



REACTION MEMO NO. 3
SET CRITERIA FOR NEW MUNICIPALITIES

TO: THE PRIME MINISTER, THE DEPUTY PRIME MINISTER/MINISTER AND DEPUTY MINISTER OF LOCAL GOVERNMENT ADMINISTRATION

FROM: DEMOCRACY FOR DEVELOPMENT (D4D) INSTITUTE

TOPIC: SET CRITERIA FOR NEW MUNICIPALITIES

DATA: 12 JULY 2013

CC: PRESIDENT, POLITICAL PARTIES, THINK-TANK COMMUNITY, MEDIA

RECOMMENDED ACTION

The Kosovo Government should introduce clear and objective criteria which must be met for each new municipality is established. Until concrete criteria are set, the Government should not decide on new municipalities, and political parties should halt populist promises. Kosovars remember when we had 80 municipalities (more akin to basic administrative units before 1960). Promises for new municipalities manipulate local patriotism and remobilises strong local rivalries. After the municipal elections in the fall of 2013, the authorities should partner with the think-tank community to initiate a wider public debate to this effect.

Criteria for new municipalities should be applied, and in this short memo we drew inspiration by the legal framework of the Republic of Bulgaria. Despite the difference in the population size and area, as well as population density and ethnic composition, this approach would give Kosovo a reliable framework which would provide a solid foundation to built upon and adapt to our needs.

ISSUE

Introducing clear criteria would make the process less political, more predictable and would be warrant guarantees for the sustainability of any new municipalities. We researched models how other countries establish new municipalities and found useful lessons from a country nearby. The Republic of Bulgaria belongs to a similar tradition of governance, has similar population density as well as an ethnically mixed society, and it has managed to join the EU. The way they have regulated this matter serves as a viable model to inspire our thinking how can we in turn regulate this process. This model may not be completely applicable, as the differences between Kosovo and Bulgaria should not be overlooked, however it provides useful guidance in relation to creating effective and sustainable municipalities.

The [Territorial Administration of the Republic of Bulgaria Act](#) provides legislative clarity and authority on the matter. Article 8 regulates the conditions that a territory must fulfill before it can seek the status of a new municipality. Bulgaria's criterion are as follows:

- (1) existence of a population in excess of a total of 6000 people in the settlements to be included in the municipality;
- (2) presence of a settlement - a traditional uniting center with existing social and technical infrastructure, providing services to the population;
- (3) inclusion of all neighboring settlements, in regard to which conditions do not exist for establishing an individual municipality or which cannot join another neighboring municipality;

- (4) a maximum road and transport distance of the settlements from the centre of the municipality not exceeding 40 km;
- (5) proven capacity for financing the expenses of the newly created municipality from its own revenue, in an amount not less than half of the average for the municipalities, as prescribed by the national budget, approved for the respective year;

The text above should be seen only as an inspiration about the type of criteria that Kosovo should consider. Additional criteria may constitute: (a) minimum distance from the current municipal seat, (b) diversity of the population, (c) geography and infrastructural links. Kosovo should introduce a public debate on the issue and prevent a chaotic process from taking shape. For minority areas, the threshold may be lower, as diversity should be introduced as a criteria too.

OPTIONS

Adoption of strict criteria warrants for a more stable system of governance for Kosovo. Set requirements warrant sustainability of effective self-government. In order to implement and apply this model of criteria to the Republic of Kosovo, the authorities must temporarily halt the creation of new municipalities until the model can be adapted and refined. If the criteria is incorporated into the development of new municipalities in Kosovo, it is more likely that we have sustainable, viable local self-government throughout the country. Municipality autonomy will gradually improve the effectiveness of democracy.

If there is no discernible criteria or if they can be applied differently depending on the political motivation, the process will be detrimental. Whilst there is no guarantee that this use of criteria will create successful municipalities, the likelihood of viability is far greater when compared to an uncontrolled process. The creation of municipalities with political incentives will create a sense of unfairness, will lead to political boundaries, greater divisions, populist rhetoric, and constitutes gerrymandering, or manipulation of electoral boundaries for short-term electoral gains. Worst, creating new municipalities in a chaotic manner may serve a specific political purpose but it is short-sighted. Up to 45 new areas may request to see their status upgraded to that of a municipality. The central authorities will not be able to cope with up around 70 municipalities, which would necessitate the creation of a third tier of governance, that of regions with various other implications.

IMPLEMENTATION

Immediately	Temporarily halt the creation of any new municipalities so criteria can be developed and implemented. Create a working group and initiate an open debate on criteria for new municipalities.
After the municipal elections	Develop a first draft that amends the Law for Administrative Boundaries. Put the amendment up for the public discussion and run the amended law through parliamentary procedure.

