

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

*PROPOSALS FOR IMPROVING THE CURRENT SITUATION*

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## ABOUT THE PUBLICATION

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### AUTHORS:

**Dafina Olluri** and **Delvina Haxhijaha**

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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. As the open government movement has been a major global concern in recent years, the way in which open government influences the sustainable development of countries has become an important issue. According to the analysis done by ODK over the years, which has tracked and evaluated the openness and transparency of the activities of the Prime Minister's Office (PMO) in Kosovo, constant interaction and collaboration with citizens serves as the driving force behind performance improvement. The effectiveness of the government and its operations in general are improved through public participation. Executive departments and agencies should give Kosovo residents more opportunity to influence policy and to benefit their government with their combined knowledge and information.

The guiding principles of open government, transparency, engagement, and accountability, call for innovation on the part of the government institutions in how they connect with citizens and run their administrations. Authorities must make it simpler for citizens to obtain information in order to be transparent, especially through the use of open data and records management. It should be combined with increased civil society involvement in the process of public decision-making. An assurance that governments are run effectively and without systemic corruption, the availability of information on government policies and acts, and a clear sense of organisational responsibility are crucial elements of transparent governance. It is to be anticipated that the existence of international initiatives in Kosovo, such as the Open Government Partnership (OGP), will help to the growth of the transparency of executive authority institutions in the country - demonstrating the readiness of the Government to implement and promote standards of openness and accountability.

The aim of this paper is to present the results of the Regional Openness Index conducted for the Prime Minister's Office in Kosovo for 2021, measuring the level of openness for the institution aforementioned. 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 PMO. 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 organisations, 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 PMO, a tool that estimated how accessible government institutions are to the public and society in Western Balkan nations. For PMO 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 October 2021. Based on the research's findings, a list of recommendations for institutions was created.

Public access to organisational 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.

## OPENNESS OF THE OFFICE OF THE PRIME MINISTER IN 2019

The Office of the Prime Minister received an overall score of 63% in 2019. Such a result shows the progress that has been made compared to the results of the previous years, however there is still room for improvement compared to other countries in the region, specifically when we talk about the state-wide aspect. When we compare the result of 63% in 2019 with that of 53% in 2018, there is great progress shown within the year between the two results.



## **OPENNESS OF THE OFFICE OF THE PRIME MINISTER IN 2020**

The Office of the Prime Minister received an overall score of 62% for 2020. The institution in question needs to be consistently even more open and transparent with the public and third parties - thus setting an example for other institutions, such as the line ministries. The Office of the Prime Minister still requires a lot of room for improvement, especially in the principle of transparency, as it has been scored with a result 41% for 2020, compared to 51% for 2019.

## **OPENNESS OF THE OFFICE OF THE PRIME MINISTER IN 2021**

The overall score for the Office of the Prime Minister for 2021 was 69%. The PMO should continually be even more open and transparent with the general public and other parties, thereby establishing a clear sense of Institutional accountability, which is an essential component of open government.

In the following section, a detailed explanation of the key principles and outcomes of the Office of the Prime Minister in the four principles of government openness, which includes: transparency, accessibility, integrity and awareness.

## **TRANSPARENCY**

The principle of transparency in 2021 reached a result of 57%, which marked an increase compared to the previous years. The principle of transparency prescribes that organisational information, budget, and procedures of public procurements are publicly available and published on the official website.

When it comes to organisational openness, the website typically has sufficient news releases from government meetings, official documents, reports, strategies, annual work plans, and also has its latest decisions published. Furthermore, the information presented on the website is available in both official languages of the country. Nonetheless, it should be emphasised that despite the improvements in the aforementioned areas, there are some stepbacks in regards to institutional transparency. The official website provides no information regarding the representative for access to public documents. Moreover, no information has been made available on data pertaining to budget transparency, contracts, budgetary reports. There is also no information available about the scope of public, service, and management expenditures.

The Office of the Prime Minister continues to not provide information on public procurement practices, such as open requests for procurement, decisions and contracts on procurement, and other information, even throughout this year's review. Additionally, the Office of the Prime Minister does not offer a list of businesses that have been found guilty of bribery in procurement procedures and are therefore prohibited from bidding on future contracts.

The Public Procurement Regulatory Commission's computerised platform, e-procurement, however, still offers such information. In this regard, the Office of the Prime Minister should make available on its website an external link that points users to the necessary data or the E-procurement platform.

## **ACCESSIBILITY**

The Principle of Accessibility addresses the level of citizens, CSOs, and stakeholders interested in participating in the work of the Government, included but not limited to the Act on freedom of Information and other regulations. For this assessment year, the PMO has scored 69% in this principle.

Although the evaluations show a good infrastructure for freedom of information, which is mostly provided through the Law on Access to Public Documents, there is still a lack of implementation in practice. According to the Law on Access to Public Documents, each public institution is required to designate a person to routinely review the received requests and to establish an official email address that is used only for communications with the public. This law has a practical application because there is a specific individual who responds to requests for freedom of information within an acceptable minimum time frame. However, there is still little oversight of requests that are declined or unanswered when it comes to annual reporting on access to public documents. Regarding requests for access to public records, the right to access public records has frequently only been implemented as a result of the Information and Privacy Agency's involvement (IPA).

It is recommended to functionalize a system that would keep track of requests received and their status even during this year of measurement. A process like this would help the Office of the Prime Minister become more transparent and open to the public, improving its score in the Accessibility component.

Another problem is that the right to access information continues to not apply to state-owned enterprises, public companies, or other entities that are owned or controlled by the Government.

The institutions same as the Office of the Prime Minister fail to provide a public list or register of the available documents in their possession and make them public, even though it is foreseen by the law. Progress in these areas, that is relatively easy to implement, would evidently help to increase Kosovo's score but is not deemed to be in the agenda of these institutions.

In respect to public consultation, the Office of Prime Minister, Good governance office developed the Public Consultation platform that all documents needed for consultation are published online from ministries on respective issues. Moreover, reports on the consultation also are published. The structure of the public consultation is regulated through Regulation (QRK) No. 05/2016 on minimum standards for the public consultation process, Article 21.<sup>1</sup> While the PMO is obliged to respond to comments and suggestions submitted through public consultations as per the aforementioned regulation, Article 15, Collection of comments and their addressing.<sup>2</sup> However, on the survey sent to the PMO, when asked on the availability or existence of a procedure for citizens and interested parties to challenge the decisions made for any reason, no response has been provided.

The official Facebook and Twitter pages of the Office of the Prime Minister, which carry news about the Office in question on their websites, are taken into consideration when evaluating the accessibility of the PMO on social media. The country's prime minister's account is linked to accounts on social media sites like Twitter and Instagram, which are updated often with the most recent information. Additionally, the Prime Minister of the country is active in updating its Facebook profile with recent news, hence keeping the interested stakeholders and the general audience informed about the latest developments. This promotes accessibility while also alerting the public about the Office's activities.

## INTEGRITY

On the principle of Integrity, the PMO keeps making yearly progress. For this assessment, the PMO has scored 91%. This growth is mostly attributable to the Agency for the Administration of Civil Servants, All MPs are required to disclose their wealth via asset cards in compliance with this code. Given that the code of conduct,<sup>3</sup> conflict of interest, and wealth disclosure are all regulated, this institution receives a high grade for its integrity measurement. The Government needs to ensure proactive ethical reporting measures are in place, thereby involving protocols about right and wrong behaviours for many different groups, like elected leaders (Prime Minister and Cabinet Ministers), elected representatives (Members of Parliament), political staff, and public servants.

1 <http://konsultimet.rks-gov.net/Storage/Docs/Doc-58b8199b1839d.pdf>

2 <http://konsultimet.rks-gov.net/Storage/Docs/Doc-58b8199b1839d.pdf>

3 <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10764>



Moreover, Kosovo currently lacks the implementation of laws governing lobbyists and their actions, which would serve to improve the protection of the public interest. Considering that Kosovo has enacted the Law on the Whistleblowers, it is recommended that the Government begins providing training for its officials on subjects like conflicts of interest, anti-corruption efforts, or whistle-blowing, as well as how to respond in cases of irregularities.

## **AWARENESS**

In the last component of the assessment, the Office of the Prime Minister of Kosovo has scored a result of 86%. The awareness component addresses the internal mechanisms used to monitor and assess the policies implemented by the Office of the Prime Minister.

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 that goes undocumented poses a great challenge to openness, as well as an inefficiency risk for the future.

When analysing the sub-domain of strategic planning within the awareness component, it is worth noting that the Office for Strategic Planning (OSP) is operating in the Office of the Prime Minister. This office advises the Prime Minister and the Government on the strategic policy priorities of the Government, coordinates the strategic planning process, and reviews the strategic documents to ensure compatibility between them and the strategic priorities of the Government. Moreover, the Prime Minister's Office uses as performance indicators during the development of annual work reports the Operational Objectives in the operational strategic plan (Consultation of policies and legislation). The Office for Good Governance/Office of the Prime Minister has worked to put standards for public consultations into place in collaboration with all of the line ministries through the coordinators for consultations in the line ministries involved in the process of developing legislation and policies.

Additionally, it is worth noting that the reporting of the Ministries continues to be consistent with the Rules and Procedure of the Government of Kosovo, which specify the method and type of information required in the ministry's reports - which are sent to the Office of the Prime Minister for approval.



## CITIZENS' ENGAGEMENT IN THE WORK OF THE PMO IN KOSOVO

ODK has continued its cooperation with UBO Consulting by researching the commitment and opinions of citizens for the work of the Government 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 PMO, 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.

Based on the findings from the survey conducted, the percentage of respondents who indicated that they slightly follow the work of the Prime Minister's Office are 29.8% of women and 32.4% of men. On the other hand, the work of the Prime Minister's Office is followed greatly by 4.6% of women and 10.8% of men.<sup>4</sup>

The next question that was addressed was how much the respondents think that the decisions of the Government reflect their views.<sup>5</sup> Based on the survey findings, 29.9% of women and 28.7% of men surveyed think that government decisions reflect their views, with 46.1% of women and 53.1% of men thinking the opposite. For the following question, more than half of respondents do not think they can contribute to the initiatives of the Government of Kosovo. On the other hand, 31.7% of men and 28.4% of women surveyed think the opposite.

It is worth noting that in the last question addressed to the participants, only 36.3% of men, and 27.2% of women think that they could contribute to the work of the Institution in question. On the other hand, 17.8% of men and 12.4% of women surveyed in regard to this issue did not have a definite opinion.

The survey's findings highlight the significance of taking into account citizens' opinions regarding the PMO's work. As a result, efforts should be directed toward creating communication channels that enable individuals to provide feedback on the work of the Institution, view civic engagement as imperative for its effectiveness, and provide opportunities for collaboration between citizens and other relevant stakeholders.

<sup>4</sup> <https://www.facebook.com/opendatakosovo/posts/pfbid02SJs3LoNPs4bkev7VmPN19kb9fy4GmmGoxaPuEQYvJwHD63HBbR2MeJqN74YxFW3gl>  
<sup>5</sup> <https://www.facebook.com/opendatakosovo/posts/pfbid02XPqgJCufPa6nPuiJcEWZvz5P8BcMhSX2W2vW3NKNHmdq8FKNrsDqavwGdW6u9ennl>

# RECOMMENDATIONS

## STEPS OF ACTION

Open government is an umbrella term for a wide range of practices that further these principles, including open data initiatives, access to information laws, political rights, public consultation and engagement processes, among many others. As per the assessment conducted, it is recommended for the Prime Minister's Office to adopt the following actions in order to maintain its strong performance in its operations:

- *Establish a mechanism through which citizens are able to challenge decisions that were taken through an appropriate process;*
- *Develop the Code of Ethics and establish clear mechanisms for its implementation;*
- *Develop a legal basis for a transparent budgeting process including public participation in the preparations of the state budget;*
- *Create and Publish a Citizens Budget;*
- *Publish the annual work program, information regarding the personnel (including names and positions), salaries, contacts, institutional scope of work, organogram, staff resumes and work reports, as well as list of registers of documents in its possession on the website*
- *Regulate lobbying rules by the law;*
- *Create a complaint form on the official website of the Office of the Prime Minister by providing information on the chronology, relevant civil servants, and institutions that deal directly with specific complaints/requests;*
- *Ensure that plans, calls, decisions, contracts and annexes related to public procurement are published on its website;*
- *Encourage and support membership in the Open Government Partnership;*
- *Publish the audio and/or video broadcasts of the Government sessions on the official website;*
- *Publish an integrity plan or internal anti-corruption policy, including measures to prevent various forms of corruption and unethical behaviour within the institution;*
- *Publish the salaries of public officials on the website;*
- *Provide a list of companies convicted of bribery being barred from participating in future procurement bids.*