



Universiteit Utrecht



Thesis Dissertation

Europeanization of Kosovo's Public Administration: 2009-2017

Submitted: 7/June/2017

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I would like to express my deepest gratitude and appreciation to the main supervisors of this thesis, Dr. Ekaterina Rashkova and prof.PhDr. Vít Hloušek, Ph.D. for the support, and valuable suggestions. They consistently allowed this paper to be my own work, but steered me towards the right direction.

Finally, I must express my very profound gratitude to my parents and my fiancée Ema for providing me with unfailing support and continuous encouragement throughout my years of study. This accomplishment would not have been possible without the help of them, therefore this piece of work is dedicated to them.

Thank you!

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List of Abbreviations and Acronyms

EU	European Union
PAR	Public Administration Reform
IPA	Instrument for Pre-accession Assistance
PFM	Public Financial Management
SMPA	Strategy for Modernization of Public Administration
UNMIK	United Nations Mission in Kosovo
UN	United Nations
SBS	Sector Budget Support
SAA	Stabilization and Association Agreement
EC	European Commission
SIGMA	Support for Improvement in Governance and Management
OECD	Organization for Economic Cooperation and Development
EAS	European Administrative Space
NATO	North Atlantic Treaty Organization
UNDP	United Nations Development Programme
OAG	Office of the Auditor General
HRM	Human Resources Management
KIPA	Kosovo Institute of Public Administration
CSL	Civil Service Legislation
OPM	Office of the Prime Minister
MF	Ministry of Finance
MPA	Ministry of Public Administration
GIZ	German Federal Enterprise for International Cooperation
LGAP	Law on General Administrative Procedures

Abstract

The process of European integration in the case of Kosovo has shown a domestic transformation which tries to be built on European values and standards. Henceforth, this paper tries to analyze the impact of European standards on the public administration of Kosovo through the lens of the Europeanization theories. In this study we attempt to analyze the degree of Europeanization of Kosovo's public administration by assessing the EU Progress Reports and SIGMA assessments. Later, in this paper we assess the main obstacles (veto points) hindering this process by weighting them with the factors of willingness and capability. The main goal of this study is to provide an understanding on the changes that have taken place, the pace of the changes, the direction of the changes, and the speed of the changes as well as factors affecting this change. From the conclusions we can say that Kosovo's public administration shares European features, but it has a long way ahead to reach the entrance doors of the EU.

1. Introduction

Kosovo declared its independence in 2008 after a very difficult period of wars and discriminations towards the people living in this area of the Balkans. The declaration of independence marked the starting of the period of state-formation and transformation of all sectors of Kosovo. At the mean time EU was highly involved in all the reformations that Kosovo was undertaking, therefore the main political discourse in the country was (and still is) about the European Union and its values. Kosovo currently has serious problems with its structure and organization of the public administration, thus as it was indicated in several reports of the EU (not only) it was noticed that it has been lagging behind other countries, which at the same time is an indicator that shows development rate of a country. Public administration is considered to be a key factor in the correct functioning of the modern state, therefore a good public administration is a key to development and improvements. According to the UN (2017) *“Without public administration modernization and transformation to adapt to today’s needs, realizing a better future for all will be impossible. Where capable administrations are lacking, governments are incapacitated; and where governments are incapacitated, sustainable development falls short”*. Moreover, Kosovo as country is completely oriented towards European Union without having any second alternative to it; therefore all the developments in the country are highly influenced by the EU. The PAR strategy 2010-2013 expired in 2013, thus as an interim measure the PAR Roadmap 2014 was prepared and approved to bridge the gap until the new planning document of PAR is adopted. In 2015 Kosovo adopted a new Package of PAR Strategy which is considered as one of the best strategies, as vast amount of experts were engaged in its preparation. By considering this situation and the context, in this research I will first try to analyze the degree of Europeanization of Kosovo’s Public Administration and second I will assess the main factors/veto-points that hinder the process of Europeanization.

1.1. Goal of this study

The main goal of this study is to understand developments in Kosovo’s public administration from the lens of the Europeanization theory. After understanding the current playground then findings will be evaluated and commented. This way we would be able to determine Kosovo’s position vis-à-vis EU and justify the direction of the developments with regards to the public administration. In 2014 Kosovo has signed the Stabilization and Association Agreement (SAA) with the EU, which is an indication of general formal requirements that Kosovo has to undertake

in order to become an EU member country. For a state to be able to function appropriately within the EU, the public administration has to be in line with main EU principles. Therefore EU asked SIGMA to tailor policies so a candidate country can be able to appropriately meet *Acquis* requirements and guidelines (SIGMA, 2017). EU pays a significant attention to the Public Administration of a country; therefore the reformation of this sector is one of the crucial requirements of the EU as indicated in SAA. Based on a publication of European Commission “Quality of Public Administration: a Toolbox for Practitioners”, functional Public Administration is considered as a key factor that allows a state to operate and be able to provide effective justice system, transparency, and pull and channel all available funds and assistance to different sectors of the country, therefore PA is significantly important for the EU (EC, 2015). Since the emerge of the European Union (EU) several developments and changes have been noticed to happen in member countries and to neighboring countries or countries that want to have a cooperation with the EU. In the beginning the process of Europeanization, was tracing and analyzing how a non-EU subject (culture, language, customs) adopted to a number of so called European features. Later, with the process of enlargement and the requirement of the EU (i.e. SAA) for the fulfillment of several criteria’s by the countries wishing to become a member gave rise to the studies of Europeanization beyond EU borders. Therefore, Europeanization, as a concept, can be used to trace and identify changes that have occurred in non-EU subjects due to EU pressure and it can also be used to understand what required changes are not taking place. According to Sedelmeir (2011), EU uses three main mechanisms to increase its influence on domestic change in candidate countries which vary from **conditionality, persuasion to socialization**. The pressure of EU varies between policy areas, but it also depends on the **adaptation pressures** of a country, at what cost a country is willing to change a certain policy on the demand of the EU. Europeanization as a concept helps to identify what has changed or not, which will be as a first step towards the analysis of why certain changes are taking place and why some others are not. Introducing reforms in a country does not only require financial means, staff, expertise and information; it also requires political costs for governments, which risk losing public support, or political power altogether, over imposing unpopular changes. The lower the democratic quality of a country is, the higher the costs of adaptation, which become prohibitive for reformations, particularly in areas relevant to political power (Borzel, 2011).

The main hypothesis of this paper is that in the presence of high adaptational costs it is expected that the rate at which public administration reform becomes Europeanized, is slow. Yet

the factors hindering the process are not only related to willingness, but also capability of these actors and institutions to push reformation forward.

The extent of presence of factors such as political costs, financial capacities, technical difficulties and low professional capacities will be measured by cost and benefit analysis (for example: Kosovo has 80.000 civil servants, nevertheless if the efficiency and the effectiveness of the public administration increases then this number has to be lowered to 40.000 civil servants; this will result in job loss, which when converted to votes will have a high cost for a ruling politician. The rate of progress in public administration reformation will be measured by using concepts of Radaelli (inertia, absorption, transformation and retrenchment).

As in this paper we are testing the degree of Europeanization of Kosovo's Public Administration and causes related to it then we have to confidentially accept the presence of Europeanization approach and presume that Kosovo's Public Administration approaches to our theory of Europeanization. Second through observable assessments that can be found in Kosovo's Public Administration we can reflect on our empirical evidence for testing whether this areas is subject to Europeanization. From assessing the dependent and independent variables of this study (see below) we are able to draw a mechanism that causes the Europeanization of Kosovo's public administration. Based on these mechanisms then we are able to draw on expected outcomes for this study. Based on the predicted hypothesis of this study which derives from the main research question of this paper, we are able to predict that our findings will give a clear view on the pace of Europeanization of Kosovo's public administration. After we assess the findings, then we expect to trace the results and create a casual relation between the factors that lead to this outcome. The main expectation of this study is to find how much Kosovo's public administration is influenced by the EU (Europeanized) and how mechanisms related to it contribute to the actual situation. This study will provide a sound factual and detailed explanation to the situation. Potential remedies of this study will be the understanding of the developments with regards to the public administration over time and the view of the general picture from the lens of the Europeanization. Before unfolding our study, it is important to know that the Europeanization process of Kosovo's public administration does not have to be understood as a mono-casual situation. This means that besides EU, there might be some other global, regional and local factors that have contributed to the domestic change. Yet this study will focus only on the changes that were required by the EU and will analyze findings only from EU's lens.

This research seeks to analyze the level of Europeanization of the Public Administration of Kosovo from 2009 to 2017 and to analyze the reasons contributing to this process. In other words it first will try to identify what has changed or what is being changed in the sector of Public Administration of Kosovo and later it will shed light on the obstacles hindering the process of policy change in this regard.

1.2. Research Question

What factors hinder or encourage the rate of public administration reform in Kosovo and how the process of Europeanization is taking place?

In order to understand important aspects of the context in which the reforms of public administration in Kosovo are being influenced by the EU and at the same time are facing obstacles to meet EU governance principles, the following sub-questions will help with the analysis:

- ❖ To what extent the existing public administration policies of Kosovo are in accordance with EU principles of good governance?
- ❖ How the EU influences the process of public administration reform in Kosovo? What are the main mechanisms used?
- ❖ Why certain factors/veto points hinder the reformation process?

2. Literature Review

In order to establish a coherent method for analyzing the Europeanization of Kosovo's Public Administration, several related theories must first be considered. From the theories of Europeanization, this paper aims to track the changes in Kosovo's Public Administration over time (from 2009-2017) through a framework of analysis that allows to have an overall understanding on the degree of Europeanization with regards to public administration. This framework will be accompanied by broader set of independent variables, where the analysis will be combined with wider contextual factors which shape the actual results. The clarity of the concepts is highly important, as they are part of the analytical framework. In this chapter we will define a conceptual understanding of Europeanization in the process of public administration.

2.1. Defining "Europeanization"

The concept of Europeanization is one of the well-treated areas within the studies of the European integration processes. Thus to give a theoretical overview based to the study that is being proposed several theories from authors will be used. First of all it is important to know the

evolution of the term “Europeanization” as we understand it today. The Europeanization as a term originates back in the 80s as those were the times that European Communities were gradually integrating. This term started to grab the attention of the scholars in the field of EU studies, as 90s were the years when EU came to reality and the processes of integration were moving with a tremendous pace.

Nowadays Europeanization can have different perspectives as different authors apply it differently. Yet, a simplified understanding on the concept of Europeanization is provided by Olsen (2002) who explains Europeanization as a concept which represents processes that involve changes **first** in territorial aspects, meaning that external borders of the EU change due to enlargement policies. **Second**, Olsen considers Europeanization as a process of institutional change at the EU level, meaning that these institutions will enforce sanctions in the case of non-compliance with already set rules. **Third** conception is the role of national governments systems in shaping the EU norms (bottom up). **Fourth** Europeanization is a way to identify exporting forms of political organization, which give attention to the relations with non-EU actors and their ability to export forms of political organization. **Fifth**, Europeanization is understood as a project that tries to unify EU as a stronger unit.

EU’s external integration capacity highly depends on a membership perspective of candidate countries. According to Borzel, Dimitrova and Schimmelfennig (2017) EU has to strengthen the credibility of accession process and conditionality. To do so it needs to address more openly the issue of enlargement in the domestic level of the country. Europeanization of candidates must guarantee credibility even after the accession, because as it was seen from some CEE countries they easily try to undermine the democratic principles. Therefore authors suggest that EU has to make sure that legal foundation, apolitical civil service, technocratic assessments mechanisms would create guarantees for post-accession period.

Moreover, Ladrech (2002) considers Europeanization as a supra-national level of governance in which EU through its mechanisms influences the policy-making of the national politics. It is obvious that EU has a stronger influence on its members than on candidate or potential candidate countries as its decisions are binding to the Member States. Sedelmeir (2006) in his article on “*Europeanization in new member and candidate states*” explains that the process of Europeanization has an impact also on candidate countries and EU near-neighbors. Similar to Sedelmeir, Olsen also indicates that Europeanization in candidate countries takes the form of *rule following process*, meaning that candidates follow EU rules to in order to become member

(reach their goal). Nevertheless, when we observe the Europeanization of candidate countries we also may see that EU besides *acquis* requirements also extends its competencies to the fields that are not its competence such as public administration. Furthermore, Europeanization of candidate countries comes as a result of imposed conditionality (Sedelmeier, 2006), (to get the membership countries have to comply with EU requirements, otherwise they stay at the doors).

Due to mentioned features, we can observe that Europeanization of candidate countries is a category in itself, as here EU influences the processes with instruments such as conditionality, socialization and persuasion (Sedelmeier & Schmmelfennig, 2004). Before exerting its full impact, EU first signs an agreement with a candidate country in which candidates are asked to come in line with EU standards (Cowles, Caporaso & Risse, 2001). This contract is the "Stabilization and Association Agreement". Preparation of this agreement is done from both parties (EU and Candidate Country) with the purpose to not damage the economy of the candidate country with harsh rules. Nevertheless, EU does not make any compromise with its core values, norms and standards, which makes this agreement asymmetrical as candidates have no say on the rules (Grabbe, 2003). Nevertheless, once a candidate becomes a member then the direction of Europeanization can be changed, this because Europeanization as a concept has two directions, top-down and bottom-up. Top-down approach means that EU imposes EU standards to the member states. Whereas the bottom-up approach means that certain country can upload policies to the EU and then that policy through the EU is spread to the rest (Risse, 2000; Borzel and Risse).

Radaelli as one of the most prominent author in the field of Europeanization, have given one of the best explanation to what does Europeanization as a concept define. According to Radaelli (2004) Europeanization:

"consists of processes of a) construction, b) diffusion and c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies."

According to this concept we can understand that Europeanization can have an impact in all domestic structures of the state. Borzel and Risse (2003) in their article "Conceptualizing the

domestic impact of Europe” use three main dimensions along which the domestic impact of Europeanization can be analyzed and changes in domestic level can be traced. The category of **policies** implies that EU policies have impact in the domestic system of the country as it affects standards, instruments, approaches and policy narratives. The category of **Politics** embodies that due to Europeanization political processes can be affected: such as political parties. The category of **polity** comprises of several factors related to the state organization and the interaction of institutions between each other. In the polity section (see figure 1) it is evident that Europeanization has an impact on public administration of states. Departing from this logic, findings of Borzel and Risse can serve, first to support the relevance of the topic (Europeanization of Public Administration of Kosovo) and second to back empirical findings derived from future research.

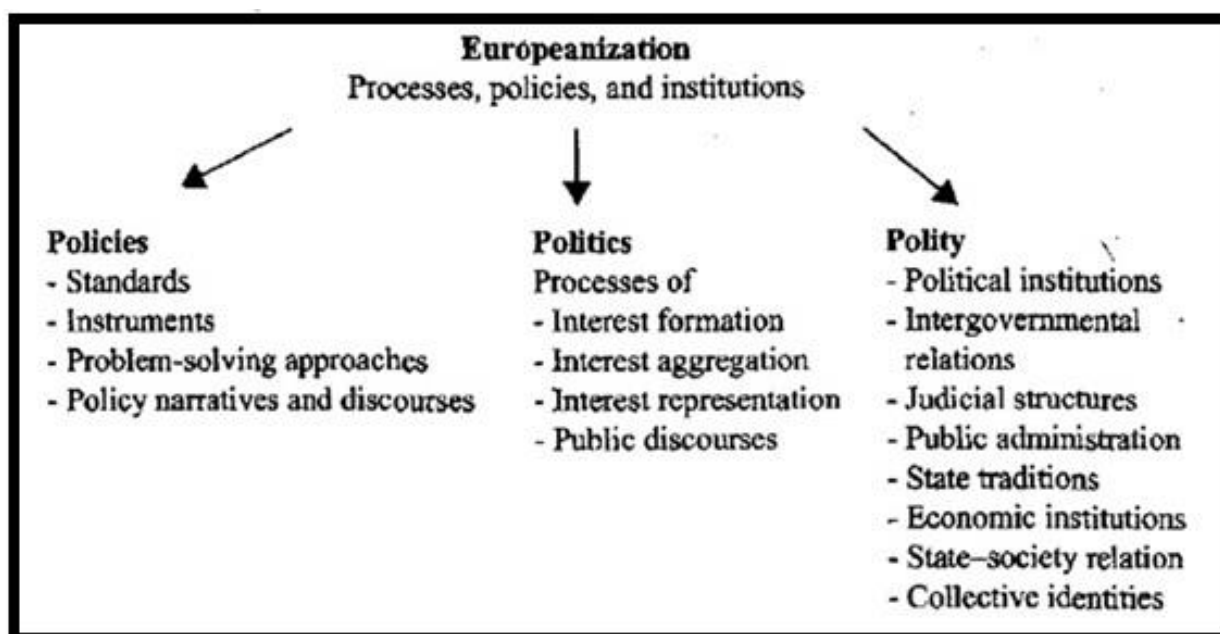


Figure 1: The domestic effect of Europeanization

Source: Börzel, T. A., & Risse, T. (2003). *Conceptualizing the domestic impact of Europe. The politics of Europeanization*, 57-80

Europeanization has proven to be pervasive in post cold-war accession of CEE countries, both at the policy and polity level. According to Schimmelfennig (2016) it is still doubtful whether the impact of Europeanization on candidates continues beyond its current membership. Due to weak state and economic capacities of Western Balkans, Europeanization depends on policy specific international and domestic conditions (Schimmelfennig 2016, p. 193).

In these processes Radaelli (2002) identifies four factors that can explain the domestic change:

-Inertia is a situation of lack of change. This may simply happen when a country finds that EU political architectures, choices, models or policy are too dissimilar to domestic practice. Inertia may take the forms of lags, delays in the transposition of directives, implementation as transformation, and sheer resistance to EU-induced change.

-Absorption indicates change as adaptation. Domestic structures and policy legacy provide a mixture of resiliency and flexibility. They can absorb certain non-fundamental changes, but maintain their core. Absorption is accommodation of policy requirements without real modification of the essential structures and changes in the logic of political behavior.

-Retrenchment is a very paradoxical effect, as it implies that national policy becomes less European than it was.

-Transformation is a paradigmatic change which occurs when the fundamental logic of political behavior changes – for example, a change in the format and mechanics of party systems, or the adoption of a new orthodoxy in monetary policy.

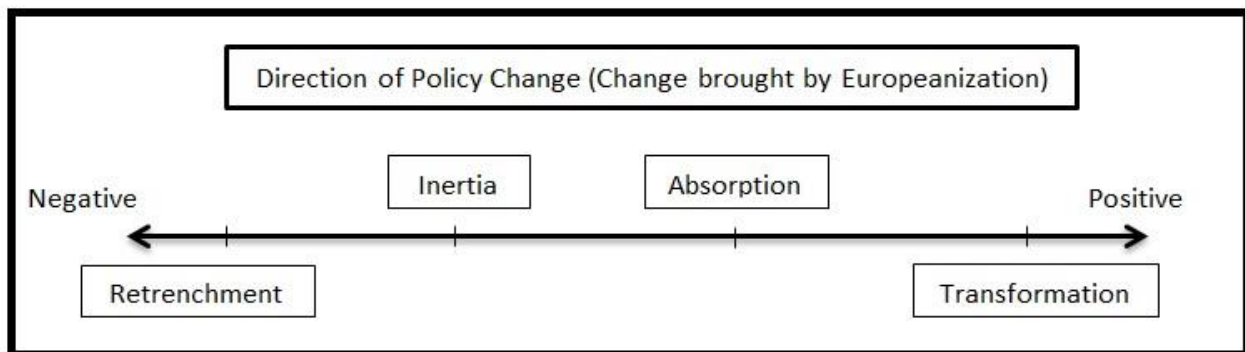


Figure 2: Direction of Policy change from Europeanization.

This graph is generated by author based on Radaelli's article.

*Source: Radaelli, C. (2002). The domestic impact of European Union public policy: notes on concepts, methods, and the challenge of empirical research. *Politique européenne*, (1), 105-136.*

These factors also help to define the direction of policy change. Nevertheless what Radaelli speaks about is related to the veto points in a certain country, as veto points vary across the countries. In other words what is unusual in one country can be considered usual in the other one. If there are several veto points to a policy change than it may face difficulties while if there are less veto points then the change occurs smoothly. Other contributing factors to the process of Europeanization are facilitating institutions and influence of organizational and political

structures. Therefore, according to Heriter, Falkner, Riise and Borzel misfit is a necessary condition for the Europeanization to occur.

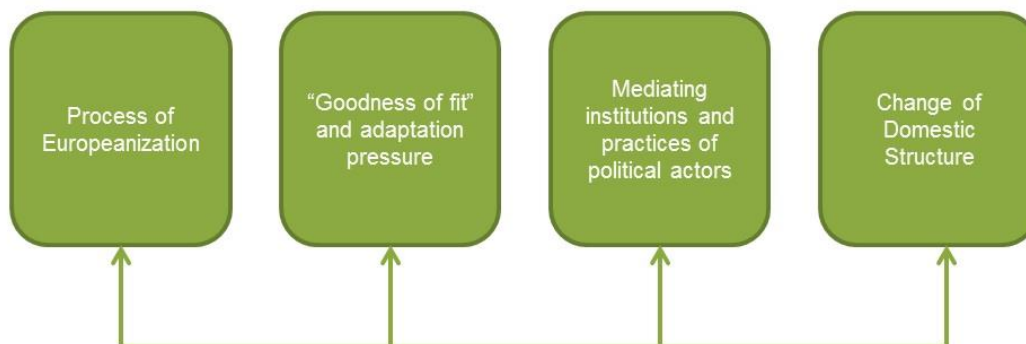


Figure 3: Process of Europeanization

Source: Cowles, M. G., Caporaso, J. A., & Risse-Kappen, T. (Eds.). (2001). *Transforming Europe: Europeanization and domestic change*. Cornell University Press. (p. 6)

Furthermore, in order to be able to explain changes in the Public Administration of Kosovo the article of Sedelmeir can be of a good use. First of all the work of Sedelmeir explains why certain changes in the domestic level become evident, and to what degree these changes are in accordance with the EU. If the changes are or are not in accordance with the EU, what are the measures taken by the EU to reward or punish the candidate country via the method of conditionality.

(1) the external incentive model, which is a rational bargaining model where actors involved in the process of European integration act rationally and are utility-maximizers.

(2) the social learning model, this model assumes a logic of appropriateness. In this model actors involved are motivated by internalized identities, values and norms. It is argued that in this model legitimacy of the rules and the appropriateness of behavior are much important than rationalist model where actors bargain about conditions and rewards

(3) the lesson drawing model assumes that non-EU members adopt EU rules without EU incentive or persuasion,

Moreover, by relying on the three models of governance as outlined by Sedelmeir and Schmmelfennig we can find out what does Kosovo takes into a consideration before initiating reforms in the public administration. Is reform initiated due to available rewards in case of fulfilling EU requirements or is it a normatively driven approach motivated by values and norms. Above mentioned authors are of a good use to contribute to the theoretical substance of this paper, through which it would be possible to detect changes and determine the degree of domestic change of Kosovo Public administration.

2.2. Europeanization in the context of Western Balkans

Another group of authors like Arolda Elbasani (2008; 2012) and Tanja Borzel (2011) will be used to point to the weakness of the Western Balkan countries in the EU integration processes and to understand how EU approaches this region in general and Kosovo in particular. These authors will help to understand why certain veto-points are common to the region of the Balkans and what EU is doing to overcome this situation. These authors provided extensive studies on the region of Western Balkans from the lens of Europeanization. They seek to analyze the current state of the region with regards to EU.

Arolda Elbasani (2012) indicates that efforts of the EU to transform the region of the Western Balkans are not similar to those of CEE. Tanja Borzel (2011) underlines that unfavorable domestic condition that WB countries are can be considered a wonderful test for the process of Europeanization. According to Borzel, “after EU failed to promote human rights, rule of law and democracy in WB, now the member states are playing their last card and offering war-torn countries a membership perspective” (p. 6). EU’s approach to WB is quite similar to that of CEE, yet it has some differences such as SAA. Furthermore, Borzel (2011) mentions the importance of veto players in impacting the willingness of domestic actors to adopt EU norms and rules. Nevertheless, willingness to Europeanize is not enough, state capacities are also required to introduce change as legal capacities to adopt and implement EU rules require significant state apparatus. EU does not only require the adaptation of Copenhagen Criteria that is less resource intensive as EU laws have to be only adopted; it also requires administrative capacities available for putting EU laws into the practice (Anastasaki, 2008; Borzel, 2011). According to Borzel and Papadimitrou & Petrov, 2012, adopting criteria is not a problem for WB countries, as even the weakest states were willing to adopt EU laws, nevertheless the main challenge remains its implementation. “The Europeanization literature has identified misfit as the key determinant of the costs actors face in the adoption of and adaption to EU norms and rules.” (Borzel, p.9). Borzel implies that change comes at significant costs, “Introducing political and

economic reforms does not only require money, staff, expertise and information. It also creates political costs for governments, which risk losing public support, or political power altogether, over imposing costly and unpopular changes.” (Borzel, p.9).

Based on the studies of Arolda Elbasani (2012 and 2008), Borzel was able to draw a graph indicating the capacity and willingness of WB countries to integrate into the EU.

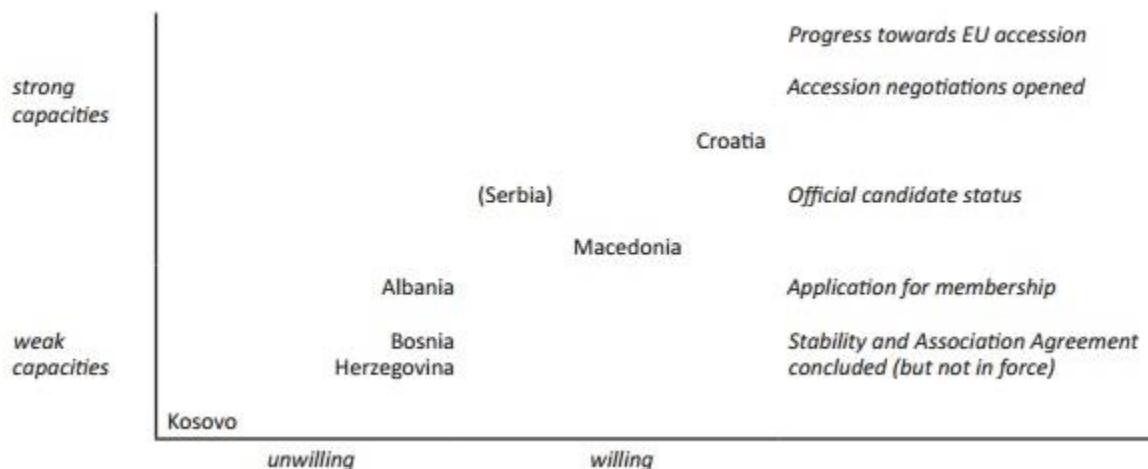


Figure 4: Capacity and Willingness of WB Countries to Integrate into the EU.

Source: Börzel, T. A. (2011). *When Europeanization hits limited statehood: the Western Balkans as a test case for the transformative power of Europe.*

From this figure we might create an overall understanding of the situation in the WB vis-à-vis EU integration. Authors clearly mention that due to institutional misfit high adaptational pressures are generated.

2.3. How PA gets Europeanized

It has been 20 years since the European Union started to develop an outline for the ideal type of public administration that would serve as a role model for the new democracies. The membership in the European Club was conditioned by the fulfillment of a whole range of criteria that were considered to be the cornerstone of a well-functioning public administration. Some of those criteria were identified as traditional features of Western democracies, such as the principle of legality, accountability or the professional civil service (Agh, 2013). Moreover, additional criteria have been developed in the course of European institution building and offered as a model to be downloaded by the member states and candidate countries, such as better regulation or transparency. First, in order to encompass the complexity of elements, the notion of the European Administrative Space was coined, determining an area in which certain

rules, values or ways of doing things exist. Despite its theoretical appearance, the concept's value is primarily pragmatic: it serves as a benchmark for the evaluation of candidate countries' efforts to reform their respective public administrations. The evaluators, the European Commission and SIGMA, simultaneously help and assess the reform process and serve as guardians of the entrance to the EAS. Still, it appears that the concept has outgrown its primary purpose and has continued to develop on its own, mostly by means of including administrative standards in the legal acts and documents of the Union.

Both Treaty on European Union and the Treaty on the Functioning of the European Union⁵² contain provisions related to public administration, although a European policy on administrative matters does not exist as a coherent approach. The EU has no power to regulate or to determine state structures and territorial divisions, as it is the prerogative of the member states. Nevertheless, along with the right to good administration defined by the Charter, and other Charter rights, directly or indirectly related to administrative behavior and organization, there are several provisions in the Treaties relating to public administration at both the EU and member state levels. (Kopric, Musa & Novak, 2011; Cardona & Freibert, 2007)

The EU accession criteria, as defined by the Council of the European Union, with a direct influence over administrative systems may be summarized as follows:

1. Copenhagen 1993: stability of institutions guaranteeing democracy, rule of law and human rights;
2. Madrid 1995: adjustment of administrative and judicial structures so as to be able to transpose EU Law and effectively implement it;
3. Luxembourg 1997: institutions strengthened and improved and made more dependable;
4. Helsinki 1999: obligation of candidate countries to share the values and objectives of the European Union as set out in the Treaties.

SIGMA works on the assumption that the public administrations of candidate countries need to reach acceptable standards of reliability, predictability, accountability, transparency, efficiency, and effectiveness in order to meet EU accession requirements. (Cardona & Freibert, 2007). .

2.4. Establishing a framework for analysis

An approach to Public Administration which considers the importance of good governance from a more heuristic perspective and beyond national borders can be seen as most appropriate for the development of the concept of Europeanization of Kosovo's PA. Bearing in mind this

approach, we can more effectively analyze the situation of Kosovo's PA in the light of Europeanization concept. We will draw from a number of theories to focus on key elements of Kosovo's PA. As the substance of this paper tries to analyze the degree of Europeanization in Kosovo's PA, we will use Radaelli's categorizations to define the degree of Europeanization from 2009 up to 2017, namely how certain policies have changed due to the EU pressure, and what are the policies that resist the change. We will then see if the development reflects a positive or a negative change (positive=Europeanized; negative=not Europeanized).

The main reasons causing this situation will then be analyzed to determine the main obstacles that have to be overcome to accelerate the integration. Figure 2 represents the model through which we will assess the degree of Europeanization of Kosovo's PA.

Through empirical analysis, the above graph will be filled with a brief description of each criteria and how certain policies have evolved in time. After analyzing the degree of Europeanization, we can more easily define what characterizes this development. We can then begin to draw conclusions from these observations relating to the desired outcomes and necessary conditions required for achieving a more satisfactory result.

3. Methodology

It should be noted that the methodology one chooses to conduct the research heavily depends on the choice of underlying research philosophy. Most public administration studies can be classified as belonging to either positivist research philosophy or social constructivist (interpretive) research philosophy (Heeks & Bailur, 2007; Bevir, 2011).

Interpretive public administration studies would hold a subjective ontology. Those meanings are subjective creations constructed through interactions with others (Heeks & Bailur, 2007). Interpretive would thus hold an epistemology that assumes the focus of finding out is the particular constructions and meanings that individuals hold about facets of phenomenon under study. They would assume that the researcher's own constructions and interests cannot be detached from the research study

Positivist studies would hold a realist, objective ontology. They would assume that key variables in public administration (technology, skills, work processes, work culture) actually exist and that they are related by a set of causal relations explicable by underlying and generalizable rules (Heeks & Bailur, 2007). Furthermore, positivist studies would hold an empiricist epistemology that would seek to observe key public administration variables and to experiment in order to

build knowledge about underlying relations and laws. They would assume that data and data gathering are independent of the observer and of his/her interests and qualities.

This thesis is rooted in the positivist philosophy of social science research.

A single in-depth case study approach was adopted rather than an "intrinsic" study because the specific case was of secondary concern compared to the aim of gaining insight into the particular issue: the Europeanization of Kosovo's public administration. There are constraints to generalization imposed by single case research but applicability to other cases is provided by the conceptual foundations of the case (Yin, 1981), which "inform and enrich the data and provide not only a sense of the uniqueness of the case but also what is of more general relevance and interest" (Hartley 1994, p. 210). Thus, for this research the dominant issue is to properly select the case study. As Eisenhardt (1989) notes, cases may be chosen to replicate previous cases or extent emergent theories or rather may be chosen to fill theoretical categories and provide examples of polar types.

In order to identify the Europeanization of Kosovo's Public Administration we must analyze Public Administration Reform Plans that Kosovo undertook since 2009. The most accurate documents for this analysis can be found in the archive of European Commission Progress Reports, SIGMA Assessments and official documents of Kosovo Government. As such, data for this research has been collected mainly from above mentioned sources, yet several other secondary source documents have been used as well. These documents were readily available online and previous studies which were conducted on the topic of Public Administration of Kosovo contained references to these documents. Therefore, this study is focused on official data of credible institutions such as OECD, EU and Kosovo Government, where its content is examined in details which later are related to the concept of Europeanization.

Second, this research will focus on the case of Kosovo's public administration. By assessing the current situation of Kosovo's public administration it will become possible to identify Europeanized and non-Europeanized sectors within the public administration system. In this section the current public administration policies of Kosovo will be analyzed in the light of EU public administration principles which are grouped in eight components: Civil Service, Administrative Service, Public Financial Management, Budget Transparency, Institutional Coordination, Independent Agencies, Minority Rights and Human Resource Management (HRM). These components were particularly picked as EU and SIGMA in their reports target

these fields when assessing Kosovo's public administration. Thus here I will be able to identify policies that share principles of good governance and policies that are not.

After the identification of the policies, in the third section the degree of Europeanization will be measured by relying on Radelli's theory (see figure 2). By analyzing interviews, newspapers and other reports we will be able to identify veto points / adaptational pressure (Risse and Borzel, 2003) which are present. After, I will be able to determine whether a policy is facing inertia, is transformed easily, absorbed effortlessly or it is refused completely.

In the last section an overview of the new PAR strategy of Kosovo will be assessed. The purpose for positioning new PAR in the last section is because the new strategy was built on the previous experiences. Meaning that, the Government of Kosovo have identified the most problematic areas of the public administration and tried to address those with the new strategy. Nevertheless, in the discussion section we will provide some recommendations on the possible solutions.

3.1. Dependent variable

This paper tries to analyze the impact of the EU through the process of Europeanization to Kosovo's public administration. The dependent variable in this context is the process and outcome of Europeanization (change in the public administration of Kosovo due to EU pressure). Europeanization depends on the variables like "adaptational pressure". Europeanization as a process is dependent as it gets realized when changes become evident due to the change in the domestic structures of Kosovo, in our case the public administration.

As Europeanization occurs in different forms, then we can consider the process of transposition of the EU standard as dependent variable. Here we speak about Retrenchment, Inertia, Absorption and Transformation. All of these processes depend on the veto-points present in the field. Moreover, the outcome of this process is also a dependent variable, as it strongly depends to the process. In other words if the process takes place in a non-proper way than the outcome will be affected.

3.2. Independent variable

One independent variable which is of high importance for this study is the relationship between Kosovo and the EU. There are obvious differences between the two, as one is the promoter the other is the one that is being guided. Kosovo is not an EU member; therefore it is not very familiar with the structures and processes of the EU. Moreover, Kosovo does not have the

experience of older member states of the EU and not even have a say on the policies that EU has crafted for accession countries. Kosovo sees EU as the one that will help with the modernization of Kosovo's PA, yet the attitude and perception towards the EU can change. On top of these differences we may add also the diverse traditions, theories and national motivation for joining the EU.

The most important independent variable is the adaptational pressure. Europeanization processes impacting the change in the domestic structures in the public administration are crucial to the adaptation process. This implies what domestic structures and institutions in Kosovo face in order to get in line with EU rules and standards. This is related to the notion of "goodness of fit" where the better the goodness of fit the weaker the adaptational pressure, whereas the presence of veto points leads to difficult "goodness of fit" which makes adaptational pressure resilient. First factor impacting the adaptational pressure is the current structure of Kosovo's Public Administration, which means that a weak structure which is not compatible with EU standards will create higher adaptational pressure as they have to change in order to come in line with EU principles. Second factor impacting the adaptational pressure is the political will among political elite. This means that when the political will for transformation is lacking than the adaptation to the EU standards becomes difficult. Third factor that impacts the adaptational pressure is the financial capacity of Kosovo. It is for sure that changes in the structure of the public administration require costly policy changes and when financial means are not available then adaptational pressure increases. Fourth factor is the available human capacities which help to push processes forward. Last factor is the legacy, which is related to the institutional history of Kosovo. Traditions of democracy in a state are one of the most important factors that can determine the proper development of the country towards a more "friendly government towards its citizens". Nevertheless, weak institutional framework due to legacy circumstances can have an impact on the adaptational pressure as they can hinder the process of Europeanization thus increasing the adaptational pressure.

3.3. Qualitative Interviews

There is no doubt that qualitative interviewing is a flexible and powerful tool to capture the voices and the ways people make meaning of their experiences. I selected the semi-structured interview for this study because this model enables us to narrow down some areas or topics that we want to ask to the interviewee. A completely un-structured interview has the risk of not eliciting from the junior researchers, the topics or themes more closely related to the research

questions under consideration. Semi-structured interviews allow us to cover specific topics but at the same time it enables us to hear the stories of the interviewees in relation to the topic.

Therefore this study was strengthened with a number of semi-structured qualitative interviews from the senior officials (directors) in the Ministry of Public Administration of Kosovo and Ministry of Finances. Interviews were conducted in person, lasting approximately half hour on average, and significantly helped in exploring further into the realities of the public administration policies and practices in Kosovo. Although interviews were conducted on the different institutions of Kosovo, the insights gained were considerable, showing a number of similar approached to the problems of Kosovo's Public Administration. Interviewees had a substantial knowledge on the subject and provided support for the conducted research and were ready to provide opinions on the situation. Therefore, this research is qualitative in nature, and it would have required a much larger scope of study in order to allow us to engage in statistical analysis in the degree of Europeanization of Kosovo's Public Administration. The examined variables further accentuate the qualitative approach of this study.

For this study I have conducted five interviews, three in the Ministry of Public Administration of Kosovo and two in the Ministry of Finances. Furthermore, I was unable to get interviews from the Office of the Prime Minister in Kosovo which is the key player in the process of reformation. Nevertheless the contribution of the interviewees is appreciated as it provided an added value to this study.

4. Public Administration of Kosovo

4.1. Structure of Kosovo Public Administration

Any change, especially systemic in the sense of changes in laws and policies and the approach action has difficulties of its own. Some countries cope more easily, while some others 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 had its specifics, because of the organizational background during the reign of Milosevic. 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

Kosovo was under occupation by the Milosevic regime, following the revocation of autonomy and disposition 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. (Batalli, 2016)

4.2. Kosovo PAR (2007-2012)

Just after the independence Kosovo started to invest seriously in the improvement of its public administration. From 1998 until 2008 Kosovo was under the supervision of international actors such as NATO and United Nations Mission in Kosovo (here after: UNMIK). This period can be considered as the embryo period of Kosovo's first legitimate institutions, as UNMIK with a mandate from UN has put Kosovo under the international administration. According to the agreement under the Resolution 1244 Kosovo's international administration was divided in three periods/phases where the first phase gave Kosovo actors only the power of consultation; second phase (early 2000) created required structures of the Joint Interim Administrative Structure; and the third phase anticipated a conditional Self Government (Weller, 2009; Ben-Gera et al, 2005).

The main actor and factor of this period that provided basis for an administration was UNMIK, which over time gradually transferred powers to the local institutions. Nevertheless, the mission of the internationals in Kosovo hasn't go without a criticism for non-professionalism. Seen from another perspective, the situation in Kosovo was quite unique for the international community because there was a legal and political duality (between Kosovo and Serbia) that was blurring the competence transfer phase. These developments had also a significant impact on the functioning of the public administration in general, as the duality was creating uncertainty. (Ben-Gera et al, 2005)

Although public administration is not part of *Acquis Communitarie*, EU together with OECD was delivering reports on this issue. According to them, the democratic development of a normal state requires a well-functioning administration capable of addressing citizens' needs. Credible institutions like EU and OECD correctly were indicating a linkage between development of a country and good public administration. "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).

SIGMA has been involved in the process of public administration reformation in Kosovo since 2008, right after Kosovo gained independence. The involvement of SIGMA boosted the reformation process, as Kosovo undertook several legal and strategic initiatives for a modern public administration, based on the needs of the time (Batalli, 2016). First strategic approach to the reformation of public administration started in 2007 forecasted for a period of four years. Kosovo in this period was undergoing a difficult situation, as it started to take the control of all state mechanisms independent from internationals. The first strategy was ambitious but very realistic, yet it can be considered as a good start for a “baby state” like Kosovo. This strategy 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. The EU factor was added to this strategy right after the declaration of independence, where Kosovo expressed its interest for further integration into the European family of developed states.

Ministry of Public Administration was a key player in the process of reformation which was preoccupied with “creating of apolitical civil service, professional, merit based and well managed; capacity building to manage and implement the RAP Strategy; improvement of services offered to citizens through administrative process channelizing, reducing the barriers to providing access and application of e-government services; and d) focusing recourses of functions in policy making and increasing the capacity in this aspect. “¹

After this strategy, in 2010 the Government of Kosovo approved the “Strategic Development Plan 2009-2013” requiring the Ministry of Public Administration to reach 15 targets through which main challenges would be addressed. This strategy addressed the following areas: policy management, drafting of the legislations in line with EU standards, creating legal basis for transparency, budget planning and execution, internal auditing, laws on civil servants and e-governance. All of these areas were considered a priority of the government. Nevertheless as

¹ Public administration strategy, toward a professional, responsive and impartial public service, Provisional Institutions of Self-Government of Kosovo (PISG) and UNMIK July 2004.

we are going to see in the upcoming chapters, the main problem with this reformation strategy was the implementation. Kosovo was lacking serious financial means and ambition to reform the public administration according to the outlined strategy. (Batalli, 2016)

Overall, first strategies of Kosovo were over-ambitious and not realistic as their implementation was more difficult than it have appeared in the papers of the strategy Learning from its mistakes Kosovo paid serious attention to the development of the new reform package of (2015-2020). This package of strategies was worked by key international experts of the field of public administration. This strategy will be unfolded in the analytical section of this paper, as this strategy mainly addresses the explicit demands of the EU with regards to the public administration principles.

5. Role of the EU in the Reformation Process

EU continues to play an extensive role in stabilizing its external environment by orienting states towards Brussels through the process of enlargement. In this process EU tries to pilot the domestic politics of candidates in order to prevent the spill-over of security problems from its neighbors which have the potential to send destabilizing waves to the Union. The practice of steering other countries domestic balances can be seen on EU's decision to further enlarge to Central and Eastern European Countries (CEE) and later to integrate Western Balkans. Decisions to further enlarge the EU family came right after the end of the conflicts in the Western Balkans, as destabilizing waves were threatening the stability of the EU. Velibor Jakovlevski (2010) in his paper argues that EU uses enlargement in order to attain stability on its borders, yet the approach of the EU towards the candidate and its neighbors takes a different form than the approach of the EU towards its members. Jakovlevski (2010) same as Agh (2013) defines this approach as Watsonian, as EU behaves like a state in its external affairs but like a supranational institution internally. The distinction between EU members and candidates is blurred to the level that EU authority over candidate varies. Furthermore the relationship of the EU with candidate countries happens on institutional terms, where EU provides SAA or other agreements that would allow it to export norms and standards in surrounding states. The table below outlines the approach of the EU to its neighbors (those who are candidates and those falling in the ENP). This table was derived from the work of Jakovlevski (2010).

Table 1: Two-fold approach of the EU: Prospective Member States and Wider Europe

Source: Jakovleski, V. (2010). *The Logic of EU Enlargement: Exporting Stability or Inheriting an Empire?*. *Journal of Public & International Affairs*, 21.

	Prospective Member States [i.e. Kosovo]	Wider Europe (i.e. Ukraine)
Institutional Framework	<ul style="list-style-type: none"> - Stabilization and Association Process - Accession/European Partnership 	<ul style="list-style-type: none"> - European Neighborhood Policy - Action Plans
Logic of Content	<ul style="list-style-type: none"> - Integrative process - Legal contract - Explicit membership perspective - Strict conditionality and monitoring 	<ul style="list-style-type: none"> - Associative process - Political agreement - Degree of integration is ambiguous - Soft conditionality and monitoring
Authority Relationship with the EU	<ul style="list-style-type: none"> - Consolidation of authority to the EU - Significant loss of autonomy over internal and external affairs - Limited ability to influence scope and content of agreements 	<ul style="list-style-type: none"> - Authority of E.U. is diffuse - More autonomous individual states - Greater ability to outline individual interests
European convergence Snapshot	<ul style="list-style-type: none"> - Full adoption of <i>acquis</i> - Fulfill Copenhagen Criteria - Mandatory reform in security, justice, and home affairs - Participate in EU's joint positions and actions - Promote regional cooperation 	<ul style="list-style-type: none"> - Selective adoption of <i>acquis</i> - Fulfill Copenhagen Criteria - Mandatory reform in security, justice, and home affairs - Optional convergence in joint positions and actions - Promote regional cooperation

Furthermore, Jakovlevski (2010) and Grabbe (2003) considers these relationships to be imperial, because they are asymmetric in nature as candidate states have no say on the policies (no possibility for contestation). To justify its influence, EU provides monetary or political incentives in order to make them comply with the rules. Above that, EU supervises and monitors strictly the subject. Some authors believe that this violates the sovereignty of a state, as EU decides on priorities and conditions that have to be followed.

The role of the EU in the reformation process was one of the questions in the questionnaire that was used in the interviews with the MF and MPA. Interviewees' considered that EU is highly present in the reformation process as they are the ones providing the experts through SIMGA

as well as financial assistance for paying them. Senior officials indicated that they were having continuous correspondence with EU and SIGMA experts, with whom they contact in different forms (personal contact, e-mail and skype chat).

5.1. SIGMA- The Enchanter of European Administration

The European Administrative Space is often defined as informal *acquis* of the EU related to the organization and functioning of public administration. Its creation, at least in the part offered as a model to the prospective member states, is mostly due to the activities of SIGMA a joint initiative of the EU and the OECD, financed by the EU, established by OECD and the European Commission's PHARE Program in 1992 as support to partner countries in their public administration reforms. Sigma was launched as support to five Central European countries (Czech Republic, Hungary, Poland, Slovakia and Slovenia). In the meantime, SIGMA support has been extended to other countries – to all 12 candidate countries from the eastern enlargement of 2004 and 2007, as well as to recent candidate countries (FYROM, Montenegro, Serbia, Albania and Turkey) and potential candidates (Bosnia and Herzegovina and Kosovo), parallel with the expansion of the Stabilization and Association Process. Since 2008, SIGMA support has also been extended to 16 EU neighboring countries, covered by the European Neighborhood Policy. (Kopric, Musa & Novak, 2011)

The activities of SIGMA's support to the reform processes of public administration are divided into different areas, including legal frameworks, civil service, administrative justice and integrity; public expenditure management, external audit and financial control; public procurement; policy and regulatory systems. Within the scope of those priorities, Sigma supports the target countries by assessing the reform progress and identifying priorities for reform, supporting institution building and development of legal frameworks and procedures, and facilitating assistance from the EU and other donors. The mechanisms of SIGMA support include advising, peer reviews/assistance, analysis and assessments, support to networks, preparation of different reference material and providing training and education (e.g. twinning programs). The standards developed and compiled within SIGMA papers represent good practices and European standards of governance and management to which candidate countries are expected to conform within accession conditionality, in order to align their public administration structures and practices with those of the EU member states. Those standards have been thoroughly used in SIGMA assessment reports, which have been prepared since 1999, at the request of the European Commission and as a contribution to its annual progress reports on EU candidate and potential candidate countries. The objective of SIGMA assessments is to examine the extent to

which the public administration systems in candidate countries correspond to the principles of the European Administrative Space. In its annual reports, Commission is assessing the extent to which the institutional arrangements adopted by the candidate country and its administrative practices are compatible with principles of the EU. The SIGMA documents, although not legally binding, gather and codify good administrative practice and ways of doing things, and administrative standards that are backed up by the Commission's authority and the argumentation, functionality and usefulness in dealing with practical administrative problems (Kopric, Musa & Novak, 2011). The emerging network of experts in different administrative areas helps to promote mutual learning and the convergence among the European administrative traditions. Moreover, the development of the administrative space has been fostered by Union's need for a policy template for horizontal administrative reforms, based on the requirements stipulated by the Copenhagen and Madrid accession criteria. (OECD, 2017; Cardona & Freibert, 2007)

It is interesting to note that the SIGMA assessment of the alignment of public administration in EU candidate countries to general EU standards (Cardona & Freibert, 2007), focused on horizontal systems of governance, namely:

- policy-making and coordination*
- civil service and administrative law*
- public expenditure management*
- internal financial control systems*
- public procurement*
- external audit*
- public integrity systems*

The aim of PA reforms within the EU (and candidate countries) was and still is (Kovač, 2003) that their effects to be based and lead to common European values and principles regardless of an individual country's legal order, its authority structure or certain PA measures (Borzel, 2011).

The Principles define what good governance entails in practice, and outline the main requirements to be followed by countries during the EU integration process. The Principles also feature a monitoring framework to enable regular analysis of the progress made in applying the principles and setting country benchmarks. EU *acquis* requirements, guidelines and instructions are the core of the Principles in relevant areas. In other areas, the Principles are derived from international standards and requirements, as well as good practices in EU member states and

OECD countries. As a national strategy PAR defines the basic principles which should guide the entire administrative reform process, so it is important to examine to which extent the Kosovo PAR Strategy is in line with these fundamental European administrative principles! When analyzing the Kosovo PAR Strategy for its references to the European administrative principles, one may first observe that its introduction explicitly states that the success of the administrative reform depends on the existence of a “Strategy of Public Administration reform based on the general principles of the European Administrative Space, ‘good governance’ and the concept of ‘open government’”. The principles that SIGMA defines as the basic European administrative principles are explicitly cited as the values the government must respect throughout PAR. Moreover, respect for these values is referred to as one of the steps which will contribute to the international integration of the country. There is an understanding spelled out in the Strategy that the principles of organization and functioning of the public administration in the EU member states represent the main starting point, as well as the ultimate objective, to be attained through the planned reform.

5.2. EC and SIGMA Reports on Kosovo PA

EC makes its reports on public administration of Kosovo based on SIGMA assessments; nevertheless there exists a difference between their suggestions. In progress reports EC besides identification of the problems also provides exact recommendations for fixing the problem. On the other hand SIGMA reports also contain suggestions, but these suggestions are more technical in nature. As we are going to see below these reports differ from each other, yet their recommendations are slightly different. That is why we have decided to present these reports in line with each other. Below we are presenting EC Progress Reports (after 2015 these reports are called Country Reports) and SIGMA assessments for the years from 2009 to 2017.

5.2.1. EU Progress Report 2009 and SIGMA assessment 2009

The period of 2009 was the period where Kosovo gained its independence and took obligations for state formation. EC in its report of 2009 has not been very harsh on it demands by trying to provide only some general guidelines. Generally in 2009, EC in its progress report required the adaptation of the Law on Civil Service, which would help to tackle accountability, transparency and fairness problems. As we are going to see in the upcoming reports, EC gradually increases its voice when demanding reformation in the area of civil service. Law on salaries is another requirement of the EU, as practices have shown that salary reforms are very complex and require dedication to put in line with EU principles. Another significant requirement that has to be mentioned about this report is the request for organization of public administration

institutions. This requires a package of legislation changes, which as we are going to see in the upcoming reports were gradually addressed. It is important to understand that EU came up with several new requirements in each report. In other words each report was bringing some new demands of the EU to the table of Kosovo's government. Nevertheless, these demands were based on general principles of the EU and were necessary for a well-functioning modern administration.

Similar to the EC report, SIGMA assessment also was not very demanding and harsh on its requirements. Nevertheless the main focus of the assessment was on fighting the corruption and improving the public procurement system. To Kosovars the period after the independence is memorized as a period where corruption practices through public procurement were flourishing. SIGMA was proposing and providing guidance on how to put public procurement law in line with EC Directives, but SIGMA was very careful to suggest this particular Directive as EC Directives are designed for high-value contracts for cross border trade, therefore some simplifications had to be taken into consideration. Overall, this assessment can be considered as an assessment which was exclusively written for the improvement of public procurement legislation.

5.2.2. EU Progress Report 2010 and SIGMA assessment 2010

In the *progress report of 2010*, EC pointed out several problems with regards to the organization of public administration. First the Law on administrative Procedures is not well designed, minority communities are not well-represented, the implementation of PAR strategy has not been completely implemented (less than one third was implemented). Weakness of Ombudsperson and poor coordination of inter-ministerial committees has been of a concern. Reforms must be consulted with Ministry of Economy and Finance and the capacity of the department of public administration reform and the department of civil service administration needs to be strengthened.

SIGMA assessment of 2010 was divided in four main sections: democracy and the rule of law, Civil Service and Administrative Law, Integrity, Public Expenditure Management and Control and Procurement. In the section of democracy and rule of law, SIGMA identified that current capacities of Kosovo are weak for implementing reforms, therefore international support is required. As this is a transition phase for Kosovo. SIGMA notices that Kosovo Government has not put PAR as a priority in the agenda, as social and economic problems were at stake. High level of politicization of state administration was noticed. SIGMA recommended that Kosovo has

to adopt several laws in secondary legislation in order to prepare for the implementation of future reformations. As for Civil Service and Administrative Law SIGMA outlines that several action plans derived from PAR strategy have been adopted: the e-Government Strategy, the Anti-Corruption Strategy, the Strategy for Human Rights Protection, the Public Finance Management Action Plan. Yet co-ordination of all of these strategies will be needed, and adequate resources should be provided for their implementation. Furthermore, the law on administrative procedures (adopted in 2006) has been poorly disseminated and implemented. In addition a law on administrative disputes is lacking. Professionalization of the civil servants remains another concern, as patronage, politicization and corruption discourages the skilled staff to join the institutions. In this period also the new Ombudsperson has been appointed, by giving an end to the long waiting for this position. Moreover, several departments within the Ministry of Public Administration have been added, which are central for the coordination and implementation of the reforms. With regards to integrity SIGMA notices some improvements in the fight against corruption as several strategies for the fighting of this phenomenon were adopted. Moreover a functional review of anti-corruption system was carried out and several recommendations were delivered to the Government. Functional review is a process that reviews all the structures of an institution (every detail) and identifies whether there is mismatch, malfunction or overlap of the duties, as well as whether it is functional enough to tackle certain issues. Regarding the *Public Expenditure Management and Control* there are certain challenges that needs to be further developed. Nevertheless SIGMA is aware that these reformations will require a considerable time in order to be harmonized with EC requirements. Auditing is another issue which has to increase in quantity and quality. Reports of the audit authority have to be made available and number of staff has to increase. OAG's increasing professional capacity, the impact of its work is limited by insufficient attention given to its findings by auditors and Parliament. The OAG does not have the capacity to audit annually the increasing number of mandatory audits. Procurement was highly mentioned in previous SIGMA assessment and improvements in this aspect are still far from perfect. The main negative characteristics of the public procurement system include the confusion between various legal models, the strict regime for utilities, the inclusion of purchase of electricity, the re-tender procedure if fewer than three tenders are received and, to some extent, the negotiated procedure without publication of a contract notice, the design of the restricted procedure, the certification system and the role of the procurement officers.

5.2.3. EU Progress Report 2011 and SIGMA assessment 2011

Progress report of 2011 reveals several problems which have to be addressed by Kosovo institutions. As the PAR strategy of (2010) is in place, EC requires the creation of an action plan for its implementation. EC emphasizes that in civil service reform important regulations were adopted such as: working hours; job descriptions; appointment of senior civil servants; and civil register of civil servants. The report of 2011 in general was containing positive comments as the demands were not very high. Nevertheless several problems were noticed with regards to the primary legislation for civil servants, lack of resources for the institutional framework, weak Kosovo Institute of Public Administration (this institute is responsible for the training of the civil servants) and weak Ombudsperson institution. Problems were noticed also in the e-services and External audit since it serves as a driver for improving the public administration and ensuring accountability. Last the implementation of the laws on state administration and on administrative procedures has been very partial.

The report of SIGMA of 2011 is broken down into five areas of assessment. The first one is *Civil Service and Administrative Law*, here it is indicated that Kosovo has approved the law on Civil Service and the Law on Salaries through which it has replaced previous non-functional system. Nevertheless, the main challenge again is related with its implementation and with secondary laws that would open the way for the new laws. Furthermore, SIGMA notices that insufficient capacities of MPA will not help to reach the goal. Regarding *Integrity*, it is evident that corruption still remains a serious issue that has to be addressed, as it is present in all of the levels of the government. This creates a politicized and unprofessional administration that hinders the process of reformation. SIGMA indicates that progress in this regard has been very slow. As for the section of *Public Expenditure management* is quite concerning, as the expenditure is exceeding the revenues. Moreover, the legislation for management of public finances is in place and is in line with good practices; nevertheless discrepancies still occur when it comes to implementation. SIGMA noted that budget documents are highly detailed, but this restricts the strategic capacities of the MF as it increases the workload. Also it was noticed that administrative capacities are weak to analyze financial data. With regards to *Policy making and coordination* SIGMA notices that the established office for strategic planning that was expected to increase the cooperation and legislation making was not functioning well, as it was more visible with meeting and other communications rather than building analytical capacities that would help to increase the overall performance. Nevertheless, it was noticed that key ministries and institutions work closely with each other to benefit from the existing structures. Yet this is

has to be improved. Although many laws and strategies have been created with regards to improving the public procurement system, still this section fails to meet its objectives. SIGMA critically notices that their suggestions were not taken into consideration when drafting the draft-legislation that was supported by the EU, therefore they were unable to understand its substance.

5.2.4. EU Progress Report 2012 and SIGMA assessment 2012

2012 is a period where Kosovo started preparations for opening the discussions for accession with the EU. One of the first steps for this move is the preparation for the implementation of SAA. For this EC in its reports states that legislative framework for the implementation of SAA in the future must be in place, so institutions have to take necessary steps to reach this goal. Another request of EC, is the independence of Ombudsperson. This institution is considered as one of the most important institutions, therefore problems have to be addressed. Furthermore, EC suggests that Kosovo needs to adopt all secondary legislation for the laws on civil service and salary reforms. In line with these reformations, Kosovo, according to EC, has to enhance its efforts to improve professionalism, accountability, efficiency and effectiveness of its public administration at all levels. These requirements are fundamental for a modern administration in line with EU principles. The public administration reform strategy is in place, but Kosovo institutions have to focus on its implementation as the performance in this regard is not satisfactory.

5.2.5. EU Progress Report 2013 and SIGMA assessment 2013

EC, in the progress report of 2013 noticed that the implementation of the strategy and action plan on public administration reform continues to be a major challenge for Kosovo. It requires further human and budgetary resources. Furthermore, the implementation of the law on salaries of civil servants has been put on hold pending the finalization of job classification. Also the performance appraisal for civil servants needs to start. EC noted that new legislation is needed to regulate salaries for high officials and to reform the salary system in important sectors such as education and health. The share and the distribution of civil servants belonging to minorities across ministries need to be in line with the legislation. Kosovo also needs to review the organization of public administration at the municipal level, notably delegated competences and the appointment of directors.

SIGMA assessment of 2013 is high in volume as it analyze in much detail what has been done and what has to be done in the reform process. This report has been braked down into five main

components, through which SIGMA evaluates the situation. First component is *policy making and coordination*, here it SIGMA commented that legal requirements for planning and coordinating the work of the government have been developed, and it appears that they are in line with EU practices. With regards to the second component, that is *Co-ordination*, it was noticed that responsibilities of OPM have been further clarified, whereas MEI's overall role in coordinating EU integration is stable yet a good base for certain functions such as legislative scrutiny and harmonization which are required by the process of SAA have to be further advanced. OPM and MEI possess necessary capacities to coordinate the development of strategic documents, as well as they seem able to provide basic level of reporting and monitoring. Moreover, realistic plans and strategies still remain a main challenge of Kosovo's Government, as so far they have demonstrated that their plans are not in line with capabilities of certain ministries that are expected to execute the strategy. Key challenges of the government are the transposition of acquis and assessment of budgetary impacts of developed policies. Furthermore it was noticed that inter-ministerial coordination are structured but still they are highly technical in nature. The third component is *Public Expenditure Management* which is related to the budgetary transparency. Here SIGMA notices that there is coherent and well-coordinated mechanism in designing the annual budget nevertheless priority setting and strategic planning still do not function as instruments for the allocation of the resources. Third component is *Co-ordination, Implementation and Priorities of the Public Administration Reform*. In this component SIGMA notices that action plans for SAA and PAR address the problems with civil service reform and enhances further the ministerial reorganization. Nevertheless it is notices that PAR reforms are over-ambitious as it does not take in consideration available resources and time frame for implementation. 2013 was the year when the new PAR was being developed by Kosovo institutions with the assistance of foreign experts. In this regard, SIGMA has assessed the overall situation of the development of PAR, and it notices that there were certain problems with regards to co-ordination between competent institutions and operational capacities of the strategy. Here SIGMA suggests that priorities have to be set on realistic deadlines as well as the financial planning for the reformation has to match the actual capacities. With regards to the component of *Civil Service, Human Resource Management in the Public Sector and Administrative law* relevant improvements have been noticed in the organization of administrative justice, which is now better equipped to increase its effectiveness. Nevertheless there are still problems with regards to civil service legislation, as definitions for the job positions are not clear. Moreover, SIGMA notices that the work that was being done on this issue leaves room for inconsistency and blurred lines. Necessary by-laws have been

created in order to contribute to the overall legal-framework of the law on civil service. Professionalism of the civil service still remains a challenge which seems difficult to be addressed with the current legal-framework, as well as it was noticed that the capacity of KIPA to provide trainings to civil servants remains low. . With regards to Ombudsperson, SIGMA has noticed that this institution is now better resourced. Last component is the *Public Procurement*, which is a component that is related to the budget transparency and corruption. Here improvements have been noticed but still not very satisfactory.

5.2.6. EU Progress Report 2014 and SIGMA assessment 2014

EC progress report of 2014 writes generally about public administration of Kosovo and its progress. EC notes that Kosovo already has a strategic framework for PAR in place with 2010 PAR and the action plan of 2012-2014. Here EC provides some comments on how the government has to design its new PAR (which we analyze in detail later in this paper). Budget still remains a problem for EC, as it is not very transparent and it is highly fragmented, lacking real transparency principles. Furthermore, coordination of the ministries has to be improved, as this is the way to reach a common vision for the reformation. Without coordination strategies cannot move forward with the implementation. Delays were noticed in the salary and job classification legislations. The law on administrative procedure is still to be adopted and Kosovo requires reviewing the organization of public administration.

SIGMA assessment of 2014, in overall gives some positive evaluation yet problems are identified almost in every aspect. In this assessment the emphasis was mainly given to two main components General Administrative Law and Organization of Public Administration and Public Service and Human Resource Management. Regarding the first component, SIGMA identifies that legislations on good administration, openness, transparency and access to the court is in place, but these laws are not translated into the practical reform efforts. Similar is the situation with Law on Administrative Procedures which is neither coherent nor complete. Shortcomings are also identified in administrative court procedure which undermines the protection of fundamental rights and freedoms. Internal and external auditing mechanisms which would ensure the legality and accountability are in place; still the Ombudsman (quite new institution) is insufficiently embedded in the administrative culture. There is a weak use of IT systems in the administration. Furthermore, SIGMA has loudly mentioned that coherent policies regarding the PAR strategy has to be set. This incoherence comes as a result of no arrangements that would create a common understanding on the reform for the stakeholders. Moreover, SIGMA notices that regulatory agencies are well established, but there is no

regulation that would ensure their well-functioning. Also there is no legislation that regulates accountability problems for central state administrative bodies, which results in inefficiency and ineffectiveness. As for *Public Service and Human Resource Management*, SIGMA notices that a comprehensive strategy for civil service has been developed as part of PAR strategy, which would address organizational problems that this sector is facing. To cite SIGMA “the civil service regulatory framework is in place and is fully aligned with the EU civil service core values” (SIGMA, 2014). Progress has been noticed in HRM nevertheless there are still problems regarding the politicization and non-professional staff.

5.2.7. EU Progress Report 2015 and SIGMA assessment 2015

According to the progress report of EC for 2015 several problems can be noticed. First of all there are problems with non-majority communities. Moreover administrative judges remain burdened and ombudsperson’s recommendations are not taken into consideration by the administration. Human resources in the Ministry of Public Administration are not sufficient this way preventing its operation as a reform leader. Notwithstanding, politicization of the HRM still remains a key challenge. Similar to the previous year salary reformations were not undertaken and professional development of public servants still remain insufficient. The Ministry of Public Administration is responsible for central coordination of human resources management; therefore sufficient human capacities have to be provided to this ministry. Resources within the ministry are very limited, preventing it from effectively promoting the uniform application of legislation and principles across the public administration. Professional human resources management is lacking due to politicization and limited capacity. Fiscal impact analysis for the strategy are not in place, therefore the cost of the reformation cannot be estimated correctly. Although inter-ministerial consultations are regulated up to a certain degree, still they are short to take in consideration public’s opinion. Moreover, “the weak legal framework has resulted in over 70 government agencies with overlapping responsibilities and a large number of non-constitutional institutions reporting directly to the Assembly” (EC, 2015). Furthermore, problems with Ombudsperson are still in place, as this institution is not respected in line with EU principles. The law on general administrative procedure has to be adopted in order to see progress in the administrative justice. This has not happened yet. Furthermore, budget transparency is insufficient, legislations for overcoming this problem have to be adopted and implemented. For EC coordination between the institutions is a concern as this leads to the lack of common vision for solving the problems. Finally, development of E-Services is slow.

SIGMA assessment of 2015 outlines the analysis in six main categories, strategic framework of PAR, policy development and coordination, public service and human resources management (HRM), accountability, service delivery and public financial management (PFM). With regards to the *strategic framework of PAR*, SIGMA considers the new reform package of 2015 as coherent but still with some problems with regards to the monitoring system. As the year of 2015 was the year of the new reformation package, SIGMA's comments were mostly in that area. SIGMA noticed that current PAR is not financially sustainable as it does not provide comprehensive information on the required budget. Coordination structures of PAR have been established and tasks for steering and managing were distributed. Nevertheless SIGMA positively evaluates the establishment of functional coordination systems which now have sufficient number of staff to move things forward, as functions are clearly defined. In the area of *Policy Development and Co-ordination* the overall assessment of SIGMA is positive, as the necessary legal framework has been developed and competent policy-making systems were established in a consistent and well-organized way. The legal framework for transposing the acquis has been in place since the beginning of 2014, including the requirements for the process, and the implementation of acquis remains a concern. Inter-ministerial consultations are well functioning, nevertheless government is not clearly informed about the outcomes of these meetings and the enforcement of these outcomes is weak. In the area of *Public Service and HRM* the legal framework for a professional and coherent public service is in place but still there is no strong strategic guidance for its development. One of the key issue areas in this regard are the recruitment practices which has several loopholes that allow other factors to have influence on the selection process. "A perception exists within the civil society service that patronage dominates HRM policies, including recruitment" (SIGMA, 2015). There are also significant problems with salaries as different authorities have different salary coefficients for the same positions. Professional development and corruption remains one of the main problems, despite the legislation in place. With regards to *accountability and service delivery* due to weak legal framework in place there have been several state agencies with overlapping competencies and no clear lines of accountability which leads to fragmented administrative structures. The Ombudsperson's activities are undermined by low implementation of its decisions. Moreover inefficiency of the court system creates problems for the access to administrative justice. The development of e-services is hindered by lack of functional systems and interoperability framework. With regards to *Public Financial Management* transparency of the budget still remains a serious problem due to frequent changes.

5.2.8. EU Progress Report 2016 and SIGMA assessment 2016

The progress report of 2016 of the EC identifies that the legal basis and institutional structures for coherent and coordinated policy are largely in place. Nevertheless limited consultations on laws and strategies of specific political or economic interest remain a concern. Another positive move from Kosovo institutions was the adaptation of Public Financial Management Reform Strategy (PFM) which is one of four strategies that from the whole reformation package. Similar to the last year, budget transparency is limited and its documents are not comparable as it is not consistent. With regards to recruitment practices of the civil servants the law in place has several loop holes, which disturb the competition, as some civil servants are promoted without competition. Again EU draws the attention to non-majority communities, which are still underrepresented in public institutions in general. Delays in the decisions on administrative issues are also caused due to the overburden of administrative judges. Furthermore, EC notices that job classification system, which has been a problem for almost a decade already, is being rolled and is expected to give positive results. Progress has been noticed in the areas of simplification of administrative procedures (thanks to the adoption of the new law on general administrative procedures) and in the area of independent bodies such as Ombudsman and General Auditor. Politicization of the administration still remains one of the main challenges of Kosovo, as this situation is rotting the human resources of the country. Little progress have been noticed in the development of electronic systems such as e-governance.

SIGMA assessment of 2016 identifies several problems with regards to the PAR of Kosovo. First of all, this report identifies that central government is well organized, yet there are implementation challenges in the areas of co-ordination of the policy content, preparation and approval of Government program and ensuring that policies are financially affordable. Medium term planning is unrealistic which results in implementation delays. Moreover, monitoring system for assessing the performance and policy objectives is not in place, as well as there is a lack of good indicators and targets. There is no regular monitoring of the implementation of sectorial strategies. SIGMA further notices that administrative framework for managerial accountability is not fully in place. Also, problems in the budget organization are noted, as independent agencies which operate in the areas of ministries are not supporting a clear ownership of the policy area. There is a lack of public consultations, debates and analysis of legal initiatives.

Table 2: Summary of EU Progress Reports and SIGMA assessments for Kosovo for the period from 2013-2016 / Table generated by author

	Report 2016	Report 2015	Report 2014	Report 2013
Civil Service (CS)	<ul style="list-style-type: none"> 1) Different salary coefficients are applied to similar positions. 2) A job classification system is being rolled out. 3) Merit-based recruitment is in place, but loopholes in the law allow contradictory practices. 4) Professional development of public servants has progressed. 	<ul style="list-style-type: none"> 1) Different salary coefficients are applied to similar positions. 2) Job classification system in place but not effective. 2) Systematic training is hampered by lack of resources and suitable facilities. 3) Professional development for public servants is insufficient. 	<ul style="list-style-type: none"> 1) Delays in implementing the laws on civil servants and on salaries of civil servants. 2) Job catalogue and performance appraisal not implemented. 	<ul style="list-style-type: none"> 1) New legislation is needed to regulate salaries and to reform the salary system. 2) The performance appraisal for civil servants needs to start. -Job classification has been put on hold.
Administrative Services (AS)	<ul style="list-style-type: none"> 1) Administr. judges are overburdened 2) Administrative procedures were simplified. 3) Administrative justice improved. 4) Development of e-services is slow 5) Access to public documents regulated 	<ul style="list-style-type: none"> 1) Administrative judges are overburdened. 2) Administrative procedures not simplified 3) No progress has been made on the right to administrative justice. 4) Development of e-services is slow 5) Access to public documents regulated 	<ul style="list-style-type: none"> 1) The laws on administrative procedures and normative acts are still to be adopted. 2) Access to public documents remains unsatisfactory 	<ul style="list-style-type: none"> 1) In general administrative services remain weak in all sectors.
Representation of Minorities (RM)	<ul style="list-style-type: none"> 1) Non-majority communities are still not adequately represented 	<ul style="list-style-type: none"> 1) Non-majority communities are still not adequately represented 	<ul style="list-style-type: none"> 1) The share and distribution of civil servants belonging to minorities need to be in line with the legislation 	<ul style="list-style-type: none"> 1) The share and the distribution of civil servants belonging to minorities across ministries need to be in line with the legislation
Independent Agencies (IA)	<ul style="list-style-type: none"> 1) Ombudsperson functioning 2) Agencies are going through a functional review. 	<ul style="list-style-type: none"> 1) Ombudsperson recommendations are not implemented and action is limited 2) Over 70 government agencies with overlapping responsibilities. 	<ul style="list-style-type: none"> 1) Ombudsperson needs to be selected with depoliticized process and budgetary independence has to be ensured 	<ul style="list-style-type: none"> 1) The number of staff and budget of the Ombudsperson institution have been increased.
Budget Transparency (BT)	<ul style="list-style-type: none"> 1) Budget transparency is limited but improving. Budget documents are often not comparable 	<ul style="list-style-type: none"> 1) Budget transparency is insufficient. 	<ul style="list-style-type: none"> 1) Improved links with budgeting are required. Budget transparency is insufficient. 	<ul style="list-style-type: none"> 1) Budget transparency improved further and the Ministry of Finance started publishing quarterly information on government debt level
Financial Management (FM)	<ul style="list-style-type: none"> 1) 2016-2020 public financial management (PFM) reform strategy adopted 	<ul style="list-style-type: none"> 1) Kosovo has so far focused on improving its public finances by addressing specific public finance areas separately, without explicitly linking them. 	<ul style="list-style-type: none"> 1) Public financial management reforms not addressed 	<ul style="list-style-type: none"> 1) Limited capacity to lead financial management.
Human Resources Management (HRM)	<ul style="list-style-type: none"> 1) Politicization and limited capacity 	<ul style="list-style-type: none"> 1) Politicization and limited capacity 	<ul style="list-style-type: none"> 1) Political interference in public administration persists. 	<ul style="list-style-type: none"> 1) There is also political interference in the civil service.
Institutional coordination (IC)	<ul style="list-style-type: none"> 1) The legal basis and institutional structures for coherent and coordinated policy-making system, are largely in place. 2) Sector strategies lack quality control and are financially unsustainable 3) Lack of coordination and common vision between the responsible ministries. 	<ul style="list-style-type: none"> 1) The legal basis and institutional structures are largely in place, but in practice policy planning is fragmented and lacks prioritization at government level. 1) Inter-ministerial and public consultations are regulated. 1) Lack of coordination and common vision between the responsible ministries. 	<ul style="list-style-type: none"> 1) The inter-institutional coordination mechanisms in place need to be used better 2) Kosovo prepared standards for public consultation. 	<ul style="list-style-type: none"> 1) Implementation of policies and legislation involving several ministries needs to be improved. 2) The capacity to manage the EU integration agenda is unevenly spread across the government 3) Public consultations becoming frequent

Table 3: Summary of EU Progress Reports and SIGMA assessments for Kosovo for the period from 2009-2012 / Table generated by author

	Report 2012	Report 2011	Report 2010	Report 2009
Civil Service (CS)	1) Kosovo needs to adopt all secondary legislation for the laws on civil service and salaries for the civil service.	1) The legal framework necessary for the implementation of the civil service primary legislation is still not complete. 2) In civil service reform important regulations were adopted such as: working hours; job descriptions; appointment of senior civil servants; and civil register of civil servants.	1) In order to allow timely implementation of the civil service legislation, the necessary implementing rules that have been put in place need to be implemented as a matter of priority.	1) There have been cases of political interference in appointments to key civil service positions This has affected the credibility of Kosovo's institutions to manage appointment processes in a fair and transparent manner
Administrative Services (AS)	1) Kosovo would need to enhance further its efforts to improve professionalism, accountability, efficiency and effectiveness of its public administration at all levels, which is fundamental for a successful implementation of the necessary future reforms.	1) Implementation of the laws on state administration and on administrative procedures has been limited. 2) The law on access to public documents was adopted. 3) Implementation of the laws on state administration and on administrative procedures has been limited.	1) The laws on administrative disputes and on state administration were adopted. 2) The 2006 law on administrative procedures is still poorly disseminated and implemented	1) Inadequate administrative capacities in all sectors of the government.
Representation of Minorities (RM)	1) In view of an SAA, there needs to be a legislative framework guaranteeing the protection of minorities.	1) There has been some progress in the respect for and protection of minorities.	1) Sufficient representation of minority communities in the public service remains a concern.	1) there has been limited progress in the integration of minority communities
Independent Agencies (IA)	1) The independence of Ombudsperson needs to be respected. 2) Better compliance with the IOB decisions remains of high importance for the proper functioning of the administration and for an effective system of checks and balances.	1) The Ombudsperson of Kosovo remains a weak institution, due to the lack of political support to ensure its proper functioning and financial independence. 2) IOB's effectiveness is limited since most of its decisions are not executed by the relevant public institutions	1) Weakness of Ombudsperson should be addressed.	1) The office of the Ombudsman needs to be strengthened further
Budget Transparency (BT)	1) Stronger oversight of budget has to be ensured.	1) Stronger mechanisms to oversee budget has to be introduced.	1) Budget mechanisms have to be reformed.	1) Budget was influenced by the electoral agenda and contained large increases in public wages
Financial Management (FM)	1) Cooperation with the EU would focus on public internal financial control and External audit. The objective of the cooperation would be to set up and implement internal audit in the public sector and to strengthen the role of external audit.	1) Financial management in all budget organizations is not fully audited, to ensure that budget spenders are visited each audit season. Some progress has been made.	1) There has been some progress on public internal financial control.	1) Continued efforts are needed in particular to improve the financial management and control environment.
Human Resource Management (HRM)	1) Human resources management, accountability and principles of commitment need to be put in place	1) Adequate human resources need to be dedicated to completing the legal framework and to implementing the existing provisions.	1) Human resources are not used in most efficient way.	1) The state of physical infrastructure remains weak and the pool of qualified human capital small.
Institutional coordination (IC)	1) Lack of inter-institutional cooperation has to be addressed for the corruption to be tackled.	1) The institutional framework in the public administration continues to suffer from the reported lack of adequate resources. 2) Inter-ministerial working group responsible for drafting action plan implementing PAR strategy was established.	1) Inter-ministerial committees need to be formalized	1) Dialogue between the assembly and civil society is not sufficiently developed.

6. Analyzing the Findings (Europeanization of PA)

Findings entail the analysis of the progress reports of the EU and SIGMA assessments. Therefore by analyzing the public administration chapters of the above mentioned reports we were able to find the pace and trajectory of the developments and changes in this regard. In this reports EU clearly outlines its requirements from Kosovo with respect to its public administration, through which EU presumes that Kosovo's public administration will get in line with general EU principles of good governance. Besides requirements, EU also identifies delays on the reformation process.

6.1. Degree of Europeanization

To have a clear understanding of the situation, on what has changed in Kosovo's PAR we have created 8 components which would help to track changes. These components were derived from the reports as they together form the basis of the text in EC reports and SIGMA assessments. These components were chosen as through them it is easier to track the changes over the time. Moreover, these components help to evaluate the situation vis-à-vis EU standards and principles, as EU is the one demanding their change, or noting that they are problematic. Any change of these components can be considered as Europeanization or vice-versa. Later, these components will be analyzed in the light of Radaelli's (2002) four main Europeanization elements as mentioned in the literature review of this paper.

If something was demanded continuously by the EU and Kosovo was not addressing it, than it will be considered as a retrenchment. If Kosovo responds slowly and partially to EU's demands over the time, then the component will be categorized in the inertia section. If Kosovo responds to EU demands and addresses the requirements correctly with some modest deviations, then it will be considered absorption. Any EU request that is addressed immediately without delays and impartialities then the component will be positioned in the transformation section. After the analysis of the components then we will provide a graph to visualize the change, where one can observe what was changed and what, what requires further effort and what has improved.

6.2. First component: Civil Service

"Emerging European Administrative Space among other national administrative laws directly affects civil service laws as European administrative law principles make values of the civil service" (Adomonis, 2009). For an effective civil service according to Adomonis (2009) certain requirements have to be filled, first and the most important is the clear separation between public and private sphere; second, the de-politicization have to be imperative; third development

of individual accountability is highly important; fourth, clearly defined duties and rights should be in place; fifth, level of pay and job security has to be sufficient; and last, promotions and recruitments have to be merit based.

Civil Service comprises one of the main pillars of the public administration in general. From the reports of 2009 it can be noticed that there are serious problems with regards to the laws regulating it. EC and SIGMA in its reports constantly have mentioned that changes in the legislation have to be made. In 2010 EC proposed that approved legislation is necessary to be implemented to be put in place correctly. This was a positive comment, as Kosovo already adopted the legislation. Hence, in the report of 2011 EC considered that the legal framework necessary for the implementation of the civil service primary legislation is still not complete; while it gave a positive note for the adoption of important regulations such as working hours; job descriptions; appointment of senior civil servants; and civil register of civil servants. From 2012 until 2015 all the comments of the EC with regards to the civil service reform were negative. Negative comments came as a result of no measures taken to solve the job catalogue and salary categorization. EC considered this unacceptable and against the EU values of the principle of fair and equal treatment, as present legislation was allowing for same job titles to have different salaries. In the report of 2016 several improvements with regards to civil service have been identified. Although salary coefficients are still not regulated, the job classification system has been rolled out. Moreover positive developments were noticed in the merit-based recruitments with some exceptions and the positive progress of professional development.

Overall, from the report of 2009 until 2016 we can categorize the development of Civil Service as positive with some exceptions. Therefore, in the graph of the Europeanization, Civil Service can be put in between Absorption and Transformation, as Kosovo government, although very slowly, managed to address EC's demand and proved to be on the right track towards common European Administrative Space.

6.3. Second component: Administrative Service

Administrative service, similar to Civil Service occupies an important role in the general public administration system. Administrative services comprise more technical measures which in order to be addressed require expertise and professionalism (Ben-Gera et al, 2005). Moreover, administrative services comprise civil service components, as civil servants are the ones providing the service. Nevertheless administrative services comprise of state administration, local and regional self-government and public services in general; they are

utmost important component for a successful membership to the EU (Kopric, Musa & Novak, 2011, p. 1558). In the report of 2010 EC have evaluated this component with positive notes, as Kosovo as a state with “baby institutions” undertook some steps to adopt laws on administrative disputes and state administration. Moreover, EC properly underlined that Kosovo has to revise its law of 2006 on administrative procedures as this law was poorly disseminated. In 2011 EC has required the implementation of the adopted laws, because only adaptation of the laws was not enough. In this same year EC congratulated Kosovo on the adaptation of the law on access to public documents. In 2012 EC firmly requested for the improvement of its public administration at all levels, as professionalism, accountability, efficiency and effectiveness were not in the adequate level. In this year we can notice that EC, compared to previous years, have increased its request and was pushing Kosovo to undertake necessary steps to meet the requirements. In the upcoming reports of 2013, 2014 and 2015 EC noted that the overburden of administrative judges has to be regulated, administrative procedures have to be simplified and further progress has to be made with regards to the right to administrative justice. Furthermore, EC noted that the development of e-services was going very slow. The positive development was noticed in the right to access public documents.) Administrative procedures were simplified. In the report of 2016 we observe that Kosovo was able to address (not fully, but in satisfactory level) the requirements of the EU as it managed to improve administrative justice, and simplify considerably administrative procedures. Slow but positive development was noticed in the development of e-services, whereas the overburden of administrative judges was not addressed.

In overall, the progress in the administrative services was not very satisfactory but still we can say that the direction of the development is towards EU values. Therefore the position of Administrative Services (in general) in the graph of Europeanization has to be put in the section of Inertia, as major changes are happening relatively slow. Administrative services are mostly related to the professionalism and capacity of certain experts in this field. From the interviews that I had in the Ministry of Public Administration I was told that Kosovo is seriously working on the creation of one-stop shops that would make services much easier. The burden of administrative court is of a serious concern as this does not serve as a good image for the local businesses and potential international investors.

6.4. Third component: Representation of Minorities

According to OECD diversity may enhance core public service values. There seems to be growing consensus among OECD countries that pursuing diversity may enhance core public

service values such as fairness, transparency, and impartiality. By integrating minority groups OECD shares the opinion that policy effectiveness, social cohesion and efficiency will be achieved.

EU is one of the champions with regards to the respect of minority groups. As we can see from the reports from 2009 to 2016 we may say that the progress was not satisfactory. In all of the EC and SIGMA reports minority problems are continuously mentioned as they are not being equally represented in the public service institutions. Although Kosovo provides constitutional rights to the minorities, by granting them two ministers post, 10 reserved parliament seats and several other reserved positions, still there are some deficiencies in this regard. When assessing the progress, EC does not take in consideration the reserved positions; in fact it evaluates how minority groups are involved in the institutions when their positions are not reserved.

Overall minority representation can be positioned in the category of Inertia, as government did not undertake any serious measures in this regard.

6.5. Fourth component: Independent Agencies

EU gives a high consideration to the role of the agencies in a democratic society. Agencies are independent as they represent the people and are not under the influence of politics. At least this is what the ideal form looks like. Nevertheless, same values cannot be mentioned for independent agencies of Kosovo. One of the main agencies that EU and SIGMA mentioned in its reports with regards to the Public Administration is the Ombudsperson and Internal Auditor, as they are the monitoring eyes of the progress. To begin with, Ombudsperson has been mentioned in every report and EU was quite insisting on the well-establishment of this institution. Its importance became evident to Kosovo Government once EU has listed it as a requirement for visa liberalization. Eight years and EU pressure was required for the problem to be solved. All the reports from 2009 until 2015 point to the weakness of this institution and insist on the improvement. Only in 2016 Kosovo was able to address the problem of Ombudsperson and get the green light from the EU. On the other hand also the role of the internal auditor was heavily mentioned in the reports, nevertheless Kosovo started to address this problem since 2011. Besides these two agencies, EU also undertook a functional review of 70 independent agencies in Kosovo in the year of 2016. The outcome of this functional review was not satisfactory, as it was noted that all of the agencies have some overlapping tasks, they don't know to whom they are accountable and they don't have a clear understanding of their

functioning. From the interviews in the Ministry of Public Administration I was told that Kosovo is working on this aspect and they already have prepared a report to reduce the number of the agencies and solve competency problems.

Overall this component can be positioned in the category of absorption but with some remarks. First of all, the problem with Ombudsperson was solved after a very long process and after continuous demands of the EU. Up to 2015, this section could have been categorized in the area of inertia, but with this component being put in the list of the conditions for visa liberalization, then Kosovo institutions decided to absorb it and put it in line with EU values. Nevertheless Ombudsperson is not the only independent agency! There are 70 more independent agencies, but to go in detail in each of them requires another separate study. These agencies currently went under the process of functional review, where EU noticed that there are overlapping competencies and misunderstanding of competencies among them. From the conducted interview in the ministry of public administration, authorities indicated that they are working extensively on a plan that regulates the competencies of these agencies and clear the blurred lines between them. Also they have said that this reformation will reduce the number of the agencies by merging the similar ones into one agency.

6.6. Fifth component: Budget Transparency

Budget transparency is one of the most important segments of the public administration. According to OECD there are several benefits that a country can get from having a transparent budget. In its paper on “the recommendations of the council on budgetary governance” (n.d.), OECD outlines four main principles related to the budget transparency. The first benefit is related to the principle of “accountability”, as clarity about the usage of public funds is necessary for public administrators and representatives to be accountable to the public and this way provide effectiveness and efficiency. Second, budget transparency is related to “integrity”, as public spending can be subject to abuse and misuse but also to fraud, therefore best practices have to be followed in order to grant high standards in the prevention of corruption. “Inclusiveness” is the third principle, as budget decisions can seriously affect interests of the people of society. Having a transparent budget creates opportunity for information and debate about budget impacts on certain groups of society. Fourth principle in the list of OECD with regards to budget is “trust” this because a transparent budget fosters trust in society and guarantees that public money is used properly. Last principle is “quality”: transparent budget supports better fiscal outcomes and it is more responsive as well as creates equitable public policies.

EU together with SIGMA has been highly demanding on budget transparency due to the above mentioned remedies deriving from budget transparency. In the report of 2009 and 2010, EU requires for budget mechanisms of Kosovo to be improved as they are not in line with EU principles and standards. Kosovo government during this period moved with sluggish steps towards fulfilling EU's demand, yet they have been unable to address this problem properly as EU constantly in the upcoming years mentions problems related to budget transparency. In 2011 EU requires stronger mechanisms that would be able to oversee the budget, and in 2012 when some mechanisms have been placed EU required stronger oversight. In 2013 an improvement in this regard was noticed because Ministry of Finance started to publish quarterly information on government debt level. Although this was a moderate improvement, EU congratulated Kosovo on this step. Nevertheless in 2014 and 2015 EU once again pointed that despite improvements budget transparency is still insufficient therefore measures had to be taken. The progress once again was noticed in the report of 2016, where EU indicated that budget transparency was improving although it still had serious limitations with its transparency as mechanisms which oversee changes in the budget were not effective. Drafting of the budget was being monitored but changes that were being done on it during the process of "budget approval" were inefficient.

Overall the budget transparency is still problematic as Kosovo was not able to fully reply to the demands of the EU. Nevertheless, a dose of Europeanization in the policies related to budget has been noticed by the EU. Thus, we might position budget transparency in the category of "Inertia" moving towards the absorption of EU standards as Kosovo Government showed the will to undertake reformations in this field.

6.7. Sixth component: Financial Management

Financial management is a sensitive area of the reformation and also it is a sensitive area for the EU, as this component directly relates to the finances for the reformation program and with the costs of the policy changes. In 2009 EC noticed that there has been some progress on public internal financial control. Also in 2010 EC notices that financial management in all budget organizations is not fully audited, to ensure that budget spenders are visited each audit season. Although EU considered this as a progress still, they indicated that serious improvements in this aspect have to be made. In the report of 2011 EU have clearly stated that for further cooperation with the EU Kosovo has to focus on internal financial control, as finances were very important. This was the period when EU was having financial crisis itself, therefore they strongly required for the set-up of internal audit in the public sector and also asked for the strengthening

of the role of the external audit. Until 2015, financial management reforms were moving slowly as was noticed from the reports. EU underlined that Kosovo has so far focused on improving its public finances by addressing specific public finance areas separately, without explicitly linking them. It was in 2016 that EC gave the green light on public financial management reform, as Kosovo adopted a separate strategy in the package of PAR for financial management. EU considered that this practice was in line with EU principles therefore it evaluated it positively.

Overall financial management component can be positioned at the in the area where inertia ends and absorption starts. This is considered a positive move, but still much work has to be done in this aspect.

6.8. Seventh component: Human Resources Management Transparency

HRM was noticed in all of the reports of the EC and SIGMA. This component can be considered as the building block of the whole public administration system, at the same time this component is one of the most difficult ones to address. Reasons for this component being such problematic is that it is strongly related to the capacities of civil servants to understand things, to get involved in processes and move reforms forward. To have strong human resources, then a country should start to prepare them from the kindergarten. In few words this is related to education. Besides schools, civil servants are also required to follow several trainings to be updated about the processes and new things. HRM is a challenge in itself, and from the reports it is evident that policy makers tried to avoid this problem as much as possible. The report of 2009 suggests that Kosovo has to consider seriously the development of professional human capacities in the civil service and has to promote fairness in the process instead of politicization and favoritism. They noted that human resources are not used effectively. After 2009, all of the SIGMA and EC reports showed the politicization and political interference in HRM. This is a concern for the EU, as it goes against its core principles of fairness. Nevertheless, Kosovo government is aware of this problem and tries to address it slowly because a reformation of civil service comes at high political costs.

One of the questions in the questionnaire of my interview was related to human resources. Here senior officials didn't want to be pronounced explicitly but they indicated that there is a degree of politicization and mismatch between the required and actual qualifications of the civil servants. Also, in discussions interviewees mentioned the factor of non-professionalism and underlined the fact that higher qualifications for certain positions were required, otherwise they alone were not able to create effective teams to push reforms forward.

Overall HRM can be considered as a disappointing component in the light of Europeanization. The evaluation of this component places it in the red category of Retrenchment.

6.9. Eighth component: Institutional Coordination

Institutional coordination is the last component to be analyzed. This component is of a significant importance to EU and OECD. Today countries operate in highly complex and multi sectorial environments, where they have to deal with issues like climate change, competitiveness, poverty, corruption etc... The complexity of the problem makes it impossible for these problems to fit in one single ministry portfolio. Moreover, problems that have been mentioned are spread across different jurisdictions and for solving them the expertise is required not only from government but also from non-governmental actors. Due to these issues at stake, institutional coordination is necessary to address problems of today. When inter-institutional coordination is lacking, then we may have overlapping competencies, problems with accountability and transparency as well as problems with efficiency.

EU and SIGMA in their reports require the Government of Kosovo to be committed for rethinking, internal processes, functions and systems. In the report of 2009 and 2010 EU and SIGMA indicate that inter-ministerial committees need to be formalized. In the report of 2011, EU notices that the inter-ministerial working group responsible for drafting the action plan and implementing the PAR strategy has been established, nevertheless it is also reported that institutional framework in the public administration suffers from the lack of resources which would help to solve this problem. EU requires from the government to dedicate a certain amount of financial assistance to the inter-institutional coordination. Furthermore, in the report of 2012 EU specifies that lack of inter-institutional coordination is essential to tackle problems with corruption. Here it is noticed that no progress has been made in this regard. Similar to 2012, the report of 2013 shows no progress in this regard. First EU mentions that implementation of policies and legislation involving several ministries needs to be improved; second EU indicates that the capacity to manage EU integration agenda is unevenly spread across the government. For the integration processes to take place, ministries and other non-governmental institutions have to coordinate with each other in order to distribute competencies accordingly. This would help to increase the accountability. Third, EU notices that public consultations are becoming frequent, nevertheless further improvement is required. In the report of 2014 Kosovo was able to get EU's positive comments as they were able to prepare standards for public consultations. Nevertheless inter institutional mechanism in place has to be used better. In the report of 2015 EU notes that inter-ministerial and public consultation systems are regulated, yet there is a lack

of coordination and common vision between ministries that are responsible for the reformation of the public administration. The report of 2016 the legal basis and institutional structures for coherent and coordinate policy making system are legally in place. This is considered to be a positive improvement. Yet lack of coordination and common vision, together with lack of quality control still remain problematic.

Two senior officials in the MPA of Kosovo have mentioned that coordination is highly problematic. First they mentioned that coordination with municipalities is very challenging as they do not have monitoring capacities. When MPA issues and administrative procedure, it spreads it to all competent institutions affected by that procedure. Once the administrative procedure is spread, they don't get response from the local authorities on its implementation and there is no authority that can monitor the implementation of this process. The compliance with administrative procedure is measured with responses via e-mails. When administrative procedure is sent to the certain institutions (in this case municipality), these institutions comply only by responding that they have received it, therefore MPA is not informed about the real action in the field.

Overall the situation in the inter-institutional coordination is having serious problems. In this component we have seen that Kosovo was able to fully address the problem with public consultations, nevertheless it was unable to push forward reformations that would ensure effective coordination between institutions. Therefore, this component is placed in the category of "inertia" slightly lying towards absorption.

	Retrenchment	Inertia	Absorption	Transformation
2009	HRM1 AS1 RM1 FM1	IA1 BT1 CS1 IC1		
2010	HRM1	RM1 IA1 AS2 CS1 FM1	AS1	
2011	HRM1	RM1 CS1 AS1 IA1 IA2 FM1	AS2	CS2
2012	HRM1	RM1 CS1 IA1 IA2 AS1 BT1	FM1	
2013	HRM1	RM1 IC1 CS1 CS2 CS3 IC2 AS1	IA1 BT1	FM1 IC3
2014	HRM1	RM1 IC1 B1 AS1 FM1 CS1 IA1 AS2 CS2		IC2
2015	HRM1 IC3 IA3	RM1 CS1 CS3 AS1 AS3 CS2 CS4 AS2 BT1	FM1 IC1	AS4 IA1 AS5 IC2
2016	HRM1 IC3 RM1	CS1 AS1	AS4 IA2 BT1	CS3 CS4 IC2 AS5 AS2 AS3 CS2 IA1 IC1 FM1

No Change / Slight Change
 Moderate Change
 Changed

CS- Civil Service
 AS- Administrative Services
 FM- Financial Management
 RM- Representation of Minorities

HRM- Human Resources Management
 IA- Independent Agencies
 BT- Budget Transparency
 IC- Institutional Coordination

Figure 5: Europeanization of Kosovo's PAR from 2009-2017. Components of this graph are derived from Table 2 and 3.

This graph is generated by author

7. Sticks and Carrots: Approach of the EU to the Developments

Criticisms made in the progress report highly serve to the increase in domestic public debates. For the implementation of good governance principles in Kosovo EU requires some sticks and carrots. Carrots that would attract Kosovo's attention are various, yet we are going to mention some of them. First we have to re-mention that Kosovo is a developing country with a weak economy and it has serious territorial disputes with its northern neighbor Serbia. One of the carrots is that EU can push Serbia to resolve the territorial and independence issue with Kosovo. This is on the interest of Kosovo, as Serbia is blocking Kosovo in various aspects. Second important carrot is to grant Kosovo accession to the EU. In this aspect a small piece of carrot has been provided to Kosovo by offering the SAA. Another important carrot is the visa-liberalization. Kosovo is the only Western Balkan country whose citizens are not allowed to move freely in the Schengen Zone of the Europe. EU has the power to grant this privilege to Kosovo. Technical assistance or financial assistance is another carrot that EU uses against Kosovo, as Kosovo requires foreign assistance to overcome domestic problems related to its economic sustainability and development. On the other hand sticks of the EU for not compliance with its requirements are related to the carrots. First of all sticks can take the form of termination of all agreements that would grant Kosovo financial and political assistance. Furthermore, if EU decreases its pressure on Serbia for the mutual-recognition of Kosovo, then Kosovo will find itself in a difficult situation as it is highly dependent on the military support of Western European powers. EU also has the power to isolate Kosovo citizens by disabling them to go to EU for business or visit purposes. Economic isolation can be another stick, although Kosovo has alternatives in this regard, still EU remains one of the main economic partners of Kosovo and seizure of this cooperation damages Kosovo more than the EU. Schimmelfennig and Sedelmeier (2004) draw three models through which EU rules are adopted and implemented by candidate countries: first model is conditionality, second model is socialization and the third model is related to lesson drawing. The last model will not be assessed in this paper as it is out of the scope of this paper to analyze what models has Kosovo adopted without EU's demand or requirement.

7.1. Conditionality

There are three aspects to the EU's policy and practice of conditionality. First, the EU offers incentives which can interfere in the strategic calculus of domestic political leaders and provide the rationale for compliance. Second, the EU sets conditions upon the fulfillment of which the rewards will be delivered to compliant actors. Third, short of compliance, the EU applies its

sanctioning instruments thus providing disincentives for non-compliance and aiming at influencing the pattern of domestic change through negative means. (Noutcheva, 2006; Grabbe, 2001; Grabbe, 2015)

The principle of conditionality serves as the basic guideline for the Commission which administers the applications for EU membership. Countries must fulfill the Copenhagen criteria and a set of enlargement principles to be eligible for pre-accession assistance (Kochenov 2008; Anastasaki, 2008). The eventual EU accession depends on the adoption of the *acquis communautaire* (ibid.). In the case of non-compliance, the EU foresees limited responses: beyond the denial of rewards, the most severe effort is the suspension of the existing agreements (Schimmelfennig et al. 2003; Grabbe, 2015; Anastasaki, 2008).

In the conducted interviews in the MF and MPA, senior officials considered that EU uses mixed methods in their approach to Kosovo. Nevertheless they perceived that EU uses conditionality in rare situations, whereas socialization and persuasion were among the most used tools. Officials in the MF considered SBS as a method of conditionality, as EU provides material assistance only if the reformations get realized. However SBS was perceived as positive instrument, as it encourages civil servants to work harder in order to comply with the indicators.

In the case of Kosovo the conditionality of the EU goes beyond the standard forms of financial means, as first of all Kosovo does not have a visa liberalization with the EU (the only country in the Balkans not having this privilege) and second it requires the support of EU countries for legitimacy in the international arena (because Kosovo's independence is not recognized by five² EU Member States). Therefore, below in this paragraph we will observe the means used by the EU to push reform process forward. The first one is the technical assistance (now Sector Budget Support) and the second one is the conditionality for visa liberalization.

EU Sector Budget Support

One of the mechanisms that can help to boost PAR strategy of Kosovo is EU's Sector Budget Support (SBS). In other words this mechanism shows the real support of the EU to the reform; moreover it also indicates that EU is following conditionality as a tool for boost. Before describing SBS's relation to conditionality first we will describe what SBS is in general. SBS is a form of budget support which provides a method for financing a partner country's budget through a transfer of resources from an external financing agency to the partner governments'

² Five EU Member States not recognizing Kosovo: Greece, Slovakia, Cyprus, Romania and Spain.

treasury” (EC, 2008). Kosovo will have access to SBS for the first time and this will be a serious support to the costly reformations. SBS provides around 20 million Euros for a three year period by starting in 2017 (EU office in KS, 2016). Nevertheless, to benefit from this fund, Kosovo institutions have to establish effective capacities to manage PAR and especially those aspects of the reform that make up EU’s main requirements. As a result of previous experiences, EU through SBS decided to follow a different practice (interview). This practice means that, Kosovo first has to undertake and implement the reforms correctly, with its own funds, and later based on the result of the implementation EU will transfer funds from SBS to the state’s treasury. These funds will be channeled to the treasure without dedication, which means that government can decide independently where to use that money.

In the beginning of this paragraph we have tried to make a relation between SBS and EU’s conditionality which makes a logical sense. First Kosovo has to spend its money on the reformation, and if these reformations were implemented correctly (based on the indicators agreed between Kosovo and the EU) then EU will transfer the money, if not then money won’t be transferred. This system encourages Kosovo’s government to make a good use of its funds, as the PAR is strongly related to the economic development of the country.

Visa Liberalization

For the visa liberalization EU does not demand reformation of the public administration *per-se* in fact its demands are more related to the freedom of movement, such as reintegration and readmission, document security, border and migration management, the fight against organized crime and corruption and fundamental rights (EC, 2012). Nevertheless in the case of Kosovo, EU managed to enter the requirement for impartial Ombudsperson in the category of “fundamental rights related to the freedom of movement” (EC, 2015). This can be considered as one of the moves of the EU to impose conditionality in order to get things done. It was due to this that Kosovo institutions took seriously the role of the Ombudsperson and tailored legislations for its impartiality. For sure this is a good development. Although not relevant to our topic, we consider important to mention that EU’s new requirement with regards to visa liberalization is the border demarcation with Montenegro. This again shows that EU’s conditionality goes beyond the usual standards, as this was not a requirement for other countries which had border issues with their neighbors (i.e. border issue between Croatia and Slovenia).

7.2. Socialization

To understand EU socialization activities in the Western Balkans, it is imperative to know that they take place in the context of mega-incentive of membership which is extended to the EU candidate and potential candidate countries (Noutcheva, 2006). In the incentive packages of the EU financial rewards occupies one part, the other part is occupied by socialization matters where elites of potential candidates get to know the EU system. The added value of socialization according to Noutcheva (2006) is two-fold. First it aims to change the normative orientation of political elites and second it tries to achieve a long term transformation as candidates are very likely to become EU members, therefore EU is interested to have reliable partners. Once a country joins the EU, then it has a say on EU policy-making processes and this way it can exert its influence on policies. Thus, through socialization EU tries to teach the code of conduct to the members that aspire to become members of the club. In overall, socialization is based on interaction of local authorities with EU ones.

Furthermore, the process of socialization leads EU's partners to internalize values, modes of governance, and institutional models based on voluntary self-imposition, power of attraction, silent disciplining, imitation and indirect influences (Coppieters et al., 2004; Bjorkdahl, 2005; Hooghe, 2002; Schimmelfennig & Sedelmeier, 2004). Thus, internalization of the EU norms takes place not via coercion, but through imitation. When the EU bases its relations with a partner on socialization mechanism, the rhetoric falls on norms and values, "common ownership" of rules and institutions (Kavalski, 2003). In other words, the EU defines collective rules of appropriate behavior for non-members (Schimmelfennig et al., 2006; Featherstone and Radaelli, 2003). Socialization instruments are not based on conditional demands from the EU. The EU's socialization mechanisms are based more on 'naming and shaming,' communication and persuasion strategy with the aim that partners will adapt their behavior and follow appropriate practices (Risse, 2000).

In this aspect it is difficult to measure correctly what values and norms of the public administration of Kosovo have been imitating from the EU. Nevertheless, here we can speculate based on the interviews that have been conducted for this study. When asked about their interaction with EU and the frequency of their meetings with EU institutions, officials in the Ministry of Public Administration and in the Ministry of Finance were completely similar in their answers. They indicated that during the process of reformation EU and SIGMA officials were regularly contacted. They were having periodic meetings every six months the purpose of which is to evaluate the developments and discuss possible solutions. Furthermore, interviewees

mentioned that in the regular meetings with the EU they try to understand their working method and they are keen to have EU standards enshrined in Kosovo institutions as they value and admire EU principles of fairness, transparency, accountability and mutual-trust. To understand what has been voluntarily adopted by Kosovo institutions requires a separate sociological study. Yet in overall, Kosovo civil servants strive to have EU culture in their public administration. Furthermore, as an intern in the Embassy of the Republic of Kosovo in Brussels I was privileged to see the intensity of interaction between Kosovo and EU officials. From my experience it was evident that EU officials were highly present in Embassy Activities and they were inviting Kosovo officials in various EU working groups and activities.

8. Main Obstacles to Reformation: Adaptation to European Pressure

Based on the observed reports and assessments on Kosovo's public administration, several factors which hinder this process were observed. This section will shed light on the main factors impacting the "adaptational pressure" of Kosovo for Europeanizing its public administration. In other words it evaluates the factors that hamper the reformation of the public administration. Moreover factors hindering the process are considered veto points as veto points are the ones that impact the adaptation processes (Tsebelis, 1999). That reformation in public administration requires a complex set of structures to be put in function, does not need further explanation. Nevertheless, these reformations in order to be realized require political will at the first place, because politicians are the ones amending the laws. Reformation of a system that favors one over the other, which is not based on equality and fairness, surely is expected to create some winners and losers. Besides this, the shift in the balances of the power will become unavoidable. Due to this blurred situation, in the upcoming paragraphs we will discuss the main factors hindering the process of the reformation. Therefore we have ranked four main factors which hinder the process of reformation: political factors, financial factors, human capacities and legacy.

One of the questions of the conducted interview was related to the factors hindering the process of administrative reform, therefore Europeanization. Interviewees in their answers pointed to these factors, where they were unable to separate one from the other. As they considered these factors together form the chain of the problems, once one is broken than others will follow later.

8.1.1. Political factors

Political institutions shape the way the political game is played. By this statement it is understood that there might be certain interest groups with political power that want to shape

their interest through legislative processes. In these processes various political groups try to block legislations or demand certain things that might delay the process. In Kosovo, public administration is the biggest employer, as Kosovo has around 80,000 public administration workers, where 18,000 are civil servants working for the institutions. Due to the political system of Kosovo, having a government with only one ruling party is highly difficult (not saying impossible). So the government has to be rule in coalition! The main ruling party from 2008 to 2017 has been the Kosovo Democratic Party (PDK). This party has been target of accusations as certain interests in the party have stretched their influence in all of the spheres of Kosovo's public administration. In the assessments of SIGMA and Progress Reports of EC, one does not have to read in between the lines to understand the direct message that is conveyed: politicized administration hinders the reformation process. Several loop-holes exist in the legislation related to the recruitment and suspension of civil servants from politicians. Civil Service Legislation (CSL) regulates the termination of the contract procedures, but still some institutions carry out other practices for termination without legal grounds. A UNDP study survey of 2014 shows that 73% of the respondents consider that nepotism, favoritism and patronage is highly present in the administration of Kosovo. Politicians consider civil service as an easy way to reward their supports, as they can have influence in the process.

Doli, Korenica and Rogova (2012) in their article observe that politicians through politicization of civil service exert influence on the system in Kosovo. They have conducted an extensive study on the civil service system in Kosovo from the lens of politicization, where they found that reforms of legislation regulating the civil service to provide governments with less political discretion regarding personnel decisions are not the case in Kosovo. They also found that "the reform of 2010 for civil servants which was expected to increase the independence of civil service, has instead substituted a political tool for that measure of independence" (Doli, Korenica & Rogova, 2012). Furthermore Agh (2013) states that Europeanization of public administration cannot be achieved without mass public support which is strongly related to the deeply structured political factors.

Due to these findings, political factors (in particular political interests) can be considered as a veto point having a significant impact on the adaptational pressure, this way hindering the process of Europeanization.

8.1.2. Financial Factors

Reforming the engine of the state does not come at low costs, especially if reforms are ambitious and modernizing. Kosovo is a developing country with a weak economy which is considered as a “transition economy”. Kosovo has a nominal GDP of \$6.5 billion with 35% of unemployment. Moreover its economic growth is at the rates of 3% which is not significant for a developing country. Based on these facts we have considered finances as one of the factors that increase the adaptational pressure for Europeanization, because reformations require large amounts of money, which Kosovo does not seem to have for this particular problem. Tanja Borzel in her book “States and Regions in the European Union” (2002, p.220) states that local authorities have to play a role in the implementation of European policies where central state administration bears a large share of implementation costs given the limited financial resources of local authorities. Therefore Europeanization according to Borzel is not a “say and pay” system in which a country gets paid for what is required. Magone (2011) in his article analyses the transformation of public administration in Portugal where he mentions that economic context of a country results to weak state and weak market. Here the relation can be drawn on the fact that, the economically stronger countries might not face problems regarding the public administration reform, as they have the means to the end. To illustrate our claim we will look at the financing of the new PAR strategy of Kosovo. The costs of administrative reforms in Kosovo are estimated to be around €55 million but this amount is expected to increase. So far government of Kosovo has drafted the cost of action plan for PFM for the period 2016-2018 which is estimated to be €19.8 million yet the available capacities are insufficient. In the picture below we can see the financial gap of the project (see figure: 8). With regards to SMPA the situation is not looking better, as the total cost of the action plan is €8.9 million where we also see financial insufficiency (see figure: 7).

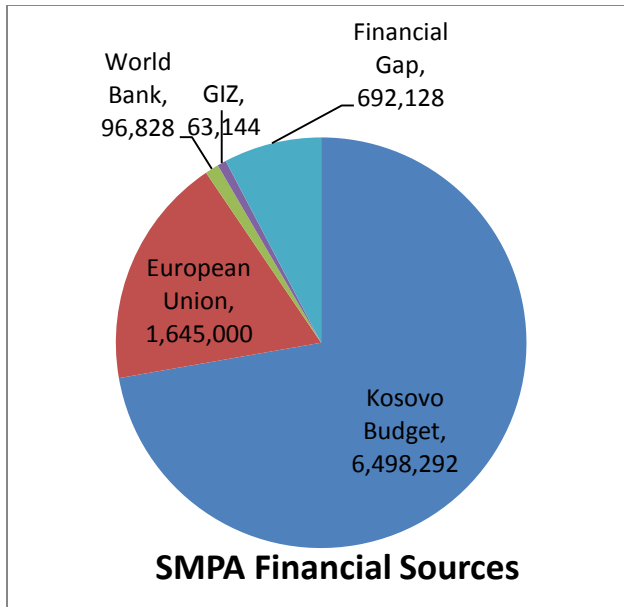


Figure 7: SMPA Financial Sources
 Source: Government of Kosovo (2015). Strategy on Modernisation of Public Administration 2015-2017, Ministry of Public Administration

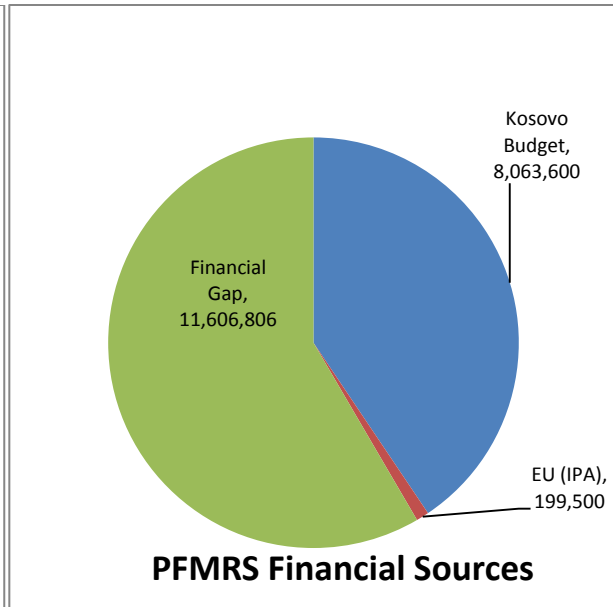


Figure 6: PFM Financial Sources
 Source: Government of Kosovo (2016). Public Financial Management Reform Strategy 2016-2020, Ministry of Finance

Among many costs, two most important comprises civil service training and creation of electronic systems (e-governance). Kachwamba and Makombe (2011) underline the fact that e-government implementation comes at very high costs. The chart Y below shows the allocation of funds for certain sectors in PFM, whereas the chart X shows the cost of civil service training.

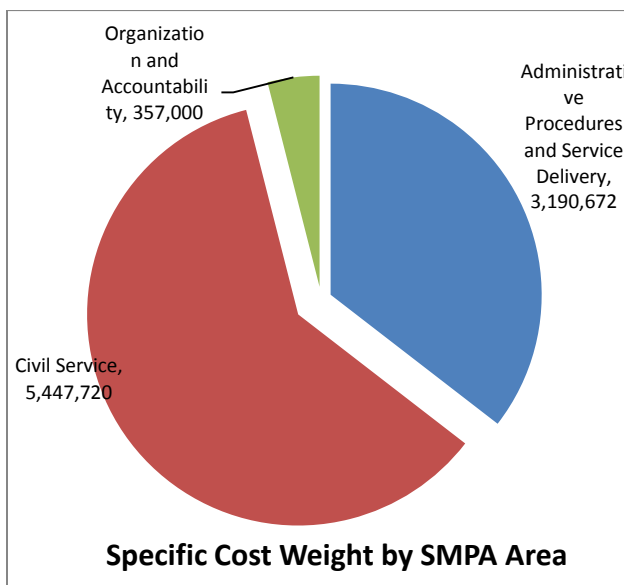


Figure 8: Specific Cost-Weight by SMPA area. Targets of the strategy for SMPA.
 Source: Government of Kosovo (2015). Strategy on Modernisation of Public Administration 2015-2017, Ministry of Public Administration

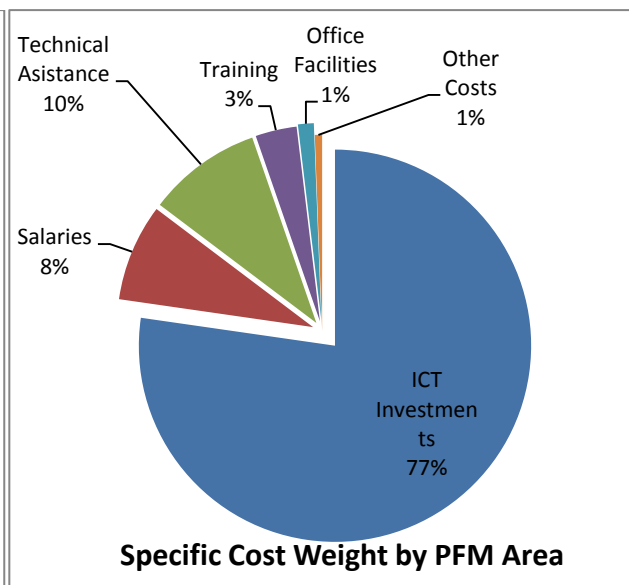


Figure 9: Specific Costs-Weight by PFM area. Targets of the strategy for PFM
 Source: Government of Kosovo (2016). Public Financial Management Reform Strategy 2016-2020, Ministry of Finance

Overall, having in consideration the costs of reformation or saying in the context of this paper “the costs of Europeanization of public administration” we see that the financial capacity of Kosovo puts another layer of barrier to the Europeanization of its administration. Although EU provides financial assistance for the reformation, still the usage of those funds is disputed as Kosovo requires strong professional capacities to implement policies in an effective way with minimum loss in the available funds. Logically speaking, a country with strong economy is of course much more capable to undertake modernization reforms. The financial factor delays the process of reformation as budget capacities are very limited.

8.1.3. Human Capacities

The professional development of public servants is improving, but still it is not in the satisfactory levels. Recently Kosovo started to pay higher attention on the trainings for the civil servants, yet promotions and bonuses are not satisfactory. Human capacities are developed. Human resource management is a coherent and strategic approach to the management of an organization’s most valued assets – the people working there who individually and collectively contribute to the achievement of its objectives (Armstrong, 2006, p. 3). HRM, if conducted properly ensures that the institution has the people it needs when it needs them and that they are well qualified for and motivated to do their jobs well. It creates and manages guidelines for recruiting, selecting and training new employees, compensating and rewarding employees appropriately, for disciplining and terminating them if necessary, and for providing for retirement, resignation, and other activities involved in separating from the organization. When conducted poorly, HRM has the potential to create inefficiencies, reduce effectiveness, and create serious liabilities for the organization.

Progress reports of the EU and SIGMA assessments continuously have raised the issue of HRM. They required Kosovo to build more training capacities for the civil servants, as many of them were not adequate for what they were doing. Training is only one fragment of the overall picture of HRM; a large portion of the picture derives from educational system in general. When it comes to education in the schools EU is reserved to provide comments, as education is not the competence of the EU. Ismajli, Rexha and Qerimi (2013) in their intensive study on HRM of Kosovo found that civil servants in Kosovo have significant problems with lack of professional experience, lack of qualification, low level of awareness, changing culture and lack of motivation. According to the World Bank Governance Indicator, the performance of Kosovo’s civil service does not seem satisfactory. Below in the graph we can see the Governance Indicator based on Government Effectiveness which captures perceptions, of the quality of the

public service, the quality of the civil service and the degree of independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies. (Kaufmann, Kraay & Mastruzzi, 2011).

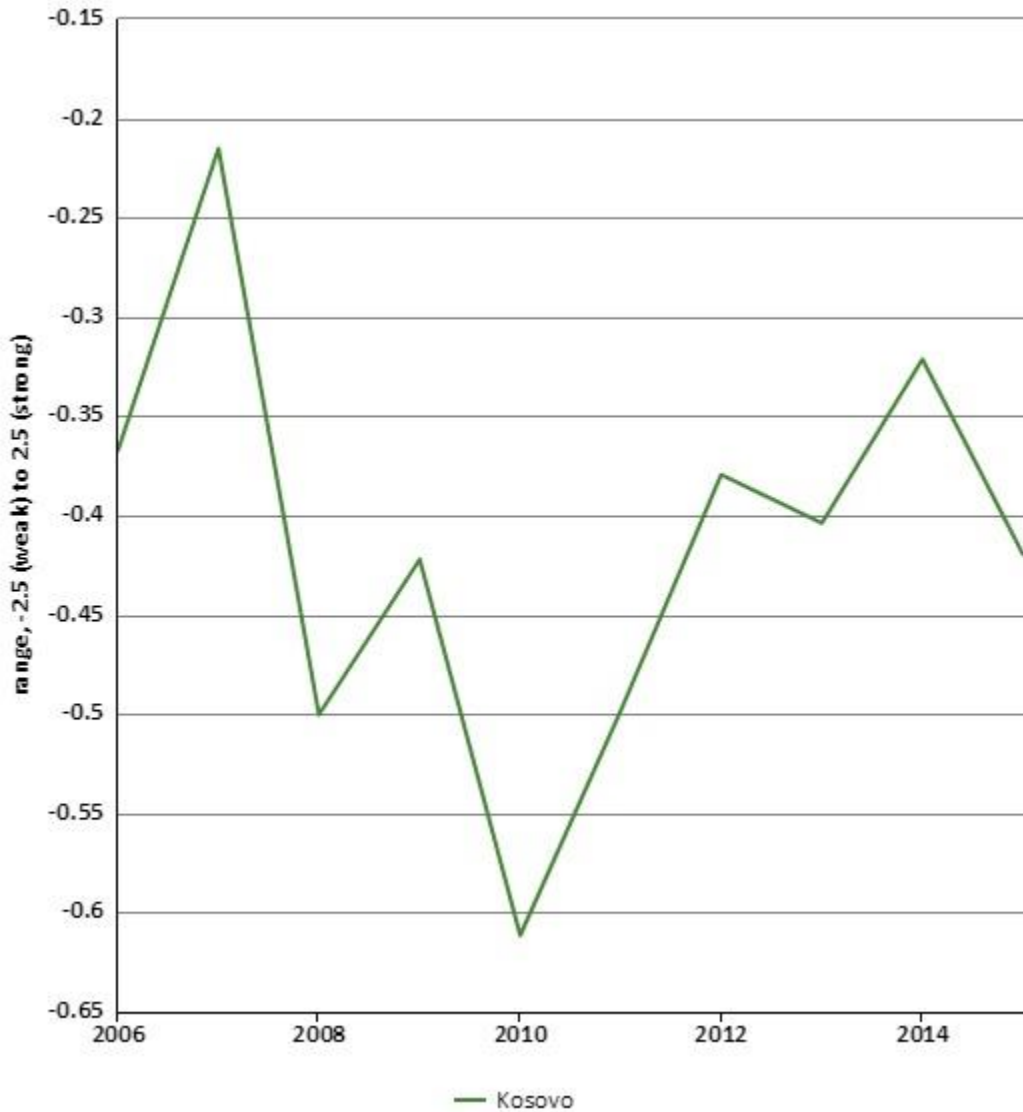


Figure 10: World Bank Governance Indicators for Kosovo: government effectiveness graph
Source: World Bank: Generated from <https://knoema.com/WBWI2014/worldwide-governance-indicators-annual-update?country=1001010-kosovo>

These result on the delays in decision making, development of poor action strategies and above all in incoordination between each other. These factors are enough to illustrate that HRM is a problematic area of Kosovo public administration, therefore it is considered as one of the veto point that create adaptational pressure to the process of Europeanization.

8.1.4. Legacy

Jolyon Naegele in his article “The Case of the United Nations Mission in Kosovo” perfectly explains the situation of Kosovo after the war.

“With the establishment and deployment of UNMIK in June 1999, the United Nations took on a governing role unlike anything it had ever attempted before. Kosovo’s infrastructure and housing were in a shambles in the wake of the conflict. Factories and schools were sequestered for use by KFOR units. What remained of the economy was essentially a post-conflict service-based economy, with a legacy of a centrally planned socialist economy modified in the 1990s by ethnic segregation, the banishment of the majority population from the public sector and questionable transfers of assets undertaken by the Milošević regime. The conflict resulted in widespread damage to housing and infrastructure before Belgrade capitulated and withdrew not only its forces from Kosovo in June 1999 but also Kosovo’s cadastral records and archives to locations in Serbia, where they remain to this day.” (n.d.)

Institutions have legacy, they develop over time and become consolidated. Kosovo does not have strong institutional legacy and maybe this is the reason why Kosovo’s institutions today struggle for consolidation. Kosovo have been under the Serbia with a special autonomous status in which Albanian community was deprived massively from participating in the instructional life of the province at that time. Besides this, the existing institutions were designed with moderate communist features, which go against the western standards. Several historical developments and continuous discrimination in the Yugoslav Federation created a weak institutional legacy (Capussela, 2015; Ben-Gera et al, 2005). Above this Kosovo created its independence and started its state apparatus from the scratch. Some people appreciate what Kosovo have achieved in such a short period of time, but some others believe that more could have been done in this aspect. Institutions are the rules of the game that help to shape the long-term historical development of societies. They mediate human interaction and can be more or less formal (or tangible) in nature ranging from systems of government to common modes of behavior.

8.2. Willingness or Capability Problems?

So far we have been able to identify four main factors that are considered to play veto point role in the process of Europeanization. Nevertheless as we have seen three of the factors are highly dependent on the available capacities. Arolda Elbasani in her work implies that countries of WB

do not grieve only from willingness to join the EU, but they also have lack of capability in doing so. Inspired from her work, in this paragraph we analyze the mentioned factors (political capacity, financial capacity, human resources and legacy) by weighting their impact based on willingness and capability. To elaborate further on this, we mean that certain factors might have the capacity to change for better, but they lack the willingness or they might have the willingness but lack the capacities to do so. Political factors are the ones that have the capability to push for reformation, as they have the power of legislation and execution. Nevertheless, as we have seen from the reports of the EU political factors are not willing to change the status quo; therefore they adopt legislations in a delayed way and create unfavorable conditions for the implementation of the laws. Same thing cannot be said for the available financial capacities, as here we see that Kosovo adopts ambitious reformation strategies, as it is the situation with the new PAR, but they lack the capacity to realize those due to lack of financial resources. Here we see that the willingness to Europeanize exists but the capabilities are not available. It is important to note that strategies are drafted by experts (with no political ties) yet it is adopted by the parliament. Similar situation can be said with regards to human resources, here we see that the society in Kosovo is willing to have professionals, nevertheless their willingness is hindered by weak educational institutions, brain drain and low capabilities to afford them. With regards to legacy, it is for sure that it cannot be changed, because it belongs to the past, nevertheless it can be built for the future. In this case it is important to define willingness as a wish, as society demonstrated that it was wishing to have better institutions but due to historical events and circumstances, this was not possible to be realized. Therefore we say that in the part of legacy willingness exist, but capability to change it is zero. From this analysis we can derive the following graph:

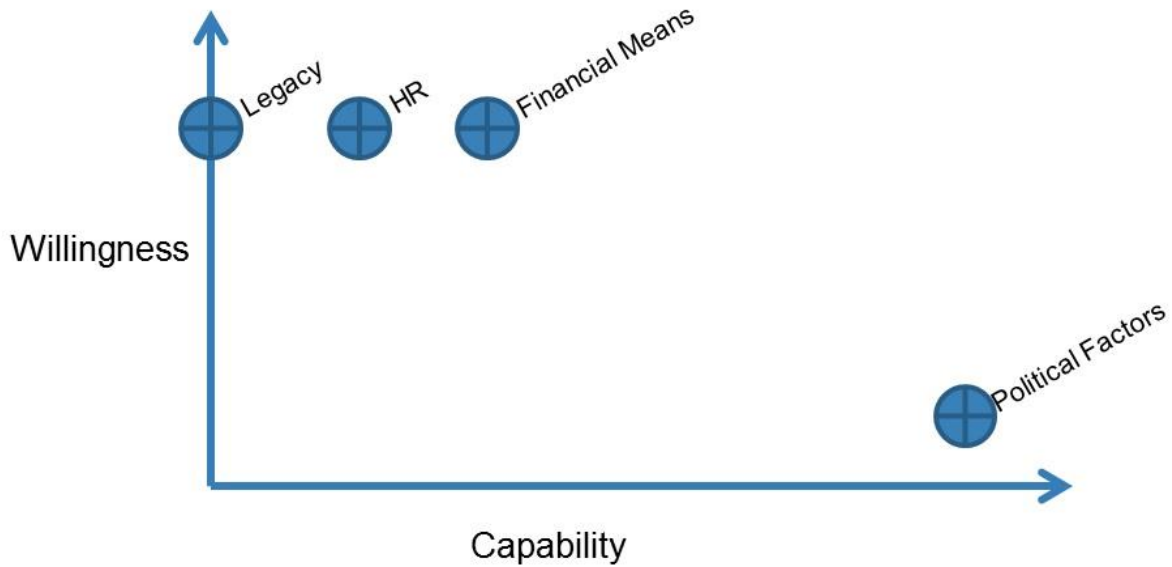


Figure 11: Report of veto points with capability and willingness to Europeanize.
This graph was generated by the author

8.3. Kosovo's New PAR strategy

Public Administration Reform (PAR) is considered as one of the main priorities of Kosovo. The Program of the Government for 2015-2018, sorts PAR as a priority. The new Ministerial Council on PAR was established in line with the SIGMA recommendations and based on honest assessments. The year of 2015 defined a significant move towards the approach from a centrally planned and managed PAR strategy to a “PAR Strategic Package” which is comprised of separate categories but managed in the same portfolio with a degree of coordination. (SIGMA, 2014).



Figure 12: Kosovo's PAR Strategic Package

This package consists of four main strategies 1) Public Administration Modernization Strategy (2015-2020); 2) Strategy for Improvement of Policy Planning and Coordination (2017-2021); 3) Better Regulation Strategy (2017-2021) and; 4) Public Financial Management Reform Strategy (2016-2020). All of these strategies have a multi-year action plans with costed activities. Although not in the package, it is important to mention the Strategy for Trainings of Civil Servants (2016-2020). The significance of this strategy is that it was written by first class experts and is expected to align Kosovo's public administration with the principles of the EU. This decentralized but well-coordinated framework tries to ensure that progress in specific PAR areas. Nevertheless, the package of the strategy might be professional but still many implementations depend on institutional capacities of lead institutions in each PAR area. Furthermore, this PAR strategy defines five pillars as established by SIGMA principles mentioned above. The first pillar is covered by the Better Regulation Strategy; pillar two, three and four are covered by the Strategy of Modernization of Public Administration; pillar five by the Public Financial Management Reform Strategy. (SIGMA, 2014; SIGMA, 2015).

In the EU's Progress Report of 2016, the risks related to the implementation of this package were flagged, meaning that there are certain gaps in the legislation which might hinder the process. While PAR priorities for the year of 2017 are already set, immediate challenges are also seen in the horizon.

Viewed from a macro level, Kosovo's PAR coordination mechanisms includes the Office of the Prime Minister (OPM) responsible for the Strategy for Improvement of Policy Planning and Coordination and the Better Regulation Strategy; the Ministry of Public Administration is responsible to coordinate the implementation of the Public Administration Modernization

Strategy; and the Ministry of Finance is responsible for the Public Financial Management Reform Strategy. Among these also other ministries have a role in the whole coordination process, but only when necessary and when a reform involves them. Furthermore we can distinguish four PAR steering and coordinating mechanisms which are responsible to facilitate, coordinate, analyze, assess and decide on different issues:

- **Ministerial Council for PAR:** the main inter-ministerial and political structure responsible for the strategic management of PAR
- **The Special Group on Public Administration Reform:** monitors and assesses the fulfillment of duties and obligations deriving from SAA
- **The High Level Forum on Donor Coordination:** a highest-decision making body in the field of donation coordination.
- **The Assembly Committee for Public Administration, Local Governance and Media:** this committee decides on issues related to legislative part of public administration.

This well-organized structure also requires well-organized monitoring mechanisms, which check the implementation of the strategy. As mentioned above, in the Progress Report of EC 2016 the first monitoring reports on the implementation of the public administration indicate considerable delays. The above framework represents a decentralized but coordinated mode of management of the PAR.

Its basic rationale is to ensure that progress in specific PAR areas depends on institutional capacities of the lead institutions in each PAR area, e.g. a multi-speed approach. At the same time, the agenda is complex and contains multiple objectives thus making it a challenge to implement across the board. Below we summarize the PAR objectives as foreseen in the current Strategies. Overall, there are 26 objectives.

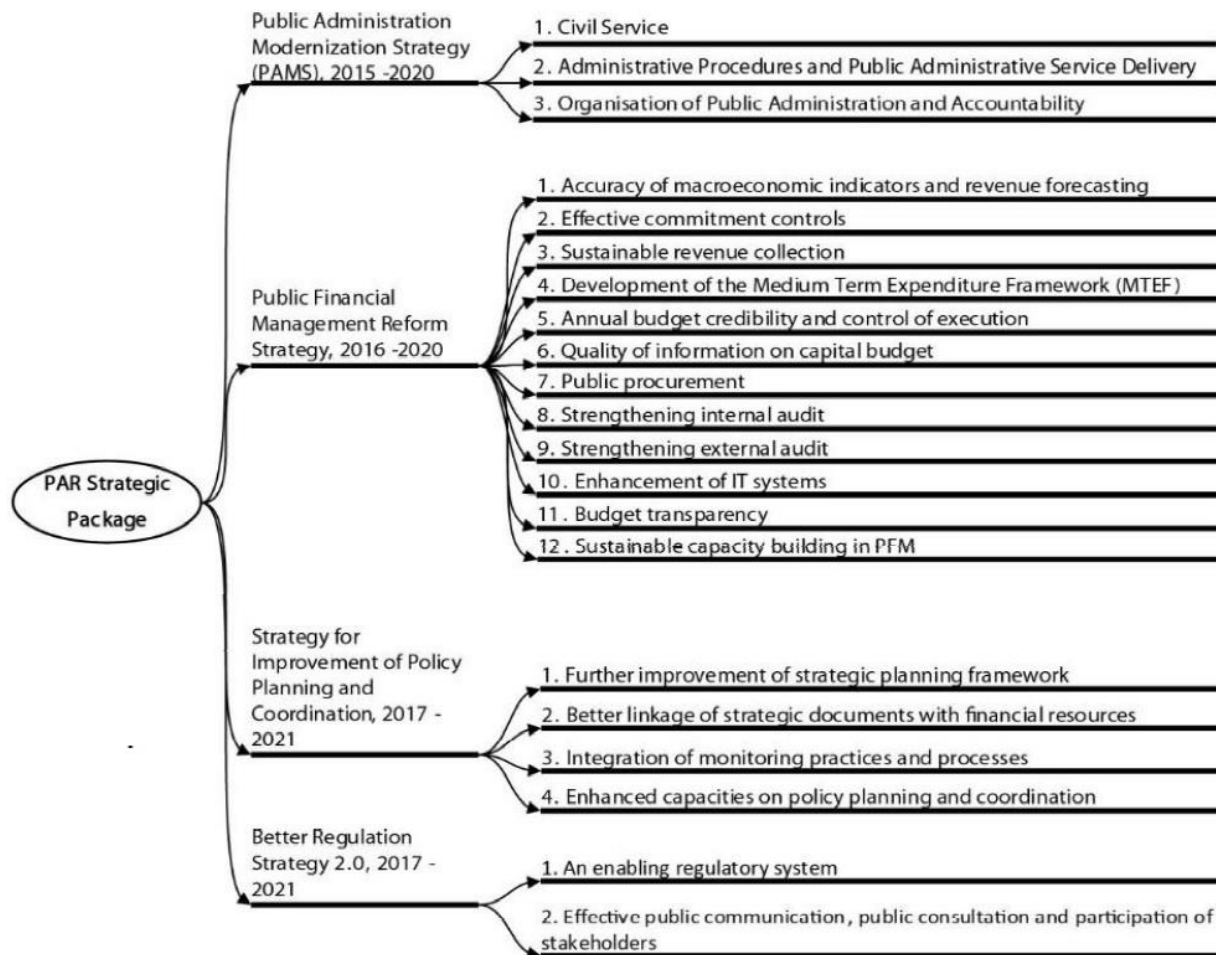


Figure 13: PAR objectives foreseen in the current strategy
 Generated by author, based on Kosovo PAR strategy

The above, essentially, defines PAR per five main pillars as established by the SIGMA PAR Principles document. In fact, the SIGMA experts have greatly contributed to elaboration of the strategies and action plans within the package.

If the Package is to be implemented, efforts to build local capacities and ownership become essential. The risks related to implementation are already signaled in the EU Progress Report 2016:

“Kosovo has some level of preparation in the reform of its public administration. Some progress was made with the adoption of a comprehensive public financial management strategy and of the law on general administrative procedures. However, Kosovo did not address the Commission’s recommendations in the area of accountability. Non-merit based recruitment continues to adversely affect

the effectiveness, efficiency and professional independence of public administration.”

At the end of this section I will elaborate on the interviews that I had with senior officials in the MF and MPA. EU and SIGMA reports usually are published at the end of the year, due to this fact we are unable to have an official review of the results of the public administration reform. Nevertheless, from the conducted interviews in MPA and MF I was able to have a general insight on the current situation of the PAR. First of all the interviewees indicated that, once the new PAR was adopted the intensity of their work increased, as PAR was one of the top priorities in the governmental agenda. Second, they specified that this reform package is highly unique and is expected to bring significant remedies to the public sector. Senior officials in the MF said that SIGMA and EU officials consider PFM as the best strategy in the region maybe beyond (but they say this off-records), as it is completely quantitative instead of qualitative (as it is in Serbia). In the strategies with quantitative nature, the reporting has to be done exactly on the numbers, whereas strategies that are qualitative in nature have a significant room for maneuver and speculation. Overall, senior officials were optimistic about the expected results, yet they were aware that not all of the targets will be reached although they are expected to be achieved.

9. Discussion: Does New PAR address the Problems?

Based on the analysis and interviews, in this chapter we would briefly provide some discussion with regards to the capability of new PAR to address the above mentioned problems.

Progress Reports of the EU together with SIGMA assessments' have shown that Kosovo requires a plethora of secondary legislation in order to get in line with EU principles. One of the main laws that require a change is the Law on General Administrative Procedures (LGAP) which sets a framework for a modern legal framework. In 2015 the assembly of Kosovo adopted the law on LAGP in line with SIGMA recommendations. This at the same time is an indicator that Kosovo's legal framework is Europeanized due to SIGMA recommendations. LGAP entered into force in 2017, which establishes the new principles for administrative decisions, legality, proportionality, equal treatment, impartiality, subsidiarity, legal certainty etc... Nevertheless, for the real implementation of this law several other secondary laws have to be adopted, which are already supported by SIGMA. Based on the findings of the progress reports, these laws have to be amended in order to come to line with the already "Europeanized" LGAP.

In the discussion section we will provide a list of priorities that Kosovo has to take in order to get in line with EU principles and values. Our claims are based on EU demands, SAA and current legal framework of Kosovo. First of all Kosovo has already signed the Stabilization and Association Agreement which poses several requirements among which is public administration reform. As part of the criteria for public administration which are to be met by the government and the relevant institutions of Kosovo in accordance with Article 120 of the SAA remains full consolidation of the legal framework (adoption and amendment of primary and subsidiary legislation) and implementation in full of policies and legislation. The legal framework in the area of public administration is established; however it has not yet been completed. The primary legislation on civil service is in accordance with the EU principles, but gaps appear especially in the regulation of administrative procedures, civil service, administrative proceedings, and accountability of public institutions. There are four basic laws through which the public administration operates:

LAW ON CIVIL SERVICE OF THE REPUBLIC OF KOSOVO: this law regulates the status of civil servants and their working relations in institutions of central administration. This law establishes rules for the overall management and organization of a politically impartial civil service, working conditions, rights and obligations, professional development etc... (NO. 03/L-149)

LAW ON SALARIES OF CIVIL SERVANTS: this law is to define the system and the structure of salaries, allowances and other remunerations for civil servants, where the funds for salaries, allowances and other remunerations of civil servants are ensured by the Budget of the Republic of Kosovo. According to this law, the institutions of the public administration of the Republic of Kosovo are obliged to pay equal pay for equal work. (NO. 03/L-147)

LAW ON THE STATE ADMINISTRATION OF THE REPUBLIC OF KOSOVO: The purpose of this law is to define the legal framework for organization, cooperation and management of bodies exercising executive powers. This law regulates the scope of the state administration bodies. (NO. 03/L-189)

LAW ON THE ADMINISTRATIVE PROCEDURE: The provisions of this law apply to all public administration bodies in exercising of their functions through individual and collective acts. General principles of the law are binding on the activity of natural and legal persons in those cases where activities affect public interests. (NO. 02/L-28)

Through these laws, the horizontal legal framework for public administration will be completed. Also, implementation of the legal framework will be ensured, as well as the performance assessment, the system of job classification in the civil service, and the new system of salaries for all employees in the public sector, which will resolve the salary issues based on the principle of equal pay for equal work. As regards the process of job classification, this will support the involvement of all key institutions in the horizontal scope of the civil service.

Other important issues which have to be addressed are the Ombudsperson and fight against corruption. Ombudsperson as an independent constitutional institution that monitors protects and promotes human rights and freedoms. It includes criteria derived from the process of EU integration of Kosovo, SAA requirements considering that the European Union gives particular importance to human rights, in order to guarantee their implementation, it has imposed certain preconditions, one of them is Copenhagen political criteria, which require stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. On the other hand anticorruption policy is covered under *Acquis* Chapter 23: Judiciary and Fundamental Rights.

10. Conclusion

In this study we have seen that Kosovo's public administration needs further steps to get in line with EU standards and values. Analyzing the progress reports and SIGMA assessments from 2009 to 2016 have shown that there has been progress with regards to civil service, independent agencies, budget transparency, financial management and institutional coordination; nevertheless there are still serious challenges with regards to HRM, administrative services and representation of minorities. From the study, it was seen that the pace and the direction of the developments is towards the EU, but the speed is quite slow. We have successfully tested our hypothesis, where we have proved that veto points such as political factors, financial capacity, human resources and legacy have a hindering role in the process of Europeanization. Also we were able to find that these factors were not only related to the willingness of the institutions, instead it capability factors were also playing a significant role.

We would like to emphasize that there might be alternative ways to approach to the developments with regards to Kosovo's public administration, as we have said that the developments cannot only be attributed to the EU. There might be some other factors that can affect the pace of the developments; nevertheless they were not the scope of this study. Sabina Grigaliuniene in her Ph.D thesis states that reformation in the public administration does not

come only from the EU, but there is also the role of other domestic factors like actors believe and operational strategies. Furthermore, as principles of good governance are general and cannot be attributed only to the systems of the EU, then it is believed that drivers behind the change in public administration may be many external and internal factors. Nevertheless, as EU is directly involved with the reformation of the public administration of Kosovo, we see reasonable to attribute the biggest share of contributions to it. Moreover, this study has certain limitations, as it analyzes the public administration reformation from the lens of the EU and with slight domestic input (domestic actors' perception, attitude, beliefs, norms, values etc...). For this reason, a future study can also add another layer of analysis through assessment of the domestic perception on the reformation. From the conducted interviews, it was noticed that domestic perceptions are highly influenced by the reports of the EU. Another suggestion could be the extension of this study to the regional level. Since EU's approach to WB is uniform, then we might consider that a study with regional scope would determine exactly where does each country of WB is positioned vis-à-vis the EU. Interviewees in MF and MPA indicated that Kosovo was doing significant progress regarding the public administration reform compared to the region. Yet this has to be proved!

Overall, from the research that we have conducted, it was evident that there was no available study in the field of Europeanization that tried to trace the developments with regards to public administration of Kosovo in such a detailed way. The methodology and framework of this study can be used for future studies for analyzing the degree of Europeanization of public administration in the regional level (Western Balkans).

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