

ORGANIZATION OF HUMAN RESOURCES AND PUBLIC ADMINISTRATION DURING THE UNMIK TIME AND THE INDEPENDENT SELF-GOVERNING INSTITUTIONS OF KOSOVO

PhD.Can. Abedin Selimaj

University of Library and Information Technologies

Sofia, Bulgaria

***Abstract:** This paper is conceived in the field of Public Administration and Human Resources management in Kosovo, during the period of UNMIK and the Provisional Self-Governing Institutions of Kosovo. In particular, for the human resources management process in the public administration. We have tried to deal analytically with the management of human resources in the public administration of the country after the war in Kosovo until the declaration of independence in 2008. More precisely, we have focused on the understanding of public administration and human resources, the organization and the legal basis, responsibilities and challenges. The main treatment of this paper is the management of human resources in the administration of UNMIK and PISG, as a transitional phase towards the final status of Kosovo.*

***Key words:** Human Resources, Management, Public Administration, UNMIK, Kosovo, etc.*

Introduction

Knowing the big problems that exist today in the functioning of public administration and human resources management (HR), I have tried to address this topic from a scientific point of view, one of the most interesting processes that Kosovo has gone through, that of management by the international administration through its UNMIK mission. I have tried to explain the meaning of public administration and human resources, legal basis and organization, institutional responsibilities and challenges. Human Resource Management (HRM) plays an essential role in the development of a country and, in particular, in the implementation of important strategic activities of public administration. In general, a good governance of a country is undoubtedly related to HRM in the public administration of that country.

The term administration is understood as "The whole system of bodies and organizations that, with its own activity, is subordinated and has a special relationship with the government".

(Pollozhani, Dobjani, Stavileci, & Salihi.Lazim, 2010) In the public administration, there are non-political persons, specialized in various fields, who help the government and the parliament in the processing of proposals and the implementation of decisions, so "the place of the state administration, in the management links, is between the politicians who make decisions and citizens who are affected by these decisions". (Kval, Mellby, & Bent, 2006) This position often allows the administration to see first-hand how decisions are implemented and I can assess the need for changes and new measures.

Until the final announcement, we can say that a lot has been done in this field by both the international and the local factors, but there was still a lot to be done and it continues today. In general, the situation in the post-war Kosovo administration, even with some elements even now, can be described by characteristics such as: weak professionalism, politicization, lack of qualification and tradition of civil servants, unstable and incoherent legislation, mechanisms and capacity insufficient management and coordination, underdeveloped training and unclear institutional roles. Unfortunately, these challenges to a certain extent are leading the state of Kosovo, even today on the road to EU membership, and it is undoubtedly the reform process in the public administration, in particular HR Management and Planning in the AP, that remains a problem yet to be seen. properly addressed

Methodological bases of research

During the drafting of this work, I tried to be as original as possible and the research is mainly about the methods that have helped me to achieve the expected results from my work that I have been developing throughout the working time. For the drafting of this paper, we used the qualitative and analytical method. I am based on primary and secondary sources. A part of the work is based on various scientific publications, we are based on the legal frameworks, we cited laws, various reports. We are also based on analyzes related to the field of Human Resources, public administration in the Republic of Kosovo in general and the process of reforms in public administration in particular.

The research questions in this paper are: What are the achievements and challenges of UNMIK and PISG in the process of establishing and managing human resources and What are the challenges and problems in human resource management.

Research results

Understanding public administration and human resource management

In order to better understand HRM, one must first know the concept and meaning of PA, because HRM in the public administration is closely related to the operation of the administration. "Public administration, in the functional sense, means all the activities, respectively the activities, that the administration develops as an organization for the social regulation (regulation) of the social processes that it exercises". (Baraliu & Stavileci, 2014) Its role as a part of the executive power and the service for providing services consists in the performance of works which, according to the provisions, are left in the scope or competence of several bodies. The organizational structure in the administration represents the permanent system of connections and relations between some parts and elements of that organization in order to achieve the set goal - to carry out the work of the state administration with quality. (Pollozhani, Dobjani, Stavileci, & Salihi.Lazim, 2010, p. 16)

Administrative law in the broadest sense can undoubtedly be defined as "a set of legal norms that include the regulation of the position and functioning of administration bodies, in general, regardless of the specific features of different state administration institutions, perhaps also public. In fact, according to this definition, administrative law includes: "the totality or set of legal norms that regulate the position, organization and functioning of all administration bodies, within state entities as administration bodies in the form of ministries, directorates, public entities, independent agencies, etc., and local self-government units (municipalities), as local government administration bodies, but also as public service institutions in various spheres, such as: schools, hospitals, various funds, etc., as well as public enterprises that manage objects and other goods of public interest, (mines, roads, railways, airports, water, telecommunications, etc.) either as a public state enterprise, or as a private enterprise on the basis of concessional management conditions or another form of public management. (Pollozhani, Dobjani, Stavileci, & Salihi.Lazim, 2010, p. 21)

The scientific importance of the analysis of the notion of administration consists in the very fact that, in essence, theoretical examinations of the notion of administration represent the basis of the science of administrative law, although the phenomenon of administration from different perspectives is the object of study of other social sciences, separately political and legal ones, but also economic sciences, etc. However, in the science of administrative, juridical-administrative law, such as administrative reports, administrative contracts, administrative actions, administrative

acts, administrative subjects, etc., without explaining in advance the very notion of administration, as far as possible in terms of stable and acceptable for both theoretical and legislative approaches. The difficulty of the definition, first of all, consists in the obligation for the definition to express the most specific features of the administration, clearly differentiating it from other social phenomena or phenomena, especially from those of the state or public power itself, within the system relevant social and legal of a country or entity. This is because the administration itself, both in the broad sense and in the narrow sense of the word, is to a large extent conditioned by the character of the social and political arrangement of a country, and then, depending on this, the position, role and the functions of the administration itself, including its dynamic or developmental attribute. Finally, without this prerequisite, it cannot even be claimed in the definition of administration, neither as part of power nor as part of public service.

Of course, the first difficulties are encountered in the linguistic treatment of the meaning of administration. "The notion of administration has a Latin origin: *administere*, administration = performing work-services under someone's authority". (Sadushi, 2008, p. 11) However, as in other languages such as English: administration = administration; government = government, Croatian = *uprava-administracija* = administration; *vlada* = government, as in the Albanian language, in the narrow sense, with the notion of administration, is understood "the whole system of bodies and organizations that, with its own activity, is subordinate and has special relations with the government, as the bearer of the executive power of a the country, but always with very specific features depending on the relevant entity, either in terms of the functional or material entirety of the administrative activity, or in terms of the entirety of the organizational system of administration institutions, namely as a system of administrative bodies and organizations. (Sadushi, 2008, p. 27)

Organization of human resources in the UNMIK administration

Immediately after the war, Kosovo was administered by an international civilian mission, the United Nations Interim Administration Mission in Kosovo (UNMIK). This Mission is defined by Resolution 1244 of the United Nations Security Council. (KIPRED, 2005) So, with Resolution 1244 of the Security Council of the United Nations (UN), the foundations were laid for the functioning of the public administration in Kosovo. The resolution has defined UNMIK as the bearer of responsibilities related to the functioning of the public administration.

The operational framework of UNMIK has been divided into four pillars:

1. Police and Justice, under the direct leadership of the United Nations;

2. Civil Administration (KB);
3. (Democratization and Institution Building (OSBE);
4. Reconstruction and economic development (EU) (KIPRED, 2005, p. 2).

Public administration in Kosovo has been the reserved right of the UNMIK Mission, by the Special Representative of the UN Secretary in Kosovo. These structures of the international community have been led by the Special Representative of the Secretary of the UN in Kosovo. The II pillar of the Civil Administration, established the departments for most public services, and that for: 1) justice, 2) education, 3) health, 4) local administration, 5) labor relations, 6) emergency services (fire rescue, civil protection), 7) roads and transport, 8) post and telecom, 9) agriculture and forestry, 10) defense and environment, 11) issuance of public documents (marriage, death and registration). (Pollozhani, Dobjani, Stavileci, & Salihi.Lazim, 2010, p. 244)

The representative of the Secretary General of the UN, in Kosovo, in order to establish the Joint Temporary Administrative Structure for Kosovo, issued the UNMIK regulation 2000/1, on the establishment of the KPK (Provisional Administrative Council), KTK (Transitional Council of Kosovo).

Based on this regulation, the KPK has been more of a recommending council for the Special Representative and has given proposals to the UNMIK Departments. The Transitional Council of Kosovo has had the role of advisor, where the co-heads of the Administrative Departments have been invited by the PSSP to inform the Transitional Council of Kosovo regarding the work of their Departments. UNMIK Regulation 2000/1 also had an annex with the list of UNMIK departments:

- 1) Finances and economic development;
- 2) Reconstruction and cooperation with donors;
- 3) Business administration and trade;
- 4) Education and science; Culture;
- 5) Civil matters;
- 7) Justice
- 8) Transport, post and telecommunications;
- 9) Health and social welfare;
- 10) Agriculture and environmental protection;
- 11) Civil security;
- 12) Democratization and development of the media;
- 13) Local administration;
- 14) Immigration (UNMIK/reg/2000/01, 2000)

The Administrative Departments are led by a Co-Director of the local (Kosovo) and UNMIK department. The Co-Directors of the Departments are appointed by the Special Representative of the Secretary General. The Special Representative of the Secretary General, in consultation with the Interim Administrative Council.

Establishment of self-governing institutions of Kosovo

The Special Representative of the Secretary General of the UN in Kosovo, Mr. Hans Haekkerup, On May 15, 2001, signed the UNMIK regulation 2001/9, for the Constitutional Framework of the Provisional Self-Government in Kosovo. On the basis of the Constitutional Framework, the construction of local institutions begins as well as their functioning under international supervision. Kosovo gains the right to have the President, the Parliament (consisting of 120 seats, 100 seats for deputies elected by free vote, while, regardless of the results of the elections and the number of votes won, 10 seats are reserved for deputies of the Serbian minority as well as 10 more reserved for other minorities such as Turkish, Egyptian, Bosnian, Ashkali, Roma, etc.), and the Government. The officials of these institutions will be elected by the free vote of Kosovars and, at the same time, also accepted by UNMIK.

In September 2001, the representative of the UN Secretary General in Kosovo, in accordance with Resolution 1244 (1999) of the United Nations Security Council and in accordance with the Constitutional Framework, approved UNMIK Regulation No. 2001/19, on the branch of the Executive of the Provisional Institutions of Self-Government in Kosovo. The Executive Branch in the temporary institutions of self-government will consist of the Prime Minister and the ministers ("Government") and based on this regulation, the first 9 ministries were established:

1. Ministry of Economy and Finance; 2. Ministry of Trade and Industry; 3. Ministry of Education, Science and Technology; 4. Ministry of Culture, Youth and Sports; 5. Ministry of Health, Environment and Spatial Planning; 6. Ministry of Labor and Social Welfare; 7. Ministry of Transport and Telecommunications; 8. Ministry of Public Services; 9. Ministry of Agriculture, Forestry and Rural Development. (UNMIK/reg/2001/19, 2000)

Also, in this regulation, the establishment of the cabinets of the prime minister/ministers and the offices with certain services within these cabinets are foreseen. In article 3 of this regulation, the Executive Agencies operating within the ministries are also established, such as: a) Kosovo Authority for Drug Control (Ministry of Health, Environment and Spatial Planning); b) The Office of Statistics of Kosovo (Ministry of Public Services) and c) The Cadastral Agency of Kosovo (Ministry of Public Services). All these institutions have been the basis and support in the processes of honoring the institutions of Kosovo and social life in Kosovo, starting from the creation of political parties, support for the electoral system, strengthening of civil society, they supported the rule of law, developed the media, training of public servants, etc.

The legal basis for the organization of human resources in the UNMIK administration

At the time of UNMIK, HRM were known with another terminology, personnel management. UNMIK Regulation no. 2001/36 on the civil service of Kosovo, approved by the Special Representative of the Secretary General, dated December 22, 2001, in article 3 of this regulation and for the employment conditions for civil servants. (UNMIK/reg/2001/36, 2000) While UNMIK Administrative Order, no. 2003/2, has legally regulated the recruitment of civil servants in the PA of UNMIK, where in article 3, point 3.3 it is stated that "Employment in the civil service is done according to a fair and open competition, based on merit and in agreement with the principle of equal representation of communities in Kosovo and equal gender representation in all fields and levels in accordance with Article 5.4 of UNMIK Regulation No. 2001/19 and Article 2.1 (g) and (h) of the Regulation of UNMIK No. 2001/36. Also, this regulation talks about information such as the title of the position that is announced, the summary description of the work, the required qualifications, the professional experience - the required skills, the expected salary for the assigned position, for contract period, career development, the right to evaluation, etc.

In chapter IV, of this regulation, we talk about personnel data. In Article 15, point 15.1, it is stated that "Each employment body must keep individual personnel data for each civil servant". Such data includes copies of documents certifying the age of civil servants, professional and educational training and residence. There also includes a copy of the employment contract and other relevant documents for the employment of the civil servant, including his or her job application and supplementary materials, work duties, leave and continuation of work, annual evaluations of the fulfillment of duties, salaries, training and the details of any disciplinary measure. It also includes the data on the following training courses and achievements. (UNMIK/reg/2001/36, 2000) So as it appears from the description of the regulation and the administrative order approved by the Special Representative of the Secretary General in Kosovo, in this time Human Resources management, otherwise they are called personnel management.

The transfer of responsibilities from the UNMIK administration to the temporary institutions for self-government

Based on Resolution 1244, UNMIK, among other things, had the duty to carry out the gradual transfer of powers to the public administration after the establishment of common administrative structures. In point 11, paragraph d, of Resolution 1244, it is stated "The transfer of

administrative responsibilities to the institutions that will be established, supervising and supporting the consolidation of the temporary local institutions of Kosovo and other peace building activities". (Security Council Resolution 1244, 1999) Since December 2003, UNMIK has transferred responsibilities in the sphere of public administration to PISG in all non-reserved areas, including budget control. In the sphere of human resources as an essential aspect of the PISG was the determination of the strategy for the recognition of the rights of professional civil servants with considerable experience in management and decision-making. This strategy was guided by trainings which focused on several main areas such as: a) public administration; b) legal framework; c) human resources; d) management and e) communication.

While the chief administrator, according to the constitutional framework, has retained power in several areas. "At the same time, the PSSP has retained power in areas that were outside the powers of the assembly, including the protection of communities, security, fiscal policies, law enforcement, relations with abroad, control of the budget, control and power over the Kosovo Protection Corps" (Pollozhani, Dobjani, Stavileci, & Salihi.Lazim, 2010, p. 246)

Conclusions

We must accept the fact that the international community, through UNMIK and many other international organizations in Kosovo, have built institutions and the administration in Kosovo, helping in many areas of the administration, through various funds, training, etc., I defend the idea that , UNMIK has built an ineffective and inefficient administration, because at that time, the international community has failed to bring a mission as UNMIK has been, in many non-serious situations, with people who are not competent in certain areas. corrupt. My opinion is that Kosovo suffers the consequences of bad governance during the time of UNMIK, in many areas of administration in Kosovo, also in the field of public administration and personnel management.

In recent years, there have not been many structural changes in institutions. This affects the need for advance planning. What has been observed to be missing in the management of human resources is the coordination of strategic activities in institutions with the resources required to implement them. Strategic documents are usually drafted by other TA units or projects, and HR units are not included in the part that deals with the resources needed for that strategy. The challenges and problems in the public administration and in the management of human resources

are an indicator that Kosovo has stalled in its reform in the public administration and cannot fulfill the criteria for a modern administration with quality services.

Regarding other challenges such as nepotistic hiring, appointments of high officials, corruption, etc., I think that the Government of Kosovo should still invest more than the independent agencies for the supervision of public administrators, which should be apolitical and very professional, which would monitor and supervise the work in the public administration in Kosovo.

As a conclusion of this situation, human resources in Kosovar public institutions face new management challenges, therefore in the general plan necessary changes are recommended that will bring a positive and direct impact on the management of human resources in the following three areas: academic and university, the field of public policies and the organizational field.

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