

Kosovo

1. Executive Summary

The greatest challenge facing Kosovo in the coming years relates to the question of its final legal status. While the future of Kosovo will only in part be decided in Kosovo itself, the future of Public Administration Reform, institution-building, and public governance, at the same time depends on, and feeds on, the debate on standards and status. It is difficult to develop better governance and institutions unless one knows whether those institutions and systems are for an independent country, or for a province or a state within a federal system. Failing to give an indication of - and an indicative schedule for - the final status of Kosovo, work on Public administration will continue to be addressed in a sub-optimal manner.

The SAp Tracking Mechanism (STM) now in place allows for supporting the creation of institutions and governance systems that are, generally, in line with the *acquis*, at least in those areas where it applies.

While the International community's role in Kosovo has been essential, its record in establishing functioning public administration there is mixed: some areas are clearly successful (like expenditure management), but others leave room for improvement: Laws and institutions are drawn from a variety of incompatible models, with little attention being paid to ensuring an adequate interface between them: there is thus little ownership on the side of the Kosovar.

Furthermore, the Kosovar administrative system, as it develops with support from the international community, is evolving in a direction which is different from that of the prevailing system in State Union of Serbia and Montenegro. There is little evidence of any plan to reconcile these diverging administrative systems anytime in the future, except for the adoption of the *acquis* in the areas where it applies. The adoption of common European values and norms,

through the mechanism of the *acquis*, by each system of administration could prepare the way for their eventual merger to occur: failure to do so seems likely to perpetuate an increasing degree of separation.

The Kosovarisation of the institutions and policies has already started. On the one hand, there is resistance from the international experts in Pristina to give up their mandate and powers, on the other hand, the Kosovars that were nominated to lead the process might have not had enough opportunities for learning during the initial years of the UNMIK. In short, insufficient human capacities have been generated in the Kosovar population since 1999 to enable Kosovars to take over full responsibilities. Thus, effective Kosovarisation will take longer than initially planned.