

External Review of the project ‘Support to Anti-Corruption Efforts in Kosovo’, implemented by the United Nations Development Programme and funded by the Swiss and Norwegian governments.

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Report

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List of abbreviations

CoE	Council of Europe
CSO	Civil Society Organisation
EC	European Commission
EU	European Union
GRECO	Group of States Against Corruption
IPA	Instrument for Pre-Accession
KAA	Kosovo Anti Corruption Agency
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
KPC	Kosovo Prosecution Council
MEUR	Million Euro
MoU	Memorandum of Understanding
ODP	Office of the Disciplinary Prosecutor
PECK	Project Against Economic Crime
PAR	Public Administration Reform
SAEK	Support to Anti-corruption Efforts in Kosovo
SDC	Swiss Agency for Development and Cooperation
SP	State Prosecutor
USAID	United States Agency for International Development
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

Introduction

Purpose and scope of the review

This independent review of the project 'Support to Anti-Corruption Efforts in Kosovo' (SAEK) implemented by the United National Development Programme (UNDP) has been commissioned by the Swiss Agency for Development and Cooperation (SDC) to provide management oversight of project performance and to guide funding stakeholders in their considerations for potentially extending the project into a second phase.

The review uses a mixture of document review, interviews and information from other published sources to make objective and subjective judgements on the performance of the project against the planned objectives. It measures performance where possible against the indicators provided in the programming documents. The review is framed around a series of evaluation questions established by the SDC with an emphasis on the relevance and effectiveness of the project. Efficiency issues are also considered in the context of providing value for money and the use of appropriate implementation modalities. A series of conclusions and recommendations are provided to both improve the performance of the current project and to shape any future assistance. The review process will be completed by a workshop held in Kosovo in mid May 2015 to discuss findings and elaborate future actions. This report has been prepared in a draft form that was distributed to the main stakeholders from the side of the donors and the implementing partner and updated based on their comments.

Summary of the project

SAEK was developed by the UNDP as an extension of earlier support for the establishment of social media platforms, and broader public administration and rule of law actions. It is funded under a contribution agreement jointly by the Swiss and Norwegian governments, with each donor funded component operating as substantially separate projects. In recognition of the integrated nature of the corruption phenomenon, the project has been designed to address a wide range of issues from prevention to enforcement and with stakeholders at central and local levels, in civil society and government structures. SAEK is divided into four components; component 1 supports strengthening of the Kosovo Anti Corruption Agency (KAA) and integrity systems; component 2 the development of social media platforms; component 3 capacity building in prosecutorial and judicial structures; and component 4 on public administration reform. Components 1-3 are funded by SDC and are the subject of this review.

The overall objective of the project is to reduce the level of corruption in Kosovo and enhance the accountability and transparency of public institutions. The objectives of the three components covered by the review are respectively: the capacity of the KAA to monitor and prevent corruption in selected institutions, key service areas and municipalities increased; civic engagement in strengthening transparency and accountability increased and improved access to information at the local level through social media; and the ability of the judiciary to fight corruption internally and externally is increased. The budget of the project is MEUR 2.160 distributed between the components broadly equally (MEUR 0.720, MEUR 0.800 and MEUR 0.640) and an overall duration of 36 months.

Summary of project environment

State institutions at both local and central level in Kosovo are nascent, limited in capacity and resources and in a process of transition to the standards of a modern public administration. In particular the rule

of law sector which has been under direct control of international bodies since 1999 is only more recently establishing Kosovar owned institutional structures. Recruitment to, and career management of, public institutions remains politicised and staff turnover systemic. Civil society is overall well developed but the number of organisations directly or indirectly involved in anti-corruption is very limited. The anti-corruption legislative base is substantially complete, but implementation is often lacking and this is also hindered by overlaps in mandates and jurisdictions between institutions. There is no single state institution with the mandate to define and drive anti-corruption efforts although a range of structures have been created – usually at the behest of donors and with varying levels of success.

Corruption is systemic, with Kosovo consistently rated as the worst performing in Europe by Transparency International's Corruption Perception Index. Key international partners regularly comment on the extent and scale of corruption, with the European Commission (EC)'s Regular Report of 2014 highlighting 'limited results in the fight against organised crime and corruption remains a major concern'. Donors have attempted to address the issue both directly through the establishment and capacity building of institutions and indirectly through the external rule of law missions and inclusion of anti-corruption principles more horizontally throughout the assistance that they deliver.

Summary of project progress

SAEK was developed in 2012 with funding initially committed from September of that year. A lengthy mobilization phase including clarification of the actions, programming implementation and recruitment of key management staff was completed with the inception report at the end of April 2013. Preliminary research into corruption in the health and education sectors was undertaken during 2013 as a basis for the elaboration of more comprehensive Integrity Plans for these sectors in 2014. Initial outputs were also generated during 2013 in support to the investigative reporting hotline 'kallxo.com' and the design and establishment of transparency tools, actions and training sessions. The definition of work and partnership between the UNDP and the United Nations Office of Drugs and Crime (UNODC) was finalized at the end of 2013. Although the significant delay in the formation of a government in the second half of 2014 restricted the ability of the project to interface with institutional stakeholders, preparation of needs assessments and Integrity Plans under Components 1 and 3 were finalized to allow implementation of relevant actions from late 2014. The Integrity Plan for the municipality of Pristina/Prishtine was completed in summer 2014, that for Gjakova/Djakovica in spring 2015 and negotiations were underway with the municipality of Gjilan/Gnjilane for a similar exercise at the time of this review. Training was underway for Office of the Disciplinary Prosecutor (ODP) along with the preparation of an information system to improve case management – the latter substantially delayed. Training was due to start for the KAA after the completion of a training needs assessment at the end of 2014. Actions on civic engagement under Component 2 were well progressed with kallxo.com fully established and a range of transparency products and services at national level and in the target municipalities implemented or in progress.

Structure of this report

This review is structured around a series of evaluation questions covering the evaluation criteria of relevance, effectiveness and efficiency, with additional questions on defining proposals for the future of the project.

This chapter introduces the review, the institutional environment and a summary of the progress and scope of the project. The following chapter contains findings from the review based on the evaluation

questions, which describe the institutional environment, analysis of the design of SAEK, progress made against expected targets, the likely effects from the assistance and the extent to which the project offers value for money. Chapter 3 provides the conclusions of the review with the intention to focus the reader on the key elements of the project that can be replicated into actions in the future and those where corrective actions may need to be considered. Chapter 4 provides a series of recommendations targeting both this project and subsequent assistance. This report will be supplemented by the results of a workshop that will clarify the findings and define the agreed structure for future interventions in the sector.

Findings

Relevance

- EQ 1 Has the project addressed a relevant developmental challenge in the given time and context? Describe the overall institutional framework within which the project operates and map the contribution being made by key donors. What are the other projects in the field and how is SAEK positioned?

Institutional framework

The field of anti-corruption in Kosovo covers a large number of actors with sometimes overlapping or competing roles and responsibilities. Within the scope of the project, are the enforcement actors of the prosecution (the State Prosecutor in charge of prosecuting criminal acts and Kosovo Prosecution Council (KPC) which provides oversight to the State Prosecutor (SP)) and the judiciary (the Kosovo Judicial Council (KJC) responsible for appointing judges) and the oversight institution of the ODP which investigates judicial misconduct and violation of the codes of ethics by judges and prosecutors and the Kosovo Judicial Institute (KJI) which provides training . The State Prosecutor also includes a National Coordinator for the Fight Against Corruption who monitors and reports on the progress of corruption cases and actions within the Prosecution. For the prevention of corruption, the KAA manages conflict of interest and declarations of income and assets amongst the state administration and serves as a conduit between the general public and the statutory authorities for investigation of claims of corruption and malpractice in the public administration. It also prepares and monitors the Anti-Corruption Strategy and associated Action Plan and engages in training and information dissemination. There is no line institution with responsibility for politically defining and driving the anti-corruption effort in Kosovo, although as the Agency is accountable to the Assembly, the Strategy can be considered to have a broad political support. An important central authority on investigating corruption, the police, are not a direct beneficiary of the project but are included in the coordination functions and within the context of support to the Prosecution. More broadly, corruption is addressed within individual sectors at central level through internal financial control of the various ministries and within local government by municipalities. Coordination is provided by the National Anti-Corruption Council under the aegis of the President of Kosovo, which in principle meets quarterly. In theory, donor coordination for anti-corruption exists as a sub-sector of the Rule of Law Working Group under the Ministry of European Integration which acts as the National Aid Coordinator. The limited number of donors in the sector means these formal coordination mechanisms are largely unnecessary as the key stakeholders meet in other fora (including the coordination meetings and steering group of the SAEK itself).

In addition to these institutions, there are a number of other actors outside of the scope of SAEK who are also involved to various degrees in the fight against corruption. These include the 'Special Prosecution Office of the Republic of Kosovo' established to undertake investigations of high level and organised crime (in collaboration with EULEX) leading the Anti-Corruption Task Force established in 2010. Its credibility has been compromised by the subsequent conviction of its head for corruption. The National Coordinator Against Economic Crime also includes a substantial anti-corruption function.

Other donors

Key donors – in addition to the Swiss and Norwegian governments (the latter is also funding a large project developing an integrated information system for the judiciary) - include the European Union (EU) through its Instrument for Pre Accession Assistance (IPA) as well as through direct operational support to the institutions of the judicial system from the EU Rule of Law mission in Kosovo, EULEX. EULEX is

phasing out (scheduled end of current mandate in June 2016) and therefore scaling back on their involvement in the sector as well as looking to actors such as SAEK to absorb some of their capacity building functions. The EU has funded anti-corruption actions directly through support to the KAA under the 2007 programme and investigation capacities of police and prosecutors under the 2012 Programme as well as via a range of interventions towards police, the judiciary and public administration reform. The EU is currently providing direct support via the Council of Europe (CoE) implementing the Project Against Economic Crime (PECK) which has created a baseline analysis of corruption and produced a series of recommendations following the GRECO¹ assessment methodology. An update of progress on these recommendations has been completed in 2014 and the PECK II project - due to start later in 2015 - developed as a continuation. Other relevant actions of this project include reviewing of the legislation for confiscation and asset management. EU assistance also includes anti-corruption more systemically as a horizontal element to all of its institution building and good governance projects. The United States Agency for International Development (USAID) provides indirect support to anti-corruption through extensive support to the judicial system, strengthening courts and access to justice. The World Bank has advisors embedded in the KAA working on public procurement. Bilateral donors have provided small scale assistance to specific actions.

Role of SAEK

The three components of SAEK fit well into the overall donor landscape in the anti-corruption sector.

Under Component 1, SAEK continues institution building of the KAA started by the UNDP in its support to the establishment of the Agency and continued by assistance from both the UNDP and the EC's IPA. It is the only actor in Kosovo to promote of the concept of Integrity Plans at both central institution and municipality level. In particular the development of specific anti-corruption tools at the local level is not well addressed by other donors.

Under Component 2, the promotion of social media mechanisms to increase citizen awareness, promote transparency and enable municipalities to better serve their constituents is not covered by the other major donors and acts as an important generator of demand for the other products of the assistance. The IPA is supporting the Balkan Investigative Reporting Network, the sister organisation of Internews Kosova which is the implementing partner for the kallxo.com reporting mechanism, but not overlapping with the SAEK.

Under Component 3, there are a number of other donors already active in the judiciary fields and whilst the SAEK is providing specific and targeted assistance to the ODP as well as targeted training to other key stakeholders (principally the KJC and KPC), there remains the risk of overlap. The Judiciary Integrity report for example covers much of the same ground as the PECK assessment. Nevertheless, coordination between the actors is good at an operational level and this is likely to limit the extent of overlap.

Development Challenge

The SAEK programme document identifies the development challenge as strengthening the ability of the institutions of the public administration to address corruption and improve the citizen's trust towards public institutions. It provides a comprehensive reference to UNDP and third party assessment reports and policy documents that highlight a range of systemic corruption problems in central and local

¹ Group of States Against Corruption, a body of the Council of Europe

government and the judiciary. With the legislative process largely complete and institutions in place, the emphasis is now on capacity building, coordination and transparency.

SAEK is in line with the Kosovo anti-corruption strategy, covering four of the five thematic priorities (strengthening integrity, increasing efficiency through coordination, further implementation of international standards and external monitoring and cooperation with civil society). Two of the three sectors selected for risk assessments as a precursor for the development of initial integrity plans of key institutions (education and health) are identified as particularly vulnerable to corruption, although the selection of health was based on preparatory studies undertaken by UNDP.

- *How are the achievements of intended/planned outcomes and outputs assessed? Was the project design adequate (intervention strategy, approach, methods and instruments, etc.)?*

SAEK is designed as a 'holistic' approach on the grounds that 'entrenched corruption in a fragmented and unstable institutional environment such as Kosovo requires a comprehensive approach that would promote transparency and accountability of the public administration and central and local levels, increase integrity and effectiveness of the judiciary and would enable citizens and civil society organisations (CSOs) to function as watchdogs over corruption and mismanagement in public services'.

A complicated intervention requires a well-developed theory of change with clear causality linking the outputs² planned to be delivered with the results expected. The overall internal logic of SAEK is sound, with three pillars identified for prevention, transparency/accountability and enforcement contributing to an outcome objective of making rule of law institutions more efficient, transparent, gender responsive and accountable. This is a logical approach as many aspects in the sector are interconnected but is not a necessary approach for overall success. Given the scale and diversity of the corruption issue in Kosovo, even with the substantial financial commitment of SAEK there is a clear risk that attempting to provide a holistic solution will result in fragmentation and limited overall impact. Coordinating the existing donors in a more strategic and systematic manner could have ensured the same overall holistic result whilst allocating roles to those best suited to them, although clear problems exist in the coordination mechanisms that have been established for aid in Kosovo especially in the lack of a single institution with responsibility for anti-corruption policy and the administrative and political strength to ensure effective oversight. UNDP notes that implementing a wide range of actions allows for their testing and development – yet SAEK is in most instances already the second phase of most of these elements and therefore there is an argument that testing process should have already been substantially completed.

Within the individual components, the logic of the actions contributing to the outputs can be further examined:

For Component 1, the planned output (the change generated by the project) is for the capacity of the KAA to monitor and prevent corruption in selected institutions, key service areas and municipalities increased. The planned activities of supporting the KAA to develop corruption risks assessments of key institutions, develop integrity plans and monitor their implementation is logically sound and in line with the legal mandate of the Agency.

² The definition of outputs varies between donor agencies – the UNDP use output targets where other agencies use outputs, and outputs where other use results.

For Component 2, the planned output is civic engagement strengthening transparency and accountability and access to information at the local level enhanced through social media. The planned activities include establishing social media platforms and solutions within municipalities, continuing support to the kallxo.com reporting mechanism, strengthening outreach and citizen engagement capacities in municipalities and strengthening collaboration between stakeholders in processing corruption issues. These are logical and target the youth as agents for change (as they are not decision makers in society and often too young to vote, the logic of this may need further elaboration to be convincing) but do not significantly address that proportion of the population without ready access to and/or familiarity with social media and similar information platforms.

For Component 3, the planned output is for the ability of the judiciary to fight corruption internally and externally to be increased. Activities are concentrated on the provision of technical assistance to assess needs and training for judicial disciplinary functions as well as for the judiciary in dealing with external cases of corruption. The activities are logically connected to the output, although the issue of scale of funding may be important in generating real institutional change.

SAEK also builds upon competencies and experience developed by the UNDP through a range of other projects. Indeed, the main tools used in SAEK are expansions from previous or current interventions – Integrity Plans were developed under *Public Administration Reform*, institutional development of the KAA under *Kosovo Partnership for Anti-Corruption*, kallxo.com and open data initiative under *Social Media for Innovative Local Empowerment*, judiciary training under *Rule of Law*, support to municipalities under *Support to Decentralisation in Kosovo*. This blending of projects will continue with efforts to support waste dump monitoring in Gjakova/Djakovica using methodologies from *Democratic Governance and Decentralisation*. The use of experience and ‘what works’ leverages the success of previous investments by a range of donors, contributes to both impact and sustainability and should generally be seen as positive. However, it can also be perceived as the project being designed by what UNDP does rather than by what is best for the project objectives. It also blurs what should be achieved by one project and what by another with the actions of more than one project contributing to both outputs and wider goals. A more objective analysis of the strengths of proposed approaches over other alternatives would strengthen the project design.

The development of indicators has been compromised by the lack of quantification, which makes the assessment of programme performance impossible and is a critical weakness in project design. Given the comprehensive linkages to other areas of UNDP implemented assistance which indicates a strong knowledge of the sector background, objective quantification should have been possible. The definition of indicators, especially when involving beneficiary counterparts, locks in all stakeholders to both commitment for change and also an understanding of the scale of anticipated change and gives donors leverage in supporting institutional change with political pressure. Whilst it is accepted that all donors find the development of credible indicators in ‘soft’ sectors such as the rule of law difficult and the instigation of unrealistic indicators can reduce the incentive effect, more of a structured effort would be appropriate. The link between performance indicators at the output level and specific targets of the activities is however generally clear, although in some instances attribution of change to the project may be challenging due to the number of different actors involved.

Treatment of risk is in general good, although these remain principally at the operational level and do not refer to risks for the achievement of broader objectives – especially important when achieving the reduction in corruption involves political commitment that may not always be forthcoming. The risks of

insufficient management capacity or financial resources – particularly at municipality level - to implement the outputs delivered by the project has also not been sufficiently well considered in the project design. Despite the inclusion of municipalities in the planning process and their agreement to the actions proposed, these capacity issues could have been identified in the risks.

The management approach has been to use mostly local project managers complemented by external technical assistance generally from within the UN family for specific elements of capacity building and assessment of needs. Implementation includes UNDP institutional management and component leaders. A single technical and operational manager with sufficient seniority and professional experience and credibility specifically in the field of anti-corruption to engage institutional, political and donor leadership seems to be missing.

Both the Public Administration Reform (PAR) and Anti-Corruption Strategy include the development of integrity plans for institutions. Therefore, the approach of supporting the KAA to implement the Integrity Plans is logical but does not reflect their capacity constraints and their other operational priorities. In particular, follow up to the plans was clearly likely to be beyond the ability of the institution, especially for activities on a local level. It is also not clear from the law on the establishment of the Agency that it has the mandate to monitor the Plans³. The Integrity Plans themselves, whilst mentioned in the Anti Corruption Strategy, are not regulated by law are also not implemented under a national integrity strategy which would give political mandate, institutional leadership and technical parameters.

Institution building is orientated around training workshops for staff of the various beneficiaries and based around needs analyses prepared by technical experts. However, changing how institutions function requires sustained technical support and oversight usually in the form of embedded experts and this is substantially lacking in the SAEK. In some instances other donors will have an operational presence in beneficiaries (such as the World Bank and CoE (EU) in the KAA) and this will be an important complementarity for SAEK to exploit in order to monitor and oversee the achievement of results from the training.

Training to the judiciary will be implemented in collaboration with the KJI although the role and scope of involvement of this institution, including how they will replicate subsequent training, is not clear. It is important that the specific training provided by SAEK fits into existing institutional training plans of the beneficiaries (this is usually the case), is monitored and assessed for effectiveness by the KJI and integrated into ongoing technical training curricula of the KJI (this is less clear). Future support to judiciary training should take into consideration the administrative capacity of the KJI and provide support to it accordingly. Some monitoring aspects of SAEK may need to be undertaken by project resources where the capacity of the KJI to do this is proven to be insufficient.

Particularly under Component 2, specific actions are sometimes defined periodically in reaction to needs or ideas identified. These are generally small scale open data actions that have limited financial impact on the project but take considerable management time. They are often highly visible, address the

³ The law identifies the role of the KAA to include: 'Cooperates with public authorities responsible for drafting, implementation and harmonization of legislation for combating and preventing corruption' Art 8.1.8 without specifically defining the role regarding Integrity Plans

parameters of the project and fit into the 'development agenda' culture of UNDP but it might be better for the overall use of management resources if they were more clearly scheduled into annual planning. Overall the review has a neutral opinion on this approach as the benefits of reacting to demand and the development of new ideas is counterbalanced by the lack of structure – the current approach seems to be more 'does the proposed action fit into the overall objective of the project' rather than 'what actions do we need to achieve the project objectives?'

Key issues on Relevance

SAEK is relevant to the development challenges in the field of anti-corruption, targeting both demand and supply sides through transparency initiatives and institutional strengthening. It complements other donors in some elements, builds on existing good contacts with Kosovo institutions and uses mechanisms to collaborate and avoid overlaps.

The design of the project continues the successful elements created under other projects and puts local ownership at the heart of each element to support both effectiveness and sustainability. Some elements could have been more clearly identified in the planning stages, including the role and capacity of some key institutions, the inclusion of measurement to indicators, a more comprehensive treatment of risk and the approach to institution building which remains principally focused on training. Founding the project on actions already under implementation by other UNDP projects as well as the demand based approach to some activities brings the impression that the project is doing activities in line with the objectives rather than in service to them – ie, what it can provide rather than what is necessary to provide.

Effectiveness

- *Assess and describe (using qualitative and quantitative information) the contribution of the project towards making a change in perception of corruption among citizens?*

Assessment of the perception of corruption uses the Transparency International Corruption Perceptions Index, formed from a range of contributing surveys (in Kosovo there are three). This ranking for Kosovo has in general deteriorated since the project was designed in 2012, with 2012 ranking of 105, 2013 of 111 and 2014 of 110 (the same ranking as Albania and the lowest in Europe). A survey undertaken specifically for the corruption risk assessment in the health sector by the UNDP produced much better perceptions of corruption but would need to be validated by additional surveys for credibility. In any event, given the scale of SAEK, the contribution of the project to the overall perceptions of corruption is likely to be minimal.

However, a qualitative assessment of the likely contribution that the project can make to general and specific awareness of corruption generates a more positive perspective. Under Component 1, the sector risk assessments and associated Integrity Plans form the basis of improving perceptions of corruption in the specific areas where they work. In health, for example these plans have led to the development of a patient ombudsman located in hospitals to inform patients of their rights and obligations of the institution. Municipality Integrity Plans have formed the basis (along with other assistance) of introducing e-government tools and information portals that improve transparency. The publication of

historical public procurement data at municipality level has the potential to raise local awareness of corruption.

Under Component 2, the kallxo.com tool has substantially raised awareness of corruption as it is linked to a popular news service that researches and popularises individual cases. In a survey from late 2014, it was the fourth most trusted institution in Kosovo, behind Kosovo Police, EULEX and the KAA. Further independent surveys would be useful to validate this claim. The influence of kallxo.com is sufficient to be causing concern amongst the statutory authorities who claim that its overzealous approach is negatively affecting perceptions of corruption by making the situation appear worse than it truly is. Other transparency and open data tools developed, including the analysis of budgets, will not directly improve the awareness of corruption but can raise awareness of the functioning of government if distributed widely enough. They can also introduce new approaches and tools to government on how to analyse and present information to citizens and future efforts should focus on embedding outputs of the project within government where possible. Actions such as blogging are likely to have an impact which will be limited to the readership or at best a very limited audience. The project approach is to focus on the youth and use an internet based approach as Kosovo has 70% internet coverage and whilst this is important for the future and a low cost mechanism, it does not target older or technologically less competent people who are much more likely to experience corruption and who have the voting power to demand transparency. Some actions (journalism competitions etc) have been undertaken but it is not clear whether the project as a whole does enough to raise awareness to those members of society who do not have access to the specific information technologies employed.

There has been little contribution to citizen awareness under Component 3 of SAEK as it does not target this group.

- *What key results have been reached by the project in increasing the ability of Judiciary to fight corruption strengthened and what is the current perspective of development?*

Component 3 targets strengthening the judiciary in addressing both internal and external corruption. A report on Judicial Integrity was prepared by UNODC that forms the basis for a needs assessment on training courses for various institutions in the judiciary, including the KJC and the ODP. As well as training, support to the ODP includes support for judicial inspectors (two, to the complement of 20) and an information system to improve the efficiency of the operations of the unit.

The training courses for the judiciary started in late 2014 and will be continued through to the end of the project. The information system for the ODP is not yet completed and can be considered substantially delayed due in part to changes in the specifications during the preparation phase. The additional two staff have not yet been hired due to complaints during the recruitment process although there is insufficient information to infer any maladministration. There is, thus, little in the way of results that can be reported to date for the ODP.

In terms of perspectives for development, the ODP complains of insufficient funds and notes potential conflict of interest as the director of the unit is selected by the KJC, whose members it could be called upon to investigate. Budget issues are unsurprising in the Kosovo context and are derived by the Ministry of Finance not the KJC under whose responsibility the ODP resides. Legal changes are under

process to increase the independence of the ODP, although this will not resolve funding issues. Training in investigative techniques planned under SAEK reflect the needs identified by the ODP in improving their effectiveness. Assuming that the information system is completed and additional staff are recruited, some improved performance in processing outstanding complaints is likely to be achieved. Some increase in the number of processed cases has already been achieved with the backlog from 2014 in 2015 at 100 cases of 532 reported complaints in the year. Training to the ODP complements direct advisory assistance from EULEX.

Results in training for strengthening the capacity of the judiciary to investigate and prosecute cases of corruption externally are to some extent predicated on the capacity of the KJI to replicate the training courses provided for both new judges and throughout the country. To this end and considering the limited administrative capacity of the KJI, the integration of the training into the curricula offered by the KJI could be made more specific and include appropriate resource allocations from the project.

- *In Component 1: Assess the degree to which and how the project contributed to increase the capacities of the Kosovo Anti-Corruption Agency to positively influence on integrity and transparency of Institutions?*

The main responsibilities of the KAA are to monitor asset declaration and conflict of interest in the scope of prevention of corruption, monitor public procurement, design and monitor the national anti-corruption strategy and undertake preliminary investigations of corruption claims before transferring those with merit to the appropriate administrative or criminal investigative branches. They have within the law a role in supporting institutions to prepare various strategies and it is in this role that they have been envisaged by the project as an implementing partner in the development, implementation and monitoring of Integrity Plans in both line institutions and municipalities. The KAA, as with most institutions in Kosovo is new and suffers capacity issues which means many of its nominal tasks under the law are not systematically undertaken in practice. Changes in legislation will increase the number of civil servants needing to declare assets from 800 to almost 4000 and whilst only a fifth are subject to randomly selected verification these constraints are likely to continue. Therefore whilst it is listed as a main partner of the SAEK project in the preparation of the Integrity Plans and has an important role for promoting this as a corruption prevention measure under the Anti-Corruption Strategy, the actual scope of their involvement is likely to be limited. In addition, as Integrity Plans are monitored internally by the recipient institution the KAA will have no role in their oversight– their perception of the Plans as a tool is anyway somewhat negative as they note that they lack indicators, budget, means of implementation or sanction for failure. Therefore in this element of the project, the contribution of the KAA to integrity and transparency of institutions is expected to be lower than originally planned.

The KAA has a mandate to initiate investigations into allegations of corruption or administrative non-compliance by the public administration. Once it has deemed there are sufficient grounds, it forwards the case to the respective prosecution or administrative unit who begin their own investigation. Training as envisaged under SAEK is therefore logical and reflects their request, however there are concerns that the investigative role of the KAA may compromise that of the prosecution and thus the role of the Agency in this regard may be amended in the future. With training due to start only in May, there have been no effects yet.

In terms of the performance of the KAA, the number of criminal charges has dramatically increased since 2013 but this is due to the change in statute that made conflict of interest or failure to declare assets a criminal offense, rather than an improvement in performance of the Agency.

The project has created Integrity Plans for the municipalities of Pristina/Prishtine and Gjakova/Djakovica, with the KAA also nominally involved in the process as part of their training. These plans are comprehensive but are, as they note, not an end in themselves – their main function is to identify corruption risk and introduce integrity systems into the management processes of the municipality. In the case of Pristina/Prishinte, there have been some practical examples of better understanding of systems leading to changes and cost saving. However, the plans are broad, do not contain indicators or a process of monitoring and the recommendations are not budgeted, given time horizons or reflect management capacity to implement them. The municipality of Pristina/Prishtine notes that they have no capacity to monitor implementation as intended (although a monitoring report is supposedly imminent) which may represent a useful opportunity for any subsequent phase of SAEK. An important consideration for the success and replication of these plans is that the two municipalities that have developed them thus far have both been new administrations. This has a number of important consequences for SAEK and any subsequent assistance. On the one hand it is in the political interests of the new mayor to implement a ‘clean sweep’ of the previous regime, preferably using the process to identify wrong doing by the former administration. On the other, the majority of their operational staff were recruited under the previous administration and in a largely politically biased recruitment process, owe their loyalty to it. This makes implementing change difficult, especially when it uncovers wrongdoing. Attempting to implement Integrity Plans in municipalities with a sustained political control will therefore need a ‘demand push’ in the form of a range of tools to motivate citizens to demand their introduction and ‘supply pull’ coercion in the form of appropriate regulatory environment to force municipalities to develop them.

For the sector risk assessments, SAEK established Memoranda of Understanding with the respective ministries and ensured engagement from the Ministerial administration in endorsing the risk assessments produced (although they remain confidential). Again, these commitments are not enforceable but they bring an important level of collaboration for subsequent implementation. The long process of forming a government administration in the second half of 2014 delayed the start of implementation of the Integrity Plans for the target institutions and therefore it is difficult to judge their effectiveness at this stage. Issues that raise concerns include the complex nature of the sectors selected, particularly health⁴ and education; the limited amount of time for preparing the corruption risk assessment and Integrity Plan and the capacity of the recipient institutions to turn the Plan into an Integrity Management System and implement actions to reduce opportunities for corruption..

- *In Component 2: Assess the cases (number and type) that have been submitted to kallxo and the action undertaken as a follow up, how many of them resulted in conviction? What are the benefits of this approach??*

Kallxo.com is principally a news generation or public information tool used to enable citizens to engage with the state in a wide range of issues related to all aspects of the performance of the public

⁴ Conducted along with customs by the partner UNDP project on PAR, but the findings remain relevant for SAEK in the context of planning for future interventions

administration. It uses a very wide definition of corruption, including the underperformance of state officials. As such the majority of the complaints that it registers are for minor or petty administrative issues – such as for example sub standard municipal services - rather than grand corruption⁵. There are also more serious crimes reported that are also not corruption (such as terrorism) or complaints orientated around elections. This is important as the ‘headline’ numbers of complaints defined as ‘corruption’ gives a somewhat skewed perspective. There have been 4000 submitted complaints since the initiation of the tool, approximately 1000 per year. All complaints are investigated by a team of legal and journalist advisors and those that are deemed to have sufficient substance are forwarded to the appropriate administrative or criminal investigative branch of government. Detailed follow up is demanded and where lacking, pressure is brought to bear by the journalistic element in the form of television shows and interviews.

In terms of performance, an objective measure of the success is the number of cases which have been forwarded to the appropriate authorities and subsequently turned into formal indictments. However, this assumes willingness and competency on the part of the Kosovo authorities to investigate complaints in a timely fashion. Information on the progress of investigations is usually difficult to obtain, at least in part because of confidentiality rules. Progress on investigations is slow and can take up to two years for cases to be sufficiently progressed to be able to determine the outcome. There is a discrepancy between kallxo.com and the Kosovo authorities on the number of cases that lead to further investigation by the statutory authorities, which reflects the challenges in collaboration and also represents a good opportunity for future support. It is clear that collaboration with the state institutions is usually slow and often difficult despite the coordination efforts of the project. As an example, kallxo.com requested information in January 2013 on the progress of 63 complaints it had investigated and submitted to the State Prosecutor. It took until November 2013 for a response to be received on the actions taken – 24 had been forwarded to other prosecution offices and of the remaining, investigations had been started into two and a further ten had been concluded with various sanctions (around half related to corruption cases). Precise information on the number of convictions generated through the kallxo.com is not specifically gathered and would not be a good measure of performance as many of the concluded cases result in minor administrative sanctions. Whilst kallxo.com note that no cases have been rejected by the authorities, they are in many cases still waiting for responses. A list is included in annex.

Measurement by success of launching indictments also does not measure the benefits of kallxo.com in raising awareness of corruption and engendering engagement of the citizen in demanding their rights in service provision. Kallxo.com is very highly regarded by citizens and institutions; it has clear support of municipalities which have added it to their webpages and at least in some cases prefer kallxo.com over their own reporting mechanisms. It does to a large extent duplicate the hotlines and investigative responsibilities of the KAA who in theory perform a very similar function of preliminary investigation. Comparing the two approaches is difficult as the KAA hotline is specifically for corruption issues whilst kallxo.com covers a much wider range of complaints. It is clear that kallxo.com has developed into one of the most trusted structures in Kosovo.

⁵ The UNDP defines this as ‘Petty corruption refers to street-level, everyday corruption that ordinary citizens experience as they interact with low/mid-level public officials. Grand (or political) corruption generally involves much larger sums of money and normally affects the country as a whole, as well as the legitimacy of the national government and elites’. *A Users Guide to Corruption, UNDP 2008*

In other countries similar hotlines are orientated more towards information management and support for individuals to elaborate their complaint and submit it themselves to the statutory authorities, with appropriate follow up as necessary.

- *In Component 3: has the intervention resulted in an increase in ability of the judiciary to deal with the corruption cases?*

Training is ongoing to the institutions of the judiciary. As well as broader workshops on practices and principles in understanding and addressing issues of corruption and ethics, there are specific courses designed to improve the capacity of the ODP to both investigate cases and prepare reports and advocacy documents towards the judicial authorities. Coupled with the additional staff recruitment and the database for case management, this should both speed up and improve the quality of investigations by the ODP. However, as all elements of this component are still in progress it is too early to make objective comment on their effectiveness.

- *What key results have been reached by the project in active inclusion of citizens in fighting corruption and is the access to information strengthened?*

The contribution of the project to the results of including citizens and improving access to information can be best considered at the Kosovo level in the ongoing support to the kallxo.com portal and in the data analysis, visualisation and dissemination undertaken by Institute for Advanced Studies GAP and at the municipality level through the preliminary work on creating e-government portals and tools in municipality websites.

The specific key result has been the expansion of kallxo.com and its associated research and reporting structures, which has become an important part of the transparency and advocacy landscape in Kosovo.

In addition, an important result has been the toolkit of open data initiatives. Whilst they are to a large extent preliminary and need to be rolled out more comprehensively across Kosovo to generate substantial results (although they also complement other tools developed by complementary projects on both decentralisation and social media) they form the basis of cheap, flexible mechanisms that can be promoted towards local and central institutions.

- *What did the project contribute in generating change in the strategic and policy levels?*

Indicators on the contribution of the project to change at the strategic and policy levels are included within the project documents (change in position of corruption perception indexes) but are of limited use in making an attribution to the project itself. With most of the actions of the project that focus on institutional change still to be implemented, there has been little attributable change at the strategic or policy level.

In terms of the potential contributions at this level, SAEK is a member of the National Council on Anti Corruption and is therefore well placed to be able to support the main political instrument available to the Kosovo administration in coordinating anti corruption actions. However, this body appears to have reduced the frequency of its meetings in 2015 and this may have reduced its effectiveness.

Although Kosovo is not a member of the Regional Anti-Corruption Initiative (RAI – implemented by the Regional Cooperation Council) it can attend events via the UNDP, which contributes mostly intangible benefits such as exchanges of experience and representing Kosovo amongst regional peers.

The Integrity Plan for the Ministry of Health (completed by PAR) has been integrated into the new strategic planning for the Ministry and although it is too early to make substantive comment on its contribution to policy change at that institution it does bode well for the likely changes that can be expected from other institutions targeted by SAEK. E-government solutions for municipalities are creating change in the way that staff are being recruited through more transparent mechanisms and publication of historical procurement data and government spending and revenue raising is improving access to information. More broadly, open data exercises contribute to changing the way that institutions communicate with the citizens, although this remains at its early stages.

Key issues on effectiveness

Although too limited in scale to make a broader impact on corruption perceptions or significant change at the policy level, SAEK has created a range of tools that are implemented both nationally and at municipality level to increase awareness of transparency and corruption issues. Progress on improving the ability of the Judiciary to fight corruption will be most obvious on discrete actions to specific institutions and training would be better when matched with complementary assistance to support the change process.

The KAA has been closely involved in integrity initiatives but their capacity and mandate is likely to limit their role in expanding this in the near term as intended, but training on other aspects complemented by assistance from other donors is likely to improve their ability to deliver on their core functions. Overall a good start has been made with integrity plans but further support will be needed.

Kallxo.com struggles in its communication with the statutory authorities and complaints only infrequently turn into investigations and prosecutions but it is an increasingly popular and important tool in broader aspects of transparency. Mobilisation and motivation of citizens has focused on electronic tools and a range of novel approaches have been successfully developed and implemented by the SAEK. Expansion and elaboration of these, as well as inclusion of more traditional approaches, would be a useful focus for future assistance.

Efficiency

- *What are the obstacles which are hampering the implementation of the program through all three outcomes, if any? And what are the challenges?*

A summary of progress made towards the achievement of the project operational targets is included in the annex.

Elections at both local level in 2013 and national level in 2014 are likely to have made some contribution to the general delays that were experienced in preparing for the key training elements under components 1 and 3. Despite the use of MoUs and capacity assessments, it is clear that whilst beneficiaries will commit to implement the elements of the assistance under their responsibility this may not be reflected in their actual capacities to do so.

Engendering support for the aims of the project with municipalities and the sector government institutions targeted for the Integrity Plans is a lengthy process, requiring substantial communication and consultation to develop trust and understanding. A number of municipalities have approached SAEK more recently and the successful implementation of elements of the project may be encouraging others. However, as explained elsewhere in this review it may be more challenging to develop enthusiasm for transparency initiatives in those municipalities that have not experienced recent political change. With 28 new mayors (albeit not all with new political parties) there is a good potential for this to be developed in the future.

The quality, content and frequency of project reporting is not sufficient to enable the donor to develop a clear understanding of project progress – although the frequency is in line with the requirements of the contribution agreement. There is no measurement of project progress against indicators or critical examination of problems and weaknesses or updates on risk analysis which would all help to give a clearer overview of the potential results that could be achieved by the assistance. Some stakeholders noted that board meetings could be better structured with a clear purpose and documents provided in advance to enable members to digest their content. It is not clear that these are systemic weaknesses.

- *Has the programme efficiently used its human and financial resources by converting them into intended results (including cost benefit considerations)?*

Budget analysis for SAEK is challenging because of the blending of activities with other projects – two projects often contribute to the achievement of single outputs due to limited budgets within individual actions. The lack of clarity (the lack of indicator quantification) in the change that the project is expected to have makes objective assessment of value for money impossible at this level, although this should not infer that value for money is not achieved, or achievable.

Some comment can be made on individual elements of the budget against the planned and actual implementation of the project:

Training under components 1 and 3 are budgeted to occur evenly throughout the project but will in reality only occur in the final 18 months. Concentrating efforts in the second half of the project was to some extent unavoidable and post project auditing should ensure that activities have been delivered.

The only unit rates included in the budget of the programme document are for local management staff, which appear realistic and in line with what would be charged by consultancy companies under international aid contracts of other donors. Cost sharing with other projects for management staff is appropriate given the distribution of effort between them. Again, the specific identification of what will be achieved by SAEK and the other projects could be better defined to assess cost contribution. Rates of international UN staff from regional offices are reported to be within the norms established between the institution and The SDC.

Smaller line items in the budget for coordination activities, baseline and needs assessments and visibility actions are clear and reasonable for the scope of the outputs delivered. Equally component 2 is broken down into detailed line items that can be readily attributed to activities undertaken and these appear reasonable – however as noted elsewhere in the review these specific activities are often planned in an *ad hoc* manner and good budget management would suggest that they should be clearly structured into the project in advance. Planning in advance allows better determination of how specific measures will contribute – and are necessary for – the achievement of the wider project objectives.

The project is designed to use principally local staff as a cost saving measure and management costs (including the UNDP overhead) were agreed to be a maximum of 25% of the total budget costs for the three components of SAEK covered by the SDC. This appears high but comparison with other implementing mechanisms (such as technical assistance) is difficult because these normally have a profit motive. The project is complicated and many of the components time consuming to manage, but to the extent that this does not put undue administrative burden or contravene institution level agreements between SDC and UNDP, it would be clearer to reflect actual management needs in a detailed budget. Technical inputs from other UN staff in the form of training and technical support are additional to this (almost all of the €500.000 budget for integrity plans, risk assessments and training of the KAA and €250.000 in training the judiciary under component 3). The argument for using local staff is therefore not particularly persuasive and the overall project performance benefits of a specifically experienced senior project manager - both in terms of technical competence and influence with beneficiaries and other donors - should be carefully considered for any subsequent assistance.

The achievement of results or outcomes from SAEK is largely still pending. Where they are being delivered, such as with the reporting mechanism kallxo.com, the benefits are often difficult to measure. Much of the benefits of component 2 for example are in raising awareness which can be only partially measured in the number of people using online tools and the number of reports submitted.

There is no indication of financial contribution from the Kosovo authorities in the programming or reporting documents and the inclusion of a co-financing contribution would enhance ownership.

Key issues on efficiency

External factors affecting efficiency in the implementation of SAEK include local and Kosovo level elections. Additionally, engendering support especially at local level is a time consuming process and in some instances is only likely to bear fruit in the later stages of the project. Project mobilisation was slower than it could have been and project management quality could be improved to give a clearer and more objective analysis of progress and issues facing implementation.

Budget analysis is challenging because of the level of detail, limited results thus far and in some cases contributions of other projects to common UNDP objectives, but appears to be in line with expectations. Some clarification could be provided in the justification of management costs, which appear high.

Outlook

- *What is the outlook of the project for phase II and what areas could be possibly covered in the future?*

This review will include a planning workshop with key stakeholders to validate the performance assessment of the first phase of the project and fine tune the planning for subsequent actions. A retreat was held earlier in 2015 for project management stakeholders to define the scope of future assistance, but this needs to be reviewed in the light of the findings and recommendations of this report, as well as with subsequent discussion with Kosovo institutions to engender support.

- *Are the current partners sufficiently contributing towards successful implementation of the program?*

The KAA does not have the resources, structure or priority to adequately support the development and implementation of the Integrity Plans as originally conceived. This may change in the future as capacity issues and management evolve

Of the two municipalities implementing Integrity Plans, the municipality of Pristina/Prishinte noted for this review that it does not have the resources to monitor its implementation as expected although other information suggests that some form of review is imminent. It is likely that the comprehensive set of objectives and actions outlined by the municipality in the Plan will be beyond their management capacity in the short term, despite the exercise overall being useful to them.

EULEX is identified as a key collaborator in support to the judiciary and member of the steering board of SAEK, but appear to have a more limited operational role than envisaged. This is in part due to their uncertain future for some of the period of the project and their planned phasing out by mid 2016. However it has an impact on overall performance as training under SAEK was intended to complement technical support and oversight provided by EULEX. The EU Office responsible for IPA interventions of the EU is an active member of the steering board.

The role of the KJI is limited in the project to inclusion in the training elements to the judiciary although the precise extent of their involvement remains somewhat vague. They have potentially an important role in the sustainability of assistance by acting as a repository of training resources that can be replicated in the future, but their capacity to fulfil this role remains limited.

- *Are the existing components relevant for the future implementation of the program, and what is the perspective on their expansion or narrowing?*

The review makes a broadly positive assessment of each of the components, but overall it suggests that the holistic approach taken, whilst logical, is not necessary for overall project success and spreading resources over so many elements may fragment the impact. In the future, the UNDP should prioritise those areas of intervention where it has the most comparative advantage over other donors and thus the most chance of effecting institutional or community change.

For Component 1, it is clear that the KAA will not be able to undertake the planned role of monitoring the implementation of the Integrity Plans at either sector or municipality level as it does not have the experience or resources and its mandate on the issue is not clear. The beneficiaries of these plans are

also unlikely at this stage to be able to monitor their implementation or implement many of their measures as originally intended, although they are likely to derive some benefits from them. This is a clear role for subsequent assistance, especially on decentralised stakeholders.

For Component 2, the UNDP has a clear role in the development and communication of transparency tools, open government and other methods of engaging citizens in demanding transparent government. Kallxo.com has a clear advocacy role that should be continued and decentralised to other areas of the country. There is scope for support to strengthen the collaboration and communication between Internews Kosovo and government institutions.

For Component 3, whilst the UNDP has developed good experience in working with judicial institutions and has generally good access and collaboration, there are other large donors with greater political leverage to effect institutional change active in the provision of advisory support to these institutions. In order to be justified, any continuing role for the UNDP needs to ensure that it is closely aligned with the work and priorities of these donors, exploits a comparative advantage of the UN system and is designed to focus on specific change agenda and targets.

➤ *What are the main challenges ahead?*

The following challenges should be taken into consideration for the remaining period of implementation of SAEK and form the basis of the recommendations further elaborated below:

- Ensuring close collaboration with CoE experts for the integration of SAEK funded training into the development of the KAA;
- Close collaboration with the European Commission to ensure that any planned structural changes to the KAA are reflected in changes to the training programme;
- Monitoring of how training to KJC, KPC, ODP and KAA contributes to measurable changes in performance;
- Monitoring implementation of Integrity Plans at municipal level;
- Monitoring implementation of Integrity Plans at institution level, including development of subsequent supporting activities;
- Further work on improving communication between kallxo.com and state institutions;
- Monitoring the extent to which citizens use e-government tools integrated into institutional websites.

Conclusions

This review is intended as a management report to assist key stakeholders in both the final stages of the SAEK project and, more importantly, identifying issues that could be improved for the envisaged subsequent funding. As such, whilst the report strives for balance between positive and negative issues, its principle focus is on the elaboration of areas that should be reconsidered in the future and this may give the reader the perception that the performance of the project has been sub-optimal. It has not. In a particularly challenging environment and sector there have been credible actions and real progress in the implementation of measures and mechanisms that can contribute to improving transparency and ultimately reducing corruption. There are however important areas where corrective management actions can enhance the contribution of the project and improve the effectiveness of future assistance.

The UNDP remains an appropriate partner because it has the ability to interface with the range of stakeholders on both the demand and supply sides of the corruption issue, good access to technical resources, strong institutional memory of sectoral change and solid linkages to some of the key donors in the field. Future funding should concentrate on those actions that have been most successful and for this the knowledge, contacts and competence of the UNDP is not going to be available from other sources. Kosovo authorities need to take a greater stake in project results, specifically in clear commitments to the indicators set from both the political leadership as well as from technical implementing institutions.

Relevance

Overall, SAEK is relevant and the design addresses real needs and is well structured. It could focus better on the theory of change and using this analysis would have both strengthened the design and highlighted important internal and external factors – such as administrative capacity of beneficiaries and political will – that will have some negative effects on the overall project performance.

The holistic approach of SAEK is a logical design to address the range of demand and supply factors in the area of anti-corruption as well as build on experience and tools developed by the UNDP in a range of other projects. However, given the scale of the issue and the resources available from the project this approach fragments the effort which will compromise effectiveness. It is more likely to be successful if undertaken at a sectoral level, coordinating the financial, technical and political resources of all donors. Given the minimal effectiveness of existing coordination structures and the lack of a leading line institution, a clear role for ongoing donor support exists in ensuring effective collaboration and coordination.

Individual components logically contribute to the overall objectives of improving the performance of institutions and transparency of government. The change process is reasonably clear but could be better focused and the lack of measurability on indicators compromises the overall definition of what the assistance is expected to achieve. Local institutions are included in the design and implementation of the assistance but indicators set by them or with their inclusion would strengthen local ownership and engender commitments to real institutional change.

The use of technical advisors to leverage the contribution of training would improve its effectiveness and strengthen the credibility of the UNDP with both government institutions and donors and consequently the capacity of the project to drive institutional change. The current focus on providing

short input training workshops without embedded advisors needs good collaboration with other actors who are in place to strengthen the chances of effecting institutional change.

Effectiveness

Overall, the implementation is somewhat behind schedule and most of the more significant training and capacity building elements of the assistance are not sufficiently advanced to be able to make an objective assessment on effectiveness. Other activities in the field of transparency are more substantially progressed and offer evidence both of progress and of corrective actions

For Component 1, Integrity Plans have been developed for municipalities and a number of central government institutions and these have contributed to changes in organisational approach within these beneficiaries. This is however just the beginning of the process and further support is likely to be necessary to embed the concepts and strengthen monitoring. The KAA does not have the capacity to support the design, implementation and monitoring of corruption risk assessments and their attendant Integrity Plans as initially expected and so this aspect will need to be reconsidered in the future.

At the municipal level where two Integrity Plans have been adopted and in some cases at least partially implemented, the assistance is likely to be at least partially effective, but both target municipalities were new administrations and thus more inclined to accept change. Administrative capacity and budgets to both implement the Plans into Integrity Management Systems are not sufficient within these beneficiaries and is likely to require additional external support if they are to be achieved as initially conceived.

At the institutional level the corruption risk assessments and Integrity Plans were a useful tool and their planning process, whilst rather short, was inclusive. But implementation, monitoring and enforcement is likely to be a problem without the provision of ongoing resources to either the implementing institutions or any third party (such as the KAA) with an oversight role. The lack of a regulatory basis for the Integrity Plans, clear objective oversight mechanisms and capacity, measurable indicators and budgets suggests that ongoing political and financial support will be needed for effective implementation. Political leverage especially might be challenging.

Under component 2, kallxo.com has proved to be a very popular tool in promoting citizen rights and for transparency of all aspects of citizen interaction with the state. In terms of the number of complaints leading to criminal or administrative sanction it is not particularly effective but this is also due to limitations on the part of the statutory authorities in the investigation and prosecution of cases, many of which remain outstanding. There is a risk that kallxo.com will undermine or duplicate other reporting mechanisms from state institutions, even those that are supposedly more trusted according to opinion polls (such as the KAA). The potential to decentralize the tool and associated research capacity to other large towns would be a useful development. Various transparency initiatives in social media are good and have the potential for elaboration more widely, but the effects difficult to measure outside of the direct message recipients. A comparison with more traditional mechanisms of informing citizens that are deployed by others would be useful.

For component 3 where only limited training in the judicial sector has been completed and other activities remain in progress, training fits into institutional development requirements and is based on needs but lack of embedded advisors will compromise effectiveness. Again, especially when compared

to other actors, the ability of the UNDP to deploy political capital to engender institutional change remains unclear. At this stage in institutional development, any training in issues of anti-corruption, transparency and improving the capacity of judicial institutions in investigating and prosecuting are likely to be of some benefit to the individual judges who take part. Translating this into improvements in the prosecution of corruption cases will be difficult to attribute to SAEK - and highlights the need for more specific and quantified indicators – but should be more easily attributed to discrete elements of the project such as assistance to the ODP.

Efficiency

Overall, the project has taken longer than expected to implement due to both internal and external factors although it should be fully completed by the end of the contract. Insufficient information is available to make substantive judgement on cost effectiveness but the review raises some concerns over the transparency of overhead costs.

Project implementation is quite delayed in component 1 and 3 in part due to external factors of local and national elections and most of the key elements are being undertaken only in the second half of the period for implementation. This will limit the amount of performance monitoring and training assessment that can be completed before the end of the project.

Management costs per unit are reasonable, but the overall management costs accounting for a quarter of the project budget appears to be quite large although these costs were agreed in advance with the SDC.

Some specific activities appear to be defined in a rather *ad hoc* manner and the benefits of this ability to respond to short term beneficiary needs should be balanced against good management requirements for planning in advance.

Outlook

The holistic approach of the project should be refocused on those parts of the spectrum where the UNDP has comparative operational, technical and political advantage. The most obvious elements here include the further elaboration of integrity planning as UNDP is the only donor working in this area; support to coordination where UNDP has a role in the Presidency coordination function and the donors can provide political support; expansion and continuation of kallxo.com; developing and elaborating transparency initiatives, open government and the actions of NGOs; working with municipalities on implementing integrity actions and providing specific elements of technical assistance or capacity building into central government institutions where clear and discrete objectives can be targeted.

Better donor coordination of anti-corruption would ensure that other actors implement interventions in areas where they hold comparative advantages, would strengthen contributions of training from SAEK and enable donors and the government to take a more sectoral approach that would improve effectiveness. Given the weaknesses in coordination mechanisms established by the government this far, donors should expend political capital to drive this process through the re-energisation of one of the existing coordination mechanisms. It is however important that this is a decision taken to be by the whole of the donor community and therefore discussion and agreement at the MS+ or similar forum would be appropriate. It could, if time permits, be included in the forthcoming High Level Meeting on Donor Coordination (mid June 2015).

Future assistance should consider requiring the use of co-financing or other mechanisms to engender commitment (eg, recruitment of additional staff, agreement to revise legislation, statements of political support for the assistance and its objectives) from the Kosovo institutions benefiting from the project to promote ownership.

Recommendations

The following recommendations are targeted firstly at ongoing SAEK management to address specific and immediate aspects of programme management that can reasonably be introduced with a year remaining for implementation. Secondly, recommendations are targeted at the UNDP and contributing donors for the design of future assistance on anti-corruption activities.

Operational recommendations:

1. A close working relationship should be established between SAEK support to the KAA and the CoE project funded by the IPA that is about to start, to ensure that overlap is avoided and that the CoE will integrate the outputs of the SAEK into the process of institutional change;
2. Similar close collaboration should be maintained between SAEK and other donors / EULEX providing assistance to the ODP and other parts of the judiciary benefiting from training under SAEK to ensure that the training is used to generate the performance targets identified;
3. SAEK programme managers should determine how the implementation of Integrity Plans at institution and municipality level should be monitored as the KAA does not have the resources to do so;
4. Further, ongoing, efforts should be made by SAEK programme managers in the form of 'honest broker' to improve collaboration between kallxo.com and state institutions. This should consist of both objective actions such as ensuring clarity of understanding on the law regarding disclosure of information and identification of communication mechanisms to distribute information as well as softer actions of consensus building and removing the animosity between the parties. Communication mechanisms have to also include the KAA which is currently being side lined as kallxo.com sends complaints directly to the respective institution rather than through the Agency.
5. Training performance assessments (what the training has achieved for the beneficiary as opposed to whether trainees appreciated the trainers) should be developed now by UNODC for measuring performance at the end of the project.

Recommendations on future support:

6. Integrity Plans have made useful progress but will need ongoing funding and should be continued as an important pillar of future assistance. The approach to place the KAA at the heart of the knowledge process was good but needs to be reconsidered given the issues of lack of resources and clarity on mandate. A national integrity plan should be developed as part of the planning for future assistance by the UNDP to clarify the process and approach to introducing risk assessments and integrity planning more systemically throughout Kosovo institutions. For those institutions that have implemented Integrity Plans, further support should be provided to integrate them into management systems, undertake specific measures, tools or actions contained within them, provide monitoring and guidance and ensure inclusion in audit controls. The role of civil society and the development of integrity pacts could be explored as well as a more formal role of the institution and government audit authorities in the process. The role of the Ministry of Local Government Administration in endorsing integrity

planning should be clear as should the roles of other key institutions in this aspect of public administration reform including the Prime Minister's Office for oversight of good governance initiatives.

7. Changes in the leadership of the KAA in the next 12 months will be important to the future direction of the Agency in some respects and therefore details on their involvement in future assistance can only be developed once this occurs and levels of support from the new management can be determined. At this stage, programming for support to the KAA should focus on those aspects of its mandate that are at the core of its competence and mandate – ie asset declaration and conflict of interest.
8. Some good tools have been developed for transparency initiatives at central and local level and these should be developed further both through greater dissemination of information (open data) and more systematically across beneficiaries (municipality e-governance systems). A clear schedule of actions and activities for the duration of the assistance would provide greater oversight but the benefits of flexibility in funding interventions at short notice should also be included to some extent. Improving government performance is the ultimate objective of this element and so future interventions should include mechanisms to enable governments to provide better information or take ownership of tools produced by the project – for example, making public finance information available in digital form.
9. Future support should be continued to kallxo.com in its activities centrally and additionally to include both decentralization of activities to large regional towns and the expansion of the kallxo.com brand to other communication avenues outside of internet/social media.
10. Administrative management costs could be more transparent by being based on a clear schedule of needs rather than an agreed proportion of the budget in advance. This is of particular importance in the future as increasing the scale of the programme needs to lead to efficiency gains for the donors.
11. More broadly, SAEK was in some respects a testing ground for new or more recently introduced ideas, tools and approaches. Future assistance should build upon expanding or replicating those successful aspects of the programme (detailed in the conclusions) and any growth of the project to new technical areas should be strongly reasoned on servicing the overall objectives.
12. The UNDP should focus on those areas where it has a comparative advantage, technical competence and credibility to drive change – ie municipalities, civic engagement. Comparative advantage does not mean simply history of working with particular beneficiaries, but also includes recognised in-house technical expertise, thematic leadership on a Kosovo or regional level and clear political leverage to effect changes in institutions. The provision of relatively small scale training resources in other areas remains important, but if proposed should be accompanied by a clear understanding of collaboration with other donors if it engages in sectors where UNDP may not have political capital to leverage change.
13. Coordination in the sector needs to be improved. None of the three coordination mechanisms function as they should and the political will that a policy level institution would generate is missing. Anti-corruption is a political priority of the donors and therefore it is a political role for

the donors to pressure either the President or the Prime Minister to re-energise the existing coordination mechanisms so that they become functional expressions of Kosovo political commitment to both the general principles and to the specific objectives established in future assistance (SAEK and others).

14. Programming of future assistance needs to be based clearly on the theory of change and the planning process involve Kosovo level stakeholders from an early stage to ensure support and commitment to indicators defined and quantified. Identification of risks and externalities that can be internalised or otherwise addressed by mitigation strategies using donor political support as necessary should be an important process. Co-financing should be considered as well as other mechanisms of political support to the objectives of the programme to engender ownership.
15. Given the scale of SAEK and its needs to effectively collaborate to engender institutional change, the UNDP should consider the merits of recruiting a single project manager with sufficient technical credibility and experience to engage at senior levels with both beneficiary institutions and collaborating donors.
16. Although some details of future support will need additional analysis and some beneficiaries such as the KAA will go through institutional change before activities for them can be confirmed, future assistance to UNDP must be mobilised much faster than SAEK I. There is great merit in taking sufficient time to properly target needs but implementing actions need enough time to embed and if necessary identify corrective actions before the end of the project.

Annexes

[Annex 1 Investigated complaints submitted by kallxo.com to Kosovo institutions](#)

Anti-Corruption Agency – 14 cases submitted, 6 responses received;

Basic Courts – 4 cases submitted, 1 response;

Basic Prosecutions – 8 cases submitted, no response;

Commission of Verification of the Status of War Veterans – 2 cases submitted, no response;

Constitutional Court – 1 case submitted, 1 response;

EULEX – 1 case, 1 response;

KEDS – 1 case, 1 response;

Kosovo Chamber of Advocates – 2 cases submitted, no response;

Kosovo Judicial Council - 9 cases submitted, 1 response;

Kosovo Police – 6 cases submitted, 4 responses;

Ministry of Administration of Self-Governance – 2 cases submitted, 1 response;

Ministry of Culture – 3 cases submitted, 2 responses;

Ministry of Education and Science – 5 cases submitted, 3 responses;

Ministry of Finance – 2 cases submitted, no response received;

Ministry of Foreign Affairs – 4 cases submitted, 2 responses received;

Ministry of Infrastructure – 5 cases submitted, 1 response received;

Ministry of Internal Affairs – 2 requests submitted, no response received;

Municipal Departments of Education – 7 cases, 2 responses;

Municipal Departments of Public Services – 11 cases, 2 responses;

Municipal Health Departments – 2 cases, 1 response;

Office of Disciplinary Office – 6 cases submitted, 4 responses received;

Ombudsperson – 2 cases , 1 response;

Police Inspectorate – 3 cases sent, 1 response;

Presidents Office – 1 case submitted, 1 response received;

Procurement Reviewing Body – 1 case submitted, 1 response received;

Prosecutorial Council – 3 cases submitted, 2 responses received;

Public Procurement Regulatory Commission – 3 cases submitted, 3 responses received;

Regional Water Company – 5 cases submitted, 4 responses received;

Special Prosecution – 3 cases submitted, 1 response received;

State Prosecution – 20 cases submitted, 8 responses received;

Electoral Panel for Complaints – 23 cases submitted, 23 responses received;

Annex 2 Planned deliverables compared to actual deliverables

Output 1: Strengthened capacity of the KAA				
Targets year 1	Targets year 2	Targets achieved	Targets year 3	Expected to be achieved?
Corruption risk assessment in selected institutions conducted	Integrity management systems developed within key institutions	Corruption risk & Integrity Plans developed in health, education and mining – implementation to begin	KAA integrity and oversight systems in place	Role of KAA in oversight of integrity systems uncertain
Corruption risk assessment in key service areas conducted	Integrity management systems developed for key service areas			
Corruption risk assessment in five municipalities conducted	Local M&E integrity plans developed	Corruption risk assessment & Integrity Plans in two municipalities completed. No M&E system thus far	M&E instruments in place to enforce integrity and oversight systems at the local level and within key service areas	Resource constraints likely to negatively impact on M&E instruments, especially at local level
Knowledge Management System developed.	At least 3 capacity development activities implemented.	Knowledge Management System functional; Capacity development needs identified	At least 3 capacity development activities implemented.	Planned & budgeted. Can be expected to be achieved.
Output 2: Civic engagement in strengthening transparency and accountability				
Targets year 1	Targets year 2	Targets achieved	Targets year 3	Expected to be achieved?
Target municipalities have established at least one social media platform to tackle at least one identified business problem.	20% annual increase of percentage of citizens using municipal ICT tools	22 municipalities have put the kallxo.com platform on their websites. No information collected on citizen usage of ICT tools	Sustainable social media mechanisms have been established by target municipalities and will continue to be functional after the project closure	Clear social and cost benefits thus far, so can be expected to be achieved. Likely to need ongoing support
30% annual increase of percentage of citizens using www.kallxo.com to report corruption.	20% annual increase of percentage of citizens accessing and contributing to municipalities' social media platform	Kallxo.com usage remains steady at around 1000 reports per year	Citizens play an increasing role in determining municipal decision making	Town hall meetings in Pristina have increased attendance. Can be expected to be achieved
At least one innovative social	Target municipalities have established at	Gjakova/Pristina have a range of	Social media solutions are	Can be expected to be

media solution and mobile phone application has been developed to engage citizens in social accountability efforts.	least one additional social media platform based on the lessons learned from year 1	web based actions under development, including e-recruitment, one stop shop, e-procurement	introduced in other municipalities and the national level.	achieved. Likely to need ongoing support
Output 3: Judiciary better able to fight internal and external corruption				
Targets year 1	Targets year 2	Targets achieved	Targets year 3	Expected to be achieved?
Functional Knowledge Management System developed		Coordination mechanism functional	At least 2 sub-regional knowledge sharing events organized	Can be expected to be achieved
ODP/KPC/KJC needs assessment completed and training curricula determined.	Operation manuals and standard operation procedures for the ODP, KJC and KPC drafted.	Report on Judiciary Integrity finalized late 2014.		
At least 1 training programme implemented on each internal and external corruption investigation.	At least 3 training programmes implemented on each internal and external corruption investigation.	Training slightly delayed but ongoing	At least 2 training programmes implemented on each internal and external corruption investigation.	Programmed and budgeted; can be expected to be achieved
ODP office functional.	Number of corruption cases processed by the ODP increased by a minimum of 20%.	No results yet as interventions only recently started. ODP is functional	ODP is self sustaining and self sufficient.	ODP will always be reliant on central financing but new rules will increase independence