the other" would be raised and the ethnic polarization of social relations in Macedonia would be reduced.

Skipping the basic democratic tools for creating quality regulation disables successful and efficient implementation of the same. This way of creating public policies without the involvement of stakeholders (especially for regulations of systemic significance) is reflected on public opinion and on inter-ethnic relations. The direct result of this is the crucial influence of the ethnicity on the attitudes (acceptance or rejection) of the LUL among the citizens.

Bibliography

- Arifi, B.** Арифи, Б. (2018) Штрајкот со глад кога ќе го почнат? НОВА ТВ. 15.1.2018. [<https://novatv.mk/a-shtrajkot-so-glad-koga-ke-go-pochnat/>]
- Assembly of RM.** Заклучок од седница бр.15 на Собрание на РМ одржана на 15.11.2017. [<http://sobranie.mk/materialdetails.nspix?materialId=211938f6-49c9-477c-bde6-9d95638b7820>]
- Bliznakovski, J.** Близнаковски, Ј. (2011) Нормативна рамка за јазичните права на малцинствата во Македонија во согласност со Охридскиот рамковен договор. *Journal of European Issues EVRODIJALOG*, Vol. 14.
- Bliznakovski, J.** Близнаковски, Ј. (2014) Локални јазични политики за мнозинските заедници. Можности за поефикасна имплементација. Скопје: Институт за демократија Социетас Цивилис Скопје.
- Bliznakovski, J.** Близнаковски, Ј. (2017) Компаративни добри практики за примена на ПВР и можности за нивна имплементација во Македонија. Краток документ за јавна политика, април 2017. Скопје: Институт за демократија Социетас Цивилис.
- Chupevska, A.** Чупевска, А. (2018) Законот за јазиците ќе овозможи етнокултурна правд. Цивил Медиа 1.2.2018. [<https://www.youtubem/watch?v=OE6sELqNNNc>]
- Committee on European Affairs.** Комисија за европски прашања (2017) Извештај од седница бр. 6 на Комисија за европски прашања одржана на 14.12.2017. [<http://sobranie.mk/materialdetails.nspix?materialId=211938f6-49c9-477c-bde6-9d95638b7820>]
- Frchkovski, Lj.** Фрчковски, Љ. Д. (2018) Цивџани. Слободен печат. 26.1.2018. [<https://www.slobodenpecat.mk/kolumni/dhivdhani/>]
- Gapich-Dimitrovska, G.** Гапиќ-Димитровска, Г. (2013) Акти кои ја уредуваат материјата за проценка на влијание на регулатива. Скопје - Министерство за информатичко општество. [http://www.mio.gov.mk/sites/default/files/pbl_files/documents/Akti_PVR_1mk.pdf]
- Government of RM.** Влада на Република Македонија. (2017а) Програма за работа на Влада на Република Македонија за 2017 година. [http://vlada.mk/sites/default/files/programa/2017-2020/Programa_Vlada_RM_Juni_Dekemvri_2017.pdf]
- Government of RM.** Влада на Република Македонија. (2017б) План 3-6-9. [<http://vlada.mk/?q=plan-3-6-9>]
- Gruevska-Madjovska, S.** Груевска-Мајовска, С. (2012) Јазичната политика во Република Македонија меѓу законска регулатива и практика. Скопје- Институт за македонски јазик „Крсте Мисирков“. Instytut Slawwistiki Polskiej Akademii Nauk Towarzystwo Naukowe Warszawskie, Slavia Meridionalis, Studia Slavica et Balcanica, 12, Warszawa 2012, 223–234;
- IDSCS and CEA.** ИДСЦС и ЦЕА (2017) Јавноста – сведок и учесник во создавањето на законите. Извештај од теренска анкета за перцепцијата на јавноста во процесот на проценка на влијание на регулативата. Скопје - Институт за Демократија Социетас Цивилис.
- Ivanov, Gj.** Иванов, Ѓ. (2018) Иванов: Законот за јазиците е несправеден и го фаворизира албанскиот јазик. Радио Слободна Европа 17.1.2018. [<https://www.slobodnaevropa.mk/a/28981241.html>]
- Kadriu, B.** Кадриу, Б. (2018) Законот за употреба на јазиците и аргументи во негова полза. Либертас. 25.1.2018. [<http://www.libertas.mk/zakonot-za-upotreba-na-jazitsite-i-argumenti-vo-negova-polza/>]

- Kjulafkova, K., Siljanovska-Davkova and Gruevska-Madjovska.** Ќулафкова, К., Силјановска Давкова, Г. и Груевска-Мацовска, С. (2018) Ќулавкова, Сиљановска и Груевска-Мацовска со отворено писмо против законот за јазиците. Република 17.12.2018. [<https://republika.mk/859593>]
- Law 2008.** Закон за употреба на јазик што го зборуваат најмалку 20% од граѓаните на Република Македонија и во единиците на локалната самоуправа. „Службен весник на Република Македонија“ бр. 101, 13.08.2008.
- Libertas.** Либертас (2017) Хан: Законот за јазици не е дел од итните европски приоритети. 20.11.2017. [<http://www.libertas.mk/han-zakonot-za-jazitsi-ne-e-del-od-itnite-evropski-prioriteti/>]
- Mejdini, F.** (2017) Albanian Parties Set Terms for Macedonia's Next Govt. Balkan Insight. 8.1.2017. [<http://www.balkaninsight.com/en/article/albanian-parties-in-macedonia-seven-conditions-for-the-new-government-01-07-2017>]
- Ministry of Justice.** Министерство за Правда (2017) Предлог –закон за употреба на јазиците, август 2017. [<http://www.siofa.gov.mk/mk/>]
- Najchevka, M.** Најческа, М. (2018) Најчевска: Законот за јазиците е глуп, како ќе се примени без попис. Фокус. 17.1.2018. [<https://fokus.mk/najchevska-zakonot-za-jazitsite-e-glup-kako-ke-se-primeni-bez-popis/>]
- Polozani, L.** Положани, Л. (2018) Зошто е важен јазикот? Либертас. 17.1.2018. [<http://www.libertas.mk/zoshto-e-vazhen-jazikot/>]
- Radaelli, C and Fritsch, O.** (2012) Measuring Regulatory Performance, Evaluating regulatory management tools and programmes, OECD.
- Radio Slobodna Evropa.** Радио Слободна Европа (2018) За СДСМ законот за јазици е уставен и ја унапредува употребата на сите јазици. 26.1.2018. [<https://www.slobodnaevropa.mk/a/29000530.html>]
- RIA Methodology.** Методологија за проценка на влијанието на регулативата. (2013) Службен Весник на Република Македонија 107. 30.7.2013. [http://www.mio.gov.mk/sites/default/files/pbl_files/documents/pvr/Metodologija%20za%20PVR%20107-13.pdf]
- Rules of Procedures of the Assembly of RM.** Деловник на Собранието на Република Македонија. (2013) [<http://www.sobranie.mk/delovnik-na-sobranieto-na-republika-makedonija-precisten-tekst.nsp>]
- SEP.** Секретаријат за европски прашања (2017) Национална програма за усвојување на правото на ЕУ. [<http://www.sep.gov.mk/content/?id=13#.W37uAugzblU>]
- Shikova, N.** Шикова, Н. (2017) Краток документ за јавна политика. Модел за анализа за ефективност на проценката на влијание на регулативата. Скопје - Институт за Демократија Социетас
- SIOFA.** Секретаријат за спроведување на Рамковен договор (2017) Стратешки план 2018-2020. [<http://www.siofa.gov.mk/data/Strateski%20Plan%2010.pdf>]
- Trajkoska, J. and Rizankoska, J.** (2018) Ethnocentrism and Party Politics: Are Political Parties Devoted to the Project of Building Multicultural Macedonian Society on the Path to the EU? Skopje: KNOWLEDGE International Journal. Vol 23.3, 663-673.
- VMRO-DPMNE.** ВМРО ДПМНЕ (2018) Интегрален текст од прес конференција за медиуми на Дарко Костовски. СДСМ донесе неуставен закон за двојазичност со кој се деградира употребата на македонскиот јазик. [<https://vmro-dpmne.org.mk/pres-centar/pres/sdsm-donese-neustaven-zakon-za-dvojazichnost-so-koj-se-degradira-upotrebata-na>]

Review by Jovan Bliznakovski,

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The process of policy creation in Republic of Macedonia is often a subject of the inadequate political influence, and it is characterized by clear lack of systematic planning, implementation and assessment of the achieved. As a result, public policies not always manage to respond to social problems, institutions fail to fulfil their mandate, and citizens face difficulties accessing public services and goods. One of the policies that is an example of such a negative image is, of course, the policy of using the communities’ languages in the institutions. Exactly the deficient implementation of Article 7 of the Constitution, from the independence to this day, is one of the most important reasons for distrust between the two most numerous ethnic communities in the country, the Macedonian and the Albanian, as well as for the failure to practice the guaranteed linguistic rights of other ethno-linguistic communities.

Simply, the state still fails to apply Article 7 of the Constitution in practice, undermining the planning and implementation of the legislation. Relying on the findings of a public policy study titled "Impact Assessment of the Regulation on the Use of Languages in Macedonia" by the authors Josipa Rizankoska and Jasmina Trajkoska, we see that overcoming this situation will be difficult to achieve in the near future, despite the adoption of the new Law on the use of languages (LUL). Focusing on the latest work of the legislator in the Macedonian language policy, the study successfully articulates the problems that characterize this area of public policy in the last three decades. But the study is not just about the problems. In it, readers will find a clear proposal for re-drawing the process – from the political level, which monopolizes decision-making in relation to public linguistic policy, to consistent application of the Regulatory Impact Assessment (RIA) process, which opens a greater opportunity for involving stakeholders, and which leads to better regulation. One of the most important messages of this study is precisely the call for respecting the principles of good governance in relation to the very sensitive inter-ethnic issues.

The authors’ conclusions are based on extensive research, a fact that reinforces the credibility of their arguments. The study involves exploring the perceptions and attitudes of different groups of stakeholders: citizens, civil society organizations and state institutions affected by the legal changes. For the three groups of actors, the data accentuate the insufficient information about the implications of the LUL, as well as the general unwillingness to accept the changes in the Macedonian language policy, a situation that would probably have a strong impact on the further implementation. In addition to these findings, the authors perfectly framed the context of the adoption of the LUL: in the study, readers will find a comprehensive overview of the public debate that was taking place parallel to the creation and the voting of the LUL.

Overall, the study in your hands is an exceptional resource for understanding the implications of the most recent interventions of the legislator in the Macedonian language policy. As such, the study is of utmost importance to the public, practitioners in the field of language policy, the state institutions implementing it, policy makers and decision makers. By addressing the immediate challenges after the adoption of the LUL, the study provides an important contribution to the further promotion of the linguistic policy in Republic of Macedonia.

Review by Dr. Natalia Shikova

Impact Assessment of the Regulation on the Use of Languages in Macedonia is a study that attempts to assess the process of regulating one of the most fervent issues on the Macedonian political scene - the process of adoption of the Law on the Use of Languages (2018). Language policies in the Macedonian society have long been subject to party negotiations, political promises and bargains, a source of deep sentimentality, emotional eruptions and, finally, solutions that solely correspond to current political constellations without being based on substantive analysis and measurable evidence. This results in partial solutions that further constitute a source of discontent among all social structures, including those whose position should conditionally be improved by the undertaken legal interventions. Analyzes are tendentiously avoided, and society is not willing to reasonably engage in the whole process.

This climate of distrust is further enhanced by hiding the key issues behind the ‘sensitivity’ shield, which should not be an outcome in a society based on democratic principles, and the patterns of accommodation have already been adopted as a part of the political culture. The latest legal solution did not go through the Regulatory Impact Assessment process - mandatory for all laws, which, *inter alia*, implies consultations at all stages of its creation, as well as creating solution options that address the detected problem in a variety of ways. So, the law, apart from being procedurally stuck, has remained insufficiently clear both in terms of scope and possible implications.

The public focus was primarily on the need for passing a law in the relevant area, and this has repressed the debates about its content. Moreover, there was no previous public deliberation on what the new law should include, what are the possible options, how they would be socially reflected and, which is especially important for a country with a disadvantaged economic situation, what resources are needed for such law essentially to revive.

The study addresses the shortcomings in the process of preparation and the adoption of the Law on the Use of Languages (2018), and provides an overview of the necessary steps for achieving a solution that will have the capacity to thoroughly address the problem. The study points out that policies need to be considered through facts rather than emotions, solutions should be based on evidence and arguments, versus demagogues, and implementation should be measured through clearly set and measurable indicators, which would unequivocally suggest improvement or backsliding in the area where change is desired.

The authors propose feasible options, with real capacity to address the needs of the stakeholders, (those on which those options apply) but, also to address the broader goals of social integration (an integral part of any language policy). The capacity and the lack of capacity of the administration is analysed, which shall offer sound solutions and should properly focus the debate. In addition, the responsibility of the civil sector to offer grounded arguments for or against certain solutions is stressed.

Notes on the authors

Josipa Rizankoska holds a Ph.D. in Political Science, Comparative and European Politics from Siena University (CIRCaP). She defended her dissertation in the field of ethno-regionalist parties in Central and Eastern Europe in May 2017. In the fall semester of 2013/2014 she was a visiting doctoral student in the Autonomous University of Barcelona. She holds an MA degree in Eastern European Research and Study (MIREES) from Bologna University. Since August 2016 Josipa is the President of DIALOGUE- Center for Deliberative Democracy in Prilep, Macedonia. From 2007 to 2012 she worked as a Researcher and a Project Manager at the Institute for Democracy ‘Societas Civilis’- Skopje. Her main topics of research interest are ethno-regionalism and nationalism, multiculturalism, political parties and elections, public opinion, civil society and social movements, and her area of expertise is Central and Eastern Europe.

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IMPACT ASSESSMENT OF THE REGULATION ON THE USE OF LANGUAGES IN MACEDONIA



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