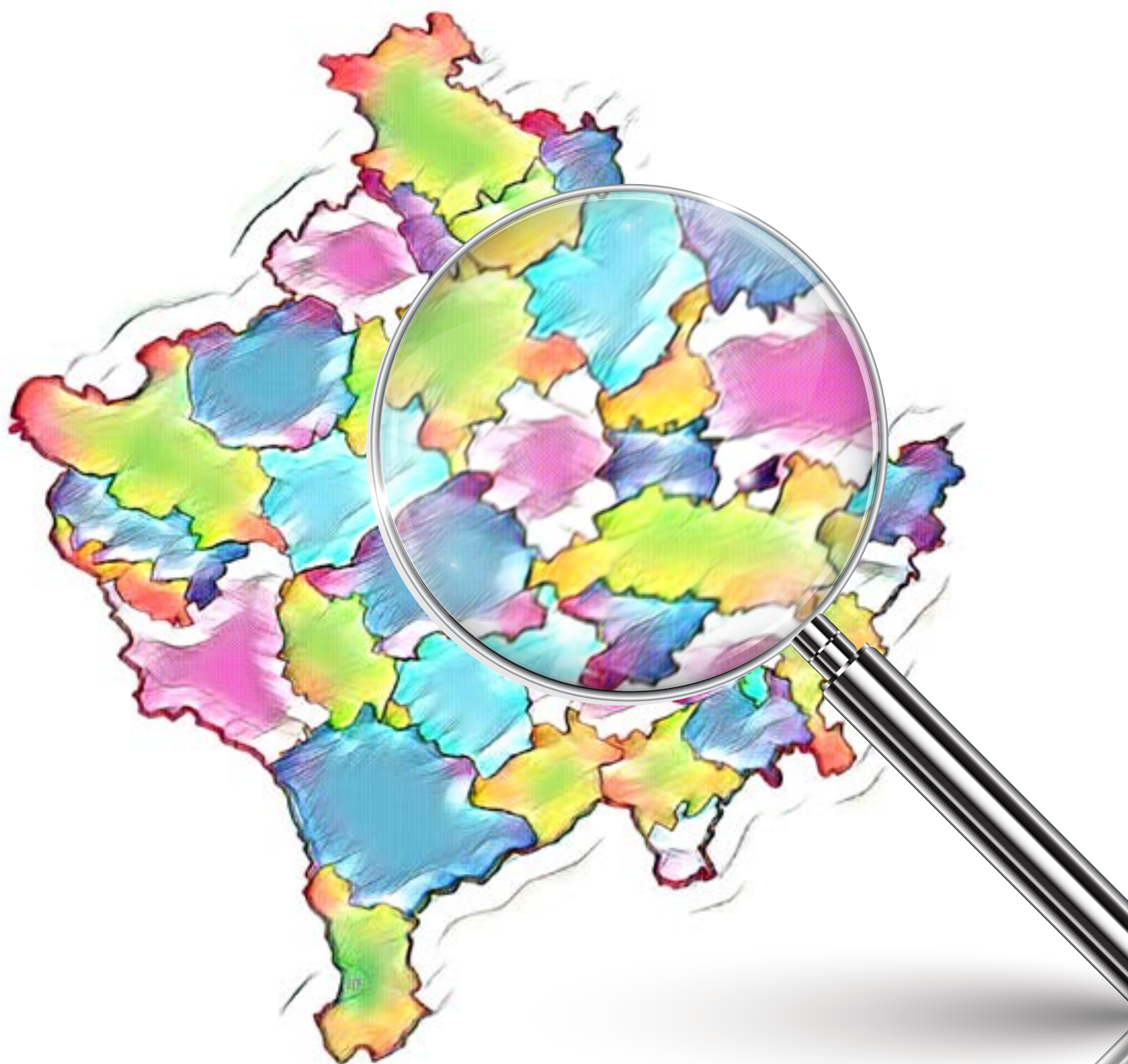




ANALYTICAL REPORT

ON THE TRANSPARENCY OF MUNICIPALITIES IN KOSOVO

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November, 2020

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EXECUTIVE SUMMARY

The Analytical Report on the Transparency of Municipalities in Kosovo is a specific report aimed at assessing the implementation of four Administrative Instructions related to municipal transparency, namely the provisions set forth therein. The report has been drafted based on a survey of municipal websites, MLG reports and other municipal documents, as well as a specific questionnaire for these municipalities. The main findings from this report are that the four Administrative Instructions in question are generally implemented, but specific issues, which mainly concern the publication of certain municipal documents, are not properly addressed. It is also noted that non-Albanian majority municipalities have recorded a poorer performance in implementation of these instructions as opposed to other municipalities. The findings of this report require the intervention and taking of certain measures by the Mayors and the Ministry of Local Government.

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1 INTRODUCTION

Under its activities, DEMOS project has envisaged the preparation of a special report on municipal transparency. Transparency is one of the main principles of local self-government. This enables the citizens of the municipality to be properly informed about the activities of the municipality and actively participate in them.

Transparency at the local level in Kosovo, in addition to the general aspect set out in the Constitution and the Law on Local Self-Government¹ is specifically governed by four sub-legal acts, presented below. The drafting of these guidelines, as well as the implementation of certain parts of them, are supported by the DEMOS Project, either by directly providing support to the MLG or to municipalities, through certain trainings and activities. To this end, this report will reflect the level of applicability of these sub-legal acts, in order to understand the effect of the aforementioned support. Hence, the objective of this report is the evaluation of implementation of the Administrative Instructions mentioned above, i.e., whether the provisions set out by these instructions are being fully, partially or completely implemented.

1.1. Methodology

The working methodology, defined by the project, has been the evaluation of a total of ten different municipalities which meet the geographical criterion (in municipalities from all regions of Kosovo), ethnic criterion (in municipalities with Albanian majority and in municipalities with other majority communities), and size criterion (both large and small-size municipalities, by the number of inhabitants). The data from ten municipalities, by these criteria, were intended to take a sufficiently credible sample in order to understand the implementation of the abovementioned Administrative Instructions in all municipalities of Kosovo. Municipalities chosen according to these criteria are:

1. Fushe Kosova
2. Gjakova
3. Gjilan
4. Junik
5. Kaçanik
6. Lipjan
7. Mamusha
8. Prishtina
9. Prizren
10. Sterpce

¹ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

In addition to the evaluation of these ten municipalities, in certain cases, reference is made to the state of implementation in other municipalities, where data is taken from other reports.

The period of evaluation of the applicability of specific legal provisions deriving from the Administrative Instructions in the field of municipal transparency lasted throughout 2019.

The Administrative Instructions in the field of municipal transparency, included in this evaluation, are:

1. Administrative Instruction (MLGA) No. 04/2018 on Transparency in Municipalities²;
2. Administrative Instruction (MLGA) No. 06/2018 on Minimum Standards of Public Consultation in Municipalities³;
3. Administrative Instruction (MLGA) No. 03/2018 on the Functioning of Citizen Service Centres in Municipalities⁴, and
4. Administrative Instruction (MLGA) No. 03/2014 on the Procedure of Establishment, Composition and Competences of Standing Committees in Municipality⁵, amended and supplemented by Administrative Instruction (MLGA) No. 02/2018.⁶

The Administrative Instruction on Transparency has been amended in October 2020⁷. However, this new Instruction is outside the scope of evaluation in this Report.

Of the four Administrative Instructions mentioned above, only the implementation of certain provisions was evaluated, shown as follows. The main focus was on the provisions which are considered more 'essential' and those which contained novelties as opposed to the previous instructions.

Data for this report was obtained from three main sources: 1) websites of municipalities; 2) specific questionnaire for municipal officials and direct discussion with them, and 3) review of various documents owned or drafted by municipalities and MLG References to these sources have been provided when the information was presented. Where possible, the data from these sources have been compared to reach a conclusion regarding the implementation of a certain provision. It is worth noting that the Municipality of Prishtina did not respond to the questionnaire sent for the purposes of this Report.

Due to the public health situation, the scheduled meetings with municipal officials could not be held. However, the discussion took place with municipal information officers through telephone conversations, where possible.

² <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18373>

³ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18425>

⁴ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18372>

⁵ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=9949>

⁶ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18371>

⁷ Administrative Instruction (MPL) no. 03/2020 on Transparency in Municipalities - <https://gzk.rks-gov.net/ActDetail.aspx?ActID=31852>

2 ANALYSIS

2.1. Implementation of the Administrative Instruction on Transparency in Municipalities

The purpose of this Administrative Instruction is to strengthen the transparency of municipal bodies, inform, publish normative acts, decisions and documents issued by municipal bodies, which are to the benefit of citizens and other stakeholders and increase citizen participation in decision-making processes.

This Administrative Instruction is of special importance for the accountability of the municipality in relation to the citizens. It sets higher standards than the previous Administrative Instruction of 2015.

The following legal provisions contained this Instruction have been evaluated:

“Article 4, paragraph 2

The Chairperson of the Municipal Assembly meeting or of relevant Committee provides the necessary materials and physical opportunities for public participation and representatives of electronic and press media, in the place where the meeting shall be held.”

Level of implementation: partly implemented

According to the data collected⁸, all Municipalities, except for two municipalities, Kaçanik and Fushe Kosove, implement Article 4, paragraph 2. It was found that these two municipalities do not have sufficient space for participation of the public and media representatives in the meetings of the municipal assembly or relevant committees. The reason behind this in the Municipality of Fushe Kosova is that the hall is small and also the public interest in participating is rather low. Also, in the Municipality of Kaçanik, the municipal building is old and does not provide sufficient space for public participation. The new building of the Municipality of Kaçanik is planned and is expected to be built in the near future.

⁸ Report on the functioning of the municipalities 2019 (page 9) and communication with the Head of the Monitoring Division - MLG and data from the questionnaire

“Article 4, paragraph 3

Chairperson of the meeting of the Municipal Assembly or the relevant Committee, through the unit/officer of information shall inform the public at least seven (7) days prior to regular meetings or three (3) working days before extraordinary meetings as well as through information boards, electronic and press media and official website.”

Level of implementation: fully implemented

According to the data collected, all Municipalities implement Article 4, paragraph 3. They comply with the deadlines and use at least two of the notification methods set out in the Instruction.

“Article 4, paragraph 4

Public notification according to paragraph 3 of this Article shall contain:

4.1. Date, time and place of the meeting;

4.2. Agenda of the meeting;

4.3. Meeting materials and

4.4 Other data that may be determined by the Statute and the Rules of Procedure“

Level of implementation: partly implemented

Reviewing of the data collected⁹ indicated that almost all evaluated municipalities fail to attach meeting materials to the public notice. However, other data such as date, time, place of the meeting and the agenda, are attached to the public notice. This is due to the institutional practice built on the implementation of these provisions.

“Article 4, paragraph 8

The municipality through the official website transmits the meetings of the Municipal Assemblies, using the necessary equipment for broadcasting.“

⁹ Data from the questionnaire

Level of implementation: partly implemented

The data collected through the websites of the municipalities, show that four out of ten evaluated municipalities - the Municipality of Fushe Kosova, Junik, Mamusha and Strpce, do not broadcast their Assembly meetings live through the official website¹⁰. This is due to the lack of technical equipment for live broadcast of meetings in these municipalities. It is worth noting that the Municipality of Junik records meetings and after a certain time (usually a few days), it uploads them on the website of the municipality.

“Article 5, paragraph 1

Publication of normative acts of the municipality on the official website of the municipality of general character is mandatory. “

Level of implementation: partly implemented

According to the data collected¹¹, all municipalities evaluated, except for the Municipality of Strpce, publish the regulations of general character.¹² Commonly they are published, after passing the ‘confirmation’ process by the MLG. It is worth noting that at times municipalities face problems with their websites and this has caused delays in their publication, or the need for re-publication, because they have been deleted from websites.

Another specific finding for the Municipality of Kaçanik is that the decisions of the Municipal Assembly of this municipality, from one meeting, are mainly published all in one document and not in separate documents as is the case with other municipalities. This is due to the institutional practice established in this municipality.

“Article 5, paragraph 2

All Mayor’s decisions that directly affect citizens’ interests, after signing, are published on the official website of the municipality.“

Level of implementation: partly implemented

The data collected¹³ show that nine out of ten evaluated municipalities, except the Municipality of Strpce, publish the Mayor’s decisions.¹⁴ However, in the Municipality of Fushe Kosova, it is noticed that the list of Mayor’s decisions is published, but the decisions are not. This is due to the large volume of decisions. Also, it is worth noting that an institutional practice in the Municipality of Junik is that the Mayor’s decisions during one year are all published at the end of the year.

¹⁰ Data obtained from MPMS and verification of the website of the Municipality of Mamusha.

¹¹ Municipal websites

¹² Data obtained from MPMS.

¹³ Websites of municipalities

¹⁴ Data obtained from MPMS.

“Article 5, paragraph 3

The normative acts and the decisions of the municipal bodies shall be sent to the unit responsible for publication in the official website of the municipality in electronic form, in the official languages... “

Level of implementation: partly implemented

According to the data collected from the websites of the municipalities, a trend of respect for official languages in the publication of normative acts has been mainly noted, with certain minor exceptions. For example, the Municipality of Mamusha publishes regulations only in Albanian and Turkish. This is due to the fact there are no Serbian translators in the Municipality of Mamusha and the municipality has not contracted any company to perform this service. In general, the biggest problem is due to lack of publication of the Mayors' decisions in Serbian language.

“Article 6

The municipality is obliged to publish on the official website of the municipality:

1.1 Budget plan after approval in the Municipal Assembly

1.2 Three-month budget reports according to the deadlines provided by sectoral legislation;

1.3 Mid-Term Budget Expenditure Framework (MTBEF), after approval by the Municipal Assembly and assessment of legality of the decision for approval by supervisory body;

1.4 Financial summary report for the previous fiscal year according to the deadlines set out in the Sectoral Legislation;

1.5 Publication of the report of the National Audit Office.”

Level of implementation: partly implemented

According to the publications on the websites of the evaluated municipalities, four out of ten evaluated municipalities - the Municipality of Gjakova, Kaçanik, Lipjan and Prishtina, have fully implemented the legal requirements, by publishing all the documents required for financial transparency. In some of the municipalities, there is a lack of publication of almost all documents required by Article 6, while in some other municipalities the quarterly budget report and National Audit Office report are mainly lacking. This is as a result of the institutional practice established in the respective municipalities.

“Article 7

The Municipality publishes any procurement activity on the official website, the publication of which is defined by the Sectoral Legislation.

The Municipality publishes the plan and procurement report on the official website, as set out in the sectorial legislation. “

Level of implementation: partly implemented

The websites of the municipalities indicate that five out of ten evaluated municipalities - the municipalities of Gjakova, Gjilan, Kaçanik, Lipjan and Prishtina, have fully implemented Article 7. In other municipalities, the publication of the procurement report is mainly lacking. As in the previous provision, this is due to the institutional practices established there.

“Article 8

The municipality provides access to information and public documents through its official website, such as:

1.4 The annual report of the Mayor and Assembly;

1.8 A detailed list of services provided by the institution to the public such as licenses, permits, authorizations, certificates, verifications or other public services, including:

1.8.1. Procedures and conditions of their benefit

1.8.2 Mandatory deadline to receive a respond for the requested service.“

Level of implementation: partly implemented

The analysis of the websites of the municipalities show that in all ten evaluated municipalities, there is a lack of publication of one or more documents, defined as above. The lack of publication of annual work reports has been mainly noticed, while the publication of information on administrative procedures is at a very good level, except for the Municipality of Strpce, which has not published such information. Even in this case, institutional practice is the key reason behind not publishing these documents.

“Article 10

Every year the municipality shall hold at least two public meetings for issues of general interest. One of the public meetings shall be held in the first six (6) month of the year, while the other meeting shall be held in the second sixth (6) month of the year.”

Level of implementation: partly implemented

The data obtained from the MPL Report show that out of the ten evaluated municipalities, only one municipality - the Municipality of Fushë Kosova, has not held any public meeting. The reason behind this is that the Mayor of Fushe Kosova holds very frequent meetings with citizens and his office receives parties to discuss various issues, so it was not considered necessary to hold two formal meetings as defined in the Instruction. Other data set out in the report demonstrate that thirty municipalities have organized two public meetings with citizens, while seven other municipalities, such as the municipality of Podujeva, Kamenica, Novoberdo, Leposavic, Zubin Potok, Zvecan and North Mitrovica, have organized only one meeting.¹⁵

“The place, date and time when the meetings with citizens will be held, are announced in electronic and written media, in the notice boards..., on the Municipal website as well as social networks, two (2) weeks prior to the meeting.

The minutes shall be held for each public meeting,

The minutes with all the issues discussed and the proposals given, within 30 days from the day of the meeting, are reviewed by the Policy and Finance Committee.

Requirements and recommendations given by the public during the meetings shall be identified and published on the official website of the municipality within fifteen (15) days after the end of the public meetings.”

Level of implementation: partly implemented

The implementation of the provisions related to the notification has been evaluated based on the notifications sent for the two mandatory public meetings. According to these data, four out of ten evaluated municipalities - the municipalities of Gjilan, Kaçanik, Lipjan and Prishtina, publish these notices. Other municipalities publish them partially, while the Municipality of Strpce does not publish them at all.¹⁶ This is also due to the institutional practices established. Minutes are also partially taken, while for further discussion in the Policy and Finance Committee, it was not possible to provide data to understand the implementation of this provision. It was also noticed from the websites of the municipality that the requests and recommendations given by the public during the meetings are not published. This is due to the lack of information on the binding nature of this action and due to the institutional practices established there.

¹⁵ Report on the Functioning of Municipalities. January - December 2019, page 13

¹⁶ Websites of Municipalities

“Article 11

Besides two public meetings, the municipality also holds other consultative meetings within neighbourhoods, settlements and other locations for issues related to municipality budget, municipality projects...

The municipality through the unit/officer for communication with citizens, informs the citizens at least two weeks prior to holding the public meeting.”

Level of implementation: partly implemented

The MLG Report¹⁷, states that, in addition to two public meetings, municipalities have also held other meetings with citizens in smaller locations, neighbourhoods, villages and other settlements. Such forms of organization have been made during the discussion of draft regulations, plans and budget-related issues, which enabled citizens to provide their suggestions, proposals and requests. This has also been confirmed by the answers received from the questionnaire. Also, according to the data of 34 municipal websites, during the reporting period, 234 notices for debates/public hearings have been published. The municipalities that have held most public debates on the budget and draft regulations are: Municipalities of Glogoc, Gjiilan, Kaçanik, Klllokot, Lipjan, South Mitrovica, Prishtina, Suhareka, Rahovec, Shtime, Vushtrri and Gjakova. Whereas, notices for public hearings with citizens have not been published on the websites of the municipality of Leposavic, Zubin Potok, Zvecan and North Mitrovica.¹⁸

“Number of staff appointed as information officers”

Currently, according to the answers received in the questionnaire, all evaluated municipalities have staff appointed to the position of information officers.¹⁹ The appointment of information officers is an obligation for municipalities under relevant legislation.²⁰ The below table indicates the number of appointed staff.

¹⁷ Report on the Functioning of Municipalities, page 13

¹⁸ Report on the Functioning of Municipalities, page 13

¹⁹ The Municipality of Prishtina did not respond to the questionnaire and the exact number of officers appointed to this position is not known.

²⁰ Article 13.1 of Regulation no. 27/2018 on the Government Public Communication Service - <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18380>

Municipality	Number of staff
Fushe Kosova	1
Gjakova	4
Gjilan	3
Junik	2
Kaçanik	1
Lipjan	3
Mamusha	1
Prizren	2
Strpce	1

Figure 1: Number of staff appointed as information officers in nine municipalities

Implementation of the AI on Transparency

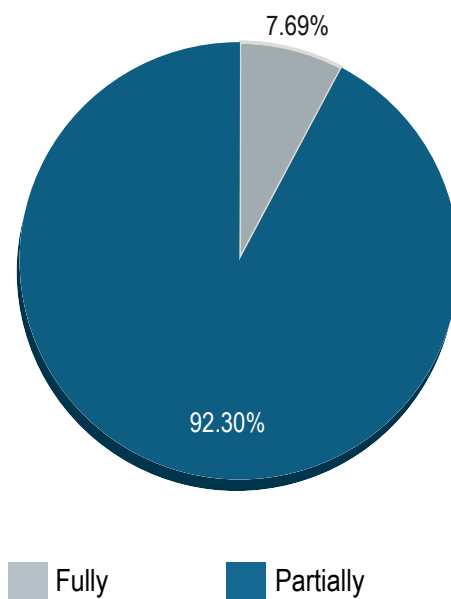


Figure 2: Implementation of the Administrative Instruction on Transparency in Municipalities, in percentage

2.2. Implementation of the Administrative Instruction on Minimum Standards of Public Consultation in Municipalities

This Administrative Instruction is aimed at having local authorities promote and ensure the participation of citizens and of other interested parties in the policy-making and decision-making process at the local level, to promote municipal transparency, and to influence the development of sustainable policies in general interest. This is a new instruction, which has not been preceded by any other act.

The following legal provisions of this Instruction have been evaluated:

“Article 5. paragraph 1

The municipality shall ensure the publication of draft proposals on the Municipalities’ official websites, as well as on the Public Consultations Platform at the central level [for (i) local policy documents and (ii) local bylaws (Draft Statute of Municipality, Municipal Draft Regulations and other acts)] “

Level of implementation: partly implemented

From the Public Consultations Platform at the central level it has been noticed that none of the Municipalities has started to publish draft proposals on this platform. Furthermore, the publication of draft proposals on the websites of municipalities is done only partially. The reason for this is the classification of draft proposals by importance carried out by municipal officials, which means that there is a genuine lack of information that all draft proposals set out in Article 5, paragraph 1, shall be published.

“Article 5, paragraph 5

The Municipality shall be obliged to announce the results of the public consultation process, to publish a list of all the proposals provided by the citizens, and to provide the necessary explanations regarding the reasons for rejecting the requests of citizens or other interested groups;”

Level of implementation: not implemented

The data²¹ show that none of the evaluated municipalities publish consultation reports. This is due to the lack of information in some municipalities on this legal requirement, but also the lack of samples and explanations from the central level on how to compile such reports.

²¹ Data obtained from MPMS.

The proposing body shall be obliged to present the public consultation report to the Municipal Assembly prior to the approval of the draft proposal.”

Level of implementation: not implemented

As there is no consultation report drafted, this provision is also not being implemented.

“Article 9, paragraph 2

The responsible officer shall draft annual reports on the process of public consultation in the Municipality, report to the Mayor and the unit responsible for monitoring the Municipalities of the Ministry of Local Government Administration.”

Level of implementation: partly implemented

By responding to the questionnaire²², six of the evaluated municipalities have confirmed that they prepare the annual report on public consultation and send it to the designated bodies, according to legal requirements. Only three municipalities, Fushe Kosova, Gjakova and Lipjan, do not yet draft this report. Even in the case related to the above municipalities, due to the lack of information necessary to prepare this report and also lack of a sample for the content of the report, both have influenced to the non-implementation of this provision.

“Article 10, paragraph 2

Written and electronic consultation, publication on the municipal website and on the Public Consultation Platform of the Government, as well as at least one public consultative meeting with the interested parties, shall be mandatory in the public consultation process.”

Level of implementation: partly implemented

Based on the reviewed data²³, it turns out that the public consultation is, in general, partially done. Out of the municipalities evaluated in relation to public consultations, three of them, such as the municipality of Gjilan, the municipality of Junik and the municipality of Prizren, turn out to be the best in this respect. Other municipalities face certain degree of difficulties in this regard. In the municipality of Fushe Kosova, only small numbers of citizens participate in consultation. Moreover, the other three municipalities, such as the municipalities

²² Except for the Municipality of Prishtina which did not respond to the questionnaire.

²³ Data obtained from MPMS on ‘Citizens’ participation in public consultations’, ‘Municipal acts and local policy documents consulted with the public’ and ‘Public hearings for MTBF and municipal budget’.

of Kaçanik, Lipjan and Prishtina, have a poor performance in consulting municipal acts and local policy documents. In general, based on the answers to the questionnaire, it was confirmed that public consultations are not held for all municipal acts.

According to municipal information officers, the main reason for this is the small public interest in participating in the consultation activities. Despite the increased efforts of the municipalities, there have been cases where no external interested party has participated in such a public consultation meeting..

“Article 12, paragraphs 1 and 3

The public consultation plan should be a component part of the public communication plan.”

Level of implementation: partly implemented

The answers to the questionnaire show that, in most municipalities, the public consultation plan is not an integral part of the public communication plan and the municipal work plan. This happens because of the established institutional practice.

“The municipality shall draft and maintain the database for the interested groups to be included in the public consultation process.”

Level of implementation: partly implemented

The databases for interested groups are maintained by all municipalities, but this consists mainly of NGOs that are active in the respective municipalities. It is worth noting that the Municipality of Lipjan, maintains several databases, depending on the directorate that prepares the draft proposals. This happens due to the institutional practice established there.

“The municipality shall be obliged to establish a separate menu within the official website for the public consultation process.”

Level of implementation: partly implemented

The data collected from the websites of the municipalities show that there is no unification of the standard of the websites, regarding the special menu/section for the public consultation process. They name these sections differently and publish draft proposals in different sections.

“Through the official website and Government Platform for Public Consultation, the municipality shall provide the publication of consultation announcements for draft proposals, the consultation deadlines, explanatory memorandums, draft proposals for consultation, the address for the admission of comments and the publication of public consultation reports/results. “

and

“Article 16

The announcement for the public consultation shall be published at least eight (8) days and maximum fourteen (14) calendar days prior to the meeting in the Municipality’s official website, bulletin board, as well as any other form that ensures the proper informing of the interested parties.

The draft proposal will notify the interested parties of:

3.1. The place and time of the public meeting;

3.2. Draft proposal subject to discussion;

3.3. An explanatory memorandum on the content of the draft proposal;

3.4 Information (name, surname and e-mail) on the person responsible for the admission of the comments;”

Level of implementation: partly implemented

Municipalities’ websites show that the ten evaluated municipalities publish notices on public debates, mainly for draft Regulations and budget hearings. These are only published on their websites and not on the Government Platform for Public Consultation. They are not accompanied by explanatory memoranda and the reports/results of the consultation are not published²⁴. The other analysed data²⁵ show that the deadline for notice and the requirement to accompany the draft proposal with a notice is respected. The municipality of Strpce has not published the address for receiving comments for unknown reasons.

²⁴ This is also confirmed by the answers to the questionnaire and the conversations with the information officers.

²⁵ Answers to the questionnaire.

“Article 19

The municipality may include interested parties in the working groups responsible for drafting of the draft proposals”

Level of implementation: partly implemented

From the answers to the questionnaire it can be seen that the interested parties are not regularly involved in the working groups responsible for drafting draft proposals, but this happens on an *ad-hoc* basis. This provision as such, is optional, however certain criteria on when external parties should be included in working groups are not specified.

“Article 20

The Municipal Assembly shall reject to approve draft proposals in cases where the minimum standards of public consultation have not been met in accordance with the criteria set out in this Administrative Instruction.”

Level of implementation: partly implemented

The data received from the MLG and the answers to the questionnaire show that all ten evaluated municipal assemblies mainly refuse to approve draft proposals in cases where the minimum standards of public consultation are not met. However, as explained above, it is obvious that some standards of public consultation are not being implemented and therefore, it is considered that the oversight by municipal assemblies in this regard is not fully implemented.

“Article 8

In each municipality, the public communication unit/officer is responsible for coordinating the public consultation process.”

Level of implementation: fully implemented

The answers to the questionnaire and the conversations with the information officers of the Municipalities show that in all municipalities, the unit/officer for public communication is responsible for coordinating the public consultation process.

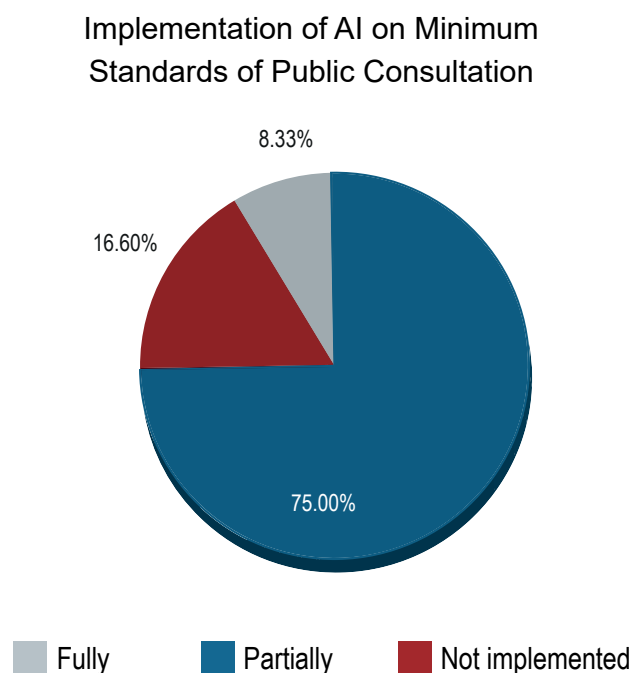


Figure 3: Implementation of the Administrative Instruction on Minimum Standards of Public Consultation, in percentage

2.3. Implementation of the Administrative Instruction on the Functioning of Citizen Service Centres in Municipalities

This Administrative Instruction aims to regulate the manner of providing public services to citizens. This repeals the Administrative Instruction of 2011²⁶ thus increasing the requirements regarding the functioning of these centres. By means of this Instruction, the following legal provisions have been evaluated:

“Article 4, paragraph 2

The centre shall be established at the entrance of the municipal building as the first contact of the citizens in the municipality”.

Level of implementation: partly implemented

In all evaluated municipalities, except the Municipality of Mamusha, according to the answers to the questionnaire, it turns out that the service centres for citizens in the municipality are established at the entrance of the building, as the first contact of citizens in the municipality. In the Municipality of Mamusha, this happens due to the lack of adequate infrastructure.

²⁶ Administrative Instruction no. 2011/03 on the organization and functioning of citizen service centers in municipalities - <https://gzk.rks-gov.net/ActDetail.aspx?ActID=7985>

“Article 4, paragraph 5

Every public service provided by the municipality should be protocolled by the centre, and each directorate should be connected to this centre...”

Level of implementation: fully implemented

The answers to the questionnaire show that, in all evaluated municipalities, every public service provided by the municipality is registered in the centre for citizen services in the municipality.

“Article 5, paragraph 1

The Centre accepts and proceeds for handling and placement of citizen requests in municipal directorates and the organizational units.”

Level of implementation: fully implemented

All evaluated municipalities have their municipal directorates and organizational units connected to the citizen service centre in the municipality.²⁷

“Article 8, paragraph 1

The centre in cooperation with municipal directorates prepares and makes available to citizens, the form for all types of requests, the forms must be available to be downloaded online in the official webpage of the municipalities.”

Level of implementation: partly implemented

The data collected for the ten evaluated municipalities²⁸ show that not all of their forms are accessible electronically. Some of them, such as property tax invoices, application forms for construction conditions, construction permits and certificates of use can be obtained electronically in all municipalities. But, it is worth noting that these are managed by the central level system. In other cases, the type of forms depends on the specific municipality. The Municipality of Strpce has not published almost any application. Two municipalities, the Municipality of Gjilan and the Municipality of Prishtina, have a register of administrative procedures, where most of the forms are published, but for example, in the Municipality of Prishtina, there are technical problems in opening them. Not all forms are accessible

²⁷ The sources of the data are the answers to the questionnaire.

²⁸ Through municipal websites.

electronically, mainly due to the lack of a comprehensive initiative to reform the institutional practice of physical communication and replace it with electronic communication.

“(Article 5, paragraph 2) Citizens can also receive certain services through E-kiosks”

Level of implementation: partly implemented

Regarding the e-kiosks, the answers to the questionnaire show that mainly the smaller municipalities, the Municipality of Fushe Kosova, Kacanik, Mamusha and Strpce, do not provide services through e-kiosks. This is due to the lack of initiative for the establishment of e-kiosks or the lack of budget in this regard. In other evaluated municipalities, civil status documents, such as birth, marriage and residence certificates, are mainly provided through the e-kiosks.

“Number of staff appointed to the Centre”

The following table shows the exact number of staff appointed to the Centre, for the nine municipalities that responded to the questionnaire.²⁹

Municipality	Number of staff
Fushe Kosova	13
Gjakova	3
Gjilan	5
Junik	7
Kacanik	2
Lipjan	13
Prizren	3
Strpce	5

Figure 4: Number of staff employed in the citizen service centre in municipalities

²⁹ The Municipality of Prishtina did not respond to the questionnaire, while the Municipality of Mamusha did not provide this information.

Implementation of the AI on the Functioning of Citizen Service Centers

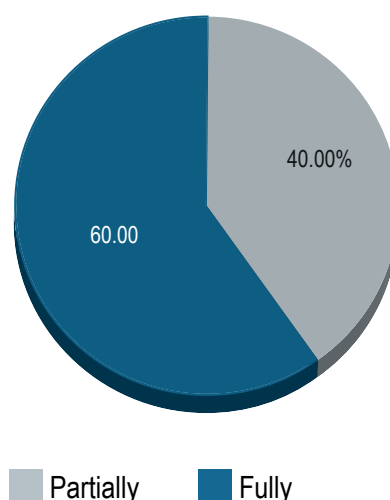


Figure 5: Implementation of the Administrative Instruction on the Functioning of Citizen Service Centres, in percentage

2.4. Implementation of the Administrative Instruction on the procedure of establishment, composition and competences of the standing committees in municipality

These administrative instructions define the procedures for the establishment, composition and competences of the standing committees. The following legal provisions in this Instruction have been evaluated:

“Article 3, paragraph 4

The Municipal Assembly establishes other committees for which it considers are necessary for the performance of their responsibilities, and Articles 10A, 10B (Focusing on the number of Consultative Committees and the number of proposals by them)”

Level of implementation: partly implemented

The data collected from the MLG Report³⁰ show that four municipalities, Gjiilan, Junik, Kacanik and Prishtina, have established consultative committees, while six other municipalities - Fushe Kosova, Gjakova, Lipjan, Mamusha, Prizren and Strpce, have not established

³⁰ Report on the functioning of Municipalities, page 10

any consultative committees. The answers to the questionnaire show that the activity of these committees is mostly modest, except for the Municipality of Gjilan, where there were a larger number of proposals from the existing committee. The reason for not establishing consultative committees has to do with the lack of budget for the payment of members of these committees, for example in the Municipality of Lipjan, a thing which has demotivated the interest to participate in such committees. In other cases, municipalities do not have a clear picture about the distinction between these committees and other committees established by municipal assemblies.

1 CONCLUSIONS

Based on the data presented and analysed above, it can be concluded that all Administrative Instructions regarding transparency are generally implemented by all municipalities, and with their entry into force, municipal transparency has increased compared to the previous legal framework. This means that the requirements from the Administrative Instructions are not unrealistic in relation to the capacities of the municipalities. What remains challenging is that more specific issues of these instructions, but of particular importance, especially in terms of drafting or publishing acts or certain documents, are ignored by municipalities, mainly due to lack of information or will, but also due to the institutional practice already established. On the other hand, the lack of human and financial resources has less impact in this regard.

There is no significant difference in transparency regarding the size of municipalities, but the impression is that non-Albanian majority municipalities show a poorer performance in addressing legal requirements regarding transparency.

Recommendations:

For Mayors:

- Address the findings of this report with priority and especially those which can be easily addressed, without additional human or financial resources;
- Analyse the possibilities of addressing other findings for the following years, and
- Oblige the directorate responsible for administration to submit to them six-monthly reports regarding transparency in the municipality.

For MLG:

- Continuously monitor the implementation of legal requirements, including very specific ones related to transparency;
- Promote the legal requirements for transparency, especially in the municipalities that have a poorer performance in this regard;
- Prepare samples, in cooperation with municipalities, for the content of certain documents, such as the consultation report on draft proposals and the annual consultation report, and
- Train the responsible staff in the municipalities on specific transparency requirements.



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