



## Role of Public Administration in the European Integration Process

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**Abstract:** Good functioning of public administration according to democratic principles and civic demands gives meaning to the contemporary state. States aspiring to join the European Union (as well as those that are members of the EU) should engage with a constant priority in the organization and functioning of public administration. The European Union has managed to set the principles for public administration and engages in strengthening the European Administrative Area by promoting the principles of administrative law and its development in order to ensure civic rights in relation to the state through the administration. The EU has not created the *acquis communautaire* for public administration but has accepted and is developing standards according to the principles of public administration. The EU public administration commitment aims at preparing states to successfully implement the *acquis communautaire* by seeking functional and competent public administration. In the European integration process (and after integration), public administration has a key role, so the EU focuses on the priority in this area by assessing achievements and recommendations through the Progress Report and OECD/SIGMA. These recommendations aim at the development and functionalization of public administration by the level of development and social evolution to create state sustainability and advancement of civic services.

**Keywords:** Public Administration; European Union; Principles for Public Administration; Functionality; Strategy

### 1. Introduction

The collapse of the communist system in the Balkan countries (overcome with great social difficulties until conflicts and wars for liberation) paved the way for European Union states to take an active part in this part of Europe. On May 17, 1999, the European Council through a “common position” announced the ambitious vision for

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the integration of these EU countries<sup>1</sup>. “The EU states decided to extend the mechanisms in these countries in order to support membership. The European Union aware that these countries must face deep and substantial reforms continue to show determination in this regard. Subsequently, the European Commission launched the so-called “Stabilization and Association Process” project dedicated to Balkan countries for pre-accession preparation, which means that states other than the Declaration wanting to become part of the EU should also accept the membership process agenda, creating bilateral agreements through this project. The whole process is followed by the EU mechanisms through the “Annual Progress Report” in the general social reforms.

The EU also supports countries through various capacity building projects: political, economic and social, as well as capacity building in order to create institutional and social sustainability as a whole.

Dynamic developments require that integration processes are well organized and prepared. The functional state is the guarantor of the development and strengthening of democracy, sustainability, respect for human rights and the orientation of the overall development. The functionality of the public administration depends on the seriousness and readiness to reform it alongside social developments and civic demands.

Sustainability of the state depends on the process of public administration reforms and the results in this process, which means that the administration is central to development in all areas. In literature there is an agreement that public administration is the key to the functioning of the state, the development and maintenance of the legal, economic and political system. “Contemporary theory cultivates the fundamental idea that, without a modern, organized, functional, rational, efficient, controlled and accountable administration, there can be no modern state, market economy, legal state or legal democracy, because the truth is that, public administration extends to all areas of social life” (Esat, 2007, p. 53). Civic demands are always affected by general developments, so the reform process in the public administration should lead or run parallel to developments in order to fulfil its mission in the civic service.

“To move towards the great challenges of transforming the state and government into an effective machinery, to promote good governance, consolidated democracy and continuous development, it is necessary to have advanced theoretical

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<sup>1</sup> Mimoza Cika Kosovo European issues.

approaches. The task of rationalizing and making efficient public administration is directly related to the organization of public administration, with the procedures and methods applied” (Esat, Sokoli & Batalli, 2010, p. 197). States should always bear in mind the fact of the dynamism of global development and the focus on ongoing administration reforms is more than necessary.

All public administration, which, according to legal bases, has managed to take responsibility in institutions, should put emphasis on continuous transformations and reforms, becoming part of the integrated society, with a view to its overall contribution and success in dealing with the requirements of modern times.

“The main reason governments are pushing to apply for EU membership is to achieve a high level of democracy, economic achievement and social welfare in a European country (Baliqi, November 2013). The functioning of public administration within states has its own specifics and depends on the level of socio-economic development of the state itself. The European Union through its mechanisms extends to all Southeast European countries to help radical social reform to ease integration processes.”

From the practice of the countries in general, but also in the challenges of the millennium, it is estimated that the 21st century is a century of reforms in public administration of states, but also in the context of regional and global integration.

States to realize reforms in the public administration initially have to acknowledge the fact that it has a key role in every process, and in particular in the integration process.

In the contemporary juridical science of developed democracy countries, with the term “public administration” means all bodies, institutions and authorities (persons) who are financed and paid by the state budget as well as those public entities that are mergers of property interests of private persons with the state (Dobjani, 2010, p. 19). In order to achieve good administration functionality, states should expand responsibility for reforms by covering all segments of the state at all levels.

The European Union has managed to create and harmonize the so-called principles for public administration, which states should keep in mind, during public administration reforms. Increased and serious attention to the functionality of public administration should be given by states that have not yet managed to be part of the European Union. These countries continue to face general transformations in society, so support from EU mechanisms is justified.

Candidate countries and potentially candidate countries for membership in the European Union should establish a strong link throughout the process of public administration reform and integration processes.

Concluding that the role of public administration is key to the European integration process, states targeting membership should have priority to engage in the organization and functioning of public administration by making substantive reforms.

The European Union has managed to define the principles for public administration and continues to engage in strengthening the European Administrative Area, promoting the principles of administrative law and its development in order to ensure civic rights in relation to the state through the administration.

The EU has not created the *acquis communautaire* for public administration but has accepted and is developing standards and principles in public administration. The EU public administration commitment shows that the role of the administration is key in the integration process, so it aims to prepare the states for membership through the administration by enabling them to fulfill the *acquis communautaire*.

It means that the EU allows the states themselves to decide on the organization of public administration, in structural terms, in the vertical and horizontal horizons, as well as the substantial aspect of the activity. It has, however, laid down the principles for public administration to which Member States should adhere. Through its own mechanisms, the EU continues to oversee the implementation of reforms in the administration, giving annual recommendations as well as supporting professionalism in the administration.

From the above, we can conclude that at the time of modern development, it is acknowledged that the concept that the development and advancement of democracy, as well as the realization of good governance depends on the reform in the public administration that should result in well-organized professional persons, within the vertical and horizontal organization, ready for administration development and active participants in the governing and integrative processes.

### **1. Functionality of Public Administration**

In the context of this thesis, the issue is limited to the role of public administration in the European Union integration processes. From the practices of the field of state activity, initially appear the actions that the public administration should do (taking into account the role that public administration has in this process). First action; the

functionality of the public administration in fulfilling citizens' demands and integration processes. Second action; public administration should establish strong and sustainable links between it and its citizens throughout the integration process and to succeed. Third action; to develop in parallel with the overall social and integrative developments, aiming at its primary role in these processes. These actions should be seen as a whole in the context of public administration reforms.

### **1.1. Functionality of Public Administration for the Fulfilment of Citizens' Requirements and Integration Processes**

Functionality of public administration is an indispensable action to be undertaken in order to achieve civic expectations by emphasizing the importance of institutional sustainability in the integration processes. Building a functional administration, opportunities for dealing with integration processes, and overall social development are easier. In the context of functionality, public administration should be: well organized in vertical and horizontal lines, duties and responsibilities to be well defined, coordination and communication lines to be established and recognized for employees in the public administration, employees in the administration (continuous training), to have good control and responsibility at work, planning and measuring outcomes in relation to the integration processes and citizens' expectations.

Reforms in public administration need to adapt to the overall socio-economic and political level in society, with the aim of advancing and accelerating the pace of reforms. This is achieved by presenting reforms as actions, initially in the interest of citizens, and then as actions for meeting EU criteria. In this way, the citizens will be more easily and quickly convinced of the processes. Administrative reform should be treated as actions in the concrete interest of citizens. The more functional the public administration is, the closer it is to the citizens, the fulfilment of the criteria and the approximation of the country with the European Union.

The European Union has no comprehensive legislation that could be applied in the field of public administration and administrative law, which would help the states to reform their administrations. Countries are obliged to have administrative systems and public administration institutions capable of adapting and implementing the *acquis* according to the principle of "obligation to result". Candidate countries must meet the criteria required for EU membership as adopted by the European Council in Copenhagen, Madrid and Luxembourg<sup>1</sup> Countries aspiring to EU membership, besides the declaration, must meet the criteria in a substantial way, also taking care

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<sup>1</sup> European Principles of Public Administration, Sigma Publication No. 27, p. 5.

of updating the functionality of the public administration. The EU has achieved a consensus in particular on the principles in the area of common administrative law for all member states. “Some of the particularly important principles laid down in the European Court of Justice’s law that Member States have to enforce are: the principle of legal administration, the principles of proportionality, legal certainty, protection of legitimate claims, non-discrimination, rights to hearing the parties in the administrative decision-making procedures, provisional aid, fair conditions for access of individuals to administrative courts, non-contractual liability of public administration.”<sup>1</sup>

In the context of this we notice that public administration should work according to the principles in order to successfully implement the work in the integration processes, and to realize the civic demands. These principles of administrative law can be further categorized. “The basic principles of administrative law, the same for Western European countries, would distinguish the following groups: 1. Reliability and predictability (legal certainty), 2. Being open and transparent, 3. Accountability, and 4. Efficiency and effectiveness.”<sup>2</sup>

Countries aspiring to join the European Union must initially make functional reforms in their public administrations in order to facilitate and speed up integration processes and be able to meet post-integration challenges. This implies that reform does not only concern the process of integration but also the sustainability within the EU.

The EU through its mechanisms, in addition to helping candidate countries and potentially candidate countries, also oversees the results of administrative reforms as well as in other areas. This is accomplished by the European Commission known as “EU Progress Reports”. All this EU activity focuses on reviewing and strengthening administrative capacity to establish institutional sustainability, to align and meet *acquis communautaire*.

The EU through OECD/SIGMA updates commitments and focuses on the concrete definition of principles in public administration in order to facilitate reforms and the functionality of states. Addressing focuses on defining the concept of good governance with measuring indicators of results and establishing institutional sustainability. “The concept of good governance is included in the EU Charter of

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<sup>1</sup> Quoted by Sigma No. 27, p. 7.

<sup>2</sup> Quoted by Sigma No. 27, p. 7.

Fundamental Rights”.<sup>1</sup> Public administration principles cover all segments in the public administration. “The principles cover a field of the public sector referred to as “state administration”. This denomination is widely used in the Western Balkans and represents two main elements of this sphere: “public administration” at the (national or central) state level. The principles also cover the independent constitutional bodies, as well as the Parliament and the judiciary within the scope of their exercise and the powers for overseeing the state administration.<sup>2</sup> The realization of reforms, except for very serious approaches, requires comprehensiveness in order to achieve it successfully. “The level at which a candidate or potential candidate country applies Principles in practice is an indicator of the country’s public administration capacity for the effective implementation of the *acquis* in accordance with the criteria established by the European Council in Copenhagen (1993) and in Madrid (1995)”.<sup>3</sup> The principles focus on the realization of the purpose of the state’s own existence, which implies institutions serving the citizens and the creation of opportunities for the overall social development. To enable better organization and functioning of public administration, principles are defined in a way that enables easier measurement of concrete results. “The principles cover the main levels of the governance system and determine the overall performance of public administration: 1. Strategic reform framework in public administration, 2. Policy development and coordination, 3. Public service and human resource management, 4. Accountability, 5. Provision of services, 6. Public finance management”. All these principles contain concrete actions divided into sub-bases and contain qualitative and quantitative indicators. States targeting the EU should adhere to these principles and enable their administrations to keep pace with developments within the EU in order to achieve citizens’ expectations and develop institutional sustainability.

## **2. Public Administration Establish Strong and Sustainable Links Between it and its Citizens through Integration Processes**

In the modern democratic state, every day more, the advantage is given to the concept of “state in civil service”. Based on this finding, a serious focus on establishing the functioning of the administration is required. Administration is a social phenomenon and needs to be constantly reformed to serve the citizens.

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<sup>1</sup> [www.sigmaweb.org](http://www.sigmaweb.org) OECD/SIGMA Principles of Public Administration, p. 6.

<sup>2</sup> [www.sigmaweb.org](http://www.sigmaweb.org) OECD/SIGMA Principles of Public Administration, p. 7.

<sup>3</sup> [www.sigmaweb.org](http://www.sigmaweb.org) OECD/SIGMA Principles of Public Administration, p. 7.

When we integrate integration processes, the role of administration becomes even more important, turning it into a “key role”. Therefore, it is required to establish a strong link between administration and citizens. The EU through the principles requires full transparency of the work in the public administration, so that citizens are aware of the course of the processes, both in the reform and in the integration processes, so that they can contribute. Transparency will also affect the increase of credibility in the administration, and what is very important will increase the level of knowledge for the integration processes of the citizens. With the administration, almost no one is satisfied: neither citizens who are in permanent relationships, nor societies, who claim to “build democratic order”, neither states under the conditions and under the circumstances of their new roles, nor the clerks working in the administration (Stavileci, p. 28). This is one of the indicators that should be enhanced transparency. The development of organizational culture and its components in the administration, as well as the predictability and measurement of the ever transparent performance by measuring the indicator “Informed and Contributing Citizens” will strengthen the civil administration. The established connection must be understood by the citizens, that they must be participants in all developments, not only through their elect, but also through other organized forms. The relationship established between the administration and the citizens will influence the development of knowledge for the first and post-European integration processes of the state, which will facilitate self-running processes. This will bring more secure action, on the one hand for the administration it will be easier to assume the key role and responsibility in the processes, and on the other hand the citizens will be able to take part of their obligations by feeling confident that they are creating administrations for themselves. This civic-administration co-operation would facilitate administration reforms, the path to integration processes and institutional sustainability, raising the level of mutual responsibility and producing results on both sides. From this, we can conclude that establishing a strong link between the administration and the citizens would facilitate integration processes but also development in general.

### **3. Public Administration Reform Should Target the Primary Role of Development in the Framework of State-Wide Reforms**

The fact that the EU requires the fulfilment of the *acquis communautaire* in all areas, and has set principles for public administration reforms focusing on institutional sustainability even after accession, makes us understand that good public administration function will ease the processes as a whole. State governments need



to continuously prioritize reforms in their public administrations. Only when the public administration reaches a high degree of its functionality towards perfection can we say that it has taken the primary role in the wholly integrative processes. Almost all post-communist states face the same challenges in the process of changing their administrations in the transitional period. Typical challenges for the transitional period are: public administration politicisation, insufficient professionalism, overcrowded administration, clear and precise definition of tasks and responsibilities, inadequate control, nepotism, corruption, lack of ethics, lack of sufficient legal infrastructure, etc.

All of these problems are also highlighted in the Progress Reports, expressed at various levels. As soon as governments are ready to eliminate transitional phase deviations and overcome this challenge, the sooner the states will give the administration the primary role within the overall social reforms. This will also be argued by the fact that public administration plays a key role in the integration processes.

To elaborate more specifically on the issue of public administration and its reformation we will take the example of Slovenia (EU member), Albania (with the status of candidate country for EU membership) and Kosovo (potential candidate country for EU membership). All three countries have different degrees of advancement in relation to public administration. The focus will be on the analysis of public administration strategies in relation to EU principles for public administration. Common to these countries for drafting the strategy for public administration is that they are focused on administration reforms and its development according to OECD/SIGMA reports and recommendations and the European Commission. Recommendations focus on functional administration as a basis for overall social development. They seek to create institutional sustainability in order to achieve objectives in the interest of citizens and in relation to responsibilities with EU institutions.

Slovenia has approved 2015-2020 Public Administration Development Strategy and is in its implementation known as the Public Administration 2020. Even though Slovenia has overcome the membership challenge and has a well-reformed administration, the strategy in question has been based and drafted in order to strengthen the sustainability and raise the overall level of state development within the EU by taking the OECD's suggestions. The Strategy identifies the current state of affairs in the field of public administration and provides development guidelines for the next six years. It sets objectives and measures in order to further increase the

professionalism and responsibility in the civil service, innovation and increase the level of oversight to limit the risk of corruption. “The core objectives of the strategy will focus on quality and efficiency, transparency and accountability in public administration.”<sup>1</sup> Only by being transparent will the level of responsibility be achieved and the quality of the services will be improved. “The main principle of the functioning of public administration will be to strengthen fundamental values with special emphasis on rule of law, justice, co-operation and consensus orientation”.<sup>2</sup>

Being a member of the EU, the strategy emphasizes the enhancement of the level of international competition, the advancement of development and modernization of public administration, efficient resource use, cross-sectoral co-ordination system, rationality in management, focusing on evaluating concrete results. The objectives, principles and activities presented in the strategy are based on the recommendations of the OECD and the European Commission on public administration.

“In 2012, OCED showed a review of the functioning of the Slovenian public administration which demands that Slovenia should include measures that would help the public administration become more efficient and create long-term stability.” The European Commission also focused on recommendations in order to implement the Partnership and Program Agreement. “The process of drafting the Strategy for the Development of Public Administration 2015-2020 has included co-operation by adopting the opinion of the main actors in public administration in Slovenia, experts and the general public. Albania has drafted a cross-sectoral Strategy for Reform in Public Administration 2015-2020 which sets the reform in administration as a continuing government priority.”

“Public administration reform has been consistently among the priorities of Albanian governments as a key instrument for improving quality services to citizens and business as well as a condition for the country's integration processes”.<sup>3</sup> Here are four main objectives defined “1. Policy Making and Quality of Legislation, 2.

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<sup>1</sup> <http://nio.gov.si/nio/asset/strategija+razvoja+javne+uprave+2015+2020?lang=en> (Public Administration 2020 (Development Strategy of Public Administration 2015-2020), p. 4.

<sup>2</sup> <http://nio.gov.si/nio/asset/strategija+razvoja+javne+uprave+2015+2020?lang=en> (Public Administration 2020 (Development Strategy of Public Administration 2015-2020), p. 4.

<sup>3</sup> <http://dap.gov.al/publikime/dokumenta-strategjik/64-strategjia-ndersektoriale-e-reformes-ne-administraten-publike-2015-2020>, Inter-Sectorial Reform Strategy for Public Administration 2015-2020, p. 4.

Organization and Functioning of Public Administration, 3. Civil Service: Human Resource Management, and 4. Administrative Procedures and Supervision”.<sup>1</sup>

These objectives present the challenges under the findings during the review and the orientation to overcome them. According to OECD/SIGMA recommendations as well as government objectives, the strategy is oriented towards fulfilling the vision. “The development of a public administration that provides high quality services to citizens and businesses in a transparent, effective and efficient manner through the use of modern technology and innovative services and complies with the requirements of European integration through unbiased, professional and responsible, part of the efficient structures”.<sup>2</sup> In order to realize the vision of the main objectives, actions and sub-actions have been defined aiming that in 2020 the public administration should realize the expectations in raising the quality of citizen services and businesses and be competent and competent to deal with and after integration processes.

Kosovo has a new public administration regarding its construction. The administration here has passed a different process in terms of creation, capacity building, organization and functioning. The public administration in Kosovo was created under the mandate of the International Civilian Administration. “Based on Resolution 1244 (1999) of 10 June 1999, by which the United Nations Security Council, acting under Chapter VII of the United Nations Charter, the UN Secretary General has established an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), for the purpose of providing temporary administration in Kosovo on the basis of the mandate set forth in this Resolution” (Bajrami, 2002).

The International Civilian Presence in Kosovo was led by the Special Representative of the Secretary-General of the United Nations (SRSG). “He exercises all authority and represents the ultimate legislative, executive and judicial authority in Kosovo.” (Bajrami, 2002, p. 91).

Under the international civil mandate, the basis for organizing public administration in Kosovo started. Dualisation of competences and responsibilities in the

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<sup>1</sup> <http://dap.gov.al/publikime/dokumenta-strategjik/64-strategjia-ndersektoriale-e-reformes-ne-administraten-publike-2015-2020>, Inter-Sectorial Reform Strategy for Public Administration 2015-2020, pp. 7-8.

<sup>2</sup> <http://dap.gov.al/publikime/dokumenta-strategjik/64-strategjia-ndersektoriale-e-reformes-ne-administraten-publike-2015-2020>, Inter-Sectorial Reform Strategy for Public Administration 2015-2020, p. 17.

management of works in departments created by fields (departments were led by two co-directors, one local and one international), lack of legal infrastructure, lack of sufficient professional capacities, lack of physical spaces produced a rather inadequate administration professional, not well-focused, and with uncertainty of competence. This has caused the public administration to initially have a lot of stagnation in development.

Despite these challenges, Kosovo has reached a fairly well-established level of public administration as well as in the field of legal infrastructure and digitalization of the administration, but there is still a lot of work in this regard. The emerging challenges are typical challenges of transitional periods, namely: large (quantitative) administration, non-sustainable organization, non-consolidation of the legal framework, lack of functionality, poor quality of services, and non-compliance with the recommendations of the control, etc. Also, negative phenomena are still expressed (typical for transition countries). Following two strategies for public administration challenges were identified during their implementation (followed by insufficient legislation that would help to better implement them) and according to the recommendations of the European Commission, OECD/SIGMA and findings from other mechanisms; Kosovo has drafted the Strategy for Modernization of Public Administration 2015-2020.

The strategy foresees a new form of reform management and divides management responsibilities into three pillars. "1. Development and coordination of policies and legislation - management of reforms in this area that falls directly under the responsibility of the Office of the Prime Minister; 2. Civil service, human resources management, provision of public administrative services and re-organization and accountability falls under the responsibility of the MPA and 3. Public finance management - fall under the responsibility of the Ministry of Finance".<sup>1</sup>

In this regard, it is also working on organizational review and legal infrastructure. Government policy goals for administration reform are targets of engagement, and concrete measures have been set for their realization. These are defined as the three main objectives of the reform, as well as the specific objectives for each of them and the measures to be taken for realization. The entire activity for the implementation of the strategy focuses on timelines and expectations, assessing the state of approval of the strategy. Civil service in public administration, administrative procedures and

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<sup>1</sup> <https://map.rks-gov.net/institucion/Plan-and-Strategies/Strategjia-e-RAP.aspx> Strategy for Modernization of Public Administration 2015-2020, p. 4.

provision of public administrative services, organization of public administration and accountability are the main objectives and government goal to be achieved by stages by 2020.

**Findings:**

- EU Public Administration Principles support the state in reforming public administration;
- Transition countries face almost the same problems in the area of public administration organization;
- Public administration has a key role in the process of European integration and after its integration;
- States have begun to emphasize the role of public administration importance for civic services in the same parallel with the role in the integration processes;
- Frequent government changes pose difficulties in realizing target reform;
- Depending on the stage of achieving alignment with the EU and even after accession, states need to update their engagements in ongoing reforms in public administration.

**Recommendations**

- States should apply EU Principles for Public Administration as they have been shown to be indispensable;
- The EU should think to empower the principles of public administration further and toughen the measures for not implementing them;
- The administration should establish strong links with citizens to raise awareness on the importance of reforms and to provide insights into the integration processes;
- During the reform implementation process more input should be given regarding the ethics in public administration.

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\*\*\* <https://map.rks-gov.net/institucion/Plan-and-Strategies/Strategjia-e-RAP.aspx> Strategy for Modernization of Public Administration 2015-2020, p. 4.