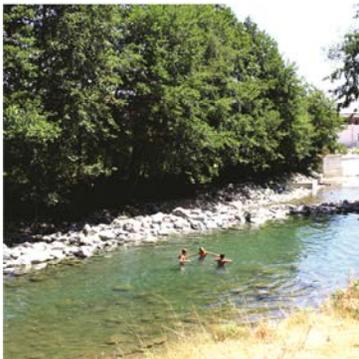


Municipal Spatial Planning Support Programme in Kosovo 'MAKING BETTER CITIES TOGETHER'



Where are we? Where do we want to go, and how? WORKSHOP WITH PARTNER MUNICIPALITIES

19-20 March 2014, Ohrid- FYROM

Report

Implemented by:
UN HABITAT
FOR A BETTER URBAN FUTURE

Financed by:
**SWEDISH DEVELOPMENT
COOPERATION**



The aim of the workshop

1. Introducing the MuSPP to newly elected local authorities, taking stock of what has been achieved so far and assessing remaining needs, challenges, current priorities;
2. Programming for 2014;
3. Looking at territorial/ municipal planning and management requirements and challenges: recommendations towards further cooperation and future programming.

Expected results

- Platform for continued dialogue amongst local authorities, and between local authorities and central level authorities;
- Understanding of needs, priorities and tailored related support/ activities;
- Recommendations for the way forward.

Partner Institutions- Participants

Central government representatives- Ministers, Deputy Ministers, Political Advisors, Permanent Secretaries, Department and Division Directors and Chiefs:

- Ministry of Environment and Spatial Planning (MESP);
- Ministry of Local Government Administration (MLGA) and
- Ministry of Public Administration (MPA).

Local government representatives- Mayors, Deputy Mayors, Department Directors, Municipal Assembly Chairmen's:

- Municipality of Ferizaj/ Urosevac;
- Municipality of Gjilan/ Gnjilane (excused absence);
- Municipality of Gracanice/ Gracanica;
- Municipality of Hani i Elezit/ Elez Han;
- Municipality of Junik;
- Municipality of Leposaviq/ Leposavic;
- Municipality of Malisheve/ Malisevo;
- Municipality of Mamushe/ Mamusa (excused absence);
- Municipality of Mitrovice/ Mitrovica (excused absence);
- Municipality of Mitrovice/ Mitrovica North;
- Municipality of Partesh/ Partes;
- Municipality of Peje/ Pec;
- Municipality of Pristine/ Prishtina (excused absence);
- Municipality of Prizren (excused absence);
- Municipality of Rahovec/ Orahovac (excused absence);
- Municipality of Zubin Potok and
- Municipality of Zvecan.

Wednesday, 19 March

Opening Remarks

Gwendoline Mennetrier, Chief Technical Advisor UN-Habitat/ Municipal Spatial Planning Support Programme

On behalf of UN-Habitat, it is my pleasure to welcome all the participants on this event today, marking the life cycle of MuSPP. Thank you all for responding positively to the invitation.

Let me thank MESP and MLGA, minister, deputy ministers, secretary-generals and directors for honoring this event. Their presence demonstrates the strong commitment of the central government to listen to local preoccupations, progress and challenges ahead, vis-à-vis planning, programming and service delivery to citizens; and designs the support accordingly.

I am delighted to greet the mayors, deputy mayor and directors of MuSPP partner municipalities as well as the mayors and assembly chairpersons of the four Northern municipalities to whom the invitation was extended.

As UN-Habitat, we do believe that this form of engagement, beyond MuSPP, creates great opportunity for exchange between the local level institutions, as well as the local and central level institutions, in which, once again, UN-Habitat is ready to take the role of conveyer and supporter.

MuSPP is active in Kosovo since 2005 in support of MESP and Kosovo municipalities for improved and integrated spatial planning to guide investments and to ensure sustainable development, to enhance the local democracy and improve living conditions of the citizens.

Soon MuSPP will end. Therefore, it is time to think collectively what we have achieved and what remains to be achieved. It is also time to shape the potential support, in accordance with evolving needs and priorities of the local level institutions.

Let me quote Nelson Mandela: "I have discovered a secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of glorious vista that surrounds me, to look back on the distance I have come. But, I can rest only for a moment, for with freedom comes responsibilities and I dare not linger, for my long walk is not yet ended".

Precisely, because the walk is not yet ended in Kosovo, we came to share experiences, identify challenges and opportunities for the cities and villages, in order to design adequate strategies and create equal opportunities for the benefit of people on whose behalf and with whom you govern your livelihoods.

All settlements should be planned to ensure the future. Settlements, cities and villages, need to invest in processes for developing spatial planning strategies, addressing economic, social and environmental future.

This workshop, intends to support and promote debate on questions of sustainable urbanization and development, and offers from our perspective an opportunity for coordination and continued dialogue between the different levels of governance.

Therefore, welcome to this two-day journey.

**Dardan Gashi, Minister
Ministry of Environment and Spatial Planning**

Many thanks to UN-Habitat for organizing such a workshop.

I would like to greet participants, deputy ministers, mayors and deputy mayors.

Spatial planning constitutes the basis for municipal development. Nevertheless, Kosovo, as well as Kosovo municipalities separately cannot boast in that aspect. That is also due to incomplete spatial planning legal framework.

As you know, Kosovo Assembly has approved a new Law on Spatial Planning (2013), which defines even more clearly the central and local level competences, as well as their obligations.

Besides the spatial planning, the aspect of construction plays an important role in development. In the past, the legal framework for such an aspect did not exist; therefore, the MESP drafted the Law on Construction. The Kosovo Assembly approved the law in 2013. According to construction specialists, this law represents one of the most contemporary laws in Europe.

In order to treat the damage caused in the past and in absence of adequate legislation, MESP drafted the Law on Treatment of Buildings without Permit. The Kosovo Assembly approved the law in 2013.

At present, MESP is drafting the Administrative Instructions for the implementation of the above-mentioned legal framework.

With such a legal reform, MESP believes to resolve some of the damages caused during the last fifteen years, mitigate such damage and foster sustainable development.

The municipalities that draft their plans based on this legal framework and in cooperation with MESP will be developed properly and will receive institutional support; whereas, the municipalities that neglect such an approach, will face development issues and institutional problems.

MESP hopes that such workshops/ conferences will help the participants to identify their positions and needs. In general, MESP believes that such a workshop/ conferences are more than necessary, and the MESP is willing to support with advice, implementation and fund-raising.

Allow me once again to thank you for organizing such a conference. I wish you all the best.

**Basri Musmurati, Deputy Minister
Ministry of Local Government Administration**

Greetings to all, in particular to the Minister of MESP and to UN-Habitat, for organizing the workshop; and to the mayors elected to their first term.

MLGA, believes that the mayors will deliver on their promises based on which they were elected, in accordance with the current legal framework.

MLGA provides special kind of support to local institutions, in particularly to those established after the 2013 local elections.

MLGA and MESP have developed a sound legal framework that will facilitate in the best way possible the work of local institutions. MLGA encourages all municipalities to cooperate in line with such a framework.

In that regard, the UN-Habitat, has contributed greatly up to date. MLGA hopes that UN-Habitat will continue to support local institutions in the same way even in the future. I also, encourage the mayors to take advantage of UN-Habitats' presence to the maximum.

In the past, MLGA continuously has supported the efforts of MESP and partners for the development of spatial planning regulation criteria. Now that those criteria are developed, it is up to municipalities to do their part. In that regards, I have no doubt, that the mayors will make a special contribution.

To conclude, MLGA would like to thank UN-Habitat once again for organizing the workshop. The idea for organizing such a workshop with mayors, derived from the last conference organized in Thessaloniki.

Thank you.

**Sebil Pajko, Political Advisor
Ministry of Public Administration**

Honored ministers and deputy ministers, mayors, honored participants, honored workshop organizers.

On behalf of Minister of MPA, Mahir Yagcilar, and on behalf of MPA, I would like to greet you all; and in particularly I would like to thank UN-Habitat for organizing such a workshop and for the invitation.

MPA collaborates with UN-Habitat, in the area of information technology.

MPA is responsible for drafting, implementating and supervising information technology policies and investments at the central and local level, as well as other areas that fall under public administration reform.

MPA believes that during this two-day workshop, the participants will exchange experiences, identify challenges and opportunities to overcome them.

MPA supports such initiatives and offers collaboration to all partners at the central and local level.

Thank you.

Session 1

MuSPP Achievements (taking stock), remaining challenges and priorities

- MuSPP support: objectives, activities, achievements, lessons learned, outlook, UN-Habitat Office in Kosovo;
- Planning municipal needs assessment: sharing results and discussing possible improvements and way forward, UN-Habitat Office in Kosovo;
- 'Tour de Table': Mayors' vision for development and priorities.

Presentations summary

Gwendoline Mennetrier, Chief Technical Advisor

UN-Habitat/ Municipal Spatial Planning Support Programme

UN-Habitat:

- Mission and Focus Areas;
- Programmes and Activities implemented in Kosovo- A Retrospective;
- Municipal Spatial Planning Support Programme in Kosovo- Phase 3- The Future.

UN- Habitat/ MuSPP 3 in Kosovo:

- Objectives and Components;
- Activities and Achievements:
Training and Capacity Building; Planning Projects; Tools Development; Capital Investment Projects (CIP's)- initiated/ completed/ in final stages; and Institutional Cooperation.
- An Outlook (2014):
further cooperation and activities with central and local level.

Ishaku Maitumbi, International Planning Officer

UN-Habitat/ Municipal Spatial Planning Support Programme

UN- Habitat/ MuSPP 3 in Kosovo- Municipal Needs Assessment Survey:

- Presentation of main findings and conclusions of the survey with twelve MuSPP partner municipalities and Municipality of Prishtine/ Pristina, including statutory plans (Municipal Development Plan's- MDP's, Urban Development Plans's- UDP's, Urban Regulation Plan's- URP's and Strategic Environmental Assessment's- SEA's; and other sectorial plans); Geographic Information Systems (GIS) software, GIS database development and capacities; Spatial Planning- Legal Framework Reform (Law on Spatial Planning- LSP, Law on Construction- LC and Law of Treatment of Buildings without Permit- LTBwP (level of understanding and implementation); and Institutional organization (with special emphasis on planning, environment and housing departments);
- Municipal priority needs with regards to the above issues towards self- sustainability:
Support in establishing municipal GIS database network with licensed software and related trainings;
Support in drafting planning instruments according to recently approved LSP;
Support in implementing and monitoring of spatial plans;
Support in preparing sector plans: transport, mobility, socio-economy, housing, waste management, environmental protection;
Support with training and capacity building options on spatial planning, environment, housing and urban design while taking into consideration regional and international best practices;
Support in drafting and investments in public space related capital projects;
Support in enhancing the quality control of spatial plans and projects management;
Support in empowering public participation/ consultations during drafting and implementation of plans.
- Conclusion of the Survey:
Almost all partner municipalities have spatial plans in place, drafted through outsourcing or with external support;
All partner municipalities, regardless of their current human capacity and size, have expressed the need for UN-Habitat/ MuSPP support on training and capacity building, as well as drafting, implementing and monitoring of the implementation of their spatial plans.

'Tour de Table'**Discussion summary****Goran Rakic, Mayor****Municipality of Mitrovice/ Mitrovica North**

- Municipality of Mitrovica North is one of the newly established municipalities;
- The political situation in Municipality of Mitrovica North and the North in general is very sensitive;
- The municipal budget is not proposed yet; it is foreseen to be small and insufficient;
- There is lack of inter-municipal confidence; we should commence the process of reconciliation with support from UN-Habitat, as well as with support from some of the most experienced mayors present here today, which represent municipalities that exist for a long time now; the population in Kosovo is very emotional, thus, we all have to work harder and faster, in order to accelerate the process of interethnic reconciliation;
- There were no statutory or sectorial plans inherited from the past, therefore, there is a lot of works to be done in many municipal sectors and every intervention is a matter of priority; Some priority intervention areas may include: reconstruction of streets and walkways, repair of streetlights, designation of parking areas; construction of a sports facility- as there is none; construction of the bus station and a bridge- which would reduce the freight traffic downtown; improvement of the working conditions for the educational and healthcare institutions; and many others.
- Support from UN-Habitat/ MuSPP for Municipality of Mitrovice/ Mitrovica North looks sincere and it is more than necessary; and thus, we should accelerate, so that our municipality does not lag behind the other municipalities.

Refki Suma, Mayor**Hani I Elezit/ Elez Han**

- The municipality didn't inherit any statutory or sectorial plans; while the MDP was drafted with support from UN-Habitat/ MuSPP and MESP;
- In the near past, the municipality, in cooperation and with support from UN-Habitat/ MuSPP, has jointly funded and implemented a CIP. As a result of successful cooperation, by the end of this year we are planning to co-fund and implement another CIP;
- In addition to above mentioned projects, the municipality has other ongoing projects with UN-Habitat;
- Since 2008 when the municipality was established, UN-Habitat/ MuSPP provided sincere cooperation and collaboration, through technical support and good training and study tour opportunities; therefore, the staff of the municipality is well trained and today the capacity is considered to be self-sustained.

Gazmend Muhaxhiri, Mayor**Municipality of Peje/ Pec**

- The need for the GIS application in Kosovo municipalities is great; based on the discussions I have had with my colleagues and based on your presentation, I may say that Kosovo municipalities lag behind with application of GIS; 'modern' spatial planning should be based on the use of GIS applications; in a rapidly changing world, in which the municipal management has to take decisions promptly, it is more than necessary to have a licensed GIS software and the capacities to use such software;
- It also helps to take adequate decisions for the construction of educational and healthcare facilities in the places where there is demand for such a service (e.g. School in Peja/ Pec); GIS training, on the role it plays in modern planning and the results it gives, should be organized for all Kosovo mayors and municipal directors; all municipalities should have a licensed GIS software; and such requirement should be incorporated in the Administrative Instruction's (AI's) for the implementation of the LSP.

Murte Velijaj, Deputy Mayor**Municipality of Junik**

- Since 2007, in cooperation with UN-Habitat, we've successfully completed a number of projects;
- At present we're working together on the Moronica Park project- the first phase was completed last year, while the second one is due to start, for what the municipality is counting on support from UN-Habitat.

Faik Grainca, Director of Urbanism and Planning**Municipality of Ferizaj/ Urosevac**

- As the Secretary General of MESP said previously: 'it's better not to have a plan at all, than to have a bad one'; the municipality didn't manage to draft a quality MDP, due to lack of experience; even the companies, to which the drafting of the MDP/ UDP's was outsourced, lack capacities to draft them; in many cases, the MDP's were done on the 'copy & paste' basis;
- Ferizaj/ Urosevac is the third biggest city in Kosovo, and as such, is faced with many problems; the municipality drafted many URP's which were not harmonized with the capacity of the municipality to implement them, such as insufficient funds for investments in infrastructure and land expropriations; which ultimately led to block of the development due to the inability to issue construction permits;
- Another problem, in the municipality, is the large number of buildings constructed without permit, for which the legal base (LTBwP) has been approved, for the implementation of which the municipalities have good hope that the ministry will ensure the necessary human and financial capacities;
- The LC requires municipalities to inspect the construction of all buildings from the commencement until completion, which in theory is very good, but in practice hardly implementable due to limited human and financial capacities.
- The municipality has good cooperation with UN-Habitat since 2003.

Rexhep Mazreku, Deputy Mayor**Municipality of Malisheve/ Malisevo**

- The municipality is facing different problems in terms of spatial development;
- The municipality also lacks qualified staff in the department of planning, in terms of competence and quantity;
- The municipality supports the idea of training and capacity building in spatial planning, for the municipal assembly members as well as for municipal professional staff;
- The municipality and the UN-Habitat are planning to co-fund and implement a CIP.

Vucina Jankovic, Mayor**Municipality of Zvecan/ Zvecan**

- The municipality has about 14,000 inhabitants, out of which 4,000 IDP's, for whom housing issues are not resolved up-to-date;
- No investments took place for the last 14 years;
- There are many issues concerning the municipal budget e.g. lack of funds for land expropriation;
- The municipality has problems related to water supply, power supply and road networks, which constitute the basis for development;
- It seems that all municipalities are facing similar problems with planning departments; for instance: based on international examples, the department of planning cannot determine a project, for which they will apply for funds and at the same time provide themselves the permission to build and use; therefore, all municipalities should establish 'design studios', which will be composed of engineers with different backgrounds, and which will operate independently from the municipal planning department in order to prevent conflicts of interest;
- During the upcoming period, the municipality will pay special attention to projects which aim sustainability- primarily projects that generate jobs/ working places; projects that beautify settlements; project on the regional landfill; project on the activation of the thermal bath; for the implementation of which, the municipality expects support from UN-Habitat/ MuSPP and other international donors;
- The main priorities of the municipal administration are recruitment and engagement of human capacities and drafting of MDP with support from UN-Habitat/ MuSPP.

Srdjan Petkovic, Deputy Mayor**Municipality of Gracanice/ Gracanica**

- The infrastructure in the municipality is in poor condition;
- The construction of the secondary education center; and the medical center in the municipality are accompanied by many problems;
- The municipality lacks spatial planning capacities.

Arben Citaku, Secretary General

Ministry of Environment and Spatial Planning

- Referring to the previous speaker from Mitrovica North saying that they lack all kind of statutory and sectorial plans, the response is: 'better without any, than with poor quality plans, like the ones a few municipalities in Kosovo have'; it is much easier to start doing something good from scratch than to improve something that was done in a wrong way; therefore, the ministry will do everything to support municipalities in doing their work in the best way possible;
- MESP in cooperation with UN-Habitat will continue to support all Kosovo municipalities in the projects that are in favor of the public interest.

Session 2

Legal reform progress in environment and waste management in Kosovo, related local mandates, central support and inspection mechanisms.

- Presentation by MESP- Questions, discussion, sharing of experiences.

Presentation summary

Enver Tahiri, Chief, Division for Waste and Chemical Management Ministry of Environment and Spatial Planning

- Legal framework on waste management, central and local level competences; process and stakeholders; municipal collection tariffs; landfills and regional waste management companies; waste comparison statistics; harmonization of the legal framework with EU-Acquis;
- Municipal responsibilities on drafting waste management strategies and action plans; and recommendations for Municipalities on Waste Management.

Discussion summary

- Waste management has great importance and a priority for each municipality as it also relates to the environmental protection and preservation;
- In the Western world, waste is a synonym of raw material, a large amount of which, through a technological process is being reused; and thus waste management is considered as an important branch of economy;
- The waste collection tariffs should be set and collected by the municipalities, as requested by the municipalities and as defined by the amended law; up-to-date the region of Prizren, has developed a municipal waste collection tariff model with support of JICA, based on best international practices; which could also be adjusted and used by the other regions;
- There are five regional waste landfills- one per region, including one in North of Kosovo; which have the status of public enterprises and which are managed by private entities, under the supervision of Ministry for Economic Development (MED);
- In order for MESP to issue an integrated environmental license to the entities which are managing the landfills, there are a number of management and site maintenance criteria that should be met, as well as large investments that should be made in the five regional landfills, for which there are no central level funds at the moment; and for which there is great interest from the private sector.
- Based on MESP analysis, no specialized waste management enterprise will enter a waste management market, without being granted a minimum waste amount, which can't be met by the municipality/ies alone; therefore, the privatization of the regional landfills, through a Public Private Partnership (PPP) option, is in the final stage privatization, a process which is being led by MESP, by the decision of the council of ministers.

Session 3

Corporate planning: modus operandi, municipal responsibilities and central support and monitoring

- Presentations by MLGA- Questions, discussion, sharing of experiences.

Presentations summary

Avni Sahiti, Director, Department for Municipal Performance and Transparency

Ministry of Local Government Administration

- Responsibilities of MLGA with regards to municipalities;
- Monitoring and supervision of the municipalities; drafting of policies and development of legal framework for the municipalities;
- Training and capacity building; performance assessment in the municipalities- strategic planning, drafting of MDP's and financial planning and management; local and central level coordination and cooperation; legal framework;
Drafting and review of integrated (corporative) plans for a number of municipalities
- Implementation of training and capacity building programmes for civil servants and political appointees, in the recently established municipalities.

Agron Maxhuni, Director, Department for Municipal Legal Affairs and Monitoring

Ministry of Local Government Administration

- Overview of the municipal organization, municipal bodies and organizational chart; principles of local government, competences of the municipal assemblies; organization and responsibilities of civil servants;
- Responsibilities of MLGA with regards to municipalities:
Monitoring and supervision of the municipalities; administrative reviews- early consultations; legal compliance assessment and review procedures (charts); monitoring (on-line)- municipal assembly sessions and executive- municipal mayor and municipal departments;
- Municipal land/ property management an overview- land/ property expropriation and concession, municipal competences and procedures;
- Communication with municipalities- regular and consultative meetings with municipal authorities; participation in the assembly session and visits.

Discussion summary

- The municipalities of North have great need for support from MLGA;
- The need for resource consolidation is still necessary even in experienced municipalities;
- During the upcoming period, some municipalities will still face greater difficulties in the implementation of the legal framework, due to short transition periods;
- MLGA will be open to all municipalities, to collaborate in order to improve the performance and respect legal procedures; a process which is considered difficult in the beginning, but jointly with municipalities manageable, as it was with other municipalities in the past;
- MLGA has proven experience in professional capacity building in the recently established municipalities, such as Gracanice/ Gracanica and Hani i Elezit/ Elez Han, which represent some local governance success stories;
- MLGA is ready to support the functionalization of the municipalities, in particularly Northern municipalities- Mitrovica/ Mitrovica North, Zvecan/ Zvecan, Zubin Potok and Leposaviq/ Leposavic;
- Municipalities are facing great difficulties due to insufficient municipal land for the expansion of the existing municipal services and development of the new ones;
- MLGA in collaboration with the Privatization Agency of Kosovo (PAK) and the Kosovo Cadastral Agency (KCA) raised the issue of insufficient municipal property land for the development of municipal services. Meanwhile, the municipalities should apply land exchange and expropriation options.

Wednesday, 20 March

Session 4

Legal reform progress in spatial planning, construction and treatment of buildings without permit, related local mandates, central support and inspection mechanisms

- Presentation by MESP- Questions, discussion, sharing of experiences.

Presentations summary

Arben Citaku, Secretary General Ministry of Environment and Spatial Planning

Law on Construction (LC):

- Essential information on the law- goal, scope and principles;
- General procedures for application and issuance of building permits;
- Building permit taxation and issuance of use certificate;
- Transitional and final provisions.

Law on Spatial Planning (LSP):

- The rationale behind the legal framework- the measures and the impact:
Efficiency in issuance of building permits;
Corruption and illegal construction prevention;
Reduction/ saving of public funds on drafting statutory spatial plans;
Development of mechanism for law implementation;
Enforcement of human rights;
Transparency improved during drafting and prevention of possible miss-use during tender processes;
Accelerated economic development and improved municipal revenues- invest in capital projects;
Equal opportunities for the development of 'rich' and 'poor' municipalities;
- The list of administrative instructions for the implementation of the law
(e.g. national zoning plan of Ireland);
- Responsibilities for the implementation of the law- MESP and the municipalities;
- Principles of the spatial plans and zoning maps.

Law on Treatment of Buildings without Permit (LTBwP):

- Essential information on the law- goals, scope and principles;
- Responsibilities of MESP, municipalities and applicants for the implementation of the law;
- Legalization procedures for buildings without permit and incomplete buildings;
- Tax tariffs for legalization of the buildings without permit; and condominiums and multi- unit buildings;
- Inspection of incomplete buildings;
- Decision on legalization; appeals against the decisions; demolition;
- Law implementation process and time frame.

Discussion summary

- USAID is supporting MESP in smooth implementation of the spatial planning and construction legal framework;
- MESP is aware of the situation related to issuance of building permits and drafting of spatial plans; and therefore, will cooperate and support the municipalities on those issues;
- The municipalities should reorganize their (planning) departments in order to have smooth implementation of the LSP;
- MESP should consider providing incentive mechanisms (rewards for achievements), to encourage the municipalities to draft and implement their MDP's; as well as implement the recently adopted spatial planning and construction reform.
- Due to accelerated approach with spatial planning and construction legal reform, the municipalities will be delayed with implementation;
- USAID's Business Enabling Environment Programme, supported the spatial planning and legal reform until July 2013; and then jointly with MESP, a new programme for continued support, amounting \$11 million dollars was designed. The programme will be concentrated in few sectors, the second component of which is spatial planning and construction reform. This programme, will also support Prime Minister's Office (as a link with the assembly), MESP (spatial planning and construction reform), Ministry of Trade and Industry- MTI (issuance of various licenses and permits to enterprises) and Ministry of Finance- MF (implementation of joint particular projects, of specific profiles), during a period of ca. 4.5 years.
- If the municipal capacities are not developed yet, this law, same as the previous one, will have the same fate. If there is no regular support, supervision and continuous training opportunities for the municipalities, no results will be achieved. We should all learn from the experience of the previous law.
- If there is political will from the mayors, the law on spatial planning will be implemented and will have the support of the MESP. If not, the municipalities will be penalized by the ministry and its citizens.
- There is UN-Habitat and many other organizations that support the ministry in the field of planning, which have the resources and will to build-up the capacities.
- According to the previous LSP, the municipalities were responsible to draft their MDP's within a period of twelve months, but most of them did not. According to the present LSP, if the municipalities do not draft their MDP's within fifteen months, then MESP is obliged to react. For the municipalities that do not meet the deadlines, foreseen by the LSP, MESP will take the responsibility to draft their MDP's and submit them to the municipalities in completed format, while the amount of funds spent for drafting them will be deducted from their budgets. These are the mechanisms that MESP will not be happy to apply.
- Before the approval by the Kosovo Assembly, the LSP was consulted with municipalities;
- The transition period for the implementation of present LSP should be longer, not only in the northern municipalities, as otherwise, all the municipalities are going to be late with its implementation;
- The MESP has in mind the characteristics of all municipalities. It will take time for the implementation of the LSP. MESP will work on improving the cooperation between local and central level.
- Some municipalities, in the past, have approved regulations for the treatment of buildings without permit, which are not based on an adequate legal framework, therefore, from now and on, every building without permit will be treated in line with this law.
- For every building without permit identified, which the owner does not apply for legalization, within a given deadline, will be demolished by the (municipal) inspectorate or the owner, the expenses of which, in the both cases, will be covered by owner himself.
- It is very important for the municipal (planning) directors to work with MESP experts to understand the legal provisions more in detail, as the mayors are not aware of the situation on site, but the respective directors, chiefs and professionals.
- In future, MESP will organize round table discussions/ forums on the LSP, where municipal inspectors and officials responsible for the issuance of building permits will be invited to participate, in order to have smooth implementation.

Session 5

MuSPP- take stock and look at the future: Recording positive & negative 'acquis', suggestions for improvement, required needs and means to sustain the Programme's 'acquis', recommendations beyond the Programme.

- Presentation by MuSPP Evaluation Consultant- Questions, discussion, sharing of experiences.

Presentations summary

Forbes Davidson, MuSPP Evaluation Consultant

Municipal Spatial Planning Support Programme

MuSPP:

- What are the lessons learned from MuSPP? Have MuSPP's objectives been achieved?
- What are the issues with human capacities developed in the past- in central institutions, because they were the ones supposed to support local institutions; and in the local institutions? How to use those capacities?
- The issues, such as planning documents and their implementation; environment and the tricky areas of development control. Would a new programme from UN-Habitat be something that could contribute somehow to that?
- What is the relevance of MuSPP in the current context?
- The third phase of MuSPP will end on October 2014. Is there a need for another phase of MuSPP?
- What kind of support the institutions will need from another eventual phase of MuSPP?
- If you were looking at a possible new programme of support, how would you like to get the help in the best way?

Intermediate municipal self-assessment survey outcome:

- It is not so difficult to build the capacities of individuals, but it is very difficult for the institutions, not only in local governments, to sustain and use those capacities once developed; mainly due to relatively low salaries. Ways of providing incentives, as a measure of sustaining the capacities are very important.
- For most of the municipalities, sustaining developed capacities, staff with strong GIS or planning skills, is a difficult issue; while for small ones, in particularly as they don't have (a replacement) the second and third person, thus once GIS or planning capacity leaves, they basically lose that specific capacity.
- The capacity in planning was evaluated as relatively high, while capacity for developing regulation and development control was evaluated as very low.
- The ability of linking planning with action through a CIP has been evaluated as extremely important in terms of the relationship with community as a whole, as well as the motivation of the staff.
- Support provided by UN-Habitat/ MuSPP, with particular emphasis on public participation and gender sensitivity; as well as training and capacity building in spatial planning, was evaluated as very positive and it was highly appreciated by the municipalities. Thus, an extension for MuSPP was required.
- For most of the municipalities, the end of MuSPP would have been a problem and it would complicate their functionality.
- The new spatial planning and construction reform is seen as a major challenge by the municipalities- drafting of new plans and adjustment of the old ones in accordance with new system;
- The spatial planning and construction legal reform represents a great challenge in terms of the capacities of the local governments to manage, meaning, the question is not anymore about the municipalities having enough capacities to do what they were supposed to (with previous law) but, if they have enough capacities to do what they have to do under new circumstances'; because there is a lot more to be done, which in practical terms represents not only a challenge, but an intensified one.
- Stopping the support in the case of the new municipalities, including the Northern ones, could create a very complicated situation.
- Generally, a lot has been achieved but there is still a lot to be done with differences to municipalities.

Discussion summary

Overall spatial planning context (including the legal reform) and the municipal self-assessment survey

Gazmend Muhaxhiri, Mayor

Municipality of Peje/ Pec

- Implementation of the new spatial planning and construction reform will require a lot of work;
- Many municipalities lack qualified capacities and do not know what should be done in that regard. It is also very difficult to find good managers (elected directors) which can explain to administration (civil servants), the tasks that they have to implement and how;
- Many employees in the municipalities are not able to absorb the help they receive through various training and capacity building projects or programmes; and even if they do, they are not able to cope with political changes. Therefore, the municipalities should find a way not only on how to develop their capacities, but also on how and sustain the capacities developed;
- Many municipalities do not even know how to identify their problems and needs, basically 'they don't know, what they don't know';
- Another problem that municipalities face, is the harmonization of URP's with financial capabilities for their implementation;
- The central government grants are limited, thus municipalities need support from private sector and UN-Habitat/ MuSPP. Their presence will prevent municipalities from losing time and energy, due to limited knowledge, specifically on spatial planning. The municipalities should plan strategically as that is the only way that opens development perspectives for municipalities.

Goran Rakic, Mayor

Municipality of Mitrovice/ Mitrovica North

- As far as the Northern municipalities are concerned, nothing has been done yet with respect to the topics discussed here;
- The Northern municipalities are expecting great support from everyone, particularly now, with many developments in the legal part of each sector; and with everything on the fast track.

Dragan Nikolic, Mayor

Municipality of Partesh/ Partes

- The municipalities are not satisfied with the skills of the municipal administration. During the recruitment process in the past, no professional criteria were met when professionals were engaged. The municipal staff was engaged/ recruited, based mainly on their political contribution.
- The salaries of the civil servants are low but at the same time, it is very difficult to find professionals.
- Municipal finances represent another problem. Without funds, you cannot even be a good planner and you may design good ideas, but you can hardly implement them if you do not have the necessary financial means.
- Poor communication with central government is another problem. It takes place only when the situation deteriorates and when lots of energy is required to find a solution.
- All the municipalities are in the beginning, we do not differ much. Under the current circumstances, with current human and financial capacities; and with such cooperation with central level, things will not change much. Nevertheless, the municipalities are interested in cooperation and collaboration with everyone and will do their best to complete their part of obligations.
- The progress of the society depends on the efficiency of the local governance. Having a good specialist in the ministry does not mean much, as success depends on the municipal administration (civil servants) and their skills; therefore, the local administration, should receive more support from the central government due to the importance and the responsibility it has.
- Most of the municipal administration (civil servants) are not aware of their duties and responsibilities for which they were engaged; while, many others which are responsible to advise them what they are supposed to do and how, do not know this either. Thus, there is a chain of failure; and the central level institutions that are supposed to help in changing are not doing that.

Session 5- Continued

Wrap-up and conclusions of the workshop: Challenges, recommendations/ opportunities for further cooperation at central and local level.

Presentations summary

**Gwendoline Mennetrier, Chief Technical Advisor
UN-Habitat/ Municipal Spatial Planning Support Programme**
(Refer to Annex 1).

Closing remarks

**Besnik Osmani, Secretary General
Ministry of Local Government Administration**

- Kosovo is young and unexperienced with administration. A completely new legal system was drafted within a very short timeframe; local administration, during the last years has undergone a deep reform, during which, new municipalities were continuously established and more and more competences were handed over.
- There is a need for confidence and support, not only between the local and central level institutions, but also among the local institutions.
- MLGA is aware of the municipal capacities. For the municipalities that are located in the periphery, it is more complicated to find qualified capacities compared to capital;
- Qualified capacities in municipalities that are located in the periphery are also consequence of low salaries in the public sector. This may change through exchanging experiences, such as spatial planning exchange forum, an idea previously discussed with MuSPP evaluation specialist.
- Municipal (legislation) regulation models, taken from other municipalities, should be modified and adjusted before approval and implementation;
- The issues of planning, environment and local governance are not different from the rest of the world, but they all have their specifics, depending on their political systems and geographic location;
- Legal framework should be drafted and developed in harmony with available financial means for its implementation;
- Legal framework should be simple and easy understandable;
- Implementation of legislation by the municipalities is a matter of political will; and inter-related very much to the support municipalities receive, from the central government, for the implementation of certain projects and programs.

**Arben Citaku, General Secretary
Ministry of Environment and Spatial Planning**

- Municipalities, should be able to identify their problems, in order to get the support of the central level;
- Mayors, should be good managers, and thus be able to find solutions for municipal problems and not raise barriers;
- Each mayor is elected based on a vision and election programme. Such a vision and a programme should be well articulated, in harmony with the present legal framework; and in harmony with municipal finances. In cases when the implementation of such programmes exceeds the municipal finances, the candidates for mayor should also present ways for collection of those means.

Annex 1

Workshop Wrap-up and Conclusions

| Challenges: | Recommendations/ Opportunities for Further Cooperation/ Support: |
|--|--|
| <p>Municipal Level:</p> <ul style="list-style-type: none"> - Capacity development/ strengthening (strengthened skills; profiling, staffing? Limit outsourcing/ from outsourcing- ownership, learning process; tools and usage of tools)- towards self-sufficiency and self-sustainability; understaffing; inspection functions; - New municipalities; - Strategic/ Spatial Planning: from design to implementation (investments) and monitoring and evaluation (M&E); - Sectorial issues; access to services and infrastructure. | <ul style="list-style-type: none"> - Sensitization/ training for new Assembly members, Directors and technical professionals (incl. GIS, role in modern planning and support to decision-making); - Laws on Spatial Planning, construction, treatment of buildings without permit to be rolled out (and associated tools), and demanding in terms of resources-training, support mechanisms, instruments development (GIS and capacity to use it), pooling of resources, incl. HR? - Law enforcement (development control mechanisms, capacity strengthening-understanding, implementation and monitoring and evaluation (M&E); - Planning departments to be established; spatial planning development processes to be conducted- starting from scratch (participatory approaches vs communities stabilization); - Linking planning and budgeting (good planning, services delivery vs enhanced municipal revenues; good planning, municipal management & performance vs access to Government of Kosovo (GoK) grants; - Land-use management systems (incl. expropriation); - Inter-municipal solutions/ mechanisms (resources sharing). |
| <p>Institutional Coordination/ Cooperation/ Support:</p> <ul style="list-style-type: none"> - Vertical coordination/ cooperation and support; - Horizontal cooperation (amongst municipalities). | <ul style="list-style-type: none"> - Cooperation and support mechanisms to be put in place: ad hoc or institutionalized? - Inter-ministerial group to monitor implementation of laws by municipalities-monitoring versus support; - Technical assistance and central support to municipalities to implement their mandates (pooling of support for small new municipalities?); - Sharing experiences, peer to peer learning (association of municipalities, others?). |

List of Participants

| # | Name and Surname: | Position: | Ministry/ Municipality/ Organization: |
|-----|--------------------|--|---|
| 1. | Dardan Gashi | Minister, | Ministry of Environment and Spatial Planning; |
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| 5. | Mirlinda Lataj | Chief, Office of the Secretary General, | Ministry of Environment and Spatial Planning; |
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| 14. | Faik Grainca | Director, Department of Urbanism and Planning, | Municipality of Ferizaj/ Urosevac; |
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| 17. | Rufki Suma | Mayor, | Municipality of Hani i Elezit/ Elez Han; |
| 18. | Murte Veliaj | Deputy Mayor, | Municipality of Junik; |
| 19. | Zoran Todic | Chairperson, Municipal Assembly, | Municipality of Leposaviq/ Leposavic; |
| 20. | Rexhep Mazreku | Deputy Mayor, | Municipality of Malisheve/ Malishevo; |
| 21. | Goran Rakic | Mayor, | Municipality of Mitrovica/ Mitrovica North; |
| 22. | Natasa Elezovic | Political Advisor, Office of the Mayor, | Municipality of Mitrovica/ Mitrovica North; |
| 23. | Dragan Nikolic | Mayor, | Municipality of Partesh/ Partes; |
| 24. | Gazmend Muhaxheri | Mayor, | Municipality of Peje/ Pec; |
| 25. | Nemanja Jaksic | Chairperson, Municipal Assembly, | Municipality of Zubin Potok; |
| 26. | Vucina Jankovic | Mayor, | Municipality of Zveqan. |

| | | | |
|-----|-----------------------|-----------------------------------|--------------------|
| 27. | Gwendoline Mennetrier | Chief Technical Advisor, | UN-Habitat/ MuSPP; |
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