

Cooperation between the political finance oversight institutions in Kosovo and Czechia

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History of collaboration

The collaboration between the Czech and Kosovar political finance oversight institutions started in 2021, when the head of Office for Registration, Certification and Financial Control of Political Entities (ORCFCE) participated in the experience exchange mediated by the two TI national chapters. At first on-line meetings were dedicated to the comparison of the legal framework within which the state oversight institutions operate in each country. It was noted by participants from both offices, Mr. Yll Buleshkaj and Jan Outlý, that the position of the ORCFCE is rather restrained due to its dependence on its legally controlling political board of the Central Election Commission (CEC) of Kosovo. They argued that it is not easy to simply transfer expertise between the two institutions since they are both equipped with different internal bylaws, measures and competencies and they face different pressures. The collaboration had nevertheless intensified in November 2021 when the members of both offices, including the members of the CEC of the Republic of Kosovo (RKS) attended an experience-sharing roundtable in Pristina, and it was accelerated when the new law nr. 03 / L-174 coll. was passed in 2022.

Re-establishing the Office in the Republic of Kosovo

According to the new law on financing political entities, the Office for Registration, Certification and Financial Control of Political Entities (ORCFCE) has been granted greater functional independence and additional resources in exercising its legal competencies of monitoring and financial control. The responsibility for controlling the finances of political entities has returned to the CEC, namely the Office, which through an open public competition, will **select auditors of financial reports** including those of election campaigns of the political entities. The **office will be the final instance for imposing financial sanctions** in case of legal violations, without prejudice to the application of any criminal or other sanctions by the responsible institutions.

The new law specifies the types of contributions that political entities can accept. The new definition of contributions includes financial and non-financial benefits of political entities, payments of their debts, other benefits, and services provided to political entities below the real market value - which constitute novelties and essential elements for enabling more effective control of political financing. Appointing the ORCFCE with oversight tasks as of 2022 led to approximation of the two institutions, the ORCFCE and UDHPH. Their tasks and structure are now comparable, yet different. This conclusion served actually as a ground for intensive experience exchange between Offices in Prague in 2022, when the members of Czech Office met with the Chairman of the Central Election

Commission, Mr. Kreshnik Radoniqi and representatives of ORCFCPE, Mrs. Mergita Kryeziu Hiseni and Ms. Nita Mustafa.

Key differences in the structures and tasks of the Offices

UDHPSH is an independent state body. ORCFCPE functions within the structure of the Central Election Commission. Both are cut from political influences, though. Both perform the oversight over the election campaigns, yet the Czech Office can use a broader pallet of measures to ensure the transparency of political campaigning (such as obligatory transparent campaign accounts or the regulation of third parties in campaigns). Both Offices are obliged to assess the financial reports of campaigns and annual reports of parties and interestingly, this is where the Kosovar ORCFCPE has stronger powers than their Czech counterparts. While the ORCFCPE is obliged to choose and assess independent auditing authority for the reports, in Czech it's the political parties themselves who have to deliver their reports already audited by independent auditors. The Office only checks their formal compliance.

Takeaways from the 2022 Prague meeting

Besides their shared interest in the competence and responsibilities of their respective Offices regarding financial audits, a lot of attention was given to the automation of reporting, staffing of the actual offices and teams as well as the their quests in the creation of dialogs with the parties. This is an example of the **transfer of a good practice**, since the CEC of the RKS was inspired to establish the position of a lawyer within the staff of the ORCFCPE from UDHPSH.

We can point out two main streams of interest as they appeared in the talks, though. Firstly, the Chairperson of the Kosovar CEC is responsible for the selection procedure of the director of ORCFCPE. This selection had begun for the first time at the time of the Prague visit. Therefore, the **general profile of the head of the oversight institution** was discussed thoroughly. Although experience, background, impartiality and public trust were stressed, some formal and legal aspects of this position were pointed out too. Both Czech and Kosovar legal frameworks require a cooling period of 3 years after any political exposure before the candidate for the position of Executive Director of the Office can apply; a useful requirement in order to preserve the political neutrality of the heads of the Offices. Additionally, the Czech representation stressed the importance of a preliminary procedural preparation of the internal legal working among the head of the Office and its personnel. Clear definition of subordination, decision making and responsibilities can avoid later obstacles in the Office's performance. As a result and upon arrival from Prague, the CEC started a procedure of preparing bylaws concerning the internal functioning of the bureau including the specification of fining the breeches of the law regarding transparency of election campaigns.

