

Law on Flags is Red Rag to Macedonian Opposition

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Right-wing parties will urge courts to strike down new law permitting Albanians to fly their flag on state buildings.

Macedonia's opposition parties have vowed to take a new law that permits ethnic Albanians to fly their own flag from government buildings to the constitutional court.

President Branko Crvenkovski on July 18 signed the law on use of ethnic symbols after parliament adopted it last week.

Legislators only approved the law, one of the last legal reforms deriving from the 2001 Ohrid peace deal, after three weeks of intense debate.

But opposition parties remain furious that the distinctive red flag, featuring a black two-headed eagle, can now be flown from government institutions beside its Macedonian counterpart in areas where Albanians make up at least half of the population.

In practice, this means 16 out of the country's 84 municipalities.

They said it was unacceptable for the Albanian minority to be permitted to use the flag "of another state", meaning neighboring Albania, in such a way.

They said it would compromise Macedonia's sovereignty if the Albanian flag were flown in front of military barracks, courts and police stations.

Opposition deputies left the parliament session in protest before the vote was taken on July 15.

Some deputies from the ruling Social Democratic Party also opposed the law while deputies from its smaller coalition partner, the Liberal Democrats, abstained from the vote.

The government's narrow victory in the vote will not end the controversy, as VMRO-DPMNE and VMRO Narodna, a new nationalist party, led by former prime minister Ljupco Georgievski, both pledged to take the issue to the constitutional court.

They want the country's highest judicial authority to strike down the law, as it did after similar legislation was passed in 1997.

"Allowing the flag of a different country to be flown in front of state institution implies a division of sovereignty," said Silvana Boneva, a VMRO-DPMNE deputy.

She said the new law contradicted the clauses in Macedonia's constitution that referred to the country's sovereignty, "It also violates the Ohrid peace deal's clause about flags, which says [other, local] flags can

be displayed in front of municipal buildings but not state institutions.

“Adding an ethnic flag, the flag of a different country, in front of state buildings means we are sharing our sovereignty with that flag and with the country that this flag represents.”

Opinion polls suggest the government’s move is unpopular. One poll conducted in late June showed that more than 63 per cent of respondents opposed the change.

Experts have also joined the fray, voicing their own concerns about illegality and an implied loss of sovereignty.

“No other country in the world allows the use of another country’s flag in this way,” said Gordana Siljanovska, a law professor and local government expert.

“You cannot see the flags of other countries flown even in confederal states, such as Switzerland. In Slovenia, the Hungarian and Italian minorities have the right to use their own flags but only on a local level and during holidays.”

“The flag is a symbol of statehood and sovereignty,” Trajan Bendeovski, an international law professor, told the daily Vreme. “If a foreign flag is flown within the borders of that state, it means the country’s sovereignty is questionable.”

“Imagine having a flag of Puerto Rico or Mexico on display in the US.”

There is a history of tension over the use of flags in Macedonia, with the Albanian community, numbering a quarter of the population, reading great significance into whether they can, or cannot, display their own emblems in public.

In 1997, conflict over the unauthorised display of Albanian flags on municipal buildings resulted in clashes with the police in the mainly Albanian towns of Tetovo and Gostivar, in western Macedonia.

The police beat up and arrested dozens while the mayors of the two towns both spent time in prison.

After parliament moved to defuse the issue by passing a law permitting ethnic communities to use their own flags in 1997, the constitutional court declared it unconstitutional in 1998.

The opposition hopes the same scenario will be repeated this time, too.

Even if their wishes are granted, the issue is unlikely to fade away.

The law is an integral part of a wider package of legal changes that formed the western-backed Ohrid peace deal.

Any attempt to dilute or evade the terms of the deal, which ended bitter ethnic strife in 2001, will not only court opposition among Albanians but among the western powers, too, whose support is essential for Macedonia if it is to advance towards its goal of European Union membership.

Siljanovska said she did not want to speculate on the outcome of the court's ruling but made it clear what verdict she expected.

"If it is a constitutional court of integrity and one that respects the ruling of its predecessors, then I expect it to protect the constitution and the laws, not the government," she said.

The government, on the other hand, is confident that the court will not dare challenge the terms of the Ohrid deal head on.

Prime Minister Buckovski says the opposition's attacks were alarmist and based on false premises.

"In every case, the Macedonian flag will be along side those [local] flags," he said. "Macedonia's territorial integrity will not be compromised."

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