Civil Society in the Western Balkans and the PAR Sandwich Strategy

24-26 May 2018, 27th NISPAcee Annual Conference, Prague
Public Administration Reform and the EU Accession
PAR in the context of EU integration process

- EU Enlargement Strategy for the period 2014-2015 - a new focus on the PAR - as one of the three pillars of the reforms on road to EU;
- The focus is mainly through the political criteria for membership;
- Mostly "soft" acquis - common principles + some relevant provisions of EU founding Treaties, the European Court of Justice case law;
SIGMA Principles

• A new framework for monitoring and evaluating progress of PAR in candidate countries;
• Determines and further defines common principles of public administration in the EU;
• Developed by SIGMA/OECD in close co-operation with the European Commission (DG Near);
• Origin in the EU *acquis*, international standards and requirements, good practice in the EU and OECD countries;
• They allow the comparison of the states and referrals of these countries into reforms;
Six key areas of SIGMA Principles

- Policy Development & Co-ordination
- Public Service and Human Resource Management
- Accountability
- Service Delivery
- Public Financial Management

Strategic Framework of Public Administration Reform
About the Principles

- 19 key requirements that describe general characteristics of good governance;
- 48 principles (in 6 above mentioned areas), which are directed to:
  - Implementation
  - Monitoring based on evidence and facts
  - Organizational performance/effectiveness of the system in practice;
- The sub-principles specifying the requirements under each Principle;
- Analytical Framework describes how to monitor and measure the implementation of the Principles;
Multi-sectoral framework of Principles

Principles apply to all the government is doing:

- It applies to all sectors and policies (health, education, security, finance ...)
- They describe what is needed for the effective implementation of the policies;
- They provide material for building good public administration from policies and institutions to government outcomes.
Policy Development and Coordination

- **Principle 1:** Centre of government institutions fulfil all functions critical to a well-organised, consistent and competent policy making system;

- **Principle 2:** Clear horizontal procedures for governing national European integration process are established and enforced under the co-ordination of the responsible body;

- **Principle 3:** Harmonised medium-term policy planning, with clear whole-of-government objectives, exists and is aligned with the financial circumstances of the Government; sector policies meet the Government objectives and are consistent with the medium-term budgetary framework;

- **Principle 4:** A harmonised medium-term planning system for all processes relevant to European integration exists and is integrated into domestic policy planning;

- **Principle 5:** Regular monitoring of the Government’s performance enables public scrutiny and ensures that the Government is able to achieve its objectives.
Principle 6: Government decisions are prepared in a transparent manner and based on the administration’s professional judgement; the legal conformity of the decisions is ensured;

Principle 7: The Parliament scrutinizes government policy making;

Principle 8: The organisational structure, procedures and staff allocation of the ministries ensure that developed policies and legislation are implementable and meet Government objectives;

Principle 9: The European integration procedures and institutional set-up form an integral part of the policy development process and ensure systematic and timely transposition of the acquis;

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

Principle 11: Policies and legislation are designed in an inclusive manner that enables the active participation of society and allows for coordinating 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.
WeBER PAR Monitoring by the Civil Society

Why do we monitor PAR?
WeBER Overall Goal

Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform – WeBER – three-year project funded by the European Union and co-financed by the Kingdom of the Netherlands

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.
Why was WeBER initiated?

- **Public Administration Reform (PAR) as one of the fundamentals in EU accession**
- **“Principles of Public Administration” (2014):**
  - Common denominator for PAR of WB countries
  - Guideline towards EU membership
- **Strengthen civil society & media participation in PAR by educating and enabling them to:**
  - monitor its progress
  - assess its quality
  - propose new solutions based on evidence and analysis
Why was WeBER initiated?

WeBER rationale

Only by empowering local non-governmental actors and strengthening participatory democracy at all levels, can the same pressure on the governments to continue implementing the often painful and inconvenient administrative reforms be maintained post-accession.
Purpose of PAR Monitoring

- To facilitate civil society monitoring of PAR based on evidence and analysis
- To help guide the governments in the region towards successful EU accession and membership
  - Monitoring approach has been devised around the PAR requirements defined under the EU’s enlargement policy
  - Principles of PA as the main building block of the PAR Monitor Methodology
Overall Approach
Synergies with SIGMA assessments
Overall Approach

- Based in research and evidence
- To ensure complementarity with monitoring by SIGMA
- WeBER does not seek to present a contesting (competitive) assessment, rather offer a complementary view
  - Based in local knowledge and
  - Based in complementary research approaches
Overall Approach

• Monitoring methodology “for the civil society and by the civil society”
• Seeks to utilise to the maximum extent possible the knowledge and experience accumulated within the civil sector in the WB
  ▪ A number of indicators actually rely on the civil society as one of the core sources of knowledge
• Also to further expand the knowledge and experience and make them even more relevant through the application of robust research methods
Overall approach – Outlook

• Pre-accession:
  ▪ CSOs to provide complementary findings and indicators
  ▪ Complement each other and using EU conditionality also as support
  ▪ Increasing capacities and skills -> widening the scope of monitoring

• Post-accession:
  ▪ Continue with the external monitoring in a more holistic way once SIGMA is no longer there to perform its external assessments
  ▪ Maintenance of pressure and momentum of the reforms
Brief Intro on Approach and Methodology

1. PAR Monitor Methodology
2. 6 PAR Areas
3. 21 SIGMA Principles
4. 23 WeBER Indicators
5. From Sept 2017 to Sept 2018
How did we collect data?

Public perception survey, 15 October - 30 November 2017
- Implemented by agency specialized for implementing surveys

Survey of civil servants, between March and April 2018
- Implemented with the assistance of PAR responsible institutions in each country

Survey of civil society organisations, between April and June 2018
- Implemented with assistance of institutions in charge of cooperation CSOs, TACSO resource centres, and other national CSO networks

Desk analysis and Freedom of Information requests
- Official documents and data (available online or provided by institutions)
- Official websites of institutions
- FOI when needed, and if data was not available online

Semi-structured interviews and Focus Groups
- Interviews with representatives of administration bodies, SAIs, CSOs
- Focus group with CSOs, candidates for jobs in public administration
Policy Development and Coordination

Presentation of regional results for selected indicators
Public availability of information on Government performance

- Governments **regularly communicate with public though press releases** in all countries
- ALB, MKD, SRB - **no performance reports** published at governmental websites
- **Citizen-friendly data, and data on results** – BIH, and KS
- No gender-based or open data
Transparency of the Government’s decision-making

- In general, **governments’ decision-making process is transparent** - agrees 13% of CSOs at the regional level
- **Agendas and minutes** of the Governments’ sessions unavailable to the public in half of countries
- **Adopted documents and decisions** published timely, except for BIH and MKD
Use of evidence created by think tanks, independent institutes and other CSOs in policy development

- **Occasional referencing of CSO products in policy and strategic documents**, exception MKD
- Significantly less referencing in policy papers and impact assessments
- Government institutions invite CSOs to prepare/submit policy papers, studies or impact assessments – **agreement 38%, disagreement 34% at the regional level**
- Ministries consider CSO proposals during the participation in working groups, **confirms 23% of CSOs, with 42% stating “never or almost never” and “rarely**
Civil society perception of inclusiveness and openness of policymaking

• 1 in 5 CSOs agrees that GOV institutions **consistently apply formal consultation procedures** when developing policies.

• A fifth confirms that GOVs provide **timely and adequate information** on the content of proposals in the public consultations.

• 59% of CSOs believe that ministries rarely, if ever, provide **written feedback** on whether their input into the consultations was accepted or rejected.
Perception of availability and accessibility of legislation and related explanatory materials by the civil society

- **Nearly 72%** of surveyed CSOs perceive legislation as highly accessible
- Majority did access online database of legislation in the past year - **regional average of 85%**
- Easy access to explanatory material relevant to legislation, **roughly one-third of respondents stating agreement and disagreement**
PDC total scores per country

- ALB: 28
- BIH: 29
- KOS: 57
- MKD: 26
- MNE: 22
- SRB: 21
SIGMA 2017 Assessment
Policy Development and Coordination
Focus of SIGMA’s assessment in PDC

- Functioning of the centre of government, including European Integration coordination
- Government work and policy planning, monitoring and reporting
- Transparency of government decision-making
- Parliamentary scrutiny
- Focus on impact assessment
- Inter-ministerial and public consultation
- Access to and predictability of legislation
## 2017 indicator values for Serbia and regional comparison

### Indicators

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**Legend:**
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- ⬤ Regional range
- | Regional average
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2017 indicator values: Serbia and regional comparison

**Indicators**

Adequacy of organisation and procedures for supporting the development of implementable policies

Government capability for aligning national legislation with the European Union *acquis*

Evidence-based policy making

Public consultation on public policy

Interministerial consultation on public policy

Predictability and consistency of legislation

Accessibility of legislation

Legend: ◆ Indicator value  ❌ Regional range  ⌚ Regional average
The Brussels Sandwich Strategy

- Coined by Ivan Krastev, 2008
- National government between uncompromising EC and angry public
- Adapted to: combined bottom-up pressure from civil society with top-down EU conditionality
- EU involvement gives power to the findings and demands of the domestic civil society
Thank you for your attention!

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