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## **THE PUBLIC ADMINISTRATION OF KOSOVO EUROPEANIZATION CONSEQUENCES: THE PAST AND THE PRESENT**

Undergoing a myriad of regime changes, occupied by different empires and states throughout the history, Kosovo has never had a particular administrative experience. With the creation of the *Socialist Federative Republic of Yugoslavia*, where Kosovo gained its self-ruling autonomy status granted by the Constitution of 1974, the native Albanian majority were able to join the province administration structures. Nonetheless, with the breakup of Yugoslavia, and the forced supremacy of the autonomy imposed by *Slobodan Milosevic* with the new 1989 Constitution, all Albanian employees in the administration were forcibly dismissed from their work places. The war in 1999 was succeeded with the launch of the *United Nations Mission in Kosovo (UNMIK)*, the largest civilian mission at that time, with the task of building a new self-governing administration for the country. That was largely aided by the European Union and its programs of aid.

17 years after the war, the public administration in Kosovo is still regarded as unprofessional, partisan, politically dependent and corrupt. Where did the UN or EU fail?

In this paper, I will try to give an insight to the shifts of administrative powers in Kosovo since 1974, how did the administration developments occur in times of a communist Federation, the abolishment of these powers with the new Constitution imposed illegally by *Slobodan Milosevic* and the endeavors of UN to build up the first modern public administration in post war democratic Kosovo.

Further I will analyze the consequences of the sudden shift from a communist inherited practice to an EU standards public administration, as imposed by the Union itself as a pre-accession condition.

This, in itself has been identified as a major problem, taking into consideration the difficulties of implementation of such standards because of the legacy from the communist practice to a modern EU standard based administration.

I will prove that the reform as imposed by the EU especially, analyzing it through the prism of the Europeanization theory, has not yielded satisfactory results, as to the approach that was used.

## I. Developments of the Public Administration from 1974-1989

Kosovo throughout its history has been under constant foreign rule, and had never a fully-fledged public administration to govern. The mere responsibilities in governing the administration were extended to the Autonomous Province of Kosovo with the *Constitution of the Federative Socialist Republic of Yugoslavia (SFRJ)* sponsored and adopted by *Josip Broz Tito* as its president.

The Constitution of 1974, has put Kosovo on the equal terms with all the other constitutive Republics, thus giving the province autonomous regulatory powers to self-govern.<sup>1</sup>

This marked an era of rapid development on the province both culturally, politically, and sociologically. The Constitution of 1974 has allowed for Kosovo to even have its own Province Constitution<sup>2</sup> that has been based on the provisions as well as freedoms and liberties as prescribed in the SFRJ Constitutional arrangements.

These provisions gave power to Kosovo to decide on its territorial integrity, stating that without the consent of the Province its borders cannot be changed, for the consent must be given by the Provinces Assembly.<sup>3</sup>

The provision can be interpreted as a clear administrative, political, and judicial power of the Kosovo's institutions for self-governance<sup>4</sup> and vast control over its territory, thus it represents the highest constitutional arrangement for Kosovo being equivalent to the other Republics, and deciding on the matters on its own, until the Declaration of Independence in 2008.

Below I will briefly describe the organizational arrangement of Kosovo until the supremacy of the its autonomy began by the increased nationalist sentiment of *Slobodan Milosevic* in the Communist Party of Yugoslavia, in 1989, where Kosovo was stripped off from its self-governing powers and its autonomy abolished.

Kosovo between the periods of time 1974–1989 has had autonomy over the three crucial governing branches, the executive, the legislative and the judicial one.

The Constitution of the Kosovo Autonomous Province of 1974 has stipulated all the elements of self-rule and was equal to the other Constitutions of the Republics. It was the higher legislative act of Kosovo that governed the role of Provinces Assembly, the Council of Kosovo, the Kosovo Presidency, the Kosovo Executive Council, as well as other mechanisms such as the Constitutional Court, the Supreme Court, the Public Prosecutor, placing the Assembly as the highest organ of power in the sense of duties and responsibilities of the Province.<sup>5</sup>

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<sup>1</sup> Ustav SFRJ iz 1974 (The Constitution of SFRJ from 1974). <http://mojustav.rs/wp-content/uploads/2013/04/Ustav-SFRJ-iz-1974.pdf> (24.05.2017.)

<sup>2</sup> Kushtetuta e Krahines Socialiste Autonome te Kosoves, adopted on 27 February 1974 by the Province Parliament. Ref.number: KK Nr. 010-08. Accessed at the Kosovo archives Official Gazette of the Socialist Autonomous Province of Kosovo. Nr. 4 published on 27 February 1974.

<sup>3</sup> The Constitution of SFRJ from 1974. Art. 5, par. 3.

<sup>4</sup> Soós, EDIT: *New modes of governance*. In: Robert Wiszniowski – Kamil Glinka (ed.): *New public governance in the Visegrád Group (V4)*. Torun: Wydawnictwo Adam Marszalek, 2015. 44. p.

<sup>5</sup> SALIU, KURTESH. *Lindja, zhvillimi, pozita dhe aspektet e autonomitetit të Krahinës Socialiste Autonome të Kosovës në Jugosllavinë socialiste*. Enti i Teksteve, Prishtinë, 1984. 79. p.

As per the administrative arrangements, the Province Assembly has had the veto power over the Constitutional amendments of the SFRJ Constitution and the Constitution of the Socialist Republic of Serbia, whereas the internal powers have envisaged adoption of provincial laws, budget, institutional arrangements, and any other administrative function as prescribed in the relevant legal documents.<sup>6</sup>

However, the Province of Kosovo just like Vojvodina which had the same equivalent status, did not have its own flag, coat of arms or anthem, like the other six constitutive Republics did.

The Constitution of SFRJ, article 2, did stipulate that the two Provinces are a constitutive part of the SFRJ, nonetheless within the auspice of the Socialist Republic of Serbia. This has subsequently caused series of actions that led to the 1999 bloodshed, with more than 13 thousand civilians killed and more than 800.000. displaced according to the UNHCR official figures.

The breakup of Yugoslavia started with the 1989 changes of the Constitution. The *Badinter Arbitration Committee*, during the 90's was convened by the European Community (EC) in order to address questions of secession for the Republics of Slovenia, Croatia, Bosnia and Herzegovina and Macedonia. Facing what was seen as inexorable dissolution of the SFRJ, the aforementioned Republics demanded recognition by the EC as sovereign states, whereas the *Badinter Committee* acknowledged their right for secession in delivering 4 opinions by 14<sup>th</sup> of January 1991<sup>7</sup>, but did not mention Kosovo, where the tensions were rising high. On March 23, 1989, the provincial assembly, a body that was established under the 1974 Constitution, met under siege of armored cars and tanks, where the changes of the Constitution were voted, restricting severely Kosovo's powers, and enabling Serbia to take over the control of the Police, Courts and Civil Defense, matters of social and educational policy, power to issue administrative instructions as well as ultimately use of the language.<sup>8</sup> It is important to mention that the meeting took place without the presence of the Albanian members of the Assembly. Both of these actions led to the escalation and the uprising of the Kosovo Albanians in response to the oppression exercised by the Milosevic regime, resulting in bloodshed, ethnic cleansing, atrocities and humanitarian catastrophe.

As it can be concluded from above, the fundaments of the Kosovo modern administration were laid out in 1974 Constitution. The majority Albanian population had self-governing rule over its inhabited territory, and exercised the administrative powers as the legislation in power provided. However, the breakup of Yugoslavia, and the forcible topple of the autonomy by Milosevic, that ultimately led to a violent conflict and the NATO intervention in Kosovo, put a break to the administrative memory of the Kosovo bureaucrats. The subsequent installation of the United Mission in Kosovo and the consequent actions after, will be an uncontested empiric argument about the failure of the international community to properly address the challenges of building a new and professional administration, which will be discussed in the following chapters.

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<sup>6</sup> SALIU, 1984, 80. p.

<sup>7</sup> PELLET, ALLAIN: *The Opinions of the Badinter Arbitration Committee A Second Breath for the Self-Determination of Peoples*. Eur J Int Law. Vol. 3(1). 1992. 178-185. p.

<sup>8</sup> MALCOLM, NOEL. *Kosovo: A short history*. Macmillan, London. 1998. 343. p.

## II. The UN-efficiency – they gave us freedom but no future

Responding to human rights violations and ethnic cleansing of the Albanian population in Kosovo, a US led and NATO backed up air strike campaign, named Operation Allied Forces was launched directed on the military and strategic targets of the Republic of Serbia which brought to the surrender of Serbia<sup>9</sup> and ultimately on 9<sup>th</sup> of June, the subsequent agreement requested and confirmed the withdrawal of all armed and police forces of Serbia from Kosovo and the installation of the United Nation led Mission in Kosovo as well as the NATO controlled *Kosovo Protection Force (KFOR)*.<sup>10</sup>

The liberation of Kosovo was succeeded with the Resolution 1244 of the United Nation Security Council (UNSC 1244), which did stipulate an installation of an international civilian UN mission (UNMIK) that will conduct tasks such as, organization and supervision of the provisional self-government institutions as well as the transition of powers to those institutions while mediating a political process which is aimed at determining a final status solution for Kosovo, taking into consideration the *Rambouillet accords*.<sup>11</sup>

Intervening into post conflict countries, since the end of the Cold War, has been an ambitious project for the international community which has strived to fundamentally reshape the societal landscape by building new state institutions, helping on the economic development and revival, as well as the support for other pillars of the state building architecture.

In Kosovo, this started with the adoption of the *Constitutional Framework of the Republic of Kosovo*, a quasi-constitution, which foresaw developing meaningful self-government pending a final settlement, and establishing provisional institutions of self-government in the legislative, executive, and judicial fields through the participation of the people of Kosovo in free and fair elections.<sup>12</sup>

The war and the killing during the 1998 and 1999 were succeeded by another extraordinary, not least difficult, experience for the Kosovars: a partisan regime that took the powers vested in them for granted. A work of many international organizations, with excessive amount of money, a continuous process of digging for a spark of hope with all the perils embedded in lawless and anarchic “free Kosovo”.

Since the abolition of the Autonomy, and especially during the war in 1999, there practically was no administration in Kosovo. The limited number of Kosovo Serbs that retained their offices especially in the Ministry of Internal Affairs and Secret Services, fled the country upon the arrival of NATO forces and the UN administrators. The latter, being inexperienced and too bureaucratic from its top, i.e. the Security Council and the General Assembly, did not have the sufficient capacities to address all the needs in the post-conflict society.

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<sup>9</sup> KER-LINDSAY, JAMES: *Kosovo: The Path to Contested Statehood in the Balkans*. I. B. Tauris & Co Ltd. London, 2009. 14-17. p.

<sup>10</sup> Military Technical Agreement between the International Security Force (KFOR) and the Governments of Federal Republic of Yugoslavia and the Republic of Serbia. 9 June 1999. <http://www.nato.int/kosovo/docu/a990609a.htm> (22.05.2017.)

<sup>11</sup> UNSC Resolution 1244 – <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement> (24.05.2017.)

<sup>12</sup> “Constitutional Framework for Provisional Self-Government in Kosovo” – signed on March 15, 2001. [http://www.assembly-kosova.org/common/doc,s/FrameworkPocket\\_ENG\\_Dec2002.pdf](http://www.assembly-kosova.org/common/doc,s/FrameworkPocket_ENG_Dec2002.pdf) (24.05.2017.)

Kosovo's civil service just prior to the 2008 declaration of independence faced a lot of challenges, such as the extent legacy from the past communist regime in exercise of duties, lack of legislative modernization, working conditions and human resources, corruption, appointments made on the basis of seniority, political convictions and patronage and ultimately inadequate skills.

Nonetheless, UNMIK did establish a form of administration that reactive to the processes ahead was divided in three periods, the first one being immediately after the war where Kosovo actors mainly the leaders of the Kosovo Liberation Army that formed the *Democratic Party of Kosovo (PDK)* and the *Democratic League of Kosovo (LDK)* led by *Ibrahim Rugova* had only consultative role. This followed by the second phase in 2000 where the *Joint Interim Administrative Structure (JIAS)* was created by UNMIK where different departments had the civil administration role and the heads of these departments were a Kosovo national and an international administrator. After the adoption of the Constitutional Framework of Kosovo in 2001 the local Provisional Institutions of Self Government (PISG) were created.<sup>13</sup>

This setup lasted until the Declaration of Independence in 2008, albeit gradual transfer of responsibilities did occur, nonetheless UNMIK was still holding the decision-making powers that superseded the authority both of the PISG and the Kosovo Parliament.

Joshi and Mason claim that 48 percent of the 125 civil wars that occurred in seventy-one countries between 1945 and 2005 resurged again<sup>14</sup> in the context of international administration failure which *Skendaj* puts it from the theoretical analysis of the international community involved in state-building exercises in Kosovo and elsewhere.<sup>15</sup>

UNMIK has failed in so many prerogatives. Primarily designed as an interim administration, did not have the qualifications to quickly setup a non-partisan administration, and transfer the powers to the national elected authorities. It lacked an exit strategy while struggling to remain politically correct on both ends, with Serbia and with the Kosovo interlocutors which pushed the status quo of Kosovo all the way to the outbreak of violence in 2004.

Instead of concentrating on the low level of administrative reform and training, UNMIK was designed to rule, rather than transfer the know-how.

A lack of local knowledge about and sensitivity to the local context also explains the difficulties that international organizations face when they attempt to build democracy and state bureaucracies.<sup>16</sup>

Drawing from conclusions from the Mission in Kosovo, it should have been more vigilant 5 years later when it established the Mission in East Timor – where it did fail again.

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<sup>13</sup> Weller, Mark: *Contested statehood: The international administration of the Kosovo's struggle for independence*. Oxford University Press, Oxford, 2009. 301-302. p.

<sup>14</sup> JOSHI, MADHAV – T. DAVID MASON: *Civil War Settlements, Size of Governing Coalition, and Durability of Peace in Post-Civil War States*. International Interactions, Vol. 37 (4). 2011. 389. p.

<sup>15</sup> SKENDAJ, ELTON: *Creating Kosovo: International Oversight and the Making of Ethical Institutions*. Woodrow Wilson Center Press. 2014. 6. p.

<sup>16</sup> SKENDAJ 2014, 8. p.

### III. European Union takeover of inducing reform – the sticks and carrots

The inconsistency of the UNMIK mission, flawed by its bureaucratic mechanisms and procedures forced it to request that Kosovo being in the middle of the European continent, should be treated as a European problem, thus the EU must take over the responsibilities in the further developments.

Immediately after the coordinated Declaration of Independence, on February 17, 2008 by the Kosovo Parliament, the newest Republic was recognized by the majority of the EU member states, USA, Japan, Norway, Turkey and a number of the rest of the democratic world.

A difficult task hailed upon the EU – to help build a state that has little or no administrative memory, burdened by incapacity and overwhelming corruption, moreover to reflect on the pledge given in the 2003 Thessaloniki Summit that the future of the Western Balkans lies within the Union.<sup>17</sup>

The EU Progress Report in 2008 was very clear and concise in its assessment. The review that started in April 2007, showed serious flaws inherited from the pre-independence period.

Civil servants continue to be vulnerable to political interference, corruption, and nepotism. Overall, despite some progress related to the adoption of an action plan and some legislation, public administration reform still needs to be implemented. Public administration and the coordination capacity of public bodies in Kosovo continue to be weak. Ensuring the delivery of public services to all people in Kosovo and establishing a professional, accountable, accessible, and representative public administration is a key priority in the *European Partnership for Kosovo*.<sup>18</sup>

Having this in mind, the EU has been engaged in Kosovo through multiple mechanisms such as the IPA funds and other mechanisms and projects to be elaborated more below. Other organization such as UNDP have extensively been engaged in Kosovo through their projects for the reform of the Public Administration the latest being The Support to Public Administration Reform project provides high-level policy advice to the Ministry of Public Administration on the process of developing policies and legal instruments which support the implementation of PAR as a technical process worth 1.5 million dollars.<sup>19</sup>

As per the EU, since 1999, the European Agency for Reconstruction, a body established for the purpose of postwar reconstruction by the European Commission, in 1999 did pledge the support of 500-700 million EUR per year per Kosovo in the course of the following three years. Only in 1999, the European Commission allocated 150 million EUR from its annual budget for immediate needs for Kosovo.<sup>20</sup>

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<sup>17</sup> Declaration of the EU after the Eu-Western Balkans Summit. Thessaloniki, 21 June 2003. C/03/163. 10229/03 (Presse 163) [http://europa.eu/rapid/press-release\\_PRES-03-163\\_en.htm](http://europa.eu/rapid/press-release_PRES-03-163_en.htm) (24.05.2017.)

<sup>18</sup> Commission staff working document. Kosovo (under UNSCR 1244/99) 2008 Progress Report accompanying the communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2008-2009. COM(2008) 674. [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/press\\_corner/key-documents/reports\\_nov\\_2008/kosovo\\_progress\\_report\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/press_corner/key-documents/reports_nov_2008/kosovo_progress_report_en.pdf) (23.05.2017.)

<sup>19</sup> Summary of the UNDP project Support to Public Administration Reform. [http://www.ks.undp.org/content/kosovo/en/home/operations/projects/democratic\\_governance/PAR.html](http://www.ks.undp.org/content/kosovo/en/home/operations/projects/democratic_governance/PAR.html) (24.05.2017.)

<sup>20</sup> European Agency for Reconstruction set up for Kosovo. Brussels, 23 June 1999. Press release number: IP/99/411. [http://europa.eu/rapid/press-release\\_IP-99-411\\_en.htm](http://europa.eu/rapid/press-release_IP-99-411_en.htm) (24.05.2017.)

In total Kosovo has received more than €2.3 billion in EU assistance since 1999, while it initially focused on emergency relief actions and reconstruction, it now concentrates on promoting Kosovo’s institutions, sustainable economic development and Kosovo’s European future.<sup>21</sup>

Once the Declaration of Independence was read, and Kosovo became the newest state in the world the EU concentrated onto a series of projects and ventured towards a more institutional approach. The clear EU perspective yielded by both EU officials and Kosovo political representatives, had the European Commission engage in drawing different projects within the *Instrument for Pre-Accession (IPA)* that will benefit Kosovo in its administrative alignment to the EU Acquis and fulfilment of the *Copenhagen Criteria Plus*<sup>22</sup>.

Insofar, the IPA funds dedicated to the fulfilment of the political and economic criteria, the European Standards and the support activities, from 2007 to 2013 reach the figure of 672.3 million EUR, while the projected cost for the 2014-2020 projects is 645.5 million EUR. (See the tables below).<sup>23</sup>

Kosovo	2007	2008	2009	2010	2011	2012	2013	Total 2007–2013
Total IPA funds granted to Kosovo	68.3	184.7	106.1	67.3	68.7	70.0	107.2	672.3
Reforms in preparation for EU approximation: Democracy and governance	13	23	18.5	19.8				74.3

1. Instrument for pre-accession (IPA) funds distributed to Kosovo in the 2007-2013 period. Source: European External Action Service. [https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu\\_en#Technical+and+financial+cooperation](https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu_en#Technical+and+financial+cooperation) (24.05.2017)

Kosovo	2014	2015	2016	2017	2018–2020	Total 2014–2020
Reforms in preparation for EU approximation	37.3	34.0	31.0	35.2	99.1	236.6
Democracy and governance	64.4				46.0	110.4
Rule of law and fundamental rights	73.1				53.1	126.2

2. Instrument for pre-accession (IPA) funds distributed and planned for Kosovo in the 2014-2020 period for reform of the Public Administration and the Rule of Law Reform. Source: European Neighborhood Policy and Enlargement. [https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/kosovo\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/kosovo_en) (24.05.2017)

<sup>21</sup> Kosovo and the EU - An overview of relations between the EU and Kosovo. 12.05.2016.

[https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu\\_en#Technical+and+financial+cooperation](https://eeas.europa.eu/delegations/kosovo/1387/kosovo-and-eu_en#Technical+and+financial+cooperation) (24.05.2017.)

<sup>22</sup> The “Plus” is added because apart from the Copenhagen Criteria as established by the EU member states as precondition for accession, Kosovo has the additional reform of the public administration and the political dialogue with Belgrade added to it. The European Council Conclusion of 1993 in Copenhagen, referred to as the “Copenhagen Criteria” [http://europa.eu/rapid/press-release\\_DOC-93-3\\_en.htm?locale=en](http://europa.eu/rapid/press-release_DOC-93-3_en.htm?locale=en) (24.05.2017.)

<sup>23</sup> Kosovo - financial assistance under IPA. [https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/kosovo\\_en](https://ec.europa.eu/neighbourhood-enlargement/instruments/funding-by-country/kosovo_en) (24.05.2017.)

With all the money poured in project implementation for the modernization of the public administration, the EU regardless has constantly echoed in its progress report the weak and corrupt public administration that needs a thorough reform. In its 2016 report, the first after the signing of the Stabilization and Association Agreement between the EU and the Republic of Kosovo, the Commission has again like in the previous years addressed the need to address the Commission's recommendations in the area of accountability. According to the Report, non-merit-based recruitment continues to adversely affect effectiveness, efficiency, and professional independence of public administration.<sup>24</sup>

Did the EU fail in its role? More than 1.2 billion EUR given for the reform of the public administration in different projects, nonetheless the Progress Reports released by the same EU body that finances these projects identifies serious flaws and lag of reform. All this combined with the lack of political willingness to implement the myriad of laws and regulations especially pertaining to the civil service, exhibits a clear contradiction on the EU's role in Kosovo. They pay for the reform, yet every year no words are spared to criticize its functionality. In a theoretical approach of the Europeanization process, the transformative powers of EU as explained by *Boerzel* are seriously undermined in the cases of limited statehood which is one of the main causes of ineffective implementation of the EU induced reform especially when talking about the public administration.<sup>25</sup>

In the case of Kosovo, a deeper analysis is needed, since it represents a *sui-generis* case of international administration and oversight for more than 13 years, in which the EU for the majority of the time period served as a padron.

#### **IV. Brief overview on the legal framework of Kosovo – but it lacks implementation**

On paper, Kosovo has numerous laws, strategies and directives that have been put in place to please the appetite of the EU decision makers. The structure that will be listed below, will show that in paper Kosovo has an up to date and well aligned with EU's interest legislation. The glitch is found in its implementation and the notion of how the administration is perceived by the political forces in the country.

The core of the Public Administration lies in the Law for Civil Service which regulates the status of the civil servants as well as their relations with the administration, being that on a central or local level, different Agencies executive and independent ones.<sup>26</sup> It represents the core of the institutional mechanisms for how the public administration works, including the ethics, disciplinary measures, appointments as well as duties and responsibilities.

Adjunct to the core Law on Civil Service is the Law on the Salaries of Civil Service as well as numerous directives and regulations as sublegal acts that individually regulate a broad range of issues regarding the civil service.

Urged by the need to address the findings of the Progress Reports and the continuous criticism, the Ministry of Public Administration, did adopt two core strategies the Strategy

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<sup>24</sup> Kosovo 2016 Report. Brussels, 9.11.2016. SWD(2016) 363 final. Commission staff working document.

<sup>25</sup> Borzel, Tanja A.: *When Europeanization hits limited statehood: the Western Balkans as a test case for the transformative power of Europe*. KFG Working Papers Series, No. 30. 2011. Freie Universitat Berlin.10. p.

<sup>26</sup> Law Nr. 03/L-149 for the Civil Service of the Republic of Kosovo, Art. 1., par.2.

for the Reform of Public Administration 2010-2013 and the Strategy for the Modernization of the Public Administration 2015-2020, the latter financed by OECD/SIGMA.

The problem with the Public Administration in Kosovo lies not on paper, but as said on its implementation. The laws and strategies do proclaim the very democratic spirit that the EU instills. Nonetheless, bringing the recommendations in practice requires political willingness, which is rather costly both economically and politically.

## **V. Conclusion**

Nobody has had the illusion that Europeanization is a smooth and calm process. It is costly and needs to have a firm determination on both ends, the national authorities i.e. the Government of Kosovo, and the EU.

The public administration in Kosovo is a large one, and saying “large” is being humble in the characterization. The best possible illustration for the major problems that it faces, is when the General Auditor in the 2011 Report, has found in the Ministry of Justice the absurdity of a position classified as a “senior officer for photocopies”.

These cases substantiate by far the claims of *Boerzel* about the impossibility of the full application of reforms by states with limited statehood. Claims that robust reforms towards the Europeanization in this case of the public administration do bare political cost for the Government that is seen as a potential risk of losing public support<sup>27</sup>, do reflect the fact that the Administration in Kosovo has been seen as a safe haven for the political parties to comfort their members and relatives, something that not only the EU as a whole but also member states individually have constantly been criticizing the Government for.

However, what was the value added to the 1.2 billion EUR donated by the European Union a portion of which is designed specifically for reforming and modernizing the public administration? The Europeanization in its strict definition as prescribed by *Radaelli* as a set of norms, beliefs and values that are taken on the EU level and implemented on the national level, in the case of Kosovo if we measure it with the “goodness of fit”, it can be clearly seen that it steps on hurdles along the way.

Firstly, Kosovo has not had any institutional memory. The only experience it can draw is from the communist period in the SFRJ. Many of the institutional members from that period are either retired or don't have any desire to adopt to the rapid changes of the modern administration. The transfer from the old to the new and modern administration happened in Kosovo rapidly, started with UNMIK and it goes on with the European Union, thus the adaptation period of those who have had any experience in the state bureaucracy proved to be insufficient.

Secondly, Kosovo has more than 91.000 employees in the public sector in 21 Ministries, with over 70 subordinate bodies in the Office of the Prime Minister and 34 other institutions established by the Kosovo Parliament.<sup>28</sup> These institutions have been seen by the Governing political parties as a mechanism to please its constituents, political affiliates and groups

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<sup>27</sup> BORZEL, 2011. 9. p.

<sup>28</sup> Reforming Public Administration in Kosovo: a proposal to decrease the number of employees in the public administration. GAP Institute Policy Brief. July 2015. [http://www.institutigap.org/documents/99892\\_](http://www.institutigap.org/documents/99892_)

of interest closely linked with the major political parties. This has been echoed by various analysis and think-tanks as well as foreign diplomats accredited in Kosovo.

While the consequence of this particular negative trend can be argued only upon the lack of political will and the high cost of reform, I see it as a legacy from the not so long ago past time.

Immediately after the war mainly the educated youth were attracted to work for one of the hundreds of international organizations operating in Kosovo. They would benefit from a very high salary, at least five times higher than the current average salary in Kosovo, in addition to other benefits. This opened the market for the less competent staff to engage in the public sector established in the form of Departments in times of UNMIK, where salaries and benefit packages were less than attractive – and at that time, no one paid attention to it.

The European Union in its reform induction should take into consideration many prerogatives. Europeanization cannot be seen as “tailored to fit all” model, without careful analysis of the social, historical and political construct of the prospective countries wishing to join the EU, including Kosovo.

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