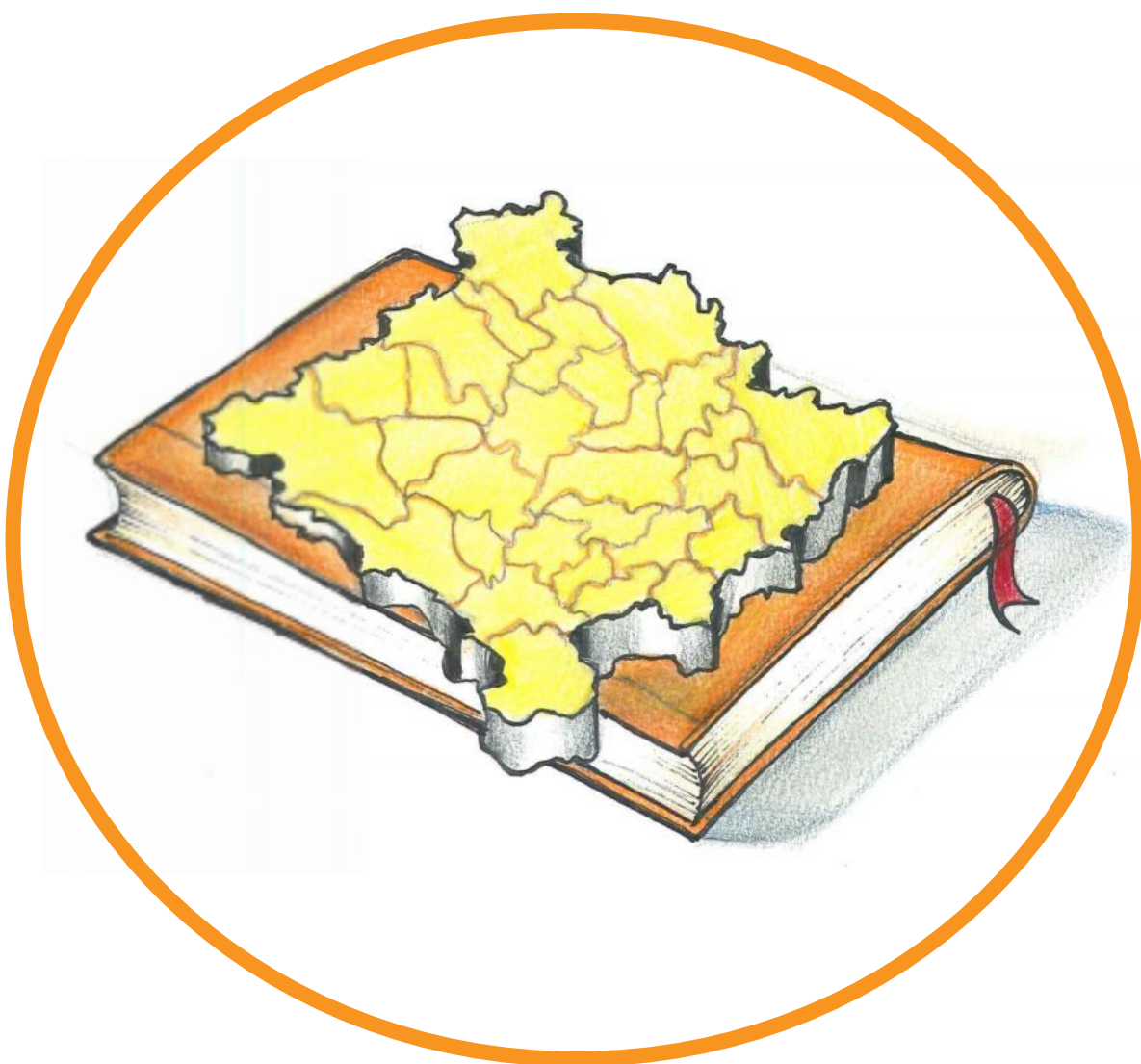


IMPLEMENTATION OF LAWS BY LOCAL GOVERNMENTS



MAY 2016



Executive Summary

Out of 402 laws currently in force in Kosovo, 52 of them entail obligations for municipalities. The GAP research in 32 municipalities in Kosovo reveals that municipalities face many difficulties in the implementation of laws for which they are responsible. Lack of qualified human resources, budgetary constraints, lack of coordination and consultation between institutions, lack of compatibility and ambiguity of laws, and the lack of accountability on the part of municipal officials are some of the causes that the applicable laws are not fully implemented by municipalities.

The lack of involvement of municipalities in the process of drafting laws influences the appearance of barriers to implementation and frequent amendments of laws. Besides the lack of coordination between the central and local level in the implementation of laws, there were also cases of lack of coordination between ministries to meet the legal obligations to municipalities. While the energy efficiency law obliges municipalities to have an official for this area, the Ministry of Finance did not allow some municipalities to hire such a position.

Conflicts of competence in law implementation exist as well. An example of this is the Law on inspectorate and market surveillance. Even six years after the adoption of this law, the market inspectorate in some municipalities is managed by the Ministry of Trade and Industry, in some other municipalities this body is considered to be managed by both levels, the MTI and municipalities, while in most municipalities the market inspectorate is considered a municipal body. A similar situation is encountered also regarding competences in forest management. Half of the municipalities consider that they are competent in forest management, and the other half consider the central authority as competent.

This research reveals that ministries that propose laws do not coordinate with the local level in the implementation of those laws. This research also highlights a range of stagnation at municipalities to meet legal obligations in other areas, particularly urbanization, public services and administration.

1. Introduction

In the past six years, the government's legislative programs contain more amendments of laws in force than new draft laws.¹ Frequent changes of laws are the result of lack of preliminary consultations with the stakeholders responsible for their implementation. GAP Institute findings show that on average a law in Kosovo is amended every 34 months (2.8 years).²

The law on Local Self-Government is the basic law governing the functioning of municipalities. This law, together with many other laws³, defines the powers of municipalities as institutions in the exercise of power at the local level. In addition, there are a number of laws whose implementation is the responsibility of municipalities. Out of 402 laws currently in force in Kosovo⁴, 52 of them entail obligations for municipalities. Of this nature are the law on gender equality, law on protection from discrimination, law on preventing and combating human trafficking and protecting victims of trafficking, law on waters of Kosovo, law on state matura, law on road transport, health law, education law, law on private practices in health, plant protection law, law on protection of forests, sports law, asylum law, law on gambling, law on energy efficiency.

To measure the level of implementation of laws by municipalities and to identify obstacles in the implementation of laws, in the period January-April 2016 GAP Institute conducted a research in 32 municipalities in Kosovo. Municipalities that are not part of this research are: Mamusha, Leposavic, Zubin Potok, Zvecan, Mitrovica North and Ranilug.⁵ The same questionnaire with 46 questions was sent to municipal officials. In order to extract additional clarifications, besides the questionnaire, interviews were

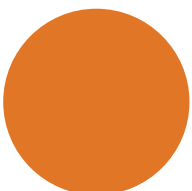
¹ GAP Institute. GAP Monitor: Implementation of the 2015 Government and Assembly Legislative Program. Source: <http://bit.ly/20Fd1wt> (last accessed on 26 May, 2016).

² Based on the list of laws in the Official Gazette, GAP Institute calculated the average life time of a law from the time of entry into force to its first amendment.

³ Laws in this category include: Law on local government finance, law on public procurement, construction law, law on the treatment of illegal constructions, law on administrative boundaries of municipalities, law on public private partnerships, waste law, law on public enterprises, law on civil service, law on agricultural land, law on spatial planning, law on public financial management and accountability and labor law.

⁴ This is the number of laws published in the Official Gazette until 26 May 2016.

⁵ The Mamusha and Ranilug municipalities did not respond to complete the questionnaire. While we were not able to send the questionnaire in Mitrovica North, Zvecan, Leposavic and Zubin Potok.



held with 141 municipal directors in 32 municipalities. The draft of this paper was later discussed in public debates held in Peja, Prizren, Gjiilan, Ferizaj and Mitrovica, in which participated mayors, municipal director, judicial institutions, media and civil society organizations.

This analysis assesses the degree of implementation of laws at the local level in the field of environmental protection, public services, administration, and in the field of urbanization. Before its finalization, this analysis was discussed with officials of all municipalities in the debates organized in regional centers during May. The analysis provides recommendations to central and local levels aimed at avoiding obstacles in the implementation of laws at the local level.

2. Implementation of laws in the field of environment

Municipalities derive a host of obligations for in terms of environmental protection from the applicable laws. These obligations relate to the inspectorate, water protection, plant protection, protection of air and noise protection.

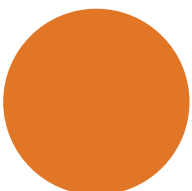
Environmental Inspectorate

Based on the Law on the Inspectorate of Environment, Waters, Nature, Spatial Planning and Construction⁶, municipalities are obliged to follow a standard organizational chart in the establishment of inspectorates. Municipalities should establish the inspection sector or directorate, which should also have environmental inspectors.

However, even after more than two years after the entry into force of the law, 31% of municipalities (10 out of 32 municipalities) have no environmental inspectors.

Municipalities that have no environmental inspectors are: Shtrpca, Gjiilan, Mitrovica, Skenderaj, Novo Brdo, Prishtina, Istog, Klllokot, Partesh and Junik. The reason for the non-existence of environmental inspectors in the municipalities is related to the lack of qualified staff and lack of budget. The Mitrovica Municipality has announced two competitions for environmental inspectors, but has not managed to recruit civil servants for

⁶ Kosovo Official Gazette. Law no. 04/I-175 on the inspectorate of environment, water, nature, spatial planning and construction. Article 6. Source: <http://bit.ly/1VR9b3a>



this position.⁷The situation is similar also at the Klllokot municipality.⁸The Gjilan and Skenderaj municipalities, despite having no environmental inspectors, have environment officers, but who do not perform inspection work.

Water protection

The Kosovo Water Law⁹ gives numerous powers and duties to municipalities. Municipalities are required to draft plans or strategies for water protection and risk determination¹⁰.

However, after three years from the entry into force of the law, most municipalities have not developed such programs. Of the 32 municipalities in which the survey was conducted, 72% of them have not developed such a program.

Water protection program has been drafted by the following municipalities: Viti, Decan, Mitrovica, Kacanik, Prizren, Fushe Kosova, Peja, Dragash and Junik. The Gjilan and Gjakova municipalities stated that they are in the design phase of the program.

By the Law on Waters of Kosovo, the Ministry of Environment and Spatial Planning (MESP) coordinates water protection measures with municipalities. Under this law, MESP oversees the legitimacy of municipal bodies and takes measures, activities and submits initiatives for the implementation of municipal responsibilities dealing with water. In addition, MESP identifies material and procedural shortcomings in the work of the municipal bodies, which would disable performance of works specified by law.¹¹

However, in the past two years, for most municipalities MESP has not had any requests, comments, suggestions or monitoring of work of local level in the field of water. The municipalities that have had specific requests

⁷ Interview with Besnik Beka, Director of Public Services in the Municipality of Mitrovica. The interview was conducted on 16.02.2016.

⁸ Interview with Hidajete Ahmenti, Director of Public Services in the Municipality of Klllokot. The interview was conducted on 24.02.2016.

⁹ Kosovo Official Gazette. Law no. 04/L-147 on Kosovo Waters. Source: <http://bit.ly/1UztKSJ>

¹⁰ Kosovo Official Gazette. Law no. 04/L-147 on Kosovo Waters, Article 47. Source: <http://bit.ly/1UztKSJ>

¹¹ Kosovo Official Gazette. Law no. 04/L-147 on Kosovo Waters. Article 107. Source: <http://bit.ly/1UztKSJ>

from MESP about water protection are: Hani i Elezit, Junik, Podujeva, Lipjan, Prizren, Kacanik, Decan, Obiliq, Malisheva, Ferizaj and Shterpca.

Plant protection

The plant protection law obliges municipalities to list the types of plants in their territory.¹² Chart 1 shows that slightly more than half of the municipalities have made the identification of plants, mainly as a result of specific programs supported by donors. Many municipalities say they have no professional resources to make the identification and registration of plants.

Besides the identification and registration of plants, municipalities are obliged by law to take measures for their protection. Of the 32 municipalities, 21 have the Agriculture Directorate, which is responsible for the identification and protection of plants. The rest of the municipalities, having no directorate of agriculture, cover this area through other directorates.

The municipalities that have not identified species of plants are: Prishtina, Prizren, Shterpca, Vushtrria, Rahovec, Ferizaj, Shtime, Malisheva, Fushe Kosova, Viti, Obiliq, Drenas, Kacanik, Kamenica, Novoberdo, Partes, Klina and Hani i Elezit.

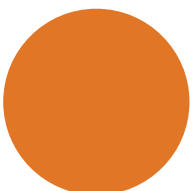
Forest management

Since 2010, with the amendments to the Law on Forests, the responsibility for maintaining and issuing licenses for the felling of trees was passed to municipalities.¹³ However, most municipalities are not clear about their authority for the management of forests. This arises because by law competencies in protection, use and management of forest resources are shared between municipalities and the Kosovo Forest Agency. Asked whether the municipalities manage forests, 47% of municipalities stated that they do not manage forests.

The municipalities that declared that they do not manage forests are: Suhareka, Rahoveci, Shtimia, Gjakova, Vitia, Skenderaj, Prishtina, Deçani, Kaçanik, Lipjani, Klllokoti, Peja, Podujeva and Parteshi.

¹² Kosovo Official Gazette. Law No. 04/L-120 on plant protection. Article 52. Source: <http://bit.ly/1VT2IF9>

¹³ Kosovo Official Gazette. Law No. 03/L-153 on Kosovo Forests Article 12. Source: <http://bit.ly/1oBPiQ9>



In some municipalities, apart the Kosovo Forests Law, applies also the Law on national parks, which regulates the management and protection of forests in the protected area of the park. The Law on the Accursed Mountains National Park includes the Gjakova, Junik, Peja, Decani and Istog municipalities. While the Law on the Sharri National Park includes Kacanik, Shterpca, Suhareka, Prizren and Dragash municipalities.

Air protection

The Law on protection of air from pollution,¹⁴ requires from municipalities to issue local action plans for air quality. This is required in order to determine the policy and management of air quality for the period of five years and actions within municipal territory.¹⁵

Despite the existence of this legal obligation for municipalities since 2004¹⁶, 72% of municipalities have no such plans.

The only municipalities that have these plans are: Obiliq, Drenas, Mitrovica, Hani i Elezit, Shterpce, Decan, Viti, Fushe Kosova, Junik and Klina.

Protection against noise

The noise protection law obliges municipalities to develop plans identifying areas that are protected against noise and take actions to implement those plans.¹⁷ However, only 5 municipalities have declared that they have developed such plans.

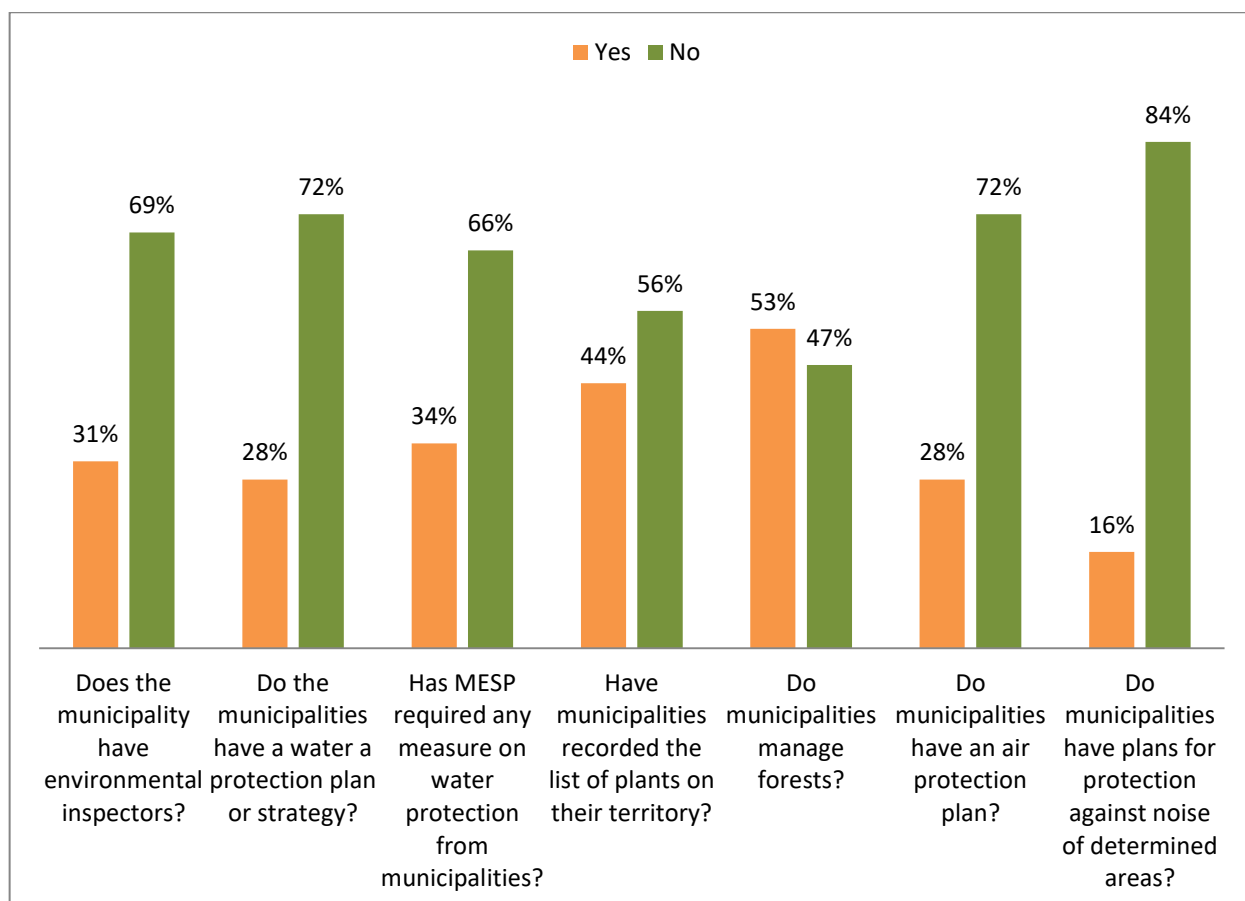
The municipalities that have developed local plans for noise protection are: Gjakova, Ferizaj, Mitrovica, Junik and Hani i Elezit.

¹⁴ Kosovo Official Gazette. Law no. 03/L-160 on protection of air from pollution. Source: <http://bit.ly/1YlvdEr>

¹⁵ Kosovo Official Gazette. Law no. 03/L-160 on protection of air from pollution. Article 31. Source: <http://bit.ly/1YlvdEr>

¹⁶ Kosovo Official Gazette. Law no. 2004/30 on protection of air from pollution. Article 22. Source: <http://bit.ly/26gvsw3>, repelled in 2010 by the Law no. 03/L-160 protection of air from pollution.

¹⁷ Kosovo Official Gazette. Law no. 02-L-102 on protection against noise. Article 9. Source: <http://bit.ly/1M2Otvk>

Chart 1: Implementation of laws in the field of environment

3. Implementation of laws in the field of public services

Market supervision

In 2010 came into force the new law on inspectorate and market supervision¹⁸. The new law passes to the Ministry of Trade and Industry the powers for organizing the market inspectorate.¹⁹ However, some municipalities have expressed their opposition to this new form of organization, by not accepting to transfer this power to the MTI.

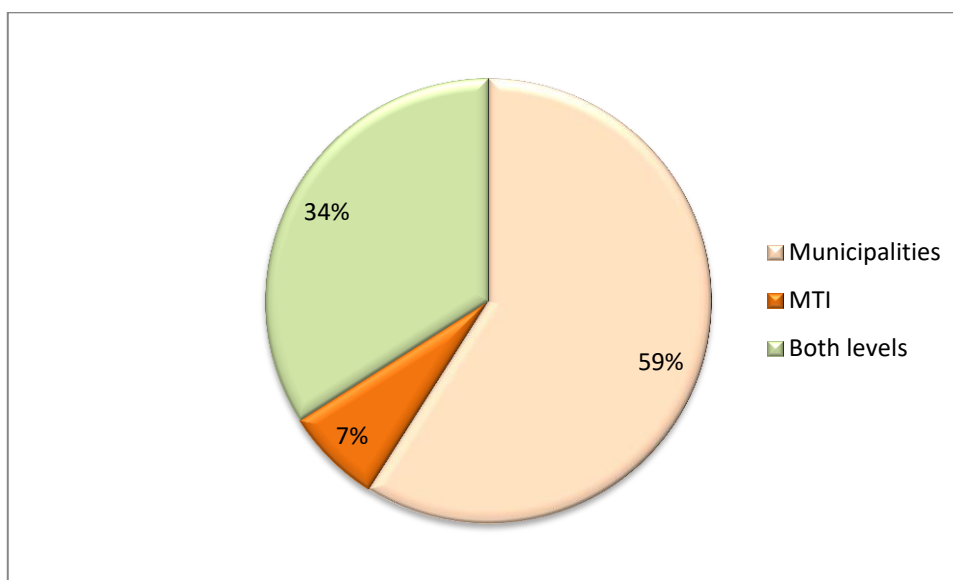
¹⁸ Kosovo Official Gazette. Law No. 03/L-181 on Inspectorate and Market Supervision. Source: <http://bit.ly/1WTZ1NG>

¹⁹ Kosovo Official Gazette. Law No. 03/L-181 on Inspectorate and Market Supervision. Article 38. Source: <http://bit.ly/1WTZ1NG>

Only the Gjakova and Novoberdo municipalities have accepted to transfer market inspectorate powers to the MTI. The Hani i Elezit, Klina, Dragashi, Podujeva, Peja, Lipjan, Istog, Mitrovica, Deçani, Drenas, Skenderaj, Viti, Malisheva, Shtime, Gjilan and Ferizaj municipalities continue to administer the market inspectorate under their powers.

While the Junik, Kamenica, Fushe Kosova, Prizren, Kacanik, Prishtina, Gracanica, Obiliq, Rahovec and Suhareka municipalities consider that the market inspectorate is managed by the two levels of government.

Chart 2: Which level of government manages the Market Inspectorate?

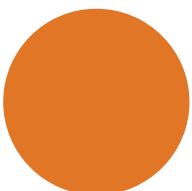


The Partesh, Shterpce and Klllokot municipalities have no established market inspectorate.

Energy efficiency

According to the Law on Energy Efficiency, which entered into force in August 2011, municipalities are required to develop strategies and concrete plans for energy efficiency.²⁰ Despite this legal obligation, 25% of municipalities have not yet started to develop these plans. Their reasons are related to the lack of professional staff and lack of budget for these areas.

²⁰ Kosovo Official Gazette. Law No. 04/L-016 on Energy Efficiency. Article 3. Source: <http://bit.ly/1RK2j1C>



The municipalities that have not yet developed and adopted a local plan for energy efficiency are: Rahovec, Gracanica, Skenderaj, Novoberda, Kacanik, Klllokot, Peja, Kamenica and Hani i Elezit.

The law obliges municipalities to establish the office for energy efficiency.²¹ However, half of the municipalities have neither established offices for energy efficiency nor have official assigned to this job.

The municipalities that have not yet established the office or designated the official for energy efficiency are: Klina, Hani i Elezit, Kamenica, Partesh, Klllokot, Fushe Kosova, Istog, Kacanik, Novoberda, Gracanica, Obiliq, Viti, Malisheva, Shtime and Rahovec.

Some municipalities are not allowed by the Ministry of Finance to increase the number of positions.²² Moreover, the position of 'energy efficiency official' is not foreseen by the Jobs Catalog of the Kosovo civil service.²³ This has been one of the reasons for the refusal of the Gracanica municipality request to recruit such an official.²⁴

Local public enterprises

The Law on Public Enterprises²⁵ awards municipalities with legal means to create local public enterprise, but only after they have submitted a request to the Ministry of Economic Development and received Government approval. Besides the Klllokot and Partesh municipalities, the others have declared that they would prefer the company for waste management and water supply to be established by the municipality and managed exclusively by the municipality.

However, only eight municipalities have filed a formal request for the creation of local public enterprises.²⁶

²¹ Kosovo Official Gazette. Law No. 04/L-016 on Energy Efficiency. Article 9. Source: <http://bit.ly/1RK2j1C>

²² Interview with Ramadush Osmani, Director of Public Services in the Municipality of Kacanik. The interview was conducted on 12.02.2016.

²³ Ministry of Public Administration. Catalog for Systematization of Jobs for Civil Servants of Kosovo. January, 2015. Source: <http://bit.ly/1WXfEMs>

²⁴ Interview with Zvonko Stanoviq, Director of Public Services in the Municipality of Gracanica. Interview Date 23.02.2016.

²⁵ Kosovo Official Gazette. Law No. 04/L-111 on amending the Law No. 03/L-087 on Public Enterprises. Source: <http://bit.ly/1ScBbwK>

²⁶ These municipalities are: Decani, Kacanik, Gjilan, Ferizaj, Prizren, Prishtina, Gracanica, Hani i Elezit. For more information, see the GAP Institute analysis "Municipal Public Services and Public Enterprises", June 2015. Source: <http://bit.ly/22PG54x>

Fire and rescue volunteers units

According to the Fire and Rescue Law, municipalities should have the Yes. Municipalities must conduct recruitment and training of volunteers, as well as possess the tools necessary for permanent operation units and volunteer units.²⁷ However, after four and a half years from the entry into force of the law, only 37% of municipalities have established such units.²⁸

As with forest management and market inspection powers, municipalities are unclear who manages the units of firefighters. Municipalities continue to pay for the maintenance of vehicles, fuel supply, for the purchase of equipment and facilities maintenance. This occurs despite the fact that the management competence of firefighters units has been transferred to the Emergency Management Agency (EMA) under the Ministry of Internal Affairs (MIA). In some municipalities, such as Hani i Elezit and in Mitrovica, firefighters are paid by municipalities, while in some other municipalities they are removed from the local level payroll and are transferred to the list of employees of the EMA.

Alarm system installation

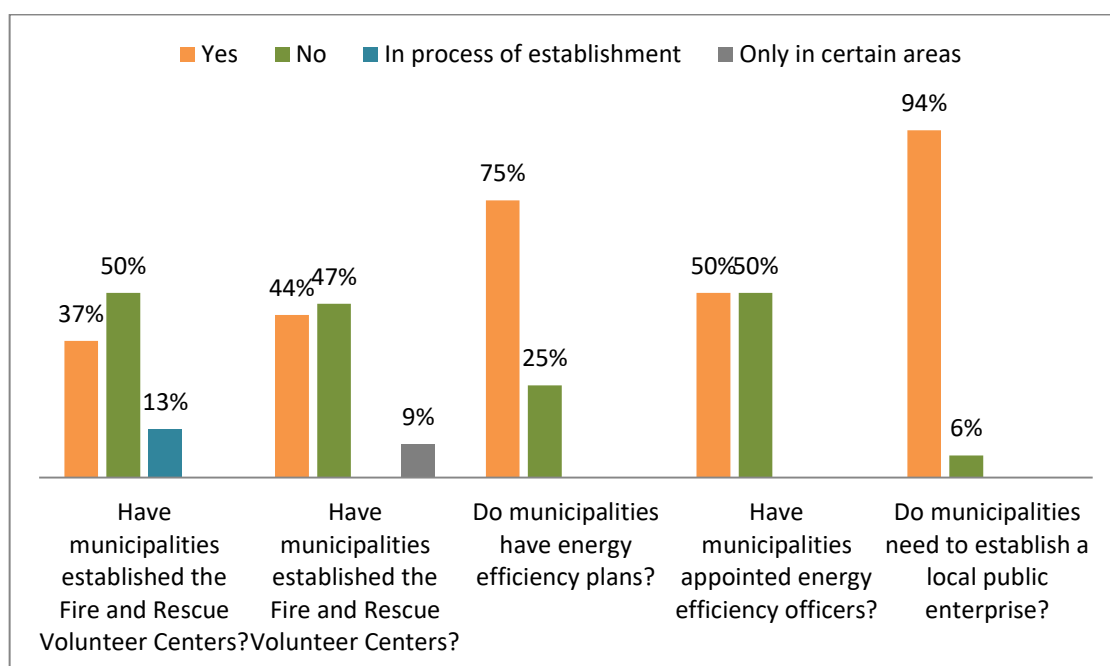
The Law on the Emergency Management Agency (EMA) provides for alarm system deployment throughout Kosovo. Most of Kosovo municipalities have not installed hazards alarm system (earthquakes, war, floods, massive fire, risk from eruptions). Some municipalities have voluntarily installed this system, although it is the legal responsibility of the Emergency Management Agency, which is obliged to extend the alert mechanism in municipalities and unify the operating system.²⁹

The municipalities that have installed the alarm system are: Juniku, Prishtina, Vushtrri, Klina, Podujeva, Lipjani, Prizreni, Istogu, Decani, Skenderaj, Viti, Gjilani, Ferizaj and Suhareka. While the municipalities with partially installed alarm systems are Hani i Elezit, Peja and Fushe Kosova.

²⁷ Kosovo Official Gazette. Law No. 04/L-049 on Fire and Rescue. Articles 4, 5 and 7. Source: <http://bit.ly/1UUigZv>

²⁸ The municipalities that have not identified established such centers are: Klina, Dragash, Partesh, Kamenica, Fushe Kosova, Lipjan, Prizreni, Kaçanik, Prishtina, Novoberda, Skenderaj, Viti, Malisheva, Rahovec, Suhareka and Shterpca. The municipalities close to establishing these centers are: Peja, Vushtrri, Istog and Obiliq.

²⁹ Kosovo Official Gazette. Law No. 04/L-230 on the Emergency Management Agency. Article 2. Source: <http://bit.ly/1Y1z6DU>

Chart 3: Implementation of laws in the field of public services

4. Implementation of laws in the field of urban planning

Since the first constitution of the municipal assemblies in the local elections of October 2000, municipalities have not yet been able to conclude the process of drafting and approval of all regulatory plans. In some municipalities, this process has not even begun, as is the case with the municipality of Gracanica, Klokot, Novoberdo, Partesh, Shterpce and Obiliq.

Urban Regulatory Plans

According to the Law on Spatial Planning³⁰, municipalities are responsible for spatial planning at the local level, involving the drafting and approval of regulatory plans according to mapping of urban areas.

However, the only municipalities that have completed the approval of all regulatory plans are Junik, Istog, Skenderaj, Malisheva and Shtime. Over 60% of the surveyed municipalities have stated that they have partially

³⁰Kosovo Official Gazette. Law No. 04/L-174 on Spatial Planning. Article 10. Source: <http://bit.ly/23L40a>

fulfilled this legal obligation and are in the process of drafting regulatory plans.

The municipalities with regulatory plans only in some areas are: Prishtina, Klina, Hani i Elezit, Podujeva, Kamenica, Peja, Fushe Kosova, Lipjani, Prizreni, Kaçaniku, Mitrovica, Decani, Drenas, Viti, Gjakova, Vushtrri, Gjilani, Ferizaj, Rahovec and Suhareka.

Municipal Development Plan

Municipalities can not begin the process of drafting and approving regulatory plans without prior approval of the municipal development plan and urban development plan. These documents define the framework of spatial planning and are attached to the zone map of the territory.³¹

In general, municipalities have completed these documents. Gjakova, Malisheva and Mitrovica are in the review stage of the municipal development plan.

According to the Law on Spatial Planning, municipalities are obliged to discuss in the municipal assembly, at least once a year, the applicability of the municipal development plan.³² However, in the past two years, 78% of municipalities have not held any discussion session on the implementation of the municipal development plan.

The municipalities which in the past two years have not held hearings on the municipal development plan of the municipal assemblies are: Mitrovica, Decani, Drenas, Prishtina, Novoberda, Skenderaj, Gracanica, Obiliq, Gjakova, Gjilan, Rahovec, Suhareka, Shterpca, Hani i Elezit, Kacanik, Istog, Prizren, Fushe Kosova, Klllokot, Peja, Kamenica, Podujeva, Partesh and Dragash.

Treatment of illegal construction

The Law on the treatment of illegal constructions, which entered into force from January 2014, awards municipalities with full responsibility in

³¹ Kosovo Official Gazette. Law on Spatial Planning. Article 5 and article 10. Source: <http://bit.ly/1ZPCCmB>

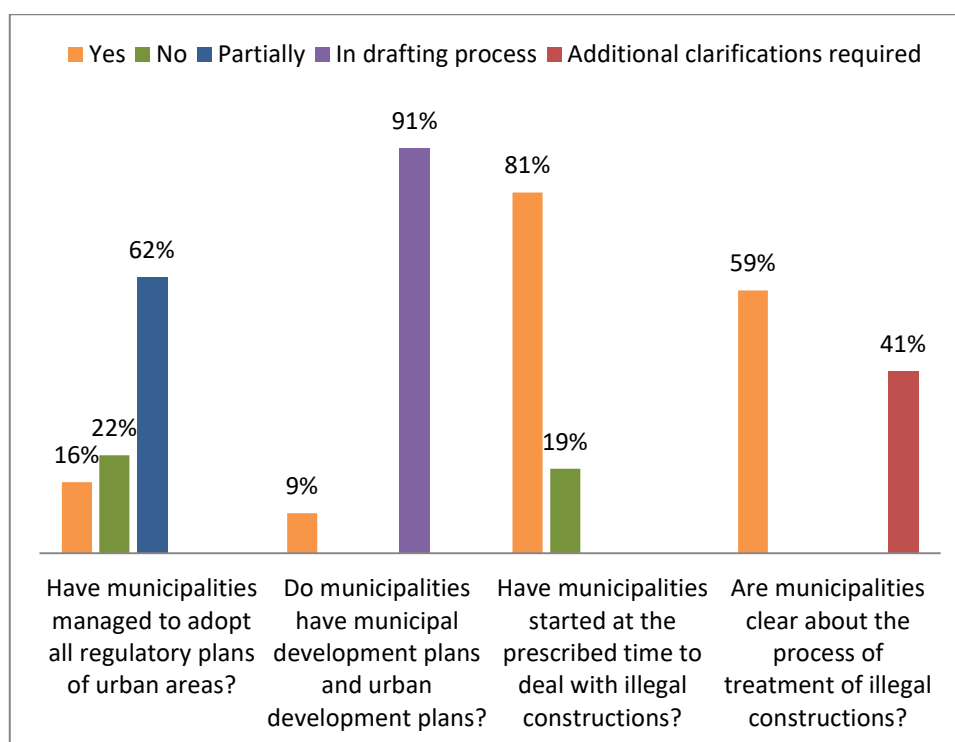
³² Kosovo Official Gazette. Law on Spatial Planning. Article 10. Source: <http://bit.ly/1ZPCCmB>

identifying, recording, handling and the refusing or legalizing illegal buildings.³³ Most municipalities have stated that they have started the process of legalization since the entry into force of the law.

The municipalities that have declared that they have not managed to start treatment of illegal constructions within the legal deadlines are: Mitrovica, Decan, Partesh, Gracanica, Shterpce and Obilic. Urban planning municipal officials generally believe that the legalization process is moving very slowly because of the high cost of legalization, the large number of documents required and lack of categorization of areas of construction. A large part of the municipalities do not have a clear picture of the entire process, mainly due to residential buildings, questioning whether legalization includes the constructed building or the residential units.

Asked whether municipalities have sought instructions from MESP regarding the treatment of illegal construction, 87% of municipalities said they have sought clarification from the ministry. However, only 36% of the municipalities stated that MESP responses were prompt and helpful. Most municipalities also stated that even MESP explanations did not facilitate work on implementing the Law on the treatment of illegal constructions.

Chart 4: Implementation of laws in the field of urban planning



³³ Kosovo Official Gazette. Law No. 04/L-188 on treatment of illegal constructions. Articles 3, 5 and 8. Source: <http://bit.ly/23628pt>

5. Implementation of laws in the field of administration

The municipal administration is regulated by the Law on Local Self-Government, the Civil Service Law and Labor Law. The number of municipal directorates and their functions are specified by normative acts issued by municipalities, such as the statute and respective regulations. There are a host of other laws that award obligations to municipal administration.

Gender equality

The Gender Equality Law requires municipalities to appoint an official for gender equality and simultaneously allocate a special budget for promoting gender equality in municipalities.³⁴ All municipalities have designated the official for gender equality, but not all municipalities allocate a special budget for this category.

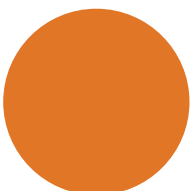
Of the 32 municipalities, 16 of them allocate a special budget for promoting gender equality in municipalities. These municipalities are: Klina, Dragash, Junik, Partesh, Podujeva, Lipjan, Prizren, Prishtina, Decan, Gjakova, Mitrovica, Shtime, Gjilan, Ferizaj, Rahovec and Shterpca. Municipalities justify the lack of financial support for this category by the lack of budget. The Lipjan municipality assures the budget for activities related to the promotion of gender equality from the category of goods and services. While the Prizren, Gjakova and Shterpce municipalities allocate the budget to support these activities from the category of subsidies.

Gender equality officers in each municipality compile annual reports submitted to the mayor's office.

Preventing and combating human trafficking

The law on preventing and combating trafficking in human beings and protecting victims of trafficking categorizes the municipality as an

³⁴ Kosovo Official Gazette. Law No. 04/L-020 on Gender Equality. Articles 4 and 8. Source: <http://bit.ly/1RCWnO8>



authority that addresses this area.³⁵ Despite this, 73% of municipalities have not appointed an official responsible to address the phenomenon or build awareness on trafficking.

The municipalities that have official assigned to address trafficking are Ferizaj, Gjilan, Gjakova, Viti, Obiliq, Prishtina, Drenas, Prizren and Junik.

Custodial Bodies within the Centers for Social Work

According to the Law on Social and Family Services, municipalities are obliged to establish within the Centers for Social Work 'the Custodial bodies' which have an obligation to protect children and adults from any physical or psychological danger they may face in the family or society.³⁶ Most municipalities have established these bodies.

The municipalities that have not established this body are Partesh, Shtime and Shterpce.

Sports budget

The Law on sport requires from municipalities to allocate a specific budget for sports.³⁷ However, 41% of the municipalities do not have sports as a budget category.

Municipalities that do not have sports as separate budget category, generally support this sector through the category of subsidies, and in some cases, as shown by the example of the Peja and Hani i Elezit municipalities, also through the category of goods and services. In municipalities, sports are covered by the youth, culture and sports directorate. Municipalities allocate a special budget for this directorate implying support for sports.

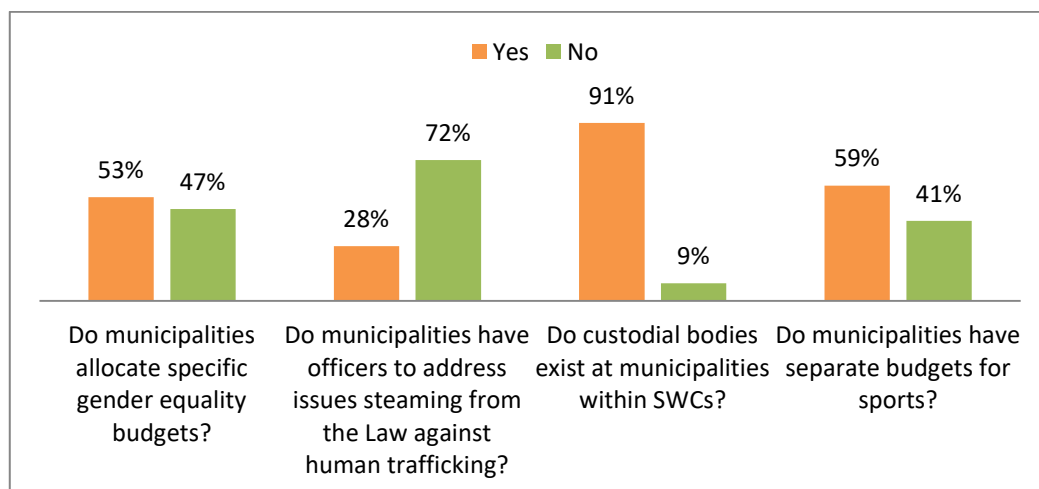
³⁵ Kosovo Official Gazette. Law no. 04/L-218 on Preventing and Combating Trafficking in Human Beings and Protection of Victims of Trafficking. Article 6. Source: <http://bit.ly/22KATAN>

³⁶ Kosovo Official Gazette. Law No. 04/L-081 on Social and Family Services. Article 1, article 2 and article 6. Source: <http://bit.ly/1MP1J1p>

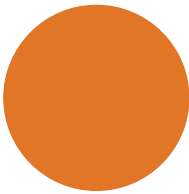
³⁷ Kosovo Official Gazette. Law no. 04/L-075 on Sports. Article 24. Source: <http://bit.ly/1V8v3ry>

The municipalities that do not have a separate budget category for sports are: Dragash, Partesh, Vushtrri, Peja, Klllokot, Fushe Kosova, Lipjan, Hani i Elezit, Novoherda, Skenderaj, Graçanica, Obiliq, Malisheva and Shterpca.

Chart 5: Implementation of laws in the field of administration



6. Conclusions and recommendations



The level of implementation of laws by Kosovo municipalities is not satisfactory. Of the 31 laws covered in this research, not a single municipality displayed full implementation of laws with regards to the obligations arising to the municipal institutions themselves. In some cases this is because municipalities are not invited for consultations in advance with respect to the obligations that will arise for them with the adoption of a relevant law. Following the adoption of laws, there is no information or communication between the ministries that sponsored the laws and municipalities aiming at the efficient implementation of the laws.

Quite a few cases of stalled implementation of laws were encountered in municipalities, on the grounds of lack of coordination between local and central level. An example of this is the Law on treatment of illegal constructions. Its full and effective implementation has stalled in some municipalities due to lack of coordination and lack of communication, although the law specifies in detail what the responsibilities of local authorities and central government level are.

The lack of full implementation of laws by municipalities is also the result of a lack of human resources. Although most municipalities are overstaffed, they lack human resources in some areas, as is the case for energy efficiency. Another problem is presented by the budget allocation for the obligations arising from the adoption of laws that foresee responsibility at the local level.

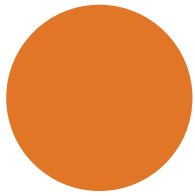
In order to avoid these shortcomings and aiming to increase the level of implementation of laws, GAP Institute recommends:

To the Government:

- During the drafting of laws, to avoid as much as possible requests for new positions in the civil service at the local level or the creation of offices of local departments, in order to maintain control of the administration and expenditures.

To the Kosovo Assembly:

- In all cases, during the adoption or amendment of laws, when certain articles award responsibilities to municipalities, the relevant parliamentary committees should collect the opinion of the municipalities about the foreseen responsibilities.



- The Parliamentary Commission for Public Administration, Local Government and Media, should periodically monitor the implementation of laws by municipalities and identify the challenges faced by municipalities in achieving full implementation of the laws.
- The Parliamentary Committee on Agriculture, Environment and Spatial Planning should require reporting by the Ministry of Environment and Spatial Planning regarding the level of implementation of the Law on the treatment of illegal constructions in the municipalities and the causes of its amendment within such a short time.

To the Ministry of Environment and Spatial Planning and the Ministry of Agriculture, Forestry and Rural Development

- MESP in cooperation with the municipalities should speed up the finalization of the regulatory plans, as 80% of the municipalities have not concluded this process yet.
- MESP should issue an instruction for municipalities on how to approach the implementation of local development plans.
- MESP should strengthen communication and coordination with the local level. The assessment in this analysis reveals that 60% of municipalities are not satisfied with the pace and content of the answers they receive in case of submission of applications.
- MESP should organize periodic meetings with all municipalities to understand the dynamics of implementation of the Law on the treatment of illegal constructions.
- Given that municipalities lack staff and budget, MESP should help municipalities in drafting plans for noise protection, protection of air and water protection.
- The Ministry of Agriculture, Forestry and Rural Development should initiate amendment procedures to the Law on plant protection. The current legal obligation on municipalities to identify and register plant must be a MAFRD obligation.



To municipalities:

- The municipalities, through the Association of Municipalities of Kosovo, must be more active in addressing the legal issues that fall under their responsibility.
- The municipalities, through the Association of Municipalities of Kosovo, must seek participation in working groups in government and parliamentary commissions during the drafting or amending of laws that impose responsibilities on municipalities.
- Besides the appointment of officers and the establishment of offices, municipalities must also allocate the budget to cover the activities of these units, such as funding for gender equality activities, special budget for sports and cultural activities.
- Municipal assemblies should hold special sessions to assess the degree of implementation of municipal development plans. This is a legal obligation unfulfilled by them.

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 Kosovars to research, develop and implement projects with the aim of advancing Kosovar society. This Institute's priority 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.

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