From No-government to E-government

Investigating technology enabled state-building in post-conflict situations

Bernard Nikaj

From No-government to E-government

Investigating technology enabled state-building in post-conflict situations

ISBN 978 90 8666 430 6

Cover illustration: Brotherhood by Alban Muja.

Publisher: Boekenplan, Maastricht
www.boekenplan.nl

From No-government to E-government

Investigating technology enabled state-building in post-conflict situations

DISSERTATION

To obtain the degree of Doctor at the Maastricht University on the authority of the Rector Magnificus, Prof. Dr. Rianne Letchert in accordance with the decision of the Board of Deans, to be defended in public on 24th day of November 2017, at 13:30 hours

by

Bernard Nikaj

Supervisor(s):

Prof. Dr. Friso Den Hertog
Prof. Dr. Antonio Cordella (LSE)

Assessment Committee:

Prof. Dr. Harro Van Lente (Chair)
Dr. Elsa Estevez, Universidad National del Sur, Argentina
Prof. Dr. ir. Marijn Janssen, Delft University of Technology
Dr. Mindel van de Laar

The research leading to this thesis has been partially funded by the Netherlands Fellowship Programme (NFP).

Acknowledgements

Over the years, it took me to complete this PhD, I have understood that while it is considered an individual piece of research, it cannot be done without the support and contribution of a whole lot of people. This is my attempt to thank the ones without which this work would not been completed.

I will start by thanking Mindel Van de Laar, without whose support this PhD would never happen. There were times that only the Prime Minister of Kosovo and Mindel were able to make me escape my busy agendas and schedules. I am forever indebted to you Mindel.
Special thanks go to Friso den Hertog and Antonio Cordella for their wise and patient support and guidance over the years. I have always enjoyed exchanging views and ideas with both of you. I have learned to appreciate your comments as well, without which this thesis would have been much poorer.

I am obliged to many at the Maastricht School of Governance: to Franziska Gassmann for introducing me to the school over coffees in Kyrgyzstan, to Sonila and Florian Tomini for providing me with guidance in the early days of my PhD and for becoming friends ever since, to Florian Henning for being a patient colleague and friend and always keeping a keen interest in my research, to my classmates Niels, Mumbi, Grant and Ibrahim for making stays and discussions in Maastricht always enjoyable. I have to say a big thank you to Ilire Agimi, for patiently helping me in the first years of the PhD. Finally, in my heart and mind there is a special place for Cecile, Sebastian and Khaled who added so much joy and value to the whole experience both in Maastricht and beyond.

During the course of this PhD I spend time at the School of Information at the University of California, Berkeley as part of Fulbright Fellowship. I would like to say thank you to Tapan Parikh and Jenna Burell for making me part of their ICTD Research Seminar and for the discussions related to my research that helped make this thesis more interesting.

I would also like to thank Government of Netherlands for awarding me the NFP Fellowship and the Government of the USA for the Fulbright Fellowship.

I would like to thank my staff both at Ministry of Trade and Industry as well as at the Embassy of the Republic of Kosovo in Brussels for bearing with me and with my rumblings on issues related to this research. Special thanks to Florin for helping me manage the nightmare of formatting.
My friend Alban Muja has honoured me by allowing me to use his works on the cover of this book. I am greatly thankful.

I am indebted to my aunt Zdenka, her son Joseph and his wife Daisy for hosting me in Heerlen during the early days of this research. Their support and encouragement remains unrivalled.

Finally, my utmost appreciation goes to Rozafa, Rron and Gjin for offering me unquestioned support and love even at the toughest of times.

In the process of this thesis, I have met a lot of people and am sure that I have forgotten to mention some of you. However, be sure, that I am forever grateful for the support and difference that you have made.

Abstract

In the last two decades, the creation of new states and state building in post conflict situations has been in the focus of both policy making and academic research. Various factors have been deemed to play and important role on the success and failure of state building tasks. One of the most omitted actors in the process of state building has been information and communication technology (ICT). This thesis looks at the issue of building modern state administrations in post-conflict countries, with particular focus on the role of information and communication technologies (ICTs) in aiding these administrations. Furthermore, this thesis looks at the role and impact of these initiatives in institution building as very often in post-conflict and state building situations it is the ICTs that precedes the adoption and enactment of legislation and other institutions such are administrative rules and procedures. In order to achieve its aim, this thesis will first present the current state of literature in state building with a particular focus on the use of ICTs in post-conflict and state building situations. Then it will present the case of Case Management Information System (CMIS) and its implementation in the justice sector of Kosovo. Through tracking the process of conception, implementation and development of the CMIS and the interplay of different actors involved, this thesis will argue that ICTs are not just an enabling factor, but a rather active actor in building and defining the nature of the institutions in which they operate. It will argue that initiatives that start as pilot projects turn into long term, central tools that define the policy agenda. It will also argue that technology becomes the tool of choice in the hands of consultants, administrators and international donors serving specific interests. By doing this the thesis contributes to research in both: state building and information technology use in public administration by providing a

rare account of ICT implementation in post-conflict state building context. Some suggestions and potential research venues will be explored at the end.

Keywords: e-government, state building, rule of law, e-justice, governance

Table of Contents

List of Tables and Figures

List of Tables

List of Figures

List of Abbreviations and Acronyms

CMIS	Court Management Information System
DoJ	Department of Justice
DJA	Department of Justice Administration
EAR	European Agency for Reconstruction
EC	European Community
ECLO	European Commission Liaison Office
EU	European Union
EUPT	EU Planning Team (Kosovo)
EULEX	European Union Rule of Law Mission
ICTS	Interim Case Tracking System
IDA	International Development Agencies
KCB	Kosovo Consolidated Budget
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
KPC	Kosovo Prosecutorial Council
KPSS	Kosovo Police Service School
KSIP	Kosovo Standards Implementation Plan
KSPO	Kosovo Special Prosecutors Office
MoJ	Ministry of Justice
MPS	Ministry of Public Services
NCSC	National Centre for State Courts
OSCE	Organization for Security and Cooperation in Europe
OPPK	Office for the Public Prosecutors in Kosovo
PCK	Prosecutorial Council of Kosovo
PISG	Provisional Institutions for Self-Government (Kosovo)
SRSG	Special Representative of the Secretary General (of UN)
ToR	Terms of Reference
UNMIK	United Nations Interim Administration Mission in Kosovo
USAID	United States Agency for International Development

Chapter 1
The Missing Actor

> The international community knows how to supply government services; what it knows much less well is how to create self-sustaining indigenous institutions.
>
> Francis Fukuyama (2004)

The end of the twentieth century has been marked by dissolution of existing states and the creation of new ones. Furthermore, during the first period of the twenty first century, a number of states went through civil turmoil ending in regime changes. Most notable cases can be found in the dissolution of Soviet Union and Yugoslavia, wars in Afghanistan, Iraq and the Arab Spring during 2010. A common characteristic of all these examples is the heavy involvement of international community in these operations. One specific case is Kosovo. The international state building project in Kosovo may well be the most comprehensive ever, in terms of per capita international investment (Holohan, 2005) as well as the range and depth of formal international powers.

This development on the ground has been followed by an expansion of publications in the field of state building. The drive has been largely pushed by international relations and political science literature (Scott, 2007). Another important take on state building can be found in the development literature under concepts of "good governance" (Hopp & Kloke-Lesch, 2005). Under this approach most development activities such as service delivery measures, tax reforms, civil service reform, infrastructure development, democratization,

political party support, public financial management training and conflict management (Scott, 2007) are considered the underpinning activities of state building efforts.

At the same time both the study and practice of public administration has been marked by efforts to reinvent government. Starting with the drive towards new public management in the nineties, followed by the introduction of the electronic government in the first years of the new millennium, both practitioners and academics have been occupied with the organizational and institutional change of government.

This drive for change in government coincided with the advent of information technology in every sphere of public life. Influenced by the success of ICTs and especially Internet in transforming business through e-business and influenced by the NPM ideologies of making governments more business-like, most governments saw in the e-government the promise for change (Heeks, 1999).

E-government, the use of ICT-s to support the working of public sector organizations, brought the promise of transformation to many governments, developed or developing. Associated with terms like efficiency of public service delivery, increased transparency and accountability as well as cost reduction, e-government came to be seen as a perfect prescription to solve the problems that many countries are facing. This was particularly true in relation to developing countries. It is believed that e-government can be a powerful enabling tool to overcome many of the barriers and challenges that the developing countries have been facing and provide a potential for growth just as it did in the public sector of the developed countries and in the business world (Ndou, 2004). Furthermore, information technologies became an integral part of conflict resolution and state building initiatives (Holohan. 2005).

Accounts of e-government implementation often posit that causal mechanism between the application of information technology in public sector institutions and predictable institutional change is direct (Fountain, 2001). In the case of state-building in Kosovo and other examples mentioned a large number of e-government initiatives have been undertaken to enact a specific kind of institutions leading to efficiency and good governance. However, a couple of decades of research on technology and organizations have shown that these predictions are generally not borne out. Furthermore, after many years of efforts in Iraq, Afghanistan and Kosovo, the capacity of public administrations is not up to the accepted international level, besides the heavy investment in e-government and other ICT mediated efforts. Some of these countries are even considered failed states.

The research on state-building and e-government is often considered to be still in its infancy (Scott, 2007; Heeks & Bailur, 2007). Most studies found in the literature focus on relationships between e-government and institutional change in already built and stable states. There are a small number of studies (i.e. Holohan, 2005; Diamond and Plattner, 2012) focusing on the e-government implementation in state-building situation such is that of countries mentioned already.

At the same time, the research in state building presents a messy picture in which there is no clear guidance and prioritization between state-building activities. Furthermore, there is a continuous tension between needs of donors who are keen on best practice and academics struggling with conceptualizing state building and being reluctant to produce practice advice required by development community (Scott, 2007). Considering that state-building interventions are very much the reality of international involvement, accounts

of practices could be beneficial both in practice but also as contribution to the body of literature both on public administration and development.

At the same time, methodologically the e-government research is often critiqued that it focuses too much on output thus neglecting the complex political and institutional context within which they unfold (Heeks & Bailur, 2007). Thus, the challenge in e-government research is to contribute to addressing the issues above and at the same time to contribute to the policy debate in the area of state building, development and transition. In order to achieve that, this research will focus on studying the application of e-government projects in state building situations, with a special focus on the case of Kosovo.

The aim of this chapter is to outline the journey of the investigation of the interplay between ICTs and state-building. Initially, this chapter investigates the attention that information technology and its impact on state-building have been given in academic and practitioner literature. The approach chosen is twofold: first we look at the literature on state and state building and try to identify the factors that have been highlighted as important during state building. In the process, we also clarify the concepts used and different approaches identified in literature. Then, we turn to the literature on information technology and its use in the context of the state. This part will examine both writings in information system literature but also other areas like public administration, e-governance and some political economy writings focusing on technology.

Following the clarification of the conceptual terrain, the research question and sub-questions guiding the further research will be presented. Finally, this chapter will outline the rest of this dissertation, including the contribution to theory development in the conclusion.

1.1 State Building: Practices and Dilemmas

State building is defined as "externally driven or facilitated attempt to form or consolidate a stable and democratic government over an internationally recognized international territory" (Berger, 2006). More specifically state-building has been defined as "the creation of new government institutions and strengthening of existing ones" (Fukuyama, 2004).

Contemporary focus on the state and state-building developed in a post-Cold War world order context that came to being in the late eighties and early nineties of the twentieth century. This was further reinforced with both academic and practitioner realization that new world order produced a huge number of new states, the majority of which could be considered weak state breading terrorism and internal conflict endangering regions and more importantly posing a threat to international security (Robinson, 2007). Even though everybody agreed that state should be at the centre of focus again, there is considerable divergence as to what kind of state is required or which are the most important angles that the problem of states and state building should be approached.

The literature addressing the state and state building can be categorized into two broad and not clearly divided categories: writings discussing the international relations aspects of state building, peace building, democracy development and the nature of the state (Fukuyama, 2006; Hehir & Robinson, 2007; Dobbins et al., 2003; Berger, 2006; Zurcher, 2006) and literature addressing the state from the building perspective specifically the administrative capacity and the role that state plays in development (World Bank (WB), 1997; 2002; Brinkerhoff, 2005; Fukuyama, 2004; Yannis, 2002; Fukuyama, 2006).

The first stream of literature is very much influenced by the shift in development thinking as the result of globalization and the realization that

weak states can have global impact (WB, 1997). Since globalization had a double effect on state weakness and failure by facilitating it through undermining sovereignty even further and by making it "less likely that a state could be reconstructed organically" (Robinson, 2007) because globalization enabled all who wanted to connect to the global economy and resist traditional forms of state. Thus, the majority of this stream of literature looks at how western countries and international agencies engaged in the process of nation-building or state-building and what is the international relations and domestic impact of such engagement (Fukuyama, 2006; Dobbins, et al., 2003).

The second stream of literature is mostly concerned with specific strategies and elements of state-building operations. Issues of the role of local organizations (Sutton, 2006), legitimacy of institutions (Pei et al., 2006) as well as the role of the military, civil society organizations, the rule of law and administrative processes addressing issues of corruption (Dobbins et al., 2003) dominate this stream of literature. A special attention in this stream of literature is given to development issues linked to economic growth in newly created states (Sisk, 2010). Issues of public financial management reforms (Andrews, 2013), public administration reform, education reform and health issues are at the core of this stream of literature.

In these streams of literature, we can furthermore identify two important periods, during the twentieth century, when an intense focus was put on state creation and its role: post-World War two and post-Cold War period (World Bank, 1997; Fukuyama, 2004; Robinson, 2007). There are also two wide themes that go across these streams of literature: firstly, there is quite some debate about what kind of state should be built and secondly, the success of these initiatives as well as strategies to be followed during institution building are highly debated both in academic and practitioner literature.

Following the World War II, because of the recent memories of the Great Depression, Keynesian economic thought about the role of the state was the prevalent doctrine about how the state should be organized and what it should do. At the same time, this logic also informed the state building efforts in the new states born out of the decolonization process in the sixties and seventies (Fukuyama, 2004). As such these efforts, supplemented by the Weberian ideal bureaucratic model and Taylor's scientific management (Hughes, 2003), created states that were involved in every sector of social life (WB, 1997).

This process of state creation and development was seen as a largely technical exercise: good advisers and technical experts will formulate policies and governments will implement them (WB, 1997). Consequently, state-building was viewed as an internal rather than external process (Krasner, 2005). However, the above line of thinking neglected the cultural and structural factors such as norms, rules and beliefs resulting in the creation of habits such as "patrimonialism" and "clientelism" in many developing countries (Fukuyama, 2004).

In relation to development, it was common to assume that state institutions do not matter and that development is a process that is determined by social and economic "subculture" (Fukuyama, 2004). During this time, aid allocation and development assistance by bilateral and multilateral donors were highly dominated by international politics and East-West division (Boyce, 2002). As a result, there was no conditionality in relation to aid, and many states could hide its internal weaknesses by operating "fuelled" by these resources (Robinson, 2007).

The debt crisis of the 1980s and the rise of new institutional economics and managerialism in the public sector shifted the focus from the role of the state to the role of the markets. This need to "reinvent the state", known as new public

management, insisted on a specific set of policies along the lines of "government bad, -markets good" (Heeks, 1999). The fundamental assumption at this point was that these cumbersome states need to be flattened out and that more efficient administrative organization should replace the old bureaucratic structures (Cordella, 2007).

This neo-liberal agenda in relation to developing countries introduced the concept of conditionality and was made official first in Structural Adjustment Plans (SAP) and later in what is known as Washington Consensus (Gore, 2000). The consensus included measures like decentralization, marketization and liberalization as preconditions for aid and development assistance (Fukuyama, 2004; Gore, 2000).

Nevertheless, following the 9/11 attacks it became apparent that weak states present a challenge to international security and that more effort should be invested in state building (Robinson, 2007). World Bank Development Report (1997) acknowledges that while state-dominated development has failed, so will stateless development. "Development without an effective state is impossible" (WB, 1997).

This need to rethink the actions of the IDAs in relation to developing countries resulted in a new consensus that was reached in Monterrey (United Nations (UN), 2002). World Bank Development report in 2002, entitled "Building Institutions for Markets" claimed: "Markets work if they have rules, enforcement mechanisms and organizations promoting market mechanisms […] and they can be built by states and communities" (World Bank, 2002). As a consequence of the above developments, a whole new era in state building and development began, an era characterized by aid conditionality and a drive to implementing and adopting a set of globally accepted and applicable set of "good practices" concerning state and its role. These practices are most often

referred to as "good governance" and include values like accountability, transparency, efficiency, social protection and fiscal discipline (Okot-Uma, 2000).

At this time, it was also acknowledged that when a state lacks the capacity to build institutions; this process can also be driven externally. As a result, concepts like "shared sovereignty" were introduced to describe situations when external partners and organizations do state building (Krasner, 2005).

These practices were reinforced by another important document agreed by the international community in 2005, aiming to increase aid effectiveness, called Paris Declaration (Organisation for Economic Co-operation and Development (OECD), 2006). According to Paris Declaration, the donor community has to harmonize its aid efforts and align them with national strategies and priorities, for which a prerequisite of good governance should exist including sound public financial management, developed national strategies and in general accountable and transparent state institutions (OECD, 2006).

Independent of the type of state to be built, the state-building interventions have received quite an attention following the end of the Cold War. Based on a RAND study on US efforts in state building, there has been a state-building intervention every two years since the end of the Cold War (Dobbins et al, 2003). Furthermore, it has been claimed that while the international powers have been quite successful in preventing conflict, they have not been very successful in working with local actors to bring development to newly created states. Fukuyama (2006) makes an important distinction between reconstruction efforts, which he defines as restoring of pre-war situations and "development" efforts that refers to the creation of new institutions and promotion of economic growth. According to him "even though institutions are very important, we know very little about possible strategies to create them" (Fukuyama, 2006, p.6).

It is important to observe that majority of academic literature on state building still treats the state and the building process as a black box without looking at the specifics of how are inputs translated into outputs and what are the factors that impact this process (Sisk, 2010). As Fig.1 shows, both state-building and peacebuilding processes are considered to entail a number of tasks and processes, technology usage or implementation doesn't come as one of these tasks.

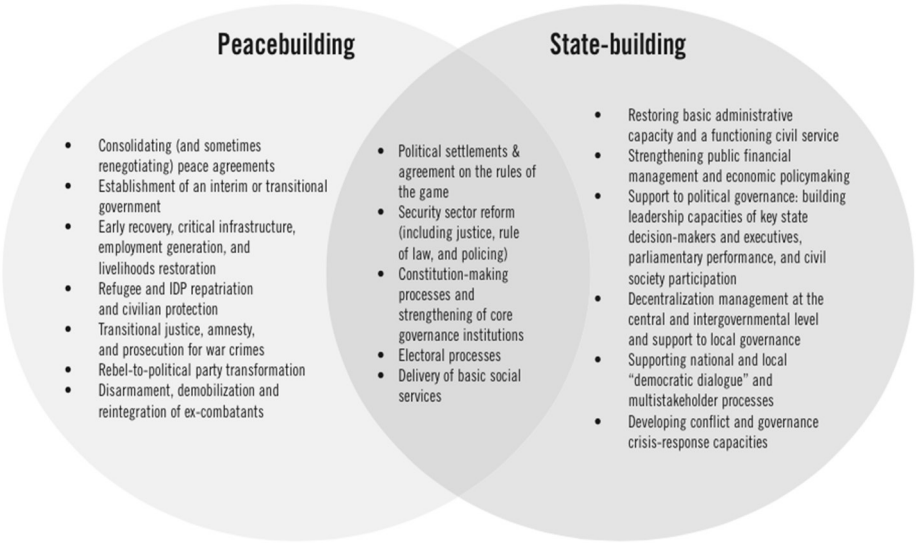


Fig. 1. Tasks in Peace building and State Building in Post-Conflict Situations (Wyeth and Sisk, 2009)

If we turn to professional literature, we find a similar landscape of writings on state, state building, fragile states and peacebuilding initiatives. Starting in 2008, the OECD began a series of publications related to state-building in fragile states. It initially published the "Concepts and Dilemmas of State Building in Fragile State Situations" (OECD, 2008) that asserted to outline the importance and policy implications for both affected countries as well as international

community. However, beyond providing a comprehensive outlook on definitions and state of literature on state building and both offering recommendations for policy consideration by international organizations and recommending greater inclusion of local actors in line with Paris Declaration, this publication touches upon two important elements in state-building: rule of law and administrative capacity. On rule of law, the importance of going beyond the provision of technical assistance through international experts is stressed. "Technocratic reform, which relies on experts to replicate or import laws and legal institutions from OECD countries, does little to address deeper problems "(OECD, 2008, p.38). On administrative capacity, in contrast to earlier focus on implementation of private sector like management practices, the emphasis is put on "depersonalization" of the civil service and implementation of Weberian style administration (OECD, 2008, p.40).

This initial publication has been followed by another updated and expanded version in 2011 called "Supporting state building in situations of conflict and fragility" (OECD, 2011). Similarly to the first publication, there is a number of factors identified which are important to state building and a number of measures have been outlined for both international organizations (bilateral and multilateral) as well as host countries. However, these have not been illustrated with specific case studies nor have there been specific sectors or practices outlined to guide the policy alternatives.

1.2 The Missing Actor: Information and Communication Technology

During this period when state building was gaining prominence in theory and practice, another phenomenon was emerging in the developed countries. Majority of advanced industrial countries have been spending between 1% and

1.5% of their GDP on public sector information technology projects (Dunleavy et al., 2006). In specific amounts, for example, US government was spending around 27 billion US$, UK central and local government around 6.5 billion US$, around 5 billion US$ by the Canadian government (Heeks & Davies, 1999) and the amounts kept rising from year to year.

The first email between heads of government was sent on 4 February 1994, from the Swedish Prime minister Carl Bildt to the US President Bill Clinton congratulating him on the lifting of the Vietnam embargo. In his reply, the following day, President Clinton noted that "…this demonstration of electronic communication is an important step toward building the global information highway" (Fletcher, 2016).

At the same time, international IFIs lead by World Bank embarked on a wide range of projects in the developing world to use the ICTs to drive reforms towards more efficiency and accountability in the developing countries. Countries like Tunisia, Mongolia, Ghana as well as other countries in Africa, Asia and other developing parts of the world put on top of their development agenda issues related to the development of ICT sectors as well as the use of ICTs to reform different aspects of their public administrations[1].

A similar situation came to develop in countries considered in the transition or under international administrations. For example, Kosovo administered by UN under the resolution 1244, continuously spent around 8% to 9% of its capital budget or about 2% of the GDP on projects related to ICTs in the public sector (USAID, 2010 p.14). Parallel to the spending by the government, international donor organizations have also funded extensively projects using ICTs for modernization of the public sector and services. For example, World Bank has funded a series of projects in Public Sector Modernization amounting to eight

[1] Detailed project descriptions available at: http://go.worldbank.org/U9KLYXC850

million euros where most of the spending was in ICTs (Ministry of European Integration, 2015).

These developments in practice have not fully been accounted for in the literature addressing the use of ICTs in the public sector or commonly referred to e-government.

The literature on e-government, over the years, has provided many definitions as to what in fact e-government is. Organization for Economic Cooperation and Development (OECD) defines it as "the use of information and communication technologies, and particularly the internet, as a tool to achieve better government" (OECD, 2003). World Bank (2008) defines it as "government owned or operated systems with ability to transform relations with citizens, the private sector and/or other government agencies". Less transformative definitions can also be found, for example "e-government refers to the processes and structures pertinent to the delivery of electronic services to public […] and conducting electronic transactions within an organizational entity" (Backus, 2001).

What is common to all definitions is that e-government impacts the way services are delivered to citizens and the way the back-office of the government is run (Backus, 2001). Moreover, is it well accepted that e-government is more than just a government website on the Internet (Basu, 2004). In fact, it is often claimed that e-government services oriented toward serving the citizens and businesses represent only the tip of the iceberg, while other areas that enable this interaction are usually much less visible (Henriksen & Damsgaard, 2007).

Parallel to the many definitions of the term are the many reasons why e-government has been applied in different countries. In most of the developed countries the adoption of the ICT-s in the public sector can be seen as just another one of the long list of measures adopted by governments in their

attempt to transform the government into a more private-sector like organization or more commonly known as the attempt to "reinvent the government" (Heeks, 1999).

From the perspective of increasing efficiency, transparency and re-inventing the public sector, e-government can be seen as a powerful translation and inscription of these ideas in the use of the Internet and other ICTs for the provision and transformation of government activities in developing countries (Navarra & Cornford, 2005). It is believed that e-government can be a powerful enabling tool to overcome many of the barriers and challenges that the developing countries have been facing, and provide a potential for growth just as it did in the public sectors of the developed countries as well as in business world (Ndou, 2004). Four domains of government in developing countries are particularly affected by e-government programs: its role in fostering economic growth by providing higher quality of service to businesses and citizens, its relationship with the governed through the citizen-centric approach, it's internal administration by working more efficiently and finally its relationship with the international community through raising transparency and accountability as well as anticorruption (Brown, 2005; Ndou, 2004). It is because of this promise, as well as the promise of leapfrogging the problems that developed countries faced during history, that most of the developing/transition countries adopted the e-government approach (The Economist, 2008). On top of this developing countries thought that by raising transparency and promoting accountability they would improve their relationship with the international community, thus raising their prospects of aid and funding (Ciborra, 2005). This was further supported by the belief that the potential of ICTs can herald new opportunities for growth and development

by adding value to processes that give identity, form and relationship that characterize good governance (Okot-Uma, 2000).

While a considerable base of literature has been developed on application of e-government systems in developed countries (Heeks, 1999; Dunlevey et al., 2005; Layne & Lee, 2001; Chadwick & May, 2003; Helbig, Gil-Garcia & Ferro, 2009), a stream of literature has been dealing with the issue of e-government implementation in developing countries and its barriers. Early studies point that the barriers to e-government in developing countries come from a different range of factors, including political, economic and technological (Backus, 2001). Elementary issues like ICT infrastructure, lack of proper policy and lack of trained and skilled staff, were also raised (Ndou, 2004). In some cases, the reasons for failure were very basic, lack of stable electricity supply or telecommunications infrastructure. In others, the reasons needed to be found in public administration practices, corruption and other areas of national weakness (Brown, 2005). Social beliefs embedded in public administration functioning such as informality, corruption and other national weaknesses also contributed a great deal of poor results of e-government initiatives (Brown, 2005). Sometimes, e-government initiatives have contributed as a major player to the political power struggle within the government, thus enabling a situation of "first rate technology in third rate bureaucracy" (Peled, 2000).

When it comes to research on e-government, this complex relationship between ICTs and the government has become a major focus of academic research in several fields such as public administration, organizational behaviour, information science and technology innovation (Scholl, 2004).

According to Avgerou (2008), the literature on the application of ICTs in the developing countries can be classified into three main categories, namely:

transfer and diffusion discourse, social embeddedness discourse and transformative discourse.

It is within this transformative discourse that we can classify most of the literature concerning the application of ICTs in public administration. According to this classification, the transformative discourse associates application of ICTs with processes of change of the social, economic and political conditions (Avgerou, 2008).

In contrast to early studies of use of technology in government which were regarding technology as only a peripheral process that helps overcome the limitations of bounded rationality and support better decision making, and are not a core management function (Yildiz, 2007), the study of application of ICT-s in the public administration in developing countries was almost from the very beginning associated with the process of change and reform (Madon, 1993). A number of literature reviews of the e-government literature have critiqued the state of research as lacking real-world exposure (Yildiz, 2007) and not enough theoretical rigor due to scattered approach from different academic disciplines (Heeks & Bailur, 2008).

What is important to note in relation to the research presented in this thesis is that most of the current studies of e-government in transition/developing countries have concentrated in existing states. There is next to no study (close exception could be considered (Holohan, 2005) study of network organization in Kosovo) of e-government in internationally led state-building situations. Since these situations have increased in significance in the past twenty years (Bosnia and Herzegovina, Kosovo, Afghanistan, Iraq etc.) and more recently following the Arab Spring, understanding the complexity of e-government implementation in these situations can prove useful both academically and policy-wise.

1.3 Research Questions

This research aims to provide a better understanding of the role of e-government projects in institution building in situations of state building by international organizations. It should be noted here that this is not a study of e-government, but rather a study at the intersection of e-government and state building. The research attempts to open the black box of state building and at the same time to contribute to e-government research through contextualizing the deployment of e-government projects in state building situations.

Therefore, the guiding research question of this study will be:

How does implementation of e-government projects impact institution building in state building situations?

In order to understand important aspects of the context in which these projects are used to help with institution building the following sub-questions will help with the analysis:

- How does the interaction between international and domestic stakeholders facilitate or hinder the process of institution building?
- To what extent are the existing institutional configurations important in explaining the outcome of e-government projects?
- To what extent do the e-government enabled reforms influence the relations between citizens and the state institutions?
- What can be learned from internationally administered territories that could contribute to enhancing the current theory and practice of e-government?

1.4 Dissertation Outline

This dissertation is organized in seven chapters, including this introductory chapter. The rest of the chapters are organized as follows: Chapter 2 introduces current literature in e-governance and draws on the theoretical frameworks addressing the relationship between ICTs and institution building. Particular attention will be given to theoretical propositions around assemblages, functional simplification, inscription delegation and closure. These concepts will be further used in later chapters to guide the analysis of the case study.

Chapter 3 details the research methodology and underlying concepts. The chapter will outline the underlying research philosophy, case selection methodology as well as the data collection process. Chapters 4 and 5 will present the case study of Case Management Information Systems (CMIS) in Kosovo. Initially, chapter 4 will outline the social and political context of state-building situation in Kosovo, following which chapter 5 will detail the process of implementation of CMIS in the judiciary system of Kosovo and its development over time. Chapter 6 draws on the case of CMIS and theoretical concepts presented in chapter 2 to draw findings central to this research. These findings are discussed with the view of extending current theoretical thinking in both state building and e-government literature. This chapter also aims to advance existing theory in state building and ICT use in post-conflict situation through insights provided by the present work. Chapter 7 concludes this research by drawing on some practical conclusions that could be used in similar situations to guide decision-making by donors and local institutions especially in situations of applying e-government projects in public administration. Some limitations and potential further research themes are also discussed.

Chapter 2
ICTs in the Public Sector: Theoretical Perspectives

> Putting their services online should allow governments to serve their citizens much more effectively.
>
> The Economist (2008)

The widespread usage of e-business and e-commerce applications in the private sector has made governments worldwide interested in applying information and communication technologies (ICT) with the aim of dramatically redesigning government operations from public procurement to welfare interventions (Cordella, 2007).

This coincides greatly with the drive to rationalize the government along the lines of New Public Management (Fountain, 2001) with aims like efficiency, accountability, decentralization and marketization leading the mainstream thinking of public sector reform and e-government implementation (Cordella, 2007; Taylor & Bogdan, 1998). As it is often the case, ideas from the developed world influence the thinking in the developing world.

Despite the initial enthusiasm, "rhetoric and reality are often at odds" (Smith *et al.*, 2008). After the initial enthusiasm about e-government, studies proclaiming that most of its implementations are failures soon emerged (Heeks, 2002).

As Ciborra (2005) states, good governance is not always the result of e-government, especially in developing countries, where centralized, military-like governments cannot become transparent automatically. Furthermore, Ciborra and Navarra (2005), claim that the application of e-government with the aim of moving the failed and failing nations toward the theoretical neo-classical state, prevalent in the modern world, underestimates what it takes to change procedures and learn new conducts, thus resulting in problems.

Stories of failure and not achieving stated goals for e-government are not limited to the developing world only. It is estimated that about 85% of government information technology projects worldwide have ended up in failure (Fountain, 2001). Furthermore, according to a report by the Standish Group, only 39% of all IT projects are completed successfully, whereas 43% of IT projects are seen as problematic and 18% as complete failures (The Standish Group, 2012).

Mainly due to this fact, the literature in e-government has been characterized by writings on failure and success of the ICT implementation in the public sector. This complex relationship between ICTs and the government has become a major focus of academic research in several fields such as public administration, organizational behaviour, information science and technology innovation (Scholl, 2004). Furthermore, numerous frameworks and theoretical perspectives have been proposed to understand the interplay between information technology implementation in the public sector (e-government) and the impact it has on the institutional settings in place.

An early attempt to frame the development of e-government initiatives can be found in now almost seminal paper by Layne and Lee (2001). In what came to be known as "The Stage Model", widely adopted in literature as well as in

practice (see UN E-government survey[2]), they posit that e-government development is an evolutionary phenomenon which develops along four stages: cataloguing, transaction, vertical integration and horizontal integration (Layne and Lee, 2001). According to them the development along the stages is linear and failures in the process are only temporary outcomes that will be overcome when all the phases have been completed and the move online of government activities has been finished (Cordella, 2007).

The stages model was heavily criticized for being too technology deterministic (Fountain, 2001; Cordella, 2007). According to Fountain (2001), there is no straightforward relationship between technology and institutional change in organizations. Rather this process depends on form, institutions and other factors in place. ICTs and institutional arrangements are connected reciprocally. Each one has causal effects on the other, institutions shape the enactment of ICTs and in turn, technology may reshape organizations and institutions to better conform to its logic. Therefore, outcomes are unpredictable and variable in their rational, political and social features (Fountain, 2001). This approach is known as the Technology Enactment Framework.

The issue of success and failure and the relationship between ICTs and organizations in which it is being implemented has been tackled from the perspective of developing countries as well. An encompassing framework to explain the failure and problems encountered by e-government projects in developing countries has been proposed by (Heeks, 2003). He argues that there are often large design-reality gaps when you try to introduce in a developing/transition country an e-government system that has been developed for an industrialized one. He proposes seven areas to consider in order minimizing the prospect of failure: information, technology, processes,

[2] https://publicadministration.un.org/egovkb/#.WfTeNduB23U

objectives and values, staffing and skills, management systems and structures and other resources (Heeks, 2003).

Independently of the merits of these and other proposed frameworks calls have been made for more attention to the complexity that is associated with e-government implementations (Cordella, 2007). While a majority of these frameworks try to depict e-government initiatives in the light of success or failure or application of best practices, there is a rich interplay between technology implementation and institutional change and development that is not captured.

The aim of this chapter is to focus on presenting a number of theoretical perspectives that allow us to understand this complex interplay. Building on socio-technical perspectives of public sector ICTs (Avgerou & Madon, 2004; Contini & Lanzara, 2008; Fountain, 2001) it is aimed to construct a lens for investigating the e-government initiatives in state building situations.

To achieve this, this chapter is organized as follows: we will first look at the influence of rationalization brought by NPM to the public sector and the impact this has on the way e-government initiatives are perceived. Further, the Technology Enactment Framework will be introduced together with other variations proposed in the meantime in order to construct a wider framework of looking at ICTs in the public sector. Regulatory impact of technology together with concepts of functional simplification, enclosure and assemblages will be introduced to complete a framework of looking at the results of e-government initiatives as techno-institutional assemblages, "which emerge from the interplay between technical and institutional elements that are intertwined within every e-government project" (Cordella, 2007). Finally, the chapter will offer some concluding remarks on theorizing the relationship between state-building and technology.

2.1 E-government and NPM: Rationalizing the Public Sector

The perception of problems in the public sector emerged during the 1970s. According to Heeks (1999) a majority of perceived problems can be grouped around three issues: Inputs, Processes and Outputs. These concerns could be explained starting from the point that over the years, the public sector has been requiring an increased amount of public expenditure while delivering not always the required outputs. Furthermore, processes of managing this expenditure and managing the achievement of goals were tainted by issues of mismanagement and corruption in the public sector (Heeks, 1999).

New Public Management (NPM) is a loose term (Hood, 1991). However, it was coined as an encompassing term to represent a number of broad administrative and managerial principles in the move for reform in the public sector in line with the principles of the private sector. The coming of the NPM agenda, from the late 1970 onward, brought a new discourse in policy implementation and public services delivery (Osborne, 2010, p.3). Efficiency, accountability, decentralization of public service and introduction of competition in the public sector are some of the main drivers of the NPM policies (Osborne, 1993). These principles started a drive in public administration towards "reinventing the government" (Goodsell, Osborne & Gaebler, 1992) and thus addressing the issues perceived as not working.

According to this new thinking (Osborne, 1993; Goodsell, Osborne & Gaebler, 1992), governments should be "catalytic" meaning that they should steer rather than row, governments should be "competitive", not favouring monopolies but introducing competition in the public sector delivery thus raising productivity, governments should be "mission-driven" thus operating in a more entrepreneurial way and allowing managers to find the best ways to achieve

these missions. Furthermore, governments should be more accountable and "result-oriented", meaning that they should move from managing line-budgets to managing performance and measure outputs and outcomes. Finally, governments should be "customer-driven" treating citizens as their customers thus enabling different service providers to compete and thus constantly to try and lower their costs and raise the quality of services. Table 1 summarizes the main principles of NPM:

Table 1 Core Elements of New Public Management (NPM)

Theoretical Roots	Focus	Emphasis	Resource allocation mechanism	Value Base
Rational/Public choice theory and management studies	The Organization	Management of organizational resources and performance	The market and classical or neo-classical contracts	Efficiency of competition and the market place

Source: Osborne, 2010.

Beyond implications of NPM for organization and delivery of public services, it has been also praised (Osborne, 2010 p.5) for its ability to address the complexities of the "black box" of policy implementation, so often considered as one of the great failures of traditional public administration. However, at the same time it has struggled with critiques on many different fronts: from its tendency to see the public policy process as simply a "context" within which the essential task of public management takes place (Osborne, 2010), through critiques of its narrow inter-organizational focus in an increasingly interconnected and plural world (Metcalfe & Richards, 1991), to more structured critiques about the transformation of the nature public sector and the change of the values of the public service delivery (duGuy, 1994; Cordella, 2007).

But how is the implementation of information and communication technologies in public sector seen through the lens of new public management?

According to Hood (1991) the rise of NPM has been closely linked to the rise of the "automation" in public administration enabled by information technologies in the delivery of public services "megatrend". Furthermore, because the whole reinventing the government agenda coincided with the coming of "information age" (Heeks, 1999) it meant that ICTs would have a much greater role in the processes of change in public administration. There are a number of areas where ICTs could bring change in the public sector according to Heeks (1999) that are fully in line with the NPM principles outlined above:

Increased efficiency – it is through applying ICT solutions similar to those used in the private sector that governments could bring efficiency to the delivery of its services to citizens, or in the NPM jargon, customers. Examples of these systems could be found in Social Security Administrations (Heeks, 1999) or health service delivery such is the case of British NHS (Cordella, 2007).

Decentralization – ICTs have the capability of supporting more efficient decision making at decentralized locations by offering the possibility of re-engineering the information flows that incorporate these locations.

Increased accountability – the application of ICT solutions in the public sector can allow for citizen participation in the government decision-making process. Participatory budgeting, "Fix My Street" and similar projects aim to enable citizens to use the information available online for greater accountability.

Marketization – One of the main aims of NPM is to create a competition for delivery of public services. ICTs can supply the information necessary for the establishment of market relations and can also enable the delivery of new forms of public service. Solutions such as smart carts for unemployment benefits

(Heeks, 1999) and e-procurement solutions are just some of the examples of the application of ICTs to enable more competition in the public sector.

Overall, ICTs are seen as the key element of NPM helping transform traditional public administration through electronically enabled government. This approach is best captured by the famous developmental stages of e-government proposed by Layne and Lee (2001).

2.2 Maturity Model of E-government

According to the model proposed by Layne and Lee (2001) e-government is perceived as an evolutionary phenomenon during which the government is structurally transformed as it moves toward the electronically-enabled government. During this process, the new technology supported government becomes "amalgamated" with the traditional modes of public administration, implying fundamental changes in the form of government (Layne & Lee, 2001). Taking this approach means also changing the way ICT initiatives in the public sector are derived and implemented.

More specifically, they posit four stages of growth modes for e-government: Cataloguing, Transaction, Vertical Integration and Horizontal Integration.

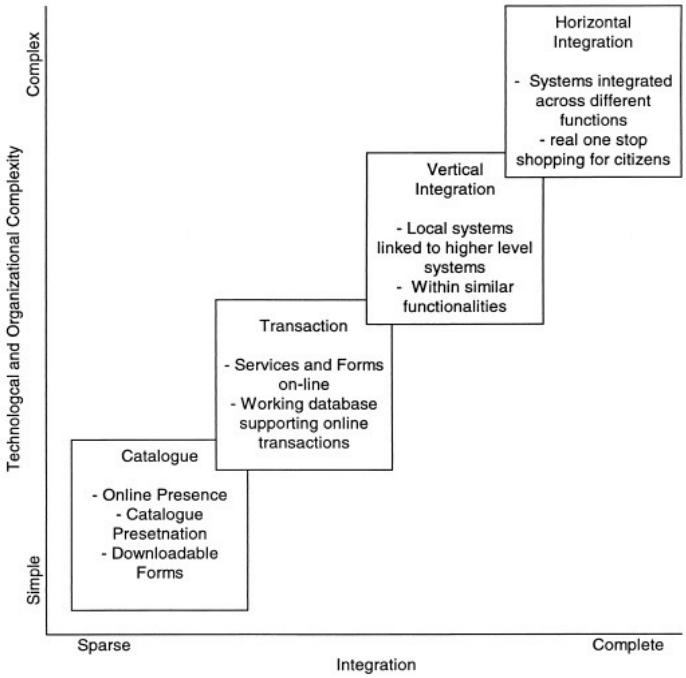


Fig. 2. Dimensions and Stages of E-Government Development (Layne and Lee, 2001)

The development starts with the initial efforts of governments to put information on websites to establish online presence. This is the Cataloguing phase. Usually at this stage, the governments do not have much experience with ICTs and prefer to take smaller steps as to lower the risks of failure. At the same time with the expansion of ICTs in use by businesses and citizens, the expectation to have government websites available has been on the rise. Accordingly, more and more businesses and citizens will be looking at government sites for information instead of looking at printed materials.

At this stage, most of the government departments would establish individual sites containing basic information pertaining to their function, listing of the key individuals and some pictures if possible. While this online presence is quite simple, a number of problems might arise such as issues of resources to manage

this presence, issues of privacy as well as ensuring organizational attention to keeping the contact with citizens through e-mails.

However, as citizens get used to accessing government sites for information, they will eventually require being able to perform certain services online. This brings us to the Transaction phase. At this stage, individual government departments start offering services online, thus empowering citizens to deal with their government anytime, with no paper works and no time spent waiting in-line (Layne & Lee, 2001). Now the communication between government and citizen is a two-way communication while at the same time service delivery is improved with increased savings for both sides. Furthermore, with more citizens asking for services online, the e-government becomes an important service channel as a response to a "citizen-customer" demand.

One of the main challenges to governments at this transaction stage is the issue of fulfilment. Governments need to make sure that online enquiries are addressed duly and timely as the off-line ones. At this point issues two important issues must be addressed: privacy and organizational capabilities. On the issue of privacy, it is important for the governments to make sure that appropriate security mechanisms have been put in place to protect the collected information, as it might be both personally and politically sensitive. Beyond technological issues, policy issues around authentication and confidentiality need to be addressed. At this stage, organizational challenges also become much greater. Existing electronic databases must be upgraded to be able to handle this new flow of information and requests, user interfaces must be assessed to make sure they are fully in line with new features and both human resources and legislation in force must be assessed to see if any changes are required as the result of new operation modes of the government.

However, demands from businesses and citizens will push governments to move to higher levels of service provision on-line as the critical benefits of implementing e-government are "actually derived from the integration of underlying processes not only across different levels of government but also different functions of government" (Layne & Lee, 2001). This integration may happen in two ways: vertical and horizontal.

Vertical integration usually refers to local and national government agencies connected for different functions or services that they provide to citizens and businesses. An example of vertical integration can be found in the case of business registration. In the situation of proper vertical integration, a business applying for registration at the local level would be able to propagate this information automatically to the central level and at the same time obtain the business registration number and Value Added Tax (VAT) number from the central government.

In contrast to vertical integration, the horizontal integration is defined as integration across different functions and services. An example of this would be if the business would be able to pay its business taxes to one state agency and unemployment insurance to another state agency in a single service window, because the systems in both agencies are able to communicate to one another. It is posited that in the stages of e-government development, vertical integration across different levels with similar functionality will precede the horizontal integration across different functions, due to the larger discrepancy of systems operating at different services of the government.

At this point, it should be noted that both vertical and horizontal integration of systems brings on more complex challenges both technologically and organizationally. At the technological front, most pressing issues continue to be privacy and confidentiality but also the issue of universal access. Technical

solutions have to be found to guarantee security to businesses and citizen for their sensitive data. At the same time, while the internet has become omnipresent in the daily life, there is a portion of citizens that might not be able to access e-government services for various reasons. Thus, services have to be maintained off the web such as physical service offices and telephone response systems.

On the organizational side government integration as result of e-government development is thought to have a transformational impact on the nature of the government, similar to the one prescribed in the NPM approach to public administration. It is thought that once the government achieves the highest levels of integration, the approach will be turned inside out as the largely internal focus of management in the past is replaced by an external focus, specifically a focus on citizens and citizenship (Denhardt, 1999).

The e-government maturity model proposed by Layne and Lee (2001) over the years has inspired a number of other maturity models, both in academia (Andersen & Henriksen, 2006; Almazan & Gil-Garcia, 2008) and in international organizations (UN, World Bank). The most prominent and influential among them is most definitely the model proposed by United Nations and used for its E-government Survey since 2002. It is also a four-stage model, even though naming is adopted (cataloguing = emerging information, horizontal integration = connected services) it is fully based on Layne and Lee (2001) model. Using this model UN has ranked countries in the world and their readiness for e-government since 2002.

Independently of its prominence, both academically and by international organizations, the Maturity Model of e-government has not been without its critics. Fountain (2001) claims that ICTs alone cannot interconnect agencies and the public. Furthermore, unlike private firms, government transformation is far

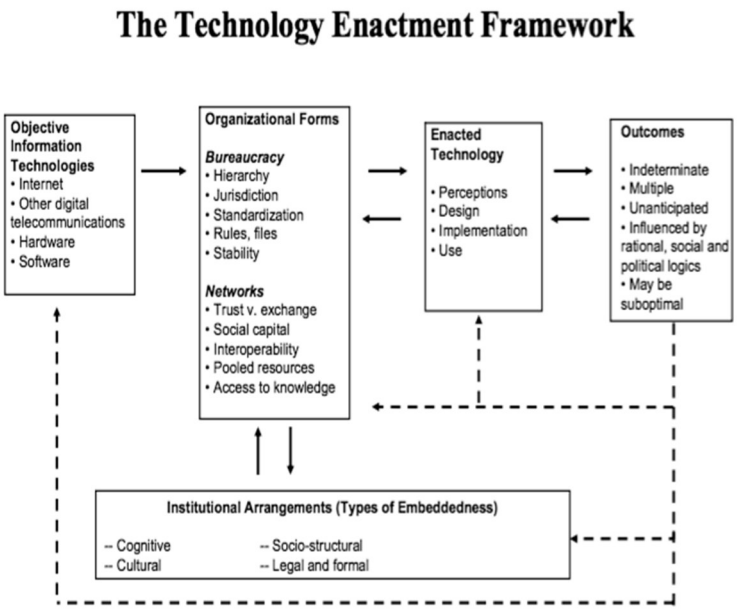
more difficult and political because of "embeddedness of agencies in long-standing institutions" (Fountain, 2001). Cordella (2007) questions the rationalization of application of e-government initiatives on the basis that maybe these initiatives are not being implemented to help governments fulfill their bureaucratic missions and have instead been misguided by their transformative intent. Finally, DeBri and Bannister (2015) provide a number of specific critiques for the Maturity Models of e-government in general. According to them, the models are technology assimilation models as they report the government ability to absorb and implement the technology. They are also a mixture of prescriptive and predictive, without making the case as to why the governments should follow their guidance (DeBri & Bannister, 2015). According to them, there is little or no consideration of change mechanisms in any of these models. Mechanisms are generally to be assumed management driven. Understanding the mechanisms of change is important to understanding and predicting how e-government evolves which is a prerequisite to planning.

Thus, there is a need for a better understanding of not just how, but why e-government evolves in the way(s) that it does (DeBri & Bannister, 2015). The development of e-government is not short of failed initiatives, often because of overreach, over-optimism and/or a misguided faith in technological rationality.

2.3 Technology Enactment Framework and Its Derivatives

In most accounts of ICT in the public sector discussed in this thesis, until now, there is a direct causal mechanism than connects technologies being implemented and institutions in which the technology is implemented. This link is perceived as ICTs leading to predictable institutional change (Fountain, 2001).

However, according to Fountain (2001), these outcomes are unpredictable and variable in their rational, political and social features. The impact of ICTs on the government will turn out in different ways profoundly influences by organizational, political and institutional features, very often not leading to transformation but rather re-enforcing the status quo. Building on this approach, and drawing on the literature on institutional theory, governance and bureaucracy, Fountain (2001) offers a framework to study the relationship between technology and organizations and how organizations enact ICT according to their cultural, social and institutional features (Yildiz, 2007). This framework is called the Technology Enactment Framework.



Source: J. E. Fountain, *Building the Virtual State: Information Technology and Institutional Change* (Washington, D.C.: Brookings Institution Press, 2001), p. 91. Copyright, Brookings Institution Press, 2001.

Fig. 3. Technology Enactment Framework

The framework makes the distinction between the objective technology and enacted technology. Objective technology includes hardware, software, digital communications networks (including internet), while enacted technology consists of the perceptions of users as well as designs and usage in particular context (Fountain, 2001, p.10).

Moreover, the proposed framework claims that there is a reciprocal causal effect between technology and organizational/institutional arrangements (Fountain, 2001, p.12).

"Institutions and organizations shape the enactment of information technology. Technology in turn, may reshape organizations and institutions to better conform to its logic. New ICTs are enacted-made sense of, designed, and used – through the mediation of exiting organizational and institutional arrangements within their own internal logics or tendencies. These multiple logics are embedded in operational routines, performance programs, bureaucratic politics, norms, cultural beliefs and social networks" (Fountain, 2001, p.12).

Technology Enactment Framework is one of the earliest attempts to build on a broad socio-technical perspective in order to study the process of technological adaptation in the public sector. However, as such, it has had its critics and its fans at the same time. Bretschneider (2003) claims that the major weakness of the framework is that the enacted technology theory is highly abstract and generalized, making it difficult to use as a predictive tool. At the same time, the cases used to substantiate the framework are mainly focused on the U.S thus leaving aside specificities of other contexts. More importantly, Bretschneider (2003) criticizes the approach to look beyond Weberian bureaucracy to other inter-organizational alternatives, since "Weberian bureaucracy is very much alive and unlikely to yield its place to other more fragile structures".

Notwithstanding the critique, other authors tried to substantiate and extend (Yang, 2003; Cordella & Iannacci, 2010) the technology enactment framework. A more serious attempt at addressing some of the critiques of the framework with further fieldwork can be found in Cordella and Iannacci's (2010) work on e-government enactment framework. They start from the premise that in Fountains (2001) work technology is taken-for-granted and described as a carrier of objective characteristics. However, through their case study of re-organization of criminal justice in England and Wales they come to the conclusion that enactment of technology is not only affected by the pre-existing cultural, social and legal arrangements as argued in Technology Enactment Framework but also by the e-government policy which has been embedded into the technology (Cordella & Iannacci, 2010). Thus, they propose the e-government enactment framework.

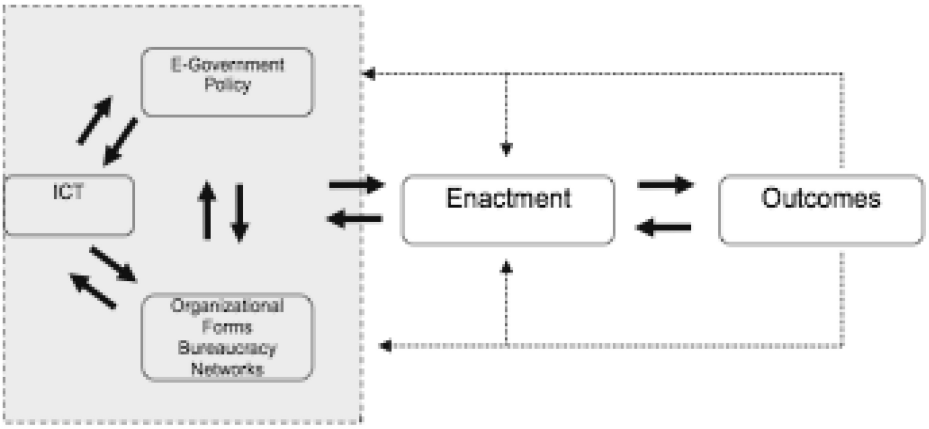


Fig. 4. E-government Enactment Framework (Cordella and Iannaci, 2010).

The e-government enactment framework highlights that technology does not carry objective characteristics but rather the aims and goals of the policies which shape its choice, design and adaptation (Cordella & Iannacci, 2010). This

new dimension helps to provide a richer framework to study the complexities of technological adaptation in public sector reforms. E-government is not only the result of social, political and institutional negotiation, as posited by the original framework, but also the outcome of political negotiation embedded in technological stratifications (Cordella & Iannacci, 2010).

The e-government enactment framework is important for the fact that it is one of the rare examples of e-government research where the technical characteristics of ICTs are considered as contextual factors that shape e-government policies (Contini & Cordella, 2015). However, as Contini & Cordella (2015) posit, the framework does not provide any analytical tool to analyse and depict the characteristics that make ICT such a relevant factor in leading the deployment of e-government policies.

Furthermore, both Technology Enactment Framework and E-government Enactment Framework, tend to omit the institutional dynamics triggered by the appearance of ICTs within institutional settings (Lanzara, 2009). In order to overcome this shortcoming, and to build a comprehensive theoretical perspective to use during this thesis, we turn to concepts from Science and Technology studies as well as literature in social and organizational research.

2.4 Regulatory Impact of Information Technology: Assemblages, Inscription-Delegation and Functional Simplification

Public administration heavily rests on the ability to regulate and enforce rules and behaviour. These capabilities are embodied in formal laws and regulations as well as in software and technical devices that are increasingly being used by the public administrations around the world to fulfill its objectives.

The concept of software as a regulator has been initially elaborated by Lawrence Lessig in his paper "Code is Law" (1999). According to him in the age of cyberspace, the main regulator is code.

> *"This regulator is code--the software and hardware that make cyberspace as it is. This code, or architecture, sets the terms on which life in cyberspace is experienced. It determines how easy it is to protect privacy, or how easy it is to censor speech. It determines whether access to information is general or whether information is zoned. It affects who sees what, or what is monitored. In a host of ways that one cannot begin to see unless one begins to understand the nature of this code, the code of cyberspace regulates."*

The regulatory impact of technology is elaborated and extended by works of Kallinikos (2006); Hanseth & Monteiro (1996); Lanzara (2009).

According to Lanzara (2009), assemblages result from the encounter and the multiple mediations between large ICT systems and the existing institutional frameworks and codes of the society. They are made up of heterogeneous components displaying multiple logics which cannot be easily reduced to one another. Hence, in this perspective ICTs cannot be considered simply as tools to achieve specific goals or just to simply execute administrative tasks. ICTs are thus critical for execution as well as for sense-making and legitimacy (Lanzara, 2009). This is how we can reasonably speak of ICT mediated and supported institutional arrangements. As Lessig (1999) posits, institutions become more 'wired' into technological circuits, at the same time ICTs become increasingly regulated, both institutionally and legally. Hence a new field is generated

where technology and law strive to 'civilize' one another, each trying to reduce the other to its own precepts or requirements.

The encounter and mediations between ICTs and institutions can be explored and framed along two different perspectives: in one perspective, the ICTs are regarded as functional equivalent of traditional institution, while in the second perspective institutions become more technical as they have to adapt to the possibilities and constraints brought about by new technologies for the processing and exchange of administrative data and delivery or products and services (Lanzara, 2009). Thus, in the first case we talk about inscription delegation in line with Actor Network Theory (ANT) and the sociology of translation (Callon, 1984; Latour, 2005) and in the second case we talk about functional specification in line with the social systems theory (Luhmann, 1993) and new institutional analysis (DiMaggio & Powell, 1991).

Actor Network Theory (ANT) is an interpretive socio-technical theory that regards society as heterogeneous networks of human and non-human actors (Monteiro & Hanseth, 1996). As such ANT is positioned in the middle of constructivist and technological deterministic studies (Cordella & Shaikh, 2006). While at one end technology deterministic studies assume that technology and its impact are given and defined, on the other end constructivism assumes that technology does not matter, since it is always inescapably socially constructed (Cordella & Shaikh, 2006).

ANT is often praised for contributing to this debate through agnosticism of the nature of actors that systematically avoids the dualism between technology and society; focusing on the processes through which socio-technical networks are created (Law, 1999). Thus, by taking a position of symmetry between humans and technology, ANT proposes "a sociology to accommodate both on the same terms" (Avgerou, 2002: 61).

One of the advantages of ANT is that researcher can decide to which extent to use the theory: it can be used for obtaining empirical data, executing extensive analysis or simply for providing a minimalist vocabulary (Monteiro & Hanseth, 1996).

For the purpose of building a theoretical lens to be used in this thesis, three basic concepts of ANT will be elaborated: translation, inscription and alignment.

The process through which actors interact with each other to build networks is often referred to as 'translation'. This relates to both the process of 'translating' an idea into reality as well as to the result of that process (Avgerou, 2002). This process is inherently political in nature (Latour, 2005). It usually begins with a certain "problematization", when an actor that attempts to persuade other actors that the problem is important enough as to require the coordination of the roles and enrollment of other actors identifies a certain "problem". Finally, this requires the mobilization of resources to sustain the commitment to the new network resulting from this process of translation (Avgerou, 2002; Callon, 1984).

An inscription is the translation of one's interests or patterns of use into material form (Callon, 1991). Often authors have concentrated their attention on four aspects of the concept of inscription: what is inscribed or what are the anticipations of use, who is doing the inscription, what is the material form of the inscription and how powerful are inscriptions, or in other words how much effort does it take to reverse an inscription (Monteiro & Hanseth, 1996). The interests are inscribed into intermediaries, who can be human or non-human that are used by actors to interrelate with each other (Avgerou, 2002). Finally, the result of a successful process of translation is a stable actor-network representing an alignment of the interests of the involved actors (Callon, 1991).

The second perspective focuses on what the technology does to institutional and normative frameworks. In this perspective, a different phenomenon is predicted, namely the reduction of the institutions to the technology being used (Lanzara, 2009). The critical point is how and to what extent complex administrative agency can be transformed and simplified in order "to be harnessed within the functional circuits of technology, and what is lost or gained in such reduction" (Kallinikos, 2006).

Two concepts, drawn from systems theory offer powerful analytical devices to understand what the essence of ICTs is, when it operates in the context of the social systems within which it is deployed (Cordella & Tempini, 2015). These concepts are: functional simplification and closure.

Functional simplification and closure in complex social systems take the form of a set of operations that are lifted out of the surrounding institutional and organizational complexity to which they belong with the purpose of reconstructing than as simplified causal and procedural sequences, sealed off from their environment (Kallinikos, 2009).

Functional simplification refers to the reduction of an initial complexity of a particular domain accomplished by the reduction of the number of variables and interactive sequences involved. "However, due to the initial reduction of the factors involved, the relevant processes remain potentially inspectable and controllable, while the knowledge that enables them provides an important means for the accomplishment of these goals" (Kallinikos, 2006, p.33). Furthermore, functional simplification "coincides with the identification and selection (hence the reduction of complexity) of sets of operations that are thereby instrumented as strict cause-effect couplings in which a particular cause is expected to lead to its specific effects" (Kallinikos, 2006, p.22).

Functional closure is the necessary complement to functional simplification (Cordella & Tempini, 2015). Functional closure "implies the construction of a kind of protective cocoon that is placed around the selected casual sequences or processes to safeguard undesired interference and ensure their repeatable and reliable operation" (Kallinikos, 2006 p.33).

This account of technology as a strictly circumscribed causal order is well captured in the widely used engineering term black-boxing (Kallinikos, 2009).

As a result of this black-boxing, e-government initiatives construct a new regulatory regime that regulates the way in which organizational processes and procedures are executed and services are offered to the public. Hence, according to this perspective, ICT carry regulative properties that tend to structure social and organizational orders thus standardizing social interaction (Bovens & Zouridis, 2002).

2.5 Concluding Remarks

This chapter outlined a progression of theoretical approaches to addressing the relationship between changes in the public administration and application of information and communication technology.

While initial thinking focused on success and failure of ICT initiatives in public sector, later approaches centered on expected changes by application of technology. Both of these approaches did not allow for the contextualization of the application of information technology, which was later addressed with Technology enactment framework, and further with approaches based on the concepts drawn from science and technology studies.

This thesis takes all of these approaches forward as the guiding lens in addressing the application of ICTs in post-conflict state building situations and

aims to contribute to further extending current theoretical thinking to the context of state-building situations.

Chapter 3
Methodological Approach: An Interpretive Lens to E-Government and State-Building

> Every discourse, even a poetic or oracular sentence, carries with it a system of rules for producing analogous things and thus an outline of methodology.
>
> Jacques Derrida

This chapter provides insights on the methodology chosen for this thesis. While many authors have questioned the need for a separate methodology chapter (Dunleavy, 2003), the idea of this chapter is to provide readers with information on the underpinning philosophical beliefs of this study as well as an outline of the thought process of case selection.

For the purpose of this thesis, the interpretive case study approach is used. This approach can be classified as a qualitative research method. Qualitative research methods are designed to help researchers understand people and social and cultural environments within which they live based on the observation that one thing that distinguishes humans from the natural world is their ability to talk (Mayers, 1997).

The case study approach is particularly suitable for the present research because of its distinguishing characteristics of attempting to examine a contemporary phenomenon in its real-life context especially in situations when the boundaries between phenomenon and context are not clearly evident (Yin, 1981). Moreover, according to Yin (1984) the case studies approach is

appropriate where the objective is to study contemporary events and where it is not necessary to control behavioural events or variables. Furthermore, Yin (1984) suggests that single case studies are appropriate if the objective of the study is to explore a previously un-researched subject, where-as multiple case studies are desirable when the intent of the research is description, theory building or theory testing.

The intent of this study is to use the case studies to understand and consequently extend current theory on the use of ICTs in post-conflict state building situations.

A single in-depth case study approach was adopted rather than an "intrinsic" study because the specific case was of secondary concern compared to the aim of gaining insight into the particular issue: the role of e-government in institution building. There are constraints to generalization imposed by single case research but applicability to other cases is provided by the conceptual foundations of the case, which "inform and enrich the data and provide not only a sense of the uniqueness of the case but also what is of more general relevance and interest" (Hartley 1994, p. 210). Moreover, single case studies represent the dominant research approach in the study of ICT in the public sector (Danziger & Andersen, 2002). Thus, for this research the dominant issue is to properly select the case study. As Eisenhardt (1989) notes, cases may be chosen to replicate previous cases or extent emergent theories or rather may be chosen to fill theoretical categories and provide examples of polar types.

It should be noted that the methodology one chooses to conduct the research heavily depends on the choice of underlying research philosophy. Most e-government and public administration studies can be classified as belonging to either positivist research philosophy or social constructivist (interpretive) research philosophy (Heeks & Bailur, 2007; Bevir, 2011).

Positivist studies would hold a realist, objective ontology. They would assume that key variables in e-government or public administration (technology, skills, work processes, work culture) actually exist and that they are related by a set of causal relations explicable by underlying and generalizable rules (Heeks & Bailur, 2007). Furthermore, positivist studies would hold an empiricist epistemology that would seek to observe key e-government or public administration variables and to experiment in order to build knowledge about underlying relations and laws. They would assume that data and data gathering are independent of the observer and of his/her interests and qualities.
On the other hand, interpretive e-government or public administration studies would hold a subjective ontology. Whilst accepting the material existence of physical objects, such as computer hardware, they would assume that what matters about any variable – material or immaterial – is the particular meaning given to that variable by each individual. Those meanings are subjective creations constructed through interactions with others (Heeks & Bailur, 2007). Interpretive would thus hold an epistemology that assumes the focus of finding out is the particular constructions and meanings that individuals hold about facets of the phenomenon under study. They would assume that the researcher's own constructions and interests cannot be detached from the research study.
This thesis is rooted in the interpretive philosophy of social science research.

3.1 Case Study Selection

Having in mind that this thesis is heavily influenced by the case study choice, three criteria were used to decide on the appropriate case:

- Is the context in which the case happens a state building context?

- Is the specific organization/institution within which the e-government initiative outplays important to overall state-building efforts?
- Are there enough data available, both written and accessible through primary research?

Based on the background of the author of this research it was evident from the beginning that the country selected would be Kosovo. However, within Kosovo a number of project were considered to be studied. These projects were spread across three sectors: Health, Finance and Judiciary. In health, a Health Information System project was considered, in the Finance Sector a project in the Budget Department of the Ministry of Finance related to budget and investment planning was considered and finally within Justice sector the project of Court Management Information System was considered.

After careful assessment of each project and based on the criteria outlined above, the case of Court Management Information System (CMIS) deployment in the Courts and Prosecutor Offices of the Republic of Kosovo has been selected. The following sections will provide an in-depth rationale of how this project fits the aims of this study.

3.2 Kosovo as a State Building Example

Having declared its independence on the 17th of February 2008, Kosovo is the youngest country in Europe. However, as a territory Kosovo has been present for ages and centuries. It had long been immortalized as the site of the 1389 battle on the Field of Blackbirds, in which the Turks had defeated Serbs, ushering in five centuries of Ottoman rule (Holohan, 2005).

Fig. 5. Map of Kosovo (available at http://www.worldatlas.com/kosovo.htm)

More recently, during the twentieth century Kosovo failed to remain part of Albania following its independence and was occupied by various nations ending up in the Kingdom of Serbs and Croats in 1918. In 1941, occupying forces assigned most of Kosovo to Italian-controlled Albania, while Germans occupied the north and a strip in the east went to Bulgaria. After the World War II, Kosovo found itself part of Tito's Yugoslavia whose Slav majority regarded its Albanian population with suspicion and hostility (King & Mason, 2006).

"Kosovo therefore emerged from the war into the new federal Yugoslavia under a state of siege, her population regarded as a threat to the new state" (Vickers, 1995).

Even though at first Kosovo and its Albanian population wasn't considered equal within greater Yugoslavia, in 1974 Tito through newly redesigned constitution granted substantial autonomy to Kosovo. This autonomy was abolished by Milosevic in 1989 effectively starting the break-up of Yugoslavia (Judah, 2002).

Following the break-up of Yugoslavia, a new Kosovo Albanian Party called the Democratic League of Kosovo (LDK) was created on the 23rd of December 1989 (Judah, 2002) headed by Dr. Ibrahim Rugova, then president of the Association of Writers of Kosovo. Under his leadership, Kosovo Albanians organized a campaign of "passive resistance" that involved the creation of parallel institutions such as education, health and security structures. Rugova even managed to organize an underground referendum for independence in September 1991 and underground presidential and parliamentary elections in 1992 and 1998 (Willingen, 2009; King & Masson, 2006). However, by mid 90s people started getting tired with the peaceful resistance and were more and more supporting the use of violence. This became even more evident after the Dayton Peace Conference in 1995. Dayton was focused on ending the war in Bosnia and on formalizing the borders of Croatia (Judah, 2002), but didn't mention Kosovo at all.

The situation deteriorated in 1998 when Kosovo Liberation Army (KLA) started an insurgency. The KLA had been created in the beginning of the 90s and over time grew steadily. The appearance of KLA made Serbian forces more determined to use violence against the local population, civilian or armed. The massacre of 58 people in Prekaz in 1998 became a turning point. The internal

war escalated and the whole country became immersed in conflict. This finally drew the attention of the international community (IICK, 1999).

In March 1998 UN Security Council adopted its Resolution 1160 calling for the peaceful settlement of the conflict. It condemned both KLA and Serbia for using violence but fell short of any clear idea about how to deal with the Kosovo issue. Responding to this resolution, Milosevic and Rugova were forced by the international community to make an attempt at a peaceful settlement by holding talks in the summer of 1998. After this failed, the UN SC Resolution 1199, adopted on 23 September 1998, increased the pressure on Belgrade and called for an immediate ceasefire (Willingen, 2009). The resolution led to an agreement that allowed an observer mission of OSCE called Kosovo Verification Mission (KVM) to monitor the agreed four hundred troop withdrawal of Serbian army and to undertake further negotiations with the Kosovo Albanian leadership (Economides, 2007).

Nevertheless, the violence continued and culminated in the Recak massacre on the 15th of January 1999. After 45 bodies of Kosovo Albanian civilians were discovered near Recak and a vicious circle of violence had begun, the international community realized that continuing the attempt for reaching a peaceful settlement under Resolution 1199 would not be possible. As a result, the Kosovo Albanians and Milosevic were summoned by the Contact Group to participate in negotiations for a political solution at the Castle of Rambouillet in France in February and March 1999.

The negotiations resulted in a situation where the plan put on table was accepted by Kosovo Albanians and refused by Milosevic on the ground that it has been drafted during secret consultations with the Kosovo Albanians and that he could not sign an agreement that violated basic right of Serbia (Willingen, 2009).

Following the failed attempts of the international diplomacy to convince Milosevic to accept the Rambouillet Plan, for the first time in its fifty-year long history NATO went to war, its goal to stop massive human rights abuses. Between 24 March and 10 June 1999, NATO warplanes flew 38,400 sorties and dropped or fired 26,614 bombs and rockets on Kosovo and Serbia (King & Masson, 2006). After the end of NATO campaign in June 1999, the eight hundred thousand Kosovars who had fled or had been driven out of the province and as many as five hundred thousand others who had been internally displaced returned to their homes (Holohan, 2005). Majority of them found their homes and possessions destroyed or stolen. But they all had a hope, a hope that finally after centuries they will have a state, a state to which they belong.

In June 1999 under the resolution 1244 UN took over the administration of Kosovo until the final status resolution. On 17th of February, Kosovo declared independence and has been recognized by 114 members of the United Nations.

As such Kosovo represents a unique case of internationally sponsored and managed state-building.

3.3 Rule of Law: A Key Element of State Building

Fukuyama (2011) argues that modern political order rests on three main pillars: the state, rule of law and free elections. Of all components of contemporary states, effective legal institutions are perhaps most difficult to construct. The rule of law can just be law and order or, it can be a certain substantive view of the law that corresponds to modern Western definitions of human rights. In his view (Fukuyama, 2011) the most important characteristic of the rule of law is that there are rules, rules that are transparent, and that reflect the principles of justice in a particular community. But to be the rule of law, to be the genuine

rule of law, the rules have to be binding on the most powerful people in the society, meaning the king, the monarch, the president, the prime minister. If the people that hold executive power in a particular society make up the rules as they go along, that is not the rule of law. The rule of law means that there is actually a set of rules that govern power and restrict power.

Furthermore, the rule of law has been seen as critical for the economic growth of countries especially those in transition or considered "developing" (Haggard & Kaufman, 2008). Milton Friedman, long-term proponent of privatization as the first policy measure to be undertaken to spur economic growth, following the experiences of Russia and other eastern bloc countries, argues that rule of law is a clear prerequisite to stable economic growth. "In some countries, privatization without the rule of law is just stealing" says Friedman[3].

In the Kosovo context, rule of law played a crucial policy priority from the early days of international administration. While the UN Security Council Resolution 1244 assigns responsibilities relating to the rule of law to both the "international security presence" (KFOR/NATO) and the "international civil presence" (UNMIK), special representatives of the secretary-general (SRSG) took on rule of law as one of their priorities. In his address to the UN Security Council in April 2002, Michael Steiner who had just taken the SRSG position stated, "We are working on enhancing capabilities to effectively establish rule of law and combat organized crime, terrorism and corruption" (Steiner, 2002). This meant focusing on the body of laws in place, human resources and better management of courts and prosecutor offices.

One of the key issues hampering the establishment of the rule of law in Kosovo has been information management as well as coordination between institutions

[3] See Milton Friedman interview http://www.cato.org/special/friedman/friedman/friedman4.html Accessed: June, 2012.

involved. According to a report published by KIPRED (2010), a local think tank, during the early days of establishing rule of law, intensive communication and qualitative cooperation between police investigators, prosecutors and judges is necessary to achieve efficient and functional rule of law. The institutional triangle can be fully functional only if there is a strong coordination of work between the three institutions. Furthermore, "Kosovo lacked mechanisms for storing and tracking cases of criminal offenses. There were no joint databases shared between the police, prosecutors and judges, on which they could base the coordination of their work. Hence, it was impossible to track and coordinate criminal proceedings. The police often fail to respond to prosecutors' requests for additional evidences or interviews in the investigation process. Prosecutors fail to keep the track of their cases and so do the proceeding judges. As the final consequence, criminal cases are investigated poorly, and often dropped even before charges are pressed" (KIPRED, 2010).

It is exactly these issues that the CMIS implementation in Kosovo has targeted to address. "The CMIS project is a major undertaking that is a cornerstone of modern justice and will improve the efficiency and transparency of the Kosovo prosecution and judicial services"[4].

3.4 CMIS: Availability and Access to Information

Case Management Information System in Kosovo started being implemented in 2001. Initially, it was implemented by a group of consultants from Finland, funded by the European Union. Subsequently, the implementation of the project has been outsourced to a local company, but the financing and decision making has largely remained in the hands of the local representation of EU. During this period of time EU has planned and contracted a number of projects

[4] Interview with a foreign diplomat working in Kosovo, January, 2013.

under the name of "Support to Justice" whose major role was to strengthen court management and the use of CMIS. A total of around three million euro has been spent on these projects. In a later phase, USAID has also provided support to the implementation of CMIS in prosecutor offices through a number of projects, implemented by various contractors. Following the declaration of independence in 2008, the management of CMIS has been handed over to Kosovo Judicial Council (KJC), however heavy involvement of international donors and consultants remains evident.

This has resulted in a great number of reports and documents related to CMIS over the years. At the same time, due to the importance of CMIS for the establishment of the rule of law in Kosovo, investigative stories and think-tank reports have been produced on the topic. Periodic assessments of the project have also been conducted. All this information provides fertile ground for the reconstruction of the case of CMIS in this thesis.

Furthermore, long period of implementation of CMIS means a great number of actors involved, at both decision-making and technical levels, thus providing the opportunity to triangulate the findings of this research.

Since the author of this thesis has been involved in the process of reconstruction of Kosovo for a significant period of time, although not in the justice sector, access to required information and willingness of the actors involved to be interviewed for this research was granted without any problems. It is important to emphasise that the objectivity of the author is ensured by the fact that he was never involved in CMIS or any other policy making activity in the justice sector.

3.5 Data Collection

Data collection for this research has been conducted in two phases. In the first phase, all written documentation related to CMIS implementation and to the

judiciary development has been collected. This included reports produced by projects implementing CMIS, assessments written by external consultants, strategies and action plans developed during the lifetime of the project and papers written by local or international researchers concerning judiciary in Kosovo or CMIS in particular. Altogether a total of thirty documents have been reviewed in order to build an initial timeline of the CMIS project. Indicative list of documents available in Appendix 4.

In the second phase, semi-structured in-depth interviews have been conducted with thirty-five stakeholders, experts and judges and prosecutors (full list in the Appendix 1). As the authors approach to data collection was exploratory and iterative some of the interviewees were met a couple of times, during different periods of the research. This allowed some flexibility in data collection as even though a number of themes emerged only some were examined more deeply as relevant. The interviews on average took about one hour and were recorded and subsequently transcribed (McLellan et al., 2003). The interview guide can be found in Appendix 2. All the information collected has been safely and securely stored in accordance to standard university guidance.[5]

[5] At the time of the beginning of this study no ethical approval for social science studies was required by UM and there was no ethical committee to offer this. No local requirements in Kosovo as well.

Table 2 Interviews by Affiliation

	Nr. of Interviews
Local Company	2
KJC	2
Courts	16
Prosecutor Office	5
UNMIK Personnel	4
Independent Experts	1
Foreign Diplomats	2
USAID Project	3
TOTAL	35

Due to the sensitivity of their positions identified of the interviewees have been preserved and they have been referred to only by the positions held.

Semi-structured interviews use an incomplete script to allow for free conversation and improvisation based on subjects' answers (Weiss, 1995). This type of interviewing was deemed suitable, as the aim of the study was to explore informant perceptions of the development of the case. Hence the interviews were flexible enough to allow for emergence of multiple explanations and provide the opportunity for the pursuit of any direction that might arise as relevant.

One of the strengths of interviewing is the possibility to obtain accounts from direct witnesses, which can be probed beyond official accounts. Interviewing thus provides a particular advantage over methods that merely use documents that often only represent an official version of the events (Tansey, 2007). However, an important limitation of interviewing in the context of this research

is that it is done retrospectively and thus relies on informants' recollection of the investigated processes. To address this limitation triangulation of accounts between multiple informants and different sources of evidence was used to ensure consistency and thus validity. This is known as converging lines of inquiry and increases reliability and accuracy of the case evidence (Yin, 2009).

Finally, the conclusions of this thesis do not aim to provide for statistical generalizations, but rather to present an in-depth analysis of one e-government project implementation in a state-building context. By doing so, it is intended to better understand the effects of ICTs deployment on the establishment and operation of rule of law institutions. Hence, the conclusions of this study can provide useful insight for a better understanding of similar projects in public sector (Orlikowski & Baroudi, 1991), especially in state building context.

Chapter 4
Building Justice from Scratch

> "The true administration of justice is the firmest pillar of Good Government"
>
> George Washington

In this chapter, an in-depth longitudinal description of the development of the justice sector in Kosovo following the conflict will be provided. It aims to introduce the reader to the complexities of institution building by international administrations in post-conflict situations as well as to show specificities of the Kosovo case. This chapter is organized as follows: first the initial structures of the judicial sector post conflict will be described and explained, secondly their development over time will be tracked and analysed and finally reflections on main points of interest for this study will be provided at the end.

4.1 Introduction

On 10 June 1999, the Security Council of the United Nations Organization adopted Security Council Resolution 1244 , authorizing the Secretary-General to establish an international presence in Kosovo in order to provide an interim administration for Kosovo while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo (UN, 1999).

"In 2004, the OSCE provided a context in its report: As the UN entered Kosovo in 1999, the dust was still settling from an ethnic conflict which had followed

decades of communist rule and ten years of active internal repression from Belgrade. Organized crime was present and the police service was in ruins. No functioning judicial system existed and the rule of law was almost absent. Most of the judges and public prosecutors active before the start of the NATO bombing campaign had fled" (OECD, 2004).

Pursuant to resolution 1244, an interim civil administration authority, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), was established and vested with authority over the territory and people of Kosovo. UNMIK was composed of four main components also called pillars. The four pillars were:

- Pillar I, "Police and Justice" (headed by the UN);
- Pillar II, "Civil Administration" (headed by the UN);
- Pillar III, "Democratization and Institution Building" (headed by the Organization for Security and Cooperation in Europe -OSCE); and
- Pillar IV, "Economic Reconstruction" (headed by the European Union)

All legislative and executive powers, including the administration of the judiciary, were vested in the Special Representative of the Secretary-General (SRSG), as the highest international civilian officer of UNMIK. The SRSG had the authority to appoint any person to perform functions in the interim civil administration, including the judiciary, and to remove such persons if their service was found to be incompatible with the mandate and the purposes of the interim civil administration. Further, the SRSG was authorized to change, repeal or suspend existing laws to the extent necessary for the carrying out of his functions, or where existing laws were incompatible with the mandate, aims and purposes of the interim civil administration. The SRSG was also authorized to issue legislative acts in form of regulations, which would remain in force until repealed by the SRSG.

The SRSG was supported by a Principal Deputy SRSG, and each component was headed by a Deputy SRSG drawn from the international organization responsible for the respective component. While the Deputy SRSG's retained overall responsibility for the activities falling under their responsibility, the SRSG retained the final authority over all components of UNMIK and was authorized to direct the activities of each component to ensure a coherent implementation of UNMIK's mission objectives.

The SRSG was supported by the Executive Committee and an Executive Office, including staff to advise the SRSGF on political, legal and economic matters.

Soon after UNMIK's deployment, the SRSG established the Kosovo Transitional Council (KTC), which brought together all major political parties and ethnic groups in Kosovo. The establishment of the KTC was considered an initial step (UN Security Council, Report of the Secretary-General (UNSG), 1999) towards the creation of a framework of wider and more inclusive democratic structures covering all aspects of life in Kosovo.

"After the establishment of KTC, the core of the institutions to start having a functioning administration was there. However, a lot remained to be done. There was a clear divide between being focused on maintaining fragile peace and working on establishing institutions" recalls one of the internationals[6] involved in the early phases of UNMIK deployment.

This chapter outlines the process of establishment of the UNMIK administration in Kosovo, with a special focus on the establishment of the rule of law infrastructure. It focuses on telling the story of the establishment of three key pieces of the rule of law administration: legal structures, organizational arrangements and work practices.

[6] Interview with one of the DSRSGs, July 2015

4.2 Emergency Judicial System[7]

When initial representatives of UN arrived in Kosovo, they reported to have encountered a situation where Kosovo was a scene of chaos, economic ruin, extensive destruction, lawlessness, widespread retribution, and, in many parts, largely empty of its population (UNSG, 1999).

Main problems in Kosovo were largely a result of the absence of law and order institutions and agencies. The judiciary was not functioning since many of its previous Kosovo Serb staff had departed, and Kosovo Albanian or other personnel either had not yet returned to Kosovo or had not yet been identified (King & Mason, 2006).

To address the situation, the SRSG had taken immediately upon deployment initial steps to re-establish a working judicial system. As a first step, the SRSG issued three emergency decrees, one on the establishment of the Joint Advisory Council on Provisional Judicial Appointments, one on its membership, and the third on the appointment of four prosecutors, two investigating judges and a three-judge panel. The "emergency judicial system"[8] was initiated on 30 June 1999 with the opening of the District Court in Pristina, followed by the opening of courts in Prizren, Peja, Gjilan and Mitrovica, and supported by mobile courts. After the initial appointments, the SRSG, following consultations with the Joint Advisory Council on Provisional Judicial Appointments, appointed 36 judges and 12 prosecutors on a provisional basis to serve in this emergency judicial system.

[7] The following sections outlining the development of the judicial system have been constructed based on interviews with a former DSRSG (July 2015), former Minister of Justice (April 2014) and snaps from various interviews throughout the case study.

[8] Capussela (2015)

Within the UNMIK structure, the SRSG established the Judicial Affairs Office, which, originally, was responsible for the administration of courts, prosecution services and prisons, the development of legal policies, the review and drafting of legislation, and the assessment of the quality of justice in Kosovo (UNSG, 2000). However, shortly thereafter, the development of legal policies and the review and drafting of legislation was transferred to the Legal Adviser of the SRSG. The Judicial Affairs Office remained responsible only for operational aspects of the judicial system.

Further to that, the SRSG established a Court of Final Appeal, which would have the powers of the Supreme Court of Kosovo as regards appeals against decisions of district courts and until such time that the Supreme Court is re-established. The Public Prosecutor's Office was re-established through the appointment of a Chief Public Prosecutor and a Deputy Public Prosecutor. The initial appointments to the Court of Final Appeal and the Public Prosecutor's Office were made by the SRSG after consultations with the Joint Advisory Council on Provisional Judicial Appointments.

In September 1999, the SRSG established the Advisory Judicial Commission, which replaced the Joint Advisory Council on Provisional Judicial Appointments. The Advisory Judicial Commission was composed of eight local and three international experts selected and appointed by the SRSG. The Advisory Judicial Commission was responsible for inviting applications of legal professionals for service as judges or prosecutors, for reviewing individual applications and making recommendations to the SRSG for the appointment of candidates as judges or prosecutors. The Advisory Judicial Commission was also responsible for advising the SRSG on matters related to complaints against judges and prosecutors. The SRSG remained the authority responsible for the appointment and dismissal of judges and prosecutors. In November 1999, the

SRSG extended the responsibilities of the Advisory Judicial Commission to also advise the SRSG on matters related to the appointment of lay judges and any complaints against them.

Together with the establishment of the Advisory Judicial Commission, the SRSG established a Technical Advisory Commission on Judiciary and Prosecution Service, which was composed of ten local and five international members selected and appointed by the SRSG. The function of the Technical Advisory Commission on Judiciary and Prosecution Service was to assess the present and long-term requirements of Kosovo for the prosecution service and as regards the number, levels and categories of judicial bodies, and to advise the SRSG on the re-establishment of the Supreme Court of Kosovo.

At the end of 1999, the emergency judicial system had 301 judges and prosecutors and 238 lay judges. According to UNMIK, judges, prosecutors and lawyers, especially the judges and prosecutors of the emergency judicial system, had faced considerable pressure and threats in the course of their duties. UNMIK admitted formally, by the end of 1999, that preserving a multi-ethnic judiciary was becoming increasingly difficult. It also reported that a growing atmosphere of fear imperilled efforts to create the rule of law (UNSG, 2000). Judges and prosecutors were receiving threats demanding that they do not pursue investigations against certain suspects or that they release them, despite compelling incriminating evidence gathered by KFOR or UNMIK Police. Impunity, so UNMIK, was emerging as a problem that undermined the substantial efforts to build an independent legal system. Enhancing security measures to protect judges and prosecutors proved to be another challenge.

4.3 Joint Governance Replaces Parallel Governance

On 15 December 1999, the leaders of three main parties in Kosovo, namely Kosovo Democratic Progress Party (PPDK), the Democratic League of Kosovo (LDK) and the United Democratic Movement (LDB) agreed to participate in the establishment by UNMIK of a Kosovo-UNMIK Joint Interim Administrative Structure (JIAS). JIAS would respect and operate under resolution 1244 and recognize the legislative and executive authority of the SRSG. Under the JIAS Agreement, all parallel structures of an executive, legislative or judicial nature were required to be dissolved by 31 January 2000. For the first time, after ten years of a "dual" system of governance and administration, a formal commitment to dissolve parallel structures was received from the Kosovo Albanian leadership. All parallel Kosovo Albanian bodies declared that they had ceased to exist on 31 January 2000, including the "Provisional Government of Kosovo" (operational after Rambouillet talks) and the "Presidency of the Republic of Kosovo" (headed by Dr. Ibrahim Rugova during the 90'ties).

The JIAS consisted of the Kosovo Transitional Council, the Interim Administrative Council and 20 Administrative Departments. The Kosovo Transitional Council continued its role as a consultative body, while the Interim Administrative Council was responsible for making recommendations to the SRSG for amendments to the applicable law, the issuance of new regulations and policy guidelines for the Administrative Departments.

Each Administrative Department was headed by two Co-Heads. The UNMIK Co-Head and the local Co-Head were appointed by the SRSG, and with respect to the local Co-Head following consultations with the Interim Administrative Council. While the two Co-Heads shared the responsibilities of each Administrative Department, the UNMIK Co-Head retained a unique and non-delegable responsibility to ensure that the provisions and policy of resolution

1244 were implemented throughout JIAS. Each Administrative Department was under the supervision of a Deputy SRSG. Any policy recommendations were made by the Administrative Departments to the Interim Administrative Council through the respective Deputy SRSG.

"During this co-head administration, it was very hard to take decisions. First of all, most of the staff was new and inexperienced. Second, since there were two co-heads none was very enthusiastic to take responsibility. Finally, we were still facing elementary problems of dealing with lack of electricity, lack of physical infrastructure and of course complete lack of legal base".[9]

4.4 Justice System under JIAS

In March 2000, the SRSG established the Administrative Department of Justice being responsible for the overall management of matters relating to the judicial system and the correctional service and the implementation of policy guidelines formulated by the Interim Administrative Council in matters relating to the judicial system and the correctional service. More specifically, the Administrative Department of Justice, operating under the supervision of the Deputy SRSG for Civil Administration, was responsible to:

- Implement the overall strategy and policies for the development, organization and proper functioning of the judicial system and the correctional service within the framework of the Kosovo Consolidated Budget;
- Coordinate with other Administrative Departments on matters pertaining to the judicial system and the correctional service;

[9] Interview with former Minister of Justice, April 2014

- Provide information and statistics on the judicial system and the correctional service, as appropriate;
- Facilitate the provision of financial, technical, personnel and material resources for the proper functioning of the judicial system and the correctional service;
- Facilitate cooperation in judicial and correctional matters with appropriate entities inside and outside Kosovo;
- Assist in the selection, appointment, assignment and removal from office of registrars and judicial support personnel;

The final authority for the appointment of judges and prosecutors, subject to recommendation by the Advisory Judicial Commission, as well as final decisions on policy and legislation remained with the SRSG. The Administrative Department of Justice was therefore vested with primary operational responsibility for the judicial system.

In February 2000, the SRSG appointed for the first time international judges and an international prosecutor to the District Court of Mitrovica. In May 2000, the SRSG extended the regulation authorizing him to appoint international judges and prosecutors to all courts in Kosovo. By the end of 2000, ten international judges and three international prosecutors were serving in courts throughout Kosovo, including one international judge with the re-established Supreme Court of Kosovo. The appointment of international judges and prosecutors beyond Mitrovica was justified by UNMIK as a measure to build confidence in the judicial system. The particular nature of war and ethnically related crimes and the number of such cases in Kosovo demanded that panels with both local and international components try them.

One of UNMIK's key priorities during 2000 was to increase the capacity of Kosovo's re-established judicial system by allocating human and material

resources to it. In August 2000, additional 136 judges and prosecutors and 309 lay judges had been appointed by the SRSG, while 56 courts and 13 prosecutors' offices were operational. UNMIK carefully noted increased activities due to such allocation of resources and expected this trend to continue. During 2000, UNMIK took additional supportive measures to enhance the capacities of the judiciary, including the establishment of the Kosovo Judicial Institute, the establishment of the Ombudsperson Institution, the establishment of the Kosovo Law Centre, and providing support to the Faculty of Law at the University of Prishtina.

In view of increasing inter-ethnic and politically motivated violence emerging at the end of 2000, the SRSG adopted in early 2001 a policy whose objectives were maintenance of effective international control and oversight, enhanced mission capacity to counter the most serious crimes that threaten peace-building efforts, and closely coordinated development of the institutional foundations of all criminal justice institutions. International judicial support would take the lead in processing the large number of war, ethnic and organized crime. Under this policy, the performance of current judges and prosecutors would undergo rigorous assessment.

In April 2001, the SRSG established the Kosovo Judicial and Prosecutorial Council (KJPC), which replaced the Advisory Judicial Commission that had ceased to function in December 2000. The KJPC was responsible for advising the SRSG on matters related to the appointment of judges, prosecutors and lay-judges, and hearing complaints and taking certain disciplinary action against any judge, prosecutor and lay-judge. The KJPC was composed of nine local and international members selected and appointed by the SRSG. The KJPC and its members would be independent and impartial in the exercise of their functions.

The KJPC would invite applications from legal professionals for service as judges, prosecutors and lay- judges; it would review such applications and make recommendations for appointment to the SRSG. The final authority for appointing and dismissing judges, prosecutors and lay-judges remained with the SRSG.

Complaints against a judge, a prosecutor or a lay-judge could be submitted to the KJPC only by the SRSG or by the Co-Heads of the Administrative Department of Justice. Disciplinary proceedings would be initiated by the KJPC upon the submission of such a complaint or upon a decision of the KJPC on its own to initiate such proceedings. Investigations would be conducted by a member of the KJPC or by the Judicial Inspection Unit, if so requested by the KJPC. Following investigations, the KJPC could make decisions with respect to reprimand, warning and temporary suspension, while decisions on removal from office or function were reserved for the SRSG. The first disciplinary hearings were conducted in late 2001 resulting in the formal reprimand of a judge and the removal from office of another.

The Judicial Inspection Unit, already mentioned above, was established in May 2001 as part of the Administrative Department of Justice. Apart from conducting disciplinary investigations, if so requested by the KJPC, the Judicial Inspection Unit was also responsible for analysing and evaluating the functioning of the courts and the public prosecutors' offices, analysing and evaluating specific judicial or prosecutorial activities and making recommendations on specific issues to the Co-Heads of the Administrative Department of Justice.

4.5 Kosovo Gets a Constitution, Sort Of - Establishing the Provisional Institutions of Self-Government

In May 2001, the SRSG promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (Constitutional Framework), which created the Provisional Institutions of Self-Government (PISG) consisting of the Assembly of Kosovo, the President of Kosovo, the Government, Courts and other bodies and institutions as established in the Constitutional Framework. The Administrative Departments, which were established under JIAS, were transformed into Ministries as part of the Government of Kosovo and headed by the Prime Minister. Without prejudice to the final legislative and executive authority of the SRSG under resolution 1244, the PISG were transferred certain responsibilities, including the preparation of legislation, though the final authority for promulgating regulations remained with the SRSG.

In the field of judicial affairs, the following responsibilities were transferred to the PISG:

- Making decisions regarding the appointment of judges and prosecutors
- Exercising responsibilities regarding the organization and proper functioning of the courts, within existing court structures
- The provision, development and maintenance of court and prosecutorial services;
- The provision of technical and financial requirements, support personnel and material resources to ensure the effective functioning of the judicial and prosecutorial systems;
- The training of judicial personnel in cooperation with the OSCE
- The appointment, training, disciplining and dismissing of members of judicial support staff;

- Cooperating with appropriate organizations in respect of independent monitoring of the judicial system and the correctional service;
- Providing information and statistics on the judicial system and the correctional service;

On the other hand, the following powers were reserved for the SRSG:

- Exercising final authority regarding the appointment, removal from office and disciplining of judges and prosecutors
- The assignment of international judges and prosecutors
- Exercising powers and responsibilities of an international nature in the legal field
- Exercising authority over law enforcement institutions and the correctional service.

Such division of duties shows that the recognition that law enforcement and justice required sustained international oversight was reflected in the Constitutional Framework, which kept the areas of justice and police under the sole purview of the SRSG. The responsibilities which were transferred to the PISG in the field of justice were vested in the Ministry of Public Services or more specifically in the Department for Justice Affairs (DJA). The Constitutional Framework defined the court system to be comprised of the Supreme Court, District Courts, Municipal Courts and Minor Offense Courts. There would also be the Office of the Public Prosecutor as well as offices of district and municipal prosecutors. Judges and Prosecutors would be appointed by the SRSG upon proposal by the Kosovo Judicial and Prosecutorial Council (KJPC) and endorsed by the Assembly of Kosovo. Also, decisions on the promotion, transfer and dismissal of judges and prosecutors would be taken by the SRSG based on recommendations of the KJPC or his own initiative.

An interesting novelty introduced by the Constitutional Framework was the Special Chamber of the Supreme Court on Constitutional Framework Matters. This Special Chamber resembled a Constitutional Court since it had jurisdiction to decide, under specific circumstances, whether a law adopted by the Assembly was compatible with the Constitutional Framework, disputes between the PISG on the extent of their rights and obligations under the Constitutional Framework; whether a decision of the PISG violated the independence and responsibilities of independent bodies; on the immunity of a member of the Assembly, the Government or the President of Kosovo.

However, this Special Chamber was never staffed and made operational, and thus remained a "court on paper" only.

Another Special Chamber, i.e. the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency Related Matters was established in June 2002 to adjudicate claims relating to the decisions or actions of the Kosovo Trust Agency and the related privatization process. The judges of this Special Chamber were appointed by the SRSG upon consultation with the President of the Supreme Court.

For the purpose of administering the reserved powers in the area of justice, the SRSG established the "Police and Justice Pillar", also known as "Pillar I", headed by a newly created position of a Deputy SRSG. The objectives of "Pillar I" were as follows:

- To consolidate a law and order structure that was responsive to peacekeeping and peace- building objectives and that would contribute to the promotion of the rule of law institutions in Kosovo
- To maintain effective international control and oversight over police and justice activities during the medium term, so that an effective

transition to future management by the Kosovo communities could be implemented

- To increase the short-term impact of law and order efforts through enhanced coordination of information and work
- To enable effective police and judicial response against destabilizing serious criminal activity in Kosovo and
- To establish an unbiased judicial process through initial international participation and reform of the judicial system.

The establishment of Pillar I was supported by increased legislative activities on part of UNMIK to combat serious crime, including terrorism and organized crime with international judges and prosecutors focusing on war crimes, ethnically motivated crimes, organized crime and other crimes that could threaten the peace process. It is interesting to note that less than two years following UNMIK's deployment and the establishment of an emergency judicial system, UNMIK was already reporting about a reform of the local judiciary to be coordinated by UNMIK's Department of Justice (UNSG, 2001), which seems to have inherited the "reserved" responsibilities of the former Administrative Department of Justice, including responsibility over the Judicial Inspection Unit. The Department of Justice also included a Judicial Integration Section to coordinate a minority recruitment strategy in the judiciary, a Legal Policy Unit as the focal point for policy-making and liaison with Kosovo-based agencies, and a Victim Advocacy and Assistance Unit to provide assistance to witnesses and victims throughout the judicial process.

4.6 Building the Legal Base

In parallel with efforts to establish the necessary structures to manage the rule of law system, in Kosovo, actions were being undertaken to strengthen the

body of legislation in force. Because Kosovo's final status remained undetermined, the selection of one penal code over another became part of continuing debate. The existing "Serbian" code had no legitimacy with Kosovo Albanians because it had been used as an instrument of brutal repression since 1989. This code also implied Kosovo's subjugation to Serbia and a reversal of Albanian aspiration for independence. The penal code that had been used when Kosovo enjoyed autonomous status before March 1989 was clearly the preference of local judges and prosecutors. Nevertheless, respect for FRY sovereignty was an overriding concern for the United Nations (Chesterman, 2002). Consequently, in July 1999 the SRSG issued Regulation Nr. 1, stipulating that the law applicable in Kosovo would comprise "all the laws applicable in the territory of Kosovo prior to 24 March 1999"[10].

To administer this body of law-considered odious by Kosovo Albanians-UNMIK decided to rely on recruitment of local judges and prosecutors. Because the vast majority of judges were Albanians' they simply refused to apply the existing pre-1999 law. Until UNMIK reversed itself in December 1999, criminal trials presided over by Kosovo Albanian judges actually applied the pre-1989 penal code (O'Neill, 2002). In addition to amounting to open defiance to UNMIK's authority, the fundamental legality of these rulings was in doubt.

"Each judge was using his own understanding of the applicable law. While we understood the basic argument of UNMIK, for us it was unacceptable to work according to Serbian law. At the end of the day, if we wanted to work under Serbian rules we wouldn't stay out of institutions for ten years"[11].

[10] UNMIK Regulation 1999/1

[11] Interview with a judge in Gjakova Court, December 2012.

One remedy proposed by UNMIK staff and endorsed by lawyers was to use UNMIK's regulatory authority to establish a temporary code covering the most serious violent crimes until the overall legal framework could be revised. At this point disagreement came about between UN Legal Office in New York and UNMIK legal office leading to unwillingness to act until the issue reached the crisis stage[12], in December 1999, when Regulation 1999/24 was adopted, reverting to the law in force in March 1989 when Kosovo enjoyed autonomy.

Although this was essential to end the judicial stalemate, there was a price to pay. As a result of this decision, there was great uncertainty as to what the pre-1989 laws actually were. Months would pass before the penal code and other vital codes could be translated into English so that UNMIK police could be trained on the law they were expected to enforce and UNMIK legal staff could work with them. Instead of promoting a peaceful resolution of disputes, the UNs initial strategic choice about the applicable law had created an obstacle that took almost a year to overcome (Hartz and Williamson, 2005).

Hence, as of December 1999, the applicable law in Kosovo was comprised by:

- UNMIK regulations, including the Constitutional Framework of 2001 which established the Provisional Institutions of Self-Government (PISG) and incorporates several international human rights instruments, and subsidiary UNMIK instruments;
- Kosovo Assembly laws, as entered into force by UNMIK;
- The law in force in Kosovo on March 24, 1989, the last day on which Kosovo held autonomous status within the former Yugoslavia; and

[12] Interview with the Deputy SRSG, July 2015.

- Law promulgated in Kosovo after March 24, 1989 and before June 1999, insofar as it addresses a subject matter or situation not covered by the prior law, the UNMIK law, or PISG law, and it is non-discriminatory.

But how did all this work in practice? One of the best illustrations is provided by an international (American) prosecutor interviewed[13] for the purpose of this thesis.

"[..] I can remember trialing one of my first cases in the District Court of Peja. I had a Swedish judge and under the rules at the time the prosecution called out the defendant to present evidence, which is unheard off in the American system. I called him and I started asking him questions as if he was a hostile witness, what is called leading questions. The judge says you can't ask him leading questions. I had this argument with the judge since he had a totally different approach. In fact, it was rather a philosophical discussion than an argument. At the end, we agreed that I just ask him to tell his story."

All these issues contributed to viewing the situation in Kosovo judiciary post 1999 as one big "organized chaos"[14].

4.7 Physical Infrastructure and Budgets

Kosovo's courts were in poor condition following the departure of the Serbian authorities. Developments in administration and maintenance of the courts have proceeded. A US inter-agency report from April 2000 summarized the problem succinctly: According to Kosovo Judicial Assessment Mission Report "Many courthouse buildings were damaged and required immediate repairs. Almost all courthouses lacked heat, electricity, telephone service, water, furniture and the most basic equipment, from typewriters and law books, to

[13] Interview with the former Head of DoJ, August 2015

[14] Ibid.

pens and papers. A number of courthouses were quickly occupied by international organizations, making it impossible for judges to begin their work" (p. 11). In addition, the courts lacked stamps, vehicles, drivers or any kinds of effective transportation service with which to deliver documents or summons.

In the initial phases of the Emergency Courts, problems in infrastructure prevented the effective functioning of the system: the nascent judiciary organization within UNMIK had no resources with which to provide essential equipment. For example, in Prizren, the Regional Administration helped to finance emergency purchases by the District Court of necessary documents that would enable it to begin working[15]. It was more difficult to begin operations with staff and equipment, for which there was no money from the budget. The initial consolidated Kosovo budget was only written in autumn 1999, long after it was necessary to begin working. From the beginning of 2000 when a variety of national governments began to address the problem directly and the UN officials reported that the rehabilitation of judicial infrastructure has largely been accomplished by the first half of 2001.

Two groups of issues remain unresolved. In matters directly affecting the physical functioning of the courts, Kosovar judges complained about insufficient transport and assistance to deliver the summons and other documents. International officials report[16] that the absence of forensic capacity in Kosovo means delays in processing evidence in a modern forensics laboratory in Bulgaria. They also reported the absence of a police force

[15] Interview with the former Chief Judge of the Prizren Court, January 2013

[16] Interview with the former Head of DoJ, August 2015

dedicated to protecting the courts – although UNMIK officials had already begun planning for such a court police.

The second package of issues goes to the heart of the dual system of justice and concerns the dignity of the judges. Kosovar judges felt[17] that they work under difficult conditions. They were dissatisfied with their pay – at a monthly rate of 600 Deutche Marks (DM) for a judge; 390 for administrative staff; 330 for beginners; 180 for secretaries. Some international officials reported (Baskin, 2002) that the pay was roughly equivalent to that in other eastern Balkan countries. One local judge[18] said that everyone wanted to be a judge in the beginning in order to contribute to the re-establishment of order. No one thought of salary. However, some judges have already left the judiciary with good reputations and few regrets to find success in private practice. The judges add that that they lack social insurance, real physical security, guarantee of future employment and genuine voice in how the courts are run. They profess material and physical insecurity when they compare themselves to their international colleagues. Some international officials insist that the standard of comparison should be with other Kosovars and not with international officials. All Kosovar judges, prosecutors and lawyers (as well as some international officials) maintained that low salaries provided fertile ground for judicial malfeasance and corruption.

4.8 Concluding Remarks

The question of state building is commonly addressed in relation to peacebuilding activities of international actors in war-torn contexts. Examples

[17] A common theme across all interviews with local judges.

[18] Interview with the former Chief Judge of the Prizren Court, January 2013

of Iraq and Afghanistan allow for plenty lessons-learned related to challenges in bringing peace and stability to the post-conflict situation.

The case of Kosovo, on the other hand, does show a complicated picture of striking a hard-balance between maintaining peace and establishing working institutions. The development outlined in this chapter sheds light especially on the complex nature of newly created institutions, which are built on a foundation of organizational, legal and historical practices being manifested through the actors involved in the peacebuilding process.

Main points could be summarized as follows:

From 1999 to 2001 Kosovo operated under the full power of the SRSG. The SRSG was the sole authority to propose, approve and implement our laws, rules and regulations in Kosovo. This provided an unprecedented power to a person or position not democratically elected.

The early focus on establishing rule of law, including legislation and structures has been driven by the need to restore peace and order much more than the thought to build a modern rule of law apparatus mirroring a functioning democratic state.

Once local institutions started coming to life, real power in the rule of law sector remained with internationally appointed judges and prosecutors. This had to do both with the lack of capacity among locals, but also with the legal framework governing the functioning of Kosovo.

The involvement of many international actors created an environment of legal ambiguity extending the poor operation of rule of law institutions. As the insights from the case show, many of these practices became institutionalized in the newly build rule of law structures.

Besides the official roles played by international actors mandated by UN, throughout the case we could observe an important role reserved for actors

linked to international NGO's, donor organizations and other non-state actors which through their actions framed the organizations, laws, rules and procedures being established in Kosovo.

Declaration of independence by Kosovo authorities only minimized the impact of international actors. The role of international state and non-state actors, as we could see from the case, continued to be significant even post-independence.

The following chapter will expand on the specifics of the case related to CMIS conception, implementation and the whole life-cycle.

Chapter 5
Beyond Laws and Structures: Introducing Technology to Kosovo Courts

> Institutions are the giant redwood of civic life.
>
> They outlive everything around them: individuals, fashions, corporations, and technologies.
>
> Steven Johnson in "Future Perfect: The case for progress in a networked age" (2012)

This chapter provides an in-depth longitudinal account of conception and deployment of the Case Management Information System (CMIS) in the judiciary in Kosovo. Judiciary, as presented in the previous chapter, is the corner stone of any modern state. Thus, the process of CMIS implementation in a post-conflict and state-building situation involves a myriad of actors and processes that repeatedly cross each other's path on the way to achieving their interests and building a specific type of institutions. To capture this, the chapter is organized as follows: first, we will look at the conception of the CMIS followed by detailed description of its functionality. Then, we will follow project implementation through different phases of the development of the country: early protectorate, standards before status, final devolution of power

from UNMIK to local authorities and final independence. This chapter wraps-up discussing the current state of CMIS in Kosovo.

5.1 How Did We Come To Here?

Following the initial chaos created with the deployment of the military and civilian administration, the situation in Kosovo started improving in terms of civil institutions, laws and organization. However, when it came to implementation of these rules and institutions, that is where the real challenge to the consolidation of the rule of law remained, particularly with the recruitment of a sufficient number of judges and operation of court administration (Baskin, 2002). This contributed to judges being overburdened by the number of cases to preside over, which in turn reflected in the growing number of cases starting to form a case backlog in Kosovo courts. These were not only cases to be trialed, but also cases that upon trial completion had to be executed.

Seeing the increased burden on the courts, a number of international organizations brought in consultants to investigate what can be done to increase the efficiency of court operation but also to add some transparency and accountability to justice system operations since a majority of judges and other workers came from the old system. Moreover, considering the recent historical events, justice institutions lacked trust by overall population and increasing this trust had been one of the earliest tasks of UNMIK administration.

As a widely accepted norm, automation was seen as an essential element for the administration of modern courts, contributing to the greater efficiency of court operations, increased capabilities, uniformity of justice, and enhanced transparency and accountability in judicial processes (NCSC, 2002).

From the early days of the international administration, efforts have been made to provide ICT equipment and know how to courts and other judiciary institutions in Kosovo. In mid-2000, United States Agency for International Development (USAID) provided each Kosovo court with an initial complement of personal computers and UPS with Microsoft (MS) Windows operating systems and MS Office application suite (Word-word processing, Excel-spreadsheet, Access-database, and PowerPoint-presentation applications). A considerable number of training sessions were provided in basic computer operations, in Word and Excel to both judges and prosecutors and administrative staff working in courts and prosecution offices (US Department of State, 2000).

To complement these efforts, the European Agency for Reconstruction (EAR) working with Finland's Ministry of Foreign Affairs explored options to provide assistance to Kosovo in automation of courts and court processes. In early 2001, technical consultants from the Finnish Ministry of Justice visited Kosovo to perform a needs and capabilities assessment. Following their visit, they proposed three "court modernization" projects.

The first project proposed by the consultants was the development of a modern case tracking and management system for use by courts and prosecutors' offices. The objective of this project was to install an automated Case Management Information System (CMIS) in one or more courts in Kosovo. The project was designed to focus on Criminal Investigation and Criminal Adjudication due to the urgency of solving criminal cases that started overburdening the court system following the conflict. To the degree possible, the design was intended to be general enough to be extended to other case types in the future. For purposes of definition, the proposed CMIS was supposed to be "…kept as simple as possible with the (principal) aim to replace

the existing paper register books." (Hekkila, 2001). At this time, it was envisaged that a possible CMIS solution would contain the following features:

- Upon case filing: recording basic case information (e.g. party name(s), type of case, allegation or charge)
- Creating a (basic) record of actions: recording data pertaining to major case-processing events or milestones (e.g. assignment of a case to a judge, setting the date of hearing/proceeding, decision rendered, appeal status, eligibility for archiving)
- Upon case "completion", recording basic disposition information (e.g. verdict, penalty imposed)
- Report generation: printing "registers" or case indexes as needed.
- Providing data required for basic descriptive statistics (e.g. count of cases filed per month, count of cases at a given milestone as of a selected date, etc.)

As it can be seen by the description of features, the CMIS would replace the existing protocol books in place, which were required by the old law[19] in force since 1978, and would start enhancing the court administration in the direction of full automation of case management and the creation of e-courts in Kosovo.

While this all looked nice on paper, due to the specific context in which Kosovo was at this time starting from infant public administration, completely destroyed infrastructure, even lack of continuous power supply, it was not feasible that a system like this would be developed using internal organizational or country capacities. Even the more experienced workers in administration lacked advanced ICT skills and couldn't cope with the development and maintenance of such a system. From the outset, it was clear

[19] Kosovo Law on Regular Courts "Official Gazette of APK" no. 21/78 and 49/79

that there is no expertise or experience in either DJA or the courts in managing, developing or maintaining automated systems. Furthermore, it soon became clear that the project is not only about CMIS but also much more than that. In the words of one of the Finnish consultants working on the project "…the question is not only about application development, but about establishing the whole IT infrastructure." (Hekkila, 2001).

> *"At this point we suggested that maybe a readymade solution could be brought from Finland. This would make everyone's life easier, and we could start with the piloting much faster. In any case EAR was pressuring us, that if we don't spend the money it would need to be reallocated to some other project."*[20]

To speed up the process international organizations, through consultants, would support the project and the primary responsibility for its deployment and oversight would fall on Department for Judicial Administration, which even though was operating under the Ministry of Public Services, was staffed with international and local employees overseen by a UNMIK administrator. The primary user of the outputs of CMIS would, however, be courts and prosecutor offices in Kosovo, which were being administered by UNMIK's Department of Justice.

Since there were a number of donors active in this area, the issue at that time was which organization would support the development of the CMIS. EAR proposed to finance the pilot phase of the project up to a maximum amount of € 152,284 and estimated to complete the project in no longer than twelve months[21].

[20] Interview with UNMIK Official, April 2011.

[21] Contract between UNMIK and EAR to finance the pilot phase of CMIS dated 2003

Besides questions of capacity, expertise and funding and in addition to already formidable risks due to incomplete definition and complex governance requirements, CMIS required the completion of pre-requisite projects: First was the successful installation and maintenance of a LAN infrastructure on which to run case management (installation of a LAN at Prishtina district court was the second project proposed by Finish consultants and implemented through EAR funding). Second was the development of an electronic "table of laws", effectively a summary version of the statute law component of the Computer Assisted Legal Research/LEX project which was the third and final project proposed by Finish consultants and funded by EAR.

Taking into consideration the context we can clearly say that the development of a Case Management Information system was the costliest, least well defined and yet most ambitious of the court projects implemented by EAR. It was costly because of the high degree of uncertainty about functional requirements and the lack of a centralized administrative organization to establish requirements with confidence and authority, as well as the inherent overhead and risks associated with software deployment[22]. Over 90% of the estimated project budgets were allocated software package purchase and to personnel services required for software deployment and 10% for more easily estimated server and purchased hardware and software licensing costs.

Notwithstanding the circumstances, UNMIK together with EAR and the Government of Finland decided to go ahead and implement a CMIS application. Considering the resource limitations, they contracted a local company to support the deployment of the software and decided to initially pilot the application in the District Court and Prosecutors Office of Prishtina.

[22] Interview with a UNMIK Official, April 2011.

Should the CMIS prove successful at the pilot site, it would continue to be further deployed to other courts and prosecutor offices in Kosovo.

5.2 Introducing the Case Management Information System (CMIS)

"When we started deploying CMIS, there were no official technical requirements, people in the courts were not very knowledgeable and interested in disrupting their work practices and on top of all this the infrastructure in courts and prosecutor offices were terrible. Basically, we were on our own"[23]. This is how one of project managers of CMIS describes the beginning of the implementation of CMIS in 2003.

Technically the system was based on a client-server platform with Microsoft SQL server serving as the database server and the user interface running on Borland Delphi. This meant that a court or prosecutors office had a database server connected to front-end user interfaces at the Registration Office where the cases where accepted, Court Administrator and each Judge. It is important to mention at this point that even though the application was being used in both District Court and Prosecutors office, the two institutions were being treated separately[24] i.e. there was a central database in each of the institutions and there were no links between institutions that would provide for full automation of the process from the start of the case at the prosecutor's office to the trial of the case at the court.

Functionally the CMIS covered the whole case process within a court or prosecutors' office. In particular, the newly deployed CMIS covered the following functions:

[23] Interview with CMIS project manager, April 2012.

[24] ibid

Case registration functionality offered usual features enabling the court administration to keep a complete case related correspondence in an electronic format. This includes registration of cases on acceptance, real-time registration during court sessions, but also enabled document creation within CMIS and all this had to be done through the user interface on CMIS thus making the process transparent. Furthermore, this module enabled automatic registry update during case processing and registration of external documentation and case facts directly into CMIS removing the need for many parallel systems or protocol books to be held to keep track of case proceedings.

Besides registering new cases and keeping a digital repository the CMIS included functionalities that covered all aspects of **horizontal and vertical case flow** (even though the horizontal features were not in use). The CMIS could also provide a history of case flow and give a precise status and location of the case at any time. The features were seen as very important in relation to dealing with the backlog of cases being created, but also with the effort to keep judges and prosecutors accountable for their work and address the growing issue of corruption.

Besides the functionalities directly related to the case, the CMIS developers added a number of features that would enable better **management of court sessions** as well as more transparency in regards to wider public. For example, the CMIS enabled a specific court or prosecution office to publish a public calendar of sessions. Furthermore, CMIS could be used to manage the reservation of the courtrooms, session appointments but also to make a list of invited persons included in the session and to even automatically summon such persons (by e-mail). To complement these features CMIS could create alarms and notifications for new case arrivals as well as case deadlines and session appointments.

CMIS also included a number of systemic functionalities ordering the justice sector even further. An example of this is the central registration of nomenclatures. Since there were no Kosovar judges in the justice system for more than ten years, it was hard to order the nomenclature being used between courts. This proved to be a particular difficulty since with the addition of international judges they had really hard time to understand what each judge meant in their verdicts and proceedings. Furthermore, the CMIS included features to provide for the creation of reports and statistics about the functioning of each court or prosecution office, but also the ability to create a central warehouse to be used by policymakers for the whole justice sector.

Finally, once fully implemented, CMIS enabled an easier circulation of persons in the justice system of Kosovo by keeping and providing a full condemnation history for each person and enabling easy access to this information to everybody in the justice system of Kosovo. This was a very important feature since, "in those early days it was very easy for someone to be convicted by the District Court in Peja and come to Prishtina and get a certificate that they have never been tried of convicted"[25].

These basic features were covering the part outlined by the Finnish consultants at the beginning, but since there were no official and detailed technical requirements outlined by court or DJA or DOJ officials, the CMIS contained other features enabled by modern technologies and being used in the original deployment of the CMIS package in Finland. A typical example can be found in the assignment of cases to judges. According to previous practice and regulations all accepted cases would be handed over the chief judge and he would assign the cases to specific judges. However, when the CMIS was implemented, since all the cases were registered at registration office, case

[25] Interview with a judge of the Prishtina District Court, June 2012.

assignment became automatic. Thus, in CMIS the moment the case was accepted by the registration office the assignment to a specific judge happens automatically[26].

5.3 CMIS Case Flow Description

Processing and management of court cases is very complex and comprises different business processes.

Each of these business processes manipulates with the recording of information related with the case, files that arrive–related to case and parties involved in cases. During processing of case, many of functions are related with creation of documents - act for that processes (judgments, minutes, requests, letters etc.).

Many of business processes in the court has requirements for communication with parties involved in the case or external parties (Prosecution, Police, Expertise institution etc.). This communication is accomplished with letters, requests or invitation lists.

During processing of a case, the court receives a lot of files related with that case. These files can be part of the initial act (submission) or some letters (answer from institution from which was requested opinion for some case). Every one of these files must be recorded in the book for files for that case.

During the whole case flow process, case is delivered between judges, court clerks, departments in the court and some external institutions. Every one of these deliveries is recorded in the delivery book for the case.

Cases in the court are managed by the judge and different types of clerks which are co-operators to judges. All functions for the case are performed by approval of judge for the case.

---

[26] CMIS Project Manager, April 2012.

There are different types of clerks:

- Registry clerk – registers cases that arrive in court into registry books
- Assistant - counselor - executes some of the functions in business processes for the case which are in the duty of the judge.
- Typist - types documents for the cases (that are created by the judge)
- Registry Clerk - performs some administrative tasks related to case approved by judge
- Delivery clerk - delivers letters, summons for the case to external parties

The following diagram shows basic case flow process that happens in court during case processing. With actions in case flow process are described business processes for the case.

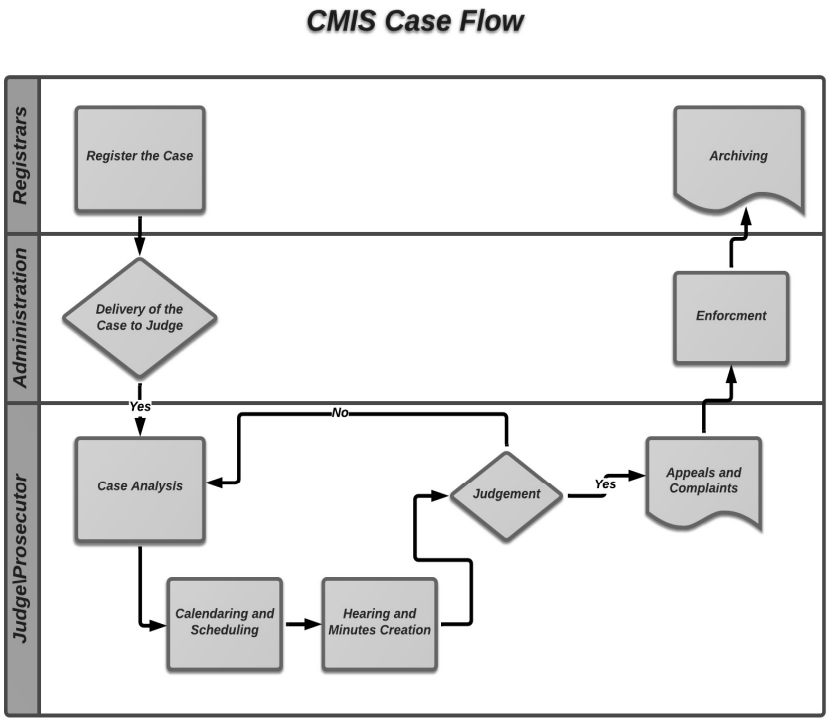


Fig. 6. CMIS Case Flow (constructed by author)

Actions in case flow process are:

REGISTERING CASE - during this activity registry clerk records new case in registry book, assigns court number for that case, records files related to that case and parties involved in that case.

DELIVERY OF CASE TO JUDGE - registry room delivers case to the judge to whom that case is assigned.

CASE ANALYSIS - during case analysis judge makes conclusions and decisions related to case: authorization for the case and acceptance of the case. In case when court is not authorized for that case, judge makes resolution document

CALENDARING AND SCHEDULING - with this activity judge schedules sessions for the case with invitation of parties for that session and all these schedules are listed in scheduler book

HEARINGS AND MINUTES ENTRIES - this activity represents process of hearings (sessions) for the case performed by the judge and writing of minutes for that session performed by typist and approved by the judge

JUDGMENT AND RESOLUTIONS – with this activity judge makes judgment and resolutions for the case. Typist types judgment and resolutions.

APPEALS AND COMPLAINS – clerk records appeals that have arrived in court for existing cases. These appeals are delivered to subordinate court and after finishing of the process in the subordinate court, clerk records judgments from subordinate court.

EXTRAORDINARY LEGAL REMEDY - with this activity clerks makes a recording of extraordinary remedy remedies, delivers extraordinary remedies to third instance procedure court and recording of judgment for extraordinary remedies.

IRREVOCABILITY - judge proclaims irrevocability for the case

ENFORCEMENT - judge proclaims enforcement for the case

ARCHIVING - case is archived with defined period for saving.

Case Flow process depends on procedure level. There are three possible levels for cases:

First instance procedure - Municipal courts and District courts

Second instance procedure - District courts and Supreme Court of Kosovo

Third instance procedure - Supreme Court of Kosovo

All cases are submitted as first instance procedure cases. This is basic procedure for recording of cases

After the appealing process for first instance procedure cases, they are sent to second instance procedure. This means, appeals (complaints) made for first instance procedure cases are basis for cases in second instance procedure.
Extraordinary legal remedies that arrive in first instance procedure are sent to third instance procedure courts (third instance procedure) - extraordinary legal remedies are basis for cases in third instance procedure.

5.4 Beyond Technology

Kosovo's civil law-based judicial system received two key inheritances from the Federal Republic of Yugoslavia (the FRY): its legal framework and the legacy of the discriminatory policies of the 1990s.
Until 1989, the applicable criminal law was the Kosovo Criminal Code and the FRY Criminal Procedure Code of 1977. This system gave a strong investigative role to the judiciary through the position of the investigative judge. An investigative judge uses the prosecutor's indictment to conduct investigation against the suspect. The investigative judge decides if the accused should be arrested and should be held in custody for 30 days before being formally charged, and gathers the evidence including witness statements and forensic evidence etc. against the suspect before the court case.
The role of the police was limited to fighting rather than investigating crime, and statements received by the police were therefore not admissible in court.
This was not the case in the CMIS. Coming from a modern continental tradition of law such is Finland, there was a clear separation of roles between Police, Prosecution and Courts. Related to the issue of investigation, it is fully taken care of by the police and the position of the investigative judge is not existent in the CMIS.

Issues like this caused continuous troubles during the implementation phase, as judges and prosecutors had to get used to a different style of working.

5.5 Pilot and beyond: Project Implementation

Despite the difficulties, the company deployed the first version of the CMIS and installed it in the District Court and Prosecutorial Office of Prishtina. At this stage, as required, the usage of CMIS was covering only criminal cases, however the system was designed in such a way that it could cover all other types of court cases.

Following the installation of the system, the company undertook a wide initiative to train judges, prosecutors and other staff at these two pilot institutions. Considering the composition of staffing, this was no easy task. Majority of them had little or no previous experience in using computers and a huge number were at an age where learning new skills is not very easy. Furthermore, most of them were not interested in the new system and were not showing any enthusiasm in adopting their work practices to the new system.

These circumstances led to a situation where CMIS was implemented but only partly used. Majority of court administrators were quite eager to register new cases as they came, however judges only selectively used the CMIS to further manage and trial the cases within the court. Situation was a nuance better in the prosecutorial offices, but even there it couldn't be said that CMIS was fully operational.

"We were overburdened with cases; our life was threatened on the street and here they were trying to make us play with computers. Not only that but even our long-standing procedures were being changed. Because of these computers some of us couldn't do our jobs anymore"[27].

[27] Interview with a Judge in Prishtina District Court, June 2012.

Independently from the situation in the courts, EAR and UNMIK decided that the piloting phase was a "full success"[28] and that the CMIS should be fully implemented in all institutions of the justice system in Kosovo i.e. all district courts, municipal courts, economic court and the Supreme Court as well as all prosecutorial offices in Kosovo, a total of 56 courts and 5 prosecutorial offices. To be able to achieve this, EAR pledged two hundred fifty thousand euros for a period of one year.

However, the situation was not that simple as at the beginning of the piloting phase. As the whole CMIS development and implementation took some time, the USAID funded NCSC project to support the judiciary in Kosovo started proposing an interim CMIS[29]. In their words "…while we were waiting for CMIS to be fully functional, we were getting nowhere with information on cases, there were no statistics to help us in increasing with efficiency of court management, thus we thought we could develop an interim IT solution to bridge the gap between paper books and fully functional CMIS…"[30]. In practice, the idea of the interim CMIS was to develop a solution that would just replace the paper books and nothing more.

However, such an idea did not find many supporters among other donor organizations. The EAR and UNMIK having invested time and money in deploying the Finland solution of CMIS, were furious at the idea that some other donor organization (USAID) would take the stage and come with another solution. Their disagreement went that far that EAR requested from European

[28] Contract between UNMIK and EAR for second phase of CMIS, 2003

[29] Interview with one of the Project Managers at NCSC, November 2012.

[30] Interview with Project Manager nr. 2 at NCSC, March 2013 and Interview with USAID seconded advisor to UNMIK, May 2013.

Commission in Brussels to use its diplomatic channels and talk to USAID in D.C to resolve the issue of CMIS. As a consequence of this, NCSC fully stopped its involvement in the CMIS project and also fired the consultant that was advising the DJA on issues of court management. [31]

Independently of the developments on the ground, EAR and UNMIK contracted the local company to roll out the CMIS to all the courts and prosecutorial offices in Kosovo. While this was a plan from the very beginning, it was always conditioned on the full success of the piloting phase. In this case, however, there was no report produced on lessons learned from the pilot phase, there was not even a superficial assessment done, only a statement was issued saying that "…pilot phase has reached its goals and based on that CMIS will be rolled out to all other institutions"[32].

Pilot phase of the project was very challenging, however rolling out to the whole of Kosovo proved to be the real challenge. Not only were implementers not ready for a project of such scope, it was the justice sector that was even less prepared.

"In many municipal courts, they didn't have proper desks and working spaces and let alone computers and network. Often when we went to install CMIS they would ask us: can you please fix our roof first". [33]

Even when the local company would be ready to install the system, in a number of places the pre-requisite projects of hardware and software installation would not have been done, making it impossible for the CMIS to become operational[34].

---

[31] ibid

[32] Contract between UNMIK and EAR for the financing of the second phase, 2013.

[33] Interview with UNMIK Official working at DJA, June 2012.

[34] Interview with CMIS Project Manager at ProNet, April 2012.

Due to all these problems and issues at the beginning of 2004, the CMIS was installed in most of justice institutions in Kosovo, however it was being used in different degrees across these institutions. Some institutions made full use of the system, some partial while some of them continued fully with the old system of paper books and manual case registration. This had an effect not only of the transparency and accountability of court operations, but also on installing a parallelism in the justice sector. Workers were left to choose which system to use or use both, manual and automatic. This resulted in a real confusion where in some courts it was impossible to know which takes precedence the books or CMIS[35].

At this stage, even three years after initially talking about CMIS and its promise to address the burden of cases in courts of Kosovo and to provide for efficiency of court management, Kosovo courts were still overburdened by the number of cases while the CMIS instead of addressing their problems was adding new duties to judges and prosecutors thus shaping their day to day work[36]. In the meantime, the whole justice sector and country were heading for some serious changes.

5.6 Standards for Kosovo

In April 2002, the SRSG announced the beginning of a "Standards before Status" approach, which was accepted by the PISG. This approach was taken in response to UNMIK's obligation under resolution 1244 to design a process to determine Kosovo's future status. The idea was that no status issues would be addressed until Kosovo's society and institutions show that they are able to

[35] See 11.

[36] ibid.

advance towards a fair and just society meeting minimum preconditions that mirror those that are required for integration into Europe. UNMIK developed benchmarks and a set of progress indicators, while the PISG incorporated the benchmarks into its government program and created a mechanism to track progress, including specific action plans. One of the benchmarks was "rule of law" with "building local law enforcement and judicial capacity" as a sub-component of it. This policy was supplemented in November 2003 by the announcement by the SRSG of a mechanism to review the progress of the PISG towards meeting the benchmarks in the "standards-before-status" policy. In December 2003, the SRSG also launched the "Standards for Kosovo" document (UNMIK, 2003), which elaborated on the original standard paper and set out in detail the standards that Kosovo had to reach.

During this process, one of the key priorities of UNMIK was to increase the number of judges and prosecutors. By the end of 2001, the justice system was staffed with 325 local judges, 51 prosecutors, 617 lay-judges, 8 international judges, 6 international prosecutors and around 1000 operational support staff. By the end of 2002, there were 373 judges and prosecutors, 12 international prosecutors and 12 international judges serving in Kosovo's justice system. At the end of 2003, there were 316 judges, 53 prosecutors, 14 international judges, 12 international prosecutors and more than 1300 support staff engaged in the justice system. Local judges and prosecutors were dealing with 100% of the civil cases and around 97% of the criminal cases, the remainder being dealt with by international judges and prosecutors (UNSG, 2003).

A key element of the standards document was addressing the issue of backlog in the civil court cases in Kosovo. The document clearly presents that "…gradually reducing the backlog of cases…" is one of the priorities of the

international administration and in so being of local administration as well (UNMIK, 2003).

More specifically in the action plan developed to make the standards document more actionable, the priority of reducing the backlog of cases is addressed by "fully implementing the court management information system in all courts and prosecutorial offices in Kosovo" (UNMIK, 2004).

Starting with the Standards for Kosovo the implementation of CMIS became the daily job of every employee in both UNMIK and PISG. "Even though I had applied to be a logistics officer, my job ended up being making sure that CMIS is implemented and used in Kosovo courts, because that way we could fulfil standards." [37]

5.7 New Masters – Old Story

While the country continued to go through political and institutional turmoil the CMIS continued to be used and maintained in its normal pace i.e. some institutions used it and some didn't, but the local company continued to maintain it and it continued to be seen as an important tool for justice sector reform and efficiency increase (Shapiro, 2008). However, the creation of Ministry of Justice and Kosovo Judicial Council (KJC) would have an important impact on the CMIS in a variety of forms.

First of all, the split of these two institutions fortified the way the CMIS has been implemented up to this point. As it was mentioned before, the CMIS was operating independently in prosecutor offices and in courts and there was no linkage between the systems. "Even though we have always thought about linking these two parts of the system, we had so many problems with the system usage that we never came around that. Moreover, nobody asked us

[37] Ibid.

to"[38]. With MoJ taking over the responsibility over the prosecutorial issues in the country and with KJC being left with the supervision of courts, the situation in CMIS became the de facto situation of the institutional organization.

Second issue came about with the creation of the KJC and their assuming the responsibility of the administrative processes in courts of Kosovo. This by default meant that they would have an IT Department in charge of the technology part of administration. But, Ministry of Justice having had just some competences transferred from UNMIK claimed that the IT department should be the responsibility of the Ministry and not KJC. After months of back and forth and with insistence from internationals[39] the MoJ and KJC reached an agreement based on with the IT Department will be the responsibility of KJC but they will provide limited support to prosecutors' offices to ensure their basic technical operation.

While the institutional changes were ongoing, the CMIS project was continuing in practice. ProNet was in the midst of the implementation of phase two of the project, during which besides rolling-out the CMIS to all justice institutions, they embarked on a whole workflow analysis of the in the justice sector of Kosovo. The necessity for this was seen from the outset of the development of the CMIS, however there was never enough time[40]. During this process, the local company interviewed personnel starting from administrators, judges, prosecutors and assistants across court system in Kosovo and produced a document that outlines the workflow of each type of case and procedure that can happen in the justice sector. The finding of this document made it clear that

[38] See 12.

[39] Interview with KJC Director

[40] See 12.

there is an apparent mismatch between the procedures outlined in old laws and the procedures used in CMIS[41]. Moreover, this analysis coincided with the work being done by UNMIK and PISG institutions on the Provisional Code of Criminal Procedure that was being prepared for adoption in 2006, since as stated before Kosovo was still using the old laws enacted in 1979 and in force until 1989. To prepare this new code of criminal procedure a wide arching working group was established with participation from all institutions local and international including CMIS project managers. From the outset, it was clear that CMIS was much more advanced. Thus, CMIS contributed in a great scale to new procedures and organizational adjustments in the new Code of Criminal Procedure. Naturally, some minimal adjustments had to be made to the CMIS, but these were only minimal. Moreover, some features and changes required by the new code would be decentralized and allow to be implemented in the system by court administrators themselves.

During this period local company, with instructions from KJC who assumed the ownership over the CMIS software, used this opportunity not only to fine-tune functionality but to also upgrade software platforms being used. During this change CMIS went from being a client server system to a three-tier-system, the database was upgraded to MS SQL 2005 from MS SQL 2000 and an application layer was added. At the same time the front end moved to a web interface. In practice, this meant quite a substantial change to how the CMIS has been working previously. While in the first and second phases each of courts had an individual server, in the third phase, in this phase a data center was created that served as a central point for all case data for all courts in Kosovo. It was here at this central point that a common reporting function was created and offered for

[41] Ibid.

access through web interfaces. To support these functionalities a network connecting the municipal courts and municipal prosecutor offices was set up mainly using the network already in existence from Kosovo Police.

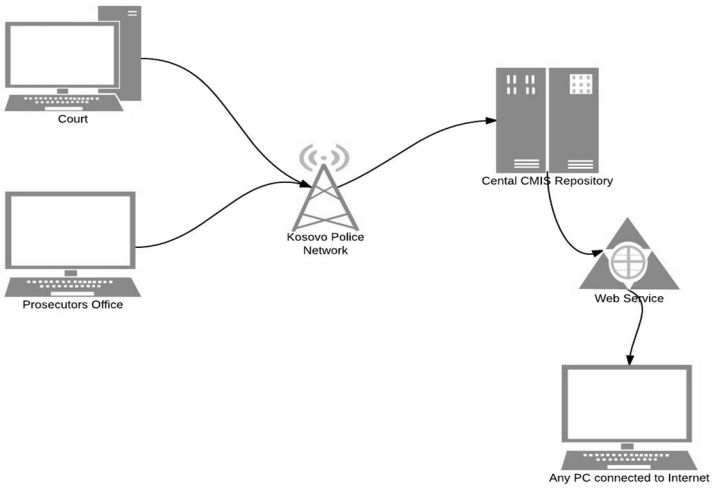


Fig. 7. CMIS Network Infrastructure (constructed by author)

In terms of functionality, beyond the operations possible to be performed by CMIS already the company used the technological advancements to add features of video storage for trials screening, to unify the terminology used in all justice institutions, to add an automatic reporting module and to enable live tracing of case status and person in charge. All these features were supposed to further enhance the efficiency of court operations and the transparency and accountability of trial processes[42].

Following the deployment, training was organized for the court personnel in practical skills of using the software. In 2006, already 178 participants have been attending the courses. An estimated number of 1000 members of the administration of judiciary (EAR, 2006) were trained until the end of the project.

[42] Ibid.

However, independent from many efforts the CMIS usage by courts and prosecutor office in Kosovo wasn't picking up. As these changes were happening only the Gjilan Municipal Court and Prosecutors Office were making full use of CMIS. In the rest of courts, the cases were registered by administrators but the system wasn't used by all judges to manage the trial process.

As it usually happens in situations like this, the donors jump to help local institutions. European Agency for Reconstruction (EAR) in addition to already directly funding the CMIS project, initiated another project aimed at the broader justice sector called "Support to Justice". The objective of this project was to support the establishment of the Ministry of Justice and other institutions of the justice sector including KJC. It was also meant to provide strategic advice and support to the new Ministry of Justice and other institutions in the justice sector to effectively execute their responsibilities in the areas of justice that have been transferred from UNMIK to PISG. On top of these activities, the project was intended to provide training and capacity building to staff in the justice sector. Majority of this training ended up being CMIS related training and efforts.

At the same time, while EU was setting up a new project the USAID through its contractor NCSC had already approved its 2004-2008 country strategy and has been heavily engaged with the justice sector for a while now. NCSC was involved on both political and technical levels in providing assistance for the creation of the KJC. NCSC assisted particularly in the procedure of recommendations of future KJC candidates by the Assembly, preparation of rules of procedures for meetings and committees and briefing papers to the KJC.

In the first quarter of 2006 NCSC had designated a staff attorney as an advisor to the Minister of Justice, coupled the head of the Legal Drafting Division as an advisor and placed two further advisors to the Minister. NCSC finally provided direct technical assistance to the MoJ including the preparation of guidelines agreed to between Pillar I and the MoJ on the administration of the MoJ budget; recommendations of a recruitment plan completed prior to UNMIK interim review; and support to the MoJ support staff on the organization of the front office.

The NCSC Senior Information Technology Advisor working part-time for the MoJ liaised with MoJ and MPS information technology staff and started to provide connectivity services to all MoJ facilities in Pristina.

This also brought back the discussion of an Interim Case Tracking System which NCSC re-proposed in the first quarter of 2006 to justice sector officials in the civil execution pilot courts, DoJ and the KJC Secretariat the possibility of installing its own already developed software and making it available for the courts for case tracking of civil execution cases.

Independent of all the support provided, the judges and prosecutors were still struggling with the usage of CMIS. While there was numerous training, only 3-4 judges would appear from each court for them. To counter the backlog of unregistered cases the courts and projects started to outsource their entry. However even though three hundred thousand cases were registered, there was a tremendous resistance from judges and prosecutors to use CMIS. "Since there was no legal obligation for them to use the system, the majority of judges saw the system as a case register not a management tool, thus they always thought that it should be used by assistants" says one of the project managers.

The situation didn't change even with the introduction of the new code of criminal procedure that was identical to the procedure available in CMIS. A

large part of this had to do with the legal culture in place in Kosovo, if it's not written in law it is not obligatory.

However, the more system was facing difficulties, the more was invested in it. Not only in sense of resources and time but also in the sense of policy actions to make CMIS the center of reform and the center of the solution to resolve the backlog of cases.

5.8 KJC Assumes CMIS

Since its establishment in 2005 the KJC has been in charge of the overall management of the courts and since it had the IT department, this meant it was in charge of the CMIS. However, in practice most of the work in relation to CMIS was being done by the local company, which was funded by the EAR. Development, upgrade, training of users and rollout of the system was driven by the local company while KJC was participating in the process and in the meantime raising technical and human capacities to take over the further development and management of CMIS.

As the independence was approaching, KJC started taking imitative to address the inefficiency of the judiciary. To achieve these goals, but also its broader mission in 2007 the KJC drafted its strategy covering years 2007-2012. Beyond other objectives, an important place in the strategy is reserved for objectives around modernization of court administration and reducing the backlog of cases (KJC, 2007). An important tool to achieve these is considered application of information technology and CMIS in particular. The plan outlined ten strategic objectives, and objectives five and six were (KJC, 2007, p.12):

- Elimination of the backlog of cases and prompt resolution of all the cases registered in the courts of Kosovo; and

- Application and usage of modern systems of information and communication for information management.

Further, in the detailed action plan, the document makes reference to specific actions to be undertaken to achieve the strategic priorities outlined. Point three of the action plan to achieve the objective six says (KJC, 2007, p.22): "To continue the already started application of the CMIS in the courts of Kosovo and to aim that by the end of 2007 all courts in Kosovo are capable of using CMIS". However, the document in its point five goes on to say, "Until the computerized system has been fully put in place, we should make sure that manual registration of cases is in order…"

For the year 2007, pending cases as of January were 215, 206, new filed cases were 459, 164, resolved cases were 431, 627 and transferred cases were 2,217, leaving 240, 526 cases pending at the year-end[43].

While the backlog of cases was growing, by the end of 2007 and early 2008 CMIS was still facing serious problems in usage across Kosovo. Of the 56 courts in Kosovo located through Kosovo's five regions, only 17 courts were using the CMIS. Only 368 high priority users very using the CMIS and in the majority of cases the computers have become out of date and not capable of running the new CMIS software. The KJC had no resources to procure new equipment and was relying on the support of donors, most prominently on the EAR (Shapiro, 2008, p.10). According to the available statistics at this time, the CMIS had a backlog of around 250 thousand cases to be entered. Considering the understaffing of court administrations, it was not feasible to cover the backlog and enter the new prospective cases. Thus, World Bank agreed to fund an eighteen-month project that will register all the backlogged cases and allow the court administrations to cover the prospective cases only. Nevertheless, as the

[43] Based on statistics from Kosovo Judicial Council.

table below shows, the success of courts even in entering just the new filings was questionable.

Table 3. CMIS Entries vs. Average New Filing per Month by Court (data collected by author)

Court	CMIS Entries (as of 29-02-08)	Avg. New Filings Per Month
Supreme court	21	242
Commercial Court	2	54
District Court Gjilan	265	188
District Court Mitrovica	77	205
District Court Peja	81	296
District Court Pristina	517	453
Distric Court Prizren	79	242
Municipal Court Gjilan	10	1,230
Municipal Court Klina	135	531
Municipal Court Peja	9	1,575
Municipal Court Pristina	20	2,138
Municipal Court Prizren	19	2,695
Minor Offense Court Gjilan	20	1,422
Minor Offense Court Klina	735	521
Minor Offense Court Peja	41	991
TOTAL	2,031	12,783

According to this data only 3 courts – the District Court in Gjilan, the District Court in Pristina, and the Minor Offense Court in Klina – appear to have been entering CMIS data on a timely and complete basis. The remaining 12 were far

below their respective monthly average 2007 workload for new filings. And for all 15 courts combined, CMIS data was entered for less than 16% of the average 2007 monthly workload. Data is not available to evaluate the accuracy of the 2,031 CMIS entries. It is also important to mention that a cognitive task analysis has not been documented for court personnel, to assure that CMIS data meets the requirements for accuracy, completeness and timeliness.

Consequently, even though ICT's and CMIS have been defined as a "pillar" of Kosovo Justice in the KJC Strategy this remained only on paper. In reality, it became obvious that the IT Department was understaffed and under-resourced to cope with such a big challenge (Shapiro, 2008). Not only there were issues regarding the backlogs and technical solutions, but the IT department was also faced with a majority of judges who were simply refusing to use the CMIS. To add to this, at the end of 2008, the local company handed over the CMIS to KJC IT Department, who became solely responsible for its maintenance, development and implementation. To help with the situation EAR initiated the "Further Support to the Justice Sector" project that would provide broad assistance to both MoJ and KJC including specifically with CMIS and USAID Kosovo Justice Support Program (KJSP) who would run a pilot project to support the implementation of CMIS in some Prosecutor Offices. Both these projects were happening at the time when the justice sector would soon be undertaking another set of reforms.

To spearhead these efforts a CMIS implementation working group was created consisting of all the relevant parties working in the sector (KJSP, 2009). Each project approached their target audiences on their own ways, KJSP picking two District Prosecutor offices (Mitrovica and Gjilan) and working with them on pilot basis for a period of six months. During this period, they provided equipment, training in basic ICT skills and training in usage of CMIS to

prosecutors and administrators in these two offices. To measure results the project implemented a series of three questionnaires at different stages of pilot and came with the following results (KJSP, 2009, p.7-8):

- CMIS was easy to use in general but the audience felt that more extensive use of CMIS brings more difficulties to users. It was suggested that this might arise from the lack of user familiarity with various complex applications rectified by longer use of CMIS.
- There was an unexplained hesitation of some staff to use CMIS.
- There was limited capacity for continuous IT personnel support at all levels of assistance.

Another important initiative undertaken was the development of the manual for the prosecution offices. Being driven by the CMIS implementation working group, the manual was the first attempt to "unify the manual and electronic case management procedures in prosecution offices across the country" (Manual for Prosecution Offices of The Republic of Kosovo (PAM), 2010).

In order to develop written guidelines, the Working Group embarked on a lengthy and thorough assessment of the administrative and workflow practices in prosecution offices Kosovo-wide. Of the 14 prosecution offices assessed, no standardized rules of procedures existed to govern the administrative or case management workflow practices. Each prosecution office operated independently without a memorialized guide or reference for new staff, which relied primarily on oral instructions from superiors. It was determined that while offices followed the criminal procedure code, administration area was ad hoc, creating inefficiencies and lacking mechanisms to ensure accountability.

The Manual provides a comprehensive summary of the application of CMIS and, at each stage of the manual workflow, addresses the integration of CMIS. Following a review of registries classified generally by categories of adult,

juvenile or unknown offenders, evidence and miscellaneous cases, the Manual traces the path of adult and juvenile cases from receipt of the criminal report to the final judgment and appeal procedures. Case resolution procedures, including plea negotiation and mediation, are outlined with sample forms provided to aid and assist the implementation of these new procedures. As the collection of evidence and subsequent seizure of assets are of critical importance to the work of the prosecution, guidelines are presented to ensure full compliance with the law. In addition, charts and other demonstrative aids are provided throughout the manual. Finally, the Manual concludes by referencing the relevant codes of ethics and conduct for prosecutors and prosecution staff (PAM, 2010).

Thus, with the development of the manual in prosecution offices, CMIS became law.

On the other side, the EAR project approached the issue of non-functioning of CMIS more holistically. Based on the experience from their first phase of the project the new EAR project, "Further Support to Justice", included improvement of CMIS as one of the core components of the project. Nevertheless, in practice this translated to more training. The project developed a detailed training needs assessment for the judiciary in Kosovo in relation to CMIS and engaged local and international experts to provide training to CMIS users. Furthermore, the project provided equipment in some situation to make sure that courts are properly trained and equipped to run CMIS.

However, independent of the efforts by all parties, local and international, the backlog of cases continued to grow, both in CMIS and in reality.

5.9 Final Push for the CMIS

As the independence started to settle in and EULEX started to deploy and take over oversight functions from UNMIK, the KJC took over the full control of CMIS. This meant that for the first time full project management and oversight was being done by in-house staff at the KJC. To show that they are up to the task, they continued to push for CMIS to be fully used.

Trainings continued, piloting continued, not only with Kosovar judges but also EULEX judges trained and updated on the use of CMIS throughout 2009 and 2010.

Drawing from their initial experience, EULEX council of judges came with a decision to advise the KJC on the implementation of the CMIS (EULEX, 2011). The decision advises the KJC to:

- Define a pilot court for the implementation and the refinement of the CMIS since all-through implementation is not working
- Issue clear instructions to all courts on the use and implementation of the CMIS; and finally
- To centralize the data entry for CMIS since the decentralized solution is not working and is contributing to the further increase of the backlog of cases.

The rationale for this advice from EULEX came from their yearlong monitoring of the implementation of CMIS in the courts of Kosovo. During this time, they acknowledged the lack of resources in maintaining the ICT infrastructure across the justice sector thus causing delays in operation. But, they also acknowledged that despite all the efforts by numerous organizations there is a huge unwillingness of judges to use the system (EULEX, 2010).

Nevertheless, not only CMIS but also the whole justice sector in Kosovo was facing the burden of slow resolution of cases, huge backlogs created and no ideas on how to tackle this situation.

Attempting to put an end to this situation Kosovo Judicial Council together with other institutions involved in judiciary prepared and adopted the national strategy for dealing with backlog cases. This strategy was considered a priority not only on the national level but also as part of Kosovo's EU integration strategy since the issues of case backlog found its way in the yearly progress report[44], published by EU for all countries aspiring integration.

The strategy had foreseen a number of actions in dealing with these cases directed toward courts, prosecutor offices and police. It had also created a number of working groups to oversee the implementation of the strategy. One of the issues to be addressed by the strategy was also "not usage of CMIS" (KJC, 2010). A novelty introduced this time in the system was that for the first time the measures moved from more training to actually punishing those that didn't use CMIS in their daily work. It was foreseen that it would take about one year for full implementation of the strategy.

Independently of all this CMIS usage remained limited. Majority of prosecutor offices used the system while among courts the bigger courts were better in using the system than smaller courts.

"We got used to follow what is written in the law and using CMIS wasn't. We all knew that using the system would have some advantages, but changing the way we were used to work was harder," said one judge in the district court of Peja.

Even though KJC has been for some time thinking that CMIS needs a new start[45] due to the insistence of the EAR to make CMIS work "since there was too

[44] See Kosovo 2010 Progress Report, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf, last accessed: July 2013.

[45] Interview with KJC Director, 2012

much invested in it"[46] nobody had the courage of thinking of stopping the use of CMIS as a tool for justice efficiency. The recommendation from EULEX, but also the fact that ECLO wanted to discontinue the legacy of EAR enabled KJC to look for other possible solutions in the future.

This enabled KJC to start a new initiative in developing a brand new software application supported by the Norwegian Government. The projects aim to "increase the efficiency of the judiciary and prosecution services through implementing standards regarding court management practices, and enhancing transparency and accountability by providing direct access to information online. "[47]

The project is planned to last four years and to cost approximately six million and six hundred thousand euro and will be implemented in two phases will local and international involvement.

During the same time, Government of Kosovo has undertaken a full attempt at reforming the organization of the courts in line with the modern European continental tradition. In the new law adopted by the Parliament of Kosovo, Law on Courts (03/L-199)[48], it is mandatory to use the electronic Case Management Information System (CMIS) to register and manage all cases in the courts of the Republic of Kosovo.

5.10 Conclusion

[46] ibid

[47] Norwegian Embassy in Kosovo press release, available at: http://www.norway-kosovo.no/News_and_events/Policy/Norway-Supports-Case-Management-and-Information-system-for-the-Kosovo-Judiciary/#.VCCy374xHx4

[48] Available at: www.assemblykosovo.org

This chapter presented the case of CMIS development in the judiciary of Kosovo. Application of technology came very early in the state building process. As the case of CMIS presented, the decision to apply technology solutions came in parallel with struggles to establish electricity supply, basic infrastructure and basic rule of law.

This application of technological solutions didn't follow the established order of identifying needs, gathering technical specifications, proposing solutions, discussing with clients, but rather followed a process of trying to apply solutions that have worked in other places. Following such path of action introduced specificities related to institutional cultures and working practices. As the CMIS case showed, application of a particular type of CMIS solution overruled twenty years of established practice in registering and managing cases. Furthermore, the more advanced the technological solution became, the more it took the driver seat in defining institutional arrangements as well as work practices. If we just think about the adoptions to the institutional setup made after the pilot phase of the CMIS, in particular in relation to workings between prosecution offices, police and courts as well as the way CMIS networking treated these relations, we can see hints of technological determination in state building.

The case of CMIS application in Kosovo also presented a particular insight in how donor relations have been driven by vested interests in making a particular solution work. Should EU given up on CMIS in the early days, and USAID taken over, maybe the Kosovo justice system would look different. CMIS also shows that in post-conflict situations the role of international organizations and consultants goes beyond their mandate.

Looking beyond the institutional impacts of CMIS application in the judiciary, this case study presents an interesting insight in the decision making process in

an internationally led state building situation. Starting with the piloting of CMIS, all the way to making it the benchmark of international recognition of Kosovo's progress, the decision-making process is an example of improvisation in action.

Finally, as it was described CMIS took twelve years to move from an idea to a viable system operating in the courts and prosecutor offices. During this time more than ten million euros have been committed to CMIS and an array of local and international consultants have made their contribution in deployment, implementation and maintenance of the system. This slow deployment of CMIS was accompanied with a process of building, changing and adjusting of judicial organizations and process as well. Today in 2017, CMIS is very much work in progress at all level. While used widely by courts and prosecutors' offices, new versions and alterations are ongoing.

As it was presented in this chapter in the majority of instances, the CMIS came before the developments in the justice sector. Initially, CMIS demanded computers where there were no computers, then CMIS implemented procedures that were eventually followed by the criminal code of procedure, when prosecutors needed a guide on how to work such a guide was developed based on CMIS, finally when judges kept refusing to use CMIS and the procedures associated with it, CMIS found its way in the new Law on Courts.

Next chapter will focus on identifying the main instances in which the deployment of technology drove the state-building process. In order to achieve this, the focus will be put on the events happening in the period 1999-2001, since it is in this period that the nature of the judicial institutions has been defined. Events coming in the later years have just strengthened and reinforced the foundation set at the beginning of the international intervention.

Chapter 6
State-Building: Between Technology and Consultants

> "Project implementation" may often mean in fact along voyage of discovery in the most varied domains, from technology to politics.
>
> Albert Hirschman, Development Projects Observed (1967: 35)

New states need authoritative governments under the rule of law to ensure conditions for gains in economic and human development (Sisk, 2013). Governments are more and more dependent on the technology they use to deliver the services to their citizens. This is becoming even truer in situations with scarce resources, such is post-conflict intervention, where ICTs can replace established structures.

The implementation of Case Management Information system in the judiciary of Kosovo, as shown by the observations of this study in the previous chapters, can be best analysed in the context of technology-enabled state building. For this purpose, the original set of research questions need to be extended to cover not only the relation between technology and state-building process, but also to cover the elements of the enabling context.

One of the first observations coming from the case study is the realization that the state building context is characterized by the following elements:

- Centralization of power, outside of the democratic process

- Involvement of large number of international consultants
- Fragile local institutions and actors (either due to conflict or other factors)
- Short-term planning and the need for quick results

It is in this context that technology takes precedence over the established order and existing institutions. A typical example is the decision to roll-out the CMIS to all judicial institutions following the piloting in the Pristina Municipal Court: "We were having dinner with the head of European Agency for Reconstruction. Sometime halfway through the dinner, the head of the EAR, said that he has some budget to spend but no clear idea for what. At that the SRSG jumped and said let's install this CMIS to all courts. They both agreed that it makes a lot of sense since technology projects are just the type of projects that are needed at this moment."[49]

To further investigate the role of technology implementation in state building context and to provide some theoretical insights to the research questions posed at the beginning of the study, this chapter will focus on presenting three main issues:

1. The role of the consultants in state building context
2. The role of software and technology in setting the working of institutions early in the process of state building.
3. The process of "assembling" the state in the later stages of state-building.

As already mentioned earlier in the study, to flash out main observations in relation to research questions, the focus of the analysis is on the early stages of

[49] Interview with DSRSG, June 2015.

CMIS implementation, especially in the period 1999-2001. The observations from later stages are there just to provide further supporting arguments.

To achieve the above-mentioned aims, this chapter is organized as follows:

First, it uses the observations from the case of CMIS in Kosovo to point out the crucial role that international organizations and consultants play in state building situations.

Second, this chapter will lay out the crucial role that ICTs play in state building situations. It will also make a distinction between the implementation of ICTs in normal situations and state building situations where due to an absence of formal rules and systems a specific pairing is created between implemented ICT artefact and the body of laws and procedures. This has an impact on the future development of the legal system. This pairing continues to cohabitate together for a long period of time thus determining the way each of the parts develops through time.

Third, based on the observations from the CMIS case and the theoretical concepts used throughout this thesis, an alternative lens for looking on ICT projects in state building situations will be proposed.

6.1 Consultants and ICTs as State Builders

In June 1999, when the conflict in Kosovo ended, an army of international NGO's, consultants and organizations embarked on the mission of "rebuilding people's lives and healing their wounds", as Kofi Anan, the former UN General Secretary said in the address before Security Council, shortly after the end of Kosovo conflict (Holohan, 2005).

The main responsibility to achieve the above aims was given to UNMIK, which was run in the UN style of "international career civil servants and short-term contract hires" (Holohan, 2005). Furthermore, European Union was put in

charge of economic development, development of rule of law as well as the biggest donor budget in the country. This meant that the standard European Commission format of practically "outsourcing" the technical assistance to consultancies was put in place. Thus the task of building the Kosovo state can be seen as an intervention driven by donors and implemented by consultants.

How did consultants get about this task of building a state? Two points are clearly made by the interviews for this case study; when asked how they decided on what practices to apply to the courts in Kosovo or to the overall justice sector, one of the consultants[50] answered:

"We went to the Finish Ministry of Justice website, looked at the Codebook of rules and procedures, took out the hard bits and appropriated the rest to the EU procedures and then we applied them in the courts of Kosovo".

Similarly, in relation to why they decided to implement information systems to achieve the aims of the project, another consultant[51] said:

"From my previous experience with the justice sector in my country, I know that, systems are a good way to consolidate reporting and to ensure version control and also to ensure minimal good practice standards as required by the project Terms of Reference[52]"

From the above quotes and from the very definition of the projects where emphasis has been put on achieving accountability, transparency and efficiency, we can find support for two important conclusions reinforced by the literature review at the beginning of this thesis: the international consultants, because of the fact that they originate from the western world, are heavily

[50] Interview with Finish Consultant working on CMIS, May 2014

[51] Interview with CMIS Project member, June 2013

[52] Terms of Reference prepared by the EU Office in Kosovo.

informed by values of new public management, and at the same time the dominant belief that these values can be achieved by applying ICTs in the public sector is evident.

More specifically, the observations from the CMIS case support the expectation of this study that technology has had an important impact on the way the justice institutions have been operating in Kosovo. It is also evident that a wide range of reform objectives have been tried to be achieved through technology. However, this case shows that due to the sequencing of the implementation of the technology, it is the technology that has driven the pace of reforms. In other words, many of the things that technology introduced (switch from inquisitorial to adversarial system, focus on transparency and accountability, split between prosecution and justice) would have come to the justice system in Kosovo sooner or later, not least because of the heavy involvement of the EU and the international community. However, due to the implementation of CMIS these reforms came much earlier.

But how is this different from other "normal" situations?

In already established states and bureaucracies, development project designers follow a rather linear approach to project implementation which starts from existing laws, structures, values, norms and goals and then they move to the next step where functional requirements are deduced. In the dominant professional views of development (as presented in chapter 1) all projects require essential "building blocks" (institutions, laws, trained human resources) in order to be effective in achieving their design goals. However, as observed in the case study used for this thesis, in state building situations there is a complete absence of building blocks. Thus, consultants and local actors (civil servants, politicians) are forced to improvise. This improvisation gives rise to a new context and dynamic affecting the way institutions are built and operate.

These observations are in line with large streams of literature both in management studies (i.e. writings by Karl Weick), in information systems (works by Ciborra, see bibliography) but also in studies of e-governance and information systems in public sector especially the works of Fountain on Technology Enactment Framework and its extensions.

6.2 Code Is Law – The State Building Way

Case Management Information System (CMIS) implementation in Kosovo preceded the existence of a consolidated body of laws and procedures, whether in the form of a code of criminal procedure or law on the organization and functioning of the court system. As the below figure shows, the piloting of the CMIS system started two years before the existence of the meaningful code of criminal procedure. Furthermore, according to the laws in use, the usage of CMIS by courts could have been considered illegal.

"According to our laws and procedures, all cases needed to be registered and managed using standard protocol books that we had been using since the 1980s. However, when we got CMIS installed we were forced to use the new system. For some time we used both systems in parallel, but then we got ordered to stop with the books. Honestly, in the beginning, the technology just made our lives harder"[53]

[53] Interview with Court Official at Prishtina District Court, May 2013

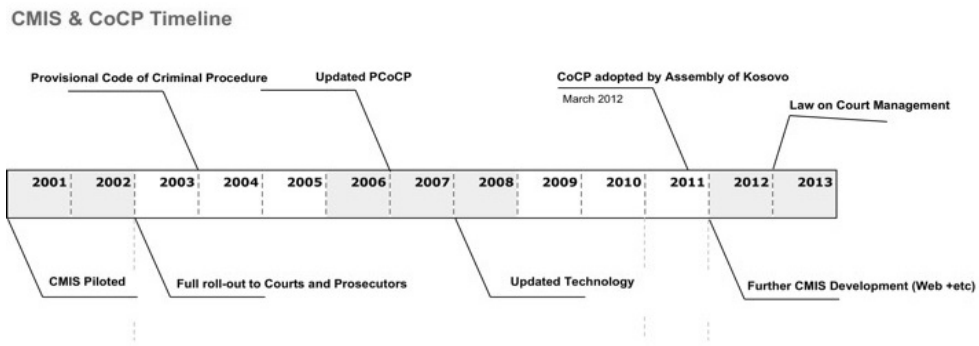


Fig. 8. CMIS and Code of Procedure Development Timeline (constructed by author)

However, the implementation of CMIS went beyond impacting the case registration procedures. As already noted earlier, due to a situation of overall legal uncertainty, the courts in Kosovo continued operating applying different legal bases. Most of the courts applied old Yugoslav legislation and procedures, combined with UNMIK regulations. This meant that the default legal system in Kosovo was still in the spirit of an inquisitorial tradition of the old socialist system. In practice, this meant that courts held important powers in the process of how a case is investigated, prosecuted and tried. One example of this could be found with the procedure of investigating a case. According to the Yugoslav code of procedure[54], the investigation is conducted by an investigative judge, who has competence over the police and prosecutors up to the point when the indictment is processed.

[54] Interview with Judge of the Prishtina District Court, September 2012

Furthermore, cases at courts are managed strictly by the chief judge. According to the Law, once the cases are collected at the court, they are taken by the chief judge and assigned to specific judges.

But, once the CMIS has been installed and since it has been brought from Finland, the practice started changing. A Finnish CMIS was based in the modern tradition of the continental law, with a clear split between courts, prosecution and police. This meant also that the courts adopting CMIS had to start changing their practice.

"It was hard for us to decide which way to go. While we were used to the old rules, we were told to use the new system. We knew that it the right thing to do, but were a little worried that the use of new system wasn't mandated by law" said the chief justice of the Gjilan district court, while his peer from Peja added "we insisted with our superiors to change the code of the procedure, but back then the focus was on addressing the backlog of cases, and CMIS was seen as the key element of this effort".

In other words, in the case of CMIS in Kosovo, code became law, similarly as Lessig (1999) predicted it could. "[…] regulator is code--the software and hardware that make cyberspace as it is. This code, or architecture, sets the terms on which life in cyberspace is experienced. It determines how easy it is to protect privacy, or how easy it is to censor speech. It determines whether access to information is general or whether information is zoned. It affects who sees what, or what is monitored. In a host of ways that one cannot begin to see unless one begins to understand the nature of this code, the code of cyberspace regulates."

While Lessig worries about the impacts of code on the issues of censorship and privacy, in our case the impact of code as a regulator is on the nature of the institutions and of the state being built.

A natural question at this point is what does the case of CMIS in Kosovo show about the unfolding of this process in situations of state-building?

Easy answer is that this happens due to overall questionability of the rule-of-law situation (as seen in chapter 4) as well as due to the numerous external factors (i.e. involvement of international community, lack of human resources in state institutions) impacting the establishment of the rule of law system. Furthermore, as already mentioned, state-building process is highly influenced from external factors in the form of donors or consulting organizations, which are heavily informed by the NPM rationality of public sector development and reform.

In relation to ICT projects the main difference that could be observed between the implementation of ICT solutions in existing states and in new states is the total neglect for the assessment of the needs and requirements of the institution that will be using the proposed ICT solution. This is possible due to questionability of the overall systems of rules and procedures. At the same time international actors, tend to see ICTs as a perfect "fast gains" tool to implement versus cumbersome law and procedure changes that take more time and effort.

Thus, based on the observations outlined in chapter five of this study, we could posit that in the hands of international consultants and donor organizations ICTs are the tool of choice to be used in state building situations to achieve faster and theoretically more efficient results. In other words, information technology is used to drive reform in situations of state building.

6.3 New States: Assemblages in the Making

Implementation of technology in the organization has the intention and force to shape things around its area of operation. In established organizations, the impact of ICT implementation has been widely researched both at private (DenHertog & Wielinga, 1992; DenHertog, 1978) and public sectors (Cordella, 2011; Lanzara, 2011).

On the other side when it comes to state-building situations, the findings from the case of CMIS in Kosovo offer peculiar insights in the interaction between ICT implementation and organizational change or state building, especially related to the specific binding between changes in ICT artefact and changes in the legal and procedural base.

Following the first couple of years of working based on old legislation, in 2003 UNMIK took the initiative to adopt a provisional code of criminal procedure to address all the changes in the system since after the war in 1999. In order to do this an inter-institutional working group was created with strong participation of the CMIS project management team.

"At the first meeting of the working group we gave a presentation of how CMIS was working currently, including all the features as well as challenges with the implementation. It was clear that the CMIS was much more advanced than the current code of procedure and everybody at the outset agreed that we should make sure to incorporate these features in the new provisional code that we were working on".[55]

After months of deliberations in 2003, under the United Nations Mission in Kosovo and with the collaboration of international and Kosovo experts, a Provisional Criminal Procedure Code was adopted which some described as

[55] Interview with CMIS Project Manager.

"quasi-adversarial" or a "hybrid" adversarial[56], where the court retained some of its investigative and inquisitorial powers, but the prosecutor and defense counsel had far greater roles. These changes can be found in the adopted Code of Criminal Procedure[57], more specifically in chapters on general provisions (Chapter IV, V and VI on State Prosecutor, Filing of Motions and Defense Counsel) and chapters on pre-trial proceedings (Chapter XXV and XXVII on Initiation and Duration of Investigation and Investigative Actions).

It is at this moment in the lifecycle of the CMIS in Kosovo that we can claim that the technology and the rules and procedures in the form of code of criminal procedure are "paired" or "assembled" (Lanzara, 2009). But, differently from the usual pattern of assemblage rise, in the case of Kosovo, the assemblage might be regarded as reverse engineered.

In accounts of assemblages in judiciary up to this point, a functional simplification from code of procedure to case management information systems has been accounted for as the normal direction of development. As Contini and Cordella (2015) show us "When a CMIS is developed, procedural variety has to be reduced to just one functional simplified model, designed in the CMIS which indeed gives a univocal and hence peculiar interpretation of the law". But in the case of CMIS in Kosovo, it went the other way around.

[56] Guide to the Code of Criminal Procedure, KJC 2013

[57] Available at: http://www.unmikonline.org/regulations/2003/RE2003-26.pdf

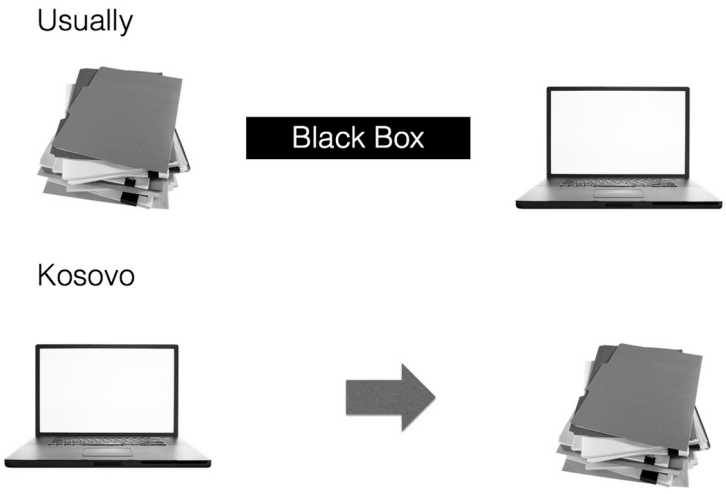


Fig. 9. CMIS as Precursor to Code of Procedure (constructed by author)

The adoption of the provisional code of procedure in 2003 addressed the functional issues regarding the mismatch between the code and CMIS. This made the working of the judges and the courts easier and was followed with a full rollout of the CMIS to all courts and all levels of the judiciary in Kosovo. What the adoption of the code didn't address is the legality of the CMIS use in the courts. But from this point forward the issue of CMIS was treated in two separate directions:

In the first instance, the "functional" instance, the development of CMIS and Code of Criminal procedure, because of this initial pairing continued to develop jointly. As described earlier, every couple of years both the procedures and the CMIS were updated orderly. Furthermore, there was a synchronization that worked well: CMIS project managers played a key role in defining what is possible and what not, and KJC people provided the intermediary for the justices, ministers and representatives of other judicial institutions to listen to

their procedural requirements and prioritize them in order to be able to be implemented.

In the second instance, the "use" instance, problems continued to mount. A number of courts and prosecutor offices, just because the CMIS hasn't been mandated by law, refused to fully use the system and continued with the dual-usage (paper and ICT) or fully refused to use CMIS and remained paper-based.

Since the second instance of the CMIS operation drew more attention, from the early days of the implementation, the attention was given to the success and failure or usage, while totally omitting the important impact that CMIS was having in framing what is possible and what not in the code of the procedure and the overall operation of courts.

The issue of legality of CMIS usage was finally addressed in 2012 with the adoption of the new Law on Courts, which obliges all courts and prosecutor's offices to use the CMIS for case management and case flow management.

The final round-up from CMIS to Law also completed the building of the "assemblage" in the justice system in Kosovo. As this is being written the reforms in the justice sector are fully dependable on both changes to technology and laws and procedures.

"We are always very careful to consult our ICT guys before thinking of any changes to our codes of procedures. Considering the long way we have come to ensure that we have a working system, we cannot afford to go back" says the Minister of Justice.[58]

The implementation of CMIS in Kosovo turned out to be the longest, most expensive and most demanding reform process in Kosovo judiciary[59]. However, the very process of CMIS implementation through its ups and downs, through

[58] Interview with Minister of Justice of Kosovo, Nov. 2015.

[59] ibid

its challenges with electricity, human resources, lack of desire by clerks and judges to use it, managed to shape the working of justice sector in Kosovo and continues to be one of the major reform drivers.

At the same time building on the line of thought adopted in this chapter, consultants using ICTs in state building situations are enacting a new type of states, hybrid "assemblages" shaped by the repeated interaction of ICT artefacts with the institution which in the process impacts the way laws and other structures are enacted.

6.4 Summing it all up: State-Building 2.0

Studies of e-government (Bovens & Zouridis, 2002; Contini & Cordella, 2015) have been pointing for some time to the regulative impact of ICT implementation in the public sector. In no sector has this claim borne out more fully than in the justice/rule of law sector. According to Bovens and Zouridis (2002) thanks to ICT, implementation of the law has been almost wholly disciplined. In principle, legislature and execution run completely parallel to one another. "The system designers, legal policy staff and IT experts in particular are to be regarded as the new equivalents of the former street-level bureaucrats".

Similarly, the implementation of Case Management Systems (CMSs) constitutes the backbone of the judicial operation. CMSs are developed to automate existing judicial procedures. Their deployment forces courts to increase the level of standardization of data and procedures by turning procedural law into software codes and hence reducing the traditional influence of courts and judicial operators over the interpretation of procedural law (Contini & Cordella, 2015).

Based on the observations from the case study of CMIS in the judiciary of Kosovo, in state building situations, since ICTs often precede establishment of judicial procedures, application of CMSs can have a wider-reaching impact on the development of legal institutions. In these situations, as observed in the case study of CMIS in Kosovo, ICTs can play a crucial role in enacting specific type of institutions.

At the same time, these ICT solutions are implemented by a wide array of consultants coming from different institutional, national and social backgrounds, thus embedding their experiences and beliefs about what a functioning state looks like in the technological solutions being implemented. In state building situations, as observed in the case study of CMIS, due to legal and institutional vacuum, international organizations and consultants can become the kingmaker of the state building process.

Going back to the original research question, building on the theoretical frameworks presented and having in mind the observations and conclusions from the case study, it can be claimed that ICTs play an important role in the state building process, as the tool of choice to enact and propagate specific type of institutions across different sectors.

The following theoretical propositions could be put forward as a contribution to current theory on state-building and the use of ICTs in state building situations:

TP1: In state building situations ICTs are a strong tool of choice for consultants to enact specific types of institutions and to achieve goals set out by international organizations development agendas.

This proposition builds on the Technology Enactment Framework as proposed Fountain (2001). As TEF claims that all ICT solutions are implemented having in mind specific cultural values and beliefs, in state-building situations the

values and beliefs of the international administrators and consultants define the nature of ICT solutions to be implemented ergo the nature of institutions to be built.

TP2: Implementation of ICTs in state building situations follows a different pattern of development compared to existing state situations, as in these situations it is easier to skip existing laws, structures and other "local" requirements. The centralization of power and lack of democratically elected structures contributes to following a different pattern.

TP3: The process through which these projects are implemented is an iterative sense-making process constrained by the current context but also by the very actors involved. Fig. 10 provides a graphical representation of this process.

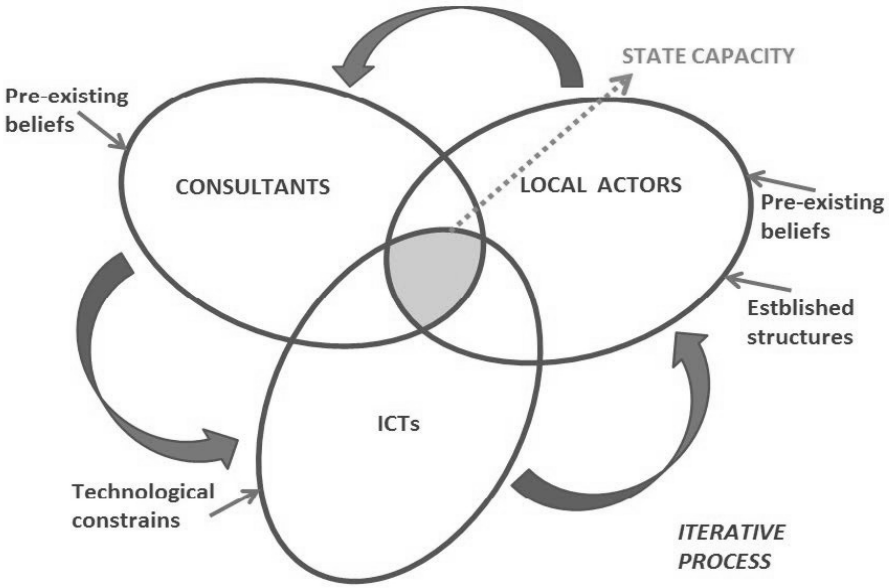


Fig. 10. ICT Enabled State Building (constructed by author)

TP4: The final result of ICT implementation in state building situations is a "hybrid" state structure which is closely linked with the technology implemented and in which any future change or development is dependent of the underlying technology solution.

Propositions two three and four focus on the process of interaction between ICTs and institutions in state building situations. These propositions are heavily informed by the concept of "assemblages" as proposed by Lanzara (2005). The basic principle of assemblages is that they are hybrid structures arising from constant interaction between technology and the institutions (laws, organizations etc.) which through time become inseparable. As seen by the case study presented in this thesis, in state building situations, it is much easier for technology to be the driver of assemblages, as technology precedes other structures in the system. Assemblages also provide an interesting lens into looking technology application in state-building situations.

Finally, these theoretical propositions could be also used to guide further research into the use of ICTs in state building situations. In an ever more turmoil-ridden world new states or state building in fragile states is becoming an every-day task. Regarding ICT as an actor in its own right is just in line with the ever-expanding role of technology and social networks on the social and institutional life.

Chapter 7
Conclusions and Limitations

> Nothing is as permanent as a temporary government program.
>
> Milton Friedman

This research has been one of the few early explorations in the complex process of e-government implementation in state building situations. It has framed the implementation of e-government projects in post-conflict situations as socio-technical process of state-building. It has shown that the implementation of complex ICT systems in post-conflict situations, with the huge involvement of international community actors, not only frames administrative actions but also defines the very nature of institutions being built. As we have seen with the implementation of the CMIS in the judiciary of Kosovo, the very concept of legality i.e. what is legal and what not, is defined by the implementation of the ICT solutions much more than the existing body of laws and procedures in place. Furthermore, the ICT solutions become the de facto driver of reforms and developments in particular sector. In the case of CMIS in Kosovo, even today fifteen years after conflict the reforms in the judiciary are driven by plans and actors related to CMIS.

Main points from the study of CMIS in Kosovo could be summarized as follows:

- In state building situations, the dominant linear approach learnt from developed context does not work, because it supposes all kinds of conditions, which might be fulfilled in developed state, but not in state-building situations. The concepts of enactment and assemblages might be more fruitful to advance our theoretical understanding here. Such approach also requires intensive iterations between stake holders. A serious question remains whether such improvisations and iterations can be framed in a coherent model or theory. However, what can be done is to make the actors aware of the relevant factors and mechanisms. In other words, we can open the "black box". This study contributes to this aim.

- Consultants play an important function in state building situations. Their roles are more important than in developed state. It is important to realise that they do not only bring technical know-how and technical solutions, but also implicit ideas about state-building and ICT implementation.

- The study shows that under these circumstances technology can become a predominant legalized (and legalizing) vehicle for institutional change. While the originally formulated goals (efficiency, quality etc.) remain in place and are continuously underlined, they in fact serve as legitimation for the secondary and far more important aims of institution building. In fact, one may regard the ICTs as de facto dominant mover of state building.

To understand the points raised by this study, we have to be aware that in state building situations there is a combination of internal and external factors that creates the situation conducive of ICT driven development or reform. First of

all, state building situations are characterized by a large number of actors operating in an environment not necessary based on strict rules and procedures. As we have seen in the case of Kosovo, for a couple of years after the war it was quite hard to understand what laws or procedures applied to what case. Hence, it creates a context that enables the technology to become the regulatory authority of the sector. Furthermore, in such context, the international decision makers play the role of defining best-practice and deciding on the developments beyond the involvement of local actors. Finally, in such situations very often ICT consultants become state-builders since the solutions proposed or deployed by them, become de-facto laws and over time turn into institutions in its own right. This thesis has shown this in the judiciary sector, but similar developments can be found in areas of health, public finance and education in a number of post-conflict states.

Secondly, looking at external factors in state building environments, we have to highlight the huge impact of international organizations such as EU, World Bank, USAID and IMF. These organizations over the years have developed a set of tools, the use of which has become institutionalized. One such tool is the ICT project in the public administration or e-government projects. The implementation of these projects is supplanted by the issuance of regular progress or achievement reports which report the rate of implementation and success of these projects. Thus, these external factors drive the implementation of ICT projects, but completely omit the important impact that these projects have on the institutions and context where they have been implemented.

This research has shown that considering ICTs as just a tool to achieve a specific goal is to neglect the real impact that technology has on the institutions and on the creation of new institutions.

7.1 Theoretical Contributions

This research contributes to theory informed research in both state building and e-government in post-conflict countries.

On one hand, this research contributes to the opening of the "black-box" (Bevir, 2011) of state-building and provides a unique constructivist research to the state-building literature. Rather than focusing on the successes and failures of certain initiatives, or isolating best practices from case studies as the dominant research in state building does, this research tries to capture the wealth of interaction and detail associated with a "messy" situation such as post-conflict state building.

Furthermore, this research attempts to answer the call for "addressing the problem of under-specification in the e-government literature by the production of more grounded, empirical studies that would create new theoretical arguments and provide new concepts and categories so as to enhance our understanding of e-government policy processes and actors" (Yildiz, 2007). This research has been carried out along these lines and tried to shed more light on the issues mentioned above. At the same time, this research treats e-government research at the intersection of information systems and public administration thus also contributing to the call of "tying the subject of e-government strongly to mainstream public administration research" (Yildiz, 2007).

This research builds on the work of Cordella and Contini (2015) and offers an example of developments in the context of e-justice that could provide opportunities to discuss the interplay that shapes the trajectory of e-government reforms and the negotiation that occurs between ICTs, the law and organizational practices when ICT enabled reforms are deployed.

Finally, the author would like to note that theorizing is extremely difficult in a complicated context such is state-building. State building interventions intertwine a plethora of processes, both current and historic, a huge number of actors and policies, making theorizing dependent on the particular approach chosen by the researcher.

7.2 Practical Implications

Beyond theoretical implications, this research has also some practical implications especially for international organizations and professionals involved in the practice of state building.

As the case of CMIS in Kosovo has shown, most of the technological projects in state building situations or for that matter even in most development contexts, start as pilot-projects. However, these projects usually never end. CMIS in Kosovo, a project that started for 6 months' pilot in the District Court of Prishtina, continues to this day and has cost both the international donors and the Kosovo Government well above ten million euro. Thus, taking into account the role of technology in institutions could help the project planners and decision makers to get better results out of similar projects in the future.

This research has also shown that ICT initiatives are not just about technology but also involve quite some politics as well. As we have seen with the case of CMIS, at one point in time, it started ordering the relations between donors (EU vs. USAID) and turned into a key element of achieving the required standards before negotiating about the future of Kosovo (Standards before Status). Furthermore, the implementation of the ICTs in organizations, courts and prosecutor's offices, has a wide impact on the power relations within the organization. All these considerations should be kept in mind when planning and deploying such projects in post-conflict situations. Situations of state

building have continued to grow, especially following the Arab Spring in 2011 and developments in Syria and Iraq during 2014 and 2015.

Finally, as a side finding of this research, more attention should be given to defining mission objectives of international interventions. As the case of Kosovo has shown, there was a complete mission mismatch for UNMIK in Kosovo. While officially mandated to keep peace and prevent conflict, at the same time the mission was building institutions and establishing laws and procedures that will impact the future development of the country. However, since the focus on the first took precedence over the second, the quality of the institutions built has had a long-lasting effect on the development prospects of the country.

7.3 Limitations and further research

An obvious limitation of this study is the lack of literature written by Kosovo Albanians dealing with political culture, public administration or e-government. Particularly lacking are the accounts of running the parallel state. Most of the local literature deals with concepts of state from the nationalistic perspective of the nation-state. The lack of this literature makes it harder for the author to understand the historical development of the attitudes towards the state and state institution. Due to this, when trying to understand political culture and institutional culture in the judiciary in Kosovo, the author was limited to using resources written by international authors addressing the events in Kosovo, supplemented by data drawn from the interviews for this paper. Sociological accounts on the society in Kosovo and its relation to the state during communism and parallel state would greatly complement this paper.

Furthermore, the limitations of this study are related to the use of single case study research aimed at theory development and theory extension to new contexts (Yin, 2009). "How can you generalize from a single case?" is a frequently heard concern. The answer is that case studies are generalizable to theoretical propositions and not to populations or universes. In the case of this research the case study does not represent a "sample", but the goal of the case study of CMIS in the judiciary in Kosovo is to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization) (Yin, 2009). In relation to single case studies as Lipset, Trow and Coleman (1956) describe it "the goal is to do a generalizing and not a particularizing analysis".

Based on the abovementioned limitation, this study is limited in the conclusions it draws by possessing data on only one case study. Comparative case studies covering other state-building efforts would potentially strengthen the current findings.

Thus, further research into the use of e-government initiatives in state-building efforts is possible. Comparisons with Bosnia, East Timor, Afghanistan or some of the Arab Spring states could further clarify the nature of e-government initiatives in state-building interventions. Furthermore, enquiries into how these initiatives create "false perceptions" of state building or even how do these initiatives impact the issues of corruption and development of negative practices common to these situations, could prove revealing.

Finally, another potential limitation could be noted that is related to the fact that research findings are bound to specific context, which is the context of state

building. However, this context specificity provides the opportunity for further research in applying the approach used in this study to another context. For example, a potential context is the application of e-government projects in supra-national contexts such is the European Union. EU has been undertaking e-government projects at the scale of the union superseding national legislation and building new layers of technological regulation. A concrete example can be found in the case of Switzerland joining the Schengen Area in 2008 when the whole process had to be delayed due to systems upgrade to be able to implement the agreement in practice.

Bibliography

Almazan, R. S., & Gil-García, J. R. (2008). E-Government portals in Mexico. In *Electronic Government: Concepts, Methodologies, Tools, and Applications* (pp. 1726-1734). IGI Global.

Andersen, K. V., & Henriksen, H. Z. (2006). E-government maturity models: Extension of the Layne and Lee model. *Government information quarterly*, 23(2), 236-248.

Andrews, M. (2013). *The limits of institutional reform in development: Changing rules for realistic solutions*. Cambridge University Press.

Avgerou, C. (2002). *Information Systems and Global Diversity*, Oxford University Press, Oxford.

Avgerou, C. (2008). Information systems in developing countries: a critical research review. *Journal of information Technology*, 23(3), 133-146.

Avgerou, C., & Madon, S. (2004). *Framing IS studies: understanding the social context of IS innovation* (pp. 162-182). Oxford University Press, Oxford.

Backus, M. (2001). *E-Governance in Developing Countries*. IICD.

Baskin, M. (2002). *Lessons Learned on UNMIK Judiciary*. Canadian Peacekeeping Press.

Basu, S. (2004). E-government and developing countries: an overview. *International Review of Law, Computers & Technology, 18(1), 109-132.*

Berger, M. T. (2006). From nation-building to state-building: The geopolitics of development, the nation-state system and the changing global order. *Third World Quarterly*, 27(1), 5-25.

Bevir, M. (2011). Public administration as storytelling. *Public Administration, 89*(1), 183-195.

Bovens, M., & Zouridis, S. (2002). From street-level to system-level bureaucracies: how information and communication technology is transforming administrative discretion and constitutional control. *Public administration review,* 62(2), 174-184.

Boyce, J. K. (2002). Aid conditionality as a tool for peacebuilding: Opportunities and constraints. *Development and Change*, 33(5), 1025-1048.

Bretschneider, S. (2003). Information technology, e-government, and institutional change. *Public Administration Review, 63*(6), 738-741.

Brinkerhoff, D. W. (2005). Rebuilding governance in failed states and post-conflict societies: core concepts and cross-cutting themes. *Public administration and development*, 25(1), 3-14.

Brown, D. (2005). Electronic government and public administration. *International Review of Administrative Sciences, 71*(2), 241-254.

Callon, M. (1984). Some elements of a sociology of translation: domestication of the scallops and the fishermen of St Brieuc Bay. *The Sociological Review*, 32(S1), 196-233.

Callon, M. (1991). Técnico-Economic Networks and Irreversibility. *Law, J (ed.), A Sociology of Monsters. Essays on Power, Technology and Domination, London, Routledge & Kegan.*

Capussela, A. L. (2015). *State-building in Kosovo: Democracy, corruption and the EU in the Balkans.* IB Tauris.

Chadwick, A., & May, C. (2003). Interaction between States and Citizens in the Age of the Internet: "e-Government" in the United States, Britain, and the European Union. *Governance, 16*(2), 271-300.

Chesterman, S. (2002). Justice Under International Administration: Kosovo, East Timor and Afghanistan. International Peace Academy, 1-5.

Ciborra, C. (2005). Interpreting e-government and development: Efficiency, transparency or governance at a distance?. *Information Technology & People*, 18(3), 260-279.

Ciborra, C., & Navarra, D. D. (2005). Good governance, development theory, and aid policy: Risks and challenges of e-government in Jordan. *Information technology for development, 11*(2), 141-159.

Contini, F., & Cordella, A. (2015, May). Assembling law and technology in the public sector: the case of e-justice reforms. In *Proceedings of the 16th Annual International Conference on Digital Government Research* (pp. 124-132). ACM.

Contini, F., & Lanzara, G. (2008). *ICT and innovation in the public sector: European studies in the making of e-government*. Springer.

Cordella, A. & Shaikh, M. (2006). From epistemology to ontology: Challenging the constructed "truth" of ANT. *IS Department Working Paper Series.*

Cordella, A. (2007) "E-Government: Towards the E-Bureaucratic Form?", Journal of Information Technology, 22 pp. 265-267.

Cordella, A., & Iannacci, F. (2010). Information systems in the public sector: The e-Government enactment framework. *The Journal of Strategic Information Systems*, 19(1), 52-66.. doi:10.1016/j.jsis.2010.01.001.

Cordella, A., & Tempini, N. (2015). E-government and organizational change: Reappraising the role of ICT and bureaucracy in public service delivery. *Government Information Quarterly*, 32(3), 279-286.

Danziger, J. N., & Andersen, K. V. (2002). The Impacts of Information Technology on Public Administration: an Analysis of Empirical Research from the "Golden Age" of Transformation [1]. *International Journal of Public Administration*, 25(5), 591-627.

Debri, F., & Bannister, F. (2015, January). E-government stage models: A contextual critique. *In System Sciences (HICSS), 2015 48th Hawaii International Conference on* (pp. 2222-2231). IEEE.

Den Hertog, F., & Wielinga, C. (1992). Control systems in dissonance: The computer as an ink blot. *Accounting, Organizations and Society, 17*(2), 103-127.

Den Hertog, J. F. (1978). The role of information and control systems in the process of organizational renewal: Roadblock or road bridge?. *Accounting, Organizations and Society*, 3(1), 29-45.

Denhardt, R. B. (1999). The future of public administration. *Public Administration and Management,* 4(2), 279-292.

Diamond, L., & Plattner, M. F. (2012). *Liberation technology: Social media and the struggle for democracy*. JHU Press.

DiMaggio, P. J., & Powell, W. W. (Eds.). (1991). *The new institutionalism in organizational analysis* (Vol. 17). Chicago, IL: University of Chicago Press.

DiMaggio, P., & Powell, W. W. (1983). The iron cage revisited: Collective rationality and institutional isomorphism in organizational fields. *American Sociological Review,* 48(2), 147-160.

Dobbins, J., McGin, J., Jones, K.C.S.G., Lal, R., Rathmell, A., Swanger, R., & Timilsina, A. (2003). *America's role in nation-building: From Germany to Iraq.* Published by Rand.

Dunleavy, P. (2003). *Authoring a PhD: How to plan, draft, write and finish a doctoral thesis or dissertation.* Palgrave Macmillan.

Dunleavy, P., Margetts, H., Bastow, S., & Tinkler, J. (2006). New public management is dead—long live digital-era governance. *Journal of public administration research and theory, 16*(3), 467-494.

Economides, S. (2007). *United Nations Interventionism, 1991–2004*. Cambridge University Press.

Eisenhardt, K. M. (1989). Building theories from case study research. *Academy of management review, 14*(4), 532-550.

EULEX, (2010). Advice to KJC on CMIS. Report available from authors. *Prishtina*.

Fletcher, T. (2016). *Naked Diplomacy: Power and Statecraft in the Digital Age*. HarperCollins UK.

Fountain, J. E. (2001). Building the virtual state. *Information technology and institutional change*, 61-82.

Fukuyama, F. (2004). *State-building: governance and world order in the 21st century.* Cornell University Press.

Fukuyama, F. (2006). *Nation-building: beyond Afghanistan and Iraq*. JHU Press.

Fukuyama, F. (2011). *The origins of political order: From pre human times to the French Revolution.* Macmillan.

Goodsell, C. T., Osbome, D., & Gaebler, T. (1992). Reinvent government or rediscover it?.

Gore, C. (2000). The rise and fall of the Washington Consensus as a paradigm for developing countries. *World development*, 28(5), 789-804.

Haggard, S., & Kaufman, R. R. (2008). *Development, Democracy, and Welfare States: Latin America, East Asia, and Eastern Europe*. Princeton University Press.

Hartley, J. F. (1994). Case studies in organizational research. En Cassell, C.; Symon G. (eds.). *Qualitative methods in organizational research. 208-229*. Sage

Hartz, H., Mercean, L., & Williamson, C. (2005). Safeguarding a viable peace: Institutionalizing the rule of law. *Quest for a Viable Peace: International Intervention and Strategies for Conflict Transformation*.

Heeks, R. (1999). *Reinventing Government in the Information Age."* In *Reinventing Government in the Information Age: International Practice in ICT Enabled Public Sector Refrom*. London: Routledge

Heeks, R. (2002). Information systems and developing countries: Failure, success, and local improvisations. *The information society, 18*(2), 101-112.

Heeks, R. (2003). *Most egovernment-for-development projects fail: how can risks be reduced?* (Vol. 14). Manchester: Institute for Development Policy and Management, University of Manchester.

Heeks, R., & Bailur, S. (2007). Analyzing e-government research: Perspectives, philosophies, theories, methods, and practice. *Government information quarterly, 24*(2), 243-265.

Heeks, R., & Davies, A. (1999). Different approaches to information age reform. Reinventing government in the information age. *International practice in IT-enabled public sector reform*, 22-48.

Hekkila, V. (2001). *KS-CMIS: The Case Management Information System*. Finlands Ministry of Justice

Helbig, N., Gil-García, J. R., & Ferro, E. (2009). Understanding the complexity of electronic government: Implications from the digital divide literature. *Government Information Quarterly*, 26(1), 89-97.

Henriksen, H. Z., & Damsgaard, J. (2007). Dawn of E-Government–An institutional analysis of seven initiatives and their impact. *Journal of Information Technology*, 22(1), 13-23.

Holohan, A. (2005). *Networks of democracy: Lessons from Kosovo for Afghanistan, Iraq, and beyond*. Stanford University Press.

Hood, C. (1991). A public management for all seasons*?. Public administration, 69*(1), 3-19.

Hopp, U., & Kloke-Lesch, A. (2005). External Nation-building vs. Endogenous Nation-forming: A Development Policy Perspective. *Nation-Building: A Key Concept for Peaceful Conflict Transformation*, 137-150.

Hughes, O. (2003). *Public Management and Administration*. Palgrave, New York.

ICG, (2004). Collapse in Kosovo. International Crisis Group, *Europe report no. 155* Pristina/Belgrade/Brussels.

International Finance Corporation & World Bank, (2013). *Doing Business 2013: Smarter Regulations for Small and Medium-Size Enterprises.* Doing Business;. Washington, DC: World Bank.

Judah, T. (2002). *Kosovo: War and Revenge.* Yale University Press.

Kallinikos, J. (2006). *The consequences of information: Institutional implications of technological change*. Edward Elgar Publishing.

Kallinikos, J. (2009). The regulative regime of technology. In *ICT and innovation in the public sector* (pp. 66-87). Palgrave Macmillan UK.

KCJ, (2007). Strategic Plan for Kosovo Judicial Council 2007-2012. Prishtina: Kosovo Judicial Council.

King, I., & Mason, W. (2006). *Peace at any price: how the world failed Kosovo*. Cornell University Press.

KIPRED, (2010). The Fragile Triangle: police, judges, and prosecutors coordination during criminal proceedings response in Kosovo. *Kosovar institute for policy research and development/*

KJSP, (2009). Interim Report - Prosecution Case Management Information System – Pilot Project – Sep 2007 – Dec 2008. Kosovo Justice Support Program (KJSP).

Krasner, S. D. (2005). The case for shared sovereignty. *Journal of Democracy*, 16(1), 69-83.

Lanzara, G. F. (2009). Building digital institutions: ICT and the rise of assemblages in government. In *ICT and innovation in the public sector* (pp. 9-48). Palgrave Macmillan UK.

Latour, B. (2005). *Reassembling the social: An introduction to actor-network-theory.* Oxford University Press.

Law, J. (1999). After ANT: complexity, naming and topology. *The Sociological Review*, 47(S1), 1-14.

Layne, K., & Lee, J. (2001). Developing fully functional E-government: A four stage model. *Government information quarterly*, 18(2), 122-136.

Lessig, L. (1999). Code is law. *The Industry Standard, 18*.

Lessig, L. (1999a). *Code and other laws of cyberspace.* New York: Basic Books.

Lipset, S. M., Trow, M. A., & Coleman, J. S. (1956). *Union democracy: The internal politics of the International Typographical Union*. Glencoe, IL: Free Press.

Luhmann, N. (1993). *Communication and social order: risk: a sociological theory*. Transaction Publishers.

Madon, S. (1993). Introducing administrative reform through the application of computer-based information systems: A case study in India. *Public Administration and Development,* 13(1), 37-48.

Manual for Prosecution Offices of The Republic of Kosovo, (2010). Administrative Procedures.

Mayers, M. D. (1997). Qualitative Research in Information Systems. *MIS Quarterly*, 21 (2), 241-242.

McLellan, E., MacQueen, K. M., & Neidig, J. L. (2003). Beyond the qualitative interview: Data preparation and transcription. *Field methods,* 15(1), 63-84.

Medium. In a PhD or academic book, do you really need a Methodology chapter early on?, Available at: https://medium.com/advice-and-help-in-authoring-a-phd-or-non-fiction/in-a-phd-or-academic-book-do-you-really-need-a-methodology-chapter-early-on-e596ac518f75

Mertus, J. (2004). Improving international peacebuilding efforts: the example of human rights culture in Kosovo. *Global Governance, 10*(3), 333-351.

Metcalfe, L., & Richards, S. (1990). *Improving public management* (Vol. 1). Sage.

Minisitry of European Integration, (2015). Annual Report on Donor Activities Profile." Ministry of European Integration, Republic of Kosovo.

Monteiro, E., & Hanseth, O. (1996). Social shaping of information infrastructure: on being specific about the technology. In *Information technology and changes in organizational work* (pp. 325-343). Springer US.

Mortimer, E., & Fine, R. (Eds.). (1999). People, nation and state: The meaning of ethnicity and nationalism. IB Tauris.

Navarra, D. D., & Cornford, T. (2005). ICT, Innovation and Public Management: Governance, Models and Alternatives for eGovernment Infastructures. *ECIS 2005 proceedings*, 121.

NCS, (2002). A Strategic Plan for Court Automation. NCSC/DPK. Report available for author.

Ndou, V. (2004). E-government for developing countries: opportunities and challenges. *The Electronic Journal on Information Systems in Developing Countries*, 18(1), 1-24.

Okot-Uma, R. W. O. (2000). Electronic governance: re-inventing good governance. *London: Commonwealth Secretariat.*

O'Neill, W. G. (2002). *Kosovo: An unfinished peace*. Lynne Rienner Publishers.

Organisation for Economic Co-operation and Development, (2003). The case for e-government: Excerpts from the OECD Report "The E-Government Imperative". *OECD journal on Budgeting, 3*(1), 61-96.

Organisation for Economic Co-operation and Development. (2004). Review of the Criminal Justice System in Kosovo (2003-2004): Crime, Detention and Punishment. *OSCE Publishing.*

Organisation for Economic Co-operation and Development. (2011). Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance. *OECD Publishing.*

Organization for Economic Co-operation and Development (2006). Harmonising Donor Practices for Effective Aid Delivery. OECD, Paris. *OECD Publishing.*

Organization for Economic Co-operation and Development (2008). Concepts and Dilemmas of State Building in Fragile Situations: from fragility to resilience. OECD/DAC Discussion Paper. *OECD Publishing.*

Orlikowski, W. J., & Baroudi, J. J. (1991). Studying information technology in organizations: Research approaches and assumptions. *Information systems research*, 2(1), 1-28.

Osborne, D. (1993). Reinventing government. *Public productivity & management Review*, 349-356.

Osborne, S. P. (Ed.). (2010). *The New Public Governance: A Suitable Case for Treatment?* In The new public governance: Emerging perspectives on the theory and practice of public governance. Routledge.

Paris, R., & Sisk, T. D. (Eds.). (2010). *The dilemmas of state building: confronting the contradictions of post-war peace operations.* Routledge.

Peled, A. (2000). First-class technology–third-rate bureaucracy: the case of Israel. *Information Technology for Development*, 9(1), 45-58.

Robinson, N. (2007). State building and international politics: The emergence of a new problem and agenda". In *State building: Theory and practices,* (Hehir, A. and N. Robinson eds). Routledge, London.

Rossman, G. B., & Marshall, C. (1995). Designing qualitative research.

Scott, Z. (2007). Literature review on State-Building. *Governance and Social Development Resource Center.*

Shapiro, C. E. (2008). Information and Communication Technology Assessment Report. Prishtina: National Center for State Court.

Sisk and Wyeth (2009). Rethinking Peace-Building and State-Building in War-Torn Countries: Conceptual Clarity, Policy Guidance, and Practical Implications. *Draft discussion note for the OECD DAC International Network on Conflict and Fragility.*

Smith, M. L., Noorman, M. E., & Martin, A. K. (2008). Accountabilities, Automations, Dysfunctions and Values*: ICTs in the public sector*. LSE, Department of Management, Information Systems and Innovation Group.

Steiner, M. (2002). Address to the UN Security Council. *UNMIK/PR/719*. UNMIK. http://unmikonline.org/press/2002/press/pr719.htm.

Tansey, O. (2007). Process tracing and elite interviewing: a case for non-probability sampling. *PS: Political Science & Politics*, 40(04), 765-772.

Taylor, S., & Bogdan, R. (1998). *Introduction to Qualitative Research Methods*. New York: John Wiley & Sons.

The Economist (2008). The Electronic Bureaucrat. *The Economist, Special Issue of E-government*.

The Standish Group, (2012). Chaos Manifesto 2012: The year of the executive sponsor. Available at: https://cs.calvin.edu/courses/cs/262/kvlinden/resources/CHAOSManifesto2012.pdf

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 12 July 1999, S/1999/779, available at: http://www.refworld.org/docid/3ae6af0810.html

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 3 March 2000, S/2000/177, available at: http://www.refworld.org/docid/3ae6aefb0.html

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 14 April 2003, S/2003/421, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2003/421

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 14 February 2005, S2005/88, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2005/88

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 5 June 2006, S/2006/361, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2006/361

UN Security Council, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 9 March 2007, S/2007/134, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2007/134

UN Security Council, Security Council resolution 1244 (1999) [on the deployment of international civil and security presences in Kosovo], 10

June 1999, S/RES/1244 (1999), available at: http://www.refworld.org/docid/3b00f27216.html

UN, (2002). Monterrey Consensus. Last accessed: 24/07/2008 Address: http://www.un.org/esa/sustdev/documents/Monterrey_Consensus.htm.

United Nations (1999). On the authority of the interim administration in Kosovo. *UNMIK Regulation 1 1991.* UNMIK/REG/1999/1

UNMIK Kosovo Standards Implementation Plan, 31 March 2004.

UNMIK Press Release (UNMIK/PR/1078), 10 December 2003, Standards for Kosovo.

US Department of State, (April, 2000). Kosovo Judicial Assessment Mission Report. Washington DC: US Department of State.

USAID, (2010). ICT Incubator Feasibility Study. Available at: http://pdf.usaid.gov/pdf_docs/PA00HQT2.pdf

Vickers, M. (1995). *The Albanians: A Modern History*. London: I. B. Tauris

Vickers, M. (2000). Kosovo, the Illusive State. In *Kosovo: Contending Voices on Balkan Interventions*, (Buckley, W. J. ed.) William B. Eerdmans Publishing Company, Cambridge UK.

Walsham, G. (1993). *Interpreting information systems in organizations*. John Wiley & Sons, Inc.

Walsham, G. (1995). Interpretive Case Studies in Is Research: Nature and Method. *European Journal of Information Systems*, 4, 74-81.

Walsham, G. (1997). Actor-network theory and IS research: current status and future prospects. *In Information systems and qualitative research* (pp. 466-480). Springer US.

Weber, M. (1946). *From Max Weber: Essays in Sociology*. Oxford University Press, Oxford.

Weiss, R. S. (1995). *Learning from strangers: The art and method of qualitative interview studies*. Simon and Schuster.

Willingen, N. V. (2009). Building Sustainable Institutions? The results of international administration in Bosnia & Herzegovina and Kosovo 1995-2008. Universiteit Leiden.

World Bank, (1997). "World Development Report: State in a Changing World" World Bank, Washington.

World Bank, (2002). "World Development Report: Building Institutions for Markets" World Bank, Washington.

World Bank, (2008) "Definition of E-Government", World Bank, Washington. Address: http://go.worldbank.org/M1JHE0Z280.

Yang, K. (2003). Neoinstitutionalism and E-Government Beyond Jane Fountain. *Social Science Computer Review*, 21(4), 432-442.

Yannis, A. (2002). State collapse and its implications for peace–building and reconstruction. *Development and change, 33*(5), 817-835.

Yildiz, M. (2007). E-government research: Reviewing the literature, limitations, and ways forward. Government information quarterly, 24(3), 646-665.

Yin, R. K. (1981). The case study crisis: Some answers. *Administrative science quarterly, 26*(1), 58-65.

Zucker, L. G. (1977). The role of institutionalization in cultural persistence. *American sociological review*, 726-743.

Zuercher, C. (2006). Is more better? Evaluating external-led state building after 1989. Stanford (CDDRD Working Paper 54) *Published by: Ministry of Foreign Affairs of Denmark Evaluation Department Asiatisk plads, 2*, 1448.

Appendix 1 – Interview Guide

Interviewee Name and role in the project or related organization: Date: Start Time: End Time:
Introduction This interview is being conducted as part of my PhD research into the role of information and communication technologies (ICTs) in the process of state building at the Maastricht Graduate School of Governance. More specifically this interview aims to gather data about the process of conception, implementation and development of the Case Management Information System used by the Courts and Prosecutor Offices in Kosovo. I intend to do this by reconstructing the project's process and features within the process that have led to the current implementation of the CMIS. I am also very much interested to learn about the development of the justice system as a whole as well as linkages between these two processes. This is a semi-structured interview, which means that I have a number of ready made questions, but the purpose is to speak as freely as possible. With your consent, I will record the interview and will also keep extensive notes.
Question 1 Please briefly introduce yourself? What is your role with CMIS and/or justice sector in Kosovo?
Question 2 Could you briefly describe the overall situation in Kosovo? Both in the country and specifically in the judiciary (courts and prosecutors offices)?

Question 3 Could you please describe your involvement in the design (or implementation) of CMIS? Please be specific about the context, stakeholders and expected results.
Question 4 What were some of the difficulties that you faced in the implementation of CMIS? Were these related to technology or other factors (i.e people, funding etc)?
Question 5 What were some of the solutions that you tried to implement? How were these solutions accepted by other actors involved?
Question 6 Are you aware of the institutional setup of the judiciary during your involvement with CMIS? Did it change over time? If yes, how?
Question 7 Are there any aspects of the CMIS project that we haven't talked about?
Question 8 Are there any documents relevant to CMIS or generally to our conversation that you could share with me?
Closing Thank you for your time and for sharing your experience and insights about CMIS. Would you suggest anybody else that I could talk to about the project or the judiciary in general? Could you help with the contact? Do you have any questions for me?

Appendix 2 – Participant Interview Consent Form

Interview Participation Consent Form

I volunteer to participate in a research project conducted by Mr. Bernard Nikaj from Maastricht School of Governance. I understand that the project is designed to gather information for academic purposes and is part of the work towards PhD degree of Mr. Nikaj.

1. My participation in this project is voluntary. I understand that I will not be paid for my participation. I may withdraw and discontinue participation at any time without penalty.

2. If I feel uncomfortable in any way during the time I fill out the survey, I have the right to decline to answer any question, from start to end of the interview.

3. The interview will last approximately 60-90 minutes. The interview will be taped and transcribed and stored on the personal computer of the researcher and used for analysis afterwards.

4. There are no known risks associated with participation in this study.

5. It is hoped that the results of this study will improve understanding of the use of information and communication technologies in state building in post conflict situations.

6. I understand that the researcher will not identify me by name in any report using information obtained from this study, and that my confidentiality as a participant in this study will remain secure.

7. Data collected for this study will only be used for the purpose of this PhD study, and will not be shared with external parties.

8. I have read and understand this document provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.

If you cannot obtain satisfactory answers to your questions, or have comments or complaints about your treatment in this study, contact:
Prof. Dr. Friso Den Hertog, Maastricht Graduate School of Governance at:
friso.denhertog@maastrichtuniversity.nl

Name and position of the Participant:
[signed] and [dated]

Appendix 3 - List of Interviewees, by organization and function

Ministries	
Minister of Justice	April, 2014/Nov, 2015
Diplomatic Missions	
Ambassador of Norway in Albania and Kosovo	January, 2015
Diplomat at the US Mission in Prishtina	January, 2013
UNMIK	
Legal Expert	Nov, 2014
Former Head of Department of Justice	August, 2015
Former DSRSG	July, 2015
Former Adviser for Justice to SRSG, now legal expert in UN.	July, 2015
Courts in Kosovo	
Six Regional Courts	2012,2013, 2015
Court of Appeals	Sept, 2013
Supreme Court	Sept, 2013
Prosecutors Office	
Deputy State Prosecutor	Nov, 2013
Senior Prosecutor now in charge of war crimes	Nov, 2013
Kosovo Judiciary Council	
Head of Secretariat	August, 2012
IT Manager	August, 2012
USAID/NSCS	
Head of CMIS Implementation in Prosecutors' Offices	June, 2012
Lead Developer	July 2012
Project Manager (2006-2007)	November, 2012
ProNET	
Lead Project Manager	April, 2012
Co-Founder /Operations Manager	May, 2012
Independent Experts	
Professor, American University in Kosovo	May, 2014
Practicing Lawyer and Legal Practice Owner	May, 2014

Appendix 4 - Documents collected during research

Contracts

- Grant Agreement between UNMIK and EAR on financing Phase 2 of the CMIS Implementation nr: 03/KOS01/02/003
- UNMIK-EAR Grant Agreement 04/KOS01/02/003 on the third phase of the creation of Court Case management system

Strategies

- Kosovo Standards Implementation Plan, issued by UNMIK on 31 March 2004
- Strategic Plan for Court Automation in Kosovo, prepared by DOJ, 27 February 2002
- ICT Strategy 2007-2012, prepared by KJC.
- National Strategy for Dealing with backlog, Ministry of Justice, 2010

Reports

- EU funded Support to Justice Project
    - Terms of Reference for the project
    - Inception Report
    - Quarterly Reports (4 per year)
- EU funded Further Support to Justice Project
    - Terms of Reference for the project
    - Inception Report
    - Quarterly Reports (4 per year)
    - Final Report
- NCSC Project
    - Project Evaluation Reports (2 in total)

Manuals

- Manual for the prosecution offices of the Republic of Kosovo: Administrative Procedures, May 2010

Other Documents

- Workflow analysis of CMIS, prepared by ProNet.

Valorisation Addendum

When Estonia took over the EU Presidency in July 2017 one of its four priorities was set to be the creation of a digital Europe and the free movement of data building on the thought that "Europe must exploit the benefits of the technological progress that is resulting in constant change for citizens, businesses and governments.[60]"

In order to achieve this objective the EU Presidency will focus on:

- developing cross-border e-commerce and e-services for the benefit of consumers, producers and businesses
- ensuring modern and secure electronic communications available everywhere across Europe as well as creating a favourable environment for new innovative services
- advancing cross-border digital public services to facilitate everyday life

All these priorities encompass development and implementation of ICT solutions spanning national legislations and governments. As such they venture into the realm of "building" new areas of responsibility both at the national and pan-European levels. It is here where the findings of this research can come in handy.

The practice and study of implementation of e-government solutions has long been dominated by stories of success and failure. It is often that we read both in daily newspapers but also in academic literature stories of particular cases of investments in ICT and e-government solutions that have shown to be a success (e-voting stories in Estonia) or failure (implementation of Health Information solutions across European countries). However, beyond success and failure there is the implicit co-habitation between technology implemented and institutions/people using it that across time defines the very nature of the institutions in which the technology is deployed.

Governments are not going to stop deploying technology to automate the working of administrations. It is here that the findings of this study can help by drawing attention to un-planned effects of the ICT implementation. But not only. The observations from this study also suggest that in order for the

[60] https://www.eu2017.ee/priorities-estonian-presidency

technology to become the "state-builder" a specific context needs to exist. A context characterized by the involvement of a large number of actors both in the form of organizations as well as decision makers.

The observations of this study, over the course of this PhD, have been shared with officials from the Government of Kosovo, as well as officials of the international organizations active in the area of e-government in Kosovo. Some of the observations, especially in relation to the impact of the technology of the legal base and vice versa have been taken into account when designing new phases of the CMIS project. In September 2017, Kosovo has become the beneficiary of the Millennium Challenge Cooperation funded by the US Government. As part of this project around 49 million euros will be spent in improving economic situation and governance in Kosovo. One of the pillars of this project focuses on using CMIS to increase transparency and accountability of the Kosovar judiciary. The author of this thesis has shared extensive insights about previous phases of CMIS development with designers of the new phase of CMIS development.

Future research might show whether insights of this study have had any impact on latest attempts to increase accountability and transparency of the justice system through using technology.

About the Author

Bernard Nikaj was born in Gjakova, Kosovo in 1978. He is the current Ambassador of Kosovo to Belgium and Luxembourg. At the same time, he performs the duties of the Head of Kosovo Mission to the European Union and NATO.

Prior to his current post, he was the Minister of Trade and Industry at the Government of Kosovo during which time he led Kosovo's Trade negotiations as part of the Stabilization Association Agreement (SAA) negotiations between Kosovo and the European Union. Prior to this, he has worked for the Deputy Prime Minister for Economy and Minister of Trade focusing on issues of trade relations, industrial development, business environment reforms and foreign direct investment.
He has more than ten years of experience working on development projects in Kosovo, Albania and the Kyrgyz Republic focusing on public financial management, social sector reform, economic development and public administration reforms. He also taught Management and Innovation at the University of Prishtina and Development Economics at AUK Summer School.

He holds degrees in Economics and Management from University of Prishtina (BA) and in Analysis, Design and Management of Information Systems from The London School of Economics (LSE). He has been awarded British Foreign Office Chevening Scholarship for his masters studies, Netherlands Fellowship Award (NFP) by the Government of Netherlands for his PhD studies and has spent a semester as a Fulbright Visiting Scholar at the University of California at Berkeley. He is also a FCO International Leaders Program (ILP) Alumni.

He is married to Rozafa and has two sons Rron and Gjin.

MGSoG Dissertation Series

2017

Ali Safarnejad
Prioritizing the HIV Response
UNU-MERIT/MGSoG Dissertation Series № 192

Clovis Freire
Diversification and Structural Economic Dynamics
UNU-MERIT/MGSoG Dissertation Series № 191

Michael Verba
Innovation and Knowledge Dynamics: Essays on the Knowledge Economy
UNU-MERIT/MGSoG Dissertation Series № 190

Pui Hang Wong
The Hearts and Minds in Conflict and Peace:The Economics of Counterinsurgency and the Psychology of Reconstruction
UNU-MERIT/MGSoG Dissertation Series № 189

Brenda Yamba
Schooling Despite All Odds: Evidence from Lesotho on Female Child Carers who Stayed in School
UNU-MERIT/MGSoG Dissertation Series № 188

Sheng Zhong
Moving towards An Energy Efficient Future; Essays on Energy Efficiency, Technology and Development
UNU-MERIT/MGSoG Dissertation Series № 187

Julieta Marotta
Access to Justice and Legal Empowerment of Victims of Domestic Violence through Legal Organizations in the City of Buenos Aires; A Qualitative Empirical Legal Study
UNU-MERIT/MGSoG Dissertation Series, № 186

Andrea Franco-Correa
On the Measurement of Multidimensional Poverty as a Policy Tool; Empirical Applications to Chile, Colombia, Ecuador and Peru
UNU-MERIT/MGSoG Dissertation Series, № 185

2016

Yesuf Awel
Insurance for Growth; Empirical Essays on Insurance Demand and Impacts in Africa
UNU-MERIT Dissertation Series, № 108

Tigist Mekonnen Melesse
Grow More Food using Fewer Resources;
Agricultural Technology Adoption and Innovation Practices for Inclusive and Sustainable Development
UNU-MERIT Dissertation Series, № 107

Eleni Yitbarek
Getting Ahead or left Behind?; Essays on Poverty Dynamics and Social Mobility in Africa
UNU-MERIT Dissertation Series, № 106

Thuy Dieu Nguyen
Firm-Level Theory and Evidence of Corruption
UNU-MERIT Dissertation Series, № 105

Raquel Tsukada Lehman
Essays on Household Production with Labor-Saving Technology
UNU-MERIT Dissertation Series, № 104

Eva Barteková
Multi-Problem Challenges for a Renewable Future; Empirical Studies on Competitive Disadvantages from Electricity Price Differentials and Mineral Supply Risk in an Open Economy
UNU-MERIT Dissertation Series, № 103

Jocelyn Olivari
Entrepreneurial Traits and Innovation; Evidence from Chile
UNU-MERIT Dissertation Series, № 102

Muhammad Shafique
Essays on the role of knowledge, R&D, and Technology-based Firms in the Evolution of Socio-techno-economic System
UNU-MERIT Dissertation Series, № 101

Serdar Türkeli
Governance of Innovation Policy; Empirical Studies on Applied Political Economy by Multi-Methods Analysis
UNU-MERIT Dissertation Series, № 100

Ayokunu Adedokun
Pathways to Sustainable Peacebuilding in Divided Societies; Lessons and Experiences from Mozambique
MGSoG Dissertation Series, № 75

Luiz Rothier Bautzer
Organizing Concurrent Engineering through ICT Platforms Blueprinting Product Lifecycle Management Platforms across Disciplinary Agencies
MGSoG Dissertation Series, № 74

Natalia Popova
Migration in the Periphery of the European Union; Determinants of Successful and Sustainable Labour Market Integration of Return Migrants in Albania, Egypt, Moldova and Tunisia
MGSoG Dissertations Series, № 73

Richard A. Martina
Uncertainty and Resource Constraint in the Small Island Developing States; Essays in Entrepreneurial Cognition
MGSoG Dissertations Series, № 72

Cécile Cherrier
The Expansion of Basic Social Protection in Low-income Countries; An Analysis of Foreign Aid Actors' Role in the Emergence of Social Transfers in Sub-Saharan Africa
MGSoG Dissertations series, № 71

Paul Caldron
The Tacit Bargain in Short-Term Medical Missions; Why U.S. physicians go and what it costs
MGSoG Dissertation Series, № 70

Mahmut Kobal
Customs & Excellence: A Comparative Approach on Administrative and Regulatory Compliance Perspectives of the EU-Turkey Customs Union
MGSoG Dissertation Series, № 69

Craig Loschmann
Essays on Conflict-related Migration and Development in the Case of Afghanistan
MGSoG Dissertations Series, № 68

Andrea Milan
Rural Livelihoods, Location and Vulnerable Environments; Approaches to Migration in Mountain areas of Latin America
MGSoG Dissertation Series, № 67

Farida Lada
On Guarding the Welfare of Clinical Trial Subjects While Promoting Novel Drug Innovation A Game Theoretical Approach
MGSoG Dissertation Series, № 66

2015

Hibret Belete Maemir
Dissecting Aggregate Productivity; International Integration and Growth with Heterogeneous Firms
UNU-MERIT Dissertation Series, № 96

Giorgio Triulzi
Looking for the Right Path; Technology Dynamics, Inventive Strategies and Catching-up in the Semiconductor Industry
UNU-MERIT Dissertation Series, № 95

Abdul Baseer Qazi
Knowledge flows and networks in the ICT sector; The case of Pakistan
UNU-MERIT Dissertation Series, № 94

Ajay Thutupalli
Technology Paradigm Shifts in Agriculture; Drivers of Sustainability and Catch up
UNU-MERIT Dissertation Series, № 93

Eduardo Urias
Improving access to HIV/AIDS treatment in Brazil; When are Compulsory Licenses effective in Price Negotiations?
UNU-MERIT Dissertation Series, № 92

Francesca Guadagno
Why have so few Countries Industrialised?
UNU-MERIT Dissertation Series, № 91

Daniel Opolot
The Evolution of Beliefs and Strategic Behaviour
UNU-MERIT Dissertation Series, № 90

Alejandro Lavopa
Structural Transformation and Economic Development; Can Development Traps be Avoided
UNU-MERIT Dissertation Series, № 89

Jinjin Zhao
Urban water management reform; The Case of China
UNU-MERIT Dissertation Series, № 88

Simona Vezzoli
Borders, Independence and Post-colonial Ties; the Role of the State in Caribbean Migration
MGSoG Dissertation Series, № 65

Silvia Consuelo Gómez Soler
Civil Conflict and Education; How Does Exposure to Civil Conflict Affect Human Capital Accumulation? Evidence from Standardized Exit Exams in Colombia
MGSoG Dissertation Series, № 64

Paula Nagler
Occupational Choice in the Developing World
MGSoG Dissertation Series, № 63

Jasmin Kientzel
Determinants of Professional Commitment to Environmental Sustainability
MGSoG Dissertation Series, № 62

Mehmet Güney Celbiş
Regional Policies; Convergence, Trade, and the Allocation of Public Capital
MGSoG Dissertation Series, № 61

Florian Henning
Living Up to Standard; Interoperability Governance and Standards Adoption in Government Information Networks
MGSoG Dissertation Series, № 60

Niels P. Groen
The Never-Ending Project Understanding E-Government Project Escalation
MGSoG Dissertation Series, № 59

Derek Copp
Teacher-Based Reactivity to Provincial Large-scale Assessment in Canada
MGSoG Dissertation Series, № 58

Michaella Vanore
Family-Member Migration and the Psychosocial Health Outcomes of Children in Moldova and Georgia
MGSoG Dissertation Series, № 57

Sonja Fransen
The Economic and Social Effects of Remittances and Return Migration in Conflict-Affected Areas; The Case of Burundi
MGSoG Dissertation Series, № 56

Ibrahim Khalil Conteh
The Impact of Floods on Primary School Education in Zambia
MGSoG Dissertation Series, № 55

Richard Bluhm
Growth Dynamics and Development Essays in Applied Econometrics and Political Economy
MGSoG Dissertation Series, № 54

Nevena P. Zhelyazkova
Work-Family Reconciliation and Use of Parental Leave in Luxembourg; Empirical Analysis of Administrative Records
MGSoG Dissertation Series, № 53

2014

Dirk Crass
The Impact of Brands on Innovation and Firm Performance; Empirical Evidence from Germany
UNU-MERIT Dissertation Series, № 87

Samyukta Bhupatiraju
The Geographic Dimensions of Growth and Development
UNU-MERIT Dissertation Series, № 86

François Lafond
The Evolution of Knowledge Systems
UNU-MERIT Dissertation Series, № 85

Annalisa Primi
Promoting Innovation in Latin America; What Countries Have Learned (and What They Have Not) in Designing and Implementing Innovation and Intellectual Property Policies
UNU-MERIT Dissertation Series, № 84

Fatoumata Lamarana Diallo
Evaluation of Meal and Deworming Programs for Primary Schools in Rural Senegal
UNU-MERIT Dissertation Series, № 83

Sachin Kumar Badkas
Metachoice and Metadata; Innovating with Environmental Policy Analysis in Europe
MGSoG Dissertation Series, № 52

Irina S. Burlacu
An Evaluation of Tax-Benefit Systems Impact on the Welfare of Frontier Worker;
The Case of Luxembourg and Belgium
MGSoG Dissertation Series, № 51

Özge Bilgili
Simultaneity in Transnational Migration Research; Links Between Migrants' Host and Home Country Orientation
MGSoG Dissertation Series, № 50

Yulia Privalova Krieger
Reshaping the Big Agenda; Transnational Politics and Domestic Resistance Financial crisis and social protection reform in Bosnia and Herzegovina
MGSoG Dissertation Series, № 49

Marieke van Houte
Moving Back or Moving Forward? Return migration after Conflict
MGSoG Dissertation Series, № 48

Oxana Slobozhan
Global Governance in the Management of Natural Resources; The Case of the Extractive Industries Transparency Initiative (EITI)
MGSoG Dissertation Series, № 47

Luis Bernardo Mejia Guinand
The Changing Role of the Central Planning Offices in Latin America; A Comparative Historical Analysis Perspective (1950-2013)
MGSoG Dissertation Series, № 46

Cheng Boon Ong
Ethnic Segregation in Housing, Schools and Neighbourhoods in the Netherlands
MGSoG Dissertation Series, № 45

Luciana V. Cingolani
Bureaucracies for Development; Oxymoron or Reality? Studies on State Capacity in Challenging Governance Contexts
MGSoG Dissertation Series, № 44

Carlos Cadena Gaitán
Green Politics in Latin American Cities - Sustainable Transport Agendas
MGSoG Dissertation Series, № 43

Katie Kuschminder
Female Return Migration and Reintegration Strategies in Ethiopia
MGSoG Dissertation Series, № 42

Metka Hercog
Highly-Skilled Migration and New Destination Countries
MGSoG Dissertation Series, № 41

Margaret Agaba Rugadya
Can Remittances Influence the Tenure and Quality of Housing in Uganda?
MGSoG Dissertation Series, № 40

Ilire Agimi
New Governance Under Limited Statehood; The Case of Local Government Reform in Kosovo
MGSoG Dissertation Series, № 39

2013

Anant Kamath
Information Sharing through Informal Interaction in Low-Tech Clusters
UNU-MERIT Dissertation Series, № 82

Flavia Pereira de Carvalho
What we talk about when we talk about Brazilian Multinationals; An Investigation on Brazilian FDI, Economic Structure, Innovation and the Relationship between them
UNU-MERIT Dissertation Series, № 81

Jun Hou
Complementarity in Innovation and Development; A Cross-country Comparison
UNU-MERIT Dissertation Series, № 80

Rufin Baghana
Impacts of Government Incentives to R&D, Innovation and Productivity; A Micro econometric Analysis of the Québec Case
UNU-MERIT Dissertation Series, № 79

Lilia I. Stubrin
High-Tech Activities in Emerging Countries; A Network perspective on the Argentinean Biotech Activity
UNU-MERIT/MGSoG Dissertation Series, № 78

Kristine Farla
Empirical Studies on Institutions, Policies and Economic Development
MGSoG Dissertation Series, № 38

Marina Petrovic
Social Assistance and Activation in the Pursuit of Happiness; Shedding New Light on Old Policy Solutions to Social Exclusion
MGSoG Dissertation Series, № 37

Laura Torvinen
Assessing Governance Assessments; The Case of Mozambique; Governance Assessments in the Context of Aid Effectiveness Discourse
MGSoG Dissertation Series, № 36

Biniam Egu Bedasso
Institutional Change in the Long Shadow of Elite; Essays on Institutions, Human Capital and Ethnicity in Developing Countries
MGSoG Dissertation Series, № 35

Sepideh Yousefzadeh Faal Deghati
Childhoods Embargoed; Constructing and Reconstructing Multidimensional Child Poverty in Iran 1984-2009
MGSoG Dissertation Series, № 34

Robert Bauchmüller
Investing in Early Childhood Care and Education; The Impact of Quality on Inequality
MGSoG Dissertation Series, № 33

Martin Rehm
Unified Yet Separated; Empirical Study on the Impact of Hierarchical Positions within Communities of Learning
MGSoG Dissertation Series, № 32

2012

Abdul Waheed
Innovation Determinants and Innovation as a Determinant; Evidence from Developing Countries
UNU-MERIT Dissertation Series, № 77

Bilal Mirza
Energy Poverty and Rural Energy Markets in Pakistan
UNU-MERIT Dissertation Series, № 76

Benjamin Engelstätter
Enterprise Software and Video Games; An Empirical Analysis
UNU-MERIT Dissertation Series, № 75

Fulvia Farinelli
Natural Resources, Innovation and Export Growth; The Wine Industry in Chili and Argentina
UNU-MERIT Dissertation Series

Rodolfo Lauterbach
Innovation in Manufacturing; From Product Variety and Labor Productivity Growth to Economic Development in Chile
UNU-MERIT Dissertation Series

Kirsten Wiebe
Quantitative Assessment of Sustainable Development and Growth in Sub-Saharan Africa
UNU-MERIT/MGSoG Dissertation Series, № 74

Julio Miguel Rosa
Organizational Strategies, Firms' Performance and Spatial Spillovers; The Canadian Case in Research and Development.
UNU-MERIT Dissertation Series, № 73

Johannes Wilhelmus Marie Boels
Joseph Schumpeter, Honderd Jaar Economische Ontwikkeling; Een Historisch-theoretische Beschouwing.
UNU-MERIT Dissertation Series

Dorcas Mbuvi
Utility Reforms and Performance of the Urban Water Sector in Africa
MGSoG Dissertation Series, № 31

2011

Daniel Vertesy
Interrupted Innovation; Emerging Economies in the Structure of the Global Aerospace Industry
UNU-MERIT Dissertation Series, № 72

Tina Saebi
Successfully Managing Alliance Portfolios; An Alliance Capability View
UNU-MERIT Dissertation Series, № 71

Lina Salanauskaite
Distributional Impacts of Public Policies; Essays in Ex-Ante and Ex-Post Evaluation
MGSoG Dissertation Series, № 30

Esther Schüring
To Condition or not – is that the Question?
An Analysis of the Effectiveness of Ex-Ante and Ex-Post Conditionality in Social Cash Transfer Programs
MGSoG Dissertation Series, № 29

Joe Abah
Strong Organisations in Weak States; Atypical Public Sector Performance in Dysfunctional Environments
MGSoG Dissertation Series, № 28

Zina Samih Nimeh
Social Citizenship Rights; Inequality and Exclusion
MGSoG Dissertation Series, № 27

Nora Engel
Tuberculosis in India; A Case of Innovation and Control
UNU-MERIT/MGSoG Dissertation Series, № 70

Evans Mupela
Connectivity and growth in Sub-Saharan Africa; The Role of Communication Satellites
UNU-MERIT Dissertation Series, № 69

Nantawan Kwanjai
Cross Cultural Intelligence amid Intricate Cultural Webs; A Tale of the UnDutchables in the Land of 1002 Smiles
UNU-MERIT Dissertation Series, № 68

Lina Sonne
Innovation in Finance to Finance Innovation; Supporting Pro-poor Entrepreneur-based Innovation
UNU-MERIT Dissertation Series, № 67

Lenka Eisenhamerová
Legitimacy of 'Humanitarian Military Intervention'
MGSoG Dissertation Series, № 26

Sonila Tomini
Informal Payments for Health Care Services in Albania
MGSoG Dissertation Series, № 25

Jinjing Li
Dynamic Microsimulation in Public Policy Evaluation
MGSoG Dissertation Series, № 24

Aziz Atamanov
Rural Nonfarm Employment and International Migration as Alternatives to Agricultural Employment; The Case of Kyrgyzstan
MGSoG Dissertation Series, № 23

Frieda Vandeninden
Poverty Alleviation; Aid and Social Pensions
MGSoG Dissertation Series, № 22

Juliana Nyasha Tirivayi
The Welfare Effects of Integrating AIDS Treatment with Food Transfers; Evidence from Zambia
MGSoG Dissertation Series, № 21

Agnieska Ewa Sowa
Who's Left Behind? Social Dimensions of Health Transition and Utilization of Medical Care in Poland
MGSoG Dissertation Series, № 20

Emmanaouil Sfakianakis
The Role of Private Actors in the Provision of Public Goods with Applications to Infrastructure and Financial Stability
MGSoG Dissertation Series, № 19

Siu Hing Lo
White Collars Green Sleeves; An Inter-organizational Comparison of Determinants of Energy-Related Behaviors among Office Workers
MGSoG Dissertation Series, № 18

Treena Wu
Constraints to Human Capital Investment in Developing Countries; Using the Asian Financial Crisis in Indonesia as a Natural Experiment
MGSoG Dissertation Series, № 17

Henry Espinoza Peña
Impact Evaluation of a Job-Training Programme for Disadvantaged Youths; The Case of Projoven
MGSoG Dissertation Series, № 16

2010

Fernando Santiago
Human Resources Management Practices and Learning for Innovation in Developing Countries; Pharmaceutical Firms in Mexico
UNU-MERIT Dissertation Series, № 66

Zakaria Babutsidze
Essays on Economies with Heterogeneous Interacting Consumers
UNU-MERIT Dissertation Series, № 65

Bertha Vallejo
Learning and Innovation Under Changing Market Conditions; The Auto Parts Industry in Mexico
UNU-MERIT Dissertation Series, № 64

Donatus Ayitey
Technical Change, Competitiveness and Poverty Reduction; A Study of the Ghanaian Apparel Industry
UNU-MERIT Dissertation Series, № 63

Sergey Filippov
Multinational Subsidiary Evolution; Corporate Change in New EU Member States
UNU-MERIT Dissertation Series, № 62

Asel Doranova
Technology Transfer and Learning under the Kyoto Regime; Exploring the Technological Impact of CDM Projects in Developing Countries
UNU-MERIT Dissertation Series, № 61

Florian Tomini
Between Family and Friend; Understanding the Interdependency of Private Transfers
MGSoG Dissertation Series, № 15

Michał Polalowski
The Institutional Transformation of Social Policy in East Central Europe; Poland and Hungary in Comparative and Historical Perspective
MGSoG Dissertation Series, № 14

Maha Ahmed
Defining, Measuring and Addressing Vulnerability; The Case of Post Conflict Environments
MGSoG Dissertation Series, № 13

Pascal Beckers
Local Space and Economic Success; The Role of Spatial Segregation of Migrants in the Netherlands
MGSoG Dissertation Series, № 12

Victor Cebotari
Conflicting Demands in Ethnically Diverse Societies; Ethno political Contention and Identity Values in Europe
MGSoG Dissertation Series, № 11

Dennis Gyllensporre
Competing and Complementary Perspectives on the EU as a Crisis Management Actor; An Examination of the Common Security and Defence Policy through the Lenses of Idealism and Realism
MGSoG Dissertation Series, № 10

Judit Vall Castello
Business Cycle and Policy Effects on Labour Market Transitions of Older and Disabled Workers in Spain
MGSoG Dissertation Series, № 9

2009

Alexis Habiyaremye
From Primary Commodity Dependence to Diversification and Growth; Absorptive Capacity and Technological Catch Up in Botswana and Mauritius.
UNU-MERIT Dissertation Series, № 60

Yoseph Getachew
The Role of Public Capital in Economic Development
UNU-MERIT Dissertation Series, № 59

Keetie Roelen
False Positives or Hidden Dimensions; The Definition and Measurement of Child Poverty
MGSoG Dissertation Series, № 8

Denisa Maria Sologon
Earning Dynamics in Europe
MGSoG Dissertation Series, № 7

Melissa Siegel
Money and Mobility; Migration and Remittances
MGSoG Dissertation Series, № 6

Jessica S. Hagen-Zanker
Modest Expectations; Causes and Effects of Migration on Migrant Households in Source Countries
MGSoG Dissertation Series, № 5

Sandra Leitner
Embodied Technological Change and Patterns of Investment in Austrian Manufacturing
UNU-MERIT Dissertation Series, № 58

Semih Akçomak
The Impact of Social Capital on Economic and Social Outcomes
UNU-MERIT Dissertation Series, № 57

Abraham Garcia
The Role of Demand in Technical Change
UNU-MERIT Dissertation Series, № 56

Saurabh Arora
Coherence in Socio-technical Systems; A Network Perspective on the Innovation Process
UNU-MERIT Dissertation Series, № 55

Mirtha R. Muniz Castillo
Human Development and Autonomy in Project Aid; Experiences from four bilateral projects in Nicaragua and El Salvador
MGSoG Dissertation Series, № 4

Christiane Arndt
Governance Indicators
MGSoG Dissertation Series, № 3

Britta Augsburg
Microfinance; Greater Good or Lesser Evil?
MGSoG Dissertation Series, № 2

2008

Rutger Daems
Medicines for the Developing World
UNU-MERIT Dissertation Series, № 54

Johannes Hanel
Assessing Induced Technology; Sombart's Understanding of Technical Change in the History of Economics
UNU-MERIT Dissertation Series, № 53

Rifka Weehuizen
Mental Capital; the Economic Significance of Mental Health
UNU-MERIT Dissertation Series, № 52

Danielle Cloodt
The Relationship between R&D Partnership Formation, Social Embeddedness and Innovative Performance
UNU-MERIT Dissertation Series, № 51

Sabine Fuss
Sustainable Energy Development under Uncertainty
UNU-MERIT Dissertation Series, № 50

Geranda Notten
Measuring and Managing Poverty Risks
MGSoG Dissertation Series, № 1

2007

Tobias Kronenberg
Reconciling Environmental Conservation with Economic Prosperity; The Feasibility of Double Dividends in the Short and Long Run
UNU-MERIT Dissertation Series, № 49

Viktoria Kravtsova
Assessing the Impact of Foreign Direct Investment in Transition Economies
UNU-MERIT Dissertation Series, № 48

Suhail Sultan
The Competitive Advantage of Small and Medium Sized Enterprises; The Case of Jordan's Natural Stone Industry
UNU-MERIT Dissertation Series, № 47

2006

Bulat Sanditov
Essays on Social Learning and Imitation
UNU-MERIT Dissertation Series, № 46

Mamata Parhi
Dynamics of New Technology Diffusion; A Study of the Indian Automotive Industry
UNU-MERIT Dissertation Series, № 45

Andreas Reinstaller
Social Structures and the Innovation Process; Their Role in the Demand of Firms and Consumers
UNU-MERIT Dissertation Series, № 44

Rose Kiggundu
Innovation systems and Development; The Journey of a Beleaguered Nile Perch Fishery in Uganda
UNU-MERIT Dissertation Series, № 43

Thomas Pogue
The Evolution of Research Collaboration in South African Gold Mining; 1886-1933
UNU-MERIT Dissertation Series, № 42

Geoffrey Gachino
Foreign Direct Investment, Spillovers and Innovation; The Case of Kenyan Manufacturing Industry
UNU-MERIT Dissertation Series, № 41

Önder Nomaler
Technological Change, International Trade and Growth; An Evolutionary, Multi-Agents-Based Modeling Approach
UNU-MERIT Dissertation Series,
№ 40

2005

Samia Satti Osman Mohamed-Nour
Change and Skill Development in the Arab Gulf Countries
UNU-MERIT Dissertation Series,
№ 39

Elad Harison
Intellectual Property Rights; Economics and Policy Analysis
UNU-MERIT Dissertation Series,
№ 38

Daniel Dalohoun
The Relationship between R&D Partnership Formation, Social Embeddedness and Innovative Performance; a Multi-level Approach of Social Embeddedness
UNU-MERIT Dissertation Series,
№ 37

Müge Ozman
Networks, Organizations and Knowledge
UNU-MERIT Dissertation Series,
№ 36

Bas Straathof
Product Variety and Economic Growth; The Counteracting Effects of Scale and Idiosyncrasy
UNU-MERIT Dissertation Series,
№ 35

Wilfred Schoenmakers
Knowledge Flows between Multinational Companies; A Patent Data Analysis
UNU-MERIT Dissertation Series,
№ 34

Myriam Cloodt
Mergers and Acquisitions (M and As) in High-Tech Industries; Measuring the Post-M and A Innovative Performance of Companies
UNU-MERIT Dissertation Series,
№ 33

2004

Paola Criscuolo
R&D Internationalisation and Knowledge Transfer; Impact on MNEs and their Home Countries
UNU-MERIT Dissertation Series, № 32

Maarten Verkerk
Trust and Power on the Shop Floor
UNU-MERIT Dissertation Series, № 31

Gottfried Leibbrandt
Adoption, Harmonization and Succession of Network Technologies across Countries
UNU-MERIT Dissertation Series, № 30

Mark Sanders
Skill Biased Technical change; Its Origins, the Interaction with the Labour Market and Policy Implications
UNU-MERIT Dissertation Series, № 29

2003

Nadine Roijakkers
Inter-firm Cooperation in High-tech Industries; a Study of R&D Partnerships in Pharmaceutical Biotechnology
UNU-MERIT Dissertation Series, № 28

Viki Sonntag
Speed, Scale and Sustainability
UNU-MERIT Dissertation Series, № 27

Masaru Yarime
From End-of-Pipe Technology to Clean Technology
UNU-MERIT Dissertation Series, № 26

Stéphane Malo
The Combinatorial Chemistry Revolution; Sustaining a Superior Performance Position through Technological Learning
UNU-MERIT Dissertation Series, № 25

2002

Annelies Hogenbirk
Determinants of Inward Foreign Direct Investment; the Case of the Netherlands
UNU-MERIT Dissertation Series, № 24

Bastiaan Johan ter Weel
The Computerization of the Labour Market
UNU-MERIT Dissertation Series

2001

John Adeoti
Technology Investment in Pollution Control in Sub-Saharan Africa; The Case of the Nigerian Manufacturing Industry
UNU-MERIT Dissertation Series, № 23

Edward Huizenga
Innovation Management; How Frontrunners Stay Ahead; An Empirical Study on Key Success Factors in the ICT sector
UNU-MERIT Dissertation Series, № 22

2000

Machiel van Dijk
Technological Change and the Dynamics of Industries; Theoretical Issues and Empirical evidence from Dutch Manufacturing
UNU-MERIT Dissertation Series, № 21

1999

Jan Cobbenhagen
Managing Innovation at the Company Level; A Study on Non-Sector-Specific Success Factors
UNU-MERIT Dissertation Series, № 20

Marjolein Caniëls
Regional Growth Differentials; The Impact of Locally Bounded Knowledge Spillovers
UNU-MERIT Dissertation Series, № 19

1998

Aldo Geuna
Resource Allocation and Knowledge production; Studies in the Economics of University Research
UNU-MERIT Dissertation Series, № 18

1996

Reinoud Joosten
Dynamics, Equilibria, and Values
UNU-MERIT Dissertation Series,
№ 17

Hugo Kruiniger
Investment, R&D, and the Financing Decisions of the Firm
UNU-MERIT Dissertation Series,
№ 16

1995

Hans van Meijl
Endogenous Technological Change; The Case of Information Technology, Theoretical Considerations and Empirical Results
UNU-MERIT Dissertation Series,
№ 15

René Kemp
Environmental Policy and Technical Change; A Comparison of the Technological Impact of Policy Instruments
UNU-MERIT Dissertation Series,
№ 14

Rohini Acharya
The Impact of New Technologies on Economic Growth and Trade; A Case Study of Biotechnology
UNU-MERIT Dissertation Series,
№ 13

Geert Duysters
The Evolution of Complex Industrial Systems; The Dynamics of Major IT Sectors
UNU-MERIT Dissertation Series,
№ 12

Marjan Groen
Technology, Work and Organisation; A Study of the Nursing Process in Intensive Care Units
UNU-MERIT Dissertation Series,
№ 11

1994

Huub Meijers
On the Diffusion of Technologies in a Vintage Framework; Theoretical Considerations and Empirical Results
UNU-MERIT Dissertation Series, № 10

Theon van Dijk
The Limits of Patent Protection; Essays on the Economics of Intellectual Property Rights
UNU-MERIT Dissertation Series, № 9

Hans Voordijk
Naar Integrale Logistiek in Bedrijfsketens; Ontwikkelingen in de Bouw
UNU-MERIT Dissertation Series, № 8

1993

Paul Diederen
Technological Progress in Enterprises and Diffusion of Innovation;. Theoretical Reflections and Empirical Evidence
UNU-MERIT Dissertation Series, № 7

Ben Dankbaar
Economic Crisis and Institutional Change; The Crisis of Fordism from the Perspective of the Automobile Industry
UNU-MERIT Dissertation Series, № 6

Hanno Roberts
Accountability and Responsibility; The Influence of Organisation Design on Management Accounting
UNU-MERIT Dissertation Series, № 5

1992

Bart Verspagen
Uneven Growth Between Interdependent Economies; An Evolutionary View on Technology Gaps, Trade and Growth
UNU-MERIT Dissertation Series, № 4

Sjoerd Romme
A Self-organization Perspective on Strategy Formation
UNU-MERIT Dissertation Series, № 3

1989

John Spangenberg
Economies of Scale, and Atmosphere in Research Organisations
UNU-MERIT Dissertation Series, № 2

1988

John Hagedoorn
Evolutionary and Heterodox Innovation Analysis; A Study of Industrial and Technological Development in Process Control and Information Technology
UNU-MERIT Dissertation Series, № 1