“Developing a Government Guideline for Drafting Concept Papers”

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CONTENTS

ABBREVIATIONS .............................................................................................................................................6
ACKNOWLEDGMENTS ......................................................................................................................................7
EXECUTIVE SUMMARY .................................................................................................................................8
CHAPTER 1 - HISTORICAL BACKGROUND OF ESTABLISHING AND DEVELOPING 
PROCEDURES IN GOVERNMENT INSTITUTIONS IN KOSOVA .................................................................10
  1.1 What is Policy and what is Politics .........................................................................................................12
  1.2 Why guidelines can be helpful ...............................................................................................................12
CHAPTER 2 - MAJOR ISSUES AND SURVEY METHODOLOGY ...............................................................15
  2.1 Survey methodology ..............................................................................................................................15
  2.2 Policy coordination and approval process ............................................................................................17
  2.3 The Role of the Ministries .......................................................................................................................18
  2.4 Inter-ministerial Cooperation ..................................................................................................................19
  2.5 Central Agencies .......................................................................................................................................20
  2.6 The Role of the Government Coordination Secretariat .......................................................................21
  2.7 The Role of the Strategic Planning Office ............................................................................................22
  2.8 The Role of the Office of Legislative Support Services ........................................................................23
  2.9 The Role of the Ministry for European Integration ..............................................................................23
  2.10 The Role of the Ministry of Finance .....................................................................................................23
CHAPTER 3 - IDENTIFICATIONS, METHODOLOGY AND MAIN RESULTS ............................................24
  3.1 Main results from Questionnaire for Departments for European Integration and Policy 
  Coordination and Government Coordination Secretariat .......................................................................24
  3.2 Main results from Questionnaire for Senior management ..................................................................29
CHAPTER 4 - POLICY DEVELOPMENT IN GOVERNMENT INSTITUTIONS ..........................................36
  4.1 Policy Documents ....................................................................................................................................36
  4.2 Policy and the Policy Development Cycle ............................................................................................38
  4.3 Other Terms Used in Developing Policy ...............................................................................................41
CHAPTER 5 - ASSESSMENT OF SURVEY RESULTS ..................................................................................45
  5.1 Assessment of the results from the questionnaire for Departments for European Integration 
  and Policy Coordination and Government Coordination Secretariat ...................................................45
  5.2 Assessment of the results from the questionnaire for senior management ........................................47
CHAPTER 6 - PLANNING FOR POLICY DEVELOPMENT ..........................................................................49
  6.1 Why and How to Plan for Policy Development ...................................................................................49
  6.2 Plan the Concept Paper .........................................................................................................................51
6.3 Why to Define the Issue or Problem ................................................................. 55
6.4 How to Understand the Issue or Problem......................................................... 56
6.5 Information and Data Collection ..................................................................... 57
6.6 SWOT Analysis .................................................................................................. 57
6.7 Why to Set Objectives ..................................................................................... 58
6.8 How to Think about Objectives ...................................................................... 58
6.9 How to Set Objectives ..................................................................................... 59
6.10 Why to Construct Options ............................................................................ 60
6.11 Policy Instruments Are Part of Each Option .................................................. 60
6.12 How to Construct Options ............................................................................ 63
6.13 Describe the Options .................................................................................... 64
6.14 Why to Analyze the Options ........................................................................ 64
6.15 Why and When to Consult ............................................................................ 65
6.16 Consultation with Experts ............................................................................ 67
6.17 Consultation with Stakeholders, Civil Society and the Public ..................... 67
6.18 Compare the Options .................................................................................... 68
6.19 Formulate a Recommendation ........................................................................ 70
6.20 Writing and presenting findings and recommendations for decision making .. 71
Template for a Concept Paper ............................................................................... 72
6.21 Review of Concept Papers ............................................................................ 72
CHAPTER 7 – FINAL DISCUSSIONS AND RECOMMENDATIONS .................... 77
REFERENCES ....................................................................................................... 85
APPENDIX ............................................................................................................ 87

FIGURES
Figure 1.1 Decisions taken in 2009, 2010 and 2011 to change and fulfill decisions and laws and ad hoc decisions ................................................................. 10
Figure1.2 Decisions taken through the year without previous planning .................. 11
Figure 1.3 Importance of the guideline ................................................................. 14
Figure 2.1 Report on the implementation of Regulation no. 01/2011 on DEIPC ....... 15
Figure 2.2 Questionnaire for DEIPC and GCS ..................................................... 16
Figure 2.3 Questionnaire for senior management ................................................ 17
Figure 2.4 Classification of Policies .................................................................... 17
Figure 2.5 Establishment of DEIPC in ministries ................................................ 19
Figure 2.6 Members of the working group .................................................................................................................. 20
Figure 2.7 Role of the GSC ........................................................................................................................................... 21
Figure 3.1 Age of government officials ....................................................................................................................... 25
Figure 3.2 Professional experience ............................................................................................................................... 25
Figure 3.3 Officials contribution ...................................................................................................................................... 26
Figure 3.4 Minimum number of meetings ...................................................................................................................... 26
Figure 3.5 Maximum number of meetings .................................................................................................................... 26
Figure 3.6 Minimum number of hours .......................................................................................................................... 27
Figure 3.7 Maximum number of hours ........................................................................................................................ 27
Figure 3.8 Time for discussions and analyses .............................................................................................................. 27
Figure 3.9 Time for discussing CP ................................................................................................................................. 28
Figure 3.10 Time for drafting CP .................................................................................................................................... 28
Figure 3.11 Current process ............................................................................................................................................ 29
Figure 3.12 Short term proposals ..................................................................................................................................... 30
Figure 3.13 Urgent matters ............................................................................................................................................... 30
Figure 3.14 OPM initiatives ............................................................................................................................................. 31
Figure 3.15 Importance of the concept papers .............................................................................................................. 31
Figure 3.16 The role of the Office of the Prime Minister in the process of Concept Papers ........................................... 32
Figure 3.17 The role of the ministries in the process of Concept Papers ................................................................. 33
Figure 3.18 Improvements in the current process (Ministries) ..................................................................................... 34
Figure 3.19 Improvements in the current process (Government) ................................................................................. 34
Figure 4.1 Information needed ........................................................................................................................................ 37
Figure 4.2 Expectation of the government ..................................................................................................................... 37
Figure 4.3: Policy Development Cycle ......................................................................................................................... 39
Figure 4.4 Effectiveness of the monitoring .................................................................................................................. 40
Figure 4.5 Participation in public discussion ................................................................................................................ 41
Figure 4.6 Responsibility to included suggestions and recommendations ..................................................................... 42
Figure 4.7 Institutions, agencies, NGO’s and other stakeholders .................................................................................... 43
Figure 6.1 Ministerial working groups .......................................................................................................................... 49
Figure 6.2 Participation in the working groups ............................................................................................................. 52
Figure 6.3 Time to draft a concept papers ...................................................................................................................... 54
Figure 6.4 Information needed ......................................................................................................................................... 55
Figure 6.5 Expectation of the Government .................................................................................................................... 55
Figure 6.6 The importance of the monitoring process .................................................................................................. 56
Figure 6.7 : From Inputs to Goals .................................................................................................................................... 58
Figure 6.8 : Constructing Options .................................................................................................................................... 61
ABBRVIATIONS

CP- Concept paper
DEIPC- Department for European Integration and Policy Coordination
EChK- Economic Chamber of Kosovo
EU- European Union
EPAP-European Partnership Action Plan
GCS – Government Coordination Secretariat
LO- Legal Office
MEI- Ministry for European Integration
MoF- Ministry of Finance
MTEF - Medium-Term Expenditure Framework
NGO- Non-government organization
OPM – Office of the Prime Minister
OLSS – Office for Legislative Support Services
SG- Secretary General
SPO – Strategic Planning Office
SWOT- Strengths, Weaknesses, Opportunities and Threats
SMART—Specific, Measurable, Accepted, Realistic and Time-dependent
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Sincerely,
Leonora RRAHMANI
EXECUTIVE SUMMARY

There is currently no guideline for drafting concept papers therefore this project addresses the need for unique government guidelines for drafting and proceeding concept papers according to the Rule of Procedures of the Government of Republic of Kosovo. The project includes analysis and provides an assessment of the current situation and possible recommendations for how to develop a stronger functional process for drafting concept papers by including the Office of the Prime Minister, Ministries and Agencies in this process. Moreover, through previous experience analyses, the project offers first hand information about the problem that will help the government officials and other parties to understand and solve the problem.

The project suggests possible steps that government should take to assist the ministries to improve the process of drafting and proceeding concept papers, with the government and its agencies through Departments for Policy Coordination, by analyzing activities in the government institutions. A guideline is provided to help strengthen policy development in the whole of government. Currently, the 2011 Rules of Procedure explain the requirements and process for decision making about policy. The Rules specify that the Government Coordination Secretariat (GSC) will issue guidelines for ministries in developing policy. This project provides a preliminary guideline with an assessment on how it might function.

In this project there is an analysis of government decisions from 2009, 2010 and 2011 it compares the initiatives of the government for change and fulfillment of government decisions. The guideline requires ministries to report on the implementation of the government decision to implement the regulation on Departments for European Integration and Policy Coordination (DEIPC). Surveys were conducted with 15 government officials, 10 officials from ministries and 5 officials from GSC, about the current process of drafting and revising concept papers (CP). Moreover, 3 senior managers dealing with the process of the policy coordination were interviewed regarding new processes of the policy making and changes on the rule of procedures. Finally, the project provides some analysis of proposed concept papers from ministries for discussion in government meeting to assess the methodology, information and the flow of the documents.
In the survey with government officials in ministries and Government Coordination Secretariat the attention was given to the clarity of the Rule of Procedures about the description of the process of Concept Papers. The figure below presents the answers to them about the clarity of the rule.

Need for clarity among officials

![Pie chart showing the percentage of officials' responses to the clarity of the rule.](image)

67% of officials answered that the rule of procedures is not very clear, 20% of them answered that it is unclear and only 13% said that it is very clear. It is evident that the rule of procedure is not a guideline. The rule only identifies responsibilities of each institution and the policy making process. The guideline will explain and give suggestions for improving the process.

Project recommendations for government institutions include: 1) to respect the rule of procedures of the Government of Republic of Kosovo, 2) to establish Departments for European Integration and Policy Coordination in ministries, and 3) to plan the policy development work realistically. Other recommendations include: 1) a stronger role of ministries in the process of policy making, 2) a stronger role of GSC on analyzing and proceeding concept papers for government discussion, 3) to create more effective work groups for drafting concept papers, 4) to include and consult more stakeholders, and 5) to propose concept papers for Government discussion in clearer conformity to the legal framework and rules in force.
CHAPTER 1 – HISTORICAL BACKGROUND OF ESTABLISHING AND DEVELOPING PROCEDURES IN GOVERNMENT INSTITUTIONS IN KOSOVA

The ministries did not accomplish the rules and procedures given by the Office of the Prime Minister on drafting and proposing policies. It was obvious that the ministries have drafted these documents by their own method.\(^1\) Also, there wasn’t any enforced document which determines how the ministries should prepare their policies. The recommendations from the Government Coordination Secretariat were not binding enough until those two regulations were approved and so strengthened the role of the GCS. Because of this, through the years many decisions and laws were changed and fulfilled. The figure 1.1 presents statistics of decisions and laws changed and ad hoc decision taken through the years 2009, 2010 and 2011.

**Figure 1.1 Decisions taken in 2009, 2010 and 2011 to change and fulfill decisions and laws and ad hoc decisions**

![Bar chart showing decisions taken in 2009, 2010, and 2011](chart.png)

Figure 1.1 shows the total number of government decisions for years 2009, 2010 and 2011, to change and fulfill decisions and laws and ad hoc decisions through the years. It is to be noticed, in 2009 were a total of 300 decisions, 50 of them to change and fulfill decisions and laws and 56 of them ad hoc decisions. In 2010 there were totally 283 decisions, 31 of them to

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\(^1\) Previous experience analyses from GCS
change and fulfill decisions and laws and 49 of them ad hoc decisions. In 2011 there were totally 373 decisions, 43 of them to change and fulfill decisions and laws and 50 of them ad hoc decisions. The trend of changing and fulfilling decisions, laws and ad hoc decision is constantly the same year by year, so forth to reduce this trend the government institutions needs to act with more responsibility and to do their planning, drafting and presenting policies through the year clearly to decision makers.

Another root cause identified is that there was no stable and permanent structure or permanent officers who coordinated this important responsibility on their ministries for drafting policies. Because of non stability of officials, change of officers positions have had a lot of decision which required being change and fulfill, and substantial number of decisions approved without previous planning. Figure 1.2 gives detailed information of those decisions.

**Figure1.2 Decisions taken through the year without previous planning**

![Chart showing decisions taken through the year without previous planning](image)

Figure 1.2 shows the total number of decisions in year 2009, 2010 and 2011 with concentration on decisions without previous planning. As noticed, government in 2009 had 300 decisions, 122 of them without previous planning; from 283 decisions in 2010, 97 of them are

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2 Previous experience analyses from GCS
without previous planning; and in 2011 total number of decision is 373 decisions, 123 of them without previous planning.

1.1 What is Policy and what is Politics

Providing information for government decision making is very challenging. It is hard work. One of the challenges is to understand the different uses of the term “policy”. Many languages use two different words: “policy” and “politics”.

- **Policy** refers to actions government decides to do, that in some way change or influence the society or economy. Policy can also be deliberate non-action – decisions not to intervene in some aspect of society or to encourage private and voluntary enterprises.
- **Politics** refers to the debate about different values and policies. It is a debate that happens among individuals, communities, organized parties or groups, and in the media.

In Albanian and many other languages, there is one word for both “policy” and “politics”. Using a single term, in this case, can make policy development more challenging. It is not easy to distinguish what is “policy (government decision)” and what is “politics (political debate)”. Ministers – selected to represent the citizens and form a government – are obliged to bridge policy (government decision) and politics (political debate). The ministers collectively take the policy decisions that will reconcile (or attempt to reconcile) the political debate on different issues.

Officials in ministries provide information which the ministers and the government may use to make decisions. The officials must understand the content of policies (as statements of what government may decide/do) and they must also understand the content of politics (the different values in society expressed as positions in the public debate). The methodology of policy development helps officials to perform this complex task and to support government with sound choices that bridge politics and policy.

1.2 Why guidelines can be helpful

Many countries adopt guidelines in order to bring a common approach to the development of policy proposals and a common format to decision making documents. This practice is not
limited to countries where the policy development process is being changed substantially. Guidelines are useful for several reasons: They help to ensure a common and consistent standard of analysis; They help to improve the quality of policy analysis and proposals; They may increase the capacity of ministries to initiate reforms and then to evaluate their effects; They are useful in improving the quality and consistency of consultation with stakeholders and with the public; and they are needed to provide guideline to civil servants who are managing large scale changes, such as those associated with European Union integration.

Guidelines are particularly important because the Government of Kosovo is changing its way of working. For example, guidelines are useful: To help the government of Kosovo move away from the current practice of focusing on the mechanics of drafting legislation or regulations. In Kosovo as in many other countries, there is a tendency to focus on legal text without sufficient attention to the substance of the policy or the options that might be adopted to address the situation, when there is not a history of consultation, or considering the social and economic impacts of various policies.

These problems are common when there is confusion between politics (meaning the debate about values and policies) and policy (meaning the government action or decision) or where there is a tendency to follow procedures rather than to use initiative and judgment; when the role of the public service is changing. In many countries, civil servants are not familiar with the role of the policy analyst and the responsibility for giving high quality advice to governments, and when it is important to establish institutional memory with consistent documents that express policies, guidelines help to ensure that policy documents are consistent.

As part of survey with government officials was also the question about importance of the guideline. Answers are multiply chooses because officials can express more than one expectation about the guideline and the figure 1.3 presents clearly their answers.
a) Provides written instruction; b) Supports working groups with information; c) Is in compliance with legal framework; d) Helps to ensure a common and consistent standard of analysis; e) Helps to improve the quality of policy analysis and proposals; f) Increases the capacity of ministries to initiate reforms and evaluate their effects; g) Improves the quality and consistency of consultation with stakeholders and with the public; h) Provides guideline to civil servants who are managing large scale changes, such as those associated with European Union integration.

Ministerial officials expects from the guidelines to find useful information, to increase the capacity of ministries to initiate reforms and evaluate their effects and written instruction. It will increase the capacity of ministries to initiate reforms and evaluate their effects.

The guideline will be useful to officers in each ministry as they develop new approaches to their work and learn new skills. Guidelines are particularly important in making the shift from simply drafting new laws to considering the many elements of a policy and the possible ways to achieve government’s goals.
CHAPTER 2 - MAJOR ISSUES AND SURVEY METHODOLOGY

This chapter explains the methodology used for the survey, and the policy coordination and approval process in the government of Kosovo. Moreover defines the role of the ministries, the inter ministerial cooperation, and describes the central agencies such as Government Coordination Secretariat, strategic Planning office, Office of the legislative support services, ministry of European Integration and the ministry of Finance as key institutions for this process.

2.1 Survey methodology

This capstone presents findings from the monitoring process in the nineteen ministries in the Government of Republic of Kosovo regarding the implementation of Regulation no. 01/2011 on Departments for European Integrating and Policy Coordination in the Ministries. Nine of the ministries have reported about the establishment of DEIPC. A further ten of the ministries did not respond on the survey. Figure 2.1 shows statistics from this monitoring process.

**Figure 2.1 Report on the implementation of Regulation no. 01/2011 on DEIPC in the Ministries**

As the figure 2.1 presents, 34 % of ministries have established in one way or another the DEIPC while 66% did not responded, so we can conclude that those ministries didn’t take any action to establish those departments.
Regarding this project were realized detailed analyze of the government decisions from year 2009 till 2011 to get inform on ad hock government decisions, decision changed, and decision to change and fulfill laws. Moreover, proposed concept papers from ministries for discussion in government meeting were analyzed to assess the methodology, information and the flow of the documents, to compare them and to build a flow of the document unique for all the ministries.

The questionnaires were distributed for 10 officials that work in Departments for Policy Coordination in ministries and 5 officials that work in the GCS in the Office of the Prime Minister (OPM). Ministerial officials were chosen based on their involvement in drafting concept papers and answered with their thoughts and ideas about the process of concept papers. Figure 2.2 shows statistics of distributed and received questionnaires for officials in DEIPC and GCS.

Figure 2.2 Questionnaire for DEIPC and GCS

Moreover, this project presents findings from the interview with senior management responsible for coordinating with policy proposals prior the government discussions, according to the Regulation of Rules and Procedure of the Government of the Republic of Kosovo. Senior management have been answered from their position and they give new ideas about the legal framework of the process, policy coordination and policy development. Figure 2.3 below shows statistics of distributed and received questionnaires to/from senior management.
2.2 Policy coordination and approval process

The 2011 Rule of Procedure requires a different process for preparing documents for government decision. The Rules require the preparation of concept papers for all policy decisions that include or involve options or choices that government is making. Concept papers may propose legislation or other policy instruments, or a combination of instruments. Concept papers will vary in length and complexity, depending upon the issue under consideration. ³

The Rules of Procedure also require a two-step process of decision-making for complex issues.⁴ This requirement means that when a policy issue is complex and has important public implications, decisions will be made about policy in the first step (with a concept paper) and after that a new law, regulation or other document as decided previously will be drafted and approved as the second step. Figure 2.4 indicates the classification of policies in the decision process in government institutions.

Figure 2.4 Classification of Policies

⁴ Ibid
This new process in the Rules of Procedure affects both ministries and the central agencies of government. The responsibilities of different parts of government are described below. It is important for everyone in ministries and in the centre of government to understand the new Rules of Procedure and requirements.

2.3 The Role of the Ministries

The Rules of Procedure make it clear that the ministries are responsible for policy development and for drafting concept papers. Within ministries, responsibility for policy development and analysis, as a rule, belongs to specialized departments where officials usually know the contents of policies and programs, monitor their implementation, and manage data.

The Government of Kosovo has approved the Regulation no. 01/2011 on Departments for European Integrating and Policy Coordination in the Ministries. According to this regulation DEIPC in the ministries are responsible to coordinate the process of strategic planning and policy development, offers support in the process of drafting and promoting policies and proposals and also offers support in promotion of the consultation process with all stakeholders and the public. Because of financial situation that ministries are facing, their

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5 Decision of the Government of Republic of Kosovo no.02/02 date 02.03.2011
6 Regulation no. 01/2011 on Departments for European Integrating and Policy Coordination in the Ministries
limited budget, limited number of employees, this decision was not fully implemented yet.\textsuperscript{7} Figure 2.5 presents findings from the ministries reports regarding the implementation of Government Decision for establishing DEIPC in ministries.

**Figure 2.5 Establishment of DEIPC in ministries**

![Pie chart showing the implementation status of DEIPC](image)

This figure gives us current situation of ministries with specific number of them who has started to implement the government decision on establishing DEIPC in ministries. As we can notice, eight of nineteen ministries have partly established DEIPC, one ministry has not established the department, and 10 of ministries did not report about the implementation of decision.

It is responsible for many of the tasks associated with preparing concept papers. Other departments, such as budget, legal or communications, provide substantial contributions to the work. Ministries will generally need to establish policy teams to prepare concept papers. These will include the officials with relevant knowledge and they may include people from other ministries as well. Every ministry needs to enhance its ability to develop good policy proposals.

**2.4 Inter-ministerial Cooperation**

Policy development involves more than the single responsible ministry. It involves the other ministries whose responsibilities may overlap or relate to the issue being considered. The Rules of Procedure require that ministries consult with the main affected ministries and with any other relevant government agencies. When a ministry submits a concept paper for decision

\textsuperscript{7}Analyze of implementation of Rule no. 01/2011 for Departments for European Integration and Policy Coordination in the Ministries
making by government, it will be required to get a formal sign-off by other ministries it will state that the affected ministries have reviewed the policy proposal and are in agreement with it, or have resolved any outstanding disagreements with the sponsoring ministry. The sign off will also communicate whether there are outstanding disagreements that have not been resolved.  

Ministries are more likely to create work groups in their own by including only their ministerial departments but not other ministries. In the question about the involvement of the different institution, agencies, ministries and others in working groups government officials were answered as the figure 2.6 presents.

Figure 2.6 Members of the working group

![Figure 2.6 Members of the working group](image)

As noticed from the figure 2.6, the ministerial departments are most involved in the drafting process followed by the contribution of the office of the Prime Minister and other institutions.

2.5 Central Agencies

Policy development also involves the central agencies of government, that is, the Government Coordination Secretariat, the Strategic Planning Office (SPO), the Office of Legislative Support Services (OLSS), the Ministry for European Integration (MEI), and the Ministry of Finance (MF). These offices work with all the ministries to ensure that the proposals coming to government meetings for decision are consistent with established standards and with

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government priorities. They also consider the legal framework, financial feasibility, and the relationships among various policies and initiatives. The Rules of Procedure set out the responsibilities of the central agencies, which are briefly described below.

2.6 The Role of the Government Coordination Secretariat

The Government Coordination Secretariat is responsible to support the Prime Minister and the government meetings. This responsibility includes a mandate to coordinate policy development among all the ministries. The GCS should ensure that policy documents submitted to the government meet the established standards in terms of policy content and format. This does not mean that the GCS writes the concept papers. Writing concept papers is the responsibility of the ministries.9

The Government Coordination Secretariat will review concept papers for two reasons. First, there is a procedural review, to ensure that the appropriate documentation is provided in advance of cabinet discussions and that ministers have signed their approval. Second reason is to improve the quality of advice being offered to Cabinet through the concept papers. The Rules of Procedure make the GCS responsible to review all concept papers and to provide advice and assistance to promote a higher standard of policy analysis.

The review by the GCS should also ensure that appropriate consultation has occurred with other ministries, stakeholders and civil society. The review will ensure that options are identified and analyzed, and that the costs of options are included. It will ensure that implementation feasibility has been considered. When a concept paper or other proposal does not meet the requirements criteria, the GCS is responsible to return the proposal to the ministry with a request that the short-comings be repaired.

About the GCS role, ministerial officials and GCS officials in the survey were answered in multiply chooses to present their ideas and expectations clearly. Below in the figure 2.7 we can see their responses.

Figure 2.7 Role of the GSC

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9 Ibid
The requirement that ministries must consult with other ministries in the preparation of policy documents is intended to reveal overlaps and inconsistencies in policies and to provide an opportunity to address these matters in concept papers. However, it will sometimes be necessary to resolve disputes among ministries on matters of policy advice. The GCS should convene meetings to review concept papers and other proposals in order to facilitate consistent advice to government and/or explain clearly the different viewpoints that require government decision. The GCS is responsible for submitting the final package of documents to the government meeting.

2.7 The Role of the Strategic Planning Office

The Strategic Planning Office in the OPM will support government in identifying and pursuing its strategic priorities. These strategic priorities should provide the framework for preparation of the MTEF, the EPAP, the Annual Work Plan, and the Legislative Program. Strategic priorities should also guide ministry-level planning and policy development.10

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The SPO will review only the concept papers that relate directly to key government priorities. The SPO will consider whether the recommendations in concept papers are able to advance government priorities in a consistent way.

2.8 The Role of the Office of Legislative Support Services

The OLSS has responsibility at two stages in preparation of concept papers and draft laws. First, ministries should consult with the OLSS when they are preparing concept papers that may have significant legal consequences (such as conformity to constitutional principles) or when the proposal relates to the legal or judicial systems. Ministries should consult the OLSS during the policy development process when there are consequences to existing laws and legal procedures.11

The OLSS should be involved after a concept paper has been drafted and discussed by the government and a decision has been taken about the policy to be pursued. At that stage, the OLSS is responsible to review draft laws, to ensure that drafting is a high quality and that there is conformity with the Constitution and with the body of statutes in the Republic of Kosovo.

2.9 The Role of the Ministry for European Integration

The MEI is responsible to assist ministries in compliance with European Union requirements and the acquis communitaire. The Ministry should review concept papers and draft laws from the perspective of European Integration and to ensure that they are consistent with EPAP and with EU legislation.12

2.10 The Role of the Ministry of Finance

Every concept paper must include a fiscal impact assessment. Concept papers must include financial information on each of the options developed.13 The Ministry of Finance reviews cost estimates in concept papers to ensure that: The proposals are financially feasible in the short and medium term perspective; Cost estimates are based on correct data; and all possible sources of financing have been explored.

11Ibid
12 Ibid
13 Ibid
CHAPTER 3 - IDENTIFICATIONS, METHODOLOGY AND MAIN RESULTS

This chapter summarizes the identifications, methodology and the main results from the questionnaires made for this project about. It provides clear statistics about different issues and also results. Also included one new ideas from involved officials in the process of drafting concept papers and senior management involved in policy coordination. Results are divided in two groups. The first part presents findings and results from the questionnaire made with the official in the ministries and officials in the GCS, and second part of this chapter presents finding and results from the questionnaire made with senior management dealing with the process of policy coordination.

3.1 Main results from Questionnaire for Departments for European Integration and Policy Coordination and Government Coordination Secretariat

After the finalization of the questionnaires, it was decided to interview 10 officials from ministries involved in the process of drafting concept papers, and five officials of GCS dealing with drafting and analyzing concept papers. The questionnaire was sent electronically through e-mail to all the officials and the deadline for sending back the questionnaires was five working days. The feedback from all official was helpful and also they have expressed their support to continue with the guideline and to contribute in establishing the process of drafting concept papers.

Officials were chosen from different positions but key position for drafting CP so eight of officials were in managerial position and 7 of them in policy making position. Their level of education varied, because the civil servants in the Government of Republic of Kosovo are giving high importance to professional development. The level of education varies from Bachelor to Doctoral degree, so four officials are with Bachelor degree, nine with Master degree and two with Doctoral degree. Furthermore, the age of civil servants part of this interview varies from 18-50 and the figure 3.1 below presents the statistic in percentage about the age of interviewed officials.
It is noticed that the highest percentage 54% of age is at 25-35 years old, 33% were answered 35-50 years old and 13% of them 18-25 years old. Furthermore, government officials were chosen to represent the gender balance moreover seven of them were females and eight of them were males. Their professional experience in the government institutions as government civil servants varies from 1-2 years until 10 years. The figure 3.2 below shows statistics about the question their professional experience.

Moreover, most of them were part of drafting concept papers, 14 of officials were answered with yes and one of them with no regarding their involvement in public discussions. Government officials who deal with drafting concept papers have the responsibility to contribute in the working groups. To explain better their contributing the question about this issue left in multiply chooses and the figure 3.3 presents the findings.
It is noticed that their primary contribution is participation in the weekly meetings, then monitoring of revised documents, writing the concept paper and advising.

Officials have to attend lots of meeting to draft a concept papers. Two figures below 3.4 and 3.5 shows us the maximum and the minimum numbers of meetings attended to draft one concept paper converted in percentage.

Furthermore, drafting concept paper is very time consuming. So in the two questions about What is the minimum/maximum number hours you have given to revising draft concept documents? the answers are showed below in the figures 3.6 and 3.7.
Training is the most important part of the work when a new idea is taking place to change the process of the work. All of the officials were answered with yes in the question about the training. Regarding the type of training they attended for drafting concept papers were chosen between two types: Informal on the job training and PAI workshops.

Regulation of Rules and Procedures of the Government is a document which obliged each institution to respect all the processes, and responsibilities. It requires adequate time for each policy to be proposed for discussion. Regarding the observance of the rule part of the survey was the question about the adequate time and the results are shown in the figure 3.8 below.

**Figure 3.8 Time for discussions and analyses**

Government officials dealing with drafting concept papers needs to have information on how to realize their work. Regarding this issue 40% of officials have answered with “YES” about the information and data they had on how to draft a concept paper, and 60% of them
have answered with “NO”. Regulation of Rules and Procedure of the Government of the Republic of Kosovo requires that ministries should propose policies for discussion two weeks prior the government meeting. Part of the questionnaire was also the time that ministries propose policies to be discussed and their answers in percentages are presented in the figure 3.9.

Figure 3.9 Time for discussing CP

Drafting concept papers is very time consuming and the ministries are spending months to draft one concept paper. Regarding the needed time to draft a concept paper ministerial officials were answered as the figure 3.10 below shows.

Figure 3.10 Time for drafting CP

All of the officials interviewed regarding concept paper was answered that concept papers will strengthen policy making process and unanimous the officials have answered the question that concept paper contributes to take decision based in facts and good analyses.
3.2 Main results from Questionnaire for Senior management

After the finalization of the questionnaire, it was send electronically through e-mail to senior management who deal with concept papers. Their feedback was high and also they have expressed their support to continue with the guideline and to contribute in establishing the process of drafting concept papers.

According to the senior management answers the current process of drafting proposal for government discussion is making good progress. Figure 3.11 below shows the statistics from their responses according to the process of drafting concept papers.

Figure 3.11 Current process

![Pie chart showing the process of drafting concept papers with 67% making good progress, 33% making excellent progress.]

The ministries often but not always respect the time given in the Regulation of rules and procedure of the government of the Republic of Kosovo, to propose the document for discussion in government prior the government meeting. The OPM receives proposals for government discussion in short term because of different circumstances. The figure 3.12 presents the percentages causing short term proposals.
Ministries propose documents to be discussed in short term because of different circumstances. As we can notice 63% of senior management think that short term comes from urgent matters and 37% think that it comes from non appropriate planning. Urgent matters are almost inevitable part of government meetings and discussions the figure 3.13 shows the percentage of urgent matters to be discussed in government meeting which is very high.

Figure 3.13 Urgent matters

Government very often deals with the issue of changing and fulfilling its decision. Because of this the regular organization of government meeting is impacted very much. But, government has initiated different methods to avoid this occurrence. The figure 3.14 below
shows answers of senior managers of policy coordination regarding the initiatives that the OPM has initiated.

**Figure 3.14 OPM initiatives**

![Figure 3.14 OPM initiatives](image)

As noticed the office of the Prime Minister has initiated the change of law, rules, enforcement of the DEIPC, GCS and LO, and the draw of the guidance to avoid urgent matters and not appropriate policy papers.

Concept papers are required with the rule of procedures of the Government, and they have very important role in fulfilling the annual work plan of the government. Their importance is shown in the figure 3.15.

**Figure 3.15 Importance of the concept papers**

![Figure 3.15 Importance of the concept papers](image)
As mentioned earlier in the project, three senior managers were answered from their key position of policy coordinators. According to their answers, concept papers are important because they avoid not appropriate decisions in the government, they gives clear analyses of the problem or policy, and gives different options to solve that problem or policy and consults different stakeholders affected from the policy.

The concept papers will make the work of officials easier according to the responses of the senior management. Concept papers have came in force from this year 2012, so the number of them proposed for government discussion is not very high. Almost each ministry has proposed 5-10 concept papers for discussion in government meeting.

The role of the OPM is clarified in the rule of procedures of the government but specifically the figure 3.16 below gives the OPM responsibilities about concept papers according the senior management.

**Figure 3.16 The role of the Office of the Prime Minister in the process of Concept Papers**

![Bar Chart](image)

- a) Ensure that the concept paper meets the established standards in terms of policy content and format
- b) Reviews concept papers
- c) Returns the proposal to the ministry
- d) Coordinates the work during drafting period
- e) Coordinates the work after submission from ministry
- f) Circulates the draft to stakeholders
- g) Submits the final package of documents to the government meeting
- h) Collects analyzes and opinions
- i) Gives legal opinion about the issue
- j) Organizes meetings with stakeholders
- k) Organizes meetings with ministry
- l) Other

Coordinating the work after submission from ministry and circulating the draft to stakeholders are the most important responsibilities followed by the return of the proposal to the ministry if it doesn’t fulfill criteria for government discussion. Concept papers are described
in the Rule of procedure of the government but sometimes it is not clear for all and doesn’t clarify in details all the needed procedures. There is a need for a guideline to clarify all the process of drafting and proceeding with concept papers. Furthermore, the role of the ministries is separated from the role of the OPM in drafting concept papers. Their role is mostly concentrated in coordination, information, analyzes and to propose different options about the policy proposal. The figure 3.17 presents answers regarding this issue.

**Figure 3.17 The role of the ministries in the process of Concept Papers**

![Figure 3.17](image)

Than the concept paper has to provide important information about the subject. The most important is possible solutions or options and analysis of the options—impact assessment. That information makes a concept paper appropriate for government discussion. The government expects information and clear instructions for decision making process, so the concept paper will strengthening and clarify the policy making process. Furthermore, they will contribute to take decision based in facts and good analyses.

Senior management can contribute to develop the process of decision making. They can initiate procedures to make the process easier and to improve the process for the benefit of the ministries. According to this issue the figure 3.18 below shows the possibilities to improve the current process of drafting concept papers for the benefit of Ministries
As noticed the improvements for the benefit of the ministries could be made by supporting them in their work, giving proper advices about the issue/subject, responding to their needs, and strengthening the DEIPC role in the process of drafting concept papers.

So forth, to improve the process for the benefit of the government there is a need to take some actions. Some of the actions were identified from the survey made about this project. Figure 3.19 below shows the responses of the senior management in Government of Republic of Kosovo.

### Figure 3.19 Improvements in the current process (Government)
As noticed three senior management interviewed for this project thinks that by respecting the rule of procedure, avoiding delays, analyzing proposed concept papers in time, and strengthening the GCS role they would improve the current process of policy making.
In this chapter are identified policy documents, it gives description about the concepts and definitions, policy and policy development cycle, and also about the terms used in developing policy.

4.1 Policy Documents

Government ministries are responsible to work on several different types of policy documents. The main ones are:

- **Government-wide strategies**, such as the Government Program and the European Partnership Action Plan, express the most important things that government wishes to accomplish.

- **Strategies** are documents in which ministries set out broad goals and directions for the future, reforms that will be developed, possible program changes or new programs and new laws to be developed. They usually cover a number of years. Strategic plans describe how government priorities will be developed in specified fields.

- **The Government’s Annual Work Plan** identifies the main activities that government ministries will work on in the coming year. The Annual Work Plan builds upon the commitments in the Government Program and the European Partnership Action Plan. It reflects the commitments made in the MTEF and the Annual Budget. The Annual Work Plan includes an annex that summaries the proposed draft laws contained in the Work Plan that are to be drafted and proposed to Parliament in the coming year (Legislative Program).

- **Concept papers** are used for decision making. Concept papers are proposals that will put into effect the commitments and priorities expressed in the government-wide strategies and the ministry strategic plans. Even when a policy is required as part of the acquis communautaire, there should be an analysis of how best to implement the policy in Kosovo.
Figure 4.1 presents findings from the survey about the information that is needed to be provided by the concept paper in government discussions.

**Figure 4.1 Information needed**

![Bar Chart](image)

A concept paper will address one part of the ministry’s overall strategy and will suggest ways in which it may be implemented. A concept paper must be prepared before any new policy with social, economic impact, new law or amendment to a law. Government expects specific information on the concept paper, the most expected information is shown in the figure 4.2 below.

**Figure 4.2 Expectation of the government**

![Pie Chart](image)
67% have answered that there should be clear instruction for decision making, 27% thinks that CP should provide different options and 6% policy analyzes.

- **Explanatory notes** are also decision making documents. They are used for administrative or procedural issues, where options are not needed. An explanatory note may be used to explain an organizational change, or get approval for implementation of a decision already taken. Explanatory notes are used to follow up decisions that are made on the basis of concept papers. An explanatory note is used to bring the draft of a law to government for approval, before it is introduced to the Assembly.

- **Action plans** are the documents that each ministry or other part of government prepares to identify what it is going to do, how, when, and at what cost. Ministries may also prepare plans that involve other public authorities or organizations outside the central government, for example local governments.

### 4.2 Policy and the Policy Development Cycle

The first terms to be defined are policy development and the policy development cycle. Policy refers to actions government decides to take that in some way change or influence the society or economy. Policy can also be deliberate non-action – decisions not to intervene in some aspect of society or to encourage private and voluntary enterprises. When government has reached a decision about a policy, it expresses that decision in decrees and speeches, in budgets and in “policy instruments” which are the means of putting policies into effect.

Politics refers to the debate about different values and policies. It is a debate that happens among individuals, communities, organized parties or groups, and in the media. Policy development is the process which translates the intentions of the government into proposals for government decision making. Policy development helps to reconcile the political debate about values and choices into decisions that can be implemented and can achieve certain goals. In other words, policy development is the process by which ministries and central offices turn the government’s priorities and commitments into more specific proposals for implementation.
Policy development helps to move from large scale strategic objectives to more specific actions. Decisions are needed about how that will happen and when, these decisions are policy. Policy development includes consultation: that is, discussions with the people who are knowledgeable about the issues and those who are affected by government decisions. It uses the results of consultation to prepare proposals and to improve them. Policy development also determines the costs of activities and suggests which planned activities may be included in the budget.

Figure 4.3 illustrates the policy development cycle. It shows the steps in the cycle, which are explained below, following the illustration.

Figure 4.3: Policy Development Cycle

Those first steps in the policy development cycle are:

- Identify a problem or commitment that has been made by government. It includes analyzing the situation and understanding the problem as well as possible.
- Identify possible solutions (options) and policy instruments, which are ways to achieve the solutions. Consultation may be useful to identify possible options and policy instruments.
• Analyze and assess the options to understand their potential consequences, including the fiscal impact of the options, that is, the cost to the budget. This phase is generally managed together with the next phase, which is consultation.

• Consult inside government, including with the Government Coordination Secretariat, the Strategic Planning Office, the Legal Office, the Ministry for European Integration, the Ministry of Finance, and other affected ministries. This consultation enables the responsible ministry to include relevant information about other policies and programs and to expand the search for possible solutions.

• Consult outside government with the organizations (such as businesses, trade unions, NGOs, local authorities) that are affected. This consultation enables the responsible ministry to understand the problem more fully and to expand the search for solutions. It also enables the ministry to test solutions with those who are affected, to determine the acceptability or lack of acceptance and possible impacts of each option.

• Prepare and finalize a concept paper with recommendations for government.

• Take decisions in a government meeting and, where appropriate, in the Assembly.

The policy cycle does not stop with a decision. It includes monitoring the implementation of the approved policy and evaluation of its effectiveness. The monitoring process is qualified as randomly effective as the figure 4.4 presents.

**Figure 4.4 Effectiveness of the monitoring**
About the effectiveness of the monitoring process of the draft concept papers the answers gives us those statistics: 47% of interviewed officials thought that the monitoring process in randomly effective, 40% think that monitoring if very effective and only 13% answered with not so effective.

4.3 Other Terms Used in Developing Policy

Policy development uses several very specific terms. Policy instruments make policy happen, they are the means of putting policies into effect. Policy instruments may include, but are not limited to: laws, regulations, legal requirements or prohibitions, economic measures (for example, taxation, fees, subsidies for public transportation, or tax reductions to encourage specific industries), expenditures (for example on grants or programs), information (such as a public information campaign), statements about direction and priorities, and directives for delivery of public services. In many countries, donor funding is also a policy instrument that is used to ensure that government/donor priorities are being addressed. Every concept paper will include one or more policy instruments.

Consultation is the process of asking for advice and feedback from experts, stakeholders, civil society and the public and then using the information to modify or improve policy proposals. Ideally, consultation should be a continuous part of policy development. Figure 4.5 presents the participation of the government officials in the public consultations.

Figure 4.5 Participation in public discussion
Public discussion is very important for finalizing concept papers. Most of official’s parts of the survey were part of the public discussions as the figure 4.5 presented above. It is useful to ask questions and seek advice when we are trying to understand the issue, and seek more information when preparing options, and to consult about the impact of options on the target (whether it is businesses, schools, or families). Public discussions are very helpful and provide changes, to include the changes in the document needs time and is very important responsibility. From the answers of officials part of the survey the Ministry and work group is responsible for including them in the final document. Figure 4.6 below shows the percentages of their answers.

**Figure 4.6 Responsibility to included suggestions and recommendations**

![Pie chart showing percentages of responsibility]

- 67% for a) GSC
- 0% for b) Ministry
- 0% for c) Work group
- 33% for d) Stakeholders

Furthermore, stakeholder refers to an organization, company or individual who has an interest in an issue or a decision being taken. About the process of drafting concept papers in public discussions are involved different institutions, agencies, NGO’s and other stakeholders. The figure 4.7 shows the involvement of them in the public discussions for concept papers.
As we can notice the OPM is the most involved institution in the public discussion, followed by ministerial departments, NGO’s and other ministries, and public/private sectors.

**Impact assessment** is the analysis of information and opinions about policy options and policy instruments in order to identify and describe as clearly as possible the choices and their implications for decision makers. Impact assessment allows government to select the most effective policies and instruments and to know the implications of the solution being adopted. **Fiscal impact assessment** tells what each policy option costs. It tells whether or not the costs are presently included in a ministry’s budget and in the Medium Term Expenditure Framework. Fiscal impact assessment allows government to know the budgetary implications of each decision. Every concept paper will include fiscal impact assessment.

**Objectives** are the specific aims of a policy. Objectives tell what we are trying to achieve in concrete terms and in the immediate or medium-term future. Objectives are more specific than strategic goals which are over-arching directions of government or the ministry. Every concept paper is important to include one or more objectives. **Inputs** are the resources that go into a program or service provided by government. They are the people and money and time involved. Every concept paper needs to specify the inputs that will be required to achieve
objectives. This means that every concept paper needs to describe what institutions are involved in implementation, the people needed, the costs of implementation, and the amount of time that implementation is expected to take.

**Outputs** are what the institutions/people/money produce. Since outputs are produced over time, it is possible to count how much is produced and even to set targets for outputs. **Outcomes** are the direct and immediate results of the outputs on the intended target – people, businesses, or courts. Outcomes are changes in behavior, competence or skills, or performance. **Impact** means the effects or consequences of a policy or policy instruments for any part of society, beyond the immediate effects.

**Implementation** is the process of putting the selected policy instruments into effect. Implementation means the activities – program changes, training, construction, regulation – that the policy calls for. Every concept paper should consider how the recommended policy will be implemented. **Priorities** are the most important goals or commitments of government, which may be expressed in or selected from the government program and described in ministry strategies. **Project** is a term that refers to a time-limited set of activities within a program or in public administration generally.

**Program** is a mandate and a set of activities, often the responsibility of a particular organization or public authority. A program includes people and financing. Every program is the result of decisions taken by government at some time, and every program as one way to implement policies. A program is not a policy document intended for decision making. **Communications strategy** is a plan to inform people about policies. It identifies the target audiences, the messages, ways to communicate and the resources needed. Communications is an essential part of policy development, in that it lets people know what is being addressed and what is being decided.
CHAPTER 5 - ASSESSMENT OF SURVEY RESULTS

Chapter five summarizes the findings from the questionnaire distributed to the Departments for European Integration and Policy Coordination and Government Coordination Secretariat according their involvement in the process of drafting concept papers. The second half of this chapter summarizes the findings from the questionnaire distributed to senior management in the government of Republic of Kosovo about the current process of policy making and decision making process.

5.1 Assessment of the results from the questionnaire for Departments for European Integration and Policy Coordination and Government Coordination Secretariat

The government official interviewed about the process of drafting concept papers has been answered from their experience. Almost all of them are working for more than five years on their managerial or policy making position. The officials who deal with drafting policy papers are experienced and familiar with the policy of their ministries. They have been involved in the work groups for drafting concept paper and their contribution beside the participation in the weekly meetings has been to monitor, advice and write the document.

The monitoring process plays a crucial role in the process of drafting concept papers, so was considerate also from the officials, 47% were answered that this process is very effective because it avoid the mistakes and clarifies the document. Besides the ministerial departments, other ministries, OPM and relevant institutions have participated also. Ministries and OPM spends minimum 2-5 hours to revise the document and maximum 11-15 hours. Furthermore, they attend more than 15 meeting to draft a concept paper.

Since the training is very important part of the work, officials had some training but they need to be trained more relating drafting concept papers. They have been informed on how to draft the document but it was not enough, always according to their responses. Ministry tries to give enough time for discussion and analyses but often there is the need to proceed faster than it is planned. They give two weeks time to be prepared for government discussions but sometimes for specific policies it requires more time to be finalized.
Ministerial official didn’t have clear instruction on how to draft a concept paper which leads to the time spent for drafting the document. Most of the ministries have responded that the concept paper is time consuming and it takes minimum six month to be drafted and finalized for government discussion. From January 2012, the ministries has prepared from 1-5 concept papers despite the importance of the concept paper for policy making.

Ministries has organized public discussion for some of the concept papers, they have invited different institutions to participate and contribute with their ideas relating to the issue such as the OPM, Ministries, NGO’s, EChK, Public Private companies etc. depending on the affect of the policy Those meeting were helpful and produced changes for the benefit of all. Ministries have taken care to include all the recommendations in final document and to present their findings to the government.

The rule of procedures of the Government of Kosovo describes the process of concept papers but it doesn’t give clear instruction how to draft it. And according to the rule and also ministerial official interviewed there is the need for a guideline for drafting concept papers, because the guideline is very important and facilitates the work of the work group.

The role of the ministries in drafting concept paper is to coordinate the work, collect information, provide analyses and propose options for choices. Furthermore, the role of the GSC in drafting concept paper is to ensure that the concept paper meets the established standards in terms of policy content and format, review concept papers, collect information/data, return the proposal to the ministry and submits the final package of documents to the government meeting.

The most important information to make the concept paper adequate for government discussion are the goal/objective, options and impact assessment. The government expects from one concept paper to provide policy analyses, different option for that concern and clear instruction for decision making. Furthermore, concept papers will contribute very much and will strengthening the policy making process and will contribute to take decision based in facts and good analyzes.
5.2 Assessment of the results from the questionnaire for senior management

According to the responses collected about the current process of drafting proposal for discussion in government meeting, drafting process is making good progress. Ministries are making good effort to respect the time required with the rule of procedure of the Government of Republic of Kosovo but sometimes they propose policies to be discussed in government in short time because of different circumstances, policy changes etc. The OPM during the organization of the government meeting often deals with urgent matters proposed from ministries, and because of this very often the government is asked to change and fulfill their decisions, laws, regulations etc. This occurrence affects very much the regular organization of the government meetings.

To avoid this occurrence the OPM has initiated the change of law, change of rules, enforcement of GCS and LO and will draw a guideline for drafting concept papers. Concept papers are described as very important documents for decision making because they avoid not appropriate decisions, gives clear information for specific policy, gives clear analyses and gives different opinions to solve the problem. The CP will facilitate the decision making process in the government of Republic of Kosovo.

The role of the OPM in the process of drafting concept papers varies depending on the stage of the document. The OPM ensure that the concept paper meets the established standards in terms of policy content and format, reviews concept papers, returns the proposal to the ministry, coordinates the work after submission from ministry, submits the final package of documents to the government meeting and gives legal opinion about the issue. So forth, the importance of the guideline is to support working groups with information, to be in compliance with legal framework, to improve the quality and consistency of consultation with stakeholders and with the public and to provide guideline to civil servants who are managing large scale changes, such as those associated with European Union integration.

Senior management can contribute to improve the current process for the benefit of the ministries by supporting ministries, giving advises, avoiding delays, responding to their needs, strengthening DEIPC role and strengthening GCS role. Furthermore they can contribute to improve this process for the benefit of the government by respecting the rule of procedures,
avoiding delays, strengthening GCS role, strengthening LO role and analyzing proposed concept papers on time.
CHAPTER 6 - PLANNING FOR POLICY DEVELOPMENT

This chapter explains the need for planning the policy development, how to define the issue or problem and how to understand it. It gives instruction how to get information and collect data, how to make a SWOT analyzes, and why is important to set objectives. Furthermore, it gives ideas how to think about objectives, how to set them, and why is needed to construct objectives. Moreover, it treats the policy instruments as part of the objectives, and how to construct, describe and analyze them. It treats the need for consultations with the experts, stakeholders, civil society and the public, and finally how to compare the options and formulate recommendations.

6.1 Why and How to Plan for Policy Development

Because developing policy and drafting a concept paper will be time consuming and demanding on the resources of ministries, it is important to use these resources on issues that are important and significant, not on minor administrative or procedural matters. The policy issue being addressed may be a large and complex reform or a routine problem. It is important to decide how important the issue is before deciding how much time and effort should be devoted to producing a concept paper on it. Figure 6.1 presents the working groups that ministries currently are establishing for drafting concept papers.

Figure 6.1 Ministerial working groups

<table>
<thead>
<tr>
<th></th>
<th>a) Ministerial departments</th>
<th>b) NGO's</th>
<th>c) Other ministries</th>
<th>d) OP M</th>
<th>e) Public/Private companies</th>
<th>f) Economic Chamber of Kosovo</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Series1</td>
<td>15</td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
The best time to decide on the most important issues and the intensity of the policy analysis is when government officials are preparing the annual work plan. The importance of the issues will be confirmed in discussions involving the ministry, the Government Coordination Secretariat, the Strategic Planning Office in the OPM and the Ministry for European Integration.

To plan the policy development work realistically, officials in a ministry should assess the level of impact and the priority of the policy issues they need to address. To help define the amount of work involved in preparing the concept paper I’m proposing two tests: tests for level of impact and the test for level of priority. Tables 6.1 and 6.2 below illustrate how to think through impact and priority. These two tables could be guideline for ministries in deciding which issues will require a concept paper for government decision making, and how much work might be involved. The initial discussion of level of impact and priority will yield different answers in different ministries.

**Table 6.1: Test for Level of Impact**

<table>
<thead>
<tr>
<th>Characteristics of Issue or Commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High impact</strong></td>
</tr>
<tr>
<td>Highly complex, politically contentious or costly</td>
</tr>
<tr>
<td><strong>Medium impact</strong></td>
</tr>
<tr>
<td>Somewhat complex, politically contentious or costly</td>
</tr>
<tr>
<td><strong>Low impact</strong></td>
</tr>
<tr>
<td>Straightforward, technical or administrative, minimal cost</td>
</tr>
</tbody>
</table>

**Table 6.2: Test for Level of Priority**

<table>
<thead>
<tr>
<th>Characteristics of Issue or Commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High priority</strong></td>
</tr>
<tr>
<td>High profile government commitment; significant political, fiscal or legal consequences if it does not proceed</td>
</tr>
<tr>
<td><strong>Medium priority</strong></td>
</tr>
<tr>
<td>Lower profile initiative related to a government commitment; minor fiscal impacts</td>
</tr>
<tr>
<td><strong>Low Priority</strong></td>
</tr>
<tr>
<td>Low profile, procedural or administrative issue, no fiscal impact, not contentious</td>
</tr>
</tbody>
</table>

When these two tests have been completed, it is time to bring the assessments of impact and priority together. When an issue has both high impact and high priority it is clear that it
will require detailed and careful policy development. An issue with low priority and impact may need a simply explanatory note, if it is an administrative or procedural question. Consider whether there are financial implications, however. In the area of medium impact and priority, ministries will need to form a judgment about the amount of work to be done.

Making these judgments will be a new requirement for many people. Lack of familiarity with the policy development process and lack of resources or policy development skills may inhibit ministries from working on complex issues. The tests of impact and priority can help to determine how much detailed work is involved. This means deciding how much time the work will take, who will do it, who will help, and what information is available now or must be found. The work plan for policy development should identify the resources needed, the time for completion, and the scope of the information and analysis.

To make such a plan, it is helpful to have an informal discussion in the ministry about the problem or goal, the result that we want to achieve, and what we know know or need to learn about the issue in order to propose solutions. Discussing these questions will improve initial understanding of the issue and helps to identify the relevant information and where it may be found, to consider who in government and the public is interested and knowledgeable about this topic, and to assess the length of time the policy development will take.

6.2 Plan the Concept Paper

It is often necessary to establish a policy team to bring the relevant expertise together. This is especially true for concept papers which are about more complex issues, involving more information and choices. Preferably the policy team will include both experts working on the policy area and specialists whose expert help will be needed later in the process, such as lawyers who may draft the final law and communications experts. When the ministry begins to work on a concept paper, the policy team should meet to discuss the problem and share their knowledge, understanding and information. Figure 6.2 presents the participation of the 15 government official’s part of the survey in the working groups for drafting concept papers.
Consultation can be managed informally too, as identifying who are the most knowledgeable people on this issue, ministries should discuss the problem with the Minister to ensure there is agreement and consistency of approach and that there have identified the values or political context that influence decision making about this issue.

When the process of planning concept papers begins each ministry should think in detail about each part of the document because this could contribute and help them to finalize the document later. From the review and analysis of the concept papers made for this project are identified the most important parts of the concept paper.

The table 6.3 below could help ministries to structure the document, to give the logical flow and to think in detail before they start drafting the document. This proposal could help to think in prior about information needed, problem background, funds, objectives, solutions, stakeholder, institution, private/public companies that could be affected from this policy.
<table>
<thead>
<tr>
<th>Element</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Identify issue and give it a title that is easily understood and identifiable</td>
</tr>
<tr>
<td>Part 1</td>
<td>Explain how this issue relates to government priorities and commitments</td>
</tr>
<tr>
<td>Part 2</td>
<td>Define the issue/problem or commitment including:</td>
</tr>
<tr>
<td></td>
<td>- Magnitude, symptoms, time trends</td>
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<tr>
<td></td>
<td>- What is being done now</td>
</tr>
<tr>
<td></td>
<td>- Laws involved</td>
</tr>
<tr>
<td></td>
<td>- Who is involved – stakeholders and others</td>
</tr>
<tr>
<td></td>
<td>- Current costs</td>
</tr>
<tr>
<td>Part 3</td>
<td>Define the desired goals or outcomes of the proposed intervention</td>
</tr>
<tr>
<td></td>
<td>State as precisely as possible the results or objectives the intervention is trying to achieve</td>
</tr>
<tr>
<td></td>
<td>Modify these statements during analysis if appropriate</td>
</tr>
<tr>
<td>Part 4 and Part 5</td>
<td>Identify possible solutions</td>
</tr>
<tr>
<td></td>
<td>What policy instruments may be applied – non-legislative and legislative/regulatory</td>
</tr>
<tr>
<td></td>
<td>What would be required to implement the options</td>
</tr>
<tr>
<td></td>
<td>Summarize the options</td>
</tr>
<tr>
<td>Part 6</td>
<td>Analyze the options including:</td>
</tr>
<tr>
<td></td>
<td>- Benefits and negative consequences</td>
</tr>
<tr>
<td></td>
<td>- Implementation/administrative requirements and feasibility</td>
</tr>
<tr>
<td></td>
<td>Cost of each option and impact on the Budget and the MTEF</td>
</tr>
<tr>
<td>Part 7</td>
<td>Identify stakeholders</td>
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<td></td>
<td>Plan consultation with experts, stakeholders and public</td>
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<tr>
<td></td>
<td>Conduct consultation to</td>
</tr>
<tr>
<td></td>
<td>- clarify the problem/issue</td>
</tr>
<tr>
<td></td>
<td>- identify options or solutions</td>
</tr>
<tr>
<td></td>
<td>- analyze options</td>
</tr>
<tr>
<td></td>
<td>- refine solutions</td>
</tr>
<tr>
<td></td>
<td>Use the response to modify options, form recommendations and inform decision makers</td>
</tr>
<tr>
<td>Part 8 and 9</td>
<td>Analyze the strengths and weaknesses across the options</td>
</tr>
<tr>
<td></td>
<td>Recommend an option</td>
</tr>
<tr>
<td>Summary outline of paper</td>
<td>Prepare summary of analysis for decision makers</td>
</tr>
<tr>
<td></td>
<td>Include recommendations based on comparison of the options</td>
</tr>
<tr>
<td>Part 10</td>
<td>Prepare a communications strategy for major public issues</td>
</tr>
</tbody>
</table>
Policy development is often iterative. This means that discussions or information assembled at one stage will lead us to go back and change the results of an earlier stage. For example, understanding of the problem will grow, and may redefine it. We will learn things in consultation that help change the options to make them more realistic. Each step in preparing the concept paper takes time to complete, but the essential task is to think carefully about issues. There is a rigour in these steps that makes the policy analyst think more clearly about any issue, even when the work is being performed very quickly. The amount of work to be done depends on the nature of the issue or problem that are considering. Analytical rigour will help to produce policy proposals expressed in concept papers that are more realistic and can be implemented. Figure 6.3 presents the findings from the survey for the time needed to draft a concept papers according to the answers of the government officials.

**Figure 6.3 Time to draft a concept papers**

![Figure 6.3 Time to draft a concept papers](image)

Forming a clear understanding of what the real problem is can be challenging because we often confuse the situation with the underlying causes, or do not have sufficient information about causes. The policy team may have decided on a solution without first defining the problem. The concept paper will likely be about a government priority. These priorities flow from an assessment of what is needed to address problems or to strengthen Kosovo society and economy. Figure 6.4 presents the findings from the survey about the information that a concept paper should provide.
6.3 Why to Define the Issue or Problem

We try to explain the causes and the dimensions of the problem in order to chart an accurate way forward. When defining the issue, government officials should try not to confuse the problem itself with the symptoms of the problem. Confusing the two can result in the wrong course of action or inappropriate action that could fail or could make the situation worse. Strategies and policies and policy instruments are often devised that are not grounded in a good understanding of the situation. The government’s initial commitment, when it is framed as a specific policy response, may also fail to understand all the dimensions of the problem. The figure 6.5 presents the information that government expects to be provided by a concept paper.

Figure 6.5 Expectation of the Government
6.4 How to Understand the Issue or Problem

Understanding the issue or problem requires discussions and assembling all the relevant information that we have. We need to identify the gaps in our understanding. The definition of the problem may be revised throughout the policy development process as more information comes to light. How the problem is defined will influence the policy options considered. Being precise and specific in explaining the problem usually leads to better results. It is important to provide policy context and to assess current policies and their implementation, in order to establish the ‘base case’. Relevant background information must be included to explain the context for those who are not familiar with it. Figure 6.6 present the importance of the monitoring process of the implementation of the policies.

Figure 6.6 The importance of the monitoring process

Furthermore, it is important to communicate the issue or problem clearly. The step of writing down the issue in clear terms is necessary to ensure that everyone working on it has a similar understanding of what is being addressed. Table 6.4 proposed below, illustrates a summary of this information. Define the problem clearly, on paper, in succinct and plain language, use relevant data to explain its nature because this ensures that everyone involved has the same understanding.
Table 6.4: Summary of the Issue

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Issue: Title of the issue</strong></td>
</tr>
<tr>
<td>2.</td>
<td><strong>Description: Succinct description of the issue, its scope, importance, trends</strong></td>
</tr>
<tr>
<td>3.</td>
<td><strong>History: Brief description of what has been done to date</strong></td>
</tr>
<tr>
<td>4.</td>
<td><strong>Current policy: Include who is responsible for implementation, laws; why is there a problem?</strong></td>
</tr>
<tr>
<td>5.</td>
<td><strong>Who is involved: List major categories of stakeholders (business, labour, agriculture, local government, NGOs) and regions of country affected; categories of population; overview numbers where available</strong></td>
</tr>
<tr>
<td>6.</td>
<td><strong>Why is intervention important? Why should government take a decision about this issue?</strong></td>
</tr>
</tbody>
</table>

6.5 Information and Data Collection

Every ministry needs to have good information about its areas of responsibility that is accessible to everyone working on policy. Collecting data is an important part of policy development however, it can be time consuming and costly. It is important, therefore, to focus on collecting information that is needed to understand the problem or commitment or opportunity and to assess the impact of options. The team responsible for developing policy should focus on assembling, interpreting, criticizing, and synthesizing existing data rather than generating new data. Donor support can be useful in these exercises. Donor-supported projects could be a way to assemble existing information, identify information sources and needs, explore practice in other places, and sponsor appropriate studies.

6.6 SWOT Analysis

A common method that is used in strategic planning is called SWOT analysis. Many officials in ministries will have learned to identify the strengths, weaknesses, opportunities and threats associated with policies and programs in their area of responsibility. SWOT analysis can be a useful tool to creative thinking and the development of broad strategies. However, when a ministry begins to prepare a concept paper, it is important to look for more detailed information, numbers, statistics, reports, and information gathered from knowledgeable advisors. These details are what will enable the ministry to prepare an accurate analysis of the issue and to suggest practical options for reforms.
6.7 Why to Set Objectives

Policies are the intervention by government in the economy or in society to achieve goals or solve problems. This means that each policy is directed at an objective what it is supposed to achieve. General intentions and purposes must be translated into terms which can be realized or put in practice. It is important to identify precise outcomes that a policy is meant to achieve.

6.8 How to Think about Objectives

The process of setting objectives is an abstract stage in policy development and can be frustrating. It is helpful to think about the terms we are using, by the term objectives we mean the specific and, to the extent possible, measurable aim of a policy. Objectives tell what we are trying to achieve in concrete terms and in the immediate or medium-term future. Objectives are more specific than strategic goals which are over-arching. Figure 6.7 below shows a way of thinking about the objectives of the policy proposal.

**Figure 6.7 : From Inputs to Goals**

The inputs are the resources that go into a product or program or service. Inputs are the people and money and time to produce the intended outputs. Each policy needs to specify the
inputs/resources that will be required to achieve objectives because they lead to action. Each policy will need to explain the activities that will be performed.

Outputs are the products of activity. Since outputs are produced over time, it is possible to measure progress in implementation. Outcomes are the immediate effects, the direct and immediate results of the outputs on the intended target – people, business, or institutions. Outcomes are changes in behavior, competence or skills, or performance.

6.9 How to Set Objectives

Setting practical objectives is a matter of discussion and debate. The policy team should debate what the policy proposal is intended to achieve. If possible, the group should also identify ways to measure the accomplishment of these objectives. What behaviors or circumstances do we want to change, and how will we know when this is done? Typical objectives include: Responding to a problem; Satisfying claims for public services; Undertaking a desired activity related to a government commitment; and Improving economic outcomes both in the immediate future and in the long run.

When formulating objectives, it is very useful to consider the following points. First, there may be several objectives. Most policies have several purposes, some of which may be independent or even conflicting. A single objective will rarely describe adequately the desired effects of the policy or fully measure its impact. Second, differentiate the general goal from the immediate objective. And finally, emphasize immediate and operational objectives - what specifically the particular policy action and chosen instrument seek to achieve. Try to establish objectives that are SMART (Specific, Measurable, Accepted, Realistic, Time-dependent). While it is not always possible to achieve all the SMART criteria, it is useful to try to include as many as possible.

To determine whether the objective is acceptable and realistic requires consultation. Firstly, frame the objectives in terms of their relevance to Kosovo. When the main imperative behind a proposal is to harmonize with EU standards or to meet international obligations, it is helpful to

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identify the relevance in the domestic political environment and the benefits to Kosovo. Secondly, discuss the objectives with the Minister to ensure agreement and consistency of approach. The process of identifying objectives is not always straightforward. It may call for consultation with affected groups and negotiation with them. Thirdly, consider whether, in order to make the proposal acceptable and realistic to the public, some public explanation and education is needed. And finally, prepare a summary of the objectives. Table 6.5 proposed below illustrates the summary of objective which could help ministries in the process of policy making.

Table 6.5: Summary of Objectives

<table>
<thead>
<tr>
<th>Issue:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal: Brief statement of goal and relationship to government priorities</td>
</tr>
<tr>
<td>Objectives:</td>
</tr>
<tr>
<td>1. First objective</td>
</tr>
<tr>
<td>2. Second objective</td>
</tr>
<tr>
<td>3. Third objective</td>
</tr>
<tr>
<td>Outcome measures: Can we explain the change we want to encourage? Is there a way to measure this change?</td>
</tr>
</tbody>
</table>

6.10 Why to Construct Options

This is the stage of policy development when working group identifies possible solutions to a problem or ways to fulfill a commitment. Ministries will describe the potential policy instruments to help solve the problem. There is more than one solution or approach for every policy problem. Identifying possible solutions or options is a way of thinking through the different ways to solve problems and to achieve objectives. This is a very challenging stage for people who are learning about policy development. First, there is a tendency to think that a law is the solution to every problem. This ignores other possible solutions and the reality that many laws are themselves ignored. Second, there is a tendency to approach each problem with a solution in mind, which inhibits analysis and creative thinking.

6.11 Policy Instruments Are Part of Each Option

Options describe different solutions or ways to achieve the objectives that have been identified. The description of an option should include: The main characteristics of what will be done – the solution; The policy instruments that will form the solution; The target – business or
a sector of the economy; a group of people or citizens at large; The administrative arrangements for delivering the policy instruments – who will implement; and when the option will take effect. Generally, several different policy instruments are available to reach objectives and achieve outcomes. Figure 6.8 presents the way how to construct options.

**Figure 6.8 : Constructing Options**

This figure illustrates a useful way to think about constructing options. It shows how different options may combine policy instruments to achieve the same objective. For example, if the objective is to reduce the amount of garbage littering the city streets, one option could include a regulation that prohibits littering and a reduction in fees for municipal garbage collection. A second option could be an information campaign that stresses the connection between garbage and disease. A third option could include a law that bans littering with fines as the penalty for breaking the law plus a subsidy for garbage collecting companies. For any given set of objectives a number of options can be developed. To be practical, it is useful to restrict the number of options to be analyzed to no more than three.

The choice of instruments is important. It is important to consider several possible solutions, or options, including alternatives to ‘traditional’ forms of regulation. There are categories of policy instruments that should be considered: First, regulation – rules, permits, codes of ethics; Second, economic – taxes, subsidies and third, Information and education – information campaigns, labels on products. Table 6.6 illustrates a range of policy instruments that may be considered. The table is not a formula for selecting instruments and constructing options. It is
an aid to thinking creatively about the possible ways to construct options that will address a problem.

Table 6.6: The Range of Policy Instruments

<table>
<thead>
<tr>
<th>Instruments</th>
<th>Regulatory</th>
<th>Economic</th>
<th>Information</th>
<th>Administrative (organization)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coercive</td>
<td>Legislative framework (criminal, civil, admin. law)</td>
<td>Regulation (control of price, quantity, production, entry and exit from an industry)</td>
<td>Free Access to Information Law + Social Regulation (labels, consumer safety)</td>
<td>Direct provision of services</td>
</tr>
<tr>
<td></td>
<td>Regulation (rules, permits, prohibition, executive orders)</td>
<td>Taxes, tariffs</td>
<td>Indirect information provision (licensing registration and certification)</td>
<td>Infrastructure and capacity building</td>
</tr>
<tr>
<td>Mixed</td>
<td>Secondary legislation Rulings and formal decisions</td>
<td>Grants, vouchers, subsidies, loans, credits</td>
<td>Information provision, campaigns</td>
<td>Indirect provision of services (outsourcing)</td>
</tr>
<tr>
<td></td>
<td>Methodological guidelines Rules that are internal to the organization such as these guidelines</td>
<td>Open competition: Auction of rights, lottery</td>
<td>Participatory and consultation mechanisms</td>
<td></td>
</tr>
<tr>
<td>Voluntary</td>
<td>Codes of ethics and conduct, good practice benchmarking</td>
<td>Quality lists, contests</td>
<td>Nongovernmental Organizations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Family, community</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Private sector</td>
<td></td>
</tr>
</tbody>
</table>

The example in table 6.7 presents the construction of several options to provide equal treatment of women and men in access to goods and services in the European Union. The objective is the promotion of equality of treatment, but the options consider a range of potential interventions. One is the “do nothing” option, which permits the existing laws and standards in countries in the EU to be maintained. A second approach is more voluntary and relies on incentives. There are also two options for legislative intervention, with variations in the scale and scope of that intervention.
Table 6.7 Sample Identification of Options

EU Impact Assessment on a Directive to Promote Equal Treatment in Access to Goods and Services

An EU Impact Assessment was conducted on proposals to provide women and men across the Union with a common set of minimum standards of protection against gender discrimination in access to goods and services.

The following options were identified:

Option 1 – Do nothing

Option 2 – Reliance on incentive measures and soft law (e.g. Community Action Program for Equality between Women and Men)

Option 3 – Limited legislative intervention in the field of goods and services

Option 4 – Broader legislative intervention in the fields of goods and services, education, taxation, social assistance and stereotyping in the media.

Source: Commission of the European Communities 2003 p. 12

6.12 How to Construct Options

The policy team should construct the possible options. An option may include one or more different instruments, and these instruments may be phased in over time. The advantages are the implementing organization learns as it goes along; it understands the public response and what is needed for successful implementation. Phasing also gives the public time to adjust to a different set of behavioral expectations. Phasing is only a possibility and may not always be appropriate. It is useful to explore approaches that other governments have taken to the same problem. Approaches and ideas being tried by others can often be identified through professional meetings, journals, donors, and experts. Publications are often available describing “best practices”.15 This does not mean copying the ideas or solutions of other countries. But what other people are doing will generate ideas about what might work in Kosovo.

Furthermore, when considering adaptations of foreign approaches, it is important to assess the degree of success or failure and the extent of relevance before importing a possible option from another country. We can often learn a lot from studying failures, rather than what is successful. We may have begun to consult experts on the issue under discussion or those

15 For example, check the OECD SIGMA (a joint initiative of the European Union and the Organisation for Economic Co-operation and Development) web site http://www.sigmaweb.org/pages/0,3417,en_33638100_33693506_1_1_1_1_1_00.html CAPAM (www.capam.org) or EU web sites (ec.europa.eu for studies and information)
familiar with the problem. If not, this is a good time to start talking with, for example, people who are now involved in implementation. They may have specific ideas on various options and, if we consult them may get useful suggestions.

Moreover, it may be useful to hold a brainstorming session with internal experts from different departments or ministries or institutions and perhaps others to generate ideas. This type of session can encourage innovative approaches. In some instances, wider consultation may be considered to discuss options, especially to discuss their feasibility and acceptability. Governments do not necessarily have to do anything at all. They can leave things as they are, they can refuse to intervene, and they can withdraw from intervention. Policy analysis routinely must consider what the effects of non-intervention might be, even when non-intervention is not genuinely being considered as a policy option. It is a useful benchmark against which other options may be compared.

6.13 Describe the Options

It is useful to describe the options in a summary table that facilitates discussion and leads to the next stage, when the options are assessed. For example, the option should describe who will be affected – the target. It should include information about the policy instruments that will be involved including regulatory or legal interventions, service or program administration, market mechanisms, and public education and information. It should note who will have a significant role, whether it is the private sector, NGO’s, donors, and/or government. It may include information about timing and costs.

6.14 Why to Analyze the Options

Once the options have been outlined, the next step is impact assessment, which means we must assess each option to determine its relative strengths and weaknesses. The purpose of this exercise is to: Determine the potential effect of the options on citizens, civil society and the economy – including the benefits and the negative effects; Determine the differences in costs and consequences among options – that is, which option costs more or less and who bears the costs (families, businesses, government)?; Consider total budgetary impact (including possible revenues and expenditures) over a period of several years (often costs grow over time); Think of
ways to mitigate potential negative consequences, that is, to adapt options to reduce any unintended negative effects; Assess administrative feasibility and identify what is needed to implement each option and to achieve compliance with the policy.

The analysis will help to determine which option ministry should recommend. It is important to identify the strengths and weaknesses of each option as carefully as possible – for example to identify any unintended consequences, such as whether any group of society is excluded from benefits. It is important to assess how policies are likely to work in practice and to identify constraints which will need to be overcome if policies are to be successful. Assess whether the benefits or constraints are temporary or permanent.

6.15 Why and When to Consult

Consultation by governments of the public, stakeholders and experts is a fast-growing practice across democratic countries. Consultation will provide advice and insights that are useful for understanding policy issues and developing possible solutions and will help to understand and describe the impacts of options. Increasingly, ministries in Kosovo will need to consider consulting experts and the public in the development of policy. Figure 6.9 shows the institutions, agencies, NGO’s and stakeholders who should participate in the public consultations.

Figure 6.9 institutions, agencies, NGO’s and stakeholders

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The principal reasons for engaging in public consultation are: It can broaden the range of policy alternatives and bring in new policy ideas; It is a valuable and inexpensive source of data for policy-making; It can be used to verify the ministry’s assumptions and analyses; It highlights potential problems early on, giving the ministry an opportunity to put them right before the policy is adopted or legislation is passed; It helps to increase democratic legitimacy and to ensure that a broad representation of interests is considered.

There are essentially two types of consultation: Consultation with experts in ministries and in other organizations such as universities\(^{17}\); and Consultation with stakeholders and the public\(^{18}\) including civil society, trade unions, businesses and professional associations. Consultation typically occurs in two stages: First, consultation with key stakeholders and experts is usually undertaken at the early stages of policy development, to assist in clarifying the scope of the problem, in formulating objectives, and in identifying options and their consequences. Second, consultation with organizations of civil society can also be useful when options and consequences are being formulated, and final wider consultation with the public at large is more commonly used at a later stage, usually after an option has been selected as the preferred course of action. At this later stage, consultation is more commonly used for verification: to test the assumptions and data on which the proposal is based, to test its public acceptability, and particularly to check on issues of implementation.

Of course, there are exceptions to this pattern. Experts, stakeholders and civil society are quite often also consulted at later stages of policy development. Sometimes governments undertake public consultation at an early stage of policy development, while the choice of preferred option is still open. But for the most part, and in most countries, the common practice is to consult experts in other ministries and in other organizations first, and the public second.

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\(^{18}\) “Those affected by European or national regulation have the right to be able to access it and understand it” (Mendelkern Report, 2001, p.ii).
6.16 Consultation with Experts

Expertise may take many forms, it may be internal to the government or external. It can include knowledge from universities or think-tanks, from international experts and from donor organizations. Expertise may also be obtained from the practical experience of service organizations, such as local governments, and from implementing institutions. It can also come from non-governmental organizations and from key intended beneficiaries of the policy so that, sometimes, there is an overlap between experts and stakeholders. At times, experts are brought together in ad-hoc working groups. Sometimes they interact by way of workshops or other deliberative mechanisms. Complementary expertise may be acquired through engagement of contracted external consultants (from donor organizations, companies or individuals) who produce analysis or other types of formal documentation.

From the beginning, it is important to plan the way in which experts are to be involved – working groups, formal committees, workshops, and consultations – based on the complexity of the subject matter. The scope and objective of the experts’ involvement and the issues they will address should be set out in a clear and transparent manner. Whenever possible, a diversity of viewpoints should be assembled. This diversity may result from differences in approach, different types of expertise, different institutional affiliations, theoretical vs. practical experience, or contrasting opinions over the assumptions underlying the issue. A useful practice is to maintain a record of the experts and key interest groups that are consulted. Then the information is available for future work.

6.17 Consultation with Stakeholders, Civil Society and the Public

When consulting stakeholders, civil society and the public at large, the first step is to identify the stakeholders or organizations of civil society which are engaged in this issue. This involves discussions in the ministry and with any experts involved. As stakeholders are identified, it is often helpful to ask them whether they can identify any additional stakeholders or organizations that ought to be consulted. The term stakeholder refers to an organization, company or individual who has an interest in an issue or a decision being taken. Thinking of the people consulted as stakeholders or stakeholder groups helpfully emphasizes that the people whom the government is consulting are not a uniform group but a varied assortment of people who have different views and interests.
When the stakeholders have been identified and categorized, it can be useful to assess them according to their interests or to whether they will be positively or negatively affected by the proposal. This can assist in identifying some conflict among stakeholders, which is inevitable because a new policy is likely to change how things are done or to grant new benefits to a particular group. But policy makers can mitigate or at least predict conflicts by considering the interests of different groups. Identifying likely “winners and losers” and/or likely “opposers and supporters” can assist in formulating alternatives and potential mitigating measures or actions.

6.18 Compare the Options

The final step in policy development, prior to writing the final draft of the concept paper, is to compare the options against each other and to determine which to recommend for approval. The purpose of this step is to weigh the alternative strengths and weaknesses of each option in order to conclude which is the most effective in achieving objectives with the fewest or least significant drawbacks. When summarizing the “pros and cons” of each option, officials will be able to draw conclusions about which option stands out above the others. This is the basis for making a recommendation to government.

In this step is important to consider all positive and negative effects of each option in contrast to each other, regardless whether they are expressed in qualitative, quantitative, or financial terms, outline the arguments for and against each option, make comparisons among the options with respect to overall benefits and negative consequences, fiscal impact and implementation feasibility. For example, one option may cost much more and be relatively ineffective, another option may appear to have substantial popular support, and a third option may have the greatest effect for the least cost. Ministry should summarize key conclusions about each option that will be carried forward to the concept paper.

The next step is to compare the options against each other. In practice, the policy team will have made its assessment by this stage, because the relative advantages and disadvantages of each option emerge quite clearly in the course of analysis and consultation. It is still important to prepare a summary assessment, in order to provide decision makers with a succinct overview of the options and their consequences strengths and weaknesses.
At this stage, the working group may find it helpful to construct scales that illustrate the way options are assessed in the main categories of impact. For example:

- Meeting objectives
  - High – meets all objectives with minor drawbacks
  - Medium – meets most objectives; drawbacks can be mitigated
  - Low – meets some objectives; serious reservations from stakeholders

- Benefits
  - High – is efficient in terms of cost and contribution to outcomes
  - Medium – is less efficient, but should contribute more to European integration
  - Low – many indirect disadvantages outweigh benefits

- Fiscal impact
  - High – resources exist in budget; revenue potential is good
  - Medium – new cost implications; new donor funding available
  - Low – major new funding required

- Administrative impact
  - High – intervention can be implemented by the private sector/ voluntary sector at no cost to government; responsible organizations are supportive
  - Medium – intervention can be implemented by ministry with little change in functions
  - Low – intervention requires start up of a new agency

- Consultation
  - High – stakeholders are supportive
  - Medium – most stakeholders are supportive and measures exist to address concerns of the few
  - Low – high level of stakeholder skepticism
These examples illustrate the idea of constructing a “short hand” means to convey the essence of the assessment reached in each area.

6.19 Formulate a Recommendation

The recommendation should suggest the policy option that seems to be the most effective mix of policy instruments and implementation processes. The final decision about the option to adopt rests, however, with the political level. Political considerations may result in choosing a different solution to the recommended option. The wording of the recommendation should convey the essence of the selected option, which may be relatively simple or may be quite complex.

The recommendation should also detail the practical steps for implementing the selected option, with a designation of who is responsible and a time frame for delivery (when action will be taken). It should include advice on how the proposal is to be communicated to the public. If there is to be further consultation, that should be included in the recommendation. Costs that have been identified in the budget/MTEF should be included, as well. Table 6.8 illustrates the wording of a recommendation that covers all these points mentioned above.

Table 6.8 Sample Recommendation

<table>
<thead>
<tr>
<th>The Ministry of ___ recommends that Government:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve the creation of a public education campaign aimed at young people who smoke with the objective of increasing awareness of the dangers associated with smoking;</td>
</tr>
<tr>
<td>Approve expenditure of up to X Euros from the allocation to the Ministry of ___ for the preparation of the campaign;</td>
</tr>
<tr>
<td>Approve expenditure of up to Y Euros from the allocation to the Ministry for the implementation and dissemination of the campaign over a period of two years;</td>
</tr>
<tr>
<td>Instruct the Ministry to return to a government meeting in a month with the details of the public education campaign;</td>
</tr>
<tr>
<td>Instruct the Ministry to seek collaboration from a donor agency to evaluate the effectiveness of a public education campaign;</td>
</tr>
<tr>
<td>Instruct the Ministry to do additional research on the possible policy of banning smoking by people under age 18, including information about where such bans have worked and where they have not been effective, and return to a government meeting in a year with this information and relevant recommendations.</td>
</tr>
</tbody>
</table>
At this stage, the policy team should review the content of policy instruments, especially draft laws, which are being recommended and should include this information in an annex to the concept paper. This approach to decision making helps government to have all the information when it is making a decision about policy and ensures that legal drafting reflects all the considerations that decision-makers have raised. It avoids having to redraft laws because fundamental policy decisions have not been taken before the first law was drafted. Very occasionally with complex issues, government will request the ministry to prepare additional information (for example on consultation or costs) and return to another government meeting in order to take a decision.

6.20 Writing and presenting findings and recommendations for decision making

The next step is to write a concept paper that summarizes the options and analysis and makes recommendations. Clarity and accuracy are very important. If the specific findings and implications of the policy analysis cannot be readily understood, they are not going to be used. A good report is measured by its quality and not by the number of pages. The decision maker should not be left guessing; everything needs to be clearly stated. Most importantly, the concept paper must show all the options considered: not just a favored solution such as legislation. Even given all this, it is useful to keep the paper as short as possible, otherwise ministers and others will be overwhelmed with material to read, and they won’t read it.

Below is presented a template of the concept paper which could make drafting easier in the end. This template came out after the detailed analysis made for this project of the concept papers proposed for government meeting discussion. The format of the documents was not same for all of them. In order to bring consistency to writing concept papers and to make reading many papers easier for decision makers, a standard format is required for all concept papers.
Evidence presented in the concept paper assists the ministry to argue the merits of its proposal. Any supporting documents, such as detailed analysis, expert reports or summaries of consultations, can be part of the document as annexes. It is important to include enough information to give decision makers a clear picture of the issue under consideration.

6.21 Review of Concept Papers

When the ministry working group has finished drafting the concept paper and the minister has approved it, a few steps remain prior to its consideration by the government. These steps are: 1. Formal inter-ministry consultations, as required by the Rules of Procedure; 2. Submission to the Office of the Prime Minister; 3. Review by the Government Coordination Secretariat and (for certain documents) the Strategic Planning Office; 4. Review by the Office of Legislative Support Services; 5. Review by the Ministry for European Integration and 6. Review by the
Ministry of Finance and Economy. When these steps have been completed, the concept paper is ready to be considered by decision makers. Figure 6.10 presents the role of the ministries in the process of drafting concept papers.

Figure 6.10 Role of the ministries in the process of CP

![Bar graph showing the roles of ministries](image)

When the concept paper is close to completion, the working group should circulate it (or arrange for it to be circulated) to all other ministries which have an interest in the subject. These ministries should be asked to “sign off” on the concept paper – to signify that they are in agreement with its recommendations or to express any reservations or additions they might wish to suggest. In the majority of cases, sign off on the document itself should be sufficient to obtain agreement among ministries and to resolve any small outstanding differences of view.

Occasionally there will remain differences of opinion among ministries that cannot be resolved by the sponsoring ministry in dialogue with its counterpart. In these situations, the Government Coordination Secretariat may convene a meeting of the relevant ministry representatives to discuss the issue and to select the most appropriate resolution or to recommend alternatives to government. Alternatively, the subject may be discussed in the weekly meeting of general secretaries.

Assuming that the inter-ministry consultations have gone smoothly, the concept paper (accompanied by a sign-off document from the relevant other ministries) should be submitted
for review to: The Government Coordination Secretariat, which will also share concept papers that deal with government priorities with the Strategic Planning Office; The Office of Legislative Support Services; The Ministry for European Integration and The Ministry of Finance. Figure 6.11 presents the role of the OPM respectively the role of the GCS in the process of Concept Papers.

Figure 6.11 The role of the GCS in the process of concept papers

The steps and the participants in the policy and legal review are described below. There are four basic reviews for each concept paper, and they should happen in parallel. This means that the ministry should provide a draft concept paper to the four different organizations at the same time.

1. The Government Coordination Secretariat will review concept papers to ensure that:
   All the options have been considered; Papers are in line with government priorities, cross-cutting policies and other sector policies. The analysis of recommendations in relation to government priorities will be conducted with the Strategic Planning Office; Proper analysis is provided and the analytical material is of good standard and format; Disagreements between ministries are resolved or minimized; and if needed, additional recommendations or alternative solutions are provided.
1. The Strategic Planning Office will review papers concerned with government priorities and will comment on the extent to which the options analyzed and selected are effective in achieving these priorities.

2. The Office of Legislative Support Services will review concept papers to ensure that any possible collisions between proposed policy and the existing legal framework are avoided and that the paper has correctly identified the need for new legislation, amendments to existing legislation, and/or secondary legislation.

3. The Ministry for European Integration will review concept papers to ensure that the proposed policy is in harmony with EU integration priorities and that it complies with EU requirements and the acquis communautaire. If needed, it should provide recommendations on how to ensure coherence of the proposed policy with EU requirements.

4. The Ministry of Finance should review concept papers to ensure the following:
   - Fiscal assessment for each option is of good quality
   - The proposed policy is financially feasible
   - All possible sources of funding have been explored

If these organizations fail to respond within a designated time to the ministry that has prepared the concept paper, the GCS should follow up to request responses. Each organization will issue a brief note explaining its assessment of the concept paper, and the GCS will summarize these notes in a final document for government. In putting together the summary document, the GCS will also review all of the assessments (from the SPO, OLSS, the MEI, and MoF) to ensure that recommendations are consistent and do not contradict each other. Where there are differing opinions, the GCS should facilitate the resolution of conflicting views if possible, and may convene a meeting with the central agencies and the ministry to do so.

The review by any of these agencies, and in particular by the GCS, may identify shortcomings or gaps in the concept paper that must be repaired before the paper can be discussed in a government meeting. When these problems are sufficiently serious, the GCS will return the draft paper to the ministry and request that the document be re-written as necessary.
to address the outstanding questions. The final package of documents for the government meeting should include: concept paper (and any supporting information); summary opinion note of the GCS; note from the SPO; note from the MEI; note from the OLSS and note from the MoF.
CHAPTER 7 - FINAL DISCUSSIONS AND RECOMMENDATIONS

This chapter summarizes the project, discusses the findings from surveys, analyzes and questionnaires, and gives recommendations about the process of drafting concept papers.

According to the report on the implementation of the Regulation no. 01/2011 on DEIPC in the Ministries, only 66% of the ministries in the Government of the Republic of Kosovo have reported about the establishment of the Departments for European Integration and Policy Coordination in the ministries. The figure 7.1 presents findings from the survey regarding the establishment of the departments for European integration and policy coordination in the ministries.

Figure 7.1 Establishment of DEIPC in the ministries

All ministries have to establish these departments because the responsibility to draft policies in their ministry is on them as the rule of procedure and the regulation states. DEIPC in the ministries should be responsible to coordinate the process of strategic planning and policy developments, to offer support in the process of drafting and promoting policies and proposals and also to offer support in promotion of the consultation process with all stakeholders and the public.

Since the ministries are the most involved institution in drafting their policies according to the findings of this project, the contribution of other ministries is inevitable to make the document prepared for discussion. Ministries should involve other ministries in policy discussions and should ask them to contribute to the content of policy. It is wise to involve related ministries early in the process, rather than at the end. A policy team may include
representatives of other ministries with related programs and policies because they will be able to make an important contribution to the work. A representative of the Ministry of Finance may be helpful to the exercise and may be included for major policy issues. People who work in related public authorities or in NGO’s may also be included in working groups when their expertise and knowledge will be useful. Figure 7.2 presents institution that may be part of the policy discussions.

Figure 7.2 Institutions, agencies, NGO’s and stakeholders

If the people working on the issue are all officials in one ministry, it is useful at this stage to involve other people who can help to clarify the problem. For example, people from other ministries or organizations may have information and insights, and stakeholders will have information relating the issue. Businesses, trade unions or professional associations may have views about the issue. Ministries should use these sources of information to get a clear picture of the problem.

This project has presented that the contribution of the ministerial officials in the meetings is mostly concentrated in participation in the meetings, monitoring and revising the document as the figure 7.3 shows.
But it is essential to decide who will write the concept paper and for that person (or several people) to dedicate the time needed to complete the work. There must be a commitment to the task. The appointment of a team is the responsibility of the Secretary General of the ministry.

Getting information about the issue/problem is very important part to begin drafting the document. 60% of officials were answered that they didn’t had enough information for the problem/issue as the figure 7.4 presents the finding from the survey.

**Figure 7.4 Information for drafting the concept papers**

Furthermore, to be prepared for drafting the concept paper each ministry should practice the following: identify existing data sources and the usefulness of these data for the purposes of analysis, identify the web sites that are most relevant and useful for its purposes, maintain
accurate financial records based on program definitions, keep any information that is collected in accessible forms, so that it is available to all the people working on policy in the relevant area and is available in the future too.

In policy work it is important to keep good records and to maintain continuity in expertise, when data are missing or incomplete, use a best estimate or “proxy measure” or “educated guesses”, with appropriate explanations of the method. When more accurate information becomes available, it can be substituted. Too often, civil servants hesitate to make educated guesses because they fear accusations of less than perfect accuracy or they are reluctant to take responsibility for the advice being given. So people make general assumptions without differentiating which assumptions are based on solid information and which are based on knowledge of the policy field and the circumstances. Both accurate information and informed guesses are very important.

When the lack of information on a particular issue is very serious, ministries can organize a study or survey of the problem in order to define its dimensions and characteristics more clearly. For these studies it is important to identify clearly additional data needs, the possible sources of information (e.g. civil servants in other departments or ministries or use of consultation) and the methods for obtaining the information including\textsuperscript{19} quantitative methods: questionnaires, surveys, statistics, and qualitative methods: case studies, pilot studies, focus groups, interviews.

Developing policy and drafting a concept paper is time consuming according to officials part of the survey. Figure 7.5 presents their answers.

\textsuperscript{19} Quantitative data (numbers and statistics) are specific and measurable. They are useful for demonstrating baseline positions and concrete facts and outcomes, such as financial expenditure or numbers of people receiving training. But they do not always demonstrate the ‘wider picture’. Qualitative data (opinions and attitudes) reflect the life experiences of individuals and organizations. They can be important measurements of skills, such as communication and inter-personal skills, which are usually overlooked by quantitative indicators.
Figure 7.5 time needed to draft a concept paper

Most of the ministries spent 6 months to draft a concept paper and attends up to 15 meetings in their ministries. The best time to decide on the most important issues and the intensity of the policy analysis is when ministries are preparing the annual work plan. Appropriate planning will avoid short term proposals and urgent matters through the year and will decrease the number of decisions to change and fulfill decisions, to change and fulfill law’s, regulations etc. and will help the regular organization of the government meetings. To plan the policy development work realistically, officials in a ministry should assess the level of impact and the priority of the policy issues they need to address. In the area of medium impact and priority, ministries will need to form a judgment about the amount of work to be done. Making these judgments will be a new requirement for many people. Lack of familiarity with the policy development process and lack of resources or policy development skills may inhibit ministries from working on complex issues.

As this project presents, the ministries should play a role of coordinator, they have to create work groups, call regular meetings, spread the responsibilities to the officials, collect information, provide analyzes and propose different options. Figure 7.6 presents the role of the ministries in the process of drafting concept papers.
According to their responsibilities each institution/office should prepare a paper about the document and attach it to the final package.
Ministries rate the goals/objectives, options and impact assessment as most important information part of the concept paper to make it considered for government decision. Their answers are presented in the figure 7.8.

Figure 7.8 Information needed

However, a concept paper to be considered for discussion in government meeting should be a document that states the goal or objective, impact assessment, provides policy analyzes, and options. Furthermore, government cabinet expects clear instructions for decision making in a concept paper since the CP avoid not appropriate decisions, and consults different stakeholders affected from the policy. Figure 7.9 present government expectations in percentages.

Figure 7.9 Expectations of the government
The process of drafting and proceeding policies is making progress but to strengthening it more, ministries and all the institutions should respect straitlaced the rule of procedures of the government and time required to propose policies for discussion in the government meeting. Figure 7.10 presents the answers of the officials regarding the observance of time required by the rule of procedures.

**Figure 7.10 Time for discussing concept papers**

Ministries should plan in prior about the policies they want to draft, change or work on them through the year. It is better to know at very beginning of the year that in what quartile of the year the ministry should begin work in certain policy document and finalize it for government discussion. Moreover, policy development should follow steps proposed in this project to identify a problem or commitment, possible solutions, analyze and assess the options, make consultation inside and outside the government, prepare and finalize the document and take decisions in government.
REFERENCES

1. Previous experience analyses from GCS
2. Ibid
4. Ibid
5. Decision of the Government of Republic of Kosovo no.02/02 date 02.03.2011
6. Regulation no. 01/2011 on Departments for European Integrating and Policy Coordination in the Ministries
7. Analyze of implementation of Rule no. 01/2011 for Departments for European Integration and Policy Coordination in the Ministries
11. Ibid
12. Ibid
13. Ibid
15. http://www.sigmaweb.org/pages/0,3417,en_33638100_33693506_1_1_1_1_1_1,00.html
   CAPAM (www.capam.org) or EU web sites (ec.europa.eu for studies and information)

18. “Those affected by European or national regulation have the right to be able to access it and understand it” (Mendelkern Report, 2001, p.ii).