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Consultation document

Name of person / organization commenting:

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The main action areas of the organization:

Ms. Viertel has an extensive experience in VET system reforms in Central and East European countries, and recently with a particular focus on Albania and Kosovo to adjust VET/ skills development and labour market policies and systems. She has retired from ETF, where she served for 28 years as ETF Country Manager of Estonia, Slovenia, Croatia, Albania and (most recently) Kosovo. Her duties in this position included among other overseeing VET reforms, modern VET legislation, social dialogue, and defining the roles and mandates of national VET agencies.

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Comments:

The present Concept document is a fine, diligently crafted paper, which contains useful analyses and considerations and points in the right direction.

The Concept document correctly states that the current (interlinked) problems in Kosovo's VET system comprise: the lack of a systematic labour market/ skills needs identification system; the persisting mismatch between VET (profiles/qualifications & standards and curricula/programmes) and the labour market, incl. inadequate enrolment plans; VET teachers' skills and professional development; the lack of teaching materials; inadequate school infrastructure, equipment and places for practical learning; the lack of a proper school-business cooperation, as well as the lack of counselling and guidance services. The current VET funding formula (per capita funding) does not take into account the procurement needs (notably workshops, equipment and consumables), as required by the various VET programmes. There is no systematic quality assurance system in place

that would cover all aspects and levels of the VET system, with feedback loops back into policy planning and financing (p. 6-7).

More specifically with regard to the governance and management of VET, “the current institutional structure is very complex, spread over many decision-making levels, fragmented in a non-proportional format in relation to a legitimate goal and, above all, distracted in some not very clear directions of responsibilities. Such institutional complexity also contributes to the lack of consolidation of internal mechanisms for quality assurance at the micro level (of initial VET institutions). As a result, there is a lack of systematic monitoring of the VET system and regular reporting on quality and development, which would inform and facilitate the design and planning of strategic policies.” ... Furthermore, “there is a serious lack of accountability (from the school/municipal level) to central institutions, market participants/ industries, to end beneficiaries, the graduate community, etc. regarding the results of graduates in the labour market” (p. 6).

The focus of the first part of the Concept document is primarily on „increasing the effectiveness of the institutional infrastructure for VET in the Republic of Kosova”. This shall mainly be done by merging and reorganizing the hitherto existing national Agency for VET & Adult Education (AVETAE) and the National Qualifications Authority (NQA) into one new agency – the National Agency for VET and Qualifications (NAVETQ) with an expanded mandate. The creation of a new, strong national VET agency is hoped to “enable simplification, consolidation and increasing the effectiveness of the institutional structure”. In particular it is expected to: “to clarify the lines of responsibility, simplify strategic planning, create a clear decision-making cycle for all issues related to the implementation of legislation, and also increase the accountability of providers in this field” (p. 6). This is a necessary next step, which would require a new piece of secondary legislation (sub-legal act) to regulate the establishment and operation of NAVETQ.

One understands in more detail from page 23 onwards, especially with Option 3.3. (p. 25ff), that MESTI’s ambitions go far beyond that, targeting a major reform of the entire VET system. We fully support this ambition for the following reasons.

Kosovo’s secondary education system has essentially remained a “pre-university education system”, subsuming general and vocational streams, by and large, under the same institutional structure and pieces of laws and regulations. Secondary general and vocational education are governed by the same educational authorities, follow the same financing rules, share teachers, general subject curricula and other resources. Where specific VET institutions in Kosovo have been created, they have remained ill-resourced and with a limited impact. Despite yearlong efforts social partners are still not involved, in a systematic manner, in VET policy design and implementation, while individual business representatives are reluctant or unable to support VET provision at the local level. There are reasons pertinent to the social partner and business structures themselves, but also a lack of structured mechanisms at national, municipal and school/ training providers levels that would involve business partners on an equal footing with public education actors. Thus, with exceptions, VET has remained rather education/ school-driven and with little bearing on what Kosovo’s labour market needs or demands. Social partners/ businesses are important actors if VET is to become more relevant. This cannot be solved by a bureaucratic institution like NAVETQ alone – as needed and as strong as it might be.

Hence, we support Option 3.3, or the drive for wider VET reforms, starting with a revamping of the existing base Law on VET (and amendments to related Laws, such as the Law on the NQF). The Concept document itself states that there is “a set of unharmonized legislative acts and spread over

many instruments” (p. 21). There are problems with the existing VET law, as it does not regulate all aspects of VET in a comprehensive manner, it misses out on some elements, nor does it make cross-references to all other laws that touch upon the one or other aspect of VET. There may be contradictions of VET regulations with those devised for all forms of pre-university education and which VET actors tend to follow in case of doubts. Pages 7-16 provide an initial, useful list of pieces of primary and secondary legislation that relate also to VET (without necessarily taking into account the specificities of VET). Also, in the course of the years, based on VET donors’ innovative projects and initiatives, a major stock of new sublegal acts has been developed whose essence needs to be assessed and integrated into a new basic VET law. **The Swisscontact MSJ project can provide a possible structure of a new base law for VET.**

If Kosovo wants to build a VET system that better responds to the needs of local and international labour markets, it needs to identify, specifically regulate, and institutionalize the key VET functions essential for a modern VET system. The Swisscontact MSJ project can come up with an overview of what these functions are. We could then, together with relevant actors, work through this list and identify the actors/ institutions in charge including possible legal, resource or accountability issues. The suggested NAVETQ can embrace many of these key VET functions but by far not all, as argued above.

As a way of warning: crafting a new VET law is not a quick fix; it is a highly complex, lengthier undertaking. The structure and contents of such a new law cannot be drafted by a team of local experts or international consultants as a one-off initiative. There is no blueprint nor standard solution: every provision of the law needs to fit Kosovo’s context (including the context of scarce resources). Designing a VET law rather requires many discussions on all individual functions or aspects of VET system development with the actors directly concerned in Kosovo, involving also the social partners at all levels. It is a process of consensus-building (in the literature referred to as problem-solving through communities of practice) for two reasons:

- 1) no single persons or persons at the central level, let alone strangers to the country, have all the wisdom of how certain aspects of the system function at the moment, how they should or could function in the future, what are barriers to change and how they could be overcome; and**
- 2) this way ownership is built into the process right from the start.**

We are talking here of a minimum of 1 or 2 years for developing the basic or frame VET law, and about the same period for sorting out relevant pieces of secondary legislation. The risk of not carrying out such a consensus-building process is not only an ill-designed VET law, but also the fact that the actors who are to implement the suggested legal solutions are then not willing or able to do so. In other words, the current status quo.

Of course, in order to be able to implement all legal provisions assigned to the different actors/institutions, they need to have clear legal mandates or frames of reference and be adequately resourced in terms of human and financial resources. The latter seems to be underestimated by the Concept document stating that “The implementation of the policy is expected to have a (p.27:) negative budgetary impact; the fixed expenses for merging two agencies into one will be reduced” (p. 4, repeated on p. 27) ... as if NAVETQ would not need more human resources and an operational budget to carry out the assigned new functions, incl. e.g. monitoring and reporting, VET teachers’ professional development etc. Only if these

preconditions are met, does it make sense to also make actors/ institutions accountable for their actions in line with policy and legal frameworks, or also accredit providers.

In conclusion, the Swisscontact MSJ project, would support MESTI's efforts to move forward with this Concept document, even the way it is, and then engage in the VET law design process, jointly with all relevant actors in Kosovo and within a reasonable timeframe.