



NEW SOCIAL INITIATIVE

IS YOUR MUNICIPALITY TRULY YOURS?

Assessment of local governments'
adherence to principles of citizen
participation in north Kosovo



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Are you in?

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Key findings and executive summary

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Key findings

1. Lack of financial and human resources and continued overlap and confusion between institutions, established within the Kosovo system and provisional councils, prevent the four northern municipalities from operating at full capacity and fulfilling their obligations to citizens.

2. Citizens in four northern municipalities remain unfamiliar with the role and mandate of local governments within the Kosovo system, still largely relying on provisional councils' services.

3. Local governments are generally open to public engagement, while citizens express willingness to take part in decision making process, which makes room for progress on citizen participation.

4. Three pathways for improvement of citizen participation include: citizen education and mobilization, tailor-made mechanisms (including innovative mechanisms such as internet platforms and e-participation) and inclusion of specific marginalized groups.

Executive summary

This paper explores current circumstances and challenges, focusing on citizens participation in decision making, as one of the main condition for effective democratic governance and one of precursors for strengthening position of local governments in four northern municipalities. Built on that, the paper considers poten-

tial for improvements aiming to serve as a guideline for further development of existing practices and establishment of the new ones.

The year of 2017 was an election year in Kosovo. It started with Parliamentary elections in the summer and ended with local election in the fall. The local elections mark the end of the first four years of establishment of local governments in the North of Kosovo. However, this milestone was not without rocks on the road, as they encountered many complex challenges in fulfilling their mandate to deliver public services and facilitate socio-economic development. The overall situation has taken its toll on relations of local authorities and citizens, including information sharing, service providing and participative decision making.

Paper relays on data collected in qualitative research conducted in 2017, that included over 50 interviews with representatives from local governments, civil society, international organizations and media; 300 surveys with citizens and 4 focus groups with citizens. In addition to that, legal provisions and findings from other researchers was consulted in order to position the data in a boarder framework of citizen participation in decision making practices in Kosovo.

Legal framework on citizen participation in decision making in Kosovo has been under development for years, reaching the point of near compliances with international standards. Civil society and international community have been im-

portant contributors to the process, assisting both in policy development and implementation. And while the implementation at the central level did show some progress, the local level still suffer at large. That has proven to be true for practices across Kosovo, with some oscillation in favor of the larger municipalities.

However, it is important to know that four northern municipalities differ from their counterparts south of the Ibar river as the youngest local governments with significantly limited financial and human resources. These limited resources have affected the overall development of the institutions, including establishment of mechanism for citizen participation in decision making. Moreover, the unfavorable position has made municipalities and, along with that, their inhabitants further dependent on provisional councils within the Serbia system still present across Kosovo. Duality of the systems may be perceived, as often is, as an obstacle for full “taking over” of local governments, but for political representatives concerned with the wellbeing of their constituencies, it serves as a source to “fill in the gaps” left by both system.

Perceived needlessness of the Kosovo system combined with limited affection toward the government of Kosovo as such, prevented citizens from opening to utilizing the available benefits of local governments or assisting them in further development. Over 60% of surveyed citizens had limited knowledge of the local governments, which didn’t prevent them to have overly negative perceptions of their work and impact. Thus, the com-

munication they experienced with local institutions was, in its best, limited, not just due to unapproachability of the institutions or individuals within, but also their (citizens’) intangibility. This is the best shown by their low involvement in existing mechanisms for citizen participation – municipal assemblies meetings and public hearings. Those that did participate were usually encouraged by intermediaries as civil society and international community. Civil society appeared to have an important role in the process, either by engaging citizens to partake or by taking over the role of citizens.

Despite all of the obstacles and challenges, the situation seems to be moving in somewhat positive direction – local governments are more open for citizen inclusion, built on it by committing themselves to take further steps for development of mechanisms for citizen participation. Citizen perception over local institutions has slowly changed and their willingness to partake in decision making processes is higher from their previous practices (71% of surveyed citizens expired inters in participation in decision making processes). In order to continue moving in that directions, three pathways should be considered: citizen education and mobilization, tailor-made mechanisms and inclusion of marginalized groups.

Introduction

Introduction

We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all.

Pericles¹

Citizen participation in decision making processes is not new to democracy; the philosophy dates back to the ancient Greece, where decisions affecting cities were given to vote to male citizens prior to execution. Democracy, as we know it today, has evolved through the time and space, compared to its founding, but the core principles of transparency, accountability and participation in decision making, as well as the values of individual and collective freedoms, rule of law, elections, have remained; furthermore, they have expended to all levels of society. For that reason, regions relaying on democratic principles of ruling have citizen participation as a strong component of their politics on decision making processes. Kosovo, as a fairly young and troublesome democracy, hopes to answer to this challenge, what is an important step in the state building process and the path toward the European Union.

Kosovo has a progressive legal framework that has been developed with a strong support of international community and those who have had the experiences in constitutional-legal theory and practice, put Kosovo on the top of the ladder, in paper, comparing it to the rest of the region. Furthermore, Kosovo legal framework is constantly supplemented and advanced, with new laws and by-

laws being adopted every year. Citizen participation in decision making processes has been promoted in set of laws and regulations defining the work of central and local level institutions, independent mechanisms and even civil society. However, a number of studies demonstrate that, even though Kosovo delivers on paper, it fails in implementation. Kosovo underperforms in implementation of main segments of proclaimed rights within the Constitution and the laws in almost all segments of human rights – from protection and inclusion of non-majority and vulnerable groups, right to education, healthcare, social welfare, use of languages – ultimately preventing those affected to become equal with their dominators, in the society they belong to, and, along with that, to take part in chaining the society for better.

Four northern municipalities – Severna Mitrovica/MitrovicëVeriu, Leposavić/Leposaviç, Zvečan/Zveçan and Zubin Potok – have defied integration in the Kosovo system until 2013. The Brussels Agreement signed in 2013 enabled gradual integration of four northern municipalities, and as predicted by the Agreement, first elections in accordance with Kosovo law were held in November, the same year. Despite being supported by Belgrade and citizens being continuously summoned to turn out and vote, local

¹ Quote retrieved from: Held, David, *Models of Democracy*, Polity Press, Malden MA, 2006, p. 14

governments were formed with limited support, which was enough only in terms of providing them with some legitimacy.² Insufficient knowledge and understanding of the Kosovo system of governance and the Rule of Law, seldom support from central level institutions, inadequate budgets and tense political situation scared newly formed institutions even before their full establishment and work. Today, four years after that, the situation has remained similar, if not the same - problems seem to put those four municipalities in undesirable position. Struggling to tick all the boxes, local governments prioritize their work toward infrastructural projects, leaving other matters in the shadow. All of them manage to fulfill minimum requirements for citizen participation (two public hearings and open local assemblies' meetings), to open dialogue with citizens, develop some cooperation with civil society and present international community, and to, at some level, be present on local media and social networks. However, the examples of other institutionalized mechanism of citizen participation in decision making are rare, as they themselves and the citizens have recognized.

On the positive note, as the research we conducted indicates, it seems that a large majority of representatives of local governments are well aware of the imperfections of their institutions, and are eager to devote their time and energy to improve the current state. And this is where this report comes into play – it presents data from qualitative research on citizen par-

ticipation in decision making process in four municipalities in the North of Kosovo, conveying observations from representatives of local governments, international organizations, civil society and citizens, utilized for understanding the current state and thinking about where to go from there.

The research, and so does the report, starts with a foundation of it all – legal framework; where the main laws, by-laws and other regulations were studied, in order to grasp the idea on citizen participation in decision making, as if it were to follow the written word. Relaying on that, later on we continued exploring the implementation of the legal framework on the ground – its implacability, institutionalization, existing practices and deviations. Apart from using various research documents related to the topic and research methods, the report findings and testimonies primarily relay on field research conducted by New Social Initiative research team, in order to cross check the information read, but most importantly to gain new data and insights. These findings are therefore the core of the document – they are here to tell us what we and others think and to help us hold those responsible accountable for their words and actions, including us – the citizens.

² Limited support was not necessarily provided due to citizen (dis)satisfaction with local candidates, but due to introduction of Kosovo system in the North in the first place

Methodology

Methodology

This report is a product of the research conducted as a part of a one-year project Increasing citizen participation and accountability in local governance for northern Kosovo implemented by New Social Initiative (NSI) and supported by PAX within the framework of the Inclusive Development Programme. The project overall objective is to contribute to strengthening democratic potentials at the local government level in northern Kosovo, through assessment, identification, development and demonstration of innovative approaches in good governance, primary in terms of civil participation and accountability. The project is implemented in four phases: 1) research on citizen participation in decision making in the North of Kosovo, 2) research of examples of good practices implemented in the region, 3) training for local governments employees on citizen participation in decision making, 4) development and implementation of a pilot project that will facilitate citizen participation in decision making in one of the municipalities in the North of Kosovo.

Data presented in this paper are based on qualitative desk and field research, conducted in the period from April 2017 to July 2017.

The desk research included collecting, reviewing and analyzing written data, divided in two subgroups: 1) legal framework and 2) research and policy papers. The legal framework included national laws, by-law, administrative instructions and regulations in regards to local government competences, citizen participa-

tion in decision making process, access to public documents. The research and policy papers included reports, research documents, policy documents of public institutions, international organizations, civil society organizations, academia and media, on the same topics. The desk research was conducted in the first phase of the research (April – May 2017), and revised upon finishing of the field research (July 2017).

The field research included facilitation of semi-structured interviews with representatives of local governments (referred later on as political representatives), interviews with representatives of international organization, civil society organizations and media (referred later on as experts), focus groups with citizens and a survey. The field research was conducted in the second phase of the research (May – July 2017).

The interviews with political representatives included interviews with representatives of four local governments in the North of Kosovo on their experiences and compliances with the legal framework in terms of citizen participation in decision making. They were also asked a set of question about local governments work and capacities, challenges, outputs, other relevant experiences in terms of citizen participation in decision making. Additionally, responders provided inputs on the future plans and openness for introducing new and innovative mechanisms for better communication and citizen participation.

The interviews with experts included interviews with representatives of international organizations present in the North of Kosovo, civil society organizations established and engaged in four northern municipalities and local media. They were asked questions about their familiarity with the work of four local governments, their experience of communication and cooperation with local authorities, their familiarity with citizens' stands and experiences, as well as their professional observations on potentials for development of new and innovative mechanisms for citizen participation in decision making.

The focus groups with citizens were held in all four municipalities in the North of Kosovo. They counted no less than 4 and no more than 10 participants per group. Citizens were asked to provide their observations about the work of local governments – their familiarity with local governments' work and structure, interest in services and other competences, trust and (dis)satisfaction with local authorities. Citizens also talked about their experiences, if any, of participating in decision making processes, willingness to participate and mechanisms they would prefer to utilize for that.

The survey for citizens was distributed and collected in all four municipalities in the North of Kosovo by an interview team. The sample of the respondents was determined by a stratified representative random method, with the assistance of statistics expert. As the official data on the number of citizens of four northern municipalities do not exist, because the Serb community largely boycotted the last

Census, we used both the Kosovo Agency of Statistics official estimations for the year 2011³ (the same year that the Census was conducted), and the OSCE official estimations of population by municipality⁴ when calculating the number of responders and their distribution. The confidence interval was set to 5.6. The total number of responders was 300, out of which 112 for Severna Mitrovica/Mitrovicë Veriu, 68 for Leposavić/Leposaviç, 63 for Zvečan/Zveçan and 57 for Zubin Potok. Categories used for poststratification were: age, place of living, gender, education and employment. For full poststratification information, please see the Annex 1.

*

NB1: All information presented in paper, that are without references to reading material, were obtained through the field research, and were cross-checked in the same manner.

NB2: In order to protect identity of informants, data on the number of interviews, focus groups, their distribution, as well as informants' personal information beyond category (i.e. gender, exact work affiliation, position) will not be presented.

³ Agencija za statistike Kosova, Procena stanovništva Kosova 2011, Pristina, February, 2013, available at: <http://ask.rks-gov.net/media/1656/procena-stanovnistvo-kosova-2011.pdf>

⁴ OSCE, Municipal profile, Mitrovicë/Mitrovica North, Pristina, September 2015, available at: <http://www.osce.org/kosovo/122119?download=true>, OSCE, Municipal profile, Leposavić/Leposaviq, Pristina, September 2015, available at: <http://www.osce.org/kosovo/13120?download=true>, OSCE, Municipal profile, Zubin Potok, Pristina, September 2015, available at: <http://www.osce.org/kosovo/13135?download=true>, OSCE, Municipal profile, Zvečan/Zveçan, Pristina, September 2015, available at: <http://www.osce.org/kosovo/13136?download=true>

Legal framework on citizen participation in decision making processes in Kosovo

Legal framework on citizen participation in decision making processes in Kosovo

Kosovo, as one of the youngest legal entities in Europe, has had a very progressive legal framework, carefully written in the spirit of democratic values, with the great assistance of international community present within the territory for over 18 years. During the time, Kosovo's institutions have worked on improvements and updates on the groundwork laid out for them, in order to respond to ever-changing circumstances. The whole process derived from the comprehensive Proposal for the Kosovo Status Settlement (CSP), also known as the Ahtisaari plan, used as a basis for adoption of the Kosovo Constitution.⁵ One of the main concerns in this process was protection of interest of the Serb community and their full participation in decision making. This led toward decentralization that has been at the heart of the reform agenda of both international community and Kosovo's newly formed institutions. Local governments empowering was of a great importance as it was perceived as a mean of provision of greater autonomy for minority communities, especially the Serb community. However, the implementation of such legislation has proved to be a challenge for Kosovo and its international partners, for which it does not come as a surprise, that in the last years, Kosovo's institutions have developed mechanics for improvement of decentralization on the ground, including adoption of policies on citizen participation in decision making.

Legal framework starts with the Constitution, where human rights and freedoms of an entity are set, upon which the rest is built. Citizen participation in decision making in Kosovo is the Constitutional right, later on defined and supported in 1) The Law on Local-Self Government, 2) The Law on Empowerment and Participation of Youth, 3) The Law on Access to Public Documents, 4) The Law on the Use of Language, 5) The Administrative Instruction No. 01/2015 for Amendments and Supplementations of the Instruction No. 05/2013 for the Transparency in Municipalities, 6) The Regulation (GRK) No. 05/2016 On Minimum Standards for Public Consultation Process. Some policies directly portray citizen participation, and what it should be, as the Law on Local Self-Government, while others, as the Law on Access to Public Documents, define preconditions necessary for, among others, adequate citizen participation. Regardless, it is important to notice that citizen participation in decision making is a complex matter dependent on the set of laws and regulations, and cannot be simplified to one piece of paper.

Speaking of laws and compliances, even though not officially a signatory state of international legal documents, due to issues regarding recognition of the status, Kosovo gladly pledged to respect international laws and charters, by integrating them in the Constitution. One of them is the European Charter of Local Self-Government and, according to that "Kosovo shall observe and implement European

⁵ CSP, available at <https://www.kuvendikosoves.org/com-mon/docs/Comprehensive%20Proposal%20.pdf>

Charter of Local Self-Government to the same extent as that required of a signatory state.”⁶ The Charter is based on a set of values that place citizens in the center of the local governments, signifying their participation in public affairs as one of the core principles of democracy.⁷ Following those principles, local governments in Kosovo are defined as “based upon the principles of good governance, transparency, efficiency and effectiveness.”⁸

Citizen participation and consultation at the local level is required by law.⁹ The Law on Local Self-Government states that each municipality has to have at least two public meetings per year, where the first one is to be held in the first six months. In addition to that, meetings of the Municipal Assembly should be open for public, unless there are circumstances that prevent it.¹⁰ However, the Law does not go in details on the method of public promotion of the meetings, manner of facilitation of public meetings, or content those are to have. Only years after, the Government of Kosovo recognized the gap and adopted the Administrative Instruction for the Transparency in Municipalities in 2013, amended in 2015, that elaborates on methods and mechanisms for advertising meetings of Municipal Assembly and Committees,¹¹ meetings with the public¹² and public consultation,¹³

among others. A problem that persist is a vague explanation on the requirements of local governments to address certain topics in the public meeting stating that “Every year municipality shall hold at least two public meetings for issues of general interests (...)”,¹⁴ and that: “In addition to two public meetings, the Municipal Assembly should examine the possibility of holding additional meetings, and be closer to citizens on issues related to municipal budget, local economic development, use of municipal property, spatial planning, investments, and municipal revenues as well as other issues of general interest.”¹⁵ This suggestive, instead of obligatory language, and the use of broad terms such as general interests, leaves the room for public officials to manipulate the interpretation of the Law, and along with that, its implementation as well.

Meetings of the Municipal assembly and the public meetings are to be publicized at least in seven days and in two weeks for the second, using one, or more methods suggested by the Administrative instruction in advance.¹⁶ Those methods are: public announcements in most frequented public places, municipal premises, media and official website, with the content of date, time, place and agenda and materials.¹⁷ Again, the linguistic structure of the regulations suggests that not all of the mechanisms have to be utilized, or, moreover, there is a minimum that must be met. That’s not to say that not inform-

⁶ Constitution of the Republic of Kosovo, Article 123.3

⁷ European Charter of Local Self-Government, Preamble

⁸ Constitution of the Republic of Kosovo, Article 123.4

⁹ Law Nr. 03/L-040 On Local Self-Government, Chapter IX

¹⁰ The Law does not regulate the procedures for facilitation of those meetings, it rather states that it will be specified in the Rules of Procedures. For more: Law Nr. 03/L-040 On Local Self-Government, Article 45

¹¹ Administrative Instruction No. 01/2015 for Amendments and Supplementations of the Instruction No. 05/2013 for the Transparency in Municipalities, Article 3

¹² Ibid, Article 6

¹³ Ibid, Article 7

¹⁴ Ibid, Article 6.1.

¹⁵ Ibid, Article 6.3.

¹⁶ Law Nr. 03/L-040 On Local Self-Government, Article 68.1

¹⁷ Administrative Instruction No. 01/2015 for Amendments and Supplementations of the Instruction No. 05/2013 for the Transparency in Municipalities, Article 3, Article 8

ing the public is complying with the Law, but that, for example, a simple hand-written announcement within the municipal premises is visible, no matter how much.

The Law on Local Self-Governments proposes implementation of additional mechanisms that would enable municipalities to perform in line with legal and democratic standards. One of them is development and adoption of local policies, as “municipal regulation promotes the transparency of the legislative, executive and administrative bodies of the municipalities, enhancing the public participation in the decision making at the local level, and facilitating the public access to official documents of the municipalities.”¹⁸ Following those principles, the Law also suggests that “The Municipal Assembly shall establish consultative committees within sectors for the purpose of enabling citizen participation in the decision-making process” composed by citizens and representatives of the civil society organizations. The main role of the consultative committees would be to submit proposals, conduct research and provide opinions on municipal assembly initiatives.¹⁹ The Law neglects to provide a timeframe for municipalities to develop and adopt proposed regulations, to determine an oversight mechanism, or a penalty system for those that fail to deliver.

Another form of citizen engagement may be through community self-identification, as the Law foresees forming of Communities Committee, composed of Municipal Assembly and communities’ representatives. The Committee is body

in charge for the overview of compliance of municipality’s work with the rights of communities.²⁰ However, its mandate, powers or structure are not determined by the Law. Moreover, the Law does not force municipalities to form the Committee, to support its work, or take into account their comments and suggestions. On the other hand, legal framework is protective when it comes to communities’ rights, in terms of language, culture, education and religion. Communities have the right to use their language and alphabet freely in private and in public,²¹ including “in their relations with the municipal authorities or local offices of central authorities in areas where they represent a sufficient share of the population in accordance with the law.”²² What’s more, communities counting over 3% on local level have their language recognized as language in official use,²³ while communities counting 5% or more on local level have their language recognized as official language of the municipalities, enjoying equality with the official languages of Kosovo.²⁴ This further obliges municipalities to conduct their work (i.e. publishing, archiving) and facilitate their services in all of the official languages within their municipality.²⁵ These provisions are in line with the European Charter for Regional or Minority Languages²⁶ that Kosovo declared to respect.²⁷

Communities are not the only members of the society which are encouraged to

²⁰ Ibid, Article 53

²¹ Constitution of the Republic of Kosovo, Article 59.5

²² Ibid, Article 59.6

²³ Law No. 02/L-37 On the Use of Language, Article 2.4

²⁴ Ibid, Article 2.3

²⁵ Law No. 02/L-37 On the Use of Language, Article 7, Article 8

²⁶ European Charter for Regional or Minority Languages, Article 10

²⁷ Constitution of the Republic of Kosovo, Article 58

¹⁸ Law Nr. 03/L-040 On Local Self-Government, Article 68.4

¹⁹ Ibid, Article 73

engage with the work of their municipalities – so is the youth, at least in paper. The Law on Empowerment and Participation of Youth compels municipalities to consult with Local Youth Councils on development of youth policies,²⁸ as well as to include young people in decision making processes in areas such as: education; jobs; public health; social issues; culture sport and recreation; civic education and democracy; environment, spatial planning and rural development.²⁹ However, the Law does not define the method of facilitation of the youth participation, the frequency of their participation, or the official influence it has. Furthermore, the Law misses to propose alternative procedures in case of the absence of Local Youth Councils, leaving the room for (miss) interpretation of the legal requirements and influences of the two sides.

Citizen participation and activism do not stop at the open municipal assembly meetings, public consultations or other suggested, often non-implemented, mechanisms; citizens can be legally active in work of their local governments in many other ways as well. They can “take initiative to propose regulations, within the competencies of the municipality, for adoption by assembly or by a vote of the citizens”,³⁰ or “request that a regulation of the Municipal Assembly adopted by the Municipal Assembly, be submitted to a referendum by the citizens”,³¹ and even “take the initiative to remove a mayor from the office”.³² All of them require of-

ficial support of a certain percentage of citizens of the respective municipalities in order to be considered valid and to prevent misuse of citizens’ rights.

However, citizen participation cannot be possible, or at least adequate, without access to information on which one, or more, is to make a stand. In order to enable this to happen, the Government of Kosovo adopted the Law on Access to Public Documents in 2010 that permits access to all of the official documents to anyone requesting them,³³ which is in line with Constitutional right of every person to have access to public documents.³⁴ Requests can be submitted in any form, including electronic, and the individuals or groups submitting them are not required to disclose the reason of the request.³⁵ Public institutions receiving requests are obliged to issue decisions within seven days from registration of the applications, or to, within five days, direct the requests to the responsive authorities, if requested documents are not under their supervision.³⁶ Forms of registration of the applications are not precisely defined, leaving the room for manipulation of the time-frame, and of the processes themselves. For example, an institution can claim that a request was never received or registered; however, this issue could be solved relatively easily by applicant’s proof of submission of the request, such as a sent email or post office invoice. The maximum time that public institutions have at their disposal to respond to requests with all delays, is less than a month, after which applicants have the right to ad-

²⁸ Law No. 03/L-145 On Empowerment and Participation of Youth, Article 7.1.4.

²⁹ Ibid, Article 13

³⁰ Law Nr. 03/L-040 On Local Self-Government, Article 70.1

³¹ Ibid, Article 71.1

³² Ibid, Article 72

³³ Law No. 03/L-215 On Access to Public Document, Article 4.1

³⁴ Constitution of the Republic of Kosovo, Article 41

³⁵ Law No. 03/L-215 On Access to Public Document, Article 6

³⁶ Ibid, Article 7, Article 9

dress the issue with the Ombudsperson Institution.³⁷ Furthermore, the Law states that public institutions are required to inform the public on their rights of access to official documents, and manners of exercising of those rights.³⁸ Institutions are also required to keep the public abreast of their compliance with the Law, within the annual reports, and other forms they use for informing the citizens.³⁹ The forms or methods of information and visibility are not specified, again, leaving room for misinterpretation or misuse.

The abovementioned suggests that citizen engagement, transparency and accountability – the pillars of democratic principles, are, even though tackled in the Constitution and set of laws and regulations, at the moment, to a large extent, left to the goodwill of municipalities.

Bearing that in mind, the Government of Kosovo, in consultation with, or better said, under the pressure of civil society, adopted the Regulation on Minimum Standards for Public Consultation Process in 2016.⁴⁰ “The Regulation aims to promote and ensure a public consultation process between public authorities, interested parties and the public, for an inclusive participation process of policy

making and decision making of public interest and increasing transparency and accountability of public bodies against interested parties and the public.”⁴¹ It is important to notice that the Regulation decision-making process includes planning, drafting and adoption of policies and legislation, hence it is an all-rounded process,⁴² therefore, in order for citizen inclusion to be in line with the Regulation, it has to be done throughout the decision-making process. For each policy or other initiatives, a person responsible for facilitation of the work, is also responsible for the public consultation; meaning that there is not one person or office in charge for the public consultation process per se, but rather that it changes in accordance with whomever is conducting the work on drafting the laws, regulations or other policies.⁴³ There are 11 proposed technics for public consultations,⁴⁴ but the Regulation does state that other technics can be used as well, leaving the room for institutions to be innovative and to adapt or change the approach in line with their capacities and the citizen needs. The Regulation, does not go in-depth on the management of the public consultation process (i.e. it suggests on what to consider when organizing it), does advocate for the use of information technology and communication (ITC).⁴⁵

³⁷ Law No. 03/L-215 On Access to Public Document, Article 10, Article 17

³⁸ Ibid, Article 10, Article 19

³⁹ Ibid, Article 10, Article 20

⁴⁰ Several laws and regulations elaborate on public participation; however, they are all focused on the work of central level institutions and presumed public consultation as consultation with civil society rather than citizens. Those are: the Rules of Procedure of the Government of Kosovo, the Regulation of Government Legal Service, the Administrative Instruction on the Procedures, Criteria and Methodology for the Preparation and Approval of Strategy Documents and Plans for their Implementation. For their detailed analysis see: Kosovar Civil Society Foundation, Incomplete Chain: Policy Brief on Minimum Standards for Public Consultation, Pristina, January 2015.

⁴¹ Regulation (GRK) No. 05/2016 On Minimum Standards for Public Consultation Process, Article 1.1

⁴² Ibid, Article 3.1.6

⁴³ Ibid, Article 6

⁴⁴ Proposed technics are: 1) consultation in writing and electronically; 2) publication on the web site; 3) public meetings, 4) conferences; 5) meetings with groups of interests; 6) workshops; 7) interviews/tet-a-tet meetings; 8) opinion surveys; 9) discussion voting; 10) panels with citizens; 11) stands on the streets. Source: Ibid, Article 7

⁴⁵ Ibid, Article 18

Implementation of the legal framework – citizen participation in decision making in north Kosovo

Implementation of the legal framework – citizen participation in decision making in north Kosovo

Preconditions

Kosovo's official international policy is clear when it comes to the agenda of the government – a full European Union (EU) integration with the status recognition. Regardless its plausibility in time and space, steps that the Government takes are largely influenced by the agenda. These, among the other things, include protection of human rights, full democratization of political processes (i.e. transparency, accountability, citizen participation), liberalization and privatization of the market. In line with that, Ministry of European Integration has noticed: "(...) our mission is to support Kosovo's transformation and reforms in its path towards the European Union. We accomplish this objective by harmonizing policies of the Republic, aligning its laws with those of the Union, and maintaining widely-engaging and continuous dialogue between the two, while embracing high standards of excellence, knowledge, integrity, accountability and transparency. We are committed to bring unique European values to both our citizens and government institutions."⁴⁶ Understanding Kosovo's urge to join the EU brings one closer to understanding the importance of development and implementation of the framework of citizen participation, as it brings the agenda closer to home.

Another important aspect when considering the European future of Kosovo is the Open data approach which is necessary for the membership in the Open Government Partnership (OGP) Initiative.⁴⁷ There are five areas tackled by the OGP: increasing the quality of public services, public integrity, enhancing safety of communities and corporate accountability, observed in four criteria: transparency, public integrity, citizen participation and innovation or technology. Research conducted by Riinvest on Kosovo's qualification for the OGP, states that Kosovo could be ready to join the OGP, due to its inclusive, well-developed legal framework, rather than its practices.⁴⁸ "This is a major problem than has to be addressed. Committing to an open government approach would be an important step".⁴⁹ As noticed by Riinvest, with the legal framework, Kosovo has ticked some of the boxes, however, their implementation is highly questionable, especially in terms of local level governance, that has shown deficiencies across Kosovo.

A European Union Report for Kosovo marked similar discrepancy with development and implementation of the legal framework, but has also noticed slight

⁴⁶ See more at: <http://www.mei-ks.net/en/mission#sthash.Jly-WyUQL.dpuf>

⁴⁷ Kosovo Government has recently undertaken an initiative to start a process of joining the OGP initiative. For more please see: Riinvest Institute, Mapping of Open Government Policies in South East Europe, Country: Republic of Kosovo, Forum 2015, Pristina, 2015, p. 5

⁴⁸ For more on the research, please refer to: Ibid

⁴⁹ Ibid, p. 68

improvements in the area of local governance. However, matters such as transparency, public accountability and the work of municipal assemblies are yet to be improved. “With 38 municipalities, a large number given the size of Kosovo, steps should be taken to rationalize local governance, with the aim of encouraging efficient and democratic service delivery and strengthening responsible governance.”⁵⁰ Even though the report, as well as other numerous researches, demonstrates that the issue of local governance is an all rounded problem in Kosovo, four northern municipalities are often, in political discourse, presented as the main obstacle for Kosovo exercise of statehood and fulfillment of decentralization process. It’s not difficult to assume why some may think so, as these municipalities have just recently formed local governments within the Kosovo system, and as such, due to numerous political and technical matters, are limited in their structure and functioning. As political representatives themselves noticed: “The most of the problems we are facing are of institutional nature, as we have not fully integrated in the system of Kosovo society yet.” However, those are not to be blamed for the failure of the Government of Kosovo, or the system itself, to deliver to its constituencies at the local level, and assist them in becoming fully functional and independent of other influences.

It is important to notice here that situation with 10 Serb dominated municipalities in Kosovo is somewhat specific, as the institutions and structures of the Republic of Serbia kept their presence in

Kosovo after the armed conflict.⁵¹ Their importance and influence are mostly noticeable in fourth northern municipalities, where, contrary to doddered structure of Kosovo institutions, institutions of the Republic of Serbia remained with similar functions and structures with a great socio, economical and political influence. Municipal authorities within the Serbia system were renamed to provisional councils whose executives were appointed by the Government. Local political representatives, who are often present in both of the systems, occupying the same or similar positions and relay heavily on the provisional councils. This is primarily the case for the employment in public sector such as education, healthcare and social welfare, which are still under the direction of the Government of Serbia, with some financial assistance from local governments within the Kosovo system. However, general-predicted budgets for those sectors differ largely between the two systems of governance, in favor of the Serbia system, both in terms of number of employees, average salary and benefits (healthcare insurance, maternity leave).⁵² Political representatives use this duality or institutions, and their positions to balance the situation and to fill numerous gaps left by scarce capacities of local governments within the Kosovo system, and limited executive capacities of local authorities within the Serbia system.⁵³ As political representatives acknowledge themselves, by utilizing resources from

⁵¹ Except for the law enforcing institutions (police and courts) which were reallocated to central Serbia.

⁵² For more on differences between the educational, healthcare and social welfare system of the Republic of Serbia and Kosovo please see: Milovanović, Dina, Božić, Ivana, The power of common voice, Pristina: COD, 2016

⁵³ Republic of Serbia has no longer presence in Kosovo in field of law enforcement, i.e. police and juridical system.

⁵⁰ European Union: European Commission, Kosovo* 2016 Report, Brussels, 9th November, 2016, SWD (2016) 363 final, p. 6

both sides, they manage to provide some social and economic stability and to make room for the transition of the systems in the future.

“Local governments are established on paper; however, they still do not function in full capacities. We don’t have financial capacities to integrate all of the employees from the Serbia run provisional councils, and other public institutions, or to take over all responsibilities in municipal management.”

Political representative

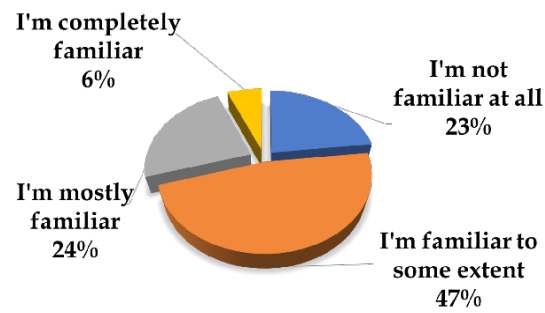
“As far as I know, local governments are not fully formed, with the exception of Mitrovica North that had a functional administrative office before 2013. Others have departments for public procurements, mayors and municipal assemblies. Development of local governments is a political process and, in the situations such as the present one, local politicians have interests in not rushing, as they are able to draw resources from all sides. For example, one of the local governments in the north has a budget of 2 million, while its contra part (i.e. provisional council) has a budget of 6 million. Also, public sector within the Serbia system predicts, and therefore, employs, more people than the Kosovo system, which makes us presume that not of all public employees could be transferred. All this puts integration to question. There is also a social pressure, as the integration can bring negative points to politicians, in terms of citizens’ support and political future. Integration is a social punch, and we are all reluctant to see

what will happen when it fully hits us.”
Expert

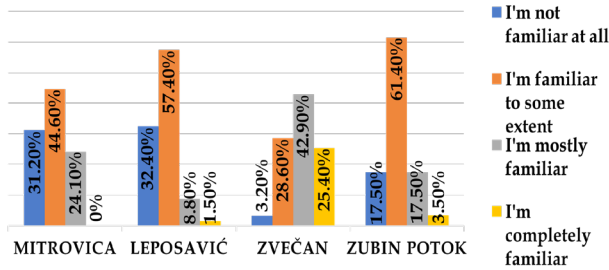
Observing the overall situation, majority of responders noticed that, however duality may be challenging, it is not where the biggest challenge lies. The biggest challenge is in the process of transition of the systems that has taken place in the North since 2013. Transition’s integration–pace, how it is unpopularly called, seems to create an even bigger social and economic flux, as withdrawal of the institutions of the Republic of Serbia is done faster than its substitutions occupancy. One of the experts nicely said: “We remain within growing institutional vacuum, where one system is being demolished, while the other one is being established; but the first one is being demolished much faster than the latter one is being established.” That’s not to say that citizens are ready for the final scenario, or that they are willing for it in the first place, but that the limbo they are caught in paralyzes them from moving along with the changes around them.

Quite telling signs of the issues regarding the functioning and capacities of the local governments, and, along with that, potentials for citizen participation in decision making processes, are the results of the survey with citizens, conducted in all four municipalities. Perhaps one of the most to-the-point results that confirms persistent citizens’ ambiguity toward Kosovo’s institutions is the fact that, four years after the first elections, over 60% inhabitants of northern municipalities are still not familiar with the work of local governments in their municipalities (the

Graph 1). According to the same data, the citizens of Zvečan/Zveçan are the most familiar with the existing local institutions. (the Graph 2).

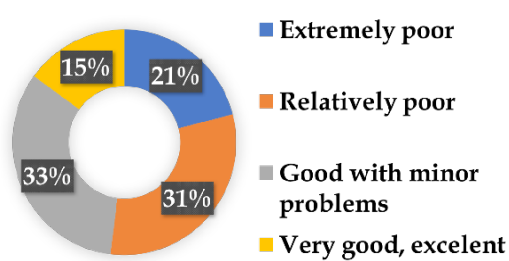


Graph 1 – How familiar are you with the work of the government in your municipality?

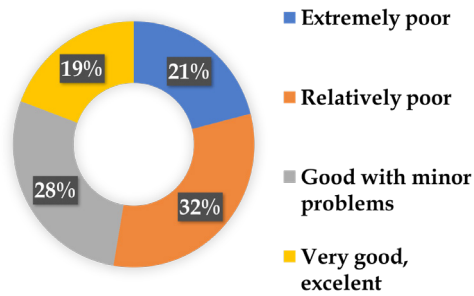


Graph 2 – How familiar are you with the work of the government in your municipality (per municipality)?

Furthermore, about a half of the survey responders gave negative marks to the work of administrative departments and departments for finances of local governments (the Graphs 3 and 4), with slight differences in favor of Zvečan/Zveçan and Zubin Potok municipalities.



Graph 3 – How would you evaluate the work of department for administration in your municipality?



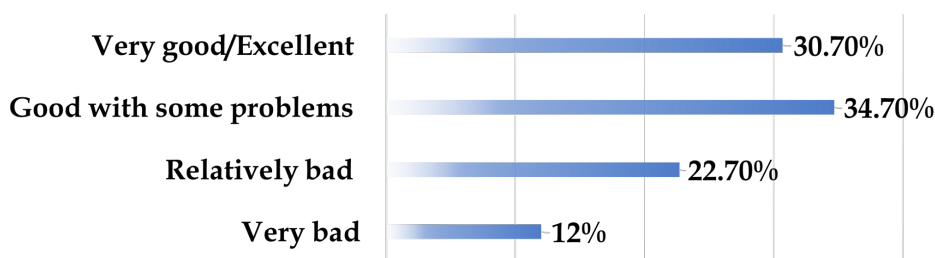
Graph 4 – How would you evaluate the work of department for finance in your municipality?

Overall negative perception of the local governments, regardless of the fact that 60% of responders are not familiar with them in the first place, can be an indicator of citizen further willingness to engage with those institutions at any level – from acquiring services to partaking in decision making processes. Reputation that institutions have, and the symbolism they are embedded with, in the case specific such as north of Kosovo, can be of higher importance for citizens than their actual capacities and possibilities. A good illustration are answers that citizens give answers to some other questions; for example, responders displayed significantly higher positive stands toward educational and healthcare developments, with

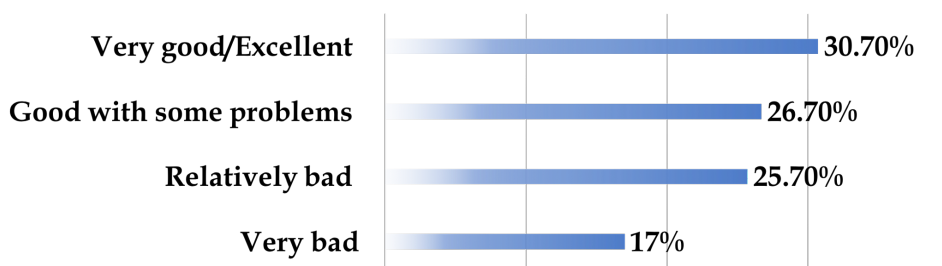
over 64% of affirmative marks for the first (the Graph 5), and 57% for the second (the Graph 6). It is important to notice that both education and healthcare in Serb dominated municipalities in Kosovo, as well as villages, are provided and managed by the Government of Serbia. When asked about this in focus groups, citizens did not shy away from noticing flows and downsides of the systems. However, they stated that, from what they heard and knew, those systems in Kosovo system were even worse, for which they were better off without. So, for citizens, this interplay of what they have versus what they might have in the future is of a great

importance when making stands on the two.

Contributing factor to these negative perceptions of citizens, especially for the Department of Administration, is the fact that, with the expectation of the Severna Mitrovica/Mitrovicë Veriu, none of the local governments provides basic services, such as issuing of documentations, business registration, construction permits, facilitating weddings, among others. As explained by local government representative, even if they were to provide the services, there would be obstacles preventing them to do so: "Services are not



Graph 5 – How would you evaluate education in your municipality?



Graph 6 – How would you evaluate HealthCare in your municipality?

available as the system itself is not available – translation of the laws, by-laws and simple forms are not adequate, instructions are not written in a user-friendly manner and central level institutions responsible for supervision and communication are, more often than not, available for consultations.” This situation forces the citizens to go to remote municipal villages to obtain acquired services, submit requests or receive information. In most cases these trips are consuming, including time and money, for which citizens often give up of the required service. Role and impact of services provided or not provided by local governments, were also noted by responders, who mentioned that the current situation was a consequence of the technical/financial difficulties, but also the overall political atmosphere:

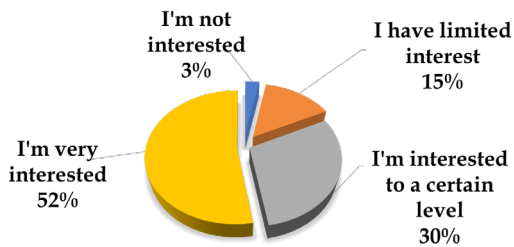
“Mitrovica enjoys assistance from administrative office, which puts it in the advanced position compared to other governments, as they provide services such as issuing IDs, driving license, registering businesses. I know that even the basic services are issue of politics here, or populism, but people have started to understand that they will have to rely on these institutions more and more, and that they will eventually have to provide citizens with what they are most interested in, and what their (i.e. local governments) primary purpose is, and that is services.”

Expert

“There is this thing, like a kiosk or atm, placed in front of local government building, where a person can go, put his or her money in and get a certificate he or she needs. However, as the budgets are so inadequate, local authorities cannot afford to pay a person that will be in charge for maintenance of those kiosks, for which they often do not work. So even when there are 24/7 services, there are not services.”

Expert

Services provided by local governments are of a great importance for citizens, as the survey results have shown, with over 80% of respondents being interested to a certain level or very interested (Graph 7). The significance of services was reaffirmed at focus groups as well, where majority of participants stated that they held interests in services that they could or could not obtain from local authorities. In most cases, acquirement of certain services was their first contact with local institutions, for which possibility of obtaining them, along with the quality, had a large influence on their overall perception over those institutions. These perceptions are not to be neglected, as they directly impact citizens’ willingness for future and further engagements with local governments. On the other hand, participants of the focus groups indicated that, in most cases, they turned to provisional councils within the Serbia system, for certain services, as they knew that the potential of obtaining those services from provisional councils was much higher.



Graph 7 – How interested are you in services provided by the local government?

However, one would be wrong to assume that the level of development of local institutions was a pure reflection of the will of their representatives; it is also a result of the will of citizens to accept and engage with them, the will of the central level institutions to communicate and provide them with resources, and of other actors to ease the processes. It is important to know that local governments are still in their first mandates, as the first local election within the Kosovo system, in four northern municipalities, were held in 2013. Turnouts for those elections were as low as 15%, because citizens were not prepared for enforced penetration of the Government of Kosovo in their municipalities and their lives. This general unpopularity of the local institutions as well as weak relations with central level institutions and inadequate budgets made it difficult for the institutions to fit in the shoes of the municipal system of the Government of Serbia, as noticed by one of the political representatives serving at local governments: “One of the negative things is that the integration is not done properly, and there are no incentives that will improve it in the near future, because the Kosovo system, at the moment, does not offer the same benefits and possibilities as the Serbia system does.” With that

all, there was little room for transition and integration of the systems, and the process procrastinated, as none of them really had the will of power to finish the started. Ultimately, it all reflected on local governments’ competences, capacities, human and financial resources; and, with that, their service to the citizens. Representatives of the four local governments in the North did not recoil from noticing the abovementioned and other deficiencies, and the influence they had on their everyday work and future prospects:

“The biggest problem for local governments is lack of human capacities. I was not aware of that problem for a long time, as we, due to the political situation, lived and worked in a vacuum. In that vacuum people did not go to trainings, workshops and other capacity building programs, they did not follow technological and societal progresses, which brought us to a situation where we were unable to adequately react to challenges we were being confronted with.”

Political representative

“Serbia and Kosovo have different systems of local governance, and a transition from one system to the other has been speeded up, both for the employees and the citizens, for which we do not have a functional local governments or citizens that know how to use them. These creations (i.e. local governments) were done in such a manner that their function is downgraded to a minimum.”

Expert

However, one should not be fooled thinking that the current situation is caused by technical reasons or reluctance of the community to integrate. One of the responders from the expert groups nicely summed: "Local governments establishment is primarily a political, not a technical process, and it should be observed and understood as such a one." That forming of the local governments is not only a political, but also a socio-economical process is the best demonstrated by the comparison of financial capacities of the two currently existing governance systems – that is local governments within the Kosovo system and provisional councils within the Serbia system – methods those budgets are determined by and the role they have in providing socio-economical safety. Budgets for local governments within the Kosovo system are based on the number of municipal inhabitants, the last time officially taken at the Census held in 2011. This Census, due to political situation of that time, and general ambiguity toward Kosovo institutions, was largely boycotted by the Serb community. For that reason, Kosovo central level institutions used estimations of the number of inhabitants of the four northern municipalities that differed largely from the OSCE estimations, or the number of registered voters at the last central and local level elections (see the Methodology chapter). These estimations resulted in inadequate budgets for the four northern local governments, and the remaining Serb dominated municipalities across Kosovo, that struggle to utilize those resources in the best manner. An unknown number of inhabitants also influences non-majority communi-

ties at the local level, as their language rights could not be fully implemented, since the status of non-majority languages (official languages or languages in use) is depended on the percentage they make in respective municipality. Experts working in the field of community rights made similar observations, pointing the following:

"Technically, all communities, speaking non-official language and making 5% in a municipality, are to have their language recognized as official in their municipality, while those, making 3%, are to have their language recognized as the language in use. However, as we do not have the official data on non-majority communities in the North, or the majority in that matter, local governments cannot provide services in any others but the official languages of Kosovo."

Expert

"One of the biggest problem is translation of municipal assemblies' sessions, as its consecutive and not simultaneous, which influences dynamic and duration of the sessions, as well as the interest of participants to remain engaged. Some municipalities have translation equipment, while others do not, so the quality and availability of a translation depend on the municipality you are in. If they had adequate budgets, they would be able to provide translation services and other linguistic services properly."

Expert

“Regardless my heavy criticism of local governments, I believe that their (i.e. political representatives) official narrative is true. The communication with central level institutions in Pristina is hardened, because they are fairly new to the system and they are not familiar with it, and, therefore, have a lot of unconformities with the rules and regulations. One of the biggest problems they experience is definitely a budget discrepancy that is estimated based on the number of inhabitants and does not exist in the North.”

Expert

Observing current capacities and developments of the local governments, it does not take a lot to draw the conclusion that preconditions for mechanisms such as citizen participation in decision making are not ideal. Moreover, they portray a challenging layout for any mechanism to come into place. However, it is not impossible to establish and facilitate them, it rather takes more effort and creativity in order to form settings for citizen engagement, and citizen interest for that engagement. In the continuum of the paper, we'll present findings on current practices of four northern municipalities of citizen participation in decision making, as well as citizen experiences, stands and opinions.

Existing implementation practices

People have forgotten what it's like to live in a legal system, because if you live in a suspended system for over 15 years, you forget that you can actually deal with your own rights.”

Expert

There has been much research on citizen engagement conducted in Kosovo in the last 5 to 10 years, revealing the great discrepancy between the blueprint, that is the legal framework, existing mechanisms and the implementation on the grounding terms of everyday citizen participation. This is especially noticeable at the local level of government. Research conducted in 2009, by the Kosovo Local Government Institute, shows the following: “Although it is expected that the municipal institutions do more for increasing citizen participation, many of the opportunities are not utilized. It seems that these institutions are somehow self-centered and do not pay appropriate attention to community needs, concerns and show no strong commitment to include citizens in the decision-making process(es).”⁵⁴ What's more, they do not seem to implement the minimal requirements of two meetings per year. According to the research conducted in 2012 by Riinvest, only 50% of municipalities organized public hearings on municipal budget developments in that year. A majority of those were announced through municipal website by notices posted on

⁵⁴ Tahiri Besnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 15

municipal buildings and/or public information boards, or a combination of the two forms. Only one municipality used printed media to announce the public meeting.⁵⁵ The same research noticed that the attendance at the public meetings differed largely from meeting to meeting.⁵⁶ One of the reasons for the inconsistency is the perception that public consultations are held more for a “show” than for the real engagement of citizens. The absurdity is the best demonstrated by practices of certain municipalities, where the municipal officials participated at the meetings as representatives of citizens, in order to “check the box”, or are held off the agenda, covering irrelevant subjects.⁵⁷

The field research revealed that four northern municipalities fulfilled the legal requirements of two mandatory public hearings, the one of them had always been on a local government budgetary planning. Hearings are, in most cases, advertised on local news web portals, radio, television and within municipal premises. With this, local governments checked the box in terms of compliance with the law, regardless of the content or the outputs of the two. On the other hand, local governments did not have their own, official web presentations of the municipality, or their work, as the law suggests, as the matter of web pages presented another political matter that was on stand-by, waiting to be resolved. According to the

laws and regulations, websites and similar e-platforms, would be a primary place where local governments could, among other things, promote public hearings and communicate with citizens. Local governments in the North currently use social media pages (Facebook) for these and other purposes. As noticed by political representative, citizens tended to use social networks mainly to get informed, but also to communicate with them. While some local governments may have unofficial webpages, they are not regularly updated - as noticed by citizens in focus groups, they were never utilized for information or communication.

A limited number of mechanisms for participation, and its irregularity, influenced people and their willingness to take part. Their participation and, moreover, motivation to participate, are already challenged with the overall low economic standards, high poverty and unemployment rates, as priorities are placed along the lines of survival, rather than of democracy.⁵⁸ This is perhaps the most noticeable in the case of four northern municipalities, where the economic future is uncertain and dependent on numerous factors such as high level politics and readiness of central level institutions to acknowledge their uneven position. At the current practices, even those who do take part in existing mechanism of citizen participation remain passive observers rather than active participants.⁵⁹ The reason behind lack of participation, or passive participation, is the fact that 51.7% of citizens consider public hearing to be

⁵⁵ Riinvest Institute, Mapping of Open Government Policies in South East Europe, Country: Republic of Kosovo, Forum 2015, Pristina, 2015, p. 23

⁵⁶ Ibid, p. 39

⁵⁷ Tahiri Besnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 22

⁵⁸ HoxhaTaulant, The Kosovar Civil Society Index 2016, Kosovar Civil Society, Pristina, October 2016, p. 54

⁵⁹ Ibid, p. 53

a formality, rather than an actual step toward making executive decisions.⁶⁰ On the other hand, lack of citizens' enthusiasm to take part in engaging activities gives an outlet to municipalities to further exclude them. The research done in 2009 revealed that "It is the evident lack of genuine interest from citizens to fully engage in the public decision-making that helps municipal authorities to justify their inadequate responses. In contrast, while fulfilling their legal obligations for the sake of reporting, municipalities fail to approach the situation in an honest way and take into account the voices of the citizens."⁶¹ Therefore, lack of citizen participation should be approached as a puzzle, where every piece carries its own weight, as noticed by one of the experts:

"It's the easiest to say that responsibility for lack of citizen inclusion is on local governments that are not willing to engage citizens, or on citizens who have no interest to be involved, but that the matter is far more complex than that, and it should be observed from a broader perspective. Political situation in the North of Kosovo has not allowed any communication to take place for a long time, not just with central level institutions, but with civil society, international organizations and media. That fact disabled political representatives to familiarize with good practices and apply them in their respective municipalities. Citizen participation in decision making

processes is not part of our culture, and it will take time and effort to make it. In order to make it happen, everybody needs to be engaged."

Expert

Citizen interest in participation in decision making processes

Interestingly, the field research revealed opposing information – on one side, municipal representatives, representatives of civil society working in the area of citizen engagement remarked that citizens lacked interest in participation, for whatever reason, and did not respond to their invites to involve; while citizens stated that their involvement in decision making process was in their interest to some extent (38.3%) and is fully in their interest (32.3%), as shown in the Graph 8.

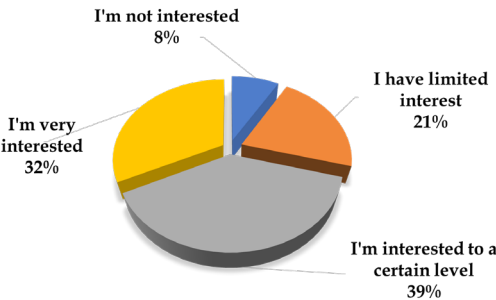
When asked directly if they would like to take part, 62.7% stated that they would like to, while 38.3%⁶² of respondent preferred not to be involved in decision making processes. In terms of their overall involvement in practice, citizens estimated that they were not involved at all (26%) or that they were poorly involved (37%), as seen in the Graph 9. Out of all responders, only 24.3% took part in any way of form of decision making processes in their respective municipality, while 75.7% never did.

⁶⁰ Riinvest Institute, Mapping of Open Government Policies in South East Europe, Country: Republic of Kosovo, Forum 2015, Pristina, 2015, p. 66

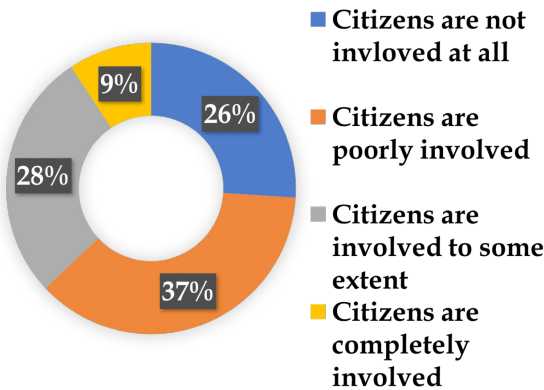
⁶¹ TahiriBesnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 27

⁶² The main reasons for refusing to take part in decision making processes: not interested (15.3%), have no time to invest (8.7%), do not have knowledge and/or expertise to contribute (7.7%), I'm not enabled to (6.3%), other (0.3%).

Those who took part, participated in public hearing (46%), development of local policies (46%) or electronic communication (6.8%).



Graph 8 – How interested are you in citizen participation in decision making in your local government?



Graph 9 – Are citizen involved in decision making process in your local government?

The above shown data demonstrate that a majority of citizens is willing to take part in decision making activities, even though most of them have never done it thus far. Contradictory to their statements, representatives of those who tried to engage them – local authorities, civil society and international community, indicated that they experienced a lot of challenges while trying to animate

citizens to become active. As one of the experts, who worked on similar project remarked, it is not that only four northern local governments experience this, but “...every municipality has a problem with citizen participation – both in the North and in the South. However, it is important to notice that responsibility goes in two ways, the one is on the local governments and the other is on the citizens.” Even when citizens do take part in certain activities, they shy away from being active and taking a stand, as observed by a political representative serving at one of the municipal assemblies: “Very few people take part in assembly’s sessions and those who do that tend to be passive observers, rather than active participants. They do not even use us (i.e. local MPs) who sit in those assemblies as a resource for making local authorities deal with things they consider to be important.” These observations were, to a certain extent, confirmed at the focus groups with citizens, where sentences such as: “I would take part if I knew that it was not a waste of time”, “we are not the ones who should do that, there are people whose job is to make local policies”, “why should I help them, when they have never helped me”, “I’m not informed or educated to take that responsibility” were often heard. It seems that citizens are torn between readiness to take part in decision making processes, and potential purpose and output which lack.

One of the main causes of this instability amid general will and practical actions of citizens may be the lack of devotion from local governments to develop a strategic approach toward enhancing citizen

participation that would have long term effects, as noticed by one of the experts:

“Local governments invite citizens to take part in public hearings and to come and observe municipal assembly sessions, but their response is still not on the adequate level. What is needed is that local governments create a strategic approach for citizen outreach, using all at their disposal – media, civil society, development of informational leaflets, promotional material and other.”

Expert

Not only have local governments failed in developing a strategic long-term plan, but it was also accompanied by civil society international community, as they tend to promote project activities, rather than value of citizen participation as a democratic process. Therefore, a number of their attempts to engage citizen failed, as genuinely admitted by one of the responders:

“When we were implementing a project of monitoring local assembly’s sessions, that included citizen participation, we had a big problem of engaging citizens and motivating them to come. We advertised the activities in various channels, had informal talks with people and everything, but they did not seem entertained to take part, except in some more important sessions such as budgetary hearing. Our aim was to have at least 20 citizen representatives for each session, but it turned out to be quite a challenge.”

Expert

Lack of citizen engagement is also influenced by experiences they have, and those experiences come from a system, or better said, lack of system, that has been in place in the North of Kosovo for past 17 years. Regardless of who should be blamed for the situation, the fact is that it left a trace in citizens’ perceptions of the idea of governance, rule of law, economy, social and cultural life. An overnight introduction of partially functional mechanisms as local governments, which are a part of the system that people see as oppressive and intrusive, has, by no means solved the uncanny situation, and brought stability and prosperity. As one of the responders from the expert group nicely captured: “Citizen participation is nowhere to be found. Citizens are not present. They are not interested in taking part as they connect concept of local authority with everyday mainstream politics that they do not want to have nothing with.” So, even though there is progress and citizens are more open to these institutions than when formed, familiarization with them, the system they are the part of, and acceptance of participation in its development require time and effort. Knowing that local governments are with limited capacities, and not-the-best public image, it is important that civil society and international community provide their time and efforts as well, in order to tackle citizens’ interests and perceptions. Responders from civil society spotted some of the mentioned matters, their roots and consequences, pointing out gaps in communication and understandings:

“There is a number of reasons for low citizen participation: 1) people are not familiar with the concept as it’s something new to them, both for the reason of being part of a socialist regime for so long and for unfamiliarity with the Kosovo system of governance, 2) they still do not understand the importance and influence of the Kosovo system, as they do not experience it as their own.”

Expert

“Citizens are very passive, as there is still a missing link between interests of politics, economy and the citizens. People from rural area feel cut off from all happenings, both physically and verbally (i.e. nobody talks to them). It is all a consequence of a life under socialism where people perceived politicians as powerful and untouchable, instead of perceiving them as regular citizens who were there to serve them. Addressing those is a first step in solving the problem.”

Expert

On the positive note, responders detected citizens’ general interest in developments in local politics and matters related to local authorities; it is only that citizens prefer keeping their relations and communications in unofficial settings (or they are used to that, due to the numerous reasons). In an area and population as small as four northern municipalities, it is not surprising that communication among and with citizens is heavily relayed on informal and cultural mechanisms. They may vary from unplanned meetings, unofficial gatherings and un-

predicted situations. Citizens in focus groups stated that these mechanisms assisted them to obtain information easier, and to check plausibility of their goals, prior to making them official. It shortened their time and helped them avoid any potential negative feedback. Political representatives pay special attention to them when speaking about general communication with citizens, stating that:

“Citizens are often engaged individually and directly – mayor’s office is always open for drop-in visits, representatives of municipalities are frequently in the field, mostly in remote areas, talking to people and gathering information, and later on reporting on them to respective departments within local governments. These are not planned, announced or facilitative mechanisms, but the ones that work the best for us and for the citizens, who seem to prefer them over the official ones we implement.”

Political representative

“What is important to notice is that our municipalities are small municipalities where unofficial communications with citizens take place regularly. It happens with representatives of municipal assembly, local governments and the mayor, through various cultural mechanisms such as feasts, weddings, birthdays, and similar large-scale gatherings, all the way to everyday practices – grocery shopping, dining and similar. People here seem to like talking about politics all the time, but they prefer keeping the talks causal, for which they tend to in-

tercept public officials in this manner, then to visit government premises and go official.”

Political representative

Without reducing the importance of informal communication and cultural mechanisms, what still lacks is the aftermath. Almost all responders state that there are no official instruments in place to filtrate and address information obtained through informal channels; it rather serves to keep public officials informed, and the reactions, if any, occur only in cases of information perceived as vital. Therefore, these mechanisms, as important and comfortable as may seem, can't be exchanged for institutional citizen participation that still lags behind. A responder from civil society nicely captured this gap between informal and formal citizen participation, stating the following: “It's an interesting phenomenon, people like to talk about politics, and they do it all the time and everywhere, but when invited to become part of policy making, they are nowhere to be found.” And while citizens may not be as eager to be included in the institutional side of the talks, it is important to acknowledge that the opportunities for that are limited in first place.

Role of civil society and media in citizen participation

The only existing mechanism in place, in addition to public hearings and local assemblies' sessions, that, to some extent, brings citizens and local authorities clos-

er, is cooperation with civil society, international community and media. Looking at practices in place across Kosovo, it seems that the role of civil society in citizen engagement is often perceived as very important, and as one of the main mechanisms for its utilization. After all, civil society is seen as the protector and advocates for citizens' rights, freedoms and inclusion, for which they may be seen as the first step down the ladders. As one of the experts noticed, another reason for that may be the following fact: “civil society takes the chance and utilizes existing mechanisms (i.e. public hearings, assembly's meetings), while citizens do not, which opens the door for them to communicate with local institutions and implement a project of cooperation, monitoring and similar.” Some of the projects are highly popular, for instance, the broadcasting of municipal assemblies' meetings, done by one of the local TV stations:

“TV Mir records and airs all sessions of municipal assembly for municipality of Leposavić/Leposaviç; the program has high ratings and it is very popular among viewers. It is positive that local authorities were open for this method of transparency in their work. That can be seen as the first step in connecting local authorities and citizens, in terms of informing and motivating citizens to engage more.”

Expert

“We had several projects of monitoring and/or cooperating with local governments, and I have to say that they were open for working with us,

keeping us abreast of information and including us in different activities. This shows that there is willingness of local authorities to engage others in their work, and we should use that opportunity as our advantage.”

Expert

Even though civil society is, to some extent, included in decision making processes, not just at the local level in the North of Kosovo, but at the central and local level across Kosovo as well, what remain questionable are the frequency, quality and method of that inclusion. Kosovar Civil Society Foundation acknowledged that there has been some progress in inclusion of civil society in the work of public institutions, but also noted some of the main challenges in public consultation processes. Those challenges are: lack of standardized approach by different government units; late consultations; limited methods of public consultations; limited scope of documents undergoing public consultations; lack of feedback on public consultation results; lack of selection mechanisms for civil society representatives; often cases of absence of public consultations and the low number of Concept Documents (Public Policy) drafted by the Government.⁶³ Some were addressed with the adoption of the Regulation on Minimum Standards for Public Consultations Process in 2016, but many remained. “The lack of engagement of many ministries and insufficient capacity and budgetary resources undercut efforts to implement the strategy on cooperation with civil society and con-

tinues to cast doubt on the underlying political will. The capacity of civil society in Kosovo to effectively engage remains uneven.”⁶⁴ Until all challenges are addressed, in spite of good relations, the communication will not be translated into all rounded involvement of civil society in decision-making processes, and the influence of the sector will remain limited.⁶⁵ Practices in four municipalities in the North of Kosovo showed that role and engagement of civil society is of an importance, and it has increased over the years.

All local governments have established cooperation with some civil society organizations, allowing them to monitor the work, form working groups, assist in developing of local policies, among others. Representatives of civil society stated that most of those experiences had somewhat positive outcomes, noticing that the local authorities acknowledged their capacities and work: “The most positive thing in all of it is the level and diversity of civil society engagement in the work of local governments, both with the municipal assembly and executive departments.”

However, they were honest in noticing the flows of their inclusiveness and engagements as well:

“When it comes to media and civil society, they do work a lot on those issues (i.e. participation in decision making, monitoring), but what they miss is the continuum in their work. They are dependent on financing

⁶³ Kosovar Civil Society Foundation, *Incomplete Chain: Policy Brief on Minimum Standards for Public Consultations*, Pristina, January 2015, p. 12-14

⁶⁴ European Union: European Commission, *Kosovo* 2016 Report*, Brussels, 9th November, 2016, SWD (2016) 363 final

⁶⁵ Hoxha Taulant, *The Kosovar Civil Society Index 2016*, Kosovar Civil Society, Pristina, October 2016, p. 8

from various sources through projects, and the time of their focus on a certain issue is determined by duration of the project itself. The problem is that projects do not last long enough to make a tangible change.”

Expert

Regardless of the level of inclusion of civil society, and whether or not it should be brought to the higher level, it is important to notice that communication with, and inclusion of civil society in decision making, is one thing, while communication with, and inclusion of citizen is something else, and the two should not be mistaken. Civil society has expertise knowledge than could serve local authorities to develop local policies and strategies, establish or improve various tools, research certain matters or plan future activities; they can also assist public institutions to develop mechanisms and attract and further engage citizens in their work, to adapt their approach to public consultations to citizens' education, capacities and interests, and to respond on citizen needs and priorities. In no case can civil society or should be perceived as representative of citizens, as they are not chosen (voted) to be citizens' representatives, and their relation with citizens is debatable. What's more, people have the Constitutional guaranteed right to speak up for themselves and to be heard back, and that right is not to be transferred neither to their chosen and unchosen representative, or anyone else for that matter.

Currently there are over 8,500 registered civil society organizations in Kosovo, out

of which 1,500 are considered active (i.e. have activities, income and/or employees).⁶⁶ However, a relatively small number of civil society organizations has active membership, and those that do have, have low number of members.⁶⁷ Their communication with citizens is usually done in form of publications, conferences or project activities, rather than regular meetings and working groups. The main reason for this is the fact that civil society organizations are financially dependent on donors and they are primarily donor-driven, making their projects dependent on outside factors, and with that less sustainable and less sovereign. “Hence, the implementation of these projects does not necessarily act as a watchdog that would make public any negative or positive, examples of municipal relationships vis-à-vis its citizens through the media and other forms of communication.”⁶⁸

This ultimately reflected on the civil society overall capacities to mobilize and coordinate citizen to exercise their rights, as they themselves noticed as well:

“It's a challenge to engage citizens in any activities organized by civil society. This may be a consequence of the fact that they have participated in numerous focus groups, working groups, round tables, which had benefit for the organizers, but not necessarily for citizens. Citizens want solid outputs in order to believe that their

⁶⁶ Ibid, p. 7

⁶⁷ Hoxha Taulant, The Kosovar Civil Society Index 2016, Kosovar Civil Society, Pristina, October 2016, p. 8

⁶⁸ Tahiri Besnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 22

time and effort is not wasted. We, the civil society, are not decision makers, and even if we were, changes would take time and energy. It is something that we are not used to.”

Expert

Pathways to improvement of citizen participation

Pathways to improvement of citizen participation

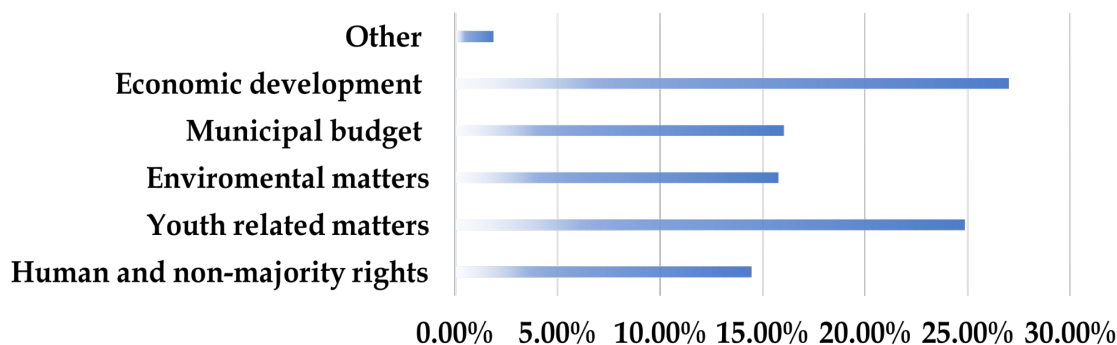
Citizen education and mobilization

“Citizen education is the key. Citizens have to learn how to fight for their rights, as the first step in acquiring them.”

Political representative

Prior to exploring potentials for improving and expanding citizen participation in decision making processes, we need to understand which of those processes, or subjects, citizen perceived as important, and also the mechanism they prefer to be utilized for their inclusion. Responses from participants of the focus groups and surveys were coinciding, as a majority

marked economic development (27%) as the most important subject, followed by youth policies (24.87%), budget hearing (16%) environment (15.77%) and human rights (14.44%), as shown in the Graph 10. Citizens’ economic development is directly correlated with employment opportunities, which later influences all others. However, during the focus groups, when asked on mechanism that local governments could use or develop to address matter of economic development, they had no answers other than employment in public institutions (which, many may argue, is not what economic development is). The same issue was noticed when citizens were asked about other subjects they raised and some of them knew more about them, some of them



Graph 10 – In which areas/fields would you like to participate in decision making processes (mark all)?

less, but a majority felt uncertain in terms of what policies existed, if any, how they were developed and what the important implications were when developing them for the mentioned subjects. This demonstrates lack of understanding of governance systems, as explored in previous chapter. That's not to say that citizens have to have all the knowledge, or any, in order to be invited and entrusted with participation in decision making, but that their impact on processes may be limited due to their unfamiliarity with the processes or subjects.

Considering all this, it's no wonder that responders from the all the groups emphasized the need for citizen education as the primary step in any developments in the field of citizen participation in decision making. Education should start with the system itself, that citizens, as explored above, are not fully familiar with, which brings numerous consequences, as mentioned by one of the political representative: "What citizens want is often what we cannot give them. For that reason, it's important to be careful with citizen participation – we need to properly inform citizens about the concept, as well as about local government capacities – in order to avoid potential misunderstandings and make the best out of it." Representatives of civil society agreed that citizens were not sure about the structure or competences of local governments, the processes of decision making, or even the competence of the mayor. An expert said that, when holding trainings on local governments for youth representatives, they were mostly surprised about the processes that were

taken in order to adopt decisions; it was their belief that decisions were made at mayor's discretion with no inclement of other mechanisms such as municipal assembly, whatsoever. Moreover, citizens are sometimes not even familiar with the basic processes, and it makes them uncomfortable to engage, even if they are aware of the importance and potentials of their engagements. One of the participants of the focus groups stated: "I would rather be quite in private, than stupid in public." On the other hand, those who do choose to come to the light and engage often miss to properly utilize existing mechanisms and fail to achieve their intentions, and, therefore, become disappointed and further excluded, as observed by one of the experts:

"Citizens expect concrete results from local governments, but they do not understand the Kosovo system and the Rule of Law, so they tend to start out with a misconception and that is, for example, enough to submit a written request for arrangement of public space to have it done. Then, when they do not get their requests fulfilled, they form negative stands and refuse to take part any further. On the other hand, local governments neglect to explain all of it to their citizens, as they themselves still struggle with it."

Expert

Citizen education and awareness raising are prerequisites for the future engagement, both in terms of quantity and quality, for which this needs to be the first and foremost step in developing mechanisms for citizen participation in decision

making processes. That has been proved, not just in the interviews, but in the focus groups as well, as citizens stated they felt uncomfortable discussing matters they knew a little about, or nothing about. Furthermore, some of them stated that even participating in focus groups with others who knew more than them (as groups were diverse in education, age, professional background) made them feel uncomfortable or even embarrassed. For that reason, tools used for citizen education have to be adapted to their capacities and experiences, in order for them to come to a place where they feel comfortable to learn about and to take part in decision making processes. That's not to say that citizens lack capacities of understanding, but that our capacities for transferring the knowledge need to be broadened as well. In addition, it's important to keep in mind that citizens are still, to some extent, reluctant to the idea of the Kosovo statehood, for which the manner they are to be addressed needs to be well thought in order to eliminate any potential backfiring, as mentioned by one of the experts: "Methods of communication, or simply put – the language, has to be well thought and adapted to citizens and their perceptions. If, for example, one uses the term Mitrovica North instead of Kosovska Mitrovica, citizens may correlate that with the idea of Kosovo's independence, and refuse to take part. One needs to know what his/her priorities are – citizen education or integration."

On the other hand, there has been a number of attempts of citizen education or awareness raising on numerous

topics, from human rights, to economic development, done by civil society and international community, which makes one wonder about the quality of those attempts, and citizen willingness to have someone educating them in the first place. The same was noticed by one of the experts: "I'm not sure citizens are keen to have someone to educate them. If we look at the work of civil and international sectors in previous years – there's been a lot of trainings, workshops and alike. What seems to be common for most of them is lack of tangible results. Maybe the reason for it is in the approach they used, the content of the programs, or even their enthusiasm to teach in the first place. Whatever, citizen education as we know it still has not shown us any results." The last sentences he made may be crucial here, rightfully implying that if one is to inform citizens about citizen engagement, and to raise public awareness, new methods need to be brought in place, followed by dedication and trustworthiness.

Tailor-made mechanisms

Developing of a friendly and accessible approach is not important only for citizen education and rising awareness, but for participation mechanism that will utilize those new positive attitudes of citizens, as well. That would ensure that citizens are engaged in a manner that would be beneficial both for local governments and citizens, as the first would obtain most pieces of information and inputs, while the second would feel comfortable to provide them. For that reason, tailor-made approach in the process of

initiation of new mechanisms may be the crucial measure for a successful output. It's important to keep in mind that the tailor-made does not mean singularity of mechanisms, as a one-fits-all measure, well remarked by one of the political representatives: "Every targeted group has its own way of communication. There is not one universal mechanism for citizen communication or participation; what is needed is tailor made approach for each of the groups, in order to have them all included."

One of the approaches could be adapting existing practices such as public hearings, round tables, consultations, that require physical presence of interested parties, while the other one would follow developments in the field of e-governance, and enable participation in a virtual space. E-governance, or specifically, e-participation, a part of the e-governance, is a method for facilitation of citizen participation in decision making processes with the use of information and communication technologies (ICTs). The e-participation can be used as a sole mechanism, or as an added value to the existing, more traditional, ones. While the e-governance, and along with that, the e-participation, may be a novelty for Kosovo, the government has recognized the importance of utilization of technologies into the work of public institutions, as a mean of keeping up with the changes in the world. Bearing that in mind, the government of Kosovo developed Electronic Communication Sector Policy – Digital Agenda for Kosovo 2013+2020 that has introduced electronic content and services, and enhancement of the

Kosovo residents' ability to use ICTs as the second and the third main priority. The first objective of the second priority is "to encourage the residents to use on-line public and administrative services, and to ensure the quality of data transmission and the infrastructure of functioning search systems, thus contributing to the development of e-democracy".⁶⁹ The first objective of the third priority is "to encourage residents of Kosovo to gain knowledge and skills required for a successful use of the ICTs and to become involved in the information society, to improve their quality of life and to reduce social exclusion and to create the necessary conditions for that."⁷⁰ This approach is based on the assessment of current practices of public institutions which either lack the Internet presence or have complex and confusing presence.

Either way, citizens are averted from any further interaction with public institutions than the one they have already practiced – physical presence in public premises. Those who use commodity of the internet presence of certain public institutions predominantly "use the e-Services is one way interaction, i.e. obtain the information, download forms, initiation of an application, and very little two way interaction."⁷¹

⁶⁹ Republic of Kosovo – Government of Kosovo: Ministry of Economic Development, Electronic Communication Sector Policy – Digital Agenda for Kosovo 2013 ÷ 2020, Pristina, March 2013, p. 4

⁷⁰ Ibid

⁷¹ Ibid, p. 19

One of the reasons for this is the lack of standardization in Internet presence of the public institutions in terms of visibility,⁷² content and accessibility.⁷³ Standardization is important because communication tools have a major role in frequency and quality of communication with citizens and their inclusion in decision making processes. "However, municipalities lack the appropriate structures and tools that encourage citizen participation in decision-making. As such, it is understandable that there is a limited level of citizen participation.

The communication of rights and opportunities reserved for citizens to participate in local-level decision-making processes is closely connected with the municipal structures, their communication tools and their outreach approaches. In other words, there is a positive correlation between awareness raising, citizens' interest in local developments and readiness for involvement where the municipal and sub-municipal structures are adequate and the communication tools are developed."⁷⁴

When it comes to practices implemented in four northern municipalities, the situation gets even more complicated. Due to overall political situation, especially tense and uncanny relations with central level institutions, which are, among other

things, responsible for internet presence of Kosovo governance system, local governments limited their online communication with citizens to social media and electronic news portal. Needless to say, the communication is primarily one-sided where local institutions inform citizens on current topics, rather than ask them which those topics should be, or ways they should be addressed. The situation is also justified with the lack of financial and human resources, along with demographic and geographic structure of the north of Kosovo, which is predominantly a rural surrounding with the limited Internet access and older population without sufficient knowledge on the use of the Internet. For that reason, most of responders, both political representatives and experts, agreed that the Internet would be a great measure for citizen participation, but almost exclusively of the younger population, who have, according to them, already shown signs of the Internet activism and communication, and if done properly, the e-participation could assist them in leading that devotion in the right direction. Complementary to that, other mechanisms, targeting older population, are needed as well, in order to broaden the audience and increase participation proportion and diversity, as remarked by a political representative:

"I have noticed that there are two generationally different ways of looking at citizen participation; my advice to local government is to introduce a telephone line and a physical box for written letters, while yours is to introduce a website and a smartphone ap-

⁷² One of the studies shows that 55.1% of citizens are not aware if their municipality has a website, 37% know that their municipality has a website, while 7.2% know that it does not. For more, please refer to: Riinvest Institute, Mapping of Open Government Policies in South East Europe, Country: Republic of Kosovo, Forum 2015, Pristina, 2015, p. 67

⁷³ Ibid, p. 6

⁷⁴ Tahiri Besnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 17

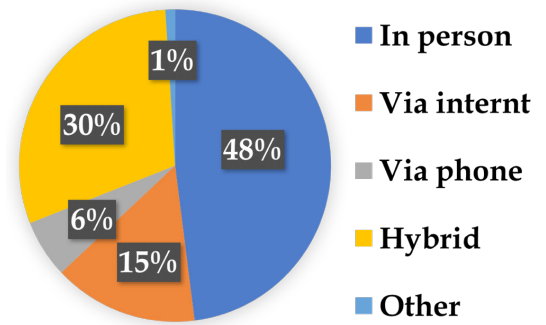
plication. I think that both are equally important, as they target different audience, which would bring to higher and more diverse participation.”
Political representative

On the other hand, representatives of civil society and international community stated that they would not easily reject the idea of the e-participation for older generations; they believe that with a little bit of assistance, even the elderly would be able to use modern technologies, and various Internet platforms, as well, such as the ones on citizen engagement in decision making processes:

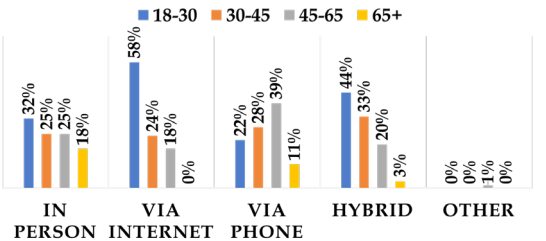
“The Internet platform would be a good mechanism for citizen participation in decision making. This would be great for the youngsters, while older population would need to go through some form of education on the use of the Internet and computers, in order to be able to take part as well, but it’s not something that cannot be done. This would be helpful not just for the local governments to develop policies, but for the society as a whole, as it would assist in bridging the gap between generations.”
Expert

Similar observations were made by citizens themselves, stating that in-person inclusion, hybrid inclusion (both in person and via Internet) and the Internet inclusion are three methods they would prefer to have at their disposal (the Graph 11). Those preferring participation over the Internet were predominantly young people of the age from 18 to 30 and those preferring hybrid participation

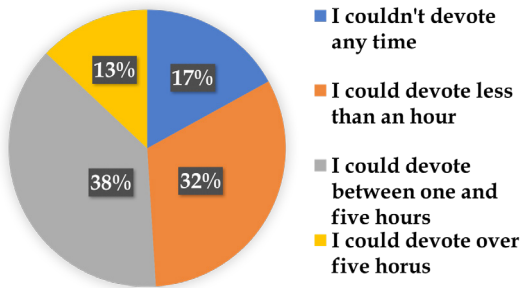
were predominately people over the age of 30, while those opting for in-person were responders over the age of 65 (the Graph 12). However, what was noticed during the focus groups by almost all participants was that in-person participation requires time, and that it’s usually done during working hours, which may interfere with their schedules. When asked about the amount of time they could utilize for participation, a majority responded that they could devote 1 to 5 hours per month (38%) or less than 1 hour per month (32%) as shown in the Graph 13. Interestingly, data do not differ between employed and unemployed, as noticed on focus groups, unemployed citizens have many other household duties, done during the working hours.



Graph 11 – What type of participation in would you prefer?



Graph 12 – What type of participation in would you prefer, by age group?



Graph 13 – How much time, on monthly basis, could you devote to participate in decision making processes?

The fact that different approaches can bring different results and that they have different outputs, in both positive and negative way is best noticed on real examples of past or existing models. For instance, a telephone line for citizen participation was first introduced in 2008, when a Kosovo Woman's Network started a Voters Voice hotline that served to gather complaints from citizens regarding the issues they experienced in their municipalities. "The main concerns expressed by citizens were power cuts, unpaved roads, corruption, unemployment, water shortages, poverty, inadequate plumbing systems, low quality health services, and environmental pollution."⁷⁵ The hotline was supported with an email address and occasional focus groups. Kosovo Woman's Network gathered all information in one extensive report and turned it into those municipalities where citizens called from.⁷⁶

⁷⁵ Kosovo Woman's Network, Annual Report 2009, Pristina, 2009, p. 4; for details please see: Kosovo Woman's Network, "Voters' Voice", Report for the period 16 Sep to 31 Oct 2008, Pristina, 2008

⁷⁶ Ibid, p. 4, 5

It is important to notice here that the Voters Voice was focused on information gathering and transmitting, facilitated by the third party, rather than a full hands-on participation in decision making. That's not to say that it is not a useful method, but an important piece of the puzzle that should not be mistaken as an all round-ed process. Another valuable example is one of the first attempts of development of an internet platform for citizen participation in decision making at the local level, piloted in municipality of Vushtrri/Vučitrn in 2013. This pilot was supported by the USAID in cooperation with local government. It included an intensive strategic approach in developing and implementing the Information, Communication and Citizen Participation Strategy in Decision Making Processes in Vushtrri/Vučitrn Municipality.⁷⁷ The pilot seemed to be overwhelming for capacities and skills of local government, as municipal webpage is not regularly updated, lacks translation in community languages and is generally difficult for maneuvering.⁷⁸

The above shown examples are aligned with the field research findings; local governments lack capacities and experience in developing and implementing citizen participation practices, whether they are innovative or not. For that reason, they have largely relayed on civil society organizations and donors to assist them technically and financially. A number of civil society organizations in the North of Kosovo had somewhat successful projects on cooperation with local governments, but what lacked was

⁷⁷ USAID, Information, Communication and Citizen Participation in Decision Making Processes, Pristina, 2013

⁷⁸ Municipality of Vushtrri/Vučitrn web page: <https://kk.rks-gov.net/vushtrri/home.aspx?lang=en-US>

continuation and sustainability.

On the positive note, local governments noticed the importance and the increase in the use of e-platforms, such as social media networks which they already utilized for informing and communicating with citizens. Furthermore, a majority of political responders stated that they saw numerous benefits of e-presence, both for them and the citizens, and that they were willing to put more efforts in developing local institutions in that direction. Some of the benefits that they noticed for the local governments were: providing all the information in one place which would lower everyday communication with citizens about rules, regulations, procedures and similar; reaching adequate level of transparency and accountability as a pre-condition for further democratic developments and donors attraction; opening channels of communication and gaining trusts of citizens. Some of the benefits political representatives noticed for citizens were: familiarizing with institutions; accessing information 24/7; saving time and finances; opening channels of communication and trust building.

Knowing that citizens showed high interest in e-participation, especially after discussing pros and cons of in-person and e-participation in focus groups (i.e. in-persons requires more resources, can take place only in certain times and places, may be hectic and less productive with larger groups, are restrained to few opinions with smaller groups) it is likely that this method for including citizens in decision making processes, with all of its downsides (lack of internet access, com-

puter literacy, waiting time for responses/feedbacks) can have higher impact and better outputs than methods tried before. That's not to say that e-participation should replace in-person participation, as citizens themselves stated that they would prefer a hybrid method where both options are available, but that a new approach which would include e-participation should be considered. By doing that, citizen participation in decision making would have a tailor-made approach in two directions – toward citizens and toward local governments – which is one of important preconditions, if one is to look for a long-term success.

Inclusion of marginalized groups

Citizen participation in decision making is especially challenging for those on the margins of society. Public institutions are not fully, or at all, accessible to persons with disabilities, translation in community or sign languages often lacks, and transportation services for those living in remote areas is not provided. Furthermore, the existing websites and other Internet portals of public institutions, beside from being generally impractical for use, are not accessible for use by all citizens, as they, in most cases, lack translation in all communities' languages and miss to offer a disability-accessible use. "Posing barriers for some citizens to access them – websites that are not built with accessibility features – lead to social exclusion and a negative economic impact. Therefore, while taking steps toward transposition of the administra-

tive services into the Internet it should be ensured that public sector websites (and websites providing basic services to citizens) are fully accessible.”⁷⁹ Finding mechanisms for inclusion of marginalized groups is of a great importance, as those on the margins of society are the ones most often neglected by public institutions, in terms of presence and engagement, making them least visible, thus reaffirming their position and creating an endless circle of exclusion. The research showed that people with disabilities are excepted from almost all citizen participation activities, further reflecting on their self-perception of their influence and the overall need for their presence.⁸⁰ Representative of marginalized groups participating in the focus groups stated that they felt left out for most of the time, as if they lacked valuable insights that could be beneficial for decision making. Furthermore, one of the participants noticed that, in certain cases, people with disabilities and people lacking basic education (i.e. reading skills) were ashamed of their positions, making them reluctant to take part in both institutional and social processes. On the other hand, those who may be willing to take part in existing mechanisms, are prevented to do so, as their languages are not recognized at the local level, as in the case of the Bosniak, Roma, Ashkali and Egyptian communities; or they do not feel welcomed, as in the case of the Albanian community. Inclusion of marginalized groups is im-

portant not just for the Kosovo society, but for the Kosovo progress in its path toward the European Union membership, where this aspect in policy making and implementing is in a high place. For that reason, the Kosovo governments have developed mechanisms for primarily labor inclusion of marginalized groups, such as quote for non-majority groups and persons with disabilities. However, implementation and monitoring of these mechanisms, both at central and local level lag behind. Northern municipalities, even though aware of these requirements, lack capacities to foster the environment in which they could be met. This, by no means, releases them from putting additional efforts, and making plausible steps in changing the current state of affairs.

⁷⁹ Republic of Kosovo – Government of Kosovo: Ministry of Economic Development, Electronic Communication Sector Policy – Digital Agenda for Kosova 2013 ÷ 2020, Pristina, March 2013, p. 14

⁸⁰ Tahiri Besnik, Citizen Participation in Public Decision-Making: Supporting local government to turn words into Practice, THE CASE OF KOSOVO, Kosovo Local Government Institute, Pristina, October 2009, p. 20

Conclusion

Conclusion

The research presented shows that current practices of local governments merely fulfill minimal legal requirements, with occasional deviations. Even those practices (two public consultations per year and open local assemblies' meetings) fail in their openness for all citizens, primarily for those on the margins. Public institutions lack disability access, there is not any assistance for persons with disability (i.e. translation in sign language), translation in non-majority languages lacks or is inadequately done, while transportation for those who live in remote areas is not provided. Furthermore, there are not any mechanisms for collecting, processing, prioritizing and addressing citizens' comments received during public consultations or assemblies' meetings; in most cases it is done on ad hoc basis, where information can easily get lost. The reason behind this hectic state is not solely lack of willingness of local authorities to provide assistance and be open for all citizen, but also limited budgetary capacities, absence of support of central level institutions and other actors present at the public/political scene. Therefore, it would be unfair to put all of the blame on local institutions themselves, knowing their uneven position in the first place; other participants in the process have failed to contribute as well. Civil society and international community have largely focused on their own agendas and plans, rather than following up with the ones of the local authorities; private business showed limited, or no interest or support, because their position is not affected; and citizen choose to be passive observers rather than active participants.

Knowing all of that, it is important to emphasize that the research presented here has had an aim to provide an overview of the current situation in terms of citizen participation in decision making processes in four northern municipalities, for the purpose of utilizing those insights for improvement the current state, rather than criticizing it for the sake of professional self-acknowledgment. Therefore, the last segment of the paper (future consideration) points out to some of the things that pose themselves as the ones needed the most addressing, if we want citizen participation in the North of Kosovo to be done in the right way. Of course, there is a number of other matters that should be taken seriously, and some of them, due to limited resources (i.e. time) for research and presenting, have merely, if at all, been mentioned in this paper. Further evidences based on other studies are always needed and welcomed. According to that, if this paper inspires anyone to tackle the issues explored additionally and/or assist local governments to improve their practices of inclusion of citizen in decision making, we'll consider this work worthwhile. For now, even though a bit late to the party, it seems that local authorities have started noticing the importance of the citizen participation in decision making, as noticed by one of the responders:

"As a citizen, I went to two municipal assembly's meetings, where I suggested inclusion of two additional budgetary lines. I was thanked and told that it would be done, but when the final draft of the budget was present-

ed to the public my recommendations were not included. I believe that happened not because they wanted or did not wanted to address my comments, but because they did not have institutional mechanism to follow up on each and every feedback, and a majority of them get lost somewhere in the process. What is positive in all of that, is the fact that, as a citizen, I had a change to freely present and advocate for what I thought was important, which shows that there was a will. However, we need more. As a citizen, I am ready to give them additional time and space to get their stuff together, because after 15 years of nothing, it would be unfair of us to expect to have fully functional institutions after only 4 years, with all other obstacles on the way,”

Expert

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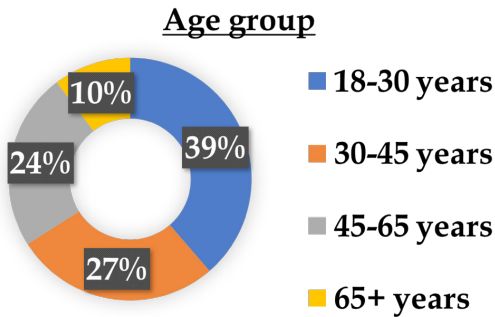
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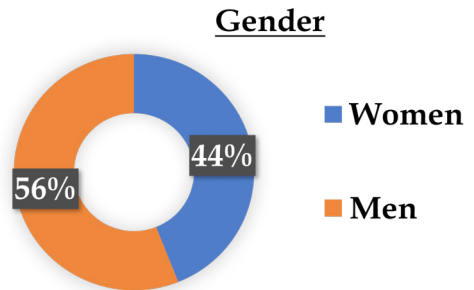
Annexes

Survey responders

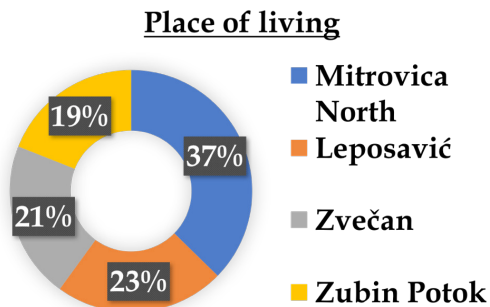
Graph1: Division of responders by age:



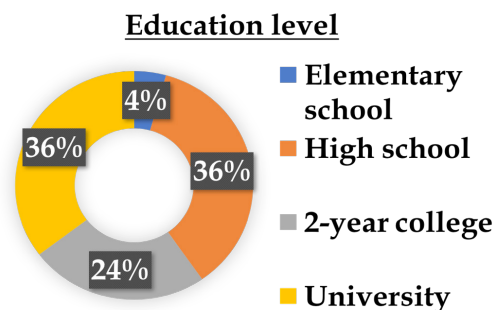
Graph2: Division of responders by gender:



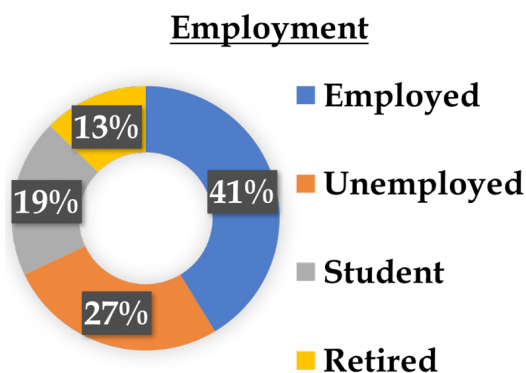
Graph3: Division of responders by place of living:



Graph4: Division of responders by education:



Graph4: Division of responders by employment status:



About New Social Initiative

New Social Initiative (NSI) is a young civil society organization based in Mitrovica North. The NSI brings together individuals from Kosovo with the vast expertise in the area of policy research, policy analysis and public advocacy, with higher education from renowned western academic institutions. The NSI's vision is a deradicalized public discourse in free and prosperous societies which understand communities' interests, fears and aspirations. The NSI's mission is to conduct high quality independent research and provide innovative policy proposals and practical recommendations to the interested parties at local, regional and international level in order to:

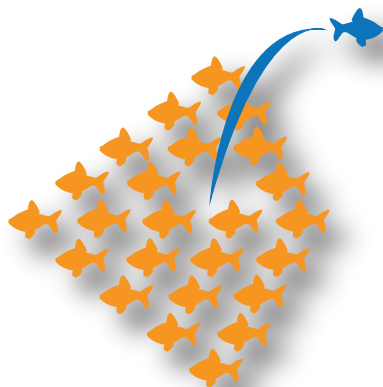
- Contribute to democratization processes and constructive inter-ethnic relations through fostering and promoting positive inter-community communication and cooperation;
- Facilitate shared discourse and joint vision on major social challenges;
- Secure a more prosperous political, social, legal, economic, and environmental development in the region;
- Empower decision makers to adopt principles of informed decision making.

About Pax

PAX is a not-for-profit organization, based in Netherlands, that brings together people who have the courage to stand for peace. The PAX works together with people in conflictive areas, meets with politicians and coordinates efforts with committed citizens, in order to protect civilians against acts of war, to end armed violence, and to build peace. The PAX works on the basis of two central values of peace in conflictive areas: human dignity and solidarity with peace activists and victims of war violence. Organization's central values lead to a distinct vision of peace and security guided by the concept of human security; where the protection and security of civilians lead the PAX responses to conflicts.

About author

Dina Milovanović is a civil society activist with experience in qualitative research and consulting on subjects of human rights, communities, social inclusion, public policy and the importance of socio-cultural aspects in policy making. She has worked with both intergovernmental and civil society organizations in Kosovo. Dina authored and co-authored a number of publications on different socio-political topics in relation to Kosovo's present politics and practices. She is currently a Master in Public Policy (MPP) candidate at the Oregon State University (US). Along with that she already holds MA and BA degrees in Ethnology and Anthropology from the University of Belgrade (SR).



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