

Policy-Making Cycle in Kosovo: A view on systemic challenges and potential reform directions

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Policy-Making Cycle in Kosovo: A view on systemic challenges and potential reform directions

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A Note on the Main Findings of the Analysis

This policy report has reflected upon the public policymaking process in Kosovo, identifying key actors, common characteristics, and core challenges/shortcomings of the process in Kosovo. Based on the above analysis, one should take away the following findings:

1. There is lack of one overarching national development strategy which could align other national and sectorial strategies and minimize overlap of responsibilities and priorities.
2. There are a large number of strategies in which policies have not been properly prioritized, resulting in a lack of financial sustainability for all strategies.
3. Lack of coordination among responsible stakeholders is a major problem which results in misalignment of priorities and implementation challenges.
4. The key policy actors who coordinate policymaking are the Office of the Prime Minister, Ministry of Finance, Ministry of European Integration, Departments on EU Integration and Policy Coordination in each Ministry, and the Assembly.
5. Policymaking in Kosovo, as expected, does not fit well with any theoretical model of policymaking. This does not make Kosovo a stand out case, as many other countries' policymaking processes also do not align with a particular theoretical model.
6. Agenda setting, the first phase of the policy cycle, is mainly led by the donor and international community including the USA and the EU.¹
7. Policy formulation, the second phase of the policy cycle, is vulnerable to political pressures and influence, as observed from the practical examples explained above. In addition, according to WB governance indicators, the quality of policy formulation in Kosovo is low, which demonstrates the negative impact of political interference during policy formulation. One should note that when political interference is high during this stage, the importance placed on gathering sufficient evidence and analysis is often sidelined, leading to poor policy formulation.
8. Policy implementation, the fourth phase of the policy cycle, remains poor, as illustrated in the practical examples discussed in this policy report and also in the EU country report findings. Explanatory factors include the lack of efficient inter-institutional coordination, of pre-implementation budgetary assessments, and of policy evaluation post implementation.
9. Ex-post policy evaluation, the last phase of the policy cycle, appears to be a missing link in the policymaking process in Kosovo, despite the importance of policy evaluation for the successful completion of implementation and for the introduction of subsequent policies.
10. Ex-ante policy evaluation is limited and generally includes impact budgetary assessment only, conducted by the Ministry of Finance, while leaving out other important social, economic, environment, and gender dimensions.
11. The Parliament has only a marginal role in policymaking processes, aside from adopting policy; the Assembly is rarely a key player in designing policies, only playing a role in drafting very strategic policies, and has little to no role vis-à-vis the implementation of policies. Parliament's policy priorities are mainly set by the government through the annual legislative plan which the government delivers to the parliament.
12. Infrastructure Investment Policy has been the most predictable and stable governmental policy and has remained a priority despite shifts with regard to which parties hold power in the government and parliament.
13. The SAA will have a positive impact on the stability of the policymaking process in Kosovo. This form of stability refers also to the orientation and prioritization of policies.

¹ Considering Kosovo's limited budget, there is little space in the agenda for policies prioritized by local officials and institutions.

Policy Recommendations

Based on these findings and the analysis included in this report, the following recommendations should be promptly addressed by relevant institutions:

- I. The Government should introduce only one overarching nationally-coordinated policy, on the basis of which all ministries would develop and propose their own strategies and policies. Given that, the number of overlapping objectives will significantly drop off and the prioritization of objectives will be clearly defined.
- II. The Government should also aim to have something similar to the “Government Statement” in which the government would highlight their ambitions to be a role of model on certain aspects. This would also serve as a guide to build the one national strategy.
- III. The efficiency of inter-institutional and horizontal coordination should be improved, which could in turn limit the number of overlapping of objectives and increase the level of policy implementation.
- IV. Policy formulation should rely on well-founded data and evidence. This phase should also include all relevant stakeholders. This comprehensive involvement of stakeholders limits possibilities for interference of specific group interests, and is rather based on evidence.
- V. Efficient and effective policymaking demands comprehensive policy evaluations and impact analyses. Evaluation is needed to identify policy successes/failures, to understand challenges (financial, technical, institutional, political, and socio-economic) and adjust implementation strategies, and to better formulate new policies (and corresponding budgets).
- VI. In addition to the impact budgetary assessment, there should be an assessment of other socio-economic, environment, gender cost dimensions, amongst others. This assessment should be ex-ante as it should anticipate any costs to other dimensions of society, apart from the budgetary one.
- VII. The number of strategies should continue to decrease while reflecting prioritization and alignment of priorities. Given that, they should not continue to be considered as an aim in itself, but rather as a mechanism to achieve a set of objectives.

Background

The readiness of Kosovo institutions to process policy change is key for institutional stability, adequate public service provisions, socio-economic development, and further EU integration. Policy refers to the government's approach to push forward a certain decision with the aim of managing identified challenges or improving existing frameworks. However, certain policies may also maintain the status quo. Both interpretations are encompassed in one of the most common definitions of policy, set forth by the emeritus professor of political science Thomas Dye — “policy is whatever governments choose to do or not to do”.² Policy has a central role in explaining how the administration works and functions. It is policy that defines the purpose of agencies, provides them with legitimacy, and offers the tools for the evaluation of its implementation. In simpler terms, the making of policies – policymaking – is the act of creating laws, standards and regulations based on evidence. The administration or public administrators are the ones responsible for implementing these policies, thereby enacting the will of policymakers (usually, in democracies, the legislative branch of government). For Kosovo, efficient and effective public administration reform (PAR) is a precondition for continued EU integration, as this process is dependent on the successful implementation of many policymaking changes and policymaking reforms.

In the Albanian language, there is no concrete word that would describe the meaning of “policy,” unlike in the English language which distinguishes between “policy” and “politics”. Albanian literature uses a single term “politika” with various uses and meanings, which sometimes leads to ambiguity. However, there is translation for the word “policy-making” (politikë- bërje in the Albanian language). It is important to note that other languages also do not differentiate between terms for ‘policy’ and ‘politics’. An explanatory approach to this lack of comprehensive vocabulary is that, in such environments, politics has been an integral part of policy making.³ This also indicates that the policymaking process cannot be improved by looking only at the technical aspects of the process, but also the role that politics plays in the policymaking processes in Kosovo. It is also important to note the difference between policy analysis and political analysis, a difference which is often overlooked in Kosovo’s public administration setting. Policy analysis is the study of what government should potentially do about public problems. The basis and birth of policy analysis is associated with dissatisfaction over government performance in Washington DC in the 1960s.⁴ The government at the time could not cope with military procurement challenges; thus, economists offered policy arguments (not political arguments) to improve the situation. On the other hand, political analysis is a manner of developing strategic approaches to external players and of identifying ways of influencing the progress of specific objectives.⁵ This analysis seeks to understand the benefits, the behaviors, and the costs of potential interlocutors that play a role in decision-making. Overall, there is vagueness regarding public policy terminology used in Kosovo, both in the public discourse and the administration. As such, it was found necessary to simplify and differentiate these concepts before beginning our analysis of the policymaking process in Kosovo.⁶

² Dye, Thomas (1984). “Understanding Public Policy” *Prentice-Hall, the University of Michigan. Fifth edition.*

³ Hallsworth, Michael, Simon Parker, and Jill Rutter (2011). “Policymaking in the Real World: Evidence and Analysis.” Institute for Government.

⁴ Mead, Lawrence M. “Teaching Public Policy: Linking Policy and Politics.” *Journal of Public Affairs Education.*

⁵ Hudson, David and Adrian Leftwich (2014). “From Political Economy to Political Analysis.” *The Developmental Leadership Program, College of Social Sciences, University of Birmingham.*

⁶ Policymaking process, policymaking cycle, and policymaking are used interchangeably throughout the text.

Policymaking is a complex process that involves a number of stakeholders and a myriad of interests. Depending on the type of policy change addressed, several governmental agencies can be involved, in addition to those already involved from the political strata. Given that, it can be challenging to separate policy from politics. Thus, when analyzing the policymaking processes, there is a need to also assess the impact of politics on the process, as politics affects the formulation and implementation of policies, particularly in developing countries like Kosovo that have no well-established institutional systems. This creates further obstacles for the coordination and development of efficient policies. Though, it is important to note that this practice of politics not being entirely divided from the policymaking process itself is a natural characteristic of any worldwide policymaking process. Nevertheless, when analyzing the policymaking process, one should try to answer questions, such as: how is the process regulated; how are policies designed; how do policies enter the government agenda; who influences and what drives policy change and policy reform; how does the EU integration process affect policy reform; and, how is policy change coordinated, amongst others. These and other similar questions can support a critical approach to any policy change or reform taking place in the state administration. A comprehensive picture of the process cannot be provided by looking only at the technical aspects of policymaking; the impact of political aspects on the process should also be evaluated.

That said, the initial concern that arises when assessing policymaking processes in Kosovo, which are conducted on a daily basis at both the local and central levels, is the perception that policies are mainly developed and enacted in an ad-hoc manner and derive from the political agenda of main political parties rather than from evidence relating to the most pressing issues in the country. Evidence-based policymaking refers to an apolitical, neutral, and objective decision-making process that is reliant on facts and is crucial for drafting efficient, result-oriented policies. For policymaking processes not based on evidence, there is high risk that the selection criteria might include “power and influence of sectional interests, corruption, political ideology, arbitrariness, and anecdote”.⁷ Although, the EU country report for Kosovo has highlighted the need for inclusiveness and evidence to be the basis of any regulation, strategy, or law formulation, policy decisions (and their corresponding budgets and financial implications) which have been comprehensively developed based on evidence and which result in concrete, implementable policy recommendations are rarely witnessed in Kosovo.⁸

As a result, the aim of this policy report is to map all actors relating to the policymaking process, to identify common characteristics of the process, and to provide a comprehensive analysis of the nature of the policymaking process in Kosovo while delivering concrete policy recommendations to increase the efficiency, effectiveness, and stability of the policymaking process. The sections of this policy report will be structured as follows: section II maps all stakeholders that are in charge of the policymaking process; section III discusses the policymaking process based on the legislative framework and other regulations applicable in Kosovo; section IV reflects upon the nature and stability of the policymaking process, considering the role of external influence and the impact of EU conditionality and of daily politics; section V examines a few cases of policy making in order to evaluate the transparency, consistency and stability of the policymaking process; section VI, the last section, draws upon the main findings of this policy report and provides

⁷ Scott, Christopher (2005). “Measuring Up to the Measurement Problem: The Role of Statistics in Evidence-based policy-making.” London School of Economics. Available at: <http://www.paris21.org/sites/default/files/1509.pdf>

⁸ European Commission (2016). Kosovo Country Report. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf

sound and evidenced based policy recommendations aimed at developing a more efficient policymaking process. The paper also aims to contribute to the debate on the inclusiveness, transparency and overall stability of the policymaking process in the country, deemed necessary for public administration reform and deriving from EU conditionality. The following section maps all relevant stakeholders, otherwise called center of government institutions.

Mapping Centre of Government Institutions in Kosovo

The policymaking process and implementation of government policies is dependent on the efficient operation and coordination of Centre of Government (CoG) institutions. CoG includes the office of the Prime Minister, Ministry of European Integration, and Ministry of Finance.⁹ Defining the roles and responsibilities of each CoG actor helps in depicting the structure and development of the policymaking process. According to an OECD study, the legal infrastructure which provides for the basic functioning of the policymaking process is in place in Kosovo, though problems remain with regard to inter-institutional cooperation and policy implementation.¹⁰ The following section provides a brief overview of the mandate of each CoG actor, including the Office of the Prime Minister, Ministry of Finance, Ministry of European Integration, Departments on EU Integration and Policy Coordination in each Ministry, and the Assembly.

Office of the Prime Minister (OPM)

The OPM is one of the centre of government institutions and of particular importance for policy development and coordination.¹¹ The OPM has sixteen offices which deal with various issues ranging from good governance to internal auditing.¹² Amongst these, the Legal Office (LO), Strategic Planning Office (SPO), and the Government Coordination Secretariat (GCS) are those which deal directly with policy making and policy coordination from a horizontal governmental perspective.

Legal Office (LO) is an organizational structure within the OPM which coordinates the process of legislative drafting and is responsible for quality control and ensuring standards compliance. The LO reviews all draft laws and secondary legislation for submission to the Assembly by the Government, both when legislation is sponsored by individual ministries or the government as a whole.¹³ The office also provides advice and expertise to the executive, and reviews all concept documents to ensure whether the justification for approval of laws or secondary legislation is provided.

Office of Strategic Planning (OSP) responds directly to the Prime Minister (PM) and to the General Secretary of the OPM for administrative issues. The OSP support the Prime Minister to ensure that all Ministries act in compliance with Government strategic policies. The OSP provides advice to the Prime Minister on important policy issues to be approved during the Government meeting and that are directly linked to Government priorities.

⁹ SIGMA (2017). "Functioning of the Centres of Government in the Western Balkans" SIGMA Paper no.53.

¹⁰ SIGMA (2017). "Functioning of the Centres of Government in the Western Balkans." SIGMA Paper, No.53, OECD Publishing. Available at: [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/SIGMA\(2017\)1&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/SIGMA(2017)1&docLanguage=En)

¹¹ Kasemets, K. (2015), "Policy Making Review Kosovo." SIGMA Papers, No. 52, OECD Publishing.

Available at: <http://dx.doi.org/10.1787/5js7nr4np0d8-en>

¹² For more see Offices. Office of the Prime Minister. Republic of Kosovo.(2016).

Available at: <http://www.kryeministri-ks.net/?page=2,15>

¹³ For more see Scope of the Legal Office. Office of the Prime Minister.Republic of Kosovo(2016).

Available at: <http://www.kryeministri-ks.net/?page=2,45>

This office, amongst others, is in charge of identifying new and important issues of strategic importance for analysis; provide advice to the Prime Minister on important policy issues to be approved by the Government meeting and that are directly linked to Government priorities; represent the Office of the Prime Minister at the main Government planning processes, and ensures that Government priorities are reflected at annual and short-term operational documents and at the Government budget planning.¹⁴ It is also tasked with ensuring sectoral policy coherence.

Government Coordination Secretariat (GCS) GCS supports the PM in order to ensure that all ministries act in compliance with the policies and decisions of the Government. The office shall also support the PM by offering logistical support such as briefings before meetings, written and oral advice.¹⁵ The GCS should Coordinate work on the preparation of the Government Annual Work Plan and Report in cooperation with respective institutions; support the Prime Minister in order to ensure that all ministries act in compliance with the policies and decisions of the Government; and coordinate work with ministries dealing with preparation and planning of the work of the Government and the implementation of its decisions. According to the head of this office, horizontal coordination is poor.¹⁶

Ministry of Finance (MoF)

As previously elaborated, each proposed draft law and policy must be submitted to the Ministry of Finance for assessment of the budgetary impact and potential implications. This phase is most crucial as approving a draft law will have financial implications during and require human resources for implementation. Budgetary analysts within MoF are responsible for providing an opinion on the budgetary impact of any government initiative in accordance with the Administrative Instruction 02/2015.¹⁷ In addition, there is a “Guidebook for Assessing the Budgetary Impact of New Government Initiatives” that serves as a manual to be used for purposes of budgetary impact assessment.¹⁸ This form analyses only the budgetary implications to the Kosovo budget and is limited, as it does not consider the other social, environmental, economic, and gender implications to society. One should note though that this opinion remains necessary but not sufficient for providing a comprehensive picture of all costs. The drawbacks of this form were also highlighted by one senior public official interviewed by the Group for Legal and Political Studies.¹⁹ Any new government initiative, as foreseen with the guidebook, which cannot be supported by the opinion of budgetary impact assessment should normally fail to pass onward, due to high expenditures which cannot be covered by the budget.

Ministry of European Integration (MEI)

Each proposed draft law, before being sent to the Assembly, is sent to the Department of EU Law in the Ministry of European Integration, which checks the draft law for compliance with the EU Acquis. This responsibility makes the Ministry of European Integration a key policy actor in the

¹⁴ For more see Office of Strategic Planning, Office of the Prime Minister, Republic of Kosovo. (2016) Available at: <http://www.kryeministri-ks.net/?page=2,173>

¹⁵ Government Coordination Secretariat, Office of the Prime Minister, Republic of Kosovo. Available at <http://www.kryeministri-ks.net/?page=2,15>

¹⁶ Interview with Arben Krasniqi, Director of the Government Coordination Secretariat. Republic of Kosovo. 21 February, 2018.

¹⁷ Administrative Instruction 02/2015 on Budget Impact Assessment for New Government Initiatives.

Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10867>

¹⁸ Prime Minister's Office. Republic of Kosovo. “Guidebook for Assessing the Budgetary Impact of New Government Initiatives”.

Available at: http://www.kryeministri-ks.net/repository/docs/Doracaku_per_Vleresimin_e_Ndikimit_Buxhetor_te_Nismave_te_Reja_Qeveritar....pdf

¹⁹ Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine, Kosovo.

policy making process. The MEI's Department of EU Law, amongst others, offers advice on interpretation and enforcement of the EU Acquis; provides unification of procedures related to the process of translation of the Acquis; manages and coordinates the process of translating the Acquis; maintains a close relationship with all relevant national and international actors and EU institutions in the process of preparing a national legislative framework in line with the Acquis.²⁰ A piece of legislation not compliant with the EU Acquis should normally fail to pass the review of the core policymaking procedures.

Departments for European Integration and Policy Coordination

Each Ministry has a Department for EU Integration and Policy Coordination. These departments are in charge of coordinating the activities in line with the European integration process. They monitor and report on the implementation of European Commission recommendations and also provide support in aligning the Ministry drafted legislation with the EU Acquis. Each of these departments also contributes to the exchange of information relating to the European integration process.²¹ According to the description of their duties, these departments should hold the primary responsibility for coordinating their ministries' work relating to European integration with other central governmental units. However, a senior public official notes that these units are not performing their responsibilities properly.²² In addition, a 2015 OECD study pinpointed several factors contributing to the uninspiring performance of these ministerial departments, including lack of English language or any official EU language ability, which leads to potential misunderstanding of the Acquis, and lack of understanding of how the EU system functions.²³

The Assembly

The Assembly shall contribute to all phases of the public policymaking process, including the agenda-setting, policy formulation, policy adoption, implementation and evaluation. The key role of the Assembly has also been elaborated in the above sections relating to legislative policy making. The Assembly mainly tackles very strategic policy processes, and it has only a small role in designing and implementing the day-to-day policymaking process.

Overall, new policies are mainly developed based on the NIPSAA and governmental plan. According to the Office of Strategic Planning:

*“the policymaking system is a distributed system”*²⁴

While the head of the Government Coordination Secretariat notes that:

*“the policymaking system is neither centralized nor distributed, but rather a chaotic system”*²⁵

²⁰ For more about the role of the EU legal Department, Ministry of European Integration, Republic of Kosovo, see <http://www.mei-ks.net/sq/departamenti-i-se-drejtues-be-se>

²¹ See two examples of European Integration and Policy Coordination Department at the Ministry of Trade and Industry, and Ministry of Finance, respectively. Available at <http://www.mti-ks.org/en-us/European-Integration-and-Policy-Coordination-Department> and <http://mf.rks-gov.net/page.aspx?id=2.74>

²² Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine. Kosovo.

²³ Kasemets, K. (2015), “Policy Making Review Kosovo.” SIGMA Papers, No. 52, OECD Publishing.

Available at <http://dx.doi.org/10.1787/5js7nr4np0d8-en>

²⁴ Interview with the Acting Director of the Strategic Planning Office, Prime Minister's Office. Vedat Sagonjeva. 15 February, 2018. According to him, budgetary organizations are responsible to initiate new strategies and add their own priorities; however, their office has the right to negotiate or reject these initiatives, reflecting a distributed policymaking system.

²⁵ Interview with Arben Krasniqi, Director of the Government Coordination Secretariat. Republic of Kosovo. 21 February, 2018.

As the PM offices and CoG are the ones guiding the policymaking cycle, Kosovo appears to have adopted a more top-down public policy-making approach. Nonetheless, there are policies also initiated by various ministerial departments, a senior public official underlines:

“it is rather a mixed model which resembles to the UK system of policymaking with a top-down approach, but in which many policies are derived from the departmental level of ministries.”²⁶

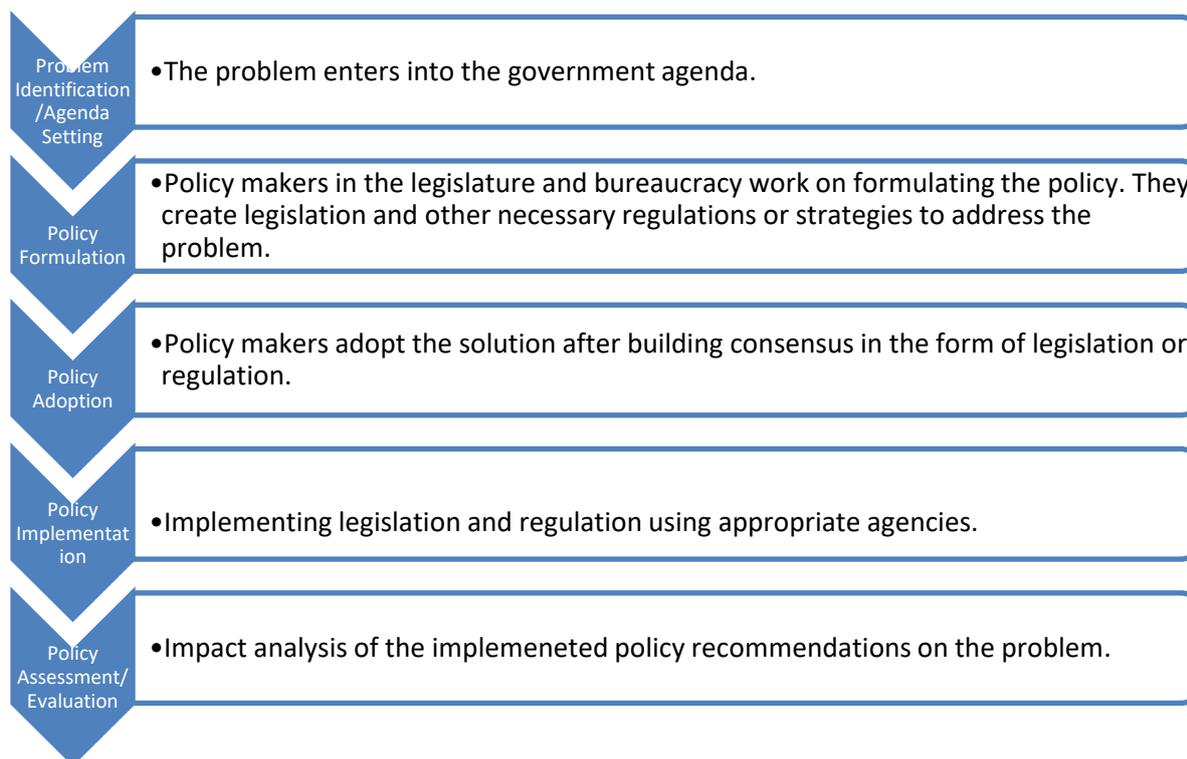
Public Policymaking Process in Kosovo

Formulating and developing public policy involves a process of making smart decisions for the public good. The process itself is complicated due to the involvement of many actors and various interests. In theory, the policymaking process is structured and follows several steps which slightly differ depending on the approach. Whereas, in practice, it is often an imprecise process, easily influenced by other external factors such as the political situation, the socio-economic situation, or/and public opinion, amongst others. There are various theoretical approaches used to explain the policymaking process, though practitioners note that there is a gap between theoretical models of policymaking and policymaking in the real world.²⁷ Neither the rational model nor the incremental, mixed, or garbage model perfectly explain or correspond to policymaking approaches and practices in the real world. On this basis, an overview of the theoretical models relating to policymaking processes are considered to be beyond the scope and extraneous given the aims of this paper. Rather, below we move to discuss only the policymaking phases and the relevance of each phase to the process.

As shown in the figure below, the policymaking process is composed of five phases:

²⁶ Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine. Kosovo.

²⁷ Michael Hallsworth, Simon Parker, and Jill Rutter (2011). “Policymaking in the Real World: Evidence and Analysis.” Institute for Government.



Graph.1 Phases of the policymaking process.
Source: Author's compilation based on readings²⁸

As shown in graph.1, it is important to identify problems and place them in the government agenda as the first step of the policymaking process. The second step involves bringing together key stakeholders to formulate new policy, whether new legislation or a new strategy. Subsequently, all policy actors must build some level of consensus in order to move forward and adopt the new policies. After the policy is formulated and adopted, the (arguably most challenging) phase of implementation begins. This phase is followed by the policy assessment/evaluation phase. This phase falls at the end of the policymaking cycle and involves conducting impact analysis to find out if the recommended policies worked as intended.

While it is tempting to think of public policymaking as a structured process as shown in the above graph.1, the aforementioned phases do not necessarily take place in distinct stages. Rather, the phases are interlinked and sometimes overlapping. Recommendations may arise earlier than the problem itself, or policy problems and policy solutions may arise at the same time. Due to other external factors, policies may be formulated and adopted without taking into consideration potential alternatives. In other cases, a better alternative can be found but without the necessary funding. Or, as elaborate upon later in this analysis, there are also cases wherein a policy is not designed to solve a specific identified problem by national actors but rather is a condition by the EU or is used as a political maneuver by the parties in power. The aim of this analysis is not to evaluate the policymaking process in Kosovo in line with an existing theoretical model, but rather to identify a set of common characteristics of the process in Kosovo.

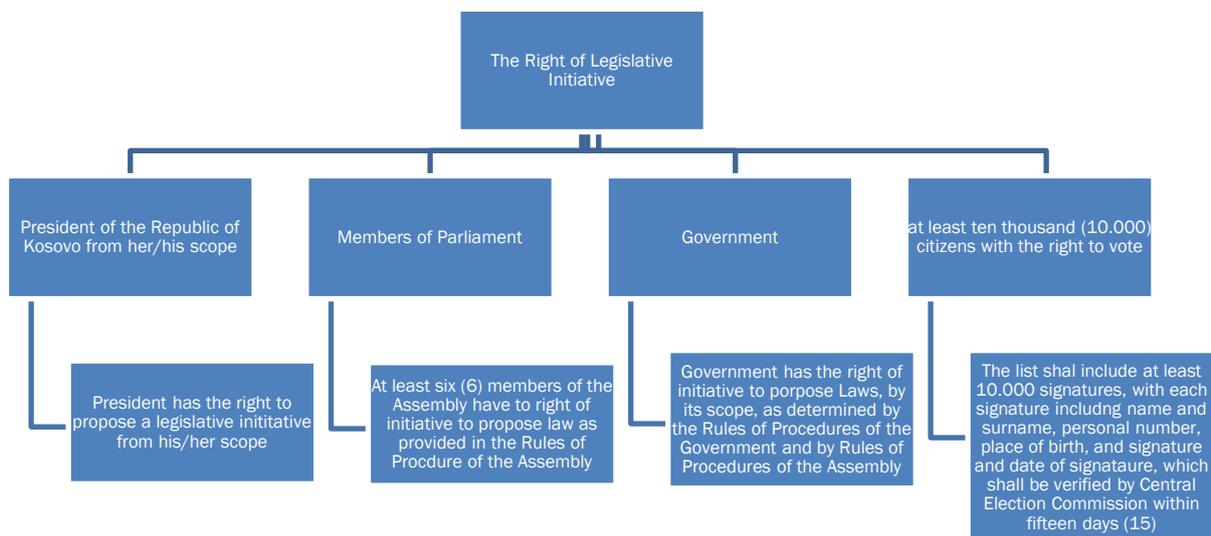
²⁸ Bridgman, P. and G. Davis, (2003). "What use is a Policy Cycle? Plenty, if the Aim is Clear." Australian Journal of Public Administration. Parsons, W. (1995). "Public Policy: An introduction to the theory and practice of policy analysis." Edward Elgar, London. Cairney, P. (2011). "Understanding Public Policy: Theories and Issues." Palgrave Publishing. William Dunn (2012). "Public Policy Analysis."Routledge Publishing. Fourth edition.

The baseline of all policymaking in a parliamentary democracy goes through lawmaking and parliamentary approval. In Kosovo, there is no single authoritative policymaker; rather, the right to initiate legislation is regulated by the Law on Legislative Initiatives as shown in graph.2.²⁹ The right of legislative initiative is entrenched in the article 79 of the Constitution of the Republic of Kosovo which identifies the four actors (shown in the below graph) with the right to initiate legislation.

Graph 2. Actors that have the right of legislative initiatives as a core component of the policymaking process. Source: Author's compilation based on the Law No. 04/L-025 on Legislative Initiatives.

Legislative drafting is the most important and common component for addressing current problems during the policymaking process. This section identifies all actors who have the right to initiate legislation and the steps to do so, seen below in Graph 3, and also outlines the steps for drafting legislation based on the government's initiative specifically, as this is most common compared to legislation initiated by other actors. Procedures and steps for drafting policy initiated by the government are regulated by the Government Regulation on Government Legal Services.³⁰

The first step of drafting legislation is the preparation of a preliminary draft law by the sponsoring agency, followed up by preliminary consultation. This consultation should be done within 15 working days and should include all governmental bodies that may be affected by the draft law. Other non-governmental stakeholders such as civil society organizations and interest groups which are affected by the draft proposal are also able to comment during the public consultation phase. This phase provides for the involvement of civil society in the drafting process and is crucial as it involves all parties affected by the draft law and interested in pushing forward their own policy recommendations. In addition, it allows the government to access more information and consider different approaches for solving problems.³¹ While this approach builds upon a rational model it can easily transform into a 'tick the box model,' involving various



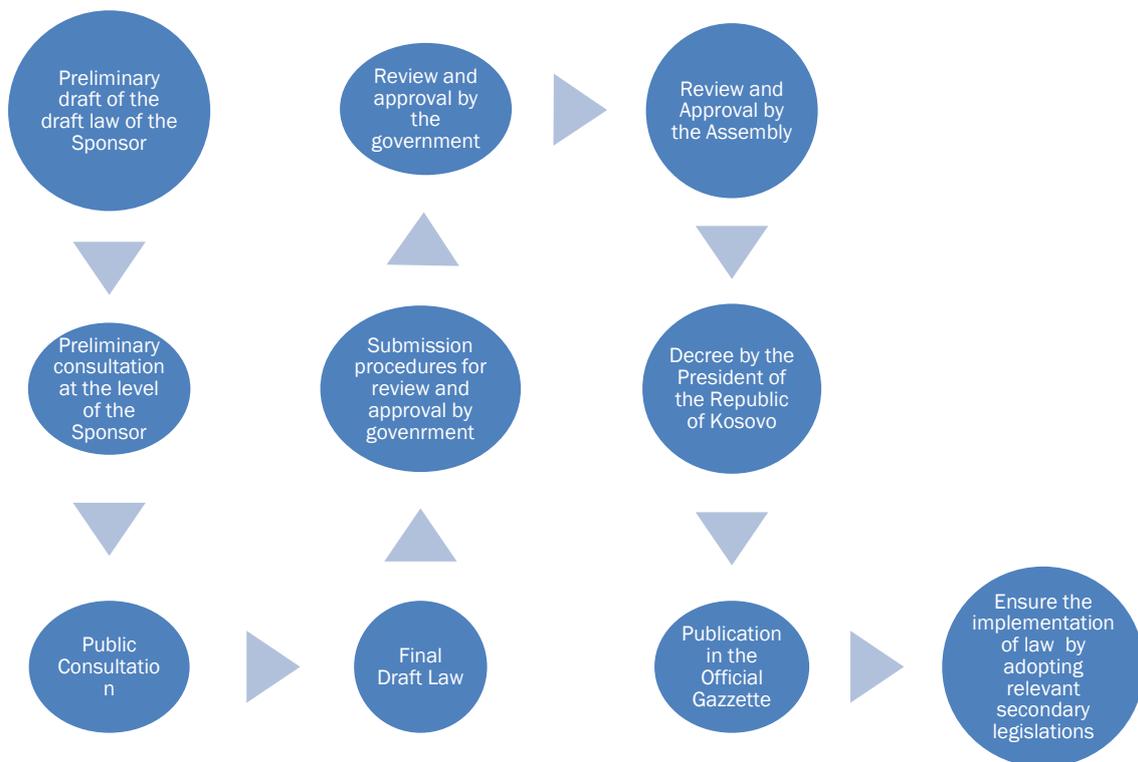
²⁹ See Law on Legislative Initiatives. (2011). Parliament of the Republic of Kosovo.

Available at <http://www.kuvendikosoves.org/?cid=2,191,682>

³⁰ See Regulation 13/2013 on Government Legal Services (2013). Available at <http://www.kryeministri-ks.net/?page=2,148&date=2013-00-00>

³¹ Inicijativa Kosovare për Stabilitet (2014). "Guide to Policymaking and Legislative Process in the Government of the Republic of Kosovo." Prishtinë. Kosovo.

stakeholders in discussions but without actually taking recommendations into consideration.³² Following the consultation phase, a final draft is prepared and submitted for review and approval by the central government. The proposed draft law is sent for budgetary impact assessment to the Ministry of Finance and to the Ministry of European Integration, specifically the EU legal department, to check for compliance with the EU Acquis. The final draft is then sent to the Assembly for review and approval. If revisions are needed, the Assembly sends the draft back to the responsible sponsoring agency. After parliamentary readings of the law, if the law is approved by the Assembly, it is sent for proclamation to the President of the Republic and subsequently published in the Official Gazette. Following the publication in the Official Gazette, competent bodies shall ensure the implementation of the new legislation.



Graph.3 Steps and policy actors involved in the legislative policymaking process.
Source: Author's compilation based on Regulation No. 13/2013 on Governmental Legal Service.

The Nature of the Public Policymaking Process

How stable is the Public Policymaking Process in Kosovo?

Stability is regarded as one of the most desirable characteristics of a well-functioning policymaking process. While measuring the level of stability of the public policymaking is a complex task, the

³² Interview with Robert Muharremi, professor at the American University in Prishtina and field expert. 20 November 2016, Prishtine, Kosovo.

Interview with Driton Selmanaj, Executive Director. Democracy Plus, Civil Society Organization. 22 November, 2016. Prishtine, Kosovo.

World Bank (WB) through its Worldwide Governance Indicators,³³ particularly the Government Effectiveness indicator, helps to do so by “capturing perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies”.³⁴

The above definition government effectiveness highlights the importance of the policy cycle being: a) independent from political pressures, b) high quality with regard to both formulation and implementation, and c) supported by a high level of commitment from the government’s side in pushing forward policies. While these WB indicators are based on public perception, the amalgamation of many subjective perceptions gives a good understanding of levels of perceived government stability and effectiveness.³⁵ As shown in table 1, Kosovo's score, out of 100, has ranged from 32.1(in 2010) to 42.8 (in 2014).³⁶

	2008	2009	2010	2011	2012	2013	2014	2015
Percentile Rank*	37.4	42.6	32.1	38.9	42.1	41.1	42.8	39

Table1. Aggregate Indicator: Government Effectiveness.
Author’s compilation based on World Bank source.

The data above covers the period from 2008, the year Kosovo became independent, to 2015. The data does not show any increase or decrease trend over time, and Kosovo scored an average of 34.6 out of 100 for governance effectiveness. It is important to note, that 2014-2015 reveals a major decrease in the quality of government effectiveness. Kosovo scores the lowest among the Western Balkan countries, excluding BiH. In the last year, Montenegro scores the highest (60) among Western Balkan countries, followed by Macedonia (59), Serbia (58), Albania (55). This suggests that Kosovo is in a worse position among the countries of the region in terms of the quality of governance effectiveness.

Another source according to which the state of Kosovo is always measuring its progress toward its key foreign policy goal - EU integration- also highlights the need for further progress in the policymaking system. The 2015 EU Country Report notes a lack of policy planning and prioritization which leads to lack of financial sustainability for implementation, lack of legal drafting capacities, lack of effective timelines for public consultation, and lack of consistent regulatory impact assessments.³⁷ The 2016 Country Report depicts a more critical picture vis-a-vis policy

³³Worldwide Governance Indicators. World Bank. Available at <http://info.worldbank.org/governance/wgi/index.aspx#reports>

³⁴ Ibid.

* The meaning of *Percentile Rank* : Percentile ranks indicate the percentage of countries worldwide that rank lower than the indicated country, so that higher values indicate better governance scores.

³⁵ Kaufman, D., Kraahy, A., Mastruzzi, M. (2010). “ The Worldwide Governance Indicators: Methodology and Analytical Issues.” *The World Bank Development Research Group*.

³⁶ The scores range from 0-100; the higher the score, the better the quality of governance effectiveness.

³⁷Country Report for Kosovo (2015). European Commission. Available at http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

planning and coordination, stating that policy planning is not consistent and is not given priority at the national level. The report underlines the following:

“Sector strategies lack quality control, are rarely aligned with the mid-term expenditure framework and are thus financially unsustainable. Although all strategies and policies should contain budget impact analyses, they are not always carried out. Their scope is limited to assessing whether expenditure is within budget, not whether proposals are cost-effective.”³⁸

Both of these critical assessments of the Kosovo public policymaking process make manifest two key aspects: i) the impact of daily politics, and ii) the impact of EU conditionality. As such, the impact of daily politics and EU conditionality are heavily considered in this analysis of the stability of the policymaking process.

Two preconditions for the proper functioning of the policy cycle: stability and the EU agenda

The impact of daily politics in the stability of the public policymaking process

In order to reflect upon the influence of politics on policymaking, it is important to analyze the responsibilities and interactions between key policymaking institutions, particularly the executive and the legislative branches. Countries with strong executives and weak legislatures have proven to have largely ‘unstable policy environments’.³⁹ Two main competences of the Kosovo Assembly include lawmaking and monitoring the work of Government and other public institutions.⁴⁰ Although, the Assembly bears the major responsibility in legislative policymaking, the Government imposes the legislative agenda through an annual legislative plan delivered to the parliament. As the sponsoring government agency may withdraw a draft law from Parliament before the beginning of voting in the second hearing,⁴¹ the government can withdraw a government-led legislative initiative if unhappy with changes made in parliament. On the other hand, the members of the Assembly may initiate a similar law in accordance with the Law on Legislative Initiatives. As such, both actors can be thought of as veto players in the policymaking process. Another actor in policymaking is the President of the Republic who has non-binding veto power. The President is allowed to return adopted laws for reconsideration when she/he considers them to be harmful to the legitimate interests of the Republic; however, this right can be exercised only once per law. Since legislative initiatives rarely come from the President’s office, the President is not a key legislative policymaking actor compared to the government or the assembly.

Veto Power: From a theoretical perspective, having more veto players implies more stability as there is a need for more actors to agree in order to change policies, thereby making policy change less likely.⁴² In the case of Kosovo, considering the non-binding veto power of the President, the executive and the legislative branches are the actors that can be considered as veto players with the power to block policy change. This is a natural constitutional characteristic of any parliamentary

³⁸Country Report for Kosovo (2016). European Commission. Available at http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_kosovo.pdf

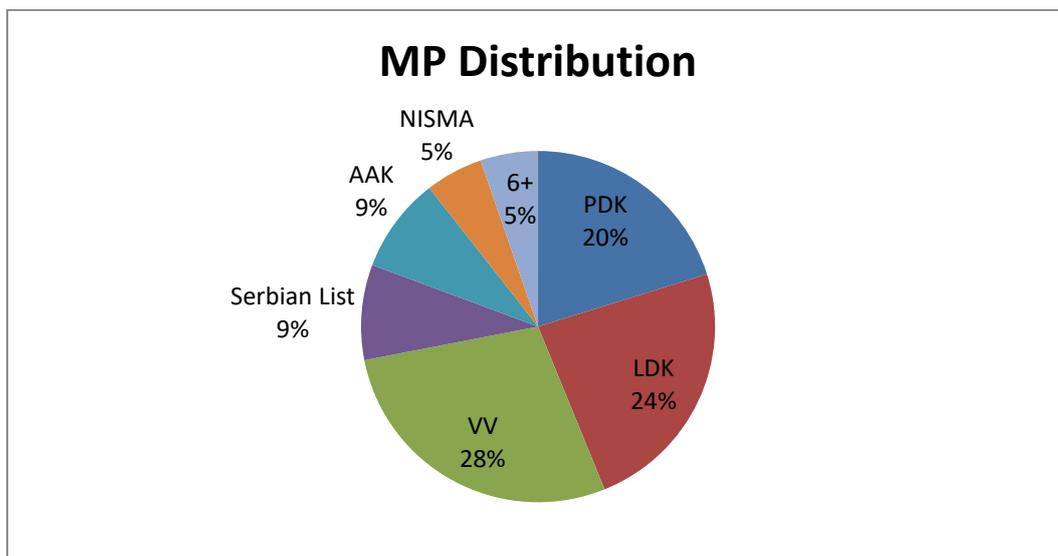
³⁹Pereria, C., Singh, S., and Mueller, B. (2011). “Political Institutions, Policymaking, and Policy Stability in Latin America.” *Latin American Politics and Society*.

⁴⁰Constitution of the Republic of Kosovo, Competencies of the Assembly, Article 65.

⁴¹“Rregullore e Kuvendit të Republikës së Kosovës” (Working Regulation of the Kosovo Assembly) (2010). The Assembly of the Republic of Kosovo.

⁴²Tsebelis, G. (2002). “Veto Players: How Political Institutions Work.” *Princeton University Press*.

democracy. In the case of Kosovo, the ruling party in cooperation with the coalition parties form the simple majority required by the constitution to pass legislation. In addition, the government designs the annual legislative plan, which reflects the priorities of the political parties in power, usually those which form the majority in the parliament. As shown in graph.4, the current legislature, the governing coalition, composed of PDK, AAK, NISMA and the Serbian List party, has the simple majority of 61 votes necessary to change or pass policies. It is important to note that constitutional changes require greater support – a two-thirds majority overall, as well as a two-thirds majority from members belonging to minority communities. Kosovo has shown to act as an immature democracy in several cases due to lack of consensus, among the political elite, on national policies like the border demarcation with Montenegro which resulted in early elections in June 2017 or the dialogue with Belgrade.



Graph.4 Distribution of MPs in accordance with their political affiliations.
Source: Author's compilation based on data from the web-page of the Parliament of Kosovo⁴³

Political Ideology: The increase in ideological distance among parties also correlates with increased policy stability. In Kosovo, all political parties, except for Self Determination Movement, have not taken clear ideological stands. This can be proven by looking at examples of policy decisions which reflect the ideological vagueness of political parties in Kosovo.⁴⁴ For example, traditionally right wing parties may push forward a leftist policy when there is political feasibility and popularity or in order to avoid difficulties from left wing parties when pushing forward subsequent policies. In Kosovo, political ideological identity has less of an impact on policymaking than politics and the political feasibility of a certain policy. Given that, leftist policies may be initiated and developed by traditionally right wing parties and vice versa. Overall, there is a lack of clearly defined ideological distance among parties which could serve as an indicator of policy stability in the country.

The Oversight role of the Parliament: Another way to assess the impact of politics on policymaking is to analyze the oversight role of the parliament in Kosovo, granted by the Constitution of the

⁴³ Parliament of Kosovo. Available at <http://www.kuvendikosoves.org/?cid=1.107>

⁴⁴ A widely discussed example took place in 2015 when LDK, the second largest party, which claims to be a right wing party, pushed forward fiscal policies for the benefit of the lower class- a leftist policy. See Rexha, A. (2015) "An assessment of the new VAT policy in Kosovo: its potential impact in consumers and businesses." Group for Legal and Political Studies.

Republic.⁴⁵ One of Parliament's competences is to "oversee the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law"⁴⁶.

The Parliament has an oversight role in monitoring the functioning of independent institutions. However, there is a myriad of problems encountered with regard to the functioning of these institutions. In 2016, the Ministry of Public Administration in cooperation with SIGMA has reviewed the mandate of all these institutions.⁴⁷ This dimension of state administration continues to be the most criticized by both national and international actors, largely due to the many corrupt behaviors during the process of selecting heads of institutions and their board members. In Kosovo, heads of public institutions and board members are usually affiliated with one of the political parties in power. Thus, the parliamentary oversight role of monitoring public institutions is more of a formality, and no progress has been shown in the performance of these institutions. This reveals that the work of the parliament in regard to monitoring public institutions is highly influenced by politics.⁴⁸

The phone interceptions made public by an online portal in Kosovo, show how policymaking is done through phone with incompetent people, but through 'powerful' ones within the party structures.⁴⁹ This depicts the parliament of Kosovo as a 'notary room,' where documents are only signed and legitimized, rather than a chamber where evidenced-based debates are held and policies are voted on in the name of protecting citizens' interests. Unfortunately, the aforementioned phone interceptions prove that decisions are taken in the interest of small groups and by a few 'strong' people, often over the phone or in offices or back rooms, who are the heads of political parties but not necessarily professionals or experts in the field. This marginalizes the role of the parliament in policymaking and depicts a policy cycle which is heavily influenced and designed by daily politics and politicians in power for small groups of interest. This given, data and evidence based policies are not taken into consideration. Overall, political influence restricts parliamentary oversight and therefore hinders the stability of the policy cycle. This shows that the lack of stability of Kosovo policy cycle remains a core precondition for Kosovo to make its path towards normalization of policy process.

The impact of EU conditionality in the public policymaking process

The ability of the European Union to influence aspiring member states to make policy reforms necessary for membership is essential for a successful enlargement programme.⁵⁰ EU conditionality is the key tool at the EU's disposal to encourage and ensure compliance with best governance practices and the EU Acquis; the EU sets rules and conditions that non-member states have to fulfill in order to continue on the path towards EU integration. The EU conditionality can be both passive and active. The passive approach refers to the simple attraction of the respective country to joining the EU, while active conditionality refers to the use of the 'stick and carrot'

⁴⁵Constitution of the Republic of Kosovo. Chapter IV, Article 65. Available at <http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>

⁴⁶ Constitution of the Republic of Kosovo. "Competences of the Assembly" Article 65. (9).

⁴⁷Ministry of Public Administration(2016). "Rishikimi i Institucioneve dhe Agjencive të Pavarur të Kuvendit dhe Organeve Qëndrore të Qeverisë". Government of the Republic of Kosovo.

⁴⁸ For more on the selection of board members and the independency of agencies see Rexha, A. (2017). "Accountability of Regulatory Agencies in Kosovo: A view on current perspectives and challenges" Group for Legal and Political Studies.

⁴⁹ For more on these phone interceptions see <http://www.insajderi.com/>

⁵⁰Wakelin, E. (2013). "EU Conditionality: An Effective Means for Policy Reform?" *E-International Relations*. Available at <http://www.e-ir.info/2013/11/01/eu-conditionality-an-effective-means-for-policy-reform/>

approach.⁵¹ The entire EU enlargement and integration process is based on conditionality policy and rewarding countries for implementing reforms. Many of the reforms in Kosovo are donor driven and supported by US or EU funds. A considerable number of legislative initiatives found in the Legislative Plan of 2016 and of 2015⁵² were donor driven. For instance, the adoption of the legal justice reform package in 2013 was the result of a requirement imposed by the EU commission which demanded that Kosovo institutions draft and adopt new laws to regulate the justice system.⁵³

The Ministry of Justice sponsored all laws related to the justice reform package, and the enactment of this set of laws was performed rapidly. Due to this hasty enactment, the socio-economic context of the country was largely ignored. In addition, the impending deadline made it impossible for all relevant stakeholders to participate in the legislative drafting process, and for those who did, made it difficult to conduct proper analyses and fully assess the expected impacts of the proposed changes. A number of challenges during implementation resulted in the legal package having to be reconsidered and amended in 2015. It should be noted that several laws in the justice package were planned to be amended again, given that they were integrated into the Legislative Plan of 2016. Reforms being donor influenced and/or financed indicates that major parts of the agenda setting process, the first phase of the policymaking cycle, are set or influenced by an external actor, the donor community. One could argue that this method of agenda setting is not theoretically in line with the first phase of the policy cycle, as explained above.

In 2015 Kosovo signed the first contractual agreement with the European Union, the Stabilization and Association Agreement (SAA).⁵⁴ Following this agreement, Kosovo adopted the National Plan for the implementation of the SAA (NIPSAA). This plan includes all of the policy reforms that the government must implement in order to advance further on the path towards EU integration. Given that, one can largely foresee what policies are going to be prioritized and implemented in the coming years⁵⁵. A senior public official implied that the signing of the SAA will help to enhance the stability of the policymaking, stating that *"the SAA will be an anchor to predictability"*.⁵⁶ The EU conditionality also shows that it is a second precondition that must be considered seriously in the case of Kosovo.

Examining the Practical Aspects of Policy Process and its Challenges in Kosovo

This section provides a retrospective analysis of the most important governmental policy decisions. The decisions analyzed in this section were selected on the basis of the amount of financial resources spent by the government to implement these policies. This analysis intends to examine the transparency, scope, and stability of the example cases. The results apply directly only for this set of selected policies, but the key takeaways and findings are likely to relate to and can serve as a platform for evaluating other policies as well. Additionally, strategies are widely employed by

⁵¹ Anna Vazhudova, M. (2002). "The Leverage of the European Union on Reform in Postcommunist Europe." ECPR Joint Session Workshops. University of North Carolina

⁵²Legislative Plan of 2015 and 2016. Office of the Prime Ministers.

⁵³ Report from the Commission to the European Parliament and the Council on progress by Kosovo* in fulfilling the requirements of the visa liberalisation roadmap. (2013).European Commission. Available at <https://goo.gl/dKbMFS>

⁵⁴The European Council (2015). Available at <http://www.consilium.europa.eu/en/press/press-releases/2015/10/27-kosovo-eu-stabilisation-association-agreement/>

⁵⁵ Apart from the infrastructure policy which has remained the same for many years, meaning it has been in the list of priorities for all governments.

⁵⁶ Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine. Kosovo.

governmental institutions to address problems. Kosovo's Government organizes the implementation part of the policy cycle based around of strategies and action documents. Strategies may involve many policies and are categorized into overarching, national and sectorial. The subsequent analysis will begin by considering strategies, as an important instrument of policy planning and implementation.

Example no.1: Strategies: Efficient or Overlapping?

Strategies are considered to be an important policy tool for the Government of Kosovo. On this basis, the Government has developed a large number of sectorial-institutional strategies, around 60,⁵⁷ which result in inflation of priorities.⁵⁸ Of note, this number has been decreasing from last year.⁵⁹ The Strategic Planning Office has also been in continuous pledge toward decreasing this large number of strategies.⁶⁰ Supportive of this finding is a senior public official, who noted that a large number of these strategies are not fully in line with government priorities.⁶¹ Nor are many strategies financially sustainable.⁶² Another expert highlighted the lack of an overarching strategy for specific policy realms, particularly the rule of law sector which lacks such an overarching strategy though there are various relevant sectorial strategies.⁶³ According to this expert, the overarching strategy on the rule of law sector is on the process of being drafted and other sectorial strategies will be adjusted and aligned with the overarching strategy. One should further extend this analysis by noting that it is unrealistic to have a large number of strategies and priorities, given the small consolidated budget of Kosovo and lack of human capacities needed for implementation. Overall, the large number of strategies and priorities reflects lack of coordination among policy actors in terms of strategy prioritization, lack of alignment of priorities, and lack of a comprehensive and overarching vision for national development.

Although, not specifically defined as a separate policymaking step (see graph.1), policy coordination is key for successful policy implementation and should take place during all five stages, particularly the policy formulation stage. The government has noted the problem of insufficient policy coordination in Kosovo and has established a strategy for improving policy planning and coordination among all policy actors. This strategy tasks Kosovo institutions with establishing a national development strategy which will serve as a 'long-term visioning and consensus building document'.⁶⁴ Considering the large number of existing strategies, overlapping responsibilities, and lack of clearly identified priorities, there is a high possibility that this strategy will be disregarded or not properly implemented by relevant institutions. Furthermore, the lack of policy evaluation (ex-post) is another major challenge, highlighted by many experts and

⁵⁷ "Lista e Dokumenteve Strategjike Valide" Office of Prime Minister, Republic of Kosovo. (2017) Available at http://www.kryeministri-ks.net/repository/docs/Lista_e_dokumenteve_strategjike_valide.pdf

⁵⁸ Strategy for Improving Policy Planning and Coordination in Kosovo (2016-2018). Office of the Prime Minister, Republic of Kosovo. Available at [http://www.kryeministri-ks.net/repository/docs/Strategy_for_improvement_policy_planning_and_coordination_\(IPS\)_2016-2018.pdf](http://www.kryeministri-ks.net/repository/docs/Strategy_for_improvement_policy_planning_and_coordination_(IPS)_2016-2018.pdf)

⁵⁹ The List of Applicable Strategic Documents. Office of the Prime Minister, Republic of Kosovo. (2016) Available at http://www.kryeministri-ks.net/repository/docs/List_of_applicable_strategic_documents.pdf This 2016 list contains 66 strategies, which is around 10 less in 2017 list of strategies.

⁶⁰ Interview with the Acting Director of the Strategic Planning Office, Prime Minister's Office. Vedat Sagonjeva. 15 February, 2018.

⁶¹ Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine. Kosovo.

⁶² European Commission (2015). Kosovo 2015 Report.

Available at http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf

⁶³ Interview with Robert Muharremi, professor at the American University in Prishtina and expert on the field. 20 November 2016, Prishtine, Kosove.

⁶⁴ Ibid.

governmental officials.⁶⁵The lack of policy evaluation, the last phase of the policy cycle, limits possibilities for improving existing policies and also for introducing new policies. Of note, ex-post policy evaluation is only done on voluntarily basis, as it is not foreseen in any legislative or regulatory framework.

The National Development Strategy (PLAN) for sustainable development was adopted by the Kosovo Government on 22 January 2016. The Strategy was prepared by the Office of Strategic Planning in consultation with other actors from the government and civil society. The PLAN addresses four pillars including Human Capital, Rule of Law, Competitiveness, and Infrastructure, and should normally serve as the basis for other sectoral strategies developed by the Government.⁶⁶It is not clear, though, how this strategy will align with other national strategies, considering the fact that other sectoral strategies are written initially. It appears that the development of strategies by ministries has become an aim in itself rather than a tool to achieve other aims. Supportive of this finding is also the Strategic Planning Office.⁶⁷ Overall, this strategy stands as a national strategy.

In addition to PLAN, the Government has adopted the National Plan for the Implementation of the SAA (NPISAA) which has its own priorities and is widely considered the national policy framework. The European Reform Agenda (ERA) is another overarching policy document which prioritizes a set of policies and is considered to be a complementary policy document to NPISAA. In addition to NPISAA and ERA, the government has recently also adopted a policy document entitled “Key ERA Priorities for 2018”⁶⁸ that addresses few key priorities deriving from the ERA, it basically over-prioritizes ERA. As such, there are three overarching policy documents according to which the Government can measure its progress/regress. The NIPSA and ERA also enable the international community to assess Kosovo’s progress vis-a-vis EU integration. This shows that there is not just one national strategy to serve as the crucial policy document guiding the work of governmental bodies. But, there are also contractual agreements, ERA being a one year agreement and SAA being a longer-term agreement with the Union, both of which serve as national policy documents. Moreover, the Kosovo Government has not developed anything similar to a 'statement of government policy' which could describe in brief the country’s policy orientation in the near to medium-term future. A good example of this is Sweden's 'Statement of Government' in which their government highlights their ambitions to be a role model in three aspects: development, equality and climate change.⁶⁹ Such a government statement would reflect coordinated national thinking and could serve as the basis for developing one overarching strategy.

⁶⁵ Interview with Robert Muharremi, professor at the American University in Prishtina and expert on the field. 20 November 2016, Prishtine, Kosovo.

Interview with the Director of the Department of Economic Criteria and Internal Market. Ministry of European Integration. 03 August, 2015. Prishtine, Kosovo.

Interview with Driton Selmanaj, Ex-Executive Director. Democracy Plus, Civil Society Organization. 22 November, 2016. Prishtine, Kosovo.

Interview with Arben Krasniqi, Director of the Government Coordination Secretariat. Republic of Kosovo. 21 February, 2018.

⁶⁶ Prime Minister’s office. “Government of Kosovo adopted the National Development Strategy 2016-2021” 22 January, 2016. Available at http://www.kryeministri-ks.net/repository/docs/National_Development_Strategy_2016-2021_ENG.pdf

⁶⁷ Interview with the Acting Director of the Strategic Planning Office, Prime Minister’s Office. Vedat Sagonjeva. 15 February, 2018.

⁶⁸ Government of the Republic of Kosovo. “Key ERA Priorities for 2018”. 17 November, 2017.

⁶⁹ Government Offices of Sweden (2016). “Statement of Government Policy” Available at <http://www.government.se/government-policy/>

Example no. 2: Education Policy

This analysis has considered all education-related strategies available on the webpage of the Ministry of Education, Science, and Technology (MEST)⁷⁰, education being a priority area of any developed or developing country. In accordance with the data available, there are seven strategies, as shown in Tab.1.

Nr.	Ministry of Education, Science, and Technology	Implementati on time-frame	Budget Attached
1	Strategy for improving the quality of secondary education in Kosovo	2016-2020	Yes
2	Strategy for integration of Roma Communities in Kosovo	2007-2017	Yes
3	Strategic plan for education in Kosovo	2011-2016	Yes/ Evaluation Report of the Strategy
4	Strategy for development of Higher Education in Kosovo	2005-2015	No
5	Strategy for health promoting schools in Kosovo	2009-2018	Yes
6	Strategy for development of the secondary education in Kosovo	2007-2017	Yes
7	Strategy for improvement of professional practice in Kosovo	2013-2020	No

Tab. 1 Strategies conducted by the Ministry of Education, Science, and Technology
Source: Ministry of Education, Science, and Technology in the Republic of Kosovo

The data in tab.1 includes three elements for each strategy: a) the name of the strategy, b) the time-frame for implementation, and c) information about the available budget for each strategy. The data shows that five out of seven strategies have a budget analysis attached.⁷¹ Budgeting is a critical element that identifies the resources needed to implement the strategy; this form of strategic planning helps to ensure smooth implementation. However, budgeting does not guarantee full implementation, as there are other factors which influence whether an education-based strategy is successfully implemented, such as the coordination of relevant actors, prioritization of objectives, and educational national coordinated thinking. Below, we consider the content and implementation time-frame of the seven strategies.

First, the two sectorial strategies targeting secondary education, the first and the sixth listed in tab.1, have only slightly different names – the strategy for improving the quality of secondary education in Kosovo’ (hereinafter strategy A) and the ‘strategy for development of the secondary education Kosovo’ (hereinafter strategy B). Strategy B has seven listed objectives, while strategy A has four, all overlapping with the objectives of strategy B. Both strategies focus on increasing the

⁷⁰ All these data were considered until end of December 2016.

⁷¹ This analysis includes only those strategies available on the web-page of the Ministry.

capacities and consciousness of actors, improving management capacities, and improving the quality to match that in developed countries. These overlapping objectives create confusion, within the Ministry and among the officials responsible for implementing the strategies, with regard to determine priorities and steps to be taken. Strategy B also includes other vague objectives like 'advancing the conditions of education' or building a strong correlation between education in Kosovo and with global developments in education, but lack specific reference to how or what.

Second, there is no overarching or national education strategy which could serve as a platform for coordinating all education-related strategies and for guiding the development of other sectorial strategies. The strategy listed third, 'Strategic plan for education in Kosovo' encompasses various comprehensive sectorial strategy objectives like improving the quality of secondary education or improving the capacities of education. As such, in terms of content, although not stated in the strategy, for the purposes of this analysis we consider the 'Strategic plan for education in Kosovo' to resemble a 'national' strategy. A key issue in this regard is that four out of six of the remaining strategies were written prior to the strategic plan for education. This suggests a lack of prioritization and coordination and may be to blame for the large number of overlapping objectives. In addition, the implementation time-frame for the national strategy ended in 2016, while the implementation periods for the other sector strategies continue. This reflects a lack of coordinated national thinking with regard to the educational policies for Kosovo and a lack of both horizontal and vertical coordination among key actors.

Example no. 3: Infrastructure Investment Policy

The infrastructure investment policy is the only policy that has remained a priority in the government agenda for several years, despite shifts in political leadership. Large amounts of the Kosovo budget were oriented towards financing various infrastructure investment policies. The largest investment in infrastructure was for the "Rruga e Kombit- Ibrahim Rugova" (National Highway) which cost Kosovo about €830 million and is 118 kilometers in length. The transparency of the project has been at a minimum level, and the public was only minimally informed about the plan for and implementation of the project. There was no public discussion about the project idea and no feasibility study was carried out to evaluate the socio-economic and financial impacts of the policy. A policy analyst, during an interview, also noted that the project lacked transparency and that public debates to discuss the state's investment in this project were not sufficiently carried out.⁷² The government argued that the project is of high political importance; as the road connection between Albania and Kosovo is our ancestors' dream. Given that the government felt more 'relaxed' and 'comfortable' to proceed further with this investment. The government also proclaimed that this investment would result in long-term economic development but had little evidence to back up this claim. Additionally, the entire process was plagued by confusion and lack of accountability, as well as the failure to identify alternative policies which could lead to economic development. In addition, no policy evaluation, the last phase of the policymaking process, of the infrastructure investment policy was conducted by the government. Policy evaluations of this infrastructure investment policy were conducted by civil society organizations who found no positive results in foreign trade, but on the contrary negative impact on the employment sector.⁷³ Overall, there was lack of transparency and accountability, of identification of other more cost-

⁷² Interview with Driton Selmanaj, ex- Executive Director. Democracy Plus, Civil Society Organization. 22 November, 2016. Prishtine, Kosovo.

⁷³ For more about the impact of the investments see. Zogaj, A., Abdixhiku, L., Hashani, A., Vokri, V. (2015) "Route 6: Highway Prishtina-Skopje." Riinvest Institute Publishing.

efficient alternatives for economic development, and of a government-led policy evaluation post-implementation, which depicts that government's inability to follow through a stable and evidence-based policymaking process.

Example no. 4: Privatization Policy

Another significant and widely discussed public policy was the privatization of around 500 Socially Owned Enterprises (SOE) which started in 1999 under the UNMIK regulation as a Pillar IV activity with the purpose of revitalizing the economy. In 2003, the process stalled for eighteen months, and after Kosovo's independence privatization responsibilities were transferred to Kosovo institutions.⁷⁴ The government intended for privatization to be the cornerstone of Kosovo's economic and democratic transition. However, civil society organizations have assessed the 'mass privatization' in Kosovo to be a largely unsuccessful policy.⁷⁵

The first problem with the privatization process was the manner in which the policy framework entered into the government's agenda, involving neither discussions with field experts nor other important stakeholders. In an interview, a policy analyst highlighted that the privatization policy was offered as a solution to the economic situation without sufficient analysis.⁷⁶

Secondly, no identification of other alternative policies for revitalizing the economy, particularly of all these enterprises, took place. There was no comparison between the costs and benefits of investing public money in privatization versus other projects. Third, the policy formulation and adoption phases were shallow and did not involve relevant stakeholders or any feasibility study to identify the socio-economic cost of privatization.⁷⁷ Fourth, no policy evaluation post-implementation was conducted by the government to measure the impact on the economy. While there were many voices from civil society spoke out about the unsuccessful implementation of the privatization policy and the negative impact it had on the economy, there has been no impact assessment conducted by the government which has been made public. To summarize, the privatization is perceived to have been plagued by corruption, lack of transparency, and a lack of analysis both before and after implementation.

Main Findings of the Analysis and Policy Recommendations

This policy report has reflected upon the public policymaking process in Kosovo, identifying key actors, common characteristics, and core challenges/shortcomings of the process in Kosovo. Based on the above analysis, one should take away the following findings:

1. There is lack of one overarching national development strategy which could align other national and sectorial strategies and minimize overlap of responsibilities and priorities.
2. There are a large number of strategies in which policies have not been properly prioritized, resulting in a lack of financial sustainability for all strategies.

⁷⁴Interview with Delfinë Elshani, Research Fellow on Privatization Issues.Group for Legal and Political Studies. 09 August, 2015. Prishtinë. Kosovo.

⁷⁵Loxha, A,andElshani, D. (2016). "Panic Selling – Assessing the Main Challenges and Deficiencies of Kosovo's Privatization Process." Group for Legal and Political Studies and Balkan Investigative Reporting Network.

⁷⁶ Interview with DritonSelmanaj, Executive Director. Democracy Plus, Civil Society Organization. 22 November, 2016. Prishtine,Kosovo.

⁷⁷Loxha, A,andElshani, D. (2016). "Panic Selling – Assessing the Main Challenges and Deficiencies of Kosovo's Privatization Process." Group for Legal and Political Studies, and Balkan Investigative Reporting Network.

3. Lack of coordination among responsible stakeholders is a major problem which results in misalignment of priorities and implementation challenges.
4. The key policy actors who coordinate policymaking are the Office of the Prime Minister, Ministry of Finance, Ministry of European Integration, Departments on EU Integration and Policy Coordination in each Ministry, and the Assembly.
5. Policymaking in Kosovo, as expected, does not fit well with any theoretical model of policymaking. This does not make Kosovo a stand out case, as many other countries' policymaking processes also do not align with a particular theoretical model.
6. Agenda setting, the first phase of the policy cycle, is mainly led by the donor and international community including the USA and the EU.⁷⁸
7. Policy formulation, the second phase of the policy cycle, is vulnerable to political pressures and influence, as observed from the practical examples explained above. In addition, according to WB governance indicators, the quality of policy formulation in Kosovo is low, which demonstrates the negative impact of political interference during policy formulation. One should note that when political interference is high during this stage, the importance placed on gathering sufficient evidence and analysis is often sidelined, leading to poor policy formulation.
8. Policy implementation, the fourth phase of the policy cycle, remains poor, as illustrated in the practical examples discussed in this policy report and also in the EU country report findings. Explanatory factors include the lack of efficient inter-institutional coordination, of pre-implementation budgetary assessments, and of policy evaluation post implementation.
9. Ex-post policy evaluation, the last phase of the policy cycle, appears to be a missing link in the policymaking process in Kosovo, despite the importance of policy evaluation for the successful completion of implementation and for the introduction of subsequent policies.
10. Ex-ante policy evaluation is limited and generally includes impact budgetary assessment only, conducted by the Ministry of Finance, while leaving out other important social, economic, environment, and gender dimensions.
11. The Parliament has only a marginal role in policymaking processes, aside from adopting policy; the Assembly is rarely a key player in designing policies, only playing a role in drafting very strategic policies, and has little to no role vis-à-vis the implementation of policies. Parliament's policy priorities are mainly set by the government through the annual legislative plan which the government delivers to the parliament.

⁷⁸ Considering Kosovo's limited budget, there is little space in the agenda for policies prioritized by local officials and institutions.

12. Infrastructure Investment Policy has been the most predictable and stable governmental policy and has remained a priority despite shifts with regard to which parties hold power in the government and parliament.

13. The SAA will have a positive impact on the stability of the policymaking process in Kosovo. This form of stability refers also to the orientation and prioritization of policies.

Based on these findings and the analysis included in this report, the following recommendations should be promptly addressed by relevant institutions:

- VIII. The Government should introduce only one overarching nationally-coordinated policy, on the basis of which all ministries would develop and propose their own strategies and policies. Given that, the number of overlapping objectives will significantly drop off and the prioritization of objectives will be clearly defined.
- IX. The Government should also aim to have something similar to the “Government Statement” in which the government would highlight their ambitions to be a role of model on certain aspects. This would also serve as a guide to build the one national strategy.
- X. The efficiency of inter-institutional and horizontal coordination should be improved, which could in turn limit the number of overlapping of objectives and increase the level of policy implementation.
- XI. Policy formulation should rely on well-founded data and evidence. This phase should also include all relevant stakeholders. This comprehensive involvement of stakeholders limits possibilities for interference of specific group interests, and is rather based on evidence.
- XII. Efficient and effective policymaking demands comprehensive policy evaluations and impact analyses. Evaluation is needed to identify policy successes/failures, to understand challenges (financial, technical, institutional, political, and socio-economic) and adjust implementation strategies, and to better formulate new policies (and corresponding budgets).
- XIII. In addition to the impact budgetary assessment, there should be an assessment of other socio-economic, environment, gender cost dimensions, amongst others. This assessment should be ex-ante as it should anticipate any costs to other dimensions of society, apart from the budgetary one.
- XIV. The number of strategies should continue to decrease while reflecting prioritization and alignment of priorities. Given that, they should not continue to be considered as an aim in itself, but rather as a mechanism to achieve a set of objectives.

POLICY REPORTS

Policy Reports are lengthy papers which provide a tool/forum for the thorough and systematic analysis of important policy issues, designed to offer well informed scientific and policy-based solutions for significant public policy problems. In general, Policy Reports aim to present value-oriented arguments, propose specific solutions in public policy – whereby influencing the policy debate on a particular issue – through the use of evidence as a means to push forward the comprehensive and consistent arguments of our organization. In particular, they identify key policy issues through reliable methodology which helps explore the implications on the design/structure of a policy. Policy Reports are very analytical in nature; hence, they not only offer facts or provide a description of events but also evaluate policies to develop questions for analysis, to provide arguments in response to certain policy implications and to offer policy choices/solutions in a more comprehensive perspective. Policy Reports serve as a tool for influencing decision-making and calling to action the concerned groups/stakeholders.