

WAITING FOR UNMIK:
Local Administration in Kosovo

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Executive Summary

More than four months have passed since the start of the deployment of the United Nations in Kosovo. While first efforts were concentrated on the creation of a secure environment and the distribution of humanitarian aid, Civil Administration, the pillar of UNMIK which plays the role of a government, has been slow in reaching the local level.

It is in the municipalities that the normalisation of life and the reconstruction of Kosovo have to begin. The self-proclaimed interim government of Hashim Thaçi saw this at an early stage and even during the period of NATO bombing planned a swift takeover of political and administrative power in 27 of the 29 municipalities (all communes except those where Serbs are a majority). UNMIK has lagged behind and finds itself now in the situation where the mission has to deal with realities which it feels are inimical to its mandate.

This report seeks to identify the main reasons why this uncomfortable position has been reached, and identify a way forward. UNMIK's administrators have arrived late in their assigned municipality, with little clear guidance about the job facing them and the circumstances they would be working in. Lack of funding and personnel leaves them in a position where they continuously have to improvise, while still waiting for guidelines from headquarters in Prishtinë/Priština. They are in many cases forced to tell the self-proclaimed Albanian communal authorities, which they cannot formally recognise but must work with on a day-to-day basis, to wait a little longer. The waiting is then handed down to the population, which remains unserved and unserved into the fifth month. Growing impatience can be observed at every level.

This report argues for a negotiated and therefore more pragmatic approach: while the UN should hold the political authority in municipalities, the existing structure should be co-opted as a non-political executive. Qualms about the status of the UÇK-appointed mayors and their staff are understandable, particularly in the light of reports of illegal activities carried out by some of them or at least in their name; but a policy of fighting them all on principle would use up valuable time and effort, with unsure results. And anyway many Albanians now in office, on the central as well as on the communal level, have the sincere intention to bring order into everyday life. They cannot simply be written off as a bunch of thugs. The population has to be assisted in a practical way and the existing local capacities have to be exploited and not forced into a parallel system yet again.

Efforts for the creation of more inclusive and pluralistic structures have to continue. But keeping in mind that whatever set-up is chosen will only apply until elections, it is sensible to concentrate more on how a functioning working relationship can be achieved. This is a give

and take approach (quite in conformity with the local mentality): though the mayors have to leave the political leadership to the UN, they can still enjoy public respect in their executive functions. An Advisory Board appointed by the UN administrator can provide additional expertise and serve as a counterpoise to the executive.

Thaçi's interim government can have a helpful role to play: since the communal authorities are directly under its control, it can deliver their compliance with any agreement. In a strongly hierarchical society things get done much easier and faster from the top down. This only means that the UN would have to accept Thaçi as an interlocutor and reach an accommodation with him – just as it did during discussions on UÇK demilitarisation.

Much detail would still be left to the local UN administrator. His/her approach has to be adapted to local conditions which vary from commune to commune. Even after things have been agreed at policy level, sensitivity in approaching the daily problems will be of the highest importance. Continuing training and constant contacts with fellow administrators all over Kosovo can play a big role.

There is a third way for UNMIK between a strong and exclusive approach and a *laissez-faire* attitude towards the UÇK-appointed structures. And the longer the waiting goes on, the more the third way becomes inevitable. The mission appears already to have recognised that neither of the extremes is viable. At a time when much faster progress is needed towards building a new Kosovo, a workable arrangement is urgently needed. This paper hopes to contribute to the debate by suggesting one.

Prishtinë/Priština, 18 October 1999



WAITING FOR UNMIK: Local Administration in Kosovo

I. INTRODUCTION

At a time when most Kosovars are concentrating on rebuilding their lives, questions of politics are less important to them than the daily business of earning money and finding worthwhile activity. So local administration becomes highly important, since the problems facing most Kosovars demand a response at the local level. Every Kosovar Albanian wants independence for Kosovo, but beyond that the average citizen has little clear idea about party politics: it is much more important to know who is responsible for electricity, running water and the rebuilding of damaged property.

Local administration is one of UNMIK's many tasks, but throughout Kosovo the inhabitants have already established their own structures. This report examines the relationship between these structures and the international presence, and assesses the policy choices available to UNMIK's administrators in deciding how to run Kosovo at local level.

II. THE MANDATE

In the Rambouillet accords of 23 February¹ local government was covered under Article VIII of the proposed Constitution (Communes), a short section in which the areas of responsibility of local authorities are set out. The subject was not a major point of discussion but was regarded as important enough to be treated in its own right.

In UNSCR 1244 of 10 June this is no longer the case: the UN's responsibilities at local level are subsumed under its general governmental duties. This SCR was of course written in some haste. Its purpose was to provide a legal base for an immediate foreign presence in Kosovo, not to rewrite Rambouillet. The relevant paragraphs of the SCR read:

¹ Drafted by the United States, accepted after a struggle by several Albanian groups held to speak for the Kosovar Albanians (LDK, LBD, UÇK, independents), but refused by the Serb side, and so never implemented.

10. *[The international civil presence] will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions...*
11. *...the main responsibilities of the international civil presence will include:*
 - (a) *Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of ... the Rambouillet accords.*
 - (b) *Performing basic civilian administrative functions where and as long as required.*
 - (c) *Organising and overseeing the development of provisional institutions for democratic and autonomous self-government..., including the holding of elections.*
 - (d) *Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions...*

Thus Rambouillet was still a presence in the background but was not to be implemented in detail. In a document issued two days later, the Secretary-General set out the role of the civil administration:²

10. *The Office for Civil Affairs will be responsible for overseeing and, where necessary, conducting a number of civil affairs functions, such as the civil service and economic and budgetary affairs, as well as supporting the restoration and provision in the short run of basic public services, such as public health, education, utilities, transport and telecommunications.*

Here too local government is not presented as a task in its own right.

So this mandate gives UNMIK no absolute responsibility to impose powerful communal administrations upon the Kosovars if the necessity does not arise (UNSCR 1244, 11(b), above). The nature of the responsibility is rather to ensure that acceptable ('democratic') administrations are in place. The method is not prescribed, only the outcome.

III. THE REALITY

A. The Provisional Mayors

The Interim or Provisional Government of Kosovo was established in exile on 2 April 1999 in the second week of NATO bombing. While fighting continued it planned its future role, and this planning included the establishment of local authorities. As a result it was in a position to establish these authorities within days of the entry of KFOR troops into Kosovo. The position of Minister for Local Government in the new administration was given to Ramë Buja, a former LDK man with experience in parallel administration, now a close associate of provisional prime minister Hashim Thaçi: the fact that such a senior UÇK politician was given such a post shows the importance the provisional government placed on local government.

² 'Report of the Secretary-General pursuant to paragraph 10 of Security Council Resolution 1244 (1999)', Security Council doc. S/1999/672 of 12 June.

Action was quick everywhere, more in some places than others. A Council of Europe (CoE) group of experts, visiting between 26 June - 2 July, found administrations already in place in some municipalities and not in others.³ A second joint visit by CoE/OSCE experts on 26 July - 6 August found fully-established structures in all municipalities.⁴ This second visit incidentally recommended a comprehensive policy plan which has clearly had some influence over the strategy actually followed by the UN (section V(b) below).

27 communal 'authorities' have been set up by the provisional government.⁵ At the head of each is an appointed official with the title 'President of the Commune', who in this paper will be referred to as 'mayor'.⁶ Each commune is organised according to a standard structure: Mayor-Deputy-Secretary and 10 Directors (Administration, Health, Economy, Property, Urbanism, Planning, Judiciary, Public Order and Defence). In smaller communes some of the departments may be combined.

The typical mayor has a background in public administration and originally became active in the mainstream of Kosovar Albanian politics, usually with the LDK. He (they are all men) joined the UÇK late, leaving the LDK after February 1998, and often worked in UÇK in an administrative rather than a weapons-bearing capacity. He owns allegiance to the provisional Ministry of Local Government in Prishtinë/Priština, but has appointed local people with relevant experience to head the various departments in his administration. The town hall has little or no income, unless it controls and has managed to re-start former state industries, and officials are working without salary. Still it provides an informed and reasonably responsible structure for the life of the area, and is ready to co-operate with the international presence. Mayors tend to be eager for early elections (which they are sure they will win) to legitimise their status.

The provisional authority may be making attempts to gather income. It may be providing services (vehicle licence plates in Gjakovë/Djakovica) or milking public enterprises (the Pejë/Peć brewery). It might be renting out public property (Ferizaj/Uroševac), though the UN itself is legally the custodian of state property and industries, including the town hall buildings themselves. In some places money is being collected by seeking 'donations' from private businesses or individuals. In principle these donations are entirely voluntary, and every municipality denies that it is collecting 'taxes' from the population, but there are many reports of various types of pressure exerted upon people to pay. Extreme cases of demands for large sums most likely have more to do with organised crime than with the provisional administrations, although typically the extortion is carried out in the name of the UÇK – UÇK leaders have issued public proclamations deploring crimes carried out in their name, but do not appear to have taken any action against them.

³ Report to the Congress of Local and Regional Authorities of Europe, CG/BUR (6) 18, 6 July.

⁴ 'Filling the Local Power Vacuum in Kosovo', report from joint expert mission dated 5 August.

⁵ The provisional government admits to holding no control in the sparsely-populated Serb-majority municipalities of Leposaviq/Leposavić and Zubin Potok in the north, and has de-recognised the existence of a third, Zvečan/Zvečan, creating in its place a new commune in Malishevë/Mališevo.

⁶ There is no consistent pattern of terminology in use. The officials are sometimes called 'prefect', though according to Ramë Buja that title should properly refer to someone with authority over several municipalities. The UN has struggled to find a term which will describe the mayor without conceding him any authority, without success so far. In this paper the word 'mayor' is used as convenient shorthand to describe the people appointed or confirmed by Ramë Buja: it is not intended to acknowledge their authority.

With this reservation about possibly extortionate collection of funds in some places, the establishment of the local authorities appears to represent a sincere initiative (by Albanian standards) to bring order into local life, rather than an attempt by the UÇK to impose political control at all levels of society. The picture is rather that UÇK planners identified a need for local administrations, and found it natural to install their own trusted men at their head, especially given (as it seemed to them) that the LDK refused to join in or recognise the provisional government at any level. It is worth noting that the CoE/OSCE mission, referred to above, reported that some of the mayors had installed themselves and later been endorsed by the provisional government: nonetheless all have some UÇK background. To what extent they will always profess loyalty to Thaçi and the political parties which emerge in the post-UÇK period may not yet be clear even to themselves.

Though the mayors are all drawn from the UÇK, and though their appointment is ultimately due to UÇK, the local administrations do not like to be seen as 'UÇK authorities'. They are separate from the UÇK's own structures in their area. In every case they will describe their relationship with the UÇK as good, but this relationship is not such that the mayor takes his orders from the local military commanders, though he is likely to be respectful of their wishes. Sometimes the UÇK military may have their representative in the town hall, and the civil-military link is stronger in some places (Drenicë and Llap) than others (Dukagjin). But on the whole the mayors and their staff are not simply placemen or thugs set up by the UÇK as a means of perpetuating control.

The demilitarisation of the UÇK opens up a new question: does the mayor now have to relate only to the ministry in Prishtinë/Priština, or will he find the local unit of the Kosovo Protection Corps trying to play the same role that the local UÇK commander did before? - something certainly not intended by the UN/KFOR architects of the force. Or, even, will some ghost of the military UÇK persist in vigorous existence as a factor in local life?

It seems clear already that for large parts of the population the idea of the military UÇK as a successful liberation movement enjoying mass support has become tarnished by the criminal and violent activities of too many people claiming to represent the UÇK. The extent to which this colours popular views of the town halls varies. Certainly the political hierarchy in Thaçi's UÇK-based provisional government still commands the obedience of the town halls; while the former military structure now being integrated into the Kosovo Protection Corps, despite the strong KFOR supervision of the corps, has not given up its ambition of forming a permanent army at some future time. It is beyond doubt that the town halls and the former military structures maintain contact - in the standard Albanian-model organogram there is a department in the town hall for 'Mbrotjtje' (defence/protection) - but the extent of the contact is variable and hard to establish.

In general it seems inaccurate to suggest that the provisional administrations enjoy popular support. Rather, since they have few resources except manpower, and are able to exert so little influence over daily life, they are viewed with indifference by most citizens most of the time - a fact which stands in contrast to the urgent needs of rebuilding their lives, as mentioned in section I above. The queues of people waiting for help or advice in many town halls would be happy to apply to any structure or authority which was able to provide effective assistance. Such structures are not yet

in place. The people are waiting for UNMIK to bring in resources, while the mayors too have been told by UNMIK to wait, always just a little longer.

At least people and organisations who do come into contact with the provisional town halls tend to regard them as a useful source of knowledge and expertise. On the other hand, many ordinary Albanians are becoming resentful of them, particularly those who report being approached for contributions/taxes. The problem here is not the fact of unofficial taxes, a phenomenon familiar to everyone from the days of the parallel systems. It is rather that contributions are being gathered unsystematically and so unfairly (I pay but my neighbour doesn't), and that the taxpayer sees no results for his money. The reputation of the mayor also suffers from popular identification with the UÇK, however distant his relationship may be in fact: in many locations at least part of the populace now perceives the UÇK as an arrogant hangover from the war, and many citizens will in quiet cafes accuse its commanders of involvement in criminal activity. Whatever the truth of this, image is becoming a problem for the UÇK and all who represent it.

Another problem for the local administrations is their non-recognition by other political forces in Kosovo, especially the LDK. They themselves do not take this problem very seriously, feeling that they can do very well alone, and have often in any case co-opted individual members of parties which do not acknowledge their authority; but still this is another way in which the population becomes divided. As for the international presence, they cannot accept so easily the legitimacy of bodies which claim to represent all Kosovars but in fact do not.

B. The Growing UNMIK Presence

The UNMIK response to the challenge of local government was hampered from the start by the slow build-up of staff. Personnel changes at the top did not help.⁷ A painless takeover, which might have been possible in mid-June without opposition, is no longer possible now that the UÇK structures have gained strength and confidence. As early as July UNMIK established regional governors in Prishtinë/Priština, Mitrovicë/Mitrovica, Pejë/Peć, Gjilan/Gnjilane and Prizren, with responsibility for five or six communes, but they had no money and a handful of staff. They concentrated on the towns where they were based. Only during September were they able to appoint officials tasked to work in individual communes, and at first there tended to be only one official working in each commune, without a permanent office or habitation, commuting each day from the regional centre. As September turned into October the UNMIK presence strengthened: offices were established within the town hall and were filled with two or three officials and a computer, and the UN flag was hung outside the town hall alongside the already-flying Albanian flag.⁸ Most officials are still

⁷ The original head of the second UNMIK pillar (civil administration) left suddenly in August, apparently having resigned, and a successor had to be found at short notice – Mr Tom Koenigs, an experienced local administrator from Frankfurt, who still holds the job.

⁸ By no means all of the UN administrators have yet succeeded in flying the flag. Those who have did mostly not attempt to enforce the original policy of flying the UN flag *instead of* the Albanian double-eagle. One understands the reason for this policy - the eagle is for Albanians but not the other peoples of Kosovo - but it does seem unwise to offer needless provocations to a 95% majority population. In the Suharekë/Suva Reka case, discussed in section V of this paper, the removal of the Albanian flag led to demonstrations and a climb-down by the UN. As a counter-example, in Prishtinë at least the UN flag flies alone outside the city hall.

going home to the regional centre at night – not the best way to get to know their new municipality.

The new administrators arrived with a brief to take over, but not much detailed instruction on how to do it. Policy is still evolving, and though there is daily co-ordination at the level of the region the new staff have only a sketchy idea of what exactly is expected of them. Motivated administrators are stymied waiting for decisions at higher level - for example a draft regulation on municipalities awaits signature by the Special Representative Dr Kouchner. A chain reaction of waiting, and uncertainty in the meantime, handicaps the whole process. The person on the spot is left with wide autonomy, but at the same time is uncertain how much authority s/he may actually exercise. There is little contact with HQ, or with administrators outside the immediate region. Meanwhile the Albanian mayors meet regularly in the ministry, and discuss how to respond to the uneven approach of the foreigners. Most observers concede that, at least for now, co-ordination is better on the Albanian side.

So this is clearly a crucial time in the history of UN administration of Kosovo. After several months of coping by themselves in the time-honoured Albanian tradition, the mayors appointed by the provisional government are now faced with a UN presence which is still weak but growing stronger and more assertive, and which offers a route to funding and contacts with the outside world. Most of the mayors have always protested that they accept UNMIK's authority and want to establish a good working relationship, though they see it as a relationship of equals rather than of subordination. But from the UN's point of view it is not so straightforward. With them, as with many other foreign observers, always remains the suspicion (backed sometimes by clear pointers) of a hidden Albanian agenda.

IV. WHAT'S WRONG WITH THE MAYORS ANYWAY?

Any policy followed by UNMIK must fulfil at least two criteria. It must be legally in conformity with UNSCR 1244, and it must be effective in providing services to the people of Kosovo.

Inasmuch as they thought of this at all, it seems to have been the intention of the drafters of UNSCR 1244 (section II above) that the UN would arrive in strength and bring welcome fully-equipped administration to places where none existed. The promptness and strength of the Albanian provisional administrations was unexpected – and given the slowness of the UN build-up they have at least been providing a structure to local organisation and preventing local anarchy.

But from the point of view of the now-deploying UN, these provisional administrations present several policy problems:

A. Legitimacy

The provisional town halls have no democratic basis, as they themselves will freely admit; the mayors are mostly unhappy with this, and want early elections as a result. Under its mandate the UN must fill the gap created by a lack of legal authority, but as noted above it does not necessarily have to staff a full administration. Since the UN can convey legitimacy by decree, the simplest model would be for the chief UN official

to hold some title such as Over-mayor and simply co-opt the entire administration to run as his executive. Some implications of this are addressed in section VI below. But legitimacy is not the only problem.

B. Inclusivity

Most mayors have invited the best available talent to staff the town hall. Departmental directors at least possess some experience in their professional field, although formal experience in administration has been a casualty of the last ten years during which Serbs held all the responsible positions. A pattern of people having left the LDK to join the UÇK, and being unsure of their own exact political alignment now, can be observed repeatedly. Nonetheless, the provisional town hall is responsible to the provisional government in Prishtinë/Priština, which enjoys no legitimacy in law or in the eyes of the UN. The LDK and the other old parliamentary parties are the most obvious interest-group not included in the provisional government. True, this is because they themselves have chosen not to take part, but at least they can claim to have presented themselves to an electorate - albeit in 1998, before this year's events wiped the slate clean and made it hard for any party to be sure of its electoral support. The UN, faced with the accomplished fact of an appointed presence sitting in the town hall, has to ask itself whether other excluded political forces have an equal right to a say in this untidy period before elections, and has taken the position that they do indeed have such a right, and that therefore the UN has an obligation to include them.

C. Minorities

The problem of minorities has been the most persistent and incurable headache for the whole international presence since it started to deploy in mid-June. Serbs have not been the only ones to suffer but the relationship between Serb and Albanian has been the bitterest and most difficult. Ethnic violence has blighted an otherwise-manageable security situation. Any initiative bringing together Serb and Albanian has been doomed to fail, or has enjoyed precarious success at a cost of immense effort by the international community. So it is not surprising that the Albanian mayors have not been including Serbs in their administrations;⁹ similarly the remaining Serb administrations have no place for Albanians. The UN mandate, on the other hand, is to provide impartial government for all the people and peoples of Kosovo. The dilemma is particularly difficult in the divided municipality of Mitrovicë/a, but just as troublesome in areas with a substantial Serb presence such as Fushë Kosovë/Kosovo Polje and Gjilan/Gnjilane - and the Gorani majority in the rural area of Dragash/Gora provide an interesting variation, since the provisional administration there is Albanian plus a member of the Bosniac SDA. In Mitrovicë/a there are two structures, one north of the river run by the Serb population and one to the south run by the Albanians. In most other places minorities are too small or spread out to establish and maintain administrations, and for them the question becomes access to services on the same terms as the majority population.

⁹ Almost never, but not quite. Sometimes the UN has been able to negotiate changes. A respected Serb now serves in Prizren. In Prishtinë/Priština places were reserved for Serbs but in general they were not taken up.

D. Skills

The mayors and their staffs are local people who understand the local scene in a way the UN can never hope to equal. But all their experience in administration - if any - was derived either under communism or in the former LDK parallel administrations which operated according to their own rules. This is not an objection to the individuals working in the town hall, since they possess in general the best technical skills available in the population (better-qualified Serbs having left). But it points to a need for training and updating – capacity-building. Undoubtedly the greatest needs are on the Kosovar side. But for as long as foreigners have to govern Kosovo, the process should work both ways - scope exists for a helpful exchange between the local knowledge available in the town hall and the international expertise available in the UN.

E. Variability

Each provisional town hall has its own character, and some are better organised and more inclusive than others. Even if a policy were followed of validating the town hall by co-opting it whole under UN authority, each municipality would have to be treated on a case-by-case basis. To put it another way, each town hall has to be handled on its merits, and a unique relationship established in each case. This offers a problem to UNMIK HQ trying to form a policy for the whole territory, and also to the UN official on the spot, unsure how much to allow for local peculiarities.

V. POSSIBLE AND ACTUAL POLICIES

A. Do it all with foreigners

One extreme policy response to the challenge presented by the provisional mayors would be to staff every municipality with foreigners experienced in administration, and expel or ignore the mayors and their directorates. Something like this may well have been at the back of the minds of the drafters of SCR 1244, with its reference to 'establishing and overseeing'. But the time to pursue this policy would have been in June, before the provisional structures had become established: as in the case of policing (and most other sectors), the UN was prevented from executing a vigorous policy by the lack of qualified civilian personnel available in the early days of the operation. In the event, all that could be achieved was the establishment of a UN regional presence in the person of the governors, with their large premises and skeleton staff.

Now that staff are building up, and the UN is establishing a presence in all the towns, it is worth considering what would be the effects of trying this policy now. There are several reasons for being cautious about it. Most obviously it would be the most expensive possible option, requiring several hundred qualified administrators and an equivalent number of interpreters. Secondly, most of the administrations so created would be chaotic, as each foreigner tried to do his job the way it was done back home - creating culture clashes within the administration and doing nothing to establish a form of work actually suitable for the Kosovars who would eventually take over the structure. Culture clashes could be avoided by asking for single-nationality teams to run each town - say French officials for one town and Spanish for the next. But then

Kosovo would be left with a mosaic of different styles, or else a powerful and bureaucratic central control at UNMIK.

These problems of money and culture could perhaps be overcome: they are after all only the same difficulties facing UNMIK in all its tasks. What would be the effect on the people of Kosovo? - in whose name all of this effort would be carried out.

The ordinary citizen would at first probably not be too concerned. Although the image of the international community in June was much stronger and nearer infallibility than it is now, most Albanians still have a lot of faith in it. In particular there is a correct perception that only with outside help can Kosovo be economically and politically reconstructed. Still, with a fully foreign administration, a culture-clash between governors and governed could hardly be avoided, and in time a feeling would surely arise of being under a colonial administration, with traditional negative effects upon the reputation of the incomers.

But in the short term the obvious losers would be the mayors themselves and the provisional government. From the UN point of view this might sound like a good result, since the UN agenda is to discourage self-appointed authorities and establish its own structures which it hopes will be more representative. Yet most of the mayors are powerful and respected men in their own communities. Some at least would have the power and the will to make difficulties and hinder the work of foreign administrators. They are, after all, used to running parallel systems in the face of much stronger and more oppressive governments than the UN. The present case of Prizren, where relations between the UN and the local mayor have broken down completely, shows that this is a real threat.¹⁰ Better not make more enemies if possible, in an environment already difficult and where the internationals are not at home.

So the policy of total foreign administration is theoretically possible, but it would be expensive, risky and provocative. What better options exist?

B. The CoE/OSCE blueprint

As noted in section III above, the CoE/OSCE expert group in July/August recommended a policy plan for the UN. They recommended that one UN official should be placed in each municipality, by 1 September at the latest, and assume overall responsibility there. This official should make all appointments in the municipal structure. The UN officials should be of senior status and have experience in running a sizeable town. Once in command, they should establish Advisory Boards, which could include the deposed mayor, and also 'major political and interest groups'.

The UN would quite clearly have loved to be able to adopt this breezy attitude towards the mayors, and current policy is still based on the assumption that the UN does in fact enjoy and is using all the powers suggested in the blueprint. As a matter of international law this is beyond dispute. But the reality, as always, is messier.

¹⁰ Prizren is a sad case. The first CoE team in June found an administration in place in a vibrant working city, in contrast to all the other places they visited. But the new UN regional governor rapidly fell out with the mayor over the latter's exercise of powers for which he had no authority, and discourages contact with him. The mayor in return denounces UNMIK as *anmik*, a fanciful variant of the Albanian word for 'enemy'.

C. Go with the flow

What is in fact happening is something like this. The mayor has been sitting in his office since June, performing such activities as he can without income. During September someone arrives outside the town hall in a UN vehicle and asks to see him. This person informs him that he is the UN administrator, and asks politely for an office in the town hall. The mayor is usually pleased to see his visitor, since he believes that now at last money and expertise will come to the town and reconstruction will begin. He expects to continue in his functions, and that the new official will be an equal or possibly an adviser to him, and is a little irritated to find he has become a subordinate. However, over many coffees a relationship is established, and this relationship determines whether the UN will be able to achieve anything in the municipality.

The important point here is that, if only because of the UN's temporarily weak position in terms of resources, the mayor has been acknowledged as an interlocutor. The UN does not 'recognise' the town hall in the sense that the mayor and his staff have any right to occupy the positions they do, but it is prepared to take their presence as a starting-point.

This is the stage at which many municipalities now find themselves: the UN administrator is able to report that s/he has assumed command, while the mayor believes the situation is comfortably vague and will allow him to carry on as before.

The first test of this relationship comes when the new UN administrator starts to make changes. The mayor is perhaps informed but not consulted, and probably protests. At this significant moment the administrator has to decide whether to seek agreement or obedience. They are finding that agreement is much better, and more likely.

Where this process has been taken a step at a time (Gjakovë/Djakovica, Podujevë/o), it appears to be establishing a gradual basis for permanent co-operation. Where a more insistent approach has been used (Prizren, Suharekë/Suva Reka) confrontation has resulted.

It should be mentioned in passing that most of the UN administrators do not have experience in running a sizeable town. As usual, the UN has had to deploy the best people available, rather than the best people imaginable. As a contribution towards strengthening the municipalities' ability to formulate projects for international funding, the European Commission's Task Force for Kosovo (TAFKO) has set in train the recruitment of specialists to work within municipal administrations under the administrator. These officials are intended to be experienced in local government, and to provide directly relevant experience as advocated by the CoE/OSCE blueprint.

D. Advisory Boards

Following the CoE/OSCE model, the administrators are under instructions to appoint Advisory Boards, roughly on the model of the Kosovo Transitional Council (KTC), to include all the local forces s/he deems important. The Board would have no executive responsibilities but would have the administrator's ear at all times.

There is a conceptual problem here, though it need not be fatal. The KTC was established independently of all other structures - its formation emphasised that the

UN accepted the authority neither of the UÇK/Thaçi provisional government nor of the Rugova parallel government, but wished to include them both in a new start, together with independents and minorities. The Transitional Council represented the space to be filled by the Kosovo parliament following future elections. At local level it would play the role of the Municipal Assembly.

So since the Advisory Board is not an executive there remains a need for salaried staff to man the departments. At 'national' level there are plenty of internationals to staff senior positions in the administrations, but as we have seen this is not the case in the towns. The existing executive is provided by the mayor, who is himself the official local representative of one of the forces with a right to representation on the Advisory Board. Can the mayor become a member of a Board advising the UN on how his job should be done?

The CoE/OSCE model clearly stated that he could, though that model assumed that the UN administrator had already *replaced* the mayor with officials of his/her own choosing. As we have seen, that is not happening.

In some cases the local authorities have themselves taken steps to include all available political forces in the process of local government. In Gjakovë/Djakovica the local mayor claims to have established councils of local political parties to follow the work of his departments - and complains that they are unable to provide good enough people in the right numbers. But this degree of spontaneous inclusivity is rare - and several at least of the parties in the town appear unaware of the existence of the councils. Again, the mayor of Gjilan/Gnjilane claims to have united local political forces in his town hall. More usually qualified people across the political spectrum are invited to occupy functions in the local authority on a personal basis. Thus, for example, although the LDK does not recognise the legitimacy of the town halls, many people who still profess allegiance to the LDK are serving in the administrations.

E. Personnel Changes

According to UNMIK HQ staff, the current preferred approach of the UN towards the structures they find in place is to pick and choose. The idea is that if the local administration appears to be responsible and to include a good mix of local interests, then the incoming UN official may work with it without making changes. If it is unrepresentative (too UÇK) the official should replace some of the people in place with representatives of other interests. If it is criminal the official must presumably call in the police and start again from scratch.

This could be done in theory either by agreement or by imposition. But in this case agreement might in general be hard to get, since replacement of his appointees represents a direct attack on the mayor's authority and judgement. But use of force is always risky.

The most extreme application of this policy so far was on 10 October, when the administrator of Suharekë/Suva Reka expelled the mayor by force with the help of UN police. It will be interesting to see whether an openly confrontational policy like this results in a form of UN control acceptable to the local people (an open question, since as noted above the people are not usually desperately loyal to the local mayor in person - the demonstrations which followed the Suharekë action were not in favour of the deposed mayor but against the removal of the Albanian flag from the town hall

building).¹¹ If indeed some of the Thaçi-appointed mayors are as unpopular as some suggest,¹² then a forceful policy might actually make the UN more popular (with increased chances of success). But even then it would consume time and effort, risking embroilment in political games at a time when most people want physical improvements.

VI. CONCLUSIONS

The UN has to choose between imposing local administrations to its own taste and formula, or establishing working relationship with the indigenous structures already in place.

A go-it-alone policy is still possible, but it would demand greater resources than are at present available, and would lead to multiple confrontations as UN administrators engaged in direct power struggles with well-established local leaders appointed by the Thaçi provisional government. The evolving policy of ensuring that the administrations contain a balance of political forces and ethnic groups tends towards imposition, though a sufficiently sensitive local official could sometimes achieve the desired result purely by negotiation.

The UN has pursued a policy of not acknowledging the self-appointed provisional government of Kosovo. Instead it has accepted the burden of providing authorities and services at the 'national' level. At the local level the relationship has been more ambivalent and ambiguous.

A policy of confronting the local administrations, who believe they are making an honest attempt to serve the community, seems destined to consume a lot of effort, with uncertain effects on public perceptions of the international community, at a time when the most urgent priority is to begin reconstruction. The Suharekë/Suva Reka case nonetheless shows that the UN is prepared to take this risk.

One way of avoiding confrontation, without abdicating the UN's undeniable responsibility, would be to agree with the mayors that the UN must enjoy political authority over the municipality but the existing provisional structure should remain whole in place as an executive. Admittedly the distinction between civil servant and politician is much less clear in Kosovo than in some Western societies - the former parallel structures had little need to recognise the distinction - but over time the right relationship would depend on sensitive handling on the UN side, and willingness to learn by both parties.

But then, how to answer the complaints of other political forces and ethnic minorities that they are being left out of government in favour of a self-appointed faction?

If the mayor is regarded as a Chief Executive rather than a politician this problem withers away. In other words, he is the senior civil servant of the area, and the political role of mayor is provided by the UN administrator. The identity of the

¹¹ *Koha Ditore*, 12 October 1999, confirmed in a visit next day by ICG, who were told that the UN official had gone on leave.

¹² See for example 'Support Dwindles for Kosovo Rebels', *Washington Post*, October 17.

personnel working within the town hall then becomes a matter of employment rather than representation, and the UN can handle applications for inclusion as a personnel rather than a political matter. This does not mean that the mayor becomes insignificant - ask the chief executive of any local authority in Britain or France. He will still enjoy a large measure of devolved responsibility - inevitably, since the UN will not be able to monitor every activity all the time. But the relationship between executive and political would be clear. In return the UN mayor should take care to treat the local man with respect, as befits a relationship between senior people.

Political activity then focuses on the Advisory Board. The UN should include the widest range of local views on the Board: representatives of political parties, minorities and other members of civil society, not forgetting women - not a repeat of the KTC model, where at first only the 'most important' forces were included, but a pool of all local talent. Perhaps the UN could advertise for applicants.

This process will not be free of controversy. Already several mayors have objected to UN nominees to local Boards, usually on the grounds of past collaboration with the oppressive Belgrade regime. These problems need to be sorted out as sensitively as possible. But if the town hall is an executive, and the Advisory Board purely advisory, then this model appears to be as free from political complications as possible.

One chief objection to this recommendation is that actually achieving this result would present practical difficulties which would vary from place to place with the personalities involved. Some mayors would certainly reject the model, insisting on their political status. To avoid multiple confrontations at local level, there is only one way to ensure general acceptance by mayors of this or any model. The UN would need to talk to the 'provisional ministry of local government', meaning Ramë Buja and ultimately Hashim Thaçi.

Since the UN does not recognise their authority this is obviously a difficulty. But since the mayors owe their allegiance to the 'ministry' it seems odd to accept the practical need to negotiate with the mayors but not with the ministry. Just as Hashim Thaçi and Agim Çeku were accepted as negotiating partners by UN/KFOR on demilitarisation, even though the UÇK possessed no legitimacy in international eyes, why not accept Thaçi and Buja as negotiating partners on local government, if they are the ones who can deliver the result the UN needs? If Thaçi's signature can bind the UÇK commanders, then it can bind the local mayors who are equally loyal to him.

This recommendation rests on a crucial judgement within what is sometimes called the bunch-of-thugs argument. Is the provisional government merely a device for perpetuating a UÇK stranglehold over Kosovo, or does it at least try to do an honest job? No answer to this question can be final or perfect, and a full assessment would probably vary from 'ministry' to 'ministry', but the three politicians handling local government are a strong and serious team. Moreover, if the international community's public delight over the demilitarisation of the UÇK is at all sincere then indisputably Thaçi is someone with whom it is possible to do business. If negotiations recently initiated by Dr Kouchner succeed, to create a consensual provisional government acceptable to all, so much the better, since this will do away with the UN's reservations about talking to the existing one. But there are risks in waiting, and it is worth sorting out the problem of communes now.

This probably means leaving a few individuals as chief executives who would ordinarily be unacceptable as partners for the UN. At the present stage of UN involvement, it is probably better to pressure the provisional government to withdraw these individuals rather than to provoke confrontation by dismissing them - Suharekë/Suva Reka is currently providing a test case of this thesis. In a more consensual model, popular discontent with unsatisfactory mayors, as conveyed to the local UN official through the Advisory Board or by direct approaches from the public, would provide evidence for persuading the provisional government that dismissal was appropriate.

The UN and the town hall, having reached an understanding, could then proceed to solve together the most pressing problems at local level: how to establish a fair and transparent income base, how to identify and provide identification for the people living in the area, how to regulate building and ensure property rights, how to pay municipal staff and other public employees, how to ensure local utilities, and how to attract reconstruction funds into the municipality. As suggested strongly in the CoE/OSCE report, and already planned within the OSCE, intensive training programmes will be needed to upgrade the skills available in the municipality (not just in the town hall, so members of the Advisory Board and others could be eligible for training in addition to working employees); and actions could begin to promote town twinning in a active way, with foreign municipalities offering training packages and exchange visits to the Kosovar twins. None of this will happen if the general picture is strife and struggle.

After elections, the only change necessary would be for the UN mayor to abdicate responsibility and be transformed into an adviser rather than a political superior. By this means the mandate in SCR 1244 would be achieved, and local democracy established after a transitional period under UN authority. The UN would of course need to retain sovereign powers such as the right to dismiss officials, like the High Representative in Bosnia, though (again as in Bosnia) these powers would need to be used sparingly to avoid too obviously overriding the democratic process.

Minorities would remain a problem. Battling to insist that Serbs should have a role in every town hall will be a thankless task doomed to confrontation in most places. Depoliticising the town hall offers a way out by downgrading this problem. The real question for minorities is whether they will have equal access to services and other benefits of local government. This will be a serious problem in its own right for the UN at local level, and one whose solution will have much more profound effects than the inclusion of a token Serb in an Albanian-speaking organisation. In Mitrovicë/a, and anywhere else where Serbs are present in sufficient numbers to provide their own local organisations, the existence of parallel ethnic structures will probably have to be accepted for day-to-day purposes for a long time to come, though naturally efforts should never cease to bring the two sides together.¹³

There remains the problem of illegal activity by the town hall, including unauthorised revenue collection. This phenomenon should be phased out without much trouble once the UN establishes a fair and better principle of revenue collection. Until then it is probably better not to be too purist about moderate revenue collection, providing

¹³ Mostar casts a long shadow over Mitrovicë/a, after the millions of man-hours spent in search of reconciliation and reintegration there, so far almost entirely in vain. The situation must seem depressingly familiar to the UN regional governor, Mostar veteran Sir Martin Garrod.

the revenue is being used to provide services rather than to enrich individuals. If the phenomenon persists it should be treated like any other crime, and reports should be referred to the local police authority for investigation, an authority also under the control of the second (civil administration) pillar of UNMIK.¹⁴

Treating the town hall as a ready-made civil service would be a cost-free method of establishing structure in local government. It may not be easy to achieve, and would have to be negotiated with authorities the international community does not recognise. But better one agreement than two dozen arguments. The alternative is effort wasted in local strife, at a time when much faster progress is needed towards building a new Kosovo.

VII. RECOMMENDATIONS

- The UN should agree a common approach towards the Albanian-run municipalities with the provisional government. Since the local mayors are loyal to this body its agreement will bind them, and this will remove the need to negotiate separately in a large number of individual cases, at great expenditure of effort and some strife at a time when practical progress is urgently needed. Dr Kouchner's attempts to create a central executive to which certain responsibilities could be transferred deserves full endorsement. Such a step would make the implementation of these recommended measures all the easier;
- Even now an agreement need not amount to a formal acknowledgement of the provisional government's authority. But the UN is already talking to mayors at local level. It seems simply logical to talk too to the authority they, at least, accept;
- UN negotiating strategy should focus on proposing that the local provisional administrations should remain in place as an executive, in exchange for acknowledgement that the UN is the sole legitimate political authority in the municipality;
- Staffing the town hall can then be regarded as a matter of qualifications rather than affiliation, and should cease to be a political problem;
- Where minorities are a small part of local society, there should be an absolute guarantee that services will be provided to them impartially. But including them in the structure of a town hall with purely technical functions becomes a secondary question. They do have a place on the Advisory Board. This argument applies equally whichever group forms the local majority;
- UN field staff need to feel part of a network. Once every few weeks they should all meet together in a general forum to exchange experiences: management through the regions is not enough to give them this. UNMIK HQ might also launch a newsletter to keep field staff in touch with HQ thinking;

¹⁴ Policing has been another casualty of the UN's slow arrival-rate. It is to be hoped that the constant flow of new arrivals, coupled with the Kosovar trainees now beginning to emerge from the police training school, will before too long be able to provide a police service for the whole of Kosovo.

- Even in the context of an agreed general policy, the UN official on the ground needs to retain the right and duty to vary implementation according to local circumstances. His/her success will depend crucially on understanding the local people. S/he is already discovering that s/he has taken on a challenge which is more than just a job.