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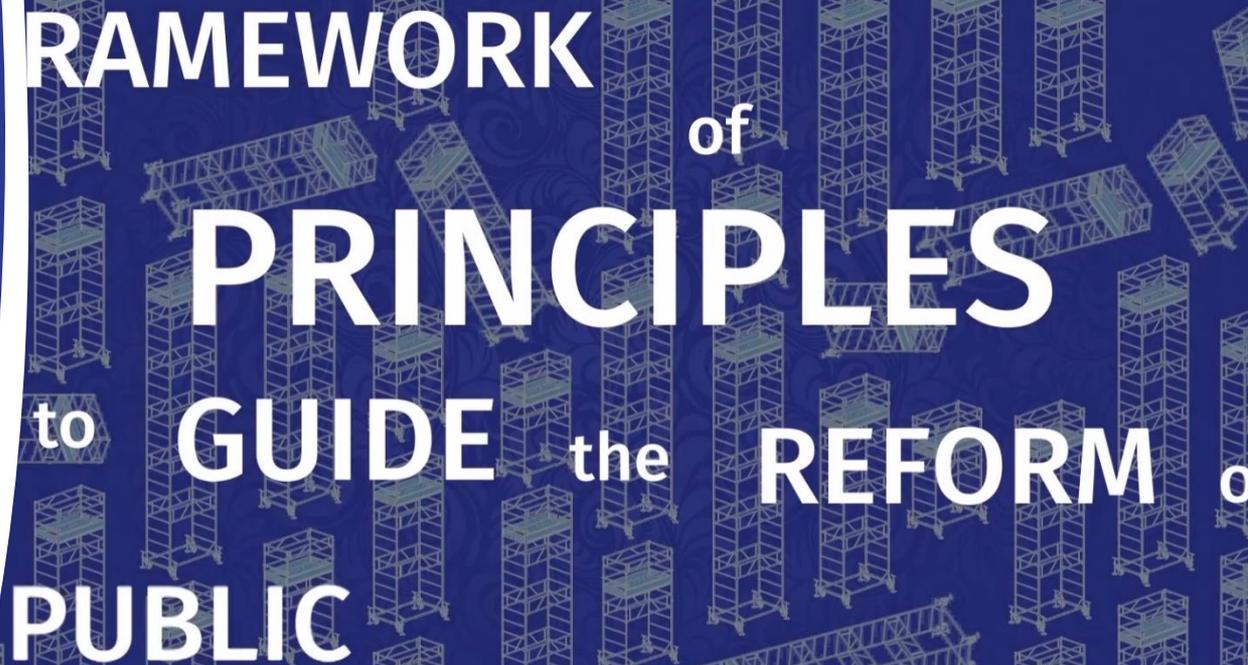
Civil Society in the Western Balkans and the PAR Sandwich Strategy



24-26 May 2018, 27th NISPAcee
Annual Conference, Prague



Public Administration Reform and the EU Accession



FRAMEWORK of
PRINCIPLES
to **GUIDE** the **REFORM** of
PUBLIC



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;



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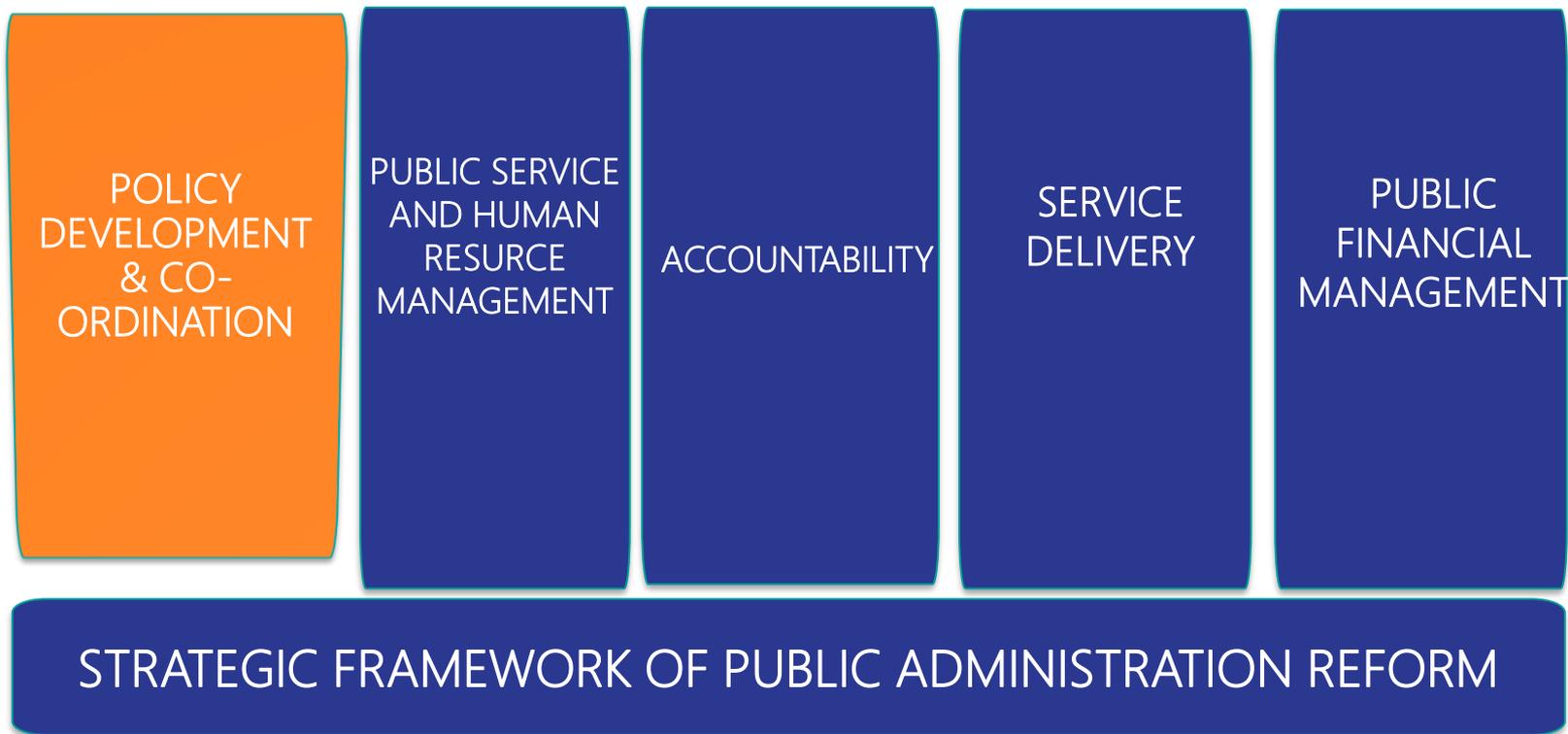


SIGMA Principles



- 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



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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.



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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.



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Policy Development and Coordination



- **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.



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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*



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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



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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.



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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



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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



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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



- **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

6 PAR Areas

21 SIGMA Principles

23 WeBER Indicators

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, SAls, CSOs
- Focus group with CSOs, candidates for jobs in public administration



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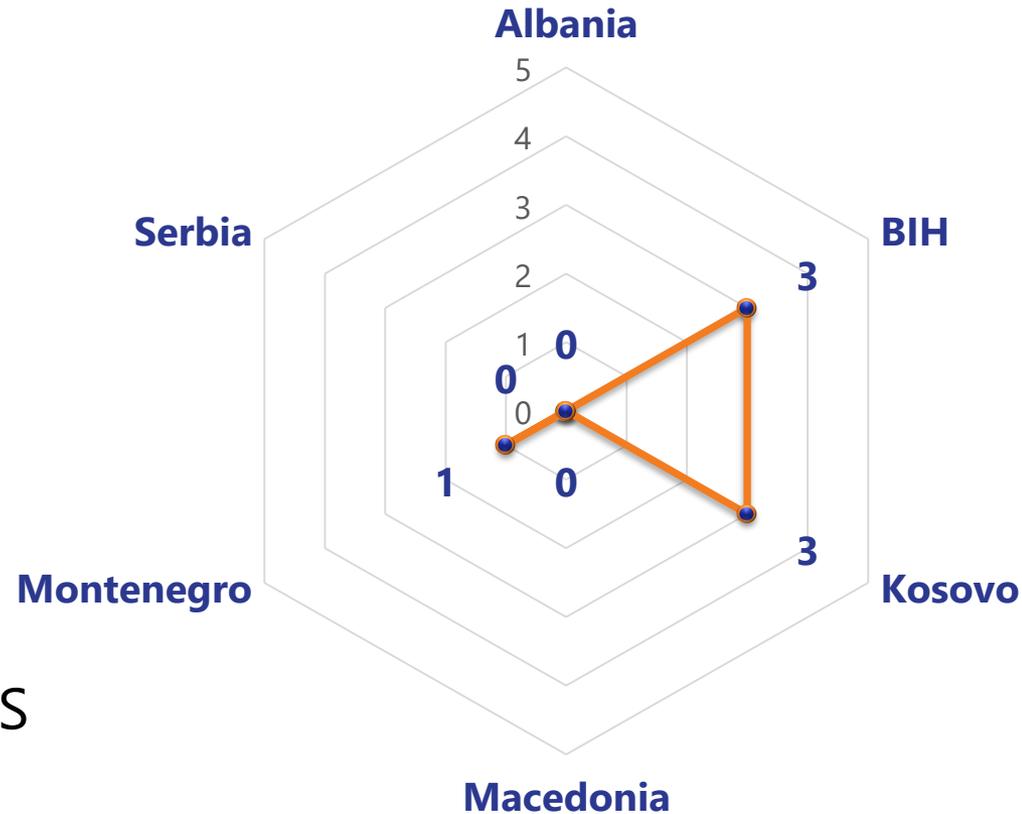
Policy Development and Coordination

Presentation of regional results for selected indicators



Public availability of information on Government performance

- Governments **regularly communicate with public through 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

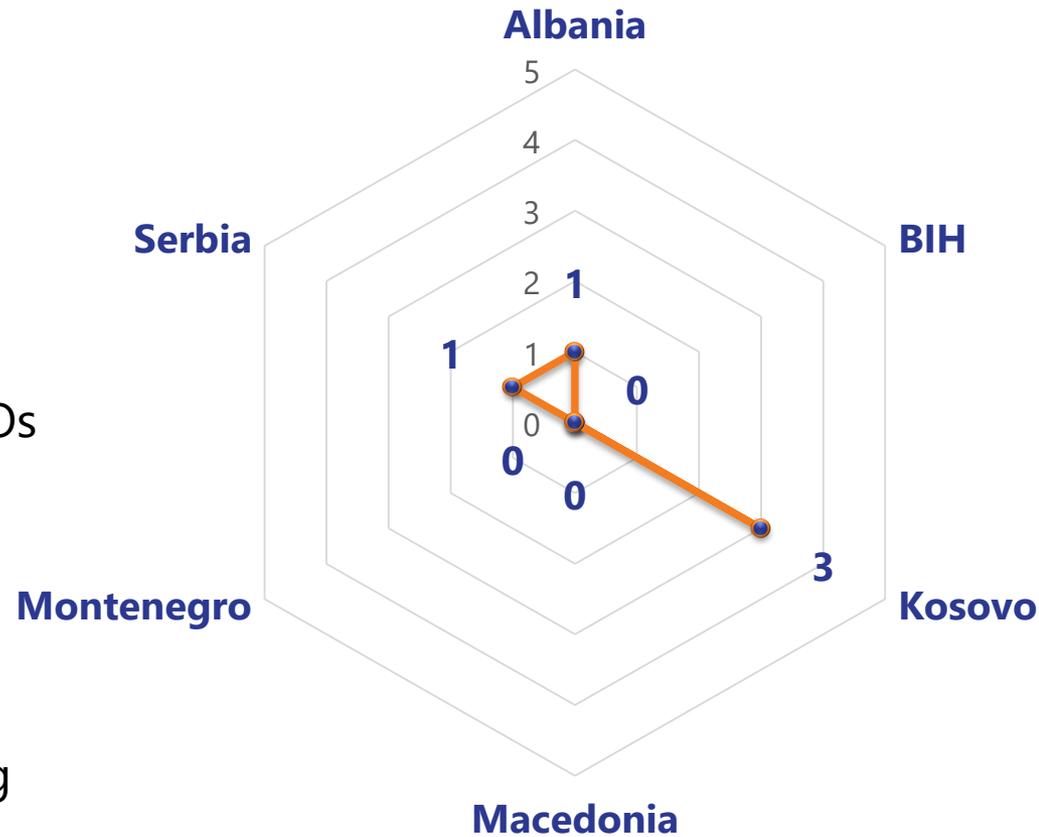
- In general, **governments' decision-making process is transparent** - agrees 13% of CSOs at the regional level
- **Agendas and minutes** of the Governments' sessions unavailable to the public in half of countries
- **Adopted documents and decisions** published timely, except for BIH and MKD





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**



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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**



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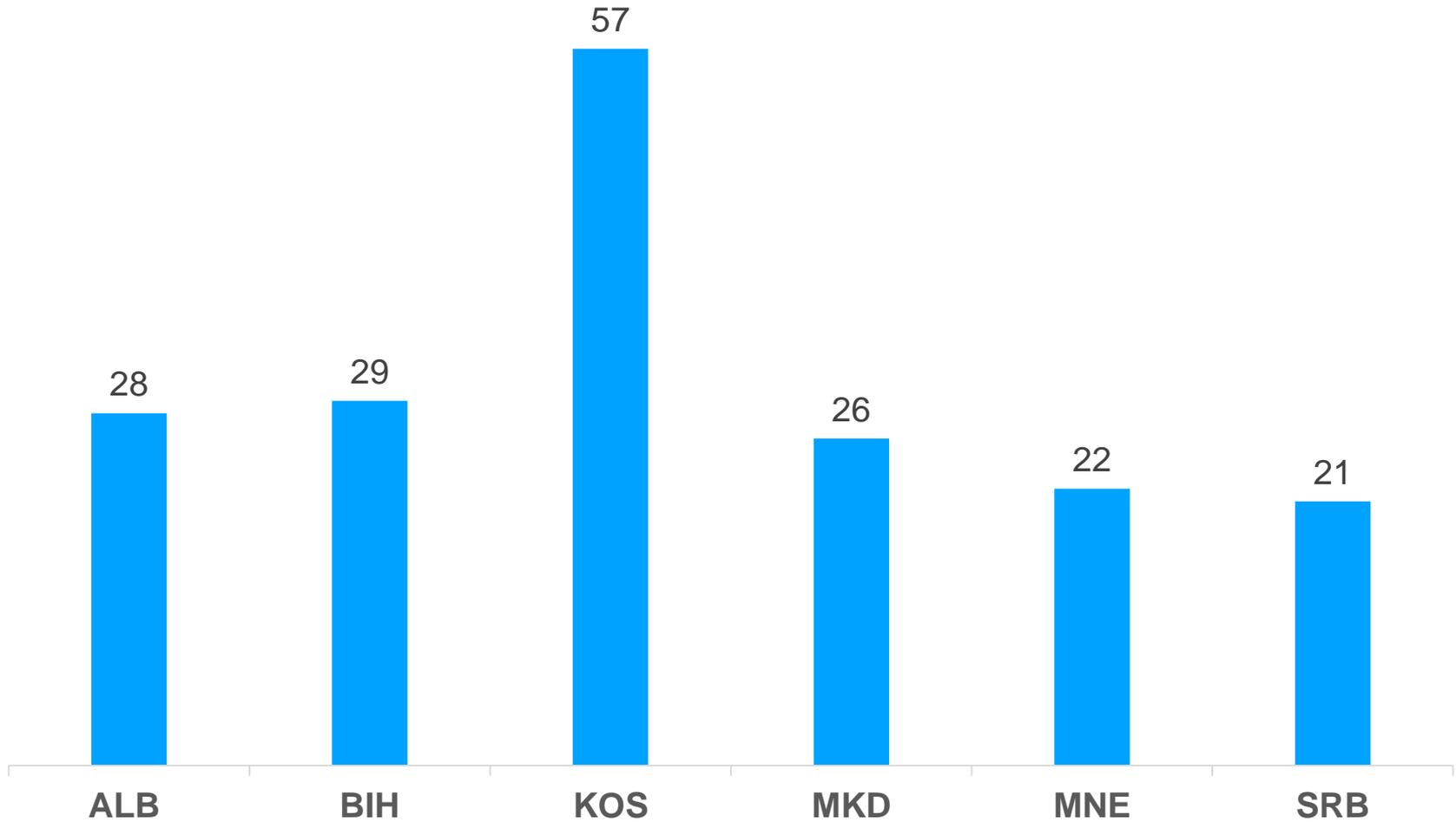
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PDC total scores per country



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SIGMA 2017 Assessment

Policy Development and Coordination



SIGMA



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- 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

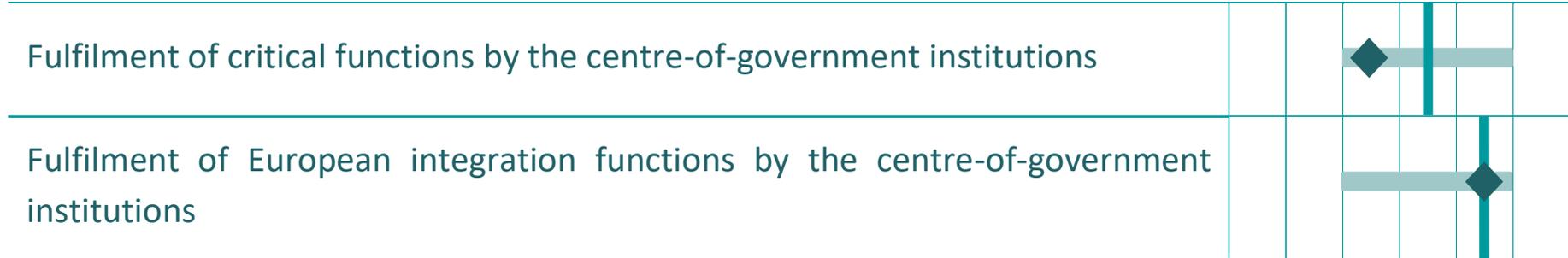


2017 indicator values for Serbia and regional comparison



Indicators

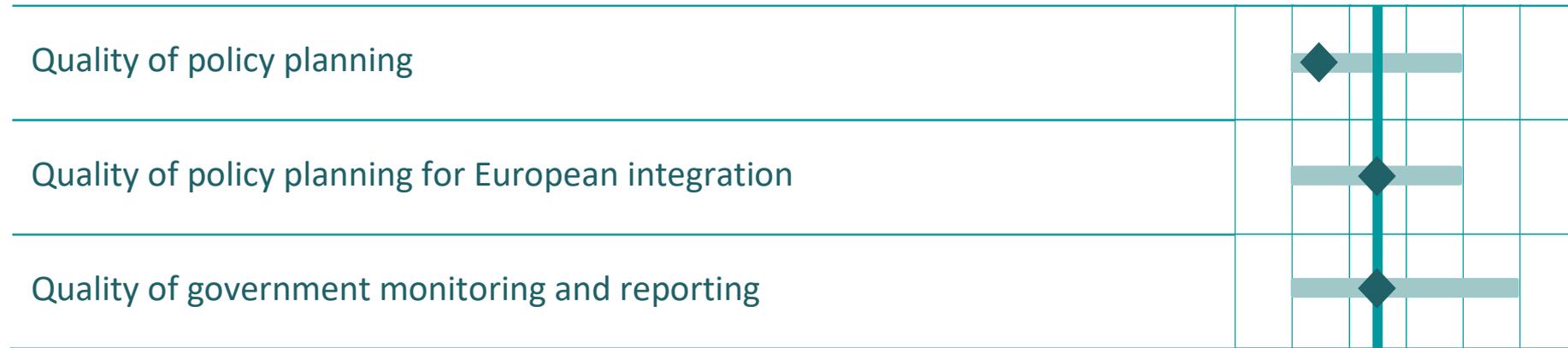
0 1 2 3 4 5



Legend: ◆ Indicator value ■ Regional range | Regional average

Indicators

0 1 2 3 4 5



Legend: ◆ Indicator value ■ Regional range | Regional average



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2017 indicator values for Serbia and regional comparison

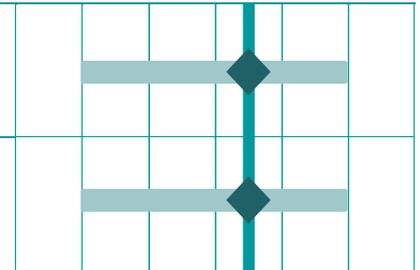


Indicators

0 1 2 3 4 5

Transparency and legal compliance of government decision-making

Parliamentary scrutiny of government policy making



Legend: ◆ Indicator value █ Regional range █ Regional average



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2017 indicator values: Serbia and regional comparison



Indicators

0 1 2 3 4 5



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



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Thank you for your attention!
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MIND
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REFORM!

Western Balkan PAR Monitor