



ROAD MAP FOR ANTI-CORRUPTION EFFORTS AND ENHANCED TRANSPARENCY IN KOSOVO SERB-MAJORITY MUNICIPALITIES

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INTRODUCTORY REMARKS

As a social phenomenon, corruption is as old as mankind. Historically speaking, mankind has reacted to corruption in different ways, mostly attempting to suppress to as much as possible and frame it as an entirely negative phenomenon. According to a generally accepted definition, corruption includes illegal use of social and state position and power, for private gain. Contrary to that, transparency includes readiness and openness to provide general public's access, to important information regarding specific social action, such as: openness in business, public insight into financial operations, employment of workers, business acts, plans, etc. Thus, corruption and transparency are two interrelated social phenomena, that usually do not go hand in hand. Namely, corruption primarily implies lack of transparency and vice versa, enhanced transparency reduces the possibility of corruption. In essence, transparency is the most successful means to fight any form of misuse, and hence corruption. Though corruption is not equally present everywhere, we would not be wrong to say that corruption may be observed in many facets of life and no society is completely immune to this "disease", regardless if we are talking about developed or less developed countries. Practice, on the other hand, shows that corruption affects more underdeveloped societies in transition, with incomplete rule of law, where the judiciary is not independent and with insufficient awareness among citizens, on all consequences brought upon by corruption.

As a global phenomenon, corruption has a very negative impact on overall social development and progress, democracy, economic growth, stability of state governance, etc. It undermines citizens' trust in public institutions and significantly erodes their legitimacy. Due to corruption, citizens cannot fully enjoy their social, economic and political rights guaranteed by law. Corruption leads to general feeling of powerlessness and injustice, that can mount to a complete conflict and/or collapse of a society, as it opens up a large space for criminals, even terrorists, for various forms of criminal activities prohibited by law. As an unwritten rule, corruption hits hardest the poor and vulnerable categories of population, as it is them precisely that cannot afford the "luxury" of paying bribe, in order to receive public services they are otherwise legally entitled to. That is why the fight against corruption serves as a basic principle and precondition for good, democratic and successful governance, in the interest of citizens. On that account, democratic and open societies set the fight against corruption as their overriding strategic goal and national security priority. Characteristics of corruption vary. Just as corruption takes on new shapes and forms from day to day, that much the fight against corruption must include systemic solutions and mechanisms of investigation, prosecution and prevention measures, corresponding to the time and prevailing trends. Prevention against corruption, as well as a gradual change in the awareness of citizens regarding corruption, are becoming increasingly important for a successful fight against corruption, as the implementation and exclusive focus on state's means of coercion have proven to be less sufficient. That is why it is important to promote accountability and transparency, and it is especially important to create awareness among citizens that corruption is not only a criminal, but also an issue of moral or ethics. This is the only way to fight corruption, ensuring the universal principle of equality to be applied to every citizen, regardless of their social, economic, national or other status.

CURRENT STATE OF AFFAIRS IN TERMS OF CORRUPTION IN KOSOVO

Legislation in force in Kosovo stipulated good mechanisms when it comes to the prevention, fight and investigation of corruption. Based on existing legislation, relevant institutions were established and are funded from Kosovo's budget, with a mandate to carry out preliminary corruption investigations, protect whistleblowers, analyze and remove the causes of corruption, record property owned by public officials and their next of kin etc. However, according to some international and local research on corruption, small and symbolic steps forward have been made in Kosovo, in terms of the systemic fight against corruption.

According to the 2019 UNDP study "Public Pulse", as well as a survey conducted with citizens of Kosovo in May 2018, respondents considered unemployment (29.4 percent), corruption (13.4 percent) and poverty (8.6 percent) as the three major issues faced by Kosovo. On average, a quarter of respondents, i.e. 25% thereof, stated that they felt that large-scale corruption was present in public and international institutions in Kosovo. The majority of Kosovans (68.8%) believe that factors without merits, such as family ties, bribe, party affiliation, friendships and, to a lesser extent, appearance and gender, are among the most important ones in securing employment in the public sector.

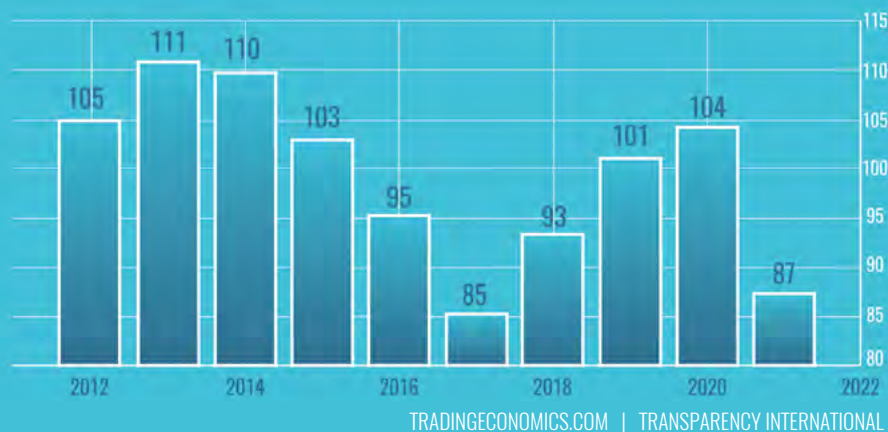
In November 2020, Kosovo Anti-Corruption Agency adopted Anti-Corruption Strategy 2021-2023¹ that lists several possible reasons for presence of corruption in Kosovo, namely:

- LACK OF EFFECTIVE INTERNAL CONTROL MECHANISMS IN THE FIGHT AGAINST CORRUPTION
- LACK OF POLITICAL PARTY FUNDS AUDITING
- LACK OF PROPER LEGISLATION ON POLITICAL PARTY FUNDING, MONITORING AND AUDIT OF FINANCES
- LACK OF A UNIT RESPONSIBLE TO ANALYZE RISK SECTORS, IN TERMS OF CORRUPTION RISKS
- LACK OF EFFECTIVE (ADMINISTRATIVE) FINES AND LACK OF MECHANISMS TO PREVENT CONFLICTS OF INTEREST
- LACK OF INTEGRITY PLANS IN ALL PUBLIC INSTITUTIONS AND LACK OF AN INSTITUTION RESPONSIBLE FOR THEIR MONITORING
- LACK OF CONTROL OF PUBLIC ENTERPRISES
- INSUFFICIENT AND INCOMPLETE ACCESS TO PUBLIC DOCUMENTS
- ISSUE OF NEPOTISM, CONFLICT OF INTEREST, POLITICIZATION IN EMPLOYMENT IN PUBLIC ADMINISTRATION
- INCOMPLETE JOB CLASSIFICATION IN CIVIL SERVICE
- LACK OF INTERNAL AUDIT AND INADEQUATE MANAGEMENT OF PUBLIC INSTITUTIONS' OWN REVENUES
- LACK OF CONTROL OF MUNICIPAL PUBLIC ENTERPRISES AND LACK OF AUDITS OF MUNICIPAL LEGAL ACTS
- UNSUCCESSFUL COORDINATION BETWEEN LAW ENFORCEMENT INSTITUTIONS
- LACK OF PROFILING OF LAW ENFORCEMENT INSTITUTIONS FOR CORRUPTION CASES
- LACK OF AUDIT MECHANISM IN LAW ENFORCEMENT INSTITUTIONS

¹ The document is available in Kosovo official languages on the website of the Prime Minister of Kosovo: <https://kryeministri.rks-gov.net/wp-content/uploads/2020/12/SRB-Strategjia-kunder-Korrupsionit-2021-2023.pdf>
<https://kryeministri.rks-gov.net/wp-content/uploads/2020/12/Strategjia-Kunder-Korrupsionit-2021-2023.pdf>

It is obvious that the characteristics of corruption are changing rapidly nowadays. Corruption takes on completely new manifestations, previously unknown in theory or practice. From the most common forms of petty and large-scale corruption, carried out within one state, and as a rule in the public sector, corruption starts to spread to the private sector and to appear in previously unknown processes, such as privatization, expropriation, public procurement, road infrastructure, small hydropower plants, development of tourist centers and issuance of construction permits, etc. Based on the results of “Transparency International” corruption index measurements in Kosovo, last year in 2021 Kosovo ranked 87th out of 180, which represents a certain progress, compared to previous years.

CORRUPTION PERCEPTION INDEX BETWEEN 2012 AND 2021 IN KOSOVO, ACCORDING TO “TRANSPARENCY INTERNATIONAL” RESEARCH



Apart from appearing within the framework of a single state, corruption is also discernible on the international level in international organizations, such as international courts, international agencies, etc. Therefore, corruption quite successfully follows the development of society, societal phenomena and processes, including the process of globalization itself.

Kosovo society has also not been immune to corruption. It is convenient precisely at this point to reflect on the project of strategic interest, construction of “Arbën Xhaferi” highway leading to North Macedonia, which cost the citizens of Kosovo 53 million EUR in damage compensation, due to an insufficiently drafted contract and the negligence of three Kosovo governments, in terms of their commitments, undertaken under the signed contract. The public was against the signing of contracts by the outgoing parties, due to lack of transparency and suspicion of corruption. Moreover, civil society organization “Democracy for Development (D4D)” from Prishtina went public with the information that this compensation cost Kosovo approximately 4.000 new jobs. Similarly, there was also suspicion of corruption when it comes to the expropriation of land to be used for highway construction. Namely, according to the media, high-level Albanian officials from Kosovo, bought land at locations where the highway would later on be built, at extremely low prices, only to be compensated thousands of times higher by the Government of Kosovo in the process of expropriation, as the new owners of these land plots. Unfortunately, the lists of compensated beneficiaries have remained inaccessible for public to date, despite the fact that the applicable legislation in Kosovo obliges Kosovo institutions to provide access to information of public significance, considering that they relate to public expenditures paid by taxpayers.

In the second half of 2021, non-governmental organizations “Aktiv” and ACDC conducted research related to the level of transparency and corruption in six Serb majority

municipalities. The research was conducted in the municipalities of North Mitrovica, Zubin Potok, Leposavić/Leposaviq, Zvečan/Zveçan, Gračanica/Graçanicë and Štrpce/Shterpcë. The aim of the research was to hear the views of citizens regarding corruption and its impact on their communities and the work of local authorities in the municipalities of North Mitrovica, Zubin Potok, Leposavić/Leposaviq, Zvečan/Zveçan, Gračanica/Graçanicë and Štrpce/Shterpcë. Research results pointed to dissatisfaction among the citizens of these six municipalities, regarding transparency and corruption.

Namely, when it comes to transparency, 68% of respondents stated that civic participation in decision-making could be improved, while 63% thereof believed that their municipality was transparent to a limited or very limited extent. When it comes to the preparation of municipal budget, only 29% of respondents stated that this process was transparent. In terms of corruption, the citizens of the mentioned six municipalities in Kosovo were even more critical. Namely, 68% of respondents stated that they believed that corruption was present in their community, and only 2.3% of respondents declared that corruption was not present in their community. As many as 71% of respondents stated that corruption in the local government had a significant or very significant impact on the life of the entire community. Research results indicated that respondents believed that in 70% of cases corruption manifested itself in bribe soliciting and/or giving. Furthermore, 45.3% of respondents stated that corruption was prevalent in employment in public sector, and 24% of respondents believed that corruption was present in public procurement. It is important to note that respondents from municipalities of North Mitrovica, Zubin Potok, Leposavić/Leposaviq, Zvečan/Zveçan, Gračanica/Graçanicë and Štrpce/Shterpcë. agreed that the central authorities were the most corrupt.

LEGISLATIVE FRAMEWORK IN KOSOVO



In Kosovo, fight against corruption is regulated by the following laws:

1. Law No. 03/L-159 on Anti-Corruption Agency²

This law stipulates the status and responsibilities of Anti-Corruption Agency in Kosovo in the field of fight and prevention of corruption, especially in terms of reporting, detecting and investigating corruption, implementation of the Anti-Corruption Strategy and Action Plan.

2. Law No. 04/L-50 declaration, origin, control of assets of public senior officials and declaration, origin and control of gifts of all public officials and Law No. 04/L-228 on amendments to Law No. 04 / L-050³

This law regulates the obligations of senior public officials to declare assets, income and their origin, the obligation of the Anti-Corruption Agency in Kosovo to verify the declaration and assets, as well as the obligations of all officials to declare gifts and origin thereof.

3. Law No. 06/L-011 on prevention of conflicts of interest in discharge of public office⁴

The purpose of this law is to prevent conflicts of interest in the public and private interests of high officials, while performing public office.

4. Law No. 06/L-085 on protection of whistleblowers⁵

The purpose of this law is to enable reporting of violations in the public and private sectors and to protect whistleblowers.

As far as transparency is concerned, this issue is regulated at the local level of governance by numerous laws and by-laws applicable in Kosovo. It is impossible to list here all the laws that deal with this issue, and that is not the purpose of this paper, considering that transparency is one of the most efficient means in the fight against corruption. Therefore, at this point, we will only refer to some important laws and by-laws that regulate the issue of transparency:

1. Law No. 06/L-081 on access to public documents⁶
2. Law No. 03/L-040 on local self-government⁷
3. Law No. 03/L-048 on management of public finances and responsibilities
4. Law No. 02/L-37 on use of languages

² The law is available in both Serbian and Albanian languages on the website of the Official Gazette of Kosovo <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2662#>

³ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2767>

⁴ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16314>

⁵ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18303#>

⁶ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505#>

⁷ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>

Transparency is also regulated at the local level by numerous by-laws, and here we will mention only some of them, such as:

1. Administrative Instruction No. 03/2020 on transparency in municipalities,⁸
2. Regulation No. 02/2021 on the procedure for drafting and publishing municipal acts,⁹
3. Administrative Instruction No. 01/2021 on the operation of Citizens' Service Centers in municipalities,¹⁰
4. Administrative instruction No. 06/2018 on minimum standards of public consultations in municipalities,¹¹
5. Regulation (MLGA) No. 02/2021 on the procedure for drafting and publishing municipal acts¹²
6. Administrative instruction No. 01/2015 on the websites of public institutions
7. Administrative instruction No. 02/2015 on Municipal Assembly sessions¹³
8. Government Decision 07&87 on the adoption of Open Data Charter
9. Regulation No. 04/2015 on the Code of Conduct in Civil Service of Kosovo

⁸ Ibid:

<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=31852>

⁹ Ibid:

<https://gzk.rks-gov.net/ActDetail.aspx?ActID=51194>

¹⁰ Ibid:

<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=50768>

¹¹ Ibid: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18425>

¹² Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=51194>

¹³ Ibid: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=11404>

REAL AND PRACTICAL RECOMMENDATIONS ON ANTI-CORRUPTION AND ENHANCED MUNICIPAL TRANSPARENCY

The entire life of citizens revolves around municipalities. Municipalities, as units of local self-government in Kosovo, exercise their powers (original, entrusted and expanded) based on the Constitution and laws in force, providing citizens with services that should facilitate their lives in the territory they live and work at. Therefore, precisely at this level, i.e. at the local level of government, it is necessary to have a clear, unambiguous and realistic plan to fight any form of corruption. Therefore, the fight against corruption begins as soon as the government representatives show their clear and unequivocal will and sincere desire to fight this societal plague, by adopting a plan against corruption, and implementing it further in practice.

Participation of citizens in that process is inevitable. Drafting a plan to fight corruption is a prerequisite for fighting corruption, and thus enhancing transparency in the municipality. After a quick research, search and check of websites of Kosovo municipalities and central-level institutions, it is apparent that only the City of Prishtinë/Priština adopted a short-term Integrity Plan 2014-2016 six years ago. At the central level, Anti-Corruption Agency adopted Anti-Corruption Strategy 2021-2023, which covers corruption in broad terms, without providing specific guidelines to municipalities in this matter. However, only an efficient fight against corruption at the municipal level warrants eradication of corruption. Therefore, the first and fundamental step in the fight against corruption should include the adoption of the Municipal Anti-Corruption Action Plan. Such a plan should provide a clear overview of the local (municipal) context, anti-corruption prevention mechanisms at the level of municipal administration, by identifying competences, areas, processes and procedures, risks in terms of various forms of corruption, indicators on the basis of which it is measured, as well as manners to manage risks, that is, eliminate them. In this paper, we use the term Anti-Corruption and Enhanced Transparency Action Plan of the (specific) municipality. However, enhancing transparency can be distinct and it can serve as a separate plan of the municipality. Anyhow, by implementing action plans and establishing adequate mechanisms to monitor their implementation, municipalities strengthen their resilience to corruption, irregularities and misuse of public resources, that is, they strengthen their capacities for protection, representation and realization of the public interest of the local community.

In such a process, it is necessary to take into account all positive legal regulations (provisions of laws and by-laws mentioned in the previous chapter) that regulate the issue of corruption and transparency in Kosovo, Anti-Corruption Strategy prepared by the Anti-Corruption Agency of the Government of Kosovo, as well as international standards and good practices. However, discussions with representatives of partner municipalities, revealed a clear conclusion that partner municipalities largely needed, not only this road map, but also an even more detailed document, that could be called Model Municipal Anti-Corruption Action Plan, which all municipalities in Kosovo may and would have to use in the process of developing their own anti-corruption plans. While developing this road map, it was found that the Anti-Corruption Agency in Kosovo or any other public institution, in accordance with their mandates, did not provide Kosovo municipalities with the opportunity to develop their own plan, by using a template with specific content. It seems that there is a great need for this which is precisely why this practical recommendation is included in this paper.

While drafting their own Anti-Corruption and Enhanced Transparency Action Plan, municipalities can use steps shown in the flowchart below:

RECOMMENDED STEPS WHILE DRAFTING THE ANTI-CORRUPTION ACTION PLAN



01



RECOMMENDED STEPS WHILE DRAFTING THE ANTI-CORRUPTION ACTION PLAN

02



PUBLIC CALL FOR MEMBERS OF THE WORKING GROUP TO DEVELOP MUNICIPAL ANTI-CORRUPTION ACTION PLAN

03



ESTABLISHMENT OF A WORKING GROUP TO DEVELOP THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

04



PUBLIC HEARING ON THE DRAFT OF THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

05



ESTABLISHMENT OF A BODY TO MONITOR THE IMPLEMENTATION OF MEASURES FROM THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

06



ADOPTION OF THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

07



REPORT ON THE DRAFTING OF THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN, LESSONS LEARNED AND RECOMMENDATIONS

Municipalities would have to go through above-mentioned steps while developing their Anti-Corruption Action Plan. In addition, various practical recommendations for effective fight against corruption and enhanced transparency have been proposed in this document below (in no particular order). These practical recommendations may and should be included in any future municipal plan, when it comes to the fight against corruption. Some practical recommendations and measures are clarified in more detail for easier comprehension, while some are not, as the title itself suggests what the partner municipalities should do and what their Anti-Corruption Action Plan should contain. Practical recommendations have not been listed in any particular order.

LIST OF RECOMMENDATIONS FOLLOWED WITH A BRIEF OVERVIEW



ANTI-CORRUPTION AND ENHANCED TRANSPARENCY DECLARATION

01

The Mayor and the Municipal Assembly Chairperson should publicly declare that they are fully committed to the fight against corruption and that in this sense they are undertaking specific measures to eradicate every form of corruption at the municipal level. The declaration should be presented to the public through local media, the official website of the municipality, social networks in the form of a written statement. At the same time, by publishing the Declaration, the Mayor should announce the development of Anti-Corruption and Enhanced Transparency Action Plan to the public and local institutions. The declaration could contain statements exhibiting the commitment of local government led by the Mayor in the fight against corruption, through new initiatives that will aim to establish normative, institutional, organizational and practical risks of corruption, but also to present specific measures to eliminate them, i.e. to eliminate the root causes of corruption, abuses and irregularities and poor management, in the broadest sense of the word.

PUBLIC CALL FOR MEMBERS OF THE WORKING GROUP TO DEVELOP ANTI-CORRUPTION AND ENHANCED TRANSPARENCY ACTION PLAN

02

Applicable laws provide clear procedures when it comes to development of municipal strategies, through a participatory approach. However, we would most certainly see breakthrough in this process if the local government led by the mayor announced a public call for interested individuals, professional public and local institutions to participate in the Anti-Corruption and Enhanced Transparency Action Plan drafting. The public calls should provide basic conditions related to personal integrity, which members of the working group need to fulfill in order to participate in the development of the Anti-Corruption and Enhanced Transparency Action Plan. In addition, the Call should indicate that it applies exclusively to the residents of the municipality and that priority will be given to all those who deal with this topic or with a track record in the fight against corruption in the municipality. In the Call, the municipality must stipulate the deadlines and the email to which potential members of the working group could send their resumes and/or express interest to participate in this process.

ESTABLISHMENT OF A WORKING GROUP TO DEVELOP THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

03

The working group should be established based on Mayor's decision and confirmed in the Municipal Assembly. The working group could have the following representatives in its composition:

- > Local government and specific municipal departments,
- > Citizens (not necessarily Municipal Assembly members),
- > Civil society organization or association,
- > Local institutions, municipal public enterprises, members of management boards,
- > Persons with disabilities, displaced persons, women, youth or other vulnerable groups,
- > Media (local TV, radio station, newspaper, etc.) and
- > Other stakeholders with integrity and track record in the fight against corruption.

SITUATION ANALYSIS

04

This is by far the most important part of the work in the process of developing the Municipal Anti-Corruption Action Plan. Situation analysis should answer the question Where do we stand now?, and when we know that, we will easily know Where we are supposed to go to. Therefore, adequate, impartial and proper analysis of the state of corruption in the municipality, conditions what kind and which anti-corruption measures will be proposed, whether they would be only formal or they would be essential and successfully solve the issue of existing corruption. The exact formulation of the Municipal Anti-Corruption Action Plan objectives, depends on the definition of success indicators, allocation of funds in the municipal budget for the implementation of proposed anti-corruption measures, successful monitoring of success and implementation of anti-corruption measures, and finally, situation analysis impacts in terms of reduction of existing corruption in the municipality.

PUBLIC SURVEYS AND ENGAGEMENT OF CITIZENS IN THE FIGHT AGAINST CORRUPTION

05

The municipality can plan a public survey through anonymous (online) surveys regarding corruption in a specific municipality before and after the development of the Municipal Anti-Corruption Action Plan. Participation of citizens in monitoring the implementation of the proposed anti-corruption measures and the implementation of the Municipal Anti-Corruption Action Plan is highly important.

DEFINE OBJECTIVES

06

An objective includes a desirable and expected state that needs to be reached, that will allow to fight corruption in a given area, after implementing the Municipal Anti-Corruption Action Plan. One area may contain one or more objectives, depending on its features and complexity. Objectives must be clear, unambiguous, realistic, achievable, measurable and should be expressed qualitatively, quantitatively and refer to a specific period of time.

DEFINE INDICATORS

07

After establishing where we stand when it comes to corruption through the situation analysis, it is necessary to determine where we want to be in this regard in the next 3, 5 or 10 years. Certain indicators must be specified around the set objectives. Indicators show, support and measure whether a set objective has been met or not. These are the so-called objectives' indicators. If the objective is to reduce or completely eliminate identified irregularities in a field, the objective indicator would be, for example, number of planned and foreseen controls in that field. Baseline in this sense includes the number of current controls in that field, at a certain level (for instance "one control per year"), while the target value of the indicator would include the value planned in order to say, that an increase in the number of controls would contribute to the objective of reducing irregularities in that field (for example "at least four controls per year"). Indicators can also be formulated based on success, and then they can serve as success indicators. Finally, the municipality may and should propose indicators for each anti-corruption measure proposed. All indicators should be clear, unambiguous and easily measurable.

For instance:

- Number of signed procurement contracts in 2022,
- Number of published procurement contracts in 2022,
- Adopted Anti-Corruption Action Plan,
- Team established to monitor and oversee the implementation of measures from the Municipal Anti-Corruption Action Plan,
- Anti-Corruption Seminar held for municipal employees,
- Number of municipal employees familiar with the Municipal Anti-Corruption Action Plan,
- Conducted survey in the municipality of _____ on corruption,
- Published Report on development of Anti-Corruption Action Plan,
- Published Report on implementation of Anti-Corruption Action Plan in 2023,
- Number of corruption reports in municipality/number of processed reports on corruption,
- Number of implemented recommendations from the Auditor's Report
- Published list of gifts to the Mayor, etc.

PUBLIC HEARING ON THE DRAFT MUNICIPAL ANTI-CORRUPTION AND ENHANCED TRANSPARENCY ACTION PLAN

08

Kosovo legislation provides sufficient primary and secondary legislation (regulations and administrative instructions) on public hearings in municipalities, which municipalities are already aware of in detail. Therefore, no additional information and recommendations will be provided here.

ESTABLISHMENT OF A BODY TO MONITOR THE IMPLEMENTATION OF MEASURES FROM THE ANTI- CORRUPTION ACTION PLAN

09

Prior to adoption of Anti-Corruption and Enhanced Transparency Action Plan, a body should be established that would monitor the implementation of all proposed anti-corruption measures in the specific municipality. The body that will oversee the implementation of anti-corruption measures in a specific municipality should be independent in its work and should not be under any formal or informal control or influence of local authorities. Body members do not necessarily need to be residents of the municipality. The body should have a mandate to regularly seek feedback and proof on implementation of proposed anti-corruption measures. The body or body members could have a mandate to organize the collection of data on adopted anti-corruption measures in a specific municipality through interviews, insight into official documents of public importance in accordance with the law, implementation of specific questionnaires, etc.

ADOPTION OF THE MUNICIPAL ANTI- CORRUPTION ACTION PLAN

10

Official announcement on the adoption of the plan should be shared with the local media and the news about it should be published on the official website of the municipality and social networks. The municipality can organize a specific conference where Anti-Corruption Action Plan would be presented to all interested citizens, civil society representatives, local institutions, media, etc.

REPORT ON DEVELOPMENT OF THE MUNICIPAL ANTI-CORRUPTION ACTION PLAN

11

Development of the Municipal Anti-Corruption Action Plan can prove to be a lengthy process, that requires full commitment of various stakeholders and coordinated work of several different teams of people.

They will deal with situation analysis on ground, definition of corruption indicators, formulation of Action plan objectives for the municipality, manner of monitoring the implementation of the proposed anti-corruption measures in the municipality, etc. Therefore, it would be very useful and beneficial for municipal authorities, but also all others, to publish the Report on the development of Anti-Corruption Action Plan. The report should contain information about the entire process of plan development, the challenges that the members of the working group encounters during the situation analysis and the development of the plan, lessons learned and recommendations for others, etc.

ESTABLISH A MUNICIPAL PROPERTY DATABASE

12

Local government is often unaware of the huge potential economic development that can be achieved, by using the property owned by the municipality. It seems that it is therefore necessary to establish a practical database, that would allow a one-click overview into all land plots the municipality can use for developmental purposes, or insight into the plots that have been given for use to private entities in exchange for a certain compensation, or the plots that have not been given to private entities but have been illegally used, without any compensation to the local government (for example, a car wash is set-up (without permit) on a regulated plateau on municipal property for which no compensation is paid to the municipality or it is paid to a municipal official, contrary to the law) or surcharge for the use of municipal land is paid to a municipal official, contrary to the law, etc. Such a database closes the room for corruption. Based on discussions with various municipal officials, it seems that such a database does not exist, or it exists but is not in use, etc.

TRANSITION TO E-GOVERNANCE

13

In accordance with the applicable law.

TRANSITION TO E-PROCUREMENT

14

In accordance with the applicable law.

PUBLICATION OF THE APPROVED MUNICIPAL PROCUREMENT PLAN FOR THE CURRENT YEAR ON THE MUNICIPAL WEBSITE

15

After publishing the Procurement Plan, citizens, civil society organizations, media and all stakeholders will be able to directly participate in the oversight of the work of local government and, if necessary, hold the mayor accountable for any mismanagement. For example, the published plan can indicate whether any priority project will be implemented during the current year, that was potentially sought for by the citizens during the previously held public budget hearings, during which the local government undertook to implement those priorities urgently.

PUBLICATION OF CONTRACTS SIGNED
WITH ECONOMIC OPERATORS IN THE
MUNICIPALITY

16

This would provide a full insight into the way public money is spent by the local government. Based on discussions with representatives of certain municipal departments, it was observed that there was general dissatisfaction with specific economic operators, however despite that local government nevertheless constantly concludes contracts with such operators. This is the first indicator of corruption. Publication of procurement contracts would provide citizens, civil society organizations, media and all stakeholders the possibility of exercising greater control.

ESTABLISH A CITIZENS' SERVICE
CENTER OR OPERATIONALIZE IT

17

Kosovo legislation foresees this obligation of local governments. Placing all or most of the municipal services in one place is the first step towards increasing transparency and reducing the possibility of corruption, as through the Citizens' Service Center, all requests are received, electronically processed and approved (via intranet or another application in use in Kosovo municipalities), thereby diminishing the possibility of corruption. This is one of the ways for the local government to minimize the possibility of direct contact between stakeholders and municipal officials and separate powers, thereby preventing abuse of office and corruption. Discussions with municipal officials confirmed that in some partner municipalities the receipt, processing, decision-making, implementation and oversight of the implementation of the decisions are carried out by 3 instead of 4 or 5 different municipal employees, or that information technology and software programs etc. are not used for this purpose.

REPORT ON IMPLEMENTED
RECOMMENDATIONS FROM THE
NATIONAL AUDIT OFFICE REPORT
ON THE PERTINENT MUNICIPALITY

18

Every year, Kosovo National Audit Office prepares a Report on the audit of annual financial statements of every municipality for the specific year. This report was prepared based on a detailed analysis of public spending by local government bodies and contains information and recommendations on planning and implementation of municipal budget, progress in the implementation of the Auditor General's recommendations. It is very important to envisage specific responsibilities of certain employees or municipal authorities in terms of implementing the recommendations of the Auditor General and transparent reporting in this regard.

PUBLISH THE LIST OF GIFTS OF
SENIOR OFFICIALS ON THE MUNICIPAL
WEBPAGE

19

The Mayor should demonstrate in action that he/she applies the principles of good governance, including potentially this one. Namely, the Municipality should use the practice of publishing a list of gifts on its website, that the mayor and other officials had received throughout the year. Twice a year, a designated municipal official should update the list of gifts and their values, and publish the list on the municipal website. Citizens, civil society organizations, media and all stakeholders should be informed by the local government in this regard.

ALLOCATE FUNDS FROM THE
MUNICIPAL BUDGET FOR THE
IMPLEMENTATION OF THE
MUNICIPAL ANTI-CORRUPTION
ACTION PLAN

20

In accordance with the Anti-Corruption Action Plan, the municipality should allocate funds in its budget on annual basis, which would be directly used for activities envisaged in the plan that are aimed at promoting transparency, reducing corruption, etc.

BLACK LIST OF SUPPLIERS OR
SUBCONTRACTORS OR CONTRACTORS
OF AWARDED MUNICIPAL CONTRACTS

21

Every municipality should adopt and maintain a black list of suppliers/subcontractors who have not complied with obligations undertaken based on contracts they signed with the municipality. It is also necessary to establish procurement performance indicators, in order to monitor and improve procurement work over time: namely, the number of complaints, the time between bid opening and contract award, the number of contract changes, price increases, etc.

INFORM MUNICIPAL EMPLOYEES
RELATED TO MUNICIPAL
ANTI-CORRUPTION ACTION PLAN

22

Inform municipal employees about the existing Municipal Anti-Corruption Action Plan and all proposed measures, including mutual responsibilities, competences and deadlines for the implementation of implemented measures.

WORKSHOP ON MUNICIPAL ANTI-CORRUPTION MEASURES

23

In addition to information, relevant municipal officials should be trained to implement the adopted plan. That is why this workshop would further strengthen the capacities of employees to understand what corruption is and how to handle it in difficult circumstances. The training should especially raise awareness of employees about their right to know everything that is or is not being done in the municipality, as well as to report any irregularities. In addition, the training should focus on the established system of control and reporting on corruption in the municipality, as well as on the new competences that certain municipal bodies received in this regard, in order to implement the adopted Anti-Corruption Action Plan.

CORRUPTION RISK ASSESSMENT IN THE MUNICIPALITY

24

Municipality should establish a practice and a way to (at least) once a year in a systematic, organized and institutional fashion, with full public participation, evaluate the success of implementation of Anti-Corruption Action Plan, through the corruption risk assessment. Accordingly, the action plan should be supplemented and measures adjusted, and the responsibilities of municipal departments and sectors that control and implement the adopted anti-corruption measures, should be assessed systematically.

HELPLINE FOR REPORTING CORRUPTION ON THE MUNICIPAL WEBSITE

25

The municipality should publish its helpline number where citizens can report corruption to competent services, entirely safely. In addition to the number for reporting corruption throughout Kosovo, the municipality can establish its own system that enables anonymous reporting of corruption, violations of law, professional standards or ethics. For this purpose, it is necessary to adopt a specific procedure with which citizens will be familiar, and which must be followed when reporting cases of corruption, fraud or any other irregularities. The procedure for reporting corruption must certainly be in compliance with Law No. 04/L-043 on protection of informants, regulating the protection of all those reporting irregularities in Kosovo.

CONTROL AND OVERSIGHT OF MUNICIPAL CADASTRAL SERVICES

26

Measures should be undertaken to reinforce the operation of the cadaster, with appropriate professional staff and training, needed in order to perform duties and obligations in accordance with the law. As a rule of thumb, cadastral services should be available to citizens through the Citizens' Service Center and specific applications (intranet or other specialized cadastral software and applications used by all municipalities Kosovo-wide). This will diminish direct contact between citizens and the staff of the Cadaster Department in the municipality, irregular processing of claims and thus minimize any potential for corruption.

Discussions with officials of certain municipalities confirmed that when it comes to corruption among local authorities, their Cadaster Departments are most sensitive. Therefore, special attention should be paid to the integrity of employees of the Cadaster Department, employees of the Citizens' Service Center, those employees who perform the registration or merging of land plots, distribution of subsidies, issue permits for use and regulation of municipal land, etc. Accordingly, citizens should have the opportunity to easily and anonymously point out any possible irregularities in the work of the Cadaster Department in each partner municipality.

ASSESSMENT OF MUNICIPAL EMPLOYEES' INTEGRITY

27

The municipality should establish a practice of assessing the integrity of its employees. Discussions with municipal officials confirmed that there have been investigations, arrests and judicial judgments regarding corruption in the partner municipalities, at some point in time. Therefore, it would be beneficial to establish the practice of assessing the integrity of employees, and in accordance with the results of the assessment and the needs identified, carry out necessary reorganization and systematization of jobs. This is especially important when it comes to employees of front offices, Citizens' Service Center, cadastral officials who issue various permits (for example, permits for construction of cottages in Brezovica Ski Center on Šar/Sharri mountain, or a permit to carry out works in Šar/Sharri mountain National Park etc.). Therefore, everyone, and especially employees of aforementioned municipal services and departments, should be subject to periodic work and integrity assessments, which would enable detection of corruption and elimination of inherent causes of corruption. The assessment of employee integrity would provide information not only whether individual workers on "sensitive" positions take or give bribes, but also whether they meet all ethical and professional requirements to perform their duties and obligations. Assessment of the integrity of employees, along with other measures, is a very important prevention tool in discovering and eliminating the root causes, i.e. risks for emergence and development of corruption.

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28

MARKEDLY REORGANIZE THE EXISTING SYSTEM OF INTERNAL AUDITS AND INSPECTION

29

DRAFT AND ADOPT ANTI-CORRUPTION REGULATIONS AND RULES OF PROCEDURE AT THE LOCAL LEVEL OF GOVERNMENT

30

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