

LOCAL SELF-GOVERNMENT – THE FOUNDATION OF DEMOCRATIC POLITICAL SYSTEM

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Abstract

Analyzing local self-government issues is particularly complex. Having in mind that local self-government is one complex and specific system of organization of powers on a local level, its analysis should be done from different aspects, covering a large number of issues. Local self-government synthesizes a wealth of different systems, forms, normative solutions and principles. Hence this paper will determine and analyze the basic features of local self-government. This will enable the differentiation of the local self-government from the categories of decentralization and deconcentration. This paper also elaborates the system of local self-government in the Republic of North Macedonia, with special reference to the normative framework and the positive law, as well as the issues of local self-government authorities.

Keywords: constitution, local self-government, deconcentration, decentralization, municipality, local self-government authorities, municipal council, mayor.

I. ABOUT THE TERMS DECONCENTRATION, DECENTRALIZATION AND LOCAL SELF-GOVERNMENT

The state system of a country depends on the implementation of a federal or unitary principle. A federation is a form of a state system that represents a set of separate collectivities (federal units) organized in such a way that they form a new, higher collectivity (union federation). *Hauriou* defines the federation as "a community of states interconnected by relations governed by the constitutional law"¹. It is a "community of communities" or a "society of societies" (*société de sociétés*). In the unitary states, the overall state power belongs to the highest central state authorities, which have the unlimited right to exercise this power independently or to transfer it to other authorities². *J. C. Friedrich* emphasizes that the (non) existence of a "*foedus*" - that is, an agreement of equal communities to decide on common issues is the basic criterion by which a distinction can be made between a federal or unitary state system. He points out that the member

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¹Hauriou, A. "*Droit constitutionnel et institutionispolitiques*". Paris, 1986, p. 913.

²Jovicic, Miodrag, „Savremeni federalizam” PE Official Gazette, Belgrade 2006, p. 29.

/Ловичиќ, Миодраг, „Савремени федерализам”, PE Official Gazette, Belgrade 2006, p. 29.

states participate equally in the exercise of the constitutional and legislative power in the federation, while the political and territorial units in the unitary state do not have such powers.³

In the unitary states, state power is exercised by central state authorities. They can exercise the state power as a whole or entrust certain powers to non-centralized authorities. Markovic highlighted that "depending on the relationship established between central and non-central bodies, a unitary state can be centralized or decentralized"⁴. Latent antagonism and tension between centralization and decentralization currents are constantly present in unitary states. However, decentralization is an integral part of the development of all systems of local self-government in the modern state.

Deconcentration and decentralization are the two modalities through which the principle of a single state's will is being implemented in the unitary state. The main tendency of these two modalities is to bring the government closer to the residents. However, the manner in which this is achieved through the processes of deconcentration and decentralization is different.

1. **Deconcentration** is an instrument that achieves complete subordination of the non-central state authorities and which establishes a centralist arrangement⁵. It is a form of such relations between the central and non-central state authorities, in which the latter have transferred, delegated powers which they exercise in accordance with previously given instructions and under the full supervision by the central authorities. The main feature of deconcentration consists of the fact that it is a relationship in which the central state authorities supervise the work of the non-central authorities, using the various instruments that allow them a superior position such as: deciding on finances, appointing or changing employees in the non-central authorities, abolishing or annulling acts adopted by non-central authorities. Namely, the deconcentration in its essence is "lowering the decision-making power from higher levels of hierarchy to the lower ones"⁶. The use of a negative definition of concentration is a different attempt to define deconcentration. Thus, if the concentration is a process of implementing the overall administrative competencies by the central state authorities, the deconcentration is their implementation by the so-called branch, i.e. "dislocated organizational units of the central authorities of the state administration"⁷.

2. The process of **decentralization** is the second modality through which the principle of a single state's will is implemented in the unitary state. Decentralization is a process. While local or regional self-government is a condition, static and cross-section of decentralization in a limited period of time, decentralization is a variable, kinetic and dynamic category.

The term decentralization had its origins in 19th-century French law, meaning independent government or self-government. After more than 100 years, the decentralization "is still one of the fundamental European processes in the modern political governance systems of the European countries"⁸. Finally, the term decentralization means a transfer of powers of the central state

³For more details see Nicholas, Aroney. "Federalism – Legal Political and Religious Archaeology", University of Queensland T. C Beirne school of law, 2020, p. 3.

⁴ Markovic, Ratko „Ustavno parvo I politicke institucije”, IP Justinijan, 2004, p. 503/ Марковић, Ратко. „Уставно право и политичке институције”, ИП Јустинијан, 2004, р. 503.

⁵ibid.

⁶Plić, Mihajlo , Administrativno parvo I drugi radovi” Beograd.1998.p.107/ Илић, Михаило,,„Административно право и други радови”, Београд, 1998, р.107.

⁷Jovicic, Miodrag „, Struktura I teritorijalna osnova lokalne samouprave u Evropskim zemjama” Savremena administracija, Beograd, 1974. p.219/ Јовичић, Миодраг,,„Структура и територијална основа локалне самоуправе у Европским земјама”, Савремена администрација, Београд, 1974,р. 219.

⁸Korpic, Ivan, „Decentralizacija I dobro upravljanje gradovima”, Hrvatska javna uprava, 2009, no. 1, p. 70.

authorities to the non-central authorities i.e. local representative bodies, which are elected directly by the residents. Generally, decentralization is a transfer of competencies of the central state government to the local government, which is elected by the residents. Gjulabic defines decentralization as “a process by which as a rule the public powers are transferred from the wider territorial units of the territorial self-government units to the local or regional self-government units”⁹.

Decentralization can be functional or territorial. **Functional decentralization** is the recognition of a certain degree of independence in the management and administration of certain public services. **Territorial decentralization** consists of the independence of certain territorial collectivities and their residents to decide independently on issues of local importance. The transfer of powers and funds from the central state authorities to the authorities of the territorial self-government units takes place is an example of territorial decentralization. It is a way to strengthen the position of the territorial (local or regional) self-government, as opposed to the central government. The legitimacy of the territorial self-government is strengthened with the help of the decision-making and management mechanisms about the issues of local importance by the local authorities.

Political decentralization, urban decentralization as a form of territorial decentralization, fiscal decentralization, horizontal or vertical decentralization, etc. are other types of decentralization.

The legal literature indicates that the expectations from the implementation of decentralization as a process are high. This is especially so because decentralization is seen as a way to achieve the dispersion of political power in a large number of decision-making centres. In this manner, decentralization prevents the retention of a single centre of decision-making and brings the government closer to the residents. It is also a basic process that balances the local government with the central government, making it an instrument for its limitation, framing and limitation. Decentralization has a positive effect on the development of local communities, especially by strengthening the democratic fabric of the locus, through the active engagement of residents in local politics¹⁰.

3. **Local self-government** is the foundation of any democratic political system. It is a **power** exercised by the local authorities. Local self-government is not only a mechanism for limiting centralism but also an independent category, independent of the central institutions of the country¹¹. It is the original, indigenous and basic organization of power of any system. In essence, local self-government represents the right of the citizens to independently decide on matters of common interest to the locus (community). Article 3 of the European Charter of Local Self-Government defines this category as *the right and ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility, and in the interest of the local population*. Mayer J. defines local self-government as “the totality of local units of government within the unitary system of a country, which performs their function on the basis of previously established rules and means by which they provide services and geographical, social and economic development of a defined local area”¹².

Finally, if the decentralization of the state government is a matter that is in the field of interest primarily of the administrative law, the local self-government as a form of territorial

⁹Gjulabic, Vedran, „*Lokalna samouprava I decentralizacija u Hrvatskoj*”, Friedrieoh Ebert Stiftung, 2018, p. 3.

¹⁰Ibid. p. 5.

¹¹Gjorgjević, Jovan, „*Ustavno pravo*”, Savremena administracija, Belgrade, 1976, p. 691.

¹²Mayer, J., „*Local government law – general principles*”, Butterworth, 1978, p. 10.

decentralization is a category of the political system, and in some countries, it is *materia constitutionis*.

II. BASIC FEATURES OF THE LOCAL SELF-GOVERNMENT

The local self-government in each country is an element of its political system. The analysis of the political system is considered to be an extremely extensive operation, which inevitably includes the study of the structure, composition, competencies, interconnectedness and conditionality of all authorities, including those at the local level. Jovicic stressed that "in order to complete the picture of the political system, we need to know not only the position, organization and functioning of the central authorities but also the overall network of local authorities covering the entire territory of the country"¹³. The functioning of the organized state community has been conditioned by the existence of the local self-government and the authorities organized at the level of its units.

1. The etymological origin of the term should be sought in the speeches of the ancient philosopher Plato, who uses the term *enkrateia* meaning *to be in power over oneself*. He emphasizes the need for the people and the small communities and groups to be in power over and manage themselves independently, as the only way to be free. Aristotle thought that small communities where people know each other and are interconnected by common interests, as a result of living together, are the opposite of impersonal and distant central government. Threads of similar ideological foundations are woven into John Locke's social contract theory. Namely, he advocates the thesis that the essence of freedom requires conscious self-discipline and self-control of the individual, and the ability of people to fulfil them is a basic source of freedom. Such theoretical views will strongly influence the "founding fathers" in shaping the foundations of the political system in the United States. Explaining the essence of the American democratic system, Tocqueville points out that "the power of free people lies in the local communities. The institutions of the locus of freedom represent what is the basic education of science. Without them, a nation can have a free government, but that does not mean that it will have the spirit of freedom"¹⁴.

The following terms denote local self-government: the Swiss term *Autonomie locale*, the English *Local government*, the German *Gemeinde Selbstverwaltung*, the Italian *Amministrazione comunale*, etc.

The first forms of local self-government should be sought in the organized medieval cities - communes in the 15th and 16th centuries. However, England is considered to be the cradle of the local self-government, which creates an original and independent form of governing smaller territorial units. Actually, local self-government is considered to precede the central government in England, it developed in parallel with it and it has been one of the basic mechanisms for its limitation.

In theory, local self-government is defined as a government in the local community enjoying a certain degree of freedom in the exercise of its rights and duties. It represents the highest degree of independence of the local authorities in the state organization. The right to local self-government is considered to be one of the basic principles of any democratically established political system. Smerdel and Sokol emphasize that local self-government is not a form of

¹³Jovicic Miodrag „Lokalna samouprava. Official Gazette, Belgrade, 2006, p. 169.

/ Јовичић, Миодраг, „Локална самоуправа”, Official Gazette, Belgrade, 2006, p. 169.

¹⁴Taken from Smerdel, Sokol, „Ustavno pravo”, Zagreb, 2006, p.401.

decentralization, but, on the contrary, a form of non-centralization¹⁵. Namely, these authors point out that the violation of the constitutionally guaranteed right to local self-government by the state authorities would essentially mean a violation of the constitution. The entities that violated the right to local self-government did so by exceeding or abusing their constitutional powers. Hence, the aforementioned authors emphasize that a possible dispute between the local and central authorities will be a constitutional dispute, which raises the question of the constitutionality of legal acts, with the possibility of constitutional judicial protection.

2. Local self-government is a government that is exercised on a certain limited part of the state territory. The question of the territory of the local self-government units is one of the most important questions of the theory of local self-government. This issue inevitably covers a number of elements such as the size of the area of the units, number of their population, basic economic activities conducted by the population in that territory, gravity towards certain institutions (hospitals, schools, cultural centres, courts, universities), etc. However, although the demarcation of local self-government units always aims at ensuring the economic, cultural or ethnic homogeneity of the population, it seems that there is not a magic formula for this. Therefore, the most successful solution in determining the borders of the local self-government units is the one for which the population will decide i.e. the one that will be determined by the residents of those units. Hence, Article 5 of the European Charter of Local Self-Government provides that no change of the borders of the local units will be made without prior consultation of the interested local communities through a referendum if it is provided by law.

3. In the process of determining the characteristics of the local self-government, the theory highlights that local self-government is implemented within the local communities of different degrees and types, and the units are guaranteed genuine (original) functions¹⁶. In essence, the scope of the so-called self-governing local competencies of each unit should consist of things that are important for the life of the unit and its development and things that affect the well-being and quality of life of its population.

The regulation of the matter that is in the competence of the local units is done by law, usually by the method of enumeration (counting of competencies) or by the method of general presumption, according to which everything that is not in the competence of the central state authorities by constitution or law, is implemented by the local authorities (general clause). Pusić points out that the guidelines whether the works that need to be done in the local unit can be conducted with local funds, whether the work being conducted in the locus meets the specific needs of the population and, finally, is the spatial proximity of the users a condition for successful execution of the works performed in the unit are the basic criteria taken into account upon determining the competencies of the units¹⁷. Hence, five dominant functions are usually singled out in the theory of local self-government that should be implemented by the local self-government units. These include the administrative role, the political, social, economic and environmental function¹⁸. However, in addition to the aforementioned, it seems that the educational, cultural, health, communal and urban function, which the units in the modern systems of local self-government strive for, should be inevitably emphasized. In this context, the European Charter of Local Self-Government provides for “the fundamental rights and duties of

¹⁵Smerdel, Sokol, „Ustavno pravo”, Zagreb, 2006,p.400.

¹⁶ Siljanovska Gordana, Shkaric Svetomir. „Ustavno pravo” Skorje 2007, p. 585 /Силјановска Гордана, Шкарик Светомир, „Уставно право”, Скопје, 2007, p. 585.

¹⁷ Pusic Eugen, „Upravnisistemi”, Tom 1, Zagreb, 1985, p. 248. See also „Drustvena uloga lokalnih, političkih I upravnih jedinica”.

¹⁸Forum za javnu raspravu. Lokalna samouprava I decentralizacija. Friedrich Ebert Stiftung, Zagreb, 2012, p. 8–9.

local authorities shall be determined in the constitution and law of each state. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative about any matter which is not excluded from their competence nor assigned to any other authority. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Powers given to local authorities shall be full and exclusive, so they must not be limited by any other authority, except in cases determined by law. In the event of a transfer of some other competencies from the central or regional level, their nature and scope will be taken into account, as well as the requirements for economy and efficiency in the work“.

4. Citizens decide directly on matters entrusted to local authorities or via local representative bodies. The European Charter of Local Self-Government emphasizes that the right of the citizens to participate in the implementation of public affairs is most directly achievable in the local self-government units“. Hence, the right to local self-government is exercised through gatherings, referendums and other forms of direct democracy, as well as through councils or representative bodies composed of members directly elected by the residents of the unit. The elected representatives in the local representative bodies should be focused on the local interests of the community, as well as on the local problems and their solutions.

In this context, it should be noted that the conditions in which the representatives of the residents' work should be such as to ensure the free performance of their functions. The incompatibility of these functions with any other functions and activities must be determined in the normative framework governing the local self-government matter. The European Charter of Local Self-Government also guarantees the right of the units to their own administrative bodies and professional staff of their employees.

Finally, local self-government is one of the basic channels through which the participation of the citizens in political processes is enabled. The theory emphasizes that on the one hand the more direct the forms of citizen participation in the decision-making process on local issues are, and the less local political forces depend on the central ones, the greater the degree of independence of local self-government is. The imposition of national political issues as local makes the local self-government an inexpedient and meaningless category.

5. The local self-government must have funds to perform the activities within its competence. The funds of the local self-government include the funds that originally belong to the local self-government units, as well as the funds provided by the state. The units dispose of their funds independently within the scope of their authorizations. These funds should correspond to the scope of the competencies and functions performed by the unit. Most often, these funds are received from taxes and fees, the amount of which, within the law, is determined by the units themselves. The funds provided by the state should not prevent the discretionary right of the local self-government unit to pursue a policy within its competencies. The state has the right to control its use.

6. The organizational and functional independence of the local self-government units is another feature of it. This issue goes into the matter referring to the relations between central and local government bodies. In general, there are three types of such relationships in theory. The first refers to complete independence and absolute autonomy of local self-government units following the example of the "Marxist theory of commune"¹⁹, the second refers to the complete independence of local self-government authorities in the centralized states, and the third refers to a mixed form which is regulated by Article 8 of the Charter of Local Self-Government. These

¹⁹Markovic, Ratko. „, Ustavno parvo I politicke institucije IP Justinijan 2004, p 514 /Марковиј, Ратко,,,Уставно право и политичке институције”, ИП Јустинијан, 2004, р. 514.

provisions of the Charter refer to the necessity of all forms of administrative supervision over the work of the local self-government units to be conducted in the cases and procedures that have been previously determined by the constitution and law. The main purpose of the types of administrative supervision is to ensure compliance of the work of the local authorities with the constitutional principles and the law. In this context, the Charter provides for that the intervention of the controlling and supervisory authority should be proportionate and equivalent to the importance of the interest to be protected.

Finally, in the context of the characteristics of the local self-government, the theory states:

- the legal subjectivity of the local self-government units
- independence in deciding on issues of local importance in a certain territory of the unit
- efficient participation of the residents from the local community in the decision making process about issues that have local importance
- budget and funds that the units independently dispose of within their powers and in accordance with the law; and
- independence in performing the activities within the scope of the local self-government units²⁰.

III. LOCAL SELF-GOVERNMENT IN THE REPUBLIC OF NORTH MACEDONIA

1. Normative Framework of the Local Self-government

Local self-government has the status of a fundamental value of the constitutional order. Local self-government is *materia constitutionis* and *materia legis*. Namely, this is a category that the constitutor has framed through several constitutional articles and left to be regulated in more detail by law. Having in mind the fact that the Constitution defines local self-government as a fundamental value of the constitutional order on the one hand, as well as the fact that the law of local self-government and the principles of local self-government are primarily a constitutional category, the conclusion is inevitable that "the Constitution has decided on a stronger regime of the local self-government, following the spirit of the European Charter of Local Self-Government".²¹

The matter referring to the municipality as a basic unit of local self-government, its authorities and competencies, the direct participation of residents in decision-making, organization and work of municipal authorities, supervision of their work, property owned by the municipality, etc. is subject to detailed arrangement and regulation by the Law on Local Self-Government. This Law is adopted by a two-thirds majority vote of the total number of Members of Parliament, and there must be a majority vote of the Members of Parliament belonging to the non-majority communities. The laws on local financing, local elections, municipal borders and the City of Skopje are adopted by a majority vote of the present MPs, whereby there must be a majority vote of the present MPs belonging to the communities that are not in the majority.

a. The Constitution guarantees the right to local self-government. This constitutional provision of Art. 114, p. 1 is a reflection on the importance that the creator of the constitution attaches to the

²⁰Haque, Ul Adnan, "Theoretical Perspective of Local Self Government". Researchgate.net, 2012, p. 4.

²¹Силјановска, Шкарик, „Уставно право“, Скопје, 2007, p. 591.

right of the citizens to local self-government. On the one hand, it reflects the understanding of the local self-government, as a right of the citizens to independently decide on the matters that directly affect them and are of particular importance for the life in the local community, as well as the understanding that the local self-government is an autonomous and independent category of the central government, as well as one of the basic mechanisms for its limitation. On the other hand, the Law on Local Self-Government regulates the matter related to the protection of local self-government in a special part. Namely, the legislator provided for that the council and the mayor of the municipality may submit an initiative before the Constitutional Court for an assessment of the constitutionality of laws and constitutionality and legality of general acts, ministries and other state administration authorities, which violate the constitutional position and rights of the municipality determined by the Constitution and laws. The legislator also guarantees the right of the municipalities to judicial protection before the competent courts, in relation to the acts and activities of the state administration authorities and the Government, which hinder the performance of the competencies of the municipalities, determined by law.

b. Municipalities are the basic and only units of the local self-government. Hence, the Macedonian constitutor decides on the concept of single-tier local self-government.

A municipality is a unit of the local self-government, as a community of citizens of a certain area determined by law, which through its bodies and the administration and organized public services enables the performance of the competencies determined by law. The municipality has its own area and name. It is established in an area of one or more settlements in which citizens are connected to each other by common interests and needs. This area should be natural, geographical and economic unit, with communication between settlements and gravity towards the mutual centre. The territorial division of the Republic and the regions of the municipalities are regulated by law. The citizens who have permanent residence on the territory of the municipality are considered to be its residents.

The municipality may have its own coat of arms and flag, but they must be different from the coat of arms and flag of the country, other municipalities and the City of Skopje, other countries, local self-government units of other countries and international organizations. Forms of local self-government can be established in the municipalities, in the cities - urban communities, while in the other settlements - local communities. The municipality regulates the performance of its competencies with a statute of the municipality. It has the status of a legal entity.

c. The City of Skopje is a special local self-government unit, and its organization has been regulated by law. In the city of Skopje, the citizens directly or through elected representatives participate in the decision making process on the matters of importance for the city of Skopje, especially in the areas of public services, urbanism and rural planning, environmental protection, local economic development, local financing, communal activities, culture, sports, social and child protection, education, health care and other areas determined by law. The City of Skopje independently performs the competencies determined by the Constitution and law. The Republic may also entrust the performance of certain tasks to the City of Skopje. The City of Skopje is financed with funds from its sources of income, as well as the funds of the Republic. The Republic supervises the legality of its work.

d. The issue referring to the competencies of the municipalities is a constitutional matter that is subject to a more precise regulation by the means of the provisions of the Law on Local Self-Government. Namely, with the amendment to Article 115 the Macedonian constitutor provides for that “in the local self-government units the citizens directly or through representatives participate in the decision making process on the matters of local importance, especially in the

areas of public services, urbanism and rural planning, environmental protection, local economic development, local financing, communal activities, culture, sports, social and child protection, education and health care and other areas determined by law²². In this way, the constitutor determined the basic, original competencies of the municipality, leaving the room by law for this list to be expanded. This matter is regulated in more detail in five articles of the Law on Local Self-Government, where fire protection, as well as conducting preparations and taking measures for protection and rescue of citizens and material goods from military destruction, natural disasters and other accidents and the consequences caused by them are given as two additional competencies. The legislator also provides for that the competencies of the municipality, as a rule, are complete and exclusive and must not be revoked or limited, except in cases determined by law.

In addition to the original competencies, the law provided for the possibility for the state administration authority to delegate the performance of certain tasks within its competence to the mayor, in accordance with the law, at the same time providing additional funds from the national budget to perform these delegated competencies.

e. Municipalities are financed from their own revenues, as well as from other sources of funding. The municipalities, within their competencies, independently dispose of their sources of income. The revenue sources of the municipalities should ensure the proper execution of their competencies. The local taxes, fees and charges determined by law are the municipality's own sources. The tax rates and the amount of fees and charges are determined by the municipality. The municipality may also be financed with subsidies from the state and other revenues. The Ministry of Finance controls the material and financial operations of the municipality, while the State Audit Office performs an audit over the material and financial operations of the municipalities.

f. The Macedonian solutions for the local self-government, in terms of the matters entrusted to the local authorities regarding the right of the citizens to decide directly or via the local representative bodies are also in the spirit of the definition of the European Charter of Local Self-Government. In this manner, the Constitution provides for that "in the local self-government units, the citizens directly or through representatives participate in the decision making process on the matters of local importance."²³ Also, the Constitution provides for that "in the city of Skopje, the citizens directly or through representatives participate in the decision making process on the matters of importance for the city of Skopje".²⁴

In the context of the aforementioned constitutional provisions, it must be emphasized that the participation of the citizens in the decision making process on matters of local importance is implemented through the forms of direct democracy, but also through the local representative bodies elected by the citizens.

On the other hand, this matter is subject to more detailed legal regulation through the provisions of two parts of the Law on Local Self-Government. Namely, the Law on Local Self-Government provides for that the citizens directly decide on the matters of local importance through a civic initiative, gatherings of citizens and a referendum, in a manner and procedure determined by law. In addition to these basic modalities of immediate and direct decision-making by the citizens on the matters of importance to the municipality, the legislator provided for the opportunity for the citizens to participate in the decision-making process at the local level, by organizing public

²²Amendment XVII to the Constitution, "Official Gazette of the Republic of Macedonia" No. 91/01.

²³Constitution of the RM adopted in 1991, Amendment 17, Official Gazette of the RM 91/01.

²⁴ *ibid.*

debates, polls, proposals and the right to file petitions and proposals for the work of the municipal authorities and the municipal administration. In the local self-government units, the citizens also participate in the decision-making process on matters of local importance through their elected representatives.

2. Local Self-government Authorities

The Law on Local Self-Government regulates the matter referring to the organization and work of the municipal authorities in a separate chapter. The municipal council and the mayor are the municipal authorities as basic self-government units.

a. The municipal council is a representative body of the citizens deciding within the framework of the competencies of the municipality.

It is composed of representatives of the citizens, who are elected in general, direct and free elections by secret ballot. The number of members in the Municipal Council is determined according to the number of inhabitants of the municipality and it cannot be less than 9 members or more than 33 members. The council members are elected for four years. They represent the citizens, decide in the council according to their own conviction, and cannot be recalled for the duration of their mandate.

The council members have the right and duty to attend and participate in the work of the council, as well as in its permanent or temporary committees. They have the right to give initiatives and proposals and to ask the mayor questions. A council member cannot be held criminally liable or detained for expressing an opinion or voting in the council. The council members are entitled to compensation for their attendance at the meetings and travel allowance and daily expenses within the limits determined by law.

The mandate of a council member terminates before the expiry of the period for which he/she has been elected if:

- he/she resigns
- in case of death
- he/she has been convicted with a final judgment for a criminal offence and sentenced to more than 6 months of imprisonment
- in case of incompatibility with his/her function as a Council member
- if he/she has been deprived of his/her capacity to work with a final decision, and
- in case he/she ceases to be a resident of the municipality.

A member of the council may be deprived of his/her mandate if he/she is unjustifiably absent from three council sessions in a row. The council decides on the justifiability of the absence of the council member with a majority vote of the total number of members.

The municipal council works in sessions. The first session of the newly elected council is convened by the president of the council from the previous composition within 20 days following the day of the completion of the elections. If the council does not convene within this deadline, the council members assemble themselves and, under the chairmanship of the oldest council member, constitute the council within 21 days following the completion of the elections. In case the session is not held within this deadline, new elections for council members will be announced.

Council sessions are convened according to the need and at least once every three months. They are convened by the president of the council on his/her initiative, at the request of the mayor or the request of at least ¼ of the council members, within 15 days from the day of the submission

of the request. The president of the council may convene an emergency council session, upon his/her initiative or at the request of at least 1/3 of the council members. Before the beginning of this session, a vote is taken on the justifiability of the reasons for convening the session. The council may work if the majority of the total council members are present at the session. The Council decides by majority votes of the present members unless otherwise determined by law. However, the regulations referring to culture, use of the languages and alphabets spoken by at least 20% of the citizens in the municipality, determining and use of the coat of arms and flag of the municipality, are adopted by the majority of votes of the present council members, whereby there must be a majority of votes of the present council members belonging to the communities which are not the majority population in the municipality. The sessions of the council are public and, as a rule, the voting is also public. The presence of the public cannot be excluded at the debate on the municipal budget, annual account to the budget and the urban plans. On the other hand, a decision to exclude the public is made by a two-third-majority vote of the total number of council members, if there are justifiable reasons determined by the statute of the municipality. The sessions of the council are convened and chaired by the president of the council. He/she takes care of the organization and work of the council and signs the regulations adopted by the council. He/she submits these regulations to the mayor of the municipality to be published within 3 days from the day of their adoption. The president of the council is elected from among the members of the council for a 4-year mandate. The candidate who received the majority of votes of the total number of council members is elected president. If none of the candidates wins the required number of votes in the first round, the second round of voting proceeds for the two candidates who won the largest number of votes in the first round. The council member who won the most votes in the second round of voting will be elected president of the council.

Within the frames of its competency, the council of the municipality:

- adopts the statute of the municipality and other regulations
- adopts the budget and the annual account of the municipality
- adopts work programs and financial plans for financing of public service agencies established by the municipality
- determines the amount of the own sources of revenues for financing the municipality
- appoints members of the management boards of the public service agencies
- decides on the manner of disposing of the municipal property
- elects the head of the regional unit of the Ministry of Interior in the municipality and performs other activities determined by law.

The municipal council is being dissolved if the majority of the total number of council members agrees on it. The municipal council is dissolved if:

- it readopts the regulation that was previously annulled or abolished by the decision of the Constitutional Court
- it adopts a decision that endangers the sovereignty and territorial integrity of the Republic
- it does not have a session for a period longer than 6 months
- it does not adopt the Budget and the annual account by 31 March of the current year.

In any of these cases, the mayor is obliged to immediately inform the Ministry of Local Self-Government.

b. The mayor of the municipality represents the municipality. He/she is elected in general, direct and free elections by secret ballot for a mandate period of 4 years. The mayor performs his/her function professionally. During the performance of the function of a mayor, he/she cannot perform other professional activities. The mayor also cannot be appointed as a member of the supervisory, administrative and control bodies of companies and public services. He/she cannot participate in the decision-making process on matters in which he/she or his/her spouse, children or second-degree relatives have a financial or other personal interest.

Within the frames of his/her competence, the mayor of the municipality:

- represents the municipality
- controls the legality of the regulations of the council
- publishes the regulations of the council in the official gazette of the municipality
- ensures the enforcement of the decisions of the council
- initiates and proposes the adoption of regulations within the competency of the council
- proposes the annual budget and the annual account to the budget of the municipality
- executes the budget of the municipality
- informs the council about the implementation of his/her competencies in accordance with the statute of the municipality
- elects directors of public services established by the municipality based on a public competition
- manages the municipal administration
- performs other activities determined by the law and the statute.

The mayor cannot be held criminally liable or detained for expressing an opinion before the municipal council.

The mandate of the mayor ends by the force of law if:

- he/she resigns
- in case of death
- he/she has been convicted with a final judgment for a criminal offence and sentenced to more than 6 months of imprisonment
- if he/she has been deprived of his/her capacity to work with a final decision
- in case of incompatibility with his/her function
- in case of unjustified absence longer than six months
- in case he/she ceases to be a resident of the municipality.

c. In the municipality where according to the last performed census at least 20% of the total number of inhabitants of the municipality are members of a certain community, an Inter-Community Relations Committee is established.

This committee consists of an equal number of representatives from each community represented in the municipality. The manner of election of the members of the Committee is regulated by the statute. The Committee reviews issues referring to the relations among the communities represented in the municipality and gives opinions and proposals on how to regulate them. The municipal council is obliged to review the opinions and proposals of the Committee and to decide on them.

d. In order to review issues and determine proposals related to the quality of public service services in the municipality, the municipal council may establish a Consumer Protection Council, composed of representatives of the larger groups of users of the public service. The composition,

the manner of election of the members and the scope of work of the Consumer Protection Council is regulated by the statute.

e. Supervision of legality and control and audit of the material and financial operations of the municipal authorities is being performed while they conduct their competencies. Supervision of the work of the municipal authorities regarding the performance of the delegated tasks under the competency of the state administration bodies includes supervision of legality and supervision of efficiency. The supervision of the work of the municipal authorities may also be previous supervision. The previous supervision covers the prior consent of the municipal regulations. In addition, the supervision of the legality of the municipal regulations is performed by the Ministry of Local Self-Government.

The supervision of the legality of the work of the municipal authorities is performed by the state administration bodies.

The control of the material and financial operations of the municipality is performed by the Ministry of Finance, while the audit of the material and financial operations of the municipality is performed by the State Audit Office. In addition, the municipal authorities are obliged to cooperate with the supervisory bodies.

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