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MISSION IN KOSOVO**

**Department of Human Rights and Communities**

**Protection and Promotion of the Rights of Communities in Kosovo:  
Local Level Participation Mechanisms**

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## EXECUTIVE SUMMARY

The effective participation of non-majority communities<sup>1</sup> in the local level mechanisms in Kosovo has been affected by the political changes and the adoption of new legislation in Kosovo in 2008.

Out of the four mandatory municipal bodies, the communities committee has been generally established Kosovo-wide. There are few exceptions, mainly the three northern municipalities in the Mitrovicë/Mitrovica region, while in a few other municipalities, the committee, though *de jure* established, is *de facto* not operational. Although the multi-ethnic composition of the communities committees is widely ensured, its performance is generally unsatisfactory, in particular regarding the frequency of the meetings and the relevance of issues dealt with. The reasons include the lack of adequate budgetary resources, the misunderstanding regarding its role and responsibilities, and the obstructive attitude of some committee's members. In addition, municipal authorities often fail to empower this mandatory body. Despite its performance, the communities committee is still the most effective among the existing mandatory mechanisms at the municipal level.

The second mandatory mechanism is the municipal communities safety council. It has so far been established in 23 out of Kosovo's 33 municipalities. Although the 2008 law on Police<sup>2</sup> requires the inclusion of all communities residing on the municipal territory, some municipalities fail to ensure fair representation.

With entering into force of the 2008 law on Local Self-Government,<sup>3</sup> two more new mechanisms, the deputy chairperson of the municipal assembly for communities and the deputy mayor for communities have been introduced. Their election is compulsory in those municipalities where the communities constitute at least ten per cent of the overall municipal population.<sup>4</sup> The positions of deputy chairperson of the municipal assembly for communities and the deputy mayor for communities have been established respectively in 12 and 14 of Kosovo's municipalities. Only in five municipalities both positions are established in line with the respective municipal statutes. The Organization for Security and Co-operation in Europe (OSCE) considers the ten per cent threshold as too high to ensure the effective and adequate representation and participation of non-majority communities. Furthermore, due to their recent establishment, a thorough assessment of their performance is not yet possible. However, even at this early stage of implementation, it appears that further steps need to be taken by both local and central level authorities in order to strengthen the effectiveness of such mechanisms.

Among the non-mandatory municipal mechanisms, the municipal communities office has been kept in all of the 26 municipalities where it existed prior to the adoption of the 2008 law on Local Self-Government, a welcome result that in parts can be attributed to the work the OSCE does with municipalities in order to strengthen the

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<sup>1</sup> For the purpose of this report, non-majority communities are defined as those communities which are numerically smaller than others at the municipal level.

<sup>2</sup> Law No. 03/L-035 on Police, 15 June 2008, <http://www.assembly-kosova.org/?cid=2,191,244>.

<sup>3</sup> Law No. 03/L-040 on Local Self-Government, 15 June 2008, [http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf).

<sup>4</sup> Articles 54.1 and 61, 2008 law on Local Self-Government.

mechanisms of participation and representation of communities in public life. However, the law remains silent about this body, and leaves the decision on whether to retain the office or not to the discretion of the municipality. 15 municipalities included the municipal communities office in their statutes, thus providing a secure legal basis for it. However, in several municipalities, the office does not reflect the ethnic composition of the residing communities. Roma, Ashkali and Egyptians belong to the most under-represented communities. Generally, the municipal communities offices function properly, although several municipalities still face difficulties, especially in relation to lack of staff or budget.

Similarly, the position of municipal returns officer has been generally preserved in all the municipalities where it existed prior to the adoption of the 2008 law on Local Self-Government. However, only in six municipalities the statute makes explicit reference to it. Moreover, the shift of this mechanism into the budget line of the municipal communities office has limited its effectiveness. As a consequence, for example, return related activities depend on the financial support of external donors, such as the United Nations High Commissioner for Refugees (UNHCR) and the Danish Refugee Council.

The third non-mandatory body, the municipal working group on returns, is generally established and functional. Again exceptions include the three northern Kosovo Serb majority municipalities in the Mitrovicë/Mitrovica region and those municipalities that have a very limited number of displaced persons. Some municipal working groups on returns have failed to represent some of the residing communities. As in other cases, Roma, Ashkali and Egyptian communities are those who are more under-represented.

The continuing withdrawal of a considerable number of Kosovo Serb employees from Kosovo's local level institutions following February 2008 has left the Kosovo Serb community severely under-represented in some municipalities and affected its members' access to services, whereby the communities committee and the municipal returns offices are the participation mechanisms that are most affected by the Kosovo Serb boycott.

## 1. INTRODUCTION

This report scrutinizes the participatory mechanisms for the protection and promotion of communities' rights at local level in light of the political and normative changes which have occurred in the aftermath of February 2008. The adoption and implementation of the 2008 law on Local Self-Government has affected, to a certain extent, the effective participation of non-majority communities in public affairs at local level. Namely, the decision to exclude mechanisms in this law, that were envisaged by the UNMIK Regulation 2007/30 on Self-Government of Municipalities in Kosovo, amending UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo (UNMIK Regulation 2007/30),<sup>5</sup> such as the municipal communities office and the mediation committee, has left the former, though established anyway, in a situation of legal uncertainty as opposed to the latter that has not been established. Additionally, the abolition of the fair-share-financing system,<sup>6</sup> unless timely substituted with a more efficient performance-based and community sensitive reporting mechanism, is likely to leave the non-majority communities without a tool to ensure that municipal expenditures are guided by the principle of non-discrimination. Last but not least, the ongoing boycott of Kosovo's institutions by a considerable number of Kosovo Serb employees in some municipalities has not only left the Kosovo Serb community severely under-represented, but has also affected their access to services.

The effective participation of non-majority communities in public life and in decision-making processes is considered as an essential element for building a democratic and truly multi-ethnic society, and also creating the conditions for integration without forced assimilation. The right to participation is closely correlated to other international standards and fundamental rights, such as the effective equality, and the maintenance and development of minorities' identities and culture.<sup>7</sup> Effective participation is a widely recognized principle by numerous international legal and political standards, declarations and recommendations. The United Nations International Covenant on Civil and Political Rights recognizes the right to take part, directly or indirectly, in the conduct of public affairs;<sup>8</sup> the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities recognizes the right to effective participation in public life;<sup>9</sup> and the Council of Europe's Framework Convention for the Protection on National Minorities explicitly states the necessity for an effective participation of minorities in public

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<sup>5</sup> See: [http://www.unmikonline.org/regulations/unmikgazette/02english/E2007regs/RE2007\\_30.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2007regs/RE2007_30.pdf)

<sup>6</sup> The fair-share-financing system was introduced by UNMIK Administrative Instruction 2001/01 and was applied for the first time for the fiscal year 2002. The aim was to support a proportionately fair access of non-majority communities to municipal budgets.

<sup>7</sup> Paragraph 13 of the Council of Europe's Framework Convention for the Protection of National Minorities, Advisory Committee's Commentary on Effective Participation, [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_CommentaryParticipation\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_CommentaryParticipation_en.pdf)

<sup>8</sup> Article 25 of the United Nations International Covenant on Civil and Political Rights: "[...] shall have the right and the opportunity [...] [t]o take part in the conduct of public affairs, directly or through freely chosen representatives [...]."

<sup>9</sup> Article 2.2 of the United Nations General Assembly Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities: "*Persons belonging to [communities] have the rights to participate effectively in [...] public life*".

affairs with an emphasis on those directly affecting them.<sup>10</sup> The effective participation of all communities in decision-making processes both at central and local level is also an integral part of the OSCE documents, in particular the Copenhagen Document<sup>11</sup> and the Lund Recommendations on Effective Participation of National Minorities in Public Life.<sup>12</sup>

With regards to the methodology used for this report, the findings are based on the outcomes of regular OSCE monitoring and reporting activities, complemented by a special focus of the OSCE field teams on local participatory mechanisms. Both quantitative and qualitative data were obtained in the period between February and July 2009 through an open-ended questionnaire taking into account municipal peculiarities.

The report outlines the practices regarding the establishment and functioning of the local level participation mechanisms. However, some of the reviewed mechanisms<sup>13</sup> have been established only recently, thus not allowing for a thorough assessment of their performance.

Starting with the mandatory municipal participation mechanisms, the report first describes the communities committee, which is the longest serving existing mandatory mechanism. It continues with the deputy chairperson of the municipal assembly for communities and the deputy mayor for communities, which have been newly created by the 2008 law on Self-Government, and then considers the municipal communities safety council.

The report continues by describing the set-up and functioning of the non-mandatory mechanisms, including the level of participation of non-majority communities as well as good practices or problems the non-majority communities face. This part begins with describing the municipal community office, a mechanism foreseen by UNMIK Regulation 2007/30, but not by the 2008 law on Local Self-Government. A description of the position of the municipal returns officer follows. It concludes with an outline of the municipal working group on returns.

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<sup>10</sup> Article 15 of the Council of Europe's Framework Convention for the Protection on National Minorities: "*Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them*".

<sup>11</sup> The 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference for the Security and Co-operation in Europe (<http://www.minelres.lv/osce/cope90e.htm>). Paragraph 35 of the Copenhagen Document: "*The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.*"

<sup>12</sup> The 1999 Lund Recommendations on Effective Participation of National Minorities in Public Life, ([http://www.osce.org/documents/hcnm/1999/09/2698\\_en.pdf](http://www.osce.org/documents/hcnm/1999/09/2698_en.pdf)) advocate for the adoption of measures to promote participation in public life and in decision-making processes for all communities at central and local level. The Lund Recommendations include, *inter alia*, communities' representation in the parliamentary assembly, within the ministries, in the civil service; facilitation of the participation in the electoral process; establishment of advisory and/or consultative bodies; establishment of dispute resolution mechanisms.

<sup>13</sup> The most recent established mechanisms are the position of the deputy chairperson of the municipal assembly for communities, deputy mayor for communities and municipal communities' safety council.

Each chapter starts with a brief description of the legal framework with a focus on the mechanism's mandate. It is followed by the description of the mechanism in Kosovo's five regions using alphabetical order (Gjilan/Gnjilane, Mitrovicë/Mitrovica, Pejë/Peć, Prishtinë/Priština, and Prizren regions), including its establishment, composition and functioning. Common issues are subsequently highlighted aiming at identifying patterns of non-compliance as well as best practices. Each chapter concludes with brief recommendations.

In its final part, based on the findings and the experience gained by the OSCE field monitoring activities and analyses, the report summarises the recommendations to local and central level institutions in Kosovo with the aim to strengthen the capacities, enhance the effectiveness of the existing mechanisms promoting and protecting communities' rights at local level.

## 2. MANDATORY MECHANISMS

### 2.1 COMMUNITIES COMMITTEE

The communities committee was established as standing committee of the municipal assemblies by UNMIK Regulation 2007/30. The committee used to co-operate with the mediation committee, the latter being in charge of examining the matters referred to it by the former and submitting recommendations to the municipal assembly. While the mediation committee is not foreseen anymore by the 2008 law on Local Self-Government, the communities committee is. The current legislation allows the communities committee to directly recommend to the municipal assembly measures it considers appropriate to ensure the implementation of provisions related to the need of persons belonging to communities. These measures respect the right of communities to maintain, develop and express their ethnic, cultural, religious and linguistic identities.<sup>14</sup> The adoption of the 2008 law on Local Self-Government did not modify the composition of the communities committee as regulated by UNMIK Regulation 2007/30.<sup>15</sup> According to the legislation, the communities committee is composed of members of the municipal assembly and representatives of communities, the latter comprising the majority of the committee. UNMIK Administrative Instruction 2003/02 on Procedural Guidance for the Work of Municipal Communities Committee (Administrative Instruction 2003/02) specifies that: “[t]he community that is in the majority in the municipality should have less than a half of the membership of the [c]ommittee and that the remaining membership of the [c]ommittee fairly and proportionally reflects the number of other non-majority communities in the municipality.”<sup>16</sup>

In Gjilan/Gnjilane region all municipalities with the exception of Štrpce/Shtërpçë and Viti/Vitina<sup>17</sup> have established communities committees through their respective statutes. Meetings have been regularly convened. Aside from Kačanik/Kaçanik<sup>18</sup>, all municipalities in the region that have established a communities committee abide by the normative requirement regarding their multi-ethnic composition. Overall, the committees’ performance cannot be considered as satisfactory, despite the long lasting existence of the mechanism in almost all the municipalities in the region and this for a number of reasons. First of all, as far as Kosovo Serb and Roma communities are concerned, committees’ members are not perceived as legitimate representatives, due to the communities’ boycott of Kosovo institutions. Despite OSCE’s continual efforts to support, train and mentor the committee’s members, municipal authorities have done too little to empower communities committees’ members’ participation.

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<sup>14</sup> Article 53.2, 2008 law on Local Self-Government.

<sup>15</sup> Article 23, UNMIK Regulation 2007/30.

<sup>16</sup> Article 3.3 a, UNMIK Administrative Instruction 2003/02.

<sup>17</sup> In Štrpce/Shtërpçë, the municipal assembly has not convened since January 2008, and none of the mandatory committees have met during 2008. The municipal bodies in Štrpce/Shtërpçë implement UNMIK regulations. As for Viti/Vitina, the municipality is expected to formalize the establishment of the communities committee in the near future.

<sup>18</sup> Due to the almost full mono-ethnic composition of the municipality, with only very few Roma living there.



In Mitrovicë/Mitrovica region, the three northern Kosovo Serb majority municipalities<sup>19</sup> have neither elected municipal assemblies on the basis of UNMIK Regulations, nor have they established communities committees. Only the three southern Kosovo Albanian majority municipalities<sup>20</sup> have established communities committees and included the committee in the respective municipal statutes. Out of these three, only the Vushtrri/Vučitrn communities committee functions in a satisfactory manner and deals with communities' substantial and relevant issues, though it operates without terms of reference. The communities committee in Mitrovicë/Mitrovica has been established, but is not yet operational, whereas the communities committee in Skenderaj/Srbica does not hold regular meetings. In these three municipalities all communities living in the municipality are represented in the communities committee, with the only exception of Mitrovicë/Mitrovica where the Roma community is not represented. The political changes in 2008 have not influenced the composition and the functioning of the body. Given the fact that in the three southern municipalities the municipal assembly is composed only by Kosovo Albanians, the role of the communities committee is even more essential in order to ensure and enhance non-majority communities' participation in municipal decision-making.

In Pejë/Peć region, except for the Kosovo Albanian inhabited Junik municipality, communities committees are established and included in the respective municipal statutes. All communities committees have either adopted<sup>21</sup> or drafted<sup>22</sup> terms of reference, with the exception of Deçan/Deçane. As for the composition of the communities committee, all municipalities fulfil the multi-ethnic normative requirement. However, in Klinë/Klina the communities committee faces problems in including the Ashkali community.<sup>23</sup> No differences have been ascertained in the communities committees after the 2008 changes in the political and legal settings, with the exception of Deçan/Deçane, where the recent renewal of one community representative has significantly strengthened this body. However, it is difficult to say to what extent this improvement is related to the 2008 abovementioned changes. In general, the overall regional assessment on the functioning of the communities committee, both in terms of frequency and in terms of relevance of the addressed issues, reveals a remarkably poor performance. The reasons range from the obstructive attitudes of some of the communities committees' members<sup>24</sup> to their lack of proper understanding of the role of the communities committee. In addition, municipal authorities often fail to empower this mandatory body, thus hindering its decision-making impact. On a positive note, in Klinë/Klina the communities committee has set up an *ad hoc* commission mandated to monitor compliance of information signs posted on the civil servants' office doors with language requirements.

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<sup>19</sup> Leposavić/Leposaviq, Zvečan/Zveçan and Zubin Potok municipalities.

<sup>20</sup> Mitrovicë/Mitrovica, Skenderaj/Srbica and Vushtrri/Vučitrn municipalities.

<sup>21</sup> Pejë/Peć.

<sup>22</sup> Klinë/Klina and Istog/Istok municipalities.

<sup>23</sup> In Klinë/Klina, the Kosovo Ashkali community is not represented in the committee. However, as currently part of the Ashkali community identifies themselves as Egyptians, it is quite difficult to identify possible members for the communities committee belonging to the Ashkali community.

<sup>24</sup> More often due to pre-existing personal issues rather than the political environment.

In Prishtinë/Priština region all six municipalities have included the communities committee in their respective statutes and operate on the basis of terms of reference.<sup>25</sup> In general, an ethnically balanced representation of the communities residing in the respective municipalities is ensured. Moreover, the region has the most balanced gender representation in the communities committee throughout Kosovo. However, the overall performance of the communities committees region-wide is assessed as limited and insufficient. The changes in the institutional framework did not affect the functioning of the communities committees, nor did they result into a major difference when comparing the current setting with the previous one.<sup>26</sup>

All seven municipal statutes of Prizren region include the communities committee amongst the permanent committees, while two communities committees function based on additional terms of reference.<sup>27</sup> Almost all municipalities in the region allocated to non-majority communities the majority of the seats in the committee. Overall, all the communities committees in the region comply with the legal requirements in terms of multi-ethnic representation. The communities committees in Gjakovë/Đakovica<sup>28</sup> and Prizren<sup>29</sup> fail to ensure the representation of all communities living in the municipality. With the exception of Mamuša/Mamushë/Mamuša municipality,<sup>30</sup> the functioning of the body is reported as fairly satisfactory as the mechanism effectively contributes to the participation in the decision-making process of those communities, that otherwise would not be represented in the municipal assembly. No major changes have occurred as a result of the new political scenario, with the only remarkable exception of Rahovec/Orahovac where, due to the Kosovo Serbs' boycott of Kosovo's institutions, the communities committee, although *de jure* established<sup>31</sup> is *de facto* non-functional.

Overall, communities committees remain the pivotal mandatory mechanism for the participation of non-majority communities at local level. In addition, the

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<sup>25</sup> In Shtime/Štimlje and Podujevë/Podujevo the terms of reference are included in the municipal statute, which makes it very difficult for the communities committee to modify them.

<sup>26</sup> However, in Shtime/Štimlje, the frequency of the communities committee's meetings in 2008 has seriously decreased as opposed to the 2007 monthly frequency and no representative from the Kosovo Serb community has been appointed since March 2008. In Fushë-Kosovë/Kosovo Polje only one meeting took place in 2008. Differently, in Prishtinë/Priština, the communities committee goes beyond its mandate by dealing with individual complaints. In Lipjan/Lipljan the frequency of the communities committee meetings has increased compared to 2007 and gives recommendations to the municipal assembly to review decisions that are not in the interest of non-majority communities.

<sup>27</sup> In the municipalities of Prizren and Gjakovë/Đakovica, whilst Malishevë/Mališevo communities committee works based on an action plan.

<sup>28</sup> The Roma community, though traditionally and numerically substantial in Gjakovë/Đakovica, is not represented in the communities committee. The Kosovo Bosniak community is not represented, either.

<sup>29</sup> The Ashkali community is not represented in the communities committee. According to the president of the Democratic Ashkali Party of Kosovo, a letter was sent to the mayor and the chairperson of the municipal assembly on 14 April 2009 requesting the appointment of a Kosovo Ashkali representative as communities committee's member. The committee chairperson has demonstrated openness to ensure proper representation of the Ashkali community in accordance with the legal requirement.

<sup>30</sup> In Mamuša/Mamushë/Mamuša only two meetings have taken place since December 2008 and the committee has failed so far to appoint the chairperson and to draft a work plan.

<sup>31</sup> The Rahovec/Orahovac communities committee consists of four Kosovo Serbs, one Roma, one Egyptian and three Kosovo Albanians.

municipalities try to ensure the representation of all residing communities. However, the outcome is not always adequate, especially in those municipalities inhabited by numerically small communities.<sup>32</sup> Also, the gender balance is not favourable to female communities representatives, thus leaving a large portion of communities members under-represented.<sup>33</sup> Women belonging to vulnerable communities, such as Roma, Ashkali and Egyptian, in proportion are less represented than others. The communities committees effectiveness lags behind the expectations Kosovo-wide. The reasons range from lack of financial means and professional skills to little, if any, empowerment and support from municipal authorities. Often the mandate of the body is unclear to its members, and in some cases the agenda points address issues that go beyond the committee's specific duties, while leaving core issues unaddressed. The legal and political changes occurred in 2008 do not seem having substantially affected the overall functioning of the communities committees. On the contrary, the direct accountability mechanism,<sup>34</sup> set up under the 2008 law on Local Self-Government,<sup>35</sup> is conducive, at least on paper, to strengthen the influence and the effectiveness of the committee vis-à-vis the municipal assembly.

The OSCE recommends that municipal authorities engage into a fruitful dialogue with communities committees' members with the aim of advising and supporting them on how to improve the effectiveness of the mechanism. The organization of trainings and outreach initiatives intended to raise the profile of the communities committees' members *vis-à-vis* the public at large should also be considered as a way to address the aforesaid shortcomings.

## **2.2 DEPUTY CHAIRPERSON OF THE MUNICIPAL ASSEMBLY FOR COMMUNITIES**

The position of the deputy chairperson of the municipal assembly for communities (deputy chairperson) represents one of the two new communities participation mechanisms set up by the 2008 constitution<sup>36</sup> and the 2008 law on Local Self-Government. This mechanism aims at promoting inter-community dialogue and serving as formal focal point for addressing non-majority communities' concerns and interests in meetings of the assembly.<sup>37</sup> The deputy chairperson acts as a focal point for communities' complaints against acts or decisions by the municipal assembly constituting an alleged violation of communities' rights.<sup>38</sup> When the deputy chairperson is not satisfied with the way the municipal assembly responds to the referral, he or she may file a complain directly to the constitutional court.<sup>39</sup> This ultimate remedy, which is likely to be used as a deterrent, provides the deputy chairperson with a strong persuading tool *vis-à-vis* the municipal assembly.

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<sup>32</sup> See Annex 2.

<sup>33</sup> Annex 2 shows that only 53 female communities representatives have been appointed as opposed to 127 male representatives.

<sup>34</sup> With the abolishment of the mediation committee, the communities committee is entitled to directly recommend to the municipal assembly measures it considers appropriate to ensure the implementation of provisions related to the need of persons belonging to communities, as per Article 53.2, 2008 law on Local Self-Government.

<sup>35</sup> Article 53.2, *ibid.*

<sup>36</sup> Art. 62, 2008 constitution.

<sup>37</sup> Article 55.1, *ibid.*

<sup>38</sup> Article 55.2 and 55.3, *ibid.*

<sup>39</sup> Article 55.4, *ibid.*

For the appointment of the deputy chairperson, the law requires a threshold of ten per cent of the municipal residents belonging to non-majority communities.<sup>40</sup> Where the threshold is not reached, municipalities have the discretion to establish the deputy chairperson, if this is deemed useful for the protection of non-majority communities. So far, 14 municipalities have included the position of deputy chairperson in their respective statutes, while only 12 have selected and appointed a deputy chairperson.<sup>41</sup> Two municipalities<sup>42</sup> have decided to go beyond the legal requirement by establishing the deputy chairperson position despite the assumption<sup>43</sup> that the ten per cent threshold is not met.

In Gjilan/Gnjilane region, the position of the deputy chairperson is established in the municipalities of Ferizaj/Uroševac (Ashkali), Gjilan/Gnjilane (Kosovo Turk), Kamenicë/Kamenica (Kosovo Serb) and Viti/Vitina (Kosovo Serb).<sup>44</sup> In Gjilan/Gnjilane municipality the deputy chairperson regularly attends the municipal assembly sessions, shows interest in the work of the communities committee and offers help in his capacity as both community representative and deputy chairperson. In Ferizaj/Uroševac the deputy chairperson has difficulties in fulfilling his mandate since he lacks equipment and budget. In Kamenicë/Kamenica, the deputy chairperson is not performing in a satisfactory way, also due to the lack of proper office space and skilled municipal staff support.

In Mitrovicë/Mitrovica region, none of the municipalities has either established a position or appointed a deputy chairperson. Aside from the unique situation of the three northern municipalities,<sup>45</sup> in the southern municipalities the minimum legal requirement is probably only met in Mitrovicë/Mitrovica municipality where estimates indicate that non-majority communities make up around ten per cent of the overall population.

In Pejë/Peć region, the mechanism is established and deputy chairpersons are appointed in Istog/Istok (Egyptian) and Pejë/Peć (Kosovo Bosniak) municipalities. The Pejë/Peć deputy chairperson is chairing the municipal working group on return and also regularly participates in the communities committee's meetings. In both cases, there is room for a more active engagement of the deputy chairpersons.

In Prishtinë/Priština region, deputy chairpersons are appointed in the municipalities of Prishtinë/Priština (Kosovo Turk),<sup>46</sup> Fushë Kosovo/Kosovo Polje (Ashkali) and

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<sup>40</sup> Article 54.1, *ibid*: “In municipalities where at least ten per cent (10%) of the citizens belong to Communities not in the majority in those municipalities, a post of the Chairperson of the municipal Assembly for Communities shall be reserved for a representative of these communities”.

<sup>41</sup> For the list of the municipalities see Annex 1.

<sup>42</sup> Ferizaj/Uroševac and Gjakovë/Đakovica. As for the latter, the decision was taken upon advice of the Ministry of Local Government Administration.

<sup>43</sup> The last census has been conducted in 1991. Apart from the fact that the results of this census are not reliable, there have been considerable changes in the population structure since 1991.

<sup>44</sup> In Viti/Vitina, the same person also holds the position of deputy mayor.

<sup>45</sup> Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan municipalities have not adopted municipal statutes based on UNMIK Regulations since 2006, nor do these municipalities apply the legislation adopted after the political changes occurred in 2008.

<sup>46</sup> In Prishtinë/Priština, pending the adoption of the draft law on the City of Prishtinë/Priština, the institutions have remained the same as before the adoption of the 2008 law on Local Self-

Lipjan/Lipljan (Ashkali). In Fushë Kosovo/Kosovo Polje and Lipjan/Lipljan municipality, the deputy chairpersons are not actively involved in addressing issues related to the non-Albanian communities and lack personal initiative.

In Prizren region, the positions of deputy chairpersons are established by the statutes and persons are appointed in the municipalities of Dragash/Dragaš (Kosovo Bosniak), Prizren (Kosovo Bosniak) and Gjakovë/Đakovica (Egyptian). The Prizren and Dragash/ Dragaš deputy chairpersons seem to be sufficiently equipped. The position of deputy chairperson is not set up in Suharekë/Suva Reka and Malishevë/Mališevo municipalities. In both cases, the municipalities refer to the legal minimum requirement as the main reason for the non-establishment of the mechanism. Even though not foreseen in the statute, the Mamuša/Mamushë/Mamuša rules of procedure do envisage the said position and the municipality is planning to appoint a Kosovo Albanian community member.<sup>47</sup>

Due to its very recent establishment, it is too early to provide a comprehensive assessment of the functioning of the position of deputy chairperson. The continuous boycott of Kosovo's institutions by part of the Kosovo Serb population partially accounts for the delay<sup>48</sup> or the opposition<sup>49</sup> of some municipalities in establishing this position and/or appointing someone to it.

The introduction of the ten per cent threshold has resulted in appointment of deputy chairpersons in less than half of the municipalities. This raises concerns with regard to the protection of the rights of numerically small communities. While the said threshold can only be considered as applicable on the basis of reliable data, conditions are still to be met for the population census to be carried out in line with international standards<sup>50</sup>. Furthermore, the current population estimates related to communities often disregard the high number of communities' members still living in displacement. Therefore, pending the availability of reliable data on communities, municipalities should be advised to go beyond the ten per cent threshold and to ensure the representation through the position of deputy chairperson to numerically smaller communities. Also, because the demographic changes occurred as a result of the 1999 events have often resulted in municipalities being constructed along ethnic lines with only few of them meeting the said threshold, a strict interpretation of this requirement is likely to prevent the smaller communities in many municipalities to be represented in the municipal legislative body. This is all the more true given the fact that at municipal level there are no "special seats" reserved for communities that otherwise would be unlikely to obtain representatives in the assembly. Finally, since the deputy chairperson is the only mechanism empowered to directly appeal to the constitutional court, it would be advisable to guarantee its establishment in all the municipalities

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Government. This implies that the aforesaid position is nominally the one of second vice-chairperson for communities, as per Article 13.3 of UNMIK Regulation 2007/30.

<sup>47</sup> However, the lack of an additional municipal assembly's member from the Kosovo Albanian community (since the previous one has left the position to become deputy mayor for communities) is delaying the process. Also, the forthcoming elections are likely to reduce the chances for the position to be filled soon.

<sup>48</sup> In Novo Brdo/Novobërdë and Štrpce/Shtërpçë municipalities.

<sup>49</sup> In Rahovec/Orahovac municipality.

<sup>50</sup> Namely, the full coverage and universality within a certain area, one of the main UN Principles and Recommendations for Population and Housing Census, is unlikely to be reached.

where communities live in a relevant proportion although they do not reach the foreseen threshold.

In addition, further efforts have to be undertaken to ensure the effectiveness of this body is concerned. Local authorities should be more supportive and engaged, thus enabling the deputy chairperson to discharge his/her mandate without having to juggle to gain institutional legitimacy.

### 2.3 DEPUTY MAYOR FOR COMMUNITIES

The second new mechanism set up by the 2008 law on Local Self-Government is the deputy mayor for communities (deputy mayor). The rationale behind its establishment is to guarantee assistance to the mayor, providing him/her with advice and guidance on issues related to non-majority communities.<sup>51</sup> While the deputy chairperson of the municipal assembly for communities (see paragraph above) is responsible for a referral mechanism that is prescribed in details by the 2008 law on Local Self-Government, the mandate of the deputy mayor appears very vague.<sup>52</sup> While in principle, the general mandate is in line with the overall rationale of the European Charter on Local Self-Government<sup>53</sup>, since it leaves the autonomy to further define the scope of the participation mechanism to municipalities. However, in order for the position of deputy mayor for communities to maintain its coherence throughout Kosovo, central level guidelines are needed to direct municipal institutions.

According to the legal requirements<sup>54</sup>, the minimum threshold for the position of deputy mayor for communities to be mandatory is ten per cent. Where the threshold is not reached, municipalities have the discretion to establish the position of a deputy mayor, if deemed useful for the protection of non-majority communities. To date, 14 municipalities<sup>55</sup> established this mechanism and appointed a deputy mayor for communities.

In Gjilan/Gnjilane region, deputy mayors for communities are appointed in five out of eight municipalities, all of whom belong to the Kosovo Serb community.<sup>56</sup> In Gjilan/Gnjilane municipality, considerable efforts have been put by local authorities in supporting non-majority communities, despite the reluctant attitude of the Kosovo Serbs in engaging with Kosovo institutions. In Kamenicë/Kamenica municipality the deputy mayor has good professional relationships with the mayor and other municipal officials, thus enabling him to take appropriate actions in order to solve issues of

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<sup>51</sup> Article 61.4 of the 2008 law on Local Self-Government.

<sup>52</sup> Article 55 *ibid.*

<sup>53</sup> Article 123.3 of the 2008 constitution includes an explicit reference to the European Charter on Local Self-Government.

<sup>54</sup> Article 61.1 *ibid.*

<sup>55</sup> Deputy mayors for communities are established by the statutes of the following municipalities: Gjilan/Gnjilane, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Štrpce/Shtërpçë and Viti/Vitina (Gjilan/Gnjilane region); Pejë/Peć municipality (Pejë/Peć region); Lipjan/Lipljane, Obiliq/Obilić, Fushë Kosovë/ Kosovo Polje and Prishtinë/Priština (Prishtinë/Priština region); Dragash/Dragaš, Rahovec/Orahovac, Prizren and Mamuşa/Mamushë/ Mamuşa (Prizren region).

<sup>56</sup> There is no deputy mayor for communities in Ferizaj/Uroševac, Hani i Elezit/Đeneral Janković and Kaçanik/Kaçanik municipalities. None of these municipalities, according to the population estimates, reach the minimum legal threshold as far as the non-majority communities are concerned.

concern for communities. However, due to the Kosovo Serbs' boycott of the November 2007 local elections, the other non-Albanian communities do rather not perceive him as a legitimate representative, but rather as an outsider. In Viti/Vitina municipality, the deputy mayor started to play a constructive role, especially in assisting the Kosovo Serb community residing in town and in Klokot/Klllokot.<sup>57</sup> The deputy mayors in the municipalities of Novobërdë/Novo Brdo and Štrpce/Shtërpçë on the other hand tend to remain inactive though and allegedly have not reported to work since taking up office.

In Mitrovicë/Mitrovica region, only the Mitrovicë/Mitrovica municipal statute foresees the establishment of a position of a deputy mayor for communities. None of the municipalities has appointed a deputy mayor. As for the position of deputy chairperson for communities, the main reason provided is that the minimum legal threshold is not met.

In Pejë/Peć region, only Pejë/Peć municipality has established the position of the deputy mayor for communities through its statute and has appointed an Egyptian to the position.<sup>58</sup> The position holder appears very proactive. He regularly briefs the board of directors on issues of concern for non-majority communities and occasionally represents the municipal leadership in events related to communities.

In Prishtinë/Priština region, the deputy mayor positions have been established and deputy mayors appointed in three out of seven municipalities.<sup>59</sup> In Prishtinë/Priština municipality, as the adoption of the draft law on the City of Prishtinë/Priština is still pending, the institutions have remained the same as before the adoption of the 2008 law on Local Self-Government. This implies that the position of deputy mayor has not yet been established. Kosovo Serbs have been recently appointed as deputy mayors in Fushë Kosovo/Kosovo Polje and Lipjan/Lipljan municipalities. In Obiliq/Obilić, the deputy mayor has demonstrated a constructive approach in taking up his position.

In Prizren region, the position of deputy mayor is envisaged only by Dragash/Dragaš, Prizren and Mamuša/Mamushë/Mamuša municipal statutes, while in Rahovec/Orahovac municipality the deputy mayor for communities has been appointed, although the position is not foreseen by the statute.<sup>60</sup> The Prizren deputy mayor's (Kosovo Turk) performance has been assessed as adequate. Rahovec/Orahovac municipality appointed a Kosovo Serb as a deputy mayor, while a Kosovo Albanian is appointed as deputy mayor in Mamuša/Mamushë/Mamuša municipality.<sup>61</sup>

None of the deputy mayors for communities in any municipality functions on the basis of specific terms of reference. Due to the vague mandate, as defined under Article 61.4 of the 2008 law on Local Self-Government, it is expected that it will be

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<sup>57</sup> A positive example is the installation of street lights close to the Orthodox Church in Klokot/Klllokot.

<sup>58</sup> In spite of the fact that according to the population estimates non-majority communities would not reach the minimum ten per cent threshold.

<sup>59</sup> Fushë Kosovo/Kosovo Polje, Lipjan/Lipljan and Obiliq/Obilić.

<sup>60</sup> Such mechanism does not exist in the municipalities of Gjakovë/Đakovica, Suharekë/Suva Reka and Malishevë/Mališevo, since non-majority communities does not meet the ten per cent threshold.

<sup>61</sup> *De jure*, the deputy mayor has been appointed. *De facto* though, since the appointed person has been on maternity leave since March 2009 without temporary replacement, the mechanism is not operational.

difficult for deputy mayors to make their influence felt. This prognosis is supported by a preliminary assessment of the performance within those municipalities where deputy mayors have already been appointed. Due to its very recent establishment, however, it is too early to provide a comprehensive assessment of the functioning of the body.

Considering the abolition and the legal ambiguity upon which other protection mechanisms rest, such as the mediation committee<sup>62</sup>, the communities and the returns offices and the municipal working group on returns<sup>63</sup>, the position of deputy mayor is the only mechanism likely to guarantee to communities direct access to one of the highest municipal institutions, namely the municipal mayor. Therefore, and in addition to the aforementioned considerations related to the lack of reliable population data<sup>64</sup>, municipalities should consider the establishment of deputy mayors for communities in all those instances where, regardless of the ten per cent threshold, a representation in the municipal executive body is needed to strengthen the protection of non majority communities.

## **2.4 MUNICIPAL COMMUNITY SAFETY COUNCIL**

The municipal communities safety council (safety council) is a mandatory mechanism regulated by the 2008 law on Police.<sup>65</sup> The mechanism is not new in reality since safety councils had been established already under UNMIK Regulation 2005/54 on the Framework and Guiding Principles of the Kosovo Police Service.<sup>66</sup> In its current setting, the safety council is mandated to build up confidence between the police and communities, to raise the awareness at local level, to identify local concerns regarding public safety as well as to propose action plans aimed at addressing those concerns.<sup>67</sup> The Administrative Instruction No. 08/2009 MIA-02/2009 MLGA on Municipal Communities Safety Councils (Administrative Instruction No. 2009/08)<sup>68</sup> defines the modalities for their establishment as well as procedures. As for its composition, the rules of 2008 law on Police only prescribes that all communities residing within the municipality should be represented, while the Administrative Instruction No. 2009/08<sup>69</sup> goes a step further by requiring a much broader participation.<sup>70</sup>

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<sup>62</sup> Art. 21 and 23, UNMIK Regulation 2007/30, amending UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo.

<sup>63</sup> See chapter 3 on non-mandatory mechanisms.

<sup>64</sup> See paragraph above on deputy chairperson of the municipal assembly.

<sup>65</sup> The 2008 law on Police was promulgated on 15 June 2008. Under the paragraph “Co-operation with Local Communities”, Article 7 establishes this mechanism and it explains its rationale.

<sup>66</sup> See Section 7 of the UNMIK Regulation 2005/54 on the Framework and Guiding Principles of the Kosovo Police Service, further amended by UNMIK Regulation 2008/17. See: [http://www.unmikonline.org/regulations/unmikgazette/02english/E2005regs/RE2005\\_54.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2005regs/RE2005_54.pdf).

<sup>67</sup> See the Article 7.4 of the 2008 law on Police and Article 4.1 of the Administrative Instruction No. 2009/08 MIA-02/2009 MLGA on Municipal Communities Safety Councils issued jointly by the Ministry of Local Government Administration and Ministry of Interior.

<sup>68</sup> Issued jointly by the Ministry of Local Government Administration and Ministry of Interior on 20 March 2009.

<sup>69</sup> Article 5.1 of the 2009 Administrative Instruction No. 08/2009.

<sup>70</sup> Including the mayor, the police commander, one representative per each religious communities, one representative of the Kosovo security force, one representative of the local public safety committee, one representative of the community safety action teams, one representative of the municipal civilian emergency sector, one representative from each ethnic communities, five representatives from the civil society.



In Gjilan/Gnjilane region, all municipalities but two<sup>71</sup> have recently established the safety councils. Except for Kaçanik/Kaçanik where there are no non-majority communities, Kosovo Serbs are represented in all established safety councils. Roma participate in Gjilan/Gnjilane<sup>72</sup> together with Kosovo Turks and in Novobërdë/Novo Brdo and Kamenicë/Kamenica together with Kosovo Albanians. In Viti/Vitina, Roma, Kosovo Croats and Gorani are not represented, while in Ferizaj/Uroševac Kosovo Bosniaks, Kosovo Turks and Gorani are not represented and a representative from the Roma, Ashkali and Egyptian communities still needs to be appointed.

In Mitrovicë/Mitrovica region, while none of the northern municipalities has established this mechanism, Mitrovicë/Mitrovica and Vushtrri/Vučitrn municipalities complied with Administrative Instruction No. 2009/08.<sup>73</sup> The deputy mayor and mayor, respectively, chair the meetings of the safety councils in Mitrovicë/Mitrovica and Vushtrri/Vučitrn and the level of representation of non-Albanian communities is relatively adequate.<sup>74</sup> Notably, the Vushtrri/Vučitrn safety council has among its members representatives of the Islamic community, while representatives of the Serbian Orthodox Church have not been proposed yet.

In Pejë/Peć region, the safety councils have so far only been established in Pejë/Peć, Junik and Istog/Istok municipalities. However, non-majority communities are only represented in Pejë/Peć and Istog/Istok municipalities, given that the Junik municipality is inhabited only by Kosovo Albanians.

In Prishtinë/Priština region, all municipalities have a safety council with the mayor as chairperson. However, some municipalities do not include all communities residing in the respective municipalities. Specifically, Prishtinë/Priština leaves aside Egyptians, Shtime/Štimlje Kosovo Serbs and Lipjan/Lipljan Kosovo Turks, Roma as well as representatives of the Christian Orthodox and Catholic communities.

In Prizren region, all the municipalities with the exception of Gjakovë/Đakovica and Mamuša/Mamushë/Mamuša<sup>75</sup> have a safety council in place. The chairpersons vary, ranging from the mayors, deputy mayors or the director of emergency and safety. Reportedly, all municipalities ensure a proper representation of all communities with the only exceptions of Suharekë/Suva Reka and Malishevë/Mališevo where the Roma community is not included.

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<sup>71</sup> Hani i Elezit/Đeneral Janković and Štrpce/Shtërpce.

<sup>72</sup> In Gjilan/Gnjilane municipality, Kosovo Serbs are represented only by the deputy mayor for communities and the head of municipal communities office.

<sup>73</sup> In Vushtrri/Vučitrn, the safety council was re-established after the adoption of the Administrative Instruction No. 2009/08, though with a different composition. In Mitrovicë/Mitrovica, the safety council did not exist before the adoption of the Administrative Instruction No. 2009/08. In Skenderaj/Srbica, the safety council was established, but has not met regularly.

<sup>74</sup> Only few Kosovo Serb families live in the southern part of Mitrovicë/Mitrovica, rendering the representation of Kosovo Serb community not easy to be achieved.

<sup>75</sup> The municipality has not yet established a safety council, but it still keeps the previous, though inactive, local public safety committee, that was established prior to the recognition of Mamuša/Mamushë/Mamuša as a fully pledged municipality.

The safety councils, in their new institutional setting,<sup>76</sup> have only been recently established. This means that time will be needed in order for a thorough assessment to be conducted on the functioning of the body. *Prima facie*, the safety councils appear to be a valuable mechanism in order to strengthen and promote dialogue among communities, municipal institutions and police. Despite the fact that not all communities are always represented, overall communities representatives constructively participate in the meetings and proactively tackle issues of common interest.

In light of the above, the OSCE recommends to put more emphasis on ensuring a fair representation of all communities residing in the different municipalities with special attention to the most vulnerable communities. In addition, the OSCE encourages the municipal institutions to further utilize and strengthen this mechanism in order to enhance opportunities for inter-ethnic dialogue. Finally, local level institutions are advised to look for central level support in order to properly train the participants, thus ensuring a better performance of the mechanism.

### 3. NON MANDATORY MECHANISMS

#### 3.1 MUNICIPAL COMMUNITIES OFFICE

According to UNMIK Regulation 2007/30, the municipal communities office (communities office) is responsible for enhancing the protection of community rights and ensuring equal access of communities to public services at municipal level.<sup>77</sup> In order to achieve this aim, the communities office is integral part of the municipality and of the municipal administrative structure and the head of the office is *ex officio* member of the board of directors.<sup>78</sup> The 2008 law on Local Self-Government remains silent *vis-à-vis* the institutionalization of the communities office, thus leaving to the discretion of the municipalities the decision to establish the office. Following the OSCE initiative, on 22 October 2008 the Ministry for Local Government Administration has issued guidelines instructing municipalities to keep the communities offices in those municipalities where they had been established prior to the adoption of the 2008 law on Local Self-Government.

As a result, all municipalities where the communities offices used to exist have retained the same offices.<sup>79</sup> However, in the absence of a Kosovo-wide legally binding reference, the municipal statute becomes the main source of legal provisions for communities offices. Only 15 out of 26 municipalities where communities offices previously existed have included the office in their statutes. Thus, there is still a risk that this mechanism might be abolished.

In Gjilan/Gnjilane region, all municipalities where the communities office used to exist have retained it. However, their retention rests on uncertain grounds given the fact that, with the exception of Ferizaj/Uroševac and Gjilan/Gnjilane, in no other

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<sup>76</sup> As defined by the 2008 law on Police.

<sup>77</sup> Article 23, paragraphs 10 to 13, UNMIK Regulation 2007/30.

<sup>78</sup> *Ibid.*

<sup>79</sup> While the communities office was foreseen by the UNMIK Regulation 2007/30, the 2008 law on Local Self-Government makes no reference to this body.

municipality the communities office is foreseen by the statutes. Moreover, only in Ferizaj/Uroševac it functions on the basis of terms of reference. In several municipalities the composition of the office does not reflect the ethnic character of the residing communities.<sup>80</sup> As for the functioning of the office, several communities offices in the region have encountered difficulties particularly due to the lack of staff as a result of the boycott of Kosovo Serb employees.<sup>81</sup>

In Mitrovicë/Mitrovica region, communities offices exist in all municipalities. However, the institutional setting of the northern part of Mitrovicë/Mitrovica town and the three northern municipalities<sup>82</sup> substantially varies from the usual pattern. The communities offices established in Zubin Potok, Leposavić/Leposaviq and Zvečan/Zveçan provide a wide range of municipal services that go beyond those typical of an MCO and liaise directly with relevant line ministries in Prishtinë/Priština. This is due to the fact that Kosovo Albanian residents do not cooperate with the three Kosovo Serb-run municipalities.

Whereas in Zubin Potok the non-Kosovo Serb community perceives its representatives as legitimate, communities offices in Leposavić/Leposaviq and Zvečan/Zveçan face a democratic deficit. Communities office staff members in these two municipalities have not been elected, since they are formally civil servants. However, due to the political vacuum resulting from the UN Special Representative of the Secretary General's decision to nullify the 2007 local elections results, communities offices often take policy related decisions, thus going beyond their civil servant's attributions. Therefore, the effectiveness of these offices is hindered by the communities perception of lack of political legitimacy. All three municipalities south of the Ibar river (Mitrovicë/Mitrovica, Skenderaj/Srbica and Vushtrri/Vučitrn) have included the communities office in their statute. Although they operate without terms of reference, the communities offices in these three southern municipalities are operational, fully functioning and fairly representing all communities residing in their area of responsibility.<sup>83</sup>

In Pejë/Peć region, the establishment of communities offices is envisaged by the municipal statutes and established in all municipalities but Junik.<sup>84</sup> With the only exception of Deçan/Deçane, they all function on the basis of terms of reference. Their composition is in compliance with the principle of fair representation of all communities in public bodies. The 2008 political and legal changes did not significantly influence the functioning of the communities offices throughout the region. The performance of the office is reported as being adequate for the needs of communities.

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<sup>80</sup> In Gjiilan/Gnjilane, for instance, Kosovo Roma and Turks are not represented, although they represent a relatively sizeable population in this municipality. In Novobërdë/Novo Brdo, Kosovo Serbs are not represented in the communities office due to the partly ongoing boycott.

<sup>81</sup> This is the case in Štrpce/Shtërpçë, Kamenicë/Kamenica and Gjiilan/Gnjilane municipalities. In Novobërdë/Novo Brdo, there is still no functional community office; the mayor, however, stressed recently that he intends to re-open the position as soon as possible.

<sup>82</sup> Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan municipalities have not adopted municipal statutes based on UNMIK Regulations since 2006, nor do these municipalities apply the legislation adopted after the political changes occurred in 2008.

<sup>83</sup> With the exception of Vushtrri/Vučitrn where communities office is only represented by Kosovo Serbs in spite of the sizeable Roma, Ashkali and Kosovo Turkish population.

<sup>84</sup> Junik is a mono-ethnic municipality, inhabited by Kosovo Albanians only.

In Prishtinë/Priština region, all previously existing communities offices have been retained<sup>85</sup> and foreseen by the municipal statutes, which specify their functions on the basis of terms of reference. Furthermore, in Fushë-Kosovë/Kosovo Polje municipality, the communities office has been upgraded to a municipal directorate. Throughout the region the composition and ethnic representation are adequate, however, in Fushë-Kosovë/Kosovo Polje, Kosovo Bosniaks and Egyptians are not represented. Neither the Kosovo Serb boycott nor the arguable legal ground upon which the communities office is currently based seem to have significantly affected the functioning of this body.<sup>86</sup> However, in Gračanica/Graçanicë, the communities office has been reduced from 34 employees to 20, and in Fushë-Kosovë/Kosovo Polje the communities officer operates on a part-time basis.<sup>87</sup> In both cases, it is difficult to say to what extent the situation is to be directly linked to the Kosovo Serb boycott and to the political and legal changes occurred in 2008.

In Prizren region, communities offices remain operational in all municipalities.<sup>88</sup> In Gjakovë/Đakovica, Mamuša/Mamushë/Mamuša as well as in Rahovec/Orahovac municipalities the communities offices have been institutionalized through their respective statutes. In Prizren and Rahovec/Orahovac, the communities offices function based on written terms of reference. In Dragash/Dragaš municipality, in spite of the large number on non-majority communities and notwithstanding the full functioning of the office, the communities office is neither foreseen by the statute nor does it work on the basis of terms of reference. Only in the Prizren, Dragash/Dragaš and Gjakovë/Đakovica communities offices all communities residing in the respective municipalities are fairly represented.<sup>89</sup> The 2008 political and legal developments have not affected the communities office's performance that is assessed overall as adequate to meet the need of the communities.<sup>90</sup>

Despite the general positive assessment with regards to the functioning of the communities offices, the performance of half of them is weakened by the absence of terms of reference. This is aggravated by the fact that the 2008 law on Local Self-Government does neither include this mechanism nor define its mandate. Its limited

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<sup>85</sup> Namely, in Prishtinë/Priština, Obiliq/Obilić, Lipjan/Lipljan, Fushë Kosovë/Kosovo Polje, while in Shtime/Štimlje municipality communities office is established in August 2009. In Podujevë/Podujevo municipal authorities have always claimed that the number of non-majority communities is not sufficient (0,4 per cent of the overall population with 722 Roma and Ashkali and eight Serbs) to justify the establishment of any mechanism other than the communities committee and the municipal returns officer.

<sup>86</sup> With the only exception of Shtime/Štimlje, where attempts to create a separate office have failed.

<sup>87</sup> Yet, he is remunerated on a full time basis. The communities' interests are suffering from this *status quo*, and complaints are frequent. The mayor has not initiated so far disciplinary procedure against the position holder.

<sup>88</sup> With the exception of Suharekë/Suva Reka where due to low number of non-majority communities, communities' related issues used to and are currently dealt with by the municipal returns officer.

<sup>89</sup> The communities offices in Rahovec/Orahovac and Malishevë/Mališevo fail to represent Roma, Ashkali and Egyptian communities.

<sup>90</sup> Gjakovë/Đakovica communities office's staff was actively engaged in relocating those living in very dire conditions in the settlement of Kolonia. The area is inhabited by Roma and Egyptians lacking security of tenure and basic access to services. Due to the active role played by the communities office, the municipality recently allocated municipal land for construction of individual houses for the inhabitants. In Prizren municipality, the communities office has recently facilitated contacts between Kosovo Serbs and KEK regarding the issue of electricity disconnections.

budget is an additional reason accounting for the partial impact of the communities office. Other reasons include the lack of professional staff and the gaps in the staffing following the boycott of Kosovo Serb employees, which affected some regions more<sup>91</sup> than others.

Overall, the access to municipal services has been made over the years much easier for communities thanks to the work of the communities offices. Therefore, OSCE strongly recommends that central level institutions re-institutionalize the position of the office in order to ensure that the continuity of this precious mechanism is not left to the discretion of municipal decisions. In the meantime, local level institutions should provide the communities offices both with the financial means necessary to discharge their mandate and professional trainings. Additionally, both local and central level institutions should increase their activities aiming at empowering this important participation mechanism and should ensure that the communities office is perceived as fully functioning and responsive to the needs of communities. In this regard, municipal representatives are encouraged to reach out, in co-operation with the communities offices, to the non-majority communities. The Ministry for Local Government Administration bears the main responsibility to ensure transparent flow of information and necessary guidelines for the communities offices.

### 3.2 MUNICIPAL RETURNS OFFICER

The main duties of the municipal returns officer (returns officer) include ensuring support to the mayor or deputy mayor in organizing and co-ordinating the municipal working group on returns, drafting municipal returns strategies, assisting displaced persons in the process of returning and, in general, overseeing the implementation of all associated projects for return.<sup>92</sup> Unlike the municipal communities office, the position of the returns officer was not foreseen by the UNMIK Regulation 2007/30, nor is it currently regulated under the 2008 law on Local Self-Government. Similar to the municipal communities office, the position of returns officer has been preserved in all the municipalities where it existed before 2008.<sup>93</sup> However, only few municipalities<sup>94</sup> have secured the basis for the establishment of this mechanism in their respective statutes. In addition, there seems to be a tendency to include the returns officer into the municipal communities office,<sup>95</sup> since it falls under the communities office budget line. However, returns officers report directly to the directorate of administration and personnel.

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<sup>91</sup> Mitrovicë/Mitrovica and Gjilan/Gnjilane regions.

<sup>92</sup> The position of returns officer was created in order to respond to the setback in the returns program caused by the March 2004 riots. It is based on the requirements set out in the 2004 Kosovo Standards Implementation Plan, Standard IV, Sustainable Return and the Rights of Communities and their Members, 1. Sustainable Return, Action 1.5: “*Each municipality with ongoing or projected returns has established and filled a municipal Returns officer post with appropriate Terms of Reference in place*”. [http://www.unmikonline.org/pub/misc/ksip\\_eng.pdf](http://www.unmikonline.org/pub/misc/ksip_eng.pdf).

<sup>93</sup> See Annex 1. The only exception is Kaçanik/Kaçanik municipality in Gjilan/Gnjilane region where the position has been replaced by a returns focal point.

<sup>94</sup> Including Skenderaj/Srbica, Prishtinë/Priština, Pejë/Peć, Obiliq/Obilić, Fushë Kosovë/Kosovo Polje and Deçan/Deçane.

<sup>95</sup> The Ministry of Local Government Administration circular dated 22 October 2008 foresees that the “*municipal Returns officers [are] institutionally located within the municipal communities office [...]*”.

In Gjilan/Gnjilane region, the boycott of Kosovo Serb employees has affected the efficiency of the office.<sup>96</sup> In Gjilan/Gnjilane municipality, the Kosovo Serb returns officer who had for several months boycotted municipal authorities and co-operated only with international organizations, has been officially suspended from work as of 1 June 2009. In other municipalities the situation seems to be more positive. In Novobërdë/Novo Brdo and Ferizaj/Uroševac municipalities, the returns officers' performance is satisfactory. The same applies to Viti/Vitina although the language barrier remains a major obstacle.<sup>97</sup> On the contrary, the performance of the returns officer in Štrpce/Shtërpçë is insufficient. Positive signals have recently come from Kamenicë/Kamenica where the returns officer has increased his outreach activities and has completed the draft of the municipal returns strategy.

In Mitrovicë/Mitrovica region, since the returns officers belong to the Kosovo Albanian community, the boycott of Kosovo Serb employees has not affected the offices that remain functional in all six municipalities in the region. Due to the particular political situation, especially in Mitrovicë/Mitrovica municipality and in the three northern municipalities, the work of the returns officers is more complicated than elsewhere in Kosovo. Moreover, a connection exists among the largely insufficient results achieved by the returns officers, the limited communication with the Ministry of Communities and Returns and the delay of the central level institutions in approving return related projects. It increases the frustration of the officers and undermines their credibility.

In Pejë/Peć region the situation is similar to Mitrovicë/Mitrovica region. The political changes did not have a significant negative impact on the returns officers' performance. All the municipalities have maintained the returns officer position, while two have included them in the statutes<sup>98</sup> and three have drafted terms of reference.<sup>99</sup> The inclusion of the returns officers into the municipal communities offices has partially limited the activities of this mechanism. On a positive note, there are cases like in Pejë/Peć municipality where the mayor delegated the responsibilities for the return and reintegration of the beneficiaries of return projects in Kosovo to the returns officer.

In Prishtinë/Priština region, in Fushë Kosovo/Kosovo Polje municipality, the Kosovo Serb returns officer, although on the payroll list, does not report to work. On the contrary, the Kosovo Albanian acting returns officer is very dynamic, despite the fact that he does not receive any additional compensation for its work. In Obiliq/Obilić, the decision to merge the returns officer with the communities office has been accepted by the Kosovo Serb returns officer, whereas the Kosovo Albanian returns officer refuses to accept this development. In general, it seems that municipalities in the region do not offer a significant support to the returns officers. Therefore, the quality of their performance remains largely insufficient.

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<sup>96</sup> The Kosovo Serb returns officer in Gjilan/Gnjilane has now returned to his post, a new Kosovo Serb municipal returns officer assistant has started in October 2008 in Novobërdë/Novo Brdo, while the post in Štrpce/Shtërpçë has now been filled by a Kosovo Albanian.

<sup>97</sup> The return officer is a Kosovo Albanian with a poor command of the Serbian language, which prevents him from directly interacting with return communities.

<sup>98</sup> Pejë/Peć and Deçan/Deçane.

<sup>99</sup> Pejë/Peć, Klinë/Klina and Istog/Istok.

In Prizren region, with the exception of Mamuşa/Mamushë/Mamuša,<sup>100</sup> all the municipalities have appointed returns officers, even though the positions are not foreseen by the statute of any municipality. However, the offices generally function in a satisfactory manner. For example, in Rahovec/Orahovac municipality there were two returns officers until April 2008, a Kosovo Albanian and a Kosovo Serb. Currently, only the Kosovo Albanian remained in charge since the Kosovo Serb returns officer was appointed as head of the municipal communities office. Despite this change, the activities of the communities office and the returns officer fulfil the municipal obligations to address returns related matters in a relatively adequate manner. In Dragash/Dragaš and Suharekë/Suva Reka returns officers are fully operational, while in Gjakovë/Đakovica the position has been vacant since March 2009.

Overall, the performance of the returns officers has been only to a limited extent affected by the 2008 political and legal changes in Kosovo. The uncertain legal ground upon which the office has always rested as a result of the fact that it is envisaged by a policy paper<sup>101</sup> rather than by a law, partially accounts for the staff's low morale and commitment to perform their duties. The delay in the approval of returns projects at central level accounts for the limited credibility the officers enjoy amongst the returnees. In those municipalities where the returns officer's position is fully functioning, this is often due to the personality of the position's holder more than to the support and assistance provided to him/her by the municipal and central level institutions.

The OSCE recommends central level institutions to undertake the necessary legal steps in order to provide the returns officer with valid legal basis for their performance at least in all the municipalities where the return related issues are at stake. The often times limited communication between the Ministry of Communities and Return and the municipal returns officers is an additional matter of concern and needs to be improved. At local level, the OSCE recommends not to merge the municipal returns officer with the municipal communities office or with any other municipal body at least in all the municipalities where the return portfolio deserves special attention. The merging of the two offices is likely to trigger a budget reduction for the two components (access to services and return).

### **3.3 MUNICIPAL WORKING GROUP ON RETURNS**

The municipal working group on returns (municipal working group) is the local co-ordination and implementation forum for all return-related issues, projects and activities foreseen by the 2006 Revised Manual for Sustainable Return.<sup>102</sup> The municipal working group is composed of local municipal officials, including the municipal returns officer and communities office, the Kosovo Police, communities and displaced persons' representatives as well as representatives of international organizations, including UNMIK, UNHCR, other UN agencies, OSCE, and relevant

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<sup>100</sup> The reason for that stands with the absence of displaced people from Mamuşa/Mamushë/Mamuša municipality.

<sup>101</sup> As noted above, the position of the returns officer was established under the 2004 Kosovo Standards Implementation Plan, and has never been formalized in a law or in secondary legislation.

<sup>102</sup> [http://www.unmikonline.org/srsg/orc/documents/Manual\\_ENG.pdf](http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf)

non-governmental organizations and civil society groups.<sup>103</sup> Occasionally, representatives of the Ministry for Communities and Returns and Ministry of Local Government Administration are invited to attend the sessions.

In Gjilan/Gnjilane region, the municipal working group is generally established and functional.<sup>104</sup> Usually, mayors and deputy mayors for communities chair the meetings.<sup>105</sup> Communities are satisfactorily represented in the mechanism, although Roma community representatives often participate only when discussions include issues of concern for their community.<sup>106</sup> In Viti/Vitina municipality, the Kosovo Croat community does not have a representative regularly attending the municipal working group meetings.

In Mitrovicë/Mitrovica region, due to the boycott of the Kosovo institutions in the northern municipalities, the municipal working group has been established only in the three southern municipalities. In Mitrovicë/Mitrovica and Skenderaj/Srbica municipalities, the Kosovo Albanian deputy mayors chair the meetings, while in Vushtrri/Vučitrn municipality the mayor regularly attends them. Kosovo Albanians, Kosovo Serbs and Ashkali are represented in all municipalities. Kosovo Turks, Kosovo Bosniaks and Roma regularly attend the municipal working group in Mitrovicë/Mitrovica, while in Vushtrri/Vučitrn Kosovo Turks and Roma do not participate.

In Pejë/Peć region, with the only exception of Junik, all municipalities have established the municipal working group. In Deçan/Dečane, however, the municipal working group is established, but is not operational due to the absence of the representatives of displaced persons. In Istog/Istok and in Pejë/Peć municipalities, the deputy mayor for communities and the municipal returns officer, both belonging to the Egyptian community, chair the meetings. Representation seems to be problematic as regards Ashkali and Egyptians, some of whom declare themselves as belonging to both communities. In Pejë/Peć municipality, the mechanism fails to ensure full representation of displaced persons from all communities: the only communities attending the municipal working group are the Kosovo Serb and occasionally the Roma, while Kosovo Bosniaks, Ashkali and Egyptians are not represented.

In Prishtinë/Priština region, with the only exception of Glogovac/Glogovac,<sup>107</sup> all the municipalities have established a municipal working group. The chairpersons are usually the mayor or the deputy mayor. Only in Lipjan/Lipljan municipality, there is a Kosovo Serb deputy mayor for communities chairing the municipal working group meetings. Communities' representation in this region appears to be problematic. Even though several communities regularly participate in the respective meetings, there is a lack of representation of Egyptians in Fushë Kosovo/Kosovo Polje, Kosovo

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<sup>103</sup> See page 13 of the 2006 Revised Manual for Sustainable Return.

<sup>104</sup> The municipal working group is not established in Hani i Elezit/Đeneral Jankovic and in Kaçanik/Kaçanik municipalities, since they were and are both almost exclusively inhabited by Kosovo Albanians. In Štrpce/Shtërpçë municipality the working group on return is not functional since 2007, due to the complex political situation in the municipality following the Kosovo Serb boycott of the November 2007 local elections and the May 2008 Serbian local elections.

<sup>105</sup> In Ferizaj/Uroševac the working group is at times chaired by the municipal returns officer.

<sup>106</sup> This is the case in Novobërdë/Novo Brdo and Kamenicë/Kamenica municipalities.

<sup>107</sup> Glogovac/Glogovac is also a Kosovo-Albanian mono-ethnic municipality.



Albanians and Kosovo Turks in Lipjan/Lipljan, Roma, Ashkali and Kosovo Bosniaks in Obiliq/Obilić,<sup>108</sup> and Kosovo Serbs and Roma in Shtime/Štimlje municipality.

In Prizren region, the majority of municipalities<sup>109</sup> have established this forum, which is usually chaired by mayors or by deputy mayor for communities with the support of municipal returns officers and communities offices. With the exception of Dragash/Dragaš,<sup>110</sup> almost exclusively Kosovo Serbs participate in the meetings.<sup>111</sup> However, in Rahovec/Orahovac municipality, due to the boycott of the Kosovo Serb community, only representatives of the displaced persons living outside Kosovo attend the meetings, while those internally displaced and currently residing in Rahovec/Orahovac have refused to participate.

The 2008 political developments in Kosovo have not significantly affected the functioning of the municipal working group. However, displaced persons from all communities participate only in some of the working groups on a regular basis. Overall, the general perception of the irreversibility of the *status quo* with regards to the return process explains the slow but continuous decrease in the attendance rate. Additional logistical issues related to the travel and the organization of the meetings account for the last minute cancelling of many municipal working group meetings.

Central and local level institutions,<sup>112</sup> are reminded of their obligations *vis-à-vis* refugees and displaced persons and should ensure that the return process regain momentum. Local institutions should guarantee the effective representation of all displaced persons within the municipal working group, including by providing the necessary financial and logistical support.

#### 4. CONCLUSIONS

Kosovo's existing legal framework does provide the basis to ensure communities' rights protection and communities' effective participation in decision-making processes at the local level. However, this legal framework is not being adequately implemented. Therefore the existing mechanisms do not always provide communities with genuine and effective protection nor do they guarantee their participation. Overall, the occurred changes in the political scenario have greatly contributed to a reduced capacity of the participation's mechanisms, mainly due to the boycott of the Kosovo Serb and Roma communities on the one hand and to the lack of empowerment of the communities representatives by municipal leaders, on the other. Very rarely reshuffling decisions affecting non-majority representatives' have been made on the basis of genuine performance evaluation, and more often political considerations have resulted in stalemate.

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<sup>108</sup> These communities' representative sporadically attends the meetings. However, the OSCE has noticed that the communities office generally represents the interests of these communities.

<sup>109</sup> With the exception of Mamuša/Mamushë/Mamuša and Malishevë/Mališevo.

<sup>110</sup> In Dragash/Dragaš municipalities the communities represented are the Kosovo Albanians, Kosovo Bosniaks and Gorani, while no Kosovo Serbs attend the meetings.

<sup>111</sup> In Suharekë/Suva Reka municipality the Ashkali representative who represents the Roma and Ashkali communities occasionally attends the meetings as well.

<sup>112</sup> First and foremost the Ministry of Communities and Returns, but also the government, its prime minister, as well as the central level communities participation mechanisms, including the consultative council for communities and the prime minister office for communities.

Non-mandatory mechanisms, first and foremost the municipal communities offices, have proved to be very useful to enhance the effective participation of communities at the local level as well as to provide communities with services that would otherwise be difficult to access.<sup>113</sup> In Kosovo, where inter-ethnic relations and the relations between institutions and communities are still fragile, these mechanisms should have a solid legal basis. Also, the incorporation of the municipal returns officers into the municipal communities office should be avoided, especially in those municipalities where the return portfolio deserves special attention and the respective budget lines should be kept separate in order to ensure more freedom of action for both communities issues and returns issues. Furthermore, with regards to the newly-established mandatory mechanisms of deputy chairperson of the municipal assembly for communities and the deputy mayor for communities, a strict interpretation of the ten per cent threshold required for the establishment of these mechanisms is likely to prevent the smaller communities in many municipalities to be represented and to participate in public affairs. Therefore, a flexible approach – also in view of the lack of a census – would possibly ensure that the representation of communities reflects the diversity in municipalities.

It can be assessed that on a Kosovo-wide scale the communities committees are established and functioning in a satisfactory manner. Also do they represent all communities, the exception being the Kosovo Montenegrins.<sup>114</sup> Them, although a vocal and well-organised community, have yet to be represented in local level participation mechanisms such as the communities committees. Only in Prishtinë/Priština region the communities committees seem to face major problems, due to insufficient qualifications of the committees' members and lack of financial means. As for the gender balance,<sup>115</sup> the under-representation of female communities representatives requires additional affirmative measures. Specifically, more efforts should be made to enhance the participation of women belonging to the vulnerable Roma, Ashkali and Egyptian communities.

Regarding the newly-established mechanisms of deputy chairperson of the municipal assembly for communities and the deputy mayor for communities, it is too early for a comprehensive assessment of their performance and for final conclusions. However, it can be said that while the deputy mayors for communities are to a certain degree effective in enhancing communities participation, the same is not true for the deputy chairpersons of the municipal assembly for communities.

Most of the municipalities have established the municipal communities safety councils in line with the 2008 law on Police only between April and May 2009. Time is thus needed so as to thoroughly assess the effectiveness of the body in its new setting, but bigger efforts need to be made in order to ensure the fair representation of all communities residing in the respective municipalities.

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<sup>113</sup> See detailed conclusions per each of the non-mandatory mechanisms further below.

<sup>114</sup> This is mainly due to the fact that Kosovo Montenegrins kept a low profile during the 1990ies until the first half of 2008 when the first Kosovo Montenegrin association was registered. Despite the fact that the OSCE had repeatedly pointed out that certain communities are not explicitly mentioned in Kosovo's applicable constitutional framework, (such as the Kosovo Croat and Kosovo Montenegrin communities), they have not been explicitly mentioned (and not been explicitly excluded either) in Kosovo's constitution.

<sup>115</sup> See Annex 2: Data on gender balance have been collected only for the communities committees, due to its mandatory and collegial character.

The non-mandatory mechanisms, the municipal communities offices, the position of municipal returns officers and the municipal working group on returns, are established in most municipalities and ensure the representation and participation of communities in public life. Moreover, they allow the communities to publicly express their concerns, like return and reintegration related issues, which are of capital importance for the establishment of a multi-ethnic society. While it is regrettable that the legal framework does not include these mechanisms, the recommendation of the Ministry of Local Self Government to maintain them and the proven willingness of the municipal institutions to include them are commendable.

## **5. RECOMMENDATIONS**

### **To central level institutions:**

- The Kosovo government and assembly are advised to re-introduce a legal basis for the establishment and maintenance of municipal communities offices and municipal returns officers, as the current legal uncertainty contributes to negatively impact on the overall performance.
- The Kosovo government and assembly should enhance the role and effectiveness of all participation mechanisms at local level through adoption and implementation of legislation and policies, including advising local level institutions to interpret the ethnic thresholds in the most flexible manner, to ensure full representation and participation of all communities including the numerically smaller ones and allocation of proper financial resources.
- Communication between ministries and local level institutions should be improved, while the chain of command and the reporting system need to be clarified in order to contribute to the efficiency of the mechanisms.

### **To local level institutions:**

- Municipalities should ensure the establishment of all mandatory mechanisms and secure the preservation of established non-mandatory bodies by including them in the respective statutes with appropriate terms of reference in accordance with the principles of fair ethnic and gender sensitive representation. Specific attention should be given to the most vulnerable communities, such as Roma, Ashkali and Egyptian.
- Municipal high ranking officials should strengthen the relations with non-majority communities by reaching out to them, taking note of their concerns and responding to communities issues in a timely manner as well as undertake affirmative actions to encourage the participation of communities that appear reluctant to engage with Kosovo's institutions.
- Municipal leaders, including the mayor and the municipal directors of departments, should empower non-majority representatives in taking up

a stronger decision-making role, including by supporting them with appropriate trainings and ensuring that a genuine performance evaluation is carried out.

**ANNEX 1 - Overview of communities participation mechanisms at local level  
(July 2009)**

Region	municipality	CC	DCMAC	DMC	MCSC	MCO	MRO	MWGR
Gjilan/Gnjilane <sup>116</sup>	Ferizaj/Uroševac	✓	✓		✓	✓	✓	✓
	Gjilan/Gnjilane	✓	✓	✓	✓	✓	✓	✓
	Hani i Elezit/ Đeneral Janković	✓						
	Kaçanik/Kaçanik	✓			✓			
	Kamenicë/Kamenica	✓	✓	✓	✓	✓	✓	✓
	Novobërdë/Novo Brdo	✓		✓	✓	✓	✓	✓
	Štrpce/Shtërpçë	✓		✓		✓	✓	
	Viti/Vitina	✓	✓	✓	✓	✓	✓	✓
Mitrovicë/ Mitrovica <sup>117</sup>	Leposavić/Leposaviq					✓	✓	
	Mitrovicë/Mitrovica	✓			✓	✓	✓	✓
	Skenderaj/Srbica <sup>118</sup>	✓			✓	✓	✓	✓
	Vushtrri/Vučitrn	✓			✓	✓	✓	✓
	Zvečan/Zveçan					✓	✓	
	Zubin Potok					✓	✓	
Pejë/ Peć	Deçan/Deçani <sup>119</sup>	✓				✓	✓	✓
	Istog/Istok	✓	✓		✓	✓	✓	✓
	Junik				✓			
	Klinë/Klina	✓				✓	✓	✓
	Pejë/Peć	✓	✓	✓	✓	✓	✓	✓
Prishtinë/ Priština	Fushë Kosovë/Kosovo Polje	✓	✓	✓	✓	✓	✓	✓
	Glogovac/Glogovac				✓			
	Lipjan/Lipljan	✓	✓	✓	✓	✓	✓	✓
	Obiliq/Obilić	✓		✓	✓	✓	✓	✓
	Podujevë/Podujevo	✓			✓		✓	✓
	Prishtinë/Priština	✓	✓		✓	✓	✓	✓
	Shtime/Štimlje	✓			✓	✓	✓	✓
Prizren	Dragash/Dragaš	✓	✓	✓	✓	✓	✓	✓
	Gjakovë/Đakovica	✓	✓			✓		✓
	Malishevë/Mališevo	✓			✓	✓	✓	
	Mamuša/Mamushë/Mamuša	✓		✓				
	Prizren	✓	✓	✓	✓	✓	✓	✓
	Rahovec/Orahovac	✓		✓	✓	✓	✓	✓
	Suharekë/Suva Reka	✓			✓		✓	✓

**Legend:**

CC: communities committee;  
DCMAC: deputy chairperson of the municipal assembly for communities;  
DMC: deputy mayor for communities;  
MCSC: municipal community safety council;  
MCO: municipal communities office;  
MRO: municipal returns officer;  
MWGR: municipal working group on returns.

<sup>116</sup> The communities committees in Štrpce/Shtërpçë is established but not functional.

<sup>117</sup> The municipal communities offices in Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan function on an *ad hoc* basis.

<sup>118</sup> The municipal community safety council of Skenderaj/Srbica is established, but not functional.

<sup>119</sup> The municipal working group on returns in Deçan/Deçane municipality is not functional.

**ANNEX 2 - Composition of communities committees by community and gender  
(July 2009)**

Region	Composition of communities committees per region and municipality, disaggregated by gender and community	Kosovo Albanian		Kosovo Serb		Kosovo Turk		Kosovo Bosniak		Roma		Ashkali		Egyptian		Kosovo Croat		Gorani		Kosovo Montenegrin		Total number			
		m	f	m	f	m	f	m	f	m	f	m	f	m	f	m	f	m	f	m	f	m	f		
Gjilan/Gnjilane	Ferizaj/Uroševac	2	1	1						1	1							1				5	2		
	Gjilan/Gnjilane	1	2	2		1				1													5	2	
	Han i Elezit/ Đeneral Janković	3						1															4	0	
	Kaçanik/Kaçanik	4	1																				4	1	
	Kamenicë/Kamenica	4		4						1													9	0	
	Novobërdë/Novo Brdo	1	1	2						1													4	1	
	Štrpce/Shtërpçë <sup>120</sup>																						4	1	
	Viti/Vitina	2		1	1												1						4	1	
Mitrovicë /Mitrovica	Leposavić/Leposaviq																								
	Mitrovicë/Mitrovica	2				1			1			1											4	1	
	Skenderaj/Srbica	2	1	3								1											6	1	
	Vushtrri/Vučitrn	2	2	2		1				1		1											7	2	
	Zvečan/Zvečan																								
Zubin Potok																									
Pejë/Peć	Deçan/Dečani	2			1				1					2	1								4	3	
	Istog/Istok	2		1					1					1									5	0	
	Junik																								
	Klinë/Klina	3	1	1						1				1									6	1	
	Pejë/Peć	2	1	1					2					1									7	0	
Prishtinë /Prishtina	Fushë Kosovë/Kosovo Polje	2	2		2					1	1		1										5	4	
	Glogovac/Glogovac																								
	Lipjan/Lipljan	1	1		3					1	1						1						3	5	
	Obiliq/Obilić		3	3	2					1														4	5
	Podujevë/Podujevo	2	1		1					1		2												5	2
	Prishtinë/Prishtina	1	1	2	1		1		1	1	1	1												5	4
Shtime/Štimlje	1	1						1	1	1	1												3	2	
Prizren	Dragash/Dragaš	1	1						1									1	1				3	2	
	Gjakovë/Đakovica <sup>121</sup>	1	1						1				1	1									2	3	
	Malishevë/Mališevo	3	1							1													4	1	
	Mamuša/Mamushë /Mamuša	1				2					1												3	1	
	Prizren	2	3	1		2		1	1	1													7	4	
	Rahovec/Orahovac	2	1	3	1						1			1										6	3
	Suharekë/Suva Reka	1	1								1	1	1											3	2
<b>Total</b>	<b>Per community</b>	<b>50</b>	<b>27</b>	<b>25</b>	<b>12</b>	<b>7</b>	<b>1</b>	<b>6</b>	<b>6</b>	<b>14</b>	<b>3</b>	<b>11</b>	<b>1</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>			<b>127</b>	<b>53</b>		

<sup>120</sup> The communities committee has not been constituted in Štrpce/Shtërpçë municipality due to the non-functioning of the municipal assembly, which has not held an official meeting since the November 2007 local elections.

<sup>121</sup> In Gjakovë/Đakovica the communities committee fails to represent the sizeable Roma community.

ANNEX 3 - 2005 ethnic composition of Kosovo



**Legend:** This map is not an official document and is provided for reference only. Others also include Kosovo Montenegrins.