

# *Public Consultation in Kosovo: Legal Framework, Methods, Tools, and Their Application*

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The representation of citizens' interests and preferences in government policies and legislation is a key goal of democratic governance. Interactive public consultation as a form of citizen engagement has become a part of the worldwide best practices in governance. Kosovo's public administration has followed these development trends. Substantial regulatory measures on establishing minimum

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standards on public consultation, in line with the best EU standards and practices, have been undertaken by the Kosovo Government since 2016. Despite this progress, challenges remain regarding the proper implementation of minimum standards in practice. The study aims to answer the question of the extent to which the legal framework on public consultations in Kosovo is implemented, the extent to which the system is functional, and whether further improvements are needed. The analysis, findings, and conclusions which are based on empirical research, the survey with civil society organisations for the purpose of this study, and the authors' first-hand experience in building the public consultation system in Kosovo, are used to answer these questions.

*Keywords:* public consultation, regulation, electronic platform, public administration, Kosovo

## 1. Introduction

Increasing public participation in the policy process has been a central concern for many academics interested in addressing the democratic deficit (Catt & Murphy, 2003). The degree of stakeholders' involvement in the policy and legislative development process represents the level of good governance of a country. Public consultation as one of the interactive forms of citizen engagement has become part of the best practices in the central and local governance in the recent decades (OECD, 2001; OECD, 2011; Catt & Murphy, 2003; Rasmussen & Reher, 2019; Loeffler & Martin, 2015). As part of the public administration modernisation trends, the growing awareness among Western Balkans countries that regulatory efficiency and quality affect economic performance has led to a more strategic approach to regulatory reform and the adoption of comprehensive or fragmented regulatory reform strategies (Kukovič & Justinek, 2020). As part of the transformation and modernisation of their public administrations, public consultations have become part of the legal requirement and good governance practices. Each Western Balkans country has followed its approach and can learn from others, with the European integration agenda being one of the drivers of undertaking public administration reforms, including the improvement of the consultation

system. To adjust to the internal needs and new global transformation, the development of public administration in Kosovo has followed the same trend. Active involvement of civil society organisations, in cooperation with institutions at the central level through cooperation between the government and the civil society, has given an impetus to the improvement of the public consultation system as well as the advancement of civil society involvement. Regulatory impact assessment (RIA) and public consultations, as the two main regulatory management tools for ensuring evidence-based and participatory policymaking, are now formally established and used in all administrations of the Western Balkans (OECD/SIGMA, 2022, p. 19).

The public consultation process in Kosovo has moved forward gradually and features several stages of development. The Government of Kosovo recognised that consultation during the policy development process needs to be deeply embedded in the administration's working culture and practices (Better Regulation Strategy 2.0). Analysing from the legal point of view, minimum standards on public consultation in Kosovo are established and are largely in line with EU standards on consultation (European Commission, 2002), as well as encompassing mostly internationally recognised best practices for regulating public consultations. However, the purpose of the legal framework and consultation instruments is to establish a favourable environment for the participation of citizens in decision-making through public consultations. Therefore, discussions and concerns are continuously focused on the Kosovo Government's approach to implementing the minimum standards for public consultation, which at the same time represent the level of good governance in this segment of the policymaking process and legislative drafting.

Considering a relatively young established public consultation system in Kosovo, this paper aims to provide empirical evidence and a thorough analysis of the implementation of the public consultation system reforms over the last five years. The paper aims to answer the question of whether the public consultation system in Kosovo is achieving its primary objectives, whether Kosovo's public institutions are properly implementing the legal requirements on the minimum standards of public consultation, and what the key challenges are for the implementation of the public consultation process. Considering the role of civil society organisations (CSOs) as one of the most frequent contributors in the public consultation process, particular attention has been paid to the CSOs' perception of the process. The paper aims to increase the academic debate as well as awareness of the importance of public consultation and proper engagement of the civil

society in this process. It should be noted that this paper does not cover all aspects of the public consultation system in Kosovo. Due to limitations in terms of volume, though contextual information was provided the paper does not emphasise several aspects of consultation at the central level of government, such as the system for consultation monitoring and quality control, the performance of coordination within the Office of the Prime Minister and line ministries, the quality of periodical reporting, capacities of the public administration to implement the legislation, the functioning of public consultations at the local level etc. These topics remain to be addressed by other potential studies.

The paper is structured as follows: in the first section, we provide a theoretical overview of public consultation. In the second section, we provide a contextual analysis of the public consultation system in Kosovo. The most important part of this paper is the empirical research and discussion, which is provided in the third section. The last section contains the main conclusions of the paper.

## 2. Methodology

As the paper analyses the public consultation process from the theoretical perspective and the contextual perspective of Kosovo, both qualitative and quantitative methods are used. Legal documents, government reports, reports of CSOs and international organisations as well as other data and documents from the Government Public Consultation Platform were analysed in combination with other qualitative research methods as a means of triangulation. A sample of twelve documents containing a selection of the first three documents open to consultation for each year (2018, 2019, 2020 & 2021) and published on the public consultation platform were analysed for the purpose of the study.<sup>1</sup>

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<sup>1</sup> The sample of documents analysed includes: Draft Law on Population and Housing Census; Draft Strategy on Rule of Law; Draft Law on Early Education 0-6 Years; Technical Regulation (MTI) No. 00/2021 on Gas Appliances; Draft Regulation (MoD) – No. Xx/2020 Reserves for Operational Sustainability in Kosovo Security Force; Concept Paper for Supplementary Education; Draft Regulation (MTI) No. XX/2019 on Prepacked Products; Draft Administrative Instruction on the Reason of Permissibility of Transfer and Re-Allocation; National Plan for Implementation of the Stabilization and Association Agreement 2019–2023; Draft Administrative Instruction (GRK) No.../2019 on the Manner of Distribution of Shares for Trepça J.S.C. Employees; Draft Administrative Instruction (GRK) No. XX/2017 on Planning and Drafting the Strategic Policy Documents and Action Plans; Draft Admin-

As the primary focus of the paper is to analyse the implementation of the legislation on public consultation in Kosovo from the perspective of civil society engagement, the main method used for the research was a survey with CSOs. A questionnaire composed of 16 questions was submitted using Google forms in February 2021. The questionnaire was sent to all non-governmental organisations registered in the official register of CSOs in Kosovo<sup>2</sup> which had a proper email address. The same questionnaire was repeated after a three-week interval, and in total 253 responses were received. The collected data were analysed and the results are presented in the following chapters of this paper, including discussions.

### 3. The Theoretical Framework of Public Consultations

The representation of citizens' preferences in the adopted policies and legislation is a key aspect and goal of contemporary democratic governance. Citizens' participation is an accepted and expected feature of the democratic process and principles of good governance (OECD, 2012; Kukovič & Justinek, 2020). Consultation is one of the forms of interaction of public institutions with the interested public, which involves a two-way dialogue or flow of information between public institutions and citizens, and which may occur at any stage of regulatory development, from problem identification to the evaluation of existing regulations (Loeffler & Martin, 2015, p. 525). Other forms of citizen engagement are information and participation in decision-making (OECD, 2001), while co-production of civil society in public services and outcomes is the most intensive form of engagement (Loeffler & Martin, 2015, p. 525; Đulabić, 2020).

A process of communication, consultation and engagement which allows for public participation of stakeholders in the policy and legislative making process can help governments understand citizens and other stakeholders' needs and improve trust in the government. At the same time,

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istrative Instruction (MoF) No. XX/2018 on Amending and Supplementing the Administrative Instruction No. 06/2016 on the Implementation of the Law No. 05 /L-037 on the Value Added Tax; Draft Concept Paper on the Kosovo Property Comparison and Verification Agency.

<sup>2</sup> Although there are no accurate data on the exact number of active NGOs in Kosovo, results from several studies conducted by CSOs in Kosovo indicate that a large number of NGOs are inactive. See Puka (2018, p. 12).

it may help the government collect more information and resources, increase compliance, and reduce uninformed opposition. This improves and enhances the transparency and accountability as interested parties gain access to detailed information on the potential effects of regulation on them (OECD, 2012, p. 28.). Finally, a well-organised public consultation process can help to improve both the quality of regulation and the government's responsiveness to citizens and businesses (OECD, 2011, p. 6). An important issue raised continuously is how to consult the public and specific stakeholders. There are various models in practice that can facilitate sustainable and meaningful participation, through legislative framework or practical instruments (Council of Europe, 2016). The literature reveals that the connection between particular institutionalised forms of public consultation and the specific ends they are supposed to achieve is a question that needs to be tackled more rigorously and systematically (Cat & Murphy, 2015). The need to adapt to the specifics of different categories of the public is essential. Various methods of citizen participation are designed for specific groups of the population such as the youth (Sirianni, 2009), seniors, or minorities (Uyesugi & Shipley, 2005; Frank, 2006), or for particular issues such as the approach to consultation on waste management sites or tenants' rights (Anderson, 2008). In practice, there are no one-size-fits-all solutions, and the right choice for a particular regulatory consultation process depends on a range of idiosyncratic factors, i.e. they vary across time and space. The choice of tools is related to the consultation process itself, which can differ widely across countries in terms of timing, availability of guidelines, and the degree of openness of the process (OECD, 2011, p. 33). The availability of new digital technologies, such as smartphones and social media, now provides citizens with new opportunities to communicate with each other and organise themselves (Loeffler & Martin, 2015, p. 523). The use of such digital tools for public consultation has now become common practice to different degrees, depending on the country. Such new solutions can hardly replace other standard methods such as conferences, meetings, etc. The wrong choice of tools and methods to consult the public can lead to poor public consultation. Ineffective consultation not only wastes time and money but jeopardises future attempts at engaging the public meaningfully (OECD, 2011, p. 33).

When consultation is conducted by public institutions, a wide spectrum of consultation tools should be used to engage a broad diversity of stakeholders within the population. Regardless of the methods chosen, ministries and agencies should try to reach out to stakeholders in the appropri-

ate way (OECD, 2011, p. 19). OECD defined stakeholders as citizens, consumers, and employees (including their representative organisations and associations), the public sector, non-governmental organisations, international trading partners, and other stakeholders (OECD, 2012; OECD, 2018). Consultation methods need to reflect the fact that different stakeholders with legitimate interests do not have the same access to resources and opportunities to express their views to the government, and that a diversity of channels for the communication of these views should be created and maintained (OECD, 2012, p. 28). However, stakeholders vary in terms of their status, level of organisation, representation, and capacities to participate meaningfully in the consultation process. There is a common observation in consultation literature that the manner of public involvement affects the degree of public satisfaction apart from the outcome of the decision (Burroughs, 1999). It is therefore important to bring in a variety of stakeholders, including civil society groups and CSOs, to balance the power of well-organised and specialised interest groups (OECD, 2011, p. 19). Civil society organisations' engagement in consultation plays an important role. Citizens might mobilise in civil society organisations precisely because they hope to increase policy responsiveness in their area of concern. Regardless of the precise reasons for the existence and strength of civil society organisations in a policy area, they appear to act as important vehicles for distributing information and reducing uncertainty between the citizens and the decision-makers, and thus help stimulate correspondence between opinion and policy (Rasmussen & Reher, 2019). Activation of non-governmental organisations, however, does not exclude the government from the responsibility to provide an opportunity for all stakeholders, regardless of their status or capacities to participate in consultation etc. It is the institutions' responsibility to explore appropriate methods and approaches. When implementing public consultation, public institutions have to take into account that powerful interest groups may put their interests first, above the public interest.

Nevertheless, public consultation is not always seen in a favourable light (Loeffler & Martin, 2015, p. 528). *Pro-forma* consultation without any actual interest in the views of the stakeholders because a decision has already been made, or failure to demonstrate that consultation comments have been considered may have the opposite effect (OECD, 2018, p. 48). In some cases, the public is presented with a narrow range of options and asked to decide which it prefers, leaving many people feeling that they are being "railroaded" (Loeffler & Martin, 2015, p. 528). Moreover, long-drawn-out consultation processes are sometimes used by pol-



icymakers simply to defer difficult decisions (OECD, 2001; Loeffler & Martin, 2015, p. 528). Thus, despite recognising its importance, in practice, “consultation” can become a one-way flow of information. Or worse still, in some cases, the results of consultations which are run by staff low down in the hierarchy or by external consultants do not reach more senior decision-takers for whose benefit they were theoretically designed. And many consultations involve fairly narrowly defined groups of the “usual suspects” (Loeffler & Martin, 2015, p. 528).

However, almost all OECD countries have entrenched stakeholder engagement in their legislative making process by establishing and expanding the formal requirements to consult on new laws and regulations (OECD, 2018, p. 50). Formal requirements for public consultation and well-advanced systems are established at the level of the European Commission (European Commission, 2002) and EU Member States. Ensuring responsive, inclusive, participatory and representative decision-making at all levels is also an aim of the UN Sustainable Development Goals (2015). 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 in policymaking (TEN, 2016, p. 2). Nevertheless, embracing the rules and standards of public consultation in the policymaking system has become a general norm, while their implementation in practice and the possibility of their effective use by stakeholders is another matter which varies in different countries.

#### 4. Legal and Policy Review of Public Consultation in Kosovo

Considering the new demands of citizens, new technological developments, and the evolution of institutions, Kosovo has also made efforts to respond to the new challenges and demands of postmodern developments in public administration (Halili & Kukovič, 2022, p. 1). As part of such reforms, the public consultation system in Kosovo has progressed gradually and features several stages of development. The government has recognised that consultation during the policy development process needs to be deeply embedded in the working culture and practices of the administration (Better Regulation Strategy 2.0). Improving the public consultation



system in government is closely linked to the process of drafting policies and legislation and depends on its well-functioning. As a recent development at policy level, a framework with recommendations to improve the implementation of minimum standards for public consultation for the period 2021–2025 has been introduced by the Kosovar Office of the Prime Minister in 2021 (Office of the Prime Minister, 2021).

The Constitution of the Republic of Kosovo (2008) establishes the grounds for the right of all persons, including the civil society, to participate actively in the decision-making process at the central government and municipal level. Such grounds are included in several provisions of the Constitution, such as under the principle of equality before the law, where the rights of all communities and their members to participation are guaranteed. Provisions of Art. 45/3 of the Constitution related to freedom of election and participation cover the public consultation process for legislation and policies at the governmental level as well. In this regard, institutions are obliged to support the possibility of every person, including legal persons, to participate in public activities, and the right to influence democratically the decisions of public bodies. Of course, the latter is also achieved via the public consultation process, as one of the means of participation. However, the Constitution does not specifically refer to the consultation process at the central level of government. However, provisions of Art. 124/1 of the Constitution are very clear on participation at the municipal level, stating: “municipalities ... encourage and ensure the active participation of all citizens in the decision-making process of the municipal bodies”. Citizens may participate individually or be represented collectively by legal entities such as CSOs or other forms of their organisation. Therefore, the Constitution obliges municipalities to undertake proactive measures to consult the public when it comes to drafting legislation and policies at the municipal level. As regards “primary legislation”, provisions of Art. 68 of the Local Self Government Act from 2008 provide the most relevant rules on public information and participation at the local level, also including the right of municipalities to regulate these matters further by secondary legislation. Concerning the consultation process at the local level, an Administrative Instruction on minimum standards of public consultation in municipalities was issued in 2018 and is more or less similar to the one applicable for governmental institutions. Nevertheless, the consultation system at the local level is not the subject of this paper.

The government’s Rules of Procedure, adopted in 2011, provide the decision-making procedures for both policy development and legal drafting,

including the requirement for public consultation. Although the Rules and Procedure do not regulate details of the public consultation process, they are the key legal framework setting the grounds for the inter-institutional and public consultation process at the governmental level in Kosovo. According to Art. 32 of the Rules of Procedure, governmental bodies are obliged to conduct a public consultation for any proposal for which a concept document is required, meaning any policy documents and legislative initiatives, including concept documents. Transparency and accessibility for the public, which includes the publication of the substance of policy proposals, offering sufficient time and clear information on the deadlines for providing comments and responses of the public and CSOs, are among the core requirements for the consultation process required by the regulation. Provisions of Art. 32/2 of the Rules of Procedure require that information provided to the public for consultation shall be sufficient, in understandable form, and enable the public to understand the nature and consequences of the proposals. Beyond this, according to the provisions of Art. 32/1, active engagement of ministries is required, who “shall seek” the comments of any non-governmental organisation affected by the proposal. To ensure the implementation of these legal requirements, the process and results of public consultation are reported to the government together with the main policy or legislative document subject to approval (Art. 32/3). The list of documents open to consultation is not close-ended, since the government may require a specific ministry to undertake public consultation on any other issue based on Art. 32/5 of the Rules and Procedure. Although from the regulatory perspective the public consultation system may be considered as well framed under the government’s Rules and Procedure, the practical application of consultation methods, consultation procedures, and the clarity of the types of documents to be open to consultation are some of the main issues of concern for the public consultation system.

The approval of the new Regulation on the Minimum Standards for Public Consultation Process in 2016 (RMS) constitutes a substantive move forward in setting the rules and procedures of public consultation by the Government of the Republic of Kosovo. This Regulation provides a set of detailed rules and procedures for a structured and complete public consultation process. Transparency is the core requirement of Art. 4 of the regulation, providing equal opportunity for everyone, and providing proper information to the public and all interested parties during the consultation process. In its Art. 4/3, the Regulation provides that the consultation process may happen during the entire process of policy and

legislative development. In this context, institutions shall enable the public and all interested parties to comment from the earliest stages of the decision-making process. A list of legislative and policy documents to be consulted is provided but is not limited. Annual plans of public bodies, draft of the annual plan of strategic documents, legislative programme, list of concept documents, concept documents, primary and secondary legislation and strategies are among the documents open to public consultation. The minimum standards require for the consultation content to be clear, the consultation process to be representative, the consultation to be publicised to target the audience, a minimum timeframe to be provided, and information on the results of the consultation to be publicised. Although it is at the public institutions' discretion to decide if they will extend the timeframe of public consultation beyond 15 working days, this minimum timeframe is short for written consultations on complex policies and legislation. The regulation establishes the basis for the establishment and functioning of the Government Public Consultation Portal, where all government institutions can manage the consultation process.

An important aspect of the consultation system in Kosovo is that the aforementioned Regulation established the public consultation gatekeeping mechanism at the central and ministerial level, as well as the monitoring and reporting system. The Regulation stipulates that the Office of the Prime Minister and the Government Office of Good Governance are tasked with monitoring and coordinating the reporting on public consultations on an annual basis, while the respective offices of the Office of the Prime Minister have a gatekeeping role so that draft legislation, policies, and strategies comply with the consultation standards and rules. At ministerial level, line ministries should assign public consultation coordinators and consultation officers who are responsible to ensure that public consultation standards are followed within their ministerial portfolio.

The enforcement of public consultation standards has been supported by external technical assistance which provided capacity building, promotion activities, and other technical expertise. With the support of the EU, training activities were conducted for the staff of the Prime Minister's Office and line ministries directly affected by the requirements that have been laid down in these Minimum Standards (Better Regulation Strategy 2.0). Following this trend and best practices and as stipulated by the RMS, an electronic web-based portal for conducting written public consultations was launched in February 2017, which facilitates the public consultation process and enables the selection of stakeholders and their contribution to the draft consultation documents.

## 5. Analysis of the Empirical Research and Discussions

### 5.1. Identification and Involvement of Stakeholders in Public Consultation

A key question associated with public consultation is that of who precisely should be consulted? Whom to select for consultation is not only crucial for the quality of answers received through consultation, it is also crucial for the effectiveness of consultation (OECD, 2001, p. 60). The provisions of Art. 3 of RMS use the term “interested party” which “is considered any person, public body, organisation of civil society, interest groups, and other entities that are affected by or are interested directly or indirectly in the policy and legislation”. The definition of the “interested party” or the term mostly used “stakeholder” is a standard definition used by many organisations and public authorities (OECD, 2001). This definition is broad. Stakeholders may have different interests in the decision-making process, even in different stages of the decision-making. Selecting stakeholders to participate in the public consultation is not well defined by any legal act. RMS stipulates that the selection of stakeholders is exercised by means of information technology, as the main tool to select stakeholders is the electronic platform for public consultations, through which the public and interested parties can subscribe and express their interest in participating in the public consultation process on an annual basis. When documents are published, all of the public can have access to and comment on the document. One of the main concerns in the public consultation process via the public consultation platform is related to the selection of stakeholders as well as to how the selection of stakeholders is conducted to contribute through other methods of consultation, such as direct meetings, participation in workshops, working groups, conferences, etc. Their participation in these consultation methods is only done by invitation. A survey conducted by Kosovar CSOs provides the following results: only 12% of CSOs responded that they were regularly invited to participate in public consultations, 49% responded they were never invited to participate in public consultations, 31% responded that they were invited from time to time, while 8% responded they were rarely invited to participate in public consultations (Ademi, 2019, p. 38). On the other hand, the RMS provides that the selection of stakeholders is exercised through an elec-

tronic platform, but how the platform is used to involve stakeholders and how they express their interest in participating in public consultation as it suits them is not clear. Comparative experience has revealed that the biggest disadvantage of relying on information technologies and new media to support involvement may be the difficulty of engaging groups who do not regularly use the internet, and even with appropriate target audiences, it may be difficult to guarantee an adequately high rate of participation (NEA, 2016, p. 13). A detailed elaboration of the use of an electronic platform for public consultation is provided under the section on consultation methods.

By nature of the issue, selecting which stakeholders and how they are involved in public consultation is about the approach and culture that is embedded in the administration or specific ministry which is responsible for the conduct of the public consultation. The approach that will be suitable for a particular situation will depend on the stakeholders that are engaged, as well as the consultation aims and objectives (NEA, 2016, p. 12). In the case of Kosovo, selecting stakeholders, their involvement, and the approach in the consultation process remain at the discretion of the line ministries responsible for the consultation. The standard and customised methods and approaches to select and involve stakeholders in all stages of consultation are covered by a training program organised for government officials responsible for coordinating and conducting public consultations.

Provisions of Art. 13/2 of the RMS oblige the line ministries to publish their annual public consultation plan for the following year on the public consultation platform. This proactive planning approach aims for a greater involvement of the public and interested parties in the process of planning public consultations for the following year, as well as for their expression of interest in involvement in the process of drafting the relevant proposal (Art. 13/3). In this particular case, line ministries are obliged to conduct a public meeting with the parties who have expressed their interest in being included in the discussions on proposals that are planned in the work plan. The involvement of stakeholders in this early planning stage of the public consultation process enables them to express their interest, plan and mobilise their resources to contribute to a particular document planned for consultation. However, to what extent annual plans for public consultations are developed and followed in practice, is another question. The evidence indicates that so far, the government has only once, in 2018, published the consultation plan with the detailed information on the documents planned to be open to consultation, timelines, consultation meth-

ods etc. (Office of the Prime Minister, 2018). The consultation framework recommends wider outreach campaigns to show the possibilities that the online consultation platform offers, focusing on specific groups such as the media, academia, and youth. These target groups should be identified in cooperation with the civil society (Office of the Prime Minister, 2021).

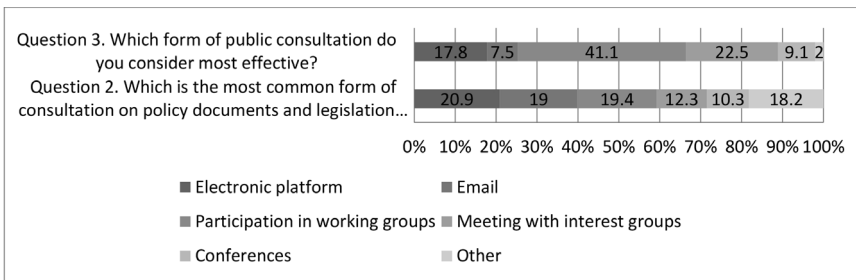
## 5.2. How Public Consultation is Conducted

In Kosovo, the public consultation platform is a compulsory tool to be used during the consultations on all primary and secondary legislation, policy documents, and strategic and planning documents (RMS Art. 5). Other forms of public consultation such as public meetings, conferences, meetings with interest groups, workshops, interviews/*tite-ã-tite* meetings etc. (RMS, Art. 7) will be used when the institution which is responsible for drafting the document considers it necessary (RMS, Art. 12/10). Since the electronic platform was established in 2017, the situation with public consultation has changed, and particularly the publication of documents as required by the RMS has increased rapidly. In 2016, only 21% of the primary policy documents and draft laws were published for consultation (European Commission, 2018), while in 2017 the rate of their publication was increased to more than 90% (Government of Kosovo, 2018). The average rate of publication of documents for consultation on the public consultation platform during 2017–2021 is more than 95% (Government of Kosovo, 2018; Government of Kosovo, 2019; Government of Kosovo, 2020; Government of Kosovo, 2021; Government of Kosovo, 2022). It is evident that the publication of documents for consultation on the electronic public consultation platform over the last years has become a regular process. However, to what extent the platform meets the overall needs of public consultation and satisfies the stakeholders' expectations, particularly from a qualitative point of view, is a matter of discussion and varies on a case-by-case basis.

When civil society organisations were asked, "Which is the most common form of consultation on policy documents and legislation in which you have participated?", only 20.9% of respondents stated that the most used method of consultation is the electronic platform. The second method used for consultation is participation in working groups, with 19.4% of CSOs, consultation via email accounts for 19%, direct meetings with stakeholders for 12.3%, participation in conferences for 10.3%, while other forms of consultation account for 18.2% (see Figure 1).

With regard to the next question, “Which method of public consultation do you consider most effective?”, direct involvement of stakeholders through participating in working groups was considered to be the most effective method by 41.1% of respondents, meetings with stakeholders by 22.5% of respondents, while only 17.8% of respondents responded that the electronic platform is the most effective method for consultation. In addition, 9.1% responded in favour of conferences, and only 2% consider that other forms are most effective (see Figure 1).

Figure 1: Responses to questions 2 and 3 of the survey



Source: Authors, based on the CSOs' survey responses.

Legally, when a document which is subject to consultation is published on the public consultation platform and opened for at least 15 working days together with other required documents, the institution is considered to have fulfilled its formal obligation, even in cases where other forms of consultation have not been used. However, the effectiveness of the electronic platform was questioned when CSOs were asked “if the electronic platform for public consultation by the responsible institutions is used as a regular tool for public consultation and properly supplemented with other methods” or “the platform is used as a regular tool and avoiding other methods of public consultation”, with 63.2% of respondents answering in favour of the second option, while 37.8% responded in favour of the first option. The concerns of the civil society organisations expressed through the survey on the effectiveness of the use of electronic platforms in public consultations, without being accompanied by other methods and without adapting to the different categories of stakeholders, are valid. As presented in Table 1, the electronic platform is used for almost all documents open to consultation. Also, the written form (email) is utilised to a substantial degree. Other methods, such as direct meetings with stakeholders, public meetings, etc., have been used to a limited extent, although



the trend of involving stakeholders in workshops has rapidly increased in the recent years.

Table 1: *Consultation methods of used by government institutions during 2017–2021*

Year	Number of documents open to consultation	Written consultations (via email)	Platform	Public meetings	Meetings with stakeholders	Workshops	Face-to-face interviews
2017	221	90	221	9	3	30	0
2018	228	89	220	17	0	12	1
2019	274	99	272	38	21	103	24
2020	181	117	162	0	0	92	0
2021	220	//	220	//	//	//	//

Source: Authors, based on data aggregated from Annual Reports on the Public Consultations of the Government of the Republic of Kosovo for 2017–2021.

The online consultation platform is a vital component in the approach to public consultations in Kosovo. However, there is a need for diversity and being more creative regarding the ways institutions organise and implement the public consultation process, in particular in reaching out to specific target groups and making participation in public consultations easier (Office of the Prime Minister, 2021, p. 33).

### 5.3. Availability of Information to Stakeholders

Each stage in the policy development process brings about different levels of expectation and involvement which needs to be communicated (Shi-pley & Utz, 2012, p. 24). Therefore, clarity towards stakeholders on the purpose of the consultation and why it is needed is important. Whether consultation is intended to provide or collect information and what the institution aims to achieve by it are important issues that the public needs to know when a policy or legislative issue is being discussed in consultation (OECD, 2011). The RMS in its Art. 9/3 requires that when the consultation is conducted in writing, the proposing institution should make

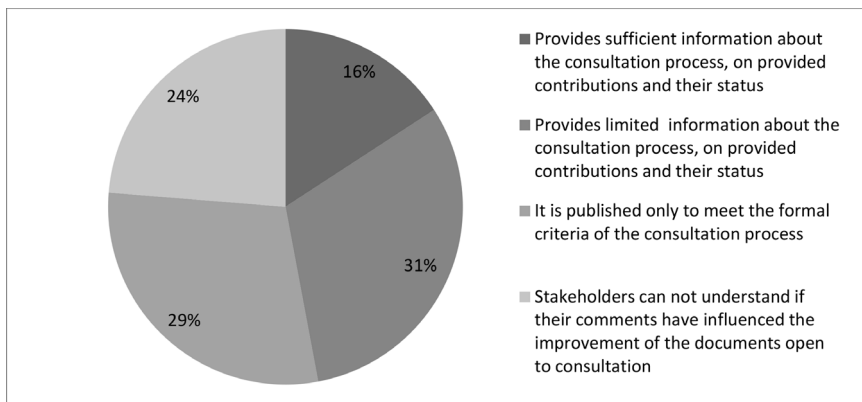
available the “consultation document”, which should include at least a brief description of the content of the document, a brief description of the problem which the document treats, the purpose of the consultation process, and a list of the main issues that are part of the document. With regard to compliance with such formal standards of public consultation, Kosovo is formally doing relatively well. The sample of documents analysed demonstrates that the consultation document was published in 75%, or for nine out of 12 documents. The published consultation document follows the format provided for by the regulation, but the analysis of sample documents as well as the OECD/SIGMA assessment finds that the content does not provide substantive information to inform the stakeholders on the individual consultations. The RMS does not set the requirement of publishing other related documents along with the proposal, such as the explanatory memorandum, impact assessment report, or other documents used in preparing the proposal. The lack of such a requirement is a weakness of the Regulation. The publishing of these documents shall deepen the information available to stakeholders and thus enable them to give a quality, informed response (OECD/SIGMA, 2021, pp. 56-57).

To have a meaningful consultation, governments need to use and respond to the comments received appropriately. Providing good quality feedback to stakeholders following consultation helps to improve the consultation and encourages participation in future events (OECD, 2011, p. 50). The consultation report is a very important document to inform stakeholders and the general public about the progress of the consultation process, as well as to inform the contributors about the status of their contributions. In Kosovo, after the consultation is completed the drafting institution is responsible for publishing the updated draft proposal and the final report of the public consultation. The report should describe the consultation process and provide information on all the comments received, and if they are addressed in the final version of the draft document that was the subject of consultation (RMS, Art. 3/3). Therefore, its quality is of particular importance. In practice, the sample of documents analysed reveals that the consultation report was published in 67%, or for eight out of 12 documents.

It is evident that the quality of the consultation report varies from one situation to another, i.e. in five out of eight checked consultation reports, information on the status of the comments provided by stakeholders is included. On the other hand, CSOs’ perception of the quality of the consultation report is diverse, although a higher percentage is critical with regard to the sufficiency of the information provided in the report. Only

16% of CSOs which participated in the survey declared that the report provides sufficient information on the consultation process, contributions and their status, while 31% of respondents responded that the report provides limited information. Among other respondents, 29% of them consider that the report is published only to fulfil the formal criteria, while 24% consider that they do not understand if their comments have influenced the improvement of the documents that were open to consultation (see Figure 2).

Figure 2: *Public consultation report which is published for each document subject to consultation*



Source: Authors, based on the CSOs' survey responses.

## 5.4. Stakeholders' Contribution and Challenges

A major issue of concern in terms of the effectiveness of the current public consultation system in Kosovo is the low response rate from stakeholders as compared to the number of documents open to consultation. Only 253 comments were provided by stakeholders on the 940 documents open to consultation through the electronic platform during the period of 2017–2020, while 6,270 comments were received in total in all consultation methods, including workshops, conferences, and direct meetings. While some documents received high volumes of comments, many others did not receive any comment at all. Namely, in 2017, 45% of documents that

were open to consultation did not receive any comment (Government of Kosovo, 2018).<sup>3</sup>

The low turnout and a limited number of contributions from stakeholders on most documents open to consultation, including from non-governmental organisations, can be explained by many factors, some of which are analysed further. One of the reasons that may have impacted the low number of contributions may be related to the design of the public consultation platform which is a cumbersome process and places high burden on the participation. This is confirmed by the government itself (Office of the Prime Minister, 2021, p. 33). Stakeholders are often demotivated to participate in the consultation process due to the lack of clarity on whether their contributions have been considered by public authorities. When asked about this issue, almost half of CSOs, specifically 48.6%, consider that their comments are not considered properly. Similar concerns are expressed by many organisations in the sections of open comments in the survey conducted for this study.

For the same question, 25.3% of CSOs consider that often the use of unsuitable methods during the consultation is one of the factors that constrain their participation, while 20.9% of respondents consider that they cannot participate in the consultation process due to a lack of capacities to provide contributions to the documents of their concern. Only 5.1% of respondents consider that there are no constraints for them to provide their contributions to the draft legislation and policies open to consultation.

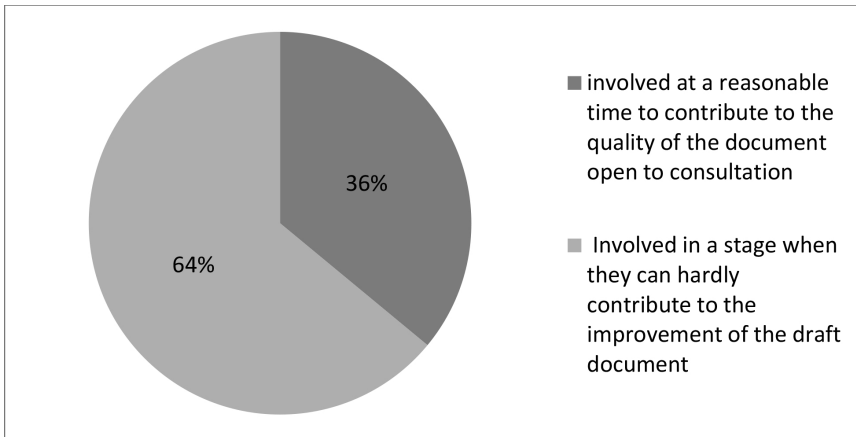
If public consultation is to have an impact, it needs to be initiated at an early stage in the decision-making process, when there is still scope to influence the outcome (OECD, MENA Practitioners' Guide, p. 55). The RMS provides that public bodies shall enable the public and interested parties to comment at the earliest stages of the decision-making process (Art. 4/3). Nevertheless, the measurement of the CSOs' satisfaction on this issue reveals different results, though most of them express their concern about their late involvement in the documents open to consultation. On the question about the involvement of the public in the process of consultation, 64% of respondents consider that they are involved at a stage when they can hardly contribute to the improvement of the draft docu-

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<sup>3</sup> Other annual reports on public consultation for subsequent years provide statistical information only on the number of documents which did not receive any comment via the electronic platform. The number of comments provided via the electronic platform as indicated above in the paper is very low.

ment, while 36% of respondents consider that they are involved at a reasonable time to contribute to the quality of the document (see Figure 3).

Figure 3: *Involvement of the public in the consultation process*



Source: Authors, based on the CSOs' survey responses.

This gap in the consultation process has been highlighted also by the OECD/SIGMA in the latest assessment report which states that as reported by non-governmental organisations, public consultations are still often conducted very late in the process, once the draft has already been prepared, and are usually not organised in a targeted way. This may explain why there is still relatively low feedback from the public (OECD/SIGMA, 2021, p. 57).

As highlighted, public consultation means involving a two-way communication between governments/service providers and citizens. In some cases, the public is presented with a narrow range of options and asked to decide which it prefers, leaving many people feeling that they are being “railroaded”. Where consultation has become mandatory, many exercises appear tokenistic: consultation occurs at such a late stage that citizens believe that the key decisions have already been taken. Moreover, long-drawn-out consultation processes are sometimes used by policymakers simply to defer difficult decisions (OECD, 2001). And many public agencies fail to provide adequate feedback to consultees, sometimes on grounds of cost. All these problems mean that, in practice, “consultation” can become a one-way flow of information (Loeffler & Martin, 2015, p. 528). To the related question posed to CSOs, “How would you character-

ise the approach of institutions to citizen participation in the process of drafting policies and legislation?”, 53% of respondents responded that the consultations conducted by institutions in Kosovo involve two-way communication between institutions and citizens, while 47% stated that the process is one-way information by government institutions for citizens.

The response rate and quality of consultations can be affected by the availability of stakeholders, and their capacity to provide the necessary expertise. To the question “Does your organisation have sufficient capacity to make the necessary contribution to the consultation on policy documents and legislation?”, less than half of respondents (45.8%) responded that they have sufficient capacity to cover their field of activity, 34% responded that they have limited capacity, while 20.2% responded that they do not have the capacity to cover their field of activity.

Other factors that impact the low participation in public consultations may be inadequate selection and involvement of stakeholders in the consultation process, use of unsuitable methods for specific stakeholders, lack of trust by stakeholders in the seriousness of the consultation process, etc. Other countries have also faced such challenges. A recent survey of OECD members finds that OECD member countries are paying increasing attention to various ways of engaging stakeholders in the design of regulations. Yet, consultations often occur too late in the process to inform decision making. Expectations might be raised, but not always necessarily met. Stakeholder engagement still seems to be largely used for transparency purposes rather than evidence gathering (OECD, 2015a; Lind & Arndt 2016, p. 16).

## 5.5. The Trend in Public Consultation

Stakeholder engagement has shown greater improvements in many Western Balkans administrations since 2017, mainly due to the adoption of key regulations and of previously missing guidelines, as well as a better and more consistent application of the existing tools of regulatory policy management in practice. However, the use and impact of these tools on improving the design and quality of final policies have not seen much progress since 2017 in most administrations (OECD/SIGMA, 2022). With variances in different segments of the consultation, a similar level of development is evidenced in the public administration of Kosovo. The adoption of the RMS and the launch of the electronic platform for public consultation in 2017 represent a major step forward in improving the

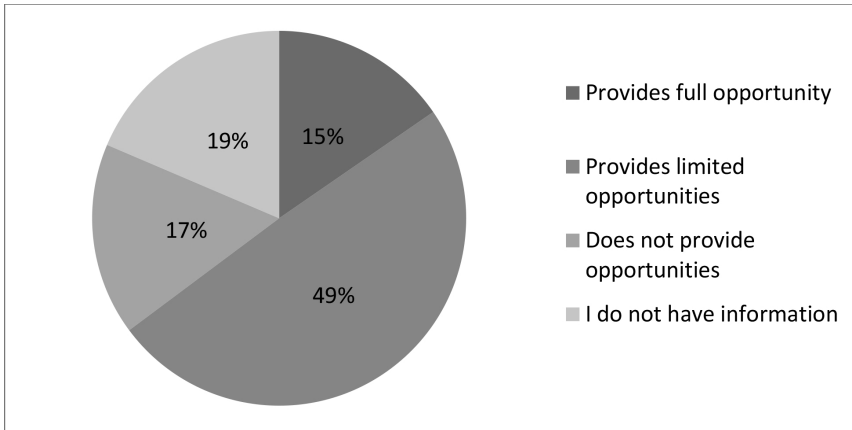
public consultation system in Kosovo. With regard to the measurement of the indicators on public consultation of public policy by OECD/SIGMA in 2021, Kosovo was ranked better than Bosnia and Herzegovina, North Macedonia and Serbia, and at the same level as Albania and Montenegro. Progress has been evidenced particularly compared to the previous OECD/SIGMA assessment made in 2017.

The result reveals that the assessment of Kosovo by OECD/SIGMA in terms of the public consultation indicators compared to the average level of Western Balkans countries, with the highest values and progress made compared to the OECD SIGMA assessment for 2017. As assessed, Kosovo stands better than in 2017, particularly in the sub-indicator related to the regulatory domain in consulting on draft laws. In this indicator, Kosovo also fares better than the average score for the Western Balkans countries. On the “public consultation practices”, Kosovo is doing better than in 2017 as well as better than the average score for the Western Balkans countries. With regard to the “quality assurance of public consultation”, Kosovo is at the level of the highest value and is better than the average for Western Balkans countries, but did not progress compared to 2017 (OECD, 2021).

However, despite the progress, the need for further improvement, especially in the content of the consultations, has been emphasised by both the European Commission and other external evaluators, as well as non-governmental organisations. The CSOs’ perception of the actual situation and the consultation trend over the last two years has been uneven. CSOs consider that the government offers limited or no opportunity to all stakeholders to provide comments and contributions to the legislation and policies open to consultation. Specifically, to the question, “Do you think that the current system of public consultations in the government enables all stakeholders to provide comments/proposals during the policymaking and legislative drafting process?”, only 15.4% respond that the government provides full opportunity, while 16.6% of CSOs provide the opposite answer. On the other hand, 49.4% of respondents consider that the government provides limited opportunities to provide contributions, and 18.6% declare that they do not have information.



Figure 4: *Do you think that the current system of public consultations in the government enables all stakeholders to provide comments/proposals during the policymaking and legislative drafting process?*



Source: Authors, based on the CSOs' survey responses.

To the question to assess the situation with public consultation during the last two years, 41.1% of respondents say that the situation has remained the same, and 31.2% of respondents consider that the situation has improved. On the other hand, 9% of respondents consider that the situation is worse, while 17.8% of respondents do not have any response.

Most CSOs consider that COVID-19 had an impact on the public consultations conducted by the government. When asked if COVID-19 had an impact on the quality of public consultations, 65.2% of respondents considered that COVID-19 had negatively affected the consultation process, 12.6% said it did not have any effect on the public consultations, and only 5.5% considered that COVID-19 had a positive effect on public consultations, while the percentage of respondents that did not have an answer is 16.6%, which is considerably high.

## 6. Conclusions

The literature review and the respective assessments and analysis lead to the conclusion that the systematic framework of policymaking and as part of it the framework for public consultations in the Western Balkans countries have been established. With variances in different segments of

consultation, a similar level of development is observed in the public administration of Kosovo. In the recent years, Kosovo has undertaken substantial legislative steps and introduced new tools and additional guidelines to improve the public consultation system at the central and local levels of government. From the legal point of view, minimum standards on consultation process established under Kosovo's legal framework, and in particular under the RMS, are in line with European Union standards, and also cover mostly internationally recognised aspects as best practices for regulating public consultations.

Kosovo's legal framework establishes and allows for a systematic approach to the consultation process. The legislation requires a visible, comprehensible, and flexible public consultation process, defines responsibilities for public institutions to monitor and check quality, and institutions assigned to consult the public in the process of policy and legislative drafting. The legislative framework also provides the requirements for the establishment and functioning of the Government Public Consultation Portal, where all government institutions can manage consultation processes. The electronic web-based portal for conducting written public consultations launched in 2017 facilitates the public consultation process, enables the selection of stakeholders, and their contribution to the draft documents open to consultation. Nevertheless, practical application of consultation methods, consultation procedures, and the clarity of the types of documents to be open to consultation are some of the main issues of concern in the public consultation system.

The consultation on individual documents commences with the identification and selection of stakeholders. How their identification and selection is conducted to allow them to participate in the consultation process via direct meetings, participation in workshops, working groups, conferences etc., is a matter of concern. Empirical research provides evidence that while the selection of stakeholders is exercised through the electronic platform, how the platform is used to involve stakeholders and how they express their interest in participating in public consultation in a manner that suits them is not clear. On the other hand, almost half (49%) of civil society organisations responded that they were never invited to participate in a public consultation.

The establishment of the electronic platform for public consultation marked a substantial step in the consultation process in Kosovo. In 2016, only 2% of the primary policy documents and draft laws were published for consultation (European Commission, 2018), while after the platform was launched the average rate of publication of documents for consulta-

tion in the public consultation platform during 2017–2021 was more than 95%. However, to what extent the platform meets the overall needs of public consultation, and satisfies stakeholders' expectations, particularly from a qualitative point of view, is a matter of discussion and varies on a case-by-case basis. It is evident that the concentration of institutions on the electronic platform has led to circumventing other consultation methods, such as direct meetings, workshops, conferences etc., which would be suitable for different categories of stakeholders. To the related question, 63.2% of civil society organisations responded that "the platform is used as a regular tool and avoiding other methods of public consultation". The legal framework provides a good basis for information that public institutions should make available when a document is open to consultation. In terms of compliance with such formal standards of public consultation, Kosovo is formally doing relatively well. However, the empirical research demonstrates that formalities are followed but the content of information published through consultation documents and consultation reports does not contain sufficient guidance and information for stakeholders on the documents open to consultation, and how much their contributions impact the quality of those documents, as well as information on the impact of consultations on the quality of the documents.

A major issue of concern with regard to the effectiveness of the current public consultation system in Kosovo is the low response rate by stakeholders to provide their contribution on the documents open to consultation. The level of contribution is much lower through the electronic platform as compared to those contributions provided through other classical methods of public consultation. Some of the main factors that cause insufficient trust of stakeholders in the seriousness of the consultation process and, as a consequence, also the low level of their interest in being involved and contributing may include: the lack of clarity on whether their contributions have been considered by public institutions, application of appropriate consultation methods, and late involvement in the public consultation process. According to 49.4% of CSO respondents, the government is providing limited opportunities for public consultations. On the other hand, CSOs also admit their limited capacity to provide the necessary expertise in their field of activity.

Although it is evident that Kosovo's public consultation system has progressed markedly since 2017, the empirical study reveals that the improvement trend during the last two years has been the same. According to 65.2% of CSO respondents, COVID-19 has negatively affected the public consultation process. The necessity of further improvements of the

system, including the diversification of methods of organising and implementing public consultations, is also recognised by the government itself. Reaching out to specific target groups and making public consultations participation easier is among the needs identified.

Finally, the theoretical and the empirical part of the study represent a contribution for further discussion among practitioners of public consultation in the public administration and stakeholders, as well as the academic domain. Several topics briefly touched upon by the study still remain to be addressed by other potential studies.

## References

- Ademi, M. (2019). *Monitoring matrix on enabling environment for civil society development. Country Report on Kosovo 2019. Kosovo Civil Society Foundation and Balkan Civil Society Development Network*. Retrieved from [https://www.kcs-foundation.org/wp-content/uploads/2021/02/MM-2020\\_Kosova-country-report\\_final\\_ENG-2.pdf](https://www.kcs-foundation.org/wp-content/uploads/2021/02/MM-2020_Kosova-country-report_final_ENG-2.pdf)
- Anderson, J. (2008). Talk to the hand? Community councils and planning consultation. *Planning Theory*, 7(3), 284–300, <https://doi.org/10.1177/1473095208094827>
- Burroughs, R. (1999). When stakeholders choose: Process, knowledge, and motivation in water quality decisions. *Society and Natural Resources* 12(8), 797–809, <https://doi.org/10.1080/089419299279326>
- Catt, H., & Murphy, M. (2003). What voice for the people? Categorising methods of public consultation. *Australian Journal of Political Science*, 38(3), 407–421, <https://doi.org/10.1080/1036114032000133967>
- Council of Europe. (2016). *Civil Participation in Decision-Making Processes, An Overview of Standards and Practices in Council of Europe Member States*. Retrieved from <https://rm.coe.int/1680701801>
- Dulabić, V. (2020). *Public administration complexity and its implications on theory, research and practice*. Retrieved from [https://www.researchgate.net/publication/346787302\\_Public\\_Administration\\_Complexity\\_and\\_its\\_Implications\\_on\\_Theory\\_Research\\_and\\_Practice/](https://www.researchgate.net/publication/346787302_Public_Administration_Complexity_and_its_Implications_on_Theory_Research_and_Practice/)
- European Commission (2002). *Communication from the Commission. Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission*. Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0704:FIN:en:PDF>
- European Commission (2018). *Kosovo 2018 Report*. Retrieved from <https://neighbourhood-enlargement.ec.europa.eu/system/files/2019-05/20180417-kosovo-report.pdf>
- Frank, Kathryn I. (2006). The potential of youth participation in planning. *Journal of Planning Literature*, 20(4), 351–71, <https://doi.org/10.1177/0885412205286016>

- Government of Kosovo (2018). Annual report on the public consultations of the Government of the Republic of Kosovo for 2017. Retrieved from <https://kon-sultimet.rks-gov.net/Storage/Docs/Doc-5c7905ab86aa1.pdf>
- Government of Kosovo (2019). Annual report on the public consultations of the Government of the Republic of Kosovo for 2018. Retrieved from <https://kon-sultimet.rks-gov.net/Storage/Docs/Doc-5d1f2441afb2a.pdf>
- Government of Kosovo (2020). Annual report on the public consultations of the Government of the Republic of Kosovo for 2019. Retrieved from <https://kon-sultimet.rks-gov.net/Storage/Docs/Doc-5ea09893862a6.pdf>
- Government of Kosovo (2021). Annual report on the public consultations of the Government of the Republic of Kosovo for 2020. Retrieved from <https://kon-sultimet.rks-gov.net/Storage/Docs/Doc-606c64aa41753.pdf>
- Government of Kosovo (2022). Annual report on the public consultations of the Government of the Republic of Kosovo for 2021. Retrieved from <https://kon-sultimet.rks-gov.net/Storage/Docs/Doc-62bab617062c9.pdf>
- Halili, R., & Kukovič, S. (2022). Organizational and structural approaches on administrative amplification: The case of Kosovo. *Administrative Sciences*, 12(1), 18, <https://doi.org/10.3390/admsci12010018>
- Kukovič, S., & Justinek, G. (2020). Modernisation trends in public administration in Slovenia. *Croatian Comparative Public Administration*, 20(4), 623–647, <https://doi.org/10.31297/hkju.20.4.2>
- Lind, E., & Arndt, C. (2016). Perceived fairness and regulatory policy: A behavioral science perspective on government-citizen interactions. *OECD Regulatory Policy Working Papers*, No. 6, OECD Publishing, Paris, <https://doi.org/10.1787/1629d397-en>
- Loeffler, E., & Martin, S. (2015). Citizens engagement. In T. Boviard & E. Loeffler (Eds.), *Public management and governance*. London, UK: Routledge.
- Nuclear Energy Agency (2016). *Stakeholder involvement in decision making: A short guide to issues, approaches and resources*. Radioactive waste management, OECD Publishing, Paris, France, <https://doi.org/10.1787/791983ee-en>
- OECD (2001). *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making*. Paris, France: OECD Publishing, <https://doi.org/10.1787/9789264195578-en>
- OECD (2011). *Regulatory Consultation. A MENA-OECD Practitioners' Guide for Engaging Stakeholders in the Rule-Making Process*.
- OECD (2012). *Recommendation of the Council on Regulatory Policy and Governance*. Paris, France: OECD Publishing, <http://dx.doi.org/10.1787/9789264209022-en>
- OECD (2018). *OECD Regulatory Policy Outlook 2018*. Paris, France: OECD Publishing, <https://doi.org/10.1787/9789264303072-en>.
- OECD (2022). *Principles of Public Administration Data Portal [database]*. Retrieved from <https://par-portal.sigmaweb.org/areas/2/indicators/15/?country1=XKV&country2=XKV&year1=2021&year2=2021>
- OECD/SIGMA (2021). *The Principles of Public Administration: Monitoring Report Kosovo*. Paris, France: OECD Publishing.

- OECD/SIGMA (2022). The Principles of Public Administration: Regional Overview Western Balkans Monitoring. 2022. Paris, France: OECD Publishing. Retrieved from <https://www.sigmaweb.org/publications/Regional-Overview-Western-Balkans-Monitoring-February-2022.pdf>
- Office of the Prime Minister (2018). Plani i konsultimeve me publikun per vitin 2018 [Plan of public consultations for the year 2018]. Retrieved from <https://konsultimet.rks-gov.net/documents.php>
- Office of the Prime Minister (2021). Framework for the enhancement of application of minimum standards for public consultation 2021–2025. Office of good governance within the Office of the prime minister. Retrieved from <https://konsultimet.rks-gov.net/Storage/News/KORNIZA-%20ENG.pdf>
- Puka, D. (2018). Index Kosovar Civil Society 2018. Retrieved from <https://www.kcsfoundation.org/wp-content/uploads/2018/12/Kosovar-Civil-Society-Index-2018.pdf>
- Rasmussen, A., & Reher, S. (2019). Civil society engagement and policy representation in Europe. *Comparative Political Studies*, 52(11), 1648–1676, <https://doi.org/10.1177/0010414019830724>
- Shiple, R., & Utz, S. (2012). Making it count: A review of the value and techniques for public consultation. *Journal of Planning Literature*, 27(1), 22–42, <https://doi.org/10.1177/0885412211413133>
- Sirianni, C. (2009). *Investing in democracy: Engaging citizens in collaborative governance*. Washington, USA: Brookings Institution Press.
- TEN (2016). Policymaking in the Western Balkans creating demand for evidence beyond EU conditionality. Retrieved from [https://cep.org.rs/wp-content/uploads/2016/11/policymaking\\_in\\_the\\_western\\_balkans\\_final.pdf](https://cep.org.rs/wp-content/uploads/2016/11/policymaking_in_the_western_balkans_final.pdf)
- United Nations (2015). Transforming our world: the 2030 Agenda for Sustainable Development. 2015. Retrieved from <https://sdgs.un.org/2030agenda>
- Uyesugi, J. L., & Shipley R. (2005). Visioning diversity: Planning Vancouver's multicultural communities. *International Planning Studies*, 10(4), 305–322, <https://doi.org/10.1080/13563470500378895>

## Legal Sources

- Constitution of the Republic of Kosovo (2008). Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>
- Local Self Government Act (2008). Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>
- Regulation (RMS) No. 05/2016 on minimum standards for public consultation process. Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15036>
- Regulation No. 09/2011 of Rules and Procedure of the Government of the Republic of Kosovo. Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3259>

## PUBLIC CONSULTATION IN KOSOVO: LEGAL FRAMEWORK, METHODS, TOOLS, AND THEIR APPLICATION

### *Summary*

*The primary aim of the paper is to explore whether the public consultation system in Kosovo enables respective stakeholders to contribute and protect their interests during the process of drafting government policies and legislation. Based on the analysis of Kosovo's legal framework in place, and findings from the empirical research with CSOs, we can conclude that Kosovo has undertaken substantial legislative steps and introduced new tools and guidelines to improve the public consultation system at the central and municipal level of government. Therefore, from the legal point of view, minimum standards for the consultation process are established under Kosovo's legal framework. Considering the role of civil society organisations and their influence on policymaking in Kosovo, particular attention has been paid to the CSOs' perception of this issue. The analysis of a sample of documents and CSOs' responses reveals concerns on whether stakeholders are enabled to contribute to the drafting of policies and legislation. A major issue of concern with regard to the effectiveness of the current consultation system in Kosovo is the low response rate from stakeholders as compared to the number of documents open to consultation. The study demonstrates a lack of clarity about how institutions select, invite and involve stakeholders, whether they select the appropriate stakeholders to participate in the drafting and consultation process, and whether sufficient information and feedback is provided to them about the individual consultations.*

*Keywords: public consultation, regulation, electronic platform, public administration, Kosovo*



## JAVNO SAVJETOVANJE U KOSOVU: PRAVNI OKVIR, METODE, INSTRUMENTI I NJIHOVA PRIMJENA

### Sažetak

Primarni je cilj rada istražiti u kojoj mjeri sustav javnih konzultacija u Kosovu omogućava relevantnim dionicima da doprinesu oblikovanju vladinih politika i propisa te da tijekom tog procesa zaštite svoje interese. Na temelju analize važećeg pravnog okvira i nalaza empirijskog istraživanja provedenog među organizacijama civilnog društva može se zaključiti da je Kosovo poduzelo važne zakonodavne korake te uvelo nove instrumente i smjernice da unaprijedi sustave javnog savjetovanja, kako na nacionalnoj, tako i na lokalnoj razini. S obzirom na to, može se reći kako su, gledano s pravne strane, u kosovskom pravnom sustavu uspostavljeni minimalni standardi za proces konzultacija. S obzirom na ulogu organizacija civilnog društva i njihov utjecaj na javne politike Kosova, u radu je posebna pozornost posvećena njihovoj percepciji ovog pitanja. Analiza dokumenata i uzorkovanih odgovora predstavnika organizacija civilnog društva otkriva zabrinutost o mogućnosti dionika da doista doprinesu procesu oblikovanja politika i zakona. Veliki razlog za zabrinutost u vezi s učinkovitosti trenutnog sustava javnih konzultacija na Kosovu jest slab odaziv relevantnih dionika tijekom istraživanja. Studija ukazuje na nedovoljnu jasnoću o tome kako javne institucije odabiru, pozivaju i uključuju dionike u proces javnih konzultacija te na koji se način dionicima komuniciraju povratne informacije o obavljenim savjetovanjima.

Ključne riječi: javno savjetovanje, pravno uređenje, elektronička platforma, javna uprava, Kosovo