



Kosovo Local Government Institute



# 'THE MUNICIPAL MAYOR A REPRESENTATIVE OR A DOMINANT AUTHORITY?'

- A CONTRIBUTION TO STRENGTHENING INSTITUTIONAL  
ACCOUNTABILITY AND TRANSPARENCY AT THE LOCAL LEVEL -

## **Kosovo Case**

**Author:** Besnik Tahiri  
Executive Director  
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NOVEMBER, 2012

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## **Impressum**

Editor:

**Friedrich-Ebert-Stiftung**

Editorial Office:

**Friedrich-Ebert-Stiftung Prishtina Office, Kosovo**

Rr.Mujo Ulqinaku 4/App 10

Tel: +381 38 243785, 220390

Fax: +381 38 220192

Email: [contact@fes-prishtina.org](mailto:contact@fes-prishtina.org)

[www.fes-prishtina.org](http://www.fes-prishtina.org)

Typesetting:

**Studio FORMA**

Printing and Production:

**Studio FORMA**

Cover Design:

**Studio FORMA**

Date of printing: November, 2012

Location of Printing: Prishtina

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## **Abstract**

In its essence, this publication aims to elaborate the position of the ‘Mayor’ as a dominant institution in the triangle: the Mayor (executive) - Municipal Assembly (legislative) – Citizens (general public, civil society). The cornerstone argument of this publication is that the role of the institution of the Mayor within the system of local governance in the Republic of Kosovo requires better checks-and-balances instruments, moreover, it seeks more internal institutional and external with public accountability. The publication argues that because of the strong and dominant position of the institution of the Mayor, combined with the passive role of the Chairpersons’ of the Municipal Assemblies and civic apathy, results with the democratic deficit which is a concerning issue for local government developments, now and in the future.” As such this publication represents a contribution to strengthen direct democracy via strengthening institutional accountability and transparency.

## Executive Summary

Effective and democratic local government is absolutely fundamental to a stable and prosperous Republic of Kosovo. Four years after the implementation of decentralisation in Kosovo progress has been made. Due to the hard and dedicated work of many people, the legal framework has advanced and the introduction of direct democracy has enhanced the country's democratic credentials. Yet, the issue of institutional accountability and transparency remains a challenging issue and needs to be dealt with immediately. This paper argues that a pattern of governance is emerging at the municipal level that undermines Kosovo's intended democratic trajectory. Specifically, it outlines how the institutional design of local government has enabled Mayors to assume a position of dominance that was not expected by the spirit of the Law, and by other legislative provisions. Continued Mayoral dominance of political structures sows the seeds for a future scenario in which checks and balances of power are further disrupted, that as a consequence leads to the mishandling of power, mismanagement of resources and governance that does not serve the needs and expectations of its citizens.

Though Mayors are elected in a democratically fair way, this paper questions whether they govern according to a democratic spirit between elections. In effect, Mayors have been transformed into 'dominant Authorities—with all the contradictions that this term implies. Once elected, Mayors tend to become dominating factor in the sense that they make an active attempt to concentrate power in their hands through a political process that is not sanctioned by the will of the people. The sources of this democratic defect are varied. It is primarily an issue of deficient institutional design that acts as a hindrance to a balanced system of government. In particular, such deficiencies relate to the absence of institutional mechanisms that would de-politicise the appointment of municipal Directors and that would more robustly ensure the functioning of transparent and accountable government.

This situation can also be explained by the lack of useful practices and clearly established arrangements that would assure the accountability of the Mayors in relation to citizens. In addition, a general democratic culture that would consistently hold the Mayor to account is almost non-existent, which means between elections Mayors can govern without regard to preferences of citizens. Electoral turnout and citizens' knowledge of accountability mechanisms remain remarkably low and there is little interest in participatory processes. This is compounded by Mayors failing to encourage broader participation in consultative committees and by taking very little notice of the outcomes of public debates. The development of checks at the public level is not helped by Mayors holding the purse strings for civil society funding.

Last but not least, this publication explains the Mayoral dominance as a result of a culture of passivity that permeates the majority of Assemblies. The absence of horizontal accountability is again a question of institutional design, most notably that Assembly members have no efficient control over budget lines, and in some cases even lacking the basic facilities, including offices and email addresses, to carry out their responsibilities. The passivity is exacerbated by a system of party politics that places party loyalty above responsiveness to citizens' needs.

## Introduction

This paper covers developments in Kosovo's local government in the period from September 2011- September 2012.<sup>1</sup> The analysis is based on KLG's methodology that has been refined over the last four years of research. A multiple data collection strategy was employed, including drawing from desk research, interviews from the field and intensive focus groups discussions that took place during KLG's Local Governance Academy. This chapter addresses the issue of accountability and transparency and argues that a pattern of governance is emerging at the municipal level that undermines Kosovo's intended democratic trajectory. Specifically, it outlines how the institutional design of local government has enabled Mayors to assume a position of dominance that was not expected by the spirit of the legislation. Continued Mayoral dominance of political structures sows the seeds for a future scenario in which checks and balances of power are further disrupted, that as a consequence leads to the mishandling of power, mismanagement of resources and governance that does not serve the needs and expectations of its citizens.

After outlining recent changes to the institution of the Mayor, this paper explains why these democratic defects have emerged, with a particular focus on the Mayor's relationship with the Assembly, Civil Society and the Media as well as discussing the poor functioning of basic transparency and accountability procedures. KLG argues that to immediately arrest this trend, crucial changes should be made and this paper ends with some recommendations about the way forward.

## Context

In June 2008 Kosovo adopted its Constitution which includes provisions regulating local self-government pursuant to Comprehensive Proposal for the Kosovo Status Settlement of President Ahtisaari<sup>2</sup>. Regarding the local self government, "the Proposal" envisaged extended competences for municipalities in many fields, including primary and secondary education, primary and secondary health care, economic development, urban and rural planning, public housing, street naming. In order to exercise competences in these fields and reach objectives related to them, the Proposal envisaged the transfer of broad legislative, financial and administrative powers to municipalities. 'The Proposal' and arrangements deriving from that document – constitution, laws, decisions and other acts – seek to enable effective application of principles of autonomous/local self-government.

In the field of local government, all provisions of the Ahtisaari Proposal, and later of the Constitution, provide for a political and legal environment that reflects and respects principles, processes, procedures, experiences and practices of advanced western democracies. It is evident that for over a decade of state-building and overall consolidation of

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<sup>1</sup> KLG's research team for this period has been Besnik Tahiri, Fatmir Haxholli, Besnik Mucaj and Jahir Kelani. David Jackson has also contributed ideas during the writing stage.

<sup>2</sup> The Proposal may be downloaded at: <http://www.unosek.org/unosek/en/statusproposal.html>

\*For more information, see UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo

government in Kosovo, local government, in particular, has gone through a transition that was challenging both for its designers and implementers at all levels – political, administrative, technical or operational.

Against this background, it is particularly important to emphasize that as far as local government is concerned, Kosovo's central institutions and other institutions have not yet resolved and addressed the issue of checks and balances of powers. It is concerning that at the local government level municipalities have not yet found genuine support and partnership from the central and other institutions. Furthermore, political and governmental developments at the municipal level are often influenced by developments in other levels of government, which threatens the autonomy and the strengthening of local government. One should also mention the fact that there is no balance between institutions within the municipalities. For years we have witnessed that the relationship between municipal assemblies and Mayors does not reflect sufficiently and properly the need for a good, efficient and democratic government. Specifically, for a certain period of time the institution of municipal assembly dominated the decision making, policies and local government, while the institution of Mayor was mainly in the service of implementation of such decisions and policies at the local level.

## Mayor's domination

According to the previous regulation, the Municipal Assembly elected one of its members as Mayor of the Municipality pursuant to UNMIK Regulation No. 2000/45 on Self Government of Municipalities in Kosovo. The responsibilities of the Mayor of Municipal Assembly at that time were related to the overall supervision of the implementation of decisions that were taken by the Municipal Assembly and financial administration of municipalities. The Mayor was also chair of the Policy and Finance Committee and it had other responsibilities given to him/her under the statute. The Mayor of Municipality was supported by deputy Mayors, the Chief Executive Officer and Board of Directors.\* In brief, according to the previous regulation, the Mayor of the municipality was not able to dominate or evade the municipal assembly.

But in the last four years, local self government in Kosovo experienced some radical changes. "The radical transformation occurred in three levels, competences, reorganisation and implementation."<sup>3</sup> Firstly, the process of devolving competences from the centre to the local level through decentralisation process and applicable laws and constitution; secondly, through territorial reorganisation, that is, establishment of five new municipalities and extension of the municipality of Artana (Novoberda); and thirdly, in recent years a gap has emerged between what is written on paper and poor implementation on the ground precisely because there has not been a sufficient transfer of resources from the centre.

The lack of decision making power, obstacles and blockades (for as long as UNMIK Regulation was applicable) that were faced by the Mayor of Municipality led to strengthening of the Mayor compared to Municipal Assembly, making it a separate institution from the Assembly and giving it extended executive powers. This was also a result of changes and arrangements stemming from the Ahtisaari Proposal and their incorporation in the Constitution and particularly as a result of the Law on Local Self Government. In this aspect, we see a transfer of competences from the central to local level, including changing the way Mayors are elected, from the previous UNMIK system where the Mayor was elected by the Assembly, to the present situation where Mayors are elected directly by citizens.

Three years of KLG I studies have demonstrated that the public has a positive opinion on the direct election of Mayors, viewing it as a more democratic method, which has given this institution a greater civic and democratic legitimacy. Differing from the UNMIK Regulation, the primary objective of the Law on Local Self Government is to balance the power of municipal institutions, that is, between the municipal assemblies and Mayors. More precisely, on one hand by reserving for the municipal assembly certain legislative and decision making powers this law intended to preserve competences of municipal assembly as representative of aggregated political preferences of communities and locations at the municipal level – through municipal assembly members organizing into political parties or independent

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<sup>3</sup> Tahiri Besnik, Publikimi i Raportit: Blerësi misterioz në komunë. Instituti Kosovar për Qeverisje Lokale, Mars, 2012.



candidates. On the other hand, by providing for direct election of Mayor of municipality, the Law on Local Self Government could not place or subordinate this institution to the auspices of the municipal assembly. On the contrary, it is understandable that the direct election of the Mayor has accorded Mayors with decision making attributes that ensure him/her a broad autonomy. With this legislation, there is a clear distinction between the role of the Assembly (legislative power) and that of the Mayor (executive power).

Currently, the role of the Mayor of municipality is to continuously supervise the execution of decisions taken by the municipality and the financial administration of the municipality. The Mayor, *inter alia*, is responsible to supervise the implementation of decisions and acts adopted by the municipal assembly and to fulfil duties and responsibilities of the municipality in a proper way. He or she also has the authority to represent the municipality and act on its behalf. The scope of responsibilities of the Mayor also includes the right to issue instructions and take decisions. The Law on Local Self Government provides for a system of mutual control between the legislative (municipal assembly) and the executive (elected Mayor of municipality). The Municipal statute should contain more details on provisions that define the role of legislative and precise provisions defining the role of the Mayor of municipality in supervision and control of the work of municipal administration. In this regard, there are two serious challenges for these two institutions - municipal assembly and Mayor.

Firstly, the government in general, including local government, are shaped in a new type of political and institutional culture of a 'newborn' state and as result the practice of holding government officials to account, in this case municipal officials, is something new. It is widely known that the consolidated democracies required a lot of time and efforts to reach the standard where the power and its representatives (politicians, officials, civil servants, etc) were supervised, limited, disciplined and if necessary, sanctioned. This political culture as well as practices it implies are gaining grounds in Kosovo, but not at the desired pace. Secondly, another challenge is a lack of professional know-how, particularly managerial and administrative, and as result, certain representatives at the municipal assembly and particularly the Mayor, try to overcome this gap (weakness) by accumulating power leading to domination. As consequence, we see that there is a 'subjugation' of institutions and the potential violation of the will of the electorate and citizens. All this is happening in an environment where the establishment of the rule of law in Kosovo is still a national challenge which should be resolved at every level of the state, institutions and society. Kosovo is in relatively good shape as far as formal and legal arrangements are concerned, but when we look into practice, we see many serious challenges and problems. But the records and developments in the field confirm that creation of this distinction in authority and responsibilities between the Municipal Assembly and the Mayor has produced almost the opposite of its intended aim – rather than striking a balance of mutual control it has led to the total domination of Mayor of Municipality over the Municipal Assembly; something that has been frequently affirmed by official audit reports, as well as KLG research studies at the ground level.

Currently, the Mayor of municipality is accumulating submissive powers over the municipal assembly and other actors of civil society and media. The role of the latter, instead of monitoring, controlling and restricting, has become almost inexistent. There is one crucial explanation for this: the lack of separate budget lines for the assembly, civil society and media. This is also illustrated by the fact that in most municipalities there is a lack of office space for chairpersons of municipal assemblies and assembly groups, where they could perform their responsibilities and tasks given to them from the people<sup>4</sup>. Furthermore, the opposition is suffocated because all interests of the people are around the Mayor and executive bodies that he leads, and civil society often is under the sway of the executive due to the lack of independent ways of funding.

The Law on Local Self Government provides for competences of Municipal Assembly and Policy and Finance Committee in drafting the municipal budget, defining the norms and municipal taxes and tariffs and developing all planning and taking all political decisions affecting the municipal development.

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<sup>4</sup> Tahiri Besnik; Minutat e takimit të programit “Akademia për Qeverisje Lokale”; Marrëdhëniet në mes të të zgjedhurve politikë (Kryetarit) dhe shërbyesve civilë (administratës komunale); Hotel Sirius, Prishtinë; dhjetor 2011

## Mayor vs Municipal Assembly

With the strengthening of Mayor's role, local self-government in Kosovo has remained without control mechanisms, since municipal assemblies in most of the cases are composed of a majority which comes from the party and coalitions that have won the elections, but even in case of the contrary it is impossible to exercise any control over the Mayor. This is explained by the change of statutes in twenty four (24) municipalities and by the increase in the number of departments, which was done in order to satisfy political needs without taking into consideration specificities of municipality. The lack of debate and cooperation between decision making actors directly elected from the people makes the accountability unclear and causes confusion among citizens regarding the institutional responsibilities, in this case responsibilities of the Assembly and the Mayor.

The lack of institutional tradition has left room for party mechanisms to interfere in the work of municipalities. Mayor of municipality in most of the cases has two addresses of accountability, one to the entity that has nominated him and the other to the citizens as stipulated in the law. However, one of the accountability addresses, i.e., to citizens, is very weak because most of the ideas expressed by citizens in public debates have never been followed up, which means that Mayors organize such public meetings just to meet a formal requirement. The real address of accountability in practice is the party which he or she represents and which is turned into an address of obligations that Mayor has to fulfil during his/her mandate. This is explained by the fact that in many municipalities Mayors are usually presidents of party branches.

This weakness in accountability and fulfilment of legal requirements towards citizens may be checked by the possibility of dismissing the Mayor, which in this case cannot be done by the municipal assembly, although representatives of this institution are directly elected by the people. Likewise, the fact that a call to dismiss a Mayor requires 50% of the votes of all eligible voters in the municipality renders the removal from office of the Mayor by citizens almost impossible, especially considering the generally low turnout in the elections.<sup>5</sup> Based on what was said above, it may happen, as it was said by the Executive Director of Kosovo Institute of Local Government that "The Mayor of a municipality has the potential to become a "monarch": an untouchable person during his mandate in the Municipality".<sup>6</sup>

It should also be emphasized that there is a broad perception among citizens that institution of the Mayor is the most powerful institution in the municipality. According to a survey organized by BIRN, 73% of citizens have responded to a question they were asked that the Mayor is the most powerful authority in the municipality.<sup>7</sup>

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<sup>5</sup> For more information on the possibility to dismiss a Mayor of a municipality see Law No. 03/L-040 on Local Self Government, Article 72 – Dismissal of the Mayor, at [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L040\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf)

<sup>6</sup> <http://rtv21.tv/home/?p=3837>

<sup>7</sup> Report on the survey of local self government in Kosovo; the system of direct election of the Mayor of local government; BIRN, March 2011

Dualism and ambiguity in implementing responsibilities and competences in most of the cases is an obstacle for achieving greater functionality and efficiency in providing services. The Ministry of Local Government Administration, except the responsibility to create and harmonize the legal framework, cannot play the role of ‘police officer’ to permanently control municipalities, because the autonomy of municipalities is guaranteed. In specific cases when we have to do with the lack of legislation it is important to recall the principles of the European Charter of Local Self Government, which comes from the Council of Europe, a political community that Kosovo aspires to join. The Charter, *inter alia*, states the right to local self government, in order to regulate and manage a significant portion of public issues for the benefit of the people, “should be exercised by councils or assemblies which can have under their supervision executive authorities that would report to them.”<sup>8</sup>

In this respect, it seems that the Municipal Assembly even though it is thought to be the highest representative at the local level, in reality and practice it is the Mayor of the Municipality who dominates the local government. According to the Law on Local Self Government, Municipal Assembly has adequate bodies that can organize, supervise, correct or promote local self government. Municipal Assembly bodies such as plenary and committees, meet regularly at least ten times a year to adopt municipal legislation and discuss issues of interest for the municipality. Municipal Assembly operates based on laws, such as the Law on Local Self Government and Law on Local Government Finances and on municipal statute, as well as on other normative acts.

It is also important to mention that the Mayor’s domination also emanates from the inactive role of municipal assembly members. The latter, for different reasons, find it difficult to create strong ties with citizens. Municipalities, among other things, do not provide to groups or assembly members any facilities or offices with permanent addresses where they would be able to work and where citizens could to contact or meet them. This is linked with other reasons, starting from the moment of presenting candidacy for municipal assembly members to their adequate compensation.

A clear indication of such weakness of the role of municipal assembly members comes from the OSCE report 2011 which finds that in almost half of municipalities assessed, there is a failure to inform public about municipal assembly meetings, and failure to sensitize the public on issues that are addressed, mainly due to the fact information officers lack the sufficient capacities to carry out their work effectively. Failure to ease the broad public access to decision making processes hinders efforts of municipal institutions to govern in a transparent way, which presents a violation of principles of good governance defined in the Law on Local Self Government.<sup>9</sup> Another obstacle is the fact that simultaneous interpretation during municipal assembly meetings is almost always provided by municipalities upon request. But, translation of materials for municipal assembly meetings is not provided at all by 52 percent of municipalities that were assessed<sup>10</sup>

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<sup>8</sup> Article 3.2 of European Charter on Local Self Government

<sup>9</sup> Municipal monitoring report; OSCE, June 2012

<sup>10</sup> Ibid

## **The Mayor administers the administration**

It sounds like a paradox but the data from the field confirm a situation where Mayors, instead of helping to progress the work of the municipal administration, have been undermining it by interfering in administrative processes.

According to the Law on Local Government and other regulatory acts, municipal administration is organized into departments (directorates). Every municipal department is managed by a director who is appointed and dismissed by the Mayor. Directors manage and run their departments in line with Mayor's strategic and political guidelines and report to the Mayor on a regular basis on issues that are under their competences. Directors report to Mayor on regular basis on issues under their competence and provide him with all information and reports that are necessary in the decision making process.<sup>11</sup>

But at the same time there is this practice where directors are appointed by the Mayor, which in most cases is completely politically driven (and often without any criteria). This not only causes shortfalls in the development of relevant department, but also causes tensions in relations between the civil staff and directors. Direct political control of civil staff is detrimental for the development of civil staff based on meritocracy and promotion, as envisaged under the Law on Civil Service. Lack of proper harmonization between political vision and administration also causes failure in providing services to citizens; therefore sectorial committees should recruit professional people to strengthen policies.

MLGA officials in a meeting of the program "Local Government Agency" on the topic 'Relations between politically elected people (Mayors) and civil servants (municipal administration),' rightly defined that "when drafting the Law on Local Self Government there were some opinions that municipal directors should be civil servants, but the opposite happened: now there are people who spent most of their time in political engagements, particularly at times of campaigns when municipalities are almost empty.<sup>12</sup> Currently, it is assessed to be positive that head of personnel is directly accountable to the Mayor, but at the same time Municipal Assembly is not able to exercise continuous supervision over the municipal administration, since the Mayor is directly elected and decides independently who should be his/her appointees to the executive. Whereas, Deputy Minister of Local Government, in a debate on Draft Strategy of Local Government 2013-2016 stated: "The Mayor is given the right to appoint directors and it therefore it is up to the Mayor who is he going to appoint or not as a director."

Although this not strictly against the law, there is also a public perception that directors continue to be appointed based on political criteria. According to a BIRN survey, 63.4 % of

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<sup>11</sup> Law on Local Self Government (Law No. 03/L-040); Chapter VI; Article 62; Municipal Director

<sup>12</sup> Maxhuni Agron; Minutes of the meeting of program "Academy on Self Government"; Relationship between politically elected people (Mayor) and civil servants (municipal administration); Hotel Sirius, Prishtina; December 2011

respondents replied that directors are appointed on political grounds.<sup>13</sup> A report of the newspaper ‘Jeta në Kosovë’ on the situation in education shows that even appointment of school directors is similar to the appointment of department directors. According to BIRN publication, “the phenomenon is like a circle, since school directors are also managers of polling centres, as it was the case in the last national elections, therefore parties at the local level appoint leaders of their branches and activists as school directors.”<sup>14</sup>

While, as we learn from international practices mentioned by Professor Ita O’Donovan, professionals and civil servants play an important role, as is the case with the budget and financial officer (director of finances) and treasury officers. The power lies on both sides, on civil servants and politicians who have important roles in their work; it is important for civil servants to clearly understand that they should implement policies and for politicians that they should respect administrative procedures and rules of civil service.<sup>15</sup> In fact, in most of the municipalities the opposite is occurring; that is, KLGf field research has found that politicians are encouraging civil staff not to respect procedures, rules and the law in general, while the latter due to their political positions are often actively involved in politics. Regarding the obligations that department directors have to cooperate and draft regulations with municipal assemblies, in many cases directors of departments have interfered in the work of municipal assemblies, which is indicated in monitoring reports of Ministry of Local Government Administration of 2011.<sup>16</sup>

While the report on transparency of local government in Prizren developed by Organisation EC MA NDRYSHE explains that one of the most contradictory and most harming actions for the local democracy, undertaken during the mandate of current Mayors is the closure of Mayor’s meetings with directors (previously Board of Directors) for the public. Nobody has ever given any articulate and convincing reason for such a closure ever since such a decision was taken. This practice, which is often contradictory with basic principles of transparent governance, is proof that the municipality of Prizren is failing to promote standards of good governance.

## **Mayor and other actors – civil society, media**

Through community organisations, local institutions of self government have greater opportunities than the central government to monitor the implementation and impact of public spending. But it should be mentioned that the role of strategic planning in Kosovo is to describe the situation rather than to provide solutions or vision. In absence of such vision,

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<sup>13</sup> Survey report on local government in Kosovo: System of direct election of Mayor in local government – BIRN, March 2011

<sup>15</sup> O’Donovan Ita; Minutes of the meeting of program “Academy on Self Government”; Relationship between politically elected (Mayor) and civil servants (municipal administration); Hotel Sirius, Prishtina; December 2011

<sup>16</sup> <http://mapl.rks-gov.net/getattachment/83a0b0ee-0ed7-40d5-a5b0-614f4560accc/Raporti-Janar-Qershor-2011.aspx>

local self government is positioned in the margins of the law; to be more precise, they should “go beyond structure”.<sup>17</sup> This means that they should go beyond their functional administrative tasks and be more pro-active in creating and implementing a strong development plan that can improve the lives of their citizens. Effectiveness is linked to the evaluation of policies that are implemented and success of their implementation by the administration. This means that democracy and local government is not only what is written in the Constitution and laws but it should go further and beyond the administrative frameworks. It requires more work and engagement, but developing strategies that look good in public relations campaigns is not enough—it should be followed by concrete actions in practice. In an address of Prof. Curtis to municipal department directors an important maxim was expressed: “when providing to citizens, it is important to think beyond what you are and what you can give to the society.”<sup>18</sup>

Another important aspect is to uphold the principle of subsidiary and local accountability for mobilizing local resources, direct inclusion of citizens in decision making processes, partnership and co-provision of services. It should also be understood that the increase of the role of local government has changed the concept of development which now requires much more commitment and expertise.<sup>19</sup> The Law on Local Self Government has foreseen the establishment of Municipal Consultative Committees, but they have either remained inefficient or not functional in the field. Furthermore, there is scarce evidence that Mayors of municipalities have convened such consultative forums to increase the level of communication and transparency and to strengthen coordination on local economic development.

In the closing ceremony for the first generation of Local Government Academy, the executive director of KLGAI stated that “it is high time for a comprehensive reform of local government in Kosovo, and debate in municipalities should turn towards economic development, because progress may be achieved only when we will be focused. This would require effective communication and without any barriers with businesses and citizens.”<sup>20</sup> Municipal Mayors have always remained within the framework of legal obligations and have never managed to overcome the structure and model for the benefit of all. We have the case of town hall meetings which are failing more and more, but still continue to remain a legal obligation, and as result people do not believe any more that such meetings shall yield results and we see an ever decreasing attendance.

In this regard, the Mayor has never thought of a better way to organize such meetings although there were suggestions in some municipalities by the civil society that it should be

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<sup>17</sup> Curtis Donald, Minutes of the meeting of program “Academy on Self Government” – Decentralization reconsidered; disclosing the moral risk and finding options; local government and social compactness; Hotel Sirius, Prishtina; May 2012

<sup>19</sup> Ibid.

<sup>20</sup> <http://www.kosovotimes.net/?page=1,17,8212>

civil society that takes the responsibility, which was not accepted by Mayors, and so meetings continue to be organized between municipal officials, directors and very few citizens.

The establishment of consultative committees is one of the requirements stemming from the Law on Local Self Government. The Ministry of Local Government Administration has issued Administrative Instruction on Consultative Committees in order for citizens and other groups of interest to be part of local decision making process, but until now this mechanism of a broad inclusion of experts and citizens in decision making has not been widely applied. This is indicated in the report on transparency of local government of Prizren by organisation EC MA NDRYSHE which states that until now, municipality of Prizren proved to be very clumsy in establishment of consultative committees. At the same time, this organisation finds that no interest was observed among citizens or civil society to use this mechanism of civic decision making.<sup>21</sup>

Head of NGO “Shtëpia jonë” (Our Home) also states that in Novobërdo municipality, civil society has not managed to get properly mobilized and creation of consultative committees is a required measure, but at the same time it is required to have a coordination and cooperation with the entire civil society of Novobërdo municipality.<sup>22</sup> In order to ease the work and to provide for communication with all citizens, local committees should be strengthened while their constitution should be decided through broader consultations with citizens.

The Director of D-Press at the workshop on initiation of establishment of Local Committees said that the ‘strengthening of local committees shall have an impact on improvement of municipal government, while the functioning of such local committees would mobilize the local people in the efforts of all actors to improve the life in villages but also in urban neighbourhoods’<sup>23</sup>

The executive director of Kosovo Institute of Local Government speaking about the importance of local committees for a more comprehensive representation of all citizens and for strengthening of democracy, stated that “We have seen that in towns there are offices where people may present their requests and ideas, but we often forget that more than half of population lives in villages where there are no such offices. In this regard, I think the organisation through local committees at the local government level would help in planning the budget, capital investment but would also enhance accountability and provide for a more balanced distribution of projects”.<sup>24</sup>

Subsidizing NGOs and civil society in general does not ensure the objective work from the side of civil society and threatens its independence. The certification of municipal youth centres as institutions of youth representatives by the Municipal Department on Culture, Youth and Sports with Mayor’s approval, clearly explains his/her interference in this field

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<sup>21</sup> [http://www.ecmandryshe.org/repository/docs/EC\\_Transparenca\\_lokale\\_ne\\_Prizren.pdf](http://www.ecmandryshe.org/repository/docs/EC_Transparenca_lokale_ne_Prizren.pdf)

<sup>22</sup> <http://rajonipress.com/shfleto-artikujt.php?id=444>

<sup>23</sup> <http://www.kosovaitimes.net/?page=1,3,1522>

<sup>24</sup> Ibid



and the inability of youth to be represented outside his/her 'line'. This has resulted in extreme politicization of NGOs in municipalities.

Furthermore, regulations that municipalities have on subsidies give power to Mayor to grant subsidies up to the amount of 1000 Euros, and does not limit their number or frequency of such subsidies for certain entities, and he/she is also powered to approve reasonable requests, which depending on the amount should be decided either by the Policy and Finance Committee or Municipal Assembly. This form of regulation of subsidies provides the Mayor with the opportunity to control the civil society.

### **Mayors: pulling citizens closer to government or pushing them away?**

Transparency and accountability are two basic principles for functioning of a municipality in a democratic and accountable way and for the benefit of its citizens. In this paper, Kosovo Local Government Institute will present the communication level with citizens, public relations and quality level of meetings with citizens, media and civil society. In fact, this covers governance through information, consultation, participation of citizens and other actors at local level and broader. In this regard, transparency and accountability affects the democratic consolidation at local level, but also strengthens the link between elected/ governing structures and constituents/ citizens. A democratic government foresees practices and processes that ensure that government structures are not detached from citizens' will, concerns and expectations.

D-Press Organisation and Kosovo Local Government Institute and participants in the workshop "The road to efficient public information" concluded that transparency and accountability should be the basis of good governance, and effective communication with citizens and their participation in the development and implementation of municipal policies is crucial. To this end, it is Mayor's obligation to inform and report on regular basis about the work and activities in the municipality.

### **The role and function of Information Offices**

An important segment for a normal and efficient functioning of legitimate and democratic institutions emerged from free votes of citizens are Municipal Communication and Information Offices, which unfortunately until today have not been properly consolidated and functionalized, neither concerning their equipment with concrete tools nor with the requisite professional staff.

The establishment of Municipal Communication and Information Offices is based on the necessity and primary duty to inform citizens on a regular basis—and efficiently—about the work of municipal government authorities and to help such authorities be transparent in their work, and also inform the people about the work of other institutions that are managed by the local government, about other events and developments in the municipality or related to municipality.

The role of information office in municipalities that is supposed to be completely in the function of transparency, has deviated and this office instead of presenting town and municipal work, it is transmitting to citizens the work of the Mayor and only those events related to cutting ribbons, Mayor's meetings and information about him. This is result of legal arrangements for functioning of these offices, since in Kosovo municipalities such offices operate within Mayor's office and even under the same budget line with his/her office, which is detrimental for its objective approach to information and its service to citizens. Therefore, instead of playing its role of enabling communication between citizens and municipality and inform them about the work performed by the municipality, they have turned into an office with the objective of preserving Mayor's image.

This may be explained by the fact that personnel in many municipalities do not have sufficient knowledge about legal infrastructure related to access to public documents, which are directly linked with the work of information offices.<sup>25</sup> Information offices need to have a clear definition of competences and responsibilities.<sup>26</sup>

Regarding websites of municipalities which should have been an efficient way of communicating with people, and should have been in the function of transparency, they face a number of problems, such as: access to public documents through email as stated on the website does not function, there are problems with full access to website in all languages, they are not properly linked with search engines of the internet, etc.<sup>27</sup>

In a workshop held with purpose of improving public information in nine Kosovo municipalities - Viti, Kamenica, Ranillug, Partesh, Novobërdë, Klllokot, Han i Elezit, Kaçanik, Shtërpce – D-Press and Kosovo Local Government Institute organized a session with the topic “The Way Towards Efficient Public Information”, which discussed the need to strengthen public information offices in the above mentioned municipalities, by increasing their professional capacities, exchanging experiences and identification of contemporary information and communication practices. In this regard, municipalities should be engaged in drafting action plans for information offices; increasing the number of staff in these offices; enhancing the cooperation level of departments or other municipal services with information offices; strengthening cooperation with civil society and local media; improving the communication between information offices of different municipalities and learning skills from experts and professionals of this field.<sup>28</sup>

## **Municipal transparency towards citizens**

Article 41 of the Constitution of Republic of Kosovo defines that “every person enjoys the right of access to official documents.” Further, it defines that “documents of public

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<sup>25</sup> Policy research: Assessment of Municipal Transparency– Lëvizja FOL , July 2012

<sup>26</sup> Policy research: Assessment of Municipal Transparency– Lëvizja FOL , July 2012

<sup>27</sup> Project report: the mysterious buyer in the municipality – Kosovo Institute of Local Government, March 2012

<sup>28</sup> [http://www.radiopremiera.info/pre/index.php?option=com\\_content&view=article&id=295:transparenca-dhe-llogaridhenia-jane-baze-e-qeverisje-se-mire&catid=1:latest-news&Itemid=50](http://www.radiopremiera.info/pre/index.php?option=com_content&view=article&id=295:transparenca-dhe-llogaridhenia-jane-baze-e-qeverisje-se-mire&catid=1:latest-news&Itemid=50)

institutions and organs of state authorities are public, except for information that is limited by law due to privacy, business trade secrets or security classification.”<sup>29</sup>

This field is also regulated with the Law on Access to Public Documents, which reads that the purpose of its implementation is to “[...] guarantee the right of every natural and legal person to have access, without discrimination on any grounds, following a prior application, to official documents maintained, drawn or received by the public institutions.” It also lays out the principles, conditions and restrictions of access to public documents and rules to exercise this right as easier as possible.<sup>30</sup> Article 68 of the Law no. 03/L-040 on Local Self Government lays out the main principles and obligations of municipalities related to transparency, information and consultation with the public and to ensure public participation in local self government.<sup>31</sup>

As far as municipal regulations on transparency is concerned, though they strive to regulate a significant number of issues and have set quite high and important targets, they have a limited number of mechanisms and implementation measures in order to achieve those targets. Furthermore, they are not sufficiently and adequately harmonized with laws and bylaws (including statutes) on issues related to transparency and accountability.<sup>32</sup>

Contacts with members of municipal assemblies during their mandates, though directly elected with citizens’ votes, are rather poor. This is also due to the fact that municipalities do not provide office space for assembly groups or other opportunities which would enable them to establish a line of communication between members of municipal assembly and citizens.

This is also linked to other reasons starting from the moment of their running for members of municipal assembly when they do not get paid during the time they are running for office, then inability to hold two positions simultaneously (member of assembly and in the civil service), and low salary have had an impact on the decline of quality of municipal assemblies and also have made it impossible for them to establish a proper communication with citizens.

Whereas the role of media is quite vague and they are not supported by municipalities to make the work of municipal authorities transparent; media are not paid to broadcast meetings of municipal assemblies and there are cases when the opposition have even threatened to boycott municipal assemblies because of this. In the last session of Municipal Assembly in Gjilan, the opposition requested the assembly to ensure broadcasting municipal assembly sessions on local televisions or radio stations. This proposal was put forward by Sadudin

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<sup>29</sup> Constitution of Republic of Kosovo, Article 41, available at [http://www.assembly-kosova.org/common/docs/Kushtetuta\\_sh.pdf](http://www.assembly-kosova.org/common/docs/Kushtetuta_sh.pdf)

<sup>30</sup> Law on Access to Official Documents, Article 1, available at <http://www.kuvendikosoves.org/common/docs/ligjet/2010-215-alb.pdf>

<sup>31</sup> Law on Local Self Government, [http://www.assemblykosova.org/common/docs/ligjet/2008\\_03-L040\\_al.pdf](http://www.assemblykosova.org/common/docs/ligjet/2008_03-L040_al.pdf)

<sup>32</sup> Policy research: Assessment of Municipal Transparency– Lëvizja FOL , July 2012

Berisha, member of LDK who stated that this would be the last time his political party would participate in the sessions, if such request would not be approved.<sup>33</sup>

## **Conclusions:**

1. The institution of the Mayor of Municipality is dominating all governance developments at the municipal level;
2. Legislation governing local self government is not sufficiently coherent and has not provided for mechanisms or practices that would prevent domination, mismanagement and abuse of power;
3. Members of municipal assemblies are not sufficiently compensated (paid) and motivated, and they are not supported in the functional and operational aspect. This weakens their role and performance;
4. Civil society is limited in its activities, while its support from municipal institutions aims at putting civil society representatives under the control and influence of the municipality.

## **Recommendations:**

1. Legal arrangements and other acts regulating local self government should be amended in order to ensure a greater balance of power between the Mayor and Municipal Assembly.
2. Obligatory practices should be enshrined in law so that the Mayor of Municipality can be held more accountable towards members of Municipal Assembly and citizens;
3. Sufficient work premises should be established and allocated to municipal assembly members and adequate compensation for them should be provided;
4. Institutions at all levels, especially municipalities, should allocate funds for civil society organisations based on strict and agreed criteria and at the same time should provide training and resources to enable them to perform their functions.

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<sup>33</sup> <http://rajonipress.com/shfleto-artikujt.php?id=1385>

## Municipalities and the European Integration Process

The Republic of Kosovo is committed to fulfil European Integration priorities. For this purpose the Government of Kosovo implements the so called ‘European Partnership Action Plan’ – EPAP for Kosovo. The EPAP serves as the main document upon which central and local level institutions implement their actions. As such, this document aims to address issues of concern for Kosovo – mainly the lack of progress and actions that need to be taken in certain fields.

Responding to the planning and implementation needs, EPAP is updated on yearly basis, including this year - the Government of Kosovo has agreed to update EPAP on March 2012. This document includes hundreds of activities to be taken by different actors, and such actions reflect the need to reflect EU *Acquis Communautaire*. In this line, the EPAP envisages actions that need direct and indirect involvement of municipalities<sup>34</sup>, thus it falls within their responsibilities to undertake actions that will lead toward the fulfillment of EPAP priorities. However, in the future the burden of EU integration process and actions required by this process will increasingly fall under local government level, and in this regard the role and involvement of municipalities is expected to increase.

It is widely known that local level government authorities in Kosovo are struggling to implement provisions linked with Ahtisaari’s Settlement, and in this regard, the local level is finding it difficult to implement actions linked to the fulfillment of the priorities in the process of integration. In comparison with the challenges and difficulties deriving from Ahtisaari’s Settlement, the EU integration process and obligations deriving from this process are mainly those that deal with democratization, rule of law, adaption of EU *Acqui*, as well as economic and social progress.<sup>35</sup> In this context, the progress that Kosovo is required to achieve is closely linked with the functioning, performance, and delivery of/by municipalities. None the less not everything that local government level does is part of the EPAP, and the latter cannot be interpreted as a document that substitutes other policy and strategic planning. In other words, the EPAP by no means shall be seen as an overarching and detailed document that guides all municipal institutions in dealing with the daily affairs. In the same time this does not exclude the fact that in a situation where there is good governance is taking place at local level, currently or in future, Kosovo as a country will be praised by EU institutions for this achievement. Before we embark with the elaboration of the achievements in the EU integration process in connection with local government level, for the general reader it should be noted that Kosovo has been offered the prospect of Visa Liberalization , and in this regard the EU Commission requires from Kosovo institutions to

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<sup>34</sup> Municipalities are required to provide regular reports on implementation of EPAP planned activities. In this regard, the monitoring of municipality performance is done by Ministry of Administration of Local Government - MLGA.

<sup>35</sup> There is no single and uniformed standard and unified monitoring tool where all European integration priorities are brought together for all municipalities. None the less, MLGA prepares regular performance assessment reports on municipality performance.

fulfil criteria and obligations deriving from Visa Liberalization Roadmap<sup>36</sup>. Further to this, Kosovo institutions submitted questions from the Feasibility Study Questionnaire and based on the European Commission Communication to the European Parliament and the Council recently published, “[this] Communication suggests that Kosovo is largely ready to open negotiations for a Stabilization and Association Agreement.”<sup>37</sup> The Visa Liberalization Roadmap requires from central and local level institutions to achieve progress on issues related to readmission and re-integration, document security, border management and migration policies, including providing sustainable public order and security, and freedom of movement whereas the European Commission Communication emphasizes the need for progress in the area of rule of law, public administration, judiciary, electoral reform, etc. In both processes, the progress Kosovo aims to make is largely dependent not only on its political will and economic capacities but to human and professional resources to implement the EU Agenda, to improve policy and legislation planning and implementation, as well as ensuring better inter-institutional coordination and programming of actions and measures in the process of fulfilling EU priorities. Nonetheless, currently the municipal level is facing enormous challenges in the areas of exclusive and delegated competencies that range from the lack of information and skills on how local government should be organized to the aspect when they face the lack of necessary finances and means. This has negative effects in the performance capacity of municipal administration, in the process of planning and coordination, and in the process of fulfilling the EU’s integration requirements.

## **EU Integration, current developments in Municipalities:**

In regard to local government level, the EU integration process includes issues related to human rights, inclusion and anti-discrimination of members from non-majority communities, use of official languages, social assistance, or anti-corruption policies. In this context, the evidence shows that there are several challenges on the ground. The EPAP envisages more than 15 actions which directly involve municipal level structures, and the information collected from the field interviews highlights the need for support of municipal level from central level structures in order to ensure the progress required. In more concrete terms it is important to emphasize that as required by this planning document, municipalities have prepared formal arrangements needed for the management of human resources, however regarding the implementation part not all municipalities have adequate finances or are fully committed to respect such arrangements. An important dimension deriving from envisaged

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<sup>36</sup> On the 14 June 2012 in Brussels the European Commissioner for Home Affairs Cecilia Malmström - in a handover ceremony of the Visa Liberalisation Roadmap with Kosovo - met with the Minister for European Integration Vlora Çitaku, Minister of Internal Affairs Bajram Rexhepi, Chair of the Parliamentary Committee on European Integration Lutfi Haziri, Deputy Minister for European Integration Gëzim Kasapolli, Mayor of Pejë/Peć Ali Berisha, Mayor of Istog/Istok Haki Rugova, Mayor of Graçanicë/Gračanica Bojan Stojanović and Mayor of Gjilan/Gnjilane Qemajl Mustafa. The presence of municipality officials showed that the importance that municipality level plays in this process. For more visit: [http://www.europa.eu/articles/fr/article\\_12296\\_fr.htm](http://www.europa.eu/articles/fr/article_12296_fr.htm)

<sup>37</sup> *Communication from the Commission to the European Parliament and the Council*, Brussels, 10.10.2012. COM (2012) 602.

actions which fall under municipal level is the one related to human rights, and the necessity to have in place structures that adequately deal with human rights protection. In regard to human rights issues it is obvious that although great number of municipalities formally has fulfilled this requirement, yet the approach they use is quite general and it's not target/subject/result oriented, however "it is worthwhile to mention that almost all municipalities regularly report on human rights enforcement."<sup>38</sup> Another dimension refers to participation of the members of non-majority communities in the civil service and public enterprises, a subject that municipalities are struggling to improve.<sup>39</sup> None the less the situation in civil service is far from desirable.

Another important development is the need to deal with vulnerable groups and returnees, a process that will increasingly become linked with the fulfillment of visa liberalization requirements on repatriation and reintegration. The support for reintegrated and repatriated persons is quite general, thus, it is up to central and local level structures to coordinate the work and provide more adequate and demand-driven support to individuals and families that face the challenge of being repatriated and reintegrated.

There are infrequent cases when municipalities have organized events related to increase of awareness on the women rights, inclusion of youth.<sup>40</sup> In regard to the situation of vulnerable groups municipalities apply different practices for children attending primary education. Some municipalities provide transport, while the rest provides school bags and other forms of support. In order to ensure greater level of responsibility and ethics within civil service in local government level, the EPAP envisages the need to have code of conducts, and almost all municipalities require from the staff to sign a code of conduct<sup>41</sup>, however, according to the KLG I evidence only few of them have formalized the dimension of rights and responsibilities through a regulation. Apart from this, auditory reports are regularly conducted but ensuring progress on the issues identified by audit reports remains at the same level, and this is not without repercussions regarding the aspect of good governance and sound management with public finance. There are a number of challenges to be addressed, starting from the management of forests, informal settlements, pollution, road safety, or waste when municipalities need to improve their performance and service delivery.<sup>42</sup>

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<sup>38</sup> Mirena, Kushtrim. Semi-structured interview, 25 May, 2012.

<sup>39</sup> Kosovo Local Government Institute organized focus group discussions with municipality officials on economic development topic, Ohrid, 20 March, 2012.

<sup>40</sup> Matoshi, Fatmir. Semi-structured interview, 25 May, 2012.

<sup>41</sup> Maxhuni, Agron. Interview, 11 September, 2012.

<sup>42</sup> In respect to Local Government Academy, KLG I distributed the questionnaire on municipality challenges and priorities. The official (trainee) providing this answer was part of Local Government Academy – I delivered during 2011-2012.

## **Specific Emphasizes on the Use of Official Languages:**

Kosovo has regulated the use of official languages at an appropriate level, thus, according to the legislation in force<sup>43</sup>, Kosovo has two official languages at national level – respectively Albanian language and Serbian language – but the legislation also envisages the use of the languages of other non-majority communities at municipal level. More specifically, there is an existing law and an administrative instruction on the use of official languages in municipalities. However, there are difficulties which mainly relate to the lack of institutional as well as professional capacities – or human resources.

It should be known that a decisive factor in ensuring the necessary preconditions for the EU integration process and other democratic process in Kosovo is closely linked with the capacity of institutions to apply the use of official languages, something that reflects the core spirit of democratic societies.<sup>44</sup> The efficient implementation of the legislation on the use of official languages in Kosovo represents an important precondition for good governance at local level. The use of official languages by all members of the non-majority communities living in Kosovo certainly leads towards the increase of tolerance, integration, as well as democratic consolidation in the country.

In this study the evidence gathered highlights that regarding the overall context, Kosovo is clearly determined to embrace and apply high international and regional standard in the field of official recognition of languages. Despite this, developments on the ground show that the fulfilling this standard is remaining a challenge for Kosovo institutions at both levels. More specifically, efficient implementation of the legislation on official languages is a challenging objective to achieve by a country with limited financial, professional, and technological resources.

It is widely known in the current circumstances, through the Constitution, the Law on the Use of Official Languages and Municipal Statutes and Regulations, Kosovo is addressing the need for using languages. The process of building a proper legal infrastructure which will enable the creation of preconditions for the adequate use of official languages at central and municipal level is on the right track. However, it is necessary for a country such Kosovo is to demonstrate steady progress in relation to the use of official languages. More specifically, the institutions of Kosovo are expected to secure sufficient financial resources that are necessary for the implementation of legislation. Moreover, a good and appropriate legislation should reflect not only the commitment in embracing high international democratic standards, but the legislation should be adapted to real possibilities as well as to administrative and professional capacities. Therefore, even though different aspects of an ambitious legislation can be discussed, the acceptance of practices under which laws may not be implemented because of the lack of resources or which could be implemented only partially would not be serious. In fact, the approval of a certain law or any piece of legislation implies the fact and

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<sup>43</sup> Official Gazete of the Republic of Kosovo, *Law on the use of official languages in Kosovo*, Law No. 02/L-37.

<sup>44</sup> KLG and International Centre for Democratic Transition, *Workshop on the Use of Official Language Conclusions*, 23 March, 2011.



the principle according to which the law should be implemented as a whole, or otherwise it should be amended in order to adapt to circumstances.

Often, regulating the use of languages at municipal level is not treated as a priority because more urgent topics related to basic needs that involve wellbeing and providing services to citizens.<sup>45</sup> Currently, it is evident that the pressure to implement the law on the use of official languages falls on municipalities, even though they are unable to meet all the obligations.

An element that hinders the efficient and comprehensive implementation of the law on official languages is the lack of relevant knowledge on the legislation in force, as well as the lack of knowledge on good practices. There is a dominant impression regarding the implementation of the law on languages that Kosovo has undertaken an extremely difficult commitment to achieve. Another dimension that needs to be addressed is the lack of staff, which consequently causes some officials face work overload, and in turn feel powerless to process the whole volume of documentation and at the same time respond to requests that are related to good governance in the field of information and providing language services to citizens regardless of ethnic belonging.

To summarize the evidence from the field interviews shows that often due to the lack of responsibility as well as high volume of documents to be translated officials embrace an assumption that the law can be applied partially, thus the choice to translate a material and the omission of the remaining material is done in an arbitrary way, by not responding to and not covering the needs on the field. In this context, there is also a lack of professional, specialized translation. Further to this, it is important to note that the Ministry of Local Government Administration does not possess adequate means to supervise the implementation of legislation in both qualitative and quantitative terms, and there is limited involvement by civil society which can contribute through monitoring and reports. In order to improve this situation one can think of unexplored opportunities, such as inter-municipal collaboration, or opportunities related to benefiting from donations in the field of promoting lingual and cultural identity, but also building professional institutional capacities.

### **Local Economic Development:**

In order to have a strong and efficient local government it is important to pay attention to local economic development, thus in a long run, only those municipalities that can generate local economic development will be able to provide wide range of services, and can also improve the performance of their administration. Due to financial shortcomings, currently, most municipalities in Kosovo find difficult to provide wide range, and qualitative services. This situation is partially a consequence of lack of local economic development that is closely interlinked with the unfavourable business climate, problems with the rule of law and corruption as well as overall economic pre-conditions.

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<sup>45</sup> Local Government Academy panel discussions, 17 of January, 2012.

For purposes of having an in depth analysis in this topic, the research methodology envisaged three focus groups<sup>46</sup> composed of 25 participants from the field of economy, budget and finances, legal officers, including representatives of local NGO-s from different municipalities. The data and analysis provided by participants' highlights structural as well as policy and legislation challenges for local economic development. The information from the first focus group shows that that lack of economic development is directly linked with the lack of realistic local economic development plans. Another factor is the way local businesses are operating, and in this regard, there are frequent cases when some economic operators are favored by institutions resulting with the climate and situation of having unfair and unequal treatment of business. Further to this it is signalled that municipal structures have no consideration to their contextual strengths and weaknesses. This means that municipal level has no policies on stimulating some economic and business activities that fit local context and can benefit from the advantage of adequate pre-conditions for business. For example not all municipalities can generate local economic growth from tourism, but those that have such potential, can develop clear policies that will increase their own revenues, will reduce the level of unemployment, and will also generate with the intensification of economic activities.

Findings from the second focus group pinpoint the lack of public and private partnership as one of factors that hampers local economic development. Another factor evidenced in this group is that not all municipalities invested in having an adequate infrastructure – roads, electricity, water, etc. Further to this, discussions and analysis from this group highlight the lack of municipal professional capacities to develop and implement local economic development plans. Participants from this focus group note that although all municipalities in Kosovo are struggling to reach the goal of ensuring local economic growth, they have not established adequate administrative and professional structures that will cover this topic. Further to this, according to the second group analysis the role of donators in terms of providing expertise and other forms of support is not utilized properly. The allocation of government grants is argued not to be appropriate to needs of municipalities, and this is partially due to political interests. Another dimension is that municipalities are not consulting or involving local business in order of ensuring greater economic development. There are various possibilities to coordinate and plan with the participation of business and other affected actors in local communities. In this regard, municipalities can better promote the business environment as well as the work of business operators. Also there shall be subventions for specific businesses activities and business.

The focus group came to conclusions that bad urban plans are affecting economic growth. According to contributors of this group there are various dimensions that need immediate improvement; in particular there should be greater transparency of public sector in order to have both genuine and functional public-private partnership. In a long run, another factor that will contribute to the improvement of business climate/environment is the need to increase the level of awareness on the potential and benefits from making business for local communities. This can be done through curricula, through active inclusion of local media,

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<sup>46</sup> Focus group discussions organized in Prishtina, 22 February, 2012.

and other groups of interest. Also one cannot neglect the level of informality by some businesses and this hampers businesses that function properly.

### **Visa Liberalisation Process – Municipality Context:**

The European Union offered to Kosovo a clear visa liberalisation perspective as a part of broader perspective of Western Balkan countries in joining the EU, and this includes Kosovo as well. However, so far Kosovo remains the only country in the region that is not benefiting from the freedom of movement, or visa-free regime. It is widely known that other countries such as Albania, MonteNegro, and Macedonia have fulfilled the necessary criteria and obligations within the visa liberalisation process, and nowadays the citizens of these and other countries in Western Balkans can travel without visa to countries that constitute Schengen Area. However, only recently, based on European Union's Council conclusions, the evidence-gathering missions on the ground, and other references, the European Union Commission launched the visa dialogue with Kosovo on 19 January 2012. In this regard, the EU Commission offered a visa liberalisation Roadmap for Kosovo containing the requirements<sup>47</sup> related to Readmission and Reintegration, and four blocks (1) document security; (2) border management and migration policy; (3) public safety and order; and (4) fundamental rights and freedom of movement. Each of these blocks addresses the need to work towards the completion of legal basis and legislation framework, establishing domestic institutions and mechanisms, including those that shall coordinate and cooperate with judicial and security structures of member states, EU structures. For this purpose, in the process of visa liberalisation Kosovo institutions are required to plan and allocate necessary means which will ensure efficient functioning of mechanisms, and to make sure the efficient implementation of legal and policy framework. Before the official launch of visa liberalisation, the Republic of Kosovo prepared its own Visa Liberalisation Roadmap and Action Plan something that signalled proactive approach in this process, and to some extent this paved the way for more efficiency in this process and to have greater focus in this process. Findings from the field show that, in the field of civil registry, biometric passports and identification documents, last year 2011, Kosovo started to issues biometric passports, and according to officials they fulfil international standards. So far, thousands of biometric passports were issued to Kosovo citizens, and this is ongoing process. According to the official information some steps were taken in regard to harmonisation of the legislation in regard to the security of documents – legislation on civil status – and improving the infrastructure for civil registry, mainly civil status, and digitalisation of registry books. Also the distribution of documents from Municipal Centres for Civil Registration was improved. Just recently, the Government of Republic of Kosovo adopted the Law on Identification documents. None the less, central and local level institutions need to ensure that there is a credible system of addresses for all citizens. It is worthwhile to mention that in regard to readmission, Kosovo institutions have shown a strong commitment something that certainly influenced the decision on official launch of visa liberalisation process. In addition, the

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<sup>47</sup> The Visa Liberalization Roadmap requirements to great extent are similar with the requirements for other Western Balkan countries that have already been granted free-visa regime.

Republic of Kosovo signed dozen bilateral repatriation agreements with EU member states and other states, among these states, it signed bilateral agreement with Republic of France, Federal Republic of Germany, Republic of Austria, Kingdom of Sweden, Republic of Finland, thus, as one can notice, mainly these are the states with high level of illegal immigration from Kosovo.

### **Reintegration of repatriated persons:**

For the purpose of fulfilling the criteria of reintegration of repatriated persons, the Government of Republic of Kosovo has prepared the Strategy and Action Plan on Reintegration of Repatriated persons, and has also created mechanisms such as the Executive Board, Secretariat, Reintegration Office, Reception Office at the Airport, and engaged Municipal Offices for Returns and Communities in the process of implementing the above mentioned strategy – this derives from the Government’s Regulation No. 02/2010 of the year 2010. Nevertheless in the time, officials from municipalities confirm that they were not closely consulted by central level on the role of municipalities, on the potential they have, and the objectives they are expected to fulfil. In other words, Municipal Offices for Returns and Communities lack necessary means and skills to adequately and efficiently. However, with the aim of providing support to municipalities there a central level reintegration office established has been established. This office is composed of 32 staff and its mandate is to provide the necessary expertise on reintegration and repatriation for municipality officials. The set up of this office through appointed officials – as regional coordinators covers all regions in Kosovo. It should be emphasized that providing greater decision-making power to municipal structures in the process of planning and implementation of actions has been neglected by central level structures. This is very sensitive considering that repatriation and reintegration is closely linked with the capacity of municipalities to accommodate them with temporary housing, food supply, and other means of living. Furthermore reintegration of repatriated persons represents a long term challenge for municipal structures, in other words, there are many reintegration dimensions where municipality is expected to perform and to provide services. This ranges from increase of awareness on the new environment faced once an individual or family is repatriated, to providing information regarding opportunity for employment, education, generation of incomes, social assistance, etc. According to official information around 2 thousand persons – individuals and members of families – are benefiting from Reintegration Programme. The latter includes construction of houses, providing medical support, enrolling pupils; supporting start-up/businesses plans, transport, rent, food, furniture, hygienic packages, etc.

### **Conclusion:**

Four years after the establishment of local government system in Kosovo, noticeable progress in the field of local government in terms of having in place an advanced legal framework as well as in consolidation of direct democracy; however, due to civic apathy and lack of civic engagement a democratic deficit is largely visible at municipal level;

Although the municipal assemblies are composed by municipal advisors elected through open lists, their role in municipal affairs remains weak in terms of control and monitoring.

Currently, the Mayors appoints department directors without strict and clearly set criteria, and it frequently happens that there is a lack of professionalism and expertise;

With the Mayor having such concentrated executive powers, citizens feel quite powerless to influence the municipality's policy, legislation and budgetary choices;

Civil society organisations find it difficult to function and to influence developments without accessing funding from municipal institutions, in particular the Mayor. This dependency means civil society is less inclined to consistently present, protect and promote public interests and challenges negative developments at the Municipality level.

Municipalities with existing capacities find it difficult, if not impossible, to cope with requirements that are coming from EU integration agenda.

**Recommendations:**


Municipal Mayors should establish a clear communication platform with the general public and citizens in order to ensure that policy-making at municipal level is accountable, inclusive and transparent. Public information offices should be enhanced, and there should be frequent activities that ensure greater public outreach;

Apart from mandatory municipal committees, the Mayor should encourage the establishment and functioning of sectorial committees in order to increase the inter-action between municipal legislative and executive bodies. To do this, the Mayor should increase the income of municipal advisors and should ensure adequate working spaces and technical support for them;

Directors of departments should be selected through an open and competitive (professional and academic) criteria-based process;

There should be a separate budget line for civil society organizations in order to increase their active participation. Their funding should be subject to an unbiased decision not only from municipality officials but should also include people from general public;

Central level institutions, in particular MLGA and Ministry of European Integration should enhance capacities of municipalities by providing counselling, advising and monitoring for the municipal officials. Municipalities should strengthen their EU integration offices.



Rexhep Luci Street,  
10000 Pristina,  
Republic of Kosovo

Tel: +381 (0)38 225 625  
Mob:+377 (0)45 540 164  
[www.klg-institute@org](mailto:www.klg-institute@org)