

PROPOSALS FOR THE IMPROVEMENTS
OF THE CURRENT STATE

Openness of the Office of the Prime Minister in Kosovo

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Introduction

Utilizing the past experience with partners from the regional network of NGOs “Action SEE” Open Data Kosovo has prepared the policy paper where it analyzes the level of transparency, openness, and accountability of the office of the Prime Minister in Kosovo.

The policy paper is a result of extensive research based on scientific methodology conducted by Open Data Kosovo in the past few months. The aim of the overall research is to provide a detailed overview of the situation in Kosovo, and to contribute to the implementation of the public administration reform. This paper also aims to strengthen the principles of good governance and help institutions implement them more effectively in their work.

After an evaluation of the proposed aim in the past years, done so for three consecutive years from 2016 to 2018, this paper draws analysis of the level of openness and recommendations for improvement for the year 2019. The methodology and its indicators have been constantly improved and adapted to the respective year’s demands. This policy paper also brings out a comparative element where ODK has drawn an analysis of improvement along the years when the measurement has been carried. The policy of openness must be the policy of all governments in the region and it must be formulated and treated equally as other important policies. Such a policy should maintain its objectivity in the matter and must not be influenced in any case by current political decisions or other political elements.

This policy paper is addressed to decision-makers in the core executive power institution at all levels: the Government, and ministries, however, it only reflects the findings from the core executive power, namely, the Office of the Prime Minister. Such decision-makers could benefit from this paper if its results and recommendations are carefully taken into consideration. The paper may also be of benefit to representatives of international organizations, as well as to colleagues from the NGO sector dealing with these issues. ODK has respected the principles of transparency of the research and introduced institutions with all the details of its implementation and its conclusions. ODK remains open to all suggestions, constructive criticisms and discussions regarding the policy paper.

Methodology of research

Openness represents a key condition for democracy as it allows citizens to receive information necessary for equal participation in political life, effective decision-making and accountability of institutions 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 core executive power is established in order to define to which degree citizens of Kosovo 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) awareness. 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 public debates and strengthening interaction with citizens. Integrity comprises the elements of prevention of corruption, conducting code of ethics and regulation of lobbying. The last principle, awareness, refers to monitoring and evaluation of policies conducted by institutions.

Following the international standards, recommendations, and examples of good practice, these principles are further developed through specific, quantitative and qualitative indicators. Such principles are evaluated on the basis of: information accessibility on official websites of institutions, legal framework's quality for specific questions, other sources of public information, and questionnaires delivered to institutions. The data collection followed a model with a data verification process which resulted in the standard error of +/-3%. The measurement was conducted in the period from May 2020 to the end of December 2020. A set of recommendations directed towards institutions was developed on the basis of research results.

The openness of the core executive power institution in 2016

Back in 2016, the Government of Kosovo held the second best regional score of openness, corresponding to 60.80%. Kosovo had 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 in the region. The infrastructure for access to information was present, and the law on free access to public documents which regulates how the FOI works was and still is in place.

The institution had a designated person who dealt with FOI requests and there was a reasonable minimum time limit for responding to requests. However, the right to access to information did not seem to apply to state owned enterprises, public companies, or other entities that were owned or controlled by the state. The institutions failed 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. 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 also lacked 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 scored 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.

The openness of the core executive power institution in 2017

Openness of the Executive Power in Kosovo in 2017 measurement was ranked third in the region, scoring 33% based on the set indicators, similar to the previous year's measurement, which ranked Kosovo as third in the openness of the executive power with an overall score of 39%. Kosovo did not make any progress in improving its position compared to other regional states. The absence of strategic planning and promotion of openness as a national strategy represents a significant obstacle for 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 that are lower in the hierarchy: the core executive, the Prime Minister's Office, scored 41%, meanwhile Line Ministries scored 37% and Executive Agencies scored only 15%. The Government of Kosovo, Prime Minister's Office received the lowest regional score of openness, only 41%. taking into consideration the four components of openness which include: accessibility, awareness, integrity and transparency.

The openness of the core executive power institution in 2018

The Office of the Prime Minister received an overall score of 53% for the year 2018. Although there is progress made on Kosovo's behalf compared to last year's result, there is still a lot of room for improvement compared to other countries in the region as they have very high results compared to Kosovo. In a tie with Serbia, both countries are ranked second to last regarding the regional score for openness, thus leaving behind only Bosnia and Herzegovina. Moreover, taking into consideration that the Office of Prime ministers needs to set an example to other institutions such as the line of ministries this does not seem to apply. The index results were achieved taking into consideration the four Principles for government openness, which include: accessibility, awareness, integrity, and transparency.

The openness of the core executive power in Kosovo in 2019

The Office of the Prime Minister received an overall score of 63% for the year 2019. This shows progress compared to last year's results, however there is still room for improvement in comparison to other countries from the region, as well as speaking nationally. Comparing this score with the 53% score in 2018 there is a great progress shown within one year. The index results were achieved taking into consideration the four Principles for government openness, which include: transparency, accessibility, integrity and awareness. In the following section, there will be a detailed explanation of the key principles and the score of the office of the Prime Minister in the areas.

Transparency

The principle of transparency entails that organizational information, budget, and public procurements processes are publicly available and published on the official website. The Office of the Prime Minister has scored a total of 51% in this principle showing a 10% increase comparing it to the findings of the year 2018. The factors which contributed to this increase are as follows: information available on civil servants, and translation of the webpage in two official languages.

To further elaborate the above-mentioned factors, in terms of availability of information on civil servants, in the Office of the Prime Minister website, there are contact details provided for all civil servants working for the Office. Besides, there is a detailed description of what each organizational unit within the scope of the Prime Minister's office is in charge of, underlining their duties and responsibilities. Additionally, the information presented in the webpage is available in the country's two official languages which was raised as an issue in last year's policy paper.

Even though there have been improvements in the above-mentioned statements, there is still a lack of implementation when it comes to budgetary transparency. Mid-year reports on state and government budget spending, as well as the citizens budget are not published. Also, there is no information in regards to the level and composition of public debt, debt servicing, and debt management. Even though the Website of the Ministry of Finance contains the overall budget that covers the total spending of Kosovo's institutions, the Office of the Prime Minister does not provide such information. The planned budget and government spending information is not accessible, understandable, or comprehensive.

In terms of public procurement procedures, such as: the open calls for procurement, decisions and contracts on procurement and other information, the Office of the Prime Minister does not provide any of these elements. However, the E-prokurimi¹ a website developed by the Public Procurement Regulatory Commission provides such information. In this regard, the Office of the Prime Minister should provide an external link within its website that directs citizens to the respective information. There are external links provided within the Office of the Prime Minister website under links, which is where we recommend that the E-prokurimi platform is incorporated.

Accessibility

Accessibility addresses the level of citizens, CSO, interested actors to participate in the work of the Government, included but not limited to Freedom of Information Act and other regulations. In regards to the principle of accessibility Kosovo continues to face problems. However, comparing it to 2018 year's score of 56%, there has been an increase shown in 2019 where the Office of the Prime Minister scored a total of 63% in terms of Accessibility. This score, even though it shows progress, it also indicates that there is space for improvement, as back in 2017 the score was 60%. Legally speaking, the Law on Access to Public Documents sets the necessary infrastructure for the freedom of information and access to information.

¹ <https://e-prokurimi.rks-gov.net/HOME/ClanakItemNew.aspx?id=327>

There is a practical implementation of this law as there is a designated person who deals with the requests for freedom of information with a reasonable minimum time limit to handle such requests. However, when it comes to yearly reports of access to public documents, there is little to no control on why some requests get refused or are left without a response. If there was a mechanism in place to inform the public on what requests are approved/refused would help the Office of the Prime Minister perform a higher score in terms of these indicators as part of the Accessibility component.

In regards to state-owned entities such as: enterprises, public companies, and others still lack implementation in terms of the right to access information. All institutions in Kosovo, including the Office of the Prime Minister haven't provided a public list or register of the available documents in their possession to the general public, even though this is foreseen by the law. If progress in these areas were to be made, it would evidently increase Kosovo's national score through these indicators but is not deemed to be in the agenda of these institutions.

Another improvement, which most definitely affected the increase in percentage in the Accessibility component was the increase in interactivity with the citizens via the platforms such as Twitter, and Facebook. In last year's policy paper findings, the website of the Prime Minister was linked to offices instead of the current Prime Minister's Facebook, and Twitter accounts, whereas this year the website is linked to those specific accounts which makes it easier for the citizens to engage in the activities of the Office.

In respect to public consultations, the Office on Good Governance/Office of the Prime Minister developed the Public Consultation platform where all documents needed for consultation are published online from the respective Ministries. Besides, the reports on consultations are also published in the platform.

Integrity

Integrity addresses the prevention of corruption, conducting of code of ethics and regulations of lobbying. On the principle of Integrity, Kosovo keeps making yearly progress. In 2019 the Office of the Prime Minister scored a total of 96%, which compared to the findings during 2018, it shows an increase by 9%.

This increase is mainly shown due to the Agency for the Administration of Civil Servants which is in charge of monitoring the implementation of the Code of Ethics. In regards to this code, the MPs are obliged to declare their wealth via asset cards. Since these elements are regulated, the Office of the Prime Minister ranks high in this sub-domain. One indicator which Kosovo lacks to implement is the implementation of regulations on lobbyists and the activities they implement which in turn would increase the protection of public interest. Topics such as conflicts of interests, prevention of corruption or the establishment of whistleblowing tools on how to act in case of a violation/irregularities, should also be elaborated with the public officials working in the Office of the Prime Minister, via training or workshops, since the Law on the Whistleblowers has been adopted in Kosovo.

Awareness

Awareness addresses the internal mechanisms used to monitor and evaluate policies conducted by institutions. In terms of Awareness, Kosovo has experienced an increase over the years while scoring a total of 70%. Even though this result shows great progress in terms of strategic planning, monitoring and evaluation, and Ministry reporting, there is still a space for improvement, especially when it comes to strategic planning, where the office of the Prime Minister scored a total of 50%. In terms of strategic planning, a highly important sub-domain, Regulatory Impact Assessment, which highlights the importance of a systemic approach to critically assess the positive and negative effects of existing regulations and non-regulatory alternatives, lacks to be implemented by the Office of the Prime Minister. Even though regulations are approved and implemented, this mechanism would enhance an evidence-based approach to policy making which is encouraged in OECD countries.

In regards to the annual work plans and annual work reports, the Government uses indicators of performance which are also published via the website of the Office of the Prime Minister for the general public. Such indicators are highly necessary in terms of measuring, monitoring, and evaluating the performance of the respective Ministries, which is also why this year's results in terms of awareness showed significant progress. 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.

Additionally, Kosovo received a score of 100% on the subdomain of Ministry reporting. This is mostly granted due to the rules of procedure, which specify the type of information that is required in the ministry reports which are sent to the Office of Primeminister for approval.

Citizen Engagement in the Work of the Core Executive Power in Kosovo

ODK in collaboration with UBO Consulting has conducted ground research to bring into perspective the views and thoughts of the Kosovo citizens on the work of the Kosovo Government. As part of this measurement a total of 1065 citizens of the Republic of Kosovo chosen comprehensively targeting all ethnic groups, ages, socio-economic backgrounds, sex, and residence. There have been interesting findings from this poll derived which will be used as good practices for the further implementation of the project. In regards to the survey, only 5% of respondents follow the work of the Kosovo Government often. Around 35% of the respondents follow the work of the government sometimes, around 40% rarely follow it, and 20.8% of the respondents never do so. Such findings indicate that Kosovo citizens rarely follow the work of the Government which could imply that either the work of the government is not provided in a user-friendly format for Kosovo citizens, or that citizens are not interested in the work of the government.

In both situations the element of openness is affected, as for a government to be open and transparent, besides from the work of the government, the push from the citizens is equally important. The second question which was addressed by the respondents was whether the decisions undertaken by the Kosovo government reflect the opinions of the citizens. Around 14% of the respondents claimed that the governmental decisions reflect their opinions, while 68% of them didn't agree with the statement. Lastly, around 18% of the respondents didn't provide an opinion on the matter. The third question raised was regarding the initiatives of the government and if citizens think that they can contribute in such initiatives, out of which 29% claimed that they can contribute in such initiatives, while 50% claimed that they don't think they can contribute and around 21% did not respond to the question. It is crucially important to incorporate citizens' beliefs and points of views in the recommendations in the policy papers, and as such, the findings simultaneously show that very few citizens are engaged, let alone interested, in contributing to the work of these institutions. The lack of citizen's willingness to engage is also an issue in itself.

RECOMMENDATIONS

ACTION STEPS

In order to increase its overall score, we recommend the Office of the Prime Minister to undertake the following steps:

Create a dedicated complaint form in a direct channel on the website and provide information on the timeline, respective civil servants, and institutions in regards to that specific complaint;

Apply a legal obligation for conducting training/workshops in the field of access to public information, open data and other related topics based on the needs of public officials. (These trainings are more than needed on topics as the conflict of interest, preventing corruption in case of irregularities);

Conduct a long-term planning document and/or for a period of mandate of the work of the Government;

Regulate lobbying rules by law;

Publish an integrity plan or internal anti-corruption policy (which entails measures for prevention and elimination of various forms of corruption and unethical behavior within the institution);

Make available audio or video transmissions of Government sessions on the website;

Publish salaries of public officials on the website, especially the higher ranking ones;

Publish reports of state and government spending and make budgets available on the website;

The Office of Prime Minister should secure a list that the convicted companies of bribery to be prohibited from participating in future procurement bids;

Require public authorities in charge of reporting to the government to update lists of their documents in possession and make them public;

Provide a simple table filtering all yearly documents, desegregating them by type of information, activity, requests etc.

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