



■ WeBER Indicator Summary

AREA: Strategic Framework of PAR

KOSOVO

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PAR Area	STRATEGIC FRAMEWORK OF PAR	Country	KOSOVO
SIGMA Principle	1. The government has developed and enacted an effective public administration reform agenda that addresses key challenges		

WeBER Indicator	SFPAR_P1_I1: Use of participatory approaches in the development of key strategic PAR documents.
Indicator approach	
<p>The indicator focuses on the existence and quality of the consultative process in the development of key strategic PAR documents. Key strategic PAR documents monitored in Kosovo include: 1) Strategy for Modernisation of Public Administration 2015-2020 (including Action plan for 2018-2020), 2) PFM Reform Programme 2016-2020, 3) The Strategy for Improving Policy Planning and Co-ordination in Kosovo 2017-2021 (SIPPC) and 4) Better Regulation Strategy 2014-2020.</p> <p>For all elements under this indicator, focus groups/interviews with representatives of CSOs who participated in the consultation process were conducted to gain first-hand qualitative data. The interviews are conducted with representatives of 2 CSOs that regularly follow the PAR policy.</p>	
Summary of the findings	
<p>There is evidence (documents and sources) that CSOs were consulted during the development of PAR strategic documents, although in some cases the evidence is rather limited. Nevertheless, the assessment of the process suggests that the consultation process did not fulfil all the obligatory criteria specified under the methodology section for none of the PAR strategic documents. CSOs have been consulted for SMPAR AP via three means: a) commenting via the Platform for Public Consultations (PPC) where the draft SMPAR Action Plan has been published. Consultations were open to public for contribution and lasted 15 days and information on the consultation process was complete. This allowed sufficient time and information to civil society for preparation; 2) e-mail commenting on the Draft AP and 3) CSOs were also invited in a consultative meeting for the draft Action Plan for SMPAR yet not based on an open invitation given only a selected number of CSOs (7 think-tank organizations) have been invited in the consultative meeting. Following the consultative meeting, MAP has sent the draft AP with incorporated comments CSOs made during the meeting.</p> <p>For the Public Finance Management Reform Strategy (PFMRS) 2016-2020 documents related to consultation process with CSOs were obtained by FOI. Based on the documents sent via email by MF there is evidence that CSOs are consulted during the official public debate on PFMRS. However, no documents or sources related to consultation process could be found online. Moreover, from the review of the invitation email sent to selected CSOs to participate to the public debate do not contain information related to elements of public consultations procedure. Thus, although formally organised, it cannot be assessed that formal public debate met all the obligatory criteria for conducting it. Comments coming from the civil society for PFMRS were considered and feedback is provided in the table with comments received, however the document is not publicly available.</p> <p>There is evidence that the initial and the 2.0 version of Better Regulation Strategy (BRS 2.0) has been consulted with CSOs. This is noted in the revised version of the BRS 2.0 2017-2021 which has been consulted with the public via the Platform for Public Consultations. As with the AP for SMRAP, consultations were open to public for contribution and lasted at least 15 days and information on the consultation process was complete. Nevertheless, the report from the public consultations is not published online hence elements related to treatment of comments could not be assessed. CSOs specialized in specific areas of PAR state that they have been consulted only during development of development of PFMRS and its action plan as well as for the AP for SMPAR. Regarding the Strategy for Improving Policy Planning and Co-ordination in Kosovo 2017-2021 (SIPPC) there is no evidence available online related to consultation process except being stated in the strategy that the draft strategy has been consulted with internal and external stakeholders (p.8). Moreover, the assessment suggests that formal, legally prescribed procedures for conducting public debates were not fully respected in the case of PFMRS and SIPPC. Along the same lines, there is no evidence that CSO had the chance to participate in an early phase of consultations, before the beginning of the drafting process and this is also noted in the SIGMA 2017 Country Report for Kosovo. This has been confirmed by interviewed CSOs. An exception is the consultation</p>	

process for PFMRS as GAP Institute representative claimed that they have been involved through the whole process of the development of the strategy and its AP. The officials from the responsible institutions declared that no contested questions through the dialogue with CSOs were raised, however emphasized that they remain committed to deal with such questions should they arise. Finally, there is no evidence that responsible government bodies were proactive in ensuring that a wide range of external stakeholders (such as trade unions, business associations, gender-oriented CSOs or those dealing with the people with disabilities) become involved in the process. An exception is the consultation process for PFMRS. The invitation email sent to CSOs includes Kosovo and American Chamber of Commerce and Civikos, a CSOs platform which represents most of the organizations dealing with the people with disabilities and gender issues.

Lastly, it is of note that the package of three laws important for PAR more precisely: 1) the Law on Wages, 2) Law on Public Officials and 3) Law on Functioning and Organization of State Administration have been consulted with public via the Platform for Public Consultations in early phase of consultations. The consultations were initially developed for the draft concept documents followed by the three aforementioned draft laws.

Specific observations

None.

Indicator score	<i>6 (out of 30 points)</i>
Final indicator value	<i>1 (scale 0-5)¹</i>
Measurement period	<i>May-June 2018</i>

¹ Conversion of points: 0-5 points = 0; 6-10 points = 1; 11-15 points = 2; 16-20 points = 3; 21-25 points = 4; 26-30 points = 5.