



PUBLIC ADMINISTRATION REFORM PROGRESS IN KOSOVO: A CSOs PERSPECTIVE

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I. IMPORTANCE OF MONITORING PAR BY CIVIL SOCIETY

The European Integration puts good governance at the heart of the European integration of the project whereas public administration an instrument that supports good governance needs to be professional, reliable and predictable, open and transparent, efficient and effective, and accountable to its citizens.¹ Government of Kosovo has continuously declared European integration of high priority and accordingly PAR has been emphasized as one of the main reform areas.

The fundamentals and principles of Public Administration are designed by SIGMA/OECD and the same thoroughly assesses through these principles the reform in Western Balkan countries amongst which Kosovo. The reform is divided in six main areas:

1. Strategic framework for public administration reform (SFPAR)
2. Policy development and co-ordination (PDC)
3. Public service and human resource management (PSHRM)
4. Accountability (ACC)
5. Service delivery (SD)
6. Public financial management (PFM)

These Principles define what makes a well-functioning administration in terms of its ability to deliver transparent, efficient and effective services to citizens, and to support socio-economic development.²

In addition, it is crucial to strengthen participation of the civil society and media in monitoring the reform; monitoring the reform progress and offer evidence-based solutions). In that way, inclusive and transparent policies that take into account citizens' needs will be created supported by PAR. This said, PAR is monitored for the first time by Civil Society Organizations (CSOs) of the region through the WeBER project. WeBER has used the SIGMA principles as the golden standard and a starting point for developing its monitoring methodology. Moreover, in line with its overall rationale, WeBER has emulated SIGMA's methods to create its own indicators from the viewpoint of civil society, using a similar compound-indicator structure and the same scoring approach: quantification of elements (sub-indicators), with the total scores assigned to indicator values on a scale from 0 to 5.³

This policy brief aims to present the main results of the first monitoring cycle which covers September 2017-September 2018. WeBER monitoring findings suggest that Kosovo performs best in the area of PDC and SD although the scores are average whereas worst in the area of SFPAR. Specifically, the overall results (in terms of total scores) show that compared to the other six Western Balkan countries, Kosovo ranks second only after Albania, leaving behind the leaders in the EU membership process, Montenegro and Serbia.

1. Western Balkan WeBER Monitoring Report. Available at:

http://weber-cep.s3.amazonaws.com/data/attachment_701/western_balkan_par_monitor_2017-2018.pdf

2. Ibid

3. For more details see WeBER methodology accessible at: <http://www.par-monitor.org/pages/par-monitor-methodology>

II. KEY WEBER PAR MONITORING FINDINGS FOR KOSOVO⁴

Strategic framework for PAR: insufficiently inclusive design and monitoring of PAR strategic documents

In this area, WeBER monitors the quality of civil society involvement in the PAR agenda setting and in its monitoring and coordination structures. Monitoring results suggest that in Kosovo, civil society is unsatisfactorily consulted during the development of PAR strategic documents.⁵ Involvement at an early stage of consultations is absent, and so is generally the reactivity in inviting external stakeholders, particularly diverse groups of interests and publishing of consultation (except for PFRMS). Availability and reliability of information on all critical aspects of consultation processes for PAR strategic documents is missing for two out of four documents. A good practice example is the consultations on the development of SFPAR Action Plan for 2018-2020. It involved the civil society from the very beginning via the Platform for Public Consultations and there was a possibility to send comments also via email. Besides, the final consultation report that includes the table with feedback on contributors' inputs is published in the platform. It is of note that lately there has been a shift in practice of consulting PAR related documents. The development of concept documents and draft laws of the three laws important for PAR have been consulted with public via the Platform for Public Consultations, and public debates with governmental and non-governmental stakeholders have taken place.

Finally, PAR monitoring and coordination structures do not foresee civil society representation. CSOs focusing on PAR issues and generally participating in consultation processes confirm the lack of mechanisms to involve CSOs in development of PAR strategic documents.

P1 I1: Use of participatory approaches in the development of key strategic PAR documents



P2_P4 I1: Extent of civil society involvement in the PAR monitoring and coordination structures



Table 1. WeBER indicators used in Policy Development and Coordination and country values for Kosovo

Policy development and coordination: largely diligent government yet relatively dissatisfied civil society

In this area, WeBER monitoring focuses on government actions towards informing the public on its performance, transparency of decision-making, use of external evidence when adopting and revising policies, and participation of the public and other stakeholders in consultation processes. Overall, the Government's reporting and decision-making process is assessed as largely transparent. In practice, information on the Government's work and results as well as press releases are regularly published. The Government regularly uploads reports on the implementation of its Annual Work Plan online, and alike all central planning documents are published online. Likewise, information on the proceedings and outcomes of the Government's sessions are regularly published and include a list of decision made and details about each point of the agenda. Decisions are published online, in a specific section of the website, and are communicated both in citizens-friendly and timely manner. Government session agendas however are unavailable online and could be obtained only via FOI.

Perception of the civil society in Kosovo however takes a largely negative turn when it comes to the Government's work, particularly, its planning and transparency of decision-making. Positive perception is found regarding the use of externally produced evidence in policy making, and quality of consultations with civil society as well as towards the awareness of official online legislation database. In that regard, contrary to the assessment of publication and regularity of Government reporting public on the progress in the achievement of the objectives set in its work-plan, only 5 % of CSOs agree that this is the case. Likewise, decision-making is perceived as transparent by a marginal 5% of surveyed CSOs whereas 43% shared a neutral opinion. They largely disagree that Government's planning documents are relevant for the actual policy developments (only 22% agree). Similarly, only around a quarter believe official strategies are relevant for actions of the Government or ministries. Civil society findings are occasionally referenced in policy documents, papers and impact assessments. In line with this finding, more than 60% of surveyed CSOs confirm that government invites them to prepare evidence-based papers and alike is the perception about participation of Government officials in events organised by civil society, when invited.

4. For more details on the WeBER PAR Monitoring results see the report available at: <http://www.par-monitor.org/pages/weber-publications>

5. A sample of four PAR strategic documents is analysed: Action Plan for Implementation of the Strategy for Modernization of Public Administration (SMPA), Public Finance Management Reform Strategy (PFMRS), Better Regulation Strategy 2.0 (BRS) and Strategy for Improving Policy Planning and Coordination (SIPPC).

Perception is also positive regarding feedback provision from ministries as well as the frequency of accepting their policy proposals, and the same is observed in the case of proposals during working groups. Perception about consultations in policy making and legislative drafting shows that as low as 36% of CSOs agree that formal consultation procedures are consistently applied, with notably low percentage of agreement (15%) on the inclusion of CSOs in early stages of policy development, and on regular provision of feedback to consultees (18%). The perception is more positive (40% agree) regarding acceptance of the feedback coming from their organization. Finally, all legal acts in Kosovo are published on the website of the Official Gazette, which can be accessed online and free of charge. This database is easily accessible, and vast majority of CSOs are informed about it and have accessed it in the past year (more than 80%).

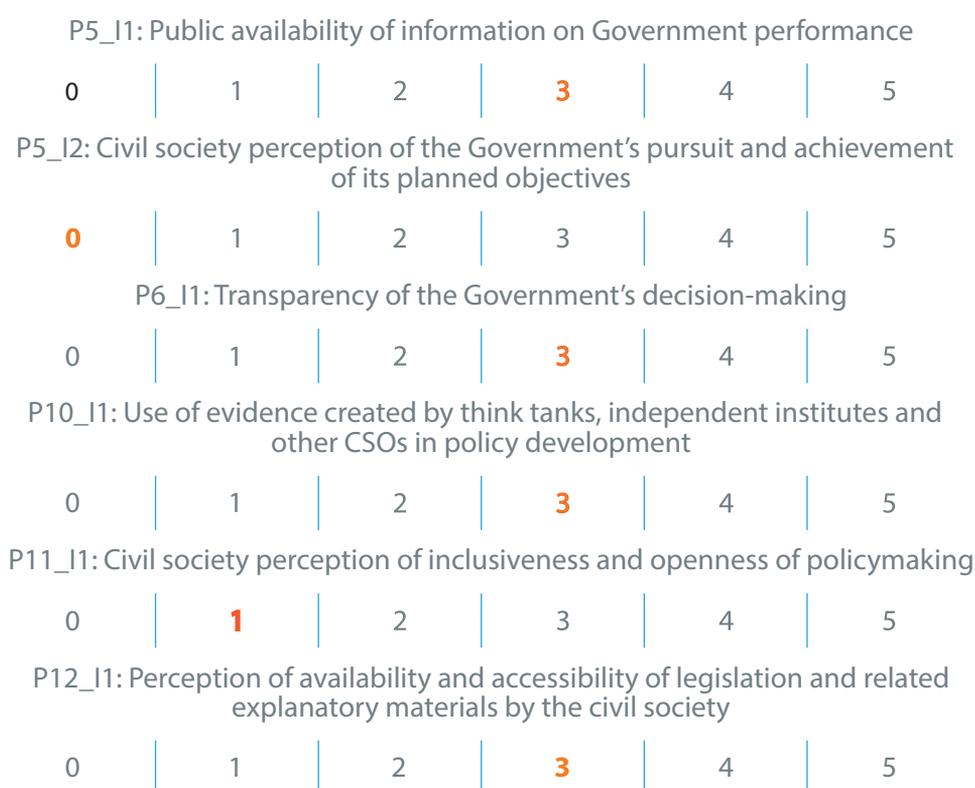


Table 2. WeBER indicators used in Policy Development and Coordination and country values for Kosovo

Public service and human resource management: long way to transparency and professionalisation

In this area, WeBER monitors public availability of information, transparency of procedures as well as civil servants' and CSOs' perceptions of the public service professionalism and integrity and the merit character of recruitment. WeBER findings suggest that data on civil service are reported as part of the Annual Reports on the State of Civil Service in Kosovo, notwithstanding deficiencies within the registry. The data on the report is partially segregated, since no data segregation is done at the level of functions or types of institutions. No data are available for non-career civil service positions either. Reports on public service are regularly published. The 2016 report is the most comprehensive one, albeit not substantiated with evidence or independent sources. Yet the reports are not proactively promoted in the public.

Temporary engagement in the civil service is legally limited however criteria for the selection of temporary employees are not clearly regulated. Civil servants perceive temporary engagement is common in their institutions (56% disagree/strongly disagree it is an exception), and is frequently used to for tasks that should normally be performed by civil servants (20% believe the contrary). Additionally, they report that temporary contracts often get extended for over a year (66%).

With regards to recruitment into the civil service, institutions announce vacancies through up to three easy-to-access, legally prescribed channels, but avoid modern tools such as social media. The calls are drafted in a simple, clear and understandable way but lack visual explanations. During the application procedures, supplement of the missing documents is not allowed. Moreover, recruitment procedures do not give internal candidates an unfair advantage by placing unreasonable burden on external applicants. In addition, selection decisions are publicly available but are not assessed as transparent as they include only the name of the successful candidate. Similarly, the notifications for annulment of the competition are publicly available yet the reasoning provided is in most cases not proper. There is a widespread perception of lack of meritocratic character of the recruitment process among both civil servants and civil society organisations. Less than a quarter of civil servant agree that the recruitment procedure is merit-based and non-discriminatory.

The scope of civil service in Kosovo formally includes the positions in the tier below the minister or the equivalent and classifies them as senior-level management (SMP). Although, there are no additional political vetting or deliberation procedures, the role of the head of the institution in the appointments of senior civil servants undermines professionalisation of the recruitment process. The regulation allows appointment of acting managers for a maximum 6 months. Acting positions are however extended in practice and this hampers the merit principle, as individuals are being kept in the acting status for a period longer than legally prescribed, without consequences, dependent on political decision-making, and with a lack of chances for appraisal or promotion. There is also a widespread perception of politicisation in the senior civil service, as only 18% of surveyed civil servants and 12% of CSOs believe that procedures for appointing senior civil servants ensure that the best candidates get the jobs. Along the same lines, 71% of surveyed civil servants believe that their senior peers often, always or almost always are at least in part appointed thanks to political support.

The overall civil service remuneration system lacks simple structure. The Law on Civil Service which is currently formally in force is not being implemented due to budget deficiencies. This horizontal law applies only to civil servants (around 18,000), and not to other categories of employees in public sector that receive direct salaries from the Kosovo budget. This said, the salaries of servants in public sector are currently being regulated through 58 legal documents by individual institutions. Salary supplements for civil servants are not clearly defined and limited. To that extent, a quarter of civil servants believe their managers use bonuses or increases in pay grades for reasons other than rewarding performance, and political and personal connections help employees to receive bonuses or increases in pay grades.

Regarding integrity and prevention of corruption in civil service, research shows that formal integrity and anti-corruption measures are in place, but with implementation remains deficient. Not a single CSO (0%) showed any level of agreement and around a quarter (25%) of civil servants perceive these measures as impartial and effective, and only a portion of CSOs agree that enough protection is provided to whistle-blowers within public institutions. In line with this, only a portion (18.4%) of civil servants feel protected if they were to become a whistle-blower.

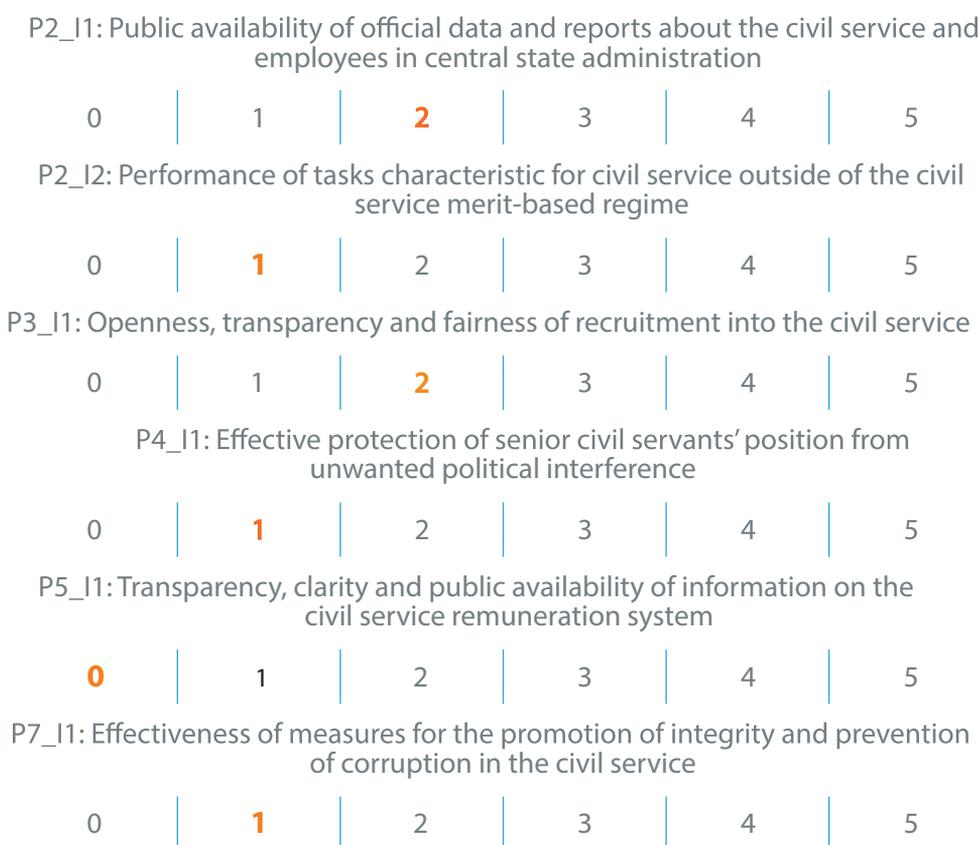


Table 3. WeBER indicators used in Public Service and HRM and country values for Kosovo

Accountability: unsatisfactory reactive and proactive disclosure of information

In this area, WeBER monitors the external accountability of the government and administration towards the public, particularly on the practice of reactive and proactive information provision by administration bodies. Results of the survey with CSOs indicate shortcomings in the application of free access to information of public importance. CSOs strongly believe that public authorities should record more information to enable the exercise of this right as only a quarter of CSOs agree that current scope of information is sufficient. Moreover, only 4.6% believes that legally prescribed exceptions to the public character of information are adequately applied.

CSOs perception is largely positive towards practical aspects of requesting information. Information is provided in requested format, within deadlines, and free of charge, without the need to state reasons for requests. However, for information containing classified parts and personal data, a rather small percentage of organisations think that access to parts of sensitive information is made possible, and 75% of CSOs simply “don’t know” if this is the case. Positive and promising perception is also found when it comes to the standards of the right to access public information set by the LAPD and the effectiveness of soft measures for protecting access to information by the same legislation; 60.7% of CSOs agree with the former, whereas 50% agree with the latter. Yet, only 21% believe sanctions for the violation of the free access to information right are effective.

Availability of accountability information is assessed negatively. Furthermore, as a widespread feature of Kosovo public authorities, information provision on their websites lacks a citizen-friendly approach. Most of the publicly available information is complete, updated, and accessible within maximum three clicks from homepages. A critical issue however remains the lack of publication of budgetary information and annual reports, which is almost completely absent across the sample. Moreover, the uneven practice of informing about channels for cooperation with civil society and other external stakeholders, use of highly bureaucratic language, as well as absence of the practice to publish data in open formats, points to the need to improve proactive disclosure of information and make it more citizen-oriented.

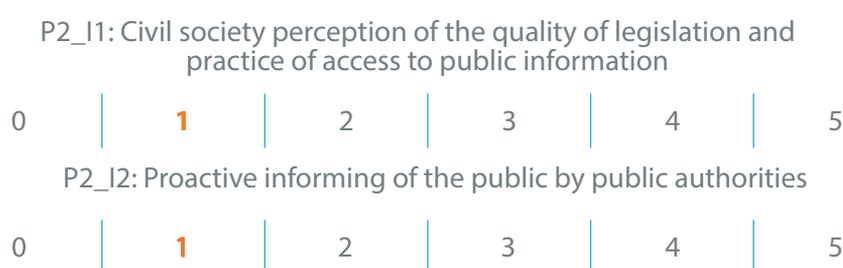


Table 4. WeBER indicators used in Accountability and country values for Kosovo

Service delivery: favourable public perception, accessibility concerns in civil society

WeBER monitoring assesses service delivery from the perspective of its citizen orientation, focusing on public and civil society perceptions regarding the availability and accessibility of services; as well as aspects of availability and accessibility of information on services. In general, citizens of Kosovo consider that the administration pursues user-oriented service delivery, which reflects the high awareness amongst citizens (71%) of the Governments’ digitalisation policy, and of efforts to simplify administrative procedures (56%). There is relatively high awareness on existence of E-services (60%), information in ways to use them (57%) and out of those who actually used these services 80.5% consider them to be use-friendly. Perception drops, however, when it comes to possibility to give proposals for improvement of services, as 37% of citizens report they have been asked for such inputs. This perception is reinforced by the analysis of websites of sample of administrative service providers, indicating that only in two cases information on citizens’ feedback is published online.

Civil society’s perception, on the other hand, is mostly positive regarding the existence of different channels for obtaining services (in-person, online) with 55% of agreement, but the level of agreement drops when asked about the accessibility of one-stop-shops (25%), and adaptation of service provision to vulnerable groups (only 10%). Finally, the practice of disclosing online information necessary for obtaining services is assessed as unsatisfactory. Analysis of sampled websites shows that citizen-friendly guidance for obtaining services is an exception, and on rare occasions services can be fully obtained electronically.

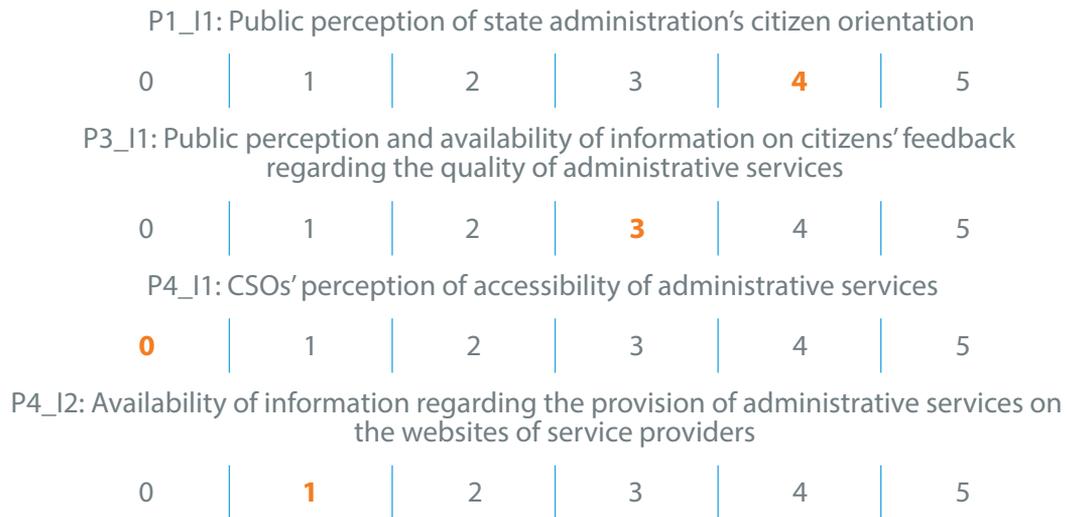


Table 5. WeBER indicators used in Service Delivery and country values for Kosovo

Public finance management: (un)availability of public internal financial control reports

In this area, WeBER monitors the transparency and accessibility of budgetary data, how the government communicates with citizens about public internal financial control (PIFC), and the degree of the supreme audit institutions' (SAI) external communication. The Ministry of Finance regularly publishes quarterly, semi-annual and year-end reports. The available budgetary reports are based only on economic and organizational classification of budget realisation. Non-financial performance information on the budgetary achievements of the Government is not reported. On the other hand, citizen-friendly budgets are regularly produced and published since 2017, presenting annual enacted budgets in a simplified, clear and comprehensible way.

Annual consolidated reports on public internal financial control (PIFC) in the public sector are produced but are not publicly available. The same applies to internal audit quality reviews. Nevertheless, individual budget beneficiaries, such as ministries, largely do not publish basic information online on financial management and control. Moreover, no evidence is found on the Central Harmonization Unit with regard to proactively engaging with the public. Finally, evidence from the last two reporting cycles indicates that the parliament and the relevant committee regularly deliberated on the consolidated reports on PIFC.



Kosovo National Auditor Office (KNAO) has not developed specific communication strategic documents for reaching out to the public and communicating their work/results/goals etc. Nevertheless, it has dedicated at least one job position for proactive communication and provision of feedback towards the public. KNAO utilizes at least two additional means of communication with the public; it actively maintains the Facebook account and organizes public events. The events are mainly organized in the form of roundtable discussions for the purpose of presenting audit and performance reports. In addition research shows that KNAO also organized events particularly related to main audit issues and progress of implementation of recommendations given in audit reports. Furthermore, KNAO audit and performance reports are written in a citizen-friendly manner with performance audit reports being most detailed and largely free of technical language. The channel for receiving citizens' complaints exists, but it is neither institutionalised nor clearly marked at the KNAO website.

Finally, regarding consultation of civil society, KNAO has initiated the practice of holding consultative forums with CSOs for performance audits but also invites CSOs to events organized for the purpose of publishing performance reports or discussing the draft strategy of the office. Likewise, around 42% of surveyed CSOs in Kosovo "agree" and "strongly agree" that the KNAO's oversight of administration bodies is effective, yet more than 30% share a neutral opinion.



Table 6. WeBER indicators used in Public Finance Management and country values for Kosovo

Regional perspective

Across all six PAR areas assessed, Kosovo emerges the second, following Albania as the most advanced case in the region. Overall, Kosovo has acquired 219 out of a total of 581 points across all WeBER indicators, or 38%.⁶

Contrary to expectations, the results reveal that the front running countries in the EU accession are not necessarily at the forefront in individual reform areas, as measured by the PAR Monitor methodology. Particularly, contrary to, Montenegro and Serbia which are more ahead on the EU integration path, Kosovo and Albania show better results overall compared to their regional peers.



Figure 1. Total scores and percentage achievement per country for all WeBER indicators. Source: Western Balkan PAR Monitor Report

6. For more details on the WeBER regional results see the report available at: http://weber-cep.s3.amazonaws.com/data/attachment_701/western_balkan_par_monitor_2017-2018.pdf

With regard to the inclusion of civil society in the PAR development and coordination processes, Kosovo comes last.

- Across all WeBER indicators on policy development and coordination, Kosovo leads the way, particularly in terms of government reporting and decision-making transparency.
 - Kosovo is assessed the second, with slightly lower scores on service delivery than Albania.
- Finally, on the WeBER indicators in the area of public finance management, Kosovo and Albania lead with an equal result. This result for Kosovo is earned due to the positive practices of budget transparency. In the remaining two areas, the public service and human resource management and accountability, Kosovo ranges in the middle, scoring 1 or 2 points.

III. CONCLUSIONS

The results of the WeBER monitoring indicate that Government of Kosovo still faces many drawbacks in meeting EU accession standards in the area of PAR. Assessed against the framework of the PAR Monitor orientation towards the citizen-facing elements of the administration, results suggest that governments fall short of ensuring high standards of openness, transparency and inclusiveness towards the public. It should be noted that although progress in PAR is important for advancing in EU accession, it is of higher significance for domestically sustaining democratic governance and for allowing the public to scrutinise their governments. This said, it is crucial to continuously demand high standards of openness, full transparency and inclusiveness towards the public.

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