

# Local Government – A Place where Human Rights are realized

Agni Aliu, Memet Memeti, Agron Rustemi

**Abstract**— Local self government is one of the most important contemporary areas along with: Information technology, business administration and protection of living environment. The importance of local self government can be seen of its own definition, which means, limited territory, with certain number of residents, who held that in order directly or through their representatives to realize the needs with local character. So, local government is a form of governance of local institutions that means own citizen governance, by avoiding surveillance administrative routine connecting local affairs.

- The mission of local government is presented in various forms such as:  
respect for human rights and fundamental freedoms of citizens as enshrined in constitution or by law.
- Choice of different types of quality services and other local public facilities.
- The effective exercise of the functions, powers and duties by the realization of local self-government.
- Effective stimulation of the participation of citizens in local governance
- The importance of local government. So as noted organization and functioning of local government is very important for a country and this is reason that it should be remedied with more rate law, whether, constitutional or legal. So to be a more effective local government, it should be defined, guaranteed and built in Constitutional system – legal and political of state.

There is no doubt that Western European countries have a more prescriptive regulation advanced system of local government of the states of Central and Eastern Europe, because previously they have embraced multi-party democratic parliamentary system as opposed to developing countries, which especially in the last two decades are trying, through the decentralization to overcome discrepancies between central and local authorities.

Theorists constantly explore new theories and concepts of local government, then commit to forms and ways of involvement (participation) of citizens in running local affairs. These efforts were permanent so on 15.10.1985 the Council of Europe adopted the European Charter for Local Government, on the basis and source document for building and promotion of local government, but also a guide for determining and ensuring its national legislation. It is about (Great Charter of Local Democracy), as legal and political starting point for determining a state of national standards in the field of local government.

The importance of local governance is significantly increased after the enactment of the European Charter on Local Self - Management<sup>1</sup>, which has also received an international standard format. Its signatory states have undertaken the obligation to adhere to its basic principles. Central conclusion that can be drawn is that there can be no democratic political system of a country without proper development of local government. Neither can be considered a civilized society without the independent power of citizens in local government units. Citizens have always aimed to solve their problems directly and independently, as close and as low cost, particularly of local problems.



## 1 CHARACTERISTIC OF LOCAL GOVERNMENT

Will mention some features of local government:

- Since local governance principles are contained in the constitutional laws, local government represents the category of constitutional law.
  - The right of citizens to directly or through its own representatives to decide on issues of local interest for the separate territorial unit.
- The right of citizens lies in the selection and control of its local institutions.
- Local authorities enjoy its powers (own and delegated).
- Relations with local government institutions are characterized central the control of constitutionality and legality of work of local authorities.
  - Local government unit disposes of its financial assets and the right destination them.
  - The cooperation of local government units increases the possibilities of their development.

- Agni A, PhD. South East European University- Tetovo Macedonia
- Memet M, PhD. South East European University - Tetovo, Macedonia
- Agron R, MA. South East European University – Tetovo, Macedonia

<sup>1</sup> Aliu A & Stavileci E, Qeverisja Lokale, Tetovo, 2009, Page 171

## 2 MISSION OF LOCAL GOVERNMENT

The main mission of local government aims to ensure government independently and as close to citizens. The mission of local government is presented in different forms: as respect for fundamental freedoms of citizens enshrined in the constitution or by law, the choice of different types of services and other local public facilities; effective exercise of the functions, powers and fulfillment of tasks local government bodies, implementation of services in ways; promote effective citizen participation in local governance, etc.

## 3 THE PROCESS OF DECENTRALIZATION

The rights and freedom of citizens better can be achieved through the decentralization process, which involves the transfer of powers from central government bodies in certain level of local government. As far as this process will be implemented, more democratic the state will be. The process of decentralization is a continuous process and it should realize in all the fields of local government.<sup>2</sup> As much competence can be transferred from central government to local government it will contribute in raising the realization of human rights. The local government is given the opportunity not only to raise the quantity of service but also to raise the quality and efficacy of the services.

Given the fact that the powers of local authority are:

Powers of local governments are included with the 1991<sup>3</sup> Constitution and the law on local self-government in 1995, while with statute is regulated work or activities of local character, which are not included in the powers of central government bodies.

To better understand the limits of independence of powers to local government units, will mention briefly below those jobs that can not perform local governments, such as the judiciary (we do not have local judges but we have public judge), so function of courts is governed by the center and not by local authorities.

Local governments have no powers regarding defense and foreign policy. Can not hold any kind of relationship with other states, can not derive normative acts related to public order, can not command the public forces of the state.

Norms of civil and criminal areas are under the exclusive jurisdiction of the state and apply to the entire territory of the state. Local government authorities have no right in the field of human rights and freedoms, but to do what is possible and in their competence, security and respect for these rights and freedoms.<sup>4</sup>

<sup>2</sup> Ramljak, Milan, Aktuelni problem centralizacije i decentralizacije, Zakonitost (Reforma lokalne samouprave), Zagreb, 1990, pag. 11 - 12

<sup>3</sup> Constitution of Republic of Macedonia, Skopje 1991, Article 115

<sup>4</sup> Elezi Zemri, Te drejtat e njeriut dhe roli i sherbomeve publike, Tetove: 2007 page 18.

## 4 COMPETENCES OF LOCAL GOVERNMENT

1 - In addition, we will mention some concrete work that local governments can do independently, eg can bring development program, budget and final accounts, the program for the regulation of land for construction, conduct and works to regulate land use for construction according to law, to designate areas and collect fees of land, to regulate and organize the construction and maintenance of local roads, neighborhoods and infrastructure facilities of local importance, regulating drinking water supply and irrigation, public cleansing, public electrification, cleaning parks and areas with local importance, local regulation of the travel of citizens and maintenance of traffic signals, regulation of public markets and their use, maintenance of cemeteries and the manner of use, regulation and utilization of the river Lug, regulation and chimney cleaning, adjustment and use parking lots, can form important means of local information to create professional high schools in accordance with law, to give an opinion on the opening of primary schools and to fund them at a level that ensures the Republic, to perform initiative, give opinions and proposals for network development and cultural institutions, sports, social protection of children, preschoolers, health protection, protection of animals and plants, protection and development of living environment<sup>5</sup>.

2 - perform jobs that local governments do in accordance with state administration authorities are: issuance of the urban general plan, for which the state administration body competent for urbanism of consent, disclosure of detailed urban plan and documents of urbanization for the settlements to local governments for which the appropriate authority for urban planning consents after consultation in advance to have thoughts of body and organizations defined by law<sup>6</sup>.

Odds of local self-government units and central government bodies are solved by the competent court (Constitutional Court). While conflicts between local government people will be selected by the regular courts.<sup>7</sup>

3 - The Republic can entrust local governments a certain number of jobs that are in the competence of state bodies, that in the most efficient and rational realization of such rights and duties of citizens' satisfaction of some specific needs in the interest of citizens. During the provision of tasks should be considered: size, number of inhabitants, economic development and features of the unit of local government.

Means for trusted works are ensured by the Republic. It supervises the performance of those works for the intended purposes<sup>8</sup>.

## 5 CONCLUSION

For realising the human rights in local government there is a

<sup>5</sup> Law on Local Self-Government of the Republic of Macedonia, Skopje, 1995, Article 17

<sup>6</sup> Ibid, Article 18

<sup>7</sup> Aliu A & Stavileci E, Qeverisja Lokale, Tetovo, 2009, Page 31

<sup>8</sup> Ibid, Article 19

need for local government to be:

- A category of political system.
- To be recognised the rights of citizens to take part directly or through their representatives in solving the issues with local character.
- To have their own independent competence.
- To insure the needed finance.
- To do the territorial administration separation in principal way.
- To be determinate the relationship between local and central government.
- To enable the collaboration of the local government in and out the country.
- To insure the needed juristically mechanisms for realization of the local government.

## REFERENCES

- [1] Bajrami, Arsim: E drejta kushtetuese, Libri II, Prishtinë, 1996.
- [2] Elezi Zemri, Te drejtat e njeriut dhe roli i sherbomeve publike, Tetove: 2007
- [3] Karta evropiane per vetqeverisje locale Strasburg
- [4] Levitas, Anthony-Petry, Gabor; Reforma Lokalne samouprave, Beograd 2004
- [5] Local Government and public service reforms (institute for local government and public service), Budapest, 2000
- [6] Mitkov, V.: Lokalnata samouprava kako demokratska institucija, Shkup, 1998.
- [7] Saliu, Kurtesh: E drejta kushtetuese, Prishtinë, 1998.
- [8] Siljanovska D.G.; mitkov, V.: Lokalna samuprava, Shkup, 2000
- [9] Stavileci, Esat: Terminologjia juridike në administratë, përparimi, Prishtinë nr.5, 1985.
- [10] Svetomir, Shkariç: Ustavno pravo, Libri I, Shkup, 1994.
- [11] Todorovski, Ilija: Lokalna samouprava vo Anglia, SAD, i Jugoslavija, Shkup, 1991.