



DEVELOPING LOCAL DEMOCRACY IN KOSOVO





Developing Local Democracy in Kosovo

This paper was written by
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Seminar on Local Democracy in Kosovo	

1. Overview of Local Democracy in Kosovo

1.1 Summary

International efforts to build and sustain local democracy in Kosovo offer lessons that are significant well beyond the Balkans. Democracy at the local level means the development of municipal administrations that can accommodate many needs of diverse populations. It nurtures a community's economic development; it is embedded in networks of independent citizens' groups, but beholden to no single one of them; and it is comprised of sufficiently legitimate institutions that can manage social and political conflicts peacefully. Democratic local governance becomes sustainable when it is integrated into a much broader network of autonomous institutions that function according to basic, agreed-upon political values and the principles of democratic political and social organization.

Since its deployment in June 1999, the UN Mission to Kosovo [UNMIK] and other organizations have focused intensively on enhancing the quality of local governance within a state that remains under the continuing international administration of the United Nations. This intervention ended a decade in which local government was an instrument of a minority controlled state apparatus over the overwhelming majority of people in Kosovo, and promised to usher in an era of democratic governance. UN Security Council Resolution 1244 mandated UNMIK with 'organizing and overseeing the development of provisional institutions for democratic and autonomous self government.' UN international officials were charged with establishing democratic local administrations in 30 municipalities, with building capacity of local institutions, promoting reconciliation among groups emerging from violent conflict, and to provide a context in which these communities' governments would be democratic for the first time in their history. UNMIK has been blessed by substantial political and material support from governments of developed countries, and has established a clear record in the promotion of local democratic governance in Kosovo that should give promoters of democracy much to learn.

International IDEA and the UNDP Oslo Governance Centre organized a seminar on local democracy in Kosovo in November 2003, in part to evaluate the UN's role in Kosovo and to develop recommendations that would be relevant for the future development in Kosovo and that could apply to other post-war contexts, as well. A discussion paper distributed in advance of the Seminar reviewed efforts in Kosovo to develop local economies, to strengthen local government institutions and civil society, and to employ these local institutions to mitigate potentially violent conflicts.

Unique circumstances have borne significantly upon international efforts to encourage local democracy in the year since the IDEA-UNDP Seminar was held. Kosovo continues to be plagued by occasional political and inter-ethnic violence, transnational organized crime, and corruption. For example, two days of riots throughout Kosovo's municipalities in March 2004 claimed 19 lives, wounded 954 people, displaced 4,100 people, damaged 730 houses and burned, looted or damaged 36 Orthodox Churches, monasteries and other sites. Thousands of Kosovar Albanians took part in these disturbances. The resulting insecurity helps to set limits on the extent to which local democracy there can develop. It is also likely that strengthening efforts to provide security and justice in Kosovo will become increasingly complex with the demands to transfer

competencies for police, the courts and prisons from international to Kosovar institutions. The establishment of 'local crime prevention councils' in the second half of 2004 might give local officials some influence over local policing for the first time. They consist of police, KFOR, municipal officials and community leaders. Nonetheless, insecurity also leads Albanian and Serb political leaders to focus on Kosovo's unresolved political status, which further complicates efforts to establish local democracy.

This political uncertainty has led Serb and Albanian leaders to employ the conflict over sovereignty as a means to avoid building technical capacity in administration and adopt a set of shared political and social values to focus almost exclusively on political and power considerations. In the run-up to December 2003 elections in Serbia, Belgrade's moderate government worked assiduously to strengthen its ties to Serbs in Kosovo and provided political guidance, salaries, health and social insurance, pensions, child support, ID cards, drivers' licenses, passports, license plates and other documents. In the October 2004 Assembly elections in Kosovo, the Serbian Government again dissuaded Kosovar Serbs from voting in Kosovo elections and less than one percent of Serbs in Kosovo actually voted. By the same token, Albanian leaders from widely divergent parties find common ground in symbolic declarations in support of Kosovo's independence and in efforts to gain authority over those 'reserve powers' that remain in the providence of the UNMIK SRSG [Special Representative of the Secretary General]. As a result, Kosovo's unresolved political status has contributed to the politicization of public life and has slowed economic development, deterred the establishment of transparent administrative institutions, and has left untouched local efforts to mitigate violent conflict. It may be the case that these circumstances have diluted the effectiveness of the generous assistance that was invested in Kosovo – more than will likely be invested on other continents.

The economic dividend that is said to accompany peace settlements has largely eluded Kosovo. The UNMIK-EU economic leadership has not taken decisive steps to rid Kosovo of past legacies of uneven economic development. It has not yet succeeded in developing clear economic and legal frameworks in which to manage the transitions from war to peace and from socialist to market economies. Nor has it established a framework that would facilitate local economic development other than services. Its failure to implement an effective division of administration between central and municipal levels has confused local officials over what services and public enterprises fall under municipal management, as well as their latitude in determining municipal budgetary outlays or what fees can be collected. These administrative difficulties contribute to economic stagnation that is marked both by high unemployment and the emigration of young people. They lead to an absence of significant foreign investment and foreign trade, as well as to the perception of great disparities between international and local officials, and between the center and municipality. Most significantly, the continuing incapacity of Kosovo's economy to achieve self-sustaining economic growth is reflected in institutional obstacles to local democracy of political and administrative institutions.

The ineffectiveness of local administration stems first from Kosovo's proportional electoral system in which voters select from closed lists. This system eliminates constituency accountability in local government, and leads to stalemates in the formation of government, as well as boycotts of local institutions by parties out of power. It also leads to the politicization of local administration – in the general perception – sometimes confirmed in the reports of the UN Secretary General – that officials are corrupt, that local tenders are awarded to friends of the party in power, and that appointments to senior local administrative posts are won by those with ties to the party in power.

These problems are further exacerbated by the failure of investigative mass media and watchdog organizations that provide the critical oversight into local government that could hold local officials accountable in the court of public opinion. Kosovar media continue to monitor significant issues in the clouds of Pristina rather than in the weeds of municipal government. Unfortunately, this focus on the 'big picture' provides great latitude for a great many little abuses of power and authority that do not add up to good local administration.

Nor has UNMIK succeeded in consulting and cooperating effectively with officials in emerging local institutions. Instead, the implementation of local policy has been weakened by international officials' obligation to respond to demands coming from UNMIK HQ in Pristina, and, in turn, from UN HQ in New York, and from national capitals. However, UNMIK has not been particularly adroit in listening to constructive voices or in building 'winning policy coalitions' in support of good local policy making throughout Kosovo. This means that UNMIK's awkwardness in working with local officials to share 'ownership' over the formulation and implementation of policy has made it more difficult for Kosovar officials to work in an exemplary manner that is consistent with contemporary good practice. This international-local duality has contributed to the tendencies of local officials to regard political employment more as an opportunity (or private good) than as a responsibility (or public good). It is as if officials are asking 'what their country can do for them, not what they can do for their country,' to turn US President John F. Kennedy's well-known phrase on its head.

This privatization of local government has weakened its capacity to serve as a venue for the mediation of potentially violent conflicts. UNMIK has succeeded at providing a special place for the integration of minority communities into texts and mandates on local government, but has been less effective at ensuring the implementation of policies that would mitigate potential conflicts. Official UN reports demonstrate the tremendous difficulties in achieving adequate employment of minorities in local administration, in generating 'fair share financing' of minority communities needs in municipal budgets, in the use of minority languages in public life, and in establishing the mandatory 'Communities Committees' and 'Mediation Committees' in local administrations throughout Kosovo. The most effective mechanism of minority inclusion into public life appears to be the international and Kosovar (mainly Serb, Bosniac and Gorani) local communities officers who intercede with local administration on behalf of minorities. This international institution has proven a relatively effective mechanism of conflict mediation among non-Serb groups and in Serb areas that are not contiguous to the northern Serb-majority municipalities.

There has been no shortage of proposals to reform local government. The Council of Europe addressed these difficulties with a nine-month study that concluded in a complex and well-intended proposal for further decentralization of local administration in late 2003. A great many Kosovar local officials greeted the introduction of the Council's plan for decentralization with great reserve and have indicated that it could lead to another expensive and partly successful comprehensive experiment in administrative reform rather than an effort to make local governance more responsive and accountable to the communities in which it serves. The March 2004 violence revived efforts to reform local government with the support of international and local officials in a working group that adopted a 'Framework for Reform of Local Government' that would help to strengthen the administrative capacity of local administration, ensure that all communities within municipalities have equal access to municipal goods and services, and guarantee that all people of ethnic communities will be able to participate in local government. These efforts are set off from earlier efforts at reform in the great effort to challenge recalcitrant Serb parties to join the discussion of local government as one way of integrating them into life in Kosovo. It will require substantial support, good will and effort for it to extend beyond the drafting of appropriate declarations and plans.

In the spirit of promoting further dialogue and discussion on the important issues of local democratic governance in Kosovo, International IDEA offers the following recommendations that arose from the November 2003 Seminar held in partnership with the UNDP Oslo Governance Centre and from discussions and information received over the past year of 2004; while these remain IDEA's recommendations, both to the international community at large as well as to locally elected authorities within Kosovo, we offer them with the hope that they in part represent a broad consensus as reached by the diverse participants of the seminar:

1.2 Recommendations

1.2.1 Political Context

1.2.1 a) Resolution of Status

Reform processes and good governance are affected by the political uncertainty resulting from the still unresolved status of Kosovo. As exemplified by UNMIK's reserve powers under SCR 1244, international organizations hold formal authority for the most significant changes that would facilitate the development of local democracy. In promoting the broader conditions that would facilitate local democracy, UNMIK and other organizations should advance a consistent message in support of transparent and inclusive municipal institutions that can act autonomously but that remain integrated into a broader structure of Kosovo-wide institutions.

Nonetheless, this uncertainty as to Kosovo's status and the continuing international oversight and 'veto' power over the Kosovo Assembly and any decisions made by the municipal assemblies intrudes upon the effectiveness of local governance, and ultimately, upon the responsiveness of locally elected officials to the voters. Unless and until the larger question of Kosovo's status is resolved, it will be difficult for normal democratization to begin effectively at the local level.

1.2.1 b) Capacity-Building for Hand-over

International authorities should outline a public plan and time-table that will 'put them out of business.' UNMIK and international agencies and donors should build programmes for transition to local ownership and sustainability into each and every aid package. International officials must seek to work effectively with local institutions

1.2.1 c) Transparency

While international administration of Kosovo will realistically continue into the near future, UNMIK should no longer veto legislative proposals stemming from the municipal and Kosovo-wide assemblies without explanation or due process; transparency and openness must be initiated at the top in order for all institutions to benefit. Decisions made by UNMIK and others must follow rational procedure and democratic practices whenever possible.

1.2.1 d) Electoral Reform

UNMIK should support a process of electoral reform that would increase the accountability of local officials to constituencies in their communities. This would involve the introduction of open lists and, possibly, of a mixed electoral system in which single-member districts with first-past-the-post would balance off the proportional voting. Support should continue for the promotion of women as elected members of municipal assemblies, with consideration given to improvements to the existing quota system in place.

1.2.1 e) Economic Reform

Economic reform both contributes to and is a result of democratic local governance. It is essential that UNMIK and the EU develop a transparent plan for privatization and economic development in full consultation with local officials in the PISG (Provisional Institutions of Self-Government). Such consultation should include public hearings and managed dialogues with both the public as well as local officials aimed at seeking consensus regarding economic and development goals for Kosovo.

1.2.1 f) Clarify roles and responsibilities

Roles and Responsibilities between municipal and central authorities in the management of public utilities and other institutions associated with economic development should be clarified in a way that gives local authorities increased say and control of such institutions and that builds in an effective means to monitor the performance of these organizations. It is necessary to clarify the scope of activity for municipal governments - both in determining how to distribute budgetary outlays among services, the types of services it provides and the types of fees it can collect.

1.2.1 g) Knowledge and Economic Development

In the absence of Kosovo-wide progress regarding economic development and the transition to a market economy, local municipalities, either alone or in regional groupings, will have to take measures to increase knowledge of local economic needs, of long-term resource and economic planning and to improve local businesses and markets. Communities can benefit from initiating local, public dialogues and initiatives to chart the economic needs of the community and to seek possible solutions, sources of economic wealth and job creation. Economic surveys, compiling of economic data, the establishment of local chambers of commerce, and additions to local education priorities are activities that municipal administrations can promote now, without waiting for much-needed Kosovo-wide economic reforms and legal foundations.

1.2.1 h) Legal Framework for Economic Development

While Kosovo-wide measures such as a long-term property law, the formation of proper mortgage and lending institutions, a foreign investment act, and the establishment of new pension and benefit institutions cannot be delayed or neglected, local municipalities can also increase their influence and implement targeted municipal regulations and legislation with regards the economic conditions of municipal residents, especially with regard to the disposition of formerly state-owned property and in local job creation.

1.2.1 i) Education as a Community Resource

Improving the education, training and skill sets of Kosovo's future citizens, workers and leaders offers the best way to improve Kosovo's long-term economic prospects. While education must remain a Kosovo-wide institution, local municipalities should have a say in and some control over the use of such important community services and resources. At all levels of education, from primary schooling to adult training centers, municipal residents can offer important support and inputs to resource allocation.

1.2.1 j) Decentralization

Generally speaking, a fair share of government services for Kosovo citizens can best be delivered at the local municipal level and the most efficient delivery of these services requires substantial local decision-making and governance. With appropriate amounts of central and international financial support and oversight, local authorities must be encouraged to develop the competencies necessary for proper regulation and delivery of needed services to residents. Utilities, trash removal, inspection and safety, fire and rescue services can all be improved with appropriate local inputs and advocacy. In some municipalities, the use of sub-municipal elected bodies should be considered, especially when communities seek or require such involvement to better improve service delivery.

1.2.1 k) Regional Planning

For those many government services that require larger areas of delivery than that of municipalities, regional groupings of municipalities would better improve some governance without placing more burdens on Pristina, or Kosovo-wide administration. Health care, highways and road maintenance, education and other essential government services benefit from regional planning yet continued local or regional oversight and involvement. Oversight boards and planning organizations must operate within the bounds of democratic governance, either by regulation or under terms set by elected municipal assemblies.

1.2.2 Democratization of Policy-Making in Local Government

1.2.2 a) Administration over Politics

The international community should focus on enhancing the technical capacity of municipal administrations to work in a way that is consistent with the best practices and standards of professional administrative methods and models.

1.2.2 b) Civil Society

The international community should provide financial and technical assistance to the media and to NGOs in monitoring the performance of local government, in developing information campaigns about how local government functions, and how citizens can effectively participate in local government. Assistance should focus on existing civil society organizations that have demonstrated organizational capacity and assist them in developing public programs of civic awareness and projects to inform citizens of possibilities for working with local government institutions.

1.2.2 c) Gender Impacts

A continued reliance on a quota or targets system for women elected to municipal assemblies offers the most practical means for ensuring the continued participation of important voices and leaders within the newly democratic Kosovo. Municipal Administrations should gather information and data regarding potentially disparate gender impacts of local decision-making. Rewards should go to municipalities that make an effort to ensure fair gender representation at all levels of local administration.

1.2.2 d) Parallel Systems

Concrete steps should be taken to compel those communities and individuals who are currently participating in the parallel system supported by Belgrade to participate in the PISG. Assistance and support should be provided for existing multi-ethnic organizations to develop projects that will elicit inter-ethnic cooperation over common interests in developing infrastructure and other projects of civic revitalization. Steps should be taken to ensure that mechanisms aimed to integrate citizens of all ethnic communities into municipal government begin to function properly. These include 'community and mediation committees', fair share financing, and the appropriate use of minority languages.

1.2.2 e) Deepening democracy

Supporting the development of a culture of democracy at the local level that is open, transparent and inclusive directly benefits the strengthening of democracy for all Kosovo. Locally elected authorities can act to promote and establish public municipal forums, task forces, committees and structures for residents and civil society and for the strengthening of a professional and responsive civil service within municipal administrations.

1.2.3 Conflict Resolution

1.2.3 a) Parity

UNMIK and local authorities should take steps to achieve the agreed-upon goals for fair-share financing and employment of minorities within municipal administrations and for the delivery of government services. Steps should be taken to enforce regulations concerning the use of all appropriate languages in local administration, including practical and concrete steps that can build confidence and increase links between communities.

1.2.3 b) Local Community Officers

Local community officers enhance the role of this UNMIK office that is designed to serve as an intermediary between individuals in minority communities and the local administration. A local ombudsman can be attached to the same office.

1.2.3 c) Linking local dispute resolution to underlying causes of conflict

Larger Kosovo-wide issues that are dealt with primarily by UNMIK (e.g., ethnic divide issues, shared use of schools, minority returns, land and property ownership and redistribution of formerly state-owned lands and enterprises) can often be linked to local disputes which could properly be handled by municipal authorities. Closer coordination between UNMIK and locally elected municipal officials can improve the likelihood of positive outcomes to local dispute resolution. This can be especially useful in developing closer links between the elected authorities of bordering Kosovar Albanian and Kosovar Serbian dominant municipal entities.

1.2.3 d) Options for elected local authorities as conflict mediators

As former UNMIK municipal-level officials are phased-out of municipal administrations, structures should be developed to allow municipal authorities to assume aspects of the ‘trouble-shooting’ and negotiating roles of UNMIK representatives – especially in the absence of effective community and mediation committees in municipal governments. Among the specific options for improving community conflict resolution: creation of task forces to address particular disputes; peer mediation efforts and programs for youth and organised groups such as political and employment-related organisations; training for a cadre of trouble-shooters from all aspects of society; creation of a position for a municipal ombudsman to handle grievances.

2. Local Democracy and Peace Building in Kosovo ¹

2.1 Introduction

Two days of riots throughout Kosovo's municipalities in March 2004 claimed 19 lives, wounded 954 people, displaced 4,100 people, damaged 730 houses and burned, looted or damaged 36 Orthodox Churches, monasteries and other sites. More than 50,000 Albanians took part in these disturbances. Neither the lightly armed UN International Police nor the lightly armed Kosovo Police Service had the capacity to stem the tide of violence. The heavily armed NATO Kosovo Force [KFOR] did not offer much of a deterrent to the rioters. This disorder took place just two days after the UN Undersecretary General for Peacekeeping had concluded a visit to Kosovo by remarking on the UN's visible progress in providing security.² It may well be that democratic local government would have significantly reduced the scope and consequences of this violence.

This confidence in good local government emerges from a growing sense that the development of sustainable democracy at the end of wars begins in local communities – a point increasingly made by the World Bank, the United Nations, OSCE [Organization for Security and Cooperation in Europe], the CoE [Council of Europe], and USAID [US Agency for International Development], among others.³ International IDEA recently described local governance as 'the tier of public authority that citizens first look to solve their immediate social problems' and 'the level of democracy in which the citizen has the most effective opportunity to actively and directly participate in decisions made for all of society.'⁴ In practice, democratic local governance involves municipal administration that can accommodate needs of diverse populations. It nurtures a community's economic development; it is embedded in networks of independent citizens' groups, but beholden to no single one of them; and it is comprised of sufficiently legitimate institutions that can manage social and political conflicts peacefully.

¹ An earlier version of this paper was presented in Oslo, Norway to a working group on local government on Kosovo sponsored by International IDEA on 16 November 2003. The author is grateful for comments from participants at that working group, as well as from Tonny Brems Knudsen, Carsten Bage Laustsen, Chris Freeman, Paula Pickering and Paul Risley.

² See UNMIK Press Briefing, 14 March 2004, <http://www.unmikonline.org/press/2004/trans/tr140304.pdf>; and Report of the Secretary General S/2004/348, paragraph 3, <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N04/331/80/IMG/N0433180.pdf?OpenElement>

³ For an intelligent review of thinking, see Susan L. Woodward, "Local Governance Approach to Social Reintegration and Economic Recovery in Post-Conflict Countries: the Political Context for Programs of UNDP/UNCDF Assistance," discussion paper for workshop, "A Local Governance Approach to Post-Conflict Recovery" 8 October 2002, at <http://www.theipa.org/publications/woodward.pdf>, accessed on 18 December 2003. A thoughtful review of broader issues is contained in Charles T. Call and Susan E. Cook, "On Democratization and Peacebuilding," *Global Governance*, vol. 9 (2003), pp. 233-246.

⁴ See the description of IDEA's project on local governance, accessed on 18 December 2003, at http://www.idea.int/publications/democracy_at_local_level/dll_overview.htm, More generally, see Timothy Sisk, et al, *Democracy at the Local Level, The International IDEA Handbook on Participation Representation, Conflict Management and Governance* (Stockholm, 2001) and Emilia Kandeve, *Stabilization of Local Governments* (Budapest, 2001).

The development of sustainable, democratic local governance at the end of wars presents a series of challenges. It involves the integration of inclusive political and administrative organizations into a country-wide network of autonomous institutions that function according to basic, agreed-upon political values and principles. It is useful to deepen the discussion of what ‘makes local democracy work’ at the end of violent conflict and what does not – and how international agencies can enhance efforts to support democratic local governance.⁵

The experience in Kosovo since 1999 provides an excellent place to begin such a discussion. In the absence of a broader political resolution to Kosovo’s status, the UN Mission in Kosovo has focused intensively on enhancing the quality of local governance. This intervention in 1999, which ended a decade in which local government was an instrument of a minority controlled state apparatus over the overwhelming majority of people in Kosovo, promised to usher in an era of democratic governance. UN Security Council Resolution 1244 mandated the UN Mission in Kosovo [UNMIK] with ‘organizing and overseeing the development of provisional institutions for democratic and autonomous self government.’⁶ UN International officials were supposed to establish democratic local administrations in 30 municipalities,⁷ to build capacity of local institutions, promote reconciliation among groups emerging from violent conflict, and provide a context in which these communities’ governments would be democratic for the first time in their history. These activities have enjoyed substantial political and material support from multilateral organizations and national governments.

The discussion below interprets these developments from my own experience in Kosovo as Deputy Regional Administrator and Municipal Administrator in Prizren, from subsequent visits to Kosovo, and from the excellent work on Kosovo completed by the International Crisis Group, the European Stability Initiative, the World Bank, OSCE, the Council of Europe, USAID, and International IDEA [Institute for Democracy and Electoral Assistance]. After addressing the broader context affecting the democratization of local governance, the analysis will explore efforts at local economic reform, the relationships between local government and civil society, and local government as a vehicle for institutionalized conflict resolution. It will return to some broader considerations in the conclusion.

2.2 Towards Sustainable Local Governance in Kosovo

The effort to establish democratic local government began in the confusion surrounding the end of fighting in June 1999 and has reflected the broader dilemmas facing Kosovo’s postwar development.⁸

⁵ The reference is to Robert Putnam’s seminal “Making Democracy Work, Civic Traditions in Modern Italy,” (Princeton, 1993).

⁶ Security Council Resolution 1244, paragraph 11a, accessed on 18 December 2003 at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

⁷ There were 29 municipalities in June 1999. A decision was taken a few months hence to re-establish the municipality of Malisheve/Malishevo, which had been eliminated in the Serbian administrative reforms in the early 1990s.

⁸ This brief sketch of developments neither accounts for socialist Yugoslavia’s multiple administrative legacies nor for the multiple nuances of developing of local government throughout Kosovo following the war.

- As the old regime and its supporters were fleeing, groups associated with the KLA [Kosovo Liberation Army] and the 'Provisional Government' under Hashim Thaqi immediately began organizing local administrations throughout Kosovo. Others in Kosovo, notably associated with the LDK [Democratic League of Kosovo], rejected these efforts to usurp legitimate authority under SCR [Security Council Resolution] 1244 and remained outside of this assertive political compact. The UN, NATO's KFOR [Kosovo Force] and a host of international NGOs began addressing immediate humanitarian and administrative needs of people remaining in and returning to Kosovo. Fleeing Serb officials took with them a good many cadastre records, judicial records and political prisoners, all of whose absence would come to impede a relatively smooth transition to democratic local governance in Kosovo.⁹
- The confusion marking the early implementation of the Dayton Accords in Bosnia had suggested to UNMIK's planners the necessity to create mechanisms that would facilitate good cooperation and coordination among the implementing agencies from the very beginning.¹⁰ The UN Secretary General's Special Representative in Kosovo was to coordinate the activities of four agencies within the UN Mission in Kosovo or UNMIK. Each agency was responsible for significant components of the mission. In Pillar I, UNHCR [United Nations High Commission for Refugees] was in charge of humanitarian relief. The humanitarian pillar ceased to exist by the end of 2000, and by mid-2001 a new Pillar I was established to address security and justice. In Pillar II, the United Nations was in charge of governance and administration. In Pillar III, the OSCE was in charge of institutions, elections and human rights; and in Pillar IV, the European Union was in charge of reconstruction and economic recovery.
- In local administration, the UN immediately established five regional administrations that were coterminous with KFOR's multinational brigade areas. However, the UN's early decision to reject the the Federal Republic of Yugoslavia's legacy of district (okrug) level government from the 1990s meant that there would be an international level of authority in five regions throughout Kosovo with no corresponding counterpart in Kosovo. It was not until January 2000 that the bare minimum of UN staff had been deployed for municipal administrations throughout Kosovo, although a good many posts remained unfilled even then.¹¹ For the first year or so, international efforts to establish local administration were encumbered by slow deployments of Pillar II officials into the municipalities; by their frequent inexperience in local government; by the absence of clear central direction on the structures and processes of desirable municipal governance; by disagreements between regional leaderships in the UN's Pillar II Administration, the OSCE's Pillar III Institution Building and KFOR in the early phases of operation; and by difficulties in cooperating with emerging local administrations.
- The operation opened with six months of open competition for control of municipal government between the UN administration that claimed legitimacy under SCR 1244 and the 'Provisional Government' that was busy establishing local administration throughout Kosovo according to provisions of the never-adopted Rambouillet Accords.¹²

⁹ See Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/779, paragraphs 27, 72, 74, 76 and 78, accessed on 18 December 2003 at <http://www.un.org/Docs/sc/reports/1999/sgrep99.htm>

¹⁰ See Report of the Secretary-General on the United Nations Interim Administration in Kosovo from 12 June 1999, S/1999/672, paragraph 5, as well as the report from 12 July 1999, S/1999/779, paragraphs 53-109, for a detailed description of the mission's initial structure.

¹¹ S/1999/1250, paragraph 34, accessed on 18 December 2003 at <http://www.un.org/Docs/sc/reports/1999/sgrep99.htm>

¹² S 1999/1250, paragraphs 34 and 35, accessed on 18 December 2003, at <http://www.un.org/Docs/sc/reports/1999/sgrep99.htm>; and S/1999/987, paragraph 16.

This period ended with the 15 December 1999 agreement establishing the Kosovo-UNMIK Joint Interim Administrative Structure and Interim Administrative Council that was signed by three Albanian leaders and witnessed by the UN SRSG.¹³ In consultation with local authorities, international Municipal Administrators began to establish interim local governments throughout Kosovo in which the UN maintained full executive authority pending local elections.

- UNMIK passed Regulation 2000/45 on Self Government of Municipalities in Kosovo in August 2000 following a lengthy period of drafting and internal consultation among international agencies and some discussion with central, consultative bodies of Kosovars.¹⁴ This regulation continues to provide the basic institutional framework for local governance in Kosovo. Also relevant are UNMIK's Regulation 2001/36 on Kosovo Civil Service and Administrative Direction 2003/02 on administering 2001/36. Three distinct reform plans have been developed since 2003 – from the Council of Europe, the Government of Serbia, and an UNMIK Working Group on Local Government.

- Municipal elections were held in October 2000 and November 2002. The turnout dropped from 79% in 2000 to 53.9% in 2002.¹⁵ Both elections delivered victories to the LDK under President Ibrahim Rugova's central leadership, but its margin of victory in popular votes and assembly seats dropped considerably between the two elections.¹⁶ The Democratic Party of Kosovo [PDK] under Hashim Thaqi improved its vote total between the two elections. The LDK won majorities in 19 municipalities, while the PDK won in 7 municipalities and the Alliance for the Future of Kosovo [AAK] under the national leadership of Ramush Haradinaj won one municipality. Serbs did not participate in the 2000 elections and, in 2002, only 20 percent of Serbs participated – predominantly in municipalities where they constitute a majority.¹⁷

- The 30 municipalities vary greatly in size, population, and level of economic and institutional development. A number of municipalities (the northern part of Mitrovica, Zvecan, Zubin Potok, Leposavic, and Strpce have Serb majorities. The smaller minorities – Bosniacs, Turks, Gorani, and RAE [Roma, Ashkallia and Egyptians] are unevenly distributed throughout Kosovo.

- Under the current arrangements, the locally elected president of the Municipal Assembly has executive authority, but can be over-ruled by international officials. Authority is slowly being wholly transferred over to local officials. International Municipal Administrators are now called 'Municipal Representatives' and their tasks are increasingly to coordinate activities, to advise local officials, and to monitor their performance.

As we shall see below, these challenges of local governance in Kosovo are currently complicated by Kosovo's uncertain political future and continuing insecurity, which exacerbate efforts to develop local economies, to further local democratic practice and to employ local institutions as instruments to mitigate violent conflict.

¹³ Ibid., paragraphs 5 and 6, accessed on 18 December 2003, at <http://www.un.org/Docs/sc/reports/1999/sgrep99.htm>

¹⁴ See <http://www.unmikonline.org/regulations/2000/reg45-00.htm>, accessed on 15 January 2004.

¹⁵ See information provide by the Statistical Office for Kosovo: <http://www.sok-kosovo.org/statistics/elections.htm>. For 2002, see http://www.osce.org/kosovo/elections/archive/2002/detailed_certified_results_2002_11_02.pdf. For 2000, see http://www.osce.org/kosovo/elections/archive/2000/files/party_standings1.pdf.

¹⁶ Rugova became president following Fall 2001 elections to the central Kosovo Assembly.

¹⁷ S/2003/113, paragraph 18.

2.3 Context: Security, Status, Standards

Three related issues provide the background to the development of local government in Kosovo: efforts to establish security and rule of law, the open question concerning the 'status' of Kosovo and the politics surrounding 'standards' of performance of the Provisional Institutions of Self-Government [PISG]. These specific parameters set off Kosovo's efforts to develop local government and administration from those efforts elsewhere.

Democratic local governance requires sufficient security to enable officials and citizens to pursue their livelihoods in physical safety.¹⁸ It also relies upon freedom of movement and freedom of political expression, assembly and participation. Such security is meant to emerge from the systems of policing and judiciary that have been established since 1999. And it appears that the Kosovo Police Service [KPS] has made genuine progress in support of democratic local governance.¹⁹ It is commonly held that the KPS training has been reasonably effective at recruiting a force that is ethnically and gender balanced, at classroom training that introduces new police officers to elements of technical and democratic policing, and at subsequent field training as the KPS officers are deployed on the job.²⁰ Further, a USAID study found that the KPS responds professionally to incidents in minority communities. Minorities are well represented in the service and KPS officers seemed prepared to work in multi-ethnic patrols and willing to speak a non-native language in appropriate situations.²¹

The open questions facing the service became more urgent following violence in March 2004. It remains for the KPS to succeed at implementing the community policing that is essential to democratic local governance (Community policing involves law enforcement where police officers are integrated into local communities to reduce crime and increase good community relations.²²). It is not at all certain that the KPS will be deployed as a multi-ethnic institution in northern Serb municipalities; that it will obtain the substantial additional investment in forensic equipment necessary to improve investigative capacity; that the training center in Vushtrri will sustain its current high quality when its funding is shifted from international sources to the Kosovo budget in the very near future; that KPS salaries will be sufficiently increased so as to enable individual officers to more easily resist corruption; or that the KPS will soon acquire the capacity to take on the sensitive tasks currently part of the SRSG's reserve powers in the Justice Pillar.

¹⁸ See Charles Call, "Protecting the People: Public Security Choices after Civil Wars," *Global Governance*, vol. 7, no. 2 (April-June 2001), pp. 151-172, and John G. Cockell, "Civil-Military Responses to Security Challenges in Peace Operations: Ten Lessons from Kosovo," *Global Governance*, vol. 8 (2002), pp. 483-502.

¹⁹ See Gordon Peake's assessment of policing in Kosovo: "Policing the Peace: Police Reform Experiences in Kosovo, Southern Serbia and Macedonia," (London, Saferworld, January 2004)

²⁰ *Ibid.*, p. 19-20.

²¹ See the USAID report: "I was Born in that Village: Prospects for Minority Returns and Sustainable Integrated Communities in Kosovo," pp. 25-26, accessed on 18 December 2003. http://www.usaid.gov/missions/kosovo/pdf/returns_report_kosovo.pdf.

²² For an extensive summary of the literature in a distillation of lessons on democratizing police abroad, see David Bayley, *Democratizing the Police Abroad: What to Do and How to Do it* (Washington, 2001), <http://www.ncjrs.org/pdffiles1/nij/188742.pdf>, accessed on 18 December 2003; On one community policing project in Kosovo, see <http://www.balkansjustice.org/Kosovo2.htm>, accessed on 15 January 2004.

As executive authority for policing is beginning to be handed over from the UN International Police to the KPS - by December 2004, 15 police stations have been handed over to KPS control – police operations are becoming significantly more ambitious in scope. They will include efforts to eradicate vital international networks of organized crime, politically malevolent violence against minorities, attacks on international and local police officers, explosive inter-ethnic and anti-international violence that attends the spontaneous political demonstrations, and international and Kosovar white collar crime and corruption. This will necessitate close cooperation with international police and KFOR who will remain in Kosovo for the foreseeable future, although it is not clear whether the KPS will win the confidence of KFOR.²³

The complexity of these tasks is exacerbated by obstacles in establishing an authoritative domestic judiciary, as well as by organizational stovepipes in coordinating the work of Pillar I justice officials with that of Pillar II local administrators. Municipal officials have no control and little say in the work of the police in their municipalities, although the ‘local crime prevention councils’ formed in the second half of 2004 might give local officials some influence over local policing.²⁴ Finally, it remains for Kosovo’s provisional institutions to develop capacity to investigate economic crime, organized crime and public corruption, which are significant in local government, for example, in health care, education, local administration and decisions about land use and development. In a sense, the most difficult work in establishing security and rule of law lays ahead, in part because it is directly linked to broader uncertainty associated with Kosovo’s political future and institutional effectiveness.

The most significant central political issue affecting the development of democratic local governance remains the uncertainty over Kosovo’s future status, which colors all aspect of social, economic and political development in Kosovo. Ethnic Albanian leaders place the attainment of independence and sovereignty into the center of all public activity just as ethnic Serb leaders consider the retention of links between Belgrade and Kosovo a central political goal. Although Kosovo’s status has not been formally on the agenda in the period since the adoption of SCR 1244 in June 1999, it has provided a backdrop to almost all political and administrative developments at the local level in Kosovo:

- in controversies over which flag (UN or Albanian) should fly in public buildings;
- in the Summer 1999 decision to rebuild the monument to the League of Prizren that was destroyed by Serbs in Prizren during the 1999 NATO campaign; or
- in the 15 May 2003 Resolution of the Kosovo Assembly that the 1998-99 conflict in Kosovo was a ‘liberation war of the people of Kosova for freedom and independence,’ during which Serb representatives walked out of the Assembly.²⁵

²³ See Failure to Protect: Anti-Minority Violence in Kosovo, March 2004, Human Rights Watch, July 2004, Vol. 16 No 6, pp. 14-15. Accessed on November 8 2004 at <http://www.hrw.org/english/docs/2004/07/27/serbia9136.htm>

²⁴ “Limited Scope Assessment of Local Governance in Kosovo, Recommendations for USAID/Kosovo’s 2004-2008 Strategy” (February 15 2003), http://www.usaid.gov/missions/kosovo/pdf/local_government_report.pdf accessed on 19 December 2003, p. 11. On the judiciary in Kosovo, see Mark Baskin, “Lessons Learned on UNMIK’s Judiciary” (Nova Scotia: Peacekeeping Press, 2002). On crime prevention councils, see S/2004/907, paragraph 10.

²⁵ Radio Free Europe, Southeastern Europe Report, 16 May 2003 <http://www.rferl.org/newsline/2003/05/4-SEE/see-160503.asp>, accessed on 23 January 2004

The status of Kosovo has been directly reflected in the ongoing discussion concerning benchmarks and standards. With the convening of the National Assembly in early 2002, UNMIK formulated a series of benchmarks under its policy of ‘standards before status’ in which Kosovo’s governing institutions prepare for the resolution of the province’s political status through concrete achievements in eight areas—functioning democratic institutions, rule of law, freedom of movement, returns and reintegration, economy, property rights, Kosovo Protection Corps, and dialogue with Belgrade.²⁶ The UN’s frequent public invocation of the ‘standards before status’ policy in 2002-2003 did not appear to be part of a strategic plan that would conclude in a negotiation of status between Belgrade and Pristina. UNMIK’s policy succeeded at slowing down the transfer of administrative authority and competencies from international to domestic institutions, although some benchmarks by which domestic institutions were to be assessed remained within the ‘reserve powers of the SRSG’ as specified in Kosovo’s constitutional framework.²⁷ In December 2003, UNMIK officially adopted a set of ‘standards’ with which to evaluate the achievement of ‘benchmarks’ – after several months of discussion and coalition-building.²⁸ Before the violence in March 2004, a formal international assessment of efforts to meet these standards was scheduled to take place in mid-2005.

As long as the benchmarks and the standards were taken as impediments to addressing Kosovo’s political status, Serb politicians in Belgrade and in Kosovo appeared to give the exercise considerable support. They frequently called for the literal implementation of standards associated with return of non-Albanian IDPs [Internally Displaced Persons] and refugees and the ‘full implementation’ of Security Council Resolution 1244, among other things. In the run-up to Serbia’s 28 December 2003 parliamentary elections in which the nationalist Serb Radical Party enjoyed success, Belgrade’s moderate Government and Serb representatives to the PISG [Provisional Institutions of Self-Government] rejected the document as ‘unacceptable as a framework for resolving the autonomy crisis’ in Kosovo.²⁹ Serb officials complain that Kosovo remains an integral part of Serbia and that their suggestions were ignored by Albanian and international leaders. Consequently, Serb officials have refused to participate in the working groups that are developing the next steps in measuring standards, and encourage Serbs in Kosovo not to vote in elections. Serbs point to failures of the Albanian-led administration to achieve benchmarks and Belgrade focuses on establishing trust between ‘Serbs in Kosmet and the Belgrade government,’ as one official put it.³⁰

Over the past three years, Albanian leaders have been making public efforts to hasten the transfer of authority to Kosovo’s provisional institutions, and to ensure their formal independence from Serbia-Montenegro. They prefer that Kosovo gain sovereignty within its current borders, i.e., without partition of the Serb-majority areas north of the Ibar River in Mitrovica. They argue for existing boundaries in order to obviate a discussion about the Presevo Valley in Serbia and the Western part of Macedonia, both of which are majority Albanian areas. From their belief that the resolution of status is essential to stable institutional development, they have welcomed the adoption of standards as a step

²⁶ The benchmarks were introduced in the first part of 2002 and were mentioned in each subsequent report of the Secretary General. See S/2002/779, paragraph 61 or S/2002/1126, paragraph 2, for example. Moreover, the Constitutional Framework assigns the SRSG reserved power to “ensure that the rights and interests of the Communities are fully protected. See UNMIK Regulation 2001/09, Chapter 8.1a

²⁷ This was the case with rule of law and property rights.

²⁸ Standards for Kosovo, at <http://www.unmikonline.org/press/2003/pressr/pr1078.pdf>, accessed on 20 January 2004.

²⁹ Beta, December 8 2003.

³⁰ Interview with Branko Radujko in Politika (Belgrade), 14 April 2003. The term “Kosmet” refers to Kosovo and Metohija and is Belgrade’s preference. A “metohija” is an Orthodox Church land holding.

towards the independence of Kosovo. However, the current Albanian political leadership continues to act mainly to enhance Kosovo's sovereignty - e.g., in the Assembly's patriotic declarations or in commissions to reform the constitutional framework - at the expense of careful attention to build capacity in administration and local governance that would serve as a basis on which to lay a technical claim to independence.

The UN's adoption of the standards is hardly the end of the story. Few have actually argued that it has been part of a serious strategy for addressing Kosovo's political crisis. It remains to specify measurements for achieving standards. For example, how will it be known that 'the civil service is professional, impartial and accountable, representative of all communities in Kosovo,' that 'all communities have fair access to employment in public institutions,' or that 'there is a clear understanding amongst the vast majority of public sector employees of ethical conduct requirements.'³¹ At a minimum, such ambiguities in the standards weaken the trust and predictability essential to democratic local governance, which could pose a genuine political obstacle to the achievement of goals of improving administrative and governing techniques.

The failure to resolve these outstanding issues will strengthen the informal, parallel system of local authority that UNMIK's provisional institutions were meant to replace, although such parallel institutions are not conducive to the development of democratic local governance in Kosovo.³² The UN has officially reported that parallel Serb structures, which 'exist in virtually all municipalities in Kosovo', not only provide services to Serbs in Kosovo but also 'hamper' legitimate institutions.³³ Two different 'Associations of Serb Municipalities' have been established – one based in northern Mitrovica and the second in eastern Kosovo. The Serbian Government in Belgrade has continued to support Serbs in Kosovo with salaries, health and social insurance, pensions, child support, ID cards, drivers' licenses, passports, license plates and other documents. Serbs in Kosovo are thereby encouraged to increase their integration into Serbian institutions and diminish their relationships with Kosovo's provisional institutions.³⁴ It is doubtful whether Belgrade's creation of such 'facts on the ground' serves the interests of Serbs who choose to live in Kosovo or of those who have moved to Serbia. It certainly does not serve to strengthen the development of Kosovo's democratic local governance.

Among the broader elements that impede democratic local governance in Kosovo are efforts to build on the KPS' fragile progress in enhancing public security, the mainly symbolic participation of Serb leaders in Kosovo's provisional institutions, the extremely low Serb turnout in Kosovo elections, the PISG's complex path to achieving standards of performance, and the continued functioning of parallel structures in Kosovo's local administration. It is no surprise that recent reports have noted that Serbs in enclaves complain that they received no concrete benefits from participating in Kosovo's provisional institutions. And economic growth will be necessary for Provisional Institutions to win the loyalty of Serbs in Kosovo.

³¹ Kosovo Standards Implementation Plan, p. 16, 18, p. 43. http://www.unmikonline.org/pub/misc/ksip_eng.pdf, accessed on 7 November 2004.

³² See, for example, the Report of the Secretary General from 15 October 2003, S/2003/996, paragraph 12, or S/2003/421, paragraph 9.

³³ See OSCE Mission in Kosovo Department of Human Rights and Rule of Law, "Parallel Structures in Kosovo," October 2003, for a detailed description of the system.

³⁴ Ibid.

2.4 Economic Reform: the Development Engine of Governance

Economic development is an essential component in the democratization of local governance: a well-functioning local economy provides employment for citizens and a tax base for local administration and services. The peace dividend of a UN-EU-mediated transition from tyranny to democracy in the economy was meant to provide goods and services for local consumers.³⁵ A growing economy can serve as a municipality's calling card for cooperation with business in other regions and other countries. And just as economic development can provide an environment conducive for the development of democratic local institutions, an effective and inclusive local government can help to spur the development of local business.

Optimism does not come easy.³⁶ Kosovo's absence of self-sustaining economic growth impedes the development of democratic local governance. The economy has thrived largely on remittances and official transfers and a significant portion of the labor force works for NGOs and international organizations. In 2001-2002, Kosovo's economy was able to cover only one fifth of its imports with exports and trade balance deficit accounted for approximately half of GDP, and foreign direct investment remains quite low.³⁷ These trends do not improve Kosovo's investment climate.

Kosovar institutions have not been able to address these issues authoritatively. The unemployment of the majority population is above 50 percent and that of minorities is even higher. Assessments of Kosovo's development are rich in disappointment in the economic climate: failure to privatize business more quickly; failure to ensure regular supplies of electricity and water; failure to provide a coherent legal framework for the development of private business; failure to develop the means to expedite exports to Europe; high customs and tariff provisions for raw materials and semi-finished goods (at 26 percent) that penalize Kosovar producers against competitors from abroad; and apparently symbolism-driven moves, such as of the KTA [Kosovo Trust Agency] to northern Mitrovica, that impede the economy's capacity for efficiency.³⁸ It appears as if Kosovo's economy is not yet on a sound footing to develop manufacturing and services essential to a modern, productive economy that can serve as the basis of democratic local government for all citizens of Kosovo and as its passport to Europe. And one finds little optimism concerning the short to mid-term prospect for growth.

Nor does the apparent absence of coordination leave much latitude in which local government can facilitate economic development. Significant assets in local economic development remain controlled by central authorities in Pristina: public utilities, management of forests, chambers of commerce, and relationships with international business and donors. It may also seem that Pristina's international and Kosovar leaders are so fearful of the supposed incompetence and corruption of municipal-level private and public officials that they continue to monopolize essential activities, such as the KTA, public utilities, and socially owned enterprises. The CoE reports that, 'many municipalities have failed to establish a proper working relationship with public service providers' in many services falling under local competence, such as water supply, sewerage, road maintenance and local transport.³⁹ In areas such as health, education and forests, the division of competencies between local and central authorities creates confusion and inefficiencies in management of assets.

³⁵ The European Union heads Pillar IV, Reconstruction and Economic Development

³⁶ See the UNDP Early Warning Reports at <http://www.kosovo.undp.org/Projects/EWS/ews.htm>; as well as Mario Holzner, 'Kosovo: A Protectorate's Economy', The Vienna Institute Monthly Report, No. 1 (January 2003).

³⁷ This information is taken from Holzner.

³⁸ "I was Born in that Village," p. 24.

³⁹ Council of Europe Decentralization mission in Kosovo, Interim Report, 27 June 2003, p. 7.

And improving management will not come easily. International officials commonly report that municipal officials are badly prepared for modern administration and that the Institute of Public Administration, organized by OSCE, is only now beginning to function effectively – almost five years after the initial formation of local administration. It is less common to hear of ways of integrating the university in Pristina with other parts of the education system to provide future experts for administration and economic development. Recent reports from UNDP, the CoE and USAID have highlighted popular perceptions of corruption by both international and domestic leaders, as well as ample confusion over who actually controls the operations of a whole host of local public services.⁴⁰ Finally, in a system in which perceptions may be more significant than reality, it is common to hear that local tenders are routinely won by friends of the party in power.

These difficulties underline the problems many citizens of Kosovo have in gaining access to municipal services and infrastructure, especially in areas outside the urban core. For example, the villages dotting the Zhupa Valley in Prizren municipality (an area with Bosniacs, Gorani and Serbs) remain without telephone coverage and many of them require substantial projects in water, garbage disposal, sewage systems, and electricity to become fully functional communities within the municipality.⁴¹ There are similar stories about infrastructural development throughout Kosovo. And it is not clear whether the many proposed infrastructural development projects outside the urban core have made it to the front of any queue for funding priorities – especially in minority areas where such projects could benefit majority and minority communities and could encourage inter-ethnic and public-private dialogue through the planning process.

A healthy fiscal situation could enable municipal governments to address these problems more effectively. But Kosovo's municipalities are doubly burdened in this matter. First, the CoE reports that Kosovo municipalities only provide 11 per cent of the revenues in their budget, quite low in comparison with other former socialist countries in transition.⁴² The control of local officials over priorities is further diminished by their inability to transfer resources from centrally earmarked grants between sectors for healthcare and education, for example.⁴³ Second, the capacity of local municipalities to collect their own revenues has not been well developed. The CoE reports municipal officials' dissatisfaction with the central control over the types of fees, local taxes and duties that can be collected locally. In addition, the cautious introduction of property taxes in several municipalities in 2003 has not met with much success or approval, a result in part of the shallow process of consultation with local officials and local communities.⁴⁴

The general consensus is that local governments find it difficult to meet their financial needs; they are threatened by high unemployment, the absence of investment and an ill-defined environment for institutional development; and find themselves mired in an unfavorable environment for local economic development. These problems are not transitory and will require more than a simple effort to provide a seamless 'European' framework that efficiently divides competencies among different levels of administration and between the private and public sectors on paper.

⁴⁰ "Corruption in Kosovo: Observations and Implications for USAID," 10 July 2003, accessed at http://www.usaid.gov/missions/kosovo/pdf/kosovo_corruption.pdf on 20 January 2004.

⁴¹ "I was Born in that Village," p. 26.

⁴² Council of Europe Decentralization mission in Kosovo, Interim Report, 27 June 2003, p. 13.

⁴³ Ibid., p. 14.

⁴⁴ Ibid., p. 15.

These problems should signal international officials to address the deadlocks that have hampered economic development since 1999; to approach consultation with local colleagues so as to engender in them an authentic sense of ownership in local administration and governance; and to consider medium and long-term requirements for the training of local officials that emerge from the evolving education system.⁴⁵ This new thinking would benefit from efforts to democratize local authority, to make it transparent and subject to influence from the community outside the closed doors of international officials, municipal executives and assembly presidents.

2.5 Democracy and the Role of Civil Society in Kosovo Municipal Structures

Local governance is democratic when it is responsive to a community's citizens during policy making. This would involve developing a technically competent and fair local administration, political institutions that are open to input from the full range of interests in a community, and a decision making process that was sufficiently transparent to provide all citizens in a community with a sense of 'ownership' and loyalty.

These qualities of competence, inclusiveness and transparency are even more significant when viewed against Kosovo's proportional system of local election in which voters select from closed, party lists – a system in which municipal developments are entirely dependent upon central political leaderships. It diminishes political accountability associated with constituency-based politics, strengthens the one-party character of individual local governments, and renders inter-party compromise more difficult. This is particularly significant at the end of wars when political leaders remain mired in wartime's zero-sum conflicts between Serb and Albanian forces and among Albanian political parties. It is no surprise that OSCE reported that it took over five months to break the political deadlock in one-third of Kosovo's municipalities that were without a clear victor in the elections of October 2002.⁴⁶ CoE reported that members of the opposition often boycott the work of assemblies, which deprives citizens of any representation in the business of local government.⁴⁷ These boycotts are consistent with the general perception that administrative directors are chosen less for their expertise than for their political allegiance, which enables the party in power to dominate all aspects of policy making.⁴⁸ Consequently, the current electoral arrangements that ensure majority dominance of government may actually leave the majority of local voters without any effective representation in municipal governance – especially when viewed against the rapidly decreasing voters' turnout from one election to the next.

These political deadlocks may exacerbate the absence of professionalism among municipal administrators and councilors. The recent assessments by CoE and USAID point to inexperience in drafting regulations and to the absence of transparency in the process of adopting regulations. They highlight the underdeveloped concept of public service and a susceptibility to corruption in Kosovo. They report that municipal governments don't focus on providing services, or that assemblies don't establish committees to examine important matters of policy. And one Assembly President did not even convene an assembly meeting for well over five months in the first part of 2003.

⁴⁵ A more positive assessment is in OSCE, *The Municipal Assembly Starter Kit*, November 2002-June 2003

⁴⁶ See the OSCE Mission in Kosovo, "Boycott at the Municipal Level," 15 May 2003, accessed on 20 January 2004 at http://www.osce.org/documents/mik/2003/05/711_en.pdf. A more positive assessment is in OSCE, *The Municipal Assembly Starter Kit*, November 2002-June 2003.

⁴⁷ Council of Europe Decentralization mission in Kosovo, *Interim Report*, 27 June 2003, p. 9.

⁴⁸ See the UN Secretary General's Report, S/2003/421 (14 April 2003), paragraphs 6-7.

The unhappy constants in Kosovo public life since 1999 are accusations of corruption, nepotism and favoritism; conflict among factions and parties over all manners of policy and institutional design; and dysfunctional inter-institutional relationships in municipalities, between domestic and international institutions, and between central and local administration. These dysfunctional practices – that resemble those of the authoritarian administration of the Yugoslav ‘old regime’ – only feed perceptions that important decisions are made corruptly behind closed doors.

These difficulties underline the need to ensure transparency in municipal policy as one step in creating a climate in which politicized rumor and innuendo cease to dominate municipal public life. Unfortunately, a relatively well-developed mass media, which includes correspondents of national press and a host of local radio stations, has only occasionally engaged in critical, investigative reporting of local developments. Such reporting is absent from sophisticated papers such as *Zëri* and *Koha Ditore*. In the past the public watchdog function was ably provided by the International Crisis Group and the European Stability Initiative. Local NGOs, such as KIPRED [Kosovo Institute for Policy Research and Development] and KODI [Kosovar Research and Documentation Institute] are only just beginning to take on this function that is essential in holding Kosovo’s authorities publicly accountable before the court of public opinion – and they have yet to turn to local government.⁴⁹

It is clear that investigative journalists and local civic activists will be working against a highly politicized system in which the public, civic institutions initiated by UNMIK remain formal shells that do not command a deeper sense of local loyalty, a problem exacerbated by a deeper faith in one’s own political party or social network from one’s village of origin. This claim is consistent with the World Bank’s report from 2000 that the greatest degree of trust was found in places with the least developed formal institutions. This ‘lack of trust among people beyond the extended family system...is one of the key impediments to the growth of inclusive local institutions’ and development of civil society.⁵⁰ It seems wise to address these political and civic issues as a prelude to significant efforts in supporting the nascent Institute of Public Administration.

Against the background of Kosovo’s fragilely evolving local democracy, it seems worthwhile to complement the traditional approaches to supporting the development of local-level civil society with efforts to decentralize local governance further through the development of more genuinely local units of administration and representation in ‘local communities’ [bashkësitë lokale or mesne zajednice]. The UN’s central authorities in administration decided in 1999–2000 not to support the revival of this most local level of government – when the international administration in Prizren sought to work locally with community groups to establish security and development in the ethnically mixed local Tusus community of Prizren, as well as in the Zhupa valley. In effect, UNMIK chose not to support these quiet and initially successful efforts to bring together community leaders from the Albanian and Slavic Muslim communities to address common problems in everyday life.⁵¹ On the other hand, the World Bank and the Office for Transitional Initiatives of USAID focused precisely at this local level to work with groups of citizens in villages and local communities in order to identify, develop and implement reconstruction and development projects during that period.⁵²

⁴⁹ See for example, “Kosovar Assembly: For the People or for the Party?”, KODI Report no. 3, Prishtine, 2003, and Robert Muharremi, Lulzim Peci, Leon Malazogu, Verena Knaus and Teuta Murati, “Administration and Governance in Kosovo: Lessons Learned and Lessons to be Learned,” KIPRED, January 2003.

⁵⁰ Gloria La Cava, Raffaella Nanetti, Stephanie Schwandner Sievers, Arjan Gjonca, Taies Nezam and Barbara Balaj, “Conflict and Change in Kosovo: Impact on Institutions and Society”, World Bank, December 2000, p. 38.

⁵¹ The term “Slavic Muslims” refers to Bosniacs and Gorani.

⁵² These matters are covered in detail in Mark Baskin, “Between Exit and Engagement: the Balkans in the Age of the International Community,” in progress.

But there has been no shortage of efforts at reform. In late 2002, UNMIK invited the Council of Europe to develop a proposal for decentralization of local governance ‘in line with local practice.’⁵³ A team of international officials drafted a far-reaching and complex proposal that is supposed to bring representation and administration closer to people of all ethnicities. Following an incisive critique of the actual functioning of municipal administration, the CoE mission drafted a complex proposal for sharing competencies and decision making powers between municipal and sub-municipal levels of government in democratically elected councils of citizens in smaller units of local self government. It was meant to be an administrative reform that did not touch on sensitive issues of status.⁵⁴ But these plans were not the product of a genuine partnership between international and domestic (Kosovar) officials and have encountered a good deal of local resistance.⁵⁵ For example, the CoE proposal would transform the lightly inhabited municipalities of Novo Brdo and Zvecan into sub-municipal units of neighboring municipalities. However, in its current mandate, the Novo Brdo administration is the most ethnically integrated municipal administration in Kosovo in a setting where such decentralization will be judged on its capacity to contribute to the peaceful resolution of potentially violent conflicts and not just on its seamless efficiency of design in the planning stage.

The comprehensive efforts to reform local government in Kosovo that began following the March 2004 violence has given political considerations a central place. It is a ‘long term effort’ that will be ‘based on a firm commitment by all parties to a multi-ethnic Kosovo’ in ‘an important contribution to set up and consolidate functioning democratic institutions in Kosovo.’⁵⁶ A working group that included UN, OSCE, USAID, CoE, PISG and the Association of Kosovo Municipalities prepared a document intended to provide a broad framework that would amend existing legislation and regulations to achieve three broad goals related to the achievement of governing Standards: strengthen the administrative capacity of local administration, ensure that all communities within municipalities have equal access to municipal goods and services, and guarantee that all people of ethnic communities will be able to participate in local government. Among the specific changes now on the agenda are: new legislation on local self-government and on local finance, consideration of a ‘territorial element’ in municipal elections, and ‘an institutional framework facilitating support to and cooperation with the KPS’⁵⁷

The efforts have won wide formal support among international and Kosovo institutions. Municipal restructuring is to be tested in a limited number of pilot projects that would demonstrate the benefits of reform at the same time that legislation is under consideration by the PISG and UNMIK. What sets it off from the pre-March efforts at reform is the great effort to challenge the recalcitrant Serb parties to join the discussion of local government as one way of integrating them into life in Kosovo. It will require substantial support, good will and effort for it to extend beyond the drafting of appropriate declarations and plans.

⁵³ See SG/inf(2003) 40 – 14 November 2003, Reform of Local Self Government and Public Administration in Kosovo. Final Recommendation, [http://www.coe.int/t/e/SG/Secretary-General/Information/Documents/Other-reports/SGINF\(2003\)40E.asp#TopOfPage](http://www.coe.int/t/e/SG/Secretary-General/Information/Documents/Other-reports/SGINF(2003)40E.asp#TopOfPage)

⁵⁴ Ibid., paragraph 1.

⁵⁵ See Mark Baskin, “Between Exit and Engagement: on the Division of Authority in Transitional Administrations,” *Global Governance*, forthcoming, 2004.

⁵⁶ Working Group on Local Government, “Framework for the Reform of Local Self-Government in Kosovo”, 19 July 2004, p. 1.

⁵⁷ Ibid., pp. 2, 8, 17,

2.6 Local Democracy and Conflict Prevention

One standard of local government effectiveness is its capacity to prevent local conflicts of interest from escalating into violence or from becoming national issues – and to ensure that conflicts beginning elsewhere will not resonate locally. This matter is especially significant in an area that has long served as a venue for competition between Serb and Albanian political movements. Indeed, the violence of March 2004 demonstrates that the four and one-half years after SCR 1244, the potential explosiveness of this competition has not diminished. UNMIK has addressed this conflict by supporting the creation of multi-ethnic municipal administration that would deliver adequate services and be open to participation by all citizens. Minority employment is meant to broadly reflect its population distribution in the municipality. Municipal budget expenditures are meant to address the needs of minority populations. Minority ‘communities’ are given a special place in Kosovo’s international administration.

These efforts have had mixed results. The UN reports that minority employment remains well below the targeted 18 percent minority employment – and Serbs constitute 12 per cent and other minorities 3.3 per cent of municipal employees – but this figure likely includes those employees from Serb-majority municipalities.⁵⁸ It is rarely the case that municipalities distribute their assets fairly among majority and minority communities. Under provisions for ‘fair-share financing,’ municipalities are supposed to allocate a percentage of their budget and own-source revenue to minority communities in a manner that reflects their population in the community. By October 2003, only six municipalities have achieved ‘fair-share financing’ on three budget lines – municipal administration, health and education. Four municipalities achieved two of the three targets; 12 municipalities have achieved minimum targets on one budget line; but five have not achieved the minimum targeted allocation in even one budget line.⁵⁹ The UN reported publicly in December 2004 that 20 of 24 surveyed municipalities failed to comply with the use of minority and majority languages set forth in the Standards and that only one-third of municipalities complied with the regulation to use both Albanian and Serbian languages in public display of names of streets, cities, towns, villages, roads and public places.⁶⁰

These disappointments in achieving a policy conducive to the development of multi-ethnic communities may reflect the modest representation of minorities in local government. Only does the small municipality of Novo Brdo appear to enjoy a relatively balanced inter-ethnic representation in the Municipal Assembly – although the initial bargaining there took a great deal of time. This is also the case with municipalities’ important Policy and Finance Committee, which is responsible for preparing the budget and formulating each local government’s strategic direction. UNMIK itself has reported that only four municipalities have achieved a ‘representative range’ of appropriate minority employment based on results from censuses in 1981 and 1991. All reports point out that neither the Communities Committee, which is supposed to promote minority interests, nor the Mediation Committees, which is supposed to make recommendations on claims concerning discrimination, function effectively. By mid-2004, Serbs boycotted the committees in seven municipalities; Mediation Committees were active only in three municipalities; and local authorities generally failed to implement the recommendations of the few Community Committees that met.⁶¹ In addition, official public reports underline that the civil service shows a general lack of professionalism in implementing transparent, non-politicized and ethnically balanced procedures in areas such as procurement and recruitment. Furthermore, municipal regulations, once adopted, are often not implemented.⁶²

⁵⁸ S/2003/996, paragraph 13.

⁵⁹ Ibid., paragraph 9.

⁶⁰ S/2004/907, paragraphs 24-26.

⁶¹ S/2004/613, paragraph 39

⁶² Ibid., paragraph 8.

As one instrument in addressing the minorities' more difficult circumstances, UNMIK began establishing 'local community offices' in each municipality's minority areas in 2000. They are now staffed by international and Kosovar (mainly Serb and Bosniac-Gorani) officials who appear conscientious, well informed about developments in the community, and diligent in representing the interests of minorities to the majority administration. The Kosovar local community officers are particularly effective in conveying a welcoming environment to minorities in local administration. Serb officers in Gracanica reported that the Albanian-dominated administration in Pristina was pragmatic and fair, and that they traveled each day to the municipal administration to address particular administrative issues.⁶³ International officials throughout Kosovo (municipalities Gjilan, Leposavic, Rahovec, Pristina, Prizren, Strpce) reported on effective steps in building trust on non-political matters between parties from different ethnic groups.⁶⁴

The local community offices appear to be more effective when one of two political conditions are obtained. First, Albanian local leaders are less likely to feel threatened by smaller minorities that lack a nearby state sponsor with contending claims in Kosovo. To take one example, municipal authorities in Prizren found it a relatively easy matter to integrate populations of RAE, Turks, Bosniacs and Gorani into local governing and administrative arrangements – almost since the end of the NATO campaign in 1999. To be sure, some postwar local political leaderships have occasionally moved to dismiss 'disloyal' minorities hired following the anti-Albanian purges in the 1990s – especially those who don't speak Albanian – and have based these decisions on the relatively low, centrally determined quotas for minority employment to justify eliminating 'surplus' minority administrative employees. Nonetheless, official tolerance towards non-Serb minorities in Prizren emerges from the common understanding that individuals from these groups pose no political threat to the Albanian leadership throughout Kosovo in municipal and provincial bodies.⁶⁵

Similarly, in areas not contiguous with contentious northern, Serb-majority municipalities, such as Orahovac, Albanian leaders are more likely to be willing to take the necessary steps to meet the needs of Serb minorities. This was significant in Rahovec where there was both considerable unresolved wartime trauma and very high tensions during the initial period of the UNMIK administration. During the war, an authoritative, moderate and tolerant Albanian religious sect leader was brutally murdered during a July 1998 Serbian counter-offensive in Rahovec.⁶⁶ Following the initial deployments in Summer 1999, KFOR arrested eleven Serbs remaining in Rahovec for suspected war crimes.⁶⁷ The third element of tension was provided by the Albanian blockade established after 20 August 1999 upon announcement that Russian KFOR troops would be deployed in Rahovec: Albanian residents alleged that Russian mercenaries fought on the Serbian side of the conflict.⁶⁸

⁶³ Interview with author in May 2003.

⁶⁴ Interviews with author in May 2003.

⁶⁵ Many social and administrative problems remain to be solved, but current arrangements provide a framework to dispel the unease and insecurity among Gorani, Bosniacs and Turks in Prizren.

⁶⁶ For descriptions of the wartime violence in Rahovec/Orahovac, see the OSCE report, *As Seen, As Told*. Volume I, October 1998 - June 1999, pp. 476-496, http://www.osce.org/documents/mik/1999/11/1620_en.pdf.

⁶⁷ See *As Seen, As Told*. Volume II, 14 June – 31 October 1999, p. 116.

⁶⁸ *Ibid.*, p. 114.

In general, where a minority ethnic group presents no political threat, it seems possible to create power-sharing arrangements in which political differences are unlikely to escalate into violence. In such places, domestic 'local community officers' with international support can help minority and majority politicians adapt to changing circumstances in a manner that will allow them to bargain more effectively and make policy that benefits constituents in all ethnic communities.

Local community offices are less likely to be effective in areas with genuine conflicts of ethnic interests, especially in divided Mitrovica. As long as the status of Kosovo defies resolution, neither side has a genuine interest in attempting to implement technical plans designed to reintegrate north and south Mitrovica as a single unit. Each side is attempting to establish 'facts on the ground' for the coming rounds of bargaining over the municipality's political future. Consequently, neither side will make genuine concessions to each other, nor to UNMIK's cosmopolitan plans to develop multi-ethnic democratic governance because the leaderships on each side continue to hold out for victory. The decision to integrate the two sides of Mitrovica is deeply political, contentious and at the heart of the question of Kosovo's future status. Because partial solutions that attempt to split the difference in the absence of an enduring political solution to Kosovo's status are not likely to succeed, it may be wisest to invest in a political process that will directly lead to a solution to the central issue of contention: the future of Kosovo.

2.7 Effectiveness of Local Institutions

Democratic local governance can become sustainable and self-regulating when local institutions function effectively and authoritatively, are valued by Kosovar citizens, and can adapt to changing needs. By these standards, it appears that administration in Kosovo is hampered by multiple legacies of authoritarian governance and ethnic competition; a stagnant economy with few prospects for near-term improvement; uncertain security and occasionally great violence against minorities and against its own police; awkward coordination between local and central government; and great difficulties in making progress in settling Kosovo's political status. Against this background, local governance remains genuinely fragile and deeply dependent on international missions that sometimes advance a perverse type of arrested stability at the expense of (and in the name of) democratization. The seeds of democratic governance in Kosovo remain hampered by the continued politicization of public life, growing apathy of ordinary citizens, and increasing impunity of 'spoilers' with no stake in a stable, democratic system. And just as Kosovo's local democracy is not yet self-sustaining, neither have international officials been very effective in using their overwhelming political and economic assets to work constructively with the different groups in building a common, democratic future.

It appears that the solution to these dilemmas would depend on a broader political settlement that successfully addresses legitimate Albanian concerns for popular self-government and legitimate Serbian concerns over security, freedom of movement, preservation of cultural monuments, and the return of refugees and IDPs. Such a settlement might provide a political context in which administrators can become technically competent and begin to acquire some common civic values that underlie more narrow political interests. A broader political settlement between the government of Serbia and Kosovo's Provisional Institutions of Self Government will provide the predictability and sense of closure that could guarantee all citizens of Kosovo a common future in peace, dignity and democracy. Such a settlement can also provide a basis on which the important Albanian stakeholders can find agreement on the basic values and principles of an enduring political compact.

Progress in achieving such constructive global trends would be strengthened were officials in Kosovo to take smaller steps to strengthen local democracy and administration by enlarging the degree of economic, social and political autonomy at the most basic level of governance. And here international officials from the UN,

EU, OSCE, KFOR and individual governments continue to command the most authoritative set of assets in the current round of bargaining. It may well be that the current efforts at reforming local government will lead to sustainable improvements in economic management, electoral legislation, and legislative and administrative practice – and that the ‘reform process’ will generate effective programs that address needs of all groups of citizens in Kosovo. It will continue to be necessary for international officials to learn how to share ‘political ownership’ with domestic colleagues from Kosovo and how to devolve increasing formal control over the process of local democratization. This may represent the greatest challenge facing international institutions in Kosovo.

**Appendix A. List of participants, Seminar on Local Democracy in Kosovo
20-21 November 2003,
UNDP Governance Centre, Oslo, Norway**

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Former Deputy Regional Administrator
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Mrs. Xinnia L. Guevara Contreras
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Mr. Zoran Krcmarevic
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Mr. François Laberge
Counsellor and Consul
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Mr. Harald Lukaschewsky
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About ATRC

- The Advocacy Training and Resource Center (ATRC) is a Kosovar nonprofit organization that works to increase citizen and civil society participation in decision-making, as a prerequisite for a developed democratic society and regional stability.
- ATRC aims at strengthening the role of NGOs as agents of change in society; increasing the capacity of NGOs and civic initiatives to undertake advocacy campaigns; and contributing to the creation of governing institutions that meet international standards.
- ATRC works with representatives of NGOs, civic initiatives, public administration and political institutions regardless of religion, political affiliation, ethnicity, age, capability, and sexual orientation.
- ATRC accomplishes its goals through advocacy, training, information exchange, and networking in and out of Kosovo.



About International IDEA

Created in 1995, the International Institute for Democracy and Electoral Assistance (IDEA), an inter-governmental organization with member states from all continents, has a mandate to promote sustainable democracy worldwide. IDEA brings together those who analyse and monitor trends in democracy and those who engage directly in political reform or act in support of democracy at home and abroad. IDEA works with both new and long-established democracies, helping to develop and strengthen the institutions and culture of democracy. It operates at international, regional and national level, working in partnership with a range of institutions.

IDEA's current areas of activity include:

- Democracy building and conflict management – developing the process for building consensus, setting priorities, designing political institutions and constitutions, organising dialogue and decision making, promoting reconciliation and inclusive democracy;
- Strengthening electoral processes – adapting electoral systems, improving access and turnout, ensuring professional management and independence, building public confidence;
- Developing political parties as vital actors in democracy – reviewing external regulation and enforcement, public funding, internal management and democracy, relations with civil society and the public; and
- Political equality and participation, especially of underrepresented groups, including women in politics – identifying ways to build commitment and experience with special measures such as quotas.