

QUARTERLY MONITORING REPORT
Adherence to the law in local governance
December 2012, Prizren

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I. Executive Summary

This report summarizes the quarterly performance of monitoring (September, October and November 2012) within the project "Online Transparency of the Prizren Municipality". Monitoring findings during this period prove that deficient transparency in decision-making has led the municipal leaders to render on several occasions decisions which do not square with the interests of citizens or residents of certain neighbourhoods, which in extreme cases had no legal basis either, being in contradiction with the laws in force or the Constitution of the Republic of Kosovo. Yet, adherence to the law is the main requirement for good governance.

Chapter X of the Constitution, respectively Article 124 paragraph 6 provides that, "Municipalities are bound to respect the Constitution and laws and to apply court decisions." Furthermore, Article 11 of the Law on Local Self-Government stipulates that "...All municipal acts shall comply with the constitutional and legal system of Republic of Kosova." However, researches by EC Ma Ndryshe monitors have highlighted the fact that following provisions have been ignored in several occasions by the executive and legislative branches of Prizren, which has impelled the higher instances of the state to require actions conform the law by municipal authorities.

The absence of a genuine dialogue with the citizens of the municipality and also with other central institutions has prompted Prizren municipal government to operate remote of any legal framework, even by introducing acts to the municipal legislative barren of any legal basis, which, despite the mandate of overseeing

the executive branch, has adopted the acts instead of returning back for reconsideration.

Transparency should not be an arguable issue, as the transparency and accountability constitute the first step towards good and effective governance. Proper transparency on decision-making goes in favour of both the community and municipal leaders. Being informed on municipal projects aids the citizens to identify and connect with the community. Such a connection is crucial for local government to operate effectively and to render decisions for public interest. In addition, dissemination of information is a principal precondition for addressing the citizens' priorities and for rational budget drafting. Proper coordination among the triangle – citizen, municipality and government – enables the identification and problem solving for citizens, but also provides a contribution in preventing from violating of the law.

General conclusions on local transparency

Despite humble efforts of municipal leadership, transparency in Prizren municipality remains at rather low levels, which is manifested with inadequate information, insufficient involvement in decision-making and nothing from accountability towards citizens.

Administrative Instruction 2008/09 of the MLGA foresees that, in addition to public meetings, the municipalities are required to inform the citizens of the municipality of any significant plans or programs of public interest, as set out in the Statute of municipality.

This administrative instruction foresees that, within the Action Plan for Transparency, to include initiatives such as: more frequent media reporting on matters related to the use of the

municipal budget, economic development and the use of municipal property, urban planning, investments, municipal revenues and other matter. Then, holding periodical press conferences (bi-weekly or monthly), as well as organizing the Q&A sessions with the public or stakeholders. It is also required to update the municipal official website.

The best illustration probably of non-functioning of municipal transparency through official website of Prizren Municipality is the remaining upload of former Statute, which states that, "The symbol of the municipality is the 'Residence of Prizren League', and the inscription within the circle shall be '1878 Prizren'", albeit a time has passed since this provision of the Statute has been amended as a result of the respective Judgment of Constitutional Court.

In addition, the Statute of Prizren Municipality contains provisions for direct citizen participation in the meetings, the activities and the method of decision-making in public affairs, implementation of which instruments the executive branch has not demonstrated a proper proactive approach.

Quarterly monitoring findings

Quarterly monitoring key findings show the following: non-adherence to the building requirements is not sanctioned by the institutions; public investment practices existing in disputed properties; senior municipal officials also work in education; Prizren Municipality and Municipal Assembly ignore the request of MLGA; Prizren local government defies the authority of the Constitutional Court; Regulation on the treatment of un-permitted constructions is an illicit replica.

The second quarterly phase of the project once again confirmed, due to these findings, the necessity of constant and intensive monitoring of municipal government of Prizren. According to the monitoring, during the reporting period were disclosed the practices of inaction of responsible local institutions in the field of urbanism, disregard of legal and constitutional provisions by the mayor and the municipality, neglect of central institutions' requirements and unbecoming service in public offices. It has also been responded for sensitive issues which remain to be of public interest and concern.

A novelty of the project in this phase has been the participation of the EC Ma Ndryshe monitors at the meetings of the mayor with the directors of the municipality, and who produced reports to media outlets on the decisions taken by the municipal executive.

In order to address the general shortcomings of the governance, we recommend:

- Full enforcement of the AI 2008/09 of MLGA and of the legislation in force on the increase of transparency,
- Frequent reporting in the media on matters related to the use of the municipal budget, economic development, the use of municipal property, urban planning, investments, municipal revenues,
- Organizing periodic press conferences,
- Organizing of Q&A sessions with the general public or stakeholders,
- Updating the municipal official website with accurate data and documents,
- Implementation of the previous recommendations of EC Ma Ndryshe on

transparency (such as: the amendment of the Regulation on Transparency, the annulment of the decision on the mayor's closed meetings with the directors, publication of all acts in their preliminary and final form on the municipal official website, promotion of citizen participation instruments, etc.),

Specific recommendations (sectoral) include:

- Non-compliance to building requirements should be punished by the relevant institutions,
- To ban the practices of public investment in the disputed properties,
- Senior municipal officials working in education should at least adhere to the principles of ethical conduct and refrain from engaging in two working places over the same working hours and focus on their principal duties in local government,
- Prizren Municipality and the Municipal Assembly to not ignore the request of the MLGA, but to revoke the decision of vehicle registration to being subject of the waste debt payment, which has no legal grounds,
- Prizren local authorities to strictly enforce the Judgment of Constitutional Court related to the case no. KI 56/09,
- The annulment of Regulation on the treatment of constructions without a permit for being an illicit copy

II. About the project

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

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

Proponents of direct mayoral system are aware of the detriment to democracy formula at the local level. This formula is applied when the mayor of municipality appears very sophisticated in his manipulative skills; at the same time, the Municipal Assembly is motionless in fulfilling its responsibilities and to fully exercise its competencies (legislative and oversight). Some of cases of the abuse of

executive powers have been noted in Prizren, whereas on one of these cases EULEX is currently conducting investigations on the Mayor of Prizren Municipality. Prizren District Prosecutor's Office as well, has authorized the Economic Crimes Unit and Anti-Corruption Unit of Kosovo Police to investigate several cases of suspicion on corruption and abuse of office by senior municipal official.

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

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

In the first six months (March-September 2012) "Transparency Online of Prizren Municipality" project has been supported by the Kosovo Foundation for Open Society (KFOS). As of

September of this year, furtherance of the project was made possible due to the support of the British Embassy in Prishtina.

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

III. Why transparency monitoring

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

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

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

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

IV. Law and the Municipality

Local government should promote democratic conduct, transparency and accountability. It must ensure a system of checks and balances at the municipal level to prevent the abuse of power and full application of the law. Local

governance is accomplished through the operation of executive and legislative branches, always within the legal framework of Kosovo and the adherence to the international acts.

Chapter X of the Constitution, respectively Article 124 paragraph 6 provides that, "Municipalities are bound to respect the Constitution and laws and to apply court decisions." Furthermore, Article 11 of the Law on Local Self-Government stipulates that "...All municipal acts shall comply with the constitutional and legal system of Republic of Kosovo."

However, enquiries conducted by EC Ma Ndryshe's monitors have highlighted the fact that following provisions have been ignored in several occasions by the executive and legislative branches of Prizren, which has impelled the higher instances of the state to require actions according the law by the municipal authorities.

The absence of genuine dialogue with the citizens of the municipality and also with other central institutions has prompted Prizren municipal government to operate remote of any legal framework, even by introducing acts barren of legal grounds to the municipal legislative, which, despite the mandate of overseeing the executive branch, has adopted those acts instead of returning those back for review.

By doing so, municipal leadership of Prizren, in certain cases, has ignored the Constitution of Kosovo, the Law on Local Self-Government and other acts of the MESP and MLGA. The worst, it has failed to enforce the Judgment of the Constitutional Court in case no. KI 56/09. According to the request of EC Ma Ndryshe, the Minister of MLGA has addressed a legal note to

the Mayor of the Municipality and to the Chairman of Municipal Assembly for the necessity of enforcing this Judgment and giving the heads-up to MLGA on the steps undertaken in this regard.

Hence, accountability, transparency and public participation should not be overlooked for the sake of convenience, but should be an integral part of the decision-making process which takes place in the Municipal Assembly and the executive branch. Furthermore, senior municipal officials should set an example by adherence to the law and serving the interests of citizens.

V. Activities/Reporting

During the reporting period of the project, EC Ma Unlike undertook monitoring activities including advocacy and addressing legal violations of Prizren Municipality to relevant institutions, as MLGA.

The monitoring has been focused on the municipal executive (the mayor and directorates) as well as on the municipal civil service. The monitoring was carried through permanent monitors, who were granted regular presence in municipal premises and unhindered access to official municipal documents.

Monitoring findings were posted on the project's website, www.online-transparency.org. In addition to this were issued regular press releases for media (weekly or bi-weekly) with aggregated data from the monitoring findings.

During this period, the mayor of Prizren Municipality has invited EC Ma Ndryshe for its presence at the meetings of the municipal government. In order to inform the public with the decisions rendered, EC Ma Ndryshe has

published five respective reports on the decisions of the local government of Prizren.

In certain cases, EC Ma Ndryshe has also responded on the legal and procedural violations of the executive and the legislative, along with other organizations that monitor the work of the municipal legislature. It has also realized contacts with central level institutions in order to address the requirements for adherence to the law and the country's Constitution.

VI. Specific monitoring findings

During the reporting period of this project several local governance departments were monitored. Below are the specific monitoring findings on the area of urbanism, public services, education and the draft of municipal acts.

Non-compliance to construction requirements is not sanctioned by the institutions - The situation created in the field of urban and spatial planning in the Historic Centre of Prizren is upsetting since the constructions works continue with non-compliance to the construction permits issued by DUSP. This tendency has been corroborated with specific cases, which were investigated by the monitors of EC Ma Ndryshe. Commercial-residential complex "Euro-Center" was built within the Protected Area of Historic Centre of Prizren. DUSP and the Inspectorate (municipal executive) were shown permissive to this investor, allowing higher-storey construction without appropriate permit. Apart from already completed construction of this building, the investor didn't stop at this point, but has started with annexing adjacent to this building out of any criteria. However, this is not a solitary case when investors do not adhere to

the construction permits. One such object is under construction and the responsible authorities must take preventive actions within the shortest possible time, otherwise would be too late, as in case of "Euro-Center." Specifically, for the exceedances of rough framing construction near Shuaip Spahia's house, on September 5th of this year, IPCM had alarmed the Directorate of Inspections of Prizren Municipality. According to the decision of the Directorate of Inspections, dated 7 September 2012, the investor did not comply with the urban permit, "...and has exceeded in the size and storey-height of the building." Regarding this case, other institutions have raised their voice, such as the Islamic Community Council of Prizren; while, on 12 September 2012, the Directorate of Inspections submitted a request to Minor Offences Court to initiate a misdemeanour procedure on the grounds that the investor has failed to adhere to the construction permit issued from the DUSP.

The practice of public investments in disputed properties – During researches conducted, EC Ma Ndryshe has encountered a disturbing case due to the investment of public money in a land area which continues to be subject to property dispute, currently under the scrutiny of the Supreme Court of Kosovo. The project – Creating Conditions for Tourism Development and Environmental Protection through the construction of an outing/picnic area in Prizren municipality – in which the signatory parties were the Ministry of Local Government Administration and the Municipality of Prizren began with implementing the project at a place called "Brioni", notwithstanding the fact that both Municipal and the District Court of Prizren have considered that the estate, where the works have started, is a property of Dehiri-

Hapçiu families. Such decision was not observed by the Municipality of Prizren, so the works have continued.

Senior municipal officials work also in education

– One other research in the education sector, respectively the employment of senior officials of municipal executive in primary and secondary schools of Prizren has shown that at least three advisors to the Mayor of Municipality, Mr. Ramadan Muja, and a senior official of Municipal Directorate of Education receive salaries for their work place in local executive and, at the same time, being in the payroll of the educational service. Despite the fact that these senior officials have their norm halved in the primary and secondary schools; yet, they receive double salaries for the work they perform during the same working hours. Based on the Mayor's statements, almost all the schools in Prizren municipality keep their classes in two shifts, meaning that the teaching classes in schools take about as much as the working hours in the municipality, perchance with a very narrow time difference, which makes unfeasible the physical presence in both working places at the same time. Even if the legal provisions allow such practice, however, senior municipal officials, who are close associates of the mayor, should at least adhere to the principles of ethical conduct and refrain from engaging in dual positions over the same working hours, but rather focus on their important duties in the municipal government.

Prizren Municipality and the Municipal Assembly ignore the request of MLGA – EC Ma Ndryshe has obtained the explicatory note from the Ministry of Local Government Administration (MLGA) for the municipalities of Kosovo, whereby clarifies that the limitations of municipal services toward citizens with the

payment of debts to Regional and Local Public Enterprises, have no legal grounds and as such cannot be applied. The Deputy Prime minister and the Minister of MLGA, Mr. Slobodan Petrovic, has written to the mayors and chairpersons of municipal assemblies regarding the limitation of municipal public services, namely conditioning the registration of motorized vehicles with the payment of waste bills and has ascertained this is contrary to the legislation in force of the Republic of Kosovo. In this document, MLGA has emphasized that the limitations can be applied based on the Administrative Instruction No. 3/2004, which foresees the payment of property tax for the purpose of provision of cadastral, construction, certain permits and motor vehicles ownership documents. In virtue of this, MLGA has requested from the mayors and chairperson to render their decisions in accordance with the applicable legislation of the Republic of Kosovo. Although four months have passed from this clarification of the MLGA, the Mayor of Prizren Municipality and the Chairman of the Municipal Assembly have not taken any step for the annulment of the decision of the Municipal Assembly of Prizren for imposing limitations on the issuance of necessary documents on the registration of motorized vehicles with the payment of waste services.

Prizren municipal government challenges the authority of the Constitutional Court – The monitors of EC Ma Ndryshe have asserted that the Judgement of Constitutional Court in case No. KI 56/09 has not been enforced in its entirety yet, as requested from Prizren Municipality and Municipal Assembly, as well as from the relevant bodies of the judiciary. Consequently, the residents of "Dardania" neighbourhood, despite being ruled on their favour after an extensive legal struggle that

ended with the decision of the higher instance for the interpretation of the Constitution of Kosovo, have not managed in exercising their right yet; respectively to benefit from the green environment in their neighbourhood. At this location, the facility, that was under construction by the part of Prizren Municipality, continues to remain intact although the Constitutional Court underlined that this is contrary to Article 52.2 of the Constitution and requested from the Municipality that within six months from the date of the adoption of the Judgment, to submit to the Constitutional Court information on measures undertaken for enforcement of this Judgment. Although nearly two years have passed from the announcement of the Judgment of Constitutional Court, the municipal authorities have taken no action whatsoever to enforce it. Other institutions, including the judiciary and the Constitutional Court itself, failed in ensuring this Judgment being fully enforced within the time frame described in the Judgment of Constitutional Court. EC Ma Ndryshe considers that, behaving in such manner, public institutions, of all levels of powers, have ignored the right of the citizens of "Dardania" neighbourhood who have pursued all procedures and in institutional manner have corroborated their right in protection of environment.

Regulation on the treatment of illegal constructions – an illicit copy – After detailed examination of the legal background and the practices applied by other municipalities, it was found that the Municipality of Prizren has no proper legal basis for the adoption and enforcement of regulation on the treatment of illegal constructions. The MESP-MLGA committee for the oversight of the legality of municipal acts in the field of constructions has assessed that "this regulation should derive

from the law on the treatment of illegal constructions or from any other legal sub-act, which would be promulgated from central government institutions – documents that were not put into review. It is legally known that the subsidiary acts or Regulations are drawn based on and for execution of the law, which means that those represent a kind of the extension of the law and, by no means cannot collide or surpass the provisions of the law upon which are based." During this inquiry, EC Ma Ndryshe has also found that the Regulation on the treatment of illegal constructions, adopted by the Municipal Assembly of Prizren on 18 October 2012, is almost identical with the one adopted by the Municipal Assembly of Podujeva/Podujevo on 29 April 2011.

VII. Recommendations

According to current findings in specific local government departments, EC Ma Ndryshe has recommended undertaking a number of actions to improve the level of transparency, governance performance and financial management in the following departments: urban planning, inspectorate, education, public services, etc. Because of shared responsibilities in many sectoral issues, the recommendations are addressed to municipal bodies, central institutions and the institutions of law enforcement and justice.

Non-compliance to construction requirements should be sanctioned by relevant institutions – Local government in Prizren should immediately take necessary actions in terms of regulation the situation in the Historic Centre of Prizren and to promptly enforce the Conservation and Development Plan for the Historic Zone of Prizren (2008). Municipal executive should undertake definite prevention steps and, in case of continuation of works, punitive actions

against individuals who do not adhere to the construction requirements. Furthermore, as it stands in one of the minutes of DI, since investors fail to voluntarily demolish, then this authority must execute forceful demolition of additional level heights with the expense costs imposed to reckless investors. At the same time, EC Ma Ndryshe requires more effective inter-institutional operation and calls upon the judiciary to consider the files of Prizren municipality experts, thus initiate court proceedings against those who infringe the provisions of the Regulation on Construction of Buildings.

To end the practice of public investments in disputed properties – Both local government of Prizren and the Government of Kosovo (MLGA) must follow the decisions of the judiciary, in order to build the rule of law. Prior to commencing with the construction of the outing/picnic zone, Prizren Municipality should have reached an agreement with Dehiri-Hapçiu families, in order to avoid the risk of losing the investment from public money. Local government should have exhausted all legal possibilities prior to placing public money in the land area which is subject to property dispute. This case should serve as an example for avoiding the recurrence of such practices in future.

Senior municipal officials who also work in education – Senior municipal officials should at least adhere to the principles of ethical conduct and refrain from engaging in dual positions during the matching working hours, but rather focus on their principal duties in the municipal government. MDE, municipal government and MEST should re-consider the regulation of teachers in Prizren municipality. MEST is recommended to amend the relevant legal

provisions in order to preclude the engagement of senior municipal officials in the municipal educational services. The municipal authorities are required to apply higher ethical standards in order to establish proper environment for the recruitment of the new staff, on equal terms and free of political and partisan influence in order to promote the quality of education services.

The Mayor and Municipal Assembly of Prizren to follow the request of the MLGA – The Mayor and the Chairman should revoke the decision on restricting the registration of motorized vehicles with the payment of waste debt, brought out of any legal basis. MLGA's clarifications in this regard are plain and those must be applied without any delay, in order to not violate the rights of citizens of Prizren municipality. Prizren municipal government must abide to MLGA's legal advices.

Prizren local authorities to strictly enforce the Judgement of Constitutional Court regarding the case no. KI 56/09 – The disregard of the Mayor and the Municipal Assembly of Prizren towards its citizens primarily, and subsequently towards the Constitutional Court's decision is unjustifiable and does not go in favour of good and effective local governance. Decisions deliberated by Constitutional Court are final, uncontested, and their enforcement is mandatory, not excluding Prizren Municipality. The Law on Local Government provides clear provisions for actions against the officials and municipal bodies in case they fail in performing their functions up to the standards set forth by Law and for the violation of the Constitution. EC Ma Ndryshe also recommends the Constitutional Court to become more vigorous in future in terms of following-up the enforcement of its decisions and exclude any

delay as in the case of “Dardania”. It also reminds all public institutions that those are set as a service for the fulfilment of their duties towards citizens and not for the violation of their rights.

To abolish the Regulation on the treatment of illegal constructions since represents an illicit copy – The Mayor of Prizren Municipality is recommended to be more watchful and more responsible when proposing regulations that have major impact on the lives of citizens, urbanism and the future of the municipality. Additionally, the practice of copying the regulations or decisions of other municipalities should be terminated, so that each act or document proposed by the Mayor or other municipal bodies of Prizren are in accordance with the needs, requirements and interests of the citizens of Prizren municipality. Members and the Chairman of the Municipal Assembly are also recommended to be in a line of duty, in performing their function of overseeing the executive branch and become more rigorous when it comes to the adherence to the law, by refusing to adopt acts which have no legal grounds.

VIII. Impact of the Project

The impact of the second phase of the project has been observed in media coverage given to the findings and activities of the project, the interest of the citizens to report cases of abuse of official position, continuation of actions and investigations in urbanism, MLGA's persistence to enforce Constitutional Court's Judgment, the interest of international organizations for the monitoring of executive branch, the cooperation of NGOs and the number of visits (clicks) on the project's website.

Media coverage – The findings and activities of the project are widely reported by all medias in Kosovo, including local TV stations, national TV stations (though rarely), daily newspapers and in internet portals. Regular press releases and press conferences have been regularly covered by local TV stations of Prizren, mainly in their primetime news editions. Moreover, the findings and monitoring reports have served to prepare numerous television stories in different program editions, while the project's and organization's staff was invited to several TV editions to discuss about monitoring and transparency in Prizren Municipality. Within the period from September to November 2012, monitoring reports have been broadcasted by nearly 30 television stories (about one hour covering in total) and 30 newspaper articles (circa 15 newspaper pages).

Citizens' reporting – The resolve of the citizens of Prizren for reporting cases of misuse of official duty and other concerns has continued during the reporting period. One such case is currently being dealt by the monitors and the team of the project. In the second phase of the project, EC Ma Ndryshe has encouraged the citizens of Prizren in becoming part of the local governance monitoring, by reporting cases of bad governance, mismanagement, the lack of transparency, corruption, fraud, conflict of interest or other forms of abuse of position by officials or civil servants of Prizren Municipality.

Undertaking of activities and continuation of investigations in the urban sector – Prizren District Prosecutor's Office during the reporting period has expanded its investigations on violations in urban sector, in different areas of municipality. Meantime, the Inspectorate and DUSP have placed caution tapes for stopping the works in the collective residential buildings

that are being constructed without a permit or which exceeded the urban planning. Operators have ignored official orders and proceeded with their works, while municipal authorities have requested action from the judiciary.

Letter to Municipality from the MLGA after EC's reporting – The Ministry of Local Government Administration has conveyed a legal note to the Mayor of the Municipality and the Chairman of Municipal Assembly of Prizren regarding the Judgment of the Constitutional Court in the case of collective building blocks in Dardania neighbourhood. Following the EC Ma Ndryshe's feedback in relation to the non-enforcement of the Constitutional Court's Judgement and upon the request toward MLGA for taking actions against officials of Prizren Municipality, the Minister of MLGA, Mr. Slobodan Petrovic, in his letter to Mr. Muja and Mr. Kryeziu, among other, requires to be followed-up with "the steps undertaken on the enforcement of the Constitutional Court's Judgement."

The interest of international organizations in monitoring the executive – During this quarterly period, different international organizations operating in Kosovo have expressed interest in getting clued-up with the "Online Transparency of Prizren Municipality" project. Officials from the OSCE Mission in Kosovo, at a roundtable with the civil society, have described this project as an exceptional one; while those from the UNDP have emphasized that such practice should be expanded further with the greater involvement of the youth.

Cooperation among monitoring NGOs – EC Ma Ndryshe, as the monitor of the executive branch, in cooperation with the Kosovo Democratic Institute (KDI), monitoring closely the legislative branch, have tracked the process of drafting and adoption of the Regulation on

the treatment of illegal constructions by the Municipal Assembly of Prizren. The joint conclusion of both these organizations was that the process has had serious flaws, first and foremost since the Administrative Instruction (2008/09) of MLGA and the Statute of Prizren Municipality were not adhered to, which foresee the organizing of a public debate regarding the content of the aforementioned Regulation. Monitors of both KDI and EC Ma Ndryshe, through a joint statement, have expressed concern with such practice of executive and legislative branches of Prizren in passing sensitive and important regulation for the overall development without putting it into public scrutiny, respectively without checking whether it's in the interest of citizens or not, through proper public debate.

Number of visits (clicks) on the website of the project – The number of visitors on the project's website has recorded constant increase. From dozens of visits per week, last month, the number of visitors was over 1.000, meaning hundreds of clicks per week. Along with the website, EC Ma Ndryshe utilizes its official website and its official Facebook page to publish the monitoring findings and press releases. The organization's official Facebook page records the traffic of 2.000 – 3.000 visitors per week.

IX. Acknowledgment

First and foremost, we wish to express our special appreciation and acknowledgment to the British Embassy in Prishtina for providing financial support to this project, starting from September 2012. We also wish to express our gratitude to the Municipality of Prizren and, in particular, to the Mayor of Municipality, Mr. Ramadan Muja, for his cooperation demonstrated in providing access to documents and official information.

EC Ma Ndryshe

Non-governmental organization “Emancipimi Civil Ma Ndryshe” was established in March 2006. The main goals of the organization are: promotion of active and participatory citizenry and the raise of civic awareness on the protection and foster of cultural heritage. EC Ma Ndryshe is one of the founding organizations and represents Kosovo in South East European Heritage Network of organizations that deal with cultural heritage – SEE Heritage Network. Furthermore, it is the founder of Cultural Heritage Forum of Prizren, Cultural Organizations Network (RrOK) in Prizren and of the Independent Culture Organizations Network in Kosovo – Cultural Forum.

Since its establishment in 2006, EC Ma Ndryshe is exercising direct pressure on local government in Prizren to generate access for civil society and the citizens in participatory decision-making. In addition to direct participation in public consultation processes, EC Ma Ndryshe has regularly advocated the adherence to legal requirements for public consultations, wider community involvement in public consultations and inclusion of community’s matters and needs in public policy documents. In order to provide a specific model of public consultation, EC Ma Ndryshe has implemented the “Citizen Open Forums” project in which the instrument of the Forum posed as an efficient model of citizen participation in decision-making. In addition, EC Ma Ndryshe, through the Cultural Heritage Forum of Prizren, has set-up an advocacy platform for the city’s cultural community by turning this Forum in an active participant in drafting cultural policies at local level.

On the part of enforcement of direct democracy instruments, EC Ma Ndryshe was a co-initiator of two Petitions in the city of Prizren; one for prevention of pulling down the city’s cinema building and the second one to rebuff the draft law on the Historic Centre of Prizren. One of tangible actions with the youth of the city had been the cooperation with the Film Festival Dokufest on screening the documentaries for the city’s secondary school students. The documentaries included a wide range of civic education topics for coaching citizen-responsible and active future generations. Activism is one of the guiding principles of the organization’s internal operation as well. Through the Group of Active Volunteers (a group that operates within EC Ma Ndryshe), the organization has promoted voluntary activity in many areas, particularly in the domain of culture and cultural heritage.

Main projects: Volunteers of Culture (2012 – 2013), Citizen participation in the design and implementation of cultural policies in Prizren municipality (2012 – 2013), Online Transparency of Prizren Municipality (2012), Role of Civil Society in Promotion of Cultural Heritage (regional project) 2011 – 2013, A Balkan Tale, Ottoman heritage in Balkans (regional project) (2011 – 2013), Raising cultural awareness among youth through documentaries (2010), Strengthening citizens’ action in promoting and protecting cultural heritage (2009), “Culture 2013” Platform (2008 – 2009), Restoration Camps (2007, 2008 & 2009), Open Citizens’ Forums (2007), European Heritage Days in Kosova (2006, 2007 & 2008), Zambaku i Prizrenit 2006. Publications: Silent Balkan, a documentary within “A Balkan Tale” project (2012), Strategic document: Organizing European Heritage Days in Kosova (2008), Cultural Heritage and Cultural Tourism in Prizren(2008), Cultural Spaces in Kosovo (in cooperation with ODA Theatre) (2008), Prizren through Retro-visor, comparative catalogue of the old and new photos of Prizren (2009), Volunteerism and Cultural Heritage (2009), Low cost intervention (2009), Cultural life in the municipality of Prizren (in cooperation with ODA Theatre) (2010-2011), Silent Balkan, a documentary of “A Balkan Tale” project (2012).