Implementing Multiculturalism: Social Inclusion of Minorities through Decentralization Reforms in Macedonia

Bojana Jovanovska and Stiv Stojmenov[1]

Abstract

This paper analyses the reform process in Macedonia as a multicultural society, where for many years, inter-ethnic relations have been one of the most sensitive political issues, affecting both the stability of the country and the progress. The main focus is on the implementation of the decentralization and the local policies, especially those concerning the social inclusion process of the ethnic-minorities.

Introduction

> *"No culture can live, if it attempts to be exclusive."*
> *Mahatma Gandhi*

To be a part of a modern society means to live in a society where cultural pluralism has dominance, in other words, where there is coexistence of many different cultures without any dominating culture. The national or ethnic minorities are traditionally considered as a problem, or as a potential opportunity for creating a problem in many of the countries in this part of Europe. Their existence implies a necessity of legal assurance of a list of rights and freedoms which have been implemented in the international documents for protection of the rights of minorities. Ensuring those rights to minorities, in order to improve their position in the society, is usually a high cost process, especially for relatively poor countries.

This paper analyses the reform process in Macedonia as a multicultural society, where for many years, inter-ethnic relations have been one of the most sensitive political issues, affecting both the stability of the country and the progress. The main focus is on the implementation of the decentralization and the local

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[1] Bojana Jovanovska, MA, is a junior teaching assistant at the University of St. Cyril and Methodius, Faculty of Philosophy, Institute of Social Work and Social Policy, Skopje, Macedonia. Stiv Stojmenov holds a MS in Economics from the Lazarski University of Commerce and Law, Warsaw, Poland.

policies, especially those concerning the social inclusion process of the ethnic-minorities.

After the war conflict in 2001, the Republic of Macedonia gained a political framework which consists all of the most important institutes of the so called consensual democracy or division of authority. This political framework- "The Ohrid Framework Agreement", became a symbol of change and a basis for wider reforms in the country, stressing the decentralization process and the empowerment of local-self government as a fundamental part of the inclusion policy. Therefore, the main aspect of the OFA is establishing a strategy on how to proceed with the process of decentralization as one of the major democratic challenges in the country, based on the principle of participation of minorities in the decision-making process on the national and on local level.

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Multiculturalism

As a result of the globalization and the increased migration in the last twenty years there has been a significant growth of diversity (Trbojevik, 2009, 553). The changed demographic structure has led to discovering and implementing new approaches that would correspond to the new reality in the society.

The multiculturalism is a multifaceted movement that emerged around the 1990s as a critique of mainstream political philosophy and social sciences. Proponents of multiculturalism argue that contemporary societies are characterized by cultural pluralism and that this important fact has long been ignored or even denied in mainstream debates.

One of the most influent approaches within the normative multiculturalism is the one of Will Kymlicka. Kymlicka focuses on national and ethnic groups and distinguishes two main sources of cultural diversity. The first is multinationality, which refers to the coexistence of more than one societal culture within a state, like for example in Canada, Belgium and Switzerland. And the second form is polyethnicity, resulting from immigration from other states. Kymlicka embraces the liberal emphasis of choice and autonomy, but argues that the freedom of choice is embedded in a culture and not free-floating in the void. These societal cultures are

historical communities that are more or less institutionally complete, territorially concentrated and based on a shared language. Kymlicka asserts national minorities should be able to preserve their distinct societal culture, whereas ethnic groups should be able integrate into the dominant societal culture of their new state, without loosing heir ethnic distinctiveness. Ethnic groups cannot constitute their own societal culture, based on their original language in a separate territory. Minority societal cultures can be offered protection by self-government (political autonomy or territorial jurisdiction so as to ensure the full and free development of their distinct community) and special representation rights (a certain minimum number of seats reserved for their members in the legislature of the political system).

Societies through the history have always been consisted of people with different religious convictions, ethnic backgrounds, diverging lifestyles and conceptions of the good life. Human differences based on any part of the whole of one's identity in the modern society enter in almost every aspect of the contemporary living. They have found their place in the professional and scientific theory and literature, as well as in the public policies, therefore in the national and international legislative. The concept of human differences presents an understanding of the nature of the culture and the influence it has on he development and the functioning of the people whereas a special attention is given to the factors of power. It concerns the continuum of differences between people and groups which are a result of the biological, cultural and social factors. Multiculturalists claim that public policy affects members of different cultural groups differently, and hence that political philosophy needs to rethink its assumption of unitary citizenship and its presupposition that the public sphere is neutral.

Every contemporary society is facing the phenomena of multiculturalism and multi-ethnicity. Multiculturalism should be determined as generally positive attitude towards members of different cultures (Andova and Jovanovska, 2008, 493). The modern flows that determine the development of the society enclose the request to respond the needs that come with the implementation of cultural pluralism. Accepting the cultural pluralism implies implementation of certain values and needs in every sphere of life. In that context, the public policies are confronted with the challenge of creating new and more effective strategies and measures, which would enable every citizen to practice their own rights and freedoms.

The Republic of Macedonia is a multicultural and multi-ethnical society, where throughout the years have existed several different cultures and religions. It is a place where the different cultures and religions are mixed (Stojanoska, 2008, 75). According to the latest listing, the ethnic structure of the population is: 64,18% Macedonian, 25,17% Albanian, 3,85% Turks, 2,66% Roma, 1,78% Serbs, 0,84% Bosnian, 0,48% Vlachs, 1,04% other.

Social Inclusion

The social exclusion is a multidimensional and complicated process which influences the loosening of the relationship of the individual and the community. The research for appropriate solutions for inclusion of the social excluded individuals, groups or the community is connected to the process of building a constructive approach in the frame of the society and implementing a strategic orientation for different solutions and responses. The social exclusion encloses a wide range of elements, including not only the lack of money and material resources as economical exclusion, but also other dimensions, such as, the social, cultural, political, ethical exclusion, which indicates that the fight against the social exclusion demands a more wide approach to the institutions and the mechanisms of social inclusion.

The quality and the quantity of the inclusion and the whole process of its implementation do not depend only of the material level or the level of development of one society, but also of the degree of acceptance of the social needs of the population and their realization in whole.

Building a contemporary concept of behavior towards social excluded people demands a formulation of a certain social model, which would bring in the main interest the person and the personality, and not the reason for becoming excluded. That supposes creating an environment in which every human is accepted and is given equal chances. The society accepts and includes every citizen and it enables him to express his potentials, knowledge, skills and capabilities. There is a necessity of creating a social model which would respond the challenge of eliminating the social inclusion and which would be based on elements incorporated in the European social model and in the same time implementing the national specifics. Therefore,

the main policies concerning the social inclusion processes should be designed in a way to be able to respond to the material needs of the citizens, ensuring their participation in the society and the social processes and empowerment of the social unity.

One of the main strategies regarding public policy reforms due to social inclusion is the process of transfer of competencies to the level that can provide better respond to the specific needs. This transfer has implications on the quality of life and most important to the extent of social exclusion and ethnic cohesion in the country. The decentralized social inclusion policy is based on the municipality programs that are defined through the specific needs of the local residents. This contributes for better targeting of vulnerabilities and also for more efficient tackling of the problems that citizens are faced.

The Legal Background and the Process of Reforms in Local Self-Government

Local Self-Government in Macedonia

The local self-government, by its nature, symbolizes the easiest way of addressing the citizen's needs and finding out solutions for their problems. It can be defined through the 3 main components: coordination of policies, participation of the civil sector and business environment, efficiency of local programs. Strengthening of the management and human resources capacity in local self-government has to result in coherent actions for solving of the local circumstances. The basic local self governmental tool of improvement is the process of decentralization and citizen's participation. In general it is accepted that decentralized decision-making promotes finding of pragmatic solutions for the local problems.

The Republic of Macedonia according to the International Law, as well as all other states, has the obligation 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 form 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 biding 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". Republic of Macedonia has signed this convention on July 25th 1996 and it came in power in February 1998 (Angelovska and Skenderi, 2009, 147).

The local self-government in Macedonia has been rather well established and equipped with powers under the socialist system. The 1991 constitution reduced those powers of the municipalities considerably and established a strongly centralized system of government. Inherited from the communist system, until 1996 there were 36 municipalities based on towns with surrounding villages which ensured the internal coordination of local duties. The territorial division, established by the 1996 Law on Territorial Organization, brought a substantive increase in the number of municipalities to 123, meaning that they became much smaller in size and population. Instead of enhancing citizen participation and diminishing bureaucracy for public services, the effect of this was quite the opposite, since the municipalities were – at the same time – almost excluded from being active in education, health care, culture, housing and social welfare through the centralization process. The high level of centralization instead overburdened the relevant ministries with operative duties. As early as 1999, the government included decentralization in its agenda as a reform priority, but due to the conflict in 2001, no legislation was adopted. The importance of the decentralization process was prominently recognized in the Ohrid Framework Agreement (Marko, 2006, 706).

The Process of Reforms initiated by the Ohrid Framework Agreement

The war conflict in Macedonia in 2001 was ended with the signing of the Ohrid Framework Agreement (OFA). The OFA was signed on 13th of August 2001 by the four largest parliamentary political parties in Republic of Macedonia (VMRO-DPMNE, SDSM, DPA, PDP). This agreement has brought the brief internal conflict to an end. According to the Secretariat for the Implementation of the Ohrid Framework Agreement - its basic goal is to promote peaceful and harmonic development of the civil society, while respecting both the ethnic identity and the

interest of the all citizens of Republic of Macedonia. OFA is comprised from ten parts: Basic Principles; Cessation of Hostilities; Development of the Decentralized Government; Non-Discrimination and Equitable Representation; Special Parliamentary Procedures; Education and Use of Languages; Expression of Identity; Implementation; Annexes; and Final Provisions. The 3 annexes in this agreement are related to the Constitutional Amendments, changes in the legislation, the implementation and in the measures for confidence building.

The local self-government in Macedonia is territorially and administratively organized in 84 municipalities (units of the local self-government) and the city of Skopje, as a special unit of local self-government including 10 municipalities within. All the units of local self-government are independent in performing the obligations included in their spheres of jurisdiction which are determined by the Constitution and laws, while the monitoring over the legality of their work is in the area of jurisdiction of the central government. The municipalities are not subject of administrative instruction, so they should respect only the provisions of the legislation. As is the case in the countries members of the EU, the municipalities have the general power of jurisdiction. The normative activities of the municipalities are realized by passing the Statute and other regulations which should be announced before they come into force. In accordance with the European Charter of Local Self-Government of the Council of Europe, the municipalities do not have financial independence and their own guarantied sources of income in the form of taxes, local taxes and different grants.

By the Law on the territorial organization of the Local Self Government from 2004 the municipalities are being organized as units of the Local Self Government; the areas of the municipalities and of the city of Skopje are being defined; it determinates the names, seats and borders of the municipalities; the type and the names of the settlements are defined; the mergers, divisions and the changes of the borders of the municipalities and the city of Skopje are regulated, alongside other issues dealing with the territorial organization of the Local Self Government. This important reform will incite the participation of the citizens in the democratic life and improve the respect of the identity of the community.

The OFA (August, 2001) and the amendments of the Constitution (November, 2001) encouraged the reform process of the local self-government which

was already started in the 1999 when the Government of the Republic of Macedonia passed the Strategy for reform of the local self-government. In January 2002, after the adoption of the Constitution amendments, was passed the new Law for the Local Self-Government. Comparing to the previous Law for the Local Self-Government form 1995 the new law on a more detailed and clear way determined the competencies of the units of the local self-government. The Operative program for decentralization was passed by the Government in 2003 and it contained a list of laws that were related to the process of decentralization. On this list, despite the essential system law (for territorial organization, for the financing of the units of the local self-government, for the city of Skopje), was included a range of additional laws which govern the actual transfer of competencies and resources according to Article 22 of the Law for the Local Self-Government.

The reform of the local self-government in Macedonia is still facing, not only the usual problems which characterize these complex reforms, but also specific problems that attach to a country that is in transition. The reform process can not be implemented without taking in consider the wider context of the economic situation in the country. The progress of the economic reforms should influence on increasing of the capabilities of the municipalities to approach the capital markets, the privatization and the development of their local economical sustainability.

The Process of Decentralization as a Part of the Inclusion Policy

The process of decentralization is one of the most important projects for reorganization of the life of the society in Macedonia. The decentralization aims to enable the citizens, either directly or indirectly, to be more involved in the decision making process in a wider number of areas such as education, urban and rural planning, health, culture, and local economic development. The implementation of the reforms regarding decentralization process is essentially changing the basic social relations and the place of the citizen in the governing of the community. The change of the authority and the competences in the local communities assumes a change of the relations between the citizens and the local authorities. This especially regards the issues concerning the satisfaction of the social needs of the citizens and resolving

the social problems which are present in the communities. The basis of the decentralization process can be recognized in the transfer of the decision-making from the higher to the lower level in the society. The process of decentralization itself represents the level of modernization the state has reached through its development. That level of modernization usually refers to empowerment of the political and financial autonomy of the local authorities, empowerment of the citizen's participation in the social and political processes, ensuring higher level of services for the citizens, and establishing collaboration between the local and the state authorities, but also between the local authorities and the civil organizations.

The Republic of Macedonia has an emphasized state-focused tradition, which implies a long-term domination of the state in many areas of the societal life. The political and the cultural legacy brings additional obstacle in proceeding the decentralization, due to the over-dimensioned activity of the state on one hand, and the passivism of the civil society and the expectance for the state and the politicians to resolve the problems. As a consequence we have a demobilization of many democratic resources of the local communities.

The local democracy regarding the decentralization consists of informing the citizens of the new competencies and the functional structure of the municipalities. The issue of the local democracy has an essential significance in developing the goals of decentralization as the level of knowledge and awareness for participation in the local self-government is very low.

The successful implementation of the local self-government reforms, including the reform of decentralization, presents an obligation of the Republic of Macedonia which arrives from the Agreement for stabilization and association in 2001, the candidate status for the membership in the European Union in 2005 and the determination for the NATO membership (Program for implementation of the process of decentralization 2008-2010).

The 2009 EU Progress Report concludes that mutual understanding and intercultural dialogue need to be fostered in the host country. It states that inter-ethnic tensions were generally at a low level but have intensified in some areas and at certain moments. The OFA remains a crucial guarantee of the rights of the ethnic communities in the country and progress has been made as regards the use of languages and equitable representation. The Decentralization Survey 2009 made by

OSCE Spillover Monitor Mission to Skopje the majority of citizens (78%) evaluated the inter-ethnic relations in their municipality as positive and only small number (13%) gave negative marks. The positive perception on the inter-ethnic relations is a reflection on the measures that have been taken since the signing of the OFA. To ensure minority rights, a decentralized governance system was introduced, the principle of equitable representation established, the decision making formula in the parliament and the municipal council modified, new rules for the use of languages set and municipalities encouraged to establish Committees for Inter Community Relations.

According to the European Charter of Local Self-Government of the Council of Europe, the local authorities are one of the main foundations of any democratic regime. Local self-government contributes to improved inter-ethnic relations and fosters inter-ethnic cooperation. Developing decentralized governance is a process of transferring the decision-making power concerning local issues to the local authorities. The process gives minorities on a national level, in cases when they constitute a significant majority at the local level, the right to decide on their priorities at local level. That way community identity is protected.

Analyses of some of the Implemented Legal Changes

In this next part we would like to bring out some of the changes comprised in several laws and the constitutional changes, as well as certain newly passed laws that imply the inclusion affinities implemented by the reform process attained in the area of the local self-government, especially by the decentralization reforms.

To protect minority rights, Article 69, Amendment X of the Constitution introduced the Badinter rule which reads: "For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the representatives attending, within which there must by a majority of the votes of representatives attending who belong to communities not in the majority." The double majority voting applies not only to the parliament but also to municipal councils. This system encourages consensus building among community representatives.

In order to ensure that minorities can use their language at the local level, the Amendment V of the Constitution reads the following: "Any person living in a unit of local self-government in which at least 20% of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with main office of the central government, which will reply in that language in addition to Macedonian". In the same context, was passed the Law on use of the language spoken at least by 20% of the citizens in Republic of Macedonia and use of the language in the units of Local Self Government. Apart the use of the Macedonian Language, this law also regulates the use of the languages that are spoken by at least 20% of the citizens in the Republic of Macedonia and the use of languages in the units of the Local Self Government. These languages are being used in the Assembly of the Republic of Macedonia; in communication between the citizens and the Ministries; lawsuit actions; administrative actions; execution of the sanction measures; Public Attorney; in the electoral processes; in cases of referendum; while issuing personal documents to the citizens; in managing registry evidence and records; implementation of the police authorities; in the radio diffusion; infrastructural objects; local self government; finances; economy; education and science; culture and in other areas of public life as well as in other institutions regulated with this law.

The Article 8, Amendment VI of the Constitution concerns the appropriate and fair representation of the citizens from all communities in the bodies of the state government and other public institutions at all levels. Article 3, paragraph 4 of the Law on Civil Servants further clarifies the principle of equitable representation as a basic principle for the employment of civil servants while at the same time taking in consider the expertise and competencies of the recruited persons. This principle seeks to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities.

Statistical data are the only and the most accurate instruments for measuring the level of just representation of the ethnic communities in Republic of Macedonia. The last official data obtained from the Secretariat for Implementation of the Ohrid

Framework Agreement show that there is still lot to be done in order to achieve the adequate level of just representation of the ethnic communities.

The Law on the use of the flags of the communities in Republic of Macedonia is anticipated in the part 7 of the Ohrid Framework Agreement. With this law the rights and the manners of the use of the flags, with which the members of the communities in the Republic of Macedonia are expressing their identities and diversities, are being regulated. Thus, in front of the objects and buildings of the Local Self Government units where the citizens that are members of certain community live, the flags of Republic of Macedonia and of the respective community are being placed, in accordance with theregulations of this law and the decisions of the Constitutional Law of Republic of Macedonia.

The Law on Local Self-Government of 2002 introduces the Committees for Inter Community Relations which are formed by equal representatives from all communities, and each community has an equal voice despite its number in the population. These Committees make conclusions by consensus whenever possible, and their role is to discuss issues related to inter-ethnic relations and provide opinions and proposals, which must be reviewed by the municipal council. Thus, the Committees are envisaged to be stabilizing factor in multi-ethnic environment, tasked to streamline municipal policies hereby ensuring the communities rights. Their preventive role is an important component in the decentralization process (Decentralization Survey, 2009).

Conclusion

The reform process in the Republic of Macedonia as a multicultural society, where for many years, inter-ethnic relations have been one of the most sensitive political issues, affecting both the stability of the country and the progress.

The main sense of the local self-government is to bring authority closer to people. Nowadays, the local community presents a part of the public authority which enables the citizens to manage their local activities, and moreover independently and democratically to engage themselves in targeting certain problems and creating measures for their appropriate tackle. The main focus in this paper was put on the implementation of the decentralization and the local policies, especially those

concerning the social inclusion process of the ethnic-minorities. The decentralization and the empowerment of local self-government are seen as the way to strenghten democratic participation and accountability, as well as political empowerment of the ethnic communities. Passing the Law of the local self-government precisely determined the responsibilities of the municipalities; it contributed in increasing of the direct participation of citizens in the public life; new method of legal and financial control of the local authorities; redefining of the financial and other relations between the central and the local government.

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. In the context of this paper, we would principally state that the basic goal of the OFA is to promote peaceful and harmonic development of the civil society, while respecting both the ethnic identity and the interest of the all citizens of Republic of Macedonia. The complete and effective participation is implemented through embracing a decentralization agenda that purposes transfer of the competencies which used to be under the authority of the central government to the municipalities. This transfer has implications for the quality of life and to the extent of social exclusion and ethnic cohesion in the country. The decentralized social inclusion policy is based on the municipality programs that are defined through the specific needs of the local residents. This contributes for better targeting of vulnerabilities and also for more efficient tackling of the problems that citizens are faced.

The battle for political stability, economic progress, democratic reform and interethnic cooperation is not yet won. In order to build a solid ground for achieving a sustainable development, in accordance with the aspirations for European integration, there is a need to implement the principles of multiculturalism and multi-ethnicity in every field of the social and the political life. As one of the key concepts promoted by this paper is the process of reforms in the local self-government, as a way of reaching democracy and respect of human rights and

dignity. Yet the successful implementation of the decentralization process to a large extent depends on the level of developed communication with all stakeholders. Therefore, the participation of all concerned subjects should present an essential part of every implemented reform.

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