



WESTERN BALKAN PAR MONITOR 2017/2018

NOVEMBER 2018



This project is financed by
the European Union



Kingdom of the Netherlands

Co-financed by
the Kingdom of the Netherlands

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The PAR Monitor is the result of research undertaken over the past year by the Think for Europe Network, with the goal of providing a systematic civil society monitoring of public administration reforms (PAR) in the Western Balkans. This exercise was motivated by the need to strengthen domestic, bottom-up pressure from the civil society sector in the long run, in order to ensure that post-EU accession, when the leverage of the EU's conditionality in the governance area weakens, the reform drive endures. Based on a robust methodological approach, combining quantitative and qualitative techniques, and building on the EU's Principles of public administration, the PAR Monitor measures the countries' state of play in PAR, benchmarks them against each other, and provides recommendations for improvement. The PAR Monitor also ensures complementarity with the monitoring carried out by SIGMA/OECD and the European Commission. It therefore provides a citizen and civil society focused perspective on the EU-SIGMA principles. The PAR Monitor comprises an overall comparative regional report and six country reports, each including findings on the 23 compound indicators designed by the WeBER project team to monitor a selection of 21 EU-SIGMA principles. All findings can be accessed via the Regional PAR Scoreboard at www.par-monitor.org. This document provides a summary of the key regional findings in the six areas of PAR.



STRATEGIC FRAMEWORK FOR PAR

An adequate strategic framework for PAR entails a coherent, well-coordinated and monitored action agenda that a government has committed to implement in order to achieve a set of publicly announced goals in this wide and cross-cutting policy area. WeBER approaches the issue by looking at how civil society is involved in the agenda-setting and its coordination and implementation.

Organising some form of consultative process with the civil society or the public has become a prevailing practice in the development of the key strategic documents of the national governments' PAR agendas. However, civil society is not always involved in the early stages of these documents' development, when there is more space for influence on the strategic direction and prioritisation of measures. Notable exceptions in this regard are Macedonia, Montenegro, and Serbia, which consult CSOs from the outset, though only on central PAR strategies or their action plans. In most other countries, the usual approach is to organise short consultations towards the end of the drafting process. These consultations tend to lack in depth, particularly in terms of provision of transparent feedback to the consultees, purposive engagement of diverse stakeholder groups (especially gender and disability groups) and keeping and publishing records of the meetings. On all aspects of consultations, countries show highly uneven practices – across the region and across PAR strategic documents within each country – pointing to the immaturity of the consultation procedures and the need to further standardise processes, build capacities, and promote regional champions.



The participation of civil society organisations in the governmental monitoring and coordination structures for PAR is an exception rather than the rule in the Western Balkans. This situation is in part explained by the lack or poor functionality of coordination structures in several countries. CSOs have not been involved in PAR coordination - either at the political or administrative level – in any of the Balkan countries. The only two cases where CSOs are members of such structures are Montenegro (political PAR Council) and Serbia (administrative inter-ministerial working group). However, in Serbia, the failure to ensure regular meetings of the coordination body which involves CSOs essentially cancels out the intention of such provisions. In Albania, even if both the political and the administrative structures envisage CSO participation upon invitation, no evidence was found to suggest that such participation has, in fact, taken place. The poor involvement of CSOs in PAR policy monitoring and coordination is partially a consequence of the overall underdevelopment of the policy monitoring and coordination practices in the region's administrations, but it is also a consequence of the lack of recognition that civil society can substantively contribute at the policy implementation stage.

POLICY DEVELOPMENT AND COORDINATION

In the area of “policy development and coordination”, WeBER monitors 1) the transparency of government’s reporting and 2) decision-making, 3) the use of policy analyses and materials produced by civil society in policymaking, 4) civil society’s views on public consultation practices and 5) CSOs’ awareness and perceptions of accessibility to legislation.

The results show that Western Balkan governments fall short of adequately and comprehensively disclosing their performance information: while they regularly communicate with the public through press releases, they are much less diligent with publishing their annual performance reports. The governments’ websites in Albania, Macedonia and Serbia provide no performance reports for 2015 and 2016. Available reports rarely display data on achievements of concrete results, focusing instead on activities. The share of accessible reports on the implementation of whole-of-government strategic documents for 2016 varies from 33% in Albania, to 40% in Macedonia and Serbia, 50% in Montenegro, 80% in BIH, and 100% in Kosovo. Almost half of the surveyed CSOs disagree that their governments make public reports on the progress achieved on their policy objectives. They also hold the opinion that their governments are not pursuing or are failing to achieve their planned objectives.

Moreover, only 13% of the surveyed CSOs at the regional level think that their government’s decision-making process is transparent. The analysis of the online availability of materials from the sessions of WB governments reveals a variety of practices and ways in which information is disclosed, sometimes more positive (for Kosovo) or more negative (Macedonia at the time of measurement) than the civil sector’s perceptions suggest. While most countries disclose some information through either press releases or documents and decisions adopted, in half of the cases, the agenda items and minutes of the government sessions are not available to the public.

Ministries in the region occasionally use the evidence-based findings and policy proposals produced by CSOs to inform policy plans and decisions. Officially adopted policy and strategic documents, such as strategies, reference these sources more frequently than policy papers. Thirty seven percent of the CSOs surveyed agree that their government institutions invite organisations to prepare or submit policy papers and studies, and about the same percentage, that is 35%, disagree. Their perception is more favourable on how frequently representatives of relevant government institutions accept invitations to participate in events they organise to promote policy products, with only the Serbian respondents predominantly dissatisfied. A much less positive perception across the region emerges in relation to the experiences of the civil society sector with their involvement in working groups tasked with drafting policy or legislative proposals.

Views on public consultations are quite bleak in the region’s civil sector. Only one in five CSOs agrees that government institutions consistently apply formal consultation procedures when developing policies within their purview. A fifth of all respondents confirm that governments provide timely and adequate information on the content of legislative or policy proposals in the public consultations. Similarly, at the regional level, 59% of CSOs believe that ministries rarely, if ever, provide written feedback on whether their input into the consultations was accepted or rejected.

With all countries, except for state level BIH, owning online legislative databases, an overwhelming majority of CSOs perceive legislation as highly accessible. As much as 72% of CSOs confirm that they are aware of a government website where a database of enacted legislation can be found and accessed. In contrast, civil sector throughout the region holds a much more negative view about the accessibility and user-friendliness of explanatory materials relevant to existing legislation.

PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

In public service and HRM, WeBER monitors a selection of five out of seven EU principles. Its focus is on public availability of various information related to public service, hiring of temporary staff, transparency and merit character of civil service recruitment, selection and the position of senior staff and civil service integrity measures.

None of the countries in the region has a fully established system for collecting and monitoring data and information about the public service. This affects public reporting on the number of civil servants and the wider public service policy. While only BIH, Macedonia, and Montenegro publish data on the cumulative numbers of civil servants, Albania and Kosovo are the only countries that produce and publish comprehensive reports on public service policy.

Information about temporarily engaged staff in the central state administration is lacking from all published data and reports. Moreover, there is insufficient regulation of, and transparency in, the procedures for hiring temporary employees. Apart from Serbia, none of the countries imposes statutory limits on the number or percentage of temporary engagements. Only in Albania and, to a lesser extent, in Macedonia, are the criteria for this category clearly prescribed. A high proportion of surveyed civil servants recognise the presence of these distortions in the civil service system.

Recruitment into the civil service is in all countries carried out through vacancy announcements, published nation-wide. These announcements can reach a large audience, but only in Albania and BIH are they written in a non-bureaucratic style, which can be understandable to a non-expert audience. In some countries, the recruitment procedures give internal candidates an unfair advantage by placing unreasonable burden on external applicants. Moreover, the transparency of decisions taken by the selection committees varies greatly among countries, with Albania being the most transparent, while Montenegro and Serbia the least so. It comes as little surprise then that, except in Albania, civil servants throughout the Western Balkans have a predominantly negative perception of the meritocratic character of the recruitment process.

The protection of senior civil service positions from undue political influence is flawed in most of the countries. The quality of the legal framework for merit-based recruitment to senior positions is assessed as average in the region as a whole, with Albania being a positive outlier and Macedonia at the negative extreme, given the latter's fully politicised system for recruiting top civil servants. Albania is also the only country that receives a positive assessment on the practical application of its legal provisions. One of the major problems in several countries is the placement of acting managers into vacant positions, which is often misused for political appointments. Whereas in Albania such appointments are not envisaged by law, in Serbia they have become endemic. Additional political vetting procedures, outside of the formal civil service system, further exacerbate politicisation in Montenegro and Serbia. In fact, over half of the surveyed civil servants across the region confirm that senior civil service positions are subject to political agreements and "divisions of the cake" among the ruling political parties.

The countries of the region tend to have complete policy and legal integrity frameworks for civil servants, though in BIH and Montenegro certain elements are missing. Nevertheless, civil servants and civil society perceive these legal structures as largely ineffective and biased in application. Moreover, civil servants feel insecure about the whistleblower protection mechanisms, with only 14% on average stating that they would feel safe in this position, and almost half disagreeing (47%). Overall, however, a high percentage of respondents did not know or had no opinion on integrity related questions, which highlights the scarcity of knowledge and information about these measures in the region.

ACCOUNTABILITY

In the accountability area, WeBER monitors the extent to which the right to access public information is consistently applied in practice. To this end, WeBER (1) looks at the experience of civil society organisations (CSOs) using the freedom of information (FOI) legislation and (2) analyses the public authorities' proactive informing of the public through their websites.

Overall, CSOs in the region tend to have a negative view of the implementation of the FOI systems. More than a third of CSOs disagree that public authorities record sufficient information to enable people to exercise their right to free access of information in the first place. Whereas the region's CSOs are divided on how adequately exceptions from the requirement to release information are regulated by law, they generally agree that the legally prescribed rules are not duly applied. CSOs hold more positive views when asked if they are charged to gain access to information and required to provide reasons for their requests.

Interviewed organisations in several countries emphasise that administrative silence represents a major obstacle to the full exercise of the FOI right. They also confirm that having and using personal connections with institutions helps them to gain faster access to complete information. Moreover, 43% of the surveyed CSOs think that public authorities "sometimes", "often" or "always" release parts of the material requested with the explicit intention to mislead those who asked for it.

Furthermore, CSOs contend that whether access will be granted, often depends on the type of information one is seeking. The hardest information to access pertains to finances, tenders, publicly-owned companies, and the work of security, enforcement, and intelligence authorities. Yet, CSOs in the region seem to be less experienced in requesting information which contains classified materials, given that a high percentage of the organisations surveyed in all countries chose not to answer the question on this issue.

When it comes to how CSOs view the role of the designated supervisory body for FOI, Serbia, Kosovo, and Albania express positive opinions, whereas BIH, Macedonia, and particularly Montenegro, hold negative perceptions of these authorities' work.

On the regional level, 45% of the CSOs agree that the sanctions prescribed for the violation of the right to free access of information do not lead to sufficiently severe consequences for the responsible persons in the non-compliant authorities. Only 22% of the CSOs think that consequences are serious enough. Albania is the outlier, as the number of organisations that endorse the severity of sanctions is double the number of those which state that the sanctions are not tough enough in their country.

When it comes to the efforts of the administrative bodies to proactively inform the public through their websites, the countries of the region fare much better on the criteria of "completeness" and "regular updating" of information than on aspects related to "accessibility" and "citizen friendliness". The citizen-friendliness aspect is particularly problematic across the region, as a major part of the information is published in bureaucratic language, without much concern as to whether citizens can easily understand or use it. A significant problem in most countries is also the lack of basic annual reporting by the public authorities on their work and results, which only Montenegrin institutions do systematically. Similarly, the budget reporting is inadequate, with the exception of Serbia, where authorities provide such data as part of obligatory information bulletins.

SERVICE DELIVERY

Service delivery is mainly approached from the perspective of its citizen orientation, especially focusing on public and civil society perceptions regarding the availability and accessibility of services.

Almost half of all Western Balkan citizens believe that in the past two years their governments have implemented initiatives to simplify administrative procedures for citizens and businesses. Only a third of citizens disagree with this statement. Agreement ranges from 56-57% in Serbia and in Kosovo to a mere 28% in BIH. Citizens who have recognised their government's efforts to make administrative procedures simpler have also confirmed that these initiatives have improved service delivery. A remarkable 59% of citizens across the Western Balkans agree that their governments have been moving towards digitalisation during the past two years, while in BIH only a minority of 28% subscribes to that opinion. The public's awareness of the availability of e-services is low across the region. Just 4 in 10 citizens know that their public administration offers e-services, and 65% of those who are aware of these services claim to be generally informed about the ways in which to use them. At the regional level, about a third of citizens confirm that their administration has asked for citizens' proposals on how to improve administrative services in the past two years, ranging from 44% in Albania to 13% in BIH.

Mechanisms for ensuring the quality of public services are largely not in place: only 3 in 10 citizens agree that, when they obtain a service, they have the opportunities to provide feedback on its quality. Another 42% express the opposite view. When asked about the inclusiveness of the monitoring of service delivery, only a quarter say that citizens or civil society have been involved in the monitoring of services in the past two years, with the level of agreement the highest in Albania (35%) and Kosovo (33%). Service providers tend to offer only basic information (for example, an administrative data report or a perception survey report) about user satisfaction on their websites but fail to issue more advanced reports that combine various data sources and include statistics segregated on gender or other bases.



The CSOs surveyed view the accessibility of administrative services as a problem. On average, across the region, only 14% of CSOs agree that service providers are adequately distributed across the country's territory, allowing all citizens to have easy access, while 62% disagree. Perceptions of the accessibility of one-stop-shops, in terms of geographic distribution, are even more negative. Similarly, CSOs do not consider service provision to be adapted to the needs of vulnerable groups; merely 5%, on average, agree.

To improve accessibility, providers publish basic information related to service delivery on their websites. These include mainly contact information (email addresses and phone numbers) and material related to the rights and obligations of the users of services. Basic procedural information on how to access administrative services and how to obtain the prices of services was found only in Albania and Macedonia. More advanced, user-friendly guidance on how to obtain services was then provided only in Albania.

PUBLIC FINANCE MANAGEMENT

In the public finance management area, WeBER monitors the availability and accessibility of budgetary documents and data, but also the communication practices of budgetary policymaking and oversight bodies. To achieve this, WeBER analyses official websites to assess (1) the transparency and accessibility of budgetary data, (2) how governments communicate with citizens about public internal financial control (PIFC) and (3) the degree to which open information is available about the supreme audit institutions' work.

Western Balkan ministries of finance employ diverging approaches to budget transparency. In all countries but Albania, annual budgets are regularly made available and are easily accessible on the ministries' websites. In-year budget reporting, either monthly or quarterly, is quite transparent and accessible as well. Differences become apparent with regard to the transparency of mid-year budgetary reports, as only Kosovo and Macedonia make those easily accessible on their finance ministries' webpages. The most common way of presenting budgetary data to the public is by using an economic classification of expenditures. Presenting the budget per type of budget users or government function is less customary across the region, but more standard practice in BiH and Kosovo. A shared deficiency in all countries, except Albania, is the lack of inclusion of information about annual budgetary spending in reports. Furthermore, citizen budgets have become common and are now being published regularly in all countries, save for BiH and Montenegro. Kosovo and Macedonia are currently the leading examples of citizen-friendly documents. Finally, Macedonia is the only clear-cut case of available annual budget documentation in open format.

The public availability of information on PIFC is still low in the region. In this area of PFM, the consolidated annual reports on PIFC are usually publicly disclosed documents. In addition, Serbia is the only country in the region where some reports on the quality of implementation of the internal audit are published online, although such quality reviews have also been performed in Albania, Kosovo and Montenegro. Moreover, at the level of budget users, monitoring shows that ministries rarely publish any information online if it concerns the financial management and control within their organisations. Coupled with poor proactivity by the ministries of finance to communicate PIFC developments, the lack of published information offers very limited opportunities for public scrutiny. Only in three out of the six countries surveyed have national parliaments discussed the PIFC annual reports in recent years.

Overall, SAIs in the region seek to improve the strategic public communication of their work. All SAIs, save for that of Macedonia, have dedicated at least one job position to proactive communication and the provision of feedback to the public. Yet, results reveal that, except in Albania and Kosovo, these institutions have not diversified the communication tools they employ. While the SAI of Kosovo prepares citizen-friendly summaries for most of its reports, with a view to facilitating public relations, in other countries, SAIs produce them only for specific types of audit reports (usually a performance audit). The Albanian SAI is the only one which does not yet produce short summaries. Furthermore, most SAIs regularly accept citizen complaints and suggestions, although they do it by using general communication channels rather than those specifically designed for the submission of audit suggestions or tips. In Albania and Kosovo, these institutions have also involved and cooperated with civil society in the performance of audit work.

CONCLUSION

At present, the Western Balkan governments face numerous drawbacks in meeting the EU accession related standards in the area of PAR, as defined in the EU-SIGMA Principles of public administration. The WeBER monitoring exercise looks particularly at the citizen-relevant aspects of the administration, mainly from the perspective of transparency and openness of governmental practices. The results of the first monitoring cycle reveal that front running countries in the EU accession process are not necessarily at the forefront of reforms in individual reform areas. In particular, Albania emerges as the most advanced case in the region across all six PAR fields scrutinised, while BIH generally lags behind its regional neighbours. In individual areas, different leaders emerge.

- Montenegro comes first in regard to the inclusion of civil society in the PAR development and coordination processes, whereas 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, while Serbia fares the worst, for the same reasons.
- The public service and human resource management area has Albania as the absolute best case, across all indicators, with Montenegro at the back of the queue.
- Serbia tops the region on accountability indicators, owing to the positive practices of information provision based on its freedom of information act, while Macedonia comes last.
- Albania once again emerges as the leader on service delivery, with Kosovo and Serbia just behind. BIH lags significantly behind its regional peers.
- Finally, on public finance management, it is again Albania that takes the highest scores, though Kosovo and Macedonia outperform on budget transparency. Montenegro fares the worst in the area, particularly due to its poor transparency of budget reporting.

The PAR Monitor points to the need for countries to invest significant efforts in the coming years, not only to reach the EU requirements in the PAR area, but also to ensure adequate standards of transparency, openness, and accountability towards their citizens.

*This executive summary is based on the **Western Balkan PAR Monitor 2017/2018**, soon available for download from www.par-monitor.org*

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