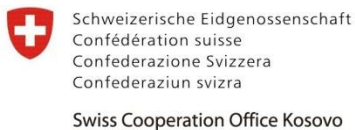


ADDRESSING RESPONSIBILITY

**THE KNOWLEDGE CITIZENS HAVE
CONCERNING THE COMPETENCIES OF
MUNICIPALITIES**



March 2017



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Executive Summary

During election campaigns, candidates for mayors make promises for areas that do not even fall under municipal competencies. In the past, promises were made for resolving the power supply problem, opening factories for employment, opening an airport, etc. After assuming their mandate, mayors frequently complain that they are being held accountable for way more than they have the responsibility for. With the intention of measuring the knowledge that people have regarding the competencies of the municipality, the GAP Institute conducted a poll, asking respondents about various issues related to public utilities, starting from waste management, up to the issuance of personal documents.

The results of this research indicate that people have sufficient knowledge on the institutions that are responsible for carrying out various public services. For example, more than 85% of the respondents know that waste management is the competence of the municipality and the regional waste management company. Close to 80% of the respondents know that water supply falls under the competence of the regional water supply company, while only 13.3% think that it is a municipal competence only.

However, there are some areas in which citizens do not have sufficient knowledge on the division of competencies between the central and local levels. In some cases, respondents wrongly believe that the central level has competencies for issues that are clearly a municipal competency. One such example is the selection of teachers for schools. Nearly 49% think that this is a competence of the Ministry of Education, Science and Technology, while 33.5% know that this is the municipality's competence. In some other cases respondents hold the municipality accountable for issues that fall under the competence of the central level. Asked which institution they would address to apply to get an ID and a passport, more than 50% of the respondents thought that the rightful place was the municipality, while 34.3% knew that the right address was the Ministry of Internal Affairs.

Based on the results of this research, the GAP Institute, in cooperation with central institutions, will undertake a campaign to inform people on the competencies of municipalities. At the same time, we believe that the results of this research will serve as a lesson for candidates who run in elections for mayor, so that they may steer their campaign towards those areas that fall under the competence of municipalities; and we hope that the central institutions start implementing the Strategy for Local Self-Government, which foresees the review of laws that created a conflict with respect to the division of competencies between the two levels of government, as soon as possible.

1. Introduction

“Mayors have more responsibilities than they have rights (competencies) for resolving the matters that preoccupy the people”. This is one of the lines that is frequently repeated by mayors whenever they are challenged regarding public utilities, such as water supply, waste collection, maintenance of forests and riverbeds.

On the other hand, during election campaigns, candidates running for mayor make promises for resolving problems that are not a municipal competence or, the competencies for which are intertwined between the central and local levels. “I will remove the barrier at the Iber river”, the current mayor of Mitrovica, Mr. Agrim Bahtiri, used to promise with respect to a problem that became a subject of dialogue between the Government of Kosovo and Serbia. “In 24 months, the citizens of Prishtina will have water supply round the clock”, was the promise made by the current mayor of Prishtina, Mr. Shpend Ahmeti, with respect to a problem that persisted for several years in Prishtina, the resolution of which requires coordinated efforts between the municipality and the government. “We will open the airport of Gjakova”, the current mayor of Gjakova, Ms. Mimoza Kusari-Lila, used to promise, although it is a central competence and it was precisely her, as the former Minister, who dealt with this issue up until her resignation from that post in order to run for municipal elections.

In much the same way, the central level also accuses municipalities whenever there is a problem they cannot solve, while it makes a run for getting merits whenever a problem is resolved. “This is the most important project that the Government has supported in the municipality of Prishtina”, stated the Minister of Finance, Mr. Avdullah Hoti, when they inaugurated 15 new urban buses in Prishtina¹, based on an agreement that was only made possible after many accusations were exchanged between the municipality and the government and following a petition by the citizens, which accelerated the signing of this Agreement with the European Bank for Reconstruction and Development.

After the assumption of their mandate, the mayors start complaining that people demand more from them than what they have the competence for. At the same time, they start exchanging accusations between the central and local levels for obstruction in carrying out their duties. Citizens are also disappointed with their representatives, as they are not able to address the main problems that they are confronted with.

¹ Lajmi.net. Hoti: New buses, the most important project supported by the Government. Published on 11 January 2017. Source: <http://bit.ly/2n8ZPC4> (last accessed on 21 March, 2017).

From the legal standpoint, the competencies between the two levels are intertwined and there is a conflict between them. Based on the Strategy for Local Self-Government 2016-2026, some of the challenging issues before municipalities during the last couple of years were: no clear division between the competencies of the central and local levels, the elimination of the two-tier approach in the administrative processes of the municipality and the inability to harmonize contradictions between legislation". Therefore this strategy will propose alternative solutions to put legal matters straight in an effective manner and to create a unique sustainable system in the frames of the country's legal order".

Based on this, the GAP Institute has undertaken a broad study, the purpose of which is to: 1. Measure the knowledge that people have concerning the responsibilities of the municipality vis-a-vis their problems; 2. Advocate for the change of the legal foundation in order to clarify the competencies and address (the issue of the) responsibilities; 3. Educate people on the competencies and duties of the municipalities towards them; and 4. Assist in meeting the objectives set forth in the Local Self-Government Strategy 2016-2026, especially issues that deal with the clarification of competencies between the central and local levels.

By clarifying competencies and increasing awareness in the community on the functioning of powers, the GAP Institute helps raise civic engagement and pressure for the provision of good services, through various research and reports that will ensue. Besides this, by increasing the level of information, the project aims to get the citizens to vote while being aware of the competencies, which mayors elected by them will have.

2. Methodology

This research has been developed in 38 municipalities in Kosovo, through the application of the quantification research method. To determine the sample for research we used the "stratified random sample" technique where the general population is divided into smaller groups - which is done based on the common characteristics the members of such layers share.

- **First layer:** is determined based on their ethnic background, in which case three different sub-groups were created.

- **Second layer:** is determined based on their place of residence. Furthermore for each municipality, research has been divided for urban and rural areas based on the official statistics provided by KAS.
- **Third layer:** is determined based on the number of polls conducted in each settlement (starting point). The starting points for this research are determined randomly.

1,000 Kosovo citizens, aged over 18, were interviewed as part of this research, of which 750 were Albanian, 150 were Serb and 100 belonged to other communities. The sample was then weighed to reflect the ethnic structure of Kosovo. The figure below shows the number of interviews conducted in the 7 major regions of Kosovo.

Figure 1. The number of interviews completed based on region

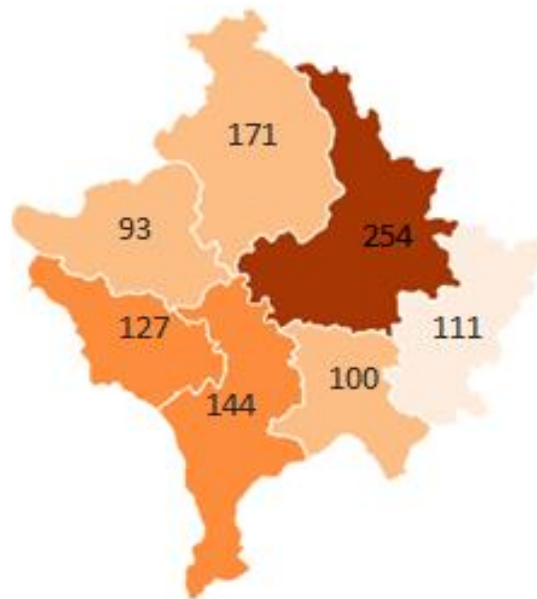
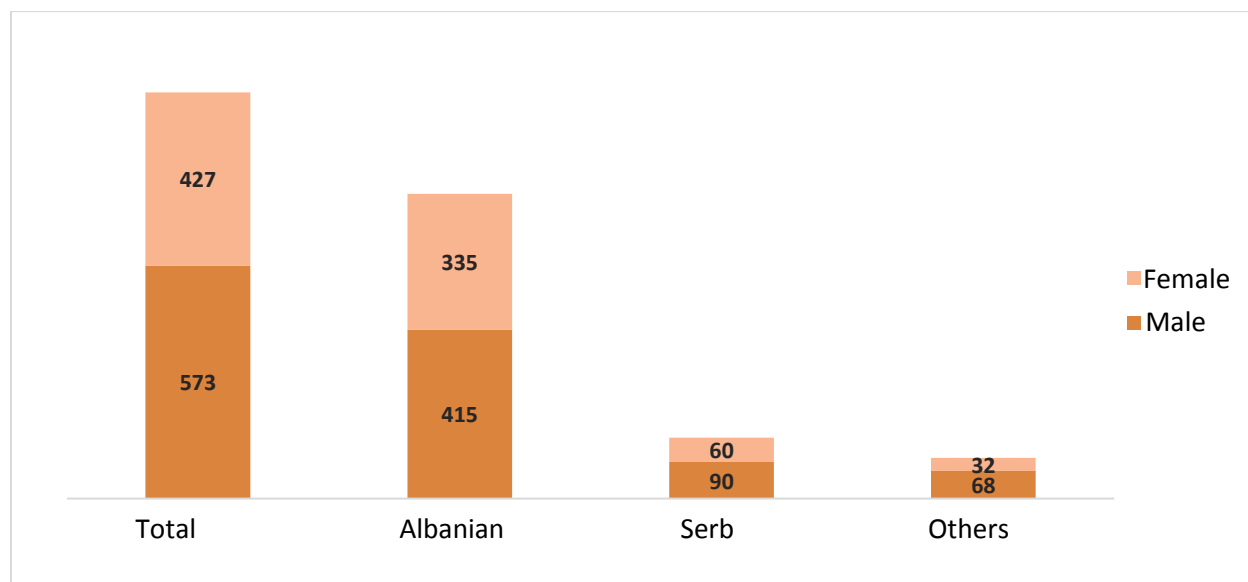


Figure 2. The division of the sample based on age and ethnicity



The poll was carried out by UBO Consulting between 14 and 25 January 2017.

3. The knowledge people have regarding the responsibilities of the central and local levels

The purpose of this research is to identify the general knowledge that people have concerning the responsibilities of the central and local levels. To be more concrete, this research discusses the responsibility of the central or local levels with respect to: neighborhood waste collection; high-tension power supply; supply with drinking water; road maintenance; naming of roads; air quality monitoring; problems with the expired dates of products; problems with the firefighting service; forest protection; selection of teachers for schools, drafting of learning programs; addressing the violation of workers' rights; getting equipped with identification papers; obtaining a permit for operating a quarry; ensuring medicine for municipal medical centers; distribution of social assistance; increasing salaries in the educational and health systems. Apart from responsibilities, respondents were also asked who should bear the responsibility for such fields. Unlike questions on responsibility, these questions reveal the expectations people have with respect to the different responsibilities of institutions and not their knowledge concerning it.

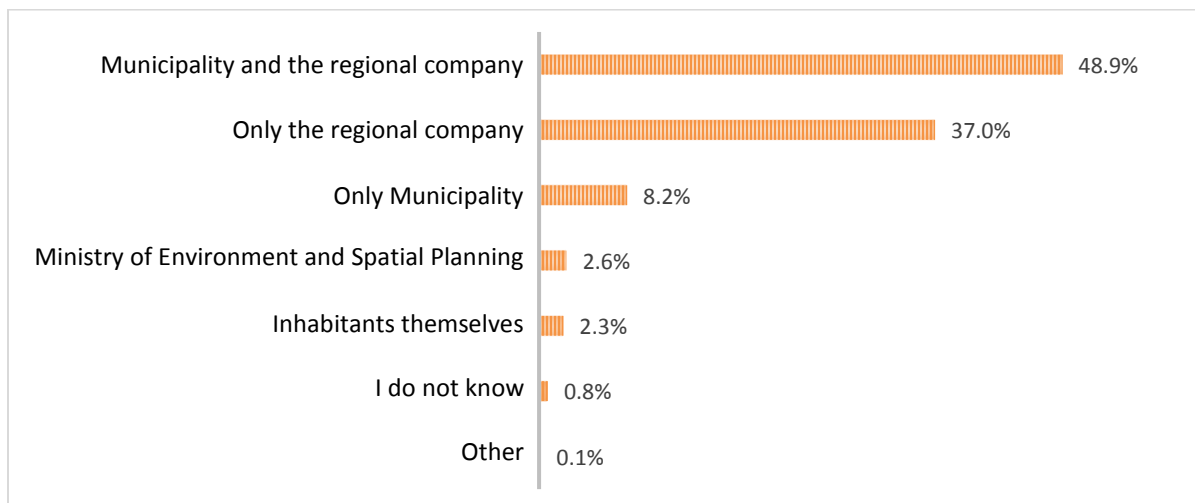
3.1. Waste management

Waste management is a competence of municipalities based on the Law on local self-government.² But, in practice, waste management falls more under the competence of regional companies operating as share-holders associations rather than falling on the municipality. According to the law on public enterprises, there are 11 waste collection companies, five of which are 100% owned by the municipality (Gjakova, North Mitrovica, Zvečan, Leposavic and Zubin Potok), while the rest are regional companies, where Boards are comprised of two or more municipalities.³

In spite of the conviction of mayors that citizens tend to blame them for issues that do not clearly fall under the powers of the municipality, respondents displayed quite a high level of knowledge with respect to waste management responsibilities.

Asked who was responsible for the collection of waste in their neighborhood, about 49% of the respondents answered that the municipality and regional company share this competence (see Figure 3). In addition, 37% of the respondents consider the regional waste company as being in charge of waste collection in their neighborhood, while about 8% see the municipality alone as being responsible.

Figure 3. Could you please tell us who is responsible for waste collection in your neighborhood?

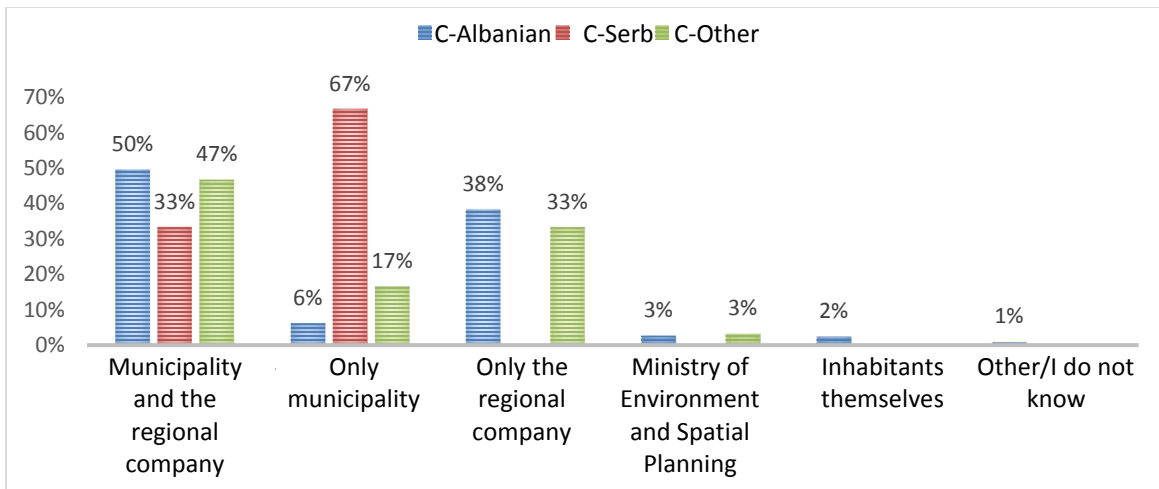


² Official Gazette of the Republic of Kosovo. Law No. 03/L-040 on Local Self-Government. Article 17.

³ Official Gazette of the Republic of Kosovo. Law no. 03/L-087 on Public Enterprises. Amended and Supplemented with Law No. 05/L-009 and Law No. 04/L-111. Source: <http://bit.ly/1vs647w>

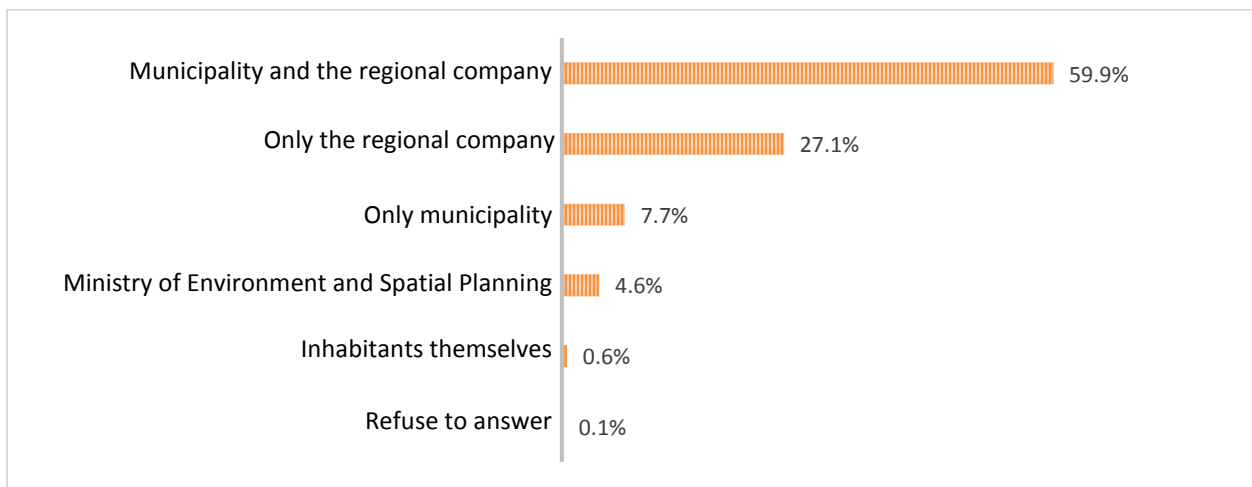
The opinions of the respondents concerning this matter differed greatly based on their ethnicity. As you can see in Figure 4, while 67% of the Serbs think that the municipality on its own is responsible for waste collection in the neighborhood, only 17% of the Albanian respondents and 6% of the respondents from other ethnic groups share the same view. Besides this, none of the Serb respondents consider that regional waste companies are responsible for waste collection, however 38% of the Albanian respondents do so. This difference in the responses given by the Albanian and Serb communities could have been affected by the fact that the municipality owns all shares of the waste company in the northern municipalities with a Serb majority.

Figure 4. Responsibility for waste collection: Division based on ethnicity



When asked who should be responsible, as we can see in Figure 5, about 60% of the respondents think that the municipality together with the regional company should be in charge of waste collection in their residence, irrespective of the current division of competencies. About 27% of the citizens think that the regional waste company should have the primary responsibility, while 0.6% of the respondents think the citizens themselves bear this responsibility.

Figure 5. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for the collection of waste in your neighborhood/village?



3.2. Water supply

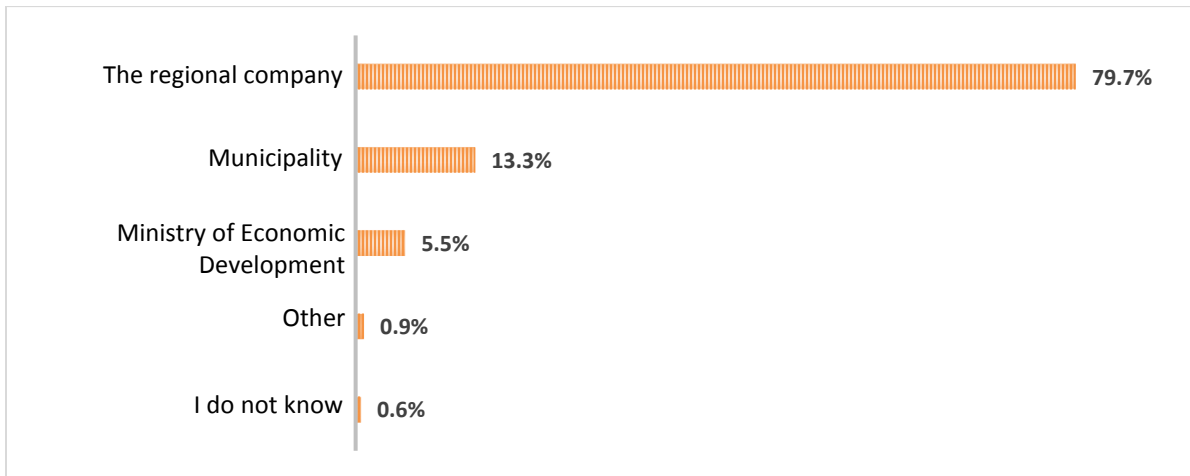
As with waste management, Article 17 of the Law on Local Self-Government specifies water supply and management as a municipal competence. But, in practice, water supply is a competence of regional public enterprises, which operate as a shareholder's association and the board of which is selected by the Government and municipalities.⁴

However, in spite of this, the majority of citizens are aware as regards the institution that bears the primary responsibility for water supply. The majority of the respondents believe that this responsibility lies in the hands of the regional water company (80%), while around 13% of them consider the municipality as being responsible. In addition, a small

⁴ For more information regarding the selection of boards, see the GAP Institute analysis "Municipal public utilities and public enterprises. Source: <http://bit.ly/22PG54x>

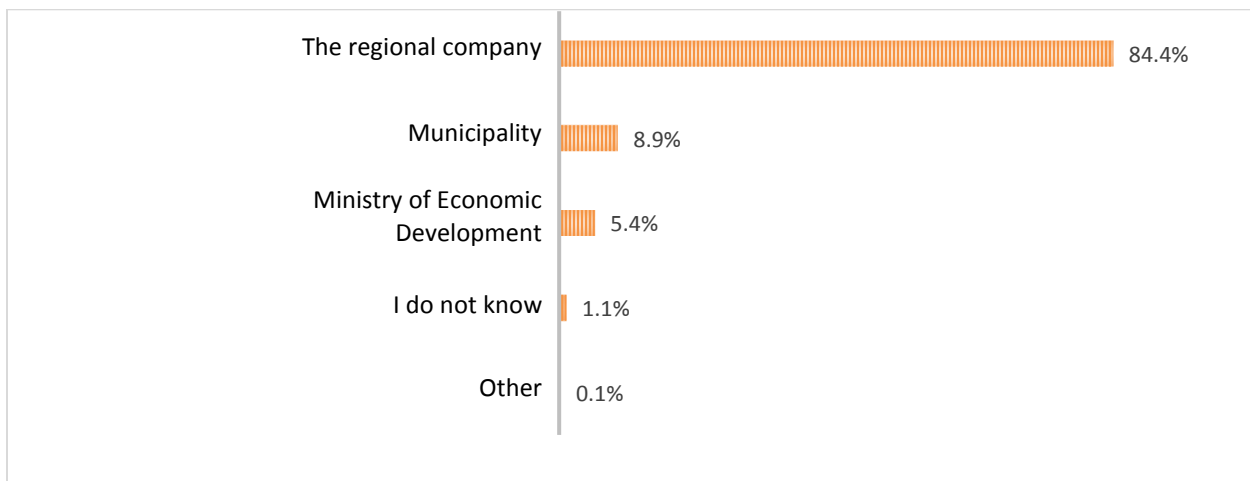
percentage of respondents (5.5%) believe that the Ministry of Economic Development is responsible for supplying drinking water.

Figure 6. In your opinion, who is responsible for supplying drinking water?



Asked who should be responsible for supplying drinking water irrespective of the current division of competencies, the majority of the respondents answered saying that that it is the responsibility of the regional water supply company. Figure 7 shows that 84% of the respondents answered like this, while around 9% think that the municipality should assume responsibility in such cases.

Figure 7. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for water supply?

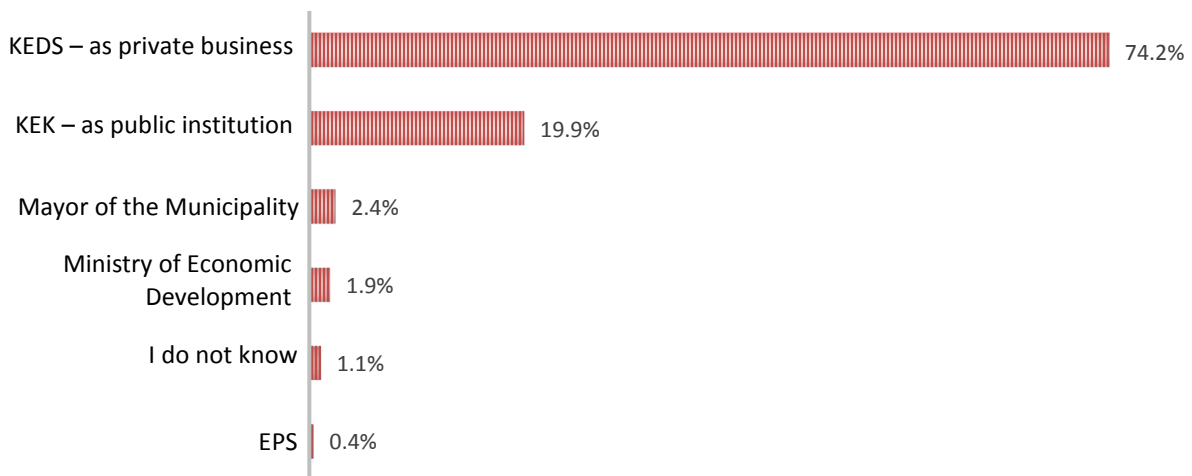


3.3. Problems with power supply

Up until the privatization of power supply and the network in 2012, the Kosovo Energy Corporation (KEK), a public enterprise under the government’s management, used to have full competencies with respect to power production and supply. Although electricity was never a municipal competence, a study conducted by the GAP Institute⁵ showed that 21 municipalities had invested 800 thousand euros in the power supply network during the 2009-2012 period.

The respondents were asked who was responsible for addressing problems related to tension or power cables in their neighborhood. As you can see in Figure 8, the majority of the respondents (74%) think that KEDS, as a private business, is the entity that is responsible for addressing these problems, while around 20% of them share the opinion that this responsibility lies with KEK, as a public institution.

Figure 8. If your neighborhood had problems with high tension or power cables, who in your opinion would bear the primary responsibility for resolving such a problem?

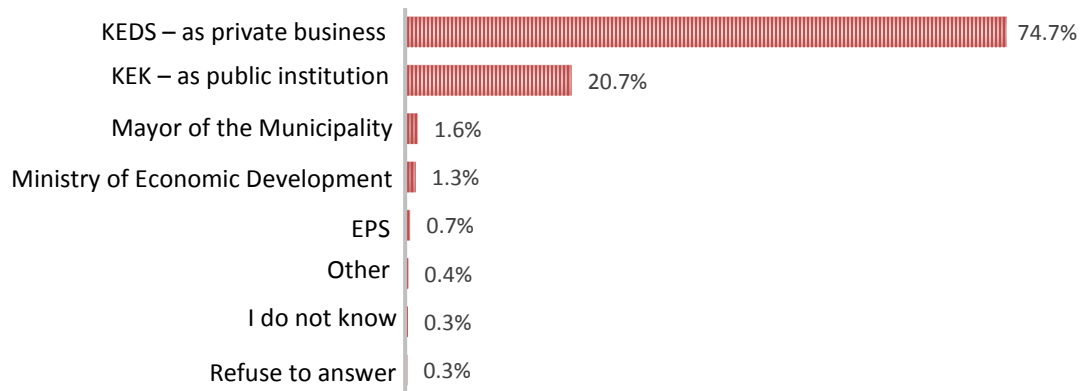


Asked who should be responsible with respect to problems such as high tension or power cables, citizens in general think that KEDS, as a private business, should be responsible for the issue. In Figure 8 below we can see that the percentage of respondents who share this opinion is 74%, while about 21% think that this responsibility should fall on KEK, as

⁵ The GAP Institute. The privatization process and the value of KEDS assets. October 2012. Source: <http://bit.ly/2mXNMs4> (last accessed on 5 March 2017).

a public institution. About 2% of the respondents consider that the mayor should be the responsible person for these problems.

Figure 9. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for high tension or power cables?

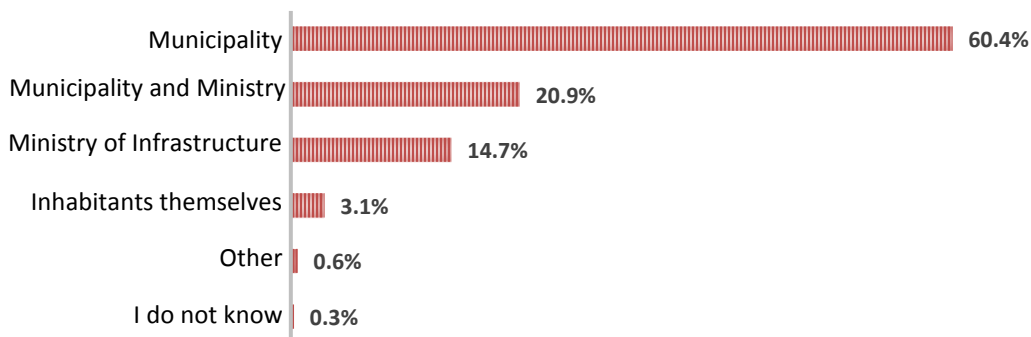


3.4. Local road naming and maintenance

The maintenance of national and regional roads falls under the competence of the central level, while the maintenance of local roads belongs to municipalities. But, in some municipalities, like in the example of the municipality of Fushe Kosova, the regional road could be part of the city infrastructure.

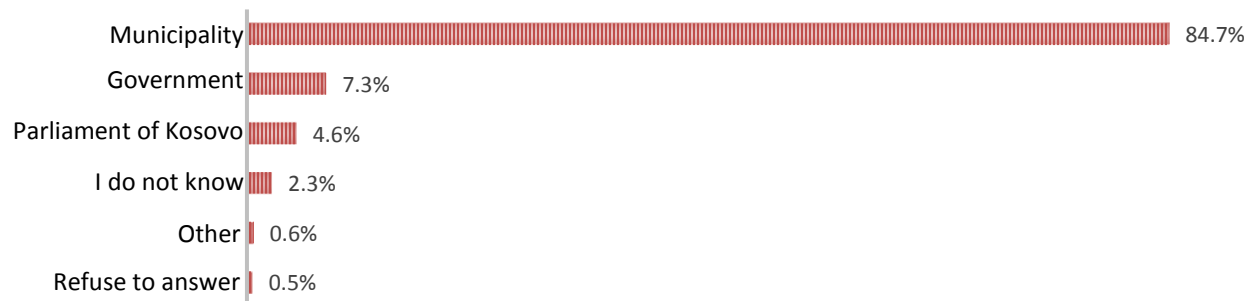
With respect to local road maintenance, about 60% of the citizens interviewed recognized this as a municipal competence, 21% declared it to be a competence of the municipality and the ministry, while around 15% of the respondents said that the maintenance of local roads is a responsibility of the citizens themselves (see Figure 10).

Figure 10. In your opinion, who is responsible for the maintenance of local roads?



Based on the Law on Local Self-Government, the naming of roads and settlements is a responsibility of the municipalities and most of the citizens are aware of this. Asked whose competence it is to name roads in cities and villages, most of the citizens interviewed (85%) declared it was a municipal competence. However, about 7% of the respondents think that naming streets is a government responsibility, while only 5% stated that this was a competence of the Assembly of Kosovo (see Figure 11).

Figure 11. Could you tell us whose competence it is to name roads in cities and villages?



Meanwhile, Figure 12 below shows the results of citizen expectations regarding the entity whose primary responsibility is to address the issue of local road maintenance. A little more than half of the respondents, about 55% think that the municipality should have the primary responsibility for local road maintenance, while another 26% think that the municipality should carry out this duty together with the ministry.

Figure 12. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for the maintenance of local roads?

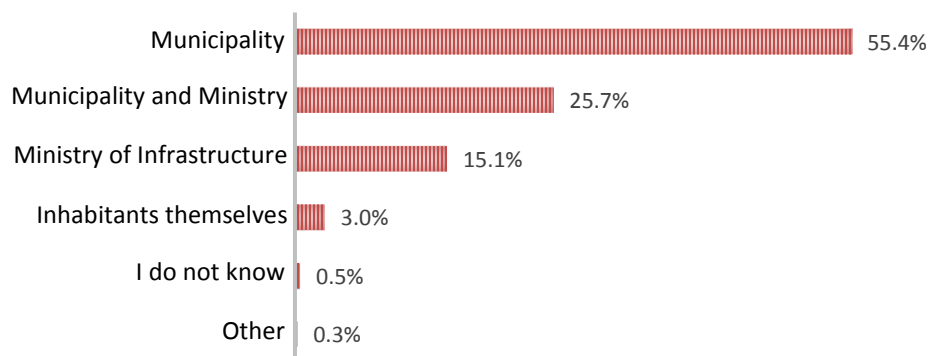
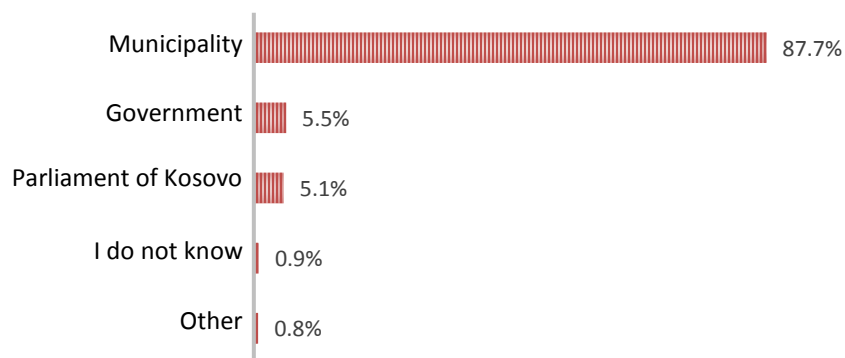


Figure 13 below shows that when it comes to naming roads in cities and villages, the majority of the respondents (88%) think that the municipality should be responsible for this task, regardless of the current assignment of responsibilities. A small number of respondents, about 5.5% think that the government should have this assignment, while approximately the same amount of people would have left this responsibility in the hands of the Kosovo Assembly.

Figure 13. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for naming roads in cities and villages?



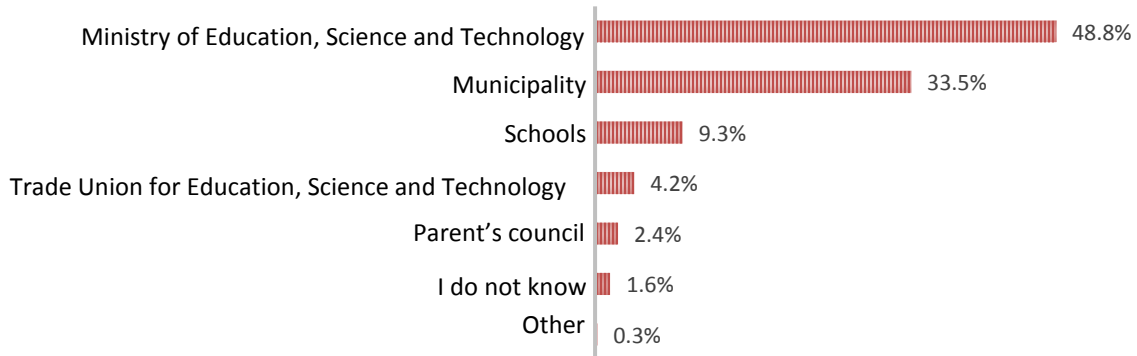
3.5. Competencies in education

The selection of teaching staff in pre-school, primary and secondary education is a competence of municipalities, while the drafting of school curricula is a competence of the Ministry of Education, Science and Technology (MEST). However, the MEST delegates a member to serve in the three-member interview panel for the selection of school principals and deputy principals, while the other two are appointed by the mayor.⁶

As you can see in figure 14, around 49% of the respondents believe that the Ministry of Education, Science and Technology (MEST) is responsible for the selection of teachers, while 33% said that the municipality had this responsibility. Also, some of the respondents (9%) said that the selection of teachers is the responsibility of the school itself, while a small percentage of respondents (10%) declared that this was a competence of the Trade Union for Education, Science and Technology.

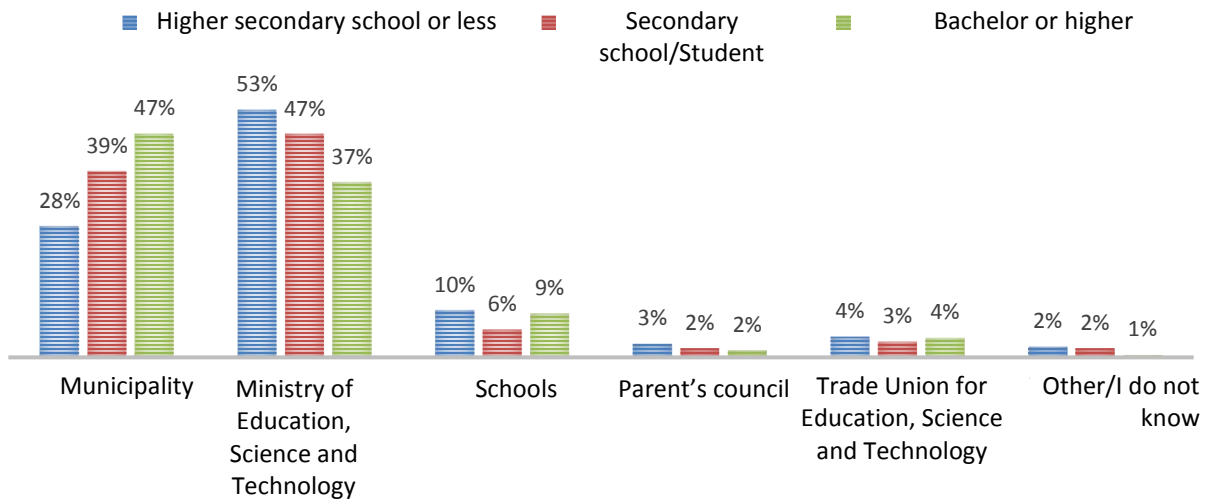
⁶The Ministry of Education, Science and Technology. MEST Administrative Instruction No. 08/2014 on the procedures and criteria for the selection of the principal and deputy principal in the vocational training and educational institution. Source: <http://bit.ly/2nk3vV0> (last accessed on 21 March 2017).

Figure 14. In your opinion, who bears the responsibility for selecting teachers for primary and secondary schools?



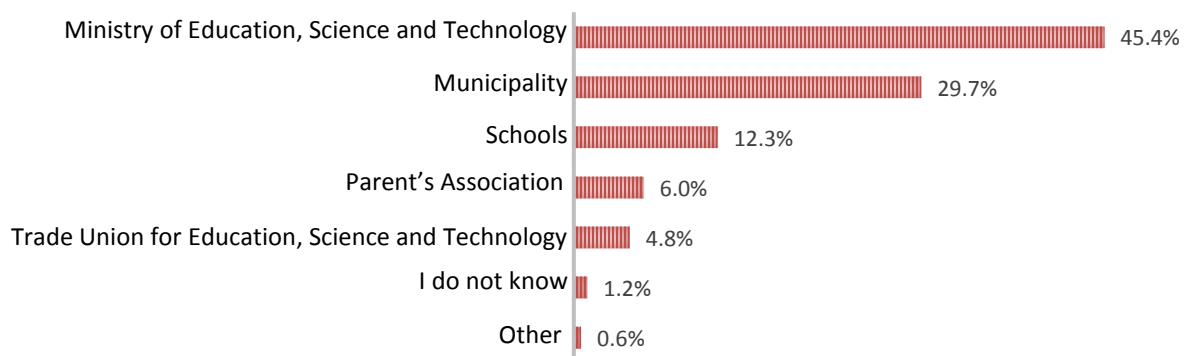
There were obvious differences in opinion among those interviewed, based on their level of education, when asked about the selection of teachers. As you can see in Figure 15, the percentage of respondents thinking that the selection of teachers is a municipal competence increases with education. While 28% of the respondents who had completed secondary education or less thought that this was a responsibility of the municipality, 39% of those with higher education or students and 47% of the respondents who completed their Bachelor studies or more, shared the same opinion. A similar trend, but in the opposite direction, could also be noted with the opinions of respondents who marked the MEST as being responsible for the selection of teachers in schools. While 53% of the respondents who completed higher secondary education or less thought that this was a MEST responsibility, only 37% of those with a Bachelor degree or higher shared this view.

Figure 15. The responsibility for selecting teachers for primary and secondary schools: Division based on the level of education



Respondents were asked to state their expectations with respect to the institution, which should have the primary responsibility for selection of teachers for primary and secondary schools. In Figure 16 below we summarized the results received from the questions asked. The majority of them, around 45%, think that this duty should be the responsibility of the Ministry of Education, Science and Technology. Another part of the respondents, about 30%, consider the municipality as being the institution which should play the main role in this issue, regardless of the current division of competencies. Furthermore, it is thought that other actors, such as the school (12%), the Parents' Council (6%) and the Trade Union for Education, Science and Technology (5%), should also bear the major responsibility when it comes to the selection.

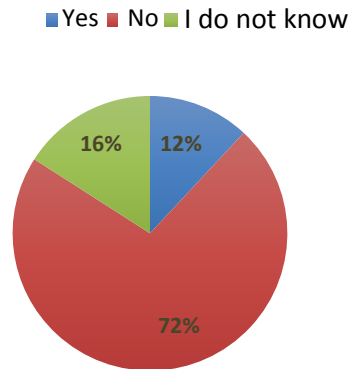
Figure 16. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for the selection of teachers in primary and secondary schools?



What is more, the respondents were asked whether the increase in salaries in the educational system was a municipal responsibility. As you can see in Figure 17, most of

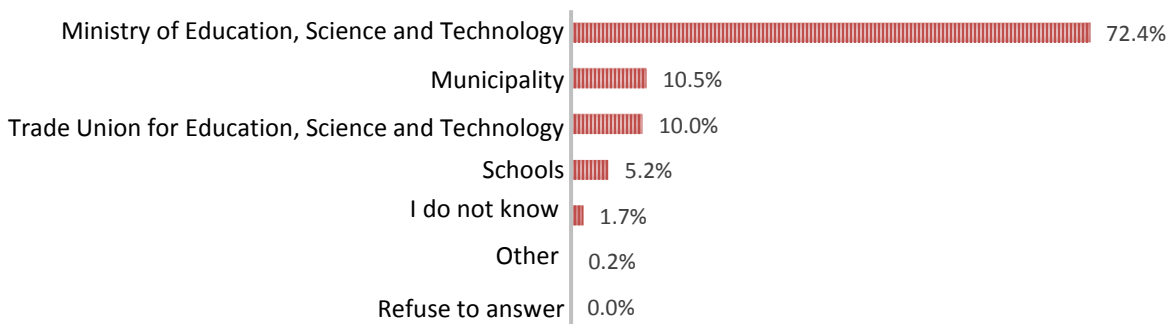
the respondents (70.5%) declared that this was not a competence of the municipality. However, around 17% thought that the municipality has the competence to increase salaries in the educational system, while about 13% of the citizens interviewed had no knowledge about the matter.

Figure 17. In your view, does the municipality have the competence to increase salaries in the educational system?



When asked who, in their opinion, is responsible for drafting school curricula, the majority of the respondents (72%) agreed that this responsibility lied with MEST, while 10% of them believed that school curricula are a responsibility of the municipality (see Figure 18). Another 10% of the respondents thought that this was a responsibility of the Trade Union for Education, Science and Technology, while a very small percentage of those interviewed thought this responsibility was in the hands of the schools themselves.

Figure 18. In your opinion, who is responsible for school curricula?

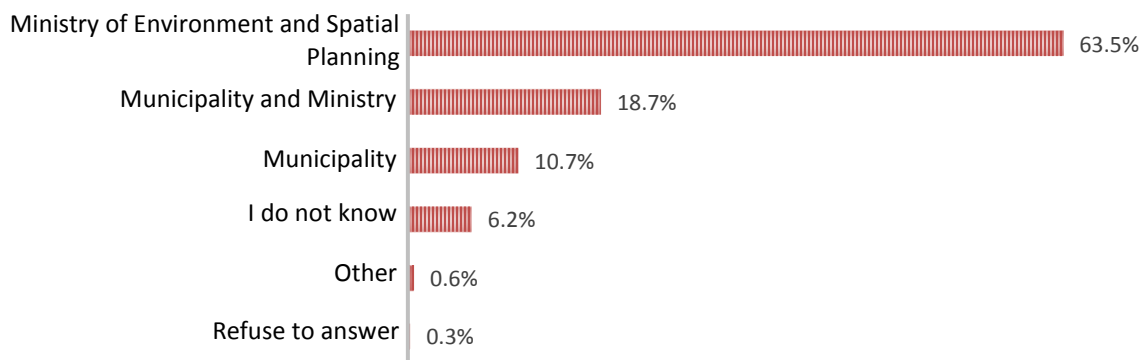


3.6. Air and forest protection

Further, respondents were asked who they thought was responsible for monitoring the quality of air and who is responsible for the protection of forests from illegal cutting. Based on the Law on the protection of air from pollution, the main responsibility for monitoring the quality of air and for protecting air from pollution falls on the Ministry of Environment and Spatial Planning. But, municipalities are responsible for drafting local air quality plans, which should be in accordance with the national strategy for air quality.⁷ In 2016, the Municipality of Prishtina and Gjakova set up meters for monitoring air. The MESP reacted demanding that these two municipalities remove such meters with the justification that they are not calibrated and that the sole source for measuring and providing information on the quality of air is the Environmental Protection Agency within the MESP.⁸

Asked with respect to monitoring and reporting on the quality of air, about 63% of the respondents declared that air quality monitoring was a responsibility of the Ministry of Environment and Spatial Planning, while 18% thought that this was a joint responsibility of the Ministry and municipality (see Figure 19). A smaller portion of the respondents considered the municipality as being solely responsible for the matter.

Figure 19. In your opinion, who is responsible for monitoring and reporting on the quality of air?



Forest protection is a responsibility of the municipalities based on delegated competencies.⁹ However inspection oversight is up to the market inspectorate and the

⁷ Official Gazette of the Republic of Kosovo. Law No. 03/L-130 on Protection of Air From Pollution. Article 31. Source: <http://bit.ly/2o8IfyT> (last accessed on 2 March 2017).

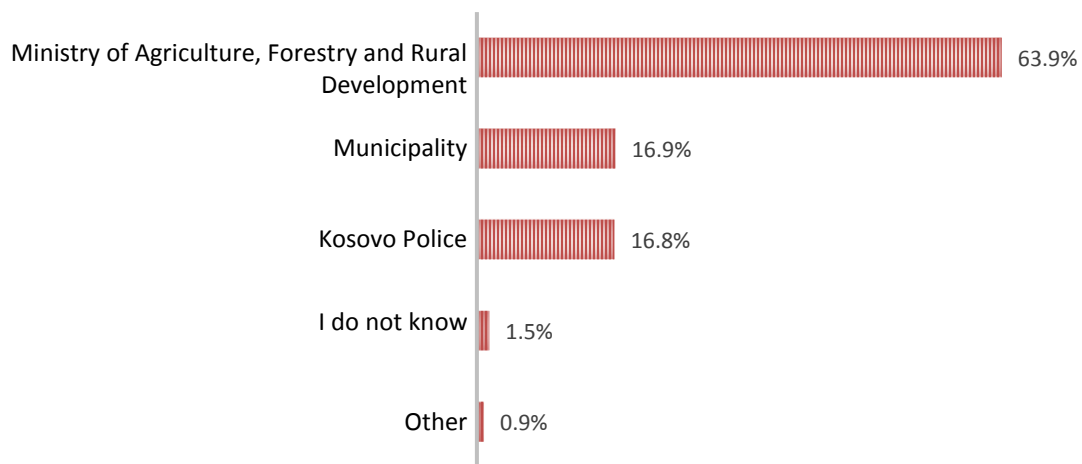
⁸ An answer on the topic was also provided by Mr. Ferid Agani, the former Minister of the MESP, during an international conference held on 26 April 2016 at the Emerald Hotel in Prishtina, organized by the Balkan Green Foundation. Source: <http://bit.ly/2nGRPg8>, from minute 1.10.00 (last accessed on 22 March 2016).

⁹ Official Gazette of the Republic of Kosovo. Law No. 03/L-040 on Local Self-Government. Article 18.

forestry inspectorate of the Ministry of Environment and Spatial Planning (MESP).¹⁰ Since the year 2010, the market inspectorate moved to the central level, i.e. Ministry of Trade and Industry.¹¹

Asked who was responsible for the protection of forests from illegal cutting, 64% of the respondents declared that this was a competence of the Ministry of Agriculture, Forestry and Rural Development. Another part of the respondents stated this as a responsibility of the municipality (17%) and the Kosovo Police (17%).

Figure 20. Who is responsible for the protection of forests from illegal cutting?



Asked who should be responsible for monitoring and reporting on the quality of air, they mostly thought that the Ministry of Environment and Spatial Planning should have the role of the main institution in charge of dealing with problems related to the issue. To be more precise, in Figure 21 below you can see that 66% stated this opinion, while another 24% think that the Ministry should share this responsibility with the municipality.

Figure 21. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for monitoring and reporting on air quality?

¹⁰ Official Gazette of the Republic of Kosovo. Law No. 03/L-153 on amending the Law No. 2003/3 on Forests. Article 12, which amends Article 29, item 11 of the Law on Forests. Source: <http://bit.ly/2mYc6Kh> (last accessed on 12 March 2017).

¹¹ Official Gazette of the Republic of Kosovo. Law No. 03/L-181 on the Inspectorate and Supervision of Market. Source: <http://bit.ly/2nH1AL7>. In 2015, the GAP Institute analyzed the conflict between the competencies when it comes to the market inspectorate in an analysis titled "The division of responsibilities in inspection between the central and local levels". Source: <http://bit.ly/2mwjEb7> (last accessed on 15 February 2017).

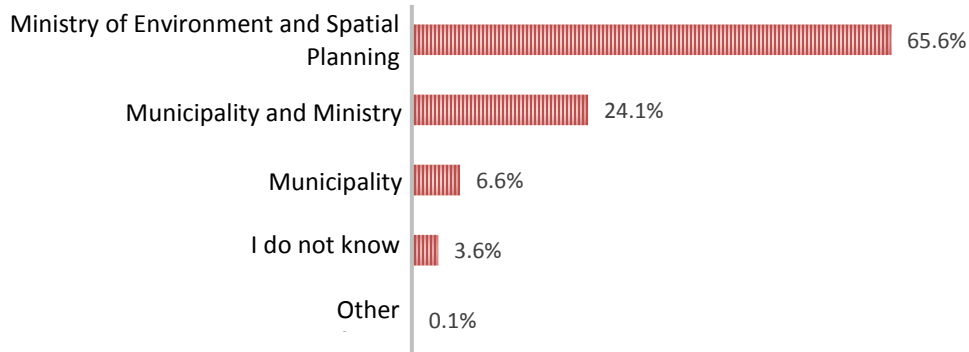
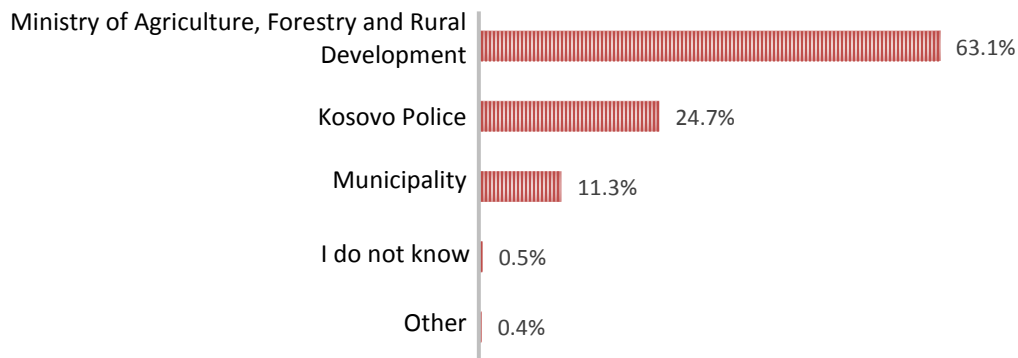


Figure 22 shows the expectations of respondents regarding the institution in charge of dealing with the problem of forest protection from illegal cutting. A considerable number, 63%, of the respondents think that it is the Ministry of Agriculture, Forestry and Rural Development who should deal with such problems regardless of the current division of competencies. Another part of the respondents, around 25%, in fact see the Kosovo Police as the institution responsible for dealing with forests.

Figure 22. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for the protection of forests from illegal cutting?



3.7. Competencies in health

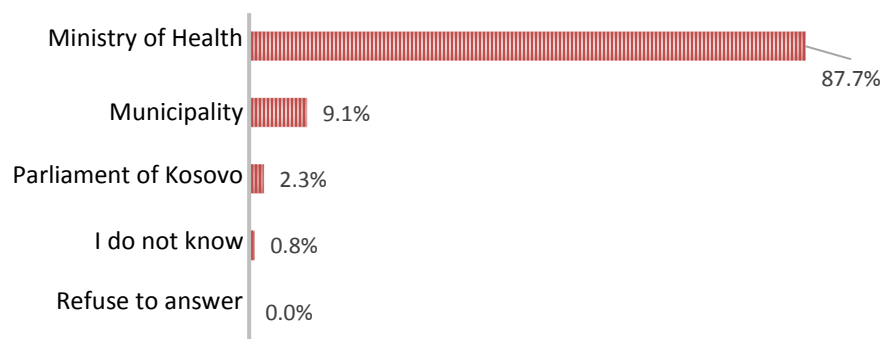
Primary health care is a competence of municipalities, while secondary (regional hospitals) and tertiary (Kosovo University Clinic Center) health care are a competence of the central level. As exceptions to this rule we have the municipality of Mitrovica north, Gracanica and Strpce, which were granted broader competencies with the Law on Local Self-Government and thus also provide secondary health care.¹² While municipalities are

¹² Official Gazette of the Republic of Kosovo. Law No. 03/L-040 on Local Self-Government. Article 20. Source: <http://bit.ly/1CuIaKA> (last accessed on March 22 2017).

responsible for the selection of staff, the management of family medicine centers and securing qualitative services, the Government of Kosovo is responsible for drafting the list and ensuring the medicine on the list of essential medication, as well as deciding on the salary level for this sector.

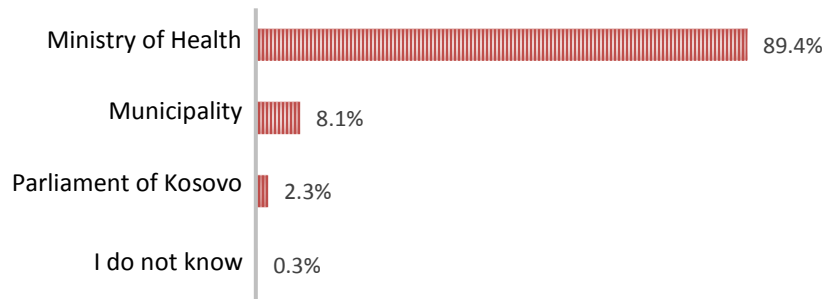
To measure the level of knowledge people have in the field of health, the respondents were asked about the list of essential medication and salaries in this sector. The majority of the respondents (88%) declared that the Ministry of Health was responsible for ensuring the medicine from the list of essential medication, while part of the citizens interviewed (9%) through this was a municipal responsibility.

Figure 23. Which institution is responsible for securing the drugs from the essential list in the medical centers of your municipality?



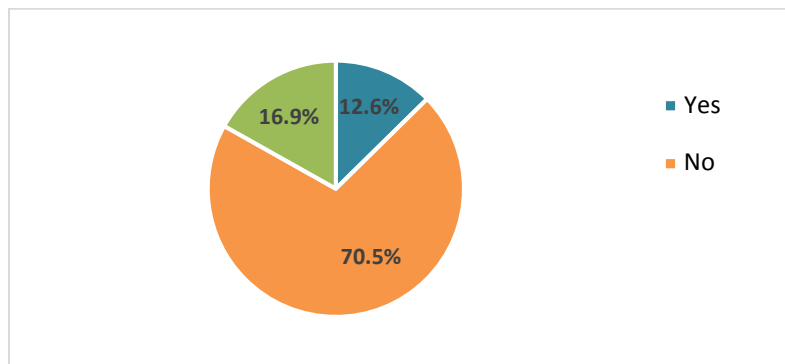
The respondents were asked regarding their expectations as to who should be responsible for dealing with problems related to securing drugs from the essential list. Figure 26 below shows that a significant majority of citizens (89%) think this task should be left under the responsibility of the Ministry of Health, while only 8% see the municipality as the institution that should be responsible for problems related to drugs from the essential list.

Figure 24. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for ensuring the medication from the essential list?



When it comes to increased salaries in the health system most of the respondents (70%) did not agree that it is a competence of the local level, namely the municipality (see figure 24). In comparison to this, 13% of the respondents declared that this is a municipal competence, while 17% had no knowledge about the matter.

Figure 25. In your view, does the municipality have the competence to increase salaries in the health system?



3.8. Distribution of social assistance

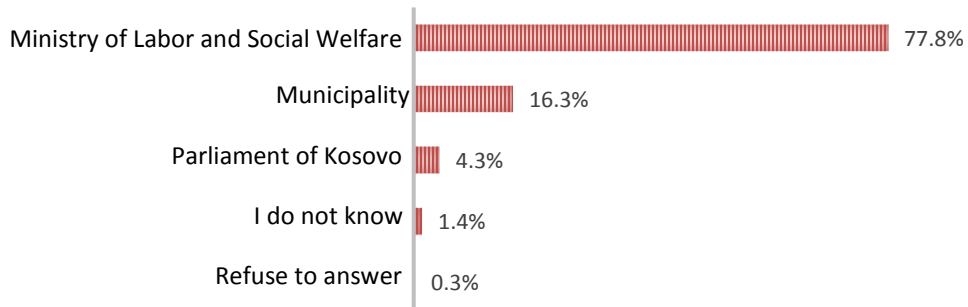
Social assistance is distributed in conformity with the Law on the Social Assistance Scheme in Kosovo.¹³ Until 2012, this was solely a competence of the Ministry of Labor and Social Welfare. With the amendments to the Law on the Social Assistance Scheme¹⁴, the MLSW delegated this authority to the municipalities. The municipalities select the heads of the social assistance service as well as the families that will benefit from social assistance. Although the selection of social assistance beneficiaries is done by the municipality, the MLSW disseminates the payments.

¹³ Official Gazette of the Republic of Kosovo. Law No. 2003/15 on the Social Assistance Scheme. Source: <http://bit.ly/2ocuEXq> (last accessed on March 23 2017).

¹⁴ Official Gazette of the Republic of Kosovo. Law No. 04/L-096 Amending and Supplementing Law No. 2003/15 on the Social Assistance Scheme. Source: <http://bit.ly/2nYë9cH> (last accessed on March 23 2017).

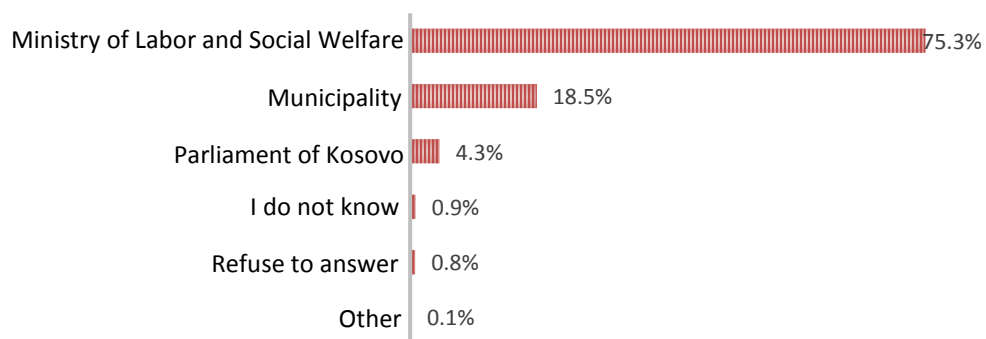
Most of the citizens interviewed (79%) declared that the Ministry of Labor and Social Welfare (MLSW) distributes social assistance, while 16% of them thought this was a municipal responsibility (see Figure 26).

Figure 26. In your opinion, which institution gives out social assistance?



The respondents were asked of their opinion on the institution that should have the primary responsibility for giving out social assistance. Figure 27 below shows that 75% of them expect the Ministry of Labor and Social Welfare to continue retaining this responsibility. Another 18.5% think differently and see the municipality as being the institution in charge of this matter. A small portion of the respondents (4%) said that the Assembly of Kosovo should be responsible for issues related to the provision of social assistance regardless of the current division of competencies.

Figure 27. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for providing social assistance?

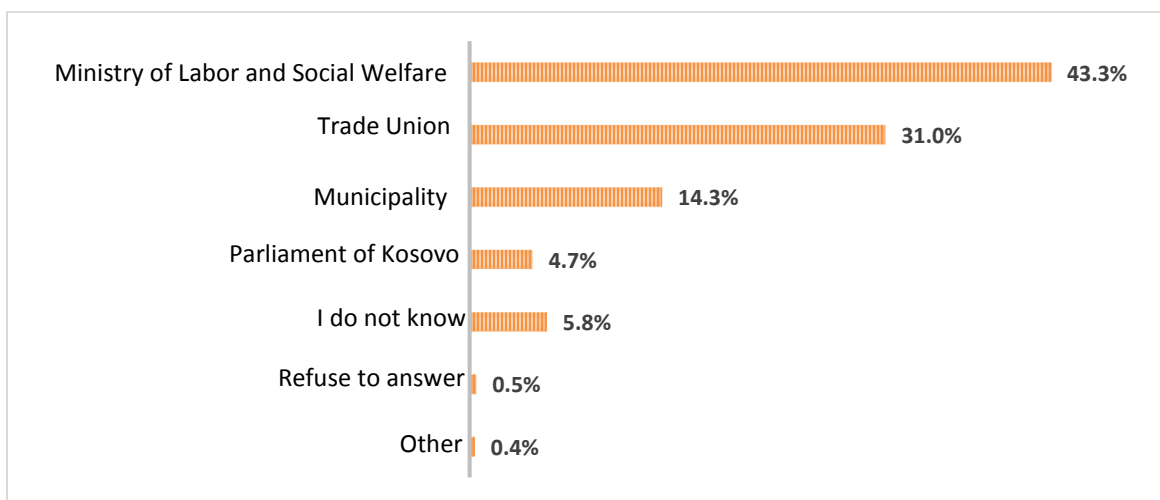


3.9. The protection of the rights of workers and consumers

The Law on Labor defines the rights of employees and the procedures for appeals in cases when such rights are infringed by the employer. Based on this Law, the Labor Inspectorate is the address where employees can submit their complaints against their employers at any time.¹⁵ The Labor Inspectorate is an executive agency in the frames of the MLSW.

About 43% of the respondents agreed that they would go to the MLSW to address the violation of employee rights, while 31% of the citizens interviewed said this was a responsibility of the Independent Trade Union. A smaller portion of the respondents (14%) thought that complaints related to the violation of the rights of employees should be addressed to the municipality and others yet said complaints on such issues should be submitted to the Kosovo Assembly (see Figure 28).

Figure 28. Could you please tell us which institution we should address our complaints to in the case of the violation of the rights of employees?



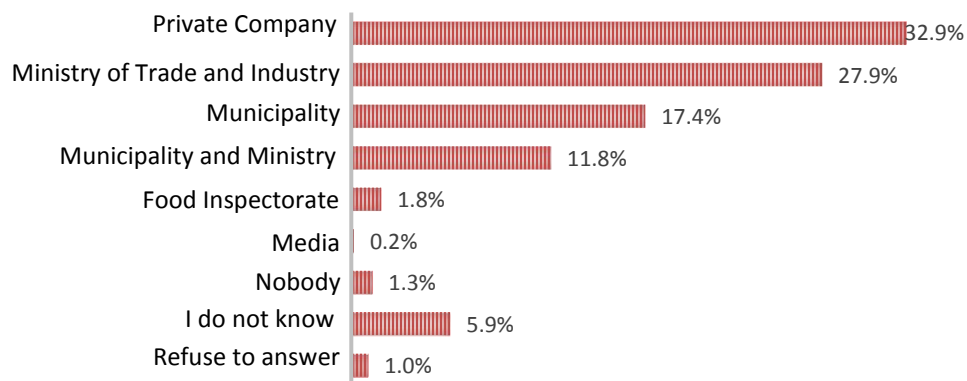
When it comes to consumers' rights, the Law on Consumer Protection establishes the rights of consumers and the duties of economic operators. According to this law, in the case of appeals, consumers can address the structures that are responsible within the Ministry of Trade and Industry.¹⁶

¹⁵ Official Gazette of the Republic of Kosovo. Law No. 03/L-212 on Labor. Article 82. Source: <http://bit.ly/2nPl809> (last accessed on 2 March 2017).

¹⁶ Official Gazette of the Republic of Kosovo. Law No. 04/L-121 on Consumer Protection. Article 8. Source: <http://bit.ly/2njKd29> (last accessed on 12 February 2017).

In order to assess the knowledge citizens have concerning the right address for submitting complaints if they are not satisfied with business, we asked them about a basic problem, such as the sale of goods with expired dates. About 33% of the respondents declared that they would address the private company responsible for the issue should they come across products with expired dates. Whereas, around 28% of the citizens interviewed said that they would address the Ministry of Trade and Industry for the matter. Also, around 17% of the respondents stated that they would address the municipality for problems related to expired goods, while 12% said they would address the municipality and the ministry.

Figure 29. Should you encounter goods with expired dates in the market, who would you address first?



3.10. Quarry operations

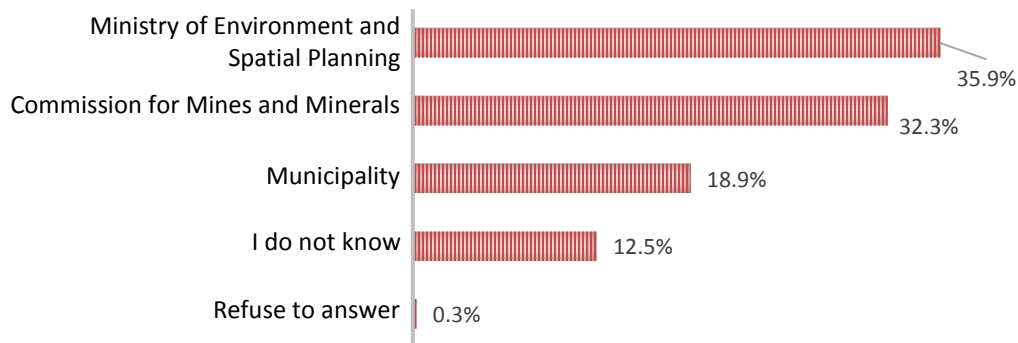
In some municipalities, citizens are faced with problems because of dust, noise and material damages to their homes as a result of the operation of the quarry or those who use gravel. Stones, sand, gravel and other similar substances are considered as construction material and licenses for their use are issued by the Independent Committee for Mines and Minerals (ICMM), an independent agency established with the Law on Mines and Minerals¹⁷, which is accountable before the Assembly of Kosovo. However, the operators that apply for a license from the ICMM should first get the consent of the municipality and the Ministry of Environment and Spatial Planning.

When asked which institution issues licenses for operating quarries, 36% of the respondents stated that the license was issued by the Ministry of Environment and Spatial

¹⁷ Official Gazette of the Republic of Kosovo, Law no.03/L-163 on Mines and Minerals. Source: <http://bit.ly/2nLcP53> (last accessed on 25 February 2017).

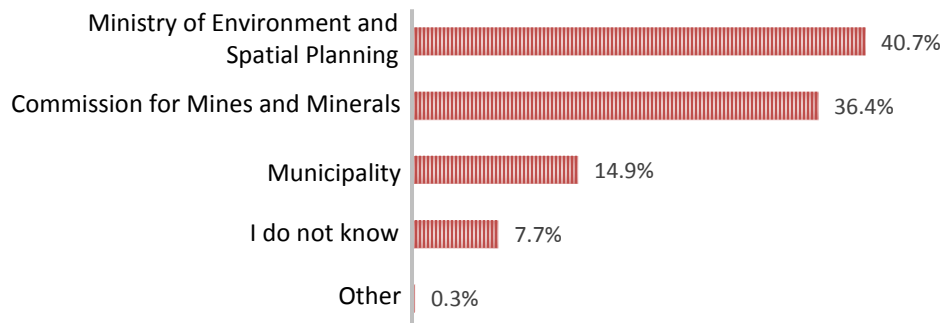
Planning, 32% believed that this was a competence of the Committee for Mines and Minerals and 19% of the respondents said such licenses were issued by the municipality (see Figure 30).

Figure 30. Which institution issues licenses for operating quarries?



With respect to expectations for the licensing of quarry operations, Figure 31 below shows that about 41% of the respondents think that the Ministry of Environment and Spatial Planning should have this responsibility, while 36% selected the Committee for Mines and Minerals as their response.

Figure 31. Regardless of the current division of competencies, could you tell us which institution should have the primary responsibility for issuing licenses for quarry operations?

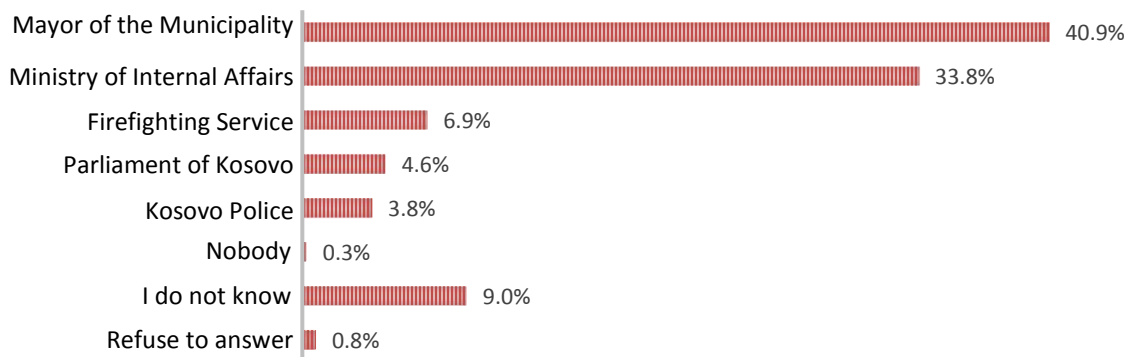


3.11. Competencies for the firefighting service

Response to local emergency cases is one of the municipal competencies.¹⁸ One of the most frequent forms of emergency is fire. The firefighting service is among the responding institutions in cases of emergency. However, firefighters are managed by the Ministry of Internal Affairs, through the Emergency Management Agency, while the salaries of the firefighting service are paid by municipalities.¹⁹

When citizens were asked who is responsible in cases when the Firefighting Service does not respond to the call for intervention, around 41% of the respondents said that the responsibility fell on the mayor, while 34% of them thought the responsibility fell on the Ministry of Internal Affairs (see figure 32).

Figure 32. Who should be held responsible if the Firefighting Service does not respond to a call for intervention?



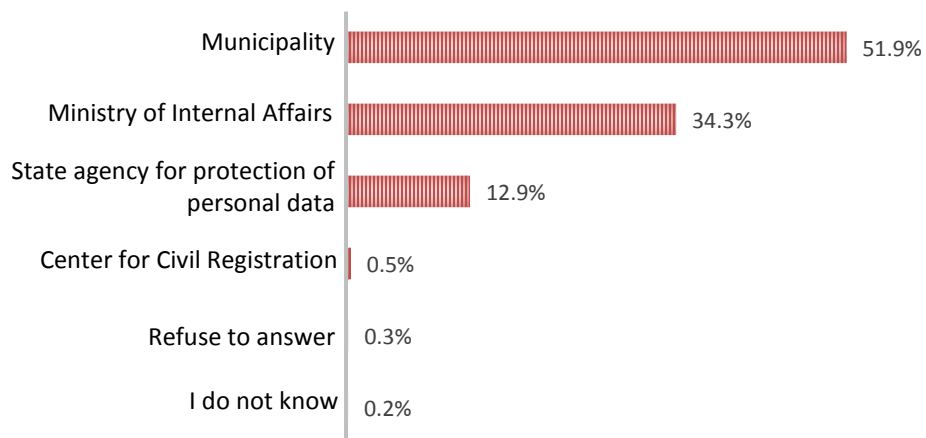
¹⁸ Official Gazette of the Republic of Kosovo. Law No. 03/L-040 on Local Self-Government. Article 17. Source: <http://bit.ly/1CuIaKA> (last accessed on March 22 2017).

¹⁹ Official Gazette of the Republic of Kosovo. Law No. 04/L-049 on Firefighting and Rescue. Article 7. Source: <http://bit.ly/1UUiqZv> (last accessed on 21 March 2017).

3.8. Issuance of personal documents

Issuing ID cards and passports is a competence of the Ministry of Internal Affairs. Asked where they should apply to obtain a passport and ID card, around 52% of the respondents stated that this was a competence of the local level, namely the municipality. About 34% of the respondents thought that such papers should be issued by the Ministry of Internal Affairs. Also, 13% of the respondents declared that this was a responsibility of the State Agency for the Protection of Personal Data.

Figure 33. Could you please tell us which institution one should apply for obtaining an ID card or a passport?



Conclusion

To prepare the questions for the research, the GAP Institute held a focus group meeting with the MLGA and municipal representatives. There was some skepticism in the group with respect to the questions addressed to the citizens, as they were considered very advanced and therefore it was said "even municipal officials would have a difficulty answering". But the results of the research to an extent prove the opposite: citizens have sufficient knowledge on the institutions responsible for making policies in different areas of public life.

However, it would not be unusual even if the citizens had no knowledge on the competencies of the central and local level. The legislation in force intertwined the competencies between the two levels to such an extent that it led to many policies being blocked because of disagreements between the central and local levels. Such occurrences took place especially in the municipality of Prishtina. The municipality competencies, as listed in Article 17 of the Law on Local Self-Government, are not the municipality's exclusive competence, but rather a combination between the municipality, ministries, public enterprises and independent agencies.

Still, however most of the citizens are informed about the majority of public policies and those responsible for them; the level of knowledge in some cases varied based on ethnicity, age or the level of education. For example, one case where you can tell the variation in the level of information that citizens have based on their level of education is when asked who is responsible for appointing teachers in primary and secondary schools. Nearly half of the respondents declared that this was a MEST responsibility, while 33.5% were aware that this was a competence of the municipality. But, the level of information citizens have in this respect differs based on their level of education. More of the citizens with a higher level of education were correctly informed on the matter, while the majority of the respondents who thought that this was a responsibility of the central level had a lower level of education. Furthermore, there were more notable differences among the citizens based on ethnicity. Such an example can be seen when it comes to the question on waste management, where only 7% of those who thought this was a municipal responsibility were Albanian, while 67% were Serb.

One of the lessons that can be extracted from this research is that along educating citizens on the competencies of municipalities and the rightful address for seeking accountability, there also needs to be a national plan for the elimination of legal

contradictions and addressing responsibility, while eliminating bureaucracy and obstacles in the communication between the institutions of the two levels.

Based on the results of this research, the GAP Institute, in cooperation with public institutions and the media, will undertake an information campaign for increasing the level of awareness for policies, which citizens did not display sufficient information about, like for example the right address that is responsible for issuing personal documents, such as ID cards and passports, which the citizens thought the municipality was in charge of. Besides this, for each question, there was a considerable percentage of citizens who did not have information on the competencies of the municipality and it is for them that more efforts should be made in public education programs.



The GAP Institute is a Think-Tank established in October 2007 in Kosovo. The main goal of GAP is to attract professionals to create an environment of professional development and research, which is encountered in similar institutions in western countries. This also provides the opportunity for the people of Kosovo to research, develop and implement projects with the aim of advancing Kosovar society. The priority of this Institute is to mobilize professionals in addressing economic, political and social challenges of the country. The main goals of GAP are to fill the gaps between the Government and the citizens, and also fill the gaps between problems and solutions.

GAP Institute is supported by:

