



Manual for the publication of public acts and policies at the municipal level



HELVETAS
Swiss Intercooperation

KOSOVO



Schweizerische Eidgenossenschaft
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Swiss Cooperation Office Kosovo

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of public acts and policies
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March, 2016

Table of Content

Purpose of the manual	5
1. Introduction	5
1.1 Legal framework for transparency in Municipalities	5
2. Law on Local Self Government.....	6
3. Administrative Instruction for Transparency in Municipalities	7
4. Administrative Instruction on the Web sites of Public Institutions.....	8
5. Publication of acts approved by the Municipal Assembly	9
6. The role of the bodies in the transparency of publication of acts of the Municipal Assembly.....	10
7. Publication of acts adopted by the Mayor	11
8. The role of the bodies in the transparency of publication of acts	12
9. Transparency of the Municipality in public consultation prior to the adoption of acts	13
10. The role of the bodies in transparency of consultations for draft acts of the Municipal bodies....	14
11. Transparency of the Municipality regarding municipal expenditures.....	15
12. The role of the bodies in the transparency of local finances	15
13. Transparency of the Municipality while drafting the municipal budget	16
14. The role of the bodies on the publication of Municipal Medium Term Budget Framework (MTBF).....	17
15. Transparency in preparation and publication of Municipal Budget	17
16. The role of bodies in the publication of municipal budget	18
17. Transparency of the Municipality in spatial planning	19
18. The role of the bodies in the transparency of spatial planning	20
19. Central level supervision over acts of the Municipal bodies	21

Purpose of the manual

This manual has been drafted to assist municipal officials in respecting of the legislation on transparency and public involvement in decision-making processes, with emphasis on the publication of public acts and policy of the municipal bodies at the local level.

The manual advises in details and figuratively the local officials, responsible at the local level, for the manner of publication of public acts and policy as well as citizen involvement while drafting the public acts and policy at the local level. This manual has been drafted after many consultations with different stakeholders who have a legal obligation to publish public acts and policy at the local level.

1. Introduction

1.1 Legal framework for transparency in Municipalities

The Constitution of the Republic of Kosovo as the highest legal act, has given a special dimension to the transparency of the institutions in general, and above all the institutions at the local level. Article 40 and 41 of the Constitution of the Republic of Kosovo guarantees the right to freedom of expression, to disseminate and receive information, opinions and messages without impediment and the right to access public documents.¹

In the highest legal act of the country, an entire chapter is dedicated to local government, where local self-government is based on the principles of good governance, transparency, efficiency and effectiveness in providing public services, paying special attention to the specific needs and concerns of the non majority communities and their members.²

¹ Article 40 and 41 of the Constitution of the Republic of Kosovo, <http://gzk.rks-gov.net/ActsByCategoryInst.aspx?Index=1&InstID=1&CatID=1>

² Same document Article 123, paragraph 4

Purpose	Introduction	Law on Social Self Government	Transparency in Municipalities	Websites of Public Institutions
Acts approved by the MA	Transparency of Acts	Adopted Acts	Transparency of publication of acts	Public Consultation

In accordance with the Constitution, Kosovo's institutions have continued to adopt other legal acts (laws and bylaws) where, the rights of citizens to be part of decision-making at the municipal level and the obligations of the municipalities to be transparent in relation to the general public are defined in a more detailed manner.

The Law No. 03/L-040 on Local Self-Government, Law No. 03/L-215 on Access to Public Documents, Administrative Instruction No. 01/2015 on Transparency in Municipalities, Administrative Instruction No. 01/2015 for Web sites of Public Institution, Regulations on Transparency at the Municipal level, Municipal statutes and other sectorial laws are legal basis mandating municipalities to be transparent in decision-making and for the involvement of citizens in decision-making processes.

This manual reflects the obligations and legal procedures that need to be followed by the local institutions to be transparent in the publication of decisions and local policy and in order to involve citizens in drafting public acts and policies at the local level.

2. Law on Local Self Government

Law on Local Self Government is the basis for the functioning and organization of local government. This law stipulates obligations for the local level institutions to be transparent and to encourage involvement of citizens in decision-making processes.

According to the Law on Local Self Government, the Municipal Assembly shall adopt municipal regulation promoting the transparency of the legislative, executive and administrative bodies of the Municipality, increasing participation of the public in decision-making processes at the local level and facilitating public access to official municipal documents. The Ministry, responsible for local government, may issue administrative instructions on municipal transparency.³

³ Article 68.4 of the Law on Local Self Government, <https://mapl.rks-gov.net/getattachment/efd1b00c-21b5-4070-987c-58f2fe814155/Ligji-per-Veteqeverisje-Lokale.aspx>

The Ministry of Local Government Administration, from the time of issuance of the Law on Local Self Government has issued administrative instructions for transparency in the municipality, but none of these issued instructions specify in details the publication of decisions of the Mayor, leaving the possibility of different interpretations regarding the transparency of the work of the Mayor.

Thus, the Municipal Assemblies during drafting and adopting the Regulation on Transparency have continued with the same practice, not specifying the obligations of the Mayor in the publication of his acts.

However, the Administrative Instruction 01/2015 on transparency in municipalities, which entered into force since January 2016, has arranged the current vacuum for the publication of acts of the Mayor. This legal arrangement represents a significant advancement in the obligations of the municipal bodies regarding the publication of acts in the official municipal website.

3. Administrative Instruction for Transparency in Municipalities

The Ministry of Local Government Administration (MLGA), in the wake of regulating transparency of local institutions, has drafted and adopted the new Administrative Instruction No. 01/2015 for Transparency in the Municipality, which is in force since January 2016. The AI is the most advanced and complete legal basis in relation to their previous Administrative Instructions for Transparency in Municipalities.

With this Administrative Instruction municipal bodies are obliged to make municipal activities transparent and accessible to citizens and stakeholders.⁴ Publication of acts, requests for information, citizens' initiatives and petitions, public meetings, meetings of the Mayor with citizens, public consultation before approving the acts, access to public documents, reporting to oversight bodies, the action plan for transparency in municipalities, as well as functioning of the official websites of municipalities are key points contained in the administrative instruction for transparency in municipalities.

Administrative Instruction on the Web sites of Public Institutions.

⁴ Article 2 of Administrative Instruction No. 01/2015 for Transparency in Municipality, [https://mapl.rks-gov.net/getattachment/8d6c7e9b-fb76-452c-ab18-717e61e78038/Udhezim-administrativ-\(MAPL\)-Nr--01-2015-per-trans.aspx](https://mapl.rks-gov.net/getattachment/8d6c7e9b-fb76-452c-ab18-717e61e78038/Udhezim-administrativ-(MAPL)-Nr--01-2015-per-trans.aspx)

4. Administrative Instruction on the Web sites of Public Institutions

Direct access to public information in electronic form is guaranteed by the secondary legislation, namely by the Administrative Instruction No. 01/2015 on the Web Sites of Public Institutions. Every public institution must have official website. Its content should be informative and updated, written correctly, that responds to the demands of the audience and easy to access.⁵

Therefore, this administrative instruction has directly promoted the transparency of public institutions on the publication of basic data, of interest for the citizens. Administrative Instruction specifies what a public institution website should contain.

Among other things, the websites of public institutions (of municipalities) should include:

- The emblem (Coat of Arms) of the Republic of Kosovo and the official name of the institution;
- Full address of the institution, phone number and email address for contact,
- Work Plan for the calendar year,
- The draft normative acts for public consultation,
- Updated data on public activity of the institution (municipality),
- Strategies and other documents of the adopted policies,
- Data on the biographies of senior leaders of the public institution,
- Annual reports of the institution,
- Approved annual budget, expenditure data,
- Annual procurement plan, etc.

⁵ Article 4 of AI No. 01/2015 on Web sites of the Public Institutions, [https://map.rks-gov.net/getattachment/5409918d-193e-4372-88b6-3ba29358bc89/Udhezimi-Administrativ-\(MAP\)-nr-01-2015-per-Ueb-Fa.aspx](https://map.rks-gov.net/getattachment/5409918d-193e-4372-88b6-3ba29358bc89/Udhezimi-Administrativ-(MAP)-nr-01-2015-per-Ueb-Fa.aspx)

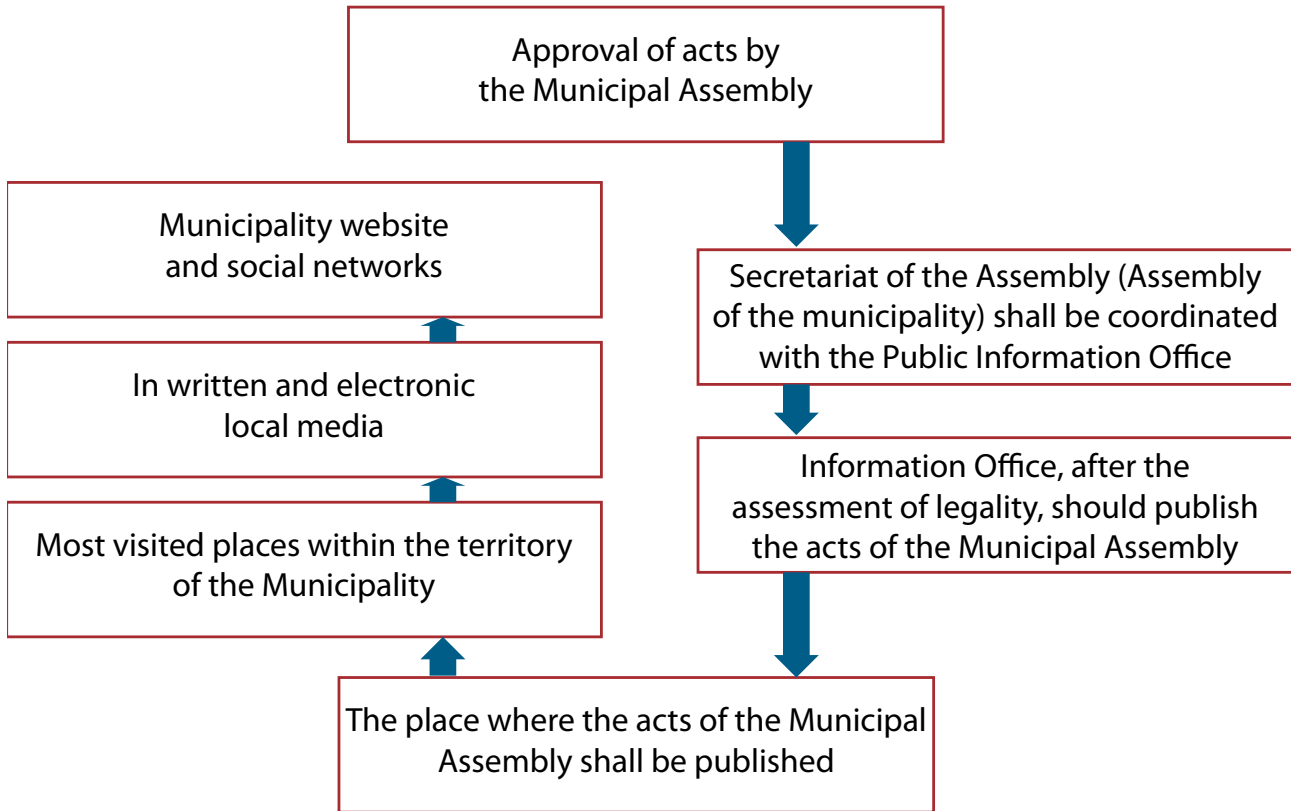
The unit responsible for communication of the institution (PIO) or the official in charge of communication with the public is responsible for editing and regular updating of data on the website of the relevant institution. All organizational units (municipal departments) are obliged to closely cooperate with the unit responsible for communication of the public institution (PIO) or the official in charge of this task to regularly update the website of the institution.

5. Publication of acts approved by the Municipal Assembly

Municipal Assembly and Office for Information have the full **OBLIGATION** for the transparency of Municipal Assembly decisions. This obligation derives from the Law on Local Self Government and Administrative Instruction for transparency in municipalities.

All decisions, regulations and other documents of the Municipal Assembly, publication of which is not limited under the Law on Access to Public Documents, they are published and are accessible to the public after assessment for legality by the Ministry of Local Government Administration (MLGA) through: public announcements in the most frequented places within the territory of the municipality, local print and electronic media, official website of the municipality and social network.

6. The role of the bodies in the transparency of publication of acts of the Municipal Assembly

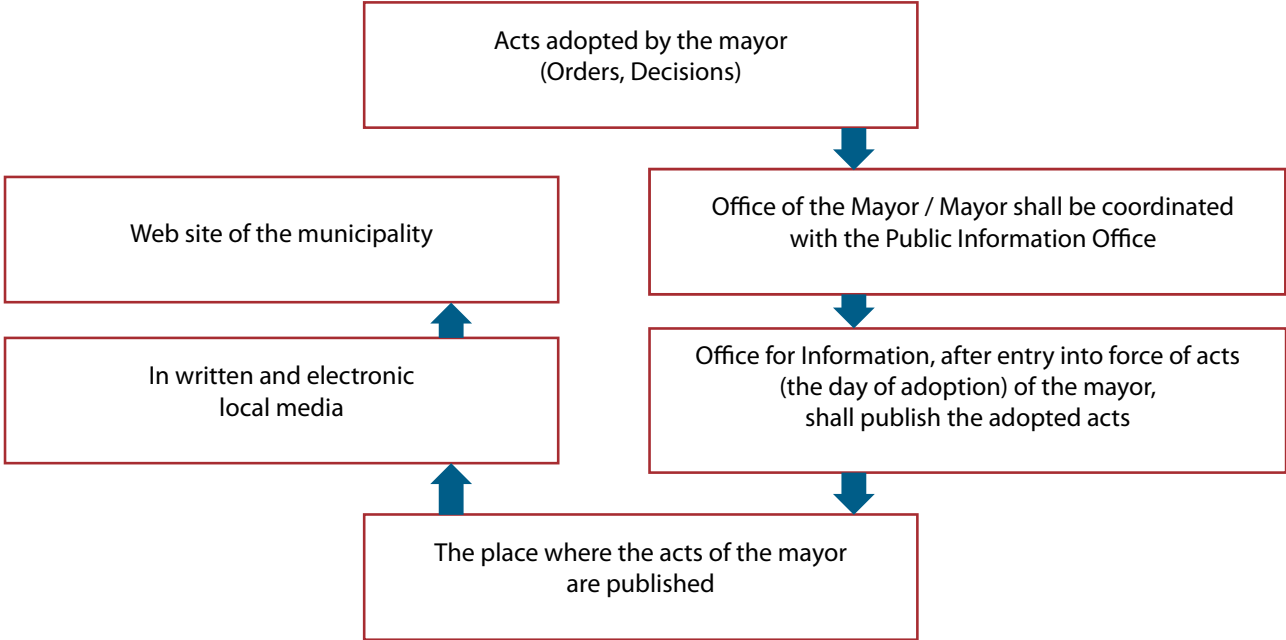


7. Publication of acts adopted by the Mayor

Previous administrative instructions for transparency in municipalities did not clearly define the publication of acts of the mayor. Non-definition of this left a large gap in transparency and publication of acts by the municipal executive. With amending and entry into force of the Administrative Instruction No. 01/2015 for the transparency in municipalities, has decisively provided publication of acts of the Municipal Mayor.

Thus, all decisions of the mayor, directly affecting the interests of citizens, should be published in the official website of the municipality. After the entry into force of acts of the mayor, the official responsible for information shall submit them for publication on the website of the municipality and in the Ministry of Local Government Administration (MLGA).

8. The role of the bodies in the transparency of publication of acts



9. Transparency of the Municipality in public consultation prior to the adoption of acts

Administrative instruction for transparency in municipalities, in addition to the transparency of publication of adopted acts, has also paid a special attention to the transparency and to the involvement of public in municipal decision-making processes.

Thus, the acts of municipal bodies (Municipal Assembly and the Executive) that are in the interest of citizens shall be subject of public discussion before adoption, including organizing of debates in rural areas.

The proposing body, which prepares the draft act, has an important role in consultation process of the assembly decisions and is obliged to specify the process of consultation, the time limit of consultation, aiming to involve stakeholders, NGOs and citizens in the process.

In addition to the proposing body, another important role in the process of consultation related to transparency in municipal decision-making has also the information officer, who has the duty to inform the public, 2 weeks⁶ before the public consultation session, as in traditional format (public announcements in the most frequented places within the territory of municipality), as well as through local print and electronic media, municipal website and social network.

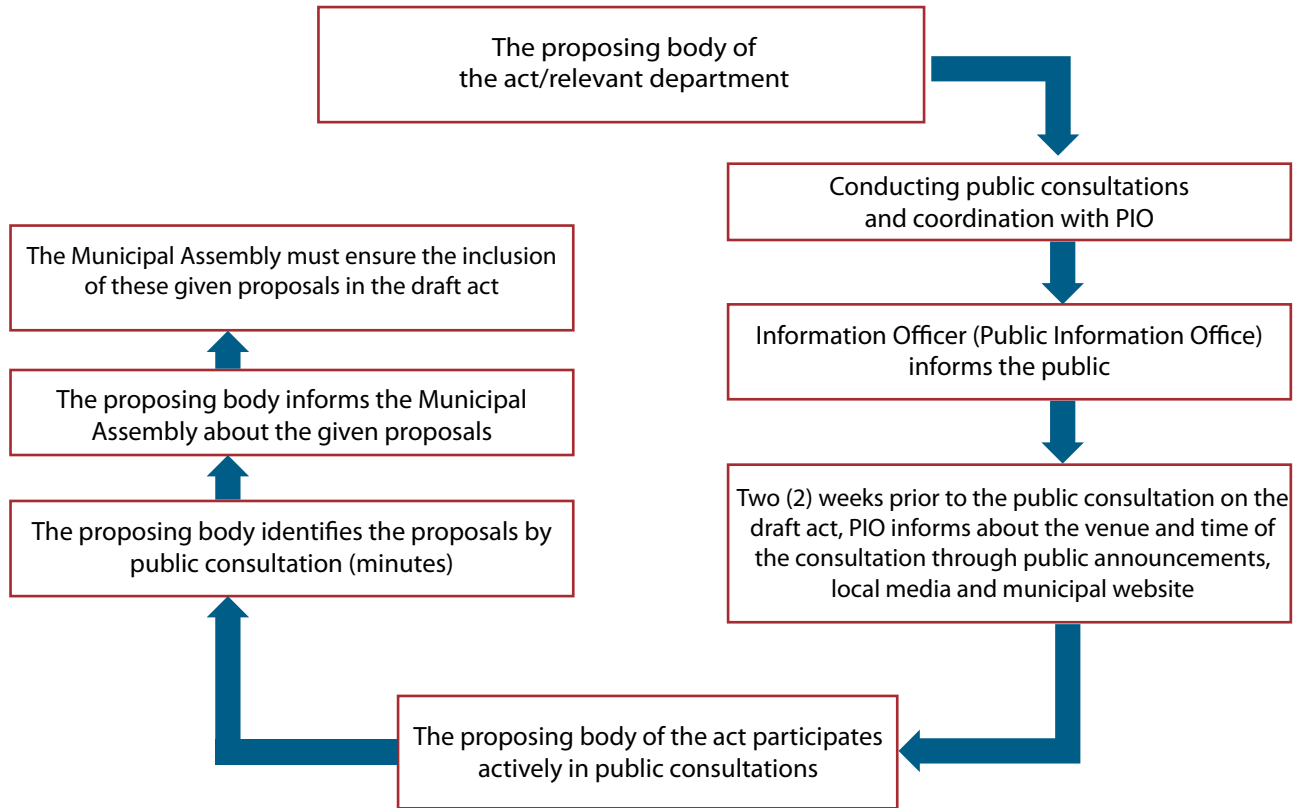
By the mere fact of involvement of proposing body in the process of transparency of municipal decision-making, it shall actively participate in consultation, explaining to the public the content of the act and shall identifies the proposals of the public during the consultation. The proposing body of the act reviews the proposals given during public consultations, within 15 days from the end of the consultation.

Above all, the Municipal Assembly should necessarily be involved in public consultations of acts. Thus, the proposing body of the act is obliged to inform the Municipal Assembly for the proposals given in the public discussion, including the rejected proposals and those taken into account.

At the end of the consultation process of the Municipal Assembly acts, the Assembly as an institution must ensure that grounded proposals are included in the final text of the draft act.

⁶ Article 68 of the Law on Local Self-Government

10. The role of the bodies in transparency of consultations for draft acts of the Municipal bodies

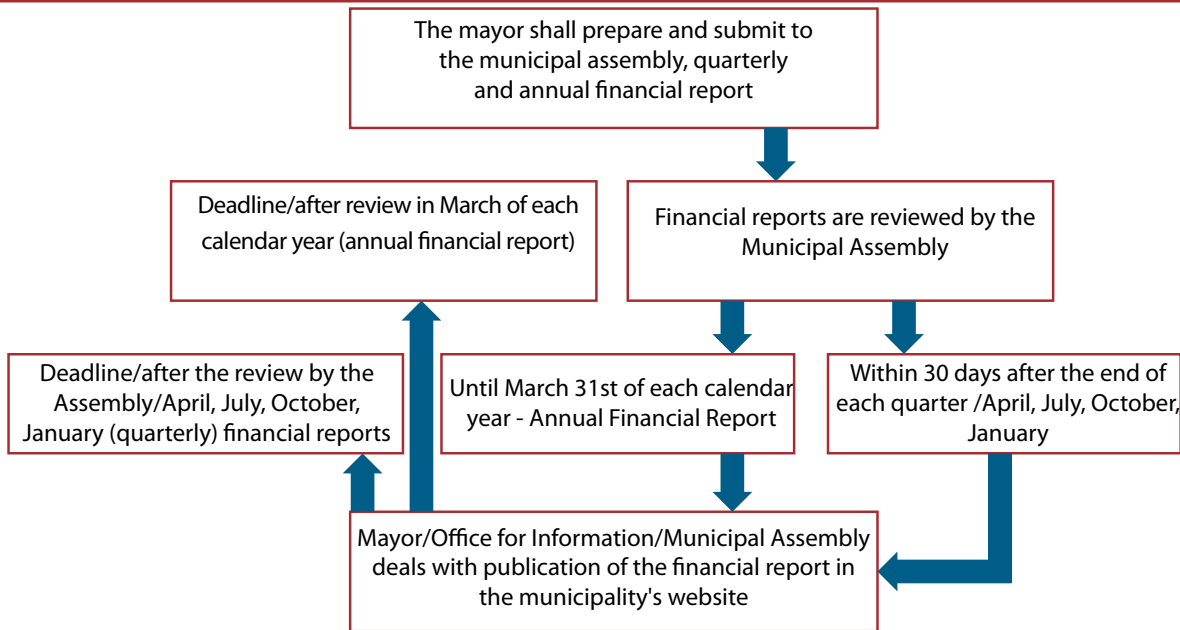


11. Transparency of the Municipality regarding municipal expenditures

The mayor shall prepare and submit to the Municipal Assembly quarterly reports covering the fiscal year through the end of the quarter that has just ended. Such reports shall be submitted by the mayor to the Municipal Assembly, and a copy thereof submitted to the Minister, within thirty (30) days from the end of each quarter and then should be published by the mayor on the municipality’s website.⁷

The mayor shall prepare and submit to the Municipal Assembly the final summary budget report. The final summary report shall be submitted to the Municipal Assembly no later than March 31st of each calendar year, containing budget details for the previous and two prior fiscal years.⁸

12. The role of the bodies in the transparency of local finances



7 Article 40 Paragraph 1 of the Law on Public Financial Management and Accountability, <http://gzk.rks.gov.net/ActDetail.aspx?ActID=8856>

8 In the same Law, Article 45 paragraph 4

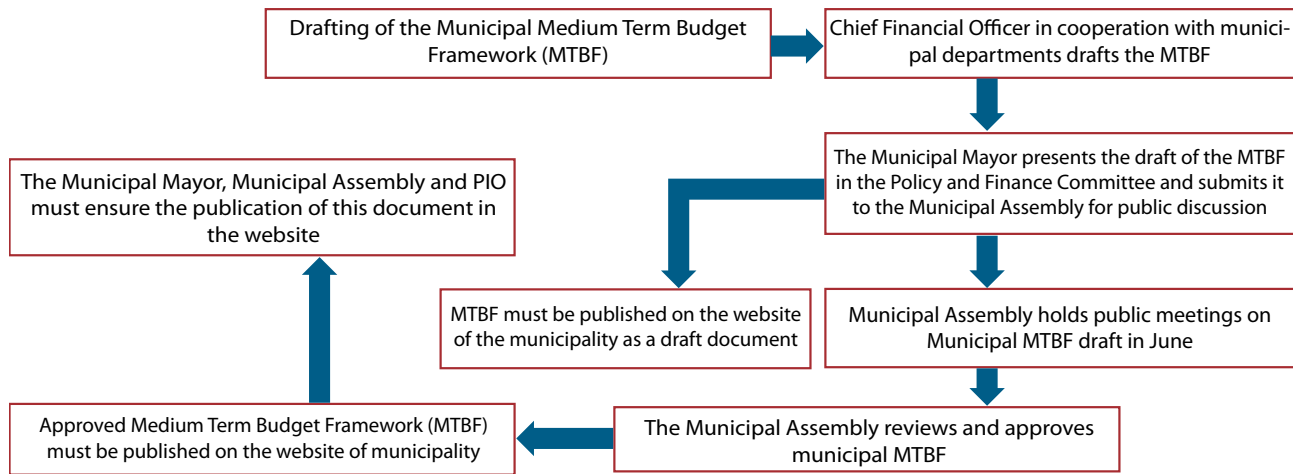
13. Transparency of the Municipality while drafting the municipal budget

The Minister is authorized and responsible to issue a budget circular for any or all budget organizations, whereby are provided instructions on budget preparation. So, within the Law on Public Financial Management and Accountability, the Ministry of Economy, every fiscal year, issues budget circular guiding budgetary organizations/municipalities in the preparation of the municipal budget.

Since the initial stage, municipalities shall promote full transparency in drafting the Medium Term Budget Framework (MTBF). Chief Financial Officer, in cooperation with the directors of municipal departments, prepares the MTBF draft, and then the mayor presents it in Policy and Finance Committee and submits it in the Municipal Assembly for public discussion.

Consultations will be held with the community and key stakeholders, including public meetings to discuss priorities and strategic objectives of the Municipality. After this stage, the Municipal Assembly reviews and approves the Municipal Medium Term Budget Framework. Approved Municipal Medium Term Budget Framework is then published on the web site of the municipality.

14. The role of the bodies on the publication of Municipal Medium Term Budget Framework (MTBF)

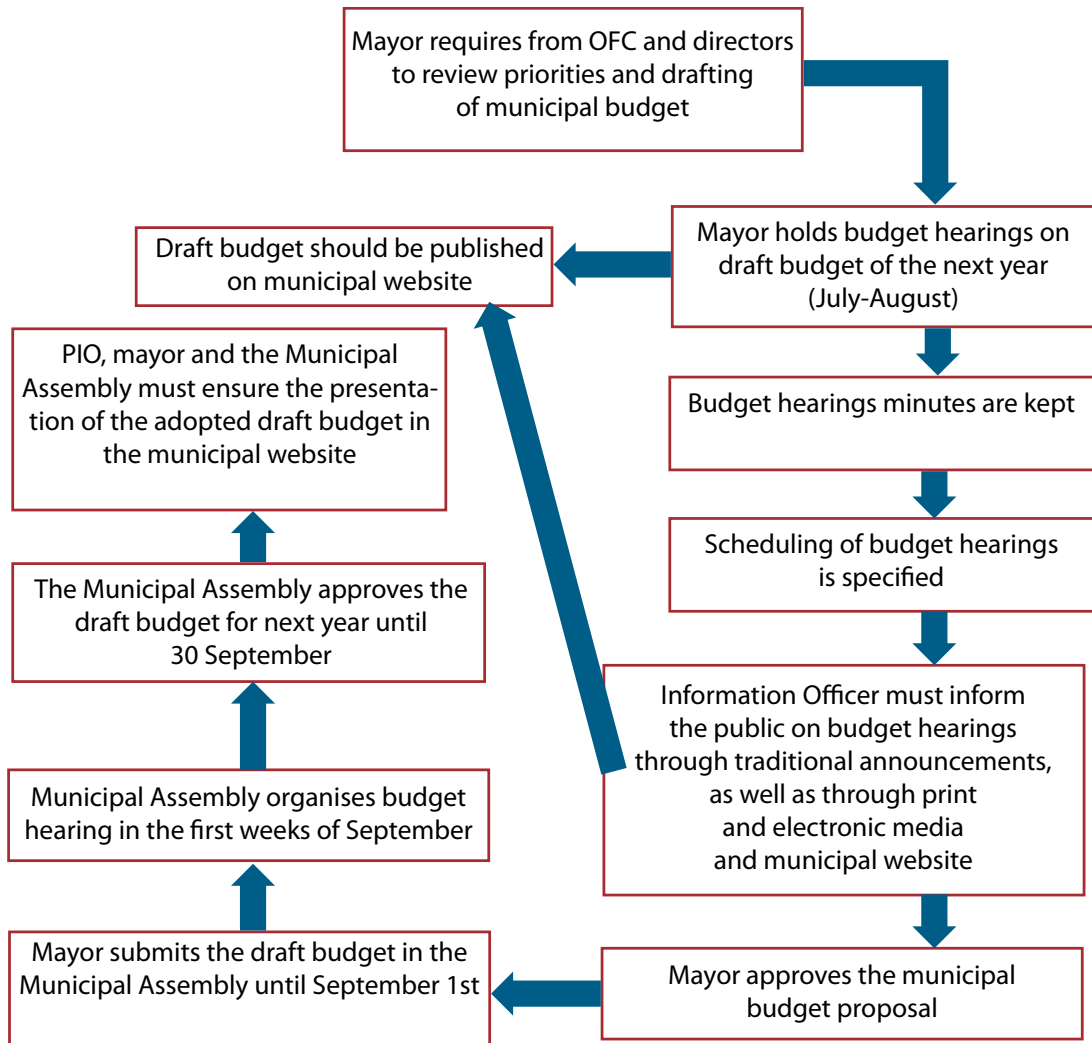


15. Transparency in preparation and publication of Municipal Budget

Budget and municipal plans are public documents. Municipality, at its expense, takes measures to make these documents available to the public, media and other interested parties in full or shortened form, according to the request of the parties addressed through the official/public information unit.⁹

⁹ Article 4, paragraph 2 and 3 of the Guideline for Transparency in Municipalities, <https://mapl.rks-gov.net/getattachment/cbc5e4a1-44d9-4c37-9fa9-600786d26a42/Administrativno-Uputstvo,-05-2013-O-transparentnos.aspxb>

16. The role of bodies in the publication of municipal budget



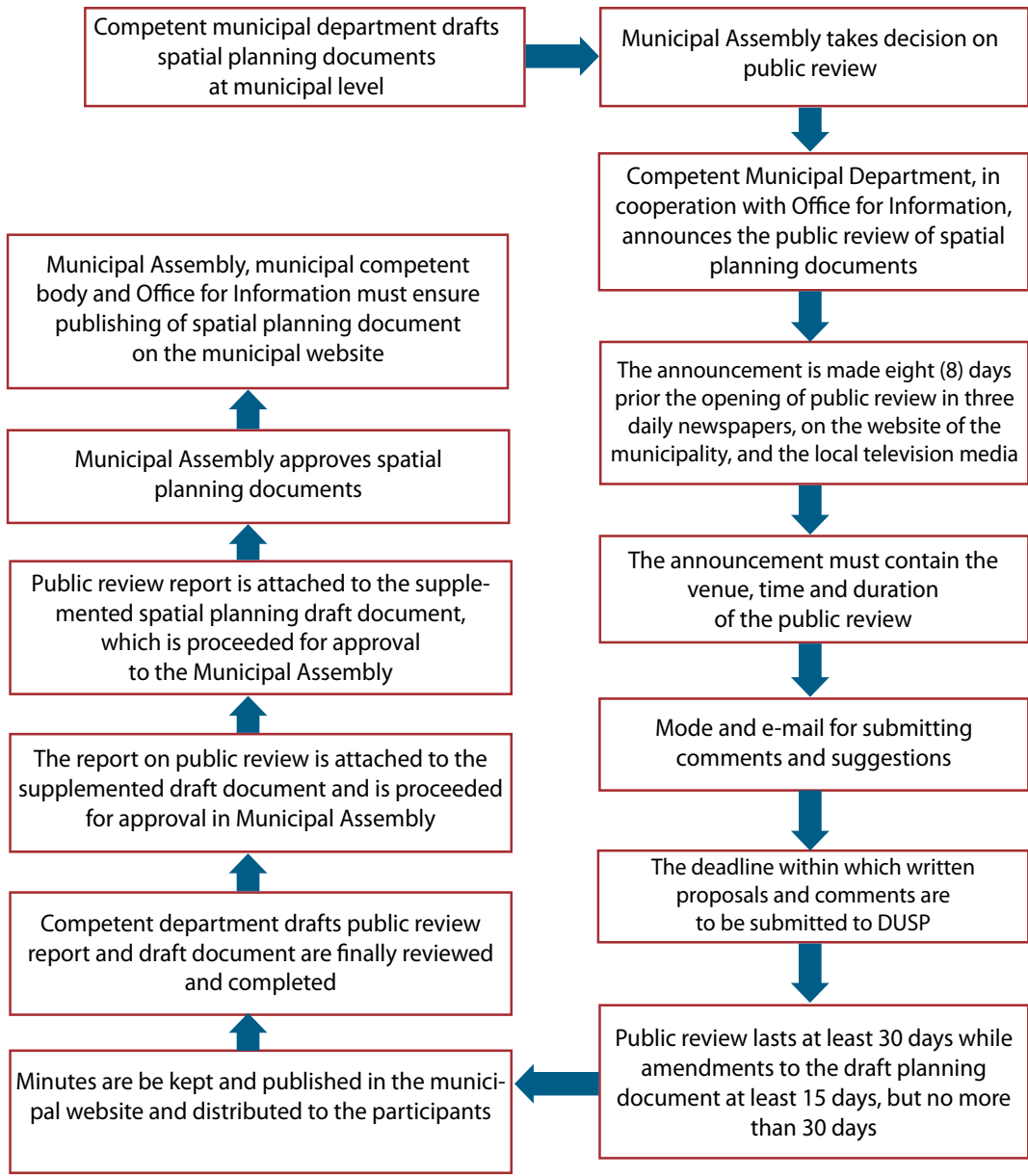
17. Transparency of the Municipality in spatial planning

One of the basic principles in spatial planning remains promotion of the transparency in decision making process, by providing public access of the interested parties in all spatial planning documents.¹⁰

Public review of the draft spatial planning documents shall be organized by the competent municipal department within the legislative competence. Competent municipal department (Department of Urban and Spatial Planning) is responsible for the involvement of public in drafting, implementation and revision of projects: Municipal Development Plan, Municipal Zoning Maps, and Municipal Regulatory Plans.

¹⁰ Article 4, paragraph 1.3 of the Law on Spatial Planning, <http://gzk.rks-gov.net/ActDetail.aspx?ActID=2471>

18. The role of the bodies in the transparency of spatial planning



19. Central level supervision over acts of the Municipal bodies

Decisions of municipal bodies undergo reviewing of legality by the supervisory authority. The Ministry of Local Government Administration (MLGA) is the supervisory authority for reviewing the legality of decisions of municipal bodies. Municipal and supervisory bodies are obliged to cooperate with each other in the process of reviewing the legality of acts.

Supervisory authority is entitled to receive and obtain full information on all issues, including the right of visiting municipal offices and municipal facilities and the right of requesting access to municipal documents. Mayor is responsible for making this information available to the supervisory authority.

Regular review of acts	The action	Mandatory review of acts	The action
Supervisory authority is entitled to supervise any act, which is not controlled under the procedure of mandatory review, within 30 days after receipt of the list by the 10th of each month	Mayor, by the 10th of each month, shall send to the supervisory authority the list of all acts adopted by the Mayor and the Assembly in the previous month	a) general acts adopted by municipal assemblies; b) decisions related to joint activities for cooperation partnerships; c) Acts adopted within implementation framework of delegated powers.	1. All municipalities are obliged to submit the acts referred to the supervisory authority within 7 days from the date of issuance. 2. Supervisory Authority acknowledges the receipt of local government act through registration in the protocol office of the supervisory authority. 3. Supervisory authority is obliged to give its opinion on the legality of any registered act within 15 days from its receipt,

References

- The Constitution of the Republic of Kosovo, <http://gzk.rks-gov.net/ActsByCategoryInst.aspx?Index=1&InstID=1&CatID=1>
- Law No. 03/L-040 on Local Self Government, <https://mapl.rks-gov.net/getattachment/efd1b00c-21b5-4070-987c-58f2fe814155/Ligji-per-Veteqeverisje-Lokale.aspx>
- Administrative Instruction No. 01/2015 for Transparency in Municipalities, [https://mapl.rks-gov.net/getattachment/8d6c7e9b-fb76-452c-ab18-717e61e78038/Udhezim-administrativ-\(MAPL\)-Nr--01-2015-per-trans.aspx](https://mapl.rks-gov.net/getattachment/8d6c7e9b-fb76-452c-ab18-717e61e78038/Udhezim-administrativ-(MAPL)-Nr--01-2015-per-trans.aspx)
- Administrative Instruction 01/2015 for Web sites of Public Institutions, [https://map.rks-gov.net/getattachment/5409918d-193e-4372-88b6-3ba29358bc89/Udhezimi-Administrativ-\(MAP\)-nr-01-2015-per-Ueb-Fa.aspx](https://map.rks-gov.net/getattachment/5409918d-193e-4372-88b6-3ba29358bc89/Udhezimi-Administrativ-(MAP)-nr-01-2015-per-Ueb-Fa.aspx)
- Law No. 05/L-007 on amending and supplementing the Law No.03/L-048 on Financial Management and Accountability, as amended by Law no. 03/L-221, No. 04/L-116, No. 04/L194 and No. 05/L-063, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12387>
- Municipalities budget circulars issued by the Ministry of Economy and Finance (MEF) <https://mf.rks-gov.net/sq-al/Raporte/Raporte-dhe-Publikime/Qarkoret-buxhetore>
- Law No. 04/L-147 on Spatial Planning, <http://gzk.rks-gov.net/ActDetail.aspx?ActID=10226>
- Administrative Instruction 05/2014 on the responsibilities of spatial planning authorities as well as principles and procedures for public participation in spatial planning, <http://gzk.rks-gov.net/ActDetail.aspx?ActID=10226>

The manual is sponsored by the Organization HELVETAS Swiss Intercooperation, the Project Decentralization and Municipal Support DEMOS, funded by the Swiss Government Office in Kosovo (SCO).

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Nazim Gafurri str. 33
PO Box no.2
10000 Pristina, Kosovo
www.helvetas-ks.org
<https://www.facebook.com/demosproject>

Tel: +381(0) 38 51 77 15
Tel: +381(0) 38 51 66 44
Fax: +381(0) 38 51 88 33
kosovo.info@helvetas.org