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ASSEMBLY SUPPORT INITIATIVE  
NEWSLETTER

March 2005, No 16



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## Thank you, Ambassador Fieschi !

From January 2002 until March 2005 Ambassador Pascal Fieschi was Head of the OSCE Mission in Kosovo (OMiK). He served simultaneously as Deputy Special Representative of the Secretary General for the United Nations, responsible for capacity-building component of the United Nations Interim Administrative Mission in Kosovo (UNMIK). During his mandate as Head of OMiK Ambassador Fieschi accompanied the creation of the Provisional Institutions of Self-Government (PISG) and oversaw the municipal and central elections in 2002 and 2004. The OSCE wants to express its strong appreciation for the commitment and professionalism of Ambassador Fieschi during the last three years and wishes him good luck in the years to come.

## Short news from ASI

### Roma and Ashkalia Cultural Exhibition at the Assembly of Kosovo

The Assembly of Kosovo hosted an Exhibition of Roma and Ashkalia Culture, from 24-27 January 2005. The Assembly of Kosovo Presidency and the Roma and Ashkalia Documentation Centre (RADC) organized the event, with support from the OSCE Mission in Kosovo. The exhibition of paintings, photography and poetry by young Roma and Ashkalia artists was aimed at raising awareness of the vibrancy and strength of Kosovo's Roma and Ashkalia communities through bringing examples of their cultural heritage into the most high-profile of Kosovo institutions, the Assembly of Kosovo. The opening reception on 24 January was addressed by Prof. Fatmir Sejdiu, member of the Assembly Presidency, Ambassador Pascal Fieschi, OSCE Head of Mission in Kosovo, and the co-managers of the Roma and Ashkalia Documentation Centre, Mr. Bekim Sylja and Mr. Adem Osmani. The reception was attended by community and political leaders from the Roma and Ashkalia communities, Members of the Assembly of Kosovo, representatives from the PISG, UNMIK, Country Liaison Offices, and local and international NGOs engaged in working with these communities. For further information, contact [Mario.maglov@osce.org](mailto:Mario.maglov@osce.org)

### Parliament responsibility towards Standards fulfillment

On 10 February 2005 the Parliamentary Governance Information Center (PGIC) hosted a public discussion about "Parliament responsibility toward Standard fulfillments". The event brought together two Members of the Assembly of Kosovo, Mrs. Sanije Aliaj and Mr. Mahir Yağcilar, as well as the Government Standards Coordinator, Mr. Avni Arifi. The PGIC was established in April 2004 through the UNDP-Kosovo and Inter-Parliamentary Union's SPEAK project, in close partnership with the Kosovo Assembly and National and University Library of Kosovo. The Information Center located at the National and University Library aims to provide the public with an Internet based link to the archive system and website of the Assembly of Kosovo.

### Parliamentarians from three European countries discuss role of opposition and coalition

On 18 February 2005 the European Agency for Reconstruction (EAR)-funded Project in Support of the Assembly organized its second Forum-discussion, on the role of parliamentarians from majority and opposition. Six MPs from France, Germany and Belgium shared their experience and engaged in a lively debate with the members of the Assembly of Kosovo. In-depth debates took place in specific round tables on the following topics: agreements between governmental coalition and opposition, management of parliament by the Presidency and control of the budget, inter-parliamentary relations, law making process, parliamentary questionnaires and control on the implementation of legislation. By mid-March 2005, the Consortium of three parliaments from France, Belgium and Germany is due to conclude the 18-month long project it was entrusted with by EAR.

### Regular Public Hearings conducted in reviewing legislation

Already facing a high number of new draft laws tabled by the government, the Assembly Committees resumed their regular sessions. On weekly basis the Assembly is organizing public hearings on those draft laws considered most crucial to ensure wider input by civil society and the general public. In early February, public hearings were held on the Draft law on the Independent Media Commission, the Draft Law on Health Insurance and the Draft Law on NGOs.

ASI welcomes that new public hearings are being conducted in the immediate weeks after Draft Laws were passed in first reading. Also in early February, the National Democratic Institute (NDI) organized a well attended workshop with Committee chairpersons on the importance and the functioning of public hearings. The Public Hearing Manual, as published in mid-2004, was re-distributed to all Assembly members. In his address to the Assembly plenary session on 3 December 2004, SRSG Søren Jessen-Peterson encouraged the Assembly to hold public hearings as an instrument to include additional expertise and increase ownership by civil society for the laws proposed.

# Message from the European Parliament

Josep BORRELL FONTELLES  
President of the European Parliament

The European Union is increasingly a reference point for the development of democracy and rule of law based political systems. In May last year, eight countries of Central and Eastern Europe joined the European Union, together with Malta and Cyprus, in the biggest ever EU enlargement. It has been a huge success and clear proof of the power of attraction of the European integration process.

Let me recall that the European Parliament (EP) played an important and active role in this recent enlargement, which dominated much of the work of our House during the last legislative term. We would be well advised not to forget Parliament's role, when working together to set the Western Balkans firmly on the path to European integration.

Our Parliament has repeatedly taken the position that through the Stabilisation and Association Process, the EU can successfully repeat the approach we adopted towards the countries of Central and Eastern Europe, provided that the countries concerned meet the conditions for EU membership. But this can not be accomplished without reconciliation and a common vision of the future of all the communities who live in Kosovo.

It is my sincere conviction that, regardless of the decision on Kosovo taken in the coming months, the future of Kosovo lies in Europe. It is this, beyond all other considerations, which must set the pattern for the necessary reforms and developments, political, economic or

social, over the coming period.

On this basis, the European Parliament clearly advocates a more active EU role in Kosovo. This was reaffirmed recently at a special Hearing of Parliament's Foreign Affairs Committee on the situation in Kosovo, on 25 January, in Brussels. The hearing was attended by independent experts as well as by representatives from Kosovo, of the government of Serbia and Montenegro and of UNMIK. The hearing reconfirmed the long-held Parliament positions that the European future of a potentially stable, democratic, multi-ethnic Kosovo mainly lies in the hands of its citizens and communities.

The main challenges for Kosovo have been the creation of democratic institutions and the establishment of a multiethnic society governed by the rule of law. UNMIK and the Provisional Institutions for Self-Government (PISG) have taken many steps along this road by enacting the laws necessary to provide a legal framework.

The role of the Assembly of Kosovo is particularly vital in this process. As Parliamentarians you are the democratically elected representatives of the people of Kosovo. It is your responsibility to bring Kosovo along the path of stabilisation, democratisation and modernisation. You have the responsibility to work for the well-being of all the people of Kosovo, regardless of their ethnic, political or social background.

Developments in the past year have demonstrated however,



that rules and procedures do not in themselves generate progress if they are not properly used and implemented, and if there is not sufficient political will behind them. Neither can the international community replace the necessary domestic political will. In the end the EU and other international actors can only facilitate and support.

The tragic violence last March confirmed that there is no alternative to a multi-ethnic Kosovo in which all ethnic and religious groups can live freely and without fear. I strongly appeal to the Kosovo Albanian political forces to commit themselves to this path and to seek the broadest cooperation and dialogue with the Serbian and other non-

Albanian communities. At the same time, I believe that the best way to protect minority rights in Kosovo would indeed be for all minorities to take an active part in the Kosovo institutions, including the Assembly. A similar recommendation was made at the recent joint meeting of Parliament's Delegation for Southeast Europe and the Parliament of Serbia and Montenegro, last December.

So let us work together to achieve progress in the important benchmarks set by the UNMIK/PISG's Kosovo Standards Implementation Plan. Your Assembly has an important role to play in this process and you can count on the support of the European Parliament.

## The challenge of implementing Kosovo's laws

The legislature plays important functions in a democracy: it represents the citizens by addressing their needs, aspirations, concerns and their priorities in policy making processes. It also takes into consideration citizens' proposals when existing policies are being amended; issues laws and regulations through which the society is governed; and exercises executive oversight making sure that the adopted laws are correctly and effectively implemented.

Naim Jerliu, Member of the Assembly of Kosovo (LDK).

Implementation of legislation is a new challenge that emerges after the law is passed by the Assembly. Obviously, the parliamentary work does not end with approving the laws. Laws are adopted to become functional, to be put into practice and administered effectively, efficiently and economically.

### Implementing mechanisms

During the past few years, legislative activity in Kosovo resulted in laws being adopted which regulate some wide aspects of social relationship in accordance with current international standards. Mechanisms are foreseen to ensure successful implementation, such as: special agencies for implementation of laws, boards and supervisory committees, issuance of sub legal acts as administrative instructions, administrative directives or statutes.

In Kosovo, despite the quality in content, we cannot claim there are no remarks in the implementation of the legislation. Related to this issue, OSCE recently published a report on the implementation of the laws passed by the Assembly of Kosovo in 2002-2003. The report discusses the implementation of the laws by the Government and the scale up to which these laws are implemented in adequate manner through approval of subsidiary legislation. The Report notes considerable successes, despite the fact that the processes of drafting and

approving the additional acts have been passed. The Report discloses important gaps in the existing regulative sub legal acts. The Report also emphasizes that the implementation of new legislation in Kosovo was not given full attention by the international administration. Kosovo institutions did not focus their attention sufficiently due to other preoccupying priorities. Certainly, drafting new laws is a priority in order to fill in the gaps between a legacy of the former judicial system and the new social, economic and political reality. And as a consequence greater attention is paid to the process of drafting the laws rather than implementing the approved legislation.

In this respect, a special focus by legislators is required in the law implementation plan. Ideally, the MPs and each Committee in particular should monitor the applicability of laws on a regular basis, and take active and acting role in the administrative evaluation of the applicability and implementation by the judiciary. The committees should take over an active and acting role in the administrative evaluation of applicability and implementation process of the laws approved in the parliament.

### Supervisory authority of law implementation

The existing Rules of Procedure of the Assembly of Kosovo directly define the



duties regarding monitoring the implementation of laws through Rule 10 "On rights and duties of Members of the Assembly", and in more specific way they are addressed through Rule 44 "On the authority of the Committees in monitoring the implementation of laws". The rule determines that each committee, within the scope of its authority, have the right to monitor the implementation of a law by the relevant ministry or by the Government of Kosovo. In order to fulfil this

authority, the committees are to perform controls and studies of effectiveness of the laws in force on issues within the scope of their authority, their implementation, and make recommendations for measures to be taken in concrete situations; exercise control over the activities of relevant ministries and institutions that depend on and are run by the ministries, and compel a Minister or a person authorized by him to attend and testify in the meeting before the Committee.



In the new draft Rules (approved by the Committee for Rules of Procedure), which are expected to be approved soon, aside from the authorities already in force, it is anticipated that the relevant Ministry will now have to report to the functional Committee regarding the implementation of the law without prior request, at least once a year.

Furthermore, committees are expected to prepare a list that consist of the date when the law will be promulgated, the date when the law will be published in the Official Gazette, a list of the legal provisions that must be implemented by the Government, and the list of Government decisions to implement these provisions. This will evidently facilitate the implementation of approved laws and make more pragmatic the methodology of monitoring. In addition, the ministries will submit annually written reports to the Assembly plenary sessions.

If the Ministry doesn't report or its report is considered to be incomplete, the issue will be on the agenda of the next plenary session at the request of the Committee. This new tool can be utilized to achieve a reflection of a law's implementation but also to have the opportunity to evaluate applicability in practice. Experiences in many countries show that there are numerous cases when an approved piece of legislation will not have the possibility to become applicable, due to the lack of necessary implementation mechanisms, or because of the inadequate estimation of the circumstances for its implementation when it was approved.

In this phase when Kosovo is making basic legislation to cover the main areas, this way

of reporting is understandably crucial. Hence, more when it is expected that the volume of subsidiary legislation related to the implementation of the laws will be so vast that simply it will become too complicated to report on all of them in plenary sessions. The experience of other countries showed the same.

A very specific issue related to implementation, is the situation when laws are approved by the Assembly, but they do not enter into force until they are signed and promulgated by the SRSG. From all the laws approved by the Assembly, only 72 laws are signed by the SRSG, and more than 20 other laws are pending to be signed since last mandate. The slow process of their promulgation by the SRSG can hardly be dealt with in this mandate, respectively by the Assembly itself, and this represents another major problem.

As a conclusion, considering that legislation approved by the Assembly must be implemented in order to apply government policies that reflect the needs and demands of the citizens, the idea of raising the level of accountability of the Government is important. Based also on the experiences of other countries, an agency within the Government that would serve as a monitoring mechanism on the applicability of the laws of the Assembly of Kosovo could be established. And the Assembly has to undertake intensive periodic monitoring of executive branch activities related to the implementation of laws. Therefore, the challenge of the implementation of the laws - which is the mandate and the responsibility of the elected representatives of citizens - could more easily and efficiently be faced.

## Government approves the Plan for Local Government Reform

On 22 February 2005, the Government approved the Plan for Local Government Reform developed by the Technical Working Group on Decentralization. The final list of five municipal pilot units/projects includes the Kosovo Serb inhabited Gračanica/Gračanicë in Prishtinë/Priština municipality and Parteš/Partesh in Gjilan/Gnjilane municipality; Hani I Elezit/Đeneral Janković on the border with FYR Macedonia in Kačanik/Kaçanik municipality; Junik in Dečan/Dečani; and the Turkish-majority Mamushë/Mamuša in Prizren. The Minister of Local Government Administration, Lutfi Haziri, said that the legal infrastructure for beginning of the decentralization process existed, but some new legislation would be needed. Prime Minister Haradinaj requested the support of the opposition parties as the project "in no way led to cantonisation" but represented "a transformation" of parallel structures that would lead to their "dissolution" and the regular functioning of local government, which was "in the interest of Kosovo". Though the Government had not fully calculated the costs, he said that financial support by foreign governments and international institutions was expected.



PKD and ORA, however, oppose the decentralization plan. The PKD Secretary General Jakup Krasniqi stated that the new plan was not based on the Framework Document and was therefore illegal. He also said that the goal of the plan was not to decentralize local administration but "to create enclaves and legalise parallel structures." ORA considered the plan "illegitimate and illegal due to the lack of political consensus on reform of local government." On 23 February, the PKD caucus walked out of the Kosovo Assembly plenary session to protest the absence of debate on decentralization on the agenda. The Presidency of the Kosovo Assembly later decided to call an extraordinary plenary session on Thursday, 10 March, to discuss decentralization.

Interview with Dr. Enver Hoxhaj, chairperson of the Assembly Committee on Education, Science, Technology, Youth and Sports.

## Implementation of education legislation high on the Assembly agenda

Interview by Christophe Pradier, Political Officer OSCE Mission in Kosovo

### *What are the activities of the Committee on Education, Science, Technology and Youth?*

The committee meets from two to three times a week. It recently worked on the Draft Law on Cultural Heritage and the Draft Law on Theatre. The committee is in the process of preparing a plan of activities for the next three years, which should be ready by mid-March. I also believe the Committee should do more than merely approve draft laws. It has the role to assist the Ministry of Education, Science and Technology (MEST) in implementing the relevant laws. We have planned to visit MEST and the University of Prishtina to identify their needs. We will also invite Minister Agim Veliu to give a report to the Assembly on the implementation of the Law on Primary and Secondary Education and the Law on Higher Education. The Committee intends to support the Government translate its education programmes into activities.

### *What is your assessment of the legislation dealing with education?*

There are two basic laws: one Law on Primary and Secondary Education in Kosovo and one Law on Higher Education in Kosovo. However the reform of education in Kosovo is hampered by the limited implementation of these laws.



An additional problem is the high cost associated to the Law on Higher Education. Therefore the current debate in the Assembly regarding the opportunity to have a budget prepared for each draft law is highly relevant.

The applicable legislation does not cover all educational

issues. There is an urgent need for the adoption of additional laws such as a Law on Scientific Research. Education should be the primary priority of Kosovo society. A better education system would produce benefits such as more developed human capital, a better cohesion of Kosovo society and

an enhanced environment for adult learning.

### *Could your Committee mediate between MEST and the Rector of the University?*

Not for the time being. We respect the autonomy of the University of Prishtina as well as the competencies of MEST in higher education. We will also be waiting for the decision of the Supreme Court on that issue.

### *What is your assessment of the Draft Law on Cultural Heritage and Draft Law on Theatre?*

The Draft Law on Cultural Heritage is a very bad draft as it does not include any concrete provisions on the institutions responsible for the protection of cultural rights. We are waiting for the Government to submit a revised draft and then we will provide inputs. The Draft Law on Theatre is very good. However I disagree with the influence granted to the Ministry of Culture, Youth and Sports over the theatres. I believe that cultural institutions should have the statute of independent public agencies.

### *What is your position on the Draft Law on Youth Empowerment and Participation?*

Youth should be the priority of Kosovo institutions, which is not currently the case. The

Draft Law on Youth should be adopted as soon as possible. The government has postponed this Draft Law because it is not part of the priority Standards. However I believe the Government should work both towards the standards and social justice.

***What role could the Kosovo Assembly play in raising the profile of youth and education in the public debate and political agenda?***

I think the Assembly has a critical to play in changing the perception of education by bringing in the European Union approach. Education should be based on developing key competencies and skills such as critical thinking rather than memorizing facts. Unfortunately Kosovo institutions have a wrong approach to education. Kosovo faces the challenge of translating the EU approach into concrete policies.

***What is your assessment of the assistance provided by ASI to the Kosovo Assembly? Do you have any requests for ASI?***

The Assembly owes a lot of its achievements in the last three years to the ASI support. ASI could help raise the awareness of Assembly members on their responsibilities. The Assembly is not only a law-making machine. It has the duty to hold the government accountable as well as express the voice of the citizens.

My Committee in cooperation with MEST is interested in organising conferences and seminars on the topics of education and youth. We could very much use the assistance of ASI in raising the awareness of the Kosovo public on EU education standards by inviting

EU experts to our conferences. I will come up shortly with concrete proposals.

***Does your Committee conduct expert hearings?***

Absolutely. On 10 February we organised a public hearing on the Draft Law on Theatre to which all stakeholders were invited. We are very careful to involve all actors in the drafting process and will include their recommendations in the revised draft of the Law. However the Committee does not have any budget for hiring experts and researchers. I personally asked President Daci to allocate a budget but no response has as yet been received. Let me assure you that I will not give up on that issue as we will not be able to work professionally without a budget.

***What are the legislative priorities of the PDK Parliamentary Group?***

We support the Government priorities on the Laws related to Standards implementation. However the Assembly needs to adopt a Law on Local Government and a Law on Local Finance as soon as possible. The pilot projects cannot start without the proper legislation in place. It is therefore crucial to establish the required infrastructure for the decentralisation process. The problem is that the Government can not do it. PDK other priorities are the laws supporting the development of the economy and Small and Medium size Enterprises.

***What is your opinion on the Draft Law on the Independent Media Commission?***

This Draft Law is the best example of how the opposition

can play a constructive role and the benefits of close cooperation between Kosovans and the International Community. The current version of the Draft Law would create a suitable environment for the control of the media by the government. The PDK is opposed to the proposed composition of the Commission (7 members: 2 members nominated by the SRSG, 1 by the Kosovo Assembly and 4 from the Civil Society but voted by the Assembly). The PDK stands for the independence of the media from politics. The IMC would interfere with the work of public and private media.

I am very glad to see that the letter the PDK President Hashim Thaci addressed to the SRSG and Ambassador Fieschi was taken seriously and induced the Temporary Media Commissioner (TMC) to come up with new solutions. The PDK supports all the suggestions from the TMC. I hope that the relevant Committee will these recommendations into consideration and the Assembly will adopt the revised Draft Law. Finally I want to thank Ambassador Pascal Fieschi for his constructive cooperation and his willingness to provide Kosovo with a good law.

## Implementation of Assembly Laws Problematic

The OSCE Department of Human Rights and Rule of Law has launched a report on the extent to which laws passed by the Assembly of Kosovo are being implemented through subsidiary legislation, with particular focus on laws promulgated in the period 2002-2003. All Assembly Members received a copy of the report. On 3 February, it was discussed extensively in a joint meeting with all Deputy-Ministers of the Government.

The report makes a general assessment that the implementation of Kosovo Assembly laws has started with certain delay, after which most of the responsible institutions have managed gradually to overcome the initial difficulties. The main reasons for the delay include: a shortage of sufficient resources in the legal offices of the ministries, as well as concentration on drafting of new legislation instead of implementing the laws already in force. The report recommends strengthening accountability of the PISG executive branch. This could be achieved by establishing an oversight mechanism for the implementation of Kosovo Assembly laws within the Office of the Prime Minister and by increased periodic parliamentary oversight over executive branch activities. The report also recommends a precise regulation of the types of normative acts in Kosovo, the hierarchy among them, and the organs responsible for their issuance with the adoption of a Law on Normative Acts. The report can be found at [www.osce.org/kosovo/documents](http://www.osce.org/kosovo/documents)



## Recent Developments

### President makes annual address to Assembly

On 26 January 2005 President of Kosovo Dr. Ibrahim Rugova made his annual address to the Assembly of Kosovo. Speaking on the opening day of the January plenary session, the President expressed his confidence in continuing economic growth in Kosovo, and declared that the achievement of independence will be a priority of the government. He emphasized the government's commitment to Standards implementation and to the integration of minorities. President Rugova further announced that the government will consider establishing diplomatic representation for Kosovo in several European countries and the United States. There was no mention in the speech of the March 2004 violence.

### Government finalizes its Program, Legislative Priorities and Rules of Procedure

During the plenary session on 22-23 December 2004 the Assembly of Kosovo debated the draft government program including priorities, policies and strategy of the government for the coming three years. Assembly members from the ruling coalition as well as opposition formulated many suggestions on the draft document. After having analysed all input and proposals, the Government published its Program and Priorities, an extensive document counting 30 pages.

The Government also approved its "Legislative Agenda" for 2005, a list of 122 laws to be tabled in the Assembly by the end of 2005, including 20 laws directly related to the Standards Implementation Plan.

On February 1st the government approved its Rules of Procedure, as required by the Standard Implementation Plan. Taking into account the experience of functioning of the previous government and best practices from other governmental Rules of Procedures as identified by various international organizations, the new governmental Rules of Procedure are clear, comprehensive and well-thought. The Rules outline the interaction between Prime Minister and Ministers, publication of government legal acts, coordination and planning of the work of the government, relationship with the Assembly and other PISG bodies and organizations.

All three documents can be downloaded from the Prime Minister's web-site: <http://www.pm-ksgov.net/index.php?lang=en>

### Assembly meets in plenary; Presidency decides on party funding

At its plenary session on 23 February, the Assembly of Kosovo adopted legislation on the 2005 Kosovo Consolidated Budget (KCB) and on freedom of association in NGOs, among other things. The Assembly Presidency, on 1 March, adopted a formula for the distribution of KCB political party funding under which each political entity represented in the Assembly receives an amount proportionate to the number of seats it holds. The current formula represents a significant improvement over the formulas adopted in past years, in that it does not distinguish between the 20 set-aside seats and the 100 other Assembly seats.

### SLKM announces its intention to start participating in the PISG

The Serbian List for Kosovo and Metohija (SLKM) announced on 24 February its intention to start participating in the PISG and requested the Government in Belgrade and the State Council for Kosovo to clearly state their position on this issue. "We are asking first of all the opinion of Serbian Prime Minister Vojislav Kostunica, because he had opposed that Kosovo Serbs turn out for the elections," stated SLKM member Randjel Nojkic. SLKM claimed that its common goal would be to improve the living conditions of their community but also to demonstrate that standards are not being respected and that the ultimate goal of the Kosovo Albanians is unachievable. SLKM would join the working groups for decentralization if Belgrade's official response was delayed.

When asked to comment on the news, Slavisa Petkovic, the leader of the Citizens' Initiative Serbia (GIS) and Minister for Returns and Communities assessed the SLKM decision as a manoeuvre after SLKM did a lot of damage by not participating. Given the Serbian Prime Minister's advisor negative reaction to the initiative, it remains to be seen whether SLKM will in fact participate. The Kosovo Government, on its part, welcomed SLKM's readiness to end the boycott and called on its members to demonstrate their willingness to participate with concrete steps and to look at their constituency in Kosovo and not in Belgrade.

### Government and Municipalities call for returns in open letter

On 25 February, the Prime Minister together with the Ministers chairing the six Working Groups on the Standards hosted a meeting on "Standards and Municipalities", which was attended by Municipal Assembly Presidents, the Principal Deputy SRSG, the UNMIK Standards Coordinator and Contact Group representatives. At the meeting, it was concluded that there are no excuses for standards at the municipal level not being implemented and that there will be consequences for those municipalities that do not perform.

Placing emphasis on returns as one of the key standards, the meeting culminated at the issuance of an "open letter" which called for the return of displaced persons in Kosovo. Mentioning the "special responsibility" of the Kosovo majority community towards the Serb community, requesting the release of the occupied properties to their owners and asking for the respect of the religious monuments, the letter appealed to the displaced to return home and to integrate in the Kosovo society.





# ORA critical towards Kosovo's budget for 2005

During the Assembly Plenary session on 28 January 2005 the Assembly adopted in its first reading the draft 2005 Kosovo Consolidated Budget. On behalf of his political party ORA, Mr. Veton Surroi presented seven main criticisms on the draft as presented by the government.

Veton Surroi, President of ORA.



## 1. CONTINUITY

The proposed budget is in fact a continuation of the previous budgets approved by the previous Assembly. Covering basic administrative needs of Kosovo in its emergency stage is the sole feature of this budget. The last budget did not ensure the economic development of Kosovo nor fulfilled needs, especially in education, health and infrastructure; this one is unlikely to do otherwise as well.

## 2. CONTEXT OF THE POLICIES

As presented as it is, the current budget maintains the main shortcomings as the previous one. If supported by the same revenues as the previous budget, it means Kosovo remains in the same vicious circle where the budget is funded through cus-

tombs – therefore subordinated to the expenditure of imported goods. On the one hand, this will strike down the local producers, and on the other hand it will not contribute to the capacity building in establishing the rule of law in internal economic relations in Kosovo – KEK is treated as a budget exploiter, thus the vicious circle continues with nourishing KEK and obstructing its restructuring. The draft budget reflects the same or less economic activity in Kosovo, because it anticipates almost the same level of revenues as in the previous year. Implicitly, it means the draft budget does not reflect the objectives of Government Program for Kosovo's economic revival.

## 3. DEFICIT

The draft budget is introduced with a programmed deficit of

105 million euro, to be covered up with cash (PTK dividend and the savings held by the Government). This is a misuse of the potential financial means envisaged for the development. ORA believes Kosovo urgently needs a special Development fund that would create new jobs in the private sector, agriculture, and SMEs (Editor's note: small and medium sized enterprises), with special financial means that will not be operated by the government or its budget, but it would rather be a special entity that would infuse this money into the Kosovo Banking System with the loan system specially designed and conditioned for jobs and development, solely.

## 4. BALANCE OF HANDOVER

As the current government and Assembly did not accept our initiative on having a balance report on handover with the previous government, we can only assume what the capital expenditures or goods presented in this draft budget might be. What is obvious about the last Government is too little work done – many more vehicles and other similar expenses instead. We suggest that a report to be presented in the Assembly on the official vehicles inherited from the previous government and the number of vehicles that this government intends to buy within the "goods and services" budget line.

## 5. EMPLOYMENT, EDUCATION, HEALTH

The draft budget for 2005 continues with the trend of employing administrative staff. Thus, we

request the reversal of the trend. Based on the instructions from international financial institutions, the report on the projections for reducing the administrative staff needs to be included in the new government project proposal, as well as direct rebalancing/reallocation of the means of the workers in the education and health sectors.

## 6. LAWS, COMPETENCIES

The draft budget has not taken into consideration the effects of the new laws and competencies Kosovo is to take over. Thus, as we have witnessed, the Assembly adopts draft laws in an irresponsible way, violating the rules of procedures; without providing the respective financial impact statement. The Government and the Assembly should concord laws and competencies, which are to be transferred, thus integrate them in the future draft budget cost line.

## 7. NON-TRANSPARENCY

The government did not approve our initiative on reviewing budget expenditures of the previous government, nor the eventual misuse. This unfortunately contributes to the climate of 'having no penalties'. The lack of accountability of the Government towards public money was seen in December, when the government spent more than 160 million euros within only 20 days. Non-transparency tolerates not only this, but provides with the possibility of misusing the money allocated for Kosovo to instead end up in private pockets.

# Prime Minister Ramush Haradinaj resigns

## Statement of resignation

### Citizens of Kosovo,

The latest war in Kosovo resulted in at least 12,000 victims and hundreds of thousands of humiliated and raped. Over 120,000 houses were burned and over a million of citizens were forcefully deported from their homes during a brutal campaign of ethnic cleansing. Many sacrifices were necessary for our liberation war. Thousands of families continue to struggle with grief and anxiety for their beloved ones, whose fate is unknown. And we haven't yet completed our work.

On the other hand, we have come a long way since 1999 and now we are close to achieving our independence. This will be the greatest achievement for Kosovo and at the same time the beginning of our path towards the European Union and NATO.

In the three months since the government led by me took the oath, we made progress that few people expected, particularly in the fulfillment of Standards, which were designed by the international community in order to move forward the final status of Kosovo. Full independence and sovereignty was and remains the only status for us. We proved that we are committed to work on the creation of a democratic, tolerant, and prosperous state that is respected by our own citizens as well as by the whole world. During this time, international community has understood us correctly and co-operated with us in the most constructive way. Special Representative of the Secretary General of UN Mr. Jessen-Petersen has been a very good partner of mine and a great friend of Kosovo.

Citizens of Kosovo, nothing dares to stop our path now. Each of us should be ready to sacrifice in an appropriate way in order for our people and country to achieve the merited independence after many centuries of suffering and sacrifices.

Today I have been called upon to make a sacrifice, something I never believed would happen. Now I have been informed that the Hague Tribunal has issued an indictment against me.

First, let me say before you that I am innocent of any crime I am charged of. I say this because, above all, I am responsible before my people. All of my actions during the war were consistent with the morals of war, with international justice, and with the code of manhood. Earlier, I said that I've worked this entire time to build a democratic society, one worthy of belonging to the modern world. This means also cooperation with international justice, however unjust it is at this moment. I feel offended by this process, I feel deeply hurt, I feel that I am being removed from my work at the time when I was giving the maximum for my country, but I have to accept it for the sake of my country and for the sake of all of us.

I am a person of Kosovo and I willingly sacrifice myself for my country. So, I accept this burden. At the same time, I ask all of you to accept this fact. I ask all of you to accept something that is almost impossible to accept but do this in order to do your coun-



try and your nation an honor. I ask from you that you think about the greater interest of the country.

The international community made a big mistake when it created a tribunal that treats freedom fighters the same as aggressors that destroyed entire peoples and left the entire region in ruins. I want to believe that this was an unintentional mistake. I want to believe that they did not want such a thing to happen. I know that the majority of them will be just as shocked as you and I are. That which was prepared [i.e. the indictment] derives from lies prepared in Belgrade and dirty business that

some people carried out with the Serbian government in order to extradite Serbian criminals. This is a mistake made by a few people who don't know at all what happened in Kosovo and who don't want to know what will happen here in the future. However, I know that I am not responsible for that of which I am being accused and I also know that the court will prove this.

In the upcoming days I will consult with my colleagues and with the International Community regarding my role in the future. Everything that I've ever done in my life has been to serve Kosovo. I am doing this today

as well, while accepting something that is unacceptable from the aspect of justice.

Now I want to thank everyone for the continuous support that they gave me during most difficult times. I want to thank the Alliance for the Future of Kosovo (AAK). I want to thank my colleagues in the coalition for their work. I want to thank President Rugova and Assembly President Daci for their continuous support. I also give my sincere thanks to Mr. Jessen-Petersen and General de Kermbon for the sincere friendship they showed to me.

Today, I resign from the post

of Prime Minister of Kosovo. I have asked of my colleagues in the governing coalition to continue the inter-institutional cooperation and to strengthen the governing coalition. Only in this way can Kosovo succeed in attaining its aspirations in the shortest time possible. This is one more interruption of our path towards freedom, democracy, and sovereignty, but I promise you that nothing and no one can stop our path towards independence. Good-bye and thank you.

*Ramush Haradinaj,  
8 March 2005*

## Reaction by UNMIK

"I have taken note of Ramush Haradinaj's decision to step down with immediate effect as Prime Minister of Kosovo. I do, of course, respect his decision, but I cannot hide the fact that his departure will leave a big gap. Thanks to Ramush Haradinaj's dynamic leadership, strong commitment and vision, Kosovo is today closer than ever before to achieving its aspirations in settling its future status. Personally, I am saddened to no longer be working with a close partner and friend.

In his decision today, Mr. Haradinaj has once again put the interests of Kosovo above his own personal interests. It is important that the people of Kosovo respond with the same dignity and maturity as that shown by Ramush Haradinaj.

I understand the sense of shock and anger over this development. I appeal, however, to the people of Kosovo to express your feelings through peaceful means. A violent response will not help Kosovo. It will

only serve the interests of those determined to block Kosovo's way forward. It will be a major setback to everything Kosovo has achieved recently and it will defeat all the recent achievements, notably those reached during Mr. Haradinaj's leadership.

The decision announced by Mr. Haradinaj to co-operate with the Tribunal, despite his firm conviction of innocence, and although painful for him, his family, Kosovo and for his many friends and partners, including in UNMIK, is at the same time an example of Kosovo's growing political maturity as a responsible member of the international community. I trust that Mr. Haradinaj will again be able to serve Kosovo to whose better future he has sacrificed and contributed so much.

It is important that we all remain calm and dignified during these difficult days. In accordance with the Constitutional Framework and applicable regulation, the Deputy Prime Minister will tem-



porarily lead the Government. Meanwhile, I will work with the political leaders of Kosovo to make sure that, as soon as possible, there is a government in place that can continue, without delay and disruption, the work that will bring Kosovo towards a comprehensive review of standards this summer and into status talks later this year. I appeal to all political leaders to show responsibility by joining together in common pursuit of

the Kosovo's higher interests at this crucial moment. Together, we can overcome the present difficulties, and continue forward on Kosovo's European path towards a free, democratic, multi-ethnic, stable, and prosperous Kosovo."

*Special Representative of the  
Secretary General*

*Søren Jessen-Petersen  
8 March 2005*



# European Parliament debates process towards Kosovo's final status

The European Parliament in Brussels was the venue for a ground breaking debate on the process to address Kosovo's final status. On 25 January 2005 the European Parliament's Committee on Foreign Affairs organised a widely attended Public Hearing on Kosovo. Through this hearing the European Parliament re-engaged on Kosovo, following adoption of several resolutions on Kosovo during last years and earlier hearings where members of the Assembly of Kosovo participated.

Franklin De Vrieze



One of the key-note speakers addressing the European Parliament was Mr. Misha Glenny, author of several books on the Balkans. He stressed that 2005-2006 would be "crunch years", in which either the region's history as "Europe's powder keg" would come to an end, or, if negotiations on a final status fail, there would be a real and grave risk of violence and an intensification of social problems such as poverty and organised crime. In any debate on Kosovo's future, guaranteeing the security of the Serbs was crucial, especially as the Albanian and Serb commu-

nities in Kosovo were mixed far more than it might seem at first. As a negotiated final status is not stable without the Belgrade government, Mr. Glenny said, the key issue is thus to persuade the Serbian government to buy into what the international community wants for the region. He warned against partitioning Kosovo, as Serbs living south of Ibar river would flee to the Presevo-Bujanovac area, which might destabilize the fragile balance there. While stressing that excluding Belgrade from the process was likely to create instability in the long term, Mr.

Glenny reminded that Serbia is not a monolith, which was a reference President Tadic's appeal to Kosovo Serbs to turn out for the October 2004 elections, unlike Prime Minister Kostunica. Mr. Glenny said that one needed to engage with Serbia and he advocated more flexible EU accession criteria for the Western Balkans.

Professor Jacques Rupnik of the Centre d'Etudes et de Recherches Internationales (CERI) spoke about a process of regression, not only in Kosovo as demonstrated by the events of March 2004, but also in Belgrade where the political elites are no longer willing to address the issue. Mr. Rupnik recalled his meeting with the late Serbian Prime Minister Zoran Djindjic who said that for him "Kosovo is a closed chapter – however I cannot say so as the political conditions are not ripe for it." After the December 2003 elections when the Serbian Radical Party was the clear winner, the political context looked even more complicated. Mr Rupnik agreed that the treatment of the Serbian minority would be the litmus test for the international community's ability to provide lasting solutions. But he also pointed out that the protectorate was "infantilised", as the Assembly of Kosovo was lacking crucial competencies

over budget and taxation. Mr. Rupnik advocated "conditional independence" for Kosovo. Among the conditions he mentioned the willingness by all political forces to renounce violence and any revision of the borders (an Anschlussverbot with Albania) and guarantees for the Serbian minority, including the right to participate in the political process. The EU should hold out the promise of "entry into the European orbit in whatever form", thereby offering better prospects than a nationalist agenda, he outlined.

Dr. Nicholas Whyte of the International Crisis Group (ICG) presented the main findings of the recent report on Kosovo. Stressing that the status-quo cannot continue, he pointed at the economic stagnation caused by uncertainty of Kosovo's legal and constitutional position and the danger of new domestic violence. Therefore, he said, all parties must immediately start working to establish Kosovo as an independent state that can guarantee minority rights. Serbia needs to accept reality and recognize that Kosovo cannot be returned to Belgrade rule, he said, while Kosovo needs to recognize that protection of minorities is a condition sine qua non for its independence.

The ICG report sets out a timeline of decisions and events that would lead to an internationally recognized Kosovo by mid-2006. ICG advocates that the Contact Group outlines four crucial ground rules prior to determining the final status: that the protection of minority rights in Kosovo is the issue on which progress will most depend and that neither Kosovo's return to Belgrade's rule, nor its partition, nor any possible unification of Kosovo with Albania or any neighboring state or territory will be supported. At the same

time, a Special Envoy should be appointed by the UN Secretary-General to begin consultations on the content of a settlement accord and the process by which it should be implemented. In mid-2005 the UN is due to assess the Kosovo government's commitment to democracy, good governance and human rights standards. If the assessment is positive, the Special Envoy should prepare a draft settlement text -- the 'Kosovo Accord' -- and the details of an international conference to endorse it. The Assembly of Kosovo, with

international assistance, must begin to draft a constitution, ICG says, satisfying concerns that there must be complete respect and protection for minorities. The text of the constitution, if accepted by the international conference, would form part of the proposed Kosovo Accord.

Given everything that has happened in the past and the uncertainties about behavior in the future, ICG advocates to set some limits on an independent Kosovo's freedom of action: there would be a number of internationally appointed jud-

ges in Kosovo's superior courts, and certain international parties would have the standing to ensure that certain key matters relating to minority rights and other agreed obligations can be brought before those courts; Kosovo would accommodate an international monitoring presence -- the 'Kosovo Monitoring Mission' -- to report to the wider international community and recommend appropriate measures if Kosovo were to backslide on its commitments. Following these steps, ICG advocates an international con-



ference to take place and the approval of the constitution by Kosovo's citizens in a referendum. Aware that Serbia -- and perhaps Russia as well -- will refuse to cooperate with part or all of the plan, ICG says that the proposed process should not be held hostage to that eventual-ity: the situation on the ground in Kosovo is too fragile, and the status quo too unsustainable in too many ways, for the international community to allow its future status to be put on indefinite hold. While legitimate Serbian concerns should be taken fully into account, particularly about the status of Kosovo's Serb minority, Belgrade should be cautioned from the outset that "the train is leaving, with or without you", and encouraged to participate fully in achieving the best possible terms of settlement

During the debate, Members of the European Parliament (MEP) seemed to be agreeable to the proposals put forward. However some MEP's expressed skepticism towards the timeline. MEP Swoboda (Germany) said he supports independence but the conditions should not be watered down. European values need to be respected and the multi-facet history of Kosovo recognized (negative reference was made to the controversy on the Assembly murals in February-March 2004). But he warned that Kosovo's status would be decided with or without the involvement of Belgrade, preferably with. MEP Jelko Kacin (Slovenia) said that self-isolation of Kosovo Serbs and boycott of elections bring no solution. Kosovo needs clarity on its European perspective through an economic solution. He

advocated a regional free trade agreement between Kosovo, Montenegro, Macedonia and Bosnia-Herzegovina which would allow for Albanians and Serbs (from BiH and Montenegro) to intensify economic interaction -- which would be beneficial for the status discussions.

Mr. Kim Freidberg, Special Advisor to the SRSG, gave an outline of recent developments in Kosovo as well how UNMIK sees the way ahead. He mentioned improvement in the fields of security, and the reconstruction of schools and houses destroyed during the March 2004 violence. Priorities among the Standards have been defined and are all focussed on the minorities. More authority has been and is being transferred to the PISG in areas not related to sovereignty. At the same time, an accountability policy is now in place and foresees sanctions that could be used by the SRSG against officials who do not perform or who block attempts to make improvements in key areas (such as minority rights, freedom of movement, returns of displaced persons, equal provision of services, responsible media, and security). Transfers of competence have also been made in the economy. Mr. Freidberg mentioned that Prime Minister Haradinaj has rapidly shown himself to be at the head of an energetic, decisive government with the drive to make real progress and to reach out to the minorities. Mr. Freidberg gave examples of the disappointing participation of the Kosovo Serbs in these processes.

On the way ahead, Mr. Freidberg spoke about the quarterly reviews of Standards imple-

mentation, so that progress can be measured by the Contact Group and the Security Council. In relation to the assessment for the three-month period as of November, some progress has been made but there is still much to be done, in particular in areas such as returns or freedom of movement. In this context Mr. Freidberg made the point that lack of progress due to the non-participation of Kosovo Serbs, or due to active blockage, will not be held against those who genuinely make a best effort to achieve progress. Status resolution will help Kosovo with its difficult economic and social situation, and would also allow Belgrade to focus on its own economic and social priorities, Mr. Freidberg stressed. With the clear approach and the clear timetable, it is obvious that the stakes are rising. "The opportunity is that we finally see Kosovo move towards a real multi-ethnic society, as the majority community has realised that the road to status resolution leads through consolidation of minority rights. We believe that the need to reach out to the minorities and bring them into society has been recognised. We are now, for example, seeing rapid movement on decentralisation that has taken some by surprise, including those in Kosovo and Belgrade who have been calling for it for some time." Mr. Freidberg commented on the risk of seeking solutions that in fact are not real solutions such as territorial division or partition. In case of a positive review of Standards by mid-2005, many issues need to be addressed. It is more than likely that any 'post-status' authority in Kosovo would request an international civilian and security presence to

ensure stability and continued movement towards European integration.

Mr. Nebojsa Covic, Head of the Coordination Centre for Kosovo and Metohija within the Council of Ministers of Serbia-Montenegro, stressed that "UNMIK's mandate is not to set up an independent state". He warned those who might be tempted to resolve the issue of Kosovo's status without the agreement of Belgrade that this would be no lasting solution. He also questioned the assessment made of the progress achieved so far. Mr. Skender Hyseni, political adviser to the President of Kosovo, argued that the only question should be "independence - when?" He stressed that independence is a practical question: Kosovo does not have access to loans from international financial institutions nor can it engage in a process of cooperation with its neighbors. After independence, a regional Schengen-type arrangement would be preferable. The current uncertain political situation is causing tension to rise, warned Mr Hyseni.

MEP Doris Pack (Germany), who chairs the EP Delegation for Relations with South East Europe, reminded the audience that the EU doesn't want Serbia or Kosovo inside the EU as long as their problems have not been solved. While stressing that there is no solution without or against Belgrade, she confirmed that the borders of Kosovo are fixed and cannot be changed and that the independence of Kosovo can only be achieved after return of IDP's and refugees, the protection of human rights and other conditions have been met.



## New Efforts for Building Cooperation between Parliaments and Civil Society Organizations of the region

Lulzim Peci, Executive Director  
Kosovar Institute for Policy Research and Development(KIPRED)



In December 2004 the East West Parliamentary Practice Project (EWPPP) from The Netherlands in partnership with parliaments and selected NGOs from the Western Balkans began a three year long program called Legislatures and Citizens: strengthening democratic institutions and civil society in the Western Balkans.

The target groups are members and staff of parliaments and representatives of civil society organizations from Albania, Bosnia and Herzegovina, Kosovo, Macedonia and Serbia and Montenegro.

The members of Assembly of Kosovo, who will be part of the continuous activities of the project from Kosovo and at the regional level, will be selected in cooperation with the heads

of the established parliamentary groups within the Assembly. The partner NGO of the EWPPP in Kosovo is the Kosovar Institute for Policy Research and Development (KIPRED).

The program aims at assisting the parliaments and NGOs of the Western Balkan countries to improve the functioning of democratic institutions and civil society participation in the decision making process. The assistance is coming at the moment when inter-ethnic tensions, extreme right political tendencies, corruption and organized crime are still main obstacles to democratic institutional capacity-building in the countries of the Western Balkans.

This programme will work with the countries in the region on

an individual level, and at the same time address the importance of regional transparency and communication for effective democratic development. The regional component is critical to the success of this programme, based on the idea that the creation of a stable and peaceful southern flank is vital to the future of Europe.

The programme will include a yearly standing conference of Parliaments and NGOs, bringing together regional teams of MPs and NGO representatives to share ideas and provide solutions to issues of concern to the region; bi-annual regional roundtables; and trilateral regional exchanges consisting of visits of joint parliament/civil society delegations from two of the partners involved to a third neighboring parliament/country.

In a meeting between EWPPP and regional partners that took place in Skopje on 13 January 2005 as agreement about two trilateral regional exchanges has been achieved. The parliament/civil society organizations of Kosovo, Macedonia and Montenegro represent one triangle and Albania, Bosnia and Herzegovina and Serbia will represent the other one.

The topics that will be discussed in the trilateral regional exchange of Kosovo, Macedonia and Montenegro will be the common issues that are affecting these parliaments/countries: Decentralization and the Reform of the Local Government, Democratization of Political Parties and the Government Institutions as well as

Exploration of the Possibilities for Increasing Regional Cooperation.

Sharing of experiences in these fields as well as having the opportunity of international and local expert hearing aims at facilitating a deliberative dialogue at the regional level that can contribute to the lessons learned and bringing new ideas about how to handle those issues in the best benefit and satisfaction of the people of the countries of the region.

In addition, in-country parliament/civil society teams will convene on a regular basis to determine and monitor programme planning and implementation. The country teams will take responsibility for selecting focus issues, setting priorities, ensuring balanced participation in regional activities, and the preparation of programme materials.

The programme will offer, especially for the young parliamentarian leaders, an additional opportunity to broaden their education and knowledge about international affairs and policy making. EWPPP will provide small scholarships for select representatives of Parliament/NGO sector from the targeted countries for short-term study visits at academic institutions in The Netherlands.

KIPRED is looking forward cooperation with all relevant stakeholders in order to make this program an additional tool for assisting implementation of the "Standards for Kosovo" and enhancing in general the level of the development of democracy in Kosovo.

Interview with Mr. Alexander Borg-Olivier, The Legal Adviser of UNMIK.

## “We must work as partners”

Interview by Franklin de Vrieze and Uli Steinle, OSCE

*You have followed the development of the Assembly from the very beginning. What would you consider the main achievements of the Assembly over the past three years and where would the Assembly need to improve more?*

I have seen very substantial progress in PISG institution-building in general as well as within the Assembly in particular. It is not easy for a newly born legislature to start functioning efficiently from the beginning. There were many handicaps but I think that the Assembly deserves full credit for establishing itself and for trying to achieve more. I also think that the Assembly has developed a certain maturity. I'm impressed with the dignity with which the Members approach their work.

*As you are advising the SRSG on promulgating the draft laws, what is your impression on the quality of approved legislation?*

A number of laws could not be promulgated because they had certain difficulties or required further action. I would say that there are some laws of reasonable and comprehensive quality which have been prepared with the necessary input of experts. And there are some which are done rather poorly, possibly for political reasons. In the past there has been a sometimes unhealthy competition between the Government and the Assembly on who can be seen to be working harder. Some legislative initiatives were therefore not fully and



properly prepared. This again delayed the necessary review of the legislation and did not enable the SRSG to promulgate this legislation. There is room for improvement in the way that necessary expertise is being utilized when legislation is being drafted. For instance in the area of commercial law, it is clear that the Government and the Assembly benefited from expert support. But it also needs to be said that it is not

easy for the Assembly to get all the European, constitutional and human right standards right within a short time.

*How consistent within the overall framework are the laws that are being passed?*

UNMIK is still accountable for what is happening in Kosovo. Therefore we have a clear duty and responsibility to make sure that there is consistency in the legislation. We cannot allow

laws to be promulgated that create confusion for the judges and inhabitants of Kosovo. We don't want to leave a bad legacy behind. I am not saying that there are no inconsistencies, but we try to minimize the inconsistencies to the extent we know, even if we probably know only the top of the iceberg.

*You said that UNMIK is responsible for the consistency of the overall legislation. Does*

*that include also legislation of transferred areas of competencies?*

Yes, absolutely. Whatever law comes into effect, it is in the end only in effect because it was promulgated by the SRSG, regardless of whether it is reserved or transferred area. The SRSG is taking full responsibility for saying this and that law is now ready for being on the law books.

*A recent OSCE report on implementation of laws has shown that a lot needs still to be done in relation to subsidiary legislation. How do you react to these findings?*

A law that has been passed by the Assembly usually provides the broad framework legislation on a subject matter. But when it comes to effective implementation it will depend very much on the capacities within the government and its ministries to provide effective subsidiary acts. And obviously there hasn't been the same zeal to make laws work as there was when drafting them and submitting them to the Assembly. I think it would be useful to give more attention to the whole area of subsidiary acts that are necessary for the implementation of the laws.

In this context there is a great need for mechanisms of accountability. I don't see much interest on the part of the Assembly to find out what happens with a law once it is passed and adopted. You need a review and monitoring mechanism to see whether a law is being implemented as the legislator intended it, whether it is applied in the way the legislator wanted it to be applied and whether the courts are interpreting and applying to it in a proper way.

*In which way you think the legislative flow will be affected by this new situation of a coalition government facing an opposition in the Assembly?*

The idea of having a Government on one side and parliamentary opposition on the other reflects what happens in most democracies. Such model usually brings more productive results. We see a new confidence on the Government side that didn't exist in the first legislature. In the first legislature the Government was never sure what was going to happen when they sent a matter to the Assembly as there were no clear party loyalties and agreements.

*What were the main problems identified by UNMIK OLA in those draft laws that were not promulgated or had to be resubmitted to the Assembly for amendments?*

The main problems that we look for are compliance with the UNSC Resolution 1244 and with the Constitutional Framework as well as the respect for the division of the responsibilities between the PISG and the SRSG. In recent times we are much more lenient in reviewing and letting legislation through. We do care about the quality but we are giving more and more responsibility to the Assembly because they are accountable for the laws they are producing. We will stop legislation only if it is not compliant with Constitutional Framework or UNSC Resolution 1244.

*So this is a shift?*

This is a shift which comes from allowing the PISG to grow and to learn from its own actions rather than us always intervening and saying you must do this and you must do that.

*Is this also reflected by an improved communication with the PISG?*

Yes, the situation has improved considerably and the Assembly does not anymore like to pass laws that are not being promulgated. So we all learn from our mistakes and I think that there are now procedures which are becoming more efficient. We work hard to have a much better communication with the Assembly and there is also a willingness on the part of the Presidency to improve. The SRSG made it a priority that we must work as partners, that we must be as constructive and cooperative as possible. Not so long ago, our concerns were not taken into account or they were not properly communicated to the Assembly by the Government, so the Assembly started discussions without being aware of the difficulties. Maybe we had some fault in not being effective enough and for not making sure that our concerns were known to all in a timely way.

*In the last mandate the Assembly has adopted proposals to amend the Constitutional Framework. How do you look back to this?*

It became a political exercise. We knew that the Assembly was going to embark on – a

comprehensive review exercise on the Constitutional Framework. We always made clear that the Constitutional Framework provides for the Assembly to make specific changes and that they can discuss their proposals with UNMIK. But to allow the Assembly to embark upon a comprehensive review without invitation was not appropriate. The Constitutional Framework had been endorsed and developed as a result of a very comprehensive consultation process which involved all communities, key actors in capitals, the UNSC, the UNSG, USA and the EU. It therefore represents a careful balance.

One of the issues discussed in relation to Constitutional Framework was the possible extension of the Assembly mandate from three to four years.

Before the elections there appeared to be a consensus that this could happen. We indicated that UNMIK would have no problems if there was an agreement within the PISG and it was almost going to happen. But after the announcement of the mid-year standard review the whole dynamic changed. Now there was no interest anymore on the side of the PISG in prolonging the term of the Assembly which was after all provisional.

### Biographic note:

Mr. Borg-Olivier is a lawyer from Malta and has been the Legal Adviser in UNMIK since 2000. He has been the driving force behind the development of the Constitutional Framework. For much of his professional life he has served in the Office of Legal Affairs in the United Nations Secretariat in New York (since 1973) with a particular specialization on constitutional rules and practices of the United Nations.



Interview with Mr. Sherif Konjufca, spokesperson to the Assembly of Kosovo

## Increasing the profile of the work of all Assembly Members

Interview by Edmond Efendija, NDI - 28 January 2005.

*During your presentation to the Assembly Members in the induction course for the new Assembly on the role of your office, some remarks by the opposition emerged, as no sufficient time is allocated to cover the opposition activities?*

There is no important Assembly event that is not covered by the Assembly Press and Public Information office, regardless of political affiliation of MPs, whether they belong to the majority coalition or the opposition. In fact, our Office invites media to cover certain events for most of the activities of the MPs, and always prepare press advisories for those events or activities. We consistently do this, although the media are not always present. This is also distributed to different offices of international organizations present in Kosovo and NGO offices interested in the Assembly activities. Our information releases serve many radios and TV stations.

I understand the concern of these MPs, as it is dissatisfactory to be in opposition. Most of the jobs are carried out by the Government and Assembly majority, thus the criticism and political battles to gain the constituents' sympathy remain to be carried out by the opposition. Our office is always ready to reflect the activities carried out by the opposition, but the political battles and activities should be carried out by themselves. Our office is not obliged

to write about activities that actually never happened or publish insulting information for the dignity of any of the MPs, ministers or other citizen.

*What services can MPs expect from your office?*

The Assembly Press and Information Office in addition to the daily Assembly activities – such as Presidency meetings, meetings of the President of the Assembly, Members of the Presidency, work of the committees – covers the activities of parliamentary groups, operating inside the Assembly building and the activities of individual members in the Assembly. This information is distributed to hundreds of addresses and is published on the web page of the Assembly, and the Assembly Bulletin, which is published in Albanian, Serbian and Turkish.

MPs should brief us on their activities, so we are able to invite media to cover activities, and our office will prepare additional supporting information. We have always been open and ready to publish the articles of any MP in The Bulletin or website. But MPs seldom responded to our request to write on any issue which we thought they are competent. This was, due to their workload, and due to the fact they were more interested to communicate with different newspapers, especially electronic media, or perhaps it was so as our office possesses no budget to pay for the articles.



*Has the Press and Information Office ever had any project aiming at citizen awareness building on the role of Assembly and the ways of citizen*

*participation to the decision making process?*

The constitutional Framework does not foresee the possibility of sponsoring a law by a group

of citizens. Civil society organizations and groups of citizens can instead prepare draft laws and introduce them through parliamentary committees, parliamentary groups, or a single MP supported by another five. Another difficulty is the lack of sufficient seats to participate to plenary sessions for guests and the great number requests from international institutions in Kosovo to participate in plenary sessions.

The Assembly adopted the Law on Access to Official Documents, which obliges local institutions to transparency, and soon the implementation of the Programme of Electronic documentation Archive is about to start. This will serve as a citizen's eye into the work and documents of the Assembly. The Assembly has been visited by different citizens groups, local and international students and they have been introduced and briefed on the work and organization of the Assembly. But apart from trainings of students from the Faculty of Law and those from the Political Sciences, no project aiming at citizen's awareness building on the work of the Assembly has ever been implemented.

*Certainly, many civil society organizations would have wished to articulate their positions prior to any law approval, but the Assembly web page has no list of draft laws to be discussed in the Assembly available, neither any agenda of parliamentary groups? Why is it so?*

Day by day, civil society organizations are being more and more audible and their roles more and more visible, so is their impact on the public opinion of Kosovo. Due to

the difficulties in establishing institutions, and the difficulties of their proper functioning, hardly anyone thought about the worries of the civil society. However, in the second part of the previous Assembly, parliamentary committees held public hearings, and the voices of the representatives of civil society were heard. As you know, these sessions are open and covered directly on TV. Journalists extensively inform on the work of the Assembly of Kosovo. It would be convenient if draft laws been published before their approval, but no such request was ever made. However, this decision should be taken by the Assembly Secretariat itself, not by our office.

During the first phase of the Assembly work, it was strictly forbidden by the Assembly secretary (international) to invite media to cover the meetings of parliamentary committees, neither was the staff of our office allowed to do so! After the Rules of Procedures are adopted, participation of the media in the meetings is allowed upon the request of the respective committee chairperson.

*Is it true that the journalists are given no agenda prior to the session day of the Assembly?*

It is true, detailed session agendas are not given to the journalists, as they might be changed anytime at the start of the sessions. But after every Presidency meeting, when the agenda for the next session is decided, it is communicated to the media. In this way the journalists who consistently cover the work of the Assembly are updated on what is to be discussed in the next session by the MPs.

## Is the Assembly of Kosovo ready for a “women’s caucus”?

Besa Luzha,  
Friedrich Ebert Stiftung (FES)

Starting from the overall efforts to empower the position of women in all the fields of activities in Kosovo's society, an idea that is not new to the political scene comes in mind again. The need for the formation of a “women's caucus” within the Assembly of Kosovo, a cross-parliamentary group whose mission would be cooperation and a forum (why not a consensus) of all women parliamentarians over important issues, is evident with the increasing demands from women politicians to have more active participation and more leadership competencies beside their male colleagues. This “women's caucus” would give an opportunity to all women parliamentarians regardless to their ethnic and political party affiliation to initiate and defend their common interests, not only those that matters directly to their group, but to all Kosovo citizens.

Friedrich Ebert Stiftung (FES) had supported the idea which emerged from a roundtable discussion with women parliamentarians in early 2001, when many parliamentarians and women politicians embraced the idea of a women's caucus within the new Assembly of Kosovo. Despite all the positive efforts and support from various organizations, the idea did not become reality. Obviously the mechanisms for developing this idea in a real project



were not found or did not work under certain circumstances.

Powerful women caucuses are also somewhat of a new phenomenon in legislatures of many countries. As more and more women are elected, they are successfully banding together on a number of issues. There are various experiences in the region and in European and other countries for such bodies within the parliaments, some of them as real Parliamentary committees (as is the case in Germany), some under-parliamentary group body and in some of them as a cross-parliamentary group that would better fit in the case of Kosovo.

The idea is in the place again, FES is ready to initiate and support the debate about the possible forms and mechanisms of functioning of such group, in order to increase the democratic participation of women politicians in the political debate over important issues for Kosovo.

## ASI Mission Statement

As the inter-agency coordinator of democratization programs to support the Assembly of Kosovo, the Assembly Support Initiative (ASI) seeks to strengthen and professionalise the Assembly of Kosovo in developing skills so that it may become a stable, functional and productive legislative assembly, operating in accordance with the rule of law and on behalf of all communities and citizens equally.

Members of ASI will work to bring resources together in a common pool in the furtherance of this goal. The work of ASI will focus on a democratic political culture based upon knowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive and respect for multi-linguality of the Assembly.

As the inter-agency coordinator of support to the Assembly of Kosovo, ASI supports the Assembly via conferences and training, workshops with the Committees, technical assistance on the legislative process, advise to the Presidency, Committees chairpersons and individual Assembly Members, working visits to other parliaments, training for the legislative staff and interpreters of the Assembly. The work of advisers and consultants to the Assembly and its Committees is also part of the ASI-coordination.

### Currently participating in ASI:

*Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNS), Konrad Adenauer Stiftung, East-West Parliamentary Practice Project (The Netherlands) in cooperation with the Kosovo Institute for Policy Research and Development (KIPRED), European Agency of Reconstruction (EAR), United States Agency for International Development (USAID) in co-operation with National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), Consortium of French, German and Belgian parliament, OSCE Democratization Department and the Assembly Secretariat with the active support of the Office of the Prime Minister, UNMIK's Pillar IV (EU) and the country offices in Pristina of Austria, Belgium, Germany, Italy, The Netherlands, Switzerland, United Kingdom and United States.*



*Assembly Members take the oath at the start of the second mandate of the Assembly of Kosovo.*

<http://www.kuvendikosoves.org>  
<http://www.skupstinakosova.org>  
<http://www.assemblyofkosovo.org>

Pictures in this Newsletter: Assembly of Kosovo: pg. 1, 4; OSCE: pg. 2, 5, 6, 12, 15, 16, 18, 19 20; EU: pg. 3, 13; Koha Ditore: pg. 9; Visar Kryeziu: pg. 10; UNMIK: pg. 11.

**ASI**  
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