

REFORMING AND MODERNISING THE PUBLIC ADMINISTRATION IN KOSOVO

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Abstract

Kosovo has entered into the third circle of planning and implementation of the reform of the public administration that is in fact the high priority of the Kosovo Government. According to the third strategy the new era is noted to have started where circumstances require intensification of the dynamics of the reform but also they require the specific reformed policies that indeed are feasible. This is stated in the developed strategic document for the reform of public administration in Kosovo developed by the Kosovo Government. The goal of this is the implementation of the strategy the creation of conditions so the administration is oriented towards fulfillment of the needs of citizens and the businesses and to work for their interests. It is expected that the procedural and administrative barriers will be reduced and the costs will be reduced as well. This will be time effective on the other side. Citizens will be better served thanks to the information technological achievements among the others. Transparency within the public administration will ensure the accountability of institutions and stakeholders that is in fact the pre-condition for normal operating of the administration.

The reform and its implementation will not be a simple and an easy process even though good formulations and a good draft of the reform is put on paper. In order to better understand and analyze the strategy and the possibilities of its implementation, it is necessary to see what were the basis of the public administration in Kosovo during the last two circles and what were the main challenges of the public administration during the last years. During these years the administration was not as functional as proclaimed and it was among the other pretty much overloaded. It suffered in addition political pressure whereas services were not offered as declared.

The process of the reform will not be an easy process and there is a need for a more comprehensive approach while analyzing whatever strategic papers developed by the ministries and the government. Thus the paper aims to give an overview of the strategy making comparison with what was the administration during the post war period in Kosovo.

Key words: administration, public, reform, transparency, services

Introduction

Over the last few decades the efforts across the world to conduct substantial reforms in the public sector were directed at ensuring good governance in terms of effective, ethical, accountable and transparent administration.¹ These efforts similar to these were made in Kosovo though it as a state has some specifics that, it could be said still is in a different process of state building.

Kosovo entered into the third circle of planning and implementation of the reform of the public administration that is in fact one of the most important steps to be undertaken and developed by Kosova Government, whereas the most responsible body to implement the strategy is the Ministry for Public Administration. Development of public administration and its administrative capacity are the main means on what depends ability of the state to deal with reforms and required criteria in the process of EU integration of country.² Drafting of the new strategy for modernizing the public administration was a process on which took part many stakeholders and this was a process that also took a relatively long period of time. The strategy itself was based on various principles where OECD/SIGMA³ principles at large served as guidelines on drafting the strategy.

¹ Polya Katsamunskaja, Classical and Modern Approaches to Public Administration BROJ_1_ECONOMIC_ALTERNATIVES_ENGLISH_2012-06

² Draft Strategjia për Modernizimin e Administratës Publike të Kosovës, 2015-2020

³ The SIGMA Programme — Support for Improvement in Governance and Management — is a joint initiative of the OECD and the EU, principally financed by the EU. The SIGMA Programme — Support for Improvement in Governance and Management — is a joint initiative of the OECD and the EU, principally financed by the EU

Process of drafting strategy is divided in two phases: preparatory phase April – December 2014 and drafting of strategy February – May 2015.⁴ Preparatory phase was a continuation of some processes that ensured a basis of information regarding the situation with the public administration, involvement of needed segments in the process and consultancies with the best international practices. It was also a process of consultancy with respective institutions in order to identify the priority policies to be put in the strategy. And this was done by using methodology implemented by OECD/SIGMA in all countries of the region based on the principles of public administration in accordance with European Commission. The initial draft of strategy made by working group was distributed to all institutions involved in the process which afterwards came up with the written proposals to be integrated in the strategy and in addition consultancies were developed with the Office of European Commission and with the representatives of groups of interest. It is clear that whatever strategy a government develops it has to have clear goals and objectives. The previous strategy that was in place until 2013 for example had the objective “for an effective and efficient public administration and European...”⁵. This further goes with as follows:

- Effective in offering administrative services;
- Efficient in sense of costs and
- European in its methods of organizing and work.⁶

Drafting the new strategy for modernizing public administration of Kosovo was guided among the others also by the lessons learned. Below are presented these lessons as stated in the draft document of the strategy:

- The scope was broad and unfocused of the reform of public administration. Horizontal extension of strategy was very broad and ambitious. It covered 12 fields, whereas strategic objectives were cracking in 39 objectives;
- A very broad structure of horizontal coordination and three levels of vertical management – intergovernmental council for public administration, working group for reform and sub working groups for 12 fields of the reform;
- Lack of clear prioritization within objectives. Initial goal for strategy of reform 2010-2013 was to serving as “umbrella document” which would have a strategic viewpoint for all issues regarding reform and would offer a number of horizontal strategies within each field, general objectives would transform into specific intentions and concrete activities..The approach that was not followed during the implementation.
- Action plans overloaded with some not important activities of the time. Within them there were included real activities of the reform as well as the simple ones. Number of activities produced also a big number of monitoring activities which brought to weak quality of reporting due to the limited capacities within responsible ministries for implementation.
- Failure to assign specific budgetary codes for activities according the plans;
- Monitoring of performance was focused in the process and not in the results. In the process of reform formal evaluation of progress was absent. This role was foreseen to be played by drawn functional review, but they were done and pushed externally by saving external ownership. By excluding the last one most of the reports of implementation were focused in fulfilling activities and not in the results that were created from them.⁷

As above mentioned the strategy took a direction of the reform in the way of dividing fields according to the responsibilities and according to the competences of the institutions. This means that mechanism of management in general is lead by Council for the reform of the public administration under the supervision and lead of Minister for Public Administration. The reform is divided according to fields and responsibilities of institutions responsible for their implementation. This means creation of pillars which could be presented as follows:

- Development and coordination of policies and legislation. This responsibility belongs to the responsibility of Prime minister.
- Civil service, management of human resources, offer of public-administrative services and accountability belong to the responsibility of Ministry for Public Administration.

⁴ Ibid

⁵ Strategjia e Reformës së Administratës Publike 2010-2013

⁶ Strategjia e Reformës së Administratës Publike 2010-2013

⁷ Draft Strategjia për Modernizimin e Administratës Publike të Kosovës,2015-2020

- Management of public finances belongs to the responsibility of Ministry of Finances.

As stated in the draft strategy this option came as “a result of conclusions from the comprehensive report for implementing the Strategy of the Reform of Public Administration for 2010-2013 adopted by Government, reports from OECD/SIGMA, various discussions from different levels...”⁸

Public Administration Reform can be very comprehensive and include process changes in areas such as organisational structures, decentralisation, personnel management, public finance, results-based management, regulatory reforms etc. It can also refer to targeted reforms such as the revision of the civil service statute.⁹

The matter or the question if whether there are good laws, policies, strategies, etc., is not a big one because there are laws, there are strategies, there are policies, etc., but there are not rarely problems with their implementation. It is obvious that political will, oversize of administration, clientelism, etc., are some of the obstacles against a modern and efficient administration. An established public administration has been, arguably, far more vital to economic development in historical fact than either free elections or parliaments.¹⁰

Kosovo public sector is the biggest employer in one side and the administration is very big. Under such circumstances downsizing of the administration becomes the most important pre-condition for whatever policy to be implemented. The issue of downsizing the public sector under circumstances when the sector is politicised, when it is in various ways clientelist, etc., becomes to be a question of building of a strategy on how to downsize the public sector before any other thing is developed. Related to this two following paragraphs are of importance.

Administrative reform should not be conceived as one-off exercise, but as a way to develop incentives, processes and organizational arrangements that generate continuous improvement in public management, and therefore better social outcomes. Similarly administrative reform should be seen as an important component of structural reform with its impact depending on consistency with other reforms that are under way¹¹.

PA reforms have two ways to influence development: downsizing public sector, which frees up resources and provides new opportunities for private actors and making public sector more responsive, which, although requiring some investments in the beginning, contributes to better public policies and more integrated economic and social development¹².

Law on state administration (article 2) categorizes state administration of Kosovo into five categories, as presented below:

Category	Nr.
1. High authorities of the state administration	22
2. High organs of state administration	19
3. Central organs of state administration	50
4. Local organs of state administration	37 municipalities
5. Independent organs of state administration	7

Resource Department of Management – Ministry of Public Administration

⁸ Ibid

⁹ Public Administration Reform, Practice Note, www.undp.org/policy/

¹⁰ Public Administration Reform, Practice Note, www.undp.org/policy/

¹¹ Spain from administrative reform to continuous improvement, OECD Public Governance Reviews

¹² Dr. Denita Cepiku & Cristina Mititelu, Public Administration reforms in Albania and Romania: between the Weberian model and the New Public Management, Workshop on “Public Administration in the Balkans – from Weberian bureaucracy to New Public Management”, Jean Monnet Project

As seen on the table there are a lots of state organs and authorities whereas the criteria for establishing administrative structures in the civil service are not known enough. According to a survey an extremely big number or around 90% of civil servants have no elementary knowledge about the Law on State Administration. This means that only 10% know this. If this is to be taken seriously into the consideration then it is obvious that it is not an easy task to implement successfully reform of public administration.

Conclusions

Kosovo as a new state has a big administration which in sense of employment is quite overloaded and this comes from politicised system. Administration appears to be the biggest employer in country which brings to generally opinion accepted that this is a system of clientelism where employees basically are linked to the political party that brought them to the working place.

De-concentration of government and decentralization in the political and administrative system, strengthening of local government, operational independence of the administration are should be taken into consideration more deeply even though the risk of politicization is high when we talk about decentralization. This especially becomes to be the issue not only for debates but the issue of big political problems because some parts of Kosovo are not under the effective control by the central government. By being the biggest employer there always difficulties and situation of clientelism may be in place. Reform cannot be successful if the administration is not professionally qualified, if it is not responsive and empowered civil service. Administrative structures should be administrative skilled. There are no reforms if administration is not politically independent and merit based, so it should be also task oriented and de-fragmented. Reform gives more results if the bodies that develop strategies are in continual consultancy with the OECD practices where the experience other countries should be taken into the consideration seriously. Especially practice and experience that countries deriving from the process of disolution of Yugoslavia Federation had during the process of reforming their administrations. Even though Kosovo has a strong support of EU mechanisms, experts from Slovenia, Croatia would be very helpful when being consulted and even more when being invited to be part of teams that develop strategies and actions plans in regard of public administration. Information about the goals of the reform and campaigns would be helpful tools for a more successful reform. Information should be reached not only by authorities, civil servants, etc. Information should be comprehensive and reachable by all structures. Trainings and discussions are good tools that help on the additional education of stakeholders, civil servants and others.

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