IDS WORKING PAPER
Volume **2016** No **473**

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August 2016

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IDS Working Paper 473

ISSN: 2040-0209 ISBN: 978-1-78118-323-6

A catalogue record for this publication is available from the British Library.

Available from:
Communications and Engagement Unit, Institute of Development Studies, Brighton BN1 9RE, UK
Tel: +44 (0) 1273 915637
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Integrating Informal Institutions in Local Governance: Does it Matter?

Shandana Khan Mohmand and Snezana Misic Mihajlović

Summary

In this paper we add to the literature on 'informally institutionalised' relationships between states and citizens by examining the case of a particular type of informal institution – *Mjesna Zajednica* (MZ) – that operates across the countries of the former Yugoslavia. We use a mixed method approach to explore variation in the role and functions of MZs in Bosnia and Herzegovina, and use institutional variation across two parts of the country to test the claim that there is a relationship between strong legal frameworks and the role of MZs in strengthening citizen participation, inclusive decision-making, and improved service delivery. Specifically, we ask whether legal status and the formal inclusion of informal institutions of citizen participation in local government processes make a difference to local governance, especially in terms of citizen participation and service delivery. We find evidence to suggest that bringing government closer to the people through the inclusion of local institutions in formal local government appears to matter for improved governance, especially in terms of citizen participation and service delivery.

Keywords: informal institutions, local government, citizen participation, service delivery, Western Balkans.

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Contents

Tables

Acknowledgements

The authors are extremely grateful to Woody Wong Espejo for his support and for his indispensable help in managing and analysing the data included here, and to the Swiss Agency for Development and Cooperation (SDC) for funding this study. They are also grateful to Yashodhan Ghorpade for his invaluable comments on an earlier draft.

1 Introduction

There is growing literature on the fact that the relationship between the state and citizens in many parts of the world may be 'informally institutionalised' (O'Donnell 1996), in that it operates through actors and institutions that lie wholly or partly outside formal state procedures and structures. In some cases these actors are brokers and intermediaries that connect citizens with the state (Kitschelt and Wilkinson 2007; Stokes, Dunning, Nazareno and Brusco 2013), in other cases these are 'hybrid arrangements' that incorporate actors and institutions outside the state into state procedures (Meagher, De Herdt and Titeca 2014), and in yet others these are simply informal ways of doing business within formal state institutions (Helmke and Levitsky 2006). While these relationships are certainly not new, the literature on them is still limited. We do not fully understand the role that such 'informal' institutions play, or the ways in which they exercise public authority. Furthermore, our ability to usefully organise such actors and institutions into analytically relevant typologies is even more limited. However, this is an important task because empirical evidence suggests that such institutions have tremendous potential to strengthen citizen participation, encourage inclusive decision-making and promote improved service delivery at the local level (Ananth Pur 2004; Ananth Pur and Moore 2010; Cheema, Mohmand and Naqvi 2007; Mohmand and Misic Mihajlović 2014).

In this paper we seek to add to the literature by examining the case of a particular type of informal local governance institution – *Mjesna Zajednica* (MZ) – that operates across the countries of the former Yugoslavia. Studies of local governance in the Western Balkan countries indicate that MZs are a traditional form of sub-municipal self-government that play an important role in local development (Blanuša and Grbić 2011; Krizanic 2008; Mohmand and Misic Mihajlović 2014; Stojanovic and Bajrovic 2008). In this paper we use a mixed method approach to nuance this literature by exploring variation in the role and functions of MZs. We do this specifically in the case of Bosnia and Herzegovina and use institutional variation across two parts of the country – the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) – to test the claim that there is a relationship between strong legal frameworks and the role of MZs in strengthening citizen participation, inclusive decision-making, and improved service delivery.

Our analysis draws on three sets of literature. First, it draws on literature on decentralisation. The claim that decentralisation leads in some intrinsic and automatic way to greater citizen participation in local decision-making processes because it brings government closer to the people is now somewhat disputed (Faguet 2012, 2014; Treisman 2007). Increasing citizen participation in local government, and then bringing this to bear on the magnitude and quality of local service delivery, requires a host of social and political preconditions. On the supply side it requires sufficient capacity and a strong state with the political will to devolve decision-making power down to local communities and create more space for citizen participation (Fung and Wright 2003; Gaventa 2004; Heller 2001). On the demand side it requires active citizenship, sufficient information and the belief that people can make a real difference in the way the state works (Goetz and Jenkins 2001; Lieberman, Posner and Tsai 2014). In many local communities such citizenship often functions through informal local institutions through which citizens participate in state decision-making processes (Casson, Giusta and Kambampati 2009; Krishna 2007; Lauth 2000).

Literature on informal institutions is the second subject area that we engage with in this paper. MZs fall within a particular subset of informal institutions that we call *informal local governance institutions* (ILGIs) (Ananth Pur 2004; Mohmand 2016). Such informal institutions are well anchored in communities, exercise some level of local public authority, engage actively with formal governance processes, and often take on state-like roles and deliver services within the community. In many parts of the world such local institutions may lack

formal state sanction but they have a fairly institutionalised way of selecting their leaders, recruiting and representing members, and working with the state. An important question that Helmke and Levitsky (2006) raise about informal institutions in a broader context applies just as well to our concern with the MZs of Bosnia and Herzegovina. Do informal institutions substitute and compete with the state, especially when delivering communal services, or do they complement the state and help extend its writ over jurisdictions that may otherwise be ignored or marginalised within the development process? Scholars like Efendic, Pugh and Adnett (2011) argue that in Bosnia and Herzegovina 'formal institutions and informal institutions are substitutes: the success or failure of formal institutions is mirrored by the decreasing or increasing role of informal institutions' (Efendic *et al*. 2011: 523). This does not, however, capture the full reality of MZs and their relationship with the state across the Western Balkans, where they often work to complement the public policy outcomes of formal institutions (Krizanic 2008).

The fact that MZs function at the intersection of local formal government and the informal aggregation of citizen interests and demands indicates that they must play a role in social and political accountability. Literature on social accountability is, therefore, the third type that our analysis comments on. This literature tells us that service provision outcomes can be improved through informed 'voice-led' citizen engagement (Fox 2014); through a strong and legitimate representative claim (Saward 2006); through open and organic – as opposed to official and invited – spaces for participation (Gaventa 2004; Mansuri and Rao 2013); or by empowering citizens through the provision of information about services (Goetz and Jenkins 2001; Khemani 2007; Lieberman *et al.* 2014). Led by the claims presented in this literature, we can expect that MZs are able to improve service delivery outcomes because they are traditional aggregators of citizen voice, they have a strong electoral representative claim, and they regularly transmit information about service delivery between the state and local communities.

Our analysis in this paper engages with and furthers each of these three sets of literature. The central research question that guides our effort is whether legal status and the formal inclusion of informal institutions of citizen participation in local government processes makes a difference to local governance, especially in terms of citizen participation and service delivery. This is an important question for public policy but one that is difficult to research because most political contexts only allow informal institutions to be observed within singular institutional frameworks. Comparative analysis across different frameworks leads to complications arising from the fact that we are unable to hold differences in the type of informal institutions constant. Bosnia and Herzegovina's political context provides us with an exciting and unique opportunity to analyse the role of the same informal local governance institution, the MZ, operating within two different institutional frameworks. This is because MZs have different legal status across the two parts of the country – they are formally recognised as a sub-municipal tier of local governance in FBiH, but do not have formal status in RS. Exploring MZs, citizen participation and local service delivery in municipalities that lie close to one another but on two different sides of the border that separates FBiH and RS, allows us to ask with greater accuracy whether their status as a formal or informal institution has any correlation with the quality of local governance.

Overall, we have two main results. We found that where MZs have legal status and a formal role in local decision-making processes, citizens use them more to access the state, and overall satisfaction with service quality is higher. We also found that, regardless of formal status, service delivery in rural parts of both FBiH and RS is almost entirely dependent on the initiative of MZs, and that in some areas were it not for the intervention of this local institution, there may have been no service provision at all. We are thus able to conclude that bringing government closer to the people through the inclusion of local institutions in formal local government appears to matter for improved governance, especially in terms of citizen participation and service delivery.

This paper proceeds as follows. Section 2 describes MZs in detail, and looks at institutional variation across the two parts of Bosnia and Herzegovina, as it applies to MZs. Section 3 provides details of our research design and empirical strategy, while Section 4 provides an integrated discussion of our results and main findings. Finally, Section 5 concludes with a summary of our findings.

2 *Mjesna Zajednicas* on either side of the Inter-Entity Boundary Line

The local institution we analyse in this paper is called *Mjesna Zajednica* (MZs) in Bosnia and Herzegovina, and variants of the name in other parts of the Western Balkans. MZs lie on the intersection of the state and the informal organisation of citizens' interests. They are neither wholly formal, nor fully informal. Their structure and functions are defined by formal state regulations, and they are legally recognised as fora where citizens can come together to discuss issues, decide on strategies, and formulate proposals on issues of local significance. At the same time, MZs are not integrated into the structure and work of municipalities and they carry out a host of tasks outside their formally defined functions. Krizanic (2008) calls them 'autonomous forms of citizen self-representation'.

MZs are not entirely organic institutions. They were formally instituted under Yugoslav law in the 1963 Constitution to facilitate citizen participation in local governance and decision-making, but then became informal over time as political changes and the break-up of Yugoslavia led to changes in their role. In the phase of centralisation that characterised the initial stages of state building in the new states in the early 1990s, MZs were neglected as the lowest level of citizen organisation and their powers were transferred to municipalities. Their relevance was further reduced by a growing trend of decentralisation that emerged as part of the conditions for EU accession in the mid-1990s. Mirroring the political structures of their European neighbours, ex-Yugoslav states increased the number of municipalities and decreased the average population per municipal territory. As local formal authorities came closer to citizens, the sub-municipal level of governance was considered redundant and MZs were pushed further out of the formal realm. However, recent rounds of local government reforms in the Western Balkans has shifted the focus slowly back to the role that MZs can play in connecting the state to its citizens.

The legal framework in both entities, FBiH and RS, assigns the organisation of citizen participation to MZs as their main function. Our interviews, along with other reports and public opinion polls, indicate that MZs are the most known and the most used participatory mechanism defined by law. According to a survey conducted by the Centres of Civic Initiatives (CCI 2012), 74.6 per cent of citizens recognise MZs as the most used participation mechanism and 44.5 per cent use MZs to engage in local decision-making. MZs are the principal form of 'neighbourhood governance' in Bosnia and Herzegovina. They gather citizens around spatial interests that affect their everyday lives and, very importantly, involve them in local government decisions and processes aimed at solving problems in their localities. MZs deal with a variety of issues, ranging from communal issues (e.g. maintenance of street lighting, roads, existing communal infrastructure, provision of new services, etc.), to health (e.g. making the schedule for visiting health teams in MZ health centres, transport of sick people to hospitals, etc.), to social and humanitarian aid[1] (e.g. making the lists of people in need, registration of aid received by households, etc.), to education (e.g. transportation of children to schools, etc.), as well as a host of other issues.

[1] Distribution of humanitarian aid was a burning problem in all municipalities after the heavy floods and landslides in the period May–September 2014.

In a more informal capacity, MZs also play a role in the monitoring and oversight of public service delivery, and sometimes even in setting up and delivering services themselves.

MZs are led by councils whose members are elected for four-year terms at MZ elections by the community, and in accordance with rules set by the municipality in both entities. These council members elect MZ presidents for the same period of time, who represent the MZ in municipal meetings and in legal and financial matters. The MZ council performs the role of a representative body and is accountable to the municipal council.[2] Both the president and members of the MZ council can be dismissed by the municipality before the end of their mandate in accordance with municipal statutes, although local government laws provide greater security of tenure to MZs in FBiH than those in RS. MZ leaders are the main conduit between citizens and local government, and are expected to lobby local officials on behalf of citizens' needs and demands.

2.1 Institutional variation across the two entities

MZs exist all over Bosnia and Herzegovina, but they function differently on either side of the Inter-Entity Boundary Line (IEBL)[3] that divides the country into two entities, RS and FBiH. They are legal bodies in the FBiH but do not have legal status in RS. An analysis of the relevant legal frameworks reveals important differences in MZ mandates in the two entities. The FBiH Law on Principles of Local Self-Governance defines[4] the MZ as a structure for sub-municipal governance, while the RS Law on Local Self-Governance[5] does not mention sub-municipal self-governance at all, but rather mentions MZs as the main form of direct citizen participation in local decision-making processes. Based on this distinction, MZs in the FBiH have the status of a legal body, while in the RS they are an optional form of citizen organisation.[6] This affects the way in which MZs are established in each entity. In FBiH they are obligatory and are established by the municipal council's decision. In RS they are optional and need to be registered with the municipality if their establishment is considered to be in the interest of the population in the municipality.[7]

Legal provisions in FBiH demand mandatory consultation with MZs by municipal bodies on all issues on which the municipal council decides by the two-third vote, on all municipal planning documents, and on other issues where MZ position is needed as per request of the municipal council or the mayor.[8] Such mandatory provisions do not exist in RS and consultation with them on municipal matters is optional. MZs are financed by allocations in municipal budgets in both entities, and they can collect contributions, donations and gifts from the community. Their legal status leads to some differences. In FBiH they enjoy a certain level of financial autonomy, including the possibility of raising their own income by selling services, opening tender procedures, maintaining their own bank accounts, signing

2 In both entities there is usually a dedicated local municipal department or officer to manage the relationship with the local MZs. This department provides assistance, administrative support and some funds through a dedicated budget line.

3 The coordinates of the IEBL were defined in the Dayton Peace Agreement (DPA) which was concluded in 1995 to cease the three-year-long war in Bosnia and Herzegovina. The primary purpose of the DPA was to stop the military conflict and create preconditions for peacebuilding. The IEBL was drawn along the military front lines as they stood when the negotiations started. It divided 48 out of 109 municipalities into two and, in some cases, the line cut across residential areas in towns. According to experts that were interviewed as part of this study, the division of the country was based primarily on military front lines at the end of the war, rather than carefully drawn around ethnic groups and communities. The consequent ethnic and cultural homogenisation within each entity that we witnessed in each of our case municipalities followed later, after the construction of the IEBL. Today, the IEBL marks a deep ethnic division, and the entities' legal frameworks provide for two different governance systems in Bosnia and Herzegovina.

4 'Law on the Principles of Local Self-governance in FBiH', Official Gazette of FBiH no. 49/06.

5 'Law on Local Self-governance', Official Gazette of Republika Srpska, nos.101/04, 42/05, 118/05, 98/13.

6 It is important to stress that the MZ position was compared in the two entities, not in Brčko District where MZs are governed by the separate Law on local self-governance.

7 MZs are generally established for one or more linked settlements or for part of a bigger settlement, and come into being when proposed either by 10 per cent of the residents, or by the municipal mayor or a third of municipal councillors.

8 'Law on the Principles of Local Self-governance in FBiH'.

contracts, establishing and running businesses, owning and managing property, including renting any premises that they own. In contrast, MZs in the RS have to run all their activities through the municipal administration and cannot charge for services.

Table 2.1 Difference between MZs in the two entities

	FBiH	**RS**
Establishment	Obligatory	Optional
Financial autonomy	Financially autonomous and can raise own income	Dependent on municipal administration and cannot raise own income
Municipal obligation to consult with MZs	Mandatory consultation by municipality in decision-making	No such mandatory inclusion
Tenure	Greater security of tenure	Can be dismissed by municipality

There are two possible reasons for the different status of MZs in the two entities of Bosnia and Herzegovina. First, new laws on local self-governance were designed in both entities in 2004. According to the previous laws, in operation since 1995, MZs had the status of legal bodies in local self-governance in both entities. As traditional structures from the old Yugoslav regime, MZs were led by older people, almost always men, and by political party members. Under the newer laws designed with guidance from the Council of Europe, there was a push to make MZs optional informal structures with more representative leadership, within which citizens could come together around spatial interests. The RS adopted this approach in the new law on local self-governance that it passed a year later in 2005. FBiH did not adopt its law until 2006 and, according to respondents, learned from issues emerging in the RS during this time to introduce several improvements, including retaining the legal status of MZs as bodies of sub-municipal governance.

The political context of each entity provides a second possible reason for the different status of MZs on either side of the IEBL. We pieced together evidence on the impact of politics on these decisions through interviews with some scholars and local sources. According to these, in the period before 2004 MZs were believed to anchor the long-ruling Serb Democratic Party's (SDS) constituency in RS, and were staffed with ruling party members and supporters. In the post-war years in Bosnia and Herzegovina, funds for reconstruction and the return of displaced persons were often channelled through MZs, which had financial autonomy and could receive and manage funds for projects. These funds were allegedly often used to mobilise voters during local and general elections. The opposition – the Alliance of Independent Social Democrats (SNSD) – believed that this support base, anchored in MZs, kept the SDS in power. They, therefore, pushed for the 'neutralisation' of these bodies as part of the redesign of the local government system in 2004, and were backed in this demand by the Council of Europe.[9] In the FBiH, the political climate was different, and there was no similar strong political interest to weaken MZs. Part of the reason for this is that FBiH is more decentralised than RS, with an added cantonal level that lies between the entity and municipalities, and which requires power-sharing across the ten cantons.[10] Local politics thus have a less consolidated impact on entity-level politics in FBiH, and MZs are not perceived to be as much of a threat as in RS.

[9] This seems to have worked, given that SNSD has been in power since 2006.

[10] As Efendic *et al*. (2011) explain, 'every canton has its own government, parliament, and jurisdictions related to, for example, education, health-care services, police and courts. Hence, FBiH has de facto eleven governments inside one entity. The RS is much more centralised, with only a municipality level', and FBiH has more 'complex and overlapping government, administrative, and institutional arrangements' (Efendic *et al*. 2011: 525 and 537). FBiH also has a stronger power-sharing arrangement between Bosniac and Croat political parties and, therefore, a less consolidated opposition.

3 Research design and methodology

We use the institutional difference in the status of MZs across Bosnia and Herzegovina's two entities to develop a comparative study. Our main concern here is whether the formal legal status of local institutions is correlated with levels of participation in state decision-making processes, and whether this is correlated with improved service delivery. We hypothesise a causal mechanism that: formal status and the greater integration of local institutions into local government leads to greater levels of citizen participation because citizens come to see these as viable and effective ways to access the state; the formal status means that members of these local institutions are included in local government decision-making meetings, and the higher community participation leads to greater pressure on these institutions to represent citizen voice in state processes; and this in turn increases pressure for a state response, which may eventually lead to an improvement in the provision and quality of public services. We are, therefore, looking for two types of associations: one between formal legal status and levels of participation, and the other between participation and the level and quality of service delivery.

We use a mixed methods approach to answer the main research question set out in this study. Our main rationale for this is to expand the explanatory power of our main variables by combining generalisable results from household surveys with details on how the legal status and role of MZs impacts local participation and the provision of public services in Bosnia and Herzegovina. We collected primary data for this study in two main ways: (a) through a set of semi-structured interviews with municipal staff and MZ leaders; and (b) through household surveys in four municipalities, two on either side of the IEBL, that focused on service delivery and on participation. In addition, we reviewed a number of secondary sources and relevant municipal documents, including MZ statutes and decisions, and recently published reports on MZs. We also conducted some informal interviews with scholars and experts to provide details on context.

3.1 Case and sample selection

In order to exploit the fact that MZs have legal status in FBiH and not in the RS, we chose two municipalities on either side of the IEBL as our case studies – four municipalities in all. The four municipalities are contiguous except in the case of one that lies at a short distance. Despite their proximity to one another, the IEBL provides an institutional and political separation between these municipalities. This research design allows us to analyse the role of the same institution, the MZ, operating under two different institutional frameworks – one that provides it with legal status, and the other that does not.

We wanted municipalities that were immediate neighbours but lay on either side of the border, were of comparable size in terms of population (neither too small nor too large), and had a similar mix of rural and urban MZs, which immediately excluded all municipalities that were entirely rural or were large cities. We shortlisted municipalities that were mid-sized and had a mix of rural and urban MZs. From within these we selected those that lay on the IEBL, and neighboured one another on either side of this border. A few additional criteria were also applied, such as the size of the territory under the municipalities' control, a comparable number of MZs, similarly homogenous ethnic compositions and general political stability. This gave us municipalities F1[11] and F2 in the Federation of Bosnia and Herzegovina (FBiH), and municipalities R3 and R4 in the Republika Srpska (RS). All the information collected through secondary sources and desk reviews was verified through a first round of field visits.

[11] These notational names are used to anonymise our municipalities.

Table 3.1 Basic information about selected municipalities

Entity	**FBiH**		**RS**	
Municipality	**F1**	**F2**	**R3**	**R4**
Population	41,836	48,395	27,799	19,041
Size of territory	210 km^2	219.5 km^2	363 km^2	184 km^2
Number of MZs	36	23	24	25
Ethnic composition	92% Bosniacs 3% Croats 1% Serbs 4% others	97% Bosniacs 0.33% Croats 0.56% Serbs 2%others	77% Serbs 18% Bosniacs 4% Croats 1% Roma	93% Serbs 3% Bosniacs 3% Croats 1% others

Source: Official municipal estimates.

Then we randomly selected three MZs in each municipality to work in, maintaining one urban and two rural MZs in each case. This necessitated the non-random inclusion of the urban MZs in F2 and R4 since these were the only urban MZs in each municipality. In addition, in F2 the municipality suggested that an additional rural MZ be added because of its vicinity to the Inter-Entity Boundary Line. In the end there were 13 MZs included in the study. We also ensured that the rural MZs were not too close to urban towns in order to avoid spillover effects from access to urban services. In each MZ we conducted household surveys for which between 15 and 35 households were randomly selected in each MZ, in proportion to the population of the community. A total of 265 households were surveyed in November and December 2014 –128 households in RS and 137 in FBiH.

During the initial scoping interviews, we asked municipalities to identify services that they provide and that are in high demand, had registered some change in the last few years and had potential for further improvement. Interestingly, each municipality suggested communal services – either water supply or waste management. We then designed household surveys with a series of questions about the provision and quality of these services, as well as questions about households' engagement with both MZs and local governments. We collected additional primary data through semi-structured interviews and focus group discussions with municipal and MZ staff. Three meetings were conducted in each municipality, and in total nine municipal staff and 20 MZ leaders were interviewed.

3.2 Estimation technique

We estimate four econometric models in this paper. The first tests for an association between the legal status of MZs and levels of participation. We use a binomial logit regression model with a dichotomous dependent variable, 'MZpart', that is a proxy measure for household-level participation, based on the particularities of the way in which people approach MZs in Bosnia and Herzegovina (explained in greater detail in Section 4.1). It is coded 0 for no participation, and 1 for participation in MZs. The second model examines correlations between participation in MZs and the quality of service provision. Since our measure for the quality, frequency and transparency of delivery uses a 3-point Likert scale (1 for low satisfaction and 3 for high satisfaction), we used an ordered logistic model, which is a statistical technique used for predicting dependent variables that are ordinal measurements (McCullagh 1980). We use these two techniques to run two further estimations of the association between the number of municipal councillors in a community and (a) participation in MZs, and (b) satisfaction with the quality of services.

Across the models, the three main independent variables used are: (a) the entity that each respondent lives in, as an indicator of the legal status of MZs (formal in FBiH (=1) and

informal in RS (=0)); (b) whether the respondent lives in an urban or rural area (urban=1 and rural=0); and (c) the number of municipal councillors in a community, which is a continuous variable that ranges from 0 to 9 in our sample communities. We also construct an interaction variable for entity and urban residence, called 'UrbE'. We use the socioeconomic status of the head of our respondent households as control variables. We include gender as a dummy variable (female=1), and age of the head of the household was expressed as a categorical variable that takes on three values: 1 (18–35 years), 2 (35–50 years) and 3 (over 50 years). We also include six dummy variables for education, ranging from 1 (Never enrolled in school) to 6 (Postgraduate). We include municipality dummies to account for unobserved heterogeneity at the municipality level. All results are presented in terms of marginal effects, which measure the magnitude of the impact of a one-unit change in an independent variable on the dependent variable in a regression model, holding all other variables constant. For the dichotomous variables in our regressions, a marginal effect can be understood as the change in probability of going from 0 to 1.

4 Results and discussion

The main question we ask in this paper is whether more formal legal status of local informal, or semi-formal, institutions matters for citizen participation and for local service delivery. Overall, we found strong associations between where people live, and the extent to which they participate in MZs and the type of services they receive. First, we found that both the entity that our respondents live in – FBiH or RS – and whether they live in an urban or rural area has a strong correlation with the extent to which they participate in MZs. Those that live in FBiH and in rural areas participate more in MZs. Is this correlated with the type or quality of service that they receive? We found no significant difference across entities in the extent of service provision, but there are significant differences in the type and quality of service that they receive. People in FBiH receive more public services – compared to largely private delivery in RS – and are generally more satisfied with the quality of the service. Most importantly, we found that those in rural areas in both entities receive services largely as a result of MZ initiatives, and not because local government delivers municipal services universally across all communities.

We combine our qualitative evidence with these findings from our quantitative data to take a detailed look at the role that MZs play under both institutional frameworks, and to attempt an initial explanation of the relationship that may exist between the formal status of these local institutions and better service quality. Our evidence reveals that MZs play a role in: (a) providing channels for citizen participation and the dissemination of information; (b) service provision; and (c) representation of citizen interests. We look at each of these in turn below.

4.1 Citizen participation in local decision-making

In order to answer our main research question, our first step is to check for whether or not there is any association between more formal status and levels of participation, both in MZs and through them in local government decision-making processes.

It is difficult to get a precise measure of participation in MZs. We asked our household respondents how often they attend meetings, but this does not provide an effective measure. Attendance in MZ meetings is low in general. About 61 per cent of our survey respondents in RS and 39 per cent in FBiH reported that they never attended an MZ meeting. Though participation in FBiH is higher, only 10 per cent of our sample attend an MZ meeting each month, while 15 per cent do so only once in four years for the MZ elections. Others indicated varying attendance levels between these two extremes. This does not, however, mean that

people do not need or access MZs. We spoke to a number of MZ presidents who explained that their interaction with citizens is direct and frequent, but largely *ad hoc* and outside institutionalised channels. Instead of attending regular meetings, people contact MZ presidents and council members in the community directly and whenever required, at varying locations and at different times, as individuals or as groups, depending on the issue. Quite often community members will simply arrive at the president's house to inquire about issues and point out problems, to the extent that some presidents have had to employ secretaries to manage the flow. We, therefore, need to construct a measure of participation in MZs by community members that better captures this reality.

To do so we use the information that much of the direct and indirect interaction between the community and MZs is about accessing local government to resolve a variety of issues, or to demand certain services and facilities. We, therefore, use a question from our survey that asked households to identify the way in which they access local government officials to construct a measure of participation in MZs. Possible responses include two main options – (a) people can either contact local government directly through officials, councillors, public meetings or letters, or (b) they can go through their MZ presidents and members. This gives us a better measure of the extent to which our respondents actually use MZs to participate in local government processes.

Overall, a majority of our respondents contact local government officials directly, either through municipal councillors or by visiting the local government offices, or writing a letter to the municipality (Table 4.1). However, a quarter of our respondents access local government through MZ presidents or other members.

Table 4.1 Accessing local government

Is it easy for you to meet with local government officials as an individual? (%)	
Yes	38
No	43
Do not know	19
What are the main ways in which you do this? (%)	
Contact directly	22
Send letter	10
Contact through councillor	9
Contact through MZ	25
Public meeting	2
Do not know/Other	32

Using logistic regressions, we found that there are significant differences across the two entities in how local communities access the state. Residents in FBiH are about 32 per cent more likely to access local government through MZs as compared to their neighbours across the border in RS, controlling for characteristics such as gender, age, education and residence in an urban or rural area (see Table 4.2). Similarly, residents of rural parts of a municipality are 27 per cent more likely to access the state through an MZ than urban residents of the municipality, controlling for respondent characteristics and the entity in which they live. Our results are clustered at the community level, and use municipality fixed effects to control for unobserved differences across our four sample municipalities. We find that the effects of both the entity and rural residence on how citizens access the state is not affected by including their interaction in the estimation. This shows that the correlations of living in

FBiH and in a rural part of the municipality with participation are significant on their own, and not driven by their overlap.

Table 4.2 Effect on participation in MZs
(Logit estimates/Marginal effects)

	(1)	(2)	(3)	(4)	(5)
Entities	0.286***	0.281***	0.247**	0.194**	0.315***
	(3.19)	(3.87)	(2.55)	(2.38)	(3.70)
Urban		-0.150**	-0.261***	-0.310***	-0.270***
		(-2.00)	(-4.60)	(-5.31)	(-4.84)
UrbanE			0.141	0.195*	0.164
			(1.30)	(1.95)	(1.35)
N	256	256	256	249	249
Controls	No	No	No	Yes	Yes
Municipality dummies	No	No	No	No	Yes

Marginal effects; *t* statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$
Standard errors clustered at the community level

This finding indicates a possible correlation between participation in MZs and the formal status of these local institutions in FBiH, and their informality in RS. In other words, it is possible that since MZs are considered the lowest level of municipal governance in FBiH, residents, particular those in rural areas, utilise these more for immediate access to local government, while in RS, where the municipality rather than the MZ is the lowest level of formal governance, citizens may see little point in working through MZs.

Descriptive results for three other survey questions reveal a little more about community participation in local government processes in the two entities. A majority of households on either side of the border do not think they can contribute to decision-making on communal services like water and waste collection in local government. However, about a third on both sides believe that they can contribute – with people in FBiH having marginally greater belief in their ability to do so than those in the RS – and, of these, over 90 per cent of respondents in both entities believe that they are able to contribute through MZs and not directly. Furthermore, a significant number of all our respondents – 39 per cent in FBiH and 28 per cent in RS – believe that their participation in local decision-making can lead to an improvement in service delivery (Table 4.3).

MZs are not used by everyone, but there is some evidence that they play a part in making local communities feel more empowered *vis-à-vis* local government, and create a sense, to an extent, of being able to contribute to local decision-making. This sense seems to be marginally higher in FBiH than in RS, which may be correlated with the greater distance that exists between communities in RS and the lowest tier of the state. In a sense, then, bringing government closer to the people in the form of the formalisation of organic local institutions may actually matter to citizen participation in local decision-making.

Table 4.3 Participation in local government processes

	FBiH	RS
Are you able to contribute to decision-making in local government? (%)		
Yes	37	30
No	63	70
If yes:		
Directly	10	6
Through MZs	90	94
Can your participation lead to improvement in services?		
Yes	39	28
No	24	43
Don't know	37	29

This is borne out by our interviews with municipal officials and MZ members who pointed out the active role that MZs play in terms of connecting citizens with the state by providing channels for regular contact and for the dissemination of information. MZs participate regularly in meetings with municipalities and with public utilities on issues of communal infrastructure, housing, health and social protection, civil protection and disaster management, environmental protection, education and culture. They are also central to communication between the local government and residents, and with public companies, which use MZs regularly as important channels for conveying messages to their users about changes in services. MZs maintain information boards that are commonly used by both service providers and communities for updates and information on services. While in urban areas municipalities and utility companies have started using local radio stations and maintain websites to disseminate information, many rural residents do not have good access to either and rely heavily on MZs for access to information.

4.2 Service provision – extent, type and quality

We know now that MZs may bring local government closer to people, especially in the rural parts of both entities of Bosnia and Herzegovina. However, we do not know whether this has any positive correlation with the extent, type or quality of service provision. We check for this now.

We found that neither the entity – that is, whether MZs have formal status or not – nor the extent of participation in MZs makes a difference to the overall extent of service provision on either side of the entity border. This is mainly because there is little variation in service provision across our 13 communities in the provision of water and waste collection services (Table 4.4). Each of our sample communities has access to at least one, if not both, of these services. Overall provision, therefore, provides us with no significant variation.

Table 4.4 Provision of water and waste services

Entity	Municipality	MZs	Provision of water service	Provision of waste service
			Managing body (utility)	
FBiH	F1	1 – Urban	Municipality (public)	Municipality (public)
		2 – Rural	MZ (public)	Municipality (public)
		3 – Rural	MZ	Municipality (public)
	F2	4 – Urban	Municipality (public)	Municipality (public)
		5 – Rural	MZ	MZ (private)
		6 – Rural	MZ	MZ (public)
		7 – Rural	MZ	MZ (public)
RS	R3	8 – Urban	Municipality (private)	Municipality (private)
		9 – Rural	MZ (private)	MZ (private)
		10 – Rural	MZ (private)	MZ (private)
	R4	11 – Urban	Municipality (private)	Municipality (private)
		12– Rural	No provision	MZ (private)
		13 – Rural	No provision	MZ (private)

There are, however, differences in how these services are provided. Both water and waste collection can be provided either by a public utility, or their provision can be contracted through private utility companies. A further distinction relates to whether the provision is arranged and managed by the municipality, or by MZs and citizens themselves. We found an interesting variation in this across the entities, and across urban and rural areas. In all four of the urban communities in our sample – one in each of our four municipalities – the services are managed by the municipality directly (Table 4.4). However, these are provided by a public utility in FBiH and a private company in RS. In the rest of our sample communities, all of which are rural, these services are arranged by MZs – with the exception of waste collection in municipality F1 in FBiH, where the municipality manages and provides services, and water provision in R4 in RS, where there is no service provision and the community is served by local wells.

The MZ in each community may organise the service differently. For example, waste management in the three rural communities in municipality F2 has different delivery arrangements. In one of these the MZ contracted a private company without any involvement of or support from the municipal office. In the two other communities, the MZs sent a written request to the public utility that services the urban area to make arrangements for waste collection. Once this was organised, households then concluded individual contracts with the public company. In F1, the MZs manage the local water supply to their community on their own, and in one case even set up their own utility company for water supply from the neighbouring municipality. In RS, on the other hand, the municipalities in urban areas and MZs in rural areas contract directly with private companies to organise services.

These facts about service provision connect well to our earlier finding about greater participation in MZs in rural areas. Public provision covers urban parts of a municipality and urban residents may have little need to communicate with local institutions like MZs. Instead they can directly contact the water and waste collection utilities, fire brigades, health centres and hospitals, and other municipal offices. In rural areas, there is less public provision and

greater distances to cover to get to a government office. MZs step into this space to take on a proactive role in ensuring that arrangements are contracted between public or private companies and individual households within their communities. And this may explain rural residents' greater use of these fora.

How do these different arrangements correlate with user satisfaction with these services? We test for this by using three Likert scale-based variables on household satisfaction with: (a) the quality of the service provided, (b) the frequency with which it is provided, and (c) the extent of transparency in its billing and management. Using ordered logistic regressions, we found that where people live is a significant predictor of how satisfied they are with the quality, frequency and transparency of water provision, but not necessarily of waste collection. Table 4.5 shows that as far as water provision is concerned, satisfaction is higher across all indicators in FBiH – residents are 37 per cent more likely to be satisfied with the quality of provision, 18 per cent more likely to be satisfied with the frequency of provision, and 16 per cent more likely to be satisfied with the transparency of the service. Rural and urban residence does not seem to matter in this case, except when it comes to the transparency of service management, which appears to be 17 per cent higher in rural areas. Participation in MZs does not matter on the whole, but it is negatively correlated with service frequency, which means that people participate more where service is less frequent. As one president of an MZ council in FBiH explained, 'MZ is an institution that becomes visible when citizens need it. When there is no need, it becomes invisible'.

As far as waste collection is concerned, the results are weaker and there seems to be little significant difference across our sample units. There is about 8 per cent higher satisfaction with the frequency of the service in RS, and about the same with the quality of the service in urban areas. The reason for this difference across services is unclear, but there is a possibility that this may be connected to the more intense overall involvement of MZs in organising water services – and the greater engagement between service providers/managers and users – as compared to their role in waste provision, where they simply organise household contracts with the utility companies.

Table 4.5 Effect on service quality
(Ordered logit estimates/marginal effects)

	Water			**Waste**		
	(Quality)	(Frequency)	(Transparency)	(Quality)	(Frequency)	(Transparency)
MZpart	0.005	-0.031*	-0.014	0.013	0.017	0.013
	(0.08)	(-1.86)	(-0.32)	(0.30)	(0.57)	(0.36)
Entities	0.369***	0.181***	0.157*	0.002	-0.076*	-0.038
	(4.80)	(2.89)	(1.86)	(0.06)	(-1.68)	(-0.63)
Urban	0.064	-0.031	-0.170**	0.082*	0.042	0.050
	(0.71)	(-0.90)	(-2.10)	(1.71)	(1.50)	(1.13)
N	112	112	111	190	193	187
Controls	Yes	Yes	Yes	Yes	Yes	Yes
Municipality dummies	Yes	Yes	Yes	Yes	Yes	Yes

Marginal effects; *t* statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$
Standard errors clustered at the community level

4.2.1 Formal status and informal service provision

As demonstrated in Table 4.4, MZs play a major role in the initiation, organisation and management of water and waste services in the rural communities in our sample. Some do this by negotiating with the municipality, others do so by entering into agreements with private companies, while yet others have established their own public utilities. Municipal representatives in at least three of our four municipalities laid great emphasis on MZs' significant contributions to improvements in service provision in both urban and rural MZs by acting as interest and pressure groups. Senior municipal officials explained how capital investments in municipalities were increasing each year, and that much of this was the result of the bottom-up pressure from MZs as 'umbrella organisations' for community actions.

Interestingly, MZs play this role in both entities, regardless of their legal status. This is because many of the roles they take on fall outside their formally mandated roles, even in FBiH where their remit is more expansive. Many of our respondents believe that were it not for the efforts of local MZs, rural communities would remain without any public services. However, in both entities service provision is not formally delegated to MZs under local government statutes. The only MZ function defined in sufficient detail in the law has to do with their facilitation of citizen participation. Citizens are expected to approach MZ boards to express their needs, and MZs are then meant to arrange solutions through either the municipality or private companies. In FBiH they can run tender procedures for utility companies but without getting involved in service provision themselves. Once services are in place, MZs are meant to receive and transmit complaints from users about problems and poor services. The fact that in some cases MZs have actually taken on a larger role in service provision in both entities – such as, raising funds to construct a water supply system, choosing a construction company to execute the work, and then managing the system on a daily basis – is a role that they take on to meet community demand in an entirely informal, and sometimes even illegal, capacity. In one such case that we recorded in FBiH, both municipal officials and MZ leaders were unsure of the local utility's legality, despite the fact that the utility was operating on a daily basis, had an active Steering Board, and its registration had been approved by the municipality itself.

4.3 Representation and local politics

Our evidence shows that MZs play an important role in the representation of local interests and demands. However, communities are also represented formally on municipal councils by local councillors who are elected during municipal elections. There is no stipulated number of councillors for each community, and those in our sample have between 0 and 9 representatives on the municipal council. It is possible that communities that are better represented on the municipal council may receive better services, without this having too much to do with the role of MZs, and that in such communities MZs have a less prominent role to play in service provision.

We tested for such an association and found that the number of councillors is not correlated with the quality indicators for waste collection, but that there is a correlation with the quality indicators for water services and with participation in MZs. A higher number of councillors predicts marginally higher satisfaction with the frequency and transparency of water services, controlling for entity, urban residence and respondent characteristics. It is negatively associated with the actual quality of water by a similarly small margin. We do not have evidence to explain why this is, and it merits further exploration in future research.

Our respondents confirmed that better representation on the municipal council could mean better service provision. As one MZ council president in FBiH explained, 'this increases the chances of getting projects and carrying out more successful initiatives. We do not have a councillor, so while it is easy for us to solve small things, it is very difficult to resolve bigger

projects like sewage, water supply, sports fields, etc.'. MZs that do have community members on municipal councils said that they use this to put issues on the municipal agenda and have successfully implemented a number of community projects in cooperation with their municipal government.

As for participation in MZs, we found that the number of councillors has a significant negative correlation with participation in MZs (Table 4.6). For each unit change in the number of councillors, our respondents are about 4 per cent less likely to participate in MZs to access the state, controlling for the residence, age, gender and education of the respondent. In other words, MZs may be more relevant where formal representatives are not present. Where they are present, they may provide a readier and more direct access to municipal offices. Our interviews once again confirmed the slightly competitive, and sometimes even non-cooperative, relationship between MZs and local councillors. One MZ leader explained how many bottom-up initiatives for improved communication and coordination between local officials and MZs failed because of the strong opposition of local councillors. This, our respondents explained, is based on deep-seated tensions between local councillors and MZ leaders based on their claims to representing the same constituency, and on their ability to influence each other's voters and threaten each other's authority within the community. In fact, this tension between local politicians and MZs is cited as one of the reasons behind the decision to make MZs informal in the RS, and why more sub-municipal decentralisation has not happened to date on either side of the entity border.

What is important for our purpose here is the fact that while formal representation of communities on municipal councils is variable and dependent on local and party politics, the presence and role of MZs is more consistent. Our results show that these local institutions fill gaps in political representation by aggregating and representing citizen demands and needs within decision-making processes of local government.

4.4 Pathways and limitations

Our initial question asked about the correlations between the formal status of MZs, citizen participation and service provision. Our results show that both citizen participation in these local institutions and satisfaction with some services – water in this case – is higher where MZs have formal status. Our qualitative data provide information that allows us to attempt an explanation of how this relationship works, and to construct a probable causal pathway that leads from the formal inclusion of MZs as a sub-municipal tier of local government through higher citizen participation to greater satisfaction with some services. This works as follows.

A more formal status for MZs within local government can have two effects. First, citizens may believe that it is more useful and worthwhile to engage with these local institutions in order to gain more immediate access to the state. Second, MZs are invited to sit on more decision-making fora and meetings within local government than they would with an informal status. We found evidence for both these effects: (a) people in FBiH are more likely to use MZs, controlling for a host of other factors, and (b) while municipalities in RS receive MZs in much the same capacity that they would receive other citizen interest and pressure groups, MZs in FBiH are consulted on planning decisions, may be invited to budgetary meetings, and have more ready access to both local executive and legislative officials. This may improve their ability to represent citizen interests, which in turn can lead to greater pressure on local government officials to deliver more and better services. This too is evident in our data in official comments on the extent to which MZs act as pressure groups for local service delivery, and their supposed recent impact on new capital investments.

Table 4.6 Effect of councillors on participation in MZ and quality of services
(Ordered logit estimates/marginal effects)

		Water			Waste		
	(MZ participation)	(Quality)	(Frequency)	(Transparency)	(Quality)	(Frequency)	(Transparency)
Councillor	-0.043***	-0.038***	0.022***	0.020***	-0.021	-0.016	-0.045
	(-3.77)	(-5.56)	(3.40)	(2.66)	(-0.78)	(-0.95)	(-1.26)
N	249	115	115	114	197	200	194
Controls	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Municipality dummies	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Marginal effects; *t* statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$
Standard errors clustered at the community level

4.4.1 Limited resources and capacity

This pathway would work well as an explanation were it not for two realities. First is the fact that despite their formal status, MZs in FBiH have fairly limited resources and a lack of technical capacity that does not allow them to fully realise their mandated role. Second is the fact that municipalities in RS continue to extend enough support to MZs to allow them to function in quite similar ways to their counterparts across the border. This suggests that while formal status should be able to lead to better service delivery, in reality significant differences between the two entities are limited by the absence of clearer mandates, greater capacity, and increased resources for MZs in FBiH.

Many MZ leaders in FBiH pointed out that they have little direct influence on the management and quality of services. This is largely because the legal mechanisms for MZs to become a regular, integrated part of the local self-governance system are neither fully defined nor properly enforced. Their legal status has not led to the decentralisation of some communal services from the municipality downwards, despite the fact that there is a legal basis for municipalities to transfer jurisdictions and funds to MZs in both entities. MZ presidents in FBiH attribute this to a perception by municipal officials that a transfer of jurisdiction over some services to MZs will curtail their own power. One of our respondents, a municipal official, provided some truth to this by asking, ‘If MZs were given more competences, what would the municipality do then?’

Their formal status has also not meant better working conditions for MZs in FBiH. They do not have their own premises from which to work, and often end up working out of the community’s common spaces, they do not have an independent income, and we found that presidents of the MZ Councils often invest in their own stationery and equipment to issue certificates. The president of one MZ council in RS said that while they expected to work like this because of their lack of formal status, they were surprised by the fact that the situation was not any different for their counterparts in FBiH. In fact, in one municipality of RS the municipal office has ensured that each MZ council has its own premises and each MZ president receives a symbolic monthly fee for his/her work. All material expenses in these premises are also covered by the municipal budget, as well as the transport costs for the presidents of MZ councils to attend municipal council sessions.

Despite this, there are indications that both municipal staff and MZ members see advantages in the formal status of MZs. Municipal representatives in RS believe that formal status would allow them to have financial autonomy by letting them raise their own income and to benefit from better planning by being able to hire professional and paid personnel rather than volunteers. MZs in FBiH do, indeed, seem to have more resources in some cases because they are able to rent out spaces and run businesses. MZ presidents can also hire a technical secretary on the payroll by law. Overall, it is interesting to note that those that have formalised MZs feel that this makes little real difference to the way they work, while those that no longer have legal status believe that this is where the problem lies.

5 Conclusion

In this paper we sought to explore the role of the same local institution, *Mjesna Zajednicas*, operating under two different institutional frameworks – one that provides it with legal status, and the other that does not. This research design is made possible by the institutional difference that exists across the two entities that lie on either side of the IEBL in Bosnia and Herzegovina, and which provides us with a unique opportunity to analyse the role of the same informal local governance institution operating within two different institutional frameworks. The main question we asked was whether the legal status and the formal inclusion of informal institutions of citizen participation, the MZs, in local government processes makes a difference to citizen participation and service delivery?

Overall, we found that MZs play an important role in citizen participation, in local service delivery and in representing citizen demands and interests, especially in rural areas. Though they play this role in both entities – coordinating, communicating and facilitating between citizens and local governments – we found that there was a significantly higher level of citizen participation and user satisfaction with service quality in FBiH, where MZs are formal, than in RS, where they are not.

In a sense then, bringing government closer to the people in the form of the formalisation of organic local institutions appears to matter. There appears to be a close relationship between the legal formal status of MZs, the higher use of these bodies to access the state, their greater participation in local government processes, and more service provision, especially in rural areas. However, what is also apparent is that formal status, in and of itself, can do little to deal with the issues and challenges of community governance in the absence of clearer mandates, greater capacity, and increased resources for local institutions of citizen participation.

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