

Building up of European Administrative Space at Central and Local Level as a Key Challenge for the Kosovo's Further State Building Process

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Abstract : Building up of a well-functioning administrative justice system is one of the key prerequisites for ensuring the existence of an accountable and efficient public administration in Kosovo as well. To this aim, the country has already established an almost comprehensive legislative and institutional frameworks. The latter derives from (among others) the Kosovo's Stabilisation and Association Agreement with the EU of 2016. A series of efforts are being presently still undertaken by all relevant domestic and international stakeholders being active in both the Kosovo's public administration reform and the country's system of a local self-government. Both systems are thus under a constant state of reform. Despite the aforesaid, there is still a series of shortcomings in the country in above context. There is a lot of backlog of administrative cases in the Prishtina Administrative court; there is a public lack in judiciary; the public administration is organized in a fragmented way; the administrative laws are still not properly implemented at local level; the municipalities' legislative and executive branches are not sufficiently transparent for the ordinary citizens ... Against the above short background, the full paper firstly outlines the legislative and institutional framework of the Kosovo's systems of an administrative justice and local self-government (on the basis of the fact that public administration and local government are not separate fields). It then illustrates the key specific shortcomings in those fields, as seen from the perspective of the citizens' right to good administration. It finally claims that the current status quo situation in the country may be resolved (among others) by granting Kosovo a status of full member state of the Council of Europe or at least granting it with a temporary status of a contracting party of (among others) the European Human Rights Convention. The later would enable all Kosovo citizens (regardless their ethnic or other origin whose human rights are violated by the Kosovo's relative administrative authorities including the administrative courts) to bring their case/s before the respective well-known European Strasbourg-based Human Rights Court. This would consequently put the State under permanent and full monitoring process, with a view to obliging the country to properly implement the European Court's decisions (as adopted by this court in those cases). This would be a benefit first of all for the very Kosovo's ordinary citizens regardless their ethnic or other background. It would provide for a particular positive input in the ongoing efforts being undertaken by Kosovo and Serbia states within the EU-facilitated Dialogue, with a view to building up of an integral administrative justice system at central and local level in the whole Kosovo's territory. The main method used in this paper is the descriptive, analytical and comparative one.

Keywords : administrative courts, administrative justice, administrative procedure, benefit, European Human Rights Court, human rights, monitoring, reform.

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