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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 (ORCFCPE) 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 ORCFCPE 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 (ORCFCPE) 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 ORCFCPE with oversight tasks as of 2022 led to approximation of the two institutions, the ORCFCPE an UDHPSH. 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

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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 then 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.

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Members of Kosovar and Czech oversight institutions at the meeting in Prague 22.11.2022. From left: František Sivera, Jan Outlý, Jiří Navrátil, Tomáš Hudeček, Mergita Kryeziu Hiseni, Kreshnik Radoniqi, Nita Mustafa.

Secondly, the representatives of the CEC expressed special interest in so-called **transparent accounts**, the tools which serve as an instrument of party financing monitoring in the Czech Republic. After introduction of these in 2016, the political stakeholders got quickly used to the obligation of establishing several publicly accessible on-line bank account reports, which are prescribed to be used for certain kind of financial operations of political parties and candidates (e.g. election accounts). Although prescribing transparent accounts is out of the hands of the CEC or ORCFCPE (as well as out of hands of their Czech counterparts), such tool would potentially improve the transparency of political finance in Kosovo, if once implemented.

Summary - Strengths, weaknesses, opportunities, threats

After successful Prague and Pristina exchanges we can conclude, that the respective **bureaus built strong professional ties** based on their authentic interest in performing the task of independent oversight over political financing. Additionally, there are relevant experiences to be mutually exchanged as well as a shared interest in international collaboration as means of improvement on both sides. In conclusion, there is solid ground for future development of the collaboration. However, **there isn't reliable support for such institutional collaboration** among state oversight institutions in Europe. This makes the practicalities of the future exchange rather demanding. The collaboration of the Offices is based on a call from the civil society organizations from both countries which have served as facilitators in the exchange. Lack of institutional framing for such cooperation make these collaborations weak and vulnerable to fading out. Besides being a weak point of the current cooperation, this can be a threat for its future development as well. Yet, there remains a rather **wide range of opportunities** for the improvement of the functioning of both Offices by study exchanges, internships, transfers of good practice and legislation impulses from one country to the other. Therefore the TI chapters will continue to reinforce the collaboration of the Offices in the future years.