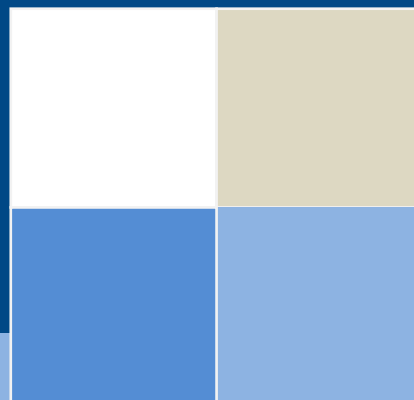


Policy Analysis - No. 03/2011

For a professional public administration:

An orientation toward strengthening the professional education of civil servants in Kosovo



"This project/activity is funded by Democratic Society Promotion (DSP) project - financed by Swiss Cooperation Office Kosovo (SCO-K) and managed by Kosovar Civil Society Foundation (KCSF)"

ABOUT GLPS

Group for Legal and Political Studies is a think-tank based in Kosovo. It is one of the foremost institutions which provides both academic and policy-based research in the South Eastern Europe. Group for Legal and Political Studies is mainly concentrated in the politics, law and economics fields of research, however special attention is paid to the democratization phenomena in the post-communist world. The Group intends to use its policy research and solutions for furthering the process of democratization and European integration of Kosovo.

"This publication has been produced with the support of Democratic Society Promotion (DSP) project - financed by Swiss Cooperation Office Kosovo (SCO-K) and managed by Kosovar Civil Society Foundation (KCSF). The contents of this publication are the sole responsibility of GLPS and can in no way be taken to reflect the views of SCO-K or KCSF."

Policy Analysis No. 03/2011

December 2011

© Group for Legal and Political Studies, December 2011.

The opinions expressed in this publication do not necessarily reflect those of the SCO-K. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any mean without the permission. Contact the administrative office of the Group for Legal and Political Studies for such requests. Information on contacts can be found at the web site of the Group. If you wish to further use this paper, please contact GLPS for permission.

Group for Legal and Political Studies
"Rexhep Luci" str. 10/5
Prishtina 10 000, Kosovo
Web-site: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 227 944

I. A background on the topic

The performance, professionalism and efficiency of public administrations in developing countries remain as the key foundations for both economic and political development. In addition, these criteria become predominantly significant in polities facing tough transitional and democratic challenges, as the public administration becomes subject to political and/or partisan control,¹ wherein hindering the institutional power to deliver transparent and market-oriented policies. Of note is the fact that public administrations in post-communist polities have faced huge obstacles which have in turn hampered the institutional progress towards democratic accountability and effectiveness. For states aiming to integrate into certain international organizations, such as Kosovo, the capacity of public administration for substantive policy potency plays the key role in determining the outcome of reforms and the progress towards certain policy/state objectives.

Kosovo's public administration is one that possesses hybrid attributes. On one hand, legacies from the former communist regime and the international administration of Kosovo hinder the progressive development of Kosovo's public administration.² On the other hand, insufficient and often politicized structures built by the post-1999 institutions also characterize the administration's structure and impede its capacity to perform effectively.³ These hybrid attributes make it difficult to reform, adding that many uncompetitive qualities portray Kosovo's inability to advance the progress towards its public administration reform. However, one should note that the nature and structure of Kosovo's public administration have been modelled mainly by the international missions in Kosovo, pointing to the high number of investments that the international community has done in this field of governance. Nevertheless, Kosovo's public administration continues to remain large, poorly remunerated, and politicized. This is reflected in the lack of professionalism characterizing senior managers, who often fall short of delivering qualitative and professional services to the government, citizens and society-at-large. This also mirrors the inefficiency, corruption and lack of accountability to the consumers of public services. It should however be noted that these variables are related to and should be considered in light of broader social, economic and development trends of the country.

As it currently stands, the international institutions measuring the institutional and policy strength of Kosovo and Kosovo's accession to certain international organizations and agreements suggest that the public administration is rather weak and incapable of undertaking certain reforms needed to advance the progress of state-building. The European Commission of the European Union (see fig. 1), for example, has persistently identified Kosovo's weak public administration as the main obstacle in building a sustainable and efficient system of fighting corruption, advancing the state-building process and efficiently carrying out legal, political and economic reforms. The European Commission's stance on this issue points to the importance of reforming and strengthening Kosovo's public administration as the most important sphere of democratic performance (see fig. 1).

¹ See a general note on this at: Meyer-Sahling, Jan-Hinrik (2006) 'The Institutionalization of Political Discretion in Post-Communist Civil Service Systems: The Case of Hungary'. *Public Administration*. Vol. 84, No. 3; pp. 693–716. See also: Peters, Guy and Pierre, Jon (2004) 'Politicization of the civil service: Concepts, causes, consequences' in Peters, Guy and Pierre, Jon (eds.) (2004) 'Politicization of the Civil Service in Comparative Perspective: The quest for control'. London and New York: Routledge.

² For more see Dren Doli, Fisnik Korenica & Artan Rogova (2010) 'Establishing Protection Mechanisms for Bureaucrats: The Case of the Independent Oversight Board of Civil Service of Kosovo'. *European Journal of Law Reform*. Vol. 12: no. 1, p. 115.

³ Fisnik Korenica, Dren Doli and Artan Rogova (2011) 'The Past and Present: A Note on the Civil Service of Kosovo: Discussing its Design, Independence, and Management'. *International Journal of Public Administration*. Vol. 34, No. 6.

Year	Addressing the Public Administration Reform (EC Progress Report(s))		EC Progress Report Assertions (through years)	Progress	
	YES	NO		↑ Improve (I) ↑	
2011	YES →		1. The administrative and financial capacity and the coordinating function of KIPA remain weak. This affects its capability to provide a more rational strategic approach to capacity-building for civil servants; 2. The skills of the civil service need to be significantly improved; 3. Civil servants continue to be vulnerable to political interference, corruption and nepotism.	D	↓
2010	YES →		1. Public administration and the coordination capacity of public bodies in Kosovo continue to be weak; 2. Civil servants continue to be vulnerable to political interference, corruption and nepotism.	D	↓
2009	YES →		1. Further efforts are needed to reinforce the capacity of institutions in charge of public administration reform as well as to allow the transfer of knowledge and best practices across the region; 2. Public administration and the coordination capacity of public bodies in Kosovo continue to be weak; 3. Civil servants continue to be vulnerable to political interference, corruption and nepotism.	D	↓
2008	YES →		1. Civil servants continue to be vulnerable to political interference, corruption and nepotism; 2. Public administration and the coordination capacity of public bodies in Kosovo continue to be weak.	D	↓
				↓ Deteriorate (D) ↓	

Fig. 1: explaining the EC attitude toward civil service reform

Professionalism is the key challenge of a developing/transitional public administration, yet it remains one of the challenges characterizing Kosovo's public administration. Lacking a certain degree/average of professionalism,

public administration cannot fulfil their function of 'attaining the highest degree of efficiency', as Weber has stated.⁴ Lindblom argued that for public administration to succeed as problem-solving mechanism, it should 'stand ready to provide an appropriate category of solutions through an appropriate set of standardized skills'.⁵ This reinforces the argument that the quality⁶ of the performance/services of a public administration highly depends on the skills, education and professional capability of the civil servants that exercise and manage with the administration. This theory and practical evidence suggests that the degree of professional education provided to and acquired by civil servants is indicative of the efficiency, merit and performance of a public administration, as is the case in Kosovo.

A Report in 2007 illustrates the lack of capacity-development that characterizes the civil service in general, and identifies the key issues surrounding the insufficient progress. The Report notes that it is common for inexperienced polities to face obstacles with regard to the development of a professional public administration. The Report also notes that the low level of professionalism within the civil service is partly a consequence of uncompetitive salaries in this sector and partly a consequence of international donors' reliance only in the development of policies and drafting of laws rather than in strengthening the professional capacities of civil service. The Report, rightly suggested that Kosovo lacks a comprehensive programme for capacity building in terms of professional education, expressively noting that the current capacities for civil service professional education are both poor and insufficient.⁷ While the report was published in 2007, Kosovo has seen little development since in regards to the educational opportunities and programmes for civil service professionals.

SIGMA/OECD considers the professionalism of civil servicemen as a key feature that should be considered in the selection, recruitment and promotion processes.⁸ In this context, when referring to the professionalism of civil service, SIGMA/OECD point to the individual professional capacities of civil servants. In the same report, SIGMA/OECD suggests that the career system of civil service be rooted in a continuous professional development process for civil servants, both in terms of skills and knowledge. In light of the standards developed by SIGMA/OECD, the professionalization of civil service in developing countries encapsulates not only the increase of both technical and non-technical knowledge of civil servants but also the increase of their skills for the respective sector/area of administration. This being said, as also explicitly stressed by Recommendation No. 2000(6) of the Committee of Ministers of the Council of Europe,⁹ there is a duty of the state to provide professional education to civil servants in light of the need for increasing the professional capacities of the public administration. Furthermore, the Recommendation argued that in order for a 'public administration to conform to the rule of law, be neutral, loyal to the democratic institutions and

⁴ Weber in Spicer, W., Michael (2004) 'Note on Origins: Hegel, Weber, and Frederician Prussia'. *Administrative Theory & Praxis*. Vol. 26, No. 1; p. 98.

⁵ Lindblom, E., Charls (1977) 'Politics and Market: The World's Political-Economic System'. New York: Basic Books, Inc., Publishers, p. 27.

⁶ See for instance: Verheijen, Tony and Rabrenovic, Aleksandra (1999) 'Politico-administrative relations in Central and Eastern Europe: an irresolvable stalemate?' Paper Prepared for the NISPAcee Annual Conference, Sofia 25-27 March 1999, p. 12, available at: <http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan005792.pdf>

⁷ 'Report on the Status of Public Administration'. Compiled by the Group of Experts for the Public Administration Reform. Government of Kosovo, February 2007.

⁸ Cardona, Francisco (2002) 'Building a Civil Service System'. Sigma/OECD (September 2002), available at: <http://www.oecd.org/dataoecd/37/30/38736319.pdf>

⁹ 'Ongoing training is an essential element for an efficient system of public administration. It is the task of the government to offer public officials relevant training in the frame of an appropriate training policy for them. Public officials should therefore have the right and the duty to undergo relevant training without discrimination.' (The Committee of Minister of Council of Europe, 'Recommendation No. R(2000)6 of the Committee of Ministers to member states on the status of public officials in Europe'. Adopted by the Committee of Ministers on 24 February 2000 at the 699th meeting of the Ministers' Deputies. Para. 15.).

respectful of the people', it must reflect and possess the necessary professional qualities in the context of professional knowledge/skills values possessed by each civil servant as the respective positions held by them.¹⁰

To address the need to expand the professionalization of Kosovo's civil service, this *Policy Analysis* reviews the main professional education mechanisms and frameworks available in Kosovo, explores the current practices followed by the government with regard to the lack of professionalism of civil service, examines the extent of the government's commitment to advance the professional features of Kosovo's civil service under the terms of SIGMA/OECD, and offers a list of policy interventions which could orient a new governmental strategy for strengthening/advancing the professionalization of Kosovo's civil servants. This *Policy Analysis* therefore, is limited to discuss and analyze those issues involving the professional education initiatives and process, wherein excluding the discussion about those issues related to schemes similar to Young Cell Scheme, Brain Drain initiatives etc.

II. A statement on the current mechanisms/frameworks regarding the civil servants' professional education

According to current legislation, the Ministry of Public Administration (MAP) serves as the regulatory institution which sets the standards for recruitment, lays down the remuneration and awards policy, implements training and professional education programmes for civil servants, and devises the development objectives of the civil service or the public administration at-large. MAP also maintains and manages the central civil-service registry. In general, the civil service in Kosovo employs a centralized management system chiefly directed by the Ministry for Public Administration, which corresponds with most European civil service management systems.¹¹

MAP not only administers the overall personnel policy of the public administration, but also uses a specialized agency, Kosovo's Institute for Public Administration (KIPA), to train, educate, and advance the professional level of civil servants, whether they are local or central-level bureaucrats. KIPA is authorized to administer the civil service trainings and to implement capacity-building policies. More specifically, KIPA's function is to provide common and broad training for civil servants; however it neither functions as an established school of public administration nor provides long-term professional education as opposed to short-period trainings.

If one considers this question according to Organization for Economic Cooperation and Development (OECD) standards, the professional education of civil servants must meet two objectives: a) to 'support the implementation of administrative reform and modernization', and b) 'to improve professional skills and qualifications of staff to increase efficiency of the public service.' These two tasks fall within the broader purpose of KIPA. Nevertheless, under the current circumstances it seems hardly possible that KIPA could perform these functions. This certainly reveals the need to reform the entire professional education

¹⁰ The Committee of Minister of Council of Europe, 'Recommendation No. R(2000)6 of the Committee of Ministers to member states on the status of public officials in Europe'. Adopted by the Committee of Ministers on 24 February 2000 at the 699th meeting of the Ministers' Deputies. Para. 15.

¹¹ See for more Fisnik Korenica, Dren Doli and Artan Rogova (2011) 'The Past and Present: A Note on the Civil Service of Kosovo: Discussing its Design, Independence, and Management'. *International Journal of Public Administration*. Vol. 34, No. 6.

mechanisms and to establish a fully-fledged education scheme as the only way to strengthen the professional capacities of Kosovo's civil service.

To measure the capacity and trend of investments in the field of professional education of civil servants, we have reviewed both the budget and resource capacities of KIPA. As figure 2 shows, the Government of Kosovo has provided a small budget to KIPA since its establishment. Moreover, although the criticism of EC has continuously reiterated the need to expand the professional capacities of civil service, the annual budget of KIPA has never increased. As the linear average in fig. 2 shows, the decreasing trend of KIPA's budget is in disproportionate with the increasing criticism for the weak professional level of civil service and civil servants professional education. This, on the one hand, shows that there has been no serious commitment from the side of the Government to invest in professional development of the civil service, and regardless of the increasing needs for investing in the professional education, Kosovo's commitment to invest on this issue have instead dropped, on the other hand. The disparity between the need for a more professional civil service and the government pledge and output in this field certainly remain challenging.

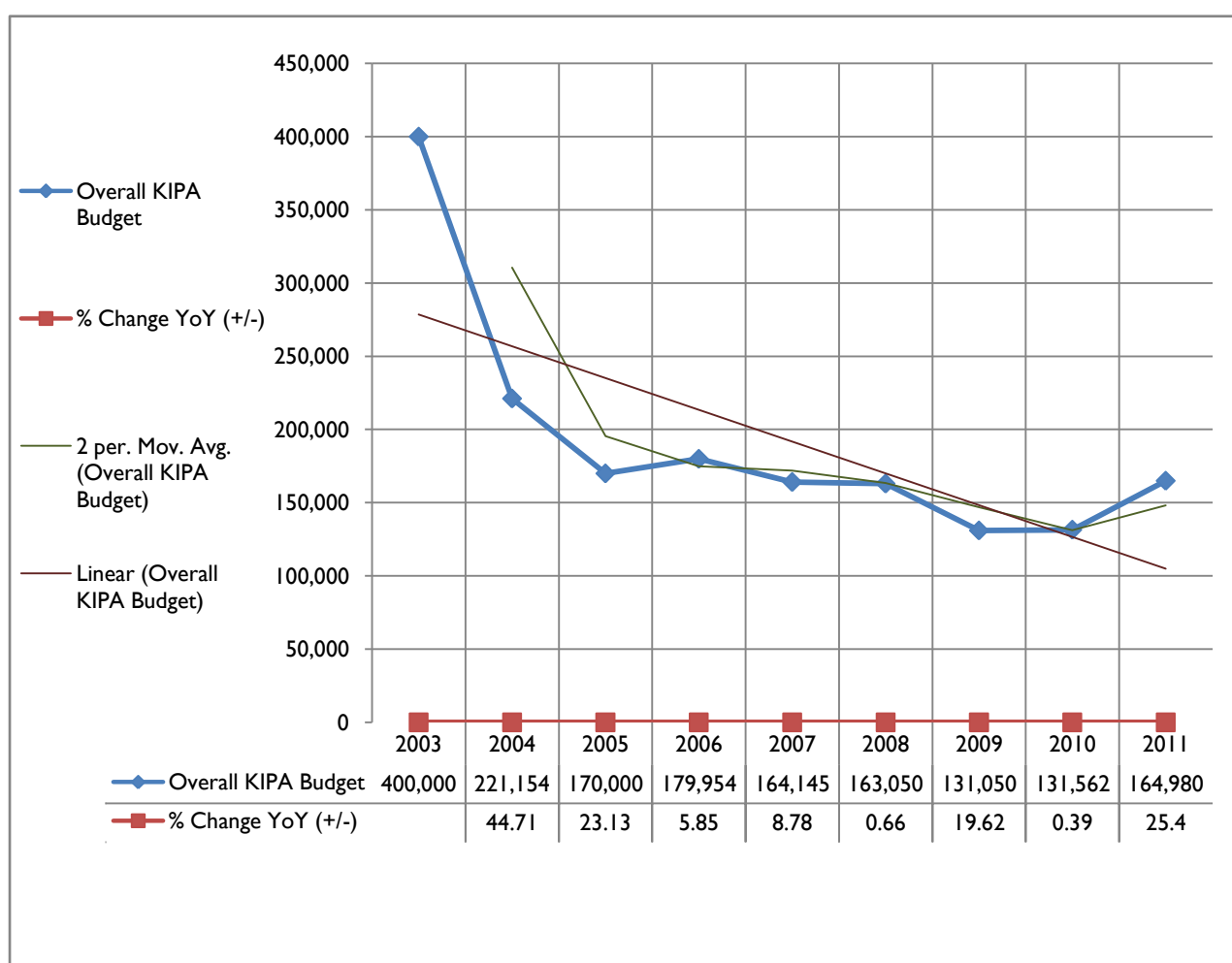


Fig. 2: This figure explains the data related to the overall budget of the Kosovo Institute for Public Administration, covering the period between 2003 and 2011

In addition to measuring the budget granted to KIPA, one should consider KIPA's output as a means for measuring the government's level of commitment to offering professional education to civil servants. First of

all, it is important to mention that courses offered by KIPA fluctuate from those ranging from one to two days, as the most common, to those with a maximum of 14-day duration. As table 1 shows, the number of participants in these short-period courses in the last eight years is rather small compared with the needs of Kosovo's civil service (it is estimated that Kosovo's civil service has about 21.400 employees). Table 1 reveals that while the number of participants in KIPA's trainings has in fact continuously risen during the last eight years, the number trained per year remains insignificant, especially if one takes into consideration the short training time. Besides, as column three of table 1 shows, out of total number of civil servants that have participated in short-term training organized by KIPA, the total of those certified by KIPA is disappointing. This is explained by the fact that the trainings have been either insufficient and the trainees success was too low or the interest of civil servants in succeeding the professional qualification test was very low.

Furthermore, columns four, five, six, seven and eight suggests that the majority of civil servants pertaining to the level of "professional officers" (the lowest level category of position within the civil service). Senior management level or management level of civil servants (the first and second most important categories within the civil service of Kosovo) in Kosovo have shown a very low interest and dedication to participate in professional trainings. This evidence therefore suggests that senior management level and management level of civil servants have shown no commitment and/or dedication to improving and advancing their knowledge and skills in the field of public administration. If one takes seriously the EC's requirement for the schooling of civil servants in the field of EU legislation, the number of those trained in this field by KIPA is not up to scratch.

Years	Number of trainees	Number of certified trainees	Structure of participants				
			Managerial classification in percentage				
			Senior managers	Middle-level managers	Low-level managers	Professional officers	Administrative officers
2003	235	12.76%	0%	0.85%	9.36%	20.42%	70.63%
2004	969	70.79%	0.92%	8.35%	17.85%	57.48%	16.30%
2005	1837	89.60%	0.10%	10.07%	12.95%	35.11%	41.80%
2006	1819	80.42%	1.09%	13.35%	18.58%	50.90%	16.05%
2007	1245	86.02%	0.08%	9.07%	18.15%	64.73%	6.82%
2008	2148	84.07%	0.46%	8.51%	24.20%	48.97%	17.87%
2009	1612	64.64%	0.49%	11.29%	18.11%	52.10%	17.99%
2010	1878	41.85%	1.59%	22.09%	9.69%	58.46%	8.14%
Total	11743						

Table 1: showing the number of civil servants trained by KIPA (output), and their structure as to their rank.

By and large, as figure two and table one demonstrate, the Government's commitment to invest in advancing the professional capacities of civil service has been rather weak throughout the last eight years. This weak commitment has been accompanied by a fragile output with regard to KIPA's trainings, revealing the low, unsatisfactory, and ever shrinking dedication and governmental commitment to advancing the professional education of civil servants. In order to identify whether the issue of professional capacities of civil servants in Kosovo relates to the efficiency and merit of the entire public administration, we first measured the general level of education possessed by civil servants in our case study (our sample consists of 36 central-level institution). Table 2 indicates the level of education of civil servants in 36 central-level institutions and the trends in five-year time. As table 2 exhibits, the level of general education of civil servants in our sample is

rather unsatisfactory, and well under European standards. Approximately only half of the central-level civil servants possess bachelor degrees, whereas there is a rather similar number of those possessing only primary and high school degrees (although the trend shows a slight increase through years of those with a university education). This certainly raises doubts as to whether an administration with this level of education, and an even lower level of education among local-level civil servants, could be capable of implementing the legislation. This certainly speaks to the fact that there is an indispensable need to address this issue via a structured professional educational mechanism and framework, which would not only cover those holding no university degree but also those with a basic university degree.

Structure of the (central-level) Civil Service as to the Level of Education
(2008-sept.2011)

Year(s)	→	2011		2010		2009		2008	
Qualification Level		No.	%	No.	%	No.	%	No.	%
↓									
BA/Sc	→	3810	55.38%	3651	54.77%	3244	48.88%	3199	48.41%
AD	→	545	7.92%	468	7.02%	612	9.22%	545	8.24%
HS	→	2410	35.03%	2427	36.40%	2614	39.39%	2686	40.65%
PS	→	117	1.70%	120	1.80%	165	2.48%	177	2.67%
Total →		↓	↓	↓	↓	↓	↓	↓	↓
		6879	100%	6666	100%	6636	100%	6607	100%
Comments	→	36 central level institutions as of September 2011		34 central level institutions as of December 2010		33 central level institutions as of December 2009		35 central level institutions as of December 2008	

Legend	
1. Bachelor of Arts/Science	BA/Sc
2. Associate Degree	AD
3. High School	HS
4. Primary School	PS

Table 2

III. The way forward: What needs to be done in terms of the professional education policy for civil servants?

Given these trends, it seems unrealistic that Kosovo will succeed with the current mechanisms or within the current framework to address the criticisms about the low level of professionalism within its state administration. As such, the key issue that needs attention at this juncture is the development of a new mechanism that offers effective, continuous and long-term professional education to the current and forthcoming civil servants at all levels and on an obligatory basis. To this aim, we first propose three policy choices that must be adopted:

- a) that the Government firmly increase its commitment to support the professional education of civil servants, and most importantly, that a much larger budget be dedicated to this need;
- b) that MAP transform KIPA from a short-term, training institution into a national school of public administration;
- c) that the new school of public administration become a constituent part, through its professional education/degrees, of the process of selection, recruitment and promotion at all stages/ranks of Kosovo's civil service.

With regard to the professional education that would be offered by the national school of public administration, one should push forward several broad policy proposals. First, the national school should be made compulsory to the newly appointed staff and to certain segments of the current civil servants, which on the basis of a national test seem to be in need of professional-capacity development. The national programme of civil service would become the standard, compulsory one-year professional education programme for each aspiring/new civil servant, whereas it would also partially apply to the current civil servants. The national programme of civil service must be designed to deliver learning and skills in four modules, as shown by the table below: a) leadership skills, which would apply uniformly to all students; b) core administrative knowledge and skills, which would also apply to all students uniformly, and which would include these areas of administration: Legislation and Rule of Law, Administrative Organization and Culture, Managerial Skills, Developing Human Resources, Regional Development, Administrative and Financial Issues, Local Governance, European Integration, E-government, and Foreign Language; c) professional knowledge and skills, which would provide very narrow knowledge and skills according to the place/sector/area the civil servant will work, such as higher education management for a civil servant that will work in the Kosovo's Agency of Accreditation, etc., and d) practicing work, where students will learn by doing civil service work in a certain institution while supervised by senior practitioners.

Besides the one-year standard national programme of civil service, which should serve as the foundational degree for anyone seeking a career in Kosovo's civil service, the national school of civil service should also offer a systematic¹² 6-month tailor-made education for senior civil servants, and those aspiring to promotion within the service. The tailor-made education would provide specific, goal-oriented and need-based education to those senior civil servants wanting to be considered for promotion. The results from the 6-month course should then serve as the key criteria for promotion of the students.

¹² See what we mean with systematic education: Armstrong, M. (2001) *A Handbook of Management Techniques*, 3rd edn. London: Kogan Page.

Our Proposal on the 'National Programme of Civil Service' (Model)				
Core professional development requirements		Specific Module(s) Contents	Timeframe	Objectives
↓		↓		
Leadership skills	→	1. Provide direction for the administrative organization; 2. Deliver managerial and organizational results; 3. Build capacity addressing capability/resource/policy challenges; 4. Develop the integrity of a career civil servant.	1 (one) year professional education	1. A scheme to recruit civil servants on basis of professional education;
Core administrative and knowledge skills	→	1. Legislation and Rule of Law; 2. Administrative Organization and Culture; 3. Managerial Skills; 4. Developing Human Resources; 5. Regional Development; 6. Administrative and Financial Issues; 7. Local Governance; 8. European Integration; 9. E-government, and 10. Foreign Language.		2. Compulsory professional education for new civil servants;
Professional knowledge and skills	→	1. Provide very narrow knowledge and skills according to the position/sector/area the civil servant will work.		3. Advancement of the career civil servants, and a system of promotion on basis of professional education results.
Practicing work	→	1. Students will learn by doing civil service work in a certain institution while supervised by senior practitioners.		

Fig. 3.

In order to ensure that the national school of civil service offer modern, competitive and qualified professional education to its clients, it is necessary to abide to some basic principles. First, the national school must be led independently by a number of professionals and by an independent/international board. Second, half of the courses taught by the school must be offered by external European professors/experts of public administration. Third, the evaluation/examination of students at the national school must be done by external staff, in full cooperation with another renowned institute of civil service, such as the French *École Nationale d'Administration*, so as to assure that the quality of its students and results achieved are both credible and checked externally; this would help to legitimize the recruitment/promotion procedure.

Policy Analysis

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political studies seeks to stimulate wider comprehensive debate on the given issue via presenting informed policy-relevant choices and recommendations to the key stakeholders and parties of interest.

Group for Legal and Political Studies
"Rexhep Luci" str. 10/5
Prishtina 10 000, Kosovo
Web-site: www.legalpoliticalstudies.org
E-mail: office@legalpoliticalstudies.org
Tel/fax.: +381 38 227 944