

Dr. Padraig Walsh
President of ENQA

Kuopio, Finland, 30 July 2014

Subject: External review of Kosovo Accreditation Agency KAA

Dear Padraig,

In its meeting on 18 June 2014, the Board of ENQA had considered the final review report of KAA. In its letter of 27 June 2014 to me as chair of the panel the Board was especially concerned about the notion of independence (ESG 3.6), and the panel's interpretation on this issue.

Fully in line with the ENQA Board, the panel considers independence of an Agency as one of the most crucial criteria for ENQA membership. The panel wishes to clarify the issues and answers to the concerns expressed in your letter of 27 June by reflecting on the following topics, namely,

- evidence of independence
- perception of independence by KAA
- perception of independence by outsiders
- additional considerations.

Along with this, the panel will also expand on further and more extensive clarification of the roles and status of KAA in the higher education sector in Kosovo, also considering the special political status and the roles of the donors in the country.

1. Evidence on independence

The main official documents relating to the status of KAA are:

- *Law on Higher Education in the Republic of Kosovo (No. 04/L-037), article 7*
- *Administrative Instruction on Establishment of Kosovo Accreditation Agency (No. 11/2004)*
- *Administrative Instruction for Accreditation of Higher Education Institutions in the Republic of Kosovo*
- *Statutes of Kosovo Accreditation Agency*
- *Regulation of National Quality Council*

The review report focuses on the fact that KAA's independence covers the whole range of its activities, namely, the planning and organisation of external evaluation processes, the selection of the members for review panels, and the decision-making process regarding accreditation and re-accreditation.

The review panel noted that the main guarantees and evidence of independence consist of the fact that the expert panels are composed exclusively of international experts, and that the selection of them and their advance training are conducted under the full responsibility of the KAA Board. The procedures for the involvement of international experts in review panels are based on *Law on Higher Education in the Republic of Kosovo (No. 04/L-037) article 15*.

Furthermore, guarantees of independence consist of the facts a) that all decisions for accreditation and re-accreditation are taken by the Board of KAA, with a majority vote, and, b) that all decisions are taken on the basis of the evaluation reports received from the international expert panels, without any possibility of interference from MEST (or of any other organ of political influence) or from the part of HEIs.

Your letter of 27 June points out that the fact that the members of the KAA Board (National Quality Council) are formally appointed by the Minister of Education according to the *Law on Higher Education, article 7.4.*, could be seen as being problematic from the standpoint of independence. However the Law defines quite clearly and strictly the capacities and competencies of the Board members. They must be experts in the field of higher education, with competence in evaluations and judgments. Three members of the Board must be international experts with the same qualifications. The panel also understood that a new Law is being prepared and probably passed by now, that the Board members be appointed by the Parliament, making the process more transparent.

Also, your letter indicates as 'problematic' that the Executive Director and the administrative staff of KAA are appointed by MEST, and the selection process is managed by MEST. The panel, and indeed KAA itself, would perhaps wish for more self-control and autonomy on this matter. However, in a small country like Kosovo, it can be perceived that the risk of favouritism in appointments of the staff is significantly reduced by having appointments by MEST, with its foreign donor influence, than by a relatively small agency itself. As will be discussed later in this letter no single stakeholder did indicate any concerns or complaints on this matter.

In terms of operational independence the panel took note of the fact that KAA is funded by MEST, which also receives money from external donors for this purpose, and also through the income it generates from accreditation fees from the HEIs. However, a certain proportion of the self-generated income enters the State budget as determined by the Ministry of Finances and agreed upon in budget-allocations. Even though the panel understands KAA's feelings of financial and bureaucratic constraints the panel can hardly see this as restricting the independence of KAA, but rather as an issue affecting efficiency and effectiveness of KAA.

Furthermore, your letter of 27 June refers to the practice that decisions on accreditation are presented to MEST which then grants the formal recognition. However, in Europe it is not uncommon that formal government decisions with regards to funding and official status are based on quality judgements. Besides there has been a proliferation of private institutions in Kosovo, and they can operate only after a formal accreditation, followed by governmental recognition. The panel received strong assurances from both MEST and KAA itself that in no case there has been any interference in the quality judgments of KAA by MEST.

A special issue which is mentioned in your letter is the case of the appeals committee. In its review report the panel has covered this issue under 4.6 (p. 26) and 4.8 (p. 28). The panel's conclusion was clear that the envisaged appeals committee is not fully aligned with the ENQA standards. The panel however felt that this is more an issue of 'due process' than directly of independence. Also, in

KAA's response to the review report, the Board of KAA is already taking provisions to come in line with ENQA standards.

Overviewing the documentation and the information received during the site visit in Pristina, the review panel concluded that the independence of KAA in practice is consistent to its stated purpose as stipulated by the laws and other documents. The panel wishes to repeat its opinion that KAA conforms to ESG 3.6 Standard and Guidelines, with full compliance.

2. Perception of independence by KAA

In your letter of 27 June you refer to KAA's perception of its independence. As indicated in the review report (p. 24) KAA considers the current situation as regards independence as quite good, but it is also aware that its independence may be somewhat fragile, and in need of further consolidation. The review panel understands this concern for fragility as being related to the ongoing transitional and still unstable period during which the young Republic of Kosovo gradually consolidates its independence from outside donors, and keeps on building on its own democratic/political institutions. This concern is also included in the KAA's strategic plan as one of its key priorities and objectives for the period 2014-2018.

The panel also understands that this consolidation cannot be achieved through legislative measures only, but also through initiatives focusing on a perception of the concept of independence in its deep sense. The strategic plan of KAA aims at increasing its visibility and credibility of KAA as an independent agency through continuing its cooperation with various media and, furthermore, to explain its importance and added value towards the HEIs and the general public as well. In parallel, the strategic plan considers full membership in ENQA as a guarantor of its independence, or at least as a significant step consolidating the Agency's independency in the long run.

During the site visit both the KAA Board and the Executive Director expressed some concern about certain financial and bureaucratic constraints set by the Ministry of Finances, and thus about KAA being too much embedded in MEST. Although this 'embeddedness' is understandable as an expression of anti-corruption measures in the Republic of Kosovo, the freedom needed for a kind of entrepreneurial activities by KAA is felt somewhat limited. The panel understands this feeling, but does not interpret it as restricting independence.

Overall, as regards KAA's perception of independence the review panel came to two conclusions. Raising the issue of independence in the Strategic Plan 2014-2018 is not an expression of current challenges or current problems, but that future measures should be considered as an effort by KAA to cope with some future threats, especially concerning the hypothetical 'fragility'. Likewise, in terms of operational independence the present situation is rather an issue of efficiency and effectiveness of the work of KAA rather than an issue of KAA's independence. Yet, future KAA activities would benefit from more autonomous self-control in this matter.

3. Perception of independence by outsiders

During the site visit, the review panel had the opportunity to hear and discuss perceptions on KAA's independence from a number of independent outside sources: rectors and heads of HEIs, representatives of teaching staff and students, external stakeholders, international experts, representatives of donor agencies/countries, etc. All these sources emphasized strongly that KAA is

definitely seen as an independent and professional decision-making body. Many of the interviewees expressed their special appreciation of this, and considered KAA as a good positive example for Kosovo's higher education and its future development at large for good practices and in eradication of corruption. Even after the site visit the panel received a statement from an outside donor agency, which cooperates with KAA, praising the European standards that KAA maintains.

4. Additional considerations

The overall context and environment where KAA is operating is one of a recovery process from the recent war, and of a gradually loosening of a centralized government structure. This process certainly takes time, but it is also assisted by several international agents.

The review panel feels that the principle of independence is strongly embedded in the overall workings and philosophy of KAA, maybe even in an exceptionally solid way. The panel was also impressed by the apparent and strong culture of professionalism and independence shown in the overall workings of KAA, much more than just relying on the formal laws and regulations.

Hopefully this information will assist the Board of ENQA in reaching the final decision on the possible membership of KAA in ENQA. Naturally, I am fully available to answer any further questions that might arise during the process.

Yours sincerely,



Ossi V. Lindqvist, Prof. em.
Chair of KAA Review Panel