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The Importance of the Public Administration Reform in Kosovo

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Abstract: In the former communist countries in general, and in Kosovo in particular, public administration had its problems, and remains part of the past failed system. Responsible and transparent public administration, is not only a prerequisite for proper functioning of the country, but is fundamental whereby the government implements its plans and strategies! Because of this importance, public administration reform and its part that are considered problematic is essential for a functional and efficient relation between the state administration, civil society and the private sector. A well-functioning of these reports has a positive effect for poverty reduction, peace and stability. In development countries and transition economies, the importance of public administration performance is key in strengthening administrative public sector and management capacity building. In this research we are going to use qualitative methods. Analysis of data collection will be done based on scientific publications, research in this field, various international and local reports, field strategies, laws. Conclusion of this paper is that, modern, professional and functional public administration is important for clarity and development of the country.

Keywords: Kosovo; Public Administration; Reform; Development; Precondition

1. Introduction

Functional Public administration is Precondition for development

This is the main thesis of the paper. All the following work argues this thesis. The variables of this thesis are: independent variable 'functional administration', which affects the dependent variable 'precondition for development'. So, a prerequisite for the development of a country is functioning public administration. This is a cause-effect link which will be discussed in this paper.

The paper is divided into two parts. In the first part, we elaborate on theoretical aspect the role of public administration in the context of the precondition for development, focusing on the differences and similarities between public functional administration and good features of the public functional administration. While, in the second part, we elaborate in practical aspect the process of public administration reform in Kosovo, focusing on problems, and chronological aspect, and the role of this administration in strengthening the authority of the state.

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2. Theoretical Framework

For functional public administration in theoretical aspect there are various definitions.

Public administration is the basic element, very important and multiple influential for functioning and through this, the advancement of a country. For this reason, some authors think that, “Maybe the only challenge more important with which governments faced in the 21st century, will be to strengthen the institutional capacity of public, private and civil sector to accomplish citizens' needs and demands of the international economy” (Rondinelli, 2007, p. 13). Therefore, “Institutional Capacity Building is the process through which individuals and organizations in each country strengthen their ability to mobilize the resources needed to overcome economic and social problems and to achieve a standard of living determined as the best for that society” (Rondinelli, 2007, p. 13).

When we talk about the functional public administration we have these things into account. Thus, “At levels of government are not all politicians. The state administration has apolitical people, specializing in various areas, which help the government and Parliament on the processing of proposals and implementation of decisions. Politicians come and go, but the administration stays where it is. In many ways, the administration creates continuity and memory in the political system, as it does not suffer any change from election” (Malnes & Midgaard, 2007, p. 77). Or “The government is not exclusively limited to control how the others solve their problems, but can also perform this work itself. Defence and diplomacy are the areas where the government does this, as well as education is another activity where governments feel they have to be active (In this latter case, however, governments have not seen it necessary to have a monopoly. For example In the United States, there is a significant number of children educated in private or parochial schools)” (Shiveley, 2012, p. 463). In function of this idea is stated that, “If the radio breaks, do not go to the neighbours with screwdriver in hand. Usually you go to the repair-services, which have professional people to repair your radio. Should that even in politics, to let the experts solving problems? With experience and higher education that employees of ministries have, are they able to provide the best solutions to the challenges of society? How do you think?” (Kval, Mellbye & Tranøy, 2006, p. 77).

These statements refer to several things, such as management, administration, policy. In order to explain the functioning of public administration we focus on the studying of the following:

1. Differences and similarities between public administration and functional public administration; and,
2. Good Characteristics of functional public administration.

2.1 Differences and Similarities between Public Functional Administration and Public Administration

Public Administration and public administration in functional meaning are different concepts. Despite this difference administration and administration have many other things in common. Political Dictionary Oxford claims that “public administration should be distinguished from public administration” (Mc Lean, 1996, p. 2). Thus, “Public administration is concerned with the state bureaucracy institutions: the organizational structures that form the basis of making and implementing decisions; as well as the rules under which public services are delivered” (Mc Lean, 1996, p. 2). For example, “In Britain, the centre of public administration is a public service, but it includes all public bodies at regional and local level” (Mc Lean, 1996, p. 2). Problems arise because “...the definition of

the word 'public' has problems arising from the privatization or marketing of the entities that were previously public” (Mc Lean, 1996, p. 2).

Characteristics of public administration based on this definition are:

- Public administration is concerned with the state bureaucracy,
- This refers to the base of the institutions that (1) take decisions and (2) implement decisions, and, the basic rules under which public services are delivered.
- This study of public administration is done through these methods: 1. Institutional description. 2. Analysis and political evaluation. 3. Analysis of intergovernmental relations.
- Based on these characteristics of management and administration, their differences are:
- While public administration has to do with 'state bureaucracy' and is part of the 'administrative science', public administration is 'branch of political science'.
- While public administration refers to the “base of institutions (1) take decisions and (2) implement decisions” and “rules under which public services are delivered ', public administration refers to' the study of public administration through methods such as: 1. Institutional description. 2. Analysis and political evaluation. 3. Analysis of intergovernmental relations’.
- While public administration refers to the totality of people and objects in administration, public administration deals with the leadership of these people and objects. These are the main differences between the administration and public administration.

However, public administration and public functional administration have also similarities that are:

- Public administration and public administration dealing with a set of identical. That same entirely is: administration.
- The interest of the public administration and public administration is the same: effective functioning of administration. These are just some of the similarities between public administration and public administration.

2.3. Characteristics of Good Public Functional Administration

Functional public administration has some special features. These good characteristics vary from one author to another. However thoughts in general for characteristics of good public functional administration caught some general ideas.

2.3.1. Relations between Administrator and Administrators

Thus, according to an opinion characteristics of public functional administration are:

1. “An honest translation and accurate of decisions of the political leaders in some rules tailored implementation” (Shiveley, 2012, p. 466). This “addresses the problem mentioned above, safety that political leaders control at least the broad lines of policy”. (Shiveley, 2012, p. 466).
2. “Flexibility in special cases at the time of implementation”. (Shiveley, 2012, p. 466). Administrators should be “... to obey instructions from above, they should not be terribly strict. If a cop accuses a driver for speeding, and later discovers that the driver is trying to get a child at risk, to lead to hospital, we do not want that the police to fine” (Shiveley, 2012, p. 466).

3. "But this flexibility should not be used over the place". This is because "... an action 'arbitrary' is an action taken by the whims, no matter the circumstances relevant to the case. An arbitrary act is stopping and checking of black people for example. Another example is to allow some students to others who have had the same reasons".
4. "Review the advice of an expert, an active imagination, and a devout research by administrators". Should". Administrators will know more about their areas of work than someone else".
5. "Efficiency". This means that "Hopefully all this can be done without paying so much" (Shiveley, 2012, p. 466).

2.3.2. Other Characteristics of Functional Public Administration

Other characteristics of good administration are:

1. "Legality" (Kval, Mellbye & Tranøy, 2006, p. 81). Legitimacy is, that "It is important to know that state employees treat the issue and make a final decision, outside your assessments. Their job is to see if they are complying with laws and regulations". As a consequence of this, "... there are not important people, but they are laws that regulate the relations between official bodies, such as the state and municipalities. Any decision taken based on law".
2. "Equality". Equality comes to the expression "When an employee who handles the issue, refers to a law, often uses expertise. Therefore, it is very good that all related issues are treated the same. It is easier to accept a negative answer, if it is known that all have received this kind of response to similar issues".
3. "Transparency". Transparency is done "to ensure that the principles of legality and equality are respected, addressing the issue should be open and so 'transparent'. Citizens have the right to know who has treated the issue, where is based the decision and all necessary information regarding to it"(Ibid).
4. According to a second opinion, "... public administration can be improved by focusing on results" (Miller & Fox: 2007, p. 13). So "Government oriented by results means that the budgets and decisions should be based on performance. Therefore, the first administrative task is to develop the performance of indicators to measure results" (Miller & Fox: 2007, p. 13). While "The second task is to establish target goals so that the progress in their direction can be evaluated". (Miller & Fox: 2007, p. 13).

After theoretical explaining of the role of public functional administration, and we continue paper with the practical study focusing on the case of Kosovo.

3. Public Administration Reform in Kosovo

Any change, especially systemic in the sense of changes in laws and policies and the approach action has difficulties of its own. In some countries cope more easily, while some other countries have bigger problems. It depends on the level of development, social context, and especially social relations, as well as the previous regime.

Public administration reform in Kosovo, as in other former communist countries in transition is often followed by problems. Contrary to other countries in Eastern Europe and Southeast which began political changes and through this the economic and administrative in the 90's, the development of this process in Kosovo has its specifics, because the setting at 90's under the regime of Milosevic's. While other countries have advanced at different rates with reforms, Kosovo until 1999 was not able to think

in this direction, literally. During the period 1990-1999, Kosovo was under occupation by the Milosevic regime, following the revocation of autonomy and deployment as part of Serbia. At this time there can be said that the public administration of Serbian regime existed which was not accepted and rejected by about 90 percentage of the Kosovo Albanian population, and were parallel institutions of the Republic of Kosovo, in which took part the majority of the population of Kosovo, despite the difficulties of functioning.

Before the declaration of independence, 1999-2008, Kosovo was under the international military (NATO) and civil (UNMIK) administration. International administration based on “Resolution 1244 (1999) adopted by the Security Council in the meeting of 4011 on 10 June, 1999” (UN Resolution, 1999). Resolution 1244 “put Kosovo under international administration” (Ibid). With the establishment of the International Mission of the United Nations (UNMIK), we can talk about starting a Public administration accepted by all, as well as democratic. International Administration of Kosovo is divided into three phases: “The first stage ... mostly Kosovo actors have the power of consultation”; “The second phase in early 2000 created the structure of the Joint Interim Administrative (Joint Interim Administrative Structure)”, and, “The third phase foresaw conditional Self Government, which should be fulfilled under the Constitutional Framework, which was adopted in 2001” (Weller, 2009, pp. 301-302).

During this period, public administration was initially developed by UNMIK and then over time, according to the above mentioned phases are transferred powers, and through this the administrative functions of the International Administration to local institutions in Kosovo. The period of international administration, so rarely have been criticized for a lack of vision and clarity, which has also affected the efficiency and content changes in the functioning of administration. That happened because of legal and political duality in the transfer phase of competencies. This situation has also produced uncertainty or omission in the efficiency of the functioning of public administration in general.

Public administration reform in Kosovo has been a local continuous process, assisted by various organizations and international experts. This process continues to be the object of assessment and demand for reform from reports of the European Commission's progress, even though it is not part of the Acquis. Have been issued the legal acts and under legal (Basic Laws for Public Administration) and strategic actions have been taken (Strategies for Public Administration) for a more comprehensive approach. In various international reports, and good practices, in the process of democratization and the development of the country, one of the requirements is reform and the establishment of a democratic public administration, in terms of structural as well as functional and effective in service delivery, as for citizens and businesses. Modern and functional public administration and in function of development has already been commitment and global concern, including various organizations regional and global such as: EU or the UN through United Nation Development Program and other. This last the reform of public administration linking among other things with development. “Public administration effectively deals with: Participation and transparency in process of decision-making. Participation through the development process is fair and obligates the state and other actors to create a suitable environment for the participation of participants. Non-discrimination, as a basic element for development and poverty reduction. The right of the people to enjoy the human rights through the use of legal and political rights, as well as responsibility of actors, stakeholders and public and private institutions should be accountable to the public, and people, especially the poor ones, by promoting and protection of their rights” (UNDP, 2014:3-4). While, as SIGMA (Support for Improvement in Governance and Management) helps in public administration reform, including Kosovo. SIGMA's

mission is to strengthen the basis for improving public governance and socio-economic support through capacity building in the public sector, the establishment governance of horizontal governance, and improving the design and implementation of public administration reform, including prioritizing policies and budgeting planned (SIGMA, 2014). In light of this, the institutions of Kosovo have undertaken a number of legal and strategic initiatives for a modern public administration, based on the needs of the time. Implementation remains challenging and work in practice according to these mechanisms already established.

Strategic approach of the public administration reform in Kosovo started in March 2007 foreseen for a period of five years. (MAP, web page for Reform). Strategy has covered eight key areas: Human Resources, Institutional Structure, Management in Public Administration, Communication with citizens, E-Governance, Public Financial Management, Combating Corruption, and the Policy and Legislation. (MAP, web page for Reform). With recent political changes, the declaration of independence in February 2008 and the creation of new institutions, has become the new draft of Strategy by me, taking into account the EU integration process in Kosovo.

Public administration reform requires public institutions that operate efficiently, fast, modern, safe, without excessive bureaucracy in the service of citizens and businesses.

Strategy for Public Administration Reform (PAR) from 2010 to 2013 had 15 targets, by which the problem is addressed, and the need for reform in certain areas as a prerequisite for development. With all the delays and the work that still needed to be done, there is some progress in their fulfilling. Among the areas which are addressed through strategy are:

Policy Management in the central level through: planning, setting clear priorities of government, coordination and medium term budget planning. *Drafting of legislation*, in line with EU standards, including mitigating guidelines drafting and drafting standard laws and bylaws. Establishing the legal basis and clear policies for areas such as: *Ethics and Transparency*, based on clear laws and policies. *Budget planning* and budget execution, *Internal auditing*, *public procurement* according to the best international standards. *Public Administration*, functional, with deployment to work, protective laws for civil servants and non-politicization of administration. As part of the reform and modernization of Public Administration, has an important role setting up the legal and strategic for *E-governance*, through which advance services: marital status, state portal...

Based on the strategic objectives (2010-2013) set for the reform of public administration, according to a comprehensive report of the public administration reform, there are significant advances, especially in setting the legal framework, policies and strategies in function of modernizing and functionality of public administration, according to the best international standard. Their implementation remains challenging despite advances. As a result of the reform of public administration, in order to develop, namely facilitating the procedures for opening businesses and investments in Kosovo in recent years, especially in 2013 and 2014 noted positive progressing. Starting a business has progress for 26 countries, from 126 in 2013 to 100 in 2014. The regional average (Europe and Central Asia) of doing business that is 71, Kosovo ranks 86th of 189 countries in the field of doing business. While Croatia the 89th, Albania the 90th and Bosnia 131st (World Bank report, 2014, 7).

The main current document for addressing reform of the public administration in medium term for Kosovo is the Strategy for Public Administration Reform (2015-2020) and Action Plan. "The Strategy and the Implementation Plan include essential reforms and development activities and avoid inclusion of continuous and daily activities that do not have substantial impact on results of the reform. The Strategy includes three objectives for areas that will be in the focus of reform for the next medium

term period and which are under direct responsibility of the Ministry of Public Administration. Objectives of the Strategy are: Civil Service in Public Administration, Administrative Procedures and Delivery of Public Administration, and Organization of State Administration and Accountability” (Government of Kosovo, 2015). Contributions of the new Strategy implementation is accepted to have direct positive impact in all public administration fields and in the economic development of the country.

4. Conclusions

By analysing what was said above, the main conclusions of the paper are:

- I. Reforming and establish a non-bureaucratic public administration, safe and functional, it is essential for development.
- II. Establishment and implementation of policies and laws planned and well-coordinated is very important for the functioning and development of a society.
- III. Cooperation, communication directly and through the media and to inform the citizens and businesses for the procedures and laws and policies is crucial for the proper functioning of a society.
- IV. For the development of a country is important deployment and operation vertical and horizontal of public administration.
- V. Determination of clear strategic objectives and policies as well as their correlation with the budget plan is a prerequisite for development and public administration, sustainable and efficient.

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