



Republika e Kosovës - Република Косова - Republic of Kosovo

GJYKATA KUSHTETUESE
УСТАВНИ СУД
CONSTITUTIONAL COURT

STRATEGIC PLAN

OF THE

CONSTITUTIONAL COURT OF KOSOVO

2010 – 2013

Author

Xhavit Rexhaj

Contributors

Members of the Constitutional Court

Members of the Secretariat of the
Constitutional Court

Editor

David Palko

Layout

The Constitutional Court of Kosovo

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LIST OF ABBREVIATIONS

CDP	Capacity development plan
ECDL	European Computer Driving License
EWMI	East-West Management Institute
FPMT	Financial Planning and Management Tool
ICO	International Civilian Office
ICT	Information and Communication Technologies
JAR	Joint Annual Review
MoU	Memorandum of Understanding
MTEF	Mid-Term Expenditure Framework
NGO	Non-Governmental Organization
PFM	Public Finance Management
RoP	Rules of Procedure
USAID	United States Agency for International Development

FOREWORD

The Constitutional Court of Kosovo is pleased to publish its Strategic Plan 2010-2013. These years present the Republic of Kosovo with the rare opportunity to shape a new Constitutional Court. With every step, the Court is breaking new ground. In particular, the Court seeks to build a new tradition of constitutionality in Kosovo. Citizens are now entitled to the highest standards of Human Rights and Fundamental Freedoms guaranteed by the Constitution. Equally important, they also have a forum dedicated to safeguarding those rights: the Constitutional Court.

The Court, however, recognizes that the excitement of innovation also comes with great challenges. Ensuring the integrity of citizens' rights will require decisive action during these formative years. The Court must recruit the human resources to staff itself, procure the requisite technology to keep pace with modern judicial institutions, establish rules for governing itself, and communicate its function to a populace unfamiliar with the notion of a Constitutional Court – all under the constraints of a limited budget. This Plan outlines the Court's specific strategies to address those challenges. The information in these pages is intended for many audiences: legal professionals, international organizations, citizens of Kosovo, donors, and the Court itself. The Court encourages all to read the Plan and to see its vision for the future. Through this document, we can achieve a common understanding of the Court's role in modern Kosovo.

The objectives and milestones laid out in the Plan will guide the Court from the present through 2013. Therefore, the Court has already begun implementing many of the initiatives discussed herein or will be doing so in the near future. The challenges of the Court, however, will not end in 2013. This Strategic Plan is only the first step in a continuous process. Every four years, the Court will re-evaluate its position and decide upon its next benchmarks. Through this process, the Court will continually refocus its actions on the best ways to execute its mission. Protecting constitutional rights requires persistent vigilance – both jurisprudentially and administratively.

The Court cannot conclude without thanking the donors and organizations that have assisted the Court in reaching its current position, particularly the International Civilian Office, United States Agency for International Development (USAID), and the East-West Management Institute (EWMI). The Court could not look toward its future without their past and present support. Finally, the Court is especially grateful for the assistance of EWMI in the development and publication of this Strategic Plan as well as its direct assistance in the establishment and consolidation of the Court. The cooperation demonstrated in this process gives the Court great optimism for the future of Kosovo.

I. INTRODUCTION¹

The Constitutional Court of Kosovo has embarked on a two-phase strategic planning process. In the first phase, the Court assessed its needs, while in the second phase the Court developed the strategies for addressing those needs.

1. Phase One: Key findings and implications from the Needs Assessment

As part of the Needs Assessment process, the Court analyzed both its internal and external state of affairs. As can be expected, the analysis revealed several internal strengths and weaknesses. Namely, the analysis brought to light the Court's significant external challenges and corresponding strengths, particularly the opportunity to be an agent of change in Kosovo. The many facets of the Court's complex situation were carefully considered during this process. The resulting plan proposes how the Court can amplify its strengths and seize opportunities in its way ahead, while also attempting to address its weaknesses and mitigate threats. Therefore, this comprehensive Strategic Plan is the key for optimizing the Court's performance – the means by which the Court can best fulfill its mandate on behalf of the citizens of Kosovo.

The internal strengths of the Court are numerous and, in several ways, rare among Kosovo's new institutions. For example, the Constitution of the Republic of Kosovo and the Law on the Constitutional Court guarantees the Court's a considerable degree of institutional autonomy and financial independence. The Court also benefits from a significant international presence: three Judges on the Court and three legal advisors. The knowledge brought by these international experts helps ensure the Court's institutional independence and impartiality, while enriching the Court's case law with their diverse legal backgrounds. These strengths, along with others identified in the situation analysis, must continue to be a focus of the Court during these formative years. By maximizing these strengths, particularly impartiality, the Court can work toward establishing a new tradition of constitutionality that is characterized by competence and transparency.

The situation analysis also revealed several issues and challenges that the Court must address in the approaching years. By overcoming these obstacles, the Court can become a more effective institution that is highly regarded by the public. These issues are grouped into five fields:

¹ This Strategic Plan should be seen as one integral document - together with the Needs Assessment Report, dated 31st December 2009 and corrected as per feedback received from the members and the administrative staff of the Court.

Human Resources, Infrastructure and Technology, Legal Framework, Communication, and Finance.

The problems in these fields primarily derive from the fact that the Court is a new institution and that there is not a strong constitutional tradition in Kosovo. Yet, significant organizational deficiencies also contribute to the situation. For example, in absence of established performance benchmarks, shortly after its establishment, the Court lacked a mechanism for planning its activities and monitoring their implementation. Consequently, during this period the staff was overloaded with work yet seems to produce little output for their efforts.

Another problem is that little work is outsourced to utilize external expertise. Such expertise, whether local or international, could be used to help recruit personnel, translate documents, improve public relations, organize information campaigns, conduct case research, and develop and modernize ICT support. Therefore, in the future the Court should consider the opportunities provided for under Kosovo procurement laws to engage external expertise for the aforementioned fields. This external assistance would provide strong support for the Court's operations in these first formative years.

The interaction between the Members of the Court and its Secretariat has also been identified as a challenge that needs to be addressed in a systematic manner. While considerable changes have been made, there is still room for improvement in functioning of links between these two segments of the Court. There needs to be a policy that encourages more intensive formal and informal communication between these segments. Due to its importance, the relationship between the Members of the Court and its Secretariat must be formalized with the adoption of an internal regulation governing not only the interaction between these two segments but also formal communication and workflow.

Finally, the Constitutional Court's mission and practices are novel for both the public and its staff. Until a new tradition has been built, the Court must - while relying on the experience of model institutions - apply and test different working methods until creating a functional model that corresponds to its needs and peculiarities. In the meantime, it is important to continue the strategic planning process, build on the expertise of international Members of the Court, utilize external expertise, train the staff, and become involved in various exchange programs.

The situation analysis identified the immense needs and shortages that the Constitutional Court of Kosovo faced in its first year. These difficulties stemmed from a variety of sources. For example, Kosovo has neither a strong constitutional tradition, nor people with relevant constitutional court expertise. Another problem is that the Court's finances were managed externally until January 2010. As a result of these problems, there is a significant gap between the Court's current and desired situations. Given their extent and nature, these deficiencies

reinforce one another. Therefore, choosing what to address first is a significant challenge. In light of this, the Court has carefully considered and prioritized its needs:

- Lack of human resources and relevant court skills: This problem kept arising in all interviews and discussions as the key problem. Until the Court is fully staffed, it must outsource some functions and use external experts. Now, and even after the Court is fully staffed, there is a strong need for a pool of experts and professional organizations assisting the Court in fulfilling its mandate.
- Communications plan and public relations campaign: The nature of the cases filed with the Court reveal that the public views the Constitutional Court as an appellate court that deals with all issues and problems. The Court needs to educate the public about its role and ensure that the public understands that the Court is not part of the judiciary.
- Severe lack of planning: Court operations need to go through a detailed design and preparatory process. The Court must immediately create such a process. Once the process is developed, the Court should begin implementing it by using it to address the first problem identified above: creating a plan for hiring new staff (full-time and part-time) and other external experts on project-by-project basis.
- Shortage of information and communication technology: An improved situation in this regard would largely facilitate the institutional consolidation of the Court.
- Inadequate physical infrastructure: To function properly, the Court needs significantly larger and better-equipped facilities. This problem will only be exacerbated as more staff is hired and the Court's caseload increases.
- Finances: Management of the Court's budget was transferred to the Court in January 2010. Yet, there is not enough staff to handle the complex procedures governing the Court's finances.
- Legal framework and planning: The development of a comprehensive legal framework and planning is vital to the success of the Court. These areas could benefit greatly from employing external experts and consultants.

2. Phase Two: Development of Court' Vision and Objectives

After the development of the Needs Assessment Report, the members of the Court as well as its senior administrative staff set out to determine the best ways of meeting the identified

needs and addressing the corresponding challenges. Between those two phases of the strategic planning process, however, the Court experienced major developments. These events informed the strategies that the Members of the Court and its administrative staff proposed and ultimately endorsed.

Perhaps the most significant development came when the Budget and Finance Committee of the Assembly of Kosovo almost halved the budget that the Court proposed for 2010. Despite the constitutional guarantee of an autonomous Court, this action by indeed threw new light onto the level of financial autonomy the Court can actually expect. Furthermore, the budget cutback came at a time when the Court had built a constructive momentum during the first phase of the strategic planning process. The Court had developed a new working atmosphere characterized by shared values, a common vision, and several novel joint initiatives. Yet, as result of the budget cut, many of the measures developed during this period can no longer be funded through the Kosovo Budget. Now, these initiatives must either wait for the next budget review or be funded by donors.

Nonetheless, the Court's new atmosphere – and even the financial setback – had a positive impact on the strategic planning process. These developments required the participants to propose more creative strategic measures, broadened the horizons of internal and external communication, and called for more openness towards local stakeholders and international partners.

During the second phase of strategic planning process, the Court held a three-day planning event, which, like the first workshop, was characterized by a participatory approach, intensive preparations, and a meaningful follow-up process. In this workshop, the Members of the Court and its senior management agreed on a common vision and mission, identified shared values and principles, and set a number of objectives to be pursued in the respective priority areas between 2010 and 2013.

The Strategic Objectives identified at this event were as follows:

- Recruit and develop highly committed and qualified personnel who will provide quality and efficient professional support in an environment that fosters excellence and teamwork;
- Build a management team that is capable of running a Constitutional Court that accomplishes its mission;
- Create appropriate working conditions for the Constitutional Court;
- Develop, approve, and implement adequate rules and procedures for efficient and effective Court performance within its jurisdiction;

- Establish effective communication processes for improved Court performance and public perception; and
- Ensure adequate financial support that allows for improved Court performance and the smooth implementation of planned Court activities.

3. The Strategic Plan Rationale

The common denominator among the objectives of the Constitutional Court is the aspiration to develop a new tradition. The Court seeks to depart from old, oblique, ineffectual practices that characterize the functioning of many public institutions in Kosovo. Instead, the Court hopes to build a new tradition that is constructive, transparent, fair, and sustained. Internally, the Court will reflect this new tradition through its behavior, attitudes, and organizational culture. External – in dealings with third parties, stakeholders and international partners – the Court will reflect the tradition by building fair relations, policies, and practices in the field of constitutionality and institution building. The Court’s focus on establishing this new tradition works in the best interest of all citizens and communities in Kosovo. Therefore, the new approach must be incorporated into the five priority areas identified during the strategic planning process: *human resources, infrastructure and technology, legal framework, communication, and finance*. As the Needs Assessment Report revealed, however, the Court will face a wide range of difficulties on the way to this new tradition. A well-organized process is the key issue to mitigating those potential problems. Thus, for each of the five priority areas, this document outlines a well-ordered plan: a mobilizing vision, clear objectives, and a range of planned measures for sustainable development.

Change alone, however, is insufficient for the Court to build the desired new tradition. The Court must also be adaptable. The modern world is complex: there are rapid changes in technology and in society; human relations are intricate, and governmental institutions must consider the ambitions, interactions, and even shortcomings of other entities. Consequently, the classic planning approach of attempting to foresee all possible issues and to find well-reasoned remedies is not possible. Planning with mathematical precision cannot be the Court’s aim. Rather, the Court seeks to plan for what it can, while creating ways to address new situations as they arise. This adaptability will be achieved through regular review of the Court’s current position. Progress and implementation reports will be submitted at least quarterly. Review workshops with broad participation will be organized at least annually. Such a monitoring mechanism will give the Court flexibility and will maximize the impact of the strategic planning process. Therefore, this monitoring framework must be set up as soon as the

Strategic Plan is approved. Modifications to the plan must be well-informed, shared, and accepted by the people expected to implement the changes.

Equally important is assuring that the Members of the Court as well its administrative staff share the values and vision of the Strategic Plan. The contents of the Plan, however, are not only dedicated to the Members of the Court and its administrative staff. Adequate implementation of the plan requires systemization and coherence, while fragmented implementation cannot provide meaningful and sustainable organizational development. As a result, regardless of how senior and authoritative a group of persons may be, they cannot adequately implement a strategic plan alone. Therefore, a clear implementation plan and budget accessible to all are necessary parts of the Strategic Plan. The budgetary aspects of the plan must be aligned with the Mid-Term Expenditure Framework (MTEF). Through this collective vision, the Court can establish a *new tradition*.

II. VISION AND MISSION

1. Vision

As a result of the aforementioned considerations, the Constitutional Court of Kosovo has agreed on a shared vision. This vision fully complies with the aspirations of all the Members of the Court and its administrative staff. The vision is also in line with the relevant legal framework and seeks to provide exemplary service to the Court's ultimate beneficiaries –the citizens and the communities of Kosovo.

VISION: *The Republic of Kosovo is a democratic state based on the rule of law and the respect of human rights and human dignity, guaranteed by the Constitution. In Kosovo, where the people decide through their representatives that are accountable to the people, the Constitutional Court will be an institution that the citizens of Kosovo see as the final authority and guarantor of the Constitution and compliance with the Law.*

GUIDED BY THE CONSTITUTION, *the Court will contribute to (1) building a free, democratic and peace loving country, (2) guaranteeing the rights, freedoms, and equality before the law of all citizens and communities, and (3) eliminating vestiges of the past by building new traditions based on the rule of law and constitutionality, as Kosovo pursues its course toward Euro-Atlantic integrations and joining the global community of democratic nations.*

2. Mission

As a new institution in a young democracy, the Constitutional Court has an important role in the above vision. As discussed, however, the Court will face significant challenges in fulfilling this role, because internal change is insufficient. The Court must also inspire external change. These two aspects are closely linked. The vision cannot be achieved without coherent internal Court development *and* mutual influence between the Constitutional Court and external social, economic, and technological forces.

Thus, in line with the above vision, the Constitutional Court of Kosovo has set itself the following mission:

The Constitutional Court of Kosovo is:

- *a professional, competent, and independent institution that is establishing a new tradition of judicial impartiality and full accountability in the service of the citizens of Kosovo;*
- *a transparent institution that vindicates the rights and fundamental freedoms of the citizens and communities of Kosovo, by adjudicating in a fair and transparent manner within its jurisdiction, and overseeing fairness in the exercise and use of powers vested in it by the Constitution; and*
- *the final authority of the constitutional order of the country, thereby ensuring and supporting the transition of Kosovo toward prosperity, democracy, and rule of law.*

III. VALUES AND PRINCIPLES

1. Values Statement

The Values Statement provides boundaries for the Court's behavior. The statement explains how the Court will behave as it pursues its vision and mission. In this regard, the Values Statement serves both as a Code of Ethics and as a guide for the Court's actions. The Court must keep these values in mind as it works toward becoming the guarantor of constitutionality, law and order, and fundamental human rights.

Above all, we are honorable in our actions, and we act with *independence, impartiality, and integrity* as our guiding principles. We, the Members and the administrative staff of the

Constitutional Court recognize that we are privileged to contribute substantially to the respect of constitutionality and fundamental human rights by all citizens and communities in Kosovo. We are also proud and committed to provide *leadership in building a new legal tradition in Kosovo*. We stand in stark and deliberate contrast to corrupt, secretive, and selfish practices. Persons addressing their grievances to us are central. We are sensitive to cultural realities and fully aware of the fundamental importance of our decisions for them and for all citizens of Kosovo. We are each personally accountable to the highest standards of behavior, including honesty and fairness in all aspects of our work.

Human resources are critical to our success, because we value human honesty, expertise, diligence, and vision. We know that driven by the imagination and enthusiasm of our employees, the Court will achieve its objectives. We are dedicated to treating each other with respect and trust. We will lead through competence, creativity, and teamwork. We want our organizational structure and culture to promote employee involvement, open communication, teamwork, and cooperation.

2. Principles

The Constitutional Court of Kosovo is guided by the principles enshrined in the Constitution of Kosovo and international instruments on human rights and freedoms. We believe in the rule of law for all and the separation of powers, subject to the check-and-balance mechanisms that ensure accountability and good governance.

We are also guided by the following general principles:

- *Justice and fairness* – the heart of the Constitutional Court of Kosovo;
- *Public interest* – from the people and for the people;
- *Legal security and certainty* – what our actions are designed to provide; and
- *Transparency, openness, efficiency, effectiveness, and systematic approaches* – operational principles that will help this new institution overcome numerous shortcomings and deficiencies.

IV. STRATEGIC OBJECTIVES

Guided by its vision, mission, fundamental values, and principles, elaborated above, the Constitutional Court of Kosovo aspires to accomplish the following strategic objectives:

Human Resources

- Recruit and develop highly committed and qualified personnel, who will provide quality and efficient professional support in an environment that fosters excellence and teamwork; and
- Build a management team that is capable of running a Constitutional Court that accomplishes its mission.

Infrastructure and Technology

- Create appropriate working conditions for the Constitutional Court

Legal Framework

- Develop, approve, and implement adequate rules and procedures for efficient and effective Court performance within its jurisdiction.

Communication

- Establish effective communication processes for improved Court performance and public perception.

Finance and budget

- Ensure adequate financial support that allows for improved Court performance and the smooth implementation of planned Court activities.

1. HUMAN RESOURCES

Human resources are at the core of all discussions about current and foreseen difficulties in Court operations. Human resources present a significant problem, because there is a serious shortage of the types of experts needed by the Court. The Court's organizational scheme provides that, in addition to nine Judges and several legal advisors, the Court needs around seventy members of administrative staff. Acquiring a staff of this level and size has thus far proven difficult. The previous two rounds of advertised vacancies have not produced the expected results: only 32 staff members have been recruited so far. The members of selection panels have noticed an immense interest to work at the Constitutional Court. One major reason for this interest is a higher salary and better working conditions, as compared to other public institutions. Numerous candidates are applying, yet few candidates can offer relevant Constitutional Court experience. Thus, out of dozens of applicants, only around 26 staff members were recruited and hired by the Court at the end of June 2010.

Human resources (provisions from the Constitution):

- The Constitutional Court shall be composed of nine judges who shall be distinguished jurists of the highest moral character ... who perform their functions with conscience and impartiality ... in compliance with the Constitution.
- The Secretariat performs administrative works and is obliged to support the work of the Constitutional Court.
- Legal advisors shall support the professional work of the judges of the Constitutional Court.

The staff that has been recruited is highly professional and brings rich knowledge and experience. They, however, are also encountering difficulties in adapting to the new environment and institution. These difficulties have resulted from two causes: (1) there was neither induction training, nor exchange programs with other courts – helpful training that should have been organized before the Court officially opened. As a result, the staff has had to learn their new tasks as they go; and (2) The Court carried out the recruitment process while performing their daily tasks at the same time. These difficulties are compounded by the fact that the majority of the newly recruited administrative staff has no Court relevant experience or expertise.

This lack of support is the key problem in the field of human resources, and, most likely, the key challenge of the Court during its first year of operation. This situation urges the Court to maximize its use of available relevant experience, not only internally (from the Court Judges and legal advisors), but also externally. Together, these resources can help build a successful staff recruitment effort. Currently, there is full Court membership with respect to the Judges and the Legal Advisors (nine Judges and six Legal Advisors), however, there is very little administrative and professional support. This problem has caused insufficient capacity for research of cases, scarce proofreading of documents, and inadequate translations, among other problems. Human resource shortages are severely hampering overall court performance.

1.1 Human Resources: Strategic Objectives, Description, Targets, and Milestones

Strategic Objectives Recruit and develop highly committed and qualified personnel who will provide quality and efficient professional support in an environment that fosters excellence and teamwork; and

Build a management team that is capable of running a Constitutional Court that accomplishes its mission.

Description Human resources were identified as the key issue of the Court at this phase in its development. To address the issue, the Court needs to develop a recruitment plan, thorough induction training, and a continuous program of professional development. The Court also needs to create a personnel friendly environment, which requires a series of coherent measures, including an attractive compensation plan, strong management, good working conditions, and an appropriate organizational structure. The Court must also prioritize the building of a motivated management team that is capable of transforming the Court from a successful novice into a highly efficient institution. Until internal staff is trained and developed, however, the Court must involve external resources that will facilitate efficient operation, such as external technical assistance, internships, and staff exchanges.

The key to developing a successful staff rests on creating a productive organizational culture and a conducive working environment for the administrative staff and Court Judges. The senior management of the Secretariat and Court members are critical in bringing about a positive atmosphere and constructive working relations. As a result, the skills and training of the senior management cannot be taken for granted. Instead, a separate training program for the senior management will be built into the Court's comprehensive on-the-job professional development effort.

To ensure that these programs are developed the Court will create a **Training and Career Development Office** in the Court's human resources department. This office will also help ensure the sustainability of the Court's recruitment and capacity building efforts.

Targets

October 2010:

- Develop new organizational chart and job descriptions, based on the new mission.

2010:

- Carry out a functional review of the Court;
- Fill 60% of foreseen positions and carry out induction training for new

- employees;
- Design a special program for internships and have the program ready for implementation; and
- Put into effect a systematic staff development plan, including a continuous training and capacity building program.

2011:

- Fill all positions in the new organizational chart and carry out induction training for all employees;
- Designing the special program for retirement and development of the plan for its implementation; and
- Design and implement an award system for professional and administrative staff that will reward exceptional work, innovation, and legal expertise.

2012:

- Complete training of all staff according to the assessment of capacity building needs;
- Establishing the office for training and career development in the Department of Human Resources.

2010 - 2013:

- Initiate the development of a comprehensive training program for all employees of the Court consisting of general skills, including but not limited to management, communication, writing and reasoning skills, foreign languages etc;
- Initiate the development of specialized training program for Legal Advisors, Legal Researchers and the members of the Department for Case Management with respect to constitutional justice review process, including but not limited to advanced legal writing and reasoning skills, constitutional interpretation and opinion writing and case management;
- Create a system or a policy for the creation of its own cadre of legal professionals that grow from junior positions, such as interns and legal researchers to more senior positions, such as Legal Advisors;
- Conduct a year-end review of the training programs from the past year.

Milestones

2010

- Functional review carried out;
- New organizational chart approved;
- Capacity building plan drafted;

2011-2012

- Staff recruited based on new organizational chart and functional review recommendations;
- An agency contracted to review needs and design staff development plan ;

2013

- Continued regular monitoring of the CDP;
- CDP evaluated by external evaluators;
- Continued regular evaluation of staff

- Induction training program designed and approved; and
- An officer for training and career development is hired by the Department for Human Resources.
- Career development plan (CDP) implemented annually;
- The comprehensive training programs for all the employees of the Court as well as the specialized training programs for Legal Advisors, Legal Researchers and the Department for Case management developed;
- A Leadership and Management Development Program designed and implemented;
- CDP monitored and reviewed regularly;
- Staff performance monitored and evaluated regularly; and
- A Training and Career Development Office created in the human Resources Department of the Court.
- performance; and
- New functional review organized.

1.2 Main actions and activities in the field of human resources

Action 1.2.1	<i>Recruit new staff to make the Court fully operational</i>
Activities	<ul style="list-style-type: none"> • Define the mandate of each department and assess needs for new staff by October 2010; • Develop a recruitment plan, based on the mandates and needs of the departments by November 2010; • Develop an information package for all employees by November 2010; • Draft new job descriptions for every position by November 2010; • Advertise for every new position by December 2010; • In accordance with the law, determine selection criteria and the selection process by November 2010; and • Define and communicate organizational roles, responsibilities and expectations to both new and continuing employees by October 2011.
Action 1.2.2	<i>Training of current and new employees</i>
Activities	<ul style="list-style-type: none"> • Plan and Implement induction/orientation training that will cover all aspects of the Court's operations and staff by July 2011 <ul style="list-style-type: none"> ○ Draft Terms of Reference for the induction/orientation training program; ○ Hire experts to develop orientation training; ○ Develop orientation training program; ○ Pilot orientation training; ○ Revise and finalize orientation plan; ○ Implement the training that will include: <ul style="list-style-type: none"> ▪ On-the-job training for every new staff member; and ▪ One annual workshop for the entire staff; • Plan and implement a general skills training program by December 2011: <ul style="list-style-type: none"> ○ Include training on many topics necessary for professional success, including: <ul style="list-style-type: none"> ▪ Communication ▪ Planning ▪ Management ▪ Reporting ▪ Languages ▪ General ICT skills ○ Ensure that the training is regularly conducted, including: <ul style="list-style-type: none"> ▪ Four workshops (in various fields) for staff members during 2011, as part of the Capacity Building Program; ▪ Two levels of on-going courses in English for all staff members; and ▪ ECDL courses for members of staff (10 people) • Initiate a specialized skills training program for the members of the Department of Case Management, Legal Advisors, and Legal Researchers by September 2011 <ul style="list-style-type: none"> ○ Include training on many topics relevant to court work, including: <ul style="list-style-type: none"> ▪ Case management;

	<ul style="list-style-type: none"> ▪ Advanced legal research; ▪ Advanced legal writing; and ▪ Opinion writing and interpretation. ○ Ensure that training is conducted regularly, including: <ul style="list-style-type: none"> ▪ Four three-day workshops for relevant members of staff organized by the end of 2011; and ▪ Four two-week exchange placements with intensive training in other regional and European Constitutional Courts. ● Create other standardized training programs either through line ministries or various standardized programs: <ul style="list-style-type: none"> ○ Ensure that completion of these programs results in earning a certificate; ○ Establish training in specialized office-related skills, including: <ul style="list-style-type: none"> ▪ Budget and finance; ▪ Procurement; ▪ Internal auditing; ▪ Information and communication technology; ▪ Provide ECDL for all staff members on a rolling basis; ▪ Ensure that one member of the staff is certified in auditing; ▪ Provide various courses in PFM; ▪ Provide certification for allocation and commitment of funds
OTHER CONCRETE INITIATIVES FOR CAPACITY BUILDING	
Action 1.2.3	Develop a comprehensive Career Development Plan
Activities	<ul style="list-style-type: none"> ● Draft Terms of Reference for the Career Development Plan (CDP); ● Advertise for external expertise; ● Recruit external experts for CDP; ● Design the plan; ● Approve, translate, and publish the CDP; and ● Start the implementation of CDP by September 2011.
Action 1.2.4	Build an internship scheme
Activities	<ul style="list-style-type: none"> ● Design an internship scheme to utilize talent from <ul style="list-style-type: none"> ○ Master students of the different public and private universities in Kosovo and the region; ○ International organizations; ○ Foreign law schools; ○ Other domestic and international academic institutions
Action 1.2.5	Create a Training and Career Development Office within the Human Resources Department by march 2012
	<ul style="list-style-type: none"> ● Draft Terms of Reference, duties, and responsibilities for the Career Development Office within the Human Resources Department; ● Recruit appropriate candidates; ● Assign duties and train the selected applicants; and ● Monitor and evaluate staff training and development at the Court.

2. INFRASTRUCTURE AND TECHNOLOGY

In the field of infrastructure, the key issue is the lack of adequate working conditions. At first, it may appear that the Court has very good working conditions: renovated premises in the downtown area of the capital, numerous offices, and a large parking lot. However, after nine months in operation, these premises have proven inadequate. Most importantly, there are not enough offices for the staff and the limited space has prevented the Court to properly organize its personnel on the basis of their functional responsibilities and interaction. Other problems abound, as well. For example, the stairways, entrance, and hallways are poorly designed. The building is also not accessible to the physically impaired.

The Court is also concerned that the building's physically unfriendly environment impedes the Court's desired transparency, openness, and accessibility: the Courtroom is not easily accessible; there is inadequate technology for transmitting court sessions into hallways when the small Courtroom is filled; there are few and inconveniently-located restrooms and the Judges are awkwardly separated from the participants in the proceedings.

The inadequate working conditions also result from poor technological resources. The Court cannot utilize digital data, because the Court does not have a digital data management system or staff trained to process such data. There is also no system for ensuring data security. At a time of breathtaking changes in the fields of information and communication, the Court must urgently tackle its technological deficiencies to keep pace with other modern judicial institutions.

All these problems make the Court less transparent and less efficient, particularly in regards to internal and external communication. Consequently, key functions of the Court are obstructed from the very beginning of its work. Worse yet, these communication problems have the potential to seriously harm public perception. Unlike problems regarding financial procedures or tailor-made regulations (which require time and expertise to create), these problems in physical infrastructure, equipment, and information and communication technology should be easier to address. Yet, the process is made more difficult due to complicated procurement procedures and the fact that the Ministry of Public Administration managed the finances of the Court until January 2010. These problems, however, will be further elaborated upon in the section on finance.

2.1 Infrastructure and Technology: Strategic Objective, Description, Targets, and Milestones

Strategic Objective	Create appropriate working conditions for the Constitutional Court		
Description	<p>The main objective is to have an appropriately equipped and fully functional courtroom that is easily accessible for the Judges and the public. The Court also needs proper equipment to accomplish its goals and objectives. For example, the Court needs state-of-the-art information technology for daily operations, including access to documents, translation services, e-libraries, digital case management systems, and research databases. Such technology is also needed for planning and management purposes, such as facility maintenance and security. All these technological systems must be tailor-made with the specific needs of the Court in mind. The design and implementation of the Career Development Program will be carried simultaneously with the installation of new equipment and technologies.</p>		
Targets	<p>2011:</p> <ul style="list-style-type: none"> • Finalize work on the courtroom and other facilities in the current building (easier access, fully equipped library, up-to-date IT technology). <p>2011:</p> <ul style="list-style-type: none"> • Complete information and communication technology installation (including video conferencing facility); • Establish a Training Center for implementing the Career Development Program; and • Design and implement a Facility Management Plan. <p>2011:</p> <ul style="list-style-type: none"> • Complete set-up of the library. <p>2012-2013:</p> <ul style="list-style-type: none"> • Construct a new annex to the current building. <p>2013 – or later:</p> <ul style="list-style-type: none"> • Relocate to the Palace of Justice. 		
Milestones	<p>2010</p> <ul style="list-style-type: none"> • A review of infrastructure needs is carried out; • A comprehensive design/blueprint for improved working conditions (including ICT) 	<p>2011</p> <ul style="list-style-type: none"> • Infrastructure is improved based on the proposed design and plan; • Courtroom is completed; 	<p>2013</p> <ul style="list-style-type: none"> • Second phase of Facility Management Plan is implemented; • Building of the Annex is completed; and • Facility Management

<ul style="list-style-type: none"> is developed; A facility management system is developed; and A training facility is established (or the training function is outsourced). 	<ul style="list-style-type: none"> The first phase of the Facility Management Plan is implemented; Training facility is fully utilized; and Design of the Annex is approved and a construction company selected. 	System is evaluated.
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2.2. Main actions and activities in the field of infrastructure

Action 2.2.1	Establish a Library
Activities	<ul style="list-style-type: none"> Develop the library concept and design to facilitate legal research by December 2010; Advertise for books, software, and other items required for the library (both paper and digital formats) by July 2011; Purchase books, magazines, newspapers, and other materials by March 2011; Classify materials into categories (authors, subjects, alphabetical order) by June 2011; Digitize library data by December 2011; Create library database by June 2012; Hire library staff by January 2011; Train the staff how to assist judges and advisors in collecting relevant information and how to research case materials by December 2011; and Purchase memberships to e-Libraries by December 2010.
Action 2.2.2	Ensure sufficient working space
Activities	<ul style="list-style-type: none"> Set up working team with relevant Court representative to develop a detailed plan by December 2010: <ul style="list-style-type: none"> Assess needs for physical space; and Evaluate the costs according to needs. Decide on the final plan and costs involved; Include plan costs in the relevant fiscal year budget; and Complete these activities in 2011.
Action 2.2.3	Digitize the Court's facilities
Activities	<ul style="list-style-type: none"> Draft Terms of Reference for the external implementing agency/experts;

	<ul style="list-style-type: none"> • Advertise for the implementing agency/experts; • Hire the agency/expert to develop an adequate and cost effective plan in conjunction with the Court ICT representative; • Design and propose a plan for digitalization; • Approve the plan; • Initiate the procurement procedure to implement the plan; • Train staff members so that they can make best use of the newly-installed equipment; and • Start this process in the middle of November 2010 and finish by april 2012.
Action 2.2.4	<i>Develop a comprehensive facilities management system</i>
Activities	<ul style="list-style-type: none"> • Develop a security plan <ul style="list-style-type: none"> ○ Incorporate digital/technological security devices, including a camera surveillance system; ○ This plan must address: <ul style="list-style-type: none"> ▪ Means for protecting the building, courtyard, parking lot, and other premises; ▪ The physical security of Judges and staff; and ▪ The security of data and communication; • Develop a maintenance plan <ul style="list-style-type: none"> ○ This plan must address: <ul style="list-style-type: none"> ▪ Cleaning/janitorial duties; ▪ Servicing of ICT and other equipment; ▪ Maintenance of utilities; and ▪ Maintenance of equipment. ○ Hire an expert/company to work out an adequate and cost effective plan in conjunction with Court IT representative; ○ Approve the plan; ○ Initiate procurement procedures; ○ Implement the plan; ○ Train staff on the new system; and ○ Complete this process between 2011 and 2012.
Action 2.2.5	<i>Make internal arrangements of the Court premises more functional</i>
Activities	<ul style="list-style-type: none"> • Prepare Terms of Reference for a structural design company to use in planning the needed renovations to the existing building and in designing the courtroom; • Advertise, select, and contract a structural design company; • Draft the design; • Construct the courtroom; • Rearrange the offices, as needed, to improve working conditions and communication; • Construct a training facility for sustainable staff development;

	<ul style="list-style-type: none"> • Install furniture, equipment, and services in new premises; and • Incorporate new premises into maintenance plan.
Action 2.2.6	<i>Utilize video conferencing, press releases and press conferences</i>
<i>Activities</i>	<ul style="list-style-type: none"> • Install a video conference facility in the Court; • Analyze needs for ICT infrastructure; • Prepare procurement procedures; • Purchase the needed infrastructure and equipment; • Distribute and install equipment; and • Train staff to utilize new equipment.

3. LEGAL FRAMEWORK

In the field of legal framework, the Court identified the lack of adequate internal procedures as the key issue. The Court needs departmental procedures, updated job descriptions, and developed court rules and procedures. The existing job descriptions and internal regulations are inadequate because they were developed before the Court was established and thus were not tailored to the specific needs of the Constitutional Court. It is unrealistic to expect existing or future local administrative staff to overcome this deficiency, because most do not have relevant experience working for a Constitutional Court.

As a result, the Court needs to review and redesign these policies in light of the Court's present and future needs. These new policies must be in line with the Court's mission as set out in the Constitution and in the Law on the Constitutional Court. The policies must also take into consideration political, technological, economic, and other developments in the external environment.

The lack of adequate policies manifests itself, for instance, through the lack of workflow analyses, lack of document templates, excess of inadmissible cases, and inconsistency of legal terminology. These problems primarily affect the Court's efficiency, but they also damage its image of competence. In these early phases of Court operations, these issues could be mitigated through the use of external local and international experts. A training program to address these issues would be very helpful in the mid-term and could also ensure greater sustainability of the Court's capacity building efforts.

3.1 Legal Framework: Strategic Objective, Rationale, Targets, and Milestones

Strategic Objective	Develop, approve, and implement adequate rules and procedures for efficient and effective Court performance within its jurisdiction.		
Description	After six months in operation, the Court has the ability to measure the functionality of its initial regulations against real life situations. Now, there is a relatively clear situation regarding what aspects of the current regulations did not “live up” to the needs of an adequately functioning Court. In addition to this internal review, external experts should also review the existing regulations. After a thorough analysis, the Court will then engage its staff and external technical assistants to revise the respective rules and regulations. Together, they can develop adequate rules and procedures that will enable the Court to improve its performance in areas such as internal relations, case management, and overall efficiency.		
Targets	<p>2010:</p> <ul style="list-style-type: none"> • Publish and implement amended Rules of Procedure; • Develop and implement court fees regulation and templates; • Design corporate identity; • Conduct functional review of the Court’s performance; and • Draft and approve Administrative Instruction for internal organization of the Secretariat. <p>2011:</p> <ul style="list-style-type: none"> • Establish the library. <p>2011 – 2013:</p> <ul style="list-style-type: none"> • Finalize and put into effect electronic case management system. 		
Milestones	2010	2011	2012 – 2013
	<ul style="list-style-type: none"> • The first draft of the Rules of Procedures submitted for approval; • All needed forms and templates approved; • Initiate the development of an electronic case management system; • Internal restructuring completed; • Books for legal library 	<ul style="list-style-type: none"> • New Rules of Procedures implemented; • The quality and utilization of new templates monitored; • The terms of reference for the development of the electronic case management system finalized; and • Staff for the library 	<ul style="list-style-type: none"> • Electronic case management system implemented; • Legal library fully operational; • New functional review of the Court; and • Legal framework of the Court evaluated.

supplied and
subscription to
electronic contracted

recruited and trained.

3.2 Actions and activities in the field of legal framework

Action 3.2.1	<i>Revise Rules of Procedure (RoP)</i>
Activities	<ul style="list-style-type: none"> • Develop a matrix with proposals for revision; • Translate the matrix and share it with the staff; • Devise a way for members of the staff to participate in the process of revising RoP by giving responses, proposals, and arguments; • Organize a workshop for redrafting RoP (March - June 2010); • Translate the revised RoP; • Adopt and publish the new RoP by December 2010; • Organize a monitoring and evaluation mechanism for the new RoP; and • Complete these activities between March 2011 and September 2011.
Action 3.2.2	<i>Create a general database for case management and data management</i>
Activities	<ul style="list-style-type: none"> • Draft Terms of Reference, concept, and structure for the database; • Advertise and hire experts to design the database ; • Create a structured database; • Train staff to use and maintain the database; • Implement and use database; and • Complete these activities by the end of 2011.
Action 3.2.3	<i>Design and implement an electronic case management system</i>
Activities	<ul style="list-style-type: none"> • Create tailor-made software enabling electronic processing of cases and files; • Train staff to use the software; • Monitor and evaluate utilization of the software; • Draft internal workflow instructions and manual regarding case management; • Publish decisions electronically; and • Complete these activities by the end of 2011.
Action 3.2.4	<i>Establish templates to be used internally and externally for Court operations</i>
Activities	<ul style="list-style-type: none"> • Carry out an analysis of Court operations and functions; • Develop a list of needed templates; • Draft templates;

	<ul style="list-style-type: none"> • Check language of the templates; • Approve templates; • Translate, print, and utilize templates; • Train staff in use of the templates; and • Complete these activities by March 2011.
Action 3.2.5	<i>Develop a Glossary of Legal Terminology</i>
Activities	<ul style="list-style-type: none"> • Set up a working group for the Glossary of Legal Terminology in Albanian, Serbian and English languages; • Identify most commonly used legal terms; • Make terms consistent in three languages; • Distribute the list to translators; • Use the Glossary ; • Assign an editorial group to engage in continuous updating of the Glossary; and • Complete these activities by June 2011.
Action 3.2.6	<i>Organize a functional review of the Constitutional Court</i>
Activities	<ul style="list-style-type: none"> • Develop Terms of Reference for the functional review; • Advertise and recruit an implementing agency; • Allow the chosen agency to conduct the functional review through desk research, interviews, and questionnaires; • Have the agency produce recommendations and send for feedback; • Translate and adopt recommendations; • Restructure the Court in line with approved recommendations; and • Complete these activities by the June 2011.
Action 3.2.7	<i>Develop and implement regulations and templates on court fees</i>
Activities	<ul style="list-style-type: none"> • Set up a working group to develop regulations regarding court fees; • Draft court fees regulations and submit it for approval; • Implement new regulation; • Monitor utilization of the regulation; and • Complete these activities by June 2011.
Action 3.2.8	<i>Build reporting systems within the Court on the developed activities</i>
Activities	<ul style="list-style-type: none"> • Draft and approve court regulations on reporting and performance evaluation; • Pilot, monitor, and evaluate implementation of the new regulations; • Review, finalize, and approve reporting and performance evaluation regulations; and • Complete these activities by the end of 2011.

4. COMMUNICATION

In the field of communication, the key problem identified by the Court was the lack of adequate mechanisms for internal and external communication. More specifically, the Court was concerned about the lack of an external communications strategy, as well as its lack of human control mechanisms for organized internal interaction. The Court viewed these problems as the main causes of communication failures.

Other problems exist, as well. Externally, the Court does not yet have an advanced webpage, thereby preventing sufficient communication with outside stakeholders, such as universities, NGOs, institutions, and authorities. Internally, the Court faces significant challenges regarding interaction within the court administration, as well as between the administrative and judicial segments of the Court. Yet, this division between internal and external problems is not entirely clear. For example, external communication is hampered when the documents issued by the Court are of insufficient quality as a result of inadequate proofreading and editing – an internal problem.

The effects of these communication problems also extend to other fields. The poor quality of external communication may lead to a faulty perception of the court in public opinion. These problems are more concretely manifested in the Court's excess of inadmissible cases. The potential for external interference may also feed internal problems, particularly the development of poor informal group dynamics. Thus, unless these aspects of Court communication are properly addressed, they will affect the quality of both the Court's operations and its public image.

Building a communication strategy and an Outreach Program is of utmost importance for the Constitutional Court to (a) establish a good relationship with the citizens, and (b) to effectively deliver constitutional justice. Therefore, publicity, transparency, and the use of modern technologies are key for the Court to fulfill its mandate. The communication strategy also views the Court's external and internal communication arrangements as intimately linked prerequisites for improved interactions with the public. The Court has determined five action areas through which it can improve its external and internal communication:

- Communication with the public;
- Internal communication;
- Communication with participants in Court proceedings;
- Communication with the media; and
- International relations.

4.1 Communication: Strategic Objective, Rationale, Targets, and Milestones

Strategic Objective	Establish effective communication processes for improved Court performance and public perception		
Description	Addressing the Court’s public image is urgent, because the public’s perception of justice directly affects court operations and credibility. Deficient internal communication significantly hinders long-term court efficiency and tends to create a cycle of self-reproduction. Without strong communication mechanisms, the Court’s progress toward a new tradition of behavioral paradigms is severely marred. For these reasons, a series of measures are required to improve internal relations and to influence the external environment. Together, these measures can create a sustainable positive perception of the Court in the public opinion in line with the new tradition being built at the Court.		
Targets	<p>2010:</p> <ul style="list-style-type: none"> • Develop an outreach program and organize a number of pilot outreach meetings with key beneficiaries; and • Develop a communications strategy and continue with the organization of outreach meetings with key beneficiaries and the general public. <p>2011:</p> <ul style="list-style-type: none"> • Develop an interactive website; and • Create a fully-operational Court Information Office. <p>2012:</p> <ul style="list-style-type: none"> • Use internal communication mechanisms to facilitate the communication between the administrative and judicial segments of the Court as well as communication within each segment; and • Establish a fully functional information office within the Court. <p>2011 – 2013:</p> <ul style="list-style-type: none"> • Establish relationships with Constitutional Courts in the region and abroad; and • Integrate the Court into relevant regional and international organizations. 		
Milestones	2010	2011 – 2012	2013
	<ul style="list-style-type: none"> • Main operative lines of the outreach program finalized; • Company contracted for 	<ul style="list-style-type: none"> • Outreach program implemented; • Regular monitoring of outreach activities; 	<ul style="list-style-type: none"> • Outreach program evaluated and reviewed; • Communications strategy evaluated and reviewed;

the improvement and design of the webpage;

- Current webpage improved;
- The Information Officer is hired;
- Terms of Reference prepared for the international relations action plan developed; and
- Initiation of the development and conclusion of MoUs and agreements with Courts in the region and abroad as well as regional and international organizations

- Communications strategy developed and approved;
- Interactive webpage developed and functioning;
- Information Office established;
- Concept for the Information developed and approved ;
- Information Office staff recruited and trained;
- Implementing agency for the communications strategy contracted;
- Court appoints and trains Judges and administrative staff in charge of international relations;
- MoUs and agreements with different Courts in the region and abroad signed; and
- Court integrates in different regional and international organizations.

- Interactive webpage evaluated and redesigned;
- Information Office's performance monitored and evaluated;
- Performance of the International Relations staff monitored and evaluated; and
- MoUs and agreements with Courts in the region and abroad implemented.

4.2 Actions and activities in the field of communication

Action 4.2.1	<i>Establish the Information Office</i>
Activities	<ul style="list-style-type: none"> • Develop Terms of Reference and mandate of the new Information/Press Office and job descriptions for new positions: <ul style="list-style-type: none"> ○ Key tasks of the Information Office will include: <ul style="list-style-type: none"> ▪ Communicating summaries of court decisions to the media; ▪ Interacting with the media regarding hearings for all cases; ▪ Providing factual clarification regarding cases reported in the media; ▪ Collecting information from printed/electronic media about the Court, so that the Court can intervene and provide corrections if the information published is not accurate; and ▪ Planning, directing and running surveys on public perception of the Court. • Approve new position(s) and advertise for the new staff; • Recruit new staff; • Train new staff; • Organize regular collection of media reports on Court activities and the responses to those reports; • Hold regular monthly press conferences; • Publish a three-month newsletter on court activities; and • These activities should be initiated by March 2011 and organized on regular basis thereafter.
Action 4.2.2	<i>Ensure distribution of printed materials on the Court's identity and mission</i>
Activities	<ul style="list-style-type: none"> • Develop the terms of reference for outsourcing the development and publication of brochures, leaflets, and fliers; • Contract the agency for the development and publication of brochures, leaflets, and fliers; • Develop and publish brochures, leaflets, and fliers; and • Complete these activities by March 2011.
Action 4.2.3	<i>Improve the Court's website</i>
Activities	<ul style="list-style-type: none"> • Draft Terms of Reference regarding the new website <ul style="list-style-type: none"> ○ The new website should include the following characteristics: <ul style="list-style-type: none"> ▪ Organized in a customer-friendly way; ▪ Contain electronic versions of basic legal documents; ▪ Function fully in multiple languages; ▪ Contain interactive options, including but not limited to enabling the parties to track the status of their cases by inserting the case reference number; ▪ Be governed by new rules regarding the design, maintenance, and

	<p>management of the website;</p> <ul style="list-style-type: none"> • Advertise for and select an implementing agency to design the new website; • Design the website ; • Develop and approve relevant policy and guidelines for utilization of the website; • Feed the website with relevant data; • Establish an ICT office at the Court; • Train ICT staff on how to maintain the website; • Monitor and evaluate the impact of the improved website; • Complete these activities by the end of 2011.
Action 4.2.4	<i>Develop an Outreach Program</i>
Activities	<ul style="list-style-type: none"> • Establish a formal dialogue with the different beneficiaries of the Court, including but not limited to public institutions, schools, universities and other institutions to increase their knowledge about the role of the court as well as its jurisdiction and procedures; • Develop Terms of Reference for the Outreach Program <ul style="list-style-type: none"> ○ The Outreach Program should include: <ul style="list-style-type: none"> ▪ Regular meetings with citizens, public institutions, public interest organizations, policy makers, diplomats, and members of the Kosovo Assembly ▪ Training sessions for lawyers and the judiciary; ▪ Participation by the Court in public information programs that are arranged by other organizations; ▪ Participation in teaching programs and public debates organized by schools, universities, and other educational agencies; • Advertise for and select an implementing agency/partner; • Develop and approve the Outreach Program; • Draft and implement a baseline survey on the public's perception of the Court; • Implement the Program; • Hold an informational event for the public in every region of Kosovo; • Host at least one annual seminar on the functions of the Court; • Organize at least one annual round table discussion about the Court's mission, role, or other related issue; • Monitor and evaluate the Outreach Program (including a final survey); • Complete these activities between 2011 and 2012.
Action 4.2.5	<i>Develop a simple, functional model of communication and establish effective feedback mechanisms</i>
Activities	<ul style="list-style-type: none"> • Draft Terms of Reference for a regulation/policy on communication channels

	<p>within the Court;</p> <ul style="list-style-type: none"> • Advertise and select an implementing agency to develop policy; • Develop and pilot the policy; • Review and approve the policy; • Design a document management system, including a naming convention for filing documents; • Design and utilize forms/templates of communication (briefings, notes, memos, and reports); • Complete these activities by the end of 2011.
Action 4.2.6	<i>Ensure accessibility, simplicity, and clarity in the language of the Court</i>
Activities	<ul style="list-style-type: none"> • Establish a procedure to make relevant judicial decisions readily available to the participants in Court proceedings and the general public; and • Establish an office to interact with participants in Court proceedings and to facilitate their communication with the Court , by March 2012.
Action 4.2.7	<i>Develop constructive policies and practices to improve communication with the media</i>
Activity 1	<ul style="list-style-type: none"> • Develop a policy for communication with the media to ensure that all information provided to the media is communicated in a transparent and non-discriminatory manner; • Organize at least one annual information event for media professionals on legal rules and practices related to constitutional practices in Kosovo and abroad; • Support schools of journalism by setting up courses on courts, constitutional justice, and court procedures; • Draft with media representatives a code of conduct that will apply mutually in dealings between the Court and media professionals; • Set up an office to address problems caused by media accounts of court proceedings and problems encountered by journalists in their attempts to complete their jobs, by March 2011; • Employ an existing independent body to make general recommendations for preventing the recurrence of any observed problems; • Use a participatory and inclusive process to develop a policy on audio and video recording of judicial hearings that will allow for smooth and uninterrupted Court hearings while still protecting the rights of people involved in the hearing; and • Initiate the implementation of these activities by June 2011.
Action 4.2.8	<i>Develop a communications strategy</i>
Activities	<ul style="list-style-type: none"> • Develop Terms of Reference for the communications strategy; • Advertise and conduct procurement proceedings; • Review and assess proposals;

	<ul style="list-style-type: none"> • Contract an implementing agency in compliance with Terms of Reference; • Develop communication strategy; • Implement the strategy; • Establish a mechanism for monitoring and evaluating the communication strategy; and • Initiate these activities by April 2011.
Action 4.2.9	<i>Establish international contacts and ensure integration of the Court into relevant organizations of regional and international character</i>
Activities	<ul style="list-style-type: none"> • Organize at least one annual visit to and from other Constitutional Courts in the region, in Europe, and across the world; and • Organize at least three annual events of international character, such as discussions, exchanges, and consultations with peers and other professionals in the region and abroad.
Action 4.2.10	<i>Organize and participate in events of regional and international character</i>
Activities	<ul style="list-style-type: none"> • Organize one annual seminar or conference of regional and international character in Prishtina in the field of constitutionality; and • Provide opportunities for the Judges and senior staff to participate in at least three events of regional and international character every year.
Action 4.2.11	<i>Set up an International Relations office at the Court</i>
Activity 1	<ul style="list-style-type: none"> • Draft Terms of Reference for the establishment of the International Relations Office at the Court, by March 2012; • Engage external expertise to develop a concept and plan for the International Relations Office; • Implement the plan; • Train relevant staff; • Monitor and evaluate the office; and • Initiate these activities by April 2012.
Action 4.2.12	<i>Sign cooperation agreements and MoUs with other Constitutional Courts in the region, Europe, and across the globe</i>
Activities	<ul style="list-style-type: none"> • Prepare international cooperation agreements with other, more-experienced Courts; and • Sign cooperation agreements and MoUs with other Constitutional Courts in the region and abroad to help with staff development, exchange of expertise, etc.

5. FINANCE

In the field of Finance, the Court suffers from two impediments: complicated financial and public procurement procedures and the fact that its finances were managed by the Ministry of Public Administration until October 2009. The financial and public procurement procedures of Kosovo require several procedures for allocation, commitment, authorization, and certification before funds can be spent. The procurement procedures, for example, double or triple the time required for making purchases and can even call for the cancellation of orders when bidding companies make complaints. The complexity of these procedures was compounded by the fact that the Ministry of Public Administration externally managed them for the Court until January 2010. All these deficiencies resulted in inadequate financial support for the Court's operations. The problems with financial support, then, in turn, feed the other problems analyzed throughout this plan.

Budgetary Independence

According to the Law on the Constitutional Court, "the Constitutional Court shall prepare its annual budget proposal and forward it to the Assembly of the Republic of Kosovo for adoption. [...] Neither the Government nor any other budget organization shall be entitled to amend or otherwise modify or influence the budget proposal prepared by the Constitutional Court."

Both these impediments must be addressed to guarantee institutional autonomy for the Court. Any meaningful solution should also allow for better planning and implementation of spending. Yet, even if the problems surrounding financial management are settled, the Court will still be faced with two other problems: understaffing in the Department of Finance and the unavailability of a financial planning/management tool.

5.1 Finance and Budget: Strategic Objective, Description, Targets, and Milestones

Strategic Objective	Ensure adequate financial support that allows for improved Court performance and the smooth implementation of the Court’s planned activities.		
Description	<p>The Court must implement an active process of information sharing and communication between departments in order to allow for better planning, unified understanding, and improved coordination in the area of budget and finance. The Court will also organize a series of events as part of an informational campaign to brief the members of the Assembly on its financial autonomy and other relevant constitutional and legal provisions. As part of this campaign, the Court will also plan and prepare, in a timely manner, ways to better articulate and present its needs before the relevant Assembly committees. Through such efforts the Court can bring about a better understanding of its specific nature and developmental needs. In order to achieve its goals, the Court must also recruit the necessary staff, train them, and then involve the staff in various activities aimed at high-quality performance and planning. The Court will strengthen its planning capacity either by establishing a planning unit or by strengthening the planning and reporting functions in the current job descriptions. These measures will help achieve the constitutionally guaranteed financial autonomy.</p>		
Targets	<p>2010 - 2011:</p> <ul style="list-style-type: none"> • Develop a budget planning strategy; • Develop a three-year (2010-2013) Operational Plan (in line with MTEF projections); • Recruit and train staff; and • Financial planning tool developed. <p>2011:</p> <ul style="list-style-type: none"> • Develop and implement FPMT. <p>2011-13:</p> <ul style="list-style-type: none"> • Conduct annual Budget Planning Workshops. 		
Milestones	2010	2011 – 2012	2013
	<ul style="list-style-type: none"> • Budget planning strategy finalized and approved; • Staff is recruited; • Training program designed; • Financial planning tool developed; 	<ul style="list-style-type: none"> • Staff training program implemented; • Annual budget planning workshop conducted; and • Staff trained in use of financial planning tool. 	<ul style="list-style-type: none"> • Staff performance evaluated; • Annual budget planning workshop conducted; and • Financial planning tool reviewed and evaluated.

5.2 Actions and activities in the field of finance

Action 5.1	<i>Implement a Joint Annual Review (JAR) Program</i>
Activities	<ul style="list-style-type: none"> • Plan and prepare a joint event to review implementation of the Budget Strategy; • Prepare the needed materials, action plans, agenda, logistics, and presentations; • Implement the JAR; • Approve the Action Plan for the subsequent year; and • Complete these activities by September of each year;
Action 5.2	<i>Recruit and train qualified staff for the Budget and Finance Department</i>
Activities	<ul style="list-style-type: none"> • Interview and select the Finance Officer; • Hire additionally required staff for the timely preparation and adequate execution of the budget; • Conduct introductory training for the new staff; • Organize in-service training at the Ministry of Economy and Finance; • Analyze the financial position of the Court on regular basis; and • Complete these activities by the end of 2010.
Action 5.3	<i>Participate in various capacity building events</i>
Activities	<ul style="list-style-type: none"> • Hold seminars/workshops on PFM (two staff members); • Conduct seminars/workshops on budget planning and execution (two staff members); and • Hold study visits to other courts in the region to examine their PFM and financing models (one visit every year).
Action 5.4	<i>Plan new positions in the Budget and Finance Department, in accordance with the organizational and functional review</i>
Activities	<ul style="list-style-type: none"> • Carry out a functional review; • Identify new positions in the Department; • Recruit a new planning officer to serve as a link between the Budget and Finance Department and other departments; • Recruit other support staff; • Train new staff (including induction training, and other mandatory training programs); and • Complete these activities between 2010 and 2011
Action 5.5	<i>Conduct annual Budget Planning Workshop</i>
Activities	<ul style="list-style-type: none"> • Set up a task force for planning, finance, procurement, and administration – all under the aegis of the Secretary General;

	<ul style="list-style-type: none"> • Start collecting and organizing information (including interviews with staff); • Prepare the Workshop (logistics and administration); • Implement the three-day workshop; • Finalize and approve the plan; • Complete these activities every year, beginning in 2011;
Action 5.6	<i>Organize information events with the Court staff on finance and procurement procedures</i>
Activities	<ul style="list-style-type: none"> • Draft a plan and prepare materials for the events (including presentations, brochures, guidelines, and other materials); • Organize interviews and an information session on financial and procurement procedures; • Analyze and evaluate the process; and • Complete these activities regularly in April of each year.

V. ASSUMPTIONS

In order to build a new tradition, the Constitutional Court of Kosovo needs to take in consideration various scenarios and assumptions. A careful consideration of these issues will inform the Court in all three phases of operation: the strategic planning process, implementation of the plan, and its review. During the strategic planning process, several general assumptions were identified as preconditions for accomplishing the set objectives:

1. The Kosovo Assembly is fully aware and supportive of the role and position of the Constitutional Court.

Even during the strategic planning process, several developments indicated the numerous challenges that may be expected during implementation. The most notable of these challenges was the misunderstanding of the members of the Kosovo Assembly regarding the mission, nature, and financial autonomy of the Constitutional Court. Consequently, the proposed Court budget was significantly reduced, thereby leaving a number of planned activities without sufficient funding during the 2010 Financial Year. This situation indicated the lack of adequate information amongst Assembly Members regarding the role and position of the Court. This lack of information, along with inadequate communication, has deteriorated relations between the two institutions. In the future, the Court needs to be better prepared with justifications during budget hearings with the respective Assembly Committee.

For these reasons, action is required in two directions: (1) informing members of the Kosovo Assembly of the Court's role, and (2) building mechanisms for improved planning, preparation and presentation of the Court's budget. These two initiatives can converge by having greater interaction with the respective Assembly Committee members during the planning of the budget. Such action, combined with more detailed justifications of the budget, could help renew the partnership between the two institutions.

2. There is sufficient budget for the smooth and independent functioning of the Court.

In spite of the clear, supportive legal framework regarding the financial autonomy of the Constitutional Court, the Court's first year of operation did not provide sufficient financial support for smooth and unfettered functioning. A key reason for these difficulties was that the Court's finances were externally managed by the Ministry of Public Administration during the Court's first six months in operation. After the transfer of financial management, the Court expected improved management of its operations. Conditions, however, did not improve, as a result of the budget reductions during the Assembly's approval process at the end of 2009. This setback slowed the planned staff recruitment process and delayed procurement of necessary supplies and investments. The complex procurement procedures

only compounded the problems caused by the budgetary limitations. The future budget review must make up for the financial gaps and approve an adequate budget.

This situation calls for several responses to avoid similar situations in the future and to provide for timely and sufficient funding of court operations. These measures include:

- Prioritizing the needs of the Court;
- Publishing budget and expenditures;
- Making finances transparent and reasonable; and
- Eliminating wasteful expenditures.

Another possible response is to cooperate with various donors to ensure support for the financial gap between available funds and activities planned to accomplish the Court's mission. Furthermore, donors and other development partners may assist the Court in attracting local and international assistance.

3. There are sufficient skilled human resources motivated about the implementation of the Strategic Plan

The key issue regarding human resources is the lack of court-specific skills amongst potential employees. Numerous advertisements during the first year of Court operations have yielded little success in recruiting staff with relevant expertise and experience. Yet, even if the needed number of staff is recruited as planned, that result may not guarantee that all measures of the Strategic Plan will be successfully implemented. Given the Court's limited budget and the rather low base salary in the public sector of Kosovo, it is likely that the Court will need to involve additional resources to ensure sufficient expertise. Without a fully qualified staff, the Court cannot function at its optimal level.

Therefore, the Court needs to address the issue by:

- Creating and sharing knowledge among employees in the Court;
- Ensuring motivation and incentives for better staff performance;
- Arranging agreements and MoUs with international partners to ensure the needed technical assistance and professional support; and
- Designing an on-the-job training program for the staff.

4. Minorities will participate in the work of the Court and are confident to address their grievances to the new institution

In order to fully accomplish its vision and to build a democratic institution, the Court must prove that it is an impartial guardian of constitutionality for members of all communities living in Kosovo. The Court can work toward this goal by recruiting a sufficient number of employees from minority communities and by writing fair, objective decisions on all cases brought to it – including cases from minority communities. The Court should also engage in an Outreach Program that is aimed at members of minority communities. With active minority participation, the Court is in a position to serve as a model for all other institutions in Kosovo.

5. There is sufficient readiness on the part of international donors and partners to support the functioning of the Court

The reduction of the Court's budget by the Assembly indicates the fragility of the Court's financial autonomy. Regardless of the reasons behind this situation, two of the effects are clear: (1) the Court's development can be hindered in its first years due to a lack of information among decision-makers, and (2) measures included in the Strategic Plan may not be implemented as planned, due to a lack of available funds. Good planning must be accompanied by measures that will ensure sustainable short-term and mid-term funding – all without compromising the independence of the Court. A coherent and well-coordinated approach to international donors can make up for gaps between planned development measures and funds available from the Kosovo budget. For this reason, in addition this Strategic Plan, other measures have been taken to coordinate development efforts with the international partners, including:

- Regular bilateral meetings with donors to inform them of Court development plans and whether funding is available for those plans;
- Multilateral events involving the Court and international development partners;
- A donor mapping exercise to match Court needs with the potential donors and their funding availability;
- Joint efforts for the implementation of Court development plans (including matching and pooling of funds); and
- Establishment of an office for coordination of donor efforts.

6. The Court Secretariat has a competent management team that is committed to jointly implementing all strategic measures and leading the Court to the accomplishment of its mission

The Constitutional Court of Kosovo is in a unique position to influence constructive developments in the society of Kosovo. Unlike any other institution in Kosovo, it has the ability to build a new tradition of constitutionality. Inducing this change, however, requires more than just introducing change in legal and judicial practices. The Court's effectiveness also depends upon creating a completely different organizational culture based on teamwork, trust, openness, and mutual support.

The management must recognize this fact and, as a result, view staff professional development and peer-learning as necessary for institutional development. Creating the institutional culture necessary for accomplishing the Court's mission can only be achieved through committed, competent, and courageous management. The management must be open to diverse opinions, honest feedback, and continuous development. The management understands how to effectively delegate tasks and how to provide the power needed to support the completion of tasks. Every member of the staff has a freedom of choice, as well as a unique and significant role to play in the accomplishment of shared goals. Informed by this assumption, the Strategic Plan envisages the following measures to create a competent management structure:

- A training program for the Court management that is tailor-made, in accordance with a training needs assessment;
- Several training events with joint participation by the management and staff;
- Policies that introduce new practices and relations between Court staff and management;
- Regular joint meetings to strengthen shared beliefs and sense of ownership over operational efforts;
- Staff evaluation based on their performance; and
- Incentives to award best performing staff and managers.

7. The staff members are motivated and willing to implement foreseen measures.

Implementation of the Strategic Plan and achievement of its objectives depends heavily on the staff's attitude towards it. They must feel a sense of ownership toward the plan and be willing to participate in its implementation. To create this desired attitude, the Court has provided the staff with full information and, to the extent possible, full participation in all phases of the strategic planning process. Furthermore, every new member of the staff must be introduced to the plan in order to have a clear understanding of the larger institutional development scheme and his/her role in that plan.

8. The staff members are motivated and willing to participate in professional development programs and events

Adequate implementation of the staff development training program may be put at risk by a lack of staff motivation for such activities. The staff may be unmotivated if they do not see any results from their professional development efforts, such as if promotions are not linked to good performance. For this reason, the Court should design a career development scheme that links development efforts to personal benefits. There must be positive incentives for improved skills and performance. Finally, any training and professional development efforts must be tailor-made based on the individual needs of the Court staff, in accordance with its institutional development plans.

9. There is a shared understanding about the Court's needs and a strong commitment regarding the measures needed to implement the Strategic Plan

The Court staff, administration, and Judges need to be fully aware of the importance of the activities listed in the Strategic Plan and prioritize work on those activities. In this regard, it is important to ensure the active participation of all staff members in all activities of the Plan's implementation, including monitoring, evaluating, and reviewing of strategic measures. The Court must also involve other stakeholders and international partners in all phases of implementation. Therefore, the Court needs to identify effective channels and means of communication.

10. There is readiness in the international community for full integration of the Court in regional and international networks of Constitutional Courts

Effective performance at home and integration of the Court into organizations of Constitutional Courts are closely related and crucially important for the Court's image and sustainable development. Therefore, a number of strategic measures address this aspect of the Court's future development:

- a) Increased lobbying of Court's international partners; and
- b) A plan for international activities, including all Judges reaching out to personal contacts.

VI. RISKS AND CHALLENGES

A brief analysis of several risks and challenges is given below in order to build a fuller picture of the various aspects that may negatively affect the implementation of the Strategic Plan. These potential risks should inform the Court during the implementation process.

Description	Probability	Level of Risk (H-high, M-medium, L-low)	Response
Insufficient budget for the smooth implementation of planned activities	M	H	<ul style="list-style-type: none"> Coordinate efforts with the Assembly and international donors to ensure sufficient funds.
Lack of understanding by the Kosovo Assembly regarding the role of the Court	H	H	<ul style="list-style-type: none"> Share Information; and Establish a partnership relationship.
Poor management of the Court	M	M	<ul style="list-style-type: none"> Organize a separate senior training management program
Political interference: Interference of politics in the financial and institutional autonomy of the Court	H	H	<ul style="list-style-type: none"> Strengthen and support independence of Court and its Judges; Set up control mechanisms regarding performance of legal advisors and administrative staff; Maintain the support of key international actors involved in the implementation of the rule of law in Kosovo; Write fair and transparent judgments that build credibility and persuade politicians not to interfere with the Court's independence;
Changes in the Court membership	M	M	N/A
Limited pool of candidates for key professional positions in the Court	M	L	<ul style="list-style-type: none"> Utilize other talent sources, such as internships, secondments, and technical assistance.
Low salaries	M	M	<ul style="list-style-type: none"> Coordinate efforts with the Assembly

			and international donors to improve salaries.
Inconsistency between the work of the Secretariat and that of the Court	H	M	<ul style="list-style-type: none"> • Bring in external experts to work with the Court through in-service training events; and • Draft clear Rules of Procedures with templates and examples.
Moving in the Palace of Justice may take longer than planned	H	M	<ul style="list-style-type: none"> • Plan thoroughly for the construction of the Annex building' and • Participate actively in the Palace of Justice construction process

VII. NEXT STEPS

After the consultation process, the Court will make corrections based on the feedback received. Subsequently, the Strategic Plan will be finalized by:

- Estimating the cost of planned measures and activities;
- Identifying funding gaps and securing alternative funding;
- Setting priorities for different needs;
- Drafting and approving an operational development plan;
- Drafting and approving annual action plans; and
- Develop a monitoring mechanism by establishing a Joint Annual Review Committee that would assess the implementation of the Strategic Plan, review the Plan on regular basis, and propose necessary changes.

ANNEX I: LIST OF PARTICIPANTS IN THE STRATEGIC PLANNING PROCESS

	Name	Position	Institution
1	Enver Hasani	President	Constitutional Court
2	Kadri Kryeziu	Vice-President	Constitutional Court
3	Robert Carolan	Judge	Constitutional Court
4	Altay Suroy	Judge	Constitutional Court
5	Almiro Rodrigues	Judge	Constitutional Court
6	Snezhana Botusharova	Judge	Constitutional Court
7	Ivan Cukalovic	Judge	Constitutional Court
8	Gjylieta Mushkolaj	Judge	Constitutional Court
9	Iliriana Islami	Judge	Constitutional Court
10	Johan VanLamoen	Legal Adviser	Constitutional Court
11	Dzenana Hadziomerovic	Legal Adviser	Constitutional Court
12	Michael Bourke	Legal Adviser	Constitutional Court
13	Arbëresha Raça Shala	Secretary General	Constitutional Court
14	Naser Hasani	Director of Department for Case Registration, Statistics and Archive	Constitutional Court
15	Milot Vokshi	Director of the Department for Finance and Budget	Constitutional Court
16	Shefqet Berisha	Director of Department for Human Resources and Administration	Constitutional Court
17	Ali Caka	Director of Department for Professional Support	Constitutional Court
18	Nicolas Mansfield	Head of Legal Programs	East West Management Institute
19	Dastid Pallaska	Executive Director	East West Management Institute

10	Donikë Qerimi	Project Officer, CJI	East West Management Institute
21	Vesa Caka	Chief of the Cabinet of the President	Constitutional Court of Kosovo