Decentralisation and Accountability in War-to-Peace Transitions: The Case of Kosovo

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Abstract In spite of the scant evidence of a positive correlation between decentralisation and strengthened local development and governance, decentralisation has been promoted as a tool to consolidate peace and re-build states in countries emerging from violent conflict, especially in settings torn apart by ethnic and other identity-based cleavages. A key difficulty decentralisation has faced in many non-conflict settings is related to the challenge of instituting effective mechanisms of accountability. This difficulty is compounded in war-to-peace transitions. Using Kosovo as our case study, we highlight the risk of negative trade-offs between what we call the 'political' (peace-building) and 'functional' (state-building) dimensions of decentralisation. While quite successful in terms of mitigating tensions between the Albanian majority and Serb minority, decentralisation has contributed little to enhancing cooperation and trust between the two communities and improving local governance. Weak accountability – both formal and social – needs to be addressed to conclude Kosovo's war-to-peace transition.

1 Introduction

Often perceived as an effective vehicle to generate socioeconomic development and accountable, democratic governance, decentralisation has for a long time featured prominently in development strategies. Since the end of the Cold War, it has also been promoted and used quite extensively in attempts to consolidate peace and re-build states in countries emerging from violent conflict. This is puzzling because there is little evidence that decentralisation has actually (a) resulted in improved service delivery, economic development and local governance in 'normal', non-conflict development contexts; and (b) helped overcome the drivers and legacies of violent conflict where it has occurred, and build capable and democratic states, particularly in societies shot through by ethnic and other identity-based cleavages. The specialised literature shows that one of the key challenges of decentralisation is associated with the difficulty of instituting effective accountability, both locally and between the local and central levels of government. We suggest that this difficulty is compounded in countries that are transitioning out of armed conflict, where decentralisation is used simultaneously as both a tool to consolidate peace and re-build public authority and states.

Using Kosovo as a case study, this article examines the challenges of decentralisation reforms in peace-building contexts. Given the centrality of accountability as both a fundamental goal of, and pre-requisite for, effective decentralisation, we ask (a) why it appears to be particularly difficult to institute accountability mechanisms in such contexts; and (b) what the existence of accountability deficits imply for the prospects of consolidating peace and rebuilding public authority in countries emerging from internal armed conflict, and where decentralisation reforms are a key element of broader peace-building strategies. Our analysis focuses on formal, state-led mechanisms of horizontal and vertical accountability, such as elections and institutional checks and balances, but also tangentially incorporates some elements of the more recent debate about social, citizen-driven accountability initiatives like public information campaigns designed to monitor public officials and local service delivery.

These questions are informed by field research we carried out in 2012 and 2013 on Kosovo's decentralisation process and local governance reforms in the wake of the 1998–9 war (involving forces of the Federal Republic of Yugoslavia and the Kosovo Liberation Army (KLA) and a major international military intervention under the umbrella of the North Atlantic Treaty Organization, NATO), the deployment of the United Nations Mission in Kosovo (UNMIK) and Kosovo's unilateral declaration of independence from Serbia in 2008. We found a widespread sense among Kosovars (both ethnic Albanians and Serbs) and international donors that decentralisation was not living up to expectations. Among the key concerns that were expressed by central and local government officials, members of political parties and civil society organisations (CSOs), academics and some international donors was that Kosovo still lacked effective accountability mechanisms. While it was generally recognised that decentralisation has helped reduce tensions and mitigate the potential for a renewed outbreak of violence between Kosovo Albanians and Serbs, there was much less enthusiasm about the performance of the decentralised system of government and governance in terms of improving the delivery of local public services and goods; and almost no indication that the two ethnic communities were interested in, and trying to, re-build relationships of cooperation and trust.

The article starts with a brief discussion of the relationship between decentralisation and accountability, which we extend to countries undergoing war-to-peace transitions. We then illustrate our argument in reference to the case of post-independence Kosovo, providing a succinct analysis of the political context in which decentralisation was pursued as both a means to consolidate peace and build a new, sovereign state under international supervision. Here, we distinguish between what we call the 'political' and 'functional' dimensions of decentralisation. Based on this analysis, we examine some of the features of what we suggest amounts to nothing less than a serious accountability deficit in post-independence Kosovo which risks undermining both the goal of consolidating peace and building effective, accountable local governance. Summarising the presented argument, our conclusion highlights that more research is needed to understand how formal and social accountability mechanisms could be strengthened in Kosovo and what insights the case of Kosovo offers for future comparative research on decentralisation and accountability in peace-building contexts.

2 Decentralisation, accountability and war-to-peace transitions

Decentralisation – both as a *means* to achieving socioeconomic development and improving public service delivery and as an *end* to promoting the basic principles of democratic governance (Cheema 2007) – has for a long time commanded interest among the international development community. Originally conceived in rather technical terms as a way to de-concentrate hierarchical government structures and bureaucracies, in the 'mid-1980s, the concept was broadened to include political power-sharing, democratization, and market liberalization' (Cheema and Rondinelli 2007: 2). Subsequently, after the end of the Cold War and amidst the rise of the good governance agenda, 'decentralization [became] seen as a way of opening governance to wider public participation through civil society organizations' (Cheema and Rondinelli 2007: 3). Usefully described as referring to the 'territorial distribution of power' (Smith 1985: 1), decentralisation – administrative, political, fiscal and economic – has taken different forms 'along a continuum which represents the varying levels of decentralisation associated with different organizational and constitutional arrangements', ranging from 'complete independence to complete integration' (Smith 1985: 12).

Among the basic assumptions that have guided the design and implementation of decentralisation are that it helps to 'accelerate economic development, increase political accountability, and enhance public participation in governance' (Cheema and Rondinelli 2007: 7). Decentralisation has also been perceived as instrumental for breaking 'bottlenecks in hierarchical bureaucracies and assist local officials and the private sector to cut through complex procedures and get decisions made and implemented more quickly' (Cheema and Rondinelli 2007: 7). By promoting greater political representation of diverse political, ethnic and religious groups decentralisation is furthermore presumed to contribute to mitigating the risk of compromising the unity of

the state. This last point is of particular importance in post-conflict settings.

Yet there is surprisingly little evidence showing that decentralisation has actually contributed to achieving these important goals. A review of the specialised literature finds that 'there is a vast chasm between the benefits that proponents of decentralisation have claimed that reforms can have on service delivery, economic development and social cohesion and the reality, according to empirical research' (Scott 2009: 5). Indeed, it has been shown that the 'relationships between decentralization and various development variables have more often than not been negative' (Cheema and Rondinelli 2007: 8). Among the main reasons that are cited to explain this gap between theory and reality are that decentralisation may increase the risk of elite capture of local governments and result in the strengthening of informal patronage networks and patron–client relationships; that local governments may be unable to raise sufficient financial resources to provide services effectively; that decentralisation can entail the loss of economies of scale; and that there may be a heightened risk of corruption and the misuse of public authority and resources at the local government level (Bardhan and Mookherjee 2006; Cheema 2007; Cheema and Rondinelli 2007; Scott 2009).

In many developing countries these problems have been associated with the difficulty of instituting effective vertical and horizontal accountability mechanisms, such as through regular (free and fair) elections and functioning institutional checks and balances, respectively.[1] This constitutes nothing short of a dilemma because more and stronger accountability is both one of the fundamental *goals* of decentralisation, which aims to increase the capacity of citizens to hold local government officials to account, and a *pre-requisite* for effective decentralisation. Decentralisation thus faces the challenge of seeking to strengthen accountability by bringing decision-making closer to local communities while at the same time, to be effective, it is dependent on the commitment on the part of local leaders and citizens to accountability as well as on the existence of local capacity to exercise it. Yet such commitment and capacity may well be elusive. As Pranab Bardhan and Dilip Mookherjee explain:

[D]ecentralization is unlikely to be a universal panacea for problems of accountability. […] Local democracy requires a set of prerequisites, including an educated and politically aware citizenry, an absence of high inequality in economic or social status that inhibits political participation of the poor or of minorities, a prevalence of law and order, the conduct of free and fair elections according to a constitutional setting that prevents excessive advantage to incumbents, effective competition between political candidates or parties with long-term interests, the presence of reliable information channels to citizens (for example, from an active, independent media), and the presence of oversight mechanisms both formal (legislatures, judiciary, independent auditors) and informal (such as civil society organizations) (Bardhan and Mookherjee 2006: 9).

The fate of decentralisation therefore hinges to a significant extent on the existence of an environment conducive to the exercise of accountability. Yet in development contexts 'both vertical and horizontal forms of accountability have [often] been found to be unsatisfactory on many counts (e.g. inadequate electoral processes, insufficient checks and balances instituted by the state, secrecy laws, lack of entry points for citizens, particularly of marginalized groups)' (UNDP 2010: 9).

In recognition of these problems the debate has more recently been broadened out to not only focus on 'formal', 'state-driven' and 'top-down' mechanisms but also on 'social', 'citizen-led' and 'bottom-up' accountability initiatives. Social accountability has been defined as comprising vertical, non-electoral mechanisms of 'control of political authorities that [rest] on the actions of an array of citizens' associations and movements and the media. The actions of these groups monitor public officials, expose governmental wrongdoing, and can activate the operation of horizontal agencies. Social accountability employs both institutional and non-institutional tools' (Peruzzotti and Smulovitz 2006: 10), including, for instance, public information and anti-corruption campaigns, citizen report cards and participatory budgeting.

While the emergence of such initiatives has been observed and documented in a growing number of

developing countries and while generally their (potential) usefulness has been presumed, there is no consensus about the impact of social accountability mechanisms on governance, public service delivery and development. In effect, recent research suggests that 'social accountability in the form of demand side pressures by itself is unlikely to be successful. Successful cases rely heavily on reforms or support from the supply side [of accountability] in the form of reformist bureaucrats, alliances across the public–private divide and changes in the broader incentives within which the public sector operates' (Joshi and Houtzager 2012: 153). Furthermore, it is not yet fully understood why citizens come together to demand social accountability in some circumstances and not in others, and who engages in these processes (Joshi 2008).

Against the backdrop of this brief discussion of the interdependencies between decentralisation and accountability, and the challenges associated with them, it is puzzling that in the past two decades decentralisation has quite consistently also been promoted – and used – as a tool to consolidate peace and re-build states in the wake of internal war (Brinkerhoff 2011). The conditions in countries that are emerging from violent conflict are arguably even more adverse than in 'normal' development settings. Societies transitioning out of conflict are fractured and polarised, state institutions have been destroyed or become militarised, and accountability is severely limited or absent, to name but a few of the grave legacies of violent conflict. This notwithstanding, strategies to build peace and reconstruct states in countries that witnessed civil and ethnic conflict have frequently incorporated decentralisation as part of other institutional measures to enable power-sharing among the contending groups and protect the civil and political rights of minorities.

Theoretically, decentralisation can be an element of approaches to build peace through both 'liberalisation' and 'institutionalisation', to use the terminology developed by Roland Paris (Paris 2004). However, containing different conceptions of the role and significance of accountability in the peace-building process, we suggest that the two approaches are not equally suited to create the necessary conditions to 'make decentralisation work'; i.e. strengthen local service delivery and economic development and promote the principles of accountable, democratic governance.

Accountability is a key concern of those who emphasise the centrality of democratic institutions and politics (especially free and fair elections), the rigorous protection of human rights, and a strong rule of law in war-to-peace transitions. These goals are perceived to depend fundamentally on the creation of both vertical and horizontal mechanisms through which citizens can hold decision-makers and public officials to account. In contrast, proponents of a narrower, stability-oriented approach to peace-building are likely to pay less attention to issues of accountability, especially in the early post-conflict period. Their principal aim is to maintain a stable security environment and keep the contending parties separate and spoilers at bay. In this conception, accountability acquires its true significance as part of a process of instituting representative democracy and a free market economy only once the peace has been secured.

In practice, the stability-oriented, 'realist' approach has tended to trump the 'liberal' conception in what often – and inevitably – have been challenging, messy and (self-)interested engagements by the 'international community' to end violent conflict and re-build war-torn societies and states. This has important implications for the effectiveness of decentralisation as a peace-building tool. To begin with, introducing a decentralised system of government can promote the 'freezing' of (perceived or real) animosities and incompatibilities between different ethnic or other identity-based groups. As different communities are 'accommodated' within separate administrative and territorial entities (municipalities), the incentives for integration and inter-ethnic cooperation may be reduced. More intransigent and vocal elements among the majority groups may be incentivised to continue to bolster their political power through extremist discourses and other hostile acts. Indeed, it has been noted that even the most carefully designed decentralisation framework cannot fully prevent the re-emergence of inter-ethnic or identity-based violence (Roeder and Rothchild 2005). Pursuing decentralisation in post-conflict settings therefore carries the risk of becoming a self-defeating undertaking in terms of consolidating peace.[2]

The problems of decentralisation in war-to-peace transitions are compounded, as discussed earlier, by the fact that it cannot work properly and deliver on its promises of strengthening local service delivery and development in the absence of sufficiently strong accountability mechanisms. One important issue in this respect is that peace-building and stabilisation missions leave deep footprints in the countries of intervention. While the mandates of the interventions and of the international actors tasked with implementing them differ from case to case, accountability often runs upwards from the central host governments to the international agencies and donors, and not downwards to communities and citizens. Further, for a number of reasons, including standard immunities enjoyed by international personnel deployed to crisis or conflict settings, international officials can commonly not be held accountable by local authorities because they are answerable to their headquarters and the governments of troop contributing and donor countries (Caplan c.2005; Visoka 2012).

In these situations the conditions are not given for local leaders to commit to being answerable to citizens and public control and oversight institutions, which, at any rate, are likely to be politicised and quite unable to perform their functions. As we discuss in Section 4 in relation to Kosovo, the aim of local officials, particularly mayors, will be to strengthen their own standing *vis-à-vis* their political party hierarchy, the central government and the international stabilisation apparatus. Common citizens, in turn, have to navigate carefully the many pitfalls that exist in post-conflict settings. Potentially caught in a 'no war, no peace' situation on account of ethnic-territorial decentralisation – among other issues like persisting geopolitical tensions, pervasive clientelism and the proliferation of organised criminality – they are locked into relationships of dependence with the leaders of 'their' group and have little, if any, recourse to functioning public mechanisms of accountability and redress. While the concept of social accountability has recently started to gain some currency in debates about peace-building and state reconstruction, in light of the above it has to be recognised that the emergence of such initiatives faces significant constraints in post-conflict settings shot through by deep ethnic and other cleavages (Lakhani 2013; UNDP 2010).

3 Decentralisation in post-independence Kosovo

Following NATO military action in April–June 1999, which led to the end of the 18-month 'Kosovo war' involving forces of the Federal Republic of Yugoslavia and the KLA, UNMIK deployed under UN Security Council Resolution 1244. UNMIK was mandated to administer the territory of Kosovo by means of an interim civilian administration and oversee the transfer of authority from Kosovo's provisional institutions to a set of new institutions, which would substantially enhance the autonomy of the people of Kosovo *vis-à-vis* the Serbian government in Belgrade.

After years of international community-led 'status negotiations' between Prishtina and Belgrade – triggered by a renewed outbreak of heavy ethnic rioting in Kosovo in 2004 – former Finnish President Martti Athisaari tabled the Comprehensive Proposal for the Kosovo Status Settlement or, in short, 'Athisaari Plan'. Although the plan was ultimately not endorsed by the UN Security Council, it prepared the ground for Kosovo's unilateral declaration of independence in February 2008, which unsurprisingly has not been recognised by Serbia.[3] Serving as the blueprint for Kosovo's new constitution, the plan provided the framework for progressing decentralisation (which had started under the international administration in 2003) and other far-reaching institutional and economic reform measures in the post-independence period. Significantly, the Athisaari proposal foresaw the creation of several new municipalities with special competencies in order to protect the rights and identity of Kosovo's minority ethnic groups, including its Serb communities.

Following the adoption of Kosovo's constitution in June 2008, the Laws on Local Self-Government (LLSG),[4] Local Elections (LLE),[5] Administrative Municipal Boundaries (LAMB),[6] and Local Government Finance (LLGF)[7] were approved by the new state's legislature – the Kosovo Assembly. Four new Serb-majority municipalities with 'extended competencies' were created in the wake of the local elections of 2009 (Gracanica, Partes, Ranilug and Klokot) and one, Novo Brdo, was extended. The chances are that following an agreement between Prishtina and Belgrade, which was brokered by the European Union and entered into effect in

April 2013, decentralisation could now also contribute to resolving the stand-off between Kosovo and Serbia over four Serb municipalities in the north of Kosovo (Zvecan, Zubin Potok, Leposavic and Mitrovica North).[8] Since independence, they had *de facto* been outside of Prishtina's control.[9] In November 2013, local elections were held in all of the country's 36 municipalities, including for the first time in the north.

There is little doubt that this 'political' dimension of decentralisation has been the main driver of the process. It has had strong backing from the main international players in Kosovo and the Western Balkans, i.e. the EU, the USA and the UN. A core part of the international peace-building effort, decentralisation was used as a 'tool' to attract the Serbian minority community in Kosovo to accept and adhere to the institutions of the new government in Prishtina by creating Serb-majority municipalities with special competencies. Furthermore, decentralisation and the cooperation of the Serb community with Kosovo's new institutions were conceived as a means to help diminish the influence and presence of 'parallel', Belgrade-funded government and public service structures for the Serb community in the country. The stance of the major donors in Kosovo has consistently been that 'decentralisation has to work; we will not let the Serbs of Kosovo alone'.[10]

Yet decentralisation has not been a political project to which Kosovo's Albanian majority and political elites would have related easily and over which they would have had significant control. In effect, Kosovo's authorities seem to have adopted the position that accepting the Athisaari Plan, including its core provisions on decentralisation, was the price they had to pay for independence from Serbia. Six years after independence, Kosovars and international donors are finding that decentralisation is not living up to expectations. We suggest that this disenchantment is related to the hybrid nature of the reform, which was designed by the international community to serve foremost 'political' (peace-building) but also 'functional' (state-building) purposes. Enabling citizens to hold their locally elected mayors and municipal assemblies to account has been a core aim of the 'functional' dimension of decentralisation.

However, as we discuss in the next section,[11] achieving this goal has not been straightforward. By giving extensive powers to municipal mayors the new decentralisation framework actually established limits to the exercise of local accountability.[12]

3.1 Key features of 'functional' decentralisation in Kosovo

Kosovo's decentralisation framework stipulates the transfer of many competencies to the local level, providing, in line with the Athisaari Plan and Kosovo's constitution, for differentiated treatment of municipalities where the Serb community is in the majority. 'Own' competencies apply across all municipalities and range from local economic development and the provision and maintenance of public services and utilities, including water supply and waste management, to the provision of public pre-primary, primary and secondary education and public primary health care.[13] In addition to municipalities 'own' competencies, the central government may delegate responsibility to municipalities regarding, *inter alia*, cadastral records, business registration and forestry protection.[14] 'Enhanced' competencies apply only to municipalities in which the Kosovo Serb community is in the majority, and they cover secondary health care, university education, culture and the selection of local police station commanders. It is noteworthy that the LLSG stipulates that the exercise of the 'enhanced' competencies is subject to monitoring by the central government, which is not the case with 'own' competencies over which municipalities have 'full and exclusive' powers.

A particular characteristic of Kosovo's decentralised system of government is that it gives extensive powers to the municipal executive, the mayor, who is directly elected by the municipal electorate in a majority rule system.[15] The mayor is the figurehead in local governance, as he/she represents and acts on behalf of the municipality, conducting all financial administration (including proposing and executing the municipal budget) (LLSG, Article 58). The mayor is charged with organising the establishment, staffing and financial management of the municipal administration (including the appointment of the municipal directors), directing municipal policy, and reporting to the municipal assembly

on the economic and financial situation of the municipality. The mayor must provide any information that the supervisory authority (central government) requests, including all acts adopted by the municipal assembly (LLSG, Article 78.1). In practice, it is the mayor and the municipal directors who keep close contact with the central government and the relevant line ministries, seeking to influence, for instance, the budget process which is controlled by the central government.

Mayors are the key actors in managing the often difficult relations between the municipal and central levels of government, both as individual elected officeholders and through the Association of Kosovo Municipalities (AKM). While mayors work upon the higher political contacts in the central government and their respective political parties, the municipal directors are dealing directly and on a constant basis with their respective line ministries in order to resolve specific issues. AKM fulfils the crucial role of a broker in municipal–central government relations. As an non-governmental organisation (NGO) funded by voluntary membership fees from the municipalities and international donor support, AKM's mission is 'to create efficient, sustainable and democratic local government through high quality performance in providing services according to the needs of citizens. In its founding documents, AKM claims to dedicate its activities to fostering good governance at the local level, harmonising the division of labour between central and local authorities, and advocating for decentralised governance that avoids unnecessary parallelism and centralist tendencies' (UBO Consulting 2011: 11).

AKM appears to be generally well regarded among municipal authorities (as well as the central government) for the lobbying in national legislative processes it undertakes is seen as a significant contribution to the strengthening of the municipalities and local governance.[16] However, a recent assessment report on AKM stated that some international donors believe that the association 'is occasionally used as an instrument by municipality mayors to advance their narrow interest' and that there is a tendency to 'make the AKM an organization of mayors and less of municipalities' (UBO Consulting 2011: 37). The chairs of municipal

assemblies are not represented in AKM and there are no 'independent' citizen or CSO representatives. As has been observed by the International Civilian Office (ICO), there is a need to 'balance the overpowering of municipal mayors' and, by implication the political parties, which puts AKM at risk of becoming politicised (UBO Consulting 2011: 37). For instance, if the ruling party does not want [to] support amendments to a certain law for political reasons it is likely that the amendments will not happen.[17]

Although by law the 'highest representative body of the municipality' (LLSG, Article 35), the municipal assembly plays a rather subordinate role in local governance. Our research revealed that the mayors are generally more visible and better known among the electorate than the members of municipal assemblies.[18] In part this is so because assembly members are elected through an open party-list proportional representation system (LLE, Article 7), while mayors are elected directly through majority rule. Further, it is usually the mayors who have a 'direct connection' to the party leadership, not the members of municipal assemblies. The responsibilities of the assembly range from approval of the budget and investment plans and the adoption, amendment or repeal of the rules of procedure and municipal regulations to the establishment of the assembly committees, naming and renaming of roads and making inter-municipal and intra-municipal agreements (LLSG, Article 40). Among its most important functions is arguably approving the municipal budget. However, in practice this function does not carry much meaning and significance. In municipalities where the chair of the assembly (elected by the assembly from among its members) belongs to the same political party as the mayor, the chances are that the municipal legislature fails to exercise rigorous scrutiny of the actions and decisions of the municipal executive.

Kosovo's decentralisation framework does not contain an administrative–political tier below the level of the municipality. According to the LLSG, the Ministry of Local Government Administration (MLGA) may 'issue instructions' on the arrangements between the municipality and the villages (LLSG, Article 34.3). Villages can carry out activities that are within the responsibility of the municipal government if

they are given permission. Municipalities must provide sufficient resources for this (LLSG, Article 34.2). While there are village councils and leaders, as well as a coordinator in the mayor's office charged with liaising with village representatives, their selection, functions and competencies are not defined by law; their work is not remunerated; and there are no specific lines in the municipal budgets for the village councils/leaders.

Relations between municipalities and villages are therefore rather informal and may be subject to mediation by political party membership, i.e. relations between the mayor and the village leaders are likely to be closer if they are members of the same political party.[19] In some instances, village leaders are appointed by the mayor after consultation with the village councils, in others they are 'selected' by residents. The influence of village leaders on local decision-making is, however, mostly limited to representing villages in consultations about matters related to the municipal budget and infrastructure investment. These consultations are commonly arranged in a 'top-down' fashion by the mayors. The municipal assembly committees, whose members are elected by the municipal assembly, tend to exercise a merely formal role.

Finally, according to the LLSG, any person or organisation with a particular interest in the municipality may attend public meetings, and representatives of NGOs can attend consultative committees and 'may submit proposals, conduct research and provide opinions on municipal assembly initiatives in accordance with the Municipal Statute' (LLSG, Articles 68.1. and 73.2). However, the number of *active* CSOs (including NGOs, professional associations, social membership organisations) in Kosovo is still quite low. The most visible and vocal ones are based in Prishtina, and overall they enjoy better access to international donor funds than CSOs in smaller and/or rural municipalities. In Viti and Peja, the authors found that there was a sense among local CSO representatives that the decentralisation process is not yet fully understood by citizens, that 'governance sits in Prishtina' (Viti), and that CSOs do not play a significant part in municipal affairs (Peja). By the same token, it was pointed out that the decentralisation process needs to be taken further, in particular with respect to including

village leaders and councils more, and in a more formal way, in local governance arrangements by providing them specific competencies.[20]

4 Decentralisation and Kosovo's accountability deficit

Well into the second year after the end of 'internationally supervised independence' in 2012 there are concerns that the country still lacks sufficiently strong accountability mechanisms. Interviews with representatives of the governing Democratic Party of Kosovo (PDK), the political opposition, NGOs, citizen groups and international donors revealed that a broad range of political and social sectors in the country feel that the checks on the exercise of public authority are strong on paper but weak in practice.[21] As one senior government official put it: 'We have the [decentralised and democratic] system in place but we need to make it work better through strengthened accountability'.[22]

Yet these concerns about Kosovo's accountability deficit are usually framed in the sense that without more effective accountability the country will be unable to address serious problems of poor service delivery, rampant unemployment, weak economic growth and pervasive corruption (European Commission 2011; IKS 2010). While these are certainly important issues, it is less often explicitly recognised that stronger accountability is also a necessary pre-requisite for Kosovo's decentralised system of government to be able to promote the basic principles of democratic governance and help mend the rift between the country's Albanian majority and Serb minority. The post-independence creation of the Serb-majority municipalities with 'enhanced competencies' and the 2013 agreement between Prishtina and Belgrade on the status of the four Serb municipalities in the north have helped to allay fears that the rights, security and welfare of the Serb minority in Kosovo would not be protected. These measures have also contributed to keeping the tense relations between Kosovo and Serbia manageable.

However, the international community-led strategy to appease Serbia and accommodate Kosovo's Serb minority through the creation of municipalities with special competencies as part of a complex decentralisation process has resulted in an artificial and potentially volatile situation. The challenges ahead are formidable.

If left unaddressed they stand to undermine the prospects of inter-ethnic cooperation and peaceful coexistence of Albanians and Serbs in a decentralised Kosovo, the country's socioeconomic development and, ultimately, its accession to the EU.[23]

With respect to formal accountability, our research shows that among the key issues that need to be addressed is the dominant position of the mayor in municipal governance and in managing the relations between the municipalities and the central government (including through AKM). This involves strengthening the capacity of municipal assembly members to demand accountability from the mayor and the municipal administration. Also, beyond the top-down, token recognition of their role in local governance and participation in municipal affairs, village leaders and councils and local CSOs would have to be enabled and empowered to partake in a more meaningful and effective way in municipal decision-making. This is increasingly being recognised, including by some international donors who deplore the lack of close-enough cooperation between the municipal institutions and CSOs and fear that projects to strengthen citizen participation may therefore not be sustainable in the longer term.[24]

While strengthening formal accountability mechanisms would require amendments to the existing legal framework – such as in relation to the LLSG's provisions on the competencies of the mayor, the municipal assembly and village leaders – the issue is more complex than that.[25] The extent of the problem has been captured as one where the 'creation and reform of political institutions that comprise the post-1999 state-building process has concentrated on formal institutions, with the aim of developing a liberal democratic structure underpinned by norms such as accountability, transparency and other [elements] of good governance' (KLGI 2014: 5). Yet 'behind the construct of the formal state, alternative informal structures and logics operate to determine politics [and governance] in Kosovo' (*ibid.*). In this hybrid political order 'formal and informal systems […] are not separate but co-exist and interact' (KLGI 2014: 6). Importantly, relations between the electorate and political leaders are structured essentially by informal patron–client exchanges and transactions, not by formal and transparent

procedures that would be subject to regular public oversight and scrutiny (Democracy for Development Institute 2013).

Kosovo's political parties are at the heart of this clientelistic system. It involves national 'super patrons' (party bosses and central government officials), local 'patrons' (local politicians, mayors and municipal directors) who strive to amass votes for their respective 'super patrons', and common citizens in their capacity of patronage-dependent voters (KLGI 2014). In what has been aptly described as a system of 'reverse accountability', local politicians hold citizens to account, i.e. make sure that they voted for them and their party, not the other way round. At the same time, there is a marked tendency among politicians to see themselves as being accountable to the 'internal hierarchy of the party they represent' (KLGI 2014: 19), not to the public (Democracy for Development Institute 2013).

Initially spurred by UNMIK's problematic policy of accommodating the leaders of Kosovo's main post-war political parties[26] by co-opting them into power-sharing arrangements, over time clientelism took root in the public administration and the civil service (*ibid.*). It cuts across ethnic lines and equally affects common Kosovo Albanians and Kosovo-Serbs. Both groups are heavily dependent on employment in the public sector and other 'favours' handed down to them from political party bosses, local and central government officials and, in the case of the Kosovo-Serbs, the Serbian government in Belgrade.[27]

Confirming the observation discussed earlier that decentralisation is not a panacea for addressing problems of accountability (and by extension problems of local governance and poor service delivery), the case of Kosovo also shows that decentralisation in and of itself does not promote the bridging of ethnic and other identity cleavages that were at the root of the armed conflict. Arguably, this is the case, at least partly, because in the absence of sufficiently strong accountability mechanisms the prospects for cooperation, dialogue and the building of relationships of trust between the Albanian majority and the Serb minority are slim. On both sides the perception prevails that in the new state public institutions do not function in an accountable and transparent way, the rule of law is not being upheld, and common citizens are

dependent on the favours they receive from local patrons who themselves are locked into patronage relationships with their bosses in Prishtina or Belgrade.[28]

Under these circumstances, there are few, if any, incentives for Kosovo Albanians and Kosovo-Serbs to cooperate with one another. Recent research shows that 'ethnic groups are still highly separated in their daily lives and only very few initiatives cross-cutting ethnic affiliation exist in civil society' (Loew 2013: 8). The 'ethnic dimension' of decentralisation in Kosovo, reflected in the creation of the new Serb-majority municipalities, appears to have worked against strengthening inter-ethnic contact and cooperation (Loew 2013). This situation is compounded by the country's dependence on international aid, Belgrade's continued funding of parallel institutions for Kosovo's Serb community, high unemployment rates and a weak civil society (especially at the local level outside of the capital Prishtina) and media (which locally depends on contracts with the municipalities and in the capital is often controlled by the political parties).[29]

It is thus not surprising that there has been very little by way of citizen-led initiatives to hold decision-makers to account since Kosovo declared independence in 2008, including initiatives that would have spanned the persisting ethnic divides. While some civil society groups have sporadically voiced demands for better public services, such as in the spring of 2013 in relation to the high cost of electricity, these initiatives did not endure. They also did not reach much beyond Prishtina and involve both Albanian and Serb communities. Regardless of their ethnic identity, Kosovars have mostly focused on dealing with the many problems that affect their daily lives, such as finding jobs and accessing education and health services. Even when citizens have initiated a campaign this has tended to be focused on resolving a specific issue, not to push for the establishment of stronger mechanisms of accountability.[30]

5 Conclusions
Focusing on the case of Kosovo, in this article we have discussed the challenges of decentralisation reforms in peace-building contexts. Our brief review of the literature on decentralisation shows that the effective exercise of accountability is a

principal requirement for decentralisation to achieve its goals of enhancing socioeconomic development, improving public service delivery and promoting the basic principles of democratic governance at the local level. Yet in many developing countries where decentralisation reforms have been implemented the institutional, political and social conditions for the exercise of accountability are not given or only to a limited extent. While social or citizen-led accountability initiatives – as distinct from formal or state-driven accountability mechanisms like elections and institutional checks and balances – have emerged and are being promoted in response to this problem, there is no consensus among scholars regarding the impact of such initiatives on local governance, public service delivery and development. It is also not yet fully understood why social accountability initiatives emerge in some contexts and not in others and how their emergence is related to the supply of accountability by the state.

Given these significant questions and uncertainties about the inter-relationship between decentralisation and accountability, we have posited that it is puzzling that decentralisation has also been promoted quite widely as a tool to consolidate peace and re-build states in countries emerging from violent conflict. We suggest that in such settings the exercise of accountability is even more challenging than in non-conflict, 'normal' development contexts, not least because of the presence of international stabilisation and peace-building missions which, if at all, tend to be only marginally accountable to the governments of their host countries, let alone to their citizens.

Our discussion of the case of Kosovo suggests that decentralisation and the creation of municipalities with special competencies for ethnic minority groups, including Serbs, has been quite successful in terms of mitigating ethnic tensions and preventing the resurgence of violence after independence in 2008. But decentralisation has contributed little to enhancing cooperation and trust between Kosovo's Albanian and Serb communities for the thrust of the international peace-building strategy has been to accommodate (i.e. separate administratively and territorially) rather than integrate the different ethnic communities (we refer to this as the 'political' dimension of decentralisation). This situation has

been compounded by some of the characteristics of what we have called the 'functional' dimension of decentralisation, particularly in respect to the powers assigned to the municipal mayors *vis-à-vis* the central government and the municipal assemblies, and the associated lack of accountability of the mayors *vis-à-vis* local populations.

In the absence of stronger accountability mechanisms the prospects for improving local governance and service delivery as well as establishing cooperation, dialogue and trust between the Albanian majority and the Serb minority are slim. On both sides the perception prevails that in the new state public institutions do not function in an accountable and transparent way, the rule of law is not being upheld, and common citizens are dependent on the favours they receive from local patrons who are locked into patronage relationships with their bosses in Prishtina or Belgrade. We suggest that this undercuts any incentives that might

exist on the part of the two communities to cooperate across ethnic lines and engage in joint initiatives to demand accountability from decision-makers and political leaders at the local and national levels. The fact that there have been only a few localised, short-lived and issue-based citizen initiatives in this respect appears to reflect this bleak reality.

Looking ahead, more research needs to be undertaken on how accountability mechanisms, both formal and social, could be strengthened in Kosovo in order to make decentralisation work and deliver on its goals of both improving local governance and service delivery and consolidating peace. The case of Kosovo stands to offer valuable insights into how the complex issues of decentralisation and accountability could be addressed in more effective and less harmful ways in other (future) peace-building contexts, and it would be useful to include it in comparative cross-country analyses.

Notes

1   We define the term 'accountability' as referring to 'the various norms, practices, and institutions whose purpose is to hold public officials (and other bodies) answerable for their actions and for the outcomes of those actions. […] Vertical accountability pertains to the relationship between entities of unequal "rank", such as a government to its citizens or an employer to his or her employees. Horizontal accountability concerns the relationship among entities of equal "rank", such as the independent pillars of a government or society (for example, the courts or media *vis-à-vis* the executive)' (Caplan c.2005: 2–3).

2   One often-cited example in this respect – strongly reminiscent of the experience in Kosovo, which is discussed in this article – is Bosnia-Herzegovina (BiH) after the 1992–5 war involving Bosnian Muslims, Croats and Serbs. As Vesna Bojicic-Dzelilovic writes, 'the lines of division between BiH's three main ethnic communities, which were created through conflict, have not softened despite elaborate power-sharing schemes. Disintegrative forces remained strong, and ethnically motivated violence, although sporadic, has continued (Bojicic-Dzelilovic 2003: 288). What is more, 'in BiH, decentralisation has been perceived as an

opportunity to weaken the state; power-sharing based on the primacy of ethnic affiliation has thus, in effect, reinforced centrifugal tendencies rather than provided a framework for multi-ethnic cohabitation' (Bojicic-Dzelilovic 2003: 300–1).

3   As of February 2014, five EU member states (Cyprus, Greece, Romania, Slovakia and Spain) and 86 UN member states (out of 193) had not recognised Kosovo as an independent and sovereign state.

4   Law on Local Self-Government (LLSG), March 2008, www.assembly-kosova.org/ common/docs/ligjet/2008_03-L040_en.pdf (accessed 10 June 2014).

5   Law on Local Elections (LLE), March 2008, www.assembly-kosova.org/common/docs/ligjet/ 2008_03-L072_en.pdf (accessed 10 June 2014).

6   Law on Administrative Municipal Boundaries (LAMB), March 2008, www.assembly-kosova.org/common/docs/ligjet/2008_03-L041_en.pdf (accessed 10 June 2014).

7   Law on Local Government Finance (LLGF), March 2008, www.assembly-kosova.org/ common/docs/ligjet/2008_03-L049_en.pdf accessed 10 June 2014).

8   Among the key provisions contained in the bilateral agreement of April 2013 are: (a) the creation of an association of Serb-majority municipalities that shall be similar in terms of structure and functions to the Association of

Kosovo Municipalities (AKM) and shall have a representative role *vis-à-vis* the central government authorities; (b) the police in northern Kosovo shall be integrated into the Kosovo Police; (c) members of other Serbian security structures in northern Kosovo shall be offered a place in equivalent Kosovo structures; (d) there shall be a regional police commander for the four northern Serb-majority municipalities who shall be a Kosovo Serb; (e) the judicial authorities in the northern Serb-majority municipalities shall be integrated and operate within Kosovo's legal framework; and (f) municipal elections shall be organised and held in the northern municipalities in 2013.

9 Authors' interviews, government, political opposition, NGO and international donor representatives, Prishtina, 22–24 April 2013.

10 Authors' interview, senior international donor official, Prishtina, 15 February 2012.

11 This section draws heavily on the authors' assessment report of the Swiss Agency for Development and Cooperation's decentralisation, state-building and democracy promotion portfolio in Kosovo (Schultze-Kraft and Morina 2012).

12 More research is needed to establish why the office of the mayor was given such extensive powers and what the rationale of the international community might have been to support the design of legislation to that effect.

13 See list of 'own competencies' in LLSG, Article 17.

14 See list of 'delegated competencies' in LLSG, Article 18.

15 Each municipality functions as a single electoral district. Candidates for mayor of a municipality are elected if they receive more than 50 per cent plus one vote of the total valid votes cast in that municipality. If none of the candidates receives more than 50 per cent plus one vote, a run-off election will be held. The candidate who wins the majority of votes in the second round is elected mayor (LLE, Article 9).

16 For instance, in 2011 AKM made significant proposals in the process of amending the Laws on Public Private Partnership, Forestry, Public Enterprises and Waste (AKM 2011: 2–3).

17 A local expert in decentralisation and local governance pointed out that this politicisation could be observed with respect to the amendment of the Law on Publicly Owned Enterprises and the transfer of competencies to manage public enterprises, such as waste collection, to the municipalities (authors' interview with a representative of the Kosovo Local Government Institute, Prishtina, 16 February 2012).

18 In Peja municipality, for instance, we found that the mayor is commonly referred to as 'president' and the chair of the municipal assembly told the authors that citizens would often confuse the roles of mayor and chair of the municipal assembly, believing that the mayor also served as the chair of the municipal assembly (authors' interviews, senior local government officials, Peja, 21 February 2012).

19 Authors' interviews, NGO and international donor representatives, Prishtina, 22, 24 April 2013.

20 Authors' interviews, CSO representatives, Viti and Peja, 14 and 21 February 2012.

21 Authors' interviews, government, political opposition, NGO and international donor representatives, Prishtina, 22–24 April 2013; authors' interviews, NGO and international donor representatives, Prishtina, 14–18 April 2014.

22 Authors' interview, senior government official, Prishtina, 24 April 2013.

23 Authors' interviews, NGO and international donor representatives, Prishtina, 14–18, April 2014.

24 Authors' interviews, NGO and international donor representatives, Prishtina 14–16 April 2014.

25 Authors' interviews, NGO representatives, Prishtina, 14, 16 April 2014.

26 Foremost the Democratic Party of Kosovo (PDK), the Democratic League of Kosovo (LDK) and the Alliance for the Future of Kosovo (AAK).

27 Authors' interviews, academic researcher and donor representative, Prishtina, 23, 24 April 2013; authors' interviews, NGO representatives, Prishtina, 14, 16 April 2014.

28 Authors' interviews, NGO representatives, Prishtina, 14 and 16 April 2014.

29 Authors' interviews, NGO and donor representatives, Prishtina, 14–18 April 2014.

30 Authors' interviews, NGO and donor representatives, Prishtina, 14–18 April 2014.

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