

UNIVERZA V LJUBLJANI
FAKULTETA ZA DRUŽBENE VEDE

Ruzhdi Halili

**Simplification of Public Administration Processes:
Current Situation and Future Opportunities in Kosovo**

**Poenostavitev javnoupornih procesov: trenutno stanje
in prihodnje priložnosti na Kosovu**

Doktorska disertacija

Ljubljana, 2020

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Ruzhdi Halili

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Authors' Declaration or Declaration of authorship

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Simplification of Public Administration Processes: Current Situation and Future Opportunities in Kosovo

Understanding the historic theoretical development of public administration, provides answers to many questions about its functioning in practice. The theory has been a basis for the vision and inspiration on the public administration reforms across countries. Different public administration theories have advocated different principles and values. Changes in government and management practices have created new demands for different types of theories. This includes Neo Weberian Theory, New Public Governance, Good Governance etc., which have spread different principles in the public administration practice.

Efficiency in one side and democratic principles, such as equality, participation, transparency etc. as the main principles and values in the public administration doctrine, literature and practice in the recent years are part of arguments among advocates of the new and classical theories. Different countries have used different approaches to use contemporary tools and to address needs of citizens. One of them, administrative simplification is becoming a priority of OECD, EU countries and the Western Balkans seeking to improve public governance and regulatory quality.

Kosovo's public administration to be analyzed from its historical background and its transition from UNMIK administered territory to the newly established state. The type of the administration and reform in Kosovo is typical for countries in transition. New approaches in its development were influenced by different organizations, on one side introducing new public management principles and public administration models contradicting the traditional administration principles which, either existed or introduced by other organizations. This situation caused to segmentation of various models and approaches depending on who, which part of the administration has influenced. Taking into consideration, new demands deriving from needs of citizens, development of the new technology and approaches require moving from traditional approach to e-governance and further to digitalization of government services. In addition, Kosovo's aspiration for the EU integration and many other reasons, the recent focus on the public administration reforms in Kosovo is to improve the service delivery system.

Having in mind these circumstances the focus of the thesis are main administrative simplification tools and methods aiming to improve the service delivery to citizens and businesses.

The implementation of the research study design aimed to respond to the following research questions:

- *What are strategies of public administration reforms in Kosovo concerning the regulatory tools and administrative simplification methods (such as deregulation, regulatory burdens, opening one stop shops, standard cost model)?*
- *What are the impacts of public administration reforms on the regulatory tools and administrative simplification methods in Kosovo state administration?*
- *What are the main factors impeding the implementation of the regulatory tools and administrative simplification methods in Kosovo state administration?*

In order to respond to these questions, qualitative research methods are used such as: document analysis, non-participant observation, interviews and surveys. The document analysis is used in combination with other qualitative research methods as a means of triangulation. The

individual interviews and group meetings were used to support the evidence collected through document analysis. Interviews involved different categories of stakeholders, such as government officials, representatives of civil society, independent experts and academics and representatives of businesses. Focus group has included experts of the field and direct beneficiaries of specific public services civil society representatives, business community etc. Non-participant observation is used to collect information through work in the government ministries. The survey is focused on businesses due to administrative burden reduction and removal of barriers for them as the main priority presented through its strategic framework. The final completed sample of survey reached 210 respondents from a total population of around 35.000 of businesses.

The research provided that most OECD and EU countries, the efficiency and effectiveness which, derives from the modern and postmodern theories of public administration (such as NPM, Neo Weberian, New Governance etc) are by now a consolidated policy priority of government. Administrative simplification which is considered as a key factor to achieve a more efficient and effective public administration remained high on the agenda of most OECD countries and EU member states over the last couple of decades. The Western Balkan states also have undertaken concrete steps through their processes, procedures and institutional arrangements for a more efficient administration.

Implementation of the research design evidenced that Kosovo made efforts to respond to new challenges and demands of the post-modern developments in the public administration. Analysis of documents, observation and interviews with the aim to respond to the *first research question* of the study, evidence that current circle of strategic framework at central national, sectoral and sub-sectoral level paid an attention on the simplification of administrative processes and is improved substantially. However, the strategic framework is not sufficiently comprehensive, it is incomplete and fragmented in the area of administrative services, as well as in providing answers on choices of application administrative simplification tools and methods. National Development Strategy 2016-2021 does not clearly provide directions in many aspects of the reform. At sectoral level although several administrative simplification tools, the spirit of modernization of public administrative and ease of access to administrative services is based in the PAMS, it did not guide drafters of the LGAP as the main legal instrument to include principles such as once only principle, silence is consent, principle of gratuity, administrative assistance etc.

To respond to the *second research question*, the study finds that the impact of the strategic framework in introduction of administrative simplification tools and methods in policies and legislation of Kosovo is uneven. The research finds that many common administrative simplification tools and methods, as aimed with strategies, are already or in process of incorporation in policy and legislative measures of the Kosovo government. On the other hand, many applied administrative simplification tools are not based on any strategy. The perception of businesses on the impact of reforms conducted by the Kosovo Government on reduction of administrative burden is mixed. The Law No. 04/L-202 on Permit and License System entered into force in 2014 and Law on General Administrative Procedure (LGAP) in 2017 were the major development in the recent years in the simplification of administrative procedures. LGAP introduces administrative simplification tools such as: single points of contact, enables the use of information technology for administrative services, requires the reduction of administrative burden, introduces the once only principle, administrative assistance, the principle silence is consent etc. Despite of this, implementation of LGAP in practice has been one of the main challenges in the recent years.

In practice the study recognized several examples of success including: the single procedure to obtain the Unified ID number for businesses, one stop shops for business registration; the E-kiosk –in the Pristina and some other municipalities; electronic declaration of taxes etc.

As a response to the *third research question*, the study confirms several factors that impact on the weak implementation of strategies, legislation and application of administrative simplification tools.

- Fragmented organization of administrative service delivery and lack of a central institution responsible for an overall planning, policy making, coordination and monitoring and evaluation of legislation and standards on modernization of administrative public services in Kosovo.
- The frequent changes of governments and political instability.
- Unsuccessful harmonization of specific laws with LGAP due to: the lack of political commitment; inappropriate approach and; lack of involvement of ministries and other specific institutions during the analysis of the legislation; dependence on the external assistance etc.
- The progress of digitalization of services is hampered until the Law on Information Society Services to enable the application of electronic signature. The Government has not promoted the use of quality-management tools and frameworks.

Despite obvious improvements, to further advance the service delivery it is recommended that:

- A comprehensive and well defined strategic vision, formulated in strategic documents should be followed by the strategic actions, evidence based and driven by needs of the administrative service users' and recent technologic and economic developments.
- Institutions responsible to conduct administrative burden reduction reforms should coordinate their activities and jointly focus on selected specific sectors step by step rather than try to cover all sectors at the same time.
- In addition, focus on reducing demands of institutions for documents and certificates when they are requested for an administrative service.
- Responsibility on planning, coordination, monitoring and evaluation concerning the modernization of administrative public services should be vested to an appropriate institution.
- Engagement in strengthening regional initiatives or mechanisms to share best practices and experiences in conducting reforms on administrative simplification in order to improve administrative service delivery among western Balkan these countries.
- The impact on the quality of service delivery by the staff who have direct contacts with service users' (front line staff) is not paid any attention by reforms. It is important to focus on supporting them with information and guidelines, increase their capacities and assess their performance on their work with service users'.

Keywords: administrative simplification; theories; tools and methods; principles of public administration; administrative burden; better regulation; Western Balkans; Kosovo.

Poenostavitev javnoupornih procesov: trenutno stanje in prihodnje priložnosti na Kosovu

Razumevanje zgodovinskega teoretičnega razvoja javne uprave daje odgovore na številna vprašanja o njenem delovanju v praksi. Teoretična izhodišča so bila osnova za vizijo in navdih pri reformah javne uprave v številnih državah. Različne teorije javne uprave zagovarjajo različna načela in vrednote. Spremembe oblastvenih in vodstvenih praks so ustvarile zahteve za novo vrsto teorij, med katere spadajo teorija neweberijanske države, novo javno vladovanje, dobro vladovanje in tako dalje, ki so razpršila različna načela v delovanju javne uprave. Klasične teorije namreč ne zadostujejo več novim trendom delovanja. Učinkovitost na eni strani in demokratična načela (kot so enakost, participacija, transparentnost) kot glavna načela in vrednote doktrine javne uprave, literature in prakse v zadnjih letih, so del argumentov zagovornikov tako novih in kot tudi klasičnih teorij. Različne države uporabljajo različne pristope za uporabo sodobnih orodij pri naslavljanju potreb državljanov. Eden izmed teh pristopov se nanaša na upravno poenostavitev; le-ta je prednostna naloga OECD, držav EU in zahodnega Balkana, ki si prizadevajo izboljšati javno vladovanje in kakovost predpisov.

V tem kontekstu kot ključni cilj doktorske disertacije zastavljamo proučevanje poenostavitve javnoupornih procesov v novonastali državi – Republiki Kosovo – ki trenutno izvaja široke reforme javne uprave. Pri tem smo preverili, ali obstaja strateški pristop k uvajanju orodij poenostavitve javne uprave na Kosovu. Analizirali smo glavna orodja poenostavljanja javne uprave, in sicer boljše regulacijske metode, deregulacijske okvirje, poenostavitev javnoupornih procesov ter druga regulatorna in policy razvojna orodja. Z analizo teh orodij smo želeli prispevati k povečanju znanja, zavedanja in razumevanja javne uprave, kot tudi h krepitvi evidenc, ki jih imajo na voljo odločevalci za oblikovanje politik kosovskih institucij.

Kosovsko javno upravo je potrebno analizirati iz zgodovinskega vidika iz prehoda ozemlja pod upravo UNMIK-a v novo ustanovljeno državo. Upravne reforme na Kosovu so značilne za države v tranziciji. Na nove pristope v razvoju kosovskega upravnega sistema so vplivale različne organizacije, ki so spodbujale uvajanje novih načel javnega upravljanja in modelov javne uprave, ki so v nasprotju s tradicionalnimi načeli upravljanja, ki so jih bodisi že obstajala bodisi so jih uvedle druge organizacije. To stanje je povzročilo segmentacijo različnih modelov in pristopov, odvisno od tega, kdo je vplival na kateri del upravnega sistema. Upoštevajoč nove zahteve, ki izhajajo iz potreb državljanov in razvoj novih tehnologij in pristopov zahteva prehod od tradicionalnega pristopa do e-upravljanja in procesov digitalizacije upravnih storitev. Poleg tega prizadevanje Kosova za vključitev v EU in številni drugi razlogi kažejo, da je pozornost reformi javne uprave na Kosovu pomeni tudi izboljšanje sistema zagotavljanja javnih storitev.

Glede na te okoliščine je pozornost doktorske disertacije usmerjena na upravna orodja in metode za poenostavitev in izboljšanje zagotavljanja storitev državljanom in podjetjem. Raziskovalni model smo zastavili tako, da je odgovoril na naslednja raziskovalna vprašanja:

- *Kakšne so strategije reform javne uprave na Kosovu glede regulatornih orodij in metod poenostavitve javnoupornih postopkov (kot so deregulacija, regulativna bremena, odprtje »one stop shop«, standardni model stroškov)?*
- *Kakšni so učinki reform javne uprave na regulatorna orodja in na metode poenostavitve javnoupornih postopkov v državni upravi Kosova?*
- *Kateri glavni dejavniki ovirajo izvajanje regulatornih orodij in metod poenostavitve javnoupornih postopkov v državni upravi Kosova?*

Da bi lahko odgovorili na ta vprašanja, smo v disertaciji uporabili kvalitativne raziskovalne metode, kot so analiza dokumentov, opazovanje udeležencev, intervjuje in ankete. Analiza dokumentov se uporablja v kombinaciji z drugimi kvalitativnimi raziskovalnimi metodami kot sredstvo triangulacije. Posamezni intervjuji in sestanki skupin so bili uporabljeni v podporo dokazom, zbranim z analizo dokumentov. Intervjuji so vključevali različne kategorije deležnikov, kot so vladni uradniki, predstavniki civilne družbe, neodvisni strokovnjaki in akademiki ter predstavniki podjetij. Fokusna skupina je vključevala strokovnjake s področja raziskovanja, upravičence posebnih javnih storitev, predstavnike civilne družbe, poslovne skupnosti in druge. Opazovanje udeležencev se je uporabilo za zbiranje informacij z delom na vladnih ministrstvih. Anketa je bila osredotočena na podjetja zaradi zmanjševanja in odstranjevanja upravnih bremen. Končni zaključeni vzorec raziskave je dosegel 210 anketirancev iz celotne populacije približno 35.000 kosovskih podjetij.

Raziskava je ugotovila, da sta v večini držav OECD in EU uspešnost in učinkovitost, ki izhajata iz modernih in postmodernih teorij javne uprave (kot so NPM, neoweberijanska država, novo vladovanje in druge), že sedaj postali prednostni nalogi vlad. Upravna poenostavitev je prepoznana kot ključni dejavnik za doseganje uspešnejše in učinkovitejše javne uprave; to vprašanje je v zadnjih nekaj desetletjih pristalo na dnevnem redu vlad večine držav OECD in EU. Države zahodnega Balkana so prav tako naredile konkretne korake, saj so njihovi procesi, postopki in institucionalne ureditve enostavno potrebni učinkovitejšega upravljanja.

Implementacija raziskovalnega načrta je pokazala, da si je Kosovo prizadevalo odgovoriti na nove izzive in zahteve postmoderne razvoja javne uprave. Analiza dokumentov, opazovanja in intervjuji z namenom odgovoriti na *prvo raziskovalno vprašanje* disertacije kažejo, da je sedanji krog strateškega okvira na osrednji državni in resorni ravni posvetil pozornost poenostavitvi upravnih postopkov in se znatno izboljšal. Vendar strateški okvir ni dovolj izčrpen, na področju upravnih storitev (pa tudi pri izbiri orodij in metod za poenostavitev upravljanja) je nepopoln in nekonsistenten. Nacionalna razvojna strategija ne določa dovolj natančnih usmeritev pri mnogih vidikih upravne reforme. Na resorni ravni je na voljo več orodij za poenostavitev upravljanja ter poenostavitve dostopa do upravnih storitev, kljub temu pa pripravljavci zakonodaje niso pripravili osrednjega upravnega instrumenta, ki bi vključeval nekatera temeljna načela (»samo enkrat«, »molk je privolitev«, načelo upravičenosti, upravna pomoč, »one stop shop« pisarne in druge).

V iskanju odgovora na *drugo raziskovalno vprašanje* ugotavljamo, da je vpliv strateškega okvira pri uvedbi orodij in metod za poenostavitev upravljanja javnih politik in zakonodaje na Kosovu neenakomeren. Ugotavljamo, da je veliko skupnih orodij in metod za poenostavitev, ki so usmerjene v strategije, že vključenih v posamezne javne politike in zakonodajne ukrepe kosovske vlade. Po drugi strani pa veliko uporabljenih orodij za poenostavitev upravljanja ne temelji na nobeni strategiji. Zaznavanje podjetij o vplivu reform, ki jih izvaja kosovska vlada za zmanjševanje upravnega bremena, je mešano. Zakon o sistemu dovoljenj in licenc je začel veljati leta 2014, Zakon o splošnem upravnem postopku (LGAP) pa leta 2017; oba zakona predstavljata največji razvojni preskok v zadnjih letih na področju poenostavitve upravnih postopkov. LGAP uvaja orodja za poenostavitev upravljanja kot so enotne kontaktne točke, uporaba informacijske tehnologije za administrativne storitve, zahteva zmanjšanje upravnih bremen, uvaja načelo »samo enkrat«, uvaja upravno pomoč, načelo »molk je privolitev« in druge. Kljub temu pa je bila implementacija LGAP eden glavnih izzivov kosovskih oblasti v zadnjih letih. Disertacija je prepoznala več uspešnih primerov implementacije, vključno z enotnim postopkom za pridobitev enotne identifikacijske številke za podjetja, enotne kontaktne

točke za registracijo podjetij, e-kiosk, elektronska prijava davčnih obveznosti, če jih omenimo le nekaj.

Kot odgovor na *tretje raziskovalno vprašanje* disertacija potrjuje več dejavnikov, ki vplivajo na šibko izvajanje strategij, zakonodaje in uporabe orodij za poenostavitev upravnih postopkov:

- razdrobljena organizacija izvajanja upravnih storitev in pomanjkanje osrednje institucije, ki bi bila odgovorna za načrtovanje in oblikovanje politik, usklajevanje ter spremljanje in oceno zakonodaje in standarda o posodobitvi upravnih storitev;
- pogoste spremembe vlad in politična nestabilnost;
- neuspešno usklajevanje posebnih zakonov z LGAP zaradi pomanjkanja politične zavezanosti;
- neustrezen pristop in pomanjkanje participacije ministrstev in drugih posebnih institucij med analizo zakonodaje;
- odvisnost od zunanje pomoči;
- razvoj digitalizacije storitev bo oviran dokler Zakon o storitvah informacijske družbe ne bo omogočil uporabe elektronskega podpisa. Vlada doslej namreč ni spodbujala uporabe orodij in okvirov menedžmenta kakovosti.

Kljub očitnim izboljšavam, smo na osnovi znanstvenih ugotovitev kot dodano vrednost pričujoče doktorske disertacije pripravili naslednja policy priporočila:

- celoviti in dobro opredeljeni strateški viziji, oblikovani v strateških dokumentih, bi morali slediti strateški ukrepi, ki bi temeljili na potrebah uporabnikov upravnih storitev in nedavnem tehnološkem in gospodarskem razvoju;
- institucije, odgovorne za izvajanje reform za zmanjšanje upravnega bremena, bi morale korak za korakom usklajevati svoje dejavnosti in se osredotočiti na izbrane posebne resorje, ne pa poskušati hkrati zajeti vse resorje;
- fokus omenjenih institucij bi moral biti tudi na zmanjšanju potreb po dokumentih in potrdilih, ko državljani zaprosijo za določeno zaupno storitev;
- odgovornost za načrtovanje, usklajevanje, spremljanje in vrednotenje v zvezi s posodobitvijo upravnih storitev bi morala biti dodeljena ustrezni instituciji;
- sodelovanje v krepitevi regionalnih pobud za izmenjavo najboljših praks in izkušenj pri izvajanju upravnih reform, da bi tako izboljšali zagotavljanje upravnih storitev v državah Zahodnega Balkana;
- reforme ne posvečajo pozornosti vplivu na kakovost opravljanja storitev osebja, ki je v neposrednih stikih z uporabniki storitev (osebje na liniji). Pomembno se je osredotočiti tudi na podporo javnim uslužbencem z informacijami in smernicami, povečati njihove zmogljivosti in oceniti njihovo uspešnost pri delu z uporabniki storitev.

Ključne besede: poenostavitev upravnih procesov; teorije; orodja in metode; načela javne uprave; administrativno breme; boljša regulacija; Zahodni Balkan; Kosovo.

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LIST OF ABBREVIATIONS

| | |
|-------|---|
| ABR | Administrative Burden Reduction |
| ADISA | Agency for the Delivery of Integrated Services Albania |
| AIS | Agency for Information Society |
| BB | Balkan Barometer |
| BRS | Better Regulation Strategy |
| BS | Business Survey |
| CAA | Civil Aviation Agency |
| CAF | Common Assessment Framework |
| CAF | Common Assessment Framework |
| CD | Concept Document |
| CRA | Civil Registration Agency |
| CSO | Civil Society Organizations |
| EDI | Electronic Declaration of Taxes |
| EDVAP | Economic Vision of Kosovo |
| eIDAS | Electronic Identification Authentication and Trust Services |
| ERP | Economic Reform Programme |
| EU | European Union |
| EUPAN | European Union Public Administration Network |
| GAPA | General Administrative Procedure Act |
| GDP | Gross Domestic Product |
| GRK | Government of Republic of Kosovo |
| GSB | Government Service Bus |
| HDI | Human Development Index |
| HRMIS | Human Resource Management Information System |
| ICT | Information and Communication Technology |
| IMF | International Monetary Fund |
| IPA | Pre-accession Assistance |
| IPAE | Independent parameter |
| ITE | Information Technologies and e-Government |
| KFOR | Kosovo Force |
| KIPA | Kosovo Institute for Public Administration |

| | |
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| LGAP | Law of General Administrative Procedure |
| LTPD | Long Term Policy Document |
| MIA | Ministry of Internal Affairs |
| MISA | Ministry of Information Society and Public Administration |
| MPA | Ministry of Public Administration |
| MPALSG | Ministry of Public Administration and Local Self-government |
| NAIS | National Agency for Information Society |
| NASPAA | National Association of schools of Public Administration |
| NDS | National Development Strategy |
| NGO | Non-Governmental Organizations |
| NMP | New Public Management |
| NPG | New Public Governance |
| NWS | Neo Weberian State |
| OECD | Organization for Economic Cooperation and Development |
| OGP | Open Government Partnership |
| OPM | Office of the Prime Minister |
| OSCE | Organization for Security and Cooperation in Europe |
| PAMS | Public Administration Modernization Strategy |
| PAR | Public Administration Reform |
| PISG | Provisional Institutions of Self-Government |
| POSDCORB | Planning, Organizing, Staffing, Directing, Coordinating, Reporting, and Budgeting |
| PPS | Public Policy Secretariat's |
| QMS | Quality management system |
| RCC | Regional Cooperation Council |
| REFIT | Regulatory Fitness and Performance Programme |
| RESPA | Regional School for Public Administration |
| RIA | Regulatory Impact Assessments |
| SAA | Stabilization and Association Agreement |
| SCM | Standard Cost Model |
| SDIS | Strategy for the Development of Information Society |
| SEE | South East Europe |
| SIGMA | Support to Improvement of Governance and Management |
| SRSG | Special Representative of the Secretary General |

| | |
|-------|--|
| STIKK | Information of the Association of Information and Communication Technology |
| TAK | Tax Administration |
| TQM | Total quality management |
| UN | United Nations |
| UNDP | United Nations Development Program |
| UNMIK | United Nations Mission in Kosovo |
| UNPAN | United Nations Public Administration Network |
| UNSCR | United Nations Security Council Resolution |
| USA | United States of America |
| USAID | United States Agency for International Development |
| WB | World Bank |

Chapter
1 INTRODUCTION

1.1 THEORETICAL OVERVIEW

Although the practice of public administration is very old, the formal study and elaboration of public administration theory are new (Frederickson, Smith, Larimer and Licari, 2012; Brezovšek, Haček and Kukovič, 2014, p. 7) and dates from the beginning of the 20th century (Wilson, 1887; Goodnow, 1900; Weber, 1927; Willoughby, 1927; Gulick, 1937; Waldo, 1948, etc). Understanding of the historic theoretical development of public administration offers answers to many questions about its functioning in practice. The theory has been a basis for the vision and inspiration for the public administration reforms across countries. The traditional model of Weberian bureaucracies, the evolution of administrative systems, methods and styles followed different paths and was subjected to various influences deriving from related disciplines, such as political science, economics and sociology (Drechsler, 2009; Lampropoulou and Oikonomou, 2018). Different public administration theories have advocated different principles and values. Since classical theories advocate for the traditional models and values such as bureaucracy, hierarchy, rules, rationality etc. contemporary theories of public administration argue for the business management principles such as efficiency, effectiveness and innovative methods in the management and functioning of public administration. Changes in government and management practices have created new demands for different types of theories (Frederickson et al., 2012; Brezovšek, Haček and Kukovič, 2014). As a result or compromise mix or hybrid approaches have recently been developed. This includes the Neo Weberian Theory, New Public Governance, Good Governance etc., which have spread different principles in the public administration practice (Frederickson et al., 2012; Brezovšek and Kukovič, 2015; Lampropoulou and Oikonomou, 2018).

Efficiency and democratic principles, such as equality, participation, transparency etc. as the main principles and values in the public administration doctrine, literature and practice in the recent years are part of arguments among advocates of the new and classical theories (Mihaiu, Opreana and Cristescu, 2010; OECD, 2010; Koprić, 2011a; Frederickson et al., 2012; Brezovšek and Kukovič, 2015; Koprić, Kovač, Đulabić and Džinić, 2016). They were included as core principles of public administration by many international organizations, including European Union (OECD/SIGMA, 1999). At the same time, they were very important driving

factors for the public administration reforms in the South-East European countries (SEE)¹ (Matei and Radulescu, 2011; Brezovšek and Kukovič, 2015). Different countries have used different approaches to utilise contemporary tools and to address the needs of citizens. One of them, administrative simplification is becoming a priority of OECD countries seeking to improve public governance and regulatory quality (OECD, 2006; OECD, 2007; EUPAN, 2014).

Kosovo's public administration needs to be analyzed by referring to its earlier historical background to its transition from an UNMIK administered territory to a newly established state. From the analysis of basic documents concerning the public administration reform in Kosovo, the type of the reform it applies is typical for the countries in transition (Batalli, 2012, p. 22). Some authors (OECD/SIGMA, 2015; Venner, 2016; Muharremi, 2017) argue that the overall administrative system is built on the principles of traditional public administration, coupled with weak management and implementation capacities. The Kosovo administration was re-built in an ad-hoc fashion after the wars in the Balkans in the 90s of the last century.

New approaches in the development of public administration in Kosovo were influenced by different organizations, which introduced new public management principles and public administration models contradicting the traditional administration principles, which either existed or were introduced by other organizations. This situation caused a segmentation of various models and approaches depending on who, which part of the administration had a bigger influence. This has led to the launch of new public administration reforms where, the recent policy framework and legislation continuously introduced new modern principles of public administration. These were primary based on the EU Public administration principles through public administration reform package that was developed with the support of and influenced by the OECD/SIGMA principles on public administration as well as by different technical assistance projects that support the public administration.

The new demands deriving from needs of citizens, the development of new technology and approaches require moving from traditional approach to e-governance and further to

¹ South-East European countries which are members of the Regional Cooperation Council include: Albania, Bulgaria, Greece, Moldova, Romania, Slovenia, Turkey, Bosnia and Herzegovina, Croatia, Kosovo, Montenegro, Serbia, Macedonia. Source Accessible via <http://www.rcc.int/pages/97/participants-from-see> (September 2017).

digitalization of government services. In addition, due to Kosovo's aspiration for the EU integration and many other reasons, the recent focus on the public administration reforms in Kosovo is to improve the service delivery system.

As in other regional countries the principle of efficiency and effectiveness as well as other principles of good governance are included in several planning, policy and legal documents in the public administration of Kosovo. PAR strategies as well as legal framework continuously make reference to the principle of efficiency in the public administration as well as aimed to ensure proportionality; equality and non-discrimination; objectivity and impartiality; open administration; de-bureaucratization and efficiency of administrative proceedings; provision of information and active assistance; minimizing procedural costs; and the right to legal remedies (OECD/SIGMA, 2019, p. 13). However, while the overall reforms were focused on the policy design and legislative framework, most innovative tools for better service delivery are part of the legislative system, but their implementation has remained a challenge for many years.

1.2 FOCUS OF THE RESEARCH

Efficiency as a principle of public administration is one of the guiding factors during the work of this research study. Other principles and values of public administration, namely good governance principles derived from the European integration process as well internal demands for the better service delivery have been introduced at EU, regional and country level.

The research study provides a review and discussion of the theories, arguments and models concerned with explaining why a sound regulatory policy can have real world effects on performance of the government in the service delivery and to some extent on economic development.

The literature review identified that there is a lack of empirical evidence on the measurement of causal chain between selected tools and methods that would mostly contribute to the efficiency of the public administration and is an issue that has not provided yet clear answers (Curristine, Lonti and Joumard, 2007; Parker and Kirkpatrick, 2012;). Causal chain analysis is a technique for explaining the way in which a regulatory intervention results in an economic

impact. By helping to understand the "how" and "why" questions surrounding regulatory impact, causal chain analysis can provide policy makers with relevant information on the consequences of their policy decisions (Parker and Kirkpatrick, 2012, p. 11).

The performance of the administration and particularly better administrative services delivery to its citizens and other service users is a core business of the public administration. Provision of public services is subject to government's regulations. The quality of regulations has been recognized as a key factor for efficient, effective and good governance (Weatherill, 2007, p. 4). If the regulatory framework is too complex, it may contribute to restricting access to public services for certain groups of citizens, or creating unnecessary regulatory burdens for public authorities/service providers, which leads to inefficiencies (OECD, 2017, p. 123). On the other hand public administration practices, procedures, flexibility, e-government etc. are also mentioned by Cuirristine et al. (2007) as factors that contribute to the efficiency of administration. Administrative simplification strategies are the main instruments used to reduce the unnecessary burdens imposed by the administration to the administrative service users in most OECD, European countries, EU administration and Western Balkans countries (OECD, 2007a; OECD, 2009; OECD, 2010; OECD, 2011a; OECD, 2017; RESPA, 2018; European Commission, 2020).

Since Kosovo faces not only with issues of regulatory inefficiency and complexity due to the history of the country and the absence of procedures that enhance regulatory clarity (Government of Kosovo, 2017; Shala, 2019, p. 5) better regulation reforms are very important for the development of economy and social life. The literature reviewed for formulating the research questions, various assessments of public administration reform and experience with public administration in Kosovo showed that the focus of public administration is to increase its efficiency and effectiveness for the improvement of administrative service delivery. An analysis of government policy goals in most regional countries, with particular focus in Kosovo, indicated that among the strategic objectives of public administration reforms is the improvement of administrative services through various measures. In this context the strategy of simplification of public administration has occupied a particular place in the government agenda of Kosovo. This is one of the *raison d'être* to address the administrative simplification in this PhD research. Other methods, such as cost benefit analysis, regulatory impact assessment, evaluation of legislation and policies are some of instruments that are part of policy development system in the Kosovo public administration as well. However, these tools serve

as a means to decide on best policy choices and options to achieve the objective, simplification of administration (as well as other government objectives), in order to provide businesses and citizens with a better access to services. As a result, substantial policy and legislative reforms have been undertaken during the last decade through modern innovative instruments such as digital service delivery, principle silence is consent, once only principle, and introduction of one stop shops. Administrative burden reduction reforms were upgraded as a high level priority by the Kosovo Government. Most of these policies have been adopted only recently and the extent of their effect and implementation will be seen in the years ahead. However, it is vague if evidence-based information, approaches such as cost benefit analysis, regulatory impact assessment and evaluation of their design and needs of stakeholders have been taken into account when policy options for administrative simplification and burden reduction are decided.

Having in mind this situation, the research aims to discuss the main administrative tools and methods of administrative simplification aiming to improve the service delivery to citizens and business. Administrative simplification tools and methods studied in the dissertation in the context of Kosovo public administration are the better regulation methods, simplification of procedures as well as other innovative solutions that provide citizens and businesses with access to the administrative services. Approaches such as cost benefit analysis, regulatory impact assessment, evaluation of legislation and policies, stakeholder's participation etc are discussed slightly under the relevant chapter dealing below, though due to the reasons elaborated above the focus of the PhD study is to elaborate on the presence of administrative simplification tools and methods in strategies, policies and their implementation by the Kosovo public administration. As another *raison d'être* the study provides empirical evidences on the raised research questions that can be utilised by experts and policy makers when they conduct cost benefit analysis, evaluation and impact assessment. In addition, since the academic literature on this subject and its contribution to the Kosovo state administration is limited, the dissertation contributes to enhancement of discussion and studies among Kosovo scholars, but in particular to engage in discussion and to attract the attention of national and international scholars on the newly established Kosovo state administration.

The focus consists of three segments of the subject matter:

- In addition to the theoretical overview and historical development of the overall public administration in Kosovo, the first segment of the study covers the efforts made by Kosovo

government and its subordinated levels to establish, extend and improve the strategic and policy, namely the planning system on the administrative simplification reforms. In addition, this segment covers reforms undertaken to improve the legislative framework for the administrative service delivery.

- The second segment of the study is focused on the institutional framework responsible for conducting reforms and their implementation in practice and their impact on the daily life of the service.
- Empirical research consists of the survey focused on the perception of businesses (and citizens) assessing their awareness of the government reforms related to the administrative burden reduction and administrative simplification, the main burdens and their magnitude, the main tools used by the government etc.

Different sources were used for this purpose. Apart of the survey conducted with businesses for the purpose of this study, the information in relation to the opinion of businesses and citizens has been complemented by other surveys of international organizations such as Regional Cooperation Council through Balkan Barometer Surveys, OECD/SIGMA Survey called Weber Survey etc.

The research study methodology, elaboration of theoretical issues and empirical evidence of the research questions raised, contribute to increase of knowledge and understanding about the administration on the subject and strengthen the evidence base available to policymakers for the design of policies and legislation of Kosovo institutions.

1.3 RESEARCH QUESTIONS

OECD claims that administrative simplification policies can be designed either on an ad hoc basis focused in a sector, or on a rather comprehensive and long-term perspective (OECD, 2009). Lack of a comprehensive government administrative simplification strategy makes change difficult (OECD, 2009b, p. 28). Actually, there is an assumption that the strategic framework in the field of service delivery in Kosovo is fragmented. The strategic framework

for service delivery in Kosovo is in place, but does not clearly articulate a Government vision for service delivery transformation (OECD/SIGMA, 2017, p. 102). Therefore, the first research question that is studied in this dissertation is “*What are strategies of public administration reforms in Kosovo concerning the regulatory tools and administrative simplification methods (such as deregulation, regulatory burdens, opening one stop shops, standard cost model)?*”

As a result of the support of external technical assistance, several regulatory tools have been introduced in the public administration in Kosovo in recent years. Regulatory impact assessment (reformulated into Concept Documents), financial impact assessment, checking the compliance of laws with *acquis*, were part of requirements for the legal proceeding of the legislation in the government. A contribution from this research study is going to add a value to the future public administration reform efforts in the Kosovo administration through answering the research question: *What are the impacts of public administration reforms on the regulatory tools and administrative simplification methods in Kosovo state administration?*

The goal to create an efficient administration is achieved when policies, laws and regulations are effectively implemented (OECD, 2009b). For this purpose, the Kosovo state administration has undertaken several steps in introducing better regulation and administrative simplification tools, including Regulatory Impact Assessment, ex post evaluation, standard cost model etc. as well as legislative reforms mainly through Law on General Administrative procedures and other legislation. But implementation of these efforts in practice faced many barriers. There is a need to explore many factors that may impede the implementation of the legislation and tools for administrative simplification in the Kosovo state Administration. This assumption was aimed to be answered by the research question: *What are the main factors impeding the implementation of the regulatory tools and administrative simplification methods in Kosovo state administration?*

In order to respond to these questions, the dissertation deemed qualitative methods as the most appropriate to be used for this type of research study. Qualitative research methods used include: document analysis, non-participant observation, interviews and surveys.

1.4 STRUCTURE OF THE THESIS

The thesis is consists of 7 chapters, including the Introduction (Chapter 1) and Conclusions (Chapter 7).

Chapter One provides an overview of theoretical framework of the subject, outlines the scope of the research and research questions of the study. It provides an overview of Kosovo situation and the reasoning of the research study.

Chapter Two provides the information on the methodological framework and methods used during the research study including the research design, research questions, research methods and methodology.

Chapter Three provides the general theoretical framework of public administration, its historical developments, main theories of public administration, including classic, modern and postmodern theories, principles of public administration where special attention is given to the principle of efficiency and effectiveness. This chapter provides also an overall historical background of the Kosovo and its public administration up to date.

Chapter Four provides the theoretical background on the main principles of public administration, with the particular attention to the principles of public administration embraced by relevant international organizations such as European Union, OECD/SIGMA and UNDP. The relationships between NPM, and namely the effectiveness and efficiency with other principles have been analyzed in this chapter.

Chapter Five is focused on the main factors that contribute to the efficient and effective public administration as well as good governance. It covers an overview and the conceptual framework on the better regulation and administrative simplification tools and methods as well as the comparative overview on the administrative simplification approach at the OECD, EU and Western Balkans Countries. Kosovo strategic and policy framework analysis were provided within the Chapter Five. Legal framework, implementation and the main tools and methods that are applied by the Kosovo administration, their strong and weak points, the potential for the future have been covered by this chapter.

Chapter Six provides the empirical research analysis, that consists of the survey on the perception of businesses on their awareness about the government reforms on the administrative burden reduction and administrative simplification, the main burdens and their magnitude, the main tools used by the government etc.

Chapter Seven provides the key conclusions drawn from the theoretical and empirical research. The chapter provides the main findings of the research study on the strategic policy and legislative framework on the administrative simplification in Kosovo. It provides the main findings on the impact of these instruments on the real life.

Chapter
2 METHODOLOGICAL FRAMEWORK

2.1 RESEARCH DESIGN

Leedy (1997) defines research design as a plan for a study, providing the overall framework for collecting data. MacMillan and Schumacher (2001, p. 166) define it as a plan for selecting subjects, research sites, and data collection procedures to answer the research question(s). They further indicate that the goal of a sound research design is to provide results that are judged to be credible. For Durrheim (2004, p. 29), research design is a strategic framework for action that serves as a bridge between research questions and the execution, or implementation of the research strategy. The purpose of research design, then, is to define the structure of an inquiry into a research problem that will produce a persuasive, valid, and demonstrably useful argument in the eyes of researcher's audience, yet can feasibly be carried out within the bounds of the material and intellectual resources, and time (Justice, 2007, pp. 75–76). The following sub-chapters presents the research design implemented for this research study.

2.1.1 DATA COLLECTION METHODS

Document analysis served to collect data that provided a background information prior to designing the research project as well as during the all phases of the research study. Another form of data collection were different meetings and participation in government's processes as part of the non-observation method.

According to Ferreira at al. (1988), interviewing is the most important data collection instrument. Face-to-face interviews were conducted with different categories of stakeholders, such as government officials at the central and local level, representatives of civil society organizations, experts from different technical assistance projects and international organizations, independent experts and field academics, as well as representatives of businesses.

In addition to document analysis, observation and interviews, survey was the primary data collection method. While the interviews aimed mainly to collect information and insights of public administration practitioners and experts, the survey measures the perception of businesses on the impact of reforms undertaken, recent developments on the legislative

framework, what is the main concern of businesses on the administrative burden and where more burden is applied, than their possibility to be involved in decision making or to provide their concerns when it comes to administrative burden reduction reforms.

2.1.2 DATA SOURCES

Data was collected through publicly available documents, mainly from the government websites, NGOs, international and national organizations and other sources. Internal not publicly available documents were also used. These documents include internal periodic reports, agendas, minutes of meetings, reports of different projects, manuals etc., which, were obtained through direct involvement in the related processes or from different contacts and individual meetings with the stakeholders directly involved in the processes which are subject of the research study.

Non-participant observations through direct participation in public administration reform processes offered the real time information of the Kosovo government working processes. Indirect participation was used mainly during the assessment and reporting assignments.

Semi-structured interviews were conducted with participants that were preliminarily informed about the purpose of the interview, research questions of the study and topics of discussions. After identification of participants, mainly based on their role, information and expertise that was supposed to have in relation to the subject of the study, they were invited to participate in the interview. Interviewees were also asked if the information they provide in the interviews need to be treated confidentially. All participants interviewed agreed that they can be quoted in the research study. Information was also obtained through focus groups about other government activities of topics related to the subject of the study. Specifically, a number of interviews and focus groups were held in January 2019, for the purpose of the OECD/SIGMA monitoring report of the administrative service delivery for Kosovo. Some focus groups that were observed were also held by MPA to discuss the process of harmonization of specific legislation with the LGAP.

The empirical data collected through survey serve as a primary data for this research study to receive information from the users of government services. The survey is focused on businesses

registered and that operate in Kosovo. The questionnaire survey was conducted through a web-based online google.forms platform. Businesses were selected through a probability sampling in order to have a balanced participation from individual, small, medium and large businesses, different areas of activities, such as construction, production, trade, electronic and broadcast media, education services, medical services, information technology etc. The aim was also to include fields of activity they cover, category (individual, small medium or large enterprises) and geographic distribution of businesses within Kosovo. The final completed sample of survey reached 210 respondents out of around 2000 businesses that received the invitation to respond. Other surveys conducted by other organizations were also used as source of information mainly to compare responses with the survey conducted for the purpose of this study.

2.1.3 DATA ANALYSIS

Levine (1985), Wolfe (1992), and Huberman and Miles (1994) all argue that data management and data analysis are information related. There are, in fact, no rigid boundaries between them. Data analysis is an iterative or recurring process, essential to the creativity of the analysis, development of ideas, clarifying meaning and the reworking of concepts as new insights 'emerge' or are identified in the data (Noble and Smith, 2013).

Data analysis in this research study was an iterative process, where data were systematically searched, collected and analyzed in order to provide an illuminating description of the subject of the study. Documentary analysis involved the content and interpretative content analysis of wide range of documents approved by the government or are still in the development process, international and national published and unpublished documents.

The triangulation approach was applied using different sources as well as triangulation in methods in order that the same information is confirmed by different sources and same answers were raised using different methods.

The best way to examine the validity of the research findings and of researcher's interpretation of them is for the researcher to go back and ask those individuals who participated in the study or who can speak on behalf of them (O'Connor and Gibson, 2003). In the analyzing process, human mistakes are always possible; these mistakes can be caused by fatigue, errors

interpretation and personal bias (Bengtsson, 2016, p. 11). In addition to the interpretation of the information result through document analysis, the verification and checking was employed through documentary analysis which was compared through internal government documents and other independent sources of information, interviews, and administrative service users' feedback through survey method. To use different sources or methods for data collection are other ways to perform triangulations for the purpose of confirming the results (Catanzaro, 1988; Patton, 2002; Rolfe, 2006 as cited in Bengtsson, 2016, p. 11). Many of the results of survey questions were compared with other surveys conducted by different independent organizations. This procedure is one form of triangulation.

2.2 RESEARCH METHODOLOGY AND METHODS

Methodology is first and foremost associated with conducting research. The etymological and traceable meaning of methodology (deduced from Greek *methodos* - *meta hodos*) is 'the way along which', in other words aimed at following a certain route. In this case methodology implies: the way (or route) the researcher will need to take in order to achieve a certain result (knowledge, insight, design, intervention, solution) (Jonker and Pennink, 2010, p. 31). Methodology implies ". . . a system of methods and principles for doing something" (Cobuild, 1987). However, this does not mean that methodology prescribes what you should do (or not) in a specific situation or a particular moment in time. Such details entail methods and techniques. Methods (also often and rather confusingly called methodologies in many textbooks) indicate specific steps (or actions, phases, step-wise approaches, etc.) that should be taken in a certain – eventually stringent – order during the research (Jonker and Pennink, 2010, p. 33).

Research methods can be qualitative and quantitative. Quantitative methods tend to generate data expressed numerically, which are analysed statistically. Qualitative methods, on the other hand, tend to generate data expressed in words, which are analysed conceptually (Leicester University, 2009, p. 78). Qualitative research methods include interviews and observations, but may also include case studies, surveys, and historical and document analysis (Savenhye and Robinson, 2001, p. 1173). The approach of the dissertation requires that qualitative methods

are the most appropriate to be used for this type of research study. Qualitative research methods to be used are: document analysis, non-participant observation, interviews and surveys.

2.2.1 DOCUMENT ANALYSIS

The literature review suggests that the most appropriate method to start with the research study of this nature is documentary analysis as a qualitative method which was combined with other methods such as non-participant observation, survey and interviews. Documentary analysis involved the content and interpretative content analysis of wide a range of documents approved by the government or are still in the development process, international and national published and unpublished documents. They were utilized as the primary method to answer the first research question. Other methods such as non-participant observation, survey and interviews were used as a secondary methods for this question. While, the non-participant observation, survey and interviews were used as a primary method (including document analysis) for the second and third research question.

Document analysis is a systematic procedure for reviewing or evaluating documents. Like other analytical methods in qualitative research, document analysis requires data to be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Corbin and Strauss, 2008; see also Rapley cited in Bowen, 2009, p. 27). Yanow (2007, p. 411) claims that:

“Documents can provide background information prior to designing the research project, for example prior to conducting interviews. They may corroborate observational and interview data, or they may refute them, in which case the researcher is ‘armed’ with evidence that can be used to clarify, or perhaps, to challenge what is being told, a role that the observational data may also play.”

Documents that may be used for systematic evaluation as part of a study take a variety of forms. They include advertisements; agendas, attendance registers, and minutes of meetings; manuals; background papers; books and brochures; diaries and journals; event programs (i.e., printed outlines); letters and memoranda; maps and charts; newspapers (clippings/articles); press releases; program proposals, application forms, and summaries; radio and television program scripts; organizational or institutional reports; survey data; and various public records (Bowen, 2009, pp. 27–28). For the purpose of this dissertation, document analysis is used in combination

with other qualitative research methods as a means of triangulation. The document analysis was mostly appropriate to complete the theoretical part of the study, analysis of the comparative administrative systems where principle of efficiency is applied as well as administrative simplification tools to increase it. Since the academic literature on the subject of the dissertation on the situation in Kosovo administration is missing, document analysis, such as government reports, international organization's different types of reports, documents of project of technical assistance, published and unpublished reports and documents, formal communication and surveys and public records were important source of information. According to Brown (2009) documentary evidence is combined with data from interviews and observation to minimize bias and establish credibility. Although the strengths of document analysis are considerable, the researcher should not use it as a stand-in for other kinds of evidence that may be more appropriate for the research problem and the study's conceptual framework.

The combination of document analysis with interviews and observations is supported by Yanow (2007) as well as Jorgenson, Adler and Adler (Jorgenson, Adler and Adler in Yang and Miller, 2008, p. 157). The individual interviews and group meetings were used to support the evidence collected through document analysis.

2.2.2 OBSERVATION

The second method and in combination with other methods that are used for the purpose of the dissertation is the observation. Observation "entails the systematic noting and recording of events, behaviors, and artifacts (objects) in the social setting chosen for study" (Marshall and Rossman, 1995, p. 79). Subscribers to the latter view distinguish the following levels of engagement in observation: complete observer, observer as participant, participant as observer, and complete participant (Gabrelian, Yang and Spice, 2007). Observation can be either qualitative or quantitative. Structured observation is a quantitative method, whereas non-structured observation is typically qualitative (University of Leicester, 2009, p. 80). Another form of categorization of observation is participant and non-participant observation. The observation methods for the dissertation study are used in combination with the documentary analysis and interview method.

My presence in the public administration, mainly in Kosovo Prime Minister's Office, Ministry

of Public Administration and other institutions through different assignments by donor funded projects that support Kosovo Government in the public administration reform enabled me to use the observation methods for the purposes of this study. The scope of the subject of study is too wide to use the form of participant observation as well as my position did not allow me take direct part in the decision-making process or direct involvement in the issues that are subject to the study. In this case the non-participant observation method was the most appropriate.

Observation mainly included my presence in the following government activities:

- process of the harmonization of specific legislation with the Law on General Administrative procedures led by the ministry of Public Administration during 2018 and supported by the EU project “Support the Ministry of Public Administration in public administration reform”.
- Development of the Strategy for Public Administration Modernization 2015–2020, mainly drafting its implementation plan 2018–2020, Better Regulation Strategy 2.0 and its implementation plan, the Concept Document on Administrative burden Reduction and their periodic implementation reports;
- Participation in the working meetings for periodic reporting of the implementation of the public administration reform as well as participation in the Inter-Ministerial Council of the Public Administration Reform.
- Involvement in designing central coordination and intern-institutional coordination structures for the administrative service delivery.
- Involvement in the OECD/SIGMA Monitoring report for 2017 and 2019 on Administrative Service Delivery for Kosovo.
- Involvement in the OECD study on the Governance at Glance for the Western Balkan countries to be published in 2020.
- Other involvements during the public administration activities.

2.2.3 INTERVIEW

The observation may not be a sufficient source of information for the research study. As stated above, in-depth interviews is an appropriate method that aims either to verify the data collected through other methods namely through observations or to collect new data. The interview method was conducted to collect qualitative data that aimed to address all research questions but the main focus was the second research question.

Research has shown that four types of interviews are frequently employed in social sciences. Those that mostly are organised around a set of predetermined direct questions that require immediate, mostly 'yes' or 'no' type, responses, the second type of interviews is the open-ended (unstructured) interview. Gubrium and Holstein (2002) point out that, unlike the structured interviews, this kind of interviewing is an open situation through which a greater flexibility and freedom is offered to both sides (*i.e.* interviewers and interviewees), in terms of planning, implementing and organizing the interview content and questions (Gubrium and Holstein, 2002, p. 35). Third, is the semi-structured interview type, which is a more flexible version of the structured interview as "it allows depth to be achieved by providing the opportunity on the part of the interviewer to probe and expand the interviewee's responses (Rubin and Rubin, 2005, p. 88). Fourthly, focus group interviewing which is, according to Barbour and Schostak (2005, p. 46), "...an interviewing technique in which participants are selected because they are a purposive, although not necessarily representative, sampling of a specific population, this group being 'focused' on a given topic".

For the type of dissertation that I am conducting the semi structured interviews were the most appropriate. Semi-structured in-depth interviews are the most widely used interviewing format for qualitative research and can occur either with an individual or in groups (DiCicco-Bloom and Crabtree, 2006). Semi-structured interview is a more flexible version of the structured interview as "it allows depth to be achieved by providing the opportunity on the part of the interviewer to probe and expand the interviewee's responses" (Rubin and Rubin, 2005, p. 88). Face-to-face interviews were conducted with different categories of stakeholders, such as government officials at the central and local level, representatives of civil society organizations, experts from the different technical assistance projects and international organizations, independent experts and field academics as well as representatives of businesses. Individual interviews included the key officials involved in the public administration reforms process,

including the officials of the Ministry of Public Administration, Office of the Prime Minister, Directors of the Government Coordination Secretariat and Legal Office, Ministry of Public Administration, Local Governments such as Municipality of Pristina etc.²

In addition to individual interviews another similar method used for this research study were the group interviews in the form of focus group. According to Barbour and Schostak (2005), "...an interviewing technique in which participants are selected because they are a purposive, although not necessarily representative, sampling of a specific population, this group being 'focused' on a given topic (Barbour and Schostak, 2005, p. 46). Focus groups, in essence, are six to twelve individuals who have some knowledge or experience of the topic the researcher is interested in, and whose thinking on the matter is stimulated and enhanced by group (Miller and Yang, 2008, pp. 156–157). Berg (2007, p. 45) argues that a particular strength of this type of interviewing is that participants may "...develop ideas collectively, bringing forward their own priorities and perspectives, to create theory grounded in the actual experience" (Berg, 2007, p. 45). The focus group included experts of the field and direct beneficiaries of specific public services including experts involved in the policy development and legislative drafting process, civil society representatives, business community etc.³ Interview research method was used either directly conducted with the purpose of addressing the research questions or were part of the interviews conducted during the OECD/SIGMA assessment on administrative service delivery 2019 during January-February 2019.

2.2.4 SURVEY

Survey research is a common tool for assessing public opinions, perceptions, attitudes, and behaviors for analyses in many social science disciplines (Lee, Benoit-Bryan and Johnson, 2011, p. 1). The Survey instrument allows researchers to assess, with a small sample, people's attitudes, perceptions, and opinions on particular social issues, as well as factual knowledge, in a target population (Swidorski, 1980).

The survey is conducted after a continuous document analysis, non-participant observation and selected interviews that comprise the overall research methods in order to address the research

² See Appendix A: List of Interviews and Group Meetings.

³ See Appendix A: List of Interviews and Group Meetings.

questions raised on the research study during April-June 2019 as part of empirical research that serves as information to address research questions for the doctoral thesis research study.

The empirical data collected through survey serve as a primary data for this research study. The secondary empirical data used for the purpose of this research are surveys conducted by other organizations already published. Two surveys were used for this research: the Balkan Barometer Public Opinion Survey and The Balkan Barometer Business Opinion Survey conducted in 2019 as the Weber Survey.

The survey is focused on businesses registered and operate in Kosovo. Although the focus of the study covers the administrative simplification tools and methods available to the overall receivers of services from the public administration of Kosovo, the survey is focused on businesses because administrative burden reduction and removal of barriers enabling business environment is the main priority that Kosovo government presented through its strategic framework. Questions on the administrative simplification to other stakeholders are aimed to be addressed through other research methods.

The questionnaire used to receive the businesses' feedback is designed based on thematic areas aiming to address the research questions of the study. Areas that are covered by this survey include the perception of businesses and awareness on the impact of reforms, main factors that cause administrative burden on businesses as well as main tools and methods that are currently or potentially to be used in order to address the administrative burden and aiming to select the most appropriate and effective administrative simplification methods.

2.2.4.1 The Questionnaire

The questionnaire includes 28 questions with the aim to receive feedback from businesses on the research questions of the study and 3 other question to receive the information about the profile of businesses⁴.

The questionnaire is focused on receiving feedback from businesses about the three main issues:

⁴ See Appendix D.

- The first part of the questionnaire (questions 1 to 5) aimed to understand businesses' perception of the government reforms conducted during the last years in enabling business environment. It specifically aimed to collect information on the level of awareness of businesses on the reforms that the government has undertaken during the last year, if these reforms have impacted the real life of the administrative service users and whether continuing reforms are useful.
- The second set of questions (question 6 to 19) aimed to measure the perception of businesses and citizens on the factors that cause administrative burdens when they have to fulfill regulatory and administrative obligations. In addition, several questions are asked on the time and money they spend on the non-regulatory burdens and an important factor that plays a role in the perception of respondents is the so-called street level bureaucracy. Factors that were tested in the survey include the level of understanding of service users about the frontline bureaucrats, faults that the administration makes during the process of service provision which cannot be fixed, and situations created when service users are asked to run from one to another office to get a document.
- The third group of questions (questions 20 to 28) aimed to receive information and perception of businesses of the administrative simplification tools and methods that the government has used to improve the administrative simplification reforms. These includes questions related to the business opportunity to be involved in the policy and legislative drafting process through public consultation, whether they are asked about their satisfaction with the services delivered by the government, their perception of the use of information technology when they receive administrative services etc.

The questionnaire avoided using open ended multiple-choice questions with or close ended questions with predefined answers offering respondents the possibility to choose and rank among several options or the possibility to grade answers depending on the questions. The questionnaire provided also a space where respondents could offer more information in relation to the subject of the survey or elaborate or interpret further their responses. This open part is considered of great importance for a survey of this kind as it contributes to the improvement of the interpretation of its overall results and provides additional valuable material.

2.2.4.2 The Approach and Administration of the Survey

The questionnaire survey was conducted through a web-based google.forms platform. The survey was conducted in Albanian because of the language background of almost all businesses in Kosovo. The online survey was distributed to more than 2000 businesses through their email addresses between 27–31 of March 2019. Another reminder was sent to the same businesses on the dates 7–9 of April 2019. The survey was open until mid of May 2019.⁵ Businesses were fully informed about the purpose of the survey, respect to privacy regulation and protection of confidentiality of their responses. The questionnaire was sent via their email addresses through Bcc option to protect the privacy of each business.⁶ Email addresses were collected from several sources that are publicly available, including:

- <https://gjirafa.biz> – an online platform where businesses voluntarily publish their own contact information and scope of work which is categorized based on their field of activities.
- <https://stikk.org/en/members/> - publicly available list of members and contact information of the Association of Information and Communication Technology (ICT) in Kosovo (STIKK).
- <http://www.amchamksv.org/membership-directory/alphabetically/> publicly available list of members and contact information of members of the American Chamber of Commerce.
- <http://www.akreditimi-ks.org/new/index.php/en/download/higher-eduacion-institutions> - the list of Higher Education Institutions. Each email address was obtained in their official webpages.
- Individual webpages of media organizations.
- Other individual addresses were received through personal channels of information.

⁵ Due to the limited number of respondents that can be sent directly through option provided by the google.form (around 200 emails per each 24 hours) the link of questionnaire was distributed to respondents via email. Due to the large number of targeted businesses and limits that email accounts such as Gmail, Hotmail, yahoo on the bulk of addresses that can be sent, the email was sent in smaller groups of around 100 emails once.

⁶ See Appendix B and Appendix C.

Most of addresses of businesses were general contact addresses or info addresses published by businesses enabling them to be in contact with their interested parties or clients. Based on exchange of communication, including direct emails received from respondents, it was indicated that many businesses responded through their CEOs, or other staff that are employed in administration or finances of businesses.

2.2.4.3 Limitation of the Survey

Problems encountered during the survey were mainly of the technical nature. The following problems and issues can be highlighted:

A challenge was to find and collect email addresses of businesses. Around 5% of contacted respondents failed to receive the invitation to participate in the survey. Undelivered notifications were received as from these emails addresses e. The reason was that some of email addresses were wrong or already expired.

The process of delivering the questionnaire online faced technical limitations. Google.form application has a limitation in terms of the number of respondents the survey can reach within 24 hours (only around 200 emails can be sent per 24 hours). Therefore, the link of the google.form questionnaire was distributed to respondents via email. Due to the large number of targeted businesses and limitations of email accounts such as Gmail, Hotmail, Yahoo in terms of the bulk of addresses that can contacted, the email was sent in smaller groups of around 100 emails once from three email addresses.

The level of responsiveness of the first round of the delivery of the questionnaire was not satisfactory. Therefore, a reminder was sent to recipients through the same process of circulation of the emails.

2.2.4.4 Survey Sample

The final completed sample of survey reached 210 respondents out of around 2000 businesses that received the invitation to respond. The target population in the survey were all business

categories that are registered and operate in Kosovo. The response rate during the first round of the survey was 7% while after a reminder two weeks later, the response rate reached at the level of more than 10% respectively 210 respondents.

Businesses that are selected through a probability sampling aimed to balance distribution among the individual, small, medium and large businesses, different areas of activities such as construction, production, trade, electronic and broadcast media, education services, medical services, information technology etc. The aim was also to cover the geographic distribution of businesses within Kosovo.⁷ It is worth mentioning that 51.3% of respondents that answered on this questionnaire come from the district of Pristina. Based on the official statistics around one-third of all registered enterprises are located in the district of Pristina.

The margin of error used by the most survey researchers typically falls between 4% and 8% at the 95% confidence level. According to the margin of error calculation methodology, the margin of error in this survey is 6.75% for the sample of 210 respondents from a total population of around 35.000 of businesses which makes the survey credible enough for the research that is aimed for.

⁷ The question on the geographic distribution was added after the second round of invitation to participate in the survey. This aspect of the survey covers 78 respondents most of which, or 51% of all respondents come from the Prishtina capital city of Kosovo.

Chapter
3 GENERAL THEORETICAL FRAMEWORK OF PUBLIC
ADMINISTRATION

3.1 HISTORICAL DEVELOPMENTS OF PUBLIC ADMINISTRATION

Public administration has existed virtually since human beings first cooperated on behalf of their society for common purposes. Clear and explicit discussion both of the task of formulating decisions and of carrying out the details of those decisions may be found among the most ancient documents of various civilizations (Marini, 2000, p. 5). The theoretical basis and knowledge on administration until 19th century was found mainly in politics, but also in law, ethics etc. Aristotle, the Greek's scholar, who is regarded as the father of political sciences, also discussed some aspects of administration in his famous book *The Politics*. During the middle age, which is dubbed as dark period in the human history, nothing substantial happened in this regard. However, in the renaissance era there appeared Machiavelli's *The Prince* which is considered as a treatise on the art of government and administration (Arora, 2016, p. 2). However, as a field of study, the origins of the public administration date only during the late 19th century and particularly through the Woodrow Wilson's essay "the Study of Public Administration" which was published in "Political Science Quarterly" in 1887.

Most scholars recognize similar stages or paradigms in the historical development of public administration. Nicolas Henry has suggested six paradigms in regard to the emergence of public administration as an academic discipline (Development of Public Administration, 2014, p. 1):

1. the politics-administration dichotomy, 1887–1926.
2. the principles of administration, 1927–1937.
3. public administration as political science, 1950–1970.
4. public administration as management, 1956–1970.
5. public administration as public administration, 1970–present.
6. governance, 1990–present.

1. *The politics-administration dichotomy, 1887–1926:* The first theoretical piece on public administration is attributed to Woodrow Wilson, written while he was a young and reform-minded professor (Wilson, 1887; Stillman, 1973 in Keller, 2007, p. 7). Goodnow (1900) further explored the Wilsonian doctrine of politics-administration dichotomy. He identified and distinguished the two functions of the government: politics and administration. In 1926 Leonard D. White published "Introduction to the Study of Public Administration" which is regarded as the first book entirely devoted to the discipline. The main thrust of White's text book was

‘Politics should not intrude on administration. Public Administration is capable of becoming a value –free science in its own right and the mission of administration is economy and efficiency.’ Thus, White strengthened the notion of a distinct politics/administration dichotomy.

2. *The principles of administration, 1927–1937:* During this phase, scholars believed that Public administration is a separate activity with its own well marked field and principles (Arora, 2016, p. 6). Willoughby in the *Principles of Public Administration* in 1927 has developed the principles approach in the public administration (Willoughby, 1927). The principle approach advocated by Willoughby was further elaborated/described by other scholars: Henry Fayol, Mary Parker Follet and Luther H. Gulick and Lyndal Urwick (Polinaidu, 2014, p. 299). According to these scholars, the general thesis of this paper is —that there are principles which can be arrived at inductively from the study of human organization which should govern arrangements for human associations of any kind. Further, Gulick’ s classic acronym POSDCORB, the work of the executive was planning, organizing, staffing, directing, coordinating, reporting, and budgeting (Gulick, 1937, p. 22). Resultantly, Public Administration touched its zenith and this phase is regarded as a golden era in the evolution of the discipline (Arora, 2016, p. 6).

3. *Public administration as political science, 1950–1970:* In the very next year (1938), the mainstream Public Administration was challenged with the publication of Chester I. Barnard’s “The functions of the Executive.” The challenge came basically in two forms: first, rejection of the idea of politics administration dichotomy and second, principles of public administration lacking in scientific validity. This was also called as a period of challenges of the public administration. Herbert Simon's article “The Proverbs of Administration” (1946) and “Administrative Behaviour” (1947) raised a question mark on the acceptability and applicability of the principles of administration and rejected the doctrine of politics-administration dichotomy and regarded decision making as the heart of administration. Moreover, Robert Dahl's essay entitled “The Science of Public Administration: Three Problems” (1947) challenged the claim made by the principle of public administration. He opposed the traditional notions of public administration (Development of Public Administration, 2014, p. 2). Many scholars responded to the crisis of identity by returning to the field of the political science as the mother discipline. Waldo (1948) urged for recognition

of public administration within the context of a democratic governmental process and introduced the concept of administrative politics.

4. *Public administration as management, 1956–1970:* As public administration was struggling for its identity, a few public administrations began searching for an alternative (Kumar, 2016, p. 3). Due to their second-class status in the discipline of Political Science, some scholars of Public Administration began to search for an alternative and they found the same in management which sometimes is called administrative science. They argued that ‘organization theory was, or should be, the overarching focus of public administration.’ A number of developments led to the selection of management, with an emphasis on organization theory, as the paradigm of public administration. In 1956, the important Journal Administrative Science Quarterly was founded on the premise that the distinction between business and institutional administration is false and that administration is administration. Further, such works as James G. March and Herbert Simon’s *Organizations*, Richard Cyert and March’s “A Behavioural Theory of the Firm,” March’s „Handbook of Organizations“ and James G. Thompson’s “Organizations in Action” gave solid theoretical reasons for choosing Management as the paradigm of Public Administration (Arora, 2016, p. 10).

5. *Public administration as public administration, 1970–present:* the discipline as public administration is referred to public administration’s successful break with political sciences and management, and its emergence as an autonomous field of study and practice. So, in 1970, public administration was declared as an independent discipline with the birth of National Association of Schools of Public Administration (NASPAA) (Kumar, 2016, p. 3). A couple of complementary factors contributed in this process. The first was the development of interdisciplinary programs focusing on policy science. The second was the emergence of New Public Administration (NPA) – an outcome of first Minnowbrook Conference held in 1968 sponsored by Dwight Waldo with what came to be known as the New Public Administration which came as a result of a group of theorists, who were resistant to what they believed were exaggerated claims to scientific validity in public administration, who met at Syracuse University’s Minnowbrook Conference Center in upstate New York (Fredericson et al., 2012, p. 132). The NPA put more emphasis on values replacing the traditional goals of efficiency and effectiveness. Besides, it laid stress on relevance, social equity and change (Evolution of Public Administration, w.d., p. 11). Those scholars supporting the interests of the NPA movement proposed to discredit the value-free rational bureaucratic approach and urged the opening of

the study and practice of public administration to humanistic and democratic influences (Crozier, 1964; LaPorte, 1971; Levine et al., 1975; Price, 1975; Wilson, 1975; Savage, 1976 in Rabin, 2007, p. 22).

In the late 1980's New Public Management (NPM) theory advocated by David Osborn and Ted Gaebler in their book *Reinventing Government*. "The reinventing government initiative at all levels of government called for public administrators to be entrepreneurs and to break through bureaucracy by guiding the public sector in the direction of being more customer oriented, an idea taken directly from the enterprise textbook" (Osborne and Gaebler, 1992 in Fredericson, 2012, p. 148). This came as a result of what Osborn and Gaebler found administrative stagnation, along with a largely ineffective and inefficient delivery of public services. "This unfortunate state of affairs, they suggested, derives from a refusal to reconsider the tenets of the field and to update these by liberating managers from the heavy hand of unexamined tradition" (Rabin, 2007, p. 31).

Governance, 1990–present: The New Public Governance (NPG) is presented as 'the shadow of the future'—the next stage after, first, traditional public administration and, then, New Public Management (NPM) (Osborne, 2010, p. 6). The NPG paradigm (sic) is said to be rooted within network theory (Pollit and Bouckead, 2011, p. 122). The NPG is thus both a product of and a response to the increasingly complex, plural and fragmented nature of public policy implementation and service delivery in the twenty-first century (Osborn, 2010, p. 9). Fredericson states that only governance theory and postmodern theory are open to challenges to the assumption that practicing public administration is the representation of the nation-state and state sovereignty. In postmodern public administration theory, the particular form these challenges take include elements of deconstruction, imagination, deterritorialization, and alterity. (Fredericson et al., 2012, p. 157). It posits both a plural state, where multiple interdependent actors contribute to the delivery of public services, and a pluralist state, where multiple processes inform the policymaking system. Drawing upon open natural systems theory, it is concerned with the institutional and external environmental pressures that enable and constrain public policy implementation and the delivery of public services within such a plural and pluralist system (Osborne, 2010, p. 9).

"The New Public Governance" paradigm had different names, such as "The New Public Governance" (Osborne, 2006), "New Governance" (Rhodes, 1996), and "Public Governance"

(Skelcher, 2005) etc.. Although these names were different, all of them showed basically a trend of change from the new public management theory and practice to the new public governance theory and practice, and this trend seemed as the emergence of a new paradigm of the New Public Governance (Xu, Sun and Si, 2015, p. 11). To some degree, “the New Public Governance” has opened a new path, pointing the development direction of public administration that is globalization, network, and diversification (Xu et al., 2015, p. 20). Globalization, network as well as diversification of public administration entirely related to general economic, social and technological developments. Increasing the dynamics of development of these processes, especially the revolutionary technological developments, especially the advancement of digitalization systems, have a direct impact on the development of the public administration.

3.2 THE MAIN THEORIES OF PUBLIC ADMINISTRATION

The development of public administration as separate discipline takes place since end of 19th and beginning of 20th century with the contribution of a number of theories, doctrines and concepts (Frederickson et al., 2012). The public administration theories are divided into many categories and their division depend on the different sources and thoughts on the public administration. However, the more general and comprehensive categorization theories can be the classical public administration theories, new public management theories and postmodern public administration theories (Wilson, 1887; Weber, 1949; Pollitt and Bouckaert, 2001; Matei, 2011; Frederickson et al., 2012; Lampropoulou, 2018). Each theory or family of theories are connected with each other. That connection is what makes public administration a field, a separate self-conscious body of knowledge (Frederickson et al., 2012, p. 12). These groups of theories were further developed by a number of specific theories such as: theories of political control over bureaucracy, theory of bureaucratic politics, public institutional theory (classical theories), theories of public management (new public management theories) postmodern theory, decision theory, rational choice theory, theories of governance (postmodern theories) etc. (Frederickson et al., 2012). The following sub-chapters of the study will provide an overview of these categories of theories.

3.2.1 CLASSIC THEORIES OF PUBLIC ADMINISTRATION

In order to understand the changes and reforms in the system of public administration we need to understand the traditional model of governance, because any attempt to reform and any new thought on public administration is viewed and evaluated against it. This classical model was thought to be the best way for organizing public-sector's work and undoubtedly worked well for a long time. The traditional model of public administration has been regarded as the most successful theory of public sector management, although it does not have a single, coherent intellectual foundation (Katsamunskaja, 2012, p. 75). In fact it is argued that no coherent thought exists on other later theories as well. The main representatives of the classic theories of Public Administration are Woodrow Wilson, Max Weber, F. W. Taylor, Gulick. The main promoters of the classical theories were Woodrow Wilson and Max Weber. The theories that were promoted by Woodrow Wilson and Max Weber are based on the ideas like merit-based promotions, professionalization, and a non-political system (Wilson, 1887), bureaucratic theory with features of the division of labor, hierarchy, rules and rationality etc. (Weber, 1949), which were postulated at the end of 19th and beginning of 20th Century.

Woodrow Wilson is regarded as the founder or father of the study of public administration. This is because the genesis of public administration as a discipline is usually traced in his seminal essay, entitled "The Study of Public Administration" which was published in "Political Science Quarterly" in 1887 (Polinaidu, 2014, p. 283). Wilson's position on the public administration was as a result of the situation in the government of US at that time. The political-administration dichotomy approach has been credited to Wilson. It means that according to him the "the administration lies outside the proper sphere of the politics. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices" (Wilson, 1887, p. 210). The underlying distinction between politics and administration drawn by him provided the whole basis for justifying the public administration as an independent subject of the study (Polinaidu, 2014, p. 290). And this led to the development of the public administration as a separate doctrine from political doctrine. However, some scholars like Richard J. Stillman II differ with this contention arguing that Wilson was well aware that public administration was innately political in nature. In fact, while formulating his politics/administration dichotomy, Wilson apparently misinterpreted some of the German literature that he read on Public Administration which made him ambivalent about the discipline. To quote Stillman, Wilson failed —to amplify

what the study of administration actually entails, what the proper relationship should be between the administrative and political realms... However, this dichotomy has paved the way for the study of evolution of Public Administration (Arora, 2016, pp. 5–6).

In addition, Wilson was the first theorist to promote the managerial approach as a means of organizing the public service. Wilson has articulated the principles for the American civil service reform at that time (Wilson, 1887, p. 216). His approach, though at latter stages was criticized by different public administration scholars, have set the basis for the further development of the public administration as a separate discipline.

One of the key and most famous representatives of the classic theories of public administration is Max Weber. His conceptual framework of bureaucracy deserves special mention as it brought about a paradigm shift in the theory of public administration. He was the first to provide the discipline with a solid theoretical base (Lamidi, 2015, p. 4). Though his studies have been modified and supplemented by subsequent studies, Weber's analysis of bureaucracy is still more valid and as far as understanding reasons for its growth, its importance and its general impact on society are concerned. Weber then developed a set of principles for an "ideal" bureaucracy as follows: fixed and official jurisdictional areas, a firmly ordered hierarchy of super and subordination, management based on written records, thorough and expert training, official activity taking priority over other activities and that management of a given organization follows stable, knowable rules (Hyneman, 1978).

It was initially introduced as part of wide-ranging bureaucratic reforms in the United Kingdom and Prussia in the late 19th century to overcome patrimonial systems of administration where patronage and favoritism dominated government decisions and public appointments. This approach had a number of distinctive features. It relied on centralized control, set rules and guidelines, separated policymaking from implementation, and employed a hierarchical organizational structure (Hughes, 2003; Osborne, 2006).

Weber not only gave the characteristics and criteria for modern bureaucracy, but also outlined the terms of employment in the bureaucratic organization (Fry, 1989, p. 31):

- Officials are personally free and are appointed on the basis of a contract.
- Officials are appointed, not elected. Weber argues that election modifies the strictness of hierarchical subordination.

- Officials are appointed on the basis of professional qualifications.
- Officials have a fixed money salary and pension rights.
- The official's post is his sole or major occupation.
- A career structure exists with promotion based on merit (though pressure to recognize seniority may also exist).
- The official is subject to a unified control and disciplinary system in which the means of compulsion and its exercise are clearly defined.

It is considered that Weber's contribution to bureaucracy and in general to public administration played a key role for further development of public administration as a discipline. In addition to bureaucracy, he has the first written on management theory to analyze the role of the leader in an organization and to examine why individuals obey to commands and why people do as they are told. Since the time of Weber one cannot consider administration without considering bureaucracy (Polinaidu, 2014, p. 328).

The most important theory, which was first transferred from the private organizations, was Scientific Management. In 1911 Frederick W. Taylor published his fundamental work *Principles and Methods of Scientific Management*. At that time there was a search for general administrative techniques in the private sector that could possibly be used to enhance the efficiency in the operation of the American government and the scientific management attracted the support of governmental officials, who believed that its techniques, directly concerned with the question of efficiency, could be applied in the public sector (Katsamunska, 2012, p. 77). The main emphasises of the scientific management developed by Taylor were: science, not the rule of thumb; harmony, not discord, cooperation not individualism, maximum output in place of restricted output and development of each man to his greatest efficiency and prosperity (Polinaidu, 2014, p. 296). In short, as Fry says "these three components – time and motion studies, wage incentive systems, and functional organization – constitute the core of Taylor's scientific management" (Fry, 1989, p. 60). Taylor's "idea of one best way", the standardization of work, the systematic control and the hierarchical organization fit public administration and explain why scientific management is the most influential theory in the public sector until the 1940 (Katsamunska, 2012, p. 77).

A number of other theories and approaches were deployed before and after the Second World War. This included the human resource relations theories which devoted attention to the human factor in an organization led by Mao behaviorist theory by Herbert Simon which focused on

the behavioral approach on decision making in public administration, the socio psychological school that took place in 50s of last century and championed by McGregor, Maslow, Likert, Herzberg and Acyris (Polinaidu, 2014, pp. 423–426). Scholars of classic theories have provided an enormous contribution to the development of public administration theory and practice. Even though the public administration theory has been further developed, their contributions are still relevant in public administration doctrine.

3.2.2 MODERN THEORIES OF PUBLIC ADMINISTRATION

In the second part of the 20th century, particularly 70s and 80s, the new public administration has increased an interest in theory and practice. The traditional model of public administration, which predominated for most of the twentieth century, has changed since the mid-1980s to a flexible, market-based form of public management. This is not simply a matter of reform or a minor change in management style, but a change in the role of government in society and the relationship between government and citizenry (Hughes, 2003, p. 1). Modernism is in the pursuit of knowledge through reason, and knowledge thus derived is simply assumed to be factual and therefore true (Frederickson et al., 2012, p. 142). Contemporary administrative development or modern public management theory is characterized by two main and rather influential administrative doctrines – the new public management (NPM) and good governance (Kovač and Bileišis, 2017, p. 43). The NPM as the main doctrine has been quite influential since the 1980s and represents mostly the modern public administration theories (but continues also under postmodern theories). Though there are many variants of NPM, the majority of these are predicated on two models. The first is the Westminster model, which originated in New Zealand in the late 1970s and quickly spread to other parliamentary democracies, such as Australia, Canada, and (especially) the United Kingdom. The second is the reinventing government model, which came much later and is unique to the United States (Frederickson et al., 2012, p. 228). Before the term "new public management" was coined, the new model of public sector management had several names. Different names such as managerialism, new public management, market-based public administration, post-bureaucratic paradigm, entrepreneurial government were used to describe the same phenomenon (Katsamunskaja, 2012, p. 78). As compared to previous wave of public administration development under the classic theories NPM is characterized by orientation towards economic values of economy, efficiency and effectiveness, by efforts to subject the state administration and public sector organizations

to the market principles by the methods which develop entrepreneurial behavior and, generally speaking, by an effort to “impose most of the values and techniques of private sector management into the public” (Peters, 1996, p. 124). In other words, it tries to transpose business management techniques, service and client orientation, and market-type mechanisms such as competition into the public sector (Kickert, 2001, p. 18). The NPM theory in public administration was advocated David Osborn and Ted Gaebler in their book *Reinventing Government* during the 80s.

The NPM theory was forerun by the New Public Administration theory what we can call intermediate theory between classical and modern theories of public administration - an outcome of first Minnowbrook Conference held in 1968 sponsored by Dwight Waldo -- which put more emphasis on values replacing the traditional goals of efficiency and effectiveness (Arora, 2016, p. 11).

The NPM theory is labeled in the US and UK under the influence of the ‘business-like’ approach of the administration of Margaret Thatcher and Ronald Regan which were concerned for a more efficient services by the administration. But until 90s this approach was mainly developed within the administrations at the national level mainly in the anglophone world with limited influence at the international level (Pollit and Bouckear, 2011, p. 9). After 90s at the international level the NPM has been directed under the Public Management Committee of the OECD and United Nations Public Administration Network (UNPAN) which subsequently became influential talking shops for public management reform (*ibid*, p. 6). This was a time when the principles of NPM were shared among different countries.

There are two obvious groupings, and then a few ‘hybrid’ or ‘hard-to-classify’ cases where the NPM is found. The first, and best-known grouping is that of the NPM marketizers Australia, New Zealand, the UK and, in words if not always in deeds, the USA. We call this the core NPM group - they all see a large role for private sector forms and techniques in the process of restructuring the public sector. The second grouping are the continental European modernizers - Finland, France, the Netherlands, Italy, and Sweden (and Belgium and Germany, if one goes below the federal level). They continue to place greater emphasis on the state as the irreplaceable integrative force in society, with a legal personality and operative value system that cannot be reduced to the private sector discourse of efficiency, competitiveness, and consumer satisfaction (*ibid*, p. 117). Common to reform movements in all these countries is the

use of the economic market as a model for political and administrative relationships (Nagel, 1997, p. 349 in Kaboolian, 1998, p. 189). The implementation of the New Public Management comes at the same time that the role of managers in the private sector is changing. In order to achieve the performance measures for which they are accountable, it is argued, managers need to be liberated from routines and regulation by the various administrative systems, e.g., procurement and personnel (Peters, 1987; Thompson, 1997 in Kaboolian, 1998, p. 190). "Deregulation" that is relaxing of the rules, decentralizing authority, and increasing the discretion of managers is the recommended course of action. In the public sector, both domestic and abroad, deregulation has taken the form of civil service reforms, notably in New Zealand, and delegation of authority to agency-based managers (Horner, 1994; Kettl, 1997 in Kaboolian, 1998, p. 190).

By introducing these principles, NPM criticized the classical theory' (bureaucratic administration) rigidity, monopolistic arrangement (*i.e.* lack of competition among the providers and lack of choice for the consumers), and consequent lack of efficiency (Kovač and Bileišis, 2017, p. 242). However, though the NPM approach have been widespread the question is whether they have worked. The main elements of the NPM reforms are efficiency and effectiveness. Pollitt and Bouchaert did not find whether NPM elements have resulted into efficient and effectiveness results. They claim that these difficulties are affected by several reasons that can be present even in the ideal public administration. This may be frequent organizational changes, change of policies, not clear of objectives, different stakeholders take different views and justifications of the meaning of reforms etc. Another element that has been mentioned is the lack of evaluation of those reforms (Pollitt and Bouchaert, 2011, pp. 15–18).

3.2.3 THE POSTMODERN THEORIES OF PUBLIC ADMINISTRATION

The postmodern theories go further by providing the theoretical basis for the new perspective of the public administration. A number of models of public administration have been introduced after 90s of last century. Many models were introduced by national or subnational administrations such as Anglo-Saxon, German model, French model, Nordic model, New Zealand etc. Some models were invented by academics or international organizations such as OECD, UN, World Bank etc. However, Pollitt and Bouchaert (2011) have settled for three widely spread models such as NPM, Neo Weberian State (NWS), and New Public Governance (NPG).

In the postmodern and in practice the rhetorical sense of the NPM continued to be present and can be explained and understood presently as acceptable doctrines of management. But the canons of social science demand a more precise identification of variables, more precision in the suggested association between variables, greater precision in measurement, and a greater replication of findings. Research using these techniques indicates that NPM principles can result in a selective and short-run increase in efficiency are negatively associated with fairness, equity, or justice; seldom reduce costs; and have produced numerous innovative ways to accomplish public or collective purposes (DiIulio, Garvey and Kettl, 1993; Chackerian and Wechsler, 1995). Supporters (Pollitt and Bouckaert, 2001) of the classical theories of public administration argue that NPM tries to reduce us as citizens to the role of consumers (Koprić, 2011). Historically, we individually have the following roles: subjects of the state; citizens with political rights who politically control public administration; users of public services; partners who cooperate with public administration and participate in decision-making processes in the public sphere; consumers who pay real, market-like prices for public services in dependence with their well-being (Koprić, 2009; Koprić, 2011).

Mohit Bhattacharya has rightly pointed out that the public aspect of public administration was virtually dropped at this stage and the focus was almost wholly on efficiency (Evolution of Public Administration, w.d., p. 6). Efficiency as one of the main principles and values in the public administration doctrine, literature and practice in the recent years is part of arguments among advocates of the new and classical theories. Since the administration scholars accepted efficiency as their central principle (Gulick in Frederickson et al., 2012, p. 254; Simon in Frederickson et al., 2012, p. 47), they also accepted democracy—a notoriously inefficient basis of organization—as the central principle of the American political system. This presented a problem in developing administrative theory (Frederickson et al., 2012). Yet, not only was democracy not synonymous with efficiency and various other business and scientific practices incorporated into public administration orthodoxy, but also it was quite possibly hostile to them (Waldo, 1952, p. 85). But other scholar's (Stone in Frederickson at al., 2012, p. 47) have competing theories. If efficiency is defined as an input-output ratio, one has a choice of inputs and outputs to assess efficiency in both instances, although none is the unassailably objective “factual” option. As choosing among these options unavoidably involves values not just facts, efficiency can hardly be value neutral (Stone in Frederickson at al., 2012, p. 47). Waldo argued that the efficiency is not an attempt to usurp the democracy but the democracy cannot survive

without the lessons for centralization, discipline and hierarchy (those are elements for an efficient work of the administration). An efficient and expertly run administrative apparatus insulated from politics and under the authority of the powerful executive would increase accountability and promote effectiveness.

Moreover, many scholars (Denhardt, 2004, p. 148; Van der Meer and Rutgers, 2006, p. 3) express concerns about proposals, such as those implied by NPM advocates, to focus on efficiency because “efficiency is a value chosen from among a larger set of values and /.../ the adoption of the value of efficiency precludes attention to any other, such as equity and participation” (Denhardt in Grandy, 2008, p. 8). Pareto efficiency⁸ is attained only if it is impossible to advance any of the goals without impairing at least one of the others. In this sense, Pareto efficiency is value-neutral, or, as Luther Gulick (1937, pp. 192–193) implied, it is efficiency as meta-value (also Downs and Larkey in Gradny, 2008, p. 8). As applied here, Pareto efficiency is therefore broader than the concept of technical efficiency commonly used in public administration (Grandy, 2008, p. 31).

Since NPM has been applied in the anglophone states, what we see in the continental European states is a distinctive reform model, one which is called the Neo-Weberian State (NWS). G. Bouchaert and Chr. Pollitt in their book "Public Management Reform: A Comparative Analysis" have provided a comparison of the new elements of the NPM as compared to the Weberian public administration as following (Pollitt and Bouchaert, 2011, pp. 118–119):

- Shift from an internal orientation towards bureaucratic rule-following towards an external orientation towards meeting citizens’ needs and wishes. The primary route to achieving this is not the employment of market mechanisms (although they may occasionally come in handy) but the creation of a professional culture of quality and service.
- Supplementation (not replacement) of the role of representative democracy by a range of devices for consultation with, and the direct representation of, citizens’ views (this aspect being more visible in the northern European states and Germany at the local level than in Belgium, France, or Italy).
- In the management of resources within government, a modernization of the relevant laws to encourage a greater orientation on the achievement of results, rather than merely

⁸ Named for the Italian economist and sociologist, Vilfredo Pareto, the concept is fundamental to neoclassical economics (Grandy, 2008, p. 31).

the correct following of procedure. This is expressed partly in a shift in the balance from ex-ante to ex-post controls, but not a complete abandonment of the former. It may also take the form of a degree of performance management.

- A professionalization of the public service, so that the ‘bureaucrat’ becomes not simply an expert in the law relevant to his or her sphere of activity, but also a professional manager, oriented to meeting the needs of his/her citizen/users.

As compared to the Weberian elements that are the following:

- Reaffirmation of the role of the state as the main facilitator of solutions to the new problems of globalization, technological change, shifting demographics, and environmental threat.
- Reaffirmation of the role of representative democracy (central, regional, and local) as the legitimating element within the state apparatus.
- Reaffirmation of the role of administrative law—suitably modernized—in preserving the basic principles pertaining to the citizen–state relationship, including equality before the law, privacy, legal security, and the availability of specialized legal scrutiny of state actions.
- Preservation of the idea of a public service with a distinctive status, culture, and to some extent, though perhaps not as much as in the past terms and conditions.

The Neo-Weberian state’s doctrinal orientation emphasizes the role of citizens and civil society, transparency, legitimacy, responsibility, efficiency, human and citizens’ rights, the rule of law, better quality of the public services, the implementation of modern information-communication technologies, and better human resources management. Citizens are seen as partners who significantly contribute to the final results of public administration’s activities. Citizens need to be informed and consulted; they have to participate in the creation of public policies and in administrative and other public processes (OECD, 2001).

Pollitt and Bouckaert (2011) introduced the term New Public Governance (NPG) to describe a certain trajectory of adaptation, or rather reaction to NPM. The term clearly refers to the extensive governance literature (Peters and Pjerre, 1998; Kooiman, 1999; Rodas, 2000; Salamon, 2000; Sorensen and Torfing in Kovač and Bileišis, 2017, p. 243). The essence of this literature, in our view (Gajduschek, 2009 and 2015b in Kovač and Bileišis, 2017, p. 243), is that the government is not able (anymore) to make, and especially to implement policies alone,

but in interaction with various networks of stakeholders' groups (policy communities). Otherwise according to "the New Public Governance", in addition to the government and the market, other organizations in the society also have the right to participate in public affairs management, and at the same time have the decision right to participate in solving public problems (Xu et al., 2015, p. 14) This model appears typically in the Central East European context as a normative model that is most widely known, in Hungary and in the region, as good governance.⁹

Under these circumstances, the UN, the EU, the OECD, the IMF, and the WB have begun advocating good governance. Among the principles of good governance, the EU, for example, emphasizes openness, participation, responsibility, effectiveness, and coherency (European Commission, 2001). Only well-balanced and widely accepted public policies have chances to result in efficient economic and social development. Some will say that "good governance is /.../ a combination of democratic and effective governance" (Graham et al., 2003), while others would stress that good governance is "transparent, effective, participative, accountable, responsive and responsible" (Fraser-Moleketi in Koprić, 2011, p. 9).

NPM, NWS and NPG theories or models of administration have dominated in theory and practice since 80s/90s of the last century. One cannot point to a single country and say, there we can see an example of NPM/NWS/NPG full working order (Pollitt and Bouckaert, 2011, p. 209). Each model has introduced its elements in the different states. Lets say, though Germany which is a representative of the NWS, there can be found elements of the NPM.

⁹ The concept appeared first in the vocabulary of United Nations' development activities (see UNESCAP), WB documents in 1992, and IMF documents in 1996.

3.3 HISTORICAL BACKGROUND OF KOSOVO STATE ADMINISTRATION

3.3.1 THE POSITION OF KOSOVO BEFORE 1974

Kosovo was known to be a special legal entity with its own territory since ancient times. In particular, it is believed that the Illirian tribe, Dardans, lived in the present territory of Kosovo (Malcolm, 1998, p. 31). During the Ottoman occupation, Kosovo constituted a political, administrative unit within the Empire, known as the Vilayet of Kosovo (NATO, 2001). After the fall of Ottoman Empire, the great powers satisfying their territorial interests in the Balkan by the treaty of London in 1913 recognised *post facto* the invasion of Kosovo by Serbia, although it has been pointed out that it was not, formally and constitutionally incorporated into Serbia by the standards of international law either (Malcolm, 1998, p. 265).

With participation in the anti-fascist war the Kosovo people's right for self-determination was recognized by the Military Supreme Staff of Yugoslavia and the Communist Party of Yugoslavia. Representatives of Kosovo in the Anti-fascist National Liberation Conference held in Bujan, where the Serbian and Montenegrin representatives participated as well, passed the Resolution for the Self-determination. In this resolution it is stated: "Kosovo and Dukagjin is a province inhabited overwhelmingly by the Albanian people, which as always, presently too, wants to join Albania" (Weller, 1999, p. 50). After the liberation from the Nazi-fascist occupier, the Yugoslav leadership annulled its own stands during the war concerning the self-determination of the people of Kosovo. In order to suppress the will for political self-determination of the Albanians Yugoslavia imposed military rule at the beginning of 1945 (Weller, 1999, p. 83). Under these circumstances the communist cadres in Kosovo, without taking into the consideration of the Albanian representatives expressed themselves in favour of "the annexation of Kosovo-Metohija" to Serbia. The position of Kosovo in this case against the will of the people was determined as a province under Serbia by the Yugoslav Constitution of 1946. Nevertheless, according to the federal constitution Kosovo's legal personality was not only established within Serbia, but directly in Yugoslavia's founding document-in fact in the same article which stipulates the republics as the sources of sovereignty (Weller, 1999, p. 44). In a way the same legal position of Kosovo was expressed also by the federal constitutional

changes in 1953 and 1963 although it was never practiced while keeping an iron grip by Serbia over Albanian people.

3.3.2 THE POSITION OF KOSOVO UNDER THE CONSTITUTION OF 1974

The constitutional changes already made by the amendments in 1971 were incorporated in the Yugoslav Constitution of 1974 which conferred a status that was near equivalent of six republics to the autonomous provinces of Kosovo and Vojvodina, while being a constituent part of Republic of Serbia. These changes had created a status for autonomous provinces equal with the republics in most forms of economic decision-making and even in some areas of foreign policy (Kreiger, 2001, p. 1). They provided that “the territory of the Socialist Autonomous Province of Kosovo may not be altered without the consent of the Provincial Assembly” (Constitution of the Socialist Federal Republic of Yugoslavia, 1974, Article 5; Constitution of Socialist Province of Kosovo, 1974, Article 3; Constitution of Socialist Republic of Serbia, 1974, Article 292). Kosovo was entitled to participate in the federal institutions in the same way like the republics. In particular it was directly represented in the Federal Parliament, the Presidency, Federal Court and the Federal Constitutional Court, Yugoslav National Bank, diplomatic missions etc. (Constitution of the Socialist Federal Republic of Yugoslavia, 1974, Articles 291, 292, 369–370, 375–381). Kosovo had the right to adopt its own Constitution, a parliamentary Assembly and its own independent judiciary including a Constitutional Court and a Supreme Court (Constitution of Socialist Province of Kosovo, 1974, Articles 300, 301, 372, 390, 391, 393). The Federal Constitution confirmed expressly that the people of Kosovo possess sovereign rights within the autonomous province. Like the other republics it would be equally responsible for implementing, enforcing, and amending the Yugoslav Constitution. However it didn't possess a right to secession under the national law as republics had.

Like the republics the Kosovo Assembly had the power to veto any amendment to the federal constitution (Kreiger, 2001, p. 1) and to approve the amendments of the Constitution of Serbia.

3.3.3 THE REVOCATION OF AUTONOMY ON 1989 BY SERBIA

In the late 1980s, the rights of Kosovo were systematically abrogated by Serb authorities (Malcolm, 1998, p. 343). In 1989 the Serb parliament amended the Constitution of Serbia, thereby reducing Kosovo power to the status of a municipality (Stahn, 2001, p. 533). One of these amendments abolished the right of the Kosovo Assembly to object to the approval of the Serb constitution (Constitution of Serbia, 1989, Amendment XLVII). In accordance with the Federal Constitution of 1974 these amendments required the approval of the Kosovo Assembly. On 23 March 1989, under massive pressure from Serbian police and military forces, which surrounded the Kosovo Assembly with tanks, the assembly accepted the constitutional amendments. This was followed by several discriminatory measures adopted by the Serb parliament directed against Albanians.¹⁰ In July 1990 the Kosovo Assembly was dissolved, despite provisions in the 1974 Constitution requiring Assembly consent for its own dissolution. Arguably, this act signalled the end of the 1974 Constitution, and, according to some, the dissolution of Yugoslavia (International Independent Commission on Kosovo, 2000). The Yugoslav regime massively displaced Kosovo Albanians from public services and prohibited sale of property to Albanians, shut down Albanians newspapers and displaced Albanian students from the university and secondary schools.

On 1990, Serbia enacted a new Constitution. Under its article 1 the equality of nations and nationality (Malcolm, 1998, pp. 327–328)¹¹ was abolished. The Kosovo Albanians were no longer a nationality. They formed a national minority of Serbia (Kreiger, 2001, p. 2). The Statute is the highest legal act of the autonomous province (The Constitution of Serbia, 1990) which is dependent on the prior approval of Serb Assembly. The powers of Kosovo's Assembly were reduced to adoption of decisions and general enactments in accordance with Serb constitution and law. Kosovo was deprived of the control of judiciary, police, and education,

¹⁰ Law on restriction of real property transactions, 1989 Official Gazette of Socialist republic of Serbia No. 42/89; Law on the amendment to the Law on restriction of real property transactions, 1989, Gazette of Socialist Republic of Serbia 15/90; Programme for Realization of peace, freedom, Equality, Democracy, and Prosperity of SAP Kosovo, 30 March 1990, Gazette of Socialist Republic of Serbia 5/90; Amendment of University Law, 1990, Gazette of Socialist Republic of Serbia 30/90; Law on the Actions of republic Agencies under special circumstances, 1990; Decision on the Existence of Special Circumstances on the territory of the SAP of Kosovo Gazette of Socialist Republic of Serbia 33/90 etc.

¹¹ A nation was potentially a state forming unit and therefore kept a right of secession when it formed a republic in a federation. A nationality, on the other hand, was considered as a displaced segment of a nation, the main part of which lived elsewhere. Consequently, the Kosovo Albanians were a nationality, because the nation of Albanians had its own state in Albania.

economic and social development. In addition, Kosovo was deprived of its right to veto future amendments of the Serbian constitution.

3.3.4 CONSTITUTIONAL DEVELOPMENTS AFTER 1990

As reaction the Kosovo Assembly declared Kosovo as an equal and independent entity within the framework of the Yugoslav Federation. This was followed by the dissolution of the Kosovo Assembly and establishment of the special administration by the Serbian parliament. The dissolved Kosovo Assembly adopted its own constitution in 1990 which contained no reference to the federal framework of the disintegrating Yugoslavia. On 26–29 September 1991 the Kosovo people as in the other republics, held a referendum which reaffirmed the decision of the Kosovo Assembly. Kosovo representatives claimed that 87% of eligible voters participated in the referendum and that 99% voted in favour of independence (Kreiger, 2001, p. 72). In May 1992, elections were held for the parliament and president of Republic of Kosovo. The elected institutions established a system of parallel administration and their own system of schools and clinics mainly in private premises. The verdict of the Kosovars was not recognized by the international community. On the other hand, the people of Kosovo became subjected to the territorial and ethnic aggression by the Serbian regime. Despite this the Albanian people were engaged in non-violent policy of solving the crisis.

The new federal Yugoslavia, composed only of Serbia and Montenegro, hardly mentioned Kosovo or the collective rights of the Kosovo Albanians in its 1992 constitution. Instead, the status of Kosovo and Vojvodina was degraded to one of “territorial autonomy” (*ibid*, p. 9). A considerable contribution to the legal and factual situation created was given also by the international community in 1992 following the recommendations of the Badinter Arbitration Committee on the legal status of the constituent republics of Yugoslavia which left the Albanians of Kosovo in a very unenviable situation which consequently led to war in 1998/99.

During the negotiation of the general peace agreement for peace in Bosnia and Herzegovina initiated in Dayton and signed in 1995 the issue of Kosovo was left aside. When new tensions started to erupt, the UN General Assembly called upon Yugoslavia to allow the establishment of democratic institutions in Kosovo including judiciary and parliament respecting the will of its inhabitants. These efforts were continuously ignored by the Yugoslav authorities, which

were interested in keeping the status quo. After the escalation of situation, the Security Council adopted several resolutions supporting an enhanced status for Kosovo which would include substantial autonomy and meaningful self-governance and at the same time condemned the use of force against the civilian population by the Yugoslav authorities (Security Council Resolution 1160, 1998; Security Council Resolution 1199, 1998; Security Council Resolution 1203, 1998). After the Security Council's resolutions were ignored by the Yugoslavian authorities, the international community including Russia initiated the negotiations between the FRY government and the Kosovo representatives for the Rambouillet Accord.

3.3.5 THE MANDATE OF UNMIK

The overall mandate provided in 1999 to the UNMIK and KFOR was unprecedented in its complexity and magnitude (Matheson, 2001; Marshall and Inglis, 2003, p. 95). According to the terms of the resolution, the mandate of the international administration in Kosovo is twofold: it encompasses, on the one hand, a military presence, composed of NATO and those states that co-operate with NATO in the framework of KFOR, and civil presence (UNMIK), on the other hand, which is headed by the SRSG. UNMIK is charged with the overall mandate to establish an interim administration for Kosovo (Security Council Resolution 1244, 1999). KFOR and UNMIK shall be independent of each other in principle and operate under their own authority in fulfilling their tasks. Resolution 1244 made the military and civilian presences distinct and apparently co-partners in the endeavor to establish a democratic Kosovo (Marshall and Inglis, 2003, p. 108.) The SRSG, as leader of the civil presence, must “coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner.” (Security Council Resolution 1244, 1999, para. 6). The responsibilities of KFOR explicitly included “supporting, as appropriate, and coordinating closely with the work of the international civil presence” (*ibid*, para. 9f).

UNMIK was not only responsible for everyday maintenance of public order, but also for the establishment of a functioning governmental system in Kosovo (Stahn and Zimmermann, 2001, p. 442; Stahn, 2001a). Although the territorial integrity of Yugoslavia is confirmed by the resolution, UNMIK exercised the exclusive power over the territory of Kosovo.

The UNSC Resolution authorized the Secretary General, with the assistance of relevant international organizations, that were subsequently divided by the Secretary General into four components, commonly referred to as the ‘four pillars’ each of which being assigned to a different international agency. The Security Council authorized the Secretary General “to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo shall enjoy substantial autonomy and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo” (Security Council Resolution 1244, 1999, para. 10).

The SRSG had set out the concrete powers of the UN administration in Regulation No. 1999/1 of 25 July 1999, which provided that “all legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by SRSG” (UNMIK Regulation No. 1999/1).

Relying on his competences under resolution 1244, the SRSG had in the meantime, adopted a series of regulations, which were international legal acts enjoying applicability in Kosovo (UNMIK Regulation 1999/24). Moreover, by adopting the Constitutional Framework on 15 May 2001, UNMIK asserted its willingness to transfer significant legislative and executive powers to the domestic authorities. However, the exercise of the responsibilities of the Provisional Institutions of Self-government (PISG) did not affect the ultimate authority of the SRSG (UNMIK Regulation 2001/9). He reserved to himself the power to veto all the legislative measures adopted by the PISG. Even though public administration in Kosovo functioned earlier, in particular after World War II, its continuity of action was not retained after the establishment of Military and Civilian Mission (UNMIK and KFOR) in Kosovo (Battalli, 2012, p. 8). UNMIK was constituted as a structure of “four pillars”, each reporting to the Special Representative of the Secretary General of United Nations: Pillar I (Humanitarian Affairs) in the responsibility of the UNHCR, mainly in charge of preparing for the enormous “winterization” and humanitarian aid programme; Pillar II (Civil Administration) run by the UN itself, in charge of the actual day-to-day administrative management of public affairs; Pillar III (Democratization and Institution Building) under the OSCE Mission in Kosovo; and Pillar IV (Economic Reconstruction) for which the European Union was put in charge (Brand, 2003, p. 10). Under the UNSCR 1244 the international civilian mission were entrusted duties and responsibilities in the political and administrative field at three levels as: a) temporary

administration for Kosovo; b) establishment of democratic self-governing institutions, oversight of their development, including elections; and c) transfer of responsibilities to Kosovo institutions (Security Council Resolution 1244, 1999).

UNMIK Regulations issued by the UN Representative of the UN Secretary General were as the primary legal instruments that take precedence over the second source of law, which is the law that was in force in Kosovo before the withdrawal of autonomy on 22 of March 1989 (Friedrich, 2005).

After deployment of the UN mission in Kosovo management of public administration was among the first areas, which passed on to the responsibility of the Kosovo institutions (Batalli, 2012). Many organisations regarded Kosovo as a green-field site for the construction of new, modern, best-practice public sector-organizations (Venner, 2016).

Despite their contribution, absorption of different approaches by the newly and inexperienced administration with low capacities was a challenge. In many cases involvement of different experiences has led to the application of conflicting public administration principles, such as democracy, equality, human rights on one hand and efficiency and effectiveness on the other hand. For example, organizations that have promoted equality and human rights have experimented with building institutional structures within administration, setting targets representation of women or different ethnical groups while on the other hand, other organizations have pushed government to build efficient and effective administration. Nevertheless, studying the historical developments of the public administration provides a theoretical basis to understand various approaches of international organizations and contributors in establishment and development of the Kosovo public administration.

3.3.6 PUBLIC ADMINISTRATION AFTER INDEPENDENCE

Administrative development was undergoing two parallel processes - gradual establishment of institutions from scratch or through transfers of competences from UNMIK, and reform of those institutions already functioning (RESPA, 2014b, p. 47). The strategic planning for the Public administration reform started in 2006 when a Group of Experts for Public Administration

Reform led by the Ministry of Public Services¹² and with composition of government officials, civil society and business experts was established to draft the first strategy of Public Administration Reform 2007–2012. The strategy and its implementation plan was approved in March 2007 (Kosovo Government, 2007). The functional review process, which was requested by the new Kosovo government in 2008, after Kosovo declared its independence, and took place between 2008–2010, marked the beginning of the second comprehensive phase in the PAR process in Kosovo. This exercise was considered as the broadest exercise of functional reviews in the region. It produced findings and recommendations, which laid foundations for the new PAR strategic framework in Kosovo. The second PAR Strategy 2010–2013 and its implementation plan were approved by the Kosovo government in 2010¹³ (Respa, 2014b, p. 47). The third phase of the PAR in Kosovo has started with the new comprehensive strategic framework that consisted of:

- Public Administration Modernization Strategy 2015–2020 that covered, Civil service, service delivery and administrative procedures and accountability.
- The Better Regulation Strategy 2014–2020¹⁴ and Better Regulation Strategy 2.0 approved in 2017, which covered administrative burden reduction, Regulatory Impact Assessment, Public Consultation etc.
- Strategy for Improvement of Policy Planning and Coordination 2017–2021.
- Public Financial Management Reforms Strategy 2016–2021.

A number of other strategies that covered sub sectorial areas were approved by the Government. This included the Electronic Governance Strategy 2009–2015. Public Internal Financial Control Strategy 2015–2019, Public Procurement Strategy 2016–2021, Interoperability Platform, etc.

The strategic framework was developed within the framework of the European Integration process and with the support of the European Commission and other international donors supporting the public administration in Kosovo. As Kosovo successfully finalized the Stabilization and Association Agreement (SAA) negotiations with the European Union in 2014 and its adoption in 2015 by the European Commission Public Administration Reform is among

¹² The Ministry of Public Services was transformed into the Ministry of Public Administration in 2008.

¹³ Government Decision no 07/145 on approval of the Strategy on Public Administration Reform.

¹⁴ Government Decision No. 03/189, May 2014;

the medium-term reform priorities set out in the EC's Feasibility Study for the SAA¹⁵ (OECD/SIGMA, 2015, p. 4). In addition, the European Commission strengthened its focus on public administration reform (PAR) in the "Enlargement Strategy and Main Challenges 2014–2015" by outlining six key issues of reform. Based on the Enlargement Strategy, the Principles of Public Administration were developed by SIGMA in cooperation with the EC. (OECD/SIGMA, 2015; European Commission, 2015).

From the analysis of the basic documents concerning the public administration reform in Kosovo, the type of the public administration reform is typical for countries in transition (Batalli, 2012, p. 22). However, some authors (OECD/SIGMA, 2015; Venner, 2016; Muharremi, 2017) argue that the overall administrative system is built on the principles of traditional public administration, coupled with weak management and implementation capacities. OECD/SIGMA and EU public administration principles approved in 2015 have had a strong impact and were included in the political, strategic framework of the Kosovo public administration reform (Government of Kosovo, 2015; Government of Kosovo, 2017 etc.).

However as noted by the EC Report 2018, implementation has been weak, mainly due to over-ambitious planning and lack of resources. Despite government's commitments, the actual annual budget allocations and provisions in the medium-term expenditure framework are lower than planned in the strategic documents (European Commission, 2018, p. 13). The financial sustainability of the reforms is of concern, since implementation of the strategies relies heavily on the support of external donors, meanwhile , political instability and emerging or voters driven government agendas impacted the results of the aimed reforms.

¹⁵Kosovo finalised the Stabilization and Association Agreement (SAA) negotiations with the European Union (EU) on 2 May 2014 and the European Commission adopted the proposal for a SAA with Kosovo on 30 April 2015.

Chapter
4 PRINCIPLES OF PUBLIC ADMINISTRATION

4.1 PRINCIPLES OF PUBLIC ADMINISTRATION

The principles of public administration are part of the theoretical and empirical studies. The genesis of some announced principles rests in simple transfer of ideologies and values from sources other than examination of the processes of administration itself.

Dr. Herman Finer's opinion a principle of public administration is "just a statement of a causal relationship; if you do "a" then "b" follows." In 1936, according to Professor Leonard D. White a principle of public administration would be a safe guide for responsible students and leaders of public administration to suggest as a rule of action. Professor White's approach is akin to Dr. Finer's in that both start with a tacit assumption of the desirability of "efficiency" as an undemonstrated tenant or principle. In this causal-effect philosophy, the argument rests essentially in the determination of how guiding rules to obtain efficiency in administration should be named and obtained. Professor White quotes Dr. W. F. Willoughby's *Principles of Public Administration*; "The position is here taken that, in administration, there are certain fundamental principles of general application analogous to those characterizing any science, which must be observed if the end of administration, efficiency in operation, is to be secured, and that these principles are to be determined and their significance made known only by the rigid application of scientific method to their investigation." Note, however, there is no questioning of the efficacy of the presumption of desirability of the end of efficiency (Simon, w.d., p. 14).

Principles of public administration rooted in public law provide a basic theoretical framework through which the administrative state can be effectively managed. Properly understood and implemented, these principles can accommodate and enhance many of the useful contemporary management concepts (Total Quality Management, for example) while still conforming to the requirements of the Constitution for politically accountable public sector management (Moe and Gilmour, 1995).

'Principles' and 'values' are often used interchangeably by administrations. No criticism of the principles of public administration was so devastating as Simon's critique (1946) dismissing them as proverbs. He demonstrated that the principles of public administration were contradictory, had little ability to be generalized as theory, and were fuzzy and imprecise

(Frederickson et al., 2012, p. 104). Some scholars argue that some principles such as the principle of democracy and efficiency contradict each other. While according to Waldo administrative scholars had to recognize that their central principle of efficiency was not value neutral, and that its uneasy relationship with democratic principles had to be recognized (Waldo, 1952 in Frederickson et al., 2012, p. 46). Yet, as administration scholars accepted efficiency as their central principle, they also accepted democracy—a notoriously inefficient basis of organization—as the central principle of the American political system. This presented a problem in developing administrative theory (*ibid*, p. 45). However, public administrations exist to serve the public interest and good governance tries to balance these contradictions. The principles of good governance can be found in different sources of law. It is important to realize the legal character including the different legal binding effects of these sources can be different (Adink, 2015, p. 38).

The OECD/SIGMA has developed the PA principles for the accession countries which 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 enabling regular analysis of the progress made in applying the Principles and setting country benchmarks. But the concept of “good administration” has been progressively defined by EU countries and is included in the EU Charter of Fundamental Rights. The notion of a “European Administrative Space” was set out by SIGMA in 1999. It includes components such as reliability, predictability, accountability and transparency, as well as technical and managerial competence, organisational capacity, financial sustainability and citizen participation (OECD/SIGMA, 2017a, p. 6).

In order to reinforce the good governance, the European Commission through its White Paper on Good Governance has introduced five principles including: openness, participation, accountability, effectiveness and coherence. They underpin democracy and the rule of law in the Member States, but they apply to all levels of government – global, European, national, regional and local (European Commission, 2001, p. 10).

- The white paper establishes that the Institutions should work in a more *open* manner. Together with the Member States, they should actively communicate about what the EU does and the decisions it takes. They should use language that is accessible and

understandable for the general public. This is of particular importance in order to improve the confidence in complex institutions.

- The principle of *participation* according to the White paper means that the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation.
- The principle of *accountability* requires that roles in the legislative and executive processes need to be clearer but there is also a need for greater clarity and responsibility from Member States and all those involved in developing and implementing EU policy at whatever level.
- The principle of *effectiveness* means that policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience.
- In addition, policies and action must be *coherent* and easily understood.

According to the OECD/SIGMA public administration principles are not simply ideas based on goodwill; they are embedded in institutions and administrative procedures at all levels. Actors in the public sphere are legally obliged to comply with these legal principles, which must be upheld by independent control bodies, systems of justice and judicial enforcement, parliamentary scrutiny, and by ensuring opportunities for hearing and redress to individuals and legal persons. If we attempt to systematize the main administrative law principles common to western European countries, we could distinguish the following groups: 1) reliability and predictability (legal certainty); 2) openness and transparency; 3) accountability and 4) efficiency and effectiveness (OECD/SIGMA, 1999). These principles were defined by the European Court as basic principles which have to be enforced in all the Member States (Torma, 2011, p. 152).

OECD/SIGMA also recognizes that principles frequently seem to contradict each other in a given situation. Efficiency seems to be at odds with due process; professional loyalty to the government seems to oppose professional integrity and political neutrality; discretionary decisions might seem to go against the rule of law, and so forth (OECD/SIGMA, 1999, p. 9).

- 1) Reliability and Predictability (legal certainty) - Basically speaking, these two principles mean that the administrative bodies have to be bound by the law and have to ensure the rule of law and the principle of legality when they take their decisions and their actions (Torma, 2011, p. 156). A number of administrative law principles and mechanisms work in favour of the reliability and predictability. This includes the rule of law, the principle of proportionality, the principle of procedural fairness, Timeliness, professionalism and professionality (OECD/SIGMA, 1999, pp. 10–11).
- 2) Openness and transparency - Openness suggests that the administration is available for outside scrutiny, while transparency suggests that, when examined closely, it can be “seen through” for the purpose of scrutiny and supervision. Openness and transparency allow, on the one hand, anyone affected by an administrative action to know its basis, and on the other, they render outside scrutiny of administrative action by supervisory institutions easier. Openness and transparency are also necessary instruments for the rule of law, equality before the law, and accountability. Particularly important to the application of openness is the obligation of public authorities to provide reasons for their decisions (OECD/SIGMA, 1999, p. 11).
- 3) Accountability - Generally, accountability means that one person or authority has to explain and justify its actions to another. So, in administrative law it means that any administrative body should be answerable for its actions to other administrative, legislative or judicial authorities. Accountability also requires that no authority should be exempt from scrutiny or review by others. Supervision is needed to make public administration accountable, to ensure that administrative bodies use their powers properly according to law and follow established procedures. Institutions and mechanisms of supervision monitor and scrutinize the actions of public officials (*ibid*).
- 4) Efficiency and effectiveness. - One specific dimension of accountability relates to efficiency in the performance of public administration. The recognition of efficiency as an important value for public administration and civil service is relatively recent though in public administration theory the principle of efficiency has been recognized by Wilson (1887), Weber (1905, 1946, 1994, 2001; Taylor, 2010 in Frederickson, 2010). Insofar as the state has become the producer of public services, the notion of productivity has entered

the public administration. Today, because of fiscal constraints in many States, the efficient and effective performance of public administration in delivering public services to the society is increasingly studied. Efficiency is characteristically a managerial value consisting in essence of maintaining a good ratio between resources employed and results attained (OECD/SIGMA, 1999, p. 13).

In cooperation with the EU, OECD/SIGMA has introduced the public administration principles which define what good governance entails in practice and outline the main requirements that countries should follow during the EI process. These Principles through six core areas 1) the strategic framework for public administration reform; 2) policy development and co-ordination 3) public service and human resource management; 4) accountability; 5) service delivery; 6) public financial management. Although general criteria for good governance are universal, the Principles are designed for countries which are seeking EU accession and receiving EU assistance through the Instrument for Pre-accession Assistance (IPA). These principles serve as a minimum benchmark of good administration, countries should ensure compliance with these fundamental Principles for EU Accession Countries (OECD/SIGMA, 2017a).

The United Nations Development Program enunciates a set of principles that, with slight variations, appear in much of the literature. There is strong evidence that these UNDP – based principles have a claim to universal recognition. Legitimacy and Voice; direction; performance; accountability and fairness (UNDP, 1997; Graham, Amos and Plumptre, 2003, p. 3). An illustration of the principles of public administration presented by OECD/SIGMA, EU and UNDP are presented in the Table 4.1.

Table 4.1: Principles of Public Administration in OECD, EU and UNDP sources

| OECD/SIGMA principles | EU White paper | Five Good Governance Principles (UNDP) |
|--|-------------------------|---|
| Reliability and Predictability (legal certainty) | | Fairness Equity Rule of Law |
| Openness and transparency | Openness. participation | Legitimacy and Voice: Participation – Consensus orientation |
| Accountability | Accountability | Accountability |

| OECD/SIGMA principles | EU White paper | Five Good Governance Principles (UNDP) |
|------------------------------|----------------|--|
| | | Transparency |
| Efficiency and effectiveness | Effectiveness | Responsiveness Effectiveness and efficiency |
| | Coherence | |
| | | Direction Strategic vision |

4.2 NEW PUBLIC MANAGEMENT AND GOOD GOVERNANCE PRINCIPLES

Contemporary administrative development is characterized by two main and very influential administrative doctrines – the new public management (NPM) and good governance, although it seems that Eastern Europe is in search of its genuine doctrine that would adequately mirror its particular circumstance (Koprić, 2017, p. 43).

Before elaborating the concept of good governance, it is important to understand what is governance. According to Graham et al. (2003) governance is a process whereby societies or organizations make their important decisions, determine whom they involve in the process and how they render account. The Commission on Global Governance provides that governance has four features: governance is not a set of rules or an activity, but a process; the process of governance is not based on control, but on coordination; it involves both public and private sectors; it is not a formal institution, but continuing interaction (Commission on Global Governance, 1995, pp. 2–3). But what is the good governance? Keping (2018) provides that in a nutshell, good governance refers to the public administration process that maximizes public interest. One of its essential features is that it is a kind of collaborative management of public life performed by both the State and the citizens and a new relationship between political State and civil society, as well as the optimum state of the two (Keping, 2018, pp. 4–5).

Governance and government are not the same. Governance is a broader concept than government. Jean-Pierre Gaudin said, “Governance has to be distinguished from the traditional concept of government by the State from the very beginning” (Gaudin, 1999 in Keping, 2018).

The authority for government is necessarily the State. The body of government is necessarily the public institutions in a society, while the body of governance can either be a public institution, a private one, or even a cooperation between the two (Keping, 2018, p. 3). Government is a structure that carry these acts while governance is a process (Adink, 2015, p. 41; Bryant, 2018). Governance is also an act of governing by persons or institutions (Adink, 2015, p. 41). Governance is strongly connected with the methodology of the governmental activities in the postmodern minimal state, and covers the concept of good governance and the efficiency targets of new public management (Rhodes, 1996; LSE Study Group, 2002).

As a definition “Good” governance is concerned with the promulgation of normative models of social, political and administrative governance by supranational bodies such as the World Bank (Leftwich, 1993; Rhodes, 1997 in Osborne, 2006, p. 6). Under this context good governance tries to do more than ‘mere efficient management of economic and financial resources, or particular public services; it is also a broad reform strategy to strengthen the institutions of civil society, and make government more open, responsive, accountable and democratic’ (Minogue, Polidano and Hulme, 1998, p. 77). As a model of good governance, the term good administration has been introduced under the EU Treaties. The concept of ‘good administration’ has been gradually developed in legal acts of the EU institutions and other European organizations, such as the Council of Europe (Koprić, Musa and Lalić, 2011, p. 1521). Good administration is part of a broader concept of good governance that has been warmly embraced by the EU within the European governance agenda that rests upon the principles of democratic society based on the rule of law and effective European policies, which are dependable on the quality of regulation (*ibid*, p. 1521). Fortsakis (2005) analyses the idea of good administration in the context of user protection that emerged in Europe in the late 20th century, together with the flourishing of privatized public services. Drawing on other authors, he enumerates the following good administration principles defined in the EU law: equality, good administrations useful administration (in the meaning of proportionality and legitimate user expectations), proper functioning of public administration, establishing procedures for hearing users beforehand and providing them with information, the principle of appointing an ombudsman, justification of administrative decisions, the principle of access to administrative documents, the principle of establishing independent administrative authorities, and the principle of establishing judicial protection (Fortsakis, 2005). Adink (2015, p. 44) provides that as the principles of good governance have a specific relevance to the administration, one may use the terminology of the principles of good administration in the specific context of the

administration. The European Ombudsman also refers to principles of good administration in his assessment of deemed maladministration.

At the same time of the development of good governance, we see a different development in modern government; that is a continuation of the New Public Management (NPM), which originated in the eighties. New Public Management as a practice and as a set of ideas in public administration emerged in the late seventies and eighties. It was strongest in the Anglo-American countries like the UK, New Zealand and Australia and the US. The main features of the NPM are (see Hood, 1991; Kickert, 1997; Kettl, 2000; Lane, 2000 in Klijn, 2012, p. 4):

- improving the effectiveness and efficiency of government performance;
- ideas and techniques that originate from the private sector;
- the use of privatization and contracting out of governmental services, or parts of governmental bodies to improve effectiveness and efficiency;
- the creation or use of markets or semi-market mechanisms, or at least on increasing competition in service provision and realizing public policy;
- the use of performance indicators or other mechanisms to specify the desired output of the privatized or autonomized part of the government or the service that has been contracted out. This also means a shift from ex ante to ex post control.

Both NPM and governance recognize this growing complexity but have different attitudes to coping with it (Klijn, 2012, p. 2). One could say that NPM is more occupied with efficiency and improving existing services and policies while governance is more concerned with delivering new solutions for complex problems by improving coordination between the various actors (*ibid*, p. 9).

If NPM is characterized by orientation towards economic values of economy, efficiency and effectiveness, principles such as public participation, accountability, equality, effectiveness, rule of law in public administration signed a new paradigm in the public administration by different international organization and scholars under the good governance.

4.3 EFFICIENCY, EFFECTIVENESS AND GOOD PUBLIC ADMINISTRATION (OR GOOD GOVERNANCE)

As stated, above efficiency in one side and democratic principles, such as equality, participation, transparency etc. are the main principles and values in the public administration doctrine, literature and practice.

Efficiency is one of the major values of the post-modern theories of public administration and particularly is a characteristic of the New Public Management Theory (Brezovšek and Kukovič, 2015, p. 54). However, the roots of efficiency have been established by the Wilson in his article, the study of public administration. He articulated efficiency as one of the values of the study of public administration. Wilson requires maximizing effectiveness, efficiency and economy in getting public business done (Polinaidu, 2014, pp. 284–285). “He contends that democracies such as United States could learn from autocratic regimes in Prussia and France about efficient government” (Ostrom, 1973, p. 27 in Koven, 2019, p. 18). Wilson declares that the central purpose of administrative study is to discover and establish a set of valid “principles for executive practice in government (Polinaidu, 2014, p. 285) by stating that the “object of public administration is to rescue executive methods from the confusion and costliness of empirical experiment and set them upon foundations laid deep in stable principle” (Wilson, 1887, p. 210). In the Weberian tradition bureaucracy is viewed “as the expression of rational and efficient administration” (Breton and Wintrobe, 1985, p. 33). Denhardt states that according to Weber, a bureaucratic organization is the most efficient way to control the work of large numbers of people (Denhardt, 2000, p. 30 in Rutgers and van der Meer, 2010, p. 757).

Apart of the most OECD countries efficiency and effectiveness are by now a consolidated policy priority of e-Government both at EU and at Member State level and was as a driving reforms forces in the South-Eastern Europe countries (Codagnone and Undheim, 2008; Andrei et al., in Matei et al., 2011, p. 8; Brezovšek et al. 2014, pp. 47–48 and 172–174). Technical efficiency can be defined as the ‘ratio between input and output.’ (Grandy, 2008, p. 2) or the relationship between the inputs (entries), the outputs (results) and the outcomes (effects) (Mihaiu et al., 2010). However, efficiency takes on a whole new perspective when we try to study it in an environment of traditionally measured quantities in a system that is heavily based on values, inspirations, and human perceptions. This addition of “value” dimension gives a

unique perspective to efficiency in public administration (Manzoor, 2014, p. 1). Therefore, there is an approach where efficiency is based on the Weberian model of “ideal type” bureaucracy and argues that public organizations are structured as bureaucracies, which provides rational and efficient organization structures to public organizations. Hence, several scholars have associated bureaucracy with efficient organizations (Denhardt, 2000; Nyhan, 2000 in Manzoor, 2014, p. 2). In contrast, the other school of thought sees public organizations as pursuing multiple value-based goals in a democratic system (Rutgers and van der Meer, 2010). Therefore, efficiency in public administration is more than a technical relationship between resources and output; it has another dimension that incorporates outputs in relation to values and accountability as an inherent quality of democratic governance (Manzoor, 2014, p. 2).

There are many scholars that refer to efficiency as a core principle of public administration. They regard government bureaucracies as the ultimate expression of rational and efficient organization (Rutgers and van der Meer, 2010, p. 575). However, different scholars compete with other principles in public administration. In the other camp we find, for instance, Wilson, who argues that government cannot be efficient at all. An important argument for this position is the fact that where a private organization has only one valued output—profit or revenue, government organizations have multiple valued outputs to pursue, such as legality, integrity, and democracy (Rutgers and van der Meer, 2010, p. 575). George Frederickson (2010) has stated “equitable, efficient, and economical” as “three pillars” of public administration. He views “equitable” as composed of qualities such as “fairness, justice, and equality,” whereas “efficient” is to do the best or the most preferred, and “economical” is to achieve it by least spending (Manzoor, 2014, p. 2).

The view that efficiency is competing or even is in contradiction with several other principles of public administration is still in place. OECD/SIGMA states that efficiency as a managerial value might seem to conflict with the rule of law and due procedure as a political/democratic value. Public managers often see legal procedures as restrictions inimical to efficiency. Following established procedures may go against an economic use of means, and can adversely affect the ratio between costs and outcomes of an administrative action (OECD/SIGMA, 1999, p. 13).

But looking at the technical definition of the efficiency not all of the elaborated tools contribute

to the increase of efficiency. For this reason, Pareto's efficiency is therefore broader than the concept of technical efficiency commonly used in public administration. Pareto applies the efficiency in the combination with other values such as equality, economic welfare etc. (Grandy, 2008). The application in the EU, efficiency and effectiveness must necessarily be preceded by independence, openness, clarity and proportionality of the administrative mandates (according to the White Paper on European Governance) (Matei et al., 2011, p. 83.). Reform is considered as a fundamental part of a national effort to improve efficiency as diverse as Greece (Michalopoulos in Matei and Rădulescu, 2011, p. 9), increasing the competence and effectiveness of public administration, increasing the expertise, professionalism, knowledge and transparency (Slovenia, Romania, Bulgaria, Croatia) (Matei, 2011, p. 8).

A question that was elaborated in the literature is how to measure the efficiency and its effects in the public administration (Mihaiu et al., 2010; Rutger et al., 2010; Bentham in Rutger et al., 2010; Manzoor, 2014;). According to Curristine et al. (2007) the measurement of efficiency requires quantitative information on costs (or physical inputs) and outputs of public service provision. The efficiency of administration is measured by the ratio of the effects actually obtained with the available resources to the maximum effects possible with the available resources" (Waldo in Rutger et al., 2010, p. 758). Ideally, this requires an accrual accounting system that registers costs rather than cash flows. Likewise, the measurement of outputs should ideally capture both quantitative and qualitative aspects of the services provided. The latter is especially difficult in the public sector since a large bulk of the services provided are typically intangible, e.g. policy advice (Mihaiu et al., 2010). While all public administrations have their formal public service values, none of them can be really measured (Pečarič, 2013, p. 133). These measurement difficulties are even more pronounced for cross-country comparisons, although they are possible to overcome for some sectors (Curristine et al., 2007). Measuring public spending outputs is even more complex. The coverage and scope of public services differ across countries, partly reflecting societal priorities. These disparities require that public spending effectiveness be assessed by spending area, at least for the key components, including health care, education and social assistance. Even for each of these spending areas, public involvement often has various objectives (or output targets) (Manzoor, 2014). And the outcomes of public services also depend on a number of factors that are outside the control of policy makers, at least in the short run (life expectancy, for example, depends to a large extent on lifestyle and diet). Although most OECD countries have introduced performance targets and measurement tools in some parts of general government, they employ different methods

(Curristine et al., 2007).

Another element or principle that go alongside with efficiency in assessing the public performance is effectiveness. Since efficiency is one of the key principles of the NPM, effectiveness contains measuring the performance of reforms that are advocated by the NWS, NPG theories etc. The difference between efficiency and effectiveness are rarely understood (Mauzas, 2006, p. 2). While efficiency technically is defined by the input-output ratio, the effectiveness, implies a relationship between outputs and outcomes. In this sense the distinction between the output and the outcome must be made (Mihaiu et al., 2010, p. 137). Effectiveness is doing the right things and achieving the goal. Efficiency is doing the things right, in the optimal way. If we measured the public administration effectiveness, we would have had to measure if public administration was fulfilling their tasks and how many of their tasks were fulfilled, but not how they did it, the expenses or the resources spent, or if it was it fast, cheap and accurate or if was it expensive, time consuming and inaccurate. We would not know these things if we measured the public administration effectiveness (Kjurchiski, 2014, p. 8) as presented in the Table 4.2.

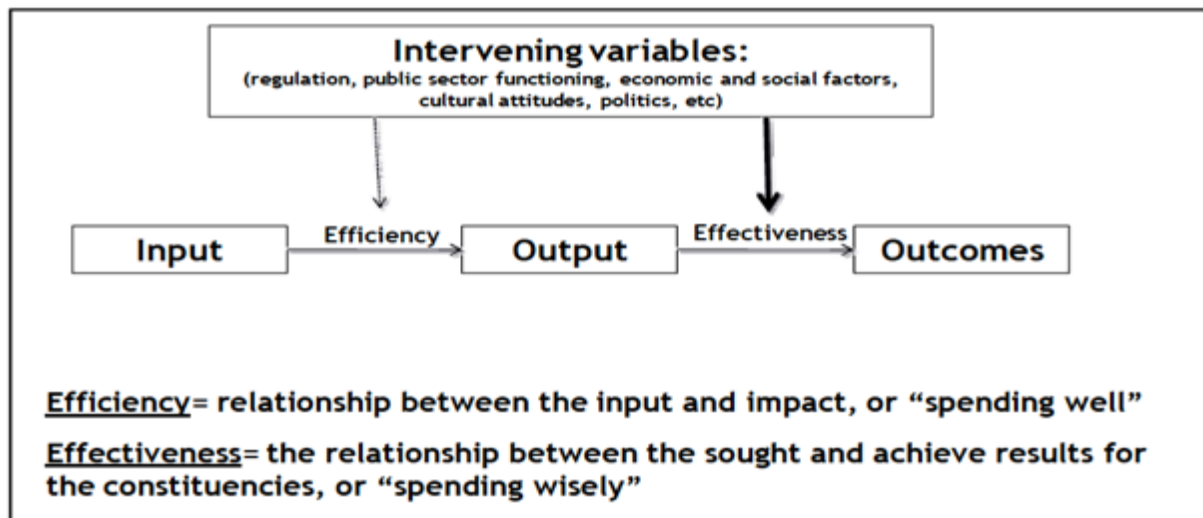
Table 4.2: Efficiency and Effectiveness

| | Efficiency | Effectiveness |
|------------------|------------|---------------|
| Goal Oriented | Yes | Yes |
| Effort Oriented | Yes | No |
| Process oriented | Yes | No |
| Time Oriented | Yes | No |

Source: Kjurchiski (2014, p. 8).

Peter Drucker (2001, p. 147) believes that there is no efficiency without effectiveness, because it is more important to do well what you have proposed (the effectiveness) than do well something else that was not necessarily concerned. The relationship between efficiency and effectiveness is that of a part to the whole, the effectiveness is a necessary condition to achieving efficiency (Mihaiu et al., 2010, p. 136). Since efficiency is influenced by the inputs and outputs, the effectiveness has as influence factors the outputs, the outcomes and the environmental factors (Mihaiu et al., 2010, p. 138). This means that while the efficiency measures the outputs produced by a programme, effectiveness measures the outcome or effects that will be achieved by a programme, which means that in addition to economic factors it involves also social factors.

Figure 4.1: Efficiency and effectiveness



Source: European Journal on e-practice (2008).

Figure 4.1 provides the classical conceptual framework for the measurement of the efficiency and effectiveness of public sector policies and services (Codagnone and Undheim, 2008, p. 10).

Efficiency can simply be defined as the output/input ratio and can be improved in two ways:

- Input efficiency: maintain the output level but decrease the input needed (same for less);
- Output efficiency: maintain the input level but increase the output produced (more with the same) (see the Figure 4.1).

Effectiveness is measured by the degree to which input and output are capable of achieving the intended results for specific and delimited constituencies (direct outcomes), for entire sectors (intermediate outcomes), for society and/or economy as a whole (end outcomes). Needless to say, achieving and measuring outcomes is more difficult than in the case of output because the influence of intervening variables is much stronger (Mandl et al., 2008; SCP, 2004 in Codagnone and Undheim, 2008, p. 10).

However, efficiency has to be judged according to broader goals including society's well-being, sustainability and accountability (Archmann and Guiffart, 2011, p. 64). An efficient and expertly run administrative apparatus insulated from politics and under the authority of the powerful executive would increase accountability and promote effectiveness (Waldo in Frederickson et al., 2012). The goal to achieve an efficient administration is reached when

policies, laws and regulations are effectively implemented (OECD, 2009). Better regulation¹⁶ is an instrument that is used to set effective and efficient goals for legislation that do not produce administrative burdens. The Mandelkern Report provides that better regulation is a drive to improve the policymaking process through the integrated use of effective tools, not an attempt to impose further bureaucratic burdens on it. Therefore, right effective goals are defined if a regulation follows seven core principles: necessity, proportionality, subsidiarity, transparency, accountability, accessibility, and simplicity (Mandelkern Group, 2001). For the good regulation the Mandelkern report sets the main tools to be used: Evaluation, including ex ante” and “ex post” evaluation, Regulatory Impact Assessment which is an effective tool for modern, evidence-based policy making and Consultation which involves the appropriate consultation of groups and organizations that will be affected by the new regulation (*ibid*). Policy making and legislative drafting that follow these tools and methods can provide a balance between values that are set by the principle of efficiency and other values that are set by democratic principles, and particularly to protect the public interest.

Efficiency is not a word that describes something but is a word that represents something (Frederickson at al., 2012). In countries with more efficient public administration, real per capita income is higher, people live longer and there are more investments and more individual freedoms. Average annual GDP per capita is also higher in countries with more efficient public administrations. More efficient public administration correlates with lower crime, corruption and illiteracy levels. In addition (Kjurchiski, 2014, p. 14). Regression analysis between the independent parameter (IPAE) and the dependent parameter (UNDP’s Human Development Index, or HDI) shows that countries with more public administration efficiency have a higher Human Development Index. Norway, which had the number 1 rank in public administration efficiency, also ranks number 1 in UNDP’s Human Development Index. Its public administration is considered to be one of the most reliable and developed in the world, and our measures confirm this assumption (Kjurchiski, 2014, p. 16).

The example of Norway taking into account the level of democracy and equality in the country, indicates the coexistence of democratic principles together with the principle of efficiency which by theory are considered as contradictory principles. However, the case of Norway is not very common in countries' practices. Creating a link between these factors takes a long time,

¹⁶ See details on Better Regulation in the section 5.3. below.

which is very difficult in low-growth countries, new democracies or in a new administration like Kosovo. The following chapter will indicate the level of attention that Kosovo public administration paid to reflecting the efficiency in the policy, strategic and legislative documents.

4.4 PRINCIPLE OF EFFICIENCY IN THE PUBLIC ADMINISTRATION IN KOSOVO

As in other regional countries the principle of efficiency and effectiveness has been included as a major goal in several planning, policy and legal documents in the Kosovo Public Administration. PAR strategies continuously make reference to the principle of efficiency in the public administration (Public Administration Modernization Strategy 2015–2020 (PAMS), Public Administration Reform Strategy 2010–2014, E-government strategy, Better regulation Strategy etc.). In terms of budget, management, planning and execution the principle of efficiency is widely present in the Public Finance Management Reform Strategy (2017–2021) and in terms of revenue efficiency, planning and allocation efficiency, budget execution operational efficiency etc (Ministry of Finance, 2016). The key problem addressed in the Public Internal Financial Control Strategy 2015–2019 is improvement of the adequacy and efficiency of the financial management and control system in order to protect the public resources of Kosovo, EU, other donors and international financial institutions from mismanagement, incompliance and to ensure that public funds are used to provide better public service in Kosovo (Ministry of Finance, 2019, p. 10). However, the law on the Public Finance management and accountability has not been clear on the principle of efficiency in the public finance management. The law on public financial Internal control provides the definition of efficiency that – shall mean the relation between the resources used and results achieved in the meaning of quantity, quality and timing” (Law No. 06/L-021, Article 1.24). The law stipulates that the Head of Public Sector Entity shall inter alia provide adequate resources and orderly, ethical, economic, efficient and effective forms of delivery of public service’ (Law No. 06/L-021, Article 4.1.1) and Chief Administrative Officer shall “ensure that decisions and other actions of the public sector entity are implemented efficiently and effectively’ (Law No. 06/L-021, Article 5.2.1).

When it comes to the efficient organization of human resource management in the civil service, the first general objective of the PAMS strategy is “Adequate advanced system for managing, monitoring and implementing the legislation on civil service and creating the opportunity for a professional, efficient and effective civil service, developed based on principles of good administration and oriented towards implementing obligations” (Ministry of Public Administration, 2015).

The efficient and effective service delivery’s has been required by the PAMS by stating that PAMS provides “that the Government will focus in increasing efficiency of its work and improving services provided by the administration” (Ministry of Public Administration, 2015, p. 6) . The administration has the responsibility to create conditions for equal access to services, eliminate procedural red tape, use new methods through information technology, efficiency and effectiveness both in terms of monetary costs and in terms of their time efficiency (Ministry of Public Administration, 2015, p. 21). The Better regulation Strategy 2.0 aims to increase the efficiency in policy development as well as clarity and efficiency of legal framework (Office of the Prime Minister, 2017).

The new law on general administrative procedures entered into force in 2017 stipulated all the key principles of good administrative behavior: proportionality; equality and non-discrimination; objectivity and impartiality; open administration; de-bureaucratization and efficiency of administrative proceedings; provision of information and active assistance; minimizing procedural costs; and the right to legal remedies (OECD/SIGMA, 2019, p. 13). The law has included the principle of efficiency in the administrative proceedings (Law No. 05/L-031, Article 10). It means that efficiency is set as a stated goal in the public administration. Rationalization of administrative procedures, introduction of several instruments such as standard cost model, e-government tools etc. provide examples for and orientation towards an efficient and effective administration in Kosovo.

However, the principle of efficiency has not been included in the new package of legislation on the public Administration reform that included the Law on Public Officials (Law No. 06/L-114, 2019), Law on Salaries of Public Officials (Law 06/L-11, 2019) and the Law on Organization of State Administration (Law No. 06/L-113, 2019).

The requirement for more efficient service delivery in the local level has been set up through law on Self-government of Kosovo which “aims at establishing a sustainable system of local self-government and improving the efficiency of the public service throughout Republic of Kosovo (Law Nr. 03/L-040, 2008). The Performance Management System, which is a set of indicators that measure the performance of municipalities applied the principle of efficiency mainly in the use of resources in the municipal level and efficiency in the service delivery, particularly on the administrative decision making in the municipal level (Ministry of Local Government Administration, 2017). Instruments to measure the impact of efficient administration and especially its effectiveness are poorly or not developed in the Kosovo administration. Particularly the low level of implementation of policies and legislation raises many questions about the effect of the presence of the principle of efficiency in legislation and policies. The following chapters will address in more detail the factors that contribute the most to the enhancement of the efficiency of public administration.

Chapter
5 FACTORS FOR EFFICIENT EFFECTIVE AND GOOD
PUBLIC ADMINISTRATION

5.1 OVERVIEW

Measuring the performance of the public administration has become a core component of the public management reforms in many countries after 1990s (Heinrich, 2003, p. 25). Achievement of efficiency, economy, effectiveness, good governance can also be set as goals for public sector measurement performance. When talking about efficiency Rogers et al. consider that efficiency is therefore simply not always the most important goal in the public sector, and as such has to be overruled by other values. There might even be a conflict between the measure of efficiency and other values, and/or it may be impossible to establish priority among the multiple goals; there might even be no agreement at all concerning the values to be pursued. (Rutgers and van der Meer, 2010, p. 757). Heinrich states that accountability - to legislative bodies, taxpayers and programme stakeholders – is a primary goal of the public sector performance measurement (Ramzek and Dumznik, 1998 in Heinrich, 2003, p. 25) which define accountability as a relationship in which an individual or agency is held to answer for performance that involves some delegation of authority to act.

There is a question on what are the main factors or tools that contribute to efficient and good public administration that would lead to better performance of the administration and particularly better administrative services delivery. Curristine et al. (2007, p. 9), Van Dooren, Sterck and Bouckaert (2007), Brezovšek and Kukovič (2015, pp. 57–58) in the literature overview have stated several factors. Some of the factors that contribute to an efficient administration that have been mentioned by Curristine et al. (2007) are: i) practices ensuring increased results orientation, such as budget practices and procedures and performance measurement arrangements; ii) arrangements that increase flexibility, including devolution of functional and fiscal responsibilities from central to sub-national governments, agencification, intra-governmental coordination, human resource management arrangements and e-government; iii) methods for strengthening competitive pressures through privatization and other means; and iv) various workforce issues, including workforce size, its composition, the extent and nature of unionization and the attractiveness of the public sector. The literature review (Curristine et al., 2007; Van Dooren et al., 2007; Borge, 2008), suggests that there is indeed evidence that some institutional variables help improve efficiency, mainly: functional and political decentralization to sub-national governments; certain human resource management practices (Curristine et al., 2007). The most notable conclusion, however, is that

there is a lack of empirical evidence and systematic evaluation of the impact of institutional variables on efficiency (Van Dooren et al., 2007). The research suggests the need for further research and analyses into the actual impact of the key institutional variables on public sector efficiency, both within and across countries (Curristine et al., 2007).

Many factors intervene between the input of spending and the outcome of individual welfare, including functioning and failure of markets, the composition of spending (for example, for tertiary versus primary education or health), corruption, and the effectiveness of service delivery (Goldstein, 2008, p. 2).

OECD (2015, p. 292) states that strategic human resource management reforms are seen as instrumental to achieving government objectives for better quality and more efficient and responsive public services. A professional civil service is therefore important not only for the stability of institutions and continuity of expert knowledge in the public administration, but for achieving effectiveness and efficiency in daily administration (OECD/SIGMA, 2018, p. 17).

In addition, integrity and ethics have an important place on the Public Administration. As promoted by Cooper (2001) ethics in public administration is not a transient concept but has proven to be an approach which has shown a great deal of sustainability which is fundamental to the area of public administration (Radhika, 2012, p. 23).

It is commonly accepted that the organization of a public administration has a deep impact on its overall performance and, hence, on its democratic legitimacy in relation to citizens' expectations. The OECD/SIGMA principles on the EU Candidate and Potential Candidate countries require that "state institutions should be accountable (according to broadly understood criteria) in order to guarantee that a public administration fulfils its duties satisfactorily. The essential elements required to achieve this are proper organisation of the state administration, access to public information, an appropriate system of checks and balances and an efficient system of internal administrative appeals, as well as independent oversight and judicial review of administrative cases (OECD/SIGMA, 2017a, p. 55).

Through governance, "public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law" (United Nations Human Rights, 2020). Administrative

law often refers to economy, efficiency and effectiveness (known as “the three E’s”), along with the rule of law, as the principles that must preside over public administration and civil servants’ activities and decisions. Efficiency as a managerial value might seem to conflict with the rule of law and due procedure as a political/democratic value. Public managers often see legal procedures as restrictions inimical to efficiency. Following established procedures may go against an economic use of means, and can adversely affect the ratio between costs and outcomes of an administrative action (OECD/SIGMA, 1999, p. 14) that is focused on the interests of citizens, on which the administration is responsible. Citizens and businesses view the public sector as a service provider, which they pay for through their taxes, and they want to see the delivery of improved services (OECD/SIGMA, 2017a, p. 63).

The theoretical basis of efficiency as well as principles of good governance have contributed their application in the public administration of the countries including those with the newly established public administration of Kosovo. As a result understanding factors that contribute to enhancement of the efficiency of public administration elaborated theoretically as well as the good practices of public administration based on empirical studies, especially by the OECD, the EU, as well as reforms on EU member states and regional countries have helped to define and elaborate research questions in this study.

Public administration practices, procedures, flexibility, e-government etc. are also mentioned by Cuirristine et al. (2007) as factors that contribute to the efficiency of administration. Not much elaboration has been done about these tools. Such tools and their contribution to the efficient administration particularly focused on their impact on better service delivery are the main issues to be studied by this thesis in the following chapters.

5.2 ADMINISTRATIVE SERVICE DELIVERY

The delivery of public services is the most visible aspect of the administration for citizens and residents of any country (Weber, 2018, p. 102). Service delivery is a comprehensive concept. In the context of governance, public service delivery is the result of the intentions, decision of government and government institutions, and the actions undertaken and decision made by people employed in government institutions (Jike, 2003 in Essien, 2015, p. 55).

According to the European Commission, public services encompass not just the high visibility ones (health, education, police, welfare, etc.), but also every instance in which citizens, businesses and others interact with the administration and some form of exchange of information or finance takes place: registering, licensing, applying, paying, borrowing, making an enquiry, etc. (European Commission, 2015, p. 120).

Public administration is usually responsible for a core set of services pertaining to the basic rights and obligations of citizens, such as issuance of personal documents, keeping of property registers, issuance of permits for construction and regulating professions. These services can be defined as *administrative services* and mainly relate to resolving individual administrative cases by issuing administrative acts and undertaking administrative actions at the request of an individual or otherwise; handling citizens' official requests; and enabling citizens to perform their duties towards the state, such as, paying taxes (Weber, 2018, p. 102).

OECD/SIGMA through its principles for public administration for the EU accession countries provides that service delivery may be defined broadly as all contacts with the public administration during which customers, *i.e.* citizens, residents and enterprises (hereafter referred to collectively as citizens) seek data, handle their affairs or pay taxes. In this context, orientation towards citizens needs to be understood as encompassing all contacts and all tasks performed by the public administration that affect citizens. This broad definition encompasses not only contacts between the public administration and customers, but also the rules regulating those contacts (*i.e.* the administrative procedures) (OECD/SIGMA, 2017a, p. 63).

The motivation for improving service delivery can raise demands from citizens and businesses for higher quality or greater accessibility, or an internal search for more cost effective ways of working and better organization in trying to 'do better with less' in the current financial climate. Globalisation, the digital society, 24/7 media and social networks have opened the eyes of citizens and businesses to what is possible. (European Commission, 2015, p. 120).

The SIGMA principles of Public Administration include four principles for service delivery. They include that:

1. Policy for citizen-oriented state administration is in place and applied.

2. Good administration is a key policy objective underpinning the delivery of public service, enacted in legislation and applied consistently in practice.
3. Mechanisms for ensuring the quality of public service are in place.
4. The accessibility of public services is ensured.

Within the context of “Europe 2020” delivery and citizen-centered approach became quite pivotal. This vision for the EU consequently also got its effect on the enlargement policy. With a clear focus on eGovernment as one of the six flagship initiatives of the 2017 Western Balkan Strategy, citizen-centric service delivery became a pivotal element and (one of) the main objectives (RESPA, 2018, p. 24).

Effective service delivery therefore is rendering services that correspond to the citizen’s desires, needs and expectations. This conception emanates from the perceived need to treat members of the public that require government services like a private-sector entrepreneur would treat his/her customers (Essien, 2015, p. 55). Emerging literature suggests that working toward a more citizen-centric system allows public administrations to increase their efficiency, thanks notably to early or immediate feedback mechanisms for taxpayer-funded services (The World Bank Group, 2015), and “flatter, agile, streamlined and tech-enabled” practices (World Economic Forum, 2012 in RESPA, 2018, p. 25).

Governments have recognized that innovation can help increase the performance of public services in terms of outputs, efficiency, effectiveness, equity and responsiveness to user needs. Many OECD countries have developed approaches to involve citizens and users in public service delivery, ranging from simple interaction (e.g. feedback on service quality) to more active consultation in decision making (OECD, 2011). Innovative public service delivery mechanisms – which were introduced following the ideas of New Public Management – provided an alternative to the traditional command and control mechanisms based on a hierarchical relationship between government (the principal) and the delivery body (the agent), either public or private (such as in public utilities) (OECD, 2011, p. 26). In addition, the technological elements of a new service delivery system as innovative solutions: application of new technology (predominantly, but not exclusively, IT) to allow for improved production and use of services by allowing for new interfaces and ways of delivering services or service elements (Julnes, 2016, p. 43).

However, provision of public services is subject to government regulations. If the regulatory framework is too complex, it may contribute to restricting access to public services for certain groups of citizens, or creating unnecessary regulatory burdens for public authorities/service providers, which leads to inefficiencies. Administrative burdens have tended to grow in number and complexity as governments need more information to implement their policies and target their regulations and instruments at more specific issues and populations. The growing use of administrative procedures has become a major problem, known as “red tape” or administrative burdens. Administrative procedures increase costs and multiply barriers for businesses through the time and money needed for compliance. This can, in addition, reduce regulatory certainty, a key parameter for businesses (OECD, 2017, p. 123). Therefore, one regulatory management tool that can contribute to improve the quality and broaden the access to public services is administrative simplification (*ibid*, p. 122).

The 2012 Recommendation of the Council on Regulatory Policy and Governance invites countries to engage in conducting administrative simplification. Principle 5 states that countries should “conduct systematic programme reviews of the stock of significant regulation against clearly defined policy goals, including consideration of costs and benefits, to ensure that regulations remain up to date, cost justified, cost effective and consistent, and deliver the intended policy objectives” (The 2012 Recommendation of the Council on Regulatory, 2012, p. 15 in *ibid* p. 123). Substantive reforms to simplify administrative processes have been conducted at the European Union and member states levels during the last two decades. Influenced by the European integration process and to cope with the new demands including better services for their citizens and businesses, the Western Balkan countries including Kosovo are intensifying such reforms during the last couple of years.

5.3 BETTER REGULATION

Regulation defines the border between state and society, government and market. Therefore, regulation represents government’s attempt to set limits to the scope of private activities (Christensen, 2010, p. 3) or regulation will be taken to mean the employment of legal instruments for the implementation of social-economic policy objectives (den Hertog, 2010, p.

3). Regulation is the public administrative policing of a private activity with respect to a rule prescribed in the public interest' (Mitnick 1980, 7 in Christensen, 2010, p. 3).

The quality of regulation has been recognized as a key factor for efficient, effective and good governance (Weatherill, 2007, p. 4). Regulations that enable functioning of the society are often seen as (Katsoulacos, Makdi and Bageri, 2011) being excessive and/or of poor quality and are thus imposing unnecessary burden on business and, overall, on the economy. The demands from regulations mainly for businesses may be seen as "necessary" and "unnecessary" (Kalaš and Bačlija Brajnik, 2017). The necessary regulations is an administrative burden that is considered as a safeguard of public interest (Kaufman, 1977). The unnecessary ones do not succeed in fulfilling the primary goal of regulation and could be removed with no harm to the public interest (Kaufman, 1977; Rosenfeld, 1984; Bozeman, 1993; Rainey, Pandey and Bozeman, 1995; Pandey and Bretschneider, 1997; Bozeman, 2000; Pandey and Kingsley, 2000; Scott and Pandey, 2000; Walker and Brewer, 2008; Feeney and Bozeman, 2009; Bozeman, 2012; de Jong and Van Witteloostuijn, 2015 in Kalaš and Bačlija Brajnik, 2017, p. 28).

When the regulatory policy is decided, the question that arises mostly is what constitutes public interest of such policy and particularly when the policy may affect the interest of private sector? The answer is not simple. Different theories have been developed, including the public interest theory in public administration. Public interest can be described as the best possible allocation of scarce resources for individual and collective goods and services in society (den Hertog, 2010, p. 5). The assumption behind governmental regulation is the possibility of protecting the public interest against private, especially business interests (Christensen, 2010, p. 3). But the public interest is mostly interpreted by the law makers or the bureaucracy. Analogous public interest justification for the regulation has been heavily criticised and regulatory failures have been suggested, including regulation in the interest of the regulatory bodies, regulation in the interest of the regulators and high cost of the operating systems (James, 2000, p. 327). Regulatory failures produce unnecessary regulation which is considered as the administrative burden. Administrative burdens are the costs involved in obtaining reading and understanding regulations; developing compliance strategies; and meeting mandated reporting requirements, including data collection, data processing, reporting and data storing (OECD, 2008).

There are many different interpretations of 'better regulation'. For some it simply means 'less' regulation, for others 'cheaper' regulation, while for yet others 'more effective' or 'efficient'

regulation. At the EU level, the better regulation agenda was initially targeted at improving the effectiveness, efficiency and transparency of EU legislation and the way in which it is developed. More recently, however, its focus has been narrowed in order to align it more closely with the objectives of the Lisbon Strategy – to create more jobs and economic growth. (Wilkinson, Monkhouse and Herodes, 2005, p. 1) or based on the EU guidelines "Better regulation" means designing EU policies and laws so that they achieve their objectives at minimum cost (European Commission, 2017).

The term “better regulation” was first introduced in 1997 by the UK incoming labour administration. The intent was doubtless to signal a more balanced, less ideological stance. ‘Regulation’ would not be treated as such with suspicion but nor would regulation be embraced as an inevitable good. Instead regulation would be ‘better’—it would, in the tones of the time, undergo ‘modernization’. In 1997 the Better Regulation Task Force (today named the Better Regulation Commission) was duly established as an advisory body, devising a set of principles of better regulation, while Regulatory Impact Assessment was promoted with vigour (Weatherill, 2007, pp. 1–2). But what does ‘Better Regulation’ really mean? One may readily suppose that it connotes a drive for judiciously chosen rule-making, cost savings and the promotion of a more efficient economy. Again: who would argue with that? And yet nothing is so simple. In the UK and in the EU rulemakers have endeavored to achieve a more satisfactory balance between the demands of proper protection from market failure and inequity, on the one hand, and commercial freedom and the potential for innovation on the other (*ibid*, p. 4).

All over Europe, it seems, public and private actors are competing to be the most devout in the pilgrimage towards the holy shrine of ‘Better Regulation’ (*ibid*). The EU Edinburgh Summit (in 1992) expressed concerns about the quality and quantity of regulations produced in Brussels (European Council, 1992). Afterwards, such an idea was made by the Lisbon Strategy that considers the regulatory environment important for the achievement of objectives under all three Strategy pillars: economic, social, and environmental (Virant and Kovač, 2010). The idea of the Better Regulation tools (as a tool to increase efficiency and effectiveness) are used to optimize policy so that the benefits to society from the regulatory action are maximized and costs are minimized (Deighton-Smith in Virant and Kovač, 2010, p. 372). Virant and Kovač (2010) also consider that regulations (laws, orders etc.) are some of the most important »products« of public administration, and that the process of drafting and adopting regulation is one of the main business processes in public administration (*ibid*, 2010). Virant and Kovač

(2010) reviewed the literature that explains the quality of the regulation which, according to them depends by following seven core principles: necessity, proportionality, subsidiarity, transparency, accountability, accessibility, and simplicity. These principles were described by the Mandelkern Report (Mandelkern Group, 2001, p. 9; Weatherill, 2007, p. 3) which was authorized by the EU to elaborate as mentioned above the main factors that will contribute to achievement of the objectives of the Lisbon Strategy.

The government, wishing to introduce the quality into the work of its ministries and agencies, or even aiming at business excellence of such organizations, must develop a quality regulation policy that follows the quality management principles (Virant and Kovač, 2010, p. 4; Brezovšek and Kukovič, 2015, p. 199). In such a sense, the quality of regulation is about the process and approach quality, tools, and methods of drafting and adopting regulations, and partially also about certain politically indisputable substantive standards (e.g., the necessity of regulation, evidence based policy making, pureness in terms of administrative barriers, level of involvement of interested parties and public, coherence) (Virant and Kovač, 2010). Assessing the quality of regulation should not be biased in terms of prioritizing more liberal, or more social, or interventionist approaches (OECD, 1997, p. 193; Radaelli and De Francesco, 2007, p. 38). The quality of regulation was tried to be defined when the following elements are taken into consideration: necessity, evidence based policy making, level of involvement of interested parties and public, coherence, using the logic of “Plan-Do-Check-Act” cycle, continuous improvement etc (Virant and Kovač, 2010). All the above and similar quality standards may be gathered under a single umbrella – Regulatory Management Systems (Bertelsmann, 2010 in Virant and Kovač, 2010, p. 380).

A term that is closely linked to the better regulation reforms and administrative simplification is red tape. When governments require businesses to ask for permits, to fill out forms and to report and report activities, they impose administrative compliance costs on the business sector. If not well justified, these administrative burdens establish unnecessary and costly barriers to entry, trade and investment, and generally hamper economic efficiency. This red tape is especially burdensome for smaller businesses and may act as a disincentive to new business start-ups (OECD, 2017a, p. 17). The concept of “Red tape usually implies excessive or meaningless paperwork (Bennett and Johnson, 1979); a high degree of formalization and constraint (Hall, 1968); unnecessary rules, procedures and regulations; inefficiency; unjustifiable delays; and as a result from all this, frustration and vexation (Bozeman, 1993, p.

274). Administrative simplification tools have been introduced under the better regulation reforms in different countries and international organizations as a most effective and comprehensive approach.

5.4 ADMINISTRATIVE SIMPLIFICATION

Administrative simplification is considered by many governments as a key aspect to ensure regulatory quality which remained high on the agenda of most OECD countries over the last decade. It refers to government policies, tools and practices aiming at simplifying and administrative regulations affecting business, citizens and the public sector (OECD, w.d., p. 3). Otherwise, administrative simplification is a regulatory quality tool to review and simplify administrative regulations: paperwork and formalities through which governments collect information and intervene in individual economic decisions (OECD, 2010, p. 11). The objective is reducing burdens for citizens, businesses, civil society organizations and public sector organizations, alongside designing more expedite administrative procedures; the challenge remains to ensure that this exercise improves the quality and access of public services (OECD, 2017, p. 122). Administrative simplification aims at improving existing regulation by removing obsolete obligations (often by examination of licenses and permits), by establishing one-stop shops for reducing administrative compliance costs or by increasing the use of ICT in order to lower information transaction costs or even to remove reporting obligations by re-use of data across different branches of government. Other tools in the regulatory reform toolbox aim at ensuring the quality of new regulation (i.e., consultation, regulatory alternatives and Regulatory Impact Assessments – RIA) or at improving accessibility and transparency (OECD, 2007a, p. 28). Professor Ziller (2008, p. 3) states that differently from ‘rolling back the state’, ‘new public management’ or ‘good governance’, which may be perceived by citizens and businesses as too abstract, inward looking or ideologically biased, the discourse of administrative simplification should be well received as it seems to address directly one of the major complaints about bureaucracy, *i.e.* that it makes life difficult for the ordinary citizen, and generates costs for businesses. Administrative simplification involves cutting red tape that includes filling out unnecessary paperwork, and complying with excessive administrative procedures and requirements such as licenses (OECD, 2009b, p. 6). The administrative simplification should

be done in accordance with the principle of efficiency, effectiveness and provision of quality services to the citizens and businesses alike (EUPAN, 2014, p. 4).

Virant and Kovač (2010) bring two categories of measures for implementation of administrative simplification. One is the measure of rationalization of administrative and other procedures and removing unnecessary elements in such procedures without changing in any way the extent of state supervision or public interest protection. Rationalization may, for example, be attained by applying the principles of »one stop shop«, »single sign on«, and »let the data circulate instead of the citizens« (Virant and Kovač, 2010, p. 382). Another form of simplification is removal of the unnecessary elements of a procedure and the other one is the reduced extent of regulation in a specific area e.g., elimination of the need to obtain a license for a certain activity, or reduction of a number of conditions (or their complexity) that need to be met for individuals to enter an activity. This means more than a mere administrative simplification, process optimization, or managerial and organizational measures. It involves deregulation, i.e., a substantive law element rather than a procedural modification of the extent of state supervision, or a change in the relation between the public and private spheres. Deregulation also includes a political component because the attitude towards such a process depends on the attitude towards the relation between the state and individuals (*ibid*, pp. 382–383).

Thus, when policies are decided and in this case the administrative there is a need to maintain the balance between excessive regulation that comprise the unnecessary administrative burden and the public interest. The Public Value Theory which is developed in the beginning of the 21 century as a result of the new economic and political context, as well as contemporary technologies and societal norms that have flattened organizational hierarchies. The Public Value Theory advances a theory of public administration that is neither strictly bureaucratic or market based, but, rather, collaborative, democratic, and focused on governance (Turkel and Turkel, 2016). Moore and Bozeman play a central role in formulating the Public Value Theory who analyse the same agenda from different starting points (*ibid*). While, the Public Value Theory is a composition of arguments between traditional public administration and New Public Management, Moore initiates his approach by criticizing NPM. Bozeman, on the other hand, formulates a critique of economic individualism. Moore argues NPM focuses government accountability too narrowly on economic efficiency while he affirms government's unique role of accountability to justice and fairness. He advocates for a sharper focus on customers of government agencies; performance measurement systems; more intensive use of the methods

of total quality management and continuous improvement to create productivity gains in government operations; a greater reliance on pay for performance for both managers and frontline workers in government (Moore, 2013). Bozeman, on the other hand, argues that NPM overly prioritizes market considerations at the expense of deliberative outcomes (Bozeman, 2007). A key issue is how the Public Value Theory can achieve the balance between democratic access and accountability to public institutions and market organization and imperatives (Turler and Turler, 2016). Administrative scholars had to recognize that their central principle—efficiency—was not value neutral, and that its uneasy relationship with democratic principles had to be recognized (Waldo, 1952 in Frederickson et al. 2012, p. 46). The postmodernist might approach the subject of efficiency by taking the efficiency to be part of the master grand narrative and than that narrative and with it both concepts of efficiency and practical applications of efficiency, such as cost-benefit analysis or performance measurement. The word efficiency merely represents or stimulates some actual phenomenon that we choose to describe as efficiency by representing not only describing something (*ibid.*, p. 152).

Administrative simplification is a tool and method to reduce these regulation while maintaining the public interest and benefits provided by the regulation (*ibid.*). In this context the administrative simplification strategy provide regulatory reform policies and broader programmes for public governance (OECD 2006 administrative simplification strategies). They serve to the broader governmental policy goals serving the efficiency and effectiveness of public administration but also ensuring that democratic values such as equal representation, minority rights, majority rule etc. are achieved. Such goals can be achieved if policy development process has utilised appropriately evaluation, including ex ante” and “ex post” evaluation, Regulatory Impact Assessment, evidence-based policy making and consultation.

In order to serve the purpose of implementation of administrative simplification reforms different approaches may be followed. They include the administrative burden reduction and administrative barriers, one stop shops-use of ICT tools etc.

Individuals and organizations of the private sector face costs when complying with the regulation. Businesses incur direct costs (taxes and other public financial commitments to public authorities), regulatory compliance costs, capital costs (reduced value of investments resulting from amended regulation), and indirect costs or costs of reduced efficiency (reduced volume of innovative solutions because of time spent on regulatory compliance) (Frick and

Ernst, 2008). Administrative burden is any burden that brings costs and waste of time to citizens and businesses, and derives from the necessity to comply with regulation. Administrative burdens concern the regulatory costs when asking for licences, filling out forms, and reporting and meeting notification requirements for the government. Apart from these, businesses also sometimes have to pay certain fees or invest in specific equipment (OECD, 2007, p. 28). Administrative burdens are defined by the Dutch as the costs businesses have to comply with the information obligations resulting from government-imposed legislation and regulations (OECD, 2006, p. 56). The methodology for measuring the administrative burden is the Standard Cost Model (SCM), developed by the Dutch government (Frick and Ernst, 2008, p. 66; for Slovenia Klun and Slabe-Erker in Virant and Kovač, 2010, p. 382). SCM is focused on the costs of administrative compliance with regulation, i.e., the costs that businesses face in adjusting their internal or external operations to regulatory requirements. The aforementioned Standard Cost Model is a widely recognized method to calculate administrative burdens, which have been applied in many international projects from 2002 onwards. The model breaks down administrative costs imposed by legal acts into components that can be assessed with reasonable accuracy. The tool is characterized by the economic approach to law-making and regulation (EUPAN, 2014, p. 5).

The main regulatory tool to reduce the cost of businesses during and after 70s was the deregulation instrument. This approach was not only frustrated by recurring demands for regulation in various policy domains, its underlying assumptions were also questioned given the advance of the 'regulatory state', e.g. the deliberate use of state regulation to secure the delivery of public goods by private (or privatized) enterprises in sectors such as network industries. Since the 1990s, the emphasis has shifted from deregulation to the overall quality of regulation (Wegrich, 2009, p. 6). While deregulation was about dismantling existing regulations (ex post), better regulation seeks to enhance the quality of regulation when those are developed (ex-ante). Along with the formulation of broad 'principles of better regulation', the introduction of regulatory impact assessments is regarded as the core tool of the better regulation agenda (Baldwin, 2005; Radaelli and De Francesco in Wegrich, 2009, p. 5).

The range and number of methods and tools outlined above to achieve the goal of simplifying administrative procedures is wide, while their selection depends on many factors that dominate a country's administration system, capacities, level of administrative burden, factors that cause

the burden etc. The goal remains the same, better regulations, simplification of procedures and lower cost of administrative services.

5.4.1 ADMINISTRATIVE BURDEN

Administrative burden has been previously defined as an individual's experience of policy implementation as onerous (Burden, Canon, Mayer and Moynihan, 2012). In 1887, Woodrow Wilson (1887) called attention to administrative burden, disparaging the "wearing friction" of government and arguing for a science of public administration "to straighten the paths of government, to make its business less un-businesslike" (Heinrich, 2015, p. 403). A distinction in the meaning between administrative burden and administrative barrier exist. An administrative barrier is any unnecessary administrative burden that can be removed through process optimization without any risk for the public interest or without any change in the supervisory role of the state (Virant and Kovač, 2010, pp. 382–383).

Measurement of the size of the existing burden can be an important information-based approach to developing a policy on burden reduction and the basis of evaluation for policy initiative taken (OECD, 2003, p. 44). A question to be answered is about the factors that cause the administrative burden. Bureaucracy, confusing paperwork, and complex regulations can increase the administrative burden. During the administrative activities different burdens are imposed on the businesses and citizens. The regulation may require businesses to fulfil certain conditions for carrying out their activities (staff qualification, occupational safety equipment, etc.), meet specific internal (bookkeeping, drafting rules on occupational safety) or external administrative obligations (registration, acquiring a licence, providing data to public authorities) (Virant and Kovač, 2010, p. 381). In addition, a corollary to the effects of burdens on citizens is the role that administrators play in this process. Administrators play an active role in creating and enforcing burdens and those directly providing public services to citizens –street level bureaucrats– may use their discretion rigidly enforce, expand upon, or ameliorate the effects of burdens (Lipsky, 2010 in Herd, 2013, p. 26). Research from street-level bureaucracy further emphasizes the potential for frontline bureaucrats to use their interpretation of rules and other forms of discretion to make the application process more or less difficult, leading to what Lipsky (1984) describes as "bureaucratic disempowerment." This mixture of formal rules and discretionary behavior creates burdens in the application and re-enrollment process (Herd,

2013, p. 70). The role of administrators and street level bureaucrats is minimised if modern channels and alternative solutions for obtaining administrative services are available for citizens. E.g. when the digital service delivery method is applied, no contacts with the frontline officers are required when an administrative service is needed.

5.5 COMPARATIVE COUNTRY EXPERIENCES (SEE COUNTRY EXPERIENCES OR BALKAN COUNTRIES)

5.5.1 OECD LEVEL

Measuring and reducing the burden arising from regulatory procedures has become an important part of the regulatory reform programs in many countries. This is partly because of the complexity of regulations and therefore the costs they impose. It is also partly due to improvement and development of new tools notably IT-based tools which enable unprecedented possibilities for graded coherence and efficiency on the regulatory interactions between government, businesses and citizens (OECD, w.d., p. 16)

Since both the reduction and the measurement of administrative burdens is not a straightforward, but a multifaceted and complex process, countries are eager to compare their methodologies, their results and their policies in order to learn from each other's experiences (OECD, 2007). The OECD has been at the forefront of the work on administrative simplification issues since the 1990s. The 2005 OECD Guiding Principles for Regulatory Quality and Performance (OECD, 2005) set the bases for the work on administrative simplification, and advised governments to "minimise the aggregate regulatory burden on those affected as an explicit objective to lessen administrative costs for citizens and businesses and as part of a policy stimulating economic efficiency", and "measure the aggregate burdens while also taking account of the benefits of regulation." These principles have been endorsed by all OECD member countries (OECD, 2009, p. 10). In the following years administrative simplification is becoming a priority of OECD countries seeking to improve public governance and regulatory quality (OECD, 2006; OECD, 2007; EUPAN, 2014). Efforts to reduce administrative burdens have primarily been driven by ambitions to improve the cost efficiency of administrative regulations, as these impose direct and indirect costs on regulated subjects

(OECD, 2010, p. 9). The experience of the OECD in the administrative simplification reforms has been followed by countries and international organizations worldwide in the beginning of the 21 century.

5.5.2 EUROPEAN UNION

During the last couple of decades, EU member states have been active in implementing administrative simplification projects with a view to cutting red tape, rationalizing processes and consequently taking burden off citizens and businesses (EUPAN, 2014). The origins of the regulatory reforms or better regulation agenda at the EU level lies on the European Commission's white paper on European Governance. The white paper aimed to improve EU policies by strengthening their transparency, coherence, effectiveness and efficiency, while at the same time boosting public participation and accountability in the process of their development (European Commission, 2001). The second initiative was the so-called 'Lisbon Strategy' launched by the EU's Member States in March 2000 at the European Council in Lisbon, it aimed to make the EU the most competitive, knowledge-based economy in the world by 2010, and introduced a number of new mechanisms for policy development aimed at achieving this. The following year, reflecting the Treaty commitment to sustainable development, an environmental dimension was added to the Lisbon Strategy by EU leaders at their meeting in Gothenburg in June 2001 (Wilkinson et al., 2005, p. 7). In March 2007, the EU Council adopted the decision to reduce administrative burdens arising from EU law by 25% by 2012 (European Commission, 2006). As a result and upon the invitation of the EU through these documents, national states set the same goals (25% by 2012) on the removal of administrative barriers at the national level, though most countries, for example Netherlands and Denmark, already started such reforms (Virant and Kovač, 2010, p. 371; Kalaš and Bačlija Brajnik, 2017, p. 31). The main target group of administrative burden reduction policies undertaken under this framework of reforms are businesses. The projected costs of regulation and its savings potential have been since then measured with the Standard Cost Model (Kalaš and Bačlija Brajnik, 2017). The European Union has successfully completed its administrative burden reduction programme by 2012. It reached a reduction target of 25% and eliminated unnecessary costs for EU companies by a magnitude of 30,8 billion euro. The European Commission estimated that in the medium term the reduction programme could lead to an increase of 1.4% in EU GDP, equivalent to EUR 150 billion (European Commission, 2012).

In addition in 2015, the Juncker Commission made better regulation one of its top priorities. In late 2018/early 2019, the Commission took stock of better regulation since 2015. The aim was to identify what is working well or less well and bring the agenda forward. On 15 April 2019, the College of Commissioners adopted a Commission communication describing the Better Regulation Agenda, discussing its strengths and shortcomings, and identifying possible avenues for progress. This communication is accompanied by a staff working document summarizing the results of the stocktaking, in particular the extensive consultations in facts and figures (European Commission, 2019a).

Figure 5.1: Overview of Better regulation activities in EU 2015–2018



Source: European Commission (2020).

As presented in the Figure 5.1 the communications reveal that in addition to other better regulation measures the Commission presented 150 measures to simplify Union legislation between 2015 and 2018. The REFIT¹⁷ Platform supported these efforts. It processed 684 submissions from stakeholders and adopted 89 opinions (36) to which the Commission replied in the context of its annual work programmes. The Commission reports transparently the results

¹⁷ The European Commission's regulatory fitness and performance (REFIT) programme aims to ensure that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. REFIT aims to keep EU law simple, remove unnecessary burdens and adapt existing legislation without compromising on policy objectives. The Commission presents every year an overview of simplification results. The REFIT Platform was set up by the May 2015 Better Regulation Communication to advise the Commission on how to make EU regulation more efficient and effective while reducing burden and without undermining policy objectives. It consists of a Government Group, with one seat per Member State and a Stakeholder Group with 18 members and two representatives from the European Social and Economic Committee and the Committee of the Regions. Source: European Commission (2020), accessible via https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly_en.

of these efforts annually (37) and in a scoreboard (38) that is now available online and is more user friendly.

The Commission pledged to continue to reflect on how best to identify simplification potential and translate it into REFIT objectives or how to make the adoption of simplification measures easier and more visible. Improvements in identifying excessive costs in evaluations would also be beneficial. The Task Force report pointed to the combined effects of legislation (including delegated acts and implementing acts) whose impact may not be assessed or evaluated well enough. The REFIT programme could probably play a greater role in identifying and tackling legislative density with the help of the REFIT Platform.

5.5.3 WESTERN BALKANS

On the other hand, the Western Balkan countries¹⁸, imposed by the EU integration framework and needs for a more efficient administration, have undertaken concrete steps in this regard (Matei et al., 2011; Koprić et al., 2016). Balkan states have undergone a steady transformation in their administrative culture as their processes, procedures and institutional arrangements are at odds with their national needs and priorities (Matei et al., 2011, p. 272). The WB countries' growing awareness that the efficiency and quality of regulations affects economic performance, led to their more strategic approach to regulatory reform, and adoption of comprehensive, or fragmented regulatory reform strategies. All Western Balkan countries recognise improved service delivery as one of the priorities or key objectives in public administration reform (Weber, 2018, p. 102). Creation of a better environment for businesses and improvement of administrative services for citizens through administrative simplification and administrative burden reduction programs became one of the strategic objectives in the recent years.

Albania initiated its simplification and administrative burdens reduction program with the adoption of a Regulatory Reform Action Plan from 2006. Simplification and administrative burdens reduction program is also an important segment of the new Government Program for the period of 2009-2013. The main document that sets the specific strategic framework for the administrative simplification in Albania is the Long-Term Policy Document on the Delivery of

¹⁸ Western Balkan countries include Albania, Croatia, Kosovo, Macedonia, Montenegro, Serbia.

Citizen Centric Services by Central Government Institutions in Albania (LTPD).¹⁹ The LTPD which is the most recently adopted and most comprehensive and specific of Albanian strategies in the service delivery area, has four pillars related to: 1) standardization and re-engineering of services; 2) separation of front office from back office and decentralization of service delivery; 3) digitization and interoperability; and 4) citizen feedback and performance monitoring. Other relevant strategies for this area are the Cross-cutting Public administration Reform Strategy 2015–2020²⁰ and the Cross-cutting Strategy Digital Agenda of Albania 2015–2020.²¹ Despite of this the SIGMA assessment report 2017 assesses that while administrative simplification to reduce the time required to deliver services happens in the course of services’ re-engineering, there is no comprehensive strategy in place. Albania does not use regulatory impact assessments (RIAs) or other tools to systematically evaluate administrative burdens. Reducing administrative burdens, particularly the time spent on complying with certain administrative procedures, is a policy objective of the Government. The “as-is” situation, including time measurements, is available for all services of the ten key central government institutions that have undergone business process reengineering (OECD/SIGMA, 2017b, p. 112).

At the institutional level, the key stakeholders involved in the implementation of the public services reform are: the Steering Committee of the Governmental Programme for Services and e-Governance led by the Deputy Prime Minister, the Agency for the Delivery of Integrated Services (ADISA), the National Agency for Information Society (NAIS), along with line ministries and local authorities.

The legislative framework in Albania for simplifying administrative procedures is in place, following the entry into force of the Code of Administrative Procedure in May 2016. However, progress in adopting the necessary implementing legislation, reviewing the special administrative procedures and adjusting the sector legislation has been limited. (European Commission, 2018a; Weber, 2018a, p. 115) This is due to the lack of a lead coordinating institution (European Commission, 2018a, p. 15).

¹⁹ Accessible via <http://www.adisa.gov.al/wp-content/uploads/2016/10/GoA-Citizen-Centric-Service-Delivery-Policy-Document2c-April-2016.pdf>

²⁰ Accessible via http://dap.gov.al/images/DokumentaStrategjik/PAR_Strategy_2015-2020_English.pdf

²¹ Accessible via http://akshi.gov.al/wp-content/uploads/2018/03/Digital_Agenda_Strategy_2015_-_2020.pdf

In the **North Macedonia**, a separate Strategy focused on the provision of administrative services is not available. One of the four priority areas or objectives of the PAR Strategy (Ministry of Information Society and Administration, 2017) is quality service delivery and ICT support for the administration (Weber, 2018b, p. 81). As it can be seen from the PAR Strategy, the Government is focused on digitalization and provision and availability of e-services.

Furthermore, the Strategy foresees involvement of users in the process of defining and designing the services, which will be developed tailored to users' needs. Digitalization has been a key priority for the new Government, which is confirmed both by its positioning in the PAR Strategy as one of the principles, but also by Government activities, such as the hosting of the April 2018 WB Digital Summit. In addition, the 2018 EC Progress Report notes that “there has been more focus on digitalization of services for businesses than for the public.

The Ministry of Information Society and Administration (MISA) is tasked by law with setting and promoting the Government agenda in a wide range of areas, and with steering service delivery reforms as part of public administration reforms. The MISA does not, however, have a unit in place dealing specifically with PAR, nor with service delivery. Furthermore, considering that only 80 of its 202 employees are working in the Ministry's headquarters, its resources are stretched to the limit. Consequently, the MISA does not guide or support other government institutions in service delivery improvement, and projects in this area are few. Finally, there is also no effective co-ordination mechanism at the political level to guide and monitor progress in service delivery.

The MISA provides more comprehensive assistance with digital government: in May 2015, it tabled a Short-Term ICT Strategy for 2016–2017 and issued a Strategic Plan for 2016–2018 containing government modernization and digitalization initiatives, used mainly as an internal guideline for further developing digital service delivery (OECD/SIGMA, 2017c, pp. 96–97).

From a normative point of view, one of the biggest changes in recent years, in terms of the reform of public administration and its transformation into a true service of citizens and the business sector, was the adoption of the Law on General Administrative Procedure which entered into force on 1 August 2016 (Ministry of Information Society and Administration, 2017, p. 40). The law regulates all modern institutes that are a feature of the European Administrative Space, as well as those deriving from the European Services Directive. One of the norms that

has been recognized as a good practice is the legal obligation for compulsory electronic data and document exchange between institutions (Weber, 2018b, p. 81).

A challenge that is recognized under the Strategy and that has been raised as a concern by the civil society is the fact that the provision of public services is not unified and is usually defined at the level of an institution or an organizational unit. In order to support the systematic implementation of the LGAP, the MISA developed a software solution for operating and managing a Catalogue of Services, which is envisaged as a systematic database for all administrative procedures in the country, which will enable further simplification of services and their digitization (Weber, 2018b, p. 81). Moreover, the MISA has also started activities for introducing One Point of Service, which aims to enable citizens and the business sector to receive services from several institutions at one place.

It should be stressed that although the Ministry of Information Society and Administration paid attention to administrative simplification in the course of harmonizing special legislation with the LGAP, there is no explicit plan for administrative simplification. However the PAR strategy contains an objective on Simplifying services - re-engineering services to digitize them, whereby service users will be at the center of the process, cataloging services and review of fees for e-services, digitalization of services (Ministry of Information Society and Administration, 2017, p. 56)

Simplification and Administrative Burdens Reduction program in **Montenegro** has started with the adoption of the Action plan for Elimination of Business Barriers (2007). The implementation of this program was followed by the adoption of the strategic Regulatory reform action plan (2009), with the simplification and administrative burdens reduction program as one of its segments (Penev and Marušić, 2011). The reduction of administrative burden now is being addressed via the 2016–2020 strategy for public administration reform, which was adopted in July 2016 (European Commission, 2017b, p. 2). In addition, in January 2018, the Government adopted the PAR Strategy Action Plan for 2018–2020, which includes a chapter on activities to improve service delivery. Furthermore, the Government adopted the 2018 Action Plan for SDIS on 29 March 2018 (together with the report on implementation of the Action Plan for 2017).

However, SIGMA assessment for 2017 as well as the report of 2019 stress that there has been little tangible progress in actually improving service quality and reducing burdens. Improvements in administrative service delivery took place in individual sectors, e.g. digital transformation of public services is most advanced in the area of tax-related services for businesses (OECD/SIGMA, 2019a), social security, but these were not part of service delivery reforms across government. Administrative simplification and the regulatory guillotine have largely stagnated since 2015 (OECD/SIGMA, 2017d, p. 96). The new Law on Administrative Procedures entered into force in July 2017, and the harmonization of sectoral laws to the new law was finalized, though a lot of secondary legislation, which defines many administrative procedures, requirements, time limits and fees, still need to be harmonized with it (European Commission, 2018b, p. 13). Infrastructure for the interoperability of registers has been put in place in the form of the Government Service Bus (GSB), and it is possible to exchange data among the first set of key registers, including the population registry and the business registry. However, adjustments are yet to be made to business processes and to relevant regulations to effectively improve access to services and reduce the administrative burden (OECD/SIGMA, 2019a, p. 5).

In **Serbia** the Government has adopted several strategies and action plans focusing on citizen-oriented service delivery. Under the umbrella of the 2014 Public Administration Reform (PAR) Strategy, the Government has adopted the e-Government Strategy for the period 2015–2018 which already expired and created a vacuum in the strategic framework of e-Government policy and a Regulatory Reform Strategy 2016–2020. Further strategies also contain objectives or activities focusing on reforming administrative service delivery, notably the Stop to Bureaucracy Action Plan (adopted in 2016), the National Programme Countering the Shadow Economy (adopted in 2015), the Open Government Partnership (OGP) Second National Action Plan 2016–2018, and the ERP 2016–2018 (OECD/SIGMA, 2017e, p. 109). The e-Gov Office is preparing a new Programme on e-Government and its action plan under the Public Administration Reform (PAR) Strategy 2014. This programme will complete the strategic framework, as the last e-Government Development Strategy expired in 2018 (OECD/SIGMA, 2019b, p. 34).

The legal framework for simplification of administrative procedures in Serbia is in place with the law on general administrative procedures, effective as of 1 July 2018. The most radical innovation of the 2016 LGAP was the introduction of the “once only” principle. However, the

Ministry of Public Administration and Local Self-Government lacks the resources for efficient oversight of its implementation. Serbia still needs to harmonize a significant number of sectorial laws with special administrative procedures with the general law. Regulatory impact assessments can help to prevent and reduce administrative burdens, so their quality needs to be improved (European Commission, 2018c, p. 12). A total of 270 laws are to be harmonized with the LGAP by 1 June 2020, two years later than the initial plan stipulated. In 2018, 42 laws were harmonized and 100 laws were scheduled for harmonization in 2019. While the MPALSG is focusing on the harmonization of laws with the LGAP, the reforms for administrative simplification are led by the Public Policy Secretariat's (that is responsible to lead reforms for administrative simplification), work on administrative simplification includes reviewing individual legislative propositions (including secondary legislation) to make sure it harmonizes with the LGAP. PPS objects the instances of non-compliance with the LGAP and as a result, PPS has prepared a list of 40 laws and 95 by-laws that need alignment with the LGAP (OECD/SIGMA, 2019b, p. 41).

Despite the small differences and different approaches, the degree of implementation of public administration reforms, in particular simplification of administrative procedures in the Western Balkans, is approximately the same. Each country has followed its own approach, can learn from each other. Meanwhile, the European integration process, overall new developments, and the requirement for OECD/SIGMA principles of public administration had an impact on them to move forward with implementation of such reforms. The OECD/SIGMA and EU, through imposition of common European integration requirements to Western Balkan states, are a very useful mechanism that is contributing to the application of the same standards and practices in all countries. However, regional initiatives or mechanisms for sharing best practices and experiences in implementation of public administration reforms and particularly reforms that aim improvement of the service delivery, the use of administrative simplification methods and methodologies among these countries are still weak. Networks on different topics are already established, including the network on Public Administration Reform or the network on e-governance, which are the most appropriate and related to the reforms to be conducted on the administrative simplification.²² However, extending the RESPA Networks also on the administrative simplification can be a solution. Another form of sharing experiences and best

²² RESPA has established several networks on certain areas of public administration reforms, including the network on Human Resource Management; the Network on Ethics and Integrity, the Network on Public Procurement etc.. Retrieved from <https://www.respaweb.eu/38/pages/28/respa-networks>

practices is strengthening of bilateral cooperation between regional countries through agreements of cooperation, exchange of expertise, study visits etc. External experts or academics can assist different countries by providing consultancy on the best practices as well as through publication of research studies that can cover comparative experiences or reforms in countries, and one of them is this research .

5.6 WHY ADMINISTRATIVE SIMPLIFICATION IN KOSOVO?

The quantity and complexity of government formalities can impose significant costs on the economy as a whole and represent a key barrier for economic development (OECD, 2011a, p. 32). Many developing countries are launching administrative simplification strategies to improve service delivery and interaction between government and citizens, as well as to respond to the demand for burden reduction on business, and improved conditions for market competition, trade, and investment (OECD, 2011a, p. 32).

At the same time the need to demonstrate capacity to deliver and to account for that has become particularly important since the declaration of Kosovo independence in February 2008 (Report of the Functional Review and Institutional Design of Ministries (FRIDOM), 2008, p. 5). The administration was built from the scratch after 1999 under the influence of the previous traditional model and different international organizations deployed in Kosovo after the war. Even though public administration functioned earlier, in particular after World War II, its continuity of action was not retained after the establishment of Military and Civilian Mission (UNMIK and KFOR) in Kosovo (Battalli, 2012, p. 8). Under the UNSCR 1244 the international civilian mission were entrusted duties and responsibilities in the political and administrative field at three levels as: a) temporary administration for Kosovo; b) establishment of democratic self-governing institutions, oversight of their development, including elections; and c) transfer of responsibilities to Kosovo institutions (Security Council Resolution 1244, 1999). The transfer of responsibilities from UNMIK to Kosovo newly established institutions was a gradual process, a combined process of state building and maintaining the peace and security that lasted until the oversight of the independence has ended in 2012/3. New approaches were influenced by different organizations in building the public administration in Kosovo through introduction of new public management principles and public administration models contradicting the

traditional administration principles which either existed or were introduced by other organizations. This situation caused segmentation of various models and approaches depending on who, which part of the administration was influenced. This led to launching of new public administration reforms where, the recent policy framework and legislation continuously introduced new modern principles of public administration. These were primary based on the EU public administration principles through public administration reform package that was developed with the support of and under the influence of the OECD/SIGMA principles on public administration as well as different technical assistance projects that support the public administration. However, while the policy design and legislative framework is taking form, their implementation has remained a challenge for many years.

Taking into consideration, new demands deriving from needs of citizens, development of the new technology and approaches require moving from traditional approach to e-governance and further to digitalization of government services. In addition, due to Kosovo's aspiration for the EU integration and many other reasons, the recent focus on the public administration reforms in Kosovo is to improve the service delivery system. For this purpose, Kosovo government has undertaken several initiatives.

However, existing detailed analysis of the level of administrative burdens in Kosovo are not sufficient as will be elaborated in the respective chapter. Levels of administrative burdens in countries of the European Union differ. Based on the figures from the Netherlands, administrative burdens can be at a level of 3.6% of GDP. It is not possible to assess whether this percentage also applies to Kosovo. On one hand, the impression is that procedures and legal requirements are far more cumbersome to comply with. This would provide reasons to assume that the level of administrative burdens in Kosovo is higher than 3.6% of GDP (Government of Kosovo, 2020, p. 17).

Analysis of the sources of the administrative burden imposed by the Kosovo administration to citizens and businesses followed the research design for this study which set the methodology which consisted of the non-participant observation of the author in many government processes, analysis of different assessments made by different organizations and categories of public documents. The empirical research that has been implemented through the survey with businesses in Kosovo as well as surveys of other organizations have evidenced several factors that cause administrative burdens. The survey conducted for the purpose of this study and the

information obtained through other methods show also the level of the service users' concerns about each factor of the burden (see the Chapter on empirical research analysis). The Draft concept document on administrative burden reduction has established a problem tree on the causes and effects of the administrative burden. The main causes for the administrative burden according to these draft concept document are the following:

1. Procedures that are not needed still in force;
2. Conflicting laws and sub-legal acts;
3. Improper/incomplete implementation of legal provisions;
4. Inefficient implementation of legal provisions;
5. Duplication of legal obligations;
6. Unclear information provided regarding legal obligations;
7. Inefficient functioning organisations providing services;
8. Staff on service level not fully informed and prepared for their task;
9. Long traveling and waiting times for services;
10. Lack of Impact Assessment regarding effects on companies and citizens;
11. Legislation not consolidated;
12. Legal obligations and implementation provisions that are badly formulated and hard to understand;
13. Insufficient digitalisation of Government services and procedures;
14. Laws and sub-legal acts not properly translated;
15. Absence of a harmonised legal framework;
16. Lack of integrated service hubs (one-stop shops) (Government of Kosovo, 2020, p. 29).

The list of causes and effects presented in the Concept Document on Administrative Burden Reduction is more a standard list of the causes and effects rather than factors that are based or supported by sufficient information about their presence in the public administration in Kosovo. However, further analysis of documents, and other methods used during the empirical study of this phenomenon evidenced that such administrative burden in Kosovo is caused by most of the causes listed above.

The empirical study that is based on the survey conducted for the purposes of this thesis study, the perception of overall citizens according to different sources including the Balkan barometer, Weber civil society monitoring of PAR or other individual institutions survey provides that the above-mentioned list of causes is not exhaustive.

OECD/SIGMA latest assessment for 2018 has provided several cases on the unnecessary burden and revealed some good practices that can be taken as good examples. An example is found in the area of registration certificates. Each year the 38 municipal centres of civil registration issue millions of certificates for various purposes but mostly because they are required by another state administration body. Prizren Municipality alone issued 23 000 birth certificates in the month of May 2018 to prove that students live in their municipality (Administrative Instruction No. 16/2004). Quite often, recruitments for positions in the education sector also require the submission of a birth certificate.²³ There may be tens of laws requiring the physical presentation of a copy of the birth certificate, and these all need to be reviewed and harmonised with Article 8 of the LGAP, which requires that officials first seek information from other parts of the administration before asking a citizen to provide it (*ex officio* principle) (OECD/SIGMA, 2019, p. 8; first hand sources from the public administration through observation method by the author). As observed by SIGMA in its 2017 Monitoring Report, progress in individual agencies tends to be piecemeal rather than part of a comprehensive transformation of service delivery (OECD/SIGMA, 2017, pp. 102–114). Similarly, when a citizen wants to renew their ID card, a paper copy of the old ID card is taken for the record by the Civil Registration Agency (Hoxha, Thaqi, Osmani, Hamzaj, Group Meeting 16 January 2019). The process for renewal of ID cards has been simplified slightly, but the applicant still has to come to the office twice: once to place the application and once to receive the document. In order for citizens to be able to send applications to renew their ID document electronically, they would need to sign the application digitally before sending it off.

Despite this, procedural requests from the administration in most of the administrative services are not justified. E.g. when a citizen has to request a stamping for the birth certificate with an apostille by the Civil Registration Agency, a hard copy of the ID and a copy of the original birth certificate should be attached to a hard copy of the application which should be filled out only in a handwriting format and then can be submitted (author's experience through observation method, 24 June 2019). Similarly, when a citizen wants to change their ID card, a paper copy of the old ID card is taken for the record by the Civil Registration Agency (*ibid*;

²³ One issue is that no difference is made between the original birth certificate issued upon birth as an administrative act (registering a birth) and the document which contains the same information but is not an administrative act (this can be witnessed by looking at the number of birth certificates the CRA issued, which exceeds the number of births by roughly 20 times.

also personal experience). In order to change the ownership of a private vehicle, the buyer has to bring seven documents to the police station. Even a copy of the driving license has to be provided, despite the fact that the MoI holds information about driving licenses in its own registry. Amendments to the Law on Vehicles is reportedly underway to reduce these requirements (OECD/SIGMA, 2019, p. 8).

On the other hand as it will be explained in the following chapters, main innovations that are introduced by the Law on General Administrative Procedures or instruments that enable administrative simplification and reduction of burden internationally used are not used in practice in Kosovo. These includes the once only principle, reduction of administrative burden, use of information technology, one-stop-shops etc.

5.7 KOSOVO CURRENT SITUATION AND STRATEGIC REFORMS TO DATE

OECD claims that administrative simplification policies can be designed either on an ad hoc basis focused in a sector, or on a rather comprehensive and long-term perspective (OECD, 2009). Simplification strategies intend to review and simplify administrative regulations to improve the efficiency of transactions with citizens and business without compromising the regulatory benefits (OECD, 2006, p. 21). These strategies are complex schemes for administrative simplification efforts, and should have a long-term and “whole-of government” perspective. They need to be well thought through and be clearly defined by establishing measurable objectives, resources, timing, outcomes, and monitoring and evaluation mechanisms (OECD, 2009b, p. 15). Koprić (2014, p. 5) provides two approaches: a) old approach: regulation of economy and efficiency as the legal principles of administrative procedures (Arts. 6 and 13, Resp., old Yugoslav GAPA) and b) new approach: 1. improvements in technology and structure of public administration as well as in legal regulation of the general administrative procedure law which ensures better results with smaller input; 2. systemic character of the new approach means that all improvements have been taken into account in a holistic and interdependent manner 3. improvements have been identified in an analytic and scientific manner. Elements of these approaches are in place in the public administration reforms in the SEE countries. It is considered that the lack of a comprehensive whole of

government administrative simplification strategy makes change difficult (OECD, 2009b, p. 28). Strategies include removing obsolete or contradictory provisions, improving guidelines for administrative regulation and introducing new tools to reduce and measure the impact of administrative regulations. Simplification strategies can also entail recasting or even removal of regulation where administrative costs are not seen as proportional to benefits (OECD, 2006, p. 21). OECD provides that strategies normally follow sequential phases: planning, consultation, design, implementation and evaluation (OECD, 2009b). The 2005 OECD Guiding Principles for Regulatory Quality and Performance make specific reference to the need to reduce administrative burdens. The first guiding principle requires to “adopt at the political level broad programmes of regulatory reform that establish clear objectives and frameworks for implementation” (OECD, 2005).

According to the OECD (2006), the approach of the national strategies for administrative simplification can be analyzed through several elements or by responding to the following questions:

- Whether administrative simplification is becoming an integrated part of governments’ regulatory reform policies and broader government programmes.
- If the administrative simplification policies are embedded in broader regulatory quality issues is reflected by the fact that the body in charge of administrative simplification is also in charge of other regulatory quality issues such as RIA and consultation in a majority of countries.
- Countries have different approaches towards burden reduction: strong ex ante control, focus on existing burdens.
- Do strategies for administrative simplification measure the extent of administrative burdens and have set reduction objectives over time. Setting targets?
- What is the focus of the administrative simplification strategies; small businesses, all businesses, citizens etc?
- Do strategies tend to avoid the creation of administrative burdens by improving rule making ex ante, operating procedural controls prior to the introduction of new legislation or regulation. This control is mainly done during the RIA process in OECD countries.

5.8 ADMINISTRATIVE SIMPLIFICATION AS PART OF GOVERNMENTS' REGULATORY REFORM POLICIES AND BROADER GOVERNMENT PROGRAMS IN KOSOVO

OECD countries have followed different strategies for administrative simplification (OECD, 2006). Most administrative simplification policies embrace both “framework measures” to encourage burden reduction, and specific initiatives to simplify and reduce administrative burdens. There is no clear tendency as to which level of government has been the primary driver of administrative simplification. In some countries the national government has taken the lead, with the state and local governments playing the catch-up role. In other countries the situation has been exactly the opposite (OECD, 2003, p. 63). The strategic approach for administrative simplification in Balkan countries has increased its importance overtime. The EU integration criteria give special importance to particular aspects of administrative service delivery for citizens. One of the pillars of the Enlargement Strategy of the European Commission for 2015 is the provision of public services - focusing on the delivery of services from public administration with special attention to efficiencies and ensuring the protection of individuals in administrative procedures. One of the challenges of the European Commission report for 2014 on Kosovo was the provision of services. In addition, the ‘Europe 2020’ Communication calls for improvement of the business environment in Europe (Bohinc, 2015, p. 3). This field of public administration lies in the center of Principles of Public Administration defined by the OECD/SIGMA in 2014, which highlight the need to develop clear policies and monitoring mechanisms for this purpose (Ministry of Public Administration, 2015).

As foreseen in the research design this following chapter is focused to answer mainly the first research question “*What are strategies of public administration reforms in Kosovo concerning the regulatory tools and administrative simplification methods (such as deregulation, regulatory burdens, opening one stop shops, standard cost model)*” which involved the content and interpretative content analysis of existing and previous strategic and policy framework of Kosovo state administration that covers administrative simplification in Kosovo. Analysis of documents, non-participant observations as well and information received through interviews with public officials will be used to respond to the first research question. Sources of information used for responding to this question are mainly strategies that are approved in the Government and published in the official sources, then published articles and assessment

reports from different international organizations. Internally used documents, such as draft strategy proposals and other planning documents, internal reports, agendas of meetings, press releases etc. Documents were used as source of information in combination with the non-participant observation and direct participation in government activities and meetings.

5.8.1 REFORMS UNDER THE NATIONAL WIDE STRATEGIES

Some countries used a more whole government approach and some in the fragmented way. The Administrative simplification has been part of the wide government programs since 2011 with the aim of economic growth through business enabling environment in Kosovo. Strategic goals have been introduced through the Action Plan of the Economic Vision of Kosovo 2011–2014 (EDVAP) (Government of Kosovo, 2011). The plan was focused on enabling the business environment through “adopting necessary legal infrastructure and institutional actions the aim is to improve Kosovo’s ranking in the World Bank’s Doing Business Report”. Implementation of activities set out in this Plan aimed to improve doing business indicators in the mid-term period by raising Kosovo to the top 40 reformers according to the World Bank’s Doing Business Report by 2014 from 117 which was WB ranking for Kosovo when the plan was approved in 2011.²⁴ This entails comprehensive reforms to eliminate 50% of the excessive license and permit requirements” (Government of Kosovo, 2011, p. 6). Reforms in this area were focused in removing the unnecessary licenses and permits to businesses and particularly the start-up cost and length of the start-up procedure of a business, the main indicator where the goal was focused. Several specific legislative and administrative measures have been undertaken by the Government in the framework of the implementation of this plan. Adoption of the Law on Licenses and Permits System (Law no. 04/L-202) in 2013, for the first time set a few principles, parameters and criteria for the improvement of environment to do business through the reduction of administrative barriers. Before adoption of the law, each institution had a discretion to impose licenses and permits to businesses without any criteria. Licenses and permits were imposed by the different primary or secondary legislative acts approved by ministries, government or parliament. The law established that “*Permit and licenses shall be established solely by law*” (Law no. 04/L-202, Article 17). Every new permit and license included in the new legislation has to be in line with a set of criteria provided by the Law on the Permits and

²⁴Accessible via <https://openknowledge.worldbank.org/bitstream/handle/10986/5907/DB12-FullReport.pdf?sequence=1&isAllowed=y>

Licences. The Law, (Article 15) gives to the Office of the Prime Minister the mandate to prepare and present to the Government a written opinion on the conformity of such draft act with this Law prior to the review by the Government of such draft act. The law assigns to the Legal Office of OPM the responsibility for maintaining the central registry for permits and licences (Law no. 04/L-202, Article 29).

Under the EDVAP strategic framework several other reforms were undertaken. It includes particularly the simplification of procedures and reduction of requirements for registration of business such as: The requirement of obtaining a work permits in order to start-up a business has been eliminated, and the procedure for registering a business has been simplified. The business registration fee has been eliminated. The required deposit of main assets for businesses of the Joint Stock Companies has been reduced from €25.000 to €10.000. While of the required rate of deposit for LLC businesses was formerly €1.000, this required deposit of businesses' main assets has been removed (Office of the Prime Minister, 2011). A comprehensive review of licenses and permits for businesses has been conducted. As a result of reforms based on the World Bank Doing Business 2018 report, Kosovo was among the top 10 economies worldwide with the most notable improvement in doing business reforms (The World Bank Group, 2018). While the average rank in 2011 Word bank report was 119 (The World Bank Group, 2010), in the report of 2018 Kosovo is ranked in the 40th place while the progress in starting a business was moved from 163 that was in 2011 into 10th place (The World Bank Group, 2018). But ranking of Kosovo is 57th for 2020 or 13th, down from last year, when ranking was 44th out of 190 countries. However, it is noted that Azerbaijan, Kyrgyzstan, Kosovo and Uzbekistan emerged among the 20 most improved economies worldwide for 2020 (The World Bank Group, 2019).

The performance was focused on the ease of obtaining the company registration certificate (number of days, number of administrative procedures and cost) and the overall ease of starting a business (total number of days and costs associated with all phases and administrative procedures necessary to commence operations, as well as any minimum capital requirements to register) (World Bank, 2014 in OECD, 2016, p. 116).

Table 5.1: *Doing Business Rankings for the six Western Balkan countries for 2012–2020*

| Country | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|---------|------|------|------|------|------|------|------|------|------|
| Kosovo | 117 | 98 | 86 | 75 | 66 | 60 | 40 | 44 | 57 |

| Country | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|----------------------|------|------|------|------|------|------|------|------|------|
| Albania | 82 | 85 | 90 | 68 | 97 | 58 | 65 | 63 | 82 |
| Montenegro | 56 | 51 | 44 | 36 | 46 | 51 | 42 | 50 | 50 |
| Macedonia | 22 | 23 | 25 | 30 | 12 | 10 | 11 | 10 | 17 |
| Bosnja & Hercegovina | 125 | 126 | 131 | 107 | 79 | 81 | 86 | 89 | 90 |
| Serbia | 92 | 86 | 93 | 91 | 59 | 47 | 43 | 48 | 44 |

Source: The World Bank Group (Reports Doing business, 2011 to 2019).

As presented in the Table 5.1 this was a success story, driven by the ambition to improve the position in the World-Bank ranking and as a result ease the business environment.

National Development Strategy 2016–2021 (NDS) also sets the main strategic orientation on the reduction of barriers and administrative simplification of procedures, focused mainly on the reduction of the licenses and permits to businesses. However, NDS, in addition to businesses targets, aims to improve administrative services provided to citizens, too (Office of the Prime Minister, 2016, p. 20). Enabling the business environment through administrative simplification and other measure is a priority of NDS. The NDS aimed to expedite and decrease the number of procedures and administrative fees the businesses have to go through in the course of their work. The key role will belong to simplification of the service provision process and decrease of the number of licenses and permits required. The NDS also aimed at improving the delivery of public administration services with focus on establishing the registry and information system on administrative services and streamline and simplify administrative procedures by prioritizing those directly related to businesses (Office of the Prime Minister, 2016, p. 21). The main planning of implementation and monitoring document of NDS, the NDS Roadmap was not approved by the Government, as expected, but by lower level government specific working Committee.

The action plan for implementation of Economic Vision and the NDS were the first documents at the level of the government that set the policy objectives to simplify procedures to enable the business environment of Kosovo with comprehensive coordinated approach that led to solid results in reviewing and number of legislative pieces, including primary and secondary legislation (USAID Kosovo, 2012), as well as impacted the doing business World Bank ranking. However, having accomplished these reforms, it remains unclear if a reduction of administrative burdens would lead to economic growth. Efforts to simplifying the operational environment and reducing the administrative burden on SMEs involves more than reforms to

the company registration process (OECD, 2016, p. 116). The focus of efforts was also mainly narrow concentrating on the burden reduction to businesses and as read above in some WB doing business indicators, not on the overall picture.

5.8.2 REFORMS UNDER THE SECTOR AND SUBSECTOR STRATEGIES

5.8.2.1 Better Regulation Strategy 2.0

A more detailed approach introducing tools and methods for administrative simplification and burden reduction is done through Better Regulation Strategy 2014–2018 (BRS) and the reviewed Strategy for year 2017–2021 (BRS 2.0). The BRS introduced using the Impact Assessment for policies and legislation, ex post evaluation and standard cost model. BRS 2.0 sets targets for administrative burden reduction programme for the government of Kosovo until 2020 for simplifying, merging or revoking 10% of licenses and permits from a minimum of 480 as they were in 2014 (Government of Kosovo, 2017). Administrative burdens are the costs of regulation that are measured the most in European countries and are often an important element of the impact assessments drafted when creating new regulation (Poel, Marneffe, Bielen, Aarle and Vereeck, 2014, p. 46). According to the BRS 2.0, the Government will ensure that the SCM approach is embedded in the process for developing policy papers based on approach developed by the European Commission for ex-ante policy analysis under its Impact Assessment system as well as experiences of other countries will be leading in this (European Commission, 2015b). Applying the SCM during the policy development process aims to enable the Kosovo administration to develop the necessary capacities needed for implementing an administrative burden reduction target (Government of Kosovo, 2017). Introduction of Impact assessment to policy proposals have been foreseen through BRS 2.0, too. The existing system for the Concept Documents are forecasted will serve as a framework for the impact assessment system. First two tests are planned. First analytical tools such as the SME Test based on the approach developed by the European Commission (European Commission, 2015a) that takes into account the high number of single person companies in Kosovo (Business Registration Agency of Kosovo, 2016).

5.8.2.2 Public Administration Modernization Strategy 2015–2020

In addition, the Public Administration Modernization Strategy 2015-2020 (Ministry of Public Administration, 2015) foresees several administrative simplification tools such as advancement of the ICT system to serve for a better service delivery, one stop shops and quality management tools and techniques, administrative procedures review in light of new Law on General Administrative Procedures etc. Citizen orientation, increasing efficiency, transparency and accountability of public action towards citizens and businesses, and elimination of administrative burdens are identified as the major objectives of PAMS (RESPA, 2018, p. 126; Ministry of Public Administration, 2015). The Strategy also sets targets for 2020. The main target set in this strategy is reviewing 60% of special procedures that are not compliant with the General Administrative Procedure Law. Another target is to establish two pilot one stop shops by 2020 for at least 30 administrative services to be issued by each, services that have to be issued by more than three institutions. The strategy also foresees the e-Kosova portal, that is planned to be a gateway for the service delivery through e-government solutions (Ministry of Public Administration, 2018). When the strategy is drafted, its focus on the specific reforms with the direct impact on the administrative service delivery was one of the main intentions. However, after five years of its implementation, the major improvement has been evidenced in the improvement in setting the key contemporary principles for the good administrative service delivery and at some extent in the improvement of the legislative framework. Partial and fragmented progress is evidenced in achievement of its objectives and targets when it comes to the implementation of such reforms in practice.

5.8.2.3 Strategy on Local Self-Government 2016–2023

In addition to the central government, the local governments have a key role in the service provisions to the citizens. Decentralization – especially under devolution, in which empowered and elected local governments are directly accountable to citizens – is positioned to have potential to enhance the coverage, quality and efficiency of service provision through better governance and more efficient resource allocation (Smoke, 2015, p. 220). Efficiency at local government has been defined by Greer et al. (2005, p. 11) as one of the three most important elements on which local government is based in Europe together with the autonomy and democracy (Kukovič and Haček, 2019). The importance of the local institutions in the service delivery is indicated by the Balkan barometer public opinion survey where 41% of citizens state

that they had contact with the local government when they asked for services (RCC, 2019, p. 91).

However, the attention of the strategic framework on services provided by the local level is weak in Kosovo. The Strategy on Local Self-government 2016–2023 is focused on increasing the local government efficiency through e-government solutions. According to the strategy, the e-governance shall have the following direct impacts: to increase the effectiveness and prospective of financial management; to increase the effectiveness of human resource management contributing to creation of a transparent environment; to increase the effectiveness of statistical reports and analysis; to increase the transparency towards the public and various institutions; efficient and rapid exchange of information with individuals, organizations and other relevant institutions; improve the management of public services; the electronic procurement; the electronic payment of taxes; electronic registration of businesses etc. Despite the wide formulation of the objective related to the improvement of online services by municipal level in the Strategy, its implementation plan does not provide sufficient measures to achieve the strategic objective. The only related activity in the action plan is the “Identification of services that can be offered online”.²⁵ On the other hand, establishment of several electronic systems aimed through the strategy such as; the electronic procurement;²⁶ the electronic payment of taxes;²⁷ electronic registration of businesses²⁸ etc. are part of the central government responsibility and are currently undertaken by the central government.

The Table 5.2 provides a mapping of the existing strategies against the administrative simplification tools and methods.

²⁵ Accessible via http://kryeministri-ks.net/wp-content/uploads/docs/ACTION_PLAN_STRATEGY_ON_LOCAL_SELF-GOVERNMENT_2016_-_2026_Eng.pdf

²⁶ Based on the legislation on public procurement the Public Procurement Regulatory Body established the E-procurement system that applies to all levels and institutions of public administration. Accessible via <https://e-prokurimi.rks-gov.net/Home/ClanakItemNew.aspx>

²⁷ The tax Administration has established the Electronic systems for tax declaration and payment. Accessible via <http://www.atk-ks.org/en/njofitim-per-tatimpagues-administrata-tatimore-e-kosoves-funksionalizon-sistemine-ri-te-deklarimit-elektronik-edi/>

²⁸ Electronic system for business registration was established by the Business Registration Agency. Accessible via <https://rbk.rks-gov.net/Account/?lang=en-US>

Table 5.2: Mapping the strategic framework in Kosovo on administrative simplification

| Administrative simplification method | Initiative/project | Applied | Strategic framework |
|--------------------------------------|---|--------------------|--|
| Process reengineering | Reduction of Licenses and permits | National wide | Economic Vision action Plan 2011-2014 NDS Better Regulation Strategy 2017-2021 |
| Administrative burden reduction | Concept document on Administrative burden reduction | National wide | Better Regulation Strategy 2017-2021 |
| | Standard Cost Model | | |
| LGAP harmonization | Ex post harmonization | National wide | PAMS 2015-2020 |
| | Process | Not applied | |
| Single point of Contact | One stop shop | Pilot , in process | PAMS 2015-2020 |
| Digitalization | Interoperability platform | National Wide | Interoperability platform for Kosovo 2013-2016 PAMS 2015-2020 |
| | E-kosova portal | National wide | PAMS 2015-2020 |
| | Licenses and permits platform | National wide | BRS |
| | Business registration platform | Sectoral | EDVAP |
| | EDI Tax declaration platform | Sectoral | PFM Reform Strategy |
| | E-kiosk | Municipal | Local Government Strategy |
| | E-signature | | Digital Agenda |
| Consumer Satisfaction measurement | E-box | National wide | PAMS 2015-2020 |
| | Consumer satisfaction survey | Sectoral | PAMS 2015-2020 |
| Quality Management tools | CAF | Piloted | PAMS |
| | ISO 9001 | CAA | No strategy |

5.8.3 CONCLUSIONS ON THE STRATEGIC FRAMEWORK

Implementation of the research design for this study evidenced that Kosovo made efforts to respond to the new challenges and demands of the post-modern developments in the public administration. As in other regional countries, the principle of efficiency and effectiveness as well as instruments that contribute to achievement of these principles have been included as a major goal in several planning, policy and legal documents approved by the government of Kosovo. Findings of the research study support the assumption that administrative simplification reforms have an important place in the current strategic framework. Strategic

objectives and policies related to administrative simplification and burden reduction are placed progressively in several strategic and policy documents. However, the question arises *whether the approved strategic objectives are sufficiently comprehensive and if they provide a clear vision and directions for policy makers and institutions who are entitled to implement such reforms*. The research design of the study aims to provide such an answer and for this reason appropriate qualitative methods for data collection and data analysis have been applied.

Reduction of the administrative barriers for businesses with the aim of business enabling environment and improvement of the ranking in the World Bank Doing Business Report for the first time at macro national level were covered by the *Economic Development Vision Action Plan of Kosovo 2011–2014*, which was followed by the *Kosovo's National Development Strategy 2016–2021 (NDS)*. The NDS aimed at improving the delivery of public administration services with focus on establishing the registry and information system on administrative services. The strategy also aims to reduce the licenses and permits, and streamline and simplify administrative procedures by prioritizing those directly related to businesses. The strategic framework at this level is very general and aims to guide the government on setting priorities in the administrative simplification and service delivery.

Sectoral or sub-sectorial strategies which aim to ensure that NDS objectives are transformed into specific policies have wide discretion to decide on specific strategic discretions at sectorial level. The *Public Administration Modernization Strategy 2015–2020*, embraced the citizens centered approach in the service delivery and on several specific administrative simplification methods. The PAMS aims to establish preconditions for a better access to services, including creation of physical one-stop shops (establishing two pilot single points of contact until 2020) and electronic (establishing the interoperability platform, functionalization of the E-Kosova Portal). The Strategy aims to address the gap on institutional framework for policy coordination and monitoring of administrative service delivery, to establish the registry of the administrative services, to approve the new Law on General Administrative Procedures as well and to harmonize all specific legislation with this law.

The *Better Regulation Strategy 2.0 2017–2021*, which is another strategy under the public administration reform framework, is focused on the reduction of the administrative burden to businesses and reduction administrative barriers introduced by the licenses and permits. Two policy papers, which aim to provide policy options for administrative burden reduction which

focuses on the use of standard cost model and the reduction of licenses and permits, are in drafting procedure since 2017. Other strategies such as digital agenda 2020, the strategy for local self-government cover marginally the administrative simplification process at central and local level.

Analysis of documents, observation and interviews with the aim to respond to the first research question of the study evidenced that the current circle of strategic framework at central national and sectoral, sub-sectoral level paid an attention on the simplification of administrative processes and is improved substantially. However, the strategic framework is not sufficiently comprehensive, is incomplete and fragmented in the area of digital services, as well as in providing answers on choices of application administrative simplification tools and methods. NDS does not clearly provide directions in many aspects of the reform, such as: whether the government aims to focus on *ex ante* or *ex post* policy administrative simplification reforms or on both, whether institutions are guided for a digitalization of service delivery compared to the analogue methods, what about the citizens centered service delivery approach etc. At sectoral level, although several administrative simplification tools and the spirit of modernization of public administrative and ease of access to administrative services are based on the PAMS, they did not guide drafters of the LGAP as the main legal instrument to include principles such as once only principle, silence is consent, principle of gratuity, administrative assistance etc. which are mainly based on advice from the external expertise, foreign best practice and OECD/SIGMA public administration principles. Policy options in many cases are based on scenarios rather than on the evidenced information and analysis. E.g. targets for the administrative burden reduction are set without the baseline measurement of the existing burden or establishment of single points of contacts were not preceded by analysis of options on where to be established, which services to include, what model for single point of contact should be established etc. Objectives and targets set in many cases are overambitious and not realistic if one looks at the progress of their implementation.

Finding of the study are supported also by the OECD/SIGMA in its assessment report for 2019 which concluded that the strategic framework failed to provide answers to the needs and preferences of citizens and businesses when administrative services are simplified and re-engineered; How is the transformation from analogue to digital service delivery expected to happen? How many and which services will be made available to citizens and businesses in digital format and what exactly needs to be done for that? What is the strategy in terms of

promoting and supporting the development of digital vs. analogue channels (such as one-stop shops) for service provision? (OECD/SIGMA, 2019).

The cycle of strategic planning framework elaborated in the previous chapters whose ultimate goal is to increase efficiency in the administrative service delivery will end by 2020 or 2021. These two years represent the opportunity to move to a more advanced stage of public administration reforms in this area, where lessons learned provide an opportunity for addressing the shortcomings identified during the implementation of strategies. Years 2020 and 2021 enable a new stage in Kosovo's public administration reforms in responding to the new demands for a digital public administration.

5.9 ADMINISTRATIVE SIMPLIFICATION THROUGH LEGISLATIVE FRAMEWORK

5.9.1 LAW ON GENERAL ADMINISTRATIVE PROCEDURES

Since the strategic framework establishes directions and goals, the main instruments to achieve these goals are legislative and implementing tools. The impact of the strategic framework on introduction of administrative simplification tools and methods in the policies and legislation in Kosovo is uneven. As designed by the research strategy and methodology, the contribution of this research study is going to add a value to the future public administration reform efforts in the Kosovo administration through answering the research question: *What are the impacts of public administration reforms on the regulatory tools and administrative simplification methods in Kosovo state administration?* A variety of methods are used to respond to this research question as compared to the previous one. In addition to the analysis of the documents and their content interpretation, non-participant observation, interviews and the survey were the used methods. The sources of information were mostly existing documents that are approved by the institutions such as strategies, laws, secondary legislation, reports etc. Other unpublished documents received either by being part of processes through non-participant observation or from connections within the administration, such as expertise of foreign technical assistance, agendas, minutes of meetings, reports etc, were utilized as well. Interviews and some of parts of survey conducted with businesses are also used either as a primary source

of information or as a secondary source that served to strengthen findings from other sources and methods used. The following part of the study will aim mainly to respond to the second research question, but information and analysis will serve to respond to the third research question and even strengthen the findings of the responses of the first research question provided in the previous chapter. In addition as foreseen by the research design a comparative information of the institutional models in other regional countries studied through document analysis from official documents published by the countries that are analyzed or from different international organizations' or studies or articles publicly available.

Administrative procedures are a substantial part of administrative technology responsible, to a large extent, for (in)efficiency of public administration – too complex and detailed legal regulation of administrative procedures that imitate formal and complex court procedures can significantly add to public administration's inefficiency (Koprić et al., 2016, p. 11). A good Law on General Administrative Procedures shall simplify administrative procedures as much as possible (OECD/SIGMA, 2012, p. 20), and the other way around. Current reforms of the general administrative procedure acts in South-Eastern Europe can be seen as interplay between the legalistic tradition and political and managerial pressure on the rationalization of public administration (Koprić et al., 2016). Administrative procedural law should not be underestimated as a part of the overall functioning and modernization of public administration since it represents a key tool for public governance to, both: 1) efficiently implement public policies and 2) simultaneously implies the exercise of international and constitutional safeguards (such as the rule of law, equality, legitimate expectations, effective legal remedy, access to court, etc.), of primary interest by "doing business" actors in the common and globalized market (Koprić et al., 2016).

Administrative procedures are frequently blamed as time-consuming, non-transparent, and bureaucratic. Many technological, structural and legal innovations are to be applied for simplifying administrative procedures (Codagnone and Undheim, 2008). E-communication and other instruments of e-government, points of single contact (one-stop-shops), reducing formalities, result-orientation, one instance decision-making and other measures can release situation with complex legal regulation of administrative procedures (OECD, 2012; Brezovšek, Haček and Kukovič, 2014) and improve citizens' position in their relations with Public Administration (Kukovič, 2015; Kukovič and Brezovšek, 2015). However, different contexts give different weights to regulatory (and other) elements, so it is of utmost importance for regulatory efficiency to establish the most relevant, objective state of affairs (Pečarič, 2017, p.

73). Kosovo belonged to the Yugoslav tradition of general administrative procedural law. The Yugoslav General Administrative Procedure Act, adopted in 1956, was amended four times, in 1965, 1977, 1978 and 1986, but remained very similar, in its main institutes, to the first version, even to the old Yugoslav GAPA of 1930 that followed the Austrian Administrative procedure law approved in 1925 (Koprić et al., 2016, p. 10). Kosovo started to move from the Yugoslav legal tradition after the deployment of United Nations in Kosovo in 1999 and as a result approved for the first time the Law on General Administrative Procedure in 2005 (Law No. 02/L-28 of July 2005). This law as almost all of the new General Administrative Procedures Acts in Balkan Countries, with the exception of the two Albanian codes, were based on the old Yugoslav model, and consequently, on the old Austrian tradition, *i.e.* on the ideas of classical Weberian public administration (Koprić et al., 2016, p. 11). SIGMA assessment on the Kosovo public administration concluded its 2014 report with the statement: “The LAP is in place, but it is neither coherent nor complete, and its shortcomings limit its effectiveness in promoting the European principles of good administration” (OECD/SIGMA, 2014, p. 6). Among other gaps in the previous law the simplification tools are either missing or poorly regulated, for example the use of Information technology tools (Brezovšek, Haček and Kukovič, 2014, p. 173; Koprić et al., 2016, p. 33).

Having that in mind, a good Law on General Administrative Procedures should contribute to the efficiency (cost-effectiveness) of administrative decision-making to benefit of both public administration and citizens (OECD/SIGMA, 2012, p. 37). All western Balkan countries have developed new Laws on Administrative procedures after 2014. Under this context and as under and to implement the Public Administration Modernization Strategy 2015–2020 which aimed the new law (Ministry of Public Administration, 2015) in Kosovo the adoption of Law No. 05/L-031 on General Administrative Procedures (LGAP), which came into force in June 2017 was the major development in the recent year (OECD/SIGMA, 2017, p. 102). The LGAP recognizes all the major principles of good administrative behavior, such as: proportionality; equality and non-discrimination; objectivity and impartiality; legitimate and reasonable expectations; open administration; de-bureaucratization and efficiency of administrative proceedings; provision of information and active assistance; minimizing procedural costs; and the right to legal remedies (SIGMA, 2017, p. 107). A good Law on General Administrative Procedures shall simplify administrative procedures as much as possible. In general, an administrative procedure is not bound to a specific form. It shall be as efficient and speedy as possible. Only in cases prescribed by law shall rules of a more formalized procedure be

applicable (OECD/SIGMA, 2012, p. 20). The new LGAP provides a new opportunity for the Kosovo public administration to introduce and apply contemporary tools that will serve to increase the efficiency and effectiveness. LGAP introduces the administrative simplification tools such as: single points of contact, enables the use of Information Technology for administrative services, requires the reduction of administrative burden, once only principle, administrative assistance, the principle silence is consent etc. Some of these innovations such the single point of contact, use of information technology have the strategic basis in the PAMS (Ministry of Public Administration, 2015).

5.9.1.1 Main Principles and Innovations Introduced by Law on General Administrative Procedures

General legal principles have been known as a legal source for a long time, with reference to countries that fall under the civil law system in Europe, and whose legal systems are based on the tradition of the Roman law. They present the basic values and standards that competent authorities use in the interpretation of written legal rules and filling legal gaps (Šikić Ofak, 2011 in Pavlovska and Davitkovska, 2017, p. 271). The EU law has given a particular importance to the law principles particularly referred to the article 41 of the European charter of Fundamental Right on the Right to Good Administration (Charter of Fundamental Rights of the European Union, 2012). The main principles introduced by the LGAP are the following:

The Principle of non-formality and efficiency of the administrative proceeding (Law No. 05/L-031, Article 10) has been specifically provided with the new LGAP in Kosovo. By the means of LGAP the principle of efficiency and non-formality requires that: 1. An administrative proceeding shall not be tied to specific form unless otherwise provided by law and 2. Public organ shall conduct an administrative proceeding as fast as possible and with as little costs as possible, for the public organ and for the parties, but at the same time in such a manner as to obtain everything that is necessary to a lawful and effective outcome.

Overregulation of the form of proceeding, such as the form of the request, the form of the appeal, the form of communication such as written form, or the notification form in written can be cumbersome to any administrative procedure and against the principle of efficiency. The new LGAP allows that administrative body should be free to choose the right form of action and communication in order to develop the administrative procedure as soon as possible and

with less costs as possible. Therefore, administrative procedures should be carried out without any formal description and should not be linked to a specific form to provide and support a simple, appropriate and timely public administration action. Formalities should be reserved for special administrative procedures where sectorial law provides for a more formal procedure. To achieve the reduction of formalism, LGAP offers many instruments such as verbal administrative act (Law No. 05/L-031, Article 46), verbal request (Law No. 05/L-031, Article 74), the main opportunity to make statements verbally (Law No. 05/L-031, Article 73), in particular waiver of search by party, documents already under the administration of public bodies etc. (EC Project, Support to the Public Administration Reform Process, 2018, p. 23).

According to the principle of *gratuity of the proceeding* (Law No. 05/L-031, Article 12) which can be read in combination with the principle of efficiency, the administrative services are free of charge, the party in the administrative procedure is exempt from payment of procedural expenses except in cases provided for by special law. Public administration activity is funded by general taxes, so free service should be a rule in administrative procedures. If a special law provides for a payment, it cannot be greater than the average cost necessary for the development of the administrative procedure. Public administration bodies may exempt a party from a total or partial payment which is determined by a special law if such payment is unaffordable to the party.

The principle of *point of single contact approach* is regulated in the Services Directive (EU Directive 2006/123/EC) and has been regulated also by the LGAP (Law No. 05/L-031, Article 33) which provides that when in accordance with the law, two or more public organs are involved in a single proceeding all the procedural steps and formalities shall be dealt with by a point of single contact. Points of Single contact are also called as One stop shops. One Stop Shops are primarily designed to provide integrated and seamless services with the few and as easily accessible points of contact as possible. The purpose of One stop shop is to provide substantial savings in information search and transaction costs for user in relation to a wide range of interactions with government (OECD, 2003, p. 26). The regulation of points of single contact with the LGAP is an important opportunity for the Kosovo administration to improve the efficiency and effectiveness of the service delivery to businesses and citizens.

The principle Silence is consent or denial rule provides a more effective assurance to the applicant for a decision that they will obtain a timely resolution to their request. It puts the onus

to act on the bureaucrat: the bureaucrat has to act before the time limit, including, if necessary and possible, to ask for additional time to consider the application (OECD, 2003, p. 51). This principle has been introduced as a new instrument in the Kosovo administrative procedure through LGAP (Law No. 05/L-031, Article 100). However, the law gives the legal basis that opportunity to exclude the application for the principle through a specific law. The issue to be specifically included in the article 100.1 of the LGAP is not applicable when otherwise regulated by law. The LGAP provides that “the silent consent rule as provided for by this Law shall become effective to any other administrative proceeding in two (2) years from the entry into force of this Law, except when otherwise provided by law. Meaning that the silence is consent principle is applicable from the 13 of June 2019.

Electronic methods of communication and administrative service delivery are an important administrative simplification tool with the growing application and have been also part of the EU Directive on the Services. IT based communication should cover both: i) “e-assistance” (e.g. dissemination of information for the general public, public relation activities, etc.); and ii) “e-administration” that is to say electronic communication between the administrative authority and a participant in an individual administrative procedure (OECD/SIGMA, 2012, p. 24). Both forms of IT based communication are recognized by the LGAP. It provided that administrative service delivery similar to those offered through points of single contact (Law No. 05/L-031, Article 33.4). LGAP recognizes that many other administrative proceedings can be done through electronic tools, such as submission of a request, information of parties in the procedures etc.

An appropriate tool for an efficient public administration is also the legal institute of “*administrative assistance*”. It ensures non-bureaucratic cooperation and mutual help and support of administrative authorities (OECD/SIGMA, 2012, p. 20). The LGAP, Article 34 provides that each public body may require administrative assistance from other bodies to carry out one or more necessary procedural actions within an administrative procedure. According to Article 34 of the LGAP, administrative assistance is required when: the body which requests administrative assistance can-not perform these actions itself; the performance of the actions by the requesting body is ineffective or the costs for their performance are much higher, compared to the cost of their performance by another body; it is necessary to know the documents, facts, or other evidence that are under the administration of the other body.

Another important principle that would contribute to the administrative simplification processes is the “*once only*” principle of data registration . This ensures that citizens and businesses provide certain standard information only once, because public administration offices take action to internally share this data, so that no additional burden falls on citizens and businesses (Gallo and Giove, 2014, p. 1). The LGAP (Article 8) provides that the public organ shall ex officio investigate all facts and assess all circumstances necessary for resolving the administrative case. However, this principle can be implemented only when the share of data within the administration is at an advanced level. The “once only” principle is encompassed in a specific eGovernment policy/framework or in a legislative provision and embedded within a larger package of Administrative Burden Reduction measures (typically including digital by default, and the use of base registries) (Gallo and Giove, 2014, p. 2) meaning that the principle is part of the legislative but more digital government reforms.

5.9.2 OTHER LEGISLATION

Another important framework law is the *Law No. 04/L-202 on Permit and License System* that entered into force in January 2014 and the strategic basis of which is in the Action Plan of the Economic Vision of Kosovo 2011-2014 (Government of Kosovo, 2011). The purpose of the law is to establish the principles and rules for the improvement of the business environment through the reduction of administrative barriers. The law aimed to reduce barriers that individual institutions have imposed on the businesses through licenses and permits by setting the system and criteria for institutions (Law No. 05/L-031, Chapter V). The required fees for permissions shall not exceed the amount required to cover the cost that the competent authority incurs in administering the permission (Law No. 05/L-031, Article 18). It also provided the basis for the single window principle (Law No. 05/L-031, Article 16) that aims to create a single window or contact point through which all matters related to such permission may be carried out. *Law no. 04/L-094 on the information Society Services* makes electronic documentation legally equivalent to its traditional counterpart in paper format, in order to facilitate electronic services including, but not limited to, consumer shopping and sales over the internet (e-Commerce), electronic banking and financial services (e-Payment), government provision of services (eGovernment) and electronic purchasing by enterprises (e-Procurement) and applies where electronic signatures are used (Law No. 05/L-031, Article 1).

Overall it should be highlighted that the legislative framework in Kosovo and particularly principles introduced in the Law of General Administrative Procedure are a good example inspired by the contemporary public administration practice. Though some of the countries in the region have already undertaken similar reforms, the Law on General Administrative Procedure in Kosovo can be used as a good example in those countries that are behind in terms of such reforms.

5.10 INSTITUTIONAL MECHANISMS AND RESPONSIBILITY ON THE ADMINISTRATIVE SIMPLIFICATION

Empirical studies have shown that institutional quality is an important determinant for long term economic growth (North, 1990; Cherchye, 2003; Glaeser, La Porta, Lopez-de-Silanes and Shleifer, 2004 in Poel et al., 2014, p. 45). Recently, the quality of business regulations has been introduced as a proxy of institutional quality (Büttner, 2006; Djankov, McLiesh and Ramalho, 2006; Jalilian, Kirkpatrick and Parker, 2007; Nicoletti and Scarpetta, 2003 in *ibid*, p. 45). There is a considerable variety in the organizational models that countries used to pursue administrative simplification policies. In most of the OECD countries, co-ordination is usually in the hands of one of the ministries or a specialized agency. There are four categories of organizational approaches that are categorized by the OECD such as ‘Single Purpose Entities’ refers to organizational approaches where the promotion of sub-elements of administrative simplification agencies are designated to an agency or unit with this task or its sole objective (United States, United Kingdom, France, Sweden etc. ‘Administrative Simplification Agencies’ refers to organizational approaches where special government agency has the promotion of administrative simplification policies as its sole responsibility (France, Belgium, Italy). “Regulatory Reform Agencies” Refers to organizational approaches where promotion of administrative simplification policies is designated to agencies for broader regulatory quality management issues (Australia, United States, Mexico) and “External Committees” refers to committees established by government and composed by an majority of nongovernmental representatives such as academia or business organization with the purpose to carry through and coordinate, promote, propose and implement administrative simplification (Korea, United Kingdom, Australia, Netherlands etc.) (OECD, 2003, p. 56).

Another aspect of the organizational approach can be drawn on the roles on these bodies. The OECD has identified three different roles: bodies may be advisory by providing support to the regulators, or bodies may have a challenge function vis-à-vis the regulators that impose administrative burden to businesses and citizens. The third role is advisory that is played by external actors and committees (OECD, 2003, p. 62). A common approach that has been identified in most of the countries is the central coordination reviews on the policy approached in the administrative simplification. This may lead to a strong emphasis on consistent approaches and broad application of reforms, with central coordination being the means of achieving this. The focus of these reviews is on existing burdens rather than on the quality control of the newly proposed regulation (OECD, 2003, p. 63).

Albania has established a combined system for the administrative service delivery where the key reforms on the administrative simplification are led by the Agency for the Delivery of Integrated Services Albania (ADISA) while the, digitalisation of government and public services serving citizens, businesses and public administration employees is a responsibility of the National Agency for Information Society (NAIS) as the core institution in Albania in terms of ICT. ADISA's scope of work includes preparing models of service delivery and procedures for Front Offices and Integrated Service Centres, establishing and managing them; proposing and participating in business process reengineering of public institutions; collecting information on services provided by public institutions and informing the public about them; monitoring service delivery performance and gathering citizen feedback.²⁹ NAIS is responsible to promote and provide the electronic services to citizens and businesses.³⁰ At the central level Albania has also established an Inter-Ministerial Committee on Service Delivery and e-Governance which aims to help the implementation of the reform of public services and electronic governance, through policy making and harmonisation of the approaches to implementation in the defined areas (RESPA, 2018, p. 72).³¹

North Macedonia has established types of Administrative Simplification Agencies where the main responsibility for the administrative simplification reforms belong to the Ministry of Information Society and Public Administration (MISA). MISA is responsible for overall public

²⁹ Accessible via <http://www.adisa.gov.al/misioni/>

³⁰ Accessible via <https://wbc-rti.info/object/organisation/9810>

³¹ Accessible via <http://mioa.gov.mk/?q=en/node/1901>

administration reforms, including the service delivery reforms and coordination of the implementation of digital transformation and e-Government.

Almost similarly to North Macedonia, **in Montenegro** the Ministry of Public Administration is a horizontal coordination body of the overall PAR process, including public service delivery policy and digital projects in Montenegro.³²

In **Serbia** the Ministry for Public Administration and Local Self-Government (MPALSG) is the main coordination body for the public administration reform process, including the service delivery area and the Central Government Office for Information Technologies and e-Government (ITE) is a single e-government body with horizontal jurisdiction over all other state institutions and for all aspects of e-government. The ITE, alongside the MPALSG's Sector for Good Governance/Group for Support to e-Governance which will be making policy and developing strategic documents in this field, has a major role in implementation and monitoring the e-government related strategic and legal framework created by MPALSG, coordinating electronic services provided to citizens and businesses, consolidating state IT resources, ensuring connectivity of various information systems and providing strong support and the basis for the development of Serbia's e-governance (RESPA, 2018, p. 199).

Even though the institutional framework on the reforms for the improvement of the service delivery in the Western Balkan countries exist, application of the administrative simplification and quality management tools, and monitoring of administrative service delivery is either in the initial phase or they haven't started yet. The role of bodies established for this purpose is may mainly advisory by providing support to the regulators, or bodies may have a challenge function vis-à-vis the regulators that impose administrative burden to businesses and citizens. Their role is a centrally coordinating, promoting and review of an existing administrative burden.

A similar approach has been followed also by the Kosovo public administration even though in some instances new decisions on the administrative framework for the service delivery, including the administrative simplification are still to be taken. The institutional framework for the management and coordination of the administrative service delivery reforms including the administrative simplification initiatives is fragmented in the Kosovo government. At strategic

³²Accessible via http://www.mju.gov.me/rubrike/drzavna_uprava.

level, the Public Administration Modernization Strategy 2015–2020 has recognized the lack of an institutional mechanism to steer, monitor, and coordinate these reforms. Leadership and coordination to support service delivery reform are lacking, and digital transformation is to a large extent donor-driven. Nevertheless, institutions responsible for wider responsibilities are also dealing with specific measures on the administrative simplification. However, the research study evidences that the impact of the PAMS in improvement of the institutional framework for planning, coordination and monitoring the service delivery at central level is minimal.

The study evidenced that the roles and responsibilities of Kosovo institutions related to the use of administrative simplification policies can be split to those *categories* that introduce measures with the role to challenge the regulatory measures that are introduced by institutions when they aim to impose any burden to businesses and citizens and institutions through either promoting administrative simplification instruments, assessing new proposals initiated by institutions or using a form of a “veto” through playing a role of a gatekeeper towards the policy and regulatory process (OECD, 2013). This is an *ex-ante* approach to ensure that unnecessary and unreasonable burden is not included in the future regulatory framework. The second category are institutions that are focused on promoting, planning, coordinating and monitoring measures that aim to reduce administrative burden or introduce administrative simplification measures on the existing regulations to citizens and businesses or called as an *ex-post* approach on the administrative simplification of procedures.

The first category of institutions are part of the Office of the Prime Minister under the framework of the Better Regulation Strategy. *Ex ante* measures include instruments that aim to avoid the administrative burden that is proposed at the policy development level such as: Regulatory Impact Assessment, Standard Cost Model (SCM is also used for *ex-post* measure). The Office of the Prime Minister, respectively Government’s Coordination Secretariat, within its mandate to coordinate the policy development in the Kosovo Government, recently took over the task to manage reforms related to the Administrative Burden Reduction that foresee introduction of several instruments, including RIA and SCM. On the other side, the Legal Office of the Prime Minister’s Office is a mechanism to ensure the conformity of draft legislation with the law on Licenses and permits (Law no. 04/L-202, Article 15) which aim to reduce burden to businesses. The main focus of these instruments are businesses rather than the burden imposed on citizens. NDS measure 9 on the decreased administrative barriers for licenses and permits aims to “expedite and decrease the number of procedures and

administrative fees the businesses have to go through in the course of their work. The key role will belong to simplification of the service provision process and decrease the number of licenses and permits required” (Office of the Prime Minister, 2016, p. 21). Introduction of minimal standards for public consultation managed and monitored by the Office of Good Governance within the Office of the Prime Minister include the legislative and policy measures. Administrative simplification measures under this approach are mainly part of the wider regulatory quality programmes.

The Ministry of Public Administration (MPA) belongs to the second category of institutions that are focused on promoting, planning, coordinating and monitoring measures that aim to reduce administrative burden or introduce administrative simplification measures on the existing regulations and procedures to citizens and businesses. However, it is also responsible for ensuring harmonization of the incoming legislation with the LGAP. The MPA is responsible for the management and monitoring of the overall public administration reforms in the all public administration. The MPA is also responsible for coordinating the service delivery area even though this responsibility is not particularly defined within the MPA to any specific unit, nor are resources sufficient to follow up on implementation of the service delivery agenda. Defining and strengthening the institutional framework on service delivery within MPA is one of the measures foreseen within the Public Administration Modernization Strategy 2015–2020 while National Development strategy aim that MPA should establish a system of regular information updates on services. Initial steps undertaken by the MPA under the framework of implementation of the new LGAP were donor driven by training of civil servants and inventorying the specific legislation that are not in line with the LGAP. The digitalization of the administrative processes is a responsibility of the Agency for Information Society which is also under the responsibility of the MPA. But the AIS is mandated to introduce wider than IT based administrative simplification tools, prepare the IT infrastructure such as the interoperability framework etc. Another institution that has an important central role in developing the digitalization reforms is the Ministry of Economic Development. It’s responsibility is “to support information technology and innovations, e.g. e-commerce, support access to technology for all citizens of Kosovo etc. under this mandate sponsored the policies and legislation on the electronic-signature” (Regulation no. 02/2011).

Since administrative simplification is a cross-cutting issue that needs the co-operation of all, or most central government bodies, the co-ordinator should have the necessary “teeth” to put

pressure on other actors to keep in line with the targets *i.e.* to be placed close to or report directly to the centre of government (OECD, 2010, p. 59).

There is evidence that in practice, however, there is very little co-ordination between the AIS and the other part of the MPA (OECD/SIGMA, 2017, p. 106) as well as coordination with other institutions such as OPM, Ministry of Economic Development, other service providers is also missing. Administrative simplification is a horizontal topic and needs close co-operation across administration (OECD, 2010, p. 59). The power of the co-ordinating body is usually limited and there may not be a possibility of direct action on the bodies that do not follow the policy. Defining and strengthening the institutional framework on service delivery within MPA as one of the measures foreseen within the Public Administration Modernization Strategy 2015–2020 has never been implemented, though discussed many times within the MPA and through other assessment reports.

5.11 THE APPROACH ON THE ADMINISTRATIVE SIMPLIFICATION REFORMS IN KOSOVO

Building on the progress at the strategic framework of Kosovo that sets objectives and targets for the administrative simplification reforms, the further focus on implementation of these reforms in practice is currently through at least three parallel processes:

1. Administrative burden reduction run by the Office of the Prime Minister, namely Government Coordination Secretariat.
2. Reduction of Licenses and Permits run by the Legal Office of the Office of the Prime Minister; and
3. Harmonization of specific legislation with the principles of LGAP.

5.11.1 ADMINISTRATIVE BURDEN REDUCTION REFORMS RUN BY THE OFFICE OF THE PRIME MINISTER

Administrative burden reduction is part of the so-called ‘better regulation’ agenda that has established itself at the top of the public sector reform agenda in central governments across

Europe and the wider OECD world (Wegrich, 2009, p. 2). Ideally, in order to measure regulatory burden or to evaluate programmes for reducing regulatory burdens, a first step is to develop a method for measuring existing burdens (baseline) as well as measuring the administrative burdens of new laws and regulations (OECD, 2003). The main instrument that is used after 2000 by the European Commission and members states to measure the administrative burden to businesses is the Standard Cost Model methodology. Kosovo's aim to learn lessons from the experience of the EU and its members states is stressed in the BRS 2.0.

Since Kosovo faces not just issues of regulatory inefficiency and complexity due to the history of the country and the absence of procedures that enhance regulatory clarity (Government of Kosovo, 2017) better regulations reforms are very important for the development of economy and social life. Despite the clear aim to focus on the administrative reduction programme, the BRS 2.0 foresee mainly preparatory methodological and planning measures for the time period that it covers up to 2021. The final decision to reduce administrative burdens by at least 25% needs to be based on evidence and sound analysis that allows the Government of Kosovo to implement the target properly and without delay (Government of Kosovo, 2017, p. 17). The BRS 2.0 aims to include a possible comprehensive approach to modernize the entire stock of legislation and effectively remove unnecessary regulatory barriers.

The Administrative burden reduction as a concept and its methodology are new to the Kosovo Government. Other countries experiences and particularly EU and members states to achieve the target of 25% have proved the extent of the complexity, resources and commitment that the administrative burden reduction requires. The BRS 2.0 highlight four preconditions for a successful implementation of any administrative burden reduction programme. First, the concept of administrative burdens and the Standard Cost Model (SCM) should be integrated into the process for policy development or the process for preparing legislative proposals and the civil service staff should be well prepared. Prerequisites for effective application of the SCM and the implementation of a reduction target are: 1) a baseline measurement that functions as a benchmark against which progress is measured and as a database for determining administrative burden reduction possibilities; (2) effective support mechanisms, including knowledge and budget resources, available to line ministries to apply the SCM and develop reduction proposals; (3) human capacities at line ministries and other parts of the administration to identify reduction proposals and develop the necessary regulatory changes – including extensive consultation with stakeholders; and (4) effective quality control – and thus staffing

levels – performed by a dedicated department for administrative burden reduction within the CoG, potentially supported by an independent public institution that operates as a watchdog to oversee progress and to support and simultaneously push the administration to deliver on the reduction promise. Third, administrative burden reduction should not hamper approximation of primary and secondary legislation with the EU *acquis* and fourth, they complement each other (*ibid*, p. 20).

For Kosovo as immediate steps should be application of the SCM and development of the baseline measurement. Development of the SCM manual has been already prepared (Government of Kosovo, 2018a) and concept document on the administrative burden reduction is currently being developed by a Government Commission on the Administrative Burden Reduction. While the development of the baseline measurement, taking into consideration the complexity, resources and the data gap that actually exist, has been one of the question marks by the BRS 2.0. The alternative is to start with a measurement and reduction programme that covers only a specific set of legislation. The first approach was, for example, chosen by the Dutch government. The latter approach was applied by the European Union (International working group on Administrative Burdens, 2004). As a preparatory framework for the appropriate start with the administrative burden reduction programme that would contribute to development of administrative capacities is the project for removal of 10% of licenses and permits. Therefore, as a first step the government has been currently working on developing policy papers (called Concept Documents) one that will be managed by the Legal Office on the reduction of licenses and permits and the other one managed by the Government Coordination Secretariat (both are part of the Prime Minister's Office) to conduct the administrative burden reduction programme.

5.11.1.1 The Standard Cost Model

The Standard Cost Model (SCM), which is developed with the support of the external experts, provides the methodology to carry out measurement of the administrative burdens that businesses encounter when they have to comply with the primary and secondary legislation.

Administrative burdens are part of administrative costs that businesses sustain simply because it is a regulatory requirement. The administrative burdens are thus a subset of the administrative costs in that the administrative costs also encompass the administrative activities that the

businesses will continue to conduct if the regulations were removed (International Working Group on Administrative Burdens, 2004, p. 7).

The SCM focuses on costs that occur while complying with legal obligation to make or have information available to public authorities and/or third parties. The international guidelines for the SCM provide different options mainly to the scope of the measurement that different countries can use. Some countries measure the cost that arise from information obligations only to the public sector, while others measure information obligations to the third parties e.g. Denmark, Norway, the Netherlands and Sweden have measured information obligations to the public sector as well as information obligations to third parties. The United Kingdom measures information obligations to the public sector but not those to third parties.

In addition to businesses, measuring burdens can be focused also on the charities and voluntary sector, compulsory regulation and/or regulations that businesses choose to apply on voluntary basis (International Working Group on Administrative Burdens, 2004). The SCM provides guidelines on how to measure the baseline of administrative burden, known as ex-post measurement which provides the total of administrative costs that businesses face in complying with existing normative acts. The SCM also provides guidelines that can also be used to measure anticipated administrative burdens from draft normative acts. Such a measurement called ex-ante measurement provides a prediction for future administrative costs based on the expected administrative consequences of policy proposals when they aim at introducing new normative acts or amending or supplementing the existing normative acts (Government of Kosovo, 2018a). The SCM Manual for Kosovo focuses on measuring only the information obligations through ex-post measurement and the ex-ante measurement.

The BRS and its detailed implementation plan covering the next 3 years (2019–2021) provides a strategic framework for preparation of policies, establishment of institutional framework, and increase awareness and capacities of respective staff to conduct administrative burden reduction programme but not a programme in itself. The programme can be successfully implemented only if several preconditions are met. The BRS does not set a target but provides an assumption of setting a target of 25% if certain steps are undertaken, such as: if the SCM is included under the policy and legislative making process, if the baselines measurement is done. The baseline measurement is done if external experts from EU are engaged and needed data exist, etc.

5.11.1.2 Overview of the Concept Document on Administrative Burden Reduction

The (draft) Concept Document on the Administrative Burden Reduction, which is almost completed by the Kosovo Prime Minister's Office, is a highly important document and a key policy instrument if the government wants to move forward with administrative burden reduction reforms. This activity was carried over from the Better Regulation Strategy that was initially adopted in 2014. In it, the reduction target for administrative burdens of 20% by 2020 was announced. However, serious implementation challenges and lack of preparation for the implementation of such a target led to a stagnation in moving towards an effective administrative burden reduction programme. The Government therefore decided to revisit the manner in which an administrative burden reduction target should be implemented and decided to develop the Concept Document as part of the preparation for the implementation of a reduction target. The Concept Document aims to set the basis for the decision making on the future medium-term reforms that Kosovo should undertake in order to reduce the administrative burden on citizens and businesses.

The document that is based on the strategic framework under Specific Objective 1.1 from the Better Regulation Strategy 2.0 for Kosovo 2017-2021, which aims to finalise the Adoption of the Concept Document by 2019 on the benefits and costs of implementing a general administrative burden reduction programme. A separate Concept Document will also determine the process for simplifying, merging or revoking 10% of licenses and permits from a minimum of 480 licences and permits as they were in 2014.

The Concept Document reconfirms the challenge that in starting the administrative burden reduction to establish the baseline measurement should be established early in the process. A baseline measurement is a statement of the overall administrative costs that businesses have in following a current set of regulations at a given point in time. A baseline measurement may be made of selected areas of regulation or of all regulation that affects business (International Working Group on Administrative Burdens, 2004, p. 10).

Countries have applied a baseline measurement when tracking the progress with regards to administrative burden reduction. The baseline provided the insight into the percentage of GDP that administrative burdens represented. The baseline also provided the information needed to

assess the contribution to the reduction programme of individual measures developed and approved by the Government/Parliament. One of the challenges that government of Kosovo may be facing is the lack of baseline measurement. The risk may be that the level of administrative burdens is overestimated or underestimated. Based on the spread, it is not possible to complete the final situation. The concrete view of the level of administrative burdens is expected to be given only a limitation of the program. (Government of Kosovo, 2020, p. 115).

Proposals included in the concept document of the Administrative burden reduction elaborate six options to be considered by the decision makers as presented in the Table 5.3 (Government of Kosovo, 2020, pp. 96–99):

Option 1: No change option.

Option 2: Full baseline measurement and a 25% reduction target for administrative burdens for companies applicable to all legislation and to be implemented within 4 years;

Option 3: Gradual completion of the baseline measurement and tailored scope of the reduction target for administrative burdens for companies within a time period of 8 years aiming at 30% reduction

Option 4: Expanding Option 3 with a reduction target of 30% regarding administrative burdens for citizens;

Option 5: Expanding Option 3 with a 30% reduction target regarding administrative burdens for the administration and specific professionals;

Option 6: Combining Options 3, 4 and 5.

Table 5.3: Expected decrease of economically relevant administrative burden reduction per scenario over a 10 year period

| Year | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 |
|------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 1 | No change | No change | No change | No change | No change | No change |
| 2 | No change | No change | No change | No change | No change | No change |
| 3 | No change | -10% | -5% | -5.83% | -5.83% | -6.66% |
| 4 | No change | -25% | -10% | -11.66% | -11.66% | -13.32% |
| 5 | No change | No further change | -15% | -17.49% | -17.49% | -19.98% |
| 6 | No change | No further change | -20% | -23.32% | -23.32% | -26.64% |
| 7 | No change | No further change | -25% | -29.15% | -29.15% | -33.3% |
| 8 | No change | No further change | -30% | -35% | -35% | -40% |
| 9 | No change | No further change | No further change | No further change | No further change | No further change |

| Year | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 |
|------|-----------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 10 | No change | No further change | No further change | No further change | No further change | No further change |

Source: Government of Kosovo (2020, p. 104).

The MTEF 2019–2021 sets out the expectation that economic growth in Kosovo will be 5% on average. This level of predicted economic growth provides baseline scenario for ‘Option 1: No change option’. Based on the assumption that a 25% reduction target for administrative burdens for companies contributes to a GDP increase of 1.5% within two years after implementation of the individual burden reduction measures, the economic growth outlook would change as presented in the Table 5.4. In a straightforward manner, a 5% reduction of administrative burdens equals a GDP increase of 0.3%. In the same line of reasoning, reduction of 0.83%, the figures used to assess the economically relevant administrative burden reduction regarding citizens and the administration is assumed to equal a GDP increase of 0.05%.

Table 5.4: Expected changes in economic growth per option compared to the baseline scenario

| Year | Option 1 | Option 2 | Option 3 | Option 4 | Option 5 | Option 6 |
|------|----------|----------|----------|----------|----------|----------|
| 1 | 5% | 5% | 5% | 5% | 5% | 5% |
| 2 | 5% | 5% | 5% | 5% | 5% | 5% |
| 3 | 5% | 5% | 5% | 5% | 5% | 5% |
| 4 | 5% | 5% | 5% | 5% | 5% | 5% |
| 5 | 5% | 5.6% | 5.3% | 5.35% | 5.35% | 5.4% |
| 6 | 5% | 5.9% | 5.3% | 5.35% | 5.35% | 5.4% |
| 7 | 5% | 5% | 5.3% | 5.35% | 5.35% | 5.4% |
| 8 | 5% | 5% | 5.3% | 5.35% | 5.35% | 5.4% |
| 9 | 5% | 5% | 5.3% | 5.35% | 5.35% | 5.4% |
| 10 | 5% | 5% | 5.3% | 5.35% | 5.35% | 5.4% |

Source: Government of Kosovo (2020, p. 105).

Anyway, the study through observation, analysis of documents as well as interviews with stakeholders involved concluded that the probability of success in implementation of administrative burden reduction reforms under this framework is very low.

Since the baseline measurement has not been established, the information on the amount of administrative burden was missing when this analysis was presented in the Concept Document on Administrative Burden Reduction. In addition, we don’t have any national analysis on the impact of these reforms on the economic development. Therefore, figures in the Table 5.4 above on the economic growth are based on the estimate assumptions. On the other hand, options

provided under the CD on administrative burden reduction are very ambitious, having in mind the current dynamics of implementation of reforms by the administration. Other factors that impact the success of administrative burden reduction initiatives are the absence of continuity after the frequent changes of governments and political stability³³, lack of capacities and insufficient coordination among institutions at central level (Krasniqi, Personal Interview, 12 September 2019). Long lasting policy formulation process³⁴ and heavy dependence on the external technical assistance project's experts generates uncertainties on the prospect of implementation of targeted reforms in the field of administrative burden reduction.

5.11.2 REDUCTION OF ADMINISTRATIVE BARRIERS IN KOSOVO THROUGH THE SYSTEM OF PERMITS AND LICENSES

Licenses and permits are an integral part of administrative services which are provided by various institutions at the central and local level. Reducing the number of licenses or permits required to undertake various activities is the most common form of process re-engineering. Licenses and permit reforms are the most popular implementation of process reengineering as they suppose one of the heaviest burdens on investment, business start-ups (OECD, 2009, p. 22). Re-engineering is an approach to administrative simplification and a process that involves trying to minimize the number of steps required to meet government requirements and make use of information already collected. The design of license review programs is important in determining their effectiveness (OECD, 2009, p. 5).

Decreased administrative barriers to licenses and permits is one of the measures of the National Development Strategy (Office of the Prime Minister, 2016, p. 21, measure 9). According to NDS around 66% of the overall number of the administrative procedures are of this nature. Kosovo's central institutions provide 629 public services, while municipalities 100 services (Office of the Prime Minister, 2016, p. 20). The area of licenses and permits, in terms of what

³³ Kosovo faces short aged government since 2008 due to lack of political stability and frequent elections and particularly during the recent years. The last government was established in September 2017 and lasted until August 2019.

³⁴ The drafting process of the Concept Document started in November 2017 when the working group was established. See: Government Decision 03/2017, 15 November 2017. Accessible via http://kryeministri-ks.net/wp-content/uploads/docs/Vendimet_e_Mbledhjes_së_14-të_të_Qeverisë_së_Republikës_së_Kosovës_2017.pdf The draft was developed by the SIDA financed experts that support the Office of the Prime Minister in policy development capacities.

institution issue them, what type of licenses, have been too vague before the Law on Licenses and Permits was adopted and particularly before the Central Registry of Licenses and Permits was established. The law recognizes the OPM's Legal Office as the authority which develops and maintains the Central Registry. In this registry one may find all types of permits and licenses (including certifications, authorizations, approvals, consents, etc.) that central level institutions grant or issue in order to regulate economic, commercial and public and private professional activities (Permits Registry). The registry that was established in 2015 is currently cleaned up and as a result according to the Central Registry of Licenses and Permits³⁵, there are 26 central level institutions which provide a number of 456 licenses and permits. The number of Licenses and permits as compared to the previous update of the registry in 2016 has been decreased for 5% (from 480 to 456 licenses and permits). In addition to the licenses and permits updates in the registry consist of the changes that occurred from 2015 in the legal basis (approximately 52% of permits and licenses have undergone changes to the legal framework (*i.e.* laws or by-laws have been amended since 2015); about 22% of licenses and permits have changed in the timeframe needed to obtain the license and license; about 11% of licenses and permits have changed in the validity of the license / license; approximately 29% of licenses and permits have changed in the applied fee/license fee and license fee; approximately 16% of licenses and permissions have been changed in the form; approximately 35% of the licenses and permits have changed in the required documentation for submission to the issuing authority; the number of licenses / licenses eliminated is 74; the number of permits licenses added is 50 (Legal Office, 2018).

The update of the registry of the licences and permits consists only in the information about changes during the drafting process conducted by ministries that has affected the changes in licences and permits. The Law No. 04/L-202 on the system of permits and licenses in 2013, *“aims to establish the principles and rules for improvement of environment to do business, through reduction of administrative barriers that, in performing economic, trade and professional activities that are necessary to protect the public health, public safety, environment and usage of natural resources in the Republic of Kosovo”* (The Law No. 04/L-202, Article 1). The above stated changes in the licences and permits during the years 2015–2018 were not part of any centrally coordinated or managed plan but rather as part of the regular legislative development process of ministries and government. It is not also clear whether this

³⁵Accessible via <https://lejelicenca.rks-gov.net/en/AllLicences>

process had any impact on the improvement of the business environment or contributed to the administrative burden reduction or administrative simplification. The objective of the Government through the Review Better Regulation Strategy 2.0 is for *simplifying, merging or revoking least 10% of licenses and permits by the end of 2020 from a minimum of 480 as they were in 2014* (Office of the Prime Minister, 2017, p. 21). The approach to conduct licenses' and permits' reduction will be part of a concept document on the Administrative burden reduction that is currently in process by a working group established for this purpose. No sufficient analysis have been conducted for the overall government reforms on the reduction of licenses and permits. Therefore, also due to lack of financial and human resources the focus of the further reforms will be on selected ministries such as Ministry of Trade and Industry, Ministry of Environment and Spatial Planning, and the Ministry of Agriculture, Forestry and Rural Development (Borovci, Personal Interview, 13 September 2019). The approach that aims to focus the resources on the targeted measures and selected ministries is appropriate to such administrations that lack capacities and are relied on the external assistance support. Focus on specific areas or institutions enables also monitoring of the implementation and assessing achievement of results. Such a step by step rather than comprehensive approach can be applied also for implementation of many other reforms such as administrative burden reduction, harmonization of legislation with LGAP etc.

5.11.3 REVIEW OF ADMINISTRATIVE PROCEDURES IN LIGHT OF NEW LAW ON GENERAL ADMINISTRATIVE

The promotion of administration modernization represents an aspect that totally differs from the implementation process (Pollitt and Bouckaert, 2000) as most public administration reforms are characterized by a gap between the theoretical and the practical implementation (Engel, 2003). The implementation strategies and the intensity of the implementation process will differ from one country to another and are clearly influenced by a number of contextual factors, such as the degree of executive decentralization and the administrative and judicial traditions in each separate country (Engel, 2003 in Matei and Lazăr, 2011, p. 71).

The introduction of a number of new principles and institutes as well as specific rules by the Law on General Administrative Procedures (LGAP) in Kosovo in 2017 affected a wide range of special administrative procedures applied through specific laws and secondary legislation.

The law contains a number of innovations and provides an opportunity for the modernization of public administration. However, the question arises about its impact on the practice of public administration in Kosovo. Along with the modernization of general administrative procedure, it is important to ensure other prerequisites for its successful implementation. Firstly, a permanent and professional monitoring of legal regulation and an assessment of its appropriateness must be provided since there is a constant change of social circumstances, technological possibilities, and requirements of the relevant environment. Secondly, it is equally important to monitor the implementation of the LGAP to ensure prompt and adequate reaction to practical problems that constantly spring up everywhere. The next precondition for successful implementation of the LGAP is skillful, educated, quality administrative personnel. Finally, there must be sound quality control of LGAP implementation in practice via appeals, special legal remedies, inspections, ombudsman and other bodies, etc. (Koprić, 2005, p. 4).

The implementation of LGAP in practice requires a preventive approach and a “clean-up” of the existing legislation (Virant and Kovać, 2010, p. 384). The harmonization of legislation with the LGAP is a component of wider public administration modernization government reforms that aim to improve good governance, protect public interests and individual rights as well as enable introduction of innovative solutions for better service delivery. Both preventive and the project of “clean-up” existing legislation are closely linked to other processes that the government is currently conducting, such as the administrative burden reduction programme and the reduction of licenses and permits, both processes separately managed by the Office of the Prime Minister. Particularly the preventive approach should be integrated into the policy and legislative drafting process of the government, while the harmonization or clean-up of the existing legislation should be part of other government initiative that have the same purpose: accountability, qualitative, efficient and better access to the service delivery.

The “clean-up” of existing legislation for harmonization with the LGAP has been one of the measures introduced by the Public administration Modernization Strategy 2015–2020. The PAMS aims that 60% of procedures that are not in line with the LGAP are harmonized by 2020 (while the target for 2018 was 15%, the target for 2019 is 30%) (Ministry of Public Administration, 2018). The same target is included under the commitments of Kosovo and European Commission’s Sector Budget Support Contract (Kosovo and European Union, 2017, Indicator 4.1).

In this context the MPA has developed a Manual to provide basic guidance and process for harmonization of special laws and secondary legislation containing administrative procedures with the new Law on General Administrative Procedure (EC Project, Support to the Public Administration Reform Process, 2018). The process of harmonization of special administrative procedures with LGAP shall take into consideration also the simplification of Administrative procedures whenever it is possible. Most of administrative procedures are linked with services that are delivered to citizens and businesses (EC Project, Support to the Public Administration Reform Process, 2018, p. 18). e. g. the burden reduction in terms of the direct cost of the procedure will be possible through application of the principle of gratuity of the proceeding (Law No. 05/L-031, Article 12) also linked with the Principle of non-formality and efficiency (Law No. 05/L-031, Article 10). However, it is a challenge to translate application of these principles in practice and to apply specific procedures. Other principle that can be used for the administrative simplification of specific procedures is principle of point of single contact approach (Law No. 05/L-031, Article 33) or the possibility that the law provides using the electronic methods of communication and administrative service delivery, or the use of administrative assistance institute which is also based on the cost-efficiency principle (Law No. 05/L-031, Article 34) as well as the principle silence is consent that is applicable from the June 2019 (Law No. 05/L-031, Articles 100, 160).

The analyses of a number of laws conducted by MPA with the support of the EU funded project backing the Public Administration Reform provided that there are three groups and three types of laws regulating special administrative procedures and derogations from LGAP: a) The group of laws containing major specific procedural rules which derogate considerably from the LGAP, *i.e.* laws regulating specific procedural issues which have not been regulated by the LGAP; b) The group of laws containing medium derogations of procedural rules from LGAP, *i.e.* derogations from procedural rules and institutes regulated by LGAP; c) The group of laws containing minor derogations from LGAP or a relatively small number of provisions of procedural character derogating from the LGAP rules.

Under the MPA's ownership the EU project through a "top down" approach in 2018 has analyzed more than 400 laws and identified in total 223 laws that need to be harmonized with the LGAP 60% of which are planned to be harmonized with LGAP by 2020. Together with the list of laws that were identified for harmonization, the project identified provisions of each law and compared with the LGAP provision and principle that has to be harmonized.

Recommendations were handed over to line ministries to review laws and incorporate the proposals into their own legislative process. 36 of identified laws were included in the work of the legislative plan of the Government for 2018 to be harmonised and approved during 2018. (Legislative Strategy for 2018, OECD/SIGMA, 2019, p. 10). To achieve this target, 40 laws and recommendations that were delivered to respective ministries were analysed. Two draft laws are in the governmental procedure, 9 are in the parliament, and 12 draft laws are in the drafting procedure at the ministerial level, while the process of drafting for 14 laws has not started yet as planned for 2018 (Ministry of Public Administration, 2019, p. 18). As reported, the target of 15% of laws to be harmonized during 2018 has not been achieved. Considering the current dynamic of work as well and the recent political changes meeting the target set for 2019 and 2020 will be a challenge. When LGAP was in drafting procedures, Respa stated that just as almost none of the other analyzed laws in the Region, LGAP has no instruments to achieve this legitimate goal (RESPA, 2016, p. 35).

Deficiencies were evidenced in the process and approach on harmonization of specific laws with the LGAP. The involvement of ministries and other specific institutions during the analysis of the legislation was not systematic since the analysis of each specific law was mainly done through a desk work by the external experts financed by the EU project (source own observation and research within the ministry, (Blaca, Personal Interview, 13 September 2019). These legislative acts have to be harmonized with LGAP unless they are exceptions and are justified. Experts recommendations' have emphasized alignment of specific laws about the time limit of the appeal that is found in many cases to be shorter than the 30 days as provided by LGAP (Law No. 05/L-031, Article 127, Paragraph 1) or in many laws the time limit for complains is missing, or they missed providing administrative remedies or right to complain against decisions of the administration.³⁶

The heavy dependence on the external assistance and capacity of the staff responsible to implement the law is a challenge for the implementation of the LGAP. A minority of respondents (19%) in a survey conducted by the Ministry of Public Administration say they

³⁶ Analysis of the recommendations of experts from EC Support to PAR implementation project on the following laws: Law no. 04/L-093 on Microfinance Institutions and Non-bank Financial Institutions; the lack of complain when the license is revoked; Law no. 04/L-045 on Public Private Partnership; Law no. 03/L-160 On Air Protection From Pollution; Law no. 03/L-122 On Foreign Service of the Republic of Kosovo; Law no. 05/L-087 On Offenses.

know the LGAP well. They understand that this law is a general law and that separate laws must comply with the general principles of this law, and cannot reduce the level of protection of the rights and legal interests of the parties (EU Project Support to the Public Administration Reform, 2018, p. 10). Concerns about staff capacity of administration is expressed by a businesses in Kosovo which stated that “The bureaucracy is very evident, there are bureaucratic problems, there are people in the institutions with inadequate capacities who cause problems” (Të bërit biznes, mes lehtësive ligjore dhe burokracisë institucionale, 2019) as well as by the Government officials involved in the legislative harmonization process (Borovci, Personal Interview, 13 September 2019; Shamolli, Personal Interview, 18 October 2019; Bllaca, Personal Interview, 13 September 2019).

Since legislative drafting process takes time and has to pass through certain procedures, i. e. each draft law before initiated should already have a concept document already approved in the government (Regulation No. 09/2011, Article 29), alternative approaches are being considered such as drafting a concept document for group of laws to be amended through a so-called Omnibus method of legislative drafting. However, a clear approach for the future harmonization of identified procedures with the LGAP has not yet been defined taking into consideration the numbers of laws (around 200 laws) that need to be changed within the next two years (2019–2020). There are two approaches to the next steps of aligning specific legislation with LGAP. The first is the drafting of Concept Documents for each law separately, and which has not worked during the last year's harmonization efforts, and the drafting of the OMNIBUS Concept Paper which will include a large number of laws. But it has not been decided yet and it is not clear with which approach it will take the next steps (Shamolli, Personal Interview, 18 October 2019).

Inventory of the laws and achievement of the targets of processed draft laws that are not in line with the principles of LGAP to the parliament is only one aspect of reaching the objective of the LGAP where the MPA has been focused since the beginning of 2018. The gatekeeping role whether recommendations of experts have been incorporated as required in draft laws is another aspect that is currently lacking. MPA has not been involved directly in the drafting process of these laws neither had the opportunity to check whether they have been harmonized with LGAP. The only mechanism that MPA can use to check and provide its recommendations is the preliminary consultation and public consultation (Regulation No. 09/2011; Regulation

(GRK) No.05/2016). However, MPA comments during the consultation phase are not compulsory for the drafting teams.

The application of LGAP principles in practice is very complex and the impact of the LGAP on the overall administrative procedures goes beyond primary legislation. In addition to harmonization of primary legislation with the LGAP, a more complex process is to clear contradictions with LGAP from the secondary legislation considering the number of sub legal acts to be reviewed and that the most administrative burden and the contradictions with the principles of LGAP is in the secondary legislation. There are approximately 1000 by-laws that also need to be reviewed in order to harmonise the procedures. In addition it does not just entail revising primary and secondary legislation, but also a vast number of forms, guidelines and other practical materials that citizens use on a daily basis (OECD/SIGMA, 2017, p. 13).

This is intended to be taken up after the laws have been sent off to the parliamentary procedure. The MPA estimates that quite a few of these by-laws will eventually not have a proper legal basis and will need to be abolished entirely (OECD/SIGMA, 2017, p. 13). No estimation of the volume of forms guidelines and other practical materials has been done and no plans for its harmonisation exists.

The LGAP either through these principles or through other provisions have introduced a number of innovations and institutes that aim to reach the objectives of the law. Implementation of these new institutes similar to regulation in other Western Balkan countries that adopted new LGAPs, has been closely connected with the adoption of special laws. These institutes cannot be applied without such laws (Respa, 2016, p. 35). On the other hand when analyzing expert's recommendation for harmonization of the stock legislation with LGAP, their focus is not on the introduction of the new institutes and innovations in the amended legislation. For example the LGAP's principle of the gratuity of the proceeding (Law No. 05/L-031, Article 12) requires that *the administrative services are free of charge, the party in the administrative procedure is exempt from payment of procedural expenses except in cases provided for by special law* requires a very strong political commitment and capacities in the line ministries to reduce the administrative barriers through special legislation which still is not in place in Kosovo (Shamolli, Personal Interview, 18 October 2019).

The lack of the institutional mechanism and the definition of the role of each institution on ensuring that laws that are being processed in the parliament are in line with the LGAP is a challenge that has to be overcome if the law is to be implemented.

Another complexity is the subsidiarity application of the LGAP, meaning that it allows the possibility for providing necessary derogations from general administrative procedure rules in specific administrative fields by provisions of separate laws. The subsidiarity principle can enable flexibility in application of specific legislation when the circumstances require it. (Berisha, Personal Interview, 15 September 2019) However, such derogations must comply with basic principles set out in this Law (Law No. 05/L-031, Article 2.4) which provides that *“A special law may provide special rules for certain aspects of specific administrative proceedings. Such provisions must comply with the general principles of this law, and cannot lower the level of protection of rights and legal interests of parties as granted by this Law”*. The lawmakers’ intention was to ensure instruments that reduce the number of special laws containing divergent procedural norms. The draft LGAP (the authors remark: as compared the draft and the approved law. The same articles remained also when approved) explicitly mentions special laws 14 times. Issues that are explicitly mentioned as something that could be regulated differently by special legislation are those referring to official person (Article 26/2), joint decision by several administrative authorities (Article 32/5), relationship within a collegiate body (Law No. 05/L-031, Articles 37/2, 39/2), administrative contract (Article 60/2), deadlines (Article 98/2), specific regulation of various issues connected with electronic documents and electronic signature (Law No. 05/L-031, Articles 47/3, 4; 61/2; 73/3; 106/5) and electronic notification (Law No. 05/L-031, Articles 118/1, 2, 3). In comparison with the administrative procedural laws that are closer to the former Yugoslav concept of administrative procedure (e.g. laws in BiH), this law stipulates fewer cases explicitly allowing different regulation by special laws. (Respa, 2016, p. 35). North Macedonian GAPA provides that the principle of subsidiarity can apply in specific legislation, *“but must not be contrary to the basic principles and purpose of LGAP, nor... be used to reduce the protection of rights and legal interests of the parties guaranteed by GAPA”* (Art 2/2 Macedonian GAPA in Pavlovska and Davitkovska, 2017, p. 269). This provision provides a similar application of the principle of subsidiarity with the LGAP of Kosovo. Similar situations with general administrative procedures modernization of which was triggered under the EU integration reforms are approved also by other Balkans countries such as Albania, Montenegro, Serbia.

5.11.4 ACCESSIBILITY OF ADMINISTRATIVE SERVICES

The accessibility of public services can be considered a performance criterion for governments, reflecting their capacities to accurately recognize the diversity and nature of different needs, create and tailor delivery and communication channels accordingly, and ensure equity and fairness in delivery and distribution (OECD, 2013, p. 150).

Strategic policy documents and action plans are not the goal in themselves, but rather prerequisites for providing citizens with high-quality, easily accessible services. Sound administrative procedures that are applied in practice are another essential element, but they must be accompanied by continuously improved quality of services and equal access to them (OECD/SIGMA, 2017a. p. 65). The OECD/SIGMA principle that requires that “the accessibility of public services is ensured” provides the framework for the measurement of the western Balkan countries on the accessibility of the services.

OECD/SIMGA Principle 4: The accessibility of public services is ensured

The main aspects of the accessibility of services covered by this principle are:

1. Territorial access to public services is ensured for all individuals and businesses.
2. One-stop-shops/points of single contact covering a wide range of services are available to individuals and businesses.
3. Communication and handling of official matters are possible through user-friendly electronic channels covering a large range of services.
4. Official websites and published leaflets provide contact information, clear advice and guidance on accessing public services, as well as on the rights and obligations of users and the public institutions providing services.
5. Service provision (including e-services) takes into account the needs of special groups of customers (e.g. disabled persons, seniors, families with children, and foreigners).

Source: OECD/SIGMA (2017a, p. 68).

The OECD/SIGMA monitoring report for 2019 on the service delivery stress that the Government has not articulated any policy objective to promote accessibility to public services for all citizens. The only objective mentioned in strategic documents relates to the creation of (physical) one-stop shops (OECD/SIGMA, 2019, p. 17). However, the PAMS through several objectives aims to establish preconditions for better access to services. This includes the design and implementation of the E-portal to enable access to services through, inventory of services delivered by the central and local institutions, the interoperability platform of electronics

systems, etc. (Ministry of Public Administration, 2015). The National Strategy for People with Disabilities 2013–2023 also addresses the needs of persons with special needs through targeted co-operation between the Government and their specific communities (e.g. people with visual impairment, hearing impairment, movement impairment etc.) (OECD/SIGMA, 2019; Office of the Prime Minister, 2013). However, independent observers note that accessibility for people with special needs remains a problem. Although the accessibility standards and specifications are in place, according to civil society organizations the physical infrastructure remains inadequate (Hendikos, 2019). Several methods that can ease the access of people to the administrative services are studied in the following sessions.

5.11.4.1 One Stop Shops

One-stop-shops can in general terms be defined as offices where applicants and others interested in government services can obtain all the information necessary for their query in one location. They are often referred to as a “service counter”, “single window” or “information kiosk” (OECD, 2003, p. 26). There are different types of one-stop-shops (OSS). “One door” or “one roof” approach or type of OSS is when representatives of different government agencies into one place are brought together but they each handle the procedures of their institutions. If, on going through the “one door,” the customer finds not several counters, but just one (or several, of which he can go to any one), this is a different type of organization: a “one window” or “one table” approach where the official is authorized to accept documents for government bodies other than the one that employs him or her (World Bank Group, 2009, pp. 2–3). World Bank refers also to “one more stop” when a new organization has been established to coordinate registration functions, or there are cases when functions are integrated. In this case it is not necessary for an official at a one-stop shop to pass information to a separate agency, as the functions of the offices concerned have effectively been integrated, usually using a common database. On the other hand, with the development of information technology the services may be available online, where an online portal may provide a totally integrated facility (World Bank Group, 2009, p. 4).

Kosovo Government respectively Ministry of Trade and Industry within the framework of reforms for enabling the business environment refers to the establishment of one stop shops for the business registration in 29 municipalities or called business registration centers by the

Kosovo Business Registration Agency³⁷. The question is raised whether this can be qualified as one stop shop. World Bank states that there may be some organizations that call themselves one-stop shops that only provide business registration. This may be justified if the registration process previously involved a number of separate visits to the office. However, the one-stop shops considered here will have at least another function. The most likely one of them will be tax registration (World Bank Group, 2009, p. 2). In Kosovo the procedure to obtain the Unified ID number (which is used as Business Registration, Fiscal Number, and VAT number) has been merged into a single procedure. Such One stop shops in Kosovo have been established in 29 municipalities and are now routinely issuing business registration and fiscal numbers (and if requested, VAT registration) in a single procedure. According to the amended law on Business Organizations, the certificate on business Registration can be issued in 3 days not counting the day of submission of documents (The World Bank Group, 2018, p. 8). This belongs to the definition provided by the LGAP (Law No. 05/L-031, Article 33) that refers to the establishment of one stop shops called “point of single contact.” When in accordance with the law, two or more public organs are involved in a single proceeding and all the procedural steps and formalities shall be dealt with by a point of single contact. Also, the Law on Services refers to the establishment of the one stop shops for provision of services. Establishing two one stop shops has been one of the objectives of the PAMS 2015–2020 in the form of piloting by 2020. The OECD/SIGMA principles on public administration for the EU candidate and potential Candidate countries refers to the establishment of one-stop-shops/points of single contact covering a wide range of services available to individuals and businesses (OECD/SIGMA, 2017a, p. 68). In line with the strategic framework the Ministry of Public administration has initiated creation of a pilot point of single contact in Prizren municipality. A concept paper for modalities of its establishment have been developed with the support of the EC project in Support to the PAR in Kosovo and the infrastructure is currently being constructed (EC Project Support to Public Administration Reform, 2018a; Balaj, Personal Interview, 15 October 2019). However, the concept paper contains a lack of clarity regarding key questions, such as who sets the standards of service, what services should be provided as a minimum, and how and by whom the service desks will be staffed and the work with individual service providers in the back office organized (OECD/SIGMA, 2017, p. 17). Substantial challenges in establishment and functionalisation of the point of single contact in the Prizren municipality can be used as a

³⁷ Accessible via <https://arbk.rks-gov.net/page.aspx?id=2,1>

lessons learned on the forms and methods of future administrative simplification reforms by the Kosovo public administration.

5.11.4.2 Electronic Based Administrative Simplification

Strategic/Policy and Legislative Framework on the Digitalization of Administrative Services in Kosovo

In present times, implementing e-governance has brought unprecedented efficiencies into the work of government to serve citizens. This has not only reduced the time (think efficiency) in communication but also made governments more accountable (Manzoor, 2014, p. 4). Digitalization can bring great benefits to society and economy (OECD, 2018, p. 388). New technologies provide individuals and organizations with the opportunity to be better connected and informed and become more efficient, thus increasing the overall performance of their daily activities (OECD, 2017a, p. 158). Administrative simplification has benefited from the unprecedented and rapid development of ICT-based tools: these offer possibilities for greater coherence and efficiency in regulatory interactions between government, businesses and citizens. ICT mechanisms are essential tools for burden reduction as they are important “physical” enablers and involve a mix of information dissemination and transactional aspects (OECD, 2006, p. 61). Administrative simplification strategies based on the IT tools are numerous (OECD, 2003, p. 18). The recommendation 17 of the European Interoperability Framework requires to simplify processes and use digital channels whenever appropriate for the delivery of European public services, to respond promptly and with high quality to users’ requests and reduce the administrative burden on public administrations, businesses and citizens (European Commission, 2017).

The access of population to internet in Kosovo is very high. According to the Kosovo Statistics Agency survey of 2017 2018, 88.8% of households had access to internet of which 83.6% accessed internet through fixed connections whereas 24.6% through mobile connections (Statistical Agency of Kosovo, 2018). The trend of the percentage of households in Kosovo that has internet access is increased in 2018. According to the latest information provided by the Eurostat’s publication “Basic figures on Enlargement countries” – Edition 2019, in 2018, Kosovo had the highest percentage of households with home-based Internet access in the region (93%) This percentage is higher than in the EU countries themselves where the average rate is

89% while in the region after Kosovo, Turkey has the highest rate with 84%, North Macedonia with 79%, Serbia with 73%, Montenegro, 72% and Bosnia and Hercegovina with 69% (data on Albania for 2018 are missing) (Eurostat, 2019).

These figures show an opportunity for Kosovo's public administration since the level of internet penetration to a country is a precondition that enables citizens to use services through digital technology.

Given the importance of the digitalization on the better governance and administrative service delivery, the question arises whether Kosovo administration uses in the best manner the ICT tools to improve services for citizens and business. Although Kosovo Government has a short history in providing e-services, agencies and citizens have already called for coordination, consolidation of strategy for government processes dictation, reduction of time for end-to-end processes, establishment of interoperability protocols and central interoperability hub, visibility of the established endpoints and flexibility to implement the changes faster (Respa, 2018, p. 132). The Public Administration Modernization Strategy 2015–2020 provides several administrative simplification tools based on the ICT. PAMS aims to improve service delivery by using client-oriented delivery methods based on the interoperability of government's ICT systems and databases in order to increase the level of application of electronic governance, which is a precondition for modernization of public administration, and rationalization, optimization and digitalization of administrative processes. The 2013–2020 Electronic Communications Sector Policy – Digital Agenda for Kosovo focuses on developing ICT infrastructure, transforming government services into digital public services and enhancing the citizens' ability to use ICT tools. (Ministry of Economic Development, 2013). The PAMS foresee several steps that provide the basis for further development of IT tools that would contribute to simplification of processes. The interoperability framework is one of the preconditions for this process. The Interoperability Platform, as the common platform for electronic services, is a complex project that involves the coordination, engagement and cooperation of many institutional actors possessing information and non-institutional systems (economic operators that maintain or develop the systems (Respa, 2018, p. 134). The Kosovo Strategy on the interoperability framework based on the European interoperability Framework (EIF) aimed four basic levels of interoperability: legal interoperability, organizational interoperability, semantic interoperability and technical interoperability (Ministry of Public

Administration, 2012). Despite that the New EIF has been issued in 2017 the main levels of interoperability framework of Kosovo are still relevant.

At the legislative level no screening system for the ‘interoperability checks’, in order to identify any barriers to interoperability is in place in the Kosovo public administration. However, several individual legislative pieces of legislation regulate certain issues to the development of digital services for citizens and businesses.

The LGAP also provides a legal basis for the digital communication between public bodies and citizens. LGAP recognizes that many other administrative proceedings can be done through electronic tools, such as submission of a request, information of parties in the procedures etc. (Law No. 05/L-031, Articles 33.4, 61, 74, 76 etc).

Even though Law no. 04/L-094 on the information Society Services has made since 2012 electronic documentation legally equivalent to its traditional counterpart in paper format, in order to facilitate electronic services (Law no. 04/L-094), reforms on the digitalization of services generally have been lagging behind (Balaj, Personal Interview, 15 October 2019). Institutions argue that without central tools in place (such as an interoperability solution, eID tools and a government portal) they cannot start their reforms, even though the first steps could be taken to review procedures or introduce digital applications to reduce the need for in-person contact during the service delivery process (OECD/SIGMA, 2017, p. 106).

OECD reports that Kosovo has made significant progress by adopting new state-of-the-art biometric e-ID technology in compliance with the EU eIDAS Regulation. The government has created an open source database enabling private companies to develop their own compatible e-services. However, awareness raising campaigns on this opportunity have been limited. The shortage of public funds to invest in e-government services and e-ID reader infrastructure is a barrier to implementing the new framework (OECD, 2018, p. 422). In Kosovo the ID cards to receive e-services have not been used yet (information received in a meeting with the Representatives of CRA and MED in February 2018). Actually, the ID card with the biometric data is never used because none of service providers, not even MIA has developed the infrastructure to use it. On the legal limitations of using the ID signature there is a need for harmonization with eIDAS because the current legislation that is in line with the EU Directive 1999/93 among others do not provide a sufficient legal basis for security purposes.

The current initiative to change the Law on Information Society Services aims to improve the legal framework on the electronic signature. The electronic signature addressed in this law does not sufficiently meet the requirements for advanced signatures and credible qualified signatures, adding to this the lack of other subsidiary acts as a derivative of this law, and reinforcing the reasonableness of the need for adoption of a new law (Ministry of Economic Development, 2017). This law was based on the Directive . no. 1999/93/EC on Electronic Signatures but after the analyses made during the adoption of the Digital Agenda for Europe, the European Commission identified the following shortcomings mainly consisting in the fragmented digital market, lack of interaction and cybercrime, considered the main obstacles to functioning of digital economy. Given the above-mentioned shortcomings and the requirements for a single market across Europe, the EU adopted Regulation no. 910/2014 on Electronic Identification and Reliable Electronic Market Transaction Services (commonly referred to as the eIDAS Regulation), which presents a new legal framework for electronic signatures, seals, stamping time and electronic documents. As a result, the government of Kosovo is in the process of drafting a new law that will create a legal basis for protecting services and ensuring security during electronic transactions via the Internet. This law will transpose the EU regulation called eIDAS. This legal basis treat documents in electronic format equally with traditional paper documents (Ministry of Economic Development, 2017, p. 2). Establishing the system and the infrastructure to enable using the electronic signature is a precondition for different administrative services offered by Kosovo public administration. Delays in the development and approval of the new law that enables the use of electronic signature has prevented the implementation of many reforms in simplifying administrative procedures by central and local level administration.

Interoperability Framework

In addition to legislative framework, effective e-services require appropriate infrastructure to enable data exchange and the interoperability of information systems, while ensuring a good balance between access to public information on the one hand and privacy and data protection on the other (OECD, 2018, p. 392). The interoperability platform in Kosovo has been built in 2017 and is now functional for the systems that were included. OECD/SIGMA assessed that one positive development is that the interoperability platform, Government Gateway, is now functional. Twelve public bodies and their information systems have been connected. However,

the poor quality of data in registries is hampering its potential usefulness. In addition, without an accompanying strong drive to re-engineer and re-design cumbersome administrative processes, the platform will have limited impact from the perspective of service users (OECD/SIGMA, 2019, p. 4). Registries are the core element for functioning of the interoperability system. So far, nine (9) electronic systems of institutions have been integrated into the Interoperability Platform, including: Civil Registry; Business Register; Address Book; Property tax e-shop; NGO Register; HRMIS; E-wealth system; and the Notary System (Ministry of Public Administration, 2019). These registers existed before interoperability framework was in place. Reuse or existing services and information sources is one of the recommendations of the *New Interoperability Framework for European Public Services that states that recommends to “develop a shared infrastructure of reusable services and information sources that can be used by all public administrations”* (European Commission, 2017a, recommendation 36). The interoperability framework would enable the implementation of the “once only” principle which reduces the administrative burden to citizens and businesses for declaring the same information only once.

A major obstacle to interoperability arises from legacy systems. Historically, applications and information systems in public administrations were developed in a bottom-up fashion, trying to solve domain-specific and local problems. This resulted in fragmented ICT islands which are difficult to interoperate (European Commission, 2017, p. 30). Due to the delay of technical interoperability in Kosovo there are several examples where new initiatives at the institutional level where IT tools have been used to provide administrative services. Even though they can be considered as positive examples that have contributed to improvement of the individual service delivery systems the bottom-up initiatives resulted in fragmented ICT islands which are difficult to interoperate.

Best Practices of the Electronic based Administrative Service Delivery

More and more governments are introducing e-government systems to deliver a variety of services online which can cut transaction costs for entrepreneurs and improve the efficiency of public administration, generating savings on data collection and transmission, provision of information and communication with businesses, and enhanced government information (OECD, 2016, p. 116).

The E-kiosk – Self-Service Automated Machine in the Pristina Municipality and some other municipalities is an example for the innovation means to ease the administrative service provision to citizens. However, the municipality of Prishtina has decided for a different model compared to other municipalities. In Prishtina municipality 8 certificates on the civil status can be obtained through e-kiosks or ATMs without visiting any office while other services being installed (source: on site check, August 2019). The e-kiosk is considered as an innovation in facilitating the delivery of civil status documents that citizens are required to receive from the municipal administration, which is enormous in size. According to the data provided by the CRA Kosovo municipalities during 2018 issued 1.059.270 Extracts from Central Registry and 500.008 Birth Certificates, meaning that in cumulative almost all Kosovo residents have to get in average one civil status or birth certificate per year. The question is raised, why Kosovo citizens need to get all these birth certificates and extracts from the civil registry? The requirement to submit Birth Certificates is included in different specific legislative documents. e.g the Administrative Instruction on registration of pupils requires to provide the Birth Certificate when they register in the first class. Job openings require in many cases submission of birth certificates together with the applications e.g. in education sector such as school directors, deputy directors, recruitment of staff for kindergartens etc, require submission of birth certificate.

Another example for the use of ITC is Electronic Declaration of Taxes (EDI). The EDI is a modern, fast and easy way to declare taxes. This system allows taxpayers to create online accounts with TA, where they can complete, declare, pay, check their tax histories, as well as receive other services without visiting TAK at all.

Another example that aims to improve the business environment is the Business Registration Agency (KBRA), which has successfully implemented tools to register businesses online, but has not been using the central eID tools to authenticate users or to provide an electronic signature option in the application process, particularly because it is not fully aware of the status of these tools (Respa, 2018, p. 134). Studies show that a simple business start-up process facilitates formal entrepreneurship while complex administrative procedures for starting a business are associated with a smaller number of legally registered firms, greater informality, a smaller tax base and greater corruption (Audretsch et al., 2006; Klapper et al., 2009; OECD, 2014 in OECD, 2016, p. 117)

The E-Cadaster system development that is underway is another example for the individual initiatives to improve services through IT tools.

It has been observed that the progress on the provision of services through e-tools is limited. All above mentioned tools were developed in a fragmented way with the initiative of the service providers such as the e-kiosk is a novelty initially introduced by the municipality of Pristina and then used by several other municipalities which, is also not standardized across the entire country. Electronic tax declaration and payment is one of the best example practices that was also developed by the tax administrative itself where all declarations and payment services can be done through electronic system. However, the development of the e-payment system is driven by the reasons to increase the rate of payment of taxes, since the informality level in Kosovo is very high.³⁸

5.11.5 QUALITY MANAGEMENT ELEMENTS IN THE PUBLIC ADMINISTRATION IN KOSOVO

In the context of increasing demands and diminishing resources, public sector organizations need to become more effective and efficient. Total quality management (TQM) is about the permanent mobilization of all the resources to improve – in a continuous way – all the aspects of an organisation, the quality of goods and services delivered, the satisfaction of its stakeholders and its integration into the environment. (European Commission, 2015, p. 202). TQM is a comprehensive and structured approach to organizational management that seeks to improve the quality of products and services through ongoing refinements in response to continuous feedback. TQM is based on quality management from the customer's point of view. The focus is on continuous improvement, the recognition of everyone's role in the organization and the emphasis on teamwork (European Commission, 2015, p. 202).

³⁸ Most recent EU-supported assessment (2017) showed that it represents around 31.7% of Kosovo's GDP with an estimated breakdown of 23.5% of GDP for the 'grey economy' (legal but undeclared activities) and 8.2% for the 'black economy' (illegal activities). A 2014 study estimated that the informal economy constituted 32.7% of GDP, so it shrank only marginally in those three years. Source: European Commission. 2019b. Commission Staff Working Document Economic Reform Programme Of Kosovo (2019–2021) Commission Assessment. Accessible via <https://data.consilium.europa.eu/doc/document/ST-8546-2019-INIT/en/pdf>

As a rule, the use of specific quality models and tools should not be obligatory or even required by law; the use of specific quality tools depends, to a certain extent, on the level of the maturity of a public administration organization (Žurga, 2016, p. 827).

No central quality-assurance framework is in place in Kosovo's administration, nor has clear responsibility been assigned for introduction of such a framework. The strategic framework and policies are not yet in place for the development of such tools. Kosovo Government has not undertaken any significant initiatives to introduce quality-management tools and frameworks. Only initial steps have been taken by the MPA in co-operation with the Kosovo Institute of Public Administration to train selected government institutions in the use of quality-management tools (the Common Assessment Framework) (OECD/SIGMA, 2019, p. 16). The CAF is a total quality management tool developed by the public sector for the public sector (European Commission, 2015, p. 207). Common Assessment Framework (CAF) is a self-assessment instrument concerning the manner of functioning of public institutions (Matei and Lazăr, 2011, p. 70).

In practice Kosovo Institute of Public Administration conducted introductory training on the CAF in 2015-2016, but since responsibility for managing this area is not clear within the MPA, there has been no concrete follow-up (OECD/SIGMA, 2017, p. 108). In cooperation with ReSPA, KIPA in 2018 organized the training of trainers with the aim of introducing the CAF in a selected number of pilot institutions (notably, the MPA, MIA, OPM, Ministry of Finance and Ministry of Economic Development and the municipality of Gjilan). Discussions are under way on developing a broader CAF strategic plan for the coming years, including the establishment of a national CAF center within the MPA, that will serve as an info and service point for the Kosovo public sector (RESPA, 2018, p. 140). However, no steps have been evidenced to date.

The most commons used instruments for the Total quality management are Common Assessment Framework and ISO 9000 standards. ISO 9001 series is an internationally recognized standard for quality assurance, under the International Organization for Standardization (ISO), it specifies the basic requirements for a quality management system (QMS) that an organization must fulfil to demonstrate its ability to consistently provide products (which include services) that enhance customer satisfaction and meet applicable statutory and regulatory requirements (European Commission, 2015, p. 203). The standards

provide guidance and tools for companies and organizations that want to ensure that their products and services consistently meet customers' requirements, and that quality is consistently improved.³⁹

Application of the ISO 9001 standards in Kosovo Public Administration is not included in the wide strategic framework that covers public administration reforms. It seems that in general quality management tools and particularly the ISO 9001 standards is too advanced tool for the current stage of public administration development in Kosovo. However, there are few cases which are using or made an attempt to use the ISO 2001 standards. Here we can mention the Kosovo Civil Aviation Agency (CAA) which has been certified with the ISO Standard 9001 2018. Is has also been certified with the ISO standard 9001 2015. CAA is using the system to ensure the quality compliance of the work. There is also a manual on the Quality Management that is used by the CAA (Civil Aviation authority of Kosovo, 2018). The Regulatory Authority for Electronic and Postal Communications has also tested during the 2013–2016 the ISO Standard 9001. The system was successful in the aspects of the planning, monitoring and reporting but not much on the internal documentation system.⁴⁰

5.11.5.1 Measurement of the Citizens' Satisfaction

The quality of public services and citizens satisfaction are interlinked. However, the practice has shown that this is relative. Many administrative reform initiatives have explicitly made a connection between the need to reform public services, improving citizen satisfaction with public services, and maintaining or restore the public trust in government (Van de Walle, 2018, p. 2). This customer orientation is reflected in the rise of numerous specific tools to help public services delivering better services, and to assist citizens and clients in making sure they are treated well (OECD, 2001). Measuring citizen satisfaction and preferences on a regular basis can help public managers monitor public sector performance over time, continuously improve service delivery, and measure the impact of reforms and service-improvement activities on end users, ultimately resulting in a higher likelihood of citizens being satisfied with policy outcomes (Respa, 2018, p. 25). The only reference in the strategic framework of Kosovo is the instrument of the citizens' satisfaction measurement that aims through PAMS to establish mechanisms and instruments to measure people's satisfaction in the quality and accessibility of administrative

³⁹ Accessible via <https://www.iso.org/iso-9001-quality-management.html>

⁴⁰ Accessible via <http://arkep-rks.org/?cid=1,23,607>

public services (Ministry of Public Administration, 2015, subobjective 2.5). Establishing mechanisms for citizens' satisfaction measurement has been influenced by the OECD/SIGMA principles on Public Administration that requires that mechanisms for ensuring the quality of public services are in place. Therefore, there is a need to coordinate internal initiatives of institutions on their activities to measure the satisfaction of their service users. This includes Tax administration (Kosovo Tax Administration, 2018) Civil Aviation Agency, Kosovo Statistics Agency etc. In addition to quality management they also require that "processes for regular monitoring of service delivery, assessment and re-design are in place, based on customer satisfaction and an analysis of users' needs" (OECD/SIGMA, 2017a, p. 67).

E-box electronic tools have been placed in 35 institutions by the Ministry of Public Administration. The system is designed through screen tools to provide feedback by service to more than 400 services included in the system. But the system design does not lead to pertinent and usable feedback from service users'. For instance, the system permits the user to provide feedback multiple times and accepts comments of any service listed, not necessarily the service received by the contributor (Respa, 2018, p. 140). Recently the AIS launched a pilot survey to collect user feedback of services right in the service centres. That would allow comparing the results from the e-Box with the results from a more carefully designed study. So far, the e-Box results have not been actively used to inform decisions to improve service delivery (Gashi, Balaj, Zajmi, group meeting, 15 January 2019).

It is worth to stress that satisfaction with public services is a complex phenomenon, combining expectations, experiences, and prior attitudes. Subjective assessments, such as satisfaction, of a public service, do not necessarily reflect objective features or performance of that service (Van Ryzin, 2004), and satisfaction ratings are influenced by factors other than service quality (Van Ryzin and Immerwahr, 2004; Orr and West, 2007 in Van de Walle, 2018, p. 5). The methodology may have an impact on the citizens responses to the surveys. Even simple changes in a questionnaire may have an important impact on how citizens will evaluate public services (Van de Walle, 2011). The OECD SIGMA Assessment 2018 recommends that the customer feedback mechanisms should be improved. The Government should promote a customer-centered approach in public institutions and should give the MPA an active support role (OECD/SIGMA, 2018, p. 21). Therefore, a harmonized methodology and a monitoring structure from a central institution has been developed by the Ministry of Public Administration in 2018 with the support of the EC funded experts. However the methodology is only a minor

step ahead while development of a standard setting, coordination and monitoring system is a precondition for the appropriate citizens' satisfaction measurement for the administrative services provided by the institutions.

5.12 SUMMARY ON THE IMPACT OF REFORMS ON ADMINISTRATIVE SIMPLIFICATION AND FACTORS THAT IMPEDE THEIR IMPLEMENTATION

The methodology applied to elaborate and answer the second research question on the impact of *the reforms on the application of administrative simplification methods* and third research question related to the *factors that have impeded the implementation of these reforms* is based on the information received through several methods applied in combination with each other in the form of triangulation. The document analysis, continuous observation of administration processes, interviews, group meetings and finally the survey with businesses evidences finding and answers raised by these research questions. The perception of businesses (and citizens) of the impact and the needs for further reforms are provided in the chapter that follows this section.

It is evidenced that the impact of the strategic framework in application of administrative simplification tools and methods in the policies and legislation in Kosovo is uneven. The research finds that many common administrative simplification tools and methods aimed by strategies are already or in process of incorporation in the policy and legislative measures of the Kosovo government. It has been provided that the legal framework approved in the government is based on the best applied standards and practices established by the OECD/SIGMA principles of public administration and EU standards. However their implementation in practice remained a major weakness.

The perception of businesses on the impact of reforms conducted by the Kosovo Government on the reduction of administrative burden is mixed. 40% of businesses recognize the impact of reforms, while the integration of the results that provide negative responses (28%) and those who “do not know” about any reforms (32%), which leads to the result that the overall percentage of respondents responses represents a high degree of non-recognition of the impact of reforms (60%).

The Law No. 04/L-202 on Permit and License System that entered into force in 2014 is an important piece of legislation that aimed to establish principles and rules for improvement of the business environment through reduction of administrative barriers. The strategic basis for this law is found in the EDVAP 2011–2014. The adoption of LGAP in 2017 as foreseen in the PAMS 2015–2020 was the major development in the recent years (OECD/SIGMA, 2017, p. 102) in the simplification of administrative procedures. LGAP introduces administrative simplification tools such as: single points of contact, enables the use of information technology for administrative services, requires reduction of administrative burden, introduces once only principle, administrative assistance, silence is consent principles etc. The three latest principles have not been specifically mentioned in any of the government strategies.

Despite this, implementation of LGAP in practice has been one of the main challenges in the recent years confirmed by documentary analysis, interviews and the perception of responses by businesses and citizens through two separate surveys. 79% of businesses' perception on the impact of reforms about enabling the business environment introduced through the Law on General Administrative Procedures is negative. A highly negative grade (71%) on the level of enforcement of the law on administrative procedures has been expressed also by citizens in the Balkan Barometer Survey 2018. The total percentage where businesses did not see any improvement or the burden is higher compared than two years ago is 63%. Until 2019 only 9 draft laws harmonized with LGAP were in the parliamentary procedures and only 12 draft laws were in the drafting procedure in ministries even though the target by 2020 is to harmonize 60% out of 231 laws (Ministry of Public Administration, 2019, p. 18). On the other hand, the probability of success in implementation of administrative burden reduction reforms through concept document of Administrative Burden as targeted Better Regulation Strategy 2020 is very low.

In practice the study recognized several examples of success some of which derived from the strategic objectives. In Kosovo the procedure to obtain the Unified ID number for businesses (which is used as Business Registration, Fiscal Number, and VAT number) has been merged into a single procedure. One stop shops for business registration in Kosovo have been established in 29 municipalities and are now routinely issuing business registration and fiscal numbers (and if requested, VAT registration) in a single procedure. According to the amended law on Business Organizations, the certificate on business Registration can be issued in 3 days

not counting the day of submission of documents (the World Bank Group, 2018, p. 8). The Business Registration Agency has also successfully implemented tools to register businesses online, but has not been using the central eID tools to authenticate users or to provide an electronic signature option in the application process, particularly because it is not fully aware of the status of these tools. (Respa, 2018, p. 134). These actions were influenced by the EDVAP 2011–2014.

Eurostat reveals that in 2019, Kosovo had the highest percentage of households with home-based Internet access in the region (97%). This percentage is higher than in the EU countries themselves where the average rate is 89% which, signifies the perspective to use the digital channels for service delivery in Kosovo. Several examples are evidenced where new initiatives by institutional service providers have used IT tools to provide administrative services notwithstanding the strategic framework in the area. The E-kiosk – Self-Service Automated Machine in the Pristina and some other municipalities where civil status certificates can be obtained without visiting any office is an example for the innovation means to ease the administrative service provision to citizens. Electronic Declaration of Taxes (EDI) is another example of a modern, fast and easy way to declare taxes. This system allows taxpayers to create online accounts with TAK, where they can complete, declare, pay, check their tax histories, as well as receive other services without visiting TAK at all. The E-Cadaster system development that is underway is another example for the individual initiatives to improve services through IT tools. The application of the innovative solutions to receive civil status documents called e-Kiosk, the Electronic Declaration of Taxes and the business registration procedures are inspiring good practice examples that can be used by other countries in the region.

To respond the third research question “*What are the main factors impeding the implementation of the regulatory tools and administrative simplification methods in Kosovo state administration?*” the research revealed many factors that impede implementation of the legislation and systematic application of tools for administrative simplification in the Kosovo State Administration.

- An important factor that affected fragmented and incomplete strategic framework in this area and most importantly in its application in practice is the organization of administrative service delivery. Institutions vested with authority to have certain responsibilities in service delivery (i.e Ministry of Trade and Industry is responsible for business registration or

Ministry of Interior deals with civil documents, or municipalities etc.) act on their own discretion when they simplify administrative procedures due to the lack of a central institution responsible for an overall planning, policy making, coordination and monitoring and evaluation of legislation and standard on modernization of administrative public services in Kosovo. At macro level a “silo approach” in planning and implementation is affected by three poorly coordinated parallel processes at the same time: 1) Administrative burden reduction run by the Office of the Prime Minister, namely Government Coordination Secretariat. 2) Reduction of Licenses and Permits run by the Legal Office of the Office of the Prime Minister; and 3) Harmonization of specific legislation with the principles of LGAP by the Ministry of Public Administration.

- The frequent changes of governments and political instability⁴¹ have affected the continuity of overall reforms including the ones in the field of administrative service delivery.

- The implementation of LGAP in practice requires a preventive or *ex ante* approach which is not yet in place and the “clean-up” of the existing legislation. The introduction of new principles, institutes and specific rules affected a wide range of rules imposed by specific laws and secondary legislation. The harmonization of specific laws with LGAP during the last couple of years as planned with the PAMS was not successful due to many reasons:
 - Lack of political commitment to support application of the new rules and requirements set out in the LGAP.
 - Deficiencies were evidenced in the process and approach on the harmonization of the specific laws with the LGAP. The study confirms that ideas on an appropriate approach to continue harmonization of specific legislation with LGAP are not yet in place.
 - The involvement of ministries and other specific institutions during the analysis of the legislation was not systematic since the analysis of each specific law was mainly done through a desk work by the external experts financed by the EU project. On the other hand there was a weak involvement of MPA in monitoring whether their recommendations were received and incorporated when new legislation was drafted.

⁴¹ Kosovo faces short aged government since 2008 due to lack of political stability and frequent elections and particularly during the recent years. The last government was established in September 2017 and lasted until August 2019.

- The heavy dependence on the external assistance which is not always the best expertise⁴² and lack of capacity of staff responsible to implement the LGAP. A minority of respondents (19%) in a survey conducted by the Ministry of Public Administration in 2018 with civil servants involved in the implementation of administrative procedures at central and local level of public administration say they know the LGAP well. (EU Project Support to the Public Administration Reform, 2018, p. 10; Shamolli, Personal Interview, 18 October 2019; Bllaca, Personal Interview, 13 September 2019).
- Even though considered as positive examples for improvement of the individual service delivery systems, the bottom-up initiatives resulted in fragmented ICT islands, which are difficult to interoperate. E.g. e-kiosk is a novelty initially introduced by the municipality of Pristina and then used by several other municipalities which, is also not standardized across the country.
- The progress of digitalization of services will be hampered until the Law on Information Society Services enables the application of electronic signature. Institutions argue that without central tools in place (such as an interoperability solution, e-ID tools and a government portal) they cannot start their reforms, even though the first steps could be taken to review procedures or introduce digital applications to reduce the need for in-person contact during the service delivery process (OECD/SIGMA, 2017, p. 106).
- The Government has not promoted the use of quality-management tools and frameworks. No central standards for service delivery have been set. The main tool to collect user feedback on public services is the e-Box system, but its usefulness remains questionable since the system permits the users to provide feedback multiple times and accepts comments on any service listed, not necessarily the service received by the contributor (Respa, 2018; OECD/SIGMA, 2019). The survey with businesses finds that 93% of respondents state that they were never asked by the administration over the last three years about the satisfaction with administrative services.

⁴² Harmonisation of legislation with LGAP requires a certain level of expertise and experience in the field while the project EC support to PAR have mostly engaged junior experts that did not have any experience in the general administrative procedures and public administration.

- Consultation of stakeholders forms a crucial input throughout the policy and management cycle. The survey reveals that only 5% of businesses consider that they are often consulted while 20% respond that they are rarely consulted and 75% are never consulted by the administration for the possibility of simplifying administrative procedures.

Chapter

**6 ANALYSIS: EMPIRICAL RESEARCH ON THE
ADMINISTRATIVE BURDEN TO BUSINESSES IN KOSOVO**

6.1 BUSINESS ENVIRONMENT IN KOSOVO

Businesses are the key factor for the economic development and well-being, skills development, and innovation in a country and Kosovo is not an exception. But their contribution can be limited in an unfriendly business environment. Administrative simplification has initially focused on business and later included citizens (OECD, 2012).

With a population of 1.8 million, Kosovo is the second smallest economy in the Western Balkans after Montenegro (OECD, 2019).

The Kosovar economy has maintained consistent growth in recent years. Kosovo is a lower-middle income economy and one of only four economies in Europe to grow every year since the onset of the global financial crisis in 2008. During 2009–2017, real GDP grew on average by 3.5% (the World Bank Group, 2019) a noteworthy performance compared to other economies in the region (EC, 2018). Kosovo was among the top ten economies showing the biggest progress in the World Bank’s 2018 Doing Business Report, having moved up 35 places since 2015, ranking it 40th out of 190 economies (The World Bank Group, 2017). In the last Report Kosovo emerged among the 20 most improved economies worldwide for 2020 (The World Bank Group, 2019). The ranking of Kosovo is 57th for 2020 or 13th, down from last year, when ranking was 44th out of 190 countries as shown in the Figure 6.1.

Figure 6.1: Snapshot of the Kosovo Rankings on Doing Bussiness based on topics for 2020



Source: The World Bank Group (2019).

Kosovo performs particularly well on ‘Starting a Business’; here it is ranked 12th globally – on the basis that it takes little time to actually set up, with a very little cost involved. It also performs well on the ability for businesses to get loans (15th in the world). On more practical and procedural matters, Kosovo performs relatively poorly on the same index: dealing with Construction permits (160nd globally) protecting minority investors (128th) and getting electricity supply, it is 90th globally (The World Bank Group, 2019).

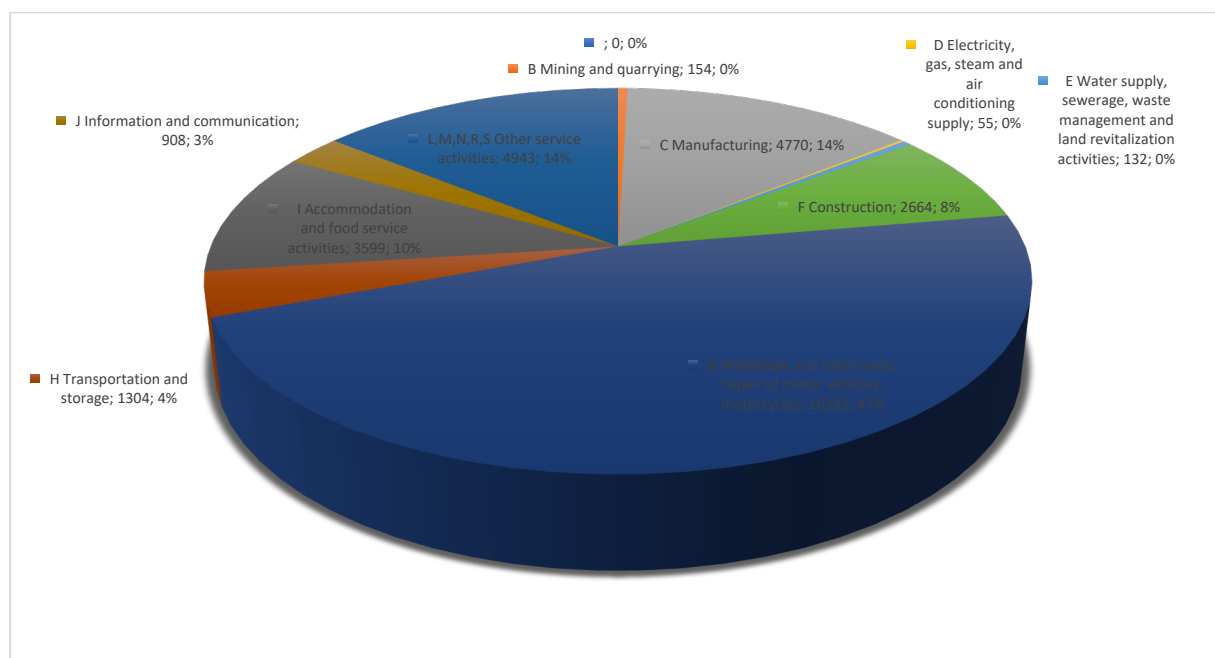
Despite recording positive growth rates, Kosovo was still the second poorest economy in Europe in 2017, after Moldova, with an average GDP per capita of USD 3 894 (OECD, 2019, p. 599). The unemployment rate was in 2018 was 29.6% (Statistical Agency of Kosovo, 2019).

The non-tradable sectors dominate output and employment in Kosovo. Services are the largest sector in the economy, with a share of value added of 54% of GDP over 2009–2017. Industry is small by regional standards, at 16.8% of GDP, of which manufacturing accounts for about 10%. The agricultural sector remains relatively large, at 11% of GDP (The World Bank Group, 2016).

Kosovo’s business sector is made up almost entirely of SMEs. There are around 34000 active businesses registered enterprises operating in Kosovo (Statistical Agency of Kosovo, 2018), 93.1% of which are micro enterprises, 5.9% are small and 0.9% are medium sized. Only 0.1% of the total business population are classified as large enterprises. SMEs contribute to 76.2% of total business sector employment and account for 81% of total value added of the business sector (OECD, 2019, pp. 605–606).

In Kosovo, SMEs mostly operate in the distributive trade sector (44.1%), while 12.5% operate in the manufacturing sector, but with a low level of integration into the global value chain (European Commission, 2018), 8% in the construction sector, just 2.8% in the agricultural sector, and 0.4% in the mining and quarrying sectors accommodation and food service activities 10% etc. as presented in the Figure 6.2. Regarding the geographic distribution of enterprises, around one-third of all registered enterprises are located in the district of Pristina.

Figure 6.2: Distribution of enterprises based on the economic sectors



Source: Statistical Agency of Kosovo (2017).

The number of newly registered and terminated firms is in line with long-term trends. In 2017, the difference between new (9,223) and terminated firms (1,623) stood at 7,600, back in line with the historical trend after an exceptional performance in 2016, when the gap widened to 8048 due to higher numbers on both sides (European Commission, 2019).

Table 6.1: Number of active enterprises by economic sections by sections & description of economic activity and year

| Number of active enterprises by economic sections by sections & description of economic activity and year | | | | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| B Mining and quarrying | 206 | 199 | 204 | 201 | 229 | 149 | 149 | 165 | 162 | 154 |
| C Manufacturing | 4065 | 4103 | 4112 | 4246 | 4598 | 3736 | 4052 | 4528 | 4674 | 4770 |
| D Electricity, gas, steam and air conditioning supply | 46 | 52 | 63 | 59 | 68 | 28 | 28 | 59 | 44 | 55 |
| E Water supply, sewerage, waste management and land revitalization activities | 1414 | 1449 | 1874 | 1546 | 1685 | 144 | 139 | 150 | 162 | 132 |
| F Construction | 2362 | 2456 | 2564 | 2702 | 3038 | 2094 | 2150 | 2629 | 2628 | 2664 |
| G Wholesale and retail trade, repair of motor vehicles, motorcycles | 20815 | 21125 | 19775 | 19791 | 20509 | 16091 | 16142 | 16920 | 16557 | 16393 |
| H Transportation and storage | 1213 | 1228 | 1135 | 1168 | 1160 | 1166 | 1185 | 1219 | 1291 | 1304 |
| I Accommodation and food service activities | 3498 | 3559 | 3364 | 3459 | 3715 | 3126 | 3360 | 3713 | 3621 | 3599 |
| J Information and communication | 3615 | 3706 | 3731 | 3696 | 3563 | 626 | 693 | 881 | 849 | 908 |

| Number of active enterprises by economic sections by sections & description of economic activity and year | | | | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
| L,M,N,R,S Other service activities | 3891 | 4209 | 4241 | 4558 | 3192 | 1897 | 4023 | 3201 | 4708 | 4943 |
| Total | 41124 | 42086 | 41063 | 41425 | 41757 | 29057 | 31921 | 33465 | 34696 | 34922 |

Source: Statistical Agency of Kosovo (2017).

On the other hand the Balkan Barometer Business Opinion Survey 2019 on the question how has the general economic situation in your economy changed over the past 12 months? Has it deteriorated, remained unchanged or improved? 40% respondents from Kosovo responded that economic situation has remained unchanged, while the percentage of businesses that consider that the economy is improved is higher or 34% compared to 25% of respondents that consider that economy has deteriorated in the last 12 months. This percentage of respondents (34%) from Kosovo that consider that the economic situation has improved is the highest share of positive response in the region. The average of positive percentage in the region is 23%.

Despite the progress in adoption of new legislation for improvement of the business environment, private sector faces a number of challenges related to cumbersome administrative procedures, informality and corruption. Another challenge for the Kosovo's economy is the large informal sector (estimated at around 30% of GDP) that creates unfair competition and weakens labor rights (EC Kosovo Report, 2019, p. 47). However, despite their importance for the economic development, they are not the major focus of this study. A summary of the measures planned and taken by the government on the administrative simplification is presented in the Table 6.2.

Table 6.2: Mapping of Measures on administrative simplification initiated/implemented

| Measures | Time of implementation | What the measure aimed for | Reality |
|--|------------------------|---|--|
| Regulatory framework on licenses and permits | 2012-2014 | Inventory of the secondary legislation that impose any licenses and permits Set the criteria for the licenses and permits through the Law on Licenses and Permits Licenses and permits registry | Avoided imposing licenses and permits through secondary legislation. Increased transparency and information to public in the licenses and permits |
| Reduction of licenses and permits | 2013-ongoing | Administrative burden reduction | The system is regulated. 10% of licenses reduced Information on licenses and permits available online |

| Measures | Time of implementation | What the measure aimed for | Reality |
|---|--|---|--|
| Law on electronic signature | Still in drafting process | Improve the administrative service delivery | The service has not been utilized |
| LGAP 2017 – ongoing Modern principles/innovation on administrative procedure such as: | Principle of gratuity of the proceeding | Reduce the cost of services | No evidence that is being applied |
| | Point of single contact approach | Improve accessibility on administrative services | Not yet applied in practice |
| | Silence is consent. Is effective since June 2019 | Administrative burden reduction and increase efficiency in the deciding requests for services | No evidence of its positive impact |
| | Administrative assistance | Administrative burden reduction and increase efficiency in the deciding requests for services | No evidence of its positive impact |
| | “Once only” principle | Administrative burden reduction | Limited or not impact yet |
| Digitalization | Ongoing process | Administrative burden reduction and improve accessibility on administrative services | Electronic systems for service delivery such as: Tax Electronic Declaration and payment E-kiosk, E-registration of businesses etc. |
| One Stop Shops | 2010-present | Administrative burden reduction and improve accessibility on administrative services | 29 one stop shops on business registration Pilot one stop shop in Prizren municipality (under construction) |
| Administrative burden reduction reforms | Still in drafting process | Administrative burden reduction | Still in drafting process |

6.2 INTRODUCTION AND OBJECTIVES OF THE EMPIRICAL RESEARCH

This chapter is focused of analyzing the perception of businesses provided through the survey conducted for the purpose of this study with businesses which are registered and operate in Kosovo. In addition to the survey conducted with businesses by the author of this research study, the analysis provides complementary and comparative information of the perception of citizens and businesses through surveys that are conducted by other international or national

organizations, such as Regional Cooperation Council through Balkan Barometer Survey, Weber Survey etc.

The objectives of the empirical research are:

- To receive the businesses and citizens perception and analyze their feedback on the administrative simplification reforms and administrative burden and barriers that the administration imposes on them by implementing legislation.
- To validate findings through other research methods such as document analysis, observation of the administrative simplification tools and methodologies and the existing burden used by the Kosovo public administration in order to address research questions raised for the doctoral study thesis.

6.3 PROFILE OF RESPONDENTS

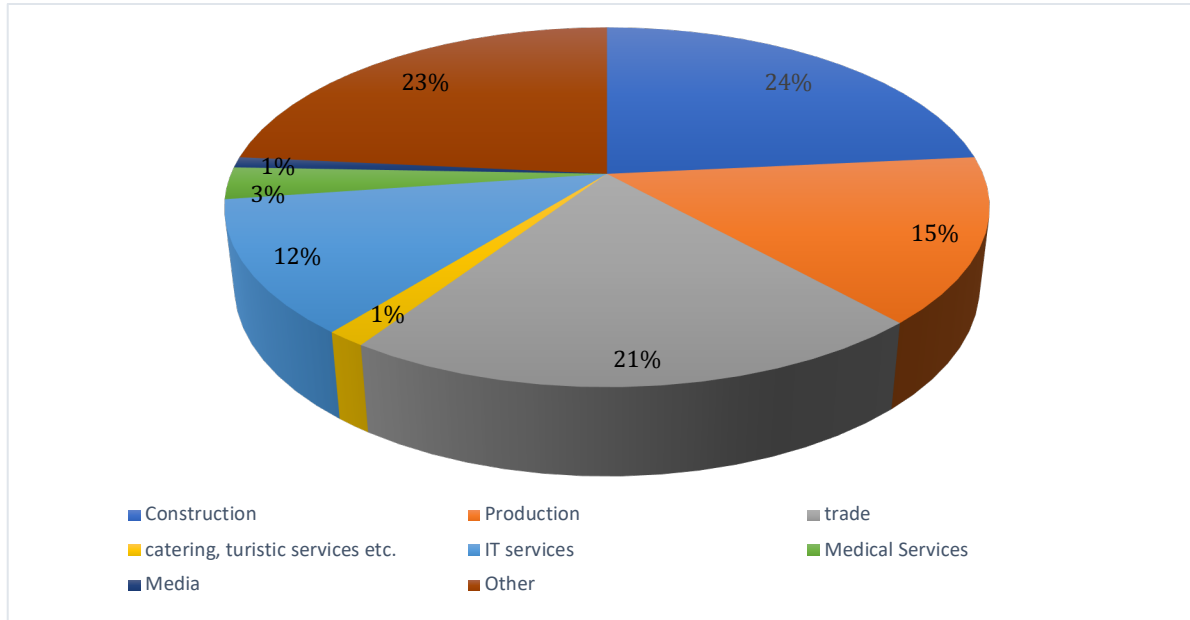
The selection of businesses for the survey is done at random within the chosen fields of activities. An effort was made to include an approximate number of businesses for each of the fields of activities.

In addition to the questions related to the research questions of the thesis, respondents were asked to provide information on their profiles such as: the size of business, and the municipality of their registration, their field of activity etc. As you can see from the Figure 6.3 the highest number of businesses responded or 24% of them operate in construction area. The second groups is trade that counts 21% of respondents and production is the third group that counts 15% of respondents. 12% of respondents come from the information technology area. The complete statistics on the share of business profiles that responded the survey as presented in the Figure 6.3 is the following:

- Construction is covered by 24% or 49 respondents;
- Production is covered by 15% or 31 respondents;
- Trade is covered by 21% or 44 respondents;
- Catering, touristic services etc. is covered by 1% or 3 respondents;
- Information technology services are covered by 12% or 25 respondents;
- Medical services are covered by 3% or 6 respondents;

- Media organizations are covered by 1% or 2 respondents;
- other scope of activity is answered by 23% or 49 respondents.

Figure 6.3: Brakedown of Responses by Their Field of Activity



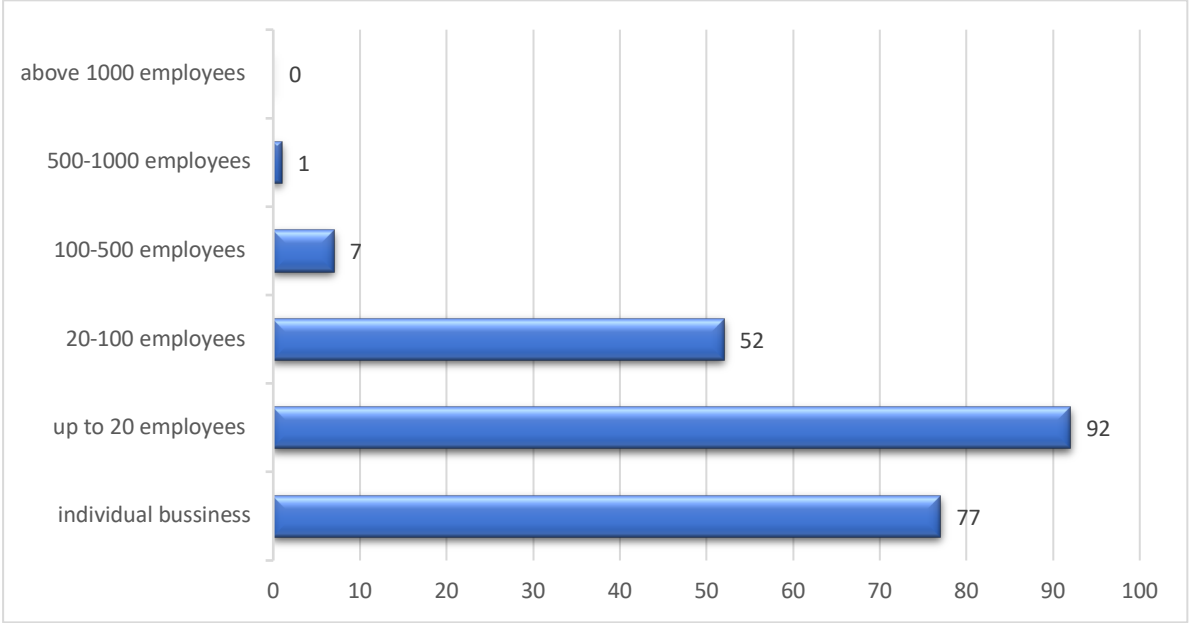
*N=209

Different sizes of businesses were also included in the survey. Based on responses, businesses that participated in the survey can be categorized as following and as in the Figure 6.4:

- 34% or 77 respondents belong to the category of individual businesses;
- 40% or 92 respondents have up to 20 employees
- 23% or 52 respondents have 20 to 100 employees;
- 3% or 7 respondents have 100-500 employees;
- 1 respondent answered that has 500-1000 employees and
- No business with more than 1000 employees has responded to the questionnaire.

It should be stressed that since individual businesses can have more than 1 employee, respondents in this question had the possibility for multiple answers. Therefore, the number of responses under this question is higher than the total number of respondents that participated in the survey.

Figure 6.4: Brakedown of respondents by their business size in terms of number of employees

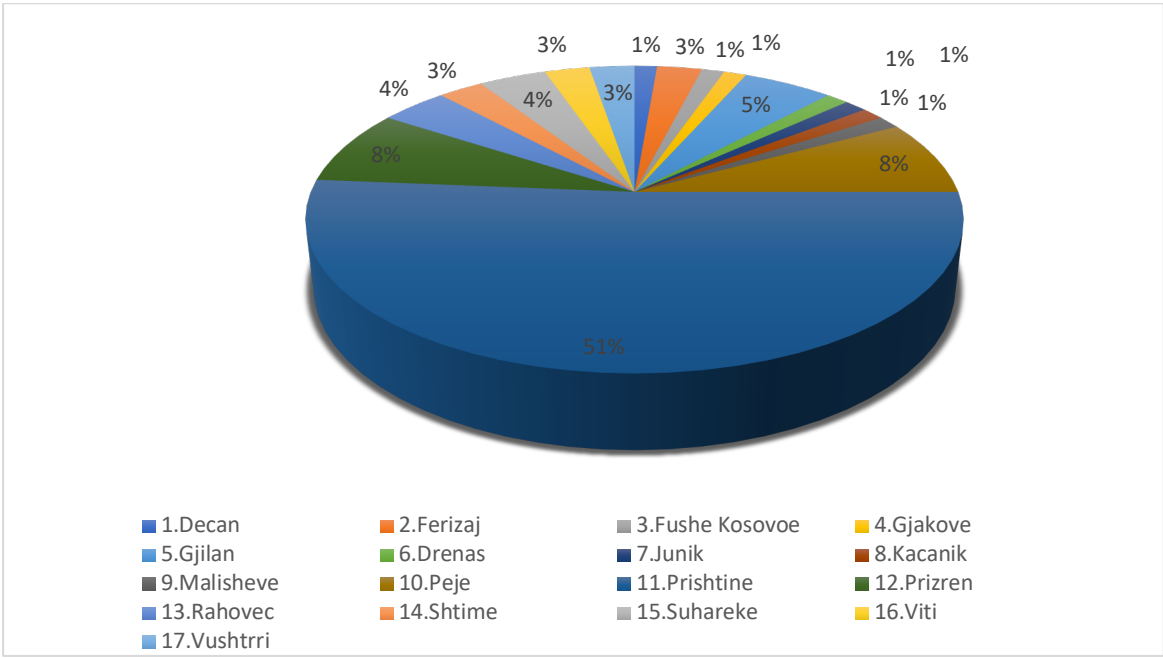


*N=209

6.4 GEOGRAPHICAL COVERAGE

The question to present the municipality of registration and activity of business was added when the reminder invitation to respond to the survey was send to businesses. Although many businesses which responded and may come from other municipalities are not included in the survey, a conclusion can be drawn that more than half of businesses are registered and located in the Prishtina capital while other municipalities share small number of businesses that are registered. As seen in the figure below, Peja and Prizren also share a larger representation of businesses compared to other municipalities (see Figure 6.5).

Figure 6.5: Breakdown of responses by municipalities



*N=78

6.5 RESULTS OF THE RESEARCH

6.5.1 GOVERNMENT REFORMS IN ENABLING THE BUSINESSES ENVIRONMENT

The Western Balkan countries’ growing awareness that the efficiency and quality of regulations affects economic performance, led to their more strategic approach towards regulatory reform, and adoption of comprehensive, or fragmented regulatory reform strategies. Creation of a better environment for businesses and improvement of administrative services for citizens through administrative simplification and administrative burden reduction programs became one of the strategic objectives in the recent years. Even though labelled with different names and under different strategies, such as EDVAP, PAMS, NDS, better regulation, namely reforms on simplification of administrative procedures in Kosovo have continuously been implemented during the last decade. Strategic objectives and policies related to administrative simplification and burden reduction are placed in several strategic and policy documents as referred above. However this is not sufficient. OECD/SIGMA has assessed that the strategic framework for service delivery in Kosovo is in place, but does not clearly articulate a Government vision for service delivery transformation (OECD/SIGMA 2017, p. 102). The strategic framework fails

to provide answers to some fundamental questions for effective service delivery (OECD/SIGMA, 2019, p. 7).

It should be highlighted that the balance of public interest and interest of those regulated should be taken into account when regulation is decided. The Law on Organization and Functioning of State Administration and Independent Agencies (Law no. 06/L-113, Article 4) provides that “public administration serves to public interest and citizens with professionalism and political neutrality in decision making” as well as the Law on General Administrative Procedure (Law no. 05/L-031, Article 5) that “any administrative action that for the purpose of public interest protection may restrict a right or may affect a legitimate interest of a person must be proportional to the goal of public interest that it seeks to produce. However, the interpretation of the public interest vs. interest of those regulated is a matter of interpretation of policy makers. Application of policy making tools and approaches, such as regulatory impact assessment, cost benefit analysis, evaluation, stakeholders’ consultation are some of the tools that if used properly can help making balanced decisions. Measuring citizen satisfaction and preferences on a regular basis also can help public managers monitor public sector performance over time, continuously improve service delivery, and measure the impact of reforms and service-improvement activities on end users, ultimately resulting in a higher likelihood of citizens being satisfied with policy outcomes (Respa, 2018, p. 25). PAR strategic framework’s objective is for a citizens’ oriented public administration in line with the OECD/SIGMA principles for public administration in the Western Balkans. As shown under the previous chapter on the analysis of Kosovo public administration reforms, substantial legislative reforms have been implemented during the last decade. In addition to the strategic framework, modern innovative instruments such as: digital service delivery, silence is consent, once only principle, one stop shops etc. have been included in the legislative framework, such as through the Law on General Administrative Procedures, Law on Services, Law on Business Organizations etc. Public opinion surveys such as Balkan Barometer that follow the trend of citizens’ and businesses’ perception of the efficiency of administrative procedures has improved slightly. The quality of public services and citizens satisfaction are interlinked. However, practice has shown that this is relative (Van de Walle, 2018, p. 2). The first questions in this survey for businesses are very important to test the level of awareness on the reforms that the government has undertaken recently, if these reforms have impacted the real life of the administrative service users and whether continuing reforms are useful. In the following sections we will provide detailed results of each question based on the feedback from businesses and citizens on the legislative and

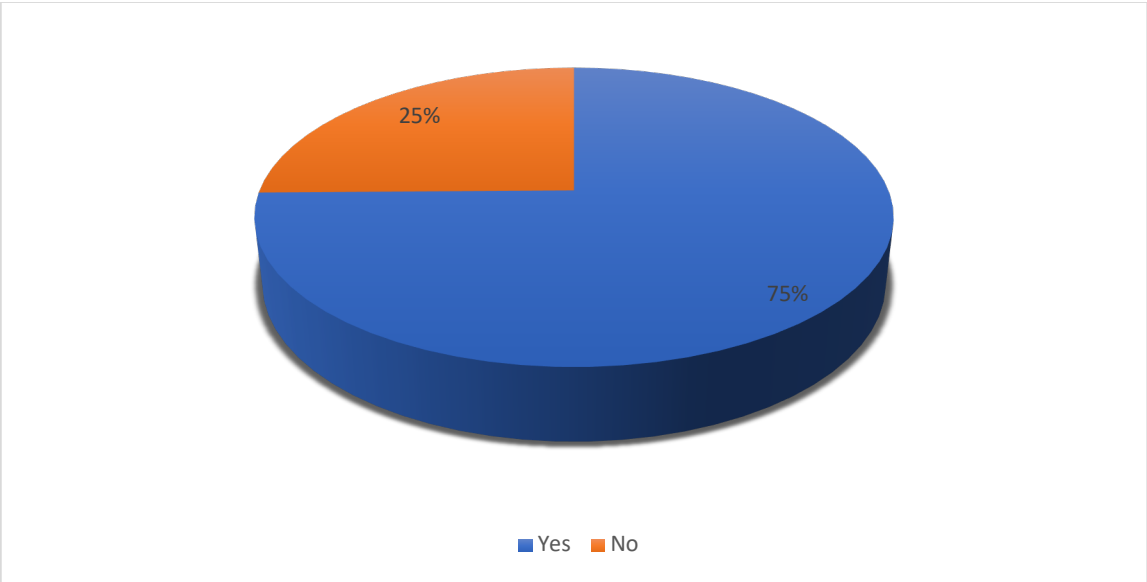
policy reforms, as well as their impact and importance on the reduction of administrative burden. Comparative information is provided on similar questions that were asked in other surveys with businesses and citizens.

6.5.1.1 Awareness on the Administrative Simplification Reforms

Obtaining the information from public about their awareness and knowledge on the government initiatives on the reforms on simplification of administrative procedures for citizens and businesses is an initial step and precondition to create a foundation for a credible survey research.

On the question “are you aware of the government programme or initiative on the better regulation, namely on the simplification of administrative procedures?” 75% or 157 respondents responded positively while 25% or 53 of respondents stated that they “are not aware of such government initiatives “ (see Figure 6.6).

Figure 6.6: Are you aware of the government programme or initiative on the Better regulation, namely on the simplification of administrative procedures



*N=210

Responses on this question show that a high number of businesses are aware of the government reforms in the field of easing the environment of doing business particularly in the simplification of administrative procedures. Compared to businesses, the awareness of citizens

on the government efforts to simplify administrative procedures, revealed lower rate but still significant since more than half of respondents (56.2%) responded positively to the Weber survey. According to the Weber report this marked the highest region (Weber, 2018c, p. 110).

The high rate of perception that reforms are happening raises the question whether awareness of businesses is higher due to active government work in promoting government initiatives with focus on businesses or because implementation of these reforms had an impact on easing the administrative procedures and enabling the doing business environment. According to the Weber report, results have shown that there is a regular practice of publishing written information on activities of the Government of Kosovo. Press releases are published on a daily basis (on the News section). Likewise, annual reports on Government performance are also regularly published online (the last two consecutive years— reports for 2015 and 2016) under the ‘Documents’ section on the website of the Kosovo Office of the Prime Minister. In general, press releases are written in an understandable way and devoid of technical language. The technical aspects of the language in the reports mostly pertain to the names of document(s), institutions etc. These elements of the indicator were scored by maximum points in the OECD/SIGMA report (Weber, 2018c, p. 41).

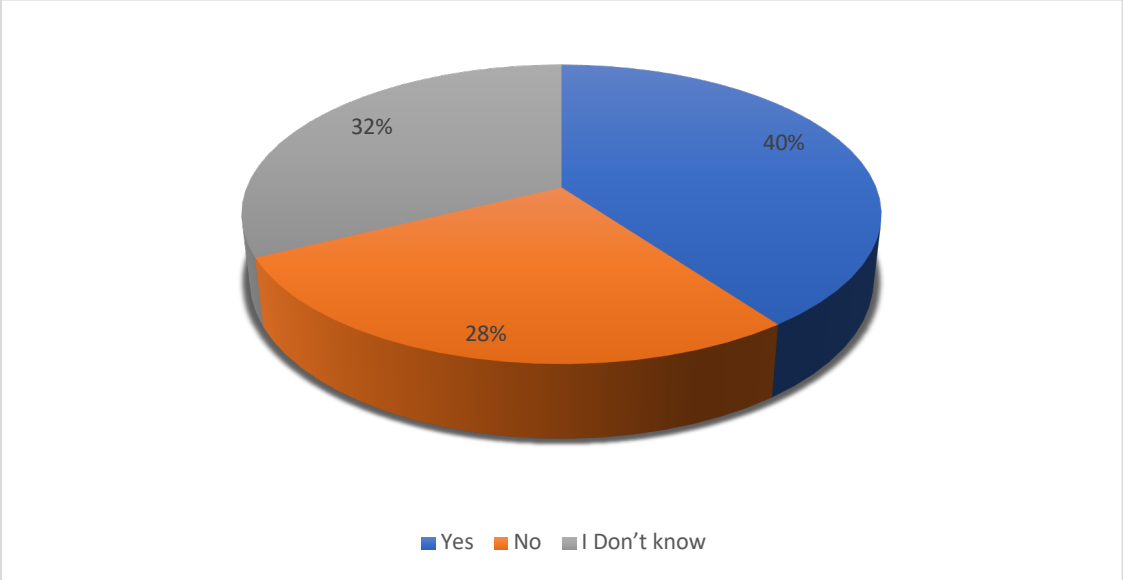
Making available information public seems to impact the public opinion perception that the government is active in promoting its activities. However, the perception on the implementation of these reforms and their impact in the field can be tested through answers that respondents have provided in the questions below. The high number of businesses (75%) that are aware of government’s activities in relation to the better regulation and administrative simplification reforms established a basis for credibility of answers provided to several questions asked on the impact and the importance of reforms on the real life of respondents who participated in the survey .

6.5.1.2 Impact of Reforms on Easing the Administrative Procedures

High rate of responses that businesses and citizens are aware of reforms does not automatically imply that these reforms have a positive impact on businesses or they recognize their usefulness. On the question “*do you consider that public administration reforms have had a positive impact on easing the administrative procedures for businesses?*” 40% (or 84 participants) responded positively and 28% of respondents answered that reforms did not have any impact on easing

administrative procedures for businesses. On the other hand, the number of respondents that stated that they don't know whether reforms have had any impact on easing of administrative procedures in businesses is 32% or 68 out of 210 respondents, as presented in the Figure 6.7.

Figure 6.7: *Do you consider that public administration reforms have had a positive impact on easing the administrative procedures for businesses?*



*N=210

The share of businesses that considered that reforms had a positive impact on easing procedures on businesses is lower than the half, which can be interpreted that a neutral number of respondents felt the impact of reforms on their businesses. The perception of 28% of respondents was negative or 32% of them “do not know” shows that initiatives on easing the administrative burden are not sufficient. It is observed that citizens perception on the government efforts to simplify procedures was much more positive. According to the Weber survey, citizens considered that simplification efforts have produced results where 63% of respondents agree that dealing with the administration has become easier (Weber, 2018c, p. 111).

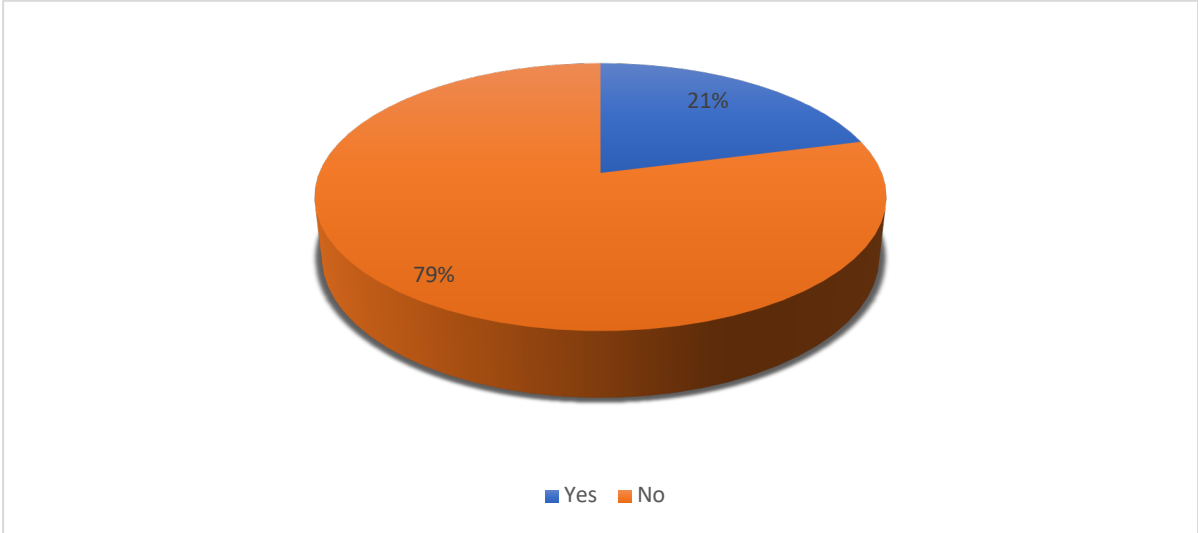
Analysis of strategic priorities, included in the main national planning documents, such as the National Development Strategy or Economic Reforms Programmes, shows that during the last decade the key focus of government was enabling the business environment (Government of Kosovo, 2016; Government of Kosovo, 2017; Government of Kosovo, 2018; European Commission, 2019, p. 75). The World Bank Doing Business 2018 report has also assessed that

Kosovo was among the top 10 economies worldwide with the most notable improvement in doing business reforms (The World Bank Group, 2017). While the average rank in 2011 World Bank report was 119 (The World Bank Group, 2010 and 2010a), in the report of 2018 Kosovo is ranked in the 40th place while the progress in starting a business was moved from 163 that was in 2011 into 10th place (The World Bank Group, 2019).

6.5.1.3 Impact of the Law on General Administrative Procedures

The promotion of administration modernization represents an aspect that totally differs from the implementation process (Pollitt and Bouckaert, 2000). The most public administration reforms are being characterized by a gap between the theoretical and the practical implementation (Engel, 2003). Implementation of strategies and legislation has been stressed in many assessment reports as one of the main weaknesses of Kosovo’s system. The perception of public on the simplification of administrative procedures is an important aspect of the overall assessment of the implementation of the LGAP. Thus, on the question to businesses “are you aware of any easiness that the new Law on General Administrative Procedure provides for businesses and citizens during the administrative procedures?” 79% or 166 respondents responded negatively with “No” and 21% or 44 respondents answered that they “are aware” of such impact as presented in Figure 6.8.

Figure 6.8: Are you aware of any easiness that the new Law on General Administrative Procedure provides for businesses and citizens during the administrative procedures?



*N=210

The Law on General Administrative Procedures is one of the substantial elements of public administration reforms that aims to ease the administrative burden on businesses and citizens. The law introduces a number of principles and innovations that were supposed to contribute to the modernization of the administrative procedures and ease the administrative burden to citizens and businesses. Despite the fact that the Law entered into force in June 2017, most of businesses did not recognize the usefulness of the innovations and modern instruments that the law introduces for them. This is a confirmation of findings from the analysis presented in the previous chapter that the implementation of the law on General Administrative Procedure is one of the major challenges in Kosovo’s public administration. The OECD/SIGMA latest monitoring report 2019 on the service delivery, when assessing the progress made in the implementation of LGAP, highlighted the challenges in the implementation of LGAP (OECD/SIGMA, 2019, p. 13). Enforcement of legislation on the administrative procedures has been highlighted as a problematic issue in Kosovo as well as in the regional countries when the public perception was measured by the Balkan Barometer Survey for 2018 and 2019. On the question to Kosovo citizens Do you agree with the following statements: (...) B) That the law is applied and enforced effectively; C – That the law is applied to everyone, equally the results are the following:

Table 6.3: Perception of Citizens of the implementation of the LGAP in Balkan Barometer Surveys 2018 and 2019

| | Totally disagree | Tend to disagree | Tend to agree | Strongly agree | Refused to answer |
|--|------------------|------------------|---------------|----------------|-------------------|
| B) That the law is applied and enforced effectively | | | | | |
| 2018 | 52% | 19% | 21% | 5% | 4% |
| 2019 | 21% | 30% | 38% | 6% | 5% |
| C – That the law is applied to everyone equally | | | | | |
| 2018 | 51% | 24% | 18% | 3% | 3% |
| 2019 | 31% | 29% | 29% | 6% | 5% |

Source: RCC (2018); RCC (2019).

As shown in the Table 6.3 there is a positive trend of the increase of public perception on the effective application of the law on administrative procedures in 2019 compared to 2018. The strong positive perception that the law is applied effectively in 2018 was 5% in 2019 is

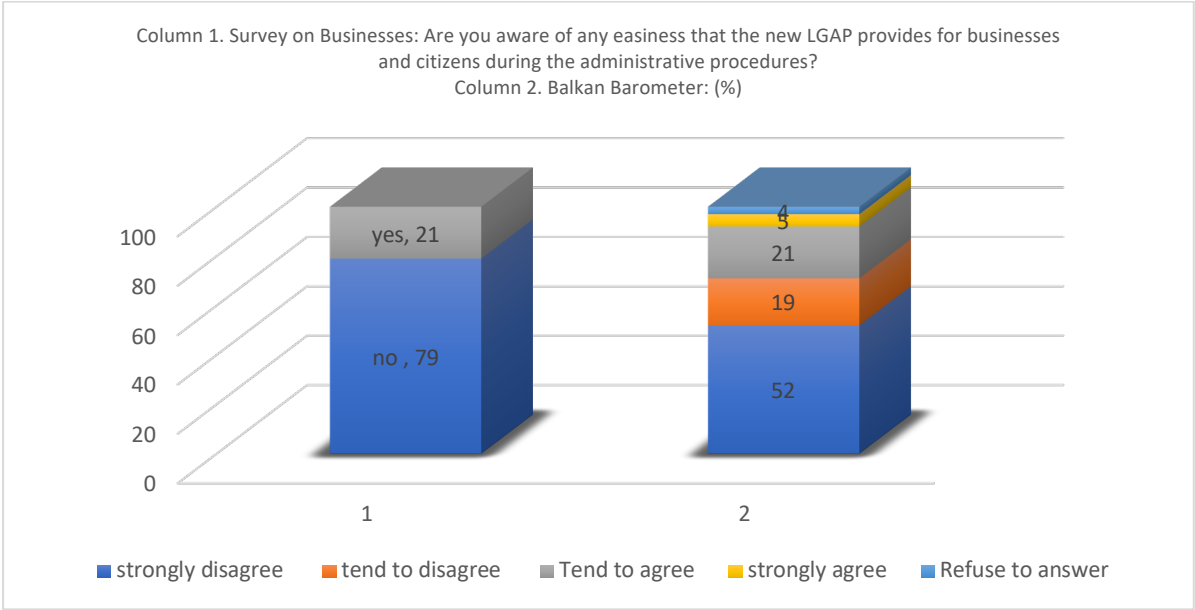
increased in 6%, while on the “tend to agree” that the law is applied effectively, in 2018 was 21% of citizens responded positively while in 2019 this number was increased in 38%.

A positive trend has been marked also on the question if the law has been applied to everyone equally. If 51% of respondents in 2018 strongly disagreed, in 2019 this percentage dropped to 31%, While the percentage of respondents that responded “strongly agree” on this question from 3% in 2018 increased to 6% in 2019 and tend to agree increased from 18% to 29%.

In reality the first question applies to the application of the principle of efficiency that represent the New Public Management approach in the public administration, and the second one if the law has been applied equally represents the principle of equality, as one of the principles of good administration. The Balkan Barometer Survey shows a positive trend in the follow up of both principles, which according to many scholars and OECD/SIGMA paper 27, either contradict or compete with each other.

The results of the Balkan Barometer Public Opinion Survey (BB) 2018 (RCC, 2018) and the results of the Survey on businesses (BS) on the level of implementation of the implementation the LGAP have slight differences when similar question is made (Figure 6.9).

Figure 6.9: Differences between perceptions in Business survey and Balkan Barometer survey on the LGAP



*N=210

Source: Bussiness Survey (RCC, 2018). N=1000.

As shown below in the Figure 6.9, 79% of businesses are not aware of any impact of LGAP on the administrative procedures, the Balkan Barometer provides a slightly lower results when asked citizens 71% (52+19%) of citizens disagree that the law has been enforced effectively, while 26% (21+5%) of respondents agree or strongly agree, which closely correlate with the results of the responses from businesses that is 21%.

The same conclusion has been drawn by the OECD SIGMA Assessment by stating that the Law on General Administrative Procedures (Law No. 05/L-031) came into force June 2017 but citizens still do not experience the benefits in their daily lives, as special laws are not harmonized and front-desk service delivery procedures have not changed (OECD/SIGMA, 2019, p. 4). Harmonization of specific legislation with the LGAP is one of the preconditions for its impact in practice. The current approach of one by one harmonization has not shown to be successful (Shamolli, Personal Interview, 18 September 2019) while institutions have resisted to embrace the new innovative instruments introduced by the LGAP (Hoxha, Rushiti, Zejnaj, Group Meeting with CSOs, 17 January 2019).⁴³

However, the results of the Balkan Barometer Survey on Citizens for 2019 show a substantive change on the perception of citizens on the enforcement of the administrative procedures, but negative perception of citizens on the effectiveness of implementation of the law is still more than half (51%) of citizens.

6.5.1.4 Administrative Burden Reduction Compared to the Two Years Ago

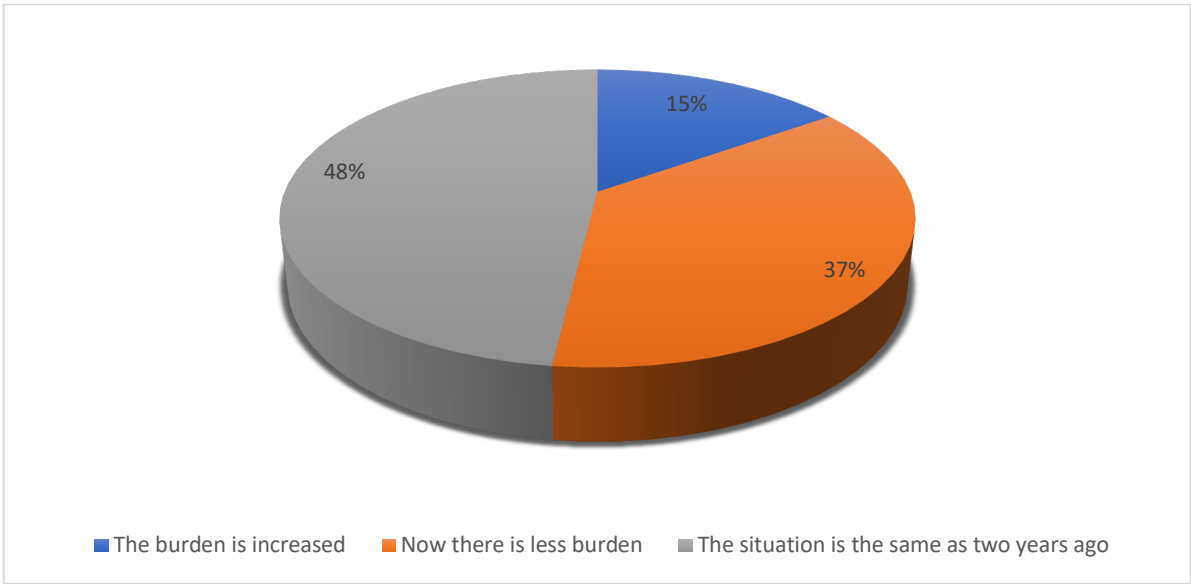
A number of reforms are declared on the administrative burden reductions during the recent years by the government. LGAP entered into force in 2017, the new Law on Business Organizations entered into force in 2018 (Law No. 06/L-016) and several other initiatives were conducted by the government during the last couple of years. Measuring the perception of businesses to compare the progress of reforms at least two years ago is important to confirm whether the government activities had an impact on the field. However, most of respondents answered that either the administrative burden is increased or is the same as compared to the last two years. Specifically, *“If you compare the administrative burden that affects your*

⁴³ See Appendix A.

business with two years ago, how do you consider it?” 48% or 101 respondents responded that the “situation is the same as two years ago”, 15% 32 respondents consider that the level of burden compared to two years ago is increased and 37% or 77 respondents think that there is less burden compared to the two years ago (see Figure 6.10).

The total percentage where businesses did not see improvement or where the burden is higher compared with the two years ago is (15% + 48%) 63%.

Figure 6.10: *If you compare the administrative burden that affects your business with two years ago, how do you consider it?*



*N=210

The Balkan Barometer Business Opinion Survey 2019 on the question if the business-friendly legal and regulatory environment has changed during the last 12 months provides approximately similar results. 2% of respondents consider that the situation in the last 12 months “significantly worsened” 17% somewhat worsened” 48% stayed the same, 24% somewhat improved and 8% significantly improved (RCC, 2019a, p. 53).

In addition, 46% of citizens responded positively to the question of the Weber survey if “In the past two years, there have been efforts by the government to make administrative procedures simpler for citizens and businesses” while 11% of respondents strongly agree on this question 8% of respondents from Kosovo “strongly disagree” and 18% of respondents “disagree” that in the past two year, there have been efforts by the government to make administrative

procedures simpler for citizens and businesses. At the western Balkans region level (48%) generally agree that there have been efforts or initiatives by their governments to simplify administrative procedures for citizens and businesses in the past two years, while other 34% disagree. However, it is worth highlighting the difference in perception across countries. Citizens in Kosovo (57%) and Serbia (56%) show the greatest level of agreement with the previous statement, while the level of agreement in Bosnia and Herzegovina is as low as 28%. On the other hand, 26% of Montenegrins chose not to express any opinion on this topic, which is 7 percentage points up from the regional average of 19% (Weber, 2018, pp. 2–3).

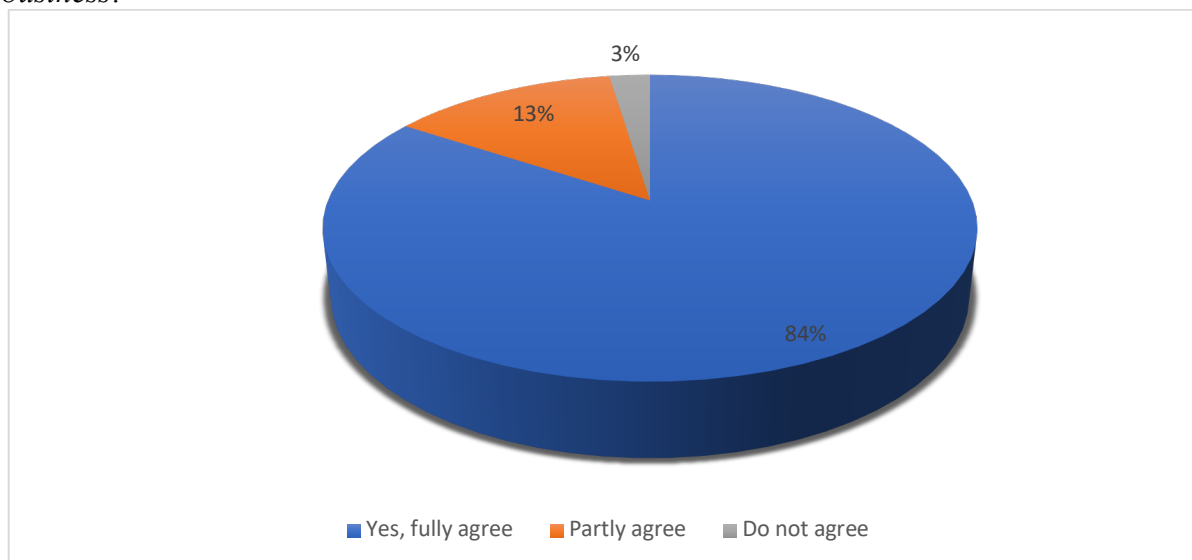
6.5.1.5 The Need to Continue Reforms on Simplification of Administrative Procedures

Administrative simplification reforms need continuous improvement. Measuring citizen satisfaction and preferences on a regular basis can help public managers monitor public sector performance over time, continuously improve service delivery, and measure the impact of reforms and service-improvement activities on end users, ultimately resulting in a higher likelihood of citizens being satisfied with policy outcomes (Respa, 2018, p. 25). Therefore, the public perception whether reforms should continue is an important segment that provides the indirect information on the feedback on the initiatives undertaken until now.

On the question as presented in the Figure 6.11 whether citizens agree that the government should simplify procedures we have the following results:

- 84% or 177 respondents responded with “yes, fully agree”
- 13% or 28 respondents responded on the “partly agree” and
- 3% or 5 respondents “do not agree” that the government should simplify administrative procedures that impact businesses.

Figure 6.11: Do you think that the Government should simplify regulations that impact your business?



*N=210

Even though a relatively high number of businesses in Kosovo recognize reforms in the administrative simplification, the share of businesses that demand further simplification of processes and regulations that impact businesses is very high (84%) plus 13% agree partly that simplification of regulations is needed. In addition, results of previous questions as well as the dynamic of the progress compared with two years ago indicate that the government should not only continue reforms in this field but it also needs to reconsider the approach (Shamolli, Personal Interview, 18 October 2019), the focus of reforms (Krasniqi, Personal Interview, 12 September 2019; Borovci, Personal Interview, 13 September 2019) and dynamics of action of reforms in the administrative simplification in order to respond to demands of citizens and businesses as well as new economic, technologic and social developments that the modern society is experiencing.

6.5.2 ADMINISTRATIVE BURDEN ON BUSINESSES

The main focus of government's respective strategic documents over the last years was reduction of administrative burdens on businesses. During the administrative activities, different burdens are imposed on businesses, but on citizens too. A question to be addressed is about factors that cause these burdens. Bureaucracy, confusing paperwork, and complex regulations can increase the administrative burden. The regulation may require businesses to

fulfil certain conditions for carrying out their activities (staff qualification, occupational safety equipment, etc.), meet specific internal (book-keeping, drafting rules on occupational safety) or external administrative obligations (registration, acquiring a license, providing data to public authorities) (Virant and Kovač, 2010, p. 381). In addition, a corollary to the effects of burdens on citizens is the role that administrators play in this process. Administrators play an active role in creating and enforcing burdens and those directly providing public services to citizens –street level bureaucrats – may use their discretion rigidly to enforce, expand upon, or ameliorate the effects of burdens (Lipsky, 2010 in Herd, 2013, p. 26). Research from street-level bureaucracy further emphasizes the potential for frontline bureaucrats to use their interpretation of rules and other forms of discretion to make the application process more or less difficult, leading to what Lipsky (1984) describes as “bureaucratic disempowerment.” This mixture of formal rules and discretionary behavior creates burdens in the application and re-enrollment process (Herd, 2013, p. 70).

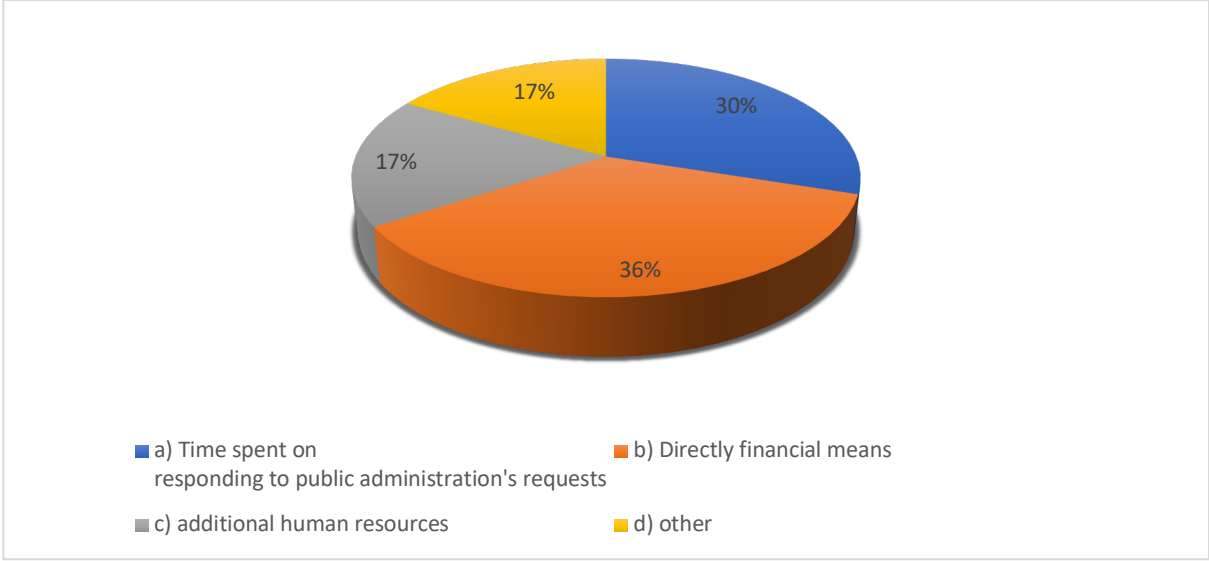
The aim of questions analyzed in this chapter is to measure the perception of businesses and citizens on the factors that cause administrative burdens when they have to fulfill regulatory and administrative obligations. In addition, several questions are asked on the time and money they spend on the non-regulatory burdens and an important factor that plays a role in the perception of respondents is the so-called street level bureaucracy. Factors that were tested in the survey include the level of understanding of service users with the frontline bureaucrats, faults that the administration makes during the process of service provision which cannot be fixed, the situation created when service users are asked to run from one to another office to get a document. It happens very often that administration requests submission of a document that is produced by the same institution where the request for an administrative service is filed.

6.5.2.1 Main burden to Business Caused by Administration

The government regulations and the bureaucracy cause various burdens to business and citizens who request any administrative service. The time spent when complying with obligations, paying fees for licenses and permits, fees for registration of businesses etc., needs to employ additional staff, waiting for a decision or waiting in front of the administrative counters etc. can have a significant role in the administrative burdens. Responses of businesses on the question “*what could be the biggest burden for your business that is caused by the government?* Are the following:

- a) 30% or 63 respondents answered that the biggest burden is the “time spent on responding to the public administration requests”.
- b) 36% or 75 respondents answered that the “directly financial means” are the biggest burden.
- c) 17% or 37 respondents answered that “additional human resources” are the biggest burden.
- d) 17% or 35 respondents answered that the biggest administrative burden is or “other” factor.

Figure 6.12: *What could be the biggest burden for your business that is caused by the government?*



*N=210

Direct financial costs are also called compliance costs (OECD, 2007, p. 27). Direct costs consist in provision of information and documentation to demonstrate standing; financial costs to access services (such as fees, legal representation, travel costs); avoiding or responding to discretionary demands made by administrators. The perception of 36% of businesses is that direct financial cost is the main administrative burden on their businesses. On the other hand, time is also an important factor where a substantive share (30%) of businesses’ perception is that it is the main origin of the administrative burden while for 17% of businesses the main burden is the engagement of the human resources that have to respond to the administrative requests from administration (see Figure 6.12).

The measurement of costs that administrative burden cause to businesses is a complex exercise. OECD considers the administrative compliance costs include time and money spent on

formalities and paperwork necessary to follow regulations. Kosovo has approved the Standard Cost Model which focuses on the costs caused to businesses by the information obligations and is currently drafting the policies on the administrative burden reduction. The main challenge in these documents and the path to move forward is the baseline measurement for the administrative burden caused to businesses.

The central institutions of Kosovo provide 629 public services and municipalities offer 100 services. Of them, around 575 services are used by businesses in the course of their operations for obtaining licenses and permits. Such a large number of administrative processes and institutions involves high expenditures and increases the costs of doing business. The costs of all these processes sustained by local businesses are estimated at 130 million EUR annually (Office of the Prime Minister, 2016).

Balkan Barometer Business survey (2019) reveals that SEE businesses are not faced with too excessive obstacles in the process of business licensing, except for unwarranted bureaucracy. A number of burdensome procedures, requirements, paperwork, and cost are the biggest obstacles, as defined by 62% of the SEE corporate leaders (31% consider it large or very large). On the question “In the process of obtaining licenses for your business, how burdensome were a number of procedures, requirements, paperwork, and cost” 2% of businesses in Kosovo consider it as very large obstacle, 14% as a large obstacle; 31% as a moderate obstacle; 28% as a minor obstacle, for 18% of businesses it is not an obstacle (RCC, 2019a, p. 48)

6.5.2.2 Capacity of Businesses to Estimate the Costs of Burdens

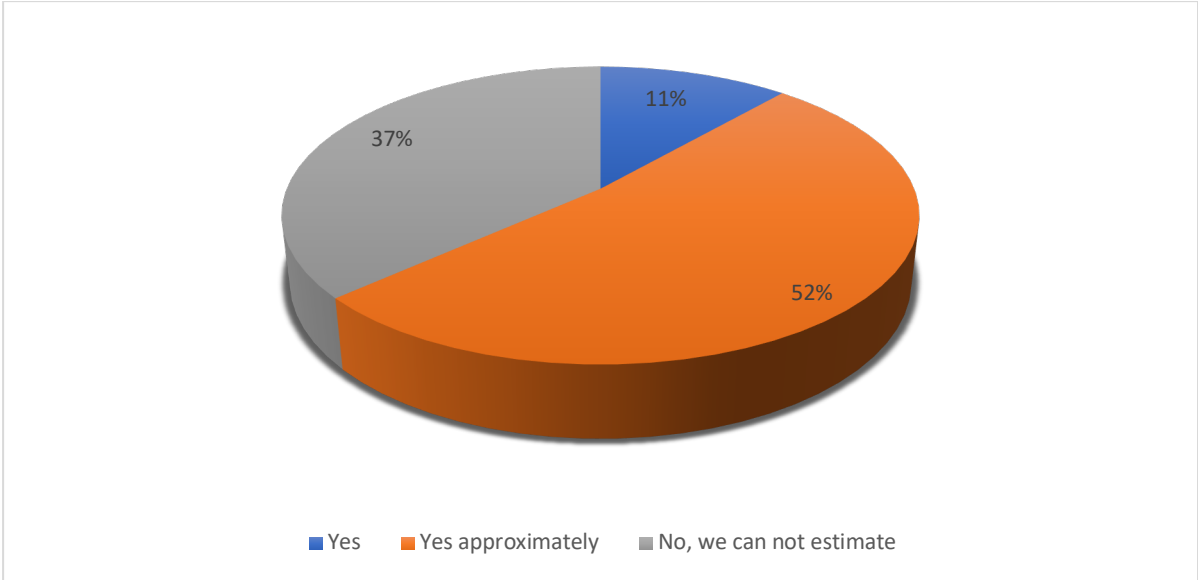
Countries have applied a baseline measurement when tracking the progress with regards to administrative burden reduction. The baseline provided insight into the percentage of GDP that administrative burdens represented. The baseline also provided the information needed to assess the contribution of individual measures developed and approved by the Government/Parliament to the reduction programme. The common practice was to establish a baseline measurement early on in the process. Generally, measuring the full extent of administrative burdens in a country took averagely a year and required substantial budget resources. The measurement process most often was executed by external consultancies. Capacity of businesses to estimate this cost could help the government in measuring the weight of the burden and set objectives and targets for their reduction. The challenge is that companies

in Kosovo have little to no experience and capacity with measuring administrative burdens (Government of Kosovo, 2020; Borovci, Personal Interview, 13 September 2019; Shamolli, Personal Interview, 18 October 2019; Bllaca, Personal Interview, 13 September 2019). The conclusion of the government through the concept document on administrative burden reduction that companies have little or no experience has been challenged by answers of businesses in the questionnaire.

Results on the question “*Can you estimate how much unnecessary administrative burden costs to your business ?* Are the following:

- 37% or 77 businesses responded that they consider that they cannot estimate costs that are caused to their business while most respondents consider that they can approximately estimate the costs.
- 52% or 109 respondents consider that they “approximately” measure the administrative burden to their business.
- 11% or 24 respondents considered that they can estimate costs that are imposed on them by the unnecessary administrative burden.

Figure 6.13: *Can you estimate how much unnecessary administrative burden costs to your business ?*



*N=210

As shown in the Figure 6.13 even though only 11% of respondents state that they can fully measure their costs, if collected together 63% of businesses can “fully” respectively

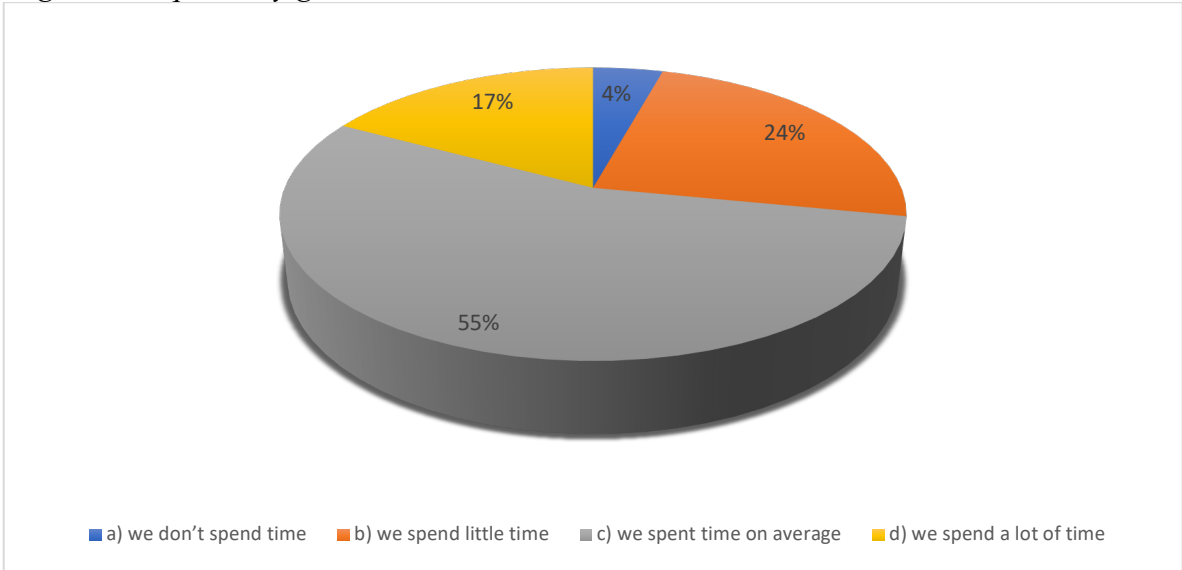
“approximately” estimate costs caused by unnecessary administrative burden. However, the share of businesses that consider that they cannot measure the burden is still high (37%).

6.5.2.3 Time Spent in Fulfilling Administrative Obligations Required by Government Rules

An important factor determining the extent of compliance burdens are the timelines within which the decisions are made and appeals can be filed or considered after an application is submitted. That is the extent of an administrative burden is determined only partially by the direct input involved in marshalling required information and engaging in filling out forms and dealing with the administrators. In addition, costs are also imposed on the business or the citizen by time delays and uncertainty, either in the provision of information in providing answers to requests (OECD, 2003, p. 49). The complete results on the question “Does your organization spend a lot of time fulfilling your administrative obligations required by government rules?” are as follows:

- 55% or 115 respondents consider that they “spend time on average”
- 17% or 36 respondents respond that they “spend a lot of time” dealing with the obligations set by the government rules.
- 24% or 50 respondents consider that they “spend a little time”;
- 4% or 9 respondents consider that they “don’t spend time”.

Figure 6.14: Does your organization spend a lot of time fulfilling your administrative obligations required by government rules?



*N=210

Taking together the businesses that do not spend time respectively spend little time in fulfilling administrative obligations is only 28%. Most of businesses consider that the time they spend to fulfill their obligations towards the administration is average time (55%). Having this figure in mind and in addition 17% of those that consider that they spend a lot of time, a substantive share of businesses' opinion is negative and emerge undertaking substantial reforms (see Figure 6.14).

Spending less time on obtaining government services means that citizens can dedicate their time to issues that matter more for them and this includes also the possibility to work in a business and to start or run a business (Government of Kosovo, 2020).

The perception of businesses was pretty positive in the Balkan barometer survey 2019 which was focused on the time required to get information from government agency on the question To what extent do you agree with the following statement – Requests for information held by a government agency are granted in timely manner? 7% “strongly agree” 44% tend to agree, 27% neither agree or disagree, 12% tend to disagree, 1% completely disagree and 9% refused to answer. Compared to the regional level, the government of Kosovo got the highest grade, while together with Northern Macedonia and Montenegro are generally better evaluated than the regional average, while in Bosnia and Herzegovina government performance was rated the lowest across all four areas (RCC, 2018, p. 112).

6.5.2.4 Cost for services provided by the administration (registration, permit / license etc)

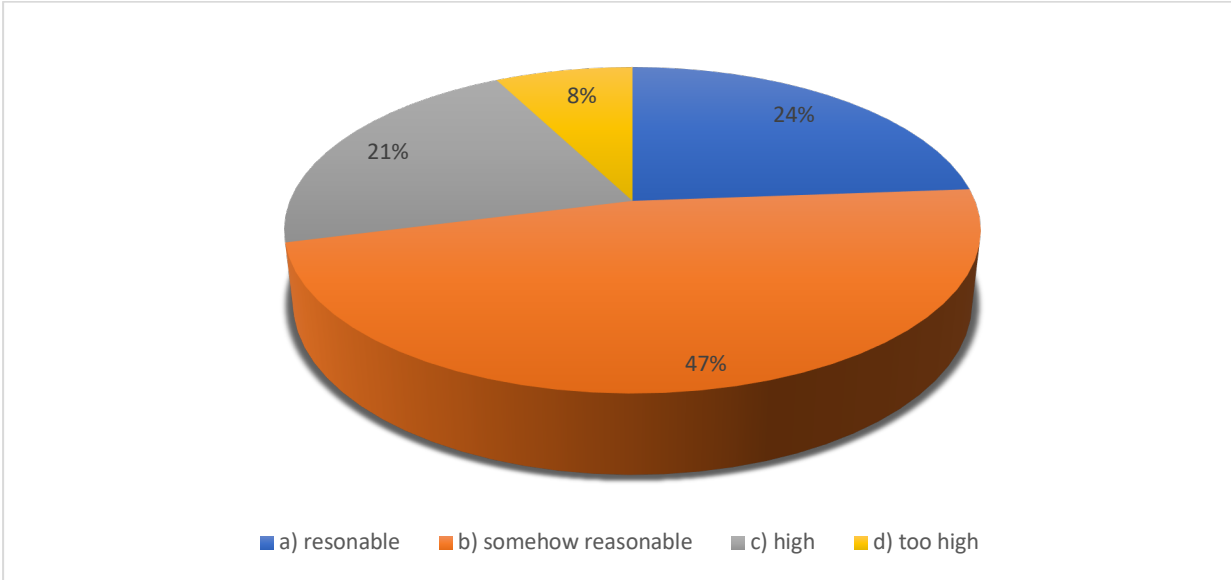
Time and money spent on formalities and paper work necessary to comply with regulations are considered direct administrative compliance costs (OECD, 2003, p. 14). Costs that cause administrative burden differ from businesses' as usual costs. Usual costs are the ones that businesses make even if there was no legislation in force obliging them to do so. This is e.g. an information that is essential for functioning of a business is the information that large companies need to have regarding the number of employees and their wages. Administrative burdens are the costs that companies need to make because they are legally obliged by law, such as providing information on the wages and taxes to the relevant administrative bodies. Fees and levies that need to be paid for processing of administrative procedures and that are not

in line with the LGAP, in particular the principle of gratuity of the proceeding, are considered to be administrative burdens as well (Government of Kosovo, 2020).

The results of the question “How do you estimate your cost for the services provided by the administration (registration, permit / license etc)?” are the following:

- a) Costs of services are “reasonable” have declared 24% or 50 respondents.
- b) Costs of services are “somehow reasonable” have declared 47% or 99 respondents.
- c) Costs of services are “high” have declared 21% or 45 respondents.
- d) Costs of services are “too high” have declared 8% or 16 respondents.

Figure 6.15: How do you estimate your cost for the services provided by the administration (registration, permit / license etc)?



*N=210

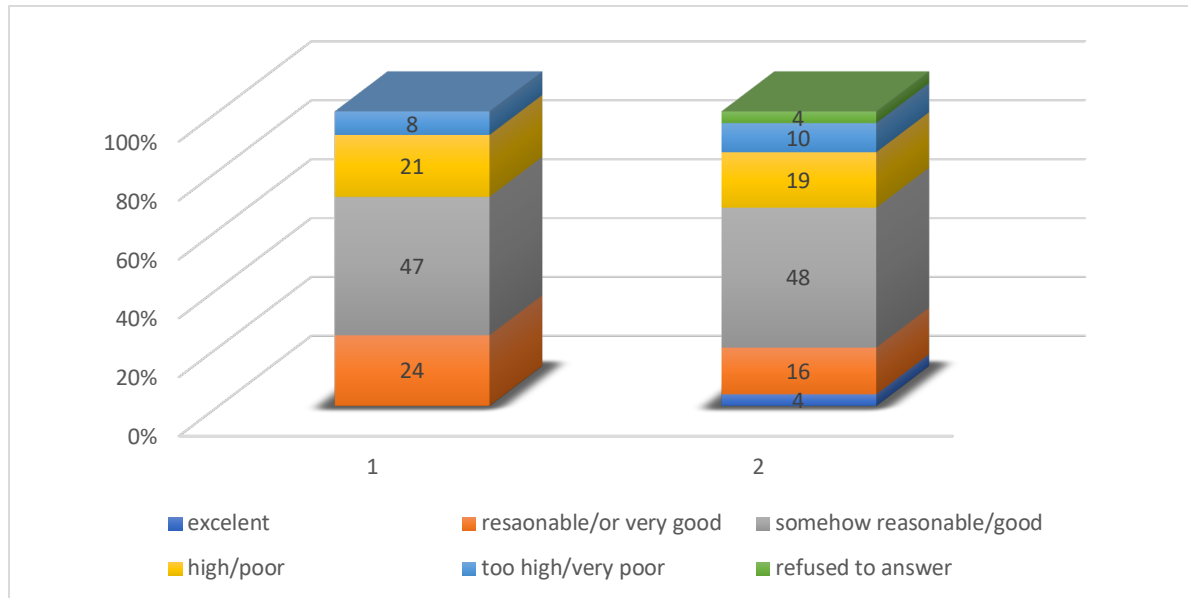
While the results of the Balkan Barometer Survey for 2018⁴⁴ on citizens perception on the question How would you grade price of public services (e.g. issuance of personal documents, judiciary costs, etc.)? are the following (Figure 6.16):

- 4% graded the cost of the service as ‘excellent’
- 16% graded costs as “very good”
- 48% of respondents graded costs as “good”
- 19% of respondents graded costs as “poor” and

⁴⁴ Since the Balkan Barometer survey 2019 did not include detailed information for this question the 2018 Balkan barometer Survey was analysed for the purposes of the study.

- 10% graded costs as “very poor”.

Figure 6.16: Comparative results on the cost of services between the author's survey (column 1) and Balkan barometer survey 2018 (column 2)



Results of the perception on costs for services provided by businesses and citizens in both surveys – Survey of the author and the Balkan Barometer survey – are very close to each other:

- 24% of *businesses* graded the cost of services as “reasonable” (column 1) while 4% plus 16% of *citizens* graded them as “excellent” respectively “very good” (column 2) which can be compared with the positive rate of responses from businesses.
- 47% of businesses rated the cost of services as “somehow reasonable” (column 1) which can be equal to the 48% of citizens that rated them as “good” (column 2).
- On the other hand 21% and 8% of businesses rated the cost of services as “high” respectively “too high” (column 1). This almost equals with responses of citizens through Balkan Barometer Survey where 19% and 10% of respondents graded the costs as “poor” respectively “very poor” (column 1) (see comparative information between both surveys in the Figure 6.16). In Balkan Barometer survey this is graded with the scale 2.8 (out of 1–5) which is higher than the average of south East European countries while at the top level together with Northern of Macedonia and Montenegro (RCC, 2018).

The relatively high rate of positive responses provided by businesses on the costs of services can be explained after reforms that were undertaken to improve the World Bank Doing Business

indicator mainly on removing costs for registration of businesses and the minimum capital requirement that was an obligation before. These reforms have resulted into the substantial improvement of the Kosovo on the world ranking in the doing business report from 119 (The World Bank Group, 2010). In 2011 it was on the 43d rank and in 2017-8 amongst the top reformers in enabling the business environment (The World Bank Group, 2018). But Kosovo is ranked as 57th for 2020 or 13th, down from last year, when it was 44th out of 190 countries. However, it is noted that Azerbaijan, Kyrgyzstan, Kosovo and Uzbekistan emerged among the 20 most improved economies worldwide for 2020 (The World Bank Group, 2019a).

In spite of this, the principle of gratuity of the proceeding enshrined in LGAP (Law No. 05/L-031, Article 12), has had no effect yet in practice since the harmonization of specific legislation with LGAP in this aspect is not still taking place.

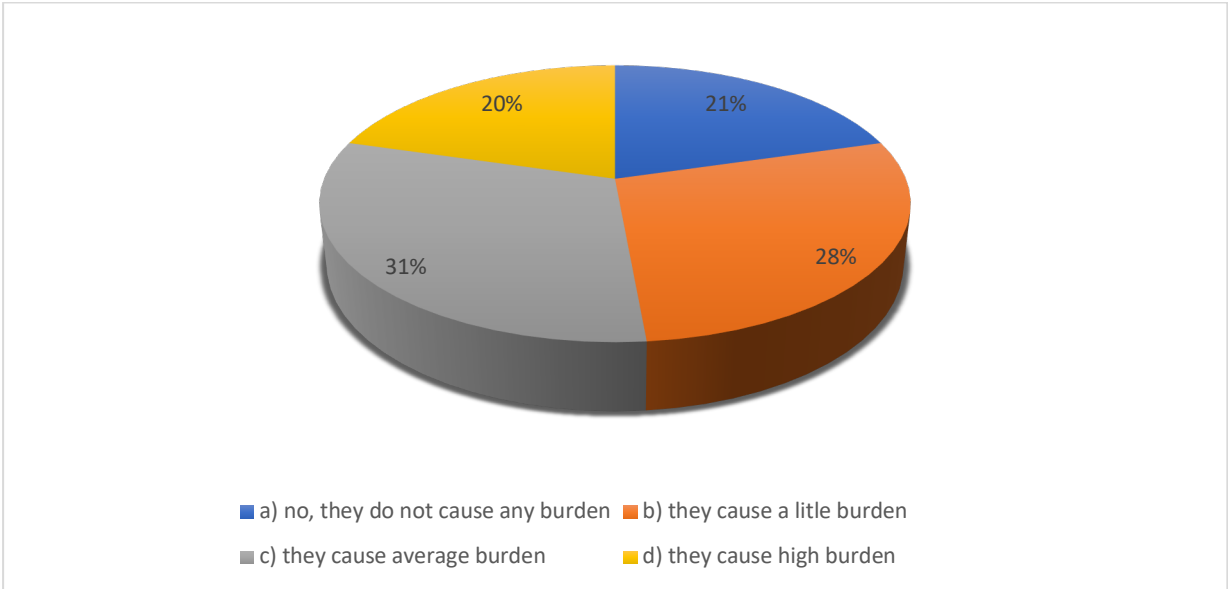
6.5.2.5 Burden Caused by Inspections or Similar Administration Requirements

The primary way in which inspections are a burden on business is through the time lost and other direct costs – these may not, in fact, be always the most important form of inspections burden, but they are the most easily quantifiable. They also in a way form a good proxy for other burdens (which are more difficult to quantify) as inspections system that creates considerable burden in terms of time lost or other direct costs tends to be a system where duplications of control abound, targeting is weak, requirements are unclear – all of which are major elements that make the inspection system also dissuasive for investment and start-up decisions (Blank and Florentin, 2012, p. 9). All of these are the key elements which make the inspection system not only to be a burden for businesses but also to impede investment policies and affect the (non) creation of new businesses. The types of costs that are commonly understood as being directly related to inspections and which are a burden for businesses are: preparation time, if any, when inspections are announced in advance – including the time to receive or prepare specific documentation; time spent with inspectors from staff or business management, during which they are not able to perform other jobs, the subsequent time, if any, for all activities directly deriving from the inspection process (Government of Kosovo, 2020, p. 22).

When businesses were asked “*do inspections or similar requirements form administration cause burden to your businesses?*” results are the following:

- a) Inspections or similar administration requirements “do not cause any burden” responded 21% or 43 respondents
- b) Inspections or similar administration requirements “cause a little burden” responded 28% or 59 of respondents
- c) Inspections or similar administration requirements “cause average burden” responded 31% or 65 respondents
- d) Inspections or similar administration requirements “cause high burden” responded 20% or 43 respondents

Figure 6.17: Do inspections or similar requirements from administration cause burden to your business?



*N=210

When asked whether inspections or similar administration requirements cause any burden, 20% of businesses consider that inspections cause high level of burden, and 31% consider that inspection is a factor that cause average burden which together reach 51% of respondents (see Figure 6.17). This is an indication that the administration should undertake reformative measures.

The inspection is often considered as an obstacle to the environment of doing business in many document reports and policy papers in Kosovo. Inspection procedures are poorly regulated and entrepreneurs often have no clear idea what are inspector’s powers when conducting an inspection and which powers are beyond his/her authority. The lack of clear, unified and

comprehensive procedures left the businesses confused and made them not to welcome the inspections. Moreover, entrepreneurs are not aware of their obligations and rights, which allow inspection officials to often act arbitrarily during inspections and to take unlawful decisions and actions to abuse their authority, consequently resulting in an increase in misconduct and in informal payments. These data have been identified in numerous assessments made by international and local mechanisms, such as the European Commission,⁴⁵ the World Bank,⁴⁶ the Organization for Economic Co-operation and Development, the GAP Institute⁴⁷ ... etc. (Government of Kosovo, 2020, p. 22)

6.5.2.6 The Information Obligation and Report to the Administration

Information obligations are the obligations arising from regulation to provide information and data to the public sector or third parties (International working group on Administrative Burdens, 2004, p. 8). In this context the term “information” has seen in a broader sense, thus including costs of labelling, re-reporting, registration, monitoring and assessment needed to provide the information and the respective registration (Anastasov et al., 2017, p. 28). For the purposes of this research we will focus on the definition that includes information that is actively submitted by businesses to one or more public authority. It also covers the obligations to store and maintain information available to public authorities upon request such as: Financial Statements, Tax Statements, Application for Permit, Application for License, Work Safety Report, Keeping Documents, Sales Register, Invoices Guest Register, Employee File etc. (Government of Kosovo, 2018a, p. 9). The standard cost model is a tool through which the administrative burden is measured. The manual on the Standard Cost Model has been approved by the Kosovo government in 2018 and is enforced and elaborated by the (draft) Concept Document on the Reduction of the Administrative Burden in Kosovo.

On the question “*assess how burdensome is for you to provide information or report several times to the administration?*” results are as follows:

⁴⁵ European Commission Reports on Kosovo (former Progress Report) for several years 2016, 2015, 2014, have identified problems related to different inspection bodies.

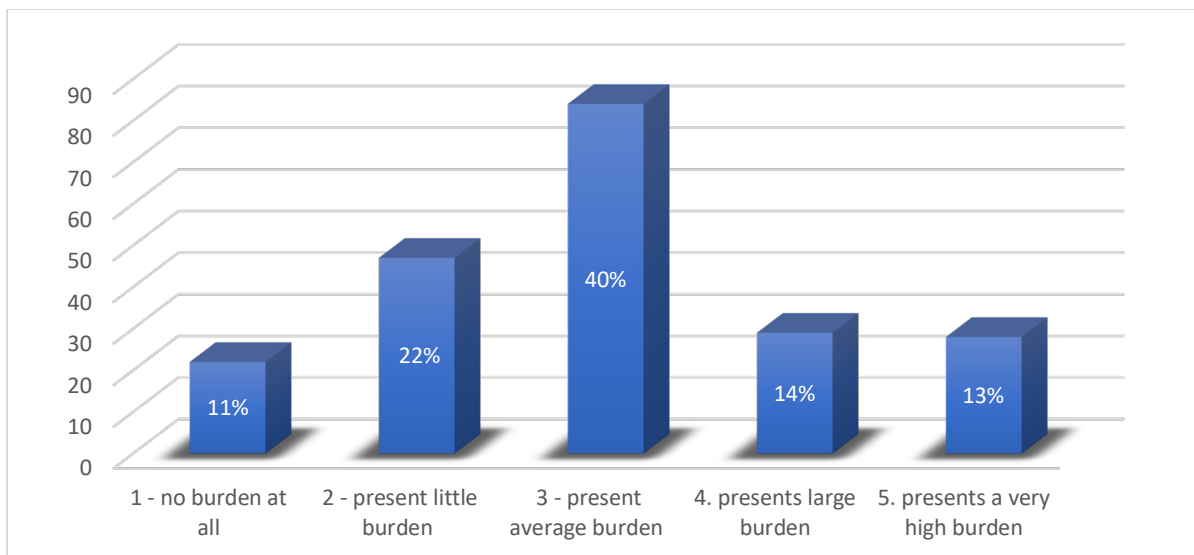
⁴⁶ Specific inspection reports (2010 and updated in 2012) prepared by the "Jacobs & Associates" a consulting firm engaged by the World Bank.

⁴⁷ The Report "Inspectorates in Kosovo: Organization and Functioning" published in March 2014 by GAP Institute - Pristina.

The Report "Sharing responsibilities between central and local level inspections" published in July 2015 by GAP Institute - Pristina.

1. The obligation to provide information or report several times to the administration presents “no burden at all” responded 11% or 22 respondents;
2. The obligation to provide information or report several times to the administration presents “little burden” responded 22% or 47 respondents;
3. The obligation to provide information or report several times to the administration presents “average burden” responded 40% or 84 respondents;
4. The obligation to provide information or report several times to the administration presents “large burden” responded 14% or 29 respondents;
5. The obligation to provide information or report several times to the administration presents “very large burden” responded 13% or 28 respondents;

Figure 6.18: Assess how burdensome is for you to provide information or report several times to the administration?



*N=210

As presented in the Figure 6.18 the share of businesses that consider the obligation to provide information is not a burden or presents low level of burden is 33% in total. The percentage of businesses that consider that the obligation to provide information is a large and very large burden is 27%. While information obligations present an average burden for 40% of businesses. Based on the criteria for categorization of factors that cause burdens to businesses the information obligation is not considered as a major burden for businesses or belongs to the third category which presents less burden than other factors.

On the other hand, the information obligations are not as major burden for businesses asked by Balkan Barometer Businesses opinion survey for 2019. On the question Which regulations do you consider to be an obstacle to the success of a business? Only 7% of respondents in Kosovo have mentioned that regulations that oblige Providing information/ record keeping are a burden for their businesses, Tax Related obligations (34%), Minimum wage related regulation (27%), health and safety regulations (30%), trading standards regulation (25%) etc. were considered as a burden for a higher number of businesses in Kosovo. 7% is also the average share of respondents that mentioned that regulations that oblige them to provide information/record keeping is a burden for their businesses.

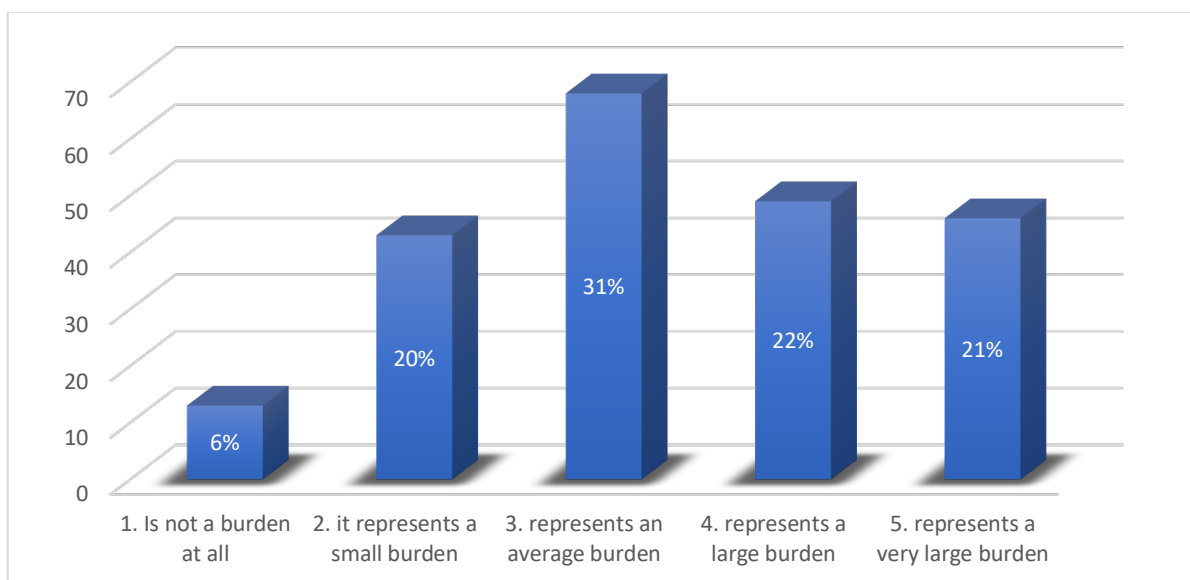
The current ongoing initiative on the Administrative burden reduction, particularly through application of the Standard cost model aims to focus on the reduction of the information obligations of businesses to the administration. The results of the survey with businesses conducted for the purpose of this study and the Balkan Barometer Business Opinion Survey 2019 show that a low share of respondents consider that the information obligation is a major burden for their businesses. The results of surveys with businesses reveal that the central government should extend the focus of government reforms on enabling the business environment beyond the information obligations. They should focus on procedures that cause unnecessary burdens. E.g. the obligation that a certificate of business issued by the business registration agency should be notarised is an unnecessary burden to the business (Borovci, Personal Interview, 13 September 2019).

6.5.2.7 Waiting Time at the Counters, the Duration of the Decision Making etc.

When applying for documents, permits or services, staff from companies and citizens often need to come personally to offices of the responsible administrative body. Having to travel and to wait puts a considerable time demand on individuals, in particular when opening hours are considered (Government of Kosovo, 2020, p. 40). Another important factor determining the extent of compliance of burden is the timeliness within which decisions are made and appeals can be filed or considered after an application is submitted. In addition, costs are also imposed on businesses and citizens by time delays or uncertainty, either on provision of information or in providing answers to requests (OECD, 2003, pp. 49–50). The results of the survey on the question “*evaluate how burdensome is for you the waiting time for carrying out tasks related to the administration (at the counters, the duration of the decision making)*” are as follows:

1. Waiting time for carrying out tasks related to the administration “is not a burden at all” for 6% or 13 respondents;
2. Waiting time for carrying out tasks related to the administration represents “a small burden” for 20% or 43 respondents;
3. Waiting time for carrying out tasks related to the administration represents “an average burden” for 31% or 68 respondents;
4. Waiting time for carrying out tasks related to the administration represents “a large burden” for 22% or 49 respondents;
5. Waiting time for carrying out tasks related to the administration represents “a very large burden” for 21% or 46 respondents;

Figure 6.19: Evaluate how burdensome is for you the waiting time for carrying out tasks related to the administration (at the counters, the duration of the decision making)



*N=210

Information in the Figure 6.19 shows that a high number of respondents consider the waiting time as a burden for their businesses. The share of businesses that consider that the waiting time represents a large or a very large burden is much higher (43%) than the share of businesses that consider that waiting time represents no burden or a small burden (26%) or higher than the percentage of businesses that consider that waiting time represents an average burden (31%). In our combination the waiting time belong to the second category of factors that cause or increase the level of burden on businesses.

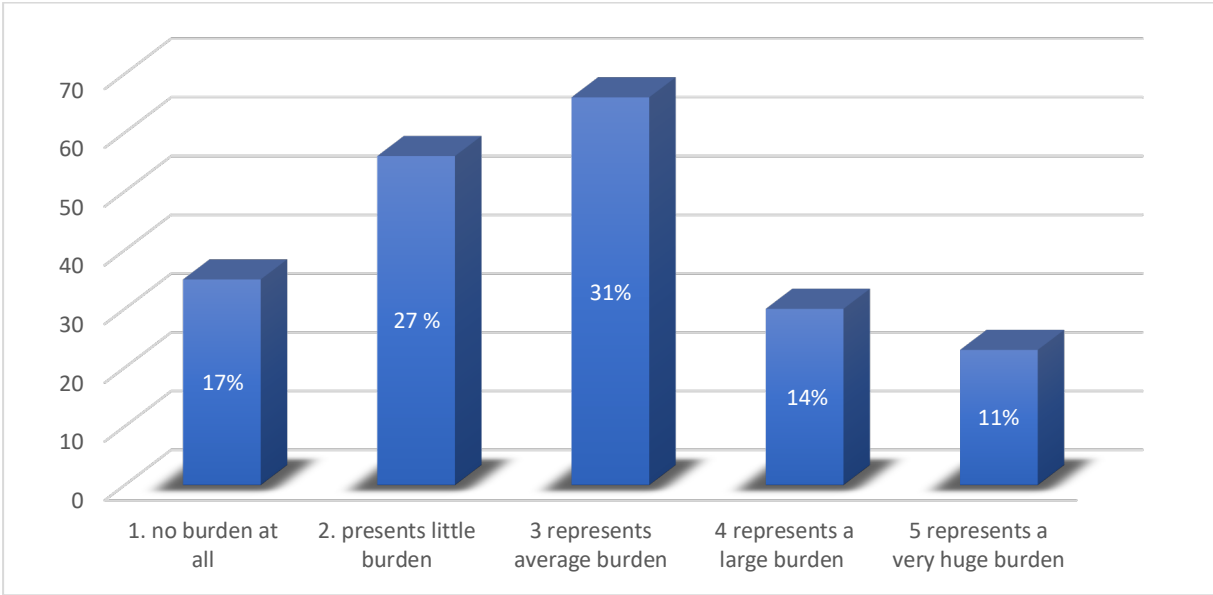
6.5.2.8 Filling in Forms Required by the Administration

Forms are the link between the administration and legislation on one hand and citizens and companies on the other. Errors made when filling in forms cause multiple problems. Citizens and companies have to submit forms multiple times and do not get the speedy reactions and decisions that they were expecting; the administration need to analyse and return forms until they are completed in the correct manner (Government of Kosovo, 2020, p. 68).

The results of the survey on the question “*Evaluate how burdensome is for you filling in the necessary forms required by the administration?*” are the following:

1. Filling in the necessary forms required by the administration when businesses have to take services from the administration “is not a burden at all” according to 17% or 35 respondents.
2. Filling in forms required by the administration represents “a little burden” according to 27% or 56 respondents.
3. Filling in forms required by the administration represents “an average burden” according to 31% or 66 respondents.
4. Filling in forms required by the administration presents “large burden” according to 14% or 30 respondents.
5. Filling in forms required by the administration presents “huge burden” according to 11% or 23 respondents.

Figure 6.20: Evaluate how burdensome is for you filling in the necessary forms required by the administration?



*N=210

As presented in the Figure 6.20 filling in forms does not represent a substantive burden for businesses. However, 25% of respondents consider that it is a factor that causes large or very large burden while 31% represents that filling in forms represents average burden. Even though filling forms does not represent a major burden, when requesting an administrative service, users in many cases are asked to fill a hard copy application, to attach copy original documents to the file etc. For example, when you apply for an apostille stamp for a birth certificate in the Civil Registration Agency, after receiving the original version of the birth certificate in the municipality, you have to fill in a hardcopy request, make a copy of the birth certificate and make a certain payment for the application (experience from onsite visit, date 24 June 2019). Or in order to change the ownership of a private vehicle, the buyer has to bring seven documents to the police station. Even a copy of the driving license has to be provided, despite the fact that the MoI holds information about driving licenses in its own registry (OECD/SIGMA, 2019, p. 8).

6.5.2.9 Ambiguous Legislation

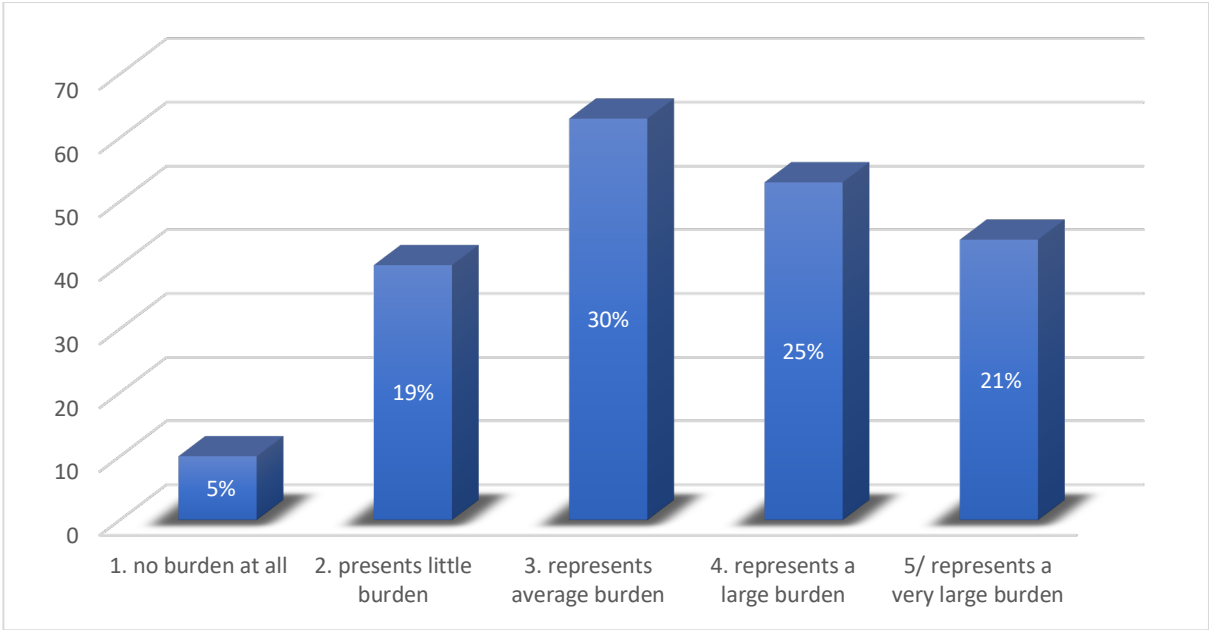
People cannot comply with regulations if they do not understand what is required. Inaccessible and incomprehensible regulation affects small business compliance rates. Many studies show that small businesses cannot keep up with the volume of regulations and regulatory guidance

that is produced by many regulatory agencies (OECD, 2000, p. 14). Laws and sub-legal acts that are not harmonized might impose conflicting requirements. These make it difficult for administrative bodies to implement them. They create uncertainty and administrative burdens since it is unclear which rules must be followed (Government of Kosovo, 2020, p. 30).

The results of the survey on the question “Evaluate how burdensome is ambiguous legislation?” are the following:

1. 5% or 10 respondents graded that ambiguous legislation “is not a burden at all”.
2. 19% or 40 respondents graded that ambiguous legislation “is small burden”.
3. 30% or 63 respondents graded that ambiguous legislation “is an average burden”.
4. 25% or 53 respondents graded that ambiguous legislation “is large burden” .
5. 21% or 44 respondents graded that ambiguous legislation “is very large burden”.

Figure 6.21: Evaluate how burdensome is ambiguous legislation?



*N=210

The survey as presented in the Figure 6.21 results that the ambiguous or lack of clarity in legislation is a factor that cause a substantive burden for businesses. Cumulative results on respondents’ rated that ambiguous legislation cause large burden and very large burden is 46% while 24% of respondents rated that the ambiguity of legislation cause no burden or little burden. On the other hand, 30% of respondents have an opinion that ambiguity of legislation is at average level.

Lack of clarity in legislation and in particular the frequent amendments create high costs to businesses. Original laws are regularly amended but no consolidated version is developed once these amendments are officially adopted and enter into force. In order to be able to understand the legal requirements that are in force, companies and citizens need to compare a law with the various laws amending and supplementing it. This takes time and is a process that sometimes can only be executed by a legal professional. The costs for hiring external expertise can be high and are considered to be administrative burdens (Government of Kosovo, 2020, p. 32). Such a practice has been stressed by the Ombudsperson Reports which noted that one of the difficulties for implementation of the laws is the method according to which the laws are amended and supplemented. In the cases of amending and supplementing the existing laws, after adoption by the Assembly, those amendments are not included in the law that has been amended but remain a separate format of the respective law. Such a practice only makes it difficult to use laws because it seeks concentration on two or more laws rather than on the basic law alone with the changes contained in it (Ombudsperson Institution of Kosovo, 2019, p. 29). This issue has been stressed by CSOs representatives which noted that absence of consolidated version of laws has proven time consuming as one needs to go back to all amendments of the law in order to track all changes. On the other hand, obtaining the services of private companies that compile consolidated versions of laws, results in additional costs which in many cases could be unbearable for local and small organizations in particular (RCC, 2019a, p. 56; joint Group meeting with Business representatives on 17 January 2019).⁴⁸

Despite this the perception of businesses on the same issue in the Balkan Barometer business Opinion Survey was more positive. On the question “*to what extent do you agree with the following statement – Laws and regulations affecting my company are clearly written, not contradictory and do not change too frequently?*” the Kosovo respondents provided positive responses by more than half of businesses. In their responses 13% of Kosovo businesses stated that they strongly agree while 40% of them tended to agree. While, 1% of respondents strongly disagreed, 9% tended to disagree and 32% neither agreed or disagreed.

At the regional level almost half of respondents consider that laws and regulations are stable, predictable and clear, while only fifth of respondents has expressed negative attitude. This is in

⁴⁸ See Appendix A.

line with usual assessment that rules of play in SEE economies are well established, and that the problem is rather in their implementation than in their content (RCC, 2019a, p. 67).

6.5.3 ADMINISTRATIVE BURDEN CAUSED BY THE FRONTLINE STAFF

Public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called street-level bureaucrats (Lipsky, 2010, p. 3). Exercising discretion as they interact with citizens, public service workers (street level bureaucrats) lack the time, information or other resources to respond ‘according to the highest standards of decision-making’ in their field to each individual case. They are put under pressure by the key features of their work settings including: chronically inadequate resources; an ever-growing demand for services; vague or conflicting organizational expectations and policy goals; difficulties in measuring their performance; clients who do not voluntarily choose the services (Lipsky, 2010, p. 2). Street-level bureaucrats make policy in two related respects. They exercise wide discretion in decisions about citizens with whom they interact. Then, when taken in concert, their individual actions add up to agency behaviour. In delivering policy street-level bureaucrats make decisions about people that affect their life chances.

Since the street level bureaucrats term is used also for staff that provide public service in wide meaning such as health, social service, education etc. the subject of this study are the frontline officers/staff who are a category of street level bureaucrats that provide administrative services. The following questions are an important tool to have a general impression on the administrative burden that is imposed by the street level workers or frontline staff of the public administration in Kosovo. The results of the survey for this part show that a high level of burden that businesses face with comes from this part of the administration.

6.5.3.1 Accessing the Right Administration Officer

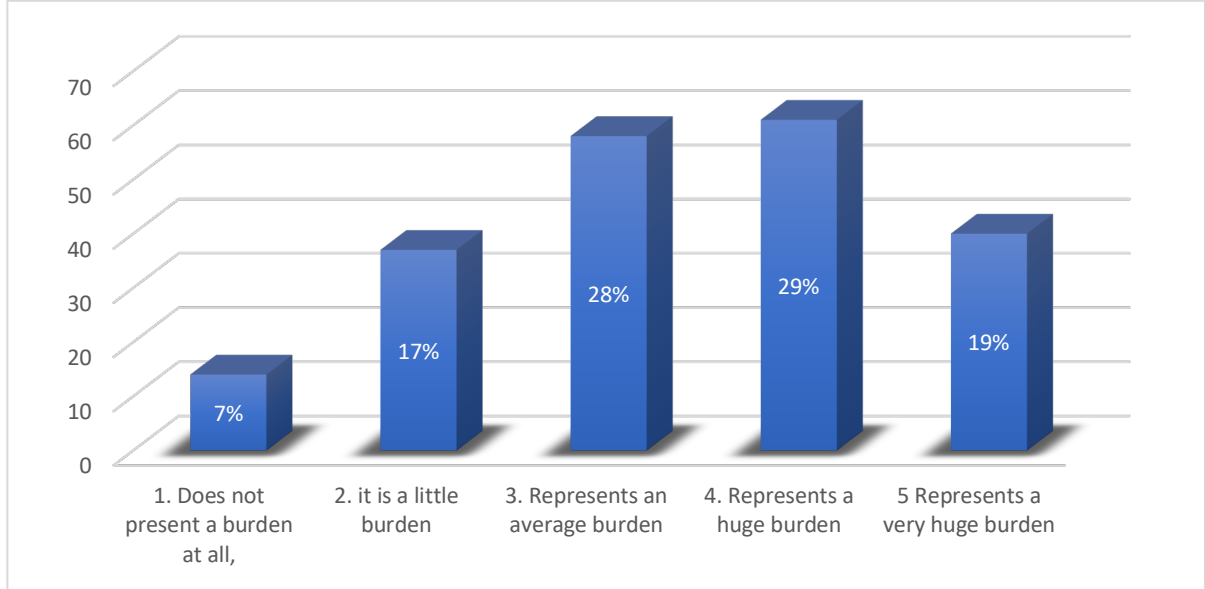
The civil servants that interact with companies and citizens are the ‘face’ of the administration. They determine to a great extent how people value services and thus how the administration functions. When staff is badly informed and not prepared for their task, companies and citizens have difficulties with getting to know all the information that they need and to whom they

should address to get a service. The lack of information and organisation of work among staff will hamper the access to the right administrating officer. The Concept Document on the ABR finds that the lack of appropriate information of the staff that is dealing with the public services cause an administrative burden. It stresses that because staff that implements legislation needs to be informed and prepared for their task. This applies as much to the core activity, but also to the factors that, from the perspective of the company or citizen, are relevant for the functioning of a (business) process.

The following responses are provided about this question “Assess how difficult it is to access the right officer you need to carry out the work with administration?”:

1. For 7% or 14 of respondents accessing the appropriate officer responsible to get the service needed “does not represent a burden at all”;
2. for 17% or 37 respondents accessing the appropriate officer responsible to get the service needed represents ‘a little burden”.
3. For 28% or 58 respondents accessing the appropriate officer responsible to get the service needed represents “an average burden”.
4. For 29% or 61 respondents accessing the appropriate officer responsible to get the service needed represents “a huge burden”.
5. For 19% or 40 or respondents accessing the appropriate officer responsible to get the service needed represents “a very huge burden”.

Figure 6.22: Assess how difficult it is to access the right officer you need to carry out the work with administration?



*N=210

Around half of respondents (48%) state that accessing the appropriate officer responsible to get the service needed is a huge or very huge burden for businesses (see Figure 6.22) . Even though the cost caused by other factors such as paying licenses, overall time spent to get a service, or lack of clarity of the legislation may be much higher, the share of businesses that express their concern in accessing the right officer is much higher. The government rules on the contents of the websites of institutions require from institutions to publish the information on the services that the institution issue including the name of the unit that provides the service, procedures, documentation and forms, cost, deadlines (Administrative Instruction (MPA) No. 01/2015, Article 9.14). However, many institutions that provide administrative services to citizens such as Civil Registration Agency do not have a website or most of ministries do not publish the needed information in their websites.

Experience in Accessing the Right Officer During the Service Delivery

An anonymous respondent on the survey with businesses in the end of the survey stated that “communication between officials within institutions is weak. We are obliged ourselves as a business to analyze the internal organization of the institution in order to obtain a service or document (it often happens that the official says "your case is not in my desk", thus we are now obliged to find our case our self).

A personal experience in the municipality of Prishtina, in the Directorate of Planning and Urbanism, in order to receive the information for a piece of property, at least three offices had to be visited due to the lack of information that administration staff had on a certain issue. The reception of the municipality directs the citizen to the office number X. The officer in the X office directs the client to the office number Y while the officer of the office Y directs the citizen in another building of municipality around 2 km far, where another part of the department of planning and urbanism was located.

Source: The Business Survey (RCC, 2018); Personal experience (November 2018).

6.5.3.2 Faults of Administration that Cannot be Fixed

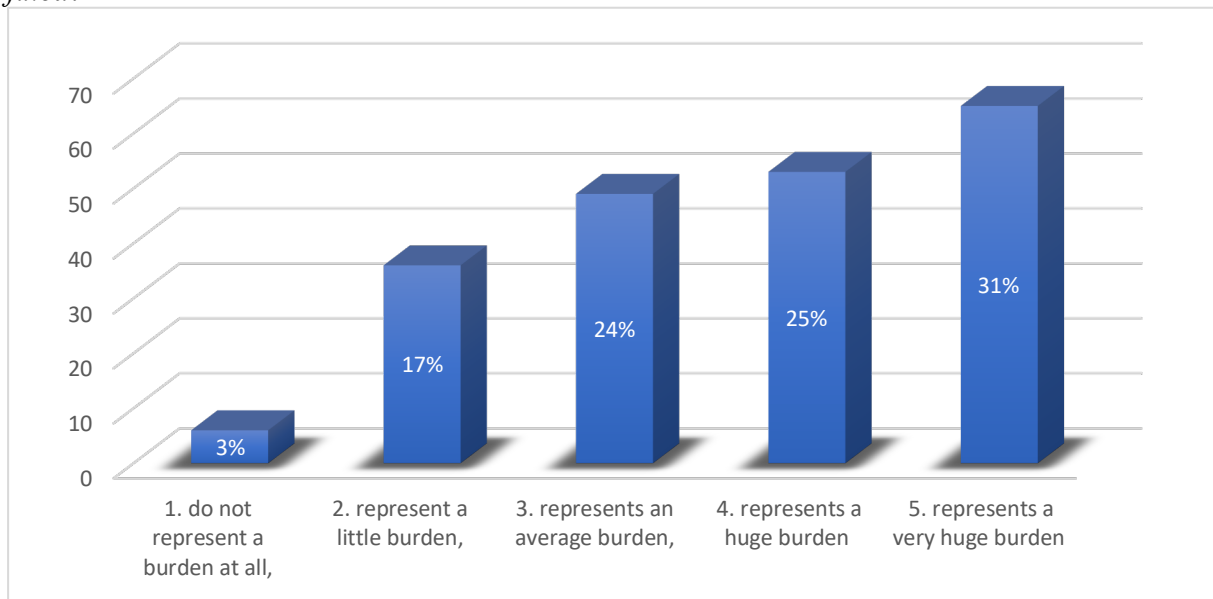
When providing services for businesses or citizens, the administration often makes mistakes causing costs and wasting their time . When businesses or citizens need to ask for services from the frontline offices, the information that is provided by the administrative officer may be wrong, or the service delivered may not be appropriate. Such mistakes may cause additional

costs and time to the citizens or businesses. Street-level bureaucrats can impose costs of personal abuse, neglectful treatment, or inconvenience without necessarily paying the normal penalty of having the other party retaliate (Lipsky, 2010, p. 56). The OECD/SIGMA Principles of administration requires that “The public authorities assume liability in cases of wrongdoing and guarantee redress and/or adequate compensation” (OECD/SIGMA, 2017a). In Kosovo there is no conceptually clear legal regulation on public liability. The Constitution does not establish a general principle of public liability in cases of damaging acts or omissions by public authorities, nor is a coherent and comprehensive statutory public liability regulation in place. However, the right to seek compensation for damage caused by unlawful actions or omissions of administrative bodies is laid out in the Law on Obligational Relationships, part of the civil law. Furthermore, in several other laws, some provisions refer to this issue, but they set out only a few examples of areas of public liability, while not containing any systematic procedural provisions to assist persons seeking compensation (OECD/SIGMA, 2017, pp. 97–100).

Results in the question “*Estimate how burdensome are the faults of the administration that cannot be fixed*” are the following:

1. 3% or 6 respondents rate faults of the administration as “do not represent a burden at all” for their businesses;
2. 17% or 36 respondents rate faults of the administration as “represent a little burden”;
3. 24% or 49 respondents rate faults of the administration as “represent an average burden”;
4. 25% or 53 respondents rate faults of the administration as “represent a huge burden”;
5. 31% or 65 respondents rate faults of the administration as “represent a very high burden” for their businesses.

Figure 6.23: Estimate how burdensome are the faults of the administration that cannot be fixed?



*N=209

As shown in the Figure 6.23 faults made by administration that cannot be fixed according to the perception of businesses is the highest burden for them. The cumulative share of businesses that consider that this factor causes “a huge burden” respectively “very huge burden” to them is 56%. In addition, 24% consider that faults of administration cause an average level of burden. This factor of the burden needs a particular attention since it belongs to the first group of factors which more than 55% of respondents perceive that causes “large or very large burden”. One of the PAMS objectives is for “Public authorities establish mechanisms that undertake debts in case of violations and which guarantee adequate correction and/or compensation (Ministry of Public Administration, 2015, Objective 3.4). Only drafting a concept document for this purpose has been planned within the framework 2020 which indicates that this issue is not yet a priority of the government.

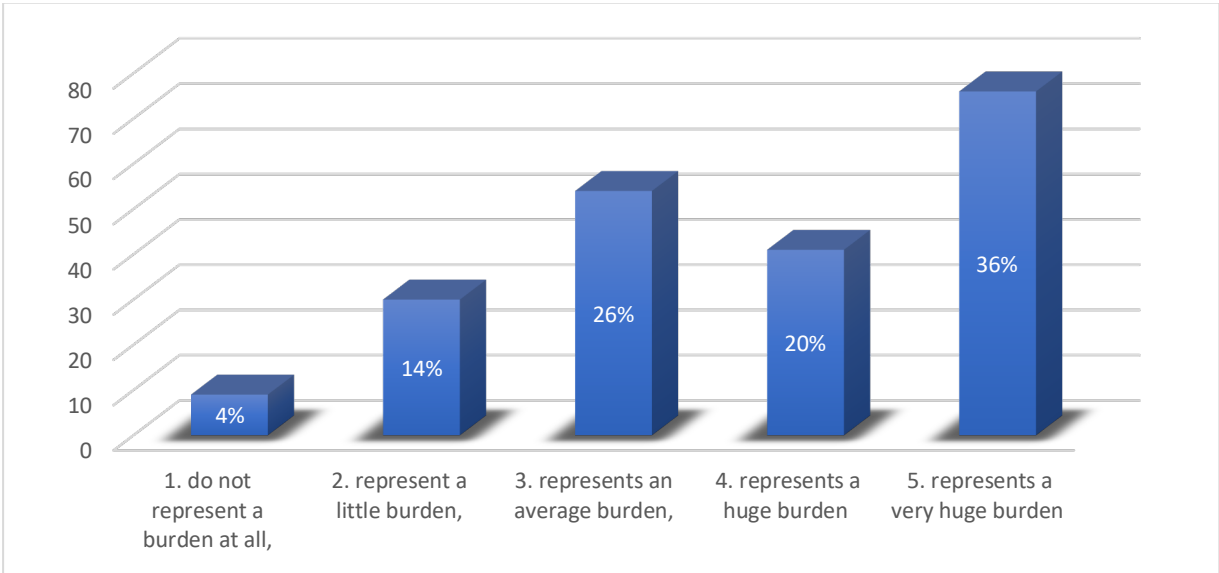
6.5.3.3 The Need to Move from One to Another Office for Administrative Services

The accessibility of public services can be considered a performance criterion for governments, reflecting their capacities to accurately recognize the diversity and nature of different needs, create and tailor delivery and communication channels accordingly, and ensure equity and fairness in delivery and distribution (OECD, 2013, p. 150). The administration asks for many documents when applying for an administrative service. They ask even for documents that they issue themselves. Before they complete their application for a service, citizens and businesses have

to run from one to another office. This factor causes additional and unreasonable administrative burden that may cause costs and waste of time. The results of the survey in the question “Assess the burden caused when you have to move from one to another office to get a service from the administration” are the following:

1. Having to move from one to another office to get a service from the administration “is not a burden at all” for 4% or 9 respondents.
2. Having to move from one to another office to get a service from the administration “is a little burden” for 14% or 30 respondents.
3. Having to move from one to another office to get a service from the administration is “an average burden” for 26% or 54 respondents.
4. Having to move from one to another office to get a service from the administration “is a huge burden” for 20% or 41 respondents.
5. Having to move from one to another office to get a service from the administration is a very huge burden” for 36% or 76 respondents.

Figure 6.24: Assess the burden caused when you have to move from one to another office to get a service from the administration



*N=210

As shown in the Figure 6.24 the need to move from one to another office has been rated as a very huge burden by 36% of businesses while 20% graded this issue as a huge burden which indicates that 56% of respondents state that this issue is a high level of burden for businesses. In addition, 26% of respondents state that the need to move from one to another office to get a

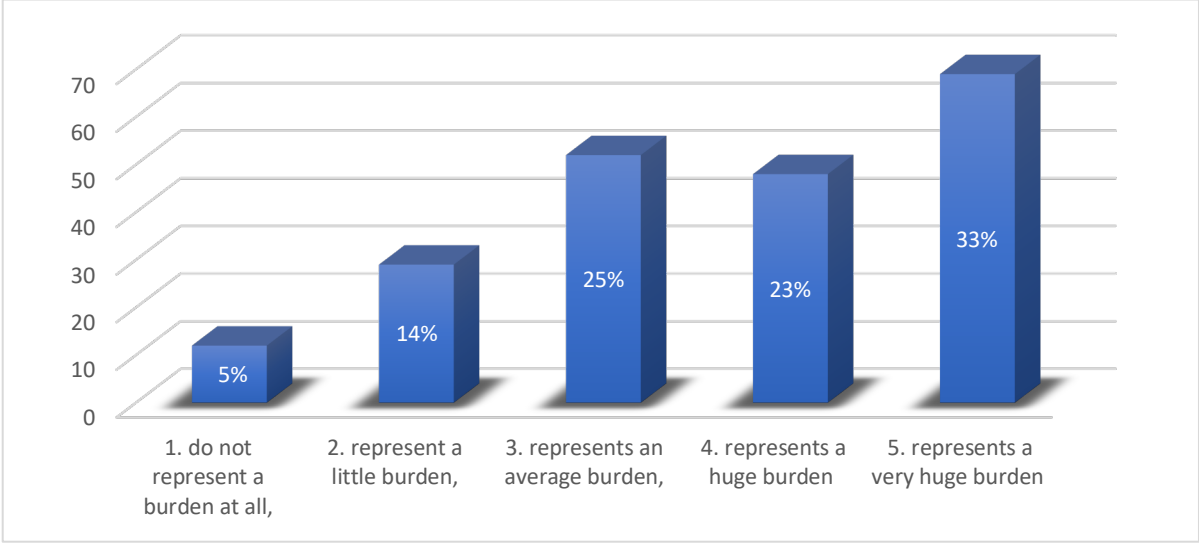
service from the administration “is an average burden”. This aspect of the administrative service delivery shows the need for reforms such as establishment of one stop-shops, use of digital form of service delivery and reduction of the number of documents required to file a request for an administrative service.

6.5.3.4 Lack of Understanding with the Frontline Staff

The frontline bureaucrats are the main and direct interface with the service users. The direct interaction with the frontline bureaucrats according to the perception of businesses appears to be a factor that causes administrative burdens at a high level. The following answers were provided on the question “*Assess how burdensome is the lack of understanding with the administration employees?*”

1. Lack of understanding with administration officers “is not a burden at all” for 5% or 12 respondents;
2. Lack of understanding with administration officers “is a little burden” for 14% or 29 respondents;
3. Lack of understanding with administration officers “is an average burden” for 25% or 52 respondents;
4. Lack of understanding with administration officers “is a huge burden” for 23% or 48 respondents;
5. Lack of understanding with administration officers “is a very huge burden” for 33% or 69 respondents;

Figure 6.25: Assess how burdensome is the lack of understanding with the street level bureaucrats?



*N=210

Information in the Figure 6.25 indicate that lack of understanding with administration officers is a factor that causes huge burden respectively very huge burden to 56% of respondents who replied to the survey. In addition, 25% of respondents consider that lack of understanding with the street level bureaucrats causes an average burden. These statistics confirm the general assumption of the concept paper on the Administrative Burden reduction, which has found that the fact that staff on service level are not fully informed and prepared for their task is one of the factors that causes administrative burden. They determine to a great extent how people value services and thus how the administration functions. When staff is badly informed and not prepared for their task, companies and citizens have difficulties with getting to know all the information that they need (Government of Kosovo, 2020, p. 32).

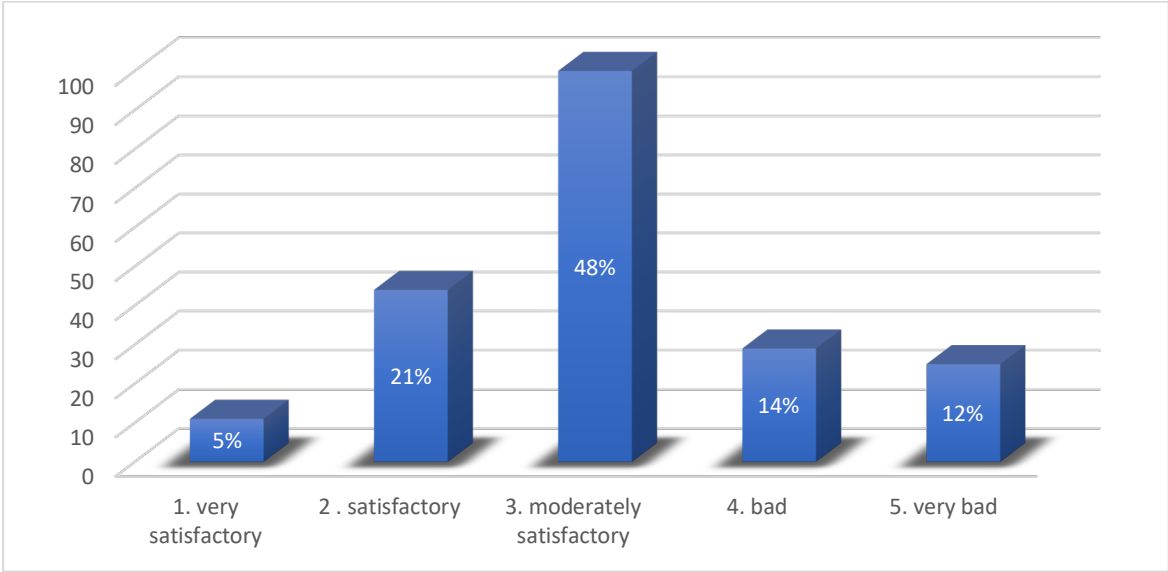
6.5.3.5 Treatment by Frontline Staff

Although understanding with the frontline staff is a concern for most of businesses with high impact on the administrative burden, the treatment by them or their behavior during the service delivery has been graded positively or moderately satisfactory by most of respondents. The detailed responses on the question “*assess what treatment you have by the frontline officers during the service delivery?*” are as follows:

1. “Very satisfactory” responded 5% or 11 respondents;

- 2. “Satisfactory” responded 21% or 44 respondents;
- 3. “Moderately satisfactory” responded 48% or 101 respondents;
- 4. “Bad” responded 14% or 29 respondents;
- 5. “Very bad” responded 12% or 25 respondents.

Figure 6.26: Assess what treatment you have by the frontline officers during the service delivery?



*N=210

However, the answer of 26% of respondents as presented in the Figure 6.26 that frontline officers behave badly respectively very badly is still an issue that should be treated seriously.

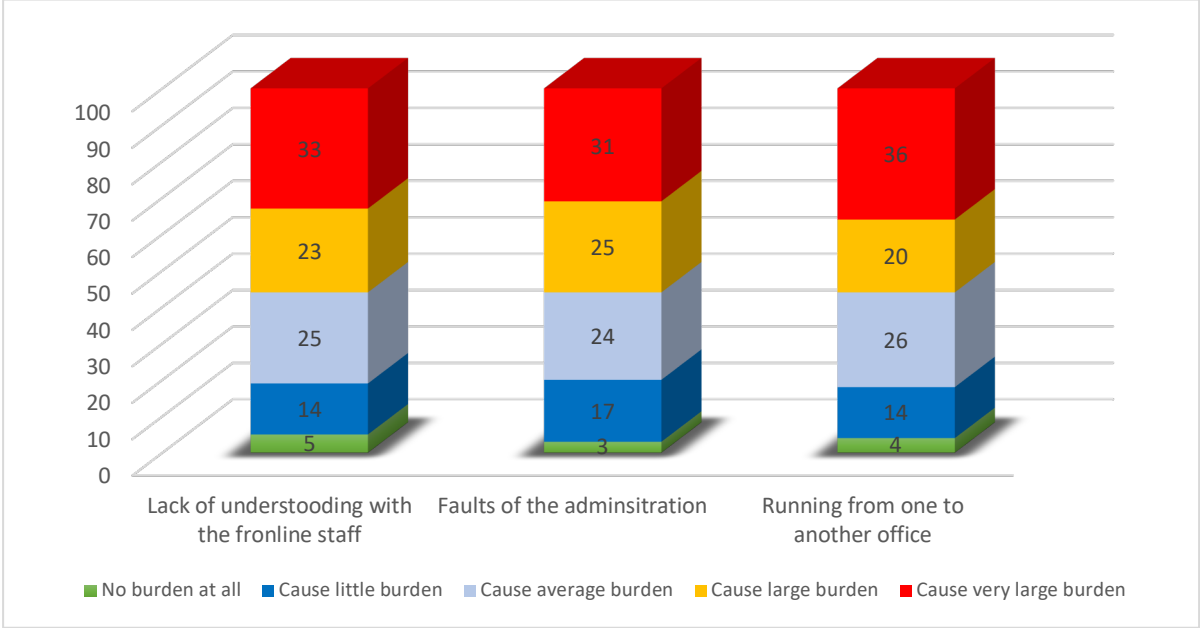
6.5.3.6 Analysis of Burdens Caused by Frontline Staff

The analysis of individual questions above suggests that the administrative burden caused to businesses can be categorized into several groups. Based on the level of burden three groups factors can be distinguished:

The first group of factors – that cause “large burden” respectively “very large administrative burden” according to more 55% of the businesses that have participated in the survey are:

- “*The lack of understanding with the frontline staff*” is graded by 33% of businesses a “very large burden” while 23% of them graded it as “large burden”. In total it results that 56% of respondents consider the lack of understanding with employees as a large burden for businesses. In addition, there is still 25% of businesses that grade this category at the level of “average burden” for them.
- “*Mistakes that the administration makes and cannot be fixed*” is graded by 31% of businesses as a “very large burden” while 25% of businesses graded it as “large burden”. In total it results that 56% of respondents consider that mistakes of the administration is a large burden. In addition, 24% of businesses that grade this category at the level of “average burden” for businesses while 17% consider it as a little burden whole only 3% grade this category as “no burden at all”.
- Another category that businesses grade as high level of burden is their need *to run from one to another office* to get administrative services. 36% of businesses consider this issue as a “very high burden” for businesses and 20% grade it as a “high burden”. This all together also amounts to 56% of businesses that consider that running from one to another office presents a high level of burden. In addition. The number of businesses that consider this as an average burden is 26% (see Figure 6.27).

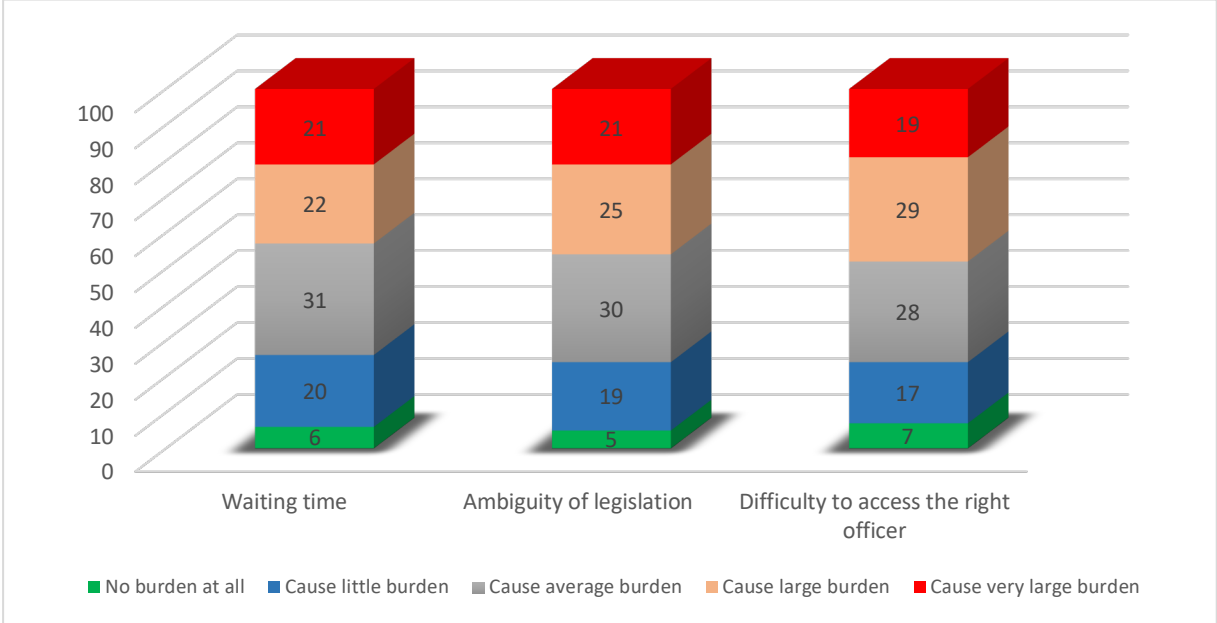
Figure 6.27: First group of factors that cause administrative burden (in %)



The Second group of factors – that cause “large burden” respectively “very large administrative burdens” according to more than 40% of the businesses that have participated in the survey are:

- *Waiting time to get the administrative service* presents a “very large burden” for 21% of the businesses while the same is a “large burden” for 22% of businesses (in total large burden represent for 43% of respondents). In addition, 31% of respondents consider that waiting time presents an average burden.
- *The Ambiguity of legislation* presents a “very large burden” for 21% of respondents while 25% of them consider that this factor represents a “large burden” (which amounts to 46% of respondents in total). In addition, 30% of respondents consider that the ambiguity of legislation represents an “average level of burden”.
- The *difficulty to access the right officer* presents a “very large burden” for 19% of respondents while 29% of them consider that this factor represents a “large burden” (which amounts of 48% of respondents in total). In addition, 28% of respondents consider that the difficulty to access the right officer represent an “average level of burden” (see Figure 6.28).

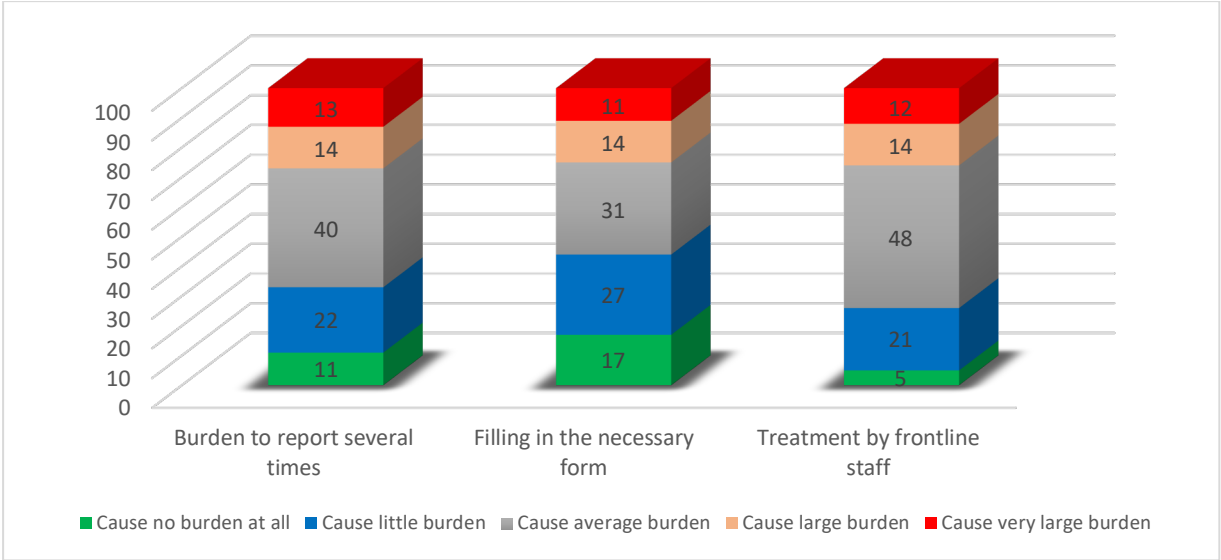
Figure 6.28: Second Group of Factors that Cause Administrative Burden (in %)



The third group of factors – that cause “large burden” respectively “very large administrative burdens” according to more than 30% of the businesses that have participated in the survey are:

- *The need to report several times* presents a “very large burden” for 13% of respondents while 14% of them consider that this factor represents a “large burden” (which amounts to 27% of respondents in total). In addition, 40% of respondents consider that the need to report several times represent an “average level of burden”.
- *Filling in the necessary forms times* presents a “very large burden” for 11% of respondents while 14% of them consider that this factor represents a “large burden” (which amounts to 25% of respondents in total). In addition, 31% of respondents consider that filling in the necessary forms represent an “average level of burden”.
- *Treatment by administrative staff* presents a “very large burden” for 12% of respondents while 14% of them consider that this factor represents a “large burden” (which amounts to 26% of respondents in total). In addition, 48% of respondents consider that treatment by administrative staff represent an “average level of burden” (see Figure 6.29).

Figure 6.29: Third group of factors that cause administrative burden (in %)



The data from the business perception survey as provided above indicate that the non-regulatory burdens caused by the street level bureaucracy such as, the lack of understanding with the

administration employee, faults that the administration makes and cannot be fixed, then the need to run from one to another office comprise the major burden to businesses.

6.5.4 ADMINISTRATIVE SIMPLIFICATION TOOLS AND METHODS

6.5.4.1 Consultation

The Level of Public Consultation

The consultation of citizens forms a crucial input throughout the policy and management cycle. The OECD defines consultation as a two-way relationship, where government talks to citizens/customers and citizens/customers provide feedback to government. It is based on the prior definition by government of the issue on which citizens'/customers' views are being sought and requires the provision of information (OECD, 2001b in Thijs, 2011, p. 103). Failures of consultation with target populations may cause weaknesses in regulatory framework because legal drafters may not obtain information on burdens caused by factors elaborated above, or the used consultation methods may fail to consult target group to support the proposed regulation. For example, without adequate consultation, regulators may not be able to identify unanticipated costs of compliance, lack of regulatory clarity, or clashes between regulatory requirements and existing cultural/market practices. Effective consultation of the target group involved can be an effective way to inform target populations about the new regulation and the consequences for them (OECD, 2011b).

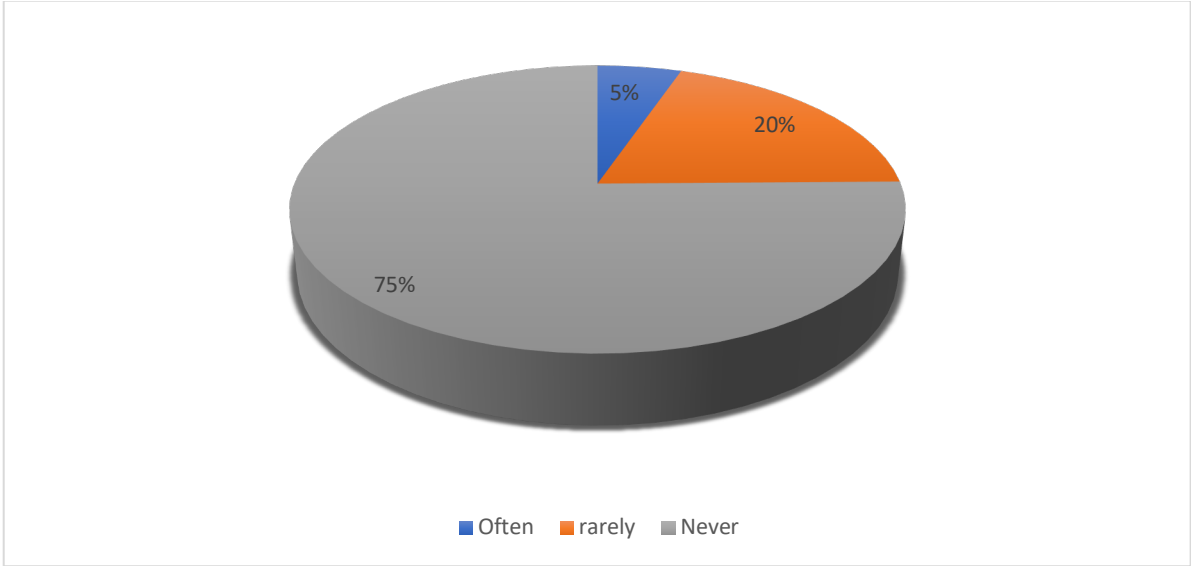
In 2016 and the following years, Kosovo developed an advanced system of public consultation through a Regulation on Minimum Standards for Public Consultation (Regulation No. 05/2016). An electronic platform for public consultations enables all interested stakeholders to provide their recommendations on all policy, planning documents, primary and secondary legislation to be approved by the government. In 2018, 97% of all drafted documents were published in the public consultation electronic platform, while 56% of them have fulfilled all standards for public consultation. However, this system enables service users to be consulted only on the legislative and policy level. Consultation of other measures that institutions undertake to impact the administrative services remains in the discretion decisionmakers. As stressed consultation entails not only enabling interested stakeholders to access documents but

also whether their recommendations are taken into consideration, or whether appropriate methods of consultation have been used. The use of electronic consultation platform may not be a sufficient or appropriate tool for consultation e.g. old population when measures are taken on their pension rights or service users coming from remote rural areas when it comes to the policies related to agriculture. The survey measures the perception of businesses on these issues through questions as following.

On the question “*have you ever been asked by the administration for the possibility for simplification of administrative procedures?*” the results of the survey are the following:

- 5% or 11 respondents responded that they were “often“ asked about the possibility for simplification of administrative procedures.
- 20% or 41 respondents responded that they were “rarely” asked and
- 75% or 158 respondents say that they were “never” asked about the possibility for simplification of administrative procedures.

Figure 6.30: *Have you ever been asked by the administration for the possibility for simplification of administrative procedures?*



*N=210

Even though government’s system on public consultation is advanced the businesses’ perception whether they are consulted about any initiative for simplification of public administrative procedure is mostly negative. As shown in the Figure 6.30, only 5% of businesses consider that they are often consulted. The perception of CSOs in the Weber survey

is more positive even though only 36.4% of them agreed that Government institutions consistently apply formal consultation procedures when developing policies within their purview. In addition to the public consultation the involvement of businesses is needed in the early stages of the legislative drafting process (Shahini, Hajdini, Osmani, Group Meeting with Businesses, 16 January 2019).⁴⁹ However, the focus of the question related to CSOs is only on the policies and legislation where public consultation standards are regulated, while the perception of businesses applies also to other measures that are not covered by the rules on the public consultation minimum standards.

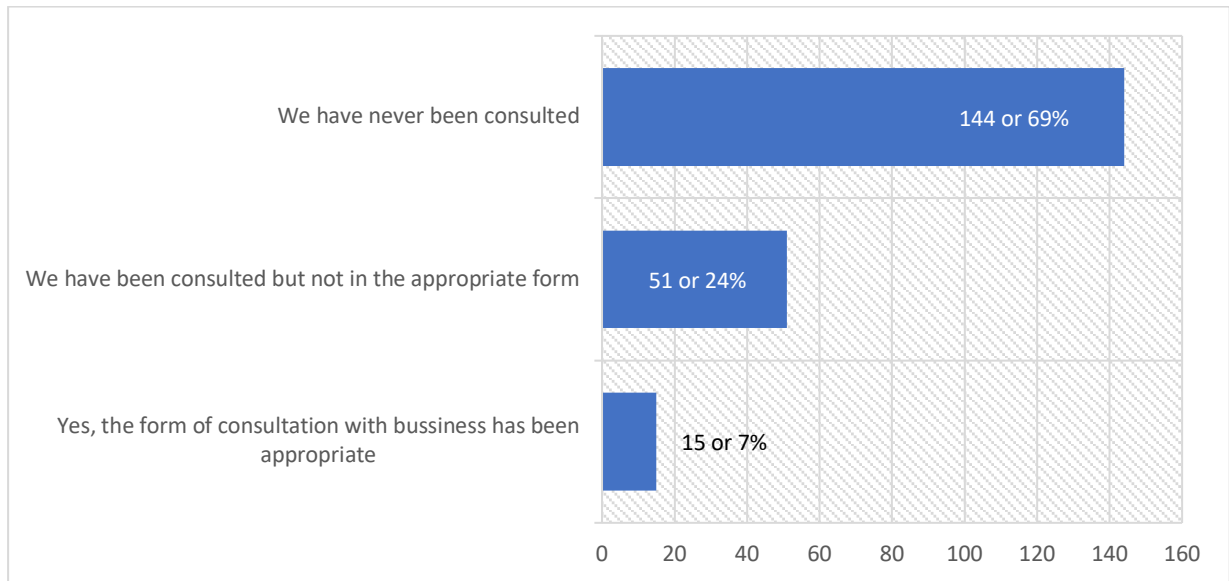
Accessibility of Government Documents for Public Consultation

Using the appropriate methods of consultation is a key element for an effective consultation and accessibility of documents for those stakeholders that are interested in the measure of government. The regulation on minimum standards for public consultation provides a long list of methods that can be used for consultations. However, the annual report for 2018 notes that in addition to the electronic platform which is widely used by the government and the consultations through emails (29%), the use of other methods is rather low. Only 7% of documents were consulted through public meetings, 5% were consulted through workshops and only one document was consulted through direct meetings. (Office of Good Governance, 2019). On the question *“Have the forms through which you can contribute to simplification of procedures or administrative burdens been appropriate?”*, the following resulted from the survey:

- 69% or 144 respondents say that they “were never consulted”;
- 24.2% 51 respondents say that they “were consulted but not in an appropriate form”; and
- 7% or 15 respondents say that “the consultation method was appropriate”.

⁴⁹ See Appendix A.

Figure 6.31: *Have the forms through which you can contribute to simplification of procedures or administrative burdens been appropriate?*



*N=210

As shown in the Figure 6.31 only 7% of businesses that participated in the survey confirm that the form of consultation with businesses was appropriate. If we exclude from calculation respondents that were never consulted, the share of responses who consider that the form of consultation was appropriate is 23% against 77% of respondents that consider that methods used during the consultation was not appropriate.

The Balkan Barometer business Opinion Survey 2019 on the similar question are almost the same. Responding ton the question “To what extent are you satisfied with how the government consults and involves the private sector when developing new laws and regulations relevant for doing business?” 9% stated that they are not satisfied at all, 27% of respondents stated that they are not satisfied, 35% of businesses are neither satisfied nor unsatisfied, 23% are satisfied and only 1% fully satisfied.

The perception of the CSOs in the Weber survey is more positive on conditions for an effective public consultation than the government ensures. Almost half (47.8%) of CSOs affirm that formal consultation procedures provide conditions for an effective involvement of the public in policy-making processes. The higher share of CSOs in the consultation process can be explained by the fact that CSOs benefited from training activities on their involvement during the public consultation process (Civikos Platform, 2018, p. 9).

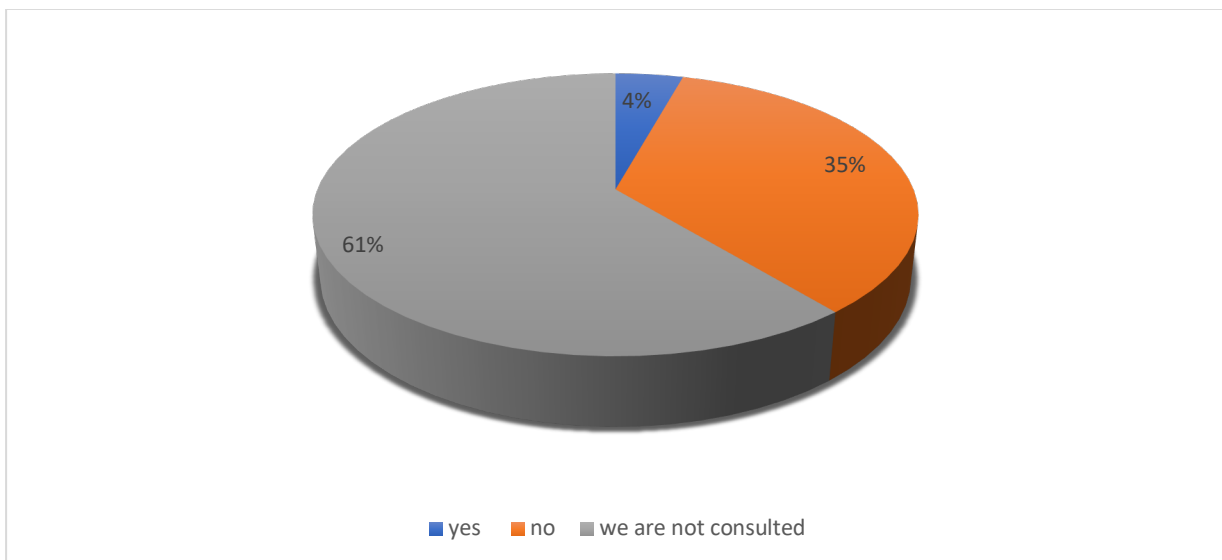
How much are Proposals Considered?

The main reason of public consultation is not only to ensure the transparency on the decision-making process but also to open for public to express their concerns as well provide their expertise in their area of interest. Until new requirements were imposed, when the regulation on the minimum standards was approved in 2016, institutions were neither obliged to share the information with stakeholders on the status of the contributions nor it was practiced. In most of the cases, contributors were not informed about the status if their constitutions.

The results of the survey for the question *Have your proposals been taken into account by the institutions?* are the following:

- Whether respondent's proposals were taken into consideration only 4% or 9 businesses responded positively,
- 35% or 73 respondents say that their proposals were not taken into consideration and
- 61% or 128 them say that they were not consulted.

Figure 6.32: *Have your proposals been taken into account by the institutions?*



*N=210

As shown in the Figure 6.32 the share of respondents that express their concern about the status of their comments is very high. If we calculate only the number of businesses that were consulted, 89% of them express their concern that their proposals were not taken into

consideration against 11% that are positive on the question. The Weber survey with CSOs on a similar question shows that upon active participation during the consultation process, 41% of CSOs claimed that relevant ministries accept the feedback coming from their organisation, but only 18% stated that relevant ministries “often” or “always” provide written feedback to consultees on whether their inputs are accepted or rejected (Weber, 2018c, p. 53).

Perception of businesses on the same issue is also more positive in the Balkan Barometer Business Opinion Survey 2019. On the question “How much do you feel the Government of your economy (country) takes into account the concerns of businesses?” 42% of businesses responded negatively, 35% of them responded with ‘somewhat’, 18% responded that their concerns are taken into account “quite a lot”, while only 4% consider that their concerns are taken into consideration.

6.5.4.2 Use of Information Technology for the Administrative Service Delivery

The access of population to internet in Kosovo is very high. According to the Kosovo Statistics Agency survey of 2017 (2018), 88.8% of households had access to internet of which 83.6% accessed internet through fixed connections whereas 24.6% through mobile connections (Statistical Agency of Kosovo, 2018). The trend of households in Kosovo that have internet access increased in 2018. According to the latest information provided by Eurostat’s publication “Basic figures on Enlargement countries” – Edition 2019, in 2018, Kosovo had the highest percentage of households with home-based Internet access in the region (93%). This percentage is higher than in the EU countries themselves where the average rate is 89% while in the region after Kosovo Turkey has the highest rate with 84%, North Macedonia with 79%, Serbia with 73%, Montenegro, 72% and Bosnia and Hercegovina with 69% (data on Albania for 2018 are missing) (Eurostat, 2019).

This level of access to internet is an opportunity for Kosovo’s public administration since the level of internet penetration in a country is a precondition that enables citizens to use services through digital technology. On the other hand, the availability of services online is another key factor. RESPA survey with public officials reveals that Kosovo is the first country in the Balkans where 18% of respondents state that all services are provided online, most services provided online with 31% plus around 29% of respondents that respond that half of services are offered online. Kosovo is ranked as second country after Albania where 48% of respondents

state that most of services are offered online. Other countries of the Balkans are lagging far behind (RESPA, 2018, p. 229).

The Balkan Barometer Business opinion Survey on the question whether the Availability of Government digital service to complete administrative procedures has changed during the last 12 months 6% of businesses responded that it somewhat worsened, 52% responded that it stayed the same, 23% stated that it somewhat improved and 13% responded that it significantly improved (RCC, 2019a, p. 60).

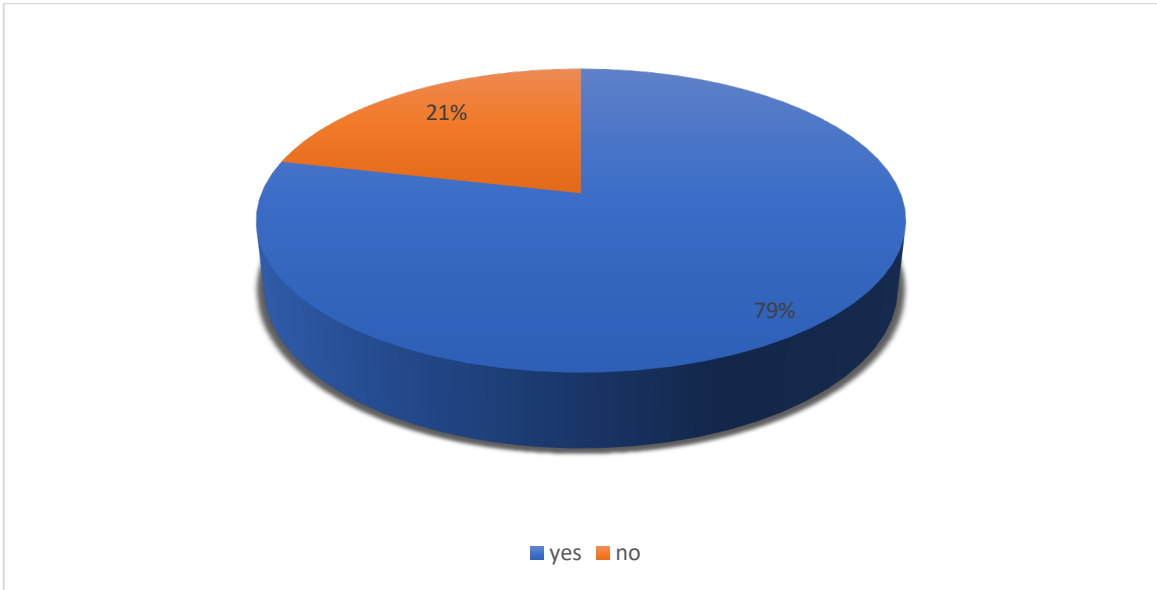
The perception of businesses on their awareness of online administrative services, if they use them and their accessibility is measured through following questions.

6.5.4.3 Awareness on the Online Administrative Services

On the question “Are you aware of the Online administrative services provided through government information technology /online technology?” responses are as following:

- 79% or 165 respondents declared that they are aware that administration provides administrative services through online technology, while
- 21% or 45 respondents provide that they are not aware.

Figure 6.33: Are you aware of the administrative services provided through government information technology / online technology?



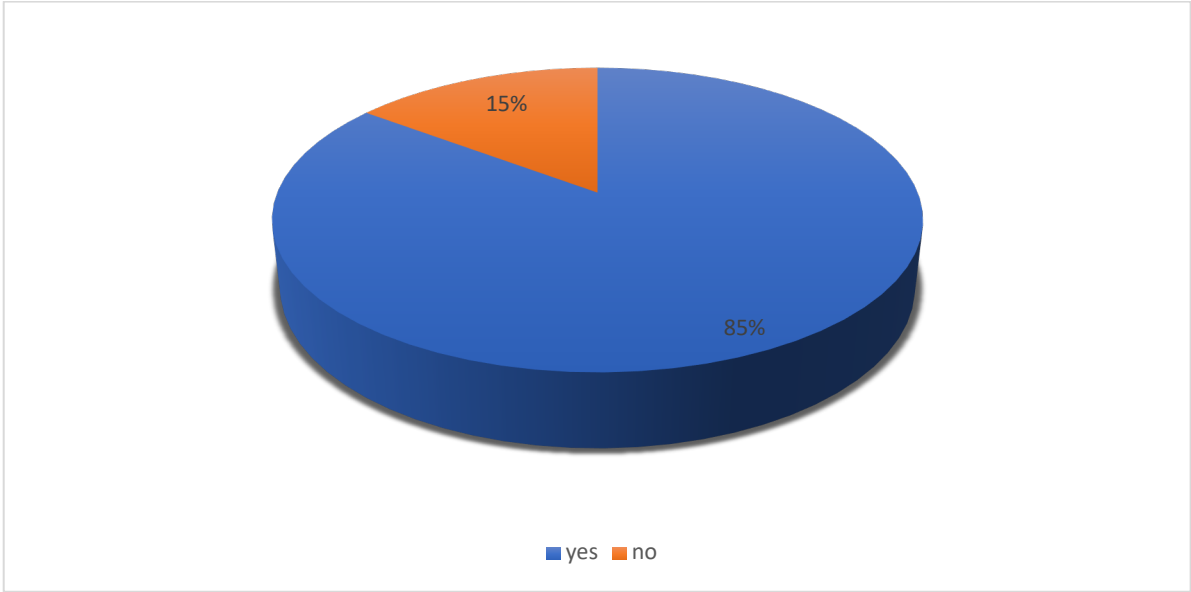
*N=210

As presented in the Figure 6.33 the rate of awareness of businesses for services provided online is very positive. 79% of respondents declared that they are aware that administration provides administrative services through online technology, while 21% businesses respond that they are not aware. The perception of citizens' awareness measured by the Weber shows that 51% of Kosovo citizens responded that they are aware of the e-services provided by government while 49% responded that they are not aware. The average rate in the level of the western Balkan countries is 41%. Country-wise, this level of awareness ranges from 31% in Montenegro to 53% in Macedonia. Citizens in Bosnia and Herzegovina are the least aware, with fewer than 2 in 10 citizens reporting awareness (19%) (Weber, 2018, p. 7).

6.5.4.4 Usage of Online Administrative Services

Surveys also show a significant rate of interaction through information technology between government, citizens and businesses. The rate that businesses used online administrative services is also high. On the question “*have you used online services provided by the administration/ government?*” 85% or 179 of respondents declared that they used the online services provided by the administration/government while 15% or 31 respondents state that they did not use them (see Figure 6.34).

Figure 6.34: *Have you used online services provided by the administration/ government?*



*N=210

Referring to e-services' usage rate among those citizens that are aware of e-services, the Weber survey's results on Kosovo show that only 32% of respondents across Kosovo have used them "sometimes" or "often" during the past two years. 23% of citizens of Kosovo have used them "rarely", while 46% of citizens have never used them. At the regional, level 26% of respondents across the region have used them "sometimes" or "often" during the past two years. At country level, the highest usage rate (combining "sometimes" and "often") is reported in Serbia (35%), followed by Kosovo (31%). Albania (19%) and Bosnia and Herzegovina (16%) marked the lowest rate (Weber, 2018, p. 9).

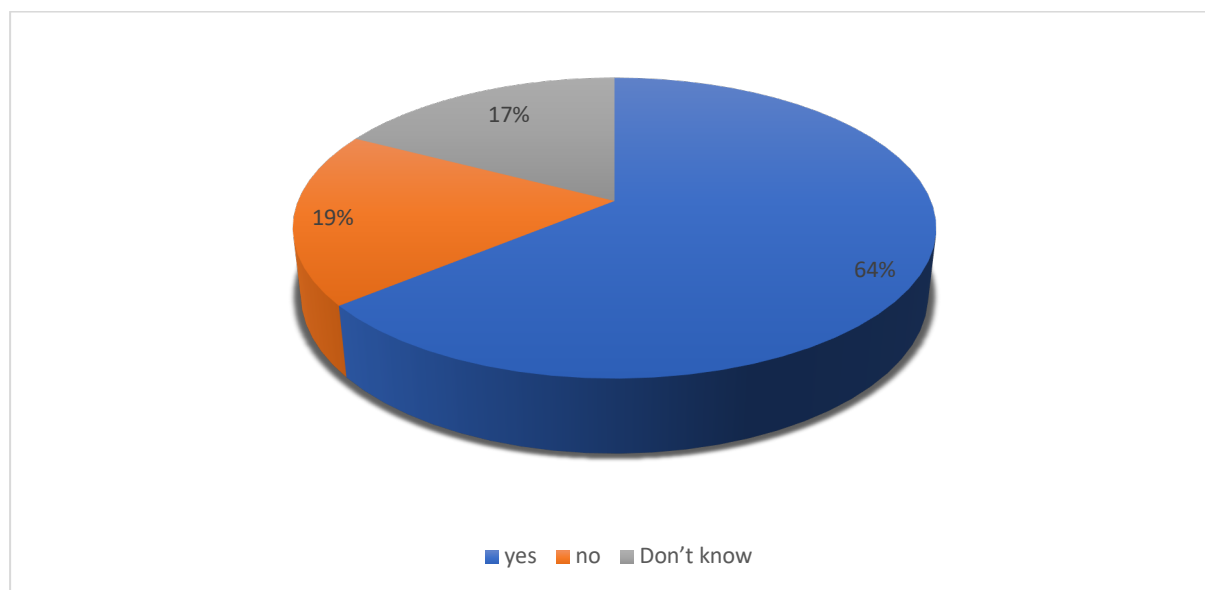
When asked about the channels of interaction between service users and administration the Respa survey with the government officials results that Kosovo stands highest regarding the use of online channels for service delivery interaction. While the average response rate in the Western Balkans is 31%, in Kosovo 42% of respondent institutions use digital channels for interactions in general with citizens and businesses (Respa, 2018, p. 228).

6.5.4.5 Accessibility of Online Administrative Services

Accessible, understandable and suitable online services for receivers is a very important aspect of service delivery. The results of the survey on the question "*Are the services provided by Information Technology suitable/understandable for use?*" are the following:

- 64% or 48 respondents state that online services provided by the government are understandable;
- 19% or 14 respondents state that such services are not understandable and
- 17% or 13 respondents state that they don't know.

Figure 6.35: *Are the services provided by Information Technology suitable/understandable for use?*



*N=75

As shown in the Figure 6.35 most of respondents or 64% of respondents state that the online services provided by the government are suitable and understandable. 19% of respondents state that such services are not understandable and 17% state that they don't know. On the similar question that was made to citizens by the Weber citizens' perception survey "How easy to use are e-services in general?" 14% of citizens of Kosovo state that they are difficult, 69% state that they are easy while 12% of citizens state that e-services are very easy to use. The average rate at the level of western Balkan countries is that 82% of respondents rate them as either easy or very easy (Weber, 2018, p. 9).

6.5.4.6 User Satisfaction Surveys

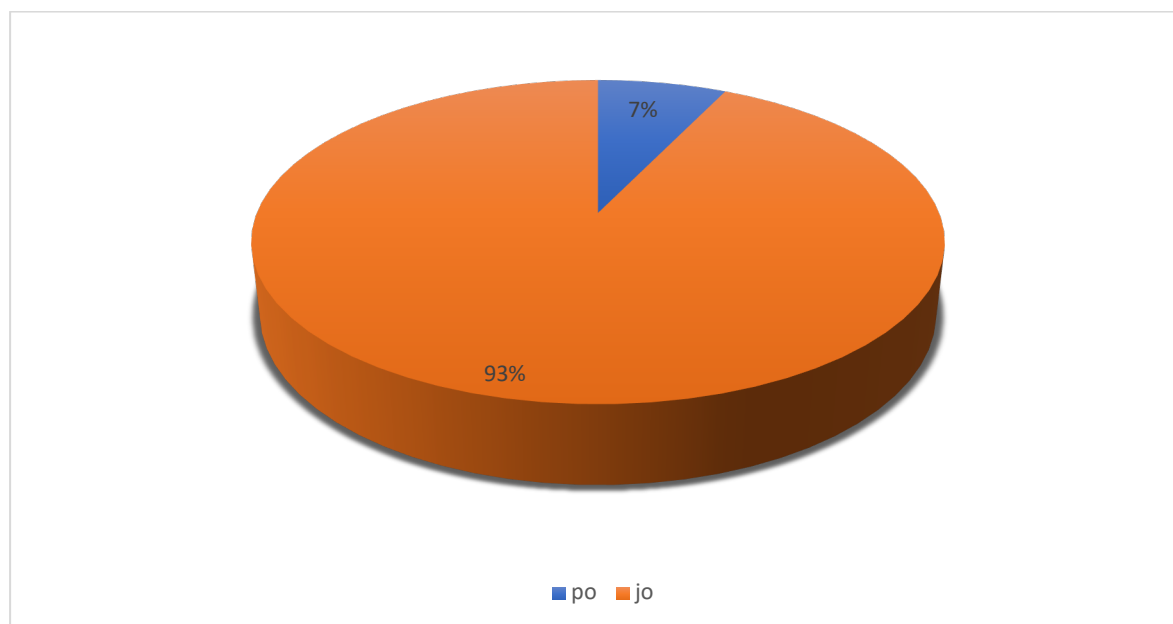
The quality of public services and citizens' satisfaction are interlinked. The only reference in the strategic framework of Kosovo to the instrument of the citizens' satisfaction measurement that aims to achieve through PAMS is to establish mechanisms and instruments that measure people's satisfaction on the quality and accessibility of administrative public services (Ministry of Public Administration, 2015, Subobjective 2.5). Establishing mechanisms for citizen's satisfaction measurement with the public administration has been influenced by the OECD/SIGMA principles on Public Administration that require mechanisms for ensuring the quality of public services are in place and the need to coordinate internal initiatives of

institutions contain initiatives that function for the measurement of satisfaction of their service users.

The survey as a tool for user's satisfaction involvement has been applied by external factors such as the Balkan Barometer Survey with citizens and businesses conducted by the Regional Cooperation Council in the Western Balkan countries. Another survey was conducted by the Weber project for Kosovo according to the regional methodology under the PAR monitoring project by the civil society organizations in the Western Balkans countries. Institutionally employed user engagement and feedback tools in Kosovo are at an initial stage and are conducted by individual institutions without any central coordination or guidelines. Several institutions measure the satisfaction of citizens with their services on their own initiative, and in addition the main tool for user feedback is the e-Box system, which is an electronic, touch-screen enabled feedback device physically installed in government buildings for over-the-counter services, typically in the reception area. The e-Box has been installed in 35 public institutions (no increase from 2017) and over 4 500 transactions of citizen feedback have been given (OECD/SIGMA, 2019, p. 16).

The absence of a mechanism that measures business' satisfaction with the services offered to them is confirmed through the answers to this survey on the question "*Have you been asked by the administration over the last three years about the satisfaction with administrative services and the administration's approach to businesses?*" as following:

Figure 6.36: *Have you been asked by the administration over the last three years about the satisfaction with administrative services and the administration's approach to businesses?*



*N=210

As presented in the Figure 6.36, 93% or 195 respondents state that they were never asked by the administration over the last three years about the satisfaction with administrative services and the administration's approach to businesses while only 7% or 15 respondents state that they were asked. The high number of businesses that stated that they were never asked about the satisfaction with administrative services confirm that the system of the measurement of user satisfaction with businesses is not yet in place in Kosovo. The citizens opinion expressed through Weber survey on the possibilities to give feedback on the quality of services they received is much more positive. The survey results show that 37.6% of citizens of Kosovo agree that they have the possibility to give opinions on the quality of the individual services received, 6.5% of citizens strongly agree whereas 24.3% of them don't know or have no opinion, 20.5% disagree and 17% of citizens strongly disagree (Weber, 2018c, p. 116).

6.5.4.7 Access to Information on Government Services by Businesses

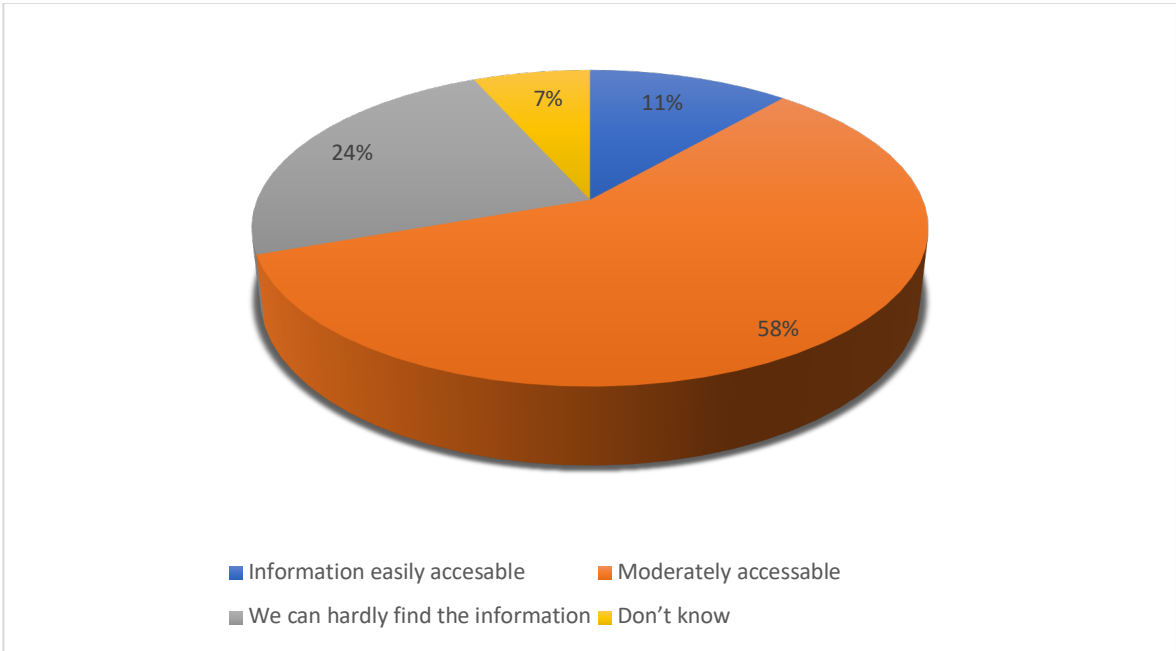
Access to information about the procedures, cost, forms that need to be filled in, and who to address is very important segment of service delivery. Official websites of institutions at the central and local level are required to provide standardized information on the services they

provide, such as the responsibility who provides services, cost of services, what forms should be filled etc (Administrative Instruction (MPA) No. 01/2015).

The survey results on the question *Can information on government services and administrative procedures be easy to find, for example, the cost of the service, who offers the service, application forms, etc.?* as presented in the Figure 6.37 are the following:

- 11% of 24 respondents answered that the information is easily accessible
- 58% or 122 respondents answered that the information is moderately accessible
- 24% or 50 respondents answered that the they can hardly find the information and
- 7% or 14 respondents do not know.

Figure 6.37: *Can information on government services and administrative procedures be easy to find, for example, the cost of the service, who offers the service, application forms, etc.?*



*N=210

The Balkan Barometer Business Survey (2019) provides a positive perception of business on the question *To what extent do you agree with the following statement – Information on the laws and regulations affecting my company is easy to obtain from the authorities.* On this question 3% of citizens of Kosovo completely disagree, 7% tend to disagree, 27% neither agree nor disagree, 41% tend to agree, and 14% completely agree.

In addition, the OECD/SIGMA assessment report 2019 on service delivery is critical on the information published by institutions on administrative services. The inventory of public services contains information on more than 600 services, but this has not been made available to citizens via the service portal of the Government. Moreover, the service descriptions are not self-explanatory, which reflects a lack of promotion of simple language in government communications. The information that is currently available via the portal is not organized around life-events (such as the birth of a child or a business start-up), but around general topics (such as family → child care, education → child at school etc.), so it is not very user-friendly. The e-government portal contains information only and does not provide access to digital services. (OECD/SIGMA, 2019, p. 18).

The positive feedback of businesses on the availability of information on administrative services to businesses is more accessible than the information on services for the needs of citizens. This can be noticed if one compares the availability of information provided by the Agency for Registration of Businesses through its official website⁵⁰ or Office of the Prime Minister through the platform of licenses and permits for businesses⁵¹ and the information on services issued by the Agency for Civil Registration which does not even have a webpage.⁵² This in a way is in line with the government priorities which aims to enable the business environment.

6.5.4.8 The Way of Information on Administrative Services

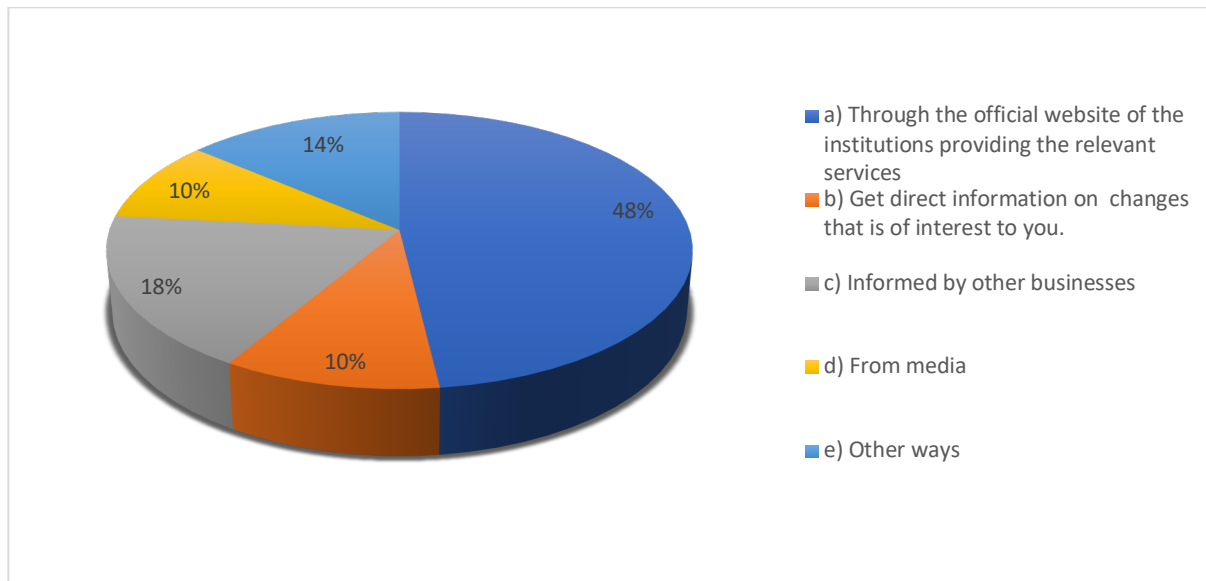
Finding the way to inform businesses on the administrative procedures, obligations, or changes that occur time after time is a very important aspect of the service delivery. On this issue businesses were asked about the channels they use to be informed in relation to administrative services.

⁵⁰ Accessible via <https://arbkr.rks-gov.net/page.aspx?id=2,1>

⁵¹ Accessible via <https://lejelicenca.rks-gov.net/en/AllLicences>

⁵² Accessible via <https://mpb.rks-gov.net/Info.aspx>

Figure 6.38: *How are you informed about public administration services and procedures?*



*N=210

As presented in the Figure 6.38 the survey shows the following results in relation to the question “*how are you informed about public administration services and procedures?*”:

- 48% or 101 of respondents answer that for administrative services and procedures they are informed through official webpages of institutions.
- 10% or 22 respondents get direct information for the changes that interest them.
- 18% or 38 respondents answer that they get information from other businesses;
- 10% or 20 respondents answer that they get information from media;
- 14% or 29 respondents get information through other ways

On the other hand the percentage of businesses that are informed through the information that is made public by the administration itself is not high. In cumulative 52% of businesses are informed through other ways of communication, either directly on their own, from other businesses, the media or other ways.

6.6 SUMMARY OF THE EMPIRICAL RESEARCH

The empirical research is focused on key issues, including the awareness of citizens and businesses and their perception on the impact of the reforms conducted by the government of Kosovo in the recent years, their perception on the factors that cause administrative burdens and their perception on applied practices for administrative simplification and burden reduction. Findings through other methods of the study show that in most cases reforms lacked enforcement capacity, were fragmented and had incomplete strategic framework. Fragmented structures responsible for guiding or driving reforms, as well as weak or no political commitment etc. is evidenced. The survey conducted for the purpose of this study and several other surveys analyzed herein mostly confirm these findings.

The survey has revealed that a high percentage (75%) of businesses are aware of reforms on the administrative simplification conducted by the government. The perception of businesses on the impact of reforms conducted by the Kosovo Government on the reduction of administrative burden is mixed. 40% of businesses recognize the impact of reforms, while the combination of results with negative responses (28%) and those who “do not know” about any reforms (32%), leads to the result that the overall percentage of respondents’ responses represents a high degree of lack of knowledge about the impact of the reforms (60%).

Challenges in implementation of the LGAP are confirmed by the perception of businesses and citizens through two separate surveys on the impact of the Law on Administrative procedures and their perception is highly negative. 79% of businesses’ perception on reforms about enabling the business environment introduced through the Law on General Administrative Procedures is negative. A highly negative grade (71%) has also been given by citizens in the Balkan Barometer Survey regarding the level of enforcement of the law on administrative procedures. The total percentage of businesses that did not see improvements or considered the burden to be higher than two years ago is 63%.

Factors which cause administrative burden to businesses and citizens were elaborated during the empirical study, including the time and costs for complying with regulations or nonregulatory burdens, lack of clarity of legislation, burdens caused when service users interact with the frontline officers etc.

Results of the perception on costs for services (*registration, permit/license, issuance of personal documents, judiciary costs etc.*) provided by businesses and citizens in both surveys – Survey of the author and the Balkan Barometer survey - are predominantly positive. Only less than 30% of respondents in both surveys consider costs for services high or too high and the other share of respondents either consider the cost of services excellent or good. Another segment where the perception of businesses is relatively positive is related to the obligation of businesses to provide information or reports to the administration. The percentage of businesses that consider that the obligation to provide information is a large and very large burden is 27%. Meanwhile information obligations present an average burden for 40% of businesses. 30% of respondents consider that this factor does not represent any burden or presents a little burden for them.

As summarized below the survey indicates that main causes of burdens to businesses are the way service delivery system is organized, lack of coordination, and sharing of information between institutions and their staff:

- The lack of understanding with the frontline staff, faults that the administration makes and cannot be fixed, the need to run from one to another office for receiving administrative services are factors that cause administrative burdens for more than 56% of businesses.
- Waiting time to get the administrative service, ambiguity of legislation in the area of businesses, accessing the appropriate officer responsible for obtaining the requested service are factors that cause administrative burdens to 40–50% of businesses.
- The need to report several times, filling in the required forms, treatment by administrative staff are factors that cause burden for less than 30% of respondents.

Eurostat reveals that in 2019, Kosovo had the highest percentage of households with home-based Internet access in the region (97%). This percentage is higher than in the EU countries themselves where the average rate is 89% which signifies the perspective for use of digital channels for service delivery in Kosovo. Surveys also show a significant rate of interaction through information technology between government and businesses. Surveys indicate that businesses interact much more than citizens through information technology. While 79% of businesses are aware that administration provides administrative services through online

technology and 85% of them have used this method to obtain a service, the results of Weber's survey reveal that only 32% of citizens across Kosovo have used them "sometimes" respectively "often" this opportunity during the past two years.

Stakeholders' participation in the decision-making process on service delivery or the user satisfaction measurement system constitute another weakness of the Kosovo government. Businesses' responses to the question if they are consulted when any initiative on simplification of public administrative procedure were mostly negative. Only 5% of businesses consider that they are often consulted. The perception of CSOs in the Weber survey is more positive even though only 36.4% of them agreed that government institutions consistently apply formal consultation procedures when developing policies within their purview.

Also, satisfaction measurement tools are not used or are very rarely used by the administration. 93% or 195 respondents stated that they were never asked by the administration over the last three years about their satisfaction with the administrative services and administration's approach to businesses while only 7% or 15 respondents stated that they were asked. The citizens opinion expressed through Weber survey on the possibilities to give feedback on the quality of services received is much more positive. The survey results show that 37.6% of citizens of Kosovo agreed that they have the possibility to give opinions on the quality of the individual services received and 6.5% of citizens strongly agreed.

It is important that most of businesses expressed strong confirmation that reforms of the administrative simplification should continue. The share of businesses that demand continuation of to simplification processes and regulations that impact businesses is very high (84%), and 13% partly agreed that simplification of regulations is needed.

Chapter
7 CONCLUSIONS

This chapter presents a summary of responses to research questions and conclusions of the research study.

The theoretical part of the research provided that in most OECD countries as well as EU member countries the efficiency and effectiveness as the major principles of the public administration, which derive from modern and postmodern theories on public administration (such as NPM, Neo Weberian, New Governance etc), are by now a consolidated policy priority of government. These principles, together with other principles of public administration, namely good governance, are a driving reform forces in the South-Eastern European countries.

Administrative simplification is considered by many governments as a key factor and an approach for achievement of a more efficient and effective public administration and to ensure regulatory quality which remained high on the agenda of most OECD countries and EU member states over the last couple of decades (OECD, 2003, p. 3; EUPAN, 2014).

On the other hand, Western Balkan states have transformed steadily their administrative culture and have undertaken concrete steps since their processes, procedures and institutional arrangements are at odds with their national needs for a more efficient administration, EU integration agenda and their priorities (Matei et al., 2011; Koprić et al., 2016). The Western Balkan countries' growing awareness that the efficiency and quality of regulations affects economic performance led them towards applying a more strategic approach to regulatory reform, and adoption of comprehensive, or fragmented regulatory reform strategies. The research study finds that all Western Balkan countries recognise improvement of service delivery as one of the priorities or key objectives in public administration reform (Weber, 2018, p. 102). Creation of a better environment for businesses and improvement of administrative services for citizens through administrative simplification and administrative burden reduction programs became one of the strategic objectives in the recent years.

Implementation of the research design for this study evidenced that Kosovo has made efforts to respond to the new challenges and demands of post-modern developments in the public administration. As in other regional countries, the principle of efficiency and effectiveness as well as instruments that contribute to achievement of these principles have been included as a major goal in several planning, policy and legal documents approved by the government of Kosovo. Findings of the research study support the assumption that administrative

simplification reforms have an important place in the current strategic framework. Strategic objectives and policies related to administrative simplification and burden reduction are placed progressively in several strategic and policy documents. However, the question arises whether the approved strategic objectives are sufficiently comprehensive and if they provide a clear vision and directions for policy makers and institutions entitled to implement such reforms. The research design of the study aims to provide such an answer and for this reason appropriate qualitative methods for data collection and data analysis were applied.

Reduction of administrative barriers for businesses with the aim of facilitating business enabling environment and improving the ranking on the World Bank Doing Business Report were covered for the first time at macro national level by the *Economic Development Vision Action Plan of Kosovo 2011–2014*, which was followed by the *Kosovo's National Development Strategy 2016–2021 (NDS)*. The NDS aimed at improving the delivery of public administration services with focus on establishing the registry and information system on administrative services. The strategy also aims to reduce the licenses and permits, and to streamline and simplify administrative procedures by prioritizing those directly related to businesses. The strategic framework at this level is very general and aims to guide the government on setting priorities in the administrative simplification and service delivery.

Sectoral or sub-sectorial strategies, which aim to ensure that NDS objectives are transformed into specific policies, have a wide decision-making discretion on specific strategic discretions at the sectorial level. The *Public Administration Modernization Strategy 2015–2020* embraced citizens centered approach in service delivery and in several specific administrative simplification methods. The PAMS aims to establish preconditions for the better access to services, including creation of physical one-stop shops (establishment of two pilot single points of contact until 2020) and electronic (establishment of interoperability platform, functionalization of the E-Kosova Portal). The Strategy aims to address the gaps on institutional framework for policy coordination and monitoring of administrative service delivery, establish the registry of the administrative services, approve the new Law on General Administrative Procedures as well and harmonize all specific legislation with this law.

The *Better Regulation Strategy 2.0 2017–2021* which is another strategy under the public administration reform framework is focused on reduction of administrative burden to businesses and reduction administrative barriers introduced by licenses and permits. Two policy

papers that aim to provide policy options for administrative burden reduction, which focus on the use of standard cost model and the reduction of licenses and permits, are in drafting procedure since 2017. Other strategies, such as digital agenda 2020, the strategy for local self-government cover marginally the administrative simplification process at central and local level.

Analysis of documents, observation and interviews with the aim to respond to the first research question of the study indicate that the current circle of strategic framework at central national and sectoral, sub-sectoral level paid attention to the simplification of administrative processes and is improved substantially. However, the strategic framework is not sufficiently comprehensive, is incomplete and fragmented in the area of digital services, as well as in providing answers on choices for application of administrative simplification tools and methods. NDS does not clearly provide directions in many aspects of the reform such as: whether the government aims to focus on *ex ante* or *ex post* policy administrative simplification reforms or both, whether institutions are guided for a digitalization of service delivery compared to the analogue methods, citizen centered service delivery approach etc. At sectoral level although several administrative simplification tools and the spirit of modernization of public administrative and ease of access to administrative services is based on the PAMS, it did not guide drafters of the LGAP as the main legal instrument to include principles such as once only principle, silence is consent, principle of gratuity, administrative assistance etc. which are mainly based on advice from the external expertise, best foreign practice, and OECD/SIGMA public administration principles. Policy options in many cases are based on scenarios rather than on evidence-based information and analysis. E.g. Targets for the administrative burden reduction are set without a baseline measurement of the existing burden. Furthermore, establishment of single points of contact were not preceded by analysis of options on where to be established, which services to include, what model for single point of contact should be established etc. Objectives and targets set in many cases are overambitious and not realistic if the progress of their implementation is analysed.

Findings of the study are supported also by the OECD/SIGMA in its assessment report for 2019, which concluded that the strategic framework has failed to provide answers to the needs and preferences of citizens and businesses when administrative services were simplified and re-engineered; How is the transformation from analogue to digital service delivery expected to happen? How many and which services will be made available to citizens and businesses in

digital format and what exactly needs to be done for that?; What is the strategy in terms of promoting and supporting the development of digital vs. analogue channels (such as one-stop shops) for service provision? (OECD/SIGMA, 2019). The cycle of strategic planning framework elaborated in this study will be finalised by 2020 or 2021. These two years represent an opportunity for progressing towards a more advanced stage of public administration reforms in this area, where lessons learned provide an opportunity for addressing the shortcomings identified during the implementation of strategies. The years 2020 and 2021 enable a new stage in Kosovo's public administration reforms in responding to the new demands for a digital public administration.

Promotion of administration modernization represents an aspect that totally differs from the implementation process (Pollitt and Bouckaert, 2000). Most of public administration reforms are characterized by a gap between the theoretical and the practical implementation (Engel, 2003). To respond to the second research question, the study finds that the impact of the strategic framework on introduction of administrative simplification tools and methods in the policies and legislation in Kosovo is uneven. The research finds that many common administrative simplification tools and methods aimed by strategies are already or in process of incorporation in the policy and legislative measures of the Kosovo government. On the other hand, many applied administrative simplification tools are not based on any strategy.

The perception of businesses on the impact of reforms conducted by the Kosovo Government on reduction of administrative burden is mixed. 40% of businesses recognize the impact of reforms, while combination of negative responses (28%) with those who “do not know” about anything about reforms (32%), leads to a result indicating that overall percentage of respondents responses represents a high degree of non-recognition of the impact of reforms (60%).

The Law No. 04/L-202 on Permit and License System that entered into force in 2014 is an important piece of legislation that aimed to establish principles and rules for improvement of business environment through reduction of administrative barriers. The strategic basis for this law is found on the EDVAP 2011–2014. The adoption of LGAP in 2017, as foreseen in the PAMS 2015–2020, was the major development in the recent years (OECD/SIGMA, 2017, p. 102) in the simplification of administrative procedures. LGAP has introduced administrative simplification tools such as: single points of contact, has enabled the use of information technology for administrative services, has required reduction of administrative burden, and

has introduced the once only principle, administrative assistance, the principle silence is consent etc. The three latest principles have not been specifically mentioned in any of the government strategies.

Despite this, implementation of the LGAP in practice has been one of the main challenges in the recent years as it was confirmed by documentary analysis, interviews and perception of businesses and citizens through two separate surveys. 79% of businesses' perception on the impact of reforms about enabling business environment introduced through the Law on General Administrative Procedures is negative. A highly negative grade (71%) on the level of enforcement of the law on administrative procedures has been expressed also by citizens in the Balkan Barometer Survey 2018. The total percentage of businesses that did not see any improvement or the burden is higher than two years ago is 63%. Until 2019 only 9 draft laws harmonized with LGAP were in the parliamentary procedures and only 12 draft laws were in the drafting procedure in ministries even though the target is to harmonize 60% out of 231 laws by 2020 (Ministry of Public Administration, 2019, p. 18). On the other hand, the probability of success in implementation of administrative burden reduction reforms through concept document of Administrative Burden as targeted Better Regulation Strategy 2020 is very low.

In practice the study recognized several examples of success, some of which derived from the strategic objectives. In Kosovo, the procedure for obtaining Unified ID number for businesses (which is used as Business Registration, Fiscal Number, and VAT number) has been merged into a single procedure. One stop shops for business registration in Kosovo have been established in 29 municipalities and are now routinely issuing business registration and fiscal numbers (and if requested, VAT registration) through a single procedure. According to the amended law on Business Organizations, the certificate for business Registration can be issued in 3 days, not counting the day of submission of documents (World Bank, 2018, p. 8). The Business Registration Agency has also been successfully implementing tools to register businesses online, but has not been using the central eID tools to authenticate users or to provide an electronic signature option in the application process, particularly because it is not fully aware of the status of these tools. (Respa, 2018, p. 134). These actions were influenced by the EDVAP 2011–2014.

Eurostat reveals that in 2019, Kosovo had the highest percentage of households with home-based Internet access in the region (97%). This percentage is higher than in the EU countries

themselves where the average rate is 89% which signifies the perspective for the use of digital channels for service delivery in Kosovo. Several examples were evidenced when new initiatives by institutional service providers have used IT tools to provide administrative services notwithstanding the strategic framework in the area. The E-kiosk – Self-Service Automated Machine in the Pristina and some other municipalities where certificates on the civil status can be obtained without visiting any office is an example how innovative equipment ease administrative service provision for citizens. Electronic Declaration of Taxes (EDI) is another example of a modern, fast and easy way to declare taxes. This system allows taxpayers to create online accounts with TAK, where they can complete, declare, pay, check their tax histories, as well as receive other services without visiting the TAK at all. The E-Cadaster system, whose development is underway, is another example of individual initiatives for improvement of services through ICT tools. The application of the innovative solutions to receive civil status documents called e-Kiosk, the Electronic Declaration of Taxes and the business registration procedures are inspiring practice examples that can be used by other countries in the region.

As a response to the third research question, the study confirms several factors that affect weak implementation of strategies, legislation and application of administrative simplification tools in the Kosovo State Administration.

- An important factor that affected fragmented and incomplete strategic framework in this area and most importantly its application in practice is the organization of administrative service delivery. Institutions vested with authority to have certain responsibilities in service delivery (i.e Ministry of Trade and Industry is responsible for business registration or Ministry of Interior deals with civil documents, or municipalities etc.) act on their own discretion when they simplify administrative procedures. They apply such an approach due to lack of a central institution responsible for an overall planning, policy making, coordination and monitoring and evaluation of legislation and standard on modernization of administrative public services in Kosovo. At the macro level a “silo approach” in planning and implementation is affected by three poorly coordinated parallel processes simultaneously: 1) Administrative burden reduction run by the Office of the Prime Minister, namely Government Coordination Secretariat. 2) Reduction of Licenses and Permits run by the Legal Office of the Office of the Prime Minister; and 3) Harmonization of specific legislation with the principles of LGAP by the Ministry of Public Administration.

- The frequent changing of governments and political instability⁵³ have affected the continuity of overall reforms including the ones in the field of administrative service delivery.

- The implementation of LGAP in practice requires a preventive or *ex ante* approach, which is not yet in place, and a “clean-up” of the existing legislation. The introduction of new principles, institutes and specific rules affected a wide range of rules imposed by specific laws and secondary legislation. The harmonization of specific laws with LGAP during the last couple of years as planned with the PAMS was not successful due to many reasons:
 - o Lack of political commitment to support application of the new rules and requirements set out in the LGAP.
 - o Deficiencies were evidenced in the process and approach to harmonization of specific laws with the LGAP. The study confirms that ideas on an appropriate approach for continuing harmonization of specific legislation with LGAP are not yet in place.
 - o The involvement of ministries and other specific institutions during the analysis of the legislation was not systematic since the analysis of each specific law was mainly done through deskwork conducted by external experts financed by the EU projects. On the other hand, there was a weak involvement of MPA in monitoring whether their recommendations were received and incorporated when new legislation was drafted.
 - o The heavy dependence on the external assistance which is not always the best expertise⁵⁴ and lack of capacity of staff responsible to implement the LGAP. A minority of respondents (19%) in a survey conducted by the Ministry of Public Administration in 2018 with civil servants involved in the implementation of administrative procedures at central and local level of public administration say they know the LGAP well (EU Project Support to the Public Administration Reform, 2018, p. 10; Shamolli, Personal Interview, 18 October 2019; Bllaca, Personal Interview, 13 September 2010).

- Even though they were considered as positive examples for improvement of individual service delivery systems, the bottom-up initiatives resulted in fragmented ICT islands which

⁵³ Kosovo faces short aged government since 2008 due to lack of political stability and frequent elections and particularly during the recent years. The last government was established in September 2017 and lasted until August 2019.

⁵⁴ Harmonisation of legislation with LGAP requires a certain level of expertise and experience in the field while the project EC support to PAR have mostly engaged junior experts that did not have any experience in the general administrative procedures and public administration.

are difficult to interoperate. E.g. e-kiosk is a novelty initially introduced by the municipality of Pristina and then used by several other municipalities, but it is not standardized across the country.

- The progress of digitalization of services will be hampered until the Law on Information Society Services enabling application of electronic signature is adopted. Institutions argue that without central tools in place (such as an interoperability solution, e-ID tools and a government portal) they cannot start their reforms, even though the first steps could be taken to review procedures or introduce digital applications to reduce the need for in-person contact during the service delivery process (OECD/SIGMA, 2017, p. 106).
- The Government has not promoted the use of quality-management tools and frameworks. No central standards for service delivery have been set. The main tool to collect user feedback on public services is the e-Box system, but its usefulness remains questionable since the system permits the users to provide feedback multiple times and accepts comments on any service listed, not necessarily the service received by the contributor (Respa, 2018; OECD/SIGMA, 2019). The survey with businesses finds that 93% of respondents were never asked by the administration over the last three years about their satisfaction with administrative services.
- Consultation of stakeholders forms a crucial input throughout the policy and management cycle. The survey reveals that only 5% of businesses consider that they are often consulted while 20% respond that they are rarely consulted and 75% are never consulted by the administration for the possibility of simplifying administrative procedures.

Despite obvious improvements in the recent years made by the Kosovo public administration, the opportunity for further improvement in the service delivery is very broad, as highlighted in the following:

- A comprehensive and well defined strategic vision, formulated in the strategic documents should be followed by strategic actions, evidence-based information and should be driven by the needs of the administrative service users and recent technological and economic developments.

- Strategic goals and their implementation instruments should take into consideration the state administration's strengths and weakness, threats and opportunities. In most of cases the aimed goals, targets and planned activities are far-reaching and ambitious as formulated in the approved documents.
- Institutions responsible to conduct administrative burden reduction reforms and harmonization of legislation with LGAP, namely OPM and MPA should avoid the "silo approach", coordinate their activities and jointly focus on selected specific sectors step by step rather than try to cover all sectors at the same time.
- In addition to application of contemporary methods and novelties for better access to administrative services, the reform should be focused on reducing demands of institutions for documents and certificates for an administrative service E.g. municipalities were focused in introduction the e-kiosk to enable access to civil status certificates rather than reduce their requests for such documents.
- Responsibility for planning, coordination, monitoring and evaluation purposes concerning the modernization of administrative public services should be vested in an appropriate institution. In addition, an inter-institutional coordination mechanism should be established to coordinate the work between different institutions
- Engagement in strengthening regional initiatives or mechanisms to share best practices and experiences in conducting reforms on administrative simplification in order to improve administrative service delivery among western Balkan these countries.
- The last but not least important, the survey with businesses shows that access to public administrative services, particularly for businesses is affected to a great extent by frontline officers that interact directly with service users. The reasons for such gaps, as indicated by the survey, may be the inadequate organization of work on the administrative service delivery, capacities of frontline officers and their superiors, the share of information within the administration on services concerned, the level of discretion that front line officers have on their daily decisions and behaviors toward the service users, and all these are an

important factor for public service delivery (Lipsky 2010). The discretion that the frontline officers have in Kosovo public administration may be further explored.

- Government policies on reduction of administrative burden through introduction of administrative simplification approach, particularly use of information technology can impact reduction of these factors substantially. However, given that the need for direct physical contact with front line officers or street level bureaucrats cannot be eliminated, the reform policies that Kosovo is conducting need to focus on this level of public administration, too. Therefore, it is very important to focus on supporting them with information and guidelines, to increase capacities and to assess their performance during their work with service users.

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APPENDIXES

APPENDIX A:

LIST OF INTERVIEWS AND GROUP MEETINGS



| Name & Surname | Position | Institution | Method and date |
|--|--|---|----------------------------------|
| Arben Krasniqi | Director | Government Coordination Secretariat, Office of the Prime Minister | Personal Interview 12.09.2019 |
| Mentor Borovci | Director | Legal Office, Office of the Prime Minister | Personal Interview 13.09.2019 |
| Naser Shamolli | Director | Legal Department | Personal Interview 18.10.2019 |
| Burim Balaj | Head | Head of the Directorate for Rationalization of Administrative Processes Agency of Information Society Ministry of Public Administration | Personal Interview 15.10.2019 |
| Rexhep Bllaca | Director | Legal Department | Personal Interview 13.09.2019 |
| Qerkin Berisha | Independent expert and Assistant professor | EU project Support to PAR Law Faculty, University of Pristina | Personal Interview 15.09.2019 |
| Meetings for the different purpose/OECD Service Delivery Assessment/EU support to PAR Where observation methods was used as sourv | | | |
| Focus Group Meeting with MPA Staff | | | |
| Erna Hasanxhekaj | Director | Department for Management of PAR MPA | Group meeting 15.01. 2019 |
| Naser Shamolli | Director | Legal Department, MPA | |
| Kujtim Gashi | CEO | Agency for Information Society | |
| Burim Balaj | Head | Agency for Information Society | |

| Focus Group Meeting with AIS Staff | | | |
|--|--|--|--------------------------------|
| Kujtim Gashi | CEO | Information Society Agency | Group Meeting 15.01. 2019 |
| Burim Balaj | Head | | |
| Ardian Zajmi | Director | | |
| Nexhmije Selimi CeO | CEO Business Registration Agenc | Ministry of Trade and Industry Business registration Agency | Group meeting 16.01. 2019 |
| Mehdi Plashniku | Head | | |
| Meeting with Tax Administration staff | | | |
| Agron Sahiti Sami Salihu Naim Ahmetaj | Directors of departments | Tax Authority | Group meeting 16.01. 2019 |
| Meeting with the CRA Staff | | | |
| Bekim Hoxha | CEO | Civil Registration Agency, Ministry of Internal Affairs | Group meeting 16.01. 2019 |
| Musa Thaqi, | Head | | |
| Arben Osmani | Official | | |
| Genc Hamzaj | Official | | |
| Group Meeting with the Business representatives | | | |
| Agim Shahini Lumnije Hajdini | President Expert | Kosovo Alliance of Businesses | Group meeting 16.01. 2019 |
| Vllaznim Osmani | Director | Kosovo Manufacturing Club | |
| Group Meeting with Cadastral Agency | | | |
| Aferdita Thaqi, Korab Ahmetaj | Director IT expert | Kosovo Cadastral Agency | Group meeting 17.01. 2019 |
| Group Meeting with the Civil Society Organizations | | | |
| Visar Rushiti, Isuf Zejnaj, | | Democracy Plus, NGO | Joint meeting, 17.01. 2019. |

| | | | |
|---|-----------------|---|--------------------------------------|
| Arbresha Loxha | | Group for Policy and Legal Studies | |
| Group Meeting with the projects experts | | | |
| Valmira Regjebeqaj Ramandan Ilazi | | Different Projects experts | Joint meeting 17.01. 2019 |
| Individual Meetings | | | |
| Muhedin Nushi | Deputy Mayor | Prishtina Municipality | Individual Meeting 18.01. 2019 |
| Rexhep Bllaca, | Director | Legal Department, Ministry of Trade and Industry | Individual meeting 18.01. 2019 |
| Agim Kikaj | Director | Ministry of Economic Development | Individual meeting 18.01. 2019 |

APPENDIX B:

THE INVITATION TO PARTICIPATE IN THE SURVEY

Pyetësori për ngarkesat administrative dhe burokracinë për bizneset >  

➔ **Ruzhdi Halili** <ruzhdi.halili@gmail.com>

Sat, Mar 30, 7:06 PM



to bcc: nps.h.emergjenca, bcc: infotraveks, bcc: gagella_gjilani, bcc: tritechks, bcc: siliconalarm, bcc: bio.pharm, bcc: laureta62, bcc: ▾

I/e nderuar,

Ju jam mirenjohës nëse gjeni kohë rreth 10 minuat për ta plotësuar pyetësin si në vijim.

Pyetësi shërben për të identifikuar ngarkesa që bizneset kanë gjatë punës së tyre me administratën shtetërore (dmth gjatë marrjes së dokumenteve, regjistrimeve, pagesave etj), për të analizuar këto pengesa dhe ku mund të përmirësohen ato.

Qëllimi kryesor i tij pyetësit i shërben hulumtimit akademik në kuadër të përgaditjes së doktoratës time për Universitetin e Lublanës. Analiza potencialisht mund të publikohet në ndonjë revistë shkencore evropiane.

Identiteti i Juaj dhe përgjigjet individuale do të mbesin tërësisht konfidenciale/të fshehta.

Plotësimi i pyetësit ju merr rreth 10 minuta kohë dhe është i thjeshtë për tu plotësuar vetëm duke shtypur njërin nga opsionet e ofruara për secilën pyetje.

Ju falenderoj për përgjigjen tuaj!

Për të vazhduar me plotësimin e pyetësit klikoni në linkun në vijim:

<https://forms.gle/dzdQqFKFVJq8oAzYA>

APPENDIX C:

THE REMINDER OF THE INVITATION TO REPLY ON THE QUESTIONNAIRE

Rikujtim_Pyetësori për ngarkesat administrative dhe burokracinë për bizneset >



Ruzhdi Halili <ruzhdi.halili@gmail.com>

Mon, Apr 8, 10:54 PM ☆ ↶ ⋮

to bcc: plenjani, bcc: aida.selimi, bcc: sermaxhaj.k, bcc: valon.hiseni, bcc: suzuki_gk, bcc: petrit.hoxha, bcc: burimhoxha2000, bcc: c4ashpk.info, bcc: info, bcc: flutraz.h, bcc: hali

Përsëritje i/e nderuar.

Ju rikujtoj se përgjigja e juaj në këtë pyetësor siç shpjegohet më poshtë në email është shumë e rëndësishme. Prandaj klikoni në këtë link:

<https://forms.gle/dzdDqFKFYJq8oArYA>

Njëheri i falënderoj të gjithë ata që veç janë përgjigjur më herët në pyetësor.

Me të mira,

Ruzhdiu

On Sun, Mar 31, 2019 at 9:49 PM Ruzhdi Halili <ruzhdi.halili@gmail.com> wrote:

I/e nderuar,

Ju jam mirënjohës nëse gjeni kohë rreth 10 minuta për ta plotësuar pyetësorin në linkun më poshtë.

Pyetësori shërben për të identifikuar ngarkesat që bizneset kanë gjatë punës së tyre me administratën shtetërore (dmth gjatë marrjes së dokumenteve, regjistrimeve, pagesave etj), për të analizuar këto pengesa dhe ku mund të përmirësohen ato.

Qëllimi kryesor i tij pyetësorit i shërben hulumtimit akademik në kuader të përgaditjes së doktoratës time për Universitetin e Lublanës.

Identiteti i juaj dhe përgjigjet individuale do të mbesin tërësisht konfidenciale/të fshehta.

Plotësimi i pyetësorit ju merr rreth 10 minuta kohë dhe është i thjeshtë për tu plotësuar vetëm duke shtypur njërin nga opsionet e ofruara për secilën pyetje.

Ju falënderoj për përgjigjen tuaj!

Për të vazhduar me plotësimin e pyetësorit klikoni në linkun në vijim:

<https://forms.gle/dzdDqFKFYJq8oArYA>

Me të mira,

Ruzhdiu

APPENDIX D:

THE QUESTIONNAIRE (TRANSLATION FROM ALBANIAN)

Questionnaire on the Administrative Burden on Businesses

* Required

1. 1. Are you aware of the government programme or initiative on the Better regulation, namely on the simplification of administrative procedures? *

Mark only one oval.

- Yes
 No

2. 2. Do you consider that public administration reforms have had a positive impact on easing the administrative procedures for businesses? *

Mark only one oval.

- Yes
 No
 I dont know

3. 3. Are you aware of any ease that the new Law on General Administrative Procedure provides for businesses and citizens during the administrative procedures? *

Mark only one oval.

- No
 Yes

4. 4. Do you think that the Government should simplify regulations that impact your bussiness? *

Mark only one oval.

- Yes, fully
 Partly
 No need

5. 5. If you compare the administrative burden that affects your business with two years ago, how do you consider it? *

Mark only one oval.

- a) The burden is increased
 b) Now there is less burden
 c) The situation is the same as two years ago

6. 6. Does your organization spend a lot of time fulfilling your administrative obligations required by government rules? *

Mark only one oval.

- a) we don't spend time
 b) we spend little time
 c) we spent time on average
 d) we spend a lot of time

7. 7. Can you estimate how much unnecessary administrative burden for your business costs? *

Mark only one oval.

- yes
- Yes approximately
- No, we can not estimat

8. 8. What could be the biggest burden for your business that is caused by the government? *

Mark only one oval.

- a) Time spent on responding to public administration's requests
- b) Directly financial means
- c) additional human resources
- d) other

9. 9. How do you assess your cost for the services you have to obtain from the administration (registration, licences and permits etc) *

Mark only one oval.

- a) resonable
- b) somehow reasonable
- c) high
- d) too high

10. 10. Do inspections or similar administration requirements cause burden to your bussiness? *

Mark only one oval.

- Jno, they do not cause any burden
- they cause a little burden
- they cause average burden
- they cause high burden

11. 11. Assess how much the burden is for you to provide information or report several times to the administrator? (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden): *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

12. 12. Evaluate how much is a burden to you the waiting time for carrying out tasks related to the administration (in the counters, the duration of the decision making) 1. Is not a burden at all; 2. it represents a small burden, 3 represents an average burden, 4 represents a large burden; 5 represents a very large burden): *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

13. 13. Evaluate how much burden for you is filling in the necessary forms required by the administration (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden): *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

14. 14. Evaluate how much burden represents ambiguous legislation (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden) *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

15. 15. Assess how difficult it is to reach the right officer you need to carry out the work with administration (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden) *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

16. 16. Estimate how much the burden represent mistakes of the administration that can not be fixed (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden)

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

17. 17. Assess the burden caused when you have to move from on to another office to get a service from the administration (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden) *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

18. 18. Evaluate how much it burden represents for you when you can not be understood with the administration employees (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden) *

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

19. **19. Assess what treatment you have by the administrative officers during the service delivery (1- no burden at all; 2- cause little burden, 3- cause average burden; 4 causes large burden; 5 causes a very high burden) ***

Mark only one oval.

| | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

20. **20. Have you ever been asked by the administration for the possibility of simplifying administrative procedures? ***

Mark only one oval.

- Often
 Rarely
 Never

21. **21. Have they been appropriate forms through which you can contribute / simplify your procedures or administrative burdens? ***

Check all that apply.

- Yes, the form of consultation with business has been appropriate
 We have been consulted but not in the appropriate form
 We have never been consulted

22. **22. Have your proposals been taken into account by the institutions? ***

Mark only one oval.

- yes
 no
 We are not consulted

23. **23. Are you aware of the administrative services provided through government information technology / online technology? ***

Mark only one oval.

- yes
 no

24. **24. Have you used/used online services provided by the administration/ government? ***

Mark only one oval.

- yes
 no

25. **25. Are the services provided by Information Technology suitable / understandable for use?**

Mark only one oval.

- Yes
 No
 Dont know

26. **26. Have you been asked by the administration over the last three years about the satisfaction with administrative services and the administration's approach to businesses? ***

Mark only one oval.

- Yes
 No

27. **27. Can information on government services and administrative procedures be easy to find, for example, the cost of the service, who offers the service, application forms, etc.? ***

Mark only one oval.

- Information easily accessible
 Moderately accessible
 We can hardly find the information
 Don't know

28. **28. How are you informed about public administration services and procedures? ***

Mark only one oval.

- a) Through the official website of the institutions providing the relevant services
 b) Get direct information on changes that is of interest to you.
 c) Informed by other businesses
 d) From media
 e) Other ways

29. **Business profile (scope of activity) ***

Mark only one oval.

- Construction
 Production
 Trade
 Catering, touristic services etc
 IT services
 Medical Services
 Media
 Other

30. **Your company consists of approximately (This information is needed to categorise businesses): ***

Check all that apply.

- Individual business
 Up to 20 employees
 20-100 employees
 100 - 500 employees
 500-1000 employees
 Above 1000 employees

31. Municipality of operation *

Mark only one oval.

Option 1

32. Thank you for your responses. If you have more please write below. Please, after completing all the questions, click on "submit".

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 Google Forms

POVZETEK DOKTORSKE DISERTACIJE

UVOD

Razumevanje zgodovinskega teoretičnega razvoja javne uprave daje odgovore na številna vprašanja o njenem delovanju v praksi. Teorija je bila osnova za vizijo in navdih pri reformah javne uprave v vseh državah. Različne teorije javne uprave zagovarjajo različna načela in vrednote. Spremembe vladnih in vodstvenih praks so ustvarile nove zahteve za različne vrste teorij. To vključuje teorijo neoweberijanske države, novo javno vladovanje, dobro vladovanje in druge, ki so razpršili različna načela v praksi javne uprave.

Učinkovitost na eni strani in demokratična načela, kot so enakost, participacija, transparentnost in druge, kot glavna načela in vrednote doktrine javne uprave, literature in prakse v zadnjih letih, so del argumentiranja zagovornikov novih in klasičnih teorij. Različne države uporabljajo različne pristope za uporabo sodobnih orodij za reševanje potreb državljanov. Ena izmed njih je upravna poenostavitev, ki je postala prednostna naloga OECD, držav EU in Zahodnega Balkana, ki si prizadevajo izboljšati javno upravo in kakovost predpisov.

Kosovsko javno upravo je treba analizirati iz zgodovine in prehoda iz ozemlja, ki ga upravlja UNMIK, v novo ustanovljeno državo. Vrsta administracije in reforme na Kosovu so značilne za države v tranziciji. Na nove pristope v njenem razvoju so vplivale različne organizacije, po eni strani so uvedli nova načela in oblike javne uprave, ki so v nasprotju s tradicionalnimi načeli uprave, ki so bodisi obstajale ali pa so jih uvedle druge organizacije. To stanje je povzročilo segmentacijo različnih modelov in pristopov, odvisno od tega, kdo je na kateri del uprave tudi vplival.

Upoštevajoč nove zahteve, ki izhajajo iz potreb državljanov, razvoja nove tehnologije in pristopov, zahteva prehod od tradicionalnega pristopa do e-upravljanja in nadaljnje digitalizacije vladnih storitev. Poleg tega si za prizadevanje Kosova za vključitev v EU in drugi številni vzroki kažejo, da je nedavna usmeritev reform javne uprave na Kosovu, izboljšati sistem zagotavljanja storitev.

FOKUS RAZISKAVE IN RAZISKOVALNA VPRAŠANJA

Učinkovitost, kot načelo javne uprave, je eden vodilnih dejavnikov te raziskovalne študije. Na ravni EU, regionalni in državni ravni, so bila uvedena druga načela in vrednote javne uprave in sicer načela dobrega vladovanja, ki izhajajo iz procesa evropske integracije in notranje zahteve za boljše zagotavljanje storitev.

Raziskava ponuja pregled in razpravo teorij, argumentov in modelov, ter se ukvarja z razlago, zakaj lahko trdna regulativna politika v resničnem svetu učinkuje na delovanje vlade pri opravljanju storitev in v določeni meri na gospodarski razvoj.

V pregledu literature je bilo ugotovljeno, da primanjkujejo empirični dokazi o merjenju vzročne verige med izbranimi orodji in metodami, ki bi večinoma prispevali k učinkovitosti javne uprave, kar je vprašanje, na katerega še niso dobili jasnih odgovorov (Parker in Kirkpatrick, 2012; Curristine, Lonti in Joumard, 2007). Analiza vzročne verige je tehnika razlage načina, kako regulativni poseg povzroči ekonomski učinek. S pomočjo lažjega razumevanja vprašanj v zvezi z vplivom na regulacijo lahko analiza vzročne verige oblikovalcem politik zagotovi ustrezne informacije o posledicah njihovih političnih odločitev (Parker in Kirkpatrick, 2012, str. 11).

Učinkovitost uprave in zlasti zagotavljanje kakovosti upravnih storitev svojim državljanom in drugim uporabnikom storitev je temeljna dejavnost javne uprave. Za zagotavljanje javnih storitev veljajo vladni predpisi. Kakovost predpisov je prepoznana kot ključni dejavnik za učinkovito in dobro vodenje (Weatherill, 2007, str. 4). Če je regulativni okvir prezapleten, lahko prispeva k omejevanju dostopa do javnih storitev za nekatere skupine državljanov ali ustvarja nepotrebne regulativne obremenitve za javne organe/ponudnike storitev, kar vodi v neučinkovitost (OECD, 2017, str. 123) praks, postopkov, prilagodljivosti, e-uprave in tako dalje. V javni upravi se omenjajo tudi kot dejavniki, ki prispevajo k učinkovitosti uprave (Curristine et al., 2007). Strategije upravne poenostavitve so glavni instrumenti, ki se uporabljajo za zmanjšanje nepotrebnih bremen uporabnikom upravnih storitev v večini OECD, evropskih državah, administraciji EU in državah zahodnega Balkana (OECD, 2007a; OECD, 2009; OECD, 2010; OECD, 2011a; OECD, 2017; RESPA, 2018; Evropska komisija, 2020).

Ker se Kosovo ne srečuje samo z vprašanji regulativne neučinkovitosti in zapletenosti zaradi zgodovine države in odsotnosti postopkov, ki bi povečali regulativno jasnost (Vlada Kosova, 2017; Shala, 2019, str. 5), so za razvoj gospodarstva in družabnega življenja zelo pomembne dobre zakonodajne reforme. Ko so bila oblikovana raziskovalna vprašanja, različna vrednotenja reform javne uprave ter izkušenj javne uprave na Kosovu, so ugotovili, da je cilj javne uprave povečati njeno učinkovitost in uspešnost pri izboljšanju izvajanja upravnih storitev. Pri analiziranju ciljev vladne politike v večini regionalnih držav, s posebnim poudarkom na Kosovu, je bilo ugotovljeno, da je med strateškimi cilji reform javne uprave izboljšanje upravnih storitev z različnimi ukrepi. V tem okviru je strategija poenostavitve javne uprave zavzela posebno mesto v vladnem programu Kosova. To je eden od razlogov za obravnavo administrativnih poenostavitev v tej doktorski disertaciji. Ostale metode, kot so analiza stroškov in koristi, presoja vpliva pravilnika, vrednotenje zakonodaje in politik, so nekateri instrumenti kot del sistema razvoja politike tudi v kosovski javni upravi. Kakor koli, ta orodja služijo kot sredstvo za odločanje o najboljših politikah in možnostih za doseg cilja, ki je poenostavitev upravljanja (in drugih vladnih ciljev), na način, da se podjetjem in državljanom zagotovi boljši dostop do storitev. Kot rezultat tega so bile v zadnjem desetletju izvedene obsežne politične in zakonodajne reforme, s pomočjo katerih so sodobni inovativni instrumenti zagotavljanje digitalnih storitev, primarno molčanje - soglasje, enkratno načelo, ter predstavitev "one stop shop" pisarn.

Reforme za zmanjšanje upravnega bremena je kosovska vlada postavila kot prednostno nalogo visoke ravni. Večina teh politik je bila sprejeta šele pred kratkim, obseg njihovega učinka in izvajanja pa bo viden v prihodnjih letih. Vendar pa je nejasno, če bodo podatki utemeljeni na dokazih, kot je analiziranje stroškov in koristi, vrednotenje vpliva predpisov in vrednotenje njihovega načrtovanja ter potreb zainteresiranih strani, ter bodo upoštevani takrat, ko bodo podane politične možnosti za poenostavitev uprave in zmanjšanje bremena.

Glede na to situacijo se doktorska disertacija osredotoča na glavna upravna orodja in metode poenostavitve upravljanja, katerih cilj je izboljšati zagotavljanje storitev za državljane in gospodarstvo. Orodja in metode za poenostavitev upravljanja, ki jih je disertacija preučila v kontekstu kosovske javne uprave, so boljše pravne ureditve, poenostavitev postopkov in druge inovativne rešitve, ki državljanom in podjetjem omogočajo dostop do upravnih storitev. O pristopih, kot so analiza stroškov in koristi, presoja vpliva predpisov, ocena zakonodaje in politik, udeležba zainteresiranih strani itn., smo se bolj ali manj poglobili v posebnem poglavju,

čeprev je zaradi navedenih razlogov, cilj doktorske disertacije preveriti prisotnost orodij in metod za poenostavitev upravljanja v strateški politiki in izvajanju s strani kosovske javne uprave.

Kot dodaten korak, ta študija ponuja empirične dokaze o postavljenih raziskovalnih vprašanjih, ki bi se lahko uporabili s strani strokovnjakov in oblikovalcev politike pri analizi stroškov in vrednotenju učinkovitosti. Glede na to, da je akademska literatura o tej temi in njen prispevek o kosovski državni upravi omejena, disertacija prispeva k izboljšanju razprave in študija med kosovskimi učenjaki, zlasti pa vključuje razpravo in pozornost narodnih in mednarodnih znanstvenikov o novoustanovljeni kosovski državni upravi.

OECD (2009) trdi, da je mogoče politike za poenostavitev upravljanja oblikovati bodisi na *ad hoc* osnovi, osredotočenih na sektor, bodisi na precej celovit in dolgoročen vidik. Pomanjkanje celovite strategije vladne poenostavitve upravljanja otežuje spremembe (OECD, 2009b, str. 28). Pravzaprav obstaja domneva, da je strateški okvir na področju zagotavljanja storitev na Kosovu razdrobljen. Strateški okvir za zagotavljanje storitev na Kosovu je vzpostavljen, vendar ne navaja jasno vladne vizije za preoblikovanje storitev (OECD/SIGMA, 2017, str. 102). Zato je prvo raziskovalno vprašanje, ki se preučuje v tej disertaciji *“Kakšne so strategije reform javne uprave na Kosovu glede regulatornih orodij in metod poenostavitve javnoupornih postopkov (kot so deregulacija, regulativna bremena, odprtje »one stop shop«, standardni model stroškov)?«*

Zaradi podpore zunanje tehnične pomoči je bilo v zadnjih letih v javni upravi na Kosovu uvedeno več regulativnih orodij. Vrednotenje regulativnega vpliva (oblikovana v Konceptualnih dokumentih), vrednotenje finančnega vpliva, preverjanje skladnosti zakonov s pravnim redom Evropske skupnosti, so bili del zahtev za pravni postopek vladne zakonodaje. Prispevek te raziskave pomeni dodatno vrednost prihodnjim prizadevanjem za reforme javne uprave v kosovski administraciji z odgovorom na raziskovalno vprašanje: *“Kakšni so učinki reform javne uprave na regulatorna orodja in na metode poenostavitve javnoupornih postopkov v državni upravi Kosova?”*

Cilj za učinkovito upravo je dosežen, ko se učinkovito izvajajo politike, zakoni in predpisi (OECD, 2009b). V ta namen je državna uprava Kosova storila več korakov pri uvedbi boljših ureditev in orodij za poenostavitev upravljanja, vključno z vrednotenjem učinka predpisov,

vrednotenjem, modelom standardnih stroškov in druge, kot tudi zakonodajnimi reformami, predvsem z Zakonom o splošnih upravnih postopkih in drugo zakonodajo. Toda izvajanje teh prizadevanj se je v praksi soočilo s številnimi ovirami.

Treba je preučiti številne dejavnike, ki lahko ovirajo izvajanje zakonodaje in orodij za poenostavitev upravljanja v državni upravi Kosova. Na to domnevo smo želeli odgovoriti s tretjim raziskovalnim vprašanjem, ki se glasi: *“Kateri glavni dejavniki ovirajo izvajanje regulatornih orodij in metod poenostavitve javnoupornih postopkov v državni upravi Kosova?”*

STRUKTURA DOKTORSKE DISERTACIJE

Doktorsko disertacijo sestavlja sedem poglavij, vključno z Uvodom (1. poglavje) in Sklepi (7. poglavje).

Prvo poglavje ponuja pregled teoretičnega okvirja predmeta, opisuje obseg raziskave in raziskovalna vprašanja študije. Vsebuje pregled stanja na Kosovu in utemeljitev raziskovalne študije.

Drugo poglavje vsebuje informacije o metodološkem okvirju in metodah, uporabljenih med raziskovalno študijo, vključno z zasnovo raziskave, raziskovalnimi vprašanji, raziskovalnimi metodami oziroma metodologijo.

Tretje poglavje ponuja splošni teoretični okvir javne uprave, njen zgodovinski razvoj, glavne teorije javne uprave, vključno s klasičnimi, modernimi in postmodernimi teorijami, načela javne uprave, kjer je posebna pozornost namenjena načelu učinkovitosti in uspešnosti. To poglavje vsebuje tudi trenutno posodobljeno zgodovino Kosova in njegove javne uprave.

Četrto poglavje ponuja teoretično ozadje glavnih načel javne uprave s posebno pozornostjo načel javne uprave, ki jih zajemajo ustrezne mednarodne organizacije, kot so Evropska skupnost, OECD/SIGMA in UNDP. V tem poglavju so analizirani elementi novega javnega menedžmenta, in sicer učinkovitost in uspešnost ter druga načela.

Peto poglavje je osredotočeno na glavne dejavnike, ki prispevajo k učinkoviti in uspešni javni upravi kot tudi dobremu vladovanju. Zajema pregled in konceptualni okvir o orodjih in metodah za boljšo pravno ureditev in administrativne poenostavitve ter primerjalni pregled pristopa upravne poenostavitve v državah OECD, EU ter državah Zahodnega Balkana. V tem poglavju je podana tudi strateška in politična analiza Kosova. Pravni okvir, izvajanje in glavna orodja ter metode, ki jih uporablja kosovska uprava, njihove močne in šibke točke, potencial za prihodnost, so prav tako zajeti v tem poglavju.

Šesto poglavje ponuja empirično analizo lastnega raziskovanja, ki je sestavljena iz raziskave o zaznavi podjetij ter o njihovem zavedanju vladnih reform o zmanjšanju upravnega bremena in poenostavitvi uprave, glavnih obremenitvah in njihovem obsegu, glavnih orodjih, ki jih uporablja vlada in tako dalje.

V sedmem poglavju so navedeni ključni zaključki teoretičnih izhodišč in empirične raziskave. Poglavje vsebuje glavne ugotovitve raziskovalne študije o strateški politiki in zakonodajnem okviru o poenostavitvi uprav na Kosovu. Navaja glavne ugotovitve o vplivu teh instrumentov v resničnem življenju.

METODOLOGIJA

Da bi odgovorili na zastavljena raziskovalna vprašanja, smo uporabili kakovostne raziskovalne metode, kot so: analiza dokumentov, opazovanje, intervjuji in ankete.

Analiza dokumentov se uporablja v kombinaciji z drugimi kakovostnimi raziskovalnimi metodami kot sredstvo triangulacije.

Intervjuji posameznikov in sestanki s skupinami so bili uporabljeni v podporo dokazom, zbranim z analizo dokumentov. Intervjuji so vključevali različne kategorije zainteresiranih deležnikov, kot so vladni uradniki, predstavniki civilne družbe, neodvisni strokovnjaki in akademiki ter predstavniki podjetij. Ciljna skupina (fokusna skupina) je vključevala

strokovnjake s tega področja in neposredne upravičence, javne uslužbence, predstavnike civilne družbe ter poslovne skupnosti in podobno.

Opazovanje smo uporabili za zbiranje podatkov o delu na vladnih ministrstvih.

Empirična raziskava je osredotočena na podjetja, saj nas zanima dojetje zmanjšanja upravnih bremen in odstranjevanje ovir za podjetja kot glavno prednostno nalogo, predstavljeno v njenem strateškem okvirju. Končni, zaključni vzorec raziskave je dosegel 210 anketirancev iz splošne populacije, ki znaša približno 35.000 podjetji.

POVZETEK TEORETIČNEGA OKVIRJA

Čeprav je praksa javne uprave zelo stara, sta formalno preučevanje in izpopolnjevanje teorije javne uprave dokaj nova (Frederickson, Smith, Larimer in Licari, 2012; Brezovšek, Haček in Kukovič, 2014, str. 7). Razvoj javne uprave se kot posebna disciplina razvija od konca 19. in začetka 20. stoletja s prispevkom številnih teorij, doktrin in konceptov (Wilson, 1887; Weber, 1927; Goodnow, 1900; Willoughby, 1927; Gulick, 1937; Waldo, 1948, Frederickson et al., 2012 in drugi).

Teorije javne uprave so razdeljene na več kategorij in njihova delitev je odvisna od različnih virov in razmišljanj o javni upravi. Vendar pa so splošnejša in celovitejša kategorizacija teorij lahko klasične teorije javne uprave, nove teorije javnega upravljanja in postmoderne teorije javne uprave (Wilson, 1887; Weber, 1949; Pollitt in Bouckaert, 2001; Matei, 2011; Frederickson et al., 2012; Lampropoulou, 2018). Nekatere teorije ali družine teorij so medsebojno povezane. Zaradi te povezave je javna uprava področje, ločeno samozavedno telo znanja (Frederickson et al., 2012, str. 12). Te skupine teorij so nadalje razvile številne posebne teorije, kot so: teorije političnega nadzora nad birokracijo, teorija birokratske politike, javna institucionalna teorija (klasične teorije), teorije javnega upravljanja (nove teorije javnega upravljanja) postmoderna teorija, odločitvena teorija, teorija racionalne izbire, teorije vladovanja (postmoderne teorije) in druge (Frederickson et al., 2012).

Razumevanje zgodovinskega teoretičnega razvoja javne uprave ponuja odgovore na številna vprašanja o njenem delovanju v praksi. Teorija je bila osnova za vizijo in navdih pri reformah javne uprave v vseh državah. Tradicionalni model Webrove birokratske organizacije, evolucija upravnih sistemov, metod in slogov, je sledila različnim potekom in je bila podvržena različnim vplivom, ki izhajajo iz sorodnih ved, kot so politologija, ekonomija in sociologija (Drechsler, 2009; Lampropoulou in Oikonomou, 2018). Različne teorije javne uprave zagovarjajo različna načela in vrednote; klasične teorije zagovarjajo tradicionalne modele in vrednote, kot so birokracija, hierarhija, pravila, racionalnost in druge, sodobne teorije javne uprave zagovarjajo načela poslovnega upravljanja, kot so učinkovitost, učinkovitost in inovativne metode upravljanja in delovanja javne uprave. Spremembe vladnih in vodstvenih praks so ustvarile nove zahteve za različne vrste teorij (Frederickson et al., 2012; Brezovšek et al., 2014). Kot rezultat ali kompromis so se zadnje čase razvili mešani ali hibridni pristopi. Sem sodijo teorija neweberijanska države, novo javno vladovanje, dobro vladovanje in druge, ki so razpršili različna načela prakse javne uprave (Frederickson et al., 2012; Brezovšek in Kukovič, 2015; Lampropoulou in Oikonomou, 2018).

Načela javne uprave so del teoretičnih in empiričnih študij. Geneza nekaterih napovedanih načel temelji na preprostem prenosu ideologij in vrednot iz drugih virov na preučevanje procesov same uprave. Učinkovitost na eni strani in demokratična načela, kot so enakost, participacija, transparentnost in tako dalje kot glavna načela in vrednote doktrine javne uprave, literature in prakse v zadnjih letih, so del argumentov zagovornikov novih in klasičnih teorij (Mihaiu, Opreana in Cristescu, 2010; OECD, 2010; Koprić, 2011a; Frederickson et al., 2012; Brezovšek in Kukovič, 2015; Koprić, Kovač, Đulabić in Džinić, 2016).

Mnoge mednarodne organizacije, tudi Evropska unija (OECD/SIGMA, 1999), so jih vključile kot osnovna načela javne uprave. Obenem so bili zelo pomembni gonilni dejavniki za reforme javne uprave v državah jugovzhodne Evrope (JVE),⁵⁵ (Matei in Radulescu, 2011; Brezovšek in Kukovič, 2015).

⁵⁵ Države Jugovzhodne Evrope, ki so članice Sveta za regionalno sodelovanje, vključujejo: Albanijo, Bolgarijo, Grčijo, Moldavijo, Romunijo, Slovenijo, Turčijo, Bosno in Hercegovino, Hrvaško, Kosovo, Črna gora, Srbijo in Makedonijo. Vir dostopen preko <http://www.rcc.int/pages/97/participants-from-see> (september 2017).

Po drugi strani pa je OECD/SIGMA razvil načela javne uprave za nove pristopne države v EU. Ta načela opredeljujejo, kaj dobro vladovanje vključuje v praksi in opisujejo glavne zahteve, ki jih morajo države upoštevati v procesu integracije v EU. Načela vključujejo tudi okvir za spremljanje, ki omogoča redno analizo napredka, doseženega pri uporabi načel in določitvi referenčnih vrednosti države.

Učinkovitost na eni strani in demokratična načela sta našla posebno mesto v teh študijah. Podrobno je analiziran pomen učinkovitosti in uspešnosti, obravnavanje učinkovitosti z različnimi teorijami javne uprave, dejavniki, ki vplivajo na učinkovito javno upravo, njen prispevek k boljšemu izvajanju upravnih storitev.

Izpostavilo se je, da je učinkovitost ena najpomembnejših vrednot postmodernih teorij javne uprave in zlasti značilnost teorije novega javnega menedžmenta (Brezovšek in Kukovič, 2015, str. 54). Vendar so korenine učinkovitosti najdene v Wilsonovem članku. Wilson zahteva čim večjo učinkovitost, uspešnost in ekonomičnost pri opravljanju javnih poslov (Polinaidu, 2014, str. 284–285). Tehnična učinkovitost je lahko opredeljena kot „razmerje med vložkom (vnosom) in izhodom.“ (Grandy, 2008, str. 2) ali razmerje med vložki (vnosi), izhodi (rezultati) in rezultati (učinki) (Mihaiu et al., 2010). Vendar pa učinkovitost prevzame povsem novo perspektivo, ko jo poskušamo preučevati v okolju tradicionalno izmerjenih količin v sistemu, ki močno temelji na vrednotah, navdihih in človeških zaznavah.

Raziskava se osredotoča na opredeljevanje in upravljanje vlade ter na dobro vladovanje, njihove razlike in podobnosti. Poleg tega poudarja koncept „dobre uprave“, ki so ga države članice postopoma opredeljevale in je vključen v Listino EU o temeljnih pravicah. Pojem „Evropskega upravnega prostora“ je SIGMA določila leta 1999. Vključuje komponente, kot so zanesljivost, predvidljivost, odgovornost in preglednost, pa tudi tehnična in vodstvena usposobljenost, organizacijska sposobnost, finančna vzdržnost in udeležba državljanov (OECD/SIGMA, 2017a, str. 6).

Zato so posebno mesto v študiji namenili drugim načelom javne uprave, kot so enakost, participacija, transparentnost in tako dalje, ki so glavna načela in vrednote v doktrini, literaturi in praksi javne uprave. Prispevek teorij, načel in njihova vloga k boljši ponudbi storitev so glavna vprašanja, obravnavana v teoretičnem okvirju te doktorske disertacije. Poleg tega za izvajanje upravnih javnih storitev veljajo vladni predpisi. Če je regulativni okvir preveč

zapleten, lahko prispeva k omejevanju dostopa do javnih storitev za nekatere skupine državljanov ali ustvarja nepotrebne regulativne obremenitve za javne organe/ponudnike storitev, kar vodi v neučinkovitost. Upravne obremenitve običajno naraščajo v številu in zapletenosti, saj vlade potrebujejo več informacij za izvajanje svojih politik in svoje predpise ter instrumente usmerjajo na bolj specifična vprašanja in prebivalstvo. Naraščajoča uporaba upravnih postopkov je postala velika težava, znana kot "birokracija" ali upravna obremenitev. Upravni postopki povečujejo stroške in množijo ovire za podjetja skozi čas in denar, potreben za skladnost. To lahko poleg tega zmanjša regulativno varnost, ki je ključni parameter za podjetja (OECD, 2017, str. 123). Zato je eno regulativno orodje za upravljanje, ki lahko prispeva k izboljšanju kakovosti in razširitvi dostopa do javnih storitev, upravna poenostavitev (OECD, 2017, str. 122). Ko pa odločamo o regulativni politiki, se večinoma postavlja vprašanje, kaj predstavlja javni interes takšne politike in zlasti, kdaj lahko politika vpliva na interes zasebnega sektorja?

Odgovor ni preprost. Javni interes lahko opišemo kot najboljšo možno dodelitev redkih virov za posamezne in skupne dobrine in storitve v družbi (den Hertog, 2010, str. 5). Predpostavka vladne ureditve je možnost zaščite javnega interesa pred zasebnimi, zlasti poslovnimi, interesi (Christensen, 2010, str. 3). Vendar javni interes večinoma razlagajo zakonodajalci ali birokracija; med uporabniki storitev pa je dojemanje javnega interesa drugačno. Zato raziskava ugotavlja, da so različne države uporabljale različne pristope za uporabo sodobnih orodij in za reševanje potreb državljanov ter uravnoteženje z javnim interesom. Ena ključnih metod, upravna poenostavitev, je postala prednostna naloga držav OECD, ki si prizadevajo izboljšati javno upravljanje in kakovost predpisov (OECD, 2006; OECD, 2007; EUPAN, 2014).

POVZETEK UGOTOVITEV

V teoretičnem delu doktorskse disertacije je ugotovljeno, da večina držav OECD, kot tudi EU in v državah članicah, kjer nivo učinkovitosti in uspešnosti predstavljata glavna načela javne uprave, izhajajo iz sodobnih in postmodernih teorij javne uprave (kot so novi javni menedžment, teorija neoweberijanske države, novo javno vladovanje in druge), so zdaj konsolidirana politična prioriteta vlade. Ta načela, skupaj z drugimi načeli javne uprave in sicer dobro upravljanje, so gonilne sile reform v državah jugovzhodne Evrope.

Mnoge vlade štejejo upravno poenostavitev kot ključni dejavnik in pristop k doseganju učinkovitejše in uspešnejše javne uprave in zagotavljanju regulativne kakovosti, ki je v zadnjih nekaj desetletjih ostala na dnevnem redu večine držav OECD in držav članic EU (OECD, 2003, str. 3; EUPAN, 2014).

Po drugi strani so države zahodnega Balkana doživele enakomerno preobrazbo v svoji administrativni kulturi in storile konkretne korake, saj so njihovi procesi, postopki in institucionalne ureditve v nasprotju z njihovimi nacionalnimi potrebami po učinkovitejši administraciji, programu vključevanja v EU in njihovim prednostnim nalogam (Matei et al., 2011; Koprić et al., 2016). Vedno večje zavedanje držav zahodnega Balkana, da učinkovitost in kakovost predpisov vplivata na gospodarsko uspešnost, je privedlo do bolj strateškega pristopa k regulativni reformi in do sprejetja celovitih ali razdrobljenih strategij regulativne reforme. Naša analiza virov ugotavlja, da vse države zahodnega Balkana prepoznajo izboljšanje zagotavljanja storitev kot eno izmed prednostnih nalog ali ključnih ciljev reforme javne uprave (Weber, 2018, str. 102). Ustvarjanje boljšega okolja za podjetja in izboljšanje upravnih storitev za državljane s pomočjo programov poenostavitve in zmanjšanja upravnih bremen je postal eden izmed strateških ciljev v zadnjih letih.

Tudi lastna analiza je pokazala, da si je Kosovo prizadevalo odgovoriti na nove izzive in zahteve postmoderne razvoja v javni upravi. Kot v drugih državah v regiji, tudi na Kosovu, načeli učinkovitosti in uspešnosti ter instrumenti, ki so prispevali k doseganju teh načel, obsegajo glavni namen v več načrtih, politikah in pravnih dokumentih, ki jih je odobrila kosovska vlada. Ugotovitve raziskave podpirajo domnevo, da imajo reforme za poenostavitev uprave pomembno mesto v sedanjem strateškem okvirju.

Strateški cilji in politike v zvezi s poenostavitvijo upravljanja in zmanjševanjem bremena so postopno navedeni v več strateških in političnih dokumentih. Postavlja pa se vprašanje, ali so odobreni strateški cilji dovolj obsežni in ali zagotavljajo jasno vizijo in navodila za oblikovalce politike in institucije, ki so upravičeni do izvajanja takšnih reform. Cilj raziskave je zagotoviti takšen odgovor, zato so bile uporabljene ustrezne kakovostne metode za zbiranje in analizo podatkov.

Zmanjšanje upravnih ovir za podjetja z namenom, da podjetjem omogočijo okolje in da se posledično izboljša uvrstitev poročila Svetovne banke o poslovanju na makro ravni, je zajemalo Akcijski načrt vizije gospodarskega razvoja Kosova 2011–2014, ki je bil spremljan s strani Kosovske narodne razvojne strategije 2016–2021 (NDS). Namen NDS-ja je bilo izboljšanje izvajanja storitev javne uprave s poudarkom na vzpostavitvi registra in informacijskega sistema o upravnih storitvah. Strategija je namenjena tudi zmanjšanju števila licenc in dovoljenj ter poenostavitvi upravnih postopkov s prednostnimi nalogami za tiste, ki so neposredno povezani s podjetji. Strateški okvir na tej ravni je zelo splošen in želi usmerjati vlado pri določanju prednostnih nalog pri poenostavitvi in zagotavljanju storitev.

Sektorji ali podsektorji, katerih cilj je zagotoviti, da se cilji NDS preoblikujejo v posebne politike, imajo široko diskrecijsko pravico pri odločanju o posebnih strateških diskrecijah na sektorski ravni. Strategija modernizacije javne uprave 2015–2020 je vključevala pristop, ki je osredotočen na državljane, pri zagotavljanju storitev in na več posebnih upravnih načinih poenostavitve. Cilj programa PAMS je vzpostaviti predpogoje za boljši dostop do storitev, vključno z ustvarjanjem enoprostorskih lokalov, vključno s fizičnimi (vzpostavitev dveh pilotnih enotnih kontaktnih točk do leta 2020) in elektronskimi (vzpostavitev platforme za interoperabilnost, funkcionalnost portala E-Kosova). Cilj strategije je odpraviti vrzel v institucionalnem okvirju za usklajevanje politike in spremljanje izvajanja upravnih storitev, vzpostaviti register upravnih služb, odobriti nov Zakon o splošnih upravnih postopkih ter uskladiti vso specifično zakonodajo s tem zakonom.

Strategija boljše pravne ureditve 2.0 2017–2021, ki je še ena strategija v okvirju reforme javne uprave, je osredotočena na zmanjšanje upravnega bremena za podjetja in zmanjšanje upravnih ovir, ki jih uvajajo licence in dovoljenja. Od leta 2017 sta v pripravi dve listini, katerih namen je zagotoviti politične možnosti za zmanjšanje upravnih bremen, ki se osredotočajo na uporabo modela standardnih stroškov ter na zmanjšanje licenc in dovoljenj. V drugih strategijah, kot sta digitalna agenda 2020, strategija lokalne oblasti, vlada na omejen način pokriva upravni postopek poenostavitve na centralni in lokalni ravni.

Analiza listin, opazovanja in intervjuji z namenom odgovora na *prvo raziskovalno vprašanje* doktorske disertacije kažejo, da je sedanji krog strateškega okvirja na osrednji nacionalni in sektorski, podsektorski ravni namenil pozornost poenostavitvi upravnih postopkov in se bistveno izboljšuje. Vendar strateški okvir ni dovolj izčrpen, je nepopoln in razdeljen na

področju digitalnih storitev, pa tudi pri zagotavljanju odgovorov za izbiro orodij in metod za poenostavitev upravljanja. NDS ne daje jasnih usmeritev v mnogih vidikih reforme, kot so: ali se želi vlada osredotočiti na reforme poenostavitve *ex post* ali *ex ante*, ali so institucije usmerjene v digitalizacijo izvajanja storitev v primerjavi z analognimi metodami, kaj zagotavlja pristop k storitvam za državljane na sektorski ravni in drugo. Čeprav nekatera orodja za poenostavitev upravljanja in navdih modernizacije javne uprave ter enostavnost dostopa do upravnih storitev temeljijo na programu PAMS, pripravljavci LGAP niso pripravili osrednjega pravnega instrumenta, ki bi vključeval načela, kot so »samo enkrat načelo«, »molk je privolitev«, načelo upravičenosti, upravna pomoč in tako naprej, ki temeljijo predvsem na nasvetih zunanjega strokovnega znanja, najboljših tujih praks in načel javne uprave, pripravljene s strani OECD/SIGMA. Možnosti politike v mnogih primerih temeljijo na scenarijih in ne na utemeljenih informacijah in analizah. Na primer, cilji za zmanjšanje upravne obremenitve so postavljeni brez izhodiščne meritve obstoječega bremena ali vzpostavitve posameznih kontaktnih točk, pred tem pa ni bilo analizirano, kaj in kje je potrebno vzpostaviti, katere storitve vključiti, kakšen model naj bo določen za eno samo točko za stike in tako dalje. Cilji so bili v mnogih primerih zanimivo zastavljeni, a nerealni, če gledamo napredovanje pri njihovem izvajanju.

Naše ugotovitve podpira tudi OECD/SIGMA v svojem poročilu vrednotenja za leto 2019, ki zaključuje, da strateški okvir ne zagotavlja odgovorov za potrebe državljanov in podjetij, ko so upravne storitve poenostavljene in ponovno zasnovane. Pojavljanjo se naslednja vprašanja: Kako naj bi prišlo do preobrazbe iz analognega v digitalno zagotavljanje storitev? Koliko in katere storitve bodo na voljo državljanom in podjetjem v digitalni obliki in kaj natančno je treba storiti za to? Kakšna je strategija v smislu spodbujanja in podpiranja razvoja digitalnih analognih kanalov (kot so vse na enem mestu) za zagotavljanje storitev? (OECD/SIGMA, 2019). Cikel okvirja strateškega načrtovanja, ki je bil razvit v tej doktorski disertaciji, se bo končal do leta 2020 ali 2021. Ti dve leti predstavljata priložnost za prehod na naprednejšo fazo reform javne uprave na tem področju, kjer pridobljene izkušnje ponujajo priložnost za odpravo ugotovljenih pomanjkljivosti med njihovim izvajanjem strategij. Leti 2020 in 2021 omogočata novo fazo kosovskih reform javne uprave pri odzivanju na nove zahteve po digitalni javni upravi.

Modernizacija uprave predstavlja vidik, ki se popolnoma razlikuje od procesa izvajanja (Pollitt in Bouckaert, 2000). Za reforme javne uprave je značilen prepad med teoretično in praktično

izvedljivostjo (Engel, 2003). Kot odgovor na *drugo raziskovalno vprašanje* doktorske disertacije, ugotavljamo, da je vpliv strateškega okvirja pri uvedbi orodij in metod za poenostavitev upravljanja v politike in zakonodajo na Kosovu neenakomeren. Ugotovili smo, da je veliko skupnih upravnih in poenostavitvenih orodij in metod, ki jih usmerja strategija; kar nekaj pa je tudi takšnih, ki niso vključeni v politični proces in zakonodajne ukrepe kosovske vlade. Tako veliko uporabljenih orodij za poenostavitev upravljanja ne temelji na nobeni strategiji.

Zaznavanje podjetij o vplivu reform, ki jih izvaja kosovska vlada za zmanjšanje upravnega bremena, je mešano. 40% podjetij prepozna vpliv reform, medtem ko upoštevanje rezultatov, ki zagotavljajo negativne odzive (28%), in tisti, ki »ne vedo« o kakršnih koli reformah (32%), privede do tega, da skupni delež odziva anketirancev predstavlja veliko stopnjo nepoznavanja vpliva reform (60%).

Zakon št. 04/L-202 o Licencah in sistemu dovoljenj, ki je stopil v veljavo leta 2014, je pomemben zakonodajni akt, katerega namen je vzpostaviti načela in pravila za izboljšanje poslovnega okolja z zmanjšanjem upravnih ovir. Strateška podlaga tega zakona je v EDVAP 2011–2014. Sprejetje LGAP leta 2017, kot je bilo predvideno v programu PAMS 2015–2020, je bil v zadnjih letih največji napredek (OECD/SIGMA, 2017, str. 102) pri poenostavitvi upravnih postopkov. LGAP uvaja orodja za poenostavitev upravljanja, kot so: enotne kontaktne točke, omogoča uporabo informacijske tehnologije za administrativne storitve, zahteva za zmanjšanje upravnega bremena, uvaja samo enkratno načelo, upravno pomoč in tako dalje. Tri zadnja načela niso posebej omenjena v nobeni vladini strategiji.

Kljub temu je izvajanje LGAP v praksi eden glavnih izzivov v zadnjih letih, ki ga potrjujejo analize, intervjuji in zaznavanje odzivov podjetij in državljanov z dvema ločenima anketama. 79% podjetij zaznava negativne posledice reform, ki omogočajo, da se poslovno okolje uvede z Zakonom o splošnih upravnih postopkih. Zelo negativno oceno (71%) glede stopnje izvrševanja Zakona o upravnih postopkih so državljani izrazili tudi v Balkanski raziskavi barometra 2018.

Kar 63% udeležencev odgovarja, da podjetja niso opazila izboljšanja ali pa je breme celo večje v primerjavi z zadnjima dvema letoma. Do leta 2019 je bilo v parlamentarnih postopkih le 9 osnutkov zakonov, usklajenih z LGAP, v ministrstvih pa je bilo le 12 predlogov zakonov,

čeprev je cilj do leta 2020 uskladiti 60% od 231 zakonov (Ministrstvo za javno upravo, 2019, str. 18). Po drugi strani je verjetnost za uspeh pri izvajanju reform za zmanjšanje upravnega bremena s konceptnim dokumentom upravnega bremena, kot je usmerjanje v strategijo za boljše pravno urejanje 2020, zelo majhna.

Poudariti je treba, da ravnovesje javnega interesa in zasebnega interesa, treba upoštevati takrat, ko bo podan pravilnik. Zakon o organizaciji in delovanju državne uprave in neodvisnih agencij (Zakon št. 06/L-113, 4. člen) namreč določa, da javna uprava služi javnemu interesu in državljanom s strokovnostjo in politično nevtralnostjo pri odločanju; nadalje pa tudi Zakon o splošnem upravnem postopku (zakon št. 05 /L-031, 5. člen) določa, da mora biti vsak upravni postopek, ki zaradi varstva javnega interesa omeji pravico ali vpliva na zakoniti interes osebe, sorazmeren cilju javnega interesa, ki jo želi ustvariti.

Razlaga javnega interesa in zasebnega interesa tistih je stvar razlage oblikovalcev politike. Uporaba orodij in pristopov za oblikovanje politike, kot so presoja učinka predpisov, analiza stroškov in koristi, vrednotenje, posvetovanje z zainteresiranimi stranmi, so lahko nekatera orodja, ki ob pravilni uporabi lahko pomagajo pri sprejemanju uravnoveženih odločitev. V praksi je študija prepoznala več primerov uspešnosti, od katerih so nekateri izhajali iz strateških ciljev. Na Kosovu je bil postopek za pridobitev enotne identifikacijske številke za podjetja (ki se uporablja za vpis podjetja, davčna številka in številka DDV) združen v en sam postopek. V 29 občinah so bile vzpostavljene storitve „vse na enem mestu“ za vpis podjetij na Kosovu in sedaj redno izdajajo registracije podjetij ter izdajo davčnih številok (in če so zahtevane, tudi vpis za DDV) v enem samem postopku.

Po spremenjenem Zakonu o poslovnih organizacijah se potrdilo o registraciji podjetij lahko izda v treh dneh, ne da bi se šteli dnevi predložitve dokumentov (Svetovna banka, 2018, str. 8). Agencija za registracijo podjetij uspešno izvaja tudi orodja za registracijo podjetij na spletu, vendar osrednjih orodij e-ID ne uporablja za preverjanje pristnosti uporabnikov ali zagotavljanja možnosti elektronskega podpisa v postopku prijave, zlasti zato, ker ni v celoti seznanjena s statusom tega orodja (Respa, 2018, str. 134). Na te ukrepe je vplival EDVAP 2011–2014.

Eurostat razkriva, da je imelo Kosovo v letu 2019 najvišji delež gospodinjstev z domačim dostopom do interneta v regiji (97%). Ta odstotek je višji kot v samih državah EU, kjer

povprečna stopnja znaša 89%, kar pomeni perspektivo uporabe digitalnih kanalov za zagotavljanje storitev na Kosovu. Navedenih je več primerov, ko nove pobude izvajalcev institucionalnih storitev uporabljajo orodja IT za zagotavljanje upravnih storitev ne glede na strateški okvir na tem območju.

E-kiosk - avtomatiziran stroj s samopostrežnimi storitvami v Prištini in nekaterih drugih občinah, kjer je mogoče pridobiti potrdila o civilnem stanju brez obiska urada, je primer za to, da inovacija pomeni olajšanje opravljanja upravnih storitev za državljane. Elektronska prijava davkov (EDI) je še en primer, sodoben, hiter in enostaven način prijavljanja davkov. Ta sistem davčnim zavezancem omogoča, da pri družbi TAK ustvarijo spletne račune, kjer lahko izpolnjujejo, prijavljajo, plačujejo, preverjajo svojo davčno zgodovino, pa tudi prejemajo druge storitve, ne da bi sploh obiskali pisarno TAK. Razvoj sistema e-kataster, ki je v teku, je še en primer pobude izboljšanja storitev z orodji IT. Uporaba inovativnih rešitev za prejemanje dokumentov o civilnem stanju, imenovanih e-kiosk, elektronska deklaracija davkov in postopki vpisovanja podjetij navdihujejo primere dobre prakse, ki jih lahko uporabljajo tudi druge države v regiji.

Kot odgovor na *tretje raziskovalno vprašanje* doktorske disertacije analiza potrjuje več dejavnikov, ki vplivajo na šibko izvajanje strategij, zakonodaje in uporabe orodij za poenostavitev upravljanja v kosovski državni upravi.

- Pomemben dejavnik, ki je vplival na razdrobljen in nepopoln strateški okvir na tem področju in najpomembneje pri njegovi uporabi v praksi, je organizacija izvajanja upravnih storitev. Institucije, pooblašene za opravljanje določenih odgovornosti pri opravljanju storitev (to je Ministrstvo za gospodarstvo in industrijo je odgovorno za vpis podjetij ali Ministrstvo za notranje zadeve, ki se ukvarja s civilnimi dokumenti ali občinami in tako dalje), poenostavljajo upravne postopke zaradi pomanjkanja centralne institucije, ki bi bila odgovorna za splošno načrtovanje, oblikovanje politik, usklajevanje ter spremljanje in vrednotenje zakonodaje in standardov o posodobitvi upravnih javnih storitev na Kosovu. Na makro ravni so na "silosni pristop" pri načrtovanju in izvajanju hkrati vplivali trije slabo usklajeni vzporedni procesi: 1) zmanjšanje upravne obremenitve, ki ga vodi Urad predsednika vlade, in sicer vladni koordinacijski sekretariat; 2) zmanjšanje licenc in dovoljenj, ki jih vodi Pravni urad

Urada predsednika vlade in 3) uskladitev posebne zakonodaje z načeli LGAP s strani Ministrstva za javno upravo.

- Pogoste spremembe vlad in politična nestabilnost⁵⁶ so vplivale na neprekinjenost celovitih reform, vključno s temi na področju izvajanja upravnih storitev.
- Izvajanje LGAP v praksi zahteva preventivni ali predhodni pristop, ki še ni vzpostavljen, in spremembo obstoječe zakonodaje. Uvedba novih načel, institutov in posebnih pravil je vplivala na široko paleto pravil, ki jih nalagajo posebni zakoni in podzakonski akti. Usklajevanje posebnih zakonov z LGAP v zadnjih nekaj letih, kot je bilo načrtovano s PAMS, zaradi številnih razlogov ni bilo uspešno:
 - Pomanjkanje politične aktivnosti za podporo uporabe novih pravil in zahtev, določenih v LGAP.
 - Pomanjkljivosti so bile ugotovljene v postopku in pristopu k uskladitvi posebnih zakonov z LGAP. Študija potrjuje, da ideje o ustreznem pristopu za nadaljevanje usklajevanja posebne zakonodaje z LGAP še niso vzpostavljene.
 - Vključevanje ministrstev in drugih posebnih institucij v analizo zakonodaje ni bila sistematična, saj je bila analiza vsakega posebnega zakona izvedena predvsem s pisarniškim delom zunanjih strokovnjakov, ki jih financira projekt EU. Po drugi strani je slabo sodelovanje MJU pri spremljanju, če so bila njihova priporočila sprejeta in vključena ob pripravi nove zakonodaje.
 - Močna odvisnost od zunanje pomoči, ki ni vedno najboljši strokovni način⁵⁷ ter pomanjkanje zmogljivosti osebja, odgovornega za izvajanje LGAP. Manjšina anketirancev (19%) v raziskavi, ki jo je leta 2018 izvedlo Ministrstvo za javno upravo z javnimi uslužbenci, ki sodelujejo pri izvajanju upravnih postopkov na centralni in lokalni ravni javne uprave (EU Projekt Podpora reformi javne uprave, 2018, str. 10; Shamolli, osebni intervju, 18. oktober 2019; Bllaca, osebni intervju, 13. september 2010).

⁵⁶ Kosovo se od leta 2008 sooča s politično nestabilnostjo in pogostimi volitvami, zlasti v zadnjih letih. Zadnja vlada je bila ustanovljena septembra 2017 in je trajala do avgusta 2019.

⁵⁷ Za uskladitev zakonodaje z LGAP je potrebna določena raven strokovnega znanja in izkušenj na tem področju, medtem ko projektna podpora ES PAR zavzema večinoma mlajše strokovnjake, ki niso imeli izkušenj s splošnimi upravnimi postopki in javno upravo.

- Čeprav se prikazujejo kot pozitivni primeri za izboljšanje posameznih sistemov zagotavljanja storitev, so pobude od spodaj navzgor privedle do razdrobljenih delov IKT, ki jih je medsebojno težko uporabljati. Na primer e-kiosk je novost, ki jo je sprva uvedla občina Priština, sedaj jo uporablja več drugih občin, a ta storitev ni standardizirana po vsej državi.
- Napredek digitalizacije storitev je oviran, dokler Zakon o storitvah informacijske družbe ne bo omogočil uporabe elektronskega podpisa. Institucije trdijo, da brez vzpostavljenih osrednjih orodij (kot so rešitev za interoperabilnost, orodja e-ID in vladni portal) ne morejo začeti svojih reform, čeprav bi lahko naredili prve korake za pregled postopkov ali uvedbo digitalnih aplikacij, da bi zmanjšali potrebo po osebem stiku med postopkom zagotavljanja storitev (OECD/SIGMA, 2017, str. 106).
- Vlada ni spodbujala uporabe orodij in okvirov za upravljanje kakovosti. Osrednji standardi za zagotavljanje storitev niso postavljeni. Glavno orodje za zbiranje povratnih informacij uporabnikov o javnih storitvah je sistem e-Box, vendar je njegova uporabnost še vedno vprašljiva, saj sistem uporabnikom omogoča večkratno posredovanje povratnih informacij in sprejemanje komentarjev o katerikoli navedeni storitvi, ne nujno o storitvi, ki jo je dejansko uporabil posameznik, ki podaja povratno informacijo (Respa, 2018; OECD/SIGMA, 2019). Naša empirična raziskava med podjetji ugotavlja, da je 93% anketirancev navedlo, da jih uprava v zadnjih treh letih ni nikoli vprašala o zadovoljstvu z administrativnimi storitvami.
- Svetovanje zainteresiranih strani je ključnega pomena v celotnem ciklu politike in upravljanja. Raziskava razkriva, da le 5% podjetij meni, da se z njimi pogosto posvetujejo, medtem ko jih 20% odgovarja, da se z njimi redko posvetujejo, 75% pa jih odgovarja, da jih uprava nikoli ne zaprosi za povratno informacijo o možnostih poenostavitve upravnih postopkov.

SKLEPI

Kljub očitnim izboljšavam, ki jih je v zadnjih letih dosegla kosovska javna uprava, je možnost za nadaljnje izboljšanje opravljanja storitev zelo široka, kot na primer:

- Celovita in natančno opredeljena strateška vizija, oblikovana v strateških dokumentih, uporaba strateških ukrepov, dokazila, ki temeljijo na potrebah uporabnikov upravnih storitev in nedavnem tehnološkem in gospodarskem razvoju.
- Strateški cilji in instrumenti za izvajanje bi morali upoštevati prednosti in šibkosti, grožnje in priložnosti državne uprave. V večini primerov so cilji in načrtovane dejavnosti daljnosežni in ambiciozni, kot je zapisano v odobrenih dokumentih.
- Institucije, odgovorne za izvajanje upravnih reform za zmanjševanje bremena in uskladitev zakonodaje z LGAP in sicer OPM in MPA, naj se izognejo „silosnemu pristopu“, uskladijo svoje dejavnosti in se skupaj osredotočijo na izbrane posebne sektorje korak za korakom, ne da bi poskušale zajeti vse sektorje istočasno.
- Poleg uporabe sodobnih metod in novosti za boljši dostop do upravnih storitev bi bilo treba reformo osredotočiti na zmanjšanje potreb institucij po dokumentih in potrdilih. Na primer občine so bile pri uvedbi e-kioska osredotočene, da bi omogočile dostop do potrdil o civilnem stanju, ne pa da bi zmanjšale svoje zahteve za take dokumente.
- Odgovornost za načrtovanje, usklajevanje, spremljanje in vrednotenje v zvezi s posodobitvijo upravnih javnih storitev, bi morala biti dodeljena ustrezni instituciji. Poleg tega bi bilo treba vzpostaviti medinstitucionalni mehanizem za usklajevanje dela med različnimi institucijami.
- Sodelovanje pri krepitvi regionalnih pobud ali mehanizmov za izmenjavo najboljših praks in izkušenj pri izvajanju reform o upravni poenostavitvi. Slednje bi izboljšalo opravljanje upravnih storitev v državah Zahodnega Balkana.
- Nenazadnje je pomembno, da lastna empirična raziskava med podjetji kaže, da pomembno vlogo, ki vpliva na dostop do javnih upravnih storitev, zlasti za podjetja,

igrajo uradniki, ki neposredno komunicirajo z uporabniki storitev. Razlogi za vrzeli, ki jih je pokazala raziskava, so lahko neustrezna organizacija dela pri zagotavljanju upravnih storitev, zmogljivosti uradnikov v prvi vrsti in njihovih nadrejenih, delež informacij v upravi o storitvah, stopnja diskrecijske pravice, neposredno delovanje uradnikov v prvi vrsti z uporabniki storitev, kar je pomemben dejavnik pri zagotavljanju javne službe (Lipsky, 2010). Diskretnost, ki jo imajo uradniki v prvi vrsti, se lahko preučuje naprej s strani kosovske javne uprave.

- Za zmanjšanje upravnega bremena, bi lahko vladne politike z uvedbo pristopa za poenostavitev upravljanja (zlasti uporabo informacijske tehnologije) bistveno vpliva na zmanjšanje teh dejavnikov. Z upoštevanjem potreb po direktnem stiku, se uradniki v prvi vrsti ali birokrati javne ravni, ne morejo izogniti političnim spremembam, ki jih izvaja Kosovo, zato se morajo osredotočiti na njihovo podpiranje s podatki in navodili, z zviševanjem zmogljivosti in vrednotenjem njihovega dela z uporabniki storitev.