

GUIDE TO MUNICIPAL TRANSPARENCY

April 2014, Prizren

Author Ramadan Klisurica, local governance expert

CONTENTS

I. INTRODUCTION	3
II. LEGAL FRAMEWORK FOR TRANSPARENCY IN MUNICIPALITIES	3
Constitution of Kosovo	3
Law on Access to Public Documents	3
Law on Local Self-Government	4
Administrative Instruction on Municipal Transparency	5
Administrative Instruction on the Web Page of Public Institutions	6
Statute of the Municipality	6
Municipal Regulation on Transparency	7
III. TRANSPARENCY IN MUNICIPALITIES.....	8
Notification about the meetings of Municipal Assembly	8
Meetings with the public	10
Public consultations	10
Publication of documents	11
Access to public documents	12
The Action Plan for Transparency	12
Web page	13
Budget transparency	14
IV. INTERNATIONAL TRANSPARENCY STANDARDS IN LOCAL GOVERNANCE.....	16
EU legislation on transparency	16
European Charter of Self-Governance	17
“Collaborative transparency” – Oakland City	17
“Transparent town” – Town of Martin	18
“Transparency 2.0”	19
V. CONCLUSION	20
VI. RECOMMENDATIONS	21
VII. REFERENCES	22
EC Ma Ndryshe.....	24

This publication has been produced within the “Online Transparency of Prizren, Prishtina and Mamusha Municipalities” project, financially supported by the British Embassy in Prishtina

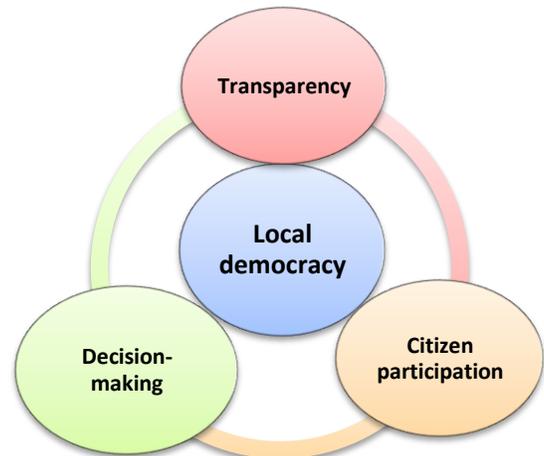


**British Embassy
Pristina**

I. INTRODUCTION

Non-governmental organization EC Ma Ndryshe has produced this document in order to introduce legal obligations and duties of local government on transparency and accountability. Additionally, this paper is intended to provide an overview of the situation in the municipalities, in terms of implementation of the obligations and duties of municipalities in the field of transparency and accountability.

Transparency, citizen participation, decision making and local democracy are interrelated processes. As such, halting in one of these elements means detachment from the process. Therefore, if a local authority intends to really implement local democracy, it should make sure to maximally achieve the transparency standards, ensure citizen participation, take into account the views of citizens in decision making, and again, at the end, be transparent towards citizens on decisions rendered. At the same time, transparent decision making narrows the room for suspicious actions of municipal officials in matters of the budget, property and public assets management.



Monitoring of the municipalities hitherto has shown that deficient transparency in decision making has driven local government executives in certain occasions to render decisions which do not meet the interests of citizens or residents of certain neighbourhoods, or in extreme cases did not have legal grounds or in contradiction to the laws in force or the Constitution of Kosovo itself.

The legal framework in Kosovo offers plenty of space and mechanisms which municipalities could utilize in order to increase transparency and accountability towards their citizens. However, application in practice of these mechanisms varies from municipality to municipality and in general they were not capable to fulfil legal obligations.

Therefore, municipalities must exhibit much serious commitment in the use of traditional communication opportunities and technological innovations of the time in order to enhance transparency and accountability in municipalities. EC Ma Ndryshe deems that a decade of application of current legal regulations on transparency and accountability in the municipalities is a sufficient period for drawing the necessary lessons and to take concrete actions for raising the quality of transparency and accountability in the municipalities.

This document in three chapters summarizes the legal framework in Kosovo on transparency, the state in municipalities in relation to the level of transparency and accountability, and provides a summary of the documents and international practices on transparency and accountability of municipalities. Undoubtedly, components of this paper are also the recommendations for central institutions and the municipalities in view of improving the level of democratic governance in municipalities.

II. LEGAL FRAMEWORK FOR TRANSPARENCY IN MUNICIPALITIES

Constitution of Kosovo

Kosovo's constitution provides an established legal basis regarding the transparency of institutions including transparency in municipalities. Article 40 and 41 of the Constitution guarantee the right of citizens to disseminate and receive information, respectively the rights of citizens for access to documents of public institutions and organs of state authorities.¹

Pursuant to the Constitution, further were drafted and adopted a number of laws and other secondary legislation (bylaws) of which are determined the rights of citizens in the processes of public interest at the local level and at the same time have been set out the obligations that central and local level institutions have for providing necessary conditions for transparency towards citizens.

Law on Access to Public Documents

Law on Access to Public Documents is considered as the most important document by which is aimed to achieve international standards of transparency. This law guarantees the right of every citizen to have access to documents maintained, drawn or received by the public institutions.

Under this law, in order to facilitate the procedures for access to public documents, all public institutions, including municipalities, are obliged to assign units or officers who will be responsible for receiving and reviewing of applications for access to documents.²

This law regulates all procedures necessary for access to public documents starting from citizens' applications for access to public documents, the processing of requests and allowing public access to documents. Application for access to public documents citizens can submit in any form, which enables the public institution to identify the document and are not obliged to state the reasons to have access to documents. Public institutions are obliged that within seven days to reply to the applicant on his/her request for access to public documents.³

According to this law all public institutions are obliged to publish all documents and an available email address for public communication. They are also obliged in to publish on their web pages information relating to:

- the mission and functions of the public institution;
- the organizational chart of the public institution;
- the basic legislation on organization, functioning and functions of the institution concerned;
- the updated data on public activity of the institution concerned, data on policies;
- the other policy strategies and documents adopted in line with the scope and functions of the public institution;
- the detailed list of services rendered to public by the institution concerned, such as licenses, permits, authorizations, certificates, confirmations, other public documents or services, including the procedures and conditions for their acquisition;
- the necessary documentation and service cost;

¹ Official Gazette of the Republic of Kosova, the Constitution of the Republic of Kosovo, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8650>

² Official Gazette of the Republic of Kosova, Law No. 03/L-215 on Access to Public Documents, Article 5, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

³ *Ibid*, Article 7.

- the application form for any service and guidelines how to fill it;
- the mandatory time limit to receive a reply to requested service;
- the time limit and the authority, where an appeal can be filed in case of rejection to reply or failing to render a service.⁴

Law on Access to Public Documents has also foreseen financial penalties for public institution or a responsible public officer in case of violation of this law and preclusion of citizens for access to public documents of that institution.

Law on Local Self-Governance

Law on Local Self-Government is the basic law on the organization and functioning of the local governments in Kosovo. This law provides many obligations to local government institutions, among which those related to promoting the transparency of municipalities. These obligations can be treated in several dimensions.

- **The first dimension** has to do with the right of citizens to participate in the activities of the municipality. This law obliges the municipalities to notify citizens about the holding of regular and extraordinary meetings of the Municipal Assembly seven, respectively three working days prior to the date of the meeting. This obligation also applies to the meetings of the committees of the Municipal Assembly.⁵
- **The second dimension** relates to the obligation of municipalities to organize public meetings. According to this, the municipalities are obliged to hold, at least twice a year (one in the first half and the other in the second half of the year), a public meeting in which can participate every citizen of the respective municipality. At these meetings, representatives of the municipality are obliged to inform citizens about the activities of the municipality, while participants have the right to ask questions and submit proposals to the municipal officials. In addition, municipalities are obliged to inform the citizens of the municipality of all regulations, plans and policies of the municipality of public interest for the citizens of the municipality.⁶
- **The third dimension** has to do with the so-called direct democracy which includes the right of citizens to petition, citizen initiatives to propose municipal regulations, referendum and take initiative to remove a mayor from the office.⁷
- **The fourth dimension** provides the right of municipal assemblies to establish consultative committees for the purpose of enabling citizen in the decision making processes. The status of these committees is advisory and membership to these committees must include exclusively citizens and representatives of nongovernmental organizations of the respective municipalities.⁸

At the same time, Law on Local Self Government obliges municipal assemblies to adopt special regulations promoting transparency of the legislative, executive and administrative bodies of the municipality. In order to facilitate the drafting procedures of these regulations, the Ministry of Local

⁴ Official Gazette of the Republic of Kosova, Law No. 03/L-215 on Access to Public Documents, Article 16, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

⁵ Official Gazette of the Republic of Kosova, Law No. 03/L-040 on Local Self Government, Article 45, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

⁶ Official Gazette of the Republic of Kosova, Law No. 03/L-040 on Local Self Government, Article 68, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

⁷ *Ibid*, Article 69, 70, 71 and 72.

⁸ *Ibid*, Article 73

Government Administration has drafted a separate administrative instruction on transparency in municipalities.

Administrative Instruction for Transparency in Municipalities

Administrative Instruction for Transparency in Municipalities regulates public participation in meetings of the Municipal Assembly and its bodies, obligation for public notification, consultation with public on municipal policies etc. Different from the Law on Local Self Government, Administrative Instruction for Transparency in Municipalities provides more specific definitions of municipal obligations and addresses the responsibility for taking actions. Thus, Administrative Instruction for Transparency in Municipalities determines:

- Chairperson of the Municipal Assembly as a person in charge to provide necessary materials and physical opportunities for public participation in the place where the meeting is held; and
- Chairperson, through the information officer of the municipality, is obliged to inform the public on regular or extraordinary meetings of the Municipal Assembly through public announcements in the most frequented places, electronic and print media as well as through official website of the municipality, whereby on these latter must be published all municipal decisions and regulations, including municipal budget, strategic documents and plans of the municipality.⁹

Administrative Instruction for Transparency in Municipalities obliges municipalities that, in addition to holding of at least two public meetings during the year, to hold additional meetings on matters related to municipal budget, local economic development, use of municipal property, spatial planning, investments, municipal revenues, etc. The municipality is required to inform citizens at least two weeks prior to the holding of public meeting and through public announcements, media and official website of the municipality.¹⁰

The action plan for transparency in the municipality is another obligation that arises for municipalities from the Administrative Instruction for Transparency in Municipalities.¹¹ According to this, the municipality is bound to prepare an action plan for transparency, which may include activities related to:

- More frequent reporting in the media on municipal issues of general interest;
- Holding of press conferences;
- Consultation sessions with citizens;
- Development of official municipal website;
- Maintaining and updating of official municipal website with the documents of general interest, reports of the work, telephone numbers, contact persons, etc.

Administrative Instruction for Transparency in Municipalities although governs many aspects of transparency functioning in municipalities, it is mainly focused on the transparency of the municipal assembly as the supreme body of the municipality. This document addresses almost at all the transparency of the executive body, respectively of the mayor and municipal directorates. According to this, decisions of the mayor or of the directors are not mandatory for subject to publicizing on the official municipal website.

⁹ Ministry of Local Government Administration, Administrative Instruction No. 05/2013 for Transparency in Municipalities, Article 3 and 4, at <http://mapl.rks-gov.net/getattachment/6840a2b1-4687-4d60-92d2-20f903c80edd/Udhezim-administrativ.aspx>

¹⁰ Ministry of Local Government Administration, Administrative Instruction No. 05/2013 for Transparency in Municipalities, Article 6 and 7, at <http://mapl.rks-gov.net/getattachment/6840a2b1-4687-4d60-92d2-20f903c80edd/Udhezim-administrativ.aspx>

¹¹ *Ibid*, Article 9

Problematic in this segment is the categorization of acts that should be subject to public consultation by providing a general definition in the following, “Acts of Municipal bodies, decisions, regulations, which are in interest shall subject to the public discussion before the approval.”¹² Among the shortcomings of this document is the failure to exactly address the responsibility on drafting of the Action Plan for Transparency in Municipalities and the absence of punitive provisions for non-compliance to this Instruction.

Administrative Instruction on the Web pages of Public Institutions

Administrative Instruction on the Web pages of Public Institutions is a document that sets out standards, form, appearance and other characteristics that all web pages of public institutions should have, including those of municipalities.

This document outlines in detail what should be the content of the web pages of all institutions starting from the publication of the emblem of the Republic of Kosovo and up to the publication of the date of the last update of the web page. Here is also mentioned the requirement for institutions to have on their websites an e-mail for communication with the public and to regularly be checked by the person appointed, to regularly update data on the web page, to have a research module developed and functional, etc.¹³

Administrative Instruction on the Web pages of Public Institutions, in accordance with the Law on Language Use, obliges all public institutions, including municipalities, that all information published on the website are in official languages. In addition, this instruction obliges municipalities that information must be published in English language as well.¹⁴

Statute of the Municipality

The statute is the highest legal act of a municipality and as such governs general aspects of the functioning of the municipality in accordance with the national legal framework that regulates the functioning of local government. This document serves as a basis for ensuring the application of competencies and responsibilities of the municipality, as set out by the Law on Local Self-Government and other laws.

The Statute provides on many local governance matters, including:

- regulation of competencies of the municipality,
- participation of citizens in decision making on matters of public interest,
- participation of citizens in the meetings of the Municipal Assembly,
- activities and manner of deciding upon public affairs,
- Bodies of the municipality and Civil Service,
- Rights and duties of the Municipal Assembly members,
- the rights of communities,
- financial administration, etc.

¹² Ministry of Local Government Administration, Administrative Instruction No. 05/2013 for Transparency in Municipalities, Article 7.1, at <http://mapl.rks-gov.net/getattachment/6840a2b1-4687-4d60-92d2-20f903c80edd/Udhezim-administrativ.aspx>

¹³ Official Gazette of the Republic of Kosova, Administrative Instruction No. 03/2011 on the Web page of Public Institutions, Article 7, 8, 11 and 12, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8039>

¹⁴ Official Gazette of the Republic of Kosova, Administrative Instruction No. 03/2011 on the Web page of Public Institutions, Article 9, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=803>

Law on Local Self Government obliges municipal assemblies that within 60 days from the date of their constitution to adopt a municipal statute, otherwise they shall be declared non-functional, respectively shall be dissolved.¹⁵ In this respect, all Kosovo municipalities have met their legal obligation by adopting the Statute of the Municipality in line with the applicable legislation on local self-government of Kosovo.

Municipal Regulation for Transparency

Municipal Regulation for Transparency is a document of the municipality, which must be adopted by the Municipal Assembly in accordance with the Administrative Instruction for Transparency in Municipalities.¹⁶ Objective of the Municipal Regulation for Transparency is promoting the transparency of municipal bodies, enhancing the public participation in decision making, and facilitating public access to official documents of the municipality. In a form, it can be deemed as the “adoption” of the Administrative Instruction for Transparency in the respective municipality given its specific conditions and circumstances.

Regulation for Transparency provides on specific matters related to the:

- Public information on the meetings of the Municipal Assembly and its committees,
- Publication of municipal acts,
- Petitions,
- Meetings with the public,
- Public consultations prior to the approval of acts,
- Access to municipal public documents,
- Use of official languages,
- Action plan for municipal transparency, etc.

It is worth mentioning that almost all the municipalities in the country have drafted and approved municipal regulation for transparency thereby fulfilling the formal requirement in terms of advancing transparency in local government.

¹⁵ Official Gazette of the Republic of Kosova, Law No. 03/L-040 on Local Self Government, Article 50, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

¹⁶ Official Gazette of the Republic of Kosova, Law No. 03/L-040 on Local Self Government, Article 68, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

III. TRANSPARENCY IN MUNICIPALITIES

Chapter two of this paper proves that the legal framework for transparency in municipalities is quite advanced. Laws and bylaws provide a wide range of mechanisms that could and must be used by municipalities in order to enhance their transparency towards citizens.

Among the main tools municipalities may and are bound to use to ensure transparency and accountability over their operations are:

- Announcements on the meetings of the Municipal Assembly;
- Meetings with the public;
- Public consultations;
- Publication of acts;
- Consultative committees;
- Access to public documents, etc.

Despite the large number of mechanisms for ensuring transparency and accountability in the activities of municipalities, their application in practice varies from municipality to municipality. Even within the municipalities there are differences in the use in fair and in line with legal obligations of these mechanisms. For instance, while a municipality could meet a legal obligation in one segment, suppose in the notification of assembly meetings, the same municipality can linger in the enforcement of a legal obligation on public consultations.

In Kosovo, there are a large number of local and international organizations, which for many years have followed-up the trends of transparency and accountability in municipalities. These organizations that regularly deal with reports, researches and analyses in the field of local government, provided a special emphasis to the assessment of municipalities in terms of meeting of legal obligations by municipalities on transparency.

Reports on local self-government in Kosovo produced by local and international organizations related to the transparency and local accountability cover issues that are specific and which deal with the obligation of municipalities on public notices, publication of financial statements, holding of public meetings by mayors, access to public documents, public consultations prior to adoption of acts of general interest and so forth. In the following will be introducing a summary of legal obligations and of the actual situation in the field of transparency in municipalities.

Public notification of Municipal Assembly meetings

Prior to notification of the public about the meetings of the Municipal Assembly is the main mechanism and fundamental precondition for ensuring citizen participation in municipal activities. Information provided timely, accurately and in accordance with legal obligations of the municipality, further ensures participation of citizens in decision making processes in the municipality.

However, municipalities do not give a great importance on the timely notification of the public on upcoming assembly meetings. According to the OSCE report (Organization for Security and Cooperation in Europe) not all the municipalities adhere to the obligation of informing the public on assembly meetings seven days prior to the meeting.¹⁷ According to the report, about half of the municipalities have failed to inform the public on municipal assembly meetings or its committees and failing to make

¹⁷ OSCE Kosovo, Municipal Assembly Follow-Up Monitoring Report, 2012, p.5,
<http://www.osce.org/kosovo/91873?download=true>

the public aware of the meetings of the assembly and its bodies.¹⁸ Reports of MLGA (Ministry of Local Government Administration) also highlight the laxity of some municipalities to meet legal obligations, especially when it comes to convening extraordinary meetings of municipal assemblies.¹⁹

INPO (Initiative for Progress), in its reports notes that in 12 meetings of the Municipal Assembly of Prishtina held in 2013, no citizen has participated in these meetings.²⁰ On the other side, the UNDP (United Nations Development Programme) “Kosovo Mosaic” Report of 2012 also indicates that only 6% of the respondent think that they are very informed about the meetings of their municipal assemblies and 43% somewhat informed, while 28% shared for being poorly informed, while 20% of respondents have rated they are not informed at all.²¹

A propos the means of communication used by municipalities aimed to notify the public on upcoming municipal assembly meetings, municipalities use mainly conventional means of communication such as municipal information boards, municipal websites, notifications posted in most frequented places, radio announcements and similar. However, these means of communication have not managed to draw the attention and interest of citizens for their attendance to the meetings of the municipal assemblies.²²

However, there are good examples in terms of the use of innovative means for notifying citizens and invite them to the municipal assembly meetings and other municipal activities. The experience generated in some municipalities in collaboration with the DEMI project (Democratic and Effective Municipalities Initiatives) of USAID (United States Agency for International Development), mainly in the field of participatory budgeting, has shown that if municipalities seriously deal with notifying of citizens about its activities, in return citizens respond to the call. Based on these experiences, some of the forms municipalities could notify citizens about their activities and make them part of the decision making are: information brochures, social networks (informing citizens on Facebook, Twitter, etc.), posters in dense traffic areas, individual invitations to citizens, press conferences, information campaigns, etc.

On the other side, municipalities tend to be idle also when it comes to notifying the public in the official languages of the municipality about the meetings of the municipal assembly. OSCE report on the municipal budget development process finds deficiencies in ensuring attendance of all the communities in the municipal assembly activities and especially in meetings wherein issues of general interest such as the budget are discussed.²³

¹⁸ Ibid.

¹⁹ Ministry of Local Government Administration, Report on Functioning of Municipal Assemblies of the Republic of Kosovo, January-June 2013, p. 8, <https://mapl.rks-gov.net/Raporte.aspx>

²⁰ Iniciativa për Progres, Raporti i monitorimit, Komuna e Prishtinës, Janar-Dhjetor 2012, 2012, p. 13, at http://inpo-ks.org/images/uploads/contact/Raporti_i_monitorimit_Komuna_e_Prishtin%C3%ABs_Janar_Dhjetor_2012.pdf

²¹ UNDP Kosovo, Kosovo Mosaic 2012, p. 17, at http://www.ks.undp.org/content/dam/kosovo/docs/Mozaik/Kosovo_Mosaic_2012_Eng_735317.pdf

²² OSCE Kosovo, Municipal Assembly Follow-Up Monitoring Report, 2012, p. 6, at <http://www.osce.org/kosovo/91873?download=true>

²³ OSCE Kosovo, 2012 Budget Development Process in Kosovo Municipalities, 2012, p. 23, at <http://www.osce.org/kosovo/90932?download=true>

Article 6 of the Administrative Instruction for Transparency in Municipalities provides that:

“Every year the municipality shall hold at least two public meetings on issues of general interest, one of which shall held in the first six (6) months of the year.

The communication officer shall informs citizens at least two weeks before holding of the meeting on the date and the agenda through:

- Public announcements in frequented places;
- Electronic and print media;
- Official website of the municipality.

In public meetings are obliged to participate Mayor, Chairperson of the Municipal Assembly, Heads of Directorates and other officials. Requirements and recommendations given by the public shall be recorded by the Director of Administration and reviewed by the Municipal Assembly within fifteen (15) days after the meeting.”

Meetings with the public

Meetings with the public are among paramount mechanisms to enhance transparency and accountability of municipalities. These meetings serve to inform citizens at “first hand” on developments within the municipality. These meetings provide an opportunity for citizens to deal directly with municipal leaders by presenting their remarks and suggestions.

However, it is not observed any serious concern of municipal leaders in holding of the public meetings. According to the MLGA’s 2013 Report, at least 5 municipalities have not held any meeting with the public, whereby only 16 municipalities have organized one (1) meeting of this character thus openly countering to the Law on local self-government and other legal sub-acts.²⁴

An issue of concern remains the timing of holding the meetings. Most of the municipal officials do not bother to organize meetings outside office hours or during weekends. Most of the municipalities hold meetings with the public during the working days and hours making impossible for many interested citizens in

participating in these meetings.

But not all municipalities are shown irresponsible in this regard. There are municipalities that have held even 5 meetings with the public, enabling citizens of urban and rural areas in presenting concerns and recommendations to municipal officials.²⁵ As far as physical places where municipalities organize meetings with the public, they provide generally adequate conditions and opportunities for citizen participation such as culture houses, halls of municipal assemblies, etc.

Public consultations

By the nature of the work of municipal assemblies, most of the acts adopted by these bodies are of general interest to the public. Among regular acts, municipal assemblies adopt municipal regulations, exchange or giving of municipal property for use, adoption of strategic documents and similar.

Article 7 of the Administrative Instruction for Transparency in Municipalities provides that:

“Acts of Municipal bodies, decisions, regulations, which are in interest shall subject to the public discussion before the approval. The official responsible for information, reports two weeks before the public consultation session on the date and agenda through:

- Public announcements in the most frequented places;
- Electronic and press media, and
- Official website of the municipality.

The proposing body of the act shall review within reasonable term and shall inform municipal assembly for proposals. Municipal Assembly takes care that the argued proposals be included in the final text of the draft act.”

²⁴ Ministry of Local Government Administration, Report on Functioning of Municipal Assemblies of the Republic of Kosovo, 2013, p. 20, at <https://mapl.rks-gov.net/Raporte.aspx>

²⁵ *Ibid.*

Almost in every session of the municipal assembly there are such documents reviewed and adopted. In principle, municipal assemblies should organize public consultations/hearings every month with the aim of obtaining the views of citizens on public documents that should be adopted at the next meeting. However, public hearings of this nature are almost inexistent and assemblies in most cases do not meet this legal obligation.

As regards public consultations prior to adoption of the budget, municipalities have a different approach. Driven by the assistance of international organizations as well, most of the municipalities hold the series of meetings with citizens in order to obtain citizens' requests on the municipal budget. Hence, the 2012 USAID DEMI report ascertains participation of over 2,700 citizens in 65 meetings of this kind held in 21 partner municipalities of this programme.²⁶

Publication of documents

Despite the great willingness of municipalities to organize public consultations about the municipal budget, they are rather inept as regards the publication of the budget on the website and its accompanying documents (expense reports, revenue reports, etc.). KDI (Kosova Democratic Institute) Report of 2011 notes the lack of publication of the municipal budget and of periodic reports on realization of the budget on the official municipal website.²⁷

As for the publication of municipal regulations on their websites, municipalities now do stand better. According to the 2013 Report of MLGA, 21 municipalities regularly publicize these documents.²⁸ Of the verification performed while drafting this document, it was noted that the number of municipalities which have posted municipal regulations on their websites is higher and that municipalities have become aware in relation to this obligation.

However, such a trend is not observed when it comes to publication of the decisions adopted by mayors. MLGA 2013 Report points out that only two municipalities have published mayor's decisions on their websites.²⁹ Nevertheless, as in the case of regulations, after checking carried out when drafting of this guide, the number of municipalities that publish mayoral decisions on their websites is higher than two, but not at a satisfactory level. All the decisions, conclusions, reports, researches and other documents of each unit of the local government must be published on the website of the municipality and in the official languages of the municipality.

Article 4 of the Administrative Instruction for Transparency in Municipalities provides that:

"All decisions, regulations and other documents of the Municipal Assembly shall be made public through:

- Public announcements in the most frequented places;
- Electronic and press media, and
- Official website of the municipality.

Budget and plans of the municipality are public documents. The municipality with its expense takes measures to put these documents available to the public, media and interested parties in the form of full or abbreviated according to the request of parties, addressed through information officer."

²⁶ USAID DEMI, Participatory Budget Planning, p. 15, at http://demi-ks.org/repository/docs/Participatory_Budget_Planning.pdf

²⁷ Kosova Democratic Institute, Enhancement of Civil Participation, 2011, p. 15: <http://www.kdi-kosova.org/publications/perparimipjesmarrjesqytetare.pdf>

²⁸ Ministry of Local Government Administration, Report on Functioning of Municipal Assemblies of the Republic of Kosovo, 2013, p. 22, at <https://mapl.rks-gov.net/Raporte.aspx>

²⁹ *Ibid.*

Access to public documents

Access to public documents is the only transparency mechanism that addresses individual responsibility for the officials of institutions in the field of transparency and accountability. Therefore, transparency and accountability in a municipality can best be assessed with the [in]ability of access to public documents of the municipality. Law on Access to Public Documents has foreseen punitive provisions in the amount from 500 to 10.000 Euros for officials and institutions which disable, detain or restrict realization of the rights of citizens in access to public documents.³⁰

Nonetheless, municipalities were shown to be largely indolent in enabling citizens' access to public documents. CPA's 2012 Report, the situation in municipalities as regards to access to public documents considers the worst compared to other institutions of the country. The report also indicates that municipalities have allowed public access to documents in only 43% of the applications submitted.³¹

In principle, there is a great correlation between meeting the legal obligation of the municipality on publication of the documents and the rights of citizens for access to municipal public documents. Most of the municipal documents are of public character and as such the municipality is obliged in accordance with the AI for Transparency in Municipalities to make available these documents on the municipal website.³² Full enforcement of the legal obligations of the municipality on the publication of documents would have a direct impact on the decrease of submissions for access to public documents.

Article 8 of the Administrative Instruction for Transparency in Municipalities provides that:

“Officer for information of the municipality makes the acceptance and initial review of applications for access to public documents. The municipality is obliged that within 7 days of receipt of the request to issue a decision on access to the required document or to give a written reply to justify the full or partial refusal. In case of refusal of the request, the applicant of the request may within 15 days after receipt of the response from municipal bodies, to submit the request for review from the municipal bodies, to reconsider the decision. If municipal bodies do not respond within the specified time limit, the applicant has the right to initiate proceedings to the Office of the Ombudsman or to the competent court.”

The Action Plan for Transparency

Possession of the action plan for transparency in a municipality directly influences the level of transparency of the municipality just as its lack that affects on the decrease of this level. Approval of such a plan by the municipality practically is a shift into concrete actions of all the obligations and responsibilities of the municipality in the field of transparency and accountability.

According to the MLGA's data, almost all municipalities in the country have adopted the Regulation for Transparency. Conversely, almost none of these municipalities have adopted the Action Plan for Transparency.

³⁰ Official Gazette of the Republic of Kosovo, Law No. 03/L-215 on Access to Public Documents, Article 27, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

³¹ Center for Policies and Advocacy, Zbatimi i ligjit për qasje në dokumente publike..., 2012: http://www.qpa-ks.org/index.php?option=com_content&view=article&id=147%3AZbatimi-i-ligjit-per-qasje-ne-dokumente-publike-ka-permiresime-sidogofte-ende-jo-ne-nivelin-e-deshiruar&catid=45%3Apublikime&Itemid=82&lang=sq

³² Ministry of Local Government Administration, Administrative Instruction No. 05/2013 for Transparency in Municipalities, Article 4, at <http://mapl.rks-gov.net/getattachment/6840a2b1-4687-4d60-92d2-20f903c80edd/Udhezim-administrativ.aspx>

Article 9 of the Administrative Instruction for Transparency in Municipalities provides that:

“Plans for transparency in the municipalities have the purpose to provide access to the public in the monitoring and implementation of municipal acts. The plan may include actions and initiatives designed to improve access to public documents and transparency in the municipalities. The plan may include:

- Report in the media on issues related municipal policies;
- Periodic press conferences with journalists;
- Public hearings;
- Maintenance and update of official website of the municipality, etc.”

The lack of the action plan for transparency in municipalities is one of the underlying causes of the low transparency and accountability level. Adoption of municipal regulation for transparency makes no sense without an action plan for transparency. Lack of the plan causes the failure to specifically address legal obligations and responsibilities of the municipality for transparency and accountability.

In the action plan for transparency in municipalities are concretised and provided specific time limits for taking measures to ensure transparency and accountability of the municipality. In this plan are mentioned individual responsible officials who undertake concrete actions.

However, failure to define the time limit within which the action plan for transparency in municipalities should be drafted and adopted, failure to accurately define the responsibility of the drafter of this plan and failure to

designate persons responsible for implementing of this plan may be considered among the leading causes of the absence of these plans in municipalities thus directly affecting the quality of transparency in municipalities.

Web page

Municipal web pages are an indispensable tool for transparent and accountable municipalities towards citizens. A significant number of municipal obligations and responsibilities can be delivered through the website, from where citizens could have much easier access to information of their interest.

Although there is an Administrative Instruction that governs the functioning of the web pages of public institutions, including those of municipalities, content of web pages varies greatly from one municipality to another.

In 2011 and 2012 DEMI USAID conducted a transparency rating of municipalities wherein the main criteria were the content of municipal web pages. In the first year of the assessment, among the most successful municipalities were Vushtrri/Vučitrn, Shtime/Štimlje, Gjilan/Gnjilane, Mitrovicë/Mitrovia municipalities, etc. Whereas in the second rating the most successful municipalities were Štrpce/Shtërpce, Klokot/Kllokot, Vushtri/Vučitrn, Gjilan/Gnjilane, Mitrovicë/Mitrovica municipalities, etc.³³

Article 7 of the Administrative Instruction on the Web Pages of Public Institutions foresees that:

“Web page of the municipality must contain also:

- Address and phone number;
- Organizational scheme;
- Records of its operations;
- Strategies and other documents;
- CV's of senior managers;
- Names, official phone numbers and e-mails of the heads of units;
- Link for request to access to public documents;
- Detailed list services offered, including procedures, cost, required documentation, application forms and deadlines for receiving of requested services;
- Working plans and records;
- Budget and records on revenues and expenditures, etc.”

³³ USAID DEMI, Incentive Fund Projects, 2012, at http://demi-ks.org/repository/docs/Fund_Booklet-English-WEB.pdf

Whilst in the period between the first and second assessment Serbian majority municipalities have achieved a substantial progress in the advancement of the content of their municipal web pages, a thing that cannot be said for other municipalities with far longer tradition and experience as the municipalities of Prizren, Ferizaj/Uroševac, Gjakovë/Djakovica, etc.³⁴

Municipalities, on the other hand, face with a lack of human capacities and having hardships in terms of internal coordination. Failing to precisely address responsibility to municipal officials on the fulfilment of duties and responsibilities arising from the AI on the Web Page of Public Institutions is also causing difficulties for full implementation of requirements deriving from this document. In addition, municipalities are not being diligent regarding the observance of the bilingualism when it comes to the contents of web pages.

Budget Transparency

The municipal budget is the most important document of a municipality in which are presented the entire municipality plans and projections for investments throughout a fiscal year. As such, transparency in the budgeting process of a municipality is vital for the overall assessment of transparency in that municipality. A municipality which is not transparent in the process of drafting, adoption and expenditure of its budget is unlikely to be deemed transparent.

The Law on Public Financial Management and Accountability has provided a set of instruments to ensure transparency in the budgeting process of the municipality. In the Publication of Acts chapter it is already mentioned that the municipal budget document must be published on the municipal official web page in accordance with Article 4 of the Administrative Instruction for Transparency in municipalities. In addition, there is also another set of instruments that municipalities are obliged to enforce based on the Law on Public Financial Management and Accountability, including:

- Publication of the quarterly expenditure report on the website of the municipality;
- Publication of a final budget reconciliation report of the municipal budget for the previous fiscal year and no later than March 31 of the current year;
- Publication of the Report of the Auditor General on the municipal budget for the previous fiscal year;
- The obligation of the Municipal Assembly to hold public hearings prior to the approval of the municipal budget;³⁵

GAP Institute's report on budgeting practices in municipalities (2014) notes that municipalities mainly do not adhere to legal obligations on disclosing periodic reports of budget execution on the municipal website. Thus, from six municipalities that were subject of this assessment, none of them has regularly published quarterly financial reports as required by law. In addition, in the municipality of Prishtinë/Priština and Peja/Peć there was no financial report published so far on their official websites, while the municipality of Ferizaj/Uroševac leads with the largest number of published financial statements, but also failing to meet legal requirements as provided by law.³⁶ By the same token, the requirement for reporting to the Assembly on the budget execution together with the requirement of publication of this report is not being met in some of the municipalities thus directly impacting on the

³⁴ *Ibid.*

³⁵ Official Gazette of the Republic of Kosova, Law No. 03/L-048 on Public Financial Management and Accountability, Articles 45.4, 46.2, 47.1 and 61.2, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

³⁶ Institute for Advanced Studies GAP, Local Budgeting Practices in Six Municipalities in Kosovo, 2014, p. 33, at http://www.institutigap.org/documents/59395_Local_Budgeting_Practices_in_Six_Municipalities_in_Kosovo_final.pdf

decrease of budget transparency. Similar findings also excrete the KDI monitoring report, which highlights the failure of meeting these requirements by the municipalities of Prizren region.³⁷

As far as public hearings, in last years municipalities have made tangible progress due to the experience acquired but also from the support provided by various local and international organizations. Compared with the overall situation in municipalities regarding public notice on municipal activities, public notice about public hearings organized by the municipality on the municipal budget is more advanced. This finding is also presented in the OSCE 2012 Report on the budgeting process, which ascertains that notification on public hearings and sessions on which the municipal budget is reviewed are more frequent.³⁸ On the other side, during the year 2012 the OSCE has provided assistance to the municipalities in order to promote transparency in municipalities by financing the broadcasts of radio and television announcements on the planning of municipal budgets in Kosovo, which were broadcasted in three languages. These announcements were focused on the right of citizens to review, comment and propose municipal budget priorities, as well as the right to participate in public meetings for budgetary preparations.³⁹

Assistance to municipalities in order to enhance budget transparency has also provided USAID DEMI Programme by offering support at increasing citizen participation in the budgetary process through several principles/processes: Specific Topic of public hearing; Timing – Six Months Process of consultation; Joint efforts of three main actors in local governance: Executive, Legislative and Civil Society; Empowerment of Municipal Assemblies; Empowerment of key municipal administration personnel; Civil society involvement, etc.⁴⁰

Indispensable contributions to the increase of budget transparency in municipalities have given local organizations as well. Non-governmental organization EC Ma Ndryshe has produced and published an interactive map on capital investments of the Municipality of Prizren.⁴¹ On this interactive map citizens can get an insight in which zones of Prizren municipality has been invested, the nature of investment, in what is invested and how much that investment cost. Another organization that contributes to enhancing budget transparency is also the GAP Institute, which drafts and publishes reports on budgetary processes in municipalities, including budget transparency of municipalities, budget expenditures and other aspects. These periodical reports are published on the organization's website on regular basis.⁴² GAP Institute has also produced an electronic platform revealing all expenditures and revenues of municipalities thus delivering a quite detailed overview for citizens on municipal budgets.⁴³

³⁷ Kosova Democratic Institute, Monitoring Report of the Municipal Assemblies of Prizren Region, 2014, p. 22, at http://www.kdi-kosova.org/publications/raportemujore/RMM-Pz_0314.pdf

³⁸ OSCE Kosovo, Budget development Process in Kosovo Municipalities, 2012, p. 9, at <http://www.osce.org/kosovo/90932?download=true>

³⁹ OSCE Kosovo, Budget development Process in Kosovo Municipalities, 2012, p. 20, at <http://www.osce.org/kosovo/90932?download=true>

⁴⁰ USAID DEMI, Participatory Budget Planning, p. 12, at http://demi-ks.org/repository/docs/Participatory_Budget_Planning.pdf

⁴¹ EC Ma Ndryshe, Harta e Investimeve Kapitale (*Capital Investments map*), 2014, Prizren Municipality, at <http://www.online-transparency.org/rpms//harta/prizren.htm#.U3JSyoGSxF4>

⁴² Institute for Advanced Studies GAP, Publications, at <http://www.institutigap.org/publications>

⁴³ Institute for Advanced Studies GAP, How does the State spend our money?, at <http://www.institutigap.org/buxheti/>

IV. INTERNATIONAL TRANSPARENCY STANDARDS IN LOCAL GOVERNANCE

Transparency and accountability are innovative concepts for local governance in Kosovo. We can perceive the history of application of these concepts in the last decade only, at a time when local governance bodies in Kosovo have started to implement more advanced criteria of local democracy, in line with EU policies.

Advanced democracy of Western countries offers numerous examples on how central and local institutions have developed transparency and accountability towards citizens. Moreover, transparency in EU countries is institutionally required and as such, all the institutions of the EU, its member states, institutions of the member states, etc., are bound to govern in a transparent manner, by giving citizens account on every decision rendered.

EU legislation on transparency

The Treaty on European Union, Article 1 states that, “decisions (within EU) are taken as openly as possible and as closely as possible.”⁴⁴ The Treaty on the Functioning of the European Union, Article 15 states that, “In order to promote good governance and ensure the participation of civil society, the Union’s institutions, bodies, offices and agencies shall conduct their work as openly (transparent) as possible.” In the same article is noted that, “Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union’s institutions, bodies, offices and agencies[...].”⁴⁵

In addition, Charter of Fundamental Rights of the European Union, Article 42 stipulates, “Any citizen of the EU, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the European Parliament, Council and Commission.”⁴⁶

European Union and the Council have adopted Regulation regarding public access to the European Parliament, Council and Commission documents. The purpose of the adoption of this document is:

- to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission documents in such a way as to ensure the widest possible access to documents,
- to establish rules ensuring the easiest possible exercise of this right, and
- to promote good administrative practice on access to documents.⁴⁷

The White Paper – European Commission’s European Governance of the 2001 aims to improve transparency in the work of all levels of government –global, European, regional and local. This

⁴⁴ The Treaty on European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT>

⁴⁵ The Treaty on the Functioning of the European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>

⁴⁶ Charter of the Fundamental Rights of the European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

⁴⁷ Regulation regarding Public Access to European Parliament, Council and Commission documents, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:145:0043:0048:EN:PDF>

document defines openness, participation, accountability, effectiveness and coherence as five principles which underpin good governance and to which must adhere all institutions.⁴⁸

European Charter of Local Self-Government

European Charter of Local Self-Government adopted on 15 October 1985 by the Council of Europe contains 18 articles in total governing the principles of local self-government.⁴⁹ Some of the principles of the European Charter of Local Self-Government are:

- The principle of local self-government must be recognised in domestic legislation;
- Public responsibilities should be exercised by those authorities which are closest to the citizen.
- Local authorities should be consulted in decision-making processes for matters which concern them directly;
- For any changes of local territorial boundaries shall not be made without prior consultation of the local authorities concerned, possibly by means of a referendum where this is permitted by law.
- Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as provided for by the constitution or by the law and it should aim only at ensuring compliance with the law and with constitutional principles;
- Local authorities are entitled to adequate financial resources of their own, of which they may dispose freely within the framework of their powers and these resources should be commensurate with the responsibilities provided for by the constitution or the law.

The need for additions to the Charter with elements which emphasize the importance of transparency emerged over time. Therefore, in 2009 was approved the Additional Protocol to the European Charter of Local Self-Government, whose main principles are:

- The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority;
- The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities. The law shall provide means of facilitating the exercise of this right;
- Any formalities, conditions or restrictions to the exercise of the right to participate in the affairs of a local authority shall be prescribed by law and be compatible with the party's international legal obligations;
- The Parties shall take all such measures as are necessary to give effect to the right to participate in the affairs of a local authority;
- The procedures, measures and mechanisms may be different for different categories of local authorities, having regard to their size and competences.⁵⁰

“Collaborative transparency” – Oakland City

In Oakland City of USA, technological development is interlaced with the desire for its use to promote transparency of this City. Given the formula that transparency and citizen participation result with accountability, efficiency and effectiveness, the Oakland city leaders in 2012 hired an expert on

⁴⁸ European Commission, White Paper – European Governance, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0428:FIN:EN:PDF>

⁴⁹ Council of Europe, European Charter of Local Self-Governance, at <http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm>

⁵⁰ Council of Europe, Additional Protocol to the European Charter of Local self-Government, at <http://conventions.coe.int/Treaty/en/Treaties/Html/207.htm>

information technology to spearhead projects to open up city's transparency via online applications, engagement methods and website improvements.⁵¹

As a result of this commitment of Oakland City leaders, the following projects have been created:

- **Website Consolidation and Redesign** – through decentralization of the website (www.oaklandnet.com) certain department staff were ensured that web content is current;
- **EngageOakland** – an online public forum (www.engageoakland.com), intended to engage citizen participation around key City issues where anyone through an email address or through their Facebook, Google, or LinkedIn account could provide input on a City issue or address question to the City and the public;
- **Open Data Platform** – sets of data are made public on a central City website for direct, self-serve access by citizens to information concerned. Any interested by clicking on portal at www.data.oaklandnet.com can obtain information on a wide spectrum of Oakland City issues, including data on budget appropriations, parks, schools, roads, public affairs, crime and many other issues;
- **OaklandAnswers** – a user-friendly site (www.answers.oaklandnet.com) designed to provide answers to citizens. This e-platform distinguishes for its content design with a focus to a citizen rather than to institution;
- **RecordTrac** – a web application (www.records.oaklandnet.com) to help the City manage and track public records requests. The new system allows users to make and track a request for public records and to search through previous records requests and City responses.⁵²

“Transparent town” – Martin town

The town of Martin of Slovakia was declared the winner in the category “Preventing and combating corruption in the public service” within the region of Europe and North America with the project “Transparent Town”. Andrej Hrnčiar, Mayor of the town of Martin, had developed this project as a response to numerous allegations and cases of corruption in the past, in his town.⁵³

“Transparent Town” project works in a fairly simple way via municipal website. The essence of transparency developed through this project relates to the disclosure of all municipal activities on the municipal website. Via website, everyone can see when the town of Martin sells, leases, hires, etc. Anyone can apply for a contract with the town and thereby take part in the electronic auction. All public procurement steps are made public. One can easily find information on tender announcements, ongoing transactions and completed contracts with regard to the winners in electronic auction, etc.⁵⁴ This project is not only for audit matters. The project enables direct supervision of town's operations before they become decisions.

“Transparent Town” project in Martin of Slovakia, funded by “Transparency International” Slovakia and the U.S. Embassy in Slovakia, to date has 186 registered companies for electronic auctions. More than

⁵¹ City of Oakland, Public Ethics Commission, Toward Collaborative Transparency:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak044914.pdf>

⁵² *Ibid.*

⁵³ Martin, Transparent Town: <http://transparenttown.eu/?s=home>

⁵⁴ Martin, Transparent Town: <http://transparenttown.eu/?s=auktion>

100 electronic auctions were executed with 257 participants who placed 941 bids. Due to this procurement model more than 300.000 EUR were saved.⁵⁵

“Transparency 2.0”

“Granicus” organisation has developed a quite advanced concept of electronic transparency called “Transparency 2.0”, designed for societies with a high-rate internet usage. This system, besides providing public information, also ensures citizen engagement, opens the decision-making process and enables the use of all the technological advantages of the time. “Transparency 2.0” aims at making electronic transparency more accessible and usable, to provide complete information and at the same time to allow two-way communication.⁵⁶

Key components of the “Transparency 2.0” solution which ensure fulfilment of its goals through the website of a municipality are:⁵⁷

- Publication of complete meeting agenda;
- Documentation and materials for agenda items;
- Granular approach on bulky documents;
- Robust search possibility;
- Access to voting information;
- Possibility for individual notifications and announcements;
- Video recordings of meetings – indexed by agenda items;
- Accessible documents to the public;
- Possibility for agenda feedback;
- Possibility for providing ideas in electronic form (Citizensourcing), etc.

Important within the function of “Transparency 2.0” solution is a concurrent application of all these components since only by the interaction of all these components can be achieved the targeted level of electronic transparency.

⁵⁵ Martin, Transparent Town: <http://transparenttown.eu/?s=road>

⁵⁶ Transparency 2.0 – The fundamentals of online open government:
http://icma.org/en/icma/knowledge_network/documents/kn/Document/305680/Transparency_20_The_Fundamentals_of_Online_Open_Government

⁵⁷ *Ibid.*

V. CONCLUSION

Transparency in municipalities is a precondition for participation of citizens in decision-making, which is the essence of local democracy. The level of transparency in municipalities presented in this report, at no point can be considered as the level of citizen participation in decision-making. Transparency is just a tool by which participation of citizens in decision-making is enabled and facilitated.

Analysis of the level of citizen participation requires special coverage. Organising a meeting or a consultation with the public, publication of documents on the website by the municipality or other similar activities, does not mean also the participation of citizens in decision-making. Nor the participation of citizens in public meetings and public consultation does not mean a qualitative participation of citizens in decision-making whatsoever. Citizen participation in decision-making happens only when, in the documents of public interest, municipal officials include citizens' concerns, requests and suggestions presented during public meetings or hearings. For more, participation of citizens should not be limited merely in the drafting of decisions, but also in their review and implementation.

Central institutions and municipalities have taken several steps in order to improve and enhance transparency and accountability in municipalities. Central institutions have drafted laws and administrative instructions, municipalities have adopted municipal statutes and regulations intended to achieve international standards of local democracy. However, not all the things have functioned properly. In fact, many things did not. Municipalities generally were incapable of meeting legal obligations. Municipalities have lacked both human resources and creativity.

Then again, central institutions seem to have neglected the importance of enforcement in practice of legal framework drafted and adopted by them in the field of transparency and accountability. Scarce are cases when these institutions, a decision of a public importance rendered by the municipality, have turned back on the grounds that the same has been approved or amended without the consent, respectively without consulting the citizens. Even in cases when central institutions have reacted, practically they were forced to take such action after public pressure exerted by civil society and the media.

We deem that, after almost a decade of application of current legal regulations on transparency and accountability in the municipalities, is a sufficient period for drawing the necessary lessons thus to take concrete actions for raising the quality of transparency and accountability in the municipalities.

The citizens have shown their willingness to respond to the invitation of the municipalities.

VI. RECOMMENDATIONS

- **Municipalities to draft the Action Plan for Transparency**

The lack of the Action Plan for Transparency in a municipality makes it almost impossible to achieve the wished-for transparency level and standard in respective municipality. Transparency is not a mechanical process but a dynamical one, in which many stakeholders should be involved in. Such plan would specify coordination of activities, their concrete planning, operations time limit, sharing of responsibilities and other essential components of transparency in municipalities.
- **Municipalities to establish partnership with civil society and media**

Transparency in a municipality cannot be achieved simply by placing the information. There must be a mechanism that absorbs, administers and comments/improves that information. This mechanism is found in civil society and the media, as inevitable parties to the municipal transparency. Therefore, without an open collaboration and partnership of the municipality with civil society and the media there can be no word about meaningful transparency in that municipality.
- **Municipalities to outsource services**

In most of cases municipalities have limited human, technical and professional resources. Consequently, it is cumbersome for municipalities to meet legal obligations about transparency in municipalities, let alone to excel legal framework on transparency. The answer to this deadlock may be outsourcing of services by municipalities whereby civil society organizations or the consulting companies would facilitate municipalities in order to enhance transparency of municipalities thus establishing partnership with civil society and the media.
- **To adopt the Law on transparency**

Legal framework of transparency is currently not unified and many transparency segments are regulated through sub-acts (bylaws). This is negatively affecting the transparency of municipalities. In addition, the obligations set forth in the bylaws are finding lesser application towards the requirements foreseen by the laws. Adoption of the Law on transparency would enable the merger of the legal framework for transparency (including access to public documents); it would increase legal responsibility of transparency process and legal responsibility of municipal officials to meet and enforce legal obligations.
- **To increase oversight to transparency process in municipalities**

Central institutions, judicial bodies, civil society, media and other interest groups should undertake substantive and vigorous actions to bind municipalities in meeting legal obligations as per transparency and accountability.
- **Municipalities to build their capacities**

Municipalities must constantly engage to increase professional and logistic capacities of officers/offices for information. Those should use conventional forms of communication (radio, television, individual invitations, focus groups, booklets, posters) and innovative forms of communication (social networks as Facebook, Twitter, Google+, Instagram and then to develop specific applications for smartphones, etc.) in order to enhance transparency and accountability.

VII. REFERENCES

Legislation

Official Gazette of the Republic of Kosova, the Constitution of the Republic of Kosovo, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8650>

Official Gazette of the Republic of Kosova, Law No. 03/L-215 on Access to Public Documents, Article 5, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2724>

Official Gazette of the Republic of Kosova, Law No. 03/L-040 on Local Self Government, Article 45, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

Ministry of Local Government Administration, Administrative Instruction No. 05/2013 for Transparency in Municipalities, Article 3 and 4, at <http://mapl.rks-gov.net/getattachment/6840a2b1-4687-4d60-92d2-20f903c80edd/Udhezim-administrativ.aspx>

Official Gazette of the Republic of Kosova, Administrative Instruction No. 03/2011 on the Web Page of Public Institutions, Article 7, 8, 11 and 12, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=8039>

Official Gazette of the Republic of Kosova, Law No. 03/L-048 on Public Financial Management and Accountability, Articles 45.4, 46.2, 47.1 and 61.2, at <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2524>

The Treaty on European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012M/TXT>

The Treaty on the Functioning of the European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>

Charter of the Fundamental Rights of the European Union, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Regulation regarding Public Access to European Parliament, Council and Commission documents, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:145:0043:0048:EN:PDF>

European Commission, White Paper – European Governance, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0428:FIN:EN:PDF>

Council of Europe, European Charter of Local Self-Governance, at <http://conventions.coe.int/Treaty/en/Treaties/Html/122.htm>

Council of Europe, Additional Protocol to the European Charter of Local self-Government, at <http://conventions.coe.int/Treaty/en/Treaties/Html/207.htm>

Reports

OSCE Kosovo, Municipal Assembly Follow-Up Monitoring Report, 2012, p.5, <http://www.osce.org/kosovo/91873?download=true>

Ministry of Local Government Administration, Report on Functioning of Municipal Assemblies of the Republic of Kosovo, January-June 2013, p. 8, <https://mapl.rks-gov.net/Raporte.aspx>

Iniciativa për Progres, Raporti I monitorimit, Komuna e Prishtinës, Janar-Dhjetor 2012, 2012, p. 13, at http://inpo-ks.org/images/uploads/contact/Raporti_i_monitorimit_Komuna_e_Prishtin%C3%ABs_Janar_Dhjetor_2012.pdf

UNDP Kosovo, Kosovo Mosaic 2012, p. 17, at http://www.ks.undp.org/content/dam/kosovo/docs/Mozaik/Kosovo_Mosaic_2012_Eng_735317.pdf

OSCE Kosovo, Municipal Assembly Follow-Up Monitoring Report, 2012, p. 6, at <http://www.osce.org/kosovo/91873?download=true>

OSCE Kosovo, 2012 Budget Development Process in Kosovo Municipalities, 2012, p. 23, at <http://www.osce.org/kosovo/90932?download=true>

Ministry of Local Government Administration, Report on Functioning of Municipal Assemblies of the Republic of Kosovo, 2013, p. 20, at <https://mapl.rks-gov.net/Raporte.aspx>

USAID DEMI, Participatory Budget Planning, p. 15, at http://demi-ks.org/repository/docs/Participatory_Budget_Planning.pdf

Kosova Democratic Institute, Enhancement of Civil Participation, 2011, p. 15: <http://www.kdi-kosova.org/publications/perparimipjesmarriesqytetare.pdf>

Center for Policies and Advocacy, Zbatimi i ligjit për qasje në dokumente publike..., 2012: http://www.gpa-ks.org/index.php?option=com_content&view=article&id=147%3Azbatimi-i-ligjit-per-qasje-ne-dokumente-publike-ka-permiresime-sidoqofte-ende-jo-ne-nivelin-e-deshiruar&catid=45%3Apublikime&Itemid=82&lang=sq

USAID DEMI, Incentive Fund Projects, 2012, at http://demi-ks.org/repository/docs/Fund_Booklet-English-WEB.pdf

Institute for Advanced Studies GAP, Local Budgeting Practices in Six Municipalities in Kosovo, 2014, p. 33, at http://www.institutigap.org/documents/59395_Local_Budgeting_Practices_in_Six_Municipalities_in_Kosovo_final.pdf

Kosova Democratic Institute, Monitoring Report of the Municipal Assemblies of Prizren Region, 2014, p. 22, at http://www.kdi-kosova.org/publications/raportemujore/RMM-Pz_0314.pdf

OSCE Kosovo, Budget development Process in Kosovo Municipalities, 2012, p. 9, at <http://www.osce.org/kosovo/90932?download=true>

EC Ma Ndryshe, Harta e Investimeve Kapitale (*Capital Investments map*), 2014, Prizren Municipality, at <http://www.online-transparency.org/rpms//harta/prizren.htm#.U3JSyoGSxF4>

Other

City of Oakland, Public Ethics Commission, Toward Collaborative Transparency: <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak044914.pdf>

Martin, Transparent Town: <http://transparenttown.eu/?s=home>

Transparency 2.0 – The fundamentals of online open government: http://icma.org/en/icma/knowledge_network/documents/kn/Document/305680/Transparency_20_The_Fundamentals_of_Online_Open_Government

EC Ma Ndryshe

Non-governmental organization “EC Ma Ndryshe” was established in March 2006. The main goals of the organization are to promote participatory and active citizenship and raising public awareness for the protection and cultivation of cultural heritage. EC Ma Ndryshe is among the founding members, representing Kosovo in the South East European Network of organizations working in cultural heritage – SEE Heritage Network. It is also the founder and leader of the Prizren Cultural Heritage Forum and the Network of Culture Organizations of Prizren. Recently EC Ma Ndryshe was among the founding members of the Cultural Forum – Network of Independent Culture Organizations in Kosovo. Since its establishment, EC Ma Ndryshe has continuously exercising direct pressure on local government in Prizren to enable the access of the civil society and the citizens for joint decision-making. Apart from the direct participation in public consultation, EC Ma Ndryshe has been advocating on regular basis about the need to respect legal obligations for public consultation, wider inclusion of communities in public consultation and the need to include concerns and necessities of the community in the public policy documents.

Main projects of the organization: Cultural and urban activism in Prizren (2014 – 2015), Linking communities to justice providers (2014), Urbanism Watch – Urbanism of Prizren under Constant Watch (2014 – 2015), Public participation through social media in Prizren and Gjilan (2013 – 2014), Inclusive city – participatory urban planning for sustainable urban development in Prizren (2013 – 2015), Cultural Heritage, the central pillar of sustainable local and regional development in Prizren (2013 – 2014), Culture Volunteers (2012 – 2013), Public participation in devising and enforcing local cultural policies in Prizren (2012 – 2013), Online transparency of Prizren, Mamusha and Prishtina municipalities (2013 – 2015), The civil society’s role in promoting cultural heritage (regional project, 2011 – 2013), A Balkan tale, the Ottoman heritage in the Balkans (regional project, 2011 – 2013), Raising the cultural awareness among the young people through documentaries (2010), Strengthening of civic activity in promoting and protecting the Cultural Heritage (2009), the “Culture 2013” Platform (2008-2009), Restoration Camps (2007, 2008 & 2009), Open citizens’ Forums (2007), Days of European Heritage in Kosovo (2006, 2007 & 2008), Zambaku i Prizrenit Song Festival (2006).

Publications: Laws are short to protecting Historic Centre (2014), Reading the city through urbanism (2014), Historic Center of Prizren – [un]protected zone (2014), Inclusive city (2014), Who guards the guardians – accountability of civil society in Kosovo (2013), Youth and Transparency – excluded or ignored? (2013), Urban planning for citizens (2013), Public participation on drafting of cultural policies in Prizren (2013), “Prizren, cultural city”, documentary film (2013), Erroneous – an analysis of numerous and continuous faults in cultural heritage (2013), Five analyses of the project “Online Transparency”: 1. A year of monitoring for greater transparency, 2. Natural and Urban Degradation, 3. Adherence to the law in local governance, 4. Good governance is not a buzzword (2012), 5. Transparency of local governance in Prizren (2012), Silent Balkans, documentary film (2012), Cultural Life in Prizren Municipality (in cooperation with the ODA Theatre, 2010-2011), Prizren in Retrospect (comparative photocatalogue of Prizren, 2009), Voluntarism and Cultural Heritage (2009), Low Cost Intervention (2009), Strategic document on Organizing the Days of European Heritage in Kosovo (2008), Cultural Heritage and Culturism in Prizren (2008), Cultural Spaces in Kosovo (in cooperation with ODA Theatre – 2008).