

# DETAILS

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## Local Government Reform and Decentralization

The OSCE Mission in Kosovo has been involved in issues of local governance since 2000. It helped set up Kosovo's municipal administrations by training close to 5,000 civil servants. Furthermore, in close cooperation with local and UNMIK officials, it also helped develop municipal structures. Following the 2002 Municipal Elections the Mission concentrated on building the capacity of the elected Municipal Assembly members. Six training modules were provided and attended by a cumulative of 2,500 participants. Throughout the process, effective co-operation with the Association of Kosovo Municipalities has been established.

Hartmut Purner, OSCE

### Getting involved

To date, the OSCE has observed great success in helping develop municipal policies and it is confident that the Kosovo Mission can also contribute to the reform of local self-government.

Nonetheless, a decision whether the Mission should get involved with the issue was not made lightly. The OSCE's mandate is to help institution and democracy building, and one had to see the benefits local government reform would bring to these two areas. Contemplating these basic requirements, and bringing into perspective experience OSCE has gathered to this point, the OSCE decided to get engaged and help reform municipal institutions.

### IN THIS ISSUE:

People confused over decentralization pg. 3

Interview with Lutfi Haziri pg. 4

Village councils in Viti/Vitina pg. 8

Legal NO to discrimination pg. 11

**OSCE**  
Mission in Kosovo



*On 22 February 2005, Kosovo Government adopted the Work Plan for the Framework Document on Local Government Reform implementation.*

### What should municipal governments do?

Analyzing the overall situation, the Mission noted the lack of clarity about the distribution of responsibilities between the municipal authorities and the newly established ministries, for example in the health and education sectors.

Traditional core competencies of the municipalities – provision of public services and property management – had been taken out of their hands. This has largely limited their ability to efficiently respond to citizens' demands.

On the other hand, many municipalities started interpreting and implementing some of the core legislation, such as civil service regulations, in a way that best suited particular municipal management, but not always in line with the letter and the spirit of the relevant law.

It was logical that there should be a clear division, delineation and definition of responsibilities that fall under municipalities and of those of the ministries. Accordingly, many competencies taken to the central level needed to be transferred back to

*Continues on pg. 6*



**Sven Lindholm**  
Spokesperson, OSCE Mission in Kosovo

different. Where local government reform is about enabling localized communities to better administer issues than present municipal governments, decentralization is a transfer of central powers to lower levels of government.

What will happen in Kosovo is local government reform, which will make possible the establishment of a genuine local governance that would care about issues of purely local concern. To quote the Framework Document: "This reform seeks to contribute to ensuring sustainable government and living conditions... It will offer benefits to all communities, address their needs for security and protection, and contribute to the integration of all communities into the democratic structures in Kosovo."

This DETAILS will not go into what will be happening as reform of local governments unfold over the coming year, as there is still much to be defined. This is not a one-off act but a complex, dynamic and long-term process. It requires a genuine and thorough commitment of public authorities, and full engagement of stakeholders at all levels.

The Government of the new Prime Minister has before it a working paper which was approved in principle a number of weeks ago, prior to the extraordinary political changes. The Ministry of Local Government Administration is now in the process of setting up working groups, which are

intended to help guide the process in creating and developing pilot municipal units.

A number of political forces have asked for a debate in the Assembly of Kosovo before the process goes any further. The Government will have to answer questions and allay fears to see that the process will be inclusive and carried out in a fair non-political manner. And just this week there was an agreement amongst political leaders to have consensus on priorities, including local government reform.

Yet, articles herein are part and parcel of both public and political opinion expressing that it is unsure what will happen. They of course have a right to know. And it lies with the Government, more specifically with the Prime Minister and the Minister of Local Government Administration, to get the plan more solidly laid out and get the message across that this goal is to have "more effective local government through devolution of central non-reserved responsibilities to local authorities."

This is an opportunity by the Government to show transparency in the process of developing the pilot areas and demonstrate accountability to those people who live in the affected municipalities. The reform of local government is an important contribution to set up and consolidate functioning democratic institutions in Kosovo, one of the Standards for Kosovo.

Local government reform. What is it all about? This issue of DETAILS seems to show that the general opinion of the concept and the process which will be happening is minimal.

This, however, is not that surprising as a working plan was only recently approved by the Government. But people are concerned because of the potential impact on them and their communities.

Local government reform is sometimes called decentralization. The concepts are similarly based, but actually are quite



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# People confused over decentralization

On March 22 the Kosovo Government adopted the decentralization plan, based on the local reform framework document that was approved last July. According to this plan, five new pilot municipal units will be created within borders of existing municipalities, and they will have the same competencies and authorities as the current ones.

Zana Limani, IWPR Prishtinë/Priština

Prishtinë/Priština municipality, as the biggest municipality in Kosovo, will be affected by this project, as Gračanica/Gračanicë, an ethnic Serb village is one of the five pilot areas. The other four are Parteš/Partesh in Gjilan/Gnjilane, Mamushë/Mamuša in Prizren, Hani i Elezit in Kaçanik/Kaçanik, and Junik in Deçan/Dečani.

Many people, however, seem to be uninterested and misinformed about the plan and its implications.

“I admit I don’t think much about decentralization,” says Eugen Salihu, a 25 year-old student. “I know it’s about delegating competencies from central government to municipalities and such, but I am not sure what this particular plan is about.”

Salihu is not the only one who knows this little about decentralization. When asked about what they think on decentralization, many just smiled and walked away saying they did not know anything.

Nevertheless, the project caused a massive political debate and has become a controversial issue. The main opposition party criticized the plan as being illegal and implemented on ethnic basis.

Jakup Krasniqi, head of PDK’s Parliamentary group and the former Minister of Public Services, said in a press-conference that the framework document was against both the Constitutional Framework and Regulation 2000/45.

But more importantly the opposition’s reaction raised the fear of the public that it was actually planned on ethnic basis.

Enis Halimi, a graduate of Political Sciences, said that there was a fear among people that a plan like that would legalize enclaves such as Gračanica/Gračanicë, one of the biggest Serb enclaves located in Prishtinë/Priština.

All in all people seem to be confused about what decentralization is and in many cases have a negative perception of it.

Arben Qirezi, the Prime Minister’s Spokesperson, said that decentralization plan does not in any way support enclaves, but helps them integrate into local institutions by bringing the Government closer to them.



*People get so much inconsistent information about the decentralization and it makes it hard for them to formulate their stances on this issue.*

“Now they won’t need parallel structures, because they will be able to get all the services in Gračanicë and won’t have to travel to Prishtinë.”

Lutfi Haziri, Minister of Local Governance, said that the plan was going to be up for public debates to better explain it to the people.

“Most important will be public debates that are to be held in the municipalities to be affected by the plan,” said Haziri in a cocktail party organized for journalists by his Ministry.

Qirezi also pointed out that there is a need to better inform the public, and that the Government was preparing a campaign that would include interviews and declarations.

But despite these efforts, it seems that the negative attitude of people won’t be easy to change.

“People have created this negative perception of decentralization and it won’t be easy for the Government to change that no matter

how hard we try,” says Halimi. “It will take time and proper engagement in solving issues that concern the people such as missing persons, poverty and enclaves.”

But not all give-in into the confusion and join the chorus of objection.

“I have voted in the elections, and as I have given my vote to elect these institutions, I believe that they are doing their best to solve our problems,” says Florin, 33. “If they think decentralization is what we need, then I support them.”

The debate on decentralization is planned to be held in the Assembly. Xhavit Haliti, PDK’s deputy in the Parliament, said that PDK will come with a definite stand on the plan after carefully analyzing the draft document that they have received.

However, the challenge of persuading the opposition won’t be the only concern of the Government. Changing people’s widespread disbelief in the plan is another challenge they face.

# We have to transfer power to the local level if Kosovo wants to become a part of European integration

Rexhep Krasniqi, OSCE

*What will happen in Kosovo, decentralization or local government reform?*

Minister Haziri: "In Kosovo, we will have to restructure local government based on the Framework Document for Local Government Reform, adopted in July 2004. Debates, which focused on problems local governments face while providing services to citizens who live far from the municipal building and have lesser access to the municipal institutions, preceded the adoption of this document and the subsequent appointment of the working groups that will work to implement it."

*What is the difference between the local government reform and decentralization?*

Minister Haziri: "In the process of decentralization, governments usually transfer duties or accept division of the power between two administrative levels. We are not doing this in Kosovo; a division among governmental structures already exists. Now, we are defining the role of the local level authorities and the responsibilities they will have. The central government will still have a role to play but it will not have decision making power. Such power over local issues will be with the local structures. This is the biggest difference."

*Is the law on decentralization in the works and, if so, when will it be ready?*

Minister Haziri: "The Framework Document and the Government Decision of June 2004 represent legal grounds to begin the local government reform testing phase."

*Will citizens' concerns about this process, as expressed in debates, be taken into consideration?*

Minister Haziri: "This is only the beginning. The Government will organize debates in the Parliament. All ethnic groups and political parties represented in the Parliament will have a chance to offer comments. The following step will be discussions with NGOs. I'm in favour of taking citizens' proposals into consideration."

*The position of Albanians and Serbs are different concerning the process. In October 2004, the Serbs did not want to participate in elections unless decentralisation was to take place. Is this true?*

Minister Haziri: "The process in Kosovo started earlier. Of course, the requests by ethnic groups cannot be ignored, but no other plan from outside of Kosovo has crossed our desks."



*Lutfi Haziri, Minister of Local Government Administration*

*Some Albanians have commented that decentralisation will allow for the north to remain in Serbia proper, if Kosovo is to become independent. Is this the case?*

Minister Haziri: "We are now in a testing phase and the process. The borders of Municipalities are unfringeable and current municipalities exercise their powers. A decision to change the borders and to determine the number of municipalities may only be made by the Kosovo Assembly. It is the SRSG that dictates it, but the Assembly is still the highest body. For now, we are dealing with pilot projects within the existing municipalities."

*Was the reform framework based on a plan implemented in some other country?*

Minister Haziri: "No. No plan could be adapted to suit the needs of Kosovo as the number and the geographical position of municipalities differ from country to country. In terms of territory and population, Kosovo has some of the largest municipalities in South-East Europe. The only principle that the Working Group for Framework Document considered was bringing the institutions closer to its citizens – the right derived from the European Convention on Local Self-Governance."

*What are the main criteria for selecting a locality for a pilot-project?*

Minister Haziri: "The criteria for selecting a locality were level of development, ethnic structure, geographical position, and the results we expect at the municipal level. Let's take Prishtina as an example. Prishtina, the capital of Kosovo, has the same administrative status as Novoberda municipality. Prishtina will have a special status and organization of services and the role of leaders will be much better. On the other hand, the municipal unit of Gracanica will have a regulatory and executive authority and will provide services to its residents, in line with municipal regulations."

*Who will cover the cost of this process?*

Minister Haziri: "It will be the Government of Kosovo, and its consolidated budget. This reform is about us. Donors that are currently working in Kosovo and supporting the Kosovo Government have promised to help as well."

*PDK, the largest opposition party in Kosovo, is against this process. Did it participate in compiling the draft plan for decentralization during the previous Government's mandate?*



Minister Haziri: "It led this process. Jakup Krasniqi, the former Minister of Public Services, was the co-head of the working group. The relations have changed now and PDK now opposes the document. The motives are mainly of political nature."

*Following the Contact Group Plus meeting, Oliver Ivanovic came out with a new position regarding the process. Will local government reform motivate Kosovo Serbs to get better integrated into the wider Kosovo society?*

Minister Haziri: "It may encourage them. We will create a legal infrastructure for the involvement of Serbs, but we cannot wait for long. This process is for all Kosovo citizens and anyone who wants to have a role and services will have them; the process will go ahead. However since last year, Serb representatives attended the Working Group meeting only once while other ethnic groups participate regularly."

*Will this process encounter obstacles and, if so, which are the main ones for its genuine implementation?*

Minister Haziri: "Going through a testing phase makes this task more difficult for the municipalities and municipal units. The biggest obstacle for the Government is the budgetary aspect. In the legislative sense, we will work to create a legal infrastructure that can ensure normal functioning of municipalities and municipal units. Their main responsibility will be to carry out their duties efficiently and honestly. If these obligations are not met, the process will be endangered. For me, that is the biggest challenge. The Government wants to register a success story."

*Have you taken into consideration the Council of Europe's plan for decentralization?*

Minister Haziri: "It was treated as a document, but it failed as such. Not only that one, but other plans too. We have been committed to finding a form that suits the interests of Kosovo citizens. I have seen that attention was paid only to the European Convention on Local Self-Governance."

*In which states is a local government reform taking place?*

Minister Haziri: This is an obligation for all EU states. One cannot aim to be part of the European mechanisms without such a process, or at least without initiating it. There are EU states that are in the implementation phase, such as France and Italy. There are countries where local governments are highly developed, as is the case with Nordic states and Western Europe. Realistically, the Balkan states are the last ones in Europe when it comes to this and other integration processes. The process of local government reform cannot be ignored if Kosovo is to become an integral part of the Europe."

# Decentralization: A practical or political issue?

One of the hottest issues recently discussed in Kosovo is decentralization. As an overall concept it includes devolution of power from central to municipal (local) level. With power comes responsibility, so at the same time it also calls for transfer of responsibility for local affairs to local institutions, i.e. municipal councilors and executives.

Nikola Gaon, OSCE



Under the concept municipalities may also assume full responsibility for their own financing, including collecting taxes. Part of this tax money would remain in municipalities and part would go to finance centrally-run functions, such as police, higher education, specialized health institutions, ministries, and so on.

All of this is done in accordance with the European Charter of Local Self-Government and adds to the Europeanization of the region – similar processes are taking place in Bosnia and Herzegovina, Serbia and Montenegro, as well as in FYR Macedonia.

In principle, the idea has more benefits than drawbacks. However, the process in Kosovo is not as transparent and speedy as expected. The main reason seems to be the issue of an eventual territorial reorganization.

Observing the provisions of the European Charter on Local Self-Government, smaller but financial sustainable municipalities are advisable. They give more power to people living in them, and provide for financial needs of the municipalities.

At the moment the general discourse seems to not be heading that way. It seems that decentralization has little to do with giving

power to the people and having municipalities capable of financing their own needs - education up to the secondary level, urban and economic development, infrastructure, and basic medic care, to name a few.

For some reason decentralization is getting a pretext of ghettoization of communities, disempowerment of the local population, and ethnic division. The process is becoming a victim of interests of several groups – including Kosovo Serbs who receive subsidies coming from Belgrade and have a view to not be a part of Kosovo's society, and Kosovo Albanian beneficiaries who want to keep powers at the central level.

With these groups running their own pro/anti-decentralization campaigns, ordinary citizens, regardless of their ethnicity, have very little possibility to start feeling empowered and able to change things for the better, to work with local government, or even be active participants in political life and decision making processes. This is surprising given the fact that people do have the capacity to overlook the work of: a) local government – through monitoring and direct participation in its work; and b) central government – through representatives in the Assembly of Kosovo. If this power was fully utilized, the government would have to deliver.

If the process of decentralization and empowerment of citizens is postponed, political structures benefiting from status quo would maintain their privileged position. They would either continue to receive subsidies or retain all the power and control over the public funds. In that sense the title of this piece is not about the political or practical meaning of decentralization, it is about keeping privileges of the few and not letting the people of Kosovo govern themselves to the best of their ability.

This conclusion might be all wrong, but that is something the people of Kosovo will get to see for themselves as they observe events taking place between now and the moment decentralization is depoliticized, pilot projects begin, and they get to see the benefits of this reform.

*Continued from pg. 1*

municipalities, to help them effectively serve the public. At the same time there should be an effective and efficient oversight mechanism put in place to ensure municipalities conduct their business in conformity with regulations.

In short, while municipalities should get more political autonomy, they should also be integrated into a monitoring and oversight system that would secure their adherence to the rule of law.

A reform, which would provide for all this, would serve to strengthen Kosovo's institutions. But the open question is would the institutions at the same time become more democratic?

### Local Government Reform

Democracy is based on communication between people who feel that they share common interests and are bound together by a community spirit. This notion is very true, even more so when it comes to local self-government. Local self-government is closest to the citizens and mandated to regulate daily issues that stem from the heart of the local community and every person living in a set area.

In this respect, oddities were discovered within Kosovo's municipal system. While there was a democratically elected Municipal Assembly, villages would seek influence through a direct channel between village leaders and civil servants. Complaints about certain geographic parts of the municipality being neglected in favor of others were common. Inhabitants of urban centers grumbled that their interests were being placed second to those of villages. On the other hand, villagers felt that they were being left behind by city dwellers. Yet everybody complained about the lack of accessibility of local political structures, claiming that local governance is too far away.

All of this leads to a conclusion that the current make up of municipalities, which have an average population of 80,000 and similar geographic sizes, usually comprised of an urban core and a cluster of dozens of villages, might be too big to allow for a necessary community spirit, democratic debate, and effective delivery of services. This led to the simple conclusion that a smaller municipal size and structure could help strengthen democracy in Kosovo.

### Dealing with Parallel Structures

While these considerations might have been sufficient in a different environment, in Kosovo the sensitivity of ethnic relations and the existence of parallel structures must be taken into account.

If the reform could help improve ethnic relations and, at the same time, help dismantle parallel structures, it would become an even bigger success.

In assessing the situation, the issue of parallel structures has shown two aspects. First, parallel structures serve a political agenda. Second, parallel structures provide crucial services which are not being adequately delivered to Kosovo Serbs by the existing PISG structures, as confirmed by reporting from the OSCE Mission.

While any contribution to Belgrade's agenda must be avoided, there is hope that the reform would make the services provided by parallel structures superfluous by allowing Kosovo Serbs, and other communities, to address their issues within a reformed system of local self-government. These reformed structures would be fully incorporated into the PISG and parallel structures would disappear.

### Opinions on local government reform and decentralization

When the Mission decided to engage in discussions on local self-government reform, in late 2002, it realized that the necessary preconditions for a factual debate on the issue did not exist.

Reactions to any mention of reform were entirely emotional. Kosovo Albanian representatives would fear a division of Kosovo; Kosovo Serbs would claim that they would gain nothing from the process. In response, the Mission decided to try and "de-emotionalize" the matter by providing relevant information.

In co-operation with the Kosovan NGO KIPRED, the Mission organized three expert hearings - in late 2002 and early 2003. Experts on local self-government from Albania, Austria, FYR Macedonia, Hungary, Italy, Slovenia and Switzerland shared their experiences with Kosovan civil servants and politicians, as well as, with Prishtinë/Priština based international community representatives.

In the meantime, the SRSG invited the Council of Europe Decentralization Mission to produce recommendations for a new local government structure. The OSCE fueled its knowledge and expertise it had accumulated since 1999 into the Council of Europe recommendations issued in November 2003. The Mission further assisted with a wide distribution of the report it helped translate into local languages.

### A new momentum

Local self-government reform gained new momentum, in June 2004, when PISG and UNMiK decided to pull together their efforts for the best possible solution and established a working group charged with producing a "Framework Document on Reform of Local Self-Government". OSCE was member the group.

Acting upon the framework document and its recommendations, in autumn 2004, the OSCE Mission, the Ministry of Public Services, and the Association of Kosovo Municipalities began implementing a joint project focusing on improving managerial relations between municipal and central PISG structures.

This February, the framework document implementation process has reached an important crossroad. The PISG will have to transform commitments it made into tangible actions.

The framework document provided basis for a new law on local self-government and a new law on municipal finances. The document also recommends testing the viability of the proposed reform in a limited number of pilot municipal units.

The OSCE Mission is ready to give its contribution to the process. Its experts are available to help with drafting of the laws and to advise on the institutional set up of the new Ministry of Local Government Administration. Together with UNMIK, the new ministry will spearhead the reform process. Furthermore, the OSCE field staff are available to train newly appointed municipal officials in, yet to be devised, pilot municipal units, and to support their administrative establishment.

### Self-government reform or decentralization?

And lastly, part of this process is clarifying the difference between local self-government reform and decentralization. They are not the same thing.

Reform of local self-government will enable local (and again, local does not mean ethnic) communities to better administer daily issues rooted within the community, such as: local infrastructure; local economic development; maintenance of kindergarten and school buildings; selection of teachers; communal services; maintenance of public spaces and property; and preservation of local traditions and heritage. Such practices would strengthen functioning of Kosovo institutions and would be one more step in the process of democratization.

The term "decentralization", understood in the ex-Yugoslav context, represents a transfer of central legislative and executive powers to, and the establishment of, a lower level of government, possibly combined with the creation of a new state-like territorial units, and not the establishment of a genuine local level governance that would care about the issues that purely concern a local community, such as preservation of culture, local infrastructure, or communal services.

Therefore, the terminology used on the issue should be standardized and the term "reform of local self-government" should be the one in use. OSCE will continue to focus on the reform.



# Municipal governments and local NGOs can do the trick

Participation of citizens in the work of the municipal institutions, transparent governance, and accountability are essential elements of democracy. Therefore, it is important that citizens living in a democracy have full access to information and make informed choices.

Hasan Sopa, OSCE

Both sectors of civil society, governmental institutions and NGOs (not excluding the third sector – commercial sector) can do a lot to help reform municipal government to better serve citizens and act upon their request. Their cooperation is vital to establishing democratic and efficient local governance. In this regard, positive steps are being made in Pejë/Peć region.

## Easy access to the local institutions

Malishevë/Mališevo and Deçan/Dečani, municipal governments and NGOs are very active in trying to engage citizens and work in their interest.

The 'Information to the People' project was initiated by Malishevë/Mališevo authorities to educate citizens about the rights they have and ways to cooperate with the municipal bodies.

This project, launched in co-operation with the OSCE, marks an important step forward. In addition to producing and disseminating public information materials about the municipality and official means by which citizens can influence municipal politics, Malishevë/Mališevo also established a 'one-stop-shop' at the very entrance to their building.

The 'One-stop-shop' provides basic services and supplies quality information to citizens. It also provides advice on more complex procedures relating to municipal work, such as how to start new development projects and filing requests for repairs to publicly managed infrastructure, including roads and sewers among the many concerns.

Citizens are very satisfied with the service and quality of information they get. They also save lots of time which makes their visits to the municipality much more efficient and effective.

Merita Bacaliu, Municipal Information Officer (MIO), who heads the 'one-stop-shop' says that her job is to inform the citizens about the activities of the Municipality and encourage them to be more involved with their institutions. "We are here to serve the citizens. It is not only our duty, it is also our obligation," she says.

In the absence of a legal framework that would regulate the information exchange between municipal institutions and citizens, Merita has taken the initiative, and with support from the OSCE is now setting a positive example.



*"We are here to serve the citizens. It is not only our duty, it is our obligation."*

*Merita Bacaliu, Municipal Information Officer in Malishevë / Mališevo.*

## Monitoring municipal institutions

The non-governmental sector has a crucial role in lobbying for more efficient municipal government. It is considered to be an effective link between citizens and government. NGOs also monitor the performance of the government and its officials. More importantly they attempt to influence decision making process and partner up with the government to plan, develop, deliver and improve public services and policies.

The 'Association of Independent Intellectuals' from Deçan/Dečani is running a 'Civic Bridge' project to encourage citizens' participation in the local (municipal) government. Adem Lushaj, Executive Director of the Association and co-ordinator of the project, says that the project closely relates to the improvement of public services. "This is a small step towards better services for the citizens," he says.

In his view, the project is designed to observe and monitor performance and quality of services municipal institutions provide to citizens. "Monitoring of the health clinic in Deçan lasted for three months. It focused on the areas of management, services, budget, transparency and respect for the working hours. We found a number of irregularities

and the Director of the Health Clinic took it very seriously and welcomed this effort," says Mr. Lushaj.

When asked about the ways citizens learn about their findings and activities Mr. Lushaj told us that this is done through public information activities, such as distributing leaflets, printing newsletters, and using local media. "Public debates on local radio stations are the best tools to inform the citizens, not only about the activities of the project, but also about their legitimate rights and services they can request and receive," explains Mr. Lushaj.

## Learning from each other

Recently, the OSCE organized a meeting of the 'Association of Independent Intellectuals' from Deçan/Dečani, with the Malishevë/Mališevo MIO, Ms. Bacaliu, as well as with a group of NGOs from that municipality. These meetings encouraged them to exchange information and experiences.

"The idea of the visit was to learn from the experience of the MIO. This is closely related to our project as it has to do with the transparency of the municipal institutions. Our project also observes work of municipal information offices and this visit will enable us to include some of the experiences from here in our report as recommendations for the future," concludes Mr. Lushaj.

Recommendations to be included in the Association's report on municipal offices and institution functioning will be presented to Deçan/Dečani Municipal Assembly and be the subject of public debates at a later stage this year.

Stuart Kefford, the Democratization Officer in the OSCE Pejë/Peć Office, says that projects such as these intend to build local capacity and improve public services. He also stressed that it is important for local actors to take initiative. "We are not here to do the work of the municipal servants, but rather to help them," says Mr. Kefford.

According to the implementing partners, general public awareness is being raised through their work. There seems to be a growing understanding that responsible civil servants and greater citizens' involvement in the work of local institutions can result in better services to citizens and better living conditions for everyone.

# Village councils in Viti/Vitina, a step ahead of decentralization

In March 2003, Viti/Vitina Municipal Assembly decided to create village councils to get closer to citizens and provide them with better services.

Mevlyde Salihu, OSCE

A slow drive takes us to Drobesh, a medium-sized village of about 1,790 inhabitants, outside the town of Viti/Vitina. Although the village looks sleepy so early in the morning and the streets empty, a tall man waits for us in front of a small house, and kindly welcomes us in.

Avdulla Kadriu, in his fifties, is the president of Drobesh village and has been for some time. Although he performed his duties ever since the early 1990s his position was formalized in 2003.

“The village held elections on 23 August 2003, and elected the village council, that consists of six members and myself as president,” said Avdulla. “Every neighborhood is represented in the council,” he added.

To get closer to citizens and better address their needs, Viti/Vitina Municipal Assembly decided to create village councils throughout the municipality. Inhabitants of each village voted and directly elected council members and presidents. These councils are then tasked with setting priorities and working towards achieving them. Issues that cannot be solved in the village get referred to the municipal authorities.

“In March 2003, we decided to create village councils in every village. These councils take care of inhabitants’ needs,” said Musa Misini, President of Viti/Vitina Municipal Assembly, adding “we have chosen a model, which is more about offering services to citizens than about decentralization. We wanted to bring citizens closer to the municipal institutions.”

A long working experience makes Avdulla not only popular and respected among his fellow-citizens but also very efficient. Apart from coming up with priorities and distributing humanitarian aid to most vulnerable families, the council helped build a school and two power transformer stations. The council also managed to collect €1,000 from the inhabitants to help the municipality gravel village roads.

“We have a new school building and power transformer stations, and now I am talking to the mayor about the sewage system because it is really necessary,” said Avdulla. “Municipal authorities are willing to help but we must finance 20 percent of invest-



*Musa Misini, President of Viti/Vitina Municipal Assembly -  
“In March 2003, we decided to create village councils in every village. These councils take care of inhabitants’ needs.”*

ments. This causes difficulties as the village is very poor, but I believe that we will finalize the project this year.”

Citizens are said to be happy with the work of the people they chose to be their representatives. “Yes, he does a good job,” said Idriz Brahimi, 22, from Drobesh. “He’s good to people, and he is fair when it comes to distributing aid and helping those who are in real need.”

Viti/Vitina is one of the municipalities well-known for ethnic co-existence. Multiethnic village councils are yet another proof of that. Binçë/Binač is a village with some 150 houses, 40 of them belong to Serb families, seven to Croat and the rest to Albanian.

“Our council has seven members, four Albanians, two Serbs, and one Croat,” said Drane Simoni, president of Binçë/Binač village. “In fact,” she adds, “we have reserved two seats





*Viti/Vitina Municipality attempts to include as many people as possible in decision-making process. People know best what kind of help they need from the authorities when it comes to infrastructure and economic development.*

for Serbs because they have not yet officially accepted the position of council members, but de facto they do come to our meetings, and they do co-operate."

The council in Binçë/Binač was set up for the first time following the municipal initiative in 2003. Even though it did not become fully operational until May 2004 and lacks the experience Drobesh has, it is very active and works very efficiently.

"We have regular monthly council meetings and discuss the problems. The meetings are open to citizens who often voice their problems and concerns," said Drane.

"The main concern in our village", she says, "is the water-supply system. It was built but serves as a decoration. The village still has no water. We are in contact with the Viti/Vitina mayor and a Swiss NGO to improve the situation."

Croats are regular members and work together with Albanians. Although not officially part of the council, Serbs are there too and work as hard as the others when it comes to inhabitants common interest.

Although most inhabitants of Binçë/Binač have no income, Drane says that they managed to collect money to pave the road that goes through her village. "Even though nobody has a job, apart from those living abroad, we have managed to collect €17,000 to pave the road. Serbs contributed to this project, symbolically, but they did, and that is a great success of the council."

Zoran Marinkovic, from Binçë/Binač, who represents Serbs, says that he is not a full member of the council but that he does represent Serbs. The reason for it, he says, is that the council was created after the 17 March riots, and that local Serbs simply lost their trust in the institutions.

"However," says Marinkovic, "I want to point out that I have a very good co-operation with the Albanian representative. As the Serb representative, I am not part of the council, but that is not all that important, because we do function. Drane and I are currently working on a water-supply system project that is for the benefit of all the inhabitants."

Binçë/Binač is not the only case where mixed village councils function effectively. "We have similar cases in the villages of Bogorc, Zhiti and Germov, where local communities have created joint village councils, assessed the needs, and presented them to the municipal institutions," said the mayor of Viti/Vitina.

Village representatives are a connection between the authorities and the citizens, and have proven to be very successful one. Authorities get the information and the list of priorities from the people who really know the situation. This helps solve problems more quickly and makes people feel less marginalized and closer to the authorities.

"We think that creation of village councils should be the basis for decentralization. Citizens need services, and we view decentralization as a way to better offer services to the citizens," concluded Misini, the Viti/Vitina Mayor.

# Political parties' views on Decentralization

The reform of the local government is an important process designed to strengthen Kosovo institutions and fulfill several aspects of the "Standards for Kosovo". The process, however, should not be politicized, and most certainly it should not be used to draw "ethnic" borderlines. Local government reform should be used to create sustainable units of local governance and better living conditions for all citizens.

Vasilija Stanic and Hasan Sopa, OSCE

As we talked to several political parties' representatives, it seemed that they mostly share such views and see decentralization as an important process for Kosovo's future. They also noted it was a long-term process that required a genuine commitment from local authorities and full engagement of all stakeholders at all levels. This does not go to say that there are no differences of opinion, and the reader will note that this article, more or less, has two sections that express these.

## Decentralization to be handled carefully

Representatives of the ORA party view decentralization as an indispensable process that should be handled carefully. They further think that a clear law on decentralization must be passed before any action is taken. "We consider that decentralization requires a consensus of Kosovo's wide political spectrum and that it should be conducted upholding principles of economic and political functionality and sustainability," says ORA's Ylli Hoxha.

"In principal, no one is against decentralization," adds Fehmi Mujota, member of PDK's presidency and member of the Kosovo Assembly. According to him the problem is that decentralization is often approached from an ethnic angle. He says that economy and demographics matter more. "Putting ethnic issues first makes the decentralization process very vague and increases the risk of creating enclaves or even a division of the territory based on ethnic lines, which can seriously damage the whole process," says Mujota.

## Reform cannot be partial

Kosovo definitely needs a more effective administration and the decentralisation process should provide for that too.

According to the representatives of PDK and ORA, local government reform cannot be done partially, and has to lead to abolishment of parallel structures. "Kosovo needs to do more to improve interethnic relations, especially those between Serbs and Albanians. However, decentralization should not lead to establishment of 'ethnically clean territories' and holdback the process of Kosovo's final status definition," remarks Hoxha. On the other hand, Mr. Mujota thinks that decentralization cannot take effect as long as Kosovo's status is not determined. "Therefore, Kosovo first needs to have its final status resolved and then enter decentralization processes."

At ORA they think that the proposal for decentralization offered by the government lacks essential elements. They regard it as an improvisation based on current political compromises, rather than a viable plan: "As such decentralization should be stopped because this will have unpredictable consequences and will not help local governance."

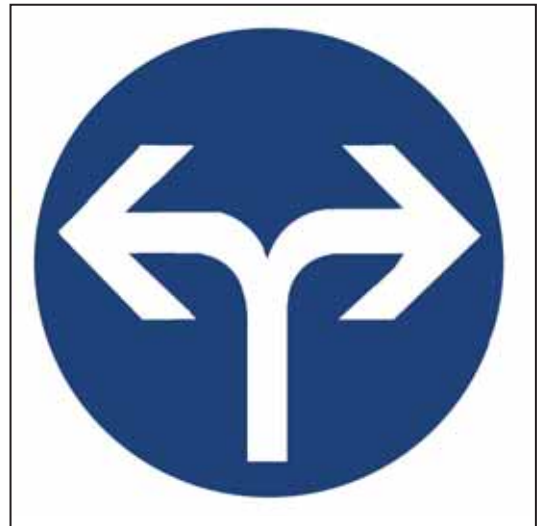
"There should be a public debate on decentralization, and there should be an overall consensus about the ways local government reform is to be conducted," says Mujota. "Ignoring local institutions in decision-making processes makes the process distrustful and increases uncertainty amongst citizens. It will be a wrong and senseless step to have discussions at the Assembly after the decisions have already been made."

## Decentralization resolves problems

The Chief of the Serbian List for Kosovo and Metohija (SLKM) Oliver Ivanović believes that there is a direct connection between local governance reform and the problems Serbian community faces - security, freedom of movement, returns, unemployment, economic development, etc.

He believes that the creation of new municipalities would serve both, Kosovo Albanians and Kosovo Serbs, as well as all others. "The local self-governance as it is today does not serve citizens and is not equally accessible to everybody. The best example for that is Priština." According to Ivanović, Priština/Priština's population has grown to close to 500 thousand. He thinks it is not accessible to most of its citizens. "For Serbs it is not accessible due to lack of freedom of movement, but it is also not serving most of it's Albanian citizens who are living in suburbs or in isolated villages. With this number of inhabitants, the best solution for Priština would be to divide the current municipal territory to form nine new municipalities."

He further adds: "It is necessary to establish new municipalities in order to ensure wider influence of the citizens on local-level decision-making processes. Therefore, it is quite normal that Albanians in Junik want to establish a new municipality. Junik is a village of four to five thousand inhabitants which is a part of a quite jagged Dečane municipality. It is also normal that Serbs want Gračanica to be a municipality. At the



*Political parties' positions often go in two different directions.*

same time we are not asking for Gračanica to be mono-ethnic."

## Parallel institutions redundant

It is expected that, so called parallel institutions of education and healthcare in predominantly Serb populated areas would merge with those of Kosovo.

"Parallel institutions exist because there are justified reasons - fear and unsafe living conditions, but also because most of the institutions within the system are not accessible to Serbs. SLKM insists that the plan for decentralization ensures that primary and secondary education and healthcare come to be the responsibility of the municipality. This would create conditions for existing structures to integrate and to become a part of the Kosovo system. That means that the parallel structures as such would disappear, as the reasons for their existence would disappear too," says Oliver Ivanović.

## Participating in the process

SLKM representatives do not participate in the Working Group which is creating a plan for the reform of local self-government. Ivanović believes that this is a mistake and the result of misunderstandings between the SLKM and Belgrade. However, using regular contacts with UNMIK representatives in the Working Group they manage to pass on their opinions and suggestions. Some of these suggestions were included in the draft, which means that they, though indirectly, do participate in the drafting process.



# Legal NO to discrimination Anti-Discrimination Law adopted - implementation begins

Only with the joint efforts of the PISG, UNMIK, civil society, and private sector can an effective and comprehensive implementation of the Anti-Discrimination Law in Kosovo be guaranteed.

Radoslaw Rzehak, OSCE

In fall 2004, the Assembly of Kosovo adopted and the UN Special Representative signed the Anti-Discrimination Law (ADL). This important piece of legislation will help further the protection of human rights in Kosovo while also helping develop a modern society.

The Law, drafted with the assistance of the OSCE Mission, forbids direct and indirect discrimination and also defines all of its forms – harassment, victimization and segregation, amongst others. It addresses discrimination in all major spheres of social life: employment, education, social care, housing, personal security or access to public life. Importantly, it refers to both public and private sectors. As such, the ADL is a pioneering law in the region, and sets Kosovo ahead of its neighbours.

**Direct discrimination** occurs when one person is, or has been, treated less favorably than another in a comparable situation just because she or he is of a different sex, gender, age, religion, speaks a different language, has a disability or a different political opinion etc.

A major innovation introduced by the ADL is placing burden of proof on the party accused of a discriminatory action. It means that a person or institution accused of discriminatory behaviour has to prove that discrimination has not occurred. It is no longer solely the responsibility of a claimant. This becomes especially important in cases when an individual presses charges against an institution that naturally holds a stronger position.

In accordance with the Law, every person in Kosovo who feels discriminated on any grounds can file a complaint. The victim can also be supported by various organisations or legal entities when making the claim. It is notable that the Law empowers courts not only to grant compensation for damages to

the victims of discriminatory treatment, but also to impose fines on institutions violating the discrimination prevention orders. The Law, furthermore, authorises the Ombudsperson of Kosovo to receive and investigate complains concerning discrimination cases.

**Harassment** is described as an unwanted action (including but not limited to unwanted conduct of a sexual and/or psychological nature) which has the purpose or effect of violating dignity of a person, and/or creating an intimidating, hostile, degrading or offensive environment.

As with any other law, to take effect it requires full implementation by authorities and promotion. In this instance implementation of the law is dependent of full cooperation of the Provisional Institutions of Self-Government, UNMIK, civil society, and the private sector. Each of these actors must contribute to the effective elimination of discrimination and the protection of human rights. The ADL encourages the use of positive actions that compensate for difficulties experienced by disadvantaged groups, such as persons with disabilities on one side, or women and minorities on the other. Positive actions spread from the introduction of minimal employment quotas for women to catch up classes for undereducated and recruitment preferences for equally qualified persons with disabilities. To assist the

**Victimization** takes place when a person suffers any adverse treatment or adverse consequences as a reaction to complaints made about discrimination.

implementation process the OSCE Mission provides financial and technical support to the Advisory Office of Good Governance (AOGG) of the Office of Prime Minister. As

a first step, the AOGG is in consultation with all relevant actors - representatives of central and local institutions, the UN, the OSCE, the Ombudsperson Institution, the Kosovo Chamber of Commerce, the Kosovo Chamber of Advocates, as well as NGOs representing various social groups – to create an ADL Implementation Working Group.

The group will develop a comprehensive implementation plan for the Law and will co-ordinate efforts of all actors involved in the process. It will also clarify claims procedure in discrimination cases.

Additionally, the PISG is now responsible

**Segregation** occurs when a person is unjustifiably separated from others by any other person or an institution.

for conducting a public awareness raising campaign about the ADL. According to the Law, the government has to inform public about the particulars of the Law, which is a *conditio sine qua non* for the effective use of the Law by every Kosovan. To fulfil this legal obligation the AOGG intends to print copies of the ADL in Albanian, Serbian and Turkish and distribute them throughout Kosovo. Moreover, the AOGG will produce and disseminate posters and leaflets explaining the basic provisions of the Law in most of the languages spoken in Kosovo.

In concert to raising the awareness of the general public, specific training was recently provided to judges and prosecutors. Delivered by the Kosovo Judicial Institute, the training focused on the practical use of the Law.

The broad interest expressed thus far in the ADL and its implementation is an encouraging sign that the Law will become fully functional without major delays.

The full text of the ADL in all official languages can be found at the website of the Assembly of Kosovo [www.assemblyofkosovo.org](http://www.assemblyofkosovo.org) and soon in hard copy in every municipality.

**2004**

Diskriminimi direkt  
 Diskriminimi indirekt  
 Segregacioni  
 Frikësimi

Директна дискриминација  
 Индаиректна дискриминација  
 Сегрегација  
 Застрашивање, Напастововање

Direkt ayımcılık  
 Dolaylı ayımcılık  
 Farkı gözetmek  
 Taciz etmek, Korkutmak

Direktna diskriminacija  
 Indirektna diskriminacija  
 Segregacija  
 Napastovanje, Zaplašivanje

Uziangluni diskriminacija  
 Angluni diskriminacija  
 Segregaci  
 Lošnipe, Daraceriba

**DISKRIMINIMI NDALOHET ME  
LIGJ NGA SHTATORI**

**ДИСКРИМИНАЦИЈА ЈЕ  
ЗАКОНОМ ЗАБРАЊЕНА ОД  
СЕПТЕМБРА**

**EYLÜL 2004'ten İTİBAREN**

**DISKRIMINACIJA JE SOZ ZAKON  
ZABRANJENA OD SEPTEMBAR**

**DISKRIMINACIJA TANO O  
ZAKONI KOVACINAVDO ANO  
SEPTEBRO**