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**LAWS WITHOUT POLICY –
WASTE, DEAD LETTER AND FUTILITY**

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EXECUTIVE SUMMARY

Bad policies make bad laws and vice-versa. But laws without policies are even worse. In the old days, policies decided by the party were left to the lawyers to be codified. Today lawyers are doing the same work either without any policy guidelines or with a word or two from the ministers. Those who know English are in a rather good position, as long as they remember to replace all the original references while translating laws of other countries. The smart ones copy only one foreign law and the less smart ones combine laws from several countries, often from different legal traditions. This leads to policies that are often contradictory even within the same Ministry. That policy-making is lacking within ministries, especially its analytical, inclusive and deliberative aspects, has been concluded here and will be a detailed topic for one of our next reports. Assuming an appropriate process for policy-making, this policy brief has undertaken to look at the legal drafting. Overall, it concludes that it is not a job for the usual lawyers housed within various ministries, but for a specialized institution attached to the Ministry of Justice. Further, the process of forming and reworking the legislative agenda should be revised. This should not be done over a couple of hours and should be easily amendable. Overall, this policy brief concludes that from a flexible legislative agenda that is continuously updated and reworked, ministries need to develop significant policy-setting capacities to ensure consensus-building before legal drafting. The brief illustrates the downsides of the present process as well as potential rewards that may result from its change. It should be noted however that it is not an easy task, although the ramifications are least budgetary for they primarily involve a conceptual change of attitudes towards the societal aims and how we go about reaching them by producing relevant laws.

HOW ARE LAWS BEING DRAFTED?

The legislative framework is a defining element of good governance. Furthermore the quality of legislation can strongly influence economic and human development. Due to its ambition to become part of the European family, legislation in Kosovo is particularly vital. Yet, for a number of reasons, some of which are outlined below, laws drafted and enacted today fail to meet the social objectives they strive to.

A rapid setting of the legislative agenda utterly lacks an analysis of most-needed laws, leaving the consequences of such an approach to others.

administration for Kosovo” (UNSCR 1999: Art. 10) implies its authority to legislate. The Special Representative of the Secretary General (SRSG) in Kosovo stipulated, in the very first UNMIK legislative act (UNMIK Regulation No.1999/1), that all legislative and executive authority with respect to Kosovo is vested in UNMIK and is exercised by the SRSG who promulgates legislative acts in the form of regulations.¹

Lawmaking in Kosovo is shared between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-government (PISG). Although not expressly stated in the United Nations Security Council Resolution 1244 (henceforth Resolution 1244), UNMIK’s mandate to provide “an interim

¹ For a thorough review of UNMIK’s mandate and lawmaking see Carlowitz 2003.

The Assembly of Kosovo is gradually assuming a greater role in law-making. UNMIK enacted 69 regulations in 2000. In 2005, it enacted 56 regulations, 25 of which were promulgated laws enacted by the Assembly. As the Kosovo institutions assume a total role in law-making, the responsibility of producing good documents which are thoughtful, implementable, and cost-efficient is essential.

This analysis focuses on the process how a policy is transformed into legislation and the role of all stakeholders involved. More specifically, the limelight was put on the stage from the completion of policy, to stage when the Government forwards the law to the Assembly.

Legislative Agenda

The legislative drafting originates from the Government's *legislative agenda*, outlined by a group of civil servants and legal experts over a couple of hours. Three such gatherings took place where Government's legislative agenda was outlined, either annually or upon a new government (Krasniqi 2006: 3). Past meetings indicate that the process in question is swift – in the course of two to three hours participants name laws that they think are needed. According to the chairman of the last meeting held in early 2005, suggestions for required laws were driven with a number of guiding documents in mind, such as the “working plan of the Government, framework document for the reform of local self-government, the document for the European Partnership, Standards for Kosovo...” (Krasniqi 2006: 3). Unfortunately, the lack of critical attitude leaves little room for contesting proposals, or for prioritizing them, hence the generous effort to include all proposed draft-laws on the document. Consequently, according to several participants of such meetings, it easily happens that members put on the agenda laws that they are familiar with and which they can personally be involved in drafting, regardless of the public value or of their urgency.

The agenda in question is no more than a list of laws that is presented to the Government, which approves it without substantial debate or analysis. Little debate would not present such a problem if it this agenda was understood as a guiding flexible document. Unfortunately, only extremely compelling factors unforeseen before, could initiate a thorough review, deliberation and possible termination of a certain legislative initiative.

It can be concluded that the current process is limited to a rushed setting of the legislative agenda without the necessary analysis of which laws are truly needed and which ones take priority. The consequences of this approach are pushed away to the next stages of law-making procedure.

Once the legislative agenda is approved by the Government, individual ministries are expected to initiate the preparation of draft-laws falling within the realm of their responsibilities. Upon completion of the draft law, each Ministry sends the draft back for review to a government meeting. Before such a review takes place, the draft law must be first submitted to the Office of Legislative Support Services (OLSS, within the Office of the Prime Minister - OPM), for a preliminary review. The OLSS determines whether the draft law is in general compliance with superior rules and then forwards a copy to the Office of European Integration Process (OEIP).

The OEIP reviews the draft with the aim of ensuring legal harmony with EU law. In parallel, the Permanent Secretary (PS) of the OPM establishes a Government Working Group, which has the authority and responsibility to modify the draft law if necessary. The Working Group is comprised of at least a representative from the sponsor ministry, Ministry of Finance and Economy and chaired by the OLSS. Upon completion of the review process, the working group submits the final draft to the PS along with a statement on the constitutionality of the draft from the OLSS, the final statement from the OEIP, and the MEF financial assessment. A draft law accompanied by the required items is considered by the Government, which may approve, reject or return it to the

working group for further revisions. As a rule, the Government adopts legal acts in a single-stage procedure. Once approved, the draft-law is then forwarded further to the Assembly.

MAIN DEFICIENCIES OF THE EXISTING PROCESS

The preparation of draft-laws reveals a number of serious deficiencies. The main observation is that the law (as a document) is the main end-point and not the desire to change an existing practice or introduce a new one. Both links of the law with policy are not functioning: (a) policy analysis that should feed the law prior to its adoption, and (b) the implementation and monitoring of effects that it was made for.

This is naturally driven for neither policy-making, nor their implementation, are indicators of success. The sole measurement is the number of laws and the speed by which they are produced. Further, there is no evaluation of previous laws whereas ministries that produce less are scolded. Hence the conclusion of the tendency to concentrate on producing a legislative draft without sufficient prior consideration of the policy that it should reflect. This is nowhere the case, either in

The major deficit in the current system is that full policy objectives are not considered when determining what draft laws to include on the agenda.

the Anglo-Saxon tradition or in countries with civil law tradition which Kosovo belongs to. In the first, the lawmaking process is separated from that of policy development. Lawyers need only to codify into legal language the detailed instructions prepared by policy developers in each competent ministry. In continental

Europe, a legal tradition that Kosovo is modeled after, drafting is typically undertaken by officials from the competent ministries. Here the policy development is not strictly separated from the legal drafting, as same officials or group of officials may have both tasks. Although not separate as a stage, thoughtful policy guidance is given for the officials' attempt to create consensus when producing conceptual documents.

That the number of laws matters is also illustrated by the fact that laws are seen as panacea and few other solutions are sought to address a problem. The full range of policy objectives and tools to bring about the desired social change are much wider than drafting a law. The current attention to evaluation and weighting of policy alternatives (that require no laws) is meager. There are a number of policy tools that can be used to address a problem without considering a law, .e.g. secondary legislation, economic incentives etc. Drafting a new law is just one of several ways of achieving governmental policy objectives and laws should be used only when they are superior to more cost-effective mechanisms. A sponsoring ministry with an intention to include a draft-law in the legislative agenda should be able to demonstrate that other tools attempted have fallen short of the objective and a draft-law is the most adequate course to pursue. Otherwise, precious time is wasted in drafting wasteful laws as is the case with the law on youth. A bad process has led Kosovars to initiate such laws based on anecdotal rationale that "Kosovars are generally young..." and thus the implication that a law on youth is needed (Lajm 2005: 5).

The transition of Kosovo from a UN administered territory to an emerging state has been a period of considerable legislative efforts. There is a natural urgency to adapt to European standards, but, in the rush to pass laws to this effect, serious policy inconsistencies have occurred. It is a strong indicator that recently enacted legislation has required significant amendments, straining the very limited capacities of the fledgling Assembly.

In order to reach the desired effect in the society, legislation should emerge from a planned and coordinated process deliberately devised to provide adequate time for preparation and consultations inside and outside the Government or Parliament. Even without the pressure of *acquis communautaire*, the past practice of preparing the legislative agenda without prior assessments of the needs for legislative action resembles a “horse race” between different ministries competing to produce more laws than their counterparts, as an international legal consultant put it. Whereas a proper deliberative process should be the rule, law-making must allow for urgently needed legislation, an exception reserved for technical or high priority matters. The problem mentioned here is not with well targeted *acquis* laws, but with the very habit of hastily producing laws to show the effectiveness of a ministry.

Although the topic of a future paper by KIPRED, it suffices to note here that policy-making by individuals without sufficient coordination with other ministries may lead to policies countering each other. Further, it is problematic that fledgling ministries with inexperienced staff must focus all their energy in producing documents that few will read let alone implement. Hence, it is essential that policies be coordinated well among ministries. By corollary, legislative initiatives would emanate from a planned work program that functions well as a whole.

Taking a closer look, from the policy point of view, draft-laws are often prepared from scratch, where the lawyers at best receive a word or two from the minister and rarely receive (verbally) any objectives from the civil service. If concept papers exist at all, they are a rarity, hence leaving drafters without a blueprint over the course of action to pursue, conflicting values, competing alternatives, arguments for and against each alternative, or a stakeholder analysis. As budgetary implications are also often missing, a significant number of draft-laws which require considerable budgetary means get approved but are not implemented due to lack of funds (Zejnaj 2005: 4-5). Two grave examples arguably with double-digit implications for the Kosovo budget are the Collective Contract and the War Veterans Law.

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Another problem is that drafting legislation is a task for much more advanced legal experts than is generally recognized in Kosovo. It is not a process that can be undertaken by any lawyer, because the skills necessary to effectively convert policy into legally enforceable normative rules are not acquired through legal education or through the course of ordinary legal practice. Legal drafting is a specialized skill demanding particular knowledge and relevant experience (meticulous writing technique, knowledge of all laws, implementation probability, language use, overall legal techniques and traditions theoretically and comparatively) (OECD 1997: 17-18).

Currently, laws are drafted by ministerial advisers or legal departments at the civil service level (or external consultants) and rarely by parliamentary committees. Be it as it may, none of the institutions listed above, are able to produce good quality laws. One way of compensating for such incompetence has been to copy laws from other countries, or often from several different countries. Short of guidelines from local institutions, some foreign consultants have domesticated foreign laws (and resulting policies) often without sufficient knowledge of the local environment, for it is only natural that one puts in writing what s/he knows best.

Lack of clarity and understanding regarding the whole cycle of drafting legislation (from idea to evaluation of implementation) creates additional difficulties. Even those who prefer to hold public discussions before drafting or at various stages during the drafting process are structurally discouraged from doing so. When there are efforts to involve civil society and relevant stakeholders

in discussions such endeavors end up with almost all sides being frustrated. First of all there are differing practices from one ministry to another, and thus different expectations as to when and how citizens are involved in public discussions.

It is mainly a practice for the Parliament to scantily involve the civil society in debates. However, this comes at a time after at least three sets of lawyers have gone through the document. As no policy input has gone in the law on time, citizens will almost certainly have differing viewpoints and new ideas. Even with an assumption of good faith, few officials are ready to review the document and change the essence of it, with implications for the whole document, not because they don't want to but because that implies doubling their work. This has to be translated into two languages again, and go through the filters once more. By this time, we have wasted the time and resources for three sets of lawyers, of major politicians, as well as of the Parliamentary committee and countless pages of printed papers. Moreover, this has left and further entrenched the undesired reality that the law aimed to change in the first place. Even more critical, this law still has not ensured political acceptability and may be returned from the plenary session of the Parliament.

As these two hurdles are, well, unacceptable, no official or politician, no matter how good-natured, has the energy or the political credentials to go through such a process. Besides a policy analysis, what is essentially needed is to put public input and political consensus before drafting, which is to be done after all question marks are resolved.

RECONSIDERING THE LAW-MAKING CYCLE

The most useful step in improving the quality of legislation is the recognition that policy development is an essential precursor to law drafting. This is essential to ensure that properly thought out answers will be provided on fundamental questions of policy and approach, especially for complex and difficult reforms. In some countries, before a legislative proposal is adopted, a study must be carried out on such matters as the necessity for legislation, the reasons for adopting a new law and its objectives, the anticipated results and the costs and resources that would be required.

The most useful step in improving the quality of legislation is the recognition that policy development is an essential precursor to law drafting.

As discussed above, in Kosovo there are no sufficient efforts to produce the policy guidelines that law drafters need. Indeed the drafters have little choice but to make their own policy judgments in the course of drafting with little information to guide them or resort for guidance to laws of other countries in any language they have working proficiency. The scheme on the next page illustrates the current process, the changes suggested by this paper and how these fit in the overall scheme.

An important commodity for good law-making is time. As others have found hundreds of years ago, "Important laws hurried through the legislation in the closing days of a limited session are bound to be filled with defects and fraud" (Lapp 1916: 182). The haste is often needless and often driven by short-term political objectives, contributing to defective laws.

The human resources that can be made available for preparation and drafting are usually limited. There is little value in ministries carrying out extensive work on legislative projects only to find, when they are submitted to the Government for review, they are not acceptable in principle or cannot be given any priority for presentation to Parliament. Such a circumstance occurs all the time, but has not lead to a deadlock in the Assembly. The Government relies on its political majority in

the Assembly to have the laws passed. The reactions of the opposition usually go to waste for they come in too late. This forces the coalition partners in government to rely on their own votes. Furthermore, excessive reliance on individual party allegiance has one good effect that makes attendance regular. However, it puts high pressure on individual members of the Assembly to mostly vote as the party says. This railroads opposition voices as well as potential dissenting voices within the coalition. Even if drafters themselves would notice a drawback, the process militates against any reviews.

Expanded use of consultation reflects recognition of its intrinsic democratic value. It makes greater public acceptance of legislative proposals more likely, and it is valuable device to improve the quality of the proposals.

These considerations make clear that the process for developing and drafting a piece of legislation must be planned. Timetables and deadlines should be set for all persons involved, and coordinated with the similar

arrangements made for all the other legislation that is in preparation at the same time. Further, there must be some authority in government that has the capacity to ensure that the planned arrangements are complied with. Legislative agenda could be a useful tool of guidance to ministries on legislative priorities of the Government. Ideally, the legislative agenda is an agreed program for the upcoming year that reflects legislative priorities as seen by the Government. Whenever possible, ministries should consider other regulating tools besides a new law, such as: memorandum of understanding, public awareness campaigns, economic incentives, program evaluation or bylaws.

As it is currently established, the legislative agenda falls short of this objective. It leaves ministries with little alternatives for later stages in cases when a draft-law on a certain area is misplaced. In most of those cases, a ministry, if convinced in the pointlessness of a draft-law can only ignore its duty to prepare such a draft, defy the decision of the government and make the entire process of legislative agenda seem futile. In the worst case scenario, it can proceed in preparing a needless or even a harmful draft-law. Instead, three changes are needed to improve the ministries' work: (a) a more thoughtful and systematic work, (b) to be understood as a light post to give direction and leave sufficient discretionary power to the ministry and to a coordinating policy body, and (c) understand the relationship with all the ministries as a continuous one, with two-way communication in terms of concerns, priorities and responsive decision-making.

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Policy Options ("Green Paper")

Attempting to address problems denotes an inseparable relationship with good data. Any problem believed to require a legislative remedy must be thoroughly analyzed. This can be performed either by the civil service, political advisers, external consultants or contracted out altogether (below referred generically as "the policy analyst") by the Ministry or by a parliamentary committee.

The very first product of a policy analysis is the so-called Green Paper. When a situation may require the attention of the authorities, it should be addressed to determine what, if anything, they government should do to address it. In this light, there may always be several options to pursue, some better in different aspects. This determination should be done by the green paper as early as possible in the policy development process. The following items are to be covered by this initial paper:

- The precise nature of the problem to be dealt with;
- The competing policy objectives;
- A stakeholder analysis;
- All options available to the government:
 - Advantages and disadvantages of each option;
 - Consistency with the political platform of the Government;
 - Practical considerations and implications; and
 - Approximate budgetary implications.

At this point, a given minister will be fully familiar with the stakes involved, the real problem and with the various options, but still is unable to judge what the preferred option is. Such a paper is designed to stimulate discussion and brainstorming only.

If all other courses are exhausted leading to the conclusion that a draft-law is necessary, the ministry brings the issue to the Government Cabinet and decides to proceed with a law. As debates conclude, the government then proceeds in evaluating all the options, to be done by the “white paper.”

Policy decision (“White/Position Paper”)

In this stage the working group presents a Position Paper, where a certain course of action from the Green Paper is selected, argued and defended as the future course to pursue. Out of the options enumerated earlier, this paper further elaborates the trade-offs and argues why a particular set of trade-offs is superior to others. Producing answers to these questions is the task of *the policy developers* (typically officials in the competent ministry) able to bring or draw upon the appropriate expertise in the particular subject matter. The answers to these issues are needed by law drafters. The better the quality of answers, the more likely it is that legislation of good quality will be planned and drafted. Deciding upon trade-offs is often about values. There are often no right and wrong decisions. However, it is essential that before starting such work, objective criteria to be used when judging various options be developed. A position paper paves the way for the government’s decision. It is only at this stage that essential legal and administrative mechanisms can be drafted so as to put that approach into effect and make it binding.

Consultations and Policy Action

The government may decide to invite public consultations after the green or after the white paper. Attention should be paid also to consultations with relevant ministries and political parties, especially if it pertains to important social goals or legislation that requires super-majority. It has become a widespread practice even in regional countries to consult and involve other ministries, especially those with an immediate interest in the subject matter. In Kosovo, such consultation is done upon the behest of an individual since except the inclusion of MEF, there are no other structural requirements to involve other relevant governmental or non-governmental actors. Consultation with non-governmental interest groups is far less common even in the region. Not involving citizen groups often results with a law that does not take into account all the ramifications of the problem and bears question marks about its implementation. Adverse effects such as unsuitability for local conditions, implementation shortcomings, popular resistance, subsequent political damage could be offset or minimized with appropriate civil society input. Not only does it make greater public acceptance of legislative proposals more likely, but also it is valuable as a device to improve the quality of the proposals. Consultation is most likely to have its greatest impact if conducted while policy development is still underway, i.e. after a green paper. Once a legislative text is at an advanced

state of preparation, it is often too late to review the policy premises on which it has been structured. When a draft-law is advanced, it can only be commented by few individuals who have the time and the experience to read and interpret complicated legal texts. Hence the recommendation of this paper is to involve citizens to comment to very simple and straightforward conceptual papers.

In this stage policy action with potential feedback from consultations is presented for approval to the Government. In this way current practice is avoided where energies are wasted in having needless draft-laws presented to the Government. Instead, an elaborated policy action is discussed and if approved by the Government drafting of a law as such can commence.

Legal drafting

Drafting of the law basically entails converting these key *policy decisions* into legal rules. Special skills are needed to turn the policy requirements into practical, effective and clear legal rules which use the appropriate legal concepts, terminology and follow the correct form. The skills derive, in part, from a special understanding of legislative methodology and, in part, from distinctive experience in drafting techniques. This is properly the task of *law drafters* (typically officials with legal training). Legal drafting in Kosovo is undertaken by legal officials in a ministry who are also tasked with numerous other legal chores. As described above, this highly intricate duty is reserved for top lawyers even in the most developed societies, let alone in Kosovo which has a poor higher education system. Even if a ministry is successful in recruiting a top legal drafter it is a waste of resources since drafting legislation would constitute a very small portion of her/his time.

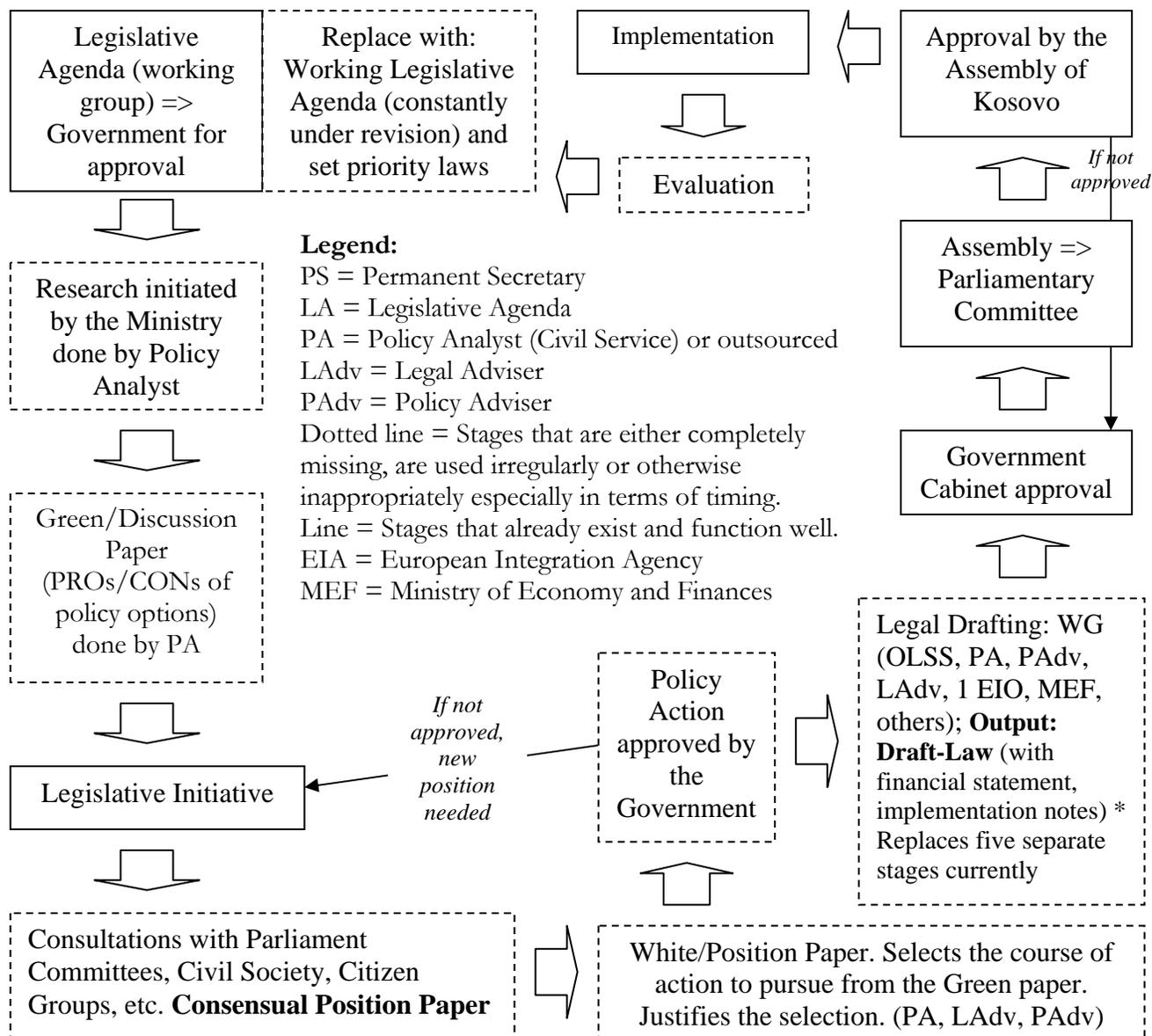
Policy setting and legal drafting need to communicate with each-other, however they need not be housed within the same unit. Moreover, due to a number of advantages of a central institution that develops draft-laws, it is highly recommended to separate the two – leave policy-making to ministries, and take legal drafting to a single central unit.

Such a central resource has a number of advantages. First, such an institution would integrate two current stages, drafting and review of any conflict with other laws (during drafting ensure compatibility with constitutional provisions, relevant international conventions and documents, existing regulations/laws of Kosovo, including secondary legislation). Second, this would create a standing resource of high quality lawyers with expert knowledge of existing legislation and extensive experience in solving legislative problems. Third, this would ensure uniform standards and practices, as well as compatible styles.

In order to ensure smooth fusion of expertise legislative drafting techniques, every law could be prepared by a working group composed by a core team of such a Central Legislative Office as well as ministerial policy analysts, ministerial lawyer and external experts. As drafting is completed, and its constitutionality, financial ramifications and compatibility with *acquis communautaire* is checked, a draft-law is presented to the Government for approval. The Government may return the draft-law to the central drafting team with suggestions for changes to be made.

Further, due to the hefty workload for drafting, it is essential that this process is prioritized. This task should be left to the drafting cell within the Ministry of Justice.

Reform of the Process of Approval of Laws



As this scheme illustrates, the process needs to change to put analysis and consensus building ahead and leave legal drafting for later. A flexible legislative agenda paves the way for research either by the ministry or contracted out, producing a green paper. Sufficient basis for a law and a good analysis of all options gives rise to a legislative initiative. Followed by consultations, the stakeholders choose a particular course of action to pursue, resulting in a consensual position paper. This ensures that massive legal input later will not go waste. As the issue was well studied and received wide societal input early on, other stages will follow very fast for most laws.

CONCLUSIONS AND RECOMMENDATIONS

There is an obvious need to reconsider the current cycle in which laws are drafted, in order to introduce a proper policy formulation, clear identification of needs, a thorough review of available options and laws of a better quality. Such conversion requires no overhaul but significant reform nevertheless. As the Kosovo Government and various donors are currently putting substantial resources in beefing up law-drafting, it is essential that reform happens before or during significant capacity building occurs, for that practices that need to change do not get well cemented.

One down side of the suggestion that this paper makes is that building up further policy-making capacity requires significant resources as well as time. Nevertheless, this makes it far more likely that laws will actually be implemented, the role of the opposition will come in much earlier, civil society input will be maximized, laws will be based on a better relation between the needs and the legal remedy and transparency will improve as debate occurs over clear conceptual documents instead of convoluted legal drafts. Overall, the whole recommended process in this paper is shorter, leaner in terms of cost, friendlier to the people, more effective, and more auspicious for political parties that want to reach out to voters with good policies and share responsibility with citizens in a participatory context.

Reconsider “legislative agenda”. The legislative agenda should be either scrapped and entirely leaving it up to ministries to initiate legislation or alternatively turn it into a working and flexible document that serves a light post at most.

Distinguish main stages of preparing draft-laws. Distinctions need to be embedded in the process, so that there are clear and distinguishable stages for policy debate, formulation and drafting of legislation.

Set policy formulation primarily within the ministries. Capacities within ministries for policy formulation need to be strengthened. This needs to go hand-in-hand with first establishing and then strengthening of a central unit in charge of policy coordination. Strong policy analysis and policy-making capacities are essential to making such a new cycle functional.

Institutional set-up (Centralized legal drafting). It is recommended to set up a new Central Legislative Office within the Ministry of Justice (MoJ). Ready policies then feed such a centralized legislative drafting team to translate into draft-laws. The OLSS retains a coordinative role, legal advice and assistance to the Prime Minister.

REFERENCES

- Carlowitz, Leopold von. 2003. "UNMIK Lawmaking between Effective Peace Support and Internal Self-determination", Leopold von Carlowitz. *Archiv des Völkerrechts*, Bd. 41, S. 336-393.
- Dardeli, Alexander. Unpublished paper on the law-making process in Kosovo, prepared as part of SOFRECO consultancy project with the Kosovo Assembly. <http://www.sigmaweb.org/dataoecd/20/40/36953268.pdf>
- Kosovo Government. 2005. Rules of Procedure for the Work of the Government, No. 1/2005.
- Krasniqi, Ilir. 2006. "Plan – 70 laws this year" ("Plani, 70 ligje sivjet"). *Kosova Sot*, January 09.
- Lajm Ekskluzive, 2005 "Age and Sex" ("Mosha dhe Seksi"), 19 December, p. 5.
- Lapp, John A. 1916. "Making Legislatures Law Makers" *Annals of the American Academy of Political and Social Science*. March, Vol. 64, Public Administration and Partisan Politics.
- Organisation for Economic Co-Operation and Development. 1997. Law Drafting and Regulatory Management in Central and Eastern Europe, Sigma Papers: No. 18. OCDE/GD(97)176, Paris: OECD.
- Shala, Sebahate. 2005. "Legal Chaos" ("Kaosi Ligjor"). *Lajm Ekskluzive*, September 8.
- United Nations Security Council Resolution 1244, 1999. <http://www.unmikonline.org/misc/N9917289.pdf> (accessed May 29, 2006)
- UNMIK 2001. UNMIK Regulation 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo, May 15 2001.
- UNMIK. 2001. UNMIK Regulation 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government, September 13 2001 (as amended by UNMIK Regulation 2005/15, March 16, 2005).
- Zejnaj, Ardian. 2005. "Kosovo with laws like EU" ("Kosova, me ligje si të BE-së"). *Fokusi*, December 23.