



LOCAL POLICIES IN MULTIETHNIC COMMUNITIES IN KOSOVO (Obilic, Gnjilane, Prizren)

PRISHTINA, NOVEMBER 2009

PROGRAM REPORT

CONFERENCE

LOCAL POLICIES IN MULTIETHNIC COMMUNITIES IN KOSOVO– CURRENT STATE OF AFFAIRS AND PERSPECTIVES

Pristina, September 24th 2009

Final conference held on September 24th 2009 in the framework of the project LOCAL POLICIES IN MULTIETHNIC COMMUNITIES IN KOSOVO was an opportunity to summarize overall results of this project which was conducted in municipalities Obilic, Gnjilane and Prizren and an opportunity to draw final recommendations for central and local bodies of government. Even more so because of the fact that high representatives of Kosovo's government (Sadri Ferati, Minister for Local Self Government, Srdjan Sentic, Advisor to the Prime Minister and Chief of the Office of Good Governance) also took part in the work of this conference, beside representatives of the three afore mentioned municipalities, experts and representatives of non-governmental organizations, and together with representatives of international institutions (ICO, OSCE, UNHCR).

During the work session, after welcoming speeches, results of research conducted by the expert organization Kipred (Pristina) in these three municipalities were presented together with recommendations devised on the basis of this research. Main observations of the expert team can be summarized in the following list:

- although not ratified by the Kosovo Parliament, international conventions are being directly implemented in Kosovo, where international contracts have priority over national legislature,
- Kosovo legislation, because of the fact that it was developed with assistance from representatives of the international community, even legislation that directly or indirectly regulates human and minority rights, is in keeping with European standards, but its insufficient capacities cause problems in practical application,
- generally speaking, legal provisions related with protection of collectives provide positive discrimination in relation to them.

Expert group had observed certain shortcomings in local regulations in three municipalities. For example, Statute of the Municipality of Obilic is not precisely treating methods of election for the President of Municipality in the communities, because it fails to emphasize the majority vote of aldermen from minority communities and it fails to proscribe which languages are to be in official use in the given municipality. Statute of the Municipality Prizren does not emphasize equality of rights to use languages that are not in official use in this municipality.

While commenting research results, representative of the Ministry for local self government said that law provides mechanisms for protection of communities and implementation of those mechanisms should produce good results. Therefore, care must be taken to conduct approximation of local regulations to the Law, and Statutes that are not in keeping with the Law should be subject to amendment. In his opinion, good thing is that majority of municipalities keep Offices of communities, in spite of the fact that they were not foreseen by the current Law on Local Self Government. He also emphasized that in Kosovo political will for realization of

regulations related to protection of collectives was strong, and that Ministry was ready for certain amendments to the Law, in keeping with recommendations given by this research.

During the discussion, different opinions were presented, in regard of research results and in regard of their recommendations. For example, UNMIK left behind a whole range of institutions committed to protection of collectives, but this also gives rise to the risk of unnecessary overlapping of competences. Therefore, in this view, reform of structures in the field of protection of collectives, in the sense of rationalization and more precise formulation of competences, should be conducted. A dilemma about the justification of Offices of communities, unforeseen by the Law on Local Self Government, still remains unresolved. According to the opinion of a number of participants in this discussion, those Offices should be kept because they present an address that members of collectives carrying certain demands related to protection of their rights are accustomed to visit. However, there were also other opinions that propose transfer of competences from this Offices to the Committees for communities and to Deputy Presidents responsible for communities, which would be a way to avoid overlapping competences. Another additional argument supporting this view is the fact that these Offices are spending means from the budget, which is not in keeping with the Law on Finances. Position of experts in this regard was that these Offices should be kept nevertheless, and their existence and scope of operation should be defined by the law. Even more so because there are some municipalities where Deputy President for communities was not yet elected, which makes those Offices even more important for given communities.

While expressing their experiences in functioning of these institutions, representatives of municipalities that took part in this project have shared an almost unanimous position stating that Offices of communities should be kept. In their opinion, those Offices were a link between collectives and local authorities and they still are that link, as well as a link between government and non-government organizations in realization of joint projects related to protection and improvement of the position of collectives.

Summarizing the discussion during the conference, experts from the Center for Regionalism have offered several observations and recommendations:

- Kosovo Laws related to the protection of collectives are good, but difficult to enforce in the field, because of the lack of sufficient capacity in municipalities to do so;
- implementation of these laws costs money and some rights are often difficult to realize, such as translation of documents, web presentations of the municipality or gazettes in languages of collectives;
- Law and municipal Statutes should precisely regulate the authority of the Committee for communities, as well as relation between the Committee and the municipal Council, because degree of obligation set through recommendations from the Committee for communities has to be precise;
- Ministries must keep track of the quality of translation to Serbian language, because of the observed past inconsistencies. For example, in different laws there are different terms used for the same institution for protection of minority rights in the local community.

**KOSOVAR INSTITUTE FOR POLICY
RESEARCH AND DEVELOPMENT**

LOCAL POLICIES IN MULTIETHNIC COMMUNITIES

INTRODUCTION

With the Declaration of Independence on February 17th, 2008, the government institutions of the Republic of Kosovo committed themselves legally and politically to implement Ahtisaari's Plan (Comprehensive Status Proposal - CSP). Based on the provisions of the Ahtisaari's Plan, the Kosovo's Assembly adopted the Constitution of the Republic of Kosovo¹ that entered in force on June 15th, 2008. The Constitution envisages the highest standards for protection of minority communities. Despite the fact that Kosovo has not ratified any international treaties regarding protection of human rights, social, political and minority rights, the Constitution of the Republic of Kosovo envisages the self-applicability of most important international conventions, charters and other legal instruments that provide legal protection of minority communities according to the best international and European standards.

The Assembly of Kosovo also adopted the Law on Local Self Government, the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, and the Law on the Use of Languages, which entered in force on June 16th, 2008, that regulate the protection of minority communities at national and municipal level. These laws have replaced the UNMIK legislation and they do provide an advanced protection of minority communities at all levels. Also, the municipalities of Kosovo are obliged to pass municipal legislation that regulates the protection of minority communities within their territory according to the national legislation.

The municipalities in which more than 10% of citizens come from minority communities are considered by legal framework of Kosovo as ethnically mixed municipalities and communities are provided with additional decision making mechanisms for protection and promotion of their rights and position. As municipalities with mixed ethnic structure, Gjilan/Gnjilane, Obiliq and Prizren belong to this category of municipalities.

Municipalities are the best target for enhancement of the relations between communities and can also serve as the best barometer of the real will for the inclusion of all communities in the social life. The experience in the area of functioning multiethnic communities show that the position of the minorities in local communities is not bound only by a formal-judicial framework, or even by the existence of a multitude of institutions to safeguard the rights of the population, but at the same time the flaws in the framework, or institutional set-up can open the floodgates of mistrust between the communities.

For the purpose of understanding the challenges and the obstacles that municipalities face when it comes to policies, KHCS Mother Teresa – Pristina in partnership with Center for Regionalism from Novi Sad and KIPRED as a research partner, supported by Kosovo Foundation for Open Society (KFOS), designed multilevel program aimed at the municipalities and the public at large.

¹ The Constitution of the Republic of Kosovo, <http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>

The methodology used in this research was designed with the purpose of gaining insight information on the current situation with regard to areas that influence the everyday life of members of non-majority ethnic groups. The methodology comprises of a series of interviews with local stakeholders, members of the communities and secondary research.

The aim of this paper is to analyze local policies for communities in these municipalities in order to check the implementation of legislation, to identify problems in formulating and implementing policies for communities, specify lessons learned and provide recommendations to national and local authorities for improving the policies and conditions of non-majority communities at the municipal level.

THE LEGAL FRAMEWORK AT THE NATIONAL LEVEL

There are four main legal instruments regulating the functioning of the Kosovo's municipalities regarding the communities' issues. These are the Constitution of Kosovo, and three particular laws: the Law on Local Self Governance, the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, and the Law on the Use of Languages.

The Constitution of the Republic of Kosovo

The most important constitutional provisions that have direct impact on guaranteeing the rights of the communities at the municipal level are:

- **The official use of languages** specifying the official languages in the Republic of Kosovo to be Albanian and Serbian, and Turkish, Bosnian and Roma languages to have the status of official languages at the municipal level (Article 5)
- **Fundamental Rights and Freedoms** (Articles 21 – 56) which determines the applicability and priority in Kosovo of human rights and fundamental freedoms guaranteed by the most advanced international agreements and instruments²
- **Rights of Communities and of their Members** that regulates the responsibility of the state to protect the rights of communities and their representation in public institutions as well as local government.

Other provisions of the Constitution that regulate the issues relevant to communities at the municipal level are: equality before the law (Article 3); (Article 5), cultural and religious heritage (Article 9), local government (Article 12), civil service (Article 101) and refugees and returns (Art. 156).

² Universal Declaration of Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; International Covenant on Civil and Political Rights and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of Child; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

Law on Local Self Government

The Law on Local Self Government (Law Nr. 03/L-040), promulgated by the President of Kosovo on June 16th, 2008, determines and regulates the functioning of municipalities in Kosovo³. In regards to the rights of communities and their participation in local government, the law specifies the following institutional and legal instruments:

- **Committee on Communities** – is mandated with the status of permanent committee (Art. 51.1). The membership of the Communities Committees envisages inclusion of the members of Municipal Assemblies and community representatives, by guaranteeing the representation of each community by at least one representative/member. The Communities Committees are responsible to review compliance of the municipal authorities with the applicable law and review all municipal policies, practices and activities related with the aim to ensure that rights and interests of the Communities are fully respected. The Communities Committees have the right to recommend to the Municipal Assembly measures it considers appropriate to ensure the implementation of provisions related to the need of communities to promote, express, preserve and develop their ethnic, cultural, religious and linguistic identities, as well as to ensure adequate protection of the rights of communities within the municipality.
- **Deputy Chairperson on Communities** (Art.54-55) – is applicable in the municipalities with mixed ethnic structure. Municipal Assembly elects the Chairperson and the Deputy Chairperson from among its members. In the municipalities where at least 10% of the citizens belong to communities that are not in the majority in the respective municipality, a post of the Chairperson of the Municipal Assembly for Communities is reserved for a representative of these communities. This post is envisaged to be held by the non-majority community's candidate who receives the most votes on the open list of candidates for election to the Municipal Assembly. The Deputy Chairperson for Communities has a wide range of instruments available for representation and protection of community rights and interests guaranteed by the Constitution and the Laws of the Republic of Kosovo.⁴
- **Deputy Mayor for Communities** – this post is foreseen for the municipalities that have at least 10% of the citizens belonging to non-majority communities. The Deputy Mayor for Communities is appointed upon the proposal by the Mayor and should get the approval of

³ The Law on Local Self Government (in its English, http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf).

⁴ These instruments do include: (1) promotion of inter-community dialogue and service as formal focal point for addressing non-majority communities' concerns and interests in meetings of the Assembly and its work; (2) responsibility for reviewing claims by communities or their members that the acts or decisions of the municipal assembly violate their constitutionally guaranteed rights; (3) referring such matters to the Municipal Assembly for its reconsideration of the act of decision; and: (4) when Municipal Assembly chooses not to reconsider its act or decision, or a Deputy Chairperson of a Municipality for Communities deems that even upon reconsideration the act or decision presents a violation of a constitutionally guaranteed right, the Deputy Chairperson may submit the matter directly to the Constitutional Court, which may decide whether to accept the matter for review.

the majority of the municipal assembly members present and voting and the majority of the municipal assembly members present and voting belonging to the non-majority communities. The Mayor has to consult the Deputy Mayor for Communities on the matters related to non-majority communities, whereas the Deputy Mayor for Communities assists the Mayor and provides him/her advice and guidance on issues related to the non-majority communities.

Law on the Protection and the Promotion of Rights of Communities and Their Members in Kosovo

This law, as decreed by the President of the Republic of Kosovo on June 16th, 2008, regulates legal provisions for protection and promotion of the rights of communities and their members at all levels. The provisions of this law that have automatic applicability at the municipal level are:

- **Community:** Based on Article 1.4. of this Law, community is defined as national, ethnic, cultural, linguistic or religious group traditionally present in the Republic of Kosovo that is not in the majority. Thus, the communities are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani and other communities. Albanians also enjoy the rights specified in this law, in the municipalities where they are not in the majority.
- **The Rights:** The communities have the right (Article 2.1.) to freely maintain, express and develop their culture and identity, and its essential elements – religion, language, traditions and cultural heritage. This includes the exercise of the fundamental human rights listed in the Constitution of the Republic of Kosovo. The rights of the members of communities to public education at all levels, in an official language of their choice, is specified in Article 8.1. Community members are entitled to pre-school, primary and secondary public education in their language, even if it is not an official language. When the number of pupils that belong to a community within a municipality is not sufficient for enabling the educational process, the Government of Kosovo is obliged to offer alternatives (subsidized transportation to an area where such schooling is offered, distance learning, roving teaching arrangements or offers of boarding).
- **Original Script:** In addition (Article 2.4), the personal names of the members of communities are recognized in their original form and in the script of their language. The family names and the names of the children of the members of communities are chosen freely and enter as such into public registries, personal identification and other official documents in the language and script of the community.
- **Affirmative Measures:** Article 3.4 determines that the Republic of Kosovo should promote, through affirmative measures, full and effective equality of communities in all areas

of economic, social, political and cultural life, including education, media, health and other public services.

- **Political Participation:** Article 11.2. - reinforces the guarantees for political participation through the Law on Local Self-Governance, including the establishment of the posts of the Deputy Chairperson for Communities and the Deputy Mayor for Communities.

Law on the Use of Languages

This law, as decreed by the President of the Republic of Kosovo on June 16th, 2008, regulates legal provisions for protection and promotion of the rights of communities in the sphere of the use of their native languages. The provisions of this law that have automatic applicability at the municipal level are:

- **Official Languages in Kosovo:** The equal status of Albanian and Serbian, as well as of their alphabets, as official languages of Kosovo, and the equal rights of their use in all the institutions in Kosovo, are determined in Articles 1.1 and 1.2 of this Law.
- **Official Languages in Municipality:** Article 2.3 defines the official language in the municipality – the language of a community which is not official, when this community constitutes at least 5% of the population of the municipality – as well as its equal use with the official languages. This Article also determines that in the Municipality of Prizren, Turkish has the status of an official language of the municipality. When a community within a municipality represents above 3% of its population, and its language is not an official language, based on Article 2.4, this language has the status of the language in official use in the municipality. The same Article gives the same status, of the language in official use in the municipality, to languages of the communities that have been traditionally spoken in a municipality. (Article 35 specifies that municipalities should adopt detailed regulations regarding this issue.)
- **Equality of Languages:** Articles 7.1 – 7.4 of this Law determine the equality of the official languages of the municipality in municipal institutions, in communication, as well as in the provision of services and public documents in any of the official languages. Every person can communicate and obtain all the services and documents, from any municipal institution or body, in any official language. Equality of official languages applies to the meetings and work of all municipal bodies. When required, interpretation from one official language into another is mandatory for all the meetings of all the municipal bodies. Records, public registers, and other official documents, are kept and issued in all the official languages. Furthermore, Article 8.4 specifies that even the languages which are not official in a municipality, can be used freely by the members of the respective communities in the municipal work and meetings, and that the facilities for interpretation should be made

available whenever requested. Documents submitted by such members will be translated into the official languages, and the responses will be provided in the original language. Articles 9.1 and 9.2 determine that the official names and signs of the municipal institutions must be displayed in the official languages and the official languages in the municipality.

- **Equality of Languages in POEs and SOEs:** Articles 11.1 – 11.3 determine that the equality of official languages applies to Publicly and Socially Owned Enterprises. This includes the right to communicate with, and to receive services and documents from, these enterprises in any of the official languages. It is the duty of Publicly and Socially Owned Enterprises to ensure this right.
- **Languages in Education; Names:** When a person chooses official language which is not used by any school in a municipality as a language of instruction, based on Article 19.4, the appropriate teaching in the chosen official language is ensured through a special provision. The MEST should determine the details of implementation. Persons belonging to communities whose languages are not official (Article 20.1), have the right to receive instruction in their language in public school education. These persons also have the right (Article 27.2) to entry, in public registers, as well as in personal identification and other official documents, the original form of their name and surname, in the script, and according to the tradition and linguistic system, of their language. This is the form in which they should be used by public officials.
- **The Language Commission; Supervision and Implementation of the Law:** Based on Article 32.1, for preservation, promotion and protection of the official languages and their equal status in Kosovo, as well as for protection of the languages of the communities which are not official, the Kosovo Government shall establish a Language Commission to supervise the implementation of this Law. This Language Commission has been established by the Kosovo Government, but it is not yet functional.

MUNICIPAL LEGISLATION ON COMMUNITIES

The municipalities of Obiliq, Gjiilan and Prizren have passed the required municipal legislation based on the current applicable national legislation. In these municipalities, the provisions that regulate protection and promotion of community rights are envisaged with the municipal statutes and regulations for the use of languages at municipal level. However, two collisions of municipal legislation with the national legislation have been noted, one in the Municipality of Obiliq and the other in the Municipality of Prizren.

The Statute of the Municipality of Obiliq is in collision with the Law on Local Self-Government in regard to the procedures of election and dismissal of the Deputy Mayor for Communities. While recognizing the equality of the official languages in the municipality, which is in full compliance with

the Law, the Regulation on the Use of Languages of the Municipality of Prizren fails to recognize equality of the languages that are not official in the municipality with the official ones, an equality which is also guaranteed by the Law.

MUNICIPAL INSTITUTIONS ON COMMUNITIES

As noted above, according to the national and municipal legal framework, the following municipal institutions/posts are envisaged for minority communities at the level of municipal executive and assembly: Deputy Mayor for Communities, Deputy Chair of the Municipal Assembly for Communities, and the Assembly Committee on Communities that has the status of permanent committee.

Implementation of the legal framework on the establishment and functioning of the municipal assembly institutions on communities is not implemented in the Municipality of Obiliq. The Municipality has failed to elect the Deputy Chair of the Municipal Assembly for Communities. The Assembly Committees on Communities are established in the three municipalities, but they are more active in the Municipality of Gjilan and Prizren than in the Municipality of Obiliq. In the first half of 2009 the Committee on Communities of the Municipality of Obiliq held two meetings, the one of the Municipality of Gjilan held six meetings, and that of the Municipality of Prizren held five meetings. The following table summarizes the implementation of the national and municipal legal framework on the institutions for communities in these three municipalities.

Institutions/Municipality	Obiliq	Gjilan	Prizren
Deputy Chairman for Communities	No	Yes	Yes
Committee on Communities (meetings)	Yes (2)	Yes (6)	Yes (5)

The legal framework regarding establishment and functioning of the municipal executive institutions on communities is not being implemented in the Municipality of Gjilan. The Municipality has failed to elect the Deputy Mayor for Communities. At the level of Municipal Directorates minority communities are represented only in the Municipality of Prizren, because they are part of the municipal government coalition. Presentation of minority communities in the civil service is in full compliance with the legal framework of Kosovo.

Interestingly, in the three municipalities there are still in place and are functional Local Community Offices that have been created based on the UNMIK Regulation 2000/45 in the first municipal elections of October 2000. Currently, as these offices are not required by the Law – but are

forbidden either – they continue to exist and to function, in spite of the fact that their position is so undetermined.

The Local Communities Offices are an integral part of the municipality and of the municipal administrative structure, and the Head of the Communities Office is an ex-officio member of the Board of Directors of the municipality. This Office is responsible for enhancing the protection of the communities' rights, and for ensuring the equal access for communities to public services at the municipal level. These offices also enable tiny minority communities to address their concerns directly to the municipal authorities, especially those which due to their small number cannot be represented directly at the municipal assembly and executive.

The table bellow summarizes the implementation of the national and municipal legal framework on the institutions for communities and their representation at the level of executive in these three municipalities

Institutions/Municipality	Obiliq	Gjilan	Prizren
Deputy Mayor for Communities	Yes	No	Yes
Directorates	No	No	Yes
Local Community Offices	Yes	Yes	Yes
Percentage of presentation in the civil service	19.1%	13.99%	18.12%

LOCAL POLICIES ON COMMUNITIES

The analysis of local policies for communities in the municipality of Obiliq, Gjilan and Prizren will be focused on the fields of representation, employment, education and the official use of community languages, which have the highest impact on the daily life of minority communities.

Representation

The municipal studies show that government authorities in the three municipalities have ensured full or partial representation of communities in the municipal government bodies, and full proportional representation of the minority communities in the civil service. The study also sheds light on the fact that effective representation of minority communities in the policy and decision making processes requires them to organize politically and participate in municipal elections.

Despite the fact that national and municipal legislation offers mechanisms for representation of minority communities at the level of municipal assemblies and executives, the political legitimacy of appointed/elected minority community officials is crucial element for building credible relations with the members of communities and addressing their concerns.

As the case of Prizren shows, political organizing and active participation of communities in political processes enables them to become part of municipal coalition governments and have a strong say in municipal decision and policy making processes. On the other side, the case of Gjilan and Obiliq show that non-participation of minority communities, especially of Serbian Community, in political processes has disabled them from having a strong and credible voice within municipal government.

Municipality	Obiliq	Gjilan	Prizren
Elected minority community municipal assembly counselors	No	No	Yes (7)
Participation in the Municipal Elections of the largest minority communities	Largely boycotted by Serbian Community	Largely boycotted by Serbian Community	High level participation of Bosnian and Turkish communities

In the case of abolishment of Local Community Offices, which are not envisaged by the Law on Local Government, the links between municipal authorities and minority communities may wane if not vanish. This link has existential importance for vulnerable community groups in municipalities, like RAE community across the three municipalities and Serbian community in the Municipality of Prizren.

Employment in public institutions

Employment of minority communities in the municipal government institutions and civil service of Obiliq, Gjilan and Prizren is implemented in full compliance with national and municipal legislation. As mentioned above, the percentage of representation of minority communities in the Municipality of Obiliq is 19.1%, in the Municipality of Gjilan is 13.99 % and in the Municipality of Prizren is 18.12%. In all three municipalities the representation of minority communities in the civil service is higher than the percentage of their members at the respective municipal levels.

In the case of publically owned companies the situation of employment of minority communities is quite different to that in municipal government institutions. POEs lack strategies for ensuring the equitable representation of communities within their staff, justifying this fact by claiming that their policies do not allow professional discrimination.⁵ The situation regarding representation of minority communities in publicly owned enterprises is illustrated in the best way by the cases of Post Telecommunications of Kosovo and Kosovo Energy Company, as two largest public companies in Kosovo.

⁵ Interview with Mr. Srdjan Sentic, Head of the Office for Communities, Office of the Prime Minister of Kosovo, August 2009

Post and Telecommunications of Kosovo (PTK) has a total of 2,766 employees, out of which 2646 (95.66%) are Albanians and 120 (4.34%) are members of minority communities: 45 (1.63%) Serbs, 32 (1.16%) Turks, 29 (1.05%) Bosniaks, 11 (0.4%) Roma, 1 (0.04%) Ashkali and 2 (0.06%) grouped under the 'others' category. For PTK, the main obstacles to achieve equal representation of members of minority communities within their institution is the low number of job applicants, even though this institution always encourages members of communities to apply.⁶

The total number of employees of Kosovo Energy Company – KEK (Kosovo wide) is 8,241 and Out of these 8,126 employees (98.65%) are Kosovo Albanians, and 109 (1.35%) are from the minority communities – 31 (0.38%) are Bosniaks, 28 (0.35%) are Kosovo Serbs, 28 (0.35%) are Turks, 3 (0.04%) are Roma, and 19 (0.23%) are grouped under the category of 'others'⁷.

In terms of employment opportunities in the public companies Roma, Ashkali, and Egyptians are in the worst position as they mainly have only primary education and find it very hard to find employment. They blame this not only on their poor qualifications but also on alleged discrimination, claiming that certain jobs such as cleaners, drivers and guards do not require secondary education.

In addition to employment opportunities within the public sector of Kosovo, Serbian community in the municipalities of Obiliq, Gjilan and Prizren are also employed within parallel municipalities (based in Plementin, Gornje Kusce and Shterpce respectively) and structures of the Government of Serbia in these localities. A number of them, especially in the field of health and education, also receive salaries from the Government of Kosovo.

Education

The legislation applied in Kosovo provides for comprehensive and specific educational rights for non-majority communities (Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, promulgated on June 15th, 2008). These include the right to receive public education at all levels in any of the official languages (Albanian and Serbian). In areas inhabited by communities whose mother tongue is not an official language, students belonging to these communities are entitled to receive pre-school, primary, and secondary public education in their mother tongue.

Where, due to an insufficient number of students or any other reasons, education in the chosen official or community language is not provided, alternatives should be guaranteed. The legal provisions further recognize the right of communities to set up private educational and training establishments and to generate educational modules on their culture, history and traditions.

Thus, Kosovo legislation recognizes the right for receiving public education at all levels in the chosen official language and the right for receiving pre-school, primary and secondary education in

⁶ Ibid

⁷ Ibid

other languages of Kosovo's traditional communities in those municipalities where these communities live. Moreover, the Ministry of Education, Science and Technology, in co-operation with municipalities, is also responsible to provide students with adequate textbooks 'in their mother tongues.' Since 2008, the Ministry of Education has been providing free textbooks for primary school children.

In the Municipalities of Obiliq, Gjilan and Prizren, Serb Community students are enrolled in the primary and secondary schools, supported by parallel structures of Serbia. The curriculum and books are based on the curricula of the Ministry of Education of Republic of Serbia.

The lack of curriculum-based textbooks seriously affects the quality of mother tongue education in the Bosnian and Turkish languages. There are no (for upper secondary education, grades 10-13) or only few (for lower secondary education, grades 6-9) curriculum based books available in these languages.

Most Roma students in the municipality Gjilan and Obiliq go to Serbian schools where Serbian is the language of instruction, whereas in the Municipality of Prizren they mainly follow education in Albanian and Bosnian Language. However, none of the classes in any of the schools are taught in the Roma language. Egyptian and Ashkali communities follow the education in Albanian Language, since their mother tongue is the same. However, they do not have special classes on their culture, history and traditions.

The Kosovo framework curriculum is divided into general subjects and community-specific 'national' subjects. These subjects are language, history, art and music. National subjects for Kosovo Turks and Kosovo Bosniaks are developed by experts from the respective communities. But, for Roma, Ashkali and Egyptian communities "national subjects" curricula are not developed, thus making them feel that their identity development is threatened.

In practice, there is insufficient representation of non-majority communities in school management positions. The education system provides to some extent the mother-tongue training for Turkish and Bosnian language teachers, but training in the specialized subjects is available only in Albanian. No specific training is provided for Romani language teachers in their language. There is a considerable number of under-qualified teachers in the Kosovo-curriculum system, while the number of Turkish and Bosnian language teachers is insufficient in some schools.

The Kosovo legislation envisages equal access to university education, including the special measures to ensure the admission of candidates from all communities. Serbian community has a separate university in Serbian Language that is based in Mitrovica. The needs of Bosniak and Turkish Community for higher education are managed to certain extent by the Ministry of Education, Science and Technology of Kosovo. The Prishtina University offers some Bosnian and Turkish language courses on Turkish Philology (50seats), Bosnian and Turkish language for Teachers (35 seats each), Information Technology in Bosnian (35 seats) and Business Administration in Bosnian (80 seats).

Official use of community languages

The constitution of the Republic of Kosovo defines the Albanian and Serbian Languages as official languages of the country. Turkish, Bosnian and Roma languages have the status of the official languages at the municipal level or will be in official use at all levels as provided by law. On the other hand, the Law on the Use of Languages determines that at the municipal level, if a community speaks a language that is not an official language, and constitutes at least 5% of the municipality's population, that language can be awarded the status of an official language at the municipal level. Also, if a community speaks a language that is not an official language, and constitutes between 3% and 5% of the municipal population, that language can become a language 'in official use' at the municipal level.

The three municipalities have passed the municipal regulations on the use of languages in general accordance with the national legislation. The municipal regulation of Obiliq on the use of languages has determined the Albanian and Serbian language as official languages in the municipality. The municipal regulation on the use of languages of Gjilan defines Albanian and Serbian Language as official languages, and Turkish Language as a language in official use. The municipal regulation on the use languages of Prizren defines that official languages in use on equal terms in all the organs of the municipal administration are Albanian, Serbian, Bosnian and Turkish languages. In these three municipalities the Romani Language is not declared as language in official use, since within their territories Roma Community constitutes less than 3% of entire population.

Implementation of the municipal regulations on the use of languages requires sufficient translation personnel within municipalities. However, according to the latest report on the Functioning of the Municipalities of the Republic of Kosovo by the Ministry of Local Government Administration (MLGA), in the Municipality of Obiliq the translation unit is not established, whereas in the Municipalities of Gjilan and Prizren these offices are functional and fulfill the translation needs⁸.

The municipal official web-site of Obiliq is not functional in Serbian Language (<http://www.komuna-obiliq.org/?cid=3,1>). The web-site of the municipality of Gjilan is fully functional in Serbian, but the section in Turkish Language does not exist, despite the fact that Turkish Language is declared as the language in use in the municipality (<http://www.gjilani-komuna.org/>). The municipal web-site of Prizren is fully functional in all official languages and languages in use (Serbian/Bosnian and Turkish).

The key problems noted in the municipalities are entry of names and surnames of the members of minority communities in the original form and script according to their respective language and public register. The problems are felt by impacted members of the community minorities as a

⁸ Reporti i Funksionimit të Komunave të Republikës së Kosovës, Janar – Qershor 2009, Prishtinë, Korrik 2009

tendency of assimilation and in some cases as an offence on ethnic bases. This is a case especially for Serb, Bosniak and Turkish Community members.

In order to ensure the compliance of municipal authorities with the national and municipal legislation on official languages and on the use of languages, there is a need for an institutional review of the implementation of the respective legal framework by the national authorities. In this regard, the effectiveness and professionalism of the Language Commission of the Government of Kosovo and the municipal instructions for minority communities are instrumental for ensuring full implementation of Kosovo's and municipal legal framework on the official use of languages.

RECOMMENDATIONS

MUNICIPAL AUTHORITIES

- Compliance of local legislation with national legal framework
 - Municipality of Obiliq should address urgently the collision of the Municipal Statute with the Law on Local Self Government regarding the provisions on the election and dismissal of the Deputy Mayor for Communities;
 - Municipality of Prizren should address collision of the municipal regulation on the use of languages with the Law on the Use of Languages.
- Completion and functioning of the municipal institutions on communities
 - Municipality of Obiliq should elect the Assembly's Deputy Chairman for Communities;
 - Municipality of Gjilan should elect the Deputy Mayor for Communities;
 - The municipal institutions on communities should have as a special focus of their work to ensure the implementation of national and municipal framework on communities;
 - Municipalities should pay particular attention in addressing needs of vulnerable minority communities, especially of Roma, Egyptian and Ashkali communities;
 - Serbian Community should be encouraged to participate in the forthcoming municipal elections in order to ensure legitimate representation in the municipal governing bodies.
- Implementation of the legal framework on the use of languages
 - Municipality of Obiliq should establish and built the capacities of the language unit and should functionalize the web-site section in Serbian Language;
 - Municipality of Gjilan should ensure the full implementation of the legal provisions of the Turkish language as the language in use and create the section of the municipal web-site in Turkish Language;
 - The municipal institutions on communities should have as a special focus of their work to ensure the implementation of national and municipal framework on communities;
 - The three municipalities should ensure entries of names and surnames of the members of minority communities in the original form and script according to their language and public register;
 - Municipal authorities in the three municipalities should provide a number of scholarships for higher education for the members of Roma, Ashkali and Egyptian Communities, in order to address their needs in preserving their languages.

NATIONAL AUTHORITIES AND PUBLICLY OWNED COMPANIES

- Government of Kosovo should ensure the compliance of municipal legislation with national legislation and its full implementation in regard to establishing of municipal institutions for communities;
- The Ministry for Local Government Administration should issue an administrative regulation in order to solve the status of the Local Offices for Communities, which is not envisaged by the present legal framework. The Local Offices for Communities and their personnel should be integrated with the functions of the Deputy Mayors for Communities;
- Ministry of Education, Science and Technology should find a solution of the “national curricula” especially for Roma, Ashkali and Egyptian Communities;
- The Governmental Language Commission should urgently become functional and review the implementation of the national and municipal legal framework for official languages and languages in use;
- Publically Owned Enterprises should develop and implement equal opportunity strategies for increasing the number of employees coming from minority communities.

Recommendations from the conference
“Local policies in multiethnic communities in Kosovo – conditions and perspectives”
(Pristina, September 24th 2009)

Starting-off from a firm belief that Kosovo's society is being built as a democratic community committed to the rule of law, holders of the project LOCAL POLICIES IN MULTIETHNIC COMMUNITIES, who regard their own national and ethnic heterogeneity as a cultural asset, bring these recommendations that sprouted from discourses, discussions and exchanges of arguments presented at this conference with a desire to assist the formal, legal and institutional development and capacity building of the government administration in Kosovo, aiming to create and implement local minority policies and to secure consistent and integral realization of rights of members of minority communities on the local level.

1.)Recommendations for normative and legislative framework:

- working on harmonization of legal framework on the local level (statutes, bylaws, legal acts...) with the normative framework (Constitution and laws) on the central level is needed, in parts related to minority rights;
- creating preconditions, normative, institutional and human resources, for consistent application of constitutional norms and legislation that regulates rights of national and ethnic communities on the local level;
- support keeping track and monitoring over the realization of minority rights on the local level, in order to obtain a clear view on all aspects of this complex process and thus create preconditions for abrogation of potential obstacles or shortcomings;
- striving to harmonize legal terminology translated to minority languages, in order to prevent legal chaos;
- having in mind that legislative framework is being constantly upgraded, striving to remove any legal vagueness as soon as possible (for example, legal status of the Office of Communities), and reduce their negative consequences through lobbying and advocacy.

1.)Recommendations for institutional framework:

- during the transition of the society of Kosovo, existing institutional solutions need to be preserved, since those solutions proved to be useful and functional for efficient participation of minorities in decision-making processes of any public significance, and are generally useful for the stability of interethnic relations, especially for the Office of Communities;
- in the initiated process of decentralization, special care must be taken to not only establish but also to empower all local level institutions foreseen by the Law, which are important for participation of minorities in decision-making processes and for governance in multiethnic communities (Committee of Communities, Vice-President of the Council of Communities, Deputy Mayor for Communities), in order to maintain their capacity to enforce legal authority;
- having in mind that this is all about new institutions which are to be developed in course of time, continuous work on capacity building is needed and should be carried out by means of education in spheres of knowledge and skills necessary for quality governance (strategic planning, diversity management, conflict and post-conflict management, creating and realizing minority policies...);
- reinforce protection of minority rights through adjustment of government administration to better fit the needs (for example, due to problems related with the rule of law, creation of an independent ministry for human and minority rights on the central level should be taken in consideration) or to better respond to the challenges laying ahead (for example, due to problems related with realization of

minority rights on the local level, finding the way to use the institution of Ombudsman for bringing positive solutions for all current shortcomings);

–public administration institutions on the local level, engaged in work with communities, apart from regular communication and constant cooperation with representatives of institutions and organizations of minority communities, should have the same approach to representatives of the civil society and community of experts, in order to significantly improve realization of minority rights in local communities.