

4 Administrative reform capacities

The Constitutional Framework assigns responsibility for administrative reform to the PISG. Article 5, Responsibilities of the Provisional Institutions of Self-Government, includes

“5.1 The Provisional Institutions of Self-Government shall have responsibilities in the following fields:

...

(m) Public administration services;

(r) Good governance, human rights and equal opportunity”

and

“5.2 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of local administration:

(a) Supporting inter-municipal cooperation;

(b) Promoting the development of a professional municipal civil service;

(c) Assisting the municipalities in the development of their own budgets and financial management systems”

Reform is focused on the gradual strengthening of the PISG

However, the lead authority for Public administration reform (PAR) in Kosovo is the UNMIK administration and in particular the Ministry for Public Services. All final decisions are taken by the SRSG. The reform process is led by the Kosovarisation process, i.e. the strengthening of the PISG and the gradual reduction of the UNMIK administration.

Immediately after the war the Kosovo administration was headed by international staff with Kosovars as co-heads. Since the recent election these roles have been changed, however the international staff is still quite influential and international support for the administration remains significant.

The main emphasis of Kosovarisation lies on decentralisation and devolving tasks to local authorities, which should leave steering and

coordinating tasks to the PISG.

Shared administrative activities has led to frictions

A comprehensive reform process is hampered by the fact that the administration is divided into “reserved” and “transferred” powers, i.e. powers which have been transferred to the PISG and those which remain with the UNMIK administration. While politically justifiable, the interdependency of administrative activities has led to frictions and difficult internal administrative procedures.

The absence of a final decision on the future of Kosovo adds to the insecurity and the difficulty of developing a reform strategy. Depending on whether Kosovo is to remain a protectorate under the UN, or some other exit strategy is developed - autonomy, or even independence - the reform process will need to take appropriate paths and focus on relevant objectives for whatever outcome is envisaged.

In addition, the issue of the cost and sustainability of institutions will need to be addressed: at some point, Kosovo will need to be able to sustain its institutions of governance from its own resources.

The Kosovar administrative system, supported by the international community, is developing in a direction which is different from the prevailing system in Serbia and Montenegro. There is little evidence of any plan to reconcile the diverging administrative systems at some time in the future, except for the adoption of the *acquis* in the areas where it applies.

The adoption of common European values and norms by each system of administration could support the coherent development of institutions which could merge at some time in the future: pursuing different directions seems likely to entrench the separation of the two systems.

4.1 Strengths favouring reforms

The will of Kosovo Albanians to create separate self-government

The main strength of the PISG seems to be the will of Kosovo Albanians to create functioning self government, separate from Serbia: however this is not necessarily in the interests of the Serbian population of Kosovo, or of Kosovo as a whole in the longer term. A temporary stabilising factor is the international presence and the large amount of technical assistance Kosovo is currently receiving: several projects have recently started, e.g. strengthening the Centre of Government function, and creating accountability structures, and this should foster sustainable reform.

Despite the fact that friction may occur with the international community, the will of both the top management and the political leadership to take ownership of necessary reform is evident, and might promote cohesive

reform activities.

The structures of local authorities which have longer experience in self government than the central PISG, could, with ongoing support, become a base of reforms. However, it is to be noted that ethnic Albanians were excluded from public employment between 1990 and 1999.

4.2 Governance deficits

Lack of legal consistency and lack of experience in democratic governance are the main drawbacks...

The lack of consistency in the legal framework as well as in the institutional framework, coupled with the lack of experience in democratic governance, is the main drawbacks to fast and continuous development. The Kosovo Albanians have been, partly deliberately, largely excluded from public administration in the past: they therefore created parallel structures of self government which today seem to have been created by the Serb Kosovo minority. Cooperation of the two ethnic groups remains difficult, though security has improved and security measures for the ethnic minorities working in UNMIK and PISG have been reduced.

...and there are capacity deficits in several important areas

There is currently not sufficient professional capacity to run a fully-capable public administration, and due to different salary schemes and the high level of international presence it is difficult for the administration to attract and retain qualified staff. This fact has resulted in a considerable number of positions remaining vacant despite high unemployment.

Pre-training or initial training schemes are not yet available. The still-necessary reliance on foreign experts or staff has in the past led to disparate and inconsistent legislation and practices which were not aligned with the EU, and have therefore made the burden for the PISG even greater.

The new unified salary system, when adopted, may improve the situation, in particular if the Kosovo Institute for Public Administration is able to fulfil its mandate.

The accountability structures which are being put in place, e.g. internal and external audit may also have a positive influence.

