



IPA Energy +Water Consulting



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Edinburgh Economics

Contract number: 05KOS01/05/004

Report on Gender and Minorities Issues

Final Report
Document Reference IPA/16/DEL

Institutional Support to WWRO

February 26th 2007



Institutional Support for the Water & Waste Regulatory Office, Kosovo

An EU-funded project managed by the European Agency for Reconstruction



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Document History and Status

Version	Date	Prepared By	Edited/ Approved By	Revision Details
01	16/01/08	Aisling Lyon (AS)	Graham Cleverly (GC)	Nil

Distribution of copies:

Draft Report					
Rev Number	Quantity	Date	Format	Issued By	Issued To
0	1	16/01/08	Electronic (by EM)	GC	EAR-Alan Brown/Besime Kajtazi
0	1	16/01/08	Electronic (by EM)	GC	WWRO: Afrim Lajci
0	1	16/01/08	Electronic (by EM)	GC	Aisling Lyon: gender and minorities specialist
Final report					
1	1	26/02/08	Electronic (by EM)	GC	EAR-Alan Brown/Besime Kajtazi
1	1	26/02/08	Electronic (by EM)	GC	WWRO: Afrim Lajci
1	1	26/02/08	Electronic (by EM)	GC	IPA: Anthony Robson/ Stuart King
1	1	26/02/08	Electronic (by EM)	GC	Aisling Lyon

Document Version: 1
Project Number: 2045
Printed
Last Saved:
File Name: Approved Report on Gender and Minorities version_1_080226
Author(s): Graham Cleverly
Project Manager: Graham Cleverly
Name of Organisations: IPA Energy +Water Consulting, MVV Energie and Edinburgh Economics
Name of Project: Institutional Support to WWRO
Name of Document: Final Report on Gender and Minorities Issues-February 2008

1 EXECUTIVE SUMMARY

This Report is based mainly on the brief (4 working day) visit in October 2007 by the project's gender and minorities specialist but also takes account of the recent developments within WWRO in relation to minority issues (mainly concerning language issues) and other relevant activities undertaken by the Team Leader.

The earlier draft report was approved (without any proposed changes) by EAR in their letter dated 14th February 2008. This version 1 is the final version of the approved report.

As explained in Chapter 5 of this Report, recognising and tackling minority and gender issues should be embedded ("mainstreamed") within the appropriate wider policy or context by WWRO and Service providers and not treated as specialist isolated topics.

This Report includes a number of recommendations applicable both to WWRO as well as to the Water and Waste Service providers.

Some of the recommendations are already partly implemented by WWRO or the Service providers but others still need recognising and implementing.

The recommendations are shown in Chapter 6 of this Report under the following headings:

- Legal context
- Recommendations for WWRO and Service providers on gender issues
- Recommendations for WWRO on Minority issues
- External recommendations for Utilities concerning Minorities
- Recommendations doe improving relations with Serb majority municipalities.

Addendum No 2 as approved by EAR on 24th February 2008 will allow further work by the gender and minorities specialist on implementing the key recommendations as follows:

Further work on gender and minority issues

The proposed additional gender and minority issue related work will comprise implementation of several of the key recommendations detailed in the gender and minority issues report (Deliverable No 7) as submitted to EAR in January 2008 and approved on 24th February 2008 comprising:

- 1. Support to WWRO in implementing the recommendations gender and minority issues relating to WWRO in the gender and minorities project Report*
- 2. A workshop (possibly in collaboration with OSCE) for water utilities on gender and minority issues*
- 3. Meetings with Mitrovicë/Mitrovica and Prishtinë/Priština Regional water companies to discuss/ improve current arrangements for allocation of limited water resources to all customers including minorities, and arrangements for formal exemption for future planned interruptions based on equitable and transparent allocation regimes.*
- 4. Miscellaneous other issues raised in the Report*

2 INTRODUCTION

This report is Project Deliverable No 7 as modified in the 2nd Interim Report dated September 2007 and is based mainly on a short visit (comprising four working days) to Kosovo in October 2007 by the project's Gender and Minorities specialist.

However in the next Chapter, this report also records other gender and minority related project developments and achievements which have taken place prior and following the visit of the specialist.

3 TERMS OF REFERENCE

3.1 Introduction

This section of the report repeats much of the information contained already in Chapter 4 of the Approved 2nd Interim Report dated November 2007. It is included here to provide a context for the Report Chapters which follow (which concentrate on the recommendations of the gender and minorities specialist following her visit in October 2007). This mainly in order to recognise some important developments which have taken place particularly regarding gender issues within WWRO during 2007 i.e prior to the visit of the gender and minorities specialist.

The Approved 2nd Interim Report dated November 2007 noted:

“A project report will shortly be submitted to EAR and WWRO for approval in accordance with Deliverable No 7 summarising the current position in WWRO and the water and waste utilities regarding gender and minorities issues and recommendations on any changes required”.

This document is the Project Report referred to above.

3.2 Project TOR

The original project TOR included several general references (e.g. section 2.3) to gender and minority issues-mainly in relation to WWRO staff training and handling and regulating of customer service relations, where the required project results “should ensure that the needs of minorities and women are fully recognised”.

Reference is also made in the TOR to Organisational Support (section 4.2.1.1) which includes the requirement that “the consultant is required to support all major activities related to the operation of a Regulatory Office including preparation of an organisational structure, to ensure non-discrimination against women and minorities”.

Furthermore the TOR section concerning direct Technical Support (section 4.2.2) requires “improvement of (WWRO) organisational structures to enhance customer services and ensure inclusion of women and minorities and equality of treatment of these groups”.

The TOR therefore focuses on the following two main areas where gender¹ and minorities² cross-cutting issues are to be covered by the consultants as part of this project:

¹ Gender is taken in this report to mean women

² Minorities in Kosovo comprise mainly Serbs but also include other minorities e.g. Bosniaks, Ashkaliya/Egyptian, Roma and Gorani

1. In relation to the Organisational structure of the WWRO
2. In relation to WWRO for handling and regulating customer service relations/ guidelines³

3.3 Draft Inception Report-EAR Comments

The EAR letter commenting on the draft Inception Report, dated 26th January 2007 indicated *inter alia* (point 2):

The Inception report should include greater reference to the issue of gender and minority inclusion, particularly how the project will support WWRO in ensuring that needs of particular groups are taken into account, by the various (water and waste) utilities. The issue of improving relationships with northern (i.e. Serbian) Municipalities should also be addressed.

The above EAR requirements thus **extend the original TOR** to include two important new project components concerning:

- a) **the utilities** ie “*particularly how the project will support WWRO in ensuring that needs of particular groups are taken into account, by the various(water and waste) utilities*”.
- b) **The northern municipalities** ie “*improving relationships⁴ with northern (i.e. Serbian) Municipalities*”

It should be noted that there is no reference to “ensuring needs of particular groups are taken into account by the various utilities” or to “improving relationships with northern Municipalities” in the project TOR, which, as described above, is clearly limited to reviewing WWRO’s activities.

3.4 Final Inception Report Proposals

As indicated in the Final Inception Report section 5.6.6, the TOR section 4.2.2 requires the Consultant to “provide expertise and guidance to support the preparation and implementation of customer service guidelines as a minimum standard for use by utilities in their contractual arrangements with customers”. However, detailed Rules (i.e. the Customer Charter Rules) covering the Customer Services for Solid Waste Collection Services and for Water Services **already exist⁵** and include detailed requirements covering:

³ Guidelines are assumed to be WWRO Rules for external public documents and internal Guidelines for internal use by WWRO staff.

⁴ Component b) above is assumed to relate to relations between the service providers (ie the utilities) and the northern Municipalities

⁵ It can be concluded that this task was a necessary requirement when the TOR was drafted in 2005 but was substantially completed with the exception of specific guidelines on gender and minority issues by WWRO by the time the WWRO support project commenced in September 2006. However the gender and minority aspects will be reviewed as part of this project and guidelines developed where necessary.

- General Rights and Obligations of the Customer
- General Rights and Obligations of the Service provider
- Customer Charter
- Service Contract
- Register of Customers⁶
- Invoicing for Services
- Enforcement and Penalties

As stated in the Final Inception Report, in the Consultant’s opinion these existing sections already adequately cover the requirements for “customer service guidelines” **except specifically in relation to “ensuring the needs of minorities and women are fully recognised” as required in TOR section 2.3** and as mentioned in point 7 in EAR’s response dated 26th January 2007 to the earlier draft Inception Report.

We therefore undertook in the Final Inception Report to review the current Regulations/draft WWRO Law and Rules and develop *internal* WWRO “guidelines” as appropriate for ensuring the needs of minorities and women are fully recognised. We also undertook to discuss this issue with all stakeholders including WWRO and KTA as well as UNMIK, UNDP and OSCE representatives to reach a common understanding of how to ensure this requirement can be fully recognised.

However during the preparation of the second Interim Report it became clear that the current WWRO Customer Charter Rules (ie “Guidelines”) should be modified to include **a new section on gender and minority issues** in place of the earlier proposal for developing new *internal* WWRO “guidelines” as proposed above.

Note: Following earlier advice from Pillar IV legal experts to WWRO, new WWRO Rules or “Guidelines” cannot be issued by WWRO-the existing Rules can however be modified.

⁶ Both water and waste collection service providers have experienced major difficulties in registering customers (even those that currently settle their invoices promptly) and the % of registered customers is relatively small for all water and waste collection service providers. As part of the project a review of experiences in other countries including Portugal during the study tour and possibly also Scotland has/will be undertaken to consider other practices .It is likely that registration of customers is not widely undertaken elsewhere and that a formal contract between customer and service provider is not normally considered necessary. If registration is considered to be unnecessary, a change in the Rules may be required in due course by WWRO. It may be more important that customer databases are improved and computerised using the same approach adopted by KEK. This would allow POEs to share of databases in relation to identifying social cases, as well as persistent non-payers and also allow more detailed analysis of regional differences in collection efficiencies and affordability analysis.

Our initial comments on gender and minority inclusion in relation to developing additional customer service guidelines are summarised in the Final Inception Report section 5.6.6 (pages 36-39) and not repeated here, as far as it is possible to distinguish gender and minority issues from other more general issues.

The deliverable for this component of the project as described in the Final Inception report dated March 2007 **have been expanded in Interim Report No 2 as follows:**

Deliverables:

Provision of a short report detailing:

a) any additional (external) sections to the existing Customer Charter Rules (ie “guidelines”) with any proposed changes to the above customer-related service issues and any other relevant customer service procedures identified during the review to ensure that the needs of minorities and women are fully recognised in the WWRO Customer Charter Rules.

b) Recommendations on actions service providers should take to ensure that that needs of particular groups are taken into account by the various service providers and that they recognise the needs of minorities and women in relation to provision of customer centres and specifically in systems for handling complaints and billing arrangements.

Timing: 2007-Q4

Main inputs: Gender and minorities specialist (AL) and Team Leader/ Water Regulatory specialist (GC)

3.5 Access to Services

The EU publication “Minorities Issues Mainstreaming” dated June 2006 identifies in Section 3 “UN Administered Kosovo-Minority needs Analysis, Overview”:

*Much of the difficulties in return have to do with **access to services** such as water and electricity, and also with **community integration**. However sustainable returns have been documented in the southeast regions of Kosovo (Gjilan, Kamenica and Viti) and to some extent in the central regions as well.*

3.6 Rural supplies

As noted in the Annual Performance Report for 2006 “WWRO does not have any jurisdiction over private water supplies, bottled water providers or non-POE operators providing water supply services outside the POE’s defined areas of supply e.g. rural water supplies”. The mainstreaming of cross-cutting issues is therefore limited in practice for the time being to the activities of POEs and thus generally and for the time being **excludes rural water supplies**. Whilst this limitation excludes a large proportion of minorities living in rural areas without access to piped water via a POE service provider, it nevertheless reflects the current remit of the WWRO which is limited to regulating the (licensed) POEs.

3.7 Mainstreaming cross cutting issues

The three mainstreaming cross-cutting issues to be included in the (second) Interim Report according to the revised requirements from EAR for Interim Reports in their EM dated 17th August 2007 comprised:

- Gender equality
- Minority Inclusion/ Participation
- Environmental Dimension

The “Environmental Dimension” underpins the overall project and has been assumed to be implicit in all the project deliverables and is therefore not considered separately in this Report.

3.8 Recent Project-Related Activities within WWRO Concerning Gender and Minorities issues

3.8.1 Organisational Structure, advertisements

WWRO Organisational structure

The WWRO Organisational Structure was substantially revised in April 2007 with project support (Deliverable No 1). The main focus of the revised structure has been, in line with good practice, to reflect the development of WWRO from a *technically oriented* office when it was first established in 2004 (including separate technical departments for water and waste sectors) to a *performance-oriented office*, through the establishment of a new department for performance monitoring with a Head of Performance and a customer service lawyer/analyst.

New WWRO staff advertisements

WWRO advertised in the Kosovo National⁷ Albanian language press (in the three official languages: Albanian, English and Serbian) for several replacement staff positions arising from the departure of the four Heads of Department in February 2007, and subsequently for new positions (e.g. new Head of performance, new water tariff specialist etc) reflecting the revised organisational structure. There were no applications from minorities for any of the advertised positions.

A new female head of the Legal and licensing department (Mrs Mejreme Černobregu) was appointed in July 2007 and took part in the study tour to Portugal in November 2007. The project junior International specialist (Anthony Robson) who is a qualified solicitor in UK, took part in the interview process

Other senior appointments comprising the Head of tariffs and the new position for Head of Performance Monitoring were made by promoting existing (male) WWRO staff to these positions following a formal advertising and selection process.

Current WWRO staffing

The distribution of women in the WWRO organisation currently comprises one female head of department (see above), and four female administrative staff out of a total staffing level of 14. In addition Ms Vera Muhaxhiri is supporting WWRO

⁷ The Serb daily newspaper read by Serbs on Kosovo is *Novosti*, published in Belgrade. Advertisements for WWRO staff are expected to be placed in this newspaper in the future

performance department as a long term consultant funded through SDC from January 2008 for 2 years.

Draft WWRO Law

A draft WWRO law (based on UNMIK Regulation 2004/49) has been developed recently with project support which includes a collegial Board comprising 4 non-executive part time members plus the current WWRO Director (re-defined as the Director-General). Board members are appointed by the Assembly. Records of meetings of the Board are required to be made in the three official languages.

The draft WWRO Law contains several references to the rights of customers to non discriminatory access to water services in accordance with the Customer's Charter (see section 15 of the draft WWRO Law) and requires each service provider to comply with its obligations under the Customer's charter and the Service Contract (section 15.5)

The gender and minorities specialist reviewed⁸ the draft WWRO law and make recommendations for any changes considered necessary. Her comments are included in later in this Report

Study tour

Project Deliverable No 3 a comprising a study tour to IRAR to Lisbon took place from 12th to 17th November 2007. From a total of eight participants, three women participated-see schedule below:

Name	Current Organisation	Position	Role during study tour
Afrim Lajci	WWRO	Director	Delegate
Qamil Musa	WWRO	Head of Performance Department	Delegate
Sami Hasani	WWRO	Head of Tariff Department	Delegate
Mejreme Cernobregu	WWRO	Head of Legal and Licensing	Delegate
Skender Bublaku	Pristina RWC	MD, also Board member of SHUKOS	Delegate
Besime Kajtazi	EAR	Assistant EAR project manager	Observer
Vera Muhaxhiri	KTA Water and Solid Waste department	Business Development Manager	Delegate
Graham Cleverly	IPA Energy and Water	Team Leader, WWRO Support Project	Coordinator

WWRO "Vision"

The WWRO vision included in the 2006 Performance Report, developed in 2007 Q2 with project support is as follows: *"Water and solid waste service providers delivering a consistent good quality and efficient service to all customers throughout Kosovo"*

Website

⁸ The recommended changes have not yet been included in a revised version of the draft WWRO law for practical (timing) reasons.

As part of the project, the WWRO website is currently (January 2008) being updated and will include several recent reports (e.g. the 2006 Performance Report on utilities) in the three official languages including Serbian⁹.

Project Progress Reports

Progress reports are provided to the Agency in English, Serbian and Albanian in accordance with section 7.2 of the Terms of Reference.

Free lance Serbian and Albanian translators are employed through the project to undertake this work.

3.8.2 Customer Service Guidelines

Guidelines for Customer Service “Relations” between the regulated service providers and customers are set out in detail in “Rules for Customer’s Charter” developed by WWRO in January 2005. These Rules provide the basis for the Customer’s Charter which must set out the rights and obligations of the Customer and service providers with respect to:

- a) Application of Service
- b) Entering into and execution of Service Contracts
- c) Request of Customers to effect deposits for equipment and to guarantee payments due to service providers
- d) Issuing of Invoices and rules for payment of invoices and the right of service providers to effect disconnections in case of non-payment of invoices
- e) Management of Customer’s inquiries and complaints

Service providers are required to enter into a Services Contract with customers using the format specified in the Rule for Customer’s Charter and to Invoice customers as specified in the Rule

Note: The Rule for Customer’s Charter under Section 7 “Rights of Customers” confirms customers have “the right to access to services in a non-discriminatory manner”.

3.8.3 TOR for gender and minorities specialist and draft programme

The provisional TOR and proposed itinerary for the gender and minority specialist’s visit which took place in October 2007 is summarised below as developed in September 2007¹⁰:

⁹ The 2006 Performance Report has been translated into the three official languages and distributed to a wide range of stakeholders.

¹⁰ Not all the planned activities took place due to the limited time available for the gender and minorities specialist. In view of the limited time allocated to the gender and minority specialist’s visit (4 days) some follow up activities were undertaken by the Team leader in 2007-Q4

Gender issues

Gender issues relevant to WWRO and the water and waste utilities are very hard to identify apart from the specific issue of *when* water cut-offs occur and whether they discriminate against women at home especially those with young children. Since water interruptions are a) currently not yet subject to WWRO formal approval, b) increasingly common in some areas because of potential drought conditions and c) not well planned or notified to customers in advance, it is difficult to see how any impacts can be determined and addressed in relation to women which result from these interruptions. The specialist will visit the UN women's office in Pristina (Virginia Stephens) to determine any comments about water and solid waste services/Regulation in Kosovo relevant to women.

Minorities

Addressing minority issues in a sustainable way are self-evidently central to Kosovo's future stability.

There are several potential areas where the project can look at minority (mainly Serb) issues and produce a useful contribution to the project through the activities of the project's gender and minority specialist.

Visits

- A visit is planned to one or more Northern (Serb) Municipalities through the good offices of EAR on 16/10/07 which may allow a dialogue between WWRO, EAR, and possibly KTA on issues relevant to minorities eg current service provision, billing, customer services. Note: The EAR Project Manager has been very supportive of this initiative.
- A visit is planned to a village outside Pristina to a Serb resettlement area (Fushë Kosovë / Kosovo Polje where an NGO (Lorenzo Chianese) is acting on behalf of UNDP, managing the resettlement of about 30 Serb families.
- A visit is also arranged to OSCE decentralisation department (Norbert Piljs) on 11th October 2007 to determine the arrangements for Serb Municipalities in relation to any additional devolved powers concerning service provision
- A visit is also arranged on 11th November 2007 to the UNDP Head of Women's Issues (Virginia Stephens)
- If possible a visit will also be arranged to the Energy Regulator's office (ERO) to discuss how ERO are addressing gender and minority issues

Waste collection

It is unlikely that licensed solid waste service providers collect waste from most urban minority areas e.g. North Mitrovicë / Mitrovica, and Gračanica /Gračanica. It is also unlikely that invoicing is being done or payments received from minorities. These assumptions will be tested by the gender and minorities specialist

Water services

The supply of potable water to the North Mitrovicë / Mitrovica is a major unresolved issue for the South Mitrovicë / Mitrovica Regional water company (MRWC). Since the conflict, MRWC has provided treated water to North Mitrovicë / Mitrovica but has not invoiced North Mitrovicë / Mitrovica for this supply provision. Recently WWRO has set a bulk treated water tariff for the MRWC (the licensed service provider in the South). The fairness of water rationing by the MRWC is a further area for review. According to the UNMIK Regulation 2004/49, licensed service providers are required to agree the arrangements for planned cut-offs with WWRO in advance. In practice this procedure is not being followed by any of the RWCs anywhere currently and is exacerbated by the current risk of drought which has resulted in further regular cuts in supply. Therefore this component of the project will need to be reviewed on the basis on how much water is allocated by Mitrovica Water Co ie to South Mitrovicë / Mitrovica, North Mitrovicë / Mitrovica, Skenderaj and Vushtrii and whether the allocation is equitable. A meeting with the International head of water at KTA (Tim Westmoreland) is planned to discuss this issue during the gender and minorities specialist visit).

The experience of the gender and minorities specialist (who has previous work experience in Kosovo) will be used to make contact with NGOs concerning minority concerns about service provision.

WWRO Regulations and Rules

The current UNMIK Regulations are under review and will be transferred in due course into a new WWRO Law with some changes (e.g. a Board, de-regulation of waste collection and possibly disposal services).

One requirement in the current WWRO Regulations is for WWRO to produce documents in 3 languages (i.e. Albanian, Serb, English). This requirement is being followed by WWRO. There is no specific requirement to employ minorities in WWRO or in the utilities and there are none currently employed by WWRO.

Issues to be covered by review

The following issues will be covered by the gender and minorities specialist and the activities and any recommendations summarised in a brief report:

WWRO

1. Do the WWRO Regulations and Rules (especially the Customer Charter Rules) adequately reflect gender equality and minorities inclusion/ participation? If appropriate, some additional sections to the Rules can be proposed.
2. Are the Regulations and Rules (and updated Rules, draft WWRO law) being developed and implemented by WWRO in accordance with the requirements?
If not how could WWRO improve any deficiencies?
3. Are the Rules (secondary legislation) consistent with the Regulations (primary legislation) in relation to gender and minority issues?

If not, how can the legislation be harmonised?

Service providers

1. Determine via a visit to one or two water utilities whether they are following the WWRO Regulations and Rules fully regarding gender equality and minorities inclusion/participation? (e.g. are invoices available in three languages, what training do complaints staff have in dealing with minorities etc).

2. If not, recommend how can WWRO help to improve any deficiencies?

3.9 Summary of Relevant WWRO Outcomes Achieved to Date (January 2008)

Internal WWRO outcomes to date on gender and minority issues are limited and are summarised below:

- Development of a revised organisational structure (including the appointment of a woman as the new head of licensing)
- A reasonable gender balance achieved for IRAR study tour in November 2007
- Introduction of WWRO Vision Statement in 2006 Annual Report which reflected the needs of “all customers to a consistent good quality and efficient service throughout Kosovo”.
- Support to procurement of Ms Vera Muhaxhiri as senior local consultant supporting WWRO’s performance department, funded by SDC

4 VISIT BY GENDER AND MINORITIES SPECIALIST

4.1 Introduction

The project has been assisted in reviewing gender and minority issues by Ms Aisling Lyon who was procured through the project and undertook a brief visit to Kosovo from 11th to 17th October 2007 supported by the Team Leader. Her terms of Reference are described in Chapter 3.

4.2 Programme of visits (10-17th October 2007)

The following individuals were met during the brief visit of the gender and minorities specialist during her visit.

- **Virginia Stephens**, UNICEF Office, Prishtinë / Priština (11 October 2007.)
- **Alan Packer**, International Advisor to the Ministry of Local Government Administration (12 October 2007.)
- **Afrim Lajçi**, Director, WWRO (15 October 2007.)
- **Syle Syla**, Customer Relations Lawyer, WWRO (15 October 2007.)
- **Serbian resident** of Lepina village, Lipjan / Lipljan municipality (15 October 2007.)
- **Serbian resident** of Gračanica / Gračanica, Prishtinë / Priština municipality (15 October 2007.)
- **Faruk Beqiri**, Former Resettlement Officer, UMCOR (16 October 2007.)
- **Përparim Radoniqi**, President of PAMKOS and Director of ‘Çabрати’, regional waste Company Gjakovë / Đakovica (11th October 2007)
- **Director of Ibar Water Company**, north Mitrovicë / Mitrovica (16 October 2007.)
- **Serbian resident** of north Mitrovicë / Mitrovica (17 October 2007.)

Following the visit of the gender and minorities specialist further meeting have take place with the project Team leader as follows

- Johan Axander, OSCE Communities Department (27th November 2007)

4.3 Meeting with Northern Municipalities

The visit by the gender and minorities in October 2007 was scheduled to include a key meeting with several Northern Municipalities comprising:

- North Mitrovicë / Mitrovica (Ibar water Company),
- Leposavić / Leposaviq and
- Zubin Potoc.

The meeting was facilitated by EAR (Alan Brown) through the KTA representative based in North Mitrovicë / Mitrovica (Kumrije Kelmendi).

Unfortunately, only the representative from North Mitrovičë / Mitrovica (Ibar water Company) attended the meeting on 16th October 2007.

This meeting established a useful dialogue with one of the Northern Municipalities and enabled copies of the 2006 on the Performance of the Utilities in Serbian to be handed over. This document sets out the performance of the water and waste POEs in 2006 together with a summary of the WWRO's remit and achievements to date.

It is hoped that further meetings will take place with Leposavić / Leposaviq and Zubin Potoc Municipalities in the near future to introduce the WWRO, to hand over further copies of the 2006 on the Performance of the Utilities and to exchange views.

5 “MAINSTREAMING” OF GENDER AND MINORITY ISSUES

5.1 Overview

The way to address minority and gender issues effectively is not to dislocate them from general policies and practice, but to embed or ‘mainstream’ specific solutions pertinent to women (or men), and minority ethnic communities **within the appropriate wider policy or context**. Women or an individual who does not speak the Albanian language, for example, still use water in the same way as any other customer and should be entitled to equal access to both services and customer care, as with any other customer.

However, in order to ensure that general policies, such as customer relations or communications strategy, do not either directly or indirectly¹¹ disadvantage any one group, such as women or ethnic / linguistic minorities, it is important to recognise the differing needs these groups may have, and to address these needs appropriately and effectively **within a wider, more inclusive policy**.

Ensuring all customers enjoy equal access to services *does not* mean treating all customers in exactly the same way. Specific needs, such as language requirements, should be recognised and accommodated. In practice this may mean offering additional support to certain customers that will enable them to access services equally. In legal terms accommodating differing needs in this way is called ‘positive action’ and it is permitted under Kosovo legislation¹². Positive action *should not* be confused with positive discrimination, since it only allows certain groups, through offering additional support, access to services equally, rather than providing that group with a better service than other (non-minority) customers.

Examples that are relevant to this context could be:

- Publishing invoices and other customer-related documents (Customer Charters, contracts, regular correspondence, etc.) in the language used by that customer, who may be a non-Albanian speaker;
- Setting targets or quotas to encourage the more active participation of women and ethnic / linguistic minorities in Customer Consultative Committees; and/or

¹¹ The Anti-Discrimination Law (2004/03) Article 3(b) defines ‘indirect discrimination’ as “... where an apparently neutral provision, criterion or practice would put persons, on the basis of one or more grounds such as those stated ... at a particular disadvantage compared with other persons...”.

¹² The Anti-Discrimination Law (2004/03) Article 6.1: “With a view to ensuring full equality in practice, a measure to prevent or compensate for disadvantages linked to one or more grounds ... shall not be deemed to be discrimination, provided that it is also in compliance with international human rights standards.”

- Employing an outreach officer / mobile cashier to assist communication and payment collection from customers located in enclaves.

Within the context of Kosovo, it is important to remember that currently (January 2008) only an estimated one third of the Serbian population of Kosovo live north of the River Ibar, that is, north of Mitrovicë / Mitrovica¹³. One of the Serbs interviewed by the gender and minority specialist roughly estimated that approximately 40,000 Serbs live in northern Mitrovicë / Mitrovica, and the northern municipalities of Zvečan / Zveçan, Leposavić / Leposaviq, and Zubin Potok. In contrast, approximately 10 – 20,000 Serbs could be living in Gračanica / Gračanica, Čaglavica / Çaglavica, and surrounding villages in Lipjan / Lipljan municipality; whilst a further 30 – 50,000 reside in Gjilan / Gnjilane region (including Novo Brdo / Novobërdë municipality), and 10,000 in the southerly Štrpce / Shtërpçë municipality. We must also not forget the other smaller Serbian communities living in scattered villages and enclaves in other regions of Kosovo (eg the two small Serb enclaves in Rahovec visited by the Team Leader with Gelsenwasser staff in 2004/2005).

In summary, minority communities do not just live north of the River Ibar, and ethnic minorities living in Kosovo are not just Serbs, but Roma, Turks, Bosnians, amongst others.

¹³ European Stability Initiative (ESI) report: The Lausanne Principle: Multi-ethnicity, Territory and the Future of Kosovo's Serbs (June 2004), p.7.

6 RECOMMENDATIONS

6.1 Legal context for recommendations

The following Regulations form the current legal framework for this Report and the basis for many of the recommendations:

- Regulation 2004/49: on the Activities of Water, Wastewater, and Waste Services Providers
- Regulation 2004/02-L37: Law on the Use of Languages
- Regulation 2004/2: Law on Gender Equality in Kosovo
- Regulation 2004/3: The Anti-Discrimination Law
- International Covenant on Economic, Social and Cultural Rights (1966) (referred to in Regulation 2004/49: Article 14.2)
- UNMIK Admin Decision 2004-23 on official Names of Municipalities

Extracts from key sections of these laws can be found in Annex I.

In addition reference is made in this Report to the draft WWRO Law which is still at the draft stage:

- Draft Law On the Economic Regulation of Water, Wastewater and Waste Services (hereafter called the “draft WWRO Law”)

6.2 Recommendations for WWRO and Service Providers on Gender issues

There is very little evidence to indicate that recommendations specific to gender (i.e. women’s issues) are necessary either to the WWRO or the Service Providers within the scope of the study.

However it is recommended that Service Providers should be required¹⁴ to formally apply to WWRO for Exemptions covering interruptions to supply and these exemptions should avoid planned interruptions at times which impact negatively on family life (between 06.00 and 09.00, for example).

Whilst there are other gender issues relevant to Service Providers (eg the low percentage of women represented in senior management or on the Management Boards), this is clearly outside the scope of the WWRO to pursue or this Report to consider.

Within WWRO the current gender balance is considered to be reasonable.

¹⁴ The WWRO Director has written to water utilities on several occasions already requesting this information

6.3 Recommendations for WWRO concerning Minority Issues

6.3.1 Internal WWRO Recommendations

The following recommendations apply to WWRO:

- Adopt and implement a formal bilingual language policy, committing WWRO to publishing all official documents (including text of WWRO website) in the two official languages of Kosovo (Albanian and Serbian) and publicising their availability.¹⁵ An example of a bilingual language policy is included in Annex IV.
(Notes:
 1. WWRO in practice already are following this policy informally. All official documents e.g. Rules, Performance Report, brochures etc are already published in three languages.
 2. Furthermore the WWRO Institutional Support Project produces all official Project Reports e.g. Interim reports etc in Albanian, Serbian and English).
 3. The WWRO bilingual policy will be developed and included in Project Deliverable No 8 comprising a WWRO “Code of Practice”)
 4. The WWRO website, currently being updated, provides an opportunity for WWRO to translate all outstanding documents into the three languages.
- Organise an internal workshop for all WWRO staff on the rationale behind the bilingual language policy and the importance of communicating effectively with customers. (This is a legal requirement, but is more importantly a customer service issue). This could be organised with support from OSCE who run similar awareness training courses for municipalities.
- Increase the prominence of and capacity to support the Regional Customer Consultation Committees within WWRO’s organisational structure e.g. through support to Mr Syle Sylja, Customer Relations Lawyer. This issue will be covered in the forthcoming study tour to WICS by a visit to a WaterWatch Consultative Committee public meeting and discussions with the WaterWatch Chairman.
- Raise the awareness¹⁶ of the role and importance of the regional Customer Consultation Committees and WWRO independently of Service Providers, by using the Service Providers as a vehicle through which WWRO communicate with customers:
 - distribution of publicity material;

¹⁵ According to the Law on Use of Languages (2004/02-L37), only Albanian and Serbian are official languages in Kosovo, apart from in Prizren municipality where Turkish is also an official language. English is not an official language, however “Kosovo Institutions shall use the English language in their work, contacts and official documents during the mandate of the United Nations Interim Administration Mission in Kosovo” (Article 34).

¹⁶ See Project deliverable No 12: “Assist WWRO in Public Consultation Initiatives” eg Draft notices for utility offices dealing with customers

- advertising the date and location of Committee meetings to the public with adverts in the local media;
- Encourage membership of Regional Customer Consultative Committees to be more representative of the locality, including more women¹⁷ and representatives from minority communities (where possible).¹⁸
- When advertising staff vacancies or public notices, WWRO to use both Albanian and Serbian language media.
 - *Vechernje Novosti* Serbian language daily newspaper: www.novosti.co.yu, Tel: Belgrade 3028-121, 3028-126; Fax: Belgrade 3398-337;
- Consider employing a Serbian member of staff, in the future (Prishtinë / Priština office-based, or in a regional / virtual office).
- When organising workshops, trainings, conferences, consideration¹⁹ should be given to the linguistic needs of all participants including providing documents in the language requested by participants and also consider holding some events outside of Prishtinë / Priština.
- All documents published by WWRO in English should refer to both Albanian and Serbian spellings of place names. The usual procedure is to use the place name in the language of the majority first, i.e. Prishtinë / Priština, noting that Albanians are not in the majority in all municipalities. (A list of officially recognised spellings for the names of all 30 municipalities in both Albanian and Serbian is included in Annex II and the complete official UNMIK list including villages is included in Annex III, based on UNMIK Decision 2004-23). This approach has been adopted in this Report

6.3.2 Proposed Revisions to draft WWRO Law

The text of proposed changes is highlighted in bold and italics below. It is recommended that these changes are included in the latest draft of the WWRO Law:

Section 15 Customers Charter

15.3 The service providers shall make available to Customers a document hereinafter referred to as the Customers' Charter, based on the rules issued by the Regulator pursuant to Section 15 of this Law, which clearly sets out the rights and entitlements of Customers

¹⁷ The Law on Gender Equality (2004/02) states that: "*Unequal representation: ...exists when the participation of a certain gender in a particular social field or in a segment of such field is lower than 40%*" (Article 2.12).

¹⁸ WWRO has responsibility for appointing Committee members, based on nominations put forward by municipalities (WWRO Rule for Customer Consultative Committee, Section 8.1).

¹⁹ Project workshops (e.g. concerning solid waste handling in July 2007) have been publicised with the northern Municipalities through the KTA Mitrovica representative and provision made for Serb translators etc. Unfortunately no serb representatives chose to attend

in respect of the Service provided. *This document shall be made available to the customer in the language preference demonstrated by the customer*

Section 16 Service Contracts

16.2 Each Service Contract shall be consistent with the Customers' Charter and shall be written in the form prescribed by the Regulator in Albanian, Serbian, English and, if appropriate, and other language more widely spoken by Customers in any location within the Service Area, *and be made available to the Customer in the language preference demonstrated by them*

Section 18 Customer Consultative Committees

Members of the Customers' Consultative Committee shall be nominated by municipalities and these nominations approved by the Regulator in line with the WWRO Rules for Customer Consultative Committees and the Kosovo Law on Gender Equality

Section 14 Proceedings of the Board

41.7 The Chairman shall ensure that a record of every Board meeting is made *in Albanian, Serbian and English* and approved...

Section 47 Annual Report

47.1 The Chairman of the Board of the WWRO shall submit to the Assembly an Annual Report no later than three (3) months after the end of each calendar year. The Report shall be made public in *Albanian, Serbian and English languages*, and shall....

Section 48 Written Communications

48.3 The regulator shall publish and make available to the public all official documents, including information published on the Regulator's website, in Albanian, Serbian and English languages

Section 50 Prohibition on Unlawful Discrimination

A Service provider shall not unlawfully discriminate against any person on any grounds with respect to any matters set out in this Law or the Rules issued pursuant to *Section 49*

6.3.3 Revisions WWRO Customer Charter Rules

The text of proposed changes (with alternatives where appropriate) is highlighted in bold and italics below: It is recommended that these changes are included in a revised version of the Customer Charter Rules:

Section 7: Rights of Customers

The Customer has the right to:

- (d) A fair, lawful and transparent invoicing for the Water and Wastewater Services, ***as per the language preference demonstrated by the Customer***, rendered as per Rules approved by the Regulator;
- (e) Be informed on his rights and obligations as foreseen in the Customers' Charter and under the Water and Wastewater Services Contract, ***as per the language preference demonstrated by him***;
- (i) ...to have any of such complaints processed and treated by the Water and Wastewater Service Providers in a fair and timely manner, ***and a response communicated to the Customer as per the language preference demonstrated by that Customer***.

OR:

- (?) ***Receive all information regarding service provision as per the language preference demonstrated by the Customer***.

This customer right should be located near the top of the list, maybe before the current (d).

Section 10: Obligations of Water and Wastewater Service Providers

A Water and Wastewater Service Provider shall have the obligation to:

- (j) Provide information to the Customers and/or the general public ***in the language preference demonstrated by them***, as per the terms prescribed in the Service License, the Customers' Charter, and/or in any other applicable Rules;
- (l) Receive, reply to and treat in a fair and timely manner, any Customers' complaints ***as per the language preference demonstrated by that Customer***, and keep a record ...

Section 12: Language of Customers' Charter

- 12.1 The Customers' Charter shall be ***published in the languages officially in use in Kosovo*** and shall be made available to the Customer by the Water and Wastewater Services Provider issued to all customers as per the language preference demonstrated by the Customer.

Section 15: Issue of the Customers' Charter

- 15.2 Water and Wastewater Service Providers shall keep at all times a reasonable supply of copies of the Customer's Charter, *in the official languages of Kosovo*, in an amount sufficient ...
- 15.1 Additional information on full technical and/or commercial details of the Water and Wastewater Services will be available free of charge on demand by the Customer to the Water and Wastewater Service Provider, *and in the language preference demonstrated by that Customer*.

Section 21: Contents of Water and Wastewater Services Contract

- 21.1 All Water and Wastewater Service Providers are required to enter into in writing with all their Customers, *as per the language preference demonstrated by the Customer*, a Water and Wastewater Services ...

OR: Amend Section 12 on Language of Customers' Charter to be broader and applicable to all correspondence between the Customer and the Service Provider.

Section 25: Content of Records of Customer

- 25.1 Records to be filed at the Register of the Customer shall include at minimum the following data:
- (?) *Customer's preferred language for communication.*

It is suggested this stipulation be listed between the current (e) and (f).

Note: This recommendation does slightly contradict with Article 25.2, which forbids registering a customer's religious affiliation or ethnicity, but in order to communicate effectively with customers of multiple linguistic preferences, it is essential that Service Providers register this information somewhere. 'Ethnicity' and 'language preference' are not the same thing; Roma customers, for example, may prefer to correspond in the Albanian language. However, in most cases ethnicity and language preference will be closely related and customer information should be stored confidentially, as outlined in Chapter 7 of this Rule.

Section 30: Issue of Customer Invoice

Comment: this section as it stands is acceptable (apart from Article 30.5 – see below *) as long as the customer knows that they can specify their preferred language of communication, and that the Service Provider records this preference adequately. To

avoid possible problems resulting from the above, it would be preferable if all invoices were prepared bilingually, as demonstrated by KEK. Therefore:

30.3 Invoices shall be ***published in the languages officially in use in Kosovo.***

* 30.5 Notwithstanding subsections 30.3 and 30.4, an Invoice can show ***both*** languages officially in use in Kosovo but must be legible.²⁰

Section 33: Payment of Customer Invoices

33.3 ***Water and Wastewater Service Providers may also use the service of mobile cashiers to facilitate the payment of invoices.***

6.3.4 Revisions to Service Standards

The text of proposed changes is highlighted in bold and italics below:

Section 20: Interruptions of Water Service

20.2 Planned shuts affecting more than 50 (fifty) people shall be published in newspaper ***or newspapers*** serving the area, ***in the language or languages used in the area,*** and notified to WWRO...

20.5 ... Record of Water Service interruptions should include

(?) Location of Customers affected.

This stipulation should follow after point (b) “Approximate number of Customers affected”.

Section 21: Service Standards for Shortage of Water Supply

21.2 ... Written notice may be published in newspaper, poster, handbill, or broadcast on television or radio or both, ***in the language or languages spoken within that locality.***

Section 27: Service Standards for Customer Response

27.3 (a) widely disseminated in at least two daily newspapers of the widest circulation ***and published in the languages used*** in the Service Area; ...

²⁰ As previously stated, according to the Law on Use of Languages (2004/02-L37) Albanian and Serbian are the two official languages of Kosovo, whilst English should be used by Kosovo Institutions during the mandate of UNMIK.

Section 28: Handling of Customer Complaints and Inquiries

- 28.1 Invoice complaints, queries, changes of address and other commercial inquiries and complaints must be responded to in writing within ten (10) Business Days, *regardless of the language preference demonstrated by the Customer ...*

6.3.5 Revisions to WWRO Customer Consultative Committees

The text of proposed changes is highlighted in bold and italics below:

Section 6: Organisation of Customer Consultative Committees

- 6.5** *Members of the Customer Consultative Committee should be representative of the local population and of all communities living in that locality, and the participation of women should be encouraged, in line with the Law on Gender Equality.*

Section 8: Appointment of Customer Consultative Committee

- 8.2 The Regulator shall select members to assure each Customer Category is represented *and that membership is representative of the local population.*

Section 12: Meetings of the Customer Consultative Committee

- 12.2 Persons and Service Providers who request to or need to speak to the Customer Consultative Committee on relevant matters such as a Complaint shall also be informed in writing, *as per the language preference demonstrated by them*, with at least ten (10) working days...
- 12.4 ...such meetings will also be announced at the expense of the Regulator if needed in *both Albanian and Serbian language* daily newspapers available throughout Kosovo ...
- 12.5 Meetings will be held in either Albanian or Serbian or in any other language more widely spoken in the Region, with translation into *the language preference demonstrated by the Customer and / or Committee member if this differs*, whenever necessary.

Section 13: Minutes of Meetings

- 13.2 The minutes shall be recorded in Albanian *and Serbian or in any other language more widely spoken in the Region.*
- 13.3 This point needs to be clarified: It is not clear whether it is the responsibility of the WWRO to prepare and circulate copies of the minutes, or the role of the

Secretary of the Customer Consultative Committee (as in point 13.1) to prepare the minutes and submit a copy to the Regulator.

Section 14: Complaints

Service Providers shall have in place written procedures for receiving, processing, and responding to Complaints by Customers and/or any other concerned Person, *as per the language preference demonstrated by that person*, including...

6.3.6 Exemptions for Interruptions to Supply

Section 13 of Regulation 2004/49 requires Service Providers to apply to the Regulator for a formal exemption wherever actual service standards do not meet the statutory requirements.

The transparent allocation of water supplies-particularly where there is a severe supply/ demand imbalance is a sensitive issue particularly in Mitrovicë / Mitrovica where the North Mitrovicë / Mitrovica, South Mitrovicë / Mitrovica, Vushtrri / Vucitrn and Skenderaj / Srbica service areas are subject to severe water rationing. It is recommended that the WWRO continue with their efforts to persuade all those Regional Water companies which are not supplying water to customers in their service areas including Mitrovicë / Mitrovica Regional Water Company²¹ and Prishtinë / Priština Water Company to submit a formal application for an Exemption in accordance with section 13 of the Regulations including the rationale for allocation of water to each part of their service area, together with plans for addressing the current shortfalls in supply (including capital investment plans and maintenance activities to reduce NRW).

6.4 External Recommendations for Utilities concerning Minorities

The following “external” recommendations are made for Utilities concerning minorities. Note: Implementing these recommendations is not included in the current project Terms of Reference:

- WWRO should encourage Service Providers to adopt a bilingual language policy that commits Providers to providing information to all customers in their preferred language of use.
- WWRO should draft a Code of Practice for Service Providers setting out how to handle customer complaints, which will incorporate recommendations from the Language Policy on how to deal with non-Albanian correspondence. WWRO should also consider offering training on handling customer complaints through workshops etc.

²¹ It is understood that UNMIK, KFOR and other International bodies agreed the detailed arrangements for allocation of water supplies to North Mitrovicë / Mitrovica, South Mitrovicë / Mitrovica, Vushtrri / Vucitrn and Skenderaj / Srbica in 2001/2002 and these arrangements are still in place.

- WWRO should extend current Key Performance Indicators on customer relations so that Service Providers are more closely monitored on the way they communicate with customers (issuance of Customer Charters, availability of bilingual documents, etc.).
- WWRO should monitor more closely how Service Providers communicate with customers, in particular non-Albanian speaking customers:
 - how language preference is registered internally on the Customer Register
 - use of language on service invoice (bilingual?);
 - use of language / availability of non-Albanian language customer charters and service contracts;
 - how the Service Provider handles inquiries / complaints by non-Albanian speaking customers; and
 - the location of pay points and means of paying water bills (are they accessible to minorities).
- WWRO should encourage Service Providers to consider employing mobile cashiers²² for payment collection in non-Albanian speaking areas. This may involve the Service Provider employing someone who speaks another language to Albanian and who is known locally within the community. (WWRO is obliged to approve the various methods of invoice payment offered by Service Providers under Section 34, Rule for Customers' Charter.)
- WWRO should work closely with the KTA and Service Providers in the northern Serbian-majority municipalities (Leposavić / Leposaviq, Zubin Potok, Zvečan / Zveçan) and in Štrpce / Shtërpçë municipality to reissue temporary licenses, despite incompleteness of the Consolidation Process in this area;
- WWRO should arrange a meeting with the Directors of Service Providers in Zvečan / Zveçan, Leposavić / Leposaviq, and Zubin Potok to discuss the feasibility of WWRO reissuing temporary licenses; and
- WWRO should continue to distribute reports and related information to Service Providers in the Serbian-majority areas, either through intermediaries such as KTA or directly, and continue to invite representatives from these areas to workshops and related events (and provide material in Serbian for the delegates)
- WWRO should consider running courses for Service Providers on raising minority awareness²³.

²² KEK has been employing a mobile cashier in Gračanica / Graçanica since 2006.

²³ The project team leader has had initial discussions with OSCE (Communities Department) concerning the possibility of running a new workshop on minority issues in 2008-Q1. However, this is not included as a project deliverable in the Inception report and would require further funding.

6.5 Recommendations for improving Relations with Serbian majority Municipalities

6.5.1 Serbian Majority Municipalities

Serbian-majority municipalities (**Leposavić / Leposaviq, Zubin Potok, Zvečan / Zvečan, northern Mitrovicë / Mitrovica and Štrpce / Shtërpçë**) and Rural Villages / Enclaves:

Given the current political climate in Kosovo, relations between any Kosovo institution and Serbian-majority municipalities and regions will be strained, but not impossible. Rather than accept the status quo, WWRO should establish and maintain channels of communication – formal or informal – so that the foundations upon which future progress can be built, once the political climate permits, are laid.

WWRO issued one-year temporary licenses to Service Providers in the northern Serbian-majority municipalities of Leposavić / Leposaviq, Zubin Potok, and Zvečan / Zvečan in 2005, however these licenses have now expired. WWRO is currently reviewing an application from Zvečan / Zvečan to operate a landfill site. Temporary license(s) have not previously been issued to Service Provider(s) in Štrpce / Shtërpçë municipality. It is recommended that WWRO, along with the KTA investigate ways in which temporary licenses can be reissued to Service Providers operating in these municipalities, despite the incomplete consolidation process in this part of Kosovo.

Mitrovicë / Mitrovica region is a special case, given the increased demand for service provision resulting from the high levels of internally displaced persons (IDPs) residing in both north and south Mitrovicë / Mitrovica, as well as those Serbs now displaced to the northern municipalities originally from other parts of Kosovo²⁴. Additional infrastructural support, such as increasing the capacity of the treatment centre²⁵ located in south Mitrovicë / Mitrovica, should be targeted to this region as a matter of urgency.

6.5.2 Rural areas/ enclaves collective centres inhabited by minority communities

It is important to note that apart from those Serbs living in Gračanica / Gračanica, Čaglavica / Çaglavica, Štrpce / Shtërpçë, and maybe a few other areas located close to urban areas, many Serbs and other ethnic minorities, such as Roma, Egyptians and Ashkalia, live in rural villages that are not connected to the water system or networks. They rely on electric pumps to access water, which are dependent on the availability of

²⁴ Mitrovicë / Mitrovica is also a well known ‘flashpoint’ for conflict and improving the standard of living in this area may contribute to improving community tensions.

²⁵ It is understood that a budget has been proposed for an extension of the existing treatment works in the EAR/EC 2008/ 2009 programme.

electricity, and worry that the quality of the water they drink is not been monitored adequately.²⁶

In order to better service these areas and communities, WWRO should encourage Service Providers to expand water networks to these rural regions, when possible. In the meantime, WWRO should encourage Service Providers to work with the Institute of Public Health to ensure tests on the quality of water available in these areas are carried out as soon as possible, in line with Section 10(m) of the WWRO Rule for Customers' Charter ("Obligations of Water and Wastewater Service Providers")²⁷.

²⁶ A specific case was reported to the gender and minorities specialist in Lepina village, Lipjan / Lipljan municipality, where the poor quality of drinking water is being blamed for a high number of kidney infections amongst residents.

²⁷ WWRO Rule for Customers' Charter, Section 10: "A Water and Wastewater Service Provider shall have the obligation to: (m) Be responsible for providing potable drinking water to quality standards for human consumption as set by the Institute of Public Health of Kosovo...".

ANNEX I-SUMMARY OF RELEVANT LEGISLATION

1) Regulation 2004/49: on the Activities of Water, Wastewater, and Waste Services Providers

- 5.1 The Regulator shall only issue or renew a Service Licence if it is satisfied that...
(c) the Service Provider is able to provide a Service acceptable in quality, reliability, safety, costs and with respect for the Customers' rights as provided in the Customers' Charter or in the Service Contract'.
- 14.2 The Customers' Charter shall be prepared in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights to ensure...
(b) the right of access to water and water facilities and services on a non-discriminatory basis considering the situation of any disadvantaged and marginalized groups of Customers;...
(d) equitable distribution of all available water facilities and services...
- 15.2 Each Service Contract shall be consistent with the Customers' Charter and shall be written in the form prescribed by the regulator in Albanian, Serbian, English and, if appropriate, any other language more widely spoken by Customers in any location within the Service Area.
- 20.3.1 A Disconnection Notice shall be in Albanian, Serbian, English, and if appropriate, in any other language more widely spoken by Customers in any location within the Service Area...
- 32.2 A Service Provider shall be guilty of a violation and liable to pay an administrative fine of up to 20,000 (twenty thousand) Euro if it:
(a) repeatedly or persistently breaches its essential duties as identified and set out in rules issued by the Regulator pursuant to this Regulation; or
(b) unlawfully discriminates against any Person or group of Persons.
- 39 A Service Provider shall not unlawfully discriminate against any Person on any grounds with respect to any matters set out in this Regulation or the rules issued pursuant to Section 38.

2) Regulation 2004/02-L37: Law on the Use of Languages

- 2.1 Albanian and Serbian and their alphabets are official languages of Kosovo and have equal status in Kosovo institutions.

- 2.3 ... in Prizren Municipality the Turkish language shall have the status of an official language.
- 2.4 In municipalities inhabited by a community whose mother tongue is not one of the official languages of Kosovo and which represents above 3 (three) percent of the total population of the municipality, the language of the community shall have the status of a language in official use in the municipality and shall be in equal use with the official languages...
- 7.2 Every person has the right to communicate with, and to receive available services and public documents from municipal institutions and officials in any of the official languages. Every municipal representative and executive body had a duty to ensure that every person can communicate with, and can obtain available services and public documents from, any municipal institution or organ in any official language.
- 7.3 The official languages are used on an equal basis in the meetings and work of the municipal representative and executive bodies. Municipal institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of the representative and executive bodies of the municipality, as well as in public meetings organised by the municipality.
- 7.5 Municipal institutions must ensure that their work environments are conducive to the effective use of the official languages and accommodate the use of any official language by their officers and employees.
- 8.1 In municipalities, persons belonging to communities whose language is in official use in accordance with Article 2.4 have the right to present oral or written submissions and documents and to receive a reply in their own language, from municipal institutions and officials, if they so request.
- 8.2 Every municipal representative and executive body has a duty to ensure that such persons can present oral or written submissions and documents, and to receive a reply in their own languages.
- 8.4 Members of municipal representative bodies, and their communities, belonging to communities whose mother tongue is not an official language of the municipality, have the right to use their languages in the work and meetings of the municipal representative bodies, and their committees as well as in public meetings organised by the municipality. Facilities shall be made available to ensure interpretation from and into the members' language, if requested. Any document submitted by such members shall be translated into the official languages and all responses requested by the member shall be made to the member in the original language used by that member.
- 11.1 In Publicly Owned Enterprises and in Socially Owned Enterprises the equality of the official languages applies.

- 11.2 Every person has the right to communicate with, and to receive services and documents, from Publicly Owned Enterprises and Socially Owned Enterprises in any of the official languages.
- 11.3 Every such enterprise has a duty to ensure that every person can communicate with and can obtain services and documents in any official language.
- 29.1 Any person has the right to act in the private enterprises, private institutions, associations, organisations of in self-employed activities in languages or in languages of their choice.
- 34 Kosovo Institutions shall use the English language in their work, contacts and official documents during the mandate of the United Nations Interim Administration Mission in Kosovo.

3) Regulation 2004/2: Law on Gender Equality in Kosovo

- 1.4 Gender equality is based on the principle of equal behaviour and equal opportunity. Its implementation is exercised through the undertaking of positive measures and gender equality awareness policies.
- 2.12 *Unequal representation*: within the meaning of 2.11, exists when the participation of a certain gender in a particular social field or in a segment of such field is lower than 40%.
- 9.2 Gender equality must be taken into account during the preparation of reports, analysis and projects by the central and local bodies, public institutions, public and private undertakings and other entities.
- 13.1 Public and private sector undertakings and legislative and executive institutions shall provide equal rights and opportunities for females and males in labour and employment sector.
- 13.5 Employers shall pay an equal salary for both males and females, for the same work and for the work of the same importance and shall also provide equal employment and working conditions and rights.

4) Regulation 2004/3: The Anti-Discrimination Law

- 4 This Law shall apply to all natural and legal persons as regards both the public and private sectors...
- (a) conditions for access to employment, self-employment and to occupation, including selection criteria and recruitment conditions;...
 - (f) social advantages, including but not limited to humanitarian assistance;...
 - (i) access to and supply and services which are available to the public;...
- 6.1 Positive Action: With a view to ensuring full equality in practice, a measure to prevent or compensate for disadvantages linked to one or more grounds such as those stated in Article 2(a), shall not be deemed to be discrimination...

5) International Covenant on Economic, Social and Cultural Rights (1966)

- 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

11.1 The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...

ANNEX II- MUNICIPAL NAMES IN ALBANIAN AND SERBIAN

Deçan / Dečani
Dragash / Dragaš
Gjakovë / Đakovica
Glogovc / Glogovac
Gjilan / Gnjilane
Istog / Istok
Kaçanik / Kačanik
Kamenicë / Kamenica
Klinë / Klina
Fushë Kosovë / Kosovo Polje
Leposavić / Leposaviq (Srb / Alb)
Lipjan / Lipljan
Malishevë / Mališevo
Mitrovicë / Mitrovica
Novo Brdo / Novobërdë (Srb / Alb)
Obiliq / Obilić
Rahovec / Orahovac
Pejë / Peć
Podujevë / Podujevo
Prishtinë / Priština
Prizren
Skenderaj / Srbica
Štrpce / Shtërpçë (Srb / Alb)
Shtime / Štimlje
Suharekë / Suva Reka
Ferizaj / Uroševac
Viti / Vitina
Vushtrri / Vucitrn
Zubin Potok
Zvečan / Zvečan (Srb / Alb)

Source: OSCE Municipal Profiles (2006), accessed on OSCE website:
<http://www.osce.org/kosovo/13982.html>

ANNEX III-UNMIK DECISION 2004-23 ON OFFICIAL NAMES OF MUNICIPALITIES