



ORIGINAL PAPER

Decentralization of Power in the Republic of Macedonia as Problem-Solving in the Inter-Ethnic Relations

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Abstract

Republic of Macedonia has started the process of transition two decades earlier with changes in economic and political system. The removal from the former Yugoslav system prompted more the process of centralization than that of decentralization, public funds and municipal properties were centralized, reduced municipal competences were not supported by financial means and in reality were formed weak municipalities that in practice were nonfunctional. It was therefore necessary radical reorganization of local government system, for which were created certain conditions after the signing of the Ohrid Agreement and constitutional changes. The Republic of Macedonia continued to build a society with deep ethnical division among both communities Albanian and Macedonian. Reform system of local government was in function of building municipalities based on democratic principles and decentralization, such as enable them to manage the local affairs responsibly and in interests of the citizens. The idea of decentralization and democracy in Republic of Macedonia as legal and political instrument is closely related with interethnic relations as pillars of security and institutional balance within the construction of a society of mult ethnic and multi cultural state. Local governance encompasses a range of different issues and we will focus on areas more relevant to the process of decentralization and democratization, such as: education, municipal finance and local economic development, culture, municipal commissions for inter-ethnic relations, etc.). The methodology used in this study is designed to provide information on internal evaluations of the situation by relevant institutions addressing and reflect the facts and elements in the decentralization process comparable to the perception of decentralization by citizens.

Keywords: *decentralization, inter-ethnic relations, municipalities, competencies, power*

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Introduction

Decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of coresponsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of subnational levels (Zendeli, 2015: 334-344). Decentralization is a complex phenomenon involving many geographic entities, societal actors and social sectors. The geographic entities include the international, national, sub national, and local (Maleska, Hristova, Ananiev, 2006). The societal actors include government, the private sector and civil society. Decentralization is a mixture of administrative, fiscal and political functions and relationships. In the design of decentralization systems all three must be included. After the dissolution of former Yugoslavia and the changes in the economic and political system in the Republic of Macedonia, a new democratic system should be established based on ethnical and cultural rights, where the human rights and their freedom, as well as the rights of other ethnic groups will be respected. The rights and freedom of citizens should not be seen as a present or a gift from another community which has power over them or as said the famous author Locke: "Humans by nature are free, equal and independent. In political theory, there are several explanations for ethno-political conflicts, which are sometimes called "internal conflicts". Some authors focus on security issues, in which fear and mistrust between ethnic groups can develop into armed conflict (Posen, 1983). Others emphasize the role of "domestic factors", such as the economy, the capacity of the state, nationalism, or the immaturity of the democratic process (Brown 1993). Yet others locate the basic reason for the outbreak of conflicts in the exclusion of minorities from accessing the instruments of power (Lijphart, 1984). After the referendum for independence in September 1991 and the approval of Constitution in November of the same year, Macedonia was formally established as a national state, but with significant domestic, interethnic and neighbor relations. After the collapse of communism in 1989, interethnic relations were not the only challenges faced by the new state, the transformation from one party-system to multi-party often criminal privatization of state enterprises, ethnic struggles in the neighbourhood, etc. The development of Macedonian society as a unitary society, according to some even ethnocentric, specifically Macedonian people's aspirations to build a nation-state (the model of European countries and Balkan experience cyclical strikes in internal and external plan. Involvement of Albanian political parties in parliament and government has failed to balance the interests of both communities. After independence and democratic pluralist system installation; Albanians remain outside decision flows and their involvement in government institutions, public administration, judiciary, etc, the state acted mainly as a national state of Macedonians.

Inclusion of Albanians in the government was not sufficient, because it had Albanian political party in the government but had not a multiethnic government, the whole governance had to do with involvement of Albanian elite political party in the government. Building a national state, setting the Macedonian national symbols in the state have been the key answers to the multiple challenges, lack of political will of the Macedonian political parties as well as the Macedonian intellectual elite, listed Macedonia in a group of states that infringed the rights of citizens in particular those belonging to non-majority communities.

Republic of Macedonia continued to build as a society with deep ethnical division among both communities Albanian and Macedonian. Differences by language, religion,

national identity, position within society and state, highlighted two wills from different positions that characterized the political life of Macedonia in the nineties. Demographic structure of population according to the Census 2002 (data from State statistical institution, 2002) Macedonian – 64.18%, Albanian 25.17%, Turkish 3.85%, Roma 2.85%, Serbian 1.78, Bosnian 0.84%, and other 1.04%. There is a general correlation between ethnicity and religious affiliation – the majority of Orthodox believers are ethnic Macedonian, and the majority of Muslim believers are ethnic Albanians and Turks. Approximately 65% of the population is Macedonian Orthodox, and 33% is Muslim. Other groups include Roman Catholics, members of various Protestant denominations, and Jews. In the Macedonia of the nineties it was not possible to create a critical measure for a greater and better involvement of Albanians and also the others in public institutions. Macedonian political parties were not available for Albanian demands, but it should be noted that the same dispositions were dominant in the Macedonian intellectual elite. Republic of Macedonia taking into account the internal ethnic composition and the relations concerning its neighbors, according to some authors tried to build a multi ethnic democratic society which will use its multi ethnic composition as an instrument and priority to build a balanced and stable state. But there are thinkers who believe that multi ethnic states have priority that they are a source of conflict and instability of the region and beyond.

Before and after the so-called interethnic conflict that took place in Macedonia during 2001, crises continued with continuous violation of the human rights and freedom of the Albanians, which further increased tensions between the ethnicities and which latter were used for political marketing and winning the elections on patriotic and nationalistic basis. The most visible discrimination in the economical and infrastructural level is portrayed in the capital of Macedonia (Skopje), divided by the main river Vardar in Albanian and Macedonian side of the city (Abdullai, 2013: 143). All the views and developments of the state so far, the prospect of the state and the multi ethnic society put them on a test for finding better and more functional alternatives. Macedonian society can be described as simultaneously a multiethnic, multinational, plural and multicultural young democracy. In such societies the risk of ethnic conflicts is especially high if the government neglects or discriminates against minority groups. In 2001 the country experienced an armed conflict between the central government and ethnic Albanian guerrilla fighters. The conflict ended in August 2001 with the signing of the Ohrid Framework Agreement (OFA). However, the internal relations between the ethnic Macedonians, ethnic Albanians and other ethnic minorities have remained the most sensitive issue that affects the stability and security of the country, as well as its perspective for integration into the European Union.

Ohrid Framework Agreement and decentralization

Republic of Macedonia is divided between a largely Albanese speaking Western/South-Western part, bordering Kosovo to the North-West and Albania to the West. The larger part of the country is mainly Macedonian-speaking, with the South bordering Greece, the East, Bulgaria and the North, Serbia. Disturbances between the two main ethnic communities ended with the signing of the Ohrid Framework Agreement (August 2001), with decentralisation as one pillar of the transformation process. Providing more autonomy at local and/or regional levels might contribute to reducing frictions, but also to creating separate identities. The Ohrid Framework Agreement has transformed Macedonia from a national state to a state ruling among national state, civic

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and state bi-national state. Framework Agreement, signed on August 13, 2001 in Ohrid, Macedonian and Albanian side, under the auspices of international mediators from the EU and U.S., it has defined constitutional obligations, legislative and political measures of security.

Constitutional changes to languages spoken by more than 20% of the population are recognized by a status of official language (this right by demographic composition can only use the Albanian community), applied the double majority system (which consists of a majority of votes Assembly and most of the votes of communities that are not majority) for significant segments of social life (education, culture, heritage, personal documents, etc.), equal representation of public administration at national and local levels, establish decentralization and reforms of local government, etc. There are authors who think that OFA is no adequate response to the 2001 conflict and that this agreement increases tensions, rather than diminish them. Similarly, others think that the cause of deterioration of interethnic relations is not the OFA, but its implementation. These thoughts always prevail more and more to the majority community, since the majority created the perception of loss of position within the system and ultimately the loss of state. In formal terms, the reforms aimed to strengthen the civic nature of the state and have refrained from explicit connection with certain ethnic groups. At the same time, set the key elements of the division of power, which the Albanians stand as a community with rights comparable to the Macedonian community. Being a treaty that convinced Macedonian and Albanian parties to stop fighting.

Constitutional and legal changes in accordance with OFA would mean a "power-sharing" within the common state. However, there should be no illusion that its implementation would create a "permanent peace". The roots of nationalism are profound; of course therapy should be deep and longlasting. The model of "power sharing" is defined as practices and institutions that result in broad coalitions of government, which said in general is open to all in society and reconciling self-determination and democracy in relevant ethnic groups in the multiethnic states, principles which are often taught to be in conflict (Timoty, 1996). Power – Sharing defined as practices and institutions that result in broad-based governing coalitions generally inclusive of all major ethnic groups in society, can reconcile principles of self-determination and democracy in multiethnic states, principles that are often perceived to be at odds (Malevska, 2010). Equitable representation is an important instrument of political and social inclusion of ethnic communities in the society. Coexistence between communities would mean a democratic society, equal for all, guaranteeing individual and collective rights of communities.

The main issue of concern handled by the Framework Agreement is the low representation of Albanians in public administration. As seen from the records before 2001, the participation of Albanians in the government is not reflected in greater involvement of Albanians in public administration, especially in sensitive areas of public administration, such as police department, where the number of Albanians has always been low since the early nineties. For this reason, public administration reform has been essential, in order the Albanian community to strengthen the sense of joint ownership over the state. In the period before OFA, Albanians are symbolically represented in the public sector, the situation was similar with most other communities especially Turks and Roma. Given the low starting point of Albanians in state and public institutions on national and municipal levels, from year to year has increased the representation of non-majority communities particularly Albanians.

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Discrimination has been most visible in the field of education, secondary and university. However, the recognition of Albanian-Language University in Tetovo in 2003 (functioned self-funded by the Albanians and students, outside the legal system since 1994), Albanian-language education has seen progress and it contributes to social and state cohesion of the country. The Secretariat for the Implementation of the Ohrid Framework Agreement first was formed in April 2004 as Sector for implementation of the OFA, with decision by the Government. With the changes of the Law on Government in 2008 the Sector was transformed into the Secretariat for Implementation of OFA. Their main responsibility is to coordinate implementation of OFA. The Secretariat for Implementation of OFA should also promote positive public attitude toward accepting OFA and should promote tolerance and good inter-ethnic relations. OFA is foreseen as a Committee on Interethnic Relations, which has a crucial role in determining the laws that affect inter-ethnic relations and to be voted with double voting. This Committee consists of the same number of Albanian and Macedonian representatives, who have 7 representatives and a representative from the Turkish community, Vlach, Roma, Bosnian and Serbian. Decision making in this Committee is to double majority, which means that there is no right of veto on the Committee. Committee considers matters related to relations between communities in the country and examines the opinions and recommendations to resolve such issues. Assembly is obliged to review the opinions and recommendations submitted and decide for them. This Committee has an important additional competence - in case of dispute for applying of the principle of double majority voting in the Assembly, decision for voting procedure is taken by a majority vote of the Committee. Inter-ethnic Relations Committee had to play a key role in mediating between communities, but by functioning so far it has not had the given significant role considering the obstructions and barriers that have created political parties especially Macedonians. According to the Law on Local Self-Government municipalities where more than 20% of the populations belong to a certain ethnic community are obliged to establish a municipal commission. The Law on Local Self-Governments does not introduce obligation for municipalities where the number of population belongs to less than 20% to establish such commission, but they can do that, if they decide that it will be useful for the inter-ethnic relations in their territory. Having in mind that the commissions for inter-community relations should not be only bodies for overcoming tensions and conflicts, but also the preventive mechanism and instrument for inter-community dialogue on one side, and the fact that all municipalities have mixed ethnic-structure, on other side, it would have been more appropriate solution if the Law on Local Self-Government introduced obligation for all municipalities to establish such commissions, not only for those where there are ethnic community over 20% of the total number of population. With such change of the Law of the Local Self Government, the commissions for inter-community relations will be made more sustainable and their formation will not depend on the will of the municipal council.

OFA and constitutional and institutional reforms are supported by the Albanian community, which considered that the agreement addresses some of the major disputes that have been with the Macedonian state during the nineties. On the other hand, support to the Macedonian population was significantly lower, given the armed conflict, loss of privileged position in the system and because of the compromises made to the Albanian community with this arrangement. It is questionable how it is possible that a peace deal, such as the OFA, the same is not accepted by all parties involved, the agreement has created preconditions for stability and security to build a multiethnic society and state. Concerning the Macedonian side treats as final discharge of Albanians, while Albanians

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consider as initial democratic basis to realize full equality within the legal and political system of the country. OFA and constitutional amendments do not create the possibility that non-majority community could decide independently on matters that affect their ethnic interests. Specifically, there are no elements of territorial autonomy, political or cultural communities. Decentralization of power can reduce tensions. Local autonomy especially in municipalities where communities are in a significant number will increase capacity of community in decision making and create a democratic environment for sustainable development. On local level the OFA foresee the process of decentralisation as crucial for inter-ethnic stability, as well as for improvement of public service delivery. The experiences of multi-ethnic societies show that decentralized local self-government can be very important for accommodation of multiculturalism in the country. Decentralization should potentially contribute to sustainable solutions for ethnic problems in multicultural municipalities and avoid cantonization or other manifestations of ethnic homogeneity. From various surveys can be found that politicians at national level are considered to be responsible for worsening inter-ethnic relations by a large proportion of people, as are politicians at the local level and the media by slightly lower proportions. From this we can conclude that citizens believe the most in local politicians, whom they feel the closest

After independence in 1992 the new government reduced the role of municipalities, Major changes were reduction in local government competencies, greater financial dependence of municipalities upon central authorities, and a reduction in the size of municipalities. Local offices of central government ministries undertook many functions; for instance, the Ministry of Finance collected locally taxes and fees on behalf of the local government units (except for the municipal construction land fee).

The Local Government Act of 1995 marked a departure from the centralized approach, reducing the number of municipalities from 123 to 84. Considering the total population size of Republic of Macedonia of 2.1 million people on a territory of 25,713 sq.km, this was a sizeable number, compared with the 34 before 1995. Ten municipalities fall under the City of Skopje, the rest divided between 33 urban centres and 41 rural settlements. Decentralisation also raises question of local government capacity, whether it can take responsibility for improving the living conditions of its citizens. The break-up of the former Yugoslavia left behind a poor republic with more than 30% unemployment, and more than 15% of households receiving welfare, and the transition process has increased poverty rates for many households. Central government hesitates to give full autonomy to the local level, yet without central government support smaller rural communities may become further disadvantaged, leading to the possibility of a depopulated countryside (as has happened in parts of Bulgaria). The government, therefore, tries to balance between full local autonomy and support for smaller municipalities. The 2002 Law on Local Self-Government transferred power to the municipalities in public services, culture, education, social welfare, health care, environment, urban and rural planning, economic development and local finance.

The general conditions, following the implementation of the decentralization process in the Republic of Macedonia, indicate that the municipalities although they got wider and higher jurisdictions, however, remain dependent on the central government in relation to the financial support of the areas that they manage. Specifically, certain municipalities owe funds for payment of travel expenses for the pupils, for heating of schools, municipalities with blocked accounts, which hinders their regular functioning, while some municipalities are facing technical and personnel problems. All of this

contributes to the dissatisfaction of the citizens with the quality of public services they get from the local government. Moreover, the citizens are reacting to the lack of involvement of minority communities on local level, both from non-managing and managing job positions, and the disregard for the criteria of professionalism and competence. Thus, in certain local self-governments there is total disregard for the principle of appropriate and fair representation of minority communities, which is guaranteed with the Constitution and the laws (Ombudsman, 2014). The Ombudsman has right and duty to follow the situation regarding the respect and protection of the constitutional and legal rights of citizens and respect of the principles of non-discrimination and adequate and equitable representation of community members and by means of visits and insights into these public bodies.

The implementation of the Framework Agreement in the Constitution of Republic of Macedonia and in its whole legal and political system, is the main term for Macedonians integration in the European Union, as this document is fulfilling all the criteria's and standards based on the essential principles of the parliamentary democracy. I strongly believe that with the Framework Agreement the state formation of the Macedonia is based on two nations, on the Macedonian and Albanian one, because the Albanian nation after what happened in Macedonia proves that its not a national minority, but a state forming nation together with Macedonians, while other ethnicities enjoy all the rights guaranteed with the international conventions (universal political, cultural, religious and other rights).

Even after nearly a decade by signing it, the Ohrid Agreement is still the one of the most controversial topics in political and academic circles in Republic of Macedonia. There are asked many questions and dilemma. Is this agreement fulfilled as it was predicted, does the implementation of this agreement represents a guarantee for stability and democratization of the country, are the 2001 conflict wounds healed or not, Is this agreement exceeded and that it should be replaced with something else and so on. As usually in Macedonia opinion on this issue is divided. For the Macedonian political elite, the issue of implementation of the Framework Agreement is a process who is coming to the end and the Albanians should finally be satisfied with their legal-political status. Albanian political elite still makes a tough battle within the species. When it comes to the agreement and its implementation, there is the lack of a critical mass and the final say has the Albanian political elite who change attitudes depending on how they are currently positioned, if they are participants in government or in opposition .When they are in a coalition government the Albanian parties are expressing great optimism about the value of the Ohrid Agreement and its implementation, but when they are opposition they disparage it.

Implementation of Ohrid Framework Agreement as an Obligation for EU Membership

Conclusions of this year's report of the European Commission for the Republic of Macedonia (2014) until now are the most critical, since the beginning of publications of such reports in the Stabilization and Association Agreement (2003). If the focus last year was the issue of the name, this year the focus is on domestic policy and in the foreground is backwardness in political criteria. In conclusions, the Commission focuses on four critical points: the politicization of state institutions, control of the government over the media, inter-ethnic relations and the unresolved name dispute. Commission recommends the Government to work on "a more integrated, coordinated and transparent way of national issues, issues of community relations and EU-related issues". The report

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indicates the possible room for improvement of implementation of the Ohrid Framework Agreement – Non - discrimination, equal representation, use of language and education. It criticizes the employment of non-majority communities without defined work places and often "without respecting the principle of merit". From the critical cases, the report mentions the protests on the subject "Monster" and on occasion of the murder in Gorce Petrov. Although joint efforts of coalition partners are positively assessed to quell protests, requiring more effort to proactively promote relations between the communities.

Inter-ethnic relations are one of the key areas outlined in the conclusions of the Republic of Macedonia. It is concluded that "dominates the lack of trust between the communities, "and that" the events and incidents easily cause tension. They recommend to the Government to have more proactive and collaborative approach to building an inclusive multi-ethnic society. It points to the need for analysis of the Ohrid Framework Agreement to complete and to make recommendations. As well as all other states, has obligations in accordance with the International Law regarding the protection of the rights of the members of the ethnic and of the linguistic minorities. The most important, and perhaps one of the most developed agreements for protection of the ethnic and linguistic diversities, comes from the Council of Europe in which Republic of Macedonia is a member since 1995. *The Framework Convention for Protection of National Minorities* is the "first legal binding multilateral instrument dedicated to the protection of the national minorities in general. Its main goal is to define the principles that the states are obliged and bind to respect in order to provide protection of the national minorities"¹ Republic of Macedonia has signed this convention on July 25th 1996 and it came in power in February 1998.

The complete implementation of the Ohrid Framework Agreement remains as an obligation for Republic of Macedonia in the acquiring of an EU membership processes. The European Committee admits that, although in Republic of Macedonia the legal frame in the area of protection of minority and cultural rights allows high level of protection, the practical implementation of this legislative is not yet on adequate level. The remarks of the Committee are mostly related to the integration of the ethnic communities, especially in the areas of the education and employment. As it was proven in the previous part, the representation of the Albanian ethnic community in the Public Administration still does not reflect their percentage in the society. In 2007 the Government of Republic of Macedonia prepared a "Strategy for Adequate and Just Representation of the Members of the Communities that are not Majority in Republic of Macedonia." Still, though it is clear that this strategy should be supported, its obvious that its full implementation is yet to be completed.

To strengthen democratic governance and to foster closer and more constructive inter-ethnic relations, the Mission works with local and central government institutions on initiatives that support democratic governance principles and the values of the Ohrid Framework Agreement. It assists key government bodies and state authorities to respond more effectively to challenges such as implementing the principles of equitable representation, transparency and accountability in the public administration, the use of languages or the transferring of competences and resources to local level.

To strengthen inter-ethnic relations in the country, the Mission works with the government and civil society on initiatives to reform the education system, enhance equitable representation, strengthen the use of minority languages, curb discrimination and build confidence among communities. It also fosters regional networks to build

sustainable institutions for the respective communities and to protect their rights (OSCE Mission to Skopje)

Conclusions

These recent events showed the importance of inter-ethnic for the stability of the country and the policies of institutions do not function in a multiethnic way that can enhance citizens' mistrust and to take chances with democracy and the state functioning. There are thinkers who think that OFA can be viewed as a failure, because it has not fundamentally transformed ethnic relations in Macedonia, and because the ethnic issue is still subject to debate and remains the main hub of the existence of the state. Coalition governments between the Albanian and Macedonian political parties for the period after independence have not realized their mission to relax interethnic relations and stabilize the joint state and society. It is not enough to create a multiethnic coalition if it does not mean the corporate government in all segments of society, treating common issues but also faced with common challenges.

To address the causes of ethnic conflicts, policy-makers, as well as activists from civil society, should affirm the stabilizing effects of implementing the OFA to create a more tolerant multiethnic society. Political parties and leaders are responsible for the atmosphere of tolerance in the society, but the most responsible for the functioning of a multiethnic society is the coalition government and the ruling party of the majority. Governmental policies, as well as the NGOs should focus on the improvement of the quality of public and private education, because education is seen by most people as a factor of ethnic cohesion more than any other social institution apart from the family. Better overall knowledge of both the Albanian and Macedonian languages in the public administration is needed. The development and sustainability of civil society, includes NGOs, trade unions and professional organizations, organised on the basis of the cooperation of ethnically mixed organizations, should be supported.

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