

**GOOD GOVERNANCE**

FOR OPENNESS AND  
ACCOUNTABILITY IN POLITICS  
AND GOVERNANCE

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# **Openness of Institutions of Executive Power in the Region and Kosovo**

**Proposals for the improvement of the current state**



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## INTRODUCTION

In cooperation with partners from a regional network NGO “Action See”, Open Data Kosovo (ODK) prepared a policy paper which analyzes the level of transparency, openness, and accountability of the executive power in the region of Western Balkans.

The paper constitutes a result of a comprehensive research rooted in rigorous methodology, conducted by members of the ActionSEE network over the period of several months. The aim of the research is to determine the actual state-of-affairs in the region through an objective measurement of openness of the executive power, and to offer recommendations for improvement. The project also strives to improve respect of the principles of good governance, among which openness occupies a significant place.

The policy of openness must be the policy of all governments in the region and must be designed with a similar level of care and detail as other significant policies. A policy of openness must not succumb to the sway of political will as well as it must not be a result of a current decision or of a current mood of power. While each regional country has its own specific political conditions, different circumstances and challenges, there is space for joint regional efforts to work towards improving the level of openness of their executive bodies.

Introduction of the concept of open government in the Western Balkans was most commonly dictated by integration processes or motivated by the improvement of the international reputation of a country through the participation in initiatives for open public administration. The essential internal need for openness is often neglected, despite the fact that governmental openness to citizen engagement is an important precondition for the creation of public value.

This approach leads to a problem regarding the implementation of rules of transparency and openness, especially at lower levels of public administration where social importance of this approach is not recognized, but is considered an unpleasant obligation imposed by international requests. Therefore, the policy of openness in the region requires not only an expression in strategic documents, but also vocal advocates for the concept of open government at the highest levels.

Our proposal is addressed to decision-makers at all levels in the countries of the Western Balkans: governments, ministries and executive agencies. It will be of interest to the representatives of international organizations and colleagues from the NGO sector dealing with the related issues, and general public who want their government open.

In order to achieve a public dialogue of higher quality regarding these topics, a series of public events will be organized, at which all interested stakeholders will be invited to share their views and propose joint sustainable solutions for development in this area. In addition, we will respect principles of transparency of research and keep institutions abreast of all details of its conduct and adopted conclusions. We remain at anyone's disposal for all suggestions, benevolent critics and discussion regarding our policy paper.

## Openness of institutions of executive power from the region

The analysis reveals similarities and differences regarding the state in this area between the different countries of the region. Generally, results indicate that from the regional perspective the openness of executive power is not at a satisfactory level. It approximately amounts to only 41% of fulfilled indicators. Clear, consistent policies of openness grounded in strategic documents do not exist. A change of approach and treatment of this important segment of functioning of current and future governments is necessary. Each country has its own specific political conditions in which it develops transparency and openness policies, which will be dealt with in the second part of this document. However, there is space for regional cooperation for improvement in this area. No strategic approach to openness exists in the countries of the region. On the basis of the collected data, it can be concluded that openness is treated on ad hoc basis and in most countries the policy of openness, which would be equal to other policies of executive power, has not been created. The policy of openness most often represent a display good will from the side of the executive power rather than a policy that should be developed and implemented in its own right. As the matter stands, openness policies in the region are compilations of various rulebooks, acts and obligations, instead of a consolidated philosophy or approach actively promoted by governments.

*Transparency, openness and accountability in good governance represent basic preconditions for high-quality executive power and they must not be treated as gifts for citizens.* The policy of openness should not depend on external initiatives, but it must be a part of internal policies. Only then all international initiatives obtain their full affirmation as they can build on existing healthy foundations in each Western Balkan country. In a participatory process, it is necessary to adopt strategic documents and annual action plans that deal with the development of openness. It is necessary, within countries, to plan development and equalize the openness of institutions of the executive power. The differences are currently enormous and vary from institution to institution. After the introduction of strategic planning, it is necessary to consider adoption of law on the Government and ministries. Our monitoring has shown several “critical points” i.e. critical obstacles to the development of openness in the region.

## Transparency and communication

Governments must pay special attention to the **implementation of laws on access to information**, which, generally, does not offer satisfactory results. The attention must also be paid to independence and current capacities of institutions responsible for the implementation of laws.

Communication with citizens is the next important segment, which must be significantly improved in the following period. Apart from classic methods of communication, executive power must use more modern ways of communicating with citizens. Respecting the principle of publishing data in open data<sup>1</sup> formats represents a regional problem. These formats would increase availability and facilitate citizens' data collection.

## Planning and spending of public funds

Special attention should also be paid to the strengthening of financial transparency given that regional governments do not have a completed practice of publishing financial information and documents.

Institutions of executive power that publish information on budget, which would make this document understandable for citizens and explain which type of services they receive for contributions made to the country, are very rare. In addition, information regarding how planned funds were spent are very sparse. It is necessary to make visible all payments from the state budget and give citizens an opportunity to personally control this spending.

1) Open data are data structured in computer-understandable format, which provides opportunity of free and repeated use.

In addition, plans for public procurements are not published on the official websites of the executive power, while calls and decisions regarding public procurements and belonging contracts and annexes to agreements were not available in most cases.

## Efficiency, effectiveness and citizens' expectations from elected representatives

A significant question of functioning of the executive power and its openness towards citizens is a creation of clear and publicly available indicators of success of government policies. Accountable powers transform their electoral promises in official state policies, but they also create an opportunity for citizens to check its results.

Regional governments should establish methods and procedures for high-quality control of their policies. Adequate methods of measurement of their policies' performance do not exist. Sufficient attention was not paid to the establishment of the unique method according to which ministries would inform the Government about their work on an annual basis. All stated items negatively reflect on informing citizens about performance of public policies.

## KOSOVO

### Openness of the Executive Power in Kosovo

Kosovo comes in the third place in the openness of executive with an overall score of 39.95%. However, there is scope for significant improvement. The absence of strategic planning and promotion of openness as a national strategy represents a significant obstacle to further progress. Openness of the executive power lacks consistency and is approached in an ad hoc manner, rather than tackled strategically. Moreover, openness significantly decreases as one moves towards bodies which are lower in the hierarchy: the core executive, the Prime Minister's Office scored 60.80%, Line Ministries 40.40% and Executive Agencies 18.64%.

## The Government of Kosovo, Prime Minister's Office

The Government of Kosovo has the second best regional score of openness, corresponding to 60.80%. Kosovo has an openness problem when it comes to accessibility that is related to complying with the procedures for free access to information. It is in this category that Kosovo received the lowest score (65.38%) of all countries of the region. The infrastructure for access to information is present, and the law on free access to public documents which regulates how the FOI works is in place. The institution has a designated person who deals with FOI requests and there is a reasonable minimum time limit for responding to requests. However, the right to access to information does not seem to apply to state owned enterprises, public companies, or other entities that are owned or controlled by the state. The institutions fail to provide a list or register of the available documents in their possession and make them public, even though it is foreseen by the law.<sup>2</sup> This is a practice which would simplify the procedure for both the public official and the applicant. It is a common flaw found in all countries of the region, but is relatively simple to implement and would immediately increase Kosovo's score.

The core executive is also lacking in a more active interaction with citizens, in which Kosovo scored the lowest in the region of Western Balkans. A first step towards improving this aspect of openness would be to switch to more modern ways of interaction with citizens, like Twitter and Facebook. Kosovo scores relatively high on the public consultation indicators amounting to 68.75%. Creating a mechanism for enabling citizens and stakeholders to challenge decisions, where the proper process of public consultation has not been carried out, constitutes an area for improvement.

### Awareness/Effectiveness: - Monitoring, Reporting, Strategic Planning

Kosovo has the lowest score on awareness/effectiveness out of all Western Balkan countries, scoring only 24.96%. One of the main elements missing at the level of Core Executive is the overall evaluation and monitoring of projects and policies. A contextual overview shows that Kosovo has been exposed to a lot of donor driven projects and policies. However, there is no mechanism in place for monitoring the performance of these projects and policies and the impact of reform programs and plans. The progress or regress goes undocumented, which poses a great openness challenge as well as an inefficiency risk.

2) Law on Access to Public Documents, Article 10.

## Integrity

One area in which the Core Executive is performing well is the declaration of wealth via asset cards, managed by the Anti-Corruption Agency, which in our study falls under the category of Integrity. Integrity indicators are related to the declaration of wealth, code of conduct and conflict of interest, in all three processes are regulated and give this institution a score of 100%.

## Transparency

One of the biggest pitfalls of Kosovo's Core Executive is budgetary transparency. The official website does not contain the budget expenditure and the final accounts. There is no information on the level and composition of public debt, debt servicing, and how the debt is being managed. The official gazette of the country contains the overall budget that covers the overall spending of Kosovo institutions. However, the website fails to provide accessible, understandable and comprehensive information on the planned budget and government spending.

## Organization Information

The Core Executive of Kosovo scored above average 63%, when it comes to transparency in organizational information. The website is generally well populated with press releases of Government sessions, official documents, reports, strategies, annual work plans and to some extent information on civil servants. However, there is a problem with the consistency and organization of such documents within the website. The information is not always presented in country's three official languages, the reports are scattered around and do not follow a specific pattern. The website search engine does not work properly which makes it difficult to look for items within the website.

## Public Procurement

The major problem when it comes to transparency is public procurement. Kosovo is behind Montenegro, Serbia, Bosnia and Herzegovina, and Macedonia, with a score of only 40%. The website of the Prime Minister's Office fails to provide procurement plans and results. An effective way of significantly improving the transparency score would be to publish procurement regulation, plans and results on the website in a way that can be accessed by the citizens.

## Ministries

Ministries of Kosovo fulfil the criteria of openness by 41%.

Kosovo Ministries scored quite low on **Accessibility**. A pattern of low scores can be seen in NGO participation in drafting laws. The score is quite low also for the calls, outcomes, reports and evaluations of public consultations. In this aspect, Ministry of Youth, Culture and Sports and Ministry of Environment and Spatial Planning stands out with the highest score of 51%, while Ministry of Education, Science, and Technology scores lowest with only 10%.

When it comes to Awareness, Kosovo ministries, just like the Prime Minister's Office, score low on monitoring and evaluation of their policies and programs, and the impact of their reforms. However, Kosovo ministries scored a full 100% on Integrity, with asset cards and wealth declaration being publicly available through the Anti-Corruption Agency.

Kosovo ministries scored above average on the element of **Transparency** with a total of 53%. Budget remains a weak aspect of transparency for Kosovo ministries; only seven ministries have published their budgetary information. Similarly, to the Core Executive, Kosovo ministries scored higher in Transparency of organizational information (68%).

Scores for the transparency of Public Procurement vary greatly from one ministry to another, some failing completely with 0%, while others achieve a full 100%. This leads us to believe that there is no consistent plan or strategy on transparency of public procurement, and the scores are a result of individual initiatives within ministries. The score on transparency could potentially be improved by publishing public procurement plans and calls for public procurement on public websites.

## Executive Agencies

Executive Agencies fulfill only 18.65% of indicators of openness, ranking at the very bottom of the list behind Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia.

The websites of these bodies are not up to date and in most cases they are very difficult to navigate or the information is simply not there. The agencies score 0% when it comes to access to information, citizen interaction and monitoring. None of the executive agencies has published budgets on their websites. This poses a serious risk of budgetary non-transparency.

## Methodology of research

Openness represents a key condition for democracy as it allows citizens to receive information necessary for an equal participation in political life, effective decision-making and holding institutions accountable for their policies. Institutions around the world undertake specific activities with the aim of increasing their transparency and accountability to citizens. The Regional index of openness of executive power is established in order to define to which degree citizens of the Western Balkans receive accessible and understandable information from their institutions.

The Regional index of openness measures a degree up to which institutions of Western Balkan countries are open to citizens and society and it is based on the following four principles: 1) transparency, 2) accessibility, 3) integrity and 4) effectiveness. The principle of **transparency** requires that organizational information, budget and procedure of public procurements are publicly available and regularly published and updated. **Accessibility** is related to ensuring and respecting procedures for a free access to information, improving availability of information through a mechanism of a public debate and strengthening interaction with citizens. **Integrity** comprises of a mechanism for prevention of corruption, conducting code of ethics and regulation of lobbying. The last principle, **effectiveness**, refers to monitoring and evaluation of policies conducted by institutions. Following international standards, recommendations as well as examples of good practice, these principles are further developed through special quantitative and qualitative indicators, which are evaluated on the basis of: accessibility of information on the official websites of institutions, quality of a legal framework for individual issues, other sources of public informing and questionnaires delivered to institutions. Through around 80 indicators per institution we have measured and analyzed the openness of 275 institutions of executive power and collected over 15000 pieces of data regarding institutions. The measurement was conducted in the period from October to the end of December 2016. A set of recommendations and guidelines directed at public institutions was developed on the basis of the research results.

## About ActionSEE

ACTION SEE (Accountability, Technology and Institutional Openness Network in the South East Europe region) is a network of civil society organizations that jointly work on promoting and ensuring government accountability and transparency in the region of South-East Europe, raising the potential for civic activism and civic participation, promoting and protecting human rights and freedoms on the internet and building capacities and interest within civil society organizations and individuals in the region in using technology in democracy promotion work.

The core members of the network are Metamorphosis from Macedonia, Center for Democratic Transition from Montenegro, Center for Research, Transparency and Accountability from Serbia and CA Why not from Bosnia. ActionSEE works with partners from Albania MJAFT and Kosovo Open Data Kosovo well as partners from other countries in Europe and the world. The network members commit to working on the following goals:

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