



• ASSEMBLY SUPPORT INITIATIVE
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Reforms in the Assembly

EDITORIAL

*Kosovo Constitutional Debate*

The coming weeks and months in many ways will mark important decisions for the future of Kosovo, decisions to be taken inside and outside of Kosovo. The Vienna negotiations on issues such as the reform of local governance, minority community rights and protection of cultural heritage, conducted under the leadership of President Ahtisaari, have marked a decisive phase, though without any substantial agreement between the two sides in sight. The Contact Group and the United Nations Security Council are expected to deliberate about Kosovo and determine the timeline for a decision on the future status of Kosovo, most probably by the end of the year.

In the Kosovo political scene consultations on drafting a new constitution for Kosovo have started. The end of UN Security Council Resolution 1244 also means that a successor for the current Constitutional Framework needs to be approved, taking into account the provisions of the future status settlement related to the issues discussed in the Vienna talks. Certainly, one could expect that the Assembly of Kosovo will play a pivotal role during the constitutional process in terms of offering a legitimate forum for inclusive and transparent discussions and decision-making. After all, this is the practice in democratic societies.

As a result of the status talks and the constitutional process, Kosovo institutions and society are preparing themselves for profound changes. Undoubtedly this represents one of the most challenging tasks thus far that Kosovo has to face. Within a tight timeline after the status has been decided, the Kosovo institutions will have to prove their political maturity and vision while drafting and endorsing the constitution. Further more, this period represents a solid opportunity for all communities in Kosovo to reach out to each other for a better future. Let's hope that this chance will be utilised wisely and represent the foundations for a sustainable civil contract among all communities.

This edition of the ASI Newsletter reviews the major developments in the Assembly of Kosovo such as the Assembly reform package, the establishment of the Anti-Corruption Agency and the European vision for Kosovo. It also inaugurates a special chapter in this Newsletter, the Kosovo Constitutional Debate, which will focus, in a political and academic way, on important aspects of the new constitutional arrangement. Members of the Assembly, lawyers and academics, representatives of civil society and citizens are invited to provide their input in this important debate.

*Franklin De Vrieze,
Assembly Support Initiative Coordinator*

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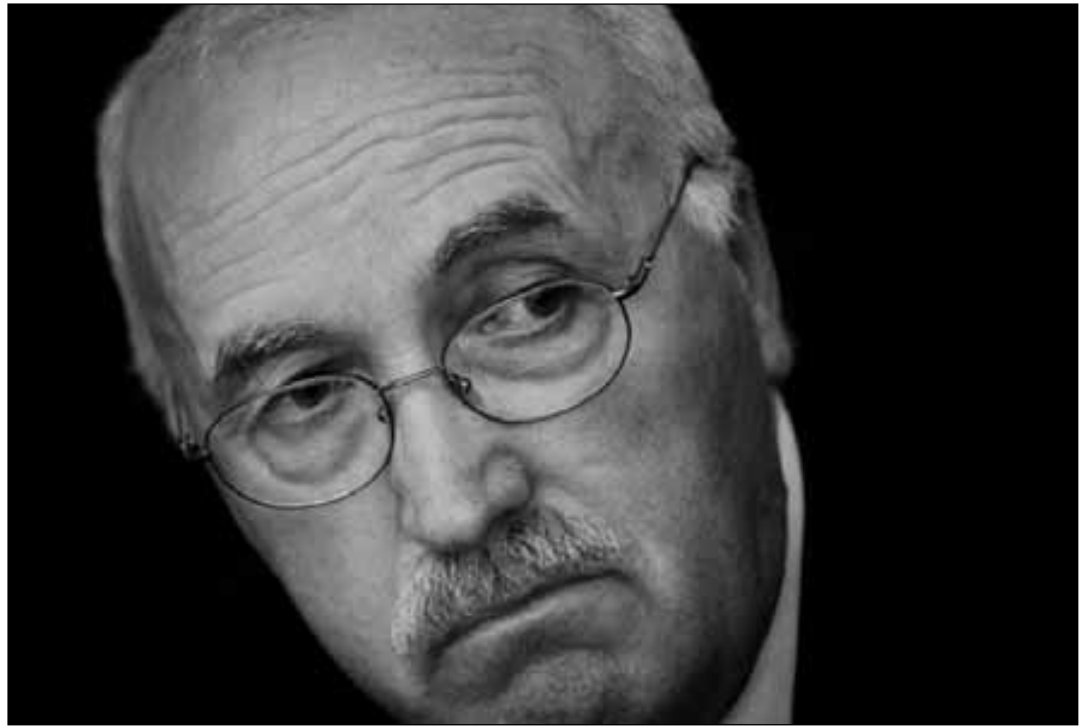
My first four months heading the Assembly of Kosovo

Kolë Berisha, Speaker of the Assembly of Kosovo

My first four months of work as Speaker of the Assembly of Kosovo also marked the first 100 days of Prime Minister Ceku's government. When the Prime Minister came to the Assembly to report on the government's work, I spontaneously thought of presenting a report on the work done so far during my tenure. I felt this to be my responsibility based on the principle of accountability, but even more so an obligation to the work we had done. I felt this to be a commitment to the work of my colleagues, the work of the staff and of the international partners who offered us colossal assistance. And not only for the work, but also for the results. Therefore, I invited the media, making the results available to the public and offering them the chance to freely ask questions.

In the Assembly, there has been significant progress during this period. The steps that have been taken and the projects which have been improved during this timeframe are from actions that will be remembered because they enabled efficient structuring of the Assembly on the road to realization of the important role the body had in this phase of processes in Kosovo.

From the very first day leading the Assembly, I made it clear that we must respect the dignity of the Members of Parliament (MPs). We've done something in this respect and we must continue to do so



Kolë Berisha

as the MPs members are the personification of Kosovo, the people's representatives. We must respect their freedom of speech as this is the backbone of a democratic parliament. We pledged that there won't be closed microphones, but we will use them in turn and based on the regulations we approved jointly.

During this time we put forth the reformation project and standardization plan. The project contains the yearly calendar for the work of the Assembly, Parliamentary Groups and Committees. This includes regular interpellances, obligatory (50-minute) sessions of questions and answers, restructuring of administration

and information system, and unobstructed access to documents by the media and general public. I made it clear to the media that our interest are in building a partnership with them. I invited them to be present in the Assembly where no secrets will be kept from them.

Therefore, those are actions that prove there's going to be a plan for our work and not just some kind of a storm. The plan and preparation for everything, as well as for the daily activities, so that the sessions can deal with essential issues and not with technical ones. We did something useful for this legislation; however it makes us happy for the fact

that this practice will be able to be used as a functional model from future legislatures as well. We took direction from the practices of more advanced West-European parliaments, which have now given us results in our parliamentary work. It is sufficient to mention here, only the questions and answers part that from now on will mark the beginning of each plenary session. The opposition has the chance to voice their opinions on all issues, while the ministers don't have to be afraid from this. If they have good answers, argument-based answers, they will honour themselves, the government, their party and further their credibility. If they work, if they

have results, this is the chance to present it. If they have no answers, let them understand they are not up to their level of responsibility. Thus, we have established a centre stage in the Assembly where nobody can hide – where one's deeds and the lack thereof will be known. This is in the interest of democracy and Kosovo itself.

With these reforms in general, and especially with the questions and answers sessions, we have installed a model that makes the work process of the Assembly more dynamic.

This marks the concept of more dynamic work, transparency, and an increase in responsibility. This leads to the realization of the crucial democratic role of the parliament and guarantees

democratic oversight on the work of the government, as one of the main functions of the parliament.

Certainly, we are proud of these successes and appreciate these positive changes as do others including UN Secretary General Kofi Anan, the OSCE, the European Parliament, diplomatic liaison offices in Kosovo, international monitors and supporters of the work of the Kosovo's Assembly. The appreciations of these groups to us is very meaningful and inspiring in our further work.

During this time we made it clear how much importance we give to the international co-operation of the Assembly. During several visits to Albania, the United States of America, Greece and FYR Macedonia, as well as during daily meetings with international diplomats in Prishtinë/Priština

I explained the work being done in the new Kosovo Parliament, and challenges we are being faced with. In my meetings and those of my colleagues, we demonstrated a readiness to cooperate with other parliaments, especially those within the region. We explained the will of Kosovo's citizens on status and our promises for the future of Kosovo as a state of equal citizens, with prosperity and constitutional guarantee for all freedoms and rights of minorities.

We feel good about these steps and successes since they contain a part of the standards required by our international friends which relate closely to the status issue, either when there are laws in question as required by the Contact Group or democratic standard in the internal functioning of

the Assembly. In this way the Assembly gave its example and its contribution to the Kosovo's status. We are also prepared and vigilant for the other part of the work - the most important being, that the Assembly has in signing and stamping the independence project of Kosovo according to the will of Kosovo's citizens.

Of course we there remain shortcomings which still must be dealt with. However, the results from the last four months are positive also for the fact that they represent a solid base, the establishment of a structure that will enable further advancement of the results and successes of the Assembly that has an extremely important role for the development of democratic processes, for the present and future of Kosovo.

Prishtinë/Priština, 28 July 2006



Moment of truth approaches for Kosovo

Doris Pack, Member of the European Parliament



Challenges brought forward by the ongoing negotiations on Kosovo final status are undeniable. Despite many positive factors including a smooth post-Rugova transition (much to the credit of Kosovo's political class), the new Prime Minister's efforts to re-invigorate the government's action towards minorities, and a favourable report recently presented by UNMIK to the Security Council, real preparations remain to be offered to the population on issues which may arise at the moment of status.

It is difficult to present EU themes, like the Thessaloniki Agenda and the Stabilisation and Association Process, at this stage: Kosovo's future status is the only issue among the parliamentary committee on European affairs.

The problem of isolation of Kosovo's Serbs, the divide between those in the North

and those in the enclaves, and fears for their safety and non-participation in the provisional institutions has to be dealt with in depth when designing a future constitutional arrangement for Kosovo. A constitutional law on minorities' rights is being drafted, and this is something the Speaker of the Kosovo Parliament is very proud of.

Political representation of Kosovo Serbs is divided among a few parties, although one is the principal (Serbian List for Kosovo and Metohija), but they have no voice in the status negotiations, only Belgrade "represents" their position. For Kosovo Serb parliamentarians it is a dilemma to decide where to go, politically speaking. The UNMIK Deputy Head, Mr Schook, in the course of a recent meeting we had with him, underlined that it was very difficult to deal with Belgrade, especially because

they only focus on the day-to-day welfare of Kosovo Serbs and not on the political agenda linked with the definition of status.

Kosovo Government officials appear, on the other hand, to be relatively "relaxed" on this issue and consider that they are acting constructively at home for standards implementation and at the negotiation table for progress in various fields; they seem to be convinced that they will not have to negotiate with Serbia, but with the international community only, and they are confident that the latter is already on their side, ready to give them a kind of "limited sovereignty," a more acceptable notion for the Kosovo side instead of that of "conditional independence."

They claim that Kosovo will need the EU for supporting the post-status period, but without executive powers nor direct administration, and also confirm that KFOR should remain in Kosovo, and the Kosovo Protection Corps should be reformed. I agree.

Having observed the developments in Kosovo and in the region of the Western Balkans for many years, and as a parliamentarian, I am particularly interested in the role that the Kosovo Parliamentary Assembly has and could have in the near future, and how to improve their performance.

I believe the Parliament of Kosovo has to assume fully its role and responsibilities, which has not done yet. Of course, parliamentary assistance has

to be strengthened and professionalised too, and for this purpose various projects are in place, both with the OSCE and some third countries, at the bilateral level, I am proud that many were launched by EU member countries. But, parliamentarians will have to bear the direct responsibility of making, at last, of their House the House of democracy and human rights.

This has to concretise mainly in three significant directions, thinking of today's Kosovo: European integration, scrutiny of government's activity and human and minority rights.

European integration is the unique valuable perspective for Kosovo, no matter if the question of status remains unresolved: the Parliament, and first of all its specialised committee, should take more responsibility in promoting a legislative working programme consistent with the goal of starting to prepare for European integration; this will entail, of course, the need to focus also on economic and technical issues which could be less passionate than Kosovo's independence, but are nonetheless necessary. Parliamentary bodies should also, in this context, work hand in hand with the other Parliaments of the region in the relevant fora, and further develop their international and multi-lateral relations, first of all intensifying those with the European Parliament.

Scrutiny of the government's activities is among the core tasks of any Parliament in a

functioning parliamentary democracy: the Parliament of Kosovo should take a more dynamic role in supervising the work of government particularly in the areas of establishing the rule of law, fighting crime and corruption, establishing economic development policies and of course the implementing standards. The availability of fundamental services, such as health care, schools, public utilities to all the communities of Kosovo should also be carefully monitored in this context.

Last but not least, and perhaps the most important in Kosovo, the Parliament should play a more important role in guaranteeing democracy and rights: the first thing which comes to mind is the establishment of more appropriate rules in the Parliament to guarantee that minority representatives can fully exercise their prerogatives. For example, full translation and interpretation facilities would be of great benefit. As for the contents, the Parliament of Kosovo should be the first pro-active advocate for such matters as the restitution of properties, viable return policies, the defence of fundamental human rights, and education policies.

Precisely because I want to continue supporting my Kosovo colleagues on the way towards final status, I feel obliged to stress they still have a long way to go toward achieving a functioning democratic and multi-ethnic society in Kosovo and that it is in their interest to step up their efforts.

*Saarbrücken-Brussels, 18 July
2006*

Reforms in the Assembly – Objectives and Results

Ramë Manaj, Political and Legal Advisor to the Assembly President

The Assembly, as the highest representative body of the state is a forum where democracy is cultivated, developed and reflected upon. The Assembly of Kosovo, although with only five years experience, is constantly trying to become a genuine arena of debate and democracy. However, the work of the Assembly came to a point from where it could have lost its authority had there not been a new spirit introduced and new initiatives and steps undertaken to reform and make it more efficient. Therefore, the reformation of the Assembly became an imperative. After the long and hard work of both professional staff of the Assembly and certain international organizations on draft-reform, on 1 July the draft was approved unanimously by the Assembly.

The reform objectives consists of three aspects: democratization, an increase of efficiency and greater transparency. These would be achieved by transforming the Assembly into a genuine temple of parliamentary democracy in which there is freedom of speech; an environment where assembly members feel themselves as subjects/hosts and not as objects; and, a place where both position and opposition can voice their concerns in which genuine democratic standards are demonstrated.

These three objectives came

after extensive and close consultations between organizations supporting and monitoring the Assembly (NDI, OSCE, EAR, etc), and the Assembly President's advisors, who came up with a draft-reform document. The reform, the results of which are already being felt, is based on four pillars

I A calendar of plenary sessions and meetings of Assembly Presidency, parliamentary groups and committees;

II A calendar of events, announcing the relevant issues that Assembly have to focus on and tackle for a period of 2-3 months;

III A plan of standards, which is the backbone of the reform. The plan consists of the following:

- a) Question time- 50 minutes- for each plenary session, where assembly members can pose questions and the ministers have to answer them,
- b) Regular interpellations of parliamentary groups,
- c) Technical support for committees,
- d) Improvement of organization and performance of the administration,

e) Draft- budget initiated by Committee on Budget and Finance and adopted by the Assembly,

f) Improvement of information system,

g) Access to official documents by both media and general public, and

h) The list of issues that need to be discussed or items of Agenda and the status of laws, and

IV Amendments in the Rules of Procedure of the Assembly, which will enable the enactment of the reform.

Each element of the reform has its own significance. Although the reform is at its outset, it is obvious that the regular question time—the period in which questions are posed by assembly members to the government, Prime-minister and ministers (there have been more questions asked since the commencement of the reform than during the past five years)—has been of benefit. These reforms have increased the government's responsibility in legislating, improved the Assembly's control and monitoring, proved the readiness of ministers and the government to demonstrate their accountability and has had an impact in increasing not only transparency and efficiency,

but also the democratization of the Assembly. So the way the questions are posed, the notification of the relevant minister with the question asked and with the time he needs to prepare the answer is gradually becoming a routine.

Suffice to say that every parliamentary group has two hours for interpellation.

Moreover, we have noticed that the issue of technical assistance for committees needs to be addressed and redressed ASAP. Because the efficiency of committees, especially when it comes to laws, will remain of a

paramount importance.

Better organization of the administration has facilitated and increased the efficiency of the Assembly.

For the first time the Assembly draft budget is initiated and prepared by the Committee on Budget and Finance. This way, the legal procedures are completed and the qualitative planning and decisions are made that will considerably prevent problems that may arise during the fiscal year.

We are continuing with our efforts for technical and methodological improvement in information sys-

tem and its management. These improvements will undoubtedly provide greater transparency by allowing the media and public to view official documents/

The procedure for lodging a request for issues/ items to be discussed and decided, be it in plenary sessions or in Assembly Presidency, is now done in a proper way.

Hence, although the reform has is at the get go, it is clear that the Assembly is already more relaxed, more democratic, more transparent and certainly more efficient.

The first assessments made by

both locals and internationals are positive and quite encouraging.

Needless to say, this is just the beginning of the reformation process and hence there is still room for improvement in the work of the Assembly and its bodies.

Building a democratic and efficient Assembly is about adopting legislation, which is compatible with Kosovo's development and integration objectives, and about its stability and prosperity. That's why, we should constantly work on improving the Assembly's performance.



Improvement of the parliamentary practices

Nazim Jashari, Member of the Assembly of Kosovo, "Ora" Reformist Party

Taking into consideration that the parliamentary multiparty tradition in our country only began following the 2001 elections, it is obvious that certain political habits learned from previous one party parliaments can be noticed even in the work of the democratic parliament.

These outdated, one party habits have been manifested not only during the first legislature, but during the second as well, culminating in March 2006 when the previous Assembly President was sacked.

In its plenary sessions the Kosovo Assembly has managed to adopt many laws, initiated mainly by the Government of Kosovo, while there weren't but a few cases when the laws were initiated by others.

Often the priority of the reviewed and adopted draft-laws was not clear. This is because thus far there were no attempts to set priorities in certain significant areas, as is the case in other parliaments. In a nutshell, we have the feeling that the draft-laws are quite often initiated just so we can add to the numbers of approved draft-laws.

Moreover, the quality of the laws is not that good. This is because of the superficial approach to this issue of all relevant and competent instances responsible for drafting and reviewing laws starting from the government up to the Assembly Committees and Plenary Sessions. The quality has suffered due to poor working conditions and a failure to involve specialists in various fields of the legislation

process.

However, after the election of the new Assembly President Mr. Kolë Berisha, these deficiencies have been taken very seriously. And now much effort is being taken to overcome and redress these issues.

Apart from lawmaking one of the most important duties of every parliament is to oversee the executive.

This is where undemocratic habits—instilled from previous regimes—are most evident. And worse, this comes to the point where the parliament is no longer an institution that oversees the government, but rather one controls the parliament.

However, after the changes made in the Assembly things have begun to improve in this aspect too. Indeed, after improving the existing parliamentary practices and applying the new ones these problems will be resolved.

In addition, in the last changes in the Assembly Rules of Procedure, question time has been introduced. This was envisaged even in the previous Assembly Rules of Procedure, but due to the authoritarian leadership style it was never implemented.

It is expected that through this practice, of asking the Prime minister and ministers many questions pertaining to good governance and placing them in an uncomfortable position, that they will become better

prepared in plenary sessions. However, it remains to be seen whether these improvements will be felt soon as from the outset of implementation of this practice certain ministers keep on asking for additional time, despite the fact that they receive the questions on time and have sufficient time to think about the answers.

The interpellations, as a way to exercise control over the executive, have already begun to be applied in the Kosovo Assembly. Nevertheless, in order to be more effective we need to increase the seriousness of both parties, assembly members who pose the questions and the ministers who answer them.

To date, few interpellations have been initiated, but they've had no effect in elucidating certain issues, and worse, the minister of public services have completely ignored the invitation for interpellation. By acting this way Minister Tërmkolli has underestimated the Assembly and such acts can easily be repeated if members in the majority do not recognize the damage done to the Assembly by such acts.

In spite of all the improvements, the Kosovo Assembly still has a ways to go toward improving and advancing its parliamentary practices and the quality of laws adopted. This way the Assembly will be able to overcome all the upcoming development challenges of an independent Kosovo.



The accountability of government to parliament

David Payne, National Democratic Institute (NDI)



At the beginning of June 2006, the Assembly of Kosovo assumed a very different and new image when the MPs introduced a more effective "Question Period."

Traditionally, parliamentary questions seek information or demand action from the government. Questions oblige Ministers to explain and defend the work, policy decisions and actions of their ministries. All questions are recorded and registered in the Official Bulletin of the Assembly. The Rules of Procedure spell out these conditions.

MPs complained. As for government oversight, only a handful of "questions" had been answered by the body in the entire previous five years. There had never been a fixed period in the parliamentary Agenda for questions. When questions were asked of Ministers, answers were rarely provided. Answers were sometimes given in writing, months after their relevance had passed. Ministers were often not present throughout

the debates. Many did not seem to realize that they were accountable to the parliament. The President of the Assembly in the past had even refused sometimes to submit MPs questions to the government.

As for Interpellation of the government ministers, not a single debate had taken place in five years, despite many demands, and despite clear provisions in the Rules of Procedure.

In addition, public interest in the Assembly proceedings was waning. Seldom was a member of the public seen in the Visitors Gallery. There was no space provided for the media. There was no standard Agenda for the Assembly sessions. The Agenda was unpredictable and in the past had seemed to reflect more the whims of the Assembly President than the priorities of the MPs. Committees complained they were often pressured into adopting legislation without due diligence. The Budget and Finance Committee complained it had insufficient time to scrutinize, amend and adopt the all-important Budget of Kosovo.

The imbalance was obvious. The government expected the Assembly to adopt its Draft Laws rapidly. But the Assembly members felt frustrated that their role of oversight and scrutiny of government policies and activity was consistently undermined or ignored.

Kole Berisha was elected Pre-

sident of the Assembly on 10 March 2006.

In his acceptance speech he indicated his desire to address the members' concerns. He immediately initiated a series of extensive consultations with Parliamentary Group Leaders, the Committee Chairpersons, and the Presidency members. Their demands for change were clear. He came to the conclusion - together with many outside observers - that the Rules of Procedure were too rigid and prevented a credible oversight by the Assembly of government.

At a time when the Contact Group and the outside world were talking of Standards necessary for the recognition of Kosovo's future status, the Assembly, inspired by President Berisha's recommended changes, decided to adopt its own Standards Plan.

A major reform to its proceedings and operations was adopted almost unanimously in the Assembly. As the President himself repeated, the Rules of procedure should serve the Assembly, not the contrary.

Now MPs can seek answers at short notice from the government to important topical questions of the moment. 50 minutes of each parliamentary day are dedicated to this important exercise of oversight of the government and its actions and a Question Period is now part of the standard Agenda of the Assembly, occurring at the

beginning of each session.

The great number of questions already asked has fully validated the need for change. 35 questions and answers have been exchanged between MPs and the government, in a space of only five sessions. This figure represents three times as many questions than in the entire last five years since the inauguration of the new Assembly! According to the new Rules, questions are submitted directly by MPs to the Table Office at least two days before the session. The Table Office forwards them to the Prime Minister's Cabinet. A Minister is expected to attend the session when his/her ministry is cited. At the session itself the written question is repeated orally. Usually the questioner stands to address the Minister. And an answer is expected. The Minister then takes the podium and faces his parliamentary colleagues. Further supplementary questions can be asked without prior notice. This is a model of government accountability, and a very visible one. The Rules allow an MP to inform his/her fellow MPs of a question if the Minister is absent after two sessions. Questions are no longer screened by the Presidency for approval. The procedure is simple and the results prove the efficiency of the changes.

Prime Minister Ceku has indicated his intention to assure the presence of his Ministers in this oversight procedure. So far, Ministers are attending the Question

Period in increasing numbers. RTK televises the sessions live. The viewing audience can enjoy Question Period since this provides one of the rare moments of a lively Parliamentary debate on the important issues of the day.

Some examples: "For Integration" asked a question on health care wages. An MP from the 6+ Group asked the Minister of Returns and Communities about the employment of minority staff in the Ministry. He received his answer, and asked a supplementary question. PDK MPs posed many questions, such as one concerning the environment, which provided a lively exchange. Another centered on the energy supply and the unacceptable daily power-cuts. ORA used its time to raise concerns about health

care, as well as alleged illegal activities of mobile phone operators in Peja/Pec.

Governing parties usually do not ask question of their own ministerial colleagues for obvious reasons. But LDK made the most of an Opposition walk-out recently by asking five questions in one session, providing some ironic replies from Ministers to the LDK.

In a recent survey conducted by NDI among 85 MPs of the Kosovo Assembly, 96% agreed or strongly agreed that the Question Period is an important mechanism for conducting oversight, and 100% strongly agreed or agreed that Question Period does a good job informing the public of the work of the Assembly. They considered public accountability of the

government to be a top priority.

To add weight to the changes in the Rules of Procedure, a Parliamentary Group or six (6) members may demand an Interpellation Debate with the Prime Minister or a Minister on a single topic of public importance. The debate may last up to two hours. A request for an Interpellation Debate has never been refused to date, and is now part of the standard Agenda. The Minister concerned by the Interpellation request must explain and defend his/her actions before Parliament. The very first debate on 15 June concerned Prime Minister Ceku himself, who defended his actions in the very public dispute concerning the signing of the Law on the Status of Families and Heroes, Invalids, Veterans, and Members of

KLA and of the Families of Civilian Victims of War. His presentation to the Assembly and public apology for any confusion about this law was widely regarded as a fair explanation of his actions. So far three interpellation debates have been held.

NDI conducted an informal survey of other parliaments in the Balkans. Not surprisingly, the Kosovo Assembly, since the adoption of the changes, demonstrates a high standard of transparency and accountability.

Kosovo has every reason to be proud of the recent democratic innovations of its Assembly.

David Payne is Director of Legislative Programs for NDI. He was an MP in Quebec, Canada for many years before being appointed trade commissioner in China.



Support to the Assembly of Kosovo by four major parliaments of Europe

Jacques Roger-Machart, Team Leader of the Project and Former Vice-President of the French National Assembly.



On 23 May 2006, Assembly President Kolë Berisha convened a press conference, to present the Project "Support to the Assembly of Kosovo", funded by the European Agency for Reconstruction (EAR), and implemented by the Consortium of four National Assemblies from France, Germany, Belgium and Slovenia, and the "Institut International de Paris La Defense".

On the eve of the new resolution of the Security Council giving its new Status to Kosovo, this official support by four different Parliaments from Europe is a sign of the international recognition of the Assembly of Kosovo. The message of the Consortium's members was that they will be acting with the Assembly of Kosovo as partners, exchanging experiences and good practices on an equal basis. There will be no kind of tutorship or monitoring, nor exportation of any model, but just references proposed to the Assembly of Kosovo, leaving the responsibility to the Presidency, the Committees, the Parliamentary Groups and the Secretariat to decide what should be the ways and means for building THEIR genuine and modern Parliament.

1. The Assembly is the core of the democratic institutions of Kosovo

When one compare the Constitutional Framework of Kosovo with other Western Constitutions, it appears that in most other States, there are two Chambers proceedings from different elections, and even a directly elected President in some of them as in the US or in France. At present in Kosovo, there is only one source of democratic legitimacy - the elected Assembly - which appoints the President of Kosovo and the Government, votes the laws, controls the Executive, etc.

It is therefore of the utmost importance, for a good functioning of the institutions, that this Assembly will work in a very democratic and transparent way through the implementation of clear and sustainable Rules of Procedure, on a proper Agenda, under the leadership of a Presidency organizing the debates in a way as consensual as possible. The Secretariat, operating under the control of the Presidency, must have enough qualified staff and means to support the Deputies in implementing their duties.

This is why the first Component of the EAR Project means support to the Presidency, the Committees, the Groups, and the Secretariat. Study tours in Parliaments members of the Consortium are organized



for exchange of experience and short term experts visit Kosovo for trainings "on the job" while the permanent team of key experts based in the Assembly is providing day to day support.

2. A modern Kosovo will need a complete set of consistent laws, compatibles with European standards

With the perspective of independence and the process of EU integration, Kosovo has to build up the structures of a modern State, by adopting relevant and consistent laws, complying with European standards. This doesn't mean many laws, but good laws.

The EAR Project is actually supporting the Committees and the dedicated staff of the Secretariat in scrutinizing, amending (notably checking

their consistency with E.U. standards and approximating with "acquis communautaires") and voting draft laws proposed by the Government or members of the Assembly. With other international partners, notably the NDI, it is checking the consistency of draft laws with the existing legislation, overseeing the implementation the laws, controlling the Executive. This is the main task of the two permanent Key Legal Experts: Alfons Lentze and Virtyt Ibrahimaga.

3. Democracy is not only voting every few years; it is a day to day process of interaction with Civil Society
International criteria, particularly when they are implemented in the context of a

post communist culture, could be satisfied with the formality of transparent elections every few years. In the meantime, politicians and civil servants could work "seriously" and just have decisions formally approved by the Assembly.

This is not the philosophy of the Project and of the Consortium: our Terms of Reference emphasize the objective of an interaction between the Assembly and Civil Society. Such a process is far more requiring in terms of a living democracy. It means that through the dialogue of individual deputies with their constituents, the debates of their Parliamentary Groups, the works of Committees (public hearings, expertise, on field inquiries, etc.), questions to Government and enquiry committees, media and public relations of the Assembly, public access to the works of the Assembly, etc. a constant and permanent interaction is actually ongoing between the Assembly and Civil Society.

This is the specific objective of the third Component of the Project. But it is also a crosscutting issue through the two other Components where many actions deal with Civil Society. This major objective will become more and more visible as long as the Project will develop in its 24 months implementation.

The Steering Committee, in charge of approving the orientations and the successive quarterly Work Plans, was set up on 22 May. Assembly President Kolë Berisha being abroad, this first meeting was chaired by Mr. Sabri Hamiti. It is very significant that the whole Presidency and the heads

of the Secretariat constitute the core of this Committee. This means that the whole Institution is represented: majority and opposition, deputies and civil servants. Besides the EAR which is the final decision maker as Contracting Authority, it is also significant that are participating: A representative of the E.U. Commission; ASI because the Project works in close coordination with other donors, notably the USAID and NDI; Representatives of the Consortium: all four Parliaments where actually present, together with the Institut International de Paris La Defense.

This first meeting approved the Inception Report, including an Overall Plan of Activities and a Work Plan up to 4 October 2006. The following Work Plan will be proposed to the next S.C. meeting planned for the end of September.

First actions are now ongoing with an emphasis on the support to the legislative process by the two Legal Experts, but also with study tours for certain Units of the Secretariat (Legal Department in Germany and France, Personnel Department in Belgium) and missions of short term Experts (from Slovenia on the preparation of the Budget of the Assembly, from France for the work of the Committee on Security and Emergency Preparedness, from Belgium on Press and Publications).

These actions will develop, in close partnership with ASI stakeholder, with the objective to answer in a sustainable way to the needs of the Presidency and the Secretariat of the Assembly.

Negotiations Support Programme 2006

In the framework of its 2006 Negotiations Support programme, the OSCE organised on 12 July a roundtable on media and public outreach with Dr. Jamie Shea, former NATO spokesperson and currently Director of Policy Planning in the Private Office of the Secretary General. The roundtable targeted Kosovo politicians from all political parties including minority representatives who enjoy media coverage. The aim was to provide them with advice on how to engage the media and how to develop and conduct a communication strategy in the context of the status talks and with a view to preparing for the period after status. Dr. Shea had additional meetings with Prime Minister Agim Çeku, Acting SRSG Steven Schook and ORA leader Veton Surroi.



Also part of the 2006 Negotiations Support Programme, OSCE organized on 9 June a problem-solving and negotiation skills building workshop for non-Serb minority communities. Facilitators of the workshop were Mr. David Steele from United States and Mr. Vjekoslav Saje from Bosnia and Herzegovina. The workshop explored important conceptual aspects of problem-solving, leadership skills and relation mapping.

Exchange experience with neighbors

Petra Blaess, Senior Consultant to the Stability Pact on Parliamentary Co-operation



“Parliamentarians are always traveling abroad” – somewhere between conventional wisdom, prejudice, and complaint this view is commonly held all over the world. What is at the bottom of this stereotype, though? In fact, there are some very good reasons for parliamentarians to travel. Professionals from many different fields find it useful to compare experiences and learn from one another, and this is especially true for parliamentarians, given the complex and unique nature of their work. After all, they are by definition the only professionals of their kind in their countries.

There are many questions parliamentarians from different countries have to ask one another when they meet:

“How do public hearings function in your parliament?”

“How does your parliament exercise oversight of the government’s activities in the security sector?”

“What is the status of your Committee on European Integration compared to other committees?”

For the parliaments in South Eastern Europe, the regional dimension of parliamentary co-operation is only becoming more important as democratization deepens and the Euro-Atlantic integration process proceeds. More and more, it is recognized that regional cooperation is one of the prime conditions for EU integration. The common prospect for EU accession is the main inspiration for developing stronger regional parliamentary co-operation.

Since 2005, when parliamentary co-operation was announced as a core objective of the Stability Pact for South Eastern Europe, momentum in this field has been growing. Also in 2005 states participating in the Stabilization and Association Process announced the founding of a standing Conference of the European Integration Parliamentary Committees. Since 2004, the Parliament of Montenegro has been organizing the Cetinje Parliamentary Forum which brings together presidents of parliaments or members of similar parliamentary committees. Also in the framework of the South Eastern Cooperation Process, the speakers of the parliaments have an annual meeting.

The growing number and quality of bilateral and regional cooperation activities is a significant sign that interest in further exchanges is increasing among the Parliaments in South Eastern Europe. Free trade agreements, friendly visa regimes, collaboration

in the fight against organized crime, development of common infrastructure and investment policy are all important opportunities for parliamentary co-operation.

Because of Kosovo’s unresolved status, Members of the Kosovo Assembly have not always attended inter-parliamentary meetings, but more and more frequently they are invited to participate at international conferences, training programmes or regional parliamentary meetings. Members of the Kosovo Assembly during the last few years were actively involved in the Dutch-funded East-West Parliamentary Practice Project “Legislature and Citizens” Programme which brought together not only parliamentarians from the region but also representatives of non-governmental organizations. Women parliamentarians from Kosovo were included in the German-funded Women South Eastern European Parliamentary Exchange Project focused on work-life-balance and life-long learning. Also, the last meetings of the NATO Parliamentary Assembly were attended by a delegation of Kosovo parliamentarians. All this is a sign of the normalization of international and regional relationships.

Naturally, members of the Kosovo Assembly want to further normalize their relationships by not only attending regional parliamentary meetings, but also hosting them in Kosovo. A good example of a fruitful

exchange among parliamentarians from South Eastern Europe was seen at the OSCE-organized Regional Table on Parliamentary Oversight in June 2005 in Prishtinë/Priština. Parliamentarians from Romania, Croatia, Serbia and Macedonia were able to explain practical examples of successful instruments of parliamentary control over the government. And it was quite interesting to see how parliamentarians from different countries acted together in a simulation as representatives of the government or of an oppositional or governmental parliamentary caucus. All the parliamentarians returned to their home countries with new ideas and fresh inspiration about how to make their work in their parliaments more effective. The Assembly of Kosovo hosted the second OSCE-organized Regional Parliamentary Conference (focused on Security Oversight) on June 25-27 in Mitrovicë/Mitrovica. This conference will offer not only another fruitful exchange of ideas and experiences, but also another step towards normalizing neighbor relationship. To enter this event this time, the colleagues of the neighboring parliaments will have to travel – and they will certainly have a good reason to do so.

Petra Blaess was OSCE Senior Advisor to the President of the Kosovo Assembly and member of the German Bundestag, Vice President of the German Bundestag, 1998-2002

European Integration fast forward

Alfons B. Lentze, Consultant for 'Further Support to the Assembly of Kosovo' project. An EU funded Project, managed by EAR and implemented by the Consortium of the Assembly of Germany, Belgium, France, Slovenia and the Institute International de Paris la Défenc



As it is mentioned in the website of the Assembly of Kosovo, the Committee for International Cooperation and EU Integration of the Assembly of Kosovo is responsible for discussing all matters that deal with international co-operation with the PISG, based on the provisions of the Constitutional Framework; developing the general strategy for international co-operation for the Assembly and other institutions of Kosovo, especially the body's cooperation with the parliaments of other countries, as well as with inter-parliamentary institutions at a variety of levels; and, overseeing the successful development of the work of the institutions of Kosovo in international co-operation, particularly accelerating the

process of resolving the final status of Kosovo in compliance with the population's will and the right of self-determination.

Although the committee carries in its name the aspect of EU integration, in the bullet points on the Assembly Website, this does not return as such in the committee meetings. The committee seems to focus more on International Cooperation in general and the final status of Kosovo than on specific strategies and policies of EU integration. The confusion could be the result of the name of the Committee mentioned in the Rules of Procedure of the Assembly of Kosovo under rule 48 wherein the name of the Committee is as follows: Committee on International Cooperation and Euro-Atlantic Integrations.

But as Shakespeare's play "Romeo and Juliet," states "What's in a name? that which we call a rose By any other name would smell as sweet." Here Juliet tells Romeo that a name is an artificial and meaningless convention.

So to move on to non-fiction, the committee should however not underestimate the importance of developing and discussing Assembly policies and strategies related to EU integration, having in mind the international co-operation and final status. Together with the new Agency for European Integration of the Prime Minister, the Committee could work on strategies and policies, knowing that Kosovo takes separate part in the EU policy for the Western Balkans through supporting mechanism of the Stabilization-Association Process. This mechanism, established in November 2002, enables Kosovo's institutions to benefit entirely from the key elements of the Stabilization-Association Process, such as financial support, consultation on policies, trade concessions and EU standards monitoring. Through this device, Kosovo is assisted in achieving structural reforms needed for EU approximation and the establishment of institutions, as well as awareness of the administration on the aims and principles on which European policies and practices are built. Together with the Agency, the Committee can lead, co-ordinate, monitor and ensure the process of

European integration in Provisional Institutions of Self-Government and in population. Further, with their help the Committee could lead in fulfilling the recommendations derived from the Stabilization Association Process, as well as technical monitoring and coordination in ministries in the implementation of standards for Kosovo, especially in a situation when these correspond with STM recommendations.

The Committee for International Cooperation and EU Integration (Euro-Atlantic Integrations) of the Assembly of Kosovo could revise its functions and responsibilities in order to streamline the work with the Agency for EU integration.

It could discuss with the Agency the co-ordination of the government's actions in aligning practices and legislative activities with relevant EU norms and standards in the context of the EU Stabilization and Association Process (SAP), with a view to facilitating economic, social and other reforms and capacity-building to support Kosovo's involvement in the European integration processes. The committee could follow up with the Agency on its Coordination of the government activities related to EU approximation and participation in the SAP with UNMIK. It could discuss and formulate with the Agency proposals for upgrading the government's activities for approximation to EU norms

and standards and promotion of better understanding of the EU policies and decisions and practical effects thereof. It could follow up on the coordination of the Agency in its preparation and timely provision of the Government's inputs related to the SAP Tracking Mechanism (STM) for Kosovo. It could coordinate with the Agency and oversee the development and implementation of a general Government program for approximation to relevant EU norms and standards. It could coordinate with the Agency oversee on the process of implementation of Standards and requirements under the European Partnership and the Stabilization and Association Process. It could follow up with the Agency on the recommendations within the Standards for Kosovo and STM processes through coordination with the competent Ministries and, as appropriate, with UNMIK. It could monitor the development of EU legislation and policies of relevance for the participation in the SAP and implementation of Standards for Kosovo. It could discuss with the Agency its proposals for the development of Government capacities for legislative approximation and compatibility checks with the *acquis communautaire*, including proposals on priority areas for legislative harmonization. It could oversee with the Agency the preparation of PISG legislation with a view to ensuring approximation of such legislation with the *acquis communautaire*. It could conduct research in the area of EU policies and developments and maintain contacts with

interested institutions and experts on related substantive studies and analyses. It could collect and distribute relevant EU information, organize information campaigns on EU related matters. It could ask the Agency to prepare briefing packages on the SAP and EU developments. It could ask the government to organize and coordinate translation of relevant EU legislation and documents, and coordinate review of translation of PISG legislation and documents for approximation with EU standards terminology and vocabulary of the *acquis communautaire*. It could discuss with the Agency the coordination of, in cooperation with the Ministry of Finance and Economy and other relevant Government bodies, the donors on financial, practical and expert support for development and implementation of assistance programmes relevant to EU approximation matters; and discuss with the Agency the establishment and maintenance, in coordination with the Ministry of Economy and Finance and other relevant Government bodies, of a database of assistance programmes relevant to EU approximation matters.

I would like to invite the Committee to start—on a regular basis—discussions on EU integration with the Agency of EU integration and to develop strategies and policies.

The EU—with its member states—is recognized as one of the main actors with influence in promoting ethnic reconciliation, strengthening a democracy model based on western European standards, and supporting the economic growth in Kosovo. The EU is

especially interested in the countries in the Balkans, and, therefore, developed strategies to support these countries, including Kosovo, to move towards Europe. As a carrot, to move forward more swiftly, some would like to promote the prospect of EU membership. However, I would state that more important for Kosovo is to provide its citizens the real deal first, namely European integration for Kosovo. But what does European integration for Kosovo mean? It means substantial and consistent incentives which built upon the assumption that a credible commitment to European integration with European structures is a critical ingredient of success, as it will serve the reform of Kosovo and its intra-regional integration. The European Council confirmed that its objective is to have the full European integration of the countries in the Balkans and to get these countries into the political and economic mainstream of Europe.

Anyway—and some politicians seem to forget this—EU membership can only happen after the full agreement and ratification of the membership agreement by all member states. The member states are only interested in new members if these new members co-operate with the EU to foster trade, economic development, equality of all individuals, education and research, regional co-operation and civil society dialogue. These are the cornerstones of the EU to integrate Kosovo into the European mainstream.

Yes, we should not forget that the ongoing negotiation of the future status of Kosovo is important for the

whole process of European integration of Kosovo.

Of course, EU membership can be seen as the carrot used by some politicians to achieve European integration in Kosovo. We have to be careful though, not to run blindly behind the carrot, but to emphasize that any EU membership can only be achieved after fulfilling the conditions set which should pursue strategies for peace maintenance, ethnic tolerance, economic reform, also, to diminish nationalism, opportunism of certain political elites in conditions of state creation, economic insecurity and political separatism of ethnic groups and minorities.

Looking at the bright side, the EU is here to support Kosovo with the process of integration. It will create its own policy for Kosovo. With the European Partnership adopted in January 2006, the EU has sent a clear message to the Kosovo authorities that fulfilment of the UN Standards is not only needed to pave the way for a status settlement, but also for the fulfilment of the Copenhagen political criteria in the long term. The criteria are the rules that define whether a nation is eligible to join the EU. It requires that a state have institutions to preserve democratic governance and human rights, a functioning market economy, and that the it accept the obligations and intent of the EU.

As we already have seen in day-to-day politics, the EU intends to become the driving force within the future

Roundtable on drafting new constitution helps promote democratic values in Kosovo

Dillon Case, OSCE Mission in Kosovo

No matter what the outcome of the ongoing talks on the final status of Kosovo, its interim constitution - the United Nations Constitutional Framework for Provisional Self-Government of 2001 - will expire.

When that time comes, Kosovo's leaders need to be ready and able to contribute to the process of drafting a new constitution that will enshrine strong democratic institutions and protect human rights.

To help meet the challenges ahead, the OSCE Mission in Kosovo organized a Parliamentary and Expert Roundtable on Constitutional Issues, which was held in Skopje in the former Yugoslav Republic of Macedonia, from 20 to 22 July this year.

Representatives from all Kosovo's communities, the provisional government, the Kosovo Assembly and various regional and international constitutional experts gathered in Skopje to share their ideas.

Addressing the opening session, the Head of Mission, Ambassador Werner Wnendt, told the participants: "The OSCE is organizing this event as part of its ongoing support to Kosovo's institutions. Its aim is to raise your skills, your professionalism and your knowledge.

"Based on good practices el-



sewhere in the world and on input from high-level experts, you will develop a good insight into the constitutional process."

Preparing for the future

Ambassador Wnendt also pointed out that the conference was not intended in any way to influence the outcome of

the status talks, but rather to prepare Kosovo's communities for their aftermath.

The participants discussed core constitutional concepts such as human rights protection, power-sharing systems, implementation of the constitution, devolution of powers and institutions.

"I'm especially interested in institutions, because the goal of myself and my colleagues is a fully functioning and effective government," said Gjylnaze Sylja, an MP for the Alliance for the Future of Kosovo (AAK).

"The process of drafting the constitution is as important as its content. Having a roundtable opens the door for





what should be the process of drafting the constitution.”

Open exchange of ideas

The conference participants also praised the design of the roundtable as not only providing excellent practise in the drafting process, but also enabling an open exchange of concepts and approaches.

“Training can sometimes be a one-way process, but this format seeks the views and input of all participants so that the roundtable can approach tough issues,” said constitutional expert Fredrick Lorenz of the Public International Law and Policy Group (PILPG), which provides free legal assistance to countries or regions involved in conflict.

Constitutional handbook

Experts from Europe and the United States worked with the OSCE in facilitating discussions and writing the

conference’s post-conflict constitutional handbook.

The 116-page handbook brings together comparative analyses of over 150 constitutions into nine thematic chapters ranging from preamble provisions to

protecting minority rights. The chapters weigh the pros and cons of different amendment procedures, legislative, executive and judicial structures, electoral systems and even provide sample language to help ensure a thorough



and sustainable draft is developed.

Copies of the handbook in Albanian, Serbian and English were given to the 65 roundtable participants.

Matching theory and practice

Still, nobody is under any illusion that even a perfectly-crafted constitution will solve Kosovo’s problems. Throughout history, matching theory and practice has proven to be a difficult task.

“You can’t look at a document in isolation,” said PILPG’s Lorenz. “It still needs the support of the public, and it needs the support of officials and the government to implement it.”

But through the exchange of ideas and the provision of tools, skills and knowledge by the OSCE and others, Kosovo is now gaining the means to create and sustain a more democratic society.

Recent Developments in the Assembly

Franklin De Vrieze, OSCE Mission in Kosovo

Assembly adopts reforms

In order to improve the functioning of the Assembly and to strengthen oversight of the government, the Assembly quasi unanimously adopted at its 1-2 June plenary session, a comprehensive reform package, the Assembly Standards Plan, prepared and sponsored by the new President of the Assembly. In particular welcomed were, among others, provisions for a regular question and answer period. During plenary sessions in June, July and August a number of parliamentary questions were presented to the government. So far most questions, although not all, have been answered. On 23 June, ASI partner organizations conducted a joint workshop in support of the reform package. The National Democratic Institute (NDI), the OSCE Mission in Kosovo and the EAR-funded project in the Assembly offered best practices and concrete advice to Assembly members and media representatives related to the question time and interpellation debate in the Assembly.

PDK versus PM Ceku on the "War Veterans Law"

An interpellation debate regarding the promulgation of the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War took place during the 15 June plenary session. On behalf of the PDK parliamentary group, Mr. Jakup Krasniqi opened the debate by asserting that the changes made to the law after its adoption represented an abuse of authority on the part of the SRSG and the Prime Minister, who "has the competence to implement the law, but not to sign it." Prime Minister Agim Çeku stated that he signed the law, merely as a symbolic gesture, due to the importance of the law. He stressed that he was informed of the changes to the law only after it had been signed and immediately asked the SRSG for an explanation. He continued that the issue was currently under review within the UN Legal Office in New York, and that he accepts the Law only in the form that was adopted by the Assembly. Several Members from various parliamentary groups made statements about the issue.

European Parliament Delegation visits Kosovo

On 21 June a European Parliament (EP) delegation, chaired by Ms. Doris Pack and including members of the Committee for Relations with the Countries of SEE, the Committee on Foreign Affairs and the Sub-Committee on Security and Defence, visited Kosovo. The EP delegation held an extensive meeting with the Presidency of the Assembly together with representatives from the EU Commission and UNMIK. The debate focused on the political situation in Kosovo with a particular emphasis on the ongoing negotiations for status definition, decentralization, international community presence and on

the progress achieved in the implementation of Standards. The non-participation of Kosovo-Serbs in institutions was also discussed. The two delegations adopted a joint statement, which confirmed an interest to intensify inter-parliamentary relations on a regular basis. .

SRSG Søren Jessen-Petersen gives farewell address to Assembly

On 29 June SRSG Søren Jessen-Petersen gave his farewell speech at the plenary session of the Assembly of Kosovo. Expressing his strong conviction that the status will be resolved this year, Jessen-Petersen highlighted what needs to be done in the time ahead: continuation the implementation of Standards, transfer of competencies to be consolidated and continued further, reviving the economy, building a multi-ethnic society, the rule of law and clarity on status. Related to the status, the outgoing SRSG stated that Kosovo will not be divided, that the status must be acceptable for the majority while one must also understand what the minorities want: "I count on you to make sure that until you make your dream come true, it will become a dream for all the other communities, so that the realization of your dream doesn't become a nightmare for the others."

Group for Integration members incorporated into Assembly Committees

Towards the end of 2005, six political parties with each one representative in the Assembly of Kosovo decided to form their own parliamentary group, Group for Integration. The request of the new group to be included in Assembly committees caused intense discussion for several months in the Assembly Presidency and between heads of parliamentary groups. The need to include the new group in the Committees without "disturbing the political balance" in the committees, made the Presidency eventually agree to an ORA proposal to increase the number of members in each functional committee from 12 to 14, more specifically that one opposition member and one governing coalition member should be added to each of the eight functional committees. During the 29 June plenary session, all new members of Committees, including those from the Group for Integration, were endorsed.

Assembly discusses the 100-day work report of the government

At the plenary session on 14 July, Prime Minister Agim Çeku made a presentation on the 100-day work report of the government. He presented his government's main priorities in status talks, the implementation of Standards and the building of trust and welcomed the 13 points of the priority plan of the Contact Group, which, he said, would be implemented

alongside status talks. A plenary debate lasting over six hours followed. Assembly members from the coalition partners supported the government in its work and asked for greater efforts for realizing its programme. Opposition members criticized the government for slow implementation of Standards, breach of laws, nepotism, corruption and failure to dissolve the parallel structures.

Assembly approves construction of Administrative-Protocol Centre in Germia Park

The 17 July Assembly plenary session discussed the Assembly Presidency report and recommendations on the Administrative-Protocol Center in Germia Park. With 52 votes pro and 18 votes against the Assembly approved the continuation of the construction works. Assembly members from coalition partners LDK and AAK decided in favour of continuation of the construction though they admitted that there have been a number of violation to procedures and conflicts of interests when the contractor was selected. The opposition fiercely reacted to what they considered as 'validation of the illicitness.' Jakup Krasniqi (PDK) requested that the actual works be halted pending a court decision. Gazmend Muhaxheri (ORA) said that regardless the principal right of the ruling coalition to outvote the opposition in certain cases, it still has no right to legalize this. ORA sent a letter to PDSRSG Steven Schook to request from UNMIK the annulment of the Assembly decision. Since last year, ORA has been opposed to the Assembly decision taken during the tenure of former President Nexhat Daci to build the centre in Germia on the justification that procurement procedures had been ignored and that it drained Kosovo's budget.

Priority Standards by Contact Group

During recent months, the Assembly actively worked to contribute to the fulfilment of the thirteen priority standards which the Contact Group set in June. The head of the recently established Anti-Corruption Agency was appointed and all the members of the Council of Independent Media Commission were endorsed. The Assembly also fulfilled its part of the appointment process for the Ombudsperson by adopting the Rules of Procedure. Regarding the three pieces of legislations included in the Contact Group priority list, the Law on Religious Freedom was adopted and the Law on Cultural Heritage passed the first reading. The Law on Languages was also adopted but is now being challenged by the Turkish community representatives.

Draft Law on Languages faces challenge motion by Turkish community

During the Assembly plenary session on 27 July, the draft Law on Languages was approved. However, an amend-

ment aimed at improving the position of the Turkish language was rejected. The amendment reads that "In those municipalities where a community, whose native language is not one of the official languages in Kosovo, is represented by not less than 5% of the total population of the municipality, the language of that community will have the status of the official language in the municipality (...), while, the Turkish language will be the official language in Prizren municipality". The rejection was surprising since the amendment resulted from an agreement between the government and the Turkish party, which is part of the ruling coalition. Subsequently the parliamentary group 6+, comprised of Turks and Bosniacs, challenged the law in line with the relevant provisions of the Constitutional Framework, as it considers that vital interests of the Turkish community are at stake. On 2 August the Prime Minister, the President of the Assembly and the President of the Turkish party signed an agreement, reconfirming their position in support of the rejected amendment. However, on 25 August the Assembly Presidency did not support this consensus proposal. As a special panel has to be formed and its recommendations have to be submitted to the plenary session later on, the Draft Law on Languages cannot be forwarded to the SRSG for promulgation. Subsequently, this requirement on the list of priority Standards as established by the Contact Group has not yet been fulfilled.

Assembly considers its role in the constitutional process

During July a series of meetings took place within the Assembly to address the issue of the drafting process of the constitution and the future role the Assembly would take in it. The Assembly Committee on Legal, Judicial and Constitutional Framework Matters discussed a proposal and the chairperson of the AAK parliamentary group tabled a request for a plenary debate on the drafting of the Constitution. The Presidency of the Assembly decided that more time and co-ordination was required to consider the exact role of the Assembly and to look into the time-line of the drafting process.

New Assembly Secretary

Following an extensive recruitment procedure, the Assembly Presidency has selected Mr. Ismet Krasniqi to be the new Secretary of the Assembly. Mr. Ismet Krasniqi was born on 10 June 1958 in Negrofc, Gllgoc/Glogovac. He obtained a Law degree in 1980. From 1984 he held different posts in the Association of Agricultural Cooperatives of Kosovo, but mostly the post of the secretary. As Secretary of the Assembly, Mr. Krasniqi considers his priorities to be the professionalism of the Assembly staff, quality technical services and efficient administration, and co-ordination with international organizations supporting the Assembly.

Ombudsperson Institution in Kosovo releases Sixth Annual Report (2005-2006)

On 11 July, the Ombudsperson Institution in Kosovo released its Sixth Annual Report (2005-2006), the first to be submitted directly to the Assembly of Kosovo rather than to the Special Representative of the Secretary-General of the UN.

Covering the period from 1 July 2005 to 30 June 2006, the report marks a year of transition for the Institution as it continues towards full kosovonisation. Following the transfer of leadership from an international to a local Ombudsperson, the Institution's mandate was modified by an UNMIK Regulation (2006/06) promulgated in February. The Assembly of Kosovo is now in the process of recruiting a new Ombudsperson and drafting the Law on the Ombudsperson Institution.

The annual report presents an assessment of the human rights situation in Kosovo from the perspective of the Acting Ombudsperson, Mr. Hilmi Jashari. The report also presents the mandate, activities and future perspectives of the Institution.

Despite the ongoing phase of transition, Mr. Jashari said that "the Institution continues to address the problems faced by people on a daily basis." During the reporting period, more than 4000 people contacted the Institution to lodge formal complaints or seek advice, and 78 Open Days

were hosted at the Institution's central and field offices.

"The lack of accountability of the public administration, insufficient protection of the rights of minorities, lack of a proper social security system, corruption, nepotism and organized crime are the main factors that have propagated

a system of legal uncertainty for citizens," Mr. Jashari said. "These factors have hampered the proper functioning of the law enforcement authorities and the judiciary." The report also raises concerns about the increasing marginalisation of human rights issues amidst the politically-charged talks on

the future status of Kosovo.

Mr. Jashari called on policy-makers, governmental leaders and public officials to continue their support of the Ombudsperson Institution and to commit to making the protection and respect for human rights a genuine reality in Kosovo.

What is the Ombudsperson Institution in Kosovo?

Established by Regulation Number 2000/38, the Ombudsperson Institution is an independent institution which has the role of addressing disputes concerning alleged human rights violations or abuse of authority between the individual/group of individuals/legal entities and the Interim Civil Administration or any emerging central or local institution in Kosovo. He/she accepts complaints, initiates investigations and monitors the policies and laws adopted by the authorities to ensure that they respect human rights standards and the requirements of good governance. Through its work the institution helps to promote human rights and good governance in Kosovo.

Who is the Ombudsperson in Kosovo?

The Ombudsperson in Kosovo is an impartial person, well known internationally for his/her high moral character and commitment to human rights. He/she is appointed by the United Nations' Special Representative of the Secretary General (UN SRSG). There are two deputies. Their staff of legal advisers, investigators and administrators supports them.

Where was the first Ombudsperson institution established?

The first Ombudsperson institution in the world was established in Sweden in 1809. In Swedish the "ombudsman" is an independent person overseeing whether the authorities observe the law. Many countries adapted similar models using different names, such as People's Advocate, Public Mediator etc. More recently, Ombudsperson institutions have been set up all over the world, including Bosnia-Herzegovina, Hungary, Ireland, Poland, Slovenia, Spain and Latin American countries.

Why is the Ombudsperson Institution important for the Interim Civil Administration?

Respect for human rights and the requirements of good governance are the duties of all civil administrators. It is a direct sign of their effectiveness and high professional standards. The Ombudsperson Institution is not against the administration, but it is for good governance and human rights. The Ombudsperson contributes towards making the administration transparent and open to the public.

Elections are coming

Chad Rogers is NDI's resident director in Kosovo.

We don't know exactly when or what the specific legal framework will be, but we know that elections are coming to Kosovo most likely on the local and national levels within the next 12-18 months.

While this may seem an obvious statement to all involved in political parties, civic organizations and the media it is important to recognize that the political environment changes dramatically in the pre-electoral period.

Words spoken to press mean more, organizational efforts in parties must re-double, policy development must be accelerated. In the weeks to

come the race to recruit new members, build stronger branches and identify issues important to voters will increase in pace.

In our trainings at NDI we often start by outlining the four basic ingredients of political organization: people, money, ideas and time. Time is often forgotten as a strategic asset, available equally to all who participate, but used by few as an advantage against opponents.

How does a party use time to its advantage? If you were asked one week before the election to recruit 50 new members, at a time when every other party

is trying to do the same, you might be able to accomplish the task but most likely with extreme cost and difficulty. Now, imagine you were given the same task but 50 weeks to complete it. You could recruit new members, and there is a good chance some of those you might recruit would form a strong relationship with the party and begin recruiting new members themselves. This cumulative gain is a simple illustration of how the pre-campaign period can be used to tremendous effect.

In short, to use time to one's advantage in politics, you must have a plan. Campaign

planning is a simple effort, you must calculate the number of votes you believe you need to win, dividing them proportionately based on your vote history in each polling district. Then build a short list of issues which speaks both to your current supporters, and those who may vote for you, in such numbers that you can achieve your vote goals.

The difficulty is in choosing the right issues, making realistic goals and being disciplined enough to stick with them for the next 12-18 months. Every candidate who ever had a disciplined message complains at some



point to their campaign team how tired they are of saying the same things, explaining the same ideas and debating the same topics.

Why the repetition? There are more than 1 million voters who have the right to cast a ballot in future elections, and each leads a varied and busy life. One interview on television or in a newspaper, one billboard, or one brochure will not reach them all. It takes constant reinforcement, of core concepts, through multiple outlets and mediums to reach the entire voting public you have targeted.

Parties and candidates will often say it is too early to start planning for the next campaign, but here are five things you should be doing:

1. Appoint a campaign organizer.

This may or may not be your eventual campaign chair, but their job is to begin preparing your party and parliamentary group for election. It means getting the organization re-activated, focused on election goals, while everyone else remains busy with their day-to-day duties within the party, at least one person has as their exclusive focus the coming campaign(s).

2. Create a budget.

You need to know how much money you might want to spend before you start raising it. Things like printing, advertising and public events cost money. Start by examine the last campaign budget and looking to which costs have changed in the market. Additionally, speak to party

and campaign officials to evaluate what provided value and what did not.

3. Do research.

Research can be in the form of a survey (quantitative) or focus groups (qualitative) but should be aimed at measuring the general public's attitude towards leaders, parties, major issues (i.e. government spending priorities) and mood. The general public opinion, which we all assume we know, usually runs ahead of us. The parties who discover what issues are emerging, as opposed to issues that are simply current, will be better prepared in the coming campaign(s).

4. Evaluate your organization.

Elections are the sum of ballots cast, not the intended efforts of our volunteers. At some point we have to take a hard look at ourselves, and our branches and look for who is under and over performing. We have to measure current membership, activity and fundraising and which branches have a capacity to reach the targets assigned. Just as important is looking for over capacity – which branches have an abundance of resources which need to be redeployed within the party for greater effect.

5. Knock on doors.

Voters may watch you on television, see you in the Assembly and read about you in the newspaper, but what they really value is personal contact. The entire party has to start knocking

on doors, listening to complaints, ideas and emotions. You don't always have to solve the problem immediately, but it is important that voters feel you have respected them with direct personal contact. We want every voter to know that we listen, we understand and we care.

In conclusion, there is a lot we do not know about the next elections.

As parties, there is so much you can begin to write down, to make choices about, and to plan.

The National Democratic Institute is here to facilitate planning exercises and assist individual candidates in beginning to assemble campaign plans for the year ahead.

Throughout the fall we will focus on trainings that assist with platform writing, party organization and continue our successful 'Party Training Academy' to help parties train a cadre of experienced and informed activists.

As you sit down to think of your first draft of a campaign plan, think of the next elections like a job interview. The challenge being we don't specifically know the qualifications the people will demand or the specifics of the job ... we have to come up with our best guess, in other words our party's vision for the future of Kosova, and present it with confidence and frequency.

Mr. Rogers has provided guidance to political party activists from Armenia, Bosnia & Herzegovina, Iraq, Kosovo, Kyrgyzstan, Macedonia and Moldova.

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international presence. The common objective of the EU and Kosovo is to ensure that Kosovo becomes a reliable partner, progressing towards integration together with the rest of the Western Balkans. Important for European integration and being a reliable partner is the economic and fiscal reform and the implementation of legislation to protect foreign investors. All this will reinforce Kosovo's political and economic viability.

But we need more than the protection of the economy, trade and investment. European integration means as well the implementation of European standards on education, healthcare, labour and social welfare issues. To be continued!

Disclaimer: This article does not necessarily reflect the views of the EU funded Project 'Further Support to the Assembly of Kosovo', managed by the European Agency of Reconstruction and Implemented by the Consortium of the Assemblies of France, Germany, Belgium and Slovenia and the Institute International de Paris la Défense, and in no way anticipates its activities and policy in this area. Its content is the sole responsibility of the author. The information contained herein, including any expression of opinion and any projection or forecast, has been obtained from or is based upon sources believed by the author to be reliable but is not guaranteed as to accuracy or completeness. The information is supplied without obligation and on the understanding that any person who acts upon it or otherwise changes his/her position in reliance thereon does so entirely at his/her own risk.

Interns to parliamentary groups organise conferences on policy issues

Labint Hoxha, OSCE Mission in Kosovo



In a stimulating and well-organised setting, a meeting room of 40 to 50 eager-to-listen-and-contribute participants took part in engaging discussions which ended in clear recommendations for future follow-up. This is what one could see, more than ever before, taking place in the Assembly of Kosovo throughout June of this year. This was the general picture of the conferences well thought-out by parliamentary groups of the Assembly.

According to participants, having been invited in a timely fashion, provided with indispensable information, and fed with notable assurance by the local and regional experts, made it easy to engage and contribute. The outcome was efficiently communicated to the media, which carried the information on to the wider public. This clarified the parliamentary groups' stance on a number of policy issues, depicted their future engagement, and predicted the direction the groups were going to take on these issues.

The conferences were organised by youth undergoing a six-month internship programme supported by the OSCE Mission in Kosovo. Besides financial support, the Mission provided the interns with trainings tailored to enable them to carry out their most important assignment throughout their period in the Assembly. The courses were managed in close co-operation with the heads of six parliamentary groups (LDK, PDK, AAK, ORA, 6+ and SLKM), as well as with MPs. "For Integration" parliamentary group did not participate in the programme as the group did not exist yet when programme started, but would be included in any continuation of the internship programme.

The OSCE commenced the implementation of its Internship Programme for the Assembly of Kosovo in mid-2005 and the project continued throughout 2006. The programme enrolled 23 interns on contracts of six months. The interns were selected

and placed in the offices of the parliamentary groups. They were mainly involved in the day-to-day office work, enhancing the support for the heads of the parliamentary groups. Throughout the training and guidance the capacities among the interns were raised to increase internal co-operation in order to add to the capacities of the parliamentary groups in the Assembly to develop coherent policies and a parliamentary profile.

Parliamentary groups LDK and ORA had organised separate conferences on youth issues largely focused on the implementation of the Kosovo Youth Action Plan (KYAP). Those involved in the drafting and establishment of the KYAP explained to the participants the main potential benefits of its implementation and invited the representatives of the legislation-making bodies to support it. The PDK parliamentary group focused on "Energy and Privatization," producing recommendations for the

continuity of endeavours in order to increase Kosovo's energy producing potential, by adding their suggestions for new policies. The AAK parliamentary group focused their conference on the "Stimulation of domestic agricultural products" and gathered main agricultural producers, as well as institutions. These outlined the policies that affect agricultural production and their placement in the Kosovo and regional markets. Present at the conference were representatives of European institutions, which added a European dimension to the conference. The 6+ Parliamentary group focused on the "Education in Turkish and Bosniac language in Kosovo," giving attention to the difficulties that these two communities face in education, starting from the reasonable need for the provision of textbooks and other educational material in their own language. The SLKM group prepared a conference on the "Serbian community's position in the Kosovo institutions," which is due to take place later this year.

Apart from assisting the parliamentary groups, the Internship programme provided the participants with an opportunity to understand the work of the Assembly. In the end, the success of the programme ensures its continuation in the near future, if not longer.



ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency co-ordination mechanism of democratization programmes in support of the Assembly of Kosovo, seeking to strengthen and professionalize the Assembly of Kosovo. The work of ASI focuses on a democratic political culture based upon acknowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive, respect for the multi-linguality and participation in regional and inter-parliamentary contacts.

ASI partners work to bring resources together, share information and coordinate programs while identifying needs in direct interaction with the Assembly. As coordinator of the ASI, the OSCE Mission in Kosovo liaises with all ASI partners and calls regular coordination meetings in consultation with Assembly representatives. A regular ASI Newsletter informs a broad domestic and international public on the developments in the Assembly of Kosovo as well as the ASI support programmes.

Currently participating in ASI:

Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNSt.), Konrad Adenauer Stiftung (KAS), East West Parliamentary Practice Project (EWPPP), European Agency for Reconstruction (EAR) in cooperation with the Consortium of the parliaments of France, Germany, Belgium, Slovenia and the Institut International de Paris la Defense, United States Agency for International Development (USAID) in cooperation with the National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo



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