

FOUR-MONTHLY MONITORING REPORT
Natural and urban degradation
March 2013, Prizren

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I. Executive summary

This paper titled “Natural and Urban Degradation” summarizes four-monthly work on monitoring local executive’s activities (December 2012, and January, February and March 2013) within “Online Transparency of Prizren Municipality” project. Although it includes developments in different departments of Prizren’s municipal government, a particular focus in this analysis was given to the current state of urban affairs in Prevallë/Prevala, providing a retrospective overview of uncontrolled constructions in the city and within the Historic Centre.

As the the connoisseurs of the field would voice, urbanism is described as a distinctive manner of interaction between the residents of the cities or small towns with the built environment whereby infrastructure and buildings are put in service for the improvement of living environment and public services. Regrettably, such concept has not been accommodated in public policies of municipal government related to urban and spatial planning, both in the city and in special natural zones.

Postwar and overall transition period have brought to uncontrolled developments in Prizren as well, marked with urban collapse, unbalanced spatial planning, loss of agricultural land and deep to the degradation of natural heritage in rural areas. Lack of transparency in decision-making and seizure of power by certain groups of interest, whether from business or politics, to the detriment of living environment of the citizens had the city and protected natural areas being gobbled up by a devastating urban chaos, consequences of which are deemed long-lasting.

The most excruciating definitely is the construction of Prevallë/Prevala touristic village, implemented with the permission of Prizren municipal authorities and the Ministry of Environment and Spatial Planning of Kosova’s government. This area, which was formerly regarded as a true natural beauty, it is now turned into a concrete eyesore and a manual how an urban crime is being exercised. Degradation has gone so far that even the Basic Prosecution Office could not stay unresponsive versus these adverse developments. Regardless of investigations launched by the Prosecutor’s Office, based on allegation of misuse of funds set for infrastructure regulation in Prevallë/Prevala, municipal authorities of Prizren have approved a decision for re-tendering the project for improvement of infrastructure in Prevallë/Prevala touristic village.

EC Ma Ndryshe, during its research conducted for weeks, had encountered numerous irregularities of municipal government in relation with transparency during project implementation for regulation of infrastructure in touristic village of Prevallë/Prevala. For many weeks, monitoring staff of EC Ma Ndryshe has attempted to obtain the contract and the accompanying dossier of “Construction of infrastructure with concession of Prevallë/Prevala touristic village”. Following all these submitted requests EC Ma Ndryshe has received a short notice from the DUSP related to the request submitted for access to public documents. In this note DUSP declares that, “Municipality of Prizren is implementing this project with financial participation of the owners when acquiring construction permits” and that a private economic operator (EO) has implemented the works according to respective contract, whereas “Prizren Municipality is not

funding this project.” It further says that, “the project is still in the implementation phase.”

Due to the absence of the contract and the dossier in general, and because of numerous uncertainties as to the manner of project implementation, EC Ma Ndryshe was hindered to draw a clear conclusion on the project’s course of development. At the same time, the lack of proper transparency of responsible municipal officials has also raised doubts over the regularity of contracting and implementation of the project, which should be unveiled until the end by the justice authorities. Concerns over the situation created in Prevallë/Prevala touristic village, where constructions are progressing without compliance to the construction permits issued by the DUSP, as well as re-tendering of the project subject to investigation, were reinforced by the report of the seven directorates on the situation in the campsite of Prevallë/Prevala, where, according to the data of municipal bodies, management contract of the campsite has expired since 15 May 2011. The findings of respective municipal committee, described in the minutes drafted after five consecutive meetings, prove for scandalous and alarming situation emerged in that area.

Besides the attention on developments in Prevallë/Prevala, during reporting period monitoring staff of municipal government’s transparency have scrutinized other matters related to the interests of the citizens of Prizren municipality.

Specific monitoring during the past four months show that: Municipality re-tenders a project investigated by the Prosecutorial Office; The campsite in Prevallë/Prevala is outside the Urban Regulatory Plan (URP), with manifold errors and expired contract; Municipality of

Prizren concluded the year 2012 with outstanding bills (debts) amounting to €933,000; municipal government should find a lasting solution on the issue of public lighting; and, Primary healthcare in Prizren facing many deficiencies in organizing the on-call work. Findings regarding the transparency of Prizren’s local executive confirm that transparency in Prizren Municipality remains at a low level whereby is exhibited by inadequate information, improper inclusion in decision-making and lack of accountability towards citizens.

General recommendations (transparency):

- Enactment of Administrative Instruction 2008/09 of MLGA,
- Municipal executive to report more frequently in the media on public affairs,
- Mayor, Directors and Head of Information Office to hold periodical press conferences,
- The amendment of the Regulation on Transparency,
- To build up Information Office with staffing and regular update of the municipal official website.

Specific recommendations (sectorial)

- Cancellation of re-tendering the project for regulation of infrastructure in Prevallë/Prevala,
- Strict implementation of the Regulatory Plan for Prevallë/Prevala and the punishment of violators,
- Arrears of the year 2012 in the amount of €933,000 to be paid within the shortest possible time,
- Prizren Municipality to find a lasting solution on the issue of public lighting,
- On-call works in Primary healthcare to be duly paid.

II. Degradation of natural heritage

Prevala/Prevala is an integral part of the National Park “Malet e Sharrit” (*Sharri Mountains*). This fact did actually not hinder decision-makers of Prizren Municipality and those from central government in adoption of acts that have enabled the establishment of the touristic village and allowing the campsite without proper control mechanisms.

Municipality of Prizren, together with the Ministry of Environment and Spatial Planning (MESP), have drafted a Regulatory Plan “Touristic Village of Prevala”, which was then adopted by the Municipal Assembly of Prizren, on 22 June 2006. This plan, according to its drafters, foresaw the construction of the camping cabins of wood and stone by employing traditional manner of construction in order to fit in to the environment together with the restaurant, recreational facilities, etc. and which were envisaged to be facilitated with adequate water supply and sewerage system services.

MESP, on 4 September 2006, had decided to transfer its competencies over this area to the Municipality of Prizren provided that the latter, during project implementation to act in accordance with the Law on Spatial Planning, the Law on Environmental Protection and the Law on Nature Conservation.

The foundation stone marking the commencement of construction of touristic village in green areas of Prevala was laid in April 2007 by local and central authorities of Kosovo. At the time, former President Fatmir Sejdiu has qualified the touristic village as the first development project in Kosovo, according to which, “beauties bequeathed to Kosovo by God, which definitely are exceptional, are being used for its citizens and for attracting foreign

tourists.”¹ At that occasion, the former Minister of MESP, Ardian Gjini, explained that “the purpose of this project is that the nature of Kosovo be put at service of its citizens, but in a manner that will serve to future generations.”²

It took only few years for the conceivers of this project to be proven wrong. Decision-making in favor of groups of interest from the business and politics, and the commencement of works without proper control mechanisms along with the hesitancy of local authorities to act (DUSP and Directorate of Inspections) have instantly washed out Prevala’s green colours, to give a leg up for concrete and other construction materials, due to which numerous asymmetrical buildings have been erected thus ruined the heritage that nature has devised for centuries. Violations of the Law on Spatial Planning, the Law on Environmental Protection and the Law on Nature Conservation are already observable in Prevalë/Prevala. Furthermore, those who for times have opposed the implementation of this project, and who for two terms now are governing in Prizren municipality, have decided to take the easier path by succumbing before this reality and by allowing further deterioration of Prevala greenery.

Mayor Ramadan Muja, after taking incumbency over Prizren’s government, had expressed his discontent in front of various forums and officials regarding the situation in Prevalë/Prevala. He had countered himself this project on the grounds that the area around Prevalë/Prevala is part of the National Park for which there are national and international regulations determining in what form touristic village should be built. Municipality had initially

¹ “Sejdiu: Prevala projekti i parë zhvillimor i Kosovës”, Koha Ditore, 22 prill 2007

² “Sejdiu: Prevala projekti i parë zhvillimor i Kosovës”, Koha Ditore, 22 prill 2007

sought to stop constructions in this area as it used to consider that the touristic village affects a part of the area which is under a fixed protection as a natural heritage. Ombudsperson Institution, in a letter dated 6 June 2008, sent to the Assembly of Kosova, has warned the Assembly that in national park “Malet e Sharrit” an unacceptable situation characterized by illegal destruction of natural resources and numerous legal violations is occurring.³ However, remarks given have not been taken into consideration and although the issue was also passed on to the Assembly of Kosova, respectively to the relevant parliamentary committee, no decision was rendered. At the session of October 3rd, 2008, of the Assembly of Kosova, a debate was held on the touristic village “Prevala” and the same was never concluded.

Parliamentary Committee on Agriculture, Forestry and Rural Development, following the investigation had ascertained that in regard of Prevalë/Prevala there has been a breach of basic laws governing the issue of spatial planning, national parks and environmental protection. The debate in the Assembly of Kosova on this issue was ended by the will of the ruling coalition parties, to avoid being point of the agenda. Parliamentary committee, in its report, had required to cease all the activities in the area of National Park “Malet e Sharrit” (*Sharr Mountains*), operation of quarries, construction activities in the touristic village “Prevala” and illegal cut of forests. The report also required from the Assembly to establish an inquiry committee for determining violations and to address responsibilities, whereas the Government and the MESP were required to develop a plan for correcting the situation and

to draft a spatial plan for National Park “Malet e Sharrit”.⁴ However, such recommendations did not pass in the Assembly of Kosova.

Meantime, the Municipality of Prizren, respectively the DUSP had continued in the year 2010 as well with issuing construction permits according to the Regulatory Plan of 2006. Although this Directorate had decided as deadline for conclusion of constructions until mid-2011, such a thing has not happened. Constructions in Prevalë/Prevala continue to this day, even without permission of the municipal authorities of Prizren. To the creation of this situation has contributed local government with its “tolerance” that has displayed with non-strict enforcement of the Regulatory Plan and by non-adherence to the remarks and suggestions of the MESP and the National Park “Malet e Sharrit”.

Lack of transparency in decision-making and seizure of power by certain groups of interest, whether from business or politics, to the detriment of living environment of the citizens had the city and protected natural areas being gobbled up by a devastating urban chaos, consequences of which are deemed as a long-term. This area, which was formerly regarded as a true natural beauty, it is now turned into a concrete eyesore and a manual how an urban crime should be exercised, a fact corroborated by the parliamentary committees as well. Degradation has gone so far that even the Basic Prosecutor’s Office could not stay unresponsive versus these adverse developments. Regardless of investigations launched by the Prosecutor’s Office based on allegations of misuse of funds set for the infrastructure regulation in Prevalë/Prevala,⁵ municipal authorities of

³ Minutes, Plenary Session of the Assembly of Kosova, 3 and 10 October 2008, http://www.assembly-kosova.org/common/docs/proc/trans_s_2008_10_03_10_al.pdf

⁴ Minutes, Plenary Session of the Assembly of Kosova, 3 and 10 October 2008, http://www.assembly-kosova.org/common/docs/proc/trans_s_2008_10_03_10_al.pdf

⁵ Koha.net, “Prokuroria heton defektet në rregullimin e infrastrukturës në Prevalë”, 25 dhjetor 2012,

Prizren have approved a decision on re-tendering the project for improvement of infrastructure in touristic village of Prevallë/Prevala.⁶

Concerns regarding the situation created in Prevallë/Prevala touristic village, where constructions are progressing without compliance to the construction permits issued by the DUSP, as well as re-tendering of the project subject to investigation, were reinforced by the report of the seven directorates on the situation in the campsite of Prevallë/Prevala, in which according to the data of municipal bodies, management contract of the campsite has expired since 15 May 2011. The findings of respective municipal committee, described in the minutes drafted after five consecutive meetings, prove for scandalous and alarming situation emerged in this area.⁷ (*You can find detailed monitoring findings about Prevallë/Prevala on page 10 of this report*).

III. Urban degradation within the city

Developments in Prevallë/Prevala are nothing but a continuation of urban trends within the city of Prizren in the past 14 years. Structures built without construction permits, alteration of Urban Regulatory Plans to the needs of groups of interest involved in construction business and the failure to establish control mechanisms along with institutional inaction, starting from the DUSP, Directorate of Inspections and up to the judicial authorities, have made Prizren experience an irreparable urban degradation, risking even the very nucleus of the Historic Zone.

Monitoring of the municipal executive's

operation by EC Ma Ndryshe has revealed the fact that non-compliance to construction requirements is not punished by the institutions, while the situation emerged in the field of urban and spatial planning is alarming as constructions continue by non-adherence to the constructions permits issued by DUSP. Such trends were confirmed by specific cases that have been investigated, such as the commercial-residential complex "Euro-Center" that was built within the Protected Area of the Historic Centre of Prizren.⁸ DUSP and the Inspections (municipal executive) have shown being "generous" towards this investor by enabling construction higher in etage (storey-height) without proper permit. Apart from already completed construction of this building, the investor didn't stop at this point, but started with annexing adjacent to this building out of any criteria. Another object that was under construction and for which EC Ma Ndryshe has sought specific preventative actions by the responsible ones it is already at the completion of works. For the exceeding in construction of the hotel facility near Shuaip Spahia's house, the Institute for Protection of Cultural Monuments (IPCM) had notified the Directorate of Inspections of Prizren Municipality. According to the decision of the Directorate of Inspections, investor did not comply with urban permit, "and has exceeded in the size and etage of the building."⁹ By this decision, DI has ordered the investor of the construction that to demolish the additions in the size and storey-height (etage) within 7 days.

As for this case have reacted other institutions such as the Islamic Community Council in

http://www.koha.net/arkiva/index.php?page=1.31.128796&s=prokuroria&ch=13,31,14,15,16,17&f_d=12.12.2012&t_d=26.12.2012

⁶ Report, EC Ma Ndryshe, "Project on regulation of Prevala infrastructure is being re-tendered", 25.10.2012, <http://www.online-transparency.org/?page=1,42,25>

⁷ Minutes on Prevala campsite, drafted by a Committee established by the decision of the Mayor, No. 01/06-11514

⁸ Press Release, EC Ma Ndryshe, " Non-compliance to construction requirements to be sanctioned by the institutions ", 14 September 2012, [http://www.online-transparency.org/repository/docs/Non-compliance to construction requirements to be sanctioned by the institutions_ENG.pdf](http://www.online-transparency.org/repository/docs/Non-compliance%20to%20construction%20requirements%20to%20be%20sanctioned%20by%20the%20institutions_ENG.pdf)

⁹ Aktvendim i Inspektoratit të Ndërtimtarisë, Drejtoria e Inspektorateve, komuna Prizren, më 7.09.2012

Prizren,¹⁰ while DI has submitted a request to the Minor Offences Court to initiate a misdemeanour procedure on the grounds that the investor has failed to adhere to the construction permit issued from the DUSP.¹¹

Monitoring of the municipal executive had ascertained that around 80% of constructions do not adhere to the construction permit and along with the trend of various bargains with construction companies represent an overriding occurrence of urban projects funded from the budget of Prizren Municipality.¹²

Paramount evidence of urban degradation of Prizren is the official document of the Directorate of Urban and Spatial Planning addressed to the Directorate of Inspections, where, *inter alia*, states, "...according to the evidence the DUSP possess, we hereby inform you that the constructions which are taking place recently are rather disturbing; over 80% of those equipped with construction permits failed to comply to the construction permit, whereas a great number of other constructions lack the construction permits. DUSP is concerned, in particular for the sites for which it possesses Regulatory Plans (Prevala, Jeni Mahalla, Lakuriqi, Dardania, etc.), whereas within those building sites it is being constructed without adhering to Regulatory Plans."¹³

In relation to the city's urban degradation, EC Ma Ndryshe has presented specific cases as additional input to the endeavours for bringing

urban order in Prizren. Similar cases have been identified in the Historic Centre of Prizren. However, those were not deemed sufficient to sensitize to the extent necessary decision-makers of Prizren municipal government, who continued issuing permits and did not punished exceedings, or have closed their eyes when constructions were carried out without appropriate construction permits.

In February of this year monitoring staff has reported that municipal government of Prizren, at the request of the Directorate of Inspections, has rendered a decision to allow the announcement of a tender for selection of an economic operator who will execute decisions on demolition of structures built without a permit in the territory of Prizren municipality. Implementation envisage a one-year period, namely for the year 2013, for which the Directorate of Inspections has estimated the amount of €50,000 for the execution of demolition works of structures built without a permit. Expected outcomes from execution of this decision, according to the proposal of the Directorate of Inspections, envisage: adherence to the urban plans, implementation of constructions according to the standards set out and the increase of municipal budget.

However, based on the Annual Report of the Directorate of inspections, the Inspectorate of Construction Engineering, in the year 2012, has conducted executions in only seven cases, whereas the number of submissions for minor offenses is tenfold greater.¹⁴ Meanwhile, the DI through a letter informed the monitors that is awaiting the adoption of the Law on Legalisation of Structures Built without Construction Permit and only then would take

¹⁰ Shkresa e KBI Prizren për KK, DI, MKRS, IMMH për inspektimin e punimeve pranë xhamisë së Sejdi Beut, më 10.09.2012

¹¹ Kërkesa e DI-së për fillimin e procedurës kundërvajtëse kundër investuesit Minire Hoti pranë Gjykatës për Kundërvajtje në Prizren, më 12.09.2012

¹² Press Release, EC Ma Ndryshe, " Urban degradation of Historic Centre of Prizren ", 27 June 2012, http://www.online-transparency.org/repository/docs/Urban_degradation_of_Historic_Centre_of_Prizren_ENG.pdf

¹³ Shkresa zyrtare Nr. 04-353 e Drejtorisë së Urbanizmit drejtuar Drejtorisë së Inspektorateve të komunës së Prizrenit

¹⁴ Përgjigje e DI-së në kërkesën e EC Ma Ndryshe, më 14.03.2013

corresponding actions.¹⁵ For the irony to be greater, Municipal Assembly of Prizren itself has approved Regulation on the Treatment of Structures Built without a Construction Permit without proper legal basis for this, and despite the clarifications from the MLGA and MESP, it has not annulled it.¹⁶

IV. General transparency findings

Transparency should be not an arguable issue as transparency and accountability constitute the first step towards good and effective governance. Proper transparency on the decision-making benefits the community as well as municipal leaders. Being informed about municipal projects helps citizens to associate and relate with the community. Such a bond is vital for local government to function effectively and render decisions for public interest. In addition, information dissemination is an important prerequisite for addressing the citizens' priorities, proper spatial planning and drafting of a reasonable budget.

During the reporting period monitoring staff of EC Ma Ndryshe in several occasions were faced with delays in obtaining official documents related to the matters surveyed. Besides delays, present was also the occurrence of provision of partial information from municipal government departments, which have prevented in the delivery of a clear stance concerning the subject inquired. EC Ma Ndryshe, during research conducted for weeks, had encountered numerous irregularities by the side of municipal government in relation with transparency during project implementation for regulation of infrastructure in the touristic village

Prevallë/Prevala. For many weeks, monitoring staff of EC Ma Ndryshe has attempted to obtain the contract and the accompanying dossier of "Construction with concession of Prevallë/Prevala touristic village infrastructure".

According to the Memorandum of Cooperation signed with Prizren Municipality, EC Ma Ndryshe has requested from the DUSP to allow access to official documents, i.e. to the contract and the accompanying dossier of the "Construction of infrastructure with concession of Prevallë/Prevala touristic village" project. Regardless of several days lag, no response has been received from DUSP. Subsequently, EC Ma Ndryshe has submitted the same application request at the Information Office of Prizren Municipality. Information Office has made efforts in assisting the monitoring staff of EC Ma Ndryshe by suggesting to quest the contract at the Procurement Office. Furthermore, EC Ma Ndryshe has addressed a request to this office and the response it received from respective officials was that, "the entire dossier for the regulation of infrastructure in Prevallë/Prevala touristic village is at the investigation unit, as this contract is currently being investigated by the police".

Following all the submitted requests, EC Ma Ndryshe has received a short paper from the DUSP related to the application request for access to public documents. In this note DUSP announces that, "Municipality of Prizren is implementing this project with joint financial participation with the owners after obtaining construction permits" and that a private economic operator has performed the works according to respective contract, whereas "Prizren Municipality is not funding this

¹⁵ Joint Response Statement of EC Ma Ndryshe and KDI, http://www.online-transparency.org/repository/docs/Joint_Response_Statement.pdf

¹⁶ Përgjigje e DI-së në kërkesën e EC Ma Ndryshe, më 14.03.2013

project.”¹⁷ It further says that, “...the project is still in the implementation phase.”

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. In order to scaffold these findings, EC Ma Ndryshe, during the reporting period, has analyzed specific cases leading to the conclusion that local executive should employ greater and genuine efforts for improving transparency and communication with citizens, towards whom it bears responsibility.

After numerous requests submitted, EC Ma Ndryshe has obtained the research paper conducted by MPR Consulting on the “Improvement of municipal services, accountability and local economic development.” Based on the tender announced in September of last year by the municipality, the purpose of this research was to identify the issues and possibilities to improve own source revenues of Prizren Municipality. However, albeit this research was conducted in November of last year, and having the aim to improve the revenue collection, Prizren Municipality, respectively the Directorate of Economy and Finance (*hereafter* DEF) has not made public the findings of this research. Based on the invoice of MPR Consulting, DEF for this research had paid a sum of €9,950.

For EC Ma Ndryshe approach of the municipal officials for hiding results of the research paid

by the taxpayers’ money was deemed unacceptable. The issue becomes even more serious when knowing that the project has been drafted with the main purpose of increasing the collection of own source revenues, while the businesses have not been informed on the content of this research. Also, in this research is emphasized that, “regarding transparency, the citizens, in general, are not sufficiently informed about the transparency of local administration.” Another issue that must adhere to the principles of transparent decision-making is that of a wastewater plant construction. In March 2012, the Municipal Assembly has authorized the Mayor, Mr. Ramadan Muja, to obtain a loan or a borrowing in the amount of three million Euros, for purpose of expropriation of private land parcels in Vlashnjë village, where the implementation of this project is foreseen.¹⁸ In his Annual Report of 2012, mayor Muja has provided no information on the situation of the loan or borrowing. He has neither reported before the members of the Municipal Assembly, from whom he was borne with such authorization.

Moreover, during monitoring in the following months, EC Ma Ndryshe has observed lingering flow of information and documents from all the directorates to the Office of Information and Communications, which leads to non-publication of decisions in real-time basis and insufficient information of the public on different matters of relevance. This occurrence causes the Online Transparency of Municipality to witness serious deficiencies, which does not correspond with the commitments for governance which is accountable.

¹⁷ Përgjigje me shkrim e DUPH-së në kërkesën e EC Ma Ndryshe për qasje në dokumentet publike, më 7.12.2012

¹⁸ KK Prizren, Vendim për lejimin e huamarrjes (kredisë) me qëllim të realizimit të projektit të ndërtimit të ujërave të zeza të qytetit të Prizrenit, më 8 mars 2012, <http://kk.rks-gov.net/prizren/getattachment/8e8d0f01-7f38-4546-bc16-fa075bec616e/Vendimet-e-dates-08-03-2012.aspx>

V. Specific monitoring findings

During the reporting period, monitoring staff of municipal executive transparency had been focused on several different issues related to protecting the interest of the citizens of Prizren municipality. Specific monitoring findings over the last four months relate to local decision-making in the areas of urbanism, public finances, public services and primary healthcare as presented in the following:

Municipality re-tenders a project subject to investigation – EC Ma Ndryshe, during the research conducted for several weeks, had found numerous irregularities of municipal government related to the transparency during project implementation for regulation of infrastructure in Prevallë/Prevala. In October, the Mayor of Municipality, Mr. Ramadan Muja, in his regular meeting with the municipal directors, has approved the decision for re-tendering the project on regulation of infrastructure in Prevallë/Prevala touristic village at the amount of 1.2 million EUR. However, this contract, under the provisions specified, could not be implemented and therefore was extended until the year 2009, for a 24-months term, without the right of extending it.” It was explained therein that DUSP has requested re-tendering of the project, with the purpose of managing the Urban Regulatory Plan (URP) and for resolving the issue of the lodge buildings. However, the tender had undergone the re-announcement, whereas District Prosecutor's Office in Prizren has initiated investigations based on the suspicions of abuse of funds set for the regulation of infrastructure in the touristic village of Prevallë/Prevala. Because of the absence of the contract and the dossier in general, and due to numerous ambiguities as to

the manner of implementation of this project, it was impossible for EC Ma Ndryshe to draw a clear conclusion on the course of the development of this project. At the same time, doubts were raised over the regularity of contracting and implementation of the project, which should be unveiled until the end by the justice.¹⁹

Campsite in Prevallë/Prevala with numerous errors – After the concerns raised in December on the circumstances created in touristic village of Prevallë/Prevala, where constructions are progressing without compliance to the construction permits issued by the DUSP and re-tendering of the project that is under investigation, equally grave is described the situation in the campsite of Prevallë/Prevala, where, according to the information of Prizren municipal bodies, the contract for managing the campsite has expired since 15 May 2011.

During the reporting period EC Ma Ndryshe has obtained “Minutes on Prevallë/Prevala campsite”, drafted from the seven-member Committee set up by the decision of the Mayor, Mr. Ramadan Muja. The Committee’s findings, which are communicated in the records drafted following five consecutive meetings, prove for scandalous and alarming situation in this campsite.

During field visits, municipal Committee has noted numerous defects, such as: 1. Excesses in the template of temporary camping facilities; 2. Excesses in the number of planned facilities; 3. Construction materials used out of the standards foreseen for temporary campsites; 4. Outbuildings in dimension and storey-height of constructed facilities; 5. Substandard power

¹⁹ Press Release, EC Ma Ndryshe, 26 December 2012, http://www.online-transparency.org/repository/docs/Municipality_re-tenders_the_project_subject_to_investigation.pdf

system and its distribution through campsite, producing permanent threat for residents of the campsite; 6. Water supply and sewer system out of the minimum hygienic and sanitary requirements, failing to meet any criteria for consumption and use; 7. Incomplete road infrastructure within and outside the campsite; 8. Oversized and overstretched restaurant compared to the needs of campsite residents.

The Committee consisted from the members of seven directorates, after analyzing the Regulatory Plan of Prevallë/Prevala concluded that this campsite in Prevallë/Prevala is not foreseen in the Plan therefore had recommended for it to be shut down and return to its previous state. The Committee also noted that, taking into account the suggestions of the MESP and the National Park “Malet e Sharrit” (*Sharri Mountains*), this area represents a unique zone and no interventions are permitted for its further degradation. The Committee has argued that protection of this zone is regulated by the applicable laws thus no additional actions can be undertaken.²⁰

Municipality concludes the year 2012 with outstanding bills in the amount of €933,000 – According to Annual Financial Report for the year ended on 31 December 2012, EC Ma Ndryshe has encountered in some data that pose serious concerns in terms of the manner of managing with public money by the municipal government. Simple analysis of this report shows that municipality of Prizren continues to operate with large amounts of outstanding bills. Article 15 of the Annual Financial Report 2012 reveals the liabilities of Prizren Municipality. In the note no. 28 given is the statement of outstanding bills (Liabilities),

which in total amounts €933,000. The largest amount of outstanding bills is in the category of Goods and Services with €450,000, followed then in Wages €180,000, Utilities with €123,000, Capital Investments €101,000 and Subsidies at €79,000 (Other details related to outstanding bills were not submitted to EC Ma Ndryshe although those have been broken down as an Annex to the AFR by the Directorate of Economy and Finance). Meantime, note no. 29 of this Article indicates that the liabilities of Prizren Municipality may be even greater. Incurred contingent liabilities that could affect the municipal budget reach the amount of €1,743,000, which include various compensations, payments of personal incomes, arrears and other claims. The amount of incurred liabilities of Prizren Municipality is immense, while there was a noticeable decrease of capital investments. While in the year 2011 the outlays for capital investments were €14,494,000, in 2012 were spent €12,182,000 or €2,300,000 less in capital investments.²¹

Significant issues with public lighting – During this reporting period EC Ma Ndryshe has received complaints from citizens in relation to municipal basic utilities, namely the lack of public lighting. The residents of “Ulqini” Street complained that public lighting in the streets of this neighbourhood are down for a year now. Their concerns relate to the evening hours when the students must walk on these streets when coming back from school. According to them, there is a potential risk for these children to undergo from vehicles circulating in this part of town, where public lights are out of function.

²⁰ Press Release, EC Ma Ndryshe, 22 January 2013, http://www.online-transparency.org/repository/docs/The_campsite_in_Prevalle,_Off_the_UR_P_with_an_expired_contract_and_manifold_errors.pdf

²¹ Press Release, EC Ma Ndryshe, 20 February 2013, http://www.online-transparency.org/repository/docs/Komunikate_shkurt_20.pdf

At the same time, representatives of women, senior citizens and youth communities have brought forward as a serious concern the lack of proper functioning of public lighting in the city and suburban neighbourhoods. They fear that this situation has an impact to the overall security as well. The neighbourhoods facing with this issue are “Bajram Curri”, “4 Kullat” in Bazhdarane neighbourhood, then “Ortakolli 2”, “Petrova” and other neighbourhoods. According to the Annual Financial Report for the year 2012, Prizren Municipality has outstanding debts for public utilities. In the statement of outstanding bills (liabilities) of Prizren Municipality the debt in €123,000 had been stated. In this report it is stated that in the year 2012 were spent €803,000 for municipal utilities, namely €519,000 for electricity, which is far greater than the expense costs for electric power in 2011 amounting €399,000 and €375,000 in the year 2010.²²

Primary healthcare of Prizren with manifold deficiencies in organizing the on-call work – A research conducted on the issue of the payment of on-call work in primary healthcare in Prizren has revealed the fact that, although considerable funds have been collected from the patients’ co-payments during the year 2012, those were not sufficient enough in covering the on-call works, respectively to reimburse the obligations towards the medical staff of primary health care, although this is guaranteed by the Sectoral Collective Contract. This has caused for some Family Medicine Centres (*further referred to as FMCs*) be shut down over weekends. The data extracted from the Municipal Health Directorate show that in the year 2012 around €196,000 were collected by co-payments,

whereas about €30,000 have been carried forward from the year 2011, which in total make €225,000. From these funds over €90,000 were allocated for the payment of on-duty works, whereas around €88,000 were spent on the wages of the primary health care employees. “...With these funds accumulated from the co-payments we have filled up the “minus” incurred in the category of the employees’ wages. This “minus” in wages for the year 2012 has occurred as a result of an error in planning the wages and salaries for the year 2012 by the Ministry of Finance,” states in the response of MDH addressed to EC Ma Ndryshe, where it is noted that the remaining debt for the accrued on-call working hours for the year 2012 is €35,000. During this period EC Ma Ndryshe has conducted interviews with primary healthcare employees who voiced their discontent about the non-payment of the on-call work from September of the last year until January of this year, while there are delays exceeding 6 months in the payments of previously accomplished on-call work. According to them, the on-call work was paid regularly since the end of the war until September 2012, when such practice has ceased, which has consequently led to the closure of FMC-1, FMC-2 and FMC-3 on the weekends. The respondents explained that the reimbursement starting February has brought the reinstatement of the work only of FMC-1 at weekends, while FMC-2 and FMC-3 still do not work. These claims were confirmed by the heads of Primary Healthcare, the director of MDH, Mr. Nexhip Berisha, and the director of FMC, Mr. Mehmedali Gashi. In one of their public responses they have acknowledged that, “since September of the last year the on-call works during weekends were cut down in some of the FMCs due to inability of their compensation. On-call works are paid to staff

²² Press Release, EC Ma Ndryshe, 8 March, http://www.online-transparency.org/repository/docs/Municipality_of_Prizren_to_find_a_lasting_solution_on_the_issue_of_public_lighting.pdf

solely from the revenues accrued from the co-payments.”²³

VI. Recommendations

General Recommendations (transparency)

In order to address the general shortcomings regarding municipal government transparency 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,
- 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,
- To strengthen the Information Office with staffing and to regularly update the municipal official website with relevant information for citizens of Prizren.

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 implementation of projects by the municipal government:

- *Cancellation of project re-tendering for reconstruction of infrastructure in Prevallë/Prevala* – The Mayor to cancel the re-tendering of the project for the time while investigators conduct their work and the judiciary gives its final verdict. In addition, the decision of the Prosecutor’s Office for initiating investigations and revealing of all the uncertainties of this project is welcomed. Municipal executive is called to review transparency practices so far and to provide full and unhindered access to public documents, particularly on those involving considerable funding. Government of Prizren is recommended to immediately take necessary actions towards the remedy of the situation in Prevallë/Prevala touristic village. MESP to get committed in this regard and to closely supervise acts and projects approved by Prizren Municipality in order to prevent further degradation of Prevallë/Prevala, as part of the Malet e Sharrit (Sharr Mountains) National Park,
- *Strict implementation of Prevallë/Prevala Regulatory Plan and the punishment of lawbreakers* – Mayor of municipality, DUSP and the Municipal Assembly to take immediate and firm actions in protecting this area from further degradation; Mayor of municipality to display leadership and put himself in-charge of the initiative for stopping the devastation of this natural heritage from numerous structures built without construction permits and from this egregious campsite; MESP, as a co-drafter of the Regulatory Plan for Prevallë/Prevala, bears the responsibility for its meticulous

²³ Press Release, EC Ma Ndryshe, 20 March, <http://www.online-transparency.org/repository/docs/ATT00163.pdf>

implementation and to stop urban and environmental massacre of Prevallë/Prevala; Law enforcement and justice authorities to proceed and expand initiated investigations regarding allegations on legal violations in touristic village of Prevallë/Prevala, so that each and every illicit action is addressed to the judiciary.

- *Debts of 2012 in the amount of €933,000 to be paid within the shortest possible time* – The Mayor of Prizren Municipality to be cautious when it comes to the expenditure of public money since he bears legal and moral obligation to responsibly manage with the money of Prizren’s taxpayers. When rendering budgetary decisions, the Mayor must adhere to the standards of good governance, proper management related to public money as well as to socio-economic circumstances of citizens in general. In addition, the members of the Municipal Assembly should exercise more efficiently their supervisory role of the executive branch, especially when it comes to the municipal budget and the manner of its expenditure.
- *Prizren Municipality of Prizren to find a lasting solution on the issue of public lighting* –Municipal executive is urged to clear within the shortest possible time its debts towards the Kosovo Energy Corporation, in order to reinstate public lighting in all streets of Prizren. Municipal government and in particular the Directorate of Finance as well as the Policy and Finance Committee to be utterly careful when planning the budgetary lines intended for municipal utilities during the process of budget drafting or budget revision, in order to find a lasting solution on the issue of public lighting. Kosovo Police to consider the concerns of citizens and to increase the

number of patrols in the streets of the city, where, for the time being, the public lightings are out.

- *On-call work in primary healthcare to be regularly reimbursed* – Municipal executive to clarify differences or errors with MoF (Ministry of Finance) within the shortest possible time in order to have proper planning of wages, as well as on-call work, so that the citizens of Prizren get adequate medical services on 24-hour basis. The heads of the MFMC and MDH, but also the central level, are called to be more careful when carrying out their institutional responsibilities thus avoiding recurring situations when, due to their errors, the citizens suffer and the 24-hour health service is omitted. The members of the Municipal Assembly of Prizren should also be more committed in tackling the everyday troubles of citizens, but also in overseeing the operations and finances of the municipal executive.

VII. Activities/reporting

During the project’s reporting period, 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. Website has been translated into English language and the updates in both

languages are 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 published respective reports on the decisions of local government of Prizren.

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

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 Prishtina, 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 evolved 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.

The second roundtable "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 seven months of the implementation of "Online Transparency of Prizren Municipality" project, the following results had been achieved: 15 press releases on matters ranging from the urbanism to health and education; 2 analysis on the transparency of municipal government and urban planning; 19 public responses, news and flash notices on transparency of municipal government; 15 reports/notices on the meetings of the mayor with municipal directors; 3 roundtables on adherence to the law of local government, media – civil society cooperation and urbanism; as well as periodic press conferences. These activities were covered by the media (local and national) as following: around 80 TV stories with total of around 300 minutes, over 60 articles in newspapers with about 33 pages, nearly 150 reports on internet portals and about 130 minutes of radio coverage.

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 the charges for abuse of office and authority 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 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. The project has succeeded in drawing the attention of the wider public and the media on reports which have highlighted urban and environmental destruction in the area of Prevallë/Prevala. 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 Prishtina.

The main purpose of the project is to strengthen good governance in Prizren municipality. 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: 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 Municipality (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: Citizen participation in drafting of cultural policies in Prizren (expected to be published in June 2013); Who oversees the supervisors – accountability of civil society in Kosovo (expected to be published in May 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; 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).