



16 April 2012, Prizren

**PRESS RELEASE**

**Prizren Municipality in hardship with transparency of its executive branch**

Pursuant to the Law on Access to Public Documents and municipal Regulation on Transparency, non-governmental organization EC Ma Ndryshe has submitted application to the Mayor of Prizren, Mr. Ramadan Muja, Directorate of Education and Directorate of Health. The application, as such, was filed on 02.04.2012, bearing a protocol number 01/031-3411; in which the cabinet of the Mayor of Municipality was requested to provide us access to the Mayor's Annual Work Plan for the year concerned. In addition, the respective directorates were requested for information on the number of decisions taken from January 1<sup>st</sup>, 2012, up to March 30<sup>th</sup>, 2012. According to the Law on Access to Public Documents No. 03/L-215, the public authority shall, within seven (7) days from the registration of the application, be obliged to issue a decision, either granting access to the document requested, or provide a written reply to state the reason for the total or partial refusal and inform the applicant of his/her right to make a application for review. Refusal of the request is done with a justified decision in writing for its refusal. EC Ma Ndryshe received a positive response from the Directorate of Education only, which contained specified decisions taken from January 1<sup>st</sup>, 2012; whereas the Mayor of Prizren Municipality and the Directorate of Health did not respond to this request.

***Project for monitoring the transparency of the executive branch***

EC Ma Ndryshe is undertaking the following actions within the project of monitoring the transparency of local governance in Prizren, which commenced in April 2012. The monitoring spotlight shall be set on the municipal executive (mayor and directorates) as well as on the municipal civil service. Monitoring shall be carried out through permanent monitors, who will be granted regular presence in municipal premises and unhindered access to official municipal documents. Reporting of monitoring findings will also utilize a permanent tool, a local governance transparency website. Monitoring findings will be posted directly in the website of this project for coining access possibilities for all the stakeholders. Monitoring findings shall turn into a footstep for operation for the second phase of project activities: advocacy and the addressing of legal violations. The organisation shall use legal powers to instigate procedures of addressing legal infringements carried out by the municipality. Project's website is at the development stage by a company specialized in the website design and will be published in May 2012. The project is funded by the Kosovo Foundation for Open Society (KFOS).

***The Mayor of Municipality does not respond to a request for access to public documents***

The first application for access to public documents and information on the operations of the executive branch of Prizren Municipality resulted with the violation of the Law on Access to Public Documents by the Mayor and the Department of Health. From the non-response could be concluded that the Mayor of Prizren has no Annual Work Plan, accordingly leading the municipal executive without planning. If case such conclusion does not stand, we do call the Mayor to provide us access to his Work Plan. Furthermore, we recommend the Mayor and municipal directorates in being proactive in the publication of the decisions they bring by utilizing the municipal official website.

***Website of Prizren Municipality – an ineffective tool***

The website of Prizren Municipality appears as a good potential for increasing municipal transparency. However, Prizren Municipality is largely inert in posting relevant information about the decision-making in the website. In most cases the website contains decisions adopted in their final form. This practice is contrary to the requirements of democratic governance, which requires coining the possibility for public participation and

influence in decision-making.

***Municipal Regulation on Transparency, non-compulsory to the executive branch***

Recently, the Municipal Assembly of Prizren adopted the Regulation on Transparency, which lacks the component of transparency of the executive branch. Although such defect derives from Administrative Instruction of the Ministry of Local Government Administration, by this we recommend the Municipality of Prizren in inclusion of transparency component for executive branch, specifying actions the Mayor of the Municipality and municipal directorates must undertake as per the transparent decision-making. The municipal executive, currently headed by the mayor of the municipality (who appoints and dismisses the municipal directors at his own discretion), 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 legality) 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).

***Mayors of municipalities: headaches with the law***

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

The project of EC Ma Ndryshe for transparency monitoring of the executive branch shall keep on publicizing the monitoring findings through regular press releases and, starting from May, through project's website, in which the findings shall be posted directly from the monitors.

Thank you for your cooperation,

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