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FOR MINORITY
ISSUES KOSOVO

CIVIL SOCIETY PARTICIPATION IN DECISION-MAKING PROCESSES



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Contributing authors

Rebecca Darts, Adrian Zeqiri, Lars Burema, Jeta Bakija, M. Alejandra Morena

Copy editors

Ragan Dueker, Amy Coulterman, Javiera Thais, Arbën Osmani

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About ECMI Kosovo www.ecmikosovo.org

ECMI Kosovo is the principal non-government organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo.

ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

Str. Nëna Terezë Nr. 41, Apt. 29,
10000 Prishtinë/Priština, Kosovo,
Tel. +381 (0) 38 224 473

Str. Cika Jovina Nr. 3, 1st Fl,
38220 Mitrovica/Mitrovicë North, Kosovo,
Tel. +381 (0) 64 00 55 488

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LIST OF ACRONYMS AND ABBREVIATIONS

AOGG	Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues
CCC	Consultative Council for Communities
CRIC	Committee on the Rights and Interests of Communities
CSO	civil society organisation
ECMI Kosovo	European Centre for Minority Issues Kosovo
MLGA	Ministry of Local Government Administration
MPA	Ministry for Public Administration
NGO	non-government organisation
OLC	Office of the Language Commissioner
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe
TACSO	Technical Assistance for Civil Society Organisations
UN	United Nations

1. INTRODUCTION

Public participation in decision making is an essential element to any transparent, accountable and democratic political system. It ensures the continuation of dialogue between citizens and decision makers outside of election times. Ideally it results in policy and legislation more responsive to the needs of the people it affects. Civil society organisations (CSOs) play an important role in such participation mechanisms, providing a link between citizens and decision makers. Public participation is particularly important for marginalised groups such as minority communities and women, whose voices are often neglected by decision makers.

In Kosovo, various legal provisions and institutional mechanisms are in place to allow for public participation in policy and decision making. However, such mechanisms are not being used effectively. There exists no systematic dialogue between CSOs and government institutions. Interaction mostly takes place on an *ad hoc* basis.¹ For example, as of 2011, it was estimated that 90 per cent of draft laws and policy documents were drafted without civil society participation.²

This guidebook aims to contribute to strengthening the role of CSOs in public participation processes in Kosovo by providing a clear overview of the existing CSO participation mechanisms in Kosovo and how to effectively use them. The guidebook draws on ECMI Kosovo's vast experience working with civil society and government institutions in Kosovo and concrete laws, including the *Constitution of the Republic of Kosovo* (hereafter the *Constitution*) and the *Law on Local Self-Government*. It is also informed by and complements other guides and reference books produced by the Technical Assistance for Civil Society Organisations (TACSO), Organization for Security and Co-operation in Europe (OSCE), and the Kosovar Civil Society Foundation (KCSF), among others.

The guidebook is structured as follows: Chapters 1-3 provide a discussion of the principle of CSO participation and its importance to democratic governance. Chapter 4 provides a comprehensive overview of CSO participation mechanisms in Kosovo at the central and the municipal level, as well as mechanisms for accessing public information. Chapter 5 briefly examines how to use CSO participation mechanisms as part of broader advocacy campaigns.

2. WHAT IS CSO PARTICIPATION?

This section will examine the key concepts of this publication: 'civil society organisations' and 'public participation'.

Civil society organisations

The United Nations defines civil society organisations as associations of citizens participating voluntarily to advance their interests, ideas and ideologies.³ CSOs include clubs and associations, faith-based and community organisations, as well as trade unions. CSOs are involved in public affairs without seeking to gain control of power, which distinguishes them from political parties.

Kosovo's *Law on Freedom of Association in Non-Governmental Organisations* (hereafter the *Law on NGOs*) defines NGOs as associations (a member organisation of 3 or more persons) or foundations (a non-membership organisation of one or more persons, established to manage properties and assets) established in Kosovo to pursue activities for public benefit or mutual interest.⁴

Any assets, earnings and profits of the NGO must be used to support the not-for-profit purposes of the organisation.⁵ NGOs are prohibited from fundraising or campaigning to support political parties or candidates for political office, nor may they endorse candidates for public office in any way.⁶ For a short overview of Kosovo's NGO registration procedures please consult Box 1 on page 6.

¹ See e.g. European Commission (EC), *Kosovo 2011 Progress Report*, p. 7; Freedom House, *Kosovo (Nations in Transition)*, p. 287.

² Technical Assistance for Civil Society Organisations (TACSO), *Growing Together: Civil Society Involvement in the Legislative Process*, June 2011, p. 13.

³ United Nations Panel of Eminent Persons on United Nations–Civil Society Relations, *We the peoples: civil society, the United Nations and Global Governance* (a.k.a., the Cardoso Report), 2004, cf. Glossary p.13.

⁴ Ibid., Article 5.

⁵ Ibid., Article 4.

⁶ Ibid., Article 15.

Box 1 - How to register a local NGO in Kosovo

To register your NGO you are required to submit a number of documents to the Department of Registration and Liaison with NGOs located within the Ministry for Public Administration (MPA) (Former “Gërmia” building , Str. Mother Thereza, Zone D, floor II –office no. 221, Phone: 038 / 212 – 066). You can also register your NGO online (<http://ngo.rks-gov.net/Fillimi.aspx>). Below are outlined the most important steps to take to register an NGO in Kosovo:

1. The aspiring NGO must have a statute. You can create this by filling in the ‘model statute’ application form. You can download this form from: <http://map.rks-gov.net/sq/Page.aspx?id=18>
2. The NGO must establish a ‘Foundation Act’. This essentially states the overall aim and purpose of the NGO and should contain original signatures.
3. The founders of the NGO must provide copies of their identification cards or passports.
4. All members of the NGO must provide their complete names as well as copies of their identification cards or passports along with their signatures.
5. The NGO must submit the official symbol of their organisation containing both a symbol as well as lettering.
6. The NGO must select an authorised representative.

Public participation

Public participation is the continuous process of engaging the public (civil society, concerned citizens, business community, etc.) in government’s activities. The guiding principle is that when the government intends to make a decision that affects the public’s rights and interests, the public should be informed and enabled to actively participate and influence the decision-making process.⁷ In such participation processes CSOs act as a multiplier for the engagement of citizens.⁸

Such public participation can be facilitated by governments through a process of public consultation, which can involve public meetings, workshops, surveys and other mechanisms to better assess the needs and priorities of the public with the objective of improving services and enhancing the legitimacy of elected representatives.

Various international and regional human rights instruments establish a number of rights that facilitate the public participation of CSOs: for instance, the *European Convention on Human Rights and Fundamental Freedoms (European Convention)* provides for the rights to freedom of expression (Article 10) and freedom of assembly and association (Article 11).

The UN *Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities* specifically provides minorities the right to participate in public life, particularly in decisions on national and regional levels concerning the minority to which they belong or where they live (Article 2). In this regard, the most significant legal instrument that is directly applicable in Kosovo is the Council of Europe *Framework Convention for the Protection of National Minorities (Framework Convention)*. Article 15 obliges state parties to “create the conditions necessary for the effective participation of persons belonging to national minorities in public affairs, in particular those affecting them.”

It should be highlighted that, although Kosovo is not a direct signatory, a series of international and regional instruments are directly applicable in Kosovo, including the *European Convention* and the *Framework Convention*, as stipulated in Article 22 of the *Constitution*.⁹

Additionally, Kosovo’s *Constitution* (Section 44) guarantees the right to freedom of association including the right of all Kosovo citizens to establish an organisation or to be a member of any organisation and to participate in an organisation’s activities. These rights allow CSOs to operate in Kosovo. The *Law on NGOs* also provides the right for all persons to register an NGO and establishes a simple procedure for registration.¹⁰ However, registration is not required to exercise the right to freedom of association.

⁷ Ministry of Local Government Administration (MLGA), *Local Transparency and Public Participation – A Handbook*, December 2009, p. 23.

⁸ Conference of INGOs of the Council of Europe, *Code of Good Practice for Civil Society Participation in the Decision-Making Process*, adopted by the Conference of INGOs at its meeting on 1 October 2009.

⁹ European Centre for Minority Issues Kosovo & Centre for Legal Aid and Research Development, *A Legal Handbook - Vulnerable and Marginalised Groups in Kosovo*, December 2012.

¹⁰ Law No. 2009/03-L-134 on the Freedom of Association in Non-Governmental Organisations, Article 9.

3. WHY IS CSO PARTICIPATION IMPORTANT?

Effective civil society participation in government decision making can play a critical role in the development and strengthening of a pluralistic, participatory and accountable democracy in Kosovo. This section will highlight some of the main reasons why CSO participation is important in democratic governance.

Good governance

CSOs are instrumental in promoting democratic practice and good governance by advocating for the interests and views of all groups in society, ideally resulting in regulations, laws and policy that are more sustainable and better tailored to citizens' needs. CSOs can offer significant support, expertise, ideas and local knowledge to institutions throughout policy-making processes.

Inclusivity

Civil society has the responsibility to be the voice of underrepresented citizens who want to be included in political decision-making processes, particularly the disenfranchised or marginalised, including minority communities, women and people with disabilities. CSOs are often the only medium through which their interests can be heard and to access the decision-making process. Participation by all members of society is fundamental for a vibrant and durable democracy.¹¹

Accountability and transparency

Civil society participation ensures greater accountability and transparency in all stages of decision making, and CSOs can play a critical watchdog role. The government should be held responsible to its citizens for its work, which means reporting to citizens on a regular basis. Transparency requires all information on government work to be available and easily accessible for the public. Information must be up-to-date and understandable to enable informed participation by civil society.¹²

Conflict prevention

Civil society participation can encourage governments to address issues before they reach a critical point. In this regard, civil society can be a very important force for conflict prevention and peace building. Greater trust and political support reduces the risk of misunderstandings and conflict, and civil society can help build consensus and help diffuse conflict.¹³

The following box outlines one of the most successful cases of effective civil society cooperation with government institutions in Kosovo at the central level:

Box 2 - CASE STUDY: Successful civil society-government cooperation in the development of the Law on Access to Public Documents

The drafting of the *Law on Access to Public Documents*, adopted by the Assembly in 2010, is one of the best examples of civil society participation in the legislative process. In this case, CSOs participated in every stage of the development of this law. Relevant CSOs were members of the government Working Group, which prepared the law for its submission to the Assembly, and also participated in the public hearings organised by parliamentary committees. Thus this represents one of the few examples in Kosovo, where legislation was truly developed in partnership with civil society.

¹¹ Community of Democracies, *Final Warsaw Declaration: Toward a Community of Democracies*, Ministerial Conference, Warsaw, Poland, 27 June 2000.

¹² MLGA, *Local Transparency and Public Participation – A Handbook*, December 2009, p.17

¹³ United Nations Development Programme (UNDP), *Civil Society & Development: Kosovo Human Development Report*, 2008, p. 27.

4. CSO PARTICIPATION MECHANISMS

To facilitate CSO participation, Kosovo's legislative framework foresees a wide range of mechanisms to allow for CSO involvement in policy and decision making at the municipal and central levels. This chapter provides a comprehensive overview of participation mechanisms in Kosovo and practical tips on how to make use of these mechanisms. It is divided into three sections: the first section deals with the cross-cutting issue of the right to information; the second covers the central level participation mechanisms; and, the third discusses municipal level mechanisms.

4.1 Access to Information

Access to relevant, accurate and up-to-date information is a prerequisite for informed and effective public participation. Adequate information allows CSOs to carry out advocacy, awareness-raising and watchdog activities. Access to information on the work and plans of government is an essential element of transparent and accountable governance.

Box 3 - Examples of documents that must be accessible to the public

- Municipal and Ministerial annual reports
- Audit reports
- Budget documents (including tax reports)
- Action plans and strategies
- Procurement policies
- Tender documentation
- Minutes from Municipal Assembly or Kosovo Assembly meetings
- Other official documents (see *Law on Access to Official Documents*)

All information held by government bodies is, in principle, public. Information can only be withheld for a narrow set of legitimate reasons. The *Constitution* (Section 41) and the *Law on Access to Public Documents* provides all citizens with the right to access to public documents, except for information that is limited by law, e.g. due to privacy, business trade secrets or security reasons.

Official documents can be requested from all public institutions at central and municipal levels, and the institution is required to respond within seven days.¹⁴ Please consult Box 5 for a template of an application for access to official documents.

The *Law on Local Self Government* (Article 68.5) provides citizens the right to inspect any document held by a municipality. Municipalities are required to facilitate access to official documents and proactively publish timely, accurate and up-to date information on activities and plans as well as on past performance of the municipal government to the public.¹⁵

The public (including CSOs) has the right to request questions, information and explanations from municipal bodies on anything related to municipal competencies and functions.¹⁶ Thus, the public can request information on issues such as the municipal budget, municipal regulatory plan and urban plan, water supply system, municipal education plans, agriculture, tourism, etc.

Use of Languages

The *Constitution* establishes Albanian and Serbian as the official languages of Kosovo, the equality of which is guaranteed by the *Law on the Use of Languages*. At the municipal level other community languages, such as Turkish, Bosnian and Roma, may be granted an official status.¹⁷ Every person in Kosovo has the right to communicate with government institutions (and receive replies) and to receive available services and public documents in the official languages. It is the responsibility of all government institutions to ensure that this is possible.¹⁸

Box 4 - Office of the Language Commissioner

The Office of the Language Commissioner (OLC) is mandated to preserve, promote, protect and monitor the use of official languages and to ensure their equal status in Kosovo as provided for by the *Constitution* and *Law on the Use of Languages*. CSOs can submit complaints to the OLC if they believe their linguistic rights are not being respected, for example, regarding the translation of official documents and the provision of interpretation during meetings.

¹⁴ Law No. 03/L-215 on Access to Public Documents, Article 7.

¹⁵ MLGA Administrative Instruction No. 2006/03, Article 8.

¹⁶ Law No. 03/L-040 on Local Self-Government, Article 69.

¹⁷ Law No. 02/L-37 on the Use of Languages, Articles 1 and 2.

¹⁸ Ibid., Article 7(2).

Challenges

- The Kosovo Assembly is often slow to inform the public on the content of draft laws in preparation, which hampers the ability of civil society to provide input.
- Municipal websites are often incomplete and out of date. Documents and regulations are often not available on the websites.
- There is inequality between official languages regarding the availability of documents and regulations online. Materials are often only available in Albanian.
- Email correspondence is often ignored.
- Contact information is often either missing or out of date even when government institutions and municipalities have operating websites.
- There is a lack of detailed transparent information on budget allocation.

Practical Tips

Where to get information

- Adopted laws by the Kosovo Assembly are published on its website and the Official Gazette.¹⁹ Municipal regulations and decisions should be published on the municipality website and on the municipality notice board.
- The information desk is the first point of call in the municipality. Here they can guide you to the most relevant person to direct your enquiry.
- CSOs can sign up for RSS feeds²⁰ on Kosovo Assembly committee web pages to be updated on committees' work.²¹

How to request information

- To ensure a successful and prompt response, send requests via email and in hard copy, and follow-up with a phone call.
- Be informed - make sure that the document you are interested in is not excluded from public access.
- Be specific about how many copies you want and how you want to consult the document (e.g. electronic or on the spot). Note that copies of less than 20 A4 pages are free of charge, but you may be charged for postage.
- In central level institutions, information and documents can be requested from the Office of Archives. Requests to the Assembly of Kosovo should be addressed to the Office of the Secretary.²²
- The Advisory Office on Good Governance (AOGG) is mandated to facilitate civil society access to decision making and can provide information to CSOs seeking opportunities for participation.
- CSOs concerned with non-majority communities can seek information from the Office for Community Affairs (OCA).²³

What to do if you are denied access to a document

- If a request for information has been denied the applicant can request an explanation. Remember to mention the *Law on Access to Public Documents*!
- If you are denied access to a document (and you believe that this document should be available to the public according to the law):
 1. Ask for exemption or partial access
 2. Ask for an explanation in writing
 3. File a complaint with the Ombudsperson
 4. Write to the media

Make sure that you keep records of who you speak to, reasons given and action taken.

- If information or documents are unavailable you could try asking other CSOs or using your contacts within the government.

¹⁹ Official Gazette website: <http://gazetazyrtare.rks-gov.net/RQ.aspx>; Assembly of Kosovo website: <http://assembly-kosova.org>.

²⁰ The RSS feed can be found here: <http://www.kuvendikosoves.org/?cid=2,100>.

²¹ 'RSS' stands for 'Really Simple Syndication'. RSS feeds are a quick and easy way to access updates from a blog or news centre source. When you subscribe to an RSS feed, you can receive the updates set up within a program that feeds your posts in an easily read format.

²² Office of the Secretary website: <http://www.kryeministri-ks.net/?page=2,2>.

²³ Office of Community Affairs website: <http://www.kryeministri-ks.net/?page=2,2>.

Box 5 – Template for a Request for Information

Re: Request for document

Dear Sir/Madam,

I am writing to request [short description of document] pursuant to the *Law on Access to Public Documents*. If unable to comply with this request, please reply with a written explanation.

Sincerely,

[Name]

Name of applicant: Emri Mbiemri

ID, personal document number: 123456789

Address: Rr. Rruga, Nr. 1, Apt 1, 10000 – Prishtinë

Phone: 012345678

Email: emri.mbiemri@gmail.com

Name of document: Unknown

Type of document: Minutes

Description of document(s) requested: Minutes from Pejë/Peć Municipal Assembly public meeting held in April 2013

Number of documents: 1

Language required: Serbian

How do you want to access the document? Paper copies

[Consultation on the spot/ paper copies/ copies in electronic form/ other]

Number of copies needed: 2

Any additional information: None

4.2 Central Level Participation Mechanisms

Kosovo law foresees a number of formal mechanisms through which CSOs can participate in decision making both in the executive and legislative branches of government. The section will list some of the most important of such mechanisms.

Concept Documents

A concept document is a document prepared by the Kosovo government prior to the development of a new law, amendment to a law or major policy decisions. This document sets out the main objectives and characteristics of such a government proposal. According to *Regulation No. 09/2011 on the Rules and Procedures of the Government of the Republic of Kosovo*, the government is obliged to make such documents public and seek out the comments of CSOs specifically affected by the proposal. The government should also ensure that such CSOs have sufficient information and time to provide substantial input (Article 32).

Expert councils

These councils can be established by the government to provide specialised expert advice; CSOs with strong expertise can take part in such councils as experts.

Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG)

The Advisory Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues (AOGG), operating under the Office of the Prime Minister (OPM), has a mainly advisory and monitoring role vis-à-vis government ministries in relation to human rights and good governance. As part of this mandate it should facilitate access of civil society to public decision making, however, its activities in this field have been limited.

Box 6 - Human Rights Units (HRUs)

All ministries and municipalities have HRUs that are mandated to promote and protect human rights within those particular institutions. These units are also responsible for civil society relations and CSOs can contact these units for information and inquiries on participation procedures.

Kosovo Assembly committee meetings

Kosovo Assembly committee meetings are open to the public and may even be broadcast on TV.²⁴ CSOs may be invited to present evidence, produce important documents or contribute expert knowledge to these meetings.²⁵ However, it is ultimately up to the committee to decide if they want to consult CSOs and take into consideration their input.

The meetings are held regularly (at least once a month) and must be announced one week in advance on the Assembly website calendar and advertised in news media.²⁶ Committees do most of the actual work of reviewing draft laws and proposing amendments – therefore lobbying can be very beneficial.

Committee on the Rights and Interests of Communities (CRIC)

CRIC is a standing committee of the Assembly of Kosovo, with guaranteed representation of non-majority communities. It works to ensure that proposed legislation is compatible with the rights and interests of communities and oversees implementation of laws adopted by the Assembly of Kosovo.

Public hearings

The Kosovo Assembly *Rules of Procedure* permits committees to hold public hearings with “experts, public organisations, representatives of interests groups and other persons”, which would include CSOs.²⁷ Participation in a Kosovo Assembly public hearing requires an invitation, so CSOs should request to be invited.²⁸ If a CSO has not received an invitation to a public hearing, they may consult the respective committee that will be holding the public hearing.

CSOs can create an account to register with the Kosovo Assembly database of civil society organisations via the Kosovo Assembly homepage.²⁹ The database is managed by the Assembly’s Office for Media and Public Relations and

²⁴ Rules of Procedure of the Assembly of Kosovo, 29 April 2010, Article 43.1.

²⁵ Ibid., Article 65.4.

²⁶ Assembly of Kosovo, *Manual on the Oversight Function of Parliamentary Committees*, June 2012, pp. 17-18.

²⁷ Rules of Procedure of the Assembly of Kosovo, 29 April 2010, Article 66.1.

²⁸ Organization for Security and Co-operation in Europe (OSCE), *Reference Book for Civil Society Organizations: Participation in the Legislative, Oversight and Budget Processes of the Assembly of Kosovo*, November 2011, p. 32.

²⁹ Kosovo Civil Society Database website: <http://www.kuvendikosoves.org/?cid=2,1007>.

allows the Kosovo Assembly to identify potential participants for public hearings and consultations. Registered organisations will also receive information on the work of the Assembly and relevant upcoming events.

Legislative Initiative

At a central level, the *Constitution*³⁰ and the *Law on the Legislative Initiative* provides all citizens of Kosovo (including CSOs) with the right to introduce legislation (either a full draft law or the concept for a law) in the Kosovo Assembly by gathering at least 10,000 signatures and submitting these to the Assembly's Table Office.³¹ Such an initiative should include the type of legislative initiative and its title and, for each of the signatories, the name, surname, place of birth, signature and data of signature.³²

Consultative Council for Communities (CCC)

The CCC is the main participation mechanism for non-majority community CSOs at the central level. It is a consultative body located within the Office of the President and made up of CSO representatives from all non-majority communities, political parties and key government officials. The CCC provides functions as a mechanism for regular exchange between communities and government, providing communities with the opportunity to comment on legislative or policy initiatives at an early stage.³³ The CCC holds monthly meetings and semi-annual extraordinary sessions chaired by the President of Kosovo to review the work of the CCC and government.

Box 7 - Become part of the CCC

Any minority community representative can potentially become a member of the CCC. The process requires you to be nominated by a community CSO accredited by the CCC secretariat, a so-called Community Representative Organisation (CRO). Following such a nomination, the President of Kosovo appoints the nominated candidate to the CCC for a two year term. Any CSO representing the interests of a non-majority community can be accredited by the CCC secretariat, if they comply with the criteria set out in the CCC Statute. This will allow the CSO to nominate candidates to the CCC. For more information please check the CCC website: <http://www.ccc-president-ksgov.net>.

Ombudsperson

The Ombudsperson is mandated to investigate complaints from anyone in Kosovo who believes that his/her human rights have been violated by a local public authority in Kosovo.³⁴ The Ombudsperson conducts investigations, issues reports and provides legal services and public advocacy. Complaints can be addressed directly to the Ombudsperson Institution, without addressing the complaint first to relevant authority.³⁵

Challenges

- There is no guarantee that civil society input will be taken into account; the decision whether to consider a comment or suggestion provided by public is left to discretion of government institutions.
- There is no specific form of consultation prescribed by law for the Kosovo Assembly.
- The use of public consultation by the Kosovo Assembly is reliant on political will since public hearings are not mandatory.
- Public participation in meetings is hindered by a lack of information or late information that hinders CSOs' ability to adequately prepare.
- Meeting materials (agendas, minutes, etc.) at a municipal level are often not translated (or poor in quality); and interpretation may not be available.³⁶
- Meeting rooms at the Assembly have limited space for observers.
- Public hearings are often held at the end of the decision-making process, after many decisions have already been made.

³⁰ The Constitution of the Republic of Kosovo, Article 79.

³¹ Law No. 04/L-025 on Legislative Initiatives, Chapter IV.

³² Ibid., Article 16.

³³ Constitution of the Republic of Kosovo, Section 60.

³⁴ Ibid., Section 132.1.

³⁵ Ombudsperson of Kosovo website: <http://www.ombudspersonkosovo.org>.

³⁶ ECMI Kosovo, Policy Brief on languages (to be published); OSCE, *Multilingual Legislation in Kosovo and its Challenges*, February 2012.

Practical Tips

Advocate for extensive consultation

- CSOs should advocate for more extensive public consultations to include public hearings, particularly with the Kosovo Assembly, since the Assembly does not prescribe a specific mechanism.
- Advocate for consultations early in the law-drafting process to enable civil society to ensure meaningful consultation. Lobby a committee chairperson or committee member and ensure that you emphasise the benefits of public consultation for both the public and government. Note that to advocate for a public meeting you must allocate sufficient time to organise and prepare.
- CSOs should consider advocating for additional public meetings in the locations closest to those directly affected, e.g. outside of Prishtinë/Pristina, in villages and in accessible locations such as schools to encourage women and non-majority communities to participate.

How to access a meeting

- Ensure you register with the civil society organisation database and follow up with Kosovo Assembly committee support staff in a timely manner if you are interested in attending a committee meeting. A Senior Civil Society Relations Officer position is planned to be the key contact with civil society organisations and will administer the civil society database and develop and prepare joint activities of the Assembly with civil society.³⁷

Suggestions for preparing for a meeting

- Be informed and be prepared to answer questions. Research your issue well and be certain of facts and figures as good use of evidence can influence opinion. CSOs should research different policy options, expected outcomes and possible implications of intended outcomes.
- Research whether any other interest groups will be advocating for competing policy solutions and be prepared for other people to disagree with you.
- Be realistic about what you want to achieve and ensure that your advocacy objectives are within the competencies of the relevant government body, this way your inputs can be more influential and meaningful.

How to participate

- If possible, use a spokesperson in meetings who articulates well and ideally someone with good relations with other relevant stakeholders.
- If you are invited as a CSO to submit comments make sure that they are delivered in a timely fashion. Remember to be clear and concise!
- If given the chance to give an oral presentation at a public hearing, CSOs should also submit the statements in a written form. Include information about your organisation and its experience in the subject.
- Make sure you know the rules for procedure and arrangements for asking questions. Try and remain focused on issue(s) being addressed in the meeting.

Have an impact

- Consider collaborating with other CSOs in joint action as this can be more effective.
- Be committed! To influence decisions you need regular involvement and engagement.

³⁷ Assembly of Kosovo, *Information and Public Relations Strategy of the Assembly of Kosovo*, 25 October 2012, p. 6; OSCE, *Co-operation of the Assembly of Kosovo with Civil Society*, March 2013, pp. 10-11.

Box 8 - CASE STUDY: Successful civil society involvement – Law on NGOs in Kosovo

One of the best examples of successful civil society engagement in the legislative process is the amendment of the *Law on NGOs*, adopted in 2009 and amended in 2011.

Public debate: Following the decision to amend the law in early 2010, a public debate was organised by the Department of Registration and Liaison with NGOs (located within the MPA) to present the initial draft law, and representatives from different CSOs were invited to the debate. Following concerns expressed by CSOs on proposals by the MPA, NGOs were invited to take part in the legislative drafting process.

Working Group: The government selected ten CSO representatives to take part in a governmental Working Group. After two months, a final version of the draft law addressing the needs and concerns of civil society was completed.

Problem: However, in June 2010, an entirely different draft law than the one approved by the Working Group was presented by the MPA. This version contained provisions that went against those agreed by the Working Group. A parallel process with different government institutions had been carried out alongside the official process involving civil society. Since the Office of Legal Services and Support had been actively involved in the Working Group, and following complaints from CSOs, this version of the draft law was not accepted.

Civil society reaction: CSOs mobilised and conducted advocacy activities (including research, TV debates, interviews, international expertise and written recommendations), and meetings were held with high level officials from the Kosovo Government, Kosovo Assembly, international institutions and other actors in order to pressure stakeholders that could influence the process.

The result of advocacy: Following these advocacy activities, the MPA withdrew its version and the governmental Working Group continued its work in finalising the draft law, which was ultimately adopted by the Kosovo Assembly in August 2011.

How was civil society successful?

- Timely reaction based on expertise
- Combination of various advocacy methods
- Joint effort of parties involved based on mutual interest and respect on the role of each organisation involved
- NGOs remained committed to monitoring the process until the end

4.3 Municipal Level Participation Mechanisms

There are a number of public participation mechanisms at the municipal level, most of which are set out in the *Law on Local Self-Governance*. These are of particular importance for two reasons. First, in Kosovo's decentralised administrative system most decisions affecting everyday life are taken and executed at the municipal level. Second, decision-making processes at the municipal level are often easier to access and influence than decision-making processes at the central level. As a consequence, participation at the municipal level is often easier and is likely to have a more immediate impact. This section will list some of the most important public participation mechanisms at the municipal level foreseen by Kosovo law.

The Right to be Consulted

In the interest of public inclusion in policy making, *Administrative Instruction 2008/09 on Transparency in Municipalities* requires that all normative acts including regulations and decisions of the Municipal Assembly and other municipal bodies must be subject to public discussion before their approval.³⁸ Consultation can include, for example, public hearings and consultations with interest groups to be decided by the municipal organ proposing the act.³⁹

³⁸ MLGA Administrative Instruction No. 2008/09 for Transparency in Municipalities, Article 3.1.

³⁹ *Ibid.*, Article 7.

Municipal Assembly

All Municipal Assembly meetings have to be open to members of the public, who should be permitted to follow and participate in these meetings in accordance with the Rules of Procedure of that particular municipality.⁴⁰ Only in certain situations may the Municipal Assembly decide to exclude the public from its meetings.⁴¹

Communities Committee

The Communities Committee, located within all Municipal Assemblies, is an important participation mechanism for non-majority communities. Every community in the municipality, regardless of size, should be represented in the committee. The Communities Committee is responsible for ensuring that community rights and interests are respected and can provide recommendations directly to the Municipal Assembly.⁴² If any complaints should arise, they should be submitted to the committee in writing.

Municipal Consultative Committees

These committees can be established by the Municipal Assembly with the purpose of enabling citizen participation in the decision-making process.⁴³ The Consultative Committees can submit proposals, conduct research and provide opinions to the Municipal Assembly. Municipalities are able to create as many committees as needed and their membership should include citizens and representatives of CSOs.⁴⁴

Deputy Chairperson for Communities

In municipalities where at least 10 per cent of municipal citizens belong to communities not in the majority in that municipality, a post of Deputy Chairperson for Communities will be reserved in the Municipal Assembly for a representative of those communities.⁴⁵ S/he is mandated to review all complaints by community members regarding violations of their rights through acts or decisions of the Municipal Assembly. The Deputy Chairperson, under specific circumstances, may submit acts or decisions considered to violate a constitutionally guaranteed right to the Constitutional Court.⁴⁶

Public Hearings

In public hearings the municipal government presents its policy and invites comments and suggestions from the public. CSOs may be invited to contribute oral presentations and written submissions. The *Law on Local Self-Government* requires municipalities to hold formal public meetings at least twice a year.⁴⁷

Budget Hearings

In accordance with the *Law on Public Financial Management and Accountability*, Municipal Assemblies are obliged to hold public hearings on their draft annual budget.⁴⁸ Since the municipal budget in many ways decides municipal policy, civil society participation in such meetings is crucial for influencing municipal policy priorities.

Citizen's Initiative

Residents of a municipality can propose regulations (within the municipalities' competencies) either for adoption by the Municipal Assembly or a vote by citizens.⁴⁹ The proposed regulation must be signed by at least 15 per cent of the municipality's voters and sent to the Municipal Assembly chairperson. The Municipal Assembly then is obliged to deliberate it within 60 days.

⁴⁰ Law No. 03/L-040 on Local Self-Government, Article 45.1.

⁴¹ Ibid., Article 45.3.

⁴² Ibid., Article 53.2.

⁴³ Ibid., Article 73.

⁴⁴ Ibid., Article 73.

⁴⁵ Law No. 03/L-040 on Local Self-Government, Article 54.1.

⁴⁶ The Constitution, Article 62.

⁴⁷ Law No. 03/L-040 on Local Self-Government, Article 68.

⁴⁸ Law No. 03/L-048 on Public Financial Management and Accountability, Article 61.2.

⁴⁹ Law No. 03/L-040 on Local Self-Government, Article 70.

Box 9 – Language rights at the municipal level

As briefly discussed in chapter 4.1, non-majority community languages can be awarded a special status at the municipal level (*Law on the Use of Languages*, Article 2 & 8):

Official language – When a community whose mother tongue is not an official language of Kosovo represents at least 5 per cent of the total municipal population. In Prizren, the Turkish language is awarded this status regardless of demographics.

Language in official use – When a community represents over 3 per cent of the total municipal population. This status is also given if a language has been traditionally spoken in a municipality.

An official language at the municipal level enjoys, in that particular municipality, full equality with Kosovo's two official languages. A language in official use, entitles community members to conduct most communication with municipal institutions in that language.

Right to Petition

Any person or organisation can present a petition to the Municipal Assembly concerning matters relating to the responsibilities and powers of the municipality. The Municipal Assembly then is obliged to consider the petition in accordance with its Statute and Rules of Procedure.⁵⁰

Referendum

Citizens of a municipality may request that a regulation adopted by the Municipal Assembly be submitted to a referendum by the citizens.⁵¹ A referendum is considered to be the most direct method of determining popular standpoints on a particular public policy issue and is a powerful tool to influence decision making. It is, however, also a time and energy intensive process that requires signatures of at least 10 per cent of the registered voters of the particular municipality to be collected within thirty days of the adoption of the relevant regulation.⁵² As such, it should only be used when key decisions about the future of the municipality are at stake and a concerted effort of civil society can be realistically expected.

Removal of Mayor

The right to removal of a mayor from office is a local democratic mechanism that can be initiated by citizens.⁵³ Through this mechanism registered voters become *decision makers*. When 20 per cent of registered voters in a municipality sign an initiative to request the removal of the mayor, the municipality is obliged to hold a referendum. If the majority of the voters vote in favour for the removal of the mayor, new mayoral elections must be announced by the President of Kosovo.⁵⁴ Like the referendum, this is a resource intensive participation mechanism that should only be used in extreme circumstances when all other options have been exhausted.

Challenges

- Municipalities sometimes do not organise the public and budget hearings as required by law or do not adequately inform the public, including CSOs, about time and venue of the meetings.
- In many municipalities, Municipal Assemblies lack the capacities to effectively represent the interests of their constituencies and hold the Municipal Administration accountable for its performance. In such circumstances, participation mechanisms aimed at the Municipal Assembly may only have a limited impact on municipal policy

⁵⁰ Ibid., Article 69.

⁵¹ Ibid., Article 71.

⁵² Ibid., Article 71.2.

⁵³ Ibid., Article 72.

⁵⁴ Law No. 03/L072 on Local Elections, Article 4.4.

Practical Tips

Many of practical tips provided in the chapter on central level participation mechanisms are equally valid at the municipal level. Nonetheless, there are a few specific issues to keep in mind.

- Consult the Municipal Statute and other relevant municipal regulation. Although the general principles are the same, each municipality has its own particular procedures in relation to participation mechanisms. By law each municipality should adopt regulation on citizen participation mechanisms.⁵⁵
- Establish good relations with relevant municipal officers. More often than not, they are the ones who both develop and execute policy.
- Don't just criticise, offer assistance. Municipal administrations often have limited capacities and your requests might be viewed as burdening an already overstretched administration. Therefore, if possible, offer your assistance and expertise to ensure the implementation of your proposals.

How to petition/request a referendum/request the removal of the mayor

- When collecting signatures you need to collect personal information about the elector to validate the petition/request. Your petition/request should include the title of the petition/request and for each of the signatories the name, surname, place of birth, signature and date of signature.
- Collaborating with other CSOs is *essential* in order to collect the required number of signatures and build public support.

Box 10 - CASE STUDY: Task Force on Roma Ashkali and Egyptian Education

In November 2011, a task force was established in Fushë Kosovë/Kosovo Polje municipality upon initiative of the NGO ECMI Kosovo. The aim of the task force was to improve the delivery of Roma, Ashkali and Egyptian education in the municipality by coordinating and prioritising activities and monitoring the implementation of the education component of the *Municipal Action Plan on the Integration of Roma, Ashkali and Egyptian Communities*.

The task force works closely with civil society in exchanging relevant information on the activities, concerns and needs of both CSOs and the municipality. Membership of the task force includes municipal officials, school staff and representatives of all CSOs active in the municipality, either as full members or as observers to the task force.

Further benefits

- As a result of the regular task force meetings, the coordination between actors working in the field of Roma, Ashkali and Egyptian education was significantly enhanced.
- The task force has strengthened relations between the municipality and civil society representatives active in the municipality.
- The task force ensures that municipal officials are kept up-to-date on identified problems and also serves as an advisory body and provides recommendations to the municipality.

See ECMI Kosovo, 'Manual on Improving the Delivery of Education for Roma, Ashkali and Egyptian Communities: Good Practices and Recommendations', October 2012

⁵⁵ Law No. 03/L-040 on Local Self-Government, Article 68.

5. ADVOCACY

This booklet has described numerous public participation mechanisms and provided advice on how to effectively use these mechanisms. However, for CSOs to effectively influence government decision making, the use of such participation mechanisms should be part of a broader advocacy strategy which utilises a much wider range of tools to influence decision making. This chapter will briefly explain the key elements to developing and implementing successful advocacy strategies. This section is based on ECMI Kosovo's guidebook *Education Advocacy for Minority Communities in Kosovo: A Guidebook for Civil Society*.

What is Advocacy?

Advocacy is the process of drawing attention to an issue of concern in order to persuade those with decision-making powers to support a particular cause or course of action. Advocacy goes beyond simple participation and looks towards action-oriented strategies for negotiating concrete solutions. It is a deliberate process that requires a clear understanding of what the problem is you intend to address and how you will address it. Advocacy is most effective when it is well planned and follows a systematic approach. Below are described the six key steps in developing and implementing an advocacy strategy.

Advocacy: a Six-Step Approach

Step 1 – Identify the problem and solution

Advocacy begins with the realisation that a problem exists that you believe needs to be addressed, a consideration of why the problem exists and who is affected by it and the identification of what can be done to resolve it. The overall goal of your advocacy is to contribute to the resolution of that problem through the solution you have identified. Dedicating time and energy to researching and understanding the challenges that face your community will not only enable you to identify any meaningful and significant problems, but will ensure that all your activities are as effective as possible.

Box 11 - SMART objectives

Specific	→ What do exactly do you want to happen? → What do you want to do, why and for whom?
Measurable	→ How will you track your progress? → How will you know when your goal is accomplished?
Achievable	→ How realistic are your objectives? → Is it possible in the proposed timeframe/in the political climate/with available resources?
Relevant	→ Is it relevant for all stakeholders including non-majority communities? → Is it relevant to a local Kosovo context?
Time-bound	→ What time is available? → What is the timeframe set by the policy-making process? → By when do you want your goals to be reached?

Step 2 – Set your objectives

Decide what you want to achieve in the short- and long- term, and set clear and achievable objectives for your goals. Make sure you assess the capacity of your organisation such as the strengths, past achievements, previous lessons learned, limitations, available resources, possible partners, etc. Research what is already being done by other organisations and how you could contribute in order to be more effective.

Step 3 – Identify your target audience

Identify the target(s) of your advocacy efforts: either one person or several influential people from key institutions. It is best to start a campaign with accessible targets. Consider who has the responsibility to take the decision you want, and who is in a position to influence that decision.

Box 12 – Possible advocacy tools

- Participation mechanisms: Use the participation mechanisms discussed in this publication, such as petitions and requests for access to information. They can be invaluable advocacy tools.
- Visits: Face-to-face meetings with decision makers to discuss your vision of change.
- Inspections: Invite the decision maker to visit the area in question to see the problem first-hand.
- Media: Attract media attention to your cause.
- Publications: Draft reports or commentaries for distribution on your cause.
- Letters: Send letters to decision makers presenting the change you envision.
- Support staff: Convince staff around the decision maker to support your change.

Step 4 – Plan your activities

Plan how you will achieve your objectives, considering what methods you will use, what your message will be, what information you will provide and what responses you may need. Consider which method of advocacy would be most beneficial to achieving your goal and most manageable with your available resources. Be sure to set a clear timetable and define roles and responsibilities.

Step 5 – Take action and follow up

Once you have a plan, it is time to start taking action. Remember, change takes time! Prepare yourself for a long commitment and try to remain positive. Be sure to follow up each activity to ensure that it has an impact to foster change. Decision makers are unlikely to take action based on one meeting or letter.

- Send a follow-up email after any meeting, including a summary of what was discussed and what was agreed.
- Follow up on progress within two to three weeks (i.e. phone call or meeting)
- Send a thank you letter to anyone who has assisted you in your advocacy.
- If a decision maker cannot answer a question at the time, ask him or her to set another deadline to give you feedback.

Step 6 – Monitoring and evaluation

Monitoring and evaluation helps you to assess the impact of your actions and the effectiveness of your methods so that you can adjust your approach. It increases the accountability of your organisation's work and will also strengthen the reputation of your organisation, thereby increasing your influence and ability to make a difference. It is advisable to identify performance indicators for measuring success and to ensure you keep records of all activities conducted.

Practical Tips

- Commitment – Be systematic, patient, and persistent in advocating for change.
- Research – Have a wide scope of knowledge on the issue by researching the issue/problem thoroughly.
- Make use of evidence – Ensure that the evidence is relevant, objective and credible. This will improve your organisation's legitimacy and credibility with policy makers.
- Collaboration – CSOs are more likely to have an impact if they work together sharing on previous knowledge and experience. This can also build consensus, mobilise resources and increase legitimacy as an organisation.
- Building working relationships – Aim to build and preserve any relationship made with government officials. Keep in minds that advocacy is also about recognising and encouraging good practices by the government.