



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**  
**Qeveria - Vlada - Government**

*Ministria e Administrimit të Pushtetit Lokal*  
*Ministarstvo Administracije Lokalne Samouprave*  
*Ministry of Local Government Administration*

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**Date: August 12, 2022**

**Re: Letter to Co-Chairs of OGP Steering Committee**

**To: Mr. Renato Brunetta**  
Minister for Public Administration  
Government of the Italian Republic

**Mr. Taimar Peterkop**  
Secretary of State  
Government of the Republic of Estonia

**Mr. Aidan Eyakuze**  
Executive Director  
Twaweza East Africa, Tanzania

**Ms. Anabel Cruz**  
Director  
Institute for Communication and Development, Uruguay

**Dear your excellences,**

On July 7, 2022, the **Open Government Partnership** (hereinafter OGP) issued a statement stating that "*Non-universally recognized states are currently not eligible to become members of the Open Government Partnership (OGP)*", referring to "*non-universally recognized states*" - which are not members of the United Nations<sup>1</sup>.

Taking into consideration that "Articles of Governance"<sup>2</sup> adopted by consensus by OGP Steering Committee establish the mandate and policies of the Open Government Partnership and that a

<sup>1</sup> <https://www.opengovpartnership.org/documents/background-on-non-universally-recognized-states-participation-in-ogp/>

<sup>2</sup> [https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP\\_Articles-of-Governance\\_2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf)

country's membership is regulated by these articles, it is unclear to us if the statement issued on July 7, 2022 has been officially turned into decision and subsequently integrated into the "Article of Governance", or as non-conditional political position? If so, we are kindly asking you to re-open the discussion about the OGP position regarding this as a potential member of the OGP, in this case Republic of Kosovo membership in the OGP.

Given that core eligibility metrics measure a government's performance across four key areas of open government such as fiscal transparency, access to public documents, declaration of assets of high public officials, participation of citizens in decision making process has been fulfilled<sup>3</sup>, we would like to highlight that the Republic of Kosovo is recognized by 117<sup>4</sup> states. Furthermore, based on its specific circumstances, the Republic of Kosovo has made substantial progress in addressing both internal and external dimensions of statehood as well as through accession to over the 106 international and regional organizations.

Republic of Kosovo except being the member of the World Bank<sup>5</sup>, International Monetary Fund<sup>6</sup>, European Bank for Reconstruction and Development<sup>7</sup>, International Bar Association and the International Road Transport Unit international organizations is also a member of, Olympic Committee<sup>8</sup>, World Customs Organization<sup>9</sup>, Council of Europe Development Bank<sup>10</sup>, Council of Europe Venice Commission<sup>11</sup>, Egmont Group of Financial Intelligence Units<sup>12</sup>, Permanent Court of Arbitration<sup>13</sup>, International Federation of Arts Councils and Culture Agencies<sup>14</sup>, etc.

Another example is the case of the Republic of Kosovo's membership in UEFA. The UEFA statute stipulated that those states that were members of the United Nations and therefore universally recognized could be accepted for membership - it was reasoned that the UN there is no competence for the recognition of the states since the latter recognize each other, this position is also supported by the decision of the Arbitrary Court of Sports<sup>15</sup>, which reiterates that there is no formal act of recognition by the UN, interpreting the statutory definition more widely giving the possibility of membership to those states which are recognized as an independent state by the majority of UN member states.

In conclusion, I would like to reiterate that the International Court of Justice, which represents the highest level court of the UN, in response to the request for an advisory opinion of the UN General

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<sup>3</sup> Please find in the attached file *Republic of Kosovo Evaluation Report of Open Government Partnership Eligibility Criteria made independently by civil society organizations*.

<sup>4</sup> <https://www.mfa-ks.net/politika/484/lista-e-njohjeve/484>

<sup>5</sup> <https://www.worldbank.org/en/country/kosovo>

<sup>6</sup> <https://www.imf.org/en/Countries/KOS>

<sup>7</sup> Kosovo joins EBRD: "...majority decision to include the Republic of Kosovo as member.", Estonia MFA

<sup>8</sup> <https://olympics.com/toc/kosovo>

<sup>9</sup> <http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/wco-members/list-of-members-with-membership-date.pdf?db=web>

<sup>10</sup> "The Republic of Kosovo is accepted as newest member of Council of Europe Development Bank". Retrieved 20 February 2015.

<sup>11</sup> [https://www.venice.coe.int/WebForms/pages/?p=01\\_Presentation#:~:text=The%20Commission%20has%2061%20member,%2C%20Tunisia%20and%20the%20USA.](https://www.venice.coe.int/WebForms/pages/?p=01_Presentation#:~:text=The%20Commission%20has%2061%20member,%2C%20Tunisia%20and%20the%20USA.)

<sup>12</sup> <https://egmontgroup.org/members-by-region/>

<sup>13</sup> [https://docs.pca-cpa.org/2022/07/d9481542-pca-184006-v98-current\\_list\\_annex\\_1\\_members\\_of\\_the\\_court.pdf](https://docs.pca-cpa.org/2022/07/d9481542-pca-184006-v98-current_list_annex_1_members_of_the_court.pdf)

<sup>14</sup> <https://ifacca.org/places/europe/kosovo/>

<sup>15</sup> Point nr. 108 of Arbitration CAS 2016/A/4602 Football Association of Serbia v. Union des Associations Européennes de Football (UEFA), award of 24 January 2017 --- proposes that the rule be read as meaning that the applicant is based "in a country recognized by the majority of the members of the United Nations". If one were to follow this line of interpretation, the respective prerequisite for membership would be fulfilled, since the simple majority of the member states of the United Nations do recognize Kosovo as an independent state.

Assembly, has stated that the independence of the Republic of Kosovo is in compliance with the international law<sup>16</sup>.

It is imperative, to highlight that the Kosovo independence was aided, supported and recommended by the UN Secretary General and further its legality was reinstated by the ICJ opinion.

We remain at your disposal for any further clarifications you might need.

Please, accept our highest esteem of consideration.

Sincerely Yours,  
Elbert Krasniqi



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Minister of Local Governance and Administration.

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<sup>16</sup> <https://www.icj-cij.org/public/files/case-related/141/141-20100722-ADV-01-00-BI.pdf>