



Kosovo Standards Implementation Plan

A. Functioning Democratic Institutions

1. Community representation:

- Municipalities have not set any minimum representation standards for the communities, partly because of the absence of agreed population figures for each community. The representation of Serbs in the municipal structures is believed to be satisfactory, due to their dominant position in the Municipal Community Offices (MCOs) and the Serbian educational and health facilities. The RAE community, on the other hand, is underrepresented mainly due to lack of qualification. Except in Fushë Kosovë/Kosovo Polje, the non-Albanian communities are underrepresented in the higher levels of the administration.
- Although no recruitment drives have been conducted so far, vacancies are advertised with required deadlines in both Albanian and Serbian languages, but often only in Albanian newspapers. However, increasing efforts are now made to use the Serbian media to disseminate the information in Kosovo and even in Serbia.
- Measures have been taken to remove backlog of vacancies for the communities. Staff records are kept to a great extent, but no statistical breakdown is available according to the criteria enumerated.

2. Rules and procedures:

- Rules exist for the conduct of Assembly and other municipal business and are generally complied with. But instances persist when the rules are not followed because of expediency or political and other considerations. Town Hall meetings are held pursuant to Regulation 2000/45. Occasionally, some Municipalities have put for public comment draft proposals. Interdepartmental consultations are basically held in the meetings of the Board of Directors.
- Municipal policy decisions are screened for compliance with equal opportunity/human rights/gender equality/communities' interests occasionally and on ad hoc basis. The deployment of Human Rights Experts in all Municipalities by the OSCE is expected to improve the situation and enhance local capacity for such screening.
- In most of the Municipalities, information is provided in a timely and constructive manner to UNMIK personnel; but in a few Municipalities the information is given either late or incomplete.

3. Use of official languages:

- Although most mixed Municipalities are providing translation/interpretation services, the use of all official languages is far from satisfactory. In addition to the lack of political will to implement the official language policy, there are also staffing and financial constraints on the Municipalities.
- Some Municipalities use, even in official communication, unauthorised names for municipalities and villages (eg. Kastriot, Drenas and Besiana for Obiliq/c, Gllgovc/Glogovac and Podujevë/o respectively). Many do not use the dual official names of municipalities and villages even in official communications. But there is growing realisation that changing names is outside municipal competence.

4. Provision of public services:

- Municipalities are yet to assess the needs of the communities systematically and prepare and implement annual sub-component plans. However, Municipalities are taking measures to comply with the provisions for fair-share financing (FSF). In many cases, the FSF targets are achieved due to the high expenditure on salaries for Serbian personnel in the education and health sectors. Reports are also submitted on FSF, very often after repeated requests by UNMIK. The report of the MCO also reflects the Municipalities' activities regarding the communities that form the minority.
- Very few Municipalities have established offices to address public grievances and even those few have no adequate community representation. Complaints are often dealt with by the concerned departments and the CEO on ad hoc basis and sometimes selectively.
- No Municipality has designated a separate office to engage with public utilities to address inequalities in service provision to communities and their representation/employment within the utilities sector. Any liaison is done by the Department of Public Utilities.

5. Municipal civil service:

- Much remains to be done to streamline municipal administration and enhance its professional competence, as well as to insulate it from political interference and strengthen discipline and work ethics. Transparency and non-discrimination in recruitment remain areas that need special attention.
- Codes of conduct and enforcement procedures by and large exist to provide for transparent and accountable municipal administration. The procedures are ostensibly followed, although the underlying motives and criteria of these rules and procedures, such as merit, are rarely complied with. There is also no apparent determination to sanction violators.
- Information on municipal policies and executive actions are readily made available to UNMIK in most Municipalities; but it is more often than not at the latter's request. In a few Municipalities, it has been very difficult to obtain timely information.
- Municipalities produce annual reports including their financial statements. The reports are usually provided to the Municipal Assemblies and UNMIK, but are not published.
- The Internal Audit Units are in place, but they are neither fully operational nor effective in having their recommendations widely disseminated and implemented.
- Discipline and Appeal Boards are established, but are far from fully operational and effective. Allegations of misconduct are hardly investigated and those responsible rarely, if at all, disciplined. Clearly there is no determined effort to fight corruption at the municipal level.
- It is obvious that no Municipality is willing to take measures in order to identify elected officials and civil servants inciting inter-ethnic violence or hatred between communities, or failing to discharge responsibilities to prevent such violence or hatred.
- With the establishment of the Municipal Gender Office, sensitisation on gender equality has started. But much remains to be done for gender mainstreaming with regard to municipal policies and employment. Information is available on women employment in municipal structures, although there are no published statistics.

6. Decentralisation and parallel structures:

- Although Municipalities are aware of the proposals for decentralization by the COE, no formal discussion and action have been taken in this connection.
- Municipalities in Prishtinë/Priština Region are against the continued existence of parallel structures. They have often called on UNMIK to dismantle those structures.

But since UNMIK had no clear strategy on how to deal with them, Albanian municipal officials have generally been frustrated at UNMIK's inaction. However, UNMIK officers have attempted to create and strengthen organisational links between the parallel structures and the municipal administrations, so far without significant results.

B. Freedom of Movement

7. Transport for Civil servants:

- Public employees from minority communities are able to work in majority areas, but the Municipalities provide no transport. The staff of the MCO use municipal vehicles for official purposes.

8. Free use of languages: translation and interpretation:

- The issue of compliance with the relevant regulation on the use of official languages is not a major preoccupation of Albanian municipal officials. As a result, there are neither separate municipal language units (except Prishtinë/Priština) nor focal points to monitor compliance. Non-compliance is also not sanctioned.
- Nonetheless, the mixed municipalities have one to three interpreters/translators and try to conduct the meetings of the Assembly and its Committees in both Albanian and Serbian languages. But as the number of these staff is inadequate, the end product is far from satisfactory and deadlines are hardly met. Often UNMIK has to deploy its own language assistance to help during meetings.
- In Shtime/Štimlje, Podujevë/Podujevo and Glllogovc/Glogovac, only Albanian is used. When Serbs are present in bodies such as the Municipal Working Group on Returns, the Municipalities provide interpretation.
- Personal documents are issued to individuals in their native language upon request and, many a time, with UNMIK's assistance to facilitate the translation.
- It appears that the findings of the Task Force on Language Standards Compliance have not been communicated to Municipalities and, as a consequence, there is no follow-up of the findings and recommendations.

9. Use of official languages on public signs:

- The use of official signs inside and outside municipal buildings vary from place to place. In majority areas, the practice is to have them in Albanian only. In minority areas they are only in Serbian. The same applies to a large degree for names of towns, villages, streets and public places. While many the old signs of places still remain, the Serbian version is very often tampered with.
- But the trend in some municipalities, such as Fushë Kosovë/Kosovo Polje, is to have these signs in both Albanian and Serbian, at least on the Town Halls and for some of the village names. Still there are complaints that these new signs contain names wrongly spelt in both languages. In other public buildings, such as schools and clinics, each community uses its own language.
- It must be noted that not many cases have been reported to UNMIK of Serbs lodging formal complaints against the non-use of Serbian on public signs. The internationals seem to be the ones more concerned.

C. Returns and Communities' Rights

10. Returnees' rights and access to services:

- Distinction should be made between employment of members of the communities and job opportunities for returnees. In all the municipalities, members of the communities

are employed in adequate numbers, but are underrepresented at senior-level positions. As for returnees, most of whom so far have been from the RAE community, obtaining employment has been exceedingly difficult. This is due not only because of the overall economic situation, but also because of the lack of skill among members of this community. In general, returnees are assisted through income-generating activities and vocational training, as part of the returns project.

- Health care and education remain segregated. Ashkali returnees send their children to Albanian schools, while Serbs and Roma children attend Serbian schools. In Prishtinë/Priština, there are two schools offering classes in Bosniak and two in Turkish.
- RAE returnees can use social services and public utilities that are available to the receiving community. But more needs to be done to improve inter-ethnic tolerance and harmony before these returnees can have equal access to these services as the receiving community. Connection and supply of public utilities to returnees depend on donor funding, but there is no outright discrimination against them.

11. Mechanisms for protection of community rights:

- After the March disruption, the four MCOs have started to function more normally and to re-establish the links they had with the municipal administration. Cooperation between the CEOs and the Heads of the MCOs are improving steadily. However, the staffing and funding needs of the MCOs are not always expeditiously addressed.
- The Communities and Mediation Committees have been formally established in almost all the Municipalities. But none could be considered to have been fully constituted or fully operational. Serbs, except in Lipjan/Lipljan, have boycotted these committees demanding absolute majority in the Communities Committee. Even in Lipjan/Lipljan, this committee has not met during the reporting period. In Prishtinë/Priština, both committees hold meetings without the Serbs and attempt to address the concerns of non-Serb minorities. But the Municipal Assembly and the administration rarely heed their recommendations.
- In general, the Additional Deputy Presidents, except in Prishtinë/Priština, and the Heads of the MCOs have emerged as the major spokespersons for the protection of minority interests within municipal structures rather than the Communities Committees.

12. Fair distribution of resources:

- All Municipalities have made budgetary allocations for fair share financing. However, more needs to be done to fully comply with regulation 2003/41. The process of calculating the expenditure and actual disbursement of funds has not been problem-free. The last quarterly reporting requirements have been met except in Obiliq/c and, in most cases, this is achieved after repeated reminders and prodding by UNMIK.
- The targets for education and health are easily met by most because of salary expenditure to Serbian staff in these sectors. The major shortfall is in capital expenditure.
- Municipalities have so far not been involved with financial support to activities related to returns and protection of minority rights. The problem is not only lack of political will, but also of lack of financial resources.

D. Property Rights

13. Property legislations:

- Property legislations are implemented to a great extent in most Municipalities. But the communities have problems in getting municipal services based on existing

legislations. Seeking remedial measures through the courts is even more difficult, as the Serbs have no confidence and trust in the Albanian judges.

- Municipalities are yet to adopt a non-discriminatory and gender-sensitive regulatory framework for spatial planning. However, Municipalities like Prishtinë/Priština have developed general criteria and conditions for legalizing illegal constructions, but enforcement is lagging far behind. Some Municipalities have also contracted firms to develop urban plans; cases in point are Fushë Kosovë/Kosovo Polje and Prishtinë/Priština Municipalities.
- Last January 2004, the Prishtinë/Priština Municipality took a decision on compensation for expropriated land (varying from 1.4 to 1.7% of the average market price). But this decision has not been applied so far. In other Municipalities, compensation is done on ad hoc basis.
- There have been some efforts to train municipal officials on real property rights legislation, but these are not considered adequate. Municipalities have not undertaken serious measures to raise awareness of the general public regarding property rights legislations.

14. Enforcement of property rights:

- Municipal authorities to some extent sanction and prevent illegal occupation and use of residential and non-residential property by enforcing regulations at their disposal. Some Municipalities like Lipjan/Lipljan take cases of illegal occupation of public property to court, while most take sporadic action against illegal constructions. Some municipalities like Prishtinë/Priština have taken no action to prevent the illegal transformation of agricultural land into construction land. To exacerbate the problem, quite a few illegally constructed buildings in Prishtinë/Priština are located on agricultural land usurped from the Serb community.
- Many municipal officials have publicly spoken against illegal occupation and use of property and have tried to promote enforcement of relevant laws. However, no Municipality has so far developed and implemented a public information campaign on consequences of illegal occupation and use of residential
- Although Municipalities do not have resources to address the housing needs of vulnerable groups, a few have taken measures in this regard. Obiliq/c Municipality has allocated land for a social housing project for the planned resettlement of the IDPs currently in Plemetina/ë Camp. In Podujevë/o, the Municipality is cooperating with an NGO that is running a housing scheme. Lipjan/Lipljan Municipality has established a Housing Committee, but has so far undertaken no social housing schemes or assisted any social cases.
- No report has been received of Municipal Courts verifying illegal sales. Municipal authorities, police, and courts coordinate action amongst themselves as necessary. The level of cooperation varies, but is generally satisfactory.
- There is cooperation on the ground between Municipalities, HPD and the Police on enforcement of property-related decisions. But no formal inter-agency or other agreements have been concluded involving Municipalities.
- Municipalities have not been approached to devise an action plan for Kosovo institutions to accept the handover of HPD/HPCC files and properties under HPD administration.
- The relevant municipal departments are engaged in regulating the use of agricultural and commercial property, but no systematic evaluation of the effectiveness of the existing implementation and enforcement structures/mechanisms has been undertaken. It is obvious that the Municipal Courts are understaffed and lack judges with adequate experience on property issues.

- Although the Mediation Committees have been established in almost all Municipalities, they are far from effective and have not been involved in resolving property disputes. There are also no other bodies to protect against discrimination on the basis of ethnicity, gender, etc.
- Outside the court system, Municipalities have no special system to resolve disputes over agricultural and commercial property. However, the relevant municipal section when approached will confirm or deny ownership based on the available cadastre and other records.
- No Municipality has reported on measures taken to provide adequate technical, human and physical resources to Municipal Cadastral Offices to make them effective, transparent and able to provide non-discriminatory access to services to the public.
- The staff of Municipal Cadastral Offices attend technical and legal training offered to the Municipalities.

15. Informal settlements:

- No information is available on established informal settlements within the Prishtinë/Priština Region. There are IDP camps, and if these can be considered as informal settlements, the concerned local and international bodies have been extending support and assistance to the IDPs, including essential services.
- The most important of these camps is the one in Plemetina/ë in Obiliq/c Municipality. Municipalities have provided modest support to these IDPs and currently efforts are underway to find durable solutions to their plight. There are ongoing discussions on the best alternatives to close the Plemetina/ë Camp and return the IDPs to their places of origin or resettle them through social housing projects. The Obiliq/c Municipality has already allocated a plot of land for a social housing project. Donors are sought to fund the project.
- Several municipal officials have attended course on spatial planning by UNHABITAT and Ministry of Environment and Spatial Planning.

16. Preservation of cultural heritage:

- The preservation of Kosovo's cultural heritage is not such a priority issue at the municipal level and, as a result, no specific measures have been undertaken in this regard. However, there is a realisation that nothing should be done to harm this heritage.

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