

ANNUAL MONITORING REPORT  
**A year of monitoring for greater transparency**  
*September 2013, Prizren*

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British Embassy  
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## I. Executive summary

The report titled “A year monitoring for more transparency” sums up a one-year performance of the NGO “EC Ma Ndryshe” in monitoring the transparency of the Municipality of Prizren and a several months of performance in monitoring the transparency of the Municipality of Mamuşa/Mamushë. This paper has been produced within the “Online Transparency of Prizren and Mamuşa Municipalities” and introduces the findings related to different departments of local governments, with a special emphasis on transparency and endeavours for upgrading of this significant area of local governance as a precondition for a stable democracy.

In September of 2012, NGO “EC Ma Ndryshe”, the Municipality of Prizren and the Embassy of the United Kingdom have signed a Memorandum of Understanding for initiation of the “Online Transparency of Prizren Municipality”<sup>1</sup>. Furthermore, the achievements of the “Transparency Online” in Prizren have been a motivating factor for expanding the oversight in additional municipality, respectively of the Mamuşa/Mamushë Municipality, starting from May 2013<sup>2</sup>.

‘EC Ma Ndryshe’, according to legal provisions that define the right of access to public documents and for public participation in decision-making, has executed the role of the monitor by following-up, researching and reporting on the decisions and occurrences that are not in line with the law or moral obligations

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<sup>1</sup> The complete text of the Memorandum can be found at the link: [http://www.online-transparency.org/repository/docs/Memorandumi\\_UK-EC-PZ.pdf](http://www.online-transparency.org/repository/docs/Memorandumi_UK-EC-PZ.pdf)

<sup>2</sup> Announcement for Mamuşa/Mamushë at: <http://www.online-transparency.org/?page=1,42,40>

of good governance. During a one year period, monitoring staff of ‘EC Ma Ndryshe’ have pinpointed numerous violations in relation to local governance, which then it has addressed to the public through press releases, press conferences, debates, meantime also demanding intervention from the central level in cases when legal provisions have foreseen such a thing.

During a 12 month period, monitoring staff has informed the public about the defects in urbanism, inspections, education, health, procurement, public services, transparency, finance and budget, adversely targeted investments, but also on the communication with the central level and the enforcement of legal decisions of the highest state authorities. Over time, the work of the monitoring staff was appreciated by the citizens who then started to report concerns, irregularities or legal violations at the municipal level.

It is worth noting that despite a large number of press releases and debates on these issues, where specific recommendations were drawn out, the local government has shown little willingness in implementing these recommendations thus improve the defects asserted by the civil society.

Nonetheless, the oversight has also produced positive outcomes, such as allowing monitoring staff to attend the meetings of the municipal government for reporting on the decisions rendered. Municipal authorities have also increased the level of responsibility in terms of providing access to public documents and the decisions of municipal leadership.

Another encouraging issue for the monitoring staff has been the responsiveness of the central level authorities in regard to monitoring

findings. The central government has demonstrated a higher degree of responsibility, by taking into account press releases issued a part of the project thus providing answers to the monitors; as it has addressed recommendations to municipal leadership to remedy the violations or to take appropriate steps for establishing the lawfulness in certain issues – as in the MLGA in the case of “Dardania” neighbourhood, then the MESP in the “Prevala” case, MLGA and MESP regarding the Regulation on the Treatment of Structures built without Permits.

Although they were focused on issues related to local governance, during their year-long engagement, the monitors have also addressed the matters of national interest, such as ‘Brezovica’ project, which threatens the unique natural values.

Different from Prizren, in the municipality of Mamuša/Mamushë responsiveness towards monitoring and the findings indicated by the monitoring staff has been more affirmative. The leadership of this municipality has never disputed the findings of the monitoring staff and, in several occasions, it has promised to get engaged in mending the flaws identified. Moreover, they have welcomed proposals to strengthen the capacities in the area of transparency in collaboration with civil society.

General recommendations (transparency):

- Enactment of the Administrative Instruction on Transparency 2008/09 of the MLGA,
- Local executive to frequently report to the media on public matters,
- The Mayor, Directors and the Head of Information Office to hold periodical press conferences,
- Amendment of Regulation on Transparency

- Strengthening of the Information Office with staff and regular update of the municipal official website,
- Strictly enact the provisions of the Law on Access to Public Documents
- Official websites to be updated with contents in all the official languages

Specific recommendations (sectorial):

#### a) Prizren

- To enact the Law on Public Procurement,
- To implement all the recommendations of the Office of Auditor General,
- To ban the setting of the amusement park at the Sports Centre,
- To end the practice of collecting money from schoolchildren,
- “Brezovica” project to be reconsidered,
- Public money not to be invested in projects subject to property disputes,
- To stop overruns in high-rise buildings,
- To draft the inventory of the structures to be demolished.

#### b) Mamuša/Mamushë

- To implement the recommendations of the Auditor General,
- To control expenditures in the second half of the year
- To improve online transparency,
- The resolve the issue of the naming of the school in Mamuša/Mamushë

## II. Monitoring in the Municipality of Prizren

In September of 2012, ‘EC Ma Ndryshe’, the Municipality of Prizren and the British Embassy have entered and signed a Memorandum of Understanding for the commencement of the “Online Transparency of Prizren Municipality” project. In this memorandum the responsibilities of each stakeholder have been

defined for efforts to increase local transparency. In this way the cooperation of the parties has been formalized, which however failed to overcome differences of the perspective between the Municipality of Prizren and EC Ma Ndryshe in terms of understanding the legal obligations on transparency and enforcement of these obligations in practice.

Notwithstanding these differences, 'EC Ma Ndryshe', according to legal provisions that define the right of access to public documents and for public participation in decision-making, has executed the role of the watchdog by following-up, researching and reporting on the decisions and occurrences that are not in line with the law or moral obligations of good governance. During a one year period, monitoring staff of 'EC Ma Ndryshe' have pinpointed numerous violations in relation to local governance, which then it has addressed to the public through press releases, press conferences, debates, meantime also demanding intervention from the central level in cases when legal provisions have foreseen such a thing.

Within a 12 month period, monitoring has informed the public about the defects in urbanism, inspections, education, health, procurement, public services, transparency, finance and budget, adversely targeted investments, but also on the communication with the central level and the enforcement of legal decisions of the highest state authorities.

Over time, the work of the monitoring staff was appreciated by the citizens who then started to report concerns, irregularities or legal violations at the municipal level. Due to communication with the citizens, shortcomings were reported that were related to public lighting, setting of the amusement parks in public spaces and the

practice of collecting money from students in public schools.

It is worth noting that despite a large number of press releases and debates on these issues, where specific recommendations were drawn out, the local government has shown little willingness to implement these recommendations thus improve the defects asserted by the civil society. Rather than to ponder on these matters, municipal leadership has chosen a different path – the use of a disciplinary language and paternalistic approach toward the monitoring staff. By such approach, the findings of the monitors of EC Ma Ndryshe that were grounded in the data obtained by the municipal government directorates or from the state authorities, were considered as politically motivated criticism rather than the addressing of the shortcomings of local government, which could be improved with specific steps and by more structured dialogue with the EC Ma Ndryshe monitors in particular and civil society organizations in general.

Nonetheless, the oversight has also produced positive outcomes, such as allowing monitoring staff to attend the meetings of the municipal government for reporting on the decisions rendered. Municipal authorities have also increased the level of responsibility in terms of providing access to public documents and the decisions of municipal leadership.

Another encouraging issue for the monitoring staff has been the responsiveness of the central level authorities in regard to monitoring findings. The central government has demonstrated a higher degree of responsibility, by taking into account press releases issued a part of the project thus providing answers to the monitors; as it has addressed recommendations to municipal leadership to

remedy the violations or to take appropriate steps for establishing the lawfulness in certain issues.

Hence, in November of 2012, the Ministry of Local Government Administration has sent a legal letter to the Mayor and the Chairman of the Municipal Assembly of Prizren in relation with the Judgment of Constitutional Court in the case of collective buildings in “Dardania”. Subsequently after the EC Ma Ndryshe’s reaction regarding to the non-enforcement of the Constitutional Court’s Judgement and the request sent to the MLGA for taking action against the officials of the municipality of Prizren, the Minister of Local Government Administration, Mr. Slobodan Petrović, in his letter to the Mayor, Mr. Ramadan Muja, and to the Chairman of the Municipal Assembly, Mr. Nijazi Kryeziu, has demanded, among others, be informed “on the steps undertaken to enact the Judgment ruled by the Constitutional Court.”<sup>3</sup>

Another encouraging development occurred in May of this year when the Ministry of Environment and Spatial Planning had decided to cease all construction activities in the area of Prevala for an indefinite period.<sup>4</sup> The Minister of MESP, Mr. Dardan Gashi, has taken this Decision as a result of environmental degradation, respectively after exceed of all requirements and criteria for construction and disregard of the MESP guidelines for the implementation manner of the urban plan in this area, a fact that has been noted several

times in earlier press releases and research papers of ‘EC Ma Ndryshe’ Unlike.

Meanwhile, the mechanisms of justice were put on the move, whereas the Prizren Basic Prosecutor’s Office has initiated investigations regarding violations of urban requirements in Prizren and in Prevala as well.<sup>5</sup>

During this one-year-period ‘EC Ma Ndryshe’ has also cooperated with other monitoring organisations operating in Prizren. ‘EC Ma Ndryshe and Kosovo Democratic Institute (KDI) have closely tracked the process of drafting and adoption by the Municipal Assembly of Prizren of the Regulation on the treatment of structures built without a permit. The joint conclusion of both these organisations was that the process has seen serious flaws<sup>6</sup>, which was later confirmed by the memos obtained from MLGA and MESP indicating that this Regulation has no legal grounds and that most of its content had been copied from other municipalities.<sup>7</sup>

The monitors of ‘EC Ma Ndryshe’ during their one-year engagement, although focused on issues related to local governance, have also addressed the issues of national interest, such as the ‘Brezovica’ project, which threatens the unique natural values. The research conducted for several months by EC Ma Ndryshe included collection and the review of the plan, the laws

<sup>3</sup> The letter of the Minister of Local Government Administration at the link: [http://www.online-transparency.org/repository/docs/Shkrese\\_MAPL.pdf](http://www.online-transparency.org/repository/docs/Shkrese_MAPL.pdf)

<sup>4</sup> The announcement at the link: <http://mmph-rks.org/en-us/News/Starts-the-decision-implementation-on-Prevala-668>

<sup>5</sup> “Prokuroria autorizon hetimet për ndërtimet pa leje në Prevallë”, 30.11.2012, <http://www.koha.net/?page=1,31,125328>

<sup>6</sup> Joint Response Statement, EC Ma Ndryshe and KDI, at, [http://www.online-transparency.org/repository/docs/Joint\\_Response\\_Statement.pdf](http://www.online-transparency.org/repository/docs/Joint_Response_Statement.pdf)

<sup>7</sup> Press Release, [http://www.online-transparency.org/repository/docs/Regulation\\_on\\_Treatment\\_of\\_Structures\\_Built\\_without\\_Construction\\_Permit\\_-\\_an\\_illicit\\_copy\\_2012.pdf](http://www.online-transparency.org/repository/docs/Regulation_on_Treatment_of_Structures_Built_without_Construction_Permit_-_an_illicit_copy_2012.pdf)

and establishing contacts with experts of the field. Based on the analysis performed so far, “Brezovica” project, although presented to the public as a development project of national interest, could easily degenerate into the devastation of natural values of the century.

### III. Monitoring in the Municipality of Mamuşa/Mamushë

The achievements of the “Transparency Online” in Prizren have been a motivating factor for expanding the oversight in additional municipality, respectively in Mamuşa/Mamushë Municipality, within the period May 2013 – March 2014.

Mamuşa/Mamushë is a new municipality fully-fledged years ago, with the majority of the Turkish population. There are very few civil society organizations and very little media coverage in this municipality, while governing structures, in terms of democratic practice, are quite fragile. The involvement of EC Ma Ndryshe in Mamuşa/Mamushë aims mainly at supporting local government in applying good governance standards.

In May 2013 ‘EC Ma Ndryshe’ signed a Memorandum of Understanding with the Municipality of Mamuşa/Mamushë on the monitoring of the local executive, a document which sets out the rights of both parties.

In the case of Mamuşa/Mamushë Municipality, the responsiveness towards the oversight and to the findings of monitors has been more constructive compared to Prizren. The leadership of this municipality has never disputed the findings of the monitoring staff and, in several occasions, it has promised to get engaged in mending the flaws identified. Moreover, they have welcomed proposals to

strengthen the capacities in the area of transparency in collaboration with civil society.

However, the municipality of Mamuşa/Mamushë still faces many challenges related to transparency and democratic governance, which is largely due to the lack of experience and the surrounding environment.

### IV. General conclusions on transparency

Transparency plays a distinct role in improving governance and combating corruption, mainly through increased citizen participation, strengthened cooperation with civil society in the public arena and fostering more candid accountability of public officials. Transparency serves as a tool to create and ensure informed citizenry so that the limits of responsibility and the actions of officials be visible and in this way accountable. Transparency therefore remains one of the main pillars of good governance, as closed systems that are described by discrete behaviours provide space for doubts for corruptive activities.

During the first year EC Ma Ndryshe faced with various challenges when investigating different issues. The phenomenon of partial information delivery, by failing to respond fully to the request for access to public documents was also present.

Since the beginning of monitoring, EC Ma Ndryshe frequently stressed that transparency of Prizren Municipality suffers from structural shortcomings and, despite humble efforts from the municipal leadership, it still ranks low; manifested by inadequate information, deficient inclusion in decision-making and the lack of accountability towards citizens.

EC Ma Ndryshe has reported on the lingering flow of information and documents from all the

directorates to the Office of Information and Communications, which has led to non-publication of decisions in real-time basis and insufficient information of the public on different matters of relevance.

This occurrence continued in the latter half of the monitoring period as well, during which the monitors have noted cases when municipal authorities did not respond to the requests of citizens and civil society organizations, although the provisions of the Law on Access to Public Documents are clear in this regard.

In addition, the records of public discussions on the budget and other issues were not registered and published, nor the lists of the priority projects proposed by citizens during public debates were drafted.

Therefore, EC Ma Ndryshe has come to the conclusion that transparency in the municipality of Prizren, despite some positive movements, still remains in the initial stage with the potential to improve, which largely depends on the political will of the heads of the municipality. The Mayor and the local executive must take appropriate measures to inform timely the public about the plans, projects, budget, surveys and other important matters.

## V. Specific monitoring findings

### a) Prizren Municipality

During the 12 month period, the monitors of the transparency of the municipal government have been focused in scrutinizing different issues related to the protection of the interest of the citizens of Prizren, as in urbanism, inspections, education, health, procurement, public services, transparency, finance and budget, adversely targeted investments, etc., which are presented below:

*Municipality makes double payment of an invoice for maintenance and repair of the Mayor's vehicle* – EC Ma Ndryshe, during its several weeks of research, has confirmed irregularities in payments of the maintenance and repair of the Mayor's vehicle, as the Audit Report for 2012 had previously found violations of procurement requirements and a double payment for an invoice.<sup>8</sup>

*Municipal government of Prizren misusing municipal budget year after another* – During the consideration of the Audit Reports for the last 5 years it was noted that the errors of the Municipality related to the management of budget and public assets are being repeated for a long time and the OAG's recommendations are not addressed at the required level by the Municipality, in the last five years. The recommendations of the OAG in most cases have identified numerous shortcomings in relation to the implementation of the budget, collection of own source revenues, public procurement system, liability management and asset management.<sup>9</sup>

*Setting of the amusement park at the Sports Centre* – Women and senior citizens living in the quarters nearby the Sports Centre have complained that the placement of an amusement park has violated their peace and quiet since noise pollution goes on far into the night and citizens are being denied from using the greenery of this Centre. EC Ma Ndryshe considers that a higher level of responsibility is

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<sup>8</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Municipality\\_makes\\_double\\_payment\\_of\\_an\\_invoice\\_for\\_maintenance\\_and\\_repair\\_of\\_the\\_Mayors\\_vehicle.pdf](http://www.online-transparency.org/repository/docs/Municipality_makes_double_payment_of_an_invoice_for_maintenance_and_repair_of_the_Mayors_vehicle.pdf)

<sup>9</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Municipal\\_government\\_of\\_Prizren\\_misusing\\_municipal\\_budget\\_year\\_after\\_another.pdf](http://www.online-transparency.org/repository/docs/Municipal_government_of_Prizren_misusing_municipal_budget_year_after_another.pdf)

required both from the Sports Centre's management and from the Municipality for matters related to the developments that affect the daily lives of residents living nearby.<sup>10</sup>

*Practice of money collection from pupils of public schools* – Monitoring staff has received individual complaints from parents and schoolchildren about the money sought from the management of public schools in Prizren for the payment of security, maintenance, repairs of sanitation or for additional payments. By submitting concern for the spread of this occurrence, parents have also complained about the lack of transparency in the managing and spending of these additional funds.<sup>11</sup>

*"Brezovica" project threatens with the destruction of rare natural values* –The research conducted for several months by EC Ma Ndryshe included collection and the review of the plan, the laws and establishing contacts with experts of the field. Based on the analysis performed so far, "Brezovica" project, although presented to the public as a development project of national interest, could easily degenerate into the devastation of natural values of the century. "Brezovica" project foresees the realization of investments in about three thousand and five hundred hectares of the territory with significant natural assets in National Park "Sharri", which by the decision of the Assembly of Kosovo, it has been declared of a national interest.<sup>12</sup>

<sup>10</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/As\\_of\\_next\\_year\\_the\\_Sports\\_Centre\\_to\\_prohibit\\_the\\_setting\\_of\\_the\\_amusement\\_park.pdf](http://www.online-transparency.org/repository/docs/As_of_next_year_the_Sports_Centre_to_prohibit_the_setting_of_the_amusement_park.pdf)

<sup>11</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/To\\_end\\_the\\_practice\\_of\\_collecting\\_money\\_from\\_schoolchildren.pdf](http://www.online-transparency.org/repository/docs/To_end_the_practice_of_collecting_money_from_schoolchildren.pdf)

<sup>12</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Brezovica\\_project](http://www.online-transparency.org/repository/docs/Brezovica_project)

*Investments in the house of Shuaip Pasha, without an elaborated planning* – Municipal government, respectively the Directorate of Urbanism and Spatial Planning has begun the implementation of the project without fully clarifying property disputes between the legitimate owners of this building; meanwhile, there was no a clear plan or final purpose of this house, that once has used to represent an exceptional value of Prizren's urban architecture.<sup>13</sup>

*Municipality powerless in stopping exceeds in the construction of high-rise buildings* –The research has revealed that the municipal government, notably the Directorate of Inspections remains powerless in stopping exceeds of new collective residential buildings. Consequently, drastic exceeds of the construction permits for the high-rise buildings has become a chronic phenomena in the city of Prizren. Namely, it is about the business-residential building at the place called 'Atmejdan' in Tirana Street n.n., where the investor, despite many warnings by the Directorate of Inspections, has continued further construction although it has committed itself before municipal authorities for stopping an additional construction.<sup>14</sup>

*Directorate of Inspections in the absence of an inventory of buildings for demolition* – EC Ma Ndryshe has requested from the Directorate of Inspections to make public the inventory of

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[threatens the destruction of rare natural values .pdf](http://www.online-transparency.org/repository/docs/As_of_next_year_the_Sports_Centre_to_prohibit_the_setting_of_the_amusement_park.pdf)

<sup>13</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Investments\\_of\\_the\\_municipality\\_in\\_the\\_house\\_of\\_Shuaip\\_Pasha\\_without\\_an\\_elaborated\\_planning.pdf](http://www.online-transparency.org/repository/docs/Investments_of_the_municipality_in_the_house_of_Shuaip_Pasha_without_an_elaborated_planning.pdf)

<sup>14</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Municipality\\_powerless\\_in\\_stopping\\_extensions\\_in\\_the\\_construction\\_of\\_high-rise\\_buildings.pdf](http://www.online-transparency.org/repository/docs/Municipality_powerless_in_stopping_extensions_in_the_construction_of_high-rise_buildings.pdf)

buildings or structures built without a construction permit that should be demolished within the territory of Prizren municipality. Instead of such inventory, the Directorate has provided a response in being awaiting the adoption of the Law on Legalisation of Built Structures.<sup>15</sup>

*Other specific monitoring findings for Prizren can be found in two earlier periodic reports published "Natural and urban degradation"<sup>16</sup> and "Adherence to the law in local governance"<sup>17</sup>.*

### **b) Mamuša/Mamusha Municipality**

*Mamuša/Mamushë Municipality with weaknesses in some areas of financial management* – The Audit Report has identified weaknesses in some areas of financial management, which should be addressed by the Municipality of Mamuša/Mamushë. The OAG's conclusion is that the internal control system of the municipality is not properly designed and implemented in order to eliminate evident weaknesses. Regarding the revenues of the Municipality of Mamuša/Mamushë, the OAG has found shortcomings in the billing system, in collection of own source revenues and weaknesses in an automated billing system.<sup>18</sup>

<sup>15</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/komunikate\\_insp\\_ektoriati\\_ENGLISH.pdf](http://www.online-transparency.org/repository/docs/komunikate_insp_ektoriati_ENGLISH.pdf)

<sup>16</sup> Report, link: [http://www.online-transparency.org/repository/docs/EC\\_Natural\\_and\\_Urban\\_Degradation\\_ENGLISH.pdf](http://www.online-transparency.org/repository/docs/EC_Natural_and_Urban_Degradation_ENGLISH.pdf)

<sup>17</sup> Report, link: [http://www.online-transparency.org/repository/docs/Adherence to the law in local governance ENG %281%29.pdf](http://www.online-transparency.org/repository/docs/Adherence_to_the_law_in_local_governance_ENG_%281%29.pdf)

<sup>18</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Municipality of Mamusha to implement the recommendations of the Auditor General.pdf](http://www.online-transparency.org/repository/docs/Municipality_of_Mamusha_to_implement_the_recommendations_of_the_Auditor_General.pdf)

*Expenditures of the Municipality for lunches out of hand* – In the first six months of this year the municipality of Mamuša/Mamushë has spent for the official meals more than double of the funds that had spent during the entire 2012; to be exact €2,670 in the first half of 2013 juxtaposed to €1,270 spent during the entire year of 2012.<sup>19</sup>

*Numerous shortcomings in online transparency* –Municipal official website and communication with the public is not at the required level and it is characterized with the absence of conveying the basic information to the citizens. Updating of the data on the website is not done in any of the official languages of the municipality of Mamuša. Decisions of the municipal government are not published online as there are numerous challenges also in the application of the practices for access to official documents, by not adhering strictly to the standards stipulated in the respective law. The Mayor, Mr. Arif Bütüç, has committed itself to being engaged in enhancing transparency practices as well as for the online access to official documents.<sup>20</sup>

*Naming of the school in Mamuša/Mamushë – hostage of institutional [mis]communication* – EC Ma Ndryshe, over the month of May, has reviewed the issue of re-naming of the Lower Secondary School in this municipality. According to the observations during monitoring, it is evidenced that Mamuša/Mamushë Municipality uses the name "Anadolu" for this school, while the Ministry of Education, Science and

<sup>19</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Mamusha Municipality to control expenditures in the second half of the year.pdf](http://www.online-transparency.org/repository/docs/Mamusha_Municipality_to_control_expenditures_in_the_second_half_of_the_year.pdf)

<sup>20</sup> Press Release, link: [http://www.online-transparency.org/repository/docs/Press Release 05 July.pdf](http://www.online-transparency.org/repository/docs/Press_Release_05_July.pdf)

Technology in their official documents refers it as PLSS “Haxhi Ymer Lutfiu”. The resolution of this procedural matter should not have lasted for more than two years, but it supposed to be settled in an optimal timeframe so that the official name of the school would not remain in abeyance.<sup>21</sup>

## VI. Recommendations

### **General recommendations (transparency)**

In order to address the general shortcomings regarding transparency of Prizren and Mamuşa/Mamushë, we recommend the following:

- Municipal government to fully enact provisions of the Administrative Instruction on Transparency 2008/09 of the MLGA,
- Local executive to frequently report on the media on matters related to the use of the municipal budget, economic development, the use of municipal property, urban planning, investments, municipal revenues and other matters,
- The Mayor, Directors and the Head of Information Office to hold periodical press conferences and Q&A sessions with general public and stakeholders,
- Amendment of Regulation on Transparency with provision of explicit specifications on mayoral and local executive’s obligations in relation to local transparency,
- Strengthening of the Information Office with staffing and to regularly update the municipal official website with relevant information for citizens of Prizren.
- Strict application of the provisions of the Law on Access to Public Documents

- Update of official websites with content in all the official languages.

### **Specific recommendations (sectorial)**

According to date findings in specific local government departments, EC Ma Ndryshe recommends undertaking a number of actions to improve the practices of actions, decision-making and project implementation by the municipal government in:

#### **c) Prizren**

*To enact the Law on Public Procurement* – The Mayor should review reasons why public procurement requirements were not applied in several cases and should ensure that proper controls are in place in order that such situations are not repeated; To follow provisions of the Law on Public Procurement on every service, supply or bid; All payments are made in accordance with the contract requirements and only after necessary verifications are made that contracted goods and services are received in the appropriate quantity and quality.

*To implement all the recommendations of the Office of Auditor General* – Municipality should display greater commitment in implementing the recommendations deriving from Audit Reports in the last 5 years; It is needed an earnest effort of the municipal government for improving financial management and control within the Municipality of Prizren, in all the areas identified by the OAG.

*To ban the setting of the amusement park at the Sports Centre* – The management of “Sezai Surroi” Sports Centre to keep its promise given in the communication with the monitoring staff thus to not allow the setting of the amusement

<sup>21</sup> Press Release, link: <http://www.online-transparency.org/repository/docs/ATT00092.pdf>

park that causes dissatisfaction among the residents of surrounding neighbourhoods because of the noise pollution and 'usurpation' of green spaces. DPS and municipal authorities should listen closely the concerns of citizens and exert their public influence public in order to establish a better living environment for them in each and every case. The Supervisory Board for the Management of Cultural and Sports Facilities in Prizren is requested to consider the complaints expressed by the citizens and to not allow the setting of an amusement park in the yard of Sports Centre in the coming years.

*To end the practice of collecting money from schoolchildren* – The MED and the Mayor of Prizren to establish close dialogue with MEST so that previous omissions in budget allocation for MED in Prizren not recur but to design highly accurate planning of budgetary ledgers for the night guards, support staff, teachers, psychologists, etc., in public schools of Prizren municipality. Schools, parent's councils and MED that the practice of collecting funds for certain projects from community and the donors be followed with appropriate level of transparency by making public details about the project, duration, funds collected and spent and other details on the tables of announcements in schools, on the official municipal website and in local media outlets.

*"Brezovica" project to be reconsidered* – EC Ma Ndryshe recommends the inter-ministerial committee, the Assembly of Kosovo and all institutions to stop with the implementation of the project in the Zone A of the National Park due to special natural values in the area. It also calls on the Kosovo Assembly members, who are also members of the respective committees, to take the initiative for

demanding clarifications from the Government of Kosovo thus the debate on this matter become part of the public discourse in order to render best decisions for the future of the National Park "Sharri". Kosovo institutions to invite international organizations dealing with ecological and environmental issues, as the UICN, EU, WWF and REC, to assess the potential environmental consequences of the "Brezovica" project prior to further project implementation. tourism development not to be concentrated on a zone with a surface area of three thousand and five hundred hectares, but the investments to be distributed *pro rata* in other touristic zones, which are many in "Sharri" National Park.

*Public money not to be invested in projects subject to property disputes* – Municipality of Prizren is recommended not to invest public money in projects subject to property disputes and without a thorough elaboration of the functionality and the benefit to the citizens of Prizren as it is the case of Shuaip Pasha's House.

*To stop overruns in high-rise buildings* – Mayor should at no time request from the DI to draft and to publish an inventory of structures built without a permit and those with overruns to be demolished; Local government to initiate as soon as possible proceedings for the demolition of structures built without construction permits and with overruns which have not complied with urban regulatory plans; The Investigation Unit and the judiciary to seriously address this issue and facilitate the rule of law in the field of urbanism.

*To draft the inventory of the structures to be demolished* – The municipality must act according to its legal responsibilities and take concrete actions to prevent violations of urban requirements. Otherwise, municipal

government's lack of readiness to confront with the violators of permits and urban plans creates room for doubts about the involvement of the municipal executive on the "urban crime" that has gripped Prizren recent years.

*Other recommendations of the monitoring for Prizren can be found in two earlier periodic reports published "Natural and urban degradation" and "Adherence to the law in local governance".*

#### **d) Mamuşa/Mamushë**

*To implement the recommendations of the Auditor General – Mamuşa/Mamushë Municipality to show commitment to the implementation of 9 recommendations given by the OAG in the last report and recommendations of previous years; To establish an Audit Committee and an Internal Audit Department; To improve the management standards of public money, and to allow the members of the Municipal Assembly to exercise control and oversight on the municipal budget spending.*

*To control expenditures in the second half of the year – Municipal leadership should be more careful in the second half of the year on the expenditures on official lunches. Obviously this principle should also be applied in terms of other expenditures under the category of Goods and Services in order that public money is used in line with good governance principles and features Mamuşa/Mamushë as a locality is borne with.*

*To improve online transparency – Mamuşa/Mamushë Municipality is called to enforce the Administrative Instruction 2008/09 of the MLGA on the increase of transparency and to report more frequently on the website and in the media on the matters related to the*

use of municipal budget, economic development, the use of municipal property, urban planning, investments, municipal revenues, etc.

*The resolve the issue of the naming of the school in Mamuşa/Mamushë – The MEST should review the issue of the naming of the school and give a merited response to Mamuşa/Mamushë Municipality on this respect. Whereas Mamuşa/Mamushë Municipality is recommended that when rendering decisions to be thorough in adhering to the procedures set forth by laws and bylaws.*

#### **VII. Activities/reporting**

During the reporting period of the project, EC Ma Ndryshe has undertaken monitoring activities including advocacy and addressing legal violations of Prizren Municipality. The monitoring has been focused on the municipal executive (the mayor and directorates) as well as on the municipal civil service. The monitoring was carried through permanent monitors, who were granted regular presence in municipal premises and unhindered access to official municipal documents.

Monitoring findings were posted on the project's website, [www.online-transparency.org](http://www.online-transparency.org). The website has been translated into English language and the update in both languages is made in real-time basis. In addition to this, regular press releases for media (bi-weekly) were publicized with aggregated data from the monitoring findings.

During this period, the Mayor of Prizren Municipality has kept the meetings of the municipal government open for the monitoring staff of EC Ma Ndryshe. In order to inform the

public with the decisions rendered, EC Ma Ndryshe has issued respective reports on the decisions of local government of Prizren.

It has also established communication with central level institutions in order to address the requirements for adherence to the law and the country's Constitution.

Within the project, in May 2013 a discussion roundtable "Natural and Urban Degradation" had been organized. The panelists were Mr. Ian Cliff, the British Ambassador in Kosovo, Mr. Ruzhdi Rexha, deputy mayor of Prizren, Mr. Fisnik Minci, journalist at Koha Ditore newspaper and Mr. Naim Cahanaj, coordinator at KDI. The debate highlighted the developments related to natural and urban degradation in Prizren.

Within project has been organised a panel discussion titled "Adherence to the law in local governance". The panellists of this roundtable were Mr. Ian Cliff, the British Ambassador in Pristina, Mr. Ruzhdi Rexha, Deputy Mayor of Prizren, Mr. Refki Reshitaj, a journalist of *Zëri* daily newspaper and Ms. Elmedina Baxhaku from EC Ma Ndryshe. The roundtable revolved on the subject of adherence to the law in local governance of Prizren and on cooperation among relevant municipal stakeholders in achieving standards of democratic governance.

Another debate on "Media – civil society cooperation for transparent governance" had as the panellists Mr. Ismet Kryeziu, Executive Director of the Kosovo Democratic Institute, Mr. Arben Ahmeti, Chairman of the Board of Association of Independent Journalists of Kosovo and Mr. Ymer Berisha, Head of Information Office in Prizren. Among participants were also representatives of the media, civil society and political parties, who

agreed for a need on greater commitment and close cooperation for increasing the level of transparency. During this roundtable has emerged the proposal for the establishment of "Transparency Platform" at the local level, which would operate as a cooperation mechanism between civil society and the media for ensuring more transparent governance.

### VIII. Impact of the project

During 12 months of the implementation of "Online Transparency of Prizren Municipality" project and 5 months of Mamuša/Mamushë project, the following results had been achieved: 27 press releases on matters ranging from the urbanism to health and education; 3 analysis on the transparency of municipal government and urban planning; 25 public responses, news and flash notices on transparency of municipal government; 20 reports/notices on the meetings of the Mayor with municipal directors; 4 roundtables on adherence to the law of local government, media – civil society cooperation, urbanism and transparency; as well as periodic press conferences. These activities were covered by the media (local and national) as following: 145 TV stories with total of around 440 minutes, 112 articles in newspapers with about 65 pages, about 250 reports on internet portals and around 235 minutes of radio coverage.

The project has had various impacts on areas concerned. Two of the most important are the launch of investigations by the Basic Prosecution Office on issues of urbanism and filing of charges for abuse of office and powers against senior officials of local government in Prizren. In both cases the project has provided grounded information and has contributed to the progress of relevant procedures by the justice authorities. Moreover, two other

responses were pulled off from the Government of Kosovo due to this project – one from the Minister of Local Government Administration who sent a letter to the Mayor and to the Chairman of the Municipal Assembly related to the case of “Dardania”, respectively for the need to enact the Judgement of the Constitutional Court; and the second one from the Minister of Culture, who offered public commitment for protection of the Historic Centre of Prizren after publication of a number of reports on urban degradation in this zone.

In May this year the Ministry of Environment and Spatial Planning had decided to stop all civil engineering activities in the area of Prevala up to indefinite period. The Minister of MESP, Mr. Dardan Gashi, has rendered this decision following the degradation of the environment, namely exceeding of the construction conditions and criteria and for disrespecting of the MESP’s guidelines that had been sent to the Municipality of Prizren on how the urban plan of this area should be implemented, which several times before had been ascertained in the press releases (December 2012 – January 2013) and in the analysis produced from EC Ma Ndryshe (April 2013).

The project has achieved to open up the meetings of local government by providing instant information to the public on decisions taken by the municipal executive. In the end, the project has become a legitimate and trustworthy address for the citizens, who have addressed and continue to submit their concerns in relation to municipal governance.

### **IX. About the project**

The municipal executive, currently headed by the mayor of the municipality (who appoints and dismisses the municipal directors at his

will), is promoting a new quality in local governance and public service delivery. Although this difference in character is not always qualitative, the municipal executive (in particular the Mayor) is becoming into a sole address of seeking responsibility and, as a result, accountability for good governance and better public services. Oversight of Mayor’s functions (especially the part of lawfulness) is among the greatest challenges of local governance in Kosovo. While the Ministry of Local Government Administration is considered as insufficiently effective, the municipal assemblies and the judicial system do not prove of being at the highest texture either. The ultimate component of oversight – the citizen check – is encountering both political obstructions and legal absurdities (Article 72 of the Law on Local Self-Government on the Recall of the Mayor).

Over the last two mandates many cases have been recorded in which mayors acted without prior consultation with municipal assemblies and, in many occasions, without a ‘go’ decision of the latter. This practice has raised numerous concerns relative to the rule of law in Kosovo municipalities.

Proponents of direct mayoral system are aware of the detriment to democracy formula at the local level. This formula is applied when the mayor of municipality appears very sophisticated in his manipulative skills; at the same time, the Municipal Assembly is motionless in fulfilling its responsibilities and to fully exercise its competencies (legislative and oversight). Some of cases of the abuse of executive powers have been noted in Prizren, whereas on one of these cases EULEX is currently conducting investigations on the Mayor of Prizren Municipality. Prizren District

Prosecutor's Office as well has authorized the Economic Crimes Unit and Anti-Corruption Unit of Kosovo Police to investigate several cases in several departments on allegations of corruption and abuse of office by senior municipal official.

Therefore, the monitoring and reporting the activities of misgovernment (especially of municipal executive) should be the primary task of civil society in relation to good governance at the municipal level.

Online transparency of Prizren Municipality is a project to monitor the operations of municipal bodies. The spotlight of monitoring shall be set on the municipal executive (mayor and directorates) as well as on the municipal civil service. Monitoring shall be carried out through permanent monitors, who will be granted regular presence in municipal premises and unhindered access to official municipal documents. Reporting of monitoring findings will also utilize a permanent tool, a local governance transparency website. Monitoring findings will be posted directly on the website of this project for coining access opportunities for all stakeholders. Monitoring findings are a footstep for operation in the second phase of project activities: advocacy and addressing the legal violations. EC Ma Ndryshe shall use legal powers to instigate procedures for addressing legal infringements carried out by the municipality.

In the first six months (March-September 2012) "Transparency Online of Prizren Municipality" project has been supported by the Kosovo Foundation for Open Society (KFOS). As of September of this year, furtherance of the project was made possible due to the support of the British Embassy in Pristina, which starting

from May of this year has expanded its support also for the monitoring of Mamuša/Mamushë Municipality.

The main purpose of the project is to strengthen good governance in the municipalities of Prizren and Mamuša/Mamushë. The specific objectives envisage: to raise the level of public information on local decision-making; to awake governmental and judicial mechanisms on addressing the practices affecting the lawfulness; to raise the level of transparency in local decision-making; to raise the attention of local decision-makers with regard to lawfulness in local governance; to increase the participation of community groups in local decision-making.

#### **X. Why transparency monitoring?**

Over the past decade, the focus on transparency, as an aspect of improving the governance and combating corruption, had been centred at the national level which is mainly connected with the global trends of pluralism, democratization and governance improvement. In that perspective, this is comprehensible, since the corruption – as the most conspicuous consequence of the lack of transparency – is often more tangible in central level and due to the fact that legislative, executive and judicial institutions have been traditionally a point of reference in combating the corruption. Recently though, there has been a change in the course of increasing the transparency at the local level.

The importance of building local transparency, as a tool for addressing some of the greatest challenges for the sustainable development and democracy, is increasingly being contemplated. There are two fundamental aspects of

governance (and good governance as well). Firstly, the concept of governance is broader than Government. In the urban context, this means that the responsibility for managing a city's affairs is not limited to the local government solely, but it includes a wide range of stakeholders including: central and local government, the private sector, civil society and community-based organizations, the media, professional associations and other members of civil society. Secondly, the concept of governance focuses on institutions and processes. In the context of scarce resources, competing, but valid, priorities should be set through processes that involve all stakeholders in decision-making. This retains important implications for developing a framework for promoting transparency at the municipal level.

Transparency in decision-making processes and institutions has the potential to become a central strategy for engaging stakeholders, combating corruption and improving the quality of urban governance overall. Therefore, transparency represents the fundamental principle of good governance. The free access to information plays an important role in promoting transparency. Information, therefore, should be provided in time, be relevant, accurate and complete if being used effectively. The question of who produces what information, and for what purpose, becomes key matter of transparency when competing interests converge on a particular matter. One

of the most cutting edge patterns for ensuring the transparency is a five point framework for the increase of transparency: 1. Assessment and monitoring, 2. Access to information, 3. Ethics and integrity, 4. Institutional reforms; and 5. Targeting specific issues.

#### **XI. Acknowledgment**

EC Ma Ndryshe is deeply appreciative to the British Embassy in Pristina for esteeming and deciding to financially support the project from September 2012. It has also enabled the establishment of a dialogue with the municipal government, which became more receptive during the second phase of the project in providing access to official documents for which we are also grateful. A special acknowledgment goes to the Kosovo Foundation for Open Society as well, for providing financial support for the first (pilot) phase of "Online Transparency of Prizren Municipality" project and whose support was indispensable for strengthening of this project.

## EC Ma Ndryshe

Non-governmental organization “Emancipimi Civil Ma Ndryshe” was established in March 2006. The main goals of the organization are: promotion of active and participatory citizenry and the raise of civic awareness on the protection and foster of cultural heritage. EC Ma Ndryshe is one of the founding organizations and represents Kosovo in South East European Heritage Network of organizations that deal with cultural heritage – SEE Heritage Network. Furthermore, it is the founder of Cultural Heritage Forum of Prizren, Network of Cultural Organizations (RrOK) of Prizren and of the Network of Independent Culture Organizations in Kosovo – Cultural Forum. Since its establishment in 2006, EC Ma Ndryshe is exercising direct pressure on local government in Prizren to generate access for civil society and the citizens in participatory decision-making. In addition to direct participation in public consultation processes, EC Ma Ndryshe has regularly advocated the adherence to legal requirements for public consultations, wider community involvement in public consultations and inclusion of community’s matters and needs in public policy documents.

*Main projects:* Urbanism Watch, Citizen participation through social media in Prizren and Gjilan/Gnjilane (2013 – 2014); Inclusive city – participatory planning for sustainable urban development in Prizren (2013 – 2015); Cultural heritage, the central pillar for sustainable local and regional development in Prizren (2013 – 2014); Cultural Volunteers (2012 – 2013), Citizen participation in the design and implementation of cultural policies in Prizren municipality (2012 – 2013), Online Transparency of Prizren and Mamuşa Municipalities (2012), Role of Civil Society in Promotion of Cultural Heritage (regional project) 2011 – 2013, A Balkan Tale, Ottoman heritage in the Balkans (regional project) (2011 – 2013), Raising cultural awareness among youth through documentaries (2010), Strengthening citizens’ action in promoting and protecting cultural heritage (2009), “Culture 2013” Platform (2008 – 2009), Restoration Camps (2007, 2008 & 2009), Open Citizens’ Forums (2007), European Heritage Days in Kosova (2006, 2007 & 2008), Zambaku i Prizrenit 2006.

*Publications:* A documentary “Prizren, the cultural city” (2013); Citizen participation in drafting of cultural policies in Prizren; Who oversees the watchdogs – accountability of civil society in Kosovo (expected to be published in September 2013); Erroneous – An analysis of numerous and continuous faults in cultural heritage (2013); Four released analysis of “Online Transparency” project: 1. Natural and Urban Degradation, 2. Adherence to the law in local governance, 3. Good governance is not just a phrase, 4. Transparency of local governance in Prizren (2013 – 2013); Silent Balkan, a documentary within “A Balkan Tale” project (2012); Cultural life in the municipality of Prizren (in cooperation with ODA Theatre, 2010 – 2011); Prizren through Retro-visor, comparative catalogue of the old and new photos of Prizren (2009); Volunteerism and Cultural Heritage (2009); Low cost intervention (2009); Strategic document: Organizing European Heritage Days in Kosova (2008), Cultural Heritage and Cultural Tourism in Prizren(2008), Cultural Spaces in Kosovo (in cooperation with ODA Theatre – 2008).