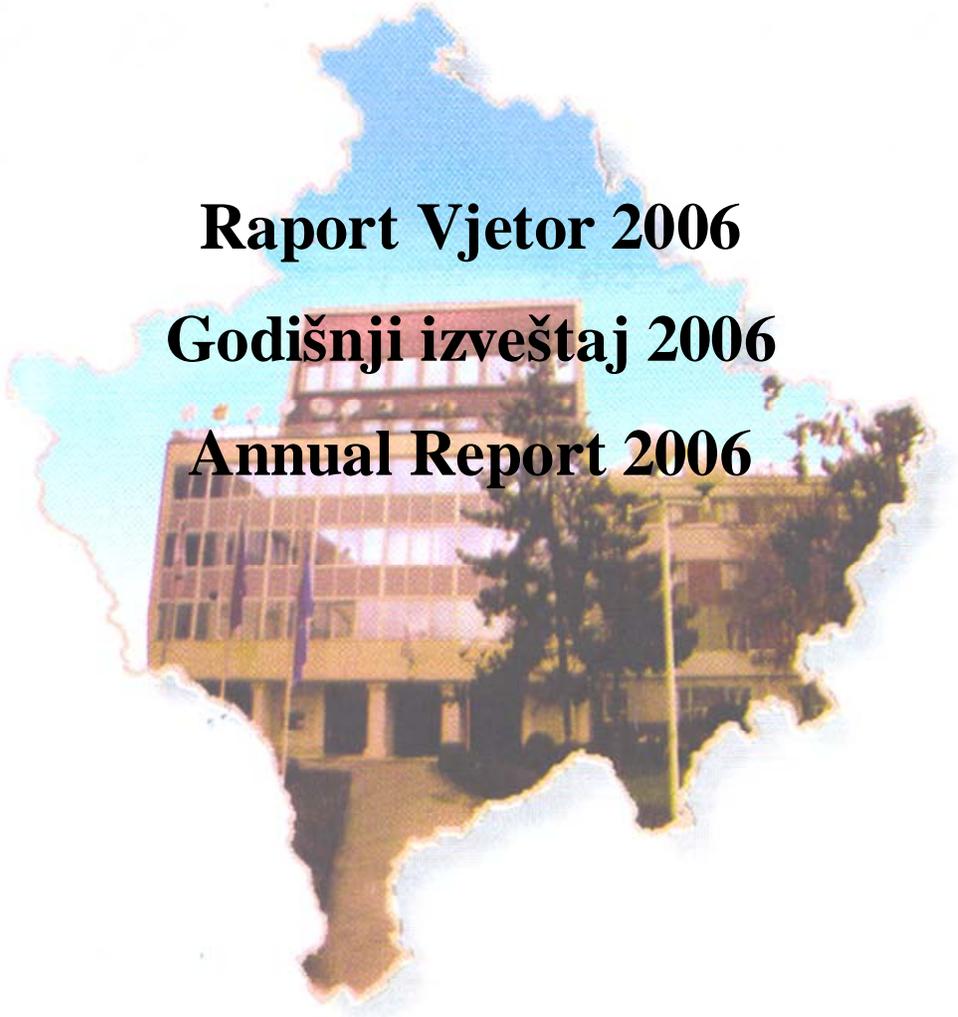




INSTITUCIONET E PËRKOHËSHME VETËQEVERISËSE  
QEVERIA E KOSOVËS / MINISTRIA E SHËRBIMEVE PUBLIKE  
KËSHILLI I PAVARUR MBIKËQYRËS I KOSOVËS



**Këshilli i Pavarur Mbikëqyrës i Kosovës**  
**Nezavisni Nadzorni Odbor Kosova**  
**The Independent Oversight Board Of Kosovo**

A map of Kosovo with a photograph of a large, modern building with many windows, likely the headquarters of the Independent Oversight Board, overlaid on it.

**Raport Vjetor 2006**  
**Godišnji izveštaj 2006**  
**Annual Report 2006**

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Pristina 2007

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## INTRODUCTION

Independent Oversight Board of Kosovo (IOBK) pursuant to the provision of Section 14.1 of UNMIK Regulation 2001/36 on Kosovo Civil Service, in order to provide full information regarding its activity during 2006, is pleased to present the Annual Report of the last year to the competent organs and the widespread public.

Aware that "*achieving of goals is not done by people, but through people*" IOBK did not constraint its primary goal, achievement of comprehensive Oversight regarding application of the Law on Civil Service, only in the simple **oversight** and **enforceable** component, but it widely provided the probabilities of consultations, advices and discussions with employing authorities at Kosovo Civil Service.

This approach resulted with a mutual understanding, preventing the found imperfections and the improving of the professionalism in CSK.

The whole IOBK's activity, presented in this report, has its continuous intention of this organ being a guarantor of an ethical manifold and efficient Civil Service, which would be based on the law, and above all it should serve all population of Kosovo, considering the fact that a well organized Civil Service, which has a proficient administration, is a precondition for the functioning of the democratic institutions as well as a signal of the rule of the justice.

Certainly, this Annual Report, the second in the row, compiled by the Board, has no pretence to unfold all the achievements done within the respective year, but it will highlight the main - prevalent points of its activity including what is considered as Board's **success**, **difficulties** during its work, deficiencies or flounders during exercising its duties and the future Challenges, especially its *transformation* into an organ that would directly report to the Kosovo Assembly.

No one can be wholly satisfied with what has been done, as there are always possibilities for better and more achievements, but in general IOBK is of the view that the majority of goals foreseen during 2006 were accomplished and it will also continue with the same commitment in the following year.

Consequently, we would like to show appreciation to the Government of Kosovo, UNMIK, OSCE, DFID and all other Employing Authorities of Kosovo Civil Service for their correct cooperation.

Respectfully,

Sevdail Kastrati,

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## ACRONYMS

IOBK - Independent Oversight Board of Kosovo

PISG- Provisional Institutions of Self- Government

UNMIK- United Nations Interim Administration Mission in Kosovo

SRSG- The Special Representative of the Secretary- General

MPS- Ministry of Public Services

KCS- Kosovo Civil Service

CEO - Chief Executive Officer (Municipality or Executive Agency)

REG- Regulation on Kosovo Civil Service

AD- Administrative Direction (2003/2)

LAP - Law on Administrative Procedures

AI- Administrative Instructions (2005/01 and 2005/02)

UCCK - University Clinic Centre of Kosovo

UP - University of Pristina

EA- Employing Authority

OSCE- Organization for Security and Cooperation in Europe

DFID- Department for International Development (U.K)

## INDEPENDENT OVERSIGHT BOARD OF KOSOVO

Independent Oversight Board of Kosovo is an organ established pursuant to UNMIK Regulation 2001/36 on Kosovo Civil Service, which determines such as; the functions, content, authority and the field of activity of the Board.

The Board was officially established on 23 September 2004, when IOBK members made a solemn oath starting their activity in the Board.

IOBK is composed of seven members, appointed by SRSG in consultation with the Prime Minister of Kosovo, being selected through the public competition, in open competing procedures and based on merit.

The Board has its Chairperson selected by the Board.

Pursuant to the provisions of the Law on Civil Service, the IOBK members are not civil servants.

The Board has its Secretariat, composed of employees who are civil servants according to the law and they carry out administrative/technical preparatory tasks after IOBK needs, and they are supporting staff of the Board.

The Board members are selected for a period of time foreseen with the law and they can be terminated from their duties as foreseen by the law only.

All the current Board members have work experience in Public Administration, in managing the human resources and experience in the Kosovo courts, which absolutely makes them suitable and credible in exercising the duties of a Board member.

Based on the applicable law, the Board has three key roles;

- The responsibility to resolve the appeals filed by the civil servants and the applicants for job in KCS, in the final instant of the administrative procedure
- The function of Review of Appointments at the Level of Heads of Kosovo Civil Service Departments

- The function of Compliance of the Law of Kosovo Civil Service, by Employing Authorities of KCS.

## LEGAL BASIS OF ACTIVITY

The legal basis of Independent Oversight Board of Kosovo to exercise its activities derives from the positive legislation in Kosovo mainly through:

UNMIK Regulation 2001/36 on Kosovo Civil Service

AD 2003/2 on Implementation of the Regulation 2003/1

Law on Administrative Procedures (Law of Kosovo Assembly No 02L-28)

Administrative Instruction 2005/01 on Rules of work of IOBK

Administrative Instruction 2005/2 on Appeals Procedures of IOBK

12 Administrative Instruction of MPS regarding the KCS procedures

Applicable laws in Kosovo pursuant to UNMIK Regulation 1999/24 on Applicable Law in Kosovo

Apart from this, during the monitoring visits, IOBK also uses the questionnaires to undertake the monitoring checks regarding the compatibility of application of Law of KCS by Employing Authorities, which is drafted by the Board itself.

The appealing parties also are obliged to fulfil the obligatory appeal form with all requirements foreseen by it, pursuant to AI 2005/02 on Appeals Procedures, which IOBK follows with.

Another formal and practical source that is used by the IOBK members, especially during organization procedures and holding of hearings with the present parties, is the Calendar compiled by both IOBK and OSCE, which was discussed and Approved in the common seminar organized in Ohrid, Macedonia.

## THE APPEALS FUNCTION

The Civil Servants, employed at Kosovo Civil Service, when they assume that their Employing Authority, by any action, violated any of their employment rights, they are entitled to complain to Independent Oversight Board of Kosovo.

This right is entitled to the civil servants only in cases when they have used/ exhausted all remedies within the institution where they work or used to work.

The applicants for a job at Kosovo Civil Service have the same appeal right to IOBK, with the condition that prior to appealing to IOBK; they should first appeal to the Appeals Board of the Institution where they applied for.

Once an appeal reaches IOBK, it will be registered by its Secretariat and after it is recorded, it will be presented to the Board for a decision.

A three members commission of the Board, on behalf of the Board, undertakes all the procedural actions to resolve the case appeal including: consideration of the presented evidence in the case, organization and arrangement of the hearings, eventual hearings of the witnesses, compiling of the minutes from the hearings, holding of consulting and voting sessions and finally issuing the DECISION for the actual appeal case; (See an example of the appeal submitted to IOBK).

GOVERNMENT OF KOSOVO  
Ministry of Public Services  
The Independent Oversight Board of Kosovo  
Pristina

Within the legal deadline, against the decision of the Appeals Board 02 No 07/8638-4 dated 12.01.2007, I submit this:

**Appeal**

Due to these reasons:

1. Wrong application of the provisions of the Budget Circular 2007/05
2. Wrong verification of the factual situation.

Reasoning

The Appeals Board did not consider at all if the Acting Director of Health Center in Ferizaj was right regarding my dismissal from work, and how he decided to terminate my employment as a guard, whilst it was easier for him just to reject my appeal.

My education level is such that I do not understand figures, but when stated that the budget is shortened I get surprised. We at Health Center earned salaries of 130 euro, whereas the company that awarded the tender from the Health Center in Ferizaj gets 300 euro for an employee. The Appeals Board did not take into account this fact.

So there is no redundancy of the working place, but instead there are people who were employed through family relationship.

Evidence: The letter of the final budget 2007.

One does not have to be very clever to realize that the technical service of the Health Center in Ferizaj needs a guard, who would earn 300 euro and not 130 euro. During the deciding there were no criteria used, but the guards, as the most uneducated category, were apparently discriminated against and there were also violations of the employees' rights by the employer. Why the criteria established by the Executive Council of the Municipality of Ferizaj were not applied, why, why?

I fulfilled the 4 criteria, but why there was no commission to evaluate such criteria? Why they had no mercy, making me and my family, including juveniles, go out in the streets begging? Why the other employees that were hired in the recent months were not dismissed, but they dismissed me? God help me, whereas I wish no forgiveness to the heartless.

These criteria were not applied at all in my case; there was no commission whatsoever that would carry out the evaluation-selection of the employees, so those that fulfill these criteria would stay, while the others would be dismissed.

Evidence: Minutes from the meeting of the Directors Board

Praying to God, and asking IOBK, as I hope that it will have the kindness to evaluate my financial and soulful state upon reading this appeal, the provided evidence, the facts of the case, so it will hold a hearing with me and then it would issue this:

### **DECISION**

Such a decision would grant in total my appeal as grounded, restore my working place as a guard at Health Center in Ferizaj and extend my employment contract.

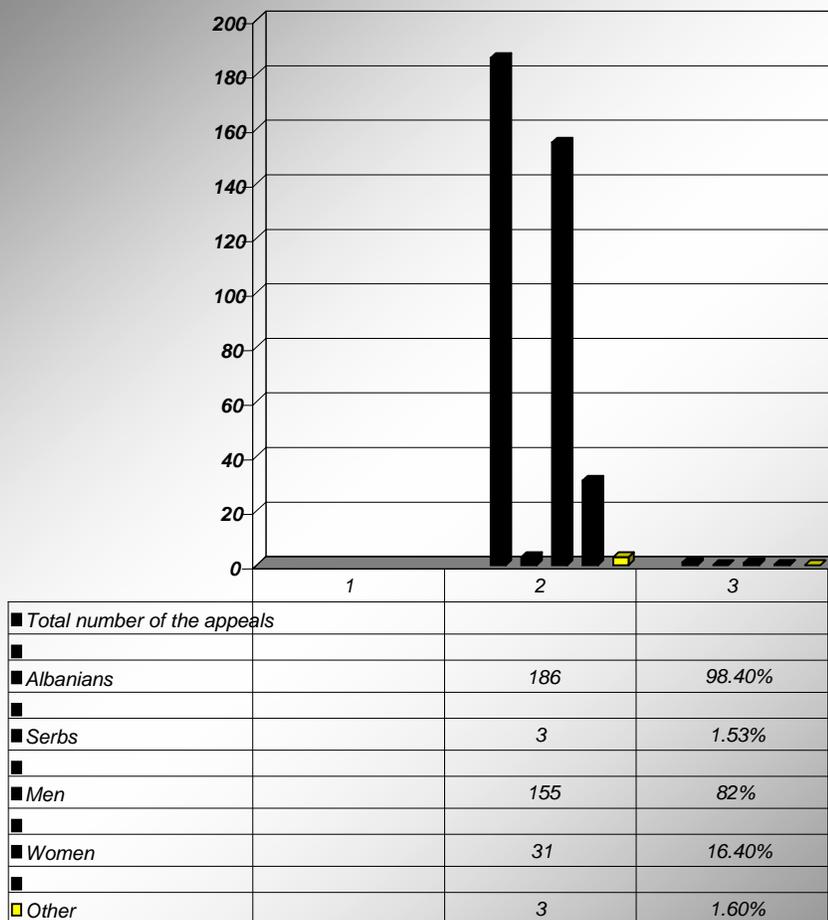
It would annul the decision of the Appeals Board of the MA of Ferizaj 02 No 07/8638-4 dated 12.01.2007, as ungrounded.

The Appellant,  
Besim Jetullahu  
Talinovc i Muhaxherve  
Ferizaj  
Tel: 044 451 235

During the period of time, presented in the report, i e during 2006, there were 189 appeals registered at IOBK Secretariat and immediately after technical-administrative recording procedures, they were presented to the Board for a decision.

Selected, according to the national ethnicity, the appeals were selected in this manner; 186 appeals were submitted by the appellants with Albanian ethnicity and 3 appeals were submitted by appellants with Serbian ethnicity (See the respective diagram)

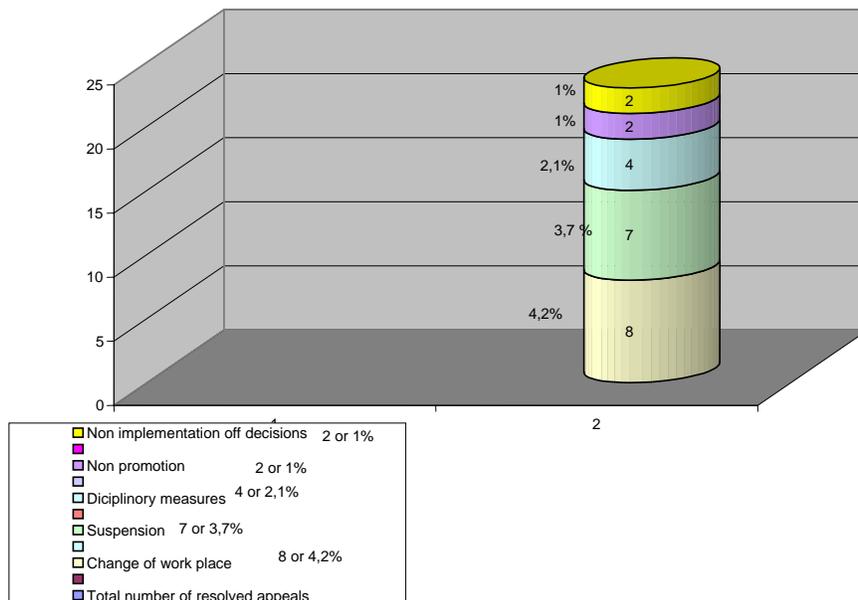
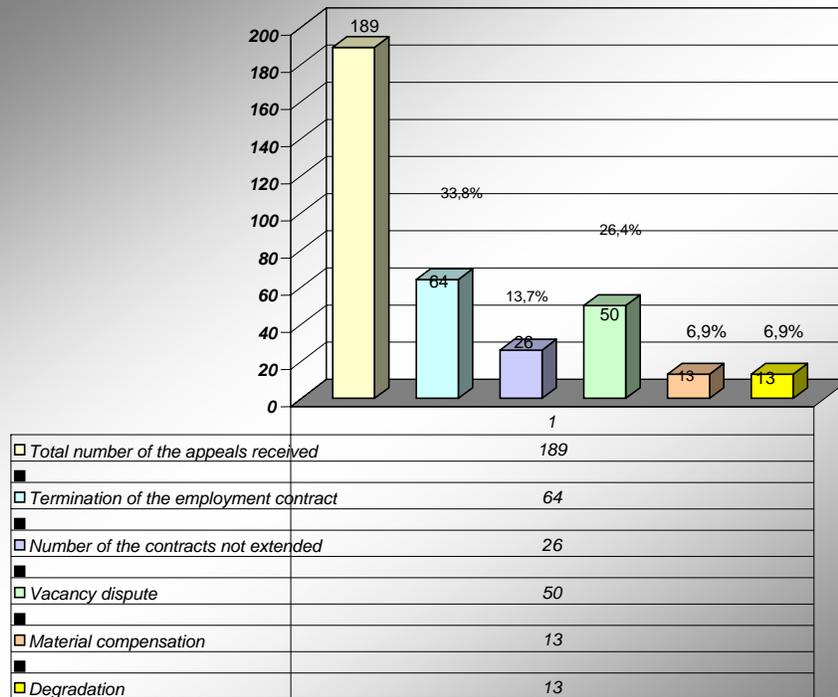
The total number of the appeals



After full consideration of appeals and facts, IOBK found that the appeals submitted were of the following matters:

- Termination of the employment contract..... 64 appeals
- Number of employment contracts not extended.....26 appeals
- Competition dispute ..... 50 appeals
- Material compensation.....13 appeals
- Post degradation .....13 appeals
- Transfer to another post.....08 appeals
- Suspension from duty.....07 appeals
- Diciplinary measures.....04 appeals
- Number of cases not promoted.....02 appeals
- Failure to implement the decisions.....02 appeals

The total number of appeals received according to the appeal status



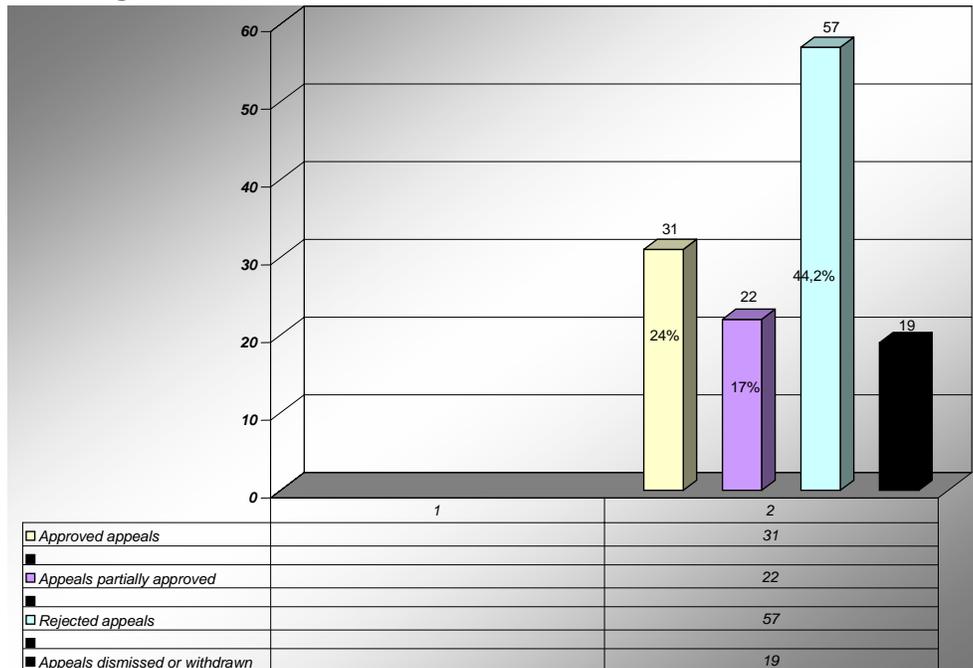
After the implementation of the procedures foreseen with the law, the respective commissions of IOBK resolved 129 appeals issuing judgements on merits, in the following manner:

**31 appeals or 24% were approved**

**22 appeals or 17.7% were partially approved**

**57 appeals or 44.2% were rejected**

**19 appeals or 4.7% were dismissed or withdrawn from the appellants, see the respective diagram**



In order to illustrate the form and the manner the decisions were taken by the respective Board commissions, we will present two copies of the decisions taken after the completion of the procedures foreseen with the Section 11 of UNMIK Regulation 2001/36 and the methodology foreseen by the Administrative Instruction 2005/02, MPS on Appeals Procedures, which IOBK follows with.

It is important to mention that there are many procedural actions of the Appeal Board that precede the issued DECISION; it was assigned by the Board to decide on the actual appeal case.

An appeal submitted to IOBK could be decided by the Appeal Board, based on allegations stated in the case by the Requesting party and the Employing Authority, whose decision was challenged through the appeal. In such cases, where there is sufficient evidence, the Appeals Board in a non-public consulting and voting session will take the right decision, always based on the Section 5.7 of the AI 2005/02 on Appeals Procedures in IOBK.

In cases when there are contradictions of the material evidence and when the Appeals Board finds that there is necessity to organize preparatory-main session for a hearing of parties, then the Secretariat of IOBK undertakes all the necessary measures that this session be arranged and notifies the parties for the date and the place where the hearing would be held (See the picture from an IOBK session).



See two examples of resolved appeals:

- a) Example when appellant's appeal was granted
- b) Example when appellant's appeal was rejected



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PRIVREMENA INSTITUCIJA SAMOUPRAVE  
PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT**

**QEVERIA E KOSOVES / MINISTERIA E SHËRBIMEVE PUBLIKE  
VLADA KOSOVA / MINISTARSTVO JAVNIH SLUŽBI  
GOVERNMENT OF KOSOVA / MINISTRY OF PUBLIC SERVICES**

**KËSHILLI I PAVARUR MBIKËQYRËS I KOSOVËS  
NEZAVISNI NADZORNI ODBOR KOSOVA  
INDEPENDENT OVERSIGHT BOARD OF KOSOVA**

No 02/154/2005

The Appeals Board of IOBK, composed of Mr. Sevdail Kastrati, Chairperson, Mr. Bahtir Troshupa and Mr. Bajram Zogiani, members, decided on the legal issue of the Appeal submitted by Mr. Muhamet Zogaj from village Turjakë, Municipality of Malisheva against the Employing Authority, MA Malisheva-Education Municipal Department, due to the termination of employment, registered at IOBK under No 128/05 and acting pursuant to the Section 11 of UNMIK Regulation 2001/36 on Kosovo Civil Service in relation to the Section 12.2 of the Administrative Instruction of MPS 02/2005, after the key consideration session and in the presence of the disputable parties, on 06.03.2006 it issued this:

**DECISION**

I. The appeal of the appellant, Mr. Muhamet Zogaj from village Turjakë, Municipality of Malisheva is APPROVED.

II. The decision of the disciplinary Board on imposing the disciplinary measures No 02/588 and the decision of the Appeals Board of MA Malisheva No 02/680 dated 19.09.2005 are annulled.

III. The Employing Authority is obliged to restore the Appellant, Muhamet Zogaj to his working place and carry out his duties based on the employment contract, that is within a deadline of 15 days upon the delivery of this decision.

IV. Independent Oversight Board of Kosovo should be notified with the actions undertaken regarding the implementation of this decision.

V. In case of failure to act according to this decision, IOBK will act pursuant to the Section 11.4 of UNMIK Regulation 2001/36 on KCS.

**Reasoning**

The IOBK Appeals Board, after assessment of the presented evidence from both parties and after taking into account the facts provided in the main session, concluded that:

- The decision on termination of employment for the employee, Muhamet Zogaj, was taken based on the imposition of the disciplinary measure, due to the alleged serious violation, classified as **disregard of his duties**, which was imposed by the Disciplinary Board of MA of Malisheva.

- The Disciplinary Board imposed the highest disciplinary measure to the employee, even though it is foreseen to be the last and the highest one by section 30.2 (f). With Administrative Instruction of MPS/DACS 2003/04 on Disciplinary Procedures, Paragraph 13, Article 13.1.6 states: "...it should be reminded that the severity of the disciplinary measures should be in proportion to the seriousness of the violation of the rules of the employment".

Whereas in Article 13.2 of the same paragraph and legal act it is stated: "in determining more appropriate measures, the Appeals Board should take into account that the intention of the disciplinary measures is to improve and encourage a good behaviour and penalize the bad behaviour. Actions of improvement including: advice, training and development should obviously be included in the recommendations", which was not followed in the actual case.

-In his statement, given after 11 days of occurrence of the case, the school director presumed that the guard was not working during the critical night, though he provided no relevant evidence for this allegation, but on the contrary the dismissed employee stated that on the critical night, around 5 o'clock in the morning, he went to the director's house to notify him about the case, but he was not in the house, this fact testifies the contrary of what is alleged; that he was not working.

- The IOBK Appeal Board assumes that the alleged violation caused damages that could be compensated to the school and that the Disciplinary Board did not take into account the fact that the mentioned employee was not himself the doer of the burglary and it did not assess the circumstances when the burglary happened (lack of electricity, risk of confrontation with the burglars and the value of the equipment stolen) as well as the fact whether there were previous disciplinary violations committed by the mentioned employee.

-The Disciplinary Board was not established pursuant to the Section 32.1 of the Administrative Instruction 2003/2.

- The Appeals Board which rejected the appeal of Mr. Muhamet Zogaj was not composed in accordance with the Section 33.2 of the same Administrative Instruction, whereas by these provisions it is foreseen that the deviation from the diversity principal means application MUTATIS MUTANDIS of the provisions of the section 7.3 of the Administrative Instruction 2003/2, whilst IOBK was not provided with evidence that it was acted in such a manner.

Based on the abovementioned, the IOBK Appeals Board finds that in the actual case the Employing Authority, through its actions, violated the Governing Principals (a) of the Section 2.1 of LKCS, thus it was decided as in the enacting clause of this decision.

**Legal advice:** The decisions of IOBK are final in administrative proceedings, therefore there are no appeals allowed against this decision, however, pursuant to the Section 11.6 of UNMIK Regulation 2001/36 its procedural adjudication is allowed.

Decided by Independent Oversight Board of Kosovo, case No 128/05 dated 12.01.2006.

It should be sent to:  
Mr. Muhamet Zogaj, village Turjakë  
Municipality of Malisheva

The IOBK Appeals Board,  
Sevdail Kastrati, Chairperson  
Bahtir Troshupa, member  
Bajram Zogiani, member



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KËSHILLI I PAVARUR MBIKËQYRËS I KOSOVËS  
NEZAVISNI NADZORNI ODBOR KOSOVA  
INDEPENDENT OVERSIGHT BOARD OF KOSOVA

A 02, 146/2006

Independent Oversight Board of Kosovo - the Appeals Board, composed of Bisera Spahi, Chairperson, Nebojsa Azdelkovic, member and Mursel Ahmet, member, acting according to the appeal No A 02, 146/2006 dated 5.10.2006, submitted by the Appellant Azem Kastrati from Peja, Street "Afrim Xhuraj", No 11, Official of Kosovo Tax Administration - MEF, against the Appeals Board - Employing Authority "Kosovo Tax Administration - MEF", pursuant to UNMIK Regulation 2001/36, Section 11.1 and Administrative Instruction of MPS, 2005/2, Section 12.3, issued this:

## DECISION

1. The Appeal of the Appellant, No A 02, 146/2006 dated 5.10.2006, submitted by Azem Kastrati from Peja, Street "Afrim Xhuraj", No 11, Official of Kosovo Tax Administration - MEF, is REJECTED as ungrounded.

2. The Appeals Board decision No 11 07/109 dated 31.8.2006 regarding Kosovo Tax Administration is verified as legal.

3. The IOBK Appeals Board decision should be sent to:

- Employing Authority, "Kosovo Tax Administration" - MEF
- Appellant
- File of this case.

### Reasoning

The Appeals Board of IOBK considered the appeal, evidence from both parties, the documents presented as well as the statements of the appellant and the Employing Authority in a session held on 20.12.2006.

The Appellant of the appeal No A 02, 146/2006 dated 5.10.2006, submitted by Azem Kastrati, worked as Administrator of the data base system in the main office of KTA. By the decision of the KTA Director dated 13.06.2006, the Appellant was transferred at the regional office in Pristina II, location is in the same premises, in a position of the Administrator of the data base system. The new employment is of the same level, based on the professional qualification and the salary is the same as the previous one.

Since he did not agree with the decision of transfer, rejecting the employment, the Appellant submitted an appeal to the Appeals Board of KTA. On 13.07.2006, the Appeals Board rejected his appeal as ungrounded, where the basis of its refusal was the failure to apply the legal decision, which was taken in accordance with section 11 "Mobility" of AD 2003/02.

The decision of the Appeals Board of the Employing Authority No 11 07/109 dated 31.8.2006 of Kosovo Tax Administration/MEF is verified as grounded and it was taken pursuant to Administrative Direction 2003/2 (Chapter III) section 11.1 on Implementation of UNMIK Regulation 2001/36, which states:

"Where the needs of the Civil service so require, civil servants may be reassigned to a different post at the same level and salary rate by the employing authority, provided that the new post is appropriate to their qualifications and competence.

Such reassignments may involve a move to a different location, provided that reasonable allowance is made for personal circumstances".

Based on the legal and factual situation, the Appeals Board of IOBK decides as in the enacting clause.

**LEGAL ADVICE:** This decision is final in administrative proceedings, therefore there are no appeals allowed against this decision.

Decided by Independent Oversight Board of Kosovo in Pristina, case No 02/146/2006 dated 22.12.2006.

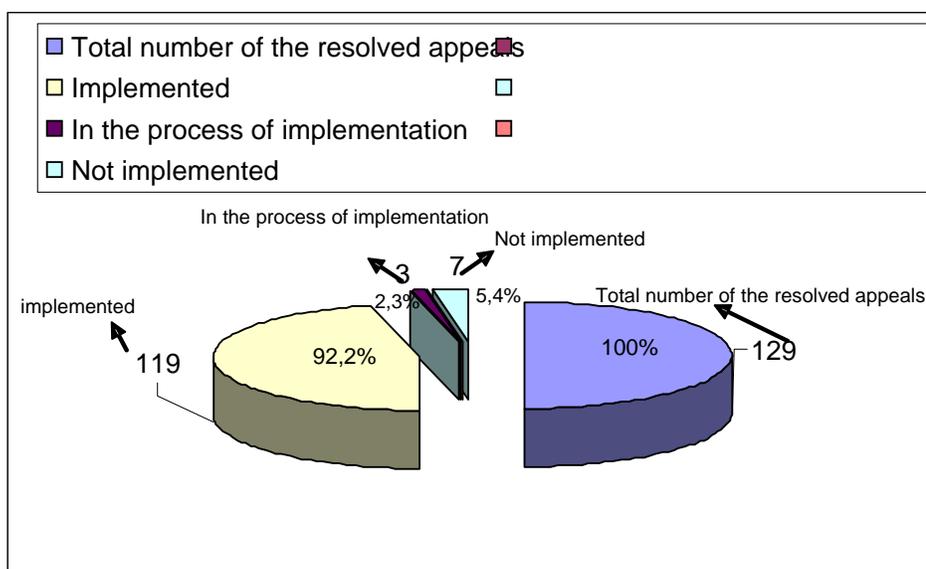
Translated by  
Shemsedin Mujko  
On 22.12.2006

The IOBK Appeals Board  
1. Bisera Spahi, Chairperson  
2. Nebojsa Azdejkovic, member  
3. Mursel Ahmeti, member

## IMPLEMENTATION OF THE IOBK DECISIONS

The IOBK decisions are obliged to be implemented by the Employing Authorities of Kosovo Civil Service. Based on the Section 11.3 of UNMIK Regulation 2001/36, the Permanent Secretaries of Ministries and the Chief Executive officers of executive agencies are responsible for implementation of the IOBK decisions.

From 129 issued decisions during 2006, 119 of them were implemented, 3 are in the implementation process, after the visits made at the Employing Authorities and additional explanations given regarding the consequences if the IOBK decisions are not implemented and 7 of them were not implemented (See the respective diagram).



In case when the Employing Authority fails to implement the Board **decision**, the Board immediately informs SRSG and the Prime Minister (Section 11.4 of the same Regulation)

(See the copy of information)



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INDEPENDENT OVERSIGHT BOARD OF KOSOVA

**To: Mr. Agim Çeku, Prime Minister of Government of Kosovo**  
**Through: Mr. Fitim Krasniqi, Secretary Permanent**  
**From: Sevdail Kastrati, IOBK Chairperson**

**Case: Information**

Dear Prime Minister, based on the Section 11.4 of UNMIK Regulation 2001/36 on Kosovo Civil Service and due to mutual information, we inform you as follows:

Independent Oversight Board by exercising its function to resolve the appeals of the civil servants, pursuant to the Section 11 of the abovementioned Regulation, resolved 201 appeals up to now and majority of them were implemented by the employing authorities of Kosovo Civil Service.

However, lately there are some decisions that are not implemented, respectively as the most magnificent one is the Decision No 169/2005 dealing with the Municipality of Mitrovica, by which the Municipal Assembly was ordered to readvertise the vacancy of the post for Chief Executive Officer, due to procedural errors found during execution of this vacancy, whilst the second case occurred in the Municipality of Vushtrri, where the IOBK decisions No 17.18.19.20/2005 (put together in a case with the decision of the Board and a decision was issued) as well as the decision No 02/16/2005 were not implemented. These decisions APPROVED the appeals of the appellants, whereas they obliged the Municipality of Vushtrri to recognize all the rights of their employment, according to the employment contracts.

We assume that the failure to implement the decisions of the Board, besides being a violation of the provisions of the Law on Kosovo Civil Service, it is also not a good sign to the public as far as the rule of law is concerned.

Due to the fact that pursuant to the Law, you are the guarantor of the implementation of Independent Board DECISIONS, I sincerely ask you to exercise your commitment, so these decisions could be implemented.

Expressing our gratitude for the support to IOBK, I sincerely greet you and once more I repeat the Board readiness to cooperate in all the necessary fields for the general interest, creating an efficient and professional Civil Service based on legal actions and above all in order to serve the citizens of Kosovo.

A copy of this report is send to the Prime Minister and SRSG.

Annex: Copies of decisions

Respectfully,  
Sevdail Kastrati

From the above example, it is noted that the Board decisions are generally implemented, but there are cases when due to unpersuasive and unjustified reasons they are not implemented or prolonged, so after a period of time their implementation would be impossible.

***Which are the Employing Authorities that did not implement the IOBK decisions?***

Municipality of Vushtrria/Vucitrn did not implement two IOBK decisions  
Municipality of Ferizaj/Urosevac did not implement an IOBK decision  
Municipality of Gjilan/Gnjilane - The Health Center did not implement two IOBK decisions  
Municipality of Mitrovica did not implement 1 IOBK decision  
Ministry of Labour and Social Welfare did not implement 1 IOBK decision

The Employing Authorities that are very cooperative in implementing the IOBK decisions are:

Municipality of Pristina, Municipality of Malisheva/Malisevo, Municipality of Shtime/Stimlje, Ministry of Labour, Ministry of Agriculture, etc. (See an example of information from a Employing Authority regarding implementation of the Board decision).

**Municipal Assembly of Malisheva**  
Chief Executive Officer  
No 02/175

From: ecc. Ismajl Kidaj, Chief Executive Officer,

To: Ministry of Public Services  
Independent Oversight Board of Kosovo  
Mr. Sevdail Kastrati, Chairperson

Date: 20.04.2006

**Case: Notification**

Dear, Mr. Kastrati,

Based on your note No 477/06 dated 21.03.2006 regarding the decision, by which the appeal of Mr. Muhamet Zogaj from village Turjakë, Municipality of Malisheva, in relation to the annulment of the decisions of Appeals Board of Municipal Assembly of Malisheva No 02/680 dated 19.09.2005, we inform you that:

Based on your decision, Mr. Muhamet Zogaj was restored to his working place and his duties, which he was exercising prior to the imposition of this penalty by the competent municipal organs.

Hence, we are open to further cooperation.

Best regards,

Based on the Section 11.6 of this Regulation, the IOBK decision is considered as final in an administrative procedure and based on the Law on Administrative **Conflicts**, as such, it could be appealed to the Supreme Court of Kosovo only, which would assess the legality of the decision.

In essence, there are some misunderstandings on this, as the Supreme Court receives the charges submitted by the unsatisfied Parties regarding administrative conflicts, it refers them back to the Municipal Courts, when in most of the cases those courts were regarded as non competent to decide in relation to the same cases. We regard this as an unreasonable action which is in disfavour to the parties, creating unjustified delays.

## FUNCTION OF REVIEW OF APPOINTMENTS AT THE LEVEL OF HEADS OF DEPARTMENTS IN KCS

The second function of the Board is the appointment of the civil servants in the level of Heads (Directors) of the Departments in Kosovo Civil Service.

This function was established with the Section 12 of UNMIK Regulation 2001/36 on KCS and this obliges IOBK to monitor the selection procedures of department directors at all Employing Authorities of Kosovo Civil Service, through a commission appointed by the Board. At the same time, the Employing Authorities of KCS are obliged to give information on due time regarding the time such interviews of the department directors selection would be held and provide the appointed commission, monitoring IOBK, with all necessary documentation in relation to the procedural actions undertaken by the Employing Authority for the actual case.

The Employing Authority of KCS, in majority of cases, fulfil the legal obligation and invite IOBK to monitor the selection procedure of the department's directors and there are obstacle in this regard in the north municipalities of Kosovo, such as: Leposavic, Zubin Potok and Zvecan, whereas in one case it was also the Municipality of Prizren which failed to inform IOBK on time regarding the date of the interview for the selection of the Department Director (See two requests for monitoring the appointment procedure of the departments directors).



INSTITUCIONET E PËRKOHSHME VETQEVERISËSE  
PRIVREMENA INSTITUCIJA SAMOUPRAVE  
PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

MINISTRIA E KULTURËS, RINISË DHE SPORTIT  
MINISTARTSVO ZA KULTURU, OMLADINU I SPORT  
MINISTRY OF CULTURE, YOUTH AND SPORTS

Departamenti i Administratës Qendrore  
Departmentman Centralnog Administracije  
Department of Central Administration

<b>Për/Za/To</b>	<b>Independent Oversight Board - MPS</b>
<b>Përmes/Preko/Through</b>	Mrs. Zana Kryeziu Secretary Permanent, MCYS Mr. Abdurrahman Zhubi Director of the Department of Central Administration
<b>Nga/Od/From</b>	Ms. Minire Zeka Personel Manager, DCA
<b>Tema/Subjekat/Subject</b>	<b>Notification</b>
<b>Data/Datum/Date:</b>	07.09.2006

Dear,

You are invited to participate, as monitors, during the selection for the vacancy post “**Director of the Department of non Residential Issues**”, on Monday 11.09.2006, the first floor, No 116, at 10:00 o’clock.

Please confirm your visit.

Respectfully,

**MINISTRY OF CULTURE, YOUTH AND SPORTS**

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**DEPARTMENT OF CENTRAL ADMINISTRATION**

Postal address: Nëna Tereze #35, Prishtinë, Kosovë (office No 023)

Tel: +381 221 52 (centrex: 22 564)

Fax: +381 38 211 526

E-mail: minire.zeka@ks-gov.net

Municipal Assembly of Novo Brdo

To: Independent Oversight Board

From: Sretena Ivanovic, Chief Executive Officer of Municipality of Novo Brdo

Case: Invitation

Subject: Interviews for Directorates Director and its Deputies

Dear,

As you are informed the first vacancy for the Directors of Directorates and its Deputies in the Municipality of Novo Brdo was annulled, due to the fact that the selecting Commission could not find 3 short listed candidates. Some of the interested candidates did not fulfil the requirements, so we readvertised the vacancy and the deadline to apply is until 29 January 2007 at 16 o'clock.

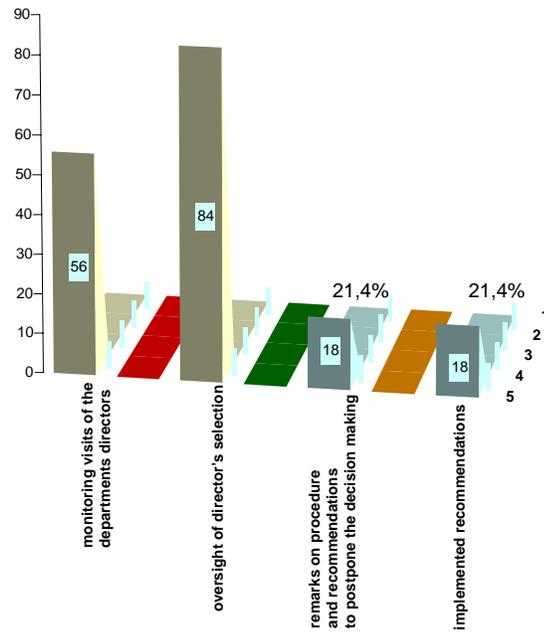
Based on UNMIK Regulation 2001/36, Section 12 on Kosovo Civil Services and based also on Administrative Instruction 2001/3 on Recruitment Procedure, I invite you to attend the specified interview on 01 February 2007 at 10 o'clock, as an Oversight Board.

Regards,

Date 23.01.2007

Novo Brdo

By exercising this function, IOBK undertook 56 oversight visits, during which the legal procedure for selection of 84 departments' directors was monitored (See the diagram below).



Since this is the second year in the row that IOBK is exercising its activity and it is regularly participating on monitoring of such appointments, we can conclude that the procedures foreseen by the law are mainly being applied. However, there are cases when due to procedural lapses, IOBK recommends postponement of the deadline for application with 15 days more, or if this deadline has expired it could readvertise the vacancy. Such a recommendation was done in 18 cases and all the recommendations were taken into account.

Recommendation for postponement of the deadline for the candidates to apply or readvertising the vacancy was mainly done for two reasons.

Failure to advertise the vacancy pursuant to the Section 4.1 of AD 2003/2 and fulfilment of the criteria foreseen by the Section 4.2 of the same Administrative Direction regarding gender and ethnical representation in the advertising.

Such a recommendation is also given in cases when the interviewing commission was not composed in accordance with the provision of the Section 7.2 of the AD 2003/2, whereas the Employing Authority provided no evidence to IOBK Board, regarding appropriate attempts in composing such a commission and that it

undertook the actions foreseen by the Section 7.3 of the same Administrative Direction, which would make such a process legal.

As for the recommendations to readvertise the vacancy - announcement, we will mention: the vacancy of the Municipal Assembly of Kamenica regarding selection of all directors of the Municipal Directorates, vacancies of Ministry of Culture, Youth and Sports, Ministry of Trade and Industry, Ministry of Communities and Returns, Ministry of Agriculture, Ministry of Health, etc.

Naturally, it is the interviewing commission of the Employing Authority that carries out the interviewing procedure and takes the correct decision about the candidates selected for the announced post, but the role of IOBK is to ensure both the competing candidates as well as the widespread public that the procedures foreseen by the law are followed and outstandingly the Governing Principals of MERIT of LKCS, foreseen by the Section 2.1 of UNMIK Regulation 2001/36.

After the monitoring procedure for the selection of the department's directors in an Employing Authority, the commission appointed by the Board provides a REPORT and the Board, based on the procedures foreseen by the Regulation regarding its work, takes a right DECISION for the report.

If the Board, based on its commission report, **concludes** that during these selecting procedures, the Governing Principals of Kosovo Civil Service were violated, would immediately inform the Prime Minister and SRSG.

(See a copy of a report of a monitoring commission, presented for approval at IOBK)



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QEVERIA E KOSOVES / MINISTERIA E SHËRBIMEVE PUBLIKE  
VLADA KOSOVA / MINISTARSTVO JAVNIH SLUŽBI  
GOVERNMENT OF KOSOVA / MINISTRY OF PUBLIC SERVICES

KËSHILLI I PAVARUR MBIKËQYRËS I KOSOVËS  
NEZAVISNI NADZORNI ODBOR KOSOVA  
INDEPENDENT OVERSIGHT BOARD OF KOSOVA

Based on the Section 12 Paragraph 1 Article (a & b) of UNMIK Regulation 2001/36 on KCS, after the monitoring procedure for the appointment of directors of Industry, Trade and Construction Departments, IOBK Commission composed of Sevdail Kastrati, Chairperson, Nebojsa Azdejkovic and Bahtir Troshupa, Board members presents:

R E P O R T  
ON MONITORING PROCEDURE OF THE APPOINTMENT FOR THE DIRECTORS  
OF INDUSTRY, TRADE AND CONSTRUCTION DEPARTMENTS IN MINISTRY  
OF TRADE AND INDUSTRY

*Material provided to IOBK - The complete recruitment file:*

Copy of vacancy and the readvertised vacancy in three languages  
Decision for the interviewing commission  
List of the candidates that applied  
List of the candidates selected for interview  
The candidates' applications to be interviewed

*After the provided file was checked, the IOBK commission finds:*

During the first check of the documentation, it was found that:  
The vacancy was announced in respective media in the languages foreseen by the law, which was postponed for 15 days more, upon the IOBK intervention

The Commission had determined the interviewing criteria

Pursuant to the Section 7.3 of the AI 2003/2, the interviewing Commission was composed of: Adem Zogiani Acting as Permanent Secretary, Xhevat Bektashi Director of the Department of Metrology, Avdullah Haxhiu Deputy Director of the Department of Administration, Resmije Mumxhiu Director of Administration at MoM and Hafiz Gara, Head of the Standardization Agency.  
The announced posts: Director of the Department of Industry, Department of Trade and Department of Construction.

*After the documentation was checked, the IOBK Commission found that all criteria were fulfilled for an interview to be held*

#### **THE FOLLOW UP OF THE INTERVIEW**

The place where the interview was held was suitable  
The candidates were asked roughly the same questions  
The candidates had equal time in disposal for an interview  
The general environment was quiet, relaxing and tolerable.

#### **General Conclusion**

**THE PROCEDURE FOR SELECTION OF DIRECTOR POSTS IN THE MINISTRY OF TRADE AND INDUSTRY WAS IN ACCORDANCE WITH THE SECTION 2.1 OF THE LKCS (2001/36)**

*The IOBK Commission*

*1. Sevdail Kastrati, Chairperson*

*2. Nebojsa Azdejkovic, Member*

*3. Bahtir Troshupa, Member*

Even though, according to the Regulation on Kosovo Civil Service (Section 1), the directors of the departments of the Ministries and Executive Agencies are defined as civil servants, the manner of their appointment diverges from the one the directors of the departments of the Municipalities in Kosovo are appointed. The first are appointed according to the general procedures foreseen by the LKCS and AD 2003/2, whereas the Directors of the Municipal Departments have another characteristic, as they also have another legal act to use, that is UNMIK Regulation 2000/45 on Municipal Self-government and the Municipal Assembly involvement in this process.  
(Section 31 of this Regulation)

However, the IOBK monitoring commission takes into account the casual specifics and it always is concerned on the legality of the monitored procedure.

## FUNCTION OF COMPLIANCE OF LAW

A functional, transparent, efficient, widespread administration, serving all its citizens, could fulfil its goals only if it functions based on positive laws and if the rule of law is its imperative.

The function of compliance of law, throughout Employing Authorities at KCS, or the third IOBK function, aims exactly this goal. By making check visits, considering the employment data of the personal files, following the recruitment procedures of KCS, the Board ensures that the Governing Principals, based on which Kosovo Civil Service was established, be a daily reality and not an imaginary fiction of the future.

This way, IOBK now is an organ fully functional and it is absolutely committed to effectively oversight the CS, always based on legal norms applying also known methods applied by organs similar to IOBK in England, Albania, Canada, etc.

The function of compliance of Law of Civil Service during 2006 was carried out by the Board in accordance with the plan on monitoring-checking visits that would be made at the Employing Authorities of Kosovo Civil Service.

Whereas, the whole elaboration process of the chekings was based on a **unique questionnaire** which comprised activities undertaken, the documentation to be checked, persons to be contacted, etc.

The questionnaire comprises three written pages and it is a generic document of the Board, and as such it served as guideline for follow up of the certain activities in KCS and other organs dealing with the Civil Service, such as; Department of

Administration of Civil Service of Ministry of Public Services and OSCE municipal teams.

In order to find out the real situation of this field, the Board, fully assisted by the Monitoring Officer of the Boards Secretariat, participated with two members in Ministries, Executive Agencies as well as the Municipalities of Kosovo.

For such reasons these actions were undertaken:

57 monitoring visits at the Employing Authorities, such as:

Ministries.....	14 visits
Executive Agencies .....	6 visits
Prime Minister's Office.....	1 visit
Kosovo Assembly.....	1 visit
Municipalities.....	27 visits
TKA .....	1 visit
Regional Hospitals .....	1 visit
UCCK .....	1 visit
University of Pristina.....	1 visit
Student's Centre.....	1 visit

During the monitoring process, IOBK concluded that comparing to the previous year, there are improvements in implementation of the procedures foreseen by UNMIK Regulation 2001/36, however, there are still cases where some fields need improvement and for this reason the Board issued 52 reports with recommendations regarding improvement of certain activities.

Recommendations mainly concern these fields:

Failure to appoint the personnel manager .....	1 case
Failure to transfer the competencies to the personnel manager...	7 cases
Duration of employment contracts in violation with the law...	2 cases
Failure to complete personal files.....	17 cases
Failure to provide personal health and education files by the municipal authorities.....	16 cases
Errors in meeting the vacancy procedures.....	08 cases

(See a report with a respective recommendation)



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**COMPLIANCE ASSESSMENT OF THE LAW  
MUNICIPALITY OF SHTIME**

**• RECORDS ON VISIT**

**1. Board members: Mursel Ahmeti  
Bisera Spahi**

**2. Date: 23.05.2006**

**The person contacted: Ms. Ibadete Kurtaliqui – Personnel Manager  
and Feride Rexhaj Administrative Assistant**

## **THE FIRST PART: CONCLUSIONS**

### **• BASIC RECORDS**

1. The personnel manager was appointed and all the responsibilities were transferred.
2. The Education Department has 464 employees, whereas Health Department 76 employees
3. The Administration of the Municipality of Shtime has 108 employees, including MCCR, firefighters and the Returns Office.
4. 85 of them are men and 23 women.
5. 105 are Albanians and 3 other.
6. A disabled person is employed.

### **• EMPLOYMENT RECORDS**

1. The documentation comprises the employment records of the employees at the Administration of the Municipality.
2. The information records of employees fulfil the basic needs, based on Law.
3. The employment records of the Administration of the Municipality are kept in a safe place.
4. The records of the Health are located at the HC, whilst the Education records at schools.

### **• RECRUITMENT PROCESS**

1. The Recruitment Process is carried out by the Directorate Head, whilst the further process is implemented by the Personnel Office.
- 2.

### **• CONTRACTS**

1. All employees have their contracts.
2. The contracts are signed by the Personnel Manager
3. The extension of the contracts is done through Decision and we believe that this is not correct, as a new contract should be prepared when extended and it should be signed by both the employee and the employer.

### **• SICK LEAVES**

1. All documentation of sick leaves are correct.

### **• EQUITY PROBABILITIES**

1. The information you received are sufficient to conclude that there is a strategy on equity

probabilities and coordination among the Personnel Office and the Officer for gender and equity probabilities.

• **DICIPLINARY PROCEEDINGS AND BOARDS**

1. The Dicipinary Board functions based on the Law.
2. There were nine consideration cases, where seven of them were considered as minor violations and two cases were referred to Dicipinary Board for consideration.

• **APPEALS BOARD**

1. The Appeals Board appointment is established based on the law. It currently considered one appeal.

• **OTHER INDICATORS**

1. Work attendance sheet is correct and it is located at the Personnel Office.
2. There is a clear program for trainings, each Directorate drafts a program and hands it over to the Personnel Office.
3. Evaluation of probation period is implemented as foreseen.
4. There is a clear concept on conflict of interest.

## **THE SECOND PART – RECOMMENDATIONS**

• **GENERAL COMMENTS**

1. The IOBK Commission assumes that the Personnel Unit consists of professional competent trained staff, with good working conditions. The Office is equipped with internet, phone and other necessary equipment.
2. Based on the general assessment and the consideration of the documentation, the Commission assesses that there are areas that have need for improvement.

• **SPECIAL RECOMMENDATIONS**

1. The records of the Education Department should be kept in one place – if possible in the premises of the Municipality – Education Directorate.
2. The number of women, minorities and disabled persons should be increased in the civil service.
3. The extention of the employment contracts should be done through new contract and not with decision, the practice that was followed until now.

Among the fields, where need for improvement is necessary, as derived from the monitoring visits, are; e.g. the 4 years duration of the employment contracts for the Directors of the Municipality of Peja/Pec, though they are Civil Servants and according to the Section 3.3 of UNMIK Regulation 2001/36 it is foreseen that the duration of the employment contracts should be up to 3 years, the same situation exists at the University of Pristina, i.e. University Professors.

The Chief Executive Officers in some Municipalities still sign the employment contracts (e.g. Kamenica, Obilic, etc), failing to transfer such a responsibility to the personnel managers, who according to the law are the appointment organ and it is obvious that the Chief Executive Officers are the most senior executing and approving officers, so the signing of the contracts by the personnel managers is more a technical issue rather than a substantial one. There is absence of the personal documentation in the personal files, which would enable the determination of the Civil Servant's age as well as their status of Kosovo citizenship that relates to the retirement of the civil servant and the acquirement of his/her status of a civil servant.

Based on continuous recommendations of the Board regarding the issue of providing personal files of the employees in education and health, where legally, the Municipality has the status of the employer, there was noticeable progress. In the majority of the municipalities, the personnel managers of these municipalities already have access in these files, but there are still municipalities where this could not be achieved.

The reasons mainly are of a technical nature, such as the lack of space to keep the files or the technical inability for their transfer.

During the monitoring of disciplinary procedure cases at the Employing Authorities of the civil service, there were apparent improvements noticed in qualitatively exercising the disciplinary procedures. The Disciplinary Boards in fewer cases impose the disciplinary measure "**termination of employment**" and they are tending to impose softer disciplinary measures.

The Board, in 4 cases (two in Ministry of Agriculture, one in the Municipality of Istog MEA, one in the MTPT) found that imposing of the disciplinary measure was done by avoiding the legal provisions and with a decision it ordered annulment of the disciplinary measures in three cases, whilst in one of them it ordered the repetition of the procedure (all of them were implemented).

Other issues, found as valuable to be pointed out during the visit, are e. g. the Directors of the Directorates of the Municipal Assembly of Prizren were working with expired employment contracts, the Ministry of Internal Affairs had neither appointed the personnel manager nor did it establish the Disciplinary and Appeals Board, at the Ministry of Education the Permanent Secretary would decide in relation to the appeals of the civil servants in the last instant; in the personal files of the civil servants at the Ministry of Justice there were cases of lack of personal documentation, etc. therefore, all of these were improved in accordance with the IOBK recommendations.

#### *Which recommendations were not implemented?*

In the Municipality of Peja/Pec and the University of Pristina there are still the employment contracts for the the directors of the municipal directorates, respectively the University professors, with a duration of 4 years, though according to the Section 3.3 of UNMIK Regulation 2001/36 their duration is clearly determined.

After the last monitoring visit in the Municipality of Peja/Pec, we were guaranteed that the IOBK recommendation would be pursued upon extension of the new employment contracts on March 2007, so the new employment contracts will be in accordance with the law, whereas the contracts of the University professors are written according to the norms of the Status of UP, therefore, the implementation of the Board's recommendation depends from the harmonization dynamic of the Status of UP.

In the municipalities of Kamenica, Klina and Obilic, the Chief Executive Officers still sign the employment contracts and, on this regard, IOBK, in case they fail to fulfill its recommendations, will act in accordance with the law.

Thereby, it is important to point out that the good work of the personnel managers of the Employing Authorities resulted with a special dedicated importance on application of the Law on Civil Service, so the disciplinary and appealing recruitment procedures within an Employing Authority of KCS could be carried out in majority of cases, according to the legal provisions.

The Board assesses that the personnel managers at the MA- Viti/Vitina, MA- Malisheva/Malisevo MA- Shtime/Stimlje, MTPT, Government of Kosovo, etc. gave an invaluable contribution towards their Employing Authorities in order to apply the legality in general and the applicable procedures of the civil service in particular.

At the same time, the Public Attornies of the municipalities of Pristina, Skenderaj/Srbica, Vushtrri/Vucitrn and Ferizaj/Urosevac also showed noticable professionalism on exercising their activity and a correct cooperation with the Board, regardless from the fact that their influence in the general flow within their Employing Authorities was not full, due to a variety of reasons.

## OTHER ACTIVITIES OF THE BOARD

Independent Oversight Board, apart from its usual duties foreseen by the Law and other legal acts, gave also a special importance to the cooperation with other organs as well as gaining professional knowledge for its members through the exchange of the work experiences with those organs and making efforts that this gained experience be applied on its daily activities.

In this perspective, IOBK visited the Republic of Albania, where it was hosted by the Civil Service Board of this country.

The intention of the visit was to intensify a better cooperation with this organ, which has almost an identical activity as IOBK and also to discuss the issue of functioning of this Board, its relations towards the Assembly, the responsibility paths, therefore, all of this was done in order to get relevant information and documentation, which would assist the Transformation process of IOBK towards an independent organ that would directly report to the Kosovo Assembly.



Members of the Board in Tirana



At the Albania Civil Service Board

Albanian Civil Service Board made a return visit to Kosovo. In that case the Chairperson of the Board associated by the External Relations Officer visited the premises of IOBK, where they were informed about the achieved results of the Board as well as the general course of Kosovo Civil Service.



Representatives of Albanian Civil Service Board at IOBK – Pristina

## COOPERATION WITH THE OSCE

An exclusive chapter of the IOBK activities during 2006 was quite prolific and reciprocal with OSCE, the Mission in Kosovo.

Firstly, this cooperation was initiated with the visit made by the official of the Democratization Department, Mrs. Katja Salsback, which gradually increased into a very advanced activity in some common segments.

During the monitoring visits through the Municipalities of Kosovo, on OSCE request that was obviously granted by IOBK, the OSCE municipal monitoring teams were present. In some cases the exchange of information for particular situations, was demonstrated as very useful, which resulted with elimination of found irregularities in the Civil service of the certain Municipality.

This cooperation encreased when OSCE appointed a Special Adviser for IOBK, (Jean Poll Proloux), who gave invaluable contribution to the work of IOBK.

As a result of this cooperation with OSCE, there was a Seminar held in OHRID, Macedonia on September 2006, which was attended by all members of IOBK and the representatives of OSCE. The Seminar commenced on 12.09.2006 and lasted until 15.09 2006, elaborating three main topics:

- 1. The IOBK Transformation into an independent organ that would report to the Kosovo Assembly, pursuant to the Section 7.2 (last paragraph) of the same Regulation.**
- 2. Hearings during the consideration of the appeals**
- 3. Preparations for the inter-regional meetings with the independent boards provided and financed by OSCE and organized by IOBK.**

All costs regarding the organization of the Seminar as well as the costs for full accommodation were covered by OSCE. After the Seminar was over, a brochure of 40 pages was prepared, which shows the work done in the Seminar (copy of the brochure cover).



In cooperation with OSCE – Democratization Department, a seminar was held at Hotel Prishtina, in Pristina, which lasted two days, on November 2006, which was attended by the Chief Executive Officers and the personnel managers of the Municipalities of Kosovo, whereas its topic was: “THE ROLE OF INDEPENDENT OVERSIGHT BOARD OF KOSOVO ON OVERSIGHTING KOSOVO CIVIL SERVICE”.

The Seminar was also attended by the OSCE municipal monitoring teams and it was regarded as very successful both by the participants and OSCE.

In front of the participants of the Seminar, the IOBK members explained the Board functions and they gave the necessary explanations answering to many questions asked by the participants in the Seminar.



A picture from the Seminar held in Hotel Pristina “The Role of IOBK towards the Kosovo Civil Service.”



On December, respectively on 13 and 14 of the same month, IOBK organized an international meeting, the first of this kind since its existence, in the premises of Hotel “Victory”, Pristina, which was sponsored by OSCE that covered all accommodation costs for the participants as well as the other logistical and money costs.

The Agenda of the meeting was “OVERSIGHT ORGANS OF THE CIVIL SERVICE”, and it was attended by oversight organs of CS from Romania, Slovenia, Bosna and Hercegovina, Macedonia, Albania and Kosova as a host.

The meeting was solemnly commenced with a speech on behalf of Government of Kosovo by Mr. Mark Komoni, Deputy Minister of MPS and by Mr. Jens Modwig, Deputy Chief of OSCE Mission in Kosovo, there were speeches also from the Heads of both Kosovo Assembly commissions, Mrs. Nekibe Kelmendi, Head of the Commission of Public Services, Local Administration and Media and Mr. Hydajet Hyseni, Head of the Commission of the Constitutional Framework.

Lecturers of the topics at this conference were local and international experts, whereas IOBK was congratulated for the organization of the conference both by the participants and OSCE.

The speech of Mr. Rastko-Rafael Kozlevcar from Slovenia should be mentioned, who in the conclusion of the conference stated: **“I attended many international conferences and seminars, but never in my life I felt better than in Kosovo, thus I heartedly show appreciation to the host of this conference”**.



Picture from the conference



**Mr. Jens Modvig, Deputy Chief of OSCE and Mr. Mark Komoni, Deputy Minister of MPS, during the conference.**

We heartily express our gratitude to OSCE for a quite correct cooperation and for the assistance provided on the Board's activities, hoping that this cooperation will also continue in the future.

### **RELATION WITH MINISTRY OF PUBLIC SERVICES**

Pursuant to UNMIK Regulation 2001 /36, Ministry of Public Services plays a special role in a normal and efficient functioning of IOBK. The MPS obligations towards IOBK, foreseen by the law, are fulfilled completely.

As for the support/technical aspect, IOBK was provided with all necessary functioning equipment, whereas regarding the substantial aspect IOBK functioned entirely an independent organ.

The Minister of MPS also visited the Board offering them great support specifying it as one of **"the most important organs of Kosovo"**, which to the Board is one more boost to continue its activity based on professionalism.

### **RELATION WITH THE PRIME MINISTER–GOVERNMENT OF KOSOVO**

The sections 8,11.4,12 paragraph 1 (c) and 14.1 of UNMIK Regulation on Kosovo Civil Service foresee direct obligations of IOBK towards the Prime Minister's Office meaning that the Prime Minister should be informed regarding the Board activities on its three functions.

The Board fulfilled its legal obligation (there are some examples given in this report), whereas the Chairperson of IOBK, on behalf of the Board held meetings with the Prime Minister, getting full support for the work of IOBK.

The Prime Minister of Kosovo also quickly gave his consent for reappointment of the Board members, which enabled continuity of IOBK work process; therefore we express our gratitude for that.

## RELATION WITH SRSG

Based on the fact that the members of the Board are appointed by SRSG in consultation with the Prime Minister, as well as the fact that the Board is obliged to provide information regarding its work, the relation with the SRSG Office was carried on during the whole year and it was very correct and prolific.

Two representatives of the Board had the honour to attend a meeting with Mr. Petersen, where IOBK got absolute support from SRSG.

The Board got the same support from the current SRSG, Mr. Rucker, who apart from the support to the prospect transformation process of the Board, he reappointed three members of IOBK, whose employment contracts were expired.

IOBK shows a special appreciation to Mr. Carlota Mercante and Mr. Artur Graham from the SRSG Office, who during the whole year persistently supported the Board. Furthermore, we thank Mrs. Patricia Warning with her immediate responses towards the written appeals of IOBK.

## THE FUTURE CHALLENGES

During 2007 the Board will carry out different activities, some of them are considered as real CHALLENGES, which will require **a great deal of work, many efforts and high professionalism**, so these challenges would be successfully overwhelmed.

The most important among them is the TRANSFORMATION of the Board into an independent organ that would directly report to the Kosovo Assembly.

We estimate this process to be successfully finalized due to bursting commitment of all organs involved in, ensuring a position for IOBK similar to the Boards throughout the European and Western countries.

Resolution of the appeals from the civil servants, we estimate the number be much higher during 2007, due to budget shortcomings. Therefore, it is necessary that the seventh member of IOBK be appointed as soon as possible; there is a need for greater commitment from the Board members during exercising this function as well as greater involvement of the Secretariat officials in this process.

The Annual Report of the Board 2006 did not intend to be absolutely comprehensive, as even if it had that intention it would be impossible to present all the activities carried out during this period, however we hope that we achieved to rightfully represent the key points of our work during last year.

We appreciate comments, suggestions and eventual critics made towards the Report from all of those it is dedicated to. Any comment that is sent would be invaluable for the Board in order to improve its work in the future.

Hence, IOBK shows its appreciation to: UNMIK, Government of Kosovo, OSCE, all Ministries, Municipalities and Executive Agencies of Kosovo, Ombudsperson in Kosovo, written and electronic media for their correct reports, DFID and all other organs and individuals that contributed to the work of the Board.