

**A REVIEW ON INDEPENDENT REGULATORY AUTHORITIES IN KOSOVA AND CURRENT DEVELOPMENTS\*****Kosova'daki Bağımsız Düzenleyici Kurumlar ve Güncel Gelişmeler Üzerine Bir İnceleme**Feston HAJDINI<sup>1</sup>, Tekin AVANER<sup>2</sup>**ABSTRACT**

The purpose of this study is to provide an analytical description of the trajectory of the regulatory system of the independent regulatory agencies in Kosova with a focus on legal and managerial dimensions. The study explains the development of the last twenty-one-years of practice of the independent regulatory agencies in Kosova in three main periods: the first, from the end of the war in 1999 to 2008; the second, from the declaration of Kosova's independence in 2008 to 2015; and the third, from 2015 to the present. Each of these three periods submits a series of particular changes and developments regarding regulatory agencies in Kosova. In addition to this, particular attention is paid to the post-war political context in the country after 1999, on the establishment of the regulatory agencies as well as the whole public administration under the United Nations Administration Interim in Kosova. One of the primary components of the New Public Management paradigm in from the 1980s has been the system of independent regulatory bodies. In this realm, each state has its own experience in the process of implementing these changes. By regulatory agencies, we mean organizations whose status is defined within the public law, while their functions are disaggregated from the ministry. Thus, they have a certain type of autonomy but aren't entirely detached from the line ministries, since the related ministries have power to recast their budgets and main goals.

**Keywords:** New Public Management paradigm, Regulatory agencies, post-war administration building, Kosova.

**ÖZET**

Bu çalışmanın amacı, Kosova'daki bağımsız düzenleyici kurumların yasal ve idari boyutları arasındaki düzenleyici sistemin yörüngesinin analitik bir tanımını sunmaktır. Çalışma, Kosova'daki bağımsız düzenleyici kurumların yirmi bir yıllık uygulamasının gelişimini üç ana dönemde açıklamaktadır: birincisi; 1999'da savaşın bitiminden 2008'e kadar; ikincisi; Kosova'nın 2008'deki bağımsızlık ilanından 2015'e kadar; ve üçüncüsü; 2015'ten bugüne kadar. Bu üç dönemin her biri, Kosova'daki düzenleyici kurumlarla ilgili bir dizi özel değişiklik ve gelişme içermektedir. Ek olarak Kosova'daki düzenleyici kurumların sisteminin kuruluşunu ve gelişimini siyasi gelişmelere paralel olarak açıklamaktadır. Bu kısımda, Birleşmiş Milletler Geçici Yönetimi altında düzenleyici kurumların ve tüm kamu yönetiminin kurulmasıyla ilgili olarak, 1999'lardan bu yana Kosova'daki savaş sonrası siyasi bağlama özel bir ilgi gösterilmiştir. Çalışmada yer alan ajanslardan kasıt, statüsü kamu hukukunda tanımlanmış ve işlevleri bakanlıktan ayrılmış olan kuruluşlardır. 1980 yıllardan itibaren kamu yönetiminde Yeni Kamu Yönetimi paradigmasının temel bileşenlerinden biri bağımsız düzenleyici kurumlar sistemidir ve her devletin bu değişiklikleri uygulama sürecinde kendi deneyimi vardır. Bu çalışma, Kosova devletinin bağımsız düzenleyici kurumlar sistemine ilişkin deneyimini ampirik olarak analiz etmekte ve açıklamaktadır. Ajansların bakanlıktan bir miktar özerkliği vardır, ancak bakanlığın ajansın bütçelerini ve ana hedeflerini değiştirme yetkisine sahip olması nedeniyle tamamen bağımsız değildir. Giriş bölümünde düzenleyici kurumlar sisteminin ait olduğu ana kuram olarak ayrıca Yeni Kamu Yönetimi (New Public Management) yaklaşımı hakkında gerekli açıklamalar yapılmıştır.

**Anahtar Kelimeler:** Yeni Kamu Yönetimi paradigması, Düzenleyici kurumlar, savaş sonrası idare kurulumu, Kosova.

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**GENİŞLETİLMİŞ ÖZET**

Bu çalışma, Kosova devletinin bağımsız düzenleyici kurumlar (BDK) sistemine ilişkin deneyimini ampirik olarak analiz etmektedir. Çalışmanın temel amacı, Kosova'daki BDK'ların yasal ve idari boyutları arasındaki düzenleyici sistemin yürüncesinin analitik bir tanımını sunmaktır. Bunun için Kosova'daki BDK'ların yirmi bir yıllık uygulamasının gelişimi üç ana dönemde açıklanmaktadır: birincisi; 1999'daki savaşın bitiminden 2008'e kadar; ikincisi; Kosova'nın 2008'deki bağımsızlık ilanından 2015'e kadar; ve üçüncüsü; 2015'ten bugüne kadar. Bu üç dönemin her biri, Kosova'daki düzenleyici kurumlarla ilgili bir dizi özel değişiklik ve gelişme içermektedir. Bu süreçte Kosova'daki düzenleyici kurumlar sisteminin kuruluşu ve gelişimi siyasi gelişmelere paralel olarak anlatılmaktadır. İlk, Birleşmiş Milletler Geçici Yönetimi altında düzenleyici kurumların ve tüm kamu yönetiminin kurulmasıyla ilgili olarak, 1999'lardan bu yana Kosova'daki savaş sonrası siyasi bağlama özel bir ilgi gösterilmiştir. Bilindiği üzere 1980'lerden itibaren kamu yönetiminde Yeni Kamu Yönetimi (YKY) paradigmasının temel bileşenlerinden biri BDK sistemidir ve her devletin bu değişiklikleri uygulama sürecinde kendi deneyimi vardır. 1999'dan itibaren başlayan ve büyük önem taşıyan "savaş sonrası" siyasi ortam bilhassa belirtilmelidir. Bu dönemde, bir yandan insani krizle karşı karşıya kalmanın yanı sıra, diğer yandan Kosova'nın devlet kurumlarının sağlaştırılmasına acil ihtiyaç duyulmuştur. Bu koşullarda BDK sistemi kurmak, Kosova için bölgedeki ve ötesindeki birçok devletten çok farklı bir deneyim anlamına gelmektedir. 2008 yılına kadar devam eden geçiş dönemi olarak da bilinen bu süreçte Kosova, BM'nin uluslararası misyonu tarafından Kosova'nın geçici özerk kurumlarıyla ortaklaşa yönetilmiştir. 2008 yılı ve sonrası, Kosova için, uluslararası yönetimin (idare) ve geçiş döneminin bitişini ve farklı bir devlet-siyasi bağlamı içinde yeni bir dönemin başlangıcını işaret etmektedir. Nihayet BDK'larla ilgili olarak, yeni anayasa ve kanunlar kapsamında kuruluş ve düzenlemeler yeni ve büyük bir dalga halinde kendini göstermiştir. Ancak pek çok düzenleyici kurumun ortaya çıkmasına ve çalışma biçimleriyle ilgili önemli sorunlara rağmen, bu aşamadaki reformlar kamu yönetimi reformunun stratejik belgeleri ve çabaları kapsamına alınmamıştır. 2015 yılı ise BDK'lar açısından olumlu gelişmelerin başladığı bir döneme açılmaktadır. Bu noktada Avrupa Birliği'nin ilerleme raporlarından aldığı güçlü tavsiyeler doğrultusunda BDK'ların reformu öncelikler düzeyine çıkarılmıştır. Ancak BDK'ların reformu öncelik statüsünü almış olsa da, reform sürecini yavaşlatan çeşitli engeller de bulunmaktadır. Çalışmada, söz konusu kurumların reform sürecindeki engelleme ve gecikmelerin ana nedeninin, siyasi irade eksikliğinin yanı sıra, hükümetlerin yarım kalmış (tamamlanmamış) görev süreleri olduğu vurgulanmaktadır. Nitekim, 2014-2021 döneminde Kosova'da dört çift parlamento seçimi yapılmış, bir diğer deyişle dört hükümet değişmiştir. Bu anlamda, yalnızca parlamentonun yetkilerinin %51'ine sahip olan mevcut hükümet, Kosova tarihinin gelmiş geçmiş en güçlü çoğunluğunu oluşturmaktadır. Düzenleyici Kurum'larla ilgili olarak bu durum hükümetin onları reforme etme ve rasyonelleştirme konusunda büyük bir güce sahip olduğu anlamına gelir. Çalışmada belirtilen ajanslardan kasıt, statüsü kamu hukukunda tanımlanmış ve işlevleri bakanlıktan ayrılmış olan kamu kuruluşlarıdır. Ajansların bakanlıktan bir miktar özerkliği vardır, ancak bakanlığın ajansın bütçelerini ve ana hedeflerini değiştirme yetkisine sahip olması nedeniyle tamamen bağımsız değildir. Yapısal olarak bağlı oldukları bakanlıklardan ayrılmışlardır, günlük operasyonları üzerinde daha az hiyerarşik ve politik etkiye ve sıradan bakanlıklara veya departmanlara kıyasla mali ve personel açısından daha fazla idari özerkliğe sahip oldukları açıktır. Giriş bölümü ise düzenleyici kurumlar sisteminin ait olduğu ana kuram olarak Yeni Kamu Yönetimi (YKY) (New Public Management-NPM) yaklaşımı hakkında gerekli açıklamalarla başlamaktadır.

## INTRODUCTION

There is a widespread acceptance that the proliferation of the model of administrative regulatory agencies, particularly in Anglo-Saxon countries, has been linked largely with the concept of New Public Management, which emerged in the early 1980s. The New Public Management (NPM), as an economic-based conception, was considered as an antithesis of Keynesian theory of economy driven and commanded by the state. The managerial revolution, which has affected all nations to varying degrees, is a global phenomenon that has been caused by the NPM paradigm. The theory of NPM comprehends knowledge from the fields of law, economics, and game theory (Lane, 2000: 3). The NPM – a managerial approach – has emerged as a replacement for the dead hand of bureaucracy, particularly of the poor performance of public bureaucracies and the daily displeasures of annoying constraints, heavy bureaucracy, unpleasant officials, poor service delivery and other corrupt practices (Hughes, 2003:2). In other words, contrary to the Keynesian model, the NPM paradigm, besides other concepts, put forward the idea of regulation that means “a state pursuing an economic policy privileging the regulation of market exchanges over direct intervention” (Newman & Bach, 2014). This transformation of the role of the state from direct intervention to regulation and supervision has naturally implied also the establishment of the convenient institutional instruments to carry out it, namely independent regulatory agencies.

Thus, by agencies we mean organizations whose status is defined in public law and whose functions are disaggregated from the ministry. Agencies have some autonomy from the ministry but are not fully independent, since the ministry has the power to alter the budgets and main goals of the agency (Christensen & Lægheid, 2007: 503). The two most common “good governance” reasons given by governments of OECD countries for setting up agencies are to improve the performance of the public sector or to make public decision making more credible by separating it from direct political intervention (Laking, 2005: 8). Regulatory agencies are organizations that operate at arm’s length of the government to carry out public tasks, implement policies, regulate markets and policy sectors, or deliver public services. They are structurally disaggregated from their parent ministries, are said to face less hierarchical and political influence on their daily operations and have more managerial autonomy in terms of finances and personnel, compared to ordinary ministries or departments (Bouckaert, Lægheid, Verhoest, & Thiel, 2012: 3). Advantages intended through separation from core government and managerial autonomy are the specialisation of functions and a better focus on clients’ needs, respectively the development of a more managerialist culture and a better focus on outputs and outcomes (OECD, 2002:14). It has been considered too that establishing of specialized and single-purpose public bodies (means agencies), would provide the localization of the responsibility and facilitate accountability. In addition, a policy-making function performed by an expert agency can offer flexibility not only in the development of policy but also in the application of policy to specific circumstances, in contrast to how government agencies are sometimes denied the opportunity for public hearings for consultations (Majone, 1999: 9).

However, agencies cannot be viewed as a "magic cure-all" for problems with administration. The fact that establishing of regulatory agencies has both advantages and disadvantages emphasizes the necessity for developing nations to carefully evaluate their administrative issues and all available options prior to choosing an agency's management structure (SIGMA, 2001:8) or model.

Part of the central discussions on regulatory agencies is also the disadvantages or weak points of such a model. One of the most common concerns raised among authors is the challenge of finding the right balance between the independence and accountability of regulatory agencies. There are many authors who question the fulfillment of expectations from the agencification model. Nevertheless, it can be considered that the agency model is, mostly, a successful practice for most developed countries of OECD.

## Methodology

The central points of the review are the legal framework and official strategic documents towards reforms of the independent authorities in Kosova. First, it assesses the legal framework of independent authorities within the overall general theoretical framework, emphasizing the legal adjustments regarding to managerial aspects, then, it assesses the official strategic documents of the undertaken reforms in terms of meeting the goals defined in the work plans of the pertinent government institutions. Thirdly, taking into account several annual progress reports of the EU and other research institutions related to independent regulatory authorities in Kosova, it analyzes the current situation according to the objectives of the reforms and the results achieved, noting also the causes of the results of such.

## 1. The Establishment of Regulatory Agencies in Kosova

### 1.1. The Placement of the United Nations Mission in 1999

The foundation of the regulatory system, as well as the whole structure of public administration institutions in Kosova, has been laid by the administration of the United Nations Mission Interim Administration in Kosova (UNMIK). Immediately after the war ended in 1999, Kosova was placed under the international protection of the United Nations, based on resolution 1244 (United Nations, 1999) of Security Council, whose mission was to help establish a Kosovan government with legitimate authority and capacity. UNMIK was a unique form of UN peacekeeping mission that included the international security presence (NATO-KFOR) with the components of civil administration, the reconstruction aspect, the establishment of democratic institutions, and humanitarian issues (UN, EU, OSCE, and UNHCR) "under one leadership, with the same purposes, and with a clear line of command (Reka, 2003: 142). Among the other tasks of this mission were: to perform basic civil administrative functions, to promote the building of substantial autonomy and self-government in Kosova, to enable the political process for determining the future status of Kosova, to coordinate the distribution of humanitarian aid to all international organizations, support the reconstruction of key infrastructure, maintain public order and tranquility, promote human rights and ensure the safe and unhindered return of all refugees and displaced persons to their homes in Kosova (Muharremi, Peci, Malazogu, Knaus, & Murati, 2005: 2). The mission mentioned above, namely UNMIK, has administered Kosova from 1999 to 2001 entirely alone, which means that it exercised all the three branches of government: legislative, executive and that judicial (UNMIK-Reg: No 1, 1999). At the head of this mission was the administrator, whose official title was "The Special Representative of the Secretary-General (SRSG) of the United Nations".

Following the establishment of the Provisional Institutions of Self-Government in 2001, Kosova was governed jointly with UNMIK until 2008. The period between 2001-2008 is also known as the period of transition and transfer of competencies from UNMIK mission to the local institutions of Kosova. Regarding the competencies and authorizations that the UNMIK was endowed with and the duration of its mission, it is considered that the case of the administration of Kosova marks an unprecedented case in the history of the United Nations (territory) administration missions in the world. Whereas, due to such competencies and authorizations and the excessive length of the mission, it is considered to have been the impact on the underdevelopment of domestic governance and administration capacities and culture, thus leading to the deepening of the dependence of local authorities on international structures (Muharremi, Peci, Malazogu, Knaus, & Murati, 2005: 4).

### 1.2. The Foundation and Operation of Agencies between 1999-2008

The number of agencies established within this time (1999-2008) was relatively small, around 11 of them. During this phase, a considerable number of independent regulatory agencies were established through regulations of UNMIK, whose power was like that of law ones. The establishment of independent agencies in this stage had occurred ad hoc, i.e., no analysis and financial impact assessment was carried out (SIGMA, 2009: 9). The most visible and distinctive feature of regulatory agencies during this period was their establishment as single-purpose public organizations. As for the aspects of their managerial autonomy and decision-making, it can be concluded that they have greatly lacked the required independence or autonomy. For instance, in relation to the Banking and Payments Authority in Kosova (BPA) and the Kosova Trust Agency (KTA), the SRSG had the power to appoint members of the agencies' boards and the right to annul their decisions if he deemed it necessary (UNMIK-Reg. Nr. 12, 2002), (UNMIK-Reg. Nr.20, 1999).

So, as it turns out, here we observe the first-hand (direct) interference and political control in appointment and decision-making, as two of the fundamental tenets and prerequisites of the independence of regulatory agencies as well as overall operation. This state of deep political dependence of independent agencies is also confirmed by the OSCE report prepared in 2007. In that report, OSCE recommended drafting a legislative framework for all independent institutions and regulators to set out the fundamental criteria's that would guarantee their independence based on the three principles of (i) financial independence, (ii) independence in appointment and possession, and (iii) independence from decision-making interferences, as well as the specification of accountability requirements (OSCE, 2007: 1). As part of broader public administration changes, these condition signaled the need for immediate and urgent involvement in the agency system.

## 2. The Regulatory Agencies in Kosova after 2008

### 2.1. Agencies under Constitution

The declaration of independence of Kosova in 2008 and the adoption of the constitution, of course, has caused significant changes also in relation to independent regulatory agencies. The Constitution of the Republic of Kosova (Constitution) guaranteeing the existence of independent regulatory agencies in two ways: the first, the independent agencies whose establishment is mandatory by the constitution, mentioning them explicitly, for instance, the office of Ombudsperson, Auditor-General of Kosova, Central Election Commission, etc. which are not the object of this scrutiny. The second, is the permission or authorization of establishment of such agencies by law through parliament (Constitution of the Republic of Kosovo, 2008). Article 142 of the Constitution, which authorizes parliament to establish independent agencies, sets out their four basic criteria: (i) agencies must be established by law, (ii) their functioning independently and without being influenced by politics, (iii) guaranteeing the budget and exercising it independently; (iv) the obligation of other state institutions to cooperate with agencies (KDI, 2014: 7-8). Thus, their inclusion in the constitution has paved the way for the establishment a myriad of new agencies within a very short time, thus extending the model of regulation to many other sectors. Within the years 2008-2015 the total number of independent agencies reached 79; 32 of them was established by parliament on basis of the constitutional authorization mentioned above; and 46 other belonged to Government, established by ministries on basis of the Law on State Administration (MPA, 2016: 26).

Following the declaration of independence, governments in Kosova have adopted 3 strategic documents for public administration reform: “Public Administration Reform Strategy (2007-2013)”, “Public Administration Reform Strategy (2010-2013)”, and “Public Administration Modernization Strategy (2015-2020)” (PIPS F. &., 2021:7). Despite the internal need and external demand (EU) for review and reform of independent regulatory agencies, until 2015 they were not involved in any of Kosova's public administration reform initiatives.

Nevertheless, the functioning of independent agencies during this period is characterized by major problems which came as a result of numerous shortcomings in their legal framework. The first serious problem regarding independent agencies was considered the absence of a unified legal basis. Therefore, each agency is created by a particular law, defining different forms regarding the appointment of boards and their directors, mandate, competencies, performance, report and accountability criteria, etc., (KIPRED, 2011: 20). Consequently, independent agencies along this period have been exposed to political influence in appointment and political interference in decision-making. The lack of transparency and standards of meritocracy regarding the appointment of boards and directors of agencies, in addition to politicization, has consequently caused obvious unprofessionalism. On the other hand, legal uncertainties about the mandates and salaries of boards and directors of agencies, has turned some of these organizations into hotbed of corruption and misuse of public money. This situation in relation with independent regulatory agencies has been prescribed also at 2013 Progress Report for Kosova by European Commission: “Assembly (Parliament) also needs to improve its understanding of its role in the supervision of independent institutions and regulatory authorities. In this regard, adequate mechanisms need to be set up. Unclear legal bases for reporting, weak coordination with the government in the selection of board members and failure to determine mechanisms for holding board members to account are among the key challenges that need to be addressed. This would help to ensure the timely appointment of independent and professional managers and members of the boards of these institutions.” (European Commission, Kosovo Progress Report, 2013). Thereby, the lack of systematic regulation and secondary legislation has directly affected the weak functioning of independent agencies and has hampered their capacities and effectiveness (SIGMA, 2014: 16).

## 3. Developments Regarding Independent Regulatory Agencies by 2015 to Present

### 3.1. Agencies under the European Reforms Agenda

The period after 2015 marks the beginning of a very different phase compared to the previous one in relation to independent regulatory agencies. Following the strong recommendation of the European Commission in the progress report for Kosova in 2015 (European Commission, 2015), reforming the system of independent regulatory agencies began to be considered one of the most urgent reform precedence in Kosova's public administration. Furthermore, the review and rationalization of regulatory agencies became part of the 22 priorities under the European Reform Agenda related to the implementation of the Stabilization and Association Agreement between Kosova and the EU.

The European Reforms Agenda comprised three main sections: 1) Good Governance and Rule of Law; 2) Competitiveness and Investments Climate; 3) Employment and Education. The reforming and rationalization of regulatory agencies belongs to the first section, in parallel with Rule of Law and Election Reform (Mjeku, 2018: 7).

Thus, as a reflection to the recommendation of the European Commission on the one hand, and in response to the request under the Stabilization and Association Agreement on the other, the Ministry of Public Administration of Kosovo, drafted in 2016 the report on the Review of Independent Institutions and Agencies in the Republic of Kosovo (MPA, 2016:8). This report identified the problems, already well-known, about independent agencies, namely, absence of legal framework to determine the basic rules and principles of establishment, organization, oversight, accountability and mandate; the absence of a precise typology of independent agencies; their large number; the duplication of their roles and competencies; the ambiguity of the decision-making body inside them; the different level of wages, etc. For the implementation of the recommendations and other findings of this report, in 2018, the Ministry has approved the Agency Rationalization Action Plan. It can be said with certainty that this document represents the most serious and direct effort ever undertaken in Kosovo since 1999 until now in relation to the reform of independent agencies. According to this document, the review and rationalization of independent agencies would be carried out by 2021 through 4 rounds (MPA, 2018: 4-5):

The 1st round, corrects the anomaly that a large number of agencies with executive functions or service delivery - called independent public administration agencies - operate under the Assembly of Kosovo. The first round focuses on 9 independent (Assembly) agencies with executive functions. Four of these agencies would be transferred to the respective ministries, while the other three would lose their status and become ordinary departments within the ministerial system (Balkan Policy Research, 2020: 35).

The 2nd and 3rd rounds represent agencies under the Government where functions are duplicated or the classification of the type of agency and its reporting lines are not in line with international best practices. The goal is, therefore, for at least 10 agencies (out of 20 selected) operating within the Government, with less than 50 employees, to be merged or integrated, as organizational units, within the hierarchy of ministries. The 3rd phase involves 27 executive agencies, 17 of which will be integrated into the relevant ministries or abolished (PIPS, 2020: 13).

The 4th round examines (a) the regulators currently under the Assembly, who in most European countries will be within the executive, and (b) the agencies managed by the Assembly but whose functions may have duplications with other public bodies in public administration.

Consequently, the Law “On Organization and Functioning of State Administration and Independent Agencies” (Assembly of Kosovo, Law No. 06/L-113 On Organization and Functioning of State Administration and Independent Agencies, 2019) passed by Assembly of Kosovo in 2019 has made some significant legal adjustments towards rationalization of the independent agencies. Thus, for the first time the law has made a clearer definitions and classification on types of independent authorities within state administration. Thus, the law has divided them into: independent agencies, regulatory agencies and executive agencies. According to the law, independent agencies are those authorities that can be established by the assembly for the exercise of non-executive functions. While the regulatory agencies are those authorities that belong to the prime minister's office that stand horizontally in relation to the ministries, while the executive agencies belong to the ministries and answer to them. The definition of the agencies' performance system is one of the changes made by this law. As a result, every agency is required to create and submit an annual performance plan. Included in this plan should be the logical framework, which outlines the precise goals, deliverables, and outcomes to be achieved, along with performance metrics, pertinent metrics, and tasks, and the financial section, which details the agency's budget and how it will be allocated in relation to the precise outcomes to be attained (Assembly of Kosovo, Law No. 06/L-113 On Organization and Functioning of State Administration and Independent Agencies, 2019).

### 3.2. Propensities of Current Government

In spite of the fact that, all relevant legislation for the implementation of this plan has been scheduled to be approved in 2019, it failed to be approved due to the resignation of the then-government in 2019. Subsequent governments also did not have sufficient lifespan to achieve the adoption of this legislation. Thus, this plan, together with the relevant legislation, continues to be pending approval. However, the important news seems to be the commitment of the current government regarding the implementation of the independent agencies reform. The Prime Minister of the

current government, Albin Kurti, who took office on March 21, 2021, is known as one of the harshest critics of the ambiguity of the functions and expenditures of officials of previous governments while he was in opposition. He began his mandate by fulfilling his pre-election promise by reviewing and reducing the number of ministries from 21 to 16 (Assembly of Kosova, 2021). The abolished ministries have been attached to the ministries of the respective fields in the form of departments. Shortly afterwards, Prime Minister Kurti began dismissing the current boards of public enterprises and independent agencies and replacing them with new members, considering them extremely politicized as well as hotbeds of maladministration and misuse of public money. These decisions of the current government were not taken according to the plan for review and rationalization of independent regulatory agencies, mentioned previously.

However, Prime Minister Kurti justified these decisions by calling it an emergency intervention to stop, as he called it, "the financial bloodshed" (Kurti, 2021). Either way, according to those actions we seeing the current government, so far, seems to be the most interested one, compared to the previous governments, in pushing forward the reform and rationalization of independent agencies.

## CONCLUSION

From all that was explained above, it seems that the system of independent agencies in Kosova is not a fully successful experience. Defects and substantial challenges have been seen at times, while success has been shown after the incorporation of independent agencies in the scope of broader administrative reforms, though with significant delays. Among the main factors that have made it extremely difficult the establishment and overall functioning of independent agencies during the first two periods was:

The post-war context - Serbian repression against people of Kosova from the 1990s until the frontline war and the genocide in 1998-99 had caused tremendous damage. After the end of the war, the main challenge in Kosova was to remedy the humanitarian situation. At a time when even the essential institutions had just been founded and needed stable functioning, such a situation constituted a rather unsuitable ground for initiating the system of regulatory agencies. It means, the establishment of independent regulatory agencies in these circumstances seems to have been a premature operation and effort.

Absence of professional capacities - The lack of professional capacity in the civil service was a challenge not only for independent agencies, but also for the entire public administration. Moreover, professional capacities continue to be a challenge for Kosova's public administration. General professional training for civil service in the administration is not sufficient for independent agencies which require managers and staff specialized in relevant fields. In other words, the management of the public policies through the model of the independent regulatory agencies demand a very advanced level of human and institutional capabilities.

Governments formed by a weak majority - The formation of governments through multi-party coalitions has resulted in a weak parliamentary majority. Such governments, always, have had trouble passing important laws, especially of those whose passage jeopardized the status quo of the bureaucracy. Moreover, it should be noted that from 2008 onwards no government has completed its mandate to the end. All ended prematurely with resignation.

The interference of politics - Political interference in the appointment of directors and other officials of regulatory agencies has increased the number of agencies and their staff, and, at the same time, has undermined their performance, turning these institutions into a heavy burden on the state budget. The efforts to reform the public administration have also been hampered by the strong political effect it has on both autonomous authorities and the public sector as a whole.

Another issue that has existed throughout the history of Kosova's independent agency system is the widespread lack of knowledge about it among both the civil service ranks and the general public. Due to this, issues involving independent agencies have not been made available for wider public discussion.

However, as for the 3rd period, from 2015 onwards, positive developments have been noted. They were initially incorporated into the reforming of public administration and, in addition, were given the status of important priority. Numerous issues have been discovered during this phase, and many potential solutions have also been put up; all that is left is for the current government to act on.

Based on the indications of the conclusion above, the independent regulatory authorities in Kosovo need an urgent, deep, careful and nonpolitical reforming process of rationalization. The review process, certainly, should include their scope, competencies, appointment and mandates as well as readjustments on performance means towards ensuring the optimal equilibrium between their independency and accountability, in that manner that, the means of accountability should not infringe their independence as well as their independence should not leave out their accountability and responsibility.

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