LOCAL GOVERNANCE HANDBOOK
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KEY ACRONYMS AND ABBREVIATIONS

AI  Administrative Instruction
KB  Kosovo Budget
LAOD  Law on Access to Official Documents
MESP  Ministry of Environment and Spatial Planning
MEST  Ministry of Education, Science and Technology
MEF  Ministry of Economy and Finance
MLGA  Ministry of Local Government Administration
UNDP  United Nations Development Programme
UNMIK  United Nations Interim Administration Mission in Kosovo
FOREWORD

Dear Municipal Assembly members/colleagues,

I am honoured to present you the AKM Local Governance Handbook. Our successful campaigning during the local elections have brought us electoral success, making us representatives of our fellow citizens in our respective municipalities. During our mandate we are working hard to fulfil our election programmes promised to our electorate. There is a major part in almost all programmes promised to the voters and that is “closer and quality services offered by the municipal administration”.

The handbook you hold in your hands should be a tool to assist you in more easily managing your responsibilities as a Municipal Assembly member. It is a combination of theory and practical guidelines that will assist you during your mandate.

I can assure you that you will find this handbook to be of use to you. In many situations it will show you the best ways in which to proceed. I am sure that the Association of Kosovo Municipalities (AKM) will be available to answer all the questions that you might have regarding this handbook, so as to meet the needs of local-self-government.

Yours Sincerely,

Bajram Rexhepi
President, Association of Kosovo Municipalities (AKM)
Dear readers,

The AKM as the only representative of local governments in the Republic of Kosovo is proud to present you this handbook for elected municipal officials. This publication is the first of its kind in our country. It is our hope that it serve as the primary reference guide for Municipal Assembly members as they take on government responsibilities. This handbook is intended to be an adaptable document that will require updating and revision in the years to come. As such, it is hoped that the content of the chapters will be revised in accordance with amendments of the legislation related to the municipal competencies.

It represents a solid base for training of the Municipal Assembly members, now and in the future. In the meantime, we encourage users to update their knowledge, and seek out new information about these topics from the AKM, the Ministry of Local Government Administration and other local and international counterparts active in field of local governance. We also encourage users to make recommendations for how the content of the Handbook might be improved and made even more user-friendly in the future.

With best wishes for a successful mandate in the service of citizens,

Most sincerely,
Sazan Ibrahimi
Executive Director of the Association of Kosovo Municipalities
INTRODUCTION
INTRODUCTION

As an elected member of a municipal government in the Republic of Kosovo you are responsible for ensuring a successful future for all of the population who live in your municipality—regardless of whether they voted for you and your party. You are responsible for making decisions and developing programs which are essential to maintaining everyday life in the municipality. This is an important undertaking, but if you are reading this handbook, you will be ready for the task at hand. Citizens must be included in the decision-making process and their inclusion should be ensured by you, the elected representative. Thus, the trust and legitimacy given to you by the citizens will be justified.

This handbook is intended to provide elected members of the municipal assemblies with useful information about the work and structure of municipal governments to assist them in the management of their responsibilities as elected representatives.

This handbook is designed to help newcomers to municipal governments cope with the considerable demands of public service that they will encounter as they start their tenure in office. Seasoned office-holders are also encouraged to make use of this publication to refresh their knowledge of local government and to keep up to date with recent changes.

The first chapter gives an overview of the institutional and legal framework that governs the work of municipalities in the Republic of Kosovo. It provides an outline of the two branches that constitute the local government.

The second chapter reviews the functions of municipal government with an analysis of municipal financial management.
The third and final chapter examines the cross-cutting issues that exist within the municipal government. Municipal leaders are advised to keep these issues in mind when making decisions that affect the local communities they govern.

This is the first edition of the Handbook. It will likely be updated in future editions as the municipal government practices and legislation change.

The principles embodied in this handbook: equality, democracy and good governance, are everlasting ones.
CHAPTER I

LOCAL GOVERNMENT FRAMEWORK
CHAPTER I. LOCAL GOVERNMENT FRAMEWORK

Introduction - the concept of local self-government

Local self-government enables citizens to participate in the decision-making process of issues affecting their municipality. This is achieved through the election of representatives to representative bodies that deliberate and make decisions. In contrast to central government organization, local governance is the most accountable to the local needs of the population such as education, social protection, health care, communal services, environmental protection, or the promotion of economic development.

Local self-government promotes democratic behaviour, transparency and accountability. It should ensure a system of local checks and balances to prevent abuse of power. Local government is realized through the functioning of an executive and legislative branch.

The foundation for the establishment and development of local self-government in the Republic of Kosovo can be traced to a number of international instruments, being the European Charter of Local Self-Government the most important among them.

While the Charter establishes the basic principles for self-rule in local communities, a more comprehensive regulation is needed.
1.1 Legal framework

1.1.1 International instruments

The foundation for local governance is set out in the European Charter for Local Self-Government [the Charter].

The Charter was adopted in the form of a convention by the Committee of Ministers of the Council of Europe.¹ It is the most important international document about the principle of local self-government and has had considerable influence on the laws that regulate local self government within most Council of Europe member states.

The Charter determines that the principle of local self-government shall be recognized in domestic legislation and, where feasible, in the constitution.² The model of local self-government, as presented in Article 3, includes the right of local authorities to regulate and manage a substantial share of public affairs in the interest of the local population, within the limits of the law.

In addition to this, the scope of local self-government is explained in Article 4, paragraph 3 of the Charter which requires that “[p]ublic responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.” This principle is also known as the principle of subsidiarity.

² Article 2 of the European Charter of Local Self-Government.
1.1.2 Domestic instruments

The domestic legal framework for local government is, in large part, framed by the Charter, which calls for the creation of local authorities as “one of the main foundations of any democratic regime.” The Law on Local Self-Government, recognizing the Charter, grants local authorities the right and responsibility to regulate and manage a substantial share of public affairs in the interests of the local population. It defines the legal status of municipalities, municipal competencies, municipal finance, the organization and functioning of municipal bodies, the intra-municipal arrangements, and the inter-municipal co-operation including cross border co-operation and the relationship between municipalities and central government.

UNMIK Regulation 2007/30 amending UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo in its preamble refers explicitly to the Charter and makes particular reference to its Article 3. While the new Law on Local Self-Government recognizes the principle of local self-government enshrined in the Charter, the constitution foresees that Kosovo “shall observe and implement the European Charter on Local Self-Government to the same extent as that required of a signatory state”.

1.1.3 Municipal legal acts

The municipal assembly within its area of competence adopts acts that are applied within the territory of the municipality. The Statute of the municipality is the highest normative act of the municipality adopted by the municipal assembly. It determines the organizational structure of the municipality. It considers all its communities, cultural diversity, economic interests and linguistic and social composition of the population as well as their specific priorities and municipal resources.
The Rules of Procedure shall provide for the efficient management and control, including financial oversight, of the municipal administration. The Rules of Procedure to address technical issues that arise during the work of the plenary session and the assembly committees. Among other technicalities, the Rules of Procedure should contain provisions on the preparation and publication of the agenda, the procedure for filing motions and applications, and the division of labour among the committees.

Local level government uses municipal regulations and municipal decisions to govern. A municipal regulation is a normative act that regulates an activity in the municipality in a general way. A municipal decision is a normative act that regulates a case or an individual and concrete case within the municipality. In short, a regulation applies as law to the whole municipality while a decision is made on a case by case basis as the need arises and applies only to that specific case.

Municipal regulations and municipal decisions apply only within the boundaries of that specific municipality.

The municipal regulations and decisions shall not contravene laws of the central level. They shall be reviewed by the central level for their compliance with the existing laws and for their expediency. The regulations or decisions made while exercising enhanced competencies shall be reviewed for their legality. If the municipal acts derive from the exercise of the delegated competences other than for their legality, they are also reviewed for their expediency. The municipalities must submit the acts for revision to the central level within seven days from their passage. The municipality should receive an opinion on the act’s legality within fifteen days from the central level.
Table 1. Municipal regulations and decisions

<table>
<thead>
<tr>
<th>Municipal regulations</th>
<th>Municipal decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>- General</td>
<td>- Individual</td>
</tr>
<tr>
<td>- Abstract</td>
<td>- Concrete</td>
</tr>
<tr>
<td>- Applied evenly to entire municipality</td>
<td>- Arising from and applied to a single case</td>
</tr>
<tr>
<td>- Consultation of committees and the public is mandatory</td>
<td>- Consultation of committees and the public is not mandatory</td>
</tr>
</tbody>
</table>

In addition to the acts of the municipal assembly, the Mayor has the right to issue instructions and decisions within the areas of his/her competence.
1.2 Municipal competencies

Municipalities exercise their powers within their area of jurisdiction to achieve certain goals and provide services for the residents. In addition to applying the law, municipalities may also legislate within their area of competencies. According to the Law on Local Self-Government the municipalities may exercise their own, delegated, and enhanced competencies, which are in line with the Charter.

1.2.1 Own competencies

Own competencies are the core competencies of municipalities. Within which municipalities are entitled to freely regulate and manage municipal affairs. Municipalities have full and exclusive own competencies in the following areas:

- local economic development;
- urban and rural planning;
- land use and development;
- implementation of building regulations and building control standards;
- local environmental protection;
- provision and maintenance of public services and utilities, including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport, and local heating schemes;
- local emergency response;
• provision of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators;
• promotion and protection of human rights;
• provision of public primary health care;
• provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centres, recruitment, payment of salaries and training of social welfare professionals;
• public housing;
• public health;
• licensing of local services and facilities, including those related to entertainment, cultural and leisure activities, food, lodging, markets, street vendors, local public transportation and taxis;
• naming of roads, streets and other public places;
• provision and maintenance of public parks and spaces;
• tourism;
• cultural and leisure activities;
• any matter which is not explicitly excluded from their competence nor assigned to any other authority.

1.2.2 Delegated competencies

Delegated competencies are central level competencies that are implemented by the municipalities in order to offer better services for inhabitants. According to the law the central authorities delegate to the municipalities the following competencies:
• cadastral records;
• civil registries;
• voter registration;
• business registration and licensing;
• distribution of social assistance payments (excluding pensions); and
• Protection of forests within the municipality, including providing licences for timber logging;

Central authorities may delegate other competencies to municipalities as long as they are accompanied with the necessary funding for implementation.

1.2.3 Enhanced competencies

Enhanced own competencies are those competencies deriving from an asymmetric decentralization process with the aim of better accommodating the interests of those communities which are not in the majority in the Republic of Kosovo. As foreseen in the applied Law on Local Self-Government certain municipalities have their own competencies enhanced in the areas of:
• secondary health care;
• university education;
• culture;
• participatory rights in selection of local police station commanders.
1.3 Local self-government structure

Table 2. Municipal legislative and executive structures
1.3.1 The legislative branch

1.3.1.1 Municipal Assembly

The municipal assembly is the highest representative body of local government. It is a unicameral body composed of a plenum and committees. Both the plenum and the committees meet on a regular basis, at least ten times per year, to pass municipal legislation and discuss issues of interest to the municipality. The number of municipal assembly members is proportional to the number of residents in the municipality ranging from 15 to 41 members. Municipal Assembly of Prishtinë/ Priština is composed of 51 members, and as it represents the capital city that it is going to be regulated by a separate law.

The municipal assembly operates based on the laws such as Law on Local Self-Government and the Law on Local Government Finance, the municipal statute, and other normative acts. It may not delegate competencies related to: adoption of statutes, rules of procedure, municipal regulations, the approval of the budget and investment plan, annual work plan, annual report, election of the chairperson, establishment of committees, level of fees and charges, and other responsibilities required by law.

The municipal assembly is also an oversight body charged with ensuring that the executive bodies and the civil service act in accordance with the law. The municipal assembly shall also serve as a platform for exchange of views and opinions.

The municipal assembly elects its Chairperson from among its members, for a four year mandate, with a majority of votes of the total number of elected members. The Chairperson calls the meetings of municipal assembly and makes sure that the rights of each member are respected and that the legislative process is transparent. In municipalities where non-majority communities form at least 10% of the
population the post of Municipal Assembly Chairperson for Communities is reserved for the candidate belonging to a non-majority community, who received the most votes on the open list in the local elections. It is his/ her duty to promote inter-community dialogue and serve as formal focal point for addressing non-majority communities’ concerns and interests. He/ she is responsible to review claims of communities or their members related to the violation of their constitutionally guaranteed rights by the acts or decisions of municipal assembly. In case that the municipal assembly does not then reconsider their decision, or the Deputy Chairperson for Communities considers that certain acts or decisions present violation of constitutionally guaranteed rights, then he/she may submit the matter to the constitutional court.

1.3.1.2 Committees of the Municipal Assembly

A committee is similar to a working group that discusses specific questions on proposed normative acts and then prepares legal acts and decisions to be taken by the municipal assembly. Therefore, the municipal assembly shall consider the work of the committees as a fundamental contribution to its decision-making process.

The membership in each committee reflects the composition of the municipal assembly, unless otherwise specified by the law. The number of members in each committee shall be set through the Statute. Committees other than the Policy and Finance Committee may also have members who are not members of the municipal assembly. These members have the same voting and other rights within the committee as those who are members of the municipal assembly. The members of each committee should have experience in their area of responsibility. The committees can also invite external experts to present their opinions on selected topics. The regulation of committee membership will be determined by Statute. When appointing the members of a committee, the municipal assembly should bear in mind an equitable
gender balance. In addition, the membership of each committee shall also reflect the proportion of seats held by political parties in the municipal assembly (an exception to this rule applies to the Community Committee). Each committee shall issue its Rules of Procedures to regulate the competences of the committee, the time of the meetings, the allocation of financial resources, and the co-operation with other municipal bodies, as established by the Statute.

The municipal assembly should approve a catalogue of competences for each committee in order to avoid overlapping responsibilities and to allow for a reasonable assessment of their budget.

**a) Permanent Committees**

The Statute should follow the Law on Local Self-Government which makes it mandatory for each municipality to establish the following committees:

- Policy and Finance Committee
- Communities Committee

**Policy and Finance Committee**

In accordance with the Law on Local Self-Government, the Policy and Finance Committee shall be responsible for reviewing all policies, fiscal and financial documents, plans, and initiatives including strategic planning documents, the annual Medium Term Budgetary Framework, the annual procurement plan, annual regulation on taxes, fees and charges, the annual plan for internal audit, and changes to the budget during the fiscal year. They will receive reports from the Mayor and submit their recommendations to the municipal assembly.
The Policy and Finance Committee shall, after reviewing the proposal from the Mayor, propose their financial priorities and the annual budget to the municipal assembly. They also monitor annual budget performance.

The Policy and Finance Committee advises the municipal assembly on corporate policy and strategy, especially on matters concerning the financial administration and strategic direction of the municipality.

The committee should also monitor the work of the municipal departments that cover issues related to the sectors of finance, economy, planning and development. The committee will monitor the preparation of the municipal budget and the annual financial report, the implementation of reports by the Auditor General, the allocation of staff for each municipal department, inter-municipal cooperation, and management of municipal enterprises.

The Chairperson of the Municipal Assembly is also the chairperson of this committee. The Policy and Finance Committee is composed of members of the municipal assembly only. As it has such a dominant role in the municipal assembly decision-making process, its composition shall reflect the composition of the municipal assembly itself. In that sense the committee’s membership shall reflect the proportion of seats held by the different political parties in the municipal assembly. For example, a party having 60% of the seats in the municipal assembly should not have more than 60% of the committee’s membership.

**Communities Committee**

According to the Law on Local Self-Government the Communities Committee shall be responsible to review compliance of the municipal authorities with the applicable law and review all municipal policies,
practices and activities related with the aim to ensure that rights and interests of communities are fully respected.

The Communities Committee recommends to the municipal assembly measures to ensure implementation of the provisions related to ensuring adequate protection of the rights of communities within the municipality and their need to preserve and develop their ethnic, cultural, religious, and linguistic identity.

The membership of the Communities Committee should reflect all communities in the municipality. The Committee is composed of members of the municipal assembly, community representatives, and at least one representative from each community living in the municipality. The representatives of communities should comprise a majority of the Communities Committee.

b) Other committees
The municipal assembly has the right to establish other committees that are considered to be necessary in carrying out its responsibilities. The Statute should determine permanent committees for matters that are foreseen to be of high importance for the municipality and its citizens. The municipal assembly shall make specific Terms of Reference for each committee to specify their mandate and the objectives they should target.

c) Consultative Committees
The municipal assembly establishes sectorial Consultative Committees to enable citizen participation in the decision making process. The membership of these consultative committees includes citizens and representatives of non-governmental organizations. The committees may submit proposals, conduct
research, and provide opinions on the initiatives of the municipal assembly, in accordance with the Municipal Statute.

1.3.1.3 Rights and duties of municipal assembly members

A municipal assembly member is the representative of the residents of the municipality who is elected to the municipal assembly during local elections. His/her mandate lasts four years. He/she may not simultaneously be member of the Assembly of the Republic of Kosovo. A municipal assembly member can not hold the position of municipal director, director of institutions under authority of the municipality, or civil servant in the municipality where he/she is elected. In the previous local elections, a proportional electoral system was applied, by which voters casted their votes to a list of candidates presented by a political entity (that could be a political party, citizens' initiative, coalition or independent candidate). As of 2007 elections, votes can be casted also to the individual candidates belonging to a specific political entity.

The mandate of municipal assembly members ceases in the cases when their mandate expires, when they change their residence to outside of their electoral district, if they resign, if they are sentenced for a criminal offence to at least six (6) months in prison, if they have an unjustified absence from municipal assembly meetings for three consecutive months, or if other laws disqualify his/her eligibility. The municipal assembly members have equal rights to fully participate in the work of the assembly. It is the fundamental right of a member to be continually informed on issues important for the work of the assembly. They may request any materials related to municipal issues from the Mayor or the chairperson of a committee. Members of the municipal assembly are allowed to be absent from their working places while engaged in the Assembly business and compensated in accordance with the Statute of the municipality and guidelines issued by the central government.
It is the obligation of a member to constantly bear in mind that he/ she represents the citizens living in the municipality, and that he/ she should consider their interests and the general interests of the municipality while making decisions.

1.3.2 The executive branch

The executive branch of municipal government consists of two bodies: the office of the Mayor and the municipal directors with their directorates.

1.3.2.1 The Mayor of the municipality

The Mayor is the highest executive body of the municipality. He/ she is directly elected by the voters for a four year mandate. The Law on Local Self-Government gives extensive powers and functions to the Mayor’s office:

- **Protocol function** – representing the Municipality in dealings with other municipalities, central government bodies and international organizations, in different official public meetings and gatherings.
- **Function of legal representative** – acting on behalf of the municipality in judicial and administrative proceedings.
- **Normative function** – taking decisions and issuing administrative instruction within his/ her competencies; proposing municipal regulation and other acts for approval to the municipal assembly.
- **Executive function** – implementing laws and other acts, execution of municipal assembly acts and the budget. Exercises all competencies not explicitly assigned to the municipal assembly or its committees.
• **Organizational function** – leading and organizing municipal government and its administration.

• **Personnel function** - appoints and dismisses deputies, municipal directors and advisors. The Mayor is in charge to announce, recruit, and dismiss the Head of Personnel in accordance with the applicable law on civil service.

• **Supervisory function** – supervising the municipal administration.

• **Budgetary and financial function** – proposing the annual budget for approval by the municipal assembly and executing the adopted budget. Reports to the municipal assembly about the economic-financial situation and the implementation of investment plans of the municipality at least once every six months.

• Other functions and activities assigned to him/her by the statute.

The mandate of the Mayor shall terminate in cases of his/her: death, resignation, change of residence to another municipality, failure to report to work for more than one month without a valid reason, removal from the office in accordance with the law, final court decision depriving the Mayor of legal capacity to act, or conviction of a criminal offence with an order for imprisonment for six (6) months or more.

**1.3.2.2 Deputy Mayor (s)**

In each municipality the Mayor has a Deputy Mayor appointed and dismissed by the Mayor. The Deputy Mayor assists the Mayor in carrying out executive functions. In municipalities where at least 10% of the citizens belong to non-majority communities there shall be a Deputy Mayor for Communities who will assist and advice the Mayor on issues related to non-majority communities.
1.3.2.3 The municipal directorates and municipal directors

The municipal administration is organized into directorates. Each directorate is managed by a director who is employed and dismissed by the Mayor. The directors manage their departments in accordance with the political strategies of the Mayor and report regularly to the Mayor for the matters under their responsibility.

Municipal Community Office – in accordance with previous applicable legislation UNMIK Regulation 2007/ 30 amending UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo, this office was determined to be established in the municipalities where “a community is not in the majority and forms a substantial part of the population.” The responsibility of the Community Office is to enhance protection of community rights and ensure equal access for communities to public services at municipal level. Since the new Law on Local Self-Government is not very specific on this matter, municipalities are encouraged by the Ministry of Local Government Administration to incorporate them in their municipal statutes.

1.3.3 Relations between the legislative and executive branches of government

The Charter specifies that the right of local self-governments to regulate and manage a substantial share of public affairs in the interests of the local population “shall be exercised by councils or assemblies composed of members freely elected and which may possess executive organs responsible to them.” The Charter does not impose a standard method of choosing such executive organs. On the other hand, it recognizes the right of local self-governments to “determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.” This administrative autonomy allows a municipality to

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3 Article 3.2 of the European Charter of Local Self-Government.
4 Article 6.1 of the European Charter of Local Self-Government.
choose the administrative structure which is the most appropriate for its economic and political situation and the local community. The Law on Local Self-Government recognizes such autonomy for the municipality to organize their internal structures.

The Law on Local Self-Government is divided into individual sections governing the legislative and executive branches respectively. It defines the powers of the Municipal Assembly and of the Policy and Finance Committee to create the municipal budget, to fix the tax rates and municipal fees, to make all planning and policy decisions that have an impact on the development of the municipality. The role of the Mayor is to maintain oversight of the execution of municipal decisions and of the financial administration of the municipality. The Mayor is responsible for the implementation of decisions and other acts of the municipal assembly and for ensuring that all the responsibilities and the duties of the municipality are duly carried out. The Mayor also has the power to represent the municipality and act on its behalf. Within the Mayor’s area of competence is the right to issue instructions and decisions.

The Law on Local Self-Government allows for a system of checks and balances between the legislative (Municipal Assembly) and the executive (elected Mayor). The Municipal Statute should contain more details on provisions determining the role of legislative and also have precise provisions determining the exact role that the Mayor has to supervise and control the work of the municipal administration.
Role and obligations of the Municipal Assembly member:

To constantly bear in mind that I represent the citizens living in this municipality, to consider their interests, and the interests of the municipality when making decisions.

To become aware of my rights and obligations so I can effectively perform my duties.

To obtain all information and materials on important issues so I can actively participate in the work of the municipal assembly and its bodies.

Resources:

European Charter of Local Self-Government
Law on Local Self-Government 03/ L-040
Guide on Municipal Statutes 2007 (Drafted by OSCE in co-operation with the Ministry of Local Government Administration)
CHAPTER II

MUNICIPAL FUNCTIONS
CHAPTER II. MUNICIPAL FUNCTIONS

Introduction

This chapter discusses municipal operations and governmental mandate.

A detailed review of municipal fiscal arrangements and the budgetary development cycle are undertaken. Municipal assembly members should pay special attention to the municipal budget as it is the most important document that municipalities will adopt in any given year.

The other sections of this chapter review municipal property, local economic development, spatial and urban planning, education, health, culture, and sport.

2.1 Municipal Financial Management

As presented in the European Charter of Local Self-Government, municipal government can freely regulate and manage public affairs within their jurisdiction.

Municipalities require adequate financial resources in order to function effectively. Therefore, it is important that municipal governments ensure that revenue is collected and that the budget is managed effectively and efficiently.

The annual budget of the municipality is adopted according to the budget appropriations law. Within the budget, public funds are appropriated for one fiscal year. The budget is split into different categories:
Wages and Salaries, Goods and Services, Utilities, Subsidies and Transfers, and Capital Outlays. Every program within these categories is then allocated its own resources with separate line items.

To disburse and manage funds, municipalities are required to follow the annual budget law, the Law on Public Financial Management and Accountability, and the Law on Public Procurement.

The Ministry of Finance and Economy periodically issues Administrative Instructions and Circulars about public financial management.

The Mayor acts as the chief administrative officer of the municipality, with day to day administrative responsibility over operations and personnel.

2.1.1 Municipal Financial Management System: Key Concepts

2.1.1.1 Municipal Financial Autonomy

The municipality and its executive officers have the authority to autonomously regulate and manage municipal revenues and Operating Grants in the interest of their constituents.

2.1.1.2 Municipal financing

All competencies delegated to the municipalities from the central government must be accompanied by the central government funding for their implementation. The financial resources of a municipality consist of revenues, operating grants, grants for enhanced competencies, transfers for delegated
competencies, extraordinary grants, financial assistance from the Republic of Serbia, and proceeds from municipal borrowing.

a) **Own-source revenues**

Kosovo municipalities are given a number of possibilities to generate revenue. According to the Law on Local Government Finance a municipality has the authority to collect a tax on immovable property located within its boundaries. This is described in UNMIK Regulation 2003/ 29 on Taxes on immovable property in Kosovo. The Law on Local Government Finance also allows municipalities to establish different fees, charges, rents, fines, and co-payments to raise revenues. Any revenue collected or received by a municipality from the following sources comprises the own source revenues:

<table>
<thead>
<tr>
<th>Municipal taxes and fees:</th>
<th>Charges, rents, fines and co-payments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>· Immovable Property Tax;</td>
<td>· Infrastructure development and preservation charge;</td>
</tr>
<tr>
<td>· Business license fee;</td>
<td>· Traffic fines;</td>
</tr>
<tr>
<td>· Professional business license fee;</td>
<td>· Fines for offences against municipal regulations;</td>
</tr>
<tr>
<td>· Motor vehicle fee;</td>
<td>· Rental income;</td>
</tr>
<tr>
<td>· Municipal administrative fees;</td>
<td>· Education and health co-payments;</td>
</tr>
<tr>
<td>· Permit fees for construction and demolition;</td>
<td>· Other own source revenues;</td>
</tr>
<tr>
<td>· Fees for issuing certificate and official documents;</td>
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- Own-source revenues:
All own source revenues are public money and shall be deposited in the Kosovo Consolidated Fund. Within the Treasury Single Account, separate sub accounts shall be established for the accounting of each municipality's own source revenues. Failure to deposit public money according to the law, will result in an investigation by the Auditor General, at the request of the Minister of Economy and Finance (hereinafter the Minister) and the Treasury General Director, into the money that has not been deposited. If deemed necessary, the issue may be then referred to law enforcement officials.

**b) Operating grants**

Own source revenues generated by the municipalities are not sufficient to cover the cost of necessary services to the citizens. The resulting shortfall in revenue is filled by grants and transfers from the central government.

**Mandate and composition of Grants Commission**

The Grants Commission represents a key institution of the Kosovo intergovernmental financial system and is currently embodied in the legislative framework established by the Law on Local Government Finance. The Grants Commission Members include: the Prime Minister or his designated replacement, the Minister of Finance and Economy, the Minister of Local Government Administration, another line Minister appointed by the Government, the Head of the Budget Commission of the Assembly of the Republic of Kosovo, and four Mayors, one of which should come from a non-Albanian municipality.

The Grants Commission is responsible, among others, for the following aspects of municipal financing:

- reviewing the grant allocation formula after 2 years following promulgation of the Law on Local Government Finance, and at least every 3 years thereafter, and recommending proposed amendments to such formula to the Government;
annually establishing an allocation formula for the Specific Grant for Education and the Specific Grant for Health;

- preparing and submitting to the Government by March 31 of each calendar year a report on the previous calendar year assessing the finance system;
- making recommendations for the allocation of additional funding to municipalities that have been granted enhanced municipal competencies; and
- reviewing proposed budgeted capital expenditures for municipalities by the Government of the Republic of Kosovo budget organizations.

In order to discharge their competencies municipalities are entitled to:

**A general grant** is funding given to a municipality to be used to implement municipal competencies. This is a closed-end operating grant and it shall be at least 10% of the revenue budgeted for the central government, excluding revenue from the sale of assets, other extraordinary revenue, dedicated revenue, and proceeds from borrowing. This amount aimed to provide a reasonable degree of stability in municipal income, taking into account ability of inhabitants of each municipality to access public services and to provide adequate allocation of resources for the non-majority communities in respective municipalities.

Each municipality will receive an annual lump sum amount of €140,000 from the General Grant, minus 1 € per capita. Municipalities with population equalling or higher than 140,000 are exempt from this deduction. The remaining portion of the General Grant Funds are allocated to the municipalities according to the following rule:
(i) eighty-nine percent (89\%) is distributed to all municipalities based upon the size of their population;
(ii) three percent (3\%) is distributed to municipalities that have non-majority population;
(iii) two percent (2\%) is distributed to municipalities where the majority of population is non-Kosovo-Albanian; and
(iv) and six percent (6\%), is distributed to all municipalities based upon their geographical size.

The specific grant for education finances the cost of providing a minimum standard level of pre-primary, primary and secondary education. The formula is set up by the Grants Commission based on the number of teachers and student enrolment. The formula also takes into account curriculum, special needs education, operating expenses, class size norms, and location of the education premises.

The specific grant for health is also approved by the Grants Commission. It is allocated to finance the cost of providing a minimum standard level of public primary healthcare. The formula is based upon the age and gender distribution of the population registered with primary health care providers, and the number of elderly persons and persons with special health care.

c) Other grants and transfers

Transfers for delegated competencies – where Government competencies are delegated to the municipalities, in addition to the operating grants, there are funds transferred to them from relevant ministries in order to perform those functions.

Grants for enhanced competencies – are allocated to the municipalities with enhanced competencies as foreseen in the law on local self-government. The grants can be spent only on matters related to enhanced competencies.
Extraordinary grants are only allocated for extraordinary circumstances such as natural disasters.

d) Dedicated revenues, financial assistance from the Republic of Serbia
Municipalities are entitled to financial assistance from the Republic of Serbia which is dedicated municipal revenue. These funds can be used solely for the exercise of municipal competencies. The financial assistance is deposited into an official account with a commercial bank certified by the Central Banking Authority of Kosovo, in accordance with the Law on Public Financial Management and Accountability. Such financial assistance is exempted from any taxes, fees, duties, or similar charges provided by law. It shall not be taken into consideration by the Minister of Economy and Finance, the Grants Commission, or the Assembly when determining the amount of any grant or appropriation to be provided to the municipality. If a municipality receiving financial assistance from the Republic of Serbia fails to deposit the received amount in a commercial bank, as foreseen in the Law on Local Government Finance, the General Director of the Treasury shall make an estimate of the amount of money that has not been deposited, and shall inform the Minister of Finance and Economy, who shall forward the case to the Auditor General, so an investigation can be initiated. If deemed necessary, the issue may be referred to law enforcement officials.

e) Municipal borrowing
Municipalities are allowed to have access to debt financing from the national capital market for capital investment following strictly the conditions foreseen in the Law on Local Government Finance. International debt is not allowed and the proceeds from the borrowing are used for specific capital investments foreseen in the Medium Term Expenditure Framework and appropriated within the Kosovo Budget. All proceedings should be in compliance with the Law on Local Government Finance and have the approval of the Ministry of Economy and Finance.
Table 3. Municipal financial resources
2.1.2 Financial Planning

2.1.2.1 Preparation and adoption of municipal budget

In accordance with article 5.3 of the Law on Public Financial Management and Accountability the municipal budget unit of the Budget Department shall be responsible for assisting municipalities to fulfil their legal budget related obligations and other responsibilities assigned to the budget department.

While preparing the municipal budget there are several individual tasks for execution with concrete deadlines. The deadlines in the budget calendar are:

30 April  No later than 30 April, the Government shall submit to the Assembly of Kosovo the Medium Term Expenditure Framework covering the next three year period.

The Minister of Economy and Finance sends to the Chief Finance Officer of each budget organization one or more budget circulars. These circulars provide information about the budget allocation specified in the Medium Term Expenditure Framework and instructions on preparing next fiscal year’s budget and appropriations request.

1 July  The Chief Finance Officer issues municipal budget circulars to the heads of municipal departments. These circulars inform them about the financial ceilings of their departments for the next fiscal year and provide budget estimates for the next two fiscal years. The Chief Finance Officer should also provide instructions on the methodology and formats to be used in preparing their budget and appropriations request. Budget Circulars contain the deadlines to submit to the proposed budget to the
Chief Finance Officer. After consulting with the departments, the Chief Finance Officer prepares a proposed municipal budget for the next fiscal year and following two fiscal years for the Mayor.

1 September  Once the Mayor approves the proposed municipal budget, it is submitted to the municipal assembly. The proposed budget shall include: economic and budgetary forecasts and assumptions; the aggregate revenue estimates including grants, consistent with the amounts advised in the budget circulars issued by the Minister of Economy and Finance; assistance from outside Kosovo and projected municipal own source revenues; and an aggregate target of expenditures for all economic spending categories.

30 September  Upon receiving the proposed budget, the municipal assembly shall organize public hearings according to its municipal normative acts. Following the budget hearings the municipal assembly shall review, if necessary modify, approve, and submit the proposed Municipal Budget to the Minister by 30 September. The proposed budget and appropriation request shall be prepared and submitted in accordance with the information and instructions of the budget circulars and the applicable grant amounts calculated in accordance with the formulae specified in the Law on Local Government Finance.
### Table 4. Budget process framework

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<th>Step</th>
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<td>Municipal Administration (4)</td>
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<td>MFE (4)</td>
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<td>Approval of Transfers and Individual Grants’ amounts</td>
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**Diagram:**
- MFE (3) leads to Municipal Administration (4)
- Municipal Administration (4) leads to Budget Development
- Budget Development leads to Municipal Assembly and Citizens (5)
- Municipal Assembly and Citizens (5) leads to Assessment for consistency and consolidation
- Assessment for consistency and consolidation leads to Kosovë Assembly (7)
- Kosovë Assembly (7) leads to Macroeconomic Framework and MTEF profile
- Macroeconomic Framework and MTEF profile leads to Approval of Transfers and Individual Grants’ amounts
- Approval of Transfers and Individual Grants’ amounts leads to Grants Commission (2)
- Grants Commission (2) leads back to MFE (3)

**Promulgation:**

- MFE (1) leads to Macroeconomic Framework and MTEF profile
- Macroeconomic Framework and MTEF profile leads to Approval of Transfers and Individual Grants’ amounts
- Approval of Transfers and Individual Grants’ amounts leads to Grants Commission (2)
- Grants Commission (2) leads back to MFE (1)

**Local Governance Handbook**
2.1.2.2 Failure to submit the proposed municipal budget on timely manner

The municipal budget is adopted for the period of one fiscal year. A fiscal year is the period of twelve months from January 01 through December 31 of a calendar year.

If a Mayor of a municipality fails to submit a proposed budget and appropriations request to the municipal assembly by September 1 the Minister shall immediately appoint a municipal financial administrator who takes over all rights and responsibilities assigned to the Mayor according to the Law on Local Government Finance and the Law on Public Financial Management and Accountability.

If a municipal assembly fails to approve and submit to the Minister a proposed municipal budget and appropriations request on time, or if it is not in compliance with the requirements of the Law on Public Financial Management and Accountability, then the Minister shall develop a municipal budget and appropriations request for that municipality similar to the one of the current fiscal year.

If a municipal assembly fails to approve and submit to the Minister a proposed budget and appropriations request by March 1, no further expenditures are made on to that municipality until the proposed budget is approved and submitted to the Minister. The Minister submits the received documents to the Government and to the Assembly of Kosovo that may take into account such submission to amend the approved Kosovo Budget and the annual budget appropriations law.

2.1.2.3 Quarterly reports and final report on the municipal budget

The Mayor of a municipality is required to prepare and submit to the municipal assembly quarterly reports throughout the fiscal year. Such reports are submitted to the municipal assembly, with a copy
send to the Minister, no later than thirty (30) days from the end of each quarter. Reports will then be published by the Mayor on the municipal website. Each quarterly report shall contain a revenues and expenditures report, information about investments and liabilities, and a summary of the status of all capital expenditure projects.

The Mayor of a municipality prepares and submits to the municipal assembly a final budget reconciliation report for the previous fiscal year and previous two fiscal years containing the following information:

a) a revenue and expenditure report with comparative information of those fiscal years related to: an overview of revenues and expenditures; budget deficit or surplus; the actual receipts of budget organizations compared with the relevant projections contained in the budget; actual expenditures of each appropriation category compared with the previous fiscal year; actual number of permanent and temporary employees of budget organizations compared with the numbers authorized in the budget; and

b) investment and liabilities information including: details of investments of public money made during the fiscal year; details of any obligations; an accounting of assets held by the municipality at the end of fiscal year; and an assessment of all contingent liabilities including their risk assessment.

Municipal budget expenditures shall be disbursed strictly in line with the provisions of the Law on Public Procurement and the Law on Public Financial Management and Accountability.

2.1.3 External Audit - the Auditor General

The Auditor General prepares and submits a report to the Assembly of the Republic of Kosovo as well as to the municipal assembly on the financial statements of the municipal budget. This report provides the
Auditor General’s opinion on whether financial statements of the municipality give a true and fair view of the municipal finances. For the purposes of the audit the Auditor General shall have unrestricted access to all information and explanations that are considered necessary to his/ her judgement. The Auditor General shall submit the report to the municipal assembly by July 31 following the end of the fiscal year and shall be made publicly available.

**Resources:**
- Law on Local Government Finance No. 03/ L- 049
- Law on Public Financial Management and Accountability No. 03/ L- 048
- Law on Local Self-Government No. 03/ L- 40
- Law on Public Procurement / UNMIK Regulation No. 2007/ 20 on the promulgation of the law adopted by the Assembly of Kosovo on Public Procurement
- Ministry of Economy and Finance – Medium Term Expenditure Framework 2009-2011
2.2 Municipal Property

Municipal Assemblies have the right to:

- own and manage immovable and movable properties
- sell and lease the immovable and movable property according to the law, with the exception of the sale of the land that will be regulated by a special law

Municipal authorities are required to:

- keep and maintain the Register of all movable and immovable properties that are owned by the municipality or in its possession

Management of municipal property is one of the most important responsibilities of a municipality. Municipalities should administer their property in a responsible manner and make use of them for economic development purposes. Effective management will result with the beneficial development of the municipality. Negligent activities may result in irreversible damage for the municipality and the interests of its citizens.

In the scope of own competencies municipalities are responsible for:

- land use and spatial planning (including the conduct of expropriations, regulation of construction, etc);
- property taxes;
- registration and maintenance of property records;
• social housing;
• development of legislation related to the above competencies.

**Municipal property** could be categorized as follows:

**Immovable property** - is an asset which cannot be transported from one location to another without causing damage to it. Immovable property includes:
• Construction land;
• Parks;
• Buildings (municipal offices);
• Municipal waste disposals; and
• Sports facilities;

Other property that by nature is immovable.

**Movable property** - is property which can be transported. It includes:
• Motor vehicles;
• Equipment, tools, and the inventory and furniture of municipal offices; and
• Archive materials;

Other movable properties.

**Infrastructure property** - include the following properties:
• Water supply networks;
• Sewerage systems; and
Street lightning.

**Financial property** – includes municipal financial means (money, bonds, etc.)

In addition to the municipality keeping records and managing its properties, in some circumstances the municipality can interfere with private property. This should only be done for the common interest of society. This can be achieved through an expropriation process.

**Note on Expropriation:**

According to the OSCE Manual for Human Rights Advisors and Monitors, expropriation “allows a State authority to interfere and deprive a property right holder of his/her property subject to certain conditions. When there is a deprivation of the property by the State, there needs to be compensation. Expropriation is one of the most intrusive and invasive mechanism that a State uses to deprive an individual of his/her possessions. There is a potential abuse of power through a legally established process resulting in violations of the right to property and associated rights.”

Expropriation is defined as “a governmental taking or modification of an individual’s property rights”. The procedure of expropriation is a tool of the state and enables it to legally deprive a natural or legal persons of their property in the common interest either for the municipality, another individual, or another legal entity.

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Expropriation can be carried out for any purpose that can be considered in the common interest, such as the construction of public infrastructure. Objects can also be expropriated for the purpose of constructing infrastructure in the common interest, such as railroads, bridges, airports, residences, schools, hospitals etc. The concept of ‘common interest’ is normally determined by the municipal spatial plans, as expropriation is the tool used to implement, in some cases, the spatial plans.

The government needs to grant compensation to those who are being expropriated of their property. The compensation needs to be adequate and proportionate. For instance, if two individuals are being expropriated of their two plots of land and both plots have the same characteristics (size, value etc), the two individuals should receive the same compensation, which should be adequate in relation to the market value and the property expropriated.

Resources:

Law on Local Self-Government 03/ L-040
Property Rights at the Municipal Level, Manual for Human Rights Advisors and Monitors, OSCE Mission in Kosovo
2.3 Local Economic Development

Municipalities in the Republic of Kosovo are obliged to co-operate with all relevant entities in the interest of local economic development.

Municipalities are responsible for creating conditions for a competitive local economic climate. When planning economic development for a municipality, the following must be taken into consideration: available natural resources; geographic considerations; municipal infrastructure; existing businesses; available human resources, and the professional qualifications of citizens.

Based on these and other parameters, municipal leaders should adopt a **strategic plan**, which will be the guiding document for municipal economic development. The strategic plan will help to identify development priorities; necessary financial and human capital needed; action plans; and mechanisms for monitoring and evaluation.

There are three stages to a strategic planning process: preparation, development and implementation.

The strategic plan helps looking into the future and enables proper economic development of a local community. It should be clear, comprehensive, realistic and convincing. The development strategy should also be publicly debated to ensure that stakeholders have a say in its adoption. Only after a broad public debate the development strategy could be brought to the assembly for adoption.

In addition to the strategic plan, the municipality should review its legal framework, and act accordingly if gaps or problematical areas are identified. Improving the local legal framework for local economic development can create a business friendly environment in the municipality leading to external investments and new business initiatives.
Availability of basic working utilities and infrastructure such as a regular supply with water and electricity, decent roads, a communications and transportation network will have a positive impact in attracting businesses to the municipality.

The municipality should also consider reaching out to enhance co-operation with different organizations who may have better access to information about business initiatives, such as the chambers of commerce, governmental and non-governmental organizations.

Institutionally, the municipality could provide direct technical assistance, through a business centre or training and information, to citizens wishing to establish new businesses.

Furthermore, municipalities should promote business and create attractive conditions for foreign investments. They should also invest in the improvement of infrastructure which could benefit business development. Along this, municipal authorities should create conditions favouring business investments in their municipality. While undertaking such efforts, authorities should initiate inter-municipal co-ordination in order to get optimal results. All in all, these efforts should benefit economic development by increasing the municipalities’ attractiveness towards the business community, in turn rendering them more competitive.

Efforts to improve overall quality of life should also be made; building sports recreation centres, education centres, health centres, social, cultural and welfare institutions, etc, will significantly improve the image of the municipality.
Finally, local taxes should not represent a heavy burden. Indeed, although they increase public revenues, they may also drive away interested investors. Special arrangements could also be made with major companies to ensure they receive favourable tax treatment in return for establishing their activities in the municipality.

Ultimately, economic development is about improving living standards in the municipality, mainly through job creation and the elimination of unemployment.

**Resources:**

2.4 Urban and Spatial Planning

Municipalities have full and exclusive powers in the areas of:
Urban and rural planning; land use and development; implementation of building regulations and building control standards.

They are required to:
- establish the Committee of Planning Experts;
- adopt a Municipal Development Plan in line with the Kosovo Spatial Plan;
- adopt an Urban Development Plan in line with the Kosovo Spatial Plan;
- adopt an Urban Regulatory Plan;
- adopt an annual Construction and Reconstruction plan for Local Roads.

Municipal authorities are required to:
- issue Urban, Construction, Utilization and Demolition Permits and ensure the implementation of the Law on Construction;
- prepare winter and summer plans for each calendar year in order to: maintain the roads, service traffic signs, and service railway crossings on local roads;
- ensure building, management, and maintenance of Local and Residential roads.

2.4.1 Kosovo Spatial Plan

Spatial planning deals with the regulation of land use and its development in a structured and strategic manner. The Kosovo Spatial Plan supports spatial distribution of development, at the national, municipal
and urban levels. It also supports the drafting of the General Development Strategy of the Republic of Kosovo. The elaboration of the Kosovo Spatial Plan is the responsibility of the Ministry of Environment and Spatial Planning, but it has delegated tasks related to its elaboration to the Kosovo Institute for Spatial Planning. Once adopted by the Assembly of the Republic of Kosovo, the current Kosovo Spatial Plan will guide spatial development for the next 10 years. The Kosovo Spatial Plan is drafted in accordance with relevant European standards such as the promotion of spatial development for achievement of social and economic cohesion, efficient transport systems and the inclusion within the information society, the promotion and management of landscape, natural and cultural heritage as well as environmental protection, resource management and risk mitigation.

The Kosovo Spatial Plan should:

- guide governmental sectors and agencies during the drafting and implementation phases of policies and decisions on public investments involving a distinct spatial dimension;
- impact on political decisions related to strategic investments in infrastructure, especially in transport and telecommunications;
- support balanced development between developed and under-developed areas;
- identify strategic locations which would favour both urban and rural areas;
- guide the drafting of relevant municipal plans (municipal development plan, urban development plan and urban regulatory plan); and
- abide by best practices in spatial planning, facilitate population settlement, employment and exploitation of natural resources serving sustainable economic development and better quality of life.

The Kosovo Spatial Plan also includes several political instructions on municipal planning. They intend to support municipal planning regarding issues which have a central decision-making character, and
minimize divergences between the Kosovo Spatial Plan and Municipal Development Plans. They address central level key development issues such as housing, informal settlements, strategic locations and economic development hubs, areas of high agricultural value (productivity), national parks, (cultural) heritage conservation and development—preservation of existing urban assets, energy resources and mining areas, landfills and waste treatment—industrial waste landfills, key nodes of transport, transport corridors, waste and industrial water treatment plants as well as open spaces, sports and recreation (facilities).

2.4.2 Municipal Urban and Spatial Planning

In the municipality, spatial planning is carried out via a three principle policy and planning tool: the Municipal Development Plan, the Urban Development Plan and the Urban Regulatory Plan. These normative acts that are to be adopted by the municipal assembly, must be harmonized with the Kosovo Spatial Plan. In addition, when deliberating on the future spatial outlook of the municipality, the municipal assembly must take into consideration existing plans for infrastructure development, protected zones, and any available information from the cadastre as well as pending construction activities.

The municipal assembly may establish a committee which shall be responsible for general and specific spatial plans for urban and rural areas including plans on housing, public facilities, tourism, environment protection, areas for public use such as parks, green areas and recreational spaces and playgrounds, and public transportation. Moreover, it shall assist the municipal assembly in adopting regulations in the following areas: traffic movements, parking, construction, granting building permits, maintenance standards regarding municipal roads and walkways, identification and protection of features of natural, historic and environmental interest, naming of municipal roads, streets and other public places, and enforcement measures against non-compliance. Such a committee shall also monitor the work of the
responsible municipal directorate covering the above mentioned areas. The Municipal Statute shall define the composition and responsibilities of the committee.

The municipal assembly shall appoint the Committee of Planning Experts for the purpose of providing assistance during the drafting of municipal spatial plans and urban plans by offering expertise and professional know-how, as well as supporting the implementation of these plans. The Committee of Experts should be comprised of specialists with the task to further develop and comment on legislation initiated by the municipalities’ executive bodies.

As mentioned above, Municipal Development Plans, Urban Development Plans and Urban Regulatory Plans will be produced and implemented at the municipal level.

The Municipal Development Plan is defined as a multi-sector plan that identifies long term goals for the economic, social and spatial development of the municipality. The Plan will also include a blueprint for the development of urban areas and villages within the municipal boundaries. The blueprint should span a period of five years and should include a brief summary of the relevant socio-economic and environmental issues. Prior to the finalisation of the draft plan, the municipality should make the draft available to the public and to other government agencies for review and comment for a period of at least sixty days. The draft should then be submitted to the municipal assembly for final approval before being sent to the Ministry of Environment and Spatial Planning in order to verify its compliance with the Kosovo Spatial Plan.

The Urban Development Plan is a strategic tool, covering at least a five year period, that identifies long term objectives for the development and management of urban areas. It will promote balanced and sustainable spatial development of urban areas and will be based on principles of good governance,
overall economic, social ecological and cultural development. It contains an analysis of both the socio-economic and physical situations; the plan itself; and an implementation strategy, including a timeframe as well as anticipated financing mechanisms. It is adopted by the municipal assembly. The Urban Development Plan can be prepared as part of the Municipal Development Plan.

**The Urban Regulatory Plan** determines the conditions for regulation of space as well as rules for location of buildings on urban land plots. Urban Regulatory Plans shall define construction zones and include Regulation Lines, Building Lines, Urban Technical Norms, and other requirements regarding the permitted locations of buildings and other constructions on urban land plots. In fact, the construction plots are determined according to a plot plan which is a component part of the Urban Regulatory Plan. The Plan should be verified at least every five years.

### 2.4.3 Municipal Construction Management

The municipal construction management deals with the main municipal requirements for construction design, construction itself, the use of construction materials, the supervision of construction works, as well as municipal procedures for construction permits, use of permits and building inspection. Every construction, reconstruction, maintenance or demolition of a building must strictly conform to public safety requirements such as fire, sanitation, health, environment, heat and noise, vibration, and space.

Within the Ministry of Environment and Spatial Planning, the construction inspectorate is responsible for overseeing the implementation of the provisions regulating construction. The actual construction inspection is carried out by the municipal inspectors and the ministerial head inspectors. They are authorized to inspect the buildings under construction in order to ensure compliance with regulations, requirements and law as well as to make sure the stakeholders involved in the construction (engineers,
construction workers, etc...) are properly performing their duties. The municipal building inspectors are authorised to manage the process of issuing and revoking urban, construction, utilization and demolition permits.

It is the duty of the municipal authority to issue Urban Permits as long as the proposed construction complies with the applicable legal framework and the applicable Municipal Development Plan, Urban Development Plan and Urban Regulatory Plan. The required documentation is specified in the applicable law and includes proof of ownership of the land. In addition, the municipal authority – in most cases, the Directorate of Urbanism - is responsible for issuing Construction Permits for all constructions except those listed in Article 35 of the Law on Construction. A Construction Permit should be issued for buildings planned or annexed, over-roof-construction, or other forms of reconstruction of existing buildings when legal conditions are met. The building can only be used for the purposes the permission was initially granted for. If the owner intends to change the purpose set out in the actual permit, he/she shall submit a new application for an urban and building permit. Prior to issuing a Construction Permit, the municipal authority must notify neighbours. They have the right to inspect the documentation and be properly informed by the municipal authority. Any objection by the neighbours must be given in writing or reported in the form of minutes to the municipal authority within two weeks after the opportunity to see the documentation is given. Finally, the municipal authority will issue Utilization Permits once the investor has submitted the application and the buildings are properly completed and safe to use. The municipal authority will register the released buildings in a special section of the cadastre.

Before demolishing any building, the owner is required to obtain the Demolition Permit from the municipality. Before taking any decision, the municipal authority is obliged to check if the planned demolition is in accordance with the applicable laws such as the Law on Spatial Planning and the Law on Protection of Cultural Monuments as well as relevant regulations on public health and safety.
The municipalities in the Republic of Kosovo continue to face a number of challenges arising from unregulated and illegal construction of both private homes and commercial facilities, culminating in the sprawling informal settlements that feature most urban and semi-urban environments in Kosovo. It is important that municipalities adopt Urban Development and Urban Regulatory Plans to stop the current trends and start their implementation aiming to improve the concerning situation in this field.

2.4.4 Municipal Road Construction and Maintenance

According to the Law on Roads, the roads in the Republic of Kosovo are categorized as Main Roads, Regional Roads, Local Roads, and Residential Roads. Municipalities are responsible for the management and maintenance of Local and Residential Roads within their boundaries. Main and Regional Roads are the responsibility of the Ministry of Transport and Telecommunication. Municipalities may designate a particular road as special for a number of reasons. In addition, municipalities may categorize existing roads as special roads, and qualify non-categorized roads as Local Roads.

The Ministry of Transport and Telecommunication issues an annual Construction and Reconstruction plan for Main and Regional Roads, while the municipalities are expected to issue annual Construction and Reconstruction plans for Local Roads keeping in mind the environmental impact of such activities and based on guidelines set out by the Ministry of Transport and Telecommunication. Municipalities are requested to inform the Ministry of Transport and Telecommunication of their annual plans. They are also expected to issue rules according to the standards for construction and reconstruction of Local Roads while the Ministry of Transport and Telecommunication issues rules on weights and dimensions of vehicles.
The municipality is in charge of building, managing, and maintaining Local and Residential roads. When the Ministry deems it necessary, it may appoint an inspector to make sure that technical standards of Local or Regional roads are met. For the construction of a new road the municipal assembly approves the budget in line with the annual Construction and Reconstruction Plan for Local Roads, the design and tender documentation is done in-house in the municipality and the construction is tendered out according to the public procurement rules and procedures. A Public Road Authority is the relevant administering authority designated by the Municipality for Local and Residential Roads. As part of road maintenance, municipalities shall establish winter and summer plans for each calendar year in order to maintain the roads, service traffic signs and railway crossings on Local Roads. These activities can also be outsourced to a private company, in accordance with the Law on Public Procurement.

**Resources:**

Law on Spatial Planning / UNMIK Regulation 2003/ 30 on the promulgation of the law adopted by the Assembly of Kosovo on Spatial Planning
Law on Construction / UNMIK Regulation 2004/ 37 on the promulgation of the law adopted by the Assembly of Kosovo on Construction
Law on Roads / UNMIK Regulation 2003/ 24 on the promulgation of the law adopted by the Assembly of Kosovo on Roads
Law on Public Procurement / UNMIK Regulation 2007/ 20 on the promulgation of the law adopted by the Assembly of Kosovo on Public Procurement
2.5 Education

It is the general duty of the Ministry of Education, Science and Technology (MEST) to promote the education of the people of the Republic of Kosovo and to ensure that an adequate and efficient programme of primary and secondary education is available and accessible to all. No child shall be denied the right to education. This right includes the following principles:

- education in the public educational institutions, levels 1, 2 and 3, is free of charge;
- learning materials (e.g. textbooks) in the public schools, levels 1 and 2, are free of charge;
- every child has the right to education in his/her language in elementary and secondary schools.

According to the Law on Primary and Secondary Education in Kosovo, the primary (level 1) and lower secondary (level 2) education is compulsory and involves children aged 6 to 15. All municipalities are obliged to open schools offering level 1 and 2 education. Teaching at both levels can of course be done within the same school and premises.

Municipal responsibilities and competencies in education

Municipalities have full competence regarding provision of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administration, in accordance with local interests and standards set forth in applicable legislation. In addition, municipalities may be vested with enhanced competencies in education. In the field of education, and within the boundaries of their competencies, municipalities are entitled to co-operate with other municipalities, institutions and governmental institutions, including those of the Republic of Serbia.
Competencies in public education levels 0, 1, 2 and 3 (Pre-primary, Primary, Lower secondary and Upper secondary)

In accordance with guidelines, procedures and standards of the MEST, specific municipal competencies include, among others:

- construction of educational facilities in accordance with the Law on Education in the Municipalities of the Republic of Kosovo and other applicable legislation;
- registration and admission of students in accordance with the law, respecting non-discrimination principles as determined by the law;
- employment of teachers and other school personnel in accordance with legal procedures for the recruitment, selection and employment of public employees;
- selection of the Director and/or Deputy Director of educational institutions in accordance with legal recruitment procedures and legal criteria determined by the MEST from a commission established by the Municipality of which two members shall be from the Municipality and one from the MEST;
- registration, public health and safety inspection and licensing of pre-primary educational institutions, in accordance with the Law on Education in the Municipalities of the Republic of Kosovo;
- payment of the managerial staff as well as other personnel in accordance with legislation in the Republic of Kosovo;
- training educators (teachers) and other professional staff in accordance with guidelines, principles and standards promulgated by the MEST;
- supervision and inspection of the overall educational process in accordance with guidelines established by the MEST;
• development, approval, and implementation of the Rules of Procedure for schools, including the Code of Conduct for managerial staff, teachers, other personnel, and students as well as disciplinary measures;
• reporting to municipal governments and the MEST on pre-primary level education as well as budgetary and management operations, in accordance with municipal and central legislation;
• monitoring and reporting on students’ educational and social progress to parents and other responsible authorities as determined by legislation;
• determination of the parents’ participation fee for the admission of children to nurseries and kindergartens in accordance with the laws of the Republic of Kosovo.

Designation of such delegated functions and competencies shall be determined by formal agreement between the municipality and the Government of the Republic of Kosovo;

**Administrative responsibilities**

Administrative responsibilities in public education include:

• municipalities shall provide sufficient educational administration services (see below) for the proper functioning of pre-primary, primary, lower secondary, upper secondary and higher education in accordance with the law;
• minimum educational administrative services shall include the appointment of a Municipal Director for the department/directorate including the education functional sector as well as sufficient professional and support staff to perform the duties required under Kosovo legislation;
• monitoring of, and reporting on, educational management and operations in municipalities shall be performed through the municipal administrative body identified as competent for that function by the Mayor of the municipality.
Competencies in construction
Municipalities may construct public educational facilities financed by the municipal budget and other donations. Municipal competencies in education facility construction include: identification of the need of building education facilities; determination of building locations and provision of municipal land; preparation of an implementation plan; design of the facility; issuance of the construction permit; procurement of construction services and materials, necessary inspections; issuance of final occupancy permits; and creation of adequate conditions (facilities, etc...) for the education and training process.

The municipality must confirm the availability of municipal land for construction, the project implementation plan, and the final school design not later than sixty (60) days prior to the projected date for the posting of a procurement for construction services.

If funding for construction of an education facility, or part of it, is a direct grant from the MEST, it is the responsibility of the Ministry to review and approve or disapprove such a construction project within sixty (60) days from the date of submission by the municipality and prior to the beginning of the procurement of construction work.

Licensing and registration of teachers and educational institutions
Municipalities may only register and employ teachers that meet criteria and educational standards determined by the law. The MEST organizes the pre-registration process, based on fair and transparent criteria, and draw up an open list of licensed prospective teachers, which will be updated annually. The licensing system will give particular consideration to the needs of non-majority communities in the Republic of Kosovo and will include the possibility of hiring teachers from foreign countries.
Public educational institutions shall be licensed by the municipality in accordance with the criteria and standards established by the law. Municipalities will issue business licenses to private educational institutions in the same manner as other business licenses under the provisions of the Law on Local Government Finance. Municipalities shall require documentary proof of business registration and licensing as an educational institution by the MEST prior to the issuance of a business license to a private educational facility within their boundaries.

**Education in the Serbian Language**
Municipalities have the competence of creating conditions for providing educational services in the Serbian language. Schools that teach in the Serbian language may apply curricula and use textbooks developed by the Ministry of Education of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology.

The Law on Local Self-Government vests the future municipality of Mitrovicë/ Mitrovica North with enhanced competencies regarding higher education. This municipality has competencies regarding the public university in Serbian language of Mitrovicë/ Mitrovica North, as foreseen in applied legislation in Kosovo. Municipal competencies and co-operation as well as the functioning and financing of this university are foreseen in the provisions of the applied legislation on local self-government, local government finances and education in municipalities.

**Resources:**

Law on Primary and Secondary Education in Kosovo / UNMIK Regulation 2002/ 19 on the promulgation of the law adopted by the Assembly of Kosovo on Primary and Secondary Education in Kosovo, Law on Education in the Municipalities of the Republic of Kosovo 03/ L-068
2.6 Health

The health care system in the Republic of Kosovo continues to experience serious difficulties. Improving the current situation will require many efforts by the central and local institutions.

Health care is organized along three levels: a) Primary health care; b) Secondary health care; c) Tertiary health care.

According to the Law on Health, primary health care falls in the competency of municipalities. Primary health care services are implemented through family medicine services. These services are provided by Family Medicine Teams and include:

- promotion, prevention, treatment and rehabilitation of diseases, disorders and injuries;
- health education;
- immunization;
- initial diagnosis and basic health care including minor surgeries;
- promotion of oral health and basic dental health care;
- community based mental health care;
- community based rehabilitation;
- provision of food and water which meet quality requirements;

The Family Medicine Teams consist of: a general practitioner, a dentist, a family medicine specialist, a pharmacist, a paediatrician, a gynaecologist-obstetrician, a specialist of clinical biochemistry, as well as nurses, midwives, physiotherapists and medical technicians who serve in the following Primary Health Care Institutions:
• Main Family Health Centre;
• Family Health Centre;
• “basic health care unit” / first aid and general practitioners;
• Emergency Health Centre (in municipalities with more than 150,000 inhabitants);
• Pharmacy; and
• Rehabilitation Centre.

Municipalities are in charge of drafting a plan for developing primary healthcare in accordance with the main Kosovo plan on health.

**Emergency healthcare services** - are offered to all persons in the Republic of Kosovo without co-financing. This is done in co-operation with other emergency services: Fire fighters, Kosovo Police, Security Force of Kosovo and KFOR. Municipalities are responsible for the development of primary medical emergency services within their respective boundaries in co-operation with the Office for Medical Emergency Services within the Ministry of Health. Emergency Centres are to be based in the Family Medicine Centres and are to be staffed with a specialist for medical emergency, a doctor in medical emergency, an emergency nurse(s) and support staff. The responsibilities of the primary medical emergency services are:

• treatment of outpatient emergency patients;
• fast response to calls;
• treatment of patients at the place of event;
• safety and treatment during transport;
• emergency stabilization of the patient; and
• transport to an Emergency Centre after stabilization.
Municipal health authorities have to evaluate the quality of primary medical emergency taking into consideration the opinion of the population.

**Resources:**

Law on Kosovo Health / UNMIK Regulation No. 2004/ 31 on the promulgation of the law adopted by the Assembly of Kosovo on Kosovo Health
Law on Medical Emergency Services / UNMIK Regulation No. 2006/ 21 on the promulgation of the law adopted by the Assembly of Kosovo on Medical Emergency Services
2.7 Culture and sports

Limited financial resources represent obstacles for municipalities wanting to invest more in culture and sport. Organizing activities in these fields requires adequate financial means, appropriate infrastructure and expertise offered by the municipalities.

Theatres – Theatres are important cultural institutions. Their status and activity is regulated by the Law on Theatre which applies in all municipalities and has additional relevance in the municipalities of Prishtinë/Prishtina, which houses the National Theatre of Kosovo, as well as in Gjilan/Gnjilane and Gjakovë/Dakovica which have Professional City Theatres.

Municipalities are responsible for the public theatres. In addition to income from generated by the theatre’s activities, external grants, sponsorships and other financial sources, Municipalities should support theatres financially, together with the Ministry of Culture, Youth and Sports. Public theatres are obliged to publish each year their calendar of events, their objectives and any Kosovo-wide touring activities. Municipalities can freely support private theatres.

Public libraries – These are the Kosovo Library, inter-municipal libraries, municipal libraries and community libraries in the villages. These libraries are created by public authorities and mainly funded by public funds. The Law on Libraries authorizes municipalities to operate the public libraries and also gives them the right to create new libraries, provided minimum criteria are met. The municipal bodies should support the development of library services and, together with the Ministry of Culture, Youth and Sport, assist in their evaluation.
Sports - Despite the fact that some sports are very popular and widely spread in the Republic of Kosovo, municipalities face certain difficulties, such as lack of facilities and financial support of sports activities.

The Law on Sports is not very specific on the role of the municipalities in this field. They are however included as part of public institutions at all levels that are competent for financial support of physical education and sports.

However the municipalities are nonetheless expected to:

- publicise the conditions by which sports organizations can operate;
- provide financial support for public sports clubs;
- raise and provide funds themselves to finance sports activities; and
- create their own resources for financing of sports.
- promote creation of private sport institutions and centres;
Role and obligations of the Municipal Assembly member:

To be completely involved in the issues related to budget and finance, in order to determine the best ways to meet the needs of the citizens.

To make sure that public money is used in transparent manner and for the benefit of the citizens.

To protect municipal property as if it was his own, and make the municipality a pleasant place to live.

Be active in promoting investments and work towards identifying possibilities for economic growth and development in order to improve the life of citizens.

To work for an effective spatial and urban planning, essential to the overall development of the municipality

Work towards the constant improvement of the education, health and public services so that citizens may be proud of their municipality

Promoting culture and sports, so that libraries, theatres, museums, cinemas, and sports activities do not remain wishful/abstract terms.

Resources:

Law on Theatre / UNMIK Regulation 2005/ 31 on the promulgation of the law adopted by the Assembly of Kosovo on Theatre
Law on Sports / UNMIK Regulation 2004/ 26 on the promulgation of the law adopted by the Assembly of Kosovo on Sports
Law on Libraries / UNMIK Regulation 2003/ 19 on the promulgation of the law adopted by the Assembly of Kosovo on Libraries
CHAPTER III
CROSS-CUTTING ISSUES
CHAPTER III. CROSS-CUTTING ISSUES

Introduction

In their efforts to manage local governments with maximum efficiency and effectiveness, municipal leaders are advised not to lose sight of a number of key issues that indirectly but substantially affect the quality of life in their municipalities.

Concepts such as accountability, transparency and public participation must not be sidelined in the interest of expediency but rather integrated into the decision making process within the municipal assembly and the executive branch.

Local governments are obliged to ensure that all local authorities communicate, provide services and make available municipal documents to the communities in their own languages, in accordance with the applicable legislation.

Local governments must take all necessary measures to ensure that the rights and interests of all communities residing in their municipalities are respected, while special care should be given to ensuring and fostering gender awareness and equality.

Finally, municipal leaders are advised to explore all opportunities for co-operation with other municipalities/units of local self-government in order to improve the quality of services and life of their citizens. Indeed, bearing in mind financial obstacles faced by municipalities striving to satisfy the needs of its residents, co-operation is imperative.
3.1 Transparency, accountability and public participation

Transparency, accountability and public participation are key principles when it comes to safeguarding and enhancing democracy.

3.1.1 Transparency

Transparency is ultimately about access to information; if the municipal government conducts its business in secret and away from the public eye it might become the target of public accusations of mismanagement and corruption.

Transparency can be achieved through a number of means, broadly classified into one of the following functional categories:

a) Ensuring access to official documents

The Law on Access to Official Documents provides legal grounding for citizens to exercise their right to obtain documents held by public institutions and sets out the instruments needed to do so. The Law on Local Self-Government ensures that any person may inspect any document held by the municipality unless such disclosure is restricted by the Law on Access to Official Documents.

Municipal governments are, as a result, obligated to establish an environment enabling access to official documents, in accordance with Article 8 of the Ministry of Local Government Administration Administrative Instruction No. 2006/03, which states that the “Municipal Assembly shall adopt regulation,
take measure and establish good administrative practices to guarantee the right of the citizens to access the official documents of the municipality.”. The municipality is required to oversee the implementation of the Law on Access to Official Documents and the respective administrative instructions throughout the municipality.

b) Enabling access to official meetings of municipal bodies

Permitting and facilitating public access to official meetings of municipal bodies represents a key pillar of transparent government as it allows citizens and interested groups to scrutinize the work of the local government in real time while providing the public with valuable insight into how policy decisions are made.

The Law on Local Self-Government lays the foundations for open meetings in Section 45 which states that, subject to limitations, “[m]eetings of the Municipal Assembly and all its committees are open to the public.”

c) Disclosing information on the work of local government

In addition to inviting scrutiny by facilitating access to official documents and meetings of the municipal government, local authorities must also be proactive in sharing information with the interested public. This refers to information regarding past and present performance of municipal government as well as its plans for the future.

Public information requirements for municipalities are set out in more detail in the MLGA Administrative Instruction No. 2006/30 on Municipal Transparency which requires municipalities to develop and implement Transparency Action Plans.
### 3.1.2 Accountability

Is defined as the “government's obligation to respect the interests of those affected by its decisions, programmes and interventions through mechanisms of answerability and enforceability.”

In practice, accountability includes the ability for and willingness of citizens to hold local government officials responsible for their decisions and actions through giving and/ or withholding support through elections and other democratic forums.

It is ultimately achieved once municipal officials recognize the community as their employer and acknowledge that they serve at its discretion. While the public holds the elected officials accountable for their actions, it is the job of the municipal assembly to ensure that the executive is accountable to the people’s democratically elected representatives.

### 3.1.3 Public participation

Public participation is a must if democracy is to be exercised at the local level. This means that citizens need to be provided with ample opportunities to affect the way their governments operate during their mandate.

**Public consultation** is a modern good governance and policy making tool used at all levels of administration, including local government. Public consultation ensures that the residents concerned are given the possibility to express their opinions, that their expectations are heard and – ideally – taken into consideration. It facilitates the collection of ideas and opinions and enhances the understanding of the

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needs of different parts of the population. Public consultation may solve potential problems at an early stage and can contribute to a smooth implementation of municipal legislation. Public participation in the decision-making process improves the citizens’ interest in municipal activities and promotes municipal programs and activities.

In the scope of public information and consultation, the Law on Local Self-Government foresees public meetings, information outreach activities and other activities that shall be regulated by the Municipal Statute. A municipal regulation promoting transparency, public participation and access to official document shall be adopted by the municipal assembly.

Standard mechanisms for public consultation include the following:

- **Public meetings** - Such meetings on specific matters for the general public or specific groups serve as platforms to obtain information and promote awareness. The municipality is required to hold a minimum of two public meetings a year.

- **Public hearings** - During public hearings, the public is asked to express its views on a special subject on which information and documentation is available. Public hearings are public meetings with a policy agenda where the local government presents its policy and invites comments and suggestions from the public. They should be held, as a matter of good practice, before any piece of municipal regulation is passed.

- **Regular contact with interest groups** - This allows for discussions with small groups who have an interest in a specific municipal activity. This provides focused results related to the direct interests of the group but is less inclusive of members of the overall community.

- **Public surveys** - Such surveys represent a relatively cost-effective and inclusive method of soliciting public opinion on a particular issue. The questions in the survey must be strictly related to
the topic under discussion and must not be leading. There are two different methods to administer surveys:
  
  o **Surveys through interviews** where a number of municipal staff is sent out to conduct structured interviews with inhabitants. Although this method provides the best results, through direct eye-to-eye communication, it is expensive and impractical when attempting to reach out to the entire community.

  o **Self-completion surveys** where citizens are asked to record their answers directly onto the survey form. This approach covers more people but it is heavily reliant on public interest and may produce inconclusive results if apathy is encountered. Surveys may be mailed out, copies provided at the municipal building or posted on the municipal website.

- **Outreach visits** - as part of an elaborate consultation strategy, the municipality may launch a number of public outreach activities, including presentations of municipal plans and projects at the local community level and informative sessions with village leaders. In addition to facilitating consultation and communication, outreach activities enhance ties with the communities and increase the confidence public officials enjoy at the grassroots level. An outreach activity could be an excellent way for the Community Committee to outline its mandate and explain rights and ways of action in cases of discrimination.

- **Focus groups** - Focus groups are an extremely useful method of assessing the opinions of the community on a particular policy issue. As a rule, a manageable number of individuals are selected from the community at random (up to 10). The group, however, needs to be a representative sample of the municipal demographics in terms of age, ethnicity, gender and economic status.

- **Electronic consultation** - an increasing number of people in the Republic of Kosovo are starting to use the Internet, another low-cost option for municipalities is to use websites or emails in order to assess public opinion on a given policy.
Participatory decision making can be defined as an inclusive process of making public decisions where citizens exert direct and substantial influence on the outcome of the policy process. The Law on Local Self-Government envisages the following mechanisms for participatory decision making:

- **Petition** - Any person or organization with an interest in the municipality is entitled to present a petition to the municipal assembly about any matter falling within the area of responsibility and competence of the municipality.

- **Citizens’ initiative** - This is one of the forms of direct participation in decision making processes. The citizens are entitled to propose municipal-level regulations for adoption by the municipal assembly. The draft regulation must be signed by 15% of registered voters and submitted to the municipal assembly for consideration through its Chairperson. The proposed regulation shall be reviewed by the municipal assembly which will state its position within 60 days.

- **Referenda** - Referenda are considered to be the most direct method of determining popular views on a particular public policy issue. They provide residents with an opportunity to retain decision-making power rather than delegating it to their representatives. According to the Law on Local Self-Government, residents of a municipality are entitled to request that a regulation issued by the municipal assembly is to go through referendum. The request must be submitted to the Chairperson of the Municipal Assembly within 30 days from the adoption of the regulation and must be signed by 10% of the registered voters. The municipal assembly shall consider and act upon the request within 30 days after receiving it.

- **Recall of the Mayor** - The residents of a municipality are entitled to pass a request asking for the mayor to be removed from office. Such a request must be signed by 20% of the registered voters and submitted to the Chairperson of the Municipal Assembly who shall refer the matter to the appropriate institution for the organization of the vote. If a majority of registered voters vote in
favour of the Mayor’s removal, new mayoral elections shall take place in accordance with the law on elections.

- **Consultative Committees** - The municipal assembly may establish these sectorial committees enabling resident participation in the decision making process. These committees should include residents and representatives of non-governmental organizations. The committees may submit proposals, conduct researches and provide opinion on municipal assembly initiatives, in accordance with the Municipal Statute.
3.2 Use of languages

Following the international standards and documents on human, civil and political rights and fundamental freedoms, and in order to regulate the use of languages, the Assembly of the Republic of Kosovo has adopted the Law on Use of Languages. The Law ensures an equal status of Albanian and Serbian (and their alphabets) as official languages and equal rights as to their use in all institutions of the Republic of Kosovo. Regarding other languages spoken in the Republic of Kosovo by communities whose mother tongue is not an official language in the Republic Kosovo, the Law also regulates their use in public institutions, organizations and enterprises providing public functions and services.

Use of languages in Municipal Institutions is mainly regulated by Article 7 of the Law. In municipal institutions the equality of the official languages of the municipality applies.

- **Communication** - every person has the right to communicate with, and to receive available services and public documents from, municipal institutions and officials in any of the official languages. Every municipal representative and executive body has a duty to ensure that every person can communicate with, and can obtain available services and public documents from, any municipal institution or organ in any official language.

- **Interpretation** - the official languages are used on an equal basis in the meetings and work of the municipal representative and executive bodies. Municipal institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of the representative and executive bodies of the municipality, as well as in public meetings organized by the municipality.

- **Records** - records of meetings and official records of municipal representative and executive bodies, public registers and other official documents shall be kept and issued in all official languages of the municipality.
• **Work environment** - municipal institutions must ensure that their work environments are conducive to the effective use of the official languages and accommodate the use of any official language by their officers and employees.

• **Printing and publication of documents** - regulations and subsidiary acts adopted by municipal institutions shall be printed and published in the official languages of the municipality. All official language versions are equally authoritative.

According to the Law on Use of Languages if a community whose mother tongue is not an official language constitutes at least 5% of the total population of the municipality, the language of that community shall have the status of an official language in the municipality. One exception to this is the Municipality of Prizren where the Turkish language has the an official language status.

In municipalities inhabited by a community whose mother tongue is not one of the official languages of Kosovo and which represents above 3% of the total population of the municipality, the language of the community shall have the status of a language in official use in the municipality. Persons belonging to these communities are entitled, if they so request,

- to present oral or written submissions and documents and receive a reply in their own language from municipal institutions and officials;
- to have municipal regulations and subsidiary acts issued and published in their language;
- to use their languages in the work and meetings of the municipal representative bodies and their committees as well as public meetings organized by the municipality;
- to be provided with interpretation and translated documents in their own languages.
In addition, a language which has been traditionally spoken in a municipality shall also have the status of a language in official use within that municipality. The municipalities shall adopt detailed regulations on this issue.

The official names of municipal institutions and organs as well as official signs indicating or including the names of municipalities, villages, roads, streets and other public places shall be displayed in the official languages (of Kosovo) and the languages that have the status of an official language in the municipality.
3.3 Communities

Municipalities are obliged by law to ensure that their citizens enjoy all rights and freedoms without distinction of any kind, such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, and that they have fair and equal opportunities; Moreover, municipalities are obliged by law to create appropriate conditions enabling all communities to express, preserve and develop their ethnic, cultural, religious and linguistic identities.

Communities – In addition to the right to run for elected positions in municipalities, communities are represented through the Municipal Assembly Deputy Chairperson for Communities, Deputy Mayor for Communities and the Communities Committee. These various bodies shall assist their respective communities in promoting and protecting their guaranteed rights related to use of language, education, religion, ethnic origin, culture, fair and equal employment in municipal service(s), access to public services, access to information, as well as to civil, political, economical and social rights.
3.4 Gender equality

The Law on Gender Equality requires that local governments “promote and establish equal opportunities, (...) draft their policies taking into account gender equality and (...) approve any necessary measures and undertake any activities to provide equal opportunities for both females and males.” According to the law, equal gender participation in institutions of both females and males is achieved when representation of the particular gender reaches at least 40%, spanning all levels of authority. The legislation on elections ensures a 30% quota for representation of women in Municipal Assemblies. The Municipal Gender Equality Committee is another legislative body that may be established in municipalities.

Local government bodies are obliged to create an Office of gender Affairs and appoint a Municipal Gender Affairs Officer (see the section 4.14 of the Law on Gender Equality. It is his/her responsibility to review every decision taken by the local government, while specific competencies and duties are outlined in Administrative Instruction No. 2005/8 on Determination of Competences and Description of Duties of Officers for Gender Equality in Municipalities issued by the Ministry of Local Government Administration.

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8 Law on Gender Equality in Kosovo, Art. 4.14.
3.5 Municipal co-operation

In line with the principle of the Charter, the Law on Local Self-Government defines ways for municipal co-operation. Municipalities in the Republic of Kosovo have the right to cooperate and establish partnerships with other Kosovo municipalities in order to carry out functions (policies) of mutual interest. Municipal responsibilities may be exercised through Municipal Partnerships, except for the competencies that municipal assemblies cannot delegate. Municipal decisions regarding the partnerships’ activities are subject to mandatory legal review. The provisions of the Law also enable cross-border co-operation with other municipalities and institutions, including institutions and government agencies of the Republic of Serbia, in the area of the municipalities’ own and enhanced competences. First, the municipality must inform the Ministry of Local Government Administration of its intention to establish such cooperation through a draft co-operation agreement. The draft shall be subject to review by the Ministry of Local Government. In case of serious violations of the law, the intended co-operation may be suspended by the Ministry. The municipality may challenge the Ministry’s decision in the relevant District Court. In order to protect and promote their interests, municipalities may join representative associations. Such associations may support its members with training, capacity building and technical assistance. They may also cooperate with similar international associations and local authorities.
Role and obligations of the Municipal Assembly member:

To exchange information with citizens, non-governmental organizations and media so they can control the authority exercised in the municipality

To open new ways of communication and relations with media, non-governmental organization and citizens, including modern technology, trying to solve municipal problems together

To behave to all citizens in the same manner regardless of their political stands, race, ethnic, or religious origin

To perform duties to the best of my abilities and receive recognition for the efforts as human being and not because I am man or woman

To try to solve municipal problems by cooperating with other municipalities and consequently strengthen the effectiveness of the municipality.

Resources:

Law on Access to Official Documents / UNMIK Regulation 2003/ 32 on the promulgation of the law adopted by the Assembly of Kosovo on Access to Official Documents

Law on Use of Languages / UNMIK Regulation 2006/ 51 on the promulgation of the law adopted by the Assembly of Kosovo on Use of Languages

Law on Gender Equality / UNMIK Regulation 2004/ 18 on the promulgation of the law adopted by the Assembly of Kosovo on Gender Equality

Ministry of Local Government Administration AI 2006/ 03 on Municipal Transparency on implementation of the Law on Access to Official Documents

Law on Local Self-Government 03/ L-040

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