Kosovo Ministry of Foreign Affairs Support Project

(KMFAS)

Quarterly Report Deliverables

October-December 2009

Contract No. DFD-I-00-05-00220-00 Task Order No. 8

February, 2010

This report was produced for submission to the United States Agency for International Development. by Development Alternatives, Inc.

Kosovo Ministry of Foreign Affairs Support Project

Quarterly Report Deliverables

October-December, 2009

Contract No. DFD-I-00-05-00220-00 Task Order No. 8

TABLE OF CONTENT

I. INTRODUCTION 6

II. MATRIX OF DELIVERABLES 6

III. DOCUMENT DELIVERABLES 12

HANDBOOKS, TOOLS AND SYSTEMS 12

Task 1.1 Proposed foreign posting evaluation tool 12

Task 1.1 Manual For Foreign Service 14

Task 1.2. Consular Mission Opening and Management Handbook 17

Task 1.3 MFA Duty Book 44

Task 1.3 MFA Consular Duty Book 80

Task 2.2.1 Handbook on Ethics Policy 91

Task 2.2.1 Draft Code of Conduct for Foreign Ministry and Personnel Abroad and Sponsorship and Gift policy 91

Task 3. Country Commercial Guide 165

LAWS, REGULATIONS, ADMINISTRATIVE INSTRUCTIONS AND SUB-NORMATIVE DOCUMENTS 184

Task 2.2.1 Recommendations for bilateral treaties and agreements 184

Task 2.2.1. Agreement between Macedonia and Kosovo 186

Task 2.2.1. Strategic Trade Law 188

Task 2.2.6 AI On Consular Operations 204

Task 2.3.1 Legal Opinion regarding negotiating and signature authority for bilateral agreements 215

Task 3. AI on Competences of Kosovo Diplomatic and Consular Missions 216

Task 3. Draft Strategic Trade Law 230

Task 3. Legal Opinion – Registration of Assets of Kosovo in Diplomatic and Consular Missions 259

TRAININGS, TRAINING MODULES AND TRAINING PLANS 261

Task 1.1 Training Modules Delivered by KMFAS 261

Task 1.1 Check List for Training of Diplomatic and Consular Officers 263

Task 1.2 Training plan for new diplomatic and consular officers 265

Task 1.1 Diplomatic and Consular Training Attendees 271

Task 1 & 2 Planning and Application for Training Modules at MFA 274

Task 1&2 Training Evaluation Form 277

1 & 2 Training Evaluation Results for the New MFA Diplomatic and Consular Officers 280

Task 1.1 Foreign Service 283

Task 1.1 2.3 Crisis Management Training 289

Task 1.1 (2.3) PowerPoint: Managing the Mission 291

Task 1.1 2.3 Emergency Action Plan Training 294

Task 1.2 Diplomatic Notes Training 298

Task 1.3 Consular Service Training 310

Task 1.3 Privileges and Immunities Training 331

Task 2.3.6 Ethics Training for MFA 333

Task 2.3.7 Seminar for new heads of mission - Foreign Service Qualities 338

Task 2.3.7 Diplomatic Negotiation Training 342

Task 2.3.7 Economic Diplomacy Training 347

Task 2.3.7 Strategic Planning Training 350

PLANNING AND PROCEDURE DOCUMENTS **353**

Task 1.1 Organizational Analysis Department for Bilateral Agreement, International Organizations and Security Matters 353

Task 1.1 Organizational Analysis Department of Economic and Strategic Affairs 355

Task 1.1 Plan for Opening and Functionalizing Consular Missions of Kosovo 357

Task 1.3 Asset Registration for Kosovo Diplomatic and Consular Missions 364

Task 1.3 Diplomatic and Consular Missions Grade Structure 365

Task 2.3.1 Plan for self assessment system for diplomatic and consular missions 366

Task 2.3.2 Proposed Foreign Posting Decision-making procedure 370

OTHER **371**

Task 1.2 Decision on Mobile Phones for Missions (English) 371

Task 1.2 Decision on Mobile Phones for Missions (Albanian) 373

Task 3. Draft Decision for Training and Development Board (English) 375

Task 3. Draft Decision for Training and Development Board (Albanian) 377

Task 3. Clarification Letter on Consular Missions in Germany 379

I. INTRODUCTION

This Document is intended to serve as compilation of the Deliverables produced by KMFAS for the Ministry of Foreign Affairs (MFA) during April-June 2009, as reference to the Quarterly Report October-December 2009.

The deliverables can be traced through the Deliverable Matrix that reflects each deliverable in the document, in more detail.

II. MATRIX OF DELIVERABLES

OCTOBER-DECEMBER 2009 DELIVERABLES

Task	Deliverable	Status	Action	Follow-up
Handbooks, Tools and Systems				
1.1	Proposed foreign posting evaluation tool	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of HDT**
1.1	Manual for Foreign Service	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of HDT**
1.2	Consular Mission Opening and Management Handbook	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of Diplomatic Notes**
1.3	Diplomatic Communications Tool	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of HDT**
1.3	MFA Duty Book	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of Duty Book**
1.3	MFA Consular Duty Book	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of Duty Book**
2.2.1	Handbook on Ethics Policy	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of Handbook**
2.2.1	Draft Code of Conduct for Foreign Ministry and Personnel Abroad	**Completed**	**Review of plans in**	**Assess degree to which MFA follows plan and**

Task	Deliverable	Status	Action	Follow-up
	and Sponsorship and Gift policy		**the next Quarter**	**success of implementation to determine follow up**
3.	Country Commercial Guide	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of Guide**
Laws, Regulations, Administrative Instructions and Sub-Normative Documents				
2.2.1	Recommendations for bilateral treaties and agreements	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS recommendations**
2.2.1.	Agreement Between Macedonia and Kosovo	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
2.2.1	Strategic Trade Law	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
2.2.1	Recommendations for sub-regional agreements	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
2.2.6	AI On Consular Operations	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS recommendations**
2.3.1	Legal Opinion regarding negotiating and signature authority for bilateral agreements	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
3.	AI on Competences of Kosovo Diplomatic and Consular Service	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**

Task	Deliverable	Status	Action	Follow-up
3.	Draft Strategic Trade Law	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
3.	Legal Opinion – Registration of Assets of Kosovo Diplomatic and Consular Missions	**Completed**	**Review of recommendations in the next Quarter**	**Determine degree of MFA compliance with KMFAS re-commendations**
Trainings, Training Modules and Training Plans				
1.1 2.3	Monthly Management Seminars: Leadership and Crisis Management Training	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
1.1 2.3	Management Seminars: PowerPoint: Managing the Mission	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
1.1	Monthly management seminars: Emergency Action Plan	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
1.2	Monthly Management Seminars: Diplomatic Notes Training	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
1.2	Training plan for new diplomatic and consular officers	**Completed**	**Successfully completed**	**Next training session**
1.3	Consular Services	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
1.3	PowerPoint: Privileges and Immunities	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.6	Ethics presentation for the MFA training, including power point	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment**

Task	Deliverable	Status	Action	Follow-up
				of MFA needs
2.3.7	Monthly Management Seminars: Seminar for new heads of mission US Foreign Service	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.7	Monthly Management Seminars: Seminar for new heads of mission Foreign Service Qualities	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.7	Monthly Management Seminars: Training course for consular officers	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.7	Monthly Management Seminars: Diplomatic Negotiation Training	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.7	Economic Diplomacy Training	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
2.3.7	Monthly Management Seminars: Strategic Planing Training	**Completed**	**Repeat in the next Quarter**	**Develop additional topics for coverage based upon assessment of MFA needs**
Planning and Procedure Documents				
1.1	Organizational Analysis Department for Bilateral Agreement, International Organizations And Security Matters	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
1.1	Organizational Analysis Department of Economic and Strategic Affairs	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**

Task	Deliverable	Status	Action	Follow-up
1.1	Plan for Opening and Functionalizing Consular Missions of Kosovo	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
1.1	Proposed Foreign Posting Decision-making procedure	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree and success of MFA use of HDT**
1.1	Assistance to Permanent Secretary on Job Descriptions for New Positions	**Completed**	**Review of plans in the next Quarter**	**Assess if the positions are approved and monitor the implementation**
1.3	Asset Registration for Kosovo Diplomatic and Consular Missions	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
1.3	Diplomatic and Consular Missions Grade Structure	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
2.3.1	Plan for self assessment system for diplomatic and consular missions	**Completed**	**Review of plans in the next Quarter**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
Other				
1.2	Decision on Mobile Phones for Missions	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**
1.3.	Draft Decission for Training and Development Board	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**

Task	Deliverable	Status	Action	Follow-up
3.	Clarification Letter on Consular Missions in Germany	**Completed**	**Repeat training in the next Quarter if needed**	**Assess degree to which MFA follows plan and success of implementation to determine follow up**

III. DOCUMENT DELIVERABLES

Handbooks, Tools and Systems

Task 1.1 Proposed foreign posting evaluation tool

Proposed Foreign Posting Decision-Making Procedure

Dear Mr. Permanent Secretary: This scheme is submitted to you in an expedited manner due to the urgency of your request. It is one way of many to choose candidates, but I believe it to be valid against the measurements available.

1. Each candidate should list his/her preference priority for each one of the available positions. For example, if there are two available positions in Frankfurt, the candidate should enter the name of the city only, not which position he/she wants (i.e. Consul General, Consul, Vice Consul). Beware of numbering or alphabetizing the available positions (such as Frankfurt Position 1 and Position 2). Candidates may assume that #1 refers to the Consul General. Simply state as follows:
    a. Frankfurt – 2 positions
    b. Berlin – 1 position
    c. Zurich – 2 positions, and so on
2. Then the Candidates list should look like this:
    a. 1 – Frankfurt
    b. 2- Frankfurt
    c. 3- Zurich
    d. 4 – Berlin
    e. 5 – Zurich
3. The following is an adequate scheme for awarding points, but different amounts may be given by category:
    a. Language of host country – 1 point

   b. PhD – 3 points
   c. MA – 2 points
   d. Bachelor – 1 point
   e. Years of residence in host country – 1 point per year
   f. HDT grade – 1 point for each point earned
4. Other considerations are also valid.
5. All measurements should be taken from the official personnel file of each candidate. In case of a tie, the panel decides on the best candidate.

Task 1.1 Manual For Foreign Service

Republika e Kosovës –
Republika Kosova-Republic of Kosovo
Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

Manual for Foreign Service

New Employee, Diplomatic and Consular Officer Training

October 2009
Ministry of Foreign Affairs

Table of Content

I. Contacts of the Ministry of Foreign Affairs

II. Contacts of the Missions

III. Handbooks

- Post Management Handbook
- Diplomatic Notes Handbook
- Leasing Regulation and Model Contracts
- Crisis Management Plan

IV. Laws, Administrative Instructions, Regulations

- Law No. 03/L-044 – Law on the MFA
- Law No. 03/L-122 & 123 on the Foreign Service and Consular Service
- Law on Protocol
- Law on Citizenship
- Law on Travel Documents
- Law on Foreigners
- Law on Notary
- Law on Family

Administrative Instructions

- AI on Personal Allowances
- AI on Operational Expenses

Regulations

- Regulation on Diplomatic Service
- Regulation on Consular Service

V. Organization of MFA and Missions

- The Program and Organization of Core Objectives of MFA
- MFA Structure and Organogram
- Policy Offices / Consular Affairs Office Structure
- Procedures of Administration, Personnel, Procurement, Budget, Communication/Public Affairs, Protocol, IT, Transport, and Security

VI. Introduction to Diplomatic Affairs

- The Foreign Policy Objectives
- Countries that have recognized the Republic of Kosovo
- Diplomatic Missions of the Republic of Kosovo

VII. Agreements of Kosovo with other countries

VIII. Vienna Conventions

Luan Bicaj, Public Administration Specialist

CONSULAR MISSION OPENING AND MANAGEMENT HANDBOOK

Table of Contents

INTRODUCTION 4

AUTHORITIES 4

DEFINITIONS 4

STEPS TO ESTABLISHING AN CONSULAR MISSION AND THE PRINCIPAL OFFICER'S FIRST THREE MONTHS 5

Establishing the Consular mission 5
The First Three Months 6

POST MANAGEMENT AND POST ORGANIZATION POLICY AND SCOPE 9

Openness in Post Operations and Management 9
Promoting Cordial Relations 10
Official Contact With Foreign Governments 10
Policy and Post Activities During Periods of Severance of Diplomatic Relations or the Recall of the Kosovo Mission 11

MISSION ORGANIZATION - Integrated Mission Structure 11

MISSION FUNCTIONAL RESPONSIBILITIES - Head of Mission/ Principal Officer 12

Deputy Head of Mission 14
Designated Officers 14

DESIGNATED OFFICERS FOR SPECIFIC POST RESPONSIBILITIES 14

Attachés of Kosovo Government Ministries 15
Principal Officers at Subordinate Foreign Service Posts ..... **Error! Bookmark not defined.**

VEHICLE POLICY 15

SECURITY 15

DIPLOMATIC POUCH 16
Courier and Unaccompanied Pouch Systems 16
(Refer to Section 11 of the Competencies of Kosovo Diplomatic and Consular Missions) ..... **Error! Bookmark not defined.**

ATTENDANCE, OFFICE HOURS, HOLIDAYS, AND EMERGENCY SERVICES 16

Office Hours 17
Holidays 17
Emergency Services 18
Duty Officer 18

VISITOR POLICY 19

General Provisions 19
Visitor Categories 20
Official visitors: 20
Unofficial visitors: 20
Visitor Travel Information 21
Procedures for Requesting Country Clearance 21

APPENDIX ..... **Error! Bookmark not defined.**

Note to the Swiss Government

EXHIBIT B ..... **Error! Bookmark not defined.**

Note to the German Government

INTRODUCTION

This Handbook has been prepared to serve as a quick guide to the Kosovo MFA for opening and establishing consular missions, and in no way replaces or contradicts appropriate statutory or regulatory instruments.

AUTHORITIES

Law No. 03/L-122 - Law on the Foreign Service of the Republic of Kosovo

Law No. 03/L-125 - Law on Consular Services of Diplomatic and Consular Missions of the Republic of Kosovo

Law No. 03/L-034 Law on Citizenship of Kosovo

Law No. 03/L-033 on the Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Republic of Kosovo and of the International Military Presence and its Personnel

Law No. 03/L-126 Law on Foreigners

DEFINITIONS

Head of mission (HOM) is the principal officer in charge of a diplomatic or consular mission of Kosovo. He or she is designated by the Minister of Foreign Affairs as the individual assigned to be in charge of such a mission.

Consular Section is an integral part of a diplomatic mission where consular business is conducted.

Consulates general and **Consulates** are stand-alone consular missions which report to the diplomatic mission in the host country. Consulates General usually serve a larger Kosovo citizen population than Consulates, although there may also be political, commercial or other reasons for assigning those designations to a consular mission.

Post is any stand-alone Foreign Service establishment maintained by Kosovo abroad. It may be designated as an Consular mission, Mission, Consulate General, Consulate or Consular Agency. Principal Officers head posts. ―Principal posts" are those at the highest organization level within a particular country. ―Subordinate posts" are posts of lesser organizational significance than the principal post.

STEPS TO ESTABLISHING A CONSULAR MISSION AND THE PRINCIPAL OFFICER'S FIRST THREE MONTHS

Establishing the Mission

When a decision to open a post has been reached, the acceptance of the

foreign government is necessary.

Contact informally the host country's consular mission in Pristina, if available, or the host country's foreign ministry and ascertain:

That the host country understands Kosovo's desire to open a post in a particular city, its proposed consular district, and the reason why;

Whether or not there are special rules on where consular mission may be located;

Whether or not Kosovo may or must own or rent property for the mission premises or residences;

Whether or not there are special approval or processes by local jurisdiction, such as Länder in Germany, Cantons in Switzerland, or Provinces in Canada.

What are the tax obligations - real estate, VAT on utlilities, personal or official purchases, etc? Tax relief, whether through reimbursement or point-of-purchase exemption, is based on all or any of the following sources of authority:

Vienna Convention on Diplomatic Relations (VCDR), Articles 23, 28, 34, and 37;

Vienna Convention on Consular Relations (VCCR), Articles 32, 49, and 72; and/or

Other applicable agreements, such as bilateral consular conventions or friendship, commerce and consular rights agreements, or those concluded under other authorities.

What customs regulations are in effect for consular missions? Customary privileges include duty-free entry privileges (and a qualified exemption from baggage inspection) to foreign consular officers, and administrative and technical staff as required by the Vienna Convention on Diplomatic Relations (VCDR) Article 36 and the Vienna Convention on Consular Relations (VCCR) Article 50. This privilege is subject to reciprocity (VCDR, Article 47; VCCR, Article 72).

When informal agreement has been obtained from the host country Foreign Ministry, the Kosovo MFA instructs the Kosovo diplomatic mission in the host country to send a formal request to the receiving state requesting agreement to establish a consular mission. See specific examples in the Appendixes. (NOTE: When a consular district is delimited to include more than one state, the consent of each state is required for the commencement of the performance of consular functions.)

The date on which the consular mission is officially established is determined by the supervisory post or mission (with the concurrence of the MFA) and usually coincides with the arrival at the post of the Principal Officer. The host government is informed of this date.

The diplomatic post or the MFA assists the principal officer to:

Rent or buy premises;

Rent or buy residence(s);

Hire necessary local personnel;

Arrange for utilities installations;

Establish a bank account for local transactions.

Properly designate the mission through the use of signs, emblems and the national flag of Kosovo.

The principal officer is requested to open the post to the public as soon as the acquisition of suitable quarters, arrival of personnel, etc., permit, and to communicate such opening date in advance to the supervisory post or mission and to the Department. The supervisory mission communicates this date to the host government.

The First Three Months

The Principal Officer begins courtesy calls upon all the other foreign principal officers in the host city, beginning with the Dean of the Consular Corps who is usually the principal officer who has been there the longest.

In the courtesy calls, besides initial pleasantries, the Principal Officer is expected to outline his/her mission in the host consular district, according to the mandate received from the MFA. When departing, the Principal Officer should express his/her hope for continued cooperation with his/her interlocutor, even if the interlocutor is entirely opposed to the Principal Officer's mission.

She/He should also call on proper local officials and key host government personalities, such as political party and civil society leaders. She/He should do these calls alone, but reminding his/her interlocutors that his/her staff will have to take his/her place from time to time to make the task manageable. She/He should express hopes that his/her interlocutors will also cooperate with consular mission staff at appropriate levels.

Back in the consular mission, the Principal Officer begins to concentrate on the mechanics of running the mission.

Close attention should be paid early on to the physical layout of the consular mission in terms of diplomatic usage, efficiency and security. The consular mission ought to be able to greet visitors, especially the Principal Officer's counterparts when they return his initial courtesy calls.

The Principal Officer's office should reflect the importance of his mandate as representative of his country and his president. Behind his desk, as it faces a potential visitor, there should be the national flag.

There should be a set of comfortable furniture to entertain his/her visitors, adequate lighting and ventilation, and tasteful wall decorations, including the Principal Officer's presidential commission certificate, when available.

The Principal Officer should also be concerned with providing adequate office space, furniture and furnishings to his/her staff. While at a lesser degree of elegance, the staff offices should be conducive of efficiency and good morale. The smart Principal Officer should remember that his/her success depends largely on staff performance.

Special attention must also be given to the consular office and an appropriate space to receive consular clients. Office space for the consular staff and waiting area for consular clients should be divided by a counter over which consular business will be conducted. If desired, Plexiglas panels with open intervals tp pass documents can create a further sense of security for staff.

The Principal Officer should pay close attention to the Principal Officer's residence, and staff housing. Quarters should be safe, comfortable, able to carry out appropriate representational events, and large enough to accommodate family members.

One of the Principal Officer's first tasks will be to train the staff on how s/he wants things done. If the Principal Officer does not tell the staff what s/he wants the staff cannot properly support the Principal Officer's mission. S/he should establish regular weekly meetings with all the Kosovo staff, and other staff meetings as appropriate. Depending on the size of the mission, the Principal Officer should consider meetings that also include the locally engaged staff.

The Principal Officer should develop an adequate division of labor with the staff. S/he should tell the staff which members of the host government belong to his or her exclusive portfolio, (i.e., the host head local official and the his/her deputy, along perhaps with key cabinet/legislative members). S/He and his/her staff should arrange for initial courtesy and periodic calls upon these individuals.

Soon after arrival, the Principal Officer should hold an entertainment event to introduce herself/himself and his/her staff. A simple cocktail with finger food, of two hour duration during

the early evening should be enough. If the national day takes place within the first three months, the Principal Officer should combine the celebration and introductory cocktail.

The Principal Officer should prepare a mission plan early on. This plan should have as objective the accomplishment of his/her mission, and ideally should be based on the Ministry's annual strategic plan. No plan is ever perfect, but the common characteristic of good plans is flexibility. The plan must be able to respond to the exigencies of the moment.

By the end of the first three months, the Principal Officer should hold a staff meeting with key staff to assess the level of success or failure of the strategic plan. S/he should also give the staff (individually) an honest, verbal performance assessment. Together, they should decide on next steps, including a formal report to the Director General at the MFA in Pristina.

The consular officer must begin forming a network of contacts. This will include a wide variety of government officials and professionals. Chief among them will be police, judicial and prison officials. Local funeral directors and morgue personnel. The consular officer must know which medical facilities are adequate and which medical professionals are available in various specialties.

The consular officer must also set up a communication system for both resident and visiting private Kosovo citizens. This system may be as basic as a telephone tree, but will be much more efficient if based on email or text messaging. Include in your messaging system hotels commonly used by your citizens, social organizations and employers who are prominent in your community. Use this messaging system to make routine announcements, provide information on consular services and for emergencies to track, locate and inform your Kosovo community.

Begin the process of meeting the local community of Kosovo residents and register them with your consular section. A good method of meeting Kosovo citizens is through a series of meetings open to all Kosovo citizens in various towns and cities that have large populations of Kosovo citizens.

CONSULAR MISSION MANAGEMENT AND POST ORGANIZATION SCOPE

Openness in Post Operations and Management

As a matter of general policy, the Principal Officer of a consular post should encourage and support the free exchange of ideas and criticism throughout the mission. Staff members are encouraged to make known their ideas and opinions on operations, management, and all other activities of the post. Persons who may conclude, after carefully weighing all views, that they cannot concur in a report or recommendation are free to submit a dissenting statement to the Head of Mission without fear of pressure or penalty.

While staff members should make every effort to resolve differences within the mission, the policy of openness is intended to encourage candid debate, which at times may be necessary to reach a consensus on issues within a mission without appeals to the Ministry.

Promoting Cordial Relations

Members of the Foreign Service, as the official representatives of Kosovo abroad, not only are responsible for conducting specific items of official business of their government and its citizens as the need arises, but they should at all times endeavor to promote good will toward Kosovo and to maintain cordial relations between their country of assignment and Kosovo. They must exercise normal caution lest any avoidable act, either of commission or omission, be interpreted as interference in internal host-country affairs. Examples of actions to be avoided include participation in pro-governmental or anti-governmental partisan actions or demonstrations.

Official Contact With Foreign Governments

Under ordinary conditions, all official contact between the Kosovo Government and that of a foreign country is through a diplomatic mission.

Subordinate consular posts are responsible for maintaining contact with the local government authorities of their districts and with representatives of other countries located in the districts.

Consular posts should maintain contact with their parent embassies at least weekly, as determined by the head of the mission.

Principal posts located in territories and other dependencies have the representational and contact responsibilities with respect to the local government and, in the absence of instructions to the contrary, are the sole mediums for official communication with local government officials.

All direct correspondence with foreign governments is through the diplomatic mission, except that other consular posts may correspond directly with local, provincial, municipal governments, etc. The style, language, and format of prescribed in the Correspondence Handbook. Posts must send to the responsible Ministry office director copies of important notes between the posts and foreign governments. Include translations of documents in a foreign language, provided translation facilities are available at post. If not, send the documents to the Ministry in the foreign language, together with a brief summary in English, of whatever points may be considered of immediate importance.

Policy and Post Activities During Periods of Severance of Diplomatic Relations or the Recall of the Kosovo Mission

Occasionally, changes of governments in foreign countries s or other circumstances bring about the severance of diplomatic relations, the temporary or permanent recall of the Kosovo mission, or reductions in the level or size of the diplomatic representation. The mission in the country in which a change has occurred is instructed to continue normal contact and monitor the situation closely to determine whether the new regime has effective control over the country. Signing of new agreements or similar arrangements, or significant bilateral actions, is normally avoided during this period. In instances of civil disturbance or in other circumstances requiring protection of Kosovo citizens or property, the head of mission/principal officer requests action informally of the de facto authority (the governmental power actually able to extend protection). In some cases, a rupture of diplomatic relations or permanent or temporary recall of members of a mission may occur. In such cases, Kosovo citizen official interests are normally looked after by the consular mission of a friendly government acting as protecting power. Heads of mission are instructed to contact MFA immediately for instructions.

MISSION ORGANIZATION - Integrated Mission Structure

The Kosovo mission is an integrated structure, usually headed by an Principal Officer. The mission is comprised of all Kosovo agencies represented in the country, as well as the traditional functions concerned with political, economic, commercial, labor, consular, management, and related affairs.

The precise structure of a mission is determined by the head of mission, with the concurrence of the MFA, in the light of local circumstances and the specific nature and scope of function assigned to the post. The head of mission may wish, for example, to establish one functional section for both political and economic activities; and structure consular establishments to suit local needs. He or she may submit requests to the MFA for organizational changes requiring an increase or decrease in staff.

MISSION FUNCTIONAL RESPONSIBILITIES - Head of Mission/ Principal Officer

Each Kosovo diplomatic mission is under the direction of a head of mission (HOM), who is an ambassador or chargé d'affaires of the Republic of Kosovo and the official spokesperson to the government or international organization to which accredited. Under the direction of the Foreign Minister, the head of mission is in charge of the entire diplomatic mission and supervises all of its activities. The head of mission's authority encompasses not only the personnel of the Ministry of Foreign Affairs, but also personal representatives of other (such as the Ministry of Internal Affairs) that may have programs or activities in the host country.

The head of mission bears a special responsibility for integrating the activities of all posts under that officer's supervision in a planned and effective mission strategic plan, and is responsible for the effective and secure operation and overall performance of such posts.

While differences in emphasis at various Foreign Service missions will occur, depending on the size of the mission and the dynamics of the particular host country, heads of mission, under the general supervision of the Foreign Minister, perform a wide range of functions. These include, but are not limited to:

Representing the interests of the Republic of Kosovo in relation to foreign countries and international organizations and performing the functions relevant to their appointments and assignments, including giving special attention to opening and expanding markets for Kosovo; to halting, preventing, resolving, and containing conflict and countering terrorism and international crime; to upholding basic human rights principles; and to promoting international cooperation to address global problems, including the environment and population, narcotics production and trafficking, refugees, migration, and humanitarian assistance;

Having full responsibility for the direction, coordination, and supervision of all Kosovo Government employees in that country;

Keeping fully and currently informed with respect to all activities and operations of the Kosovo Government within that country and ensuring that all Kosovo Government employees in that country comply fully with all applicable HOM directives;

Managing all Kosovo resources at the diplomatic mission and constituent posts, including deciding on formal requests from all agencies for any change in the size, composition, or mandate of their staffing, and establishing an effective system of internal controls to prevent waste, fraud, and mismanagement;

Developing policies and programs for the protection of all Kosovo Government personnel on official duty abroad and their accompanying dependents;

Performing functions on behalf of any agency or other Kosovo Government establishment (including any establishment of Parliament or judicial institutions) requiring their services;

Maintaining close relations with officials of host government Ministries, particularly those responsible for activities of major interest to Kosovo;

Under the direction of the Ministry of Foreign Affairs, making representations to obtain support for specific Kosovo policies or positions and dissuading foreign governments from courses of action contrary to Kosovo interests;

Negotiating treaties and agreements as the Ministry directs and reporting any significant violations of existing agreements;

Observing, analyzing, and on a highly selective basis, reporting significant political, economic, and societal developments occurring abroad;

While keeping appropriate, systematic contact with all significant elements, maintaining in particular a coordinated effort to establish relations with potential leaders from all levels of society, including those outside the power structure, with a view to ensuring an accurate Kosovo citizen understanding of the society and of possible social, economic, and political change;

Estimating the effects, which might be anticipated locally, from implementing alternative Kosovo policy programs currently under consideration;

At the discretion of the post or at the direction of the Ministry, making recommendations to the Ministry on possible courses of action and counseling as to which Kosovo programs abroad are necessary and feasible to implement the chosen policy and which should be abandoned or modified in the light of changed circumstances;

Advising, protecting, and assisting Kosovo citizens abroad;

Briefing Kosovo officials and citizens on conditions in the host country and assisting foreign officials and citizens in planning visits to Kosovo;

Maintaining liaison with international agencies or their representatives operating in the host country and reporting on their activities, especially where there is no direct Kosovo representation;

Obtaining clearances for visits of Kosovo Government aircraft, etc.;

Attending local official and unofficial ceremonies and performing representational activities;

Ensuring the proper maintenance of post archives, paper and/or electronic for the prescribed time, including the head of mission calendar and the telephone log; and,

Performing special duties or activities as directed.

Deputy Principal Officer

Where assigned, the Deputy Principal Officer (DPO) generally serves as alter ego to the Principal Officer. The DPO assists in defining broad program needs in the district or with respect to the international organization and develops plans by which the total coordinated Kosovo activity will most effectively meet those needs.

Designated Officers

At post, the Principal Officer will designate officers to fulfill specific functions. She/He makes these designations by written memorandum in accordance with these instructions and inform the appropriate offices at Pristina headquarters. Designations vary from post to post: At one post an officer or employee may be designated to perform more than one function; at another post there may be no need for a particular function.

A list of designated officers for specific post responsibilities follows. The list does not include designations of special need to the post's principal officer.

DESIGNATED OFFICERS FOR SPECIFIC POST RESPONSIBILITIES

(The same officer may be designated for multiple responsibilities)

General

Protocol Officer

Public Diplomacy Officer

Management

Approving Officer (Petty Cash)

Accountable Property Officer

Pouch Control Officer

Security

Post Security Officer

Attachés of Kosovo Government Ministries

Attachés and their staffs assigned by the respective agencies perform their activities under the general direction of the head of mission.

VEHICLE POLICY

For the foreseeable future, and with few exceptions, vehicles available to carry out the official duties of Kosovo embassies and consulates abroad will be Government Owned Vehicles (GOV).

With limited exceptions, GOVs should be used only for official business. Heads of mission are responsible for the management of the consular mission motor pool, and the proper usage of its vehicles. Official and unofficial business use should be documented in vehicle logs, and archived in such way that they would be available for a period of 5 years for auditing purposes.

Official use of a GOV at a Foreign Service post includes:

The transportation of mission employees to official appointments and meetings;

the transportation to and from home for the head of mission;

transportation to and from home for the deputy head of mission and other personnel resulting from local diplomatic practice (employees will reimburse the government for this type of transportation according to a rate established by the head of mission);

the transportation of mission children to and from school when school buses are not available (employees will reimburse the government for this type of transportation according to a rate established by the head of mission);

the transportation of mission employees in case of dangerous situations justified by the head off mission;

the transportation of official visitors; and,

all other types of transportation authorized by the head of mission.

The post should maintain the vehicles in a serviceable condition. The post is also responsible for complying with local laws concerning insurance, driver license requirements, and rules of the road.

SECURITY

The purpose of having a security program is to protect Kosovo Government information and sensitive equipment, employees working abroad and official facilities at diplomatic and consular posts abroad. The officer designated as Post Security Officer is responsible for maintaining liaison with the host country MFA and other agencies to ensure that the consular mission and its constituent posts, and their personnel are protected in accordance with the relevant diplomatic conventions.

In this regard, it is important that consular missions be equipped with appropriate security containers to protect sensitive items (especially money and consular seals) and information. The Principal Officer is responsible for the protection of sensitive/classified items and information.

DIPLOMATIC POUCH

Courier and Unaccompanied Pouch Systems

Traditionally, the diplomatic pouch system was used as the only means of communication governments had with their embassies and consulates abroad. Therefore, international practice made the diplomatic pouch inviolable, as well as the courier that accompanied the more sensitive of these. The 1961 Vienna convention formalized rules for the diplomatic pouch system.

Advances in communications have almost made the wax-sealed canvas bag a thing of the past. Today, most communications between governments and their embassies and consulates are carried out via electronic means. If there is a need to send paper communications, however, it is usually carried by postal or commercial carriers such as DHL and Federal Express, clearly marked as Diplomatic Correspondence, so that receiving governments know that they are not allowed to open the packages.

Use the courier-accompanied pouch system when:

There is reason to doubt that host country officials adhere to the 1961 Vienna Convention;

The item is of high value;

Cases of theft and pilferage of pouches have occurred on a regular basis;

The items are sensitive.

ATTENDANCE, OFFICE HOURS, HOLIDAYS, AND EMERGENCY SERVICES

Attendance and Absences

Employees will be treated as professionals, which mean that they will be expected to complete their work on time and at the expected level of quality. If extra hours are needed to complete your work, they will be expected to put in those extra hours. If, on the other hand, they are able to complete their work in less than a standard workweek, they should use those extra hours to improve professional knowledge through training, travel and to keep informed of relevant current events. In return for being treated as professionals, employees are expected to behave as professionals and not to abuse their diplomatic privileges.

General guidelines for personal leave and other absences are nevertheless necessary to ensure that we are able to conduct business in a predictable manner. Although we are not interested in monitoring the comings and goings of, we need to know, in advance where possible, when they will be absent from work. Here are those guidelines:

Absences. Employees are expected to be at work and to work a full workweek, except for authorized absences. Authorized absences include the following:

Vacation time scheduled in advance

Sick leave

Time off for a workers' compensation injury

Death in the family

Family and other emergency situations beyond their control

Notification procedure. To obtain an authorized absence, employees should call in, where possible, and let their supervisor know that they are unable to come to work. The call should be made, if possible, no later than their regular starting time.

As for notifying someone that they will be late to work or will be leaving early, they should use their best judgment. If someone is likely to need to know that they will be coming in late or leaving early, they should call that person and let him or her know. Unauthorized absences without notice may be sufficient reason for disciplinary action.

Office Hours

Foreign Service posts abroad are open for the convenience of the public during such hours and on such days of the week as prescribed by the principal officer. Hours and days are arranged in conformity with local customs and conditions.

A sign indicating the hours the post is open to the public is posted by the main entrance or otherwise displayed as prominently as local circumstances permit. It is recommended that the sign be inscribed in Albanian, Serb, English and the local language.

When no one is present in the office, or the office is otherwise closed, post a notice informing visitors how to reach the duty officer.

Holidays

All posts abroad are closed to the public annually on Kosovo citizen holidays. The official Kosovo citizen holidays are:

New Year's Day

January 2

Orthodox Christmas

Kosovo Independence Day (February 17)

Kosovo Constitution Day (April 9)

Easter Monday (Orthodox)

Easter Monday (Catholic)

Labor Day (May 1)

European Day (May 9)

Eid-al-Ftir (Bajrami I Madh)

Eid-Al-Addha (Bajrami I Vogel)

Christmas Day (December 25)

Posts are notified when additional days are designated as national holidays.

The principal officer at each post is authorized to designate local holidays that are of sufficient importance to warrant observance by closing the office to the public. The head of mission in each country coordinates the observance of local holidays by all posts under his or her jurisdiction.

Days may be designated as local holidays only if:

Such days are customarily observed as holidays by the local government, local business firms, and the diplomatic and consular offices of other countries;

Failure to observe such days would be contrary to the interest of the Kosovo; or

If it would be impractical to keep the office open because of drastic curtailment of normal services, such as transportation or building maintenance.

Posts should endeavor to restrict the number of designated local holidays to the number of Kosovo citizen holidays or fewer. Should the customarily observed holidays be more than 10, only the more important ones should be designated.

Posts must communicate to the Ministry their holiday schedule for the next year by December 1 of each year. They must also inform the Ministry in a timely manner when posts close for dates not consistent with the yearly list. Posts may send such messages to other regional or constituent posts at their discretion. Posts are not obligated to notify the Ministry every time post closes for a listed holiday.

Emergency Services

Duty Officer

Each post should have a cellular phone whose number will have been reported to the MFA as being staffed 24 hours a day, 7 days a week. The head of mission will prepare a duty roster, sharing this duty equitably among all Kosovo officers at post.

The consular officer should prepare a duty book to provide the duty officer emergency procedures sufficiently enough to take action—or to identify and request the appropriate officer to take action—on any matters arising outside office hours and on which action cannot be deferred until the next opening of the office for business.

All other personnel will inform the duty officer of how they may be reached after working hours.

The MFA will contact the duty officer on this number when emails or other messages with particularly importance are being sent, so that the duty officer may retrieve it and take action, or pass on to other officers for action.

VISITOR POLICY

General Provisions

In broad terms, the responsibilities of overseas missions are to:

Cultivate and promote bilateral relations with the host countries and international organizations which have their headquarters in capital cities of the host countries.

Maintain official contacts with government officials and representatives of the political and economic life of the host countries and organizations to which they are accredited.

Use public diplomacy and informal means to maintain positive relations, including press releases, interviews for the print media of the host country, editorial pieces, appearances in the electronic media, the organization of conferences, delivering presentations or lectures to public and private organizations, and maintaining a broad network of contacts among civil society, Academia, Kosovo Diaspora associations and other organizations.

Conduct diplomatic and/or consular representation activities in accordance with the relevant Kosovo laws, regulations and other authorities, the Vienna Conventions on Diplomatic Relations and Consular Relations, the laws of the host countries, and other normative acts and Government policies.

Protect and defend the interests of the Republic of Kosovo in relations with the countries and international organizations to which they are accredited.

Provide for the welfare and protection of citizens of the Republic of Kosovo, within the limits prescribed by international law and practice and by respecting the applicable legislation of the host country.

Encourage and develop political, economic, military, cultural and other forms of bilateral relations with the countries of accreditation.

Closely follow internal political, economic, cultural and other developments of importance in the host countries where it is accredited, ensuring that the Ministry of Foreign Affairs is well informed these developments.

Prepare analysis and recommendations on specific issues of importance to the bilateral or multilateral relationship, consistent with the national interest and foreign policies of the Government of Kosovo.

Coordinate, in cooperation with host country institutions, the visits of delegations of the Republic of Kosovo, arranging and participating discussions with the host country and the preparation and signing of agreements and other policy documents.

Coordinate all of the activities of Kosovo Government agencies in the host countries and representing the interests of ministries and agencies of the government to the host government or international organizations to which they are accredited.

Accordingly, the following visitor guidelines are intended to bring a degree of consistency to those services rendered to both official and unofficial visitors abroad. Any services rendered should not delay achievement of high-priority goals and objectives of the Ministry and Foreign Service missions, and any services rendered should be decided upon in light of post resources.

Visitor Categories

To assist posts in identifying appropriate levels of support to provide to visitors, it is useful to classify visitors to the Foreign Service post as indicated below.

Official visitors:

VIPs: In addition to the President, Prime Minister, and Foreign Minister for whom special procedures are already in effect, this category includes Cabinet members, Members of Parliament, and State Governors;

Senior officials: Civil service officials of other ministries at the level of Director or higher, Kosovo citizen heads of mission to other countries; and

Other official visitors;

Unofficial visitors:

Journalists;

Business officials; and

Others (constituents of Members of Parliament, academics, civic leaders, etc.).

Visitor Travel Information

Each consular mission may develop a visitor guidebook concerning ―Useful Travel Information," which may be used to inform prospective official visitors of general travel conditions in the country. This part may address the following considerations (it may be supplemented by commercial travel literature, as appropriate):

General availability of commercial travel services;

Selected accommodations (luxury, first and second class, or equivalents);

Communications facilities (international telephone, telex, commercial telegram, etc.);

Climate and clothing required in various seasons;

Exchange rates, banking facilities, use of credit cards;

Principal tourist sites and events;

General attitudes of local government and population towards visitors, particularly Kosovo citizen citizens;

Security considerations;

Health considerations; and

Other relevant considerations.

Procedures for Requesting Country Clearance

All Kosovo Government employees must obtain country clearance from the head of mission (HOM) before entering or transiting their country of accreditation. HOMs may refuse country clearance, or may place conditions or restrictions as they consider necessary.

Travelers must provide relevant personal data, travel itineraries, and justifications for travel to the office designated for this purpose at the Ministry's Office of Coordination.

When post receives a request for official visitor services, it should make a prompt determination whether or not to approve the visit. The post should apply the following criteria to determine whether or not Foreign Service mission support should be given to a visit:

Is the visit intended primarily: for official meetings, delegations to international organizations, or for another purpose?

If the purpose of the visit is to gather information, what information is actually sought? Is it currently available in Pristina? In particular, can the information be gathered more effectively and more economically by tasking the Foreign Service post? If so, the post should advise the visitor that the visit's prospective burden on the Foreign Service mission does not appear to be warranted and should suggest alternatives to the traveler?

If the purpose of the visit is primarily for the orientation and education of the visitor, does the visitor's position warrant the effort that the visit would require of the Foreign Service mission? The fundamental criterion should be: Will overall Kosovo citizen interests be better served by this diversion of the mission's resources to servicing the visitor than by other mission work that will otherwise not be accomplished?

If the purpose of the visit is not for information or orientation, is it justifiable in terms of the benefit it might bring to overall Kosovo interests and the burden it would impose on the Foreign Service mission?

The embassy is principally responsible for determining whether a visit is worthwhile. In doing so, it should assume that the burden of proof that the visit is necessary rests primarily with the visitor.

APPENDIX A

NOTE TO THE SWISS GOVERNMENT

The Ambassador of the Republic of Kosovo presents his compliments to Her Excellency the Councilor of the Federal Department of Foreign Affairs of the Swiss Confederation and has the honor to request the approval of the Government of Switzerland to establish Consulates General of the Republic of Kosovo in Geneva and Zurich.

The purpose of the new consulates general is to facilitate expansion of political, economic and commercial ties between Switzerland and Kosovo, and to provide consular services to Kosovo citizens.

The Consular district for the Consulate General in Geneva will be comprised of the cantons of Geneva, Fribourg, Neuchatel, Valais, and Vaud. The Embassy requests the removal of these cantons from the Embassy's consular district.

The Consular district for the Consulate General in Zurich will be comprised of the cantons of Ausserrhoden, Glarus, Graubunden, Innerrhoden, Nidwalden, Sankt Gallen, Schwyz, Thurgau, Ticino, Zug, and Zurich . The Embassy requests the removal of these cantons from the Embassy's consular district.

The Consuls in Geneva and Zurich will be career members of the Kosovo Foreign Service.

Accept, Excellency, the renewed assurances of my highest consideration.

Embassy of the Republic of Kosovo

Bern, [date]

APPENDIX B

NOTE TO THE GERMAN GOVERNMENT

The Ambassador of the Republic of Kosovo presents his compliments to His Excellency, the Minister of the Federal Foreign Office of the Federal Republic of Germany and has the honor to request the approval of the Government of Germany to establish Consulates General of the Republic of Kosovo in Frankfurt, and Stuttgart.

The purpose of the new consular missions is to facilitate the expansion of political, economic and commercial ties between Kosovo and Germany, and to provide consular services to citizens of the Republic of Kosovo.

The consular district of the Consulate General in Frankfurt will be comprised of the states of North Rhine-Westphalia, Hesse, Saarland, and Rhineland-Palatinate. We request the removal of these states from the Embassy's consular district.

The consular district of the Consulate General in Stuttgart will be comprised of the states of Baden-Wurttenberg, and Bavaria. We request the removal of these states from the Embassy's consular district.

The Consuls General in Frankfurt and Stuttgart will be career members of the Kosovo Foreign Service.

Accept, Excellency, the renewed assurance of my highest consideration.

Embassy of the Republic of Kosovo, Berlin Date

Task 1.3 MFA Duty Book

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

MFA

DUTY BOOK

TABLE OF CONTENTS

Duty Officer Schedule

Phone Numbers, MFA

Phone Numbers, Kosovo Diplomatic and Consular Missions

Phone Numbers, Other Kosovo Government Ministries and Agencies

Phone Numbers, Municipalities

Phone Numbers, Foreign Embassies in Pristina

Daily Talking Points and Press Releases

Office of the Minister

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Deputy Minister

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Permanent Secretary

Coordination Unit

Information Technology Unit

General Instructions

- **Issues to be handled after hours**

- **Issues that can wait until next working day**

Specific Instructions

Office of the Director General

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Auditor General

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Administration

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Bilateral Affairs and International Organizations

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Consular Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Economic Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of EU and NATO

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Financial and Budget Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Legal Affairs, Treaties and Human Rights

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Media

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Procurement

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of State Protocol

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Regional Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

EMERGENCY ACTION PLAN

Duty Officer Schedule

The duty week begins on Wednesdays at 1200 hours and ends on the next Wednesday at 1159 hours. The outgoing duty officer must transfer the cellular phone, Duty Officer Book, Emergency Action Plan and the Duty Log to the incoming duty officer by 1200 each Wednesday.

Example:

30 DEC 09 to 06 JAN 10: Prindon Sadriu
06 JAN 10 to 13 JAN 10: Agron Maloku
13 JAN 10 to 20 JAN 10: Elmaze Pireva
AND SO ON

MFA Phone Numbers

MFA Duty Officer

Minister

Deputy Minister

Permanent Secretary

Director General

Director, Bilateral Affairs

Director, Economic Affairs

Director, EU and NATO

Director, Regional Affairs

Director, Finance and Budget

Director, Administration

Director, IT

Director, Procurement

Security, Government Office Building

Kosovo Diplomatic and Consular Missions Phone Numbers

Ankara

Duty Officer
Principal Officer
Other

Berlin

Duty Officer
Principal Officer
Other

Frankfurt

Duty Officer
Principal Officer
Other

Stuttgart

Duty Officer
Principal Officer
Other

Bern

Duty Officer
Principal Officer
Other

Geneva

Duty Officer
Principal Officer
Other

Zurich

Duty Officer
Principal Officer
Other

Bogota

Duty Officer
Principal Officer
Other

Brussels

Duty Officer
Principal Officer
Other

London

Duty Officer
Principal Officer
Other

Lubliana

Duty Officer
Principal Officer
Other

Paris

Duty Officer
Principal Officer
Other

Podgorica

Duty Officer
Principal Officer
Other

Skopje

Duty Officer
Principal Officer
Other

Stockholm

Duty Officer
Principal Officer
Other

The Hague

Duty Officer

Principal Officer

Other

Tirana

- **Duty Officer**
- **Principal Officer**
- **Other**

Tokyo

- **Duty Officer**
- **Principal Officer**
- **Other**

Vienna

- **Duty Officer**
- **Principal Officer**
- **Other**

Washington

- **Duty Officer**
- **Principal Officer**
- **Other**

- **New York**
  - **Duty Officer**
  - **Principal Officer**
  - **Other**

Zagreb

- **Duty Officer**
- **Principal Officer**
- **Other**

Other Kosovo Government Agencies

Phone Numbers

Situation Room

Border Police

Police

Pristina Airport

Assembly

Education, Science and Technology

Justice

Energy and Mining

Finance and Economy

Kosovo Security Force

Environment and Spatial Planning

Local Government Administration

Internal Affairs

Labor and Social Welfare

Community and Return

Health

Public Services

Culture, Youth and Sports

Transport and Telecommunication

Agriculture, Forestry and Rural Development

Municipalities

Phone Numbers

Pristina

Prizren

Metrovice Jugore

Gjilan

Decan

Gjakove

Gllogoc

Dragash

Istog

Kacanik

Kline

Fushe Kosove

Kamenice

Leposaviq

Lipjan

Novoberde

Obiliq

Peje

Rahovec

Podujeve

Skenderaj

Shtime

Shterpce

Suhareke

Ferizaj

Viti

Vushtrri

Zubin Potok

Zvecan

Malisheve

Foreign Embassies in Pristina

Phone Numbers

Albania

Austria

Bosnia

Croatia

France

Greece

Macedonia

Turkey

United Kingdom

United States of America

Switzerland

Daily Talking Points and Press Releases

Office of the Minister

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Deputy Minister

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Permanent Secretary

Coordination Unit

Information Technology Unit

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Director General

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Office of the Auditor General

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Administration

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Bilateral Affairs and International Organizations

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Consular Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Economic Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of EU and NATO

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Financial and Budget Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Legal Affairs, Treaties and Human Rights

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Media

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Procurement

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of State Protocol

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

Department of Regional Affairs

General Instructions

- **Issues to be handled after hours**
- **Issues that can wait until next working day**

Specific Instructions

EMERGENCY ACTION PLAN

Consular Duty Book

Pristina, Kosovo

November 2009

Table of Contents

Section I – Situational Guidance

- Arrests
- Deaths
- Passport and Immigration Problems
- Destitute Citizens
- Crime Victims
- Welfare/Whereabouts Inquiries
- Parental Child Abductions
- Disasters/Crisis Situations
- Medical Emergencies

Section II – Appendices with Useful Contact Information

- A - Kosovo Embassy/Consulate Information - This should include addresses, phone numbers, working hours.
- B - Kosovo Ministry of Foreign Affairs and Host Country Foreign Ministry contacts, phone numbers, how to reach a duty officer at any day or time.
- C - Local Attorneys/Lawyers
- D - Local Funeral Homes
- E - Inexpensive Hotels and Shelters
- F - How Money can be sent to a Kosovo Citizen - This should include addresses of local banks and wire transfer firms.
- G - Local Police Contact Information
- H - Medical Emergency Services
- I - How to Report Lost or Stolen Credit Cards or Travelers Checks
- J – Disaster Contact Information including government disaster agency information, local Red Cross or similar information.

Section III – Other Background Information on Host Country, etc.

Arrests

What to do in the case of an arrest.

When you find out that a Kosovo citizen has been arrested (this information could come from the arresting authorities or from family or friends of the arrestee) you should:

- Confirm that the arrestee is a Kosovo citizen;

- Get as many details as possible – at a minimum full name, date and place of birth, place and circumstances of arrest, where they are being detained (police contact number), name and contact information of the person who contacted you;
- Offer to contact family or friends – the arrestee should consent to this;
- Provide a lawyers list (Appendix C);
- Follow up on the case the next business day in the Embassy or Consulate.

The Embassy/Consulate can also:

- Help with the transfer of money from Kosovo;
- Monitor treatment of the detainee, protest any mistreatment;
- Visit the detainee;
- Explain in general the legal procedures in the receiving country.

The Embassy/Consulate cannot:

- Act in a legal or financial capacity for the detainee;
- Circumvent host country laws;
- Recommend a particular lawyer;
- Safeguard valuables (However, the Duty Officer can telephone a friend or relative and request that they assist the detainee in this regard).

Death of a Kosovo Citizen

- Confirm that the deceased was a Kosovo citizen. This will usually be done by the passport or Kosovo identity document.
- Determine whether the next of kin have been notified. If not, follow the Embassy/Consulate procedures for notification of next of kin.
- If the person was travelling alone or family members/friends in country are unwilling to assist, the Embassy/Consulate is responsible for arranging the temporary disposition of remains and safeguarding the personal effects of the deceased. In that case the personal effects should be safeguarded in the Embassy or Consulate and an inventory should be prepared.
- If it is necessary to assist in the disposition of the remains, you can provide the next-of-kin with contact information for funeral homes (Appendix D). The Kosovo Government will not pay or promise payment for these services.

Passport and Immigration Problems

Lost/Stolen Passport

You should tell the Kosovo citizen to come to the Embassy/Consulate during normal working hours. It is essentially impossible to issue a travel document outside of normal working hours.

Customs Difficulties

The Embassy/Consulate cannot offer immediate assistance in cases of Kosovo citizen's property seized by customs authorities. The Embassy/Consulate can review the case with the Kosovo citizen and the appropriate customs office on the following working day. Kosovo citizens who opt to take legal action can be provided with the list of attorneys (Appendix C)

Destitute Kosovo Citizens

Determine the type of assistance requested:

A place to stay – Appendix E contains a list of inexpensive hotels and shelters. The Embassy/Consulate will not guarantee payment.

Funds – During normal working hours the Embassy/Consulate may be able to process a loan to repatriate a Kosovo citizen to Kosovo. Money may be wired from Kosovo. See Appendix F for contact information. The duty officer may be able to assist by placing a phone call to a friend or family member who may be willing to wire money or arrange a hotel with a credit card.

Crime Victims

If you are contacted by a crime victim you should make sure they are safe and their basic security needs are being met. Provide them with contact information for the local police authorities and or medical emergency services (Appendices G and H). Ask them to contact the Embassy or Consulate during normal working hours to see if further assistance or information can be provided.

For lost or stolen credit cards or travelers checks, provide the victim with the appropriate contact information (Appendix I).

Welfare/Whereabouts Inquiries

If contacted for help in locating a Kosovo citizen, the duty officer should explain that such inquiries should be addressed during working hours because the information is not readily available and there are privacy issues to be considered as well.

Parental Child Abductions

If contacted by a Kosovo citizen alleging that their child has been taken from Kosovo by the other parent and is in your host nation or in route, you should:

- Get as many details as you can to help locate the child – full name and date of birth, full name, etc. of the person travelling with the child, passport/citizenship information, likely local addresses or phone numbers;
- Advise the caller to contact the Ministry of Foreign Affairs in Kosovo as well;
- Explain that the case may only resolved through a court process.

Disasters/Emergencies

The Ambassador or Consul General should be notified immediately of a major disaster involving Kosovo citizens. This could include an airplane or bus crash, terrorist incident, earthquake or other natural disaster. The Kosovo Ministry of Foreign Affairs should also be notified immediately (Appendices B and J). Follow up for the duty officer might include processing multiple death or medical emergency cases.

Medical Emergencies

The Embassy/Consulate does not provide medical care to Kosovo citizens in the host country. The Medical Information Section (Appendix H) contains a list of hospitals and doctors. This list may be provided to callers.

If you are contacted regarding a Kosovo citizen who has already been hospitalized find out the general nature of the medical problem, determine if the person is travelling alone and find out if help is needed to contact the family in Kosovo.

Task 2.2.1 Handbook on Ethics Policy

Task 2.2.1 Draft Code of Conduct for Foreign Ministry and Personnel Abroad and Sponsorship and Gift policy

ETHICS AND CORRUPTION:

A HANDBOOK FOR THE

MINISTRY OF FOREIGN AFFAIRS

OF

THE REPUBLIC OF KOSOVO

USAID-KOSOVO MINISTRY OF FOREIGN AFFAIRS SUPPORT PROJECT

DEVELOPMENT ALTERNATIVES, INCORPORATED

Rr SHABAN POLLUZHA, Nr. 3

PRISTINA 10000 KOSOVO

NOVEMBER, 2009

TABLE OF CONTENTS

Introduction……4

What is ethics and why does it matter?.....4

Choices and temptations……...7

An object lesson: Ben Franklin……9

Franklin's list of Defined Virtues……...11

Kosovo's Core Values……...13

Public corruption-private gain, public loss.....14

Will you be able to tell your parents?.....15

Seven questions about ethics……..……..15

Kosovo Code of Conduct for Civil Servants……..…….17

United States Navy Code of Ethics…….29

US Government Code of Ethics…….....31

United Nations International Code of Conduct…….….32

What are the consequences of unethical behavior?.....34

CE--Criminal Law Convention on Corruption……..…35

CE—Civil Law Convention of Corruption……...37

United States—Federal Corrupt Practices Act…….45

Interview with Kosovo's Avni Zogiani about corruption…….54

The Lockheed scandals……..…59

Challenges to anti-corruption in Kosovo……..63

Selections --Chemonics, Inc. Anti-Corruption seminar……...68

Suggested Code of Ethics for the Kosovo MFA…….….73

Introduction

<u>What is ethics and why does it matter</u>?

What is ―ethics”? And why should we be concerned about it? That’s what this Handbook is about. It’s not intended to be a comprehensive treatise about ethics and how that relates to public service. It’s not a long discourse about the ethics of diplomacy. Rather, the Handbook is a selection of documents about the many ways that ethics is defined, and about how our everyday lives are impacted by ethical decisions. The Handbook is intended to make you, the members of the Foreign Ministry, think about ethics and to help you keep ethics in mind as you conduct the foreign policy of Kosovo.

The Handbook is organized into sections. Each of these sections has a short introduction, possibly some questions that relate to the readings, and one or more articles that relate to the topic of the section. The questions are for your benefit; you’re not going to have a written test to see if you can answer them. Instead, your test will come every day, at your workplace, at your home, even as you walk or drive to and from the office. Ethics is one of the frameworks of everyday life, and the material in this Handbook was selected because of its relation to everyday affairs.

Is ethics a black-and-white, bright-line discipline? Mostly, the answer to that question is ―no”. Ethics is a product of our cultures and our history, our faith, our families and of our friends. Our view of the world is shaped by our relationships to people, places, and ideas.

You may think that there are some ethical principles that are universal. One of these, you may say, would be the condemnation of taking life. But think again—

some societies don't condemn killing, so long as those whom the societies regard as worthy of killing are the ones to die. These societies may be the ones most of us don't like—the fascist nations of World War II are a good example, or the Stalinist government of the former USSR is another. But what about capital punishment? That's killing, isn't it? And nations as well-regarded as the United States still maintain some vestige of capital punishment in their judicial systems. Ethics is in the eye of the beholder, and ethical decisions are often made according to who has the power in a nation or place.

Nonetheless, there probably are some concepts of ethical behavior upon which people of good will do manage to agree. As to the other concepts, people will continue to disagree, much as they will likely never manage to reach an accord concerning who are the people of good will and who aren't. Good will, like ethics, is a definition that depends in large measure upon who's doing the defining.

All this sort of thinking tends to be somewhat circular, and very much the sort of things that stereotypical bureaucrats might find to be a tempting refuge for their thoughts. But that would be at the expense of doing their real work, which in your case is conducting foreign policy and providing consular assistance to the citizens of Kosovo and those who wish to do business with the nation. Really, these practical activities are much more important than trying to determine who's a person of good will, and whose definition of good will and ethics is better.

Instead, when determining what's ethical, look at the behaviors, and at their results and effects. Some questions will help direct your thoughts in a useful direction:

--By and large, do people benefit from the behavior?

--Is the benefit a public one, rather than private?

--Is the activity conducted in the open, or in secrecy?

--If there's secrecy, is there a reasonable reason for it?

--Is the behavior according to law?

--Is the behavior the sort that one could tell one's family about?

--If the activity were covered on TV, would it be a scandal?

--Is the activity the sort of thing you'd find acceptable if done to you?

--If you did the behavior, would you be proud or ashamed?

These sound simple, almost too simple. Our work, you may say, isn't so simple. —We conduct the affairs of state, so why does it matter if we'd want to tell our mother what we did at work?"

It matters because if you can't tell your mother, father, spouse, or children what you did at work (and assuming there's no security issue), there's something wrong with what you did. If you'd hate seeing what you did on TV at night, you've done something wrong. If you don't want anyone to find out, and there's no security issue, you've probably done something wrong—according to the moral principles that you've learned that guide your society, and that your mother and father passed along to you as you grew up. If what you've done is wrong according to that simple definition, it's most likely unethical as well.

You may have the best of intentions and still do something wrong. People make mistakes. They make the wrong decisions, not because they're bad people, but because they're tired, ill, overworked, uninformed, confused, sometimes even lazy and take the easy way when the hard way is a better choice. If that occurs, move on, correct any damage you've caused, and learn from the experience. Unless you're routinely making unethical choices, and conducting your life with an attitude of arrogance and invincibility, your mistakes will be surpassed by your successes, and the lessons you'll learn from your errors will help to prevent future mistakes.

If you think you're above the law, beyond criticism, or superior to your fellow humans, just wait. History tells us that those sorts of people usually get caught. The Mercedes that somebody took as a gift in exchange for granting an import certificate won't do much good when its owner goes to jail.

Choices and Temptations:

Life is about choices, and the daily challenges of life provide us with many alternatives. A career as a public servant will present you with many choices and a large number of those will be very tempting.

What is temptation? It's a form of choice that offers apparent advantages and often hidden pitfalls.

Temptation can be very attractive. Who isn't interested in:

--an opportunity to make money;

--the possibility of becoming powerful and famous;

--the experience of pleasure and gratification?

These are only some of the attractions that a diplomat may be faced with during his or her career. So, why not simply give into them? After all, the chances of getting caught aren't too great…or are they?

It's easy to justify the rewards:

--a little extra money would always help out;

--besides, everyone else does it;

--it won't affect your work;

--no one is appreciated enough, or paid sufficiently.

Not a one of these excuses is good enough to throw away your career, to sell out your country, or to lose your ethics. You will get caught, and you may go to prison. You will lose your family, property, and respect. It may take years, but eventually, loss of ethics, and the corruption it breeds, will catch up with you.

Ask Roman Polanski, Slobodan Milosevic, or Richatrd Nixon, if you could, if they'd wish to relive their lives in a different way if they had the opportunity. Other than Milosevic, whose lack of a morality is positively Hitlerian in magnitude, it's a good bet that the more famous of recent history's ethically disastrous characters would like to do better if they had another chance.

Can you think of anyone else who got caught?

If you're confronted with choices, and one is easy, the other difficult, very often the more difficult choice is the correct one

Things that are too easy, and too good to be true, are generally exactly that—and ought to be avoided.

<u>An object lesson: Benjamin Franklin's list of virtues</u>:

We've all read about ethics in the past. Most of us we become weary of hearing, time after time, not to do this, not to do that.

So instead, let's concentrate on some things that can help you to maintain your high ethical standards.

There's a useful story on a website, one that happens to be maintained by the United States Department of State. It's about Benjamin Franklin, one of the founding fathers of the united states. You may have heard of Franklin, who was a printer, a diplomat and even an inventor. He's beloved by Americans and lovers of liberty around the world. This story is about ethics, virtues, and values—and knowing what matters most

Ben Franklin is an excellent example of a man who defined his virtues and values and aspired to live by them.

Franklin was an author, a painter, an inventor, a father, a politician, and the first American Ambassador to France.

He invented bifocals, swim flippers, lightening rods, and the Franklin stove. He founded a public library, a hospital, and insurance company and a fire department.

He helped write the Declaration of Independence and the U.S. Constitution. He wrote an autobiography in the middle of his life and shortly before his death in his 80's, he completed his memoirs.

Benjamin Franklin was truly a Renaissance man. He was one of the greatest citizens and thinkers the world has ever seen.

But Franklin was not always a great or successful man. At the age of 17 he ran away from home in Boston, estranged from his family because of an argument he had with his brother.

Franklin tried in business and failed, not once but twice. He was the father and single parent of an illegitimate son whose mother abandoned the child to Franklin unable and unwilling to live with Franklin and the child. As a young adult Franklin was by almost any measure and especially his own measure a dismal failure. His life was confused, difficult and not at all satisfying to Franklin or to anyone else. He decided to change.

Benjamin Franklin sat down and made a list. The list consisted of twelve characteristics, values and virtues to which he aspired. He called his list "Virtues".

How did Franklin develop this list? He thought about what was important to him, about what seemed right, and what seemed wrong. Like most of us, he knew the difference between right and wrong, but also like most of us, he sometimes confused the two. The simple act of thinking about these things helped him to define them.

Franklin's List of Defined Virtues:

1. Temperance – Do things in moderation
2. Silence - Speak when it's beneficial, not merely to be noticed
3. Order – Plan ahead, proceed logically in an orderly manner
4. Resolution – Set your goals and accomplish them
5. Frugality – Use your money and other resources wisely
6. Industry – Act with purpose, and always be active
7. Sincerity – Mean what you say,s ay nothing simply to be hurtful
8. Justice – Be honest and be fair
9. Moderation – Seek balance in life
10. Cleanliness – Hygiene and health support long productivity
11. Tranquility – Harmony with your colleagues and environment
12. Chastity – Resist the temptations that surround all of us

Franklin then added a 13th virtue that was suggested to him by a friend:

13. Humility – Excessive ego is incompatible with public service

Did Franklin achieve his 13 goals? It's said that he did, except for the last. He had a big ego, and there was apparently little he could do about it. This 13th virtue wasn't HIS virtue, but the others were ones that he could accept, work to achieve, and succeed in that effort.

An interesting story, but what does Benjamin Franklin have to do with the Kosovo Foreign Service?

After all, his 12, or 13, principles define ―virtue", not ―ethics"…

Or do they? Isn't virtue the basis for ethics? And when we discuss ―ethics", aren't we really talking about the reasons why ethics are important? It's much more than not getting caught—it's about living one's life in balance and harmony with nature, with one's colleagues, and with one's obligations.

When you join the Foreign Service, you make a promise to Kosovo to represent your nation to the best of your abilities;

You make a promise to put Kosovo's needs ahead of your own;

You make a promise to not use your public office for your private gain;

And you make a promise to yourself to perform your tasks with honor, with dignity, and with justice.

Kosovo's Code of Ethics:

Did you know that there's a Code of Ethics for Kosovo's public employees? It's part of the nation's law, and it's says some important things:

- Lawfulness
- Equal treatment and Nondiscrimination
- Political neutrality
- Impartiality and professional independence
- Sincerity
- Procedural integrity
- Respect
- Rational usage of public financial means
- Avoidance of Conflict of Interest
- Transparency

These aren't not too different than Ben Franklin's list of virtues, are they? But what's going to happen if one of us doesn't live an ethical life, if we give in to temptation, if we lose sight of virtue?

When that occurs, we begin a slide down an icy slope. At first, not much is likely to happen.

A small gratuity in exchange for arranging a visa? Not a big issue…

A gift of tickets to a football match, in exchange for helping a businessman to secure an import permit? Why does that matter?

A trip on a private jet, to a ski resort, and a major contract simultaneously awarded? Perhaps a bigger deal, but after all, the contract was going to be given to somebody…

But what if everyone accepted gifts for simply doing their jobs? What if public service became private service? What if the civil service, and the foreign service, of a nation, any nation, became simply another corrupt institution in a corrupt world?

Public Corruption—Private gain, public loss:

Public corruption starts small, with individuals who believe that their compromise doesn't matter. But they do matter because they help to create a culture where corruption is normal, with corruption is expected, where corruption is unavoidable.

As public confidence in the civil service and foreign service is eroded, corruption tightens its hold, and soon, every corner of society is contaminated. Honesty and all the other of Ben Franklin's virtues, all of the values that every one of you believes in, soon are discarded in exchange for a life not of liberty, but of slavery to corruption, money, and the power of others.

The good people of Kosovo worked too hard to create the newborn miracle nation that it is today for all that to be given up merely because it's easy to take a few Euros on the side.

Will you be able to tell your parents, your spouse and your children what you did at work today? Tomorrow? Every day?

You've spent some time looking at the basis for codes of ethics, examining the thoughts of a great American patriot who reversed the direction of his own life by adopting a set of principles of virtue, looking closely at Kosovo's Code of Ethics for its public employees.

The purpose of this introduction was to give you something to think about—choices you can make, a way of life you can follow, a path of virtue and ethics or a path of corruption and greed.

The choices you make are within your control. You know what the right choices are. You understand that your nation, your people, and your family are affected by those choices. You're capable of making the right choices, and you will.

Seven Questions about ethics:

The St James Ethics Centre in Sydney, Australia has offered the following questions that public employees, and others, ought to ask themselves when confronted with an ethical dilemma:

1. Would I be happy for this decision to be known to the public?

2. What would happen if everybody did this?

3. How would I like it if someone did this to me?

4. Will the proposed course of action bring about a good result?

5. What will this proposed course of action do to my character or the character of my organization?

6. Is the proposed course of action consistent with my espoused values and principles?

7. Is this right?

Do you think these are important questions? Can you think of any other questions about ethics—about what's right and what's wrong—that you would ask?

Ethics can be simple—you've just read an example, where a whole subject is summarized in 7 questions. But it can also be very complex. Right and wrong is a subject that is often involved with questions of law; diplomacy; national interest; war; peace; faith and religion. One person's definition of "right" is another person's concept of "wrong". Sometimes the best we can do when defining our own ethics is to have a good foundation, a sense of fairness, and common sense—and then to do the best we can in doing the right thing…whatever that is.

The Kosovo Code of Conduct for Civil Servants

The following section is the English version of Kosovo's Code of Conduct for Civil Servants. It covers almost any possibility, any imaginable sort of conduct. Perhaps in an attempt to cover every contingency, the authors of this Code included too much, and in the process created a cumbersome document that superficially has little relevance to the moment-to-moment work you'll perform.

Don't be put off by the awkward writing and the sheer volume of this Code. In fact, it contains some important points, and once you've read it, you probably will remember what it said. Section 3, in particular, the list of Principles, is the core of the Code, and a part you ought to read more than once, and be guided by it.

CIVIL SERVANT CODE OF

CONDUCT

Nr. 01/2006

Government of Kosova, Pursuant to article 5.1 (m) of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK/REG/2001/9), of date 15 May 2001, Article 5 as amended by the Regulation 2006/20 on the Civil Service of Kosova and aiming to determine rules on conduct of civil servants in the Kosovo Civil Service, according to the requisite standards, to assist them in achieving these standards and to inform the public on the conduct that a civil servant of Kosovo Civil Service shall pursue, hereby adopts as follows:

CIVIL SERVANT CODE OF

CONDUCT

SECTION 1

AIM

1.1 The civil servant code of conduct comprises the entire principles and norms that all civil servants shall be based on when acting.

1.2 The civil servant code of conduct aims to determine rules of conduct for the civil servant protect their status and regulate their rights and duties in relation with the institutions and citizens in conformity with the legislation in force.

1.3 The code of conduct shall raise the quality of public services to the citizens, ethics in work and public interest, characterized by integrity, honesty, objectivity and impartiality in accomplishing their duties.

SECTION 2

SCOPE OF WORK

2.1 Civil servant, hereinafter, shall mean all employees provided by this Code on Civil Service in force.

2.2 The provisions of this Code shall be obligatory to all civil servants of the Kosovo civil service unless otherwise provided by other legal provisions.

SECTION 3

GENERAL PRINCIPLES OF THE

CIVIL SERVANT CODE OF

CONDUCT

3.1 The civil servants shall accomplish their duties according to the following principles:

i) Lawfulness principle: The civil servants shall accomplish their duties only based on the law. The civil servants shall carry out services and perform only on the issues for which they have legal authority.

ii) Equal treatment and Nondiscrimination principle: The civil servant shall respect the dignity and equality of all people without any distinction or discrimination.

iii) Politic neutrality principle: Loyal service towards local and central

institutions, without fear or favor and regardless of politic view or party

membership. The civil servants shall act not depending on politic view and shall not interrupt in the implementation of policies, decisions or legal activities of public administration authorities;

iv) Impartiality and professional independence principle: Partiality shall not be allowed in the civil service, meaning to have a pre-provision in favor of a certain result during assessment of a situation, such causing an unjustifiable prejudice on the general interest or for other concerned parties' rights;

v) Sincerity principle: The civil servant shall be fair, impartial, efficient,

having in mind only the public interest; not using the official position or information for personal or others' benefits; not using information or effort to mislead others; and not reveal information provided as a result of official post, but only in accordance with official duties. The civil servants shall not present information incorrectly and shall not misuse them, or make efforts for fraud;

vi) Procedural integrity principle: The civil servants shall, during their work, consider the procedure implementing the law to respect the values and dignity of other persons.

vii) Respect principle: The civil servants shall have good conduct towards

citizens to whom he/she serves and towards superiors, colleagues and his/her dependants. The civil servant shall always behave in a good manner, to keep and raise confidence of the public in honor, impartiality and efficiency of public

services;

viii) Rational usage of public financial means principle: The civil servant shall use public financial means only for public purposes, no civil servant shall diverge, mal-commit, expose or use the public financial means independently. The public financial means expenditures shall be done only in compliance with the procedures provided and in compliance with the law in power.

ix) Interest conflict avoidance principle: The civil servant shall not allow his private interests to interfere with his public position; he/she shall avoid interest conflicts and shall never use his position for his private interest;

x) Transparency principle: Assurance that the processes in the Civil Service shall be open to the public, keep information confidentiality, not violating the implementation of duties provided from the Law on access to official documents.

3.2 The civil servants shall act in accordance with these principles when

accomplishing their duties.

SECTION 4

CIVIL SERVANT RULES OF

CONDUCT

4.1 The civil servants shall act leaded by independently in work, with personal integrity and honor.

4.2 The civil servants shall access works and duties fairly and efficiently.

4.3 The civil servants shall use public financial means fairly and without misuse.

4.4 The civil servants shall not in any manner misuse their official position to make public the information gained during their duty performance for their own or others interest.

4.5 The civil servants shall establish and keep confidence of the body they work in and be able to establish such reports with the ones they serve to.

4.6 The civil servants shall accomplish their obligations impartially acting on legal provisions in force.

4.7 The civil servants shall not make public the confidential information

communicated by the body they work in or shall not allow such information to be obtained from somebody else.

SECTION 5

MEASURES OF PROTECTION

5.1 When a civil servant believes he or she is being required to act in consistency with the law, ethics in work or to behave in an improper manner such resulting in violation of code of conduct rules, such violations should be reported in accordance with the procedures and rules of the code of conduct.

5.2 The civil servants should restrain themselves from any situation that in any manner interfere right and efficient decision taking having to do with Civil Service policies for reasons of personal frustrations harming the performance of official duty. In such situations, the civil servants shall act in accordance with the rules provided by law or shall resign.

5.3 The civil servants, even after leaving the job, shall continue to keep

confidence regarding the duty exercised until the moment he/she has for any reason terminated working. The civil servants shall keep the secret of the duties they performed. They are allowed to disclose part of the secret of the duties they perform only when instructed or authorized in a written form by the superior or competent authority foreseen by law.

SECTION 6

POLITICAL ACTIVITY AND CIVIL

SERVANTS

6.1 Civil Servant can be a member of a political party and other political

organization, but he/she shall be restrained by the active engagement in political activities.

6.2 Each civil servant in a managing position, who is a member of any political party, organization or association, during performing their tasks in the Civil Service, shall suspend the activity of the party, be impartial and he/she is not allowed to perform party propaganda.

6.3 The civil servant in a managing position can not exercise his/her duty or develop propaganda in advantage or is advantage of any political party,

organization or association. He/she is not allowed to have a position in the party, in any level of organization of the political party or association. During performing his/her duty in the Civil Service he/she shall act only according to the law and is obliged to keep political impartiality, regardless of their persuasion.

6.4 Civil servant can not be discriminated against or his/her rights can not be denied because of his/her political persuasions.

6.5 Civil servant can be engaged in trade-union activities and can be a member of different trade-unions in accordance with the law.

6.6 The activity of political parties or associations in the bodies of Civil Service is not allowed.

6.7 Civil servants shall not participate in any political or public activity, which may risk or seems to risk their impartiality in his/her work as a civil servant.

SECTION 7

EXERCISING THE DUTY IN AN

INDEPENDENT MANNER

7.1 Civil Servants exercise their duties in a professional, responsible and independent manner and with no influence from outside.

7.2 Civil Servants shall accomplish their tasks in an open and such manner that enables the access on information of interested parties, the possibility of dialogue with the citizens, and interest organization as well as legal observance.

SECTION 8

CONDUCT OF A CIVIL SERVANT

TOWARD THE CITIZEN

8.1 During performing their tasks, civil

servants shall:

i) respect the principle of equality, excluding every discriminating conduct

towards the individuals.

ii) be restrained from limiting the rights of citizens, except when such limiting is in accordance by the law.

iii) act in restrained and sensitive manner toward the citizens, notably in death cases, disturbing cases and with a special care toward older people and those with special needs.

8.2 Civil Servants, during their direct communication or communication by the phone shall present himself/herself in a correct and sensible manner in order that citizens feel welcome, respected and also ready to serve the citizens.

SECTION 9

CONDUCT OF A CIVIL SERVANT

TOWARD THE POLITICAL STAFF

9.1 Civil Servants shall contribute with their knowledge and skills in order to support and implement with honor and impartiality the determined policies by the certain institutions.

9.2 Civil Servants, within the competent body shall provide the respective political staff with detailed reports and inform in details and correctly.

SECTION 10

CONDUCT OF THE CIVIL SERVANT

TOWARD THE MANAGERS

10.1 Civil Servants shall not interfere in the policy of activity of the managing authority. Civil Servants shall consider the concept of discipline, in order that their behavior is in compliance with the rules of authentic conducts toward their managers.

10.2 Civil Servants shall exercise their tasks based on the plan and determined directions by the managing authority.

10.3 Civil Servants shall discuss all problems that occur during exercising their duties with the managing authority in order to find more efficient solutions.

10.4 In case of appointment of a new managing authority, the civil servants shall inform it on time and in a correct manner on every issue in order to assure the continuity of the work in the institution.

10.5 Civil Servants shall inform the managing authority on the reason for the absence at work, and for any other eventual problem, that shall have negative influence in the work and work environment or obstacles appeared in the work process.

SECTION 11

THE CONDUCT OF MANAGERS IN

THE CIVIL SERVICE

11.1 The managers should be as an example of the courtesy for the staff that they manage and shall fully abide to the code of ethic during performing their tasks.

11.2 The mangers shall respect the personality, opinions and urge the

cooperation of the staff he/she manages, and at the same time keep the right on decision making,

11.3 The managers shall protect the rights of the staff he/she manages and on no account shall limit their rights.

11.4 The managers shall evaluate in an equal, objective and efficient manner the conduct of the staff they manage.

11.5 The managers shall provide the staff with equal opportunities for promotions and motivation for increasing the efficiency at work.

11.6 The managers shall organize regular meetings with the staff, in order to organize the work with efficiency and inform on the issues regarding the work.

11.7 The manager shall require from the staff to respect the working hours.

11.8 The manager shall not accept proposals from outside on the eventual

favor of any civil servant.

SECTION 12

CONDUCT OF THE CIVIL SERVANT

WITH THE STAFF

12.1 Civil servants during performing their tasks shall reciprocally act with courtesy, regardless nationality, religion, politics, gender, health or family conditions (status).

12.2 Civil servants shall respect each others work and shall cooperate in order to increase the efficiency and quality at work.

12.3 The critics toward the colleagues at work should be based and professional.

12.4 Relations between civil servants are based in hierarchic regulations and reciprocal respect, and on the protection of the employee's personality.

SECTION 13

CONDUCT OF A CIVIL SERVANT

TOWARD MEDIA

13.1 Civil servants shall not make public information regarding their work without the permit of their manager, and on no account shall give incorrect information.

13.2 Civil servants shall not disclose secret information regarding the work.

13.3 During giving public statements, civil servants shall always give their title and on no account shall give personal opinions regarding issues in public service.

13.4 Civil servants, each public critic toward the manager shall argument with verified information and earlier communicated to his/her manager.

SECTION 14

CONDUCT OF CIVIL SERVANTS

DURING THE PRESENTATION OF

ADMINISTRATION

14.1 When Civil Servants present the administration of civil service, they shall present the administration and not their personal opinions.

14.2 Civil servants shall promote and protect their position.

SECTION 15

CONFLICTS OF INTEREST

15.1 The conflict of interest is the situation when a civil servant has such

personal interest that influences or may influence in impartiality or objectivity of performing official tasks. In case of a personal and general interest conflict, civil servant shall act in accordance with the general interest.

15.2 Personal interests of a civil servant include every priority for himself/herself, family, relatives and till the second degree for persons or organizations, with which the civil servant has or had business or political relations. The conflict of interests also includes any financial or civil obligations of the civil servant.

15.3 When the civil servant is aware that such situation exists, he is obliged to:

i) verify if there is any possible current conflict of interest;

ii) undertake the necessary measures in order to avoid such conflict;

iii) by his own initiative, immediately to inform his/her supervisor for the actual or possible conflict of interest;

iv) if in doubt of any situation of conflict of interest, the civil servant should

directly consult with the superior and institution;

v) to comply with any final decision not to participate in the decision taking process or resign from the priorities, that the conflict causes;

vi) the possible conflicts of interest of a candidate for entering into the civil service should be solved prior to his/her appointment;

vii) civil servant, who has such interests, that would cause real risk for the rise of conflict of interest and would cause continuous suspension from his official activity or impossibility to perform official duties, shall resign or transfer these interests, in order to prevent the possibility of conflict of interest.

SECTION 16

PROFESIONALISM

16.1 During performing their tasks, civil servants shall have professional knowledge regarding work, be modest and serious during the work.

16.2 Civil servants shall continuously work on increasing their professional capacities.

16.3 During performing their tasks, civil servants shall be open towards the given tasks and be willing to implement them.

16.3 Civil servants must show their interest and be motivated in order to

achieve results at work by making efforts to prevent eventual mistakes in the future.

SECTION 17

GIFTS AND FAVOR

17.1 Civil servants shall not accept from any person or other subject money, gifts, hospitality or assistance, regarding their official duties and achieved contacts, except from his/her employment body, or information provided in their duties.

17.2 Civil servant shall not ask for or receive gifts, favor, expectancy or any other benefit, or hide possible losses, as well as promises for that, for themselves, family, relatives, for persons or organizations with which they have relation, that influence or seems to influence impartiality in duty implementation, or are or seems to be reward for the manner of the official duty implementation.

17.3 Item 1 of this section shall not be implemented in case of common

invitations, of traditional hospitality, gifts with symbolic value or traditional, conduct, which do not create doubts on impartiality of civil servant.

17.4 In case of doubt on benefit impartiality, the civil servant shall consult

the personnel unit of the institution.

17.5 The Ministry of Public Services within six months shall promulgate the Administrative Instruction for this Section implementation.

SECTION 18

WORKING HOURS

Civil servant shall use the working hours effectively for accomplishing official duties. This time shall not be used for any other purpose, except in cases when officially authorized, in accordance with the legislation in force.

SECTION 19

WAY OF DRESSING AND CIVIL

SERVANT PRESENTATION

19.1 Civil servants should be dressed, and presented in a serious manner, in order to present the public administration with dignity.

19.2 The detailed rules on civil servant dressing and presentation in public

administration institutions are determined by internal regulations promulgated by the Ministry of Public Services/Department of Civil Service Administration (DCSA).

SECTION 20

MONITORING OF

IMPLEMENTATION OF CODE OF

CONDUCT IN CIVIL SERVICES

20.1 The Ministry of Public Services/Department of Civil Service Administration (DCSA) shall continuously monitor the implementation of Code of Conduct in Kosovo Civil Service.

20.2 Each disagreement on disciplinary measures imposed on a civil servant, shall be reviewed, by his/her request, by the appeal committee established in the body or sector where he /she work.

20.3 Requests and appeals regarding with the Code of Conduct implementation may be presented by all Kosovo Civil Service subjects and citizens – as users of relevant services.

20.4 Publication of manuals and offering of trainings for ethic standards that explain how civil servant shall conduct in certain situations.

SECTION 21

IMPLEMENTATION AND

DISCIPLINARY MEASURES

21.1 The personnel unit is obligated to inform the civil servant, at his/her

recruitment, on the obligations derived from this Code and should be respected by civil servant.

21.2 The civil servant is obligated to conduct in accordance with this Code, and for this reason, is informed on the dispositions of this law and any amendments or additions. If the civil servant is not sure how to act he/she should requests advice from the personnel unit of the institution.

21.3 The personnel unit of the Institution, in certain cases, should request advice from the Ministry of Public Services/DCSA.

21.4 The provisions of this Code are a part of civil servant employment conditions. The violation of these provisions shall lead to undertake disciplinary measures.

21.5 The direct superior of civil servant has responsibilities to control if he/she implements the rules provided in this Code and propose or undertake the necessary disciplinary measures on violation.

21.6 The civil servants who violates the ethic principles, provided by this Code, if their actions are not criminal act, they shall be punished by disciplinary measures, in accordance with the determined procedures in the legislation on civil servants status.

SECTION 22

REGISTRATION OF MEASURES

22.1 All Kosovo Civil Service Institutions should communicate, within 10 days from undertaking measures in Ministry of Public Services/Kosovo Department of Civil Service Administration each disciplinary measure undertaken towards a civil servant.

22.2 The Department of Kosovo Civil Service Administration shall register all disciplinary measures in the Kosovo Civil Service Register.

22.3 The Ministry of Public Services shall promulgate the sub legal acts for implementing of this section and other sections of this Code.

SECTION 23

FINAL AND TRANSITION

PROVISIONS

23.1 Provisions of this code, and the legislation in force, linked with function of the Kosovo Civil Service, shall be obligatory to all civil servants.

23.2 All civil servants, when employed in Kosovo Civil Service, shall sign a

declaration, by which he/she agrees to the provisions of this code.

23.3 The Ministry of Public Services and public administration bodies should promulgate sub-legal acts and internal regulations linked with the implementation of the provisions of this law.

SECTION 24

All other previous provisions that are contrary to this field shall cease to be implemented on the day this law enters into force.

SECTION 25

This Code shall enter into force upon adoption by the Government and signature by the Prime Minister.

Prime Minister of Kosovo

Agim Çeku

United States Navy Code of Ethics

You might wonder how the US Navy's code of ethics might be relevant to Kosovo's diplomatic service. The answer is that the following Code is short, simple, and easy to read. Keeping it simple might mean that more people read it, and more understand it. Of even greater importance is that more people might conduct their professional behavior according to an ethics code that's brief and focused, like this one.

Do you prefer a longer, more extensive Code of Ethics such as that for the Civil Servants of Kosovo? Or do you think that a short Code, like this one for the US Navy, is better?

Is there anything that you think isn't included in the Navy's Code that ought to be part of it? Do you prefer to be guided as to the small details of your job, or to be able to conduct yourself ethically within a large framework of general principles?

United States Navy Code of Ethics

DO

- Place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Act impartially to all groups, persons, and organizations.
- Give an honest effort in the performance of your duties.
- Protect and conserve Federal property.
- Disclose fraud, waste, and abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as citizens, and pay your Federal, State, and local taxes.
- Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap.

DO NOT

- Use nonpublic information to benefit yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business with or seek official action from the Department of Defense.
- Make unauthorized commitments or promises that bind the government.
- Use Federal property for unauthorized purposes.
- Take jobs or hold financial interests that conflict with your government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.

US Government Code of Ethics

The United States government is comprised of three (3) branches: the Legislative, which is the Congress; the Judicial, which is the Courts; and the Administrative, which is the President and all of the departments (which are almost the same as Ministries in other countries), bureaus, offices and agencies. People in government service in the United States may work with any of the 3 branches, and they're all supposed to act in accordance with the Code of Ethics that follows. It's a bit longer than that of the US Navy—and both are binding upon Navy personnel—but says just about the same thing. It's here in this Handbook as another example of a relatively brief ethical code that seems to include all of the core principles of ethical behavior.

CODE OF ETHICS FOR UNITED STATES GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principals and to country above loyalty to Government persons, party, or department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

UNITED NATIONS INTERNATIONAL CODE OF CONDUCT FOR PUBLIC OFFICIALS

In 1966, the United Nations General Assembly enacted the following Code of Conduct intended to guide Public Officials both within the United Nations and in the public agencies of nations around the world.

International Code of Conduct for Public Officials

I. GENERAL PRINCIPLES

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

II. CONFLICT OF INTEREST AND DISQUALIFICATION

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by their position, shall, in accordance with laws or administrative policies, declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of public officials, they shall comply with the measures established to reduce or eliminate such conflict of interest.

6. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

III. DISCLOSURE OF ASSETS

8. Public officials shall, in accord with their position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

IV. ACCEPTANCE OF GIFTS OR OTHER FAVOURS

9. Public officials shall not solicit or receive directly or indirectly any gift or other favour that may influence the exercise of their functions, the performance of their duties or their judgement.

V. CONFIDENTIAL INFORMATION

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall also apply after separation from service.

VI. POLITICAL ACTIVITY

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

WHAT ARE THE CONSEQUENCES OF UNETHICAL BEHAVIOR?

Unethical behavior has many consequences. Rarely, the behavior may not be discovered, or be of such a minor nature that there are no identifiable results other than making it easier for such activity to happen again. Sometimes those who behave unethically don't realize the nature of their acts, either because they don't have a firm concept of ethics, or don't care. Hopefully, these benighted individuals are the exception, especially in the professional world. It should be incumbent upon all professionals, all civil servants, and of course all employees of the Kosovo Ministry of Public Affairs, to know and understand their ethical responsibilities.

Patterns of unethical behavior constitute corruption. Corruption may be wide-ranging with significant financial and ethical consequences. Or corruption can be small, involving minor issues, that seeming affect only those who are directly involved. The latter is rarely the case, however, because petty corruption multiplied many times within an agency is institutional corruption, or rot, on a grand scale.

Earlier in this Handbook, there were some references to the justifications that people make for their own unethical, or corrupt, behavior. —'ll never get caught; everyone does it; it's only a small amount; they don't pay me enough" are lame excuses and don't justify abandonment of the public trust and the public's expectation that its civil servants will act to a high standard. Indeed, justification for improper behavior is difficult to find.

A climate which tolerates unethical activity is corrupt. A pattern of unethical activity is a pattern of corruption, and contaminates an entire society. There are nations in our world which are commonly thought to be forever corrupted, beyond correction. Would any of us want to live in such a place?

The following sections of this Handbook contain illustrations about the worldwide battle against corruption. Much of that struggle is directly targeted against institutional corruption. Yet, until individuals are convinced of the merits of no longer paying or accepting bribes, of not cheating on their tax payments, of not skimming a portion of the public funds with which one is entrusted, of not looking the other way when criminal activity is afoot, until then, corruption will flourish.

Remember the question about being able to tell your family what you did at work today? Will you be able to do that tomorrow? A week from now? Next year? In 10 years? Corruption is like cancer—it grows quietly, and then kills. Don't let it end your professional life, or the security of your country.

Summary of the Council of Europe Criminal Law Convention on Corruption

Although our fast-paced world causes documents from only a few years to appear to be outdated, this Convention which took effect only in 2002 is both current and important. It represents an effort by the nations of Europe to begin a coordinated, transnational effort against corruption.

Like much other crime, corruption in one nation often begets corruption in another. Cigarette smuggling from Country A to Country K, on both sides under the watchful but unseeing eyes of the Customs officials, may lead to tax evasion in Country M. Along the way, shares of the profits are left as gratuities for those government officials who make possible such an enterprise. The source of the money? Criminals and their customers in all the nations touched by the scheme. The victims of the crime? Any one who wants to see their country flourish in an honest manner.

Do you think that transnational efforts against corruption are worthwhile? Do you believe that corruption can be ended? What do you think are the root causes of corruption? How may these causes be combated?

Open for signature by the member States of the Council of Europe and the non-member States which have participated in its elaboration, in Strasbourg, on 27 January 1999.

Entry into force : 1 July 2002.

Summary of the treaty

The Criminal Law Convention on Corruption is an ambitious instrument aiming at the co-ordinated criminalisation of a large number of corrupt practices. It also provides for complementary criminal law measures and for improved international co-operation in the prosecution of corruption offences. The Convention is open to the accession of non-member States. Its implementation will be monitored by the "Group of States against Corruption - GRECO", which started functioning on 1st May 1999.

The Convention is wide-ranging in scope, and complements existing legal instruments.

It covers the following forms of corrupt behaviour normally considered as specific types of corruption:

- active and passive bribery of domestic and foreign public officials;
- active and passive bribery of national and foreign parliamentarians and of members of international parliamentary assemblies;
- active and passive bribery in the private sector;
- active and passive bribery of international civil servants;
- active and passive bribery of domestic, foreign and international judges and officials of international courts;
- active and passive trading in influence;
- money-laundering of proceeds from corruption offences;
- accounting offences (invoices, accounting documents, etc.) connected with corruption offences.

States are required to provide for effective and dissuasive sanctions and measures, including deprivation of liberty that can lead to extradition. Legal entities will also be liable for offences committed to benefit them, and will be subject to effective criminal or non-criminal sanctions, including monetary sanctions.

The Convention also incorporates provisions concerning aiding and abetting, immunity, criteria for determining the jurisdiction of States, liability of legal persons, the setting up of specialised anti-corruption bodies, protection of persons collaborating with investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds.

It provides for enhanced international co-operation (mutual assistance, extradition and the provision of information) in the investigation and prosecution of corruption offences.

As soon as they ratify it, States which do not already belong to GRECO will automatically become members.

The Council of Europe Civil Law Convention on Corruption

Almost simultaneously with its passage of the Criminal Law convention on corruption, the Council of Europe enacted a Civil Law convention. The full text appears below:

Civil Law Convention on Corruption

Strasbourg, 4.XI.1999

Preamble

The member States of the Council of Europe, the other States and the European Community, signatories hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Conscious of the importance of strengthening international co-operation in the fight against corruption;

Emphasising that corruption represents a major threat to the rule of law, democracy and human rights, fairness and social justice, hinders economic development and endangers the proper and fair functioning of market economies;

Recognising the adverse financial consequences of corruption to individuals, companies and States, as well as international institutions;

Convinced of the importance for civil law to contribute to the fight against corruption, in particular by enabling persons who have suffered damage to receive fair compensation;

Recalling the conclusions and resolutions of the 19th (Malta, 1994), 21st (Czech Republic, 1997) and 22nd (Moldova, 1999) Conferences of the European Ministers of Justice;

Taking into account the Programme of Action against Corruption adopted by the Committee of Ministers in November 1996;

Taking also into account the feasibility study on the drawing up of a convention on civil remedies for compensation for damage resulting from acts of corruption, approved by the Committee of Ministers in February 1997;

Having regard to Resolution (97) 24 on the 20 Guiding Principles for the Fight against Corruption, adopted by the Committee of Ministers in November 1997, at its 101st Session, to Resolution (98) 7 authorising the adoption of the Partial and Enlarged Agreement establishing the "Group of States against Corruption (GRECO)", adopted by the Committee of Ministers in May 1998, at its 102nd Session, and to Resolution (99) 5 establishing the GRECO, adopted on 1st May 1999;

Recalling the Final Declaration and the Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at their 2nd summit in Strasbourg, in October 1997,

Have agreed as follows:

Chapter I – Measures to be taken at national level

Article 1 – Purpose

Each Party shall provide in its internal law for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage.

Article 2 – Definition of corruption

For the purpose of this Convention, "*corruption*" means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.

Article 3 – Compensation for damage

1 Each Party shall provide in its internal law for persons who have suffered damage as a result of corruption to have the right to initiate an action in order to obtain full compensation for such damage.

2 Such compensation may cover material damage, loss of profits and non-pecuniary loss.

Article 4 – Liability

1 Each Party shall provide in its internal law for the following conditions to be fulfilled in order for the damage to be compensated:

i the defendant has committed or authorised the act of corruption, or failed to take reasonable steps to prevent the act of corruption;

ii the plaintiff has suffered damage; and

iii there is a causal link between the act of corruption and the damage.

2 Each Party shall provide in its internal law that, if several defendants are liable for damage for the same corrupt activity, they shall be jointly and severally liable.

Article 5 – State responsibility

Each Party shall provide in its internal law for appropriate procedures for persons who have suffered damage as a result of an act of corruption by its public officials in the exercise of their functions to claim for compensation from the State or, in the case of a non-state Party, from that Party's appropriate authorities.

Article 6 – Contributory negligence

Each Party shall provide in its internal law for the compensation to be reduced or disallowed having regard to all the circumstances, if the plaintiff has by his or her own fault contributed to the damage or to its aggravation.

Article 7 – Limitation periods

1 Each Party shall provide in its internal law for proceedings for the recovery of damages to be subject to a limitation period of not less than three years from the day the person who has suffered damage became aware or should reasonably have been aware, that damage has occurred or that an act of corruption has taken place, and of the identity of the responsible person. However, such proceedings shall not be commenced after the end of a limitation period of not less than ten years from the date of the act of corruption.

2 The laws of the Parties regulating suspension or interruption of limitation periods shall, if appropriate, apply to the periods prescribed in paragraph 1.

Article 8 – Validity of contracts

1 Each Party shall provide in its internal law for any contract or clause of a contract providing for corruption to be null and void.

2 Each Party shall provide in its internal law for the possibility for all parties to a contract whose consent has been undermined by an act of corruption to be able to apply to the court for the contract to be declared void, notwithstanding their right to claim for damages.

Article 9 – Protection of employees

Each Party shall provide in its internal law for appropriate protection against any unjustified sanction for employees who have reasonable grounds to suspect corruption and who report in good faith their suspicion to responsible persons or authorities.

Article 10 – Accounts and audits

1 Each Party shall, in its internal law, take any necessary measures for the annual accounts of companies to be drawn up clearly and give a true and fair view of the company's financial position.

2 With a view to preventing acts of corruption, each Party shall provide in its internal law for auditors to confirm that the annual accounts present a true and fair view of the company’s financial position.

Article 11 – Acquisition of evidence

Each Party shall provide in its internal law for effective procedures for the acquisition of evidence in civil proceedings arising from an act of corruption.

Article 12 – Interim measures

Each Party shall provide in its internal law for such court orders as are necessary to preserve the rights and interests of the parties during civil proceedings arising from an act of corruption.

Chapter II – International co-operation and monitoring of implementation

Article 13 – International co-operation

The Parties shall co-operate effectively in matters relating to civil proceedings in cases of corruption, especially concerning the service of documents, obtaining evidence abroad, jurisdiction, recognition and enforcement of foreign judgements and litigation costs, in accordance with the provisions of relevant international instruments on international co-operation in civil and commercial matters to which they are Party, as well as with their internal law.

Article 14 – Monitoring

The Group of States against Corruption (GRECO) shall monitor the implementation of this Convention by the Parties.

Chapter III – Final clauses

Article 15 – Signature and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe, by non-member States that have participated in its elaboration and by the European Community.

2 This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which fourteen signatories have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any such signatory, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, acceptance or approval, shall automatically become a member on the date the Convention enters into force.

4 In respect of any signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any signatory, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, acceptance or approval, shall automatically become a member on the date the Convention enters into force in its respect.

5 Any particular modalities for the participation of the European Community in the Group of States against Corruption (GRECO) shall be determined as far as necessary by a common agreement with the European Community.

Article 16 – Accession to the Convention

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Parties to the Convention, may invite any State not a member of the Council and not having participated in its elaboration to accede to this Convention, by a decision taken by the majority provided for in Article 20.d. of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Parties entitled to sit on the Committee.

2 In respect of any State acceding to it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe. Any State acceding to this Convention shall automatically become a member of the GRECO, if it is not already a member at the time of accession, on the date the Convention enters into force in its respect.

Article 17 – Reservations

No reservation may be made in respect of any provision of this Convention.

Article 18 – Territorial application

1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 19 – Relationship to other instruments and agreements

1 This Convention does not affect the rights and undertakings derived from international multilateral instruments concerning special matters.

2 The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it or, without prejudice to the objectives and principles of this Convention, submit themselves to rules on this matter within the framework of a special system which is binding at the moment of the opening for signature of this Convention.

3 If two or more Parties have already concluded an agreement or treaty in respect of a subject which is dealt with in this Convention or otherwise have established their relations in respect of that subject, they shall be entitled to apply that agreement or treaty or to regulate these relations accordingly, in lieu of the present Convention.

Article 20 – Amendments

1 Amendments to this Convention may be proposed by any Party, and shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe, to the non member States which have participated in the elaboration of this Convention, to the European Community, as well as to any State which has acceded to or has been invited to accede to this Convention in accordance with the provisions of Article 16.

2 Any amendment proposed by a Party shall be communicated to the European Committee on Legal Co-operation (CDCJ) which shall submit to the Committee of Ministers its opinion on that proposed amendment.

3 The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the European Committee on Legal Co-operation (CDCJ) and, following consultation of the Parties to the Convention which are not members of the Council of Europe, may adopt the amendment.

4 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.

5 Any amendment adopted in accordance with paragraph 3 of this article shall come into force on the thirtieth day after all Parties have informed the Secretary General of their acceptance thereof.

Article 21 – Settlement of disputes

1 The European Committee on Legal Co-operation (CDCJ) of the Council of Europe shall be kept informed regarding the interpretation and application of this Convention.

2 In case of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the European Committee on Legal Co-operation (CDCJ), to an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.

Article 22 – Denunciation

1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 23 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council and any other signatories and Parties to this Convention of:

a any signature;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention, in accordance with Articles 15 and 16;

d any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, the 4th day of November 1999, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Community, as well as to any State invited to accede to it.

United States—Criminal Aspects of the Foreign Corrupt Practices Act—Antibribery Provisions

United States legislation known as the Foreign Corrupt Practices Act (FCPA) makes certain types of unethical behavior criminal in nature. Enacted after a series of scandals in which businessmen were caught bribing government officials abroad, the FCPA has been successful in eliminating a great deal of such behavior. The penalties of the FCPA are severe—enormous fines, and prison terms.

While the material about the FCPA may seem dry and distant to you, be assured that the reach of the law can be right into Europe, or Asia, Africa and anywhere else on earth. This act may not directly affect those officials of other nations who accept bribes in exchange for allowing a US firm to gain a competitive advantage, but it's difficult to imagine how an official involved in a FCPA case could be other than a liability to his or her government.

FOREIGN CORRUPT PRACTICES ACT

ANTIBRIBERY PROVISIONS

United States Department of Justice
Fraud Section, Criminal Division
10th & Constitution Ave. NW (Bond 4th fl.)
Washington, D.C. 20530
phone: (202) 514-7023
fax: (202) 514-7021
internet: www.usdoj.gov/criminal/fraud/fcpa
email: FCPA.fraud@usdoj.gov

United States Department of Commerce
Office of the Chief Counsel for International Commerce
14th Street and Constitution Avenue, NW
Room 5882
Washington, D.C. 20230
phone: (202) 482-0937
fax: (202) 482-4076
internet: www.ita.doc.gov/legal

INTRODUCTION

The 1988 Trade Act directed the Attorney General to provide guidance concerning the Department of Justice's enforcement policy with respect to the Foreign Corrupt Practices Act of 1977 ("FCPA"), 15

U.S.C. §§ 78dd-1, *et seq.*, to potential exporters and small businesses that are unable to obtain specialized counsel on issues related to the FCPA. The guidance is limited to responses to requests under the Department of Justice's Foreign Corrupt Practices Act Opinion Procedure (described below at p. 10) and to general explanations of compliance responsibilities and potential liabilities under the FCPA. This brochure constitutes the Department of Justice's general explanation of the FCPA.

U.S. firms seeking to do business in foreign markets must be familiar with the FCPA. In general, the FCPA prohibits corrupt payments to foreign officials for the purpose of obtaining or keeping business. In addition, other statutes such as the mail and wire fraud statutes, 18 U.S.C. § 1341, 1343, and the Travel Act, 18 U.S.C. § 1952, which provides for federal prosecution of violations of state commercial bribery statutes, may also apply to such conduct.

The Department of Justice is the chief enforcement agency, with a coordinate role played by the Securities and Exchange Commission (SEC). The Office of General Counsel of the Department of Commerce also answers general questions from U.S. exporters concerning the FCPA's basic requirements and constraints.

This brochure is intended to provide a general description of the FCPA and is not intended to substitute for the advice of private counsel on specific issues related to the FCPA. Moreover, material in this brochure is not intended to set forth the present enforcement intentions of the Department of Justice or the SEC with respect to particular fact situations.

BACKGROUND

As a result of SEC investigations in the mid-1970's, over 400 U.S. companies admitted making questionable or illegal payments in excess of $300 million to foreign government officials, politicians, and political parties. The abuses ran the gamut from bribery of high foreign officials to secure some type of favorable action by a foreign government to so-called facilitating payments that allegedly were made to ensure that government functionaries discharged certain ministerial or clerical duties. Congress enacted the FCPA to bring a halt to the bribery of foreign officials and to restore public confidence in the integrity of the American business system.

The FCPA was intended to have and has had an enormous impact on the way American firms do business. Several firms that paid bribes to foreign officials have been the subject of criminal and civil enforcement actions, resulting in large fines and suspension and debarment from federal procurement contracting, and their employees and officers have gone to jail. To avoid such consequences, many firms have implemented detailed compliance programs intended to prevent and to detect any improper payments by employees and agents.

Following the passage of the FCPA, the Congress became concerned that American companies were operating at a disadvantage compared to foreign companies who routinely paid bribes and, in some countries, were permitted to deduct the cost of such bribes as business expenses on their taxes. Accordingly, in 1988, the Congress directed the Executive Branch to commence negotiations in the Organization of Economic Cooperation and Development (OECD) to obtain the agreement of the United States' major trading partners to enact legislation similar to the FCPA. In 1997, almost ten years later, the

United States and thirty-three other countries signed the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The United States ratified this Convention and enacted implementing legislation in 1998. *See* Convention and Commentaries on the DOJ web site.

The antibribery provisions of the FCPA make it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to a foreign official for the purpose of obtaining or retaining business for or with, or directing business to, any person. Since 1998, they also apply to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States.

The FCPA also requires companies whose securities are listed in the United States to meet its accounting provisions. *See* 15 U.S.C. § 78m. These accounting provisions, which were designed to operate in tandem with the antibribery provisions of the FCPA, require corporations covered by the provisions to make and keep books and records that accurately and fairly reflect the transactions of the corporation and to devise and maintain an adequate system of internal accounting controls. This brochure discusses only the antibribery provisions.

ENFORCEMENT

The Department of Justice is responsible for all criminal enforcement and for civil enforcement of the antibribery provisions with respect to domestic concerns and foreign companies and nationals. The SEC is responsible for civil enforcement of the antibribery provisions with respect to issuers.

ANTIBRIBERY PROVISIONS

BASIC PROHIBITION

The FCPA makes it unlawful to bribe foreign government officials to obtain or retain business. With respect to the basic prohibition, there are five elements which must be met to constitute a violation of the Act:

A. Who -- The FCPA potentially applies to *any* individual, firm, officer, director, employee, or agent of a firm and any stockholder acting on behalf of a firm. Individuals and firms may also be penalized if they order, authorize, or assist someone else to violate the antibribery provisions or if they conspire to violate those provisions.

Under the FCPA, U.S. jurisdiction over corrupt payments to foreign officials depends upon whether the violator is an "issuer," a &"domestic concern," or a foreign national or business.

An "issuer" is a corporation that has issued securities that have been registered in the United States or who is required to file periodic reports with the SEC. A "domestic concern" is any individual who is a citizen, national, or resident of the United States, or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship which has its principal place of business in the United States, or which is organized under the laws of a State of the United States, or a territory, possession, or commonwealth of the United States.

Issuers and domestic concerns may be held liable under the FCPA under *either* territorial or nationality jurisdiction principles. For acts taken within the territory of the United States, issuers and domestic concerns are liable if they take an act in furtherance of a corrupt payment to a foreign official using the U.S. mails or other means or instrumentalities of interstate commerce. Such means or instrumentalities include telephone calls, facsimile transmissions, wire transfers, and interstate or international travel. In addition, issuers and domestic concerns may be held liable for any act in furtherance of a corrupt payment taken *outside* the United States. Thus, a U.S. company or national may be held liable for a corrupt payment authorized by employees or agents operating entirely outside the United States, using money from foreign bank accounts, and without any involvement by personnel located within the United States.

Prior to 1998, foreign companies, with the exception of those who qualified as "issuers," and foreign nationals were not covered by the FCPA. The 1998 amendments expanded the FCPA to assert territorial jurisdiction over foreign companies and nationals. A foreign company or person is now subject to the FCPA if it causes, directly or through agents, an act in furtherance of the corrupt payment to take place within the territory of the United States. There is, however, no requirement that such act make use of the U.S. mails or other means or instrumentalities of interstate commerce.

Finally, U.S. parent corporations may be held liable for the acts of foreign subsidiaries where they authorized, directed, or controlled the activity in question, as can U.S. citizens or residents, themselves "domestic concerns," who were employed by or acting on behalf of such foreign-incorporated subsidiaries.

B. Corrupt intent -- The person making or authorizing the payment must have a corrupt intent, and the payment must be intended to induce the recipient to misuse his official position to direct business wrongfully to the payer or to any other person. You should note that the FCPA does not require that a corrupt act succeed in its purpose. The *offer* or *promise* of a corrupt payment can constitute a violation of the statute. The FCPA prohibits any corrupt payment intended to *influence* any act or decision of a foreign official in his or her official capacity, to induce the official to do or omit to do any act in violation of his or her lawful duty, to *obtain* any improper advantage, or to *induce* a foreign official to use his or her influence improperly to affect or influence any act or decision.

C. Payment -- The FCPA prohibits paying, offering, promising to pay (or authorizing to pay or offer) money or anything of value.

D. Recipient -- The prohibition extends only to corrupt payments to a *foreign official*, a *foreign political party* or *party official*, or any *candidate* for foreign political office. A "foreign official" means any officer or employee of a foreign government, a public international organization, or any department or agency thereof, or any person acting in an official capacity. You should consider utilizing the Department of Justice's Foreign Corrupt Practices Act Opinion Procedure for particular questions as to the definition of a "foreign official," such as whether a member of a royal family, a member of a legislative body, or an official of a state-owned business enterprise would be considered a "foreign official."

The FCPA applies to payments to *any* public official, regardless of rank or position. The FCPA focuses on the *purpose* of the payment instead of the particular duties of the official receiving the payment, offer,

or promise of payment, and there are exceptions to the antibribery provision for "facilitating payments for routine governmental action" (see below).

E. Business Purpose Test -- The FCPA prohibits payments made in order to assist the firm in *obtaining* or *retaining business* for or with, or *directing business* to, any person. The Department of Justice interprets "obtaining or retaining business" broadly, such that the term encompasses more than the mere award or renewal of a contract. It should be noted that the business to be obtained or retained does *not* need to be with a foreign government or foreign government instrumentality.

THIRD PARTY PAYMENTS

The FCPA prohibits corrupt payments through intermediaries. It is unlawful to make a payment to a third party, while knowing that all or a portion of the payment will go directly or indirectly to a foreign official. *The term "knowing" includes conscious disregard and deliberate ignorance.* The elements of an offense are essentially the same as described above, except that in this case the "recipient" is the intermediary who is making the payment to the requisite "foreign official."

Intermediaries may include joint venture partners or agents. To avoid being held liable for corrupt third party payments, U.S. companies are encouraged to exercise due diligence and to take all necessary precautions to ensure that they have formed a business relationship with reputable and qualified partners and representatives. Such due diligence may include investigating potential foreign representatives and joint venture partners to determine if they are in fact qualified for the position, whether they have personal or professional ties to the government, the number and reputation of their clientele, and their reputation with the U.S. Embassy or Consulate and with local bankers, clients, and other business associates. In addition, in negotiating a business relationship, the U.S. firm should be aware of so-called "red flags," *i.e.*, unusual payment patterns or financial arrangements, a history of corruption in the country, a refusal by the foreign joint venture partner or representative to provide a certification that it will not take any action in furtherance of an unlawful offer, promise, or payment to a foreign public official and not take any act that would cause the U.S. firm to be in violation of the FCPA, unusually high commissions, lack of transparency in expenses and accounting records, apparent lack of qualifications or resources on the part of the joint venture partner or representative to perform the services offered, and whether the joint venture partner or representative has been recommended by an official of the potential governmental customer.

PERMISSIBLE PAYMENTS AND AFFIRMATIVE DEFENSES

The FCPA contains an explicit exception to the bribery prohibition for "facilitating payments" for "routine governmental action" and provides affirmative defenses which can be used to defend against alleged violations of the FCPA.

FACILITATING PAYMENTS FOR ROUTINE GOVERNMENTAL ACTIONS

There is an exception to the antibribery prohibition for payments to facilitate or expedite performance of a "routine governmental action." The statute lists the following examples: obtaining permits, licenses, or other official documents; processing governmental papers, such as visas and work orders; providing police protection, mail pick-up and delivery; providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products; and scheduling inspections associated with

contract performance or transit of goods across country.

Actions "similar" to these are also covered by this exception. If you have a question about whether a payment falls within the exception, you should consult with counsel. You should also consider whether to utilize the Justice Department's Foreign Corrupt Practices Opinion Procedure, described below.

"Routine governmental action" does *not* include any decision by a foreign official to award new business or to continue business with a particular party.

AFFIRMATIVE DEFENSES

A person charged with a violation of the FCPA's antibribery provisions may assert as a defense that the payment was lawful under the written laws of the foreign country or that the money was spent as part of demonstrating a product or performing a contractual obligation.

Whether a payment was lawful under the written laws of the foreign country may be difficult to determine. You should consider seeking the advice of counsel or utilizing the Department of Justice's Foreign Corrupt Practices Act Opinion Procedure when faced with an issue of the legality of such a payment.

Moreover, because these defenses are "affirmative defenses," the defendant is required to show in the first instance that the payment met these requirements. The prosecution does not bear the burden of demonstrating in the first instance that the payments did not constitute this type of payment.

SANCTIONS AGAINST BRIBERY

CRIMINAL

The following criminal penalties may be imposed for violations of the FCPA's antibribery provisions: corporations and other business entities are subject to a fine of up to $2,000,000; officers, directors, stockholders, employees, and agents are subject to a fine of up to $100,000 and imprisonment for up to five years. Moreover, under the Alternative Fines Act, these fines may be actually quite higher -- the actual fine may be up to twice the benefit that the defendant sought to obtain by making the corrupt payment. You should also be aware that fines imposed on individuals may *not* be paid by their employer or principal.

CIVIL

The Attorney General or the SEC, as appropriate, may bring a civil action for a fine of up to $10,000 against any firm *as well as* any officer, director, employee, or agent of a firm, or stockholder acting on behalf of the firm, who violates the antibribery provisions. In addition, in an SEC enforcement action, the court may impose an additional fine not to exceed the greater of (i) the gross amount of the pecuniary gain to the defendant as a result of the violation, or (ii) a specified dollar limitation. The specified dollar limitations are based on the egregiousness of the violation, ranging from $5,000 to $100,000 for a natural person and $50,000 to $500,000 for any other person.

The Attorney General or the SEC, as appropriate, may also bring a civil action to enjoin any act or practice of a firm whenever it appears that the firm (or an officer, director, employee, agent, or stockholder acting on behalf of the firm) is in violation (or about to be) of the antibribery provisions.

OTHER GOVERNMENTAL ACTION

Under guidelines issued by the Office of Management and Budget, a person or firm found in violation of the FCPA may be barred from doing business with the Federal government. *Indictment alone can lead to suspension of the right to do business with the government.* The President has directed that no executive agency shall allow any party to participate in any procurement or nonprocurement activity if any agency has debarred, suspended, or otherwise excluded that party from participation in a procurement or nonprocurement activity.

In addition, a person or firm found guilty of violating the FCPA may be ruled ineligible to receive export licenses; the SEC may suspend or bar persons from the securities business and impose civil penalties on persons in the securities business for violations of the FCPA; the Commodity Futures Trading Commission and the Overseas Private Investment Corporation both provide for possible suspension or debarment from agency programs for violation of the FCPA; and a payment made to a foreign government official that is unlawful under the FCPA cannot be deducted under the tax laws as a business expense.

PRIVATE CAUSE OF ACTION

Conduct that violates the antibribery provisions of the FCPA may also give rise to a private cause of action for treble damages under the Racketeer Influenced and Corrupt Organizations Act (RICO), or to actions under other federal or state laws. For example, an action might be brought under RICO by a competitor who alleges that the bribery caused the defendant to win a foreign contract.

GUIDANCE FROM THE GOVERNMENT

The Department of Justice has established a Foreign Corrupt Practices Act Opinion Procedure by which any U.S. company or national may request a statement of the Justice Department's present enforcement intentions under the antibribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure may be found at 28 CFR Part 80. Under this procedure, the Attorney General will issue an opinion in response to a specific inquiry from a person or firm within thirty days of the request. (The thirty-day period does not run until the Department of Justice has received all the information it requires to issue the opinion.) Conduct for which the Department of Justice has issued an opinion stating that the conduct conforms with current enforcement policy will be entitled to a presumption, in any subsequent enforcement action, of conformity with the FCPA. Copies of releases issued regarding previous opinions are available on the Department of Justice's FCPA web site.

For further information from the Department of Justice about the FCPA and the Foreign Corrupt Practices Act Opinion Procedure, contact the Deputy Chief, Fraud Section, at (202) 514-1721; or the Assistant Chief, Fraud Section, at (202) 353-7691 or (202) 307-2538 .

Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies

general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information from the Department of Commerce about the FCPA contact Chief Counsel for International Commerce, or Senior Counsel, Office of the Chief Counsel for International Commerce, U.S. Department of Commerce, Room 5882, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 482-0937.

Interview with Avni Zogiani, leader of Kosovo's Anti-corruption NGO, COHU

None of us enjoys reading bad things about our nation. Yet, the following interview says some things about Kosovo that are very critical. As you read the article, ask yourselves the following questions:

--does Mr. Zogiani base his statements upon facts which he includes or references in his statements?

--do the facts, or sources of information, appear to be reliable?

--do the conclusions of Mr. Zogiani appear to be fair and unbiased?

--what do you think should be done about the situations described by Mr. Zogiani?

--what can you do to help prevent corruption as a member of the Ministry of Foreign Affairs?

Saturday, 10 January 2009

Avni Zogiani

ÇOHU is the leading non-governmental organization campaigning against corruption in Kosovo. NKR spoke to its leader Avni Zogiani about the challenges Kosovo is facing in this regard.

NKR: Mr. Zogiani, how big is corruption in Kosovo?

Zogiani: Kosovo is completely specific in the way corruption has appeared. Because for all these years

there was a serious lack of rule of law, because of the sharing of competencies and responsibilities between locals and internationals, an impunity was on place and especially so for the one that had political support. Thus the ordinary corruption in Kosovo might not be as big as the political corruption, but the latter is really a serious problem. For years we are witnessing blatant and severe violations of law by high officials and we have established factually all these violations but because there were no strong independent institutions no high official has faced the justice yet. Just take an example, misuse of millions of euros was clearly established by the reports of Office of General Audit and no one yet has been held accountable for that. Then we have cases of open violation of law in significant tenders such as the bid for the second mobile operator where Telecommunication Regulatory Authority (TRA) was flawed by severe violations and no measures were undertaken by anyone. In this way we assert that the ordinary corruption might not be bigger than in other countries in the region but the political corruption, which is involvement of institutions and high officials in the violation of law, is probably the biggest in the region.

NKR: It seems like the perception of corruption is higher than the people's actual experiences. How do you explain this divergence?

Zogiani: Indeed there was a mitigation of corruption in small insignificant cases in Kosovo. There were disciplinary and legal measures against people who represented no political power such as police officers and judges and prosecutors who were involved on small bribes. Therefore polls don't tell a lot about the corruption among high ranks of governance. The biggest cases of corruption occur far from the public's eye. Political parties do not declare their finances and we argue that this is a violation of law, but the case is being ignored completely. This will not be shown on polls, but we know that the ones that financed parties during their campaigns now are getting their rewards in different ways. Significant cases of corruption in courts do not leave any perception on public at all. If a drug or human trafficking case is being treated so that the judge and prosecutor will take bribes to release a perpetrator that will occur far from the eye of the public and in this way no experience of people will be found by polls. This is what is called political corruption, which is probably the most serious problem in Kosovo that has been ignored by those who had the authority and the power to do something, namely UNMIK and EULEX now.

NKR: Where does Kosovo stand in comparison to the region?

Zogiani: I think the answer to this question is given above. I will just add that Kosovo is clearly not a country where one can talk about checks and balances because you do not have the necessary institutions to make sure central institutions and high officials will obey the law. For example, we have no institution that will interpret the constitution. Besides, we are not yet certain what kind of laws will be applied because we still have a great amount of confusion over who is going to do what. This practically makes Kosovo the worst case in the region because we cannot talk at all about institutional integrity whatsoever.

NKR: What are the most problematic areas right now?

Zogiani: I believe the sector of energy is already becoming the forefront of corruption and involvement of organized crime. Until now the mobile telephony market was sort of the champion of political corruption. The process of privatization was also flawed due to political influences, but the corruption in education and especially so in the private sector has taken hilariously vast proportions.

NKR: Who is in charge of fighting corruption? Where does ÇOHU come in?

Zogiani: Well, corruption has to be defined in order to identify who will be in charge for what case. For example, if we deal with a clear-cut case of corruption then it is clear the judiciary has the main role. However, since I am reiterating that the real problem for Kosovo is the so-called political corruption, and because of the lack of political will to fight corruption, the most important role in practice now remains on civil society and the media. Of course, should there be a will in the Kosovo Parliament then that would be the main institution to address the political corruption, but unfortunately this is not the case. For example, for years we have been publicly denouncing the fact that the Telecommunication Regulatory Authority has not only violated the law permanently but as an institution it is illegal because its board was never established. One or two men who do not even go to the office regularly make decisions on behalf of TRA, and we have even pushed this issue through in two sessions of Parliament but the issue was over-voted by the political parties on power and by one opposition party because they were all suspected of taking bribes by the private companies that were bidding for the second mobile telephony license. These were all clearly established but there was no capacity within the actual institutions, none of them, to deal with this sort of anarchy that had happened on this sector for years. I think this explains where ÇOHU comes in. We do collect information about the violations and especially so related to the political corruption; we either denounce these cases publically or we try to address them through institutions. I must say that until now we did not have significant success, unless we ignore the build up of a public opinion conducive to punishment of the political parties on the polls.

NKR: Most of the corruption is happening at the most profitable public companies. What about those barely making a living such as teachers and public administration?

Zogiani: The primary administration should I call so, such as the public officials on municipalities, teachers, police, etc., are not immune from corruption. For example, the phenomena of teachers giving additional paid courses to the children they teach on public schools without any measures to address the conflict of interest is widespread throughout Kosovo. Further one can see what has happened with the private educational institutions. There have been cases where one person was teaching in four-five of the ridiculously disproportional large number of private universities that at a point in time reached 36. Most of the actual ministers, including the minister of education, were on these situations as well. Of course one cannot expect to have any ethics on the lower levels of administration when we see the ministers doing all these things.

NKR: How can international players help Kosovo overcome these challenges?

Zogiani: I would say they do not overcome these challenges at all, because they simply do not even

contemplate dealing with these problems. We have to bear in mind that international players in Kosovo have two priorities which do not even overlap with corruption and that is protection of minorities and mitigation of war crimes. There were efforts to build some institutions such as special prosecutor's office, but these efforts stopped half way. They established these institutions but never made sure the people who work there will be professional and immune from political influence.

NKR: Corruption is a reason given for the push to privatize the public companies. Would privatization solve corruption?

Zogiani: Privatization until now was the very reason not only for the failure of public companies, but for the increase of corruption as well. What is happening now in relation to the public mobile operator is a flaw of conflict of interests on the eve of announcement of PTK privatization. In fact the very process is often essentially corrupted. Let us take just one point of view. According to the law on public companies the boards of these companies are to be comprised by the people that bear no political or industrial influence, further more the law requires the decision for privatization of public companies, the so-called central public companies, to be enacted by the Kosovo Parliament. The current government respected none of these principles. The boards of public companies are filled with proven politically affiliated individuals and the Government without any consultation with the Parliament took the decision to privatize PTK. Last year it was reported that the income of Vala [PTK's mobile operator] has fallen by at least 10%. It is being assessed that the value of Vala can decrease by half within these two years, 2008/09. To a large extent we did foresee a decrease of the value of Vala and we tried to alarm the Parliament and the Government about this throughout 2008. No measures were undertaken; in contrary, PTK was left without a managing director and the newly elected director will barely be in office because he lives in the UK. In this way, what is happening right now is a "preparation" of public companies for privatization which practically means a downsizing of the value of these companies through political influence of the public sector. In this way the privatization instead of adding to the value of the public companies is leading to their very end.

NKR: One would think that the poverty of Kosovo is partly to blame for the level of corruption. Are you hopeful about this issue when considering that relatively richer neighbors such as Bulgaria and Romania are still dealing with it?

Zogiani: Indeed, it is the opposite case. The poor can rarely have the power to conduct corruption. The very people who wanted to become richer carried out the most significant cases of corruption. The poverty is connected more with the ordinary bribe, but as I said earlier this is not the main problem in Kosovo. Besides, we have cases for example when a judge drives a car worth €60,000. There is no salary that Kosovo can offer to afford the luxury life that is pursued very often by public officials or politicians. Kosovo leaders just a few years after the war managed to have houses worth millions of euro. In general I think that the richer the people are the more corrupted they tend to be, but this can be constrained only by strengthening the institutions. As for Bulgaria I think Kosovo is going off the same path. In Bulgaria, in the same manner as in Kosovo, there was this zeal for meeting the institutional objectives quantitatively but little attention was paid to real reforms that will in a way represent a sort of physical change. To a large extent, due to the eagerness of the EU to include Bulgaria in, it has ignored the political corruption, organized crime, and the mixture of politics and the organized crime. Kosovo is also

going through a process of international community closing an eye because they still need the corrupted but loyal politicians to achieve the political objectives that do not necessarily meet the democratic will of the people they represent.

The Lockheed scandals—the origin of the Foreign Corrupt Practices Act—as set forth on Wikepedia

Lockheed bribery scandals

Lockheed F-104G Starfighter in Luftwaffe markings

The **Lockheed bribery scandals** encompassed a series of bribes and contributions made by officials of U.S. aerospace company Lockheed from the late 1950s to the 1970s in the process of negotiating the sale of aircraft.

The scandal caused considerable political controversy in West Germany, Italy, the Netherlands and Japan. In the U.S. the scandal nearly led to the corporation's downfall, as it was already struggling due to the commercial failure of the L-1011 TriStar airliner.

The U.S. Government had bailed out Lockheed in 1971, guaranteeing repayment of $195 million in bank loans to the company. The Government Emergency Loan Guarantee Board, set up to oversee the program, investigated whether Lockheed violated its obligations by failing to tell the board about foreign payments.

In late 1975 and early 1976, a sub-committee of the U.S. Senate led by Senator Frank Church concluded that members of the Lockheed board had paid members of friendly governments to guarantee contracts for military aircraft. In 1976, it was publicly revealed that Lockheed had paid $22 million in bribes to foreign officials in the process of negotiating the sale of aircraft including the F-104 Starfighter, the so-called "Deal of the Century".

West Germany

Former Lockheed lobbyist Ernest Hauser told Senate investigators that Minister of Defence Franz Josef Strauss and his party had received at least $10 million for West Germany's purchase of 900 F-104G Starfighters in 1961. The party and its leader denied the allegations, and Strauss filed a slander suit against Hauser. As the allegations were not corroborated, the issue was dropped.

In September 1976, in the final phase of the 1976 Bundestag election, the controversy was re-opened

when questions were asked about the whereabouts of the "Lockheed documents" within the Federal Ministry of Defence. In the course of the investigations, it emerged that most of the documents had been destroyed in 1962. The whereabouts of the documents was again discussed in a committee of inquiry meeting of the Bundestag between January 1978 and May 1979.

Italy

The Italian branch of the Lockheed scandal involved the bribery of Christian Democrat politicians to favor the purchase by the Italian Air Force of C-130 Hercules transport planes. The allegations of bribery were supported by political magazine *L'Espresso*, and targeted former Cabinet ministers Luigi Gui and Mario Tanassi, the former Prime Minister Mariano Rumor and notably then-President Giovanni Leone, forcing him to resign his post on June 15, 1978.

Japan

An All Nippon Airways L-1011 at Osaka International Airport in 1992

The scandal involved the Marubeni Corporation and several high-ranking members of Japanese political, business and underworld circles, including Finance Minister Eisaku Sato and the JASDF Chief of Staff Minoru Genda. In 1957, the Japanese Air Self-Defense Force wished to buy the Grumman F-11 Super Tiger to replace the F-86 Sabre then in service, but heavy lobbying by Lockheed of the key LDP figures led to the adoption of the F-104 instead.

Later, Lockheed had hired right-wing nationalist underworld figure Yoshio Kodama as a consultant in order to influence Japanese airlines, including All Nippon Airways (ANA), to buy the L-1011 instead of the McDonnell Douglas DC-10. On February 6, 1976, the vice-chairman of Lockheed told the Senate subcommittee that Lockheed had paid approximately $3 million in bribes to the office of Japanese Prime Minister Kakuei Tanaka for aid in the matter.

Lockheed paid ¥2.4 billion to earn the contract from ANA. ¥500 million of the total was received by the Prime Minister. ¥160 million was received by ANA's officials. ¥1.7 billion was received by Kodama. On October 30, 1972, ANA announced its decision to purchase 21 Lockheed Tristar L1011s, which cost approximately $5 million each, even though it had previously announced options to purchase the DC-10.

Tanaka was arrested on July 27, 1976 and was released in August on a ¥200 million ($690,000) bond. He was found guilty by a Tokyo court on October 12, 1983 for violations of foreign exchange control laws but not on bribery. He was sentenced to four years in prison, but remained free on appeal until his death of a stroke in 1993.

Netherlands

Prince Bernhard received a $1.1 million bribe from Lockheed to ensure the Lockheed F-104 would win out over the Mirage 5 for the purchase contract. He had served on more than 300 corporate boards or committees worldwide and had been praised in the Netherlands for his efforts to promote the economic well-being of the country. Prime Minister Joop den Uyl ordered an inquiry into the affair, while Prince Bernhard refused to answer reporters' questions, stating: "I am above such things".Prince Bernhard always denied the charges, but after his death on December 1, 2004 interviews were published showing that he admitted taking the money. He said: "I have accepted that the word Lockheed will be carved on my tombstone."

Saudi Arabia

Between 1970 and 1975, Lockheed paid Saudi Arms dealer Adnan Khashoggi $106 million in commissions. Khashoggi himself is said to have made hundreds of millions from other corporations in this period, however as Khashoggi was a mediator for bribes, his payment included money destined for officials. His commissions started at 2.5% + and eventually rose to as much as 15%. Khashoggi "became for all practical purposes a marketing arm of Lockheed. Adnan would provide not only an entree but strategy, constant advice, and analysis," according to Max Helzel, then vice president of Lockheed's international marketing.

Aftermath

Lockheed chairman of the board Daniel Haughton and vice chairman and president Carl Kotchian resigned from their posts on February 13, 1976. The scandal also played a part in the formulation of the Foreign Corrupt Practices Act which President Jimmy Carter signed into law on December 19, 1977, which made it illegal for American persons and entities to bribe foreign government officials, which, consequently, may be in violation of The Logan Act.

According to Ben Rich, director of Lockheed's ―Skunk Works" (its secret laboratory and factor where the U-2 and SR-71 aircraft were designed and built):

> Lockheed executives admitted paying millions in bribes over more than a decade to the Dutch (Prince Bernhard, husband of Queen Juliana, in particular), to key Japanese and West German politicians, to Italian officials and generals, and to other highly placed figures from Hong Kong to Saudi Arabia, in order to get them to buy our airplanes. Kelly ["Kelly" Johnson, first team leader of the Lockheed Skunk Works] was so sickened by these revelations that he had almost quit, even though the top Lockheed management implicated in the scandal resigned in disgrace. ”

Challenges in conducting anti-corruption activities in Kosovo

Mentor Borovici writes from a first-person perspective of one involved in the work of Kosovo's Anti-

corruption agency.

Challenges in Implementation of Anti-Corruption activities in Kosovo: Kosovo Anti-Corruption Agency (KACA)

Mentor Borovci
mentor.borovci@ks-gov.net

Kosovo Anti-corruption Agency is an independent body, accountable to the Assembly and its responsibilities are regulated based on the provisions of the Law on Suppression of Corruption.

KACA started to function with the appointment of its Director on 17 July 2006.

The funds for the functioning of the Agency are provided from Kosovo Consolidated Budget, based on the annual budget proposal of the Agency. The Agency decides on the ways how to utilize and spend the given the budget.

The activity of the Agency is directed by the Director, during his/her 5 years terms of office (The Director is appointed by Kosovo Assembly).

The Agency's Council is a body established to exercise direct supervision on the Agency's work and to oversee the assets of the officials working in the Agency. The Council is composed of 9 members. 3 members appointed by the Assembly and 1 member appointed by each: the President's Office, the Government, the Supreme Court, the Public Prosecutor s Office, the local authorities and the civil society.

KAA reports to the Agency's Council and to the Kosovo Assembly on the work carried out respectively every 6 months and once per year.

Current Legislative Initiatives

Current legislative initiatives include:

the Law on Preventing Conflict of Interest in Exercising Public Function ((Law # 02/L-133, adopted on

November 11, 2007)

and

the Law on Declaration of the Property of Senior Officials of Public Sector (Law # 03/L-012, adopted on April 30, 2008)

The Law on Preventing Conflict of Interest in Exercising Public Function provides the rules, responsibilities and competences for identifying, treating and solving the cases of conflict of public and private interest of the officials while exercising public function.

The Law on Declaration of the Property of Senior Officials of Public Sector defines the obligations of senior public officials to declare all the necessary facts to allow the public monitoring of their property, the monetary income or other material benefits earned while being employed in the public services, financial obligations of the public officials, their family relations and persons related with them.

Current Legislative Initiatives

New draft Anti-Corruption Law provides for substantive changes in the KACA's structure, status and competencies, as well as in the investigation procedures of corruption related offences and reporting system. It is expected that the Assembly will start a discussion on the new draft AC law in September 2008. The draft AC law is in full compliance with newly adopted Constitution and international anti-corruption legal standards.

Anti-corruption Strategy

The Government of Kosovo approved the Anti-corruption Strategy In March 17, 2004, under the coordination of the Office of Good Governance/OGG, the working group, UNMIK structures, International Agencies, and civil society. This Strategy elaborates some 150 preventive measures in the fields of economy, legislation, public administration, politics, media, civil society etc.

According to the article 23 of the Corruption Suppression Law the KACA should prepare the Anti-corruption Strategy for the Government and approval by the Assembly and has the responsibility for making amendments and its implementation.

With this purpose the working group aiming to draft the outline of new AC Strategy has been creating within the KACA and become operational since May 2008. The WG will organize and lead the activity of a larger the inter-ministerial working group which will meet at the KACA's premises from June 16.

A larger inter-ministerial working group apart of government officials consist of the representatives of civil society, international organizations and media.

The first draft of the AC Strategy will be prepared and sent to the government by September 1, 2008.

The AC Strategy of Kosovo is supposed to be a comprehensive policy document, which will be supplemented with the detailed Action Plan.

The Agency's activities are focused in three main pillars:

Legislative drafting and Law enforcement

Implementation of the law (by passing information on corruption cases to the Public Prosecution Office);

Amendment of the Law on Suppression of Corruption; and

Undertaking initiatives on drafting new laws.

Prevention

Prevention of conflict of interests' cases;

Monitoring of the declaration of assets of official persons and definitions related to gift acceptance.

Anti-Favouritism measures in public procurement system (2 cases with an abolishment of the tenders (amount of Euro 850.000) results have been abolished because of favouritism

Public awareness and education

Meetings, trainings with high officials, local government officials, students, etc;

National awareness campaigns on the work of the Agency.

Department for Investigations

Department composed by Division for Detection and Investigation and Division of Legislation and Education; The functions of the Department include:

to conduct administrative investigations for suspected cases of corruption and to send this information to the Prosecutors Office for further criminal proceeding;

to cooperate with the Prosecutors Office and other relevant institutions in the field of fight against corruption and corruption prevention,

to provide legal services within the Agency and represent the Agency in the judicial bodies and in relations with other institutions, to prepare proposals on amendments and changes of Kosovo legislation from the viewpoint of fight against corruption, etc.

Delivered cases: January – December of 2007

Compared with 2006 when KACA was in the beginning of the work and a symbolic number of information's was deposited in the agency regarding the corruptive acts, during the September of 2007 in the phone lines set free of charge and confidential, 044 082 82, installed with a purpose to help the citizens report the corruption cases, the Division for Investigations has received 160 phone calls, as well as has accepted 31 cases presented by the citizens who have filled a request for beginning of the procedure of investigation by offering the necessary evidence about these cases.

Compared with cases presented during 2006 in 2007 the cases have characteristics described below:

the number of reports for corruption were much increased;

the alleged damages that are made by corruptive acts is calculated to be much bigger; and

suspicion for implication of persons in these cases for serious acts of corruption from high level of governance.

Reported Cases

January- December 2007

General table of reported cases and proceeded by KACA
January – December 2007

Cases sent to the Prosecutors Office of Kosovo (OPPK)

January- December 2007

Misuse of Official Duty and authorization – 12 cases;

Embezzlement during the exercise of official duty – 9 cases;

Bribe taking – 10 cases;

Trading in influence – 4 cases;

Against the law promulgation of court injunctions – 7 cases;

Unlawful payments – 2 cases;

Falsification of documents – 3 cases.

Department on Prevention of Corruption

The Department consist of the Division on Supervision of Assets and Gifts and the Division for Prevention of Conflict of Interests;

The Department exercises competences of the Agency in the conflict of interest field, acceptance of gifts, and supervision of assets.

Percentages of declared officials based on institutions

Support from donors

The assistance was provided by the EU funded project in creating national anti – corruption policies, strategy, public awareness rising regarding the work of this institution and encouraging them to report corruption cases, drafting and implementation of the anti – corruption legal framework and ensure their compliance with the international standards, etc. Technical assistance and counseling of the UNDP/EC advisors is present in every activity or initiative taken by the Agency.

Coaching and training for the KACA staff

The following training manuals have been prepared and trainings been conducted by the UNDP CBEI Advisor:

Monitoring Mechanisms of the UN Convention against Corruption (UNCAC) and Coordination

with other Anti-Corruption Monitoring Systems

The Key Institutional and Operational Mechanisms of the Foreign Anti-Corruption Agencies

The implementation of Corruption Preventive Measures of the United Nations Convention against Corruption (UNCAC) in Domestic Laws of Kosovo: Prevention

The implementation of Corruption Preventive Measures of the United Nations Convention against Corruption (UNCAC) in Domestic Laws of Kosovo: Criminalization of Corruption Offences

the implementation the United Nations Convention against Corruption (UNCAC) in National Laws: Liability of legal persons and Law enforcement ((Knowledge, intent and purpose as elements of an offence, Statute of limitations, Prosecution, adjudication and sanctions, Freezing, seizure and confiscation) on Corruption offences

the implementation the United Nations Convention against Corruption (UNCAC) in National Law: Law enforcement ((Protection of witnesses, experts and victims, Protection of reporting persons, Consequences of acts of corruption, Specialized authorities, Compensation for damage, Cooperation with law enforcement authorities, Cooperation between national authorities, Cooperation between national authorities and the private sector, Bank secrecy, Criminal record)

the implementation the United Nations Convention against Corruption (UNCAC) in National Laws: International cooperation - Part 1: Extradition

Conclusion

The UN Convention calls for establishment different forms of cooperation at the international level among anti-corruption institutions demands the development of institutional capacity and structures that can be supported through country programmes; on the other hand, the actual facilitation of cooperation among the institutions could be dealt with at the regional level. We hope that these and other ideas for enhancing the cooperation among anti-corruption authorities in relation to the implementation of the Convention will be reflected in this meeting's outcome documents.

Kosovo Anti-Corruption Agency is one of the youngest anti-corruption institutions in the world and for its successful development it is very important to learn more about the experience of the world leading anti-corruption agencies in order to identify our obstacles and look for the solutions. We hope that our cooperation will be successful and Kosovo Agency will fully be integrated in the world Anti-Corruption family.

Excerpt from Chemonics International Seminar regarding the fight against corruption:

Subject: Notes from the Anticorruption Discussion Series - Integrity Strategies Technical Brief
Date: Thu, 18 Dec 2008 10:16:20 -0500

On December 11, 2008 Chemonics International, sponsored by the ENGAGE IQC project management unit, Democracy and Governance Practice, and the Management Solutions for Development Practice, hosted a presentation and discussion on Managing Corruption Risk in Public Sector Agencies. This presentation was conducted by Dr. Leonard Ginocchi* and was based on his 34 years in public sector management, including extensive experience in anticorruption and integrity-related issues in both the U.S. Federal Government and various developing countries. Approximately 35 members of the international development community joined us for Dr. Ginocchi's overview of the Elements of an Effective Integrity Strategy for Public Sector Agencies.

Dr. Ginocchi Presented the Following Thesis:

Corruption is a very complex, multidimensional and highly adaptive phenomenon. The complexities associated with corruption present significant challenges to any public service manager responsible for developing and implementing strategies necessary to effectively address corruption within his/her agency or institution. Dr. Ginocchi emphasized that it is not realistic to establish a goal of completely eliminating corruption within any institution. More realistically, public sector managers should focus on **effectively managing corruption** within their respective agencies.

Drawing on his experience within the U.S. Customs and Border Protection (CBP), Dr. Ginocchi indicated that, often in developing countries, the related issues of internal public sector corruption and commercial or criminal violations become convoluted. He emphasized that it is essential that public service managers realize the distinction and develop different strategies to address these related but separate issues. Dr. Ginocchi argued that the overall integrity of any public sector agency, as perceived by the public, is defined by the **personal integrity of agency employees**. It is therefore

critical that public sector managers devise and implement policies and procedures designed to enhance the organizational integrity of their respective agencies and, overtime, construct a solid integrity infrastructure within them.

Because corruption is such a complex phenomenon, Dr. Ginocchi stressed that it is essential that public service managers devise an all-encompassing integrity strategy that incorporates the following elements:

1) Prevention, 2) Detection, and 3) Measurement, Assessment & Redesign.

Prevention

Utilizing the "vermin metaphor" as an analogy, Dr. Ginocchi emphasized that it always preferable to prevent rather than to detect corruption within public sector institutions. Unfortunately, it is difficult to measure or assess the extent of how much corruption has been prevented by integrity-related policies and procedures that were implemented in these institutions. Consequently, since corruption detection is more tangible (i.e. arrests and convictions) public sector managers in both developed and developing countries tend to overemphasize the detection of corruption within their respective agencies at the expense of prevention.

Dr. Ginocchi outlined the following elements of prevention that public sector managers should consider as part of an overall all encompassing organizational integrity strategy:

A. Recruitment & Selection of New Public Sector Employees:

 Although recognizing that public sector employees should be paid a good wage, merely increasing civil service compensation is not sufficient in preventing public sector corruption and could easily result in a number of undesirable consequences such as substituting "corruption by need" with –corruption by greed."

 Past behavior is the best predictor of future conduct and to the extent possible, public sector managers should assess a prospective candidate's background relative to integrity-related issues before finalizing a hiring decision.

B. Process/System Design & Management

 It is essential that public sector managers consider and evaluate how any automated and non-automated system or process can be exploited as part of the process/system design and management.

C. Defining Corruption in Public Sector Agencies

 Public sector employees need an "operational definition of corruption" that can be applied in real life work-related situations. Consequently, public sector managers should establish a "Code of Conduct" based on the established legal framework that specifically defines in employee understandable terms the types of behavior deemed unacceptable.

D. Integrity Training

 The seriousness that a Public Sector Agency attaches to organization integrity is usually conveyed to an employee by the nature and extent of integrity-related training administered by the agency.

 A public sector agency's integrity training program should focus on enhancing the critical thinking and problem solving skills of its employees in a manner that assists each employee in their decision-making processes. Although difficult to devise and implement, public sector integrity training should be perceived by agency employees as important and useful in doing their jobs.

E. Deterrents & Penalties

 Although fear of punishment is seldom sufficient to deter habitual bad behavior, is it essential that institutions develop and equitably apply penalties for employee misconduct. Establishing a "Table of Offenses" that directly relates to an established "Code of Conduct" further assists a public sector manager in providing employees with an operational definition of corruption that can be easily and understood and applied in the working environment.

Detection

Although cautioning not to overemphasize at the expense of prevention, Dr. Ginocchi indicated that detection should be view more as a process within an agency's all encompassing organizational integrity strategy and include the following elements:

A. Proactive Supervision

 First line supervision is generally considered to be the most effective means of detecting corruption within public sector institutions. Consequently, it is essential that managers ensure that agency supervisors are held responsible and accountable for being aware of, and reporting any employee misconduct occurring within their assigned areas of responsibility.

B. Employee Misconduct Reporting Mechanism

 Public sector institutions need to establish an effective mechanism for reporting, classifying and processing allegations of employee misconduct. Depending on the circumstances, this initial step in the "case management" process need not be sophisticated so long as it ensures that "nothing is hidden" as part of the detection mechanism.

C. Investigating Allegations of Employee Misconduct

 The investigation element of detection is generally limited to a "fact gathering" process focused on the circumstances related to an allegation of employee misconduct. It is essential that employee misconduct investigations be perceived by agency employees as being fair and objective.

D. Determinations and Discipline

 The results of an investigation into employee misconduct should be evaluated by a public sector manager who was not associated with the fact gather investigative process, in order to independently ascertain if an allegation made against an agency employee was either: a) substantiated b) unsubstantiated, or c) unfounded.

 If the investigation reveals that a violation of the agency Code of Conduct has occurred (i.e. the allegation is substantiated), discipline should be applied in a fair and equitable manner based on specified penalties outlined in the agency's Table of Offenses for employee misconduct.

Measurement - Assessment & Redesign

Once implemented, it is essential that an institution's integrity strategy be continuously evaluated and assessed to ascertain what is working effectively and to identify areas where additional attention is needed. In effect, due to the adaptive nature of corruption, Dr. Ginocchi emphasized that an agency's Integrity Strategy should be viewed as an ongoing "work in progress".

Discussion Points

 One Anticorruption Discussion Series attendee brought up the existence of U.S. whistleblower programs. It was discussed that these programs, which offer compensation to the individual who reveals corrupt actions or practices, are possibly why the US is generally successful in combating anticorruption in comparison with

many developing nations. Further discussion revealed interest in seeking successful examples in the developing world that mirror such programs in the US. If anyone is aware of any such programs overseas, please contact us at engageiqcpmu@chemonics.com.

 How does an integrity strategy come into play in societies that are known and self-identified as being corrupt throughout? In many countries, the corruption inherent in that country is so prevalent it may have become entrenched at every level. How does one attempt an integrity strategy in a public sector agency in a country that is entrenched with corruption, and self identifies as such? Dr. Ginocchi recommends in these cases that one must emphasize detection efforts, while maintaining the prevention strategy.

SUGGESTED CODE OF ETHICS FOR THE KOSOVO MINISTRY OF FOREIGN AFFAIRS

There's often some merit to keeping things simple. If no one reads a long—and boring—code of ethics, how is it useful as a guide to official conduct? If the code intrudes into areas that are really matters of personal habit and professionalism, such as work attire, it's likely to be resented and ridiculed. Much better is a simple, broadly-written Code of Ethics that includes the institution's core values, encourages acceptance of them, and reminds people that they're public servants. If it's short enough, it will even be read.

The following is a suggested Code of Ethics for the Kosovo Ministry of Foreign Affairs. It's being submitted to the Ministry for review, but you're cautioned that it's not been adopted. Even if it isn't, there's nothing in it that's in opposition to the values and believes that you already have accepted when you agreed to become a public servant.

(Suggested) Code of Ethics of the Kosovo Ministry of Foreign Affairs

DO

- Place loyalty to the Constitution of the Republic, the protection of human rights, Kosovo's laws and regulations, and ethical principles above private gain.
- Act impartially and fairly to all groups, persons, and organizations.
- Give an honest effort in the performance of your official duties.
- Protect and conserve national property.
- Disclose fraud, waste, and abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as citizens, and pay your taxes, conserve resources, and do justice in your everyday lives as you would at work.
- Place the interests of the nation ahead of your own personal and political interests.
- Take pride in your work and always act in a professional manner.

DO NOT

- Use government information to obtain private benefits for yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business with or seek official action from the government of Kosovo.

- Make unauthorized commitments or promises to anyone about your work.
- Use national property for unauthorized purposes.
- Take jobs or hold financial interests that conflict with your government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.

Task 3. Country Commercial Guide

SUBJECT: PREPARING THE 2010 COUNTRY COMMERCIAL GUIDE

1. SUMMARY AND ACTION REQUEST. THIS IS AN ACTION CABLE. PLEASE SEE PARAS 6 AND 32 FOR REQUIRED ACTIONS FOR SUBMITTING A 2010 COUNTRY COMMERCIAL GUIDE (CCG). BY FEBRUARY 17, 2010, ALL EMBASSIES ARE ASKED TO SUBMIT THE FULL TEXT OF CCG USING SUBMISSION GUIDELINES PROVIDED IN PARAGRAPHS 32-35. ALL EMBASSIES WITH A COMMERCIAL SERVICE (CS) PRESENCE ARE REQUIRED TO COMPLETE A CCG, AS ARE ALL POSTS FORMALLY DESIGNATED AS A STATE/CS PARTNERSHIP POST (SEE LIST IN PARA 24). ALL OTHER EMBASSIES, ESPECIALLY THOSE WITH SIGNIFICANT BUSINESS AND TRADE ISSUES, SHOULD CONSIDER COMPLETING A CCG, AS RESOURCES PERMIT. A TEMPLATE FOR SUBMITTING THE 2010 COUNTRY COMMERCIAL GUIDE TO THE COMMERCE MARKET RESEARCH DATABASE WILL BE E-MAILED SEPARATELY AND WILL ALSO BE PLACED ON THE STATE DEPARTMENT'S "COMMERCIAL DIPLOMACY TOOLBOX" FOUND ON EEBS INTRANET PAGE. WE WILL SEND THE 3 LETTER INDUSTRY CODES AND OTHER BOILERPLATE LANGUAGE AT A FUTURE DATE. NEW FOR 2010, ALL CCGS MUST BE UPLOADED AS PDF DOCUMENTS. END SUMMARY.

2. THE 2010 COUNTRY COMMERCIAL GUIDE CONTINUES THE CHANGES ENACTED IN 2005 TO PROVIDE A BETTER PRODUCT FOR OUR CLIENTS, NAMELY:

-- A TEMPLATE TO SUBMIT YOUR CCG THAT WILL ACCOMMODATE A NEW CONTENT MANAGEMENT SYSTEM DOC/ITA INAUGURATED FOR ALL MARKET RESEARCH. PARAGRAPHS 25-35 BELOW PROVIDE GUIDANCE FOR THIS NEW TEMPLATE AND HOW TO UPLOAD IT.

-- A RELIANCE ON WEB LINKS TO EXISTING INFORMATION, RATHER THAN REPEATING INFORMATION (I.E. THE POLITICAL AND ECONOMIC CHAPTERS LINK DIRECTLY TO THE STATE DEPARTMENT'S BACKGROUND NOTES. OTHER WEB LINKS ARE ENCOURAGED AND EVERY CHAPTER CONTAINS A FINAL HEADING CALLED WEB RESOURCES. WE RECOMMEND YOU CUSTOMIZE THE WEB REFERENCES FOR YOUR EMBASSY RATHER THAN SIMPLY REPEATING TEXT.

-- NEW FOR 2010, ALL CCGS MUST BE UPLOADED AS PDF DOCUMENTS.

-- A MOVEMENT AWAY FROM A COMPREHENSIVE (TELL THE CLIENTS EVERYTHING YOU KNOW ABOUT THE MARKET) TO A MORE TAILORED, SHORTER, BETTER SEGMENTED REPORT THAT GIVES CLIENTS JUST ENOUGH INFORMATION TO BEGIN THEIR MARKET ANALYSIS, GIVES THEM FURTHER WEBSITE REFERENCES, AND ENCOURAGES THEM TO CONNECT WITH OUR COUNSELING EXPERTISE IN THE UNITED STATES AND AROUND THE WORLD. PLEASE DIRECT COMMENTS AND QUESTIONS TO COMMERCE POINT OF CONTACTS:
EAP JOE.RULAND@MAIL.DOC.GOV
WEST EUROPE PAUL.BUCHER@MAIL.DOC.GOV
EAST EUROPE - MOLLY.COSTA@MAIL.DOC.GOV
WESTERN HEMISPHERE - MONICA.MCFARLANE@MAIL.DOC.GOV
AFRICA, NEAR EAST ASIA - RACHEL.KREISSL@MAIL.DOC.GOV
OR AT STATE TO EEB/CBA POINT OF CONTACT
WINSTEADDA@STATE.GOV.

3. THIS ACTION CABLE IS TRANSMITTED ON BEHALF OF THE DEPARTMENT OF COMMERCE'S OFFICE OF INTERNATIONAL OPERATIONS. IT INCORPORATES INPUT FROM AND CLEARANCE BY THE STATE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE'S FOREIGN AGRICULTURAL SERVICE.

4. PURPOSE: ALTHOUGH THE COUNTRY COMMERCIAL GUIDE (CCG) CANNOT REPLACE THE BENEFITS OF ONE-ON-ONE COUNSELING AND REGULAR REPORTING FROM ECONOMIC, COMMERCIAL AND AGRICULTURAL OFFICERS, THE CCG PROVIDES A USEFUL STARTING POINT FOR U.S. BUSINESSES PURSUING OVERSEAS EXPORT AND INVESTMENT OPPORTUNITIES. THE CCG AND INVESTMENT CLIMATE

STATEMENT TOGETHER PROVIDE THE FOUNDATION FOR A COMPANY'S RESEARCH TO PREPARE OR UPDATE INTERNATIONAL BUSINESS PLANS OR RESPOND TO OVERSEAS MARKET OPPORTUNITIES.

5. CLEARANCE: THE APPROVAL OF THE CHIEF OF MISSION CONSTITUTES FINAL CLEARANCE OF THE CCG.

6. ACTION REQUESTED: BY FEBRUARY 17, 2010, ALL EMBASSIES ARE ASKED TO SUBMIT THE FULL TEXT OF CCG USING SUBMISSION GUIDELINES PROVIDED IN PARAGRAPHS 32-36. ALL EMBASSIES WITH A CS PRESENCE ARE REQUIRED TO COMPLETE A CCG. ALL EMBASSIES FORMALLY DESIGNATED AS A STATE/CS MOU PARTNERSHIP POST ARE STRONGLY ENCOURAGED TO ALSO COMPLETE A CCG (SEE LIST IN PARA 24). ALL OTHER EMBASSIES, ESPECIALLY THOSE WITH GROWING TRADE AND INVESTMENT ISSUES, SHOULD CONSIDER COMPLETING A CCG, AS RESOURCES PERMIT. EMBASSIES THAT CHOOSE NOT TO SUBMIT A 2010 CCG ARE ASKED TO INFORM (BY EMAIL) BOTH EEB/CBA (DENNIS WINSTEAD) AND

THEIR REGIONAL COMMERCIAL COORDINATOR (AFRICA - ADA ADLER; EAP DIANE HANNEMAN; EUR - JENNA PURL; NEA MARK KELLY; SCA LIAN WON WONTOCH; AND WHA SUSAN GARRO). AS LAID OUT IN THE MORE DETAILED INSTRUCTIONS BELOW, THERE IS AMPLE OPPORTUNITY TO CUSTOMIZE YOUR CCG SUBMISSION AND THE LEVEL OF DETAIL AS APPROPRIATE FOR YOUR MARKET.

7. TEMPLATE INSTRUCTIONS: DRAFTERS ARE ASKED TO PREPARE THEIR CCG USING THE COMPLETE CCG TEMPLATE. COMMERCIAL SERVICE POSTS WILL RECEIVE THE COMPLETE TEMPLATE AND INDIVIDUAL CHAPTER TEMPLATES IN AN E-MAIL FROM COMMERCE DIRECTLY FOLLOWING RELEASE OF THIS CABLE. NON-CS POSTS WILL RECEIVE THESE MATERIALS IN AN E-MAIL FROM EEB/CBA DENNIS WINSTEAD. FOR EMBASSIES WITH ACCESS TO THE COMMERCIAL SERVICE DATABASE, THE CCG TEMPLATE WILL ALSO BE AVAILABLE FOR DOWNLOAD IN OURPLACE, THE CS INTRANET, UNDER CS FORUMS/MARKET RESEARCH FORUM/CCG INFO. IN ADDITION, THE RECENTLY UPDATED TRADECRAFT MANUAL IS AVAILABLE IN OURPLACE, UNDER CS FORUMS/TRADECRAFT FORUM, WHICH INCLUDES THE CCG TEMPLATE ALONG WITH INSTRUCTIONS ON HOW TO WRITE, UPLOAD, AND EDIT CCGS. TITLES OF HEADINGS WITHIN EACH

CHAPTER ARE INCLUDED IN THE TEMPLATE. GRAPHICS AND TABLES CAN BE ADDED WITHIN THE TEXT AS WELL. THE FINAL HEADING OF EACH CHAPTER IS "WEB RESOURCES." YOU ARE STRONGLY ENCOURAGED TO INCLUDE WITHIN THIS HEADING ALL WEBSITES THAT APPEAR IN THAT CHAPTER, AS WELL AS ADDITIONAL RELEVANT WEBSITES. PLEASE MAKE SURE THE HYPERLINKS ARE ACTIVATED. INSTRUCTIONS ON HOW TO ACTIVATE HYPERLINKS ARE IN PARAGRAPH 26. INSTRUCTIONS ON HOW TO USE THE TEMPLATE ARE INCLUDED IN PARAGRAPHS 25-31.

8. YOU ARE ENCOURAGED TO INCLUDE INFORMATION FOR EVERY HEADING IN THE TEMPLATE. HOWEVER, IF THERE ARE SOME HEADINGS THAT ARE NOT APPLICABLE FOR YOUR MARKET, IT IS PERMISSIBLE TO REMOVE THOSE HEADINGS FROM THE TEMPLATE. TO DO THAT YOU NEED TO:

A) HIGHLIGHT THE HEADING YOU WANT DELETED. MAKE SURE THE "RETURN TO TOP" LOCATED TO THE RIGHT OF THE HEADING IS ALSO HIGHLIGHTED.

B) CLICK ON FORMAT-STYLE, "NORMAL" AND CLICK ON APPLY.

C) WITH THE TEXT OF THE HEADING, THE "RETURN TO TOP" AND THE "INSERT TEXT HERE" FOR THAT SECTION HIGHLIGHTED, HIT THE DELETE OR BACKSPACE KEY.

D) SCROLL UP TO THE LIST OF HEADINGS ABOVE FOR THAT CHAPTER AND HIGHLIGHT THE SECTION THAT IS NOT APPLICABLE TO YOUR POST. THEN HIT THE DELETE OR BACKSPACE KEY.

9. LENGTH: EACH HEADING WITHIN EACH CHAPTER SHOULD HEADINGS AS WELL. INSTRUCTIONS ON HOW TO ADD HEADINGS ARE IN PARAGRAPH 27.

10. FOR ALL EMBASSIES: PLEASE NOTE THAT BY DECEMBER 15, 2009 CS WILL SEND TO YOUR POST SUGGESTED STANDARDIZED/BOILERPLATE LANGUAGE TO INCORPORATE INTO YOUR RESPECTIVE CCG TEXT AS IT RELATES TO INTELLECTUAL PROPERTY RIGHTS PROTECTION CONTAINED IN CHAPTER 3, AND (ANTI) CORRUPTION IN CHAPTER 6. FOR EU EMBASSIES: PLEASE NOTE

THAT BY DECEMBER 15, 2009 COMMERCIAL SERVICE EU WILL SEND TO YOUR EMBASSY SUGGESTED STANDARDIZED/BOILERPLATE LANGUAGE TO INCORPORATE INTO YOUR RESPECTIVE CCG TEXT AS IT RELATES TO CERTAIN EU-REGULATED ASPECTS CONTAINED IN CHAPTERS 3 TO 7, ESPECIALLY STANDARDS IN CHAPTER 5. THE TEXT TO BE PROVIDED IS ONLY SUPPLEMENTAL TO YOUR OWN ENTRIES FOR THESE CHAPTERS SOME WILL JUST BE WEBLINK RESOURCES. THE MATERIAL THAT COMMERCIAL SERVICE EU WILL PROVIDE IS NOT INTENDED TO BE A WHOLESALE SUBSTITUTE FOR YOUR OWN ENTRIES.

11. CONTENT OUTLINE: THE CCG SHOULD ENCOMPASS ALL CHAPTERS OUTLINED IN PARAGRAPHS 12 THROUGH 25, SYNOPSIZED BELOW:

CHAPTER 1, DOING BUSINESS IN
CHAPTER 2, POLITICAL AND ECONOMIC ENVIRONMENT
CHAPTER 3, SELLING U.S. PRODUCTS AND SERVICES
CHAPTER 4, LEADING SECTORS FOR U.S. EXPORTS AND INVESTMENT
CHAPTER 5, TRADE REGULATIONS AND STANDARDS
CHAPTER 6, INVESTMENT CLIMATE
CHAPTER 7, TRADE AND PROJECT FINANCING
CHAPTER 8, BUSINESS TRAVEL
CHAPTER 9, CONTACTS, MARKET RESEARCH, AND TRADE EVENTS
CHAPTER 10, GUIDE TO OUR SERVICES

-- CHAPTER 1: DOING BUSINESS IN ...(ENTER COUNTRY NAME HERE). THIS CHAPTER SERVES AS A BRIEF ROADMAP FOR U.S. COMPANIES TO ENTER AND/OR EXPAND INTO YOUR HOST COUNTRY'S

MARKET. MAKE EVERY EFFORT TO KEEP THIS TO TWO PAGES OR LESS. PLEASE INCLUDE INFORMATION ON THE FOLLOWING HEADINGS.

-- MARKET OVERVIEW: IN BULLET FORM, DISCUSS KEY ECONOMIC INDICATORS AND TRADE STATISTICS, WHAT COUNTRIES ARE DOMINANT IN THE MARKET, THE U.S. MARKET SHARE, THE POLITICAL SITUATION IF RELEVANT, AND OTHER ISSUES THAT AFFECT TRADE, I.E., TERRORISM, CURRENCY DEVALUATIONS.

-- MARKET CHALLENGES: IN BULLET FORM, IDENTIFY THE BARRIERS TO MARKET ENTRY AND LOCAL REQUIREMENTS. LET THE COMPANY KNOW WHAT IT HAS TO BE AWARE OF WHEN ENTERING THE MARKET.

-- MARKET OPPORTUNITIES: IN BULLET FORM, PROVIDE GENERAL INFORMATION ON BEST PROSPECT SECTORS, MAJOR PROJECTS, AND BUSINESS OPPORTUNITIES.

-- MARKET ENTRY STRATEGY: IN BULLET FORM, GENERALIZE ON THE BEST STRATEGY TO ENTER THE MARKET. DOES A COMPANY NEED TO VISIT; ARE RELATIONSHIPS KEY TO FINDING A GOOD PARTNER; ARE AGENTS MOST COMMONLY USED, ETC.?

12. CHAPTER 2: POLITICAL AND ECONOMIC ENVIRONMENT. LINK DIRECTLY TO THE STATE DEPARTMENT'S BACKGROUND NOTES FOR YOUR COUNTRY. BACKGROUND NOTES CAN BE FOUND BY GOING TO: HTTP://WWW.STATE.GOV/R/PA/EI/BGN/ AND CLICKING ON THE APPLICABLE COUNTRY. ONCE YOU HAVE FOUND THE BACKGROUND NOTES FOR YOUR COUNTRY, COPY AND PASTE THE URL INTO THE TEMPLATE. IF AFTER DOING SO THE HYPERLINK IS NOT AUTOMATICALLY ACTIVATED, PLEASE ACTIVATE IT. INSTRUCTIONS ON HOW TO DO THIS ARE IN PARAGRAPH 26.

13. CHAPTER 3: SELLING U.S. PRODUCTS AND SERVICES. IN THIS CHAPTER, PLEASE INCLUDE INFORMATION ON THE FOLLOWING HEADINGS. YOU MAY BULLET A FEW OVERVIEW POINTS FOR EMPHASIS.

-- USING AN AGENT OR DISTRIBUTOR: INCLUDE TYPICAL USE OF AGENTS AND DISTRIBUTORS AND HOW TO FIND A GOOD PARTNER.

-- ESTABLISHING A LOCAL OFFICE: INCLUDE STEPS INVOLVED IN ESTABLISHING A LOCAL OFFICE.

-- FRANCHISING: DISCUSS OPPORTUNITIES FOR U.S. FRANCHISERS AND LEGAL REQUIREMENTS IN THE MARKET.

-- DIRECT MARKETING: DISCUSS THE STATE OF DIRECT MARKETING AND WHAT CHANNELS ARE AVAILABLE FOR COMPANIES TO USE

DIRECT MARKETING.

-- JOINT VENTURES/LICENSING: DISCUSS THE LEGAL REQUIREMENTS/OPTIONS FOR JV/LICENSING IN YOUR MARKET.

-- SELLING TO THE GOVERNMENT: DISCUSS THE LEGAL REQUIREMENTS FOR SELLING TO THE HOST GOVERNMENT. IN WHAT AREAS ARE THERE OPPORTUNITIES?

-- DISTRIBUTION AND SALES CHANNELS: DISCUSS THE DISTRIBUTION NETWORK WITHIN THE COUNTRY FROM HOW PRODUCTS ENTER TO FINAL DESTINATION. WHAT ARE THE MAJOR DISTRIBUTION CENTERS, PORTS, ETC.?

-- SELLING FACTORS AND TECHNIQUES: IDENTIFY COMMON PRACTICES A COMPANY NEEDS TO BE AWARE OF WHEN SELLING IN YOUR MARKET, I.E., ALL SALES MATERIAL NEED TO BE IN LOCAL LANGUAGE.

-- ELECTRONIC COMMERCE: HOW WIDELY USED IS E-COMMERCE, WHAT DOES A COMPANY NEED TO KNOW TO TAKE ADVANTAGE OF IT IN THE LOCAL MARKET? INCLUDE ANY B2B WEBSITES.

-- TRADE PROMOTION AND ADVERTISING: INCLUDE WEBLINKS TO LOCAL FAIR AUTHORITIES AND LOCAL NEWSPAPERS, TRADE PUBLICATIONS, RADIO/TV/CABLE INFORMATION AND YOUR BSP, FUSE OR SINGLE COMPANY PROMOTION SERVICES.

-- PRICING: DISCUSS PRICING FORMULA AND OTHER FEES, VAT, ETC.

-- SALES SERVICE/CUSTOMER SUPPORT: WHAT IS CUSTOMARY IN YOUR MARKET FOR SALES AND CUSTOMER SUPPORT?

-- PROTECTING YOUR INTELLECTUAL PROPERTY: THOUGH THIS IS LISTED ELSEWHERE IN THE INVESTMENT CLIMATE STATEMENT (PLS REFER TO IT), DO ADD A SYNOPSIS HERE REGARDING ADVICE ON IPR PROTECTION.

-- DUE DILIGENCE: PROVIDE ADVICE ON HOW TO PERFORM DUE

DILIGENCE AND IN WHAT AREAS IT IS NECESSARY FOR A U.S. COMPANY. INCLUDE INFORMATION ON COMMERCIAL SERVICE ICP.

-- LOCAL PROFESSIONAL SERVICES: PROVIDE REFERENCES TO LOCAL SERVICE PROVIDERS, INCLUDING THOSE ON YOUR WEBSITE (GIVE LINKS) AND OTHER PROFESSIONAL ASSOCIATIONS OR LISTS YOU MAY HAVE. DO NOT GIVE THE LIST IN THIS DOCUMENT, JUST THE LINK.

-- WEB RESOURCES: INCLUDE ANY WEBSITES THAT HAVE BEEN MENTIONED IN THIS CHAPTER AS WELL AS ANY ADDITIONAL WEB SITES THAT PERTAIN TO THIS SUBJECT.

14. CHAPTER 4: LEADING SECTORS FOR U.S EXPORTS AND INVESTMENT. POST SHOULD INCLUDE BETWEEN FIVE AND FIFTEEN NON-AGRICULTURAL SECTORS THAT PROVIDE THE BEST OPPORTUNITIES FOR EXPORTS FROM THE UNITED STATES TO THE COUNTRY/ECONOMY PROFILED IN THE SHORT (WITHIN THE YEAR) AND MEDIUM (ONE-TO-TWO-YEAR) TERM. LEADING SECTORS SHOULD BE SELECTED FROM THE ITA INDUSTRY CODES AND BE COMPRISED OF BOTH SERVICE SECTORS AND PRODUCT SECTORS. WHERE APPLICABLE, EMBASSIES ARE STRONGLY ENCOURAGED TO INCLUDE "GREEN TECHNOLOGY" OPPORTUNITIES IN THE LIST OF PRODUCT AND SERVICE SECTORS. A LIST OF ITA INDUSTRY CODES WILL BE MADE AVAILABLE IN A SEPARATE MESSAGE. CCG TEMPLATE INCLUDES TEN LEADING SECTORS. IF YOUR EMBASSY HAS FEWER OR MORE THAN TEN LEADING SECTORS SEE THE TEMPLATE INSTRUCTIONS IN PARAGRAPHS 29-30 FOR HOW TO DELETE OR ADD SECTIONS TO THE TEMPLATE. EMBASSIES SHOULD INCLUDE A SECOND LIST OF FIVE TO FIFTEEN AGRICULTURAL SECTORS. INFORMATION ON AGRICULTURAL SECTORS MAY BE DRAWN FROM UPDATED MARKET BRIEFS, WHICH HAVE BEEN SUBMITTED SEPARATELY AS "GAIN" REPORTS.

15. FOR EACH SECTOR PLEASE INCLUDE TEXT UNDER THE FOLLOWING HEADINGS.

-- OVERVIEW: THIS SECTION SHOULD GIVE A BASIC, BROAD OVERVIEW OF THE SECTOR.

-- BEST PRODUCTS AND SERVICES: INCLUDE THE SUB SECTORS IN WHICH THE U.S. COMPANIES WOULD HAVE THE BEST OPPORTUNITY OF EXPORTING.

-- OPPORTUNITIES: INCLUDE THE DIFFERENT INVESTMENT OPPORTUNITIES, INFRASTRUCTURE PROJECTS, AND DEVELOPMENT BANK-FUNDED PROJECTS OPEN FOR U.S. COMPANIES TO BID ON.

-- WEB RESOURCES: INCLUDE INFORMATION ON MAJOR SHOWS, KEY WEBSITES OF PERTINENT MINISTRIES, EMAIL ADDRESS OF LOCAL COMMERCIAL SPECIALIST AND ANY OTHER PERTINENT WEBSITES.

16. WITHIN THE OVERVIEW SECTION OF EACH BEST PROSPECT, PLEASE USE THE TABLE THAT APPEARS IN THE CCG TEMPLATE TO INCLUDE STATISTICS ON MARKET SIZE, LOCAL PRODUCTION, EXPORTS AND IMPORTS. PRESENT DATA IN MILLIONS OF USD, FOOTNOTING THE EXCHANGE RATE USED, ADVISING THE READER THAT THE STATISTICS ARE UNOFFICIAL ESTIMATES (UNLESS RELIABLE OFFICIAL STATISTICS CAN BE SOURCE CITED).

17. CHAPTER 5: TRADE REGULATIONS, CUSTOMS AND STANDARDS. THIS CHAPTER WILL PROVIDE THE READER WITH INFORMATION ON THE FOLLOWING HEADINGS.

-- IMPORT TARIFFS: INCLUDE A BRIEF OVERVIEW OF AVERAGE TARIFF RATES FOR DIFFERENT TYPES OF GOODS.

-- TRADE BARRIERS: INCLUDE THE BARRIERS (TARIFF AND NON-TARIFF) U.S. COMPANIES FACE WHEN EXPORTING TO THIS COUNTRY.

-- IMPORT REQUIREMENTS AND DOCUMENTATION: INCLUDE ALL DOCUMENTATION AND OTHER REQUIREMENTS FOR BOTH THE EXPORTER AND IMPORTER.

-- U.S. EXPORT CONTROLS: INCLUDE THE U.S. GOVERNMENT EXPORT CONTROLS COMPANIES NEED TO ABIDE BY WHEN EXPORTING TO THIS COUNTRY.

-- TEMPORARY ENTRY: INCLUDE ANY DIFFERENT REQUIREMENTS FOR PRODUCTS ENTERING THE COUNTRY TEMPORARILY. INCLUDE INFORMATION ON WARRANTY AND NON-WARRANTY ITEMS ENTERING THE COUNTRY FOR REPAIR.

-- LABELING AND MARKING REQUIREMENTS: INCLUDE AN OVERVIEW OF THE DIFFERENT LABELING AND MARKING REQUIREMENTS AND INDICATE WHERE TO GET MORE INFORMATION.

-- PROHIBITED AND RESTRICTED IMPORTS: INCLUDE A LIST OF GOODS THAT ARE PROHIBITED FROM BEING EXPORTED TO THE

COUNTRY OR ARE RESTRICTED.

-- CUSTOMS REGULATIONS AND CONTACT INFORMATION: INCLUDE IN THIS SECTION CUSTOMS REGULATIONS AND CONTACT INFORMATION FOR THE COUNTRY'S CUSTOMS OFFICE.

18. STANDARDS: PLEASE UPDATE THE STANDARDS SUBMISSION. WITHIN THIS HEADING INCLUDE INFORMATION ON THE FOLLOWING SUB-HEADINGS:

-- OVERVIEW - DESCRIBE THE COUNTRY'S STANDARDS REGIME, INCLUDING THE STANDARDS-DEVELOPING ORGANIZATIONS AND CONFORMITY ASSESSMENT BODIES.

-- STANDARDS ORGANIZATIONS - LIST ORGANIZATIONS THAT DEVELOP STANDARDS AND INDICATE IF THEY INTEND TO DEVELOP AN ANNUAL PLAN OF STANDARDS; CONFORMITY ASSESSMENT.

-- CONFORMITY ASSESSMENT - LIST THE MAIN NATIONAL TESTING ORGANIZATION(S) OR CONFORMITY ASSESSMENT BODIES, IF ANY.

-- PRODUCT CERTIFICATION - ARE THERE ANY REQUIREMENTS IN THE COUNTRY FOR PRODUCT CERTIFICATION? MENTION ANY MUTUAL RECOGNITION AGREEMENTS (MRAS) WITH U.S. ORGANIZATIONS.

-- ACCREDITATION - LIST THE ACCREDITATION BODY(IES). IS ACCREDITATION FOR LABS REQUIRED FOR ANY SECTOR?

-- PUBLICATION OF TECHNICAL REGULATIONS - PROVIDE NAME OF NATIONAL GAZETTE. ARE PROPOSED TECHNICAL REGULATIONS PUBLISHED? ARE FINAL REGULATIONS PUBLISHED? HOW CAN U.S. ENTITIES COMMENT?

-- LABELING/MARKING REQUIREMENTS - DESCRIBE ANY REQUIREMENTS FOR LABELING/MARKING.

-- CONTACT INFORMATION - PROVIDE KEY CONTACT INFORMATION AND LIST RELEVANT ORGANIZATIONS BOTH PUBLIC AND PRIVATE SECTOR. INCLUDE THE STANDARDS POINT(S) OF CONTACT AT EMBASSY.

19. AFTER THE STANDARDS HEADING THERE ARE TWO MORE HEADINGS WITHIN CHAPTER 5.

-- TRADE AGREEMENTS: INCLUDE INFORMATION ON ANY BILATERAL AND MULTILATERAL TRADE AGREEMENTS. INCLUDE WEBSITES AND OTHER RESOURCES WHERE U.S. COMPANIES CAN GET MORE INFORMATION ON HOW TO TAKE ADVANTAGE OF THESE AGREEMENTS.

-- WEB RESOURCES: INCLUDE ANY WEBSITES THAT HAVE BEEN MENTIONED IN THIS CHAPTER AS WELL AS ANY ADDITIONAL WEBSITES THAT PERTAIN TO THIS SUBJECT.

20. CHAPTER 6: INVESTMENT CLIMATE STATEMENT. THE STATE DEPARTMENTS OFFICE OF INVESTMENT AFFAIRS IS TASKING CONCURRENTLY EMBASSIES TO PREPARE THE 2010 INVESTMENT CLIMATE STATEMENT, TO BE SUBMITTED NO LATER THAN JANUARY 15, 2010. THE INVESTMENT CLIMATE STATEMENT (ICS) CONSTITUTES AN IMPORTANT SECTION OF THE CCG, AND DRAFTERS ARE ASKED TO REPEAT THE INVESTMENT CLIMATE STATEMENT IN ITS ENTIRETY AS CHAPTER 6 OF THE CCG. FOLLOWING COMPLETION OF THE 2010 ICS, WITHIN THE TEMPLATE, CUT AND PASTE EACH SECTION INTO THE CORRESPONDING SECTION OF THE TEMPLATE BY FEBRUARY 17, 2010.

21. CHAPTER 7: TRADE AND PROJECT FINANCING. THIS CHAPTER WILL PROVIDE THE READER WITH INFORMATION ON THE FOLLOWING HEADINGS.

-- HOW DO I GET PAID (METHODS OF PAYMENT)?: INCLUDE THE MOST COMMON METHODS OF PAYMENT, INCLUDING OPEN ACCOUNT, LETTER OF CREDIT, CASH IN ADVANCE, DOCUMENTARY COLLECTIONS, FACTORING, ETC. INCLUDE CREDIT-RATING AGENCIES IN COUNTRY, COLLECTION AGENCIES;

-- HOW DOES THE BANKING SYSTEM OPERATE: INCLUDE SPECIAL FEATURES OF BANKING SYSTEM AND RULES/LAWS THAT MIGHT IMPACT U.S. BUSINESS;

-- FOREIGN EXCHANGE CONTROLS: INCLUDE HOW FOREIGN EXCHANGE IS MANAGED AND IMPLICATIONS FOR U.S. BUSINESS;

-- U.S. BANKS AND LOCAL CORRESPONDENT BANKS: INCLUDE A LIST OF U.S. BANKS OPERATING IN THE MARKET;

-- PROJECT FINANCING: INCLUDE HOW MAJOR PROJECTS ARE FINANCED AND GIVE EXAMPLES WHERE RELEVANT. EXPLAIN ACTIVITIES OF THE MULTILATERAL DEVELOPMENT BANK/S IN YOUR COUNTRY AND OTHER AID-FUNDED PROJECTS WHERE PROCUREMENT IS OPEN TO U.S. BIDDERS.

-- WEB RESOURCES: IN ADDITION TO THE LIST OF WEB RESOURCES INCLUDED ON THE TEMPLATE INDICATE ANY OTHER RELEVANT WEB RESOURCES.

22. CHAPTER 8: BUSINESS TRAVEL. THIS CHAPTER WILL PROVIDE THE READER WITH INFORMATION ON THE FOLLOWING HEADINGS.

-- BUSINESS CUSTOMS: INCLUDE INFORMATION ON ACCEPTABLE BUSINESS ETIQUETTE, DRESS, BUSINESS CARDS, GIFTS, ETC.;

-- TRAVEL ADVISORY: INCLUDE A LINK TO THE STATE DEPARTMENT CONSULAR INFORMATION SHEET FOR YOUR COUNTRY, WHICH CAN BE FOUND AT:
HTTP://TRAVEL.STATE.GOV/TRAVEL/TRAVEL_1744.HTML

-- VISA REQUIREMENTS: INCLUDE INFORMATION ON WHAT IS

NEEDED TO TRAVEL TO THE COUNTRY. THERE WILL ALSO BE STANDARD TEXT WITH LINKS IN THE TEMPLATE FOR INFORMATION FOR FOREIGN BUSINESSMEN ON HOW TO OBTAIN VISAS TO THE UNITED STATES. PLEASE DO NOT MAKE ANY CHANGES TO THIS SECTION.

-- TELECOMMUNICATIONS: INCLUDE INFORMATION ON INTERNET ACCESSIBILITY, TYPE OF CELLULAR PHONE TECHNOLOGY IN USE, AND OTHER TECHNOLOGICAL INFORMATION OF INTEREST TO U.S. BUSINESSES.

-- TRANSPORTATION: INCLUDE HOW TO GET TO AND FROM THE COUNTRY AS WELL AS THE DIFFERENT TRANSPORTATION OPTIONS WITHIN COUNTRY.

-- LANGUAGE: INCLUDE OFFICIAL AND ACCEPTED BUSINESS LANGUAGES SPOKEN IN THE COUNTRY.

-- HEALTH: INCLUDE HEALTH AND SANITATION STANDARDS WITHIN THE COUNTRY AS WELL AS ANY POTENTIAL HEALTH RISKS THAT BUSINESSPERSONS SHOULD BE AWARE OF.

-- LOCAL TIME, BUSINESS HOURS, AND HOLIDAYS: INCLUDE THE LOCAL TIME ZONE, TYPICAL HOURS OF BUSINESS AND A LIST OF HOLIDAYS IN THE COUNTRY.

-- TEMPORARY ENTRY OF MATERIALS AND PERSONAL BELONGINGS: INCLUDE INFORMATION ON WHAT IS REQUIRED FOR TEMPORARY ENTRY.

-- WEB RESOURCES: INCLUDE A LIST OF ALL THE WEBSITES REFERRED TO IN THE CHAPTER AND ADD ANY OTHER RELEVANT WEBSITES.

23. CHAPTER 9: CONTACTS, MARKET RESEARCH AND TRADE EVENTS. THIS CHAPTER WILL INCLUDE INFORMATION ON CONTACTS, MARKET RESEARCH, AND TRADE EVENTS.

-- CONTACTS: INCLUDE WEBSITES FOR KEY MINISTRIES AS WELL AS FOR TRADE ASSOCIATIONS AND AMERICAN CHAMBERS OF

COMMERCE. FULL CONTACT INFORMATION IS NOT NECESSARY. ALSO INCLUDE CONTACT INFORMATION FOR COMMERCIAL SERVICE OFFICES IN YOUR COUNTRY.

-- MARKET RESEARCH: THIS SECTION WILL HAVE STANDARD TEXT WITH A LINK TO THE MARKET RESEARCH LIBRARY. PLEASE DO NOT CHANGE THIS TEXT.

--TRADE EVENTS: STANDARD TEXT IS INCLUDED WITH A LINK TO HTTP://WWW.EXPORT.GOV/TRADEEVENTS WEBSITE. OPTIONAL: INCLUDE LINK TO THE TRADE EVENTS PAGE OF YOUR LOCAL BUYUSA.GOV SITE.

24. CHAPTER 10: GUIDE TO OUR SERVICES. THIS CHAPTER WILL INCLUDE SOME STANDARD TEXT. COMMERCIAL SERVICE - PLEASE DO NOT CHANGE THAT TEXT. PLEASE INCLUDE A LINK TO THE SECTION OF THE LOCAL BUYUSA.GOV SITE THAT DISCUSSES THE DIFFERENT SERVICES OFFERED AT YOUR POST. NON-COMMERCIAL SERVICE POSTS THAT ARE FORMALLY DESIGNATED AS A STATE/CS PARTNERSHIP POST SHOULD USE THIS OPPORTUNITY TO HIGHLIGHT YOUR MOU STATUS UNDER THIS PROGRAM AND LIST THE BUSINESS SERVICES THAT POST PROVIDES AND WISHES TO ADVERTISE TO THE BUSINESS COMMUNITY. PLEASE COORDINATE APPROPRAITELY WITH YOUR CS PARTNER POST. ALL OTHER EMBASSIES (NON-MOU) SHOULD DELETE THIS CHAPTER. THE FORMAL STATE/CS MOU PARTNERSHIP EMBASSIES ARE: ABIDJAN, ADDIS ABABA, ANTANANARIVO, BANDAR SERI BEGAWAN, BELMOPAN, BRIDGETOWN, COLOMBO, CONAKRY, COTONOU, DAR ES SALAAM, GABORONE, KAMPALA, KIGALI, KINGSTON, KINSHASA, LIBREVILLE, LILONGWE, LJUBLJANA, LUANDA, LUSAKA, MANAGUA, MANAMA, MAPUTO, MASERU, MBABANE, MONROVIA, MUSCAT, NASSAU, NIAMEY, NICOSIA, OUAGADOUGOU, PODGORICA, PORT LOUIS, PORT OF

SPAIN, REYKJAVIK, RIGA, SARAJEVO, SKOPJE, SUVA, TALLINN, TUNIS, ULAANBAATAR, VILNIUS, WINDHOEK, AND YAOUND.

25. TEMPLATE EDITING GUIDANCE: ENTER TEXT INTO THE CCG TEMPLATE IN ALL SECTIONS THAT HAVE WORDS SURROUNDED BY (). IN THE TITLE OF THE DOCUMENT PLEASE ENTER THE COUNTRY NAME. WITHIN EACH CHAPTER THERE ARE SEVERAL HEADINGS.

FOR EACH HEADING PLEASE ENTER THE APPROPRIATE TEXT INTO THE SECTION THAT READS: (INSERT TEXTHERE). YOU MAY TYPE THE TEXT IN DIRECTLY ON THE TEMPLATE OR YOU CAN COMPLETE THE TEXT USING ANOTHER DOCUMENT AND CUT AND PASTE THE TEXT INTO THE HEADING. GRAPHICS AND CHARTS ARE ACCEPTED AND ENCOURAGED IN THIS SECTION.

26. PLEASE INCLUDE ANY PERTINENT HYPERLINKS WITHIN EACH SECTION AS WELL AS IN THE SECTION ENTITLED WEB RESOURCES FOUND AT THE END OF EACH CHAPTER. IF THE LINK DOES NOT AUTOMATICALLY BECOME ACTIVATED AFTER YOU TYPE IT IN, HIGHLIGHT THE TEXT YOU WANT TO MAKE LINKABLE, AND THEN GO TO INSERT-HYPERLINK. WHERE YOU SEE, "TYPE THE FILE OR PAGE NAME" PLEASE TYPE THE WEB ADDRESS OF THE SITE. PLEASE INCLUDE HTTP:// BEFORE THE ADDRESS. IF LINKING TO AN E-MAIL ADDRESS, AND IT DOES NOT AUTOMATICALLY BECOME HYPERLINKED, HIGHLIGHT THE ADDRESS, AND THEN GO TO INSERT-HYPERLINK, CLICK ON "E-MAIL ADDRESS," AND THEN TYPE IN THE EMAIL ADDRESS IN THE BOX. LEAVE THE REMAINING BOXES BLANK, AND CLICK OK.

27. IF YOU WOULD LIKE TO INCLUDE ADDITIONAL INFORMATION IN A CHAPTER, BUT IT DOES NOT FIT IN ANY OF THE EXISTING HEADINGS, PLEASE DO THE FOLLOWING:

-- PRIOR TO THE SECTION ENTITLED "WEB RESOURCES," TYPE THE NAME OF THE NEW HEADING. THEN HIT ENTER TWICE AND TYPE "INSERT TEXT HERE." HIGHLIGHT THE NAME OF THE NEW HEADING AND THEN GO TO FORMAT-STYLE-"HEADING 2". THEN CLICK ON APPLY.

-- HIGHLIGHT THE WORDS "RETURN TO TOP" FROM THE HEADING ABOVE AND THEN SELECT EDIT-COPY. THEN PLACE THE CURSOR ON THE HEADING DIRECTLY WHERE "RETURN TO TOP" SHOULD BE AND THEN GO TO EDIT-PASTE.

-- PLACE THE CURSOR DIRECTLY IN FRONT OF THE HEADING YOU HAVE ENTERED. GO TO INSERT-BOOKMARK, INSERT A NAME FOR THE BOOKMARK AND CLICK ADD.

-- SCROLL ABOVE TO THE BEGINNING OF THE CHAPTER WHERE THERE ARE HEADINGS AND PLACE YOUR CURSOR JUST AFTER THE TEXT OF THE HEADING PRECEDING THE HEADING YOU HAVE JUST CREATED. HIT THE ENTER KEY. TYPE IN THE NAME OF THE HEADING. HIGHLIGHT THE TEXT YOU JUST TYPED. CLICK ON INSERT-HYPERLINK. CLICK ON "PLACE IN THIS DOCUMENT." THEN SCROLL DOWN AND SELECT THE BOOKMARK YOU JUST CREATED IN STEP 3.

-- REPEAT THE PROCESS FOR ANY ADDITIONAL HEADINGS YOU WOULD LIKE TO CREATE.

28. IN THE SECTION "LEADING SECTORS FOR U.S. EXPORT AND INVESTMENT" YOU ARE ASKED TO ENTER 5 TO 15 BEST PROSPECTS FOR THE COUNTRY. THE TEMPLATE PROVIDES ROOM FOR INFORMATION TO BE ENTERED FOR 10 BEST PROSPECTS. PLEASE ENTER THE NAMES OF THE SECTORS FOR EACH OF THE TOP PROSPECTS IN BOTH THE TABLE OF CONTENTS SECTION WHERE THERE ARE BULLETS AND THE TEXT (IN BLUE) READS "LEADING SECTOR #X," AS WELL AS IN THE SECTION THAT IS SHADED GRAY AND READS "LEADING SECTOR #X."

29. IF THERE ARE FEWER THAN TEN BEST PROSPECTS PLEASE DO THE FOLLOWING FOR THE ADDITIONAL ENTRIES FOR BEST PROSPECTS THAT ARE NOT NEEDED.

-- IN THE TABLE OF CONTENTS SECTION OF "LEADING SECTORS," HIGHLIGHT THE ENTRIES THAT ARE NOT USED, (E.G., IF THERE ARE ONLY SEVEN BEST PROSPECTS FOR YOUR COUNTRY THEN HIGHLIGHT THE BLUE UNDERLINED TEXT READING LEADING SECTOR #8, LEADING SECTOR #9, LEADING SECTOR #10) AND THEN HIT THE DELETE OR BACKSPACE BUTTON.

-- SCROLL DOWN TO THE SECTIONS OF TEXT THAT ARE NOT BEING USED. HIGHLIGHT THESE SECTIONS. THEN GO TO FORMAT-STYLE. SELECT NORMAL, AND THEN SELECT APPLY. THEN HIT THE BACKSPACE OR DELETE KEY. THIS WILL ELIMINATE ANY EXTRA SECTIONS THAT EXIST IN THE TEMPLATE.

30. IF THERE ARE MORE THAN TEN BEST PROSPECTS FOR YOUR

COUNTRY PLEASE DO THE FOLLOWING:

-- IN THE TABLE OF CONTENTS SECTION OF "LEADING SECTORS,"

PLACE YOUR CURSOR TO THE RIGHT OF THE LAST TITLE AND HIT ENTER. TYPE IN THE NAME OF THE ADDITIONAL BEST PROSPECT. REPEAT THIS PROCESS FOR EACH ADDITIONAL BEST PROSPECT.

-- SCROLL DOWN TO THE TENTH BEST PROSPECT. HIGHLIGHT ALL THE TEXT FROM THIS BEST PROSPECT, STARTING WITH THE TITLE, AND THEN GO TO EDIT-COPY AND THEN PUT THE CURSOR DIRECTY BELOW THIS SECTION AND GO TO EDIT-PASTE.

-- SELECT THE TEXT FOR THE TITLE AND TYPE IN THE CORRECT TITLE. SELECT THE TEXT IN EACH SECTION AND DELETE THE TEXT AND INSERT THE CORRECT TEXT FOR THAT BEST PROSPECT.

-- PLACE YOUR CURSOR DIRECTLY TO THE LEFT OF THE TITLE OF THE ADDITIONAL BEST PROSPECT. GO TO INSERT-BREAK-PAGE BREAK. THEN GO TO INSERT-BOOKMARK. TYPE THE TITLE OF THE BEST PROSPECT UNDER BOOKMARK NAME AND CLICK ADD. THEN HIGHLIGHT THE TITLE OF THE LEADING SECTOR IN THE TABLE OF CONTENTS SECTION. CLICK ON INSERT-HYPERLINK, THEN CLICK ON "PLACE IN THIS DOCUMENT" ON THE LEFT AND SELECT THE NAME OF THE LEADING SECTOR FROM THE LIST OF BOOKMARKS. REPEAT STEPS 1-4 FOR ANY ADDITIONAL BEST PROSPECTS YOU CREATE.

31. AFTER COMPLETING THE CCG TEMPLATE PLEASE SAVE THE DOCUMENT AS ONE COMPLETE DOCUMENT THAT INCLUDES ALL CHAPTERS. THEN UPLOAD THE COMPLETE CCG TO THE MARKET RESEARCH LIBRARY. IF DESIRED, EMBASSIES MAY SEPARATELY UPLOAD CHAPTER 4: BEST PROSPECTS IN ADDITION TO THE CCG. DO NOT UPLOAD ANY OTHER INDIVIDUAL CHAPTERS OF THE CCG. UPLOADING INDIVIDUAL CCG CHAPTERS TO THE MRL CLOGS UP THE MRL SEARCH RESULTS AND MAKES IT MORE DIFFICULT FOR U.S. COMPANIES TO LOCATE THE INFORMATION THEY ARE LOOKING FOR.

32. IT IS STRONGLY ENCOURAGED THAT ONE PERSON AT THE EMBASSY BE PLACED IN CHARGE OF COORDINATING SUBMISSIONS

AND FORMATTING ALL THE CHAPTERS OF THE CCG AND THAT THIS PERSON USE A FRESH BLANK CURRENT YEAR CCG TEMPLATE WHEN DOING SO. TEXT SHOULD BE PASTED INTO THE TEMPLATE PIECE BY PIECE IN THE AREAS WHICH INDICATE '(INSERT TEXT HERE)'. BY DOING THIS EMBASSIES WILL BE ABLE TO AVOID CORRUPTING THE INTERNAL LINKS IN THE DOCUMENT. ONCE THE DOCUMENT IS COMPLETE, EMBASSIES SHOULD CHECK THE INTERNAL LINKS IN THE DOCUMENT MANUALLY TO ENSURE THEY ARE ALL STILL WORKING. THE DOCUMENT SHOULD THEN BE UPLOADED TO THE CS MARKET RESEARCH LIBRARY PER PARAGRAPH 35. ONCE THE CCG HAS BEEN UPLOADED, EMBASSIES SHOULD THEN TEST DOCUMENT ONLINE AGAIN TO ENSURE THAT ALL THE INTERNAL LINKS IN THE DOCUMENT ARE WORKING. EMBASSIES ARE STRONGLY RECOMMENDED TO CONVERT THE WORD DOCUMENT INTO AN ADOBE DOCUMENT ON THEIR COMPUTER BEFORE UPLOADING THE CCG AS THE ONLINE CONVERTER SOMETIMES CANNOT HANDLE CCG DOCUMENTS BECAUSE OF THEIR SIZE.

33. IF AN EMBASSY WANTS TO REPAIR A FEW INTERNAL LINKS IN THE CCG THEY SHOULD FOLLOW THESE INSTRUCTIONS. GO WITH YOUR CURSOR TO THE LOCATION WHERE YOU WANT TO LINK TO. CLICK "INSERT" - "BOOKMARK" AND ENTER A NEW BOOKMARK NAME. CLICK "ADD". GO TO THE LOCATION OF YOUR INTERNAL LINK. SELECT THE WORD YOU WOULD LIKE TO LINK. CLICK "INSERT" - "HYPERLINK". CLICK "PLACE IN THIS DOCUMENT". FIND YOUR BOOKMARK IN THE LIST AND CLICK "OK". IF AN EMBASSY FINDS MANY BROKEN INTERNAL LINKS, IT IS RECOMMENDED THAT THEY PASTE ALL TEXT INTO ANOTHER BLANK CCG TEMPLATE RATHER THAN TRY TO REPAIR EACH LINK INDIVIDUALLY.

34. AS INDICATED IN STATE CABLE 14690, DATED FEBRUARY 13, 2003, POSTS ARE NOT TO SUBMIT THESE PRODUCTS TO GLOBAL TRADE PROGRAMS (FORMERLY EPS), VIA CABLE. INSTEAD THEY SHOULD USE THE COMMERCIAL SERVICE (CS) INTRANET/MARKET RESEARCH LIBRARY (MRL) SYSTEM. INSTRUCTIONS ON HOW TO UPLOAD CCGS IS AVAILABLE FOR DOWNLOAD IN OURPLACE, THE CS INTRANET, UNDER MARKET RESEARCH ON THE BLUE LEFT NAVIGATION BAR/HOW TO.

35. WHEN UPLOADING THE CCG, DO NOT FORGET TO INCLUDE YOUR COUNTRY NAME WHEN IN THE TITLE OF THE REPORT (i.e. DOING

BUSINESS IN COUNTRY X: 2010 COUNTRY COMMERCIAL GUIDE FOR U.S. COMPANIES. EMBASSIES SHOULD UPLOAD THEIR 2010 CCG ON TO THE CS INTRANET (MRL) SYSTEM USING THE URL: HTTP://WWW.BUYUSAINFO.NET/PROV_CONTENT1.CFM (NOTE THERE IS AN UNDERSCORE BETWEEN V AND C IN THE URL ABOVE.)

36. WHEN UPLOADING THE CCG EMBASSIES SHOULD USE AN EXPIRATION DATE THAT IS AT LEAST TWO YEARS IN THE FUTURE (SO FOR THIS CCG 2012) TO ENSURE THAT NEXT YEAR THERE IS AT LEAST ONE CURRENT CCG IN THE USFCS MRL EVEN IF EMBASSY IS DELAYED IN COMPLETING ITS CCG NEXT YEAR FOR SOME REASON.

37. ADDITIONAL GUIDANCE ON USING THE NEW MARKET RESEARCH LIBRARY CAN BE FOUND BY:

A) ACCESSING THE CS INTRANET (HTTP://OURPLACE.ITA.DOC.GOV)
B) CLICK ON MARKET RESEARCH ON THE BLUE LEFT NAVIGATION BAR

38. COMPLETED CCGS CAN BE ACCESSED AT HTTP://WWW.EXPORT.GOV/MRKTRESEARCH. BUSINESS USERS ARE NO LONGER REQUIRED TO REGISTER AT THE SITE TO OBTAIN CCG REPORTS, BUT MUST REGISTER, AT NO COST, FOR MORE DETAILED MARKET RESEARCH INFORMATION. ALL EMBASSIES WITH ACCESS TO THE INTERNET SHOULD BE ABLE TO ACCESS THIS DATA BASE. CCG LINKS SHOULD ALSO BE MADE AVAILABLE ON THE LOCAL BUYUSA.GOV SITE FOR THAT COUNTRY, AS WELL AS ON THE EMBASSY WEB SITE.

Laws, Regulations, Administrative Instructions and Sub-Normative Documents

Task 2.2.1 Recommendations for bilateral treaties and agreements

1. REVIEW OF THE DRAFT AGREEMENT BETWEEN THE KINGDOM OF SWEDEN AND THE REPUBLIC OF KOSOVO ON DEVELOPMENT COOPERATION

This agreement contains 5 Articles only, but long ones. Kingdom of Sweden is represented by the Swedish International Development Cooperation Agency (Sida), whereas Kosovo is represented Ministry of Foreign Affairs. Duration of this Agreement is three years from 2009 – 2012. Objective of this agreement is to contribute to Kosovo's EU-integration, stability and economic growth.

Referring to Paris Agenda and the EU Code of Conduct bilateral cooperation between two countries shall be focused three main sectors: A) Environment and Climate, B) Education and C) Democratic Governance and Human Rights. Under Article 1 of this Agreement are specified roles and responsibilities between two countries in order to implement Development Cooperation 2009 – 2012. The contribution of resources shall be made in accordance with the requirements laid down in specific agreements between the Parties on projects/programmes of development cooperation, and shall be made available on a grant basis.

Article 4 of this Agreement refers to:

- The Agreement on General Terms and Conditions for Development Cooperation between the Government of Sweden and UNMIK, dated 11 March 2003

- Specific agreements for projects/programmes of development cooperation.

Current Development Cooperation is governed by these agreements as well.

Conclusion

Legal technique used in this draft agreement does not comply entirely with Kosovo's practice. However, it does not impede Republic of Kosovo to sign and ratify this agreement under these conditions.

Harmonization and unification of legal technique when drafting international agreements shall be in place when Draft Law on International Agreements entries into force.

Task 2.2.1. Agreement between Macedonia and Kosovo

1. REVIEW OF THE DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA AND THE GOVERNMENT OF THE REPUBLIC OF KOSOVO ON ECONOMIC COOPERATION

This agreement contains 7 Articles only, but long ones. The Contracting Parties shall promote, within the framework of their respective legislation, the expansion and diversification of mutually advantageous economic cooperation in all fields relevant to economic development.

The Contracting Parties, considering the current state and perspectives of their economic relation, agreed that favorable conditions for long-term co-operation exist, *inter alia*, in the following areas:

- Energy;
- Production of machines;
- Infrastructure;
- Agriculture and food processing industry;
- Pharmaceutical and chemical industry;
- Forestry and Wood processing industry;
- Construction;
- Transport;
- Environment;
- Labor policy and employment;
- Cooperation between small and medium-sized businesses;
- Tourism;
- Research & Development; and
- Other areas of economic cooperation, which can be mutually agreed.

Under Article 4 a Joint Committee shall be established comprised by both parties whose duties shall be follows:

- Analyzes of the development of the bilateral economic relations,
- Identifying new possibilities for the further development of the future economic cooperation;
- Proposals and suggestions for the improvement of the terms for the economic cooperation between enterprises of both countries;
- Making proposals for the application of the Agreement;
- Identifying restrictions and barriers at the economic cooperation, and finding solutions to exceed them.

Joint Committe shall meet at least once per year. Each party shall designate a chairperson, referred as ―Cœchair".

Conclusion

Legal technique used in this draft agreement does not comply entirely with Kosovo's practice. However, it does not impede Republic of Kosovo to sign and ratify this agreement under these conditions.

Harmonization and unification of legal technique when drafting international agreements shall be in place when Draft Law on International Agreements entries into force.

Task 2.2.1. Strategic Trade Law

Strategic Trade Law

Ministry of Trade and Industry has prepared a draft law called Strategic Trade Law. This draft shall be proposed in Legislative Agenda of the Government 2010. There is a Croatian delegation to come in Pristina to help out stakeholders (MTI, MFA, etc.) to draft further the law and so on. Office of Legal Affairs, Treaties and Human Rights has been asked to come up with question presented below for the Croatian delegation regarding Strategic Trade Law.

1. Where the draft-law should not apply (except provisions over the control of import and end-use of strategic goods)?
2. Are our definitions appropriate such as: broker/brokering, dual use of goods, export, export culture, goods used to commit human rights violations, military goods, military end-use, etc?
3. According to your law, when a special authorization is required on export-control?
4. Who defines a strategic good and strategic services in your country, and how?
5. Is the Strategic Trade Commission a permanent or an ad-hoc body in your country and who is represented in this commission?
6. Who should classify if a document is secret one and how? (Article 7 of our draft law-Law on classification of documents)…?
7. Who shall be the second instance to appeal a decision issued by the Commission?
8. How does Croatia define a business secret?
9. Can individual import licenses be issued to companies as well or only to individuals?
10. Can a license be sub-contracted? If yes under what terms?
11. Is term ―Conspiracy" an appropriate one to use in the law?
12. Do you refer to Criminal Code and other applicable legislation when you impose criminal or civil sanctions, or are this understandable that criminal code provisions in these cases apply *ex-officio*?

Ivan Abrams & Ardian Kryeziu –KMFAS Legal Team

Task 2.2.1. Agreement between Finland and Kosovo

Draft, Prishtina, 19 November 2009

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND
AND
THE GOVERNMENT OF THE REPUBLIC OF KOSOVO
ON CO-OPERATION AND MUTUAL ASSISTANCE
IN CUSTOMS MATTERS

The Government of the Republic of Finland and the Government of the Republic of Kosovo hereafter referred to as the Contracting Parties;

Considering that contraventions of customs legislation are prejudicial to the economic, fiscal, cultural and social interests of their respective countries, as well as to the legitimate interests of trade;

Considering that illicit trafficking in narcotic drugs and psychotropic substances constitutes a danger to public health and to society;

Taking into account the threat of transnational organized crime and terrorist groups with their substantial resources and the need to effectively combat them;

Considering the importance of assuring the accurate assessment of duties, taxes and other charges collected on the importation or exportation of goods, including the accurate determination of the value and origin of goods, as well as the proper implementation of the provisions of prohibition, restriction and control;

Convinced that efforts to prevent contraventions of customs legislation and efforts to ensure accurate collection of import and export duties, taxes and other charges would be made more effective through close co-operation between their customs authorities;

Having regard also to international instruments promoting bilateral mutual assistance;

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement:

a) "customs legislation" means provisions laid down by law or regulation concerning the importation, exportation and transit of goods and means of payment as well as placing of goods under any customs procedure, whether relating to duties, taxes or other charges levied by customs administration , or to measures of prohibition, restriction or control enforced by the customs administration;

b) "contravention" means any attempted violation or violation of customs legislation;

c) "customs authority/administration" means for the Republic of Finland, the National Board of Customs (Tullihallitus) and for the Republic of Kosovo, Kosovo Customs (Dogana e Kosovës);
(Since Customs of Finland have defined the definitions of Customs authority meaning that this is National Board of Customs, we recommend the Kosovo Customs to define who is considered Customs authority in Kosovo?...Refer to the Draft-Agreement with Turkey, there is mentioned the meaning of Customs Administration?.....

d) "requesting customs authority" means the competent customs authority of a Contracting Party, which makes a request for assistance in customs matters; (another reason to define the Customs Authorities in Kosovo?

e) "requested customs authority," means the competent customs authority of a Contracting Party, which receives a request for assistance in customs matters;

f) "controlled delivery" means the technique of allowing illicit consignments to pass out of, through or into the territories of the Contracting Parties, with the knowledge and under the supervision of their competent authorities, with a view to detecting and identifying persons involved in contraventions of customs legislation;

g) "personal data" means any information relating to an identified or identifiable individual;

h) "narcotic drugs" mean any substance, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, drawn up under the auspices of the United Nations Organisation, as amended, as well as any substance assimilated to narcotic drugs in national legislation;

i) "psychotropic substances" mean any substance, natural or synthetic, or any natural material in Schedules I, II, III and IV of the Convention on Psychotropic Substances of 1971, drawn up under the auspices of the United Nations Organisation, as amended, as well as any substance assimilated to psychotropic substances in national legislation;

j) "precursors" mean chemical substances listed in the Annex to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as amended.

Article 2
Scope of the Agreement

1. The Contracting Parties shall, through their customs authorities and in accordance with the provisions set out in this Agreement, provide each other with assistance:

a) in order to ensure that customs legislation is properly applied;

b) in order to prevent, investigate and prosecute contraventions of customs legislation;

c) in cases concerning notification of documents regarding application of customs legislation.

2. Assistance within the framework of this Agreement shall be rendered in accordance with the legislation in force in the territory of the requested Contracting Party and within the competence and available resources of the requested customs authority. If necessary, the customs authority can arrange for assistance to be provided by another competent authority.

3. This Agreement does not provide for the recovery of duties, taxes and any other charges, on behalf of the other Contracting Party.

4. This Agreement shall not affect the application of international agreements on legal assistance in criminal matters into which the Contracting Parties have entered.

Article 3
Scope of assistance

1. The customs authorities shall, either on their own initiative or upon request, supply to each other all information, which may help ensure accuracy in:

a) the collection of import and export duties, taxes and other charges levied by customs authorities and, in particular, information which may help assess the value of goods for customs purposes and to establish their tariff classification;

b) the implementation of import, export and transit prohibitions and restrictions;

c) the application of rules of origin not covered by preferential agreements concluded by one of or both Contracting Parties.

2. If the requested customs authority does not have the information asked for, it shall seek that information by all means available under the provisions of legislation in force in the territory of the requested Contracting Party.

3. The requested customs authority shall seek the information as if it were acting on its own account.

4. In the event the requested customs authority is not the competent authority to comply with the request, it shall, after appropriate consultation, either promptly transmit the request to the competent agency who shall act upon the request according to its powers under the law, or advise the requesting customs authority of the appropriate procedure to be followed regarding such a request.

5. The customs authorities of the Contracting Parties shall, if not contrary to their domestic law, also seek to cooperate in:

a) initiating, developing or improving specific training programmes for their personnel;

b) the consideration and testing of new equipment and procedures.

Article 4
Information on movement of goods

The customs authorities shall, upon request, supply to each other any information showing**:**

a) whether goods which are imported into the territory of one Contracting Party have been lawfully exported from the territory of the other Contracting Party;

b) whether goods which are exported from the territory of one Contracting Party have been lawfully imported into the territory of the other Contracting Party and the nature of the customs procedure, if any, under which the goods have been placed;

c) whether goods which are granted favourable treatment upon exportation from the territory of one Contracting Party have been duly imported into the territory of the other Contracting Party, it being understood that information shall also be provided on any customs control measures to which the goods have been subjected.

Article 5
Information on contraventions of customs laws

The customs authorities shall, on their own initiative or upon request, supply to each other all information likely to be of use to them relating to contraventions of customs legislation and, in particular, regarding:

a) natural or legal persons known to be, or suspected of, contravening or having contravened the customs legislation in force in the territory of the other Contracting Party;

b) goods known to be, or suspected of being, the subject of illicit traffic;

c) means of transport and containers known to be, or suspected of being, used in contraventions of the customs legislation in force in the territory of the other Contracting Party;

d) new ways and means known to be, or suspected of being, employed in contraventions of customs legislation.

Article 6
Files and documents

1. The customs authority of one Contracting Party shall, on its own initiative or upon request, supply to the customs authority of the other Contracting Party reports, records of evidence or certified copies of documents giving all available information on transactions, completed or planned, which constitute or appear to constitute a contravention of the customs legislation in force in the territory of that Contracting Party.

2. The documents provided for in this Agreement may be replaced by computerised information produced in any form for the same purpose. All relevant information for the interpretation or utilisation of the material should be supplied at the same time.

3. The customs authorities shall request original documents only in cases where certified copies would be insufficient.

4. Original documents received from the customs authority of the other Contracting Party shall be returned at the earliest opportunity. Upon request, originals necessary for adjudicative or similar purposes shall be returned without delay.

Article 7
Surveillance over persons, goods and means of transport

1. The customs authorities of the Contracting Parties shall, either on their own initiative or upon request, maintain customs surveillance over:

a) persons known to be, or suspected of, contravening customs legislation of the other Contracting Party;

b) movements of goods and means of payment which are reported by the customs authority of the other Contracting Party as giving rise to suspected illicit traffic into or from its territory;

c) any means of transport which is known to be, or suspected of being, used in contravening the customs legislation in force in the territory of the other Contracting Party;

d) premises used for storing goods, which may constitute substantial illicit traffic in the territory of the other Contracting Party.

2. Within their competence, the customs authorities of the Contracting Parties shall prevent:

a) the exportation of goods which are known to be or, on reasonable grounds, suspected of being exported into the territory of the other Contracting Party to be used for other purposes than in the legitimate trade between the Contracting Parties;

b) the exportation of goods the importation of which is forbidden into the territory of the other Contracting Party.

Article 8
Controlled delivery

1. The customs authorities shall, by mutual consent and each within its competence determined by national legislation, use controlled delivery in order to identify persons involved in a contravention. When a decision on the use of controlled delivery is not within the competence of the customs authority, it shall initiate co-operation with national authorities having such competence or transfer the case to that authority.

2. Illicit consignments whose controlled delivery is agreed to may, with the consent of the competent national authorities, be intercepted and allowed to continue with the goods intact or removed and seized or replaced in whole or in part.

3. Decisions concerning the use of controlled delivery are to be taken on a case-by-case basis, and may if necessary take into account financial arrangements and understandings between the competent national authorities.

Article 9
Action against illicit traffic of goods

The customs authorities shall, on their own initiative or upon request and without delay, supply to each other all relevant information on activities which constitute or appear to constitute a contravention of the customs legislation in force in the territory of one of the Contracting Parties in the field of:

a) movement of arms, ammunitions and explosives;

b) movement of sensitive and strategic goods subject to special controls in accordance with the international treaties concerned and the relevant multilateral arrangements and concurring non-proliferation obligations;

c) movement of narcotic drugs, psychotropic substances and precursors;

d) movement of objects of art and antiquity which are of significant historical, cultural or archaeological value for one of the Contracting Parties;

e) movement of poisonous goods as well as goods or substances dangerous to the environment or to health;

f) movement of goods subject to high duties, taxes or charges, in particular movement of alcoholic beverages and tobacco products;

g) movement of goods infringing Intellectual Property Rights.

Article 10
Investigations

1. On request, the requested customs authority shall initiate official investigations concerning operations which are or appear to be contrary to the customs legislation in force in the territory of the requesting Contracting Party. It shall communicate the results of such investigations to the requesting customs authority.

2. Such investigations shall be conducted in accordance with the legislation in force in the territory of the requested Contracting Party. The requested customs authority shall proceed as though it were acting on its own account.

3. The requested customs authority may allow officials of the requesting customs authority to be present at such investigations when contraventions of the customs legislation of the requesting Contracting Party are investigated.

Article 11
Experts and witnesses

1. Upon the request of a Contracting Party in connection with contraventions of customs legislation, the requested customs authority may authorize its officials within the limitations of the authorization granted, to appear as experts or witnesses in judicial or administrative proceedings in the territory of the requesting Contracting Party. Such officials shall give evidence regarding facts established by them in the course of their duties. The request for appearance must clearly indicate in what case and in what capacity the official is to appear.

2. The official requested to appear as expert or witness has the privilege to refuse to give evidence or a statement, if the official is entitled or obliged to do so by virtue of the laws of the official's own State or those of the requesting Contracting Party.

Article 12
Arrangements for visiting officials

When, in the circumstances provided by this Agreement, officials of the customs authority of one Contracting Party are present in the territory of the other Contracting Party, they must at all times be able to furnish proof of their official capacity. They must not be in uniform nor carry arms. They shall, while there, enjoy the same protection as that accorded to customs officials of the other Contracting Party, in accordance with the laws in force there, and be responsible for any offence they might commit.

Article 13

Use of information and documents

1. Information, documents and other communications obtained under this Agreement shall not be used for purposes other than those specified in this Agreement or transmitted further, without the written consent of the customs authority which furnished them and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information, documents and other communications concerning contraventions relating to drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in combating illicit traffic of drugs and psychotropic substances.

2. Any information communicated in whatever form pursuant to this Agreement shall be of confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to the same kind of information and documents under the legislation in force in the territory of the Contracting Party which received it.

3. Paragraph 1 of this Article shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.

4. The customs authorities of the Contracting Parties may, in accordance with the purposes and within the scope of this Agreement, in their records of evidence, reports and testimonies, and in proceedings brought before courts, use as evidence information and documents obtained in accordance with this Agreement.

5. The use made of such information and documents as evidence in courts and the weight to be attached thereto shall be determined in accordance with the national legislation of the Contracting Party having received them.

Article 14

Protection and use of personal data

1. In accordance with the legislation in force in the territories of the Contracting Parties the protection of personal data exchanged under this Agreement shall be subject at least to the following conditions:

a) notwithstanding the provisions of Article 5 and Article 6, personal data shall not be transmitted whenever there are reasonable grounds to believe that the transfer or the use made of the data transmitted would be contrary to the law of one of the Contracting Parties, and legislation on data protection in particular. Nor can this requirement be ignored in cases where the transmission of data cannot be deemed to cause inconvenience to the person concerned. Upon request, the receiving customs authority shall inform the furnishing customs authority of the use made of the information supplied and of the results achieved;

b) personal data may only be transmitted to customs authorities and other law enforcement authorities, and in the case of need for prosecution purposes, to public prosecution and judicial authorities. Such information shall not be communicated to persons other than those required to use it for such purposes unless the authorities supplying the information expressly agree and the law governing the receiving authorities allows such communication;

c) the requested customs authority must ascertain the validity and correctness of the personal data to be submitted. The customs authority which transmits data shall ensure that they are accurate and up-to-date. The requesting customs authority shall correct, destroy or delete the personal data, if so required;

d) the requested customs authority shall together with the personal data provide information on the required deadline for data deletion according to its own legislation. Personal data shall be kept for a period not exceeding that necessary for the purpose for which they were communicated;

e) the customs authorities shall keep a register on personal data submitted or received and effectively protect any personal data against unauthorised access, modification, publication, damage or destruction.

2. Where personal data are exchanged under this Agreement, the Contracting Parties shall ensure a standard of data protection at least equivalent to that resulting from the implementation of principles in the Annex to this Agreement, which is an integral part of this Agreement.

3. The Contracting Parties shall notify each other of the competent national authority to which inquiries concerning protection of personal data can be addressed.

Article 15
Notification of documents

1. At the request of the customs authority of one Contracting Party, the customs authority of the other Contracting Party shall notify the natural or legal persons concerned, residing or established in its territory, of documents relating to measures and decisions taken by the administrative authorities in application of customs legislation.

2. Notification of documents shall be made in accordance with the legislation in force in the territory of the requested Contracting Party. Notification of documents may, however, also be made following a particular form or method contained in the request provided that this is not to be considered to be contrary to the laws of the requested Contracting Party.

3. Evidence of notification may take the form of a dated and signed acknowledgement of receipt by the person concerned or of a certificate of the competent authority in the requested Contracting Party, indicating the method and date of the notification.

Article 16
Form and substance of requests for assistance

1. Requests pursuant to this Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 of this Article shall include the following information:

a) the requesting customs authority;

b) the measure requested;

c) the object of and the reason for the request;

d) the laws, rules and other legal elements involved;

e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;

f) a summary of the relevant facts, except in cases provided for in Article 15.

3. Requests shall be submitted in English language, or in another language acceptable to the requested customs authority.

4. If a request does not meet the formal requirements, the requested customs authority may demand its correction or completion; the ordering of precautionary measures shall not be affected thereby.

Article 17
Exceptions to the obligation to provide assistance

1. If the customs authority of one Contracting Party considers that compliance with the assistance requested would be prejudicial to the sovereignty, security, public order, public policy (ordre public), the basic principles of its domestic legal system or other essential interests of that state, or would involve violation of an industrial, commercial or professional secret, it may refuse to provide assistance, or provide it partly or provide it subject to certain conditions or requirements.

2. If assistance is refused, the decision and the reasons for the refusal must be notified in writing to the requesting customs authority without delay.

3. Assistance may be postponed by the requested customs authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case the requested customs authority shall consult the requesting customs authority to determine if assistance can be given subject to such terms or conditions as the requested customs authority may require.

4. If the customs authority of one Contracting Party requests assistance which it would not be able to give if requested, it shall draw attention to that fact in the request. Compliance with such a request shall be considered in accordance with the legislation in force in the territory of the requested Contracting Party.

Article 18
Costs

1. The customs authorities shall waive all claims for reimbursement of costs incurred in the execution of this Agreement, with the exception of costs incurred in respect of the experts and witnesses, and costs of interpreters and translators other than government employees.

2. If expenses of a substantial and extraordinary nature are or will be required to execute the request, the customs authorities shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

Article 19
Exchange of assistance

1. Assistance provided for under this Agreement shall be supplied directly between the customs authorities of the Contracting Parties.

2. The customs authorities may arrange for their particular units to be in direct communication with each other. A list of officials designated for this purpose by each customs authority, shall be furnished to the customs administration of the other Contracting Party.

Article 20
Territorial applicability; implementation and interpretation

1. This Agreement shall be applicable to the customs territory of the Republic of Finland and to the customs territory of the Republic of Kosovo, as defined in their national legal and administrative provisions.

2. This Agreement does not preclude the Contracting Parties from rendering each other more extensive assistance pursuant to other international agreements or arrangements or as permitted by their respective laws.

3. The customs authorities shall mutually agree upon the detailed arrangements for the implementation of this Agreement.

4. The customs authorities shall endeavour by mutual accord to resolve problems or doubts arising from the interpretation or application of this Agreement. Conflicts for which no solution is so found shall be settled through diplomatic channels.

Article 21
Complementarities

Without prejudice to Articles 13 and 14, this Agreement shall not prejudice Community provisions governing the communication between the competent services of the Commission of the European Communities and the customs authorities of the Republic of Finland of any information obtained in customs matters, which could be of Community interest.

Article 22
Entry into force and termination

1. The Contracting Parties shall notify each other through diplomatic channels when all necessary national legal requirements for the entry into force of this Agreement have been fulfilled. The Agreement shall enter into force sixty days after the last notification has been received.

2. This Agreement is intended to be of unlimited duration. It may be terminated by written notice through diplomatic channels by either of the Contracting Parties and shall cease to be in force six months after such a notice has been received by the other Contracting Party. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

In witness whereof the undersigned Representatives, duly authorized thereto, have signed this Agreement.

Done in ..... on ..... in duplicate, in the Finnish, Albanian and English languages, all texts being equally authentic. In case of any divergence of interpretation of the provisions of this Agreement, the English text shall prevail.

For the Government
of the Republic of Finland

For the Government
of the Republic of Kosovo

ANNEX

to the Agreement betweenthe Government of the Republicof Finland and the Government of the Republic of Kosovo on Co-operation and Mutual Assistance in Customs Matters

BASIC PRINCIPLES OF DATA PROTECTION

1. Personal data undergoing automatic processing shall be:

a) obtained and processed fairly and lawfully;

b) stored for specified and legitimate purposes and not used in a way incompatible with those purposes;

c) adequate, relevant and not excessive in relation to the purposes for which they are stored;

d) accurate and, where necessary, kept up to date;

e) preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored.

2. Personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards. The same shall apply to personal data relating to criminal convictions.

3. Appropriate security measures shall be taken for the protection of personal data stored in automated data files against unauthorized destruction or accidental loss as well as against unauthorized access, alteration or dissemination.

4. Any person shall be enabled:

a) to establish the existence of an automated personal data file, its main purposes, as well as the identity and habitual residence or principal place of business of the controller of the file;

b) to obtain at reasonable intervals and without excessive delay or expense, confirmation of whether personal data relating to him are stored in the automated data file as well as communication to him of such data in an intelligible form;

c) to obtain, as the case may be, rectification or erasure of such data if they have been processed contrary to the provisions of domestic law giving effect to the basic principles set out in principles 1 and 2 of this Annex;

d) to have a remedy if a request for, as the case may be, communication, rectification or erasure as referred to at paragraphs b) and c) of this principle is not complied with.

5.1. No exception to the provisions under principles 1, 2 and 4 of this Annex shall be allowed except within the limits defined in the following principle.

5.2. Derogation from the provisions under principles 1, 2 and 4 of this Annex shall be allowed when such derogation is provided for by the law of the Contracting Party and constitutes a necessary measure in a democratic society in the interest of:

a) protecting State security, public safety, the monetary interest of the State or the suppression of criminal offences;

b) protecting the data subject or the rights and freedoms of others.

5.3. Restrictions on the exercise of the rights specified in principle 4, paragraphs (b), and (d) of this Annex may be provided by law with respect to automated personal data files used for statistics or for scientific research purposes where there is obviously no risk of an infringement of the data subjects.

6. Each Contracting Party undertakes to establish appropriate sanctions and remedies for violations of provisions of domestic law giving effect to the basic principles set out in this Annex.

7. None of the provisions of this Annex shall be interpreted as limiting or otherwise affecting the possibility for a Contracting Party to grant data subjects with a wider measure of protection than that stipulated in this Annex.

Task 2.2.6 AI On Consular Operations

Republika e Kosovës

Republika Kosova - Republic of Kosovo

Qeveria – Vlada – Government

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

---

UDHËZIMI ADMINISTRATIV Nr. XX/XXXX PËR SHËRBIMET KONSULLORE

Neni 1

Qëllimi

Qëllimi i këtij udhëzimi administrativ është që të vendos procedurat për ofrimin e shërbimeve konsullore, nga Misionet Konsullore të Kosovës, për qytetarët e Kosovës.

Neni 2

Baza ligjore

Shërbimet Konsullore të përcaktuara me këtë Udhëzim Administrativ ofrohet duke u mbështetur në:

- Ligjin për shërbimin konsullor nga Misionet Diplomatike dhe Konsullore të Republikës së Kosovës (Nr. 03/L-125);
- Rregullorja për Shërbime Konsullore;
- Ligji për shtetësinë e Kosovës (Nr. 03/L-034);
- Ligji për dokumente të Udhëtimit (Nr. 03/L-037);
- Ligji për Librat Amëz;
- Udhëzimi Administrativë për procedurat e fitimit të Shtetësisë së Kosovës;
- Udhëzimi Administrativ për procedurat e humbjes së shtetësisë së Kosovës me lirim;
- Udhëzimin Administrativ për kriteret që përbëjnë dëshmi për shtetësinë e ish Republikës Federale të Jugosllavisë dhe banim të përhershëm në territorin e Kosovës me 1 Janar 1998.
- Udhëzimi Administrativ për procedurën e aplikimin për pasaportë, pasaportë të humbur/dëmtuar, ndërrim të të dhënave dhe ripërtrirje të të dhënave (Nr. 24/2008 - MPB);
- Udhëzimi administrativ për lëshimin e fletëudhëtimeve për kthim.

Neni 3

Definicionet

”**Misioni konsullor”-**nënkupton përfaqësinë ose zyrën konsullore, pra sipas rastit, konsullatën e përgjithshme, konsullatën dhe shërbimin konsullor në misionet diplomatike të Republikës së

Kosovës;

”**Zyrtari konsullor”-** nënkupton zyrtarin e lartë, duke e përfshirë drejtuesin e misionit konsullor, i cili është ngarkuar me ushtrimin e funksioneve konsullore;

Neni 4

Shërbimet konsullore

1. Bazuar në legjislacion themeltar të Ministrisë së Punëve të Brendshme për realizimin e shërbimeve të poshtëshënuara në Republikën e Kosovës, në fazën fillestare të krijimit të tyre, Misionet Konsullore të Kosovës jashtë do të ofrojnë këto shërbime:

1.1 Lëshimi i fletudhëtime për kthim për shtetasit e Kosovës;

1.2 Përpunimi kërkesave për pasaporta dhe pasaportat e dëmtuara/humbura,, për kategorinë e personave që janë pajisur me letërnjoftim të Republikës së Kosovës;

1.3 Përpunimi i kërkesave për (a) fitimin e shtetësisë së Kosovës; (b) për lirim nga shtetësia e Kosovës; dhe (c) kërkesat dhe ankesat për shtetësi drejtuar Komisionit për Shtetësi dhe Komisionit të Ankesave për Shtetësi;

1.4 Përpunimi i kërkesave për regjistrimin e shtetësisë së Kosovës sipas nenit 29 të Ligjit për Shtetësinë.

1.5 Përpunimi i kërkesave për regjistrimin e fakteve të lindjes, martesave dhe vdekjeve në përputhje me legjislacionin në fuqi;

1.6 Lëshim i vërtetimeve të çdo lloji.

Neni 5

Procedurat konsullore

1. Misionet Konsullore autorizohen të kryejnë shërbimet përcaktuara në nenin 3 të këtij Udhëzimi Administrativ dhe çdo shërbim tjetër për të cilin autorizohen nga Ministria e Punëve të Jashtëm përmes akteve të tjera nënligjore.

2. Çdo aplikues duhet të paraqesë tek zyrtari konsullor të gjitha dokumentet e kërkuara në bazë të legjislacionit dhe udhëzimit administrativ për atë shërbim specifik.

3. Aplikacionet e plotësuara duhet të dërgohen në Departamentin për Çështje Konsullore në Ministrinë e Punëve të Jashtme për përpunim të mëtutjeshëm.

4. Pas kryerjes së shërbimit, Departamenti për Çështje Konsullore duhet të kthejë dokumentet në Misionin Konsullor përmes shërbimeve postare dhe/ose bartësit komercial.

5. Pas pranimit të dokumenteve nga Departamenti për Çështje Konsullore, Zyrtari Konsullor duhet t'i japë aplikuesit përgjigjen ndaj kërkesës së parashtruar.

6. Çdo aplikacion i pranuar nga Misioni Konsullor duhet të vuloset me vulë zyrtare. Në mungesë të vulës së misionit konsullor, Misioni Konsullor duhet të përdorë vulën e misionit diplomatik.

7. Për çdo shërbim të ofruar përmes Misionit Konsullor, aplikuesi, me rastin e kërkimit të shërbimit, duhet të paguajë pagesën adekuate në Euro siç është paraparë me Udhëzimin Administrativ për Pagesat Konsullore ose shumën ekuivalente në valutën e shtetit përkatëse nëse ajo valutë mund të konvertohet në Euro.

8. Zyrtari Konsullor duhet të ruajë të gjitha kërkesat dhe dokumentet e ofruara në bazë të sistemit të paraparë në Nenin 17 (2) të Rregullores për Shërbimet Konsullore.

Neni 6
Lëshimi i Dokumentit të Udhëtimit për Kthim (Fletudhëtimit)

1. Misionet Konsullore janë të autorizuara të lëshojnë Dokumente Udhëtimi për Kthim (Fletudhëtim) për qytetarët e Republikës së Kosovës në rast se pasaporta është humbur, ka skaduar ose për raste tjera urgjente ose humanitare.

2. Për marrjen e Dokumentit të Udhëtimit për Kthim nga ana e Misionit Konsullor dhe Shërbimit Konsullor të Misioneve Diplomatike, aplikuesi duhet të dorëzojë këto dokumente:

2.1 Aplikacionin e plotësuar sipas shtojcës I të këtij Udhëzimi Administrativ;

2.2 Raportin e policisë që konfirmon se dokumenti i udhëtimit është humbur ose vjedhur dhe se është bërë raportimi në kohë te autoritetet e zbatimit të ligjit;

2.3 Kopjen e dokumentit të udhëtimit, nëse është në dispozicion, dhe një dokument tjetër identifikues ose certifikatë të lindjes;

2.4. Një dokument që konfirmon vendqëndrimin e aplikuesit;

2.5. Dokumentin e udhëtimit, nëse është i dëmtuar;

2.6. Dy fotografi që janë në përputhje me standardet e fotografive për pasaportë;

2.7. Dëshmi të pagesës për këtë shërbim.

3. Pas pranimit të kërkesës për lëshimin e Dokumentit të Udhëtimit për Kthim, Misionet Konsullore/Diplomatike duhet të:

3.1 Intervistojnë aplikuesit, anëtarët e familjes së tij/saj, kujdestarin ligjor të tij/saj ose përfaqësuesin e autorizuar rreth arsyeve të aplikimit;

3.2 Sigurojnë që kriteret për lëshimin e Dokumentit të Udhëtimit për Kthim janë plotësuar;

3.3 Verifikojnë që aplikuesi është qytetar i Kosovës;

3.4 Ruajnë, brenda dosjes së aplikimit, kopjet e çdo dokumenti të dorëzuar dhe dëshmi shtesë bashkë me një fotografi.

4. Dokumenti i Udhëtimit për Kthim duhet të lëshohet më së largu brenda 48 orëve.

5. Pranuesi i Dokumentit të Udhëtimit për Kthim duhet të nënshkruhet në librin zyrtar të Misionit Konsullor/Diplomatik, pas konfirmimit të identitetit me një kopje të dokumentit identifikues personal, adresës dhe numrit të telefonit.

6. Kohëzgjatja e Dokumentit të Udhëtimit për Kthim nuk duhet të vlejë më gjatë se 30 ditë nga data e lëshimit.

7. Forma e Dokumentit të Udhëtimit për Kthim, që duhet të lëshohet nga Misioni Konsullor/Diplomatik, paraqitet në Shtojcën II të këtij Udhëzimi Administrativ.

Neni 7
Përpunimi i aplikacioneve për pajisje me pasaportë të Republikës së Kosovës

1. Misioni Konsullor/Diplomatik është i autorizuar të bëjë përpunimin e aplikacioneve për pajisje me pasaportë të Kosovës nga shtetasit që kanë letërnjoftim të Republikës së Kosovës ose që kanë bërë ripërtrirjen e të dhënave sipas ligjit të aplikueshëm në Kosovë.

2. Misioni Konsullor/Diplomatik është i autorizuar të përpunojë lëndë:
- për pajisje me pasaportë;
- për rinxjerrjen e pasaportës së humbur/dëmtuar;

3. Aplikimi për këto shërbime do bëhet sipas formularëve të aplikimit në Shtojcat III, IV.

Neni 8
Përpunimi i aplikacioneve për pajisje me pasaportë të Republikës së Kosovës për persona mbi 16 vjeç

Gjatë procedurës aplikuese për Pasaportë për persona mbi 16 vjet, Zyrtari Konsullor në Misionin Konsullor / Diplomatik, duhet të ndjekë këta tre hapa:

Hapi I - Aplikuesi duhet të jetë i pranishëm gjatë dorëzimit të aplikacionit për pasaportë bashkë me këto dokumente:

- Një kopje të letërnjoftimit;
- Certifikatën e shtetësisë;
- Dëshmi të pagesës për pasaportë.

Hapi II - Zyrtari Konsullor duhet të:

- Plotësojë qartë me shkronja të mëdha të shtypit me ngjyrë të zezë ose të kaltër formularin për Pasaportë ;
- Mundësojë nënshkrimin e formularit P nga aplikuesi Nëse aplikuesi nuk din shkrim lexim, atëherë duhet të mundësojë marrjen e shenjave të gishtit të djathtë tregues të aplikuesit dhe vendosjen e tyre në Formularin P;
- Mundësojë, në prani të tij, nënshkrimin e formularëve për persona me aftësi ose kapacitete të kufizuara, nga kujdestari ligjor;
- Nënshkruajë dhe vulosë formularin P.

Hapi III - Veprimet pasuese të Zyrtarit Konsullor:

- Lëshon një vërtetim për të konfirmuar dorëzimin e aplikacionit;
- Informon aplikuesin për mënyrën dhe kohën e marrjes së pasaportës;
- Vendos formularin origjinal P, faturën e pagesës dhe kopjet e dokumenteve të dorëzuara në një pliko të veçantë për t'i përcjellë në Departamentin për Çështje Konsullore;
- Shënon –KËRKESË PËR PASAPORTË – I RRITUR" në pjesën e jashtme të plikos, e vulos atë dhe e përcjellë përmes çantës diplomatike, shërbimit postar ose korrierit të Departamentit për Çështje Konsullore;
- Mban një kopje të Formularit P dhe dokumenteve tjera në Misionin Konsullor / Diplomatik.

Neni 9
Procedura e aplikimit për rinxjerrje të pasaportës së humbur/dëmtuar për aplikuesit e moshës mbi 16 vjeçare

1. Gjatë procedurës aplikuese për rinxjerrje të pasaportës së humbur/dëmtuar për personat mbi 16 vjet, Zyrtari Konsullor i një Misioni Konsullor / Diplomatik, duhet të ndjekin këta tre hapa:

2. Hapi I - Aplikuesi duhet të jetë i pranishëm gjatë dorëzimit të aplikacionit për pasaportë të humbur/dëmtuar dhe të sjellë këto dokumente:

- Një kopje të letërnjoftimit të Republikës së Kosovës;
- Pasaportën e dëmtuar (nëse aplikon për shkak të pasaportës së dëmtuar);
- Raportin origjinal të policisë (nëse ai/ajo aplikon për pasaportë të humbur, brenda tre muajve nga data e humbjes);
- Dëshmi e publikimit në gazetë të njoftimit për humbje të pasaportës;
- Dëshmi të pagesës.

Hapi II - Zyrtari Konsullor duhet të:

- Plotësojë qartë me shkronja të mëdha të shtypit me ngjyrë të zezë ose të kaltër formularin HD për pasaportë të humbur/dëmtuar;
- Mundësojë nënshkrimin e formularit HD nga aplikuesi Nëse aplikuesi nuk din shkrim lexim, atëherë duhet të mundësojë marrjen e shenjave të gishtit të djathtë tregues të aplikuesit dhe vendosjen e tyre në Formularin HD;

- Mundësojë, në prani të tij, nënshkrimin e formularëve për persona me aftësi ose kapacitete të kufizuara, nga kujdestari ligjor;
- Nënshkruajë dhe vulosë formularin HD.
- Bashkangjisë dokumentin e dëmtuar nëse aplikuesi e ka.

Hapi III - Veprimet pasuese të Zyrtarit Konsullor:

- Lëshon një vërtetim për të konfirmuar dorëzimin e aplikacionit;
- Informon aplikuesin për mënyrën dhe kohën e marrjes së pasaportës;
- Vendos formularin origjinal HD, pasaportën e dëmtuar, nëse e ka në dispozicion, raportin origjinal të policisë, nëse ka të tillë, dëshminë e njoftimit publik për pasaportën e humbur, nëse është bërë, faturën e pagesës dhe kopjet e dokumenteve të dorëzuara në një pliko të veçantë për t'i përcjellë në Departamentin për Çështje Konsullore;
- Shënon „PASAPORTË I HUMBUR/DËMTUAR – I RRITUR" në pjesën e jashtme të plikos, e vulos atë dhe e përcjellë përmes çantës diplomatike, shërbimit postar ose korrierit të Departamentit për Çështje Konsullore;
- Mban një kopje të Formularit HD dhe dokumenteve tjera në Misionin Konsullor / Diplomatik.

Neni 10
Procedura e aplikimit për pasaportë të humbur/dëmtuar për aplikuesit nën moshën 16 vjeçare

1. Përpunimi i aplikacioneve për pasaportë të humbur/dëmtuar për fëmijë nën moshën 16 vjeçare, mund të bëhet vetëm për aplikuesit, të cilët në bazë të ligjit të aplikueshëm, nuk kanë nevojë për ripërtrirje të dhënash.

2. Zyrtari Konsullor duhet të bëjë përllogaritjen e moshës nga momenti kur aplikuesi ka regjistruar të dhënat me rastin e aplikimit fillestar për pasaportë të Republikës së Kosovës.

3. Procedurat për rinxjerrjen e pasaportës për kategorinë që përmbush kushtin, do të jenë siç është përshkruar në Nenin 9 të këtij UA.

Neni 11
Përpunimi i kërkesave për fitimin e shtetësisë

1. Zyrtari Konsullor duhet të pranojë aplikacionet për fitimin e shtetësisë sipas të gjitha mënyrave ashtu siç është paraparë me Udhëzimin Administrativ Nr. 03/2009 të Ministrisë së Punëve të Brendshme.

2. të përcaktohet sigurimi i certifikatave që nxirren në Kosovë

2.1. Të gjitha kërkesat e parapara në nenin 16 të këtij Udhëzimi Administrativ duhet të dorëzohen nga Misionet Konsullore ose Seksionet Konsullore në Misionet Diplomatike te Departamenti për Çështje Konsullore brenda Ministrisë së Punëve të Jashtme;

2.2. Departamenti për Çështje Konsullore duhet t'i përcjellë të gjitha kërkesat e pranuara nga Misionet Konsullore ose Seksionet Konsullore të Misioneve Diplomatike tek autoritetet kompetente të Republikës së Kosovës.

Neni 12
Përpunimi i kërkesave për humbjen e shtetësisë së Kosovës me lirim

1. Kërkesa për humbje të shtetësisë së Republikës së Kosovës duhet të dorëzohet personalisht në Misionet Konsullore ose Seksionet Konsullore të Misioneve Diplomatike me formularin e Shtojcës 1 të Udhëzimit Administrativ Nr. 04/2009 të Ministrisë së Punëve të Brendshme.

2. Certifikatat???

1. Të gjitha kërkesat e parapara në bazë të neneve 17, 18 dhe 19 të këtij Udhëzimi Administrativ duhet të dorëzohen nga Misionet Konsullore ose Seksionet Konsullore të Misioneve Diplomatike në Departamentin për Çështje Konsullore të Ministrisë së Punëve të Jashtme.

2. Departamenti për Çështje Konsullore duhet t'i përcjellë të gjitha kërkesat e pranuara nga Misionet Konsullore ose Seksionet Konsullore të Misioneve Diplomatike tek autoritetet kompetente të Republikës së Kosovës.

Neni 13
Regjistrimi i lindjeve

1. Me pranimin e fletëkërkesës, sipas shtojcës VI për regjistrimin e lindjes së fëmijës në librin amëz të lindjeve në Kosovë, Zyrtari Konsullor duhet të kërkojë dokumentet në vijim për secilën prej tri mundësive:

1.1 Kur fëmija është i lindur jashtë Kosovës nga prindërit të cilët janë shtetas të Kosovës;

- Kopjet e dokumenteve të shtetësisë së dy prindërve, qoftë pasaportë apo letërnjoftim i Kosovës, certifikatë të lindjes së Kosovës ose certifikatë të shtetësisë së Kosovës;

- një kopje të certifikatës së lindjes së fëmijës që ka të shënuar të dy prindërit;

- prezencën e dy prindërve ose dëshmi ligjore të mungesës së njërit prej tyre

1.2 Kur fëmija është i lindur jashtë Kosovës nga prindërit prej të cilëve njëri është shtetas i Kosovës ndërsa tjetri jo;

- Kopje të dokumentit të shtetësisë kosovare të prindit të paraparë në bazë të nenit 1.1 të këtij neni,
- dokumentet që tregojnë shtetësinë e prindit jo-kosovar,
- pëlqimin me shkrim nga prindi jo-kosovar për regjistrimin e fëmijës të vërtetuar nga autoriteti përgjegjës, dhe
- një kopje të certifikatës së lindjes së fëmijës që ka të shënuar të dy prindërit;
- prezencën e dy prindërve ose dëshmi ligjore të mungesës së njërit prej tyre

1.3 Fëmija është i lindur jashtë Kosovës nga prindërit prej të cilëve njëri është shtetas i Kosovës ndërsa tjetri është i panjohur;

- Kopje e dokumentit të shtetësisë kosovare të prindit siç është paraparë nën paragrafin 1.1 të këtij neni,
- një kopje të certifikatës së lindjes së fëmijës që përfshin shtetasin e Kosovës si prind dhe tjetrin si të ―panjohur";

2 Pas shqyrtimit të kërkesës, Zyrtari Konsullor bën regjistrimin në Librin e Lindjeve të Misionit Konsullor dhe i lëshon dëshminë përkatëse aplikuesve sipas shtojcës VII të këtij UA.

3 Zyrtari Konsullor duhet të përcjellë lëndën e plotë në zarf të mbyllur dhe vulosur me shënimin ―REGJISTRIM NË LIBRIN AMËZ TË LINDJEVE" në Departamentin për Çështje Konsullore për procedim të mëtutjeshëm.

4. Zyrtari Konsullor duhet të bëjë një kopje të lëndës për ruajtje në arkivin e Misionit Konsullor

Neni 14
Regjistrimi i martesave

1. Me pranimin e fletëkërkesës për regjistrimin e faktit të martesës në librin amëz të martesave në Kosovë sipas shtojcës VIII, Zyrtari Konsullor duhet të kërkojë dokumentet si në vijim:

- Kopjet me afat të dokumenteve të identifikimit
- Dëshmi sipas paragrafit 1.1 në nenit 13 të këtij UA lidhur me vërtetimin e shtetësisë për shtetasin e Kosovës;

- dëshmi mbi shtetësinë e shtetasit të huaj

- certifikatë origjinale të martesës së lidhur në vendin pranues

2. Pas shqyrtimit të kërkesës, Zyrtari Konsullor bën regjistrimin në Librin e Martesave të Misionit Konsullor dhe i lëshon dëshminë përkatëse aplikuesve sipas shtojcës IX të këtij UA.

3. Zyrtari Konsullor duhet të përcjellë lëndën e plotë në zarf të mbyllur dhe vulosur me shënimin –REGJISTRIM NË LIBRIN AMËZ TË MARTESAVE" në Departamentin për Çështje Konsullore për procedim të mëtutjeshëm.

4. Zyrtari Konsullor duhet të bëjë një kopje të lëndës për ruajtje në arkivin e Misionit Konsullor

Neni 15

Regjistrimi i vdekjeve

1. Me pranimin e fletëkërkesës sipas shtojcës X, për regjistrimin e faktit të vdekjes së një shtetasi të Kosovës në librin amëz të vdekjeve në Kosovë, Zyrtari Konsullor duhet tëkërkojë dokumentet si në vijim:

5. Certifikatën ndërkombëtare origjinale të vdekjes së shtetasit;
6. Dokument identifikimi të personit të vdekur si dëshmi për vërtetimin e shtetësisë
7. Dokument personal identifikimi të parashtruesit të kërkesës

8. Pas shqyrtimit të kërkesës, Zyrtari Konsullor bën regjistrimin në Librin e Vdekjeve të Misionit Konsullor dhe i lëshon dëshminë përkatëse aplikuesve sipas shtojcës XI të këtij UA.

9. Zyrtari Konsullor duhet të përcjellë lëndën e plotë në zarf të mbyllur dhe vulosur me shënimin –REGJISTRIM NË LIBRIN AMËZ TË VDEKJEVE" në Departamentin për Çështje Konsullore për procedim të mëtutjeshëm

10. Zyrtari Konsullor duhet të bëjë një kopje të lëndës për ruajtje në arkivin e Misionit Konsullor

Neni 16
Ndihma Konsullore dhe lëshim i vërtetimeve të çdo lloji

1. Përveç shërbimeve konsullore të autorizuara me këtë udhëzim administrativ, Misioni Konsullor/Diplomatik ofron edhe ndihmë konsullore për qytetarët e Kosovës dhe shtetasit e huaj, siç parashihet me Rregulloren Konsullore dhe legjislacionin e aplikueshëm të Republikës së Kosovës.

2. Zyrtari Konsullor mund të bëjë sipas kërkesës së ardhur me shkrim lëshimin e vërtetimeve të çdo lloji në përputhje me ligjet dhe aktet nënligjore të aplikueshme

Neni 17

Dispozitat përfundimtare

1. Çdo shërbim konsullor që duhet të kryhet nga Misioni Konsullor, i kërkuar me ligje ose akte nënligjore, të miratuara nga cilado ministri, në të ardhmen duhet të realizohet sipas procedurës së paraparë në nenin 5 të këtij Udhëzimi Administrativ.

2. Ky Udhëzim Administrativ do të hyjë në fuqi në datën e nënshkrimit nga Ministri i Punëve të Jashtme.

Skënder Hyseni

Ministër i Punëve të Jashtme

xx.yy.zzzz

Task 2.3.1 Legal Opinion regarding negotiating and signature authority for bilateral agreements

Task 3. AI on Competences of Kosovo Diplomatic and Consular Missions

GOVERNMENT OF KOSOVO

Pursuant to the Article 17, paragraph (1) and (2), of the Law on Consular Service of Diplomatic and Consular Missions of the Republic of Kosovo and to Article 93, paragraph 4 of the Constitution of the Republic of Kosovo and Article 38, paragraph 1 and 2, of the Law on Foreign Service of the Republic of Kosovo,

In accordance with Article 4 (3) of the Rule of Procedures of the Government 01/2007, the Government of Republic of Kosovo

For the purpose of efficient implementation of the Law on Foreign Service of Kosovo and Law on Consular Service of Diplomatic and Consular Missions as well as of Regulation on Foreign Service and Regulation on Consular Service

Issues the following:

ADMINISTRATIVE INSTRUCTION ON COMPETENCIES OF KOSOVO DIPLOMATIC AND CONSULAR MISSIONS

Article 1

Objective

1. This Administrative Instruction shall describe the precise competences of Diplomatic and Consular Missions of the Republic of Kosovo.

Article 2

Structure of Foreign Service

1. The Foreign Service of the Republic of Kosovo is composed of permanent members of the Ministry, and diplomatic and consular missions in other states and international Organization.

Article 3

Definitions

[to be added]

Article 4

Functions of Embassies and Diplomatic Missions

1. The basic functions of the Embassies and Diplomatic Missions in general shall include:

1.1 Representation of the interests of the Republic of Kosovo;
1.2 Encouraging and developing friendly relations;
1.3 Observation;
1.4 Negotiation;
1.5 Making demarches and providing information to host governments and international organizations;
1.6 Reporting and analysis on issues of importance to national interests, government policies and the reputation of Kosovo;

1.7 Provision of policy advice and explanations regarding the interests and policies of the Government of Kosovo Government;
1.8 Consular services for Kosovo citizens and the public;
1.9 Commercial diplomacy; and
1.10 Public diplomacy, including cultural diplomacy.

Article 5

Responsibilities of Embassies and Consular Missions

In broad terms, the responsibilities of overseas missions shall be to:

1.1 Cultivate and promote improved and enhanced bilateral relations with the host countries and international organizations which have their headquarters in capital cities of the host countries;

1.2 Maintain official contacts with government officials and representatives of the political and economic life of the host countries and organizations to which they are accredited;

1.3 Use public diplomacy and informal means to maintain positive relations, including press releases, interviews for the print media of the host country, editorial pieces, appearances in the electronic media, the organization of conferences, delivering presentations or lectures to public and private organizations, and maintaining a broad network of contacts among civil society, Academia, Kosovo diaspora associations and other organizations;

1.4 Conduct diplomatic and/or consular representation activities in accordance with the relevant Kosovo laws, regulations and other authorities, the Vienna Conventions on Diplomatic Relations and Consular Relations, the laws of the host countries, and other normative acts and Government policies;

1.5 Protect and defend the interests of the Republic of Kosovo in relations with the countries and international organizations to which they are accredited;

1.6 Provide for the welfare and protection of citizens of the Republic of Kosovo, within the limits prescribed by international law and practice and by respecting the applicable legislation of the host country;

1.7 Encourage and develop political, economic, military, cultural and other forms of bilateral relations with the countries of accreditation;

1.8 Closely follow internal political, economic, cultural and other developments of importance in the host countries where it is accredited, ensuring that the Ministry of Foreign Affairs is well informed of these developments;

1.9 Prepare analyses and recommendations on specific issues of importance to the bilateral or multilateral relationships, consistent with the national interest and foreign policies of the Government of Kosovo;

1.10 Coordinate, in cooperation with host country institutions, the visits of delegations of the Republic of Kosovo, arranging and participating in discussions with the host country and the preparing and signing agreements and other policy documents as authorized by the MFA and other parts of the Kosovo Government; and

1.11 Coordinate all of the activities of Kosovo Government agencies in the host countries and represent the interests of ministries and agencies of the government to the host government or international organizations to which they are accredited.

Article 6

Duties and Responsibilities of the Officers of Embassies and Consular Missions

1. Pursuant to applicable laws and government regulations, the Ambassador/Head of Mission is responsible for all aspects of Kosovo's relations with countries or international organizations to which he or she is accredited.

2. It is the obligation of all Kosovo government ministries, agencies and institutions to coordinate their activities with host countries and international organizations with the MFA and the accredited Kosovo Diplomatic and Consular Mission.

3. The allocation of tasks within a Diplomatic or Consular Mission shall be based on the work to be performed and the level and type of contacts that are maintained with the host countries and international organizations.

3.1 The Ambassador's normal contacts are with the Ministry of Foreign Affairs, and through its authorization and good offices, with Parliament, Office of the President, and Office of the Prime Minister in the host countries, together with policy making bodies and principal Secretariat officials of international organizations. The Ambassador also maintains contacts with host country officials in other areas, including economic, military, cultural, educational, social and scientific agencies at the level of a department director or above;

3.2 The second officer of an Embassyshall maintain contacts at the level from desk officer to department director and with specialists in all areas of interest. He follows implementation of cooperation projects and programmes;

3.3 When instructed by the Ambassador, and when acting as Charge d'Affaires a.i. the second officer may be asked to carry out policy-related duties and is more oriented towards activities of other sectors (economy, defense, culture, etc);

3.4 The Ambassador maintains contacts with ambassadors/heads of mission of other countries accredited in the same capital or to the same international organization. The second diplomat maintains contacts with counterparts in other embassies and missions.

3.5 The Ambassador or second officer prepares written information on meetings and other contacts with host governments and international organizations. The information normally should contain the following elements:

3.1.1 Date, time and place of meeting;
3.1.2 A list of participants and a summary of the main topics discussed;
3.1.3 Depending on the importance and duration of the discussion, the information may be written in the form of a dialogue (when considered that it is necessary to present the flow of discussion), or a summary of exchanged messages during the discussion;
3.1.4 The information shall be accurate, clear and summarized, avoiding unnecessary paragraphs and repetition. Since the diplomat expresses himself based on instructions from the Ministry of Foreign Affairs, the information to be reported

to the ministry should be focused on the statements made by the partner and not the statements of the diplomat;

3.1.5 The information shall be signed by the person preparing it as well as by the Ambassador and then they are submitted to the ministry by electronic or other means; and

3.1.6 If the discussion suggests a policy recommendation or a change in the overall relationship with the host country or institution, the officer drafting the report should highlight action proposals in his or her report;

4 If the mission has more than two diplomats, then the Ambassador has the responsibilities as previously stated, but he organizes the division of duties of other diplomats. If there are two additional diplomats in addition to the Ambassador, a possible division of duties is that the diplomat of a higher rank shall be designated to follow political affairs and media relations, whereas the other one shall be assigned with economic, military, and cultural relations.

5 In allocating duties and responsibilities, the Ambassador takes into consideration the workload so that each of his subordinates has a reasonable and comparable workload. He/she keeps into account the qualifications and experience of the subordinates and other factors such as the priorities of foreign policy pertaining to that specific country.

6 The assigned duties of each officer shall be detailed in a job description that shall form the basis of annual performance reviews pursuant to the regulations specified by the Ministry of Foreign Affairs.

Article 7

Services provided by the Ministry and Overseas Posts

1. The Ministry of Foreign Affairs and Kosovo Diplomatic and Consular Missions, in accordance with prevailing laws, are empowered to assist Kosovo citizens with the following:

1.1 Provision of information and general advice regarding host countries (e.g. local security situation, political environment, economy and investments, government institutions, education system, etc.);

1.2 Facilitating assistance in cases of trouble while abroad, such as in court or other cases;

1.3 Facilitating assistance for citizens that may be victims of violence;

1.4 Facilitating financial assistance in special circumstances;

1.5 Providig Information according to appropriate privacy concerns to relatives of Kosovo citizens experiencing difficulties abroad;
1.6 Facilitating assistance to relatives ofin Kosovo citizens who diewhile abroad;
1.7 Facilitating assistance in the event of natural disasters; and
1.8 Evacuation of Kosovo citizens to safe places in case of war, natural catastrophe, turmoil, major political uncertainty, and other reasons.

2. A Kosovo Diplomatic or Consular Mission, in addition, may help its citizens with the following**:**

2.1 Obtaining funds and financial assistance from Kosovo;
2.2 Providing passport and citizenship services, including the issuance of regular or provisional passports;
2.3 Help in contacting security authorities and other institutions of the host country if possible;
2.4 Information on the business environment and tax rates of the host country for investment purposes, mediation and help in establishing contacts between domestic companies and companies in the receiving country;
2.5 Assistance in contacting relatives and in emergency situations;
2.6 In special cases and when evidence is provided, providing repatriation loans to enable Kosovo citizens not having the means to return to Kosovo. (This provision does not extend to third country travel or in-country travel, however);
2.7 Providing advice on how to obtain a lawyer or other legal services, medical attention, or interpretation and translation services;
2.8 Facilitating assistance to citizens who may be victims of violence in the host country;
2.9 Facilitating assistance to the families of citizens in the event of a relative's death in the host country; and
2.10 Facilitating assistance in case of natural disasters.

3. A Kosovo Diplomatic or Consular Mission or ordinarily cannot provide its citizens with the following kinds of assistance due to Kosovo legislation and practices in the host country:

3.1 Money exchange other banking services;
3.2 Hotel or ticket reservations;
3.3 Payment of debts, mortgages or fines;
3.4 Providing legal advice, conducting criminal investigations and involvement in court proceedings, except as allowed by international law and host country law or practice;
3.5 Providing support in releasing Kosovo citizens from prison, except by bilateral agreement, or obtaining special treatment for prisoners.
3.6 Provision of medicine and medical care;

3.7 Obtaining visas or work permits in the host or other countries; and

3.8 Making payments, guaranteeing the payment of hotels bills, doctors' fees or other financial obligations.

4. A diplomatic officer may be assigned consular functions and be accredited as such to the host country as a secondary responsibility to assist the assigned consular officer in emergencies, absences and other situations requiring additional assistance. .

Article 8
Secondary Accreditation

1. The Ministry of Foreign Affairs, in conformity with applicable legislation and international practice, may accredit Kosovo Diplomatic and Consular Missions to other countries or sub-regions in the case of consular services as possible and practicable based on recognition of the Republic of Kosovo and the establishment of diplomatic relations.

2. The Ambassador shall normally visit third countries to which he/she is accredited at least once a year in order to maintain contacts, have official discussions with the government, and provide information on local conditions in the country of accreditation.

3. In addition, the second officers and consular officers in Kosovo Diplomatic and Consular Missions shall strive to visit third countries of accreditation at least once a year for contact and reporting purposes, as well as to maintain liaison with Kosovo citizens and organizations in those countries.

Article 9

Public Diplomacy

1. The Ministry of Foreign Affairs shall endeavor to provide Kosovo Diplomatic and Consular Missions with information, media guidance and promotional materials on the foreign policies of Kosovo, the political situation, economic, trade and social developments, and other public information that may be useful for the promotion of relations with the host countries or international organizations.

2. The Ministry of Foreign Affairs shall also endeavor to make available information, publications, displays, art works, cultural artefacts and occasionally performers to Kosovo Diplomatic and Consular Missions in order to promote a wider understanding of the national culture and society of Kosovo and relations with the Kosovo diaspora abroad. In this connection, special attention shall be paid to the cultivation of relations with organizations representing Kosovo citizen interests in the host countries.

3. The Kosovo Diplomatic and Consular Missions shall maintain information on Kosovo for host country and other visitors and shall maintain attractive and useful web sites containing information on the national culture and society of Kosovo as well as information relating to the Diplomatic and Consular Missions.

4. The Kosovo Diplomatic and Consular Missions shall endeavor to identify local

organizations, citizens' groups, non-governmental organizations and think tanks for the useful conduct of Public Diplomacy.

5. Funds required for the promotion of Public Diplomacy normally shall be provided by the Ministry of Foreign Affairs based upon the plans and recommendations of the Kosovo Diplomatic and Consular Missions. The Ministry of Foreign Affairs shall endeavor to provide adequate budgetary resources for Public Diplomacy, including the maintenance of web sites, public programs, and the dissemination of written and electronic information and the preparation of publications.

6. Outside sponsorship of activities of Kosovo Diplomatic and Consular Missions is permitted on such occasions as national day celebrations, community events, cultural performances and receptions for visiting dignitaries. The Ministry of Foreign Affairs shall issue procedures relating to outside sponsorship and accounting for funds. Permission for the use of funds in excess of 5000 Euros for any such event shall be obtained in advance from the Ministry of Foreign Affairs.

7. Target audiences for Public Diplomacy activities of Kosovo Diplomatic and Consular Missions shall include, but not be limited to, the following:

7.1 Main decision-makers in the host country;
7.2 Opinion-makers, including the media, think tanks, academic institutions, non-governmental organizations and citizen's groups;
7.3 Journalists of the print and electronic media, including blogs and non-formal means of the public dissemination of information; and
7.4 "Friends of Kosovo" organizations and community organizations of the Kosovo community abroad.

Article 10

Visits

1. The Ministry of Foreign Affairs and Kosovo Diplomatic and Consular Missions shall be responsible for coordinating the visits of all Kosovo Government officials abroad to host countries and international organizations.

2. It is the obligation of all Kosovo Government ministries, agencies and statutory bodies to inform the Ministry of Foreign Affairs and Kosovo Diplomatic and Consular Missions of official visits falling within their areas of accreditation or jurisdiction. Such notice shall be provided in an official written communication in a timely fashion as circumstances permit, but normally at least two weeks in advance of the projected travel.

3. The categories of official visitors shall be as follows:

3.1 VIP's, including the President, Prime Minister, Deputy Prime Minister, Speaker of the National Legislature, ministers and deputy ministers, and Members of the National Legislature;
3.2 Senior officials of the rank of office director and above, including officers of the National Legislature, state institutions and statutory bodies; and
3.3 Unofficial visitors, including personages of national standing and reputation from all communities in Kosovo, business and trade representatives, senior media officials, journalists of the print and electronic media, nationally known cultural figures and performers, and noted academicians.

4. The designation of visitors in the above categories shall be at the discretion of the Ministry of Foreign Affairs or the responsible Kosovo Diplomatic or Consular Mission.

5. For official visitors, the Kosovo Diplomatic and Consular Missions shall be responsible for:

5.1 Developing a schedule of calls, meetings and activities that accord with Kosovo national interests and objectives and the state of relations with the host country or international organization. Such plans shall be coordinated through the Ministry of Foreign Affairs with the relevant office of the VIP or official visitor.
5.2 Making hotel, logistical and other arrangements for the VIP's and official visitor's party. Local expenses, except as may be authorized by the Ministry of Foreign Affairs, shall be made from funds provided by the Treasury or the office or organization of the visiting official.
5.3 Preparing records of official conversations and reporting the results of VIP and official visits to the Ministry of Foreign Affairs and interested government offices in Pristina and other Kosovo Diplomatic and Consular Missions.

6. Ambassadors and officers of Kosovo Diplomatic and Consular Offices shall, except under exceptional circumstances as directed by the Ministry of Foreign Affairs, have the prerogative of participating in all official activities of VIP and official visitors.

7. For unofficial visitors, the level of facilitative assistance provided by the Kosovo Diplomatic or Consular Mission shall depend on the time and funds available and the significance of the visitor to Kosovo national interests and objectives, including Public Diplomacy.

Article 11

Archives and Language Services

1. All Kosovo Diplomatic and Consular Missions shall maintain files and records in electronic and written form of all official activities conducted by the missions, all reports and correspondence sent to the Ministry of Foreign Affairs and other government institutions, and correspondence with other Kosovo Diplomatic Missions. The forms of such records shall be specified in as directed by law,regulations, sub-normative acts and other guidance of the Ministry of Foreign Affairs.

2. Part of the official documentation of Kosovo Diplomatic and Consular Missions shall include the official diary, appointment books and lists of telephone calls of the Ambassador/Head of Mission.

3. Official records of the Kosovo Diplomatic and Consular Missions shall be kept in the official languages of Kosovo and the English language at a minimum. Documents in other languages shall be considered secondary or supporting records.

4. Pursuant to regulations consistent with the Law on Consular Services, Kosovo Diplomatic and Consular Missions may not provide translation services of documents requested by Kosovo citizens or the public.

5. Kosovo Diplomatic and Consular Missions should be prepared to provide and have access to qualified interpreters for VIP and official visitors. In the case of meetings with Heads of State, the host government normally is responsible for providing interpretation services.

6. The Ministry of Foreign Affairs, through its Language Services Unit, should provide informal training in interpretation techniques to Diplomatic and Consular officers requiring such skills, although not up to the level of fully qualified interpreter.

Article 12

Communications and the Security of Information

1. Ministry of Foreign Affairs shall be responsible to provide each Diplomatic and Consular Mission with information technology (IT) hardware and software to facilitate the conduct of relations, reporting to Pristina and to safeguard sensitive information, whether of a diplomatic, political or personal nature. The ministry should maintain a common system or platform for communicating with overseas posts as well as appropriate software for the encryption of electronic transmissions.

2. The Ministry of Foreign Affairs shall ensure that all personnel assigned to Diplomatic and Consular Missions receive appropriate IT training and training in communications security.

3. The Ministry of Foreign Affairs shall develop standards for the physical security of Diplomatic and Consular Missions, shall ensure that all office facilities and other leased premises conform to the standards set by the ministry, and shall provide funds for security upgrades and other measure to safeguard the security of personnel, information and facilities.

4. Ambassadors/Heads of Mission are responsible individually for the security of personnel assigned to their mission, the physical security of the office premises and lease facilities, and the security of information. . Ambassadors/Heads of Mission are responsible for ensuring that the security standards of the ministry are promulgated within their missions, that appropriate procedures are in place to safeguard personal, physical and information security,

And that appropriate investigations are conducted to report any lapses and violations of the procedures. The results of any investigations, together with recommendations for action, are to be promptly reported to the Ministry of Foreign Affairs.

5. Security arrangements for Heads of State during official visits are normally the responsibility of the host government. It is the responsibility of the Ambassador/Head of Mission to evaluate the security implications of visits by VIP's and official visitors and to make appropriate arrangements therefore. The Ministry of Foreign Affairs shall make available any appropriate

assistance to safeguard personnel and physical security in relation to VIP and official visits, together with funds for special protection.

6. Ambassadors/Heads of Mission are responsible for the immediate reporting to the Ministry of Foreign Affairs any suspected breaches in the security of sensitive diplomatic, political or personal information to the Ministry of Foreign Affairs and to take timely action to prevent further disclosures. It is the responsibility of other officers at Kosovo Diplomatic and Consular Missions to report actual or suspected breaches of security or breaches of regulations, including on the part of Ambassadors/Heads of Mission, in confidential channels to the Ministry of Foreign Affairs for appropriate guidance and action. No penalty shall accrue to reporting officers in such instances.

7. The Ministry of Foreign Affairs shall issue appropriate regulations, guidance and procedures consistent with applicable laws of the Kosovo Government to investigate security lapses, shortcomings or breaches and to establish appropriate penalties, including legal prosecution, for proven responsibility in safeguarding sensitive national information or compromising the security of Diplomatic and Consular Missions in any respect.

Article 13

Post Management

1. The Ministry of Foreign Affairs shall adopt regulations, sub-normative acts and policies for the orderly and effective management of Kosovo Diplomatic and Consular Missions. Such regulations, sub-normative acts and policies shall include budget, financial management and reporting, procurement, contracting and personnel management.

2. It shall be the duty of all Kosovo Diplomatic and Consular Missions to provide budgetary estimates for long-term obligations, such as property leases, personnel expenditures and other recurring costs. Diplomatic and Consular Missions also shall ensure the timely reporting of all expenditures in conformity with applicable legislation.

3. Ambassadors/Heads of Mission shall exercise proper oversight of the management, to include financial operations, of their posts and to ensure compliance with internal controls, audit and other procedures.

4. All officers of Diplomatic and Consular Missions are individually responsible for accounting for and safeguarding all funds entrusted to them and for the timely reporting of all expenditures in accordance applicable legislation, regulations, sub-normative acts and policies. It shall also be

the responsibility of all Embassy and Consulate officers to promptly report any real or suspected financial discrepancies to the Ministry of Foreign Affairs.

Article 14

Entry into force

1. This Regulation shall enter into force upon the signature by Minister of Foreign Affairs of the Republic of Kosovo.

Task 3. Draft Strategic Trade Law

Republika e Kosovës

Republika Kosova-Republic of Kosovo

Qeveria-Vlada-Government

Ministria e Tregtisë dhe Industrisë-Ministarstvo Trgovine i Industrije-Ministry of Trade and Industri

Projekt -Ligjipër Kontrollin Strategjik të Tregut

Republika e Kosoves

Kuvendi

Ne mbeshtetje te nenit 65 (1) të Kushtetutes së Republikës së Kosovës,.

Duke u bazuar në rregullat e përgjithëshme të pranuara ndërkombëtare që rregullojnë kontrollin Strategjik të Tregut,

Duke Shprehur bindje të thellë në përmbushjen e detyrimeve ndërkombëtare në fushën e kontrollit të Eksportit dhe Importit të mallrave,

Miraton,

Ligjin për Kontrollin Strategjik të Mallrave

Neni 1

Fushëveprimi

Ky ligj përcakton bazen ligjore të veprimeve të institucioneve dhe agjencive shtetërore të Qeverisë së Republikes se Kosovës në sferën e kontrollit të tregtisë të drejtat dhe detyrimet e pjesëmarrësve në veprimtari ekonomike në marëdhënie me jashtë,,duke përfshirë mallrat ushtarake,armët konvencionale ,pajisjet ushtarake ,armët e shkatërrimit në masë, sistemet e tyre të shpërndarjes me shërbimet e lidhura me to, mallrat me perdorim të dyfishtë , teknologjitë ,softveret dhe mallrat tjera joushtarake qe perdoren ne betejëe.

Neni2
Përkufizimet :

—Mallrat për perdorime ushtarake" nënkuptohen mallrat të cilat kryesisht, por jo ekskluzivisht, jane te projektuara, te bëra, të përbëra ose të modifikuara për përdorim ushtarak, përfshirë teknologjinë dhe programet e softvereve lidhur me mallrat që janë të theksuara në pershkrimin e mallrave për perdorim ushtarak;
—Mallrat jo ushtarake që përdoren në betejëë" nenkuptohen mallrat që nuk janë të regjistruara si mallra ushtarake, por rqe perdoren në betejëe dhe sherbejne për qëllime komerciale;

—Mallrat me përdorim të dyfishtë" . nenkuptohen programet kompjuterike,softeveret dhe teknologjite që mund të përdoren per qëllime civile dhe ushtarake, dhe mallrat që mund të përdoren per qellime jo ushtarake e qe perdoren ne betejëë , ose në ndonjë mënyrë ndihmojë në prodhimin e armëve bërthamore ose mjeteve të tjera eksplozive bërthamore;
- **—Eksporti i mallrave ushtarake"** nenkupton procedurat doganore te aplikuara ndaj mallrave ushtarake të cilat hyne apo dalin në territorin doganor të Republikës së Kosoves , përfshirë edhe ri-eksportin e mallrave të tilla;

-**—Eksporti i mallrave jo ushtarake që perdorën në betejëë"** ; nenkupton transferimin e teknologjive , programeve kompjuterike, softveret, pajisjet tjera elektronike, faks ose telefon në një zonë doganore jashtë Republikes së Kosoves te cilat i referohen teknologjisë së transmetimit gojor telefonik vetëm nëse teknologjia e pershkruar në dokumentin, pjesa kryesore e të cilit është lexuar ose përshkruar permes telefonit , në mënyrë që të arrihet rezultati i njejtë;
- —Eksportues" nenkupton personin juridik ose fizik , me vendqendrim në territorin Republikes se Kosoves , i regjistruar si subjekt biznesi prane Agjencionit për Regjistrimin e Bizneseve të

Kosovës (ARBK).për ushtrimin e veprimtarisë së qarkullimit të mallrave, të regjistruara në regjistrin e eksportuesve dhe importuesve;
- **"Import":** nenkupton aplikimin e procedurave doganore tek mallrat të cilat hyn në teritorin doganor të Republikës së Kosoves , duke përfshi edhe ri importin; .
- **"Importues"** nenkupton personin juridik osefizik, me vendqendrim në territorin e Republikës së Kosoves qe merret me importimin e mallrave dhe eshte i regjistruar ne regjistrin e eksportuesve dhe importuesve;

"Komisioni per kontrollin Strategjike te Tregut" nenkupton komisionin i cili do të emërohet nga Qeveria e Kosoves dhe do te funksionoj në kuadër të Ministrisë së Tregtisë dhe Industrisë dhe do te perbehet nga perfaqësuesit e MPJ,FSK,MPB,DOGANAT(MEF), i cili do të kryejë funksionet e caktuara sipas ketij ligji, ligjeve tjera dhe marrëveshjeve ndërkombëtare;
"Leje" nenkupton nje dokument të cilen e leshon komisioni per kontrollin strategjik te tregut në bazë të kerkesës nga personat juridik apo fizik konform udhëzimeve të këtij ligji;

"Leje tranzite" nenkupton një dokument i cili u jep të drejtën për të kryer kalimin transit të mallrave ushtarake dhe me perdorim te dyfishte permes teritorit te Republikes se Kosoves sipas kushteve të përcaktuara në leje;

"Licence" nenkupton dokumentin sipas te cilit nje personi juridik a fizik i lejohet eksporti perkatesishte importi i mallrave ushtarake dhe mallrave me perdorim te dyfishte qe jane ne listat e kontrollit te mallrave;

"Licenca individuale e importit" nenkupton dokumentin që i lëshohet nje personi për të importuar mallra ushtarake dhe me perdorim te dyfishte në Republiken e Kosoves nën kushtet e përcaktuara në licencë;
"Licencë Individuale e Eksportit" nenkupton dokument që i lëshohet nje personi për të eksportuar mallra ushtarake dhe me perdorim te dyfishte ose për të ofruar shërbime në lidhje me keto mallra ne një shtet të vetëm ose në vendin e destinacionit dhe për një konsumator të vetëm sipas kushteve të përcaktuara në licencë.

"Licencë e pergjithshme" nenkupton dokumentin i cili i lëshohet një eksportuesi të veçantë në lidhje me eksportin e kategorive të mallrave ushtarake dhe me perdorim te dyfishte apo teknologjitë ose sigurimin e shërbimeve të cilat mund të jenë të vlefshme për eksportin në një ose më shumë shfrytezues ose në më shumë vende te huaja te specifikuara sipas kushteve të përcaktuara në licencë;

ushtarak dhe e mallrave me perdorim te dyfishte .

"Shërbime" nenkupton marrje të interesit, bartje të të drejtave si dhe aktivitete tjera që kanë të bëjnë me mallra për perdorim ushtarak;

–Lëvizja tranziti e-mallrave me përdorim të dyfishtë” :nenkupton levizjen e mallrave me perdorim te dyfishte përmes territorit doganor të Kosoves te cilat hyn dhe dalin permes zonave doganore te Republikes se Kosoves; ,

–Shërbimet e ndërmjetësimit (brokerimit)” nenkupton negociatat ose marrëveshjet kontraktuale për blerje, shitje ose furnizimime mallra për perdorime ushtarake të shënuara në regjistrin e Nenin 3 te këtij Ligji, nga një vend i huaj në; shitjen dhe blerjen e mallrave për nevoja ushtarake të referuara në nenin 3 të Rregullores se këtij Ligji e cila është vendosur në një vend të huaj për të transferuar në një vend tjetër të huaj. Shërbime e brokerimit nuk konsiderohen edhe si shërbime ndihmëse.

—Shërbimet ndihmëse” janë transporti, shërbimet financiare të sigurimit apo ri-sigurimit dhe reklamimi apo promovimi;

—Brokr” nenkupton personin e angazhuar në "ndërmjetësim", pavarësisht nëse ka pranuar ose jo pagesen për shërbimin përkatës;.

—Perdorues i fundit” nenkupton shfrytezuesin dhe perdoruesin e fundit te mallrave ushtarake dhe atyre me perdorim te dyfishte;

—Ndërmjetësi”: nenkupton një person juridik apo fizik me qendrim në territorin e Republikes se Kosoves i cili merret me shërbimet brokerimit;

-**—Asistenca teknike”** :nenkupton çdo mbështetje teknike në lidhje me ri-parimet, zhvillimin, prodhimin, perpunimin , testimin ose mirëmbajtjen emallrave për perdorime ushtarake, si dhe çdo ndihmë tjetër teknike që lidhet me mallrat ushtarake, që mund të marrë formën e udhëzimeve, trajnimit, transferimin e njohurive të biznesit apo sherbime tjera këshilluese. . Asistenca teknike përfshin edhe formen verbale te ndihmës, udhëzimet tekstuale apo gojore, trajnime, transferimin e njohurive ose aftësive të biznesit apo sherbimeve konsultative.

-**—Qeveria”**:nenkupton Qeverine e Republikes se Kosoves;

-**—Ministria –**:nenkupton Ministrine e Tregtise dhe Industrise:

—Lista e mallrave me perdorim te dyfishte” ; nenkupton listen te cilen e aprovon Qeveria e Kosoves me propozim te Ministris se Tregtise dhe Industrise e cila bashkëpunon ngushte me institucionet relevante ne kuader te Qeverise se Kosoves qe jane përgjegjëse për kontrollimin e eksportit të mallrave me perdorim te dyfishte , institucionet kërkimore shkencore dhe bizneset në përputhje me detyrimet ndërkombëtare qe i ka Republika e Kosoves;

—Lista e mallrave për nevoja te perdorimit ushtarak”:nenkupton listen e aprovuar nga MTI në përputhje me rregullatpërkatëse të Bashkimit Evropian dhe ato ndërkombëtare. Listen e rregullon MTI me pershkrimin mjeteve ushtarake për çështje komerciale;

Neni 3.

Qellimi I ketij ligji eshte rregullimi I eksportit , importit te mallrave **për nevojate perdorimit ushtarak** dhe **mallrave per perdorim te dyfishte** , tranzitin e tyre qe kryhet ne teritorin e Republikes se Kosoves si dhe ofrimin e shërbimeve në lidhje me keto mallra , duke siguruar kontrollin mbi përdoruesin e fundit të tyre.

Neni 4

1. Listen e mallrave me perdorim te dyfishte e aprovon Qeveria e Kosoves me propozim te Ministrise se Tregtise dhe Industrisë ..

2.Në përgatitjen e listave të propozuara në bazë të paragrafit 1 këtij neni, Ministria e tregtise dhe industries bashkëpunon ngushte me institucionet relevante ne kuader te Qeverise te cilat jane përgjegjëse për kontrollimin e eksportit të mallrave me perdorim te dyfishte , institucionet kërkimore shkencore dhe bizneset , në përputhje me detyrimet ndërkombëtare qe ka Kosova.

PJESA E PARE

EKSPORTIMI I MALLRAVE PER PERDORIME USHTARAKE

Neni 5

Në procedurat e licencimit për eksportet dhe importet e mallrave dhe shërbimeve, në pajtim me këtë Ligj, zbatohen nenet me të cilin rregullohet procedura e përgjithshme juridike per eksportin,importin,sherbimet,ndermjetesimin dhe licencimin e mallrave ushtarake dhe mallrave me perdorim te dyfishte nëse nuk është parapare ndryshe me kete ligj.

Neni 6

1.Eksportet dhe importet e mallrave si dhe ofrimi i shërbimeve sipas nenit 2 këtij ligji, do të kryhet ne baze te licences se leshuar nga MTI –se me miratimin e komisionit.

2.Licenca për eksportet , importet e mallrave dhe shërbimeve, lëshohet nga Ministria e Tregtise dhe Industrise në pajtim me pëlqimin e Komisionit për miratim të eksportit dhe importit të mallrave ushtarake dhe mjeteve joushtarake qe perdoren ne betejë, dhe ofrimin e shërbimeve për mallrat ushtarake.

3. Komisioni përbëhet nga përfaqësues të ministrivesi ;FSK, MPB,MPJ dhe MTI-se si kryesuese;

4. Pëlqimi nga paragrafi 2 këtij neni do të bazohet në konsensus të të gjithë anëtarëve të Komisionit. Në rast të mungesës së një prej anëtarëve të Komisionit, e drejta për të votuar i bartet nje anëtari tjeter të autorizuar;

5.Çdo anëtar ose zëvendës-anëtar i komisionit është pergjegjes për çështjet që ndërlidhen brenda kompetencave të Ministrisë që përfaqësojnë;.

6.Nëse ndonjë nga përfaqësuesit e Komisionit nuk janë në gjendje për të dhënë pëlqimin për eksport të kërkuar brenda 15 ditësh nga takimi i Komisionit,dhe me kete rast nuk eshte marre një vendim për të aprovuar apo hedhur poshtë kërkesën,kryesuesi i komisionit nga Ministria e Tregtise dhe Industris do të kërkojnë një deklaratë me shkrim nga Ministri kompetent per lenden e kerkeses;

7.Anetaret e Komisionit nga paragrafi 2 këtij neni emërohen dhe shkarkohen nga Kryeministri në bazë të propozimeve nga Ministrat përgjegjës për forcën e sigurisë, punët e brendshme, punët e jashtme ,tregtise dhe industries , dhe përbëhet nga një anëtar dhe një zevendes nga secila prej ministrive kompetente.

8. Ministri i MTI-së aprovon Regulloren e Punes se Komisionit.;

Neni 7

1.Pavarësisht nga Neni 6 paragrafi 2 i këtij Ligji:

1.1Lejet për importimin e mallrave të destinuara për FSK dhe Policinë së e Kosoves , lëshohen nga Ministria e Forcës së Sigurisë apo Ministria e Punëve të Brendshme;

1.2 Leja për eksportin e mallrave për nevojat e FSK –s dhe Policisë se Kosoves , me qëllim të kthimit në të njëjtën gjendje, lëshohet nga Ministria e Forcës së Sigurisë apo Ministria e Punëve të Brendshme;

1.3Leja për eksportin e mallrave te marra si granteve nga Qeveria e Kosoves leshohen nga Ministria e Mbrojtjes apo Ministria e Brendshme në rast se mallrat jane destinuar dhe jane ne kompetencen e tyre;

1.4Leja për të eksportin e mallrave në bazë të marrëveshjeve ndërkombëtare ushtarake të nënshkruar nga Republika e Kosoves , leshohen nga Ministria e Forcës së Sigurisë

1.5 Miratimin për transportin e mallrave tranzite neper teritorin e Republikës se Kosoves për qëllime ushtarake dhe jo ushtarake qe perdoren ne betejë e bën Ministria e Punëve të

Brendshme;.

Neni 8

1.Ministria leshon licencë eksporti ose importit për secilin eksport ose import veç e veç.

2.Licenca sipas paragrafit 1 te këtij neni, lëshohet kohezgjatje deri në gjashtë muaj dhe nuk mund të zgjatet.

3.Ministria ePuneve te Brendshme me nje rregullore te veçante percakton formën dhe përmbajtjen e licencës nga paragrafi 1 këtij neni.

Neni 9

1.Pavarësisht nga Neni 8 Paragrafi 1i këtij ligji Ministria mund tëlëshoj një licencë të përgjithshme për eksport të mallrave ushtarake per një ose më shumë vende, duke marrë parasysh llojin e mallrave, llojin dhe afatin e transaksioneve te eksportit si dhe shtetet në të cilin mallrat eksportohen.

2.Licenca e Përgjithshme e eksportit mund të lëshohet vetëm për eksportin e mjeteve të blinduara ose pajisjeve tjera mbrojtëse, strukturave dhe komponenteve tjera nga kategoria e ML13. Lista në Nenin 3 këtë Ligj me kohezgjatje deri në një vit dhe nuk mund të zgjatet.

3.Ministri do të përcaktojë me rregullore formen dhe përmbajtjen e licencave nga paragrafi 1 këtij neni.

Neni 10

1.Në kërkesën e importuesit të lëshuar nga Ministria, ai jep vertetimin per perdoruesin e fundit për importin e mallrave për qëllime ushtarake dhe jo ushtarake qe perdoren ne betejë për qëllime komerciale.

2. Ministri do të përcaktojë me rregullore formën dhe përmbajtjen e vërtetimit në paragrafin 1 këtij neni.

Neni 11

1. Me eksportin dhe importin e mallrave sipas këtë Ligj mund të merren personat juridik apo fizik dhe dheqe jane te regjistruar ne regjistrat e eksportuesve dhe importuesve te mallrave për qëllime ushtarake dhe jo ushtarake qe perdoren ne betejëë për qëllime komerciale

2.Para fillimit te aktivitetit te eksportit dhe importit, personat qe ushtrojne kete aktivitet janë të detyruar të kërkojë regjistrimin në regjistër sipas paragrafit 1 këtij neni.

3.Regjistrin nga paragrafi 1 këtij neni, e përpilon dhe menaxhon FSK;. .

4.Ministri i FSK-së do të përcaktojë përmbajtjen e rregulloreve dhe mënyren e mbajtjes së regjistrave nga paragrafi 1 këtij neni.

Neni 12

1.Regjistrimi në regjistër në nenin 11 Paragrafi 1 këtë Ligj, do të jetë në bazë të kërkesës me shkrim, të vertetuar me vulën e plombuar dhe nënshkrimin e personit përgjegjës në personin juridik ose fizik. .

2.Parashtruesi I kerkeses sipas paragrafit 1 këtij neni ,eshte I obliguar qe perveq kerkeses duhet te dorezoj edhe dokumentet tjera vijuese:

- Një kopje e noterizuar e vendimit të Ministrisë së Brendshme për kryerjen e aktiviteteve të prodhimit ose qarkullimit të armëve , municioneve apo substancave eksplozive;
- Numrin Fiskal i identifikimit tatimor të personit;
- Numri I certifikates se importit nga Doganat ;
- Autoriteti eshte kompetent te verifikoj se kandidati ose personi përgjegjës në personin juridik ose fizik, nuk është nën hetime ose nuk eshte i denuar për nje vepër penale shkelje në trajtimin e mallrave per qëllime ushtarake, apo jo ushtarake qe perdoren ne betejë , jo më shum se gjashtë muaj;
- Emri i bankes dhe dokumenti i vërtetuar nga banka e depozituesit (kopja e gjendjes se bilancit te fundit dhe bilancin e suksesit, konfirmimin se personi nuk është në bllokadë ne gjashtë muajt e kaluar, një kopje e vertetimit me nenshkrimin e depozituar);
- Një deklaratë për numrin dhe strukturën e punonjësve;
- Një deklaratë se personi përgjegjës në personin juridik , fizik apo zejtari , obligohen qe organit kompetent mbikëqyrës ti bajne të mundur kontrollin e operacioneve në fushën e eksporteve dhe importeve, si edhe kontrollin e hapësirës per strehim dhe mjeteteve transportuese.

Ministria nxjerr një vendim mbi regjistrimin në regjistrin në nenin 11 Paragrafi 1 këtë Ligj.

Neni 13

Personat e regjistruar në regjistër sipas nenit 11 te këtij Ligj obligohen të paraqesin me shkrim çdo ndryshim të të dhënave nga neni 12 Paragrafi 2 Nënparagrafi 1 në 5, të bazuar në të cilën është regjistruar në regjistër brenda 15 ditësh nga data e ndryshimit, dhe të dhënave sipas paragrafit 6 të te njëjtit nen , brenda 30 ditësh.

Neni 14

Personi do të shlyhet nga regjistri nëse:

- Verifikimi i fakteve të reja, për të cilat nuk kishte pasur njoftime me rastin e regjistrimit në regjistër, te cilat sikur te ekzistonin me kohe do te pamundesonin personave te caktuar të hyjnë në regjistër;
- Personi përgjegjës në personin juridik ose zejtari eshte dënuar per krim kundër pronës, apo ju ka shqiptuar masa e sigurisë që ndalon kryerjen e aktiviteteve që është plotësisht ose pjesërisht i angazhuar subjekti i tij;
- Nuk vepronë në përputhje me dispozitat e këtij ligji ;
- Shkelja e Sanksioneve ndërkombëtare;
- Ndalimin e ushtrimit te aktiviteteve;
- Pushon të plotësojë kushtet për të cilat i është lëshuar vendimi ;
- Me kërkesë të personit të regjistruar në regjistër per tu çregjistruar .

PROCEDURA PËR KËRKESË TE LICENCES SE EKSPORTIT DHE IMPORTIT

Neni 15

1. Kërkesa për licencë për eksport ose import të mallrave do t'i paraqitet Ministrisë në formën e përcaktuar.

2.Kërkesa në paragrafin 1 këtij neni mund të përmbajë materiale nga vetëm një shenje tarifore perkatesishte vetem nga nje ML (liste ushtarake)nga regjistrimi i mallrave per qëllime ushtarake.

2.Kërkesa për eksportin e mallrave për qëllime ushtarake dhe mallrave jo ushtarake qe perdoren

ne betejë , duhet të paraqesin lejen e importit të lëshuar nga autoriteti kompetent i shtetit nga I cilin mallrat eksportohen, dhe kopja origjinale e certificates se përdoruesit te fund e vërtetuar nga autoriteti kompetent i shtetit në të cilin mallrat eksportohen.

3.Licencën e importit në paragrafin 3 te ketij neni nuk është e nevojshme të paraqitet kërkesë për të eksportuar në qoftë se mallrat themelore në vendi i importit nuk është e nevojshme për të marrë një leje importi.

4.Certifikaten per përdoruesin e fundit sipas paragrafit 3 te ketij neni nuk është e nevojshme që të paraqesë kërkesë për të eksportuar në qoftë se ajo është per një eksport te përkohshëm për ekspozitë apo eksport të përkohshëm për riparimin e mallrave te prodhuesi dhe eksportin e mostrave të mjeteve të blinduara ose pajisjeve mbrojtëse, strukturat dhe komponentët nga kategoria e listes ML (Listes ushtarake). sipas Nenit 3 këtë Ligj.

4.Ministri me nje rregullore përcakton formën dhe përmbajtjen e formularit sipas paragrafit 1te ketij neni, dhe një listë të dokumenteve bashkëngjitur kërkesës.

Neni 16

Lidhur me Kërkesën nga neni 15 Paragrafi 1 i ketij Ligji, Komisioni do të vendosë brenda 15 ditëve nga data e aplikimit ose brenda 60 ditëve nëse eshte ne procedura të nevojshme për të bërë hetime të tjera shtese per ta leshuar dhe miratuar licencen. .

Neni 17

1.Ministria do të leshoj lejen e kërkuar brenda shtatë ditëve nga data e miratimit nga Komisioni.

2.Në rast Komisioni refuzon të jep pëlqimin për eksportet ose importet e kërkuara, Ministria eshte e obliguar qe brenda shtatë ditëve të njoftojë aplikuesit lidhur me pamundësine per lëshimin e lejeve të eksportit perkatesishte importit.

3.Ministria do të informojnë parashtruesin e kërkeses lidhur me shkaqet për të cilat Komisioni nuk e ka dhënë pëlqimin për eksportin perkatesishte importin e kërkuar, përveç nëse qëndrimi i Komisionit në bazë të informacioneve që janë te ligjshme ose në bazë të kritereve të vendosura nga ligji klasifikohen sipas shkallës se duhur të konfidencialitetit, ose nëse ajo është e mbrojtur nga ligji që rregullon fushën e mbrojtjes së dhënave personale.

Neni 18

1.Te gjitha Lejet dhe dokumentet e tjera të lejuara sipas ketij Ligji nuk jane te transferueshme te

personat tjere.

2.Në rast të sjelljes në kundërshtim me paragrafin 1 te këtij neni, personi ne emer te cilit jane leshuar lejet dhe dokumentat tjera ,i humbe të gjitha të drejtat që jane te parapara sipas ketij Ligj.

Neni 19

1.Në rastin e importit të mallrave për eksport në vendet e treta, aplikanti eshte I obliguar qe me kërkesë të ministrisë, kërkeses për eksport ti ja bashkangjes pëlqimin e autoriteteve kompetente të shtetit të origjinës së mallrave apo vendit nga i cili ai/ajo ka ndërmend të importojë mallra, sipas te cilies jepet miratimi për eksportin e mallrave në shtetet e treta .

2.Në rastin e eksportit të mallrave të importuar më parë, Ministria mund të kërkojë nga aplikuesi kërkesën për miratim të eksportit dhe dorëzimin e ndryshimit te përdoruesit te fundit të mallrave, të lëshuar nga autoriteti kompetent i shtetit nga i cili janë importuar mallrat.

Neni 20

Në rast dyshimi të arsyeshëm në vërtetësinë dhe vlefshmërinë ligjore të dokumentacionit të paraqitur, Ministria me propozimin te Komisionit do tu paraqes të njëjtën autoriteteve kompetente për trajtim të mëtejshëm.

Neni 21

Ministria do të refuzojë kërkesën për leshimin e një licencë për eksport ose import nëse Komisioni konstaton se dhenja e lejeve të kërkuara eshte në kundershtim me politikën e jashtme ose interesat ekonomike të Republikes se Kosoves , dhe bie ndesh me parimet e Kodit të Bashkimit Evropian të sjelljes për eksportin e armëve, dhe në qoftë se:

- Nese me dhënien e licencës rrezikohen obligimet dhe detyrimet nderkombetare te Kosoves
- Nese me dhënien e licences rrezikohen interesat e mbrojtjes dhe sigurise te Republikes se Kosoves.
- Nese është në kundërshtim me strategjinë e sigurisë kombëtare të Republikes se Kosoves ;
- Nese me dhënien e licencave mundesohet shpërthimi dhe vazhdimi I konfliktit të armatosur nga përdoruesi i fundit I ketyre mallrave ;
- Nese me lëshimi e ketyre lejeve per eksportin e ketyre mallrave shkaktohen trazira në shtetin e shfrytezuesit te fundit te ketyre mallrave;
- Nese me dhënien e lejeve per eksport individëve të padëshiruar, në kundërshtim me vullnetin e eksportuesit , ata arrijne në posedimin e mallrave të eksportuara;

-Nese malli per te cilin kerkohet leja eshte ne procedure te hetimit policore apo proceseve gjygjesore;
- Nese aplikacioni nuk eshte I plote me kete rast ,aplikuesi duhet qe brenda 30 ditëve nga data e aplikimit duhet te njoftohet nga Ministria se aplikacioni nuk eshte I plotë.

Neni 22

Me rastin e paraqitjes se kërkesës për lëshimin e liçences së eksportit per në shtetet , te cilat jane në listën e shteteve ndaj te cilave jane aplikuar masat restriktive nga OKB, BE, OSBE-së apo organizatave të tjera ndërkombëtare të cilave masa kufizuese ju ka bashkangjitur edhe Republika së Kosoves ,mund të ju lëshohet leje vetëm për përdorim humanitare, ose për nevoja te paqeruajtësve .

Neni 23

1.Para nenshkrimit të kontratës për blerjen ose shitjen e mallrave për qëllime ushtarake ose mallrave joushtarake qe perdoren ne betejëe dhe sherbejne për qëllime komerciale, subjektet mund të kërkojëne mendimin nga Ministria e se a eshte aktiviteti I ndërmjetësuesit , blerësit, importues dhe përdoruesit të fundit të mallrave në kundërshtim me dispozitat e Neni 21 këtë Ligj.

2.Ministria eshte e obliguar ta informojë personin e interesuar ne **afatin prej 7 ditesh** ?, ndërmjetësin, blerësin, importuesin , përdoruesin e fundit apo një pjesëmarrës te preferuar në punë të lartpërmendura.

Neni 24

Ministria do të lëshojë një vendim mbi thirrjen per nje leje te leshuar , nëse është vertetuar se:

- Nese një ose më shumë nga kushtet nën të cilat është lëshuar leja , nuk ekziston më;
- Nese kjo leje është lëshuar në bazë të të dhënave të pasakta , të paplota, dhe se aplikanti ka qenë në dijeni ose duhet të ketë qenë në dijeni, se informacion i tillë është i pasaktë ose jo I plotë;
- Me kërkesë të personit të cilit i eshte leshuar leja.

Republika e Kosoves nuk është përgjegjës për shpenzimet që janë shkaktuar pales me rastin e leshimit te lejes.

Kundër vendimit nga paragrafi 1 këtij neni nuk mund të apelohet, por ajo mund të jetë një kontest administrativ.

Neni 25

1.Ministria mban një bazë të dhënashper lejet e kerkuara, te leshuara dhe të realizuara si dhe të anulimit te lejeve , hedhjen poshtë te kërkesave për eksportet dhe importet e mallrave dhe shërbimeve sipas nenit 2 te këtij Ligji.

2.Ministria është e obliguar qe deri me 30 Prill të vitit kalendarik , të bëjë një raport vjetor për vitin paraprak mbi eksportet dhe importet e mallrave për qëllime ushtarake dhe mallrave jo ushtarake qe perdoren ne betejëe për qëllime komerciale, dhe t'i dorëzojë Qeverisë së Republikës së Kosoves me një shkallë sekreti.

3.Ministria është e obliguar qe deri me 30 prill të vitit kalendarik , te raportoj sipas paragrafit 2 te këtij neni, dhe ta publikoj ate në Web faqen e internetit të Ministrisë me përjashtim të informacioneve të besueshme qe nuk jan per publikun. ,.

4.Informatat konfidenciale nga paragrafi 3 I këtij neni janë emrat e kompanive, treguesit financiar te kompanive , kerkesat e refuzuara dhe të dhëna të tjera në përputhje me ligjin mbi mbrojtjen të dhënave konfidenciale.

Neni 26

Personat te cilet merren me eksport ose import te mallrave jane te obliguar të:

- Mbajne regjistëra të veçantë per transaksionet e kryera sipas këtij Ligj dhe te ruajn dokumentacionin per keto transaksione, se paku 10 vjet pas përfundimit të eksportit ose importit;
- Respektimin e kushteve sipas të cilave eshte lëshuar licenca, dhe menjëherë të informojë Ministrinë për çdo ndryshim te ndodhur;
- Per çdo ndryshim në të dhënat e një agjenti apo përdoruesi te fundit , të njoftojë me shkrim Ministrinë brenda 10 ditëve nga data e ndryshimit;
-Qe brenda 15 ditëve pas përfundimit të eksportit dhe importit, të informojnë me shkrim Ministrinë per eksportet ose importet e përfunduara te mallrave , dhe të paraqesë dokumentacionin në bazë të të cilave eshte kryer eksporti perkatesishte importi;
- Me kërkesë të Ministrisë të siguroj konfirmimin e pranimit të mallrave;
- Respektimi detyrimeve të tjera që rrjedhin nga leja e dhane sipas ketij Ligji .

Neni 27

Dokumentacioni nga neni 26 paragrafi 4 I ketij ligji duhet të përmbajë dokumentat si në vijim:

- Njoftimi mbi përfundimin e eksportit perkatesishte importit
- Një kopje të licencës, sipas të cilës eshte realizuar eksporti perkatesishte importi i mallrave ;
- Kopja e deklaratës doganore;
- Numrat serik të malrave (armëve,pajisjeve tjera);
- Dokumentacion të tjera,varësit nga lloji i mallrave.

Neni 28

Deklaruesi është I obliguar qe në deklaratën doganore sipas nenit 27 paragrafit 3 te këtij Ligj, të përfshijë informacionet si më poshtë:

- Emrin e plotë dhe adresën e eksportuesit ose importuesit;
- Numrin e licencës per eksport perkateasishte importi, sipas te ciles eshte zhvilluar procedura doganore;
- Emri i mallrave në përputhje me lejen e lejuar te subjektit ;
- Sasin e mallrave të shprehur në njësi e matjes te shënuar ne lejen subjektit ;
- Vlera e mallrave të shprehur në monedhë të përcaktuar në lejen subjektit ;
- Mallrat me emërtimin Tarifore ;
- Shenja ML (lista ushtarake)te renditura sipas Nenit 3 te këtj Ligj, nëse behet fjale per kete lloj të mallrave.

SHËRBIMET

Neni 29

1.Ne ofrimin e shërbimeve sipas këtij Ligji mund të angazhohen persona të regjistruar për kryerjen e aktiviteteve të prodhimit dhe ndërmjetësimit në tregun e brendshëm dhe ndërkombëtar të mallrave të listuara në Nenin 3 te këtij Ligji me vendeqendrim në territorin e Republikes se Kosoves , te rexhistruar ne regjistra te ofruesve te sherbimeve për mallrat per perdorime ushtarake.

2. Regjistrin nga paragrafi 1 I këtij neni e menagjon Ministria.

3.Ministri me rregullore përcakton përmbajtjen dhe mënyra e mbajtjes së shënimeve sipas paragrafit 1te këtij neni.

Neni 30

Regjistrimi në regjistër nga neni 29 Paragrafi 1 këtij Ligji do të bahet në bazë të kërkesës me shkrim të personit te interesuar.

Me kërkesën e personit te interesuar duhet të paraqiten edhe dokumentat si me poshte:

- Një kopje e noterizuar e vendimit të autoriteteve kompetente të aktivitetit të regjistruara;
- Numrin fiscal tatimor të personit;
- Certifikaten nga autoriteti kompetent se aplikuesi I kerkeses apo personi përgjegjës në personin juridik , fizik apo zejtari nuk eshte denuar për një vepër penale dhe nuk është nën hetime;
- Emrin e bankes dhe dokumentin e vertetuar nga banka depozituese e të cilis eshte ;
- Një deklaratë për numrin dhe strukturën e punonjësve;
- Një deklaratë se personi përgjegjës në personin juridik, fizik apo zejtari , pajtohet që ti baj te mundur organit kompetent mbikëqyrës kontrollimin e operacioneve në fushën e ofrimit të shërbimeve;
- Një deklaratë se personi përgjegjës në personin juridik , fizik apo zejtari e autorizon një apo më shumë punëtorë qe ne emer dhe llogari te kompanise te kryejn shërbime ndermjetesimi (brokerimi).

Ministria nxjerr një vendim mbi regjistrimin në regjister sipas nenit 29 Paragrafi 1 te këtij Ligji.

Neni 31

Ministria do të refuzojë regjistrimin në regjistër sipas nenit 29 te këtij Ligji nëse:

- Me dashje ka prezentuar informacione të rreme apo dokumente me elemente falsifikimi;
- Nese gjatë pesë viteve të fundit, aplikuesi ka shkelur rregullat ligjore në lidhje me importin, eksportin apo tranzitit të mallrave per qëllime ushtarak, apo jo ushtarakeqe perdoren ne betejëe dhe ne ofrimin e sherbimeve për mallrat per qëllime ushtarake;
- Nese gjatë pesë viteve të fundit, aplikuesi ka shkelur sanksionet ndërkombëtare;
- Nese kundër aplikuesit eshte kryer nje hetim policore për trajtimin e paligjshëm të mallrave per qëllime ushtarak apo jo ushtarake qe perdoren ne betejë ;
- Nese eshte nisur procedura hetimore apo gjygjesore për shkelje në trajtimin joligjore te

mallrave për qëllime ushtarake ose jo ushtarake qe perdoren ne betejë;
- Nese eshte ngritur aktakuza apo nese personi ka qene I dënuar për trajtimin e paligjshëm të mallrave të qëllimi ushtarak apo jo ushtarake qe perdoren ne betejë;
- ekzistojne edhe shumë raste tjera te aersyeshme .

Neni 32

1.Para fillimit të ofrimit të shërbimeve, personi I regjistruar në regjistër sipas nenin 29 Paragrafi 1 te ketij Ligji eshte I obliguar të kërkojë leje nga Ministria për ofrimin e shërbimeve.

2.Leja sipas paragrafit 1 te këtij neni, e lëshon Ministria, bazuar në pëlqimin e Komisionit, për çdo aktivitet te veqante , ne kohezgjatje maksimale deri në dymbëdhjetë muaj dhe nuk mund të zgjatet.

3.Ministri me rregullore do të përcaktojë formën dhe përmbajtjen e licencave nga paragrafi 1 këtij neni.

4.Paragrafi 1 dhe 2 këtij neni nuk do të zbatohen nëse asistenca teknike eshte dhënë në formën e informacionit që është në ―pronesi publike" apo " mbeshtetje e kërkimeve shkencore" dhe nëse është fjala për ofrimin e shërbimeve për nevojat e Forcave të sigurise se kosoves.

Neni 33

1.Kërkesa për dhënien e licencës për ekzekutimin apo ofrimin e Shërbimeve i parashtrohet Ministrisë në formën e përcaktuar.

2. Ministri me rregullore përcakton formën dhe përmbajtjen e formularit sipas paragrafit 1 këtij neni, dhe një listë të dokumenteve te cilat I bashkëngjiten kërkesës.

Neni 34

Dispozitat e këtij ligji nuk do të zbatohen për ofruesit të cilët, me vendim të FSK-se ose të organeve të tjera qeveritare, veprojne brenda misioneve ushtarake apo humanitare.

Neni 35

Me kërkesën nga neni 33 këtë Ligj, Komisioni do të vendosë brenda 15 ditëve siç eshte parashtruar kerkesa , perkatesishte 60 ditë, në qoftë se procedura per lëshimin e lejeve të nevojshme nevojiten verifikime shtese. .

Neni 36

1.Ministria eshe e obliguar te leshoj lejen e kërkuar për ofrimin e shërbimeve brenda shtatë ditëve nga data e marrjes së pëlqimit të Komisionit.

2.Në rast se Komisioni refuzon miratimin e lejes për ofrimin e shërbimeve, Ministria eshte e obliguar qe brenda shtatë ditëve të informojnë parashtruesin e kërkueses me arsyetimin për refuzimin nga ana e komisionit per mos dhenjen e pëlqimit për ofrimin e shërbimeve.

3.Ministria nuk do të informojnë kërkuesin e licences për shkaqet qe Komisioni nuk I ka dhënë pëlqimin për ofrimin e shërbimeve, në qoftë se eshte qëndrim i Komisionit në bazë të informacioneve që janë ligjërisht ose në bazë të kritereve të vendosura nga ligji qe klasifikohen ne shkallën e duhur të konfidencialitetit, ose nëse ato jane te mbrojtura nga ligji që rregullon fushën e mbrojtjes së të dhënave personale.

Neni 37

Ministria do të refuzojë kërkesën për licencë për ofrimin e shërbimeve nga neni 2 i këtij Ligji , nëse Komisioni nga neni 6 Paragrafi 2 I këtij Ligji , verteton se me dhënija e lejes së kërkuar eshte ne kundershtim me politikën e jashtme ose me interesat ekonomike të Republikes se Kosoves dhe bie ndesh me parimet dhe Kodin e sjelljes së Bashkimit Evropian për eksportin e armëve, nëse:

- Me dhënien e licencës rrezikohet permbushja e detyrimeve ndërkombëtare te Republikes se Kosoves;
- Me lëshimin e lejes rrezikohen interesat e mbrojtjes dhe sigurise kombetare te Republikes se Kosoves ;
- Leja është në kundërshtim me strategjinë e sigurisë kombëtare të Kosoves;
- Lëshimi i lejeve nxit shpërthimin apo vazhdimin e konfliktit të armatosur në përdorimin e shtetit si shfrytezues I fundit te ketyre mallrave;
- Lëshimi i lejeve shkakton trazira në përdorimin nga shteti si shfrytezuaes përfundimtar I ketyre mallrave;
- Me dhënien e lejes u mundeson personave te padëshiruar qe në kundërshtim me vullnetin e eksportuesit , ata arrijne ne posedimin e mallrave të eksportuara;
- Vertetohet se mallrat për të cilat kërkohet leje jane object I hetimeve policore ose konteste gjyqësore;
- Aplikuesi I kerkeses ne afatin prej 15 ditëve nga data e njoftimit të marrë nga Ministria nuk i ploteson shtesat nga aplikacioni i paplotë.

Neni 38

Personi qe ushtron aktivitet biznesi ne kryerjen dhe ofrimin e shërbimeve për mallrat per qëllime ushtarak duhet të:

- Mbaje regjistrat mbi sherbimet e kryera në përputhje me dispozitat e këtij Ligji;
- Respektoj kushtet sipas nenit 32 këtij ligji ne baze te cilit I është lëshuar leja ;
- Ne afatin prej 15 ditësh nga aktivitetet e kryera për ofrimin e shërbimeve ose pas skadimit të afatit te vlefshmërisë së licencave nga neni 32 këtë Ligj, të njoftojë me shkrim Ministrinë për veprimet e marra,per rrjedhat ne baze te licencës;
- Ti ruan të gjitha dokumentet dhe informatat në lidhje me këtë shërbim, të paktën 10 vite nga përfundimi I sherbimeve ;
- Respektojë dispozitat e tjera që rrjedhin nga leja dhe këtë Ligj.

Neni 39

Ministria me ane te vendimit anulon lejimin nga neni 30 Paragrafi 3 I ketij Ligj, nëse:

- Verifikohen fakte të reja, për të cilat pot e kishte pasur njohuri me rastin e regjistrimit në regjistër sipas nenit 29 te këtij Ligji , nuk do të ishte e mundur që personat ne fjale të regjistrohen në kete regjistër;
- Personi përgjegjës I personit juridik ose zejtari të jete dënuar për vepra penale kundër pasurisë, apo ndaj tije eshte marrë, ose vazhdojne masat e sigurisë që ndalojnë zhvillimin e aktivitetit te biznesit që ka te mbuluar pjesërisht ose plotësisht subjektin biznesit të tij nga kjo fushe;
- Personi nuk vepronë në përputhje me dispozitat e këtij Ligji ;
- Personi shkele sanksionet ndërkombëtare;
- Personi apo personat përgjegjës në personin juridik ose zejtari , te cilet jane dënuar për trajtim te paligjshëm të mallrave per qëllime ushtarake apo jo ushtarake qe perdoren ne betejëe. ;
- Personi pushon të përmbushu kushtet mbi të cilat eshte lëshuar vendimi ,
- Personi nderprene maredhënien e punës;
- Me kërkesë të personit të regjistruar në regjistër.

--

MBIKËQYRJA

Neni 40

1. Mbikëqyrjen dhe zbatimin e detyrimeve që rrjedhin nga ky Ligj, e ushtron organi qe ka lëshuar licencën dhe ne bashkepunim me organet e tjera të përfshira në procesin e licencimit, dhe organeve të tjera shtetërore në përputhje me përgjegjësitë e tyre.

2. Zbatimin e mbikqyrjes sipas këtij ligji përfshin një mbikqyrje para, gjatë dhe pas lëshimit të lejeve.

3. Rezultatet e zbatimit te monitorimin e kryer sipas një raporti me shkrim I dorëzohet Ministrit përgjegjës te mbrojtjes.

4. Në rast të parregullsive, ministri do ti njoftoj organet tjera shtetërore kompetente për veprime të mëtejshme.

Neni 41

Gjatë monitorimit te zbatimit , organet e mbikëqyrjes nga neni 39 Paragrafi 1 I këtij Ligj mund të:

- Të kërkojë informacion te nevojshem nga aplikuesi për zbatimin e mbikqyrjes;
- Kërkon informacione nga agjencitë tjera qeveritare dhe shërbimet tjera te nevojshme për kryerjen e mbikqyrjes ;
- Kerkon ndihmen nga autoritetet kompetente të vendeve të tjera, për të mbledhur informacione shtesë, të nevojshme për të kryer mbikqyrjen ;
- Të mbikëqyrin përputhshmërinë nga detyrimet që rrjedhin ne baze te kesaj leje;
- Mbikëqyrin përdoruesit fundit të mallrave.

Organet Mbikëqyrës janë të detyruar të ju permbahen dispozitave te ketij ligji lidhur me fshehtësit zyrtare, sekretet tregtare dhe prodhuese, dhe personat që janë objekt i monitorimit.

Neni 42

Për qëllime të kryerjes së detyrave të përcaktuara sipas keti ligji ,Ministria ne kuader te kompetencave te saja bashkepunon me organet e tjera qeveritare dhe agjencit e sigurisë, dhe organizatat tjera ndërkombëtare dhe autoritetet kompetente të vendeve të tjera, të cilat në përputhje me angazhimet e marra nga Kosova te ju dorëzoj informacionin e duhur.

Neni 43

1. Ministria është e obliguar të marrë pjesë në shkëmbimin e informacioneve mbi aktivitetet e eksportit dhe importit me Shtetet e tjera anëtare të BE, duke përfshirë edhe shërbimet.

2. Pjesëmarrja përfshin shkëmbimin e informacionit për ofruesit e shërbimeve të regjistruar dhe aktivitetet e tyre dhe shkëmbimin në fushën e legjislacionit.

PJESA E DYTE

EKSPORTI I MALLRAVE PER PERDORIM TE DYFISHTE

Neni 44

1. Mallrat me përdorim te dyfishte mund të eksportohet vetëm në kuadrin e një licence për eksport të lëshuar nga Ministria e tregtise dhe industries..
licenca për eksport është e nevojshme për eksportin e mallrave qe nuk jane të listuara në në Nenin 4 te ketij Ligj, por qe Ministria me kohe i ka informuar eksportuesit :

-2.Mallrat që mund të jene , në tërësi ose pjeserishte , te përdorur për zhvillimin, prodhimin, menaxhimin, operimin, mirëmbajtjen , magazinimin, zbulimin, identifikimin ose përhapjeen e armeve kimiske, biologjike apo bërthamore ose për zhvillimin, prodhimin, mirëmbajtjen dhe ruajtjen e raketave të cilat janë në gjendje për të transportuar arme kimike, biologjike apo bërthamore .

3. Per Mallrat qe jane destinuara apo furnizuara nga nje vend I cili eshte nen sanksionet e Këshilli i Sigurimit i OKB-së, apo Organizatës për Siguri dhe Bashkëpunim në Evropë (OSBE) ose Bashkimit Evropian,

-4. Per Mallrat që pjeserishte apo plotesishte mund të përdoren per qëllime ushtarake.
5. Nëse një eksportues i di ose duhet ta dijë se synonë që të eksportojë mallra jo të listuara sipas nenit 4 te këtij Ligj, dhe ka kerkuar qe në tërësi ose pjesërisht për ndonjë qëllim të lartë në paragrafin 2 te këtij neni duhet të njoftojë Ministrinë që do të vendosë nëse do të kerkohet licenca për eksport.

Neni 45

1. Kërkesa për lëshimin e liçencave të eksportit do të dorëzohet në autoritetin e Ministrise se Tregtise dhe Industrise. .

2. Formën dhe përmbajtjen e formularit per aplikim për lëshimin e lejeve të eksportit, si dhe një listë të dokumenteve qe duhet ti bashkëngjitet kërkesës, e siguron struktura pergjegjese prane Ministrise se tregtise dhe industries. .

Neni 46

1. Ministria e lëshon një licencë eksporti në bazë të propozimeve nga Komisioni.

2. Anetaret e Komisionit emërohen nga kryeministri, me propozim te Ministrave te linjes.

Komisioni duhet te jete ne perberje : nga nje përfaqësues të ministrive per punët e jashtme, të punëve të brendshme, FSK-s , të doganave , dhe në varësi të përdoruesit te fundit dhe llojin e mallrave dhe përfaqësuesit e trupave të tjera per mallra specifike .

propozimet në paragrafin 1 këtij neni, Komisioni jep një mendim professional për Ministrinë ,lidhur me shenjat dhe klasifikimin të mallrave të përdorimit të dyfishtë.

Punet profesionale dhe administrative për Komisionin I kryen Ministria e tregtise dhe industries..
Komisioni nxjerr rregulloren e punës së tij.

Neni 47

1. Ministria e lëshon licencë eksporti për secilin eksport te veqant.

2. Pavarësisht nga paragrafi 1i këtij neni, Ministria mund të lëshojë një licencë te përgjithshme eksportuese për eksportin e mallrave të njëjtë, për një ose më shumë shtete, duke marrë parasysh llojin e-mallrave me përdorim të dyfishtë, llojin dhe afatin –transaksioneve te eksportit dhe shtetit në të cilin mallrat eksportohen.

3. Leja sipas paragrafit 2 këtij neni, do të lëshohet me një vlefshmëri deri në një vit, dhe me kërkesë të eksportuesit, ajo mund të shtyhet për gjashtë muaj të tjerë.

Neni 48

1.Kërkesën për lëshimin e licencave të eksportit Ministria të vendosë brenda 60 ditëve nga dita e aplikimit , ose brenda 90 ditëve nëse procedura e lëshimit të lejeve të nevojshme për të bërë hetime shtesë.

2. Procedura e lëshimit të licencës për eksport nga Ministria dhe Komisioni nga neni 46 I këtij Ligji, do të marrë parasysh politikën e jashtme,te sigurisë, mbrojtjes dhe interesat ekonomike të Kosoves , si dhe detyrimet e zotuara ndërkombëtare.

Neni 49

1.Ministria do të refuzojë një licencë eksporti nëse ajo konstaton se eksporti mallrave me përdorim të dyfishtë:

- Rrezikon kryerjen e detyrimeve ndërkombëtare të Republikes se Kosoves,
- Rrezikon sigurinë ose interesat e mbrojtjes së Kosoves ose është në kundërshtim me strategjinë e sigurisë kombëtare
- Në kundershtim me politikën e jashtme ose interes ekonomik Kosoves,
-Qe mundëson shpërthimin dhe vazhdimin e konfliktit të armatosur dhe përdorimin përfundimtar të mallrave me perdorim te dyfishte ,
- Lejon përdorimin e mallrave për të nxitur trazira përdorimin përfundimtar të mallrave ne shtetin tjeter .

2. Ministria refuzonë kerkesen per dhënien e licencës per eksport në qoftë se mallrat nuk përputhen me të dhënat e shënuar në kërkesë, dhe eksportuesi ose prodhuesi në kërkesën e Ministrisë nuk lejojnë inspektimin e mallrave apo dokumenteve qe nderlidhen me mallrat ne fjale. .

3.Ministria refuzonë dhënien e licences për eksport për mallrat qe nuk jane listuara sipas Nenit 4 te këtj Ligji, në mënyrë që kane te bajne me sigurinë publike dhe të drejtat e njeriut.

Neni 50

1. Nëse shteti eksportues I mallrave me përdorim te dyfishte kërkesën për të eksportuar mallrat e importit dhe certifikatën e autoriteteve kompetente të Republikës së Kosoves . vërtetimin per mallrat me përdorim të dyfishtë-të e leshon Ministria e tregtise dhe industries. .

2.Forma dhe përmbajtja e kërkesave për certifikatave të importit, dhe dëshmi duhet t'i bashkëngjiten aplikimit të përcaktuara nga Ministria.

Neni 51

1.Ministria mund të nxjerrë një vendim për pezullimin e lejeve të eksportit të lëshuara, nëse ajo konstaton se:

- Nese një apo më shumë kushte në bazë të të cilit është lëshuar leja e eksportit nuk ekzistojn më,
- Eksportuesi nuk I permbahet kushteve ne harmoni me lejen e eksportit.

2.Ministria mund të revokojë një licencë eksporti nëse ajo konstaton se leja është lëshuar në bazë të të dhënave të pasakta ose të paplota, nese aplikanti qenë në dijeni ose duhet të ishte I njoftuar se të dhënat nuk jane te plota ose jane te pasaktë.

3. Kunder nje vendimi në bazë të nenit 48 dhe 49 te këtij Ligji dhe paragrafit 1 dhe 2 te këtij neni nuk mund të apelohet, por ajo mund të ngritet ne një kontest administrativ.

Neni 52

Dokumentacion lidhur me eksportin e mallrave përdorim te dyfishte duhet të përmbajë informacionet si më poshte për identifikimin e mallrave:

Përshkrimi i mallrave mbi bazën e qartë te klasifikimit te mallrave sipas rregullave në Nenin 4 te këtij Ligji apo nomenklatura e tarifave doganore,
- Sasia e mallrave sipas njësive te matjes dhe pesha neto e mallrave,
- Emrin e plotë dhe adresën e eksportuesit dhe informatat tjera relevante nga regjistri gjyqësor,
- Emrin e plotë dhe adresën e marrësit të mallrave,
- destinimin për përdorim të fundit, dhe emrin e plotë dhe adresën e perdoruesit te fundit te

ketyre mallrave .

Dokumentacioni sipas paragrafit 1 këtij neni (urdhrat, faturat, kontratat, fletedergesat, faturat , itinerarin , itinerarin detare ,fletengarkesat detare ose dokumentacion tjeter te nevojshem) eksportuesi duhet ti ruaj minimum pesë viteve nga fundi i vitit kalendarik në të cilin është bërë eksporti I mallrave me përdorim të dyfishtë.

Ministria mund të përshkruaj informacione të tjera që duhet të përmbajën dokumentacion nga paragrafi 1 këtij neni.

Neni 53

1.Exportuesi është I detyruar qe brenda pesë ditëve nga eksporti I mallrave me perdorim të dyfishtë të informojë Ministrinë për eksportet, dhe të njoftoj per numrin e licencës për eksport, sipas të ciles eksport bërë.

2.Në qoftë se, pas lëshimit të licencave të eksportit vjene deri te ndonjë ndryshim te partnerëve te biznesit, me qellim te ndryshimit te perdorimit përfundimtarë, etj, eksportuesi duhet të njoftojë Ministrine me shkrim brenda pesë ditëve nga dita e shfaqjes ose njoftimit per ndryshimet e ndodhura .

Neni 54

1.Ministria mbane evidencen e licencave të lëshuara per eksport dhe të dhënat per eksportet të kryera në baze te ketyre lejeve, poashtu mbledh dhe përpunon të dhënat lidhur me zbatimin e eksportit te mallrave me përdorimte dyfishte.

2. Për qëllime të kryerjes së detyrave të përcaktuara në këtë Ligj, Ministria, brenda kompetencave të saj, do të bashkëpunojnë me organizatat ndërkombëtare dhe autoritetet kompetente të shteteve të tjera, dhe ju shperndane informacionet e duhura në përputhje me angazhimet e Republikes se Kosoves.

Neni 55

1.Kontrollin mbi eksportin e mallrave me përdorim te dyfishte dhe vlerësimin e konformitetit të mallrave me leje eksporti kryhet nga sherbimi doganore i Kosoves.

2. Në procesin e lëshimit të lejeve të eksportit dhe pas leshimit te ketyre lëshimin e lejeve të eksportit ,ministria perkatesisht autoriteti pergjgjes per kontrol, mund të bëje inspektimin e eksportuesit dhe prodhuesit te mallrave me përdorim të dyfishtë dhe dokumentacioni lidhur me keto mallra.

3.Në procesin e shiqimit te mallrave me perdorim te dyfishte Ministria mund të kërkojë ndihmë me ekspertë nga komisioni sipas paragrafit 1 te ketij neni ,në mënyrë që të vlerësojë përputhjen e mallrave me informatat e specifikuara në kërkesë.

4. Nëse sherbimi Doganor i kosoves në zbatimin e paragrafit 1 këtë artikull konstaton se jane shkelur dispozitat e këtij ligji , do tëmerr vendim per afatin e zgjidhjes se ketyre parregullsive parregullsive te cilat duhet të eliminohen

Neni 56

1.Sherbimi doganore I kosoves mbikëqyr realizimin e eksportit të mallrave me përdorim te dyfishte e cila eshte realizuar në bazë të licencave të eksportit të lëshuara në përputhje me këtë Ligj, dhe per rezultatet e tij në një raport me shkrim per çdo periudhe gjashtemujore e njofton ministrine.

2.Mbi format e tjera të eksportit dhe kriteret sipas ketij ligji strukturat pergjegjese të qeverisë I kryejn vrojtimet lidhur me eksportin e mallrave me perdorim te dyfishte brenda pergjegjesive te saj.

DISPOZITAT NDËSHKIMORE PER EKSPORTIN E MALLRAVE USHTARAKE DHE ATYRE ME PERDORIM TE DYFISHTE

Neni 57

1. Me Burg nga një gjer në pesë vjet, denohet personi për të cilin organet gjyqësore te Republikes se Kosoves kane fakte se personi pergjegjes ka eksportuar mallrat e listuara sipas Nenit 4 te këtij Ligj pa leje ose ka fallsifikuar çertifikatat e përdoruesit te fundit , dhe personi i cili ka vepruar në kundërshtim me kete Ligj, në atë masë që mund të rrezikoj :

- Ekzekutimin e detyrimeve ndërkombëtare te Kosoves , ka thyer sankcionet
- Interesat e politikës së jashtme të Republikës se kosoves .

2. Nëse vepra penale nga paragrafi 1 I këtij neni shkakton vdekjen e disa personave, ose shkaktohet dëmtim i pronës ne shkallë të larte , kryesit do të dënohet me burgim prej së paku pesë vjet.

3. Me te njëjtin dënim do të denohet edhe personi fizik - një individ i cili kryen detyra sipas ketij Ligji , pa lejen e Ministrisë, përveç nese lejohet me ndonji ligj tjetër.

DISPOZITAT KUNDERVAJTESE

Neni 58

1.Me gjobë në shumë prej 15000 € deri ne 30 000 € do të denohet per kundervajtje personi juridik nese tenton te eksportoj ose ka eksportuar mallrat e listuara sipas Nenit 3 këtij ligji, pa licencë,ose dhe nëse mallrat e eksportuar ose ne baze te lejeve te lëshuara në bazë të të dhënave të pasakta ose të paplota.

2. Me gjobë në shumë prej 3000 deri ne 9000 € do te denohen per kundervajtje sipas paragrafit 1 te këtij neni, personi përgjegjës në personin juridik.

3. Me Gjobë në shumë prej 7500deri ne 15000 € do te denohet per kundervajtje person juridik, nëse është e vertetuar se ka pas tentativë për te eksportuar mallrat ose ka eksportuar mallrat të listuara sipas Nenit 4 te këtij ligji, pa licencë, dhe nëse mallrat jane eksportuar ne baze te lejes se lëshuara në bazë të të dhënave të pasakta ose të paplota.

4. Për kundervajtje të paragrafit 1 te këtij neni, Krahas denimit me para mund të vendosen masat mbrojtëse që ndalojnë ushtrimin e aktiviteteve të eksporteve dhe importeve të mallrave për qëllime ushtarake dhe mallrave jo ushtarake qe perdoren ne betejë për qëllime komerciale për të paktën tre muaj dhe gjatë një viti.

Neni 59

Gjobë në shumë prej 7500 deri ne 15000€ do të denohe një person juridik apofizik në rast të shkeljeve të dispozitave të nenit 13 Paragrafi 1, neni 26 Paragrafi 1 nën 4 dhe 6, neni 28 dhe neni 38 Paragrafi 1 nën paragrafi 5 I këtij Ligji .

Neni 60

Gjobë në shumë prej 3500 deri ne 7000 € do të denohet personi përgjegjës në personin juridik, nëse vepron në kundërshtim me dispozitat e Nenit 26 dhe Nenit 38 te këtij Ligji .

Neni 61

Gjobë në shumë prej 1500 deri ne 15000 € do të jenë të denohet për kundervajtje personi juridik , fizik ose një zejtar, nëse:

- vepron në kundërshtim me dispozitat e nenit 18 te ketij Ligji ;
- vepron në kundërshtim me dispozitat e nenit 26 nënparagrafi 1, 2, 3 dhe 5 te këtij Ligji;
- vepron në kundërshtim me dispozitat e nenit 27 te ketij Ligji
- vepron në kundërshtim me dispozitat e nenit 38 nënparagrafi 1, 2, 3 dhe 4 të këtij Ligji .

Neni 62

Me gjobë në shumë prej 1500 deri ne 15 000 € do të jenë të denohet per kundervajtje personi juridik apo fizik nëse:

- veprimet në kundërshtim me dispozitat e nenit 11te këtij Ligji ,
- ka bere shkelje te nenit 24 Paragrafi 1 Nënparagrafi 2 te ketij Ligji ,
- vepron në kundërshtim me dispozitat e nenit 29 te ketij Ligji ,

DISPOZITAT NDËSHKIMORE

Neni 63

(1) Një gjobë në një shumë prej deri në 250% ne vleres të eksportit të biznesit, por jo më pak se 7500 euro , do të denohen personat juridik , fizik dhe zejtaret nëse:

- Eksportojne mallra me përdorim te dyfishte pa një leje eksporti

-Nese nuk e informon Ministrinë se bahet fjale per mallrat me perdorim te dyfishte

- Nese nuk të informone Ministrinë për ndryshimin në lidhje me përdorimin e parashikuar përfundimtar te mallrave me përdorim të dyfishtë që ka ndodhur pas leshimit te licencave eksportit per mjallrat me perdorim te dyfishte.

Një gjobë në shumën e 50% të vleres se eksportit , por jo më pak e 3000 euro do të denohen në bazë të paragrafit 1 këtij neni, personi përgjegjës i personit juridik.

Një gjobë në shumë prej 1500 DERI 3000 EURO do të denohet per kundervajtje në bazë të paragrafit 1 këtij neni, çdo person tjetër fizik.

Për një vepër nga paragrafi 1 Nënparagrafi 1 këtij neni, bashk pe gjoben mund të vendosen masat mbrojtëse që ndalojnë ushtrimin e aktiviteteve të eksporteve të mallrave me përdorim të dyfishtë që zgjasin të paktën gjashtë muaj deri ne një viti.

Neni 64
(1) Një gjobë në shumë prej 7500 € deri 15000 € do të caktohet për personat juridik dhe fizik dhe zejtaret nëse:

- Veprojn në kundërshtim me dispozitat e këtij Ligj,

- Nese nuk e informojn Ministrinë, apo nuk e njofton me kohe lidhur me kryerjen eksportit te mallrave me përdorim të dyfishtë .

Një gjobë në shumë prej 1500 deri 3000 € do të caktohet per shkeljet ne baze të paragrafit 1 këtij neni, per personin përgjegjës të personin juridik.

Një gjobë në shumë prej 3000 deri 75000 € do të caktohet per shkeljet ne bazë të paragrafit 1 këtij neni, edhe per çdo person tjetër fizik.

DISPOZITAT PËRFUNDIMTARE PER EKSPORTIN E MALLRAVE PE PERDORIM TE DYFISHTE

Neni 65
listat sipas nenit 4 te këtij ligji do ti nxjerre qeveria dhe do të i miratojë brenda gjashtë muajve nga data e hyrjes në fuqi të këtij ligji

Neni 66
Rregulloret tjera sipas këtij Ligji Ministria do ti nxjerre brenda tre muajve nga data e hyrjes

në fuqi të këtij ligji.

DISPOZITAT KALIMTARE DHE PËRFUNDIMTARE

Neni 67

Të drejtat që dalin nga aktet tjera te veçanta, të cilat janë miratuar nga autoritetet kompetente në lidhje me eksportet dhe importet e mallrave për qëllime ushtarake dhe jo ushtarake qe perdoren ne betejë për qëllime komerciale, dhe nuk janë përdorur plotësisht deri në fillim të zbatimit të këtij ligji mund të përdoren për të vendosur sipas ketij ligji. .

Neni 68

Listen sipas nenit 4 te këtij Ligji , Qeveria do të miratojë brenda 90 ditëve nga data e hyrjes në fuqi të këtij ligji

Neni 69

Rregulloret tjera te përmendura në kët Ligji , Ministri do të nxjerrë brenda 60 ditëve nga hyrja në fuqi të këtij ligji

Neni 70

Ky ligj do të publikohet në Gazetën Zyrtare dhe do të hyjë në fuqi më 1 shtatore te vitit 2010 . me përjashtim të dispozitave të nenit 43 te këtij Ligji që hyn në fuqi në ditën e pranimit të kosoves në Bashkimin Evropian.

Task 3. Legal Opinion – Registration of Assets of Kosovo in Diplomatic and Consular Missions

Dt. 30/10/2009

Legal Opinion

Registration of the Assets of the Government of Kosovo in Diplomatic and Consular Missions

According to Article 3, paragraph 3 of the Administrative Instruction on Management and Registration of Government Property, Permanent Secretary of the Ministry or Executive Chief of the Agency shall establish the Commission for Registration and Valuation of Property (hereinafter the Commission) in accordance with Article 4 of this Administrative Instruction.

The Commission is an *ad hoc* and flexible body supported by Department of General Administration of Budgetary Organization (Article 4.1). Article 4.3 sets out three elements that characterize the: 1. shall have not less than three members; 2. reflects the nature and diversity of the property to be evaluated and 3. shall be comprised only by employees of budgetary organization.

Legally, nothing impedes Commission to require from Diplomatic and Consular Missions the list of their assets in order to evaluate them as required by Administrative Instruction on Management and Registration of Government Property (No. 2005/11).

Conclusion

Permanent Secretary shall come up with Decision based on UNMIK REGULATION 2001/19 (as amended) and RULES OF PROCEDURE OF GOVERNMENT (1/2007) that asks from each Mission overseas to send the list of assets or anything related with registration of assets back to MFA, respectively to Commission.

Ivan Abrams & Ardian Kryeziu

Dt. 30/10/2009

Mendim Ligjor

Regjistrimi i Aseteve se Qeverise se Kosoves ne Misionet Diplomatike dhe Konsullore

Sipas Nenit 3, paragrafit 3 i Udhezimit Administrativ per Menaxhimin dhe Regjistrimin e Pasurise se Qeverise, Sekretari i Perhershem ose Kryeshefi themelojne Komisionin per Regjistrimin dhe Vleresimin e Pasurise (ketej e tutje Komisioni) ne pajtim me Nenin 4 te ketij Udhezimi Administrativ.

Komisioni eshte nje trup *ad hoc* dhe fleksibil mbeshtetur nga Departamenti Administrates se Organizates Buxhetore (Neni 4.1). Neni 4.3 parasheh tri elemente e karakterozojne: 1. Nuk do te kete me pak se tre anetare; 2. Reflekton natyren dhe diverzitetin e pasurise qe vleresohet dhe 3. Perbehet vetem nga punetoret e organizates buxhetore.

Ligjerisht, asgje se pengon Komisionin qe ti kerkoj Misioneve Diplomatike dhe Konsullore listen e aseteve qe ti vleresoj ato sic kerkohet nga Udhezimi Administrativ per Menaxhimin dhe Regjistrimin e Pasurise se Qeverise (No. 2005/11).

Konkluzion

Sekretari Permanent mund te nxjerre nje Vendim bazuar ne Rregulloren e UNMIK-ut 2001/19 (amenduar) dhe Rregulloren e Punes se Qeverise (2007/1) qe u kerkon Misioneve jashte tu dergoj listen e aseteve apo cdo gje ne lidhje me regjistrimin e aseteve Ministrise, repsektivisht Komisionit.

Ivan Abrams & Ardian Kryeziu

Trainings, Training Modules and Training Plans

Task 1.1 Training Modules Delivered by KMFAS

Training Delivered by KMFAS for MFA December 2008 – December 2009 (last updated January 2010)			
Time/Date	**Topic**	**Organization/Speaker**	**Participants MFA Male/Female**
December 2008			
Dec. 18	The Transition in Foreign Relations for the New U.S. Administration	Al La Porta	21/4
January 2009			
Jan. 22	What is Diplomacy?	Al La Porta	18/6
Jan. 29	Organizing for Diplomacy: The Functions of Ministries and Embassies	Al La Porta	15/7
February 2009			
Feb. 5	Public Affairs and Public Diplomacy: What is the Difference?	Craig Stromme	16/6
Feb. 12	The Consular Function	Rob Callard	12/3
Feb. 19	Diplomatic Careers	Al La Porta	12/5
Feb. 26	Families and the Foreign Service	Al La Porta	6/2
March 2009			
Mar. 5	Multilateral vs. Bilateral Diplomacy	Al La Porta	8/2
Mar. 12	Two Views of the Future: "Connectedness" and "Who are the Future Great Powers"?	Al La Porta	9/2
Mar. 25	What is International Law?	Ivan Abrams	15/6
April 2009			
April 6	Diplomatic Negotiations	Dan Santos/Luan Bicaj	10/4
April 22	State Department Organization	Dan Santos	12/4
April 23	What is Economic Diplomacy?	Dan Santos	15/6
April 23	Diplomatic Writing	Dan Santos/Luan Bicaj	10/3
April 30	Training Needs Assessment	Luan Bicaj	10/3
May 2009			
May 7	Process of Treaties	Ardian Kryeziu	10/3
May 10	Foreign Service Lessons Learned	Luan Bicaj	10/3
May 17	Diplomatic Protocol	Dan Santos	12/4
May 18	Kosovo Protocol Law	Ardian Kryeziu	10/3
May 25	Diplomatic Writing	Luan Bicaj	10/3

Time/Date	Topic	Organization/Speaker	Participants MFA Male/Female
June 2009			
June 3	Diplomatic Writing	Dan Santos/Luan Bicaj	14/4
June 10	Diplomatic Leadership	Dan Santos/Luan Bicaj	14/4
June 17	Diplomatic Writing	Dan Santos/Luan Bicaj	12/3
June 24	Diplomatic Writing	Dan Santos/Luan Bicaj	12/3
June 30	Diplomatic Crisis Management	Dan Santos/Luan Bicaj	10/2
July 2009			
July 10	Leadership, Crisis Management, Change	Dan Santos/Luan Bicaj	14/4
July 15	Diplomatic Writing	Dan Santos/Luan Bicaj	12/3
July 17	New MFA Documentation Process	Dan Santos/Luan Bicaj	12/3
July 22	Diplomatic Writing	Dan Santos/Luan Bicaj	10/2
July 24	New MFA Documentation Process	Dan Santos/Luan Bicaj	
August 2009			
Aug. 12	Diplomatic Writing	Dan Santos/Luan Bicaj	14/4
Aug. 14	New MFA Documentation Process	Dan Santos/Luan Bicaj	14/4
Aug. 19	Diplomatic Writing	Dan Santos/Luan Bicaj	12/3
Aug. 21	Diplomatic Writing	Dan Santos/Luan Bicaj	12/3
Aug. 26	Diplomatic Writing	Dan Santos/Luan Bicaj	10/2
Aug. 28	Diplomatic Writing	Dan Santos/Luan Bicaj	10/2
September 2009			
Sept. 12	Diplomatic Writing	Dan Santos/Luan Bicaj	8/4
Sept. 20	New MFA Documentation Process	Dan Santos/Luan Bicaj	10/2
Sept. 28	Diplomatic Writing	Dan Santos/Luan Bicaj	8/4
October 2009			
Oct. 9	Leadership and Crisis Management	Dan Santos/Luan Bicaj	45/10
Oct. 9	Emergency Action Plan	Luan Bicaj	45/10
Oct. 9	Ethics Code	Ivan Abrams/Ardian Kryeziu	45/10
Oct. 12	US Foreign Service	Jim Derham	45/10
Oct. 15	Diplomatic Notes	Dan Santos	45/10
Oct. 16	Privileges and Immunities	Jim Derham	45/10
Oct. 21	Foreign Service Qualities	Dan Santos/Luan Bicaj	45/10
Oct. 26	Strategic Planning	Luan Bicaj	45/10
Oct. 18-27	Consular Service	Joleen Sweitzer	45/10
Oct. 26	Mission Management	Dan Santos/Luan Bicaj	45/10
November 2009			
16-20 November	Leadership and Crisis Management	Dan Santos	45/10
16-20 November	Consular Service US Foreign Service	Jim Derham	45/10
16-20 November	Diplomatic Negotiation	Dan Santos	45/10

Task 1.1 Check List for Training of Diplomatic and Consular Officers

CHECK LIST FOR TRAINING OF DIPLOMATIC AND CONSULAR OFFICERS OF KOSOVO

1 OCTOBER, 2009

- **Confirmation of Speakers**
  - MFA
    - Prof. Zejnullah Gruda, Prof. Enver Hasani, Prof. Bekim Sejdiu, Other
    - MFA Staff
    - Ministry of Internal Affairs
    - Ministry of Justice
    - Police of Kosovo
    - Border Police
    - National Security Council
    - Kosovo Intelligence Agency
    - Airport
    - Embassy of Albania in Kosovo
  - **KMFAS**
    - U.S. Embassy in Kosovo
    - Swiss Embassy in Kosovo
    - Booz Allen (Investment Promotion)
      - ECIKS, Chamber of Commerce, Alliance of Businesses
    - IOM
    - ICO
    - KFOR
    - Kosovo Security Force Ministry
    - Kosovo Security Force
    - Embassy of Germany in Kosovo
    - Belgian Embassy in Kosovo?
    - Croatian Embassy in Kosovo?
    - Other EU Embassy?
- **Confirmation of Manuals, Materials, Handouts, Presentations**
- **Venue Preparation**
  - Coordinator for Venue / Support Staff
  - Direction Labels

    - Speaker Table/Name Tags/Flowers
    - Projector/Laptop
    - Microphones
    - Translation Equipment
    - Food/Drinks
    - Materials / Manuals rapped in a Folder
    - Participant List / Entrance
    - Buses for participants
- **Rehearsal**
    - Checking the Venue
    - Invite speakers to check the venue
    - Check the equipment, projectors, laptops, microphones
    - Check Direction Labels
    - Check coordinators

Task 1.2 Training plan for new diplomatic and consular officers

Diplomatic and Consular Officer Training

Draft Updated: October 22, 2009

17:00

The training for Diplomatic and Consular Officers of Kosovo of about 60 participants is planned to begin on October 2009.
The purpose of the training is to enhance skills of the new Foreign Service members, in order to be able to serve in their respective diplomatic and consular missions.
The presenters in the training shall include Kosovo government officials, representatives of Foreign Embassies and Consulates in Kosovo, international and local experts.
The program shall be composed of five parts:

- **New Employee Training (Week 1-2)**
- **Diplomatic and Consular Officer Training (Week 3)**
- **Diplomatic Officer Training (Week 4)**
- **Consular Officer Training (Week 4)**
- **Practice at MFA (Week 5)**

New Employee Training shall focus on general information about the MFA and Foreign Service.
This training is scheduled for **Week 1-2** is for the whole group.
Diplomatic and Consular Officer Training will continue on **Week 3**, where the entire group will be on consular practice.
Diplomatic Officer Training is planned to begin on **Week 4**.
Consular Officer Training is planned for **Week 4**.

Week 5 participants will visit MFA offices and undertake activities and practice.

NEW EMPLOYEE TRAINING - WEEK 1				
OCTOBER 1 - DAY 1	**OCTOBER 2 - DAY 2**	**OCTOBER 5 - DAY 3**	**OCTOBER 6 - DAY 4**	**OCTOBER 7 - DAY 5**
09:00 – 10:00 Opening and Introduction Vlora Çitaku – Deputy Minister - MFA Representative of Office of the President Representative of Office of the Prime Minister **MFA**	**12:00-14:00** Communication/Public Affairs **Albana Beqiri** Protocol Department **Haki Merovci**	**12:00-14:00** MFA Administration Department **Representative of AD** MFA Personnel Division **Eqrem Haziri**	**12:00-14:00** The Program and Organization of Core Objectives of MFA The Foreign Policy Objectives **MFA Advisors**	**12:00-14:00** Recognition Strategy for Kosovo **MFA Advisors**
10:00-10:15 *Coffee Break*	**14:00-16:00** *Lunch Break*	**14:00-16:00** *Lunch Break*	**14:00-16:00** *Lunch Break*	**14:00-16:00** *Lunch Break*
10:15 – 12:00 Organization of MFA and Missions ✓ MFA Structure ✓ Minister, Deputy, Cabinet, Political Advisors **Fitim Gllareva – Permanent Secretary**				
12:00-13:00 *Lunch Break*				
13:00-14:00 MFA Policy Dept. (Introduction and Overview) -EU and NATO Department -Economic and International Cooperation Department -Bilateral and International Organizations Department -Regional Affairs Department **Lulzim Mjeku - MFA Director General**				
14:00-15:00 Diplomatic Missions (Introduction and Overview) **Lulzim Mjeku - MFA Director General**				
15:00-15:15 *Coffee Break*				
15:15-16:15 Consular Affairs Dept/ and Consular Information **Jetmira Berdynaj - MFA Consular Affairs Dept.**	**16:00-18:00** MFA Budget and Finance Department **Elmaze Pireva** MFA Procurement Department **Arben Loshi**	**16:00-18:00** MFA IT Division **Afërdita Arifi** Interpretation Division **Ilir Ejupi**	**16:00-18:00** Legal Department, Treaties, Agreements and Legal Issues **Suzana Krasniqi**	
END OF DAY 1	**END OF DAY 2**	**END OF DAY 3**	**END OF DAY 4**	**END OF DAY 5**

NEW EMPLOYEE TRAINING - WEEK 2			
OCTOBER 8 - DAY 6	**OCTOBER 9 - DAY 7**	**OCTOBER 12 - DAY 8**	**OCTOBER 13 - DAY 9**
09:00-10:30 The sources of international law Vienna Convention **Prof. Enver Hasani**	**09:00-10:15** Crisis Leadership Emergency Management Plan **Dan Santos / Luan Bicaj KMFAS - USAID**	**10:00-12:00** Ministry of Internal Affairs Presentation **Fisnik Rexhepi** **Ministry of Internal Affairs**	**09:00-10:00** Kosovo Economic Development **Booz Allen / ECIKS**
10:30-10:45 *Coffee Break*	**10:15-10:30** *Coffee Break*		
10:45-12:00 Presentation / Embassy of Germany in Kosovo **German Ambassador** **Hans-Dieter Steinbach**	**10:30-11:30** Briefing / U.S. Embassy in Kosovo **Deputy Chief of Mission** **KMFAS - USAID**		
12:00-13:00 *Lunch Break*	**11:30-12:30** *Lunch Break*	**12:00-13:00** *Lunch Break*	**11:00-11:15** *Coffee Break*
13:00-14:30 Presentation / Embassy of Albania in Kosovo **MFA**	**12:30-13:45** Ethics **Ivan Abrams /** **Ardian Kryeziu KMFAS - USAID**	**13:00-14:00** Presentation / ICO **KMFAS - USAID**	**13:00-14:30** Investment Promotion **Booz Allen / ECIKS**
	13:45-14:30 *Coffee Break*	**14:00-14:15** *Coffee Break*	**12:15-13:15** *Lunch Break*
	14:30-16:00 Presentation / IOM **KMFAS - USAID**	**14:15-15:30** U.S. Foreign Service **Jim Derham** **KMFAS - USAID**	**13:15-15:00** Investment Promotion **Booz Allen / ECIKS**
END OF DAY 6	**END OF DAY 7**	**END OF DAY 8**	**END OF DAY 9**

DIPLOMATIC AND CONSULAR OFFICER TRAINING - WEEK 3				
OCTOBER 14 - DAY 10	**OCTOBER 15 - DAY 11**	**OCTOBER 16 - DAY 12**	**OCTOBER 19 - DAY 13**	**OCTOBER 20 - DAY 14**
09:00-11:00 Kosovo History and Foreign Policy **Prof. Enver Hasani**	**09:00-10:00** Foreign Policy and MFA **Lulzim Mjeku** **10:00-11:00** Department for Regional Relations **Haxhi Bajraktari**	**09:00-11:00** Privileges and Immunities **Jim Derham** **KMFAS - USAID**	**09:00-11:00** International Legal Aid Extradition International Child Abduction Prisoner Transfer **Shkëlzen Maliqi – Ministry of Justice**	**09:00-10:30** Financial Management **MFA Budget and Finance Dept./ Procurement Dept./ Internal Audit Dept.**
11:00-11:15 *Coffee Break*	**11:00-11:15** *Coffee Break*	**11:00-11:15** *Coffee Break*	**11:00-11:15** *Coffee Break*	**10:30-10:45** *Coffee Break*
11:15-12:00 What is a Consular Officer? **Jetmira Bërdynaj - MFA Consular Aff. Dept./ KMFAS - USAID STTA**	**11:15-12:15** Mission and Personal Security **U.S. Embassy in Kosovo** **RCO** **David Hodson**	**11:15-12:15** **Laws** Law on Citizenship and Regulations Law on Travel Documents (Processing, Documentation) **Naim Shala - Ministry of Internal Affairs**	**11:15-12:15** Notaries – Legalization of Documents Customer Service **Jetmira Bërdynaj - MFA Consular Aff. Dept./ KMFAS - USAID STTA**	**10:45-12:00** Financial Management **MFA Budget and Finance Dept./ Procurement Dept./ Internal Audit Dept.**
12:00-13:00 *Lunch Break*	**12:15-13:15** *Lunch Break*	**12:15-13:15** *Lunch Break*	**12:15-13:15** *Lunch Break*	**12:00-13:00** *Lunch Break*
13:00-14:30 Vienna Consular Convention **Prof. Zejnullah Gruda/ KMFAS - USAID STTA**	**13:15-14:45** Diplomatic Notes **Dan Santos / Luan Bicaj KMFAS-USAID**	**13:15-15:00** Visas/Law on Foreigners **Shkodran Manaj/ Kemajl Shaqiri - Ministry of Internal Affairs**	**13:15-16:00** Visit to Airport Passport Control/Customs Airline Practice/Police **MFA / Ministry of Internal Affairs -Border Management / KMFAS - USAID STTA**	**13:00-15:00** Financial Management **MFA Budget and Finance Dept./ Procurement Dept./ Internal Audit Dept.**
14:30-14:45 *Coffee Break*	**14:45-15:00** *Coffee Break*			**15:00-15:15** *Coffee Break*
14:45-16:00 Consular Law Consular Regulation Development of Consular Law and Practice Consular Districts **Jetmira Berdynaj - MFA Consular Aff. Dept./ KMFAS - USAID STTA**	**15:00-16:00** Department for Bilateral Relations and International Organizations **Prindon Sadriu**			**15:15-16:00** Department for EU and NATO **16:00-16:45** Department for Economy and International Cooperation
END OF DAY 10	**END OF DAY 11**	**END OF DAY 12**	**END OF DAY 13**	**END OF DAY 14**

DIPLOMATIC OFFICER TRAINING – WEEK 4				
OCTOBER 21 - DAY 15	**OCTOBER 22 - DAY 16**	**OCTOBER 23 - DAY 17**	**OCTOBER 26 - DAY 18**	**OCTOBER 27 – DAY 19**
09:00-10:30 **Authorities** International Agreements (types) **Suzana Krasniqi – Legal Dept. MFA**	**09:00-10:30** **Presentation/Swiss Embassy** Repatriation Agreement **Gregoire Crettaz** **MFA / KMFAS - USAID**	**09:00-10:30** Swiss Foreign Policy and Organization of the Swiss Foreign Affairs Ministry (two groups) **Ambassador Lukas Beglinger** **Swiss Embassy in Kosovo**	**09:00-10:45** Mission Management (two groups) **Dan Santos/Luan Bicaj** **KMFAS-USAID**	**09:00-10:15** Ambassador Islam Lauka **Albanian Embassy in Kosovo** (two groups)
10:30-10:45 *Coffee Break*	**10:30-10:45** *Coffee Break*	**10:30-10:45** *Coffee Break*	**10:45-11:00** *Coffee Break*	**10:15-10:30** *Coffee Break*
10:45-12:00 **Consular Operations** - Marriages - Deaths - Arrests **Jetmira Berdynaj - MFA Consular Aff. Dept./ Joleen Sweitzer** **KMFAS – USAID**	**10:45-12:00** Presentation/ German Consulate in Kosovo (two groups) **Foreign Offices in Kosovo** **MFA / KMFAS - USAID**	**10:45-12:00** ICO **Fletcher Burton** (two groups)	**11:00-12:00** European Commission Liaison Office in Kosovo **ECLO** (two groups)	**10:30-11:30** Ambassador Andy Sparks **U.K. Embassy in Kosovo** (two groups)
12:00-13:00 *Lunch Break*	**12:00-13:00** *Lunch Break*	**12:00-13:00** *Lunch Break*	**12:00-13:00** *Lunch Break*	**11:30-12:30** *Lunch Break*
13:00-14:00 - Leadership - Qualifications **Dan Santos / Luan Bicaj KMFAS - USAID** **14:00-15:00** U.S. Foreign Policy and Kosovo **Ambassador Christopher Dell** **U.S. Embassy in Kosovo**	**13:00-14:30** World Bank Overview and Projects in Kosovo (two groups) **World Bank Representative**	**13:00-14:30** Main aspects of the Law No. 03 / L-122 and 125 on Foreign Service and Consular Service **Suzana Krasniqi – Legal Dept. MFA** (two groups)	**13:00-14:30** **Home Relations** - Ambassador Authorities - President - Prime Minister - Minister & Deputy Minister - Relations with MFA **MFA**	**12:30-14:30** **Diplomatic and Consular Missions** Citizenship Procedures Travel Documents Passports Marriages **Jetmira Berdynaj - MFA Consular Aff. Dept./** (two groups)
15:00-15:15 *Coffee Break*	**14:30-14:45** *Coffee Break*	**14:30-14:45** *Coffee Break*	**14:30-14:45** *Coffee Break*	**14:30-14:45** *Pushim për kafe*
15:15 KPEP Reception – Booz Allen/USAID	**14:45-15:45** Kosovo Intelligence Agency (tentative) (two groups)	**14:45-16:00** Regulation on the Competencies of Kosovo Diplomatic and Consular Missions **Besfort Rrecaj** (two groups)	**14:45-16:00** **Press and Media** --Rules of Engagement" – on the record, **Rudina Bukoshi/ U.S. Embassy Public Affairs Office**	**14:45-16:00** **Diplomatic and Consular Missions** (two groups) Crisis Management Reporting/Archiving Interviews **Joleen Schweitzer**
END OF DAY 15	**END OF DAY 16**	**END OF DAY 17**	**END OF DAY 18**	**END OF DAY 19**

WEEK 5 – Practice 1 DAY / Organized by MFA

Week 5 - Conclusion Ceremony

Handover of Certificates

Task 1.1 Diplomatic and Consular Training Attendees

LIST OF TRAINING OFFERED BY KMFAS

1 -28 OCTOBER 2009

ATTENDEES FROM NEW FOREIGN SERVICE MEMBERS OF MFA (DIPLOMATIC AND CONSULAR STAFF)

TRAINING MODULES OFFERED BY KMFAS

LEADERSHIP	MISSION MANAGEMENT	CRISIS MANAGEMENT
STRATEGIC PLANNING	EMERGENCY ACTION PLAN	CONSULAR AFFAIRS AND MISSION MANAGEMENT
DIPLOMATIC AFFAIRS	PRIVILEGES AND IMMUNITIES	QUALITIES AND QUALIFICATIONS OF DIPLOMATS
ETHICS	WHAT IS A DIPLOMATIC AND CONSULAR OFFICER?	

NO.	NAME/SURNAME	CONTACT	GENDER
1.	Bujar Maxhuni	Bujar.maxhuni@gmail.com	MALE
2.	Urtak Hamiti	urtaku@gmail.com	MALE
3.	Lulzim Hiseni	lulzimh@club-internet.fr	MALE
4.	Gjeneza Budima	gjeneza@gmail.com	FEMALE
5.	Sami Kastrati	samikastrati@gmail.com	MALE
6.	Valeza Oruqi	valzao@gmail.com	FEMALE
7.	Imer Berisha	Koslex2002@hotmail.com	MALE
8.	Argjent Shala	argjendshala@hotmail.com	MALE
9.	Delfin Pllana	Delfin_pllana@yahoo.com	MALE

10.	Shemsi Gerguri	shemsig@yahoo.com	MALE
11.	Bardha Rrustemi		FEMALE
12.	Sedat Burrniku	sedatburrniku@yahoo.com	MALE
13.	Dhurata Selimi	Selimi.dhurata@hotmail.com	FEMALE
14.	Lendita Haxhitasimi	Lendita.haxhitasimi@gmail.com	FEMALE
15.	Benjamin Nikoliqi	B_nikoliqi@yahoo.com	MALE
16.	Diamant Kastrati	Diamant.kastrati@osce.org	MALE
17.	Anton Marku	Anton.marku1@gmail.com	MALE
18.	Ardian Klaiqi	aklaiqi@hotmail.com	MALE
19.	Avni Hasani	Ahasani1004@gmail.com	MALE
20.	Adrian Prenkaj	adrianpr@gmail.com	MALE
21.	Gani Azemi	Kixbxl_azemi@hotmail.com	MALE
22.	Gulsen Bulukbash	gulsenbolukbasi@hotmail.com	FEMALE
23.	Fatmir Zajmi	fzajmi@hotmail.com	MALE
24.	Astrit Zemaj	a_zemaj@hotmail.com	MALE
25.	Kadri Dakaj	kadridakaj@hotmail.com	MALE
26.	Faton Osmani	Faton57@yahoo.com	MALE
27.	Petrit Prekazi	petritip@hotmail.com	MALE
28.	Fran Sokoli	sokoliff@yahoo.fr	MALE
29.	Xhafer Ahmeti	Xhafa66@hotmail.com	MALE
30.	Salih Sefa	salihsefa@hotmail.de	MALE
31.	Shqiprim Pula	Shqiprim.pula@gmail.com	MALE
32.	Arrita Gjakova	arritagjakova@yahoo.com	FEMALE

33.	Ferid Shehu	feridshehu@yahoo.com	MALE
34.	Ardian Spahiu	ardianks@gmail.com	MALE
35.	Arjan Kashtanjeva	Arjan.kashtanjeva@hotmail.com	MALE
36.	Besnik Miftaraj	Besnikmiftaraj82@hotmail.com	MALE
37.	Ramadan Gashi	Ramadan.gashi@skynet.be	MALE
38.	Hamdi Reqica	H_req@hotmail.com	MALE
39.	Faket Kajtazi	Faket_kajtazi@hotmail.de	MALE
40.	Milazim Vllasaliu	Milazim_vllasaliu@hotmail.de	MALE
41.	Rexhep Bajraktari	rexhepb@gmail.com	MALE
42.	Isa Kosumi	ikosumi@msn.com	MALE
43.	Fatmire Musliu	fatmiremusliu@hotmail.com	FEMALE
44.	Zana Rugova	zrugova@hotmail.com	FEMALE
45.	Arjon Krasniqi	arionkrasniqi@hotmail.com	MALE
46.	Valon Krasniqi	Valon.a.krasniqi@ks-gov.net	MALE
47.	Mustafë Avdiu	Mustaqe.avdiu@gmail.com	MALE
48.	Imer Lladrovci	ylladrovci@hotmail.com	MALE
49.	Naser Idrizi	n.idrizi@gmx.de	MALE
50.	Arben Muhameti	Arben_muhameti@hotmail.com	MALE
51.	Hekuran Azemi	H_azemi@yahoo.com	MALE
52.	Burim Qorri	Burimqorri2002@hotmail.com	MALE
53.	Agron Smakiqi	Agron_smaka@hotmail.com	MALE

Task 1 & 2 Planning and Application for Training Modules at MFA

APPLICATION FOR TRAINING

Name / Surname:

Office:

Date:

Time / period when available for training:

Note: Please send your application for training to Astrit Bibaj – Coordinator for Training (MFA Personnel Office)

Which training of KMFAS did you attend and when?
Which other training did you attend offered by other institutions in the past and when?
What other training would you be interested to attend?

Training List of KMFAS – USAID

Please circle the number for the training for which you are interested:

General

1. **Training for New Employees of MFA**
   - **MFA Orientation, Management Structure, Offices, Procedures**

Diplomacy

2. **The changing nature of Diplomacy**
3. **Diplomatic Negotiations**
4. **Foreign Policy Organization**
5. **Foreign Policy Orientations**
6. **Diplomatic Styles and Methods**
7. **Diplomatic Communication, Writing and Diplomatic Notes**
8. **International Law**
9. **Vienna Conventions**
10. **Diplomatic Service**
11. **Consular Service**
12. **International Organizations**
13. **Environmental Diplomacy**
14. **International Treaties**
15. **Trade, Foreign Policy and Diplomacy**
16. **Diplomacy and Security**
17. **The Diplomacy of Normalisation**
18. **International Financial Relations**

Other

19. **Leadership**
20. **Strategic Planning**
21. **Team Building**
22. **Legal Reasoning and Writing**
23. **Training and Development Needs**
24. **Organizing Training and Events**
25. **24/7 Duty System**
26. **Crisis Management**
27. **Emergency Plan**
28. **Mission Management**

29. **Office Management**
30. **Project Management**
31. **Time Management**
32. **Training of Trainers**
33. **Foreign Service Hiring Procedures**
34. **Performance Evaluation**
35. **Customer Service**
36. **Inventory Management**
37. **Archive Management**
38. **Procurement Management**
39. **Finance and Budget Management**
40. **Presentation Skills**
41. **Report Writing**

Please add other topics that are important for your work

Task 1&2 Training Evaluation Form

Diplomatic and Consular Training Evaluation Form

1-28 October 2009

Please indicate your impressions of the items listed below.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1. The training met my expectations.	❍	❍	❍	❍	❍
2. I will be able to apply the knowledge learned.	❍	❍	❍	❍	❍
3. The training objectives for each topic were identified and followed.	❍	❍	❍	❍	❍
4. The content was organized and easy to follow.	❍	❍	❍	❍	❍
5. The materials distributed were pertinent and useful.	❍	❍	❍	❍	❍
6. Class participation and interaction were encouraged.	❍	❍	❍	❍	❍
7. Adequate time was provided for questions and discussion.	❍	❍	❍	❍	❍

8. How do you rate the training overall?

Excellent	Good	Average	Poor	Very poor
❍	❍	❍	❍	❍

9. What aspects of the training could be improved?

10. Other comments?

THANK YOU FOR YOUR PARTICIPATION!

1 & 2 Training Evaluation Results for the New MFA Diplomatic and Consular Officers

KOSOVO MINISTRY OF FOREIGN AFFAIRS SUPPORT PROJECT

November 4, 2009

To: The Permanent Secretary – Mr. Fitim Gllareva
The Direct General – Mr. Lulzim Mjeku

From: KMFAS – Jim Derham

Subject: Training of New MFA Diplomatic and Consular Officers
October 1-29, 2009

Overall our sense is that the training sessions went very well. A wide range of important topics were covered; there was excellent participation by MFA offices and the international community; the question and answer sessions were useful and lively.

Lessons Learned

Obviously in any four week program there is room for improvement. Looking forward to the next training session, we offer the following suggestions based on our analysis of the evaluation sheets turned in by the participants (a summary is attached; we have provided Jetmira with copies of all the evaluations) and our own observations:

- There should be one overall coordinator, responsible for arranging the schedule, ensuring that presenters are confirmed and subjects are covered in a logical manner, minimizing schedule changes, etc. (For the October training KMFAS shared this responsibility with the MFA.)

- Training sessions should include practical, hands-on exercises. (This was a suggestion made by several class participants). These exercises could be based on case studies

and/or role plays, and would ideally involve breaking the group into subgroups. We note that preparing the case studies or simulations would require a significant amount of preparatory work before the training sessions got underway.

- The group should be divided into diplomatic and consular components for the final week(s) of training. (This had been the original plan for the October session but was overtaken by events. Several participants commented that they would have liked to see the group broken up in that fashion.)

- There should be presentations from Kosovo diplomats and consular officers already in the field, from small embassies in Pristina, and there should be more participation from other Kosovo Government ministries.

- To the extent possible, reading materials and background information should be provided in advance. There should be clear identification of the purpose or topic of each presentation.

- More off site visits should be programmed.

- There should be more variety in the seating arrangements (e.g., every week rearrange where people sit). Several participants recommended organizing social events for the group. There was some criticism of the Grand Hotel as a venue; presumably the next training session will not be held there.

- The interpretation was uneven. There is a need for top notch English to Albanian interpretation.

A Final Note

As noted above, overall the grogram was a great success. For the KMFAS team it was an enjoyable privilege to be involved in the organization and presentations. We were especially impressed by the quality of the entering diplomats and consular officers. They will be a valuable resource for the MFA and for Kosovo going forward.

Attachment – Summary of Participants' Evaluations

Cc: MFA – Ms. Jetmira Berdyna
USAID – Mr. Jeton Cana

Diplomatic and Consular Officer Training Evaluations

We received 52 completed evaluation forms (A blank form is attached). There were seven specific questions which we scored 5 – strongly agree, 4 – agree, 3 – neutral, 2 – disagree, 1 – strongly agree. The overall assessment we scored as 5 – excellent, 4 – good, 3 – average, 2 – poor, 1 – very poor. Summaries of the results are as follows:

1. The training met my expectations – 3.8
2. I will be able to apply the knowledge learned – 3.8
3. The training objectives for each topic were identified and followed – 3.8
4. The content was organized and easy to follow – 3.9
5. The materials distributed were pertinent and useful – 4.4.
6. Class participation and interaction were encouraged – 4.3
7. Adequate time was provided for questions and discussion – 4.4.

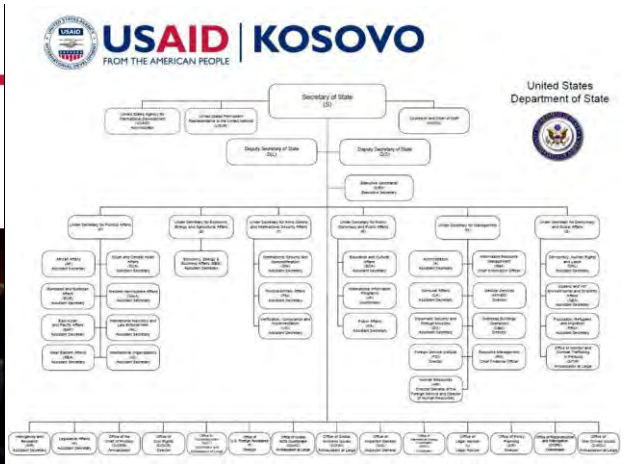
8. How do you rate the training overall? – 4.0

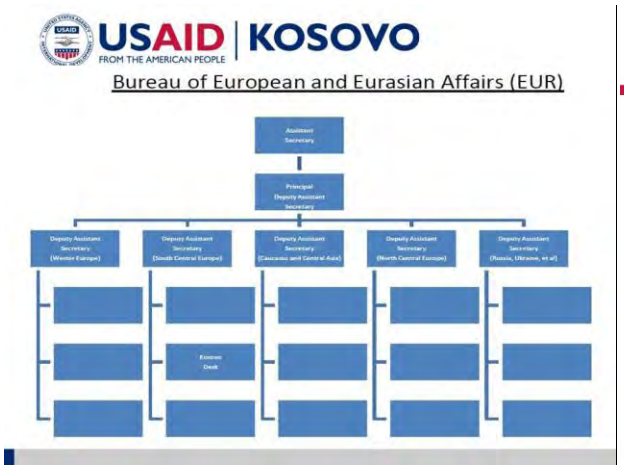
Comments

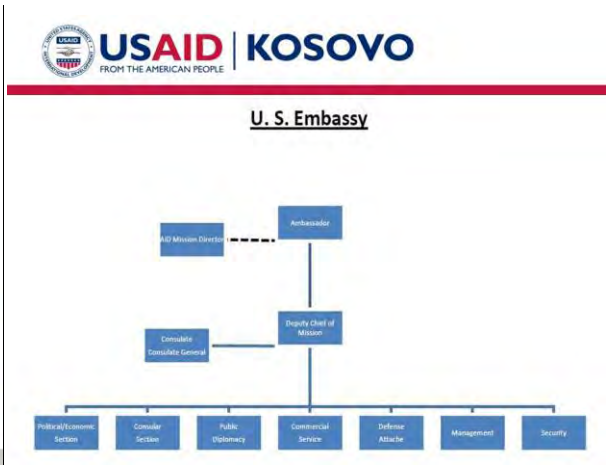
There were numerous comments in English and Albanian. Common recommendations were as follows:

- More practical exercises, case studies, simulations;
- Smaller groups;
- Presentations from Kosovo diplomats in the field and smaller embassies in Pristina;
- Better identification of objectives for each session;
- Better adherence to agenda/scheduling;
- More variety in seating arrangements, better venue;
- More information on protocol.

Task 1.1 Foreign Service







USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Role of a diplomat?

- U.S.
- Kosovo
- Any diplomat

General answer is the same but detailed answer depends on the sending country and the receiving country.

USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Suggestions for Kosovo diplomats

Know your host:

- Language
- Travel in country
- Listen

USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Know Kosovo:

- Issues, talking points, questions, criticisms.
- Consular issues.

USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Be active:

- Diplomatic circles
- Universities, foreign affairs clubs
- Diaspora

Task 1.1 (2.3) Leadership and Crisis Management Training

USAID | KOSOVO

LEADERSHIP – Basic Concepts

Daniel Santos, Jr. June 2009

Definition of Leadership

- Capacity or ability to lead.
- The capacity to establish direction and to influence and align others toward a common goal, motivating and committing them to action and making them responsible for their performance
- "A leader is an individual (or, rarely, a set of individuals) who significantly affects the thoughts, feelings, and/or behaviors of a significant number of individuals". Howard Gardner, Harvard.
- A man or woman of action.

Kinds of Leadership

- Positional – authority derived from job
- Inspirational – set by example

Positional Leadership

- Most common
- Authority derived from job or position
- Subordinates obey and follow because they have to
- Limited parameters

Inspirational Leadership

- Respect
- Follow the leader's example
- Limited only by the courage of the subordinates
- Rare

Colin Powell

Colin Powell's 18 Points

LESSON ONE

"Being responsible sometimes means pissing people off."

- Good leadership involves responsibility to the welfare of the group, which means that some people will get angry at your actions and decisions. It's inevitable if you're honorable. Trying to get everyone to like you is a sign of mediocrity: You'll avoid the tough decisions, you'll avoid confronting the people who need to be confronted, and you'll avoid offering differential rewards based on differential performance because some people might get upset. Ironically, by procrastinating on the difficult choices, by trying not to get anyone mad, and by treating everyone equally "nicely" regardless of their contributions, you'll simply ensure that the only people you'll wind up angering are the most creative and productive people in the organization.

Colin Powell's 18 Points

LESSON TWO

"The day soldiers stop bringing you their problems is the day you have stopped leading them. They have either lost confidence that you can help them or concluded that you do not care. Either case is a failure of leadership."

If this were a litmus test, the majority of CEOs would fail. One, they build so many barriers to upward communication that the very idea of someone lower in the hierarchy looking up to the leader for help is ludicrous. Two, the corporate culture they foster often defines asking for help as weakness or failure, so people cover up their gaps, and the organization suffers accordingly. Real leaders make themselves accessible and available. They show concern for the efforts and challenges faced by underlings—even as they demand high standards. Accordingly, they are more likely to create an environment where problem analysis replaces blame.

Colin Powell's 18 Points

LESSON THREE

"Don't be buffaloed by experts and elites. Experts often possess more data than judgment. Elites can become so inbred that they produce hemophiliacs who bleed to death as soon as they are nicked by the real world."

Small companies and start-ups don't have the time for analytically detached experts. They don't have the money to subsidize lofty elite, either. The president answers the phone and drives the truck when necessary; everyone on the payroll visibly produces and contributes to bottom-line results or they're history. But as companies get bigger, they often forget who "brung them to the dance": things like all-hands involvement, egalitarianism, informality, market intimacy, daring, risk, speed, agility. Policies that emanate from ivory towers often have an adverse impact on the people out in the field who are fighting the wars or bringing in the revenues. Real leaders are vigilant—and combative—in the face of these trends.

Colin Powell's 18 Points

LESSON FOUR

"Don't be afraid to challenge the pros, even in their own backyard."

Learn from the pros, observe them, seek them out as mentors and partners. But remember that even the pros may have leveled out in terms of their learning and skills. Sometimes even the pros can become complacent and lazy. Leadership does not emerge from blind obedience to anyone. Xerox's Barry Rand was right on target when he warned his people that if you have a yes-man working for you, one of you is redundant. Good leadership encourages everyone's evolution.

Colin Powell's 18 Points

LESSON FIVE

"Never neglect details. When everyone's mind is dulled or distracted the leader must be doubly vigilant."

Strategy equals execution. All the great ideas and visions in the world are worthless if they can't be implemented rapidly and efficiently. Good leaders delegate and empower others liberally, but they pay attention to details, every day. (Think about supreme athletic coaches like Jimmy Johnson, Pat Riley and Tony La Russa). Bad ones—even those who fancy themselves as progressive "visionaries"—think they're somehow "above" operational details. Paradoxically, good leaders understand something else: An obsessive routine in carrying out the details begets conformity and complacency, which in turn dulls everyone's mind. That is why even as they pay attention to details, they continually encourage people to challenge the process. They implicitly understand the sentiment of CEO-leaders like Quad/Graphic's Harry Quadracchi, Oticon's Lars Kolind and the late Bill McGowan of MCI, who all independently asserted that the job of a leader is not to be the chief organizer, but the chief dis-organizer.

Colin Powell's 18 Points

- **LESSON SIX**
- **"You don't know what you can get away with until you try."**
- You know the expression "it's easier to get forgiveness than permission?" Well, it's true. Good leaders don't wait for official blessing to try things out. They're prudent, not reckless. But they also realize a fact of life in most organizations: If you ask enough people for permission, you'll inevitably come up against someone who believes his job is to say "no." So the moral is, don't ask. I'm serious. In my own research with colleague Linda Mukai, we found that less effective middle managers endorsed the sentiment, "If I haven't explicitly been told 'yes,' I can't do it," whereas the good ones believed "If I haven't explicitly been told 'no,' I can." There's a world of difference between these two points of view.

LESSON SEVEN

"Keep looking below surface appearances. Don't shrink from doing so (just) because you might not like what you find."

"If it ain't broke, don't fix it" is the slogan of the complacent, the arrogant or the scared. It's an excuse for inaction, a call to non-arms. It's a mindset that assumes (or hopes) that today's realities will continue tomorrow in a tidy, linear and predictable fashion. Pure fantasy. In this sort of culture, you won't find people who proactively take steps to solve problems as they emerge. Here's a little tip: Don't invest in these companies.

LESSON EIGHT

"Organization doesn't really accomplish anything. Plans don't accomplish anything, either. Theories of management don't much matter. Endeavors succeed or fail because of the people involved. Only by attracting the best people will you accomplish great deeds."

In a brain-based economy, your best assets are people. We've heard this expression so often that it's become trite. But how many leaders really "walk the talk" with this stuff? Too often, people are assumed to be empty chess pieces to be moved around by grand viziers, which may explain why so many top managers immerse their calendar time in deal-making, restructuring and the latest management fad. How many immerse themselves in the goal of creating an environment where the best, the brightest, the most creative are attracted, retained and-most importantly-unleashed?

LESSON NINE

"Organization charts and hence titles count for next to nothing."

Organization charts are frozen, anachronistic photos in a workplace that ought to be as dynamic as the external environment around you. If people really followed organization charts, companies would collapse. In well-run organizations, titles are also pretty meaningless. At best, they advertise some authority—an official status conferring the ability to give orders and induce obedience. But titles mean little in terms of real power, which is the **capacity to influence and inspire**. Have you ever noticed that people will personally commit to certain individuals who on paper (or on the org chart) possess little authority—but instead possess pizzazz, drive, expertise and genuine caring for team-mates and products? On the flip side, non-leaders in management may be formally anointed with all the perks and frills associated with high positions, but they have little influence on others, apart from their ability to extract minimal compliance to minimal standards.

LESSON TEN

"Never let your ego get so close to your position that when your position goes, your ego goes with it."

Too often, change is stifled by people who cling to familiar turfs and job descriptions. One reason that even large organizations wither is that managers won't challenge old, comfortable ways of doing things. But real leaders understand that, nowadays, every one of our jobs is becoming obsolete. The proper response is to obsolete our activities before someone else does. Effective leaders create a climate where people's worth is determined by their willingness to learn new skills and grab new responsibilities, thus perpetually reinventing their jobs. The most important question in performance evaluation becomes not, "How well did you perform your job since the last time we met?" but, "How much did you change it?"

LESSON ELEVEN

"Fit no stereotypes. Don't chase the latest management fads. The situation dictates which approach best accomplishes the team's mission."

Flitting from fad to fad creates team confusion, reduces the leader's credibility and drains organizational coffers. Blindly following a particular fad generates rigidity in thought and action. Sometimes speed to market is more important than total quality. Sometimes an unapologetic directive is more appropriate than participatory discussion. To quote Powell, some situations require the leader to hover closely; others require long, loose leashes. Leaders honour their core values, but they are flexible in how they execute them. They understand that management techniques are not magic mantras but simply tools to be reached for at the right times.

LESSON TWELVE

"Perpetual optimism is a force multiplier."

The ripple effect of a leader's enthusiasm and optimism is awesome. So is the impact of cynicism and pessimism. Leaders who whine and blame engender those same behaviours among their colleagues. I am not talking about stoically accepting organizational stupidity and performance incompetence with a "what, me worry?" smile. I am talking about a guns ho attitude that says "we can change things here, we can achieve awesome goals, we can be the best." Spare me the grim litany of the "realist"; give me the unrealistic aspirations of the optimist any day.

Colin Powell's 18 Points

LESSON THIRTEEN

"Powell's Rules for Picking People"—Look for intelligence and judgment and, most critically, a capacity to anticipate, to see around corners. Also look for loyalty, integrity, a high energy drive, a balanced ego and the drive to get things done."

How often do our recruitment and hiring processes tap into these attributes? More often than not, we ignore them in favor of length of resume, degrees and prior titles. A string of job descriptions a recruit held yesterday seem to be more important than who one is today, what she can contribute tomorrow or how well his values mesh with those of the organization You can train a bright, willing novice in the fundamentals of your business fairly readily, but it's a lot harder to train someone to have integrity, judgment, energy, balance and the drive to get things done. Good leaders stack the deck in their favor right in the recruitment phase.

Colin Powell's 18 Points

LESSON FOURTEEN

(Borrowed by Powell from Michael Korda): **"Great leaders are almost always great simplifiers, who can cut through argument, debate and doubt, to offer a solution everybody can understand."**

Effective leaders understand the KISS principle, or Keep It Simple, Stupid. They articulate vivid, overarching goals and values, which they use to drive daily behaviors and choices among competing alternatives. Their visions and priorities are lean and compelling, not cluttered and buzzword-laden. Their decisions are crisp and clear, not tentative and ambiguous. They convey an unwavering firmness and consistency in their actions, aligned with the picture of the future they paint. The result? Clarity of purpose, credibility of leadership, and integrity in organization.

Colin Powell's 18 Points

LESSON FIFTEEN

Part I: "Use the formula P=40 to 70, in which P stands for the probability of success and the numbers indicate the percentage of information acquired." Part II: "Once the information is in the 40 to 70 range, go with your gut."

Powell's advice is don't take action if you have only enough information to give you less than a 40 percent chance of being right, but don't wait until you have enough facts to be 100 percent sure, because by then it is almost always too late. His instinct is right: Today, excessive delays in the name of information-gathering leads to analysis paralysis. Procrastination in the name of reducing risk actually increases risk.

Colin Powell's 18 Points

LESSON SIXTEEN

"The commander in the field is always right and the rear echelon is wrong, unless proved otherwise."

Too often, the reverse defines corporate culture. This is one of the main reasons why leaders like Ken Iverson of Nucor Steel, Percy Barnevik of Asea Brown Boveri, and Richard Branson of Virgin have kept their corporate staffs to a bare-bones minimum. (And I do mean minimum—how about fewer than 100 central corporate staffers for global $30 billion-plus ABB? Or around 25 and 3 for multi-billion Nucor and Virgin, respectively?) Shift the power and the financial accountability to the folks who are bringing in the beans, not the ones who are counting or analyzing them.

Colin Powell's 18 Points

- **LESSON SEVENTEEN**
- **"Have fun in your command. Don't always run at a breakneck pace. Take leave when you've earned it. Spend time with your families."**

  Corollary: "Surround yourself with people who take their work seriously, but not themselves, those who work hard and play hard."
- Herb Kelleher of Southwest Air and Anita Roddick of The Body Shop would agree: Seek people who have some balance in their lives, who are fun to hang out with, who like to laugh (at themselves, too) and who have some non-job priorities which they approach with the same passion that they do their work. Spare me the grim workaholic or the pompous pretentious "professional;" I'll help them find jobs with my competitor.

Colin Powell's 18 Points

LESSON EIGHTEEN

"Command is lonely."

Harry Truman was right. Whether you're a CEO or the temporary head of a project team, the buck stops here. You can encourage participative management and bottom-up employee involvement, but ultimately, the essence of leadership is the willingness to make the tough, unambiguous choices that will have an impact on the fate of the organization I've seen too many non-leaders flinch from this responsibility. Even as you create an informal, open, collaborative corporate culture, prepare to be lonely.

Task 1.1 2.3 Crisis Management Training

USAID | KOSOVO

Crisis Management

KMFAS

Kosovo Ministry of Foreign Affairs Support Project

What we are going to explore:

- What is a crisis and the nature of crisis management
- The nature of leadership in a crisis
- Crisis as the ultimate leadership test
- Crisis Management Team's role
- The role of Crisis Management in organizational change
- Best practices on preparing for crises
- The Emergency Action Plan
- The Emergency Action Committee
- Writing an actual Emergency Action Plan that might benefit your diplomatic and consular missions

What is a Crisis?

- "There can't be a crisis next week. My schedule is already full". Henry Kissinger.
- A working definition: **A crisis is a situation in which something or someone is affected by one or more very serious problems.**
- You, as a leader, will have to personally resolve a crisis.
- Examples of diplomatic and consular crises.

What is a Leader?

- Capacity or ability to lead.
- A man or woman of action.
- The capacity to establish direction and to influence and align others toward a common goal, motivating and committing them to action and making them responsible for their performance.

Types of Crisis Management

- **Reactive Crisis Management:** a management style that concentrates on solving the immediate problems rather than looking for long-term solutions.
- **Proactive Crisis Management:** the process used to anticipate, prepare and mitigate an impending crisis.

Critical Elements of Crisis Management

- **Understanding organizational values** enable the organization and the leader to emerge from the crisis with enhanced image and reputation.
- The challenge of a crisis is a test of the **leader's character and ability.**
- Having a **good plan.**

The Nature of a Crisis Management Plan

- Clarification of goals and purpose of crisis management plan.
- Plan must be supportive of the philosophy and values of the organization.
- Identification of different levels of crisis in the organization.
- Plan should demonstrate leader's commitment and promote an enabling environment.

The Leader's Role in the Crisis Management Plan

- Ensures effective communication strategy and infrastructure even in the case of crisis.
  - Timely communication.
  - Consistent communication.
  - With internal and external stakeholders.
  - Maintained at all times.
- Establishes partnerships with external organizations so that knowledge and physical resources are available to the organization in times of crisis.
- Provides training for organization members.
- Checks preparedness for facing the crisis through properly designed mock drills.
- Forms a Crisis Management Team.

The Team's Role and its Empowerment

- Team's role – identify all possible crises that the organization may face and develop, plans, roles and responsibility for preparing and mitigating each of the crises.
- Leader's role here – the traditional leadership student talks about the leader ***empowering*** the team to study and analyze crisis.
- Where should empowerment come from?

Objective – Crisis Resolution

- The best plans may not be sufficient.
- Most crises share the element of surprise.
- No plan is perfect.
- Practical plan and general preparedness may go a long way in resolving the crisis.
- Critical decisions depend on the values instilled by the leadership over the years.

Next: the Emergency Action Plan

- The nature of crisis and crisis management.
- The leader's and the Crisis Management Team's role in preparing for a crisis.
- The need for a plan.
- Best Practice – Emergency Action Plan
- Your own Emergency Action Plan.

Task 1.1 (2.3) PowerPoint: Managing the Mission

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

MANAGING THE MISSION

KMFAS

Daniel Santos Jr. / Luan Bicaj

KEEPING IT SIMPLE

- A diplomatic or consular mission is just like a household
- You need to be able to manage:
  - Secure and adequate space
  - Finances
  - Relations with your family (your colleagues) and neighbors
  - Furniture and furnishings and supplies
  - Domestic employees
  - Maintenance and Repair
  - Buying things
  - Mailing and shipping things
  - Keeping the boss happy

YOU NEED AN OFFICE

- Stand-alone or commercial space.
- Working room for everyone in the mission
- Adequate ventilation, a/c and heating
- Receiving room for visitors.
- Representation room for some missions
- Restrooms
- Security
- Flag and Plaque
- Easy access for visitors
- Within budget

REAL ESTATE IN THE HOST CITY

- Go to your foreign ministry protocol office and check on procedures and locations/coordinate with MFA
- Hire a local real estate lawyer
- Tell him or her what you need, and what you can pay
- Let lawyer contact and control real estate agent
- Lawyer should give you some choices
- Participate in negotiations for your final choice, don't leave the lawyer alone to close the deal
- Ambassador must sign after MFA has approved
- In the mean time, work out of the hotel

FINANCES

- In coordination with MFA and MEF visit your designated bank and arrange for access.
- Establish banking procedures for mission staff
- Expenditures according to law and regulations, check with MFA
- Keep track of expenditures to develop next budget
- Security of petty cash
- Establish accounts with purveyors to be paid monthly
- Pay your debts on time

SHIPPING AND CUSTOMS

- Coordinate with host foreign ministry
- Coordinate with MFA, reciprocity
- Get a reliable customs broker
- Get a reliable transportation firm
- Adhere to the conventions
- Fight taxing the mission as directed by MFA
- Coordinate diplomatic sales with MFA and host foreign ministry, seek Diplomatic Corps guidance
- Control diplomatic pouches and shipments

PROCUREMENT

- Coordinate with MFA and follow rules
- Buy only what is really necessary, multi-function equipment, use coupons
- Check rate of expenditure to plan restocking
- When possible, buy Kosovo
- Beware of ostentatious items
- Sign only for what is actually delivered, note discrepancies before paying

MAINTENANCE AND REPAIRS

- Rentals – landlord should be responsible
- Owned – Mission is responsible
- Where possible, get a maintenance contract
- Adhere to preventive maintenance schedules
- Schedule repairs when possible for closing hours
- Cleaning contract
- Read your bills before paying them

SECURITY

- Coordinate with host foreign ministry and MFA
- Alarm the premises, accompany first responders
- Strong locks and security containers
- Secure expensive equipment
- Secure official vehicles
- Prepare Emergency Action Plan and rehearse
- Aware of personal security in the office, on the street and at home
- Loose lips sink ships

IT EFFECTIVENESS AND CONTROLS

- Coordinate with MFA IT Department
- Equipment for official use only
- No downloads unless authorized by MFA
- Schedule and run preventive maintenance
- Reliable ISP, coordinate with MFA
- Use of office and cellular phones
- Use of emergency radios, coordinate with MFA
- COMSEC

LOCAL EMPLOYEES

- Follow Local Labor Law, hiring, compensation
- Adhere to MFA's local employees regulations
- Background check, crimes of moral turpitude, former employers check
- Be culturally aware
- Local employees can be a hidden treasure and a force multiplier, do not underestimate them

MANAGEMENT OPERATIONS

- Determine and publish personnel mission duties
- Insist on everyone doing his/her duty
- Internal controls to prevent misuse of funds and property, practice the audit/inspection
- Internal controls should trump expediency
- Transparency, anti-corruption, anti-nepotism
- Keep operations as simple as possible
- Talk with your colleagues

DUTY HOURS, VACATION, ETC.

- 24/7, do your best
- Plan your local vacations
- You represent Kosovo during vacations also
- Plan your Kosovo vacations, maximize official trips
- Talk to your colleagues, establish a calendar
- Emergency leave, stuff happens, be flexible
- Local employee vacations, local usage, verify and be flexible

OFFICIAL VISITS

- It's not official until MFA says so
- Interest of Kosovo
- Prepare detailed schedule
- Manage your local contacts
- Facilitate, facilitate and facilitate
- Whose money is it, anyhow?
- Wheels up

REPRESENTATION

- Social activities in the interest of Kosovo
- Managing the representation budget
- Lavish vs. effective
- At home vs. outside vs. at the mission
- Establishing per capita costs
- Flowers and candy
- Culturally aware
- Create protocol data base, automate as much as you can
- Invitations, calling cards, timing and form
- Read the book

DIPLOMATIC PRACTICE

- Remember Ambassador Dell's and Jim's presentation
- Your real job: making friends for Kosovo
- Do not mimic caricatures
- Be reliable, knowledgeable and always correct
- Diplomacy: it's not a job, it's a calling

Task 1.1 2.3 Emergency Action Plan Training

USAID | KOSOVO

Emergency Action Plan

Luan Elezaj 2009

USAID | KOSOVO

Introduction

- Bombs
- Fire
- Civil unrest
- Internal Protection
- Weapons of mass destruction and other dangerous materials
- Hostage taking

USAID | KOSOVO

Introduction

- Airplane hijacking
- Assistance for Kosovo citizens in cases of great accidents or catastrophes
- Assistance for host countries in case of great accidents or catastrophes
- Withdrawal and Evacuation

USAID | KOSOVO

Bombs

- BOMB THREAT
- Evacuation
- Bomb Search
- Discovery of the doubtful thing
- Clearance and detonation
- BIG VEHICLES THAT CARRY BOMBS
- Immediate danger
- Clearance and detonation

USAID | KOSOVO

Fire

- GUIDELINES AGAINST FIRE REACTION
- Fire discovery
- Firefighters arrival
- Care towards personnel
- Ensuring the location
- Depositing temporarily sensitive materials
- Detailed specifics of equipment

USAID | KOSOVO

Fire

- Creating evacuation diagrams
- Planning detailed means
- USE OF EQUIPMENT FOR FIRE EXTINGUISHING
- Fire extinguishers
- Procedures of operation with fire extinguishers
- Fire investigation
- Fires investigated by the mission
- Fires for which there is a need for MFA investigation
- PROCEDURES FOR REPORTING FIRES
- PHONE REPORTS
- EMAIL REPORTS

USAID | KOSOVO

Civil Unrest

- SITUATIONS THAT ARE RELATED TO CITIZENS OR INTERESTS OF KOSOVO
- PEACEFUL PROTESTS THAT TARGET CITIZENS OR INTERESTS OF KOSOVO
- VIOLENT SITUATION THAT TARGET CITIZENS OR INTERESTS OF KOSOVO
- PROFILE OF THE CIVIL UNREST FROM THE HOST COUNTRY

USAID | KOSOVO

Internal protection

- Threat in the case of internal necessary protection
- Protection of the further perimeter
- Breach of perimeter
- Return in the usual condition before the event
- Destruction of sensitive material
- Approved methods of destruction

USAID | KOSOVO

Weapons of mass destruction and other dangerous materials

- Destructive material
- Routine destruction of digital data
- Emergency destruction of digital classified data
- PREPARATION AND DESTRUCTION AND RETURN IN THE USUAL CONDITION AFTER DESTRUCTION
- Preparation for destruction
- Categories of limited information
- Special consideration towards consular equipment

USAID | KOSOVO

Weapons of mass destruction and other dangerous materials

- Destruction of informative automated systems destruction of team tasks
- Preparation of return in the usual condition after destruction
- Data that need to be saved
- INFORMATION AUTOMATED SYSTEMS
- FUND REMOVAL
- DESTRUCTION OF CURRENCY
- Negotiable Instruments
- Removal of trust funds

USAID | KOSOVO

Weapons of mass destruction and other dangerous materials

- Submission of the Kosovo currency
- Weapons of mass destruction and other dangerous materials
- PROCEDURES FOR REACTION AGAINST INTERNAL INCIDENTS
- PROCEDURES FOR REACTION AGAINST EXTERNAL INCIDENTS
- Heating, ventilation, a conditioner
- Contact information of the first reactor
- Equipment for counter measures against chemical, biological and radioactive weapons

USAID | KOSOVO

Weapons of mass destruction and other dangerous materials

- Local contact list
- REGIONAL CONTACT LIST
- CONTACT MFA LIST
- SYMPTOMS AND AGENTS FOR CHEMICAL TREATMENT
- SYMPTOMS AND AGENTS FOR BIOLOGICAL TREATMENT
- SYMPTOMS AND MATERIALS FOR RADIOACTIVE TREATMENT
- SYMPTOMS AND MATERIALS FOR NUCLEAR TREATMENT

USAID | KOSOVO

Weapons of mass destruction and other dangerous materials

- SYMPTOMS AND MATERIALS FOR NUCLEAR TREATMENT
- FIRST REACTORS
- PROCEDURES FOR REACTION AGAINST DOUBTFUL POWDER
- PROCEDURES FOR REACTION AGAINST RADIOACTIVE INCIDENT

USAID | KOSOVO

Hostage taking

- HOSTAGE TAKING
- MIRROR
- PROCEDURES AGAINST HOSTAGE TAKING
- Threat for hostage taking
- Reporting person missing
- Confirmed hostage taking
- Incident management
- Solution/return

USAID | KOSOVO

Hostage taking

- POSSIBILITIES AND LIMITS IN HOSTAGE TAKING SITUATIONS
- REPORTING INFORMATION
- Victim data
- Hostage taking: initial data
- Hostage taking: history

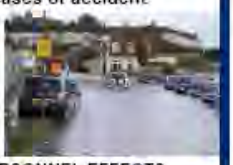
USAID | KOSOVO

Airplane hijacking

- AIRPLANE HIJACKING
- PROCEDURE AGAINST AIRPLANE HIJACKING
- HIJACKING THREAT
- Reporting missing airplane
- Confirmation of hijacking
- Solution/Return
- EVALUATION OF POSSIBILITIES AND LIMITS AGAINST AIRPLANE HIJACKING
- Evaluation of possibilities
- Reporting information

USAID | KOSOVO

Assistance for Kosovo citizens in cases of accident or catastrophe



- Incident initiation
- Reaching the location of the incident
- Return
- TREATMENT OF MEANS AND PERSONNEL EFFECTS
- IDENTIFICATION OF REMAINS
- Notification/Condolence letters/responsible persons for relations with families
- Sending remains
- Personal effects

USAID | KOSOVO

Assistance for host countries in case of great accident or catastrophe

- CATASTROPHE OF SLOWER BEGINNING
- Procedures for situations which can not become catastrophes
- CATASTROPHES WITH IMMEDIATE BEGINNING
- Procedures and immediate events that can be qualified as catastrophes
- DECLARED CATASTROPHES
- Procedures after declaration of catastrophes

USAID | KOSOVO

Withdrawal and Evacuation

- EVALUATION AND ORGANIZATION OF WITHDRAWAL
- Determination of the need and specter of withdrawal
- Organizing withdrawal
- Coordination of other foreign missions
- Notifications
- Notifications within the mission/Organisation of personnel
- Njoftimet e qeverisë nikoqire
- Njoftimet për komunitetin e qytetarëve të Kosovës

USAID | KOSOVO

Withdrawal and Evacuation

- ENFORCEMENT OF COMMERCIAL EVACUATION
- Follow-up:
- ENFORCEMENT OF EVACUATION HELPED BY CHARTER FLIGHTS
- Assembly and continuation
- Departure / travel
- Follow-up
- WITHDRAWAL OPTIONS
- Travel to missions with evacuation status

USAID | KOSOVO

Withdrawal and Evacuation

- Assistance for private Kosovo citizens
- Time period for evacuation
- Regulations for evacuation allowances
- Kosovo as a safe place
- SUSPENSION OF OPERATIONS
- Activities that need to be under taken for operation suspension
- PERSONS WITH RIGHTS IN SUPPORT OF EVACUATION

USAID | KOSOVO

Withdrawal and Evacuation

- Who can be ordered to leave
- The right for support but no order for leaving E
- Evacuation priorities
- Acceptance of evacuated persons
- Preparatory procedures
- Arrival procedures

USAID | KOSOVO

Links for various emergency plans

- http://www.state.gov/aboutstate/
- http://www.usaid.gov/policy/ads/500/530.pdf
- http://www.safety.caltech.edu/documents/39-emergency_action_plan_template.pdf
- http://water.state.co.us/damsafety/sampleeap.doc
- http://www.wright.edu/admin/bpra/em/docs/emergencyactionplan_dayton.pdf
- http://www.michigan.gov/documents/msp-pub602_site_planning_8707_7.pdf

USAID | KOSOVO

Thank you

Questions and Comments?

Task 1.2 Diplomatic Notes Training

USAID | KOSOVO

Executive Training
DIPLOMATIC WRITING

Daniel Santos Jr August 2006

Diplomatic Writing

- The world of diplomacy has its own way of writing, much like the strange vocabulary (to some of us) used by IT professionals.
- Diplomacy deals with national security issues, information so sensitive that will not tolerate typos or bad grammar, and which must reflect a "cleared" consensus;
- It is less permissive, more exact, and more intensive trade language than other professions or industries.

Dip Notes Complimentary Openings and Closings

- In the case of diplomatic notes, stylized formats are used for historical and protocol reasons.
- The Ministry of Foreign Affairs of the Republic of Kosovo presents its compliments to the Embassy of the Kingdom of the Netherlands and…
- The Ministry of Foreign Affairs of the Republic of Kosovo avails itself of this opportunity to reiterate to the Embassy of the Kingdom of the Netherlands the assurance of our highest consideration.

Types of Diplomatic Notes

- *First Person Note*
  - *Formal*
  - *Informal*
- *Third Person Note*
  - *Memorandum*
  - *Circular Diplomatic Note*
  - *Aide-Memoire*
  - *Note Verbale*
  - *Note Collective*
  - *Note Diplomatique*
  - *Pro Memoria*

First-person Notes - Formal

All formal notes are written in the first person and signed at the Director General or above. This type of note should be used for the most important correspondence initiated by the MFA. Depending on the content of the note, it may require the signature of the Minister or other principal.

Begin with "I have the honor…"

Use the following courtesy closing paragraph: "Accept, Excellency, the renewed assurances of my highest consideration."

Note to Charge: Use this format to write to a Charge when the Ambassador is out of town.

Do not begin the note with "I have the honor."

Use the following closing paragraph: "Accept Sir/Madam, the renewed assurances of my *high* consideration."

First-person Note – Informal

- Usually of an unofficial or personal nature, this informal communication to a Head of Mission or a staff member is written in the first person and signed by an Office Director or the Director General.

Third-person Notes - Memorandum

- A written statement on any subject, generally of a routine nature, from the MFA to an embassy (not from the Minister to an Ambassador or charge). Used for routine transmissions, inquiries, etc. The note begins with the formula "The Ministry of Foreign Affairs (informs, transmits to, etc.) the Embassy of (name of country)..." or "The Ministry of Foreign Affairs acknowledges receipt of note No. ___, dated (date), from the Embassy of (name of country)...." The note must indicate clearly in the first two lines the mission to which it is being sent. Do not use courtesy phrases. The note is not signed but is initialed in the lower right-hand corner of the last page of text by an office director or officer above that level.

Third-person Notes – Circular Diplomatic Notes

- Identical notes addressed to "Their Excellencies and Messieurs and Mesdames the Heads of Mission." They are not signed but are initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Aide-Memoire*

- An informal summary of a diplomatic interview or conversation that serves as an "aid to memory." It does not begin with a courtesy phrase, but it must indicate clearly in the first two lines the Ambassador, Minister, or mission to which it is addressed. An aide-memoire is usually handed to an embassy or mission representative at the Miinistry, although it may be sent through regular mail channels. It is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Note Verbale*

- More formal than an aide-memoire but less formal than a first-person note, a *note verbale* begins with the following formula of diplomatic courtesy: "The Minister of Foreign Affairs presents his (or her) compliments to His or Her Excellency the Ambassador of (name of country) and has the honor to ..." (or "presents his (or her) compliments to the Charge d'Affaires ad interim of (country) and ..."). The closing, however, contains no diplomatic courtesy phrase. A note verbale is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Note Collective*

- Generally referred to as a joint note because it is addressed by two or more states to one or more states. It is rarely used because it involves close relations among the signing states and may be regarded with some disfavor by the recipients. A note collective is signed, not initialed, by the states presenting it.

Third-person Notes – *Note Diplomatique*

- A formal note between governments, usually beginning with "The Government of...." The note is understood to speak for and under the direction of the government whose representative presents it. It is signed or initialed in the lower right-hand corner of the last page of text by an Office Director or officer of higher rank.

Third-person Notes – *Pro Memoria*

- A formal record of a subject discussed, it is understood to speak for and under the direction of the government whose representative presents it. It is usually handed to the Ambassador or Minister or a representative of the Ministry. It is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Intra-Ministry Paper

- In the case of memoranda, stylized formats are used to promote ease of reading for very busy officials.
- Paper moving within the Ministry can be standardized in the following formats:
  - Action Memo
  - Action Memo Split
  - Info Memo
  - Appointment Request
  - Memoon

Intra-Ministry Paper – Action Memo

- Action memoranda are **one page** in length.
- **Recommendation:** That you (succinctly state the issue, including specific action(s) requested of the Secretary or Principal). Do not adjust margins/font/spacing to fit more text!
- Approve _____ Disapprove _____
- **Background:** List a short summary of factors to consider in making the decision: the issue's immediate background; its current status; options for resolution; and implications of those options.

Intra-Ministry Paper – Action Memo Split

- Action memos are **one page** only
- **Recommendation(s)**
- *For a memorandum involving a split recommendation, this section should read as follows:*
- Bureau A recommends you approve a specific action. Bureau B opposes.
- Approve_____ Disapprove_____
- Alternatively, Bureau B recommends you approve alternate action. Bureau A opposes.
- Approve_____ Disapprove_____
- **Background**

Intra-Ministry Paper – Info Memo

- Information Memoranda should convey <u>important</u> and <u>timely</u> developments that the Minister needs to know but of which s/he would not otherwise be aware through daily meetings, press clips, and intelligence briefs. If appropriate, the drafter should focus on what the Ministry or post is doing to deal with the situation.
- Info memos should *not* be used to make policy recommendations or elicit decisions, even indirectly. Memos may not exceed one page. Additional background information may be attached, but the memo <u>must stand on its own</u> (without reference to attachments).

Intra-Ministry Paper – Appointment Request

- **Recommendation:** That you agree to meet Foreign Minister X on (date), (place) for (proposed duration). If this is a recommendation to attend, speak at, or host an event in Pristina, specify clearly what you recommend; if event/meeting is *outside* Pristina, use the separate Action Memo format. See next page for detailed guidance.

  Approve _____Disapprove _____

  Date _____ Time _____

- **Purpose:** Using bullets: (You must keep the memo to one page in length.)
- Explain concisely why this Principal should or should not meet with the official, or why he/she should participate in, speak at, and/or host the event (see last page for special clearances). Specify key objective(s) of the meeting/event (and likely audience/ character of guest list, if a larger gathering is involved).

Intra-Ministry Paper - Memcon

Memorandum of Conversation

- Participants: Kosovo (The Minister, Other participants, Notetaker); OTHER COUNTRY (Principal, Other participants with title
- SUMMARY. The summary paragraph sets the scene, giving a brief overview of the meeting. Use a second paragraph only if absolutely necessary. END SUMMARY.
- TOPIC HEADING: Describe the meeting fully from beginning to end. If more than one specific topic is covered, use meaningful headers as shown here. Use as many paragraphs as needed to capture the essence of the topic(s) raised. Continue until all topics have been fully described and the meeting has been completely covered.
- When drafting, remember the memcon is not supposed to be a transcript of the conversation, but rather a report of the substance of the discussion. Organize the memcon by topic, with the most important topic covered first. Keep language declarative, precise, and concise.

Responsibilities of the Office of Coordination

- The Office of Coordination with Embassies will be renamed the Office of Coordination. This Office is responsible for coordinating and distributing all written communications intended for the Minister, the Deputy Minister, the Permanent Secretary and the Director General.
- The Office is also responsible for coordinating and distributing to the Principals correspondence and documentation from other parts of the Kosovo government, foreign embassies and the Diplomatic Corps in Pristina, and Kosovo diplomatic and consular missions.
- Likewise, all documentation destined for other parts of the Kosovo government, foreign embassies in Pristina, the Diplomatic Corps and Kosovo diplomatic and consular missions must be delivered to this Office for proper coordination and forwarding.

Information Rationalization at the MFA

- Internal correspondence in the Ministry of Foreign Affairs is standardized to facilitate communication and transparency
- Drafting offices at the Ministry and Kosovo diplomatic and consular missions must use Action memoranda for the following purposes:
- Elicit decisions from Principals and other decision makers.
- Provide accurate and timely information to Principals
- Request appointments with Principals.
- Prepare schedules for Principals and other participants.
- Prepare Memoranda of Conversation with foreign or domestic interlocutors.

Responsibility of Drafting Offices

- Drafting offices are responsible for preparing correspondence and documentation in the appropriate format.
- Drafting offices are responsible for obtaining the clearance of other stake-holders prior to moving the correspondence and documentation to the Office of Coordination.

Responsibilities of Clearing Offices

- Clearing offices are responsible for reviewing correspondence and documentation presented for their clearance in a timely basis.
- When a clearing office cannot clear a piece of correspondence or communication because of disagreement, the clearing office is responsible for discussing such disagreement and reach a consensus with the drafting office.
- When a consensus is not possible, the clearing office is responsible for indicating so in writing; either as part of the piece of correspondence or communication or separately and attached to the piece of correspondence or communication

Clearance Page

- **Name of Document:** (name of document)
- **Drafter:** (name)
- **Date drafted:** (date)
- **Approved:** (Drafter's Office Director or above)
- **Clearances**
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)

Responsibilities on Diplomatic Notes

- Offices drafting diplomatic notes are responsible for using the appropriate format for the purpose of the note, as dictated by diplomatic usage.
- Offices receiving diplomatic notes are responsible for forwarding the note to the responsible official within 24 hours of its receipt.

Responsibilities on Diplomatic Notes (continued)

- Responsible offices receiving diplomatic notes must draft a response and forward the draft to the attention of the responsible official within 24 hours of its receipt.
- Principals are the only officials that may decide not to respond to a diplomatic note, thus drafting and receiving offices are responsible to proceed as if the note would be answered.

Protecting Classified Information

- Classified correspondence and documentation shall be protected in the future as prescribed by the Draft Law on Classification, when enacted.
- In the interim, information deemed sensitive at the Ministry of Foreign Affairs shall be protected as follows:
- The Minister and those s/he delegates are the only officials that may classify a document as "Sensitive".
- Such documents shall be bear on top of the first page:

Protecting Classified Information (continued)

- The designation Sensitive written two sizes larger than the document's font, bolded and centered.
- Immediately below the Sensitive designation, the document shall have the following classification block:
- Classified by: (name of classifier)
- Title of Classifying Official:
- Date of Classification:

Example of First Page of a Classified Document

SENSITIVE
Classified by: Luan Bicaj
Title: Public Administration Expert
Date: August 20,2009

SENSITIVE

Example of Subsequent Pages of Classified Documents

SENSITIVE
-2-

SENSITIVE

Protecting Classified Information (continued)

- The document shall be covered by a sheet labeled Sensitive (see Annex D)
- Authorized users of sensitive documents shall be determined by the Minister and/or his/her delegates
- Sensitive documents shall be stored in locked containers as prescribed by the MFA when they are not being handled by an authorized user.
- Sensitive documents shall not be taken out of Ministry premises unless authorized by the Minister and/or his delegates.

Interim Classified Cover Page

SENSITIVE

USAID | KOSOVO

Diplomatic Notes Intra-Ministry Paper

Diplomatic Writing

- The world of diplomacy has its own way of writing, much like the strange vocabulary (to some of us) used by IT professionals.
- Diplomacy deals with national security issues, information so sensitive that its meaning may be impacted by typos or bad grammar, or even the incorrect use of one word;
- It is less permissive, more exact, and more intensive trade language than other professions or industries.
- It is also assumed by the receiving person that a message has been properly cleared and approved.

Instruments of Diplomatic Communications

- By virtue of the care with which diplomats are chosen, it is traditionally assumed that their statements and actions have the approval of the sending state. Thus, the statements and actions of diplomats are one of the two main forms of diplomatic communications.
- The best known instruments of diplomatic communications are diplomatic notes. But written diplomatic communications may also include e-mails, letters, greeting cards and even the cards that accompany a bouquet of flowers.

Non-Written Diplomatic Communications

- Diplomatic and Consular Officers must exercise great care in what they say and what they do, since the spoken word, nuances and gestures may be assumed by other diplomatic practitioners to carry the approval of the sending state.
- Thus, the demeanor, dress, gestures and statements of diplomats must be measured and thoughtful.
- The segment on diplomatic practice will address this issue further.

Written Diplomatic Communications

- In the case of diplomatic notes, stylized formats and language are used for historical and protocol reasons. There are two major instances where stylized language is used in diplomatic notes:
- Complimentary Opening
- Complimentary Closing
- Variations of a single word denote levels of propriety. Diplomatic notes written to an Ambassador assure the ***"highest"*** consideration, while the same notes written to a Charge d'Affaires assure the Charge only of ***"high"*** consideration. This varies by type of note.

Complimentary Opening

- The Ministry of Foreign Affairs of the Republic of Kosovo presents its compliments to the Embassy of the United States of America and…
- The Embassy of the United States of America presents its compliments to the Foreign Ministry of the Republic of Kosovo and…
- The Department of State of the United States of America presents its compliments to the Embassy of the Republic of Kosovo and…
- The Embassy of the Republic of Kosovo presents its compliments to the Department of State of the United States of America and…

Complimentary Closings

- The Ministry of Foreign Affairs of the Republic of Kosovo avails itself of this opportunity to reiterate to the Embassy the United States of America the assurance of our highest consideration.
- The Embassy of the United States of America avails itself of this opportunity to reiterate to the Ministry of Foreign Affairs of the Republic of Kosovo the assurance of our highest consideration.
- The Department of State of the United States of America avails itself of this opportunity to reiterate to the Embassy of the Republic of Kosovo the assurance of our highest consideration.
- The Embassy of the Republic of Kosovo avails itself of this opportunity to reiterate to the Department of State of the United States of America the assurances of our highest consideration.

Types of Diplomatic Notes

- *First Person Note*
  - *Formal*
  - *Informal*
- *Third Person Note*
  - *Memorandum*
  - *Circular Diplomatic Note*
  - *Aide-Memoire*
  - *Note Verbale*
  - *Note Collective*
  - *Note Diplomatique*
  - *Pro Memoria*

First-person Notes - Formal

This type of note should be used for the most important correspondence initiated by the MFA. All formal notes are written in the first person and signed at the Director General or above. Depending on the content of the note, it may require the signature of the Minister or other principal.

Begin with "I have the honor..."

Use the following courtesy closing paragraph: "Accept, Excellency, the renewed assurances of my highest consideration."

Note to Charge: Use this format to write to a Chargé (when the Ambassador is out of country).

Do not begin the note with "I have the honor."

Use the following closing paragraph: "Accept Sir/Madam, the renewed assurances of my *high* consideration."

First-person Note – Informal

- Usually of an unofficial or personal nature, this informal communication to a Head of Mission or a staff member is written in the first person and signed by an Office Director or the Director General.

Third-person Notes - Memorandum

- A written statement on any subject, generally of a routine nature, from the MFA to an embassy (not from the Minister to an Ambassador or charge). Used for routine transmissions, inquiries, etc. The note begins with the formula "The Ministry of Foreign Affairs (informs, transmits to, etc.) the Embassy of (name of country)..." or "The Ministry of Foreign Affairs acknowledges receipt of note No. ___, dated (date), from the Embassy of (name of country)...." The note must indicate clearly in the first two lines the mission to which it is being sent. Do not use courtesy phrases. The note is not signed but is initialed in the lower right-hand corner of the last page of text by an office director or officer above that level.

Third-person Notes – Circular Diplomatic Notes

- Identical notes addressed to "Their Excellencies and Messieurs and Mesdames the Heads of Mission." They are not signed but are initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Aide-Memoire*

- An informal summary of a diplomatic interview or conversation that serves as an "aid to memory." It does not begin with a courtesy phrase, but it must indicate clearly in the first two lines the Ambassador, Minister, or mission to which it is addressed. An aide-memoire is usually handed to an embassy or mission representative at the Ministry, although it may be sent through regular mail channels. It is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Note Verbale*

- More formal than an aide-memoire but less formal than a first-person note, a *note verbale* begins with the following formula of diplomatic courtesy: "The Minister of Foreign Affairs presents his (or her) compliments to His or Her Excellency the Ambassador of (name of country) and has the honor to ..." (or "presents his (or her) compliments to the Chargé d'Affaires ad interim of (country) and ..."). The closing, however, contains no diplomatic courtesy phrase. A note verbale is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Third-person Notes – *Note Collective*

- Generally referred to as a joint note because it is addressed by two or more states to one or more states. It is rarely used because it involves close relations among the signing states and may be regarded with some disfavor by the recipients. A note collective is signed, not initialed, by the states presenting it.

Third-person Notes – *Note Diplomatique*

- A formal note between governments, usually beginning with "The Government of...." The note is understood to speak for and under the direction of the government whose representative presents it. It is signed or initialed in the lower right-hand corner of the last page of text by an Office Director or officer of higher rank.

Third-person Notes – *Pro Memoria*

- A formal record of a subject discussed, it is understood to speak for and under the direction of the government whose representative presents it. It is usually handed to the Ambassador or Minister or a representative of the Ministry. It is not signed but is initialed in the lower right-hand corner of the last page of text by an Office Director or officer above that level.

Intra-Ministry Paper

- In the case of memoranda, stylized formats are used to promote ease of reading for very busy officials.
- Paper moving within the Ministry can be standardized in the following formats:
  - Action Memo
  - Action Memo Split
  - Info Memo
  - Appointment Request
  - Memcon

Intra-Ministry Paper – Action Memo

- Action memoranda are **one page** in length.
- **Recommendation:** That you (succinctly state the issue, including specific action(s) requested of the Secretary or Principal). Do not adjust margins/font/spacing to fit more text!
- Approve _____ Disapprove _____
- **Background:** List a short summary of factors to consider in making the decision: the issue's immediate background; its current status; options for resolution; and implications of those options.

Intra-Ministry Paper – Action Memo Split

- Action memos are **one page** only
- **Recommendation(s)**
- *For a memorandum involving a split recommendation, this section should read as follows:*
- Bureau A recommends you approve a specific action. Bureau B opposes.
- Approve_____ Disapprove_____
- Alternatively, Bureau B recommends you approve alternate action. Bureau A opposes.
- Approve_____ Disapprove_____
- **Background**

Intra-Ministry Paper – Info Memo

- Information Memoranda should convey important and timely developments that the Minister needs to know but of which s/he would not otherwise be aware through daily meetings, press clips, and intelligence briefs. If appropriate, the drafter should focus on what the Ministry or post is doing to deal with the situation.
- Info memos should *not* be used to make policy recommendations or elicit decisions, even indirectly. Memos may not exceed one page. Additional background information may be attached, but the memo must stand on its own (without reference to attachments).

Responsibilities on Diplomatic Notes

- Offices drafting diplomatic notes are responsible for using the appropriate format for the purpose of the note, as dictated by diplomatic usage.
- Offices receiving diplomatic notes are responsible for forwarding the note to the responsible official within 24 hours of its receipt.

Responsibilities on Diplomatic Notes (continued)

- Responsible offices receiving diplomatic notes must draft a response and forward the draft to the attention of the responsible official within 24 hours of its receipt.
- Principals are the only officials that may decide not to respond to a diplomatic note, thus drafting and receiving offices are responsible to proceed as if the note would be answered.

Information Rationalization at the MFA

- Internal correspondence in the Ministry of Foreign Affairs is standardized to facilitate communication and transparency
- Drafting offices at the Ministry and Kosovo diplomatic and consular missions must use Action memoranda for the following purposes:
- Elicit decisions from Principals and other decision makers.
- Provide accurate and timely information to Principals
- Request appointments with Principals.
- Prepare schedules for Principals and other participants.
- Prepare Memoranda of Conversation with foreign or domestic interlocutors.

Responsibility of Drafting Offices

- Drafting offices are responsible for preparing correspondence and documentation in the appropriate format.
- Drafting offices are responsible for obtaining the clearance of other stake-holders prior to moving the correspondence and documentation to the Office of Coordination.

Responsibilities of Clearing Offices

- Clearing offices are responsible for reviewing correspondence and documentation presented for their clearance in a timely basis.
- When a clearing office cannot clear a piece of correspondence or communication because of disagreement, the clearing office is responsible for discussing such disagreement and reach a consensus with the drafting office.
- When a consensus is not possible, the clearing office is responsible for indicating so in writing; either as part of the piece of correspondence or communication or separately and attached to the piece of correspondence or communication

Clearance Page

- **Name of Document:** (name of document)
- **Drafter:** (name)
- **Date drafted:** (date)
- **Approved:** (Drafter's Office Director or above)
- <u>Clearances</u>
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)
- **Office:** (name of office) **Official:** (name of official clearing) **Initials:** (initials of official clearing)

Arrests

Your involvement in arrest cases is essential to monitor the welfare and treatment of prisoners, provide them with information about the judicial process, help them to communicate with family, and to let them and the government of your host country know that you are interested in their welfare. The attention that you give to jailed Kosovo citizens may ensure that the host government provides them with fair treatment. Your primary objective in arrest cases is to make sure that Kosovo citizens are treated humanely and fairly under local law.

Article 36 of the Vienna Consular Convention (1963) requires that host country officials inform prisoners of their right to communicate with their consular officer. Note that this allows the detainee to ask that the consulate **NOT** be notified. However, some countries have bilateral agreements requiring that consular officers be notified of the arrest of one of their nationals, regardless of the prisoner's wishes. The Vienna Convention and many bilateral agreements also guarantee the right to timely access to the prisoner for the consular officer. Note that the notification and access are for consular officers. Police officials who notify other embassy personnel, such as legal attaches, are not fulfilling their duty under the Convention.

You might hear of the arrest from a number of sources including police, local courts, friends and family members, or even the media.

As a consular officer, you should intensively cultivate your contacts with the police, prison officials, the public prosecutor's office, and the host country ministry of justice. Learn as much as you can about the local legal system and, if possible, visit jails and try one of their meals.

Your priorities are:

- Demonstrating the Government of Kosovo's interest in the prisoner
- Making sure the prisoner is getting adequate food and medical care
- Making sure the prisoner is not being mistreated
- Giving information on the charges filed, the local legal systems and lawyers
- Passing messages
- Helping the prisoner to receive funds from friends and family

When you go to visit a prisoner:

- identify yourself
- present your credentials
- tell who you are visiting
- sign a log if asked to do so
- let prison officials inspect anything you are going to give the prisoner
- you will normally meet the prisoner in an interview room, or a common room such as the

cafeteria
- you may bring, reading materials, toiletries, vitamins, fruit, etc.
- convey calmness and sympathy
- you may be the first friendly person the prisoner has seen and he/she may be emotional
- prisoners who are resident in the host country may be capable of handling things on their own
- other prisoner will need information about the legal system, how to contact a lawyer
- be clear that you cannot act as a lawyer, nor can the consulate pay for a lawyer; avoid making any promises
- ask about his mental and physical well-being
- ask how he is being treated
- if there has been any mistreatment, does the prisoner want you to complain to prison officials; sometimes complaints can cause further abuse
    1. an informal protest is made to prison officials, without direct accusations of wrongdoing
    2. make a factual observation about the prisoner's condition and show concern for his welfare
    3. it is rare, but sometimes formal protest about mistreatment is made through a high-level official by a demarche or diplomatic note to the MFA
    4. making sure that prisoners who have been mistreated or tortured receive medical care is a top priority
    5. you may wish to consider an examination by an independent doctor
    6. report any mistreatment back to Pristina
- ask if the prisoner wants his family contacted.
- ask if there are any messages he wants passed to the family,
- ask if there is anything the prisoner needs: toiletries, medication, food
- take lots of notes

Your farewell to the prisoner is important. Review all that has been discussed and state clearly all that you are going to do for the prisoner. You do not want any misunderstandings. Make sure you have in your notes all of the information you need to report back to Pristina. If possible tell the prisoner when you will be back to see him, but avoid making a promise that you cannot keep.

You will often encounter prisoners with mental illnesses. You will need a lot of patience and repeat things many times to make sure he understands. Tell the prison officials about your concerns and ask what kind of treatment they are planning. Contact family members to see what medication he should be taking and provide this information to prison officials. Many times, illegal behavior is caused by persons not taking their medications.

How often you visit will depends on the prisoners needs. It is US policy to visit pre-conviction prisoners every month and convicted prisoners every six months.

Report any **pattern of abuse** to Pristina.

Report all arrests to Pristina. Your notes should always be factual and professional. Any

personal comments should be clearly noted as such. Your first report to Pristina should include the prisoner's name, date and place of birth, national ID number, passport number, whether you have seen the passport, who has the passport, when the arrest occurred, where it occurred, where the prisoner is being held, what are the charges, any mistreatment, if he wishes his family to be notified, and comments about the condition of the prisoner and the story he tells. Your report should indicate how you found out about the arrest.

Subsequent reports should be made after each consular visit, after a trial date has been set, after a verdict has been reached, after sentence has been passed, after release, after any move to another prison, and if a prisoner escapes or dies.

Prisoner Transfers

Some countries have bilateral agreements that allow their citizens who are convicted of a crime in a foreign country to apply for a prison transfer to their home country. There are also two multilateral prisoner transfer treaties with the Council of Europe (often referred to as the COE or Strasbourg Convention) and the Organization of American States (OAS Convention).

All prison transfers are coordinated through the Ministry of Justice. The consent of the home country, the sending country and the prisoner is required for each transfer. Depending on the provisions of the governing treaty, prisoners who are convicted of certain types of crimes, such as military or political offenses, or who have less than a specified amount of time remaining on their sentences may not be eligible for transfer.

In-country prison transfers (from one prison to another in the host country) may help ensure better treatment for a mistreated prisoner or more favorable conditions for Kosovo detainees. Your ability to arrange such transfers will depend on local law and regulation, and the degree of cooperation post has with local law enforcement. This is another good reason to establish good relationships with your police contacts.

Questions to ask when you get to your post:
Do you have any Kosovo citizen prisoners in your district?
Do they have health problems?
Do the prisons provide a healthful diet?
Where are the files?
Who are your contacts at the prisons, police, Ministry of Justice, lawyers?
How do you obtain permission to visit prisoners?
Do you have an up-to-date lawyers list?
Do you have a handout on how the justice system works in your host country?
Does the host country provide representation?
If so, how long does it take for a lawyer to be assigned, charges to be presented, a case to coem to trial, and appeal to be filed?
How often have the prisoners been visited?
Do you have visits scheduled on our calendar?
How do prisoners receive money from family?
Does a prisoner transfer treaty exist between Kosovo and the host country?

If not, does the host country have treaties with other countries?
Is there a need for one with Kosovo?

Death and Estates

One of a consular officer's most difficult tasks is dealing with the death of a citizen abroad. These cases are challenging, not only because there are
a lot of responsibilities, but also because of the strong emotional responses of the family members and close friends of the deceased. When you learn of the death of a Kosovo citizen you have some immediate tasks:

- Verify the identity and citizenship of the deceased.
    1. Try to locate the passport which will verify both citizenship and identity
    2. You may need to get a passport photo from the Ministry of the Interior to compare with the deceased. The Ministry can also confirm citizenship.
    3. Normally family or associates will confirm identity, but local authorities may request your help.
    4. If condition does not permit a visual identification you may need to rely on forensic or legal assistance from the host country
- Determine who the next-of-kin
    1. Next-of-kin means the person't closest relative. In general the order of preference is spouse, children, parents, siblings, nieces and nephews
    2. Never speak to a minor child about a death.
    3. locate the next-of-kin traveling companions, employers, emergency contacts in a cell phone, airline records or passport applications
- Notify the next-of-kin of the death
    1. This is difficult. Use the outline (below) to help you make the call with sensitivity and not forget important points.
    2. Use plain language. Avoid words that can be misunderstood.
    3. Use tact and sympathy. Think how you would feel if you were receiving this call.
- Provide emotional support to the next-of-kin.
    1. Be prepared for a wide variety of emotional response.
    2. Be prepared to be the object of the grieving family's anger, however unearned; do not take it personally!
    3. Families may be business like or even relieved, be prepared for anything.
    4. The degree of anxiety will increase because of the death ocurring abroad
- Inform the next-of-kin if local law requires an autopsy.
- If an autopsy is not required but the death is suspicious, you may discuss whether the next-of-kin wishes to request an autopsy.
- Assist with arrangements for the disposition of remains
- After the notification, send an email or FAX with a formal expression of condolence and the options for disposition of the remains: local burial, cremation and repatriation, or embalming and repatriation.

1. Your message must include the costs involved with each option
2. **All costs are the responsibility of the family.**
3. Your message should include an information sheet about the consular Report of Death

- The actual disposition of the remains should be done as closely as possible to the wishes of the deceased, family or legal representative, and within the laws of the host country.
- Complete all paperwork necessary to repatriate the remains. The local funeral director should be familiar with these and may include:
    1. The local death certificate
    2. The consular mortuary certificate for customs clearance
    3. An affidavit from the local funeral director that the casket contains only the remains and necessary clothing.
    4. A transit permit authorizing the export of the remains issued by the health authority of the port of embarkation.
    5. A transit label fixed to the outer container that identifies the deceased, contacts at the posst of arrival and shipment details.
- If necessary, act as provisional conservator of the estate (see below).
- Complete necessary paperwork and produce an official record of death. The Consular report of Death Abroad should include the essential facts concerning the death and custody of the estate. Most information should be taken directly from the local death certificate.
- Cancel the passport by clipping the corners or punch two holes in the front cover of the passport and return it to the next-of-kin.
- Report the death to the MFA in Pristina. Include the complete name date and place of birth, date and place of death, name and address of the next-of-kin, date of notification, the name of the officer who made the notification, any arrangements already made by the family.

Making death notifications is extremely difficult. In the death industry, the standard is to never do it alone and never do it over the telephone. You will be doing it alone and over the telephone, so you start at a disadvantage. The following outline will help you to make the call.

- Identify yourself by name and title and tell them where you are calling from. (my name is Joe Smith, the consul from the Kosovo embassy in Berlin)
- Verify with whom you are speaking (Are you Mary Jones, the wife of Bob Jones?)
- Say that you are sorry, but that you have some bad news about their loved one (your husband, your daughter) and use the full name of the deceased.
- Give a short explanation of the cause and circumstances of the death. Explain who the source of your information is. Never speculate. Do not go into great detail. Be very sensitive to suicides. (Police have informed us they believe he took his own life.)
- Pause and listen as to how to proceed.
- Give them your phone number and request an e-mail address or FAX number so that you can send information on the death and future arrangements
- Mention if there are any special conditions (law that requires burial within 24 hours, dental records to confirm identity)

- Arrange for a next call to discuss details after the family has had time to absorb the news.
- Express your condolences and those of the embassy or consulate.
- Never refer to "the body" or "the remains", but rather speak about returning your son, Bob, to Kosovo.
- Never make a promise you cannot keep. Once trust is lost you will never get it back.

DO	DON'T
Convey sympathy: I am so very sorry. Please accept my condolences. I am sorry to intrude on your grief.	Don't share your own experiences.
Do say: I know how distressing this is for you.	Don't say: I know how you feel.
Be compassionate. Refer to the victim by name or as "your son" or "your daughter," etc.	Don't use terms such as "your late son" or "the deceased." Don't try to give advice on how to handle bereavement.
Assist family to make necessary decisions. Be prepared to make appropriate professional referrals for specific assistance.	Don't expect them to make immediate decisions. Allow time to confer with family, clergy, funeral director, etc. ensure, however, that family understands time constraints for action.
Be professional and caring.	Don't be cold or distant. But don't make unrealistic promises in attempt to console or assist family.
Do try to respond to specific questions. Be approachable and convey	Don't respond to questions if you are not 100% sure of the answers. Don't put

responsiveness to demands.
question. Tell

answer and

Listen.
constraints or impa-

next call.

your work.

Take seriously the concerns of family members.
(prompt return of remains, finding an impor-
tant sentimental object, e.g. wedding rings)
regardless of whether you believe the
concern is valid.

family on hold. Take the

The family you will get the

call back.

Don't convey time

tience to move on to the

Don't convey pressures of

Don't be judgmental about
someone
else's reaction to or way of
handling
tragedy. Every group/individual
has a
different way of responding.

Your relationship with the family will go on for some time. If possible, they should speak to the same officer every time. Keep the family updated. You may also speak to the family clergyman or funeral director to assist with repatriation of the remains. In cases involving murder or suspicious circumstances, the officer needs to remain in constant contact with the family.

Effects and Estates

If the deceased is accompanied by the next-of-kin or has a legal representative, they should take responsibility for the effects and estate. The next-of-kin may appoint someone else to do this on their behalf, possibly a traveling companion or business partner. If no appropriate person is available, the consular officer may serve as the temporary conservator of the estate. This should not be done for large, valuable estates. The next-of-kin must name a conservator in these instances.

The deceased may be in the country temporarily and have only personal luggage. This can be easily stored on the consular premises after it has been inventoried. The consular officer should always do this inventory in the presence of another person to avoid any accusations of theft if items are missing. The officer should not make judgments in the inventory. A gold and diamond ring should be described as a gold-colored ring with brilliant stone. Discard embarrassing items (pornography) or of no value (perishable food, newspapers.) A copy of the inventory should be sent to the family for them to decide whether to ship the contents back to

Kosovo. All estate shipment costs are the responsibility of the family.

There is no obligation to travel great distances to secure an estate. If the deceased left a pet, arrange for temporary care of the animal with neighbors or friends. Assets of the estate or funds from the family may be used to settle local debts. The officer must prepare a final statement of account for the family to document financial transactions associated with the estate.

You may only release the estate to a person who by relationship or court appointment is entitled to receive it. Conflicting claims need to be settled among the parties or by a court before the officer can release the estate.

Questions to ask when you get to your post:
Which authority acts as the coroner or medical examiner in your district(s)?
Where are the morgues?
Are there any local laws about quick burial?
What are the local burial options and costs?
What are the cremation options and costs?
Is embalming available?
How much does it cost?
Which are the best mortuaries for preparing bodies for export?
What does that cost?
What do the airlines charge to ship a casket?

Birth Registration

Citizenship is transmitted if:

1. If both parents are Kosovo citizens;
2. If one parent is a Kosovo citizen and the other parent is unknown or stateless; or
3. If one parent is a Kosovo citizen and the other parent is not, and the parents request that the child be a citizen of Kosovo before the child's fourteenth birthday.

ELEMENTS TO DETERMINE CITIZENSHP BY BIRTH ABROAD

A birth abroad of a Kosovo citizen relies on a blood relationship. In order to determine that a child is a citizen of Kosovo you must establish:
- The identity of the father and the identity of the mother;
- The citizenship of the father and the citizenship of the mother; and
- The biological relationship of the child to the Kosovo citizen(s). [See below for information on determining blood relationship.]

IDENTITY

Identity should be proved with valid government-issued ID with photo and preferably with a signature. For Kosovo citizens, a Kosovo passport or identity card will serve as proof of identity.

For the parent of another nationality, identity may be established by presenting a valid national identity card or passport. The photo must be reasonably current. Driver's licenses issued by a competent authority in the jurisdiction where the applicant lives is acceptable, unless you have reason to doubt the reliability of local documents.

CITIZENSHIP

Citizenship of Kosovo citizens is established by a Kosovo passport or identity card.

For the parent of another nationality, identity may be established by presenting a valid national identity card or passport. Secondary evidence could be a birth certificate if the parent has no passport and the country does not issue national identity cards.

DETERMINING BLOOD RELATIONSHIP

It is the responsibility for the parents to prove that the child is their biological child. If there are no fraud indicators, the parents should present the child's birth certificate and documents

pertaining to the birth. These documents may include prenatal medical documents and hospital bills and documents.

If the consular officer has doubts about the parentage of the child, the parents may be required to present additional documents, or ultimately resort to DNA testing. If DNA testing is used it must be conducted by a lab of the consul's choosing and the results must be sent directly to the consul by the lab.

Adopted children may be documented as Kosovo citizens following the ministry of the Interior's process.

REGISTRATION PROCEDURES

Having determined that the child's birth should be registered in Kosovo, the consular officer should prepare the following documentation for each of the three possibilities detailed above:

1) Authenticated copies of both parents' citizenship documents (either a Kosovo passport or identity card, or a Kosovo birth certificate, or a Kosovo certificate of citizenship); an authenticated copy of the child's birth certificate listing the two parents.

2) (a) Authenticated copy of the Kosovo parent's citizenship document (as above); an authenticated copy of the child's birth certificate listing the Kosovo citizen as the parent and the other parent as "unknown"; or
(b) Authenticated copy of the Kosovo parent's citizenship document (as above); documents establishing the statelessness of the non-Kosovo citizen parent, and an authenticated copy of the child's birth certificate listing the two parents.

3) Authenticated copy of the Kosovo parent's citizenship document (as in (1) ; An affidavit by the non-Kosovo citizen parent, notarized by the consular officer, consenting to the birth registration in Kosovo; and an authenticated copy of the child's birth certificate listing the two parents.

The consular officer will include proof of payment of the appropriate fee, and forward the documentation for the birth registration to the Ministry of Foreign Affairs. After review MFA will forward the documentation for the birth registration to the domicile municipality of the parent(s).

If both parents are Kosovo citizens but from different municipalities differ, the documentation will be forwarded to the domicile municipality of the father unless the parents make a written request for registration in the mother's municipality.

In the case where the parent(s) do not have a domicile municipality in Kosovo, the MFA will forward the documentation to the Ministry of Internal Affairs (for registration in the central registry?).

The MFA will inform the consulate when the birth registration has been completed. The consulate should then inform the parent(s).

Notarial Services

Although consular officers are not notaries, certain notarial acts taken before a consular officer and certified by the officer's signature and seal are valid in their home country. Please note that your clients for notarial services will be from many different countries. They will all have in common the need to present documents in Kosovo.

Consular officers may perform notarial acts only within the boundaries of the consular district. Generally, such acts should be performed at the consular office.

The Mechanics

Many forms ask for the date of expiration of the notary's commission. A consular officer's commission is ―indefinite".

Do not prepare documents for clients beyond adding the appropriate venue and signature information. A notarizing officer must prepare a written certificate attesting to the performance of a notarial act. You must insert or append the certificate to the notarized document. Without the certificate, the notarial act is legally invalid.

The venue on a notarial certificate signifies the place where the certificate is executed. The venue must be shown on all notarial certificates to establish the qualifications and authority of the notarizing officer to perform the notarial act. The venue consists of these elements (examples in parentheses):

(1) Name of country (Canada);
(2) Name of province (Province of Ontario);
(3) Name of city (City of Ottawa); and
(4) Name of Foreign Service post (Embassy of the Republic of Kosovo).

The notarizing officer should sign on the lower right side of the notarial certificate. Your signature should correspond with your specimen signature on file in the Department. Your name and full official title should be typed, stamped with a rubber stamp, or printed in ink on two separate lines just below your signature. When you are assigned to a post in both a diplomatic and consular capacity, use your consular title in the certificate. You may not use a rubber stamp signature or a signature machine; you must provide an original signature.

You should apply the embossed seal of the post on the lower left side of the certificate. Use of Rubber Stamp Seal: On preprinted certificates supplied by the person who requests the notarial, the notarizing officer may honor a request that the rubber seal rather than the embossed seal be used on the certificate.

Never notarize a blank or partially blank document.

If the person requesting the notarial service does not appear to be capable of understanding the implications of the transaction, or appears to be acting under duress, you may refuse to perform the notarization.

When the instrument or document to which a notarial act relates consists of more than one sheet, or when the notarial certificate will be attached and not written on the document itself, you should bring all of the pages the document together under your official seal.

This is best done by perforating each of the pages, including the notarial certificate, in the upper left corner, inserting eyelet grommets, and imprinting the embossed seal of the post on the notarial certificate, which is the first page of the set of documents (or the last page of the document where a preprinted or rubberstamped certificate is used).

The affiant or acknowledger should initial each page of a multipage document, and the total number of pages should be indicated on the consular certificate or on the last page of the instrument where no separate certificate is used.

Sample Notarial Certificate

Venue
Name of country (Canada);
Name of province (Province of Ontario);
Name of city (City of Ottawa); and
Name of Foreign Service post (Embassy of the …..).
Jurat
Subscribed and sworn before me on (date) by (Name of Affiant)
Affiant Signature Block
Signature of Affiant
Typed or Printed Name of Affiant
Date
Notarizing Officer Signature Block
Signature of Notarizing Officer
Typed Name of Notarizing Officer
Title of Notarizing Officer
(SEAL)

Types of Notarial Services

The most common notarial service is certifying a signature on an **affidavit**. The client must:

1) appear in person;
2) prove his identity;
3) indicate he understands the contents of the document;
4) indicate that he is signing/swearing/affirming of his/her own free will;

5) swear or affirm that the statements are true; and
6) sign in the consul's presence.

Once the affiant signs, the officer signs the affidavit and places the seal to the left of his/her signature. You are not required to verify the truth or accuracy of the statement in the affidavit. If you have reason to believe that material statements in a document are false, you may consider performing the service only with the specific waiver of responsibility included in the notarial certificate that reads: "I assume no responsibility for the truth or falsity of the representations which appear in the foregoing/annexed document."

Another common notarial service is the **acknowledgement** that the person named appeared before the officer and acknowledged that the signature on a document is his/her own.

An **authentication** is a certification of the genuineness of a signature of a foreign notary or government official. Local notaries will ask to have their signatures filed with your office so that clients presenting documents signed by them can be authenticated for use in Kosovo.

A **certified true copy** is a document that has been verified as a complete an accurate reproduction of an original. This process is not normally used for civil documents such as birth, death and marriage certificates. Clients requesting this type of service should be referred to the foreign authority that issued the document. You should note that many countries no longer certify diplomas and transcripts from foreign countries. Prospective students submitting their school records to foreign institutions should use the same certification required by universities in their home countries.

Hague Legalization Convention

The United States of America and more than 80 other countries are parties to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (Hague Legalization Convention). This treaty eliminated the requirement of most diplomatic and consular legalization for public documents originating in one country that a requester intends to use in another. The treaty does not eliminate or replace the consular notarial function. It does provide an alternative in which persons may execute a notarial instrument before a local notary in the host country and then have the document by a host country official designated to issue apostilles under the Hague Legalization Convention.

Welfare and Whereabouts covers an enormous variety of situations. Some of the most common involve missing persons, destitutes, victims of crime and various children's issues.

Welfare and Whereabouts

The relatives and friends of Kosovo citizens traveling or living abroad sometimes become concerned about their welfare or need to pass an emergency message to them. You should try to locate and check on the welfare of Kosovo citizens in your consular district, passing emergency messages if required. The reasons that someone might be considered missing range from the serious (illness, injury) to the trivial (not contacting home on a regular basis). Citizens may also be trying to conceal their whereabouts. You need to use your judgment to determine when someone is truly missing (and may be in peril). These inquiries can come from family and friends or the MFA. You should not make efforts to find someone for a bill collector or casual acquaintance.

So how do you search for someone? First, check your files to see if the person is registered with you. If so, try to reach him or her based on the information in the file. You may have information about the local employer or school, other relatives or acquaintances. If they are not registered, you should begin with your contacts: employers who have many of your citizens working for them, schools, cultural groups, etc. If he is a tourist, hotels and youth hostels popular with your countrymen should be contacted. You could set up a group email list to which you can send multiple requests as a way to save time. You should then contact police and hospital authorities. Is there someone in your community who always seems to know what is going on and who is passing through? This would be a good person to contact. You may try contacting local immigration to see if he entered or exited the country. If those records are not well kept, you could try contacting airlines.

If you are successful, and the "found" person so wishes, report back to the inquirer. It is important to remember that every mentally competent adult person has the right to remain "missing" if they so choose. If you do find someone and they do not want their whereabouts revealed you should follow MFA guidance on how to proceed. American consuls are forbidden from violating someone's privacy by law.

If your search is unsuccessful, report that back to the inquirer and the MFA. You may provide the inquirer with a list of private investigative agencies or private detectives to continue their search.

Questions to ask when you get to your post:
Who are the contacts among police, hospitals, immigration authorities, airlines, hotels, youth hangouts, etc.?
Where do your countrymen tend to gather?

How do they get money?
What hotels, hostels and restaurants are popular?
Is there a local missing persons bureau?
Does immigration keep close track of exits and entries?
Are there good private investigative services?

Destitution

Your citizens traveling abroad sometimes find themselves without funds to meet a temporary emergency, continue their journey, or return to Kosovo. These people frequently turn to the consular officer, not only for advice but also for funds. When a destitute citizen of Kosovo comes to you for assistance, you should first look into the availability of funds from private sources, such as family or friends. You will also need to explore the possibility that local organizations may be able to provide assistance. As a last resort, Kosovo citizens may qualify for a loan program established to repatriate citizens to Kosovo or their normal country of residence.

Your first resource is to use local, direct solutions. You should react sympathetically and avoid making judgments about your client's predicament. Focus on problem solving.

First confirm the identity and citizenship of the client and the genuineness of his distress. Determine whether the client has family or friends locally who might be able to help by providing funds. Are there any local charitable organizations, Kosovo citizen groups, religious organizations, or, your contacts (hotels, restaurants) that might be able to provide shelter, food, clothing or emergency transportation? In general, you should avoid inviting destitute clients to stay with you at your home.

You should also encourage clients in distress to contact friends , family, employers or others in Kosovo who might be able to send funds. Help him to get in touch with them by telephone or email. Funds should be transmitted through commercial channels. You should understand the options and procedures, including time and cost, for wiring money from Kosovo to the host country, both through banks and to local commercial offices like Western Union or American Express. Also, an e-ticket for an airline passage can be purchased and printed out locally for immediate use.

To qualify for a repatriation loan, the client must have exhausted all other sources of funds. He should provide the names and contact information for at least three persons that you can contact to request funds. If none of these contacts are able to help, you may proceed to process the loan by requesting permission from the MFA. The client must have no other outstanding loans with the MFA and he must agree to repay the loan. We do not evaluate their ability to repay the loan. He must sign a promissory note. You may encounter someone who is unable to sign the promissory note due to age or mental or physical problems. You may sign the note for them with the permission of the MFA, noting that it is "without recourse". Adding this phrase will prevent the MFA from trying to recover payment from you. As final step, you should cancel the client's passport and provide him with an emergency direct return passport. A new passport will not be issued until the loan has been repaid.

Citizens can abuse this program, using it to return home from multiple trips or by demanding cash rather than plane tickets for direct return to Kosovo. You should avoid giving destitutes cash. If as part of the return, you are including a night in a hotel, you should arrange for direct payment and include any meals in the cost. Do not give client's cash for airline tickets.

At this time, the MFA does not have plans for additional loan programs. You should be aware that other countries have loan programs for emergencies (for instance when a pension payment is delayed or a medical emergency arises) or for prisoners who do not get adequate food from local authorities. I do not know of any country that provides loans for existing debts.

Questions to ask when you get to your post:
What is the best way to transfer funds by commercial means?
How long does it take?
Can this be done on weekends?
What local organizations provide emergency assistance to the homeless or destitute?
Where are the cheapest (but safe) hotels, hostels and rooming houses?
Are there program to provide meal for the penniless?

Physical and Mental Illness

Being ill in a foreign country can be a frightening and frustrating experience due to language difficulties and differing medical systems. You must demonstrate concern and make referrals to appropriate service providers. Travelers are often surprised by the cost of medical care abroad and the fact that their medical insurance may not provide overseas coverage. When helping these clients it is important to avoid giving the impression that the government of Kosovo will be paying for medical services.

You should maintain a list of physicians, dentists and hospital facilities from which clients can seek medical assistance. You should avoid recommending one over another. The professionals should be divided by specialty or location.

When you learn that a Kosovo citizen is in a hospital because of illness or injury you should visit as soon as possible. If time or distance make this difficult, enlist the assistance of a community member, possibly a clergyman to visit in your place. The patient may want to contact family or friends, arrange for funds to pay medical expenses. Your appearance will demonstrate post's interest in its citizens and improve the patient's morale. It will also give you an opportunity to interact with hospital personnel and remind them that you would like to be contacted when other Kosovo citizens are admitted in the future. Remember to take reading material if it is available. Report back to the MFA about any serious illnesses or injuries.

Medical evacuations cost a great deal, but if the patient has the funds or MFA is willing to loan the repatriation cost of such a trip, you will need to coordinate and make sure that all travel arrangements from the host country hospital to the airport, the flight and arrival in Kosovo are in place. If an escort is required, make sure that he or she will be dmitted to Kosovo by immigration. If the MFA is paying for the trip, remember that the return flight of the escort must

be included in the cost. The most economical method of medical evacuation is by commercial aircraft on a regularly scheduled flight. Stretchers can be arranged over several seats if needed. Private air ambulances are obviously more expensive, but necessary in some cases.

Persons who are mentally ill occasionally suffer relapses while traveling. Some forget to take their medication. Others are fleeing relatives or the threat of hospitalization. Still others may be experiencing mental illness for the first time. **For a consular officer the single most difficult element of mental illness is the person's unawareness that a problem exists.**

In general, your concern as a consular officer are to (1) protect the mentally ill person from injuring themselves and others, and (2) ensure that they receive appropriate medical or psychiatric care in the host country. A mentally ill citizen has the right to remain abroad subject to local immigration laws. You cannot forcefully repatriate anyone. You cannot force them to a hospital. However, the mark of a good consular officer is his or her ability to persuade confused or upset people to take actions recommended by attending doctors or host-country authorities. A consular officer may also insist that local officials meet their responsibility for ensuring the welfare of individuals within their jurisdiction.

Normally a mentally ill person will be brought to your attention by hotel managers, neighbors or tourism officials. When you hear of a case, try to visit the person as quickly as possible to ask about their welfare. Depending on the degree of danger you believe they present to themselves and others, you may strongly suggest to local authorities that they order hospitalization and/or evaluation to determine the person's ability to make decisions on their own behalf. The local officials may start legal proceedings, requesting a court to declare the person incompetent and appoint a guardian to make decisions for them. You as a consular officer, cannot serve as the legal guardian of a citizen declared mentally incompetent in your host country.

Questions to ask when you get to your post:
Where are the best hospitals and clinics?
Does post have an up-to-date list of physicians and dentists?
What mental health facilities are available?
Do police officials recognize signs of mental illness and treat persons appropriately?

Victims of Crime

Consular officers encounter many persons who have been victims of crime and also with the families of victims. Whether your contact is someone who has been assaulted or robbed, the relative trying to deal with the kidnapping or murder of a loved one, or the victim of domestic abuse or sexual assault, these persons share a need for reassurance that they are safe and protected from more harm.

You are not expected to act as therapists, psychologists or social workers, but in your contacts with victims you have a responsibility to try to provide as much assistance as possible to the victim. If at all possible, it is preferred to have one person serve as a caseworker responsible for communication with the victim and the family.

In cases where a victim suffers serious physical or psychological harm, it is important that someone arrive at the scene quickly. This may be you, a family member, or a friend. Medical care is a top priority, and you may need to work with local officials to determine whether specialized treatment, trauma counseling, or medical/forensic examinations are required. Basic needs such as shelter, food, clothing and personal necessities should be assressed quickly.

It may be appropriate for the victim to change hotels, stay with family or friends, or even stay in a shelter or other special facility. If there is a continuing threat to safety, you may need to work with local police officials to ensure the victim's safety.

Consular officers must draw upon a wide list of contacts with police prosecutors, coroners, Ministries of Foreign Affairs and Justice, as well as Kosovo law enforcement agencies to ensure the proper and expeditious handling of criminal cases involving Kosovo victims.

The second priority of crime victim assistance after safety is referred to as "ventilate and validate". The victim may well choose you to talk to about the experience. Please listen with empathy. This is a necessary step for the victim to process what has happened and begin to put the event into perspective. Telling someone not to think about it is counter-productive. Respond in a caring, non-judgmental manner. Referrals to counseling, support services and local crime victims' assistance programs can be helpful.

Do not blame the victim.

Victims need to regain control over their lives. Do not tell them what to do. Ask them to make easy choices: "What name would you like me to call you? "Where would you like to sit while we talk? Would you like a glass of water?" From these small decisions, victims can begin to make initial decisions on bigger matters.

In later stages of dealing with crime, information is critical to prepare victims for the legal process. Prepare them for what will come next in the investigation, search for attackers, or prosecutions. Instruct them in how to make police reports. Explain what will be involved if the victim plans to be a witness at a trial.

Questions to ask when you get to your post:
What counseling, support services and local crime victims' asssitance programs are available?
How sensitive are local police in handling rape victims?

Children's Issues

You may receive request for assistance involving international parental child abduction (IPCA), child custody or other problems involving children. Consular officers must be careful in your contacts with parents you must not take sides in a dispute. It is the job of the courts to make those decisions. Your primary concern is the welfare of the child.

You may receive requests from parents whose children have been wrongfully taken from or not returned to Kosovo by the other parent. There is an international agreement, the Hague

Convention on International Child Abduction, which attempts to deal with this issue. Kosovo is not a member of this treaty, so you will need to work closely with local officials and under local law to attempt to resolve these matters. **You should never advise or condone the re-abduction of a child.** Always work with the Kosovo Ministry of Justice on IPCA cases.

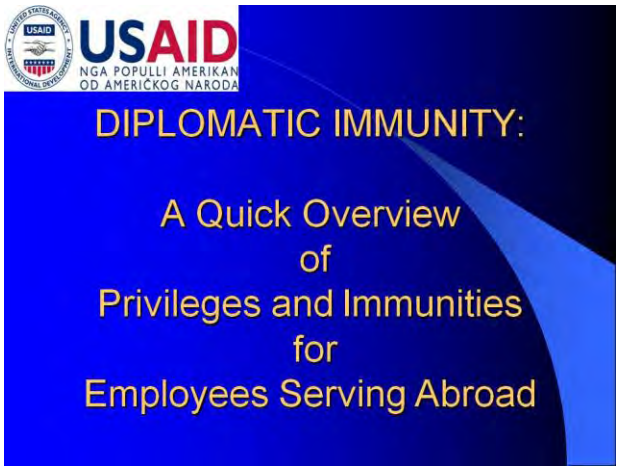
Some actions that you may take regarding abduction or custody are to:

- attempt to locate the child
- if found, conduct a welfare and whereabouts visit to report back to the left-behind parent about the child's condition
- provide the left-behind parent with information about the local legal system
- furnish the left-behind parent with the list of attorneys
- speak with host government authorities to identify lawful remedies

If you believe that a Kosovo child is being abused or neglected by a parent or guardian, you should promptly bring the case to the attention of local authorities.

Questions to ask when you get to your post:
What local agencies deal with children's issues?
Are temporary lodging facilities for children safe and clean?
What is the local practice on child custody?
Are there many unresolved custody/IPCA cases among the international community?

Task 1.3 Privileges and Immunities Training



USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

An Embassy Assignment (Administrative and Support)

- Personal Inviolability - total
- Criminal Immunity - total
- Civil Immunity (only for official acts)
- Immunity from Testifying - total

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

A Consular Assignment (Consular Officer)

- Personal Inviolability – limited (felony and warrant)
- Criminal Immunity – only for official acts
- Civil Immunity – only for official acts
- Immunity from Testifying - total

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Recognized Family Members

- Generally have the same level of immunities as the employee
- Family members have no "official acts" immunities – they perform no official acts
- May lose immunities for job-related acts when employed on the local economy

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Diplomatic and Official Passports

- *…do not confer any types of immunities!*

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

The Nitty-Gritty on Immunities

- Accreditation by the host country confers immunity
- Immunity is "owned" by the government, not the individual (waivers)
- Immunity expires when accreditation expires

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

The Final Recourse: Persona Non Grata

- For spying
- For political purposes
- For abuse of privileges generally related to serious crimes

Task 2.3.6 Ethics Training for MFA

USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Ethics for the Kosovo Foreign Service

October 2009

Agenda

- Ethics defined
- Why is ethical conduct important?
- Ethics and virtue—living a life in balance
- Public Service vs. Private Enrichment
- Preventing corruption is up to you

Some famous comments about ethics…

"It happened a long time ago"

Roman Polanksi

"I'm not a crook"

Richard M. Nixon

"What goes around comes around"

American Folk Saying

KOSOVO CIVIL SERVANT CODE OF CONDUCT No. 01/2006

- GENERAL PRINCIPLES OF THE CIVIL SERVANT CODE OF CONDUCT
  - Lawfulness
  - Equal treatment and Nondiscrimination
  - Political neutrality
  - Impartiality and professional independence
  - Sincerity
  - Procedural integrity
  - Respect
  - Rational usage of public financial means
  - Avoidance of Conflict of Interest
  - Transparency

KOSOVO CIVIL SERVANT CODE OF CONDUCT (Cont.)

- CIVIL SERVANT RULES OF CONDUCT
- MEASURES OF PROTECTION
- POLITICAL ACTIVITY AND CIVIL SERVANTS
- EXERCISING THE DUTY IN AN INDEPENDENT MANNER
- CONDUCT OF A CIVIL SERVANT TOWARD THE CITIZEN
- CONDUCT OF A CIVIL SERVANT TOWARD THE POLITICAL STAFF
- CONDUCT OF THE CIVIL SERVANT TOWARD THE MANAGERS
- THE CONDUCT OF MANAGERS IN THE CIVIL SERVICE
- CONDUCT OF THE CIVIL SERVANT WITH THE STAFF
- CONDUCT OF A CIVIL SERVANT TOWARD MEDIA
- CONDUCT OF CIVIL SERVANTS DURING THE PRESENTATION OF ADMINISTRATION
- CONFLICT OF INTERESTS
- PROFESSIONALISM
- GIFTS AND FAVOR
- WORKING HOURS
- WAY OF DRESSING AND CIVIL SERVANT PRESENTATION
- MONITORING OF IMPLEMENTATION OF CODE OF CUNDUCT IN CIVIL SERVICES
- IMPLEMENTATION AND DISCIPLINARY MEASURES
- REGISTRATION OF MEASURES
- FINAL AND TRANSITION PROVISIONS

United States: Standards of Ethical Conduct for Employees of the Executive Branch of Government

- (a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

- (b) *General principles.* The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

United States: Standards of Ethical Conduct for Employees of the Executive Branch of Government (cont.)

- (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- (4) An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

7

United States: Standards of Ethical Conduct for Employees of the Executive Branch of Government (cont.)

- (5) Employees shall put forth honest effort in the performance of their duties.
- (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- (7) Employees shall not use public office for private gain.
- (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.
- (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

8

United States: Standards of Ethical Conduct for Employees of the Executive Branch of Government (cont.)

- (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
- (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

9

United States Navy Code of Ethics

DO

- Place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Act impartially to all groups, persons, and organizations.
- Give an honest effort in the performance of your duties.
- Protect and conserve Federal property.
- Disclose fraud, waste, and abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as citizens, and pay your Federal, State, and local taxes.
- Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap.

10

United States Navy Code of Ethics (cont.)

DO NOT

- Use nonpublic information to benefit yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business with or seek official action from DOD (unless permitted by an exception).
- Make unauthorized commitments or promises that bind the government.
- Use Federal property for unauthorized purposes.
- Take jobs or hold financial interests that conflict with your government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.

11

USAID Statement regarding fighting corruption

- USAID focuses on corruption as the misuse of public office for private gain. It encompasses abuses by government officials such as embezzlement and nepotism, as well as abuses linking public and private actors such as bribery, extortion, influence peddling, and fraud.
- Corruption poses a serious development challenge. In the political realm, it can seriously undermine democracy and good governance.
- Corruption also undermines economic development.
- Corruption also generates economic distortions in the public sector by pulling public investment away from education and into projects where bribes and kickbacks are more plentiful.

12

CODE OF CONDUCT OF BULGARIA

- Civil servants must be impartial in the performance of their duties
- Civil servants must respect the constraints of the law
- Civil servants must maintain high standards of service in all of their dealings with the public
- Civil servants are required to attend at work as required and comply with the terms of sick leave regulations.
- Civil servants are required to have due regard for State resources to ensure proper, effective and efficient use of public money
- Civil servants should show due respect to their colleagues including their beliefs and values
- The use of their official positions by civil servants to benefit themselves or others with whom they have personal or business ties is not allowed. Civil servants are also forbidden to seek to influence decisions on matters pertaining to their official positions other than through established procedures.

13

CODE OF CONDUCT OF BULGARIA (cont.)

- Civil servants may not engage in outside business or activity which would in any way conflict with the interests of their Departments/Offices.
- Civil servants should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgment or integrity.
- The same principle applies to any acceptance of hospitality. Within the general framework of guidelines set out in the Code, every care must be taken to ensure that (a) any acceptance of hospitality does not influence, or be seen to influence, the discharging of official functions and (b) that there are clear and appropriate standards in place which have been notified to all staff in relation to payment for work on behalf of outside bodies.
- Civil servants must not seek contracts with Government Departments or Offices for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity.

14

AZERBAIJAN CIVIL SERVANT CODE OF CONDUCT

Conflict of interests – arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

Official conduct – legal implementation of responsibilities entitled to civil servant and also fulfilling his official duties.

Personal Interest – any privileges or advantages for civil servants, their families, relatives, as well as for juridical or physical persons that are in business or political relationship with him. This term also includes any financial and civil obligations that civil servant undertakes.

Interested person – is a close relative or the civil servant, or juridical person who the civil servant himself or his close relative is a member of, or physical or juridical person who has taken commitment before civil servant, or his close relative for the cost of thousand times more of the minimum salary, or physical or juridical person who is in labor relations with close relatives of the civil servant.

15

AZERBAIJAN CIVIL SERVANT CODE OF CONDUCT (cont.)

Honest official conduct

Official conduct that guarantees civil servants to fulfill their official duties more effectively for the sake of the interests of citizens, society and the state is called honest official conduct.

Civil servant shall maximally avoid the conflict of interests occurred during his activity starting from the day appointed to public service and after that and he carries the responsibility for the solution of problems related his own personal interests.

Civil servant shall maximally avoid the conflict of interests occurred during his activity starting from the day appointed to public service and after that and he carries the responsibility for the solution of problems related his own personal interests.

16

The choices are yours

Each of you has the unique opportunity to serve your newborn nation in a way that will help make it an example for lovers of freedom and democracy throughout the world.

Achievement of this goal requires that you make choices: to put the good of the nation before that of yourself, to not use your official position for personal gain, to resist the temptations of conflict and corruption so that Kosovo will thrive.

You may not be wealthy in money, but you will be rich in honor. Your nation will be proud. You will make history, and your part in it will be memorable, indeed.

17

Thank you!

18

Task 2.3.7 Seminar for new heads of mission - Foreign Service Qualities

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Foreign Service Qualities

Organizational Culture

- Describes the psychology, attitudes, experiences, beliefs and values of an organization.
- Management theorists Charles Hill and Gareth Jones called it "the specific collection of values and norms that are shared by people and groups in an organization and that control the way they interact with each other and with stakeholders outside the organization."
- Organizational senior management determines values and standards of behavior that specifically reflect the objectives of the organization.

Organizational and Corporate Values

- Current theorists Roger Harrison and Charles Handy suggest that corporate values, unlike organizational values can be imported.
- In the absence of a Kosovo MFA traditional organizational culture, values had to be imported.
- While the values imported lean heavily on the US Foreign Service, they were modified to account for Kosovo cultural and behavioral traits.

The Hiring Decision Tool Design

- Patterned after the techniques used by the US Board of Examiners of the Foreign Service.
- Modified extensively during consultations between KMFAS and MFA Principals.
- Validity remained high, though not optimal, despite modifications because questions elicited responses on all 14 Qualities Desired of a Kosovo Foreign Service Officer.

Quality 1

- **Promoting Kosovo Identity, History and Culture –** To demonstrate authoritative knowledge of the Kosovo history and culture, and be able to promote Kosovo in foreign situations, orally and in writing. To argue convincingly for Kosovo's right to take its place in the community of nations.

Quality 2

- **Equanimity -** To stay calm, poised, and effective in stressful or difficult situations; to think on one's feet, adjusting quickly to changing situations; to maintain self -control.

Quality 3

- **Cultural Receptiveness -** To work and communicate effectively and harmoniously with persons of other cultures, value systems, political beliefs, and economic circumstances; to recognize and respect differences in new and different cultural environments.

Quality 4

- **Motivation -** To demonstrate knowledge, skills or other attributes gained from previous experience of relevance to the Foreign Service; to articulate appropriate motivation for joining the Foreign Service.

Quality 5

- **Analytical Skills -** To absorb and retain complex information drawn from a variety of sources; to draw reasoned conclusions from analysis and synthesis of available information; to evaluate the importance, reliability, and usefulness of information; to remember details of a meeting or event without the benefit of notes.

Quality 6

- **Leadership Skills -** To recognize and assume responsibility for work that needs to be done; to persist in the completion of a task; to significantly influence a group's activity, direction, or opinion; to motivate others to participate in the activity one is leading.

Quality 7

- **Judgment -** To discern what is appropriate, practical, and realistic in a given situation; to weigh relative merits of competing demands.

Quality 8

- **Impartiality and Honesty -** To be fair and honest; to avoid deceit, favoritism, and discrimination; to present issues frankly and fully, without injecting subjective bias; to work without letting personal bias prejudice actions.

Quality 9

- **Oral Communication Skills -** To speak fluently in a concise, grammatically correct, organized, precise, and persuasive manner; to convey nuances of meaning accurately; and to use appropriate styles of communication to fit the audience and purpose.

Quality 10

- **Organizational Skills -** To prioritize and order tasks effectively; to employ a systematic approach to achieving objectives; to make appropriate use of limited resources.

Quality 11

- **Mathematical and Data Skills -** To identify, compile, analyze, and draw correct conclusions from pertinent data; to recognize patterns or trends in data; to perform simple mathematical operations.

Quality 12

- **Ingenuity -** To formulate creative alternatives or solutions to resolve problems; to show flexibility in response to unanticipated circumstances.

Quality 13

- **Interpersonal Skills -** To interact in a constructive, cooperative, and harmonious manner; to work effectively as a team player; to establish positive relationships and gain the confidence of others; to use humor as appropriate.

Quality 14

- **Written Communication Skills -** To write concise, well-organized, grammatically correct, effective, and persuasive in a limited amount of time.

Questions

?

Task 2.3.7 Diplomatic Negotiation Training

USAID | KOSOVO

Diplomatic Negotiations

- Daniel Santos, Jr. May 2009

Preparation

- Make sure you know what you want; set a goal.
- Research your goal.
- Research the other side to better understand their needs as well as their strengths and weaknesses.
- Get help from former negotiators and experts.
- Design the negotiations as if it were a movie script.
- Rehearse, rehearse and rehearse.

Timing

- Once you know what you want, have done your research, designed a scenario and rehearsed you must decide *when* to ask for it.
- There are times to push on, and times to wait.
- Beware of pushing too hard and poisoning any long-term relationship.

Ego Interference

- Excellent negotiators don't *show* they care about who gets credit for a successful deal.
- Make the other side believe that the final agreement was *their* idea.

Listen

- If you don't listen you don't hear.
- Never interrupt.
- Encourage the other side to talk first. (whoever mentions goals first, loses).
- Even if they don't mention goals, it sets them up to ask them disarmingly "so, what do you want".

Positioning

- During your preparation, define your highest *justifiable* goal.
- If you can argue convincingly, don't be afraid to aim high.
- No ultimatums. Speak softly and carry a big stick.

Your Word is Your Bond

- Don't exaggerate your ability to deliver. The truth will set you free.
- If you have a record of failing to deliver, negotiations challenges might be insurmountable. So build up your image starting now. Prepare valid explanations of your record.
- The other side also has to demonstrate the ability to deliver. Know your opponent and either deal with him/her or don't even think about negotiating.

Never Take the First Offer

- Expect to make concessions and plan your bottom line.
- The other side is also doing this, so never take their first offer.
- Even if it's better than you had anticipated, look disappointed and politely decline. Just watch out that, in declining, you don't close that door.
- Forrest Gump (revised) – Life is like a box of chocolates, you never know *what else you can get*.

Beware of Empathy

- The opponent is likely to tell you all his/her problems, and why s/he can't give you what you want.
- Don't let their problems become your problems.
- Find alternatives to their excuses. For example, if money is low, maybe they can get some more money elsewhere.

Never Compromise Your Principles

- As a representative of your country you ought to know what its basic philosophy is – what are its basic values that cannot be compromised.
- If you find negotiations crossing those boundaries, walk away.
- Don't let them rattle you with rhetoric. Use rhetoric against rhetoric.
- The final document must be something with which you and your country can live.

Crystal Clarity

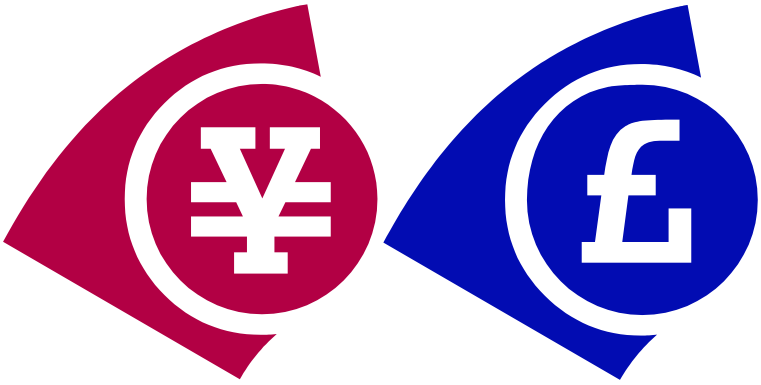
- At the end of any meeting, even if you have not reached a deal, recap the points covered and areas of agreement and disagreement.
- Make sure your team and the other side agree with your recap. Follow-up with written evidence of the proceedings. Don't leave behind loose ends.

Success or Failure

- Don't be afraid to fail, but document each step you took for the sake of those who may negotiate after you.
- Likewise, do not gloat if you win. That just builds resentment for future relationships. Make it look like they too have won.

Exercise

- Next week we will practice negotiating.
- Divide into two sides.
- You will receive a topic and instructions from training staff.
- Research, design and rehearse.
- Now, are there any questions?



General Scenario

There are two countries in the southern part of the continent of Atlantida: The People's Republic of Red and the Kingdom of Blue.

The People's Republic of Red recently split from the Kingdom of Blue due to questions of ethnicity. However, as would happen to many new countries, their industry, government and social institutions are in the early stages of development. This has brought about a high level of unemployment in the young People's Republic.

Because of internationally accepted and practiced nationality rules, and cases pending in international organizations, citizens of both countries have rights to the same nationality. However, the Red workforce is far younger than the Blue, but national IDs in both countries are only issued to citizens 17 and older.

The difficulty lies in that the citizens of Red are crossing the borders illegally to obtain work in Blue. The Blue business community welcomes that workforce because it is as technologically advanced as their own, but cheaper and younger because of their illegal status.

Recently, both countries agreed to hold negotiations on border crossing points, which they believe will lessen the difficult illegal migration by controlling migrating populations at those points. Both countries have agreed to prevent border crossings by their citizens while the negotiations are ongoing.

Blue Scenario

The Blue Minister of Foreign Affairs has instructed you to make the negotiations last 3 months or longer, so that they can develop stronger military and police measures to counter illegal immigration. They would also like to have as many crossing points as possible to be able to better control the high number of migrants.

Red Scenario

The People's Minister of External Affairs has charged the negotiating team to get a resolution as soon as possible, but no later than 1 month from the start of the negotiations. She also wants the negotiations to result in as few crossing point as possible, to permit the Red unemployed to continue crossing illegally at many unwatched border areas. When the unemployed leave the country, the Red government does not have to spend as much money in social safety net programs, given it time to strengthen their military and police, which they see as the most important national security goal.

Task 2.3.7 Economic Diplomacy Training

USAID | KOSOVO
FROM THE AMERICAN PEOPLE

Economic Diplomacy

- Daniel Santos, Jr. April 2009

What is Economic Diplomacy?

- The US Department of State defines it as the promotion of economic security and prosperity at home and abroad.
- Its Bureau of Economic, Energy and Business Affairs covers the following seven areas:
  - Energy , Sanctions and Commodities
  - International Communications and Information Policy
  - International Finance and Development
  - Trade Policy and Programs
  - Transportation Affairs
  - Commercial & Business Affairs
  - Economic Policy Analysis & Public Diplomacy

Energy, Sanctions, and Commodities

- Takes the lead in formulating and implementing foreign policy relating to energy, sanctions, and commodities. For example: since imports supply roughly half of our oil needs, and the United States has only 2% of proven world oil reserves, the international aspects of energy with which this office deals are critical to U.S. national security.
- The foreign policy-related sanctions that are an aspect of DoS responsibility have been adopted to counter threats to national security posed by particular activities and countries. Since the attacks of September 11, 2001, the staff--together with other offices in the Department and a number of other agencies--has been actively involved in the effort to combat the financing of terrorism.
- In addition, ESC has played a leading role in negotiating and implementing the Kimberley Process certification scheme, which seeks to combat the use of rough conflict diamonds to finance rebellions against legitimate governments and brutalities committed against civilians in Africa.

Finance and Development

- Promotes economic development through global economic stability.
- Development Finance -- Negotiating multilateral assistance projects that foster sustainable development and market reforms, are consistent with protection of human rights and the environment, and support domestic jobs by creating export and development opportunities for companies.
- Investment Affairs -- Developing a satisfactory climate for investment overseas through bilateral and multilateral investment agreements that encourage foreign countries to adopt market-oriented policies that treat private investment fairly; by support of multilateral efforts to eliminate bribery and corruption and to encourage responsible behavior by multinational enterprises; and with assistance to U.S. investors involved in investment disputes with foreign governments.

Finance and Development (cont)

- Monetary Affairs -- Fostering global economic stability and growth by promoting sound macroeconomic policies through our broader foreign policy and in our relations with other countries; supporting international financial institution efforts to promote market-oriented economic reforms and a sounder global financial system; and negotiating debt rescheduling and, where appropriate, debt relief agreements.

Trade Policy and Programs

- Advances U.S. trade policy objectives by opening new export opportunities for American businesses, farmers, ranchers and workers through global, regional and bilateral trade initiatives - including free trade agreements (FTAs) and the World Trade Organization (WTO) Doha Development Agenda. In partnership with agencies across the federal government, the more than 50 TPP professionals and staff work to maximize the benefits of open markets for global economic development, address and resolve trade disputes, strengthen intellectual property enforcement, and improve access for U.S. goods and services abroad.
- TPP is composed of three offices:
- Office of Bilateral Trade Affairs
- Office of Intellectual Property Enforcement
- Office of Multilateral Trade and Agricultural Affairs

Bilateral Trade Affairs

- The **Office of Bilateral Trade Affairs** manages U.S bilateral trade relations with countries around the world, assisting with the negotiation and implementation of Free Trade Agreements, Trade and Investment Framework Agreements, and trade preference programs. Key initiatives include seeking Congressional passage of Free Trade Agreements with Colombia, Panama, and Korea; leading the Department's outreach efforts to promote free trade policy; coordinating the Department's work on the bilateral dialogues like the Strategic Economic Dialogue with China or the Brazil Economic Partnership Dialogue; supporting the U.S.-EU Transatlantic Economic Council; and promoting development in Africa through implementation of the Africa Growth and Opportunity Act. The Office works closely with USTR, USDA, Treasury, and Commerce, as well as Congress, the private sector, academia, and think tanks.

Intellectual Property Enforcement

- The **Office of International Intellectual Property Enforcement** (IPE) promotes American and global innovation by advocating for the effective protection and enforcement of intellectual property rights (IPR) around the world. The IPE team works closely with economic officers at the State Department's embassies, consulates, and missions to ensure that the interests of American right holders are represented overseas, and to highlight the integral role of IPR protection in the development of the global economy.
- IPE leads the U.S. Government's innovation and intellectual property related initiatives in the G8 and the U.S.-China Strategic Economic Dialogue (SED); engages in IPR negotiations in the world's international organizations; oversees the distribution of training and technical assistance funds to help developing countries build IPR law enforcement capacity; and undertakes public diplomacy programs to generate awareness of the importance of IPR protection. IPE also actively participates in interagency efforts to strengthen the fight against trade in counterfeit and pirated goods worldwide, including the Administration's Strategy Targeting Organized Piracy (STOPI).

Multilateral Trade and Agricultural Affairs

- The Multilateral Trade Affairs (MTA) division leads the State Department's trade policy activities in multilateral institutions, including the World Trade Organization (WTO) and Organization for Economic Cooperation and Development (OECD). It provides technical expertise in regional and bilateral trade negotiations including labor, environment, services, government procurement, trade remedies, and trade capacity building. The MTA team is working to conclude an ambitious WTO Doha Development Round that will provide economic benefits to the U.S. and help reduce poverty abroad. MTA also supports bilateral WTO accession negotiations and U.S. Trade programs to include the Generalized System of Preferences (GSP) program.
- The Agriculture, Biotechnology and Textile Trade Affairs (ABT) division works to advance the State Department's critical global food security goals. The ABT team is addressing barriers and opening markets for American farm products, contributing to the development of effective food aid policies, promoting rural development and increasing agricultural productivity through biotechnology. The ABT division oversees the distribution of the Department's biotech outreach funds to promote international acceptance of biotechnology.

Transportation

- The Bureau of Economic, Energy and Business Affairs' Transportation Affairs division (EEB/TRA) is devoted to providing the fullest possible support to the U.S. global transportation industry, vital to the prosperity and security of Americans and citizens of every nation around the world. EEB/TRA has two offices: the Office of Aviation Negotiations (AN) and the Office of Transportation Policy (OTP). Our goal is to create a world-wide transportation system that is open, efficient, secure and safe for the rapid and economical movement of people and goods.
- EEB/TRA aggressively promotes liberalization of safe and secure air and sea transportation to spur economic development, and to expand opportunities for U.S. firms, jobs for U.S. workers, and benefits for U.S. consumers. EEB/TRA leads U.S. teams negotiating Open Skies and other aviation liberalization agreements with nations around the world. EEB/TRA routinely works with the U.S. Department of Transportation, and provides advice to the Secretary of Transportation on overall foreign policy and specific negotiations. EEB/TRA also works closely with the Departments of Commerce, Homeland Security, Defense, the National Economic Council, and other federal offices; foreign governments; international organizations; and the private sector to protect the transportation infrastructure, and to ensure the safety of the people and goods that travel on it.
- EEB/TRA also oversees air, maritime, and land transport policy activities, and works closely with the Federal Aviation Administration, the Maritime Administration, and the Federal Maritime Commission. EB/TRA also supports the U.S. Mission to the International Civil Aviation Organization, and the U.S. Representative to the International Maritime Organization.

Doing Business in International Markets

- The Office of Commercial and Business Affairs (CBA) plays a major role in coordinating trade and investment matters in support of U.S. firms doing business overseas. CBA can help answer your questions and provide information on important issues such as corruption and bribery in overseas markets, U.S. export controls on sensitive equipment and technologies, and business-related visas for employees, partners and clients of U.S. firms. CBA also coordinates State Department advocacy on behalf of American businesses and can provide assistance in opening markets, leveling the playing field, protecting intellectual property and resolving trade and investment disputes.
- CBA and the Department of State work with our U.S. Government trade promotion partners and our U.S. embassies around the world to support American businesses overseas by providing commercial information and identifying market opportunities for American firms, advocating on their behalf, and encouraging corporate responsibility. U.S. Embassy officers are the eyes, ears, and in-country advocates for U.S. business interests throughout the world.

Economic Policy Analysis & Public Diplomacy

- The Office of Economic Policy Analysis & Public Diplomacy works to develop and promote sound economic policies by analyzing the effectiveness of current U.S. policies, engaging the private sector in policy planning and development, and by evaluating economic and foreign policy implications of emerging, cross-cutting issues. EPPD supports and promotes U.S economic policies through public diplomacy and public affairs efforts including sustained outreach to media, other government entities, non-governmental organizations, business and civic groups, and educational institutions; and by promoting effective cooperation with Members of Congress and their staff regarding international economic issues. EPPD provides policy support for the U.S. Mission to the Organization for Economic Cooperation and Development (OECD) and the OECD-based Partnership for Democratic Governance (PDG). EPPD also manages the Secretary's Award for Corporate Excellence (ACE) and serves as Executive Secretariat for the Advisory Committee on International Economic Policy (ACIEP).

The image part with relationship ID rId20 was not found in the file.

Open Skies Agreements Facts

Open Skies agreements set liberal ground rules for international aviation markets and minimize government intervention. Provisions apply to passenger and cargo air transportation and encompass both scheduled and charter services. Key provisions include:

- **Free Market Competition**
  No restrictions on international route rights; number of designated airlines; capacity; frequencies; or types of aircraft.
- **Pricing Determined by Market Forces**
  A fare can be disallowed only if both governments concur -- "double-disapproval pricing" -- and only for certain, specified reasons intended to ensure competition.

Open Skies Agreements Facts(cont)

- America's Open Skies policy has gone hand-in-hand with airline globalization. By allowing air carriers unlimited market access to our partners' markets and the right to fly to all intermediate and beyond points, Open Skies agreements provide maximum operational flexibility for airline alliances.
- The United States has achieved Open Skies with over 90 partners from every region of the world and at every level of economic development. In addition to bilateral Open Skies agreements, the United States has negotiated two multilateral Open Skies accords: (1) the 2001 Multilateral Agreement on the Liberalization of International Air Transportation (MALIAT) with New Zealand, Singapore, Brunei, and Chile, later joined by Samoa, Tonga, and Mongolia; and (2) the 2007 Air Transport Agreement with the European Community and its 27 Member States.

Open Skies Agreements Facts (cont)

- **Doing Business Protections**
  For example:
  o All carriers of both countries may establish sales offices in the other country, and convert earnings and remit them in hard currency promptly and without restrictions.
  o Carriers are free to provide their own ground-handling services -- "self handling" -- or choose among competing providers. Airlines and cargo consolidators may arrange ground transport of air cargo and are guaranteed access to customs services.
  o User charges are non-discriminatory and based on costs.
- **Cooperative Marketing Arrangements**
  Airlines may enter into code-sharing or leasing arrangements with airlines of either country, or with those of third countries. An optional provision authorizes code-sharing between airlines and surface transportation companies.

Open Skies Agreements Facts (cont)

- **Provisions for Consultation and Arbitration**
  Model text includes procedures for resolving differences that arise under the agreement.
- **Liberal Charter Arrangements**
  Carriers may choose to operate under the charter regulations of either country.
- **Safety and Security**
  Each government agrees to observe high standards of aviation safety and security, and to render assistance to the other in certain circumstances.
- **Optional 7th Freedom All-Cargo Rights**
  Provides authority for an airline of one country to operate all-cargo services between the other country and a third country, via flights that are not linked to its homeland.

OECD

- The United States is a member of the Organization for Economic Cooperation and Development (OECD). The OECD Guidelines for Multinational Enterprises are non-binding recommendations made to enterprises by the 30 OECD member countries and six non-member countries.
- OECD Website: www.oecd.org
- Website for the U.S. Mission to the OECD: www.usoecd.org
- OECD: Multi-National Enterprise Code of Conduct Point of Contact: http://www.state.gov/e/eeb/oecd/
- Partnership for Democratic Governance: www.oecd.org/pdg

Task 2.3.7 Strategic Planning Training

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Strategic Planning

Kosovo Ministry of Foreign Affairs Support Project – USAID

Luan Bicaj

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Today we will cover

- Introduction
- Preparation
- Planning Team
- Needs Assessment/Analysis
- Mission, Vision, Core Values, Strategic Objectives, Operational Plans
- Partnerships
- Responsibility
- Evaluation
- Conclusion

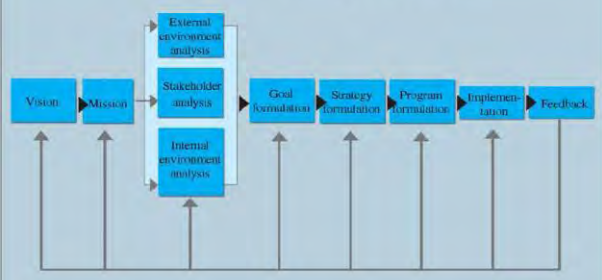
USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Introduction

- Strategic planning is the formal consideration of an organization's future course. All strategic planning deals with at least one of three key questions:
- "What do we do?"
- "For whom do we do it?"
- "How do we excel?"

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Strategic Planning Process



USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Preparation

- Establishing a Planning Team
- Compiling a list of people who will work on the planning
- Prepare the Survey
- Inform all the staff about the importance of the process
- Define priorities (President, Government, MFA, Mission)

USAID
NGA POPULLI AMERIKAN
OD AMERIČKOG NARODA

Planning Team

- Appointment of the Team
- Guidelines and ToR for the Team
- Internal Rules
- Reporting

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

Needs Assessment /Analysis

- Problem Definition
- Stakeholder Analysis
- Internal Analysis
  - SWOT
- External Analysis
  - PEST (Political, Economic, Social, and Technological)
  - STEER (Socio-cultural, Technological, Economic, Ecological, and Regulatory)
  - EPISTEL (Environment, Political, Informatics, Social, Technological, Economic and Legal)

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

Problem Definition

- Problem Tree
  - Cause
  - Effect

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

Stakeholder Analysis

Stakeholder	Strenghts	Needs and wants	Possible contribution of stakeholder	Partnership strategy

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

Planning Glossary

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

Strenghts and Weaknesses Chart

	Performance		Importance	
	Strength	Weakness	High	Low
Organizational				
1	.....	.....	.....	.....
2	.....	.....	.....	.....
3	.....	.....	.....	.....
4	.....	.....	.....	.....
Financial				
1	.....	.....	.....	.....
2	.....	.....	.....	.....
3				
4				
Program prodnctional				
1	.....	.....	.....	.....
2	.....	.....	.....	.....
3	.....	.....	.....	.....
4	.....	.....	.....	.....
Human Resource				
1	.....	.....	.....	.....
2	.....	.....	.....	.....
3	.....	.....	.....	.....

USAID
NGA POPULLI AMERIKAN OD AMERICKOG NARODA

- **Vision** The vision is future oriented, telling who we want to become and what we will do in the future.
- **Mission** The mission tells who we are and what we do.
- **Core Values** Value statements are grounded in values and define how people want to behave with each other in the organization.
- **Strategic Goals** The strategic goals broadly explain what we must do to move from the mission toward the vision.
- **Operational Plan** The operational plan describes the activities that each department engages in to meet the strategic objectives.

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Operational Strategy

Summary of objectives	Indicators		Assumptions Risk	Risk mitiga-tion measures
	OVIs	MOVs		
Goal				
Purpose				
Results				
Programs/activities				

What are the strategies that the plan must adopt at the operational level for the successful implementation of activities?

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Partnership/collaboration chart

Activities to be implemented with partners	Probable partner or collaborator	Which partner will do what? (Work division)

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Responsibility matrix

Activities	Coordinating agency[1]	Implementing agency[2]	Partner/collaborating agency[3]	Supporting agency[4]	Remarks

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Evaluation

- Measure Progress
- Review Plans
- Determine consistency
- Correct

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Conclusion

- Preparation
- Needs Assessment/Analysis
- Planning Team
- Mission, Vision, Core Values, Strategic Objectives, Operational Plans
- Partnerships
- Responsibility Matrix
- Evaluation

USAID
NGA POPULLI AMERIKAN OD AMERIČKOG NARODA

Thank You

Questions / Comments

Planning and Procedure Documents

Task 1.1 Organizational Analysis Department for Bilateral Agreement, International Organizations and Security Matters

ORGANIZATIONAL ANALYSIS

DEPARTMENT FOR BILATERAL AGREEMENT, INTERNATIONAL ORGANIZATIONS AND SECURITY MATTERS

On September 24, 2009, KMFAS reviewed the proposed structure of the Department for Bilateral Agreement, International Organizations and Security Matters and provides the following comments:

1. First of all, the name of the Department may be confusing to the diplomatic practitioner and the public in general. ―Agreement" refers in diplomatic practice to an instrument agreed upon between nations. Such instruments appear to be the competency of the Department of Legal Affairs, International Treaties and Human Rights. ―Bilateral Relations" would be a much more accurate title for the function; and International Security Matters is a better description of ―Security Matters", which may refer to the physical security of Kosovo diplomatic establishments and the personal security of Kosovo diplomats.
2. We find the two-division and one senior officer breakdown of the Department's functional responsibilities quite adequate for the scope of supervision. The functions are also properly divided amongst them.
3. Likewise, the internal divisional portfolios make sense for the time being, until the workload increases. At that time the current organization is flexible enough to expand regionally, and or to redefine the regions. As regional importance develops, the Ministry may consider a realignment of the Senior Officers.
4. We also find that the Division for International Organizations is well designed. Again, as the Ministry's portfolios develop, consideration should be given to more specialized

personnel, such as one person to coordinate the affairs of the Kosovo Mission to the United Nations when the country finally accedes to it.

5. Likewise, the emphasis give to ICO and OSCE seem to be adequate.

In general, this Department appears to have been well thought out, with the proper capacity to expand as necessary and addressing the appropriate competencies.

Task 1.1 Organizational Analysis Department of Economic and Strategic Affairs

ORGANIZATIONAL ANALYSIS
DEPARTMENT OF ECONOMIC AND STRATEGIC AFFAIRS

At the request of the Department, KMFAS reviewed the proposed structure of the Department of Economic and Strategic Affairs and provides the following comments:

1. Translated into English, the Department's name of Economic and Strategic Affairs may cause confusion. Strategic Affairs is much too general and does not refer solely to economic issues. We realize that it is probably intended to denote economic strategy. If it is, it should say so; that is: "Department of International Economic Affairs and Economic Strategy", for example, or even "Department of International Economic Affairs". We are not wed to a name, but do suggest that whichever name you choose clearly identify the nature of the office.
2. While divisions and offices for "International Economic Cooperation" and "Promotion and Investment" appear to be internationally accepted parts of economic portfolios in other foreign ministries such as the French, British and Spanish, these and other divisions and offices present organizational and intergovernmental relations challenges:
    a. The "International Economic Cooperation" function impacts on the work of the Ministry of Trade and Industry. However, the function is a legitimate concern of a foreign affairs institution. Countries such as the United States and France have even developed separate foreign affairs agencies, such as the US Agency for International Development and the Agence Française de Développement. Likewise, "Promotion and Investment" are handled in the United States by the Foreign Commercial Service of the US Department of Commerce and semi-governmental bodies such as the US Chamber of Commerce. In Kosovo, foreign investment impacts the Ministry of the Economy and Finance and the Ministry of Trade and Industry. Thus, while these functions appear to be legitimate in a foreign affairs portfolio, the Ministry of Foreign Affairs should be poised to coordinate these matters with other Kosovo ministries and separate agencies. This includes the Defense Ministry, in the case of defense articles; and, the Ministry of Agriculture in the case of agricultural commodities.
    b. The Division of Succession appears to overlap the duties of the Ministry's Office of Legal Affairs, Treaties and Human Rights. We recommend close coordination with that office to properly define responsibilities.
    c. The Office of Coordination with Diaspora presents a unique challenge. The Office of the Prime Minister already has a Diaspora Office that

appears to duplicate the portfolio. This may also impact the MFA's Department of Consular Affairs.

d. The Division of Trade, Analysis and Statistics may create bureaucratic uncertainties. The Trade function directly challenges the portfolio of the Ministry of Trade and Industry. Likewise, the Statistics function may replicate duties already performed by the Agency for Statistics of the Ministry of Public Administration. Some of the statistical functions also appear to be the portfolio of the Central Bank. It might be advisable to further refine the Department's portfolio in terms of foreign affairs, such as foreign countries' statistics.

3. The thrust of our recommendations is that there needs to be additional thought given to limiting the portfolio of the Department to matters that are not duplicative of those of existing ministries, offices and agencies. And, if found that existing agencies' portfolios impact foreign affairs, that the Ministry coordinate closely with these organizations to properly divide these responsibilities.
4. Additionally, the breakdown of the Department's portfolio suggests a much larger organization than the current one. This is not a problem if the appropriate resources are aligned for the expansion.
5. International economic issues are a legitimate interest of the MFA. But other ministries also have legitimate interests in these issues. The important point is to ensure coordination among relevant ministries. Thus it might be useful to have an inter-ministerial council on international economic issues chaired perhaps by the PM's office. Participants would include MFA, Economy and Finance, Trade and Industry, Public Administration and perhaps others. The Department would represent the MFA on this council.

Task 1.1 Plan for Opening and Functionalizing Consular Missions of Kosovo

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

Ministria e Punëve të Jashtme / Ministarstvo Inostranih Poslova / Ministry of Foreign Affairs

PLANI PËR HAPJEN DHE FUNKSIONALIZIMIN MISIONEVE KONSULLORE TË REPUBLIKËS SË KOSOVËS

Objektivi	Aktivitetet kryesore	Aktivitetet paraprak	Baza ligjore	Autoriteti përgjegjës	Periudha kohore
Hapja e misionit konsullor	Njoftimi jo-formal MPJ të vendit pranues/Përfaqësisë Diplomatiko-konsullore të akredituar në Prishtinë	Marrja e vendimit për misionin përkatës konsullor	Ligji nr. 03/L-125; Konventa e Vjenës për marrdhënie diplomatike; Vendimi i MPJ për rrethin konsullor	Departamenti Protokollit / MPJ	Nëntor 2009

	Dërgimi i kërkesës formale për pëlqimin e themelimin të misionit konsullor.	Marrja e pëlqimit jo-formal	Ligji nr. 03/L-125; Konventa e Vjenës për marrdhënie diplomatike; Vendimi i MPJ për rrethin konsullor	Misioni diplomatik i Republikës së Kosovës/MPJ	Nëntor 2009
	Dërgimi i drejtuesit të misionit konsullor.	Marrja e Vendimit të emërimit	Vendimi i Ministrit	MPJ	Nëntor 2009
	Aktivitete logjistike rreth hapjes së misioneve dhe sigurimit të rezidencave për stafin konsullor	Vajtja e drejtuesit të misionit konsullor	Ligji nr. 03/L-125; Vendimi i MPJ	Drejtuesi konsullor; përfaqësuesi diplomatik	Nëntor 2009
	Hapja zyrtare e Misionit Konsullor dhe njoftimi i autoriteteve të vendit pranues.	Krijimi i hapësirave të përshtatshme për punë, pritje të palëve dhe takime zyrtare.	Ligji nr. 03/L-125; Ligji i Prokurimit	Drejtuesi konsullor/përfaqë suesi diplomatik	Dhjetor 2009
Funksionalizimi	Takim kortezie me parinë		Vendimi i MPJ mbi		Janar 2010

i misionit konsullor	e shërbimit të huaj konsullor duke filluar me doajenin e trupit konsullor		emërtimin dhe përcaktimin e rrethit konsullor		
	Hartimi i planit të brendshëm të punës	Shqyrtimi i planit strategjik vjetor të MPJ dhe vendimeve dhe rregulloreve të MPJ mbi funksionalizimin e shërbimit të jashtëm	Plani vjetor i Punës i MPJ; Vendimet përkatëse të MPJ; Rregulloret e shërbimit të jashtëm dhe konsullor	Drejtuesi konsullor	Janar 2010
	Ndarja e përgjegjësive të zyrtarëve konsullorë sipas fushëveprimtarisë	Hartimi I planit të brendshëm të punës bazuar në vendimin e MPJ mbi ofrimin e shërbimeve konsullore	Plani i brendshëm i Misionit	Drejtuesi konsullor	Janar 2010 (+ takimet e rregullta javor)
	Takim njoftues i zyrtarëve konsullorë me zyrtarët përgjegjës të autoriteteve	Ndarja e përgjegjësive	Rregullorja konsullore me shtojcat përkatëse; Vendimi i MPJ lidhur me	Zyrtarët konsullorë	Janar 2010

	vendore		rrethin konsullor		
	Depozitimi i nënshkrimit të drejtuesit të misionit konsullor dhe zyrtarëve përkatës në MPJ të vendit pranues	Ndarja e përgjegjësive	Ligji Nr. 03-L/125; Rregullorja konsullore; Vendimi i MPJ mbi emërimin dhe përcaktimin e rrethit konsullor		
	Krijimi i listës së kontakteve të: - Policisë; Gjykatave; Burgjeve - Agjensive funerale - Spitaleve; Mjekëve specialistë - Përkthyesve të licencuar		Rregullorja konsullore me shtojcat përkatëse; Vendimi i MPJ lidhur me rrethin konsullor	Drejtuesi konsullor	Janar 2010
	Krijimi i sistemit të komunikimit me komunitetin kosovar në rrethin konsullor dhe regjistrimi i tyre në misionin konsullor		Rregullorja konsullore me shtojcat përkatëse; Vendimi i MPJ lidhur me rrethin konsullor	Drejtuesi konsullor	Janar – Mars 2010

	Takimi i personelit konsullor lidhur me vlerësimin e punës së misionit	Takimet e rregullta javore, analizimi i raporteve të punës së misionit	Rregullorja konsullore; Plani i MPJ për hapjen e misioneve konsullore; Plani i brendshëm i misionit	Drejtuesi konsullor	Fundi i Marsit 2010
Ofrimi i shërbimeve konsullore	- Lëshimi i fletëudhëtimeve për kthim - Pranimi i aplikacioneve për pasaporta për personat e pajisur me letërnjoftim të RKS; këshillimi i dy kategorive të tjera që nuk mund të pajisen në konsullatë - Pranimi i aplikacioneve për lirim/fitim të shtetësisë - Regjistrimi i fakteve të lindjes, vdekjes, martesës	Pregatitja e bazës materiale dhe sigurimi i infrastrukturës logjistike	Rregullorja Konsullore; UA mbi procedurat e ofrimit të shërbimeve konsullore	Zyrtarët Konsullorë	Me fillim në Janar 2010

	- Pregatitja e dokumentacionit të nevojshëm për riatdhesimin e trupit të shtetasve të Kosovës që kanë gjetur vdekjen në vendin pranues - Dhënia e ndihmës konsullore				
Ruajtja e marrdhënieve dypalëshe	Promovimi dhe thellimi i bashkëpunimit me shtetin pranues në aspektin konsullor	Krijimi dhe ruajtja e raporteve me strukturat përkatëse të vendit pranues	Rregullorja për shërbimin konsullor	Drejtuesi i misionit	Vazhdimisht
	Shmangia e situatave që mund të konsiderohen si ndërhyrje në punët e brendshme të shtetit pranues		Kodi i sjelljes së shërbyesve të jashtëm	I tërë personeli konsullor	Vazhdimisht
	Respektimi i rrugëve diplomatike të komunikimit me		Rregullorja për shërbimin konsullor; Vendimi I MPJ mbi	Drejtuesi konsullor	Vazhdimisht

	autoritetet e shtetit pranues dhe me përfaqësitë e vendeve të tjera të akredituara në rrethin konsullor		përcaktimin e rrethit konsullor		

Task 1.3 Asset Registration for Kosovo Diplomatic and Consular Missions

ASSET REGISTRATION

FOR KOSOVO DIPLOMATIC AND CONSULAR MISSIONS

On November 6, 2009 the Kosovo Ministry of Foreign Affairs requested the KMFAS project's advice on inventories and other internal controls applied to Kosovo Government property located in Kosovo diplomatic and consular missions.

1. The project believes that the extraterritoriality of diplomatic and consular missions provided by diplomatic and consular conventions in force permits the MFA to apply the same controls and procedures prescribed by law and sub-normative acts for Kosovo government property located in Kosovo.
2. Should law and sub-normative acts prescribe the creation of an Inventory Committee (henceforth The Committee) to regulate the annual inventory, we recommend that the committee be created centrally at the MFA, rather than at Kosovo diplomatic and consular missions where the number of personnel may be limited. The Committee may be chaired, for instance, by the Permanent Secretary and include those persons that s/he determines appropriate, with the Director of the Administrative Department acting as an advisor to The Committee.
3. The Committee may then designate the principal officer at each mission as the Accountable Property Officer, responsible for all Kosovo government within the mission and having the ability to delegate the actual inventory to another member of his/her staff.
4. After the inventory is carried out according to law and sub-normative acts in force, the Accountable Property Officer may certify its results to the committee.
5. Inventory discrepancies should be handled as prescribe by laws and sub-normative acts in force.

Task 1.3 Diplomatic and Consular Missions Grade Structure

DIPLOMATIC AND CONSULAR MISSIONS GRADE STRUCTURE

Dear Mr. Secretary:

On November 26, 2009, you requested a recommendation on grading personnel at diplomatic and consular missions. In particular, you wanted to advise the Minister on whether or not there could be two consular officers of the same rank at an embassy's consular section.

In the US system, since the Foreign Service has rank-in-person, this is very common. The key personnel management factor is that one of the two officers occupies the supervisory position. Thus there will be proper hierarchical management control. This supervisory officer will also be responsible for evaluating the performance of the other officer of the same rank.

It is important that both officers are made aware of this supervisory relationship, preferably in writing, so that potential challenges to the propriety of a performance evaluation may be averted. Moreover, should the supervised officer challenge the authority of the supervisory officer on the day-to-day management of the section, the Head of Mission may render a clear decision inn contentious situations.

Moreover, it is my experience that those Foreign Services who also have rank-in-person, such as the Canadian Foreign Service, also commonly assign officers of the same grade to work together. The Canadian service, for instance, has three ranks: Developmental (non-tenured), Working (mid-level) and Executive. Oftentimes, officers of the same rank are assigned to work together, especially at large missions. As in the case of the US Foreign Service, one of the officers is assigned to supervise others of the same rank.

I hope that this response to your question is useful.

Sincerely,

Daniel Santos, Jr.
Senior Diplomatic Expert
USAID-KMFAS

Task 2.3.1 Plan for self assessment system for diplomatic and consular missions

Kosovo Ministry of Foreign Affairs Support Project

MFA ASSESSMENT AND RECOMMENDATIONS

In April 2009, USAID Kosovo Ministry of Foreign Affairs Support Project (KMFAS) in cooperation with Ministry of Foreign Affairs (MFA) implemented questionnaires to assess the needs of Kosovo diplomatic and consular posts and develop appropriate programmatic responses.

The comments of those posts responding were rated on a 1 to 5 scale and are presented below in the areas of Supervision, Management, Legal, Career In-Service Training, Areas of Self-Improvement, Foreign Language Skills, the quality of MFA Services, Information Technology, and the Ministry's Paper Moving Process.

The results presented below were finalized in another format in July, 2009. They were adjusted in January 2010 to the current format to facilitate their measurement in terms of an upcoming assessment in the near future. As with any of the KMFAS analyses, the reader is invited to submit comments and suggestions, especially in areas that may benefit the design and execution of the next assessment.

Questionnaire for Kosovo MFA and Foreign Service Members

Rates: 1- Excellent; 2 – Good; 3 – Average; 4 – Below Average; 5 –Poor

Supervision Job Descriptions, Interviewing Skills, Discipline/Dismissal Policy, Recruitment and Hiring Process, Conducting Performance Appraisals, Employee Policy Overview, Professional Search Process, Employee Handbook,	**3**
Management Strategic Planning, Office Management Skills, Leadership Development, Post Management, Project Design and Management, Organization/Time Management Skills , Decision Making, Team Building, Finance and Budget Management, Procurement Management, Real Property Management,	**3**
Legal Legal Reasoning and Writing, Legal Techniques, Law Library and Reference Usage, Comparison with legal systems and laws	**3**
Career In-Service Training Heads of Mission Training, New Employee Orientation, Diplomacy and Practice, Training in Legal,	**3**

Political and Economic Affairs	
Self Improvement Public Speaking, Communication Skills, Managing Change & Transition, Legal Reasoning and Writing, Conflict Resolution, Understanding Differences, Stress Management, Safety/Violence in the Workplace/First Aid – CPR, Customer Service, Characteristics for Success, Interpersonal Skills, Report Writing	**3**
Language skills English, German, French, Italian, Other	**4**
MFA Services Information Technology Services, Library Services, Financial Aid Processes, Archives	**4**
Technology / IT Word, Excel, Power Point, Web Page Development,	**3**
Other Modules Protocol, Official Paper Processing and others	**3**

Questionnaire for MFA Foreign Service Personnel

In addition to the questions sent to the diplomatic and consular missions, questionnaires were also sent to individual employees. These questionnaires posed 16 questions to the personnel of the Kosovo missions in the Washington, New York, London, Brussels, Paris, Berlin, Tirana, and Ankara.

Personal satisfaction was transposed from the original responses in terms of 1 to 5; 1 reflecting the highest personal satisfaction and 5 the lowest. Due to the nature of the questions below, they will be used to measure progress between the original and the upcoming assessment, since they do not lend themselves to better quantification.

Satisfaction Rates: 1- Highest; 2 – High; 3 – Satisfactory; 4 – Less Satisfactory; 5 –Unsatisfactory

Tell us about your experiences when initially preparing to travel and actually travelling to post.	**4**
Tell us about your family's reactions to your new jobs, whether they stayed in Kosovo or travelled with you to post.	**3**
Tell us about your experiences in the world of diplomacy and foreign cultures	**2**
Tell us about the adjustments you had to make in your life to live in a foreign country as a Kosovo diplomat	**3**
Tell us about the challenges you have met in dealing with host country MFAs and other Embassies	**2**
Tell us about challenges you met in getting around the host city and host country.	**3**
Tell us about what other Kosovo citizens want from you as representative of Kosovo in the host country.	**3**
Tell us about adjusting to different types of housing, traffic and housekeeping.	**3**
Tell us about your experiences in leasing office space, furnishing it and preparing it to be your new work environment.	**4**
Tell us about your experiences communicating with the Ministry from abroad.	**4**
Tell us about legal and bureaucratic challenges you have overcome at your embassy.	**3**
Tell us about workflow challenges in your embassy.	**3**
Tell us about challenges that you have experienced in managing personal money and official funds.	**4**

Tell us about the challenges you've met in record keeping and other paperwork.	**4**
Tell us about challenges you have experienced in physical and communications security or personal and home security.	**5**
Tell us about any health challenges you, your family, coworkers and their families have experienced.	**5**

Task 2.3.2 Proposed Foreign Posting Decision-making procedure

Proposed Foreign Posting Decision-Making Procedure

Dear Mr. Permanent Secretary: This scheme is submitted to you in an expedited manner due to the urgency of your request. It is one way of many to choose candidates, but I believe it to be valid against the measurements available.

6. Each candidate should list his/her preference priority for each one of the available positions. For example, if there are two available positions in Frankfurt, the candidate should enter the name of the city only, not which position he/she wants (i.e. Consul General, Consul, Vice Consul). Beware of numbering or alphabetizing the available positions (such as Frankfurt Position 1 and Position 2). Candidates may assume that #1 refers to the Consul General. Simply state as follows:
    a. Frankfurt – 2 positions
    b. Berlin – 1 position
    c. Zurich – 2 positions, and so on
7. Then the Candidates list should look like this:
    a. 1 – Frankfurt
    b. 2- Frankfurt
    c. 3- Zurich
    d. 4 – Berlin
    e. 5 – Zurich
8. The following is an adequate scheme for awarding points, but different amounts may be given by category:
    a. Language of host country – 1 point
    b. PhD – 3 points
    c. MA – 2 points
    d. Bachelor – 1 point
    e. Years of residence in host country – 1 point per year
    f. HDT grade – 1 point for each point earned
9. Other considerations are also valid.
10. All measurements should be taken from the official personnel file of each candidate. In case of a tie, the panel decides on the best candidate.

Other

Task 1.2 Decision on Mobile Phones for Missions (English)

Republika e Kosovës

Republika Kosova-Republic of Kosovo

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

Decission

FROM	Fitim Gllareva, Permanent Secretary
THROUGH	Lulzim Mjeku, Director General
TO	Elmaze Pireva, Director, Department of Budget and Finance
SUBJECT	Official mobile phones in the missions, credit/minutes and servicing covered by MFA
DATE	15/12/2009

Dear colleagues,

According to Administrative Instruction No. ??? For Allowances of the Foreign Service members of the Republic of Kosovo, MFA must issue a decission to regulate the official mobile phone issue, credits/minutes and servicing covered by MFA.

In this regard after careful analysis of regional and international practice, with special attention on Albania and U.S.A., Permanent Secretary of MFA issues this decission:

1) Two mobile phones are allowed per mission, one for head of mission and the other for the duty officer.

2) Credits and minutes allowed for official expenses are not allowed to exceed 500 minutes per month, or the equivalent value of expenses of credit/minutes for the official mobile per month that do not exceed 60 EUR???.

3) Regular Servicing of the mobile phones is covered by MFA up to 100 EUR??? per year.

In extraordinary cases (at the time of high level official visits, celebrations etc.) if needed to exceed the limit, there is required a special approval of MFA, respectively Permanent Secretary of MFA.

Phones will be purchased by MFA, and sent to the missions???

The persons resposible for the mobile phones in case of loss or damage of the mobiles, are responsible to compensate the value or damage according to market values.

Head of mission or deputy in absence of the head of mission, shall keep with him/her at all times the phone in order to be able to be in contact with MFA or other parties interested in services of the respective Mission.

Duty officer, according to rules of MFA shall keep the mobile phone with them all the time, even during night time, because of time differences, and to be able to answer special emergency requests of MFA, citizens or other parties interested in emergency services of the missions.

Task 1.2 Decision on Mobile Phones for Missions (Albanian)

Republika e Kosovës

Republika Kosova-Republic of Kosovo

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

Vendim

Dërgon:	Fitim Gllareva, Sekretari i perhershem
Përmes	Lulzim Mjeku, Drejtori i përgjithshëm
Pranon	Elmaze Pireva, Drejtor, Departamenti i Buxhetit dhe Financave
Lënda	Telefonat mobil për misione dhe kreditë/minutat e lejuar
Datë	15/12/2009

Kolegë të nderuar,

Sipas Udhëzimit administrativ Nr. ... Neni..

MPJ duhet të nxjerr një vendim për të rregulluar punën e telefonave mobil dhe kredive/minutave zytar të lejuar për telefonata.

Në këtë drejtim pas analizës së praktikës rajonale dhe ndërkombëtare, me theks në Shqipëri dhe SHBA, Sekretari i Përhershëm i MPJ merr këtë vendim ku:

1) Lejohen dy aparate të telefonave mobil zytar për mision, një për udhëheqësin e misionit dhe një për zyrtarin kujdestar

2) Kreditë apo minutat e lejuar për shpenzime zyrtare nuk lejohet të tejkalojnë 500 minuta në muaj, apo vlerën ekuivalente të shpenzimeve të kredive/minutave për mobil zyrtar në muaj që nuk tejkalojnë shumën prej 100 EUR

Në raste të jashtëzakonshme (me rastin e vizitave të nivelit të lartë, kremtave etj.) për tejkalimin e kësaj vlere, kërkohet miratimi i MPJ, përkatësisht Sekretarit të Përhershëm të MPJ.

Aparatet telefonike do të blihen nga MPJ, dhe dërgohen në misione?

Për bisedat konfidenciale nuk rekomandohet biseda me këto aparate telefonike por me lidhje të sigurtë telefonike.

Bartësit e aparateve telefonike në rast të humbjes apo dëmtimit do të jenë përgjegjës dhe duhet të kompenzojnë shumën apo të evitojnë prishjen sipas vlerës së tregut.

Përndryshe servisimi i aparateve të telefonave mobil për rastet tjera të zakonshme mbulohet nga MPJ në një vlerë prej 200 EUR në vit.

Udhëheqësi i misionit apo zëvendësi në mungesë të udhëheqësit, do të mbaj aparatin mobil me vete gjatë tërë kohës në mënyrë që të kontaktohet nga MPJ apo palët tjera të interesuara për shërbimet e Misionit përkatës.

Zyrtari kujdesar sipas rregullave të përcaktuara të MPJ do të ketë aparatin mobil me vete gjatë tërë kohës, duke qenë përgjegjës edhe gjate natës, për shkak të ndryshimeve kohore, dhe në mënyrë që të përgjigjet në raste të caktuara emergjente në kërkesat nga MPJ, apo nga qytetarët dhe palët tjera të interesuara për shërbimet zytare emergjente të misioneve të Republikës së Kosovës.

Task 3. Draft Decision for Training and Development Board (English)

Republika e Kosovës

Republika Kosova-Republic of Kosovo

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

Decission

From: Fitim Gllareva, Permanent Secretary

CC: Lulzim Mjeku, General Director

To: Avni Zogaj, Director, Department of Administration; Elmaze Pireva, Director, Department of Budget and Finance; Eqrem Haziri, Director, Personnel Divission

Subject: **Decission on establishing the board for training and development at MFA**

Date: 28/10/2009

Dear colleagues,

After continuous evaluation of needs for training and development of staff at the Ministry of Foreign Affairs (MFA), it is concluded that there is need for efficient coordination of these activities, therefore this decision is taken to establish the Board for Coordination of activities for training and development of staff at MFA.

This Board will function as coordinating body for activities with donors, and one representative of the Board from MFA will continue to participate in the discussions with donors.

Moreover, dependant on the needs there can be donors and other members invited in the Board meetings.

Board will report to the Permanent Secretary, whereas members of the Board of Training and Development can be: (suggested Fitim Gllareva, Chairman, Lulzim Mjeku, Deputy Chairman, and there could be representatives from Administration, Personnel, Budget and others as PermSec deems necessary).

Board will have the role to determine real needs, and coordinate training of staff of MFA without any exceptions according to objectives set by MFA and will seek other ways to pan and rationalize the budget expenditure in this regard.

Board will formulate an internal regulation, and will determine criteria for application and participation in the activities of training and development of MFA staff, criteria that will be transparent and known to all the staff members.

At the same time Board will carefully assess that all the staff members follow equal training and development opportunities.

Training and development of staff is one of the main priorities of MFA, therefore we are all determined to motivate our staff and reach strategic objectives of MFA.

Task 3. Draft Decision for Training and Development Board (Albanian)

Republika e Kosovës Republika Kosova-Republic of Kosovo

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

VENDIM

Dërgon: Fitim Gllareva, Sekretar i Përhershëm

Kopje: Lulzim Mjeku, Drejtor i Përgjithshëm

Pranon: Avni Zogaj, Drejtor,Departamenti i Administratës; Elmaze Pireva, Drejtor, Departamenti i Buxhetit dhe Financave; Eqrem Haziri, Drejtor, Divizioni i Personelit

Lënda: Vendim për themelimin e bordit për trajnime dhe zhvillim në MPJ

Datë: 28/10/2009

Të nderuar,

Pas vlerësimit të vazhdueshëm të nevojave për trajnim dhe zhvillim për stafin e (Ministrisë së Punëve të Jashtme (MPJ), është vlerësuar se kërkohet që të kemi një bashkërendim më efikas të këtyre aktiviteteve, prandaj merret vendim për të themeluar një Bord për koordinimin e aktiviteteve të trajnimit dhe zhvillimit të stafit në MPJ.

Ky Bord poashtu do të ketë funksionin e bashkrendimit të aktiviteteve edhe me donatorët, dhe një përfaqësues nga Bordi dhe MPJ do të vazhdoj të marr pjesë në diskutimet me donatorët.

Poashtu sipas nevojës mund të ftohen edhe donatorë dhe anëtarë tjerë në takimet e Bordit.

Bordi do t'i raportoj Sekretari të Përhershëm, ndërkaq anëtarët e Bordit për trajnim dhe zhvillim do të jenë: (sugjerohet Fitim Gllareva, Kryesues, Lulzim Mjeku, zv. Kryesues, e pastaj preferohen perfaqesues nga Administrata, Personeli dhe Buxheti, apo te tjere sipas vendimit nga ju).

Bordi do të ketë rolin e percaktimit të nevojave reale, dhe trajnimin e të gjithë stafit pa përjashtim nga MPJ sipas objektivave të përcaktuara nga MPJ si dhe të shiqoj mënyrën si të planifikohet dhe racionalizohet shpenzimi i buxhetit në këtë drejtim.

Bordi do të formuloj një rregullore të brendshme të punës, dhe të përcaktoj kriteret për aplikim dhe pjesëmarrje në aktivitete trajnuese apo zhvillimore të stafit të MPJ-ës, kritere këto që do të jenë transparente dhe të njohura për të gjithë stafin.

Njëherit Bordi do të kujdeset që brenda vitit, të gjithë anëtarët e stafit të kenë patur mundësi të barabarta për ndjekjen e mundësive të ndryshme trajnuese apo zhvillimore.

Trajnimi dhe zhvillimi i stafit është një prej prioriteteve kryesore të MPJ, prandaj jemi të gjithë të përkushtuar që të motivojmë stafin në këtë drejtim si dhe të arrijmë objektivat strategjike të MPJ-ës.

Task 3. Clarification Letter on Consular Missions in Germany

Republika e Kosovës

Republika Kosova - Republic of Kosovo

Qeveria –Vlada – Government

Ministria e Punëve të Jashtme – Ministarstvo Inostranih Poslova – Ministry of Foreign Affairs

Zyra për Çështje Konsullore / Kancelarija za Konzularne Poslove / Office for Consular Affairs

DATË/A:	10. 12. 2009
REFERENC-Ë:	/09
PËR/ZA/TO:	Vilson Mirdita – Ambasador i Kosovës në Berlin
NGA/OD/FROM:	Jetmira Bërdynaj – Drejtoreshë/DÇK
KOPJE/CC:	Islam Spahiu – Ministër Këshilltar
PËRMES/PREKO/THROUGH:	Fitim Gllareva – u.d. Sekretar i Përhershëm
TEMA/SUBJEKAT/SUBJECT:	Sqarim rreth misioneve konsullore

I nderuar z. Ambasador,

Ju njoftojmë se sot e pranuam informatën e hollësishme dërguar nga ju lidhur me dhënien e pëlqimit për hapjen e misioneve konsullore të Republikës së Kosovës në Republikën Federale të Gjermanisë. Lidhur me të Ministria e Punëve të Jashtme rekomandon si në vijim:

Të organizohet një takim i posaçëm në Ministrinë e Punëve të Jashtme të Gjermanisë me temë diskutimi –sqarimin e notës Verbale për qëllimin e hapjes së Misionit Konsullor të Kosovës në Berlin".

Në këtë takim, duke sqaruar përmbajtjen e Notës Verbale, duhet të potencohet fakti se Republika e Kosovës ka qëllim që në Berlin të ushtrojë aktivitete konsullore përmes Sektorit Konsullor në kuadër të Ambasadës së Republikës së Kosovës në Berlin.

Në përputhshmëri dhe me qëllimin e shprehur në Notën Verbale dërguar MPJ të Gjermanisë, ky Sektor konsullor do të udhëhiqet nga Këshilltari i Ambasadës për Çështje Konsullore dhe Konsulli i përgjithshëm që do të shtrijë juridiksioninnë Berlin, Brandenburg, Sachsen, Thüringen, Sachsen-Anhalt, Niedersachsen, Bremen, Hamburg, Schleseig-Holstein, and Mecklenburg-Ëestlichen Pomeria.

Fakti që në notë verbale është cilësuar si Konsullatë e Përgjithshme, për Ministrinë e Punëve të Jashtme të Kosovës, nuk ka nënkuptuar krijimin e një konsullate të veçantë në Berlin, por krijimin e sektorit konsullor në kuadër të ambasadës, i cili është i akredituar në kryeqendër, i udhëhequr nga Këshilltari i Ambasadës për Çështje Konsullore dhe Konsulli i përgjithshëm të cilit do t'i raportojnë Konsullatat e Republikës së Kosovës në mbarë Republikën Federale të Gjermanisë.