

# ANALYSIS OF THE OPEN GOVERNANCE OF THE ASSEMBLY OF KOSOVO

*PROPOSALS FOR IMPROVING THE CURRENT SITUATION*

# ANALYSIS ON OPEN GOVERNANCE OF THE OFFICE OF THE PRIME MINISTER IN KOSOVO

## ABOUT THE PUBLICATION

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## INTRODUCTION

Legislative transparency in a democracy can enhance parliamentary performance, and increase civic engagement for a more open and transparent society. According to the analysis done by ODK over the years, which has tracked and evaluated the openness and transparency of the activities of the Assembly of Kosovo, constant interaction and collaboration with citizens serves as the driving force behind performance improvement.

A legislative body that is transparent in its operations is one whose work and operations are understood by the general audience and relevant stakeholders. This means that citizens ought to have access to what their Assembly has debated and produced as well as the ability to ask for information. Therefore, this analysis has been compiled in order to highlight the level of transparency, institutional openness, and responsibility of the Kosovo Assembly during 2021. For several years, ODK has been continuously improving its methodology and indicators, adapting to the requirements of the respective year. This policy document also produces a comparative element where ODK has drafted an analysis, including the progress shown over the last years for the Assembly of Kosovo. This document also aims to strengthen the principles of good governance and help institutions implement them more effectively in their work. The paper can be in the benefit of representatives of international organizations, as well as colleagues from the CSO sector dealing with these issues.

ODK has observed the principles of research transparency and presented all its details and results to the institution assessed. ODK remains open to any suggestions, constructive criticism, and discussion regarding this policy document.

## RESEARCH METHODOLOGY

The following four guiding principles served as the foundation for this analysis, which monitored the extent to which data was obtained from the Regional Openness Index regarding Kosovo's Assembly, a tool that estimated how accessible government institutions are to the public and society in Western Balkan nations. For Kosovo's Assembly the following principles have been assessed: 1) transparency, 2) accessibility, 3) integrity and 4) awareness. These principles are evaluated based on the following criteria: the ease of access to information on the Institution's official websites; the quality of the legislative framework for the relevant topics; additional public information sources; and institution-submitted questionnaires. A data verification model was used once the data was collected, resulting with the standard error of +/- 3%. The evaluation was carried out from June 2021 to the end of December 2021. Based on the research's findings, a list of recommendations for institutions was created.

Public access to organizational data, budgets, and public procurement processes are mandated under the principle of **Transparency**. **Accessibility** pertains to establishing and upholding policies for unrestricted access to information, enhancing the accessibility of information through public discussions, and fostering citizen engagement. **Integrity** includes elements like lobbying, upholding the code of ethics, and combating corruption. The final principle, **Awareness**, deals with the observation and assessment of institutionally implemented policies.

All four of the above-mentioned principles, as part of the Regional Openness Index, assist in defining, presenting, and evaluating work and good political will towards transparency.

### **OPENING OF THE ASSEMBLY IN 2019**

The Assembly of Kosovo scored an overall result of 80.5% in terms of opening in 2019. Such a result shows great improvement of this institution over the years. When it was first measured in 2016, the Assembly of Kosovo scored 60% in terms of the indicators, and now, the result shows improvement due to the efforts made over the years.

### **OPENING OF THE ASSEMBLY IN 2020**

The results over the years of the Assembly have shown improvement due to the efforts made over the years - where in 2020 the opening of the Assembly was scored with a marking of 88%. The Assembly of Kosovo scored 72% on the principle of accessibility, 91% on the awareness component, and 91% on the principle of transparency.

### **OPENING OF THE ASSEMBLY IN 2021**

When first measured in 2016, the Assembly of Kosovo scored 60% in terms of the indicators, whilst for the year 2021, the Assembly has scored an overall score of 86%. The following section will provide a detailed explanation of the main principles and outcomes of the Assembly in the principle of accessibility, awareness, integrity and transparency.

## ACCESSIBILITY

The principle of accessibility assesses the degree of participation from citizens, CSOs, and other stakeholders in the work of the Assembly, including but not limited to the Freedom of Information Act and other existing regulations. For the measurement performed for 2021, the Assembly of Kosovo has scored 69% in this principle - depicting that enhancing this component still requires more effort and work in the future.

As previously reported in the measurements conducted for the Assembly, the official website of the institution and its social media page Facebook, are actively updated, publishing announcements about decisions, activities and the work of the Assembly<sup>1</sup>. Moreover, as part of the Awareness indicator, the methodology also measures the Institution's accessibility and inclusion of stakeholders in its operations. A significant part of the public information/documents of the Assembly is published only in closed formats (PDF), making it difficult for citizens, researchers and civil society organizations to process such data, to issue different reports or analyses. Therefore, the Assembly should to publish all parliamentary information or documents on the official website in open formats (Microsoft Excel or Word).

Moreover, it is important to note that, in accordance with the Law on Access to Public Documents, the Assembly continues to have a person in charge of managing requests for access to public documents. In this line, the website of the Assembly of Kosovo enables interested parties to write letters to the chosen MP directly to discuss any particular problems of importance to the party.<sup>2</sup> The right to access to public documents has also been implemented with the framework of the Information and Privacy Agency (AIP), whose Commission was appointed in the previous evaluation year. This Agency is responsible for overseeing the implementation of the Law on Access to Public Documents and the Law on Personal Data Protection, and in accordance with this law, the Agency is accountable to the Assembly of the Republic of Kosovo. Moreover, ODK and the Assembly of Kosovo are continuing their collaboration to create the digital tool known as E-participation, which will allow for direct communication between the general public and MPs.

The website of the Assembly contains rules and procedures for representatives of civil society and/or the public interested in participating in the meetings of the Parliamentary Commissions, contributing to the efforts of the Institution to be more accessible towards interested parties.<sup>3</sup> However, a tool that could further increase citizens' engagement in proposing new public policies is electronic petition. Such an opportunity for citizens would improve the assessment on citizens' accessibility towards the Assembly. The electronic petition is now even easier to be enabled with the Law on Electronic Identification and Trust Services in Electronic Transactions.<sup>4</sup> As a result of this tool not being enabled, the Assembly has scored zero points in the three

<sup>1</sup> [https://www.facebook.com/kuvendi.skupstina/?\\_rdc=1&\\_rdr](https://www.facebook.com/kuvendi.skupstina/?_rdc=1&_rdr)

<sup>2</sup> <http://www.kuvendikosoves.org/#askDeputy>

<sup>3</sup> [https://www.kuvendikosoves.org/Uploads/Data/Files/17/2020\\_06\\_23\\_VendimidheRregullorjaperrendindheqasjenemediavedhetepublikutnepuneneKuvendit\\_CeARNKtVc4.pdf](https://www.kuvendikosoves.org/Uploads/Data/Files/17/2020_06_23_VendimidheRregullorjaperrendindheqasjenemediavedhetepublikutnepuneneKuvendit_CeARNKtVc4.pdf)

<sup>4</sup> <https://gzk.rks-gov.net/ActDetail.aspx?ActID=51618>

indicators, which relate to the electronic petition. Nevertheless, the procedure for accepting and examining the petition is determined by a separate act, and the Assembly is expected to approve the Law on Petitions. The electronic petition continues to remain a promising area to be incorporated by the Assembly in terms of institutional openness, participation, and civic engagement.

In order to provide efficient and accurate information towards the interested parties, the Assembly invests time to involve its personnel in various training/ education in the field of access to public documents - as stipulated by the Law on access to public documents (Article 28).<sup>5</sup> The personnel of the Assembly of Kosovo have reportedly taken part in a number of training sessions, according to the survey conducted by members of the Assembly of Kosovo, with the aim of enhancing the knowledge of public officials working with requests on access to public documents. Nonetheless, the Information and Privacy Agency must collaborate with the Institution in planning and holding training sessions for public officials in accordance with the law aforementioned.

The Assembly of Kosovo continues to maintain a good relationship with civil society, as provided also by the rules of procedure of parliamentary committees (Rules of Procedure, Article 65). The regulation of the Assembly of the Republic of Kosovo states that the Commissions can also invite representatives of other institutions and agencies to the meetings, as well as representatives of civil society. Moreover, the Forum for Parliamentary Transparency operates within the Assembly, a body that also includes civil society representatives, who have equal decision-making roles and responsibilities with MPs and other members of the Forum. The Transparency Forum is working to develop the Open Assembly Action Plan 2023-2026, to promote a culture of transparency and increase accountability of the Institution.

## **AWARENESS**

On the Awareness component, the Assembly of Kosovo has scored 91%, a score which has been improving over the years. This component is related to monitoring and evaluation of policies conducted within the Assembly. Impact evaluation is important, enabling it to depict instances of ineffective policy and law making.

According to the Rules of Procedure of the Assembly of Kosovo, Article 66 the committees have the right to consult experts for the purpose of obtaining information on a subject under debate. Parliamentary Committees have continued to seek advice and information on certain matters from outside experts through evaluations and consultations.

<sup>5</sup> <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2050>

The involvement of the questioned experts in open hearings has also persisted, keeping the public informed about changes relating to the Assembly's activities that have an impact on their daily life. Additionally, recordings of parliamentary proceedings, including hearings, are made available to the public and are also archived. This also meets the requirements of the principle of awareness, making stakeholders aware and informing them of the work of the Assembly. For this period measured, as part of the parliamentary monitoring sub-sector, the representatives of the Core Executive continue to be responsible regarding the participation and can be brought to the Assembly to answer questions from MPs. Moreover, there is a procedure for conducting a Motion of No Confidence. A parliamentary group or MPs may also submit a petition for an interpellation to ask the government or a ministry to take a particular matter under consideration.

According to the results for this period, there are several regulatory impact assessment (RIA) mechanisms, although they are rarely applied in the work of the Assembly and in the drafted regulations. In terms of strategic planning, the Assembly has made developments as it assesses the impacts that may come as a result of existing legal acts and is prepared to improve and facilitate the work.

## INTEGRITY

Integrity comprises principles and regulations for prevention of corruption, conducting code of ethics and regulations of lobbying. On this principle, Kosovo scored 95%.

Kosovo implemented the Code of Ethics for Members of the Assembly in order to effectively combat corruption. The code of conduct and conflict of interest is part of the Law on the rights and responsibilities of the deputy<sup>6</sup>. The new regulation of the Assembly of the Republic of Kosovo: article 129, foresees the approval of the Code of Conduct, as a special act of the Assembly. The act governs matters relating to conflict of interest, use of state property, gifts and favors, and political action. The Code mandates that all financial interests and gifts that members of the Assembly or their immediate families may receive must be disclosed in writing to the President of the Assembly. This written statement must be submitted to the Assembly's President's office within thirty (30) days after the assembly's first meeting, and it must be revised any time a major change takes place. With the aim of monitoring compliance with the code of ethics by MPs, the Code of Conduct for the members of the Assembly is expected to be approved by the Assembly. A special working group has been created for its drafting.

<sup>6</sup> [http://old.kuvendikosoves.org/common/docs/ligjet/03\\_L-111\\_shqip.pdf](http://old.kuvendikosoves.org/common/docs/ligjet/03_L-111_shqip.pdf)

MPs in Kosovo continue to disclose the property, assets, income and debts who are obliged to declare their property. The list of assets for Assembly members includes updated information on assets, sources of income, income amount, and liabilities. The Anti-Corruption Agency, which monitors the use of asset lists, has systematized and stored this data in a way that is freely accessible to stakeholders and the general public. The information regarding property declarations can, however, be disclosed following the submission of an access request in accordance with the Law on Access to Public Documents and the Law on Personal Data Protection. As mentioned above, the Anti-Corruption Agency is the authorized body and is constantly engaged in monitoring the assets of public officials. In case of violation of the obligations provided by law on the part of the deputies, the Agency undertakes appropriate measures as provided by law.

Additionally, when discussing integrity in the work of the Assembly of Kosovo, the implementation of the Code of Ethics for Members of the Assembly undoubtedly plays an important role as an effective tool for mitigating and preventing corruption in the country. The Code in question is part of the Rules of Procedure of the Assembly, and is easily accessible on the Assembly website. This code summarizes and regulates issues of use of state property, gifts, conflict of interest and political activity. Whereas, the Law on Rights and Responsibilities of the Deputies, among others, regulates the Code of Ethics and the Conflict of Interest for the Members of the Assembly.

Kosovo has invested a substantial sum of money in campaigning for new recognitions over the years, in addition to spending money on other problems pertaining to its official image. However, the current form of lobbying has frequently brought up questions regarding the transparency of expenses in addition to how well the objectives were achieved. When evaluating the Lobbying subcomponent, there is still no regulation in Kosovo that would disclose and define lobbying rules. Lobbying that is governed by legislation improves public sector openness and governs interactions between different interest groups, lobbyists, public officials, and politicians. A crucial first step in enhancing accountability, strengthening the legal system for combating corruption, and enhancing state administration performance is the establishment of defined regulations for lobbying. The rules would also define legitimate lobbying activities by distinguishing between those coming from civil society or other stakeholders.

## TRANSPARENCY (90%)

The assessment of the level of transparency of the Assembly of Kosovo was carried out by measuring indicators related to organizational information, public procurement, and state budget. Overall, Kosovo's Assembly performed well in the area of organizational information, which evaluates the quality and quantity of data about how the institution operates. All of the laws, law amendments, draft legislation, rules, strategies, and work reports are available on the Assembly's official website. The online portal Legislation Monitoring System, which allows individuals to observe what stage each law is in during the adoption process, is another tool that contributes to the transparency of the Assembly.

The website of the Assembly is frequently updated, agendas are released in advance, and the Parliamentary sessions are aired on a regular basis - which as a whole encourage the active participation of citizens in the legislative process, thus strengthening the role of the Assembly as an institution.

On the other hand, the measures taken to facilitate access might not necessarily be known by the citizens, which hence requires a more proactive approach to promote the work of the Assembly. Also, in 2019, the Assembly approved the Strategy for Information and Communication for the period 2019-2021, which determined the measures that the Assembly had to take regarding the information of citizens, communication through social platforms, including "Youtube" and television channels, and also by updating the website.

When looking at the organizational information subcomponent, the signing of the Assembly Opening Statement was highly considered, where in accordance with the statement, the Assembly has developed the Strategy for Information and Communication in the Assembly (2019-2021). All information pertaining to Assembly Committees, MPs, hearings, etc. is continuously updated on the Assembly's website. The Regulation on Communication with Media and the Public, one of the most significant documents the Assembly has issued, establishes norms and processes for employees and other parties who follow the Assembly's work in order to ensure proper and effective.

Regarding transparency in public procurement, the Assembly of Kosovo continues to maintain the level of transparency at an appropriate level. Procurement procedures are published on the electronic platform E Procurement<sup>7</sup>, while signed contracts and Procurement Planning are published on the website of the Assembly. The publishing of public procurement procedures, bids and main procurement results through the state portal for public procurement, is in accordance with the Law. The Assembly of Kosovo has also successfully published the final procurement plan, which can be accessed by the citizens of Kosovo.

<sup>7</sup> <https://e-prokurimi.rks-gov.net/>

<sup>8</sup> <https://www.kuvendikosoves.org/shq/raporte/raporte-financiare/>

The Assembly of Kosovo releases the budget on its website and offers more thorough financial information on its spending on a quarterly and annual basis. These statistics have continued to be provided throughout the assessment year in an accessible and understandable way, enhancing the system for giving the public and stakeholders access to information in the right formats.<sup>8</sup>

One recommendation, which was also provided in the previous assessment, was that the institution in question should start publishing the so-called ‘the citizens budget’, in order to increase transparency and accessibility of citizens in the work of the Assembly and its budget. The document is recommended to be written in an accessible and understandable format in order for non-specialist readers to be able to understand the information. Simplifying the complex institutional budget into an easy-to-grasp format would directly contribute to increasing fiscal transparency of the institution.

## ENGAGING CITIZENS IN THE KOSOVO ASSEMBLY ACTIVITIES

ODK has continued its cooperation with UBO Consulting by researching the commitment and opinions of citizens for the work of the Assembly of Kosovo. In total 1306 citizens of the Republic of Kosovo were interviewed through a comprehensive sample method, grouped by age, gender, ethnicity, residence and family income. The survey measured the citizens’ engagement with the work of the Assembly, surveying whether the citizens believe that their interests are taken under consideration, whether they believe that they can contribute to the developments of the said institution, etc.

From the conducted poll, more than half of respondents do not think they can contribute to the initiatives of the Assembly of Kosovo.<sup>9</sup> On the other hand, 30.1% of men and 25.8% of women surveyed on this issue think they can contribute to the initiatives of the Assembly of Kosovo. The next question that was asked was the satisfaction of the respondents with the work of the Kosovo Assembly.<sup>10</sup> Overall it was found that most individuals are somewhat satisfied with the work of the Kosovo Assembly, with 39.7% of women and 36.5% of men indicating this. Whereas, 5.5% of women and 7.6% of men are very satisfied with the work of the Assembly. Following these findings, it should be emphasized the significance of taking into account citizens’ opinions in the Assembly’s work and that, as a result, efforts should be directed toward creating communication channels that enable citizens to provide feedback on the activities of the Institution.

<sup>9</sup> <https://www.facebook.com/opendatakosovo/posts/pfbid02Ft4LofHcPcLhZdCf1mJ3xxnEjz5DYHKmqSFj2RBzNFBTEEGtjwNP5o6QnddXs9cDI>

<sup>10</sup> <https://www.facebook.com/opendatakosovo/posts/pfbid0GZp3ceujkYS1BnZnZDtNLaDothSjvYTqFjK5eiscj9r7eD5yvjad7H79k1WAWqXLI>

# RECOMMENDATIONS

## STEPS OF ACTION

Openness and accountability are increasingly recognised as fundamental qualities of good democratic governance. The following recommendations derive from the assessment results for the Assembly of Kosovo:

- *Strengthen the Institutions' representative function through the establishment of*
- *Communication channels with citizens and include the latter in the process of policy formulation;*
- *Plan more training sessions for the staff of the Assembly in the field of open data and access to public documents;*
- *Work towards the development of electronic services;*
- *Start the implementation of the Electronic Petition System (e-petitioning);*
- *Open communication with citizens and identify suitable communication channels, whether via telephone, e-mail, or other means;*
- *Publish 'the citizens budget', in order to increase fiscal transparency and accessibility of citizens in the work of the Assembly and its budget;*
- *Implement regulatory impact assessment (RIA) processes to offer a thorough and systematic evaluation of potential implications of new regulations, and then evaluate the accomplishment of the regulations, intended goals;*
- *Push forward a Regulation on lobbying rules;*
- *Approve the Code of Conduct in order to properly monitor the implementation of the*
- *Code of Ethics of the MPs and sanction each violation of the standards*
- *Publish the so-called Citizens' Budget, in order to increase the transparency of the*
- *Assembly regarding the State Budget component;*
- *Finalize and approve the the Open Assembly Action Plan 2023-2026, with the aims of promoting a culture of transparency and increase accountability of the Assembly;*
- *Publish all parliamentary information or documents on the official website in open formats (Microsoft Excel or Word).*