



Balkan Investigative Reporting Network

DIRECTLY ELECTED MAYOR SYSTEM IN LOCAL GOVERNANCE

Between democracy and efficiency

Investigative Report on Local Governance in Kosovo

March 2011, Prishtina/Priština



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ABBREVIATIONS

AAK – Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës)

AKM – Association of Kosovo Municipalities

KTA – Kosovo Trust Agency

BIRN – Balkan Investigative Reporting Network

INPO – Initiative for Progress

KEK – Kosovo Energy Corporation

MA – Municipal Assembly

KRM – Regional Waste Company

KUR – Regional Water Supply Company

LDK – Democratic League of Kosovo (Lidhja Demokratike e Kosovës)

LLSG – Law on Local Self-Government

MLGA – Ministry of Local Government Administration

MEST – Ministry of Education, Science and Technology

MTPT – Ministry of Transport and Post Tele-Communication

LPE – Local Public Enterprise

PDK – Kosovo Democratic Party (Partia Demokratike e Kosovës)

UNDP – United Nations Development Programme

UNMIK – United Nations Interim Administration Mission in Kosovo

USAID – United States Agency for International Development

PURPOSE OF THE REPORT

The mayors of municipalities in Kosovo have been directly elected by citizen votes in their last two mandates in local elections. This systemic change has not yielded significant improvements of efficiency in service delivery. On the contrary, in the last three years, the legality of the operations of Kosovo municipalities has been seriously challenged. This report analyses the implementation of this direct mayoral election system (an unofficial but nevertheless apt name for the newly introduced system) and is published at a point when serious analysis of the functioning of this system should be conducted. This report, which is founded on an eight-month investigation of local governance in Kosovo, represents an overview of the new reality and focuses on the shift of institutional relations between the mayor of a municipality and other municipal bodies and on the findings of the monitoring of efficiency in public service delivery. A debate on the functioning of the direct mayoral election system is currently absent and is necessary for the development of local democracy in Kosovo, thus, this report aims to be a stimulus to and a contribution for such a debate.

CONTEXT

The Law on Local Self-Government¹ (20 February 2008) and the Law on Local Elections² (5 June 2008) changed entirely the balance of powers at the municipal level. These two laws were preceded by UNMIK Regulation amending Regulation 2000/45 on Local Self-Government in Kosovo Municipalities.³ From a post elected by the municipal assembly, the mayor became the central figure of the municipal executive, elected by popular vote. We are currently in the second mandate of municipal governance under these redefined competencies and with continuous transfer of competencies from the central to the local level. When the decision to change the local-level government system was taken, the officials of the Ministry of Local Government Administration were aware that the initial two years (first mandate) would be experimental and would serve to evaluate further developments in this system.

¹ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 3 August 2010)

² Assembly of Kosovo, Law No.03/L-072 on Local Elections in the Republic of Kosovo, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L072_al.pdf (accessed on 3 August 2010)

³ UNMIK Regulation No. 2007/30 Amending UNMIK Regulation No. 2000/45 on Local Self Government in Kosovo Municipalities, 16 October 2007, at http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2007regs/RA2007_30_revised.pdf (accessed on 3 August 2010)

During this second mandate and after the conclusion of the initial two-year mandate of the directly elected mayor system,⁴ the moment is right to critically view and evaluate the feasibility of this system. While MLGA is also preparing to evaluate the functioning of this system in Kosovo's local governance, this report provides an external and objective assessment of this system.

METHODOLOGY

This research represents a combination of qualitative and quantitative methods in searching for and finding relevant information and results. Secondary sources (existing reports, media archives, books, laws etc.) represent the first level of research materials. A substantial part of the research is focused on the monitoring of local government operations in selected municipalities. This monitoring also included a component of comparison with the previous mandate that resulted in relevant conclusions. Comparative analyses were applied on two levels: to see the difference between the directly elected mayor system and the previous system, and to assess whether there were any vital differences (especially improvements) between the two mandates. Around 70 interviews with key stakeholders who are involved in, acquainted with or who monitor local governance were conducted in parallel. Finally, the opinions of citizens on the pillars assessed in this research were measured through a survey of 557 citizens (respondents), in an effort to retrieve original first-hand views on the matters under investigation.

Pillars and municipalities

This report aims to provide a critical overview of the rationale and feasibility of the implementation of a municipal governance system that places the mayor as the central executive figure, during the third year of its application. The efficiency of this system was assessed based on the following pillars: the relationship between local government bodies, accountability of the municipal executive, respect for the law, the link between the mayor and the citizens, provision of public services (water supply and waste management, capital investments (in school and road projects)), level of transparency, public consultation and citizen participation in decision-making.

⁴The term direct mayor election system will be used in this report as a notion for the local governance system that is applied from the local governance mandate deriving from the Local Elections of 2007. According to this system, the Mayor of the municipality is elected by direct vote of citizens (as per the Law on Local Elections) and enjoys extended competencies in comparison to the competencies held by mayors in previous mandates (Law on Local Self-Government)

This investigative report provides an overview of the functioning of local government bodies in Kosovo, focusing on eight representative municipalities: Prishtina/Priština, Prizren, Vushtrri/Vucitrn, Suhareka/Suva Reka, Mamusha/Mamusa, Hani i Elezit/Djeneral Janković, Obiliq/Obilić and Gračanica/Gračanica.⁵ The selection of the municipalities to be included in the research was conducted using the following criteria: large municipality led by PDK; large municipality led by LDK; small municipality led by PDK; small municipality led by LDK; municipality led by AAK; new Albanian-majority municipality, new Serbian-majority municipality, new non-Albanian-majority municipality.

Survey

One of the most substantial segments of this research methodology is the survey conducted with citizens of the selected municipalities. This research methodology was designed to verify the findings of the research from other sources (monitoring, interviews, report analysis etc.). The overall number of respondents surveyed was 557, of which 55.5% were male and 44.5% were female.⁶ The results of the survey presented in this report represent the average of the responses obtained from all municipalities covered by the survey.

Research team

Monitoring and research in the field (interviews, secondary sources etc.) was performed by nine BIRN monitors in municipalities covered by the research. In addition, this report has been aided by different experts who have either been interviewed or have given their suggestions in the report's conclusions and recommendations.

Research period

The research commenced in June 2010 and was developed until the end of January 2011. During this period, the monitors remained engaged in regular monitoring of municipal activities. This report also builds on the experience and knowledge of the monitors from other monitoring endeavours. Interviews were conducted throughout the research period and the survey was implemented during October and November 2010.

⁵ On the issue of place names, it is BIRN Kosovo policy to use the alternative spellings (Albanian and Serbian) in the first instance and thereafter the spelling which applies to the majority population of that place. For example, Prishtina/Priština in the first instance, and Prishtina thereafter; similarly, Gračanica/Gračanica in the first instance, and Gračanica thereafter. Where the spelling is the same in both languages, this is used throughout e.g. Prizren.

⁶ Number of respondents by municipality: Prishtina 70, Prizren 55, Suhareka 42, Vushtrri 96, Obiliq 91, Hani i Elezit 80, Gračanica 50, Mamusha 73

REPORT SUMMARY

The debate relating to the two most common forms of local governance in municipalities differs across the world. While there is no predetermined international standard, states, in accordance with their internal political regulation and their social specifics, often choose between a strong mayor and a weak mayor. In the former system, applied in Kosovo in recent years, the mayor is elected by popular vote and carries a strong executive mandate. In the latter, the mayor is elected by the municipal assembly (a model used by Kosovo until 2007) and plays the role of the municipal administrator. Kosovar society did not debate the local governance system at the time of the transition from weak to strong mayors. The municipal executive branch, currently led by the mayor (who appoints and dismisses municipal directors at his/her will), is promoting a new quality in local governance and public service delivery. Even though this change in quality is not always positive, the municipal executive (especially the mayor) is becoming the only address for seeking responsibility and, consequently, accountability for good governance and quality public services. The main argument favouring a strong mayor is efficiency in execution of works and concentration of responsibilities (and accountability) in one individual. However, this local governance dynamic, in the most part borne by the mayors, poses a challenge to good governance and the possibility of overseeing Kosovo municipalities' respect of the law. In the recent years, many reports have been issued regarding cases showing that some mayors are facing difficulties in finding the adequate balance between holding considerable executive power and respecting the law.

Oversight of mayoral functions (especially of legality) represents one of the greatest challenges of local governance in Kosovo. While the Ministry of Local Government Administration (MLGA) is not considered to be sufficiently effective, the municipal assemblies and the judicial system are currently not proving much better either. The last level of oversight – citizen control – faces both political obstacles and legal absurdities (Article 72 of the Law on Local Self-Government on Recall of the Mayor). However, the survey shows that 73.1% of respondents think (and are aware) that the strongest authority in a municipality is its mayor. Therefore, the fact that mayors have intensified their contacts with citizens, which are not only the source of their political and legal power but also show great propensity to punish the mayors who don't govern properly, gives great hope for further improvements.

Furthermore, almost half of respondents are aware that citizens have a legal right to

remove the mayor from his/her position before the end of the mandate and scheduled elections.

Concrete data about the functioning of local governance in Kosovo are very scarce (even comparisons with previous years are difficult). Opinions on the efficiency of public services provided in comparison to the previous system are greatly divided. Certainly, the current mayors claim that the directly elected mayor system has increased the quality of services, but our survey shows that approximately half of respondents think that the situation remains unaltered, especially regarding public services. Capital investments in schools and road infrastructure represent hot political topics, and the Government of Kosovo is yet to find the exact formula for allocating this part of the budget to municipalities. Around two-thirds of citizens surveyed in this research state that they are entirely dissatisfied or somewhat satisfied with the investments of the municipality and the central government in capital infrastructural projects.

Transparency of municipal bodies remains one of the weakest aspects of local governance. Only 7% of citizens surveyed feel that transparency is at an excellent level. Residents of Kosovo municipalities are no longer part of local policy-making and their inclusion in the consultation process is very rare or merely formal.

Finally, the issue of regional utility companies continues to cause great headaches for mayors and the local governance systems in general. An aggravating fact is that Kosovo faces a great lack of human resources with adequate knowledge on the problems faced by regional companies, and on solutions to such problems. One of the most necessary steps in increasing the quality of public services delivered at the local level is the clear delineation of the competencies of regional companies. Common management has not proven to be a functional model to date, so creative new solutions should be investigated to escape current situations which might lead to boycott and abuse of resources

INTRODUCTION

Improvement of service delivery is no isolated process. Strengthening public participation, fighting against corruption and improving management and administration capabilities represent some of the dynamic elements of the process of improving the quality of service delivery. Service delivery is an essential function of the relation between the local government bodies and citizens. During recent years, especially in Western states, the concept of citizens as clients has come to drive how governments act and think. Service delivery is not an isolated matter; it is part of a complex relation between the authorities, society and citizens. Some also call it a monster with many heads.⁷

Difficulties of state-building in Kosovo are also manifested at the local government level. Before conducting an analysis of public service quality, local government in Kosovo is challenged by the fact that it is still seeking its identity. In the last ten years, local government units (municipalities) were established on a more or less experimental basis, with their evolution occurring inconsistently. One of the most challenging processes of this evolution was the 'local government reform', dominated by the decentralisation process – a process that hindered quality debate on the appropriate system of local governance in Kosovo. Even legislative changes to implement the directly elected mayor system passed Kosovar society by without debate. It is therefore now high time to conduct an assessment of the functioning of the new local government system. As shown in the following pages of this report, in the initial years of the implementation of the directly elected mayor system, along with positive aspects (effective governance) came undesirable consequences in the democratic functioning of municipalities. Therefore, the current system needs further and immediate interventions to make it function better.

As the local governance system stabilises, focus can move to the quality of public services, because, in addition to troubles faced in finding the proper governance formula, municipalities will now be challenged from above.

A strong central government at the national level represents a constant threat to municipal competencies. Therefore the consolidation of the system represents a prerequisite for the effective implementation of decentralisation of power in Kosovo.

⁷ VNG International, *Service Delivery, a Challenge for Local Governments* (2007), at http://www.vng-international.nl/fileadmin/user_upload/downloads/publicationsAndTools/Service_Delivery_challenge_local_governments.pdf (accessed on 15 October 2010)

The quality of public services and planning of capital investments should become municipal competencies. Currently, matters such as management of regional companies, creation of municipal enterprises and allocation of government grants for municipalities are preventing the municipalities from enjoying such capacities.

Similarly to many countries around the world, Kosovo may benefit from the bottom-up development model, which places the local level at the centre of developmental planning. The local government level should become the permanent public discourse of politicians and policy-makers, in a constant effort to finding the most appropriate and best functioning form of government at this level. In parallel, developmental planning should be devolved to this level to project national development through the municipalities.

PART-I-

NEW REALITY, MONARCHS OR MUNICIPAL ADMINISTRATORS

Chapter introduction

In this second mandate of mayors elected by popular vote, it became evident that there is a need to discuss whether this local governance system functions in the best possible way. While the MLGA plans to conduct an assessment of the new system, which at the moment of its inception was qualified as experimental and aimed to last only two years, the mayors have established a new reality in local governance. However, this new reality can be understood in two different, quite controversial, ways by different groups. The first group claims that the change of the electoral system, including the direct election of mayors, and changes in legislation that redefined the position and competencies of mayors and other municipal bodies, have provided the perfect opportunity for transforming mayors into municipal monarchs. This group, identified during the research, mainly comprising central government officials, further finds that such a concentration of power in the hands of one individual seriously endangers the democratic functioning of municipalities. In fact, one of their private concerns is that the position of mayor is seen as a good opportunity for being catapulted to central positions, as demonstrated by the examples of Isa Mustafa and⁸ Blerim Kuçi, and becoming new stakeholders in Kosovo's central government. If the position of mayor is abused by those who are not overly honest or open to cooperation, this group further claims, it may produce an imbalance of powers, and as a consequence, open¹⁰ the way for many more legal and procedural violations in municipal governance.

The opposing group, led by the mayors of Kosovo's large municipalities, is diametrically opposed to the “monarchist argument”. According to this group, from the moment when mayors were deprived of their chairmanship of municipal assemblies, they, although directly elected and with extended competencies, became merely administrators and implementers of municipal assembly decisions. This group finds that without the opportunity to determine the legislative agenda,

⁸ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, Article 56 – Election of the Mayor and Article 58 – Responsibilities of the Mayor, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 3 August 2010)

⁹ Interview with Roland Gjoni, local governance expert.

¹⁰ It should be emphasised that fiscal decentralisation is one of the key causes of hesitation at the central government, as it may strengthen the competencies of municipal authorities.

mayors remain in an inferior position and are unable to carry out their governance programmes on the basis of which they had won the position of mayor in direct election. Since there is no clear functional logic of separation of powers at the local level, the mayor should also chair the municipal assembly, without any voting rights, merely to ensure that this body will keep to the mayor's programme, which citizens voted for when electing the mayor. Be it as it may, in general, the directly elected mayor system of local governance (especially the component of direct election of mayors) found support in political and institutional circles, including non-governmental sectors. The debate now needs to develop in refining some of the elements that were not proven to be as functional as needed.

This chapter, compiled during the second mandate of the directly elected mayors, views the role of mayors from a critical perspective, focusing on the relations of mayors with other bodies (especially with the municipal assemblies), accountability of municipal directors, respect of legality and relations with the residents of the municipality.

The directly elected mayor system in local governance

The governance system where the mayor is elected directly from citizens' votes, also known as the mayor-commission governance system (in this report: directly elected mayor system), is one of the two most common forms of local governance in municipalities.¹³ This form finds wider application in larger cities, whereas the other governance form, called council-manager¹⁴ (mayor elected by the municipal assembly), represents the most typical form of government in most municipalities.

The Law on Local Self-Government¹⁵ (20 February 2008) and the Law on Local Elections¹⁶ (5 June 2008) completely changed the relationship of powers at the municipal level. These two laws were preceded by the issuance of UNMIK

¹¹ Opposition to the second group claims that if the mayors are also granted the right to chair municipal assemblies, this would be the moment of final termination of democracy in local governance, because both legislative and executive powers would be held by the same individual.

¹² Interview with Isa Mustafa, Mayor of Prishtina Municipality.

¹³ Wikipedia, Mayor-Council government, at http://en.wikipedia.org/wiki/Mayor%E2%80%93council_government (accessed on 20 October 2010)

¹⁴ Wikipedia, Council-Manager government, at http://en.wikipedia.org/wiki/Council-manager_government (accessed on 20 October 2010)

¹⁵ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (last viewed on 3 August 2010)

¹⁶ Assembly of Kosovo, Law No.03/L-072 on Local Elections in the Republic of Kosovo, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L072_al.pdf (last viewed on 3 August 2010)

Regulation amending Regulation 2000/45 on Self-Government in Kosovo Municipalities.¹⁷

The mayoralty was transformed from a post elected by the municipal assemblies to the key post of municipal executive, elected by popular vote. Now, we are on the second mandate of municipal governance based on redefined competencies and with ongoing transfer of competencies from the central to the municipal level. After the initial two-year mandate of directly elected mayors, and during this second mandate, the time is right to critically view the applicability of this system.

Even though the Association of Kosovo Municipalities provides arguments on the efficiency of this system based on European practices,¹⁸ our experts claim that there are no European standards on local governance.¹⁹ Above all, the European Charter on Local Self-Government²⁰ does not specifically regulate the issue of mayoral elections, leaving this matter to the discretion of states.

Municipal executives' and directors' accountability

One of the most substantial changes instigated by the directly elected mayor system was the appointment of directors by the mayor. In the previous system, the directors of municipal directorates (board of directors) were appointed by the municipal assemblies,²¹ while the new system foresees that the composition of the municipal executive is at the full discretion of the mayor. From a process of public and competitive selection for all managerial, professional and non-political positions, the selection of municipal directors became one of the main powers of the mayors. In this way the municipal directors' accountability diminished significantly, with them reporting only to the mayor of the municipality. The MLGA permanent secretary thinks that this change has resulted in an improvement of municipal operations and has had a positive impact on the quality of work performed by the directors.

¹⁷ UNMIK Regulation No. 2007/30 Amending UNMIK Regulation No. 2000/45 on Local Self Government in Kosovo Municipalities, 16 October 2007, at http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2007regs/RA2007_30_revised.pdf (accessed on 3 August 2010)

¹⁸ Interview with Sazan Ibrahim, Chief Executive Officer of the Association of Kosovo Municipalities

¹⁹ Interview with Roland Gjoni, local governance expert

²⁰ Council of Europe, European Charter on Local Self-Government, at <http://conventions.coe.int/treaty/Commun/QueVoulezVous.asp?NT=122&CL=ENG>, entered into force on 1 September 1988 (accessed on 3 August 2010)

²¹ UNMIK Regulation No. 2000/45 on Self-Government in Kosovo Municipalities, Article 11 – Functions of the Municipal Assembly, at http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2000regs/RA2000_45.pdf (accessed on 3 August 2010)

He also concludes that in the new system the mayor is accountable to the municipal assembly for the work of municipal directors, and underlines that this situation does not cause any lack of accountability of the directors. Furthermore, he is convinced that accountability among directors has increased significantly when compared to the previous system.²² The chief executive officer of the Association of Kosovo Municipalities (AKM) thinks along similar lines, as he claims that the focus of responsibilities on one individual (the mayor, who also reports on the work of his/her directors) also results in focus of accountability and facilitates control over the executive's efficiency.²³

One of the main difficulties in completing and functionalising the municipal executives was the need for political (and intra-party) consensus in selecting directors. Even though in the previous local governance system the selection of directors represented a legal and administrative procedure, the final decisions were taken with the consent of political parties forming the ruling coalition of a municipality.²⁴ The mayor of Ferizaj/Uroševac Municipality thinks that in order to avoid blackmailing of directors that do not enjoy the support of the mayor, directors should be appointed from among the associates of mayors.²⁵ The AKM chief executive officer thinks that the directly elected mayor system of local governance has eliminated delays in the appointment of directors, which had been caused by the previous need for political consensus.²⁶ However, such obstacles are still not completely overcome. Even though the mayors now enjoy the legal right to appoint municipal directors, in almost all municipalities such appointments are subject to the will of political parties in power, because the cases where one party has a majority in the municipal assembly are rare. For these reasons, especially in the current mandate of local governments, we are witness to quite serious conflicts between mayors and the political parties they represent. The citizens surveyed during this research mostly (63.4%) think that party criteria hold the greatest weight in the selection of municipal directors by the mayors (Figure 1).

²² Interview with Besnik Osmani, permanent secretary, Ministry of Local Government Administration

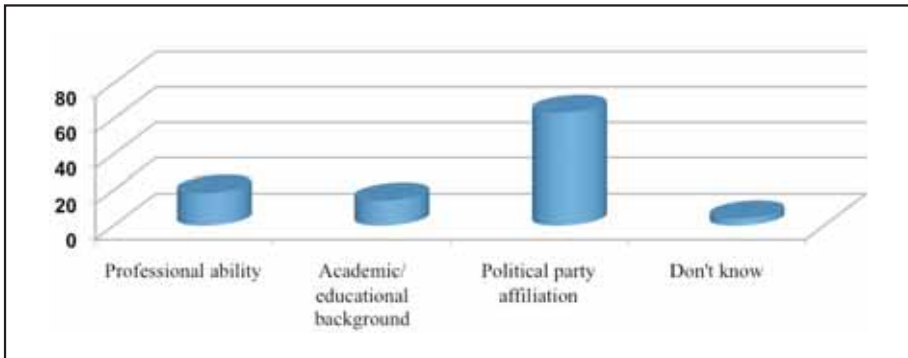
²³ Interview with Sazan Ibrahim, chief executive officer, Association of Kosovo Municipalities

²⁴ One of the characteristics of many local governments in the previous system was the inability to fill all the municipal executive positions, as directors' posts would remain vacant due to politic disagreements.

²⁵ Interview with Bajrush Xhemajli, mayor of Ferizaj Municipality

²⁶ Interview with Sazan Ibrahim, chief executive officer, Association of Kosovo Municipalities

Figure 1. Which criteria are taken into account in the selection of municipal directors?



The most well known cases of such conflicts presented in the media were the cases of municipalities of Gjilan/Gnjilane, Prizren and Rahovec/Orahovac. While the mayor of Gjilan/Gnjilane resigned from his party, in Prizren the president of the branch of the party of the mayor was dismissed from his duties. In contrast, as a consequence of such conflicts, the newly elected mayor of Rahovec/Orahovac resigned from his position, only to return again to the post after the legal deadlines had elapsed. After the resolution of the Constitutional Court of Kosovo that any resignation by mayors is final and effectively concludes the mandate of the mayor²⁷; extraordinary elections were held in Rahovec/Orahovac on 21 November 2010, and were concluded with the second-round run-off on 19 December 2010.

Mayor and Municipal Assembly

The supporters of the idea²⁸ of the directly elected mayor system hold that the core of this system is that the mayor of the municipality is the executor of municipal assembly decisions and not a policy-maker. Accordingly, the mayors should agree to an administrative role, within which they do not enjoy great decision-making privileges. Even though they have a mandate that is provided by direct popular vote, mayors should institutionally be subordinate to the municipal assemblies.²⁹

²⁷ Constitutional Court of Kosovo, Case of Qazim Qeskaj, at <http://www.gjk-ks.org/?cid=1,28,194> (accessed on 20 November 2010)

²⁸ This system was promoted by the Association of Kosovo Municipalities and the powerful mayors of the time.

This group managed to ensure the support of then Special Representative of the United Nations Secretary General Joachim Rucker, who had served earlier in his career as mayor of a municipality in Germany in a directly elected mayor system of local government.

²⁹ Article 35 Paragraph 1 of the Law on Local Self-Government states, "Municipal Assembly is the highest representative body of the municipality," at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

According to the Law on Local Self-Government, municipal assemblies have clear competencies in adopting the statute of the municipality, municipal budgets, investment plans, annual work plans and many other instruments that are essential for the work of the municipality and the mayor.³⁰ Thus, the legal grounds for mayoral operations derive from the decision-making powers of the municipal assembly. This means that the mayors are to respond to the queries of the municipal assembly and report to them on all activities undertaken in governing the municipality.

According to the MLGA's permanent secretary, the main obstacles for the proper functioning of good governance supervision between the mayor and the municipal assembly derive from a lack of institutional experience with this system and the impact of political parties on the institutional dynamics of the municipality (especially the relations between municipal bodies).³¹ The system of control and oversight between local government bodies does not function because there is still no proper interconnection between the mechanisms and dynamics of this process.³² These relations are also not at an adequate level because of the lack of a clear definition of competencies for all municipal institutions.³³ Monitoring of the work of municipal assemblies throughout Kosovo in recent years and the institutional realities created by the directly elected mayor system have brought to light a number of internal deficiencies of the institution of municipal assemblies.

First, although there are individuals who think that this phenomenon is not confined to Kosovo, the quality of municipal assembly members is not always very high.³⁴ In addition to the lack of highly qualified professional and political staff in the branches of political parties, it is evident that the position of a municipal assembly member does not provide a very attractive career opportunity for politicians and professionals working at the local level. Furthermore, most of the conflicts between mayors and municipal assembly chairpersons come as a result of different interests and political influences within political parties. Experiences from the directly elected mayor system have proven also that municipal assembly chairpersons lack readiness and will to attend to their work conditions and to use efficaciously their

³⁰ Assembly of Kosovo, Law No. 03/L-040 on Local Self Government, Article 40 – Operation of Municipal Assembly, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

³¹ Interview with Besnik Osmani, permanent secretary, Ministry of Local Government Administration

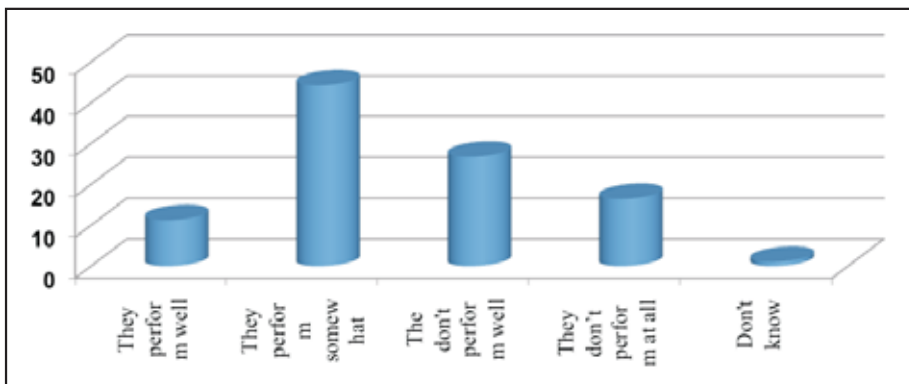
³² Interview with Roland Gjoni, local government expert

³³ Interview with Isa Mustafa, mayor of Prishtina Municipality

³⁴ The Kosovo Democratic Institute publishes a regular analysis entitled “Scorecard”, which encompasses results of the monitoring of performances of municipal assembly members. In general, results show a very low level of engagement and inert operation of municipal assemblies resulting in their lack of efficiency and inability to be relevant local governance stakeholders. The last KDI scorecard for 2010 (first half) was published in July 2010, and can be found at <http://www.kdi-kosova.org/publications/Jan-Jun2010LL.pdf> (accessed on 20 August 2010).

legal competencies and the competencies of the body they head, especially in relation to the mayors. The Ministry of Local Government Administration reports on rather absurd requests for interpretation received from the municipal assembly chairpersons, such as: whether the chairperson is entitled to have a vehicle and/or office available. The inability of the municipal assembly to effectively oversee the mayor is also demonstrated by the opinion of citizens surveyed during this research, 70% of whom think that municipal assembly members do not carry out or somewhat carry out their tasks properly (Figure 2).

Figure 2. To which extent do you think that municipal assembly members carry out their tasks properly?



Respect for the law

At a practical level, the de jure or legal power of the institution of municipal assembly is not compatible with its de facto or real power. During the last two mandates, many cases have been noted in which mayors acted without prior consultation with municipal assemblies, and moreover without a decision taken by the latter. This practice raises numerous concerns related to the protection of the law in Kosovo municipalities. Supporters of the directly elected mayor system are aware of the detriment to democracy formula at the local level. This formula is applied when the mayor is very sophisticated in achieving his aims and, at the same time, the municipal assembly is inert and slow in meeting its obligations and fully implementing its competencies (legal and oversight). For example, opposition representatives in Prizren Municipality accused Mayor Ramadan Muja of usurping municipal assembly competencies when he granted the use of municipal property and the facilities of the “Ymer Prizreni” Secondary Economic School to the University of Prizren. According to them, before the memorandum of

understanding was signed, this issue should have been debated, in order for the legislature to decide if the municipal property would be granted for use.³⁵

There are also claims that the new system improved the efficiency of public service delivery, although even proponents of this admit, in most cases, that this improvement was accomplished while damaging the legality of decision-making and execution. This conviction is also shared by the respondents to the survey, according to whom law is violated every day (25.1%) or there are occasional violations of the law (55.1%) in Kosovo municipalities. Practically the system is having good results, but, taking into account the space and freedom for creativity given to mayors and the associated danger to the rule of law, there are also negative opinions.³⁶ Many cases have been noted, similar to the one in Prizren Municipality (described above), where mayors have acted in the absence of a decision of the municipal assembly. Even though these actions could be beneficial to the citizens (in form of a beneficial construction or service delivered), they procedurally represent legal violations and should, as a consequence, be annulled and punitive measures should be applied against the respective mayors. Rare were the cases in which local or central Kosovo authorities undertook any punitive measures against law-breaching mayors. If the supervisory authority (in this case the Ministry of Local Government Administration) considers that a municipal act is not in compliance with the Constitution or laws, it may request from the municipality to review such acts or decisions.³⁷ If the municipality does not respond within the foreseen timeframe, or it rejects the request for revision, or supports the disputed act, the supervisory authority can oppose this at the District Court territorially competent for the municipality.³⁸

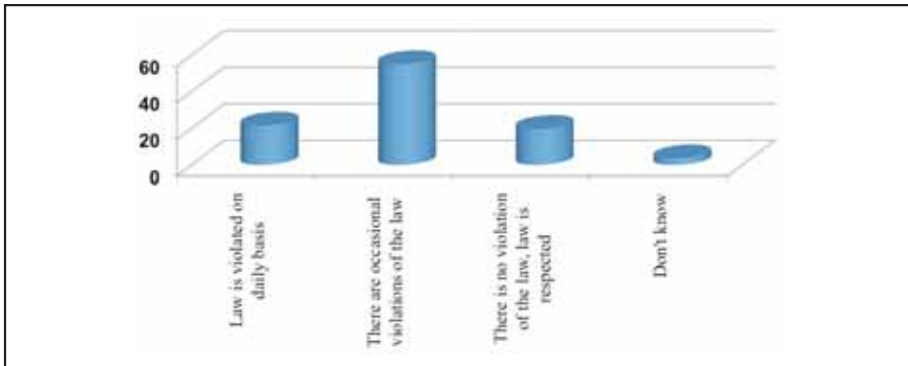
³⁵ KOHA Net, Muja is accused again for usurpation of MA competencies, at <http://www.koha.net/index.php?cid=1,8,25095>, 15 June 2010 (accessed on 9 August 2010)

³⁶ Interview with Roland Gjoni, local governance expert

³⁷ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, Article 82.1 – Procedure for the Review of Legality, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

³⁸ Ibid, Article 82.4 – Procedure for the Review of Legality

Figure 3. According to you, to what extent is the law respected in your municipality?



One of the most challenging cases for Kosovo's local democracy is the case of the mayor of Prizren, who undertakes his activities without any prior legitimisation by the municipal assembly. In local political crisis, the Prizren Municipal Assembly has been paralyzed for months. In such a legal vacuum, the mayor continues to act, and in certain cases issues individual decisions, without respecting legal procedures, particularly without ensuring the legal basis from the municipal assembly for the actions undertaken.

Monitoring of Kosovo municipalities by BIRN in recent years attests to legal violations in many municipalities. Some of the most sensitive cases include: violation of Article 54 of the Law on Local Self-Government, regulating the election of the Deputy Chairperson for Communities (Ferizaj Municipality);³⁹ legal violations in decision-making on the establishment of the municipal shareholder committee for the LPE “Lypoteni”, a decision in violation of the Law on Public Enterprises, Article 11 (Kaçanik/Kaçanik Municipality); increase of the number of municipal directorates, without prior amendments to municipal statutes (Kamenica and Skenderaj/Srbica municipalities); violations of Article 61 of the Law on Local Self-Government on appointment of Deputy-Mayors, in cases when mayors appointed two or more deputy mayors from the majority community (Albanian)⁴⁰; and violations of municipal statutes in the increase of municipal directorates (Lipjan/Lipljan Municipality); legal violations in decision-making on the transfer

³⁹ There is a debate on whether this is a violation of law because the Municipality of Ferizaj claims to have 160,000 inhabitants out of which 8,000 are Roma, Ashkaelia and Egyptian, less than 10% of the population. According to the municipality this does not comprise a violation of the law because the law foresees that the position of vice chairman belongs to communities when they make up at least 10% of population of that municipality. However, without a census these figures cannot be precise.

⁴⁰ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, Article 61 – Deputy Mayor for Communities, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

and registration of immovable property of OTHPB “Fabrika e Sheqerit” and agricultural cooperative “Rugova” as well as other cooperatives in the territory of Peja/Peć Municipality as social municipal property (Peja Municipality); and violation of Article 65.2 of the LLSG, namely cases when directors continue to remain municipal assembly members and when the deputy mayor holds a municipal assembly seat.⁴¹

Another dimension of the lack of legality at the local level is the dynamics of the central authorities. Lack of legality in central governance and control of mayors and political party branches from central institutions and central party bodies respectively, remain determining factors for the low level of legality in municipal governance undertakings.⁴² The Ministry of Local Government Administration has proved to be slow in proceeding cases of legal violations at the local level (Qazim Qeska case, institutional crisis at the Prizren Municipal Assembly, etc.).⁴³ We are witnesses of legal violations in municipalities, but it is the task of the MLGA to deal with the verification of such cases and to be more active in pursuing them.⁴⁴

The Mayor-Citizen link

In comparison to the previous system, in the last two local governance mandates the mayors have kept more frequent and closer ties with citizens. In addition to their legal obligation of two public meetings per year,⁴⁵ mayors also organise other meetings with citizen groups and receive citizens in their offices.⁴⁶ According to the MLGA permanent secretary, in the previous system the mayor was more focused on ensuring support from municipal assembly members (to retain his mandate), whereas in the new system the mayor is interested in receiving popular support and sympathy in the municipality. After all, the citizens will decide whether they will entrust him with another mandate as a mayor or not. Furthermore, survey results show that 73.1% of respondents are aware that the strongest local authority is the mayor, and therefore responsibilities are increasingly focused on the mayor (Figure 4). However, one of the fundamental principles of democracy is the right to withdraw the mandate of an elected individual prior to its elapse and prior to regular elections.

⁴¹ Appointment in executive positions requires automatic resignation from legislative positions

⁴² Interview with Isa Mustafa, Mayor of Prishtina Municipality

⁴³ Interview with Roland Gjoni, local governance expert

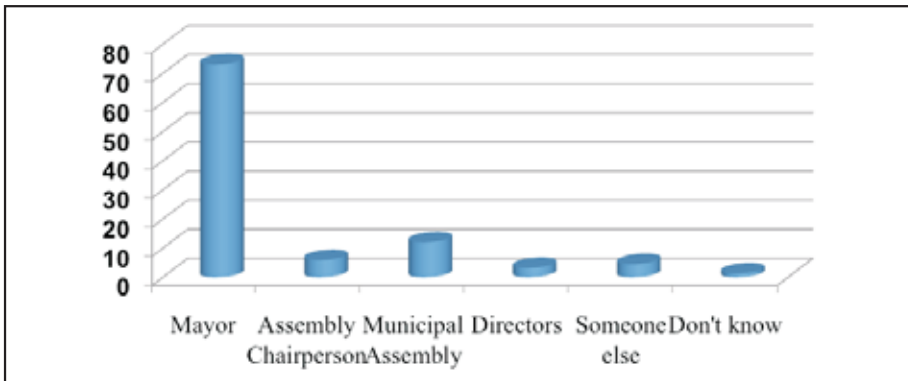
⁴⁴ Interview with Sazan Ibrahim, chief executive officer, Association of Kosovo Municipalities

⁴⁵ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, Article 68.1 – Public Information and Consultation, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

⁴⁶ For more details and concrete examples, please see the analysis of mayor-citizen communication in the second chapter of this report, section “Transparency and Citizen Participation in Decision-Making”

Practically, if it is concluded that the mayor is not working properly, the citizens are entitled to initiate the procedure for his recall from the post. There are three procedures for recalling a mayor: citizen initiative, administrative procedure and utilisation of prosecution and judicial bodies.

Figure 4. What is the highest body in local governance?



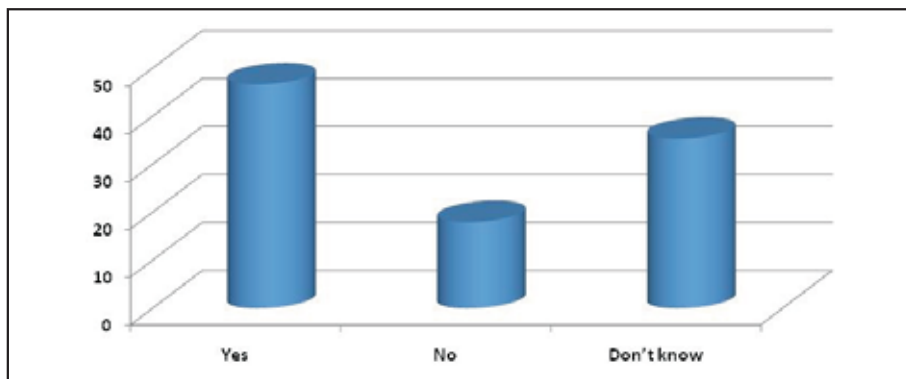
The right to remove the mayor from his post is granted to citizens by the Law on Local Self-Government. According to this law, municipality residents can initiate the recall of the mayor, by having the request signed by 20% of registered voters and submitting it to the municipal assembly chairperson.⁴⁷ However, the last part of this article remains problematic, because according to it the majority of voters registered in the municipality have to vote for the recall, meaning 50% plus one voter in the respective municipality. Knowing the low levels of voting turnouts in local elections⁴⁸ (and central elections) in Kosovo, this article makes it almost impossible to recall a mayor through a citizen initiative procedure, since such levels of participation are practically impossible to achieve.⁴⁹ The survey conducted as part of this research shows that approximately half the citizens are informed on their legal right to initiate the procedure to recall the mayor from his post (Figure 5).

⁴⁷ Assembly of Kosovo, Law No. 03/L-040 on Local Self-Government, Article 72 – Recall of the Mayor, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 9 August 2010)

⁴⁸ The turnout level in local elections in Kosovo is as follows: 2000 – 79%, 2002 – 54%, 2004 – 49%, 2007 – 40%, 2009 – 45%. Source, Central Election Commission, at <http://www.kqz-ks.org/SKQZ-WEB/al/zgjedhjetekosoves/zgjedhjetlokale.html> (accessed on 15 August 2010)

⁴⁹ Article 72, paragraph 3 of the Law on Local Self Government stipulates, “If the majority of registered voters vote in favour of the Mayor’s removal, new mayoral elections shall take place out in accordance with the law on elections.”

Figure 5. Are the citizens legally entitled to recall the mayor from his post?



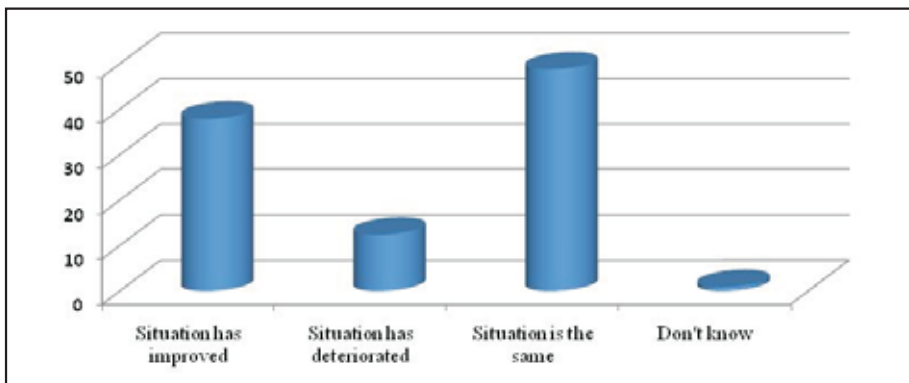
PART -II-

LOCAL GOVERNANCE FUNCTIONING

Chapter introduction

This report attempts to assess the functioning of local governance through the following sectors: efficiency of public service delivery (water and waste), capital investments in infrastructure (roads and schools) and transparency and citizen participation in decision-making. Approximately half of the citizens surveyed in the research think that efficiency of public service delivery has remained at the same level as in previous years.⁵⁰ Over 12% of the citizens think that the situation has deteriorated, whereas 37.9% conclude that there are improvements (Figure 6).

Figure 6. Compared to previous years, what is your opinion regarding public service delivery?

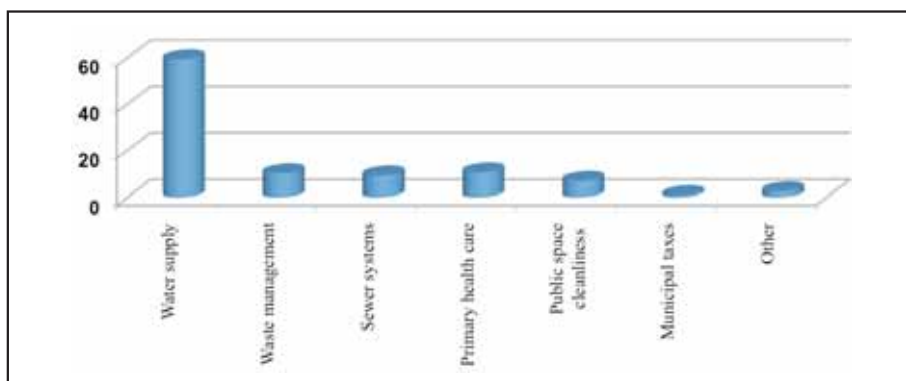


In the last Kosovo Mosaic report (2009), the list of public services that need improvement at the local level is headed by: electricity supply, ambulances, waste management, road maintenance, and water supply.⁵¹ For the purposes of this research, water supply and waste management were selected for assessment. Results of the survey undertaken as part of this research show that problems with the main public services, which the citizens of Kosovo municipalities continue to face in recent years, are in: water supply (59.4%), primary health care (10.6%), waste management (10.2%), sewer systems (9.3%) and public space cleanliness (7%) (Figure 7).

⁵⁰ The question was posed to assess whether the directly elected mayor system of local governance had an impact on improvement of the quality of public services provided to citizens in municipalities.

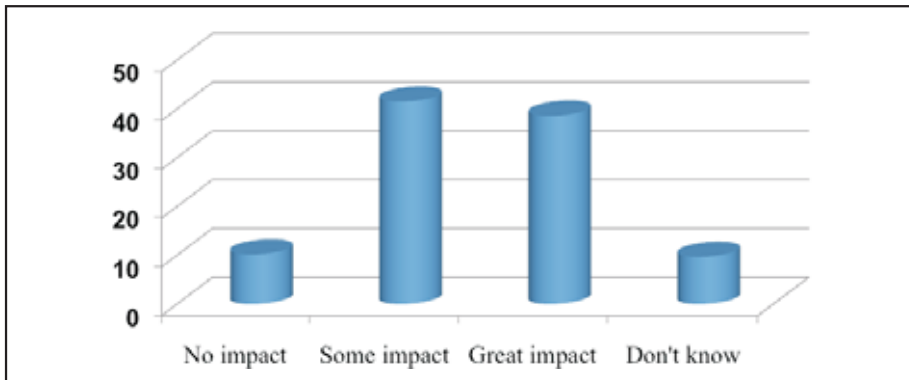
⁵¹ UNDP and USAID, Kosovo Mosaic, Public Services and Local Authorities in Focus (October 2009), p 30, at <http://www.ks.undp.org/repository/docs/shqip%20green.pdf> (accessed on 17 September 2010)

Figure 7. What are the two main problems in public service delivery that you have faced in the recent years?



The latest reports on capital investments in municipalities have shown a high degree of politicisation, especially in school and road projects. In this respect, this research focused on these two types of infrastructural projects in order to analyse the matters of priority determination, party preferences and the relation between municipalities and central government. There is a deep feeling among citizens that political preferences have a great impact on the orientation of central government donations for municipalities. Around 80% of the respondents of this survey think that party preferences impact somewhat or greatly on the selection of beneficiary municipalities (Figure 8). In the last part of this chapter municipal transparency is analysed through the following areas: public meetings, consultative committees, web-pages, public consultations, civil society engagement and direct democracy instruments. Survey outcomes do not show any positive stands towards mayors: approximately half of citizens think that the mayors are somewhat able to manage respective municipalities.

Figure 8. To what extent do party preferences impact on the government donations granted to your municipality?



Efficiency of public service delivery

Water supply

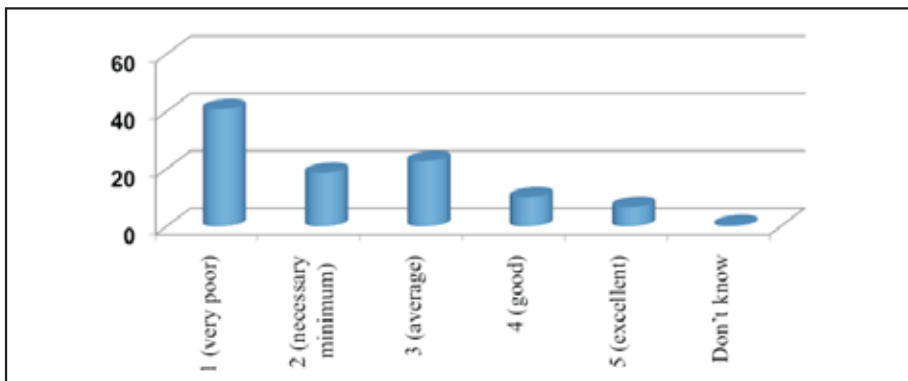
The monitoring conducted in the municipalities selected for this research shows that water supply (especially potable water) has become one of the main concerns of quality public service delivery at the municipal level. This conclusion is also backed by the results of the survey conducted as part of the research. Satisfaction regarding water supply according to the survey results is as follows: very low level (40.9%), necessary minimum (18.7%), average (22.8%), good level (10.2%) and excellent (6.8%) (Figure 9). Monitoring also showed that there are different ways of treating this problem. Whereas some municipalities have no supply of potable water whatsoever, others are supplied with industrial water only. Some of the other problems noted are: regular supply, but water has a high limestone content; withdrawal of shares from regional companies by the municipality; inertness of courts in proceeding debtor cases, etc. Among the main reasons for these problems are: electricity reductions, human factor (weak management), lack of cooperation between municipality and the regional company, misuse of potable water, illegal connections in the water supply system, atmospheric precipitation, low collection rates, increase of demand (increase of the number of residents in urban areas), poor water supply grid (old pipes) and lack of investments.

Part of the research was a comparison of the current performance in water supply with the performance some years ago, the results of which are the following: it was always bad, hence there are no improvements now; the situation remained the same;

there are no improvements; there are improvements when compared to the very bad past; only donations of international organisations improved the situation in certain areas (e.g. water supply grid).

Finally, we analysed the relationship between the municipality and the regional water supply company. In general, it may be concluded that these relations are below the level of cooperation necessary, with a number of cases where there are no cooperation at all, some others where the municipality distances itself from responsibility and others where regional companies claim there is lack of oversight and support by Kosovo's central authorities. The relationship was qualified as good only in rare cases.

Figure 9. On a scale of 1 (minimum) to 5 (maximum), how would you grade the efficiency of water supply in your municipality?



Monitoring results show that the municipalities selected for this research can be grouped in three (as far as water supply is concerned):

- Municipalities with great problems (*Mamusha, Vushtrri and Hani i Elezit*),
- Municipalities with problems (*Obiliq, Prishtina and Gračanica*) and
- Municipalities with few problems (*Prizren and Suhareka*).

In Kosovo, potable water is supplied by five collection reservoirs (Ujman, Batllava, Badovc, Perlepnica and Radoniq). The water supply systems are managed by regional companies, licensed by the Regulatory Office for Water Supply and Waste. Annual water consumption is 75-80 million cubic metres. Provision of potable water represents a challenge for many companies; a very small number of

municipalities provide potable water 24 hours per day.⁵² A survey conducted in Kosovo municipalities shows that 54% of residents are supplied with water or enjoy an uninterrupted access to water for over 11 hours per day, while 17% are not connected to the public water supply system at all.⁵³ This survey also shows that less than 50% of the citizens think that the quality of potable water is satisfactory. Most satisfied are the rural municipalities, whereas least satisfied are respondents from small urban municipalities such as Rahovec/Orahovac (where only 9% think that water quality is good) and Novobërda/Novo Brdo (14%).⁵⁴

In Mamusha the lack of regular water supply is a consequence of debts to KEK. According to Agim Morina, Director of Public Services of Mamusha Municipality, “Until the municipality pays its debts to KEK, the citizens will be supplied from the wells they have opened in their yards”.⁵⁵ He underlined: “The municipality should have connected Mamusha Municipality with the Radoniqi system instead of spending money on wells that do not supply sufficient and adequate potable water, and, as a consequence, citizens had to open wells in their yards, thus are unable to receive water through normal ways.”⁵⁶ The matter of water supply was never addressed at the Mamusha Municipal Assembly.⁵⁷

Vushtrri also faces great difficulties regarding water supply, among other, because water supply is conducted through the system of the Regional Water Supply Company of Mitrovica.⁵⁸ At the Vushtrri Regional Water Supply Company unit they are of the opinion that citizens remain the main cause for water supply problems, because of their lack of responsibility in water use (irrigation, vehicle cleaning, etc.). Water supply has been a problem in Vushtrri for ten years, while hope of potential improvement lies in the construction of a water processing factory in the village of Balinca of Vushtrri municipality, which is supposed to commence this year.⁵⁹ Vushtrri citizens speak of difficulties faced at their homes. There are cases of water not supplied for two to three days, and consequently, the citizens who live in very poor economic conditions have to buy their potable water.

⁵² UNDP and USAID, Kosovo Mosaic, Public Services and Local Authorities in Focus (October 2009), p 32, at <http://www.ks.undp.org/repository/docs/shqip%20green.pdf> (accessed on 17 September 2010)

⁵³ Ibid, p33

⁵⁴ Ibid

⁵⁵ Interview with Agim Morina, Director of Public Services, Mamusha Municipality

⁵⁶ Interview with Nuhi Morina, KTB president, opposition party at Mamusha Municipal Assembly

⁵⁷ Interview with Sami Thaçi, independent member of the Mamusha Municipal Assembly

⁵⁸ Interview with Dibran Përquku, Director of Public Services, Vushtrri Municipality

⁵⁹ Interview with Driton Abazi, Unit Manager Vushtrri, Mitrovica Regional Water Supply Company

Hani i Elezit has always faced problems with the supply of potable water, except for the years 2003-2004, the only period when this municipality was able to supply potable water. In all fairness, this municipality does supply industrial water, while citizen needs for potable water are met with water supplying cisterns.⁶⁰ Hani i Elezit Municipality issued a decision in 2008, also deemed illegal, to cease its participation in “Bifurkacioni” regional company, so this company does not consider that it has any potable water supply responsibilities towards the municipality.⁶¹

Water supply in the Municipality of Obiliq seems to be more regular than the other municipalities, but one of the problems in this municipality remains the limestone content in water. Although the Regional Water Supply Company (KUR) “Prishtina” official in Obiliq acknowledges the high content of limestone in water, he thinks that the water is completely drinkable.⁶² However, the citizens have a different opinion on potable water. Ismet Beka, a resident of Obiliq Municipality and professor of chemistry, stated that Obiliq does not have a problem with water quantities but rather with water quality. According to him, in locations where residents are supplied by Hashan's Water Sources, the water is of very low quality, even detrimental to human health and household appliances.⁶³ Among local authorities there is a feeling that the main water-related problems in this municipality are water misuse and theft. There are many cases when potable water is used for irrigation and yard cleaning, both prohibited actions. In this case the cooperation between the Prishtina Regional Water Supply Company and the Municipal Assembly of Obiliq should be at a better level.⁶⁴

The situation with potable water supply in Prishtina Municipality remains unchanged. Compared to three years before, the level and quality of water supply remains the same.⁶⁵ The same conclusion is also reached by INPO, an organisation that monitors local governance in Prishtina. Their reports in 2010 state that there are no notable improvements of the potable water supply situation.⁶⁶ KUR Prishtina confirms that the current situation is better only when compared to the situation ten years ago.⁶⁷

⁶⁰ Interview with Rufat Shkreta, Director of Public Services and Civil Emergency of Hani i Elezit Municipality

⁶¹ Interview with Bashkim Murati, secretary of the regional company “Bifurkacioni”

⁶² Interview with Agim Preniqi, Obiliq Office Manager, Regional Water Supply Company “Prishtina”

⁶³ Interview with Ismet Beka, professor of chemistry at the secondary vocational school “Hasan Tahsini”, Obiliq

⁶⁴ Interview with Imer Berisha, Acting Director of Public Services and Emergency, Obiliq Municipality

⁶⁵ Interview with Agim Gashi, Director of Public Services, Prishtina Municipality

⁶⁶ Reports of the Initiative for Progress (INPO) on Prishtina Municipality may be found at <http://www.inpoks.org/site/?cid=1,7,1> (accessed on 17 September 2010)

⁶⁷ Interview with Arjeta Mjeku, spokeswoman of the Regional Water Supply Company “Prishtina”, Prishtina

Gračanica Municipality continues to hope that KUR Prishtina will intervene and bring about improvements in the water supply network. While certain parts of this municipality are covered by the water supply network, some villages completely lack water supply infrastructure; this situation is also adversely impacted by the insufficient volume of water serviced in Gračanica.⁶⁸

Prizren Municipality invested in the replacement of water supply pipelines, while potable water supply management still remains with the Regional Water Supply Company “Hidroregjioni Jugor”. In the last two to three years there are no notable improvements in water supply.⁶⁹ A different opinion is given by the “Hidroregjioni Jugor” officials, who insist that there is an improvement of the supply, while demanding increased efficiency of the courts in order to process the claims against debtors more quickly.⁷⁰

Suhareka is one of the municipalities where notable are both the improvement of water supply in the recent years and the good cooperation between the municipal assembly and the Regional Water Supply Company “Hidroregjioni Jugor” Unit in Suhareka.⁷¹ One of the main problems faced by this municipality in regard to water supply is electricity outages that impact water pumping, as well as water misuse and illegal network connections.⁷²

Waste management

Kosovo municipalities have considerable problems with waste management. In some municipalities, the waste collection service does not function at all, whereas in others some of the problems of this sector include: inability to provide the service throughout the municipality, small and inadequate landfills, lack of waste classification systems, etc. Reasons for these problems do not differ greatly from those related to water supply: poor collection, transformation of regional companies to joint stock companies, lack of adequate equipment, lack of capacities and resources, lack of containers, illegal landfills, civic culture and attitude towards public spaces, etc. In the municipalities monitored, there are different opinions on whether there are improvements in the delivery of this service or not.

⁶⁸ Interview with Boban Todorovic, Director of Public Services, Gračanica Municipality

⁶⁹ Interview with Ejup Kryeziu, Coordinator for Water Infrastructure and Sewer System, Directorate for Public Services, Prizren Municipality

⁷⁰ Interview with Zenel Zenelaj, Technical Director of the Regional Water Supply Company “Hidroregjioni Jugor”, Prizren

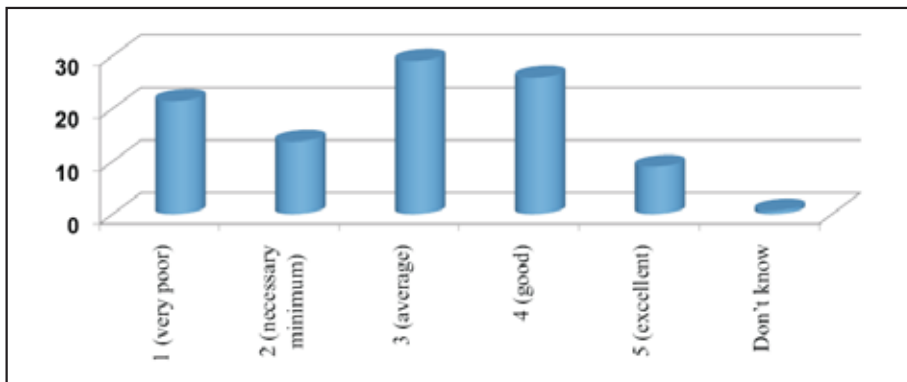
⁷¹ Interview with Muhamet Bajraktari, Director of Public Services, Suhareka Municipality

⁷² Interview with Latif Krasniqi, Suhareka Unit Manager, Regional Water Supply Company “Hidroregjioni Jugor”

On some occasions competent officials claim that there are improvements (mostly when compared to the difficult past), while others are categorical that the public hygiene is in a grave situation. The relationship between municipalities and regional waste collection companies is not the best and can even deteriorate to the extent of placing the blame for the management of this service on the other party.

Citizens surveyed as part of this research responded as follows regarding the level of their satisfaction with waste management: very low (21.5%), meets minimum requirements (13.8%), average (29.1%), good (25.9%), excellent (9.0%) (Figure 10).

Figure 10. On a scale of 1 (minimum) to 5 (maximum), how would you grade the efficiency of waste management in your municipality?



Based on the results of the monitoring of waste management efforts, the municipalities included in this research can be divided in three groups:

- Municipalities with great problems (*Hani i Elezit and Vushtrri*),
- Municipalities with problems (*Prizren, Prishtina and Suhareka*), and
- Municipalities with few problems (*Mamusha, Obiliq and Gračanica*).

Based on the results of a survey conducted in 2009 by UNDP and USAID, Kosovo citizens stated that their municipalities were somewhat clean.⁷³ Among the reasons given for the very dirty public spaces were citizen care (46%), lack of containers (20%) and distance of containers from homes, etc.⁷⁴

⁷³ UNDP and USAID, Kosovo Mosaic, Public Services and Local Authorities in Focus, p. 35, at <http://www.ks.undp.org/repository/docs/shqip%20green.pdf>, October 2009 (accessed on 17 September 2010)

⁷⁴ Ibid

Measures proposed to overcome this difficult state of public hygiene in municipalities are: citizen education, more frequent collection of waste and increase of the number of containers.⁷⁵ The group of municipalities classified as “very dirty” includes Mitrovica, Gjilan/Gnjilane, Zvečan/Zvečan and Vushtrri.⁷⁶

Hani i Elezit Municipality also faces a grave situation, due to the fact that no regional cleaning company operates in this municipality. An interim solution was found by engaging a private cleaning and waste management company, to which the citizens pay their debts directly.⁷⁷ This solution is unsustainable, and an adequate cleaning firm for waste management should be found.⁷⁸ On the other hand, the regional company “Pastërtia” says that citizens should be regular in meeting their dues for the service received, and at the same time claim that the transformation into a joint stock company has not improved their efficiency in service delivery. Furthermore, they demand the implementation of the payment collection systems by the municipality.⁷⁹

The waste management and general hygiene situation has really deteriorated in the municipality of Vushtrri. The local government confirms a very low collection rate⁸⁰; while the waste management company, similar to other companies, is concerned with the lack of the infrastructural, human and financial capacities.⁸¹

The inability to provide this service in the entire territory of the municipality was also noted in Prizren. Local authorities confirm that this service is delivered to 90% of the city and 60% of the villages.⁸² The regional waste collection company “Eko-Regjioni” confirms stalemate in covering the region, and emphasises the reasons for this situation: low collection rates, high operational expenses, lack of containers (lack, damaging and incineration thereof), closing of landfills due to debts. Above all, after the conclusion of the KTA managing mandate over public enterprises and their transformation to joint stock companies and operation based on own funding, officials at “Eko-Regjioni” feel that no one is concerned any more with its functionality.⁸³

⁷⁵ Ibid, p 36

⁷⁶ Ibid

⁷⁷ E.g. market users in Hani i Elezit pay directly the company for the services provided instead of paying a municipal charge

⁷⁸ Interview with Rufat Shkreta, Director of Public Services and Civilian Emergencies, Hani i Elezit Municipality

⁷⁹ Interview with Gazmend Bytyqi, Chief Executive Officer of Regional Company “Pastërtia”, Ferizaj

⁸⁰ Interview with Dibran Përçuku, Director of Public Services, Vushtrri Municipality

⁸¹ Interview with Ragip Mikushnica, Vushtrri Unit Manager, Regional Waste Collection Company “Untiteti”

⁸² Interview with Ramadan Tafallari, Environmental Coordinator, Directorate for Public Services, Prizren Municipality

⁸³ Interview with Gëzim Berisha, Prizren Unit Manager, Regional Waste Collection Company “Eko-Regjioni”

The practice of pushing responsibility onto the other party occurs in Prishtina Municipality. While local authorities of this municipality think that they play a supporting role and the management remains a task for the regional company (and they're not satisfied with the level of waste management)⁸⁴, the other party claims that the municipality plays a great role in management as well.⁸⁵ After monitoring the work of the regional waste management company and efficiency of waste management undertakings, civil society ascertained that this public utility deserves poor grading.⁸⁶

In Suhareka Municipality, city cleaning (street washing and waste collection) is now performed three times per week, while in the past this was done once per week. Improvement of waste management is also visible in the villages of this municipality, where new bags are being utilised. However, Mr. Sali Asllani, president of the LDK branch in Suhareka, claims that the cleaning does not occur three times per week and happens in totally disorganised forms, as no cleaning days are determined.⁸⁷ At the same time, local authorities confirm their engagement in eliminating illegal landfills and river cleaning.⁸⁸ The RWC "Eko-Regjioni" unit that operates in this municipality confirms that collection rates in households and businesses in the municipality is around 50%.⁸⁹

In Mamusha Municipality, public hygiene seems not to be the greatest problem. Even though waste management functions normally, there are cases when the company contracted by the municipality does not regularly clean the streets and the municipality was too slow in using the truck in its possession to collect waste⁹⁰. However, in comparison to the previous state, the local authorities in Mamusha think that the improvement is evident.⁹¹

Obiliq municipality too is an example of proper waste management. Here, the cooperation between the municipal assembly and the Regional Waste Management Company "Pastrimi" is also at a good level.

⁸⁴ Interview with Agim Gashi, Director of Public Services, Prishtina Municipality

⁸⁵ Interview with Kadri Ratkoceri, Chief Executive Officer of the Regional Waste Collection Company "Pastrimi", Prishtina

⁸⁶ Reports of the Initiative for Progress (INPO) on Prishtina Municipality can be viewed at <http://www.inpo-ks.org/site/?cid=1,7,1> (accessed on 25 September 2010)

⁸⁷ Interview with Sali Asllani, President of the LDK Branch in Suhareka

⁸⁸ Interview with Muhamet Bajraktari, Director of Public Services, Suhareka Municipality

⁸⁹ Interview with Zekë Krasniqi, Technical Manager of the Suhareka Unit, Regional Waste Collection Company "Eko-Regjioni"

⁹⁰ Interview with Sami Thaçi, Independent Member of Mamusha Municipal Assembly

⁹¹ Interview with Agim Morina, Director of Public Services, Mamusha Municipality

While, “Pastrimi” calls for an increased collection rate (currently around 40%)⁹² and the local authorities confirm commitment to this company,⁹³ the citizens, on the other hand, confirm that waste is not this municipality's greatest problem but rather the polluted air and ashes from Thermal Power Plants “Kosova A” and “Kosova B”.

The Municipality of Gračanica filed a request for the establishment of municipal public service companies. They requested the amendment of legislation to stipulate the right to establish municipal companies, however, until such companies are established, waste management will be performed by RWCC “Pastrimi” from Prishtina. In parallel, this municipality will be assisted by USAID in creating the necessary prerequisites for waste management. Issues, such as landfill regulation, remain a priority for local authorities.⁹⁴

Capital infrastructural investments

School construction

Construction of schools has been one of the most politicised issues in recent years in Kosovo. The current opposition is very vocal in articulating allegations of discrimination of municipalities that are not led by parties in power during the allocation of government grants for construction of schools.⁹⁵ To analyse this phenomenon, the capital investment research observed a number of areas: determination of priorities, coordination between local and central authorities, eventual party preferences orienting investments and municipality performance in relation to school construction. Results show that municipalities are the main authority in determining investment priorities in educational infrastructure, but, at the same time, the Ministry of Education, Science and Technology determines its own investment priorities in municipalities. In general, needs identification and priority definition do not follow a comprehensive line, but are rather based on the intelligence of municipal institutions and, eventually, consultation with school directors. MEST concludes that capital investments in municipalities are allocated based on requests submitted by mayors and municipal education directorates, pursuant to the needs for school facilities.⁹⁶

⁹² Interview with Selatin Abdullahu, Head of Obiliq Office, Regional Waste Collection Company “Pastrimi”

⁹³ Interview with Imer Berishën, Acting Director of Public Services and Emergencies, Obiliq Municipality

⁹⁴ Interview with Saša Zdravković, Rural Development Coordinator, Gračanica Municipality

⁹⁵ 24 Media, Discrimination in municipalities, at <http://www.24media.me/2010/08/diskriminim-ne-komuna/>, 5 August 2010 (accessed on 30 September 2010)

⁹⁶ Interview with Artan Behrami, Media Advisor, Ministry of Education, Science and Technology

Coordination between local authorities and MEST is classified as good, average or poor. A large proportion of respondents stated that party preferences play an important role in the orientation of capital investments in school infrastructure. Such preferences appear in different forms. Some of them are calculated on the basis of voting potential of a certain zone, whereas others are manifested in rejection of school reconstruction requests, if the director of the school belongs to a different political party or the municipality is led by a mayor of a different party.

However, municipalities are not too bad as far as school construction is concerned. Even though they have complaints on MEST-funded projects, alleging that they are implemented too fast, have no adequate oversight and are not always constructed qualitatively, municipalities have spent a large portion of their budgets in improving school infrastructure. MEST drafted the law on pre-university education, which is to be adopted in the Assembly of Kosovo. This law specifically stipulates that the capital investment budget lines should be held by municipalities and not MEST, meaning that in the future, construction, renovation and maintenance of schools will be a competency held by Kosovo municipalities.⁹⁷

Prishtina Municipality is one of the most indicative cases of political party preferential treatment in central government investments in municipalities. Prishtina local authorities mention cases when MEST favoured, in its municipal budget allocations, municipalities with much smaller territories and needs than Prishtina.⁹⁸ However, in the last three years, total investments in school infrastructure in Prishtina Municipality amounted to around 20 million euro, of which around 65-70% are own-municipal income and the rest comprises MEST investments, USAID donations and two small donations of the European Commission.⁹⁹

Suhareka municipality stands no better than Prishtina. A disputable example is the construction of the school in the village of Shiroka, where MEST acted without consultation and coordination with the municipality. In one of the most dubious of MEST's activities, during October and November 2009 (at the time of local elections) it announced tenders for the construction and reconstruction of a number of schools, while in December 2009 and January 2010 it cancelled the published tenders, emphasising that had been done for objective reasons.¹⁰⁰

⁹⁷ Ibid

⁹⁸ Interview with Remzi Salihu, Director of Education, Prishtina Municipality. For example, even after MEST had planned the construction of two schools in Prishtina, it later cancelled the decision, reasoning that it has insufficient funds. On the same rationale, the process of construction of two secondary schools was cancelled. Later, the municipality provided the funding for the construction of these schools.

⁹⁹ Interview with Remzi Salihu, Director of Education, Prishtina Municipality

¹⁰⁰ Interview with Xhemajli Shala, Director of Education, Suhareka Municipality

This is also confirmed by the opposition, which thinks that in the previous mandate of local governance, MEST coordination was better.¹⁰¹

The former director of the Department of Education of Obiliq Municipality was very direct in articulating the matter of party preferences in infrastructural investments, concluding that the main party in power had a different stand towards the municipalities that are not led by this party.¹⁰² However, even when they are present, investments from the central government don't always yield the desired results. From two MEST investment projects in Obiliq Municipality, one school's walls are fractured and in the other school the construction did not include installation of the sewer system or perimeter fence. This was a consequence of accelerated construction without adequate supervision of MEST investment projects in municipalities.¹⁰³

Prizren Municipality has a solid school infrastructure in the city, so in this sector priority is given to the villages of this municipality, while investment priorities are defined after consultation with the schools.¹⁰⁴ However, opposition parties mention specific results, which, according to them, demonstrate party preferences in capital investments. There are two schools in Prizren, the primary school “Mustafa Bakia” and the secondary school “Lucciano Motroni”, that had no investments whatsoever, because of the party affiliation of the directors.¹⁰⁵ In another example, only days before the last municipal elections, a new school called “Shkolla e re” was inaugurated in the Ortakoll neighborhood, without any quality assurances on the final functionality of that project.¹⁰⁶

In Vushtrri Municipality, even though it is admitted that there are party preferences, investments in the sphere of education are said to be minimal. Here too one notices hesitation to respond to the question of how investment priorities in school infrastructure are determined. Coordination between local authorities and the Ministry of Education, Science and Technology is said to be adequate.¹⁰⁷

Although Hani i Elezit Municipality has smaller needs, to date, the Ministry of Education, Science and Technology failed to invest in any infrastructural project in this municipality.

¹⁰¹ Interview with Behxhet Kuçi, Member of Suhareka Municipal Assembly, representing LDK

¹⁰² Interview with Rifadije Paloja, Member of Obiliq Municipal Assembly, representing AAK

¹⁰³ Ibid

¹⁰⁴ Interview with Nexhat Çoçaj, Director of Education, Prizren Municipality

¹⁰⁵ Interview with Ridvan Hoxha, Member of Prizren Municipal Assembly, representing LDK

¹⁰⁶ Interview with Bislim Zyrapi, President of the AAK Branch in Prizren

¹⁰⁷ Interview with Qerim Selimi, Director of Education, Vushtrri Municipality

Due to its small territory and few inhabitants, identification of needs and definition of priorities here is made in direct communication with citizens. In the recent years, this municipality did not see any improvements to its school infrastructure, with the exception of one small project (construction of a school annex), funded by the municipality and a foreign donor.¹⁰⁸ The opposition in Hani i Elezit does mention minimal investments, such as renovation of primary school “Iljaz Thaqi”, but this investment, according to the director of this municipality's directorate for education and culture is made with funding from the municipality and Caritas.^{109 110}

One of the best examples of excellent coordination between the local authorities and MEST is Mamusha Municipality. Being a newly established municipality, and 90% populated with Kosovo Turkish community members, its local officials explain that MEST has proven to be very responsive to their requests.¹¹¹ However, the opposition sees these projects as small-scale projects (mainly reconstructions) and criticises the local authorities for their inability to attract more significant investments from MEST.¹¹²

Because Gračanica Municipality schools work according to the Serbian education system curricula and are subordinated to the Serbian Government, the Municipal Directorate of Education, Youth and Sports of Gračanica/Gračanica is limited in its scope of activity. It cooperates with some schools in certain areas, such as security and oil distribution, provision of salaries for a small number of education staff, renovation of school facilities, etc.¹¹³

Road Construction

Another politicised issue, nearly as much as the construction of houses, is investment in road infrastructure. There is a strong competition between the municipalities in this area of capital investments, to secure donations from the Ministry of Transport and Post-Telecommunication (MTPT).¹¹⁴

¹⁰⁸ Interview with Nazim Leci, Director of Education and Culture, Hani i Elezit Municipality

¹⁰⁹ Interview with Mufail Suma, Member of Hani i Elezit Municipal Assembly, representing PDK

¹¹⁰ Interview with Nazim Leci, Director of Education and Culture, Hani i Elezit Municipality

¹¹¹ Interview with Xhafer Morina, Director of Education and Health, Mamusha Municipality

¹¹² Interview with Nuhi Morina, KDB President, opposition party in Mamusha Municipal Assembly

¹¹³ Interview with Boban Marinković, Primary and Secondary Education Coordinator, Directorate of Education, Youth and Sports, Gračanica Municipality

¹¹⁴ BIRN has sent official interviews requests to the MTPT regarding how priority investments have been done in investment projects in municipalities and asked information for all investments done in municipalities. MTPT responded regarding investments in municipalities by addressing us in their press release, which is included in the report but does not contain information for all municipalities.

Priorities for the municipal roads are primarily defined at the municipal level, while responsibilities for regional roads belong to the MTPT. However, political preferences vis-à-vis party affiliation of mayors are very important in directing investments from the centre to the municipality. The Alliance for the Future of Kosovo (AAK), in one of its reactions against this alleged discrimination, produced the following data: five AAK-led municipalities (Gjakova/Djakovica, Peja, Suhareka, Deçan and Junik), with a total population of 500,000 inhabitants, received MTPT investments of 2 million euro, while five PDK-led municipalities (Prizren, Skenderaj, Drenas/Glogovac, Klina and Ferizaj) with 562,000 inhabitants had a total of 25 million euro investments from the same ministry.¹¹⁵ This was rebutted by the MTPT through a statement regarding road infrastructure projects, only to create greater confusion.¹¹⁶ The statement gave no clarifications about the same municipalities subject to AAK accusations, but instead referred to Prishtina, Peja, Deçan, Suhareka, Istog/Istok, Podujeva/Podujevo and Gjakova. A thorough analysis of the data published by MTPT indicates that Peja, Deçan and Gjakova, in the period 2009/2010, were beneficiaries of only 4.2 million euro from the ministry. The AAK explains that Suhareka had the most investments from the MTPT, around 3.5 million euro, because investments had been planned for Suhareka before it was known as to who would win elections there. Otherwise, Suhareka would have had the same fate as Peja or Deçan.^{117 118} The BIRN research team, for reasons of comparison, has requested from MTPT all investment data per municipality, but its submitted request was not taken into consideration by the ministry, despite the fact that the Law on Access to Public Documents guarantees it.¹¹⁹

Arguments for such an investment policy include the need to balance development among different parts of Kosovo. The mayor of Ferizaj believes that with the arrival in office of his party there is now a chance for this balance, and that in the region of Drenica, deservingly, after a long time, infrastructural investments are being implemented in order to help this region recover.¹²⁰ There is also a recent request for a direct distribution of grants in municipalities, without giving the right to line ministries to determine the municipality in which they wish to invest.¹²¹

¹¹⁵ Koha Net, AAK accuses the government of biased party investments (1 March 2010), at <http://www.koha.net/index.php?cid=1,7,13365> (accessed on October 2, 2010)

¹¹⁶ Ministry of Transport and Post-Telecommunication, MTPT has invested Kosovo wide, without regional distinctions, <http://www.mtpt.org/?page=25&lang=1&item=129> (accessed on 21 January 2010)

¹¹⁷ KOHA Net, AAK accuses the government of biased party investments (1 March 2010), at <http://www.koha.net/index.php?cid=1,7,13365> (accessed on 2 October 2010)

¹¹⁸ Blërim Kuçi was elected as Mayor of Suhareka in November 2009, when the Kosovo budget was already planned. Koha Net, Elections: PDK 10, LDK 5 and AAK 3 municipalities, at <http://www.koha.net/index.php?cid=1,54,5535>, (accessed on 21 January 2011)

¹¹⁹ Law on Access to Public Documents Nr. 03/L-215, Article 4.2, at <http://www.assembly-kosova.org/common/docs/ligjet/2010-215-alb.pdf>, (accessed on 28 January 2011)

¹²⁰ Interview with Bajrush Xhemajli, mayor of Ferizaj

¹²¹ Interview with Isa Mustafa, mayor of Prishtina

The municipality of Vushtrri has a good level of cooperation with the Ministry of Transport and Post-Telecommunication, and it is said that investment priorities in road infrastructure are defined by the municipal institutions themselves.¹²² The opposition in Vushtrri agrees on the investments, but addresses complaints on the way these grants were allocated, adding that the municipality favours roads where it recognises the residents.¹²³ There is also an atmosphere of cooperation in the municipality of Hani i Elezit with the central government, despite the fact that not many projects have been implemented in the municipality. The politicisation of investments has occurred in the past, such as the case of the promise of the prime minister of Kosovo in the municipal elections on building a road in Goranc, only if the candidate of the Democratic Party of Kosovo won.¹²⁴ Similarly, there not many investments in Mamusha, but there are no major complaints either. The local government of Mamusha mentions central factors for attracting investments (above all, the role of the Turkish Kosovo Assembly Member, Rifat Krasniqi),¹²⁵ while the opposition shows a lack of resources, particularly financial, of the municipality to build roads.¹²⁶

In the municipality of Obiliq, both the governing party and the opposition speak of how the MTPT has overlooked the municipality. All investments in the last ten years, with the exception of the main road paved by the ministry last year, have been implemented by the municipal budget.¹²⁷ Obiliq was ignored by the central government as a result of party preferences.¹²⁸ As of today, the Ministry of Local Government Administration has pledged more funds in Obiliq than the MTPT.¹²⁹

The governing party and opposition in Prizren think differently. While the local government claims that the municipality allocates an appropriate budget for road infrastructure,¹³⁰ opposition parties believe that investments have been made in areas with the biggest number of citizens votes, and the quality of the roads constructed remains dubious.¹³¹ Specifically, they mention significant delays in building the road in the direction towards Gjakova.¹³²

¹²² Interview with Dibran Përquku, Director of Public Services, Municipality of Vushtrri

¹²³ Interview with Qazim Azemin, Chief of the Parliamentary Group of AAK, Municipality of Vushtrri

¹²⁴ Interview with Rufki Suma, mayor of Hani i Elezit

¹²⁵ Interview with Agim Morina, Director of Public Services, Municipality of Mamusha

¹²⁶ Interview with Sami Thaqi, Independent Municipal Assembly Member in Mamusha

¹²⁷ Interview with Imer Berishën, Acting Director of Public Services and Emergencies, Municipality of Obiliq

¹²⁸ Ibid.

¹²⁹ Interview with Haki Jashari, Assembly Member of the Alliance for the Future of Kosovo, Municipality of Obiliq

¹³⁰ Interview with Hasan Hasani, Director of Public Services, Municipality of Prizren

¹³¹ Interview with Ridvan Hoxha, Assembly Member of the Democratic League of Kosovo, Municipality of Prizren

¹³² Interview with Bislim Zyrapi, President of the Branch of the Alliance for the Future of Kosovo in Prizren

Complaints against the central government are frequent in the municipality of Suhareka. Investment needs in road infrastructure of this municipality are very big, but the MTPT allocates little or no funds for Suhareka.¹³³ In addition, there are confirmed cases when, despite the definition of investment priorities for roads by the municipal institutions, MTPT has defined its own investment priorities in Suhareka.¹³⁴

Meanwhile, there is confirmation in Gračanica of a rather difficult situation of road infrastructure and the lack of the necessary funds for investment projects.¹³⁵

Transparency and citizen participation in decision-making

The Law on Local Self-Government obliges municipal assemblies to approve a municipal regulation promoting transparency of the legislative, executive and administrative bodies in the municipalities, increasing the participation of the public in local decision-making, and facilitating public access to municipal official documents.¹³⁶ To implement this legal obligation, the Ministry of Local Government Administration has also issued an Administrative Instruction on Transparency in Municipalities.¹³⁷ This administrative instruction regulates the participation of the public in the meetings of the assembly and its mandatory committees, meetings with the public, the obligation of municipalities to put up public announcements, public consultations prior to adopting certain municipal acts, the public's participation in decision-making, access to official documents and maintenance of the municipal official website.¹³⁸

BIRN's monitoring of the selected municipalities, in connection with transparency and citizen participation in decision-making, included the following issues: public meetings, consultative committees, web sites, public consultations, civil society, and direct democracy mechanisms.

¹³³ Interview with Muhamet Bajraktari, Director of Public Services, Municipality of Suhareka

¹³⁴ Interview with Behxhet Kuçi, Assembly Member of the Democratic League of Kosovo, Municipality of Suhareka

¹³⁵ Interview with Viktor Gjokiç, Urbanism Advisor to the Mayor of Gračanica

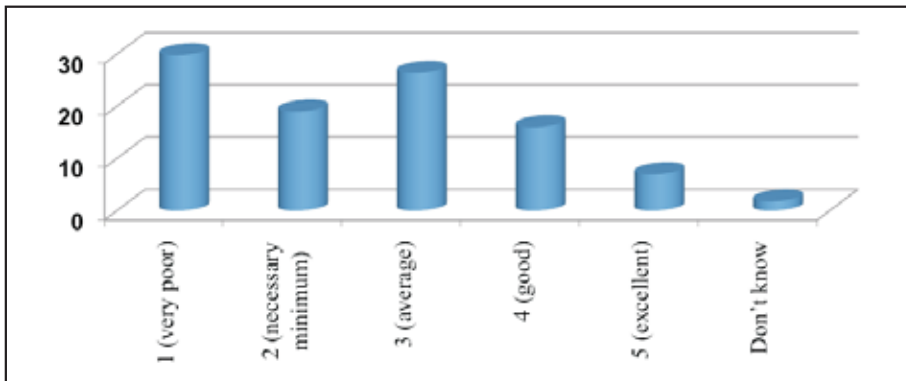
¹³⁶ Kosovo Assembly, Law No. 03/L-040 on Local Self-Government, Article 68.4 – Public Information and Consulting, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 5 October 2010)

¹³⁷ Administrative Instruction of the Ministry of Local Government Administration, No. 2008/09 On Transparency in Municipalities, entered into force on 15 July 2008

¹³⁸ Kosovo Democratic Institute, Comparative Study, Summary of the work of the municipalities of the Prizren Region (May 2010), at <http://www.kdi-kosova.org/publications/AnalizaKrahasueseRegjPz.pdf> (accessed on 5 October 2010)

When asked about the level of transparency in their municipality, respondents provided the following opinions: very low (29.8%), the required minimum (19.0%), average (26.4%), good (16.0%) and excellent 7.0% (Figure 11).

Figure 11. On a scale of 1 (minimum) to 5 (maximum), how would you evaluate the transparency of your municipality (public consultations, web sites, meetings with citizens, citizens' (civic) participation, public information, etc.)?

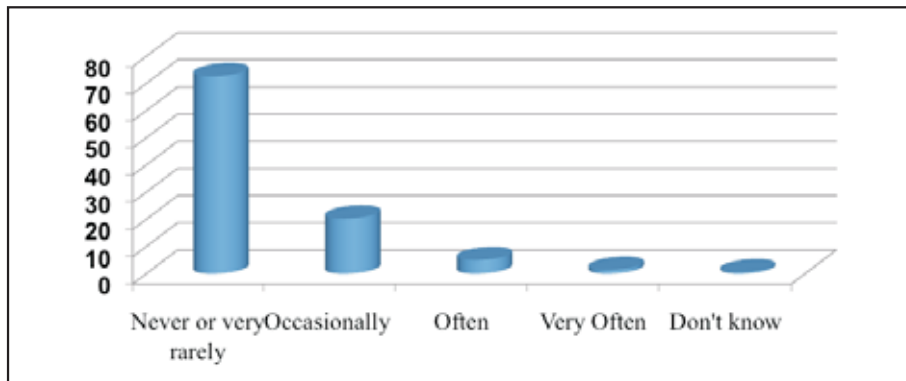


When speaking of public meetings of the Mayor, it is clear that municipalities see this more as an obligation deriving from the Law on Local Self-Government and the Municipality Statute, rather than a possibility to understand citizens' perceptions and include them in decision-making. These meetings, as required by the law, are held twice a year, and municipalities are rather accurate with them. Of concern is the result from this survey that a very small number of citizens claim they are very frequently informed about public meetings (only 7%). Participation in public meetings was low, and BIRN, during the course of this survey, confirmed that in such meetings, municipalities invite municipal administration employees and constituents, in order to avoid being criticised by, and possible clashes with the citizens.¹³⁹ Interviewed citizens indicated the following level of participation: only 1.4% of them participate very often in such meetings, and 72.7% have responded never or very rarely (Figure 12). In the Mosaic report of 2006, 23% of respondents declared that they had knowledge of meetings organised by their municipality, and in 2009 this number was higher – on average, one in three respondents declared that they were informed of these meetings, but only 8% of them had taken part.¹⁴⁰

¹³⁹ BIRN possesses considerable data (written reports, video recordings, and other materials) from the monitoring of public meetings in different municipalities of Kosovo, which show such a level of participation and organisation of these meetings.

¹⁴⁰ UNDP and USAID, Mosaic of Kosovo, Public Services and Local Authorities in Focus (October 2009), p 44, at <http://www.ks.undp.org/repository/docs/shqip%20green.pdf> (accessed on 5 October 2010)

Figure 12. Are you often informed by the municipality about public meetings/debates?



The establishment of consultative committees is another obligation of municipalities in the Law on Local Self-Government, according to which “the Municipal Assembly shall establish sectoral consultative committees with the objective of citizens' participation in decision-making processes”.¹⁴¹ Consequently, the MLGA has issued the Administrative Instruction on Consultative Committees, with the aim of having citizens and other local-level stakeholders actively participating in the public interest decision-making process.¹⁴² To date, municipalities have proven to be very poor at creating consultative committees. The municipalities also have problems with the establishment and the functioning of municipal functional committees (e.g. Municipality of Prizren). Communication with the citizen through the internet is an area still under development, as websites of municipalities mainly contain protocol information. Most municipal websites lack information on decisions and working reports, and provide limited access to municipal official documents. Moreover, online application for civil documents is yet to be implemented. Municipal officials have difficulties in understanding the concept of public consultation. A large part of interview replies by municipal officials on public consultations focused on the mayor's meetings with the citizens. The data indicate that municipal decision-makers do not always have a clear understanding of the policy-making cycle, and even when consultation of citizens does take place, this is only as a formality. Civil society continues to be insufficiently engaged in monitoring and evaluating the work of municipalities.

¹⁴¹ Kosovo Assembly, Law No. 03/L-040 on Local Self-Government, Article 73.1 – Consultative Committees, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 5 October 2010)

¹⁴² Ministry of Local Government Administration, Administrative Instruction No. 2008/10 on the Organization and Functioning of Consultative Committees in Municipalities, 15 July 2008

With the exception of some of the larger municipalities (namely Prishtina, Prizren, Ferizaj and Mitrovica), in other municipalities, the decision-makers govern without any pressure from civil society. However, instruments of direct democracy, envisaged in the Law on Local Self-Government¹⁴³ and municipal statutes (referendums, civil initiatives etc.), remain an unused opportunity for the municipalities of Kosovo.

Municipal officials' statements differ from findings in the field. According to the information officer of the municipality of Vushtrri, Blerim Zhabari, the municipality organises public meetings in accordance with the legal requirement of two meetings per year; and participation of citizens in these meetings is satisfactory and rising.¹⁴⁴ Qazim Azemi, chief of the opposition parliamentary group of the AAK in this municipality complains about transparency, saying that the municipality does not publish announcements on time and through the media, as provided by law.¹⁴⁵

Unlike in Vushtrri, the mayor of Hani i Elezit meets citizens daily – the direct form of their involvement in the decision-making process.¹⁴⁶ The opposition in Hani i Elezit confirm transparency in this municipality, where, according to Shaban Qupa, a member of the PDK in the municipality, the mayor meets people regularly, either through meetings at his office or through public meetings which are announced regularly, as defined by law.¹⁴⁷ However, as in most municipalities, here there also is the same problem of a lack of monitoring by non-governmental organisations, as well as the municipality website which, although active, does not contain key documents of municipality works, such as departmental work reports, procurement reports etc.

The Municipality of Mamusha has the advantage of a small territory and small population, which allow for better access to citizens' requests by municipal institutions. The mayor meets citizens regularly, and public meetings are regular, as determined by law. The municipality website is 50% functional, and instruments of direct democracy have so far not been used.¹⁴⁸ Procedures for obtaining official documents from the municipal administration are said to be fast and efficient .¹⁴⁹

¹⁴³ Kosovo Assembly, Law No. 03/L-040 on Local Self-Government, Chapter IX – Direct Democracy and Mechanisms of Civic Participation, at http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L040_al.pdf (accessed on 5 October 2010)

¹⁴⁴ Interview with Blerim Zhabari, information officer, Municipality of Vushtrri

¹⁴⁵ Interview with Qazim Azemi, chief of parliamentary group of AAK, Municipality of Vushtrri

¹⁴⁶ Interview with Rufki Suma, mayor of Hani i Elezit

¹⁴⁷ Interview with Shaban Qupa, PDK assembly member, Municipality of Hani i Elezit

¹⁴⁸ Interview with Arif Butuç, mayor of Mamusha

¹⁴⁹ Ryzhdi Kryezi, general administration director, Mamusha Municipality

Mehmet Mazrek, adviser to the AAK in Mamusha Municipal Assembly disagrees, and considers the mayor's public meetings to be failures, one of the reasons being citizens' low interest in participating. Opposition members consider municipal civil society to be influenced by the mayor.¹⁵⁰

Even in Obiliq, public meetings are perceived more as a legal obligation than a chance of genuine interaction with citizens. The local government admits that the number of participants in these meetings is small,¹⁵¹ excluding the last public meeting, when the hall was filled with citizens.¹⁵² Although the spokesperson states that representatives of civil society, civil groups, media, local government and others take part in these meetings,¹⁵³ the opposition thinks that the participants are made up only of administration employees and party supporters, which applaud the mayor's speeches in these meetings.¹⁵⁴ Consultative Committees have so far not been established in this municipality¹⁵⁵; the website of the municipality contains general information, but not access to official municipal documents¹⁵⁶; the public is not consulted even for major issues, such as a change of municipal statute¹⁵⁷; and mechanisms of direct democracy have not been used at all so far.¹⁵⁸

In the public meeting of the mayor of Prishtina, Isa Mustafa, held on 25 June 2010 as a result of monitoring by BIRN, it was confirmed that there were 100 participants present at the municipal assembly hall, of which only 35 to 40 were citizens, and others were municipality officials. According to Ms Alie Gusia, chief of public affairs sector in the municipality, official documents can be found on the municipal website, and online application for civil documents has recently begun to be functionalised.¹⁵⁹ However, during our research on the website of the Municipality of Prishtina, we noted that a large section contains inaugurations by the mayor, but not so much on annual reports of departmental work.

Since the municipality of Gračanica was established only in December 2009, there has not been much time for public meetings and consultations with citizens have not been so great.

¹⁵⁰ Interview with Mehmet Mazrek, adviser to the New Alliance for Kosova (Aleanca Kosova e Re), at the Municipal Assembly of Mamusha

¹⁵¹ Interview with Ismet Hashani, general administration director, Municipality of Obiliq

¹⁵² Interview with Mehmet Krasniqi, mayor of Obiliq

¹⁵³ Interview with Mehmet Ismaili, spokesperson, Obiliq Municipality

¹⁵⁴ Interview with Ajet Berisha, adviser to the Movement for Union (Lëvizja për Bashkim) at the Municipal Assembly of Obiliq

¹⁵⁵ Interview with Mehmet Krasniqi, mayor of Obiliq

¹⁵⁶ Interview with Mehmet Ismaili, spokesperson, Obiliq Municipality

¹⁵⁷ Interview with Ajet Berisha, adviser to the Movement for Union (Lëvizja për Bashkim) at the Municipal Assembly of Obiliq

¹⁵⁸ Interview with Rifadije Paloja, adviser to the Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës) at the Municipal Assembly of Obiliq

¹⁵⁹ Interview with Alie Gusia, chief of public affairs office, Prishtina Municipality

However, despite many challenges in the establishment and functioning of the new municipality, several meetings with citizens and media were organised in Gračanica in which the mayor has rolled out his work since the establishment of this municipality.¹⁶⁰

Despite having received numerous petitions¹⁶¹ of different requests by citizens of the municipality, local government officials in Prizren have ignored this, stating that there has been no civil initiative for participation in decision-making.¹⁶² The opposition insists that the level of transparency in this municipality is zero, where public meetings are held only for formality, and that civil servants and party supporters take part in public meetings.¹⁶³ Civil society confirms little interest of citizens for participating in public meetings. Regarding the municipality website, civil society states that there is a need for improvements in the sections of official documents, municipal acts and access to online applications.¹⁶⁴

In addition to regular public meetings, which are said to have an increased interest compared to previous years, the mayor of Suhareka has appointed Tuesday as a day exclusively for meeting citizens.¹⁶⁵ However, the opposition points out the difficulties in meeting the mayor, and notes that in the previous mandate the mayor was always available for the citizens.¹⁶⁶ The local government confirms the lack of initiatives in using instruments of direct democracy,¹⁶⁷ while civil society is considered to be insufficiently capable of monitoring the work of municipal institutions.¹⁶⁸

¹⁶⁰ Interview with Sladjana Maksimović, information officer, municipality of Gračanica

¹⁶¹ The initiators of one of these petitions, after having received no reply from the municipality within the legal time period, took their case to the Constitutional Court of Kosovo. According to the ruling by this court, the Municipality of Prizren has violated the law: <http://www.gjk-ks.org/?cid=1,28,193> (accessed on 2 October 2010)

¹⁶² Interview with Ramadan Muja, mayor of Prizren

¹⁶³ Interview with Ridvan Hoxha, adviser to the Democratic League of Kosova in the Municipality of Prizren

¹⁶⁴ Interview with Naim Cahani, project coordinator, Kosovo Democratic Institute

¹⁶⁵ Interview with Begishe Basha, communication and information officer, municipality of Suhareka

¹⁶⁶ Interview with Behxhet Kuçi, adviser to the Democratic League of Kosova, at the Municipal Assembly of Suhareka

¹⁶⁷ Interview with Bali Muharremaj, deputy mayor of municipality of Suhareka

¹⁶⁸ Interview with Reshit Makicën, Director of General Administration, Municipality of Suhareka

RECOMMENDATIONS

The objective of this survey and report is to assess the situation, and serve as an incentive for a debate on the local government system in Kosovo, by analysing certain parts of the quality of life of the citizens of Kosovo's municipalities. However, this research has also led us to several general recommendations (and some specific ones), which are drawn as a logical outcome after addressing topics of local government.

The following measures are recommended:

For the Ministry of Local Government Administration:

- The MLGA should immediately undertake an evaluation of the existing of directly elected mayor system, as a prerequisite for its successful implementation in the coming years;
- Though this system is slowly proving to be a system that increases efficiency, municipalities and particularly mayors are defying the law more frequently. Improvements in the directly elected mayor system, through identification of defects and further sophistication, are prerequisites for an effective and democratic local governance;
- The MLGA should apply the right to the control of legality in municipalities with the use of preventive, detective and punitive mechanisms. This can be achieved by seeking accountability from municipalities, and addressing legal violations to the competent courts.

For the Municipal Assemblies:

- Municipal assemblies should strengthen supervisory mechanisms of mayors, in order to create a balanced control of good governance. These relations between the mayor and the municipal assembly should improve;
- Improperly announced and organised public meetings, comprising civil servants and party constituents, should come to an end. Municipalities should immediately raise the level of transparency, particularly in areas such as: public meetings, consultative committees, public consultations, cooperation with civil society and

direct democracy mechanisms;

- Municipal websites should be updated with working reports of municipal assemblies, such as reports of municipal departments, procurement and other important documents, and not serve only as promotional pages for inaugurations of mayors.

For the Government of the Republic of Kosovo:

- The Kosovo government should stop the anti-democratic practice of favouring municipalities led by the party in power, and distribute grants according to the actual needs on the ground, and in consultation with municipal leaders;

- The Kosovo government, in close cooperation with municipalities and other stakeholders, should urgently address the problem of defining the formula for allocating municipal grants in order to avoid further discontentment of municipal leaders;

- Article 72 of the Law on Local Self-Government, regulating the issue of the removal of the mayor, should be amended, in order to avoid absurd obstacles that the law currently creates. The part which envisages that the removal of the mayor should be voted by the majority of registered voters, should be replaced with 'majority of voters voting', taking into account the trends of election turnout in Kosovo;

- The central and local governments should intensify dialogue, in order to find solutions to many pending issues: regional companies, central government investments, decentralisation and centralisation, etc.

For civil society organisations:

- The few civil society organisations operating at the local level should shift from monitoring municipal assemblies to monitoring the work of the mayor, as the directly elected mayor system gives the mayor executive powers;

- Receiving funds from a municipality for services or different projects should not result in creating a clientist relationship between municipality and civil society because civil society risks its credibility towards citizens.

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