

SUMMARY MONITORING REPORT
Good governance is not just a phrase
July 2012, Prizren

CONTENT

I. Executive summary	2
II. About the project	4
III. Why transparency monitoring	5
IV. General conclusions on municipal transparency	5
V. Specific monitoring findings	7
VI. Impact of the project.....	10
VII. General recommendations (transparency)	12
VIII. Specific recommendations (sectoral).....	13
IX. Second phase	15
X. Acknowledgment	15
EC Ma Ndryshe.....	16

This report has been produced within the “Online transparency of Prizren Municipality” project, funded by the Kosovo Foundation for Open Society.

I. EXECUTIVE SUMMARY

This report summarizes six month monitoring performance within the “Online Transparency of Prizren Municipality”. Monitoring findings during this period bear strong evidence that good governance is not just a phrase, but a persistent operation towards democracy and good quality of life for citizens. Good governance, as much present in the statements of officials, less present in their actions.

Local governance in Prizren suffers from scores of structural shortcomings. Transparency, as a fundamental principle of good governance, certainly ranks on the top of this list. Recently, the importance of coining transparency in local level, as a tool for addressing some of the greatest challenges for sustainable development and democracy, is being increasingly understood. General findings on local transparency: Municipal Regulation on Transparency, non-compulsory to the executive branch; unnecessary delays for access to public documents; Closure of the meetings of the mayor with directors, detrimental to democracy; citizens excluded from decision-making.

Specific monitoring findings encompass: The mayor of municipality has no Annual Work Plan; Decisions are published in a general manner; school directors, incompetent budget managers; Poor quality of capital investments in schools; Deficient health care services; Around 80% of constructions in the city do not comply with the construction permits; The city of culture without cultural policies; The Auditor General confirms concerns of civil society for financial mismanagement; Urban degradation of the city (investigation in urban sector); Urban degradation of the city – concrete cases (residential building blocks); Urban degradation of the city – concrete cases (Historic Centre); Enormous expenses on official travels; Uncontrolled expenditure of public money;

Luxury spendings *versus* citizens’ socio-economic situation.

The first six-month phase of the project has produced some very good results, which represent positive indicators for greater effects in the coming stages of the project. At the same time, the initial results are a good evidence for the need of permanent and intensive monitoring of municipal executive in Prizren. The impact of the first phase of the project has been noted in the media coverage of the findings and activities of the project, the interest of the citizens to report cases of abuse of official positions, launching investigations in urban planning, the interest of the Ministry of Culture for the situation created in the Historic Centre and the number of visits (clicks) on the website of the project.

In order to address the shortcomings identified in this analysis, we recommend the following:

- Amendment of Regulation on Transparency,
- Withdrawal of the decision on the mayor’s closed meetings with the directors,
- Undertaking of punitive measures towards municipal officials who contravene the Law on Access to Public Documents,
- Publicizing of all acts in their preliminary and final form on the municipality’s webpage,
- Amendments to the Law on Local Self-Government in view of overseeing the mayoral functions,
- More determined commitment of the Ministry of Local Government for supervision of legality in Prizren Municipality,
- Fostering citizen participation mechanisms,

- Increasing the number of CSOs monitoring local governance,
- Substantial inclusion of citizens in the draft of annual budget of the municipality,
- Regular media reporting on all undertakings that contravene the transparency,
- Investigation by the District Prosecutor's Office of all the reported cases of malpractice,
- Re-establishment of Municipal Information Office, and
- Setting up the Research and Public Opinion Office.

Specific recommendations:

- the mayor of Prizren to be vested with a Work Plan,
- To oversee the financial management in the schools,
- To investigate the cases of breakdowns in newly constructed schools,
- To remedy the situation in the provision of medical services,
- To demolish all the structures built out of construction criteria,
- Coordination between the Department of Urban Plannin and the Department of Inspectorate for the regulation of the situation in the Historic Centre,
- IPCM of Prizren to be more strict when granting consents,
- To draft the Strategy for Culture,
- To implement the recommendations of the Auditor General,
- To cut down the unnecessary expenditures for official travels,
- To terminate the practice of acquisition and devaluation of public money

III. About the project

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

Over the last two mandates many cases have been recorded in which mayors acted without prior consultation with municipal assemblies and, in many occasions, without a decision of the latter. This practice has raised numerous concerns relative to the rule of law in Kosovo municipalities. Proponents of direct mayoral system are aware of the detriment to democracy formula at the local level. This formula is applied when the mayor of municipality appears very sophisticated in his manipulative skills; at the same time, the Municipal Assembly is motionless in fulfilling its responsibilities and to fully exercise its competencies (legislative and oversight). Some of cases of the abuse of executive powers have been noted in Prizren, whereas on one such case EULEX is currently conducting investigations on the Mayor of Prizren Municipality. For that reason, monitoring and reporting on the the activities of

misrule (especially of municipal executive branch) should be the primary task of civil society in relation to good governance at the municipal level.

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

The main purpose of the project shall be the strengthening of good governance in Prizren municipality. Specific objectives that will aid in achieving of this purpose are: Improvement of the level of public information on local decision-making; initiation of governmental and judicial mechanisms on addressing the practices affecting legality; the raise of the level of transparency in local decision-making; the raise of the attention of local decision-makers in regard to legality in local governance; increase of the participation of community groups in local decision-making.

III. Why Transparency Monitoring

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

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

corruption and improving the quality of urban governance overall.

Therefore, transparency represents the fundamental principle of good governance. The free access to information plays an important role in promoting transparency. Information, therefore, should be provided in time, be relevant, accurate and complete if being used effectively. The question of who produces what information, and for what purpose, becomes key matter of transparency when competing interests converge on a particular matter. One of the most cutting edge patterns for ensuring the transparency is a five point framework for the increase of transparency: 1. Assessment and monitoring, 2. Access to information, 3. Ethics and integrity, 4. Institutional reforms; and 5. Targeting specific issues.

IV. General conclusions on municipal transparency

Local governance in Prizren suffers from scores of structural shortcomings. Transparency, as a fundamental principle of good governance, certainly ranks on the top of this list. Recently, the importance of coining transparency in local level, as a tool for addressing some of the greatest challenges for sustainable development and democracy, is being increasingly understood. Some of the general findings on municipal transparency, derived from six-month process of monitoring the municipal executive in Prizren, are listed below.

Municipal Regulation on Transparency, non-binding to the executive branch – Regulation on Transparency of Prizren Municipality, in its core structure adopted by the Municipal Assembly, is completely non-binding for the mayor and municipal executive. Hence, such regulation, where responsibilities of municipal executive are not specified, represents a

deliberate dodging from responsibility and accountability. Moreover, it reduces the transparency solely to Municipal Assembly. With such content of this Regulation, not only municipal transparency shall not be promoted, but quite the reverse—the mayor will establish a strong excuse for acquittal from criticism for the lack of transparency.

Access to documents, unnecessary delays – Another stumbling block of good governance in Prizren Municipality is the breach of Law on Access to Public Documents. According to the reports of enquiry organizations, the municipal level, in the matter of access to public documents, remains in a pitfall; whereas Prizren Municipality ranks quite low in this assessment. Moreover, the official municipal website contains only formal information, whereas only the decisions adopted in their final form are posted on it. This practice is contrary to democratic governance required for coining opportunities for citizen participation and influence in decision-making during the policy-making process.

Closure of the meetings of the mayor with directors, detrimental to the democracy – To furtherly damage the level of transparency, by means of a controversial decision and extremely detrimental to local democracy, the incumbent mayor has closed the doors to his meetings with the municipal directors (formerly known as Board of Directors) for the public. Closed meetings, where important decisions on the expenditure of the municipal budget are brought, have raised many doubts on the capability of municipal executive to properly manage with public funds. Audit Report of the year 2011 had revealed that Prizren Municipality violates the principles of good governance in relation to public money.

Many municipal officials under investigation – One of the shortcomings identified is the

mismanagement with municipal assets. Civil society and opposition in Prizren, on many occasions, have pointed their finger at the mayor for seizing the Municipal Assembly's competencies, particularly on the decisions for administering with municipal property. When it comes in taking punitive actions towards the law-breaching mayors, there are rare cases when the local or central authorities of Kosovo have done so. Prizren is among the municipalities with the largest number of officials investigated by the District Prosecutor's Office and EULEX for the abuse of office.

Citizens' decision-making, not even an issue – Citizens of Prizren municipality remain excluded from local policy-making and their inclusion in the process of consultation is extremely rare or barely formal. To date, the mechanisms of direct democracy foreseen in the Law on Local Self-Government and the Statute of Prizren Municipality remain an untapped opportunity in the municipality of Prizren. On the other side, the Municipality of Prizren is demonstrating total incapacity in involving the citizens in decision-making through public consultations, public meetings, participatory budgeting and consultative committees.

V. Specific monitoring findings

During the first phase several local government sectors have been monitored. Below you can find specific monitoring findings in the area of urban planning, education, health, culture and budget.

The mayor of municipality lacks the Annual Work Plan – the first submission of request for access to public documents and information on the performance of Prizren municipal executive has resulted with the violation of the Law on Access to Public Documents by the mayor and the Department of Health. By the non-response it may be concluded that the mayor of Prizren Municipality lacks Annual Work Plan thus governs the municipal executive without planning.

Decisions published in a generalised manner – We consider publication of decisions in a general manner as ineffective since it is not specified as a result of which policies have been rendered. Apart from publication of decisions in a general manner by the Mayor of Municipality, neither the directors of directorates are not concerned for preliminary publication of their decisions on the municipal official website. Thereby, citizens are precluded to participate in policy-making and decision-making. This practice is in full contradiction with the principles of transparency and accountability of the municipal executive.

The school directors, incapable budget managers – According to the Law on Public Procurement of Kosovo, the contracting authority shall simultaneously send a written request for price quotations to at least three (3) economic operators and, to the extent practicable, to as many additional economic operators as is necessary to ensure that effective competition for the concerned contract is not impaired. The directors do not adhere to this

legal provision; moreover, the directors, from their side, require from a company to provide other bids in order to cover the requirements on paper procedures. Directors have also confirmed they do not have proper expertise to successfully manage with the budget, emphasizing the lack of a financial officer of a school.

Substandard capital investments in schools – During the monitoring of the education sector it was also observed a poor quality of capital investment in schools. Some of the school facilities that were recently built are not of proper quality. Cracks on the walls of the schools, collapse of sanitary nodes in school facilities, etc. are among remaining issues that follow the investments in this area. The lack of accountability and technical acceptances without any requirement by the oversight authority (municipality) *versus* economic operators investing in school facilities indicates for possible abuses by local government officials.

Substandard healthcare services – Another segment monitored – provision of healthcare services – shows for the lack of quality of these services delivered to the citizens of Prizren. Extended lunch breaks of medical staff, the requirement for an appointment for blood tests (two or three days in advance) and the lack of essential drugs list are ample evidence showing that the level of primary healthcare is ailing. Therefore, local government, together with the managing staff of the primary health institutions, should take immediate steps to remedy this situation in the provision of medical services to the citizens of Prizren.

About 80% of the structures built do not comply with construction permits – The situation emerged in the area of urban and spatial planning in the city of Prizren is disturbing. Around 80% of structures built did not adhere to a construction permit. Moreover, the trends of various bargains with construction

companies are an overriding occurrence of urban projects funded from the budget of Prizren Municipality. Paramount evidence of urban degradation of Prizren is the official document No. 04-353 of the Directorate of Urban and Spatial Planning addressed to the Directorate of Inspections, in which it states, *inter alia*, “...according to the evidence the DUSP Service possesses, we hereby inform you that the constructions which are taking place recently are rather disturbing; over 80% of those equipped with construction permits failed to comply with the construction permit, while a very large number of other structures built lack the construction permits. DUSP Service is concerned, in particular for the sites for which it possesses Regulatory Plans (Prevalla, Jeni Mahalla, Lakuriqi, Dardania, etc.), whereas in the interior of those sites it is being constructed without adhering to the Regulatory Plans.”

City of culture without cultural policies – In a meeting with the representatives of the Directorate of Culture, Youth and Sports, the monitors have identified several shortcomings in the operation of this sector. In the category of subsidies, the total budget for the three sectors of this Directorate for the year 2012 is €15,000, from which, till today, €9,150 were spent; whereas, €30,000 were paid from the category of subsidies of this year’s budget as debts. One of the major shortcomings of the culture sector in Prizren is the lack of the Strategy for Culture Development. Moreover, local government in Prizren has no proper planning and design of cultural policies, while the budget for the cultural sector is drawn up without prior consultation with the city’s cultural and artistic community.

The Auditor General confirms the concerns of civil society for financial mismanagement – The Audit Report for 2011 of the Office of the Auditor General for the Municipality of Prizren

concludes that the municipality has not achieved to entirely reconcile the budget with spending dynamics in time periods and has not established appropriate mechanisms of control over own source revenues. From 60 samples tested by the Auditor, that cover over 6 million of the payments of expenditures through procurement procedures, it was observed that in 17 samples the municipality has undertaken procurement procedures which are not in accordance with the Law on Public Procurement. Conducting of procurement procedures, after activities are performed, is a practice that is not recognized by law and as such should not happen. Also, making payments without achieving the contract’s objectives indicates a poor financial management according to the Auditor’s report for Municipality of Prizren.

Urban degradation of Prizren (investigations) – In one of the requests submitted for access to public documents, EC Ma Ndryshe has requested from the municipal executive the construction permits for residential tower blocks dating since 2007, together with the evidences and records of these projects to establish whether these works were carried out in accordance with the construction permits. As a response to this request, the Directorate of Urban and Spatial Planning produced a notice saying that, “[...all the dossiers on the residential tower blocks are found in the Police Department.” (The letter of this Directorate attached). A day after, such information was confirmed same by the District Prosecutor's Office in Prizren, which had authorized relevant Kosovo Police investigators to initiate investigations concerning suspicions on irregularities in the construction of residential tower blocks and the excesses of urban plan designs in different areas of the city.

Urban degradation of the city – concrete cases (collective residential structures) – As an added input to the efforts in bringing urban order in Prizren, new evidences on urban irregularities were provided. The monitoring staff and activists of the organization have evidenced many overbuilding and non-adherence to the urban plans by the constructors of residential tower blocks. Apart from the lack of safety during construction works, segment that is left uncovered by the municipal executive; these investors also violate Regulatory Plans adopted by the Municipal Assembly of Prizren. Despite the adoption of Regulatory Plans, there have been many exceedings in the building line and the storey-height, as well as non-adherence to other legal sub-acts regulating the field of collective building structures. In another case already revealed, except the occupation of public property by the investor, works continue to be carried out in the same location without construction permit from the municipal executive.

Urban degradation of the city – concrete cases (Historic Centre) – To date were identified several works being executed contrary to the construction and intervention requirements set for the Historic Centre of Prizren and inconsistent with a construction permit issued by the municipal authorities. Specifically, the monitoring staff of EC Ma Ndryshe have found that most blatant violations in this zone are the construction works in: Hotel Theranda, café “Hollywood”, former “Shtëpia e Mallërave” (Shopping Centre) in Shatërvan, cobblestones paved by the Directorate of Public Services in Shatërvan Square (carried out without the consent of the Institute for Protection of Cultural Monuments in Prizren), rough frame building near the house of Shuaip Spahia, rough framing construction near the building of IPCM, construction of several hotels, and so on. Infringements of the requirements, construction

and intervention permissions in most cases are related with the exceedings of the building line and the level (storey-height) of the construction.

Enormous expenses on official travels – A largely worrying aspect of the conclusions rendered by the Mayor is the manner of the expenditure of public money for the official travels of Prizren Municipality officials. During the seven months of 2012 only, over € 18,000 were spent from the municipal budget on the official travels. In one of the decisions of this year, the mayor has approved the the official travel and the payment of per diem allowances for him and other six municipal for participation at the 5th International Dance Festival for Children, held from 19 to 23 April 2012 in Beykoz of the Republic of Turkey. The total amount of public money spent for this travel is around €3,000. In another case, the Mayor, on April 18th 2012, has approved the decision allowing a four-day visit/tour for the civil service staff of Prizren Municipality in the Republic of Albania for marking the International Labour Day (May 1st). The implementation of this tour has cost the municipal budget €5,624.

Uncontrolled expenditure of public money – Although repeatedly warned from civic society for being attentive with sensitive budgetary categories, local government of Prizren, during the first half of the fiscal year 2012, has not waver in spending about €50,000 under the category of goods and services. Mayor's governing cabinet, for the period concerned, has spent over €12,000 on fuel for automobiles, while for their maintenance and repairs around €2,000 were spent. One of the most unacceptable conducts of municipal officials remains the manner of the official phone usage, given that monitoring had revealed that, in the first half of the fiscal year, only for mobile phone expenses were spent over €15,000. For

printings and publications were spent over €47,000, while for official meals and other events around €31,000.

Luxury spendings versus citizens' socio-economic situation – A tangible proof of a great social inequality existing in Prizren and of uncontrolled exhaust of public money by municipal government is the attention this government displays towards ailing patients with difficult economic conditions for proper medical treatment. In occasional terms, the mayor takes decisions in providing financial assistance for this category of citizens, whereas the upper limit of amount provided to a patient is €300. Equally turns out with decisions to assist households living on social assistance when the local government intervenes with a fairly small sum. Nonetheless, when it comes to the privileges of municipal officials – such as phones, travels, fuels, lunches – the principle of humble expenditure of public funds is not adhered to. While this acquisition and devaluation of public money is not an occurrence attributable to the year 2012 only. For instance, official expenses for trips in 2010 were €10,000, while in 2011 those have reached close to €75,000; the expenses for fuels and burning fuels in 2010 were €17,000, in 2011 those were about €13,000; representation expenses in 2010 were €84,000, whilst in 2011 – €1,000. Such practice of spending is absolutely awkward when it comes to social and economic reality of the citizens of Prizren. As more uncontrolled the expenses of local government officials for feeding their privileges are, the more unbearable becomes the cost of daily consumer basket of Prizren households. We are already living in two different realities in Prizren: the one of local government officials who do enjoy the privileges of power; and the second, the one of the citizens of Prizren where every second resident lives in poverty while every fifth in extreme poverty. What is more, all this

inequality deepens at the expense of citizens and their taxes.

VI. Impact of the project

The first six-month phase of the project has produced some very good results, which represent positive indicators for greater effects in the coming stages of the project. At the same time, the initial results are a good evidence for the need of permanent and intensive monitoring of municipal executive in Prizren. The impact of the first phase of the project has been noted in the media coverage of the findings and activities of the project, the interest of the citizens to report cases of abuse of official positions, launching investigations in urban planning, the interest of the Ministry of Culture for the situation created in the Historic Centre and the number of visits (clicks) on the website of the project.

Media coverage – The findings and activities of the project were widely covered by all medias of Kosovo, including local TV stations, national TV stations (though rarely), daily newspapers and in internet sites. Regular press releases and press conferences have been regularly covered by local TV stations of Prizren, mainly in their primetime news editions. Moreover, the findings and monitoring reports have served to prepare numerous television stories in different program editions, while the project's and organization's staff was invited to several TV editions to discuss about monitoring and transparency in Prizren Municipality. Furthermore, topics such as urban degradation of Historic Centre of Prizren, travel expenses of municipal officials have prompted the central TV stations to prepare special television chronicles within different TV editions (e.g. morning editions). Another feature of extensive media coverage had been the daily newspapers in Kosovo, which have regularly reported on the monitoring findings. Eventually,

online news portals have been quite responsive in publicizing the monitoring findings in the first hours after the publication of press releases.

Reporting of citizens – One of the unanticipated achievements of the project has been the willingness of citizens of Prizren to report to the project the cases of misuse of official position. One such case submitted by citizens is forwarded to the Anti-Corruption Agency, whereas the second one, which is in the final stage of inquiry, relates to serious violation of the law. These cases have encouraged us that, within the project, to build a separate section for citizen reporting. Therefore, during the second phase of the project, EC Ma Ndryshe encourages all citizens of Prizren in becoming part of the project for local government monitoring by reporting the cases of bad governance, mismanagement, the lack of transparency, corruption, fraud, conflict of interest or other forms of abuse of power by the officials or civil servants working in Prizren Municipality. Reporting can be made on all cases of abuse of official capacity in the civil service, the executive branch (mayor and municipal directorates), the Municipal Assembly and for public companies.

Investigations in urban planning – An encouraging development during the six-month period was the initiation of investigations by the District Prosecutor's Office of Prizren, which has authorized respective investigators of Kosovo Police to begin with their investigations regarding the suspicions on irregularities in the construction of collective residential structures and exceedings of the urban plans in different areas of the city. EC Ma Ndryshe welcomes this undertaking of judicial and law enforcement authorities, which had taken place following the regular reporting of our organisation over the last few months on urban irregularities in Prizren. Should this remain not just an attempt, EC Ma Ndryshe calls for coordination of

operations by the authorities, so the violators of urban regulatory plans and the laws on cultural heritage and spatial planning are brought to justice.

Commitment of the Minister of Culture - Report on the degradation of the Historic Centre with ten specific cases of infringement of construction permits, which is ascertained by the fact that only in the first six months of 2012, the Institute for Protection of Cultural Monuments in Prizren had issued 62 consents for constructions or interventions within the Historic Centre of Prizren, has triggered reactions within the Ministry of Culture, Youth and Sports. The minister of MCYS has reflected personal concern on this occurrence and publicly has announced that he sought from the Institute in Prizren the report on the state of cultural heritage in the Historic Centre of Prizren. Moreover, during a public debate on the new Law on Cultural Heritage, the Minister pledged that his main priority in the following days and weeks will be the protection of cultural heritage from brutish interventions of illegal constructors.

Number of visits on the website – The number of visitors on the project's website (www.onlinetransparency.org) has recorded constant increase. From dozens of visits per week, last month, the number of visitors was over 1,000, meaning hundreds of clicks per week. Along with the website, EC Ma Ndryshe utilizes its official website and its official Facebook page to publish the monitoring findings and press releases. The organization's official Facebook page records the traffic of 4,000 visitors per week.

VII. General recommendations (transparency)

In order to improve the level of transparency in local governance of Prizren, the relevant stakeholders (Prizren Municipality, Ministry of Local Government Administration, District Prosecutor's Office, Civil Society and the media) are suggested to undertake the following immediate actions:

- Amendment of Regulation on Transparency with the inclusion of explicit provisions on the obligations of the mayor and local municipal executive in relation to transparency,
- Withdrawal of the decision, thus to terminate non-transparent practices of mayor's closed meetings with the directors,
- Undertake punitive measures towards municipal officials who do not grant access to official documents as foreseen in the Law on Access to Public Documents,
- Publicizing of all acts in their preliminary form (process of drafting) on the municipal official webpage,
- Upload of all municipal acts and decisions in their final form on the municipal official website upon their adoption,
- Amendment of the Law on Local Self-Government thereby strengthening Municipal Assembly in relation to the oversight of mayoral operations,
- To strengthen the commitment of the Ministry of Local Government Administration on the supervision of lawfulness in Prizren Municipality and capacity building of municipal officials in view of adherence to the law (prevention),
- Regular promotion of citizen participation mechanisms and to increase the interest of citizens to participate in public consultations,
- Increase the number of civil society organizations monitoring local governance (with particular emphasis on sectoral monitoring)
- Substantial inclusion of citizens in the draft of annual budget of the municipality and to strengthen the procedures for meeting the requirements and needs of citizens in relation to the budget,
- Regular reporting in local medias of all undertakings that are contrary to the principles of good governance and transparency,
- District Prosecutor's Office to instigate investigations of all cases of malpractice reported by the organizations monitoring the work of municipality and on the findings of the Auditor General's Report,
- To functionalize the Municipal Information Office for providing guiding information to citizens and prevent the overload in municipal administration,
- Setting up the Research and Public Opinion Office, which shall constantly track the citizens' opinion on different public policies.

VIII. Specific recommendations (sectoral)

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

Mayor of Prizren to have a Work Plan – In order to increase the quality of good governance and for having a greater transparency related to the dynamics of objectives implementation of local government, the mayor of Prizren Municipality is required that at shortest time possible start with the draft of his Work Plan for 2013 and its publication for the general public.

To oversee the financial management in schools – Financial management by school directors creates a vast room for ineffective management and abuse of public money. Therefore, the Directorate of Education should put much effective control upon school directors in terms of financial management and to continue with training the directors in the matters of financial management.

To investigate cases of failures in new school facilities - Investigation of each and every case of rapid breakdowns in new school facilities, thus to bound economic operators in remediation of those breakdowns.

To remedy the situation in the provision of medical services – Local government, together with the managing staff of the primary health institutions, should take immediate steps to improve situation in the provision of medical

services to the citizens of Prizren.

To demolish structures built out of the criteria

– To initiate procedures of demolishing of all structures built without a construction permit and those built out of construction requirements, particularly in the Historic Centre of Prizren. Furthermore, the Mayor of Prizren should retain final responsibility when it comes to the construction of collective residential structures out of urban requirements thus to take immediate steps to demolish all collective residential structures that do not comply with the construction permits and Urban Regulatory Plans. In addition, we appeal for a coordination of actions from both municipal and central bodies of the judiciary, so that the violators of Urban Regulatory Plans and the laws on cultural heritage laws and spatial planning brought to justice.

Coordination between the Urban Planning and the Inspectorate for the regulation of situation in the Historic Center

– Local government of Prizren to undertake, without delay, necessary actions towards the regulation of situation in the Historic Centre of Prizren in compliance with the Conservation and Development Plan for the Historic Zone of Prizren, adopted by the Municipal Assembly of Prizren. We require, firstly, from Municipal Directorate of Urban and Spatial Planning to act fully in compliance with the opinion issued by the Institute for Protection of Monuments, whereas the Directorate of Inspections is required to strictly oversee the adherence to the requirements foreseen in the construction permits. In case the violations during the execution of works are recorded, the municipal executive (with special emphasis the mayor) should take specific preventive actions, whereas in case of continuation of works, to take punitive actions against individuals who do not abide to construction requirements.

IPCM of Prizren to be stricter when granting consents – The Institute for Protection of Cultural Monuments in Prizren should become unbending when providing consents for construction works in the Historic Centre of Prizren and for being more vigorous in the oversight of the execution of works in this Centre by employing central authority, respectively the Ministry of Culture (part of which it is) and the government of Kosovo for preventive and punitive actions towards the municipality and other breachers of the requirements, construction permits and cultural heritage patterns in Prizren.

To draft the Strategy for Culture – As soon as possible to start with the draft of the Strategy on Culture and to establish a well-thought dialogue among local government and civil society for drafting proper cultural policies.

To implement the recommendations of the Auditor General – To implement to the letter the recommendations arising from the Audit Report for 2011, which are also in line with the observations and recommendations of civil society organizations that monitor the work of Prizren Municipality. The management of public money is the most important component of good and democratic governance, while the transparent decision-making is an indispensable precondition for better management of public money and combating corruptive affairs in local governance.

To reduce unnecessary spendings for official travels – The Mayor of Prizren is called to be attentive when spending public money for the category of official travels. The Mayor has legal and moral obligation to manage with responsibility the money of Prizren's taxpayers. Therefore, when bringing decisions on the expenditures for official travels, the Mayor should consider standards of good governance

and proper management with public money. At the same time, the Mayor must take into account that he governs a budget of the municipality with fairly low level of economic development and an alarming index of poverty (and extreme poverty), unemployment, and social cases.

To end the practice of appropriation and devaluation of public money – The Mayor of Municipality to end such practice of seizing and devaluation of public funds. Such practice is deepening discrimination and social disparity in Prizren, which is totally contrary to his incumbency as the city's development manager. Furthermore, we recommend to Prizren Municipal Assembly and its Chairman that, as soon as possible, request from the Mayor of Municipality the first semi-annual financial statements of 2012. The purpose of this reporting should be the review of the budget lines for 2012 and expenditure cuts in the mentioned budgetary categories.

IX. Second phase

In September commences the second phase of the “Online Transparency of Prizren Municipality”. Monitoring and publicizing will certainly see some changes, mainly due to the increased research capacities and coverage of more local government areas. The project will have an increased number of monitors who will permanently monitor local governance and decision-making. The focus of monitoring will continue to be the urban planning, whereas, alongside with other sectors, annual budget expenditures will be also monitored (on a permanent basis). Journalists and the public will continue to receive regular press releases (weekly or bi-weekly), and every three months will be published a summarized report on a particular sector of local governance. All the reports will be presented through the debates that will gather all the stakeholders when it comes to transparent and democratic governance. Online reporting (through the website of the project) will be the most common form of publicizing the findings. The monitors and project staff will ensure that project’s website is updated on a weekly basis (in some cases on a daily basis as well), which will serve as a permanent information platform on local governance in Prizren.

One of the pioneering components of the second phase of the project will also be the inclusion of citizens in raising the level of local transparency. Through direct reporting, citizens will provide the monitors and project staff with the specific cases related to the abuse of official position. The identity of the person reporting and his/her personal information will remain confidential and will not be disclosed. Reporter may choose the anonymous reporting option as well. Reporting is done through the following form and contains the next details: Title of the case, detailed description of the case, the date when the case occurred, municipal body involved in

the case, documents (evidence) and photo for upload and additional information.

X. Acknowledgment

EC Ma Ndryshe is profoundly appreciative to the Kosovo Foundation for Open Society (KFOS), which has provided financial support for the first phase (pilot) of “Online Transparency of Prizren Municipality” project. The support of KFOS has been indispensable to the consolidation of this project, which six-months after the its commencement, has achieved to demonstrate sustainability and to justify the necessity for regular monitoring of local transparency. Furthermore, we also express our gratitude to the British Embassy in Pristina, who estimated the success of the first phase of the project and decided to financially support the project starting from September 2012.

EC Ma Ndryshe

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

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

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

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

visor, comparative catalogue of the old and new photos of Prizren (2009), Volunteerism and Cultural Heritage (2009), Low cost intervention (2009), Cultural life in the municipality of Prizren (in cooperation with ODA Theatre) (2010-2011), Silent Balkan, a documentary within “A Balkan Tale” project (2012).