

CIVIL SERVICE REFORM IN THE CONTEXT OF EU CONDITIONALITY: THE CASE OF KOSOVO

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Abstract

The EU and Kosovo have been engaged in a conditionality framework of relations ever since Kosovo was dissolved from Former Yugoslavia in 1999. Within the conditionality framework the EU has continuously promoted the improvement of public administration as part of its political criteria for accession. The EU did not have a specific template on how the administrations in the enlargement countries should look like; however, through SIGMA it did build a group of principles, according to which the Commission measures the progress/regress in PAR. Thus, the EU as part of its enlargement package employs the mechanism of conditionality accompanied by tools of financial assistance, advice and twinning to affect change in these countries, including our country case study Kosovo.

However, in practice public administration reform, in particular the establishment of a depoliticized, professional, and efficient civil service is not straightforward. In transitioning democracies like Kosovo the administration is used as a tool to remain in power while controlling the recruitment, dismissal and promotion processes of civil servants and senior civil servants. This given, the cost of reforming the administration in transition democracies could be high, meaning that the political elites in power would have to give up 'power' and 'influence' for these reforms to take place. The political elites are found between their rhetoric of national priority toward joining the Union and giving 'power', thus paying the potential political costs of reforms. On the ground, there is top-down down pressure coming from the EU in the form of conditionality, as well as bottom-up pressure from national stakeholders like civil society to reform the civil service.

In this battle field of players and interests, this paper observes the impact of EU conditionality toward reforming civil service in the case of Kosovo. This paper explores whether the EU mechanisms managed to replace the patronage form of recruitment and promotion in the civil service?

Keywords: Civil Service, EU Conditionality, Western Balkans, Kosovo

1 INTRODUCTION

The need to have consolidated public administrations has been recognized by the EU as one of the key criteria for enlargement countries that aim to join the Union. Though the 1993 Copenhagen criteria did not have any explicit EU Acquis on public administration, later on, in 2014, knowing the importance of well-developed administrative capacities, the Support for Improvement in Governance and Management (SIGMA), a joint initiative of the OECD and the European Union, in close cooperation with the Commission developed and defined six principles of good public administration as an indispensable criterion for competitiveness and growth. For the first time, the Commission offered a template to enlargement countries on how and what should efficient public administration entail in practice. Therefore, the EU as part of its

enlargement package employs the mechanism of conditionality accompanied by tools of financial assistance, advice and twinning to affect change in these countries, including our country case study Kosovo.

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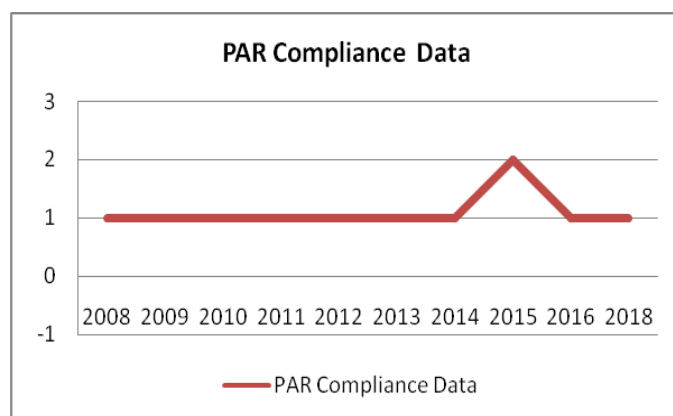
In this battle field of players and interests, this paper observes the impact of EU conditionality toward reforming civil service in the case of Kosovo. Have the EU mechanisms managed to replace the patronage form of recruitment and promotion in the civil service? The period of analysis is 2008-2018 and it employs the qualitative methodology of process tracing. Primary and secondary sources of information include a content analysis of EU documents like yearly Commission and SIGMA reports, national country reports, journalist reports, civil society reports, and interviews. For measuring the Europeanization level of civil service reform, this research article employs the Radaelli scale which includes four measurement scales: a) retrenchment, b) status quo, c) absorption, and d) transformation. In a wider context, this paper aims to contribute to the understanding of the impact of EU conditionality in reforming civil service in enlargement countries. We hypothesize that a) the higher the political costs of adopting civil service reforms the lower the possibility of adopting such reforms and b) the lower the adaptation costs the higher the possibility of adopting EU policies on civil service.

2. CIVIL SERVICE IN KOSOVO DURING THE PERIOD OF 2008-2018 AND THE EU IMPACT

2.1 Post Independence Civil Service (2008-2010)

Before going into substantial analysis of the policy infrastructure, a general overview of the progress in the public administration reform is provided by the European Commission country reports. The below table shows the trend of Kosovo on compliance data with public administration requirements deriving from the EU; the data is based on these reports for a period of ten years 2008-2018.

Table 1: Compliance data collected through an analysis of EU country reports



Source: Commission Country Reports 2008-2018

The compliance data trend does not reflect any major improvements, but rather a straight-line disposition of compliance with the overall EU requirements in the framework of public administration reforms. The numbers from -1 to 3 reflect the level of progress as follows: (-1) backsliding, (0) no progress, (1) some progress, (2) good progress, (3) substantial progress. According to this codification, Kosovo has continuously shown some progress in the context of public administration reforms, but it has never shown substantial progress. The trend reflects a better evaluation score only in 2015 when the reforms were assessed as good progress (2). A thorough analysis of the 2015 country report shows that this positive assessment accounts to the advancement made in the legal and strategic framework; although, politicization of the administration is

highlighted as a major problem.

The civil service system legislation with all its challenges and incoherence remained in power after 2008. Given that, one could easily observe a huge degree of misfit between the Kosovo civil service principles and those promoted by the Commission, which embraced the establishment of a professional civil service as the core pillar for *EU Acquis* implementation, amongst others. As explained in the Europeanization literature, for Europeanization to take place the domestic situation in the candidate or potential candidate country should be different from the one in the EU (degree of misfit being a necessary condition for the process to take place). This difference between the two levels (domestic country and EU) establishes the degree of pressure for adaptation that is generated at the EU level. This pressure for change or the EU's impact on improving the system inherited before 2008 and on building a professional civil service can be traced in the reform priorities set for Kosovo in the European Partnership Agreement (Council Decision 2008/213). This Council Decision included short-term priorities (1-2 years) and medium-term priorities (3-4 years). Public administration requirements were listed under the short-term priorities, in the political criteria section and they included the following

- "Reinforce capacity for government coordination and define more precisely the responsibilities of the central and local authorities for ensuring consistency of policy implementation. Strengthen the efficiency of the government's functions of monitoring the performance of the public service.
- Rigorously enforce transparent procedures on recruitment, transfer, appraisal, promotion, conduct and dismissal of civil servants, including police and justice system employees, and on financial management.
- Improve the functioning and strengthen the independence of the Independent Oversight Board and the Senior Public Appointments Committee. (Council Decision 2008/213)."

The listing of these political criteria in the short-term priorities indicates the EU's interest and conditionality in building a depoliticized civil service. Based on this Council Decision and on the strategic priority of the country to join the Union, Kosovo government adopted the *-2008 Action Plan on Implementation of the European Partnership for Kosovo (EPAP)* (Agency for European Integration 2008). The aim of the EPAP was to identify the structures responsible for its monitoring and implementation and to allocate and harmonize the budget needed for implementation in accordance with the medium term framework spending. On one hand this was an indication of the government's willingness and the government's plan to start the implementation of the requirements deriving from the EPAP. The willingness for change could be interpreted as one that derives from the EU's pressure to change policies so that the country can advance in its integration path.

At the time the civil service was functioning with the UNMIK regulations; thus, three viable steps required by the Commission starting with the identification of the problems in administration, then the drafting of a strategy and afterwards adoption of an action plan to implement the strategy looked real and promising toward improving state administration capacities. One of the few strategic objectives for implementation of the documents mentioned was related to the need for having a professional civil service and it was noted "a professional and depoliticized Public Administration developed based on the best European policies and practices for management of human resources"(Agency for European Integration 2008). Based on 2008 SIGMA assessment reports, the administration remained to be weak and, thus politicized, mainly due to the government effort to solve the final status of the country while putting less effort on this reform, and in particular civil service reforms (SIGMA). A similar assessment was discussed in the 2008 progress report highlighting the lack of laws on Civil Service, on Kosovo Institute for Public Administration, and on Public Administration and the weak coordination among institutions (Progress Report 2008). At this point in time, there were two key institutions in place and responsible for the protection of civil servants – Independent Oversight Board and for appointment of senior civil servants- Senior Public Appointment Committee.

Furthermore, the PAR Strategy and the Action plan adopted in 2007 included the adoption of new laws to regulate the public administration, in particular the civil service. A high turnover was assessed to be present along with poor professionalism in the public service. This was mainly due to lack of protection to civil servants and also the demand for employees in the international organizations present in the country (SIGMA Assessment Report 2008). The high turnover does have a negative impact on the civil service because those trained do not remain within the system and there is a need to train new staff and spend additional financial resources. Lack of professional staff lead to problems with absorption capacity that caused delays in implementing any type of administrative policy (Interview with Demi. A., 2019). The Progress Report also highlighted that civil servants are "vulnerable to political interference, corruption and nepotism" (Progress Report 2008). In 2009, the Government did adopt two draft laws, the one on Civil Service and the one on Salaries for Civil Servants with the continuous support of SIGMA and other

international donors (SIGMA Assessment Report 2009). This was one of the first steps as the laws still needed to be discussed and adopted in the Assembly. The Progress Report noted that six working groups have been established to manage the PAR process. This showed a level of commitment by the government to pursue PAR process as set in the European Partnership Agreement. On the other hand, this did not guarantee PAR related law making and implementation and it could be merely a new structure established to prolong and fake the reform. To sum up, this period was not characterized with major changes in the civil service, apart from the efforts to adopt a legal framework.

2.2 Post 2010 Civil Service

The 2007 PAR strategy was poorly implemented (as shown in the above section), and a new political context was created due to the country independence; thus, the government considered it necessary to update the PAR strategy. The strategy was planned to cover three years 2010-2013, and afterwards to check for implementation results. In the strategy it was written that the Government “is committed to update the document, to foster the public administration reforms in conformity with demands of the new state for efficiency, effectiveness and Europeanization of administration” (PAR Strategy 2010-2013). With the update and adoption of this strategy, the Government showed political willingness to foster PAR processes and gave a political push and support to the reforms. Although, there was no established mechanism to keep accountable those responsible if implementation would fail or if only some of the objectives would be reached. This is a lingering problem with all strategies adopted even today in 2019 in Kosovo.

In 2010, the government of Kosovo adopted the Law on Civil Service, the Law on Salaries, and the Law on Independent Oversight Board for Civil Service of Kosovo (Law on Civil Service 2010, Law on Salaries 2010, Law on Independent Oversight Board 2010) (henceforth, in the analysis we refer to this period as post-2010). A new era for civil service was considered to have begun after the adoption of these three core laws towards building a civil service system that would comply with SIGMA principles. The Law on civil service set several rules for apolitically impartial civil service, recruitment procedures, working conditions, rights and obligations, personal conduct, career advancement and professional development of civil servants. The Law on Salaries regulated the structure and/or wages, allowances, and other remunerations for civil servants, aimed at regulation equal pay for equal work value. The Law on Independent Oversight Board regulates the functioning of the IOB as a protection mechanism responsible to review and decide upon the appeals of civil servants and those who want to enter the civil service system. As one can observe, the Assembly also plays an important role in the PAR process - a lawmaking stakeholder, considering its core responsibility to review laws through legislative committees, to discuss them and then to adopt them in the parliament

The legal frameworks were in place; secondary legislation was still being drafted, while implementation remained to be seen. The adoption of these laws was considered only one of the first steps, as it had been considered to remain difficult to change the patronage-based practices throughout the administration (SIGMA Assessment Report 2010). Thus, the EU in its 2010 country report reiterated its request toward Kosovo institutions to address the establishment of a *professional, accountable, accessible, representative public administration and ensuring the delivery of public services* to all as a matter of high political urgency (Progress Report 2010). The laws adopted included a set of changes as compared to the UNMIK regulation; however, they also had drawbacks which, we discuss in the below section together with changes made towards a depoliticized system.

The Law on Civil Service did set basic principles of the civil service in accordance with which civil servants should perform their duties and they included *legality, non-discrimination, obligation to respond on the requests, effectiveness and efficiency, accountability, impartiality and professional independence, transparency, avoiding conflict of interests, and principle of equal opportunities for communities and gender.* (Law on civil service 2010, Art 5).

Appointment and Recruitment: The admission to the civil service for non-career positions and career positions is open to all candidates with the exception to the senior managerial positions like general secretaries or chief executive or similar. Though, even in this case if none of the candidates fulfills the criteria, the law has foreseen an open application for all interested. During the UNMIK era the appointment of senior civil servants was done through the SPAC, while in the post-2010 era this is regulated by Regulation No.06/2010 on the Procedures for Appointments to Senior Management Positions in the Civil Service of the Republic of Kosovo, the legal basis of which is the Civil Service Law 2010. The Council on Senior Management Position (henceforth, the Council) is the body responsible for ensuring the integrity of the recruitment system and the quality of the process of appointments while maintaining the stability of the senior management system (Regulation No.06/2010). In principle the establishment of the council might seem professional, though in order to check for independency one has to look at the appointment and

composition of the Council. There are seven members of the Council composed of one deputy minister, minister responsible for public administration, minister responsible for finance, one minister from the communities, three members from among the ranks of general secretaries or equivalent position, all appointed by the Prime minister (Regulation nO.06/2010 Art.7). This reflects a picture of a Council being a Government Council, where space is left for political influence during the process as all members come from the government. Another major drawback of the law in terms of recruitment is the lack of changes made in regards to the decentralized system of recruitment. This means that every institution administers, manages and implements the recruitment process in cooperation and compliance with the Department of the Ministry in charge of public administration (Law on Civil Service, Art. 18). Given that, the recruitment system is prone to high levels of politicization at all levels and institutions and is not in line with the SIGMA principles for establishing a depoliticized civil service system. Kosovo at the time remained the only country in the Western Balkans that did “yet not have a fully functioning civil service law subject to implementation”(Meyer-Sahling 2012). Looking at the country reports from 2008 to 2011, in the below table 2, one could observe repeated recommendations from one year to the other.

Table 2: Civil Service reform according to the Kosovo Progress Reports

Country Report	Civil Service
2008	However, the Law on the Civil Service, the Law on the Kosovo Institute for Public Administration, and the Law on Public Administration have yet to be adopted. Civil servants continue to be vulnerable to political interference, corruption and nepotism.
2009	However, important legislation relating to public administration reform is yet to be adopted, notably laws on the civil service, on salaries and on the organisation of public administration institutions. These laws are essential in ensuring the independence of the civil service.
2010	There has been progress as regards public administration reform. In May, Kosovo adopted two key laws in this area: on civil service and on the salaries of civil servants. However, the legal framework remains to be fully implemented. 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.
2011	The legal framework necessary for the implementation of the civil service primary legislation is still not complete. Kosovo needs to build a professional public administration free of political interference.

Source: Progress Reports 2008-2011

The Law on Salaries for Civil Servants aimed to establish a system and structure of salaries, allowances and remunerations for civil servants (Law on Salaries 2010, Art .1). The salary of the civil servant, foreseen in article 4of the law, is “composed of the basic salary and allowances on basic salary”. The four functional categories of civil service positions, discussed above, are classified in fourteen salary grades, with report of minimal and maximal salary in a proportion of one to five. Though, this was foreseen to be regulated with the adoption of a new regulation. Progress in terms of increasing grades is based on the results of the performance appraisal. The performance appraisal consists of a set of subjective elements to be evaluated by the manager including “*professional abilities and skills showed at work place, level of engagement and commitment, results achieved at work and the contribution, respecting the terms, dynamics, efficiency and effectiveness, and quality of performed works*” (Law on Salaries 2010, Art.11).The law further clarifies that if civil servants are rated as “very good”, “good” or “excellent” they can get different promotions of category or grade.

To sum up, this period of the civil service reform has been characterized as a period of hope for building a professional civil service in compliance with the Commission SIGMA principles. This was mainly due to the legal infrastructure adopted, the update of the PAR strategy and adoption of the action plan for implementation of the strategy. However, various legislative loopholes and weak institutional capacities remained in the 2010 framework, in addition to the heavy dependence on donor assistance and lack of donor coordination in PAR process. Secondary legislation was also slowly being adopted; thus, many institutions continued to implement the old legislation leading to uncoordinated efforts to implement the reform process. Overall, public administration did not undergo any transformative changes so far; in 2012 it was still at an early phase of legislative adoption. One factor explaining this lack of tangible progress is the lack of political

will to prioritize the reform, primarily by lack of allocation of budgetary means to it. Although, the government has expressed its willingness in its rhetoric that it will reform the administration to comply with Commission requirements, in particular the SIGMA principles, the results show that it has mainly done the talk of reform. Another factor explaining this posture in the administration is the high political costs that the political elites could face. As explained, the civil service remained politicized, in particular the recruitment process was heavily influenced by political elites, independent of the political conditionality accompanied with assistance granted to reform the system. The political influence took part in the form of employment of people that were loyal to their party politics. Thus, any transformative change of the system would be translated into less influence in the administration resulting in potentially less loyal party people and less support for a particular political party. This could be interpreted as one of the key factors prolonging and resisting the real reform in civil service.

2.3 Post 2012 Civil Service

In 2012 Kosovo was found in a different context in the framework of its relations with the Union. 2012 was an important year for Kosovo as the European Commission conducted its feasibility study for the signing of the Stabilization and Association Agreement (SAA). It is also important to note that Kosovo, at that time, was the only country in the Balkans to have still not signed the SAA. This feasibility study presented the framework of conditionality relations with Kosovo. As part of the study the Commission asked Kosovo institutions to adopt secondary legislation necessary for full implementation of the Law on Civil Service and Law on Salaries. It did urge institutions to use the momentum by adopting secondary legislation in order to build a professional civil service (Feasibility Study 2012). The study also highlighted that the Government and the Parliament have to ensure political support for the Ombudsperson Institution of Kosovo (OIK), being the key independent body related to public administration, while offering premises and budgetary independence. The Commission has also raised concerns about the need to better comply with the IOB decisions, being the key mechanism in protection of civil servants.

The Government, in particular the ministries responsible, issued various legal acts to aid implementation of the Law on Civil Service and Law on Salaries. However, the adoption of secondary legislation was slow and it was not issued as foreseen by Law within one year after the entry into force of the law leading to lack of Law implementation. In 2012, the government adopted Regulation No.05/2012 on Classification of Jobs in Civil Service and Regulation no.33/2012 on Allowances in Salaries and other Compensations for Civil Servants, as prerequisites for organization and systematization of jobs. This regulation did foresee the design of a job catalogue composed of job titles and grades; however, this was adopted only in 2015, few years after the deadline (Job Catalogue for Civil Servants in Kosovo, 2015). The government did a reverse job by allowing institutions individually to come up with job titles, and they did come up with 4500 titles in 45 institutions leading to a delayed process and increased workload (SIGMA Assessment 2015). In addition, SIGMA evaluated that the secondary legislation on Law on Salaries was adopted in a hasty manner without considering the budgetary implications. Therefore, the Ministry of Finance (MoF) did oppose the 2012 regulation on salaries and other compensations due to the heavy budgetary burden that was estimated to be 8-10 million euro per year.

Moreover, recalling the Commission feasibility study request that the Ombudsperson should be provided with new premises, higher number of staff and increased finances was reached, in 2013 (Progress Report 2013). This is a straightforward cause and effect relationship to detect in the framework of Europeanization and political conditionality discussed in chapter I. Furthermore, Kosovo established the special group on public administration, the so-called Public Administration Reform Special Group, and started a dialogue with the EU on these matters. These forums gave political boost to the PAR process and emphasized its significance toward implementation of other reforms deriving from the conditionality framework of Kosovo with EU.

Overall, three years after the adoption of the laws, the results were not tangible and not of any transformative flavour. The “equal pay for equal work” principle was not being implemented and all related legislation was delayed. A key factor that contributed to this posture was the lack of professional capacities to successfully manage the drafting of job positions. Another factor explaining the failure to implement the law was the lack of budgetary implications when the regulation on salaries and compensations was adopted. Both of these factors present the adaptation costs of implementing this civil service reform by applying the principle of ‘equal pay for equal work’. This accepts our hypothesis of when the higher the adaptation costs of adopting a policy the lower the possibility to adopt the policy.

In 2015, seven years after various reforms took place in the country, the establishment of a de-politicized and professional civil service was not completed. It is also important to note that this year, Kosovo signed the Stabilization and Association Agreement (SAA) with the EU, which includes policy reform requirements in

public administration. The civil service law accompanied with secondary legislation adopted did set the employment conditions, and the merit-based recruitment and promotion principles; however, they were not being systematically implemented (Kosovo Report, 2015). Some of the lingering problems identified in the 2015 Commission Report for Kosovo include a) the lack of a remuneration system that ensures equal pay for equal work, b) insufficient professional development of civil servants due to lack of resources and suitable premises of the KIPA; c) performance appraisals remain a formality; d) not all rulings of the IOB are respected. On the other hand, the budgetary analysis shows an increase in the budget line allocated to PAR-key institutions including the MPA, the Office of the Prime Minister (OPM) and the MoF, for both years 2014 and 2015 (SIGMA Assessment Report 2015). Budgetary allocation is in principle the key criterion necessary for implementation of civil service reforms and budgetary commitment reflects a more positive political approach to the reforms. The adoption of laws and secondary legislation, budgetary allocation to specific reform dimensions, and, on the other hand lack of systematic implementation of legislation suggests a very slow reform process that could be hampered by a number of factors. Political unwillingness was considered as the key criterion among many of the civil society interviewers (Interview with Rushiti. V, Duli. F, Demi. A.). According to them intense political influence in the process of recruitment, particularly in the recruitment of senior civil servants and board members of publicly owned enterprises, creates an environment that is not conducive to application of the standards and rules set by legislation.

Furthermore, the same problems that continue to hamper a professional civil service were present and reported in the 2016 Country Report. Similar to ERA 2016, this report calls for a *coordinated, inclusive and evidence-based process* preparation of the legislative package including civil service, salaries, and organization of state administration, on the basis of concept documents prepared. One year later, in 2017 SIGMA assesses the state of play in civil service and underlines that the same problems remain including DCSA has limited capacities for strategic planning and management of human resources; recruitment, disciplinary procedures and dismissals are politicized; salary system does not support equal pay for equal work; KIPA lacks capacities; unsuccessful prevention of corruption although the legal framework on integrity of public service is established (SIGMA Assessment Report 2017). The same year, a Memorandum of Understanding was signed between the Government of Kosovo and the UK Embassy in Kosovo (Memorandum of Understanding 2017). The aim of this Memorandum is to help and strengthen the recruitment process of senior positions in the civil service and public agencies board, in accordance with the Kosovo legislation. The expectations for this collaboration have been high at the beginning among stakeholders and civil society. However, the memorandum of understanding has proven to be disrespected several times. For example, the latest decision of the Parliament on the selection and appointment of Naser Shala as the head of the Kosovo Property Comparison and Verification Agency (KPCVA) is not in line with the proposal made by the UK project. This proves lack of political willingness to implement the requirements deriving from the EU policy frameworks in regards to establishment of a merit-based and transparent recruitment process. One factor contributing to this lack of political willingness is the lack of EU prospect (Interview with Duli. F, 2019).

Furthermore, as the EU in all its reports has called for inclusive and evidence-based process during the preparation of the concept documents and later the legislative package, the Ministry of Public Administration during the first part of the year has organized public consultations through the platform on public consultations at the government level (MAP Public Consultations List 2017). The online consultations took place for 22 days, and all interested stakeholders could view online other stakeholders' comments on the concept documents. The online platform offers high level of transparency and accessibility to all non-governmental stakeholders interested to contribute or follow these processes. In the same online platform, the draft law on wages and on public servants was published for comments few months later, during the first six months of 2018. According to CSOs representatives, there was a chance to participate and follow closely the various processes in PAR. To sum up, this stage of reform in accordance to the Radaelli interpretation scale that we employ in our research could be concluded that the civil service reform is still at an early stage of the absorption phase.

DISCUSSION OF RESULTS AND CONCLUSION

The literature on public administration reform, in particular the civil service reform explains that transitioning democracies have continuously used the administration as a tool to remain in power while controlling the recruitment, dismissal and promotion processes, amongst others. This given, the cost of reforming the administration in transition democracies could be high, meaning that the political elites in power would have to give up 'power' and 'influence' in terms of the above processes discussed within administrations. The giving up of 'power' and 'influence' indicates high political costs for the ruling elites. In practice, the elites understand this process as lower support or lower votes for their parties. This goes contrary to the political

parties legitimate goal of getting and staying in power, thus the reforms were being postponed and delayed while decision-makers were only making the talk of reform.

The ten-year period of process tracing employed in this research does not show any transformative change in the civil service as a key dimension of good governance. The findings show that there have been continuous changes in the legal infrastructure and other policies like strategies and by-laws including 2010, 2012 and lately 2019. The three periods present important dates in the history of administration reform as major changes in terms of legislation took place during in these years. These small changes and reforms were due to EU conditionality, but not only. Other donors like UK, USAID, UNDP and the World Bank, were also involved in the process of reforming the public administration, in particular the civil service. Thus, their impact could not be isolated, but the process tracing methodology allowed us to closely monitor and analyze the EU impact in this process. The observations show that once the legislative packages were adopted, it took few years for the leading ministries to adopt secondary legislation. On the other hand, the lack of secondary legislation made more difficult and delayed the implementation phase. One of the factors contributing to this delay of adoption of secondary legislation was the lack of professional civil service capacities. Civil Servants did have problems with absorption capacities and technical problems aroused in terms of drafting and understanding secondary legislation. Another factor identified was the political unwillingness to proceed with the reforms due to the high cost of reforms, which lead to delays in adoption of secondary legislation and implementation of these policies. The lack of political willingness could also be observed in that the government until lately did not prioritize the reforms on administration including the civil service. On the other hand, the political rhetoric of prioritization employed later on did not lead to any major transformative change in the civil service. The findings show that this rhetoric was mainly born due to the European conditionality in the context of a prospect to join the Union. However, this conditionality was weak in terms of its effectiveness due to the rough environment of so many interests involved.

Overall, analysis show that the major problems remaining in the civil service during this ten-year period include the high number of service contracts, which represents around 10% of the entire number of civil servants. The service contracts are pure political decisions that serve to employ politically affiliated individuals in the administration. This form of employment depicts a highly politicized administration in terms of recruitment. Streamlining of independent agencies and their staff remains also a major challenge. Agency board members continue to be appointed on the basis of political association and have rights of monitoring and licensing large markets like electricity. On the other hand, there were few positive developments during this period including concept clarifications and the longevity of contracts.

The findings show that major problems remain in the civil service independent of advancements made in the legislative and strategic framework. As explained in the methodological section, we employ the Radaelli scale to give a clearer picture of where the civil service stands in the context of EU conditionality. Firstly, it is evident that the civil service did not undergo the retrenchment phase meaning that this policy is not less Europeanized due to EU conditionality. Secondly, the findings show that this reform cannot be categorized in the status quo phase as changes took place in some aspects of the reform. Thus, classifying it into the status quo would mean indicate limited observation of findings. Thirdly, for classifying civil service into the transformation phase in the context of EU conditionality, in practice the above results related to problems would not exist. Problems with politicized recruitment would not exist and a merit-based recruitment system would have been in place. A transformation of the entire system including the behavior and culture of work would have entirely been transformed for better. However, no such changes could be observed during this ten-year period of tracing.

The overall results reflect a civil service that has undergone a set of three major legislative package changes accompanied with secondary legislation and a set of strategies, three being still active. Additionally, other small-scale changes took place like training of civil servants. However, successful implementation of this legislation was interfered by the political elite leading to delays in adoption of secondary legislation and its implementation. In particular, the undue political influence was observed in the recruitment process of senior civil servants and board members of publicly owned enterprises due to the political and financial benefits. Thus, the findings themselves would classify this phase into the Radaelli absorption phase. It is also important to note that the analysis of key documents like country reports, SIGMA reports, international reports, government reports are not in contradiction with the views of CSOs and experts interviewed. The counterfactual effect of the EU conditionality would result in no change in the administration, no matter the scale and effectiveness of these reforms.

The absorption of requirements in the civil service rather than the lack of real reform and transformation in civil service for more than ten years could be explained partially on the basis of high political costs for the

ruling elites and a weak conditionality by the EU. Another factor contributing to the absorption phase of civil service and the lack of real transformation is the low professional capacities and the budgetary expenses within key institutions responsible for monitoring and implementing the reforms. This lack of human and financial resources within key public administration institutions has been reiterated in all assessments in view of civil service conducted by the Commission, the SIGMA, government reports, and expert interviews. These costs are considered adaptation costs of the reform adoption and implementation. These key institutions include KIPA which until lately, as discussed in the above analysis, did not have premises and its work was hampered with serious lack of professional capacities; the IOB which is the key protection mechanism of civil servants but is faced with legislative gaps in terms of decision implementation, the DCSA which is in charge of coordinating and implementing all civil service policies, but is faced with lack of human resources, the MAP which was not seriously viewed as the central body on managing the PAR; the lack of horizontal coordination among all stakeholders in particular the center of government institutions including OPM, MF, MIE. These challenges present medium to high adaptation costs for the government in the context of adoption and implementation of the reforms on civil service, thus leading in delays toward the real reforms.

Both of our hypotheses including a) the higher the political costs of adopting civil service reforms the lower the possibility of adopting such reforms and b) the lower the adaptation costs the higher the possibility of adopting EU policies on civil service are accepted and evidence from our case study suggests that the civil service reform remains in the absorption phase while real transformation lacks.

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