

Local governments paving the way for a European Future

Input paper conference Kosovo



Abstract

In this paper we describe in short the benefit of inter-municipal co-operation and international municipal co-operation. Inter-municipal co-operation is not only important for the improvement of service delivery to the citizens but also as an instrument of peace-building. In addition, inter-municipal co-operation can support reforms that can speed up the process of EU integration. International municipal cooperation can provide an added value to these processes. Besides, as the aims of inter-municipal co-operation overlap with the aims of the dialogue talks between Belgrade, Pristina and Brussels, local governments can embark in practical projects of inter-municipal co-operation that will help fill the agenda of the dialogue talks. It can be concluded that given the fact that so far local governments in Kosovo have limited experience in inter-municipal co-operation and international municipal co-operation, there is a lot to be gained.

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1. Introduction

“ We believe that it is the duty of local governments to work for peace, freedom, democracy and prosperity and by doing so to contribute to the international development and peace-building agenda; we believe that local governments, the government tier closest to the people, can truly feel the needs of their citizens and are in a unique position to respond to these needs.... (...)”

First World Conference on City Diplomacy, June 2008

This paper serves as a background paper to the topics of the conference “Local Governments paving the way for a European Future” (Štrpce/Shtërpçë, 4-5 May 2011). It touches upon inter-municipal cooperation and international municipal cooperation. Some paragraphs will be of a more general character, whereas other paragraphs will specifically relate to Kosovo. Even though currently the difficult relation between Serbia and Kosovo is a major obstacle, both Serbia and Kosovo will – when conditions are met - join the larger international network of the European Union. With this input paper, we aim to get a better understanding of the potential of local governments in organizing services and economic development in a way that it provides a ‘peace dividend’ in terms of more democracy, better interethnic relations and progress in the process of European integration. The paper provides fuel for discussion. It will by no means provide answers to all questions.

We are not romanticizing fools. We are well aware that in many cases of conflict, local governments fell and fall victim to nationalism and (violent) ethnic policies, and that they were or are part of the state machinery to suppress citizens. Having said this, we wish to underline that the promising examples of local governments working for peace, democracy and development have by now become more than sporadic. Local governments are part of the local capacities for peace, reconstruction and development.

As government tier closest to the people, local governments can play a crucial role in security enhancement and development; they can connect the national and the local levels, and they may link public policy with the civic realm. In general, “municipalities everywhere perform critical functions that determine the quality of life of citizens and collective welfare: roads and traffic, transport, water supply, schools and kindergarten, health centres, sport facilities, waste collection, museums, theatre and music halls and even cemeteries. However, often municipalities do not have the adequate size and sufficient resources to perform many of their functions alone in an efficient and effective way.”¹ Also, in post-conflict regions citizens might, still, lack freedom from fear (they are not secure) and freedom from want (they lack basic needs such as housing, water and food). Quite often, the national state cannot or does not want to provide security and the necessary services to its citizens. It is inevitable, in these cases, that the local governments will try to fill the gap –

¹ IMC Guidelines (2009:6)

even if this would go beyond their formal mandates or capacity. In such a situation inter-municipal cooperation (IMC) is a pragmatic way to achieve the necessary scale and gather the required critical mass of human and financial resources to deliver better and cheaper public services”² and to enhance inter-ethnic co-operation and peace-building processes, addressing both freedom from want and freedom from fear.

2. EU integration: the necessary agenda of peace-building and decentralization

The region of the Western Balkans faces a double challenge. It has to undergo the transition from a ‘closed society’ (non-democratic, socialist) to an ‘open society’ (democratic, with market economy), and in addition it has to deal with the heritage of the recent wars. The international community, in particular the European Union, has developed ways to support the transition process. This is what the EU did with most of the former Warsaw Pact countries after the fall of the Berlin Wall in 1989; they entered the EU in 2004³ and in 2007⁴. The current pre-accession and accession strategy of the European Commission is largely based on these experiences. It is clear that the second challenge, dealing with the consequences of the recent wars, is equally difficult or even more difficult for the countries of the Western Balkans⁵ than the transition to an open and democratic free-market society. This is in particular visible in the political problems in Bosnia and Herzegovina, Serbia and Kosovo. Reform processes are slow, in crucial areas such as security sector reform, quality and independence of judiciary, legislation on freedom of religion, education, media and civil society. Topics directly related to the wars such as co-operation with the ICTY (‘Hague Tribunal’) and the return of displaced persons and refugees continue to be problematic as well. And even though Croatia and Macedonia are ahead in the process of European integration, these countries also still struggle with political dynamics that are rooted in the political controversies that played such a crucial role in the disintegration of Yugoslavia and that are still around in every-day politics.

Therefore, logically the transition process has to go hand in hand with a peace-building process. For both processes, the local level is crucial. Introducing European standards and legislation has to be done by lawmakers at the national level, but implementation is a challenge for all tiers of government. Even more important is the process to practice democratic principles and values in every-day life. There is not only a need to introduce and strengthen good governance, there is also what we might call a ‘civil society deficit’, a lack of

² IMC Guidelines, 2009:6. The guide has been provided by: United Nations Development Programme (UNDP), the Council of Europe (CoE) and the Local Governance and Public Service Reform Initiative (LGPSRI) <http://www.imc.org.mk/index.php/en/knowledgebase?task=view.download&cid=73>; http://www.municipal-cooperation.org/images/4/4c/IMC_Toolkit_Manual.pdf

³ Poland, Czech Republic, Slovakia, Hungary, Estonia, Latvia and Lithuania

⁴ Romania and Bulgaria

⁵ Slovenia, that also entered in 2004, is the exception – due to the fact that hardly any fighting took place in Slovenia after its declaration of independence (June 1991) and that only few non-Slovenes live in Slovenia.

strong civil society organisations. A challenge to both local governments and civil society organisations is the anchoring of models of citizenship. Citizenship is paramount, in that respect local governments can contribute tremendously to the process of European integration (more about citizenship can be read in section 5).

Decentralization

Decentralization is generally understood as one of the most important reform processes that can help bring about a well-functioning democratic system that will provide all necessary services to the citizens, will enhance a sense of democratic ownership of the state from the part of the citizens and local communities, and will contribute to the process of European integration if it helps to introduce European standards, along with democratic principles and practices. It is nevertheless a mistake to think that decentralization equals democratization. For democratization, much more is needed than just decentralization.

Models of decentralization can have a positive peace impact. In the Western Balkans, various interesting examples can be found. The decentralisation program developed in Eastern Croatia under UNTAES⁶ rule (1996-1998), for instance, implied the establishment of a number of majority municipalities for the Serbian communities and the start of the so-called Joint Council of Municipalities (JCM) as their co-operative body; these initiatives provided the Serbian communities with more control over their own lives and helped slow down and stop the exodus of Serbian families. In the same period, so-called Joint Implementation Councils (JICs) were set up by UNTAES to deal with issues of common concern such as police, civil administration, education and culture, return of refugees and displaced persons, human rights. Local government representatives participated in many of the JICs. A second example concerns Macedonia, where the Ohrid Agreement (2001) decentralisation component – transferring many important mandates from the national to the local levels – helped ease the tensions between the Albanian Macedonians and the Slav Macedonians in most cities and regions, as well as at the national level.

It is impossible to analyse these interesting decentralization models in extenso. Yet, we can list some of the most crucial conditions that can make such endeavours successful:

- Active monitoring and support by the international community
- Not only transfer of mandates, but also transfer of financial resources
- Organisation of platforms for increased interaction between national government and local governments
- Capacity-building for local politicians and municipal staff
- Elaborated communication and awareness-raising campaign to inform citizens and mobilise their skills and expertise by means of consultation and participation
- Active promotion of inter-municipal co-operation

⁶ United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium

- Active promotion of international municipal co-operation.

The decentralization as implemented in Kosovo must serve a number of goals, among which better service-delivery to **all** citizens, the European Integration, the well-being of non-Albanian communities and the improvement of inter-ethnic relations. Also in the case of Kosovo, some new municipalities were established and one municipality had its territory extended. These municipalities have been given some extra mandates ('enhanced competences'), as defined in the Law on Local Self-Government:

“Certain municipalities explained below shall have their own competencies enhanced in the areas of health, education and cultural affairs and shall have participatory right in selecting local station police commanders as set forth in the subsequent articles.”

(Article 19.1., Law on Local Self-Government (adopted 20 February, 2008))

Even though, many steps have been made in the past few years and laws are in place (in particular the Law of Local Self-Government, 2008), problems do occur in the field of implementation. In the first year of implementation, such problems related among others to the lack of communication to the people, lack of coordination with donors and external experts, lack of effective citizens' participation in local government work and lack of focus on ensuring sustainability. ⁷

Critics of decentralisation fear that it will create more division in Kosovo, but if handled well and with responsibility, the opposite will come about: it will create more internal integration (more and better co-operation among communities within the municipality) as well as more external integration (more and better co-operation with neighboring municipalities and the national government).

Things seem to have improved in the last one-and-a-half year. The results of the municipal elections held in December 2009 were an important step. Nevertheless, some inveterate obstacles are still hampering the progress – even though more and more people understand that decentralisation is now reality and is not going to be 'rolled back'. There is a lack of coordinated planning at various levels and in some cases the division of responsibilities remains unclear and there is no clear timeline for the transfer of mandates. But there are also stubborn misconceptions, and – even worse - there is a serious problem that the decentralisation process is being politicized, making it part of the ongoing debate on Serbia – Kosovo relationships.⁸

⁷ Implementing Decentralization in Kosovo: one year on. Kosovo Local Government Initiative. Pristina, June 2009

⁸ Besnik Tahiri. Decentralisation and Local Governance Reform. Clear on paper, blurred in practice. The case of Kosovo. Kosovo Local Government Institute. Pristina, June 2010

Whether the Kosovo model of decentralisation will in the end meet the expectations and the needs of the citizens, will become clear in the upcoming years. Among others, the awareness is needed that the decentralisation is not only there for the Serbian majority municipalities, but for all municipalities. It is for sure worthwhile to support the decentralization efforts and assist the Kosovo government and all municipalities in Kosovo in operationalizing the paper (laws) into practice.

3. The pragmatic approach in peace-building

The European Union is well aware of the tensions that still exist among various ethnic groups in the Western Balkans. Evidently, this is also the case in Kosovo. Even though inter-ethnic controversies exist in EU member states, 'Brussels' will hesitate to enlarge the EU with new states in which inter-ethnic conflicts are still very dominant in the political arena, in the public awareness and in the relation with neighboring countries. For sure, ethnic differences should not prevent authorities from effective and efficient policy making in which citizens all have equal rights and obligations. Platforms for inter-ethnic dialogue and co-operation have to be created, and local governments can take the lead in that process or can support initiatives developed by the civil society organisations.

Most of the local government initiatives in the field of inter-ethnic dialogue and co-operation may be limited to the municipal territory, but many projects will logically involve an area that is bigger than just one municipality (think of regional cultural projects, sports events, programs for regional economic or touristic development). Here, the link between inter-municipal co-operation and peace-building is clear because through dialogue and co-operation trust and joint interests can develop. In addition, such contacts can help prevent escalation after inter-ethnic incidents. The peace-building dimension will even apply to the initiatives and programs that may seem to have an outspoken technical character (rf. regional waste management or water supply).

"Neighboring municipalities are often linked physically, economically, socially and culturally. Rivers, motorways or bridges create strong physical links between them. Water and air pollution spread regardless of administrative boundaries. Economic activity in one municipality can affect the market conditions of the neighboring municipality (level of wages, value of real estate)."⁹ Inter-municipal co-operation in these fields of infrastructure, environment or economy can have in addition to pragmatic results 'peace-dividend' in effect, including: economic development, civil society development, proper service delivery and equal opportunities for men and women. Local governments' peace-building strategies can thus be an integral part of practical programs such as garbage collection, urban planning, water management, cultural programs and so on.

⁹ IMC Guidelines (2009:6)

A clear example of the link between IMC and peace-building is the return of displaced persons. In the specific context of Kosovo, the return of displaced persons and refugees continues to be a priority. Facilitating this process is clearly a peace-building topic and also in this domain local governments can co-operate.

Economic development: wanted but also risky

In Kosovo the focus in reconstruction now often lies on economic development. Not only would it take away problems of poverty, it would also reduce the undertone of unwillingness and conflict. However, it is a big mistake to think that economic development will automatically bring about more security, democracy and peace. Providing means of existence can be a powerful peace-building activity, but on the other hand genuine development inevitably challenges existing social, economic and political structures and can fuel conflicts.

Economic development can and must serve the interests of all citizens, but if there is widespread corruption, lack of democratic control over economic activities or lack of stability and inter-ethnic co-operation, there can be major problems leading to degradation or even destruction of people's livelihoods (due to pollution, confiscation of farming or grazing lands) or unfair competition for local products, etc..

In the process of democratic control, local governments can advocate and weigh the local communities' interests, can play a role in uniting local actors, and can help define conditions and advocacy for sustainable economic development.

4. Why inter-municipal cooperation?

Thus far we have presented inter-municipal co-operation as an inherently beneficial mechanism in peace-building. But arguments also relate to the improvement of the municipal services and the introduction of European standards. In this section we summarize these advantages of inter-municipal co-operation.

In Kosovo, the legal framework for inter-municipal co-operation is available (in the Constitution, in the Local Government Act, as well as in the Ahtisaari plan that is guiding the decentralisation process), but altogether local governments have limited experiences so far with inter-municipal co-operation. There are good reasons to step up the number of initiatives of inter-municipal co-operation. This can:

- insure that all citizens have access to crucial services
- improve the quality of services
- minimize cost (efficiency)
- provide services more effectively (economy of scale)
- insure fairer cost distribution

- allow small municipalities to take advantage of more developed systems co-ordinated by bigger municipalities or developed by a regional agency specialised in a certain service¹⁰

Moreover inter-municipal cooperation is politically smart. Bringing better services to the citizens will improve the trust of potential voters, it will support the reform agenda of the national government, and it will help in the process of European integration through introduction of European standards. In addition, inter-municipal cooperation can strengthen one's case for receiving funding from for instance the European Union (see section 2 and 6). Lastly, it contributes to the peace-building process, as it will help improve the relationship between the various ethnic groups in Kosovo.

We might say, that the aims of inter-municipal co-operation overlap with the aims of the dialogue talks between Belgrade, Pristina and Brussels, that started in March 2011. The dialogue talks should pave the way to work towards practical solutions for needs and demands of the citizens of Kosovo. Logically, topics such as freedom of movement and access to services will be on the agenda. So far, the precise agenda of the dialogue talks is not clear – and many people criticise the lack of transparency in the process. As we see it, local governments can embark in practical projects of inter-municipal co-operation that will help fill the agenda of the dialogue talks. In a next phase of the dialogue talks, a model similar to the Joint Implementation Councils (established in Eastern Slavonia, under UNTAES rule – see paragraph 2) could be developed, allowing local stakeholders in Kosovo to play an active role in the dialogue process.

We do not say that inter-municipal cooperation works no-matter-what. However, the many examples around the world have proven that potential barriers that include a fear of job loss, loss of control, or loss of identity are in almost all cases groundless. A distinction in sorts of inter-municipal co-operation can be made between: joint service production, joint (shared) administration, selling and buying of services, joint planning and development and joint funding. To make the co-operation beneficial to all, clear agreements between the parties (in the form of a written document) and strategic decision-making, in which small potential projects are identified, the Councils are involved and the plans are communicated to the public, are a necessity¹¹. The workload will lighten when sharing financial means, knowledge, systems, people or for instance material.

¹⁰ PPT of the VNG about IMC, 2010

¹¹ Inter-municipal cooperation; a guide for practitioners, 2009. See also: 1. Council of Europe (2007), "Good practices in inter-municipal cooperation in Europe", report of the European Committee on Local and Regional Democracy prepared with the collaboration of Clothilde Deffigier; 2. UNDP (2006) "Joining Forces Cooperation among Municipalities – A Guide for Practitioners" prepared by Holger Osterrieder, Hachemi Bahloul, Glendal Wright, Kathryn Shaffner and Mark Mozur; 3. Commonwealth of Pennsylvania, Department of Community and Economic Development (2006), "Intergovernmental Cooperation Handbook", prepared by Thomas S. Kurtz

5. The local government as a ‘middle-level leader’

As mentioned before, local governments have the potential to mobilize other local actors for community-based initiatives, in the realms of security, socio-cultural or economic development and strengthening of local democracy. In this section the explanation of the position of a local government is extended.

Given the crucial positioning of local governments, between the national state and the citizens, they may be able to bring all the relevant actors to the table: local civil society representatives, business people, peace committees, traditional (and often non-formal) local government institutions, religious communities’ representatives, as well as the police officials, the army representatives, and local branches of security services. In other words: local governments are not only potential **actors** in the reconstruction processes, they can also provide the **arena**. This way, local governments can play an important role as interlocutor in the state-society dialogue.

We can see municipal leaders as ‘middle-level leaders’ who can relate local developments to national levels – either directly or via national associations of local governments. Given their position, they often can inform the top-level leadership on the needs and ideas arising on the ground, as well as help to translate and implement national agreements at the local level.

The ‘social contract’ that governments have with their citizens, can be seen as the basis of a functioning democracy. This ‘contract’ implies that the state provides security and services to all of its citizens and that the citizens accept that the state has the monopoly on violence and that it has a law-making and law-implementing mandate. Ways must and can be found to use local social contracts as building blocks for national state-building. Local governments can play their part in the bottom-up restoring of the social contract.

We can list a number of general characteristics of successful local government initiatives restoring the social contract, while working democratically:

- Citizenship is the basis. In times of conflict, people often allow their (human) identity to be made subordinate to their ethnic or religious identity. Yet, in the end peace-building programs should lead to the enhancement of the principle of citizenship (equal rights and opportunities for *all* citizens) as the basis of action, and not the differences between groups. At a certain point in time, all local governments in Kosovo should have the same rights and obligations.
- Citizens’ involvement leads to ownership. The level, quality and visibility of citizens’ involvement in programs are very important. They help citizens to develop a strong sense of ownership of local initiatives which is crucial in the light of need for a sustainable impact. In the case of Kosovo, with half of the population under 25 years old, the group that should not be forgotten to involve is youth. Beside involving citizens, from

the moment of the start of any project design, there must be transparency, fairness and even-handedness in the consultation with citizens and other local actors.

- Co-operation is crucial. In all cases, there is an active co-operation between citizens, civil society organisations and local governments. Connecting as many of the local actors as possible is one of the major challenges. Unity is their strongest ‘weapon’ – especially vis-à-vis destructive nationalist movements.
- The proof of the pudding is in the eating! Yet, citizens’ participation is still a fairly new concept in Kosovo, and it will take time to develop. Commitment is needed from both sides, the local government and citizens and local NGO’s. And there is the dimension of the theory of citizens’ participation, but practice is what matters more. Citizens’ participation has to be practical, and can only develop through trial and error.

Building citizenship is a long-term process and cannot be mechanically induced from the outside. Nevertheless, many actors, amongst others international municipal governments, can help restoring it.

6. International municipal cooperation

Local governments’ efforts can be supported by big donors, governmental and non-governmental international bodies - through financial and technical assistance, moral support, invitation for consultation and co-operation, and so on. A special role is at hand for local governments from other countries.

So far, only few municipalities in Kosovo have established co-operation with local governments abroad. Nevertheless, models of international municipal co-operation can provide excellent learning opportunities for local politicians, municipal staff and local NGO’s. Especially for young people, travelling and encountering other cultures can enrich their lives and can help develop new ideas for development and democratisation.

Local governments from other countries and other continents can support local government peace-building initiatives in conflict regions and fragile states, if they are based on long-term commitment and diplomatic stamina, sufficient knowledge of the local context and a process-oriented approach that allows growth of trust and partnership.

Municipal international co-operation or twinning arrangements can provide local government representatives with an opportunity of ‘organic learning’. That is: not the classical capacity building with teacher and pupils, but more learning on the basis of working together and colleague-to-colleague exchanges. Reciprocity is not only important, but also feasible; practice shows, that both sides will learn a lot from the co-operation.

7. Conclusions

The aim of this paper was to inform and to fuel discussion within Kosovo about inter-municipal co-operation and international municipal co-operation. We have made several conclusions. First it is clear that the wish for European integration asks for a peace-building

agenda and the implementation of decentralization. Decentralization is a means for better service-delivery to all citizens, the process of European Integration, the improvement of inter-ethnic relations. It seems evident that working on practical 'hardware' projects, like roads or waste-management, can have peace-building in effect. All projects can have a certain peace-dividend. The peace-dividend is highest when projects are based on citizenship.

The role of the local government in this is crucial as it has the ability to connect all sorts of stakeholders; and can level between citizens and the national government. Moreover, examples have proven that to have a successful and sustainable development, local governments should involve citizens in processes of project development and implementation. Altogether, Kosovo still has a long way to go in that respect, as the decentralisation has just started, civil society is fairly weak and models of citizens' participation and local government – NGO partnership are not yet of sufficient quantity and quality.

Even though resources and mandates may not be fully in place, much can be achieved in cases where local governments and citizens co-operate. Resources and mandates matter, but in the end commitment is at least as important.

Inter-municipal co-operation is a valuable mechanism to restore and strengthen the social contract. It enhances the effectiveness and efficiency of local governments as they can use each others expertise, manpower, or materials and it reduces the costs of programs. A trusty and long relationship with municipalities from abroad will be helpful in strengthening the local governments' capacities, as well as it is interesting for paving the way to a European future. Given the fact that so far local governments in Kosovo have limited experience in inter-municipal co-operation and international municipal co-operation, there is a lot to be gained.

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