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Western Balkan PAR Monitor

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2017/2018

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by Gregor Virant

It may not be obvious at first glance, but public administration significantly shapes the quality of our lives. We experience many close encounters with its employees in all kinds of procedures in the course of our lives or the lives of our businesses. The work of civil servants whom we never actually meet or see - the ones engaged in policy making - can greatly influence the quality of our lives. The quality of public policies in all areas of life largely depends on the performance of public administration. If policies are created on the basis of sound analysis, facts and evidence, if they are coherent, discussed with the interested public and are well prepared at the expert level, it is much more likely that, once approved by politicians, these plans will attain our highest objective – a better and easier life for all of us.

It is well known that a well-organised public administration is an unmistakable sign of an advanced society, and a well-organised country with a high level of economic and social development, wellbeing and happiness. Successful countries such as Switzerland, Norway, New Zealand, Canada, the Netherlands and Ireland have many things in common, one of them being a well-functioning public administration. Hence, if people in the Western Balkans want a better life (which they undoubtfully do), and if governments want to afford them a better life, improving public administration is one of the most important endeavours that we can undertake.

Good public administration doesn't happen overnight and we cannot expect miracles from the governments. It is a journey. But if we want to achieve significant improvements tomorrow, we must define our direction and stay focused today. The experience from all countries shows that there is nothing more important for successful public administration reform than political commitment and will. If the prime minister and ministers are interested in a particular area of public administration reform, things advance very fast. And yet, ministers in some countries are still not interested in having highly competent senior civil servants, as they value loyalty more. There is also a serious lack of government strategic planning and evidence-based policy making. Political commitment can help set up the basics, and then all the rest is easier. If there is no political commitment, copy-pasting perfect legislative solutions or sophisticated methodologies from the best-practice systems is to no avail.

Of course, public administration reform is also connected with the EU accession, as the European Commission has recognized it as one of the three 'fundamentals' of the enlargement process. This makes sense. If public administration doesn't function at a sufficient level of quality, who will transpose the acquis communautaire in the national legislation? And who will later effectively implement the EU law, considering that it is implemented by the national administrations and courts?

An important advantage of the countries which are currently in the accession process lies in the fact that a sound and transparent set of standards is in place in the form of Public Administration Principles, elaborated by OECD/SIGMA. This is a great tool for the development of national strategies and an excellent assessment framework. But we should never forget: the EU accession and 'ticking off' the requirements of the PA Principles should not be the objectives per se; these are the clearly-stated means to achieve better lives for citizens in Western Balkan countries.

What is the role of civil society in all this? How can it add value and contribute to faster and more effective public administration reform? Mainly by exercising positive pressure, showing the governments their mirror image, reaching out to the media with critical observations and, above all, by raising the awareness of the general public that the fate of their countries is in their hands and that they have the right to demand good governance. In advanced democracies, citizens judge their governments, among other things, by the quality of public policies and administrative services.

The WeBER initiative, its leadership and its team have proven to perfectly understand this mission. The Western Balkan PAR Monitor, which you are about to read, adds valuable pieces to the mosaic of knowing the strengths and weaknesses of public administration reforms in the candidate and potential candidate countries of the Western Balkans. The insightful results of this work should now be used in constructive dialogue with the governments. Going forward, WeBER can effectively complement the EU, and particularly SIGMA's work, during the accession process with a unique insight and improve public awareness of the importance of PAR. This research should also knock on the doors of the ministers and draw their attention to strengths, shortcomings, opportunities and risks. After the Western Balkan countries achieve membership in the EU and the external pressure and scrutiny over PAR weakens, WeBER will become even more relevant regarding the assessment of national public administrations.

About WeBER

The Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform (WeBER) is a three-year project funded by the European Union and co-financed by the Kingdom of the Netherlands.

The overall goal of WeBER is to increase the relevance, participation and capacity of civil society organisations and media in the Western Balkans to advocate for and influence the design and implementation of public administration reform. It was designed with the rationale that only by empowering local non-governmental actors and strengthening participatory democracy at the national and local levels, can the same pressure on the governments to continue implementing the often painful and inconvenient administrative reforms be maintained post-accession.

A combination of activities conducted through WeBER has achieved multiple aims:

- Through the Regional PAR Platform (WeBER Platform) and its Small Grants Facility, WeBER has improved the capacity of civil society organisations in the Western Balkans to participate in PAR, whilst building venues for their dialogue with the governments on PAR.

- Through its research and monitoring work and development of the PAR Monitor and through the creation of the CSO PAR Knowledge Centre, a searchable database of studies, analyses and reports on PAR produced by the region's civil society, WeBER has created and gathered evidence for a meaningful dialogue.

- As a result of benchmarking the countries through the Regional PAR Scoreboard based on country-level monitoring, WeBER has promoted regional peer pressure.

All of these products are available on the WeBER website: www.par-monitor.org.
WeBER is implemented by the Think for Europe Network (TEN) composed of six EU policy-oriented think tanks in the Western Balkans:

European Policy Centre - CEP
Belgrade

European Policy Institute - EPI
Skopje

Foreign Policy Initiative - FPI BH
Sarajevo

Group for Legal and Political Studies - GLPS
Pristina

Institut Alternativa
Podgorica

The Institute for Democracy and Mediation - IDM
Tirana

By partnering up with the European Policy Centre (EPC) from Brussels as well, WeBER has ensured EU-level visibility.

European Policy Centre - EPC
Brussels

Who do we cooperate with?

WeBER has established cooperation with a multitude of stakeholders in the region and beyond, by joining efforts towards a sustainable course of administrative reforms in the Western Balkans. At the national level, we have coordinated with PAR ministries and/or offices in each of the WB countries, which have had an associate role in the project. At the regional level, WeBER has cooperated with the Regional School of Public Administration (ReSPA), which hosted the regional PAR platform of civil society organisations, serving a regional dialogue on PAR. We have also collaborated with the Regional Cooperation Council (RCC) to ensure complementarities with the monitoring approaches by the civil society focusing on the South East Europe 2020 Strategy. Furthermore, the Project keeps close contact and consults with SIGMA (a joint initiative of the EU and the OECD), which performs regular assessments of the Western Balkan countries' progress in the implementation of the Principles of Public Administration in the period leading up to the EU accession. Finally, WeBER consults with the DG NEAR of the European Commission, particularly its Centre of thematic expertise on public administration reform.

The Project has established strong cooperation and alliances with civil society organisations interested in or already working on PAR in all WB countries. By developing a communication strategy for the civil society engagement in PAR monitoring, WeBER has facilitated a more coordinated and complementary approach of various CSOs in their efforts and projects focusing on administrative reform.

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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 over-whelming 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 the WeBER indicators in the area of public finance management, it is Albania and Kosovo that lead together, with an equal result. Whereas the former owes its leading position to the public communication practices of its state audit institution, the latter earns it through the positive practices of budget transparency. Montenegro, at the other end, fares the worst in the PFM area, owing its low result particularly 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.

List of Abbreviations and Acronyms

ADISA	Agency for the Delivery of Integrated Services Albania
AIS	Agency for Information Society
ALB	Albania
AP	Action Plan
BCSDN	Balkan Civil Society Development Network
BFD	The Budget Framework Document
BIH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
BRS	Better Regulation Strategy
BSL	Budget System Law
CAF	Common Assesment Framework
CASI	Computer-assisted self-interviewing
CHU	Central harmonisation unit
COCS	Commisioner for the Oversight of the Civil Service
CoG	Centre of Government
CoM	Council of Ministers
CSA	Civil Service Agency
CSL	Civil Service Law
CSO	Civil Society Organization
DoPA	Department of Public Administration
ERP	Economic Reform Programme
EU	European Union
FMC	Financial management and control
FOI	Freedom of Information
GAWP	Government Annual Work Plan
GDDS	General Data Dissemination System
HRM	Human Resource Management
HRMIS	Human Resource Management Information Systems
IA	Internal Audit
IMF	International Monetary Fund
IMWG	Inter-Ministerial Working Group
IOB	Independent Civil Service Oversight Board
ISSAI	International standards of supreme audit institution
KOMSPI	Commission for protection of the right to free access to public information
KOS	Kosovo
LAP	Law on administrative procedure
MAP	Ministry of Public Administration of Kosovo
MISA	Ministry of Information Society and Administration
MKD	Macedonia
MNE	Montenegro
MPALSG	Ministry of Public Administration and Local Self-Government
NAIS	National Agency for Information Society
NAO	National Audit Office
NCEU	National Convention on the European Union
NGO	Non-governmental organisation
NPEI	National Plan for European Integration
NPISAA	National Programme for Implementation of the Stabilisation and Association Agreement
NSDI	National Strategy for Development and Integration
OECD	Organisation for Economic Co-operation and Development
PA	Public Administration

PAR	Public Administration Reform
PARCO	Public Administration Reform Coordinator's Office
PDC	Policy development and coordination
PFM	Public Financial Management
PIFC	Public Internal Financial Control
PSHRM	Public Service and Human Resource Management
RIA	Regulatory impact assessment
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SAI	Supreme Audit Institutions
SCS	Senior Civil Service
SD	Service delivery
SEE	Southeastern Europe
SFPAR	Strategic framework for public administration reform
SIGMA	Support in Improvement in Governance and Management
SIPPC	Strategy for Improving Policy Planning and Coordination
SNERR	Single National Electronic Registry of Regulations
SRB	Serbia
WB	Western Balkans
WeBER	Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform

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I.1 Public administration reform and Western Balkans' EU integration - Why monitor?

For over 15 years, the Western Balkan (WB) countries have undergone democratisation and transition processes, embarking on deep structural, economic and social reforms to modernise their societies and improve the lives of their citizens. The reform processes are reinvigorated by the aspiration of these countries to become members of the European Union, and they are framed to a large extent by the EU integration process. Good governance lies at the heart of the European integration project, while a public administration that supports good governance needs to be professional, reliable and predictable, open and transparent, efficient and effective, and accountable to its citizens.

Accordingly, reform of public administration has been acknowledged as one of the fundamental areas of reform on any country's path to EU membership. WB countries have been implementing administrative reforms for over a decade now, but since 2014 the EU offers a set of principles for the accession countries to follow and comply with in this area in order to become successful EU member states. The European Commission defined the scope of PAR through six key areas:

1. strategic framework for public administration reform
2. policy development and co-ordination
3. public service and human resource management
4. accountability
5. service delivery
6. public financial management

OECD/SIGMA,[1] in close co-operation with the European Commission, adopted this scope in the *Principles of Public Administration*, which became a new framework for guiding and monitoring administrative reforms in the Western Balkan countries and Turkey.[2] These principles, thus, offer a common denominator of public administration reform of all EU-aspiring countries, setting its course towards EU membership.[3]

Their purpose is described as follows:

The Principles define what good governance entails in practice and outline the main requirements to be followed by countries during the EU integration process. The Principles also feature a monitoring framework to enable regular analysis of the progress made in applying the Principles and setting country benchmarks.

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[1] SIGMA (Support for Improvement in Governance and Management) is a joint initiative of the OECD and the European Union. Its key objective is to strengthen the foundations for improved public governance, and hence support socio-economic development through building the capacities of the public sector, enhancing horizontal governance and improving the design and implementation of public administration reforms, including proper prioritisation, sequencing and budgeting. More information is available at: http://www.sigmaweb.org/.

[2] A separate document entitled The Principles of Public Administration: A Framework for ENP Countries has been developed for the countries encompassed by the European Neighbourhood Policy (ENP): http://bit.ly/2fsCaZM.

[3] Based on the Principles, SIGMA conducts regular assessments of the progress made by the WB countries' governments in fulfilling them. Across-the-board assessments (for all the six key areas) are conducted once every two years, whereas

> *EU acquis requirements, guidelines and instructions are the core of the Principles in relevant areas. In other areas, the Principles are derived from international standards and requirements, as well as good practices in EU member states and OECD countries. As a minimum benchmark of good administration, countries should ensure compliance with these fundamental Principles.[4]*

WeBER has adopted the Principles of PA as the main building block of its PAR Monitor, following a twofold rationale. On the one hand, being the only common denominator for PAR reforms for all Western Balkan countries, the Principles are of major importance for WeBER in order to allow for regional comparability and regional peer learning and peer pressure. On the other hand, the Principles guide the reforms in these countries in the direction of compliance with EU standards and requirements, thus also supporting their transformation into future EU member states.

An important consideration in designing the monitoring approach lies in the understanding that until the WB countries' EU accession moment, SIGMA/OECD will be engaged in the region, relying also on the hard EU conditionality as an external driving force of reforms. In that period, the local civil society should deliver complementary, add-on findings in the areas of its strength. In this period, civil society should also gradually expand the scope of its monitoring and seek ways to continue with the external monitoring in a more holistic way post-accession, when SIGMA will no longer perform its external assessments. By then, the local civil society actors should have a developed approach in identifying the critical areas of intervention on which to focus their monitoring efforts.

Moreover, although EU conditionality is currently ensuring regular external monitoring and assessment of the progress of reforms, previous enlargements have demonstrated that many countries have backslid in their reforms post-accession, effectively moving away from good governance standards as the EU approach softened. In several countries, governments have decreased their standards of transparency, administrations have been re-politicised and anti-corruption efforts have dwindled. WeBER's rationale is that only by empowering local non-governmental actors and strengthening participatory democracy at the national and local levels, can the same pressure on the governments to continue implementing the often painful and inconvenient administrative reforms be maintained post-accession. This empowerment needs to include the improvement of the CSOs' awareness, knowledge and other capacities, such as research and analytical skills and tools. It is precisely these elements that the WeBER project and the PAR Monitor aim to strengthen.

In line with the TEN's and WeBER's focus on the region's EU accession process, the PAR Monitor also seeks to guide the governments in the region towards successful EU accession and membership. That is why the entire approach has been devised around the PAR requirements defined under the EU's enlargement policy. A critical necessity in this endeavour is strengthened participation of the civil society and media in the reform (i.e. educating and enabling them to monitor reform progress, assess its quality and propose new solutions based on evidence and analysis). That way, public administration reform can support the creation and implementation of inclusive and transparent policies that take into account citizens' needs and that are at the same time more EU-membership-compliant.

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in-between smaller scale assessments are conducted for specific chapters that are evaluated as critical by SIGMA. For more information on SIGMA assessments, visit www.sigmaweb.org.

[4] Principles of Public Administration for EU Enlargement countries, SIGMA, http://bit.ly/2fOWLf9.

I.2 PAR monitoring – How do we monitor?

• **EU principles as the starting point and a common framework of reference**

As mentioned above, the WeBER approaches monitoring of PAR in the Western Balkan countries from the perspective of uniform requirements posed by the EU accession process for the entire region. As the EU and SIGMA/OECD developed a comprehensive set of principles for all countries to transform their administrations into modern EU-members, WeBER has used these 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.

• **The regional approach**

An important facet of WeBER monitoring of PAR is its regional character. The regional approach first means that all indicators are framed and phrased in a manner which enables comparisons between the six national systems. Second, the regional approach means that the findings are regionally comparable. The former was achieved through close regional consultations in the process of designing the methodology and developing the indicators, including occasional revisions of the indicators and their specific methodologies based on identified difficulties of application and measurement in the national contexts. The latter was achieved through the internal quality assurance procedures developed as part of the monitoring methodology, which are described below.

The regional approach admittedly results in a certain loss of detail and national specificity in the monitoring work. However, it presents many benefits compared to the nationally specific approaches, first and foremost the comparability aspect, which allows benchmarking of countries and their systems, recognition of good practices in comparisons of the countries, as well as creation of positive competition between the governments when exposed to regional comparisons. Last, but not least, it allows for creation of regional knowledge and peer learning of PAR among civil society organisations, which is particularly useful for inspiring new initiatives and advocacy efforts at the national level, inspired by positive practices identified in the immediate neighbourhood. The fact that all WB countries are undergoing the same or similar processes on their road towards the EU makes them a perfect group for creation of useful comparisons.

• **Selection of principles "for the civil society and by the civil society"**

The PAR Monitor maintains a basic structure which follows the six chapters of the Principles of PA. It does not attempt to cover all the principles under each chapter nor does it seek to cover them in a holistic manner, but adopts a more focused and selective approach. Considering that the empowering of the civil society in the region to monitor PAR will need to be a gradual process, the criteria for selecting the principles (and their sub-principles) were developed with three main thoughts in mind:

• There are certain aspects of the Principles in which civil society is more active and consequently has more knowledge and experience;

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- In order to gain momentum, the PAR Monitor will need to be relevant to the interests of the wider public in the region;

- The approach should ensure an added value to SIGMA's work and not duplicate it.

- **WeBER indicators design**

WeBER has designed compound indicators, each comprising a set of elements (essentially sub-indicators), which elaborate various aspects of the issue addressed by the indicator on the whole. The entire design of indicators is quantitative, in the sense that all findings – based on both quantitative and qualitative research – are assigned numerical values. Findings are used to assess the value of individual elements, assigning them total element scores of either 0-1 (for the less complex assessments) or 0-2 (for the more complex assessments). Only integer values are assigned to elements.

Furthermore, for each element a weight of either 1 or 2 is applied. In principle, a weight of 2 is assigned to what was evaluated as a basic, key requirement, whereas a weight of 1 is applied to more advanced requirements. To exemplify, a weight of 2 is used for an element assessing a basic government reporting practice, whereas a weight of 1 applies to an element assessing whether the data in a report is gender sensitive or whether it is available in open data format. Moreover, as most indicators combine different research approaches and data sources, in cases where perception survey findings are combined with hard data analysis, a weight of 1 is assigned to the former and a weight of 2 to the latter.

Finally, for each indicator there is a formula for turning the total score from the analysis of individual elements into the values on a unique scale from 0 to 5. The final indicator values are assigned only as integers, i.e. there are no half-points assigned. The detailed scoring and methodologies for each indicator are available on the PAR Monitor section of the WeBER website.[5]

- **Reliance on knowledge accumulated by civil society**

Local civil society actors lack official resources that would allow them to take a comprehensive view on the Principles of PA and monitor all their aspects in each of the six chapters. Moreover, the CSOs' projects and initiatives are as a rule fragmented and based on individual ad-hoc approaches. WeBER has overcome this problem by creating a Platform through which civil society in the region can conduct consultations and coordinate these individual, fragmented efforts. As a result of the work of this platform, the PAR Monitor reports encompass both the findings of the WeBER project and the key results and findings of a major part of the individual CSOs' (or other networks') research and analyses in the PAR area.

The WeBER monitoring approach utilises to the maximum extent possible the experience and expertise accumulated within the civil sector in the WB countries. Therefore, a number of indicators rely on the civil society as one of the core sources of knowledge. Understandably, the PAR Monitor and its wider approach to incorporating other CSOs' findings will remain a work in progress in the upcoming years as well, in order to allow adjusting to new developments in the region's civil sector.

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[5] WeBER project website: http://www.par-monitor.org. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

• **Focus on citizen-facing aspects of public administration**

There has been a clear shift of trends in recent years in how administrations act towards citizens, gradually comprehending their role of service providers in the society rather than merely feeding the rigid, formalistic and bureaucratic needs. One of the factors for this change lies in the development of new technologies and more direct opportunities to scrutinize, interact and influence, which consequently stimulated the interest of the public and instigated higher demands and pressures from the citizens for better administration.

Because of this unambiguous connection between the administration and its citizens, another key criterion which has led the selection of WeBER principles (and its sub-principles) is their relevance to the work and interests of the wider public. To that end, WeBER indicators have been led by the question of the extent to which they address citizen-facing aspects of public administration.

• **Complementarity with SIGMA monitoring and SEE 2020 strategy**

As mentioned above, one of the main considerations underpinning the WeBER PAR monitoring is to ensure complementarity with the assessment process of SIGMA/OECD. This approach acknowledges that SIGMA's comprehensive approach cannot and should not be replicated by local actors, as it already represents an independent monitoring source (in the sense of independence from national governments in the WB). In that sense, WeBER does not seek to present a contesting (competitive) assessment of how the principles are fulfilled in the WB countries, but rather offer a complementary view, based in local knowledge and complementary research approaches.

Finally, after the indicators were developed, each of them was analysed for relevance against the regional strategy SEE 2020,[6] in order to determine whether they can serve for the purposes of its monitoring as well. Therefore, each indicator that has been determined relevant for the monitoring of the SEE 2020 Strategy was marked accordingly in the methodology document, and the link to the specific dimension of that strategy was stated.

• **The PAR Monitor package**

As the final product of the WeBER monitoring, the PAR Monitor is composed of the one regional, comparative report of monitoring results for the entire region and six national reports that elaborate in detail the monitoring findings for each country. In line with this approach, the regional report focuses on comparative findings, regional trends and examples of good or bad practices, but does not provide any recommendations. On the other hand, the national reports provide in depth findings for each country and identify a set of recommendations for each PAR area, targeting national policy makers.

The Master Methodology document and the detailed indicator tables – all available on the WeBER website[7] – should also be regarded as part of the entire PAR Monitor package and can be used to fully understand the details of this monitoring exercise, where needed.

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[6] South East Europe 2020 Strategy of the Regional Cooperation Council:
http://www.rcc.int/pages/62/south-east-europe-2020-strategy.

[7] WeBER project website: http://www.par-monitor.org. Methodology and the individual indicator tables can be accessed within the PAR Monitor menu.

- **Quality assurance procedures within the monitoring exercise**

To guarantee that the PAR monitoring findings are based on appropriate comparative evidence and that WeBER products create a notable impact, the monitoring applied a multi-layered quality assurance procedure, which included internal and external expert reviews and a stakeholder community review. The internal quality assurance comprised two main elements:

1) a peer-review process, which involved different collaborative formats, such as written feedback, team meetings, or team workshops;

2) once the scoring for each country was finalised, a senior coordinator performed a horizontal cross-check of the findings to ensure their regional comparability and alignment of assessment approaches and to prepare the analysis for the external review.

The first part of the external review was a fact-checking process by government institutions in charge of the given assessed area. Up to this point of the review process, all mentioned steps were repeated for each individual indicator measured.

Following the drafting of the regional report, selected members of the WeBER Advisory Council performed the expert review of chapters pertaining to their areas of expertise. The national reports underwent standard peer review procedures within each WeBER partner organisation.

- **PAR Monitor Report timeframe**

The monitoring exercise was conducted between September 2017 and September 2018. Findings predominantly relate to 2017 and the first half of 2018, except in the analysis of Government reports, where 2016 was included as the base year due to the governments' reporting cycles. Within the indicators that monitor the regularity of reporting practices, a minimum of two years preceding the monitoring year were taken into account.

It is important to emphasise that for certain indicators (and particularly those measured in the last quarter of 2017) the situation on the ground was changing until the moment of the report writing. The developments which occurred after the monitoring work on those indicators could not be included, as that would have necessitated repetition of the entire monitoring exercise for the given indicator in all countries. Therefore, the individual indicator measurements indicate the exact periods of measurement, kept comparable across the region, which allows for clear identification of the timeframes of reference for all findings in the reports. Where situations have changed, those changes will be reflected in the scores in the next biennial WeBER monitoring cycle and the PAR Monitor 2019/2020.

- **Limitations in scope and approach**

As with all research, the PAR Monitor also has its limitations. The main limitation stems from the fact that – for reasons which were elaborated above – it does not cover the entire framework of principles, but only those in which the interest and the added value of the civil society is the strongest in the pre-accession period. Moreover, selected principles are not always covered in all of their facets, but rather in specific aspects which have been determined by the authors as the most relevant from the perspective of civil society monitoring. In all such cases, the specific WeBER approach is described in the Methodology and individual indicator tables.

In addition, timeframe-related limitations have influenced the course of measurement. As mentioned, the monitoring work was initiated in September 2017 and proceeded well into 2018, which reflected on the period of measurement of specific indicators, as well as on the results.

Also, the monitoring work was implemented over a period of 12 months due to the limited staff capacities vis-a-vis the workload covered (23 compound indicators), which made it impossible to measure all indicators within a short period of time.

Moreover, due to a combination of limited staff capacities and the workload of the 23 compound indicators covered – with some comprising over 15 elements (sub-indicators) – a few initially planned indicators were mutually agreed to be left out from the first monitoring cycle. Those indicators relate to public procurement, as well as accountability mechanisms to protect the public interest and the right to good administration. The WeBER team consciously decided to give advantage to the quality of work over maximizing the coverage of issues. The team will seek to include these indicators in the next monitoring cycle.

Lastly, some of the principles are approached from a rather perception-based point of view. This is mainly the case where SIGMA monitors a specific principle very thoroughly, so the most useful way to complement its approach was deemed to be by monitoring perceptions of certain key stakeholder groups (public servants, CSOs, etc.). This is a deliberate part of the WeBER approach and those indicators should be looked at as complementary to the assessments conducted by SIGMA for the same principles.

In terms of geographical scope, the monitoring exercise and the report cover the entire Western Balkan region: Albania, Bosnia and Herzegovina (BiH), Kosovo, Macedonia, Montenegro and Serbia. Since BiH is a country with a complex governance structure, WeBER decided to focus only on the state level institutions, wherever the structures and practices of institutions are analysed. Only the service delivery indicators include lower governance levels in BiH (entities), in line with the competences for delivery of the administrative services covered by the indicator sample.

I.3 Structure of the report

The report is divided in six chapters, pertaining to the core areas of PAR: 1) strategic framework for public administration reform, 2) policy development and coordination, 3) public service and human resource management, 4) accountability, 5) service delivery, and 6) public finance management. Each chapter follows the identical structure. In the chapter introduction, a description of the significance of a given area for the overall public administration reform is given. The succeeding section contextualises the analysis by providing a brief overview of the regional state of play in the observed area. Considering that this part relies heavily on SIGMA's findings, published in the most recent monitoring reports for all Western Balkan countries,[8] individual references to SIGMA are left out of this section.

Following the state of play section, the report clarifies the WeBER monitoring focus, describing methodological steps in more detail and illustrating the structure of each principle and indicator, including data collection and analysis methods. A crucial section of each chapter is the presentation of comparative PAR Monitor findings, as a result of a thorough and methodologically robust regional research. In these sections, the report includes boxes presenting the findings of other CSOs' regional research on PAR issues, as an added value and complementary element of the report. Finally, each chapter finishes with a succinct summary of the key findings for the specific PAR area.

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[8] Monitoring Reports for all Western Balkan countries are available at the SIGMA web page: http://www.sigmaweb.org/publications/monitoring-reports.htm.

This regional comparative report does not provide recommendations and does not seek to explore country practices in depth. Instead, the six national PAR Monitor reports serve the purpose of elaborating the findings for each country in more detail and extract actionable recommendations for the responsible government authorities. Therefore, the final chapter of this report serves to draw key conclusions for the region based on the WeBER monitoring findings: the main commonalities and trends which emerge across the Western Balkans and how they could be interpreted in light of the EU accession progress of these countries. These conclusions can serve to inspire the relevant regional and EU-level actors to adjust the messaging and shape specific actions towards the countries' governments in the coming years.

II.
Strategic framework for public administration reform

II.1 Significance of a strategic framework for PAR

Public administration reform is a broad and complex policy area, which spans across multiple institutions and processes, most of which are horizontal in nature, which means that any envisaged change needs to be implemented across the administrative system. The scope of the Principles of Public Administration clearly demonstrates the width and depth of PAR, with its six areas, of which five tackle specific thematic segments or groups of administrative reform and one tackles precisely the necessity of creating and implementing a strategic framework for the policy.

A proper strategic framework is important because changes in an administrative system need to be planned based on a profound understanding of its current functioning, with reliance on regularly collected data and information from the implementation of the policy. The priorities and objectives of PAR policies need to be clearly established, as well as performance indicators, targets and responsibilities. The policy also needs to take into consideration the voices of external stakeholders, such as civil society, as well as facilitate inputs from the public.

A sound strategic framework for PAR also needs to ensure regular monitoring of its implementation, ensure good coordination between the multitude of institutions on which its results depend and include regular reporting and periodical evaluations to ensure a feedback loop necessary for keeping the policy evidence-based and relevant for the existing context in the country and the government.

The Principles of PA define one key requirement for the strategic framework: The leadership of public administration reform and accountability for its implementation needs to be established, whereas the strategic framework must provide the basis for implementing prioritised and sequenced reform activities aligned with the government's financial circumstances. The requirement comprises four principles:

> **Principle 1:** The government has developed and enacted an effective public administration reform agenda which addresses key challenges.
>
> **Principle 2:** Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored.
>
> **Principle 3:** The financial sustainability of public administration reform is ensured.
>
> **Principle 4:** Public administration reform has robust and functioning management and coordination structures at both the political and administrative levels to steer the reform design and implementation process.

II.2 State of play in the region

The state of play is to large extent based on SIGMA assessments and monitoring reports published in 2017 (which are therefore not cited separately), but has also been updated using other sources which are cited individually.

The strategic documents for public administration reform are well embedded in all countries of the region, with most of them currently implementing a second or third overall strategic document in the field. Whereas each country has a general PAR strategy, in all countries the strategic framework is more complex and includes several other strategies, as well. The table below illustrates the current strategic framework in the region in a comparative perspective.

Table 1. Strategic framework for PAR in the Western Balkan countries

	OVERALL PAR	PUBLIC FINANCE MANAGEMENT	E-GOVERNMENT	BETTER REGULATION	OTHER
ALB	✓	✓	✓ [9]		Service delivery
BIH	✓	✓			
KOS	✓	✓	(✓)[10]	✓	Policy planning & coordination
MKD	✓	✓			
MNE	✓	✓	✓ [11]		
SRB	✓	✓	✓	✓	HRM policy paper

In addition to the general PAR strategic document, all countries' governments have adopted separate strategies outlining in more detail the plans for reforming public financial management. The fact that PFM strategies are separate documents is not surprising, considering that PFM is the most comprehensive and complex PAR area, according to the SIGMA and EU approach (16 principles in total). In BIH, the adoption of a new PAR strategy has been delayed significantly due to the complex procedures for approval at all levels of government, which is why the state government still operates on the basis of the old and already outdated strategy.

An additional reason for the separation of PFM strategies from the overall PAR framework may lie in the fact that in all countries this is managed by the ministries of finance, unlike overall PAR which is coordinated by ministries of public administration (Serbia, Montenegro, Macedonia, Kosovo) or separate centre-of-government offices (state level in BIH, Albania). Unlike many other policy areas, PAR is so horizontal in nature that a single lead institution for the entire reform area is particularly hard to achieve. Even where a single institution is recognised as the overall PAR coordinator, several other institutions take the lead or at least have important roles in implementing specific sub-policies. Illustrative examples are HRM (often agencies or offices for human resource management, such as in BIH, Macedonia, Montenegro and Serbia), e-government (Albania, Serbia), service delivery (Albania) and regulatory reform (Serbia).

It is precisely for the reason of this institutional complexity that the coordination and monitoring of PAR gain particular importance. Nevertheless, the structures for policy coordination and monitoring are not fully functional anywhere in the region. The governments have come under significant pressure from the EU to set up proper bodies to ensure the steering and coordination at both political and administrative levels, but the lack of capacities, as well as a more general inexperience with policy coordination, have hampered their proper operation. In some cases, the administrative level coordination structures are not fully functional or lack the inter-ministerial coordination element (BIH, Kosovo, Montenegro) whereas in cases where they exist, they meet irregularly (Albania, Macedonia,[12] Serbia). Political level structures, on the other hand, exist in all countries, but in BIH it lacks exclusive focus on PAR, as the scope of the

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[9] Digital Agenda of Albania 2015-2020, DCM nr. 284, 1 April 2015, https://bit.ly/2r2WM2P, last accessed on 12 September 2018.

[10] The Strategy is drafted, but has not been adopted yet.

[11] Information Society Development Strategy 2016-2020, http://www.mid.gov.me/biblioteka/strategije, last accessed on 12 September 2018.

[12] Differently from the situation described in the 2017 SIGMA Monitoring Report for Macedonia, a new inter-ministerial body – the PAR Secretariat – has been established to coordinate the reform.

body is very broad, and in several countries they either do not meet regularly or their proceedings are insufficiently transparent (Albania, Kosovo, Macedonia, Serbia). Montenegro is the only country where the work of the PAR Council is fully transparent.[13] Concerning PAR monitoring, one of the major problems is the lack of systematic collection of data in various areas of the policy and insufficiently developed reporting practices, which mainly rely on activity reporting.

Nevertheless, reporting on the implementation of PAR strategies is quite established across the region. Whereas Albania, BIH, Montenegro and Serbia have established a regular practice of publishing annual PAR strategy reports, Macedonia is in the process of establishing these practices for the newly adopted Strategy and Kosovo reports are published sporadically.[14] Reporting on other strategies from the PAR framework tends to be more sporadic and irregular. For example, PFM reports are mostly available for Albania, Kosovo, Montenegro and Serbia, but not for BIH or Macedonia (where the first report was due for the first half of 2018). There are efforts to alleviate these problems, often with significant EU and other donors' financial support.

Good practices: PAR Strategy reporting in Serbia

The Ministry of Public Administration and Local Self-Government in **Serbia** has established a practice of regular reporting on the implementation of PAR, based on the Action Plan for the implementation of the PAR Strategy. All reports which have been produced are published on the website of the Ministry under the banner "PUBLIC ADMINISTRATION REFORM".[15] Moreover, the reports are produced in a citizen-friendly manner, with a focus on visuals and presentation of results, expressed in percentages of achieved outputs/outcomes and activities. Although levels of achievement are not in all cases favourable to the Ministry and the Government, all data is openly presented to the public. The Ministry has in the past obtained support from SIGMA/OECD to prepare modern and citizen-friendly reports and is currently working on ensuring sustainability of such reporting practices.

II.3 WeBER monitoring focus

Monitoring of the Strategic Framework of Public Administration Reform is based on three SIGMA Principles in this area focusing on the existence of effective PAR agenda, implementation and monitoring of PAR, but also on the existence of PAR management and coordination structures at political and administrative level.

> **Principle 1:** The government has developed and enacted an effective public administration reform agenda that addresses key challenges
>
> **Principle 2:** Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored

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[13] Council for Public Administration Reform, Government of Montenegro, http://www.srju.gov.me, last accessed on 1 October 2018.

[14] Ministry of Public Administration of Kosovo has published two reports: one for the previous strategy, and one for the current strategy, respectively available at: https://bit.ly/2DIg595 and https://bit.ly/2DJItb3, last accessed on 14 September 2018.

[15] Three Year 2015-2017 Report on the Implementation of the PAR Strategy and its Action Plan, Ministry of Public Administration and Local Self Government, https://bit.ly/2R86agQ, last accessed on 10 November 2018.

> **Principle 4:** Public administration reform has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

Selected Principles are assessed entirely from the view of the quality of involvement of civil society and the public in the processes of development PAR strategic documents, and participation in the monitoring and coordination structures that should ensure their purposeful implementation. Focus on inclusiveness and participation aims to determine the extent to which relevant stakeholders' needs and views are consulted and taken into consideration when developing and implementing reform agenda.

For this purpose, two WeBER indicators are developed. The first one focuses on the existence and quality of consultation process in the development of key PAR strategic documents. A sample of up to six key PAR strategic documents is determined in each Western Balkan country based on the strategic framework in place.[16] The most comprehensive PAR documents (PAR Strategy or similar), and PFM reform documents are selected as mandatory sample units whereas selection of other strategic documents covering remaining PAR areas is dependent on the PAR agenda in place in each country at the time of measurement. Monitoring is performed by combining data sources to ensure the reliability of results, including qualitative analysis of strategic documents, their action plans, and official data that is publicly available or obtained from the PAR responsible institutions. Moreover, analysis of documents was corroborated with results of the semi-structured interviews with representatives of the responsible PAR institutions, and focus groups of civil society representatives who participated in the consultation process.

The monitoring of participation of civil society in PAR implementation (i.e. PAR coordination and monitoring structures) considered only the most comprehensive PAR strategic document under implementation as a unit of analysis. The intention of this approach was to determine whether efforts exist to better facilitate monitoring and coordination structures of the whole PAR agenda. As for the first indicator, the review and qualitative assessment of official documents pertaining to the organisation and functioning of these structures were performed, and other data sources used to corroborate the findings.

II.4 Comparative PAR Monitor findings

> **Principle 1:** The government has developed and enacted an effective public administration reform agenda that addresses key challenges

In relation to Principle 1, WeBER monitors the use of participatory approaches in the development of the key PAR strategic documents (indicator SFPAR_P1_I1). In each country, the analysed strategic framework included the overall PAR Strategy and the PFM Strategy, whereas in Albania, Kosovo, Montenegro and Serbia additional strategies of relevance were included (see Table 1). The specific elements of participatory approaches are analysed through nine elements.

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[16] Details on samples for each country can be found in the national PAR Monitor reports available at the WeBER Project website: http://www.par-monitor.org, last accessed on 19 November 2018.

Table 2. Element scores and corresponding indicator values for SFPAR_P1_I1 "Use of participatory approaches in the development of key strategic PAR documents"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Consultations with civil society are conducted when the documents are developed	4	2	2	0	2	2	2
E2. Consultations with civil society are conducted in an early phase of the development of the documents	4	0	0	0	2	2	2
E3. Invitations to civil society to participate in the consultations are open	4	2	2	2	4	4	2
E4. Responsible government bodies are proactive in ensuring that a wide range of external stakeholders become involved in the process	2	1	1	0	2	0	0
E5. Civil society is provided complete information for preparation for consultations	4	2	2	2	4	4	2
E6. Comments and inputs received in the consultation process are considered by responsible government bodies	4	2	0	0	0	4	0
E7. Responsible government bodies publicly provide feedback on the treatment of received comments	2	0	0	0	0	0	0
E8. Responsible government bodies engage in open dialogue with civil society on contested questions	2	0	1	0	1	0	1
E9. Consultations in the development of strategic PAR documents are open to the public	4	2	2	2	0	4	2
Total points	**30**	**11**	**10**	**6**	**15**	**20**	**11**
Indicator value	**0-5**	**2**	**1**	**1**	**2**	**3**	**2**

Research has shown that in all countries there is some form of involvement of CSOs and the public in the development of the overall PAR strategies, although some of the minimal criteria of basic consultations[17] were not satisfied in certain cases. For example, in Kosovo the call for consultations was not proactively disseminated to the CSOs, whereas in Montenegro the call for early consultations did not entail publication of any concept or draft document along with the invitation. Moreover, in Macedonia, consultations were held with civil society, whereas the public was only formally invited at the very end of the process, without providing a channel for submission of comments. In the case of Albania, no information about the consultations can be found online and can only be obtained based on freedom of information requests.

The practice of consultations is less developed in the case of PFM strategies, for the development of which civil society was consulted only in Macedonia, Montenegro (formal public debate process) and, in a more limited manner, in Albania and Kosovo, where closed consultations were organised with specifically targeted CSOs. In Serbia and BIH no consultations were held in the development of the PFM strategies, although in Serbia a presentation of the draft document was organised for CSOs using the National Convention on the European Union platform.[18] For the remaining analysed strategies, the prevailing practice is that public consultations are organised, although mainly in the form of formal procedures which occur near the end of the drafting processes and often with no particular outreach towards the civil society and, in some cases, without face-to-face meetings.

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[17] The indicator element methodology requires the following minimum criteria: 1. Duration of at least 15 days; 2. Publication of an invitation for contributions together with the draft document(s) through the website of the responsible government body; 3. At least one proactive invitation of the responsible government body to the CSOs (mainstream or social media, using the channels of consultative bodies or institutions in charge of CSO relations, etc.); 4. At least one face-to-face or virtual (online) meeting with external stakeholders based on an open invitation and containing a discussion session time slot.

[18] Yet, no evidence was found that feedback was collected from this event and integrated into the final adopted document. The National Convention on the European Union (NCEU) is a wide civil society platform, gathering over 700 organisations from across Serbia through 19 working groups organised to follow and ensure participation of CSOs in the EU accession negotiations. More information available at: National Convention on the European Union, http://eukonvent.org, last accessed on 1 September 2018.

Consultations in the early phase of developing strategies are most useful from the viewpoint of ensuring a participatory approach and creating a policy which is truly responsive of the needs and concerns of key stakeholders, yet they represent an exception within the overall national PAR agendas. Such consultations have been organised only for the overall PAR strategies in Macedonia, Montenegro and Serbia, where the responsible ministries involved CSOs in the working groups charged with drafting, based on open calls. In Macedonia, moreover, the open call was preceded by a large stakeholder meeting, gathering over 100 participants.

Practices to avoid: Changing minds on early consultations

A call for expression of interest to join the working group for drafting PAR strategy was also launched in **BIH**, but after five organisations expressed interest, the government decided not to involve CSOs in the drafting process. Although the CSOs were later consulted informally, as well as through the formal public consultations (held towards the end of the drafting process), inviting stakeholders to participate only to later give up on this approach is a practice which threatens to undermine trust and quality of public dialogue.

In order to analyse if the ministries in charge of PAR involve a wider circle of civil society organisations, the indicator also looks at whether the invitations to the CSOs are open or if invitations are sent to closed lists. For the overall PAR strategies, all consultations – whether those held in the early phase or in the final stage – are open, usually published on the websites of the responsible institution and, where applicable, through the e-consultation platforms (BIH and Kosovo) and the websites or mailing lists of institutions in charge of cooperation with civil society (Macedonia, Serbia). In Montenegro, the call was distributed through the most used NGO forum, moderated by the Centre for Development of NGOs. At the same time, for the PFM strategies, the process was closed in two cases (Albania, Kosovo), with invitations sent only to selected organisations. Only in Macedonia and Montenegro was the consultation process for PFM strategies open.

With regards to the proactiveness in ensuring participation of a wider range of different stakeholders (trade unions, business associations, gender organisations and organisations representing persons with disabilities), evidence of such a proactive approach was found in Albania, BIH and Macedonia. Whereas in Macedonia an initial consultative meeting gathered over 100 participants to which representatives of diverse civil groups were invited, in Albania separate consultative meetings were held for specific stakeholder groups (including a special meeting on gender equality issues organised in cooperation with UN Women).

In almost all cases the responsible institutions provided complete basic information and documents necessary for the implementation of the consultation process, meaning publishing drafts of the strategies (or concept documents), information on the duration of consultation process and information on the way contributions are to be submitted.

Practices to avoid: Consultations without guidance

The call for early consultations in **Montenegro** was published without any explanatory concept documents or reference documents for interested applicants, although the responsible ministry had already prepared a draft of PAR reform priorities. The ministry issued only a very general invitation, without even referring to the goals and government priorities in the PAR area. Although it is highly commendable that the ministry organised consultations in several phases, issuing a call to external stakeholders to contribute to the preparation of the strategy without any guidance or basic "food for thought" does not promise to generate much interest in participation. It should be noted that the practice of early consultations is formally established in the government regulation, but it lacks a requirement to publish concept documents or guiding documents for consultees.

The practices related to the actual consideration and provision of feedback on the comments received in consultations on PAR strategies, however, are much less positive. Whereas in Albania and BIH research has shown that CSOs did not provide comments and recommendations (although comments coming from other partner institutions were taken onboard in Albania), in other countries where CSOs were more active there were different problems. In Macedonia, according to the focus group and interviews, the CSOs' proposals were considered and accepted, but the responsible ministry did not keep any public record of those deliberations, due to which they cannot be proven. Similarly, in Kosovo and Serbia no report on the consultation process has been published for the overall PAR Strategy, though there are published reports on the consultations carried out for some of the other key strategic documents in the PAR area. Only in Montenegro is there a publicly available report from the formal consultation process which mentions the consideration of comments received from CSOs. Nevertheless, even in this case, feedback was not provided on individual comments. Instead, the ministry selected the comments it chose to address and provided feedback en masse, rather than on individual comments. Moreover, the report did not refer to the comments obtained in the early consultation phase, although this is a requirement by regulation.

Good practices: Feedback on comments of consultees

The Ministry of Finance in **Kosovo** organised the Policy Dialogue for Public Finance Management Reform Strategy through which it collected feedback on the draft strategy. In the report published by the Ministry of Finance,[19] all comments are clearly visible per topic (the subject of comments), either individually or in groups. Each comment section has a heading which indicates the topic comment addresses. Senders are also clearly indicated (the exact names of organisations that sent them). The table also contains statements on how comments were treated, i.e. whether they were accepted, partially accepted or rejected. There are explanations provided in cases of rejection of comments. Interviewed CSOs, however, consider that in some cases the justifications of the treatment are vague (e.g. refer to a certain law or regulation without further elaboration).

[19] Ministry of Finance of Kosovo, https://mf.rks-gov.net/page.aspx?id=2,117, last accessed on 18 September 2018.

This indicator also looks at whether responsible government bodies engage with external stakeholders outside of the official consultation procedure to discuss any outstanding issues (for example, proposals which were not accepted). Relevant activities or initiatives have been identified for the main PAR strategies in BIH, Macedonia and Serbia. The identified practices are quite diverse, and they show various approaches which institutions can use to facilitate consensus over possible contested questions. The table below summarises those practices.

Table 3. Identified approaches to engage civil society in dialogue over contested issues

Country	Description of the practice
BIH	After failing to ensure inclusion of CSOs in the working group for drafting the Strategy PARCO and following a reaction by the organisations, BIH made an effort to engage informally with interested CSOs outside of the formal consultation process. They initiated several informal meetings with CSO representatives from the most active organisations in the PAR area in order to gather their opinions and comments. Moreover, as part of the additional consultations held at the entity level (in Banja Luka and Sarajevo), follow-up discussions and exchange of opinions were held between the responsible government bodies and civil society, as well as with other stakeholders.
Macedonia	A focus group with CSOs in Macedonia confirmed that organisations were in contact with the Ministry of Information Society and Administration (MISA) by e-mail and that they received responses with explanations of why some of the comments were included and others were not. Participants also confirmed that in each of the sector groups charged with developing the strategy, there were people from different institutions who were in charge of discussing the comments and talking about the contested questions with CSO representatives, each in their area of expertise.
Serbia	After the public call to CSOs to apply for membership in the working group for drafting the PAR Action Plan 2018-2020, the seven best-ranked organisations were initially selected based on the criteria outlined in the call. However, the two rejected CSOs submitted a complaint, based on the fact that all applicants fulfilled the formal requirements, but not a single organisation from outside of Belgrade was selected. After examining the complaint, the selection commission revised its decision and all 12 applicants were admitted to the working group. Another example is content-related: During the drafting process, after the initial rejection of the proposal of one CSO to include a Decentralisation Strategy within the PAR AP and following a strong insistence from the CSO and deliberation within the MPALSG, decentralisation was added to the document through an activity stipulating the adoption of a strategic framework for the improvement of the local self-government system.

Practices to avoid: Additional consultations as a formality

The Ministry of Interior of **Montenegro** organised an additional consultation, lasting 15 days, after the formal process of public consultations had finished. This period was an additional chance to collect views and comments on the draft PAR Strategy. Although the initiative seems at first like an example of good practice, the interviews and the focus group with CSOs, as well as the comparisons of the versions of the PAR Strategy before and after the consultations, reveal that this activity had little to no effect on the final contents of the PAR Strategy. The CSOs regard it as more of a publicity stunt, rather than an earnest effort to engage in additional dialogue about the strategy, and they agree that this was a formalistic move. Their comments were given no attention at the public event that was organised, nor was a public report about these consultations ever published.

Chart 1. Indicator values for SFPAR_P1_I1 "Use of participatory approaches in the development of key strategic PAR documents"
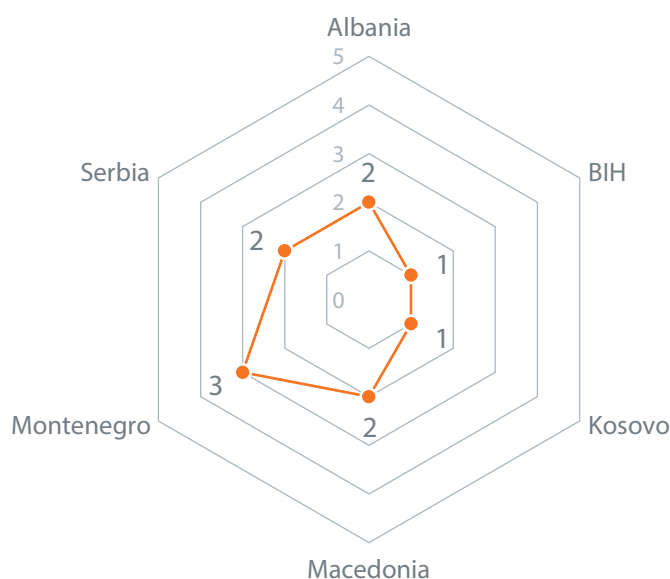
Principle 2: Public administration reform is purposefully implemented; reform outcome targets are set and regularly monitored

Principle 4: PAR has robust and functioning management co-ordination structures at both the political and administrative levels to steer the reform design and implementation process

WeBER's approach to these two principles is combined into a single indicator measuring the level of civil society involvement in the PAR monitoring and coordination structures (indicator SFPAR_P2&4_I1). More specifically, the research looked into the following elements for this indicator:

Table 4. Element scores and corresponding indicator values for SFPAR_P2&4_I1 "Civil society involvement in the PAR monitoring and coordination structures"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Administrative structures for PAR coordination and monitoring foresee an involvement of CSOs	2	2	0	0	0	0	2
E2. Political level structures for PAR coordination foresee an involvement of CSOs	2	2	0	0	0	2	0
E3. Format of CSO involvement in administrative structures for PAR coordination and monitoring	4	2	0	0	0	0	4
E4. Format of CSO involvement in political structures for PAR coordination and monitoring	4	2	0	1	0	4	0
E5. Involvement of CSOs is achieved based on an open competitive process	4	0	0	0	0	2	0
E6. Meetings of the PAR coordination and monitoring structures are held regularly with CSO involvement	4	0	0	0	0	2	0
E7. The format of meetings allows for discussion, contribution and feedback from CSOs	4	0	0	0	0	2	2
E8. CSOs get consulted on the specific measures of PAR financing	2	0	0	0	0	1	0
Total points	**26**	**8**	**0**	**1**	**0**	**13**	**8**
Indicator value	**0-5**	**1**	**0**	**0**	**0**	**2**	**1**

Overall, only in Albania, Montenegro and Serbia are the CSOs involved in any of the PAR monitoring and coordination structures, though in no case is this involvement achieved in practice at both the administrative and the political level. In Albania, involvement of CSOs is envisaged in the coordination structures at both the political and administrative level (the Integrated Policy Management Group and its six thematic groups), participating as observers on a case-by-case basis and upon invitation. However, no evidence was found that CSOs do actually participate in these structures, which meet occasionally, although not as regularly as formally required.

In Montenegro, the administrative level coordination mechanism does not include CSOs, but the Strategy does foresee that CSOs can participate, upon invitation, in the work of the political-level Council for PAR. At the same time, the Government through its decision, and based on an open call, appointed two CSO representatives as full-fledged members of the Council. The Council has been meeting regularly (7 meetings held in the first year after its formation) and the appointed CSO representatives have regularly participated, without any formal impediments in terms of their contribution to the discussions.

The Serbian PAR coordination structures, on the other hand, involve CSOs only at the administrative level, i.e. in the work of the Inter-Ministerial Working Group (IMWG) for PAR. Membership of the IMWG was achieved based on invitations sent by the responsible ministry to the organisations which lead the PAR sectoral group in the "SEKO mechanism", the consultative structure for the programming of EU and bilateral donor assistance. This mechanism was used, as it is the only representative consultation mechanism with civil society in the PAR area, with the lead organisations in each sector selected based on public calls. However, the IMWG has not been meeting regularly, which has hindered actual participation of CSOs in the monitoring of PAR in Serbia, despite the fact that the meetings which were held did include CSOs and allowed for proper participation and contribution to the discussions. Finally, the political level structures (two of them in the previous period: PAR Council at the ministerial level and the College of State Secretaries) do not envisage any involvement of CSOs, either as members or as observers.

Good practices: Civil society participation in the PAR Council

The Government of **Montenegro** appointed two civil society representatives as full-fledged members of the political level coordination structure for PAR – the Council for Public Administration Reform. The members were selected based on an open call, in a fully transparent manner. Meetings of the PAR Council are held regularly and appointed civil society representatives can fully partake the discussions, raise issues and bring and present their publications, recommendations and other proposals. Some of the discussions at the Council meetings also included matters related to PAR financing. Short summaries of the meetings are published on the website of the Ministry of Public Administration, but there is also an official website of the PAR Council (http://www.srju.gov.me), at which press releases from the sessions, conclusions and other documentation that was on the agenda of the Council can be found. The website, however, does not publish the official minutes or transcripts from the sessions, so the deliberations and contributions from individual Council members, including CSO representatives, are not visible.

[20] Sectorial Civil Society Organisations, http://www.sekomehanizam.org, last accessed on 12 September 2018.

Chart 2. Indicator values for SFPAR_P2&4_I1 "Civil society involvement in the PAR monitoring and coordination structures"
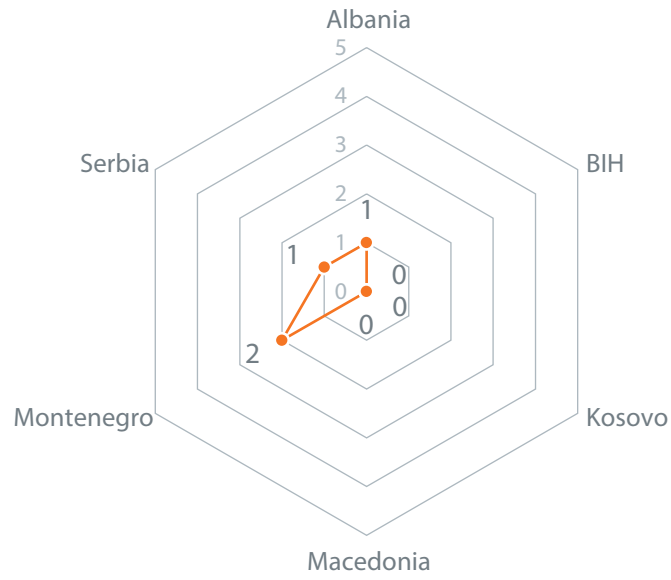
II.5 Summary of findings for strategic framework for PAR

Organising some form of a 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 agenda. There are fewer cases of involvement of civil society in the early stages of these documents' development, when there is more space for influence on the strategic directions and prioritisation of measures. Notable exceptions in this regard are Macedonia, Montenegro and Serbia, though only in the case of the development of the central PAR strategies or their action plans. In most other cases, the prevailing approach is still organising shorter consultative procedures towards the end of the drafting process. The consultation practices usually lack in depth, particularly in terms of provision of transparent feedback to the consultees, purposive engagement of diverse stakeholder groups (particularly gender and disability groups) and keeping and publishing documentation on the consultation process. 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 practices and the need to further standardise these processes, build capacities and promote regional champions.

Participation of civil society organisations in the governmental monitoring and coordination structures for PAR is an exception rather than a standard in the Western Balkan countries. The lack of such practice is in part related to the lack of existence or poor functionality of such structures in several countries. In none of the countries have CSOs been involved in PAR coordination at both the political and the administrative level. The only two cases where CSOs have been included as members of such structures are Montenegro (political PAR Council) and Serbia (administrative inter-ministerial working group), though in Serbia the failure to ensure regular meetings of the coordination body which involves CSOs effectively diminishes their effective participation. In Albania, although both the political and the administrative structure envisages CSO participation upon invitation, no evidence was found to indicate 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 also of a lack of recognition that the civil society can substantively contribute at the policy implementation stage.

III.

Policy development and coordination

III.1 Significance of policy development and coordination

In this PAR area, SIGMA focuses on a variety of aspects that contribute to the establishment of well-functioning policy making practice within an administration. SIGMA comprehensively covers this area, assessing its maturity with as many as twelve Principles of Public Administration. They include adequate institutional set-up and procedures, centralised guidance for policy development and coordination at the centre-of-government (CoG) level, a governments' actual performance and decision-making process, the use of evidence in devising policies and legislation, public and parliamentary scrutiny and the quality of legislation.)

Policy development and coordination is an area with huge significance for citizens, businesses, and all the other members of a society. The policies adopted and implemented, either through regulatory, budgetary or any other policy instrument, directly affect how individual rights are exercised in practice and the environment in which market actors operate. But these policies also define the very practice of communication and interaction between state institutions and citizens. In that regard, through policy development and coordination procedures and standards, the relations within a society are shaped for the benefit of society, as well as for each individual.

It is therefore of utmost importance that policy development and coordination standards in a country allow for transparent and inclusive policy making practice, based on the identified problems and collected evidence, where all members of society can inform themselves on their rights and obligations and participate in the co-creation of policies. An inclusive policy process requires that those affected by the adopted solutions shall be consulted first and foremost and that policies are adjusted according to their needs. For this reason, transparency and inclusiveness should not stop at policy creation but continue through all phases of the policy cycle - implementation, monitoring and evaluation. Finally, transparent, inclusive and evidence-based policy making practice ensures that governments are more easily held accountable for inefficient, ineffective or financially unjustified policy solutions.

Principles of PA in this area are grouped under four key requirements.

• For Policy Planning and Coordination:

  • Key requirement: Centre-of-government institutions fulfil all functions critical to a well-organised, consistent and competent policy-making system;

  • Key requirement: Policy planning is harmonised, aligned with the government's financial circumstances and ensures that the government is able to achieve its objectives;

  • Key requirement: Government decisions and legislation are transparent, legally compliant and accessible to the public; the work of the government is scrutinised by the parliament.

• For Policy Development:

  • Key requirement: Inclusive, evidence-based policy and legislative development enables the achievement of intended policy objectives.

III.2 State of play in the region[21]

Governments in Western Balkan countries have targeted reform policy development and coordination, but also legislative development, as strategic priorities in the frameworks of PAR policies. In four WB countries, PAR strategies lay down reform goals and measures in this area (Albania, BIH, Macedonia, Montenegro), whereas in the remaining two, special strategic documents are dedicated to this issue (Kosovo, Serbia). Whatever the approach, all governments target this PAR area with distinctly dedicated policy objectives, accompanied by elaboration of the measures, tasks and activities for achieving them.

Table 5. Policy development and coordination reform documents in WB countries

	DOCUMENT(S)	TIMEFRAME
ALB	Cross-cutting PAR Strategy, Pillar A: Policy-making and the quality of legislation	2015-2020
BIH	Draft PAR Strategy, section 5.1 Policy Development and Coordination	2017-2022
KOS	Strategy for Improving Policy Planning and Coordination (SIPPC); Better Regulation Strategy 2.0 (BRS)	2017-2021
MKD	PAR Strategy, section 3.1 Policy Development and Coordination	2018-2022
MNE	PAR Strategy, section 4.4. Policy Development and Coordination	2016-2020
SRB	Strategy of Regulatory Reform and Improvement of Policy Management System[22]	2016-2020

The specific aspects of policy development and coordination that bear special importance for citizens and society as a whole are discussed in the subsequent paragraphs of the state of play. These same issues, relevant from the viewpoint of holding governments accountable for solid policy-making practices and implementation of predictable and sustainable policies, are therefore also those that WeBER monitors.

• **Performance reporting by the governments**

In order to report on governmental performance in WB countries, the existing regulatory frameworks set up rules and procedures for reporting on central planning documents and define the centre-of-government (CoG) institutions' responsibility for managing the overall policy development and co-ordination system. Nonetheless, performance reporting across the region lacks a coherent focus on performance, owing to constraints of both a legislative and practical nature.

In Albania, the legal framework for governmental performance reporting is fragmented, and responsibilities for reporting on central planning documents are scattered among various CoG units. On the other hand, the incomplete legal framework at the CoG level in Kosovo renders some central planning documents exempt from the reporting obligation, such as the National Programme for Implementation of the Stabilisation and Association Agreement (NPISAA), although these reports are drafted in practice. In BIH, Montenegro and Serbia, reporting on the annual work plans of governments (GAWP) focuses on implemented activities and not on the overall influence of Government policies. Except for Albania, the rules for uniform reporting on sector strategies are missing in all WB countries, whereas in Macedonia, reporting on the sectoral level only refers to the efficiency of the work.

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[21] The "State of play" section is largely based on SIGMA assessments available in 2017 monitoring reports, which are thus not separately quoted. Other sources are referenced individually.

[22] In addition, PAR Strategy envisages a separate measure and concrete activities for the improvement of the policy management system.

From the citizens' perspective, however, it is not only that producing such reports matters, but also that governments make them proactively public. This aspect, monitored also within WeBER, is discussed in the comparative findings' section.

• Governmental decision-making and public outreach

The decision-making processes of governments in the region are regulated in detail by the rules of procedures (RoP) of the executives, from the preparation of government sessions to their follow-up and communication. In this respect, decisions made by governments in WB countries are as a rule publicly disclosed. In Macedonia, there has been a significant shift in the openness of governmental decision-making as of June 2017 when the new Government increased the transparency of its sessions to a large extent, in comparison to its previous practice, which was marked by selective publishing of decisions. Moreover, in 2009, the Single National Electronic Registry of Regulations (SNERR) was introduced in Macedonia, an online tool that has been managed by the MISA since 2012. Its purpose is to provide electronic information and interaction with stakeholders in the process of drafting laws and contribute to the transparency of the decision-making of the Government and public participation in policy making.[23] In Montenegro, while a good practice of regular and timely publication of the Government's decisions has been established since 2012, problems in transparency rise from the significant number of materials with potentially important decisions that are treated as classified and therefore hidden from public scrutiny. Finally, the WeBER monitoring results in this chapter present a review of how available and easy to access the decisions and documents adopted at governments sessions are for citizens.

• Evidence-based policy making

Policy development in WB countries features an insufficient use of evidence that serves to support policy proposals. Not only are basic analytical tools and techniques not used in policy making across the WB region, but the quality of evidence and data is often reported as low. Regulatory impact assessments (RIAs) are integrated into national policy development, but without palpable impact yet on overall policy development.

This is a result of a number of practices. RIA requirements are not necessarily implemented in each country (BIH), or RIA information is of uneven quality and scarce (Serbia, Macedonia). Thus, informed decision-making cannot occur, influencing the overall quality of policies and the regulatory acts adopted, along with their implementation. In Albania and Kosovo, explanatory memoranda are the main analytical documents supporting policy development, but the actual quality of these tools remains quite low. There are also instances where no CoG body reviews the quality of the explanatory memoranda (BIH, Kosovo). Furthermore, the fiscal assessments and cost estimations of policy proposals still do not allow for credible information to guide policy-making. In most countries, information about the budgetary impact of policy and law proposals is absent or limited (Albania, Kosovo, Montenegro and Serbia). In BIH, despite the requirement for a cost estimation of new policies at the state level, ministries produce them with uneven quality due to lack of common guidelines, whereas in Kosovo, draft proposals contain funding only for some policy options. In Montenegro, there are examples of miscalculated fiscal impact assessments.[24]

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[23] Single National Electronic Registry of Regulations of the Republic of Macedonia, https://bit.ly/2SaEWqc, last accessed on 15 September 2018.

[24] For example, the Law on Wages in the Public Sector was miscalculated by over twenty million euros for a single year. Source: Institute Alternative, "Amendments of the budget – what actually happened and who is responsible?" https://bit.ly/2DJnuVy, last accessed on 15 September 2018.

Still, there are recent encouraging developments pointing towards better use of evidence in policy making. In Albania, for example, RIA was piloted in two ministries, although so far there is no clear plan for full institutionalisation of RIA within the existing system after the pilots. In BIH, *Unified Rules for Legislative Drafting in the Institutions of BIH* were amended to boost RIA implementation, and Serbia recently introduced the Law on Planning System, which introduces the requirement that administrative bodies conduct ex-ante impact assessments before deciding on a specific policy, but also to monitor implementation, perform ex-post impact assessments and ultimately evaluate policy performance within their purview. In Montenegro, newly adopted legislation that regulates the public consultation process requires a ministry to publish RIA along with the draft law opened for public consultations. The results of such initiatives are yet to be assessed.

• **Inclusiveness of policy-making**

Requirements for public consultations in policy making are defined without exception in the region. The overall assessment of the current state of play, however, indicates the limited quality and impact of public consultations across the WB region. The countries do not ensure central quality control of public consultations at this point, except for Albania, and in this case only if an appeal is made by a consultation participant.[25]

Apart from quality concerns, both procedural and practical gaps in implementing public consultations are common to all the countries. For example, despite the formal requirements, comments and inputs by stakeholders can be often rejected without the provision of explanations (BIH), and consultation reports are irregularly disclosed (Macedonia and Serbia). Furthermore, the quality of consultations and the regularity of disclosing drafts can significantly vary from one ministry to another in a single country (Albania, Montenegro). In addition, a common practice in the WB region is to consult the public and other interested stakeholders at the very end of the policy development process (BIH, Kosovo and Serbia).

Nonetheless, several countries have taken a stride forward by introducing electronic features for easier facilitation of public consultations. In Albania, an electronic platform for public consultation was developed and launched in late 2016, though it was non-functional until early 2017. In Macedonia, regulations oblige institutions to upload the draft proposal on the SNERR consultation tool mentioned above. Similarly, in Kosovo a new portal for conducting public consultations was launched in February 2017, improving the consistency of publishing draft proposals,[26] and in BIH all ministries are required to use a central government website for public consultation.[27] However, the effectiveness of these tools is yet to be demonstrated in each case, i.e. not all ministries are using the e-portal in Albania, whilst SNERR was rarely used by ministries in Macedonia in 2016. In the latter case, this may have also been a consequence of the political crisis, as there was a sharp increase of the use of the site in 2017.[28] Finally, despite the RoP requirement for publishing draft proposals of policy documents on the E-government portal section dedicated to public debates on prepared legislation and policy documents, the ministries in Serbia largely neglect this requirement. In Montenegro, the Government has

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[25] Pursuant to the Law on Consultations in Albania, the Commissioner for the Right to Information and Protection of Personal Data ensures the quality of consultations based on appeal.

[26] Public Consultation Platform, http://konsultimet.rks-gov.net, last accessed on 13 September 2018.

[27] eConsultations, https://ekonsultacije.gov.ba/, last accessed on 13 September 2018.

[28] 21 (8.3%) published documents in 2016 and 45 (83%) in 2017. Source: Public Administration Reform Strategy for 2018-2022 (available in Macedonian), https://bit.ly/2EPeFM5, last accessed on 12 September 2018.

delayed the project-supported instalment of an advanced interactive public consultations portal, following the Croatian example.[29]

III.3 WeBER Monitoring focus

In the Policy Development and Coordination area, WeBER monitoring is performed against five SIGMA Principles:

> **Principle 5:** Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives;
>
> **Principle 6:** Government decisions are prepared in a transparent manner and based on the administration's professional judgement; legal conformity of the decisions is ensured;
>
> **Principle 10:** The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries;
>
> **Principle 11:** Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government;
>
> **Principle 12:** Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available.

Six WeBER indicators are used for the analysis. The first one measures the extent of openness and availability of information about the Government's performance to the public, through analysis of the most comprehensive websites through which the Government communicates its activities and publishes reports. Written information published by the Government relates to press releases, and online publishing of annual (or semi-annual) reports. The measurement covers a period of two annual reporting cycles, except for the press releases which are assessed for a period of one year (due to the frequency of their publishing). Other aspects of the Government performance information analysed include its understandability, usage of quantitative and qualitative information, presence of assessments/descriptions of concrete results, availability of data in open format and gender segregated data, and the online availability of reports on key whole-of-government planning documents.

The second indicator measures how civil society perceives Government's planning, monitoring and reporting on its work and objectives that it has promised to the public. To explore perceptions, a survey of civil society organisations in six Western Balkan countries was implemented using an online surveying platform, in the period between the second half of April and the beginning of June 2018.[30] A uniform questionnaire with 33 questions was used in all countries, ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of civil society organisations with large contact databases in each country but also through centralised points of contact such as governmental

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[29] "E-konsultacije kasne, uprava ne mari za mišljenje javnosti" [E-consultations are late, administration does not care about the public opinion], Vijesti daily, https://bit.ly/2DWdqJJ, last accessed on 13 September 2018.

[30] The survey of CSOs was administered through an anonymous, online questionnaire, identical for all six countries, but translated into local languages. It was conducted in the period from mid-April to mid-June 2018. The data collection method included CASI (computer-assisted self-interviewing). The link to the online survey was widely disseminated through all available mailing lists and support mechanisms in each country. More information about the CSO survey is provided in the Methodological Appendix.

offices in charge for cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contribute to is representativeness as much as possible, additional boosting was done where needed to increase the overall response. A focus group with CSOs in each country served the purpose of complementing the survey findings with qualitative information.

The third indicator measures the transparency of decision-making by the Government (in terms of the Council of Ministers), combining the survey data on the perceptions of civil society with the analysis of relevant governmental websites. Besides publishing information on the decisions of the Government, the website analysis considers information completeness, citizen-friendliness, timeliness, and consistency. Monitoring was done for each government session in the period of the last three months of 2017, except for timeliness which is measured for the last month and a half.

The fourth indicator measures whether government institutions invite civil society to prepare evidence-based policy documents and whether evidence produced by the CSOs is considered and used in the process of policy development. Again, the measurement combines expert analysis of official documents and a survey of civil society data. In relation to the former, the frequency of referencing CSOs' evidence-based findings is analysed for official policy and strategic documents, policy papers, and ex-ante and ex-post policy analyses and impact assessments for a sample of three policy areas in each country.[31]

Finally, the fifth indicator, focusing on the quality of involvement of the public in the policy making through public consultations, is entirely based on the survey of CSOs data. The same is true of the sixth indicator focusing on the accessibility and availability of legislation and explanatory materials to legislation, except for the element related to the existence of official online governmental database of legal texts.

III.4 Comparative PAR Monitor findings

> **Principle 5:** Regular monitoring of the government's performance enables public scrutiny and supports the government in achieving its objectives

The WeBER monitoring approach to Principle 5 considers the availability of the government's performance information, by measuring the extent to which the information about government performance is open and publicly available online and the extent to which CSOs consider that the government pursues and achieves its objectives. Thus, WeBER approaches this Principle with two indicators. The first indicator "Public availability of information on Government performance" (Indicator PDC_P5_I1) consists of seven elements resting on website and document analysis. The second indicator "Civil society perception of the Government's pursuit and achievement of its planned objectives" (indicator PDC_P5_I2) is measured through six elements based on the civil society survey.

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[31] Policy areas where a substantial number of CSOs actively work in each country. The full lists of policy areas for each country are provided in the Methodological Appendix.

Table 6. Element scores and corresponding indicator values for PDC_P5_I1 "Public availability of information on Government performance"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. The government regularly publishes written information about its activities	4	0	4	4	0	2	0
E2. The information issued by the government on its activities is written in an understandable way	2	0	2	2	0	0	0
E3. The information issued by the Government is sufficiently detailed, including both quantitative data and qualitative information and assessments	4	0	4	4	0	2	0
E4. The information issued by the Government includes assessments of the achievement of concrete results	4	0	2	2	0	0	0
E5. The information issued by the Government about its activities and results is available in open data format(s)	2	0	0	0	0	0	0
E6. The information issued by the Government about its activities and results contains gender segregated data	2	0	0	0	0	0	0
E7. Share of reports on Government strategies and plans which are available online	2	0	2	2	0	1	0
Total points	**20**	**0**	**14**	**14**	**0**	**5**	**0**
Indicator value	**0-5**	**0**	**3**	**3**	**0**	**1**	**0**

The regularity of publishing information on activities is monitored by looking at whether governments publish online press releases on a weekly basis and reports on their own performance at least annually. Assessed cumulatively, for a period of two annual reporting cycles in the case of performance reports, and a period of one year for press releases, the monitoring results indicate that WB governments fail to fully disclose performance information to the public.

Namely, governments regularly communicate with the public through press releases in all countries, and almost every session of government is followed with one. Often, more than one website section is used for releasing press statements (Albania, BIH, Serbia), and the frequency of publishing can range from once a week to multiple times weekly in all countries, informing on the activities of governments, prime ministers and their deputies.[32] Generally, researchers assessed that press releases about the activities of government in all countries are provided in understandable way. This means they are usually briefly written and devoid of unnecessary technical language, with bureaucratic language mostly pertaining to the titles of documents and institutions.

In relation to the publishing of reports on their work and performance, the WB governments have more uneven practices, with several among them being notably less diligent than with the publication of press releases. In half of the countries (Albania, Macedonia and Serbia), no performance reports for 2015 and 2016 were published at the government websites.[33] In contrast, BIH, Kosovo and Montenegro published performance reports regularly during the two consecutive reporting cycles. The Montenegrin government regularly prepares and publishes quarterly reports on the implementation of the GAWP, with each document containing not only the information on the respective quarter, but also an overview of the entire year until that point in time.[34]

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[32] In Macedonia, the regular publishing of press releases refers to the Government which took office in June 2017. There are only a few press releases regarding the previous interim Government's work, which was of a technical nature. There are also exceptional cases among the countries, where not a single press release was published during a given week.

[33] The last two reporting cycles at the time of measurement. In Macedonia, an interim government was in power from November 2015 until June 2017.

[34] Given such a reporting practice, researchers agreed to consider the reports for 2016 and 2017. Only the final quarterly

Practices to avoid: Performance reports accessible only to persistent visitors

The existing quarterly reports on GAWP implementation in **Montenegro** are difficult to find on the Government's website. There is no special section or banner devoted to them. Apart from an internet search with the exact name, they can be found either by searching the agendas of the Government's sessions when they were adopted or by searching the "Reports" section of the General Secretariat, where all other reports that the Government adopts or verifies are bundled. In that sense, to be useful for the public, the existing practice of regularly publishing quarterly reports needs to incorporate easy accessibility.

Among those governments who publish performance reports regularly, reporting practice does not always include summaries, introductions or parts of texts written in a manner that makes them citizen friendly. Whilst the review of government performance reports in BIH, and in Kosovo showed that they contain summaries (Kosovo) or introductions (BIH), explaining in an understandable way key activities and messages, the quarterly performance reports published in Montenegro are written in a more bureaucratic and formalistic style.

Table 7. Type of data on governments' performance based on available reports analysed

	ALB	BIH	KOS	MKD	MNE	SRB[35]
QUANTITATIVE	X	✓	✓	X	✓	✓
QUALITATIVE	X	✓	✓	X	X	✓
DATA ON RESULTS	X	✓	✓	X	X	X
OPEN FORMAT	X	X	X	X	X	X
GENDER DATA	X	X	X	X	X	X

As the table above shows, the available reports on the governments' work rarely display data on the achievement of concrete results. In BIH, although annual reports for 2015 and 2016 contain detailed information on results, they are based mainly on outputs. In Kosovo, the reports disclose whether an objective has been met or not, along with the quantitative data related to it; however, they do not report on the specific indicators set in the Government Plan. The data presented in the available reports is not yet gender-segregated or published in open data formats.

Finally, reports on the implementation of whole-of-government strategies, programmes, and plans are irregularly published online in WB countries. Based on the selection of these documents in each country, the table below demonstrates their online availability for the last full reporting year.[36]

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report for 2016 was unpublished at the time of monitoring. Parliamentary elections took place in Montenegro in October 2016, which may have been the reason for the failure to publish that report.

[35] Information in the table is based on GAWP reports found at different websites, for 2016 at the website of the Ministry of Finance, for 2013 and 2014 at the National Assembly. No GAWP reports were regularly published during the monitoring period.

[36] At the time of monitoring, the last full reporting year was 2016. Reports on sectoral strategic documents and plans were not subject of analysis under this sub-indicator.

Table 8. Share of reports on whole-of-government strategies and plans available online for the last full reporting year (2016)

	STRATEGIES AND PLANS OF GOVERNMENTS	REPORTS PUBLISHED	SHARE
ALB	National Strategy for Development and Integration (NSDI)	0	**33%**
	National Plan for European Integration (NPEI)	0	
	Economic Reform Programme (ERP)	1	
BIH[37]	Economic Reform Programme	1	**80%**
	Annual Work Program of the CoM of BIH	1	
	AP of the Medium-Term Work Program of the CoM of BIH	1	
	The Budget Framework Document (BFD)	1	
	Strategic Framework for BIH	0	
KOS	Economic Reform Programme	1	**80%**
	Government Annual Work Plan	1	
	Fiscal strategy	1	
	National Strategy for Implementation of SAA	1	
	National Development Strategy	0	
MKD	Economic Reform Programme	1	**40%**
	Government Annual Work Plan	0	
	National Programme for the Adoption of the Acquis	0	
	Fiscal Strategy	1	
	Plan for immediate reform priorities "3 - 6 - 9"[38]	0	
MNE	Economic Reform Programme	1	**50%**
	Government Annual Work Plan	0	
	Programme of Accession of Montenegro to the EU	1	
	Montenegro Development Directions	0	
SRB	Economic Reform Programme	1	**40%**
	Government Annual Work Plan	0	
	National Programme for the Adoption of the Acquis	0	
	Action Plan for Implementation of Government Programme	0	
	Fiscal Strategy	1	

Table 9. Element scores and corresponding indicator values for PDC_P5_I2 "Civil society perception of the Government's pursuit and achievement of its planned objectives"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. CSOs consider government's formal planning documents as relevant for the actual developments in individual policy areas	2	0	0	0	0	0	0
E2. CSOs consider that the Government regularly reports to the public on progress against the set objectives	4	0	0	0	2	0	0

[37] Only state-level documents are considered.

[38] At the time of monitoring (October 2017), the Government plan 3-6-9, as a different approach introduced by the new Government, was being implemented. Reports on this plan have been issued consecutively. A new plan of the Governmental for 2018 was adopted in January 2018.

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E3. CSOs consider that official strategies determine governments' or ministries' actions in specific policy areas	2	1	0	0	1	0	0
E4. CSOs consider that the ministries regularly publish monitoring reports on their sectoral strategies	4	0	0	0	0	0	0
E5. CSOs consider that the EU accession priorities are adequately integrated into the government's planning documents	2	1	0	0	1	0	0
E6. CSOs consider that the Government's reports incorporate adequate updates on the progress against the set EU accession priorities	2	1	0	0	0	0	0
Total points	**16**	**3**	**0**	**0**	**4**	**0**	**0**
Indicator value	**0-5**	**0**	**0**	**0**	**1**	**0**	**0**

Civil society organisations across the WB largely perceive that governments do not pursue or achieve the planned objectives. This is firstly demonstrated when the surveyed CSOs are asked to indicate whether there is a direct connection between the workplan of the government and actual developments in specific policy areas. At the level of regional average, disagreement makes for the highest share - slightly above 44% of those who "strongly disagree" and "disagree", in comparison to the proportion of those neither agreeing or disagreeing (30%). Despite the generally low agreement in the region, at the country level this proportion varies significantly from around 28% in the case of Albania, which was the highest in the region, to only 8% in Montenegro.

Chart 3. CSO responses to the question: "There is a direct connection between the workplan of the government and actual developments in specific policy areas" (%)
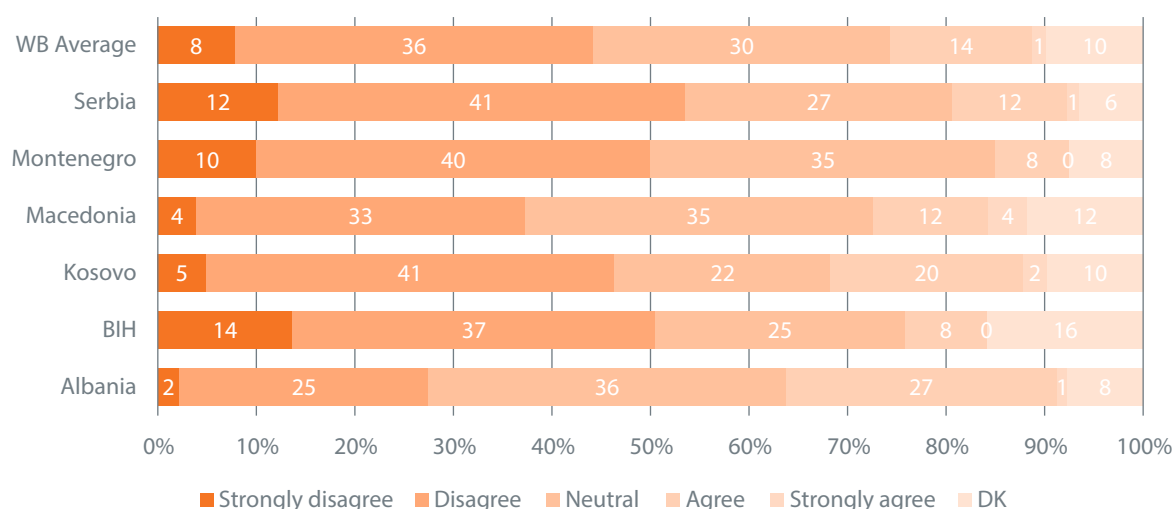
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=473 and refers to the WB total, rather than individual countries.*

As can be seen in the chart below, CSOs perceive in a slightly more negative way the statement that Governments do report to the public on progress in the achievement of their objectives. That is, at the regional average, as many as 48% of surveyed CSOs express disagreement with such a statement, and only 17% agree. In this case, CSOs from Macedonia revealed the most positive attitude in comparison to all the other countries and the regional average, with close to one-third of respondent CSOs indicating disagreement (35%) and agreement (31%). In contrast, civil society in Kosovo was the most disapproving, with the lowest agreement at 5%, and the lion's share of disagreement totalling 66%.

The CSO perceptions clearly do not reflect in all cases actual governmental reporting practices, analysed under the previous indicator. The Kosovo government was found to be among the most diligent in the region as far as reporting on its work and performance, while the CSOs were the most disapproving. This discrepancy may demonstrate the lack of government communication and engagement with the civil sector during the reporting cycle. The Macedonian CSOs were, on the other hand, more positive on this issue, whereas at the time of measurement of the first PDC indicator (October 2017), there were no annual reports available on the Government website. This finding is clearly the result of the more positive views of the Macedonian CSOs towards the emerging practices of the new government that took power on 31 May 2017, considering that the CSO survey was implemented in spring 2018.

Chart 4. CSO responses to the question: "The Government regularly reports to the public on its progress in the achievement of the objectives set in its work-plan" (%)
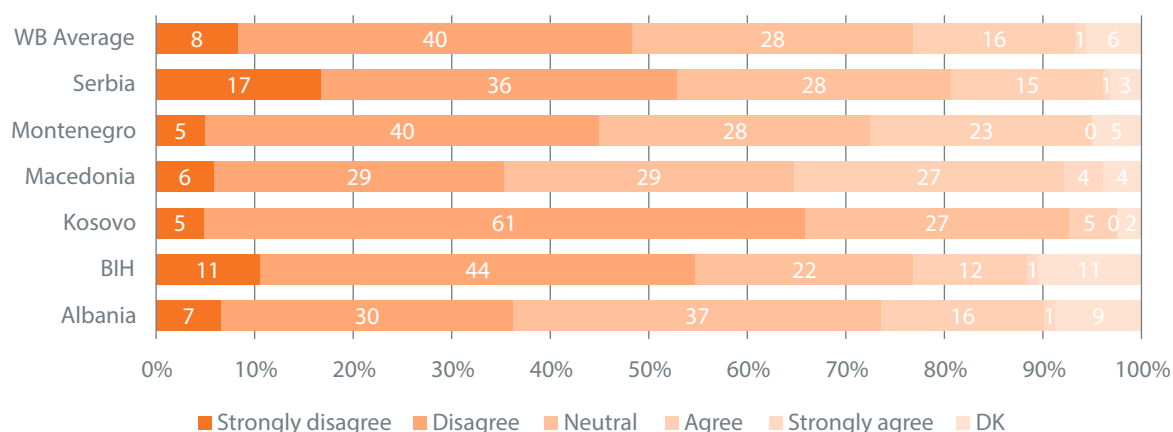
Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=473 and refers to the WB total, rather than individual countries.

However, a modest increase in positive perception is seen in response to the question of whether official strategies determine the governments' or ministries' actions in certain areas. With the regional average of agreement at nearly 24% and disagreement at 37%, the Albanian CSOs expressed comparatively the most positive attitude, with 34% surveyed CSOs expressing agreement. The civil society in Montenegro was in the least agreement (15%).

In addition, the positive perception lowers once more for the question about whether ministries regularly publish monitoring reports on their sectoral strategies, with only 15% of agreement at regional average and 43% of disagreement. CSOs in Albania are again more positive in comparison to their CSO counterparts in the region, with the highest proportion of those that agree (26%), and the lowest of those who disagree (31%).

As for the question of whether the EU accession priorities are adequately integrated into the governments' plans, CSOs tend to express a more positive opinion than previously, judging from the regional average, although the disagreement is still high at 42%. That is, one quarter of surveyed CSOs expressed agreement that the EU priorities and the government plans are adequately reconciled. Civil society in Albania is again ahead of the regional average in terms of positive assessment, while civil society in BIH is at the other end, as shown on Chart 5.

Chart 5. CSO responses to the question: "In the policy area that my organisation works, priorities of the EU accession process are adequately integrated into the government's plans" (%)

|	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
WB Average	10	32	26	22	3	7
Serbia	11	30	28	20	3	8
Montenegro	15	30	25	25	0	5
Macedonia	10	27	24	27	8	4
Kosovo	7	44	29	15	0	5
BIH	14	38	25	9	2	12
Albania	5	25	25	35	2	7

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=473 and refers to the WB total, rather than individual countries.*

Lastly, almost the same proportion of surveyed CSOs in the region (44%) as for the previous question disagree that the governments' reports incorporate adequate updates on the progress against the set of EU accession priorities. Agreement, however, is lower for this question, at only 16%. The surveyed Albanian CSOs lead in positive perception in the region again, with 31% of agreement and 34% of disagreement. In BIH, surveyed CSOs have yet again expressed the negative attitude with the highest perception of disagreement in WB (nearly 53%).

Chart 6. Indicator values for PDC_P5_I2 "Civil society perception of the Government's pursuit and achievement of its planned objectives" and PDC_P5_I1 "Public availability of information on Government performance"
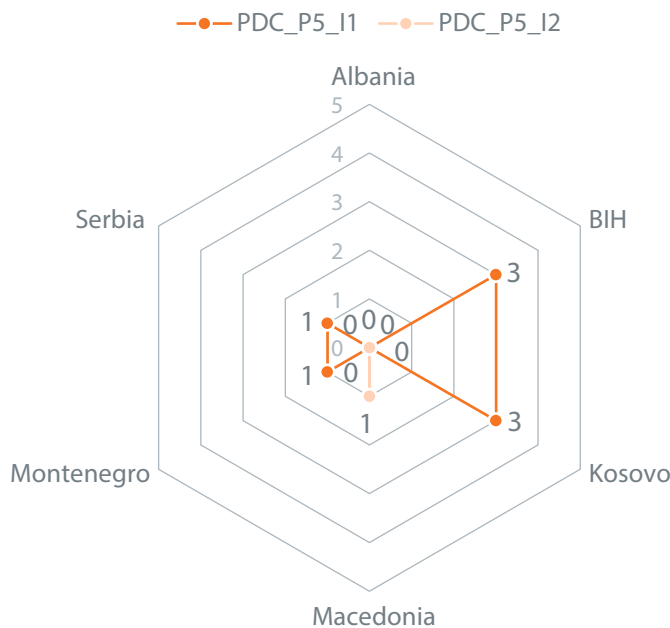
Principle 6: Government decisions are prepared in a transparent manner and based on the administrations' professional judgement; legal conformity of the decisions is ensured

For Principle 6, WeBER focuses fully on the aspect of transparency in government decision-making. The monitoring approach entails measuring the extent to which the process of government decision-making, as well as its direct outputs (decisions), are transparent, including the function of external communication. The indicator "Transparency of the Government's decision-making" (indicator PDC_P6_I1), comprises five elements.

Table 10. Element scores and corresponding indicator values for PDC_P6_I1 "Transparency of the Government's decision-making"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. CSOs consider government decision-making to be generally transparent	2	0	0	0	0	0	0
E2. CSOs consider the exceptions to the rules of publishing Government's decisions to be appropriate	2	0	0	0	0	0	0
E3. The Government makes publicly available the documents from its sessions	4	0	2	2	2	2	0
E4. The Government communicates its decisions in a citizen-friendly manner	4	0	4	4	4	2	2
E5. The Government publishes adopted documents in a timely manner	4	4	0	4	0	4	2
Total points	**16**	**4**	**6**	**10**	**6**	**8**	**4**
Indicator value	**0-5**	**1**	**2**	**3**	**2**	**2**	**1**

On the whole, the CSO perceptions regarding the question of the transparency of government decision-making are more negative than suggested by the analysed practices of the governments. On average, only 13% of surveyed CSOs at the regional level agree to some extent that the governments' decision-making process is generally transparent, whilst the proportion of regional disagreement is as high as 53%, Within this rather negative perception of the transparency of governmental decision-making in WB, civil society in Macedonia was the least disapproving as can be seen from the chart below, with the highest share of roughly 27% of those who agree and 43% who disagree. It should be mentioned, though, that almost a third of surveyed organisations in the region remained neutral on this question, possibly suggesting that organisations do not refer to government sessions and decisions very much in their work.

Chart 7. CSO responses to the question: "In general, the government's decision-making process is transparent" (%)
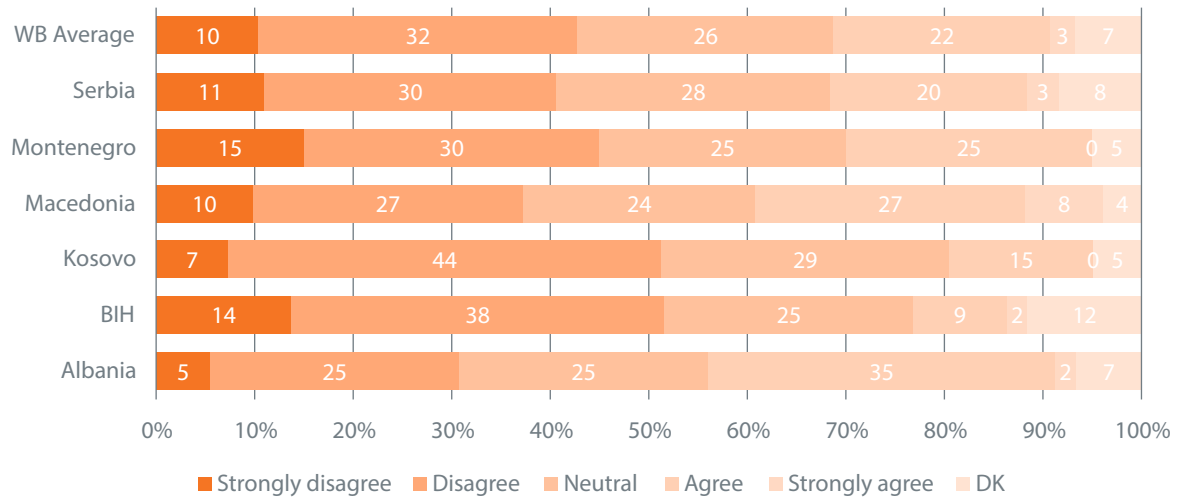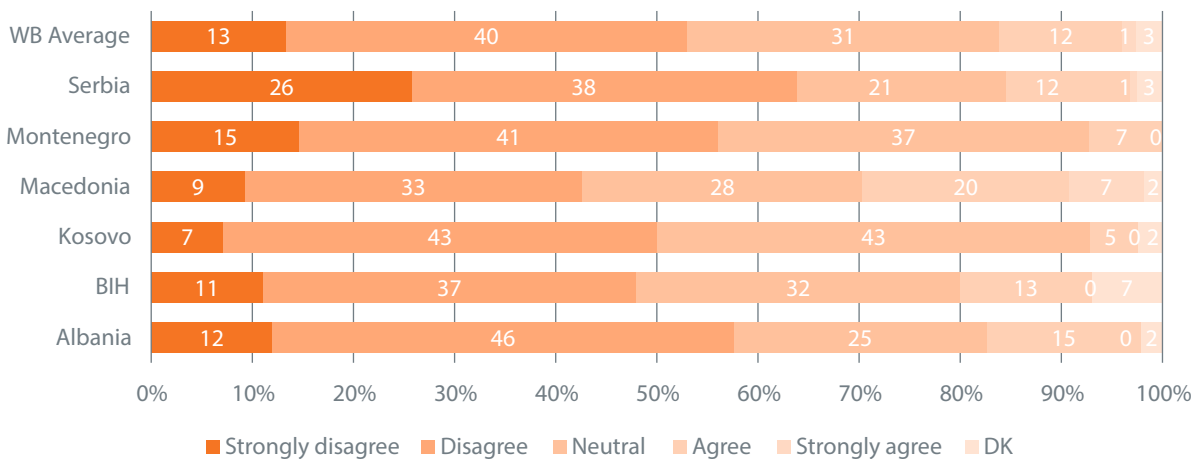

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=484 and refers to the WB total, rather than individual countries.

The negative perception of government decision-making is reinforced by the results on the question asking if the exceptions to the requirement of publishing government decisions are appropriate. While only 9% of CSOs on average agree and 45% disagree, and the neutral answers remain at almost one-third, the share of "don't knows" increases on this question for all countries. Organisations from Montenegro and Kosovo agree the least (only 2%), with disagreement in Kosovo going up to 63%.

Chart 8. CSO responses to the question: "Exceptions to the requirements to publish Government's decisions are appropriate" (%)
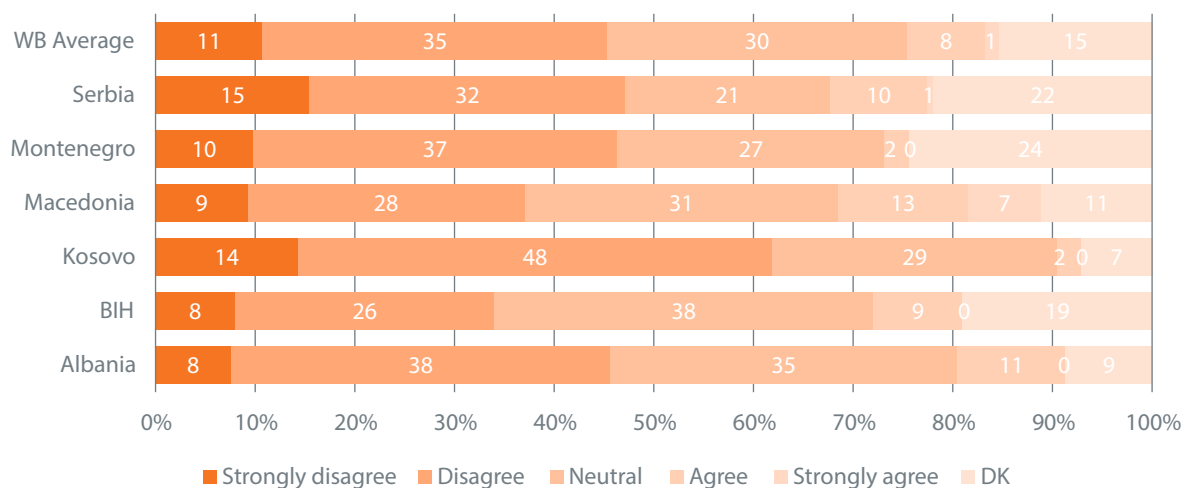
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=484 and refers to the WB total, rather than individual countries.*

Apart from the generally unfavourable perception of civil society, analysis of the online availability of materials from the sessions of WB governments shows variations of practices and ways in which information is disclosed. As seen from the Table 11, while most countries disclose some information through press releases, as well as the documents and decisions adopted, agenda items and minutes of the session are in at least half of the cases unavailable to the public.[39] No country's government publishes all of the materials analysed under the indicator.

Table 11. Online availability of materials from the WB governments' sessions(October- December 2017) – the four types of information analysed under element 3 of indicator PDC_P6_I1

# OF GOV SESSIONS		# WITH AGENDAS PUBLISHED	# WITH MINUTES PUBLISHED	# WITH PRESS RELEASE PUBLISHED	# WITH ADOPTED DOCS PUBLISHED
ALB	15	0	0	5	15
BIH	11[40]	11	11	11	1
KOS	16	0	0	15	15
MKD	17	17	17	17	0[41]

[39] According to the PAR Monitor methodology, only adopted documents not formally labelled as confidential were considered for monitoring.

[40] The Council of Ministers session no. 127 was held in two parts: it started on 28 December 2017 and continued on 4 January 2018. The whole session was included in the total number of the CoM sessions held in the monitoring period.

[41] All adopted decisions and documents are published in the Official Gazette; however, these are not accessible free of charge. Moreover, review of the website of the Government of Macedonia reveals that in some cases adopted decisions are hyperlinked

# OF GOV SESSIONS		# WITH AGENDAS PUBLISHED	# WITH MINUTES PUBLISHED	# WITH PRESS RELEASE PUBLISHED	# WITH ADOPTED DOCS PUBLISHED
MNE	14	14	0	14	14
SRB	27	0	0	15	22[42]

In Albania, Kosovo and Serbia, neither the agendas nor minutes of the government sessions are published. Whereas the minutes of the Albanian Council of Ministers' (CoM) meetings are regulated as confidential, the agendas were obtained based on a FOI request, which allowed ascertaining that the adopted decisions were systematically published. In Serbia, however, the FOI requests the WeBER researchers sent to obtain the materials were met with administrative silence, making it is impossible to assess with certainty whether the Government publishes all adopted documents from the agenda. The Kosovo government, although not publishing agendas and minutes, elaborates on the individual agenda items and includes the list of decisions made in the press releases after each meeting of the Government cabinet.

BIH and Macedonia publish the core information from the sessions, including the minutes elaborating the decisions made, but encounter problems with regards to the publication of the adopted documents/decisions. Namely, in BIH, it is the responsibility of proposing institutions to publish them on their websites, but the CoM does not provide links to those websites where the adopted acts can be found. A specific problem in Macedonia is that the adopted documents are published only in the Official Gazette; however, users need to subscribe and pay to have access to all the governments' decisions as the free version does not offer this feature.

The practice of the Montenegrin government is somewhat more comprehensive than in BIH and Macedonia, as the only documents missing are the minutes of the government sessions, whereas the agendas, press releases and documents adopted are systematically published. Yet, the Montenegrin case illustrates a problem with the discussion of issues classified as confidential, as such items may not even appear in the agendas or any other materials, as a result of which the public is completely unaware that such items are discussed. Due to the broadness of the legal provisions on confidentiality of data, such exceptions can be quite diverse: from individual contracts to reallocation of funding between budgetary units.

Furthermore, the assessment of citizen friendliness of information and documents from governments' sessions considers whether the press releases or articles published after the government sessions are written in a clear and simple, non-bureaucratic language to explain the decisions made. Moreover, the element looks at whether these are to be found not more than three clicks away from the homepage. In all observed cases available, press releases are easy to access and within three clicks. In addition, it is assessed that the language used in press releases is partially simplified, with traceable bureaucratic terminology mostly in the titles of official documents and agreements, but also in the text itself depending on the matter that has been discussed during the session.

in the text of press releases. However, it is assessed as an ad hoc, irregular example of publishing adopted decisions. Information available at: Government of the Republic of Macedonia, https://vlada.mk/vladini-sednici, last accessed on 18 September 2018

[42] The government website makes decisions from the individual sessions publicly available. However, due to the failure of the General Secretariat of the Government to grant access to the requested materials, it is impossible to ascertain the comprehensiveness of publication of the adopted documents. According to the regulations, for example, Government Conclusions (one type of government decision) are as a rule not published, unless the Conclusion itself provides for publication. As a result, the overall score for Serbia under this element is zero.

Finally, the indicator looks at whether the decisions adopted by the governments were made publicly available via official governmental websites one week after the session, at latest, as they were adopted.[43] In the case of Albania, Kosovo and Montenegro, all adopted decisions and documents are made available within this timeframe, whereas in Serbia, those documents and decisions that are publicly available are published in a timely manner, except for one case where no information on the session was disclosed. For BIH and Macedonia, this aspect could not be analysed because adopted documents were not published.

Chart 9. Indicator values for PDC_P6_I1 "Transparency of the Government's decision-making"

Principle 10: The policy-making and legal-drafting process is evidence-based, and impact assessment is consistently used across ministries

In view of SIGMA's comprehensive assessment of this Principle, the WeBER monitoring approach focuses on a niche analysing how the policy research and advice accrued outside of the administration, by the policy research community, is used to support evidence-based policymaking. The indicator titled "Use of evidence created by think tanks, independent institutes and other CSOs in policy development" (indicator PDC_P10_I1) is used for monitoring this Principle and entails eight elements.

Table 12. Element scores and corresponding indicator values for SFPAR_P1_I1 "Use of participatory approaches in the development of key strategic PAR documents"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Frequency of referencing of evidence-based findings produced by CSOs in the adopted government policy documents	4	4	2	2	0	0	4
E2. Frequency of referencing of evidence-based findings produced by CSOs in policy papers and ex ante impact assessments	4	0	0	2	0	0	2
E3. Share of evidence-based findings produced by a wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, referenced in ex post policy analyses and assessments of government institutions	2	0	0	0	0	0	0

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[43] The researchers directly monitored the publication of decisions for all government sessions in the period between 15 November - 31 December 2017.

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E4. Relevant ministries or other government institutions invite or commission a wide range of CSOs, such as think tanks, independent institutes, locally-based organisations, to prepare policy studies, papers or impact assessments for specific policy problems or proposals (CSO perception)	2	1	0	2	1	0	1
E5. Representatives of relevant ministries participate in policy dialogue (discussions, round tables, closed door meetings, etc.) pertaining to specific policy research products (CSO perception)	2	1	1	2	1	1	0
E6. Representatives of a wide range of CSOs, such as think tanks, independent institutes, locally-based organisations are invited to participate in working groups/ task forces for drafting policy or legislative proposals when they have specific proposals and recommendations based on evidence (CSO perception)	4	0	0	4	2	0	0
E7. Relevant ministries in general provide feedback on the evidence-based proposals and recommendations of a wide range of CSOs, such as think tanks, independent institutes, locally-based organisations which have been accepted or rejected, justifying either action (CSO perception)	2	0	0	0	0	0	0
E8. Ministries accept CSOs' policy proposals in the work of working groups for developing policies and legislation (CSO perception)	4	0	0	2	0	0	0
Total points	**24**	**6**	**3**	**14**	**4**	**1**	**7**
Indicator value	**0-5**	**1**	**0**	**3**	**0**	**0**	**1**

The use of evidence-based findings produced by CSOs to support official policy documents and various policy papers takes place occasionally in WB countries. Referencing is, however, more frequent in case of officially adopted policy and strategic documents than for the concept or policy papers, while existing ex-post analysis and assessments made by governments in WB are the only documents without even sporadic referencing of CSO findings.

The adopted government policy documents monitored include currently implemented strategies, plans, programmes, or other types of documents that are formally adopted, and which can reference information directly, in three policy areas in each country as stated.[44] Table 13 details the number of such documents per policy area per country and the number of references identified by the researchers.

Table 13. Frequency of referencing of evidence-based findings produced by CSOs in the adopted government policy documents, in three selected policy areas

	POLICY AREA	# OF DOCUMENTS IN POLICY AREA	# OF REFERENCES IN ALL DOCUMENTS PER AREA
ALB	Anti-discrimination	6	19
	Social protection	5	6
	Anti-corruption	2	0
BIH	Anti-corruption	1	1
	Anti-discrimination	5	3
	Environment	2	4

[43] The researchers directly monitored the publication of decisions for all government sessions in the period between 15 November - 31 December 2017.

[44] Criteria used for selection of policy areas where a substantial number of CSOs actively work in each country and conduct research and analyses.

	POLICY AREA	# OF DOCUMENTS IN POLICY AREA	# OF REFERENCES IN ALL DOCUMENTS PER AREA
KOS	Anti-corruption	1	0
	Public administration	6	0
	Economic development	3	3
MKD	Anti-discrimination	4	0
	Social welfare	4	0
	Environment	6	0
MNE	Anti-corruption	4	0
	Anti-discrimination	4	2
	Environment	3	1
SRB	Anti-discrimination	3	27
	Environment	8	3
	Media and Culture[45]	0	0

In contrast, the evidence produced by CSOs is much less used, if at all, in ex-ante or ex-post policy papers, analysis, and impact assessments produced in the same three policy areas.[46] Namely, in several countries, these types of documents are either not produced or not disclosed to the public on the official websites of the responsible institutions, nor accessed by research team by means of freedom of information requests, as in the case of Albania and in Macedonia (except one RIA document in the case of the latter, without references to external evidence).[47] In other cases, only sporadic referencing occurs, and in an insignificant number of these documents (BIH, Kosovo, Montenegro). A slightly higher number or references is found in Serbia for either explanatory memorandums to legislation or RIAs (7 references in 77 documents), though this number is still insufficient to prove a regular practice.

The CSOs' perceptions about the use of evidence created within civil society are more positive on the general questions (i.e. whether ministries invite CSOs to contribute with evidence or whether they take part in CSO-led discussions on policy issues) than on the more specific questions that dig into the details of these practices. When asked whether government institutions invite their organisations to prepare or submit policy papers, studies or impact assessments, there is almost an even proportion of agreement (37%) and disagreement (35%) at the regional level. In comparison to the regional average, CSOs in Kosovo exhibited the most positive attitude, which is in marked contrast with the document analysis above. On the other hand, CSOs in Montenegro express the least favourable perception of all the countries. The perception is more favourable on the question if representatives of relevant government institutions, when invited by their organisations, participate in the events organised to promote policy product made by CSOs. With the regional average of those responding "often" and "always or almost always" at 45%, CSOs in BIH and in Kosovo gave more positive responses, 51% and 70% respectively of surveyed CSOs, while their counterparts in Serbia responded the least positively (27%).

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[45] In the media and culture policy area there were no relevant policy and strategic documents that are currently implemented.

[46] The policy papers and impact assessment documents included are ex ante regulatory impact assessments (RIAs), other types of ex ante impact assessments, policy concept documents, policy papers (green papers, white papers), as well as annotations/justifications of legislation and policy documents.

[47] Researchers in each country defined a list of legislative acts for which policy papers, analysis and impact assessment documents were searched online or requested by FOI if these were not available online.

Chart 10. CSO responses to the question: "When addressing policy problems or developing policy proposals, government institutions invite my organisation to prepare or submit policy papers, studies or impact assessments" (%)
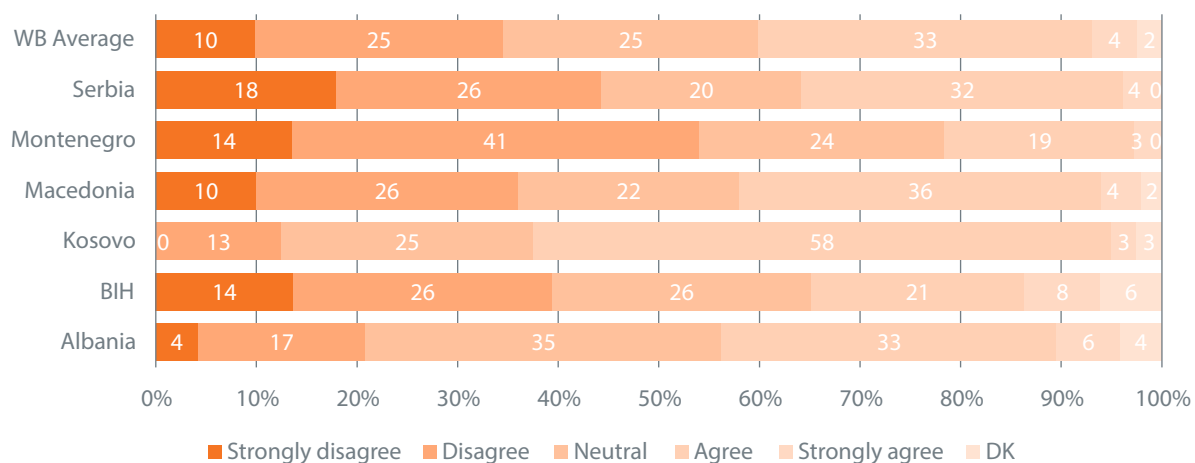
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
WB Average	10	25	25	33	4	2
Serbia	18	26	20	32	4	0
Montenegro	14	41	24	19	3	0
Macedonia	10	26	22	36	4	2
Kosovo	0	13	25	58	3	3
BIH	14	26	26	21	8	6
Albania	4	17	35	33	6	4

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=347 and refers to the WB total, rather than individual countries.*

However, the perception takes a turn in the opposite direction when CSOs are asked how often ministries invite them to participate in working groups/task forces for drafting policy or legislative proposals in the past two years. On average at the regional level, one in three of the surveyed CSOs responded with "often" and "always or almost always" to this statement. The civil society in Kosovo reported by far the highest share of confirmations that they receive such invitations, with slightly over 62%. In contrast, CSOs in BIH, Montenegro, and Serbia comprise the highest proportion of "never or almost never" and "rarely" responses: around 54% in each case.

Chart 11. CSO responses to the question: "Relevant ministries invite my organisation to participate in working groups/task forces for drafting policy or legislative proposals, when we have specific evidence-based proposals and recommendations" (%)
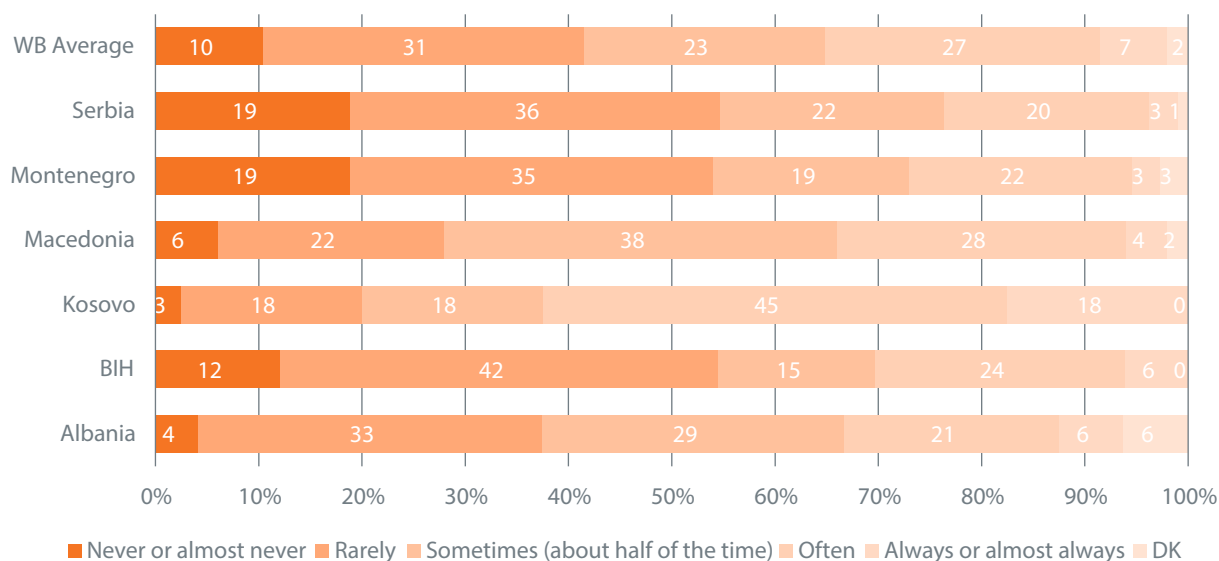
	Never or almost never	Rarely	Sometimes (about half of the time)	Often	Always or almost always	DK
WB Average	10	31	23	27	7	2
Serbia	19	36	22	20	3	1
Montenegro	19	35	19	22	3	3
Macedonia	6	22	38	28	4	2
Kosovo	3	18	18	45	18	0
BIH	12	42	15	24	6	0
Albania	4	33	29	21	6	6

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=347 and refers to the WB total, rather than individual countries.*

In addition, CSOs were asked to reflect on how frequently ministries provide reasons for the acceptance or rejection of their proposals and recommendations. The share of "never or almost never" and "rarely" responses at the regional level (55%) is significantly higher in comparison to the percentage of CSOs who confirm provision of such a feedback (13%). CSOs in BIH, and in Kosovo mark the greatest variation from the average in confirming that the practice of providing feedback takes place, with 21% and 18% respectively. Civil society in Serbia reports the most negative perception in the region, with 69% stating "never or almost never" and "rarely".

Chart 12. CSO responses to the question: "Relevant ministries provide feedback explaining the reasons for either the acceptance or rejection of evidence-based proposals and recommendations coming from my organisation during participation in the working groups" (%)
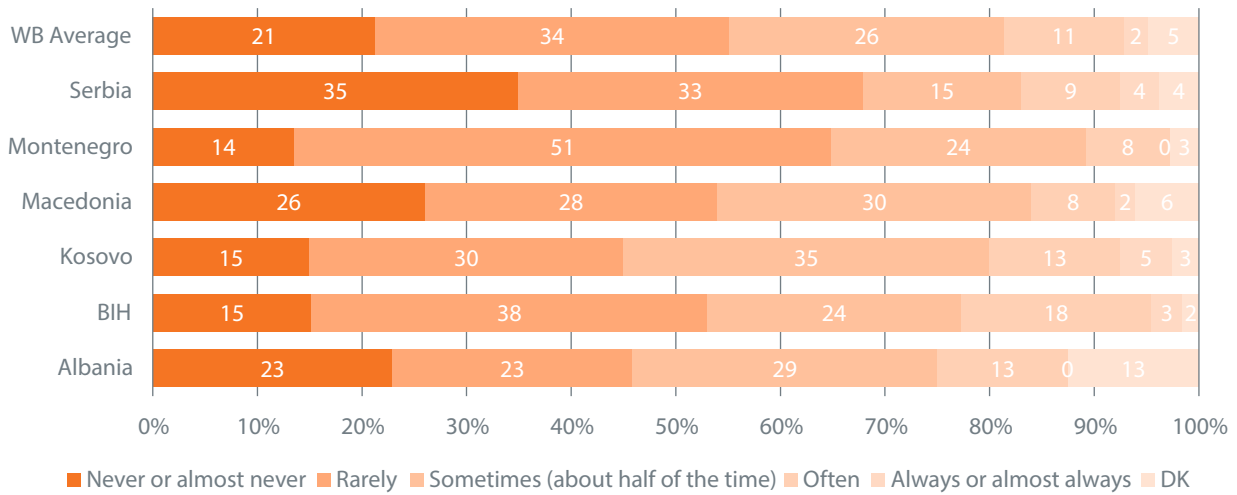
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=347 and refers to the WB total, rather than individual countries.*

Lastly, that relevant ministries generally accept the policy proposals made by their organisation during the participation in working groups is confirmed by only 23% of CSOs at the regional level with responses of "often", and "always or almost always". These perceptions vary from 16% for the CSOs in Serbia to over 37% in Kosovo. Similarly, variations from the regional average of 42% of responses "never or almost never" and "rarely" ranges from as high as 56% in Serbia to as low as 15% in Kosovo.

Chart 13: Indicator values for PDC_P10_I1 "Use of evidence created by think tanks, independent institutes and other CSOs in policy development"
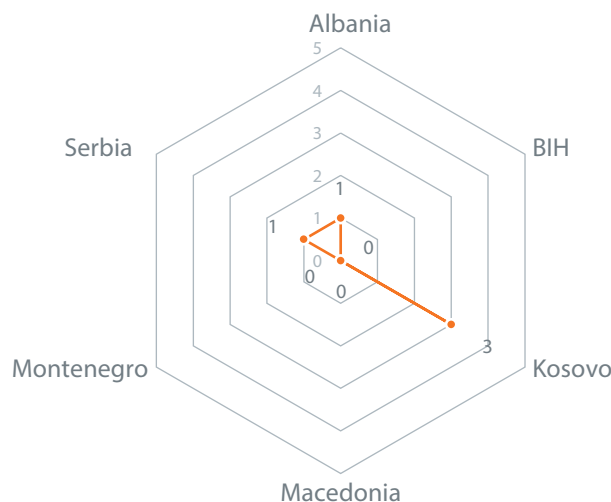
> **Principle 11:** Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for co-ordination of different perspectives within the government

External consultation processes are the core focus of WeBER monitoring, leaving out the internal (intra-governmental or cross-ministerial) coordination and consultation processes which are also covered by this SIGMA principle. The approach is fully based on the perceptions of civil society, analysed through a single indicator - "Civil society perception of inclusiveness and openness of policymaking" (indicator PDC_P11_I1), comprising 10 elements.

Table 14. Element scores and corresponding indicator values for PDC_P11_I1 "Civil society perception of inclusiveness and openness of policymaking"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. CSOs consider formal consultation procedures create preconditions for effective inclusion of the public in the policy-making process	4	2	0	2	2	0	0
E2. CSOs consider formal consultation procedures are applied consistently	4	0	0	2	0	0	0
E3. CSOs consider that they are consulted at the early phases of the policy process	4	0	0	0	0	0	0
E4. CSOs consider consultees are provided information in a timely manner on the content of legislative or policy proposals	2	0	0	0	0	0	0
E5. CSOs consider consultees are provided with adequate information on the content of legislative or policy proposals	2	0	0	0	0	0	0
E6. CSOs consider public consultation procedures and mechanisms are consistently followed in the consultation processes	2	0	0	2	0	0	0
E7. CSOs consider sponsoring ministries take actions to ensure that diversity of interests are represented in the consultation processes (women's groups, minority rights groups, trade unions, employers' associations, etc.).	2	0	0	0	0	0	0
E8. CSOs consider ministries (sponsors of policy and legislative proposals) provide written feedback on consultees' inputs/comments	4	0	0	0	0	0	0
E9. CSOs consider ministries (sponsors of policy and legislative proposals) accept consultees' inputs/comments	4	0	0	2	0	0	0
E10. CSOs consider ministries (sponsors of policy and legislative proposals) hold constructive discussions on how the consultees' views have shaped and influenced policy and final decision of Government	2	0	0	0	0	0	0
Total points	**30**	**2**	**0**	**8**	**2**	**0**	**0**
Indicator value	**0-5**	**0**	**0**	**1**	**0**	**0**	**0**

In the WB region, slightly more than a third of surveyed CSOs agree that formal consultation procedures provide conditions for an effective involvement of the public in policy-making processes. That is, 35% either "strongly agree" or "agree", however with an almost exact proportion of those who disagree regionally (36%). At the country level, the highest share of agreement is expressed by CSOs in Albania (45%) and in Kosovo (48%). CSOs in Serbia are the only case in the WB where majority of surveyed CSOs expressed disagreement with the statement (51%).

Textbox 1: Western Balkan civil society findings

The key finding of the regional policy study is that WB countries have established different mechanisms and practices for civil society involvement in the policy and decision-making processes. Achievements and results in this context vary from country to country and also from one policy area to another. What this study will show is that the accession negotiation process, which is the focus of the chapters on Montenegro and Serbia, offers a unique window of opportunity for substantial involvement of civil society in EU-related reforms and improvement of the sustainable positioning of civil society in the overall decision-making process. On the other hand, CSOs from countries that have not been able to start accession negotiations yet, that have very different starting levels and domestic governance features, had few occasions to influence the agenda setting directly and bring regulatory issues to the attention of public authorities.

Natasha Wunsch (ed.), "Out of the EU Waiting Room Civil Society Participation in the Light of the "New Approach" to Enlargement to the Western Balkans," Belgrade, 2015, available at: Belgrade Open School, http://www.bos.rs/.

Furthermore, perception drops to around one in five CSOs in the region expressing agreement that government institutions consistently apply formal consultation procedures when developing policies within their purview, whereas disagreement reaches 44%. The comparatively more positive tone of CSOs in Kosovo stands out once more, with the share of total agreement at 36%. On the other side of the spectrum stand the perceptions of surveyed CSOs in Montenegro and BIH with only 12%, and 14% of agreement respectively, and without a single "strongly agree" response.

Chart 14. CSO responses to the question: "Government institutions consistently apply formal consultation procedures when developing policies within their purview" (%)
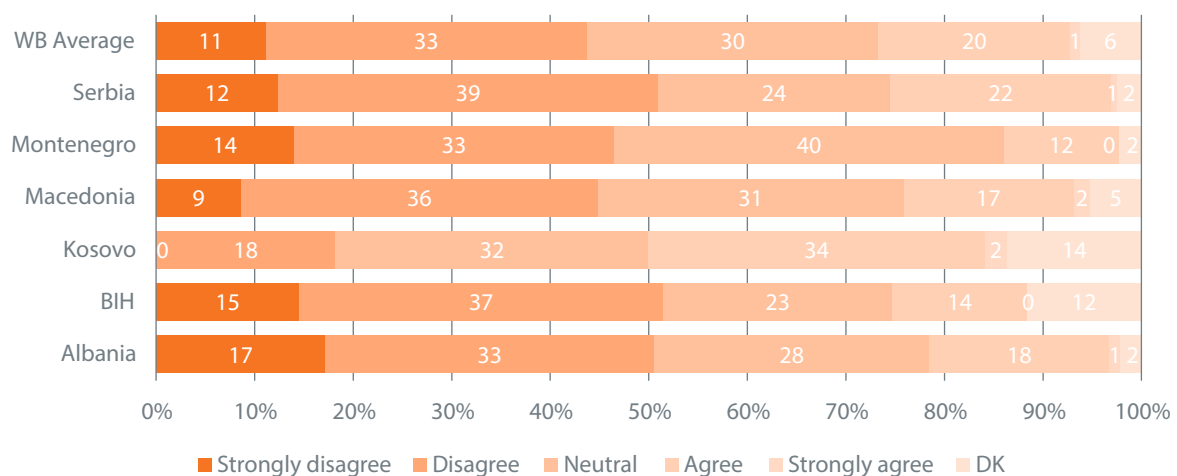
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=502 and refers to the WB total, rather than individual countries.*

At the regional level, CSOs in the WB overwhelmingly report they are "rarely" and "never or almost never" consulted at the early phases of policy or legislative processes (60%), as opposed to a mere 11% of those who react with "often" and "always or almost always" to this statement. In this regard, the CSOs in Albania, and Montenegro express the least positive views: 9%, and 5% respectively. Moreover, a nearly three-quarter majority in Montenegro responded with "rarely" and "never or almost never".

Chart 15. CSO responses to the question: "Relevant government institutions consult CSOs at the early phases of policy or legislative processes (before any draft documents are produced)" (%)
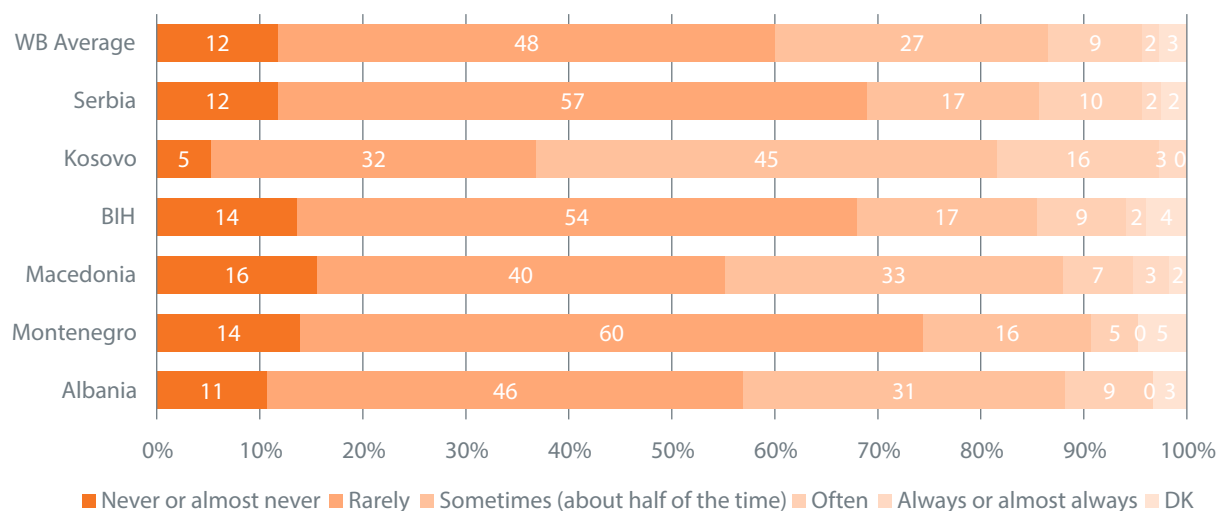
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=502 and refers to the WB total, rather than individual countries.*

Moreover, the timely provision of information on the content of legislative or policy proposals in the public consultations is perceived by only 17% of surveyed CSOs in the region (those who "strongly agree", and "agree"). The already high share of disagreement at the regional level (45%) is in case of Serbia significantly higher, as confirmed by 60% of surveyed Serbian CSOs. Likewise, barely a fifth of CSOs in the region agree that government institutions provide adequate information on the content of legislative or policy proposals in public consultations, with the average disagreement almost the same as for the previous question.

Additionally, a negative perception largely prevails when CSOs are asked how frequently relevant ministries ensure that diverse interest groups are represented in the public consultations, as 46% of respondents state that this never or rarely happens. The regional average of positive responses ("often" and "always or almost always") stands at only 12%, whereas in Macedonia and in Montenegro, it drops down to just 7%.

Similarly, at the regional level 59% of surveyed CSOs view it as a rare or non-existent practice that ministries provide written feedback to consultees on whether their inputs are accepted or rejected. Consequently, the regional average share of CSOs who do believe that written feedback with reasoning is frequently provided is only 12%, with the CSOs in Macedonia being the least supportive of this statement and those in Kosovo the most.

Chart 16. CSO responses to the question: "Relevant ministries provide written feedback to consultees on whether their inputs are accepted or rejected" (%)

	Never or almost never	Rarely	Sometimes (about half of the time)	Often	Always or almost always	DK
WB Average	15	44	21	10	2	8
Serbia	18	43	16	9	3	11
Montenegro	16	51	14	9	2	7
Macedonia	17	47	24	5	2	5
Kosovo	9	32	32	16	2	9
BIH	14	51	19	8	0	8
Albania	18	39	22	11	1	10

■ Never or almost never ■ Rarely ■ Sometimes (about half of the time) ■ Often ■ Always or almost always ■ DK

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=502 and refers to the WB total, rather than individual countries.

Without critical shifts in perception, an average of 46% of CSOs at the regional level perceive that the feedback coming from their organisation is rarely or never accepted by relevant ministries. That the feedback is never, almost never, or rarely accepted spans from only 16% of surveyed CSOs in Kosovo, to as much as 58% in Serbia. A significant share of organisations state that this treatment is sometimes given to their feedback in consultation processes.

Chart 17. CSO responses to the question: "In the consultation process, relevant ministries accept the feedback coming from my organisation" (%)
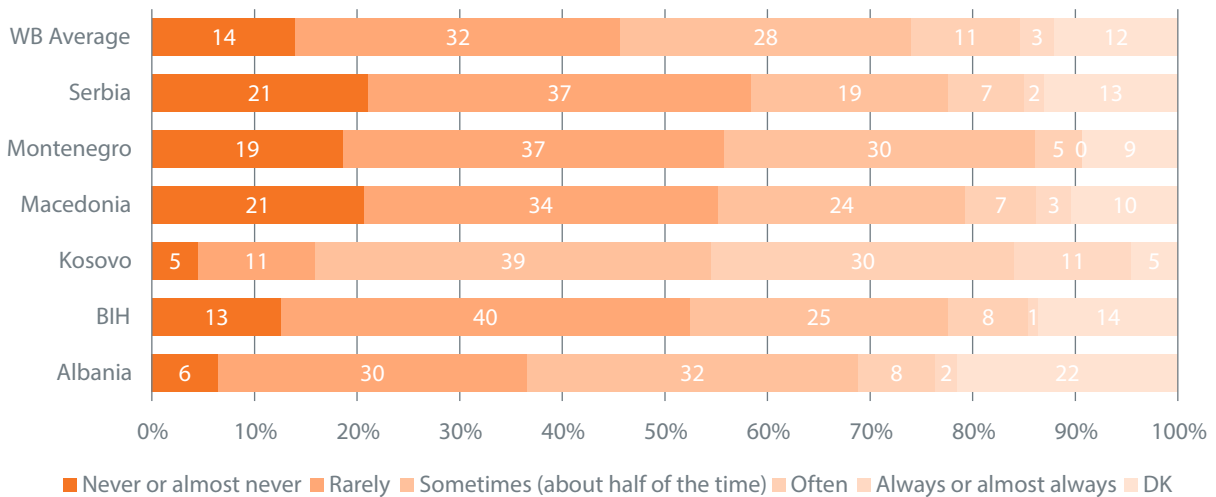
	Never or almost never	Rarely	Sometimes (about half of the time)	Often	Always or almost always	DK
WB Average	14	32	28	11	3	12
Serbia	21	37	19	7	2	13
Montenegro	19	37	30	5	0	9
Macedonia	21	34	24	7	3	10
Kosovo	5	11	39	30	11	5
BIH	13	40	25	8	1	14
Albania	6	30	32	8	2	22

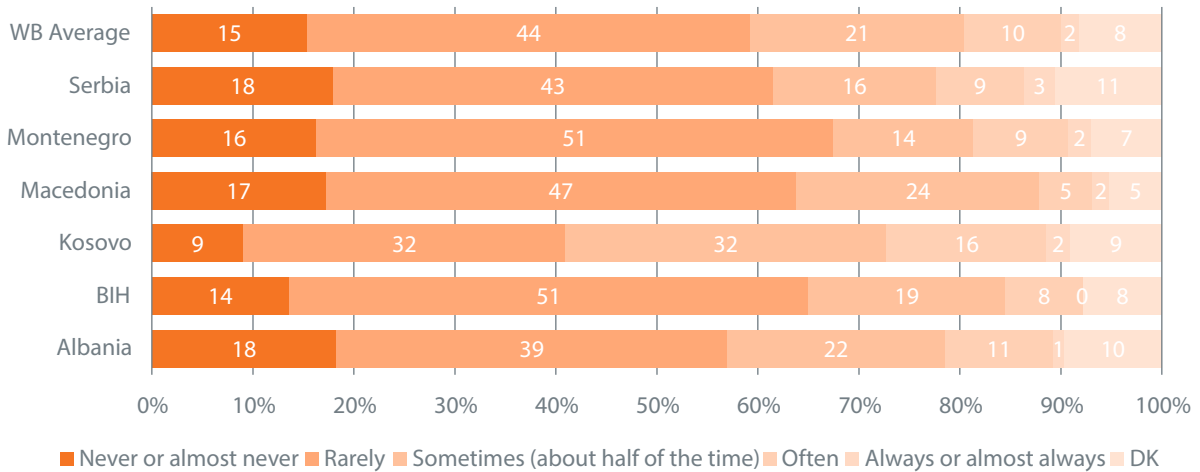■ Never or almost never ■ Rarely ■ Sometimes (about half of the time) ■ Often ■ Always or almost always ■ DK

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=502 and refers to the WB total, rather than individual countries.

Lastly, the practice of conducting additional consultations with CSOs outside of the formal scope of public consultations is perceived as practically non-existent by the surveyed CSOs in the region. Whereas 61% state that such consultations never or rarely take place, only 6% believe that they take place often or always. At the country level, the confirmation of this practice is the highest in Kosovo, though still only 9%.

Chart 18. Indicator values for SFPAR_P2&4_I1 "Civil society involvement in the PAR monitoring and coordination structures"
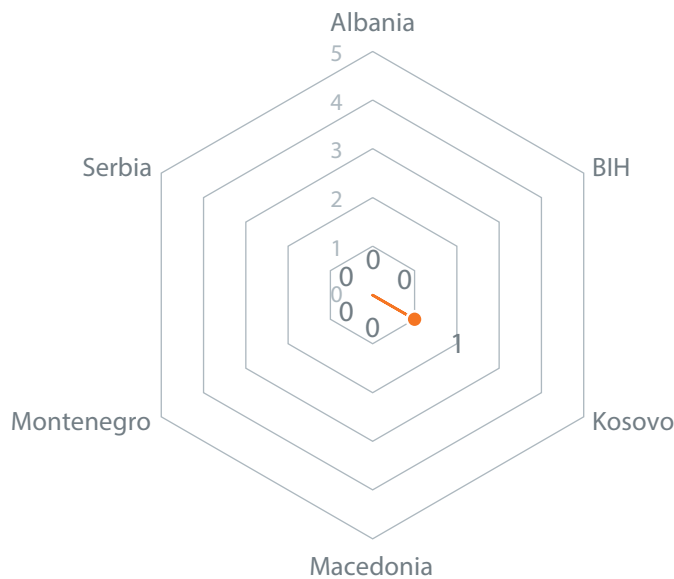
Textbox 2: Western Balkan civil society findings

Within the sub-area involvement in policy- and decision-making processes, amid positive changes with regards to the legal framework, genuine CSOs' involvement and political commitment remain to be an issue in all countries of the region. In Bosnia and Herzegovina, the Ministry of Justice launched an online platform for e-consultations in 2016, enabling citizens and CSOs to directly participate in legislative drafting at lower costs, and has committed to make changes to the Rules of Consultations in Legislative Drafting so as to include compulsory mid-term and long-term consultative planning. In Kosovo, the Regulation on Minimum Standards for Public Consultations has been approved based on a proposal by civil society, providing basis for public consultation from agenda-setting, to experts' involvement, to general public consultations, with specific requirements for each of the steps. While a training module on Minimum Standards for Public Consultation was designed and 100 civil servants passed several trainings, it was not included in the formal curriculum of the Kosovar Institute for Public Administration, despite being obliged to do so by the Strategy for cooperation with civil society 2013-2017. In Montenegro, training of 64 public officials on public consultations with civil society was conducted via Technical Assistance project. In Macedonia the lack of involvement of civil society in policy making was significant in 2016 as out of the 338 draft laws, for which there is an obligation for consultation, 238 draft laws (76%) were adopted in a shortened procedure. Only 21 of the draft-laws (5%) of the 453 reviewed were published for electronic consultation, and for the majority of them (16 out of 21), the minimum deadline of 10 days was not respected.

Ilina Neshikj, Biljana Spasovska, Dejana Stevkovski, "Fostering an Enabling Environment for Civil Society Contribution to Global Development", August 2017, available at: Civic Initiatives, https://www.gradjanske.org/.

Principle 12: Legislation is consistent in structure, style and language; legal drafting requirements are applied consistently across ministries; legislation is made publicly available

Under this principle, the focus is on the last question, i.e. whether legislation is made publicly available. In addition, it also looks at how available and citizen-friendly and easy to understand the various explanatory documents linked to legislation are. Hence, availability is approached from the perspectives of both ease of access and ease of understanding. The indicator "Perception of availability and accessibility of legislation and related explanatory materials by the civil society" (indicator PDC_P12_I1) has five elements.

Table 15. Element scores and corresponding indicator values for PDC_P12_I1 "Perception of availability and accessibility of legislation and related explanatory materials by the civil society"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Existence of an online governmental database of legal texts	4	4	0	2	4	2	4
E2. CSOs are informed of the existence of online database of legal texts	4	4	4	4	4	4	4
E3. CSOs confirm they have used online database of legal texts	2	2	2	2	2	2	2
E4. CSOs consider the explanatory materials relevant to the legislation as easily accessible online	4	2	0	2	0	0	0
E5. CSOs consider the explanatory materials to be written so as to be easily understandable	2	1	0	1	0	0	0
Total points	**16**	**13**	**6**	**11**	**10**	**8**	**10**
Indicator value	**0-5**	**4**	**2**	**3**	**3**	**2**	**3**

In the WB region, legislation is available online through the existing official websites of Official Gazettes and the corresponding databases of legal texts. The following table provides an overview of the main features of these databases for each country.

Table 16. Availability of governmental database of legal texts

	ALB	BIH	KOS	MKD	MNE	SRB
ONLINE DATABASE	YES[48]	NO	YES[49]	YES[50]	YES[51]	YES[52]
CONSOLIDATED LEGAL TEXTS	✓	X	X	✓	✓	✓
FREE OF CHARGE	✓	X	✓	✓	✓[53]	✓
EASILY ACCESSIBLE[54]	✓	X	✓	✓	✓	✓

[48] Official Gazette of the Republic of Albania (Available in Albanian), http://www.qbz.gov.al/, last accessed on 12 September 2018.

[49] Official Gazette of the Republic of Kosovo: http://gzk.rks-gov.net/default.aspx?index=1, last accessed on 12 September 2018.

[50] Single National Electronic Registry of Regulations of The Republic of Macedonia (Available in Macedonian), https://ener.gov.mk/, last accessed on 12 September 2018.

[51] Official Gazette of Montenegro and Legislation Database of Montenegro, http://www.sluzbenilist.me/, last accessed on 12 September 2018.

[52] Legislation Database, Official Gazette of the Republic of Serbia, https://bit.ly/2r65zAS, last accessed on 12 September 2018.

[53] In Montenegro, all legislation is available for download free of charge, except for consolidated legal texts.

[54] Not more than three clicks away from the homepage.

It is noteworthy though that the details of each case presented can make a difference in terms of easier access to available legislation. These range from limitations from the point of view of user experience to inadequate promotion. In Albania, for instance, in addition to consolidated texts (although unofficial ones), *the Official Publication Centre* makes available summaries of legislation and of their codes as well. However, there is no search engine for browsing through the database by different search categories for easier navigation. In Kosovo, each amendment of a legal text is published separately, thus complicating efforts to access an integral version of a single piece of legislation. Similarly, although the legislation database in Montenegro does contain consolidated versions of legal texts, it is separated from the rest of the website and available to paid subscribers only. On the other hand, the SNERR portal in Macedonia is insufficiently promoted on other governmental websites. In Serbia, the consolidated versions of legal texts are available on the legal information system portal, but their status is unofficial, as they are prepared and redacted by the staff of the Official Gazette. Finally, only BIH lacks a unique governmental database of legal texts for the state level. When it comes to the entities, a chronological register of legislation is available at websites of entities' institutions.

Notwithstanding these limitations, an overwhelming majority of surveyed CSOs in all countries perceive legislation as highly accessible. In other words, when asked if they are informed about a government website where a database of enacted legislation can be found and accessed, 72% responded positively at the regional level.

Chart 19. CSO responses to the question: "Are you informed about a government website where you can find and access a database of enacted legislation free of charge?" (%)
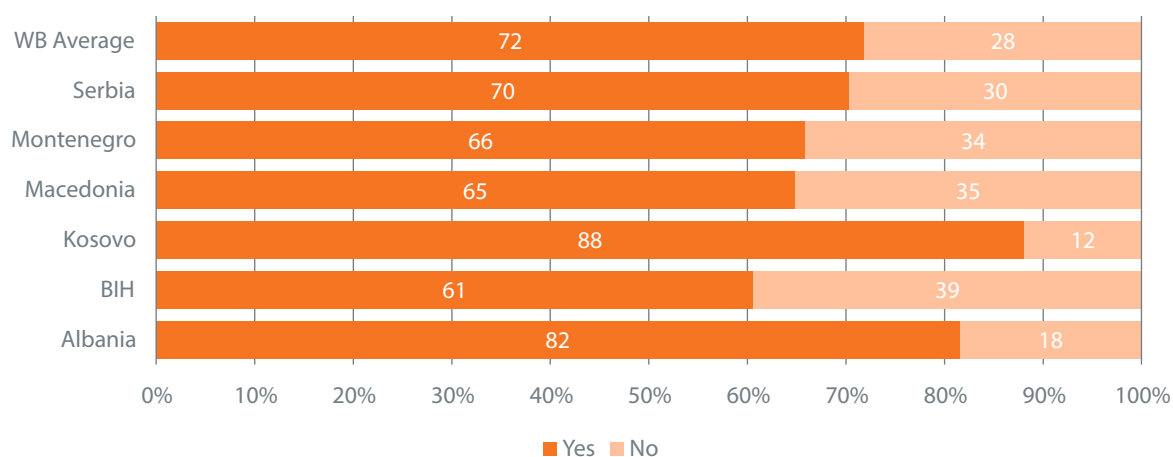
Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=483 and refers to the WB total, rather than individual countries.

Likewise, there is a high frequency of surveyed CSOs who confirm they have accessed such a website in the past year, with the positive answers ranging from the highest proportion in Montenegro (roughly 96%) to the regional lowest in Macedonia, although with still over a two-thirds majority.

Chart 20. CSO responses to the question: "Have you accessed such a website in the past year?" (%)
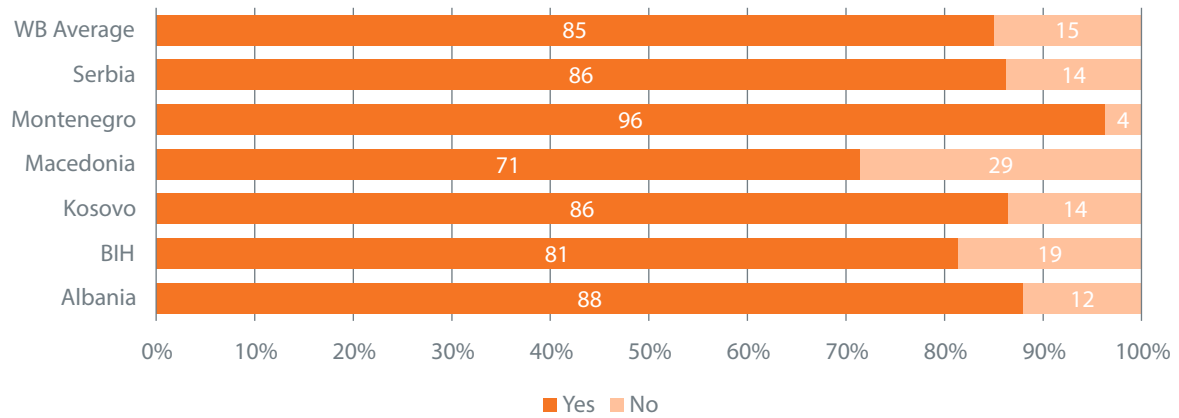
	Yes	No
WB Average	85	15
Serbia	86	14
Montenegro	96	4
Macedonia	71	29
Kosovo	86	14
BIH	81	19
Albania	88	12

■ Yes ■ No

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=342 and refers to the WB total, rather than individual countries.*

In contrast, regarding the explanatory materials relevant to existing legislation,[55] perceptions are significantly lower. The highest proportion of surveyed CSOs who agreed that such materials are easy to access is recorded in Kosovo: 57%. This is also the only case in the region where a majority of respondents agreed, while at the other end of the spectrum, the perception of Montenegrin CSOs is significantly below the average with only 12.5% agreeing.

In addition, explanatory materials relevant to existing legislation are perceived by CSOs as written in a language that is not easily understandable, with the regional average of a quarter of respondents stating they are easy to understand.

Chart 21. CSO responses to the question: "The explanatory materials to the legislation are written in a manner and style which makes them easy to understand" (%)
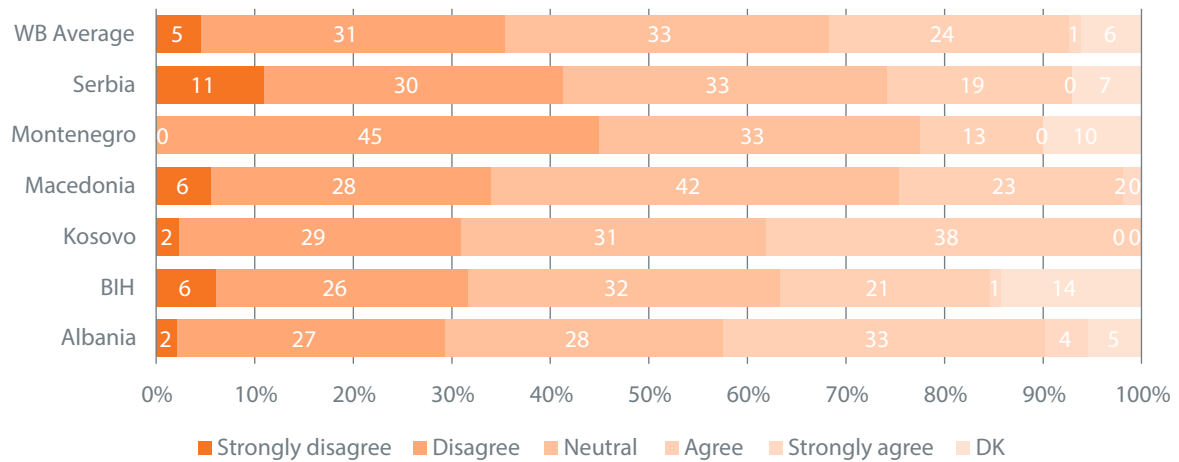
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
WB Average	5	31	33	24	1	6
Serbia	11	30	33	19	0	7
Montenegro	0	45	33	13	0	10
Macedonia	6	28	42	23		20
Kosovo	2	29	31	38	0	0
BIH	6	26	32	21	1	14
Albania	2	27	28	33	4	5

■ Strongly disagree ■ Disagree ■ Neutral ■ Agree ■ Strongly agree ■ DK

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=480 and refers to the WB total, rather than individual countries.*

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[55] Explanatory materials include documents such as administrative guidance, documents, directives, interpretation bulletins or other rules that have practical impact, but do not have the force of law.

Chart 22. Indicator values for PDC_P12_I1 "Perception of availability and accessibility of legislation and related explanatory materials by the civil society"
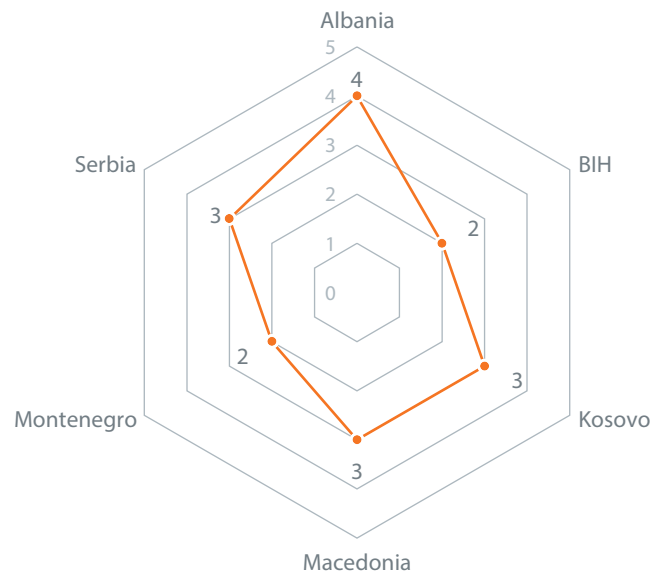
III.5 Summary of findings for policy development and coordination

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.

IV.
Public service
and human resource
management

IV.1 Significance of public service and human resource management in the administration

People are the face of public administration. Those who perform the key tasks in policy design, service delivery, especially those who interact directly with citizens, greatly affect how the public perceives the government on the whole. The employees who perform those tasks in an administration are defined as civil or public servants. A professional, largely apolitical civil service has become the norm in modern approaches to public governance. The main criteria for the creation of such a civil service include:

- Separation between the public sphere and the private sphere;

- Separation between politics and administration;

- Individual accountability of civil servants;

- Sufficient job protection, level of pay and stability, and clearly defined rights and obligations of public servants

- Recruitment and promotion based on merit.[56]

In line with these criteria, it is clear that employees in the public administration who perform professional tasks, with the aim to protect the public interest (rather than individual private interests), need to be subject to specific rules, different from the general labour regulations that apply to the private sector and commercial public entities. Such rules are enshrined in civil service legislation. These laws normally ensure proper procedures for maintaining a merit-based, apolitical character of the civil service, the individual accountability of civil servants (e.g. in cases of breach of administrative procedure in dealing with the citizens), sufficient security of their job positions (to protect them from politically motivated dismissals) and other elements mentioned above.

In addition to having a sound legal framework which regulates such areas as the rights and duties of civil servants, their position and procedures for recruitment and dismissal, modern administrations also develop strategic human resource management (HRM) approaches. Strategic HRM systems serve to attract and retain high quality staff in the administration, against an understanding that the government sector cannot easily compete with the private sector, primarily in terms of financial incentives. At the same time, retaining high quality and experienced staff in the administration is of utmost importance, particularly in view of the ever-growing complexity of government work and the increasing need to ensure that the staff is properly trained and experienced in the performance of very specific expert tasks (e.g. regulatory impact analysis, public participation methods, project management, EU integration coordination tasks, etc.).

IV.2 State of play in the region[57]

Since the beginning of the democratic transition, all countries in the Western Balkan region have adopted and implemented civil service laws. Early focus on civil service reform was in part a result of the emphasis on this area in SIGMA's and the EU's assistance to the region, based on the

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[56] SIGMA paper no. 27, quoted in Principles of Public Administration, SIGMA/OECD, p.39, https://bit.ly/2Kvm4iO, last accessed on 15 September 2018.

[57] The state of play is to a large extent based on SIGMA assessments and monitoring reports published in 2017 (which are therefore not cited separately), whilst other sources used are cited separately. SIGMA monitoring reports are available at http://www.sigmaweb.org/publications/monitoring-reports.htm, last accessed on 1 September 2018.

experiences gathered during the previous (2004 and 2007) waves of enlargement. In line with this focus, all PAR strategies in the region recognise the area of public service and human resource management (PSHRM) as one of the main reform areas. In Serbia, in 2017 the PAR Council endorsed a distinct policy framework document for PSHRM.

This area seems to be in constant flux and state of reform, as several countries in the region are presently undertaking legislative changes (Kosovo and Serbia) or announcing upcoming legislative reform (Macedonia), whereas Montenegro started the implementation of a new civil service law in July 2018. These changes reflect the need to further improve the legal framework, especially in light of problems and gaps arising from implementation.

The responsibility for the design of the HRM policy for the administration lies with the ministries in charge of public administration in Kosovo, Macedonia, Montenegro and Serbia, while in Albania the responsible body is the Department of Public Administration (DoPA). In BIH, the responsibility for legislative initiative lies with the Ministry of Justice. Implementation of the specific aspects of the HRM policy is also often delegated to specific organisations (offices, agencies) at the centre of government, such as the Administration Agency in Macedonia, the Civil Service Agency in BIH or an HRM office/authority in Montenegro and Serbia. Also, implementation of the professional development (training) portfolio has in Albania, Kosovo and Serbia been entrusted with special training institutions – the Albanian School of Public Administration, the Kosovo Institute of Public Administration and the National Academy for Public Administration in Serbia. The civil service laws of Albania and Kosovo also establish specialised bodies for independent oversight of civil service, whereas in Serbia, the law establishes a High Judicial Council, as a high-level expert body with authority over certain aspects of recruitment and management of the senior civil service.

Good practices: Independent oversight over civil service

Independent oversight over the civil service in **Albania** is ensured by the Commissioner for the Oversight of the Civil Service (COCS), set up by the CSL as an independent public body that reports to the Parliament. During 2017, the Commissioner conducted inspections of 37 institutions and 46 procedures that ended with a warning and recommendations.[58] In **Kosovo**, a similar oversight body exists – the Independent Civil Service Oversight Board (IOB) – but SIGMA states that it lacks sufficient professional capacity, which should be addressed through the upcoming legislative amendments.

• **Scope of civil service**

Most countries adopted frameworks largely in line with the Principles of PA, particularly in terms of scope, although with certain deficiencies. In Montenegro, Serbia and, to an extent, Macedonia, the horizontal scope of civil service is flawed: the core of the civil service system is defined too narrowly, with significant portions of the system regulated by special legislation (e.g. civil servants working in the Ministry of Interior, employees in the Tax Administration, etc.). In Albania, some unjustified exceptions in terms of scope exist in relation to some institutions subordinated to the Prime Minister and line ministries. The Kosovo system has a problem

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[58] Annual report of COCS (February 2018), p. 98, https://bit.ly/2qNmOa3, last accessed on 1 September 2018.

in vertical scope; on the lower end, for some non-administrative support functions, it is unclear if they fall under the civil service scope or not.

The vertical scope of civil service is particularly important at the upper end, where administration meets politics. All of the countries have a legally defined scope of senior civil service; however, there are significant issues with the extent of both the legally prescribed and practically exercised level of professionalism and protection of this top layer of the civil service from unwanted political influence. Whereas the Principles of Public Administration require the senior civil service to be protected from such influence both in the recruitment and termination procedures, the region's administrations face significant challenges in fulfilling these criteria. Macedonia at present has the most politicised system for appointing senior civil servants from the category of the next highest group of civil servants (mid-management),[59] with the ministers free to select and dismiss state secretaries at will. However, while the Macedonian system may be formally politicised in terms of procedures, in BIH, Montenegro, and especially in Serbia, politicisation takes place through abuse of procedures for appointments of acting managers into senior civil service positions. The new civil service law in Montenegro has improved the vertical scope by including heads of state and independent authorities into the civil service scope and regulating their selection procedures in more detail. Albania is the only country where the recent efforts to centralise and fully professionalise recruitments into the senior civil service positions has resulted in a high value of 4 in the relevant indicator in SIGMA's assessment.[60] The WeBER indicator (PSHRM_P4_I1), presented below, analyses this issue in more detail.

• Recruitment

Most countries in the region have predominantly decentralised recruitment procedures, meaning that individual institutions are in charge of initiating and concluding it. Kosovo has the most decentralised process, with no involvement of any central authority in recruitment, whereas Albania is on the other end of the spectrum, with a largely centralised system, which includes pool recruitments. Centralisation has largely been driven by efforts to diminish political influence over the recruitment process, but in some cases (Serbia) amendments over the years have gone in the direction of decentralising the procedure (with the justification of inefficiency and slowness of centralised recruitment). In BIH and Montenegro, the systems still have a prevailing centralised character, with some involvement of line ministries, whereas in Serbia, the central HRM Office of the Government was pushed out of certain aspects of the procedure and currently mainly provides support in the selection procedures for ordinary civil service positions.

Yet, the procedures enshrined in the legislation have not ensured proper merit-based recruitment across the region. In the 2017 SIGMA assessment, only Albania and Macedonia[61] received a score of 4 (on the scale 0-5) for the meritocracy and effectiveness of recruitment of civil servants, these being the highest scores for the region. BIH received the lowest assessment by SIGMA (1), in part due to the fact that all levels are assessed.[62] Furthermore, Montenegro and Serbia scored a mere 2 for this SIGMA indicator, whereas Kosovo is in the middle, with the indicator value of 3.

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[59] SIGMA considers the Macedonian senior civil service as those civil servants belonging to Category A in the law, i.e. state secretaries. Category B, immediately below the state categories, also comprises managerial level civil servants, mid-managers.

[60] The indicator is "Merit-based recruitment and dismissal of senior civil servants" and it measures both the legislative design and implementation of the senior civil servants' recruitments and dismissals.

[61] SIGMA states that the indicator value for Macedonia should be taken with caution because in 2016 – the reference year for their assessment, only four recruitment procedures were implemented on either the central or local level.

[62] Regarding the state-level recruitment and selection procedure, SIGMA states that for non-managerial civil servants, it is "comprehensive and merit-based."

The most common problems quoted by SIGMA include the lack of professionalism of the selection committees (BIH, Kosovo, Montenegro, Serbia), a strong role of the interview as a form of testing (BIH, Macedonia, Serbia), a focus on testing the candidates' knowledge rather than competencies (BIH, Serbia), failure to ensure anonymity in written testing procedures (Kosovo, Montenegro) and a low ratio of effective participation in the recruitment process (Albania). In Montenegro and Serbia, a particularly pronounced challenge for merit-based recruitment is the high level of discretion of the head of the recruiting authority, who can select any candidate from a list of three candidates in Montenegro and Serbia. Poorly regulated and excessively flexible regulations on fixed-term and temporary employment/hiring is also registered as a problem by SIGMA, particularly for BIH, Kosovo and Serbia. This issue is tackled in detail below in the WeBER monitoring findings.

> **Good practices: Positive discrimination in the recruitment procedure**
>
> Recruitment provisions of the **Albanian** Law on Civil Service include clear, non-discriminatory eligibility criteria and positive discrimination clauses in the event of a tie between candidates having received equal points in competitions. The Decision of the Council of Ministers on Admission, Lateral Transfer, Probation Period and Appointment to the Executive Level defines these procedures. Such clauses apply to persons with disabilities or to persons belonging to the less-represented gender in the group for which the competition is organised.

• HRM information systems

For a proper design and implementation of the HRM policy, it is of great importance that the responsible authorities have at their disposal complete and reliable data and information about the existing human resources. In all countries of the region there have been certain efforts to develop human resource management information systems (HRMIS), however with diverse rates of success. In practice, no country has a fully functional HRMIS, with fully reliable data. Kosovo and Macedonia are the best evaluated systems in these terms in the region, but in these cases, too, SIGMA notes that the systems are not complete (although it should be emphasised that the HRMIS system in Macedonia covers a much wider scope of public employees than just the central state administration – a total of 1200 public institutions in total). In all other countries in the region there are deficiencies of the HRMIS systems, mainly in terms of frequency of updates, reliability and practical usability of the information stored in them.

• Remuneration systems

Although all countries of the region already have legislation dealing with the salaries of civil servants in place, several among them are currently in the process of changing these laws. A trend seems to be to move towards more comprehensive systemic legislation on remuneration for the wider public sector. Such laws are already in force in BIH (for all institutions of BIH at the state level), Macedonia (Law on Administrative Officials) and Montenegro (Law on Remuneration of Public Sector Employees). In Kosovo and Serbia, where special laws on salaries of civil servants are still in force, the development of new laws to regulate salaries are in progress. In both cases, the reform is moving in the direction of integrating civil servants' salaries into a wider framework on remuneration for employees in the public sector. WeBER focuses its analysis on the transparency and simplicity of the remuneration systems, which is presented below.

IV.3 WeBER Monitoring focus

WeBER monitoring within the PSHRM area covers five SIGMA Principles and relates exclusively to central administration (centre of Government institutions, ministries, subordinated bodies and special organisations). In other words, monitoring encompasses central government civil service, as defined by the relevant legislation (primarily the Civil Service Law). The selected principles are those that focus on the quality and practical implementation of the civil service legal and policy frameworks, on measures related to merit-based recruitment, use of temporary engagements, transparency of the remuneration system, integrity and anti-corruption in the civil service. The WeBER approach is based on elements which SIGMA does not strongly focus on in its monitoring, but which are significant to the civil society from the perspective of transparency of the civil service system and government openness, or the public availability of data on the implementation of civil service policy.

The following SIGMA principles were selected for monitoring, in line with the WeBER selection criteria:

Principle 2: The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service.

Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit.

Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented.

Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent.

Principle 7: Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place.

Monitoring combined the findings of SIGMA's assessment within specific sub-indicators with WeBER's expert review of legislation, documents and websites, including collection and analysis of government administrative data, reports and other documents searched for online or requested through freedom of information (FOI) requests. To create a more balanced qualitative and quantitative approach, research included the measuring of perceptions of civil servants, CSOs and the wider public by employing perception surveys. Finally, data collection included semi-structured face-to face-interviews and focus groups with relevant stakeholders such as senior civil servants, former senior civil servants and former candidates for jobs in civil service, as well as representatives of governmental institutions in charge of the human resource management policy.

Both the survey of civil servants and the survey of CSOs in the six Western Balkan countries were implemented using an online survey tool.[63] The civil servants' survey was in most administrations disseminated through a single contact point originating from national institutions responsible for the overall civil service system,[64] although there were exceptions where researchers

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[63] Surveys were administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). Details about the survey can be found in the Methodological Appendix.

[64] Details about the survey, including dissemination methods and timeline, information about margins of error and confidence

had difficulties disseminating the survey.[65] The CSO survey was distributed through existing networks and platforms of civil society organisations with large contact databases, but also through centralised points of contact such as governmental offices in charge of cooperation with civil society. To ensure that the CSO survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contributed to is representativeness as much as possible, additional boosting was done where needed. Finally, the public perception survey included computer-assisted personal interviewing of the general public (aged 18 and older) of the Western Balkans region during the period of 15 October - 30 November 2017.[66] In all three surveys, WeBER applied uniform questionnaires throughout the region and disseminated them in local languages, ensuring an even approach in survey implementation.

WeBER uses six indicators to measure the five principles mentioned above. In the first indicator, WeBER monitors the public availability of official data and reports about the civil service and employees in the central state administration. In the second indicator, monitoring includes the extent to which widely applied temporary engagement procedures undermine the merit-based regime. Openness, transparency and fairness of recruitment into the civil service, as a particularly critical aspect of HRM in the public administration due to its public facing character, is examined within the third indicator. The fourth indicator places focus on the prevention of direct and indirect political influence on senior managerial positions in the public service, while the fifth indicator analyses whether information on the civil service remuneration is transparent, clear and publicly available. Finally, in the sixth indicator, WeBER examines the promotion of integrity and prevention of corruption in the civil service.

IV.4 Comparative PAR Monitor findings

> **Principle 2:** The policy and legal frameworks for a professional and coherent public service are established and applied in practice; the institutional set-up enables consistent and effective human resource management practices across the public service

WeBER's approach to the measurement of this principle is concerned with the first part of the formulation of the principle. More specifically, the indicator measures "Public availability of official data and reports about the civil service and employees in central state administration" (PSHRM_P2_I1). This indicator provides an in-depth view into the government reporting practices in the area of public/civil service.

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intervals for all countries can be found in the Methodological Appendix.

[65] In Montenegro, the small sample was a direct result of the refusal of the Ministry of PA to disseminate the questionnaire to the entire state administration from its central e-mail service, although technical conditions for doing so existed and were confirmed as available for use, until the questionnaire was sent to the Ministry. In BIH, there was a problem with access to the SurveyMonkey platform in most institutions at the state level, due to which researchers were forced to replicate the survey on another platform and repeat dissemination, but these technical issues still resulted in a smaller sample size for BIH.

[66] The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling, targeting the general public. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia). Details about sample sizes, margins of error and confidence intervals can be found in the Methodological Appendix.

Table 17. Elements, scores and indicator values for PSHRM_P2_I1 "Public availability of official data and reports about the civil service and employees in central state administration"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. The Government keeps reliable data pertaining to the public service	4	2	0	2	2	0	0
E2. The Government regularly publishes basic official data pertaining to the public service	4	0	2	0	4	2	0
E3. Published official data includes data on employees other than full-time civil servants in the central state administration	4	0	0	0	2	2	0
E4. Published official data on public service is segregated based on gender and ethnic structure	2	0	1	1	1	0	0
E5. Published official data is available in open data format(s)	1	0	0	0	0	0	0
E6. The government comprehensively reports on the public service policy	4	4	0	4	0	2	2
E7. The government regularly reports on the public service policy	2	2	0	2	0	2	1
E8. Reports on the public service include substantiated information concerning the quality and/or outcomes of the public service work	2	1	0	1	0	0	1
E9. Data and information about the public service are actively promoted to the public	2	1	0	0	2	0	0
Total points	**25**	**10**	**3**	**10**	**11**	**8**	**4**
Indicator value	**0-5**	**2**	**0**	**2**	**2**	**1**	**0**

The first element is assessed on the basis of SIGMA's evaluation of the HRM information systems, done within the 2017 assessment.[67] SIGMA reveals that no country in the region has a fully established system for collecting and monitoring data and information about the public service. Whereas SIGMA awards 0 points to BIH, Montenegro and Serbia, stating lack of interoperability of registers, lack of regular updating of data and of reliability of information stored there, the state of play in the remaining countries is assessed somewhat more positively. Macedonia and Kosovo received more points, with the acknowledgement of the efforts invested in developing reliable information systems for civil service, though with the caveat that they are still incomplete and not fully functional.

Looking at whether the government (or the responsible institutions of the government) regularly publishes basic official data on the number of civil servants,[68] three countries emerge as having positive practices (BIH, Macedonia and Montenegro), whereas the remaining three publish no such cumulative numerical data. Macedonia appears to have the most advanced practice of reporting on such (numerical) data in a comprehensive manner, whereas BIH regularly publishes basic data in graphic form on the website of the Civil Service Agency.[69] The Montenegrin Personnel Administration of the Government publishes all requested data as part of the Personnel Plan, albeit not regularly, as the Personnel Plan for 2017 was not published at the time of monitoring.[70] In Albania, Kosovo and Serbia no cumulative numerical data on the civil

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[67] As SIGMA performs a thorough on-site review of the official databases, the latest results provided by SIGMA are taken over for the purposes of this element. More specifically, the values of sub-indicator 7 of the indicator 3.2.1 - Adequacy of the policy, legal framework and institutional set-up for professional human resource management in public service – are taken. SIGMA monitoring reports for EU candidate countries and potential candidates, November 2017, http://www.sigmaweb.org/publications/monitoring-reports.htm, last accessed on 1 September 2018.

[68] The minimum requirement set in the indicator methodology is that the data should be reported per institution or type of institution and per rank/function in the civil service.

[69] For this area (PSHRM) WeBER only focuses on the state level administration in BIH.

[70] November 2017.

service is published. Out of the countries that do publish this basic data, only Macedonia and Montenegro also include information about staff other than permanent civil servants (i.e. fixed term staff or general employees). No country publishes data on temporarily engaged individuals or experts. Some segregation based on sex or nationality is visible in the published data, but not in a detailed manner (i.e. not for all statistical categories). Yet, nowhere has such data been published in open data formats.

Looking at reporting practices on the civil service policy, such as planning and recruitment, promotions, appraisals, disciplinary procedures and integrity,[71] the situation appears quite different. Countries which on the one hand fail to publish numerical information, on the other hand tend to report on various aspects of civil service policy. This is especially true of Albania and Kosovo, where the requirement for such reporting is stipulated by the civil service laws. In Montenegro and Serbia, the reporting practices on civil service policy are more fragmented (conducted through individual reports) and less comprehensive (covering fewer elements of the policy), whereas in BIH and Macedonia the relevant authorities fail to provide a minimum of public service policy related reports to the public. Looking at whether the relevant reports include more than just basic activity information, i.e. if they reflect on the outcomes and quality of work of the civil service, such information was identified in the Albanian, Kosovo and Serbian reports, though nowhere in a comprehensive and evidence-based manner.

Good practices: Reporting to the public on civil service policy

The Civil Service Law in **Albania** requires the Council of Ministers to report annually to the Parliament on the policies in public service and their implementation. DoPA produces annual reports, which are available online. The Annual Report for 2016 included sections on: 1. planning and recruitments (including information on the annual plan as per basic ranks of the civil service, recruitment process and the number of competitions per rank, number of applications received, etc.); 2. career development (particularly mobility in the public service); 3. training; 4.disciplinary procedures and decisions (including types of disciplinary measures) and 5. integrity issues and measures.

Similarly, in **Kosovo**, the Ministry of Public Administration regularly submits reports to the Parliament on civil service policy, covering 1. planning and recruitments, 2. appraisals, 3. career development (promotions and demotions), 4. training (professional development programmes) and 6. disciplinary procedures and decisions. It should be noted, however, that the MAP only publishes these reports online once they are approved by the parliament, which causes significant delays in their actual online publication, despite the fact that they are produced and submitted in a timely manner.

In terms of whether the government engaged in any dissemination or promotion of the data and reports on the civil service, the countries do not show much effort. Only in Macedonia was a more comprehensive approach identified, as the report was promoted both through a press release and the social media networks. In Albania, social media was used, whereas in the other countries no promotional efforts were identified. Lack of promotion efforts suggests that

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[71] The key elements of civil service policy that WeBER looks for, whether in one comprehensive or several separate reports, are: 1. planning and recruitments, 2. appraisals, 3. career development (promotions and demotions), 4. trainings (professional development programmes), 5. salaries/wages, 6. disciplinary procedures and decisions and 7. corruption/integrity issues and measures.

governments either do not understand the need to enforce accountability to the public for the size and performance of the public service or they fear public reactions over oversized or inefficient administration.

Chart 23. Indicator values for PSHRM_P2_I1 "Public availability of official data and reports about the civil service and employees in central state administration"

The second WeBER indicator, which targets Principle 2 on the policy and legal framework, analyses the "Performance of tasks characteristic for civil service outside of the civil service merit-based regime" (indicator PSHRM_P2_I2).

Table 18. Elements, scores and indicator values for PSHRM_P2_I2 "Performance of tasks characteristic for civil service outside of the civil service merit-based regime"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. The number of temporary engagements for performance of tasks characteristic of civil service in the central state administration is limited by law	4	0	0	0	0	0	4
E2. There are specific criteria determined for the selection of individuals for temporary engagements in the state administration	4	4	0	0	0	0	0
E3. The hiring procedure for individuals engaged on temporary contracts is open and transparent	4	2	0	4	4	0	0
E4. Duration of temporary engagement contracts is limited	4	0	2	4	2	0	0
E5. Civil servants perceive that temporary engagements in the administration are an exception	2	1	0	0	0	1	0
E6. Civil servants perceive that performance of tasks characteristic of civil service by individuals hired on a temporary basis is an exception	2	1	0	0	0	1	0
E7. Civil servants perceive that appointments on a temporary basis in the administration are merit-based	2	1	0	0	0	1	1
E8. Civil servants perceive that the formal rules for appointments on a temporary basis are applied in practice	2	1	1	1	0	1	1
E9. Civil servants perceive that individuals hired on a temporary basis go on to become civil servants after their contracts end	2	1	1	0	0	0	0
E10. Civil servants perceive that contracts for temporary engagements are extended to more than one year	2	1	1	0	0	1	0
Total points	**28**	**12**	**5**	**9**	**6**	**5**	**6**
Indicator value	**0-5**	**2**	**1**	**1**	**1**	**1**	**1**

The approaches which the countries take to temporary engagements in the administration, particularly for the performance of expert type of work characteristic of civil service, are quite diverse. While BIH, Montenegro and Serbia mainly use the labour law framework for such engagements, in Macedonia there is a special regime through temporary employment agencies (based on a special law). In Kosovo, the civil service law provides for the possibility to temporarily hire people through "Special Service Agreements", while in Albania there is a two-track regime which includes "temporary employment contracts" and "external consultants". In Albania and Serbia, for specific types of contracts of a temporary nature, the procedure is regulated by the public procurement laws (service contracts in Serbia and consultancy contracts in Albania).

In most countries there is no statutory limit on the number or percentage of temporary engagements. Serbia is an exception in this regard, considering that in 2015 a law regulating the maximum numbers of employees, including temporary engagements, was adopted as part of the fiscal consolidation process. In Albania and Montenegro there are only soft limits on such engagements, in the former case regulated by the Council of Ministers decision (which gets changed several times a year based on emerging needs) and in the latter case by the government's rightsizing plan. Regulating hard statutory limits on temporary engagements creates a straitjacket for the ministries with regards to human and financial resources management, which evidently reduces the incentive for the governments to pass such limiting legislation.

Other limitations and rules in relation to temporary engagements are also largely lacking across the region, with some exceptions. Firstly, the criteria for temporary employees hired for work characteristic of civil service are usually not prescribed, with the exceptions of Albania and, in part, Macedonia. In the former case, the criteria for temporary employees are the same as for permanent civil servants, whereas in the latter, the criteria are stipulated in the vacancy announcements which are obligatory for these types of engagements. In Albania, Kosovo and Macedonia there are open and transparent procedures for temporary hiring, whereas in BIH, Montenegro and Serbia such hiring processes are rather discretionary and closed. Furthermore, in a majority of cases temporary engagements are not effectively limited in terms of maximum duration. The only country with a fully clear limitation on the length of such hiring is Kosovo, where the law on civil servants prescribes a maximum duration of one year for the special service contracts. In BIH and Macedonia there is partial limitation, with a duration of more than one year and in some cases with largely diverging timeframes for different types of contracts. In Albania, Montenegro and Serbia for some types of temporary contracts' the duration is not effectively limited and leaves space for abuse of flexibility (particularly for service contracts in Serbia and consultancy services in Albania). The prevailing lack of clear and transparent criteria and limitations on temporary engagements in the central administrations shows that the gaps in the formally prescribed merit-based administrations are wider than suggested by civil service legislation alone, as non-transparent hiring of temporary staff further distorts the systems.

Turning to the civil servants' perceptions studied through an online survey, findings show that civil servants view temporary hiring as a common and poorly regulated practice, which leads to certain distortions in the civil service system. Firstly, in all countries except for Albania and Montenegro,[72] around a half of respondents disagree that temporary hiring is an exception in their institution(s), the perception in Kosovo being the most negative, with almost 58% disagreeing. Moreover, across the region, around 50% of the civil servants who participated in the

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[72] The data for Montenegro, however, should be taken with caution, as it represents a small sample. The small sample was a direct result of the refusal of the Ministry of PA to disseminate the questionnaire to the entire state administration from its central email service, although technical conditions for doing so existed and were confirmed as available for use, until the questionnaire was sent to the Ministry.

survey think that it sometimes, often or always happens that individuals hired on a temporary basis perform tasks which should normally be performed by civil servants. Only in Albania is there a prevalent perception among respondents that this is a practice that rarely or never happens (45%).

Chart 24. Civil servants' perceptions on statement "Individuals who are hired on a temporary basis perform tasks which should normally be performed by civil servants" (frequency scale, %)
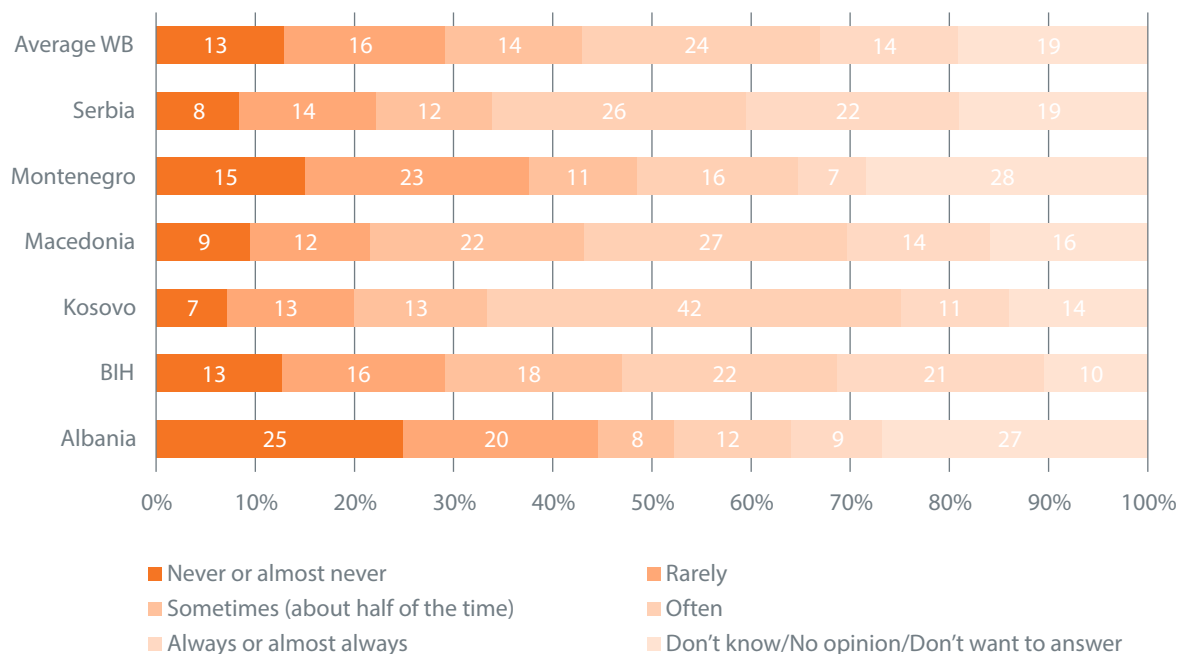
	Never or almost never	Rarely	Sometimes (about half of the time)	Often	Always or almost always	Don't know/No opinion/Don't want to answer
Average WB	13	16	14	24	14	19
Serbia	8	14	12	26	22	19
Montenegro	15	23	11	16	7	28
Macedonia	9	12	22	27	14	16
Kosovo	7	13	13	42	11	14
BIH	13	16	18	22	21	10
Albania	25	20	8	12	9	27

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=2997 and refers to the WB total, rather than individual countries.

When asked how often people hired on a temporary basis are selected based on qualifications and skills, civil servants' views are quite split. Over a third on average for the region believe that this is rarely or never the case (36%), whereas a bit under a third state that this is often or always the case (30%). The most negative views are held by civil servants in Kosovo (58% say never or rarely) and Macedonia (48%), while the most positive views are held by the Montenegrin civil servants (47% responded with often and always), where a third opted not to provide a view on this question (32%).

On average, more civil servants consider that formal rules for temporary hiring are rarely applied in practice than that such rules are often or always applied. Nevertheless, this question marks an average of almost a third of respondents who did not provide their view and chose the "don't know" option (30%), with these percentages going up to 40% in Albania and Montenegro. It is possible that respondents found this question difficult to respond to, given that they are not aware of such formal rules or due to the fact that no such rules exist.

Over a third of civil servants on average in the region (36%) feel that temporary contracts are often or always extended to over one year, with another 11% estimating that this happens sometimes (about half of the time). Kosovar and Serbian civil servants perceive this as the most prevailing practice, with 58% and 54% respectively of the opinion that this happens often or always. Albanian civil servants see this practice as the least present in their institutions, with 44% claiming that this never or rarely occurs. Montenegro once again marks the highest percentage of respondents who opted not to provide their opinion: 43%.

Almost every third respondent across the region thinks that individuals hired on a temporary basis always or often go on to become civil servants after their temporary engagements (32%), whereas a quarter thinks this rarely or never happens. In Albania the perception of the frequency of such a practice is the lowest, as over a third of respondents (34%) think it happens rarely or never, while only 19% see it as a regular practice. At the same time, almost 37% did not provide an opinion. The highest perception of frequency of this practice is in Kosovo, with 41% who think that temporary employees often or always go on to become civil servants after their contracts expire. The high proportions of respondents who perceive these distortions and intrusions of temporary hiring into the civil service system suggest that such practices are rather common and widely visible in the administration, revealing a need for a better regulated and more transparent system.

Chart 25. Indicator values for PSHRM_P2_I2 "Performance of tasks characteristic for civil service outside of the civil service merit-based regime"
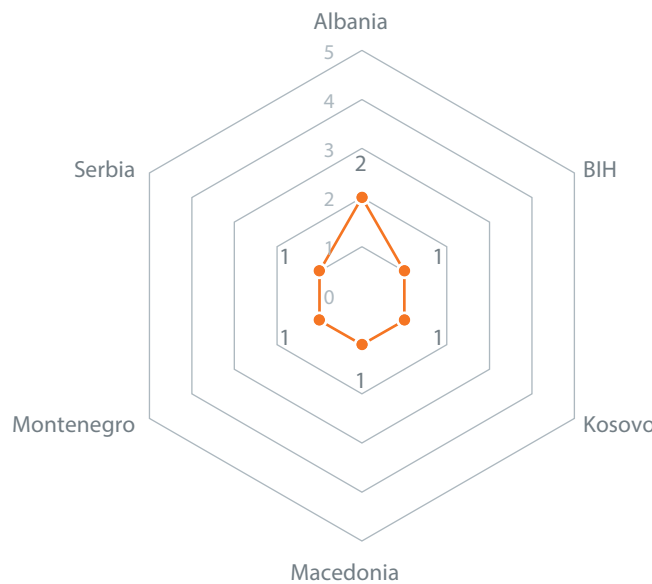
Principle 3: The recruitment of public servants is based on merit and equal treatment in all its phases; the criteria for demotion and termination of public servants are explicit

Regarding the recruitment of civil servants, WeBER uses the indicator "Openness, transparency and fairness of recruitment into the civil service" (PSHRM_P3_I1). Therefore, the focus is on the external recruitment (i.e. public competitions for the vacancies), rather than on the internal mobility procedures, which are often based on internal competitive procedures.

Table 19. Elements, scores and indicator values for PSHRM_P3_I1 "Openness, transparency and fairness of recruitment into the civil service"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Information about public competitions is made broadly publicly available	4	2	4	2	4	2	4
E2. Public competition announcements are written in a simple, clear and understandable language	4	4	4	2	2	0	0
E3. During the public competition procedure, interested candidates can request and obtain clarifications, which are made publicly available	4	0	0	2	0	2	2
E4. There are no unreasonable barriers for external candidates which make public competitions more easily accessible to internal candidates	2	2	0	2	0	0	0

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E5. The application procedure imposes minimum administrative and paperwork burden on candidates	4	0	0	0	0	0	0
E6. Candidates are allowed and invited to supplement missing documentation within a reasonable timeframe	4	0	0	0	0	0	0
E7. Decisions and reasoning of the selection panels are made publicly available, with due respect to the protection of personal information	4	4	2	2	2	0	0
E8. Information about annulled announcements is made publicly available, with reasoning provided	4	0	4	2	0	0	0
E9. Civil servants perceive the recruitments into the civil service as based on merit	2	1	0	0	0	1	0
E10. Civil servants perceive the recruitment procedure to ensure equal opportunity	2	2	0	1	0	2	1
E11. The public perceives the recruitments done through the public competition process as based on merit	2	1	0	0	0	1	0
Total points	**36**	**16**	**14**	**13**	**8**	**8**	**7**
Indicator value	**0-5**	**2**	**2**	**2**	**1**	**1**	**1**

All countries in the region announce vacancies in the civil service publicly and such announcements are made nation-wide. Yet, although announcements can reach a wide circle of citizens, the recruitment procedures are only in exceptional cases made easy, simple and predictable for external candidates who are not skilled in administrative jargon.

First, in a majority of the countries of the region these public announcements are disseminated using at least one nation-wide channel (Albania, Kosovo, Montenegro) or three or more channels (BIH, Macedonia, Serbia). Macedonia stands out in these terms, as in addition to the website of the Agency for Administration, the announcements are published in at least three daily newspapers. The institutions tend to use more traditional approaches in disseminating their vacancy announcements (websites, portals and newspapers), whereas despite being present on social media, they do not use it as a means of advertising recruitment competitions.

Analysis of the extent to which the texts of vacancy announcements are made "user-friendly" by ensuring clarity of language and simplifying or de-bureaucratising the language reveals that such efforts are at best sporadic. In Albania and BIH the texts are made both clear and simple, whereas in Kosovo and Macedonia, the standard of clarity is met, but the requirement of simplicity is not. In Montenegro and Serbia, however, the texts of vacancy announcements are assessed as insufficiently clear and too bureaucratic. It should also be noted that BIH and Macedonia are the only two countries in the region where the information about net salary is included in each vacancy announcement. Moreover, the responsible authorities in BIH and Albania have developed video tutorials and other materials to help candidates apply for jobs.

Good practices: User-friendly approaches in recruitment

The Department of Public Administration in **Albania** and the Civil Service Agency of **BIH** have introduced user friendly approaches that assist the applicants to successfully apply for jobs in public administration. The Albanian DoPA has produced several user-friendly video tutorials explaining the application and selection procedure in detail in a simple manner. The Bosnian CSA created a free e-learning course for interested candidates, helping them to successfully navigate through the application and selection procedure. Moreover, the CSA designed a special section "Stop errors in applications" where it provides ample information to help eliminate possible administrative mistakes and confusion as to what is necessary for every applicant to successfully complete the application process. Moreover, each job announcement contains a section on which documents not to submit because they cannot be used as proper evidence.

Furthermore, only in Kosovo, Montenegro and Serbia are candidates provided with a clear contact point for each vacancy announcement, where additional information can be obtained. In BIH only a general contact at the website of the CSA is provided and although it is a specific contact for recruitments, candidates are required to navigate through the Agency's webpage to find the contact. Nowhere in the region has a practice been established to collect and provide clarifications for individual public competition procedures, which would be available to all interested candidates, thus ensuring that all candidates are treated equally and provided the same information.

In most countries, there are some requirements which pose unreasonable barriers for external candidates and place internal candidates into advantageous position, even in a public competition for a job. Most frequently, this is the requirement to pass a state exam before one can apply for a job, or as part of the application procedure (BIH and Macedonia for all positions and Serbia for senior civil servants), often within short timeframes or even at the applicant's expense (Serbia). Another potentially discriminatory requirement is submission of a health certificate at the beginning of the procedure (Albania, Macedonia, Montenegro). Yet, in Albania, health certificates are required from both internal and external candidates and, although they may potentially discriminate against vulnerable categories of candidates, they cannot be considered as a specific burden on external candidates. In Kosovo, no discriminatory requirements were identified in the sample of vacancy announcements.

Practices to avoid: Good health as a precondition for employment in the civil service

The recruitment procedure in **Albania**, **Macedonia** and **Montenegro** requires that candidates be "in good health" and submit a medical certificate attesting to this. As neither the primary nor secondary legislation explicitly describes the concept or proof of general good health, this requirement could result in unfair discrimination. Moreover, candidates are required to submit a health certificate from a doctor already in the first phase of the recruitment procedure, which creates an unreasonable additional burden on external candidates for employment in the administration.

As a result of how burdensome the application procedure is in terms of the documents which need to be submitted, none of the countries satisfies the requirements to receive points under this WeBER indicator. Already in the first application stage applicants are, in all countries, required to submit over five different types of documents. It is currently not possible in any country in the region to provide only an application form or CV with appropriate information and statements in the first phase and submit proofs at a later stage (for example, once candidates are shortlisted for the subsequent application phases). Yet, in the current circumstances, the procedures in Kosovo and Serbia appear as the least demanding ones. In Kosovo, the list of documents to be submitted is the shortest (an application form plus up to five documents). In Serbia, although the list of required documents is longer, the authorities have started to use the ex officio exchange of data and information from public records to obtain three types of documents for the candidates, provided that they sign an authorisation statement. This effectively reduces the total number of submitted documents to six. The most demanding procedures seem to be those in Macedonia and Montenegro, where a long list of documents needs to be submitted up-front. No country in the region allows the candidates to supplement missing documentation in the application procedure, but rather clearly stipulates that incomplete applications will be automatically rejected/dismissed.

Good practices: Obtaining documents from public records for candidates

Since the start of the implementation of the new Law on General Administrative Procedure in **Serbia**, candidates for civil service jobs can sign a statement authorising the state administration authorities to obtain their birth certificate, citizenship certificate and proof of passed state exam directly from the public records. This possibility reduces both the administrative burden and the cost of applying for a job in the administration. The Human Resource Management Office stated in the interview that even in cases where candidates do not submit the statement, they provide these documents for the candidates, in the effort to lift the administrative burden.

There are highly diverging practices with regards to the transparency of the decisions of the selection committees in the recruitment procedures, on the whole Albania being the most transparent, and Montenegro and Serbia the least transparent in this regard. Whereas in Albania a list with names of the qualified candidates of the verification phase and the winning list with the respective ranking at the end of the competition are published on the DoPA website and the portal of the National Employment Service, in BIH only the name of the selected candidate ("appointed civil servant" – a term used for all civil service positions) is published on the website of the Official Gazette of BIH. Furthermore, in Kosovo the information about the selected candidate is published on the website of the recruiting institution, though the practices are not uniform across the sample, as some institutions whose recruitment procedures were analysed publish additional information such as ranking lists, results from written tests and interviews. The practice in Macedonia is to publish the ranking lists, but not to provide the reasoning of the selection committees; the ranking lists are provided with the code names for candidates, thus protecting personal data. Montenegro and Serbia have the poorest practice in the region, as no information about the decisions in the recruitment process is published online.

Transparency also suffers in the major part of the region in cases of annulment or cancellation of recruitment procedures, as in most cases such decisions are not publicly announced (Albania, Montenegro, Serbia). The remaining three countries do publish information on annulments,

albeit with a varying level of detail and quality. In Macedonia, annulment decisions are published, but without any reasoning, in Kosovo reasoning is occasionally included, while in BIH justification is a regular part of the published decisions (although not necessarily of high quality).

As for the civil servants' perceptions about the relevance of merit in the recruitment processes, with the exception for Albania and Montenegro, they are predominantly negative. In BIH, Kosovo and Macedonia over 50% of respondents disagree with the statement that in their institution civil servants are recruited on the basis of qualifications and skills. In Serbia, the positive and the negative sides are almost the same – around 35%. When the question is inversed, i.e. when asked if it is necessary to have personal and political connections to get a civil service job in their institution, almost half of respondents on average for the region (46%) agree that this is the case. This perception of the necessity of connections is the highest in Kosovo (65%) and BIH (61%) and it is the lowest in Montenegro (20%).[73] Albania is another country where more respondents disagree (44%) than agree (29%) that it is necessary to have connections to get a civil service job.

Chart 26. Civil servants' perceptions on the statement "To get a civil service job in my institution, one needs to have connections" (%)
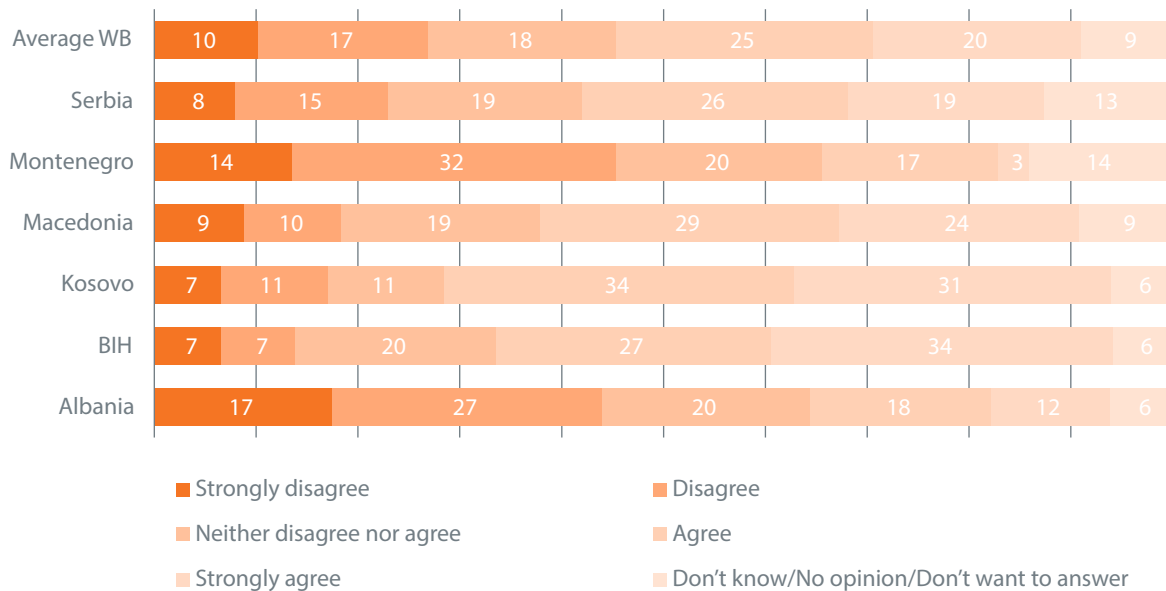
Strongly disagree   **Disagree**
Neither disagree nor agree   **Agree**
Strongly agree   **Don't know/No opinion/Don't want to answer**

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=3359 and refers to the WB total, rather than individual countries.

The general public is even more negative on the issue of the merit-based character of recruitment in the administration than are the civil servants. The most positive perception is found in Albania (35% who agree or strongly agree), whereas in BIH citizens are the most negative on this issue, with only 11% agreeing to some extent that the public servants are recruited through public competitions based on merit in their country. The proportion of total disagreement goes as high as 79% in Macedonia, closely followed by BIH (75%) and Serbia (73%).

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[73] However, the results for Montenegro will require further investigation, as the number of survey respondents was low in Montenegro due to questionnaire dissemination obstacles (see footnote no. 72 in section IV.3).

Chart 27. Public perceptions on the statement "Public servants are recruited through public competitions based on merit (i.e. best candidates are enabled to get the jobs)" (%)

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know
WB	36	29	19	3	12
Serbia	42	31	15	2	10
Montenegro	30	26	28	4	11
Macedonia	54	25	12	2	7
Kosovo	31	28	20	5	16
BIH	34	41	8	3	15
Albania	26	25	31	4	14

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=6172 and refers to the WB total, rather than individual countries.

Asked if the recruitment procedure in their institution ensures equal treatment of all candidates (regardless of gender, ethnicity or another personal trait which could be the basis for unfair discrimination), two groups of countries emerge. On the one side, in the countries with one main ethnicity, where there are no requirements for employment based on ethnic lines (Albania, Montenegro and Serbia), the prevailing view is that the procedures are equitable. The countries with multi-ethnic composition and constitutional requirements related to ethnic representation in the civil service (BIH, Kosovo and Macedonia), on the other hand, have markedly more negative results on this question, with 50% or more respondents disagreeing to some extent that candidates are treated equally.

Chart 28. Civil servants' perceptions on the statement "In the recruitment procedure for civil servants in my institution all candidates are treated equally" (%)

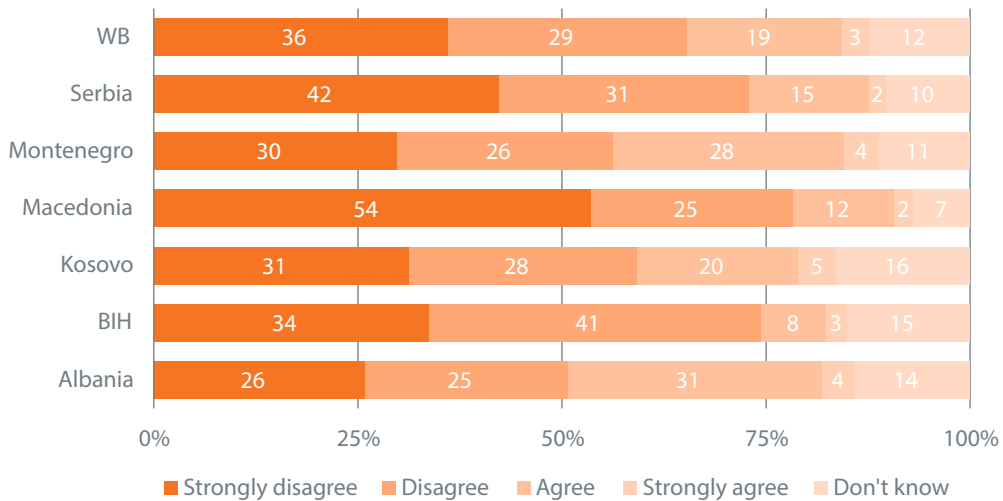|	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree	Don't know/No opinion
Average WB	15	20	13	29	17	6
Serbia	11	16	12	31	22	9
Montenegro	3	10	8	41	28	9
Albania	5	8	15	39	29	4
Macedonia	22	31	13	21	7	5
Kosovo	25	25	12	26	7	6
BIH	24	28	19	18	8	3

Note: All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=3359 and refers to the WB total, rather than individual countries.

70
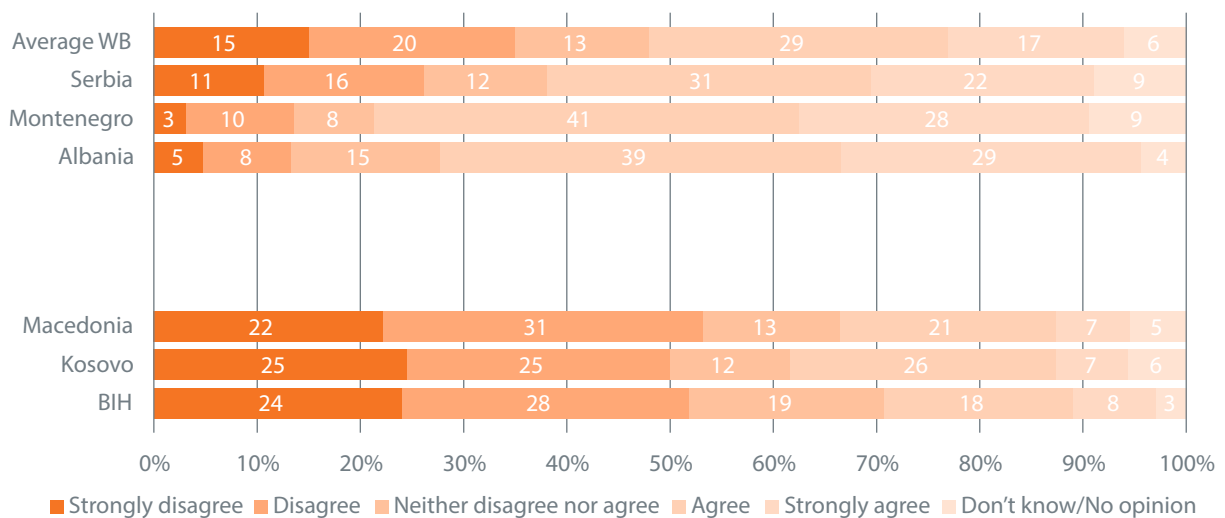
Chart 29. Indicator values for PSHRM_P3_I1 "Openness, transparency and fairness of recruitment into the civil service"
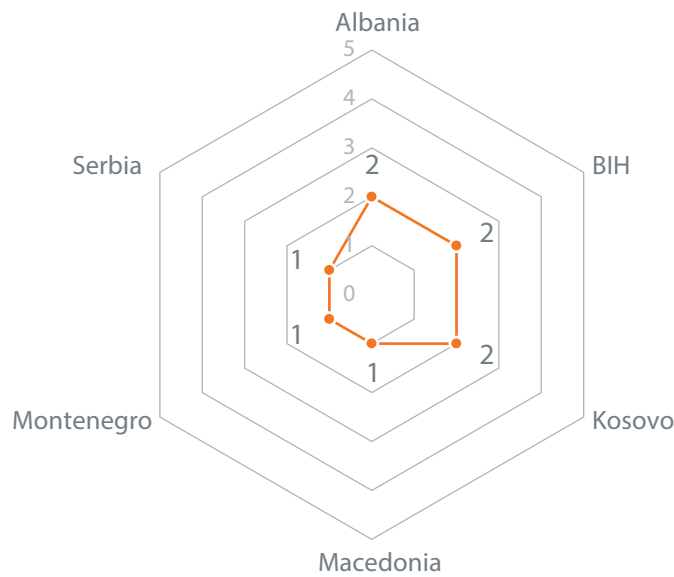
Principle 4: Direct or indirect political influence on senior managerial positions in the public service is prevented

WeBER seeks to provide a highly comprehensive measurement of the "Effectiveness of protection of senior civil servants' position from unwanted political interference" – indicator PSHRM_P4_I1. It does so by combining results from SIGMA assessment, analysis of legislation, information and data acquired from the relevant institutions, and complements this with survey data (both civil servants and CSO surveys data).

Table 20. Elements, scores and indicator values for PSHRM_P4_I1 "effectiveness of protection of senior civil servants' position from unwanted political interference"

| Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. The Law prescribes competitive, merit-based procedures for the selection of senior managers in the civil service	2	2	1	1	0	1	2
E2. The law prescribes objective criteria for the termination of employment of senior civil servants	2	2	2	0	0	2	0
E3. The merit-based recruitment of senior civil servants is efficiently applied in practice	4	4	0	0	0	0	0
E4. Acting senior managers can by law, and are, only appointed from within the civil service ranks for a maximum period limited by the Law	4	4	0	2	4	0	0
E5. Ratio of eligible candidates per senior-level vacancy	4	0	0	0	0	0	4
E6. Civil servants consider that the procedures for appointing senior civil servants ensure that the best candidates get the jobs	2	1	0	0	0	1	0
E7. CSOs perceive that the procedures for appointing senior civil servants ensure the best candidates get the jobs	2	0	0	0	0	0	0
E8. Civil servants perceive that senior civil servants are appointed based on political support	2	1	0	0	0	0	0
E9. Existence of vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation	2	2	2	2	0	0	0

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E10. Civil servants consider that senior civil servants would not implement and can effectively reject illegal orders of political superiors	2	1	0	0	0	1	0
E11. Civil servants consider that senior civil service positions are not subject to political agreements and "divisions of the cake" among the ruling political parties	2	1	0	0	0	1	0
E12. Civil servants perceive that senior civil servants are not dismissed for political motives	2	1	1	0	1	1	0
E13. Civil servants consider the criteria for dismissal of senior public servants to be properly applied in practice	2	0	0	0	0	1	0
E14. CSOs consider senior managerial civil servants to be professionalised in practice	2	0	0	0	0	1	0
E15. Civil servants perceive that senior civil servants do not participate in electoral campaigns of political parties	2	1	0	0	0	0	0
E16. Share of appointments without competitive procedure (including acting positions outside of public service scope) out of the total number of appointments to senior managerial civil service positions	4	4	2	4	0	0	0
Total points	**40**	**24**	**8**	**9**	**5**	**8**	**6**
Indicator value	**0-5**	**3**	**1**	**1**	**0**	**1**	**0**

As for the quality of legislation and practice for recruitment and dismissal of senior civil serv-ants, based on SIGMA's assessment, the most comprehensive legal framework appears to be that of Albania. BIH, Kosovo and Montenegro have a solid legal framework for dismissals, only, but not for recruitment. With regards to the implementation of recruitment procedures, again, Albania emerges as the only country which receives a largely positive evaluation from SIGMA, although the innovative 'Top Management Corps' has not yet been fully established. Neverthe-less, SIGMA recognises the progress in implementing the new, centralised and highly profes-sionalised system for SCS recruitments, quite unorthodox for the WB region.

Chart 30. SIGMA scores for WB countries for two sub-indicators of the indicator 3.4.1 "Merit-based recruitment and dismissal of senior civil servants"
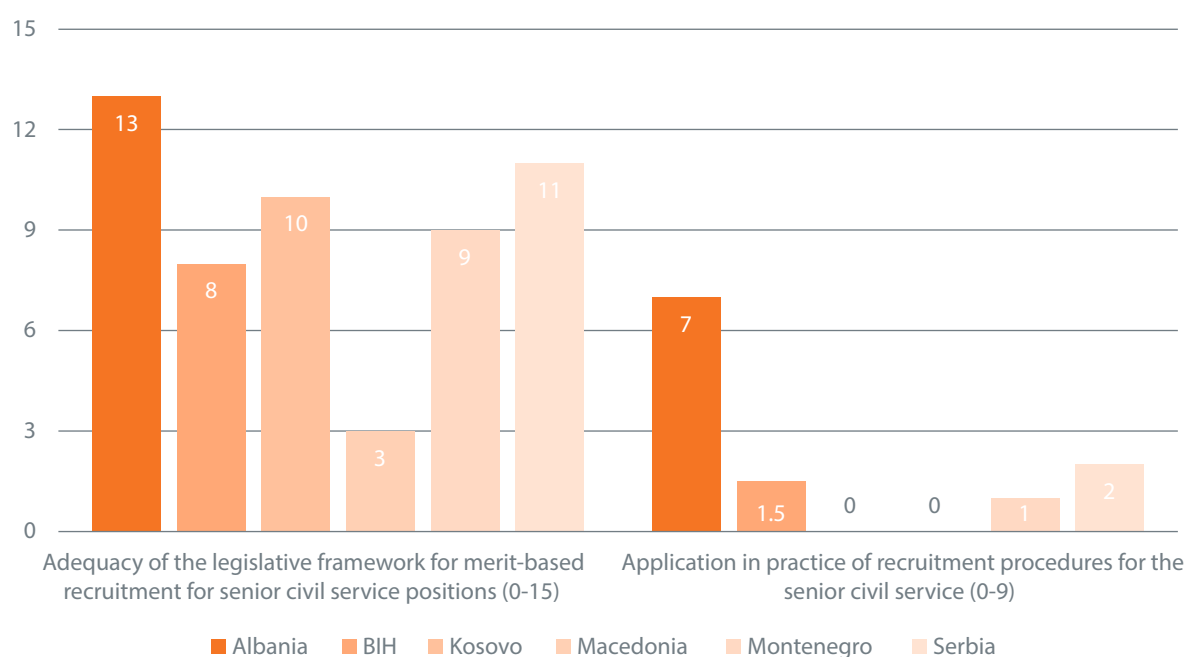
Source: SIGMA monitoring reports, 2017.

One of the major problems in relation to politicisation of the SCS is the appointment of acting managers into vacant positions, which is often misused for political appointments, but is not present in all WB countries. Albania is the only country where no acting appointments are legally possible, whereas Kosovo is the only case where the civil service law strictly regulates that acting managers can only come from within the civil service ranks and defines precisely the rules on the exact lower ranking positions from which such appointments can be made. The new civil service law in Montenegro takes a step in a similar direction; however, much less precisely than in Kosovo: appointments of acting managers are possible from any government institution and in cases in which no suitable candidate can be found, it is also possible to appoint someone from outside of the civil service system. In BIH the Council of Ministers appoints acting managers through very unclear procedures and criteria, whereas in Serbia the numerous appointments of acting managers have become one of the most notorious problems in PAR.

Practices to avoid: Acting managers as a quasi-permanent solution

Since the amendment of the **Serbian** civil service law in 2014, appointments of acting managers into vacant senior civil service positions has become standard practice. Rather than being appointed just until the completion of a recruitment procedure for a civil servant with a standard, legally prescribed five-year mandate, politically preferred candidates (but professionals, too) are repeatedly re-appointed as acting managers. WeBER analysis has shown that in the period between 1 June 2017 and 31 May 2018, 94% of the total number of government's appointment decisions to SCS positions were acting appointments (657 out of 696). In numerous cases, the same names and positions reappear several times within this period, showing that the same persons can be kept in acting status for a period longer than legally prescribed (six months, with an exceptional extension of another three months).

In addition to the selection and appointment procedures prescribed by the civil service legislation, in some countries of the region there are additional formalised political vetting procedures outside of the scope of civil service law and its bylaws. More specifically, in Macedonia, Montenegro and Serbia, the Government rules of procedure prescribe that government committees/commissions (working bodies comprising ministers or other high-level officials) discuss and propose to the government all appointment decisions, including senior civil servants. This means that once the selection and nomination procedure prescribed by the civil service legislation is completed, another deliberation on the proposed candidates takes place and can effectively result in further political manipulation related to SCS appointments. Considering that in Macedonia the appointments to the "A category" (state secretaries), which is covered by the SCS analysis, is already highly politicised, this additional vetting procedure does not have a perverse effect in reality. However, it could become significant if the formal recruitment procedure were to become more merit-based in the announced legal reform. In BIH, candidates who are selected based on the legally prescribed procedure are automatically appointed by the CSA; therefore, there is no space for external vetting procedures. Nevertheless, expert analysis reveals significant space for political influence in the very selection process (confirmed also by the low score SIGMA awards on the sub-indicator dealing with application of SCS recruitment procedures in practice – see Chart 30 above). In Albania and Kosovo there are no additional vetting processes, although for Kosovo it should be mentioned that political vetting of candidates is made possible through a civil service bylaw which regulates the role of the Council of Senior Management Positions, appointed by the Prime Minister.

Analysis of the share of appointments to senior civil service positions without competitive procedure within a year's period (1 June 2017 – 31 May 2018) reveals huge differences among the countries. Whereas in Albania and Kosovo none of the SCS appointments were made without a prior competitive procedure, in Serbia 94% of the appointments were for acting managers, i.e. without a competitive basis. It should be noted that appointments into acting positions from the ranks of permanent civil servants, in line with legislation (as is the case of Kosovo) are counted as competitive appointments.

Table 21. Appointments to SCS in WB countries in the period 1 June 2017 – 31 May 2018[74]

	ALB	BIH	KOS	MKD	MNE	SRB
Share of uncompetitive appointments	0%	23%	0%	100%	49%	94%
Total number of appointments to SCS	17	39	13	N/A	112	696

A prevailing perception of civil servants with regards to the merit character of appointments to senior civil service positions is negative, with 45% on average at the regional level disagreeing that the best candidates get the jobs. However, behind the regional average, there is a large difference between the perceptions in Albania and Montenegro,[75] where only one in five respondents disagrees, and the group of BIH, Kosovo and Macedonia, where over 60% disagree with the statement that procedures for appointing senior civil servants ensure that the best candidates get the jobs in their institution. In BIH, only 9% of respondents agree with this statement, which stands in marked opposition to 48% who agree in Albania.

Asked if senior civil servants in their institution would implement illegal actions if political superiors asked them to do so, civil servants in Kosovo show the highest percentage of agreement, with half of the respondents agreeing. On the other extreme, in Montenegro, only 7% agree, while in Albania this is the case with 15% respondents. At the same time, the percentage of respondents who do not provide an opinion on this question leaps up: one quarter on average for the region, and around a third in Montenegro (32%) and Serbia (35%), indicating the sensitivity of the question.[76]

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[74] Based on the individual country scoring sheets produced in the monitoring exercise. Details are available in the national PAR Monitor reports, http://www.par-monitor.org.

[75] The data for Montenegro should be taken with caution due to the small sample size. For explanation, see footnote no. 72 in section IV.3.

[76] This response option reads: "Don't know/ No opinion/ Don't want to answer", for all questions in the survey of civil servants.

Chart 31. Civil servants' perceptions on the statement "In my institution, senior civil servants would implement illegal actions if political superiors asked them to do so" (%)

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree	Don't know/No opinion/Don't want to answer
Average WB	12	20	16	19	8	25
Serbia	11	18	14	15	8	35
Montenegro	23	29	9	6	1	32
Macedonia	8	13	21	27	10	21
Kosovo	5	17	13	38	12	14
BIH	5	17	22	17	12	27
Albania	23	25	16	9	6	20

- ■ Strongly disagree
- ■ Disagree
- ■ Neither disagree nor agree
- ■ Agree
- ■ Strongly agree
- ■ Don't know/No opinion/Don't want to answer
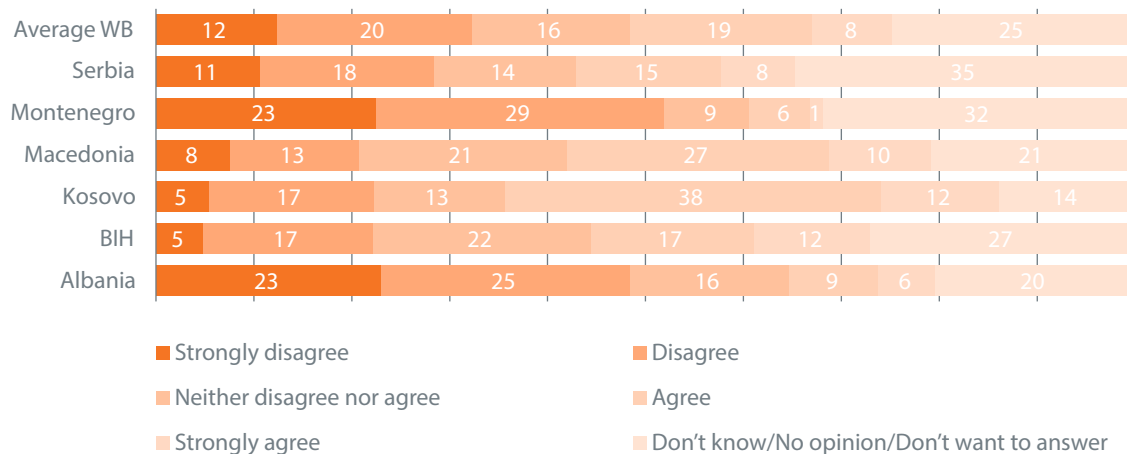
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=2746 and refers to the WB total, rather than individual countries.*

Moreover, when asked if senior civil service positions are subject to political agreements and "divisions of the cake" among the ruling political parties, over half of civil servants who participated in the survey across the region consider that this is the case (51%). In BIH, this percentage goes as high as 75%, with only 3% disagreeing with the statement (and 0% strongly disagreeing). It should be noted that at the same time, the percentage of Bosnian respondents who refused to state their opinion on this question is the lowest in the region (only 10%), whereas for Montenegro it is as high as 31%. The most positive view on this question is held by Albanian civil servants, two thirds of whom consider that political parties do not divide SCS positions between themselves.

Moreover, over half of respondents (56%) in the region consider that senior civil servants are at least in part appointed thanks to political support often or always. When the "sometimes (about half of the time)" option is added to this, two thirds of respondents hold this view. The highest perception of politicisation on this question is held by civil servants in BIH (69% consider this is the case always or often), Kosovo (72%) and Macedonia (73%). The most positive view is again that of Albanian respondents, where there is complete balance between those who state this happens often or always and those who think it never or rarely happens – 33% for both options.

Another sensitive question where around a third of respondents region-wide refused to state their opinion (with 40% refusing in BIH, Montenegro and Serbia), is the question on how frequently senior civil servants participate in electoral campaigns of political parties during elections. There is a significant shift in responses for BIH for this question compared to other questions related to politicisation, not only in terms of the high percentage of respondents who did not want to provide their opinion, but also in terms of support for the statement: 32% state that this happens never or rarely in their institution. At the same time, in Kosovo and Macedonia over half of respondents confirm that senior civil servants participate in electoral campaigns often or always. With the "sometimes" option added, this comes to two-thirds in Macedonia (66%) and almost two thirds (63%) in Kosovo. In Albania, on the other hand, almost a half of respondents thinks that this never or rarely takes place (with 32% not providing their opinion).

Moreover, when asked if senior civil service positions are subject to political agreements and "divisions of the cake" among the ruling political parties, over half of civil servants who participated in the survey across the region consider that this is the case (51%). In BIH, this percentage goes as high as 75%, with only 3% disagreeing with the statement (and 0% strongly disagreeing). It should be noted that at the same time, the percentage of Bosnian respondents who refused to state their opinion on this question is the lowest in the region (only 10%), whereas for Montenegro it is as high as 31%. The most positive view on this question is held by Albanian civil servants, two thirds of whom consider that political parties do not divide SCS positions between themselves.

Moreover, over half of respondents (56%) in the region consider that senior civil servants are at least in part appointed thanks to political support often or always. When the "sometimes (about half of the time)" option is added to this, two thirds of respondents hold this view. The highest perception of politicisation on this question is held by civil servants in BIH (69% consider this is the case always or often), Kosovo (72%) and Macedonia (73%). The most positive view is again that of Albanian respondents, where there is complete balance between those who state this happens often or always and those who think it never or rarely happens – 33% for both options.

Another sensitive question where around a third of respondents region-wide refused to state their opinion (with 40% refusing in BIH, Montenegro and Serbia), is the question on how frequently senior civil servants participate in electoral campaigns of political parties during elections. There is a significant shift in responses for BIH for this question compared to other questions related to politicisation, not only in terms of the high percentage of respondents who did not want to provide their opinion, but also in terms of support for the statement: 32% state that this happens never or rarely in their institution. At the same time, in Kosovo and Macedonia over half of respondents confirm that senior civil servants participate in electoral campaigns often or always. With the "sometimes" option added, this comes to two-thirds in Macedonia (66%) and almost two thirds (63%) in Kosovo. In Albania, on the other hand, almost a half of respondents thinks that this never or rarely takes place (with 32% not providing their opinion).

Chart 32. Civil servants' perceptions on the statement "In my institution, senior civil servants participate in electoral campaigns of political parties during elections" (frequency scale, %)
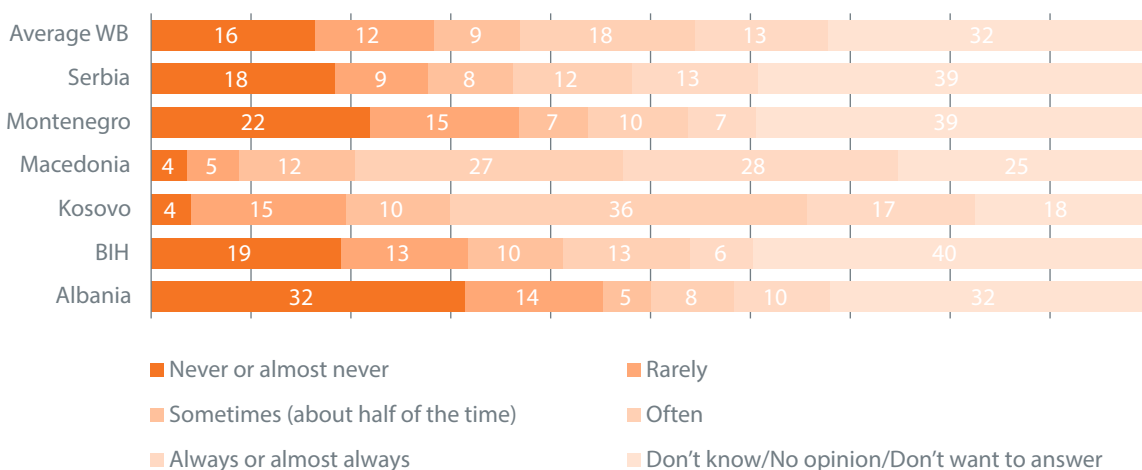
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=2746 and refers to the WB total, rather than individual countries.*

Civil society organisations were also asked their opinion about whether senior managerial civil servants are professional in practice (rather than political favourites). An overwhelming majority of CSOs region-wide think that this is not the case: 73% disagree to some extent with the statement, while a mere 5% agree with it. Although the perceptions of CSOs are more negative than those of civil servants, they roughly follow the same trends, except for Montenegro, where CSOs hold the opposite view from the civil servants that participated in the survey. The Albanian CSOs are the most positive on this statement (35% think SCS are not professionals, the same percentage is neutral on the issue, whereas 23% think they are professional). None of the surveyed CSOs in Kosovo and Montenegro agree that senior civil servants are professionals in practice, while in BIH, Macedonia and Serbia only around 2% hold that view. CSOs express similar views to the question of whether procedures for appointing senior civil servants ensure that the best candidates get the jobs, although Albanian CSOs are tangibly more negative (almost 50% disagree).

Chart 33. Indicator values for PSHRM_P4_I1 "Effectiveness of protection of senior civil servants' position from unwanted political interference"
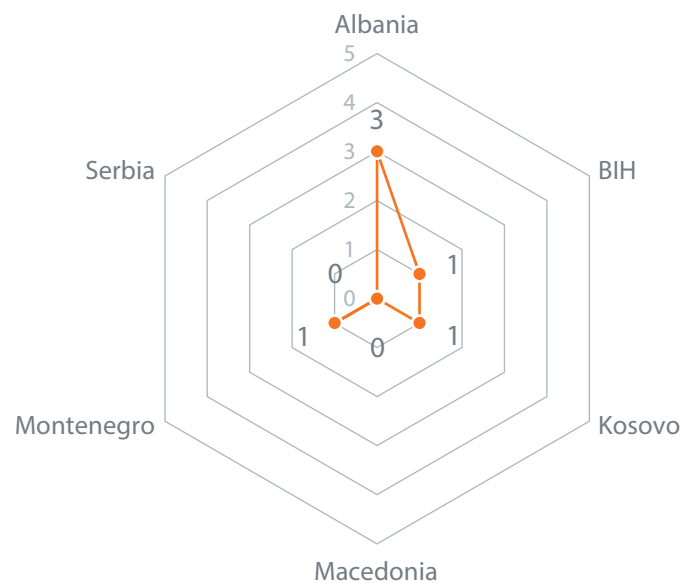
Principle 5: The remuneration system of public servants is based on the job classification; it is fair and transparent

In relation to the remuneration system for civil servants, WeBER monitors the "Transparency, clarity and public availability of information on the civil service remuneration system", indicator PSHRM_P5_I1, comprising six elements.

Table 22. Elements, scores and indicator values for PSHRM_P5_I1 "Transparency, clarity and public availability of information on the civil service remuneration system"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. The civil service remuneration system is simply structured	4	2	4	0	4	2	2
E2. The civil service salary/remuneration system foresees limited and clearly defined options for salary supplements additional to the basic salary	4	2	0	0	2	2	4
E3. Information on civil service remuneration system is available online	6	2	0	0	2	0	2
E4. Citizen friendly explanations or presentations of the remuneration information are available online	2	0	1	0	1	0	0

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E5. Discretionary supplements are limited by legislation and cannot comprise a major part of a civil servant's salary/remuneration	4	4	2	0	4	0	2
E6. Civil servants consider the discretionary supplements to be used for their intended objective of stimulating and awarding performance, rather than for political or personal favouritism	2	2	0	0	0	1	0
Total points	**22**	**12**	**7**	**0**	**13**	**5**	**10**
Indicator value	**0-5**	**3**	**1**	**0**	**3**	**1**	**2**

A simple and clear-cut structure of the remuneration system is one of the first preconditions to achieve transparency in terms of allowing the public to see and understand what the different categories of civil servants earn. WeBER defines simplicity of the structure as meaning that all elements of the salary structure are defined in the legislation, including their concrete values. In most countries, the salaries comprise a base and a multiplier (coefficient), the multiplication of which gives a basic salary. In Macedonia, the system is slightly different: the salary components are expressed in points, and the Law on Administrative Servants provides for how the value of a point is determined.

The remuneration systems in BIH (state level) and Macedonia were assessed as predominantly simply structured, as all the necessary salary components are prescribed clearly in primary legislation (though in Macedonia the value of the point is defined by secondary legislation). Albania, Montenegro and Serbia's systems are partially simply structured, which means that despite the overall simple legal framework, there are deficiencies which decrease transparency. More specifically, in Albania, the majority of the salary elements are set by a Council of Ministers' decision; in Serbia, fragmentation of the system, due to special regimes for parts of the civil service, distort the positive picture created by a very simple and clear-cut Law on Salaries; whereas in Montenegro, very vague exceptions to the general regime provided in the law, in particular relating to "exceptional staff" undermine the simplicity of the remuneration system. The system in Kosovo is still completely decentralised, with each ministry defining its own salaries based on internal regulations, due to failure to implement the law on salaries which is formally in force.

Practices to avoid: Paper tiger law on salaries

In **Kosovo**, the Law on salaries of civil servants which is currently formally in force is not being implemented. As a result, the salaries of civil servants are currently being regulated through 58 legal documents by individual institutions. Most of them are individual decisions or administrative instructions. As a result, the salary system is highly heterogenous and non-transparent. A new law is currently being drafted to fix this situation and introduce a coherent salary system for the administration.

An important part of the remuneration system are the supplements to the basic salary, which are based on various criteria (for example, overtime work, work on a holiday, work in extreme or dangerous conditions). WeBER also looks at whether these supplements are clearly defined and limited in the relevant legislation, including whether there are rules on how the different supplements are combined and which of them are mutually exclusive. The Serbian Law on Salaries is the only one in the region with clearly defined and limited salary supplements, with rules

on how they can be combined, whereas in Albania, Macedonia and Montenegro they are defined and largely limited, with certain deficiencies identified in the analysis. In Albania, these salary elements are regulated by a decision of the Council of Ministers, which does not elaborate their relations and mutual exclusions. The Macedonian law, in addition to failing to regulate the mutual exclusiveness of the supplements, also omits setting an upper limit for the market adjustment supplement. The Montenegrin law also neglects mutual relations between supplements and further leaves certain supplements quite unclear (e.g. the supplement for work in "certain job positions") and makes their further regulation subject to government bylaws.

Performance-related elements of pay can be a stimulating tool for managers, but unless they are very clearly limited and carefully used, they can substantially distort the transparency and predictability of the overall remuneration system for civil servants. WeBER uses SIGMA's assessment to monitor the use of bonuses (or other performance pay tools),[77] but complements it with the perception of civil servants regarding the use of bonuses. Albania and Macedonia score best on this analysis: In Albania, the law excludes the possibility of awarding bonuses or other performance elements of pay, whereas in Macedonia, on the other hand, the bonus options are very clearly delineated and limited (though they have not been used due to budgetary restrictions). In BIH, according to SIGMA, managers have very limited scope for awarding bonuses, though at the state level a limited bonus option is available. The Serbian law on salaries includes no bonus award possibilities, but the salary progression (promotion through salary grades) is based on performance and is clearly limited through the strictly defined coefficients for each salary grade. Kosovo and Montenegro are negatively assessed, as a result of unclear criteria and broad managerial discretion for awarding bonuses/performance elements of pay.

The civil servants' perceptions regarding the use of bonuses in their institutions, however, in some cases differs from the expert assessment of the system for awarding them. Namely, civil servants were asked first how often bonuses or increases in salary grades/steps are used in their institution to stimulate and reward performance and, second, if they agree that political and personal connections help employees to receive bonuses or increases in pay grades. On average at the regional level,[78] 40% of respondents disagree that in their institution managers use bonuses to reward performance, whereas only 18% agree with the statement. The highest disagreement is recorded in BIH (58%), while it is the lowest in Montenegro (16%). On the second question, on average 39% of respondents reply that political and personal connections "often" or "always" help civil servants receive bonuses, whereas only a quarter (26%) say that this happens "never" or "rarely".

Finally, the indicator uses SIGMA's assessment of the public availability of information about the remuneration system.[79] None of the countries was found to publish information on average total salaries. In some cases, other types of information on salaries were identified, such as information

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[77] Scores from SIGMA's indicator 3.5.1, sub-indicator 6: Managerial discretion in the allocation of bonuses are used to calculate this element; SIGMA monitoring reports 2017, https://bit.ly/2FdMuSW, last accessed 1 September 2018. SIGMA's methodology: "Expert review of legislation supplemented with the analysis of one source of quantitative data: Percentage of bonuses with respect to total gross annual salary by professional category… The proportion can be slightly higher in high-level positions and lower in professional positions without managerial responsibility, but it should not go beyond 20% of the total salary, on average, " p. 96, https://bit.ly/2BxiBxv, last accessed on 1 September 2018.

[78] Albania is not included in the regional averages, as this question was skipped in Albania due to inexistence of the bonuses or other performance pay elements.

[79] Scores from SIGMA's indicator 3.5.1 "Fairness and competitiveness of the remuneration system for civil servants", sub-indicator 3 – "Availability of salary information". Source: SIGMA Monitoring Reports 2017. SIGMA's methodology: "Expert review of official government websites to verify if the information on the salary is available for the candidates for the civil service and general public," p. 94.

on salaries in the pubic job announcements (Macedonia, but also at the state level in BIH),[80] and general information on salary levels or scales, which is accessible online in the cases of Albania and Serbia. WeBER then further analyses if there are any citizen-friendly explanations or other information about the remuneration for civil servants, and it identifies that only for BIH and Macedonia, in their public job announcements.

Chart 34. Civil servants' perceptions on the statement "In my institution, bonuses or increases in pay grades are used by managers only to stimulate or reward performance" (%)

- Strongly disagree
- Disagree
- Neither disagree nor agree
- Agree
- Strongly agree
- Don't know/No opinion/Don't want to answer
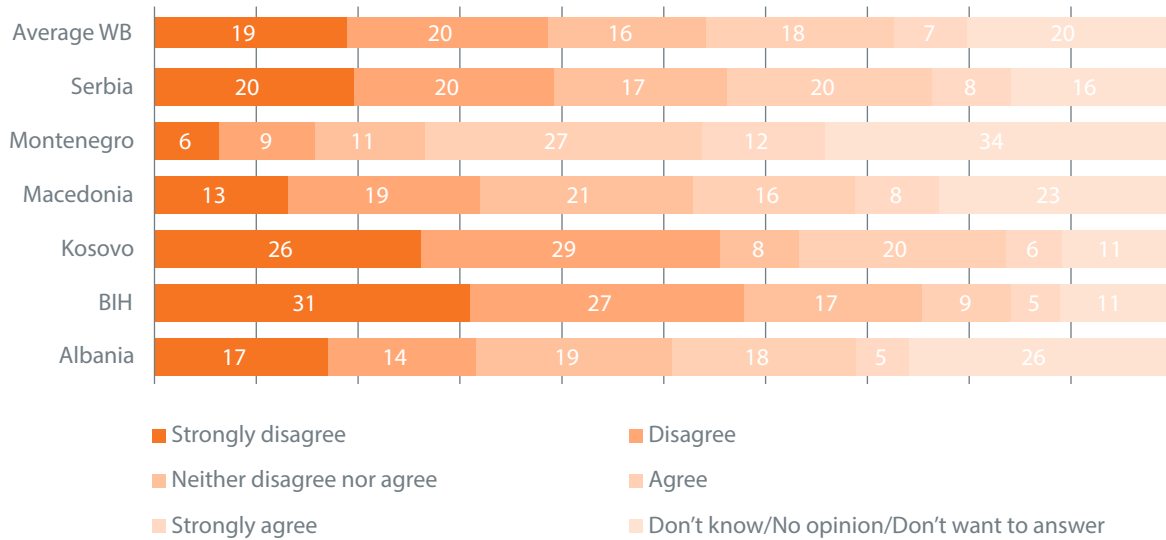
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=2262 and refers to the WB total, rather than individual countries.*

Chart 35. Indicator values for PSHRM_P5_I1 "Transparency, clarity and public availability of information on the civil service remuneration system"

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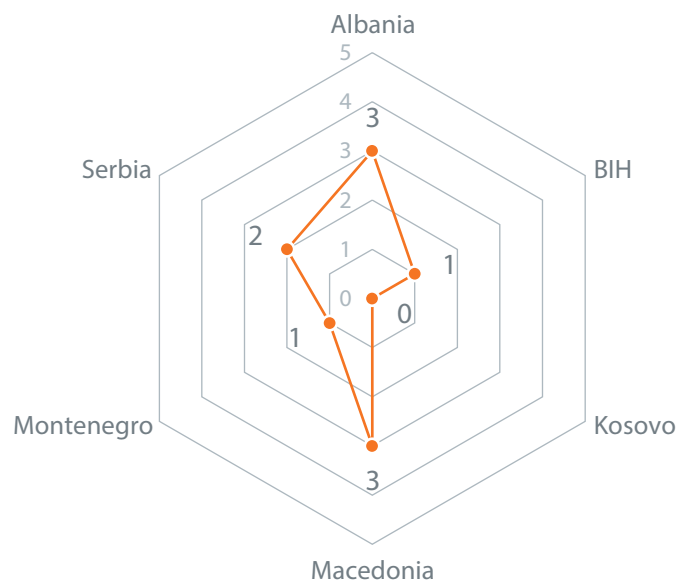
[80] SIGMA analyses both the state and entity levels in BIH, which is why SIGMA scores for BIH are 0. SIGMA Monitoring Report for Bosnia and Herzegovina, November 2017, https://bit.ly/2kOGqqX, last accessed on 2 September 2018.

> **Principle 7:** Measures for promoting integrity, preventing corruption and ensuring discipline in the public service are in place

Whereas WeBER does not focus on disciplinary measures in the civil service, it does measure the "Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service" – indicator PSHRM_P7_I1.

Table 23. Elements, scores and indicator values for PSHRM_P7_I1 "Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Integrity and anti-corruption measures for the civil service are formally established in the central administration.	4	4	0	4	4	2	4
E2. Integrity and anti-corruption measures for the civil service are implemented in the central administration.	4	2	2	2	2	0	2
E3. Civil servants consider the integrity and anti-corruption measures as effective.	2	2	0	0	0	1	1
E4. CSOs consider the integrity and anti-corruption measures as effective.	2	0	0	0	0	0	0
E5. Civil servants consider that the integrity and anti-corruption measures are impartial.	2	1	0	0	0	1	1
E6. CSOs consider that the integrity and anti-corruption measures in state administration are impartial.	2	0	0	0	0	0	0
E7. Civil servants feel they would be protected as whistle blowers.	2	0	0	0	0	0	0
Total points	**18**	**9**	**2**	**6**	**6**	**4**	**8**
Indicator value	**0-5**	**2**	**0**	**1**	**1**	**1**	**2**

The WeBER indicator uses the SIGMA assessment results as the basis for the first two elements,[81] whereas the remaining five elements are measured through the surveys of civil servants and civil society organisations which the project implemented.

Albania, Kosovo, Macedonia and Serbia have integrity systems which are assessed as quite comprehensive in terms of legislation and policy framework. The legal framework is assessed particularly well for all countries (SIGMA awards maximum points), whereas the policy framework has some weaknesses in Kosovo, Macedonia and Serbia. Montenegro is recognised for the completeness of its legal framework as well, whereas the policy and action plan are completely missing. Finally, BIH receives no points from SIGMA, when all levels are analysed; yet at the state level, a strategy with an action plan as well as several important pieces of legislation were adopted, including the Law on Anti-Corruption Agency and the Law on Whistle Blower Protection.

SIGMA assesses the implementation of public sector integrity policy with a low to medium score for all countries.[82] Serbia, Macedonia and Kosovo score the highest (although not a maximum), with certain caveats related to either the insufficient enforcement powers for the Anti-Corruption Agency (Serbia) or weaknesses in the problem diagnosis performed by the

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[81] For the first element, WeBER combines two SIGMA sub-indicators of the SIGMA indicator 3.7.2 – Integrity of public servants: sub-indicator 1: Completeness of the legal framework for public sector integrity; and sub-indicator 2: Existence of a comprehensive public sector integrity policy and action plan. For the second element, sub-indicator 3 of the same indicator is used: Implementation of public sector integrity policy. Source: SIGMA monitoring reports, November 2017, https://bit.ly/2FdMuSW, last accessed 10 September 2018.

[82] WeBER uses the SIGMA sub-indicator of the indicator 3.7.2, addressing implementation of public sector integrity policy. Source: SIGMA monitoring reports, November 2017, https://bit.ly/2FdMuSW, last accessed 10 September 2018.

Agency (Kosovo).[83] Montenegro is the only country which received zero points for implementation, as a direct result of the lack of policy and action plan.
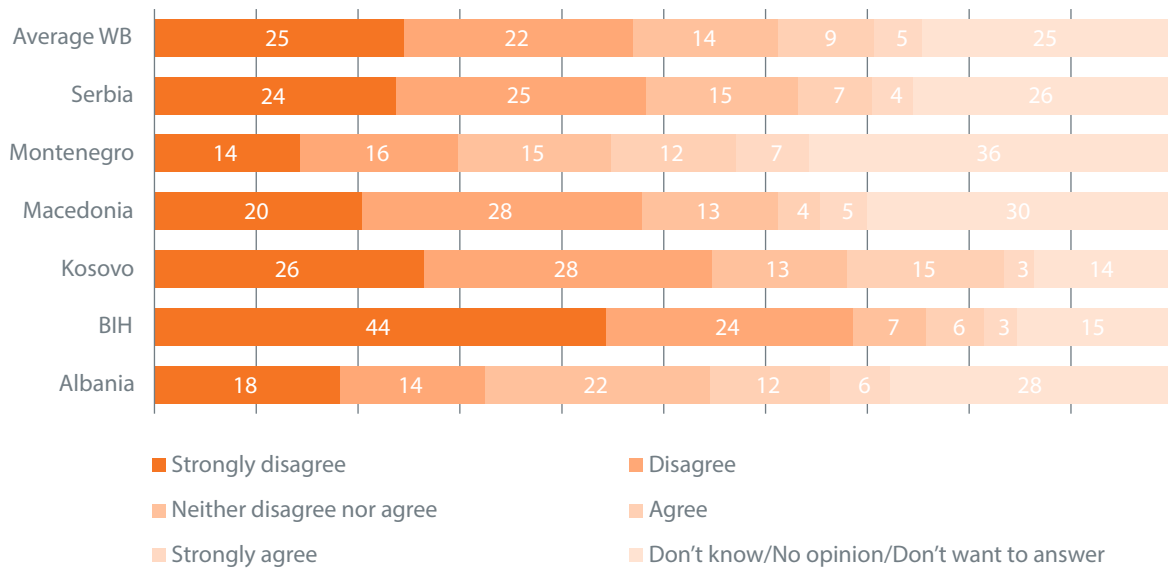
The low scores the countries record on this WeBER indicator are largely due to the negative perceptions of civil servants and particularly the civil society in relation to the functioning of the integrity systems for civil service. As part of the WeBER survey of civil servants, the respondents were asked if the integrity and anti-corruption measures in place in their institution are effective in achieving their purpose. On average, 36% of respondents agree, whereas a quarter of them disagree. Behind the regional averages, however, there are very significant country differences. In Albania, as many as 61% agree with the statement, while only 11% disagree. On the other end, in Kosovo, the perception of civil servants is much more negative: 41% of respondents disagree that these mechanisms are effective, whereas only a quarter agree. When CSOs are asked the same question, for the level of the administration, the responses are significantly more negative. The most positive civil society perception of the effectiveness of integrity measures for civil servants is marked in Albania, where 17% are in agreement. In all countries, over a half of CSOs considers these measures as ineffective. Disagreement is the highest in Serbia, where four out of five CSOs hold a negative view. At the same time, in Montenegro, although the disagreement is not as high as in Serbia (69%), not a single respondent CSO agrees with the statement (0%).

Furthermore, civil servants were asked about their agreement with the statement: "Integrity and anti-corruption measures in place in my institution are impartial (meaning, applied to all civil servants in the same way)." Whereas in Kosovo almost half of the respondents disagreed (44%), Montenegro and Albania are the only countries where over 50% agreed with the statement (55% in Montenegro and 58% in Albania). Once again, the same question yields far more negative responses when directed to the CSOs: on average 71% disagree, whereas only 3% agree.

A particularly interesting result comes from the answers to the question "If I were to become a whistle-blower, I would feel protected," which was asked to civil servants. No country received a point on this element of the indicator, as the level of agreement is extremely low throughout the region: only 14% on average, while almost a half disagrees (47%). A notable quarter of respondents on average opted for "don't know" on this question. The highest level of agreement is 19% in Montenegro, while the highest disagreement is recorded in BIH (69%). However, it should be noted that in Montenegro, which holds the least negative perception, almost 36% of respondents chose not to express an opinion on this question by clicking on "don't know" (compared to only 15% in BIH). This information reveals a possible deeper uneasiness that civil servants in Montenegro might feel when asked this question and a possible fear of openly expressing their opinion, even in an anonymous online survey.

[83] Macedonian authorities failed to provide data on the use of integrity investigations, which is why the country could not be awarded the maximum number of points on this SIGMA sub-indicator.

Chart 36. Civil servants' perceptions on the statement "If I were to become a whistle-blower, I would feel protected" (%)

	Strongly disagree	Disagree	Neither disagree nor agree	Agree	Strongly agree	Don't know/No opinion/Don't want to answer
Average WB	25	22	14	9	5	25
Serbia	24	25	15	7	4	26
Montenegro	14	16	15	12	7	36
Macedonia	20	28	13	4	5	30
Kosovo	26	28	13	15	3	14
BIH	44	24	7	6	3	15
Albania	18	14	22	12	6	28

- ■ Strongly disagree
- ■ Disagree
- ■ Neither disagree nor agree
- ■ Agree
- ■ Strongly agree
- ■ Don't know/No opinion/Don't want to answer

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=2643 and refers to the WB total, rather than individual countries.*

Chart 37. Indicator values for PSHRM_P7_I1 "Effectiveness of measures for the promotion of integrity and prevention of corruption in the civil service"
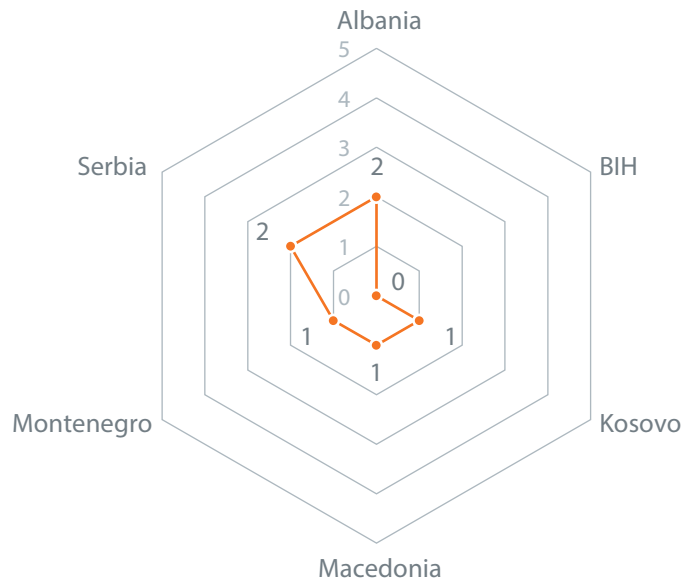
IV.5 Summary of findings for public service and human resource management

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.

V.
Accountability
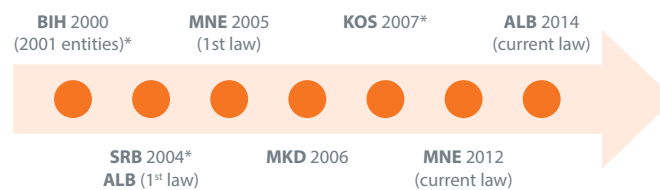
V.1 Significance of the accountability area

Accountability is certainly one of the most important notions within a public governance system. In itself, it assumes the existence of lines of responsibility and an understanding of a relationship between the one who lays accounts and the one who is accounted to. On the most general level, accountability assumes the relationship between the government and the people who have elected it. In that relationship, the latter enjoy certain rights to be informed about the government's actions and are guaranteed certain standards in treatment and compensation in case those rights are infringed. Accountability is also important within the system of government and it presupposes clear lines of responsibility and liability between the parliament and the government, the government and the ministers, ministers and senior managers, ministries and subordinate agencies. In the broadest sense, SIGMA defines this notion as "ensuring that each part of an organisation is internally accountable and that the institution as a whole is externally accountable to the political, judicial and social systems and oversight institutions and is providing wide access to public information."[84]

Although an area with a small number of principles under the SIGMA framework, accountability covers a wide range of questions related to internal accountability within the administration (principle 1) and external accountability of the government and administration towards the public. In the scope of the latter, the accountability area comprises the right to access public information (principle 2), protection of the rights of the individual to good administration (principle 3), fairness of administrative disputes (principle 4) and the functioning of the system for redress or compensation for unlawful acts and omissions of public authorities (public liability regime – principle 5).

V.2 State of play in the region[85]

All countries in the region have adopted and largely enforced modern laws guaranteeing right of access to information of public significance (or freedom of information – FOI). Namely, BIH was the first country in the region to adopt a FOI law (entities in 2001), followed by Serbia and Albania in 2004, Montenegro in 2005, Macedonia in 2006 and Kosovo in 2007. Albania and Montenegro have in the meantime adopted new laws, whereas in the other countries the laws have been amended once or several times. At present, however, both in BIH and in Serbia there are ongoing initiatives and consultations for new FOI laws, and in both cases CSOs have sounded deep concerns that the proposed drafts would diminish or even revoke some of the established rights in the area.

Chart 38. Comparative timeline of adoption of FOI legislation in the Western Balkans

BIH 2000 (2001 entities)* **MNE** 2005 (1st law) **KOS** 2007* **ALB** 2014 (current law)

SRB 2004* ALB (1st law) **MKD** 2006 **MNE** 2012 (current law)

Law has been amended

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[84] The Principles of Public Administration, SIGMA/OECD, p.54, https://bit.ly/2Kvm4iO, last accessed on 10 September 2018.

[85] The state of play is to a large extent based on SIGMA assessments and monitoring reports published in 2017 (which are therefore not cited separately), whilst other sources used are cited separately. SIGMA monitoring reports are available at http://www.sigmaweb.org/publications/monitoring-reports.htm, last accessed on 10 September 2018.

On the whole, the legal solutions that the Western Balkan countries have adopted are rather advanced and have positioned some of these laws very high on the global ranking of FOI legislation (see Table 24). In all countries in the region, FOI legislation prescribes only minimum requirements for the contents of the requests for information. Nowhere does the legislation require applicants to specify reasons for their requests, except if the information is requested for re-use, i.e. whether it would be used for commercial or non-commercial purposes (Montenegro).

Deadlines for submitting the requested information vary from as few as 7 days in Kosovo, to as many as 30 days in Macedonia. In most cases, following the first deadline, there is a possibility for authorities to extend the deadline in specific cases, extending the total deadline from the submission date to 15 days in Kosovo and 40 days in Macedonia and Serbia. Institutions frequently use their ability to extend the timeframe for granting access to information. Consequently, in cases where the deadlines are longer, the total period required for it to reach the applicant can pose a real challenge for investigative and research activities.

Table 24. Western Balkan countries in the Global Right to Information Rating[86]

Serbia	2
Albania	6
Macedonia	16
Kosovo	25
BIH	29
Montenegro	51

Source: Global Right to Information Rating

In principle, access to information is free of charge across the region. This means that if applicants request to view information at the premises of an institution, they can do so without being charged a fee. On the contrary, when information is copied and sent by post to applicants, in most cases certain fees apply. In BIH, however, the first 10 pages are free of charge, whereas in Kosovo the Law simply says that applicants may need to cover the cost of copying. When authorities send information electronically, this is done free of charge. In Serbia, the practice of many institutions is to not charge any fees for photocopying and delivering information by post, even though the law allows it.

● **Institutional setup**

The institutional setup for the implementation of FOI legislation varies significantly across the region. Whereas in Albania and Serbia supervisory institutions take the form of independent commissioners for freedom of information, in Montenegro this role is performed by an agency, also responsible to the parliament. In all three cases, these institutions are in charge of data protection and FOI. Macedonia has opted for a collegiate body – a five-member Commission for protection of the right to free access to public information (KOMSPI), responsible to the Parliament and assisted in its work by a standing secretariat. In BIH and Kosovo certain authorities in relation to the oversight over the FOI laws are granted to the Ombudspersons. However, in both countries, these powers are weak and do not ensure proper supervision over the implementation of the laws. In BIH and in Serbia, administrative inspectorates are in charge of enforcing compliance through bringing misdemeanour charges.

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[86] Ranks of WB countries, out of 111 countries in total. Table includes ranks at the moment of writing. Ranking pertains only to the quality of the legal framework. Global Right to Information Rating, http://www.rti-rating.org/, last accessed on 6 September 2018.

In all countries, the FOI laws also require appointment of an official as either the coordinator or the officer responsible for handling requests in each authority under the jurisdiction of the law. In the central state administration, these officers are usually junior or mid-level civil servants, rather than senior officials.

• Proactive informing

Most of the FOI laws in the region, except in BIH, also contain certain requirements with regards to proactive informing of the public by the authorities. The law in BIH only requires the publication of guides and index of information registers in possession of public authorities, so that the public knows which type of information it can request. The other countries' laws all contain provisions requesting publication of specific types of information. Whereas the laws in Kosovo, Macedonia, Montenegro and Serbia enumerate the information which needs to be published proactively, the Albanian law requires each public authority to publish an institutional transparency programme, containing the categories of information to be made public without request. The enforcement of the transparency programmes, however, has been poor; consequently, websites of public institutions provide very limited information. The Commissioner for Freedom of Information and Personal Data Protection approves and distributes the model transparency programs for different categories of public authorities. The Serbian law, in turn, requires the enumerated information to be published as part of an information bulletin, which has to be published and regularly updated by each public authority.

In terms of the sensitivity of the information required to be published proactively, the Montenegrin law is the most demanding, requiring, inter alia, publication of salaries of top officials and individual acts and contracts related to use of public finances and state property. It also stipulates that each piece of information made available on the basis of a request for information should be published online. The Serbian law requires publication of budgets and other resources, but it also stipulates that the Commissioner issue an instruction for developing information bulletins; in practice, this instruction requires publication of additional, more sensitive information, such as public procurement plans and information on salaries of civil servants and officials.

Good practices: Available to one – available to all

The **Montenegrin** FOI contains a provision in relation to the obligations of authorities to proactively inform the public which stipulates that the information to which access was granted following a FOI request must be published on the granting authority's website. This provision allows everyone to obtain access to any piece of information to which someone gained access using a request, thus substantially increasing the overall access to information and positively affecting the transparency of government work. Yet, compliance with this requirement is a challenge. The Agency for Personal Data Protection and Free Access to Information reports that publication of information which was granted access to on the basis of the requests is the greatest challenge in complying with the proactive disclosure requirements.

In addition to the content related requirements, in most countries, certain standards exist for the design of public authorities' websites, though there are still noticeable challenges in ensuring uniformity across the websites, both in terms of design and content. None of the countries has yet created a unified government portal/website which would replace individual ministries'

websites and through which citizens could be informed about the work of the entire government's policy and service delivery system.

Finally, the countries are taking steps towards making government data available in open, machine readable formats, to stimulate data use and re-use. Yet, regarding the open data initiative, most of the countries are in the early stages. Serbia formally launched its open data portal in 2017 and is implementing several projects and initiatives to spread the practice across the institutional system and stimulate reuse of data.

Table 25. Ranking of Western Balkan countries in the Open Data Barometer

Macedonia	48
Albania	50
Kosovo	63
Serbia	65
Montenegro	83
BIH	100

Source: Open Data Barometer, Global Report, Fourth Edition

• **Key implementation issues**

Whereas the laws in all countries have been enforced for several years now, in different countries, various challenges in implementation persist. Problems are mostly related to either refusal to grant access to information, based on quite broadly defined exceptions in the legislation or administrative silence, i.e. failure of the public authorities to respond to requests for access to information. Both problems also result from weak enforcement mechanisms, either poorly designed in the legislation or insufficiently applied by the responsible institutions. For example, the Administrative Inspectorate of BIH conducted over 20 inspections in 2016, but no sanctions were imposed for violations of the FOI law. Similarly, the Administrative Inspection in Serbia, charged with initiating misdemeanour proceedings for violations of the FOI requirements, does not effectively discharge of this function. Weakness of the oversight institutions is also a problem, as their decisions are often not binding, and they cannot impose sanctions directly. The Montenegrin Agency is a rare example of an oversight institution with sanctioning powers, including initiating misdemeanour proceedings.

Practices to avoid: Administrative blame game in FOI

The system of financial sanctions which the Commissioner can impose for non-compliance with FOI rules in Albania has created some perverse effects. The law stipulates that liability in most cases of refusal to make information available lies with the public information co-ordinators in the institutions. These employees, however, are usually appointed at junior civil service levels, and their job is to simply co-ordinate the process for handling the request, whereas heads of institutions are the ones who make the final decisions on disclosing or refusing access to information. At the same time, the law exempts them from liability. The result is an administrative "blame game", in which junior civil servants can be held liable for decisions made by their superiors.[87]

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[87] Based on SIGMA Monitoring Report for Albania, November 2017, https://bit.ly/2Bkxfd0, last accessed on 4 September 2017.

V.3 WeBER Monitoring focus

The SIGMA Principle covering the right to access public information is the only Principle currently monitored in the Accountability area.

> **Principle 2:** The right to access public information is enacted in legislation and consistently applied in practice.

This Principle bears utmost significance from the perspective of increasing the transparency of the administration and holding it accountable by the civil society and citizens, but also from the viewpoint of safeguarding the right-to-know by the general public as the precondition for better administration. The WeBER approach to the Principle does not consider assessment of regulatory solutions embedded in free access to information acts, but it relies on the practice of reactive and proactive information provision by administration bodies. On one hand, the approach considers the experience of civil society with the enforcement of the legislation on access to public information, and on the other, it is based on direct analysis of the websites of administration bodies.

Monitoring is performed by using two WeBER indicators, the first one focusing entirely on civil society perception of the scope of right to access public information and whether enforcement is enabling civil society to exercise this right in a meaningful manner. To explore perceptions, a survey of civil society organisations in Western Balkan was implemented using an online surveying platform, in the period between the second half of April and beginning of June 2018.[88] The uniform questionnaire with 33 questions was used throughout the Western Balkans ensuring an even approach in survey implementation. It was disseminated in local languages through the existing networks and platforms of CSOs with large contact databases, but also through centralised points of contact such as governmental offices in charge of cooperation with civil society. To ensure that the survey targeted as many organisations as possible in terms of their type, geographical distribution, and activity areas, and hence contributed to is representativeness as much as possible, additional boosting was done where needed to increase the overall response. Finally, focus groups with CSOs were organised in each country to complement survey findings with qualitative data. However, focus group results are not used for point allocation for the indicator.

The second indicator has proactive public informing by administration bodies as its focus, particularly by monitoring comprehensiveness, timeliness and clarity of the information disseminated through official websites. In total, 9 pieces of information are selected and assessed against two groups of criteria: 1) basic criteria, looking at whether the information provided is complete and whether it is up to date, and 2) advanced criteria, analysing accessibility and citizen friendliness of the information.[89] Completeness means that all elements and aspects of the information are included and no parts are omitted; updated information is that which reflects the current factual situation; accessibility means that the information is not more than three clicks away from the homepage; and citizen-friendly information is written in an understandable language, devoid of bureaucratic terminology. The indicator also looks at how the institutions apply open data policy when publishing their own data. A search of information is conducted through the official websites of the sample of seven administration bodies consisting of three line ministries - a large, a medium, and a small ministry in terms of thematic scope,

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[88] The survey of CSOs was administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). More information about the survey is provided in the Methodological Appendix.

[89] Exceptions being information on accountability lines within administration bodies, which is assessed only against the first group of criteria, and information available in open data format which is assessed separately.

a ministry with a general planning and coordination function, a government office with centre-of-government function, a subordinate body to a minister/ministry and a government office in charge of delivering services.[90]

V.4 Comparative PAR Monitor findings

Principle 2: The right to access public information is enacted in legislation and consistently applied in practice

The first indicator presented in this section is titled "Civil society perception of the quality of legislation and practice of access to public information" (indicator ACC_P2_I1). The regional findings are presented for its 13 elements, based on the survey of CSOs as the main data source, with some references made to the findings of the focus groups. Next, the section lays out the regional comparative findings for the second accountability indicator "Proactive informing of the public by public authorities" (indicator ACC_P2_I2), comprising 18 elements based on website analysis.

Table 26. Element scores and corresponding indicator values for ACC_P2_I1 "Civil society perception of the quality of legislation and practice of access to public information"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. CSOs consider that the information recorded and documented by public authorities is sufficient for the proper application of the right to access public information.	4	0	0	0	0	0	0
E2. CSOs consider exceptions to the presumption of the public character of information to be adequately defined.	2	1	0	1	1	0	0
E3. CSOs consider exceptions to the presumption of the public character of information to be adequately applied.	4	0	0	0	0	0	0
E4. CSOs confirm that information is provided in the requested format.	2	1	1	1	1	1	1
E5. CSOs confirm that information is provided within prescribed deadlines.	2	1	1	1	1	0	1
E6. CSOs confirm that information is provided free of charge.	2	2	2	2	2	1	2
E7. CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information.	2	1	0	0	1	1	1
E8. CSOs confirm that in practice the non-classified portions of otherwise classified materials are released.	4	0	0	0	0	0	0
E9. CSOs consider that requested information is released without portions containing personal data.	2	0	0	0	1	1	1
E10. CSOs consider that when only portions of classified materials are released, it is not done to mislead the requesting person with only bits of information.	2	1	0	0	0	0	0
E11.CSOs consider that the designated supervisory body has, through its practice, set sufficiently high standards of the right to access public information.	4	2	0	4	0	0	4
E12. CSOs consider the soft measures issued by the supervisory authority to public authorities to be effective.	2	1	0	1	0	0	1
E13. CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authority.	2	1	0	0	1	0	0
Total points	**34**	**11**	**4**	**10**	**8**	**4**	**11**
Indicator value	**0-5**	**1**	**0**	**1**	**1**	**0**	**1**

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[90] Samples for each country can be found in the Methodological Appendix, at the end of this report.

Civil society organisations in the region have rather negative views of the functioning of the overall implementation system for freedom of information, with the exception of a few examined issues, where the perception is somewhat more positive. Firstly, all surveyed CSOs were asked about their view on whether public authorities record sufficient information to enable the public to fulfil the right to free access of information of public importance in the first place. Over a third of CSOs on average in the region (37%) disagree with this statement. The highest agreement is recorded in Albania (28%) and BIH (28%), whereas disagreement is the highest in Macedonia (46%).
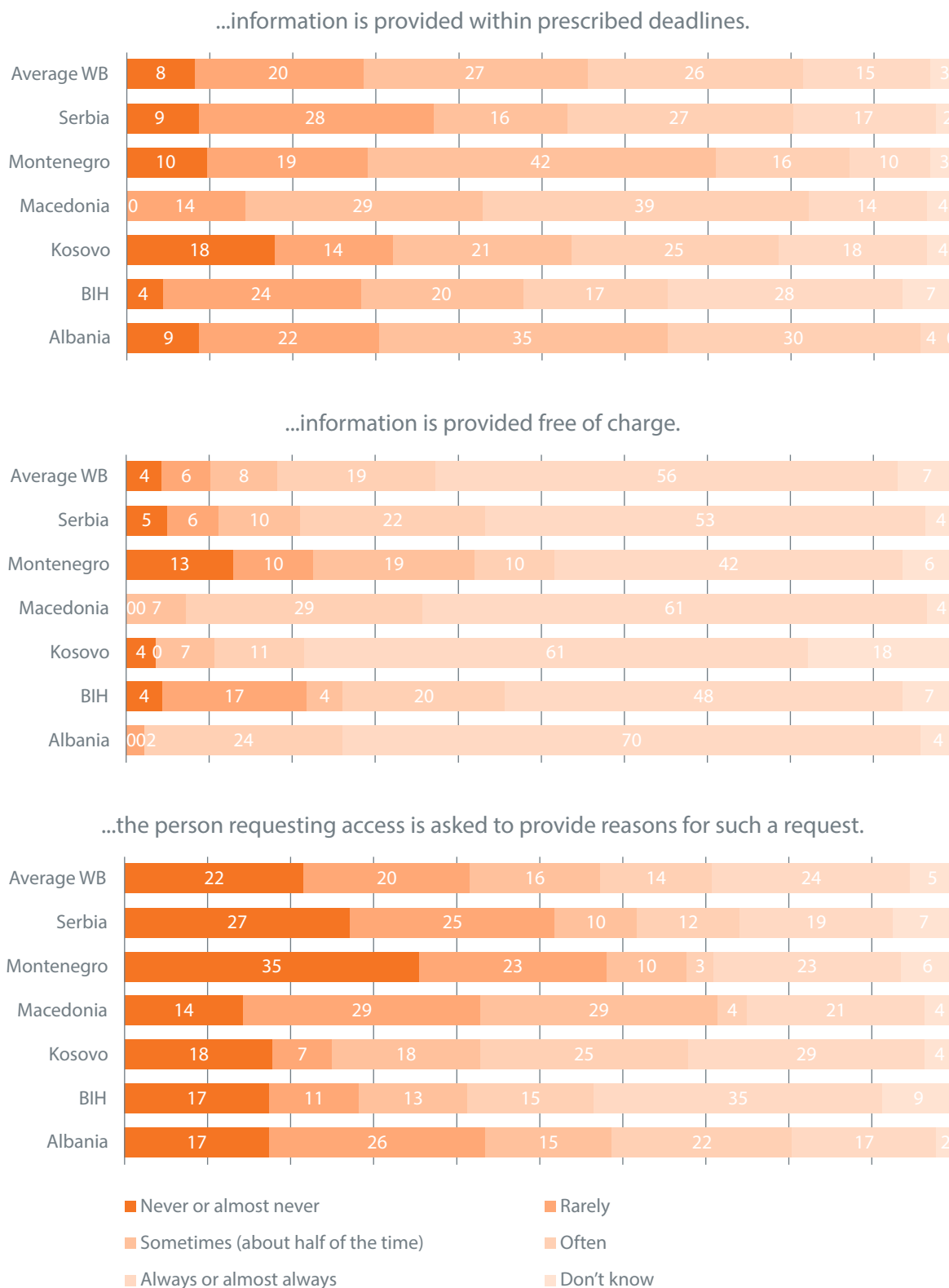
Asked if the legislation prescribes adequate exceptions to the public character of information produced by public authorities, the CSOs in the region are split: the average agreement (24%) is slightly higher than the average disagreement (24%). Albanian organisations emerge as the most positive, with 46% agreeing with the statement and only 17% taking a negative stance. In Montenegro, on the other hand, the perceptions are almost completely inverse: 42% disagree, while only 16% agree. The lowest disagreement, however, is in Kosovo, where only 2% surveyed CSOs disagree, but where a neutral stance is held by over half of respondents. The high percentage of neutral responses suggests lower awareness on some of the issues related to the use of FOI rights.[91]

Views of CSOs regarding the application of the exceptions from public character of information in practice are more negative than they are on the legislative design of such exceptions. The highest agreement is 19% in Montenegro, where interestingly also the disagreement is the highest: 49%. The Montenegrin results may suggest greater experience of CSOs with the application of FOI legislation, as the sum of neutral and "don't know" responses is also the lowest in the region (33%, as opposed to Kosovo, where it is 61%).

CSOs that have confirmed recent experience with sending out FOI requests were further asked about more specific aspects of their practice of exercising their right to information. On average, 45% of the experienced CSOs confirm that they often or always receive responses to FOI requests in the requested format (the highest being 54% in BIH and the lowest 35% in Albania), whereas 27% say that this is never or rarely the case. As can be seen in the chart below, more positive views are held on the questions related to the issues of charging for access to information and the requirement to provide reasons for FOI requests.

[91] Respondents were also asked if their organisation had sent a request for free access to information in the past two years, and only those who replied "yes" were asked the more specific FOI related questions, looking into practices. On average, 58% CSOs responded positively, while 43% gave a negative response. Those least experienced with FOI are the organisations in BIH, which is the only country where more organisations responded with "no" than with "yes" (55% as opposed to 45%). Montenegrin CSOs appear the most experienced, with 74% who have sent FOI requests and 26% who have not.

Chart 39. Responses to the question: "When your organisation requests free access to information, how often is it the case that…" (frequency scale, %)

…information is provided within prescribed deadlines.

	Never or almost never	Rarely	Sometimes	Often	Always or almost always	Don't know
Average WB	8	20	27	26	15	3
Serbia	9	28	16	27	17	2
Montenegro	10	19	42	16	10	3
Macedonia	0	14	29	39	14	4
Kosovo	18	14	21	25	18	4
BIH	4	24	20	17	28	7
Albania	9	22	35	30	4	0

…information is provided free of charge.

	Never or almost never	Rarely	Sometimes	Often	Always or almost always	Don't know
Average WB	4	6	8	19	56	7
Serbia	5	6	10	22	53	4
Montenegro	13	10	19	10	42	6
Macedonia	0 0	7	29	61	4	
Kosovo	4 0	7	11	61	18	
BIH	4	17	4	20	48	7
Albania	0 0 2	24	70	4		

…the person requesting access is asked to provide reasons for such a request.

	Never or almost never	Rarely	Sometimes	Often	Always or almost always	Don't know
Average WB	22	20	16	14	24	5
Serbia	27	25	10	12	19	7
Montenegro	35	23	10	3	23	6
Macedonia	14	29	29	4	21	4
Kosovo	18	7	18	25	29	4
BIH	17	11	13	15	35	9
Albania	17	26	15	22	17	2

- ■ Never or almost never
- ■ Rarely
- ■ Sometimes (about half of the time)
- ■ Often
- ■ Always or almost always
- ■ Don't know

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=260 and refers to the WB total, rather than individual countries.*
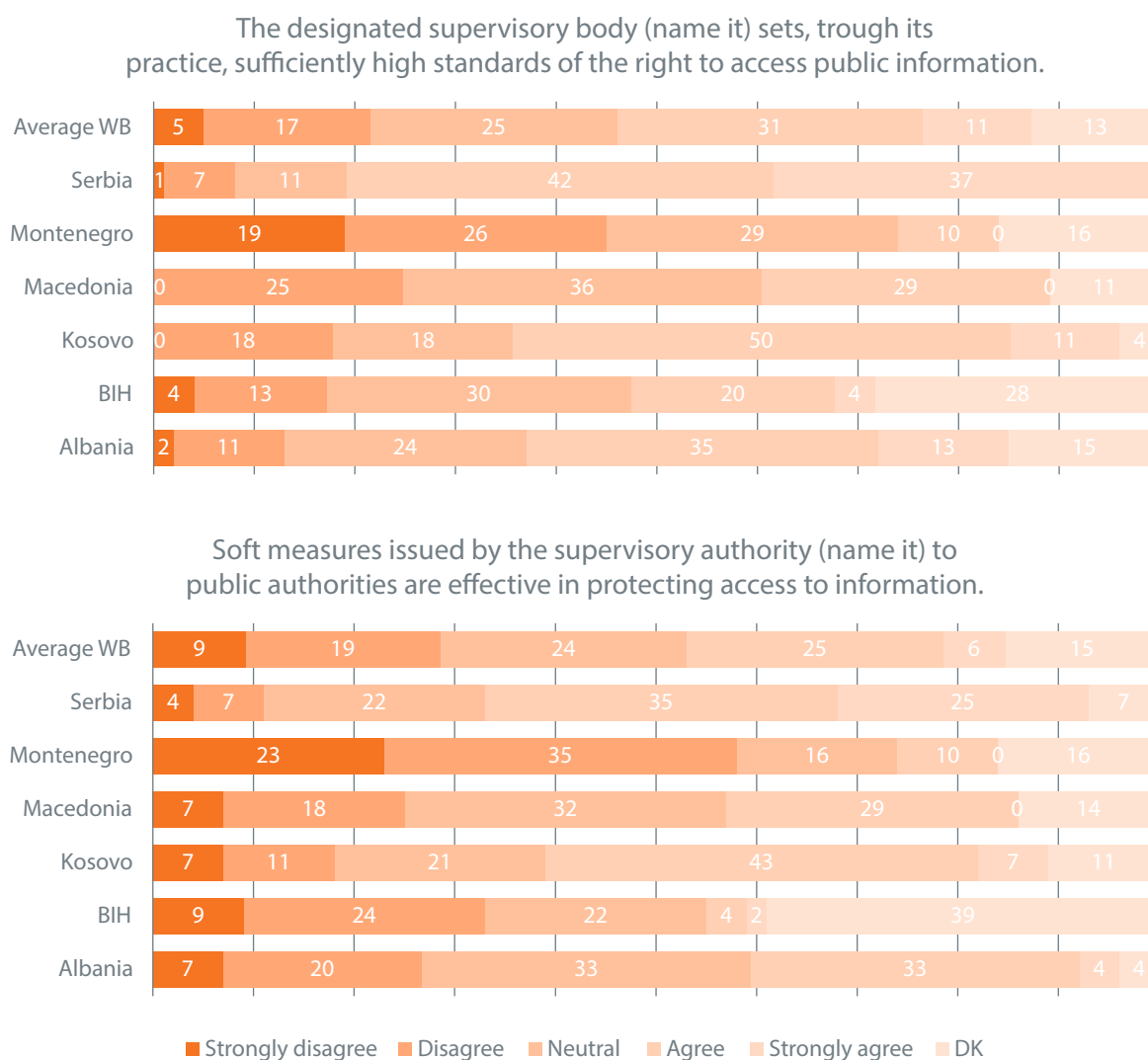
CSOs in the region have less experience with requesting information which contains classified materials, as high percentages of CSOs in all countries chose not to provide their views (by choosing "don't know") to the question focusing on this issue. To the question if non-classified portions of these materials are released, almost a half of respondents at regional level opt for "don't know". In Albania, 37% of respondents think that this never or rarely happens, while only 2% claim it happens often. In Montenegro, apart from 48% who don't know, there is a split between those who say non-classified portions of materials which contain classified information are released (often or always) and those who say this does not happen (ever or rarely): 26% on both ends.

Organisations seem to be more experienced with requesting information which contains personal data, and on average almost 30% claim that parts of materials not containing personal data are often or always released. In Macedonia and Montenegro, this view is the strongest in the region: 43% and 42% respectively. The view of Bosnian CSOs is the most negative on this question, with only one in five saying this is often or always the case, but over a third (35%) saying it never or rarely happens. The percentages of "don't knows" are lower than for the previous question (34% on average).

CSOs that participated in focus groups in BIH, Kosovo and Serbia agreed that that administrative silence represents a major obstacle to the full exercise of the FOI right. They also confirmed that personal connections within the authorities help obtain complete information faster. Moreover, whether access will be granted often depends on who is asked and what type of information is at stake: information pertaining to finances, tenders, publicly owned companies and public spending, the work of security, enforcement and intelligence authorities tend to be the hardest to obtain. At the same time, 43% of surveyed CSOs in the region think that public authorities sometimes, often or always release only portions of requested materials with the intention to mislead the requesting person with partial information. In Macedonia, this perception is the highest at 61%. On the other hand, fewer than one in five on average (19%) thinks that this is never or rarely the case, with the Albanian CSOs being the least negative (30% opt for never or rarely).

CSOs were also surveyed about their views on the role of the designated supervisory body for FOI and opinions are split between three countries where civil society views the work of this body positively and those where the perception is quite negative. Overall, in Serbia, CSOs are the most positive when it comes to the question of whether the supervisory body has, through its practice, set sufficiently high standards of the right to access public information: as many as 79% agree or strongly agree with this statement, while only 9% disagree. Similarly, in Serbia the highest number of CSOs (60%) agree that the soft measures issued by the supervisory authority (Commissioner for Access to Information and Personal Data Protection) to public authorities are effective in protecting access to information. Kosovo and Albania's CSOs also predominantly agree that the standards set in the practice of the supervisory body are sufficiently high (61% and 48% agree). On the other extreme, in Montenegro only one in ten organisations consider that the supervisory body has set sufficiently high FOI standards, with 45% disagreeing that this is the case. On the question of effectiveness of protecting right of access, again, in Montenegro, the perception is the most negative in the region, with 58% disagreeing that soft measures issued by the Agency for Data Protection are effective. Bosnian and Macedonian CSOs are also predominantly negative on these two questions.

Chart 40. CSO perceptions on two questions related to the role of the designated supervisory body for FOI (%)

The designated supervisory body (name it) sets, trough its practice, sufficiently high standards of the right to access public information.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
Average WB	5	17	25	31	11	13
Serbia	1	7	11	42	37	1
Montenegro	19	26	29	10	0	16
Macedonia	0	25	36	29	0	11
Kosovo	0	18	18	50	11	4
BIH	4	13	30	20	4	28
Albania	2	11	24	35	13	15

Soft measures issued by the supervisory authority (name it) to public authorities are effective in protecting access to information.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
Average WB	9	19	24	25	6	15
Serbia	4	7	22	35	25	7
Montenegro	23	35	16	10	0	16
Macedonia	7	18	32	29	0	14
Kosovo	7	11	21	43	7	11
BIH	9	24	22	4	2	39
Albania	7	20	33	33	4	4

■ Strongly disagree ■ Disagree ■ Neutral ■ Agree ■ Strongly agree ■ DK

Finally, the prevailing view among the CSOs is that the sanctions prescribed for the violation of right to free access of information do not lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities. On the regional level, 45% hold that view, as opposed to 22% who agree that consequences are grave enough. Nevertheless, Albania stands in contrast to other countries of the region on this question, as its CSOs tend to agree with the statement (46%) rather than disagree (24%). Whereas in BIH and Kosovo a third or more of respondents did not know how to respond to this question, in Montenegro the disagreement is the highest (71%), with a simultaneous lowest regional agreement: 3% agree and none agrees strongly.

Textbox 3: Western Balkan civil society findings

While Balkan countries and Moldova are increasingly publishing government data online, even when they do so the format in which it is provided makes it difficult for journalists to find and use effectively. This includes scanned documents published as PDFs which are not archived by Google or searchable by key terms on the relevant website. Many databases in the Balkans provide only a limited number of search options, meaning that it is, for example, impossible to find the owner of a company or a parcel of land by searching by the name of the individual. To counter this, BIRN has implemented a programme of scraping, whereby information has been extracted from these databases and made available on our website birnsource.com.

First, despite the sometimes rusty and tortuous process, Freedom of Information laws provide the public with the ability to access official documents. These should be the cornerstone of all journalist work. It is clear, however, that the administration of FOI requests falls well below what is foreseen in the law. BIRN found that securing the release of documents required the kind of time and persistence that would put off many private individuals. Second, vast amounts of public information is being proactively published online, but the information is often difficult to access and exploit. Rather than haphazardly placing documents and data online, with what appears to be no coordination between institutions, governments should carefully coordinate their open data strategy, consulting with interested parties such as citizens groups, civil society and the media. There is some cause for optimism about the state of transparency in the Balkans, but much work still needs to be done to ensure that the public is properly informed about the workings of government.

BIRN Kosovo and BIRN HUB, "Transparency in the Balkans and Moldova", 2016, available at Balkan Insight: https://www.balkaninsight.com/.

Table 27. Element scores and corresponding indicator values for ACC_P2_I2 "Proactive informing of the public by public authorities"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Websites of public authorities contain complete and up to date information on scope of work	4	2	2	4	0	2	4
E2. Websites of public authorities contain easily accessible and citizen-friendly information on scope of work	2	1	1	1	0	0	1
E3. Websites of public authorities contain complete and up to date information on accountability (who they are responsible to)	4	0	2	0	0	0	4
E4. Websites of public authorities contain complete and up to date information on relevant policy documents and legal acts	4	4	4	4	0	2	4
E5. Websites of public authorities contain accessible and citizen friendly information on relevant policy documents and legal acts	2	0	1	0	0	0	1
E6. Websites of public authorities contain complete and up to date information on policy papers, studies and analyses relevant to policies under competence	4	0	2	2	0	0	2

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E7. Websites of public authorities contain accessible and citizen-friendly information on policy papers, studies and analyses relevant to policies under competence	2	0	1	0	0	0	0
E8. Websites of public authorities contain complete and up to date annual reports	4	0	0	0	0	2	0
E9. Websites of public authorities contain accessible and citizen friendly annual reports	2	0	0	0	0	0	0
E10. Websites of public authorities contain complete and up to date information on the institution's budget	4	2	0	0	0	0	4
E11. Websites of public authorities contain accessible and citizen-friendly information on the institution's budget	2	0	0	0	0	0	0
E12. Websites of public authorities contain complete and up to date contact information (including e-mail addresses)	4	2	4	2	2	4	4
E13. Websites of public authorities contain accessible and citizen friendly contact information (including e-mail addresses)	2	2	2	2	1	2	2
E14. Websites of public authorities contain complete and up to date organisational charts which include entire organisational structure	4	2	0	2	0	0	4
E15. Websites of public authorities contain accessible and citizen friendly organisational charts which include entire organisational structure	2	2	1	1	0	0	2
E16. Websites of public authorities contain complete and up to date information on contact points for cooperation with civil society and other stakeholders, including public consultation processes	4	2	2	0	0	0	0
E17. Websites of public authorities contain accessible and citizen friendly information on ways in which they cooperate with civil society and other external stakeholders, including public consultation processes	2	1	1	0	0	0	0
E18. Public authorities proactively pursue open data policy	4	0	0	0	0	0	0
Total points	**56**	**20**	**23**	**18**	**3**	**12**	**32**
Indicator value	**0-5**	**2**	**2**	**1**	**0**	**1**	**3**

At the start of the presentation of this indicator's results, is important to emphasise that this is the first indicator tested and measured by the WeBER research team, so the period of observation was September-November 2017 and the findings reflect the state of play in that period. In some countries – particularly Macedonia – there has been notable change in the government's attitude towards proactive informing of the citizens via the institutions' websites. Such changes will be reflected in the next monitoring report (2019-2020). As the indicator analysis was performed on a sample of seven state administration authorities (please see section V.3 for details on sampling), it may not reflect the situation in every institution of central government in the countries, but rather a prevailing practice.

Overall, the countries' administrations fare much better on the aspect of completeness and the regular updating of information they release on their websites than on the criteria of accessibility, and particularly, the citizen-friendliness of the published information. On the last criterion, the indicator analysed to what extent the information posted online is adapted to the general public and non-expert readers (meaning, is it devoid of legal, bureaucratic language, is it presented in a simplified manner and so on). This monitoring was done through expert analysis and ample regional comparative discussions and levelling among the countries, to minimise individual discretion and maximise regional comparability of findings.

None of the countries, however, scored a maximum on the criterion of completeness and the regular updating of information. The most complete and up-do-date information is presented for institutional scope of work, legal and policy documents applied in the work, contact information and organisational charts. On the other hand, one of the most critical issues in this

group of criteria is the lack of information on accountability (which was only analysed for the first set of criteria), i.e. who the institution is responsible to. In many cases, even the subordinate bodies do not include on their websites the information about who the institution and/or its director is accountable to within the government system. The only country where this information was present for the whole sample is Serbia (over 90% of the sample assessed as updated and complete).

Another highly critical issue is the lack of basic annual reporting by the public authorities. Only in Montenegro were updated and complete annual reports found on the websites of the majority of institutions in the sample (between 70% and 90%). Finally, budget reporting by institutions is highly deficient for all criteria, with only Serbia scoring well on completeness and updating. Serbian institutions are obliged to publish budget data within the information bulletins (obligatory according to the FOI law – see the State of Play section above), which has influenced the positive performance on this element. At the same time, none of the administrations report on the work or budget of the institutions in a citizen-friendly manner.

Institutions mainly post online complete and updated information about the legislation and policy documents within their purview (with the exception of Macedonia at the time of monitoring). In Albania, BIH and Serbia, this information is also mainly easily accessible, and in a few (though not a majority of) cases in the samples, it is presented in a citizen-friendly manner. Citizen friendliness in this case means introducing legislation with some basic explanatory text about the scope or purpose of the legal acts, rather than just placing them on the website in long lists.

In none of the countries is it a fully developed practice for the institutions to regularly publish studies, analyses and impact assessments on their websites, though countries do diverge in terms of how widespread the practice is. Whereas in Albania, Macedonia and Montenegro such documents were lacking in a major part of the sample, in BIH, Kosovo and Serbia a majority of institutions in the sample do publish such data. Only in BIH, however, are those documents partially presented in an accessible and citizen-friendly manner. In Kosovo and Serbia, although the criterion of accessibility of such documents is mainly met, citizen friendliness is generally lacking.

Basic contact information is complete and updated in most cases, although in Albania, Kosovo and Macedonia not for the entire sample. In a few cases in these three countries, the institutions failed to provide their office address on the website, though it ought to be noted that those were institutions that do not work directly with citizens (e.g. Ministry of Defence or General Secretariat of the Government).

With a partial exception of Albania and BIH, institutions generally do not inform via their websites on how they cooperate with the public and civil society, including how they perform public consultation processes. In these two countries, contact points for cooperation with civil society or links to the relevant e-consultations portals are designated on the websites of the majority of institutions within the sample.

None of the administrations of the region actively pursue open data policy through the websites of the individual institutions. For the latter case, researchers would award points if individual institutions either published data in open formats or if they posted links towards the government's open data portal as an instruction for users on how to access their data in open format. Yet, such practices were not found in any of the six countries, apart from scarce outliers of one or two institutions in each sample.

Chart 41. Indicator values for ACC_P2_I1 "Civil society perception of the quality of legislation and practice of access to public information" and ACC_P2_I2 "Proactive informing of the public by public authorities"
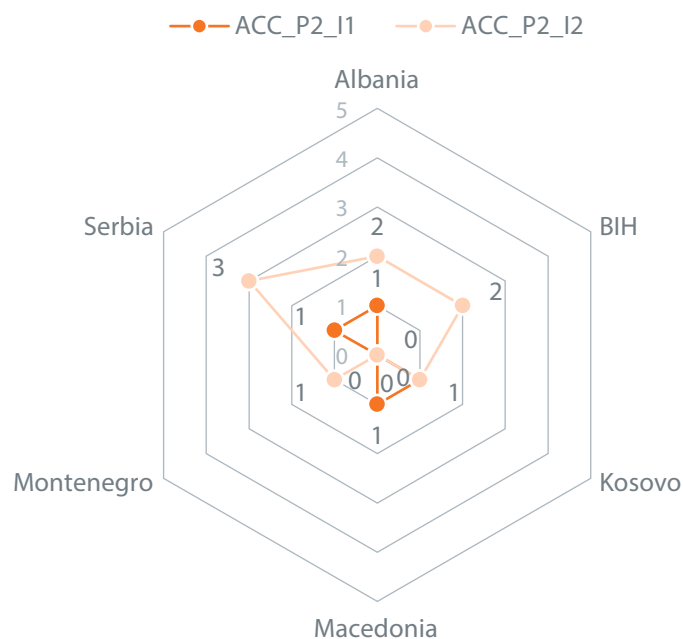
Textbox 4: Western Balkan civil society findings

The "Accountability, Technology and Institutional Openness Network in South-eastern Europe - ACTION SEE" project provides a platform for dialogue and a concrete tool for measuring the degree to which state institutions uphold principles and standards of open governance (The Openness Index).

The "Openness Index" is a composite indicator that measures the degree to which governments in the Western Balkan countries are open to citizens.

The research and measuring covered six Western Balkan countries: Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia.

In each of them, the openness of the institutions was measured within:

• Legislative authorities (parliaments)
• Executive authorities (governments, ministries, executive agencies)
• Judicial authorities (courts, prosecutors, judges and prosecutors)
• Local self-governments

The latest (2017) results for the executive branch show that the Macedonian government is the most open, with a score of 75.61% (on a 100% scale), followed by Montenegro (68.94%), Albania (54.92%), Serbia (56.66%), Bosnia and Herzegovina (45.9%) and Kosovo (41.29%).

Based on: https://opennessindex.actionsee.org/ where more information is available.

V.5 Summary of findings for 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. Over 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 FOI 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 gain faster access to complete information. Moreover, 43% of the surveyed CSOs think that public authorities "sometimes", "often" or "always" release partial information/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 with 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 grave consequences for the responsible persons in the non-compliant authorities. Only 22% of the CSOs think that consequences are grave 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.

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 critical 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 the information. A major 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.

VI.
Service delivery

VI.1 Significance of service delivery area

The delivery of public services is the most visible aspect of the administration for citizens and residents of any country. Public administration is usually responsible for a core set of services pertaining to the basic rights and obligations of the citizens, such as issuing of personal documents, keeping registries of property, issuing permits for construction and regulating professions. These services can be defined as administrative services and mainly relate to resolving individual administrative cases by issuing administrative acts and undertaking administrative actions at the request of an individual or otherwise; handling citizens' official requests; and enabling citizens to perform their duties towards the state, such as, paying taxes.

In addition to administrative services, the state is often the main provider of a range of sectoral (specialised) services, such as health protection, education and social protection. Whereas these services are equally important, they are not the exclusive prerogative of the state and are frequently provided by the private sector as well. For this reason, they are not treated as administrative services, strictly speaking, and are not covered by either the Principles of Public Administration or by the PAR Monitor.

The Principles of Public Administration encompass a set of four principles in this area, starting from the existence and implementation of a policy for the provision of policy for citizen-oriented state administration (principle 1). Next, the framework of principles looks at whether good administration is a key policy objective which underpins the delivery of public service (principle 2). This policy objective should be enacted in legislation on administrative procedures and should be consistently applied in practice. The third principle in the service delivery area requires that there be mechanisms in place to ensure the quality of services provided by the administration, which includes monitoring and common standards for service delivery, use of mechanisms for management of quality and for user engagement. Finally, principle 4 looks at the accessibility of public services, both in terms of physical and digital access.

VI.2 State of play in the region[92]

All Western Balkan countries recognise improved service delivery as one of the priorities or key objectives in public administration reform. Whereas the Albanian government is the only one with a designated policy document for service delivery,[93] in the other countries this area is addressed by the overall PAR strategies, either at the level of specific objective or as one of the measures under a wider policy objective. The Serbian government is also implementing a separate strategy for the development of e-government, and a similar strategy has been drafted, albeit not yet adopted, in Kosovo. In Albania and Montenegro, more overarching strategies for digital or information society also include priorities related to e-government and the development of e-services in various areas (health, education, social protection, etc.).

In terms of the institutional setup for managing the service delivery policy, Albania is the only case in the region with a specialised government responsible for models and standards in citizen-centric public service delivery – the Agency for the Delivery of Integrated Services (ADISA). In other countries, the institutional framework for service delivery is less explicit and responsibilities are divided among different institutions. For example, in Kosovo, the Ministry

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[92] The state of play is to a large extent based on SIGMA assessments and monitoring reports published in 2017 (which are therefore not cited separately), whilst other sources used are cited separately. SIGMA monitoring reports are available at http://www.sigmaweb.org/publications/monitoring-reports.htm, last accessed on 1 September 2018.

[93] ADISA, "Long-Term Policy Document on the Delivery of Citizen-Centric Services by Central Government Institutions in Albania," April 2016, https://bit.ly/2FF1lub, last accessed on 12 September 2018.

of Public Administration is responsible for co-ordinating service delivery in general, while its subordinate institution – Agency for Information Society – co-ordinates the reform of e-service delivery. Yet, coordination between them is poor. In Serbia, although there is no central institution charged with the overall service delivery policy, the institution charged with e-government development leads the development of citizen-centric service delivery as well, in collaboration with the Delivery Unit at the Prime Minister's Office. Simplification of administrative procedures for businesses is at the same time being conducted by the Public Policy Secretariat.[94] Overall, the lack of specialised institutions or the lack of coordination among the exiting institutions in several cases across the region negatively reflects on the standardisation and development of mechanisms for quality assurance in service delivery.

The rights of citizens to good administration have to a large extent been defined and guaranteed by the modernised legislation on (general) administrative procedure (LAP). These laws have in recent years been modernised in most of the region. Albania (2015), Kosovo (2016), Macedonia (2015), Montenegro (2014) and Serbia (2016) have all adopted new LAPs, aligned with EU principles in the area, though with varying degrees of implementation to date. In Montenegro, the new LAP was amended several times, postponing full implementation, while in Serbia implementation was not postponed despite numerous technical difficulties. A specific challenge in BIH is the existence of parallel LAPs at the state and entity levels, as well as the Brcko District. These laws are mainly based on the old Yugoslav administrative law system and have not been more thoroughly revised in the recent years in light of new requirements and modern principles. The harmonisation of legislation regulating special administrative procedures with the LAPs remains a region-wide challenge.

E-services are in varying stages of development in the different countries of the region, with the e-government portals still predominantly offering services of category 1 and 2, i.e. information about the service provision and downloads of application forms. The portal e-Albania.al is among the most developed across the six countries and, thanks to successful implementation of the interoperability technical solution by the National Agency for Information Society (NAIS), it increased the number of e-services offered from 32 in April 2014 to 467 in February 2017.[95] Whereas BIH, Kosovo and Macedonia do not yet have operational e-government portals, specific institutions have developed their own online services. In Macedonia, the number of available public e-services exceeds 180, but they are not frequently used, as not all of them are available at one single location on the Portal of Services.[96] In Montenegro, only 15 of the services available on the e-government portal are "e-exclusive" and can be completed entirely electronically (without the need to submit a document in hard copy as well or have another form of contact with the administration). At the same time, out of the total number of e-services conducted over the portal in 2017, over 95% related to only two services: the government-sponsored internship programme and the student loan application. In Serbia, the e-government "provides convenient access to information and a small but growing number of transactional services."[97] It has recently introduced possibility to make e-payments of administrative fees, together with other technical improvements.

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[94] Matija Vilfan et al., "Comparative Study on Service Delivery," Regional School of Public Administration, 2018, p. 196, https://bit.ly/2zsqxhS, last accessed on 21 November 2018.

[95] SIGMA Monitoring Report for Albania, November 2017, p.108, https://bit.ly/2Bkxfd0, last accessed on 10 September 2018.

[96] Matija Vilfan et al., "Comparative Study on Service Delivery," p. 148.

[97] Ibid., p. 202.

Table 28. Development of e-government services in the Western Balkans[98]

Country	Albania	BIH	Kosovo	Macedonia	Montenegro	Serbia
No. of transactional e-services available:	535	0	0	200[99]	455	12
No. of transactions/services rendered per year:	3,600,000	0	N/A	3,000,000	8,369	710

Good practices: Interoperability for modern service delivery

The **Albanian** National Agency for Information Society (NAIS) co-ordinates the implementation of an interoperability technical solution which enables data exchange among registers. To date, over 40 information systems have been interconnected, including all basic registers. The NAIS has leveraged its power to approve all new IT systems within the government to enforce integration of all systems into the common interoperability structure. This centrally co-ordinated interoperability technical solution is at present the only legal way to exchange electronic data between the different IT systems.

Quality management is in different stages of development, though it is nowhere done systematically. Citizen feedback is largely not collected and used for the redesign of services. The most widely used mechanisms for managing and assuring the quality of service delivery are the Common Assessment Framework (CAF) and ISO certification. Macedonia introduced CAF as a legislative requirement in 2014, which has in part led to it being treated as a formalistic requirement. In addition, numerous institutions have been implementing ISO certification on a regular basis since 2008.[100] In Albania, ADISA has introduced some quality management practices for newly introduced one-stop-shops under its purview. The other countries are only at the very early stages of implementing any quality management tools in service delivery.

[98] Based on the data from individual country tables provided in: Matija Vilfan et al., "Comparative Study on Service Delivery."

[99] Services available at two separate portals.

[100] In 2017, there were 37 reported CAF users and 101 owners of or applicants for ISO certificates, including non-executive bodies. See: SIGMA Monitoring Report for Macedonia, November 2017, p. 101, https://bit.ly/2koFCd1, last accessed on 15 September 2018.

Practices to avoid: Citizen feedback unused

The Ministry of Public Administration in Kosovo has implemented the "E-Box" project in 2016, as part of which electronic, touch screen-enabled feedback devices were installed in 35 public institutions that provide over-the-counter public services (28 in state administration bodies). The system allows feedback to be given on services delivered in specific offices, but its design does not lead to pertinent and usable feedback from users. For instance, the system permits feedback to be given multiple times and accepts comments on any service listed, not necessarily that received by the contributor. The quality of the feedback is therefore not very reliable, and the AIS does not follow up on feedback with the public authorities equipped with e-Boxes. A few of the authorities concerned report that they do not know who receives the information or how it is used.[101]

Finally, accessibility of administrative services is one of the major concerns across the region, which is also confirmed by the WeBER results laid out below. Institutions and offices which deliver services to citizens are frequently inaccessible to persons with disabilities. Moreover, there is a prevailing lack of data collection related to access to services, with the exceptions of Macedonia and, partially, Kosovo.[102]

VI.3 WeBER Monitoring focus

Under the Service Delivery area of PAR, WeBER monitors aspects of three SIGMA Principles:

Principle 1: Policy for citizen-oriented state administration is in place and applied;

Principle 3: Mechanisms for ensuring the quality of public services are in place;

Principle 4: The accessibility of public services is ensured.

From the perspective of the civil society and the wider public, these Principles bear the most relevance in terms of addressing the outward-facing aspects of the administration that are crucial for daily provision of administrative services and contact with the administration. In this sense, these are the principles most relevant to the quality of everyday life of citizens.

The approach to monitoring these principles relies, firstly, on public perception of service delivery policy, including how receptive the administration is for redesigning administrative services based on citizen feedback. This is complemented with the perception of civil society about distinct aspects of service delivery. Moreover, the approach to the selected Principles goes beyond perceptions, exploring aspects of existence, online availability and accessibility of information on services.

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[101] Based on SIGMA Monitoring Report for Kosovo, November 2017, p. 109, https://bit.ly/2BLUWtV, last accessed on 15 September 2018.

[102] SIGMA monitoring reports for 2017 feature predominantly low scores on the sub-indicator "Availability of statistical data on accessibility to public services". Except for Macedonia which scored 3 (the maximum) and Kosovo with the score of 2, all other countries scored 0-1.

Four indicators were used, two fully measured by perception data (public perception and civil society) and two by using a combination of perception and publicly available data. The public perception survey employed three-stage probability sampling targeting the public.[103] It focused on citizen-oriented service delivery in practice, covering the various aspects of awareness, efficiency, digitalization and feedback mechanisms.

In the measurement of accessibility of administrative services for vulnerable groups, and in remote areas, the WeBER survey of civil society and a focus group with selected CSOs were used,[104] the latter for complementing the survey data with qualitative findings. The existence of feedback mechanisms was explored by combining public perception data and the online data on the sample of five services, kept identical for the entire region. The sample included: 1) Property registration, 2) company (business) registration 3) vehicle registration 4) issuing of personal documents: passports and ID cards 5) value added tax (VAT) for companies. Finally, the websites of providers of the same sample of services were analysed to collect information on accessibility and their prices. The period of website analysis was January-February 2018 and the findings reflect the state of play in that period.

VI.4 Comparative PAR Monitor findings

■ **Principle 1:** Policy for citizen-oriented state administration is in place and applied

The PAR Monitor approaches this principle from the perspective of public perceptions about the citizen orientation of the administrations, using the indicator "Public perception of state administration's citizen orientation" (SD_P1_I1). The indicator comprises 11 elements.

Table 29. Element scores and corresponding indicator values for SD_P1_I1 "Public perception of state administration's citizen orientation"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Citizens are aware of government administrative simplification initiatives or projects	2	1	0	1	1	1	1
E2. Citizens confirm that administrative simplification initiatives or projects of the government have improved service delivery	4	4	4	4	4	4	4
E3. Citizens confirm that dealing with the administration has become easier	4	2	0	4	2	2	2
E4. Citizens confirm that time needed to obtain administrative services has decreased	4	2	0	4	2	2	2
E5. Citizens consider that administration is moving towards digital government	2	1	0	2	2	2	2
E6. Citizens are aware of the availability of e-services	2	1	0	1	1	1	1
E7. Citizens are knowledgeable about ways on how to use e-services	2	2	1	1	2	2	2
E8. Citizens use e-services	4	0	0	2	0	0	2
E9. Citizens consider e-services to be user-friendly	2	2	2	2	2	2	2
E10. Citizens confirm that the administration seeks feedback from them on how administrative services can be improved	2	1	0	1	0	1	1

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[103] Perceptions are explored using a survey targeting the general public (aged 18 and older) of six Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random stratified sampling. It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia (ad hoc surveys were conducted for Kosovo and Macedonia) during 15 October - 30 November 2017. More information about the survey is available in the Methodological Appendix.

[104] The survey of civil society organisations was administered through an anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). More information about the CSO survey is available in the Methodological Appendix.

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E.11 Citizens confirm that the administration uses their feedback on how administrative services can be improved	4	4	4	4	4	4	4
Total points	32	20	11	26	20	21	23
Indicator value	0-5	3	1	4	3	3	4

Public perceptions related to service delivery policy and citizen orientation of the administration diverge significantly across the region, generally being the highest in Kosovo and Serbia and the lowest in BIH.

Around a half of Western Balkan citizens (48%) generally agree that in the past two years their governments have made efforts or implemented initiatives to simplify administrative procedures for citizens and businesses. At the same time, every third citizen of the region (34%) disagrees with the same statement. At the country level, however, the divergence of opinion is very high: agreement in Kosovo and Serbia (57% and 56% respectively) is twice as high as it is in BIH, where it is only 28%. Among citizens who have over the past two years interacted with the administration to receive services, levels of agreement are higher, averaging at 59%, and ranging from 71% in Kosovo to 36% in BIH. Among the citizens who agree that there have been efforts to simplify administrative procedures, a staggering 83% agree that this has actually led to improved service delivery. Less pronounced on this question, the country differences range from 92% in Kosovo to 71% in Macedonia.

Chart 42. Citizen perceptions on the statement "In the past two years, there have been efforts or initiatives by the government to make administrative procedures simpler for citizens and businesses" (%)
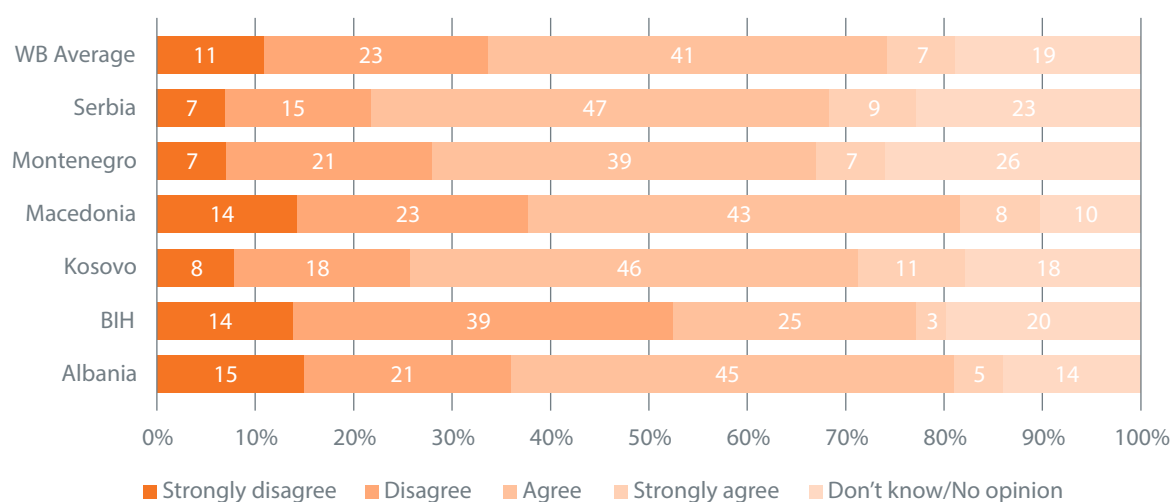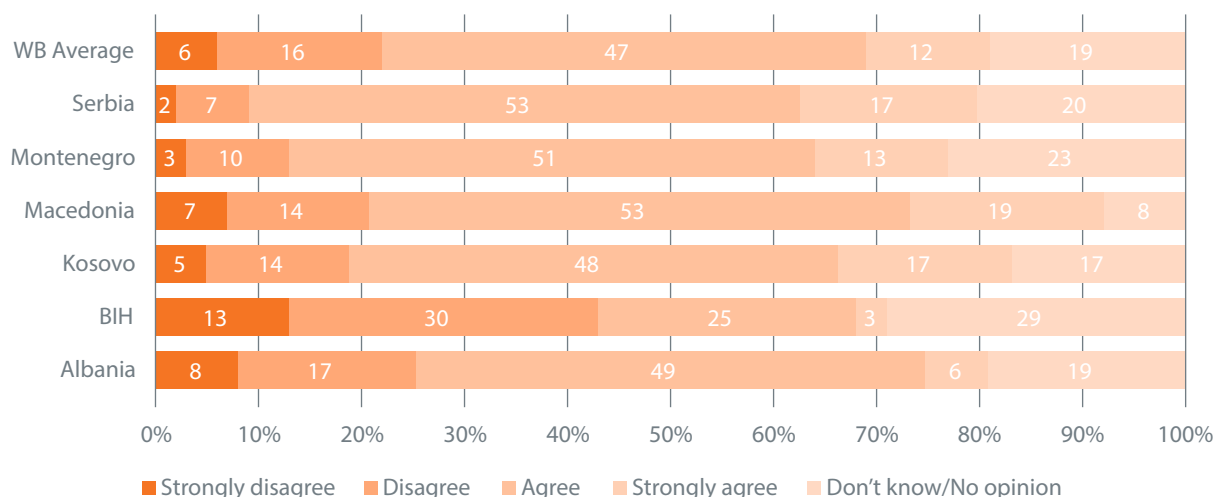

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=6172 and refers to the WB total, rather than individual countries.*

When asked a more concrete question about whether it has become easier to deal with the administration over the past two years, 43% of Western Balkan citizens tend to agree, while 37% disagree. As many as 63% of the citizens of Kosovo express support for this statement, while at the same time in BIH this is the case for only 28%, and over a half of the population expresses disagreement (51%). In Montenegro, 28% of the population does not hold a view on this topic, which is significantly higher than the regional average of 18%. The regional average agreement with this statement for those who have interacted with the administration is 56%, whereas in Kosovo it goes as high as 79%.

Citizens have a similar, though slightly more positive, view on whether the time needed to obtain administrative services has decreased over the past two years. In fact, 46% of the region's adult population agrees that this is indeed the case, with 37% disagreeing. Kosovo again emerges as the most positive, with roughly two-thirds of citizens (67%) agreeing with the statement. In all other countries, less than half of the population agree: from 42% in Montenegro to 45% in Albania. In BIH, on the contrary, over a half of citizens disagree (52%) that the time one needs to get services has diminished, while only 28% agree.

Of citizens across the Western Balkans, 59% agree that their governments have been moving towards digitalisation in the past two years, while 22% disagree. At the national level, the highest level of agreement is seen in Macedonia (72%), followed by Serbia (70%). However, only 28% of citizens in Bosnia and Herzegovina agree that their government has been moving towards digitalisation. For the other countries of the region, the level of agreement ranges from 55% in Albania to 64% in Kosovo and Montenegro. The agreement among the citizens who confirm interaction with the administration over the past year, for this question, stands at 69%, going up to 78% in Kosovo and Serbia.

Chart 43. Citizen perceptions on the statement "In the past two years, the Government has increasingly been moving towards digitalisation" (%)
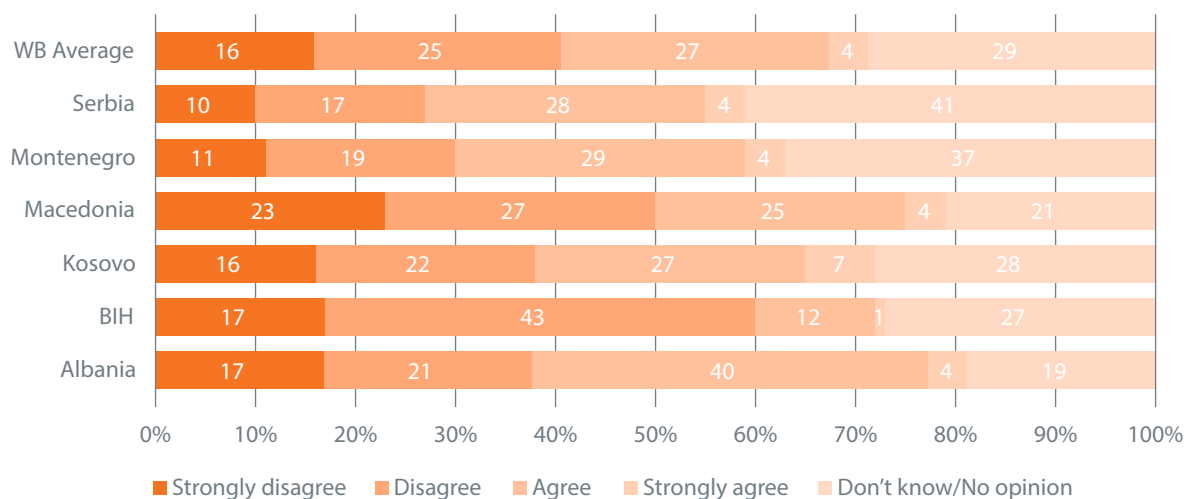

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=6172 and refers to the WB total, rather than individual countries.*

The results reveal a rather low level of awareness regarding the availability of e-services across the region. At the regional level, only 4 in 10 citizens (41%) confirm awareness that e-services are offered by their public administration. At the country level, this level of awareness ranges from 31% in Montenegro to 53% in Macedonia. Citizens in BIH confirm the lowest awareness, with fewer than a fifth reporting to know (19%). Furthermore, citizens who reported being aware of these services were asked if they were informed how to use the e-services. Regionally, 65% of citizens who are aware that e-services are offered in their country are generally informed on the ways to use e-services, while every third citizen is uninformed. At the national level, Serbian citizens claim better information (81%), followed by Montenegrins (69%). For the other countries, being informed ranges from 52% in BIH to 62% in Macedonia. When asked how often they managed to finalise the service they requested online, only 35% of respondents at the regional level report that they "always" managed to obtain the service requested. This proportion varies from 23% in Albania to 47% in Serbia. But, on the other hand, when asked how easy the e-services are to use, more than four out of five Western Balkans respondents (82%) rate them as either easy or very easy.

At the regional level, a third of the population (31%) agree that the administration has, over the past two years, asked the citizens for proposals on how to improve administrative services. At the individual country level, the highest level of agreement is seen in Albania (44%), while it is the lowest in BIH (13%). From among those who agree that their administration has asked for citizens' proposals, over three-quarters (78%) agree that their governments have used such proposals to improve service delivery. At the national level, the highest agreement of 85% is recorded in Serbia, while it is the lowest in Macedonia: 61%.

Chart 44. Citizen perceptions on the statement "In the past two years, the administration has asked for the citizens' proposals on how to improve administrative services" (%)

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=6172 and refers to the WB total, rather than individual countries.*

Chart 45. Indicator values for SD_P1_I1 "Public perception of state administration's citizen orientation"
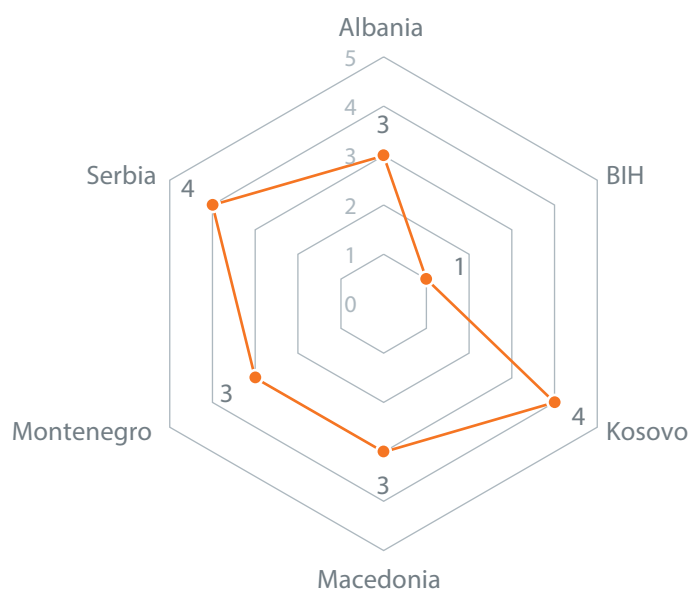
■ **Principle 3:** Mechanisms for ensuring the quality of public services are in place

PAR Monitor approaches Principle 3 of the service delivery area from the perspective of citizens' views on the quality of public services. It does so by combining results of a public perception survey with the analysis of websites of service providers to determine the availability of information on citizen feedback. In the public perception survey, citizens were asked about the possibilities they have to provide feedback on the quality of services, about the ease of use of the channels for providing feedback, about their and civil society's role in monitoring service delivery and if such efforts result in improved service delivery. The results of these questions were used in the indicator "Public perception and availability of information on citizens' feedback regarding the quality of administrative services" (indicator SD_P3_I1), which comprises six elements.

Table 30. Element scores and indicator values for SD_P3_I1 "Public perception and availability of information on citizens' feedback regarding the quality of administrative services"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Citizens consider they have the possibility to provide feedback on the quality of administrative services	2	1	0	1	1	1	1
E2. Citizens perceive feedback mechanisms as easy to use	4	4	2	4	4	4	4
E3. Citizens perceive themselves or civil society as involved in monitoring and assessment of administrative services	4	2	0	2	0	0	0
E4. Citizens perceive that administrative services are improved as a result of monitoring and assessment by citizens	4	4	4	4	4	4	4
E5. Basic information regarding citizens' feedback on administrative services is publicly available	4	0	0	2	0	0	2
E6. Advanced information regarding citizens' feedback on administrative services is publicly available	2	0	0	1	0	0	0
Total points	**20**	**11**	**6**	**14**	**9**	**9**	**11**
Indicator value	**0-5**	**2**	**1**	**3**	**2**	**2**	**2**

In the opinion of the Western Balkan citizens, opportunities to provide feedback on the quality of services that the administrations in their countries provide are few. Less than a third of them (31%) agree that they have such possibilities as service recipients, while 42% disagree. The highest agreement at the country level is 38% in Kosovo, with Macedonia and Albania just 2-3 percentage points below that. BIH is again at the end of the regional queue, with only 15% agreement.

Out of those that believe they have possibilities to give feedback on the quality of administrative services, only a quarter have had the chance to give their feedback in the past two years. Two thirds of citizens have not been able to state their opinion about the quality of services received from the state. In Macedonia, the proportion of citizens who declare they have provided feedback is the highest (32%), which is in line with the longer practice of service quality assurance in that country, compared to the rest of the region. Albania follows closely behind, with 29%, reflecting the recent efforts invested by ADISA. Serbia lags behind on this question, with only 15% of citizens confirming to have left feedback on quality of received services.

Chart 46. Citizen perceptions on the statement "In the past two years, have you had the chance to give your opinion on the quality of the services you used?" (%)
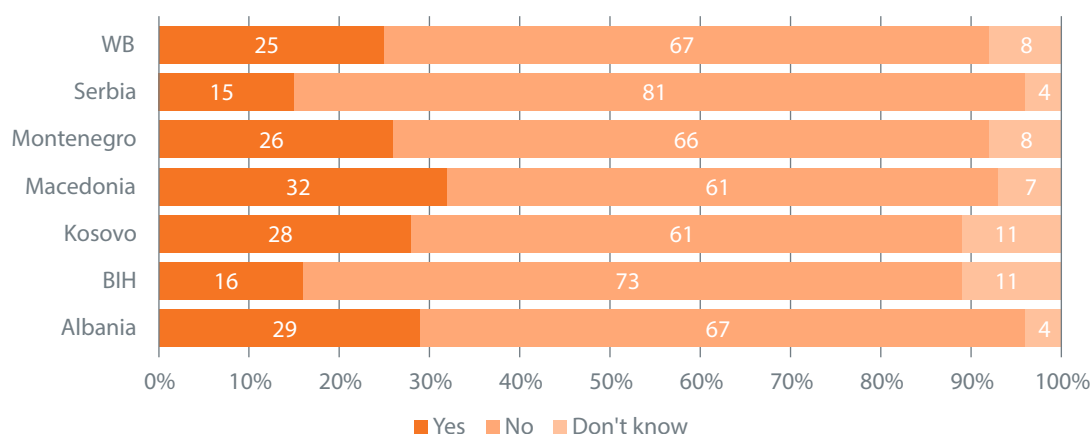
Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=1933 and refers to the WB total, rather than individual countries.*

A great majority of citizens who have provided feedback on the services used in the past two years rate those feedback channels as easy to use (74%), which indicates that citizens value the chances they are given to state their opinion. At the national level, feedback mechanisms are rated as easier to use in Albania and Montenegro (87%) and in BIH (54%).

There is a prevailing disagreement across the region that citizens or civil society have been involved in monitoring service delivery in the past two years: whereas 41% of citizens believe this has not been the case, only a quarter support the statement. Albanian citizens agree the most (35%), while in BIH this is the case for only 11% of citizens. Moreover, in BIH and Macedonia, there is a majority disagreement: 56% and 52% respectively. Nevertheless, from among the few that think there has been citizen or civil society monitoring of service delivery, an overwhelming majority of 82% are of the opinion that that services have improved as a result. This view is shared by 68% of citizens in Bosnia and Herzegovina and 88% of citizens in Kosovo and Serbia. The average of a third of citizens who could not respond to this question indicates that there is insufficient awareness and information regarding the civil society campaigns related to service delivery assessment, but also possibly a lack of such initiatives across the region.

Textbox 5: Western Balkan civil society findings

With regards to collaboration in service provision, noteworthy developments have been observed within the legal framework of several countries, while in practice CSOs continue to be rarely engaged in provision of any other but social services. In Albania, the Law on Social Enterprises enacted in 2016 defines social enterprise as non-profit-organizations, regulates their organization, functioning and criteria for granting such status by the responsible Ministry on Social Issues. The Law should encourage local governments to stimulate participation of social enterprises in public tenders; however, the recommendations provided by civil society were not adopted and the Law presents many problems. In Serbia, a final draft of the Law on Free Legal Aid has been created, which does not allow associations to provide free legal aid in cases stemming from the right to peaceful assembly and prohibits advertising of free legal aid.

Ilina Neshikj, Biljana Spasovska, Dejana Stevkovski, "Fostering an Enabling Environment for Civil Society Contribution to Global Development", August 2017, available at: Civic Initiatives, https://www.gradjanske.org/ and BCSDN, http://www.balkancsd.net/

This indicator also included review of websites of the providers of a sample of five administrative services in each country in search of basic and advanced information about citizens' feedback on the quality of those services. Basic information – i.e. from at least one source, be it an administrative data report or a perception survey report – was found available in a few cases, mostly on the websites of the tax authorities (BIH RS level, Kosovo, Montenegro) and cadastre authorities (Kosovo and Serbia). In Kosovo and Serbia, the publication of such information is somewhat more usual than in the other countries. However, more advanced reports on citizen satisfaction, which would include the combination of more than one data source or include segregated data on gender or other bases, was only identified for two sampled services in Kosovo, out of the entire region.

Good practices: Citizen feedback analysis and publication

The Tax Administration of **Kosovo** (TAK) conducts and publishes the Taxpayer Surveys "Transparency, Efficiency, Fairness and Service Orientation of Kosovo Tax Administration" (the last edition is 2017).[105] These studies focus on the perceptions of taxpayers in Kosovo. They measure the perception of individuals as well as businesses regarding TAK's staff, procedures and services as well as tax-related policies such as TAK's approach to non-complying tax entities and risk-based audit case selection. The main objective is to give a representative and reliable picture of the situation in Kosovo with respect to taxpayer's opinions. Likewise, the Kosovo Cadastral Agency also conducted surveys with users in 2012, 2014 and 2016. The surveys assess user's satisfaction with regard to services provided by the agency. Moreover, advanced information with regard to citizens' feedback on administrative services such as segregation according to region, age of the individuals, size of the business and ethnicity is publicly available.

Chart 47. Indicator values for SD_P3_I1 "Public perception and availability of information on citizens' feedback regarding the quality of administrative services"
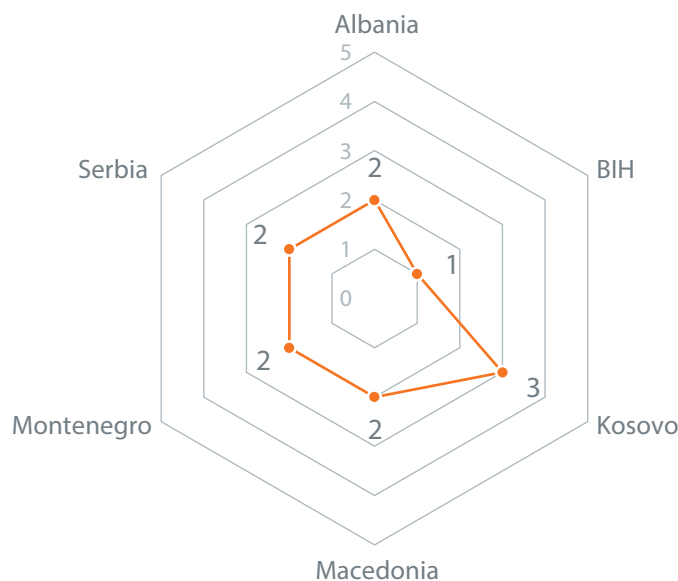
[105] Tax Administration of Kosovo, "Taxpayer Survey: Transparency, Efficiency, Fairness and Service Orientation of Kosovo Tax Administration," 2017, https://bit.ly/2P4XUfY, last accessed on 15 November 2018.

■ **Principle 4:** The accessibility of public services is ensured

Accessibility of public services was measured with two indicators, one of which is based on the perceptions of civil society organisations and the other one on the analysis of the websites of the providers for a sample of administrative services.[106] The values for the first indicator which measures "CSOs' perception of accessibility of administrative services" (SD_P4_I1) comprises six elements.

Table 31. Element scores and indicator values for SD_P4_I1 "CSOs' perception of accessibility of administrative services"
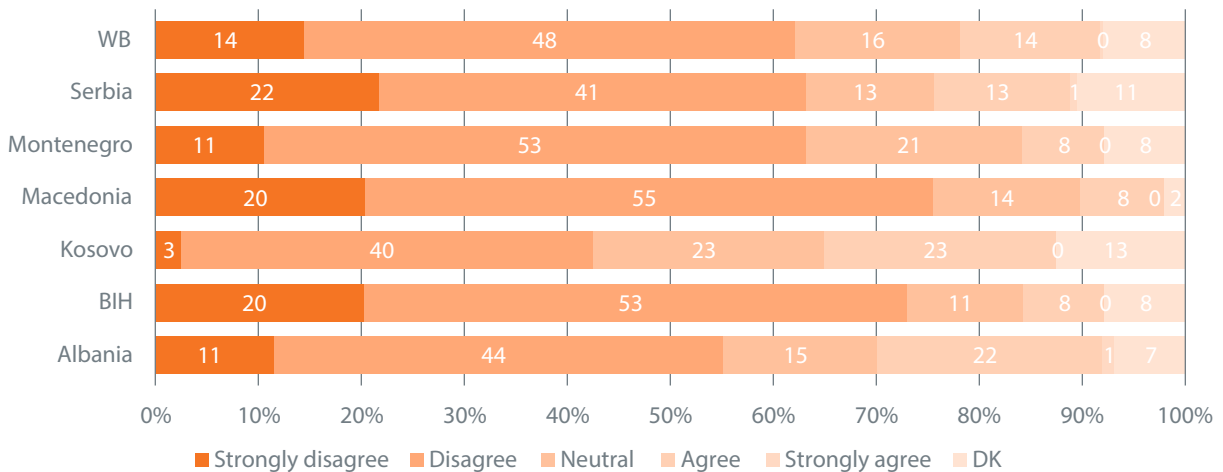
Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. CSOs confirm the adequacy of the territorial network for access to administrative services	4	0	0	0	0	0	0
E2. CSOs confirm that one-stop-shops are made accessible to all	4	2	0	0	0	0	0
E3. CSOs consider administrative services to be provided in a manner that meets the individual needs of vulnerable groups	4	0	0	0	0	0	0
E4. CSOs confirm that administrative service providers are trained on how to treat vulnerable groups	2	0	0	0	0	0	0
E5. CSOs confirm that the administration provides different channels of choice for obtaining administrative services	2	1	0	1	0	0	0
E6. CSOs confirm that e-channels are easily accessible for persons with disabilities	2	0	0	0	0	0	0
Total points	**18**	**3**	**0**	**1**	**0**	**0**	**0**
Indicator value	**0-5**	**0**	**0**	**0**	**0**	**0**	**0**

Aligned with SIGMA's overall negative assessment of the accessibility of services across the region, the survey of CSOs returned highly negative views regarding this topic, for all of the questions asked. The organisations are slightly more positive on the more general questions on territorial distribution of services and one-stop-shops than on the questions related to adaptation of service provision to vulnerable groups, where negative perceptions peak.

On average, across the region, only 14% of surveyed CSOs agree that service providers are adequately distributed across the territories of the country in such a way that all citizens have easy access, while 62% disagree. Agreement is the highest in Albania, where it reaches almost a quarter of respondents (23%), while the negative perception is the most prevalent in Macedonia where three quarters disagree with the statement.

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[106] The sample of services is the same as for the indicator 5SD_P3_I1 above.

Chart 48. Civil society perceptions on the statement "Across the territories of the country, administrative service providers are adequately distributed in such a way that all citizens have easy access" (%)
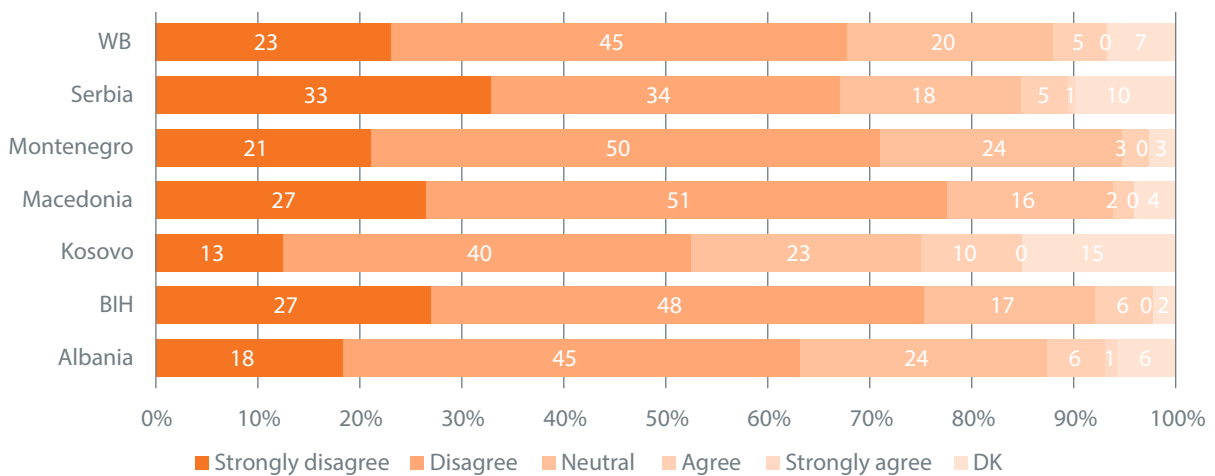
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
WB	14	48	16	14	0	8
Serbia	22	41	13	13	1	11
Montenegro	11	53	21	8	0	8
Macedonia	20	55	14	8	0	2
Kosovo	3	40	23	23	0	13
BIH	20	53	11	8	0	8
Albania	11	44	15	22	1	7

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=455 and refers to the WB total, rather than individual countries.*

Perceptions of accessibility of one-stop-shops, in terms of geographic distribution, are even more negative. On average, only 15% of the surveyed CSOs in the region agree with the statement, whereas slightly over half of them disagree. Albanian CSOs are again the most positive, with an exact third agreeing, while the Bosnian organisations show the most negative perception, almost two thirds (64%) disagreeing with the statement. Montenegrin CSOs are similarly negative on this statement, with only 5% agreeing (out of which none are strongly in agreement) and 63% disagreeing.

CSOs similarly do not consider service provision to be adapted to the needs of vulnerable groups. Only 5% on average agree that this is the case. The Kosovo organisations mark the most positive perception, albeit with only 10% in agreement with the statement. In Macedonia, only 2% are supportive of the statement, while at the same time an overwhelming majority of 78% are not, marking the highest disagreement in the region. In Serbia, both disagreement and agreement are on the level of the regional average.

Chart 49. Civil society perceptions on the statement "Administrative service provision is adapted to the needs of vulnerable groups" (%)

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	DK
WB	23	45	20	5	0	7
Serbia	33	34	18	5	1	10
Montenegro	21	50	24	3	0	3
Macedonia	27	51	16	2	0	4
Kosovo	13	40	23	10	0	15
BIH	27	48	17	6	0	2
Albania	18	45	24	6	1	6

Note: *All results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. N=455 and refers to the WB total, rather than individual countries.*

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When asked if the staff working on the provision of administrative services is trained on how to treat vulnerable groups, the surveyed CSOs are equally negative. While the regional average of agreement is only 5%, in Albania it is twice as high (10%) – the highest in the region. In Macedonia, only 2% are in agreement, but none strongly. Similarly, no organisation strongly agrees that public servants are trained on how to work with vulnerable groups in Albania, BIH and Kosovo.

Almost two thirds (63%) of surveyed CSOs in the region disagree that e-channels for accessing administrative services are easily accessible for vulnerable groups. In Kosovo, 10% agree with the statement, which is the highest level of agreement. At the same time, in BIH only 3% agree, while 69% disagreed, marking the highest level of disagreement in the region. The fewest CSOs disagree in Serbia, albeit still over half (57%).

Chart 50. Indicator values for SD_P4_I1 "CSOs' perception of accessibility of administrative services"

The second accessibility indicator looks at the availability of information regarding the provision of administrative services on the websites of service providers (indicator SD_P4_I2), for the same sample of five services used in the previous indicators in this area. The analysed information also includes prices of administrative services, which should be presented in an accessible manner, with relevant price breakdown and transparency. The indicator relies on seven elements.

Table 32. Element scores and indicator values for SD_P4_I2 "Availability of information regarding the provision of administrative services on the websites of service providers"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Websites of administrative service providers include contact information for provision of services	4	4	4	2	4	4	4
E2. Websites of administrative service providers include basic procedural information on how to access administrative services	4	4	0	2	4	2	2
E3. Websites of administrative service providers include citizen-friendly guidance on accessing administrative services	2	2	0	1	0	0	1
E4. Websites of administrative service providers include information on the rights and obligations of users	2	2	1	1	2	2	2
E5. Individual institutions providing administrative services at the central level publish information on the price of services offered	4	4	2	2	4	2	4
E6. The information on the prices of administrative services differentiates between e-services and in-person services	2	0	0	0	1	0	0
E7. Information on administrative services is available in open data formats	2	0	0	0	0	0	0
Total points	**20**	**16**	**7**	**8**	**15**	**10**	**13**
Indicator value	**0-5**	**4**	**1**	**1**	**4**	**2**	**3**

In the period of measurement (January-February 2018), basic contact information related to service delivery (e-mail addresses and phone numbers) could be found on the websites of service providers in a large majority of cases across the region. The only exception is Kosovo where this information was not available for two services in the sample. Further analysis of availability of basic procedural information on how to access administrative services showed that only in Albania and Macedonia was such information available for the entire sample, whereas in BIH it was available for only one sample service.

More advanced, citizen-friendly information and guidance on how to obtain services were identified only in Albania with its systemic approach – the ADISA Information Cards (see good practice example below), though without audio-visual guidance. For Montenegro, Kosovo and Serbia usage manuals and/or audio-visual materials were identified for a part of the sample, whereas in the remaining countries no examples were identified.

Specific information on the rights and obligations of the users of services is mostly available: in Albania, Macedonia and Serbia for the entire sample, whereas in the remaining three countries it was identified for a majority of the sample.

Good practices: Proactive informing of citizens on service delivery

Albanian ADISA's information cards, available online, contain information in a tabular form regarding the objective of the individual services and, if one is a potential beneficiary, what documents one needs in order to apply, where one can apply, whether there is an e-service possibility, service fee, time needed to obtain it, the responsible institution for the service, where one can obtain the service, where one can find additional information, what to do if one wishes to complain and the legal basis of the service.[107]

The **Serbian** Tax Administration offers its users/businesses an online step-by-step brochure on how to prepare and fill in each field in a VAT report form, supported by some concrete examples, as well as an instructional video on how to submit an electronic VAT report.

Information about the prices of obtaining the services is available for the entire sample only in Albania and Macedonia, whereas in the remaining countries it was found for a part of the sample. Mostly as a result of the poor state of development of e-service delivery in the region, there is no further information differentiating prices of obtaining services in person and in electronic form.

Finally, in line with the mainstreaming approach for open data which the PAR Monitor methodology applies, the indicator looked at whether the information on services is available for download in machine readable formats, free of charge. That practice of offering open data on service provision, however, could not be found anywhere in the region.

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[107] ADISA website, Information Cards (available in Albanian), http://www.adisa.gov.al/lista-e-sherbimeve-zrpp, last accessed on 15 September 2018.

Practices to avoid: Hidden fees for obtaining services

The **Montenegrin** Tax Administration advertises the use of its e-portal for provision of services to companies. However, the information provided fails to mention that a precondition for using those e-services is the purchase of a digital certificate provided at a significant price – as much as €110 for a basic package.

Chart 51. Indicator values for SD_P4_I2 "Availability of information regarding the provision of administrative services on the websites of service providers"
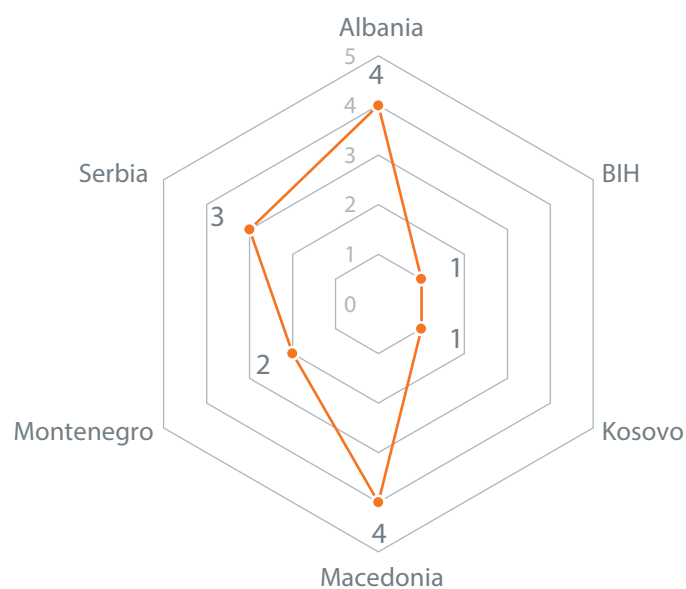
VI.5 Summary of results for "service delivery"

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.

VII.
Public Financial Management

VII.1 Significance of public financial management

Public financial management (PFM) is large in scope and an extensively elaborated PAR area. It covers all key aspects of public finances in an administration, including essential procedures, processes, and institutional requirements at the central level, necessary for implementing the overall budgetary policy. In addition, it concerns the level of individual administrative authorities, the budget users, by laying down rules and procedures to be followed in line with the general budgetary framework, but also throughout the process of internal and external budgetary control and oversight. In this regard, coverage of the Principles of Public Administration can be broadly grouped into four PFM subsystems: 1. overall budgetary policy and budget management, 2. public internal financial control,[108] 3. public procurement and 4. external oversight over public finances, i.e. the external audit.

As national budgets rely significantly on revenues collected within the country from the taxpayers' money, the proper management of public finances - planning, programming, executing, monitoring, reporting - becomes a principal concern of the state bodies and the public alike. A well-established and functioning system of public finances ensures that public monies are purposefully used for policies and interventions benefitting citizens and society. Furthermore, sound public financial management ensures transparency of all its critical aspects necessary to hold the governments accountable for budget spending, i.e. the accomplishments and failures in delivering promised results.

Principles of PA define eight key requirements for PFM. These key requirements are operationalised through a total of 16 principles.

- In *Budget Management*, the first requirement is concerned with budget formulation in compliance with transparent legal provisions and within an overall multi-annual framework. This serves to ensure sustainable general government budget balance and debt-to-GDP ratio. The second requirement is to implement accounting and reporting practices that ensure transparency and public scrutiny over public finances and the central management of cash and debt.

- In *Public Internal Financial Control (PIFC)*, it is firstly required that the internal control policy is in line with the requirements of Chapter 32 of EU accession negotiations and is systematically implemented throughout the public sector. Secondly, the internal audit function needs to be established in the public sector and its work carried out according to international standards.

- In *Public Procurement*, a key requirement is its regulation by duly enforced policies and procedures that reflect the principles of the Treaty on the Functioning of the EU and the EU acquis, supported by suitably competent and adequately resourced institutions. Moreover, in the case of alleged breaches of procurement rules, the Principles require that aggrieved parties have access to justice through an independent, transparent, effective and efficient remedies system. The final requirement is that contracting authorities are adequately staffed and resourced and that they carry out their work in accordance with applicable regulations and recognised good practice.

- In *External Audit*, the only requirement concerns the constitutional and legal framework guarantees for the independence, mandate and organisation of the supreme audit institution

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[108] Also referred to as internal control and audit in SIGMA Principles of Public Administration, https://bit.ly/2Qj0fZi, last accessed on 1 September 2018.

to perform its mandate autonomously and in accordance with the standards applied for its audit work, allowing for high-quality audits that impact the functioning of the public sector.

VII.2 State of play in the region[109]

Public financial management is currently undergoing strategic-level reform in all WB countries, through the adoption of either PFM reform programmes or strategies. Despite terminological differences, these comprehensive strategic documents ultimately have a single aim - to achieve sound PFM systems, by targeting all its components with reform measures. Expectedly, ministries in charge of finance in these countries are the key policy actors for PFM reform management and coordination.

Table 33. Currently implemented PFM reforms in WB countries

	ALB	BIH	KOS	MKD	MNE	SRB
DOCUMENT	Strategy	Reform Strategy[110]	Reform Strategy	Reform Programme	Reform Programme	Reform Programme
TIMEFRAME OF IMPLEMENTATION	2014-2020	2017-2020	2016-2020	2018-2021	2016-2020	2016-2020
LAST AVAILABLE MONITORING REPORT	2017	Not available	2017	First year of implementation	2017	2016-2017 (draft)

- **Budget management**

When it comes to national budget policies and budget management, in recent years WB countries have been putting new solutions to test, to improve budget discipline and transparency. This includes the introduction of programme- and gender-based budget instruments (BIH,[111] Macedonia,[112] Serbia[113] and Montenegro[114]) or the accompanying draft budgets with policy objectives and non-financial performance information (Albania). The countries are, however, still a long way from achieving high standards of transparency, as WeBER results presented below demonstrate.

Based on external assessments, some of the countries are even decreasing or simply stagnating in their levels of budgetary transparency in recent years. Such practices include failure to publish

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[109] The state of play is to a large extent based on SIGMA assessments and monitoring reports published in 2017 (which are therefore not cited individually), whilst other sources used are cited separately. SIGMA monitoring reports are available at http://www.sigmaweb.org/publications/monitoring-reports.htm, last accessed on 1 September 2018.

[110] There is no country-wide strategy for Bosnia and Herzegovina. The strategy indicated in the table considers institutions on the state-level only.

[111] Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Gender Equality Agency, "Gender-Responsible Budgeting" (available in Bosnian), http://arsbih.gov.ba/rodno-odgovorno-budzetiranje/, last accessed on 17 September 2018.

[112] Ministry of Finance, Republic of Macedonia, "Gender-Responsible Budget Initiative of the Republic of Macedonia" (available in Macedonian), https://www.finance.gov.mk/files/RBI_2018.pdf, last accessed on 17 September 2018.

[113] Ministry of Finance, Republic of Serbia, "The Plan of Introducing Gender-Responsible Budgeting in the Procedure of Preparation and Adoption of the Budget of the Republic of Serbia for 2019", (available in Serbian), http://www.mfin.gov.rs/pages/article.php?id=13643, last accessed on 17 September 2018.

[114] For Montenegro, the PFM Reform Programme envisages performance measurement of budget programmes: See: Public Finance Management Reform Program 2016-2020, June 2018, https://bit.ly/2r5AsW2, last accessed on 10 September 2018.

key budgetary documents, as in the case of BIH, Macedonia, and Serbia. Increase in budgetary transparency is recorded only in Albania, while in Montenegro there is still insufficient budget transparency and limited budget openness.[115] In the case of BIH, where separate PFM systems operate at different government levels, state-level transparency of public finances seems to face challenges as there is no centralised domestic organisation that publishes consolidated public-finance data.

• Public internal financial control

Key elements of PIFC policy in WB countries are laid down by organic budget laws (Serbia), PIFC legislation (Albania, Kosovo, Macedonia, Montenegro) or in a combination of the two approaches (Bosnia and Herzegovina). Similarly, WB governments have planned and incorporated PIFC reforms into the overall PFM reform documents (Albania, Montenegro), or reform measures are more generally planned within the overall reform documents and then in detail within the specifically developed PIFC strategies (Bosnia and Herzegovina, Kosovo, Macedonia and Serbia).[116]

In all six countries, PIFC is quite a recent policy, and a major focus is still put rather on setting up a proper operational and institutional ground for implementing PIFC than on producing tangible impacts. For this reason, countries face many similar, as well as some specific, challenges in implementation. To name a few, Governments do not fully endorse the recommendations of the Central harmonisation units, while budget beneficiaries do not establish fully functioning financial management and control (FMC) or internal audit (IA) – the two integral pillars of PIFC. In addition, there are delays in implementing strategic frameworks. Nevertheless, as part of statutory obligations, CHUs in all countries annually report on state of play in PIFC and indicate deficiencies in its implementation. Apart from CHU reporting, however, PIFC is still considered an internal process of the government, with little or no information available to public or parliaments.

• External audit

Finally, supreme audit institutions, established and functional in all countries of the region, perform their independent external oversight over public finances in WB countries. Although still young institutions, they are gradually increasing the scope of their work and exercising increased influence over governmental accountability and fiscal transparency. In addition, each of the SAIs plans further improvements of its work through strategic development plans or similar documents. Although there are differences in the length and scope of experience of the SAIs, across the region there is nonetheless ample space for better safeguarding independence, improving audit work and exercising stronger influence on governments.

In that regard, the SAIs of Albania, Kosovo, and Montenegro have yet to fully comply with the international standards of supreme audit institutions (ISSAIs), whilst the remaining ones have already achieved full compliance. In BIH, the level of implementation of recommendations remains low, and discussion of SAI's individual audit reports in parliaments is yet to become regular practice in several countries: Macedonia, Montenegro and Serbia. The core of the work of all SAIs in the region remains focused on compliance and financial audits, though performance audits have been gaining ground in the WB, and SAIs now regularly include them into their audit programmes.

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[115] Based on Open Budget Survey for 2017, https://bit.ly/2E0FtHS, last accessed on 13 September 2018. For Montenegro, based on the same methodology of the Open Budget Survey, although results are not official, and Montenegro cannot be found in country rankings.

[116] PIFC Strategy in Macedonia was available for the period 2015-2017.

Table 34. Supreme Audit Institutions of WB countries

	ALB	BIH	KOS	MKD	MNE	SRB
SAI	State Supreme Audit Institution	Audit Office of the Institutions of BIH	National Audit Office	State Audit Office	State Audit Institution	State Audit Institution
ESTABLISHED	1997	2000	2002	1997	2004	2005
STRATEGIC PLAN	Development Strategy 2018-2022	Strategic Development Plan 2014 - 2020	Corporate Development Strategy 2015-2020	Development Strategy 2018-2022	Strategic Development Plan 2018-2022	Strategic plan 2016-2020

VII.3 WeBER Monitoring focus

WeBER performs the monitoring in the Public Finance Management area against a selection of four SIGMA Principles:

> **Principle 5:** Transparent budget reporting and scrutiny are ensured.
>
> **Principle 6:** The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general.
>
> **Principle 8:** The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general.
>
> **Principle 16:** The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector.[117]

As these Principles are thoroughly assessed by SIGMA, the WeBER approach considers the elements of transparency and accessibility of information, external communication, but also a proactive and citizen-friendly approach to informing the citizens.

For this purpose, WeBER has developed three indicators, one per each PFM sub-area covered: annual budget policy, PIFC, and the external audit, with the second indicator covering two PIFC principles. The first indicator assesses transparency and accessibility of budgetary documents, measuring how accessible key budget documents are to the citizens (annual state-level budget and budget execution reports), but also to what extent budgetary information is presented and adapted to citizens and civil society. To this end, the primary online sources are the web presentations of ministries in charge of finance and the data available thereon, but also official portals of governments and open data portals.

The second indicator measures the public availability and communication of essential information on PIFC to the public and other stakeholders (consolidated reporting, IA quality reviews,

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[117] For this edition of the PAR Monitor, the WeBER research team decided not to focus on the public procurement sub-area of PFM, due to the risk of surpassing the available resources. An indicator for this area was nevertheless developed, and will be implemented in the next monitoring cycle.

FMC procedural information). The analysis considers official websites and the available documents of government institutions in charge of PIFC policy. Moreover, the websites of all ministries are analysed for availability of specific FMC-related information. Furthermore, official parliamentary documentation available online serves for the measurement of the regularity of parliamentary scrutiny of PIFC.

Lastly, in the external audit area, the indicator approach considers the supreme audit institutions' external communication and cooperation practices with the public. It looks at whether there is a strategic approach, the means of communication used, practices citizen-friendly audit reporting, the existence of channels for reporting on issues identified by external stakeholders and consultations with civil society. For this purpose, the monitoring uses a combination of expert analysis of SAI documents and analysis of SAI websites, complemented with semi-structured interviews with SAI staff to collect additional or missing information.

VII.4 Comparative PAR Monitor findings

■ **Principle 5:** Transparent budget reporting and scrutiny are ensured

In relation to this principle, WeBER monitoring focuses on segments of enhanced transparency and accessibility of budget documentation and data in WB countries. More closely, the indicator measures specific elements of online budget transparency and accessibility at the level of central government. The indicator "Transparency and accessibility of budgetary documents" (PFM_P5_I1) consists of seven elements.

Table 35. Element scores and corresponding indicator values for PFM_P5_I1 "Transparency and accessibility of budgetary documents"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Enacted annual budget is easily accessible online	4	0	4	4	4	4	4
E2. In-year budget execution reports are easily accessible online	4	4	2	4	4	2	2
E3. Mid-year budget execution reports are easily accessible online	4	0	0	4	4	0	0
E4. Budget execution reports (in-year, mid-year, year-end) contain data on budget spending in terms of functional, organization and economic classification	4	0	4	2	0	0	0
E5. Annual year-end report contains non-financial information about the performance of the Government	2	2	0	0	0	0	0
E6. Official reader-friendly presentation of the annual budget (Citizen Budget) is regularly published online	4	4	0	4	4	0	4
E7. Budgetary data is published in open data format	2	2	0	2	2	1	2
Total points	**24**	**12**	**10**	**20**	**18**	**7**	**12**
Indicator value	**0-5**	**2**	**2**	**4**	**4**	**1**	**2**

In all WB countries, ministries in charge of finance regularly upload enacted annual budget documents on their webpages. Prepared and officially approved by legislatures annually in the form of laws, the enacted budgets are also easily accessible - not more than three clicks away from the homepage. The only exception is Albania, where annual budgets are available online, but are not easily accessible.

There is no single approach to in-year reporting in the region, and the publishing of budget execution reports reveals additional diverging practices and less predictable approaches, with varying degrees of availability, accessibility and quality among the reports. The first reporting

element that displays this variety of practices concerns the approaches to monthly reports, which are produced in all countries except BIH. They are easily accessible, despite the instances of irregular publishing (on an unpredictable day of a month).[118] The Albanian and Serbian finance ministries issue monthly publications (Fiscal Analytical Indicators and Public Finance Bulletins) containing data on the executed budget. Another common solution is to add monthly data into an excel database containing expenditure information for previous years that is available online (Kosovo, Macedonia, but also Serbia). In addition, the Ministry of Finance of Montenegro, although legally not required to report in-year, issues monthly charts showing data on budget revenues and expenditures.[119] This practice exists in Albania as well, dating back to 2010. Besides the monthly data, easily accessible quarterly budget reports are published in the majority of cases as well (Albania, Kosovo, BIH, Macedonia), as another option for interested parties to gain insight into in-year budget spending.

Table 36. Online accessibility of in-year budget reports in WB[120]

	ALB	BIH	KOS	MKD	MNE	SRB
IN-YEAR REPORTING	YES	YES	YES	YES	YES	YES
TYPE[121]	Monthly; quarterly	Quarterly	Monthly; quarterly	Monthly; quarterly	Monthly; quarterly	Monthly; quarterly
EASILY ACCESSIBLE	✓	✓	✓	✓	✓	✓
MID-YEAR REPORTING	YES	YES	YES	YES	NO	YES
TYPE	5 months	6 months	6 months	6 months	N/A	6 and 9 months
EASILY ACCESSIBLE	X	X	✓	✓	X	X

[118] In Albania, they are prepared and issued within four weeks from the end of each month (regulated by law), or within 30 days for the previous month at the latest in Macedonia. In Montenegro and Serbia, the practice is less predictable - at the time of monitoring, four monthly reports were available within the last six months observed.

[119] As part of the participation in the IMF General Data Dissemination System (GDDS), the Ministry of Finance of Montenegro issues monthly GDDS charts that, among other things, contain data on budget revenues and expenditures.

[120] For in-year reporting, the last six months prior to monitoring are taken into consideration (it does not have to be within the same fiscal year). For mid-year reporting, reports for the current and last fiscal year, or for the last two fiscal years were considered, depending on the legal deadline for publishing the mid-year budget report in each country.

[121] By definition, monthly publication means there is also quarterly publication of budget reports. PAR Monitor methodology considers any in-year reporting as enough. That is, if monthly reports are published, it is concluded that quarterly reporting takes place as well.

Textbox 6: Western Balkan civil society findings

The project "CSOs as equal partners in the monitoring of public finance" is carried out by a consortium of 10 organisations from 7 countries in the Southeast Europe with the aim to improve the transparency and accountability of policy and decision making in the area of public finances through strengthening the role of civil society in monitoring the institutions that operate in this area.

In the analysis "Public debt in Southeast Europe: why to enable public participation," recommendations are provided for achieving greater transparency and accountability in public finance in the region. It is recommended that governments "must systematically introduce mechanisms enabling the CSO sector to participate in the monitoring of public finances, from the performance of budget execution to reviews of budget and tax policy. Greater participation by citizens in affairs that directly concern them is in itself a public good and is a stimulus to greater transparency and accountability in public finance."

When it comes to public participation in public debt management, it is highlighted there should be "legally enshrined regular and independent mechanisms for public involvement in auditing public debt. In order monitor the movement of public finances and to ensure long term fiscal sustainability there should also be similar mechanisms for public participation in the budget process and in the formulation of the public budget."

More information about the project and the publication is available at the Wings of Hope web page: https://bit.ly/2DNmmjK.

The issue of data comprehensiveness and the quality of budgetary reports provides additional insight on the information that is available to the public. The reports monitored in all countries lack information on budgetary spending for at least one expenditure classification, be it economic (the type of expenditure), functional (the expenditure area/policy) or organisational (the type of budget user). These deficiencies leave the data less comprehensive, but also less comprehensible for stakeholders, as parts of the information are omitted.

What is more, the last available year-end budget execution reports – the final reports on the budget realisation and financial performance for a fiscal year – almost exclusively lack non-financial performance information from the governments. Such information would pertain to the assessment of the success of policy implementation based on targets associated with budget proposals. Albania is the only exception, as the Report on the Budgetary and Macroeconomic Situation contains performance information available for some policy areas: education, health, economy, infrastructure, agriculture and rural development, social protection and employment, justice, urban development and tourism, culture and the local budget. Moreover, although publishing year-end reports is a precondition for assessing the existence of budgetary performance information, it does happen that finance ministries fail to publicly disclose them. Such is the case in Serbia, where the Law on Final Budget Account of the Republic of Serbia, enacting total revenues and expenditures, has not been adopted by the Parliament since 2002. In sum, an orientation to performance and results, rather than simply outputs or budget spending per line items, evolves slowly and with limited results in the WB.

Table 37. Data comprehensiveness in budget reporting in WB

DATA TYPE		ALB	BIH	KOS	MKD	MNE	SRB
	IN-YEAR REPORTING						
	Economic	√ [122]	√	√	√	√	√
	Functional	√	√	X	X	X	X
	Organisational	√	√	√	X	X	X
	MID-YEAR REPORTING						
	Economic	√	√	√	√	√	√
	Functional	X	√	X	X	X	X
	Organisational	X	√	√	X	X	X
	YEAR-END REPORTING						
	Economic	√	√	√	√	√	√ [123]
	Functional	X	√	X	√	√	X
	Organisational	X	√	√	√	√	X
	Performance	√	X	X	X	X	X

Good practices: Comprehensive budget reporting

The state-level ministry of finance in **Bosnia and Herzegovina** is the only ministry in the region publishing all budget execution reports (quarterly, mid-year and year-end) with budget spending data according to three expenditure classifications.[124]

Practices to avoid: Mid-year budget reports published only by Parliaments

Despite the good practice, mid-year budget reports in **Bosnia and Herzegovina** are only available from the website of the Parliament, and the ministry as the main policy-making authority for finance does not publish it. The same practice is recorded in the case of **Serbia**. Publishing all budget reports at the ministries' webpages would improve the predictability of publishing and decrease search efforts.

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[122] Monthly reporting is based on economic classification, however, the Ministry in Albania publishes more detailed quarterly reports on fiscal statistics (Fiscal bulletin), including expenditures by functional and organisational classification. See: Ministry of Finance, Fiscal Bulletin, http://www.financa.gov.al/al/raportime/thesari/buletini-fiskal, last accessed on 17 September 2018.

[123] The year-end report considered was the one used by the SAI of Serbia in the Audit report of the Final Account of the 2016 Budget. The SAI audit report presents expenditure data on economic, organisational (for a sample of budget users) and programme classifications, whereas the budget execution report annexed to the SAI reports only on economic classification. See: State Audit Institution, Reports Archive, 2017, http://dri.rs/audit/latest-report/archive-2017.373.html, last accessed on 4 September 2018.

[124] Examples of Mid-year report can be found on the web pages of the Parliamentary Assembly of Bosnia and Herzegovina, https://www.parlament.ba/act/ActDetails?actId=1018. Example of year-end report: https://bit.ly/2txJDAg, and quarterly reports: https://bit.ly/2wNYIiQ, https://bit.ly/2jFZibm, https://bit.ly/2NnbvlL. Last accessed on 12 September 2018.

On the budget planning side, the publishing of citizen-friendly annual budgets is becoming a regular practice regionally (Albania, Kosovo, Macedonia, Serbia). This is a highly positive development as these simplified versions of the annual budget plan help the public to better understand the main budgetary policy directions.[125] Yet, BIH and Montenegro do not yet publish citizen-friendly budgets. Among those countries that do publish them, there are even some innovative examples of data visualisations and presentations, such as the case in Kosovo and Macedonia.

Finally, open data budget policy is still underdeveloped in the WB. Macedonia is the only clear-cut case where the ministry of finance publishes the annual budget reports in open format, for both central and general government levels. In other countries, dedication to open data policy is less straightforward and even governmental open data portals do not store budget-related datasets (such as the case in Montenegro and Serbia). Nonetheless, except in BIH, the remaining WB finance ministries publish some datasets in open format, though seemingly not as part of a planned open data policy. In this respect, countries either fail to publish these documents fully in line with open data standards, or consciously avoid doing so, instead providing some open format datasets without open data labelling.

Good practices: Comprehensive budget transparency

In **Macedonia**, all the key budgetary documents are available on a single webpage in a clear and comprehensive manner.[126] An exception in the region, here the data of the annual budget execution reports are also made available in an open data format. The Ministry of Finance also publishes at its website a single file which is easily accessible and continuously updated with the monthly data on budget execution.[127]

Chart 52. Indicator values for PFM_P5_I1 "Transparency and accessibility of budgetary documents"

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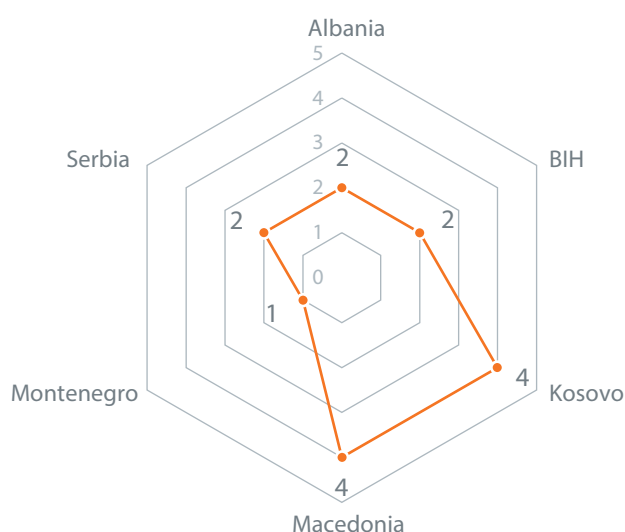
[125] Citizen-friendly versions of the state-level budget are monitored.

[126] Budgetary documents available at the web page of the Ministry of Finance, https://www.finance.gov.mk/mk/node/575 last accessed on 12 September 2018.

[127] Ministry of Finance, Budget Execution Reports, https://www.finance.gov.mk/en/node/699, last accessed on 12 September 2018.

Principle 6: The operational framework for internal control defines responsibilities and powers, and its application by the budget organisations is consistent with the legislation governing public financial management and the public administration in general

Principle 8: The operational framework for internal audit reflects international standards, and its application by the budget organisations is consistent with the legislation governing public administration and public financial management in general

The WeBER monitoring approach to these two Principle concerns the transparency of the public internal financial control system: the financial management and control (FMC), the internal audit (IA), and the central harmonisation units (CHUs). The corresponding indicator "Public availability of information on public internal financial controls and the parliamentary scrutiny" (indicator 6PFM_P6&8_I1) is composed of five elements.

Table 38. Element scores and corresponding indicator values for PFM_P6&P8_I1 "Public availability of information on public internal financial controls and the parliamentary scrutiny"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. Consolidated annual report on PIFC is regularly produced and published online	4	4	4	0	4	4	2
E2. Quality reviews of internal audit reports are regularly produced and published online	2	0	0	0	0	0	2
E3. Ministries publish information related to financial management and control	2	1	0	0	1	0	0
E4. CHU proactively engages with the public	2	0	1	0	0	0	0
E5. The Parliament regularly deliberates on/reviews the consolidated report on PIFC.	2	2	1	2	0	0	0
Total points	**12**	**7**	**6**	**2**	**5**	**4**	**4**
Indicator value	**0-5**	**3**	**2**	**0**	**2**	**1**	**1**

In all WB countries, the CHUs – internal units within ministries of finance – regularly prepare consolidated annual reports on the state of development of PIFC as part of their statutory requirements. The timeline for preparing these reports and the manner of publishing them are greatly different among country approaches in terms of reporting transparency and ease of access. Namely, except for Macedonia,[128] the CHUs have produced reports for the last two reporting cycles (2016 and 2017). They publish them either on the websites of the ministries of finance (in Albania, BIH and Macedonia) or on a separate CHU portal, as is the case in Serbia. In the Montenegrin example, the Government publishes them at its own website, on the page of the specific government sessions at which they were adopted. This practice, however, limits the accessibility of the PIFC reports, as interested readers may need to browse through numerous government session pages to discover them, unless they already know when exactly a report was adopted. In Kosovo, however, PIFC reports could not be found online, with parliamentary discussion of these reports being the only evidence that they are produced in practice.

Furthermore, not all countries publish these reports consistently and predictably. For example, the Serbian CHU has been producing consolidated reports regularly since 2009, but there is a recent trend of publishing them towards the end of the current fiscal year for the previous year, resulting in a reporting gap of almost an entire year.[129] Certainly, this issue derives from the

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[128] At the time of monitoring in the beginning of August 2018, the CHU had not published the consolidated report on PIFC for 2017. The last available report covers 2016.

[129] In August 2018, the most recent consolidated report was for the year 2016. In addition, the annual reports for 2015 and 2016 were produced in the last quarter of the following year in both cases (December 2016 for the former, and September 2017 for the latter).

absence of a formally prescribed deadline for preparing a consolidated report or submitting it to the Government.

On the other hand, there are cases of predictable and consistent publishing. In BIH, the finance ministry has been consistent in issuing these reports in March for the last three years despite not being bound by strict deadlines for report preparation.[130] In Albania, the minister of finance presents the report to the Council of Ministers and State Supreme Audit Institution by the end of June in accordance with the legal framework. In Montenegro, despite having a formal deadline for the preparation of reports, there was a two-month delay in their submission to the Government for the last two reporting cycles monitored (2016 and 2017).

The potential for re-thinking the publicity of PIFC policy developments is evident not only from the perspective of reporting, but also when searching for information on PIFC components. The WeBER approach to the availability of information on the internal audit considered whether quality review reports of the internal audit function in the public sector are in practice produced and proactively published. Rather than looking at the level of budget beneficiaries, this approach emphasises once again the role of CHU as the driver behind PIFC developments and their communication to the public. That said, the CHUs of BIH and Macedonia did not perform such quality reviews within the two reporting cycles preceding the monitoring. In addition, although performed, no results are published online for Albania, Kosovo and Montenegro.[131] In the case of Montenegro, special bylaws regulate the matter of quality review for both the FMC and IA, but do not foresee publication of results other than the delivery of reports to the head of the budget beneficiary. This leaves Serbia's CHU as the only example in the region of producing and publishing quality reviews.

Good practices: Regular publishing of quality reviews of internal audit

The **Serbian** CHU started publishing quality review reports on internal audit functioning in 2016 and is currently the only CHU in the region exercising this practice. Although almost all CHUs prepare such reports regularly, their publication is lacking. Two such reports have been published to date by the Serbian CHU: in December 2016 on a sample of ten ministries, and in December 2017 on a sample of eight ministries and three mandatory social security organisations.[132]

Furthermore, basic information on FMC is still unavailable. The analysis of the websites of all ministries in the WB countries reveals that they rarely contain any of the three pieces of information monitored: risk register(s), a procedure registry/book of procedures or information on the appointed FMC manager.

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[130] In Bosnia and Herzegovina, consolidated reporting is done separately for IA and FMC.

[131] According to the PAR Monitor methodology, quality review reports need to be published as separate documents, not included in PIFC consolidated reports.

[132] Reports available at the website of the Central Harmonisation Unit, http://ifkj.mfin.gov.rs/WP/index.php/izvestaji/?lang=en, last accessed on 13 September 2018.

Table 39. Publishing information related to FMC by ministries in the region

# OF MINISTRIES		# OF MINISTRIES PUBLISHING FMC INFORMATION			
		Risk register(s)	Book of procedures	Appointed FMC Manager	% of all ministries publishing any of the three types of information
ALB	11	0	1	4	45
BIH	9	0	0	0	0
KOS	21	1	0	1	9
MKD	15	1	1	5	33
MNE	17	2	1	0	11
SRB	18	1	1	3	22

Negligence in publicly disclosing information on FMC, or any other PIFC aspect for that matter, can be a direct consequence of the nature of internal control policies. Namely, they are inward-oriented towards the administration itself, and therefore perceived by the ministries as primarily serving internal purposes, i.e. law-compliant, more efficient and effective operations within the public sector organisation. Nevertheless, it is evident that PIFC needs better scrutiny by external stakeholders, given the magnitude of PIFC policy, the scope of its reforms and its importance within the PFM, but also within the overall PAR agenda. Therefore, there is a wider societal purpose to it – ensuring proper and efficient functioning and management of the organisations funded by taxpayers' money. In addition, if little information is made public, few beside the CHUs can measure progress in this area.

Along these lines, WeBER monitoring shows that the CHUs in the region still underperform in proactive engagement with the public. That is, in the one-year period preceding the monitoring, no CHU in the region actively communicated specifically PIFC-related developments through press releases or media appearances of the CHU staff, except BIH and, to an extent, Serbia. In relation to the latter, it is noteworthy that the Serbian CHU communicates its activities through its own website. Similarly, the production and publishing of booklets, leaflets or other informational material aimed for citizens' use does not yet exist as a practice, and the same holds for reader-friendly digests or summaries of reports produced by the CHU. These units as a rule do not run active social media accounts, although finance ministries in some cases do. Finally, there is no evidence that the CHUs have organised any public events with participation of external stakeholders (CSOs, the media, professional associations etc.) during the twelve months preceding the monitoring exercise. The only information identified concerns various closed-door events (for example, workshops and seminars for civil servants or technical and project meetings with international stakeholders).

Finally, the involvement of parliaments in discussing consolidated annual reports on PIFC, as an additional way to externally scrutinise this policy domain, is rarely observed. Although these reports are produced essentially for the governments, parliamentary deliberation is an additional dimension of holding the governments accountable for policy implementation. To that end, the available evidence shows that parliaments in half of the WB countries have discussed PIFC annual reports in recent years. In BIH, the Parliamentary Assembly discussed the report for 2016 both in plenary and in a committee session, whilst in Albania and Kosovo regular parliamentary discussion took place for at least the two most recent reporting cycles (for 2016 and 2017).

Good practices: Parliamentary discussion on consolidated PIFC reports

In contrast to the rest of the region, the parliaments of **Albania** and **Kosovo** regularly discuss the consolidated PIFC reports, which is considered an advanced feature of the PIFC policy. In Albania, the PIFC annual report is submitted to the government as part of the same reporting package as the annual budget statement, and both documents are sent to the Parliament. The 2016 annual PIFC review was presented to the Council of Ministers and published in May 2017, whereas the Parliament discussed the main findings in June the same year. The 2015 annual report was adopted and submitted to the parliament in June 2016. In Kosovo, the PIFC report for 2016 was discussed and approved in the plenary in November 2017, but also in the Committee for the Oversight of Public Finance. The same is true for the 2015 report, which was also discussed in the Committee.

Chart 53. Indicator values for PFM_P6&P8_I1 "Public availability of information on public internal financial controls and the parliamentary scrutiny"
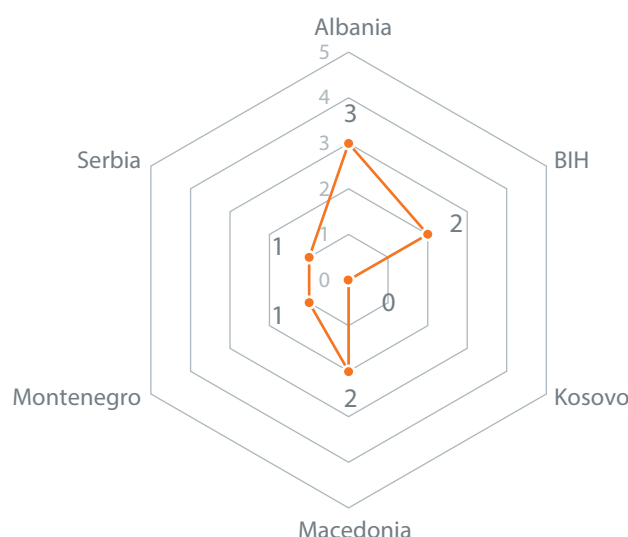
Principle 16: The supreme audit institution applies standards in a neutral and objective manner to ensure high-quality audits, which positively impact on the functioning of the public sector

WeBER approaches this principle from the viewpoint of SAIs' external communication to all interested stakeholders, outside of the parliament, as such practices can help improve the accountability culture in the society. They can consequently lead to greater demand for government performance and accountability. The indicator "Supreme Audit Institution's communication and cooperation with the public pertaining to its work" (PFM_P16_I1) consists of six elements.

Table 40. Element scores and corresponding indicator values for PFM_P16_I1 "Supreme Audit Institution's communication and cooperation with the public pertaining to its work"

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E1. SAI develops a communication strategy for reaching out to the public	4	4	0	0	0	2	2
E2. SAI has dedicated at least one job position for proactive communication and provision of feedback towards the public	4	4	4	2	0	2	4

Indicator element	Max	ALB	BIH	KOS	MKD	MNE	SRB
E3. SAI utilises various means of communication with the public	2	2	0	1	0	1	1
E4. SAI produces citizen-friendly summaries of audit reports	4	0	0	4	0	0	0
E5. Official channels for submitting complaints or initiatives to SAI by external stakeholders are developed (wider public, CSOs)	2	0	0	0	1	0	0
E6. SAI consults CSOs and their work for the purpose of identifying risks in the public sector	2	2	1	2	0	0	0
Total points	**18**	**12**	**5**	**9**	**1**	**5**	**7**
Indicator value	**0-5**	**4**	**1**	**3**	**0**	**1**	**2**

As stated earlier, all SAIs in the region have adopted and are implementing strategic frameworks aimed at further development of their work. When looking particularly at the aspect of external communication with the public, one can conclude that each SAI without exception sets for itself the goal of improving outward communication. Yet, the approach is most comprehensive and transparent in Albania, followed by Montenegro and Serbia, whereas in the remaining countries communication related objectives and concrete activities are not as visible.

The strongest example of strategic communication of the external audit in the region – SAI of Albania – has approved and published online a distinct Communication strategy for 2017-2019 comprising six communication objectives. Moreover, its Development strategy also defines improving communication channels as one of its goals and highlights the need for continued monitoring of the Communication strategy. In a similar fashion, the SAIs of Montenegro and Serbia prioritise communication within their general strategic plans, and this is available online. The Serbian institution focuses on the strengthening of partnership relations with key external stakeholders and increasing the visibility of SAI and its products. Although the SAI of Serbia does not publish its detailed action plan on its website, the research team was granted access to this document which shows concrete activities and performance indicators for implementing the specific objective related to communication. The SAI of Montenegro has made publicly available both the strategic development document and its action plan, outlining the goal of strengthening cooperation with the civil sector and the media, with a list of activities and indicators. In contrast, the SAIs of BIH, Kosovo and Macedonia prioritise communication to the external audience in their strategic development documents, but their action plans containing information on concrete activities and performance indicators for implementing these strategic priorities remain publicly unavailable and could not be obtained during the monitoring.

Good practices: Dedicated SAI Communication Strategy

The **Albanian** SAI has approved a Communication Strategy for the period 2017-2019.[133] The strategy addresses the issue of how SAI communicates with a wide array of stakeholders through six objectives. Although the Action Plan has weaknesses related to responsible structures, implementation deadlines, funding and verifiable indicators, this is still by far the most ambitious attempt to reform the communication policy of any SAI in the region.

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[133] Supreme Audit Institution of Albania, Communication Strategy for the period 2017-2019 (available in Albanian), https://bit.ly/2FIvFnH, July 2017, last accessed on 10 September 2018.

Furthermore, when it comes to proactive communication towards the public, SAIs in the region have designated specific job positions within their internal organisation. Although these job positions are settled within different units and their titles and task descriptions may diverge, in all cases these jobs include at least one of the following three tasks: 1) preparation of information, documents and other materials for proactive communication with the public, 2) answering citizens' questions and queries related to the SAI scope of work and 3) handling citizens' inputs regarding the utilisation of public funds. With the only exception of SAI of Macedonia, which does not include a position specifically designed for communication with the public, the following table provides an overview of SAI approaches to organisation of these job positions.

Table 41. SAI job positions for proactive communication and provision of feedback to the public

	JOB POSITION(S)	DESCRIPTION	INTERNAL UNIT
ALB	Specialist in processing letters from the public	Following up on all letters and complaints made by the public, legal entities, either state or private Drafting documents and preparing information on issues raised or addressed by the public	Directorate of communication, publishing and external relations
BIH	Head of international cooperation and public relations unit	Preparation of information, documents and other materials designed for proactive communication to the public Answering citizens' questions and queries related to the SAI scope of work	International cooperation and public relations unit
KOS	Head of unit for communication with the public and for translation	Preparing meetings and forums with civil society to obtain external audit related inputs; preparing press conferences and press releases, statements, reports and publications in written electronic media	Public communication and translation unit
MNE	Adviser for relations with the public, the parliament, the Government and the non-governmental sector[134]	Preparation of information, documents and other materials designed for proactive communication to the public	Department for international cooperation and standards, strategic development, and relations with the Parliament, the Government and the public
SRB	Job position for analytical tasks and record keeping[135] Job position for media cooperation	Coordination of filing and processing of complaints that fall within SAI competence with the audit sectors; keeping the register of complaints and relevant submissions Publicity of SAI work, preparation of the Information Booklet, preparation of information and announcements for the public	Office of the SAI President

Nevertheless, in the twelve-month period preceding the measurement, regional SAIs did not utilise many different means of communication to familiarise the public with their work. Press releases are more often used for external communication, whereas social media, promotional materials or events targeting external stakeholders were used much less frequently. At the same time, no SAI used online data visualisations to communicate the results of its work.

That is, within the monitoring period, two press conferences were organised by SAI of Kosovo, Montenegro and Serbia, whereas that of Macedonia prepared a single press conference. Notable

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[134] Position vacant at the time of monitoring.

[135] Position vacant at the time of monitoring.

examples of using social media for communication purposes are the of SAIs of Albania and Kosovo. In addition, the Albanian institution regularly produces Audit Bulletins – periodical statistical publications – that summarise audits results for the given time period within a year for the purpose of external communication. Finally, the Albanian SAI also stands out for organising events aimed at promoting its work and government accountability culture.

Good practices: SAI Open Month for Citizens

At the end of 2017, the Albanian SAI organised a unique event in the region: Open Month for Citizens.[136] It was a month-long series of activities that aimed to strengthen the trust of the citizen and the public in the SAI. Citizens who visited the SAI were able to get acquainted with the history and achievements of the institution. They could also meet with the employees, auditors and various experts of the institution to obtain all the information they were interested in, including on-going audits

Furthermore, although the relevant international standards recommend SAIs to "use various means to make reports understandable to the public (e.g. summaries, graphics, video presentations, press releases),[137] these institutions in the WB region only partially manage to fulfil this advice. Analysis of all audit reports published in the twelve-month period preceding the monitoring exercise focused on searching for citizen-friendly summaries that provided concise explanations of the main findings, results and conclusions of the conducted audits. The SAI of Kosovo emerged as a positive outlier, as 71% of its audit reports include such summaries, free of technical language. On the other extreme, the Albanian and Macedonian SAIs produce no summaries for their audit reports.

The SAIs of BIH, Serbia and Montenegro have so far produced citizen-friendly summaries only for performance audit reports. This indicates an awareness by these SAIs that the results of performance audits are more likely to be interesting to the public, but it may also suggest that these findings are easier to adapt into less technical language.

Table 42. Citizen-friendly summaries in SAIs' audit reports (period July 2017 - July 2018)

	ALB	BIH	KOS	MKD	MNE	SRB
# of audit reports published	102[138]	78	117	97	59	137
# of citizen-friendly summaries	0	5	83	0	8	2
%	**0%**	**6%**	**71%**	**0%**	**14%**	**1%**

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[136] The State Supreme Audit Institution, Republic of Albania, http://www.klsh.org.al/, last accessed on 19 September 2018.

[137] ISSAI 20, Principle 8, point 5, available at the web page of International Organization of Supreme Audit Institutions, https://bit.ly/2FL4KHS, last accessed on 18 September 2018.

[138] The total includes the number of final reports online as well as the number of decisions on audits online.

Good practices: Citizen-friendly summaries of performance audit reports

Performance audit reports are the only reports of the Serbian SAI containing citizen-friendly summaries. Although they make a small share of the total reports published by the SAI of Serbia, the institution has invested an effort to produce those summaries with maximum quality. Written as one-pagers and comprising only the main findings and key recommendations to the relevant authorities, these summaries also include additional visual materials, such as photos and graphs. In light of the noticeable effort to prepare them free of technical language, they emerge as a good regional practice in terms of their quality.[139]

The communication of SAIs with the public further takes place through the receipt and processing of various complaints or initiatives of relevance to external audit work. The monitoring searched for any channel for systemic receiving, filing, processing and reporting on complaints, tips and inputs regarding the utilisation of public funds made by CSOs or citizens. The results point to a variety of regional practices in this regard.

In the majority of cases, SAIs receive complaints, suggestions and questions through the general contact forms available online, but usually do not have dedicated channels or portals specifically designed for this purpose. The SAIs of Albania and Macedonia appear slightly more advanced than the rest of the region, either as a result of more intensive activity on handling citizens' letters (Albania) or owing to more tailored online submission channels (Macedonia). The Albanian SAI stated in its 2017 annual report that it has continued to handle the letters and complaints of citizens and provided detailed statistics related to these citizen submissions, which can be also delivered using an online contact form. The Macedonian SAI may appear as a forerunner based on the analysis of its website, as it has two channels available online, one specifically asking for suggestions from the public (*Questions* and *Suggestions* online forms).[140] However, a test message sent at the time of monitoring returned no response, as a result of which the channels were assessed as dysfunctional. The SAI of Serbia also indicated in its 2017 annual activity report that it received information almost daily from citizens who warned about the ways of spending tax payers' money. Citizens contact them using the generic information provided at the SAI website.

Lastly, a noteworthy example of a SAI consulting CSOs to inform them of its audit agenda is the SAI of Kosovo, as indicated in the 2017 annual performance report of this institution. This institution established a consultative forum with the CSOs to increase mutual cooperation and improve fiscal transparency and accountability. Other examples of consulting CSOs include the SAI of Albania which has signed memoranda of cooperation with CSOs, and the SAI of BIH, which carried out focus groups with civil society and the media. Moreover, in the 2017 annual performance report, the Albanian SAI states that within the framework of cooperation with CSOs, it has implemented joint mini-projects with several CSOs. Finally, although outside of the monitoring timeframe, it is worth mentioning that the SAI of Serbia held consultations with civil society during the development of the currently implemented Strategic plan (2016-2020). Overall, the described examples indicate a growing awareness among SAIs in the WB that they

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[139] Reports are available at the web page of the State Audit Institution of Serbia, https://bit.ly/2DMQOdQ, last accessed on 17 September 2018.

[140] State Audit Institution web page, sections "Suggestions," http://www.dzr.mk/DesktopDefault.aspx?tabid=1117 and "Questions," http://www.dzr.mk/DesktopDefault.aspx?tabid=1118, last accessed on 15 September 2018.

can and should utilise the force of public and civil society support in the achievement of their objectives. These issues are increasingly appearing on the SAIs' agendas, despite some of them being young institutions which are still developing their capacities and striving to fully implement international standards for audit work.

Good practices: Consultative forum with CSOs

Over the past two years the NAO of Kosovo has initiated the practice of holding Consultative Forums with civil society organisations for performance audits. In these forums, the proposal of topics from the NAO is made on aspects that can be audited in various fields. Initially, these proposals are shared with CSOs for review, which is followed by the forum with civil society where these topics as well as those proposed by CSOs are discussed. In 2017, topics that civil society proposed in the field of centralised procurements and revenue management at the local level were taken into consideration, and the audit reports on these topics have already been published. Moreover, NAO also invites CSOs to discussions on the main issues identified in audit reports. The institution keeps an e-mail list of CSOs that are most active and interested in cooperating with the NAO. Finally, in 2018 NAO also discussed the draft strategy for the next three years with CSOs to receive feedback.

Chart 54. Indicator values for PFM_P16_I1 "Supreme Audit Institution's communication and cooperation with the public"
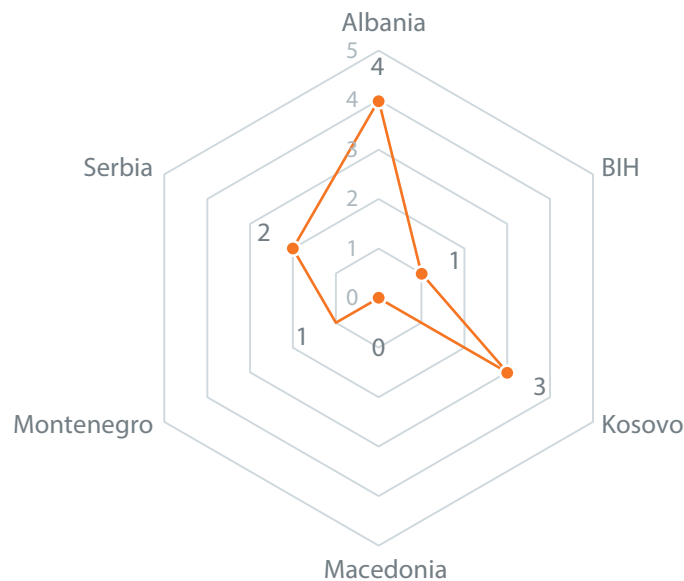
VII.5 Summary of results for public finance management

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.

# VIII. Conclusion: Frontrunners challenged

The WeBER PAR monitoring exercise offers an independent, outside view of public administration reform, measured against the EU set of principles in this area – the Principles of public administration. The approach is built with an emphasis on the public-facing aspects of an administrations' work, such as their transparency, openness, inclusiveness, equal opportunity and accountability to the public. The methodology covers all administrations in the Western Balkans and is fully comparative regionally, both in its design and implementation. The first monitoring cycle was implemented during the period September 2017 – September 2018.

The results of the WeBER monitoring indicate that at present, the Western Balkan governments face numerous drawbacks in meeting EU accession standards in the area of PAR. Seen against the backdrop of the PAR Monitor orientation towards the citizen-facing elements of the administration, this also means that governments fall short of ensuring high standards of openness, transparency and inclusiveness towards their own populations.

The results also, perhaps surprisingly, 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. In particular, Albania and Kosovo, although not as advanced as Montenegro and Serbia on the EU integration path, show stronger results overall compared to their regional peers.

Across all six PAR fields scrutinised, Albania emerges as the most advanced case in the region, while BIH generally lags behind. Overall, Albania has acquired 244 out of a total of 581 points across all WeBER indicators, or 42%. Kosovo comes second, with 38% of achievement and 219 points. Serbia stands at the regional average with one third of all points, with a score of 194. Macedonia, Montenegro and BIH are all below the regional average.

Chart 55. Total scores and percentage achievement per country for all WeBER indicators
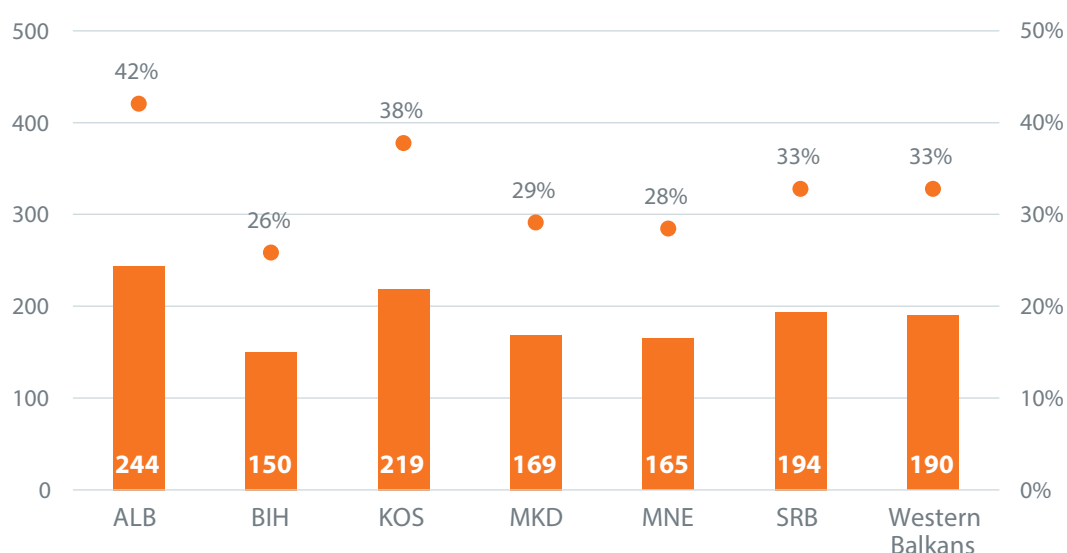
In terms of how the entire region fares in the six administrative reform chapters, WeBER methodology finds that the countries have accomplished the most in the area of service delivery, followed by public finance management (across the three segments that WeBER monitoring covers: budget transparency, public internal financial control and external audit). At the other

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end, the category of policy development and coordination emerges as the most critical PAR area for the Western Balkan region, based on the results of WeBER indicators. Namely, the average percentage achievement against all indicators for that area is only 25%.

Chart 56. Average regional achievement of results against WeBER indicators per each PAR area


% of average WB achievement per area
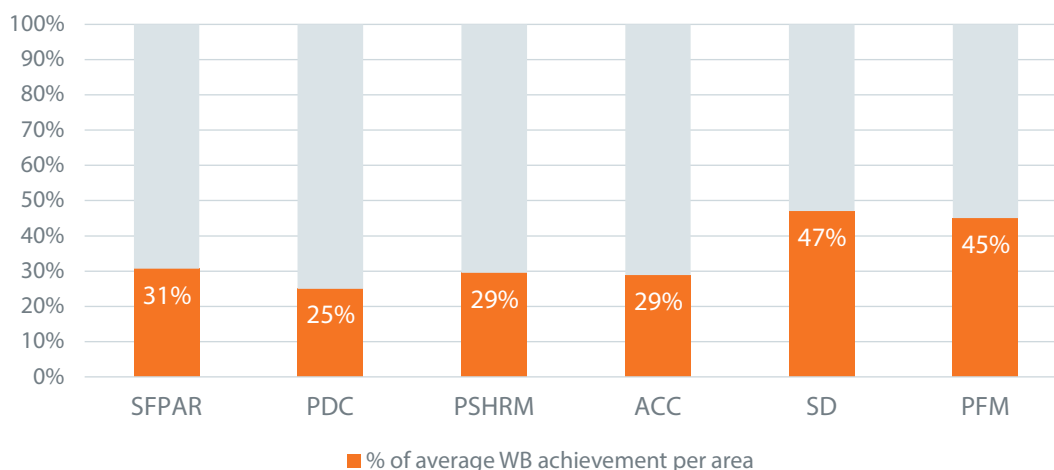
Regional leaders and laggards across the six PAR areas: priorities do show

In individual areas, different leaders emerge, showcasing on the one hand the good practices developed in specific countries, while on the other hand pointing to the areas which are in need of the most attention, for each of the countries.

- 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, as a result of its recent depoliticisation measures, with Montenegro at the back of the queue.

- Serbia tops the region on accountability indicators, owing to its positive practices of information provision based on its freedom of information act, while Macedonia comes last, due to its extremely poor public information provision at the time of measurement (fall 2017).

- Albania once again emerges as the leader on service delivery, with a slightly better result than Kosovo and Serbia. BIH, however, lags significantly behind its regional peers in the service delivery domain, with the lowest public perceptions across all questions.

- Finally, on the WeBER indicators in the area of public finance management, it is Albania and Kosovo that lead together, with an equal result. Whereas the former owes its leading position to the public communication practices of its state audit institution, the latter earns it through the positive practices of budget transparency. Montenegro, at the other end, fares the worst in the PFM area, owing its low result particularly to its poor transparency of budget reporting.

Chart 57: Total country scores and regional averages in each PAR area
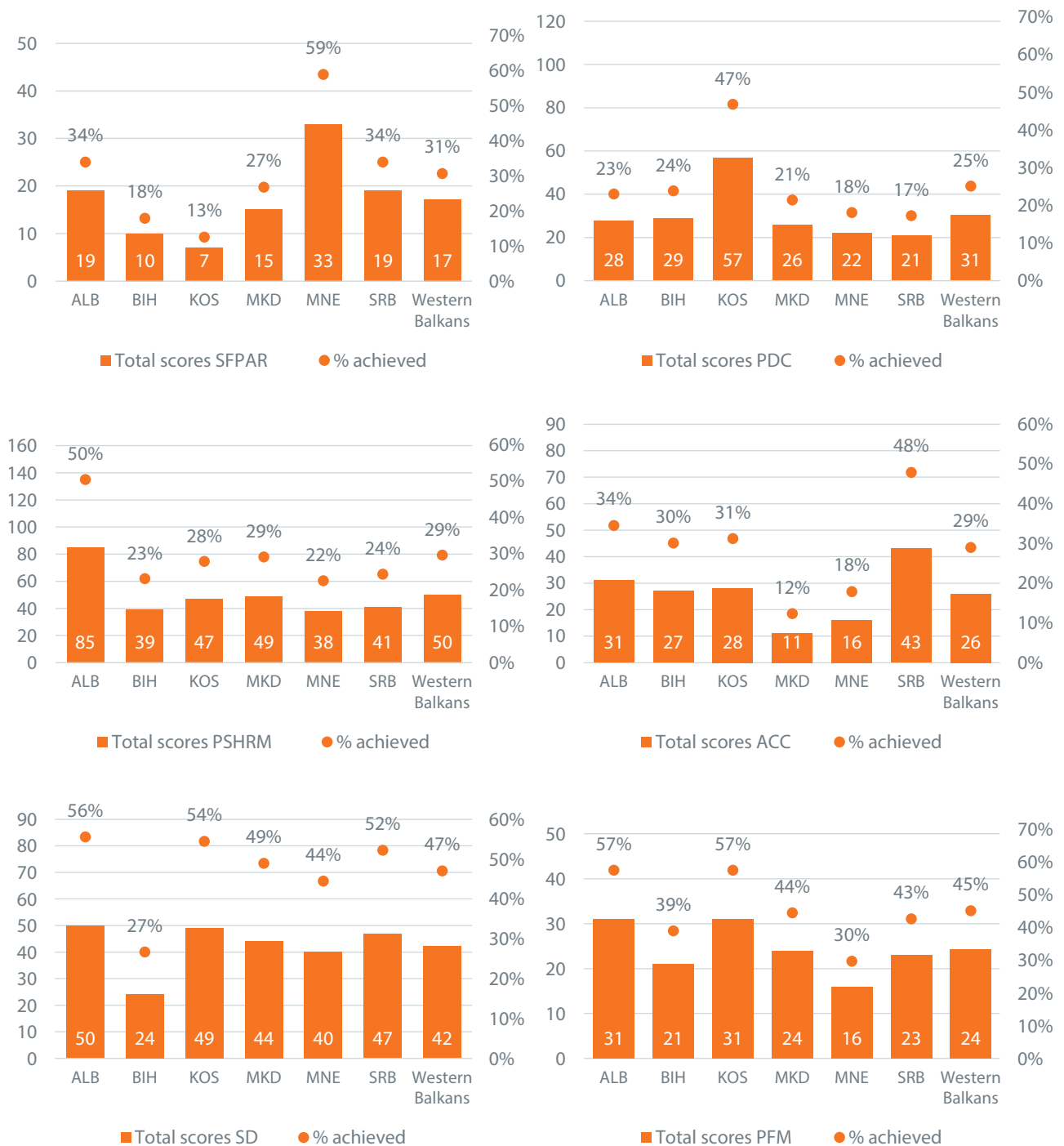
The variation of the results across the six areas also illustrates the width and breadth of the administrative reforms, showing that countries are capable of achieving results in the areas of their priorities. The results in service delivery, which has been a top PAR priority in at least two countries (Albania and Serbia) over the past years, clearly indicate this point. Moreover, Kosovo has achieved higher results than its neighbours in policy development and coordination, an area which was recently included as a key condition in its contract with the European Commission underpinning direct budget support in the amount of 22 million euros.[141]

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[141] European Commission, https://bit.ly/2P7YWYs, last accessed on 18 November 2018.

Interpreting WeBER results vis-à-vis the SIGMA monitoring

It is important to note that the selectiveness of the WeBER indicators allows for drawing conclusions only as to how the countries fare on the most outward looking facets of the Principles of public administration, rather than on how prepared countries are for EU accession in the PAR field.

Yet, a quick analysis of SIGMA's monitoring results, which take a complete view of the Principles, shows similar results to WeBER, particularly for those areas that are more comprehensively covered by the PAR Monitor. To start with, across all SIGMA indicators, according to their 2017 monitoring reports, Albania emerges as the best performer in the region, with Kosovo in second position, which corresponds to the first two ranks on WeBER indicators too. What the overall SIGMA results effectively demonstrate, similarly to the PAR Monitor findings, is that frontrunners on EU accession are not necessarily reform champions when it comes to the fundamental area of public administration reform.

Table 43. Total indicator values for Western Balkan countries, based on SIGMA monitoring reports, 2017

Country	ALB	BIH	KOS	MKD	MNE	SRB
Sum of all indicator values	147	76	144	122	143	132

Looking at the specific areas, there is admittedly more divergence between the results of the two monitoring systems. In the strategic framework for PAR, in which Montenegro leads on WeBER results, SIGMA's monitoring has Albania and Kosovo outperform Montenegro, which comes third on all indicators. On policy development and coordination, on the other hand, Montenegro leads on SIGMA's results, followed by Kosovo and then Serbia, whereas WeBER has Kosovo as the most advanced administration in this field by far. In fact, both Montenegro and Serbia score very poorly on civil society perceptions in the PDC indicators, which indicates a very negative image of the two governments in the civic sector, but also lowers their final scores. Accountability is another area where Montenegro, which scores the highest on SIGMA indicators, comes second to last on WeBER indicators.[142] Finally, on public finance management, SIGMA has Kosovo and Serbia in the lead, with Macedonia and Albania just behind, whereas WeBER has Albania and Kosovo as the frontrunners, with Macedonia and Serbia somewhat behind. The discrepancies tend to be larger in the areas where WeBER relies more on civil society perceptions in its methodology, given that SIGMA's approach relies predominantly on analysis of administrative data related to the legal framework and performance, which are only in a few cases combined with public perceptions. Nevertheless, some differences are expected considering that both the scope and the timing of monitoring differ.[143]

On the other hand, in some areas – and particularly on some specific indicators – the two methodologies yield quite similar results. The most illustrative is the area of the public service and HRM, where Albania takes the lead on both monitoring approaches. Furthermore, on policy development and coordination, where WeBER has Kosovo in the lead, this country also scores

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[142] In fact, the only country with a lower score than Montenegro on WeBER accountability indicators is Macedonia, which had, at the time of measurement of the proactive information indicator (fall 2017), just come out of a deep political crisis, which was characterised by a prolonged period of little to no provision of public information by the previous government. At the time of writing, the practices of proactive informing in Macedonia have already improved.

[143] SIGMA performed its monitoring in the first half of 2017, relying mainly on 2016 data, whereas WeBER monitoring was only initiated in September 2017 and finalised in September 2018.

high on SIGMA indicators, though it comes second after Montenegro. On accountability, looking only at the principle on accessibility of public information, which is the only one in the current WeBER focus, Serbia fares the best in the SIGMA results, just as in those of the PAR Monitor. Finally, Albania tops the region on both methodologies when it comes to the service delivery indicators.

The PAR Monitor findings point unequivocally to the need for the Western Balkan 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. Although the governments are advised to analyse the various monitoring systems in order to identify critical points and priority areas for improvements, the reforms should be pursued with a genuine interest to improve domestic governance and public management rather than as a mere "tick-the-box" exercise.

Way forward

Whereas the six national PAR Monitor reports include specific policy recommendations for each PAR area, this comparative regional report offers inspiration for the countries to act upon their comparative weaknesses, build on their strengths and share their positive practices with their neighbours. Action to amend the critical areas which are more common across the region, such as policy development and coordination, may be brainstormed at the regional level, and the Regional School for Public Administration provides a convenient avenue for such initiatives.

The SIGMA programme and the European Commission are encouraged to explore the WeBER results in search of ways to make PAR more relevant to the region's citizens. By supporting actions to improve against the key weaknesses identified by this and the complementary country reports, these European level partners can make EU support more visible across the region, ultimately disclosing to the public the effects of EU membership, from the PAR angle. Finally, WeBER results can feed into the EU dialogue with the WB countries – the PAR Special Groups. In such fora, these results can help identify more clearly the real state of play and the critical areas of action, combining the interests of the accession process and those of the region's people.

The PAR Monitor Methodology was developed by the research and expert team of WeBER and widely consulted among all relevant WeBER associates. Overall, the methodology is based on the selection of 21 SIGMA Principles within six key areas of PAR, and the selected Principles are monitored through 23 compound indicators that focus on different aspects of PAR.

The PAR Monitor methodology (master) document provides details on the overall approach of the WeBER monitoring, the process of developing the methodology, the selection of the Principles which the WeBER project monitors and the formulations of indicators with the basic methodological approaches. Detailed information needed for the measurement of each indicator is provided in the separate detailed indicator tables. Each detailed indicator table contains the formulation and focus of a specific indicator, as well as the following information for each of the indicator elements: formulation, weight, data sources, detailed methodology, and point allocation rules. Finally, each detailed indicator table provides the conversion table for turning the scores from all elements into the final indicator values on the scale from 0 to 5.

PAR Monitor Methodology, and detailed indicator tables are available at the following link: http://www.par-monitor.org/pages/par-monitor-methodology

For producing this Regional PAR Monitor report, the data from all individual country findings were used and compared. Those findings rely upon the following research methods and tools, employed for data collection and calculation of indicators:

- Focus groups

- Interviews with stakeholders

- Public perception survey

- Survey of civil servants

- Survey of civil society organisations

- Analysis of official documentation, data and official websites

- Requests for free access to information

Focus groups

Focus groups were conducted for collecting qualitative, in-depth inputs from stakeholders for a selection of indicators - for the ones either fully based on survey data to complement them, or for those that relied on otherwise collected information that needed to be corroborated by focus group participants. The PAR Monitor methodology envisaged focus groups for:

- Strategic Framework of PAR, with civil society organisations (for indicators SFPAR_P1_I1, SFPAR_P2&4_I1);

- Policy Development and Coordination, with civil society organisations (covering PDC_P5_I2, PDC_P6_I1, PDC_P10_I1, PDC_P11_I1, PDC_P12_I1)

- Public Service and Human Resource Management, with former candidates who previously applied for a job in central state administration bodies (for indicator PSHRM_P3_I1);

- Accountability, with civil society organisations (for indicator ACC_P2_I1), and

- Service Delivery, with civil society organisations specifically dealing with accessibility issues, vulnerable groups and persons with disabilities (for indicator SD_P4_I1).[145]

For selection of participants, purposive non-probability sampling was used, targeting CSOs with expert knowledge in the topics concerned. These focus groups were held at the Western Balkan level:

Table 44. Focus groups conducted at the WB level

Country	Group	No. of FGs	PAR Area
ALB	Civil society	3	Strategic Framework of PAR; Service Delivery; Policy Development and Coordination; Accountability
BIH	Civil society	1	Policy Development and Coordination; Accountability
BIH	Former candidates for job position in central administration	1	Public Service and Human Resource Management
KOS	Civil society	1	Strategic Framework of PAR; Policy Development and Coordination; Accountability
KOS	Former candidates for job position in central administration	1	Public Service and Human Resource Management
MKD	Civil society	3	Strategic Framework of PAR; Policy Development and Coordination; Accountability
MKD	Former candidates for job position in central administration	1	Public Service and Human Resource Management
MNE	Civil society	1	Policy Development and Coordination; Accountability
SRB	Civil society	3	Strategic Framework of PAR; Service Delivery; Policy Development and Coordination; Accountability

Interviews with Stakeholders

Interviews were conducted to collect qualitative, focused and in-depth inputs from stakeholders on monitored phenomena. For a number of indicators, interviews are envisaged as data sources according to the indicator tables. Nonetheless, they were additionally used in the research to complement and verify otherwise collected data and findings.

Interviews were semi-structured, composed of set of open-ended questions, allowing for a discussion with interviewees and on-the-spot sub-questions rather than strictly following a predetermined format. Selection of interviewees was based on purposive, non-probability sampling, targeting interlocutors based on their expertise and relevance for the topic.

[144] In certain cases, instead of a focus group stakeholder interviews were organised as an alternative, due to the low response rate of focus group invitees.

At WB level, a total of 59 interviews was held within the monitoring period. Interviewees were given full anonymity in terms of personal information and institutional/organisational affiliation, in order to ensure higher response rate and facilitate open exchange.

Table 45. Interviews conducted at WB level:

Country	Interviewee (number of interviews)	PAR Area
ALB	Representative of the SAI (1)	Public financial management
	Representative of CSO (2)	Strategic Framework of PAR
BIH	Representative of CSO (3)	Strategic Framework of PAR
	Representative of CSO working with vulnerable groups (2)	Service delivery
	Representative of CSO working with Roma population (1)	Service delivery
	Expert in civil service area (2)	Public Service and Human Resource Management
	Senior civil servants (4)	Public Service and Human Resource Management
	Executorial level civil servant (1)	Public Financial Management
KOS	Representative of CSO working with vulnerable groups (1)	Service delivery
	Experts on PAR (2)	Strategic Framework of PAR
	Managerial level civil servant (1)	Strategic Framework of PAR
	Senior managerial level civil servant (2)	Public Service and Human Resource Management
	Managerial level civil servant (1)	Public Service and Human Resource Management
MKD	Representative of CSO (1) Civil servant (1)	Strategic Framework of PAR
	Senior civil servant (3)	Public Service and Human Resource Management
	Former senior civil servant (1)	Public Service and Human Resource Management
	Representative of CSO (2)	Service Delivery
	Executorial level civil servant (1)	Public Financial Management
MNE	Representatives of CSOs (2)	Strategic Framework of PAR
	Representatives of CSO working with vulnerable groups (3)	Service delivery
	Former candidates for a job in central administration (4)	Public Service and Human Resource Management
	Senior civil servant (1)	Public Service and Human Resource Management
	Senior civil servant (1)	Public Service and Human Resource Management
	Senior civil servant (1)	Public Financial Management
	Senior civil servant of the SAI (1)	Public Financial Management
	Civil servant of the SAI (1)	Public Financial Management
SRB	Executorial level civil servant (2)	Strategic Framework of PAR
	Former candidate for job position in central administration body (2)	Public Service and Human Resource Management
	Representative of CSO working with vulnerable groups (1)	Service delivery
	Senior civil servant (3)	Public Service and Human Resource Management
	Representative of CSO dealing with accessibility issues (1)	Service delivery
	Investigative journalist (1)	Accountability
	Expert in civil service area (1)	Public Service and Human Resource Management
	Former senior civil servant (1)	Public Service and Human Resource Management
	Executorial level civil servant/employee in an independent body (1)	Public Financial Management

Public Perception Survey

The public perception survey is based on a questionnaire targeting the general public (aged 18 and older) of 6 Western Balkan countries. The survey was conducted through computer-assisted personal interviewing (CAPI), using a three-stage random representative stratified sampling (primary sampling unit: polling station territories, secondary sampling unit: households, tertiary sampling unit: household member). It was implemented as part of the regional omnibus surveys conducted in Albania, Bosnia and Herzegovina, Montenegro and Serbia, with ad hoc surveys conducted for Kosovo and Macedonia, from 15 October to 30 November 2017.

At WB level, the margin of error for the total sample of 6172 citizens is ± 3.03-3.08%, at the 95% confidence level.

Table 46. Public perception survey methodology framework

Location	Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia
Time	15 October – November 2017
Data Collection Method	F2F (Face to Face) at home, CAPI
Sampling Frame	Entire 18+ population of permanent residents of target countries
Sampling	Three stage random representative stratified sample (PSU: Polling station territories, SSU: Households, TSU: Household member)
Margin of error	Margin of error per country ranges from +3.03-3.08% at the 95% confidence level

Survey of Civil Servants

Civil servants survey was implemented based on a unified questionnaire targeting civil servants working in the central state administrations of Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The questionnaire was translated and adapted to local languages with a total of 21 question within five sections covering: recruitment of civil servants, temporary engagements in the administration, status of senior civil servants, salary/remuneration, and integrity and anti-corruption. Data collection was conducted using a self-administered questionnaire on SurveyMonkey platform (web SAQ). In BIH, due to technical problems that the respondents were experiencing while accessing the SurveyMonkey platform from their office computers, the researchers prepared an identical survey on a different platform and disseminated the survey again to all institutions where problems with access were encountered, to ensure a maximum response rate. The two datasets were later merged.

At WB level, a total of 3359 civil servants participated in the survey from 26 March to 14 May 2018.

Table 47. Breakdown of the sample for survey of civil servants

	Frequency	% (of cases)
TOTAL	3359	100
Key groups		
Civil service position		
Senior civil service manager – head of authority	46	1.88
Senior civil service manager – not a head of authority	206	8.42
Non-senior civil service manager (executorial)	602	24.59
Civil servant in non-managerial expert position	1369	55.92
Administrative support civil servant position	78	3.19
Civil servant on fixed-term contract or otherwise temporarily engaged	133	5.43
Political appointment (minister's cabinet or otherwise)	8	0.03
Other	0	0
State administration institution		
Ministry	1060	42.67
Subordinate agency	386	15.54
Centre-of-government institution (PM office, government office, government service)	782	31.48
Autonomous agency within the central state administration	256	10.31
Other	0	0
Gender		
Male	1031	42.18
Female	1280	52.37
Don't wish to answer	133	5.44
Years working in the administration		
Mean= 12.41 years; Range=0-50 years		
Sector worked before joining the administration		
Local or regional administration	251	11.11
Other branch of power	129	5.71
Public services	409	18.10
International organisation	79	3.50
Non-governmental organisation	88	3.89
Media	38	1.68
Private sector	870	38.50
This was my first job	396	17.52
Other	0	0

Table 48. Margin of error (MoE) per question at the 95% confidence level

Question	MoE range (ALB)	MoE range (BIH)	MoE range (KOS)	MoE range (MCD)	MoE range (MNE)	MoE range (SRB)
Civil servants in my institution are recruited on the basis of qualifications and skills	1-2.61	3.36-8.13	1.75-4.54	2.24-5.63	1.98-7.09	1.64-2.65
In the recruitment procedure for civil servants in my institution all candidates are treated equally (regardless of gender, ethnicity, or another personal trait which could be basis for unfair discrimination)	1.09-2.62	2.76-8.20	2.12-4.60	2.57-5.64	2.42-6.83	1.57-2.76
To get a civil service job in my institution, one needs to have connections	1.30-2.77	3.58-8.02	2.20-4.38	3.27-5.65	2.42-6.91	1.50-2.75
Hiring of individuals on a temporary basis (on fixed-term, service and other temporary contracts) is an exception in my institution	1.53-2.65	4.36-8.29	2.20-5.08	1.78-5.96	3.42-6.94	1.18-2.90
Individuals who are hired on a temporary basis perform tasks which should normally be performed by civil servants	1.49-2.87	5.08-8.21	2.63-5.11	3.49-5.87	3.72-7.09	1.62-2.90
Such contracts get extended to more than one year	1.12-2.87	5.53-8.09	2.63-5.05	1.62-5.90	3.07-7.24	1.26-2.89
When people are hired on a temporary basis, they are selected based on qualifications and skills	1.23-2.76	5.38-8.12	1.78-5.04	3.30-5.96	2.68-7.31	1.82-2.74
Individuals hired on a temporary basis go on to become civil servants after their temporary engagements	1.43-2.78	4.91-7.88	2.63-5.14	2.23-5.59	1.57-7.09	1.38-2.69
The formal rules for hiring people on a temporary basis are applied in practice	1.49-2.84	4.91-8.06	2.43-5.04	3.49-5.29	2.68-7.32	1.43-2.81
Procedures for appointing senior civil servants ensure that the best candidates get the jobs in my institution	1.73-3.03	2.14-8.33	1.57-5.42	2.16-5.98	3.51-7.62	1.54-2.97
In my institution, senior civil servants would implement illegal actions if political superiors asked them to do so	1.42-3.03	3.65-7.65	2.52-5.57	3.25-5.93	1.69-7.62	1.60-2.88
Senior civil servants can reject an illegal order from a minister or another political superior, without endangering their position	1.71-2.91	3.65-7.81	2.59-5.57	2.91-5.92	2.38-7.57	1.66-2.82
Senior civil service positions are subject of political agreements and "divisions of the cake" among the ruling political parties	1.82-2.91	3-8.33	1.91-5.44	2.72-5.83	4.31-7.03	1.31-3.03
Senior civil servants are at least in part appointed thanks to political support	1.30-2.84	1.52-8.33	1.80-5.50	1.34-6.12	3.51-7.33	1.28-3.02
In my institution, senior civil servants participate in electoral campaigns of political parties during elections	1.30-3.01	4.18-8.39	1.19-5.57	2.29-6.11	3.86-7.45	1.69-2.96

Question	MoE range (ALB)	MoE range (BIH)	MoE range (KOS)	MoE range (MCD)	MoE range (MNE)	MoE range (SRB)
In my institution senior civil servants get dismissed for political motives	1.42-2.97	2.61-8.46	3.15-5.45	3.68-5.68	2.65-7.60	1.70-2.99
Formal rules and criteria for dismissing senior civil servants are properly applied in practice	1.47-2.98	4.18-8.55	1.80-5.44	3.17-5.92	2.07-7.59	1.56-3.02
In my institution, bonuses or increases in pay grades are used by managers only to stimulate or reward performance	1.98-4.13	3.65-8.46	2.61-5.65	3.41-5.79	3.74-7.49	1.62-2.97
In my institution, political and personal connections help employees to receive bonuses or increases in pay grades	1.67-4.09	3.93-8.52	3.03-5.66	3.41-6.21	2.93-7.58	1.82-2.95
Integrity and anti-corruption measures in place in my institution are effective in achieving their purpose	1.27-3.06	4.25-8.39	2.49-5.75	2.11-5.83	2.76-7.77	1.65-2.89
Integrity and anti-corruption measures in place in my institution are impartial (meaning, applied to all civil servants in the same way)	1.37-3.06	5.11-8.27	2.20-5.80	2.38-6.17	2.15-7.73	1.69-2.92
If I were to become a whistle-blower, I would feel protected	1.47-2.90	3.06-8.59	1.97-5.81	2.50-6.26	4-7.45	1.20-3.06
How important do you think it is that the civil society organisations (NGOs) monitor public administration reform	2.08-3.10	4.25-8.31	1.42-4.13	3.89-6.16	2.77-7.66	1.53-3.05
How important do you think it is that the public (citizens) perceive the administration as depoliticised	0.93-2.59	3.99-7.13	1.23-5.73	1.14-4.14	1.25-7.28	0.68-2.57

Survey of Civil Society Organisations

CSO survey results are based on a unified questionnaire targeting representatives of CSOs working in Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia. The questionnaire included nine sections covering:

1. CSOs' involvement in evidence-based policy-making,

2. Participation in policy- and decision-making,

3. Exercising the right to free access of information,

4. Transparency of decision-making processes,

5. Accessibility and availability of legislation and explanatory materials,

6. CSO's perceptions on government's planning, monitoring and reporting on its work,

7. Effectiveness of mechanisms for protecting the right to good administration,

8. Integrity of public administration, and

9. The accessibility of administrative services.

Data collection was conducted using a self-administered questionnaire on SurveyMonkey platform (web SAQ).

At the WB level, a total of 566 CSOs participated in the survey from 23 April to 4 June 2018.

Table 49. Duration of the survey per country:

ALB	BIH	KOS	MKD	MNE	SRB
23/04 – 28/05	23/04 – 28/05	23/04 – 28/05	23/04 – 04/06	23/04 – 28/05	23/04 – 04/06

Table 50. Breakdown of the CSO survey sample at WB level:

	Frequency	% (of cases)
TOTAL	566	100
Key groups		
Type of organisation*		
Policy research/Think-tank	118	12.18
Watchdog	97	10.01
Advocacy	238	24.56
Service provider	205	21.16
Grassroot	162	16.72
Other	149	15.38
Field of operation*		
Governance and democracy	156	6.12
Rule of law	142	5.57
Human rights	272	10.66
Public administration reform	103	4.04
European integration	150	5.88
Gender issues	158	6.19
Children and youth	234	9.17
Environment and sustainable development	186	7.29
Education	237	9.29
Culture	143	5.61
Health	83	3.25
Media	89	3.49
Economic development	137	5.37
Civil society development	225	8.82
Social services	162	6.35
Other	74	2.90

	Frequency	% (of cases)
Year of registration of the CSO		
Mean= 1992; Range=1904-2018		
Position of the respondent in the organisation*		
Senior-level management	345	59.90
Mid-level management	69	11.98
Senior non-management	40	6.94
Mid-level non-management	22	3.82
Other	100	17.36
Years working with the organisation		
Mean=9.19 years; Range=0-40 years		

Multiple response questions. Calculating frequency totals may add up beyond the sample size (183), or total percentage of cases may add up beyond 100%.

Analysis of official documentation, data and official websites

Monitoring heavily relied on the analysis of official documents publicly available on the websites of the administration bodies and on the data and information contained therein. Documents which were analysed to this end include:

- legislation (laws and bylaws);

- policy documents (strategies, programmes, plans, action plans, etc.)

- official reports (implementation reports, public consultation reports etc.);

- analytical documents (impact assessments, explanatory memorandums to legislation, policy concepts, policy evaluations etc.);

- individual legal acts (decisions, conclusions etc.);

- other documents (agendas, meeting minutes and reports, announcements, guidelines, directives, memorandums etc.);

Additionally, official websites of public authorities were used as sources of data and documents for all indicators, except for the ones completely based on survey data. In certain cases, the websites of public authorities were closely scrutinised as they were the key sources of information and units of analysis.

Requests for free access to information (FOI)

As the PAR Monitor Methodology strongly relies on the analysis of public availability of information and data, usually based on the websites of public authorities, FOI requests were not comprehensively sent out for each area of the Principles of Public Administration or every indicator. Researchers sent requests in cases where the monitoring focus was on the proper identification of a certain practice within the administration, rather than public availability of information.

Hence, where an indicator requires online availability of information on specific websites, FOI request were not sent.

That said, the researchers used FOI requests as a data collection tool in three areas:

1. Policy Development and Coordination (indicators PDC_P6_I1, PDC_P10_I1);

2. Public Service and Human Resource Management (PSHRM_P3_I1, PSHRM_P2_I1);

3. Accountability (ACC_P2_I2).

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Governments in the Western Balkans have been implementing public administration reforms (PAR) for over a decade now, with varying degrees of success. Since 2014, PAR is acknowledged as one of the fundamental areas of reform on any country's path to EU membership and a set of principles was prepared for the accession countries to follow and comply with in this area in order to become successful EU member states.

This Western Balkan PAR Monitor, produced by the WeBER project*, provides comparative results for the entire region, based on a comprehensive, year-long monitoring research effort focused on PAR. It should be read in concurrence with the six national PAR Monitor reports, laying out detailed monitoring results and recommendations for each country. The PAR Monitor adopts the EU principles of public administration as the main building block of the entire endeavour, to allow for regional comparability, peer learning and peer pressure. This also allows WeBER to guide the administrative reforms in the direction of compliance with EU standards and requirements, supporting these countries' transformation into future EU members. The WeBER monitoring focus rests strongly on the citizen-facing aspects of public administration, particularly examining issues of transparency, information provision to the public, citizen participation, accountability, equal opportunity and integrity.

*The Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform – WeBER – is a three-year project aiming to increase the relevance, participation and capacity of civil society organisations and media in this region to advocate for and influence the design and implementation of public administration reforms. WeBER is implemented by the Think for Europe Network (TEN) composed of six EU policy-oriented think tanks in the Western Balkans. It is funded by the European Union and co-financed by the Kingdom of the Netherlands.