

Review

Isomorphic processes and social legitimacy of institutionalizing municipal community safety councils (MCSCs) in Kosovo

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The public administration system of newly emerging nations and countries are more prone to be homogenized due to the rapid external and internal socio-political uncertainties and changes. The multi-ethnic Kosovo in Europe is one such entity. It is unique due to the fact that, it was governed by the United Nations Multinational Executive Mission that has left a considerable legacy and influence over the central and local government structures. The community safety, as one of the fundamental policies related to the public consultation regarding the safety and security within all communities, has undergone an interesting history since the establishment of the UN Mission in Kosovo (UNMIK) (1999). The paper reviews the socio-political and legal processes of institutionalizing the Municipal Community Safety Councils (MCSCs) in Kosovo. The research is mainly based on the isomorphic theories of institutionalization and social legitimacy. It reviews the institutionalization and social acceptance of the MCSCs in the period of UNMIK as an executive mission (1999 to 2008) and Kosovo Government after the proclamation of independence (2008-till present).

Key words: Institutionalization, legitimacy, isomorphism, community safety, municipal community safety council (MCSC).

INTRODUCTION

The paper aims to assess the problems of institutionalizing the Municipal Community Safety Forums (MCSCs) as one of the means of preservation of community safety in Kosovo. Kosovo proclaimed its unilateral independence in 2008 after being administered by the United Nations Interim Administration Mission in Kosovo (UNMIK) for nine years after the Kosovo War in 1999. Kosovo is a multi-ethnic entity with the majority of citizens being Albanians and having Serbians as the biggest minority group. The integration of this fragmented society and preservation of safety as well as security of all communities has been the priority since the establishment of the UNMIK. All public agencies, policies

Abbreviations: UNMIK, United Nations interim administration mission in Kosovo; OSCE, organization for security and cooperation in Europe; KFOR, Kosovo force; LCPC, local crime prevention council; MCSC, municipal community safety council; SG, secretary general of the United Nations.

and procedures were established and institutionalized by the mission at that time. Since the declaration of independence in 2008, the public institutions in Kosovo have directly taken over the legacy of already established institutions and policies.

This paper has no intention of assessing the efficiency of the governance model founded by the UNMIK. It is analyzing only one of the policies – community safety through the established MCSCs. ‘Community safety means preventing, reducing or containing the social, environmental and intimidating factors which affect people’s right to live without fear of crime and which impact upon their quality of life. It includes preventive measures that contribute to crime reduction and tackle anti-social behavior’ (Northern Ireland DoJ Community Safety Unit, 2010). From the public administration and security perspectives, the initiation of institutionalizing community safety mechanisms in Kosovo has been an attempt to homogenize the process, therewith, ensuring the safety and security of all communities and nationalities in Kosovo. The MCSC is one of the

institutionalized isomorphic community safety bodies.

Institutionalization, isomorphism and legitimacy

Institutionalization is a process by which individual actors transmit what is socially defined as real and, at the same time, as a variable of how much an action can be considered right in a given social reality. It occurs as a sub-product of the creation of other structures. However, once fully institutionalized, the structure or policy is maintained without any further significant action (Zucker, 1991). The degree of the institutionalization of the policy or structure depends on how socially 'natural', 'right' it is for the given society (Jepperson, 1991). Lawrence et al. (2001) defined sequential steps of this institutionalization:

1. Initial phase of innovation involving few actors;
2. Phase of rapid diffusion;
3. Saturation and complete legitimization stage;
4. The deinstitutionalization phase.

Tolbert and Zucker (1997) divided the institutionalization process into three stages:

1. Pre-institutional / Habituation – Innovation and changes are made in order to put the structure at the pre-institutionalization stage (limited in terms of operation and generally, not permanent). Due to lack of sustainability, there is an occurrence of mimetism (defined further shortly).
2. Semi-institutional / Objectification – Social consensus established between the decision-makers in the organization on the value of the structure. This is the stage where the inter-organizational monitoring of the efficiency of the policy or structure is acknowledged as necessary.
3. Full institutionalization / Sedimentation – Is characterized by the virtually complete propagation of its structures, and the perpetuation of structures for the considerably longer period of time.

The institutionalization is directly linked with the 'legitimacy' – 'a generalized perception or supposition that actions of an entity are desired, it is suitable within some system of norms, values, beliefs and socially constructed definitions' (Suchman, 1995). Legitimacy is a fundamental aspect which allows organizations to fulfill actions, establish practices and structures that will let them get closer to the patterns considered to be socially correct. For Jepperson (1991), legitimacy is the product of an institutionalization or contributes to it, but not always, seeing that illegal elements may be institutionalized such as corruption, fraud and organized crime. Suchman (1995) proposes the following interrelated typology of legitimacy:

1. Pragmatic legitimacy – Based on the interests of the actors who are more closely linked to the structure or policy;
2. Moral legitimacy – Reflects a positive assessment of the organization and its activities, based on the socially constructed values;
3. Cognitive legitimacy – Considering that the acceptance of the structure is inevitable from the point of the determined cultural framework. The actors no longer imagine its non-existence.

The phenomena of the institutionalization and social legitimacy are deeply influenced by the external and internal factors of the social environment. In order to become a 'natural' structure or a 'right' policy in Jepperson's terms (1991), there is a need for all segments of the structure to become homogenized. DiMaggio and Powell (1983) emphasized that, 'once a field becomes well-established...there is an inexorable push towards homogenization'.

'Isomorphism' – is the most suitable concept that explains the homogenization process. It is fundamentally a term deriving from abstract algebra. Isomorphism encompasses the mapping between complex structures where the two structures contain equal parts. 'Isomorphism is a constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions' (DiMaggio and Powell, 1983). The institutionalized legitimacy can be ensured only by the socially acceptable isomorphic structures and policies. DiMaggio and Powell (1983) identified three institutional isomorphic processes:

1. Coercive isomorphism – It is a process caused by the formal and informal pressures and influences made on the organizations by other stakeholders upon which these organizations are dependent. In addition, organizations are deeply influenced by the cultural expectations of the society within which they should function. The pressure can appear in a form of force, persuasion or invitation. A good example of coercive isomorphism is the establishment of education standards for the secondary and high schools. The imposition of a mandate by the government may oblige schools to establish certain steps to conform to set standards.
2. Mimetic isomorphism – 'Uncertainty is also a powerful force that encourages imitation' (DiMaggio and Powell, 1983). The ambiguity of goals, symbolic uncertainty set by the social environment, success of other structures may cause the mimetism (modeling) of organizations to established ones. The mimetic process is not always intentional. The organization may not even be aware that it is modeling other more successful or socially acceptable structures.
3. Normative isomorphism – It primarily stems from a professionalization. Due to the internal and external competition, members of one profession may collectively

struggle to define the requirements a person should possess to 'join their club'.

Local security and institutionalization of the MCSCs by UNMIK

As an executive mission, UNMIK made a valuable effort to standardize the public administration system, the community safety philosophy and law enforcement inclusively. UN Security Council Resolution 1244 gave the Mission a task of 'maintaining civil law and order, including establishing local police forces' (UN SC Resolution 1244, 11.(i), 1999). The aforementioned mission was established in a post-war environment, where whole governance systems had collapsed and in almost all cases, ex-combatants appeared in the subsequent power struggle. Additionally, Kosovo was the consistent part of Yugoslavia, which was characterized by a considerable level of centralism, although formally having a federal status (Kosovo itself was part of Serbia within Yugoslavia).

Although UNMIK, together with several vital partners, established the local police, their capacity was far from satisfactory. Furthermore, the post-war situation combined with the lack of capacity of the reestablished municipal authorities and local police, caused bloody riots between Kosovo-Albanians and Kosovo-Serbs in mid-March 2004. Several days after these riots (dated 31 March 2004), UNMIK, in cooperation with the provisional public institutions, established 'Kosovo Standards Implementation Plan (KSIP)', which set clear guidelines for the active involvement of all communities in any field, including the rule of law (KSIP, 2004). The UN Secretary General's report on UNMIK stated a bit later: 'Overall, the municipalities – with very few exceptions – failed to respond adequately to the crisis and did not take timely measures to contain or prevent the violence' (SG Report, 30 April, 2004: 9). The same document generally acknowledged a positive role of the UNMIK police and Kosovo Police Service in containing this tense situation.

This was the moment when UNMIK had to immediately review its policy about the relationship between the police and communities. The UN SG, in his report at the end of 2004, stated: 'Close relations between the communities and police are key part of UNMIK strategy to improve the security. Local Crime Prevention Councils (LCPCs) are currently being established in all municipalities, bringing together police, KFOR, municipal authorities and community representatives to address requirements concerning local security'. (SG Report, 17 November 2004, Article 19) (LCPCs gradually changed its name and consequently became known as the regular 'security meetings' – author's personal experience). UNMIK Regulation 2005/54 'On the Framework and Guiding Principles of Kosovo Police Service' was promulgated in December 2005 by the UNMIK Special Representative to

the Secretary General (SRSG). It is a mission level document, not deriving from the UN headquarters. The article 7.3 of this document stipulates:

'The Kosovo Police Service shall cooperate fully with municipal authorities and with representatives of communities to enhance the security of members of all communities within each municipality. For this purpose, Municipal Community Safety Councils (MCSCs) shall be established in each municipality. 'The document obliged the president of each municipality (later, the mayor according to the decentralization of Kosovo after announcing its independence) to lead the MCSC. According to the regulation, representatives from all communities should be present in the municipal level community safety forum. The police were obliged to take part in MCSC meetings and activities as well. Simultaneously, with the established municipal level community safety forums, the main stakeholders of the Mission (UNMIK, OSCE, KFOR) continued to have the initial LCPC meetings with the presidents of municipalities (later, the mayors), Kosovo police station commanders and members of the local communities on a weekly or bi-weekly basis. The aim of the meeting was to exchange security related information (based on the author's personal experience).

Isomorphic trends and social legitimacy of establishing UNMIK-made MCSCs

Based on the 4 key points stated shortly, it can be concluded how the rapidly changing post-war environment in Kosovo enabled the UN Mission to act in a way that ensured the homogenization of the various public administration systems, including the rule of law.

1. The UN Mission established two similar consultative bodies based on the need to establish the coercive isomorphic processes: LCPCs and MCSCs. The pressure to establish the LCPCs came about based on persuasion and an urgent need for order. MCSCs were established based on the recognized need to institutionalize community safety related bodies at the municipal level. It was obvious that the UNMIK was influenced by the post-riot uncertainty. The Mission definitely used the examples of other European countries' organizations in the respective fields and exercised the mimetic isomorphic process when establishing MCSCs. 'Organizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work' (Meyer and Rowan, 1983).

2. There existed a definite pragmatic legitimacy in establishing the LCPCs in order to ensure the stability of the regions. This was accomplished by ultimately guaranteeing that all main international and local stakeholders, including communities, have the same clear information about security issues within the municipalities.

3. The institutionalization of a more important overarching safety and security consultation bodies, MCSCs were identified by the SRSG (actually, the head of the Mission) in a regulation related to the performance of the Kosovo Police Service (UNMIK Regulation 2005/54). Although, it would be more efficient to oblige the municipal authorities to contribute to the sustainability of MCSCs with a separate regulation. This guidance clearly shows the preference of the Mission to ensure that, by its own involvement, immediate actions were made to tackle security and crime related problems. It is possible that the Mission favored the elaboration of the community safety related policies and proposed to the future central government of Kosovo.

4. Establishment of the MCSCs, a year after the March 2004 riots in Kosovo, would not gain a social legitimacy due to the ethnically tense relationship between Kosovo Serbians and Albanians. In Jepperson's terms, the body would not be socially 'natural'. The possibility of supporting the idea of establishing the new forum for a public consultation by the municipal authorities would not be realistic at that moment. Furthermore, it is interesting to observe that the LCPCs are frequently mentioned in the SG reports at UN headquarters level. As for the MCSCs, they were established at the Mission level. Unlike the LCPCs, the MCSCs did not gain much popularity in UN headquarters. This clearly indicates that, the Mission itself was not ready to work on the sustainability of the community safety forums at municipal levels due to the turbulent nature of the interethnic tensions in Kosovo during that time. UNMIK needed the rapid response mechanisms of LCPCs, to influence the stability in its area of responsibility. Consequently, the MCSCs remained at the pre-institutional/habituation stage of institutionalization (Tolbert and Zucker, 1997).

Institutionalization of MCSCs by the Kosovo Government

In 2008, when Kosovo promulgated its unilateral declaration of independence from Serbia, although functional, UNMIK handed almost all means of control over the Kosovo public institutions. Since then, the public sector in Kosovo has directly inherited the legislation institutionalized by the UNMIS and even its proposed structure of local governance. As for the MCSCs, a special effort has been made by the Ministries of Local Government Administration and Internal Affairs of Kosovo to ensure their institutionalization.

In 2009, the Kosovo Ministries of Internal Affairs (MoIA) and Local Government Administration (MLGA) issued Administrative Instruction (AI) No 08/2009 MIA – 02/2009 MLGA 'for Municipal Community Safety Councils'. This document mainly reflects the aforementioned UNMIK regulation of 2005, as well as tasking the mayors to send semi-annual reports to the MLGA, and obliging the

Ministry to assess performance of the municipal authorities in terms of the efficiency of the MCSCs in each municipality. Furthermore, the instruction defines the obligatory list of the MCSC membership (MLGA website, 2009).

According to Article 3.2 of aforementioned AI, 'MCSC is the main consultative body of a municipality for security issues, which in cooperation with police, reviews and resolves all security issues for all communities, in the interest of all citizens within the municipality'. In addition, AI No 2009/13, 'Police Collaboration with Municipalities and Communities', was issued by the Kosovo Police in 2009, which ensures the active involvement of police station commanders within the MCSCs (Kosovo Police website (2010)). A comprehensive assessment of the capability of MCSCs was conducted by the OSCE Mission in Kosovo. The document, 'Municipal Community Safety Councils – Needs Assessment Report', was published in 2011 and mainly covers the period of January to September 2010. Furthermore, certain information from this assessment can be used to compare the effectiveness of each MCSC during the 2009/2010 period.

The assessment revealed that the performance of certain MCSCs was worse in 2010 when compared to 2009 while in other cases, it was the opposite. Three key items affected the successful institutionalization of MCSCs:

1. MCSC performance depends on the ethno-cultural and political specifics within each municipality.
2. The assessment revealed that, the LCPC security meetings are still held which confused municipal officials in properly understanding what the community safety philosophy and role of the MCSCs were within their respective communities.
3. Also, certain mayors still consider security as a sole responsibility of the police. (MCSC Needs Assessment Report, 2011).

The report from the international non-governmental organization (NGO), Saferworld, 'A Matter of Trust – Public Perceptions of Safety and Security in Kosovo 2009/10' revealed after assessing the awareness of the local population about the community safety, that 'there is a lack of outreach to, and co-operation with, the wider public. Many people have never heard of MCSCs... .' (Saferworld, 2010).

Isomorphic processes of the functionality of the MCSC-related policies in Kosovo

The application of the isomorphic MCSC related processes within Kosovo and some hindrances toward its full institutionalization reveals the following observations:

1. The coercive isomorphic process is utilized by the Kosovo government which aims to influence the mayors

to assume a leading role in the security coordination in their areas of responsibility. It is an important progress in fully institutionalizing the MCSCs. Although the role of law enforcement actors is important in the system, the new policy obliged the elected municipal high executives to coordinate the work of the consultative bodies of both safety and security.

2. Although the Kosovo government acknowledged the importance of having the municipal level community safety forums available and functional, by legalizing their existence, the AI No 08/2009 MIA – 02/2009 MLGA 'for Municipal Community Safety Councils' did not specify the role of central governmental institutions about funding the functionality of the MCSCs. No matter why this crucial aspect was disregarded, the municipal authorities have been observed to be reluctant to allocate funds for the MCSCs and their safety and security related initiatives (MCSC Needs Assessment Report, 2011).

3. The MCSC policy lacks a fiscal aspect. From this perspective, MCSC policy in Kosovo resembles the unfunded federal mandates in the USA, where such mandates require a state or local government to perform certain actions, yet provides no money for fulfilling the requirements. The funds are the responsibility of the lower levels of the public administration in this case (Milakovich and Gordon, 2009). We can observe the mimetic isomorphism in the Kosovo government was affected by the uncertainty about the selection of the proper governance model in this case for community safety. Furthermore, inheritance of the MCSC policy from UNMIK and international pressure to homogenize the processes accelerated the development of such a contradictory policy toward ensuring community safety and relations in a newly independent Kosovo.

4. The OSCE-led MCSC Needs Assessment Report revealed interesting trends about the functionality of the forums. In some municipalities, MCSCs perform well and the mayors use them as a consultative platform on safety and security issues affecting their community. One mayor allocated a certain amount of money to fund the projects initiated by the respective MCSC, but refused to do that later, as other mayors opposed this initiative due to their own reluctance to follow the aforementioned example (MCSC Needs Assessment Report, 2011). These trends reveal the comprehension by certain mayors that having a functional MCSC as ultimately a moral legitimacy for the stabilization and protection of their citizenry. Furthermore, the trends can be part of an on-going progressive mimetic process of competition between the mayors to improve their performance from the political standpoint.

CONCLUSIONS AND RECOMMENDATIONS

Kosovo's post-war development trend has demonstrated the need for successful institutionalization of MCSCs, as

part of the legitimate social fabric of its nationhood. Some conclusions and recommendations for the future success of the process could be advised:

1. The MCSCs in Kosovo are still based on the pragmatic legitimacy, since the majority of the elected mayors and municipal authorities cannot comprehend the role of the community safety forums in their daily work and performance at this time.

2. The institutionalization process of the MCSCs is approaching the semi-institutional stage at the central governmental level. However, its institutionalization within the municipalities is still at the pre-institutional/habitation level (Tolbert and Zucker, 1997).

3. The government of Kosovo needs to establish financial channels to fund the existence and functionality of the MCSCs, to avoid retaining the community safety policy as 'an unfunded mandate' for the municipal authorities. 'The greater the centralization of organization A's resource supply, the greater the extent to which organization A will change isomorphically to resemble the organization on which it depends for resources' (DiMaggio and Powell, 1983).

4. As the position of dependence leads to the isomorphic change, the central governmental bodies of Kosovo should enhance the political authority of the MoIA and MLGA, in order to ensure the greater dependence and accountability of the elected mayors to the central government. This would ensure that the municipal authorities act efficiently in accordance with the legal documents related to the MCSCs and community safety in general.

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