Kosovo
Needs Assessment Report

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Technical Assistance for Civil Society Organizations

Civil Society Needs Assessment Report

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Contents

Introduction

This study is one of eight country assessments of civil society capacities conducted as a preliminary activity within the EC-funded project Technical Assistance to Civil Society (TACSO) in Western Balkans and Turkey (Technical Assistance to the Civil Society Organisations 2 (TACSO 2) from the IPA Beneficiaries; EuropeAid/133642/C/SER/Multi), implemented by SIPU International, during the period August 2013 – July 2017. The aim of this study is to review existing TACSO Needs Assessment conducted in 2011 and to update it according to TACSO 2 methodology. The study provides insight into strengths and weaknesses of the civil society, and its impacts to date and the challenges it faces to its further development.

Information provided are based on the desk research of relevant documentation including the most recent research and analysis of different aspects of the environment civil society organisations (CSOs) operate in, legislative changes, policy documents, etc. The study is an integral part of the project inception and it provides the premise for the majority of other project activities by serving as the basis of the development of the national as well as regional work plans to be implemented during the project's duration.

In line with the project's Terms of Reference and SIPU's technical proposal, the study understands civil society in the following two complementary ways:

1. All organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens. This definition clearly emphasises the associational character of civil society, while also accentuating its representational role. Civil society would include a variety of organisational types, including NGOs, mass movements, cooperatives, professional associations, cultural and religious groups, trades unions and grassroots community groups (CBOs), etc.
2. A space for views, policies and action supportive of alternatives to those promoted by government and the private sector. This definition places the emphasis on social inclusion, social and political pluralism and the rights of expression in developing a participatory democracy.

The document is composed of the following sections: Legal Framework, Cooperation between Civil Society and Institutions – Mechanisms, Will and Capacities, The President and Civil Society, The Parliament and Civil Society, The Government and Civil Society, Local governments and Civil Society, Civil Society Organizational Capacities, Financial sources and Donors.

SUMMARY

This Needs Assessment Report (NAR) treats Civil Society in Kosovo in the perspective of a competing sector in the region, with the aim of reaching European standards. Though the distance is long, the aspirations are evident and the first steps have already been taken.

Through elaborating relations between Civil Society and Institutions, and Civil Society and its Constituencies, NAR intends to reveal and analyze challenges of the CSOs in advancing their capacities and their role in the society and policymaking processes in the country, as well as in transparency and accountability of the institutions.

Both the CSOs and the Institutions have expressed their commitments to upgrade their mutual cooperation. However, more efforts and engagement are needed by both sectors. While cooperation with the President is rather of a symbolical nature, the Assembly is still in its basic phase of building a structured cooperation framework, whereas the Government has already adopted the Strategy for Cooperation with the Civil Society. Although it was adopted in July 2013, its very first step of formal implementation was taken just by the end of the January this year, with the Government decision on establishment of the Council that will ensure implementation and monitor the process. Local Governments, on the other hand, are far from not just building comprehensive strategies for cooperation with Civil Society, but even from implementing current basic regulation. In this process, strengthening capacities and coordination of the Civil Society sector is an imperative. In order to nurture effective partnerships both sides need to develop.

In the course of five years, the European Commission Progress Reports for Kosovo have evidenced some advancement concerning this cooperation. From what was identified in 2008 as a lack of effective Civil Society participation and a weak Civil Society, the course developed through identifying the flaws and the needs, to a situation in 2013, where cooperation mechanisms are being set. However, putting them into practice remains a challenge. Apart from drawing rules of procedure and strategies, Civil Society representatives discussed the need for changing the mindset within the institutions (political and administration staff) about the Civil Society – its role and importance. And this cannot be achieved only by adopting formal documents that prove democracy oriented policies; it is rather a process that challenges and develops both sectors.

Civil Society needs to tackle issues within the sector as well. A section of this NAR also discusses CSOs internal governance; profiling (expertise) and networking; constituency building and visibility. Many efforts are needed in order to have a stable sector that makes a difference at all levels, and that is representative of different constituencies. Civil Society challenges in the northern part of Kosovo, is another category of this section.

Different CSO and donor representatives claim it is hard to be exact in measuring the capacities in general of the Civil Society. Nonetheless, while analyzing its relationships with stakeholders, a number of challenges are indentified.

Addressing them is essential to effectiveness of cooperation strategies and dialogue, which aim not only at assuring citizen participation in policymaking and enabling environment, but ultimately at setting the track for advancing the concept and role of Civil Society to another level – that of regional competiveness toward reaching European standards.

Representatives of a number of CSOs have been actively present in different regional conferences and seminars, a number of them organized by TACSO as a regional umbrella for technical assistance. The conference held last year in Zagreb – "Civil Society Transformations on the Way to EU" depicted the evolution of Civil Society in countries that became members of the EU or advanced in this direction, as well as the concept of Civil Society in EU countries. It showed that an orchestrated approach is needed towards reaching these goals. It involves Civil Society and institutions as main stakeholders, but does not exclude donors (especially EU) and media as well. CSOs and institutions need to work not only in developing technical and formal aspects, but in reviewing the idea of their role and interaction in the future. Kosovo is still attracting foreign donors (around 75%), however the terrain needs to be prepared for a shift. Though step by step, this shift is ultimately going to happen, as an indicator that the country has evolved and reached the point of being the main actor in enabling the functioning of the sector. The Governmental Strategy for cooperation with Civil Society is about to set the criteria for public funding and transparency, as well as service providing by CSOs, as a very first and basic step.

This Strategy is in line with objectives of TACSO project - Creating an e*nabling environment for CSOs and strengthening their cooperation with decision makers and other stakeholders (private sector, media).* Considering this momentum, the TACSO project - Office in Kosovo, in consultations with Local Advisory Group (LAG) members, the EU Office in Kosovo and OGG/OPM has decided to focus the project recourses dedicated for this component, including opportunities from P2P programme, in supporting the Strategic Objective 3: *Building system and defined criteria to support CSOs financially*. This strategic objective contains 6 measures or sub-objectives that need to be achieved: 1. Legislation reform to implement joint projects; 2. Creating supportive environment for philanthropy and sponsorship; 3. Standardization of public benefit status; 4. Civil Society involvement into donor coordination mechanisms; 5. Defining the criteria for the award and implementation of grants from public funds; 6. Defining the criteria for non-financial support of CSOs. The aim is to have an environment where CSOs benefit from better national legal and financial frameworks and improve dialogue with state institutions. In order to be more representative in relation and interaction with institutions, networks of CSOs must show greater commitment and capacity to give citizens a voice and influence public sector reform processes. It is also important that grass-roots organizations and civic initiatives have increased access to financial resources, in-kind contributions or expertise from established CSOs and CSO networks.

Issues raised above are discussed and analyzed below in the Civil Society Needs Assessment Report for Kosovo.

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1. LEGAL FRAMEWORK

The *Freedom of Assembly and Association* is a constitutional category in Kosovo. The legal framework consists of laws and other legislation that provide basic provisions and commitments for an enabling environment for Civil Society Organizations. However, their implementation needs improvement through the establishment of new mechanisms, a more comprehensive system of legislation and political will. Regulating financial aspects, such as public funding criteria, environment for sponsorship and philanthropy as well as standardization of public benefit status, is one of the challenges of the Government-Civil Society cooperation, in which TACSO 2 support is focused.

Current normative acts and principles that relate to civil society and citizen inclusion are set in the supreme law of the country, the Constitution, as well as Laws, Regulations, Administrative Instructions, strategies and other documents. In the subsequent sections of this report, different aspects of the implementation of this legislation are treated.

Below is a list and brief overview of this legislation:

- Constitution of the Republic of Kosovo
- Law on Freedom of Association in Non-Governmental Organizations
- Law on Access to Public Documents
- Law on Local Self Government
- Law on Legislative Initiatives
- Rules of Procedure of the Assembly of the Republic of Kosovo
- Regulation of Rules and Procedures of the Government of the Republic of Kosovo
- Regulation on the Public Communication Service of the Government

1.1. The Constitution

Under Chapter II, on the Fundamental Rights and Freedoms, the Constitution of the Republic of Kosovo guarantees freedom of association[1] and freedom of gathering[2]. It provides the right to establish an organization without obtaining any permission. It also grants everyone the right to organize gatherings, protests and demonstrations and the right to participate in them. Moreover, the second Chapter guarantees the freedom of expression which includes the right to disseminate and receive information, opinions and other messages without impediment; and the right of access to public documents.

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1 Constitution of the Republic of Kosovo, Article 44
http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf
2 Constitution of the Republic of Kosovo, Article 43
http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf

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The Constitution requires that the Assembly and Government define rules of procedure, while it specifically guarantees the right of citizens for legislative initiatives[3]. At the local level, it obliges for active participation of all citizens in the decision-making process of the municipal bodies[4].

Laws and by-laws that cover this area were drafted or amended and they, as well as their implementation, will be dealt with further in this report.

1.2. Law on Freedom of Association in Nongovernmental Organizations

This Law sets out the establishment, registration, internal management, activity, dissolution and removal from the register of legal persons organized as NGOs in Kosovo. It does not apply to political parties, trade unions and unions' organizations as well as religion centers or temples and other fields regulated with special laws.

The notion of "NGO", according to this Law, includes associations and foundations. An association is a membership organization, whereas a foundation is an organization without membership, established to manage properties and assets[5].

NGOs registered under this law may apply for public beneficiary status (PBS)[6], which entitles them to **tax and fiscal benefits**. However, this provision is not elaborated further, while the PBS, as a whole, is limited to general definitions. Moreover, no secondary legislation has been adopted to regulate these issues, although the Law obliges the Government to issue sub-legal acts within nine months after its entry into force, from which more than two years have elapsed.

The Law also foresees the cooperation and support of NGOs. Beside the terms of cooperation set in rules of procedure for the Assembly, the Government and Municipalities, civil society and the Government have adopted a strategy paper for cooperation, in 2013, that is yet to be implemented. This document will be elaborated in a special section of the Needs Assessment Report.

The Law on Freedom of Association in Nongovernmental Organizations requires institutional support, without any interference in the activities of NGOs. It also requires **that all forms of cooperation and support should be made public**. This provision is not yet put into practice, same as the following one, which states that giving any public funds from the Republic of Kosovo to NGOs

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3 Constitution of the Republic of Kosovo, Article 79
http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf
4 Constitution of the Republic of Kosovo, Article 124
http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf
5 Law on freedom of association in non-governmental organisations, Article 5 - http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20freedom%20of%20association%20in%20NGO.pdf
6 Law on freedom of association in non-governmental organisations, Article 17 - http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20freedom%20of%20association%20in%20NGO.pdf

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is done based on predetermined public criteria. It is estimated that about 20% of funding for civil society has come from the budget of the Republic of Kosovo.

1.3. Law on Access to Public Documents

This law guarantees the right of every natural and legal person to have access, without discrimination on any grounds, following a prior application, to official documents maintained, drawn or received by the public institutions. Terms for the realization of the right for access to public documents, defined with this Law, may be continued at most a fortnight[7].

Public institutions are obliged to assign units or officers that will be responsible for receiving and processing applications for access to documents, as well as for preparing regular reports to the Prime Minister's Office, which is then responsible to draft and issue an overall report of public institutions on the exercise of the right of access to public documents[8].

The Government has adopted the Regulation on the public communication service that defines mechanisms for the execution of these provisions. However, numerous reports by different civil society organizations and media, show poor implementation of this law in all levels. The implementation does not always depend on procedural issues or technical staff, but rather on the political will of the ministers or (municipal) mayors[9]. Another problem that CSOs and Media face is the hesitation of institutions to share detailed financial and budgetary data[10]. In order to make 'a tick in the box' they just provide broad figures[11].

Article 27 that contains punitive provisions is not being applied. In the cases when applicants initiated procedures in the competent court, no measures were taken. GAP Institute sued the Ministry for Economic Development more than a year ago, but the case was not been dealt with yet. If the court fails to consider it in the following six months, the case will prescribe. This is considered to be one of the ways to avoiding punitive provisions.[12]

On the other side, the annual report on the implementation of this Law, issued in 2013 by the Office of the Prime Minister, shows that the level of implementation reaches the maximum. It also shows that the majority of the applicants are journalists, followed then by CSOs[13]. According to the OPM Annual Report, the main problem in this phase regarding the implementation of the law

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[7] Law on access to public documents, Article 7 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf

[8] Law on access to public documents, Article 5 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf

[9] Interview with Bekim Salihu, GAP Institute.

[10] Interviews with Driton Selmanaj KDI, Bekim Salihu GAP and Besnik Krasniqi, senior journalist "Koha Ditore"

[11] Interview with Besnik Krasniqi, senior journalist "Koha Ditore"

[12] Interview with Bekim Salihu, researcher at GAP Institute.

[13] Comprehensive report on the implementation of the right to access public documents by public institutions - http://www.kryeministri-ks.net/repository/docs/Raporti_Anglisht.pdf

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remains the issuance of a decision in writing regarding the permission or refusal of access to a document requested.

1.4. Law on Local Self Government

This law establishes the legal basis for a sustainable local self-government system and sets mechanisms for citizen participation. Every municipality is obliged to hold a public meeting at least twice a year, at which any person or organization with an interest in the municipality, may participate[14]. In addition, municipalities are obliged to inform its citizens of any important plans or programs of public interest, which shall be regulated by the Municipal Statute[15]. Municipal Assemblies are required to adopt municipal regulation promoting the transparency, enhancing the public participation in the decision making and facilitating the public access to official documents of the municipalities.

Such regulation has been adopted in all municipalities but its implementation remains vague.

The law also grants any person or organization the right to present a petition to the Municipal Assembly[16]; Citizens have also the right to take initiatives to propose regulations[17] and to request that a regulation of the Municipal Assembly adopted by it, be submitted to a referendum by the citizens[18]. Moreover, according to the Law, the citizens of a municipality may take the initiative to remove a mayor from office[19].

Under the Article on Consultative Committees, the Law requires for the Municipal Assembly to establish consultative committees within sectors, for the purpose of enabling citizen participation in the decision making process. It is foreseen that the committees include citizens and representatives of nongovernmental organizations as members.

Regulations on transparency and public communication have been adopted for the central and local level of governance, however the level of transparency remain low in Kosovo. Detailed analysis of all laws, by-laws, municipal acts and strategic documents as far as local government transparency is concerned, can be found in TACSO Report: *Local Government – Civil Society Cooperation*, published in 2013. The cooperation between CSOs and local governments will be discussed in another section of this report.

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[14] Law on local self government, Article 68 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf
[15] Ibid
[16] Law on local self government, Article 69 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf
[17] Law on local self government, Article 70 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf
[18] Law on local self government, Article 71 on - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf
[19] Law on local self government, Article 72 - http://www.assembly-kosova.org/common/docs/ligjet/2010-215-eng.pdf

1.5. Law on Legislative Initiatives

This Law establishes rules and procedures for legislative initiatives, which aside from the President, Members of the Parliament and the Government, can also be taken by at least ten thousand citizens with the right to vote[20]. The terms in the case of the latter are set in the Law, however for more than two years, since it was adopted, no such initiative was taken.

1.6. Rules of Procedure of the Assembly of the Republic of Kosovo

This document defines the organization and functioning of the Assembly, its working bodies and the rights and duties of the Members of the Assembly..

It provides that sessions of the Assembly shall be public, unless otherwise decided[21], and that committee meetings shall, in principle, be open to the public[22], except in cases where confidential security or commercial matters are discussed; important reports to the Assembly are prepared, or when it is considered otherwise.

The language used in this document as far as transparency is concerned is not mandatory: Committee is not obliged to invite civil society to attend its meetings, same as it is not to hold public hearings. Committees **may** invite representatives of institutions and of civil society to attend its meetings in order to present evidence or produce important documents[23]. Committees **may** hold public hearings by inviting experts, public organizations, representatives of interests groups and other persons[24]. The issue of the language of the Rules of Procedure, which was also raised in the previous Needs Assessment Report, is being discussed for more than two years now between the civil society and the Assembly, but the new document has not been adopted yet. This and other matters related to the Assembly-Civil Society relations will be discussed in another section of this Report.

1.7. Regulation of Rules and Procedure of the Government of the Republic of Kosovo

This documents identifies the phases in which the government is obliged to consult its citizens when preparing a law or other important documents. It envisages **prior consultation,** which means that before the government body submits a concept document, explanatory memorandum, draft law or sub-legal act and strategy, the body preparing the material is responsible for ensuring that all the highest institutional bodies and other relevant bodies which the Government is obligated to

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[20] Law on legislative initiatives, Article 5 - http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20legislative%20initiatives.pdf

21 Rules of procedure of the assembly of the Republic of Kosovo, Article 43 - http://www.kuvendikosoves.org/common/docs/T-_Rregullorja_Kosoves-29%20prill%202010-anglisht.pdf

22 Rules of procedure of the assembly of the Republic of Kosovo, Article 65 - http://www.kuvendikosoves.org/common/docs/T-_Rregullorja_Kosoves-29%20prill%202010-anglisht.pdf

23 Rules of procedure of the assembly of the Republic of Kosovo, Article 65 - http://www.kuvendikosoves.org/common/docs/T-_Rregullorja_Kosoves-29%20prill%202010-anglisht.pdf

24 Rules of procedure of the assembly of the Republic of Kosovo, Article 66 - http://www.kuvendikosoves.org/common/docs/T-_Rregullorja_Kosoves-29%20prill%202010-anglisht.pdf

consult in accordance with the Constitution or whose work might be affected by the concerned proposal (draft law, sub-legal act or policy) have the opportunity to comment upon it[25].

Under public consultation this document requires that in relation to any proposal for which a concept document is required, the originating ministry shall publish the substance of its proposal for public comment and shall specifically seek the comments of any Non-Governmental Organization that would be substantially affected by the proposal. In conducting this consultation, the originating body shall provide sufficient information in a publicly understandable form to permit the public to understand the nature and consequences of the proposal. The originating body shall also publicly announce the beginning of the consultation exercise, and shall permit sufficient time for the public and Non-Governmental Organizations to consider the recommendations and offer a considered response[26]. The relations between the Government and Civil Society will be elaborated in another section of this report.

1.8. Regulation on the Public Communication Service of the Government

Its purpose is to establish and functionalize a coordinated system for communicating to the public the policies and activities of the public institutions. It derives from the Law on the Access to Public Documents. This regulation covers the functions of the public communication offices in the Office of the Prime Minister (OPM); the Ministries; Agencies and Municipalities. They are all obliged to receive and process the requests for access to official documents and submit reports on the implementation of this law to OPM's Office for Public Communication.

This Office is responsible for preparing the comprehensive report that covers all public institutions. In its latest report, published last year, the Office raised as a problem the fact that the majority of independent agencies, as institutions founded by the Assembly, do not report on their requests for access to public documents[27].

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25 Regulation of rules and procedure of the government of the Republic of Kosovo, Article 7 - http://www.kryeministri-ks.net/repository/docs/Rregullore_e_punes_se_Qeverise_09.2011_(anglisht).pdf

26 Regulation of rules and procedure of the government of the Republic of Kosovo, Article 32 - http://www.kryeministri-ks.net/repository/docs/Rregullore_e_punes_se_Qeverise_09.2011_(anglisht).pdf

27 Comprehensive report on the implementation of the right to access public documents by public institutions - http://www.kryeministri-ks.net/repository/docs/Raporti_Anglisht.pdf

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2. COOPERATION BETWEEN CIVIL SOCIETY AND INSTITUTIONS – MECHANISMS, WILL AND CAPACITIES

In the course of five years, European Commission Progress Reports for Kosovo have evidenced some advancement concerning the cooperation between institutions and civil society, and their development. From what was identified in 2008 as a lack of effective civil society participation and a weak civil society[28], the course developed through identifying the flaws and the needs, to a situation in 2013, where formal cooperation mechanisms are being set, however putting them into practice remains a challenge. The Progress Report identifies that cooperation between civil society organizations and the institutions of Kosovo continues to be ad hoc. The central and local authorities need to improve cooperation with civil society, notably as regards defining and executing public policies.[29]

The objective is to upgrade the cooperation from informing to partnership building. However, apart from drawing rules of procedure and strategies, civil society representatives discussed the need for changing the mindset within the institutions (political and administration staff) about the civil society – its role and importance. This cannot be achieved only by adopting formal documents that prove democracy oriented policies; it is rather a process that challenges and develops both sectors.

Elaboration of these relations reveals issues which both, institutions and civil society need to address in order to improve the cooperation, respectively the impact of civil society in policymaking, transparency and accountability.

This section of the Report deals with four segments of cooperation: the Presidency and Civil Society; the Parliament and Civil Society; the Government and Civil Society; Local Governments and Civil Society. Mechanisms will and capacities are discussed below.

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[28] EC Progress Report 2008, page 9 and page 19 - http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/kosovo_progress_report_en.pdf

[29] EC Progress Report 2013, page 10 - http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf

2.1. The Presidency and Civil Society

There is a twofold opportunity for the civil society to interact with the President, regardless of the fact that the institution has a rather symbolic and representative role. It is through advocacy (1) and partnership (2).

Advocacy: Citizens, civil society and any group of interest have a possibility to address the President when their recommendations have not been taken into account during the procedure of drafting and adopting a law by the Government and/or the Assembly. During 2012 and 2013 there have been several cases when civil society turned to President in their attempts to block laws from entering into force, in the form that were sent to the President for promulgation.

It is the Constitution of the Republic of Kosovo that provides the President with the right to return a law to the Assembly for changes, after it has been adopted and sent to the President for promulgation. Upon the return, the President should state the reasons, and may exercise this right only once per law within eight days of the receipt. It is then again the Assembly that decides about how to proceed with the law. If the President does not make any decision for the promulgation or return of a law within eight days from its receipt, such law shall be considered promulgated without her/his signature[30].

Civil society addressed the President regarding four laws in 2012, providing their arguments for the breach of Constitution or collision with other laws. The President did not support the call of civil society to return the laws in the Assembly, in three cases: The Law on Historic Centre of Prizren, Law on the Village of Hoçë e Madhe/Velika Hoca and Law on Banks, Microfinance institutions and Non-Bank Financial Institutions.

For the latter, civil society organizations followed the very last procedure that the Constitution provides – that of requesting an interpretation of the Constitutional Court on the compatibility of the Law with the Constitution. Through the institution of the Ombudsperson, 58 CSOs initiated this procedure which eventually concluded in favor of the civil society, as decided by the Constitutional Court. It found the provisions of the Law on Banks, Microfinance Institutions and Non-Bank Financial Institutions, that enabled the transformation of microfinance NGOs into joint stock companies, to be unconstitutional. The President did not sign the law but neither did she return it to the Assembly.

Two other laws, regardless of the huge civil society and citizen reaction and efforts, entered into force. They derived from the Ahtisaari Plan, which was adopted by the Institutions as a package therefore its laws were treated as untouchable.

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[30] Constitution of the Republic of Kosova, Page 24, Article 80 [Adoption of Laws]
http://www.kuvendikosoves.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf

Though the President did not respond positively to the civil society in these three cases in 2012, she recognized the arguments of the community of journalists addressed to her through the Association of Professional Journalists, that the Criminal Code breached the media freedoms guaranteed by the Constitution. The Law was returned to the Assembly and it was amended. The mobilization of the community of journalists was absolute - as a group of interest and as media. The issue came to the point where considerable number of MPs and Government officials publicly started advocating the amendments, even before the President requested it. This case proves that for better results, civil society needs to find ways to attract and include media in all their advocacy campaigns.

In 2013, another big effort in which the civil society was engaged and addressed the President was the draft Law on Amnesty. A petition with 12,765 signatures of citizens was submitted by seven CSOs to the President. They expressed concerns regarding the version of the law approved by the Assembly and requested its return and amendment. The President did not support the request and signed the Law, which according to the government derived from the political agreement for the normalization of relations between *Kosovo* and Serbia. However, an opposition party that opposed the Law requested an for an interpretation from the Constitutional Court. It ruled that several parts of the legislation should be struck out, which were more or less provisions that the civil society opposed as well.

These cases show that the President as an institution with a constitutional right to return Laws to the Assembly, does not provide safe ground for the civil society to have an impact in changing the Laws before they enter into the force. If the recommendations are not taken into account by the Government or the committees of the Assembly, the President's role remains symbolic, as well as the efforts of the civil society in this phase.

Partnership – The President established two national councils in 2012, with the aim to foster a broad consensus on the issues of national priority. The civil society is represented in both of these councils. The National Council against Corruption and The National Council on European Integration are both national bodies that include a broad range of stakeholders, such as the President, Government, Parliament, political parties, academia, civil society, business, media, etc.

The President of the Republic of Kosovo has expressed her commitment for sustainable partnership between institutions and civil society, and she regularly meets their representatives[31].

However, CSOs that are part of the National Council on European Integration say that there is much space for improvements, regardless of the fact that some of their recommendations were accepted. The number of civil society representatives was raised from three to five and the meetings were opened to the media, however it needs further improvements when it comes to being consistent in its work, reporting and monitoring[32].

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[31] Interview with President's Political Advisor for European Integration, Adrian Prenkaj
[32] Interview with Valdete Idrizi, Executive Director of CiviKos

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An analytical report on the work of this Council, published one year after its establishment, points out many flaws and brings recommendations for all the parties involved. It requires for the Council to "transform its political rhetoric about European integration into tangible reforms". Despite being charged as the institution responsible for uniting political forces to advance European integration, the Council has been divided, and its work has been non-transparent and ineffectual[33].

The Presidency officials' approach is that they are open and willing to address all issues that civil society and other stakeholders raise[34], in the efforts of both Councils to coordinate the building of institutional and social consensus.

CONCLUSIONS: The President is open and willing to interact with civil society. However her role is rather symbolic, same as the efforts of the civil society in making use of the constitutional rights and the willingness of the President to involve civil society in different coordinating bodies.

2.2. The Assembly and Civil Society

The main field of engagement of the Civil Society in the Assembly's work is participating in the meetings of the committees, where draft laws are discussed. Civil Society, though, considers that it should also be engaged in the process of law implementation monitoring[35], although this procedure is not being applied sufficiently even by the responsible Assembly committees[36].

Citizen participation in the legislative process is a principle that is formally and publicly embraced by the Assembly and the Government. However there are matters that need to settle in order to have an effective engagement.

Currently, there is a lack of legal instruments that regulate the inclusion of Civil Society in decision-making procedures, however some references can be found in the Rules of Procedure and some other legislation that regulates the transparency of public institutions[37]. For the time being, there is no institutional cooperation between CSOs and the Assembly, although some good practices exist. The Strategy for Information and Public Relations 2012-2014, drafted in cooperation with OSCE serves as basis for further improvement and the institutionalization of the CSOs inclusion in the work of the Assembly[38]. Based on this strategy, the Assembly and Civil Society engaged in developing mechanisms for upgrading the cooperation, which will be addressed later in this section.

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[33] "Complicit in Dysfunction – Analysis of the National Council for European Integration's performance in Kosovo", Page 6 - http://www.kcsfoundation.org/repository/docs/NCEI_Analysis_Complicit_in_Dysfunction_KCSF_ENG_FINAL_(2).pdf
[34] Interview with President's Political Advisor for European Integration, Adrian Prenkaj
[35] Interview with Driton Selmanaj KDI
[36] Monitoring report of the performance of the assembly of Kosovo, OSCE: "Assembly Committees oversaw implementation of only a third of those laws scheduled for oversight in the Assembly's 2012 work programme" - http://www.osce.org/kosovo/104217
[37] Conclusive findings and recommendations of the twining project "Support to the Assembly of Kosovo", page 31
[38] Ibid

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Relations between the Assembly and Civil Society involve a range of issues that both sectors have identified for each other, while EC's Progress Report states that public consultations and hearings with Civil Society aiming at preparing new legislation are becoming a frequent feature, however, follow-up is often unsatisfactory[39].

Civil Society recognizes that the Assembly has advanced its level of cooperation, but stresses that this institution needs to set up a more organized system of information on the work of committees: not only on the schedule of the meetings and the draft laws the committees receive, but also on the follow up data and incentives for CSO participation. In October, the Assembly has filled the position of the Senior Officer for Donor Coordination and Relations with Civil Society, which had remained vacant for a long time. The Office for Cooperation with the Civil Society needs to develop further and to promote its services, including its database. It should engage in organizing discussions with CSOs and update them[40].

By showing initiative and being proactive, the Assembly can organize various events for CSOs or do this in cooperation with them, such as organizing conferences and discussions where respective committees can also be involved. CSOs are often not familiar with the work of the Assembly and the possibilities of cooperation, therefore training sessions on different topics are needed for registered CSOs[41].

Civil Society considers that the participation of CSOs in committees' meetings is done randomly. The issue raised in the previous Needs Assessment Report regarding the non-mandatory language used in the Rules of Procedure of the Assembly, when regulating the work of committees, is still the same: Committees **may** invite representatives of Civil Society to attend its meetings and committees **may** hold public hearings. CSOs have requested that these provisions change from "may" to "must", and have also requested access to the meetings of the Presidency of Assembly. None of this has been approved yet[42].

The outcomes of a survey carried out by TACSO office in Prishtina, on October 2013 for another report show a low level of consultation of CSOs in drafting laws during last three years. Only 31% of the respondents answered positively when asked about being consulted regarding a law. When consulted during the drafting process of laws and other documents, 63% of the CSOs said that some of their contribution was taken into account, while 59.09% said that they received no feedback on the result of the consultations.

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39 EC Progress Report 2013, page 10 - http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf

40 Interview with Driton Selmanaj KDI

41 Conclusive findings and recommendations of the twining project "Support to the Assembly of Kosovo", page 34

42 Interview with Driton Selmanaj KDI

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The Assembly has offered answers to some of the issues raised. The institution has already developed a database on its website, where CSOs can register, while it assures that the schedule of the committees' meeting is always posted. Supported by OSCE and NDI, the Assembly is finalizing the new design of the committees' section, to contain a legislative tracking system that will include all phases of a law drafting – from the day received, till its adoption[43].

But, the officer responsible for cooperation with Civil Society emphasizes that the number of CSOs registered in the database is far too small, compared to the number of registered CSOs. Of more than 7500 registered CSOs, or almost 3000 that possess fiscal numbers issued by the Tax Administration, only 74 CSOs are registered in the Assembly's database, and less than that – only 26-30 CSOs are active participating in Committees' meetings[44].

The issue of Civil Society Organizations' profiling was also raised. A need to determine concrete areas of interest and expertise is considered important in order to better organize the work of the Office. Technically, it is impossible for one CSO to cover the meetings of all 13 committees, because it happens that 3 to 5 meetings take place on the same day and the same hour[45].

However, it is not just technical and formal aspects that play a role in Civil Society's inclusion in legislative processes. The political will of the parties represented in the Assembly matters when it comes to more sensitive legislation. The Office for cooperation with CSOs argues that comments and recommendations from the side of Civil Society are not always submitted in writing and in cases when they are, the reason behind not taking them into account is the lack of argumentation. But, the practice of not considering the arguments provided by CSOs as well as not providing any replies as to why so, is evident. The Assembly replies rarely, and often the answers are negative. Much noise needs to be produced in order to get a response[46].

Other cases are also common, besides the four laws discussed under the section "The President and Civil Society", which reflect a situation in which no matter how loud it is, the Civil Society is not taken into account when specific legislation is processed.

In 2012, the Kosovo Democratic Institute (KDI) formally submitted 19 recommendations related to a specific law to the respective committee. None of them were taken into account. The very same recommendations were submitted again through an international organization active in Kosovo. In this case, all of them were accepted[47].

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43 Interview with Shqipe Krasniqi, senior official for donor coordination and relations with Civil Society in the Assembly
44 Ibid
45 Ibid
46 Interview with Driton Selmanaj, KDI
47 Ibid

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The Law on Banks, Microfinance Institutions and Non-Bank Financial Institutions (2012) and the Law on Amnesty (2013) are examples of non-inclusive decision-making on important legislation. Arguments provided by the Civil Society were turned down, not just by the President as mentioned above, but also by the Assembly. However, both Laws became subjects of Constitutional Court interpretation. It ruled out that both of them are in breach of the Constitution and needed to change; the objections that were raised by the Civil Society were proved to be grounded.

The Assembly's administration claims that as far as the Law on Banks, Microfinance Institutions and Non-Bank Financial Institutions is concerned, the Committee for Budget and Finances deliberated on the recommendations submitted by 44 CSOs (February 21, 2012) and refused all of them, without further elaboration. As regards the Law on Amnesty, the administration did not provide any information for this Report. The Assembly administration also said that the rulings of Constitutional Court go beyond the competencies on the Secretariat, therefore no comment can be provided on them.

Civil Society considers that when passing the Law on Amnesty, the Assembly and the Government breached their Rules of Procedure with regard to requirements for public consultation, sending an extremely negative signal as per the real political will with regard to participatory policy making, including in the areas of high importance such as laws affecting constitutional categories[48].

Apart from the need to have political will and apart from arranging technical and formal mechanisms of cooperation, the understanding of the concept and the role of Civil Society by political and administrative staff is of great importance[49].

Civil Society organizations are also engaged in monitoring the work of the Assembly, as far as effectiveness and transparency are concerned. They have requested the Assembly to solve the problem of live broadcasting of its plenary sessions, because this service is offered by the public broadcaster only until 17:00. The Assembly has also been requested to make public a detailed breakdown of its financial reports and avoid presenting only broad figures[50].

The Assembly and CSO's are aiming at upgrading their cooperation into a partnership through formal strategic documents. They have already drafted the Declaration for Partnership between the Assembly and Civil Society, which provides institutional commitment in advancing their relations. This Declaration is expected to be adopted in the first quarter of 2014 and will be followed by a number of documents for its implementation[51].

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48 KCSF contribution to EC Progress Report of 2013 http://www.kcsfoundation.org/?page=2,6,205

49 Interview with Driton Selmanaj - KDI.

50 Ibid

51 Interview with Interview with Shqipe Krasniqi, senior official for donor coordination and relations with Civil Society in the Assembly

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It is essential that the Platform for dialogue with Civil Society starts elaborating the principles of cooperation as soon as possible, as to set the standards acceptable by both sides and to prepare a joint document that determines the required framework[52].

The Civil Society is pursuing the same process of creating mechanisms that will ensure cooperation, as it did in the case of the Government, which resulted with a formal joint strategy and a detailed work plan. The Declaration is a political stand that the Assembly will take and it will involve regulating its own work and approach toward the Civil Society as its partner[53].

CONCLUSIONS: The Assembly and Civil Society aim at upgrading their cooperation. The Declaration for Partnership between the Assembly and Civil Society is expected to be adopted during the first quarter of 2014. Commitments are made to work jointly in preparing a set of documents that establish mechanisms and work plans for the implementation of the Declaration. Currently there are no legal instruments that regulate inclusion of Civil Society in decision-making procedures, however some references, although non-mandatory, can be found in the Rules of Procedure. The number of CSOs registered in the database of the Assembly is low, and they lack profiling and expertise. The practice of CSO inclusion in drafting legislation is becoming common, however in certain cases where sensitive laws are dealt with, it is political will that sets the rules. Both the Assembly and Civil Society are aware that improvements need to be made in order to strengthen citizen participation in decision-making.

2.3 The Government and Civil Society

The main pillar of cooperation between the Government and Civil Society in the future is the Government Strategy for Cooperation with Civil Society that was adopted by the Government in July 2013. Currently some aspects of cooperation are regulated either by Rules of Procedure or certain nonspecific regulations. Aspects, such as those related to financial support or financial incentives, are not regulated at all or are referred to in legislation that does not distinguish the specifics of the work by the Civil Society.

The governmental bodies responsible for an enabling environment for Civil Society development and cooperation are:

- The Office of Good Governance (OGG), within the Office of the Prime Minister (OPM)
- The Department of Registration and Liaison with NGOs (DRLNGO)

The institutional mechanisms in which the Government has included Civil Society are the Task Force on European Integration and Open Government Partnership, both chaired by the Ministry of European Integration. The Legal Office within the Office of the Prime Minister liaises with CSOs

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52 Conclusive findings and recommendations of the twining project "Support to the Assembly of Kosovo", page 33
53 Interview with Driton Selmanaj, KDI

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regarding draft laws through CiviKos, which is the Civil Society platform for formal cooperation with institutions.

Although the attention is concentrated on the Strategy when discussing relations between the Government and Civil Society, there are issues that need to be addressed until its implementation starts in practice. The latest European Commission Progress Report states that cooperation between Civil Society Organizations and the institutions of Kosovo continues to be ad hoc. Even when public consultations on draft legislation take place, follow-up is often unsatisfactory. There is limited public funding for e.g. social services delivered by Civil Society on behalf of the authorities. The central and local authorities need to improve cooperation with Civil Society, notably as regards defining and executing public policies[54].

Civil Society also raised the question of the political will of the Government to discuss all draft documents, regardless of the fact that this process is mandatory, according to the Rules of Procedure. The Government was the first institution that avoided discussing the draft Amnesty Law with the Civil Society, as elaborated above in this report. Although it is a common practice of OPM's Legal Office to share draft laws with the CSOs through CiviKos, the draft Amnesty bill was not sent to this platform at all[55].

The Government Strategy for Cooperation with Civil Society was approved on 5 July 2013. The process of preparation of this strategy and its working plan involved substantial consultations with the Civil Society in different stages of its preparation. TACSO was also one of key the actors that supported this process.

The strategy envisages 5 years' (2013-2017) objectives and focuses on:

Strategic objective 1: *Ensure strong participation of Civil Society in drafting and implementation of policies and legislation*,

Strategic objective 2: *Building a system to contracting public services to Civil Society organizations,*

Strategic objective 3: *Building a system and defined criteria to support CSOs financially*,

Strategic objective 4: *Promoting an integrated approach to volunteering development*.

In order to start formal execution of the work plan, the Strategy foresees the establishment of the **Council** which will monitor and evaluate the implementation. The Office of Good Governance and CiviKos Platform have already prepared the regulation that sets the rules and procedures, organization, scope of work and functions of the Council, as well as the selection process – The Mandate of the Joint Advisory Council. This document is approved by Government in late January 2014[56].

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[54] EC Progress Report 2013, page 10 -
http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf
[55] Interview with Valdete Idrizi, Executive Director, CiviKos
[56] Meeting with Habit Hajredini, 20th of january 2014

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OGG and CiviKos give different explanations for the reasons why the establishment of this Council, which is the first step toward the implementation of the Strategy, took seven months. OGG says that Civil Society needed time to get prepared, while CiviKos claims there were unnecessary delays on the side of the institutions, as there was no need for a Government decree on the establishment of the Council, since it derives from an already approved Strategy paper. However, both sides expressed their commitment and willingness to engage in the implementation process. They have also outlined several cases when elements of the Strategy have already started to be implemented.

However, the OGG is not ready yet to discuss the legislative agenda of the Government and the process of drafting or amending laws that relate to the Civil Society sector. Each ministry knows the agenda, because the Strategy is a document adopted by the Government, and they are obliged to identify respective laws[57]. But, OGG has not yet requested any reporting from them. With the establishment of the Council, the reporting period will start, and all reports will need to be submitted by the end of 2014[58].

Strategic objectives of the Strategy require an analysis of the current legislation and the identification of new laws that need to be drafted or of currents laws that need amending. It involves legislation on the inclusion of CSOs in drafting and implementing policies, and defining minimum standards for public consultations. It also includes the legal framework for contracting public services by CSOs, and defining standards for contracting services. Although there is no law that regulates volunteering as an activity, the Strategy does not foresee drafting any legislation, with the idea that the country's specific conditions should be analyzed first. The Law on Strengthening and Participation of Youth, is limited to volunteers aged 15-24, while volunteering in general remains unregulated.

One of the fields which was the least regulated, is the governmental financial and non-financial support for the Civil Society and its fiscal incentives. Public funds for Civil Society were raised from 8 % in 2011 to 20.50 % in 2013[59], and distributed without any defined criteria in place and without transparency – the two conditions that are required by the Law on Freedom of Association in CSOs, adopted in September 2011. The Government does not have any clear data on funds available for the Civil Society[60]. OGG has given grants to CSOs and so have the ministries and municipalities. There were no predefined and specific criteria, but the funds were distributed based on a general evaluation whether the projects were in line with the policies of the Office or of the Government[61]. Out of 20.50% of public funds, 9.10% are provided by central institutions and 11.40% by local institutions[62].

[57] Interview with Habit Hajredini, Director of the Office for Good Governance and Trëndelina Dreshaj, Senior Officer on Good Governance
[58] Ibid
[59] Civil Society Index of Kosovo, KCSF, 2013
[60] Government Strategy for cooperation with civil society 2013-2017
[61] Interview with Habit Hajredini, Director of the Office for Good Governance
[62] Civil Society Index of Kosovo, KCSF, 2013

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Moreover issues from the previous Needs Assessment report related to financial reporting for CSOs and fiscal incentives for CSOs with public benefit status remained the same. The financial reporting for CSOs is identical as that of private businesses, regardless of the different and specific nature of the civil society sector[63]. As discussed in the first section of this report, the Law on Freedom of Association in CSOs does not sufficiently specify the concept of public benefit status, nor its financial incentives. While in respective tax laws, few existing benefits are quite ambiguous. Due to this, CSOs with this status not necessarily have any of them. Regardless of the fact that these issues are also set to be dealt with in the Strategy, tax laws[64] are part of 2014 governmental legislative agenda and civil society community will have the possibility to engage in amending provisions dealing with them.

TACSO Support: The Government strategy corresponds with objectives of the TACSO project, and its fourth objective: *Enabling environment for CSOs and cooperation and dialogue between CSOs and decision makers, CSOs and other stakeholders (private sector, media) are strengthened.*

Considering this momentum, the TACSO project, Office in Kosovo, in close consultations with Local Advisory Group (LAG) members, the EU Office in Kosovo and OGG/OPM has decided to focus the project recourses dedicated for this component, including opportunities from P2P programme in supporting the **Strategic Objective 3: Building system and defined criteria to support CSOs financially.** This strategic objective contains 6 measures or sub-objectives that need to be achieved: 1. Legislation reform to implement joint projects; 2. Creating supportive environment for philanthropy and sponsorship; 3. Standardization of public benefit status; 4. Civil Society involvement into donor coordination mechanisms; 5. Defining the criteria for the award and implementation of grants from public funds; 6. Defining the criteria for non-financial support of CSOs.

TACSOs approach focuses on three main steps.

Step 1: The establishment of the Sub-LAG working group, to prepare a joint action plan on how to support the implementation of this strategic objective; LAG Sub-Working Group will coordinate its work with the National council which will be established based on the Strategy document. A formal agreement will be signed with the Government structures. Positive experiences of EU countries and part of the region will be used. Other donors will be involved as necessary.

Step 2: Preparation of the step by step action plan and endorsement by LAG. The action plan will define the process, measures, actors involved and financial recourses needed for this activity;

Step 3: Implementation of the Action Plan.

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[63] Interview with Valdete Idrizi, Executive Director CiviKos
[64] Law on Tax Administration and Procedures, Law on Personal Income Tax, Law on Corporate Income Tax

Both the Office on Good Governance and CiviKos emphasize that they need support in order to push forward this process. The aim is to have supporting partners for each objective, same as with the third one (discussed above), in which TACSO will be engaged.[65]

The Office on Good Governance, on the other hand, emphasized the need for capacity strengthening: filling existing positions that are left vacant, engagement of experts, learning from regional practices, etc. Supporting only civil society in this process would create discrepancies between the two sectors, so it is not that institutions involved do not need expertise and other backing as well[66].

OGG is identified as the main responsible institution in 17 actions of the work plan, and as a supporting institution in many others. The need to strengthen capacities and hire extra staff to be engaged exclusively in the implementation of the Strategy within the OGG was also stressed by CiviKos.

Being a platform that tends to include as many CSOs, CiviKos plans to set in place a project for creating "Regional hubs" - focal points in the region. The idea is to reach cooperation agreements with CSOs in the region and enhance communication during the implementation of the Strategy, in order share information, identify their needs, help in improving cooperation with local authorities. The project is hibernating until the formal implementation of the Strategy starts[67].

The overall cost of the activities that are laid in the working plan, which covers the period of three years, reach the sum of 270,000 Euro. According to the OGG, each ministry will cover its own costs and there will not be a need for a special budgetary line.

Apart from the Office of Good Governance, another institution engaged in cooperation dialogue with the Civil Society is the Department of Registration and Liaison with NGOs (DRLNGO), within the Ministry of Public Administration. While Civil Society recommends the reorganization of work within the OGG and the strengthening of capacities in the Strategy implementation phase, the case with the Department goes beyond that.

One can get several interpretations of the same law within one office (DRLNGO), while its representatives provided zero contribution in drafting the Cooperation Strategy, although they were present in all seminars that were mainly held outside the country[68]. Poor performance of the DRLNGO emphasized in the previous Needs Assessment remains the same in this reporting period. The staff of this Department lacks proper education and understanding of the concept of cooperation with CSOs[69]. Nevertheless, the number of registered CSOs is constantly rising, reaching almost 8000, while none are removed from the register. The office initially argues that it needs a special regulation and then claims that the Law on Freedom of Association in CSOs entered into force in September 2011 and that it needs three years to take measures for removing an NGO from the register. However, the Law provides that failure to submit a statement confirming basic

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[65] Interview with Valdete Idrizi, Executive Director CiviKos
[66] Interview with Habit Hajredini, Director of the Office for Good Governance
[67] Interview with Valdete Idrizi, CiviKos
[68] Ibid
[69] Interview with Dren Puka, Program officer KCSF

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information by the NGOs for two years in a row obliges the competent body to undertake procedures to remove an NGO from the register. The competent body is obliged to deliver this statement and notify the NGO in writing on the consequences of the failure to meet this obligation, sixty days before the expiry of three years' term[70]. The office did not specify whether any procedure has been undertaken so far.

CONCLUSIONS: The Government has expressed commitments in advancing cooperation with Civil Society through the Strategy, however, for seven months now no formal steps have been undertaken towards its implementation. The Government says that Civil Society needed time to prepare while the Civil Society argued that the Government has needlessly delayed the actions. While its implementation starts to be noticed in practice, issues raised in the Progress Report on public consultations and follow-up need to be addressed. The strategic objectives of the Strategy and work plan represent a stable and comprehensive basis for upgrading the relations between the sectors. Both OGG and CiviKos confirmed that support in pushing things forward is needed, be it through expertise or capacity building.

2.4. Local Governments and Civil Society

The relations between local governments and the Civil Society are specific, compared to central institutions, inclining mainly towards sectoral cooperation. Locally, both sectors need improvements – local institutions in the terms of applying provisions on public consultations, citizen participation, transparency…; and Civil Society in capacity building, especially having in mind the fact that the number of well established CSOs in municipalities is rather limited. This would set a safer ground for a dialogue towards reaching a structured cooperation, similar to the one adopted by the Government or the one started with the Assembly.

Currently there are numbers of laws that regulate cooperation at the local level. The Law on Local Self-Government mainly sets the terms for public participation in the local decision-making processes. Other laws that regulate specific aspects of this cooperation include: the Law on Local Public Finances; the Law on Public Financial Management and Accountability; the Law on Empowerment and Participation of Youth; the Law on Spatial Planning; the Law on Access to Public Documents. There is also a number of bylaws and municipal regulations, such as the statutes, regulation on transparency, rules of procedure, etc.

However, the cooperation between the local governments and Civil Society in Kosovo is not built upon comprehensive strategic documents. One cannot find a case where a local government and Civil Society have developed or signed a strategic document to establish principles of systemic cooperation. Instead of a structured dialogue between the two, the practice up to date has shown a focus on sectoral cooperation[71], where different agreements exist. In absence of strategic cooperation documents, local governmental authorities hesitate to enter into structured dialogue with the Civil Society. In the meantime, Civil Society tends to be limited in some cases in initiating or

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[70] Law on Freedom of Association in NGOs, Article 12
[71] Kosovo Report: Local Government – Civil Society Cooperation, TACSO

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promoting cooperation opportunities with municipal authorities due to lack of adequate capacities[72].

There is a number of CSOs from the central level, however, engaged in monitoring municipalities, and they usually create partnerships with local CSOs in implementing their projects. This practice showed in many cases that there is a need for expertise and trainings of local CSOs, which are willing to be engaged. The number of consolidated CSOs is small, while other CSOs lack experience and have limited managerial and human resources' capacities[73].

The situation differs from one municipality to the other, as far as the number of well established CSOs is concerned. Same goes for smaller ones, which and more concentrated on community oriented projects. They feel frustrated when in joint projects larger CSOs from Prishtina do not show patience while working with them. Civil Society at the local level faces more challenges and needs to apply more efforts in order to survive[74].

This implies the need to identify challenges in municipalities, individually, in order to respond. Around 32% are grassroot organizations that aim at addressing the community needs, while facing numerous problems, be it while approaching the municipality or potential donors.

The Civil Society at municipal levels, compared to CSOs in Prishtina (the center), attracts less attention from donors, institutions as well as media.

Regardless of the fact that Prishtina based CSOs are more fond of receiving donor support, the local governance in Prishtina is not in any better situation compared to other municipalities. It is even considered as one of the worst cases when it comes to transparency, i.e., to the publication of expenditure reports, as "it did not make any of them public". It has published working reports, but not expenditures[75].

Municipalities in general, hesitate to disclose information and documents, especially financial ones. There have also been cases when a municipality requested from the Association of Municipalities to get from the Government a specified list of documents that can be made public. This indicates the local orientation when it comes to transparency and accountability, having in mind that local government documents cannot contain any state secrets[76].

Citizen participation is another challenge. Kosovo citizens are not part of the policy making process at local level and their involvement in consultation processes is rare and mainly ceremonial. Direct democracy mechanisms set in Law on Local Self-Government and municipality Statutes are not

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[72] Ibid.
[73] Interview with Bekim Salihu, GAP Institute
[74] Interview with Valdete Idrizi, CiviKos
[75] Interview with Bekim Salihu, GAP Institute
[76] Ibid

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employed [by citizens]. On the other hand, municipal authorities have totally failed to involve citizens in decision-making processes through either public consultation processes, or public meetings, or participatory budgeting or consultative committees[77].

Civil Society also argues that municipalities do not have mechanisms for cooperation. There is no municipal Civil Society office or officer in Kosovo. A considerable number of municipal departments (sectoral) and offices do cooperate with Civil Society Organizations, mainly on ad-hoc basis, having no coordination among them[78]. Municipal Offices for Public Communication have not been consolidated and functionalized yet. They lack proper equipment for work, as well as professional staff and capacities.

However, more public funds are distributed to CSOs from the municipalities than central institutions (11% compared to 9%). On both levels, public funds have been granted without defined criteria and transparency standards.

CONCLUSIONS: In order to improve and standardize the cooperation between CSOs and local governments, the strengthening of Civil Society sector in municipalities is an imperative. Assessments of needs in municipalities individually would provide the ground for tailored supporting approach. Local authorities hesitate to enter structured dialogue with Civil Society. Through the Association of Municipalities they tend to limit access to local administration documents, while citizen participation and public consultations are more of ceremonial character.

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[77] Kosovo Report: Local Government – Civil Society Cooperation, TACSO
[78] Ibid

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3. Civil Society Organizational Capacities

There are several layers in which Civil Society capacities can be discussed. Although, as said by different CSO and donor representatives, it is hard to be exact in measuring these capacities, while analyzing relations between sectors, a number of challenges can be identified. They relate both to CSOs and institutional mechanisms, however this section deals only with Civil Society: its internal governance; profiling (expertise) and networking; constituency building and visibility. Civil Society challenges in the northern part of Kosovo, is another category of this section.

As laid out in the previous Needs Assessment report, it is about 10 – 15 % of all registered CSOs in Kosovo that are active. The trend remains the same, while the register of the Department for Registration and Liaison with NGOs (DRLNGO) became a pile of organizations, which needs to be cleared based on provisions for de-registering defined by the law. Based on data received in January 2014, number of registered CSOs is 7436, out of which 6979 are local and 457 international organizations. DRLNGO was not able to provide any data on the number of CSOs that have Public Benefit Status (PBS), same as it could not give any approximate information on CSOs area of expertise and profiling[79]. Based on the previous NA, approximately 3% of all registered CSOs have the PBS. While, profiling of CSOs remains one of the main challenges. On the other hand, about 95 % of the CSOs are registered as associations (membership organization) and 5% as foundations.

Internal governance: Issues raised here relate to the fact that CSOs do have a formal governance and management system, but there are no mechanisms for ensuring their functionality in practice. The law obliges registered CSOs to have clear organizational structures and to define the responsibilities of assemblies/boards and management as part of the registration process. In practice, however, only more advanced CSOs implement such divisions. Moreover, according to a survey conducted for the latest KCSF Civil Society Index (CSI), 47% of the interviewed associations said that board is their highest governing body, when Law on CSOs defines them as membership organizations with assembly being their highest governing body. The tendency to disregard these provisions was identified by DRLNGO as well. Many of them, when registering insist on being established as Associations with boards and not Assemblies as their highest governing body, regardless of the fact that the Law regulates it differently[80].

When it comes to internal regulating documents, such as Rules of Procedure, Code of Ethics, strategic planning, financial regulation, etc., according to the KCSF Civil Society Index survey, the majority of CSOs have such documentation in place. However not all organizations that claim to have these documents implement them in practice[81].

Donors however see CSOs weak in financial and procurement management, as well as transparency. Apart from around 30 CSOs, they do not have a set and stable area of expertise; they

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[79] Interview with Lirije Ajeti, Senior Officer for Registration and Liaison at DRLNGO
[80] Ibid
[81] Kosovar Civil Society Index, KCSF

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have frequent staff changes and have no sustainable identity. Think Tanks are the most stable and well-established[82].

Financial management is also identified by the Civil Society Index 2013 as another matter that reflects internal governance deviations. According to the same survey executive directors are more involved in execution of payments than financial officers. Only organizations with low number of staff do not have financial officers at all.

On the other hand, CSOs are trying to increase the transparency and accountability of their finances by having external auditors verify their expenditures, as this is increasingly important for effective fundraising. Financial audits are related to annual incomes of organizations, however, according to the Civil Society Index, they are not now only feature of CSOs with annual budget of 100,000 Euros, but go down even to CSOs with less than 50,000 Euros annual budget.

As far as human resources are concerned well established active CSOs are able to maintain their core staff, but most CSOs hire personnel on a project basis and remain highly dependent on international funding. Inability to raise institutional funds from alternative sources make CSOs vulnerable to a high staff turnover, as well as causing them to encounter difficulties in mobilising professional and competent staff.

Overall, the majority of Civil Society organizations need to work on establishing, maintaining and practicing internal governing and decision-making structures and principles, as a safe basis to build on.

Profiling and Networking: One of the most frequently raised issues when discussing relations between institutions and Civil Society is CSOs' profiling and expertise – a subject discussed by donors, as well. Tendencies to have a broader field of activities, in order to be open to as many funding possibilities as possible have produced a reverse effect to many CSOs. While a number of them have managed to follow specific sectors and develop their capacities in that direction, many CSOs have remained undetermined in expertise, narrowing their chances to remain functional in perspective.

Well-established CSOs have more focused missions to which they generally try to abide. Only a handful of CSOs, mostly professional organizations and those required to by their donors, have developed detailed strategic plans.

Regardless of this, the phenomenon of establishing organizations with wide spectrum of activities is still evident. Registration forms filled with as many and as different activities as possible is a practice that DRLNGO still meets[83].

Seeing it as a "collateral benefit", cooperation standards between Civil Society and institutions may also serve as a starting point for many CSOs to clearly define their missions. Databases of CSO and their profiling are requisites for proper implementation of strategies and other cooperation documents reached between sectors.

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[82] Interview with Visare Gorani Gashi, SIDA, Embassy of Sweden
[83] Interview with Lirije Ajeti, Senior officer for registration and liaison at DRLNGO

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Office for cooperation with Civil Society within the Assembly has highlighted the importance of CSO profiling for better and more fruitful cooperation among the two. One CSO cannot engage in the work of 13 committees even technically speaking, not just thematically[84].

This issue is also identified by CiviKos, which is Civil Society platform for cooperation with institutions. The form for membership of CSOs in this platform contains a dozen fields of activities, out of which only three can be ticked. This limit had to be set because CSOs could go on ticking up to ten or more boxes[85]. CiviKos is the Prime Minister's Legal Office and other institutional segments' contact point, for involving Civil Society in the process of drafting laws and other documents. Documents that are received are then distributed by CiviKos to the whole mailing list. There is no detailed database or statistics on the area of expertise of CSOs, but based on some general groupings, CiviKos says that the largest number of CSOs is involved in Human Rights and Democracy, then Citizen Participation and Economic Development.

This also reflects in networking and coordination in advocacy and other activities related to certain sectors. Among the many sectors which are covered by CSOs, only few managed to gather in various networks: Kosovo Women's Network - a platform representing over 60 women organizations and "Democracy in Action" - a structure of formal cooperation of a number of organizations that monitor the election process. A network that gathers CSOs active in protecting children rights, KOMF has also appeared as a project in 2013.

There are also two representative platforms of a more general nature.

Kosovo Local Advisory Group (LAG) was established on 17th of December 2009 and become the first such advisory group within TACSO project. Currently it is comprised of 3 government representatives, 4 representatives from donor community, 1 media, 1 private sector representative and 11 civil society organizations. The composition and its role are harmonized with the objectives of TACSO project and needs of the civil society in Kosovo. Throughout years Kosovo LAG as a **national wide resource group** for civil society development and a strategic forum contributed substantially in the progress of civil society development and shaping the IPA support for civil society in national level.

Local Advisory Group is continuously engaged to improve: legal and functioning environment for civil society, the role of CSOs in the democratic process, general funding conditions and capacities of CSOs; Institutionalized cooperation between government and CSO and Public trust and image of CSO.

CiviKos Platform was established to create a suitable environment for formal cooperation of Civil Society and institutions. In 2007 it signed a Memorandum of Cooperation with the Government, which represented the first formal document showing mutual commitment for institutional cooperation and partnership. After a period of inactivity and failure of mutual commitments foreseen in the Memorandum, CiviKos Platform has in 2010 resumed its activity towards

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84 Interview with Shqipe Krasniqi, Senior Officer for donor coordination and relations with Civil Society in the Assembly

85 Interview with Vladete Idrizi, Executive Director of CiviKos Platform

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structuring the cooperation between public institutions and Civil Society. With a membership of more than 100 CSOs, CiviKos Platform has achieved to become a leading partner in the process of drafting the Governmental Strategy for cooperation with Civil Society, which was adopted in 2013. However, few months before the adoption of this strategy, the CiviKos Platform started to work on preparing necessary internal mechanisms and procedures in place to fully represent the sector and its members. Three basic documents: the amended statute, rules of procedure and code of ethics are in the process of being formally adopted, in a process that requires involvement of all members[86]. CiviKos has the Assembly, where one member represents one organization, the Board and the management. It serves as a secretariat for the Civil Society in implementing the Strategy for Cooperation with the Government.

Constituency building and Visibility: Relations between CSOs and their constituencies are vague or inexistent, as Civil Society priorities do not necessarily reflect public priorities. They, in most cases, correspond to the priorities of the donors. Aside from charity and issue-based organizations, CSOs are largely isolated from the public.

Think tanks, for example, mainly target national and international policy circles rather than the citizens on whose behalf they make claims. As a result, the public is increasingly alienated from political processes in the country. On the other hand, organizations formed around specific conditions, such as autism or Down Syndrome, have been more successful at developing strong constituencies. Grass-root organizations are also closer to the community, but far from donor range, which puts them in an unfavorable position as far as sustainability is concerned.

Standardization and development of service provider schemes and public funding, which are the second and the third objectives of Governmental strategy for cooperation with Civil Society, can provide in perspective a more favorable environment for these organizations.

Organizations however claim that they involve in a considerable level their members and constituencies. But, survey results in Civil Society Index show that only 2% of the population is a member of one or more CSOs. It is also a low percentage (3.1%) of those that have benefited from Civil Society services, or those that have participated in activities organized by Civil Society (6.2%)[87]. In-depth interviews carried out for CSI show that in most of the cases membership is formality, and it does not serve the organization in practice.

Visibility - One form of being present and including the public in the issues raised or dealt with by CSOs is by being visible. A study conducted last year by TACSO on relations between media and CSOs shows that Civil Society presence in media is rather low, while communication and understanding between sectors is vague.

Media representatives elaborate that Civil Society events are attractive when they provide quality information and innovative ways of transmitting their messages. CSOs argue that media are more interested in covering political developments and scandals. Challenges listed by media and those by CSOs in advancing cooperation between these two sectors do not have at least one matching point.

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[86] Interview with Valdete Idrizi, Executive Director of CiviKos Platform
[87] Civil Society Index 2013, KCSF

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This is a significant indicator, which shows that facilitating discussions among them should be the first step of any engagement toward improving relations among media and Civil Society[88].

TACSO is engaged in formulating the needs in terms of capacity building of CSOs so that they develop the skills for approaching media and other platforms for a better communication with their constituencies and the public in general.

Visibility is identified as a challenge by Civil Society representatives as well, specifying that the job that is carried out in the field by different CSOs is not represented in media, while the presence of a number of common CSO creates a wrong impression about the general work of Civil Society. It is not only what is represented in media that Civil Society does[89].

The fact that sectorial and professional associations are not making themselves visible and are not networking with other organizations that have same interest, shows that they need trainings for Public Relations and strategy building. They should learn how to conceptualize and articulate their needs and objectives[90].

However, there have been a number of efforts of civil society organizations in attracting media attention in a bit of nonconventional way - by calling the journalists to apply for annual awards of best article/story on the sector that respective CSO covers. The network for children rights - KOMF, the Association of Professional Journalists and other CSOs have applied this practice last year.

Challenges in North: It is estimated that there are around 30 registered CSOs in the Mitrovica region the majority of them being Serb organizations from the north. The cooperation between two sides is rare and not structured but rather project based. According to Community Building Mitrovica, which is an organization that has offices on both sides of the river, projects dedicated to the north involve support to businesses, peace building and north-south communication, informal education, agriculture… i.e., they are mainly community oriented. While specific project for the south are none.

With the new political developments and elections held in northern municipalities, donor interest has risen to funding projects in that region. However, challenges there are bigger, not only regarding the capacities of Civil Society organizations, but also in monitoring their work.

In the Serb-populated areas, the situation is considerably different and far more hostile for Civil Society activists. Furthermore, the capacities of Kosovo Serbian NGOs are far less developed than those of organizations in the rest of the country.[91]

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[88] Better cooperation- mutual interest Report on relations between Media and CSOs in Kosovo, TACSO 2013 - http://www.tacso.org/doc/ko_bcmi_report.pdf

[89] Interview with Valdete Idrizi, Executive Director of CiviKos Platform

[90] Interview with Visare Gorani Gashi, SIDA, Embassy of Sweden

[91] Kosovo Civil Society Strengthening Project Evaluation, page 2 - http://democracyinternational.com/sites/default/files/Democracy%20International-Kosovo%20CSSP%20Evaluation%20Final%20Report.pdf

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This situation creates an environment that requires a more tailored approach that would enable donors to achieve their objectives, but on the other hand to assure that the support is being concretized and deliverables are met. Security environment and clearance procedures complicate or even unable monitoring procedures.

International donors have strict security rules so they barely go to the north, therefore in the end of the project they can only assume from the reports that a certain project has been implemented. Dozens of times donors have used the premises of southern CSOs to meet and discuss with representatives of CSOs from the north. In worst of the cases, when donors were eager to finance projects in the north, they even wrote the proposals and completed all the paperwork on behalf of an organization, due to its poor human resources[92]. This context then twists the situation to the point that creates a bad public image for Civil Society in this region – depicting it as "organizations that get money and do nothing"[93].

On the other hand, CSO representatives interviewed for this report show that there is no direct cooperation between CSOs from the north with Albanian and other communities CSOs in the south. KCSF has engaged a Serbian CSO from Shtërpce to cooperate in delivering trainings to the Serbian CSOs in general[94], while GAP could not find a single CSO in the north that was willing to engage in its project for municipality monitoring – CSOs that were approached either did not respond or argued that "cooperation with organizations from the south is not on their agenda"[95].

Overall, a proper monitoring and technical support system for Civil Society in the northern municipalities is needed, in order to ensure that communities in the region are the real beneficiaries. The approach of Civil Society in the north towards the rest of Kosovo is a reflection of political environment.

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[92] Interview with Aferdita Syla, Executive Director Community Building Mitrovica
[93] Ibid.
[94] Interview with Dren Puka, KCSF
[95] Interview with Bekim Salihu, GAP

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4. FINANCIAL SOURCES AND DONATIONS FOR CIVIL SOCIETY

International donors made their first appearance in Kosovo in the late '90s, generally through international aid agencies or human rights organizations. Their number increased substantially after 1999 concentrating initially in emergency recovery and reconstruction. They also concentrated on establishing local NGOs through which they would implement part of their programmes. Later on, they shifted the activities to peace and reconciliation projects to be followed by specific activities on democratization, implying rule of law, transparency, social inclusion and sectoral development…

Currently, over 50 % of the Kosovar CSOs have an annual turnover under 50 thousand Euros, of which over half have a turnover under 10 thousand Euros a year, which actually are mainly funded by local governments (municipalities). Over 40% of CSOs belong to the category with a turnover between 50 and 500 thousand Euros a year, which leaves around 7% in the bulk of large NGOs with an annual budget between 500 thousand and 1 million Euros[96].

Donors

Kosovo lacks a comprehensive database of all donors present in Kosovo through projects or funding. There have been initiatives from both the donor community as well as Kosovar institutions to create such a database. The effort of the Ministry of European Integration supported by the European Union Office to Kosovo to implement the Aid Management Platform (AMP), as a tool for the government and donors to track and share information related to aid-funded activities, has remained at its starting phase. The last updated report refers to the 2nd quarter of 2012[97], whereas the data presented in the reports is broad.

On the other hand, the Office for Coordination and Relations with Civil Society in the Assembly claims that it only has a general list of donors that supported the Assembly throughout the years, that it lacks a database, but that is now working with the OSCE to do something concrete about coordination[98].

There are three platforms used by donors to informally coordinate: the Local Advisory Group (LAG), SIDA (Embassy of Sweden) and monthly meeting of EU Member States. The EU Office in Kosovo is a regular member of different initiatives where all donors to CSOs in Kosovo, including some EU Member States national development agencies (like ADA, SIDA), share the information on their assistance provided to civil society as well as their plans on future funding, so that potential overlaps can be avoided and, where possible, complementary activities mutually supported. These initiatives usually take the form of coordination meetings, such as the Local Advisory Group within TACSO and SIDA's Donor Coordination Meeting. Further to this, the EU Office in Kosovo holds a

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[96] KSCF Civil Society Index 2013
[97] http://amp-mei.net/aim/viewTeamReports.do?tabs=false, viewed on 13 January 2014
[98] Interview with Shqipe Krasniqi, senior official for donor coordination and relations with Civil Society in the Assembly

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regular monthly meeting with all Member States which is, inter alia, used to ensure that the assistance provided to Kosovo is well coordinated among Member States and the EU Office[99].

In the case of SIDA (Swedish Embassy), it gathers the representatives of the "first hand" (taxpayer funds) donors to coordinate, indentify the area of support, exchange experiences, be it good or bad, and avoid overlapping. The meetings are held on a quarterly basis and the number of donors attending the meetings fluctuates from 12 to 15. Its ongoing project is building a donors database which, if needed, will be shared with the interested parties[100].

There are two main instruments through which EU provides financial assistance to Civil Society in Kosovo: the Civil Society Facility and the European Instrument for Democracy and Human Rights, with an average total amount of 2 million EUR per year. Due to continuous issues raised by the Civil Society on the need to include small CSOs in the roster of EU funded organizations, the EC has tailored an approach to reach out to grass-root organizations. Thus, Calls for Proposals oblige applicants to act with co-applicants who are preferably small organizations with less experience in implementing the EU funded projects. It also includes dedicating Lots to sub-granting only which allows redistribution of a grant to small size sub-grants which grass-root organizations have the capacity to absorb[101].

Unfortunately, the lack of a general and comprehensive database and lack of consolidated information from all donors active in Kosovo makes it impossible to ascertain the exact amount of funding dedicated to the Civil Society in Kosovo.

What is certain is that since the previous NA Report, there has been an increasing trend of funding for Civil Society when it refers to international donors (from 70.17% in 2011 to 74% in 2013), as well as the public funds (8.84% in 2011 to 20.50% in 2013). Other funding sources such as private donations, membership fees, service fees, etc., remain at the lowest level possible[102], mainly because of lack of adequate legislation and lack of such culture. Nonetheless, one thing is doubtless and this is the dependency of the CSOs on international donors.

According to the donors, the practice of prior consultations with the Kosovar CSOs on the programming of funds has been put in place through direct discussions and platforms such as the LAG. The primary dedication of funds is not object of these consultations, but rather the projects that would be developed within the scope of the grants.

Experience proves that foreign donor representatives in country can be biased in decision-making and grant giving. On the other hand, this addiction greatly influences the independence of the NGO,

[99] Interview Dragana Stolic Project Officer / Social Development Team European Union Office in Kosovo /EU Special Representative
[100] Interview with Visare Gorani-Gashi, SIDA –Swedish Embassy
[101] Interview with Dragana Stolic Project Officer / Social Development Team European Union Office in Kosovo /EU Special Representative
[102] KSCF Civil Society Index 2013

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and has a very bad reflection in the public opinion[103]. However, the more donors an organization has the less are the possibilities to be influenced by them.

CONCLUSION: There is an increasing trend of funding for Civil Society from international donors and public funds, however exact evidence lacks on the amount of the funds. Although donors have some coordination platforms, there is no comprehensive and updated database.

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[103] Speech by Flaka Surroi; Regional Workshop: Connecting the Links - Capacities and Relations between CSOs and the Media http://tacso.org/doc/Flaka%20Surroi%20Speech_2.pdf

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RECOMMENDATIONS

Legislation:

The legal framework consists of laws and other legislation that provide basic provisions and commitments for an enabling environment for Civil Society Organizations. However, their implementation needs improvement through the establishment of new mechanisms, a more comprehensive system of legislation and political will.

It is imperative to regulate financial aspects such as: Public funding criteria; Environment for sponsorship and philanthropy; Standardization of public benefit status of the CSOs; Tax incentives; Financial reporting by CSOs. Having in mind the fact that Tax Laws are part of Legislative Agenda this year, Civil Society needs to coordinate and define specifically its needs and amendments of the provisions of these Laws.

It is also necessary to start the drafting of the legal framework for contracting procedures of public services by CSOs, as soon as possible.

Cooperation Mechanisms:

The Government has already adopted its Strategy for Cooperation with the Civil Society however more commitment is needed by both sectors in its implementation. Seven months were needed to see the very first formal step towards its implementation – the establishment of the Council that monitors the process.

The Assembly is about to adopt a Declaration for Partnership between the Assembly and Civil Society, which provides institutional commitment in advancing their relations. It is essential that this Platform for dialogue starts elaborating the principles of cooperation as soon as possible, as to set the standards and to prepare a joint document that determines the required framework.

The model of structured dialogue that has started to develop between Civil Society and central institutions needs to be adopted and applied at the level of the local authorities as well, having in mind that structured and institutional cooperation in the local level is almost inexistent. In order to better deal with this issue, the strengthening of the Civil Society sector in municipalities is an imperative. Grass-roots organizations and civic initiatives need to have increased access to financial resources, in-kind contributions or expertise from established CSOs and CSO networks.

Institutional Bodies:

Governmental bodies such as the Office on Good Governance (OGG) and Department of Registration and Liaison with NGOs (DRLNGO) need to strengthen their capacities.

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The OGG is the leading governmental body in implementation of the strategy for Cooperation while it has only one officer that is specifically in charge of this process. It needs new qualified staff, expertise as well as restructuring.

The DRLNGO is an office that lacks knowledge and will to engage in the management of register and liaison with CSOs in order to address mutual interests. If any effort was made to support this office in any possible way up to now, it needs to be reviewed. Apart from criticizing its performance, the Civil Society should come up with concrete idea of a service that responds to the needs of the sector and advocate for it.

The Assembly has just recently filled the position of the Senior Officer for Donor Coordination and Relations with Civil Society, which had remained vacant for a long time. The Office is still in the process of preparing the infrastructure for cooperation – the database, contacts, and familiarization with the sector. This Office is expected to organize various events for CSOs or do this in cooperation with them (such as organizing conferences and discussions) where respective Assembly Committees can also be involved.

At the local level, there is no municipal Civil Society office or officer, while Municipal Offices for Public Communication are not consolidated and lack proper equipment for work, as well as professional staff and capacities. Extra efforts need to be made in order to initiate a structured and comprehensive cooperation between local governments and civil society.

Civil Society capacities:

These can be grouped in three categories: internal governance; profiling (expertise) and networking; constituency building and visibility.

Internal governance - The majority of Civil Society organizations need to work on establishing, maintaining and practicing internal governing and decision-making structures and principles, as a safe basis to build on.

Although, most of CSOs have a formal governance and management system, i.e. clear organizational structures and defined responsibilities of assemblies/boards and management, only more advanced CSOs implement such divisions. Mechanisms need to be set for ensuring the functionality in practice of the governance and management system.

Same goes for internal regulating documents, such as Rules of Procedure, Code of Ethics, strategic planning, financial regulation, etc., and financial and procurement management, as well as transparency. CSOs, no matter how small they are, need to understand the importance of strategic planning and financial regulation, and treat them as a springboard for further development.

Profiling and Networking – Majority of CSOs need to work in defining their area of expertise, this being the most frequently raised issue when discussing Civil Society's relations with their

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constituencies, institutions and donors. While a number of CSOs managed to follow specific sectors and develop their capacities in that direction, many CSOs have remained undetermined in expertise, narrowing their chances to remain functional in the future. This also affects networking and coordination in advocacy and other activities related to certain sectors.

Constituency building and Visibility - Aside from charity and issue-based organizations, CSOs are largely isolated from the public. In order to establish relations with their constituencies and the public in general, it is essential for the CSOs to work on their visibility and interaction with the community. A study conducted last year by TACSO on relations between media and CSOs shows that Civil Society presence in media is rather low, while communication and understanding between sectors is vague. CSOs should work on attracting media and connecting with them through different mechanisms.

Civil Society in the north - A proper monitoring and technical support system for Civil Society in the northern municipalities is needed, in order to ensure that the projects are implemented and that community is the real beneficiary of the donors' support.

Methodology:

This report is prepared based on analysis of legislation, policy documents, and numerous reports on civil society reports on civil society development, and other relevant documents. Following the document review process, meetings were organized with different civil society actors, donors and institution's officials to further explore and confirm relevant facts for this report. This provided a broader context as well as detailed information on the developments that relate to civil society sector. Results from the TACSO questionnaire on CSF Guidelines were also consulted when preparing this report.

Meetings and Interviews:

Civil society organizations	
Valdete Idrizi, Executive Director	CiviKos Platform
Veton Mujaj, Executive Director	Syri i Visionit
Bekim Salihu, Researcher	GAP Institute
Alban Zogaj, Senior Researcher	RIINVEST Institute
Driton Selmanaj, Programme manager	Kosovo Democratic Institute
Dren Puka, Program officer	Kosovar Civil Society Foundation
Aferdita Syla, Executive Director	Community Building Mitrovica
Fidan Kalaja, Programme Director	Levizja Fol
Afrim Maliqi , Executive director	HandiKos
Florina Duli, Executive Director	IKS Institute
Zef Shala , Executive Director	Mother Teresa and KAPN
Feride Rushiti, Executive Director	KRCT
Tijana Mihajlovic , Project Manager	KRYM
Lirije Lokaj, Project Manager	Foundation Together Kosova
Hamide Latifi, Executive Director	Women in Business (Grate ne Biznes)
Vjosa Rogova, Project Manager	Terre des Hommes
Kujtim Paçaku, Execurtive Director	Romani Baxt
Kosovo Institutions	
Adrian Prenkaj, Political Advisor	Kosovo Presidency
Shqipe Krasniqi, senior official for donor coordination and relations with Civil Society	Kosovo Assembly
Habit Hajredini, Director	Office for Good Governance, Office of the Prime Minister
Besim Kajtazi, Director	Office for Legal Affairs, Office of the Prime Minister
Trëndelina Dreshaj, Senior Officer on Good Governance	Office for Good Governance, Office of the Prime Minister

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Lirije Ajeti, Senior officer	Department for Registration and Liaison with NGOs, Ministry of Public Administration
Agron Maxhuni, Head of Legal Department,	Ministry of Administration of Local Governance
Dritero Arifi, Political Advisor	Ministry of EU Integrations
Other stakeholders	
Ardita Metaj Dika, Resident Advisor	TACSO Kosovo office
Gaby Hagmuller , Team Leader	European Union Office in Kosovo /EU Special Representative
Visare Gorani Gashi, SIDA,	Embassy of Sweden
Dragana Stolic, Project Officer/Social Development Team	European Union Office in Kosovo /EU Special Representative
Remzije Istrefi , Programme Manager	Council of Europe, office in Kosovo
Saranda Cana , Programme Manager	Swiss Development Cooperation center
Fatmir Bytyqi , Key Expert	TA - Cross Border Cooperation Programme
Ardita Zejnullahu, Executive Director	AMPEK Kosova Association of Broadcast Media
Besnik Krasniqi, Senior Journalist	Newspaper "Koha Ditore"

Documents consulted:

- Constitution of the Republic of Kosovo;
- Law on freedom of association in non-governmental organisations;
- Law on access to public documents;
- Law on local self government;
- Law on legislative initiatives;
- Rules of Procedures of the Assembly of the Republic of Kosovo;
- Regulation of Rules and Procedures of the Government of Kosovo;
- Government Strategy for cooperation with civil society 2013-2017;
- Comprehensive report on the implementation of the right to access public documents by public institutions, Office of the Prime Minister;
- EC Progress Report 2008;
- EC Progress Report 2013;
- Kosovo Report: Local Government – Civil Society Cooperation, TACSO report 2013;
- Report on relations between Media and CSOs in Kosovo, "Better cooperation- mutual interest", TACSO report 2013;
- Regional Workshop: "Connecting the Links - Capacities and Relations between CSOs and the Media", TACSO , 2013;
- Media Relations Manual for Civil Society Organisations, TACSO publication of 2013;
- Cooperation Between Local Self-Government and CSOs in the Western Balkans and Turkey, TACSO report 2013;
- Monitoring report of the performance of the Assembly of Kosovo " Assembly Commities oversaw implementation of the third of the laws scheduled for oversight in the Assembly's work programme, OSCE report 2013;
- Conclusive findings and recommendations of the twining project " Support to the Assembly of Kosovo", Assembly of Hungary and Assembly of Kosovo, report of 2013;
- Civil Society Index of Kosovo, KCSF report, 2013;
- "Complicit in Dysfunction – Analysis of the National Council for European Integration's performance in Kosovo", KCSF report 2013;
- Kosovo Civil Society Strengthening Project Evaluation, USAID report 2013;

Authors:

Brikenda Rexhepi, Communication Specialist and Civil Society analyst

Ardita Metaj - Dika, Resident Advisor -TACSO Kosovo

Regional Office
Potoklinica 16
71 000 Sarajevo,
Bosnia and Herzegovina
info@tacso.org

Sehit Halil Ibrahim Cad. 55/3
Istinye, Istanbul
Turkey
E-mail: info@tacso.org

Bosnia and Herzegovina Office
Obala Kulina Bana 2/1
71 000 Sarajevo, Bosnia and Herzegovina
info.ba@tacso.org

Macedonian Office
ul Jurij Gagarin 31B/3
1000 Skopje
info.mk@tacso.org

Serbia Office
Bulevar Arsenija Čarnojevića 82, stan br. 9
11070 Novi Beograd, Serbia
info.rs@tacso.org

Albania Office
Rr "Donika Kastrioti", "Kotoni"
Business Centre, K-2
Tirana, Albania
info.al@tacso.org

Kosovo Office
Str. Fazli Grajqevci 4/a
10000 Pristina, Kosovo*
info.ko@tacso.org

Montenegro Office
Dalmatinska 78
81000 Podgorica, Montenegro
info.me@tacso.org

Turkey Office
Tunalı Hilmi Caddesi
Çığır Sokak No: 92/17
Kavaklıdere / Ankara, Turkey
info.tr@tacso.org

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