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Ministry of Local Government Administration

Department of European Integration and Policy Coordination
Division for Policy Coordination

Local governance in Kosovo and principles of the
**EUROPEAN CHARTER FOR LOCAL SELF-
GOVERNMENT**

Comparative aspects

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INTRODUCTION

Since the purpose of political and legal documents of relevant international organizations to establish first of all the rights, rules and principles, then they should be associated with the implementation mechanisms, established within the legal system of a country. Constitutional obligations invoked on principles of international law can be achieved only when we pay special attention to the identification, definition and stressing their importance. It can be concluded that this consideration is significantly empathized in the principle of local government which proclaims the European Charter of Local Self Government (hereinafter KEVL), adopted well in the Constitution of the Republic of Kosovo. This principle requires interpretation of the commitments made in terms of the rights and abilities of Local authorities to regulate and manage a substantial share of public affairs in the interest of the local population. To determine the extent and importance of the obligations of the state of Kosovo in the path of implementation of ECHLG's principles, it is first necessary to breakdown of the principles of this charter in order to have an easier implementation by Local government institutions. In this regard it should be noted that one established principle may contain two or more actions that need to be undertaken in order to reflect adoption and implementation. From these can derive different obligations, respect, protect and enforce their implementation through the adoption of positive measures in order to complete and for a full effectiveness. Through this manual is intended to establish one repertoire of ECHLG principles, their association with the Constitutional principles for local government, and local legislation governing this area. Handbook follows a logical development of the concept of Local self-government principles, binding obligations and general forms of taking action for their implementation. Goal is that by explaining these principles, to have impact on their general knowledge, to inform systematically their role and their functioning, and the manner of fulfillment of obligations through appropriate measures applied. This manual is part of the documents of the Ministry of Local Government Administration (MALG), namely the Department for European Integration and Policy Coordination. This guideline will serve municipalities to develop Local policies in line with the main principles of Local self-government, but also of all other interested parties and which in one form or another are related to Local governance. The guidelines can be used in terms of a roadmap for the development of capacities in municipalities on identifying and addressing various municipal problems.

Objective

This Manual aims to explain basic principles of local self-government, as set by the European Charter for Local Self-Government, principles recognized in the Constitution of the Republic of Kosovo and the Law on Local Government. Also, the manual provides practical examples of interconnection of local government functions with the ECHLSG, methods, tools and measures for their implementation. The document aims to put out that there are effective policies, through which it can influence the advancement of local government, increasing the role of municipalities on providing quality services and in particular the legal norms that allow and ensure active participation of citizens creating local policies and decision making. Through this publication, the reader will be able to understand: - The principles of local self-government according to ECHLSG - The extent and importance of these principles - guidelines to for their promotion - their impact on providing efficient and effective public services - Mechanisms for the participation of the citizens in the decision-making –Administrative supervision of the manual will serve all stakeholders dealing with local government issues.

CHAPTER

1. Council of Europe



Europe Council is the main organization for human rights on the continent of Europe. This organization was established to promote democracy, protect human rights and ensure the rule of law in Europe. EC includes 47 member states, 28 of which are members of the European Union. All member states of the Council of Europe have signed the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. EC was established on 5 May 1949 by 10 founding members: Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden and the United Kingdom. Now, the EC covers almost the entire European continent, with a total of 47 member states and 6 other countries with observer status, thus becoming a unique forum to express concerns, hopes and aspirations of 800 million Europeans.¹

Headquarters of the Council of Europe is in Strasbourg, France. It employs around 2,200 people and maintains foreign liaison offices with other international organizations. Within its function the European

¹ <https://edoc.coe.int/en/an-overview/5450-kshilli-i-evrops-kush-jemi-far-bjm.html>

Youth Centres is in Strasbourg and Budapest, which provides training for young people on issues of democracy and human rights.²

1.1. Role of CE

Role of the Council of Europe is very significant on the promotion and protection of freedom and human rights. Within these rights, the Council of Europe defends freedom of expression and media, freedom of assembly, equality and protection of minorities. CoE has initiated campaigns on issues such as child protection, banning the use of hate speech on the Internet, protection of the rights of Roma etc. Indeed, the Council of Europe helps member states to fight corruption and terrorism, as well as to undertake the necessary judicial reforms. Within the CoE, acts constitutional expert group, known as the Venice Commission, which provides legal advice to all countries of the world. Venice Commission works in four main areas: constitutional assistance, elections and referendums, cooperation with courts and international studies, reports and seminars. The committee consists of members of the Council of Europe, as well as other non-member countries (since 2004). In 2014 Kosovo has joined.

Council of Europe promotes human rights through international conventions such as the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Cybercrime. It monitors the progress of member states in these areas and make recommendations through independent authorities of the monitoring experts. All member states of the Council of Europe have abolished the death penalty³.

2. Structure of the Council of Europe

²Council of Europe guardian of Human Rights, Council of Europe

³Council of Europe, writes 'ceo' in english the book



Fig.1. Council of Europe bodies

General Secretary –is elected by the Parliamentary Assembly of the Council of Europe for a term of 5 years. And it is responsible for strategic planning and direction of the work program and budget of the Council and supervises the development of the Organization and the Secretariat in Dailybases⁴.

Deputy GeneralSecretary - is elected for a term of five years by the Parliamentary Assembly.

Committee of Ministers –is decision-making body and is composed of foreign affairs ministers of all member states or their permanent diplomatic representatives in Strasbourg ⁵.. Committee of Ministers functions as a governmental body, where it can be discussed on an equal basis for national approaches towards problems that faces European society, and as a forum where can be find collective responses, to these challenges.In cooperation with the Parliamentary Assembly, the Committee of Ministers is the defender of the fundamental values of the Council and monitors how Member States meet their obligations.Committee of Ministers decides the Council's activities. It also determines the action that should be taken on recommendations of the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, as well as the proposals from various intergovernmental committees and

⁴Council of Europe: "Who we are, what we do",p 2,

⁵Guardian of Human Rights, Council of Europe

conferences of specialized ministers. It approves the program and activities, budget of the Council ⁶.

Parliamentary Assembly - is the debating body and the driving force of the European Council, its members are appointed by the national parliaments of each member state. Parliamentarians from member states debate policies approval which are submitted to governments for action. It consists of 318 members of parliament by 47 member states, the Assembly elects the Secretary General, Commissioner for Human Rights and judges on the European Court of Human Rights, it provides a democratic forum for debate and monitors elections and its committees play an important role in reviewing current issues⁷. Its discussions / deliberations provide significant guidelines for the activities of the Committee of Ministers and intergovernmental sectors of the Council of Europe. Elected president has a term of three years, which counted 19 so far. Heads of five political groups and the Chairpersons of the ten committees form the Bureau of the Assembly. Assembly also has relationships outside the national parliaments of member states, as well as those non-member, international parliamentary assemblies and intergovernmental organizations and they are governed by the decisions of the Bureau of the Assembly. Parliamentary Assembly participate member national parliaments in total 47 member states of the Council. European Parliament consists of representatives who are directly elected by the 25 member states of the European Union. Countries that have observer status in the Parliamentary Assembly are: Canada, Israel, Mexico, and the United States..⁸

Congress of Local and Regional Authorities – is the voice of 200 000 regions and municipalities and provides a forum where elected representatives can discuss common problems, their experiences and develop policies. This convention works to strengthen democracy and improve services at local and regional level. This convention works to strengthen democracy and improve services at local and regional level. Congress of Local and Regional Authorities of the Council of Europe is a political assembly pan-European, of 636 members who are elected (they can be regional councilor or municipal mayors and heads of regional authorities) and represent over 200,000 authorities in 47 European countries⁹. Promotes effective local and regional structures and reviewing the situation of local and regional democracy. Also, it makes developing initiatives in order to enable citizens so that they can involve effectively in local and regional democracy, and represent the interests of the government.

Congress also monitors the local and regional elections makes the stimulation of Euro-regions. There are also training for local and regional authorities which offer assistance from experts on issues that lack the managerial and technical skills.¹⁰

⁶<http://www.coe.int/sq/web/tirana/committee-of-ministers>

⁷Guardian of the Human Rights, Council of Europe

⁸Guardian of the Human Rights, Council of Europe

⁹Guardian of the Human Rights, Council of Europe

¹⁰Guardian of the Human Rights, Council of Europe

European Court of Human Rights -This is a permanent judicial body which guarantees the rights of all Europeans, which are stored by the European Convention on Human Rights. The 47 member states of the Council of Europe are parties to the Convention¹¹.

Convention possesses a mechanism which guides the Contracting States to implement the taken obligations. Since the times when the Convention entered into force thirteen Protocols have been adopted in total. The Court is organized in rooms, which are composed of three judges, the Lower House of the 7 judges and the Grand Chamber composed of 17 members.¹²

Conference of NGOs - s - includes 400 Non Governmental Organizations (NGOs) provides vital links between politicians and the public and brings the voice of civil society to the Council. The Council of Europe has a satisfactory benefit with contacts and cooperation it has with NGOs. NGOs have the status of participants in the European Council aiming to organize conferences. NGOs have consultative status as a result of their importance that they have in the policy-making of the Council of Europe.¹³

Commissioner for Human Rights -It is an independent body responsible for the promotion, education awareness and respect for human rights in member states and ensuring compliance with the conventions and recommendations of the Council of Europe. The greatest attention in the Commission it is dedicated to children, the elderly, and persons with disabilities.

General information

47 Member States



Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the former Republic Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom.



Symbols

European Flag – flag was chosen by the European Council in 1955. Background blue sky and stars forming a circle, and symbolize the union. The number of stars is fixed, twelve is a symbol of perfection

Prejtave tw Njeriut, Council of Europe
euro-centre.eu
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and completeness to remember the messenger, the sons of Jacob, the work of Hercules, the months in the year, etc. In 1983 the European Parliament in other hand adopted the flag devised by the Council of Europe and recommended that it become the emblem of the European Communities. The European Council gave its approval in June 1985 and the European Union institutions began to use the flag in 1986 [2].



European anthem – was adopted by the Council in 1972, it is a musical commitment by Herbert van Karajan, extract from the prelude to the Joy Room from Beethoven's 9th Symphony [3].

Global cooperation - Council works in close partnership with the European Union, and cooperates with the United Nations, the Organization for Security and Cooperation in Europe, with partner countries and worldwide.

Achievements of the Council of Europe - Abolition of the death penalty, the strengthening of human rights, non-discrimination and the fight against racism, support for freedom of expression, gender equality, protection of children's rights, protection of cultural diversity, monitoring of elections, education on rights human rights and democracy, the quality of medicines and health care.

Financial Governance Council of Europe - Since 2012 the Council of Europe has approved a two-year budget program.

Revenues of the Council of Europe - The budget is funded mainly by contributions from member states. National contributions are based on a formula which accounts population and Gross Domestic Product. The main contributors (France, Germany, Italy, Russian Federation and the United Kingdom), they all pay the same rate for the regular budget, providing about 57% of the total. States may make voluntary contributions to support the work program of the Council of Europe.

Use of the funds– Council of Europe uses its money to implement the program, which is structured around three thematic pillars: Human Rights (including the European Court of Human Rights), the rule of law and democracy.

Program and Budget for 2014 - 2015 - Includes 31 operational programs covering the intergovernmental sector, institutions, partial agreements and independent mechanisms.

Approval of the budget - program and budget proposed by the Secretary-General it is approved by the Committee of Ministers. The program is approved for 2 years [1].

Council of Europe and the European Union

Although Council of Europe and the European Union now share a flag and a common anthem, roles, functions and their objectives are quite distinct. Council of Europe is an inter-governmental organization

which today has 47 member states. It is primarily concerned with the protection of human rights, democracy and the rule of law. Council of Europe also is different from the European Council. European Council (European Council) is an institution of the European Union and consists of heads of EU member states, and the Council of Europe (Council of Europe) is an international organization wider than the European Council [4].

European Union currently has 28 states and has delegated some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level.

CHAPTER II

1. European Charter for Local Self-Government

European Charter of Local Self-Government is the accumulation of many initiatives and many years of work within the Council of Europe. In 1957, the European Council expressed its appreciation of the importance of local authorities by establishing for them a representative body at European level, which since then has been transformed into Permanent Conference of the Local and Regional Authorities of Europe (CLRAE). It was this conference which, on its resolution 64 (1968), proposed a Declaration Principles on Local Autonomy and called for its approval of the Committee of Ministers of the Council of Europe. This initiative was supported by the Consultative Assembly, which in its Recommendation 615 (1970) presented to the Committee of Ministers a text based on the text of Permanent Conference of Local and Regional Authorities of Europe.

Proposed declaration had general and comprehensive character in order to allow making any substantial action. The logical outcome of this approach was the presentation to the Committee of Ministers, in Resolution 126 (1981), by CLRAE of a draft European Charter of Local Self-Government (local time), with the request that it be adopted with the status of a European convention. The Committee of Ministers decided to transmit the CLRAE's proposals, to the Steering Committee for Regional and Municipal Matters (CDRM), aiming to discuss them on the 5th Conference of European Ministers responsible for Local Government (Lugano, 5-7 October 1982). In their conclusions, the ministers present at Lugano "... consider that this draft Charter constitutes an important step towards defining the principles of local autonomy, *while noting the reservations of some ministers about the need for a charter in the form of a binding convention and about some aspects of content as requested by the Committee of Ministers of the Council of Europe to instruct the Steering Committee for Regional and Municipal Matters (CDRM) in cooperation Conference of local and Regional Authorities of Europe, to make the necessary changes to the draft European Charter of local self-Government.* Committee of Ministers, as instructed by CDRM, made a thorough review of the draft charter. During discussions on the implementation of the conclusions of the Lugano Conference also attended by representatives of the CLRAE. Text of the project chart was reviewed by the CDRM, and it was sent to the Conference of the 6 ministries, who are responsible for local governance, which happened in Rome, from 6-8 November of 1984. After reviewing of this text ministries expressed their approval, unanimously for the principles included on it. Regarding of the legal form that needed to be taken by the charter, majority of the ministries expressed preference for convention. Within the opinions of the of the Consultative Assembly and the ministries conference in Rome, Ministerial Committee approved European Charter for local Self-Government, in a form of convention on June 1985. Knowing the fact that the charter came from Permanent Authorities for Local and Regional of Europe, it was decided that the convention to open for signing on 16 October 1985, on the occasion of the plenary session of CLRAE-¹⁴.

¹⁴<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

2. Objective of ECHLSG

Objective of the ESHLSG is to fulfill the lack of joint European standards for measuring and guaranteeing the rights of the local authorities, who are closer to the citizens, and can, provide opportunity for the citizens to participate effectively on the decision making which has a impact ob the general interes.

Charter commits the parties to apply basic rules guaranteeing the political, administrative and financial independance for local authorities. Charter at European level, provides political in order to provide life to all levels of territorial administration to the principles protected since its foundation by the Council of Europe, which considers its function of maintaining the democratic conscience of Europe and the protection of human rights in the broadest sense possible.

In fact, the Council is convinced that the level of self that by all local authorities can be considered as evidence of true democracy¹⁵.

3. Scope of ECLSG

Charter provides a substantial contribution to the protection and enhancement of common European values through:

- Achieving a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage, which is achieved through agreements in the administrative field;
- The right of citizens to participate in the performance of public works as one of the democratic principles shared by all member states of the Council of Europe which mund të ushtrohet drejtpërdrejtë në nivelin lokal
- Ensuring an effective administration and closer to the citizen
- Contribute in the decentralization of competences
- importance of local authorities for building Europe and
- The need for local authorities elected democratically and have broad autonomy;

Charter itself includes 18 articles with 45 paragraphs, divided into three parts. The first part includes 11 articles with 30 Paragraphs. This section contains key dispositions that provide the main principles of local self-government. It emphasizes the need for the establishment of a constitutional and legal foundation of local self-government, defines the concept of local self-government and the principles governing the nature and scope of competence local authorities. Further articles related with the protection of the boundaries of local authorities, haning in mind that they have autonomy in

¹⁵<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

administrative structure and hiring skilled personnel by establishing the conditions for the holding of local elective office. Two main articles related to limiting administrative supervision of the activities of local authorities and ensuring that they have sufficient financial resources, so as not to impair their basic autonomy. Pjesa tjetër e mbetur e dispozitave në këtë pjesë mbulon të drejtën e organeve vendore për të bashkëpunuar dhe për të formuar shoqata, si dhe mbrojtjen e vetëqeverisjes lokale nëpërmjet të drejtës së ankesës për zgjidhje ligjore¹⁶.

Second II contains 3 Articles (12 – 14) and 5 paragraphs. Contains different dispositions, relating to committed goals, undertaken by the stockholders. In accordance with the intention of securing a realistic balance between the safeguarding of the fundamental principles and the necessary flexibility in order to take in account the legal and institutional peculiarities of the various member states, permits the parties to exclude specific provisions of the Charter of those dispositions that they consider mandatory¹⁷.

The last part of the text contains 4 Article (15-18) of Paragraph 9. It contains the final dispositions, which are in accordance with the provisions commonly used in the conventions developed under the supervision of the Council of Europe¹⁸.

4. Principals of ECHLSG

Charter is a document that includes the principles recognized by all democratic countries of Europe. It constitutes an important step towards determining the principles of autonomy. The Charter is the first multilateral legal instrument to define and safeguard the principles of local autonomy as a pillar of democracy, protection and development of which is the duty of the Council of Europe. We can hope that in this way, ECHLSG will provide a substantial contribution to the protection and enhancement of common European values¹⁹.

3.1. Principle of local self-government

European Charter of Local Self Government (Article 2) expressly states that: "The principle of local self-government shall be recognized in domestic legislation, and where ever is the practice also in the Constitution". The right of self-government must be exercised by democratically governing bodies. This principle is consistent with the importance that the Council of Europe gives to the democratic forms of governance²⁰.

- *According to the Charter, local government means the right and ability of local authorities to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local population. This right shall be exercised by*

¹⁶ <https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

¹⁷ <https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

¹⁸ <https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

¹⁹ <https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

²⁰ European Charter of Local Self-Government and explanatory report
<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

councils or assembly members composed of elected members by free voting, secret, equal, direct and universal, and that may possess executive organs responsible to them. This disposition does not prevent citizens gather in assemblies, referendums or any other form of their direct participation where permitted by law²¹.

1.2. Principle of subsidiarity

- *The principle of subsidiarity constitutes the fundamental reason in the decentralization process. According to this principle - public affairs implemented as much as possible, in the interest of citizens from the lowest level of government that is able to provide efficient services;*

European Charter of Local Self Government (Paragraph 3 Nov 4) articulates the general principle for exercising public responsibilities in a decentralized way. This principle has been stated on several occasions within the framework of the Council of Europe, in particular the conclusions of the Lisbon Conference of European Ministers responsible for local governments in 1977. According to this principle, in exceptional cases where the measures or the nature of a task is such that it requires to be treated within a larger territorial area or there are overriding considerations of efficiency or economy, public responsibilities should generally be believed that the level of government it is closer to citizens²². Also in paragraph 4 of this article addresses the issue of overlapping responsibilities, so to be clear and to avoid any tendency towards a progressive dilution of responsibility, competences, normally they should be fully and exclusive. Nevertheless, in certain areas of complementary action is required from different levels of government and in these cases it is important that the intervention by the central and regional bodies is performed in accordance with clear legislative provisions²³.

3.3. Principle of transparency

Government has a dual political and technical dimension. In its political dimension it requires participation, decision making and leadership. In its technical dimension it requires assessment of the needs, planning, negotiation of contracts, accounting mechanisms, monitoring and impact assessment. Both dimensions require transparency. National and international policies should promote proper governance in order to improve access to basic services for all. In order for transparency to appear effectively in local governance must fulfill certain premises. One of the first premises regarding this issue is to have a successful democratic system. To have such a system good governance should work at all levels. Therefore it is necessary for a simple explanation of what actually are governance and good governance? Governance is the process of exercising authority (political, economic, administrative, etc.) In the conduct of public affairs, while good governance is the willingness and ability of the government to involve citizens and to provide

²¹European Charter of Local Self-Government

²²<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

²³<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>

effective services. So governance and good governance in particular also has to do with effective ways of continuing involvement of different sectors of society. Therefore, the government is closely associated with democracy and the central role that citizens must play in any system of effective governance. The mechanism is created when there is transparency, public participation and other additional mechanisms²⁴.

Transparency is an important mechanism for the local government

to make public its activities, documents and positions on different issues. Transparency is an integral element of local democracy and helps citizens to recognize, understand and adopt or revise their policies, procedures and actions of their municipality. Important elements of transparency include open meetings and public participation, financial presentation, legislation on freedom of information, accountability, budget review, audit procedures etc. In addition there are other elements often cited as complementary to transparency such as integrity and public ethics, anti-corruption measures, fighting conflict of interest, the implementation of legislation, etc. Decentralization strengthens the principle of transparency and accountability. Principle of accountability or responsibility is better implemented at the local level where the service is provided and where the citizens are the direct beneficiaries of a service. Transfer of competencies makes government more accountable for the implementation of its tasks. Cycle conversion requests in services is closer to the citizens. Through supervision of this cycle transformations citizens can better control the work of local government. This principle has a direct impact on the reduction of corruption by the local administration. Transparency at the local level appears as a mechanism to assist local authorities so they can publish their duties, and that they are perform in their actions properly and are accountable for their daily activities. It is a driving force for building of good governance, so that helps to promote local development, increasing economic growth and the expansion of social cohesion.

Some of the practices used most often include:

- *Open meetings;*
- *Access to information / documents / data;*
- *Allowing citizens to see budget and financial statements;*
- *Fair procurement;*
- *Public participation;*
- *Publication of revenues of the mayor, deputy mayor / s directors, chairman and deputy - chairman of the assembly, the assembly members;*
- *Employment, promotion and dismissal of personnel is conducted legally and openly;*
- *Promotion of municipal legislation;*

Lack of transparency - affects almost all categories of society, but mostly affects the poor and marginalized groups. The lack of transparency increases social exclusion and restricts people's access to resources and opportunities. When there is a lack of transparency citizens and the private sector particularly hesitate to pay taxes and generally to provide contributions to the municipal budget. As a result, the municipality has less opportunity to provide services to all citizens, especially in suburban areas. That pushes people to move more towards urban areas, which consequently has increase of unemployment, increased needs for construction (often people do not want to ask or construction

²⁴Local Transparency and Public Participation Handbook, Prishtina, 2009

permit), the production of urban chaos, increasing needs for water supply, sanitation, schools, medical services etc. Besides basic services are not provided and municipalities creates a gap between its bodies and citizens. According to the gap created at the time, it pushed citizens not to participate in elections, whether local or general, which clearly reduces trust in institutions.

3.4. Public participation at the local level

The right of citizens to participate in the conduct of public affairs is one of the democratic principles shared by all member states of the Council of Europe and this right can be exercised directly on local level²⁵.

Decentralization increases the level of citizen participation and local decision-making process. The public has a right to be informed about exercising of competencies and responsibilities of municipalities. Legal restrictions to public information are regulated by special laws on access to public documents. The importance of citizen participation in public life and local government responds famous saying of former US President Abraham Lincoln, who said that "that the government is established by the people and for the people". Therefore, this right derives from the fact that the government is made up from the public and for the public. Election of representatives in local government authorities does not mean that the public has renounced the rights concerned and has given all the power of their representatives. Representative democracy is a kind of partnership between citizens and the state, which through the constitution of state sovereignty bearing confirmed his democratic legitimacy for institution building and the exercise of competences. However, the public still has the right to decide about his interests, although has chosen local representatives to develop the matters easier, faster, more professional and more efficient.

3.5. General principles of organizing human resources

ECHLSG has set conditions and criteria under which local administration must act. This legislation may provide general principles of organizing public administration, while local authorities should be able to order their own administrative structures to take into account the conditions and organizational needs. According to the Charter "reduced requirements specific at central or regional laws which relate, for example, the establishment of certain committees or establishment of certain administrative posts are acceptable but should not be so widespread as to impose a rigid organizational structure²⁶.

ECHLSG stipulates that in addition appropriate management structures, is very important for the efficiency and effectiveness of a local authority that he might be able to hire and maintain a staff whose skills matched with responsibilities. Obviously, this depends to a great extent on the ability of local authorities to provide favorable conditions of service. KEVL stipulates that:

²⁵ECHLSG Preamble

²⁶Local Self Government European Charter and Explanatory Report

- Local authorities should be allowed to determine as much as possible their internal structures of administration, to adapt them to local needs and ensure effective management;
- Local authorities should have full responsibility for their staff;
- Conditions of service of local government employees, as defined by KEVL must be such as to permit the recruitment and retention of high quality staff based on good performance, based on professional competence, experience, gender equality, and should exclude any type of discrimination based on religion, language or ethnicity;
- adequate training opportunities, remuneration and career prospects and to ensure conditions for government employees in order to enable local authorities to reach a high quality performance in providing services to citizens;
- Training opportunities should be provided or supported by governments, in cooperation with local authorities and their associations²⁷.

3.6. Principle of "proportionality" in the supervision of local authorities

European Charter of Local Self-Government in Article 8 deals with supervision of local authorities' activities from the authorities other levels of government. It is not related to creating opportunities for individuals to file a lawsuit against local authorities nor the appointment of an ombudsman, or its activities, or another official body having an investigatory role. Above all, the provisions are consistent with the philosophy of supervision normally associated with the *contrôle de tutelle*, that are a tradition in many countries long time ago²⁸.

Supervision of local government authorities should be based on:

- The need for the existence of an appropriate legal basis by excluding ad hoc supervisory procedures;
- Administrative supervision should be limited to the issue of the legality of local authority action and not its expediency. A special exemption, but not the only one it is done in the case of delegated tasks, where the authority delegating its competencies that can exercise oversight over how they are realized. However, this should not prevent the local authority from exercising certain rights;
- According to the principle "proportionality" the controlling body, while exercising his duties, he is required to use the method which affects less local autonomy, while at the same time achieves the desired result;

The only goal is to ensure the administrative supervision and respect for the law and constitutional principles. Administrative control can be exercised from the authorities at the highest level in order to ensure effectiveness regarding tasks, implementation of which is delegated to local authorities.

²⁷European Charter on Local Self-Government

²⁸<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>
European Charter of Local Self-Government and explanatory report

However, the administrative control exercised by local authorities ensuring that the intervention of the controlling authority is in proportion with the importance of the interests which is intended to protect it;

3.7. Principle of financial autonomy

Effective decentralization requires proper financial autonomy. The legal authority to perform certain functions, it may not make sense if local authorities are deprived of the necessary financial resources for their implementation. Article 9, paragraph 2 of KEVL's, stipulates that local authorities should have the necessary resources to their financial, which may dispose freely within their power and which should be proportional with the responsibilities provided by the constitution and law. Charter stipulates that there must be ensured fiscal freedom designated for the local authorities within the legal limits of the taxes and fees for providing public services.

Among other things EXHLSG:

- financial systems that are based on the sources of funds available to local authorities should be multiple in nature and flexible enough in order to enable them to follow, as much as possible in practice, the real evolution of expenditure incurred in the performance of their duties;
- Protection of local authorities that are financially weak and placement of financial balanced procedures or equivalent measures aiming to correct the effects of the unequal distribution of potential sources of funding, and the financial burden they must bear. Such procedures or measures shall not diminish the discretion of local authorities in their area of responsibility;
- Local authorities should be consulted in appropriate form, regarding how to allocate the resources allocated for redistribution;
- For as much as possible, granted grants for the local authorities should not be earmarked for the financing of specific projects. Granting grants shall not remove the basic freedom of local authorities to exercise the right to vote for policies within their jurisdiction;
- With the purpose of borrowing for capital investment, local authorities, within the limits of the law, should have access to the local capital market²⁹.

3.8. Principle of cooperation to establish associations

Charter is dedicated and addresses the right of local authorities to form associations. It covers cooperation between local authorities according to a functional basis, especially in the context of seeking a greater efficiency through joint projects or carrying out tasks that are beyond the capacity of a single authority.

- Local authorities are entitled, to exercising their competences, to co-operate and, within the limits of the law, to form associations with other local authorities in order to fulfill the obligations of mutual interest.

²⁹European Charter of Local Self-Government, Article 9

- The right of local authorities to be part associations for the protection and promotion of their common interests and the right to be part international associations of local authorities should be recognized in every state. Local authorities have the right to cooperate with local authorities in other countries, under the conditions that can be envisaged by the law³⁰. Article 10.2 leaves to individual member states the choice of means, legislative or otherwise, that enable the implementation of the principle³¹.

3. Principles of local self-government according to the Constitution

Kosovo's Constitution recognizes that local government is based on the principles of good governance, transparency, efficiency and effectiveness in providing public services.

By Article 123 of the Constitution, paragraph 4 are set basic principles of local self-government in Kosovo:

- Principle of good governance;
- Principle of transparency;
- Principle of efficiency and effectiveness in providing public services

4. Principles on the Law for Local Self-Government

With this law defined the basic principles on the basis of which it is built of local self-government system in Kosovo. LLSG defines the principle of subsidiarity, according to which "public affairs should be carried out, as much as possible, in the interest of citizens by the the lowest level of government that is able to provide efficient services"³². Other principles which are recognized by law, on the basis of which are regulated numerous relationships of the functioning of local government are as follow: principle of transparency, efficiency and effectiveness on providing public services, principle of public participation, the basic principles of local finance, the principles set out in ECHLSG for IMC, etc. principles of administrative review.

Chapter III

I. Kosovo's relations with the Council of Europe

Council of Europe is present in Kosovo, which exercises its activity through its office in Prishtina, implements a number of projects funded and supported by the EC. It monitored the elections that were held in Kosovo, through the OSCE mission. EC is represented formally in the form of involvement of the

³⁰European Charter of Local Self-Government, Article 10

³¹<https://wcd.coe.int/ViewDoc.jsp?id=1962187&Site=Congress>
European Charter of Local Self-Government and explanatory report

³²Law on Local Self-Government Article 3

conventions of this body in the Kosovo judicial system. Kosovo's Constitution regulates the application of important documents of the EC, as are: European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols Framework of the Council of Europe Convention for the Protection of National Minorities and European Charter for Regional or Minority Languages. EC, although "divided over the status of Kosovo, remains interested in developments in Kosovo and regularly monitors". This best portrays the fact that until now Kosovo has been recognized by 33 of the 47 member states of the Council of Europe. In this context, we can see that the relation of Kosovo with the Council so far shows it was pragmatic, it is because even though Kosovo is not a member of this Council, cooperation exists.

Although Kosovo is not a signatory to the European Charter of Local Self-Government, local government legislation has been drafted in the spirit of the Charter. Principles of KEVL-regarding local government, the performance of the functions at the local level, competences of municipalities, local autonomy, financial resources, supervision from the central level, as well as many other elements are incorporated with the local government legislation.

Broadly speaking though Kosovo has faced many challenges and problems, but so far has proved that respects the principles of local self-government based on ECHLSG. However, the state of Kosovo goes beyond the provisions of this charter by giving additional competence and guarantee additional competences and highest municipal autonomy, it is important for the fact that despite what suggests ECHLSG concerning competence that must be delegated to the municipalities, the Republic of Kosovo is ranked as one of the only countries in Europe that has delegated additional competences (extended) to the municipalities with a majority Serb community. The system of supervision by the central and local level, should be even more functional on providing legitimacy in the work of municipalities.

Broadly speaking, "the principle of local self-government is written in most European countries' constitutions and all EC member states recognize local government in their constitutions. Republic of Kosovo has not yet signed the European Charter of Local Self Government, but has pledged to apply the principles of the European Charter of Local Self-Government. Government of the Republic of Kosovo has accepted its obligations, and the local government is regulated according to the Constitution of the Republic of Kosovo. From this context, it shows that Kosovo has a cooperative relationship with the Council of Europe in many aspects, especially in the implementation of ECHLG on the adoption of legislation on local self-government, despite the fact that it is not part of this institution and signatories of this charter. Kosovo legislation for local government functions in the spirit of ECHLSG in many aspects dealing with municipalities, even with extended competences which are reserved exclusively for the Serb community.

1. Local self-government in Kosovo

Local self-government represents the right and ability of local authorities, within the legal boundaries, to regulate and manage a substantial share of public affairs within their responsibility and in the interests of the local population. Legal regulation of the organization and functioning of local government in Kosovo, with municipalities as basic units of local government, has its beginnings after the war in

Kosovo and the installation of the UNMIK Administration in 1999. During the period of statehood, self-government in Kosovo is dedicated special attention to the considerable autonomy of the self government, which is guaranteed by the constitution and laws. Regulation or legal process of local government has gone through several stages as:

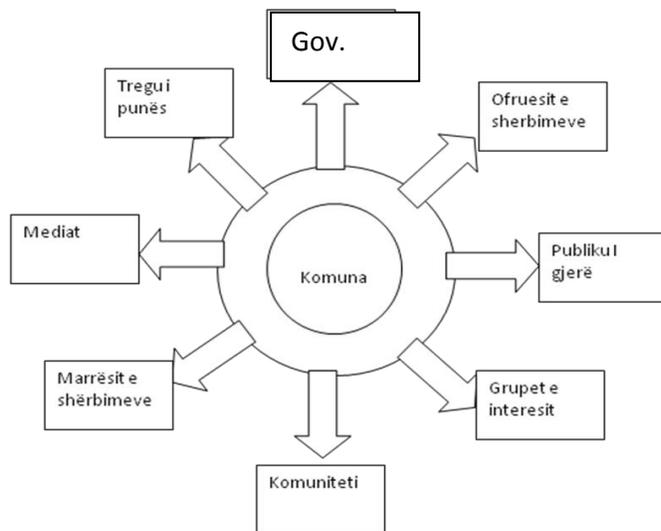
Stage of administering municipalities by the regulation of the UNMIK administration, the appointment of the municipal administrator;

1. Phase of local transition or municipal administration by UNMIK Regulations and other legal acts of the PISG (municipalities without municipal administrator and transfer all legal competencies), and
2. The last phase of local government according to the Constitution and the laws adopted by the Assembly of the Republic of Kosovo.

Kosovo has gone through an uneasy process of local government reform, both in terms of political, financial and administrative. From 30 municipalities that were originally, today in our country there are 38 municipalities. On the beginning were established of three pilot municipalities (2005-2007), both with majority of Albanian population and one with Turkish majority population. While the establishment of five other new municipalities and expansion of one municipality with Serb majority, was defined by the Law on Administrative Municipal Boundaries (2008), and was established with the 2009 elections (Part 2010), respectively, function and integration of municipalities of the north was reached in 2013 with the participation of the Kosovo Serb residents in the elections. The main factor or basis for reforms of local government in Kosovo is the Comprehensive Plan for the Kosovo Status Settlement (2007) or as it is known, "Ahtisaari Plan." Based on this, the local government in Kosovo is a constitutional category, organization and functioning of all of them is regulated by the Law on Local Self-Government. Municipal finance, number and establishment of new municipalities is regulated by special laws. Kosovo's capital is Prishtina, special legal regulation of which will be made by a special law on the capital.

6. Legal regulation of the system of local self-government in Kosovo

System local government in Kosovo "is built and functions based on a legal framework that regulates the building and operating. This system is regulated in the Constitution of the Republic of Kosovo, which takes into account the principles and best international practices. Local self-government legislation is the basis of Law on Local Self Government no. 03 / L-040, Law on Administrative Boundaries No. 03 / L-041, Law on Local Government Finance no. 03 / L-49, Law on Inter Municipal Cooperation No. 03 / L-010 and Local Elections Law no. 03 / L-072. These laws, and other laws and secondary legislation, inter alia, regulate the status of municipalities competences, municipal authorities and their responsibilities, decision making process municipal acts and the hierarchy of their mechanisms of direct democracy and relations with's authority supervisory and administrative review. In addition, LSG's legislation also regulates other important issues, but our focus will be only on those elements specified above.



Way of organizing and functioning of the system of LSG determine the needs of citizens and various interest groups, for whom the system exists. LSGS is built from a level of power, which preserves functioning connection with the central government and its decentralized structures in more than one municipality”³³.

Figure 1: Organizing of municipal relationships with different stakeholders groups.

Comparing of strengths and weaknesses aspects of local government in Kosovo, then " the firm's aspect of system of local government in Kosovo can be considered the fact of building and operating a system of Local Government's democratically and in service of all citizens regardless of their ethnicity, gender, race, religion. On the other hand "weak aspect is seen the of organizational mixed structure of the administration, political appointees (directors) tha manage the administration of the municipality.

Organization

The basic unit of local government in the Republic of Kosovo is the municipality. Local authorities are entitled to adequate financial resources of their own, of which they may dispose freely within the framework of their powers. However, municipalities have faced lack of adequate budgetary planning that brought difficulties in terms of planning and implementation of projects due to the lack of sufficient financial means. Moreover many specific issues were not completely regulated or were left open. Local government legal framework in Kosovo is defined as the right of local authorities to manage a part of public services in the interest of the local population. In accordance with the principles of the Constitution of the Republic of Kosovo, the European Charter of Local Self-Government and Ahtisaari package, the Assembly of Kosovo has adopted the basic laws for the organization and functioning of LSG in Kosovo. LSG sets norms and standards for local self-governance, which is based on 4 pillars:

- Local democracy (election of municipal bodies);
- The power of local authorities (local autonomy);
- The organization and functioning of the VRS;
- Supervision of local authorities.

The organization and functioning of the system of LSG determines the needs of citizens and various interest groups for whom the system exists.

³³ MLGA: "Organization and Functioning of Local Government in Kosovo ", MLG, Pristina, 2013, p. 22.

If we compare the strengths and weaknesses of local government in Kosovo, we can conclude that "The functioning of the local government system in a democratic way and in the interest of all citizens regardless their ethnicity, gender, race, religion can be considered a strong point. While, "The mixed structure of administration (political appointees, e.g directors who manage the administration of the municipality) can be seen as a weak point.

6.1. Status of municipalities

The basic unit of local government is the municipality.

Municipality is a legal entity that is entitled to, inter alia: sue and be sued in the courts; own and manage property; be owner or co-owner of any company that is of interest to municipality in relation to citizens; enter into contracts; engage staff and engage in other activities that are necessary for exercising its responsibilities.³⁴.

The right to local governance is realized through representatives of citizens in municipal organs and direct participation in decision making. They can issue regulations pertaining to matters within the competence of the municipality; approve or promulgate Municipal Statute; adopt municipal budget and issue other general acts that fall under their jurisdiction. They have been also given the right to regulate and manage public affairs in their territory within the defined limits³⁵.

6.2. Municipal powers

Powers of municipalities in Kosovo are specified under the law for local government, namely Articles 17, 18 and 19. According to LSG, municipalities have the following powers:

- 1. Own powers** –a) local economic development; b) urban and rural planning; c) land use and development; d) implementation of building regulations and building control standards; e) local environmental protection; f) provision and maintenance of public services and utilities, including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport, and local heating schemes; g) local emergency response h) provision of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators; i) promotion and protection of human rights; j) provision of public primary health care; k) provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centres, recruitment, payment of salaries and training of social welfare professionals; l) public housing; m) public health; n) licensing of local services and facilities, including those related to entertainment, cultural and leisure activities, food, lodging, markets, street vendors, local public

³⁴Law no. 03 / L-40: "The Law on Local Self-Government in the Republic of Kosovo", Article 5.

³⁵Selimi, Ferid: "*Local Government - Comparative Reviews, Vatra, Pristina, 2008, p. 21.*

transportation and taxis; o) naming of roads, streets and other public places; p) provision and maintenance of public parks and spaces; q) tourism; r) cultural and leisure activities; s) any matter which is not explicitly excluded from their competence nor assigned to any other authority;”³⁶.

2. **Delegated powers** – a) cadastral records; b) civil registries; c) voter registration; d) business registration and licensing; e) distribution of social assistance payments (excluding pensions); and f) forestry protection on the municipal territory within the authority delegated by the central authority, including the granting of licenses for the felling of trees on the basis of rules adopted by the Government;”³⁷.
3. **Enhanced powers**– a) Enhanced Competencies in Secondary Health Care, b) Enhanced Competencies in the University Education, c) Enhanced Competencies in the Area of Culture, d) Enhanced Participatory Rights in Selection of the Local Police Station Commanders”³⁸.

6.3. Municipal organs and their responsibilities

Based on the Law for Local Self-Government, the organs of municipalities are: Municipal Assembly and the Mayor.

The Municipal Assembly is the highest organ in the municipality consisted of its members, elected directly by the citizens of the municipality with a 4 year mandate. Municipal Assembly is responsible for approval of the statute or the Rules of Procedure, municipal regulations and the adoption, amendment or repeal thereof; the approval of the budget and investment plans; the approval of other financial matters that are reserved to the Assembly by the Statute or the Rules of Procedure; the annual work plan and annual report; the establishment of the committees required by the present Law; the election of the Chairperson and Deputy Chairperson of the Municipal Assembly; the level of fees and charges; the creation and use, in accordance with applicable legislation, of municipal symbols, decorations and honorary titles; i) the naming and renaming of roads, streets and other public places; he making of inter-municipal and intra-municipal agreements; the making of decisions to join representative associations of municipalities of Republic of Kosova; and other responsibilities that are required by law.”³⁹.

Mayor "is the chief executive authority in the municipality. The Mayor has the executive powers in the municipality; he/she appoints his/her deputy mayors and directors of departments of the municipal administration. He/she establishes policies, organizes and directs the work of the municipality, manages the budget and supervises the work of the municipality. The mayor has a mixed organizational structure of political appointees and civil servants. To exercise all these powers, the Mayor establishes various offices to carry out administrative work. The mayor has the role of supervising the implementation of

³⁶Law no. 03 / L-40: "The Law on Local Self-Government in the Republic of Kosovo", Article 17.

³⁷Ibis, Article 18.

³⁸Law no. 03 / L-40: "The Law on Local Self Government in the Republic of Kosovo", Articles: 17, 20, 21, 22, 23.

³⁹See: Law on Local Self-Government, Article 40

the decisions of the Municipal Assembly. Mayor has the following responsibilities in accordance with LSG: a) represents and acts on behalf of the Municipality; b) leads the municipal government and its administration and conducts the financial administration of the municipality; c) exercises all competencies not explicitly assigned to the Municipal Assembly or its committees. d) executes the Municipal Assembly acts; e) appoints and dismisses his deputies; f) appoints and dismiss his advisors who assist him in discharging his duties; g) organizes the work and directs the policy of the municipality; h) proposes municipal regulations and other acts for the approval of Municipal Assembly; i) proposes municipal development, regulatory and investments plans; proposes the annual budget for the approval of the Municipal Assembly and executes the budget adopted; j) reports before the Municipal Assembly on the economic-financial situation and the implementation of the investment plans of the Municipality at least once every six months or as often as required by the Municipal Assembly; and k) may request the Municipal Assembly only once to review a municipal act when he deems the act to violate the applicable legislation and/or the interests of communities. l) shall consult the Deputy Mayor for Communities about the matters related to non-majority communities; and m) other activities assigned to him/her by the statute."⁴⁰.

Decision-making process

The process of decision making at the local level is regulated by the Law on Local Self-Government and the Regulation on drafting and publication of municipal acts. According to this regulation, while issuing local acts, the following principles must be followed (Law on Administrative Procedure): - The principle of constitutionality - Legislation - Economy - Proportionality - Balancing of public and private interests - Equality before the law - Non-Discrimination - Objectivity and impartiality.

The following standards should be respected when drafting a sub-legal act: The text of the act should be clear, simple and concise. The act should avoid double meaning, unnecessary shortcuts, community jargon and long sentences; Avoiding references to other vague texts and multiple references, which make the text complex and unclear; Various provisions of the acts must be consistent with each other; the same term should be always used to express the foreseen concept; The rights and obligations to whom the act applies should be defined; The act must be submitted according to the standard structure (chapters, sections, paragraphs); The preamble should justify the provisions adopted by simple terms; Provisions that have no legislative character (wishes, political statements) should be avoided; Non-compliance with existing legislation and useless repetition of existing provisions should be avoided.

Proposers of municipal sub-legal acts:

The sub-legal acts are drafted in accordance with the Law on Local Self-Government based on the initiative of the: - Mayor - Chairperson of the Municipal Assembly - Committees of the Municipal Assembly - member/s of the Municipal Assembly. All proposed sub-legal acts must be sent to the Municipal Assembly. Municipal Assembly approves in principle the proposed acts (which are declared for public discussion), or rejects them. Initiative to draft acts that fall under competence of the Mayor

⁴⁰Law no. 03 / L-40: "The Law on Local Self-Government in the Republic of Kosovo", Article 58.

(instructions and decisions under Article 15 of the Law on Local Self-Government) is taken only by the Mayor. The respective department of the municipality, respectively the respective officer along with the group of experts at the municipal level, depending on the matter that the sub-legal acts regulates is responsible to prepare the text of the new regulation or amend the existing act. The Legal Office (legal officer) is responsible to ensure a unique application of legal technique and legality of these acts. The Municipal Unit for European integration (European Integration Officer) is responsible for approximation of municipal acts with EU legislation relating to the local self-government. The respective budgetary unit of municipality is responsible to set the financial cost for the implementation of the proposed act for at least three next years. Sub-legal acts are published on the official website of the municipality in official languages in the format specified by the responsible unit/officer. The act should be identical to the signed and sealed original copy (copy of the original).

The following steps should be applied when drafting a sub-legal act: -

Drafting an initial municipal sub-legal act includes: - Internal consultation of local authorities - Development of the concept paper and public consultation - Consultation with external stakeholders and citizens - Assessment of the financial impact of the proposed act - Revision of the act after consultation - Review and adoption of the act by the Municipal Assembly - Submission of the act to the responsible ministry for confirmation of legality within 7 days upon approval by the Municipal Assembly and the signature of the Chairperson of the MA.

6.5. Municipal acts

Municipal acts are understood as acts of a general nature such as municipal statutes, regulations and decisions adopted by the assembly of the municipality. According to Regulation no. 01/2013 on the procedure for drafting and publishing of acts of municipalities, the sub-legal acts approved by the Municipal Assembly are:

- 1.1 Statute of the Municipality:
- 1.2 Rules of Procedure of the Municipal Assembly
- 1.3 Municipal Regulations for the implementation of laws,
- 1.4 Other municipal Regulation for the implementation of local responsibilities,
- 1.5 Decisions of general nature, and
- 1.6 Agreement for inter-municipal cooperation and international municipal cooperation.

The Mayor is entitled to issue the following acts: instructions and decisions within his field of competence aimed at execution of laws and general acts of the Municipal Assembly.

6.6. Mechanisms of direct democracy

Democratic states, which today proclaim a direct democracy, especially in the local government system are moving towards a liberal democracy, whose aim is to provide citizens opportunities to participate in decision-making through democratic mechanisms. The equal representation of citizens in decision-making is fundamental principle of local self-governance. This law and the law on local elections, which defines the municipality as one election zone, allows citizens proportional representation only through political parties and initiatives of citizens, but not the citizens themselves. Meanwhile, citizens were able to participate directly in decision-making through civil initiative and referenda. The law defines the mechanisms of local democracy: local elections, the referendum, petition, citizens initiatives, advisory committees, councils of settlements and villages, meetings with citizens, transparency and positive discrimination for non-majority communities".⁴¹ On the other hand, although the law on local referendums has not yet been adopted, citizens may be a key factor in local government through forms of direct democracy that we mentioned above.

6.7. Municipal supervision

It should be noted that the control mechanism of the state administration bodies is part of the powers that are carried out on the basis of legal authorization. The supervision and control of municipalities in Kosovo is done in two ways:

- a) Internal supervision of municipal bodies and
- b) Monitoring by the supervisory body.

We should also mention that social supervision, which is carried out through various forms of direct democracy is important. In terms of supervision and control by the municipalities, the legislation has set the level of control of the executive body by the MA and municipal administration by the Mayor.

LSG has defined the norms of supervision over the work of the municipal bodies. This law also "indicates the objectives and principles of the administrative review, focusing on strengthening the ability of local self-government bodies to fulfill their responsibilities. Depending on the activities at the local level, the supervision is exercised by the ministry responsible for the respective area, while MLGA has a coordination role in the process. It is a fundamental chain, which enables the process of evaluating the legality of municipal acts"⁴².

In order to enable administrative review process and avoid non-legality, the Law on Local Self-Government defines that "the acts of the Municipal Assembly and the decisions are subject to mandatory review of legality. Municipalities are obliged to submit acts to the supervisory authority

⁴¹MLGA: "Organization and Functioning of Local Government in Kosovo", DKP (DEIPC), Pristina, 2013, p. 32.

⁴²Ibis.

within 7 days from the date of issuance. While, the supervisory authority is obliged to give its opinion on the legality of any registered act within 15 days from receipt thereof, in accordance with the procedures mentioned above.

Chapter IV

PROMOTION OF PRINCIPLES OF THE EUROPEAN CHARTER FOR LOCAL SELF-GOVERNANCE

Efforts to promote the application of the principles of ECLG aim to stress out the importance of the principles of the Charter and modalities for better effectiveness of cooperation.

Increasing awareness of local institutions about the importance of these principles may increase the chances of finding appropriate forms for the implementation of effective local policies in view of democratic development within the legal framework. Regardless of the future of our legal, political and economic system, local government shall likely remain the most sustainable and effective instrument for social development.

Local democracy is very important for the development of democratic society. Cooperation and partnership between local authorities, the central and the public is key element for real democracy, therefore it can be said that democracy is the basis for the development of an open society in which citizens have real power to influence processes and decision-making in the country.

2. Provision of municipal public services

The provision of efficient public services closer to citizens is one of the core principles promoted by the European Charter of Local Self-Government. This principle is incorporated in the constitutional and legal system of the Republic of Kosovo. Local self-government is a built system, which enables the implementation of this principle through the powers and responsibilities given to municipalities in order to provide closer services to citizens.

Therefore, in accordance with current legislation, municipalities are responsible for a significant number of services within their own, delegated and enhanced powers: local economic development, urban planning, management of municipal land, provision of administrative services, environmental protection, water supply, waste management, local roads, capital investment, public housing, primary education, primary, lower secondary and upper secondary education, provision of family services etc.

In order to provide these services it is important that municipalities have sufficient financial resources, which should be freely managed and equivalent with the municipal authority. This is also determined by the European Charter of Local Self-Government, which provides that municipalities can freely regulate and manage public affairs within its jurisdiction. Municipal public services can be provided in different ways:

- Internal resources to municipalities,

- Municipal enterprises,
- Public-private partnerships,
- Outsourced private enterprises,
- Cooperation with citizens
- Cooperation with the central level.

Adequate financial resources are required for an effective functioning of municipalities. Therefore, it is important to ensure that local governments have a sufficient budget that they manage it effectively and efficiently.

3. Efficiency and effectiveness in the delivery of public services

Provision of effective public services explores the role of local government institutions, the effectiveness (or lack) of the delivery of public services, because their services create a link between local government and citizens and at the same time, the local government maintains the connection with the central government. Local administration in Kosovo has 6224 employees, who have middle-level capacities to meet the demands of groups of interest⁴³.

Efficiency and effectiveness in service delivery depends on numerous factors including: the management of human resources, financial management, responsibility, accountability, human resources, professional administration, cooperation with citizens, governance culture, respect for human rights, etc.

However, the efficiency of services in Kosovo is more highlighted in two key aspects: financial inadequacy and human capacity to meet the needs and demands of citizens.

Efficiency and effectiveness in providing public services depends largely on the management of these services.

Example: Approach towards public services

The manner of efficient management differs or varies according to the services that are provided by municipal authorities. If we take the example of public service delivery in maintenance of public spaces, the manner of management of municipal bodies, public enterprises and outsourced private companies is not sufficient.

The manner of treatment of public property should be oriented same as for private property. Municipalities must implement awareness programs for the maintenance of public property. Thus, citizen engagement is essential in creating a safe environment for all.

⁴³MLGA: Analysis - "Organization and functioning of local government", p.33

Punitive policies should be the last option for achieving the goals of preservation and maintenance of public spaces.

On the other hand, efficient management of public services justifies the contributions (taxes, fees, municipal incomes), which are paid by the citizens, which should be managed and distributed fairly by the municipal authorities.

More efficient and effective management can affect the quality of services, which depend on the approach used by municipal leaders. Therefore, despite financial difficulties and lack of professional capacities, municipalities should strive for good governance through efficient and professional administration at the local level, which will be reflected in the representation of the interests of the citizens by providing qualitative and accountable services to citizens.

In order to strengthen their capacities and meet the requirements of citizens and have a sustainable improvement of municipal services, municipalities have taken the following measures and actions⁴⁴:

4. Creation of sustainable structures to ensure an efficient local administration

Creation of a local professional and sustainable administration is a guarantee of qualitative service. Frequent amendments in legislation and especially the politicization of the administration have challenged the work of municipal administration. On the other hand, unstandardized formula between the population and the number of administration employees is reflected in the local administration and consequently in the quality of municipal services. The distribution of human resources within the municipal units is not fair and in accordance with needs. For example, a certain sector (Director) may need additional staff, while one sector or another municipal director of human resources has redundant staff. In this regard, municipalities must plan and manage the distribution of human resources according to the needs in order to deliver more efficient services to citizens.

In addition, the amendment to legislation will reflect on the creation of sustainability of the administration while focusing in two directions:

1. Strengthening the institutional memory and
2. Enhancing the role of representatives of municipal bodies.

In this way, the professionalism and depolitization of local administration will have an impact on the increase of the quality of municipal services and will also increase awareness and accountability of the municipal administration staff and institutional awareness for quick response to the demands of citizens. The establishment of legal control mechanisms of mutual work will build a sustainable government that confronts aspirations of public and citizens⁴⁵.

⁴⁴Draft-Strategy 2015-2025, pg.43.

⁴⁵Draft-Strategy 2015-25, p.41.

5. Engaging citizens in service delivery

ECLG, in its additional protocol specifically defines principled norms regarding the participation of citizens, known as "The implementation of measures for the right to participate".⁴⁶ In accordance with the principles of ECLG, the local legislation has clearly regulated mechanisms of citizen participation in decision making, despite the fact that our legal system is based on the system of representative democracy.

Citizen engagement helps local authorities to provide high qualitative public services, enables citizens to keep their local institutions accountable, and provides transparent and accountable program. According to Article 2 of the Additional Protocol to ECLG, the measures for the exercise of the right to participate shall include: "mechanisms and procedures for dealing with and responding to complaints and suggestions regarding the functioning of local authorities and local public services. Such mechanisms can be used and promoted by the municipal authorities in various fields, including: education, health, environment, spatial planning, security, prior consultations during the drafting of the draft decisions, etc.

** Engaging citizens in service delivery focuses on what citizens assess; municipalities requires information from citizens in a systematic way to determine which services are satisfactory and which are not, that includes the views of citizens on the streets, cleanliness, water supply, quality of education, etc.*

Engaging citizens in service delivery increases the quality of services and helps municipalities know where to allocate already limited resources.

In order to improve the services provided to the public, we need to use all possible mechanisms within the legal space regulating certain social relations. If we take into account the increase of quality in education, the municipalities have a number of powers, effective exercise of which would affect the quality of education.

Example: approach to pre-university education

The current legislation has defined the powers of municipalities for compliance with the standards established by the applicable legislation concerning the provision of public pre-primary, primary and secondary education.⁴⁷ Municipalities should promote policies that affect the improvement of educational services focused on: increasing the participation of parents in the development of university education according to procedures established by legal acts, cooperation with teachers and school directors, effective planning of budget funds and their adequate reorientation, providing sufficient physical space for learning, concretization means for teacher, sufficient

⁴⁶Additional Protocol of ECLG, article 2

⁴⁷Law no. 03 / L-068 on Education in Municipalities of the Republic of Kosovo, Article 3, paragraph k)

cabinets, organizing transportation for students, regular evaluation of training needs of teachers and their training, the objective assessment of teachers, school safety, reporting to parents, as well as other important segments affecting the quality of education.

A fair approach to the problems within the municipal authority will facilitate solutions. The approach should take into account the problems, needs, budgetary opportunities and action strategies.

6. Professional human resources in provision of qualitative services

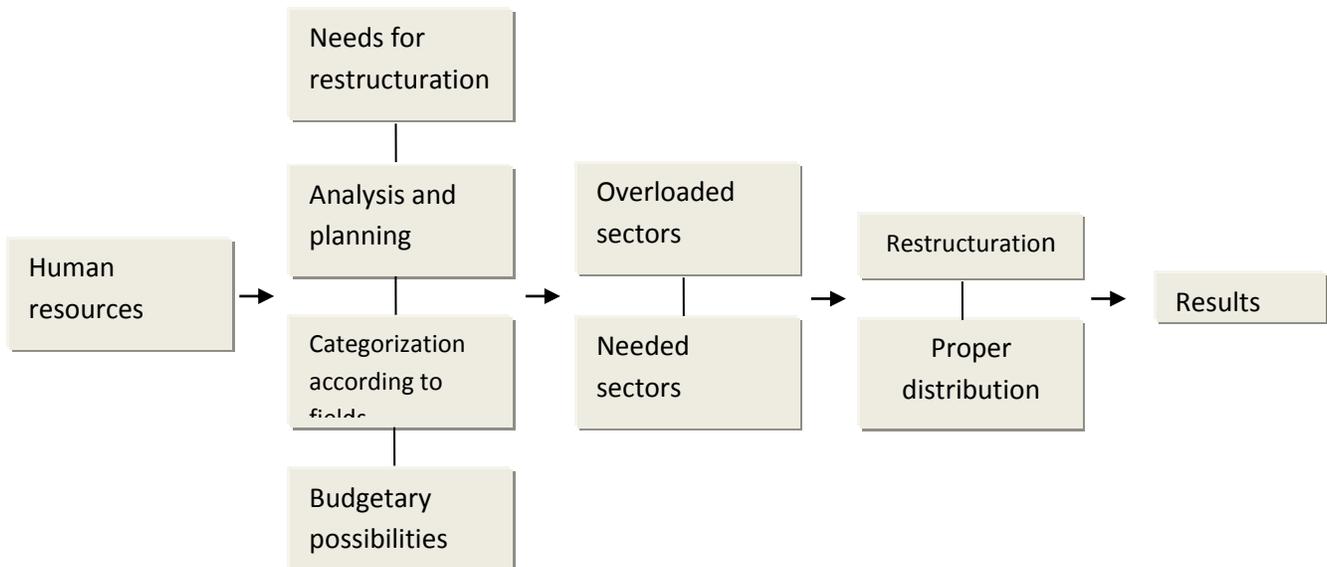
Article 6, Item 2 of the European Charter for Local Self Government defines that the conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

Local administration should be built and function in accordance with the spirit of ECLG, in particular the provision which requires recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects. Contrary to this principle, the municipal directors are appointed politically, creating a mixed administration, which is not typical for administrative structures. There is a lack of professional administrative management, lack of professionalism and capacities in recruitment and lack of professional mechanisms in the process of evaluating their performance and accountability, which has brought significant problems to the administration that are reflected in the provision of services. Moreover, the lack of standards has hampered the quality of service provision.

This is a challenge for local autonomy system and the LSG concept loses its meaning with a low level of professional competence of human resources and a high degree of financial dependence from the central level. The organization of local government is in full compliance with the principles of division of powers and responsibilities and an open and democratic system, but it is not in accordance with the current professional capacities of HR and socio-economic development in the municipality.

A professional and accountable administration should be built, where capacity building of civil servants in the municipality should have a comprehensive approach and must have an accurate records of the number of training required for staff of municipalities (based on credits system).

Moreover, planning and allocation of human resources should be fair and in accordance with the administrative needs of local government bodies.



Some of the basic criteria on which the municipal administration should be based upon are: implementation of law, planning skills of local authorities, transparency and mechanisms for active citizen of the municipality, efficient exercise of powers, political stability, ethics and responsibility of local employees.

All these help in building the capacity of staff, improvement of performance management system, enhance planning capacities of municipalities, determination of performance indicators and monitoring the achievement of those standards etc.

In accordance with this, municipalities influence:

Creation of a comprehensive and coordinated approach for the development of professional capacity

A comprehensive system for professional development of municipal capacities is necessary. Municipalities focus to enhance the skills of local officials in the field of planning, investment programming, micro - finance, monitoring, evaluation, and other areas where professional capacity is needed in the development of effective local government.

Reporting capacity, increased ability to use local resources, foreign loans and foreign aid but especially the ability to attract investors are directions on which the economic development will be oriented.

6.1. Facilitating behavioral change of administration staff

Municipalities will have the role of a facilitator in terms of changing the behavior of administrative staff in the coming years. In order to institutionalize good governance, the change of the behavior of people,

especially civil servants of the municipal administration is a must. Behavioral change can be made through the application of modern methods, on the occasion of service delivery. Eliminating barriers and bureaucratic procedures and the application of modern methods especially considering online communication in relation to citizens are some of the prerequisites of an effective administration⁴⁸.

Provision of professional human resources ensures effectiveness and efficiency in the work of local authorities. Attracting the most qualified employees and their comparison to the jobs (and then keeping them) is important for the success of each municipality. On the other hand, reducing or removing surplus of workers who do not work in compliance with the goals of the municipality is also an important function in the management of human resources.

In an effort to improve the ethics and productivity of work, human resource managers help municipalities in order to effectively use the skills of employees, provide training to increase the skills and increase employee satisfaction with their jobs and working conditions.

Therefore, the task of the municipalities is to implement all the principles of the European Charter of Local Self-Government in order to be as much as functional in provision of services to citizens.

7. The use of information technology in provision of online services

Nowadays, e-governance is the basic criteria that directly impacts the efficiency in terms of provision of administrative services in relation to citizens. Electronic governance has a direct impact on: effectiveness and potential in financial management, efficiency in the management of human resources by creating a transparent environment, effectiveness and potential in the reports and statistical analysis, transparency towards the public and other bodies, creation of an environment for efficient and rapid exchange of information with individuals, organizations and other relevant institutions, improvement of the administration of public services, e-procurement, electronic payment of taxes, electronic registration of businesses etc.

Creation of sufficient legal basis for the use of information technology that would facilitate municipalities provision of services shall remain a challenge for the Government in the coming years. Currently, the legal infrastructure in Kosovo lacks basic laws that guarantee the use of online services. Completion of the legal basis is also one of the objectives that we aim to achieve in order to enable citizens access to online services, thus increasing the efficiency of local authorities and increasing opportunities for people to obtain services faster and at any time⁴⁹.

8. Transparency of municipal organs

Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. Transparency of municipalities before their citizens is paramount, because the provision of as much as possible information makes municipalities responsible and accountable to their citizens and it is an obligation of municipalities which must implement and is the basis to increase accountability of these institutions and since citizens are

⁴⁸ Draft-Strategy 2015-2025, p 41.

⁴⁹Local Self-Government Strategy 2016-2026, p. 41.

those who contribute with their money in the operation of these organizations, the public interest itself to be informed about how their spending is quite large.

So, municipalities should promote responsible and transparent governance guided by the following principles:

- Decision-making should be open and transparent
- Municipal operations should be carried out in an ethical and responsible way
- Municipal information should be available in order to comply with legal requirements
- Requirements, concerns and complaints should be answered in a timely manner
- Financial oversight, financial accountability, reporting, governance, access, standards and performance reporting standards and all other documents of accountability should be available and accessible in the language that the public can understand, to increase the possibility for public scrutiny and municipal commitment
- Any new delegation of power or authority should have an appropriate accountability mechanism⁵⁰

Thus, municipalities are obliged and responsible, inter alia, to respect the principle of transparency, establish facilities for public access to information and municipal events and create the opportunity for an easy access to official municipal documents.

The approval of municipal regulation promoting the transparency of the decision-making, executive and administrative organs of the municipality is not sufficient. In addition to being approved, these regulations must be implemented as well. Municipal authorities should create sufficient human capacities and financial resources in order to enable public participation in decision making at the local level and facilitate public access to official municipal documents⁵¹.

Measures activating the mechanisms of transparency

1. *Information through the electronic pages*
2. *Public access to official documents*
3. *Citizen participation*
4. *Comprehensive Public Meetings*
5. *Meetings in certain areas with citizens*

8.1. Access to public documents

Access to public documents of state institutions (governmental and local) indicates a very democratic and transparent society, which can be an example for all those countries.

⁵⁰ Accountability and Transparency Policy (<http://ottawa.ca/en/city-hall/your-city-government/policies-and-administrative-structure/accountability-and-transparency>)

⁵¹Article 2, paragraph b of the Additional Protocol of ECLG has determined the measures that must be taken by parties to ensure procedures for access, in accordance with the Party's constitutional order and international legal obligations, to official documents held by local authorities;

The right of access to public documents in the Republic of Kosovo falls under the human rights and fundamental freedoms provided by the Constitution of the Republic of Kosovo. Therefore, each individual has the right, while public documents in principle are open for public.

Access to public documents is the main mechanism for transparency and basic principle of democracy. Municipalities should do more in this regard. Based on the monitoring carried out by the responsible Ministry and Division for transparency there has been some progress. However, there are still some delays in this regard. The data shows that in terms of the access to public documents, some municipalities have fulfilled the legal obligation foreseen in the Law no. 03 / L-215 on access to public documents. Municipalities have also appointed responsible officer for public access to public documents.

8.2. Participation of citizens in decision-making

Additional Protocol of ECLS defines the obligation of the parties to take the necessary measures to implement the participation in local authority affairs. These measures include, inter alia, providing procedures for involving people in "consultation processes, referenda and national petitions and measures to involve people at a level that is closer to them, if the local authority has many inhabitants and / or covers one large geographical area.

Local Government Legislation of the Republic of Kosovo regulates the participation of citizens in decision-making through legal mechanisms of direct democracy. One of these mechanisms is the obligation of municipalities to establish "advisory consultative committees aimed at participation of citizens in decision making process"⁵². These committees should be composed of citizens and representatives of non-governmental organizations. The responsibility of these committees is the submission of proposals, doing research and providing opinions on the initiative by the Municipal Assembly, in accordance with the Municipal Statute. Further elaboration of procedures for establishment of these committees is regulated by the Administrative Instruction No.2008 / 10 on the Organization and Functioning of Municipal Consultative Committees. It is important that municipalities explicitly define their obligation to establish such committees in the Municipal Statute. The establishment of these committees must be made by public announcement (public announcement) for membership on the committee. In order for these committees to be professional, the selection of candidates for membership must be made by a selection committee, composed of members of the Assembly and civil society⁵³. However this composition should reflect the professional competence of candidates and avoid the selection on the basis of political affiliation or any other preference. The Municipal Assembly should also request periodic reports on the work of these committees.

In order to take into consideration views, proposals, recommendations and consultation with citizens, municipalities are required to hold public meetings with citizens, "at least twice a year, where any

⁵²Law no. L / 03-40 for Local Self-Government, Article 73

⁵³Administrative Instruction No.2008 / 10 on the organization and functioning of consultative committees in municipalities

citizen or organization with an interest in the municipality may participate". Besides the mandatory meetings, municipalities need to organize additional meetings regarding the draft-decisions, draft-regulations, various plans and other matters of general interest. Public information is important in increasing the participation of citizens. For this purpose, municipalities have to exhaust all the possibilities of public information, including local media, the central media, electronic portals, print media, municipal notice board, municipal official website and social networks⁵⁴. Another important element is to take into consideration the recommendations from public meetings. Municipalities should appoint the officer responsible for keeping records and minutes of public meetings with citizens. The proposals emerging from these meetings should be selected and classified with objectivism by the initiator of the proposed act. The members of the Municipal Assembly should change as less as possible the proposals of citizens and only when proposals may exceed legal authority.

Municipalities should develop effective policies in order for citizens to exercise their right to express their opinion in the decision-making process regarding the public interest, whether directly or indirectly. The process of civic participation creates the preconditions to increase the transparency of the work of municipal bodies that is a principle of good governance in order to build mutual trust between local governments and the public, through guaranteed access to information and easy access to accurate and sufficient information.

8.3. Public meetings with citizens

Municipalities are obliged to apply the rules that result in the mechanism of participation in decision-making. This mechanism is provided inter alia through meetings with citizens. LSG, in particular, has specified extensive consultations, which requires holding at least two public meetings a year (Article 68.1 Law on Local Self-Government)⁵⁵.

There are some municipalities that have held comprehensive meetings with citizens: 26 municipalities have respected the legal prescribed provision, 10 municipalities have not held any meeting with citizens although municipalities have held other meetings with citizens in the settlements, neighborhoods, villages, which are considered complementary compared with comprehensive meetings that are obligatory⁵⁶.

Therefore, we suggest that municipalities should develop more effective policy making in order to increase citizen participation, because they are the main prerequisite for the development of local democracy, based on a vision and clear strategy, with the participation of citizens in the development process in order to gain a sense of ownership and responsibility for the advancement of their municipalities. Therefore, in order to achieve this objective municipalities should develop policies, as follows:

- Policies promoting civic activation

⁵⁴Additional Protocol of ECLG (Article 2, paragraph iii) stresses the need for the use of information and communication technologies for the promotion and exercise of the right to participate set out in this Protocol

⁵⁵ Report January-June, p.10 2014

⁵⁶ Six-month report January - June 2014

- Policies promoting voluntary work of students
- Policies on the functioning of youth centers in villages
- Policies on the functioning of village councils
- Policies for the inclusion and involvement of pensioners in public life
- Policies on recruitment of disabled persons
- Policies on promotion of women's participation and social categories of non-protected
- Local Policies for the treatment of street children
- Local Policies for social networking, economic, youth, sport and culture, etc ⁵⁷.

The perception and level of trust in local government is among the important factors that should be considered during the preparation of the strategy to increase public participation in decision making.

The Civil Society Organizations are important stakeholders for the promotion of public involvement in decision making process. They have the opportunity to exceed their monitoring role and mobilize the public in support or opposition of policies, programs and projects. They mostly lead the monitoring and advisory groups and coordinate the activities of such groups. Therefore, they have a fundamental role in creating cultures of citizens' participation. The private sector is another stakeholder, which is gaining importance in civil affairs, such as through participation in development programs, as well as public-private partnerships. The private sector can increase its influence by supporting information campaigns through the media and playing an active role in advisory committees ⁵⁸. In addition to local policies, municipalities are committed to create a platform for the establishment of networks at the local level. These networks, either by non-governmental sector, whether in the fields of art, culture, youth, sports or special social categories are a very important element that encourages citizen participation at the local level. This platform should be comprehensive and include many stakeholders that aim to increase the interaction between individuals and organizations from different spheres of government, culture, security, art, non-governmental sector, businesses and serves as a way to build ties with inter-communal networks or broader international networks. These networks will also have the opportunity to impact and create new local policies including the decision-making process at local level ⁵⁹. Citizen participation helps local governments to be:

- More informed about the needs of citizens and meet the needs of citizens,
- Ensure the influence of citizens on the future of the city,
- Develop mutual trust between citizens and local government,
- Attract support for local activities and investments and
- Civic participation enables the creation of civil society⁶⁰.

Civil society - means a very broad concept, which basically expresses the active participation of the individual to expand and consolidate the rights and freedoms of people and his contribution to an open society and the right, that inspires solidarity, humanism, tolerance and understanding, which are so necessary for our country at this difficult and prolonged transition phase.

⁵⁷ Draft Strategy on Local Self-Government 2015-2025

⁵⁸<http://www.advocacy-center.org>

⁵⁹ Draft- Strategy 2015-2025, p 43

⁶⁰ Citizen participation model, p. 2

Neither central nor local government can meet all the expectations of the people living in their jurisdiction. There are always problems that remain unresolved, issues to address, and a lack of resources.

8.3.1. Promotion of volunteerism as a form of citizen participation

ECLG has not specified the obligation of the parties to create policies that engage citizens to voluntary work, however we can extract the concept of volunteering from the general content of the norms of this Charter. ECLG is not focused on a specific tool for civic engagement, but leaves room to use different tools and measures that are suitable for this purpose. Therefore, from this perspective, volunteering is seen as a very convenient tool of involving citizens in the provision of municipal services that can result in joint voluntary projects with citizens. Volunteering contributes to development of economy, society and individuals. "Estimates suggest that volunteering contributes from 0.5% to 5% of the gross domestic product of the EU countries. Volunteering has a significant impact on society, because volunteering is the real expression of active citizenship, which reinforces some of the basic European values: solidarity and social cohesion. Volunteering is also an opportunity for individuals to offer assistance to develop their potential and improve their self-confidence, while reduces the risk of social isolation "⁶¹.

Voluntary activities carried out in some sectors. In more than half of EU countries, most volunteers are active in the fields of sports, exercise and activities in the fresh air. Other common areas are social welfare and health, charity and religious organizations, cultural organizations, recreation and leisure, educational organizations, training and research.

Public entities, citizens who do voluntary work, as well as volunteers themselves benefit from volunteering. The sense of responsibility for the welfare of citizens is a value that should be promoted continuously. People throughout the world have a long tradition of helping individuals and communities. State bodies should make an effort to reinforce the voluntary spirit by encouraging and educating younger generations on volunteerism.

It is essential that the concept of volunteerism and community service is seen as a way of life for all citizens, especially our children and young people who.

"The first step to achieve this goal is to publicize the work done by volunteers, and not only during certain weeks or months of volunteering, but throughout the year"⁶². Such recognition of volunteering

⁶¹http://eeas.europa.eu/delegations/the_former_yugoslav_republic_of_macedonia/documents/more_info/volunteering_sq.pdf

⁶²Janet Lautenschlager :*"How you can publicize volunteerism and national volunteer week in your community"*, Published by the Voluntary Action Directorate of the Department of Multiculturalism and Citizenship, fq. 10

will make citizens more aware of the important role that volunteering plays in our society and the critical need to ensure the continued availability of qualified and dedicated volunteers.

Having into consideration the above-mentioned, municipalities should promote sense of volunteerism more through awareness campaigns special days, weeks or months for voluntary work, preparation of volunteers, development of special programs for volunteering, such as care for the elderly, art, culture, cultural heritage, support the role of children and youth in various programs of sports and cultural activities. The voluntary programs in primary education, primary and secondary education, where volunteers provide support in preschool institutions, such as: reading, counting programs, excursions, sports, music etc, which are also important.

Volunteers in upper secondary schools are engaged in shops/buffets, act as mentors, provide their assistance in sport activities, competitions between schools, art etc. The elderly care is another manner of voluntary work. Helping these categories can be provided by visiting the elderly in their homes or in care facilities, helping them with shopping, gardening, recreation etc. The volunteers can be also involved in activities such as cooking, events, housekeeping, gardening, pet care, shopping, or simply providing companionship at home or visiting elderly people in hospitals, social interaction and learn more about the interesting experiences of a old generations and learn about the stories of local designated area.

1. Sources of financing

2.1. Capacity building measures to increase the level of collection of revenues

2.2. Strengthening the ability of municipalities to negotiate with external sources

2.3. The comprehensive approach and unified system for capital investments in municipalities

2.4. Comprehensive system for municipal loans

2.5. The importance of having adequate financial resources

9. Municipal accountability

Administrative control of the activities of local authorities aims "to strengthen local authorities in fulfilling their responsibilities through advice, support and assistance, to ensure lawfulness of the activities of local self-government and observance of the rights and interests the citizens".⁶³ This type of review does not aim to restrict the right of local authorities to carry out their duties, but aims to make the intervention by the supervisory authority proportional to the importance of the interest that are sought to be protected with the aim of not affecting or endangering the autonomy of municipal organs in carrying out their duties and exercising their powers.

Administrative control is one of the main forms of control, which is carried in two ways: through control of internal and external control. The internal administrative control means the influence that the superior administrative body exercises on the subordinate bodies, while the external administrative

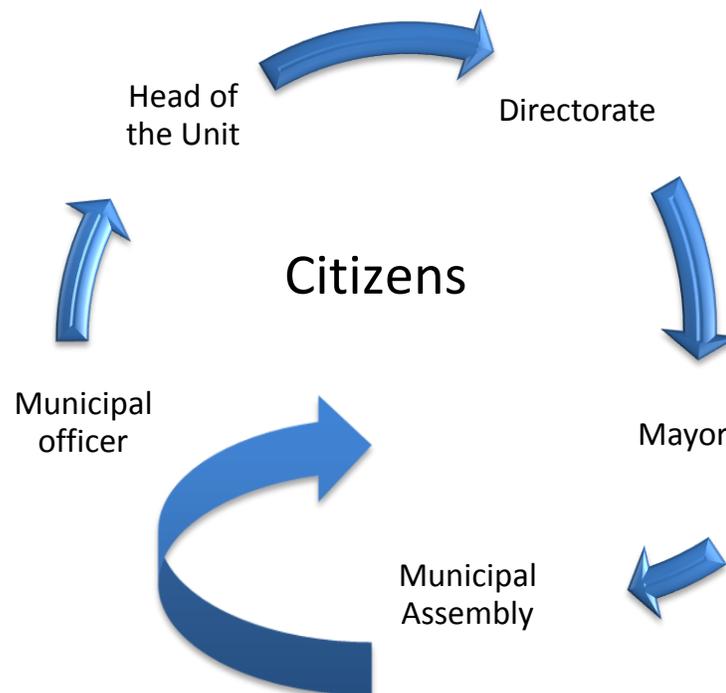
⁶³ MLGA: "Guide to the Municipal Monitoring System", April, 2012, p.7

control means the influence of special administrative body on other administrative bodies and the other implementers.

10. Accountability and transparency

Accountability and transparency are two key principles of good governance in the public sector. Accountability means regular demonstrating of the use of resources in a rational, transparent manner and in the public interest. Accountability should focus on implementation of the obligations deriving from legislation on local self-government and sectoral legislation. The following laws refer accountability: the Law on Local Self-Government, the Law on Access to Public Documents, the Law on Public Financial Management and Accountability, the Law on Local Government Finances, Law on Internal Audit, Law on Civil Service the Law on State Administration, sectoral laws and other legal acts.

In order to improve accountability and transparency in the municipality, the establishment of internal communication should be based upon the top-down and bottom-up model. Municipal officials should respect the hierarchy of the institution on the occasion of official communication. Communication scheme is shown graphically as follows:



There are numerous forms of accountability, while the most important are:

- Accountability of the Mayor to the Municipal Assembly

- Municipal bodies to central institutions.
- Civil Servants to their superiors
- Heads of the sectors to the municipal directors
- Directors of directorates to mayor
- Mayor and the Municipal Assembly to citizens, the media and civil society;

Therefore, accountability is regulated according to a hierarchal order. In this regard, according to the Law on Local Self-Government, the Municipal Assembly is the highest decision making body in the municipality. The Mayor (as a representative of the municipality) reports to the Municipal Assembly at least twice a year, or whenever required, for issues related to the economic situation and financial developments in the municipality, the manner of execution of acts adopted by the Assembly, implementation of investment plans in the municipality, the functioning of various sectors within the municipal powers and any issue that is considered important by the Municipal Assembly. On the other hand, the Mayor is responsible for the functioning of the municipal administration, to whom the administrative units are accountable and report on the manner of the exercise of administrative functions.

All forms of accountability, including: facilitating access to official documents, public meetings with citizens, direct meetings with citizens, information given to the media, consultations with civil society, regular reports to the supervisory authority, submission of acts to supervisory authority, taking into account the recommendations of the auditor, regular functioning of official websites, the publication of the budget, generation of revenues and other forms that improve the functioning of the municipality are the best tool to provide more efficient, transparent and accountable services to citizens.