DECENTRALIZATION
A CHALLENGING PROCESS

Report on monitoring the decentralization process in three newly created municipalities Gračanica/Graçanicë, Ranilug/Ranillug and Klokot-Verbovac/Kllokot-Verbovc
The Humanitarian Law Center Kosovo was established in Prishtinë/Priština in May 1997. Until the outbreak of hostilities between Serbian security forces and the Kosovo Liberation Army in February 1998, HLC Kosovo focused on documenting police repression of Albanians, investigating cases of torture, illegal detention, and political trials. After this date, HLC Kosovo shifted its focus to documenting the killings and-or disappearances of Kosovo Albanians and Kosovo Serbs. When NATO intervened in 1999, HLC Kosovo temporarily moved its office to Montenegro, where it continued its documentation work among the Albanian refugees there. Following the June 1999 peace agreement that ended the war, HLC-Kosovo returned to Prishtinë/Priština to continue its documentation work. Since that time, HLC Kosovo has published numerous reports, advocated for the rights of victims, monitored trials, urged authorities to bring war crimes perpetrators to justice, and investigated the killing and-or disappearances of Serbs, Roma and Bosnians. Today, HLC-Kosovo focuses its work on documentation, trial monitoring and promoting minority rights.

HLC-Kosovo will create and implement a program for teaching youth about the past. The non-formal curriculum will be participant-oriented, based on facts and victims’ stories. As this will be the first program of this type in Kosovo, HLC-Kosovo will request input and training from institutions outside the region. HLC-Kosovo will develop an attractive and age-appropriate curriculum and will implement this curriculum in local secondary schools through cooperation with the Ministry of Education.

HLC-Kosovo is a registered organization based in Prishtinë/Priština with over 10 professional staff, including a Head of Office and an independent Director of Finances. Working closely with HLC-Serbia on joint projects and having strong regional contacts from its involvement in the Coalition for RECOM, HLC-Kosovo works to build support for RECOM within Kosovo through the consultation process and through public outreach.
This report has been prepared under the project “Monitoring of the decentralization process in three newly created municipalities” - the municipalities of Gračanica/Gracanica, Kllokot/Verbovac and Ranillug/ Ranilug” - with the support of the Catholic Committee Against Hunger and for the Development (CCFD).

The research for and preparation of this report by HLC-Kosovo covers the period from November 2010 to October 2011. In preparing this report, HLC-Kosovo used different research methods, such as visiting municipalities, qualitative interviews with citizens of these municipalities, and interviews with local municipal officials, central government officials, and local and international organizations, as well as analyses of secondary data from the media, institutional reports and other organizations. HLC-Kosovo conducted 61 interviews in total, 15 (fifteen) of which were with municipal officials, 6 (six) with central level officials, 3 (three) with international officials and 37 (thirty-seven) with citizens. HLC-Kosovo also had several meetings with focus groups, from which much information regarding citizens’ concerns emerged.

HLC-Kosovo believes that decentralization should be based on the principle of subsidiarity, concretely offering better public services for citizens of these localities as well as increased space for decision-making by local authorities. Developing equal participation for all ethnic minorities, especially the Serbian community, in the social, economic and political life of Kosovo, as well as strengthening human rights, political pluralism and democratic political participation in Kosovo, will assist the implementation of the decentralization process in Kosovo and minority integration in particular.

Creation of new municipalities has not been without problems. The influence of Serbian state institutions through parallel structures has remained quite strong. Multimillion euros venture funding of these structures impedes the functioning of the newly established municipalities on the one hand, and integration of the Serbian community into Kosovo institutions on the other. However, in this regard the situation has improved. The new municipalities have begun to provide public services and investments in public works which directly affect the lives of citizens, even though these services leave much to be desired.

The law on local self-government and the confidence of citizens in local institutions is considered the most important element for guaranteeing successful implementation of decentralization. The trust of local communities living within these municipalities in local institutions directly affects the participation of citizens in decision-making, which is at a minimum. The abuse of official position and lack of proximity to citizens for the better understanding of their daily problems are affecting the proper implementation of the decentralization process. The use of methods for consultation such as focus groups, public meetings with citizens, the development of a genuine debate on municipal plans and face-to-face discussions between municipal representatives and citizens can be crucial in gaining mutual trust for the newly
established municipalities, by means of which the purpose of decentralization can be properly realized.

HLC-Kosovo considers that the Government of Kosovo is not doing enough to increase the administrative capacity to manage public affairs. There is strong control of municipalities being exercised by the central government; this control has caused obstacles to the realization of municipal projects. The law on local self-government and the Decentralization Action Plan 2009-2011, drawn up by the Government of Kosovo, the ICO and other relevant players remain the basic documents for guiding the full implementation of decentralization in Kosovo. These documents foresee the transfer of competencies from central to local government. However, the transfer of powers is very slow, and even when the competences are transferred, there still exists the problem of budget transfers. Transfer of powers is not being realized as planned, which is the result of the reluctance of the Government to leave municipalities to operate freely, and of the lack of professionalism among municipal officials.

Reports published by the Ministry of Local Government on monitoring the work of municipal assemblies are not qualitative. On the one hand, the Ministry has not prepared the required questionnaires to measure the performance on quality management, and the municipal officials for their part have sent in reports with incorrect information. The transfer of powers from the mother municipalities is followed by irregularities and problems. Police stations have not been established or are not functional within the boundaries of these municipalities, education is controlled mainly by parallel structures and the health care system is in distress. The dialogue on technical issues between Priština and Belgrade can help in the decentralization process. During this dialogue, both parties should raise the question of parallel structures in Kosovo and the functions required for their elimination, starting from the achievement and practical implementation of agreements on freedom of movement, education and health care, so the power of parallel structures can be reduced. Such agreements will indirectly affect the integration of the Serbian community in the health and education system of the Republic of Kosovo.

The municipalities are not yet fully functional, due to lack of necessary infrastructure and professional staff, and because of many other challenges. The newly established municipalities have created units for human rights, but these units are not yet functioning. These offices are faced with shortage of space and lack of professionalism among the officials in these positions, and the limited budget prevents a proper functioning of this sector to serve as the institutional mechanism to guarantee, protect and respect the rights and freedoms of its citizens.

The citizens of these municipalities are not satisfied with the transparency of local government. The majority of respondents had a negative view as regards the level of transparency in local institutions. On the evidence of their responses, HLC-Kosovo understood that the citizens possess no information as regards the plans and actions of their municipalities. In other words, there is no form of communication between the municipality and the citizens. The majority of citizens have no idea of the work that the municipality carries out. Another challenge in these municipalities
is the implementation of the Law on the Use of Official Languages\textsuperscript{103}. In the majority of cases, documents are being provided in only one language – the Serbian language. Failure to provide relevant documents in a citizen’s language is a serious violation of the Anti-Discrimination Law, the Law on Official Languages and the Law on the Protection and Promotion of Rights of Communities and their Members, specifically, article 1.1: ii \textit{“The equal status of Albanian and Serbian as official languages of Kosovo and the equal rights as to their use in all Kosovo institutions”}. \textsuperscript{104}

When confronted with this issue, the municipalities have responded by stating that due to the limited budget and lack of funds for payment of translators, municipalities are not able to respect the Law on Official Languages. However, it is important to note that implementation and respect for the Law on the Use of Official Languages is not an option but an obligation for the municipalities.

Another concern is the still weak economy and high rate of unemployment. Lack of employment opportunity is the main concern of the citizens of these municipalities. As a result of the low level of economic development, the return process is facing difficulties. In addition, the migration of returnees and other citizens is growing day by day.

The newly established municipalities do not have a long-term strategy and action plan to develop capacity or natural resources in order to increase economic development and to create new work opportunities for their citizens.

The purpose of this report is to present the real situation in these municipalities, give recommendations, advocate to local, national and international authorities for the promotion of the rights of communities, and promote the active citizen participation in political, economic and social life.

\textsuperscript{103} - Law on the Use of Official Languages Law No. 02/L-37
\textsuperscript{104} - Law No. 02/L-37
The decentralization process in Kosovo, since its commencement in 2008, entered into force with the Constitution of Kosovo on 15th June 2008. Kosovo's Constitution is largely built on the 'Comprehensive Proposal for the Kosovo Status Settlement' (Ahtisaari Framework) and stands at the foundation of a broad legislative framework aimed at protecting minority rights. Communities are defined by the Constitution as being “Inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of Kosovo”105. The Law on Local Self-government identifies the sole or shared competences of each municipal authority over a broad range of service sectors, such as health care, education, social services and local economic development (Law on local self-government on own competences and on enhanced municipal competences106.)

Prior to the creation of the new municipalities, it is important to underline that the government of Kosovo set out a strategy for the decentralization. The decentralization process was set out to implement major administrative and territorial reforms, strengthen the status and capacity of both the staff at regional and local levels, clearly assign the functions and resources to the different levels of government, and promote transparency and citizen’s participation and, most importantly, promote and protect the rights of citizens who are the members of ethnic minority groups. The creation of the legislative basis for local self-governance and the development of its institutional framework took place in 2008.

A further argument for decentralized government is that it has the potential to protect ethnic minorities. If minorities inhabit an area with a certain degree of self-government, decentralization essentially grants them the right to be free as a collective community. Decentralization offers the possibility of combining democratic ideals with guarantees for minorities and can provide a means of accommodating problems arising from ethnic diversity. By guaranteeing local autonomy, especially in relation to questions considered important to ethnic identity, the potential for conflict within the national political arena is reduced. All municipalities where the Kosovo Serbian community is in the majority have enhanced competences for cultural affairs, including the promotion and protection of religious and cultural heritage and additional participatory rights in the appointment of police station commanders. However, as was mentioned before, practice tends to differ greatly from theory.

Decentralization has been viewed by the majority of residents in the 'minority is a majority' municipalities with distrust. There have also been cases where hostility was present to a great extent among the citizens. The hostility arose mainly owing to the fact that legislation and decisions were adopted without initial consultations with the citizens, who in this case are directly linked with the decentralization process. At the moment, the level of distrust in local government has decreased, but suspicion is still present.

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105 - Constitution of the Republic of Kosovo Chapter 3, article 57.1
106 - Law on Local Self-Government No. 3/L-40, No 3/L-040 - Chapter III on Municipal Competences with article 17 and article 19(i)
The legal framework was designed in order to make a smooth transition and make sure that decentralization becomes a success. Why do governments decentralize? Decentralization allows many decisions to be taken by local communities instead of central authorities, in order to promote good governance, economic development and efficiency in the delivery of public services, and to accommodate the interests of diverse communities.

**LEGAL FRAMEWORK**

Municipalities, in the execution of their exclusive delegated powers, are the basic units of self-government in Kosovo. The new Law on Local Self-Government has broadened the areas where municipalities have exclusive competences. This law, together with the Law on Administrative Municipal Borders and the Law on Local Government Finances, regulates the local government in Kosovo.

The legal framework determines that municipalities shall exercise their competences in accordance with the principle of subsidiarity. It also takes into account the principles of local self-government enshrined in the European Charter of Local Self-Government and its Protocols, the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its Protocols.

While implementing the decentralization plan, the Kosovo authorities had to initiate changes in 35 laws, in order to transfer the decision-making process down from the central government to municipal governments. The last round of legislative changes that will affect the decentralization process and municipal governance in general, has to do with laws that will increase the quality of municipal services. The Law on Civil Servants has been put onto the legislative agenda of the Assembly.

The Administration (MLGA) sees the legislative framework for the decentralization process as complete. However, since most of the legislation was drafted or amended in a very short period, some gaps and mismatches have been identified over time.

The MLGA has initiated a working group to amend the Law on Local Self-Government. Members of civil society were also involved in this working group. The suggested changes have dealt with transparency of municipal work, direct democracy and citizen participation mechanisms at the municipal level. The MLGA has proceeded with the changes, which will be looked at by an inter-ministerial group before they are sent to the Assembly for adoption.

The Government of Kosovo has been criticized for delaying adoption of the Law on Debts, on the basis of which municipalities can apply for grants.
and debts independently. The law that has been drafted by the Ministry of Economics and Finances (MEF) has not been taken to the Assembly. This is due to the fact that the Government is still considering whether this power should be delegated to municipalities. The MLGA considers that municipalities do not have the necessary capacities to manage foreign debts and loans. However, such a competence is foreseen in the Law on Local Self-Government - in other words, the special law is supposed to determine details about how municipalities can apply for loans and other grants at national and international levels. On the other hand, according to the current legislation, Kosovo municipalities are autonomous in exercising their exclusive and delegated competences. The MLGA is the overall supervisory authority for the municipalities’ acts.

The Government of Kosovo cannot annul municipal acts - legislative or executive - even if they are not in line with Kosovo law or with the Constitution. In such cases, the Government may request that the municipality re-examines such decisions or acts. The request shall state the grounds of the alleged violation of the Constitution or law and shall not suspend the execution of the municipal decision or other act at issue. Municipalities are then obliged to respond to such requests for re-examination within 30 days of notification. If municipalities do not respond by the given deadline, or respond negatively regarding reconsideration of a particular act, the Government can only bring the issue to a competent court or to the Constitutional Court.\(^\text{107}\)

This lack of possibility for governmental intervention is the single factor behind the central government’s fear of fully functionalizing new municipalities. The central government fears that in a few years time the new municipalities will take action in violation of Kosovo’s Constitution and other laws. However, this fear is groundless. The Government has full legal authority to dissolve municipal assemblies and call for new municipal elections. This irrational fear has become a “political driver” for slowing down the overall decentralization process.

107 - The Law on Local Self-Government, Chapter 10
Institutional structures for communities do exist and operate in Kosovo. There is the Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG). The AOGG has been working since 2002 under the Office of the Prime Minister. The role of the AOGG is to review legislation, policies, procedures and practices in compliance with human rights standards and practices of good governance. In addition to that, the AOGG makes recommendations to the Prime Minister and to the Ministries. The Office for Community Affairs is now the key coordinating body for community issues. The Office for Community Affairs was created in 2008 with the objective of coordinating government and donor efforts in their work with communities, monitoring community-related legislation and advocating for government adherence to issues of key importance.

There is also a Ministry for Community and Return (MCR) which was established in 2005 by UNMIK regulation\textsuperscript{108}. The MCR protects and promotes communities and their members. Its mandate includes development of policies and the promotion and implementation of legislation for the promotion and protection of the rights of communities and their members (including the right to return), promotion of the establishment of conditions conducive to return and the ensuring of a rights-based approach to return, the development and overseeing of the implementation of a government outreach strategy related to communities and returns, and supporting the development and implementation of such strategies in all municipalities.

In 2007, Ministerial Human Rights Units (HRUs) were created within each Ministry. Their main task is to monitor compliance with Ministry policies, legislation and activities with relevant human rights standards. That same year (2007) the Prime Minister of Kosovo created the position of Human Rights Coordinator of the Government of Kosovo (HRC). The main task of the Coordinator is to coordinate the work of the Human Rights Units (HRUs) in the Ministries of the Government of Kosovo, with the aim to promote and protect human rights in Kosovo and coordinate the activities concerning the mechanisms of the government of Kosovo for Human Rights.

The President of Kosovo has also created a Communities Consultative Council (CCC). The CCC serves as a vital mechanism in facilitating the political participation of communities at the central level. In other words, the CCC serves as a bridge between communities and governmental institutions. It assists in creating a dialogue and giving an opportunity for the expression of the communities’ views in relation to the different legislations and policies adopted by the government.

There is, of course, the office of the Ombudsperson. It was established in 2000 and is part of the Constitutional Framework.

\textsuperscript{108} - UNMIK regulation 2005/15. Annex XII
MUNICIPALITY OF GRAČANICA /GRAČANICË

The Municipality of Gračanica/Graçanicë is located in the central and eastern part of Kosovo, bordering the municipality of Prishtinë/Priština to the west and the Lypjan/Lipjan municipality to the southeast and northwest of Fushë Kosovë/Kosovo Polje. The Municipality of Gračanica/Graçanicë consists of 16 cadastral areas, with an area of 131.25 square km109, and 11,006 residents, according to preliminary census data collected in April 2011110. The first local elections in the municipality were held on 15 November 2009, and 23.0% of voters attended the elections. Mr.Bojan Stefanović from the Samostalna Liberalna Stranka Party won with 60.94% of the vote. On December 29, 2009, the Municipal Assembly received its constitution111.

Municipal Competences

Municipal competences are regulated by the Law on Local Self-Government, which foresees that: “Municipalities shall exercise self-administration and delegated power in accordance with the law”112.

The Gračanica/Graçanicë municipality is estimated to be one of the municipalities that has made significant progress since its establishment, ranging from technical reforms, capacity-building of human resources and capital investments, all of which are closely related to the transfer of power. In other words, in comparison to other municipalities, Gračanica/Graçanicë has made a smoother transition in transfer of powers from the so-called mother municipalities. After signing the Memorandum of Understanding with the Ministry of Local Government, the Municipality of Gračanica/Graçanicë received all the required documents from the so-called “mother municipalities” of Prishtinë/Priština, Fushë Kosovë/Kosovo Polje and Lypjan/Lipjan. Documents relating to the transfer of archives, cadastral areas, property taxes, spatial and urban planning, the use of property and the civil register were among those which were transferred.

Despite many training sessions organized for the capacity-building of municipal officials by the MLGA and other organizations, municipal officials still do not have sufficient capacity to master the new tasks. Despite advances worth noting, municipal officials complain that it is not yet clear what powers should be transferred and how they should be transferred. Recently, the issue of amending the law on local self-government has been raised. The need for change derives from the fact that the implementation of the law has been problematical. One of the pressing issues is the problem of establishing a police station which will operate within the new municipality.

Mr. Ramë Kryeziu, Deputy-Chief of Police in Gračanica/Graçanicë states: “The Police Station in Gračanica/Graçanicë does not cover the whole territory of the municipality of Gračanica/Graçanicë with new administrative boundaries; we have

111 - Progress Report on the establishment and development of new municipalities, February/2011 MLGA / p. 2
112 - Law on Local Self-Governance Law No. 03/L-40
no authority to operate in certain villages. Prishtinë/Priština and Lypjan/Lipljan Police Departments have the jurisdiction to control certain villages and/or other parts of the municipality”.  

The presence of a police station that would operate in certain areas based on the current administrative boundaries would eliminate many problems associated with local community safety. In addition, faster intervention in cases of accidents would apply; it would also clarify which municipality of Gračanica/Graçanicë should address the problems encountered. Thus, with a clear division of competences, police intervention would be more efficient when required. Even though the Central Government promised to find a solution and divide the competences, still no concrete actions have been taken; the Ministry seems to ignore the need to establish a police station which would operate only within the Gračanica/Graçanicë administrative borders.

Mr. Nebojša Perić, adviser to the Mayor of the Municipality of Gračanica/Graçanicë, answering our question about the operation of the Police Station, stated: "It is necessary that the competences should be clarified, as the establishment of the police station is prescribed in the Law on Local Self-government. We have addressed our concern to the Ministry of Internal Affairs and the Ministry of Local Government on this issue. They have promised us that soon the Ministry will define the powers, but we consider that they are not doing enough”.

Public Services

One of the basic principles of decentralization is also to provide better quality services for citizens. Taking into account that local governments have better knowledge of community needs, they thus have a better opportunity to realize these needs successfully than central government.

The Municipality of Gračanica/Graçanicë created seven Directorates:
1. Directorate of Administration
2. Director of Finance
3. Director of Urban Planning and Cadastre
4. Director of Health
5. Director for Public Services
6. Director of Culture, Youth and Sports
7. Director of the Inspectorate

The MLGA has organized information campaigns aimed at raising awareness about the benefits of decentralization, and the provision of public services which will affect the daily lives of citizens of these municipalities.

The Administration of Gračanica/Graçanicë Municipality in 2010 demonstrated high efficiency, according to reports published by the MLGA. Of the requests made by citizens during 2010, the Administration examined all of them. However, despite the review of all requests, citizens are not satisfied with the approach of the municipality and municipal officials to their needs.

N.N. (known to HLC Kosovo): “For 2 (two) weeks I have been coming to the municipality to meet the Director of Cadastre and Geodesy for some documents regarding the property which I own, but haven't received any response from anyone yet. I am facing a lot of problems,

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113 - Interview on 12.04.2011, Mr. Ramë Kryeziu Deputy-Chief of Gracanica Police Station
114 - Interview on 21.03.2011, Mr. Nebojsa Peric, Adviser to the Mayor of Municipality of Gracanica
I cannot sell my own land or do anything with it, and other officials from the municipality are giving excuses, saying that Director is busy and can’t meet me”. 116

Gračanica/Graçanicë Municipality is not represented in the regional public enterprises, because of the bad services provided by these companies. As a result of this, the municipality does not provide proper public services. The request of the Mayor and Municipal Assembly is for the establishment of a municipal enterprise which will provide better public services to the city and villages of this municipality.

Public investments in the Albanian-majority villages are scarce; the best example is the village of Kišnica/Kishnicë, which belongs to the current administrative boundaries of the Municipality of Gračanica/Graçanicë. Since the establishment of the Municipality of Gračanica/Graçanicë, not much has been invested, even in road infra-structure and sewage, despite the fact that such investments have been made in other localities with a majority of Serbian residents, such as Laplje Selo/Llaple sello and Sušica/Sushicë.

B.B. stated: “Decentralization is not functional in our village yet - for the moment there are no services offered from the Municipality of Gračanica/Graçanicë. Municipal officials have been saying that they are planning some projects that will improve our lives, but we don’t know what projects they are talking about. Until today, we haven’t had the use of any services provided by the Municipality of Gračanica/Graçanicë. Not because we don’t want them, but because they are not offering anything, and it is still not clear if we belong to Prishtinë/Prishtina or Gračanica/Graçanicë. The other problem we are facing is that we do not have canalization; villages with Serbian majorities have better living conditions, health care, infrastructure and education than we do”. 117

Public debates with citizens are not being properly organized as required by the Law on Local Self-government. Even when public debates are organized, there is no interest by the citizens. The presence of citizen’s apathy leads to disorganize and in some cases non-existent meetings. This is seen as a big problem, because as a result of this, the majority of citizens are not informed of the activities and plans of the Municipal Assembly.

Health Care and Education

The education and health care systems are not under the control of the municipality; all schools in the Serbian language in the Municipality of Gračanica/Graçanicë are paid by the Serbian State and accountable only to the parallel structures of the Republic of Serbia. The Municipality of Gračanica/Graçanicë has not taken any concrete steps in improving this situation - the usual reason given to all municipalities being “lack of finance”. Education employees refuse to cooperate with the legitimate local authorities and schools in the Municipality of Gračanica/Graçanicë use curricula that are not approved by the Ministry of Education of the Republic of Kosovo.

The municipality has not invested in schools which are located in the villages with a majority of ethnic Albanians. For example, the “Ditët e Minatorit” Elementary School is in the predominantly Albanian village of Kišnica/Kishnicë.

116 - Interview on 07.04.2011, N.N. in Municipality of Gracanica
117 - Interview on 13.04.2011, B.B. forester, inhabitant of Kishnica, Municipality of Gracanica
The “Ditët e Minatorit” school operates under bad conditions - a heavily damaged infrastructure and lack of basic teaching materials are just a few of the things to be mentioned. This school has 164 pupils and 14 teachers. School employees are on the payroll of the Municipality of Prishtinë/Priština, although within municipal boundaries belonging to the Municipality of Gračanica/Graçanicë. The Director of this school, Mr. Bajram Binakaj, has brought this issue numerous times to the attention of municipal officials and has requested help. However, no action has been taken, despite promises for a solution.

Mr. Bajram Binakaj stated: “The process of decentralization at its minimum does not meet the goals as such. Our school has very difficult working conditions. We hoped that after decentralization, the municipality would be closer to us and to our requirements, but up to now there is nothing concrete. We have students who are obliged to travel several kilometers on foot, because they do not have transportation provided for them”\(^{118}\)

Gračanica/Graçanicë Municipality should invest in all schools and strengthen cooperation with directors of schools, in order to create the pre-conditions for further cooperation, eventually leading to the unification of the educational system in Kosovo. Even though unification of schools remains a political issue, this step could create the necessary platform for needed dialogue. In other words, the schools under the influence of the parallel structures could see possible benefits from Kosovo institutions. The Ministry should initiate, develop and implement a unique curriculum, a curriculum that will be used throughout the territory, in the respective languages of all communities living in Gračanica/Graçanicë Municipality and beyond. A good start could be regular visits of officials from the Ministry of Education; meetings with local government officials and investments in schools could be a start of the integration process for Serbian schools within the municipality.

The health care system in the municipality is in a similar situation to that of education. Local government has no control over the health care system, and hospitals and family medicine centers are being controlled by parallel structures and supported financially by the Serbian State. The medical workers refuse to cooperate with the legitimate government in Gračanica/Graçanicë, since they do not recognize the Municipality of Gračanica/Graçanicë as a legitimate institution. In comparison with the two other municipalities, the influence of parallel structures in the health care sector is stronger in the Municipality of Gračanica/Graçanicë. This is despite the fact that the Ministry of Health tried to get in contact in order to integrate them into the health care system of the Republic of Kosovo. So far, this action has yielded no results. HLC Kosovo discovered the interesting fact that despite all these attempts, and despite the fact that the head of the primary health care institution in Gračanica/Graçanicë is also an MP in the Kosovo Parliament, no concrete steps have been taken to improve the situation.

The Ministry does not possess a concrete strategy on this issue; HLC Kosovo believes that in order to coordinate and do the field work in cooperation with local institutions, the Ministry should initiate a strategy. And it should not serve simply as a document like other documents which are not being implemented in practice, but as a document that will keep both local and central governance on track and in line in dealing with this problem.

\(^{118}\) - Interview on 12.04.2011 with Mr. Bajram Binakaj, Director of Primary School in Kishnicë
Mr. Ferid Agani, Minister for Health Care, stated: "Our ministry doesn’t have any written strategy about this issue, but we are working on an everyday basis trying to talk to health workers in order to make a unique health care system. We are aware that in newly created municipalities parallel structures are operating, and that their influence is really big, but what concerns us most is bad communication with secondary health care in these municipalities, especially in Gračanica/Graçanicë and Northern Mitrovica. We also think that the issue of parallel structures are more linked to the municipal level, as we know that the Law on Local Governance states that primary and secondary health care are municipal competence. But, certainly we will do our best to help. Health insurance we believe will be one of the main things that will improve the health system situation in general".  

Health insurance can be seen as a good start, but HLC Kosovo believes that direct meetings of officials at both Local and Central Government levels, and investments in new buildings and staff, can have a bigger impact in the local community, as not much effort has been given to improve the situation. A good example is the meeting of Mr. Agani, Minister of Health, with the Mayor of the Municipality of Parteš/Partesh Mr. Nenad Cvetkovič. At this meeting, the Mayor of the Municipality of Parteš/Partesh informed the Ministry about the problems they are facing, and explained the needs of the Parteč/Partesh community.

Official Languages

Daily problems in the implementation of the Law on the Use of Official Languages in the Republic of Kosovo continue to occur, despite its entry into force three years ago. It is evident that the Municipality of Gračanica/Graçanicë is facing problems in implementing this law. Albanian-speaking citizens have numerous complaints to make, and say that officials of the municipality provide documents only in the Serbian language (Cyrillic alphabet).

HLC Kosovo during its field research has noted that the Municipality of Gračanica/Graçanicë is violating the Law on the Use of Official Languages also in relation to public announcements, reports, job announcements and monthly newsletters. In most cases, these are being published only in the Serbian language. The Municipality of Gračanica/Graçanicë in this instance is violating the Law on the Use of Official Languages, namely Law no. 02/L-37, and also violating the Law against Discrimination, namely Law no. 2004 / 3.

These laws serve as guarantees for citizen’s rights, and require the municipal institutions to establish special translation units. The justifications of municipal officials, who point to lack of finance, are not usually subject to any kind of accountability.

Gračanica/Graçanicë Municipality does not provide enough information in the Albanian language on the official website of the municipality. Information that is placed there is outdated and does not provide any real insight into the work of the municipality. Detailed information about the municipality is available in the Serbian section of the website. The

119 - Interview on 29.06.2011 with Mr. Ferid Agani, Minister for Health
120 - http://infoglobi.com/artikulli/gracanica_shkel_ligjin_per_perdorimin_e_gjuheve/28
Municipality of Gračanica/Graçanicë also owns another site in which official information is published in the Serbian language, in the Cyrillic alphabet 121. To the enquiry of HLC Kosovo in regard to the lack of information in other official languages, in this case Albanian, the municipal officials gave as their reason the small percentage of Albanians living within Gračanica/Graçanicë Municipality. This must not only be seen as a problem but also as a violation of the Kosovo Law on the Use of Official Languages, which obliges municipalities to fully respect the right of citizens to receive information in his/her mother language.

Main street names are only in the Serbian language, the inscription of the Municipal Assembly facility is in the Serbian language, and symbols such as flags are those of the Republic of Serbia. This in turn creates resentment in the minority population of this municipality.

121 - http://www.opstina-gracanica.com
MUNICIPALITY OF RANILUG/RANILLUG

The Municipality of Ranilug/Ranillug lies in the eastern part of Kosovo with an area of 74.28 square kilometers and 3,785 inhabitants, according to preliminary data published by the Statistical Office of Kosovo. The Municipality of Ranilug/Ranillug under the decentralization plan was created out of 15% of the territory of the Municipality of Kamenicë/Kamenica, in 13 cadastral areas bordering the Municipality of Kamenicë/Kamenica to the north, the Municipality of Novobërd/Novo Brdo to the west and the Municipality of Gjilan/Gilane to the southeast. The Municipality of Ranilug/Ranillug is a hilly and mountainous area suitable for agricultural sector development. This municipality is predominantly populated by Serbs. The employment rate is low because of local economic development, which remains weak because of several problems in divided competences, interference by Central Governance and lack of professional staff.

Local elections were held on November 15, 2009, with a turnout of 12.4% voters. Gradimir Mikić was elected Mayor with 71.11% of votes from Građanska inicijativa za Opštinu Ranilug - GIZOR. The inaugural meeting of the Municipal Assembly was held on January 5, 2010.

Municipal Competences

The Municipality of Ranilug/Ranillug is often presented as a success story of the decentralization process in Kosovo. Ranilug/Ranillug is recognized as one of the municipalities that have faced rejection by the local Serb community of the legitimate authority, in the post-municipal election of 15 November 2009. The elected municipal officials were faced with distrust and even threats from their community.

In comparison to Gracanica/Graçanicë and Klokot-Verbovc/Klokot-Verboc, the Municipality of Ranilug/Ranillug has had no major problems with the mother municipality for the transfer of competences. The cooperation between the Municipality of Kamenicë/Kamenica with the newly formed Municipality of Ranilug/Ranillug has been and is satisfactory. However, Ranilug/Ranillug lacks an adequate capacity of municipal staff, which in turn affects the ability of the municipality to accept the new powers and efficiently perform its tasks.

The Municipality of Ranilug/Ranillug is not yet fully consolidated. Being a small municipality, it is still in the early stages of consolidation. The municipal officials are facing difficulties such as managing the new powers, lack of infrastructure and insufficient space for staff - some of the things which need to be completed properly. Local government has experienced concern and complaints in relation to funds provided by central institutions. More funding is needed, because the current funds mainly pay off...
the salaries of officials. Another major concern facing this municipality has to do with property use and urban development.

The Director of Administration (Municipality of Ranilug/Ranillug) Ms. Vanja Trajković states: “One of the main problems at the moment is the inability to use municipal property for the purpose of the economic and social development of the municipality”\textsuperscript{123}

The municipality has experienced problems with the central institutions on this matter. One is the reversal of the decision by the District of Kamenicë/Kamenica after the Kosovo Property Agency (KPA) appeal claimed that land given by the municipality to build an Orthodox church is the property of the “Forest Economics” public company. In addition, the Ministry and the KPA have annulled a decision to grant land to a foreign investor, the annulment being made by the Ministry of Agriculture.

The problem of uncertainty in the separation of powers is explained by the Deputy Mayor of Ranilug/Ranillug, Mr. Nebojša Kenić: “Ranilug/Ranillug Municipality found an investor who had plans to build a factory. We agreed to provide land for this purpose, and also sent the project to the Minister of Agriculture. The request was denied and we were forced to break the agreement with the investor. This was very damaging to the economic development of the municipality, as economic development is our priority”\textsuperscript{124}

It is to be noted that control and influence over the municipality from central institutions is significant. This intervention by central government prevents the proper functioning of the new municipality to create greater opportunities for new working places and local implementation plans.

The Municipality of Ranilug/Ranillug is still lacking a proper police station. Currently within the boundaries of the Municipality of Ranilug/Ranillug, the Police Station of Kamenicë/Kamenica Municipality is in operation. The representatives of the local community are concerned as regards this issue and would like immediate steps to be taken, as this issue is directly linked to their security. No establishment of a police station prevents the municipality from implementing the Law of Local Government, namely Article 23 regarding extended rights to participate in the election of local police station commanders\textsuperscript{125}.

### Public Service

The Municipality of Ranilug/Ranillug has established 5 directorates:
1. Directorate of Budget, Finance and Economic Development
2. Administration and Personnel Department
3. Department of Urbanism, Cadastre and Geodesy
4. Department for Education and Health
5. Department of Public Services

Ranilug/Ranillug Municipality, in cooperation with and support of the MALG and UNDP, has prepared a Municipal Strategy for development 2010-2012\textsuperscript{126}. Despite being a small municipality, Ranilug/Ranillug has made progress in terms of public services. Two million euros have been invested in 2010.

\textsuperscript{124} - Interview on 31.03.2011, Mr. Nebojsa Kenic, Deputy Mayor of the Municipality of Ranilug
\textsuperscript{125} - Law on Local Self-Government, article 23
\textsuperscript{126} - http://kk.rks-gov.net/ranillug/
The main investments were used for infrastructure, such as roads, waste water and drinking water. In addition, the municipality arranged transportation for ethnic Albanian students from surrounding villages, who travel to attend a primary school. The funding for transportation was received from the government. However, it is worth noting that capital investment for 2011 decreased from that of 2010. In 2010, a total of 240,151 euros was allocated, whereas for 2011, the municipality received capital investment to the amount of 92,791 Euros.

Mr. Nebojša Kenić, Ranilug/Ranillug Deputy Mayor: “*In our municipality, we have three settlements of the majority Albanian community. At our request, the Kosovo government has given us a donation of two buses. One bus is being used to transport children of the Albanian community from their home to school and back.*”

Ranilug/Ranillug Municipal Administration provides partial services to citizens. The municipality provides birth certificates, death and marriage certificates and other documents that are municipal competences. It has also established a cadastre office and an office of minority communities. The small working space for the administration is still seen as a problem. Currently, citizen services are being offered in an old building in the village of Rapotovo, until a new building is constructed. The building was funded by the European Commission and will be functioning in 2012.

N.N. (known to HLC Kosovo) stated: “I am informed that the new municipality is providing documents for us. I have never applied for any documents because I don’t need them. I have documents from the Republic of Serbia, and the documents I have are much more useful.”

Municipal officials estimate that there are no problems in collecting taxes. During 2010, more than 50% of citizens responded positively to the call for payment of tax. This is a vital sign that shows that the Serbian community has recognized the legitimacy of the municipality. Another important fact is the turn-out of the citizens of this municipality. In the municipal elections of 2009, only 12.4% of citizens voted, while in the parliamentary elections of 2010 this percentage increased to 34.12%.

The Municipality of Ranilug/Ranillug still does not exercise full responsibility in providing public services. The municipality does not participate in the management of regional enterprises, in contrast to other newly established municipalities. Ranilug/Ranillug has lagged behind in quality and progress in the delivery of other public services. The municipality had an increase of only 4% of the population being connected to the drinking water system.

The main reasons are lack of professional staff, interference of Central Governance in budgeting and inability to provide full independence in local finances.

**Health and Education**

Like other municipalities, the Municipality of Ranilug/Ranillug has problems with its health and education systems. Furthermore, the impact of the Serbian state parallel structures is evident. Teachers and health workers are paid by the parallel structures and refuse cooperation with the legitimate institutions which emerged.
after the November 2009 elections. The reluctance and non-cooperation of the Serbian Community are challenges to the legitimacy of the municipality. Although refusing cooperation, all health workers receive double salaries - salaries from parallel structures, as well as salaries from the Ministry of Health. The salary received from the Kosovo Ministry is considered an additional payment and not seen as a salary by the employees.

Two primary and two secondary schools are operational in this municipality. In total, there are 86 teachers and approximately 1100 pupils. Transport for students has been provided by the municipality; there is a bus that is being used for transporting students to school and back to their villages. It is important to note that transportation is being provided to both ethnic Serbian and ethnic Albanian students.

In comparison to Gračanica/Graçanicë, the cooperation between schools and municipalities in Ranilug is better. The cooperation could be seen in meetings and a willingness to be open to dialogue, and also in practice, as for example with student transportation. The situation in regards to health care is similar. Although no official meetings take place, provision is made for cooperation and dialogue.

M.T., a citizen from the Municipality of Ranilug/Ranillug stated: “We have good communication with citizens from other nationalities when it comes to property issues and need for any information. But we use different schools and health care services”. 132

Official Languages

The Municipality of Ranilug/Ranillug lags in implementing the Law on the Use of Official Languages. There has been progress in providing documents for citizens, but the current situation leaves much to be desired. HLC Kosovo during fieldwork has noted that public announcements and notices are published only in the Serbian language, mostly in Cyrillic.

Ranilug/Ranillug Municipality has not taken any concrete steps to enhance respect for official languages. The municipality has not yet created a special unit that will translate official documents from Serbian to Albanian and vice-versa, although the Law on Local Government requires that municipalities are obliged to establish special translation units. Street names and inscriptions are in Serbian. But it is worth noting as positive the fact that, as regards information which is published on the official website of the municipality, a large percentage of the information is translated and published also in the Albanian language as well. Like other municipalities, Ranilug should respect the Law on the Use of Official Languages and not treat it as optional.

131 - Interview on 03.06.2011, Ms. Vanja Trajkovic, Director for Administration and Personnel Ranilug
132 - M.T, citizen from Municipality of Ranilug/Ranillug, interview on 03.06.2011
133 - http://kk.rks-gov.net/ranillug/
MUNICIPALITY OF KLOKOT-VERBOVAC/KLLOKOT-VERBOVC

The Municipality of Klokot-Verbovac/Kllokot-Verbovc is located in a hilly and mainly agricultural region, in southeastern Kosovo. The municipality consists of four cadastral areas, with an area of 23.39 square kilometers, and a population of 2,551 inhabitants (preliminary results from the Statistical Office). The majority of residents are of Serbian ethnicity. Due to its location, Klokot-Verbovac/Kllokot-Verbovc is agricultural; however, the agricultural sector is not fully developed.

Municipal elections were held on 15 November 2009, with a turnout of 25.2%. Saša Mirković (the only candidate for Mayor from the Liberalna Samostalna Stranka party) was elected Mayor with 510 vote’s i.e. 100% of the total votes. The first inaugural session was held January 8, 2010.  

Municipal Competences

The decentralization process in the Municipality of Klokot-Verbovac/Kllokot-Verbovc was challenging, in comparison to the progress of decentralization in other municipalities. One of the obvious challenges was the resistance of the Serbian community in Klokot-Verbovac/Kllokot-Verbovc. Furthermore, the municipality came face to face with another problem – the resistance of the Albanian population of Viti/Vitina Municipality to the establishment of the new municipality on the territory of Viti/Vitina, because of the strong influence of the Self-Determination Movement. The Albanian community did not accept the decentralization process from the beginning. As a result, the Viti/Vitina Municipal Assembly and the new established municipality have had difficulties in cooperation and communication, especially with regard to transfer of competences.

However, the situation has changed since a Memorandum of Understanding between the two municipalities was signed. This Memorandum was initiated by the ICO and the Ministry for Local Governance. The Municipality of Viti/Vitina started to help with the exercise of the new competences of Klokot - Verbovac / Kllokot-Verbovc - among other things, the Municipality of Viti/Vitina began sharing experience on the functioning of the municipality. Currently, most powers have been transferred from the mother municipality to the Municipality of Klokot - Verbovac / Kllokot - Verbovc, ranging from civil registry and cadastral documents, to spatial planning, transfer of archives and property taxes.

Mr. Momčilo Stojković, Director for Health, Education and Youth and Sports states: “Transition from the mother municipality in the beginning was hard, but now we have good cooperation., We also have a Memorandum of Understanding signed between the municipalities. After we signed the Memorandum, cooperation became satisfactory”.  

However, the Municipality of Klokot -
Verbovac / Kllokot - Verbovc still faces a shortage of professional staff, which prevents the easy transfer of new powers. The municipality has been dealing with this issue by holding numerous trainings for capacity-building of local staff and increasing the number of employees in the administration from 10 to 35. Today, the Municipality of Kllokot/Verbovc is considered fully functional.

On July 8, 2011, the inauguration of the Center for Civil Service in Klokot-Verbovac/Kllokot-Verbovc took place\textsuperscript{136}, following the transfer of powers and functioning of the municipality. The aim of this centre is to bring services closer to the citizens. Residents of Klokot-Verbovac/Kllokot-Verbovc can now apply for and receive the government documents through this centre.

The Police Station which operates in the municipality was established on September 5, 2011\textsuperscript{137}. After selecting the new commander, the police sub-station in the village of Verbovac/Verbovc has become the main police station, as required in the Law on Local Self-government. It is worth mentioning that the transfer of powers and establishment of this station have been characterized by delays, but after repeated requests by municipal officials, it was completed on September 5, 2011. Initially, 15 police officers are to be employed at the station, and Boban Todorovič was appointed chief of police.\textsuperscript{138} It is important to note that with the creation of this station; most of the powers have been transferred to Klokot - Verbovac / Kllokot - Verbovc Municipality, which now operates with full authority.

### Public Service

The Municipality of Kllokot/Verbovc has established 5 municipal directorates:
1. Directorate for Administration
2. Directorate of Urban Planning and Cadastre
3. Directorate of Budget
4. Directorate for Education, Health, Youth and Sports
5. Directorate for agriculture and hydro-economy.\textsuperscript{139}

The Municipality of Klokot-Verbovac/Kllokot-Verbovc has received multiple funds from the Central Government, and also from different international donors such as USAID, LOGOS, UNCHR etc. Since the commencement of the decentralization process, the municipality has made numerous investments in various sectors. Major improvements can be seen in the infrastructure, but there is lack of investment in other public services, such as water supply and sewage. During 2010, the municipality received about 3 (three) million euros in total from both the Central Government and other donors.

The municipality has great tourism potential, with physical rehabilitation facilities which are widely used by citizens of Kosovo and beyond. The Municipal Assembly has approved an initiative by the Mayor to establish a tourist tax to all tourists who visit the Health Spa of the municipality - a tax of 0.30 cents per patient. This tax will be used for other local public investment in this municipality. Though this could be seen as a good opportunity for investment in public services, the decision to raise a tourist tax did not involve citizen participation. In other words, important decisions such as this should involve the direct participation of citizens.

\textsuperscript{137} - http://www.koha.net/index.php?page=1,31,68281
\textsuperscript{139} - Progress Report on the establishment and development of new municipalities, February/2011 MLGA
During 2010, about 700 people were employed in factories that operate in the Municipality of Klokot-Verbovac/Klokot-Verbovc, and around 100 employed in municipal administration\textsuperscript{140}.

Like residents from various other municipalities, the residents of Kllokot/Verbovc are mainly concerned over the economy. The economy remains weak and youth unemployment continues to rise. In April of 2011, the Municipality approved the Strategy for Sustainable Development and Integration 2011-2014, in the fields of Economy, Employment, Education, Health and Social Welfare.

N.N. (known to HLC Kosovo) stated: 
\textit{“Our village has been left behind; a lot of investments were made after the decentralization, but not in our village. Unemployment remains the biggest concern. If people had jobs, then the integration process would be much easier. Corruption is another concern. Since the elections, officials have been thinking only of themselves”}\textsuperscript{141}

The municipality has also shown a positive trend on tax collection. In the first six months of 2011, after the presentation of the financial statements for the Finance and Budget Department, the Mayor of Kllokot/Verbovc Mr.Saša Mirkovič stated: 
\textit{“We had planned the budget for the incomes this year,,and in the first half we have collected over 36,000. This shows that we as a new municipality will be more financially independent, despite the fact that we are facing more problems with regard to the municipality functioning properly.”}\textsuperscript{142}

Health and Education

The impact of parallel structures in the health and education sectors remains high. The decentralization process was regarded with skepticism by the majority of the community in the municipality, but with time and investment, the perception of the community has changed for the better. The success of decentralization and decrease in the impact of parallel structures are best observed in the Municipality of Klokot-Verbovac/Klokot-Verbovc.

Investment and improvement in the health and education sectors is evident, but still leave much to be desired. Following investment, the municipality established the Family Health Center in June of 2011. This health centre will provide primary health care for residents who until recently did not have access to it\textsuperscript{143}. The medical center is not fully operational at the moment, due to lack of budget, and by the end of 2011, the center will be faced with operational problems. But despite the difficulties, this is an important step for the local government in coming closer to citizens in terms of providing affordable health care services.

In the Municipality of Klokot-Verbovac/ Klokot-Verbovc, there are four elementary schools. Three are taught in the Serbian language, and one is a mixed Serbian-Albanian school. However, problems still exist in the education sector. The impact of parallel structures remains high. There are teachers who refuse to cooperate with legitimate local authorities even though they are getting double salaries, one from parallel structures and the other from the Ministry of Education. As in other municipalities, the reason for lack of cooperation is most of the time political.

\textsuperscript{140} - http://kk.rks-gov.net/kllokoti/News.aspx
\textsuperscript{141} - N.N. interview on 23.06.2011, in Verbovac/Verbovc village
\textsuperscript{142} - http://kk.rks-gov.net/kllokoti/News.aspx
\textsuperscript{143} - http://kk.rks-gov.net/kllokoti/News.aspx
The feeling of belonging to the Serbian State is evident in this municipality, along with lack of trust in Kosovo Institutions. Citizens integrated into the Kosovo system are considered traitors by the Serbian community.

Mr. Refik Halili, Deputy Mayor of the Municipality of Klokot-Verbovac/Kllokot-Verboc states: “Decentralization in our community had a positive impact. Initially, we had many problems as the municipal preparatory team. At the time of ground-level discussions with residents of the Municipality of Kllokot, there were 10 members, 9 of whom were Serbs, with myself as the only Albanian. From the Department of Education in the Municipality of Kllokot there was a job announcement, for which 90% of applicants were from the Serbian community. Another problem is that some of the teachers in the Municipality of Kllokot still receive salaries from Serbia’s budgeting, and this still remains a challenge for the municipal authorities in Kllokot, because for us it is discriminatory”.  

144 - Interview on 22.03.2011, Mr. Refik Halili Deputy Mayor of Municipality of Klokot-Verbovac
DEMOCRACY AND CITIZENSHIP

HLC Kosovo believes that the process of decentralization is stronger and more effective when implemented within the context of a democratic process. Citizen participation in the political process provides legitimacy for government action. Ownership of the process resides therefore with the populations, including the grassroots. In newly created municipalities, HLC Kosovo during its research and analysis concluded that not much effort has been put by local governance into involving citizens in the decision-making process. During our interviews with citizens, most of them did not know anything about their municipality’s work and plans for future development.

Leadership Accountability and Decision-Making Process

Social accountability may be defined as a demand-driven approach to be applied by elected or non-elected authorities and officials to meet the people’s expectations of obtaining accurate information from the responsible authority. This relies on civic engagement, where ordinary citizens and civil society organizations play a key role. Institutional mechanisms and tools to promote social accountability should be adequately designed, to make elected or non-elected authorities, decision-makers and officials accountable for their decisions, actions and utilization of resources.

Most of our respondents are not well-informed about the municipality’s work, expenses, public meetings, vacancies or plans.

D.S., Program Coordinator at NGO states: “There is no interest in elections because of no trust in the political elite. Vacancies are not posted publicly; they are posted on the website, but not always. In our

Municipality, nepotism exists - in other words, people who get employed are either friends or relatives of officials. We cannot participate in the decision-making process. There are some reports on spending, but these reports are not as they should be. The Municipality provides some numbers, but not the real figures”.

HLC Kosovo considers that local institutions are neither focused enough on the daily problems of their citizens, nor trying to involve citizens in decision-making processes and dealing with practical problems. They are much more concerned with political issues, avoiding their responsibilities in administering municipalities. The municipal officials elected and appointed after the November elections are not trying to find better models that will encourage citizens to participate in decision-making processes, such as direct meetings within communities, target groups, civil society organizations dealing with social involvement and participation, etc. In other

145 - Interview on 19.04.2011 D.S, Program Coordinator at NGO in Gracanica
146 - Interview on 19.04.2011 Ms. E.G., citizen of Municipality of Gracanica
NEPOTISM – A STEP BACKWARDS

Nepotism refers to favoritism exercised towards either a relative or a friend, regardless of whether or not they meet the requirements, or regardless of merit. The presence of nepotism can be witnessed in a number of countries, both developed and developing. Thus it comes as no surprise that nepotism is present in Kosovo, in particular when looking at the newly established municipalities. Nepotism can be seen as a step backwards, especially when taking into account that the newly established municipalities were created in order to bring the government closer to the citizens, create transparency and decrease corruption. The presence and influence of local government is supposed to provide more benefits and create equality. Nepotism is not only a step backwards, but it could also be seen as a dangerous tool which could create future distrust towards municipal institutions. In addition, the presence of nepotism could create general apathy among other minority residents within the municipalities.

E.G., citizen of the Municipality of Gracanica/Gracanicë stated: “You can get employed only if you have a family member working in the municipality, or have good relations with officials; otherwise, there is no work for you”. 146

M.M., inhabitant of the Municipality of Klokot - Verbovac / Kllokot - Verbovc from Verbovac/Verbovc village stated: “Nothing changed after decentralization - there is no job if you don’t have any relatives working in the municipality. It is good only for political parties and their servants”. 147

N.N. (known to HLC Kosovo), citizen in the Municipality of Ranilug/Ranillug stated: “Unemployment is the biggest problem we are facing. I am an accountant by profession, and have tried to find a job in the municipality. But it seems that only if you personally know and have good relation with someone who works in the municipality can you get a job”. 148

147 - Interview on 03.06.2011 Mr. M.M., citizen of Municipality of Klokot, village of Verbovac
148 - Interview on 03.06.2011, N.N., citizen in Municipality of Ranillug
The presence of parallel structures is more evident today in the newly created municipalities for various reasons, one of which is political. This presence often interferes with the educational and health care systems. This is more evident in the municipalities where ethnic Serbians are the majority.

The importance of monitoring the decentralization process by civil society in the attempt to promote and protect the rights of minorities is crucial. Furthermore, monitoring can benefit society in general. Without the monitoring process, the implementation of legislation is often delayed.

The difference between law and reality can be felt in the lives of citizens - in this case, the citizens of the Municipalities of Gračanica/Graçanicë, Ranilug/Ranillug and Klokot-Verbovac/Kllokot-Verbovc. The discrepancy between law and reality more often than not originates from legislation which proposes loftily conceived mechanisms for the participation of minorities and the protection of their rights, where in most cases the procedures to implement these provisions is nonexistent. It is also important to understand that if the legislation is adopted on the national level, it does not mean that it will reach and work for all citizens.

Following the entry into force of the Kosovo Constitution on 15 June 2008, the Government of Kosovo committed itself to a framework of decentralization. After the entry into force of the Constitution of the Republic of Kosovo and changes in local government legislation, the Ministry of Local Government was tasked with developing a plan to implement decentralization and enhance coordination between central and municipal institutions.

For each new municipality, a Municipal Preparation Team (MPT) was established. The MPTs were tasked with undertaking all necessary preparations to ensure that all resources were allocated and administrative structures in place for the establishment and functioning of the new municipalities. In addition, each of the new municipalities was to expect assistance from the so-called “mother municipalities” in the transfer of competences. For most Kosovo citizens, municipalities are their first and only point of contact with the institutions. Decentralization is the process of either transferring or delegating certain powers from the central level to the municipalities in order to develop a system of local self-government.

One of the findings of the monitoring involved the issue of belongingness or being able to identify with a certain municipality. Despite the handing over of the majority of documents from the mother municipalities to the newly established municipalities, there remains the issue where citizens are still not sure which municipalities they belong to. This in turn creates several sets of problems for some residents of these municipalities, which they are now facing. In some cases, when they go to their designated municipality for documentation/paper work, they are told to go to the mother
municipalities; once they go there, they are either sent back or turned down. This is not only inconvenient but also builds up anger among citizens.

Lack of trust among the citizens in the success of the process of decentralization is evident; citizens of these municipalities are looking at this process with scepticism.

D.M., a citizen from the Municipality of Gračanica/Graçanicë states: “I believe that the decentralization process in the end will fail and the newly decentralized municipalities will have no success in their work. The newly created municipalities will not have enough money even for paint to color their building. Now it is better because of investments by international organizations. When international organizations leave Kosovo, our municipalities will fail, as this way of working is not giving any guarantees of success. For the sustainability of a municipality, citizens should pay taxes. In Gračanica/Graçanicë, citizens and businesses do not pay taxes, which is why the municipality can’t work independently and properly for long”.

149 - D.M., citizen from Municipality of Gračanica/Graçanicë, Interview on 07.04.2011
The Department for Self-Governance has 4 (four) divisions:
1. Monitoring,
2. Capacity-building,
3. Promoting Human Rights and
4. Evaluation of Municipality work.

The responsibilities of this Department are:
- Collection and accumulation of data from the municipalities and their analysis;
- Monitoring of public access to the municipal services controlled by the central power;
- Monitoring the observance of community rights as related to services offered by the municipalities;
- Monitoring of generic representation and creation of equal possibilities in municipalities;
- Monitoring the use of official languages within the municipalities;
- Composing a sustainable, transparent and functional system of monitoring municipal activities and specification of the dynamics and periods of visits in municipalities;
- Composing of periodic information according to the stated situation in the municipalities and the results from the monitoring of municipal activities;
- Promotion and monitoring of a professional civic municipal service in close cooperation with the MPS/DCSA;
- Coordination of activities for raising of professional capacities in municipalities;
- Development of an evaluation system for municipal performance;
- Monitoring of municipal services quality;
- Collection of data, their analysis and evaluation of services that municipalities offer to citizens;
- Creation of data and statistics.

According to HLC Kosovo, the work of this Department is of crucial importance for the further development of newly created municipalities. This Department should make improvements in monitoring and reporting systems, in order to have qualitative reports, which would show the real situation on the ground.

Ms. Rozafa Ukimeraj, Director of the Department for Local Self-Government states:

“Initially, the monitoring unit was not well organized. Currently, we have a new system; however, due to lack of budget, one person is required to cover 3-4 municipalities at a time. Reporting is done through forms which are filled out by our officials. In addition, we also communicate with them through e-mail and phone. We also publish reports, trimensual and twice-yearly reports, and annual reports”.

Monitoring by officials using prepared forms does not provide real data about the situation. As a result of such monitoring, the Progress Reports published by the Ministry are not qualitative. HLC Kosovo believes that this kind of monitoring does not show in the report the progress or regress. Information provided in these reports can easily be found on municipal web pages. In order to change this, the Department of Local Self-Governance should start with qualitative monitoring, often with direct visits to the municipalities, monitoring the work of the Municipal Assembly and making analyses of data taken by Ministry officials from the field.
Protection of human rights is consistent with a democratic process, and this in turn is the basic foundation of a decentralized governance mode of government. Rule of law, respect for local social diversity, good governance, and a strong and independent judicial system are necessary tools for protecting citizens’ human rights.

Participatory Development and Partnership: When a democratic process is in place, with a proper system of checks and balances, and appropriate institutions, including management and information systems which guarantee and protect the human rights of the populations, then this creates opportunities for people to exercise their rights to become stakeholders in their own development. This means generating in people a mindset where they feel they are at the same time leaders, players and owners.

- Lately in newly created municipalities, Units for Human Rights have been created, whose mandate is:
  - To take all necessary measures concerning the protection and promotion of human rights at the municipal level.
  - To monitor compliance with standards for respecting human rights in the area, as regards equal opportunities, discrimination, gender equality, the rights of children, persons with disabilities, community rights, use of language and trafficking in human beings;
  - To advise on the design of and monitoring the implementation of the policies, regulations and guidelines issued by the Municipal Assembly, standards for human rights and national legislation;
  - To monitor the activities of the municipality and at the same time, advise the Mayor on issues of human rights;
  - To design and develop action plans, identify needs for capacity-building and budget plans for implementing the activities;
  - To report on a monthly, quarterly and twice-yearly basis at the request of the Mayor;
  - To implement laws, plans and strategies adopted by the Government of Kosovo;
  - To collaborate and coordinate activities with municipal-level structures and NGOs in the
    - sphere of protection and promotion of human rights;
  - To cooperate with institutions and agencies in helping to realize their responsibilities, including with the institution of Ombudsperson in Kosovo.  

Trainings have been organized by the MLGA to build up the capacity of Human Rights Units Officials, but there is still a lot that needs to be improved on all levels. Since the capacities of Human Rights Units within ministries are weak, as a consequence the units are not functional at municipal levels.

The range of institutions and bodies dealing with human rights at central and municipal levels is too dispersed and at times overlapping. Communication and coordination between the different institutions and bodies dealing with human rights at central and local levels and with the Ombudsperson are weak. These bodies need to be streamlined and their mandate clarified in order to make better use of their limited expertise and resources.
RECOMMENDATIONS

• The Law on Local Self-Government should be amended, to avoid clashes regarding local and central authority competences. The legislation should be harmonized in the specific areas of public services, economic development and ownership of public land.

• Full independence to municipalities to perform, in order to improve delivery of services.

• More efforts from the Ministry of Health and Ministry of Education, in order for municipalities to take charge of education and health services.

• The Ministry for Education should initiate, develop and implement a unique curriculum in the respective languages of all communities.

• The Ministry for Health should make regular visits to the newly created municipalities, trying to improve the cooperation with the Directorates for Health.

• The monitoring and reporting system by the MLGA should change, in order that qualitative reports and recommendations for each municipality should be published

• Anti-corruption mechanisms should be introduced in order to ensure transparency and decrease the level of nepotism.

• Municipalities should use consultation methods such as focus groups, public meetings, direct discussions between municipal representatives and citizens, and foster the development of genuine debate on municipal plans.

• A police station in the Municipality of Ranilug/Ranillug should be established, with a clear division of competences for the police station

• Divide clearly competences for the police station of Gračanica/Graçanicë.

• In the dialogue on technical issues between Prishtinë and Belgrade, the issue of parallel structures should be raised.

• Strengthen the units for human rights in central and local level with professional staff
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