

Clearing up the Fog

**How international and local politics influenced spatial
planning in Kosovo (1999-2017)**



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Preface

This thesis is the final product of my MA ‘International Relations: International Studies’ at Leiden University. To my friends, family and fellow students it was no surprise that I wanted to write it about Kosovo. Pristina became my home during a six-month internship at the Embassy of Kingdom of the Netherlands, frequent visits, and the month I committed to the interviews. I fell in love with the people, culture and nature Kosovo has to offer. It was therefore even more bitter to see Kosovo struggle with the implications of its past. While many aspects of governance clearly did not function as desired, I was eager to discover the processes which hampered improvement. This was especially the case for urban development, which is a main subject of my studies in Delft. Pristina is a concrete city where it seems easier to build a skyscraper than to plant a flower. Its chaotic nature has its charm but at the end of the day hampers its economic development. My interest to explore how this came to be led me to research the influence of politics on spatial planning in Kosovo.

I am grateful for all the help I received from those I interviewed. They did not only help me gain an in-depth understanding of the system, their frustration and passion provided me with great inspiration. Furthermore, I would like to thank Dr. Henk Kern for his guidance during my research. Finally, I would like to thank my friends, my parents, and my love for their support.

List of abbreviations

| | |
|-------------------|--|
| AI | Administrative Instructions |
| DSP | Department of Spatial Planning |
| DSPHC | Department of Spatial Planning, Housing and Construction |
| ISP | Institute for Spatial Planning |
| LDK | Lidhja Demokratike e Kosovës |
| MDP | Municipal Development Plan |
| MESP | Ministry of Environment and Spatial Planning |
| MuSPP | Municipal Spatial Planning Support Programme |
| MZM | Municipal Zoning Map |
| PISG | Provisional Institution of Self-Government |
| SPZ | Special Protective Zones |
| UDP | Urban Development Plan |
| UN-HABITAT | United Nations Human Settlement Programme |
| UNMIK | United Nations Interim Administration Mission in Kosovo |
| URP | Urban Regulatory Plan |
| USAID | United States Agency for International Development |
| VV | Lëvizja Vetëvendosje |

1. Introduction

1.1 Governance in Kosovo and spatial planning

The end of the Kosovo War in 1999 also brought an end to the inflexible social system of the Yugoslav regime previously in place (Narang & Reutersward, 2006). Serbia, of which Kosovo had been an autonomous region from 1945 onwards (Krieger, 2001), did not, however, accept an independent Kosovar state (Weller, 2008). In order to prevent reignition of the conflict, the United Nations Security Council's Resolution 1244 (1999) transferred Kosovo's governance to what would become the United Nations Interim Administration Mission in Kosovo (UNMIK), while leaving Kosovo's status unresolved. As it took two years before UNMIK managed to create functional institutions, there was "virtual anarchy" (Narang & Reutersward, 2006, p.5) during the first phase of post-war reconstruction. Governance remained problematic after the creation of institutions as the lack of support of the public and elite prevented them from being embedded in Kosovar society (van Willigen, 2009). As a fragile democracy with contested status Kosovo still faces substantial governance issues such as rooted corruption, struggling institutions, a flawed rule of law system, and a weak economy (Gashi, 2017; Perrit, 2009).

Kosovo's failed state-building efforts are reflected in its physical reconstruction. Cities grew exponentially given the post-war need for housing and employment while the biggest growth occurred in the capital, Pristina¹ (Vöckler, 2009). This urban development occurred uncontrolled given the initial absence of institutions, but even with governance structures in place it took years before a planning system started functioning (Ibid). This is problematic from a governance point of view because spatial planning is crucial for overcoming development issues and is especially required in post-conflict urbanization (Pathak, 2011). Furthermore, spatial planning embodies governance of territory (Koresawa & Konvitz, 2001) which, in the case of Kosovo, is politically contested given its unresolved status. While analyzing the functioning of public policy in Kosovo is already important for gaining insights on post-conflict state-building, research on its spatial planning as a part of governance becomes thus even more interesting given its facilitating role for economic development and Kosovo's disputed status.

¹ Pristina, the English name for the capital is used in this research (Prishtinë in Albanian and Priština in Serbian).

The following chapters discuss the process in which spatial planning developed in Kosovo and what the influence of international and local politics were on this development. International politics are considered given the international administration and geopolitical interests, such as Serbia's claim on ownership of Kosovo. Local politics of governing parties are also included given the negative impact of Kosovar's elite on the functioning of institutions. Furthermore, this approach allows for identifying the impact of international politics on local politics. The timeframe runs from the end of the war in 1999 up to the end of 2017 to capture not only the period of UNMIK's governance, but also the functioning of institutions left in its wake. To operationalize governance, this research follows Fukuyama's definition of it being "a governments' ability to make and enforce rules, and to deliver services" (Fukuyama, 2013, p.3). It therefore focuses on the legislation regarding spatial planning and its implementation. The research question is formulated as: what was the influence of international and local politics on the functioning of spatial planning in Kosovo from 1999 to 2017?

1.2 Literature review

The knowledge gap which shapes this research originates from existing academic literature on governance in Kosovo and spatial planning which can be divided in different groups. First, scholars' findings on governance characteristics in Kosovo are discussed with a focus on the UNMIK interim administration which ran from 1999 to 2008 and the challenges it faced. A separate paragraph is dedicated to one of the main determining factors which shaped public policy: decentralization given Serbian interests. Finally, before the implications of existing literature for this research are discussed, a detailed account is presented on the academic research on spatial planning in Kosovo.

1.2.1 Governance in Kosovo

There is a core body of academic literature on the functioning of governance in Kosovo in which two main causes can be found for the failure to provide sustainable governmental institutions: the double-faced responsibilities and interests of UNMIK, and the post-conflict characteristics of Kosovo with its unresolved status as most important element. Chesterman (2004) discusses the challenges of international administrations and specifically Kosovo, where he states that the

international community neglected local characteristics and needs. Knoll (2005) follows Chesterman, but specifies how the double responsibility and interests of the UNMIK administration hampered its effectiveness: with Kosovo's status unresolved in the background, UNMIK had to prove to the international community it could govern effectively within its mandate defined by Resolution 1244, while simultaneously protecting and governing over all of Kosovo's citizens. This is where UNMIK's governance effectiveness already inherently suffered from the balancing of diverse interests, which according to Joireman (2016) led to failure of institutions to implement legislation. The balancing of different interests led to a situation in which the elite defied official policy, which is a phenomenon explored by multiple scholars. Mulaj (2011) ties into Knoll's statement of UNMIK's double-faced legitimacy and uses privatization as an example, where the Albanian elite misused its position without proper control by the international administration. This phenomenon was already described in the 'Lessons Learned Analysis Report of the European Stability Initiative (2002) and follows a trend of impunity for members of the Albanian elite associated with the Kosovo Liberation Army (KLA) which according to Wolfgram (2008) already started at the end of the war in 1999. A more detailed account on the role of the Serbian elite's defiance of Kosovar institutions is provided by Van der Borgh (2012) which he also attributes to UNMIK's failure to account for Kosovar Serbian interests. Van Willigen (2009, 2012) provides a broader complementary image by discussing the lack of support of both Albanian and Serb masses and elite in Kosovo with regards to UNMIK's attempt to create sustainable institutions. He states that the causes for these phenomena are the unresolved status of Kosovo and its frozen-conflict character: the violent conflict between Serbians and Albanians has ceased but there is still no compatibility between the two parties on the unresolved status. Harland (2010) adds to the understanding of the implications of Kosovo's unresolved status on its governance by describing how decision-making became dependent on the international community while high-level negotiations with Serbia failed to provide results. He also describes how the European Rule of Law Mission in Kosovo (EULEX) was instigated in 2008 which would take over main tasks of UNMIK in assisting Kosovo's institutions. EULEX mainly focuses on the judiciary system (The Council of the European Union, 2008) while functioning under the UNMIK umbrella rather than replacing it (Harland, 2010). This was deemed a step forward by the international community in the process of reaching autonomous governance in Kosovo and possible resolution on its status, but reality proved to be different. Serbian power started to domesticate more in Kosovo's local

governance in municipalities with Serbian majority as it did not recognize Kosovo's self-declared independence of February 2008. An example is the judiciary where a parallel Serbian system was put in place in the North (Ibid). Dahlman and Williams (2010) add to the insight of Serbian influence on governance in Kosovo by focusing on defiance politics towards Kosovo's governmental institutions in Serbian enclaves which reflects the aforementioned narrative by Van der Borgh (2012). The loose grip of the central government on local governance, however, did not only come to be given on-the-ground defiance in the light of Kosovo's unresolved status or frozen-conflict setting, but was already embedded in the decentralized governance system set in place by UNMIK.

1.2.2 Decentralization for conflict mitigation

Zeqiri, Stephens and Zou (2010) provide a detailed account on how decentralization policy came to be in the years after the war for political inclusion of Serbian minorities. Their statement that decentralization was put in place for conflict mitigation, but did not manage to provide desired results in easing tensions, is echoed by Rossi (2014), the International Crisis Group (2012) and Dahlman and Williams (2010). The authors agree that the main reason for its failure was the absence of a functioning central government, and Gjoni, Wetterberg and Dunbar (2010) even argue that decentralization proved counter effective for conflict mitigation as political segregation enhanced divisions. The academic literature on decentralization generally focuses on its role in conflict management, as the previous scholars illustrate, and there is relatively little information on the actual effectiveness and implications of local governance during and after international administration. Mustafa, Ahmeti and Fejza (2011) discuss the efficiency of municipalities to create their own revenue, while Agimi (2014) discusses local government reforms and the democratic character of decision making on a local level. Both pieces, however, merely analyze the system and provide recommendations for improving efficiency with a focus on bureaucracy and fiscal elements, rather than discussing the governance related benefits or issues which originated from decentralization. The actual functioning of local governance in Kosovo is thus still a relatively unexplored field even though it is a cornerstone of Kosovo's decentralized public policy and deemed unsuccessful by multiple scholars.

The previous paragraphs explored the academic literature on governance in Kosovo in which the negative impact of UNMIK's double-faced interests and legitimacy, as well as Kosovo's post-conflict setting clearly stand out. These two main causes led to governance in Kosovo being characterized by a decentralized system with weak institutions and a corrupt elite. What is missing, however, is a more precise account on the specific functioning of central and local governance in the light of post-conflict state-building rather than only in a conflict mitigation perspective. Research regarding a specific sector would provide new insights into the actual functioning of governance on a central and local level. Given Kosovo's uncontrolled reconstruction and disputed status the research focuses on spatial planning. Furthermore, Narang and Reutersward (2006) already proclaimed the importance of spatial planning for sustainable public governance and development in Kosovo.

1.2.3 Spatial planning in Kosovo

Literature on spatial planning in Kosovo is generally scarce. The existing scholarly work does not focus on the implications of spatial planning for Kosovo's governance. This is problematic since Kosovo faces substantial governance issues while spatial planning embodies the coordination of governance sectors within a certain territory (Koresawa & Konvitz, 2001). Garstka (2010) states that existing literature mainly focused on aesthetics of architecture rather than planning, but there was already some literature present. D'hondt (2006) discusses urbanization phenomena, such as informal settlements, and explains how the United Nations Human Settlement Programme (UN-HABITAT), the main international organization involved in spatial planning, helped develop the spatial planning framework through its programs. Furthermore, a critical European Stability Initiative report (2002) criticized planning and governance failures in the capital Pristina, which it claimed was caused by UNMIK's passive approach in controlling development, an overall discrepancy between spatial planning and reality, and unreliable municipal departments.

Recent years provided more literature with diverging focus from the municipal to the national level. Boussauw (2012) discusses the effects of decentralization on the spatial planning system and considers the development of Peja/Pec on a municipal level². For key issues faced in the spatial

² Peja is the Albanian name, Pec the Serbian.

planning system, such as informal settlements and lack of obedience to planning documents, Boussauw mentions three main causes: the weak municipal administration compared to a strong real estate sector, lack of capacity and knowledge in the sector, and absence of social support for the system. Corruption is also mentioned as a general factor deriving from the “volatile political situation that is typical of a post-war period of stabilization” (Ibid, p.148), but the specific politics at play or its impact are not discussed. Furthermore, the research focuses on Peja/Pec, given the analysis of two international projects: UN-HABITAT’s Municipal Spatial Planning Support Programme (MuSPP) and MobKos³. It thus therefore does not focus on Pristina, which experienced the biggest uncontrolled growth, only because it didn’t take part in these two programs. Regarding literature on a national level there are two main articles providing insight into the functioning of specific institutions. Nushi (2011) gives an overview of the different organizations involved with spatial planning such as the Institute of Spatial Planning (ISP) and Department of Spatial Planning (DSP), which are the two national bodies dealing with spatial planning. He discusses their mandates while offering critical reflections on capacity issues and the lack of clear division regarding responsibilities given overlapping portfolios. Halimi (2014) analyzes the functioning of institutions dealing with property disputes in which he concludes the unwished results, being the lack of returnees, were not to be blamed on the institutions’ effectiveness on following their mandate, but “can be mainly attributed to the overall political environment” (Ibid, p.234). Just like Boussauw the research fails to discuss what this political environment exactly entails. A similar trend can be seen in more literature regarding issues in spatial planning or other relevant fields where the influence of politics is not touched upon⁴. Vöckler (2009), for instance, provides an extensive overview of the history and impact of uncontrolled growth in Pristina right after the war, but leaves the functioning of institutions rather

³ The MuSPP assisted multiple municipalities in the drafting of their municipal planning documents, while MobKos was a project on urban mobility for which Peja/Pec served as a pilot project (Boussauw, 2012).

⁴ Cordial and Rosendhaug (2009) also focus on property restitution and relevant institutions, but from a legal and administrative perspective, not a political one. Gulan et al (2017) discuss the polluted ground in Pristina, but the content focuses on technical causes only. The aforementioned ESI report also does not discuss the influence of politics.

undiscussed⁵. Kretsi (2007) defies the trend by exploring the politics in a different, yet related, field: the legal plurality of property rights⁶.

There is thus no regard for the core concept of governance in spatial planning: the implementation of legislation by national and local institutions. Regarding legislation the new package of spatial planning and construction laws adopted from 2012 onwards is not even mentioned at all. The cases of Boussauw mentioning the discrepancy between policy and reality in spatial planning documents without explaining its causes, and Halimi blaming the lack of success of property restitution institutions on politics without highlighting the factors at play, are reflective of the literature's describing of phenomena without discussing the role of politics and governance in solving or maintaining the issues faced. This is problematic since local governance faces substantial challenges that came with decentralization, while Kosovo has also been repeatedly characterized by corruption in the elite. To gain a better understanding of how the spatial planning system functioned in Kosovo as part of post-conflict public policy, research on relevant governance and the influence of politics will therefore provide new insights. Taking Joireman's (2016) statement into account that Kosovar institutions failed to implement legislation due to UNMIK's balancing of different interests during its governance, an analysis of development of legislation and its implementation is even more interesting.

1.3 Research specifications

The research thus focuses on development of legislation relevant to spatial planning, such as the 2003 and 2013 Laws on Spatial Planning, and its implementation. At the center of analyzing implementation stands whether the relevant institutions on both a national and local level implement the legislation successfully, such as the provision of planning documents and obedience through the building permit system and inspection. Both the national and local level are analyzed given the importance of local governance. This furthermore allows for a more coherent insight into

⁵ Vöckler discusses reasons for the uncontrolled growth from a post-conflict and even social perspective but does not go into specific political processes or the functioning of legislation and institutions, besides mentioning UNMIK Regulation 2000/53 and the difficulty of receiving building permits. The failure of plans is touched upon but then only the period shortly after the war.

⁶ Given the change of regimes and parallel governance structures, a system on hierarchy of ownership rights was to be developed in Kosovo. For more information on the implications of property rights see paragraph 4.6.

the implications of decentralization policy in Kosovo. The provincial level is not analyzed, since there are no provincial governance structures regarding spatial planning.

Given the stated influence of international actors and occurrence of corruption, the political influence at play is given special attention. Regarding international politics, cases similar to the choice of decentralization policy in Kosovo for conflict mitigation are identified: events where legislation was developed or implemented given a specific interest of the international community or international actor. Regarding these actors there is a focus on UNMIK, UN-HABITAT and the United States Agency for International Development (USAID). While UNMIK was heading the international administration after the war, UN-HABITAT was the main international organization involved in spatial planning, and USAID has been involved in drafting the new legislation package from 2012 onwards. Regarding the local level, the research focuses on the implementation of spatial planning policy by governing political parties and occurrence of corruption. Pristina functions as a case study because of its uncontrolled growth, economic and political importance, and switch of governing political parties in 2014. Lidhja Demokratike e Kosovës (LDK), one of Kosovo's biggest traditional political parties, held the municipal office from 2000-2013, while Lëvizja Vetëvendosje (VV), an upcoming political party which originated from a social movement, took over for 2014-2017.

This corresponds with the total timeframe considered in the research: 1999-2017, which includes the immediate post-war situation, UNMIK's governance, and the years following Kosovo's declared independence in 2008. This period allows for researching governance during and after the international administration, to analyze its immediate and lasting impact on spatial planning. It also allows for a comparison between the timeframe of LDK's governance over Pristina and the effects of the shift to VV in 2014.

1.4 Methodology and data

The research uses two methods for methodological triangulation: the use of multiple methods within one research to counter shortcomings of one method with another (Dür, 2008). A case study, "the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events" (George & Bennett, 2005, p.5) on Kosovo and specifically Pristina is used. Pristina is chosen as a case since it experienced the largest

uncontrolled growth in Kosovo as its economic and political center and given the absence of academic literature on the capital. The case study functions in both a deductive and inductive manner. Deductively, it tests Joireman's statement that institutions' failure to implement legislation can be attributed to UNMIK's balancing of interests. Inductively, it aims to identify further influence of politics on the development of legislation and its implementation, since existing literature does not clarify the specific influence of the political environment. Therefore, process tracing is the second method used which aims to identify specific causes to explain the unfolding of a chain of events (Ibid). It can be used to assess the applicability of a hypothesis within a case by considering "histories, archival documents, interview transcripts, and other sources" (Ibid, p.6). It can also assist in generating new hypotheses by considering "sequences of events observed inductively in case studies" (Ibid, p.7).

The author conducted a total of 40 open and semi-structured interviews with relevant actors in Pristina in September 2017. The selected interviewees were current or former urban planners, academics, policy makers, and employees of relevant institutions such as municipal directorates, ISP, DSP, UN-HABITAT, and USAID. Appendix A provides an overview of organizations consulted. Since the interviewees were still employed in the sector at the time of the interview, the interviews were generally held on an anonymous basis as many interviewees were not comfortable to share information in a referenced manner. The interviews provided the author with a general understanding of the development of the spatial planning system which could not be retrieved solely from primary and secondary literature. The research uses recurring statements from interviews, specific statements from both referenced and anonymous interviewees, primary sources, such as the legislation on spatial planning and planning documents, and academic literature as secondary sources. Further details on interview references and recurring statements is presented in Appendix B.

1.5 Structure of the research

As specified in the previous paragraphs, the research entails three distinct parts: the legislation, its implementation on a national level, and implementation on a local level. Firstly, the development of legislation is discussed in Chapter 2 as this sets the policy framework for implementation. Within the chapter a distinction is made between the old and new legislation. Chapter 3 considers

the implementation on a national level. Chapter 4 focuses on Pristina as a case study with a clear distinction between the period LDK and VV governed the capital to identify possible changes which occurred given this political transition.

2. Development of legislation on spatial planning and relevant fields

This chapter provides a description of the development of legislation in Kosovo and identifies the political interests which determined its characteristics. Not only does the chapter highlight the way legislation was used for conflict mitigation, but it also illustrates how another interest, that of construction, characterizes a policy shift initiated in 2012.

2.1 The old package (2000-2011)

When UNMIK took on governance over Kosovo in 1999 the legislation and documents dating from the Yugoslav regime were still in place under the provision they were not discriminatory⁷. The first piece of legislation by UNMIK to tackle the uncontrolled growth was a regulation issued in September 2000 (UNMIK, 2000) as a reaction to the assassination of the Director of Urbanism of Pristina, Rexhep Luci, who took the lead in the fight against illegal construction in the capital (European Stability Initiative, 2002), which is further discussed in chapter 4. The regulation followed the trend that UNMIK issued legislation in a reactionary manner to unfolding crises rather than originating from a strategic vision to take governance forward (Reka, 2003). The Assembly of Kosovo could also develop legislation as a Provisional Institution of Self-Government (PISG) and adopted the Law on Spatial Planning in 2003 and Law on Construction in 2004 (Assembly of Kosovo, 2003, 2004). UN-HABITAT assisted the Ministry of Environment and Spatial Planning (MESP) in drafting the Law on Spatial Planning which set out the policy framework and required planning documents. In 2008 the Law on Spatial Planning was amended to support a new Law on Special Protective Zones (SPZ) (Assembly of the Republic of Kosovo, 2008a, 2008b). This was a demand of the international community to protect Serbian cultural and religious sites in response to the destruction of Serbian property such as the Orthodox churches in riots which occurred in 2004 (Rossi, 2014)⁸.

Together these laws can be considered as ‘the old package’, which reflects previously stated characteristics of governance in Kosovo: conflict mitigation and decentralization. The former

⁷ UNMIK regulation 1999/1 (1999b) stated applicability of existing laws, but repealed those considered discriminatory. Reka (2003) furthermore provides an insight in the precise legal characteristics of UNMIK regulations.

⁸ The SPZs were included in the Ahtisaari Plan. Developed by UN Special Envoy Martti Ahtisaari and officially named the ‘Comprehensive Proposal for the Kosovo Status Settlement’ (CSP) (Ahtisaari, 2007), the plan included policy principles required for the settlement of Kosovo’s status.

element is reflected in the demand of the international community for SPZs to protect Serbian sites. Decentralization is also present since there was no national standardization legislation on construction conditions or demands and guidelines for planning documents for municipalities to abide to.

2.2 The new package (2012-2017)

The old system proved susceptible to corruption and municipalities were struggling to implement planning documents given capacity issues and corruption (Boussauw, 2012; Nushi, 2011). Especially the process of obtaining a building permit proved difficult. Yet, it wasn't the population's dissatisfaction which provided the main motive for change. When the World Bank published its 'Doing Business 2012' report (2012), its results shocked the Kosovar elite as only twelve economies in the world scored worse when it came to the ease of receiving building permits (Recurring statement interviews #1). Not only is the construction sector important for both the formal and informal economy (Strategy & Development Consulting, 2015), the word in Kosovo, as echoed throughout the interviews, is that construction firms have close ties with political parties (Recurring statement interviews #2). In Prizren there was a clear case of construction firms funding an election campaign in return for promised tenders (Jahaj, 2012). Indirect links are also present as the brother of the Prime Minister at the time, Hashim Thaçi, heads his own construction firm, and profited from the political connection (Olluri, 2013). A new paradigm of laws was to be created, but this time not by UN-HABITAT, but through USAID's running 'Business Enabling Environment Project' (BEEP) which ran from 2010 to 2013 and would be replaced in 2014 by the 'Partnership for Development' (PFD). Chemonics International, a private development company, implemented both projects, which focused on strengthening the private sector (USAID, 2017). The old legislation wasn't amended but new laws were created with one specific core planning concept which would change the total spatial planning policy framework: zoning based on the American system, in which condition and regulations are homogenous for all parcels within a certain area (Assembly of the Republic of Kosovo, 2013b). The policy shift was received with mixed reactions. A recurring element in the interviews was that there was a lot of criticism from civil society and even UN-HABITAT on this change since it provided a different system than the one current municipal administrators, planners and project developers were trained in for years. Furthermore, it is expected to only give more power to the private sector through the expected outsourcing of

drafting planning documents given the already existing capacity issues and lack of knowledge in local governance. Yet, the alleged response of the MESP was that they could not refuse since USAID, the donor, insisted (Recurring statement interviews #3).

Within the new system spatial planning serves the purpose of construction as reflected in the reasoning behind the new system: not the actual performance of spatial planning led to the change in legislation, but the World Bank's score on ease of receiving building permits. That the new Law on Construction was adopted in 2012, before the Law on Spatial Planning in 2013, reflects the priority of the government to streamline the construction approach. The zoning system also makes it easier to receive building permits and conditions are known beforehand. The Law on Construction even includes a provision that if a request for a building permit is not issued in 30 or 45 days depending on the category, the permit is considered issued (Assembly of the Republic of Kosovo, 2013b). Both USAID and UN-HABITAT assisted in developing Administrative Instructions (AIs) which lay out further provisions. This took quite some time as the one regarding requirements for the zoning maps on municipal level was issued in December 2015, and the one regarding the national level was even issued in December 2016. In general, the process did not go as smooth as anticipated as it underestimated the challenges that came with drafting legislation in a post-conflict setting: a law dealing on legalization of illegal structures was annulled since reality did not correspond with the anticipated figures⁹. An interviewee who worked on part of the new legislation stated that every step of the process resembled opening Pandora's box since it was unclear what the actual effects would be (Chemonics interviewee, personal communication, 20 September, 2017). These laws and AI's are together part of 'the new package' which currently defines the policy framework for spatial planning.

2.3 The influence of politics on the development of legislation

Regarding international politics, the 'old package' stemming from 2003 during the time of UNMIK's governance reflects the implications of the decentralization focus of policy in Kosovo given the lack of national legislation which would constrain municipal planning documents and

⁹ The Law for Treatment of Constructions without Permits (Assembly of the Republic of Kosovo, 2013a) took 50.000-100.000 unregistered properties into account which turned out to be over 350.000. There were also other issues since property on land registered as public or agricultural could not apply for the procedure.

construction conditions. Furthermore, the 2008 amendment and new law on Special Protective Zones (SPZs) fit the use of governance for conflict mitigation given the inclusion of SPZs for Serbian interests. The new legislation was developed from 2012 onwards under the umbrella of USAID's projects which focused on strengthening the private sector. Even though the change occurred in the post-international governance setting, external influence was key for defining policy given USAID's donor leverage. This led to a policy shift with a new zoning system which was contested by Kosovar planners and academics. Furthermore, the complexity of developing legislation in a post-conflict setting was underestimated by the lawmakers.

The influence of local politics on legislation originates from the elite's interest in the construction sector and its turn to the US to enhance the building permit process. The motivation for changing legislation from the old package to the new does not derive from the actual functioning of spatial planning and efficiency of plans, but merely the ease of receiving building permits to ease the process of construction.

3. Implementation on a national level

The following chapters focus on the implementation of the legislation discussed in Chapter 2. Both chapters identify the political influence on implementation regarding the interests of conflict mitigation and construction. The national level is discussed first in this chapter as this sets the stage for local governance. The first paragraph focuses on the main national bodies dealing with spatial planning while the second paragraph discusses national planning documents.

3.1 Ministry of Environment and Spatial Planning (MESP) and relevant bodies

The MESP, created in 2002 as a PISG (UNMIK, 2002), includes the two main bodies of the central government responsible for spatial planning: the Department of Spatial Planning (DSP) and Institute of Spatial Planning (ISP), established with the help of UN-HABITAT in 2003 (Nushi, 2011). The DSP is responsible for drafting and implementing legislation while the ISP's main task is drafting national planning documents and assisting municipalities when requested. The DSP was extended into the Department for Spatial Planning, Housing and Construction (DSPHC) in 2014, which reflects the bundling of spatial planning and construction in the new package¹⁰. The Chemonics staff of the running USAID projects is placed directly within the DSPHC to draft the new legislation on spatial planning and construction. Since the legislation was already discussed in the previous chapter, this chapter focuses on the ISP.

Luan Nushi (2011), who is the current Director of the ISP, provided an overview of the functioning of these two department along with challenges faced: besides the human capacity issues, which the MESP generally struggles with (FRIDOM Project, 2010), there was no clear legal division between responsibilities of the ISP and DSP regarding, for instance, the monitoring of municipal planning documents. An Administrative Instruction has been developed to clear up responsibility issues (Ministry of Environment and Spatial Planning, 2017). Still, the capacity issues persist¹¹, and change requires political will of local politicians. There is, however, not a lot of attention for spatial planning in politics and the main reason why was one echoed by all those interviewed:

¹⁰ The ISP was briefly moved under the Kosovo Environment Protection Agency (KEPA) and only recently brought back to the spatial planning division in 2017. It is not clear why this happened although it seems like all institutions in the MESP were placed together regardless of their focus area.

¹¹ Divided over the three divisions, the DSPHC had 13 staff members while the ISP had 10 on 22 September 2017.

politicians do not recognize the importance of spatial planning. A common understanding which resonated throughout the interviews was that there was and still is no awareness at the public or elite regarding the role of spatial planning for public policy governance of territory (Recurring statement interviews #4). This is reflected in the position of the MESP in the government: neither LDK or PDK, the two big traditional parties in Kosovo, ever held its office, which was usually given to minor parties in the government coalition. In public discourse, the MESP was even often referred to as merely ‘the Ministry of Environment’, leaving spatial planning in the abyss.

Next to drafting national planning documents the ISP reviews municipal plans. Former ISP Director Ilir Gjinolli stated he was pressured to approve a plan allowing construction in the protected nature area of Sharri Mountains’ in the municipality of Prizren in 2006, which was illegal according to the laws in place (personal communication, 22 September, 2017). Shortly after Gjinolli resigned, the plan was still approved by the MESP even though relevant legislation, including the 2003 Law on Spatial Planning, stated that definite approval of the Assembly was required. This case therefore provides a clear example of the influence of corruption on the failure of the national government to implement legislation (Republic of Kosovo Ombudsperson Institution, 2008).

3.2 National planning documents

The main influence on local governance regarding implementation of legislation is the content of national planning documents. The 2003 Law on Spatial Planning defined the Spatial Plan of Kosovo (SPK) as a “strategic multi-sectoral plan” (p.6). As it integrates multiple fields of governance and ties it to spatial characteristics of the territory of Kosovo it is often called ‘The Second Constitution’ by planners. Municipal planning documents should be created in consistency with the content of the SPK. Drafted by the ISP, the first SPK was called ‘Spatial Plan of Kosovo 2005-2015+’, which was approved in January 2007. This already illustrates the current planning discrepancy in Kosovo where planning documents seem to chase reality: there had already been almost eight years of uncontrolled growth before a national plan existed. Furthermore, it was approved almost four years after the 2003 Law on Spatial Planning was in place. The Law did not state a deadline for the SPK, while municipalities already had to draft their planning documents

by the end of January 2005¹². The SPK therefore did not provide guidelines to municipal planning documents. While the legislation does not initially show clear signs of the decentralization policy besides for the lack of national standardization for building conditions or the drafting of plans, it is more visible in the implementation given the lack of influence the SPK has on municipal planning documents drafted by municipalities. Furthermore, the interviews also showed that planners functional on a local level did not find the SPK detailed enough to provide clear guidance for municipal planning documents (Recurring statement interviews #5). When it comes to the specific content of the plans, planners who worked on the SPK mentioned that the plan was not influenced through corruption by local politicians. The transparency achieved through assistance of international actors gave no room to influence the plan (Recurring statement interviews #6)¹³. Besides, politicians generally do not see the power of the national planning documents as political tools (Recurring statement interviews #7).

The same counts for the second national plan ‘Spatial Plan of Kosova: 2010-2020+’, which was mainly a revision of the first one, approved in July 2010, although two differences can be noted when it comes to influence of politics. The Ministry of Transport provided two alternative routes for a part of the highway from Pristina to Tirana for the claimed reason it would prevent corruption. International politics also made its way into the second plan. The 2009 draft version did not include the Special Protective Zones (SPZs) which the international community wanted to be included for protection of Serbian Orthodox Church sites. They weren’t part of the plan because information was lacking since there was no existing legislation on the SPZs. After the Law on SPZs (Assembly of the Republic of Kosovo, 2008b) was approved, they were included in the plan which was then immediately approved. Even though this occurred after Kosovo declared its independence in 2008, the leverage of the international community was still rather high, since the independence was supervised until 2012 by the International Civilian Representative for Kosovo (ICR) which ensured that the provisions of the Ahtisaari package were implemented (European Commission, 2008)¹⁴.

¹² In practice, most municipalities failed to develop planning documents before the deadline.

¹³ UN-HABITAT and the Institute for Housing and Urban Development Studies from the Netherlands both assisted in drafting the national plan (Nushi, 2011).

¹⁴ See footnote 9 for more information on the Ahtisaari plan. The ICR was simultaneously the European Union Special Representative (EUSR). Van Willigen discusses how this political influence of the EU influence would likely hamper the creation of “domestically embedded political institutions” (2009, p.242).

The only substantial, yet important, change the 2013 Law on Spatial Planning brought regarding national planning documents was that the ISP has to develop a Zoning Map of Kosovo next to the SPK and the SPZ. Implementation has not yet started, because the ISP currently waits for municipalities to draft their Municipal Zoning Maps (MZM) first, therefore providing no example in developing Zoning Maps. This again illustrates the decentralization principle and reflects the process of the first SPK which also did not provide guidance or set restrictions for municipal documents.

3.3 The influence of politics on implementation of legislation on a national level

There is one case in which international politics directly influenced the implementation of legislation on a national level. Alike to the findings on legislation it has to do with the protection of Serbian interests in Kosovo as the approval of the SPK was delayed until the SPZs were included. Indirectly, the decentralization principle came into play as the national planning documents were not detailed enough, nor were created on time, to provide clear policy provisions for municipal planning documents. The SPZs therefore stands out, since here the national provisions do clearly limit the possibilities for municipal planning. The decentralized nature of policy is therefore broken to protect Serbian interests.

Regarding the influence of local politics, it appears that there is not a lot of attention for spatial planning on a national level as its importance for governance is not recognized. Therefore, the only incident found had to do with corruption in the ‘Sharri’ case to allow denser construction. This illustrates how spatial planning suffered from the interest of construction.

4. Implementation on a local level: the case of Pristina

Whereas the previous chapters considered the legislation and its implementation on a national level, this chapter focuses on the implementation on the local level with Pristina as a case study. The implementation of legislation on a municipal level has two main components. Firstly, the building permit system and inspection are analyzed since these bridge the content of spatial planning documents and legislation to actual on-the-ground development. The spatial planning documents are regarded in separate paragraphs as these set the guidelines or restrictions for development which the building permit system and inspection should abide to. A distinction is made in the timeframe LDK and VV held the municipal office to allow for comparisons. After an evaluative paragraph summarizes the influence of politics, an additional paragraph links the difficulties faced on a local level to the wider implications of Kosovo's unresolved status.

4.1 Local governance of Pristina under LDK (2000-2013)

LDK is a political party created by Albanian intellectuals in December 1989 which non-violently fought for Kosovo's independence as a reaction to the discriminatory policy of Milosevic in Kosovo (Wolfgram, 2008). In the Albanian organized parliamentary 1992 elections the party won by huge numbers (Francis, 2002) and provided the president of the parallel Albanian government, Ibrahim Rugova, who would remain in this function during UNMIK's administration until he died while holding office in 2006. From 1989-1999 LDK set up parallel structures including education, health care, and even an own tax system throughout Kosovo (van der Borgh, 2012).

Just as in the rest of Kosovo, the existing non-discriminatory laws and plans were still in place in Pristina right after the war. They were, however, not enforced which led to uncontrolled expansion while a huge influx of money from the international community and diaspora was put into reconstruction. Houses were built on land designated for agriculture and existing buildings were extended towards the street for commercial purposes or even had extra floors added on top for housing (Vöckler, 2009). Spatial planning did not function as there was no policy abided in the first years of reconstruction after the war. UNMIK never seemed to care too much about the uncontrolled growth, especially in the beginning since it considered housing and employment favorable. While already a controversial topic, the assassination of Director of Urbanism Rexhep Luci in 2000 and the following lack of a condemning voice of the international community and

local politicians then silenced criticism for years to come (Recurring statement interviews #8). The legal system followed this trend as UNMIK never tackled illegal construction¹⁵. Pristina provided its first post-war planning document in July 2004 and the building permit system wasn't even in place until 2005 (Ibid).

While the MESP falls to the background in national politics, the Directorate of Urbanism is one of the most important bodies in local governance given its role in issuing building permits (Assembly of Kosovo, 2003). The Directorate of Inspection's mandate covered the issuing of technical approvals and utility permits (Assembly of Kosovo, 2004). The issuing of these documents was very susceptible to corruption given the lack of transparency. Multiple interviewees mentioned alleged cases where one building permit was used for two buildings' technical approval. Constructing more floors than the building permit allowed and then bribing the inspection was another scheme that was used (Recurring statement interviews #9). UN-HABITAT's MuSPP, which assisted municipal directorates in developing and implementing their planning documents (UN-HABITAT Kosovo, n.d.-a, n.d.-b, n.d.-c), ran from 2005 until 2014, but Pristina wasn't part of the program during any part of the project. In none of the interviews it became clear why Pristina did not participate. A former UN-HABITAT planner mentioned how Pristina generally never wanted to cooperate and was hesitant to engage with international partners (personal communication, 23 September, 2017). The 'why' remains rather unclear but multiple interviewees believed that the transparency on the functioning of the municipality was undesired by politicians in power at the time (Recurring statement interviews #10). Progress was made during the LDK mandate, but it went rather slow and until 2010 it was considered strange to even apply for a building permit at all. This change probably occurred due to municipal elections at the time. How many permits were issued around the time of the election could not be researched since a lot of documents are missing in the archive (A. Rexhepi, personal communication, 27 September, 2017). Taking the precedent Prizren case of election promises into account along with the alleged ties between the construction sector and political parties, it seems likely this was a pledge of LDK for the support it received from construction firms for their electoral campaign.

During the LDK mandate there was frequent occurrence of corruption in spatial planning when it comes to the building permit system and inspection. Whether these malfunctions can be blamed

¹⁵ The same counts for the EU Rule of Law Mission (EULEX).

on LDK's party politics rather than individuals aiming to improve personal wealth cannot be stated through the retrieved information. What is worrisome, however, is that LDK never really tried to change the dysfunctional system just like UNMIK, except for the building permit system which even didn't really start functioning before 2010, even though it was in place since 2005. Dukagjin Hasimja, Head of the Urban Planning Department at the University of Pristina, described the phenomenon with the Albanian proverb "the wolf loves the fog" (personal communication, 4 September, 2017), implying a dysfunctional system was purposefully kept in place to be misused.

4.2 Municipal planning documents from 2000-2013

Municipal plans are considered to be quite different from national plans since they are more detailed, tangible and allow for short-term results (Recurring statement interviews #11). The first plan of Pristina was the '2020 Strategic Plan for the urban development of Pristina'. The plan started a chain development which caused discrepancy in planning documents. Besides the "misleading vision" (European Stability Initiative, p.4) the document contained, it didn't fit the requirements stated by the 2003 Law on Spatial Planning as it was neither a real Municipal Development Plan (MDP) or Urban Development Plan (UDP) (HIDROING-DK, Urbanistica, & Ekonerg, 2013). The Strategic Plan being neither a MDP or UDP, was still used as a basis for the Urban Regulatory Plans (URP), which are more detailed. This meant that a solid basis for developing URPs was lacking. On top of that the URPs were not developed by the municipality, but were outsourced through tenders to different firms. From 2004 until 2013 URPs were developed on this basis which were often not consistent with one another due to the absence of a national framework, as discussed in Chapter 2. This illustrates the negative effects the decentralization policy had on a local level. According to most of the spatial planners interviewed this is the main reason for discrepancies between planning documents which prevented harmony in spatial planning between and within municipalities (Recurring statement interviews #12). A "new" UDP and MDP were developed and approved in 2013, but 19 URPs were already in place at the time of which some did not correspond with these new planning documents. This chain of developments led not only to discrepancies with reality, but also between planning documents. During interviews with planners and staff of the Directorate of Urbanism it was echoed that this provided great difficulties for issuing building permits as implementing one document could

sometimes be illegal considering another document (Former employees Directorate of Urbanism, personal communication, 20 September, 2017).

While municipal planning documents should serve to guide development, it is not the strategic vision that is the biggest influence of planning documents in practice, but the density of construction allowed in a certain area. The denser the construction allowed, the more valuable the land is. A couple of months before the 2013 elections were held, the new UDP and MDP for Pristina were approved along with three URPs for an area signified for allowing high density of construction in ‘New Pristina’ (Komuna e Prishtinës, n.d.-a, n.d.-b). An interviewee who worked on one of the documents stated there was pressure by politicians to allow high density construction in this area (Manager, personal communication, September 2017). The interviewee also mentioned that there was continuous pressure for quick finalization of the plan as they wanted it approved before the 2013 municipal elections.

Another mechanism through which politics impacted spatial planning is through changing the designation of an area through the Municipal Assembly. The case of Road B (‘Ruga B’) stands out, which was initially designated as a transport corridor but actually became Pristina’s second city center due to the density of buildings in the area. The Municipal Assembly even changed the URP and allowed smaller roads and construction on land reserved for green area (Komuna e Prishtinës, 2010, 2011).

The planning documents drafted during LDK governance were thus hampered in their strategic vision given a focus on density of construction. This occurred both through corruption as politicians influenced plans, but also through the Municipal Assembly. For both cases one cannot attribute this to LDK politics, but it is remarkable that the second case occurred via an institution of local governance. Furthermore, as previously stated, the decentralized policy system paved way for discrepancies to occur between planning documents.

4.3 Local governance of Pristina under VV (2014-2017)

Lëvizja Vetëvendosje (VV), ‘self-determination movement’ in Albanian, is a political party created in 2005 which was previously characterized by protests and political opposition with “a mixed nationalist - radical left agenda” (Këlliçi & Danaj, 2017, p.11). Originating from a social

movement which contested the democratic nature of international supervision and its institutions, it resisted “the alienation of politics” (Vardari-Kesler, 2012, p.173) between governance in Kosovo and its citizens, and proclaimed the importance of “collective action” (Ibid). VV winning Pristina’s municipal elections with Shpend Ahmeti as the new mayor was conceived as a surprise victory (UNMIK Division of Public Information, 2013). After years of LDK governance, VV won the local elections but did not have the majority in the Municipal Assembly. Still, VV was now governing itself, rather than being only opposition.

VV stepped into the spotlight by taking on the fight against illegal construction in 2014, which was considered as a bold move especially given the assassination of Rexhep Luci in 2000. Construction throughout Pristina was stopped for six months which triggered protest and threats (Fazliu, 2014). Mayor Shpend Ahmeti even received international attention for his mission to end illegal construction (Borger, 2014), which VV claims to have stopped completely. The crackdown on illegal construction can be considered as a political statement to show Pristina’s citizens they could do the unimaginable.

While some considered them scared to be decision makers in the beginning, VV initially reorganized some of the Directorates, and Liburn Aliu, former Director of Urbanism, mentioned they first wanted to get a grip on things and understand how the directorates were functioning (personal communication, 23 September, 2017). Especially the Directorates on Inspection and Urbanism received special attention. Inspectors of zones were re-shuffled and ten previous inspectors were suspended during further investigation on possible previous illegal actions. The information provision system also received special attention given the increase in requests for building permits after the halt of illegal construction and 45-day response limit stated by the 2012 Law on Construction. The ‘Permit Tracking System’ and ‘Published Permits’ (Komuna e Prishtinës, n.d.-c), which provide information on the building permit procedure and an overview of permits issued from 2012 onwards, even received the USAID Transparency Award. The issuing of building permits was also to be done through a team, rather than on an individual basis, to enhance transparency. Organizational changes regarding Directorates, for which the mayor needs

no consent of the Assembly, were made as well during the mandate under the motto of improving efficiency¹⁶.

The fight against illegal construction and the focus of VV on the functionality of departments has a political reasoning as well. First of all, VV did not need the consent of the Municipal Assembly for these actions. Bringing the urban planning sector to order was one of Shpend Ahmeti's priorities in the twelve-point plan used for the election campaign (Lëvizja Vetëvendosje, 2013). Besides, as a relatively new and growing political party, they needed to show they could govern, while facing the same capacity and budget issues as LDK¹⁷. Multiple interviewees stated that in the Directorate of Urbanism some municipal administrators affiliated to LDK stopped working and formed blockades, but it did not hamper its overall functioning (Recurring statement interviews #13). VV couldn't count on support from the central government as LDK and PDK ran the coalition together with previous LDK Mayor of Pristina Isa Mustafa as Prime Minister. There was even a stand-off between VV and LDK Minister of Finance, Avdullah Hoti, which is reflective of blocking politics between parties at a central and local level. The European Bank for Reconstruction and Development (EBRD) required a state guarantee before providing a loan to finance busses as part of the Sustainable Urban Mobility Plan (European Bank for Reconstruction and Development, n.d.), but the Minister also wanted a guarantee from the Municipal Assembly (Bota Sot, 2016), in which LDK had the majority.

4.4 Planning documents from 2014-2017

When VV came to power in Pristina in 2014, the new UDP and MDP were just approved, so no new ones were developed during its mandate. They would have also needed approval of the Municipal Assembly. The 2013 Law on Spatial Planning of the new package was already in place at the time, which requires a new Municipal Zoning Map (MZM), but the relevant AI was not available until the end of 2015, already making it impossible for Pristina to create one within the

¹⁶ While the Spatial Planning department was previously in the Directorate of Urbanism, it became part of the Directorate of Strategic Planning and Sustainable Development. The Directorate of Local Infrastructure was transformed into the Directorates for Capital Investments and Contracts Management, and separate Directorates for Agriculture and Property were also created.

¹⁷ While decentralization is a core concept in Kosovo's public governance, there is a centralized fiscal system in which the Ministry of Local Governance and Ministry of Finance set the limits for staff and budget of municipalities besides self-created municipal revenue such as property taxes.

fifteen-month deadline. This is again an example of how the legislation in Kosovo is not implemented. At the end of 2017, the tender for developing the MZM was still being prepared without national guidance.

4.5 The influence of politics on spatial planning in Pristina

International politics had its influence on spatial planning in Pristina. The interests of UNMIK in employment and housing led to a laissez-faire approach towards the construction sector. Illegal construction therefore became the status-quo and UNMIK never tried to tackle or change this as it was more occupied with stability and security and the status issue of Kosovo. The decentralization system set in place by the international community also indirectly paved way for discrepancies between planning documents. A lack of standardization or regularization on a central level let municipalities go about their own business, which in the case of Pristina even led to a situation where actions taken with the provisions of one document can even be illegal given another. This also damages the strategic character plans are supposed to have for the development of Pristina.

Local politics are also at play, which provides a contrast to the findings on the national implementation. During LDK's mandate from 2000 to 2013 spatial planning was mainly used as an instrument for construction rather than for its strategic implications for governance. In practice, it is therefore the density of construction which has the most influence of planning documents. Corruption in the building permit system and inspection was not really tackled given the personal wealth to be made by politicians and suspected ties between political parties and construction sector. Furthermore, Pristina was regarded to be a LDK stronghold which meant it was less motivated to win votes through good governance. The surprise victory of VV provided it a first break from opposition from 2014 onwards which led to a change to the implementation of spatial planning. The effectiveness of the building permit system and inspection was increased and illegal construction was allegedly halted completely. That VV used the functioning of the municipal Directorates to show the citizens of Kosovo that it could govern created an enhancement of public governance which breaks the previous trend of dysfunctional spatial planning set in place during UNMIK's administration. However beneficial this change may seem, the implementation of spatial planning is inherently limited given reasons implicitly present in the Pristina case. The next paragraph will therefore explicitly focus on further core issues damaging spatial planning.

4.6 The on-the-ground implications of Kosovo's unresolved status

The case of LDK politicians' reluctance to change a corrupt system stems from individual profit to be made through informal networks. Certain politicians belonging to the elite own a lot of land in and around Pristina which means there is a lot of money to be made in the land market. Yet, ownership in Kosovo is a complicated manner as one might expect given its history. The discriminatory Serbian legislation against Albanians from 1989 to 1999 led to informal transactions on housing and land which created competing claims on property rights after the war (Kretsi, 2007). This limits the enforcement of policy regardless of its precise content of policy for two reasons. Firstly, there is a discrepancy between practical ownership on the ground and legal ownership. Secondly, the legal ownership of land itself is often not clear. This did not only come to be given the illegal construction and conflicting property rights, but also due to often missing information on ownership. Both conflicting property rights and missing information relate to the biggest question regarding Kosovo's governance: its status. The unresolved status of Kosovo entails unresolved ownership which comes with uncertainty. This uncertainty on a national level trickles down to local governance where absence of information on ownership inherently entails a discrepancy between planning and reality because it is not even clear what 'reality' is in the first place. Practiced informal ownership and actual formal legal ownership are often different and the latter is often not even clear itself given competing claims and missing information. This phenomenon showcases itself in the Cadaster which includes information on property rights. Kosovo's Cadaster data of the 90s was either destroyed or taken to Belgrade (Cordial & Rosandhaug, 2009), and even though the 2013 Brussels Agreement between Kosovo and Serbia states the latter would deliver this information, this has still not been transferred (Group for Legal and Political Studies, 2014). The current Cadaster was built from scratch using pre-war maps and includes post-war development, but a lot of information is still missing (Directorate of Cadaster employee, personal communication, 28 September, 2017). This illustrates how Kosovo's unresolved status limits its governance as the absence of information contributed to lack of enforcement and increased corruption.

5. Conclusion

Governance in Kosovo has proven to be challenging since the war ended in 1999 as UNMIK failed to create sustainable institutions during its administration from 1999 to 2008. Kosovo's public policy still faces substantial issues as institutions fail to implement relevant legislation which is partly to blame on international politics and UNMIK's administration's balancing of interests. This research focuses on spatial planning as a part of governance in Kosovo for two reasons: to assess its role in coordinating policies for strategic governance of territory, and to identify the implications of Kosovo's unresolved status. The findings resonate with Joireman's statement that governance in Kosovo suffered from the balancing of interests. Firstly, the international community used spatial planning as a conflict mitigation tool given the Serbian minorities present in Kosovo through a decentralized system which gives more power to municipalities, while there is a centralized focus on protection of Serbian property. Secondly, (the lack of) spatial planning served to facilitate construction. International politics' focus on security, stability and post-war rebuilding and employment, led to an uncontrolled construction sector which gained an important foothold in the formal and informal economy while having alleged ties with political parties. Furthermore, the main practical use of spatial planning policy was the density of construction allowed. This allowed the elite to enhance personal wealth through the rise of property value. The role of spatial planning for facilitating construction is reflected in development of legislation as a policy switch initiated in 2012 due to donor leverage of USAID instigated a new zoning system which is expected to give more power to the private sector. Finally, the balancing of interests portrays itself in the implications the unresolved status of Kosovo brings. The formal and informal grey areas regarding property rights and authority created uncertainty and therefore provided a fruitful environment for corruption.

Within these trends, national and local institutions struggled to implement legislation as capacity issues and corruption set the tone. Furthermore, the decentralized system entailed a lack of guidance regarding policy and standardization from a national level. In the case of Pristina, this led to a dysfunctional building permit system and inspection, while even planning documents were influenced to allow high density. Local politics provided a positive change in 2014 when VV won the municipal election in Pristina through a surprise victory over LDK which had held its office since 2000. VV tackled illegal construction and improved the building permit system to show its

voters it could govern in its first break from being an opposition party. This enhanced the implementation of spatial planning as public policy which broke the trend of corruption and non-transparency set in place during the time of UNMIK's governance.

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Appendix A: Interviews overview

During the month of September, 2017, the author conducted 40 semi-structured and open interviews to gain a better understanding on the functioning of the spatial planning system and the political processes at play in the developments. Those interviewed were employed by the following organizations during or before the time of the interview.

International organizations

- EU Office
- IMF
- OSCE
- SIDA (Swedish International Development Cooperation Agency)
- UN-HABITAT
- UNMIK
- USAID

Central government

- MESP –DSP/DSPHC
- MESP – ISP

Local government

- Municipality of Pristina – Directorate of Urbanism
- Municipality of Pristina – Directorate of Cadaster
- Municipality of Pristina – Directorate of Capital Investment & Contract Management
- Municipality of Pristina – Directorate of Inspection
- Municipality of Pristina – Directorate of Property
- Municipality of Pristina – Directorate of Public Services
- Municipality of Pristina – Directorate of Strategic Planning

NGOs

- Archis Intervention
- Chemonics
- Cultural Heritage without Borders
- EC Ma Ndryshe
- European Center for Minority Issues
- Internews
- Kosovo Association of Architects
- për Prishtinën
- ProPlanning Institute

- UrbanPlus

Academic sector

- Staff of University of Pristina Urban Planning Department
- Students of the Architecture Master of University of Pristina

Appendix B: Referenced interviews

Identifiable sources in order of referencing

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|----------------------------|--|
| <i>Interviewee</i> | Dr. Ilir Gjinolli |
| <i>Relevant experience</i> | March 2002 - October 2003 Political Adviser to the Minister of Environment and Spatial Planning October 2003 - October 2006 - Founder and Director of the Institute for Spatial Planning |
| <i>Date of interview</i> | 22 September 2017 |
| <i>Content interview</i> | During the interview, which lasted an hour, Gjinolli's experiences as Director of the ISP were discussed along with the challenges Kosovo faces in the field of spatial planning and the role of politics. In the presented research the interview is used to illustrate the influence of politicians on spatial planning documents to allow a higher density of construction. |

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|----------------------------|---|
| <i>Interviewee</i> | Albion Rexhepi |
| <i>Relevant experience</i> | 2014 – present (2017) Legal and Political Adviser in the Directorate of Urbanism of the Municipality of Pristina |
| <i>Date of interview</i> | 27 September 2017 |
| <i>Content interview</i> | During the interview, which lasted over an hour, Rexhepi's experiences in the Directorate of Urbanism were discussed with special attention to the changes made within the Directorate and the now publicly available information regarding the building permit system in Pristina ('Permit Tracking System' and 'Published Permits'). In the presented research the interview is used to reference the lack of information on building permits issued since documents are missing from the municipality's archive. |

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|----------------------------|---|
| <i>Interviewee</i> | Dr. Dukagjin Hasimja |
| <i>Relevant experience</i> | 2000 – present (2017) Head of Chair of Urban Design and Spatial Planning on Department of Architecture at University of Pristina |
| <i>Date of interview</i> | 4 September 2017 |
| <i>Content interview</i> | During the interview, which lasted over an hour, the challenges Kosovo faces in spatial planning were discussed along with the influence of political parties and the international community. The interview was referenced for the proverb "the wolf likes the fog" implying LDK politicians never really tried to change the system cause its dysfunctionality created room for corruption. |

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|----------------------------|--|
| <i>Interviewee</i> | Liburn Aliu |
| <i>Relevant experience</i> | 2013 – 2017 Director of Directorate of Urbanism of the Municipality of Pristina |
| <i>Date of interview</i> | 23 September 2017 |
| <i>Content interview</i> | During the interview, which lasted almost an hour, the functioning of the Directorate of Urbanism was discussed with a focus on the changes made by VV since 2014 including the crackdown. The interview was used in the research to discuss the strategy of VV at the Directorates in its first year of governance in Pristina. |

Anonymous references in order of referencing

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| <i>Interviewee</i> | Chemonics interviewee |
| <i>Date of interview</i> | 20 September 2017 |
| <i>Content interview</i> | During the interview, which lasted almost an hour in a restaurant in Pristina, the process which led to the new legislation was discussed along with the actual drafting of legislation. The strengths and opportunities of the new law were mainly discussed but the interviewee also mentioned the difficulties at play regarding the Law on Treatment of Constructions without Permits which was used as a reference in this research. |
| <i>Motivation for use of anonymous source</i> | The predicted numbers of unregistered property and actual numbers were echoed by other interviewees. That the law was later revoked also adds to the statement that during drafting of the law they did not know well how its actual implementation would unfold. |

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| <i>Interviewee</i> | Former UN-HABITAT planner |
| <i>Date of interview</i> | 23 September 2017 |
| <i>Content interview</i> | During the interview, which lasted over an hour in a restaurant in Pristina, the spatial planning system of Kosovo was discussed with a focus on the role of UN-HABITAT. Pristina's urban development was also discussed. The interview is referenced for the statement regarding the absence of Pristina in the MuSPP program which the interviewee believed to be given the transparency this would bring in the functioning of the Directorates. |
| <i>Motivation for use of anonymous source</i> | Pristina did not take part in the MuSPP and even though the author asked multiple interviewees no one knew the reason why. Given the corruption in the departments and absence of public attention on the functioning of spatial planning this seems like a plausible reason even though it cannot be stated with certainty. |

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| <i>Interviewee</i> | Former employees Directorate of Urbanism |
| <i>Date of interview</i> | 20 September 2017 |
| <i>Content interview</i> | During the interview, which lasted almost an hour in a restaurant in Pristina, the functioning of Pristina's Directorate of Urbanism was discussed with a focus on the changes made when VV took over in 2014. |
| <i>Motivation for use of anonymous source</i> | When checked with other planners and academics, the statement was always echoed. Given the lack of standardization and the unsuitable basis for planning documents in Pristina the first Strategic Plan brought, the statement of inconsistency between documents is used in this research. |

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|---|---|
| <i>Interviewee</i> | Manager who worked on one of the 2013 planning documents |
| <i>Date of interview</i> | 27 September 2017 |
| <i>Content interview</i> | During the interview, which lasted almost an hour in a restaurant in Pristina, the different planning documents for Pristina were discussed with a special focus on the 2013 UDP, MDP and URPs on New Prishtina. The interview was referenced for the manager's mentioning of receiving influence from politicians to allow dense construction in certain areas. It was also used for the pressure of politicians to finish the plans on a very short-term basis. The interviewee believed the motivation for this pressure was that they owned land in this area while the stress on quick finalization was due to the at-the-time upcoming local elections. |
| <i>Motivation for use of anonymous source</i> | The statements made fits within the trend that spatial planning is used to allow dense construction and it resembles the mentioned case of the illegal construction in 'Sharri Mountains' where the Minister exerted pressure on Gjinolli to approve a URP. That there was pressure to finish the documents in a relatively short time also fits the time frame of the local elections and the Municipal Assembly's approval of the documents. |

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| <i>Interviewee</i> | Directorate of Cadaster employees |
| <i>Date of interview</i> | 28 September 2017 |
| <i>Content interview</i> | During the interview, which lasted almost an hour at the Directorate, the creation and functioning of the Cadaster was discussed along with challenges faced. The statements that the Cadaster was built from scratch using pre-war maps, and that it still misses a lot of information was used. |
| <i>Motivation for use of anonymous source</i> | Since the Cadaster data from the 90s is still present in Belgrade, it comes as no surprise that a lot of the information is still missing. Narang and Reutersward (2006) already state that the Cadaster was built from scratch |

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| | but from the interview it became clear that pre-war maps were used as a basis. |
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Recurring statements

| <i>Recurring statement interviews #1</i> | |
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| <i>Statement</i> | The bad results of Kosovo in the 2012 World Bank Doing Business Report on ease of receiving building permits provided the main reason to change the policy regarding spatial planning and construction. |
| <i>Motivation for use of statement</i> | While no high-level policy makers of the government or USAID were interviewed, the statement was made by every interviewee. Planners, academics, local politicians in Pristina, and practitioners working on the new legislation, all echoed the statement. It seems therefore to be the common conception on how the process of the policy switch started. Furthermore, it seems plausible given the timeframe in which the report was published which was months before the 2012 Law on Construction was approved. Lastly, the suspected ties between politics and the construction sector (see recurring statement #2) make the statement seem even more valid. |

| <i>Recurring statement interviews #2</i> | |
|--|---|
| <i>Statement</i> | Construction firms have close ties with political parties. |
| <i>Motivation for use of statement</i> | A recurring statement in the interviews was that construction firms have close ties with political parties. The construction sector has been important for Kosovo's formal and informal economy and it is clear that a lot of it occurred illegally. The lack of public outcry from politicians after the assassination of Rexhep Luci, the family-ties between politics and construction firms, and the Prizren case of pledged tenders in return for campaign money, further support the claim. Therefore, it has been used in the research as a recurring statement. |

| <i>Recurring statement interviews #3</i> | |
|--|---|
| <i>Statement</i> | USAID pushed for the new zoning system. |
| <i>Motivation for use of statement</i> | Interviews with (former) planners from UN-HABITAT, NGOs and (former) staff of the municipal directorate of Urbanism all highlighted that the zoning system was an idea strongly pursued for by Chemonics and USAID, even though the policy shift was met with opposition. The |

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| | interviewees also mentioned that the MESP was reluctant to oppose the idea itself given the donor relationship with USAID. Furthermore, a (former) staff member of Chemonics admitted that USAID was really set on implementing the new system. |
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| <i>Recurring statement interviews #4</i> | |
| <i>Statement</i> | There is a lack of awareness at the public and elite in Kosovo regarding the importance of spatial planning for public policy. |
| <i>Motivation for use of statement</i> | It was a common statement made by practitioners and academics in Kosovo that the public and elite do not recognize the governance implications of spatial planning. They only regard planning documents, building permit system and inspection for construction. This reflects the overall findings of the research that spatial planning is used for construction and is an often-neglected field itself. |

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| <i>Recurring statement interviews #5</i> | |
| <i>Statement</i> | The SPK is not detailed enough to provide clear guidance for municipal planning documents. |
| <i>Motivation for use of statement</i> | Multiple planners active on the local level claimed that the national SPK lacks specifics to specifically guide the creation of municipal planning documents. Mainly the inter-city transport corridors of the SPK made their way into municipal planning documents. The statement is used in the research as the SPK indeed does not provide very detailed information. Furthermore, it fits the decentralized characteristic of spatial planning. |

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| <i>Recurring statement interviews #6</i> | |
| <i>Statement</i> | The presence of international actors prevented corruption influencing the plan. |
| <i>Motivation for use of statement</i> | Planners who worked on the first SPK mentioned that the presence of UN-HABITAT and IHS in the drafting process prevented politicians from influencing the plan. When one also takes into account that corruption of plans on a local level is more attractive given the short-term results and lack of transparency, the statement seems even more valid. |

| <i>Recurring statement interviews #7</i> | |
|--|---|
| <i>Statement</i> | Politicians do not recognize the importance of spatial planning documents as policy tools. |
| <i>Motivation for use of statement</i> | Academics and planners on a national and local level interviewed echoed the statement that politicians do not recognize the importance of planning documents for governance. This is reflected in the lack of attention for spatial planning in politics. It also fits the phenomenon that spatial planning documents are only considered important given their role in setting the density for allowed construction. |

| <i>Recurring statement interviews #8</i> | |
|--|--|
| <i>Statement</i> | Lack of condemnation by politicians and the international community regarding the assassination of Rexhep Luci silenced criticism for years to come. |
| <i>Motivation for use of statement</i> | Rexhep Luci was allegedly murdered due to the measures he planned on taking to stop illegal construction. Even though planners and academics were frustrated of the situation and aware of its negative implications for spatial planning, there was a general tendency to not take up an active fight against illegal construction. Due to the lack of condemnation the informal rule seemed to be that those who criticized would not be protected and therefore might suffer the same fate as Rexhep Luci. This enforced the sustaining character of the corruption present in the sector. Most of the interviewees echoed this statement while none disagreed. |

| <i>Recurring statement interviews #9</i> | |
|--|---|
| <i>Statement</i> | Corruption in the building permit and inspection scheme led to situations where one permit was used for two buildings, or the actual construction did not meet the requirements set in the permit. |
| <i>Motivation for use of statement</i> | Administrators of the Municipal Directorates of Urbanism and Inspection mentioned these occurrences of corruption before VV allegedly cracked down on illegal construction. Planners and academics echoed the statement which adds to its validity. |

| <i>Recurring statement interviews #10</i> | |
|---|---|
| <i>Statement</i> | Politicians in Pristina during LDK's governance did not want to participate in programs with international donors as this would increase transparency. |
| <i>Motivation for use of statement</i> | As mentioned in the research, it is not clear what the exact reason was that Pristina did not participate in the MuSPP. None of the interviewees knew the exact reason, but they all suspected it to be because of this statement. This reflects the references of anonymous UN-HABITAT planner and academic Dukagjin Hasimja. When also taking the presence of corruption in the government sector into account it seems quite likely that this was indeed the reason. |

| <i>Recurring statement interviews #11</i> | |
|---|---|
| <i>Statement</i> | Municipal planning documents are interpreted differently by politicians as they seem to have more short-term tangible results and their drafting process is less transparent. |
| <i>Motivation for use of statement</i> | Academics and planners on a national and local level echoed this statement. Especially in contrast to the more generic national plans, the municipal plans are very detailed and, most importantly, state the conditions for construction such as the density allowed. Given the illustrated misuse of spatial planning for construction the statement seems very likely to be true. Furthermore, processes on a municipal level are not that transparent given the lack of control from the national government. |

| <i>Recurring statement interviews #12</i> | |
|---|---|
| <i>Statement</i> | The absence of a national framework for standards on construction conditions and the drafting of planning documents caused the discrepancy between documents. |
| <i>Motivation for use of statement</i> | Academics and planners functional on a local level all echoed this statement. Since the municipal documents were drafted by different firms without having proper guidelines or restrictions created big differences between the plans. This statement corresponds with the notions made in recurring statement #5. |

| <i>Recurring statement interviews #13</i> | |
|---|---|
| <i>Statement</i> | When VV took over governance of Pristina, there were blockades within Directorates by LDK affiliated staff members. |
| <i>Motivation for use of statement</i> | The statement was made by local policy makers, academics, and local planners. Given budgetary restrictions it is apparently rather difficult to fire old staff and hire new, but this was not specifically researched. While the author did not speak with any personnel which allegedly was part of such a blockade the statement still appears valid since it was echoed by multiple interviewees including (former) employees of the Directorates. |