

# REFERENCE BOOK FOR CIVIL SOCIETY ORGANIZATIONS

## PARTICIPATION IN THE LEGISLATIVE, OVERSIGHT, AND BUDGET PROCESSES OF THE ASSEMBLY OF KOSOVO

NOVEMBER 2011





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## List of abbreviations

|       |   |
|-------|---|
| CSOs  | civil society organizations   |
| INGOs | international non-governmental organizations                              |
| KODI  | Kosovar Research and Documentation Institute                              |
| MTEF  | Medium Term Expenditure Framework   |
| NGOs  | non-governmental organizations  |
| OI    | Ombudsperson Institution  |
| OGG   | Office of Good Governance   |
| OPM   | Office of the Prime Minister  |
| OSCE  | Organization for Security and Co-operation in Europe<br>Mission in Kosovo |



## Introduction

Public participation in decision-making is essential for the development of a democratic political system. Seeking to influence decision-making processes, private persons come together to act collectively in what is often referred to as civil society organizations (CSOs).

CSOs form the fabric of society by linking the individuals, the market and political institutions. They participate in the market and politics in the interest of their members or constituency without seeking financial gain or political office. Civil society includes non-governmental organizations (NGOs), clubs and associations, faith-based and community-based organizations as well as trade unions and businesses.<sup>1</sup>

The Conference of International NGOs (INGOs) of the Council of Europe, in its “Code of Good Practice on Civil Participation”, identifies several key functions that civil society plays in the public policy process<sup>2</sup>:

- **Advocacy:** CSOs advocate for the incorporation of the concerns of their constituencies by political parties, parliament and government in their political platforms and legislative agenda. Advocacy plays a key role towards democratizing the decision-making process, because these activities bring a variety of perspectives of social groups to bear on the legislative process.
- **Information and awareness-raising:** CSOs inform their constituents and the public about political decisions and their potential effect for the public.
- **Expert advice:** CSOs often have considerable expertise in the field they are engaged in. They offer this expertise to political decision-makers in order to inform and influence decisions.

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<sup>1</sup> Kosovar Research and Documentation Institute, *Civil Society and the Legislative Process in Kosovo—Analytical Study at the End of the Second Mandate of the Assembly of Kosovo*, December 2007, available for download in English language at [www.osce.org/kosovo/29938](http://www.osce.org/kosovo/29938)

<sup>2</sup> Conference of INGOs of the Council of Europe, *Code of Good Practice on Civil Participation*, November 2008, available for download in English and Serbian at [http://www.coe.int/t/ngo/code\\_good\\_prac\\_en.asp](http://www.coe.int/t/ngo/code_good_prac_en.asp)

- **Watchdogs:** CSOs follow closely the decision-making process to make sure it is democratic and transparent. They also monitor the implementation of laws by ministries and executive agencies, ensuring that the will of parliament is observed.
- **Innovators:** CSOs provide solutions through the introduction of new approaches, which can bring considerable benefits to policy-makers. Their practical solutions offer concrete models that can provide useful input to policy drafting.
- **Service providers:** CSOs provide services in implementation of policies.<sup>3</sup>

In Kosovo, CSOs have grown in number and influence since 1999. They have diversified their activities, focusing on such topics as human rights, governance, protection of vulnerable groups and poverty. In 2010, around 6,000 NGOs were registered at the Department for Registration and Liaison with NGOs, within the Ministry of Public Administration. However, 90 per cent of these CSOs were estimated to be inactive. Of those that are active, many are able to act only upon receipt of a project grant and hence entirely donor-driven in their work. On the other hand, the number of CSOs working on governance and rule of law or exercising a watchdog function at Kosovo level is increasing, and the quality of their work is improving.<sup>4</sup>

The opportunities for these CSOs to directly participate in making public policy remain limited. A survey by local think tank Kosovar Research and Documentation Institute (KODI) commissioned by the OSCE Mission in Kosovo (OSCE) outlined the main obstacles to civil society participation in public decision-making.<sup>5</sup> The survey found a lack of engagement of civil society in public decision-making, which is the result of both a lack

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<sup>3</sup> Conference of INGOs of the Council of Europe, *Code of Good Practice on Civil Participation, November 2008*

<sup>4</sup> Kosovo Civil Society Foundation, *Better governance for Greater Impact - CIVICUS Civil Society Index Analytical Report for Kosovo*, March 2011, p.21 available for download in Albanian and English languages at [http://www.kcsfoundation.org/repository/docs/KCSF\\_CIVICUS\\_CSI\\_Analytical\\_Country\\_Report\\_Kosovo.pdf](http://www.kcsfoundation.org/repository/docs/KCSF_CIVICUS_CSI_Analytical_Country_Report_Kosovo.pdf)

<sup>5</sup> Kosovar Research and Documentation Institute, *Civil Society and the Legislative Process in Kosovo—Analytical Study at the End of the Second Mandate of the Assembly of Kosovo*, December 2007

of capacity on part of CSOs themselves and the lack of opportunity to participate. In particular:

- There is a lack of awareness among many CSOs on the opportunities and mechanisms for public participation provided by legislation in Kosovo.
- There is a lack of public information on the legislative agenda. The government and the Assembly often refrain from informing the public on the content of draft laws in preparation. This practice hampers the ability of CSOs to provide inputs. This applies in particular to the budget law.
- There appears to be a lack of awareness on the part of public officials of the contributions civil society can make the legislative process, which stems from lack of institutional co-operation with civil society.

The OSCE seeks to address these challenges through promoting participation by CSOs in the work of the Assembly. To this end, the OSCE supports the Assembly administration and committees in increasing its transparency and accessibility for residents, the media, and CSOs.

The present reference book is part of this wider effort. It is designed as a resource tool for CSOs with a public policy agenda that seek to monitor and influence the political decision-making processes in Kosovo. Its goal is to give these organizations advice which will assist them in partaking in the legislative, budgetary and oversight activities of the Assembly.

The reference book draws on the experience of the OSCE and in particular applies lessons learned from its capacity-building efforts. In addition, the analysis and recommendations in this book are based on the findings and recommendations of relevant literature on public participation in political decision-making.

This reference book consists of four chapters:

Following the introduction, Chapter 1 introduces relevant legislation regarding access to public information and official documents. Access to information on public matters is a basic civil right and a key prerequisite for advocacy and public participation by civil society. This chapter looks

at the current legal framework in place in Kosovo, points out challenges that CSOs may encounter in accessing official information, and gives recommendations for overcoming these challenges.

Chapter 2 introduces readers to the legislative and oversight processes in Kosovo. It presents the main actors involved and paints a detailed picture as to how these processes are carried out in Kosovo. The chapter offers practical advice for participation of CSOs at all stages of the process, from legislative agenda setting, to overseeing the implementation of laws. Particular attention is given to two instruments: a new consultation mechanism introduced at the law-drafting stage, and public hearings carried out by Assembly committees. The reader will also be introduced to the benefits of a new web-tool, which is currently being developed by the Assembly and which aims to enhance participation of CSOs through web registration.

Chapter 3 introduces readers to the budget process in Kosovo and identifies entry points for CSO oversight and advocacy activities. The budget is arguably the most vital policy area. Through the budget, the government allocates scarce resources to sectors and policies, and shapes the development of the institutions and society. Budget preparations are resource-intensive and require technical knowledge that warrants specialization. This presents a formidable challenge to the Assembly of Kosovo and its Budget and Finance Committee. It also marks an opportunity for CSOs to exert influence by providing their expertise.

## Chapter 1: Access to official information

To be able to exercise their advocacy, awareness-raising, advisory and watchdog functions across the decision-making process, CSOs need to have adequate **access to official information**. The ability to access laws, regulations, reports and other documents that regulate and inform on public policy, and the need to have their requests for public information handled promptly and competently, is of the utmost importance.

In Kosovo, all **laws** adopted by the Assembly and promulgated by the President of Kosovo. They are published in the Official Gazette, which is available online.<sup>6</sup> In addition, the Assembly publishes most laws on its website.<sup>7</sup>

In addition to these laws, Kosovo government ministries and agencies issue **secondary legislation**. Many, but not all ministries and agencies publish secondary legislation on their websites, which can make the regulation of the legal framework unclear .

In Kosovo, access to official documents is guaranteed by the law on Access to Public Documents<sup>8</sup>, and the law on the Administrative Procedure<sup>9</sup>, which specify conditions under which access to official documents can be granted.

### What is an official document?

An official document is any document maintained, drawn up or received by public institutions. These documents can be recorded in any form, such as written documents, maps, sketches, pictures, audio recordings and video recordings, in electronic data storage format, hard copy, or in any other format.<sup>10</sup>

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<sup>6</sup> Official Gazette at <http://gazetazyrtare.rks-gov.net/RQ.aspx>

<sup>7</sup> Assembly of Kosovo at <http://assembly-kosova.org>

<sup>8</sup> Law No.03/L – 215 on Access to Public Documents, 7 October 2010; , available in Albanian, English and Serbian languages at <http://gazetazyrtare.rks-gov.net/RQ.aspx>

<sup>9</sup> Law No.02/L-28 on the Administrative Procedure, 13. May 2006; , available in Albanian, English and Serbian languages at <http://gazetazyrtare.rks-gov.net/RQ.aspx>

<sup>10</sup> Article 3 of the Law on Access to Public Documents. This includes financial statements, reports, strategies, policy papers and more

### **Who may file a request for access to official documents?**

The Law on Access to Public Documents guarantees the right of access to official documents in Kosovo to any natural and legal person, without discrimination on any grounds.<sup>11</sup>

### **Where can official documents be requested?**

Official documents can be requested from all public institutions in Kosovo, such as the government and all other public administration bodies at central and/or municipal level; they also include all law-making and judicial institutions and all independent institutions established under the constitution.

These include, among others:

- Assembly of Kosovo,
- the President of Kosovo,
- the Government of Kosovo, ministries and all units subordinate to them,
- all municipalities and units subordinate to them,
- all courts as well as the state prosecutor,
- Kosovo police, the Kosovo security force and Kosovo intelligence agency,
- Independent institutions, including the Ombudsperson Institution, the Auditor-General of Kosovo, the Central Election Commission, the Central Bank, the Independent Media Commission,
- All independent agencies established under the constitution.<sup>12</sup>

### **How/in which form can a request for access to an official document be submitted?**

A request for information can be made in writing, hard copy or by e-mail, directly to the public institution that holds the document. The public institution is obliged to assist the applicant in identifying the right address for the application.<sup>13</sup>

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<sup>11</sup> Article 4 of the Law on Access to Public Documents

<sup>12</sup> Ibid Article 3

<sup>13</sup> Ibid, Article 6

In practice, identifying the correct point of contact for a request is not always simple. The Law on Access to Public Documents requires each institution to identify a responsible officer or communications unit to address inquiries.<sup>14</sup> However, even though almost every public institution has its website, few provide the necessary contact information of its officials.

- ▶ Where no information on the responsible officer or communications unit of a public institution is available, applicants can address their request to the office of archives of the institution concerned.
- ▶ This may also save time because the application will be sent for registering in the applications' register, which is kept in an archive. Secondly, the archive may have already prepared copies of the requested document.
- ▶ Practical experience has shown that several public institutions have ignored requests for official information received via e-mail. Therefore, to increase the probability of a prompt response, it is advisable to submit requests both via e-mail and in hard copy.

### **Box. Requesting an official document from the Assembly of Kosovo**

The Assembly does not identify a contact person for requests for documents on its web page. The Assembly publishes draft laws, laws, declarations, plenary agendas, committee agendas, plenary session minutes, and plenary session transcripts on its webpage. Other official documents will have to be requested. The most prospective address for requests of official documents would be the Office of the Secretary of the Assembly. The contact information of the Office of the Secretary is available on the web page of the Assembly at <http://assembly-kosova.org>.

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<sup>14</sup> Ibid, Article 5

<sup>15</sup> Ibid. Article 6

In principle, access to official documents is free of charge. The costs for producing a copy of a document have to be borne by the applicant, however. The Law on Access to Public Documents specifies that these fees have to be published by the public institutions. There is also a limit on the amount charged: the costs charged by the institution should not exceed the cost of production of the document. Moreover, the law states that the amount shall be specified by a regulation to be issued by the Ministry of Finance.<sup>16</sup> This regulation has not yet been issued. In practice, the charge for copies is not published by most institutions. Fees charged vary and can be up to several Euros per document. In some cases these fees are imposed even for the sending of documents in electronic form.

- ▶ CSOs should be aware of the fees they be asked to pay when requesting access to official information. When faced with prohibitively high fees they should address the director or chief executive officer of the institution with a request for access at a lower cost.

### **How are requests for official documents processed?**

The public institution receiving a request is obliged to respond to the request **within 7 days of its receipt** with a decision on the request in a written reply.<sup>17</sup> The institution may: i) grant access to the official document, ii) grant partial access to the document or iii) refuse access to the document. In case of partial or total refusal of access, the institution needs to state the reason for the refusal and inform the applicant of their right to a review of their application.<sup>18</sup>

The applicant may then submit a request asking the institution to reconsider the decision **within 15 days from the day the reply** from the public institution is received.<sup>19</sup> The request for review needs to be decided **within 7 days** of its receipt by the public institution. The decision regarding review has to be made by the head of the institution and has to be communicated to the applicant in writing.<sup>20</sup>

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<sup>16</sup> Ibid, Article 21

<sup>17</sup> Ibid, Article 7

<sup>18</sup> Ibid, Article 9

<sup>19</sup> Ibid, Article 7

<sup>20</sup> Ibid Article 9

## **On what grounds can a request for access to official documents be refused?**

In principle, all official documents are accessible. There are, however, several exceptions to this rule specified in the Law on Access to Public Documents. They concern matters of public security, ongoing criminal investigations, individual privacy etc.<sup>21</sup>

In addition, access can be refused to a document that is **classified**.

Applicants can, however, challenge the classification decision by filing a request for review with the Classification Authority that has originated the classified information.<sup>22</sup> Such a request for review shall be filed within three days from the date of receipt of the decision denying access to classified information.

## **What is partial refusal of access?**

The public institution may refuse access to some parts of an official document. If access is refused to only parts of the document based on one of the concerns outlined above, the public institution is required to grant access to the rest of the document.<sup>23</sup>

## **What remedies are there if the request for access to an official document does not receive a response or is denied?**

If the public institution fails to respond to the request for access to official information within the prescribed period of time, the request is considered denied.<sup>24</sup> If the request for review of a decision is denied, the request for access to official information is also considered denied.

- ▶ Before considering formal remedies, applicants should try to exhaust all available informal means. An applicant may ask the institution if it will waive the exemption and if so, when it will release the document. In case the institution is unable to find the document the applicant should ask which files were searched.

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<sup>21</sup> Ibid., Article 12.

<sup>22</sup> This option is based on the Article. 14.3 of Law No.03/L –178, on Classification of Information and Security Clearances, 01 July 2010.

<sup>23</sup> Law No.03/L – 215 on Access to Public Documents, 7 October 2010, Article 11.

<sup>24</sup> Ibid, Article 10

- ▶ The applicant should insist that the institution explain in writing why the requested official document is excluded from public access. If possible, the applicant should rephrase their request so it does not conflict with the explanation for exemption or denial.
- ▶ The applicant can complain to the director or executive officer of the public institution holding the information. The complaint should state the rights of the applicant as described in the Law on Access to Public Documents and the constitution.
- ▶ In addition, the applicant can try to contact a member of the Assembly with their request. Members of the Assembly have privileged access to official information in Kosovo.

Applicants also have formal remedies at their disposal. They can engage the **Ombudsperson Institution (OI)** for gaining access to an official document. The OI will advocate for access to the document in question with the public institution. In case of non-compliance by the public institution, the OI will issue a public report. The OI renders its assistance free of charge. In addition, the applicant may file **a lawsuit** before a competent court.<sup>25</sup> This lawsuit is an administrative case and falls under the competence of the Supreme Court. The Supreme Court may choose to transfer the case to a municipal court.<sup>26</sup> Alternatively, the resident may turn to the constitutional court for resolution of the case once all other legal remedies have been exhausted, since the right of access to official documents is guaranteed by the constitution.

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<sup>25</sup> Ibid, Article 10.

<sup>26</sup> Instituti Gap, *Access to Public Documents*, 16 July 2010, p 7, available in English language at <http://www.gapinstitute.org/repository/docs/AccessDocuments.pdf>

## Chapter 2: The legislative process in Kosovo

This chapter describes the legislative process in Kosovo and presents the main actors involved. It guides the reader through the stages of the legislative cycle and identifies opportunities for CSOs to participate.

### A. Main actors

The legislative process in Kosovo involves several actors:

**The government** adopts its work programme for the legislative period and based on this, it develops the legislative agenda. The government is the source of most draft laws in Kosovo. It also has the political control over those ministries where the law-drafting process usually takes place. Upon adoption and promulgation, the government oversees implementation of the law by ministries and their administrations. The Assembly oversees the implementation of legislation by the government.

Any member of **the Assembly** or any party caucus may initiate legislation, however this rarely happens, not least because of the high costs in terms of time and resources required by the law-drafting processes. The Assembly can adopt, reject or amend any draft law put before it. It also exercises oversight on implementation of laws and ensures that the government respects its will. Most of the actual parliamentary work is performed by the Assembly **committees**. Committees are working bodies consisting of a smaller number of members representing their party caucus. They are focused on a specific policy area and perform work during the legislative law-making, as well as the oversight process. In conducting their legislative and oversight activities, committees also rely on external expertise and consult civil society and experts by way of public hearings.

**The President of Kosovo** has the right to initiate legislation within his or her remit, which is spelled out by Article 79 of the constitution. The President has not so far exercised this right however. The President is vested with the power of promulgating all draft laws after adoption by the Assembly.

**CSOs** may represent important social groups and acquire significant expertise in their work and can find opportunities for participation at all stages of the legislative process. Their participation in the legislative process may improve the quality of laws produced. In Kosovo, several formal mechanisms for consultation of civil society exist. At the law-drafting stage, ministries design concept documents for legal initiatives and publish them for public comment. At the legislative decision-making stage, CSOs are consulted by Assembly committees.

**The public** is involved in the political decision-making process through instruments of direct democracy. In Kosovo, an opportunity for a popular legislative initiative by any resident of Kosovo has recently been created. This presents an opportunity for the public, including CSOs, to initiate legislation.

## B. The legislative process in Kosovo

The legislative process typically goes through several stages. The government prepares a work programme covering the legislative period and identifies legislative priorities in a legislative agenda. At the law-drafting stage, line ministries prepare draft laws based on the political guidelines given to them by the government. At stage of decision-making, the Assembly reads and amends, as appropriate, the draft law. The government is responsible for implementation of the law. At the law implementation stage, the Assembly exercises an oversight function.

### 1. The legislative agenda

In Kosovo, the government sets legislative priorities based on its **four-year programme**<sup>27</sup> (the current one covers 2011-2014) detailing the government's programmatic and legislative priorities. Civil society seeking to influence the policy-making process in a specific area should be familiar with the government programme. For legislative implementation of the programme, the Office of the Prime Minister (OPM) develops a **legislative strategy**, which details the government's

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<sup>27</sup> Available at [http://www.kryeministris.net/repository/docs/Programi\\_i\\_Qeverise\\_eng\\_.pdf](http://www.kryeministris.net/repository/docs/Programi_i_Qeverise_eng_.pdf);

law-making agenda for the current calendar year.<sup>28</sup> The strategy lists planned draft laws by ministries and provides deadlines for drafts to be submitted for consideration by the cabinet. The legislative strategy is usually ready in January or February of each year to be presented to the Assembly for its consideration.

- ▶ By consulting the legislative strategy, CSOs get an overview of impending legislation. This allows them to time and plan their advocacy activities accordingly.
- ▶ The Assembly and its committees also develop their annual activities based on the legislative strategy of the government. Familiarity with the strategy therefore facilitates effective advocacy at the Assembly level.

## 2. The law-drafting process

Laws are usually drafted by staff at government ministries, upon the initiative of the government, or more rarely upon the initiative of members of the Assembly, in form of a parliamentary initiative. Upon approval of the parliamentary initiative in the Assembly, the initiative is forwarded to the government for drafting of the law by the relevant line ministry.

Government ministries have mechanisms for consulting CSOs when developing their draft legislation. They invite CSOs to serve on consultative councils or commissions or ask for their input in public hearings.

- ▶ By providing input, civil society can make sure the draft law accommodates the interests of important groups in society which can make the law more acceptable for and better tailored to the public. CSOs can also share their expertise on the subject matters of policy in their interest.

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<sup>28</sup>Available at [http://www.kryeministri-ks.net/repository/docs/Strategjia\\_Legjislative\\_2011-finale-\\_e\\_plotesuar\\_me\\_19\\_10\\_\\_2011.pdf](http://www.kryeministri-ks.net/repository/docs/Strategjia_Legjislative_2011-finale-_e_plotesuar_me_19_10__2011.pdf);

## 2.1. Laws drafted by the government

The process of **development of a draft law by the government** is governed by the Rules of Procedure of the Government of Kosovo, adopted in September 2011.<sup>29</sup> This regulation foresees a new and improved preparation process for draft laws in the form of **concept documents** and **explanatory memoranda**. For those laws that are a government priority, concept documents will be prepared by the responsible ministry. For all other laws, the ministry prepares explanatory memoranda.

The main difference between these two types of documents is that concept documents are subject to a **public consultation process**. In this process the drafting ministry is required to seek the input of any affected CSO.<sup>30</sup> The consultation process starts with a publication of the concept document by the Ministry.

Once OPM approves the memorandum or concept paper, the ministry will start drafting the law.<sup>31</sup>

This new consultation process at the law-drafting stage of Kosovo significantly expands the possibilities of CSOs to influence the law-drafting process at early stages.

- Under the consultation process over the concept document, CSOs will be presented with a concrete policy proposal to scrutinize. Since the consultation occurs early on in the process, CSOs can offer innovative solutions for policy.

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<sup>29</sup> Regulation No. 09/2011 of Rules and Procedure of the government of Kosovo, 07 September 2011, is available in Albanian and English languages on the website of the Office of the Prime Minister at [http://www.kryeministri-ks.net/repository/docs/Rregullore\\_Nr\\_08-2011.pdf](http://www.kryeministri-ks.net/repository/docs/Rregullore_Nr_08-2011.pdf)

<sup>30</sup> According to Article 32 of the Rules of Procedure of the Government “The originating ministry shall publish the substance of its proposal for public comment and shall specifically seek the comments of any NGO that would be substantially affected by the proposal.”

<sup>31</sup> For the law drafting process at the ministry, Article 39 of Rules of Procedure of the Government again specifies a requirement for public consultation. But it does not specify the mechanism for this consultation process. Upon approval by OPM, the draft law is adopted by the government and submitted to the Assembly.

- ▶ The mode of consultation is not prescribed in the regulation, and there is an opportunity for CSOs to lobby the ministry for extensive consultations that could include public hearings on the subject matter.
- ▶ The consultation process may give CSOs a limited period of time to submit their comments. Even when CSOs are invited to deliver oral presentation at a public hearing, they should make sure to submit their statements also in written form to the ministry in a timely fashion.
- ▶ The statements outlining CSOs' positions towards the policy initiative should be clear and concise. They should include:
  - the contact data of the organization, its aims, membership and structure,
  - the amount and source of any government contract entered into by the CSO in the past which may be relevant to its presentation,
  - an outline of the CSO's professional experience in working and /or consulting on the subject matter,
  - a paragraph or brief executive summary outlining the position in a few sentences,
  - the body statement outlining the position in detail,
  - a list of recommendations.
- ▶ In order to raise awareness among their constituents and to maximize the publicity of their positions, CSOs may publicize their statements and hold press conferences. Joint press conferences by CSOs working on related issues or by CSO associations will increase the visibility of the initiative.

In addition to the new formal consultation process, a more indirect way of influencing the law-drafting process is available. CSOs may offer the expertise of their experts serving on government **expert councils** that can be set up to fulfil an advisory function to the government on a subject matter.<sup>32</sup>

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<sup>32</sup> Regulation No. 09/2011 of Rules and Procedure of the government of Kosovo, 07 September 2011, Article 50

- ▶ Serving on expert councils, CSOs with a track record of working and consulting on a subject matter can have a more sustained influence of government policy on this subject.

Ministries in Kosovo have **designated human rights units** that are responsible for civil society relations.<sup>33</sup>

- ▶ CSOs are advised to contact these units for information and inquiries into the new consultation procedures and on lobbying for public hearings to be held on a legislative initiative in their interest.

The **Office of Good Governance (OGG)**, which is part of the OPM, seeks to facilitate access of civil society to public decision-making as part of its mandate to support good governance. The OGG has sought to engage CSOs in consultation processes at the policy and programme level.<sup>34</sup>

- ▶ CSOs are advised to continue expanding their engagement with the OGG, as the OGG's pilot activities can be a source of innovation for new practices of participation in the policy process that may eventually be mainstreamed.

## 2.2. Legislative initiatives by the public

In October 2011, the Assembly approved the **draft law on the Legislative Initiative**<sup>35</sup>. Among other provisions, the law grants residents of Kosovo the right to introduce legislation in the Assembly by gathering at least 10,000 signatures. The **legislative initiative** could take the form of a full-fledged draft law or a concept for a law, which would then be developed by the Assembly along the lines of the parliamentary initiative outline above. The initiative can be introduced by any resident of Kosovo and submitted, along with the signatures, to the Assembly's Table Office.<sup>36</sup>

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<sup>33</sup> Interview with Director of the Office of Good Governance, Office of the Prime Minister of Kosovo, August 2011

<sup>34</sup> Interview with Director of the Office of Good Governance, Office of the Prime Minister of Kosovo, August 2011

<sup>35</sup> Law No.04/L – 025 on Legislative Initiatives, 13 October 2011, .

<sup>36</sup> Ibid, Chapter IV.

- ▶ This new initiative gives CSOs the opportunity to mobilize around common priorities and initiate legislation of their interest. It is especially interesting for issue-based CSO coalitions that have the opportunity to mobilize a larger segment of society around their concerns. CSO coalitions have successfully participated in the drafting of laws such as the Law on Access to Public Documents, the Law on Labour and the Law on Freedom of Association in the past. By building a broad platform around a commonly advocated draft law, CSOs can put significant pressure on the Assembly to consider their draft in earnest.

### 3. Legislative decision-making by the Assembly

Consideration of a draft law by the Assembly occurs in accordance with the process set out in the Assembly Rules of Procedure.<sup>37</sup> All draft laws introduced to the Assembly, with their supporting documentation, are registered with the Assembly's Table Office.<sup>38</sup> The Table Office has the responsibility to distribute the draft law to members of the Assembly. In addition, the text of the draft law is uploaded to the Assembly website. Upon introduction of a draft law, the Presidency of the Assembly assigns the law to a committee for a **review of the draft law in principle**. This committee is the **lead committee** for this draft law.

The committee tasked with review in principle will take the co-ordination role in collecting and reviewing possible amendments to the draft law at later stages of the process. In order to give the lead committee adequate time for making its recommendations to the plenary, the first reading of the draft law may not be scheduled earlier than two working weeks nor later than four working weeks from the day of its distribution to members.

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<sup>37</sup>The Assembly Rules of Procedure , 29 April 2010. At the time of writing, the Rules of Procedure for the fourth mandate of the Assembly are being developed by the Assembly.

<sup>38</sup> According to Article 54 of the Assembly Rules of Procedure this documentation consists of a) an explanation note on the objectives that are aimed to be achieved by the law, its harmonization with the current legal framework and reasoning of the provisions of the Law; b) a declaration on budgetary implications in the first year and subsequent years; and c) a declaration on approximation and harmonization with EU legislation and with the comparative table of acts it refers to.

Upon review of the draft law in principle, the lead committee prepares a report to the plenary that includes a recommendation for approval or rejection of the draft law by the plenary in the **first reading of the draft law**.

### **Box. The role of committees at the Assembly of Kosovo**

Committees do most of the actual work of the Assembly in reviewing and proposing amendments to draft laws submitted by the government or Assembly members.

Committee meetings, which are public and open to observation, are held on a regular basis, at least once a month. They are called and chaired by committee chairpersons who also draft the committee agenda.

Any matter introduced to the Assembly will fall under the portfolio of one (or more) committees. The Assembly currently has 13 Committees, whereof four “main” and nine are “functional”. The functional committees cover portfolios of topics that roughly correspond with the portfolios of ministries. The four main committees are:

- **Committee for Legislation and Judiciary:** It reviews the legal quality of the law and its compliance with existing legislation and the constitution;
- **Committee for Budget and Finance:** It reviews the budgetary implications of the draft law;
- **Committee for European Integration:** It reviews the compliance of the draft law with the EU legal framework;
- **Committee on Rights and Interests of Communities and Returns:** It reviews the draft law for its effects on the interests of non-Albanian communities and the effects on their rights and privileges under the constitution and international obligations.

If the draft law is adopted at the first reading, the **review in detail** of the draft follows, when the law is scrutinized article by article. This process is co-ordinated by the **lead committee** which has already reviewed the law in principle. For scrutinizing the draft law, the committee may invite experts as well as representatives of the ministry that developed the draft.

The committee may also invite civil society representatives to attend committee sessions and may hold public hearings to gather opinions of the public and CSOs. In fact, most public hearings take place at this stage when the committee considers the draft law in detail. The review process usually ends with the development of concrete amendments to the law by the lead committee and other committees. Amendments can be proposed by any member of the Assembly, but also by parliamentary groups, committees and by the government.<sup>39</sup>

Before any amendment can be proposed to the plenary for approval, they will be forwarded to the **four main committees** of the Assembly for comment. The main committees draft a report with their opinions and any proposed amendments from their side to the lead committee.

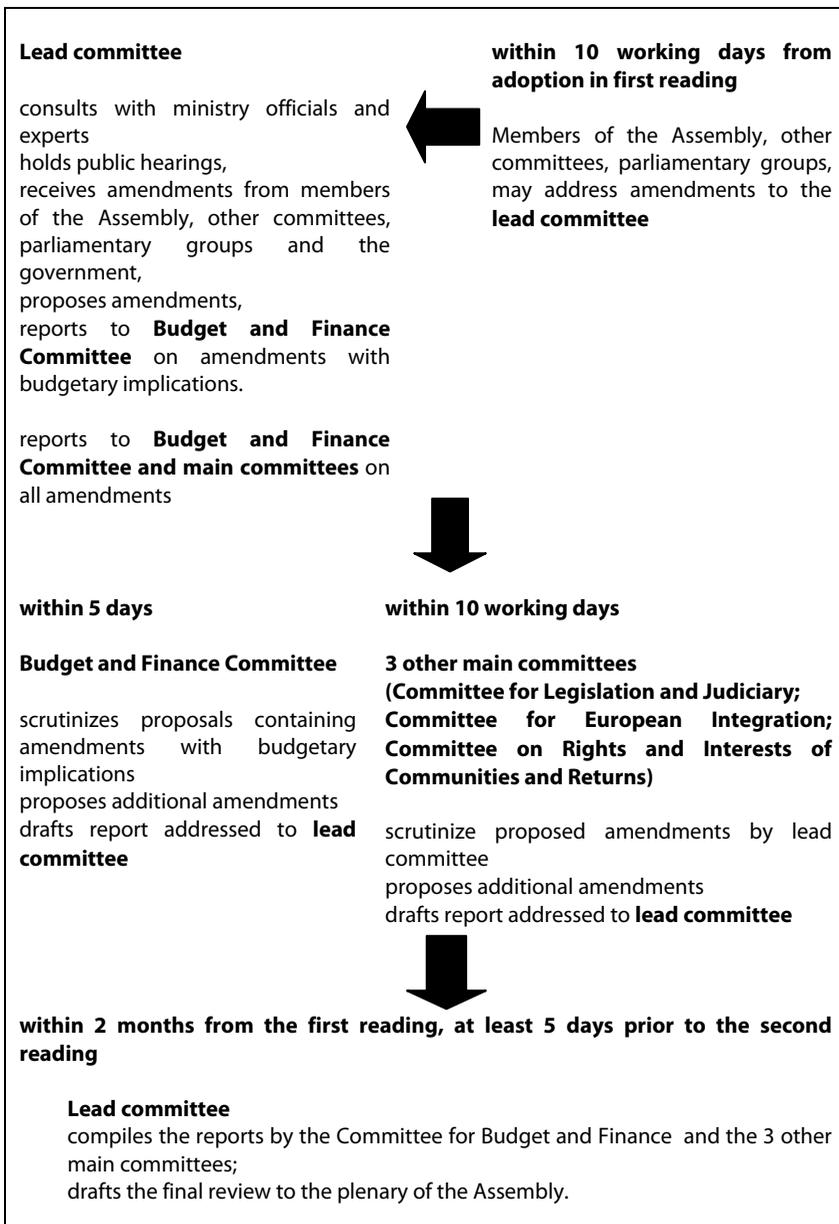
The lead committee then drafts the **final review report** to the plenary. This report contains all proposed amendments, points out conflicting amendments and makes recommendations for approval or rejection of these amendments.

The Table below illustrates the process of review in detail of a draft law by the Committees.

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<sup>39</sup> Committees are free to gather outside expertise in their work based on Art 65 of the Rules of Procedures of the Assembly of Kosovo.

## Box. The review in detail of the draft law by the Committee



After members of the Assembly have had the chance to review the report by the lead committee, the draft law is put on the agenda of the Assembly for its **second reading** by the plenary.

At the second reading the Assembly reviews the draft law in detail. Suggested amendments are voted on individually, according to the order in which they appear in the draft law. Following the voting on amendments, the second reading is concluded by voting on the draft law in its entirety. If the draft law is adopted in the second reading, the law is signed by the **President of the Assembly** and forwarded to the **President of Kosovo** for promulgation. Upon promulgation the law is published in the **Official Gazette** of Kosovo and also in the Assembly website.

If the law is rejected in the second reading, the sponsor of the draft law can decide to submit the draft law to a **third reading** along with all the adopted amendments. Before going to the third reading the draft law may be referred back to the lead committee for modification. Upon adoption in the third reading, the law is signed and promulgated as described above.

### 3.1. Public Participation in the Assembly decision-making process

To be able to exert influence on the legislative process in the Assembly, CSOs will have to become involved in its work on a routine basis.

Day-to-day relations between the Assembly and CSOs fall under the mandate of the Office for Media and Public Relations, according to the Regulation on the Organization and Responsibilities of the Assembly.<sup>40</sup> However, no specific officer has been assigned as a point of contact for CSOs at the Assembly Secretariat. There is also no publicly identified point of contact for the public and CSOs. This makes direct communication and the submission of requests by CSOs difficult. As a consequence, CSOs usually rely on informal contacts with relevant units of the Assembly administration such as the Office of the Secretary, the

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<sup>40</sup> Regulation on the Organization and Responsibilities of the Assembly of Kosovo, 12 October 2010, Article 9;

Office for Media and Public Relations and the Department for Legal and Procedure Issues.

To exert influence on any specific draft law, CSOs have to co-operate with the Assembly committees. Committee meetings are **open to the public** and in principle everybody may observe them. At times committee meetings might also be attended by the media. On several occasions TV footage from committee meetings and public hearings has been broadcast. Exceptions to the rule of public access to committee meetings apply, however, and committees may formally decide that a meeting is closed to the public.<sup>41</sup>

Committee meetings and public hearings are usually announced in the calendar on the Assembly website at least a few days in advance. The calendar features information on the date, location as well as an agenda. With the support of the OSCE, the Office of Media and Public Relations of the Assembly has recently improved the accessibility of meetings.

- ▶ CSOs should consult updated information on the Assembly website. CSOs can also sign up to RSS feeds on the committee web pages and receive updates on committee work.
- ▶ In addition, committee websites now hold the contact information of committee support staff. CSOs should consult these with any concern that relates to the subject matter of a committee - for submitting statements, when seeking to observe a meeting, and when lobbying for a public hearing.
- ▶ CSOs interested in observing a Committee meeting need to register with the committee support staff in a timely manner.

Observers will have to be picked up at the front desk by committee support staff and led to the committee meeting room. Unfortunately, meeting rooms at the Assembly have limited space for observers, which can make observing committee meetings difficult.

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<sup>41</sup> Article 65 of the Rules of Procedure of the Assembly of Kosovo.

In exercising their role in the law-making process, committees often look for external support and expertise. The committee may invite individuals or organizations with knowledge on the subject matter to testify before it. Committees may also hire experts on the matters at hand as advisers, in accordance with the budgets allocated for this purpose by the Presidency of the Assembly. In addition, committees may compel a minister to testify before it. Committees usually do so in the process of scrutinizing implementation of an existing law.<sup>42</sup>

### **3.1.1. Public hearings**

Public hearings are the most formalized way of receiving information available to committees. They are open meetings called by committees to gather information from a number of different sources. Public hearings may be called in the process of deliberation of a draft law or when scrutinizing the government's implementation of a law. According to the Rules of Procedure of the Assembly of Kosovo, committees may hold public hearings with experts, representatives of civil society and other persons.<sup>43</sup>

#### **Why participate in a public hearing?**

The purpose of a public hearing is not only to elicit relevant expertise but also to gather opinions from important social groups. CSOs focusing on a specific issue develop significant expertise on that subject matter, which is valuable to the Assembly when scrutinizing draft laws or the implementation of laws. By presenting before a committee, a CSO can inform the decisions of committee members and hence have a significant influence on the results. CSOs can ensure the opinions of important social groups in society are considered by committees. This can improve the quality of a draft law and make it more likely to be accepted by the public.

#### **How to participate in a public hearing?**

While committees hold public hearings ever more frequently, public hearings are not mandatory in the Assembly legislative decision-making

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<sup>42</sup> Article 65 of the Rules of Procedure of the Assembly of Kosovo.

<sup>43</sup> Article 66 of the Rules of Procedure of the Assembly of Kosovo,

or oversight process. Committees do not hold public hearings on every draft law under their consideration.

- ▶ A CSO interested in presenting their view on a draft law should lobby the committee chairperson or a committee member to hold a public hearing by emphasizing the need and benefits of such a hearing.
- ▶ When making the case for a public hearing, the CSO should point out not only its interest in the hearing but also the benefits to the committee and the general public.
- ▶ Since participation in a public hearing requires an invitation by the committee, CSOs should lobby to be invited to the hearing.

Once a committee has decided to hold a public hearing, it will announce the time and place of the hearing publicly. This should happen at least one week in advance of the hearing.<sup>44</sup> All public hearings are announced in the calendar on the Assembly website. In addition, announcements for hearings may be published in newspapers.

- ▶ In practice, public hearings are often announced much closer to the date, which limits the opportunity for making substantive submissions by CSOs. All the more important is timely preparation for CSOs. This includes familiarity with the legislative agenda, awareness of the draft law prior to its consideration in detail by the committee, and timely lobbying and/or registration for a public hearing on the draft law under consideration.

### **How to prepare for a public hearing?**

At a public hearing, CSOs may appear as witnesses. Committee members hear the testimony of witnesses they have invited to the hearing. Usually, the presenting witness will be given 5 to 10 minutes to present their case before the Committee. After this presentation, committee members will

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<sup>44</sup> National Democratic Institute Kosovo & OSCE Mission in Kosovo, *Assembly of Kosovo Public Hearing Manual*, May 2004, p.10

ask questions regarding the presentation and the witnesses' views on the matter at hand.

Many committees will require CSOs to submit their presentation in writing in advance of the hearing. This allows committee members to study the witnesses' viewpoint in advance and prepare questions.

- ▶ A specific committee may have a set format that any submission should follow. CSOs invited should check with the committee support staff in advance of the hearing whether this is the case.

The following box contains additional advice on how to prepare written and oral submissions for public hearings.<sup>45</sup>

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<sup>45</sup> National Democratic Institute, *Lobbying Parliament: A Guide For NGOs*, 2011. The Guide is available in English language at <http://www.ndi.org/node/13620>

## **Box. How to prepare for a public hearing**

### **1. Written submissions**

There is often no set format for a written submission – check with the committee support staff if the committee has set any formal specifications. However, make sure your written submission includes the following information:

- Your name, address and telephone number, and the date of the submission;
- The name of your organization, its aims, membership and structure;
- The name of the Committee to which it is addressed;
- The amount and source of any government contract entered into by you organization in preceding years which may be relevant to your presentation;
- Whether you want to speak to the Committee in person about your submission (if so, provide a daytime phone number);
- How widely you have consulted about the matter;
- Your comments - arrange them in logical order, and be simple, brief, accurate and complete
- If you are commenting on a law, first state your general position, then make detailed comments on clauses of concern;
- If you are commenting on an enquiry, use its terms of reference (available from the clerk of the committee) as a guide to presenting your views;
- End with your list of recommendations.

### **2. Oral presentations**

In addition to your written submission, you should prepare your oral presentation. This presentation should be no longer than 5-10 minutes. Prepare a shorter version of this presentation in case your time may be more limited. Below are some tips for your oral presentation.

- Introduce yourself and address the chairperson and committee members
- Make a brief statement about your submission and conclude with a summary of main points
- Make your points as concisely as possible and use factual information
- You may want to make an argument that your position is in the best interest of the public.
- Legislators may want to know: what, if anything, is being done or has been done in other jurisdictions; what other groups support or oppose your proposal; what the costs may be. If you know the answers, include them in your statement.
- Offer to help: You may want to ask if there is anything you can do to help get the proposal in question approved or defeated. This shows you and your group care enough to be willing to contribute more time and energy.

### **Where do public hearings take place?**

Public hearings usually take place at the Assembly building. However, they may also be held outside of the Assembly or even outside of Prishtinë/Priština. A committee may decide to hold a hearing in a specific region affected by the issue or draft law at hand.

- ▶ CSOs based in a specific region outside of Prishtinë/Priština could consider lobbying a committee for holding a hearing in their region, especially on matters that disproportionately affect that region.

### **What happens after the hearing?**

The information provided at the committee public hearing is usually recorded by committee support staff and a transcript as well as a public hearing report is normally produced. Both documents are usually published on the Assembly website, but should also be available to contributors from the committee support staff.

- ▶ Interested CSOs may also want to attend the committee meetings following a public hearing to be able to monitor the further consideration by the committee of the draft law or issue at hand and follow up on their contribution if necessary.

## **4. Oversight of implementation of laws**

The legislative process does not end with the adoption of a law. The most important aspect of any law is how it is implemented in practice. Scrutiny of and inquiry into government performance in implementation of laws is one of the main duties of committees. In many parliamentary systems, a large part of the committees' work involves taking evidence and gathering views. In Kosovo, committees have extensive rights of scrutiny and investigation that are, however, not yet used systematically.

The responsible ministry is required to report on the implementation of a law to the relevant functional committee at least once a year. The committee assesses whether implementation is effective and may propose measures for improvement. Monitoring of a law is concluded by a **written report** by the committee that is addressed to the plenary of the Assembly. In case the ministry fails to report to the committee or the

committee deems the report to be incomplete, the issue is put on the agenda of the following plenary session of the Assembly.<sup>46</sup>

This monitoring process is systematic. The functional committee produces a list containing the date of the promulgation of the law, the date of its publication in the Official Gazette, a list of the legal provisions that need to be implemented by the government, and a list of the government's decisions implementing those provisions.<sup>47</sup>

The functional committee may also consult external expertise during its monitoring exercise. <sup>48</sup>Gathering written and oral presentations from experts, CSOs and groups affected by implementation of the law is an important tool for assessing performance and appraising the report of the minister. Committees have the opportunity to hold public hearings for that purpose. These hearings will be very similar in structure and focus to the legislative hearings described in the preceding section.

- ▶ CSOs monitoring the implementation of public policy can lobby committees to hold oversight hearing when considering the implementation report of the minister.
- ▶ They can also send written submissions to the committee charged with overseeing implementation of a particular law they are interested in.

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<sup>46</sup> Article 73 of the Rules of Procedure of the Assembly of Kosovo.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

## Chapter 3: The budget process

This chapter provides an introduction to the budget process in Kosovo. Its goal is provide relevant background information for CSOs seeking to monitor and influence the budget process.

The budget process affects the whole of society. Public policies advocated by CSOs eventually have to confront the need for financial resources. Therefore, CSOs can be more effective if they know how the budget is drafted, approved, implemented and evaluated. Specialized CSOs can make a valuable contribution to ensuring more responsive and ultimately better budgeting. Budget groups can explain the budget to the public, provide training to media and civil society representatives and foster participatory practices at the local level.<sup>49</sup> Under these circumstances, budget work with the Assembly is a promising but also challenging field of engagement for CSOs in Kosovo.

The budget is the government's most important economic policy instrument and should reflect its development priorities. Hence oversight over the budget by parliament is vital. Through the democratic budget process the parliament can exercise considerable direct influence over the work of the government. Under the existing legal framework, the Assembly faces no restrictions in imposing its priorities on the budget.

The budget process is, however, complex, technical and resource-intensive. This represents a formidable challenge for many Assembly members, but also an opportunity for specialized CSOs to provide assistance.

While the budget typically regulates revenue and expenditure over one fiscal year, the budget process is continuous and circular. Like the legislative process, the budget process goes through several stages:

- budget formulation, when the budget is developed by the government;

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<sup>49</sup> Warren Krafchik, *Can civil society add value to budget decision-making? A description of civil society budget work*, <http://www.internationalbudget.org/resources/library/civilsociety.pdf>.

- budget enactment, when the budget plan is considered and approved by parliament;
- budget execution, when the budget policies are carried out by the government; and
- budgetary oversight and auditing , when the actual expenditures of the budget are accounted for and assessed for effectiveness.<sup>50</sup>

Upon completion, the process starts again. In practice, the stages of the cycle overlap.

In Kosovo, the budget process is regulated by the Law on Public Financial Management and Accountability<sup>51</sup>. This law regulate all stages of the budget process in Kosovo.

## 1. Budget formulation

At the stage of budget formulation, the budget plan for each year is developed by the government. The budget specifies allocations for budget organizations – those institutions and agencies that are financed from the budget. In Kosovo this includes the government and its agencies, the President, the Assembly and other institutions, municipalities, independent institutions. The Department of Budget, within the Ministry of Finance, is responsible for the development of the budget.

The budget is not created from the beginning each year. Budget plans are based on past budgets, modelling future expenditure and revenue on ongoing programmes, past experience and current revenue projections. In Kosovo, the annual budget is accompanied by a medium term planning tool, the **Medium Term Expenditure Framework (MTEF)**, which seeks to improve the predictability and sustainability of

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<sup>50</sup> International Budget Partnership, 'A Guide to Budget Work for NGOs', 2001, <http://internationalbudget.org>.

<sup>51</sup> Law No. 03/L-048 on Public Financial Management and Accountability, 13 March 2008  
Law No. 03/L-221 on Amending and Supplementing of the Law No.03/L-048 on Public Financial Management and Accountability, 12. July 2010

the budget, covering the coming fiscal year and estimates of the two following fiscal years.

When preparing the **annual budget**, the Ministry of Finance issues so-called **budget circulars**<sup>52</sup>, which provide information and instructions on the expenditure ceiling for the next fiscal year and specify the coordination process with budget organizations at all levels. Budget circulars on the next fiscal year are **prepared by 30 April** of the current fiscal year.<sup>53</sup> Receiving institutions, agencies and municipalities are required to submit their proposed budgets and appropriations requests based on the parameters of the budget circulars **by 30 September** of the same year.<sup>54</sup>

Based on these budget proposals, the Minister of Finance prepares the **Proposed Kosovo Consolidated Budget and Proposed Appropriations Law** for consideration by the government.<sup>55</sup> This law contains detailed provisions on the budget, its appropriation to budget organizations and its execution. The government is required to **submit the law for consideration to the Assembly by 31 October** of the current fiscal year.<sup>56</sup>

During the budget preparation process, **opportunities for direct participation of civil society** are limited. The government prepares the annual budget behind closed doors and there is no mechanism for formal consultation during the process.

- ▶ CSOs can, however, expect the budget envelope and allocations to be broadly in line with projections of the MTEF, which means that the broad outlines of the budget can be anticipated.

The major obstacle for CSOs' effective participation is, however, the lack of transparent information on the budget allocation. Under current

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<sup>52</sup> Budget circulars are published by the Ministry of Finance on its website at <http://www.mef-rks.org>.

<sup>53</sup> The Law on Public Financial Management and Accountability, as amended and supplemented, Art 20

<sup>54</sup> Ibid, Art 20

<sup>55</sup> Ibid, Art 21

<sup>56</sup> Ibid, Art 22

practice, the Kosovo budget holds only bare figures detailing allocation to institutions or generic tasks. This makes it difficult to ascertain what the allocated funds are used for exactly and to whose benefit.

- ▶ At this stage, CSOs may seek to educate the public on the broad outlines of the budgetary framework, or publish reports on important topics with budgetary implications under consideration, or on topics they would like to highlight, in order to influence the budget being formulated by the government.
- ▶ In addition, CSOs can seek to influence the budget development process by holding parallel civil society budget meetings with broad stakeholder attendance. These meetings could produce a set of “budget priorities of society” that could be submitted to the Office of the Prime Minister.

## 2. Budget enactment

The Assembly of Kosovo reviews both the MTEF and the annual budget in **late October**, when the government submits the proposed Budget and Appropriations Law with an updated version of the MTEF.<sup>57</sup> The budget and appropriations law is considered by the Assembly according to the same procedure as other laws.

The **Budget and Finance Committee** functions as the lead committee for the budget laws. It compiles reports and receives proposed amendments from the main committees and other functional committees. It may call hearings with budget organisations as well as external experts and representatives of CSOs. The Minister of Finance has the right to attend all meetings.<sup>58</sup>

So far, the Budget and Finance Committee has refrained from holding public hearings. One of the reasons for this might be found in the limited

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<sup>57</sup> . Ibid., Article 19. The MTEF is originally submitted for consideration to the Assembly by 30 April. The MTEF, being a planning instrument, is discussed but not amended and voted on by the Assembly. The enactment role of the Assembly is more focused on the annual budget

<sup>58</sup> Ibid, Article 22.

time that is available to the Assembly for consideration of the budget. According to the current budgetary calendar, the Assembly has two months from the receipt of the budget to the final approval. Within these two months, the Budget and Finance Committee also has to handle direct budgetary interventions by Kosovo's independent institutions which report solely to the Assembly and do not interact with the Ministry of Finance. Independent institutions lobby for their budgetary priorities with the Budget and Finance Committee, only after the final budget proposal has been submitted by the government. This can lead to blockades and distracts members of the Committee from other budgetary priorities.

Due in part to its heavy workload, scrutiny of the draft budget law by the Budget and Finance Committee is superficial and time and resources for facilitating public participation in this stage of the budget process are very limited. Still, the Assembly Committee stage is where public attention on the budget is the greatest, which presents an opportunity for public action to CSOs.

- ▶ Specialized budget groups can provide expertise on the budget to peers or the media by releasing their own budget analysis in press conferences. In these analyses, CSOs may point to the lack of transparency of the budget.
- ▶ CSOs can submit their comments on the budget proposal to the Budget and Finance Committee.
- ▶ CSOs could also advocate with the Budget and Finance Committee for public hearings to be held. Even where public hearings are not held, CSOs can address written submissions to the Committee to focus its attention on certain issues.
- ▶ Interested CSOs should attend sessions of the Committee to signal their interest and initiate contact with committee members. The Committee will consider the budget in November and December. CSOs should inform themselves on upcoming meetings on the Assembly website or subscribe to the Committee's RSS feed. CSOs can also

contact the Committee Co-ordinator for more detailed information.

- ▶ CSOs can also focus public attention by publicly asking direct questions on the content of budget lines to the Ministry of Finance as well as to implementing budget organizations.
- ▶ They may also focus on the effect of the budget on particular issue areas or seek to highlight the effect of the budget on certain social groups, such as women, youth or non-Albanian communities.
- ▶ CSOs may hold roundtables to inform their peers, people and the press on the budget.

### 3. Budgetary oversight and auditing

To ensure that the budget is implemented according to the approved budget law, the Assembly requires extensive fiscal reporting from the government. In Kosovo, the Ministry of Finance delivers **quarterly budget implementation reports** on the current budget to the Assembly.<sup>59</sup> These reports confirm whether revenues will be sufficient to fund the appropriations specified in the Budget and Appropriations Law. This gives the Assembly up-to-date information on budget execution by the government. These reports are considered by the Budget and Finance Committee, but do not require approval by the Assembly. By 31 March each year, the Ministry of Finance submits a **final report on the budget** to the Assembly which illustrates for Assembly members to what extent actual expenditure for the past fiscal year is reconcilable with the budget.<sup>60</sup>

- ▶ Interested CSOs can attend Budget and Finance Committee meetings in which quarterly execution and final reports on the budget are considered.

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<sup>59</sup> Ibid, Art 45

<sup>60</sup> Ibid, Art 46

- ▶ CSOs can highlight major deviations from the budget to the public through press releases.

The most important tool of budgetary oversight, however, is consideration of the **report by the Auditor General**.<sup>61</sup> The Auditor General in Kosovo is an independent institution. The audit report reconciles expenditures with the budgetary framework. It looks for compliance in spending by budgetary organisations with the criteria set out in the budget and appropriations law and for efficient use of budgetary resources in spending. The audit report contains a set of recommendations for improvement of budget execution. It is submitted for consideration to the Assembly before 31 August and is publicly available for download on the website of the Auditor General.<sup>62</sup> The Assembly has until 31 October to scrutinize the audit report and make recommendations. The report is reviewed by the Committee on Oversight of Public Finance.

So far, CSOs have afforded little interest to the report of the Auditor General.

- ▶ CSOs are encouraged to devote more attention to the report of the Auditor General.
- ▶ CSOs can play their information role in focusing public attention on the recommendations provided in the report of the Auditor General and advocate for their implementation.
- ▶ CSOs can make submissions to the Committee on Oversight of Public Finance, attend its sessions and lobby it for action on the recommendations of the report of the Auditor General.
- ▶ CSOs can contact the Auditor General to acquire more detailed information on budgets and budgetary

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<sup>61</sup> The report is produced in accordance with Art 47 of the Law on Public Financial Management and Accountability, as amended and supplemented.

<sup>62</sup> The report of the Auditor General is available on the website of this institution at <http://oag.rks-gov.net>.

performance of institutions, agencies and municipalities in Kosovo.

The Table below provides an overview of the budget cycle in Kosovo:

### The budget cycle in Kosovo

|           | Budget Preparation and Enactment<br><b>Year 1</b>   | Budget Execution<br><b>Year 2</b>   | Auditing and Assessment<br><b>Year 3</b>   |
|-----------|---|---|--|
| January   |   |   |  |
| February  |   |   |  |
| March     |   |   | <b>By March 31:</b><br>Final Report on the Budget for year 2                             |
| April     | <b>By April 15:</b> Ministry of Finance develops MTEF for year 2, 3, 4  | <b>By April 30:</b> Ministry of Finance submits second quarterly budget implementation report on year 2 to Assembly |  |
| May       |   |   |  |
| June      | <b>By June 15:</b> Budget organisations develop budget proposals for year 2   |   |  |
| July      | Ministry of Finance conducts budget hearings in conjunction with budget organisations on budget for year 2              | <b>By July 30:</b> Ministry of Finance submits second quarterly budget implementation report on year 2 to Assembly  |  |
| August    | Ministry of Finance conducts budget hearings in conjunction with budget organisations on budget for year 2              |   | <b>By August 31:</b> Auditor General submits general audit report for year 2 to Assembly |
| September |   |   |  |
| October   | <b>By October 31:</b> government transmits draft budget and appropriations law for year 2, and updated MTEF to Assembly | <b>October 31:</b> Ministry of Finance submits third quarterly budget implementation report on year 2 to Assembly   | <b>By October 31:</b> Assembly reviews Audit Report for year 2                           |
| November  |   |   |  |
| December  | <b>By December 31:</b> Assembly enacts Budget and Appropriations Law for Year 2   |   |  |

## Further resources

For analysis and guidance on civic participation in Kosovo see:

Balkan Civil Society Development Network, *The Missing Link? Development and Functioning of Civil Dialogue in the Western Balkans*, June 2010, available for download in Albanian, Serbian and English languages at <http://www.balkancsd.net/>

Kosovo Civil Society Foundation, *CIVICUS Civil Society Index, Analytical Country Report for Kosovo, Better Governance for a Greater Impact*, March 2011, available for download in English language at [civicus.org/downloads/CSI/Kosovo.pdf](http://civicus.org/downloads/CSI/Kosovo.pdf)

Kosovo Civil Society Foundation, *Ne dhe Ata - Pjesëmarrja qytetare në Kosovë*, October 2011, available for download in Albanian language at [http://kcsfoundation.org/repository/docs/Ne\\_dhe\\_At\\_a\\_Pjesemarrja\\_qytetare\\_ne\\_Kosove\\_b5.pdf](http://kcsfoundation.org/repository/docs/Ne_dhe_At_a_Pjesemarrja_qytetare_ne_Kosove_b5.pdf)

Government of Kosovo, *Udhëzues për procesin e konsultimeve publike*, October 2011, available for download in Albanian language at [http://kcsfoundation.org/repository/docs/Udhezuesi\\_per\\_procesin\\_e\\_konsultimeve\\_publike\\_b5.pdf](http://kcsfoundation.org/repository/docs/Udhezuesi_per_procesin_e_konsultimeve_publike_b5.pdf)

Technical Assistance for Civil Society Organisations Kosovo Office, *Growing Together, Civil Society Involvement in the Legislative Process*, August 2011, available for download in Albanian, Serbian and English languages at [www.tacso.org](http://www.tacso.org).

OSCE and KODI, *Civil Society and the Legislative Process in Kosovo—Analytical Study at the End of the Second Mandate of the Assembly of Kosovo*, December 2007, available in English language at <http://www.osce.org/kosovo/29938>

For further guidance on parliamentary advocacy in Kosovo see:

National Democratic Institute, *CSO Guidelines for Legislative Advocacy in the Kosovo Assembly*, 2011

National Democratic Institute, *Lobbying Parliament: A Guide For NGOs*, 2002 available in English language at <http://www.ndi.org/node/13620>

National Democratic Institute, *Assembly of Kosovo Public Hearing Manual*, 2004 available in Albanian, Serbian and English languages at <http://www.ndi.org/node/13402>

Technical Assistance for Civil Society Organisations Kosovo Office, *Manual on CSOs and Citizens' Participation*, 2011, available in English language at <http://www.tacso.org>

For guidance on applied budget work see resources by the International Budget Partnership available online at <http://internationalbudget.org/>:

International Budget Partnership, *A Guide to Budget Work for NGOs*, 2001, available on in English language at <http://internationalbudget.org>

International Budget Partnership, *Guide to Transparency in Government Budget Reports: How Civil Society Can Use Budget Reports for Research and Advocacy*, 2011, available in English language at <http://internationalbudget.org/>

