



Joint Response Statement

Prizren, 22 October 2012

Kosovo Democratic Institute (KDI) and Civil Emancipation EC Ma Ndryshe (EC Ma Ndryshe) have closely tracked the process of drafting and adoption of the Regulation on Treatment of Illegal Constructions by the Municipal Assembly of Prizren.

The joint conclusion of both these organizations, monitoring the legislative and executive branches of Prizren Municipality, was that the process has had serious flaws, first and foremost since the Administrative Instruction (2008/09) of MLGA and the Statute of Prizren Municipality were not adhered to, which foresee the organization of a public debate regarding the content of the aforementioned Regulation.

Monitors of both KDI and EC Ma Ndryshe express their concern with the recent practice of the executive and legislative branches of Prizren in passing such sensitive and important regulation for the overall development, without putting it into public scrutiny, respectively without checking whether it's in the interest of citizens or not, through proper public debate.

KDI and EC Ma Ndryshe, given the course of the process and current developments in Prizren Municipality, consider that swift adoption of this Regulation represents an attempt of senior municipal officials to acquit/exonerate themselves from the responsibilities they hold; as well as to create possibilities for lawbreakers in legalizing their illicit activities to this point.

Regulation on Treatment of Illegal Construction does not sets out precisely the requirements for legalization of structures built without construction permit and this is pointed up best in section 13.3, which states that "DUSP and the group of experts shall prepare a manual on minimum standards for legalization." Moreover, this regulation does not foresee what will occur with structures built without a construction permit which will not be legalized. Therefore, KDI and EC Ma Ndryshe express the belief that this regulation is selective, favoring certain groups of interest and does not serve the public interest.

Moreover, such claims were heard also by the members of Municipal Assembly, who admitted that each and every labeling of this Regulation is correct, without ruling out even allegations on corruption. Meanwhile it was acknowledged that the regulation concerned is a copy of the Regulation of Prishtina Municipality in 95 percent of its content, which is also deemed as unjust towards the citizens of Prizren, since the capital city and Prizren have specific needs and different reality in terms of sector of urbanism.

KDI and EC Ma Ndryshe require from the MLGA to return this Regulation to Municipal Assembly on reconsideration, in order to organize a public debate, whereas the MESP is required this Regulation not to be adopted and return on defining all the terms and requirements for legalization and measures to be taken for structures that shall not be legalized.

Meantime, civil society will review also the possibility of this Regulation be subject to a referendum in accordance with Article 71 of the LoLSG, so that the citizens of Prizren municipality directly decide on this matter.

In addition, KDI and EC Ma Ndryshe express concern for the disregard of the provisions of the Law on Public-Private Partnerships and concessions in the infrastructure, where the Mayor of Prizren Municipality has violated the core principles of this law since the offers for accession in private-public partnership were submitted from the investors after the works on construction of collective towers began, whereas such business has also been approved by the members of the Municipal Assembly in the last session.