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Public Administration Reform in the Spirit of Kosovo’s Integration into the European Union²

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Abstract

The public administration reform in Kosovo can be defined as a challenge to make significant changes in the government, decentralization of public administration, simplification of procedures, computerization of services and electronic governance at all levels of administration and improvement of developments in the field of human resources. The government of Kosovo has drawn up the strategic development plan and the strategic framework for the public administration reform, where the strategies for the public administration reform are foreseen. The reform envisioned with the strategic framework is directly related to the obligations of the Republic of Kosovo in the process of European integration and in addition to governmental monitoring and supervision structures, they are also monitored by the European Commission. The government of Kosovo, through the strategic framework, determines the strategic goals and policies which it intends to achieve within the nearest period, with the aim of improving the operation and modernization of the public administration.

Keywords: public administration, reform, reform strategies, modernization of public administration, implementation of public administration reform.

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Reforma administracji publicznej w duchu integracji Kosowa z Unią Europejską³

Streszczenie

Reformę administracji publicznej w Kosowie można określić jako wyzwanie polegające na dokonaniu istotnych zmian w rządzie, decentralizacji administracji publicznej, uproszczeniu procedur, informatyzacji usług i elektronicznym zarządzaniu na wszystkich poziomach administracji oraz usprawnieniu rozwoju w obszarze zasobów ludzkich. Rząd Kosowa sporządził strategiczny plan rozwoju i ramy strategiczne reformy administracji publicznej, w których przewidziano strategię reformy administracji publicznej. Reforma przewidziana w ramach strategicznych jest bezpośrednio powiązana z obowiązkami Republiki Kosowa w procesie integracji europejskiej i poza rządowymi strukturami monitorującymi i nadzorczymi monitoruje je także Komisja Europejska. Rząd Kosowa poprzez ramy strategiczne określa cele strategiczne i polityki, jakie zamierza osiągnąć w najbliższym okresie, mając na celu poprawę funkcjonowania i unowocześnienie administracji publicznej.

Słowa kluczowe: administracja publiczna, reforma, strategię reform, modernizacja administracji publicznej, realizacja reformy administracji publicznej.

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Introduction

The development of public administration and its administrative capacity are the main tools on which depends the ability of the state to deal with the reforms and criteria required by the European integration process of the country. Public administration reform is a pillar of the enlargement process, along with the rule of law and economic governance. All three of these pillars are closely related and intertwined and have a fundamental importance for success in political and economic reforms and in creating the basis for the implementation of EU rules and standards. A well-functioning public administration is essential for democratic governance. It also directly affects the ability of governments to provide public services and to cultivate competition and development.

The public administration reform remains among the main priorities of the government of Kosovo. In this context, the Strategic Framework for Public Administration Reform 2015–2020 is a new approach that marks the vision and strategic policies that the government of the Republic of Kosovo intends to achieve within the medium term, to improve the functioning of public administration and the provision of better services for citizens.⁴ The Strategic Framework for Public Administration Reform is focused on three areas:

1. Development and coordination of policies and legislation;
2. Public service, human resource management, accountability, and service delivery;
3. Public finance management.

This paper aims to reflect and elaborate on the situation of public administration reforms in Kosovo during the last years, by focusing on the documents and strategies that have been adopted during this period. Furthermore, the paper will analyse the main achievements and the level of implementation of the public administration reform so far and will suggest recommendations for the new government of Kosovo to implement, based on the main challenges that need to be addressed. The paper emphasizes that the political instability and frequent

⁴ A. Robaj, *Modernization of public administration in the Republic of Kosovo*, "Perspectives of Law in Public Administration" 2018, 7(2), pp. 128–132.

elections especially since 2017, as well as the lack of real political will on the side of the political parties in power, have hindered the capacity of governments to successfully implement the reforms that fall under the public administration reform. Therefore, a more energetic approach is required by the government in order to make up for lost time to improve the overall functioning of the public administration.

In order to elaborate the topic of this paper, scientific literature of local and international authors has been reviewed. The paper also presents legal acts which make complete the basis of reforms in public administration. In focus of the scientific analysis of this paper are the strategic documents on the reform of the public administration in Kosovo. In addition to the descriptive method, the analysis method, the doctrinal interpretation, and the analysis of the data collected by the public institutions of Kosovo were also used in the elaboration of this paper. The study contains official data and documents of the government of the Republic of Kosovo, which are exclusively related to the public administration reform, and which are backed up by charts that reflect the reform process. Additionally, the process, results, and challenges in the framework of the public administration reform, its performance, activities, and indicators are examined and analysed. The official data collected by the competent bodies give the study added scientific value, presenting the real status of the public administration reform in Kosovo.

The treatment of the paper begins with the reform of the public administration, which is necessary for modernization and increased efficiency in the provision of services and law enforcement. The reform of the public administration must be done in accordance with the EU standards, and for this reason the government of Kosovo has approved the strategy for the reform of the public administration as well as the strategic plan for reforms, the most important topics included in the treatment of this paper. In the analysis of this paper, the strategy for the management of public finances is also included, as well as the implementation of the state strategy for the reform of the public administration.

Public Administration in the Spirit of EU Integration

Public administration has an important role within the institutional architecture of the state, as a sector that carries out and coordinates the interactions between the state, citizens, civil society, and the private sector. For Kosovo, as a new state, an efficient and responsible public administration constitutes an essential part of

democratic governance and the functioning of the state.⁵ In addition, the ability of the state to fulfil and implement the relevant reforms on the way to join the EU in the future, is closely related to the functions of public institutions.⁶ As such, reforming and improving the functioning of public administration has been a key issue in EU-Kosovo relations in recent years. The implementation of the public administration reform aims to create conditions for the administration to be oriented towards meeting the specific demands and needs of citizens and businesses to work in their interest.⁷ As an activity, the public service should be provided, regulated, and controlled by those who govern.⁸

The European model of public administration⁹ requires the use of innovations, digitalization, and electronic government, economization and efficiency of public administration, as well as the establishment of close relations between civil servants in order to promote a professional civil service through different areas of specialization.¹⁰ Due to the challenges in the functioning of the public administration in Kosovo, the EU has constantly pushed Kosovo's institutions to engage in reforms and even had a structure for joint meetings, such as the Special Group for Public Administration Reform within the framework of the Stabilization-Association Agreement (SAA) (*Summary Report on the Reform of the public Administration of Kosovo*, 2021).

Kosovo, being part of the Western Balkans, cannot be seen completely separately from the membership process of the entire region, although the criteria for membership are addressed individually to the aspiring states. The process of Kosovo's full membership also depends on the EU's willingness to accept new countries, especially the countries of the Western Balkans. Western Balkan countries like Kosovo, Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia are assessed by international financial institutions as having taken some important

⁵ Idem, *Përpjekjet e Kosovës për ndërtimin e shtetit ligjor* [Kosovo Efforts in Building the Rule of Law], "Iliria" 2008, 2, p. 197.

⁶ M. Tanović, *Organizacioni i funkcionalni aspekti reforme javne uprave u procesu integrisanja u evropski administrativni prostor* [Organizational and Functional Aspects of Public Administration], Sarajevo 2017, p. 56.

⁷ M. Holzer, R.W. Schweser, *Public Administration*. 1st edition, New York 2011, p. 175.

⁸ E. Stavileci, M. Batalli, S. Sadushi, *E drejta administrative* [Administrative Law], Pristina 2012, p. 27.

⁹ P. Kunić, *Savremene tendencije u reformi javne uprave* [Contemporary Tendencies in Public Administration Reform], "Moderna uprava" 2009, p. 11; L.K. Caldwell, *Public Administration – The New Generation: Management in High-Information-Level Societies*, [in:] E. Vigoda (ed.), *Public Administration: An Interdisciplinary Critical Analysis*, New York 2002, pp. 151–176; D. Kavran, *Evropski upravni prostor, reforma i obrazovanje državne uprave* [European Administrative Area, Reform and Education of State Administration], "Pravni život" 2004, 53(9), p. 1064; I. Šprajc, N. Šimac, *Evropski principi javne uprave: od vladanja do služenja građanima (prikaz slučaja)* [European Principles of Public Administration: From Ruling to Serving Citizens (Case Report)], "Croatian and Comparative Public Administration" 2002, 4(1), p. 185.

¹⁰ M. Batalli, *Osnovne crte kompjuterizovane javne uprave* [Basic Characteristics of Computerised Public Administration]. "Hrvatska i komparativna javna uprava – Croatian and Comparative Public Administration" 2008, 8(2), pp. 463–468.

steps in the direction of economic growth and lowering poverty levels since the beginning of the transition into market economy.¹¹

The SAA is the first official agreement between Kosovo and the EU (which entered into force on 1 April 2016) from which multidisciplinary obligations of an aspiring country like Kosovo emerge towards the membership process. One of the key elements of the SAA is 'strengthening the administrative capacity of all levels of administration.' The SAA with Kosovo contains a specific article (Article 73) that defines the scope of its implementation plan and the priorities for the approximation of laws. It states that 'This approximation shall start on the date of signature of this Agreement, and shall gradually extend to all the elements of the EU acquis referred to in this Agreement by the end of the transitional period defined in Art. 8 of this Agreement.' This transitional period is ten years, which is a common duration for most other SAAs.¹² In the context of general reforms in the administration and with the aim of aligning laws with the EU, in 2019 the Law on Organization and Functioning of State Administration and Independent Agencies was adopted. This Law defines rules for the organization and functioning of institutions of state administration and independent agencies established by the Assembly of Kosovo.

The purpose of this Law is to provide a legal framework for establishment, organization, functioning, responsibility, and performance of institutions of state administration and independent agencies.¹³ In order to make complete the legal basis, two very important laws have been adopted: the Law on Public Officials¹⁴ and the Law on Salaries in the Public Sector.¹⁵ The implementation of reforms in public administration in Kosovo would not only speed up the fulfilment of standards for membership in the EU, but at the same time, it would also functionalize the work and activity of state and public administration. This would increase work efficiency and eliminate bureaucracy. Another important element for reforms in public administration is the prevention and fight against corruption. In this context, Kosovo has adopted a good legal basis. In addition to the Criminal Code,¹⁶ which provides the chapter on criminal offences 'Official Corruption and Criminal

¹¹ L. Mirtezani, M. Halili, *Historical Background, Reforms of the Public Administration, and the European Integration of Kosovo*, "Hrvatska i komparativna javna uprava – Croatian and Comparative Public Administration" 2022, 22(2), pp. 237–265.

¹² K. Maniokas, *MSA-ja për Kosovën [SAA for Kosovo]. Integrimi Europian dhe Zhvillimi [European Integration and Development]*, OECD/SIGMA, 2014.

¹³ Law No. 06/L-113 on Organization and Functioning of State Administration and Independent Agencies (Official Gazette of the Republic of Kosovo / No. 7 / 1 March 2019, Pristina).

¹⁴ Law No. 06/L-114 on Public Officials (Official Gazette of the Republic of Kosovo / No. 8 / 11 March 2019, Pristina).

¹⁵ Law No. 08/L-196 on Salaries in the Public Sector (Official Gazette of the Republic of Kosovo / No. 1 / 5 January 2023, Pristina).

¹⁶ Criminal Code of the Republic of Kosovo, 2019.

Offences Against Official Duties', other laws have been adopted such as: the Law on the Agency for Prevention of Corruption¹⁷; the Law on Prevention of Conflict of Interest in Discharge of Public Function,¹⁸ and the Law on Declaration, Origin, and Control of Assets and Gifts.¹⁹

Kosovo EU membership process may take longer than for other post-communist countries or even for other Western Balkan countries due to the political context and international recognition. The non-recognition of the state of Kosovo by five member countries (Spain, Slovakia, Romania, Greece, and Cyprus) and the difficulties in reaching the final agreement with Serbia slow down the EU membership process. Membership in the EU has political effects in the first place, since the member states become part of the community of developed Western countries which promote and transmit 'peace' and security to all nations.

EU membership brings many benefits. The principle of free movement of goods means that products produced in Kosovo are exported without restrictions to the EU market. Free trade with the EU also sets production standards for local products, i.e. any goods that are exported to the EU must meet all the requirements required by the EU legislation and business practice. The harmonized legislation on the production of food products represents the largest part of the *acquis communautaire*. An important area that can benefit the citizens of Kosovo in case of membership is the easy access to the EU labour market. The EU has taken a strong stance to protect individual rights and personal information in its data protection and privacy laws, to ensure we all have more control over our personal data.

European Principles of Public Administration

The European Commission (EC) has strengthened its focus on public administration reform (PAR) by highlighting six key reform issues and better integrating reform into the enlargement process through Special Groups on PAR and stronger links with accession negotiations. The six main areas of reform defined by the OECD and the European Union form the basis of the principles of public administration:

- 1) The strategic framework of public administration reform,
- 2) Policy development and coordination,
- 3) Public service and human resource management,

¹⁷ Law on the Agency for Prevention of Corruption, 2022.

¹⁸ Law on Prevention of Conflict of Interest in Discharge of a Public Function, 2018.

¹⁹ Law on Declaration, Origin and Control of Assets and Gifts, 2022.

- 4) Accountability,
- 5) Provision of services,
- 6) Public finance management (OECD & SIGMA, 2021).

The principles define what good governance entails in practice and define the main conditions that must be met by countries during the EU integration process. The principles also contain a monitoring framework which enables regular analysis of the progress achieved in the implementation of the principles and the setting of standards that the country must meet.²⁰ The concept of 'good governance' has been consistently defined by EU countries and it is included in the EU's Charter of Fundamental Rights.

Strategic Development Plan for Public Administration Reform

The government of the Republic of Kosovo has listed as proposals for the modernization of the public administration (Strategic Development Plan 2015–2020): the rationalization of the public administration; strengthening of institutional capacities; strengthening of professionalism and ethical standards, as well as de-politicization of the administrative service; de-bureaucratization; results, transparency and openness; decentralization; privatization of parts of the public administration.

Having a monitoring and evaluation system that will be used practically in the technical and political decision-making system requires dedicated effort, expertise, skills, evaluation, and mature management, as well as leadership (Concept Paper on Monitoring and Evaluation System for the Public Administration Reform 2015–2020). The Indicator Passport intends to provide a detailed methodological measurement description for all indicators that are included in the approved Kosovo Strategy on Modernization of Public Administration 2015–2020. The document includes both qualitative and quantitative indicators, covering each specific objective with at least one indicator (Indicator Passport for the 2015–2020 Strategy). At the same time, a comparative perspective is useful to identify concrete opportunities to improve the leadership capacity of the public administration. Also, it helps to identify the present anomalies.

²⁰ M. Tanović, *Organizacioni i funkcionalni aspekti reforme javne uprave u procesu integrisanja u evropski administrativni prostor* [Organizational and Functional Aspects of Public Administration Reform in the Process of Integration into the European Administrative Space], Sarajevo 2017, pp. 56–58.

Electronic administration represents one of the main objectives of the Kosovo Strategy on Modernization of Public Administration 2015–2020. Electronic administration represents the social, legal-administrative information system,²¹ which facilitates access and dissemination of information and administrative services for citizens, agencies, and various governmental bodies.²² The task of public administration is not to create a new image for itself or for its users, but for everyone's benefit.²³ Thus, nowadays, all developed countries in the world, such as the USA, Canada, Japan, Australia, New Zealand, Finland, Germany, the UK, Austria, etc., have electronic administration in place.²⁴ The Kosovo Government Strategy on Modernization of Public Administration 2015–2020 focuses on achieving targeted outcomes in the second pillar related to civil service, human resources management, access to public administration services, and accountability in public administration (Kosovo Government Strategy on Modernization of Public Administration 2015–2020).

However, despite the achieved results of the strategic plan for public administration reform, the government of Kosovo has not been able to meet the objectives projected by the plan. The analysis shows that the strategic plan for the reform in the public administration has been met only partially, which shows inefficiency and lack of institutional responsibility. Thus, within the first pillar of the civil service in the Strategy for the Modernization of Public Administration, there are fourteen (14) indicators, where until the end of 2020, thirteen (13) indicators were projected, and only eight (8) indicators were realized, five (5) were delayed, while one (1) indicator is expected to be realized in the following years. In turn, regarding the second pillar, which deals with public services and administrative procedures, eight (8) indicators were projected, where the goals set for the year 2020 were achieved only for two (2) indicators, while for three (3) indicators, the goals were not reached, while three (3) indicators have been projected for the following years. Also, in the third pillar, Accountability and Organization of the State Administration, even though progress has been achieved in almost all performance indicators, we have, however, full realization in 2 indicators, out of 10 indicators in total, while the other 6 indicators have marked progress.

²¹ I. Koprić, G. Marčetić, A. Musa, V. Dulabić, G. Novak, *Upravna znanost – javna uprava u suvremenom europskom kontekstu* [Administrative Science: Public Administration in the Contemporary European Context], Zagreb 2014, pp. 321–322.

²² P. Dimitrijević, *Elektronska uprava i informaciono društvo* [Electronic Administration and Information Society], "Moderna uprava" 2009, 3(4), pp. 121–130.

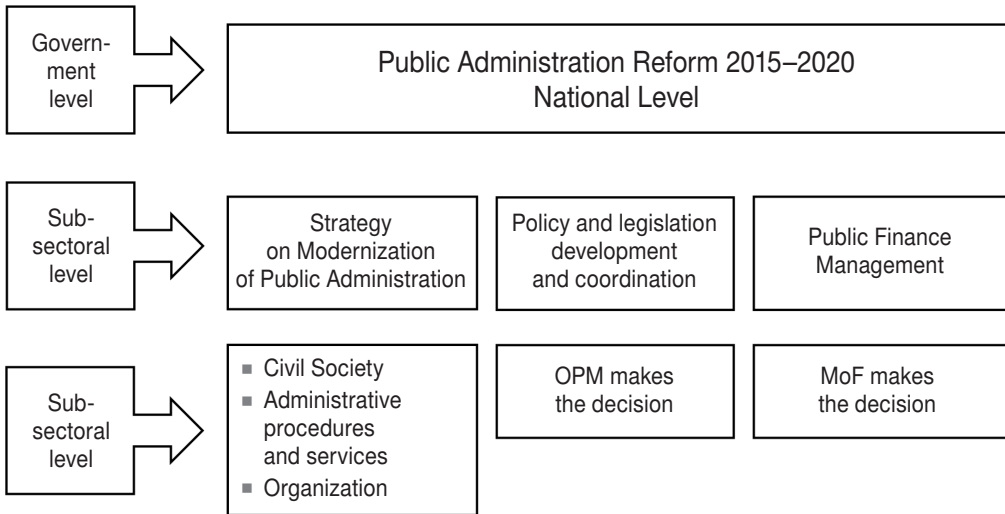
²³ S. Lilić, M. Marković, P. Dimitrijević, *Nauka o upravljanju sa elementima pravne informatike* [Management Science with Elements of Legal Informatics], Belgrade 2001, p. 120.

²⁴ P. Dimitrijević, *Elektronska vlada* [Electronic Government], "Pravni život" 2001, 1(9), p. 121.

Strategy on Modernization of Public Administration

The Strategy on Modernization of Public Administration 2015–2020 defines the goals and strategic policies that the government of the Republic of Kosovo intends to achieve within the nearest period, with the aim of improving the operation and modernization of the public administration, fulfilling its legal obligations and improving the provision of public administrative services. In this sense, the duties and responsibilities of the competent bodies for the implementation of the strategy are also foreseen (see: Chart 1).

Chart 1. National Development Strategy 2015–2020



Source: Author, based on the Strategy on Modernization of Public Administration 2015–2020.

After two cycles of planning and implementation, public administration reform remains a high priority of the government of Kosovo. This strategy, the third one in a row, marks the beginning of a new era, where the circumstances require not only an intensification of the dynamics of reforms in public administration, but also specific and feasible reform policies. After the consolidation of the administration during the coming period, the government will focus on increasing the efficiency of its work and improving the services provided by the administration. Priority in the modernization of public administration will be the advancement of the use of information and communication technology in order to raise the level of implementation of electronic government, which is a prerequisite for the modernization of public administration, rationalization, and digitalization of administrative

processes.²⁵ The implementation of this strategy aims to create conditions for the administration to be oriented towards meeting the specific demands and needs of citizens and businesses to work in their interest.²⁶ The work on the reduction of procedural and administrative barriers, cost reduction, and reduction of time spent when receiving public-administrative services²⁷ is expected to be done, taking into account appropriate access for persons with disabilities.

The first wave of reforms involves subordinating the administration to the legality and principles of the private sector. The second wave of reforms aims at opening public administration to citizens, increasing transparency, participation, and shared responsibility in governance.²⁸ The government of the Republic of Kosovo, after many years of leading a complex process, which combines the step-by-step establishment of administration structures, capacity development and its reforms, is now focused on capacity development, defragmentation and rationalization of processes and services that the administration provides to citizens and other beneficiaries, based on professionalism and not politicization in the civil service. The Strategy on Modernization of Public Administration focuses on achieving the intended results under the second pillar which is related to civil service, human resources management, provision of public administrative services, and accountability in public administration.²⁹ Due to the challenges in the functioning of the public administration in Kosovo, the EU has constantly pushed the institutions of Kosovo to engage in reforms, and even had a structure for joint meetings, such as the Special Group on Public Administration Reform within the framework of the SAA. While the reforms in the field of public administration are part of the SAA and the European Reform Agenda (ERA), the EU remains committed to supporting Kosovo's reforms with assistance. The EU and Kosovo concluded a Sector Reform Contract for Public Administration Reform, which provides for a total of EUR 25 million in financial assistance for Kosovo by 2022.

²⁵ S. Lilić, *Upravno pravo i upravno procesno pravo* [Administrative Law and Administrative Procedural Law]. Belgrade 2014, p. 33.

²⁶ M. Bello, *E drejta Institucionale Komunitare Evropiane* [European Community Institutional Law], Tirana 2010, p. 54; E. Dobjani, *E drejta administrative* [Administrative Law], Tirana 2016, p. 88; B. Baliqi, *Politikat publike dhe qeverisja* [Public Policies and Governance], Pristina 2017, p. 94.

²⁷ S. Dujić, *Pravni položaj javnih službenika u Republici Sloveniji* [Legal Position of Public Sernats in the Republic of Slovenia]. "Moderna uprava" 2009, 2, p. 21.

²⁸ A.M. Musa, *Javna uprava*, [in:] J. Barbić (ed.), *Hrvatski pravni sustav* [Croatian legal system], Zagreb 2012, pp. 85–125.

²⁹ Strategy on Modernization of Public Administration 2015–2020.

Better Regulation Strategy 2.0 for Kosovo

Better Regulation plays an essential role in the development of a country. When properly designed, rules promote sustainable economic growth and development.³⁰ The government of Kosovo, based on its recent experience, has reviewed the work in the field of Better Regulation, especially taking into account the experiences of the European Union and its member states. This strategy represents a combination of the activities that the government will start to implement, together with the initiatives that the government wants to develop.³¹

Strategy for Improving Policy Planning and Coordination in Kosovo

The existing policy planning and financial planning systems in Kosovo are generally fragmented and disconnected from each other. The institutions of Kosovo are aware of the fact that, despite the progress achieved during the last decade, the current state of the central planning processes is not according to desirable standards. Also, taking into account the narrowed fiscal space and the economic situation, as well as the intensification of the European integration process, establishing a more effective planning is more than necessary. Undoubtedly, an effective planning process alone does not ensure the improvement of the quality of policies and service delivery. However, without undertaking these measures, the prospect of achieving Kosovo's long-term national goals may be extremely limited.

Public Finance Management Reform Strategy in Kosovo

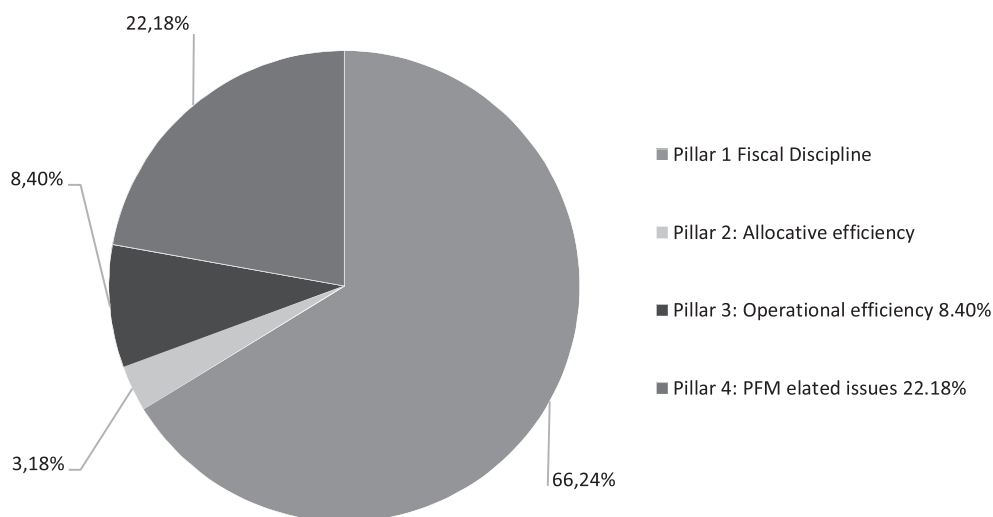
Within the framework of the reforms envisaged in the public administration reform (PAR), Kosovo aims to provide a modern public finance management (PFM) system, in line with the best international standards and experiences. This will enable the efficient and effective operation of all phases of public finance management. As part of the joint dialogue between the government of Kosovo and the European Commission (EC), in the meetings of the Special Group for PAR (SGPAR), financial support was provided through sector budget support (Sector Budget Support: SBS) from the funds of the Instrument for Pre-accession Assistance (IPA) of the European Union (EU). Currently, an agreement for sectoral budget support for the first two pillars of PAR is expected to be signed within the IPA 2022, while the second sectoral budget support is also expected to be finalized for the sector of the PFM in the framework of IPA 2023. Both agreements are conditioned on the requirement that

³⁰ Better Regulation Strategy 2.0 for Kosovo 2017–2021.

³¹ Strategy for Improving Policy Planning and Coordination in Kosovo, 2021.

Kosovo has adopted a quality strategy in the field of public finance management, which will fairly address the findings of evaluation reports in this field, such as that of PEFA (public expenditure and financial accountability), SIGMA (support for improvement in governance and management), TADAT (tax Administration diagnostic assessment tool) and OAG (Office of the Auditor General). The purpose of the strategy is to achieve a sound management of public finances, further strengthening the systems that ensure (1) 'fiscal discipline', (2) 'functional efficiency' and (3) 'effective allocation' of Kosovo's public resources.³² For the implementation of the strategy, the government has drawn up the action plan, which foresees the possible financial cost of the activities in the implementation of the strategy. In total, the estimated necessary funds for the implementation of the actions of the strategy are around EUR 19.9 million. The reform in the field of taxes and customs will be one of the most important reforms that will be undertaken in the coming years. The following data (Chart 2) show that most of the financing will need to be carried out in pillar 1 – 'fiscal discipline' – with about 66.24% of all needs for financing the strategy (see: Chart 2).

Chart 2. Specific cost weight by Pillars, in %

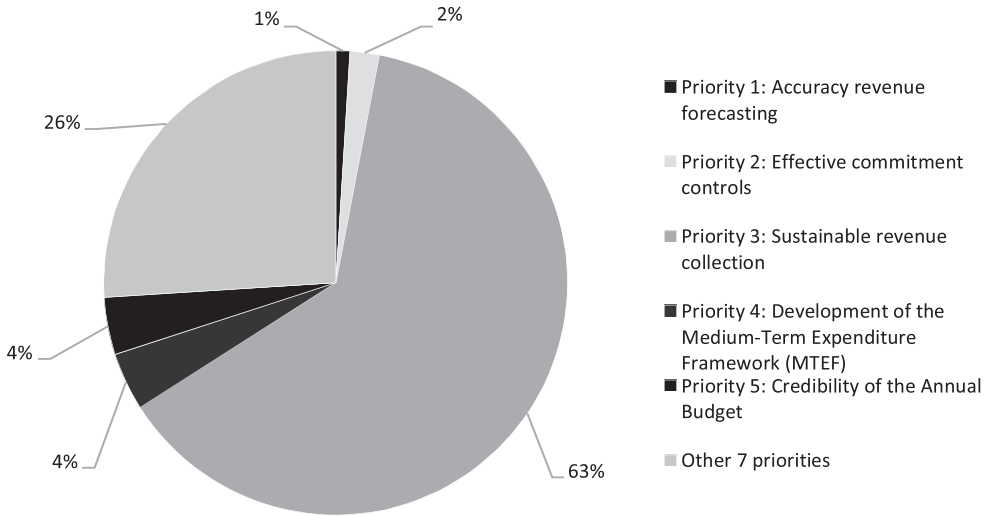


Source: Author, based on the Kosovo Public Finance Management Reform Strategy 2016–2020.

According to the priorities, out of the 12 priorities, priority 3 has the largest specific weight in the funding of the strategy: 'Sustainable Collection of Revenues', which includes a total of 63% of all funding of the strategy (see: Chart 3).

³² Ibidem.

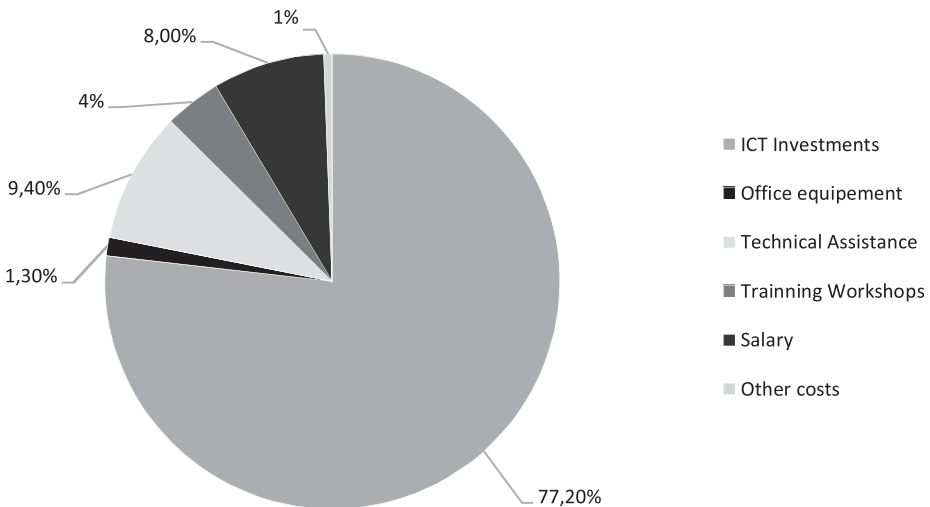
Chart 3. Specific cost weight by Priorities, in %



Source: Author, based on the Strategy on Modernization of Public Administration 2015–2020.

As for the specific cost weight by economic classification, the greatest investments will be the investments for the modernization of information technology, with about 77.2% of the total costs (see: Chart 4).

Chart 4. Specific weight of expenses by economic classification (%)

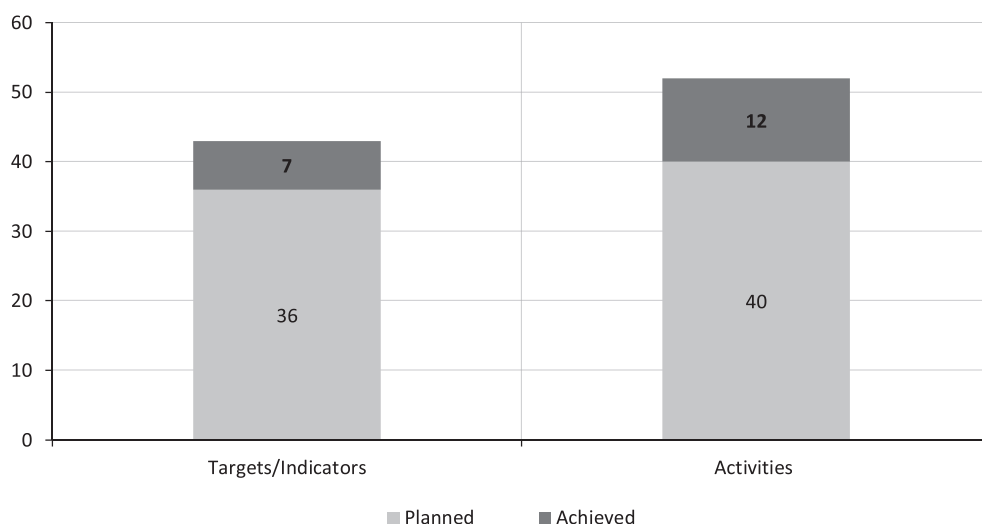


Source: Author, based on the Strategy on Modernization of Public Administration 2015–2020.

Implementation of the Public Administration Reform

The public administration reform remains one of the main priorities for the government of the Republic of Kosovo. In 2022, the Government continued to implement the 2018–2020 Action Plan (AP) for the implementation of the SMPA (Strategy on Modernization of Public Administration) 2015–2020, as well as the Sector Reform Contract for Public Administration Reform (SRC-PAR). APSMPA 2018–2020 is organized into three general objectives, and they are organized into specific objectives which are divided into activities.³³ Each general objective, as well as specific objectives, has its special measuring indicators. During 2021, the implementation of the planned measures was 30%, or a total of 12 activities successfully implemented out of 40 activities that were planned in total. At the end of 2021, a total of 28 activities (70%) were still under implementation or stalled. Regarding the indicators, the level of implementation of the SMPA indicators for 2021 is 19%, or a total of 7 indicators have been achieved, while another 29 indicators are under implementation or have stalled (see: Chart 5 for more details).

Chart 5. Implementation of SMPA Indicators in 2021



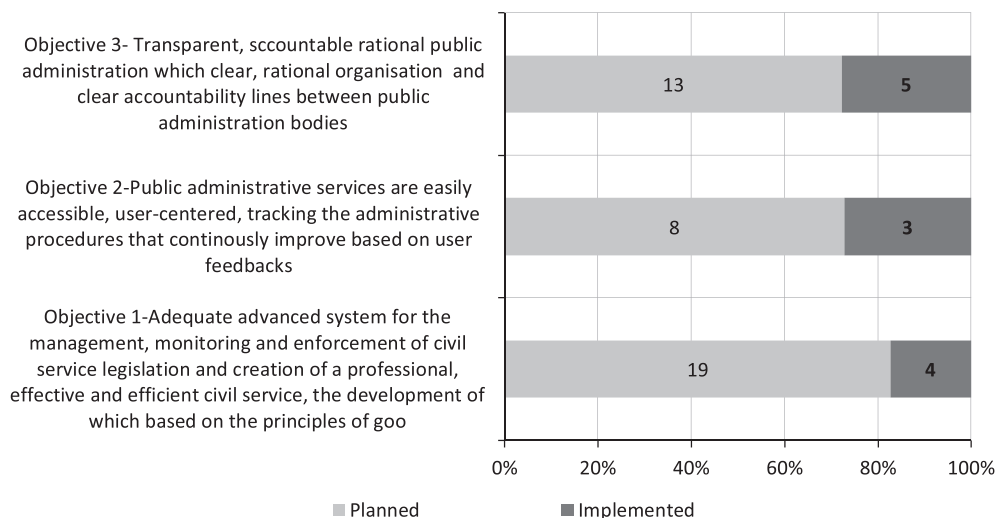
Source: Author based on the Report on Implementation of the Public Administration Reform, 2021.

In relation to general objective 2, 'Public administrative services are easily accessible, user-centred, tracking the administrative procedures that continuously

³³ Report on the Implementation of the Public Administration Reform, 2021.

improve based on user feedback', a total of 8 activities are planned, and only 3 are implemented (see: Chart 6).

Chart 6. Implementation of SMPA Activities in 2021



Source: Author based on the Report on Implementation of the Public Administration Reform, 2021.

Among the implemented activities is the successful integration of 40 systems in the interaction platform, which is a major achievement towards the digitalization of public services. It will greatly improve the possibility of providing of services to citizens and the business community. Moreover, the government has implemented a study to measure public opinion on the possibility of access and the quality of public services. A total of 18 institutions were included, and 5,219 citizens were surveyed about the quality and accessibility of more than 200 public services provided by central and local institutions. Following the survey, two separate reports were prepared. A general report on the results of the study and special reports for each institution that participated in the study are expected to be published in order to identify shortcomings and improve accordingly.³⁴

In the last phase, the reform adapts to the EU accession process, while administrative capacities are trained for the procedure of adaptation and approval of European standards.³⁵ The annual progress report summarizes and presents in detail

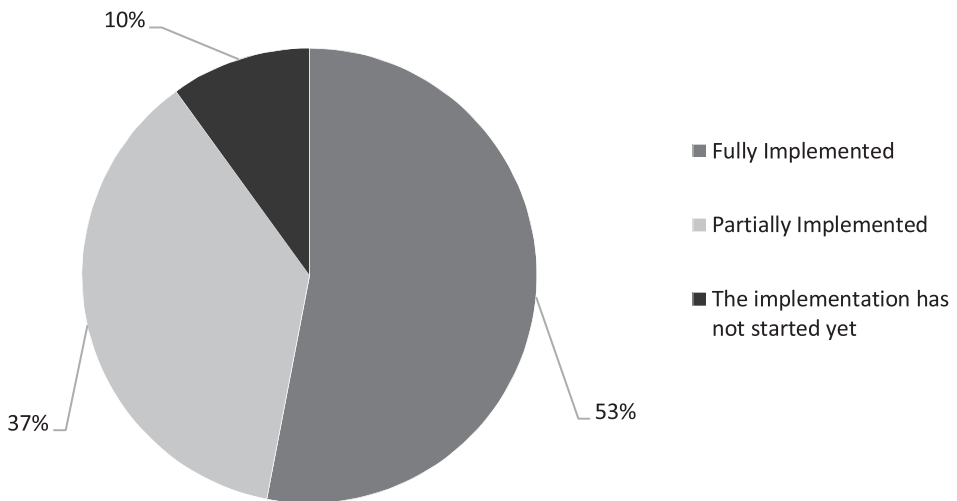
³⁴ Ibidem.

³⁵ I. Koprić, *Europski standardi upravnog postupanja* [European Standards of Administrative Procedure], *Riznica* 2011, 11(12). p. 358; Šehrić, E. *Posebnosti upravnih reformi u tranzicijskim zemljama sa posebnim osvrtom na Bosnu i Hercegovinu* [Peculiarities of Administrative Reforms in Transition Countries with

the achievements of the objectives and the progress within the activities of the Strategy on Modernization of Public Administration 2015–2020 (SMPA), which aims to record the progress of the implementation of the strategy.³⁶

A total of 38 activities are planned to be completed in 2021. While for 2021, the Chart 7 shows that a total of (20) twenty activities or 53% have been implemented, (14) fourteen or 37% activities are being implemented, while four (4) or 10% activities have not started implementation (see: Chart 7).

Chart 7. The status of the implementation of activities at the plan level during 2021³⁷



Source: Based on Annual Progress Report, 2021.

The annual progress report summarizes and presents in detail achievements of the objectives and the progress within the activities of the Strategy for the Modernization of Public Administration 2015–2020 (SMPA), which aims to document the strategy progress implementation. In this sense, among the fulfilled activities are:³⁸ integration of the electronic system in the public administration; functionalization of the e-Kosova portal to provide online services to citizens; determining the instruments for measuring public opinion on the quality of public services; drafting and approval of the Regulation on the Standards of Internal

Special Reference to Bosnia and Herzegovina], "Zbornik radova Pravnog Fakulteta u Tuzli" 2019, 5(1), p. 163.

³⁶ Annual Progress Report of the Implementation of the Strategy on Modernization of Public Administration 2015–2020, 2021.

³⁷ Ministry of Public Administration, Strategy on Modernization of Public Administration 2015–2020, 2021.

³⁸ Ibidem.

Organization and Systematization of Workplaces; drafting and approval of the action plan for the rationalization of government and independent agencies; creation of a system for monitoring the law implementation on organization of public administration; approval of the law on access to documents and public information; drafting and approval of the regulation for the establishment of mechanisms for examining complaints for access to documents and public information; appointment of the official responsible for access to documents in all institutions; drafting the regulation for the standards of official websites based on the approved concept document; standardization of websites based on the regulation from the technical and content sides; promoting open data and supporting implementation of the open data initiative; drafting of the concept document for the non-contractual responsibility of the public administration; drafting and approval of the second set of laws for harmonization with the Law on General Administrative Procedure; drafting and approval of the concept document for the third group of laws for harmonization with the Law on General Administrative Procedure; drafting and approval of by-laws for the law on salaries; completing the catalogue with new positions in the civil service; drafting the guide for standardizing job descriptions according to the catalogue; publication of salaries for all civil servants; implementation of the online application in the recruitment process of civil servants.

At the level of objectives or fields, the level of implementation differs from field to field. It is estimated that progress has been made in achieving the objectives within the three areas, where most of the activities have started implementation or have been implemented or are in the process of being completed (see: Chart 8).

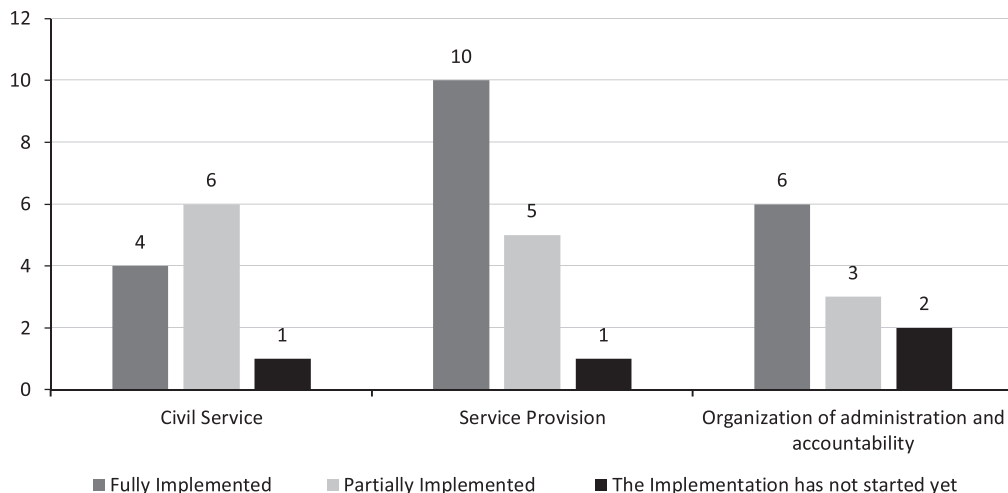
The general objective for the civil service in the Public Administration Reform Strategy consists of four (4) specific objectives. To achieve these objectives, 27 activities and 14 indicators are planned. For 2021, 11 activities have been foreseen, where their implementation is described in Chart 9.

The public administration reform is a pillar of the enlargement process, along with the rule of law and economic governance. All these three pillars are closely related, interwoven issues of fundamental importance for success in political and economic reforms and in creating the basis for implementation of EU rules and standards. A well-functioning public administration is essential for democratic governance. It also directly affects the ability of governments to provide public services and to cultivate competition and development. The public administration reform should lead to improved transparency, accountability and effectiveness and ensure a greater focus on the needs of citizens and businesses.³⁹ The public administration reform constitutes a platform from the success and results of which depend the development

³⁹ Constitution of the Republic of Kosovo, Article 123/4.

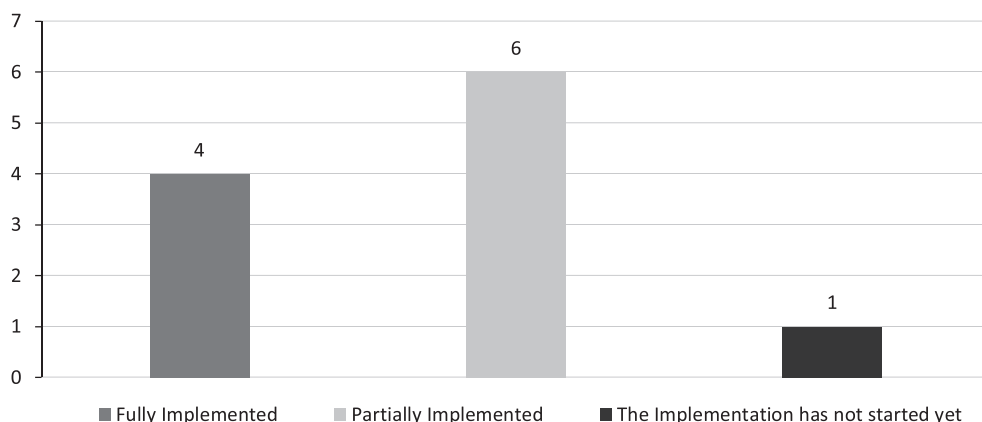
and implementation of government policies in a wider context, especially those for economic development and the provision of public administrative services to citizens and businesses. The development of the public administration and its administrative capacity are the main tools on which the state's ability to deal with the reforms and criteria required by the country's European integration process depends.

Chart 8. The status of the implementation of activities by objectives, during 2021



Source: Annual Progress Report of the implementation of the Strategy on Modernization of Public Administration 2015–2020, 2021.

Chart 9. Status of general implementation in the civil service during 2021



Source: Annual Progress Report of the implementation of the Strategy on Modernization of Public Administration 2015–2020, 2021.

The Strategy for Modernization of Public Administration 2015–2020 defines the strategic goals and policies that the government of the Republic of Kosovo intends to achieve within the nearest, midterm period with the aim of improving the operation and modernization of the public administration, fulfilling the obligations of its legal status and the improvement of the provision of public administrative services. While the reforms of the government and the EU, through the National Program for the Implementation of the Stabilization and Association Agreement, covered 22 priorities in three broad areas of action; good governance and the rule of law, competition and the suitable environment for investment, and employment and education⁴⁰ in the field of public administration are part of the Stabilization and Association Agreement (SAA)⁴¹ and the European Reform Agenda (ERA), the EU remains committed to support Kosovo's reforms with assistance. The EU and Kosovo concluded a Sector Reform Contract for the Reform of Public Administration which projects a total of 25 million euros in financial assistance for Kosovo until 2022.⁴² Cooperation is mainly focused on building of institutions, including the development and implementation of the merit-based recruitment procedures, transparency and impartiality at both central and local levels, human resources management and career development in the public service, continuous training, and the promotion of ethics within public administration. Cooperation also includes improving the efficiency and capacity of independent bodies that serve the functioning of the public administration and an efficient system of checks and balances.

By analysing the progress achieved in the implementation of the Strategy on Modernization of Public Administration, it can be concluded that the dynamics of developments have been at the desired level to achieve the objectives defined by the strategy. In this context, the following challenges that have limited the achievement of progress in the implementation of the Strategy on Modernization of Public Administration are considered:

1. Delay in the establishment of institutional mechanisms responsible for the reformation/rationalization of public services.
2. The use of the Human Resources Management Information System (HRMIS) remains a challenge, despite the modest progress recorded.
3. The adoption of legal amendments remains a challenge.

⁴⁰ Ibidem.

⁴¹ Stabilization and Association Agreement (SAA) between the European Union and Kosovo, 2015, Article 120.

⁴² FOL (NGO), Summary Report on the Public Administration Reform of Kosovo, 2022, p. 8.

4. Lack of mechanism for coordination, monitoring, and reporting within the Action Plan for the Strategy on Modernization of Public Administration (APSMIPA).
5. Delay in reporting, quality of information, difficulty in verification, as well as others of this nature, have been challenges for the department.

Conclusions

Public administration reform is a key priority of the government of Kosovo, a reform which is essential for economic development and the advancement of the European integration process, including the implementation of the Stabilization and Association Agreement. The public administration reform in Kosovo has continued and is an important aspect that has to do with both the improvement of the operation and the provision of services of the institutions of Kosovo, as well as with the fulfilment of the obligations according to the documents signed with the EU. However, the pace of implementation by Kosovo's institutions has been quite slow and most of the problems continue to remain unaddressed. The main challenge of the government of Kosovo in the framework of the modernization of the public administration is the building of powerful and functional structures for the management, monitoring, and reporting of the reform as a prerequisite for achieving the intended results through the strategic framework for the public administration reform. Recognizing the challenges faced by countries that are in the process of enlargement, the European Commission is strengthening its support for public administration reform. This is a well-known challenge for the governments of countries aiming the EU integration, as the accession process requires substantial reforms to be made in often constrained financial circumstances. The study reflects on all of the government's measures: finalizing the policy framework in the agenda of the public administration reform in accordance with European principles, standards, and best practices; the adoption of a single harmonized cross-sectoral strategy on the public administration reform; completing the legal framework on the public administration reform, fully harmonizing the Law on Salaries and the Law on Public Officials with the recommendations of the Constitutional Court.

In conclusion, it can be concluded that the institutions of Kosovo must ensure that the reform of the public administration remains a top priority and they must build on the modest progress made so far. Based on the fulfilment of the reform, after the scientific analysis, it assessed that the following recommendations for the government of Kosovo are to be given aiming to:

1. Increase the coherence of strategic planning and the level of implementation in building the capacities of ministries for the development and implementation of policies;
2. Create the conditions for completing the framework laws and ensure their implementation in accordance with the recommendations of the Constitutional Court;
3. Take the necessary steps to approve and fully implement the Action Plan for the Rationalization of Agencies;
4. Draft and adopt the Draft Law on Inspectorates and ensure the mechanisms required for its full implementation in cooperation with the relevant institutions;
5. Address the delays in the harmonization of special laws with the Law on General Administrative Procedure, which continue to cause legal uncertainty for citizens and businesses;
6. Ensure merit-based appointments throughout public administration through transparent procedures and monitoring mechanisms;
7. Take the necessary steps to facilitate communication and inter-ministerial coordination, as well as strengthen coordination between the local and central levels;
8. Start a process of assessing the restructuring of government ministries, in order to identify the effects of government restructuring on the practical functioning of institutions;
9. Work on finding ways to increase the level of digitization and improve electronic services for citizens and businesses.

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