

## Local Governance Comparative Reviews between the Republic of Macedonia and the Republic of Kosovo

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**Abstract:** Local Governance considers it as one of the basic values of democratic achievements and of particular importance of the political system in general, in this paper are highlighted the common and differences of the Local Government of the Republic of Macedonia and the Republic of Kosovo, two states these, who for decades had lived together in Yugoslavia. Since the early 1990s, Macedonia has been a country of its own and has all the attributes of independence. Meanwhile, Kosovo became independent from Serbia on February 17, 2008. Thus, through interpretations of the applicable laws and other legal documents that regulate or claim a more advanced Local Government, a comparative look will be highlighted in the main segments constitute the Local Government in these two countries? Based on legal documents, as well as the literature that had the Local Governance topic or mentioned this topic, reveal the common and local differences between the two countries.

**Keywords:** Local Government; assembly; elections; organs

### Introduction

The whole material of this work is divided into three parts. The first part deals with general notices of Local Governance and its units. This section deals with the Functioning, Organization and Governance of Local Governments in the Republic of Macedonia and in the Republic of Kosovo. The second part deals with the President, his choice, powers, responsibilities and rights. The third part has to do with the legislative body the Municipal Assembly as well as the rights of citizens and national minorities in Local Government. This section discusses their direct

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participation, civic initiatives, rallies, referendums, public debates, information, self-contribution, etc. This is why an effort has been made to break down the activities and problems related to Local Governance, comparing among themselves. This does not mean that this treatment is the “last word” but at least a contribution is made to the clarification of the rights, competences, obligations, responsibilities and other activities of the Local Governance in these two countries.

### **Definition of Local Governance**

Before talking about the common and local government differences in the republic of Macedonia and the Republic of Kosovo, the definition of the denomination Local Government should be made. The Oxford Dictionary sees Local Governance as “a governmental institution exercising authority in a territorial area of the country.” (Lean., 2001) According to this definition, it can be concluded that Local Government has to do with governance of all issues that have the concern the general interest of the local inhabitants and that their activity and power are extended to a narrow space defined within a state. Thus, it can rightly be concluded that “territorial governance, ie governance with territorial units, is a very complex process and can be said to consist of many functions or activities.” (Stavileci, 1997) Therefore, since local government deals with diverse activities, these activities are defined through legal documents of each country individually.

### **Legal Documents on Local Governance**

Documents addressing Local Governance, such as the Constitution; Laws on Local Self-Government (Regulations in Kosovo which were abrogated with the adoption of the Law on Local Self-Government of the Republic of Kosovo after the declaration of independence of Kosovo); Statutes of different Municipalities; European Charter of Local Autonomy; The International Covenant on Human Rights and Freedoms; as well as the rights to use the language; highlight all obligations, rights, competencies and responsibilities of Local Government. Taken from the outset, the aforementioned documents as well as the different opinions of modern theorists present the present reality in this paper; and the comparison of that existing reality.

### **General Announcements for Local Governance and its units**

Both in the Republic of Macedonia and in the Republic of Kosovo, Local Government implies the realization of local self-government directly and through the representatives of the Municipal Bodies, as local government units in certain areas, which relate to the general interest of the inhabitants of those areas. Local Governance in these two countries is organized and guided by the State Constitution, Local Self-Government Laws (in Kosovo until February 17, 2008, Local Governance was regulated by UNMIK Regulations: Regulation 2000/45, respectively Regulation 2007/30, but with the approval of the Law on Local Self-Government of the Republic of Kosovo, these regulations were abolished), as well as statutes, respectively Statutory Municipal Decisions arising from the Constitution and the Laws on Local Self-Government of the two countries that are subject to elaboration . The units that carry Local Government, according to the Constitution and Laws on Local Governance of these states, are Municipalities. They have the character of a legal person. As such, they have their own organs, the statute as the highest legal act, their symbols and their feast. Citizens living in Municipalities in both countries are considered local residents, meaning all those who are domiciled or have real estate in the territory of that municipality.

### **Power sharing**

The local government in these two countries consists of two bodies: the Municipal Assembly and the Mayor. Both in the Republic of Macedonia and in the Republic of Kosovo, the highest body of the municipality is the Assembly, and this body has the responsibility of the legislative body, while the executive body is the Chairman. Based on the Law on Local Self-Government, the Mayor (Mayor) of the Municipality, both in the Republic of Macedonia and in the Republic of Kosovo, is elected by direct and democratic elections for a four-year term.

### **Local Government Power**

In all municipalities of these countries, Local Governance is organized and guided by people elected by the free vote of eligible voters. Kosovo, unlike East Kosovo, Macedonia and Montenegro, from June 1999 until February 17, 2008, when it declared independence, was under UNMIK supervision, meaning: it was led by this

International Association. In this way, the UN Special Representative of the Secretary-General of the United Nations, in 2000, promulgated Regulation 2000/45, describing all the competencies, responsibilities, obligations, rights and manners of governance of Local Government in Kosovo. Regulation 2000/45, which had the support in UNMIK Regulation 1999/1, was abrogated by Regulation 2007/30. Thus, both the first and the second regulation, which entered into force in October 2007, were based on the same UNMIK Regulations. As the whole Regulation 2007/30, it defined all the competencies, responsibilities, obligations and rights of Local Government, with some minor changes. The regulations were signed by the Special Representative of the Secretary-General of the United Nations, “having regard to Regulation no. 1999/1 of the United Nations Interim Administration Mission in Kosovo (UNMIK) of 25 July 1999, as amended, on the authority of the Interim Administration Mission in Kosovo and Regulation no. 2000/1 of 14 December 2000 on the Common Administrative Direction of Kosovo” Regulation 2007/30 clearly defined the changes that were made especially by issuing another body: that of the Mayor, who has an important role in Local Government in Kosovo. Both these Regulations relied on the European Charter on Local Self-Government, and in particular Article 3, which deals with the determination of the rights and competences of local authorities to regulate and guide some of the public affairs under their responsibility that are in the interest of the population of Kosovo. In addition to these documents there were two other Regulations dealing with Local Government in Kosovo. (Rregullore Nr. 2007/30: Për Ndryshimin e Rregullores Nr. 2000/45 Mbi Vetëqeverisjen e Komunave të Kosovës). These documents were: Regulation 2001/36, adopted in 2001, dealing with Civil Servants in Kosovo, as well as Regulation 2007/27 concerning elections. Both the regulations in question and the previously adopted Law governing Local Governance in Kosovo had respectively five European documents dealing with self-government, the protection of human rights and freedoms and the protection and the rights of minorities also: Under one: European Charter on Local Self-Government under two: European Convention for the Protection of Human Rights and Fundamental Freedoms and their Protocols; under three: European Charter for Regional or Minority Languages; under four: the European Council Convention on the Protection of National Minorities; and under five: the Convention on the Elimination of All Forms of Discrimination against Women. With the adoption of the Law on Local Self-Government, the Regulations ceased functioning and the

Municipalities are governed, referring to this Law that is based on the Constitution of the Republic of Kosovo and that other than the European legal documents mentioned above is also supported in Ahtisaari's Comprehensive Document.

### **Local Governance, Activities and Citizens**

Kosovo Municipalities previously carried out all activities that had not been reserved for UNMIK, and now perform all activities of general local interest that are not reserved for Central Government. In this new state, some activities have been given as expanded competencies to the populated Municipalities with the Serbian minority and that in the other three countries belong to the Central Authorities. Based on the legal documents, in all the countries where we are reviewing Local Government, Municipalities have been given almost identical competences and responsibilities with few changes to carry out activities and issues pertaining to local residents of an area territorially defined. Citizens are considered those persons who are established and living in the territory of that municipality, while voters are persons who have the right to elect and be elected as Municipal Councilors. Citizens in Kosovo have the right to elect their representatives. The Citizens' Right to Local Governance in the Municipalities of the Republic of Macedonia is to realize the right of Local Government directly and through representatives in the Municipal Bodies. They realize this as a community of citizens in a certain area, through their organs and administration, by organizing public services to enable the performance of activities that fall within their competencies. Unlike other European countries where "State Delegates Local Authorities More and more Tasks ..." (Kval-Mellbye-Tranoi, 2006), these two countries do not apply this. Giving trust or trusting tasks and competencies to Municipalities does not mean the weakening of Central Power Control, but a relief of activities where citizens would be closer to the state.

### **Local Government Units**

In both countries, both in the Republic of Macedonia and in the Republic of Kosovo, the municipality is a unit of local government in which citizens realize the right of local self-government. Work that pertains to its competencies is performed through directly elected bodies by citizens. It has its own symbols and property.

The right of local government is realized through representatives of citizens in the bodies of the municipality and with direct participation in decision-making. They may issue Regulations that fall within the competence of the Municipality. To approve or issue the Statute of the Municipality, to approve the Municipal Budget and to issue other general acts that fall within their competence. They have been given the right to regulate and manage public affairs within their territory within the prescribed limits. In the Republic of Macedonia, within the framework of local government and the development and prosperity of a certain locality area, they carry out the tasks assigned, delegated and entrusted by the Central Authority. (Zakon za Lokalnata Samouprava ("Sluzben vesnik na Republika Makedonija" br. 5 od 29 januari 2002 god): neni 8, alineja 2) All this is done for a better governance, planning, leadership, administration and control of human resources as well as the material goods of the state that are related to that area defined territorially. "The municipality is obliged to provide citizens with access to basic information on the services they perform in the manner and conditions regulated by the statute" 8. From this it is seen that the local government, both in Macedonia and in other countries, has been careful to incriminate in the law the obligation to inform and serve local residents. The municipality in the Republic of Kosovo is a legal person and has the right and "may be the owner or co-owner of any company that is in the interest of the Municipality in relation to the citizens" (Ligji për Vetëqeverisje Lokale i Republikës së Kosovës). In the responsibility of Kosovo Municipalities, it is to provide them with conditions for normal and peaceful life of all inhabitants.

### **Territory, Denomination and Boundaries of the Municipality**

The territory of the Commune consists of the areas of one or more settlements that belong to that area. The territory in which the Commune is established represents a natural and geographic whole which is an economically connected space and has developed communication between settlements, with headquarters as a circular center. The manner of determining the territory is foreseen by law in all countries. Thus, "the territory in which the municipality is founded must present a connected geographic and economic entity, a communication between settlements and center gravitation, and to have the infrastructure and facilities regulated by a standard of general level" (Ligji për Vetëqeverisje Lokale i Republikës së Kosovës). Both in

the Republic of Macedonia and in the Republic of Kosovo, Municipalities have been established or can be established in a territory of a settlement or more settlements, where citizens are considered to have links between themselves for common needs and interests.

### **Rights of the Municipality**

The municipality shares gratitude and communal prizes. The acknowledgments are shared in a sign of respect for achieved accomplishments that represent a special contribution to the development of the Municipality and for its overall advancement as well as the affirmation of the economic, scientific, artistic, cultural, educational, health, social protection, sport, environment and nature as well as other spheres. For the sake of protecting and advancing common interests, Municipalities can join the commune communities. (Association) This kind of association exists in all these places. The Union of Municipalities composed of two-thirds of the Municipalities of the Republic of Macedonia, with the aim of protecting and advancing the general interests of local residents, has the right: to cooperate with the Government on issues of importance of the Municipalities of this state; to initiate the adoption of laws related to the progress of Local Government; to submit proposals and proposals in the budget of the Republic of Macedonia, in the section on the allocation of funds for the Municipality; to cooperate with organizations of other states and have the right to represent Macedonia in the International Organization of Local Government.

### **Inter-Municipal Cooperation**

In order to protect the common interests, the Municipality, the Republic of Macedonia and the Republic of Kosovo, with a decision approved by the Municipal Assembly (the Commune Council), is likely to join the associations. In Macedonia, there is another opportunity to make a decision. Together with the other Municipalities of the Republic to unite the means and to form joint public services, in order to realize the common interests and to carry out joint works from their competencies. In agreement with other municipalities, they can form joint administrative bodies in certain areas, with the purpose of implementing certain competences. "International Cooperation of Municipalities is any act of the

Municipalities of the Republic of Macedonia, taken in accordance with the law, to establish cooperation between them and the local or local government units of one or more other states, the membership of their associations in the international organization of local communities or governance” (Zakon za Lokalnata Samouprava, (“Sl. Vesnik na R. Makedonija” br. 5 od 29 januari 2002 god), dok. i cituar, neni:2, alineja 3). From this it can be concluded that Municipalities can link cooperation with all Municipalities and Inter-Municipal Organizations to meet citizen's requirements related to the general interest of the inhabitants of that particular area of that country.

### **Right to Determine Language**

The municipal right under their statutes is to be determined for the official languages that will be used both in written and spoken documents in municipal bodies. Laws on Local Self-Government in Macedonia as well as in Kosovo have described the conditions for defining official written language in the municipalities. Under the conditions set out in those legal documents, also based on the Convention on Regional Languages, Municipalities in the Republic of Kosovo have regulated this issue through their statute, respectively the Law on the Use of Languages.

### **Statute of the Municipality**

Each municipality in all these countries acts in accordance with the statute approved by the Municipal Assembly. “The Statute of the Municipality is the main legal act approved by the Municipality and in accordance with the legislation of the central government regulating the internal organization of the Municipality” (Ligji për Vetëqeverisje Lokale i Republikës së Kosovës, neni 3). This implies that the Statute of the Municipality sets out and regulates the conditions for citizens' initiatives and other activities that are of general interest regarding the governance in the municipalities. From this it is noticed that each municipality has its own legal acts, the basic act of the local government unit is the Statute. It has to do with regulating the rights and obligations of the Municipalities and how they will be realized. Municipalities, in all these states, may have the emblem, the flag and their



feast. These symbols are governed by the statute of the Municipality but they must be special. Their use is regulated by the highest legal act of the Municipality, which is the statute of the Municipal Assembly. Usually, the symbols have the historical, cultural content of that environment. The manner and the procedure for determining the symbols in all these states is regulated by the statute of the Municipality. The emblem, flag and feast of each Municipality in Macedonia are defined and determined by a decision of the Municipal Council. "... The designation and use of the emblem and the flag of the Commune shall be approved by a majority of the votes of the members present of the Council belonging to the community that is not a majority of the population in that municipality" (Zakon za Lokalnata Samouprava ("Sl. Vesnik na Republika Makedonija" br. 5 od 29 januari 2002 god) dok. i cituar, neni: 41, alineja 3). The Council's decision to designate the coat of arms, ie the flag of the Municipality is an integral part of the Municipal Statute. The Municipal Stem can be printed on official calls, decorations and other acts that the Council and the Mayor use. If it is considered that it is in the interest of the Municipality, the Commune Council has the right to allow natural and legal persons to use the coat of arms of the Municipality. With the charter of the Municipality in Macedonia, the placement of the flag is foreseen. "The Municipality Flag is placed in the Commune building in visible locations in the Municipality" (Statuti i Komunës së Tetovës, ("gazeta Zyrtare R. M. Nr. 55/04), neni 154, alineja 1). With the same statute, the emblem and flag are forbidden to be used if they are damaged or their appearance is inappropriate for use. The municipality, the flag, may also use it outside the municipal building if it participates or is presented in competitions, meetings and other international gatherings.

### **General Interest in the Realization of Local Government**

When it comes to issues of public interest, they are of local importance and it is about the interest of the entire local community or some of its parts. Within the realization of the common interest are: the economic and industrial development of the Municipality; Municipal Infrastructure; direct participation of citizens in decision-making; organization and work in municipal bodies; municipal administration; acts of organs; the property of the Municipality; overseeing the work of municipal bodies; distribution of the Council of the Municipality; cooperative mechanisms between Municipalities and Government; Local

Governance of Local Self-Government (local and urban communities); the definition of official languages in municipalities and other issues of importance to local government.

### **Municipal Activities**

Activities for which it is competent, the Municipality performs through its bodies, local government bodies and public servants. Citizens directly participate in the determination of their needs and interests through the free choice of representatives of local government bodies. In both of these states it is envisaged that Municipalities should take care of their property, minority rights, as well as undertaking initiatives and giving opinions on issues that concern municipalities that are not within their competencies.

### **Budget and Finance of the Municipality**

In the Republic of Macedonia, the Municipality has its own budget. This budget is provided by own source revenues, such as: municipal taxes, donations from the Budget of RM and from the budgets of funds as well as from other sources provided by the self-contribution, the utilization of the assets of the Municipality etc. The Municipality budget contains the balance of revenue and expenditure of the budget that belongs to the fiscal year of 12 (twelve) months, which starts from 1 January and ends on 31 December of each calendar year. Even in the Republic of Kosovo, municipalities have their own budget. During compilation of the Municipal Budget, in Kosovo, it is important to be well-planned, planned and prepared in an open and based on objective criteria. The budget itself includes a plan for activities and economic management within a fiscal year and includes all revenue forecasts, capital and daily expenses of the Municipality. Within the budget, it is foreseen the allocation of existing funds for the expenses of the Municipality. The municipal budget proposal is determined by the Mayor of the Municipality in both states and sent to the Municipal Council for approval no later than mid-November. The Municipal Council can not review the municipal budget proposal before the expiration of 20 (twenty) days from the day it was sent to the members of the Municipal Council. The Municipal Council shall make a decision

on any changes to the budget of the Municipality, for expenditures approved in a complementary way followed by measures that will increase the proposed revenues or reduce other expenditures in a highly proportionate manner. In order to cover the unforeseen expenditure requirements that will be presented during the budget year, a budget reserve is allocated from the total current and capital expenditures. When these spare funds can be used and how, it is the competence of the Mayor. The authorization is made by a decision of the Municipal Council. If the budget is not approved by the deadline, then temporary funding will be applied for up to six months.

### **Commune Income**

Income, the Municipality realizes through municipal taxes, the self-contribution, from the proceeds of the use of the construction land and the work that is the property of the Municipality and from other revenues. The municipality, which is financed by its own revenues such as local taxes, indemnities, donations, from the internal and external market, is also funded by the Central Government. This is done when revenues from these activities can not cover the expenses of the Municipality as well as in the cases of delegated work by the Central Authority.

### **Municipality Revenues**

Municipal revenues typically come from certain licenses and fees set by the Municipality. Revenues from the Municipality's income and wealth and the fines or percentage of fines are also assigned by the Municipality.

### **Commune Wealth**

The property of the Municipality in the Republic of Macedonia consists of movable and immovable items, money assets and various business objects that are its property. The Municipality has the right to own property of things, money and other objects that are its property. Property, the municipality earns from its own sources of income, financing citizens or participating in some other form, through gifts and other means. The Municipality's assets in the Republic of Kosovo are made up of construction land, labor and business and residential buildings in the

territory of that municipality. The land or facilities of the Municipality can be used for sale and sold, but if they were to be used for more than ten years or they would be sold, then Central Authority approval is also required.

### **Supervising the Legality of Municipal Acts**

In all municipalities of these two states, the legality of the issued acts is overseen. All acts issued must be in accordance with the Law defining Local Governance and in accordance with the Constitution of the State. Incompatibility and without the compliance of any provision with the Constitution and the Law must be timely alerted by the Mayor, otherwise, if it is not done at a certain time, then the act can not be stopped. The act can be declared invalid only if at some time the President takes appropriate measures by notifying the relevant ministry and by submitting that contested act to the Constitutional Court of the country.

### **Competencies of the Municipality**

The competences of the Municipality in the Republic of Macedonia are a summary of the activity and works that are of common and general public interest of the local inhabitants, which the Municipality has the right to perform in its area. "Municipalities, in accordance with the law, have the right in their territory to carry out tasks of general local interest that are not exempt from their competences or are not the competence of the central government" (Zakon za Lokalnata Samouprava ("Sl. Vesnik na Republika Makedonija, br. 5 od 29 januari 2002 god.), dok. i cituar: neni 20). They, in accordance with the principle of subsidiary, have the right to carry out initiatives in their territory on all matters of relevance to the Municipality. However, care must be taken not to exceed their competences and to interfere with the powers of the Central Authority. In the Republic of Kosovo, the Municipality within its territory has the competences, which are described in the Law on Local Self-Government. Thus, they provide basic conditions for sustainable economic development; plan the development of urban and rural space as well as land use; provide "permits for services and amenities in the field of entertainment, food, markets and street sales, public-transport, taxi, hunting, fishing, restaurant and catering services" (Kuvendi i Komunës së Mitrovicës,

2002). They have the power to organize fairs and to maintain markets. At their disposal, they have the right to appoint and rename streets, streets, squares and other public places in the territory of the Municipality. In addition to these activities, Municipalities may undertake actions in their territory also on other Municipal Matters. These may include the following activities: Tourism; Cultural activities; Free sports and activities; Youth activities; Advancement of economy; and Advancement of Civic Values. Educational institutions, cultural institutions, primary medicine, physical culture, sports, social security, child protection, tourism. Organizes the performance of works related to the cultural assets of the Municipality. It organizes the services for the needs of the Municipality and regulates their organization and work. It names and renames the streets, lanes and squares of the Municipality as well as performs other work related to the good of local residents.

### **Responsibilities of the Municipality**

In the Republic of Macedonia Municipalities are responsible for the execution of all competences and decisions issued by their own bodies. In order to regulate and perform the tasks that fall under the competencies of the Municipality, the municipal statute and other provisions are consulted. It is responsible for measures taken to protect water, air, soil and nature from pollution, and protects citizens against noise. The Municipality's responsibility is to resolve matters relating to damages caused to a third person during the undertaking or omissions in the performance of his/her competencies. It is under the responsibility of the Municipality to enable direct participation of its citizens. Initiatives undertaken by the citizens of that commune or part of it are obliged to respect and remove all expenses for those initiatives. The responsibility of the Municipalities in the Republic of Kosovo is to apply the building rules by checking building standards. The municipality also cares for infrastructure including water supply, water supply and sewerage. Caring for preschool, primary and secondary education; Primary health care is also under their responsibility; social services and housing; providing and providing public services to the residents of their municipality and to those citizens who require services. They are also responsible for enforcing central government regulations including cadastral records, population registries, voter registration and business registration.

### **Mayor of the Municipality**

In the Republic of Macedonia, the mayor, by function, presents and has the function of the executor of the acts approved by the Municipal Council, respectively, the Municipal Assembly. As a function of his function, he appoints the directors of the departments that help him perform and assign tasks. Its competence is the budget proposal of the Municipality, as well as the execution of all decisions taken by the Municipal Assembly related to the general interest of local residents.

### **The Election, Rights and Duties of the Mayor**

In the Republic of Macedonia the mayor is elected directly. He is elected for four years in direct elections by secret ballot. The mayor may not be a councilor of the Municipal Assembly at the same time. He has a deputy who replaces him in absentia or because of some reason when he would be prevented from performing the affairs belonging to him. He has the right to appoint and dismiss his deputy. In the Municipalities of the Republic of Kosovo for the first time in November 2007, the Mayors of the Municipalities were elected by a free vote of the citizens. He can choose his substitutes and advisers. Each municipality has a deputy mayor assisting the chairman in his affairs. In Municipalities where at least 10% of other communities live, a Vice-President for Communities is appointed to assist the Mayor in matters pertaining to non-majority communities in that municipality and will have a time mandate of the Mayor.

### **The Powers of the Mayor**

In the Republic of Macedonia, the Mayor represents the Municipality, controls the legality of the provisions of the Council of the Municipality. It publishes the provisions of the Council in the Official Gazette of the Municipality. Executes Council decisions. Performs the execution and execution of works delegated to the Municipality. "Decides on the administrative affairs of the rights obligations and the interests of both natural and legal persons, in accordance with the law"

(Samouprava, 2002). Issues the regulation for the systematization of jobs in the municipal administration. Leads with municipal administration. Decides on the employment, rights, obligations and responsibilities of employees in the municipal administration. The Central Authority may delegate the performance of certain tasks to the Mayor from the framework of his/her powers. When done, then the means are provided by the Central Authority. However, the responsibility for carrying out the delegated work remains with the Central Authority, so this body has an obligation to supervise the performance of those tasks. Conducts the executive and supervises its financial administration.

### **Responsibilities of the Mayor**

The Mayor of Macedonia, in the framework of his responsibilities, issues special acts. Ensures implementation of Council decisions. Realizes the procedure for announcing the public competition and makes the selection of the director in public services and municipal institutions. It is obliged to stop the announcement within seven days from the day of delivery of the Council's act by a ruling if it considers that it is not in accordance with the Constitution and the laws. If its decision is not approved by the Municipal Council, it is obliged to announce the act and then initiate the procedure for assessing the constitutionality and legality of that contested act in the Constitutional Court of the Republic of Macedonia. Under the responsibility of the Mayor of Kosovo, not only comes the proposal of the annual budget, but also the way it will be used or distributed and how it will be spent. Another responsibility is the implementation or cancellation of approved regulations and decisions taken by the Municipal Assembly; Financial Management of the Municipality; Examination of issues relating to the rights or interests of the Communities as well as any other responsibilities that will be entrusted to the statute and regulations of the work, approved by the Municipal Assembly.

### **Municipal Assembly**

The other municipal body in the Republic of Macedonia is the Municipal Council, which is a representative body of citizens. The Municipal Council in this state is composed of representatives of citizen's elected in general, direct and free

elections, by secret ballot. The municipal council has a mandate of four years. After the independence of the Republic of Kosovo, with the approval of the law regulating Local Government, it was foreseen that the mandate of the councilors that would constitute the Municipal Assembly would be within a four-year timeframe.

### **Function of the Municipal Assembly**

The Municipality Council in Macedonia comes out of free elections and performs the legislative function in the municipality. By means of the Council's Rules of Procedure, the Council and its Committees shall regulate the manner of work of the Council and of its Committees; decision-making procedures and building relationships or behavior with other bodies. The Council of the Municipality decides by means of decisions that are of local importance that fall within the competence of the Municipality. The Municipal Council by decision establishes the municipal administration, regulates its way of working and establishes public services. The first meeting of the Council calls on the previous Mayor of the Municipal Council that his mandate has expired, at least 20 days from the day of the election. If this is not done by the previous President within this deadline, then self-appointed members can call that meeting and chair the oldest member. The Municipal Assembly in Kosovo approves the statute and changes it, if it considers that such a thing is necessary. Approves the rules of procedure and may change them if it considers that such a thing is necessary.

### **Competencies of the Municipal Assembly**

The Council of the Municipality of Macedonia issues statute and other provisions; issues general acts, special acts, decisions on elections and appointments; Organizes, the way of exercising the tasks of the municipal administration; issues and approves the budget and final account; determines the amount of its own sources of income for the financing of the Municipality; establishes public servants at the municipal level and supervises their work; appoints the members of the governing boards of those public servants; approves the programs and financial plans for the funding of public servants established by the Municipality. Approves



reports on budget execution; approves the final reports and accounts of public servants that is the founder; “Elects the person who will lead the territorial unit of the Ministry of Internal Affairs in the municipality, in accordance with the law<sup>18</sup>”. Review and approve the annual report on public safety in the territory of the Municipality and forward it to the Minister of Interior and the Ombudsman. The competence of the Municipal Assembly in Kosovo is, inter alia, to: adopt the Statute and the Rules of Procedure of the Assembly. It makes decisions and issues regulations and other general acts. Approve budget. Creates the right committees. Approve other financial issues; elects the Chairperson of the Municipal Assembly and the Vice-Presidents; deals with remuneration for Municipal Assembly advisers; appoints the chief of the department of administration and personnel; sets the fees and charges. Upon the approval of two-thirds of the votes of the Assembly Advisors, the naming or renaming of any street, street or other public place in the territory of the Municipality is done. Municipality’s competences through provisions that fall within the general acts. It is the responsibility of the Municipal Council to decide on the use of the language of citizens who do not constitute 20% of the population of that municipality. “Provisions pertaining to culture, the use of languages and scripts in which less than 20% of citizens in the municipality speak, the designation and use of the emblem and flag of the Commune are approved by a majority vote of the members present at the Council, have a majority of the votes of the members present of the Council who belong to the community that is not a majority of the population in the municipality” (Samouprava, 2002). It is therefore the Municipal Council responsible to perform these obligations that are charged by the statute of the Municipality and the Law on Local Governance of the Republic of Macedonia. Under the responsibility of the Municipal Council is the approval of the annual report on the realization of the right of free access to information in the Municipality for all activities, including the implementation of the budget for the previous year. The Municipal Assembly in Kosovo is responsible for the decisions it takes by majority of votes of the Municipal Assembly advisers. These decisions are related to budget approval, approval of financial issues, and compensation for elected members. Annual Report. Approval, amendment and cancellation of local laws. Establish the committees required by the Law on Local Government. It also holds responsibility for the election of the chairman of the Municipal Assembly, for the level of payments and prices, for the creation and use of symbols, decorations and honorary titles, for naming and renaming of streets, streets and other public places for planning and agreements with other municipalities or

associations and other organizations for cooperation. Any citizen initiative that has to do with the competencies and responsibilities of the Municipal Assembly should consider and respond to citizens.

### **Mayor of the Municipality**

In the Republic of Macedonia, the mayor, by function, presents and has the function of the executor of the acts approved by the Municipal Council, respectively, the Municipal Assembly. As a function of his function, he appoints the directors of the departments that help him perform and assign tasks. Its competence is the budget proposal of the Municipality, as well as the execution of all decisions taken by the Municipal Assembly related to the general interest of local residents. The election, rights and duties of the Mayor in the Republic of Macedonia the mayor is elected directly. He is elected for four years in direct elections by secret ballot. The mayor may not be a councilor of the Municipal Assembly at the same time. He has a deputy who replaces him in absentia or because of some reason when he would be prevented from performing the affairs belonging to him. He has the right to appoint and dismiss his deputy. In the Municipalities of the Republic of Kosovo for the first time in November 2007, the Mayors of the Municipalities were elected by a free vote of the citizens. He can choose his substitutes and advisers. Each municipality has a deputy mayor assisting the chairman in his affairs. In Municipalities where at least 10% of other communities live, a Vice-President for Communities is appointed to assist the Mayor in matters pertaining to non-majority communities in that municipality and will have a time mandate of the Mayor.

### **The Powers of the Mayor**

In the Republic of Macedonia, the Mayor represents the Municipality, controls the legality of the provisions of the Council of the Municipality. It publishes the provisions of the Council in the Official Gazette of the Municipality. Executes Council decisions, performs the execution and execution of works delegated to the Municipality “decides on the administrative affairs of the rights obligations and the interests of both natural and legal persons, in accordance with the law” (Tetovë,

2004), and Issues the regulation for the systematization of jobs in the municipal administration, leads with municipal administration, decides on the employment, rights, obligations and responsibilities of employees in the municipal administration. The Central Authority may delegate the performance of certain tasks to the Mayor from the framework of his / her powers. When done, then the means are provided by the Central Authority. However, the responsibility for carrying out the delegated work remains with the Central Authority, so this body has an obligation to supervise the performance of those tasks. Conducts the executive and supervises its financial administration.

### **Responsibilities of the Mayor**

The Mayor of Macedonia, in the framework of his responsibilities, issues special acts, ensures implementation of Council decisions. Realizes the procedure for announcing the public competition and makes the selection of the director in public services and municipal institutions. It is obliged to stop the announcement within seven days from the day of delivery of the Council's act by a ruling if it considers that it is not in accordance with the Constitution and the laws. If its decision is not approved by the Municipal Council, it is obliged to announce the act and then initiate the procedure for assessing the constitutionality and legality of that contested act in the Constitutional Court of the Republic of Macedonia. Under the responsibility of the Mayor of Kosovo, not only comes the proposal of the annual budget, but also the way it will be used or distributed and how it will be spent. Another responsibility is the implementation or cancellation of approved regulations and decisions taken by the Municipal Assembly; Financial Management of the Municipality; Examination of issues relating to the rights or interests of the Communities as well as any other responsibilities that will be entrusted to the statute and regulations of the work, approved by the Municipal Assembly.

### **Municipal Assembly**

The other municipal body in the Republic of Macedonia is the Municipal Council, which is a representative body of citizens. The Municipal Council in this state is composed of representatives of citizen's elected in general, direct and free

elections, by secret ballot. The municipal council has a mandate of four years. After the independence of the Republic of Kosovo, with the approval of the law regulating Local Government, it was foreseen that the mandate of the councilors that would constitute the Municipal Assembly would be within a four-year timeframe.

### **Function of the Municipal Assembly**

The Municipality Council in Macedonia comes out of free elections and performs the legislative function in the municipality. By means of the Council's Rules of Procedure, the Council and its Committees shall regulate the manner of work of the Council and of its Committees; decision-making procedures and building relationships or behavior with other bodies. The Council of the Municipality decides by means of decisions that are of local importance that fall within the competence of the Municipality. The Municipal Council by decision establishes the municipal administration, regulates its way of working and establishes public services. The first meeting of the Council calls on the previous Mayor of the Municipal Council whose mandate has already expired, at least 20 days from the Election Day? If this is not done by the previous President within this deadline, then self-appointed members can call that meeting and chair the oldest member. The Municipal Assembly in Kosovo approves the statute and changes it, if it considers that such a thing is necessary. Approves the rules of procedure and may change them if it considers that such a thing is necessary.

### **Competencies of the Municipal Assembly**

The Council of the Municipality of Macedonia issues statute and other provisions; issues general acts, special acts, decisions on elections and appointments; Organizes, the way of exercising the tasks of the municipal administration; issues and approves the budget and final account; determines the amount of its own sources of income for the financing of the Municipality; establishes public servants at the municipal level and supervises their work; appoints the members of the governing boards of those public servants; approves the programs and financial plans for the funding of public servants established by the Municipality. Approves

reports on budget execution; approves the final reports and accounts of public servants that is the founder; “Elects the person who will lead the territorial unit of the Ministry of Internal Affairs in the municipality, in accordance with the law (Statuti i Komunës së Tetovës, (“gazeta Zyrtare R.M. Nr. 55/04), neni 154, alineja 1)”. Examines and approves annual report on public safety in the territory of the Municipality and forward it to the Minister of Interior and the Ombudsman. The competence of the Municipal Assembly in Kosovo is, inter alia, to: adopt the Statute and the Rules of Procedure of the Assembly, makes decisions and issues regulations and other general acts. Approve budget, creates the right committees, approve other financial issues; elects the Chairperson of the Municipal Assembly and the Vice-Presidents; deals with remuneration for Municipal Assembly advisers; appoints the chief of the department of administration and personnel; sets the fees and charges. Upon the approval of two-thirds of the votes of the Assembly Advisors, the naming or renaming of any street, street or other public place in the territory of the Municipality is done.

### **Responsibilities of the Municipal Assembly**

The Municipality Council in Macedonia regulates the performance of the Municipality's competences through provisions that fall within the general acts. It is the responsibility of the Municipal Council to decide on the use of the language of citizens who do not constitute 20% of the population of that municipality. “Provisions pertaining to culture, the use of languages and scripts in which less than 20% of citizens in the municipality speak, the designation and use of the emblem and flag of the Commune are approved by a majority vote of the members present at the Council, have a majority of the votes of the members present of the Council who belong to the community that is not a majority of the population in the municipality” (Statuti i Komunës së Tetovës, (“gazeta Zyrtare R.M. Nr. 55/04), neni 154, alineja 1). It is therefore the Municipal Council responsible to perform these obligations that are charged by the statute of the Municipality and the Law on Local Governance of the Republic of Macedonia. Under the responsibility of the Municipal Council is the approval of the annual report on the realization of the right of free access to information in the Municipality for all activities, including the implementation of the budget for the previous year. The Municipal Assembly in Kosovo is responsible for the decisions it takes by majority of votes of the Municipal Assembly advisers. These decisions are related to budget approval,

approval of financial issues, compensation for elected members, Annual Report, approval, amendment and cancellation of local laws. Establish the committees required by the Law on Local Government. It also holds responsibility for the election of the chairman of the Municipal Assembly, level of payments and prices, for the creation and use of symbols, decorations and honorary titles, naming and renaming of streets, streets and other public places for planning and agreements with other municipalities or associations and other organizations for cooperation. Any citizen initiative that has to do with the competencies and responsibilities of the Municipal Assembly should consider and respond to citizens.

### **President of the Municipal Assembly**

The Chairman of the Council of the Commune in the Republic of Macedonia is elected from among the members of the Council for a term of four years. The person who receives the majority of votes from the total number of Council members is elected Chairman. The procedure for electing the Mayor of the Municipality Council is to nominate one or more candidates. If neither of them gets in the first round of voting, it continues with the second round of voting, if it still does not win any one, meaning it does not have two-thirds of the votes of the Council members, then go to the round third. In this round, the person who receives the most votes is elected, regardless of whether he has won two thirds of the votes of the members of the Municipal Council. Voting is public, but by a Council decision, which also deals with a majority vote, voting can be secretive. The Mayor of the Municipalities of Kosovo, with the Regulation 2007/30, was at the same time the chairman of the Municipal Assembly. Now, with the Law governing Local Governance, the chairperson is elected from among the councilors. He calls and chairs meetings of the Municipal Assembly.

### **Citizens' Rights**

The "right" notion in the current Albanian vocabulary is found as a set of norms that regulate social relations between people in a particular place, which are built around will, intentions and interests of the system in force, is decided by the state is protected by law. Since the notion of "right" has a very broad meaning, we will

only address the rights of citizens in Local Government. Realization of the right to Local Governance by citizens is done directly and through their representatives in the municipal bodies. They have the right to be informed in the official languages used in that municipality. In Macedonia, the official language of the state and the language of the citizens constituting at least 20% of the population in that municipality are taken as official language. It means if they reach this quota, then that language is formalized and used in conjunction with the official language. The Municipal Assembly (in Macedonia: the Municipal Council) has the right to determine with a special decision to inform also in the language which is not in official use in that municipality, but this is done if that language speaks one part of the inhabitants of the Municipality. In Kosovo, official languages are Albanian and Serbian, while in those municipalities where there are a considerable number of other Communities, the language of that community is in use. In Eastern Kosovo Municipalities, in addition to the Serbian language, the Albanian language is also used.

### **Citizen Participation in Local Governance**

With the direct participation of citizens in decision-making, we mean all citizens' activities that are carried out on the initiative of the Local Government Unit or undertaken by citizens that influence the realization of the right of establishment within the framework of Local Government. However, this has to do with the common and general interest of local residents. In both states, the Municipality is obliged to create conditions for participation in different forms of citizens in decision-making or decision-making on issues of general interest of local residents, in order to meet cultural, educational, health, information needs etc.

### **Civic Initiative**

Citizens through Civic Initiative propose to the Municipal Assembly the issuance of the act, which will regulate the issue determined by its powers, the change of the statute or other acts and the announcement of the referendum in that municipality. The initiative undertaken by the citizens and reviewed by the Municipal Assembly also carries its own expenses. However, "The expenses for these activities of the citizens are taken away by the Municipality". (Zakon Na Lokalnata Samouprava na

Makedonija, dokument i cituar: neni 25, alineja 2) With this act citizens are obliged by the Assembly for these issues undertaken by the citizens to hold the hearing, to examine the issues raised and to inform the citizens in limited timeframe.

### **Citizen Rally**

In both states, citizens have the right to participate in the gatherings organized by the Municipal Assembly. There they will be notified of the work of their municipal representatives. At the rally, the Municipal representatives inform the participants about the activity of the Municipality, and participants can ask questions and make proposals to the elected Municipal Representatives. Citizens' gathering may be invoked or initiated for a part of the territory of the Local Government Unit, meaning the Municipality or the entire territory of that Municipality. It reviews and proposes issues that are dedicated to the Assembly or certain bodies and services. The bodies and services of the local government unit are obliged to examine and take a stand on the matter raised by Citizens within 90 days from the holding of the meeting in the Republic of Macedonia, respectively 60 days in the Republic of Kosovo.

### **Referendum**

In Macedonia, through the referendum, citizens can decide on issues that are within the competence of the municipality as well as on other issues that are important to local residents. The Municipal Council may announce referendum on its own initiative and when required by at least 20% of the municipal voters. The referendum decision is mandatory for the Municipal Council. In the Municipalities of the Republic of Kosovo, citizens on their own initiative may demand that any of the municipal regulation can be a subject to referendum. This request of citizens must be made within 30 days from the approval of the Regulation and should be signed by 10% of the voters of the Municipality.



### **Public Discussion**

Prior to the issuance of the development plan, spatial plan, urban plan, budget and general acts defining the rights and obligations of the citizens, the municipality determines the plan of citizen participation in decision-making and appoints the organ that will hold the public discussion. This discussion should take at least 15 days. In this way, the voice of citizens will be heard for those issues that are related to the general interest of local residents. In those countries where minorities live, the plan must be submitted to the community's spoken language.

### **Final Reviews**

Since Local Governance is considered as one of the basic values of democratic achievement and of particular importance to the political system in general, care should always be taken that: "The choices determine who will rule and little of what restriction the government will have." (Sartori, 2010) Therefore, the content of Governance does not depend on the people who elect the representative, but, they are their chosen, who decide how they will govern. This is often the case for voters to be disappointed with the actions of their elect. They (voters) demand transparency, not even a partnership with their own elect. "Therefore, relations with the center are based on the partnership of free democratic institutions". In these two countries, both in the Republic of Macedonia and in the Republic of Kosovo, it has not been practiced or has yet begun such a practice. The power in these two states is still centralized. Based on the documents defining the obligations, rights, competences and responsibilities of the Local Government it has been established that the Local Government in these two countries has similar characteristics and those that differ among themselves. The features of organizing these units that resemble each other are.

### **Bibliography**

Kuvendi i Komunës së Mitrovicës (2002). *Nr. Prt. 01/06-8/2 dt. 28. 02.02002, Mitrovicë, STATUT Nr. 05/2002 (Me ndryshimet dhe plotësimet në bazë të vendimeve të Kuvendit të Komunës, vendimit Nr. 01/112-25 të dt. 29. 07. 2003 dhe vendimit Nr. 01/06-32 të dt. 20. Mitrovica: Kuvendi.*

Kval-Mellbye-Tranoi (2006). *Politika dhe Demokracia/ Politics and Democracy.* Prishtinë.

Lean., I.M. (2001). *Fjalor Politik/Political Glossary.* Tiranë.

Ligji për Vetëqeverisje Lokale i Republikës së Kosovës/ Law on Local Self-Government of the Republic of Kosovo, n. 5. (n.d.).

(n.d.). *Ligji për Vetëqeverisje Lokale i Republikës së Kosovës/ Law on Local Self-Government of the Republic of Kosovo, no 3.*

(n.d.). *Rregullore Nr. 2007/30: Për Ndryshimin e Rregullores Nr. 2000/45 Mbi Vetëqeverisjen e Komunave të Kosovës/ Regulation no. 2007/30: Amending Regulation No. 2000/45 on Self-Government of Kosovo Municipalities.*

Samouprava, Z.Z. (2002). *Sluzben Vesnik na Republika Makedonija br. 5 od 29 januari 2002 god.: neni 36, alineja 12/ Official Gazette of the Republic of Macedonia no. 5 of 29 January 2002.*

Samouprava, Z.Z. (2002). *Sluzben vesnik na Republika Makedonija” br.5 od 29 januari 2002 god. dok. i cituar, neni: 50, alineja 11/ Official Gazette of the Republic of Macedonia "No. 5 of 29 January 2002. Dock. cited, art. 50, indent 11..*

Sartori, G. (2010). *Ç'është Demokracia/ What is Democracy.*

(n.d.). *Statuti i Komunës së Tetovës, ("gazeta Zyrtare R. M. Nr. 55/04), neni 154, alineja 1/ The Statute of the Municipality of Tetovo, ("Official Gazette R.M. No. 55/04), Article 154, indent 1.*

Stavileci, E. (1997). *Hyrje në Shkencat Administrative.* Prishtine: Enti i teksteve dhe i mjeteve mësimore i Kosovës/ Introduction to Administrative Sciences. Pristina: Kosovo Textile and Learning Facility.

Tetovë, S.I. (2004). *Gazeta Zyrtare e RM” nr. 55/04, neni 23, alineja 3/ Official Gazette of RM "no. 55/04, Article 23, paragraph 3.*

(n.d.). *Zakon Na Lokalnata Samouprava na Makedonija, dokument i cituar: neni 25, alineja 2/ Law on Local Self-Government in Macedonia, document and quoted: Article 25, line 2.*

(n.d.). *Zakon za Lokalnata Samouprava (Sl. Vesnik na Republika Makedonija, br. 5 od 29 januari 2002 god), dok. i cituar: neni 20/ Law on Local Self-Government (Official Gazette of the Republic of Macedonia, No. 5 of 29 January 2002); cited: Article 20.*

(n.d.). *Zakon za Lokalnata Samouprava (“Sl. Vesnik na Republika Makedonija” br. 5 od 29 januari 2002 god) dok. i cituar, neni: 41, alineja 3/ Law on Local Self-Government ("Official Gazette of the Republic of Macedonia" No. 5 of 29 January 2002) until. quoted, article 41, line 3.*

(n.d.). *Zakon za Lokalnata Samouprava (Sluzben vesnik na Republika Makedonija br. 5 od 29 januari 2002 god): neni 8, alineja 2/Law on Local Self-Government (Official Gazette of the Republic of Macedonia No. 5 of 29 January 2002): Article 8, line 2.*

(n.d.). *Zakon za Lokalnata Samouprava, (Sl. Vesnik na R. Makedonija br. 5 od 29 januari 2002 god), dok. i cituar, neni:2, alineja 3/ Law on Local Self-Government, (Official Gazette of Republic of Macedonia No. 5 of 29 January 2002), while. quoted, article 2, indent 3.*