

Historical Background, Reforms of the Public Administration, and the European Integration of Kosovo

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The paper analyses the current situation of the public administration in Kosovo and its integration into the European Union. The aim of this paper is to analyse the condition of Kosovo's public administration and its attempts to reform in order to reach the standards set out by the EU for

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becoming a member state. The paper presents challenges faced by the public administration, which arise from the European integration process, i.e. the requirements related to the public administration from the Copenhagen criteria and the Stabilisation and Association Agreement. The paper offers recommendations for improving the public administration, describes the focus of the reforms and the results achieved on Kosovo's path to meeting EU standards, as well as what should be done for full membership to be achieved. Special attention is paid to progress, with a comparative approach *vis-à-vis* the neighbouring countries in the Western Balkans used as an analytical tool.

Keywords: public administration, European Union, Stabilization and Association Agreement, reforms, integration, Western Balkans

1. Introduction

In order to function properly and develop good conditions, a state should have an organised and accountable public administration. Such public administration needs professional services, well organised and established procedures for policy and legislation development, well planned accountability, and clear public financial management (Donald & James, 2009). This is the only way to be able to offer the necessary services and provide for citizens and business in an efficient and effective manner (Pusić, 2002). Public administration is the main factor in the proper functioning of the modern state, which is why a good public administration plays a relevant role in the development and improvement of the country (Stavileci, 1997). The main goal of this study is to provide an understanding of the changes/reforms in the past, and the factors affecting the reforms. All this is carried out through an analysis of the impact of the reforms on the European integration, and the progress/failure of the public administration of Kosovo in that regard.

“The public administration is an organizational structure that represents the basis for decision-making and implementation of decisions, rules according to which public services are carried out. public administration is one of the main segments through which the relations between the state, civil society and the private sector are realized. In this regard, supporting

innovations in public administration enables the realization of development objectives, in particular the economic advantages, poverty reduction, harmony and institutional stability” (Stavileci, 2005, p. 35).

The public administration in Kosovo is still struggling to fulfil its function, since political factors, financial capacity, human resources, and the legacy have an important role in the development and change of the public administration. As the main employer in Kosovo, with around 80,000 people on the payroll (Balkans Group Policy Report, 2019), it has a huge number of employees. The data by the Organisation for Economic Co-operation and Development show and prove that the public administration in Kosovo is the largest of all the other Western Balkan countries, i.e. with the highest percentage of total employment at 30.81%, whereas North Macedonia has the lowest share with 22.79% (OECD, 2020).

Progress reports of the European Commission emphasised that politicised administration hinders the reforms in the public administration. On the other hand, the financial factor also plays an important role in the reforming process. For instance, for the period 2016–2018, the estimated cost of the administrative reforms was around €55 million, but the government had allocated only €19.8 million, which was obviously insufficient. Although the EU provides financial assistance for the reforms of the public administration, Kosovo needs more professional capacities to implement the reforms and policies. The financial factor contributes to delaying the reforms as the budget capacities are limited.

Public administration is one of the main segments through which the relations between the state, the civil society, and the private sector are realised (Denters, 2017, p. 91). In this regard, supporting innovations in public administration enables the realisation of development objectives, in particular the economic advantages, poverty reduction, harmony and institutional stability (Hood & Dixon, 2015). Public administration is facing various challenges, including improper regulation, insufficient capacity, lack of standardisation, unorganised management structures, lack of regulations and procedures (Groot & Budding, 2008) as the main ones.

One of Kosovo’s main goals is to reform and build administrative capacities at the level of European Union standards, as this is a criterion established by the EU for advancing on its accession route to the European Union, which also represent a challenge for the institutions of Kosovo striving to fulfil the criteria set by the EU (Bieber, 2011). Kosovo has signed the Stabilisation and Association Agreement (SAA), and is now in the phase of implementing it. It can be concluded that the public administration of Kosovo should be focused and remain on its path to completing

the implementation of the initiated reforms in order to meet the European Union standards, until it becomes a member state of the EU, as its final goal. To achieve this goal, the legislation of Kosovo should be harmonised with the legal basis of the EU, i.e. *acquis communautaire* in mind. All this is related to the requirements of the EU for the public administration in Kosovo, which can be found in the regular progress reports of the European Commission. Kosovo has made progress with regard to this, such as adopting amendments to laws and regulations in line with the EU legislation, and establishing public administration bodies in order to implement the necessary reforms for meeting the EU standards and criteria. There are a number of other criteria and requirements to be fulfilled in various fields, but the public administration reform is one of a wide scope, both politically and legally. In order to achieve and meet the EU standards, we require adequate financial resources, capable and professional employees, and institutions prepared for timely and full implementation.

2. Methodology

The paper analyses the public administration system in the Republic of Kosovo, starting with the evolution of the public administration, its development during various political phases, and finally its relation to the EU integration. We reviewed fundamental documents, laws, and other legislative acts in order to review the harmonisation of the reforms/attempts in this crucial sector/system of a relatively newly established country. We applied the analytical approach by analysing the reforms in relation to the Copenhagen criteria, the Stabilisation and Association Agreement, and other standards set by the European Union in the integration process of Kosovo. We also analysed relevant documents associated with the reforms, namely the Strategy for Modernisation of Public Administration 2015–2020, which is complemented by the Better Regulation Strategy 2.0 for Kosovo 2017–2021 and the Strategy for Improving Policy Planning and Coordination in Kosovo 2017–2021, (Robaj, 2018). We present an analysis (based on the progress reports issued by the European Commission) with the key data on Kosovo in comparison with other Western Balkan countries, particularly with Albania, which is closer to the position of Kosovo, and Montenegro, which is further away on its path to joining the European Union (reports for 2015, 2016, 2017, 2018, 2019). In the end, we present the results and successes/failures of Kosovo's public administration according to the EC progress reports for the period 2013–2016.

3. Evolution of the Public Administration in Kosovo

During the early 1990s, ethnic Albanians in Kosovo were excluded from the public administration of Serbia, and this made the administrative history of Kosovo stagnant (Batali, 2012). For more than ten years before the conflict, state institutions had not provided any services to the largest segment of the population. As a result of that, the administration in Kosovo owes its development to international institutions.

After the armed conflict in 1999, the country was governed by the UN Interim Administration Mission in Kosovo (UNMIK) that contributed to and had the responsibility of establishing self-government bodies, organising elections, and transferring responsibilities to local institutions. UNMIK made attempts to establish a plan or framework for an effective public administration based on merits, through several regulations, including the Civil Service Law, Local Government Law etc. These regulations defined the positions and roles or responsibilities of civil servants, the involvement of politics, and the code of conduct.

There were some attempts at genuine reform, however, despite the support provided by international organisations, especially by the European Union, there was a lack of coordination or some type of long-term strategy, which would have contributed to overcoming the situation and the lack of progress. There was also strong support by international NGOs and agencies for civil servants in the years after the independence, but it was not focused on the management and did not address the specific needs of civil servants.

4. Integration into the European Union

The European Union enlargement process is considered as one of the key identification points of the Union itself. The biggest enlargement in the history of EU happened in 2004, when 10 new states joined the Union, mainly from Central and Eastern Europe. During this enlargement, there was a general perception that Bulgaria and Romania joined the EU even though they were not prepared to face the challenges or fulfil the criteria for becoming an EU member state. All this actually had an impact on slowing the enlargement process of the other states wanting to join the Union. This was manifested in the period of several years after it happened, actually until 2013, when Croatia joined the European Union.

The economic crisis of 2007–2009 also had an impact on the enlargement process. The reflection of the economic global crisis of 2007–2009 was almost identical in all countries. Furthermore, the drastic price reduction for capital stock in European countries had an impact on the countries that already had a poor export basis, like Kosovo and Albania, preventing them from increasing internal investments and initiating structural reforms (Zaka, 2021). Associated with the declaration of the European Union that the enlargement process would be paused for four years, the initiation of the Berlin Process was an initiative complementary to the enlargement process, and in some cases a substitute for it.

Table 1: *Chronology of EU–Kosovo relations*

Date	Event
11/1/2000	Zagreb Summit launches the Stabilisation and Association Process (SAP) for five countries of Southeastern Europe
1/4/2000	Commission adopts the communication on “A European Future for Kosovo”
1/2/2006	UN Special Envoy launches status negotiations
4/2/2008	Council adopts the Joint Action establishing EU Rule of Law mission in Kosovo EULEX
18/2/2008	Council acknowledges Kosovo's declaration of independence, underlines EU conviction that Kosovo is a <i>sui generis</i> case
15/6/2008	Kosovo adopts its Constitution
9/12/2008	EULEX becomes operational
14/10/2009	Commission issues the communication “Kosovo - fulfilling its European Perspective”
22/7/2010	The International Court of Justice issues an advisory opinion on Kosovo's declaration of independence
8/3/2011	Following the UN General Assembly Resolution, the Kosovo-Serbia technical dialogue begins
19/1/2012	Commission launches the visa liberalisation dialogue with Kosovo
30/5/2012	Commission launches the Structured Dialogue on the Rule of Law
14/6/2012	Commission issues a roadmap for Kosovo's visa liberalisation
10/9/2012	Kosovo declares the end of supervised independence
10/10/2012	Commission issues its feasibility study for a Stabilisation and Association Agreement

19/10/2012	High-level dialogue between Kosovo and Serbia as facilitated by HRVP Ashton begins
25/7/2014	The chief negotiators initialled the Stabilisation and Association Agreement in Brussels
1/4/2016	The Stabilisation and Association Agreement enters into force.
1/7/2018	Commission confirms that Kosovo has fulfilled all outstanding visa liberalisation benchmarks. Decision on Commission's proposal is pending in the EP and the Council

Source: Authors.

4.1. The Berlin Process

The Berlin Process is considered to be a platform for increasing regional cooperation of the Western Balkan countries, by implementing the reforms required by the EU, and following the enlargement process (Seroška, 2008). Since Western Balkan countries are at various levels of development, as well as at various stages and processes of integration into the EU, the Berlin Process plays a relevant role in diminishing the differences between them.

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

When comparing Kosovo to other countries that had also gone through the transition process and then joined the EU, the economic convergence process shows that their development was much faster, and they also managed to reduce the differences in average income in relation to the older EU member states. These countries are of similar size to that of Kosovo.

It is clear that the objectives of the Berlin Process, declared by all the countries participating in the first Summit in 2014 in Berlin, are associated with a commitment over a 4-year period to achieving real reforms, solving bilateral and internal problems, and advancing the consolidation process after the crises and wars that this region had experienced in the past. The Berlin Process achieved the following: dedication of all parties to deepening the economic and administrative cooperation as a platform for general development; commitment of the states to becoming a part of the European family; good governance and the fight against corruption and organised crime;

strengthening the rule of law and of the independence of the judicial system in the participating countries; strengthening democracy by strengthening the opposition, and creating space for civil society.

The following factors of cooperation of the Western Balkan countries in order to overcome their differences in relation to the EU can be considered important:

- Economic integration and administrative cooperation,
- Progress in structural reforms, and
- Macroeconomic stability.

These countries need more stability, as a precondition for administrative cooperation and economic growth, promotion of trade and investments, and the capital market (Lorenz, 2012). Fiscal stability is especially important for small economies, like those in the Western Balkans, which are seen as having limited flexibility, in particular Kosovo and Montenegro, and being exposed to foreign impacts.

This will have an impact on administrative reforms, which will help these countries, Kosovo and other Western Balkan countries, prepare for the challenges they are to face in the future, i.e. when they become a part of the EU. The progress in structural reforms is related to the development of the private sector, as well. In this case, again, there is a connection with the economy or creating new jobs through the integration process, in order to secure sustainable economic growth.

Good administrative reforms are needed in this regard to improve the business environment. As mentioned before, this will help the economy of the country, and is relevant because economic development is actually associated with the reforms and with the functioning of the public administration.

4.2. Reforms and Obtaining Funds from the EU

In 2017, the Republic of Kosovo signed a sector reform contract on public administration reform with the European Commission. The purpose of this contract is to support the reform of the public administration in Kosovo in order to increase the accountability, transparency, and efficiency of the public administration which, as its most relevant function, is focused on the needs of both citizens and businesses.

This contract contains eight general indicators of the public administration reform, which the Government of the Republic of Kosovo agreed to fulfil every year over the next three-year period, in 2018, 2019, and 2020,

respectively. For each indicator, the respective amount of EU funding was set, to be paid directly into the budget of Kosovo. There are conditions for reaching and fulfilling each indicator. The maximum amount that the Government of Kosovo could have requested is EUR 5.5 million for the eight indicators. These indicators show the specific goals in the public sector. For instance, one of the targets for 2019 was to implement at least 70% of the short-term measures of the National Programme for the Implementation of the Stabilisation and Association Agreement, which means that the achievement of this purpose allowed Kosovo to request EUR 400.000 from the European Commission.

The fact that Kosovo signed a sector reform contract on public administration reform was a sign that the European Commission and the European Union acknowledge and agree that Kosovo fulfilled the main criteria, among other things, having a solid national strategy for reforms and for achieving a sustainable economy focused on stability. From the known data, published by the Government of the Republic of Kosovo, under this contract on public administration reform in 2018 and 2019, it is evident that over EUR 9 million were received directly in the state budget of Kosovo.

The first year of this contract, 2018, was very positive since most of the indicators were fulfilled, and the Government of Kosovo managed to secure over EUR 3 million from the European Commission. The year 2019, even though there were many endeavours, was a hard year for the reforms in the public administration as a result of political developments, among which we can mention the fall of the Government and the early parliamentary elections. These developments contributed to blocking the decision-making process of the Government.

As a result of the above, Kosovo managed to fulfil only one indicator, and also managed to apply 50% of the recommendations given during 2018 and 2019 by the Ombudsman, to which the state institutions responded in the affirmative. The Government fulfilled another indicator by approving the Concept Document for the Reduction of Administrative Burden, but this decision was made by the Government in March 2020, not in 2019, and was not included as a positive aspect of the evaluation by the European Commission, hence the Government of Kosovo could not request EUR 800.000.

Another relevant indicator is the rationalisation of agencies, for which the institutions made all the preparations in terms of the process, but the decisions were again not taken as a result of the political blockade. In the meantime, the year 2020 represented an interruption in this process by the European Commission because of the COVID-19 pandemic, with

other developments in Kosovo also having an impact and halting the reform process.

The Government of the Republic of Kosovo is actually preparing a request to continue and re-negotiate the sector reform contract, including the repurposing of the unused funds from 2018 and 2019, about EUR 7 million. This actually means that the funds are not lost, but the government should discuss this issue with the European Commission and see the options for repurposing. As usual, every government says that it is committed to reforming the public administration. This is declared publicly by every government of Kosovo, namely that Kosovo will follow its route to joining the European Union, which includes the implementation of reforms in the public administration, and approximation of the legislation as the country must be prepared to join and face the challenges of the EU, i.e. of the European administrative space.

4.3. The Stabilisation and Association Agreement and the Public Administration in Kosovo

The Stabilisation and Association Agreement (SAA) is the backbone of the European Union enlargement policy in the region. It is actually a contractual agreement which is different and specific for each country. Before a country reaches the point of signing the SAA, the European Commission conducts and issues a feasibility study. The feasibility study is mainly focused on examining whether the country has fulfilled the political, economic, and legal criteria in order to proceed with the SAA. As mentioned above, the SAA is unique to each country, and the negotiation, ratification, and implementation of the agreement has different characteristics and requirements.

The European Commission published the feasibility study for Kosovo, and its main and most important message was that there were no obstacles for Kosovo to sign the Stabilisation and Association Agreement. In addition, it recommended that Kosovo should undertake serious reforms that were identified, including those associated with the rule of law, public administration, and the protection of minorities, with special emphasis also put on open trade. The SAA negotiations were carried out from October 2013 to May 2014, and the Council of EU agreed to sign the agreement on 22 October 2015. It was the first time that the agreement was signed by the representatives of each European institution, instead of the representatives of member states. The Stabilisation and Association Agreement between the European Union and Kosovo entered into force in April 2016.

The SAA defines the mechanisms and official terms for the implementation of all reforms, which will progressively align and harmonise Kosovo with the EU in all policy areas, until entirely fulfilling all EU standards. The SAA covers all fields of governance, among which Kosovo's obligations derived from the SAA can be divided into two categories:

- General obligations of engaging in progressive political dialogue and enforcing EU law in all chapters of the *acquis*;
- Specific obligations to be fulfilled within a certain period of time.

As mentioned above, most of the SAA is based on the EU *acquis*, therefore it requires the approximation of legal norms, including those regarding the public administration, which should be implemented entirely and made part of Kosovo's national legislation. For this to be implemented, more comprehensive and long-term preparations are needed.

The Stabilisation and Association Agreement for Kosovo differs from those of the other Western Balkan countries. EU legal experts applied the formula of having contractual relations with Kosovo using an agreement model used only for entities that are not sovereign countries. The main difference between the agreements of the Western Balkan countries lies in the fact that the EU does not assume any obligation of eventually admitting Kosovo to the EU, unlike other countries that have signed the SAA. Therefore, the difference is that the other countries' agreements provide for a safe path to or integration into the EU, if or when they fulfil all their obligations in accordance with the EU law.

We should mention in this regard the difference between Kosovo and Serbia and the condition of conducting negotiations, as the agreement for Serbia clearly stipulates that this dialogue is aimed at promoting the full integration of Serbia into the community of democratic nations and its gradual approach toward the EU.

Thus, the public administration reform is an intended goal to be achieved, proclaimed in the preamble of the SAA: "Considering the commitment of the Parties to contribute by appropriate means to the political, economic and institutional stabilisation in Kosovo as well as in the region, through the development of civil society and democratisation, institution building and public administration reform, regional trade integration and enhanced economic cooperation, wide-ranging cooperation, including in justice and home affairs, and the strengthening of security" (SAA, 2016). The SAA also states that financial assistance will be provided to cover all sectors of cooperation, with special attention given to the area of freedom, security and justice, approximation of legislation to the *acquis communau-*

taire, socio-economic development, good governance, public administration reform, energy, and agriculture.

There are also issues related to the results, conditions for advancement, and reforms of the public administration in Kosovo, which are proclaimed in view of fulfilling the membership criteria set out in the Stabilisation and Association Agreement. On the other hand, the conditions arising from the SAA in regard to the advancement and the reforms in the public administration in Kosovo represent a challenge for Kosovo's institutions which they need to overcome successfully in order to advance in the other stages of integration into membership.

In general, the SAA enables Kosovo to enjoy benefits similar to the other Western Balkan countries, with the exception of EU integration or becoming a member state.

In relation to the advancement and the benefits for the public administration, the SAA helps to prepare Kosovo's public administration for approximation to or achievement of the standards of a European country.

4.4. Assessment of the European Union on the Advancement of Kosovo toward Integration

The current situation with the process of integration of the Republic of Kosovo into the European Union can be mainly described by saying that the country is taking part in the Stabilisation and Association Process through the Stabilisation and Association Tracking Mechanism. However, the contractual relations between Kosovo and the European Union are still missing. The country is waiting for a consensus with regard to the Trade Agreement between Kosovo and the EU.

The issue of the recognition of Kosovo by five EU member states is actually an obstacle in its integration. The European Commission, European Council, and European Parliament are making efforts in order to find a common language and resolve the legal-political obstacles, but this remains a grave issue for Kosovo. From the above mentioned EU institutions, the Parliament is one step ahead compared to the others, not only by giving support for Kosovo's perspective and for visa liberalisation, but also by calling upon the five member states to recognise the independence of this country (Gjoni, Wetterberg & Dunbar, 2010).

With regard to the political criteria set by the European Union, Kosovo has made some progress in implementing the main reforms by adopting

the legal framework, as e.g. in the field of the rule of law and public administration. As mentioned above, not all measures that were part of the implemented reforms were in accordance with the objectives declared by the government.

In terms of weaknesses, we can mention the size of the government and its ministries, which has an impact on the transparency and credibility of this institution, as well as its efficiency.

In the past period, there were some demands for Kosovo by the EU, like the ratification of the border agreement with Montenegro, and in this case the Parliament managed with some difficulty to build a majority for this relevant issue, and implement reforms in the legislation related to the integration into the EU. As a positive thing, one can mention the fight against terrorism, especially in terms of creating the conditions for rehabilitation and re-integration of the fighters and their families.

4.5. Public Administration and Corruption

Corruption as a phenomenon is a global problem, not only in Kosovo. It can be found in many fields of life, including the public administration of every country, depending on the scale or the rule of law. Corruption is usually present in states that have totalitarian, dictatorial, and authoritarian systems, but it is also present in countries that declaring themselves to be democratic and pluralist (Hughes, 2014). It usually increases when there is a chance of personal gain for individuals who are in power or part of the government.

Corruption in Kosovo is actually a result of the way the state is organised and the way the state institutions function, since there is still a lack of anti-corruption legislation (Spector, Winbourne & Beck, 2003). In that regard we can mention the lack of legal oversight over the financial operations of political parties and over procurement procedures, which leave plenty of room for corruption. The key factors that influence the occurrence of corruption are incomplete legislation, low economic development, inefficient judiciary, moral crisis, personal enrichment of individuals, and low salaries in the public sector and in public administration at large.

In case of Kosovo, corruption is perceived as part of the public administration's work and people believe that in order to have something done or obtain a document one needs to bribe or corrupt an employee or official, regardless of the fact that this is against the law, while on the other hand,

people working in these public institutions want to use the situation for their personal gain.

Most of the cases of corruption are related to the fragile system of governance and the institutions that are part of the judiciary system in the Republic of Kosovo. There have been several cases revealed by investigative bodies and the police, but many of them have remained unpunished because of the corrupt judiciary system.

Some motives for the presence and occurrence of corruption in the community and the public administration in Kosovo are of material nature, since some people are born poor and keen to get rich as fast as possible, and in this case the situation itself gives them the opportunity to make it possible or be corrupt. Not all employees have the intention of receiving bribes or getting various offers and services, but in some cases the environment itself pushes them to adjust to the circumstances.

The legal and judicial basis against corruption in Kosovo has been established to fight this negative phenomenon, but Kosovo is a relatively newly established state and belongs to the group of developing countries, which are mostly characterised by a high level of corruption.

The factors that influence the current situation are related to the socio-economic difficulties in the transition process, the consequences of the war, the fact that Kosovo was a part of the totalitarian system of former Yugoslavia, and even though the country declares itself to be democratic, the level of corruption is relatively high as well as the unemployment rate, which the country tries to mitigate by employing more people in the public sector. As mentioned above, this is another issue that Kosovo is facing, and also a condition for its integration into the European Union.

Despite the lack of legislation, the Penal Code covers the field of corruption, as it defines the abuse of official duty, conflict of interests, fraud, taking and giving bribes, and issuing illegal judicial decisions, which all fall within the category of criminal acts (Halili, 2011).

Kosovo has built its primary and secondary legislation, and established the Anti-Corruption Agency, which is tasked with the prevention of conflict of interest of public officials, control of the origin of assets, property declarations of officials, and the protection of reporters of crime. Secondary legislation is related to the Penal Code and the penal procedure, and there are special provisions within the legislation for respective categories of crimes that have to do with corruption, financing of political parties, and the civil service as well.

Moreover, civil servants indicate a willingness to behave informally, that is, they would help friends as well as politicians and others ‘off-the-books’. This actually contradicts the principle of treating every citizen equally and impartially, and undermines the trust in public institutions whilst creating considerable risk of unethical behaviour including corruption in the public administration (British Academy, 2018).

An important factor is transparency, which is a very relevant principle since it obliges the public administration to give information about its actions, making it possible for the citizens and NGOs to monitor and assess the work of the state and public institutions or various bodies acting in the name of the state (Homburg, 2018). However, the European Union estimates that the pace of the fight against corruption is insufficient, not only in Kosovo, but in other Western Balkan countries as well. This is relevant because it is actually one of the requirements to be met for membership in the European Union.

4.6. Statistical Data

According to assessments in the EC reports, the reforms in the public administration had their best results in 2015 when good progress was achieved, whereas in the following years it was assessed as “some progress” (Table 2), which could in other words be called stagnation. The other fields that are related to the integration process are also assessed with a similar rating, i.e. mostly “some progress”.

Table 2: *Kosovo progress level*

Field	Year			
	2015	2016	2018	2019
Public administration	Good progress	Some progress	Some progress	Some progress
Judicial system	Some progress	Good progress	Some progress	Some progress
Fight against corruption	Some progress	Good progress	Some progress	Some progress
Fight against organised crime	Some progress	Good progress	Some progress	Some progress
Fundamental rights	Some progress	Some progress	N/A	N/A
Freedom of expression	No progress	No progress	No progress	Limited progress

Source: Authors, based on the European Commission reports (2015; 2016; 2018; 2019).

The state of preparation of the public administration is not sufficient to cope with the challenges of the European Union (Table 3), since it received the same assessment by the European Commission in the last four years, namely “some level of preparation”.

Table 3: *State preparedness* of Kosovo, Albania, Montenegro

Field	Year			
	2015	2016	2018	2019
Public administration	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation
Judicial system	Early stage	Early stage	Early stage / some level of preparation	Early stage
Fight against corruption	Early stage	Early stage / some level of preparation	Early stage / some level of preparation	Early stage / some level of preparation
Fight against organised crime	Early stage	Early stage	Early stage	Early stage
Freedom of expression	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation

Source: Authors, based on the European Commission reports (2015; 2016; 2018; 2019).

On the other hand, Albania (Table 4) has also achieved similar assessments on its path to joining the European Union, i.e. “some progress”.

Table 4: *Albania progress level*

Field	Year			
	2015	2016	2018	2019
Public administration reform	Good progress	Some progress	Some progress	Some progress
Fight against corruption	Some progress	Some progress	Good progress	Good progress
Fight against organised crime	Some progress	Some progress	Some progress	Good progress
Judiciary reform		Good progress	Good progress	Good progress
Fundamental rights	Some progress	Some progress	Some progress	Limited progress (reported only for freedom of expression)

Source: Authors, based on the European Commission reports for Albania (2015a; 2016a; 2018a; 2019a).

In this field, too, the level of preparation has been assessed similarly in both countries, even though Albania can be said to be doing slightly better in that regard (Table 5).

Table 5: *State of preparation of Albania*

Field	Year			
	2015	2016	2018	2019
Public administration	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared
Fight against corruption	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation
Fight against organised crime	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation
Judiciary reform	Early stage of preparation	Some level of preparation	Some level of preparation	Some level of preparation
Fundamental rights	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation

Source: Authors, based on the European Commission reports for Albania (2015a; 2016a; 2018a; 2019a).

Montenegro is another example of a country that had started the negotiations for accession to the European Union already in 2012 (Table 6). On this path it has opened 32 negotiation chapters, out of 35 chapters in total.

Table 6: *State of preparation of Montenegro*

Field	Year			
	2015	2016	2017	2018
Public administration reform	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared
Judicial reform	Moderately prepared	Moderately prepared	Moderately prepared	Moderately prepared
Fight against corruption	Some level of preparation	Some level of preparation	Some level of preparation	Some level of preparation

Source: Authors, based on the European Commission reports for Montenegro (2015b; 2016b; 2017b; 2018b).

Table 7: Summary of EU progress reports for Kosovo for the period 2013–2016

	2016	2015	2014	2013
Administrative services	1) Administrative judges are overburdened 2) Administrative procedures are simplified 3) Administrative justice improved 4) Development of e-services is slow 5) Access to public documents regulated	1) Administrative judges are overburdened 2) Administrative procedures not simplified 3) No progress has been made on the right to administrative justice 4) Development of e-services is slow 5) Access to public documents regulated	1) The laws on administrative procedures and normative acts are yet to be adopted 2) Access to public documents remains unsatisfactory	1) In general administrative services remain weak in all sectors
Civil service	1) Different salary coefficients are applied to similar positions 2) A job classification system is being rolled out 3) Merit-based recruitment is in place, but loopholes in the law allow contradictory practices 4) Professional development of public servants has progressed	1) Different salary coefficients are applied to similar positions 2) Job classification system in place but not effective 2) Systematic training is hampered by lack of resources and suitable facilities 3) Professional development for public servants is insufficient	1) Delays in implementing the laws on civil servants and on salaries of civil servants 2) Job catalogue and performance appraisal not implemented	1) New legislation is needed to regulate salaries and to reform the salary system 2) The performance appraisal for civil servants needs to be implemented 3) Job classification has been put on hold
Budget transparency	1) Budget transparency is limited but improving. Budget documents are often not comparable	1) Budget transparency is insufficient	1) Improved links with budgeting are required. Budget transparency is insufficient	1) Budget transparency improved further and the Ministry of Finance started publishing quarterly information on government debt level
Human resources management	1) Politicisation and limited capacity	1) Politicisation and limited capacity	1) Political interference in public administration persists	1) There is also political interference in the civil service

Institutional coordination	1) The legal basis and institutional structures for coherent and coordinated policy-making system are largely in place 2) Sector strategies lack quality control and are financially unsustainable 3) Lack of coordination and common vision between the responsible ministries	1) The legal basis and institutional structures are largely in place, but in practice policy planning is fragmented and lacks prioritisation at government level 2) Inter-ministerial and public consultations are regulated 3) Lack of coordination and common vision between the responsible ministries	1) The inter-institutional coordination mechanisms in place need to be used better 2) Kosovo has prepared standards for public consultations	1) Implementation of policies and legislation involving several ministries needs to be improved 2) The capacity to manage the EU integration agenda is unevenly spread across the government 3) Public consultations becoming frequent
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Source: Authors, based on the European Commission progress reports for Kosovo 2013–2016.

The data one more time confirms the conclusion that the public administration of Kosovo remains characterised by “insufficient professionalism”, being “on hold”, “unsatisfactory”, “weak”, “needs to be improved”, “insufficient”, “limited”, “lack”, etc.

5. Current Harmonisation with EU Legislation

There are several documents that have been adopted by the state executive institutions in order to adjust Kosovo’s legislation to the legislation of the EU. Some of the recent ones are: the Strategy for Modernisation of the Public Administration 2015–2020, which is complemented by the Better Regulation Strategy 2.0 for Kosovo 2017–2021, Strategy for Improving Policy Planning and Coordination in Kosovo 2017–2021, and the Public Finance Management Reform Strategy. These documents constitute the strategic framework currently under implementation, even though there are discussions about streamlining such a framework, but they have not yet yielded any results. There are three areas for reform under this framework:

- Development and coordination of policies and legislation,
- Civil service, human resource management, public administrative service delivery and accountability, and
- Public financial management.

Two additional documents, the Strategy for Improving Policy Planning and Coordination 2017–2021, and the Better Regulation Strategy

2017–2021, are the documents that guide the reforms in the public administration. These documents represent considerable progress in the last ten years. For instance, the National Development Strategy 2016–2021 demonstrates an interest in improving coordination and defragmenting policy interventions. This actually impacts the public administration widely in the context of making it more effective in offering services for both the business sector and citizens (Pollit, 1990).

The unified requirements seek to remedy some of the persistent challenges in relation to the policy and legislative development and coordination, including low quality and overlaps in sectoral strategies, over-ambitious planning and poor financial planning, and insufficient monitoring and reporting (European Commission, 2019). The excess and compartmentalised nature of planning documents has traditionally been an obstacle to effective policy implementation (Osborne, 2006). Sectoral strategies, some links between them and often their contradictory priorities are difficult to implement. The Strategy for Improving Policy Planning and Coordination takes note of this issue and tries to address it by including among its priorities the consolidation of the framework for sectoral strategies, as well as improving the coordination of decision-making processes at the central level.

Problems in this regard persist. In general, more focused attempts on improving the alignment and harmonisation of different policy planning documents are still necessary.

This is also related to the implementation of the SAA, which requires for all objectives to be fully, and not just partially, met. This is actually a condition if Kosovo wants to benefit fully, and not only partially from the Agreement reached with the EU. Poor financial planning also contributes to the direction of the reforms, which continue to rely mainly on support from other donors, mostly from the European Union, and other international organisations.

6. Challenges – the Copenhagen Criteria

The process of meeting the criteria to become a member state of the European Union, i.e. the Copenhagen criteria related to the public administration, presents a challenge for each country aspiring to become an EU member state. Therefore, it also represents one of the challenges which Kosovo is facing in the public administration.

The Copenhagen criteria are actually the criteria to be fulfilled in order to join the EU. These criteria were set in 1993, at a meeting of the European Union Council. According to these criteria, the state that aims to become a member state should have institutions that function in accordance with the principles of democracy and the protection of human rights, which are also related to the public administration, i.e. treating all ethnicities equally regardless of their origin, religion, race, etc. The second condition is related to having a functional market economy, and accepting the obligations set by the EU in order to join the Union. The Copenhagen criteria include political and economic criteria, and legislative approximation, i.e. harmonisation with *acquis communautaire* (Rezler, 2011, p. 3), as follows:

- Political criteria – these refer to the stability of institutions in order to guarantee democracy and enable effective participation of citizens in the legislative process, which is based on multi-party free and fair elections. According to these criteria, public institutions should be independent and under no impact or influence by the political institutions in Kosovo.
- Economic criteria – these are also related to the functioning of the state or public institutions. Economic criteria include building a free market economy, domestic production in order to face the competition of the EU in the future, domestic and foreign investments, and the use of a single currency – euro, which has actually been the currency of Kosovo since after the war in 1999, hence this criterion has already been fulfilled. The benefit for Kosovo in this group of criteria will actually be the free movement of goods and services, as one of the fundamental freedoms of the European Union.
- *Acquis* criteria – this is a platform for the rights and obligations that should be respected by a state aspiring to join the Union. The *acquis* actually pertains to the rules and policies of the European Union, i.e. the constitution of the Union. For every country that is in the process of joining the EU there are a certain number of chapters as part of the *acquis*. Hence, the enlargement process is actually determined by the *acquis*. In the case of Kosovo, the EU has no major objections with regard to the quality of the laws, but rather to their implementation.

In general, the efforts of Kosovo's public administration are focused on meeting the three Copenhagen criteria. They require the aspirant country to have democratic institutions based on respect for human rights, as the political criterion; to be based on a functioning market economy, as the

economic criterion; and to accept the obligations for European Union membership, known as the administrative criterion or harmonisation of the legislation. In order to meet these criteria, all strategic documents of the EU, and the documents of the Government and other institutions of Kosovo, are mainly aimed at the implementation of reforms to fulfil the obligations arising from the above mentioned criteria.

Within the three criteria listed above, the advancement of public administration is foreseen as part of both the political criteria and the legal criteria. In regard to the political criteria, one of them is the rule of law, which is of great importance for the functioning of public administration, since public services are provided by the state through public administration. These services are usually of administrative nature, and are part of the concept of the rule of law. The lack of transparent, equal, and merit-based human resources and pay management has undermined the public sector performance and citizens' trust in the state. Although current legislation defines the principle of merit-based employment and pay management, non-merit-based recruitment, pay, and management practices have been persistent across the public sector (Nagaki, Vodopvanov & Osmanovic, 2020).

With regard to the convergence with the European standards, Kosovo is still in the initial phase. The legislative approximation is being developed in several fields. There has been some progress in the field of free movement of goods and services, public procurement and competition, and improvement of the business environment. In this context, there is small progress in the field of taxes and customs, and in shortening administrative procedures. However, there is still a great deal of informal economy and tax evasion. Kosovo should be focused on adopting and enforcing laws, which is related to the implementation of the Copenhagen criteria. Kosovo is a potential candidate country for joining the EU, but an obstacle remains in terms of the issue with its recognition by five EU member states, i.e. Cyprus, Greece, Romania, Slovakia and Spain. One of the most important criteria is the strengthening of administrative capacity. This represents an independent criterion, and it also serves in fulfilling the obligations within the political and economic criteria (Randma-Liiv & Drechsler, 2017).

As mentioned above, Kosovo's main priority is integration into the European Union. The key challenges on its path to the EU are related to building sustainable institutions and administrative capacity in order to prepare and implement strategies in accordance with the *acquis*, and consistent, coherent plans which will result in and secure economic develop-

ment that will allow for the fulfilment of the economic and administrative criteria for becoming an EU member state.

7. Conclusion and Recommendations

Public administration represents a very important segment, both for the state and for individuals who through it exercise their rights in relation to the state. The reform of the public administration in Kosovo in accordance with the models and standards adopted by democratic countries, especially the ones that are part of the EU, has been and remains Kosovo's main objective. With the implementation of the SAA, the advancement and the reform of the public administration remain in the focus with regard to meeting the EU standards.

Another conclusion is that poor financial planning also contributes to the progress of reforms or lack thereof, as they continue to rely mainly on support from other donors, usually from the European Union and other international organisations. Previous governments have largely failed to implement the strategies of the time, as the relevant institutions lacked capacities to complete the planned activities and there was no political will to remedy the issue. Kosovo should work on the recommendations given by the European Commission in terms of reducing the large number of employees in the public administration in order to implement the reforms.

As mentioned above, in 2017 the Republic of Kosovo signed a sector reform contract on public administration reform with the European Commission, the purpose of which was to support the reform of the public administration in Kosovo in order to increase its accountability, transparency, and efficiency (Klenk & Reiter, 2019). One of the key challenges on its path to the EU is related to building sustainable institutions and administrative capacity in order to prepare and implement strategies in accordance with the *acquis*.

By focusing on activities only, monitoring was previously a *pro forma* exercise ensuring only that activities have taken place without measuring their impact. Although in most cases there were indicators in place, monitoring was not done at the appropriate level. A real reform requires a proactive approach, implementing actions and priorities, and constant monitoring, as well as analysing and understanding the level of completion.

The strengthening of administrative capacity not only represents an independent criterion, but is also an obligation in itself, which aids in fulfilling the obligations within the political and economic criteria. For this reason, a large part of EU financial support to Kosovo is focused on strengthening public administration. Hence, a number of laws are and must be adopted for that purpose.

Another conclusion is related to the politicisation of the public administration as one of the key challenges that must be addressed. Some observers would go so far as to qualify this phenomenon as state capture. Corruption is also an issue in Kosovo that is actually a result of the way the state is organised and the way the state institutions function, since there is still a lack of anti-corruption legislation. The European Union estimates that the pace of the fight against corruption is not sufficient, not only in Kosovo, but in other Western Balkan countries as well. This is relevant as it is actually one of the requirements to be met in order to join the European Union. The European Union has continuously highlighted “concerns over non-merit-based recruitments” and “political influence over appointments and dismissals, especially for senior management” (European Commission, 2019).

The assessment of the European Commission has constantly been the same, at least in terms of the progress level of Kosovo, i.e. “some progress”, which is in comparison with Albania a very similar rating, and taking into consideration that Kosovo is a newly established country, it stands at the same level as other neighbour countries, with the exception of Montenegro.

In order to overcome the above mentioned issues, it is necessary to move beyond words into actions, and to implement activities supported by sufficient resources, while constantly evaluating and monitoring their effect. It is clear that the reforms in the public administration are one of the key priorities for Kosovo in the integration process toward the European Union.

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HISTORICAL BACKGROUND, REFORMS OF THE PUBLIC ADMINISTRATION AND THE EUROPEAN INTEGRATION OF KOSOVO

Summary

*The paper aims to analyse the current situation of the public administration in Kosovo, and its integration into the European Union. The Government of Kosovo aims to modernise the public administration, strengthen its capacities, and make it more efficient and accountable. Hence, the aim of this paper is to briefly analyse the current status of Kosovo's public administration and its attempts at reforms in order to reach the standards set out by the EU and become a member state. It also presents the challenges faced by the public administration, which arise from the European integration process, i.e. the requirements related to the public administration from the Copenhagen criteria and the Stabilisation and Association Agreement. The paper offers recommendations for improving the public administration, with a focus on the reforms and the results achieved on Kosovo's path towards meeting EU standards and what should be done for full membership, which is Kosovo's main goal. In its reforms of the public administration, besides some positive developments Kosovo has also experienced certain negative phenomena, such as corruption in the public administration, conflicts of interest, nepotism, politicisation of the public administration, a huge number of employees, and many other issues that have hindered the advancement and development of the public administration. Although Kosovo has adopted a number of laws as part of the harmonisation of its legislation with the *acquis*, and has also established relevant institutions, the public administration is still facing substantial challenges.*

Keywords: public administration, European Union, Stabilization and Association Agreement, reforms, challenges, integration, Western Balkans

POVIJESNI PREGLED, REFORME JAVNE UPRAVE I EUROPSKA INTEGRACIJA KOSOVA

Sažetak

Ovaj rad analizira trenutačno stanje javne uprave u Kosovu i njegovu integraciju u Europsku uniju. Vlada Kosova ima cilj modernizirati javnu upravu, ojačati njezine kapacitete i učiniti je efikasnijom i odgovornijom. Cilj je ovog rada ponuditi kratku analizu trenutačnog stanja kosovske javne uprave kao i njezinih reformskih nastojanja za dostizanje standarda koje je postavila Europska unija. Istaknut ćemo izazove koji se pred javnom upravom nalaze, a koji proizlaze iz europskoga integracijskog procesa, odnosno iz zahtjeva postavljenih u Kriterijima iz Kopenhagena i u Sporazumu o stabilizaciji i pridruživanju. Rad nudi prijedloge za unapređenje javne uprave, fokus reformi i rezultate koje je Kosovo postiglo na svojem putu dostizanja standarda Europske unije. Na svojem reformskom putu, uz niz pozitivnih okolnosti, kosovska se javna uprava mora nositi i s nizom negativnih čimbenika poput korupcije, sukoba interesa, nepotizma, politizacije javne uprave, velika broja zaposlenih i niza ostalih problema koji onemogućuju napredak i razvitak javne uprave.

Ključne riječi: javna uprava, Europska unija, Sporazum o stabilizaciji i pridruživanju, izazovi, integracija, zapadni Balkan