

POLICYMAKING IN THE WESTERN BALKANS

*CREATING DEMAND FOR EVIDENCE
BEYOND EU CONDITIONALITY*



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I. Why policymaking ?

The six countries of the Western Balkans, all EU-membership aspirants, find themselves in different stages of the EU integration process. The characteristics of the EU's enlargement approach towards the Western Balkans requires these countries to deliver concrete, tangible, and sustainable results before becoming members. In the previous enlargement rounds, the EU has never deployed such complex mechanisms to assess and monitor the quality of implemented reforms. This situation is new both for the EU Commission and the candidate countries,¹ implying that the EU is also learning from its experiences and mistakes and innovating its methodology for assessing the results made by the candidate countries. The Western Balkan countries themselves are investing in developing new tools and mechanisms to report and monitor the achieved results. More precisely, improvements are made with regards to data collection and analysis methods, the quality and reliability of data, and more constructive

engagement with civil society stakeholders.

Both the EU and the Western Balkans' political leaders have repeatedly emphasised that these reforms are carried out not as a response to the EU's demands, but primarily for the betterment of these countries and the region itself.² Indeed, it would be erroneous to present the objective of EU membership as the sole reason for undertaking systemic transformations. Hence, the sustainability of reforms is desirable both in the post-accession phase, as well as in the case of a slowed down or suspended accession process, bearing in mind that current circumstances are unfavourable and undermine the EU's enlargement policy.

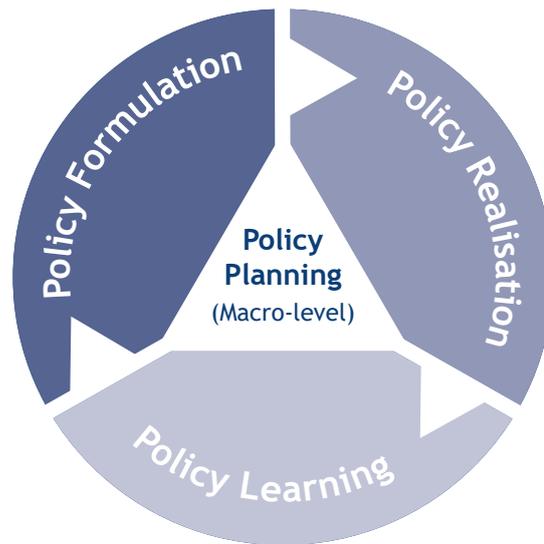
EU aspirants from the Western Balkans find themselves in a lengthy and demanding process of improving their policymaking systems. Sustainable results require not only robust tools and procedures, but also the involvement of all interested parties - civil society, media, interest groups and associations - into policymaking. However, policymaking as a topic is under-researched and its relevance somewhat underestimated both by the state and the civil society actors in the region. This Position Paper presents arguments to highlight the necessity for more streamlined engagement of the civil society to act as effective scrutinisers of policymaking reforms as well as to take a more constructive role in policymaking processes, consequently rendering it more transparent and evidence-based.

¹ This paper includes in the term "candidate countries" both the Western Balkan countries which are formally candidate countries for EU membership (Serbia, Montenegro, Albania, Macedonia) and those that are still potential candidates (Bosnia and Herzegovina and Kosovo).

² See for example, Communication on EU Enlargement Policy 2016, p. 2, available at: <https://goo.gl/WAjpzG>

Policy Formulation

- Definition of priorities - agenda setting
- Problem recognition and analysis
- Policy design - preparation of policy proposals & formulation of policy alternatives
- Ex-ante impact assessment, incl. weighing of policy options
- Choice of policy option
- Inter-ministerial consultations
- Continuous consultations



Policy Realisation

- Deciding on the proposed policy
- Preparation of legal drafts or other policy instruments, including continued regulatory impact assessment (RIA)
- Coordination at the centre of government
- Further consultations

Policy Learning

- Policy implementation
- Policy monitoring
- Policy evaluation & re-launch of the policy cycle

Graph 1: Policy cycle scheme⁴

Policymaking process decrypted

According to OECD/SIGMA, effective policymaking needs to be built on the following components:

- A well-organised, consistent, and competent policymaking system at the centre of government institutions.
- Harmonised policy planning which is aligned with financial circumstances of the country and aids the government in achieving its objectives.
- Transparent, legally compliant, understandable, and publicly accessible government decisions.
- Well-functioning parliamentary scrutiny.
- Inclusive, evidence-based policy and legislative development.³

The countries with effective policymaking rationally invest their financial and human resources when designing a new policy; they pay considerable attention to analytical tasks before making a choice about the best policy option; and they leave sufficient public space for intervention by the third interested parties into policy design and policy monitoring.

To explain and highlight the significance of sound policymaking on one country's quality of public services, economic performance, and policy enforcement, policymaking as a never-ending process can be broken down into three functional phases:

All three phases of policymaking are interdependent and interlinked. The first phase, policy formulation, tends to be underestimated in countries with a strong "legalistic" administrative culture. In reality, this phase is crucial, as it determines the way in which policy will be continued, as well as the prospects for implementation of a given policy. If the policy formulation phase is not conducted properly, there is a risk of a poorly implemented policy which needs to be re-initiated from the baseline, possibly resulting in a waste of major financial, time and other relevant resources. If policy foundations are well laid out through proper policy formulation, the second stage - policy implementation - is also more likely to be successfully realised.⁵ As with the policy learning phase, it is important to predefine in the policy formulation phase the desired aims and indicators that would measure the extent of achievement. The role of the policy learning phase is to indicate the lessons learned and reveal the problems which occurred during the implementation of the previous two phases. The policy learning phase should provide answers regarding the effects of the policy being implemented: whether the way forward is to amend the policy, revise it, or pursue a different solution. Policy monitoring and evaluation provide a constant source of feedback that helps policymakers achieve the desired results.⁶

³ OECD/SIGMA (Support for Improvement in Governance and Management), Policy Development and Coordination, available at: <https://goo.gl/iIATLU>

⁴ M. Lazarevic et al., *Policymaking and EU Accession Negotiations: Getting Results for Serbia*, European Policy Centre - CEP, Belgrade, December 2013, p.

⁵ S. Maric et al., *Getting Results in Public Policies: Monitoring & Evaluation with the Evidence Supplied by the Civil Society*, European Policy Centre - CEP, Foundation for Advancement of Economic Sciences, Belgrade, 2014., p. available at: <https://goo.gl/OkHb6Z>

⁶ J. Z. Ruzek, R. C. Rist, "Ten Steps to a Results-Based Monitoring and Evaluation System," The World Bank, 2004, p. xii.

Effective policymaking systems, such as the one in the UK, are characterised by meticulously developed practices pertaining to the policy formulation phase. In the UK system, both the internal and external actors can be initiators of a new policy, based on which the competent ministry prepares a so-called policy paper. This complex analytical document is concluded by offering different policy options, which are then discussed both within the administration and with external stakeholders and interested parties. Some of the options can require further research and analysis – the more complex a policy is, the more elaborate the policymaking process will be. The entire process and quality of the analytical approach is scrutinised by an institution at the centre of government, as well as through multiple impact assessments. Before making a final choice on the policy which should be pursued, an independent regulatory committee will evaluate the quality of the impact assessments conducted and recommend whether a given policy requires legislation or can be regulated by the existing legal framework.⁷ Such elaborate policymaking processes prevent over-regulation, save tax payers' money, and ensure the best cost-benefit balance.

In the EU context, the quality of policymaking systems of the member states have proven to be of utmost significance for their successful negotiation of EU policies in the Council of the EU fora. Being an EU member is accompanied by increasingly heavy demands on the administrations of the member states.⁸ Research has shown that the countries that have well-developed and effective national policymaking systems perform well when defending their national positions in the EU-level policymaking processes, too. This is particularly important for small states, such as Latvia, whose success in the Council arena can be attributed to an evidence-based policymaking process at the national level.⁹ The national position which is defended with arguments based on evidence and timely preparations has a greater chance of succeeding than the one which was preceded by a badly systematised and poorly informed policymaking process.¹⁰

Along the same lines, the EU accession process has many parallels with the policy deliberations between the member states in the Council arena. Accession negotiations represent a great learning tool for the candidate countries in their

preparation for taking up rights and obligations arising from the EU membership, given that the outcome of accession negotiations, for example the way the transitional derogations are negotiated, may depend heavily on the quality of their policymaking systems.¹¹ In reality, the benefit of the EU integration process, irrespective of potential negative external drivers and an uncertain membership outcome, is that it motivates, and even forces, the candidate countries to upgrade and improve their policymaking systems in the long term. This kind of reform helps ensure improved policy outcomes in all areas, regardless of a country's destiny when it comes to the question of achieving EU membership.

II. Assessment of policymaking systems in the region

The six countries in the Western Balkans appear to have a long path ahead of them in terms of establishing effective policymaking systems. The weaknesses identified stem from a broader societal picture linked not only to the mentioned legalistic bureaucratic culture, but also to communist and transitional legacies, which are mirrored in the centralised decision-making process, non-transparent policymaking, state-captured institutions, and widespread clientelism. These phenomena cannot be overcome in the short term since they require important socio-cultural changes.

The European Commission recognised that most of the Western Balkan countries have made progress in adopting modern laws on general administrative procedures, but that legal certainty can only be ensured when contradicting administrative procedures in sectoral laws are effectively addressed and removed.¹² Furthermore, countries need to find appropriate ways to harmonize central, regional, and local governments in order

7 M. Lazarevic et al., *op.cit.*, pp. 55-59.

8 Les Metcalfe, *International Policy Co-ordination and Public Management Reform*, *International Review of Administrative Sciences*, Vol. 60, 1994, pp.271-90.

9 M. Lazarevic et al., *op.cit.*, pp. 112-115.

10 *Ibid.*, p. 94.

11 *Ibid.*, p. 96.

12 Comparative overview of the Country Reports for 2016, Chapter II - Political Criteria, section Public administration reform, available at: <https://goo.gl/O9WuEU>

to provide support for the implementation of reforms. All countries need to respect and ensure citizen's rights in terms of access to information, administrative services, and good administration (introduction of e-government is the priority in this regard).¹³ All these policy problems are affected by the inadequate policymaking practices. In this context, a comparative analysis of the European Commission's Country Reports from 2015 and 2016 demonstrates a somewhat slow pace of progress made by the candidate countries in improving their policymaking systems.

Lack of transparent and evidence-based policymaking: whose fault is it?

The 2015 Country Reports note that formal policymaking elements, i.e. the legal basis and institutions for a coherent policymaking system, including European integration, are in place in all of the countries in the region. However, the main problems identified are related to policy coordination and actual implementation.

Policy coordination is weak, and there are often overlapping strategies and functions between different Ministries, the General Secretariat, and other government offices. Policy coordination focusses too much on procedural issues rather than on the substance. Sectoral strategies are developed incoherently and often lack financial resources or a link to the medium-term expenditure framework, therefore putting at risk their future implementation across the region.

The formal framework for inclusive and evidence-based policy and legislative development is partially or fully ensured in most of the countries. The capacity to develop policies is inadequate usually due to a lack of human resources or a necessary focus on policy implementation. In all six countries, public and inter-ministerial consultations on policy proposals are required but often conducted in a formalistic manner and too late in the process. Regulatory impact assessments are usually carried out, but their quality varies considerably. Impact assessments are not

carried out systematically and their quality varies between institutions in most of the cases. The system for monitoring government's performance is in place, however, it is not streamlined to ensure efficient public scrutiny over the government's work, while government monitoring reports focus primarily on outputs, rather than on achievements against the policy objectives.¹⁴

The 2016 Reports paint an even more critical picture of the current state of play. They point out the widespread phenomenon of considerably short timeframes for public consultations in the policy formulation phase in all countries. Public consultations are only conducted formally, without substantial involvement of third parties, which results in poor enforcement of the enacted acts. At the same time, public scrutiny of the government's work in the policy monitoring phase is problematic, since government documents are often not made public.

This year it is important to note that the Commission genuinely acknowledged the persisting problem of a trade-off between the short acquis alignment-related deadlines imposed by the EU association/accession process, and the quality of the enacted regulation. For the governments of the region, the demanding requirements of the EU integration process often represent an excuse for enacting legislation in short deadlines and consequently bypassing public involvement. It seems that for years the Commission somehow turned a blind eye on this issue. One of the blatant examples is the case of the Law on Consumer Protection in Serbia brought in 2011, which was fully harmonised with the EU acquis in this field, but was practically not implementable in practice since its creation largely omitted the policy formulation phase - it neither involved the analytical tasks nor the involvement of interested third parties in the policymaking process.¹⁵ Moreover, its adoption was rushed in order to "make it in time" for the Law to be recognised in that year's progress report.

A similar conclusion can be drawn from the example of justice sector reforms in Bosnia and Herzegovina (BiH), which resulted in poor quality and

¹⁴ Comparative overview of the six Country Reports for 2015 on policy making and coordination. Reports available at: <https://goo.gl/YLUvS4> Comparative analysis of SIGMA Country Reports on Policy Development and Coordination, Principles 5, 6, 10 and 11. Available at: <https://goo.gl/xHPWBS>

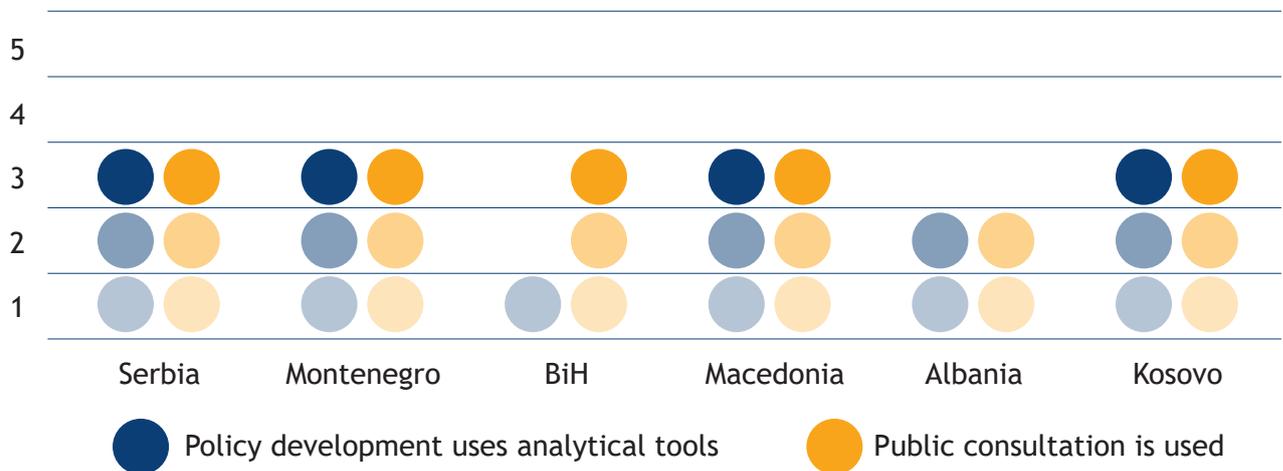
¹⁵ N. Lazarevic et al., "Towards a European Level of Consumer Protection in Serbia", Belgrade 2012, available at: <https://goo.gl/e2siu7>

¹³ 2016 Communication on EU Enlargement Policy, available at: <https://goo.gl/UJ2mOf>

low implementability, due to very short deadlines set for their adoption and a lack of an analytical basis.¹⁶ The adoption of the legal justice reform package was also a requirement imposed by the European Commission to Kosovo.¹⁷ It demanded the Kosovo Parliament to amend and enact a set of crucial laws in a rapid pace, as a consequence of which the socio-economic context of the country was ignored. In addition, the hasty deadline made it impossible for all relevant stakeholders to participate in the legislative drafting process, or, when they did, their contribution was deficient as they could not conduct proper analyses to assess the impact of the proposed changes.

Progress Report on Macedonia, “the procedures for policy development and coordination across the sectors are well defined, [although they] are not always efficiently implemented.”¹⁹ In the last two years, a difficult political crisis has led to a deterioration of the policy making process overall. Thus, in 2016 the Commission notes that, although the legislative framework is in place, “inter-ministerial and public consultations on policies and legislation remained a formality [and] the quality of obligatory regulatory impact assessments for legislative and policy proposals is weak.”²⁰

SIGMA indicator assessments on quality of policymaking



Graph 2: Comparative overview of SIGMA assessments on the quality of policy making²¹

This said, implementation challenges increased, thus the legal package had to be reconsidered and amended in 2015.¹⁸ It should be noted that several laws of the justice package might be amended again this year, given they are integrated into the Legislative Plan for 2016.

On the other hand, in the case of Macedonia, because of the status quo in the EU accession, the situation is quite different. Due to the decade-long efforts, according to the EC in the 2014

16 Asocijacija za demokratske inicijative, Centri civilnih inicijativa, *Značaj analitičkog principa u formulisanju javnih politika i propisa u sektoru pravde u Bosni i Hercegovini*, Sarajevo, 2012, pp. 8-9, available at: <https://goo.gl/vROZzi>

17 Report from the Commission to the European Parliament and the Council on progress by Kosovo* in fulfilling the requirements of the visa liberalisation roadmap. (2013). European Commission. Available at <https://goo.gl/dKbMFS>

18 Kosovo Sot (2015). The legal package on justice has been adopted as a criteria for visa liberalisation. Available at <https://goo.gl/g9ZljN>

19 European Commission, Working Document Progress Report on the Former Yugoslav Republic of Macedonia, 2014, 8. Available at: <https://goo.gl/YQxqCG>

20 European Commission, Working Document Progress Report on the Former Yugoslav Republic of Macedonia, 2016, Available at: <https://goo.gl/x0WqK5>

21 For the indicator “Extent to which the policy development process makes the best use of analytical tools”, on 0-5 scale, 0 stands for No systematic analytical technique is used; 1- Only simplistic techniques are used and only occasionally; 2- Only simplistic techniques are used but on regular basis; 3- Ex ante analysis exists but is not comprehensive; 4- Ex ante analysis is carried out regularly for at least some elements with sufficient quality; 5- Comprehensive ex ante analysis is carried out regularly. For the indicator “Extent to which public consultation is used in developing policies and legislation”, 0- no consultation takes place; 1- consultation takes place sporadically and on ad hoc basis without regulation which sets clear procedures; 2- regulation is in place, but its enforcement is sporadic and inconsistent; regulation with clear procedures is in place, execution is regular but without monitoring mechanisms; 4- regulation with clear procedures is in place, execution is regular and monitoring mechanism exists; 5- same as 4, plus outcomes of the consultations are made public.

By placing greater pressure on this important aspect of the policymaking process, the Commission seems to have learned from its mistakes. Namely, it has modified its approach and now pays more attention to conditions enabling greater involvement of the civil society and third parties in the region in the policymaking process. The examples of the countries above illustrate that the circumstances on the ground are continually changing quickly and illustrate the need for bottom up pressure from local CSOs and the think tank community.

Weak analytical and monitoring capacities against the increasing demands

The Commission and SIGMA assessments also note that the governments themselves have insufficient skills and capacities to monitor the implementation of the policies, as in most cases the achievement of the intended objectives cannot be measured.²² Such a state of play goes against the requirements of the EU accession process. In 2015, the Commission upgraded its assessment methodology by, inter alia, insisting on the establishment of a track record of concrete results in the candidate countries.²³ In fact, the Commission is placing great emphasis on monitoring the sustainability of the achieved results by demanding from the candidate countries to upgrade their analytical and data collection capacities, including the provision of “reliable and comparable statistical information on the reform implementation.”²⁴

In Serbia, for example, the accession process has propelled the government to work extensively on improving its data collection and monitoring capacities, especially in the fields which the Com-

mission considers as “fundamental”.²⁵ The elaboration of detailed Action Plans, which set clear targets and deadlines, objectives at different levels, SMART indicators, sources of verification, and sources of funding, was a prerequisite for the opening of the Negotiating Chapters 23 and 24. The implementation of the Action Plans will be monitored bi-annually by the Commission, while Serbia will also need to provide bi-annual reports.²⁶ Similar mechanisms will need to be applied to at least nine more Negotiating Chapters, i.e. the ones for which opening benchmarks are set.²⁷

In this respect, Macedonia, even if it has formally included policy monitoring in the Government rules of procedure, especially in terms of top-down monitoring (i.e. Government work plan), in practice it is not implemented systematically at all levels.²⁸

How effective is CSO pressure for improved policymaking?

Bearing in mind the complexity of the challenges imposed on the Western Balkans’ administrations, it comes as no surprise that they appear to be resistant to major shifts in their administrative culture and practices. In this context, it is important to note that positive changes and sustainable improvements require time. What is extraordinary, however, is the fact that the European Commission and the requirements of the EU integration process, have so far represented the most outspoken and the most effective source of pressure for policymaking reforms. Civil society in the region has been vocal in insisting on greater involvement in the policymaking process, but with limited results.

25 According to the upgraded methodology introduced in 2015, these are: rule of law and fundamental rights (functioning of the judiciary, corruption, organised crime, freedom of expression); economic criteria; public administration reform; three chapters closely linked to the above (public procurement, statistics, financial control).

26 European Commission, 2016 Communication on EU Enlargement Policy, p.9, available at: <https://goo.gl/4l0ITd>

27 The screening reports for nine negotiating chapters set the opening benchmarks, most in the form of production of a detailed action plan. The Commission has not yet published screening reports for seven negotiating chapters. Screening reports are available at: <https://goo.gl/yIAsy3>

28 SIGMA Public Administration Reform Assessment of the Former Yugoslav Republic of Macedonia, 2014, 11. Available at: <https://goo.gl/FxnXaJ>

22 Comparative overview of six Country Reports for 2016 on policy making and coordination. Reports available at: <https://goo.gl/ZRfwtv>

23 EU Enlargement Strategy 2015, Annex II, p. 31, available at: <https://goo.gl/HjIhZw>

24 EU - Serbia Negotiating Framework, p. 20, available at: <https://goo.gl/ooGt6o>



Regarding civil society stakeholders, two major factors have contributed to their insufficient involvement. First, the unfavourable legal and institutional framework for civil society involvement in the policymaking is to blame. Since the policymaking systems of the region are largely focused on the legal drafting phase, with underdeveloped policy formulation and monitoring phases, CSOs have very few mechanisms to influence the direction of the policies being developed, or to monitor their implementation. On a broader scale, the 2015 regional report on the Monitoring matrix on the enabling environment for civil society development notes that the “challenges with the functionality of the CSO-Government partnerships are particularly related to the unsatisfactory implementation of measures prescribed by policy documents.”²⁹

In Serbia, CSOs participate in an ad-hoc, reactive, and untimely manner, while their involvement in policymaking is essentially limited to participation in public discussions and legal working groups. In 2014, the Government passed the Guidelines for Involvement of CSOs in the Legislative Adoption, but they only refer to the legal drafting process and not to the entire policy cycle and thus fall short of systematically addressing CSO’s involvement.³⁰ A strategic framework for cooperation between CSOs and governments is yet to be established in BiH. This would enable a more coherent and sustainable cooperation, and create an opportunity for CSOs to actively take part in the policymaking system. The CSO community has been working on educating citizens and other stakeholders on ways to affect the policymaking system in BiH in order to demystify the process and make it more approachable to ordinary citizens.^{31,32} The case of social protection policies in Albania demonstrates the lack of trust between the state and the civil sector when it comes to providing evidence relevant for pol-

icymaking, as both sides are sceptical about the quality of data the other side is collecting.³³

The second factor concerns limited capacities of CSOs to advocate for more transparent and evidence-based policymaking. Arguably, this can partly be attributed to an inadequate approach to the civil sector by the donor community. Donor support is largely project-based and forces organisations to devote considerable time and human resources to demanding project application procedures, which results in increasing alienation between the CSOs and their constituencies.³⁴ As noted by TACSO, a conspicuous weakness across the region is still the low number of CSOs promoting good governance, particularly the ones focusing on oversight of public administration. Additionally, despite several pioneering think tanks, analytical capacities are generally poorly developed within the wider civil society.³⁵ In Serbia, research has shown that most of the CSOs have limited potentials to take part in the policy monitoring process and consider themselves as insufficiently aware of the existing opportunities in that respect.³⁶

The European Commission has evolved in terms of its approach towards the CSOs in the Western Balkans, from an initial focus on internal capacity building, to placing emphasis on creating an enabling environment for CSOs, to finally tackling state-civil society relations.³⁷ The EU’s new approach in enlargement policy equally raises expectations from the civil society, especially their contribution to enhancing political accountability and promoting a “deeper understanding of accession related reforms”.³⁸

Taking the example of Serbia, one can observe the correlation between the acceleration of its accession process since 2014 and the growing

29 Monitoring matrix on enabling environment for civil society development regional report 2015, Balkan Civil Society Development Network, <https://goo.gl/F8UnNS>

30 A. Orza, *Civil Society and Government: Participatory Policy Formulation in Serbia*, European Policy Centre, Belgrade, 2014, available at: <https://goo.gl/drtJr8>

31 Global Rights, *Vodič za zakonodavno zagovaranje*, 2005, available at: <https://goo.gl/N7BqVZ>

32 *Javna rasprava*, available at: <https://goo.gl/xbWVQt>

33 Marsela Dauti, Erika Bejko, *Use of Scientific Evidence in Designing Social Protection Policies in Albania*, Institute for Democracy and Mediation, January 2015, p.2.

34 N. Wunch, *Right Goals, Wrong Tools? Civil Society Empowerment in the EU Accession Process*, DGAPanalyse, February 2015, p.4, available at: <https://goo.gl/wQDECa>

35 Civil Society Organisations’ Capacities In The Western Balkans And Turkey: A Comparative Summary Of The Eight Country - CSO Needs Assessments. A Report Issued By TACSO (Technical Assistance To Civil Society Organisations in the IPA countries), October 2010, Available at: <https://goo.gl/Fz9o1g>

36 S. Maric et al., *op.cit.*, pp. 47-49.

37 N. Wunch, *op.cit.*, p.5.

38 EU Enlargement Strategy 2015, *op.cit.*, p.4.

involvement of CSOs in policymaking. The Government's Office for Cooperation with the Civil Society played a significant role in this regard, as it initiated numerous capacity-building trainings and workshops aimed at raising awareness and understanding of the CSOs on the particularities of the accession process and the content of each negotiating chapter. Another important milestone was the creation of the National Convention on the European Union, a comprehensive forum for participation of the civil sector in the EU accession process and its monitoring. Not surprisingly, the participation of CSOs has so far been the most dynamic in the working groups related to Chapters 23 and 24, given the complexity of actions needed to make relevant advances in these chapters and the fact that most of the active CSOs in Serbia are focused on human rights issues.³⁹

However, it is still early to assess whether the positive practices shown so far through the National Convention and other fora will result in substantial and effective cooperation between the state and the civil sector. More precisely, CSO contributions so far have been primarily limited to providing suggestions on clarifications of the action plans and other accession-related documents, instead of on generally providing qualitative inputs in the accession process. Another test for the willingness of the state sector to involve the civil sector is going to happen in the monitoring phase, once it will be necessary to demonstrate a track record of the implemented reforms through transparent and evidence-based reporting. At the same time, the upcoming period will also show whether civil society has built appropriate capacities to play a constructive role in the policymaking reforms, irrespective of the dynamics and the requirements of the EU accession process.

On the other hand, in the countries that are not in the accession negotiations, the development path of government dialogue with CSOs is much different, even though the EU accession process is seen as a hub for increasing the role of CSOs in

policy making. In this respect, the 2016 European Commission Report on Macedonia notes that CSO "involvement in policymaking and legislative drafting remains insufficient, although some further efforts were made by the Secretariat for European Affairs".⁴⁰

III. Creating demand for robust policymaking beyond EU conditionality

Making the case for a Centre of Excellence in Policymaking

The described state of play points to the necessity for greater engagement of CSOs across the region in holding their governments accountable and advocating for more evidence-based policymaking. It also reveals an urgent need to empower the civil society sector to take a more substantive part in the policymaking reforms and processes. The existing policy formulation, monitoring, and reporting mechanisms are insufficient to ensure sustainable policymaking reforms. For this reason, six think tank organisations from the Western Balkans⁴¹ decided to establish a regional Centre of Expertise on Policymaking Systems in the Western Balkans (CEPS WeB).

⁴⁰ European Commission, Working Document Progress Report on the Former Yugoslav Republic of Macedonia, 2016, Available at: <https://goo.gl/Tri9mh>

⁴¹ They include: European Policy Centre (CEP) from Belgrade, Institute Alternative (IA) from Podgorica, European Policy Institute (EPI) from Skopje, Institute for Democracy and Mediation (IDM) from Tirana, Group for Legal and Political Studies (GLPS) from Pristina and Foreign Policy Initiative (FPI) from Sarajevo.

³⁹ The CSOs gathered at the National Convention for the EU for Chapter 23 represent by far the most numerous working group of the Convention. More details at: <https://goo.gl/BAakD2>

The CEPS WeB builds upon the previous track record of close cooperation between the organisations involved. This cooperation firstly evolved within the regional network of think tanks - Think for Europe Network (TEN),⁴² in response to weak regional cooperation in the EU-related policy research, especially in the areas of the involvement of civil society in policymaking and decision making, regional dimension of the EU accession process, public administration reform and administrative capacities for EU integration, good governance and government accountability. In addition, starting from late 2015, the six organisations have been implementing a three-year long project aimed at strengthening the participation of the civil society and media in the context of public administration reform (known as the WeBER project),⁴³ where significant components are devoted to policymaking and good governance in the region. Hence, the CEPS WeB will serve as an additional boost to the other joint initiatives, and vice versa, by providing a pool of expertise and support to the more structured efforts and ongoing projects of organisations involved.

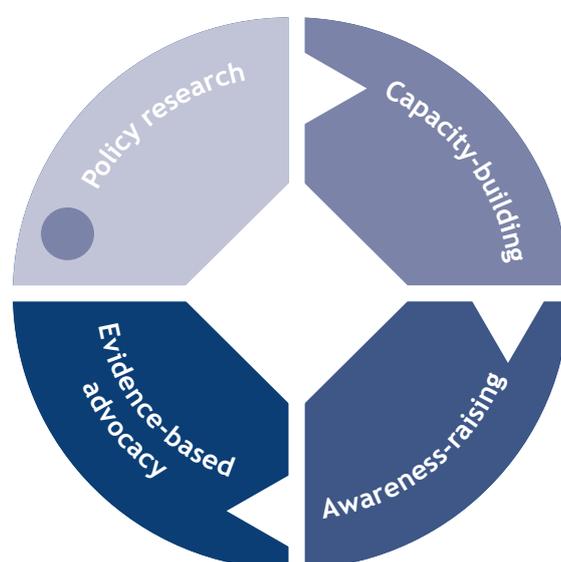
The mission of the CEPS WeB is to promote the use of research as a basis for policy and decision making in the Western Balkans by providing evidence-based and high quality contributions to advance the existing policy processes. In fulfilling its mission, the CEPS WeB will build sustainable partnerships between its members and with key stakeholders at the national, regional, and EU level. Building on its comparative regional research, the CEPS WeB will support regional policy dialogue focusing on best case practices and fostering healthy competition between these six countries. Its long-term objective is to develop into an independent centre for excellence with a wide network of regional and international experts and own operational structures.

By 2025, the CEPS WeB envisions to be the leading independent regional centre that provides cutting edge research on policymaking. The members of

the CEPS WeB set out to form a vibrant network of researchers recognised for their expertise and to successfully advocate their ideas and findings to key national, regional, and EU stakeholders. The CEPS WeB will strive to create established strong track record as a corrective factor of the existing policymaking practices in the region.

The CEPS WeB thus intends to address both the supply and the demand side of effective and evidence-based policymaking. It will engage on these three engagement tracks in parallel:

- Joint research on the topics related to policymaking, such as: CSO participation in policy design, policy monitoring, and other processes related to overall public administration reform process in the countries of the region; good governance (i.e. open government partnership and open data initiative); and monitoring of the EU accession process. These topics are common to all CEPS WeB members, but their level of expertise differs from one issue to another. Through the jointly conducted research activities, CEPS WeB members will mutually reinforce each other's expertise and thus raise the overall capacities of the Centre to act as an effective scrutiniser of policymaking reforms and processes.
- Joint advocacy initiatives directed towards the national governments, EU decision makers, and other initiatives aimed at enhancing regional cooperation, based on previously conducted research.



42 *Think for Europe Network*, more information on: <http://ten.europeanpolicy.org>

43 *Western Balkans Enabling Project for Civil Society Monitoring of Public Administration Reform - WeBER*, <http://www.par-monitor.org>

- Capacity building activities. The CEPS WeB will initially focus on internal capacity building through peer review activities, consultations, and study visits among its members, as well as trainings and peer review provided by external prominent experts and institutions. In the medium term, by providing tailored-made capacity building trainings, the CEPS WeB will empower other CSOs to be more constructive actors in policy design and policy monitoring processes. In the long term, the CEPS WeB will seek to grow into a renowned training institution for evidence-based policymaking and also provide services to government institutions and local municipalities.

Picture perfect example of regional cooperation rationale

For numerous reasons, the mission of the CEPS WeB cannot be fully accomplished without addressing the policymaking reform initiatives from a regional perspective. From the perspective of internal capacity building of the CEPS WeB member organisations, the CEPS WeB implies reaping maximum benefits of learning from each other's experiences and exchanging knowledge, given that the problems and challenges these organisations are faced with are similar and comparable in all six Western Balkan countries. These learning practices can have a snowball effect in a sense that they could stimulate a sustained regional exchange of good practices within the wider civil society sector, which could then contribute to CSO empowerment in the region. From

the advocacy capacity perspective, regional peer pressure founded on evidence-based research, coupled with the progressively growing expertise of the civil society sector to act constructively in the context of policymaking reforms and processes, will increase the advocacy potential of the CEPS WeB and its ability to shape the debates related to these important reforms and processes.

The fact that all CEPS WeB members come from countries which are EU membership aspirants provides additional possibilities for pressuring their governments to deliver results with their policymaking reforms. The pressure provided through the CEPS WeB would run in parallel to the existing SIGMA/OECD assessments. However, unlike these assessments which are conducted in the context of the EU membership negotiations, the engagement of the CEPS WeB would remain present in the long term and irrespective of the countries' EU membership outcome. As a matter of fact, the quality of the foreseen reforms is likely to become higher in the case of a greater number of civil society scrutinisers on the ground.

Pursuing a regional approach through the CEPS WeB, apart from the already emphasised advantages, has a broader and implicit added value which concerns the improvement of the image of the Western Balkans region in Europe and beyond. In the circumstances characterised by multiple crises in the EU, a concerning lack of solidarity, and the risk of fragmentation of the continent, the CEPS WeB will present a positive example which embodies a reverse, positive trend and the "soft power" effect of the European project rationale on the EU aspirants. In that way, the CEPS WeB will intend to establish itself as a prominent actor beyond the region, whose example may provide impetus to the ongoing debates on the future of the continent.

About the project

The aim of the project Centre of Excellence on Policymaking Systems in the Western Balkans (CEPS WeB) was to create a Centre for Excellence within the institutional framework provided by the Think for Europe Network (TEN). Its members are six think tank organisations from the Western Balkans:

- European Policy Centre - Belgrade
- Institute Alternativa - Podgorica
- European Policy Institute - Skopje
- Foreign Policy Initiative - Sarajevo
- Institute for Democracy and Mediation - Tirana and
- Group for Legal and Political Studies - Pristina.

The project is financed under the framework of the Regional Research Promotion Programme (RRPP). The RRPP promotes social science research in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia). Social science research aids in the understanding of the specific reform needs of countries in the region and in identifying the long-term implications of policy choices. Researchers receive support through research grants, methodological and thematic trainings as well as opportunities for regional and international networking and mentoring. The RRPP is coordinated and operated by the Interfaculty Institute for Central and Eastern Europe (IICEE) at the University of Fribourg (Switzerland). The programme is fully funded by the Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs. The views expressed in this policy brief are those of the authors and do not necessarily represent opinions of the SDC and the University of Fribourg.

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