



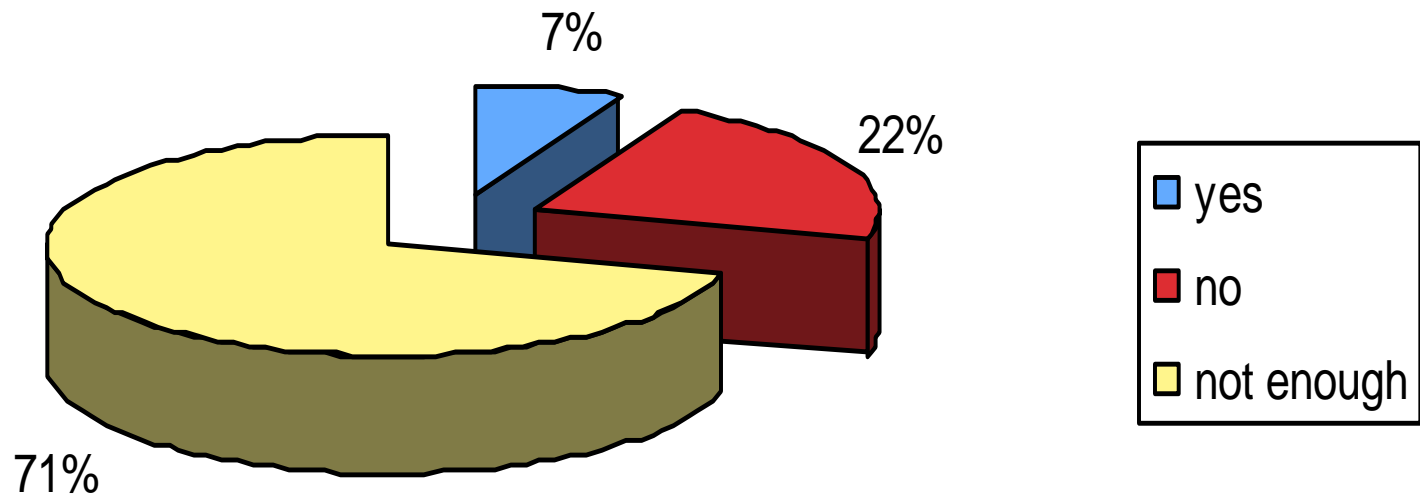
Implementation of Kosovo's Action Plan on Decentralization

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Are you satisfied with decentralization

(results from project survey)



The aim of the Capstone Proposal

- This capstone project addressed the problem of the implementation of the Action Plan on Decentralization in Kosovo, used by the government as a “tool”, to implement the local reform in Kosovo.
- The capstone project examined the main issues through the process of decentralization, including the acceptance of the decentralization by the Albanians, being the ethnic majority in Kosovo, and the impact of implementation of decentralization on the integration of Serbs minority.

Scope of the project

- The current system of organization and functioning of local government
- Legal framework for local self-government in the republic of Kosovo
- Basic principles of the European charter of local self government
- Reform of local government and decentralization in Kosovo- opportunities and challenges

Project surveys

- In order to have a clear understanding of what citizens think regarding the decentralization process, there was a survey conducted with 100 citizens, plus 30 responsible people from Government, Municipalities, NGO-s and the Political Parties.

Principles of local government

- Local authorities shall, within the limits of the law, have full discretion to exercise their competence;
- Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen.
- Proposals for changes to its boundaries, of which amalgamations with other authorities are extreme cases, are obviously of fundamental importance to a local authority and the citizens whom it serves.

Legislation, Brief History

- UNMIK regulation 2000/43
- UNMIK regulation 2000/45
- UNMIK regulation 2007/30
- Constitution of Republic of Kosovo
- Law on local self government
- Law on local election
- Law on municipal boundaries
- Law on local finances

Current System of Organization and Functioning of Local Government

- Republic of Kosovo consists of 38 municipalities;
- 27 municipalities are governed by the Kosovo-Albanian citizens, who in number are over 90% of all citizens throughout the state, and the majority in these municipalities;
- 10 municipalities led by Kosovo-Serbian citizens, who constitute about 5% of the country's citizens and the majority in these municipalities;
- A municipality governed by Kosovo-Turkish citizens

Municipalities of Kosovo (2011)



Ethnic composition of Kosovo (2005)



- Albanians
- Serbs
- Turks
- Bosniaks
- Gorani
- Roma
- others

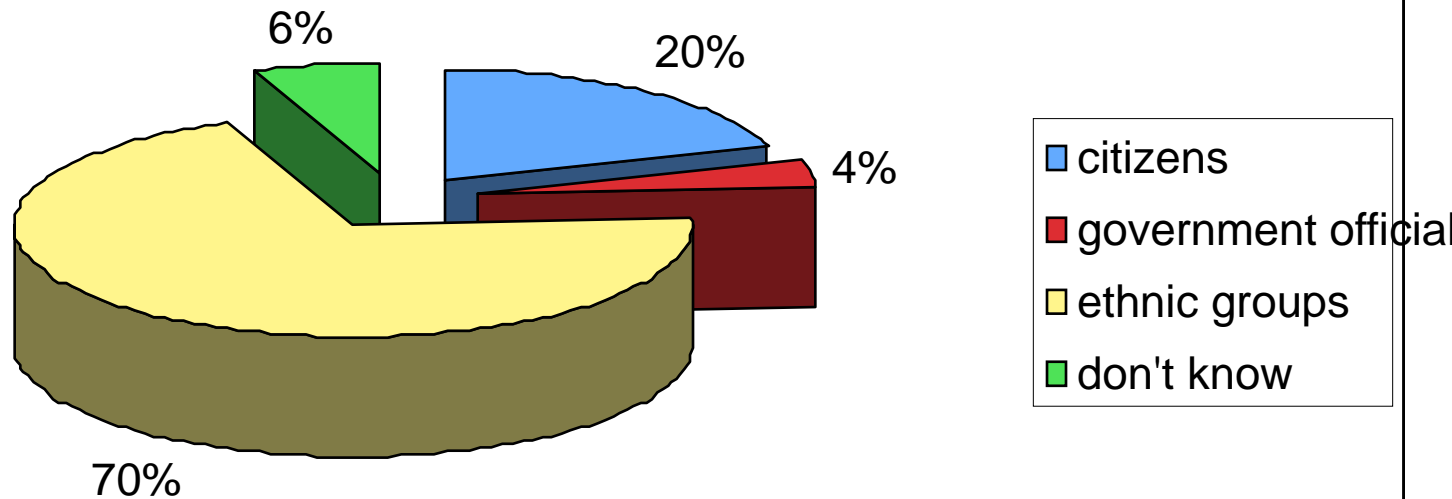
- Percentage of minority populations
- 30 - 49 %
 - 15 - 29 %
 - 5 - 14 %
 - > 0 - 4 %

Decentralization, Kosovo case

- The idea to promote decentralization, did not happen spontaneously, but rather was politically motivated.
- All was materialized with the comprehensive document for the final settlement of the status of Kosovo (the Ahtisaari document)

Who do you think benefits from decentralization

(results from project survey)



Decentralization in Kosovo - opportunities and challenges

- **Political reform** (mayor elected direct by citizens)
- **Administrative and territorial reform** (increasing the number of municipalities)
- **Legislative reform** (a package of laws have been approved by parliament)



Implementation of the action plan on decentralization

- Legislation Reform
- Establishment of New Municipalities
- Transfer of Competences and Resources
- Capacity Building and Donor Coordination

Legislation Reform, Challenges

- Collision of laws
- Lack of financial and human resources
- The tendency of sectoral legislation began to undermine the autonomy of municipalities, and strengthened the central power
- Lack of legal framework for e-government
- The lack of a municipal official gazette

Transfer of Competencies, Challenges

- Lack of institutional coordination and lack of control and harmonization of legislation in the country's entire legal order
- Lack of financial and professional capacities of the municipalities, to absorb all the set of the competencies guaranteed by the law.
- Lack of feasibility studies for the exercise of municipal competencies

Capacity building and donor coordination, Challenges

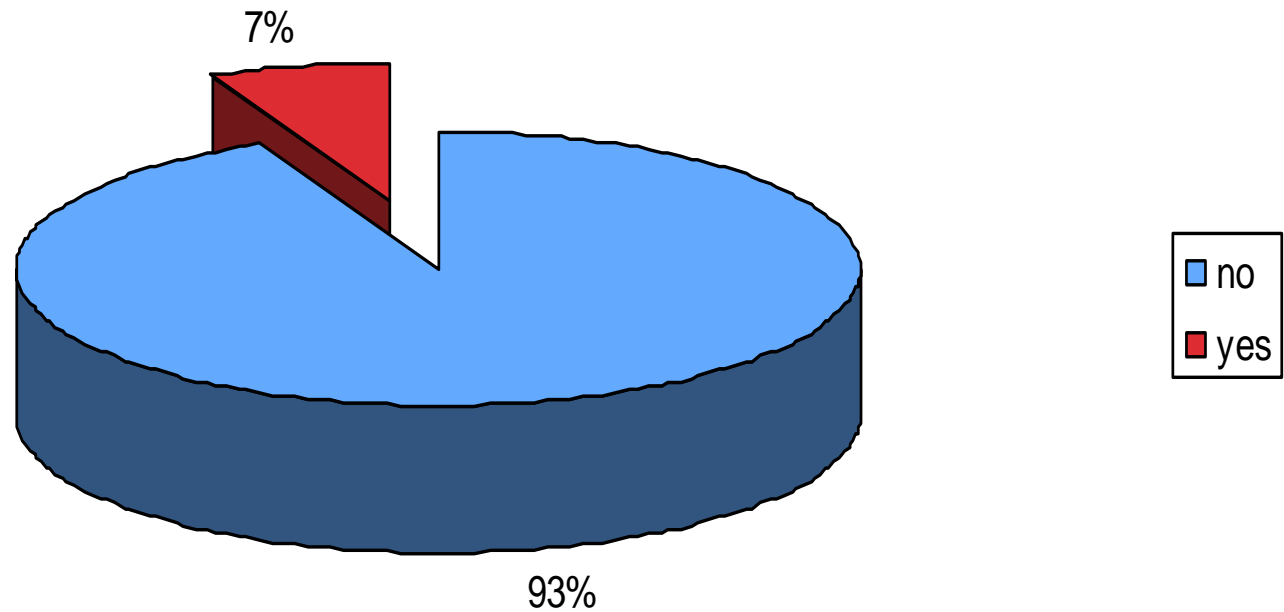
- Lack of inter-institutional coordination
- Lack of financial recourses of KIPA
- Municipalities still have no plans for capacity building of officials who could directly affect the efficiency of their administrations

Establishment of New Municipalities, challenges

- There are functionally the parallel structures that take guidelines and exercise power, based on the Belgrade directives
- Three north municipalities (with Serb majority) do not collaborate with Kosovo's institutions
- Establishment of north Mitrovica

Do you think that is better to create the new municipality of North Mitrovica

(results from project survey)



Key recommendations

- A) The legal framework for local self government should be completed
- B) For further new municipalities (beyond the existing 38), they should be established according to criteria such as number of population, territory and economic sustainability. In this context, they should not be based only on ethnic criteria
- C) Decentralization to be realized in the context of local government reform should be focused in three main directions administrative, political and financial

I. Legal Framework Recommendations

- A) The legal framework for local self government should be completed with the package of the laws for e-governance:
 - a) Electronic Signature Law;
 - b) Law on electronic communications;
 - c) Law on Personal Data Protection;
 - d) Public information law;
 - e) Administrative Procedure Law;
 - f) Civil Procedure Law;
 - g) Notary Law

B) Legal Framework Recommendations

B) Other new laws need to be approved by the Assembly

- a) The law of the city of Prishtina;
- b) Law on local Referenda;
- c) Law on naming of the Villages and Settlements
- d) Law on system of addresses
- e) Law on municipal official gazette

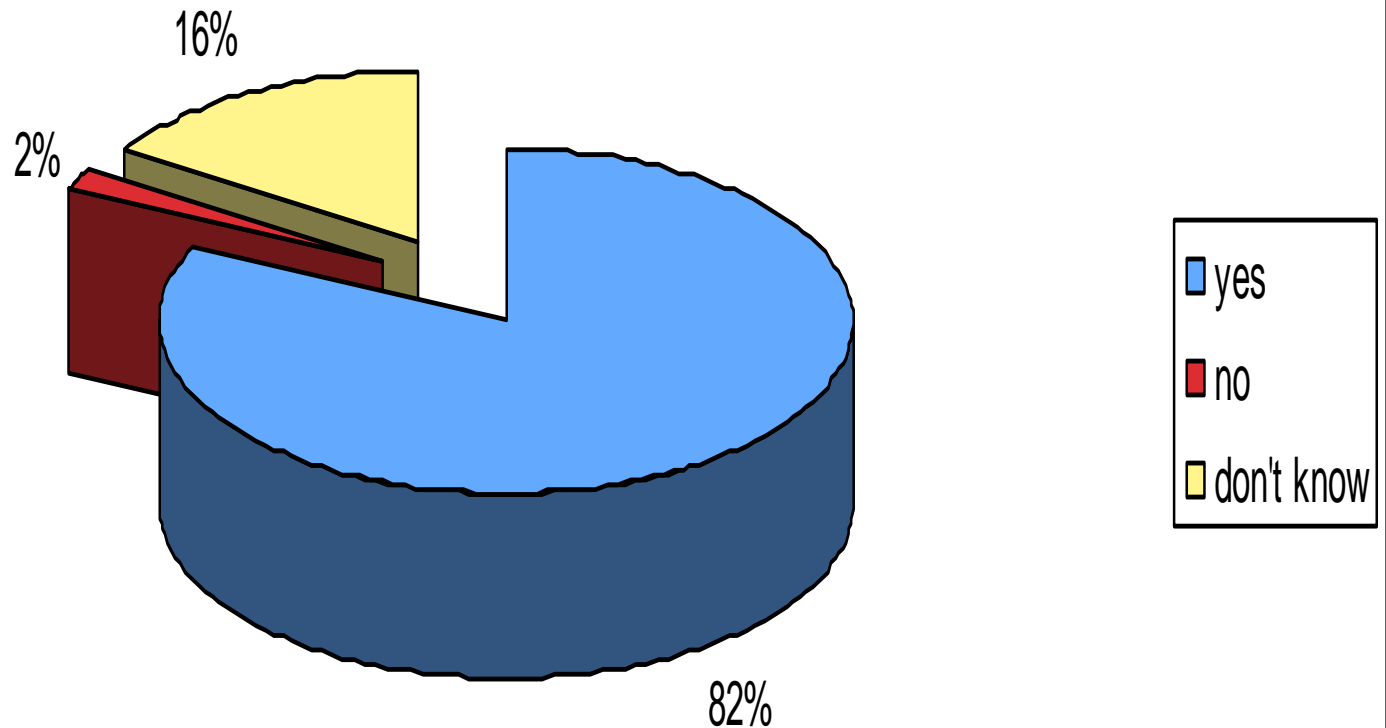
C) Legal Framework Recommendations

- c) The existed legal base should be reviewed
 - a) Law on Local self Government
 - b) Law on public enterprises
 - c) Law on public-private partnership and
 - d) Law on managing the municipal property

2. New Municipalities- Recommendations

- a) For further new municipalities (beyond the existing 38), they should be established according to criteria such as number of population, territory and economic sustainability;
- b) In this context, they should not be based only on ethnic criteria.
- c) Upon the creation of further new municipalities, it is needed to have preliminary consultations with citizens.

Do you think it is better pre-consulting for establishing new municipalities (results from project survey)



C) Decentralization, Beyond Ahtisaari Package- Recommendations

- a) Administrative reform (the institutional memory and size of the municipal administration)
- b) Political reform (the avoidance of the second round-ballot)
- c) Financial reform (to increase the local financial autonomy)