

Analysis of Open Governance of the
Office of the Prime Minister in Kosovo
PROPOSALS FOR IMPROVING THE CURRENT SITUATION

ANALYSIS OF OPEN GOVERNANCE OF THE THE OFFICE OF THE PRIME MINISTER OF REPUBLIC OF KOSOVO

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INTRODUCTION

The Office of the Prime Minister (PMO) plays a pivotal role in the governance of any country, serving as the central hub for policy-making, decision-making, and the implementation of government initiatives. As such, it is essential for the PMO to operate with a high degree of openness and transparency. Transparency in the PMO's activities is necessary to ensure accountability to the public, as it allows citizens to understand how decisions are made, how public resources are allocated, and how policies are formulated and implemented.

Furthermore, transparency in the PMO enhances public trust in government institutions. When citizens are informed about the workings of the PMO and have access to relevant information, they are more likely to perceive the government as accountable and responsive to their needs. This, in turn, fosters a sense of civic engagement and participation, which are crucial for a healthy democratic society. Moreover, the core tenets of open government, including transparency, engagement, and accountability, require government institutions to innovate in how they engage with citizens and manage their operations.

By closely following the work of the PMO and promoting transparency, stakeholders can hold the office accountable for its actions and decisions. This not only serves the interests of the public but also contributes to the overall effectiveness and legitimacy of the government. Therefore, in the context of Kosovo, where the PMO plays a crucial role in governance, ensuring openness and transparency in its operations is vital for the country's democratic development and the well-being of its citizens.

This policy paper presents the findings of the Regional Openness Index conducted for the Prime Minister's Office in Kosovo for 2022, which measures the level of openness of the institution. The paper also includes a comparative analysis of the PMO's progress over the years. The aim of this document is to strengthen the principles of good governance by providing insights that can help institutions implement them more effectively. It is intended to benefit representatives of international organisations and colleagues from the CSO sector dealing with these issues.

RESEARCH METHODOLOGY

The analysis was grounded in four guiding principles, forming the basis for evaluating the availability of data from the Regional Openness Index concerning the PMO. This tool gauges the accessibility of government institutions in the Western Balkans to the public and society. For the PMO, the assessment encompassed four key principles: **transparency, accessibility, integrity, and awareness.**

These principles were assessed using various criteria, including the ease of accessing information on the institution's official websites, the quality of the legislative framework, additional public information sources, and institution-submitted questionnaires. Following data collection, a data verification model was applied, resulting in a standard error of +/- 3%. The evaluation period spanned from June 2023 to the end of November 2023. Based on the research findings, a set of recommendations for institutions was formulated.

Transparency mandates public access to organizational data, budgets, and public procurement processes. Accessibility involves establishing policies for unrestricted information access, enhancing accessibility through public discussions, and fostering citizen engagement. Integrity encompasses aspects like lobbying, adherence to codes of ethics, and anti-corruption efforts. The principle of Awareness involves observing and assessing institutionally implemented policies.

All four principles, integral to the Regional Openness Index, contribute to defining, presenting, and evaluating the work and commitment of institutions to transparency.

OPENING OF THE OFFICE OF THE OFFICE OF THE PRIME MINISTER IN 2020

In 2020, the Office of the Prime Minister achieved an overall score of 62%. To set a precedent for other institutions, including line ministries, it must strive for greater openness and transparency with the public and third parties. There is substantial room for improvement, particularly in the area of transparency, where its score decreased from 51% in 2019 to 41% in 2020.

OPENING OF THE OFFICE OF THE OFFICE OF THE PRIME MINISTER IN 2021

In 2021, the Office of the Prime Minister achieved an overall score of 69%. It is crucial for the PMO to consistently enhance its openness and transparency with the public and other stakeholders to establish clear institutional accountability, a fundamental aspect of open government.

OPENING OF THE OFFICE OF THE OFFICE OF THE PRIME MINISTER IN 2022

In 2022, the Office of the Prime Minister achieved an overall score of 73%, indicating progress compared to previous years. However, there remains room for improvement, particularly in the context of statewide aspects.

ACCESSIBILITY

The Principle of Accessibility pertains to the extent to which citizens, civil society organisations (CSOs), and stakeholders can engage in the government's activities. In the current assessment year, the PMO has achieved a score of 71% in this principle.

In evaluating the PMO's social media accessibility, attention is given to its official Facebook and Twitter pages, which serve as platforms for sharing news about the Office. The prime minister's social media accounts, including those on Twitter and Instagram, are regularly updated to provide the most current information. Moreover, the Prime Minister actively manages the content on the Facebook profile, ensuring that stakeholders and the public are informed about recent developments. This approach not only enhances accessibility but also raises awareness among the public about the Office's ongoing activities.

The process of drafting new drafts in Kosovo involves mandatory public consultations, as outlined in Regulation (QRK) No. 05/2016 on Minimum Standards for the Public Consultation Process. (1) This regulation not only mandates public consultations but also defines the reporting process and the structure of the public consultation report. Furthermore, it stipulates that the responsible authority must respond to comments and suggestions submitted through these consultations. Additionally, the regulation establishes a procedure through which citizens and interested parties can challenge decisions if they believe the relevant process has not been followed properly. This framework ensures that public input is considered, transparency is maintained, and avenues for recourse are available if necessary.

In Kosovo, citizens have access to a direct communication channel on the government's website that allows them to address concerns and complaints. This channel is facilitated through the state platform eKosova (2), which offers electronic versions of public services typically provided in physical offices and counters of institutions. By providing these services electronically, eKosova enhances accessibility and convenience for citizens while also serving as a platform for engaging with government services. Citizens can use this platform to voice their concerns, file complaints, and interact with various government agencies, thereby promoting transparency and responsiveness in governance.

1 Kosovo Government, "Konsultimet," accessed Dec, 2023, <https://konsultimet.rks-gov.net/>.

2 eKosova, "Help - eKosova," accessed Dec, 2023, <https://ekosova.rks-gov.net/Home/Help-eKosova>.

While assessments indicate a solid foundation for freedom of information, largely established by the Law on Access to Public Documents, practical implementation remains deficient. In the context of requests for public records, the actual exercise of the right to access such records often relies on intervention by the Information and Privacy Agency (IPA). Implementing a system to track incoming requests and their status throughout the assessment period is advisable. Such a system would enhance transparency and openness within the Office of the Prime Minister, potentially boosting its score in the Accessibility category.

To ensure the effective and accurate dissemination of information to stakeholders, the Office of the Prime Minister (PMO) in Kosovo should prioritize ongoing training and educational programs for its staff. According to the Law on access to public documents (3), there is a legal obligation to conduct training and education in this field, highlighting the importance of staff being well-versed in these matters.

While the PMO participated in training on access to public documents and open data in May 2021, considering that this was the last training recorded, the PMO must continue organizing such sessions regularly. By doing so, the PMO can ensure that its civil servants remain up-to-date with best practices, legal requirements, and advancements in the field of access to public documents and open data. Regular training not only enhances the skills and knowledge of staff but also reinforces the PMO's commitment to transparency and efficient information dissemination.

Moreover, the Prime Minister's Office (PMO) in Kosovo currently does not have a strategy or plan in place for developing the capacity of civil servants to use social media as part of their official duties. This lack of structured training or guidance in utilizing social media for official purposes can impact the PMO's transparency and effectiveness in engaging with the public. Given the increasing importance of social media as a communication tool, especially in the digital age, the absence of such a strategy could hinder the PMO's ability to effectively disseminate information and engage with citizens.

Therefore, it is recommended that the PMO consider developing a comprehensive strategy or plan to equip its civil servants with the necessary skills to utilize social media in their official capacities, thereby enhancing transparency and public outreach.

In terms of planning documents, the PMO operates within a medium-term planning framework provided by the National Development Plan. This plan covers a three-year period and is derived from the National Development Strategy 2030. The plan is updated annually, and its monitoring and evaluation are conducted on a quarterly and annual basis, respectively. The National Development Plan derived from the National Development Strategy 2030 is a document that plans the work of the Prime Minister's Office and Line Ministries in a 3-year period.

However, the PMO does not have a specific long-term planning document covering a single mandate period. Instead, long-term planning is encompassed within the broader context of the National Development Plan (5) aforementioned and various strategic documents that constitute obligations for the PMO and Line Ministries. Also, work planning is covered by various strategic documents which constitute obligations for the Prime Minister's Office and Line Ministries.

INTEGRITY

In terms of Integrity, the PMO has consistently shown yearly improvement. In the current assessment, the PMO achieved a score of 92% in this area.

The Office of the Prime Minister in Kosovo currently does not have a published Code of Ethics. However, there is a Policy Against Sexual Harassment in public administration bodies in the Republic of Kosovo, which has been implemented. While the Code of Ethics is not published on the PMO's website, there is a manual for the implementation of the policy against sexual harassment at work that has been drafted and published. Despite these measures, there are currently no clear mechanisms in place for implementing a Code of Ethics within the PMO.

It is recommended that the Office of the Prime Minister should consider developing and implementing a comprehensive Code of Ethics. Such a code would provide clear guidelines for ethical conduct within the PMO and help foster a culture of integrity and accountability. Additionally, having a Code of Ethics would demonstrate the PMO's commitment to upholding high standards of ethical behavior and would enhance public trust in the institution. Moreover, it would serve as a valuable tool for employees, providing them with a framework for making ethical decisions in their roles.

The increase in transparency and accountability within Kosovo is largely credited to the efforts of the Agency for the Administration of Civil Servants. Under this initiative, all Members of Parliament (MPs) are mandated to disclose their assets through asset cards. This measure has significantly enhanced the public's ability to scrutinise the financial interests of elected officials, thereby promoting transparency and integrity in governance.

Kosovo currently lacks legislation governing lobbyists and their activities, which leaves a gap in safeguarding the public interest. To address this, it is crucial to consider implementing laws that regulate lobbying to ensure greater transparency and accountability in interactions between lobbyists and public officials. Despite this gap, Kosovo has made strides by enacting the Law on Whistleblowers. To further strengthen the implementation of this law, it is recommended that the government initiates training programs for officials. These programs should cover topics such as conflicts of interest, anti-corruption measures, and whistleblowing procedures. By providing such training, the government can equip its officials with the necessary knowledge and skills to effectively address irregularities and uphold ethical standards, ultimately bolstering the country's governance framework.

TRANSPARENCY

In 2022, the principle of transparency achieved a score of 59%, indicating an improvement compared to previous years. According to this principle, organisational information, budgets, and public procurement procedures should be publicly available and accessible through the official website.

The principle of transparency within the Prime Minister's Office (PMO) includes ensuring that its website is regularly updated with relevant information. The website generally contains an ample number of news releases from government meetings, official documents, reports, strategies, and annual work plans, along with the latest decisions. Additionally, the information presented on the website is accessible in both official languages of the country. However, it is important to note that despite improvements in these areas, there are setbacks in terms of institutional transparency. Specifically, the official website lacks information on budget transparency, contracts, and budgetary reports. According to a survey conducted with PMO officials, it was noted that the semi-annual state budget report is not published on the PMO website.

Additionally, public procurement procedures are not yet available on the PMO website. However, the contracts signed with the respective companies based on these public procurement procedures are published on the website of the Kosovo Regulatory Procurement Agency (KRPP). (4)

Moreover, in order to increase institutional transparency, the PMO has an e-government portal that represents an Information Technology system aimed at providing improved, faster, and timely public services. This system enhances services, reinforces accountability, increases transparency, and improves governance efficiency. The benefits of e-government include modernization of administration, improvements in education, health, justice, security, business, trade, agriculture, budget management, democracy, culture, scientific research, and statistics.

Whilst locally, the e-Municipality system, part of the telecommunication system of information technology in Kosovo, covers the entire territory and connects all central and local institutions, totaling over 500 buildings. Through this system, electronic services are provided for citizens, businesses, and the administration itself.

Furthermore, the PMO has adopted documents such as regulations and strategies related to accountability and transparency, such as Regulation (QRK) No. 05/2016 on the Minimum Standards for the Public Consultation Process (5) and the Public Administration Reform Strategy 2022-2027. (6) Additionally, it has adopted the MF Regulation No. 04/2017 on the Criteria, Standards, and Procedures of Public Financing of NGOs. (7)

4 Kosovo Government, "E-Prokurimi," accessed Dec, 2023, <https://e-prokurimi.rks-gov.net>

5 Kosovo Government, "Konsultimet," accessed Dec, 2023, <https://konsultimet.rks-gov.net>

6 Prime Minister's Office, Kosovo Government, "Strategjia e Reformës së Administratës Publike 2022-2027," accessed [insert date accessed], <https://kryeministri.rks-gov.net/blog/strategjia-e-reformes-se-administrates-publike-2022-2027>

7 Kosovo Ministry of Finance, "Rregullore Nr. 04/2017," accessed Dec, 2023, http://ojqfinancime.rks-gov.net/ep-content/uploads/2020/02/RREGULLORE_MF_-_NR_-_04_2017_final.pdf.

ENGAGING CITIZENS IN THE WORK OF PMO ACTIVITIES

ODK has expanded its collaboration with UBO Consulting to conduct an extensive study on citizens' perceptions and engagement with the Prime Minister's Office (PMO).

This research involved interviewing 1306 citizens from diverse backgrounds, ensuring representation across various demographics such as age, gender, ethnicity, residence, and family income. The survey aimed to assess citizens' perspectives on the PMO's responsiveness to their concerns and their perceived ability to contribute to its activities.

The findings revealed that a significant portion of respondents have doubts about their capacity to contribute to the PMO's initiatives, with over half expressing this sentiment. Only 35.7% of respondents believe they can make a positive contribution. Additionally, the survey assessed that 37.9% of respondents slightly follow the work of the Prime Minister's Office. In contrast, 6.3% stated that they greatly follow the work of the Prime Minister's Office.

The subsequent inquiry focused on the extent to which respondents believe that the Government's decisions align with their perspectives. According to the survey results, 33.6% of respondents surveyed feel that government decisions reflect their views, while 51.2% hold the opposite view.

These findings underscore the importance of considering citizens' viewpoints in shaping the PMO's operations. Consequently, there is a need to establish communication channels that facilitate feedback on the Institution's work, recognize civic engagement as crucial for its effectiveness, and provide opportunities for collaboration between citizens and other stakeholders.

RECOMMENDATIONS

STEPS OF ACTION

As per the assessment conducted, the following recommendations are proposed to enhance the openness, transparency, and accountability of the Prime Minister's Office (PMO) in Kosovo:

- The PMO should establish mechanisms to actively engage citizens and civil society organizations in the policymaking process.
- The PMO should ensure that its decision-making processes are transparent and accessible to the public. This can be achieved by continuous publishing of agendas, minutes of meetings, and key documents related to policy decisions on its official website.
- The PMO should proactively disclose information about its activities, budgets, policies, and performance indicators to the public. This can include regular updates on its website, public reports, and data dashboards to provide comprehensive information to citizens.
- The PMO should develop and enforce a robust code of ethics and conduct for its staff, outlining standards for ethical behavior, conflict of interest policies, and measures to prevent corruption. Training programs on ethics and integrity should be provided to staff to ensure compliance.
- The PMO should establish clear mechanisms for monitoring and evaluating its performance, including regular reporting on key performance indicators and outcomes. This can help to identify areas for improvement and ensure accountability to the public.
- The PMO should prioritize the publication of open data sets related to its activities, budgets, and policies. This can promote transparency, accountability, and innovation by enabling citizens, researchers, and businesses to use the data for analysis and decision-making.

RECOMMENDATIONS

- The PMO should align its transparency and accountability practices with international standards and best practices. This can include participation in initiatives such as the Open Government Partnership and adherence to relevant international conventions and guidelines.
- The PMO should promote a culture of transparency and openness within the organization, emphasizing the importance of transparency in decision-making and the value of public participation.
- The PMO should develop a comprehensive communication strategy to effectively communicate its policies, initiatives, and achievements to the public. This can include regular press releases, social media engagement, and public awareness campaigns.
- The PMO should establish a system for monitoring and evaluating the implementation of these recommendations to ensure continuous improvement in its transparency and accountability practices. Regular reviews and feedback mechanisms should be in place to assess progress and identify areas for further action.

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