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Dr. Ibrahim Rugova: A Man with the Power to Unite



Recent Developments in the Assembly

Editorial



During 2005, the Assembly started to operate in a new political context. A coalition government took office and developed a dependency on the parliamentary groups of LDK, AAK and 6+ in the Assembly of Kosovo. The parliamentary groups of PDK and ORA became increasingly vocal in their opposition to government policies. In general terms, the Assembly managed to continue adopting key legislation and conducted a couple of debates on vital political issues.

However, it also became clear that the Assembly of Kosovo faced considerable problems related to the frequency of its meetings, agenda setting, question and answer time with Ministers, and general policy debates. During the plenary session of November and December 2005 and January 2006, Assembly members requested more regular sessions to discuss a wide range of political and societal challenges. In his recent report on Kosovo, U.N. Secretary General Kofi Annan noted "Urgent progress is needed to enable the Kosovo Assembly to become a central forum for democratic debate." In response, during the January plenary session, President of the Assembly Daci announced that an "Action plan" for the Assembly of Kosovo is under preparation and will soon be presented. This initiative is to be welcomed, because, once approved, the working plan is expected to substantially improve the functioning of the Assembly and increase its activities.

At the same time, the Assembly will be able to count on the more specialized assistance of the three main institutions working with the Assembly: the National Democratic Institute (NDI), the Project of the European Agency of Reconstruction (EAR) and the OSCE Mission in Kosovo. NDI has a new country director in Kosovo and a new head of the legislative programme, both strongly embedded in support to the Assembly Committees and the functioning of the institution. A new EAR-project "Further Support to the Assembly of Kosovo" is being initiated by a Consortium of the Parliaments of France, Germany, Belgium, Slovenia and the Institut International de Paris la Defense. The OSCE Mission in Kosovo prioritizes its assistance to parliamentary oversight in the areas of security, budget and law implementation, complemented by seconding an advisor to the Assembly President. At the start of 2006, it is clear that international assistance to the Assembly is becoming more consolidated with the enhanced programmes of NDI/USAID, EAR and OSCE.

The current edition of the ASI Newsletter focuses on the programmes of these three organizations, as well as on the ongoing parliamentary work during the last two months. We hope you find it of interest and we look forward to your comments.

*Franklin De Vrieze,
Assembly Support Initiative Coordinator*

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Commemorative session of the Assembly of Kosovo for the late President Rugova on 22 January 2006.

A Man with the Power to Unite

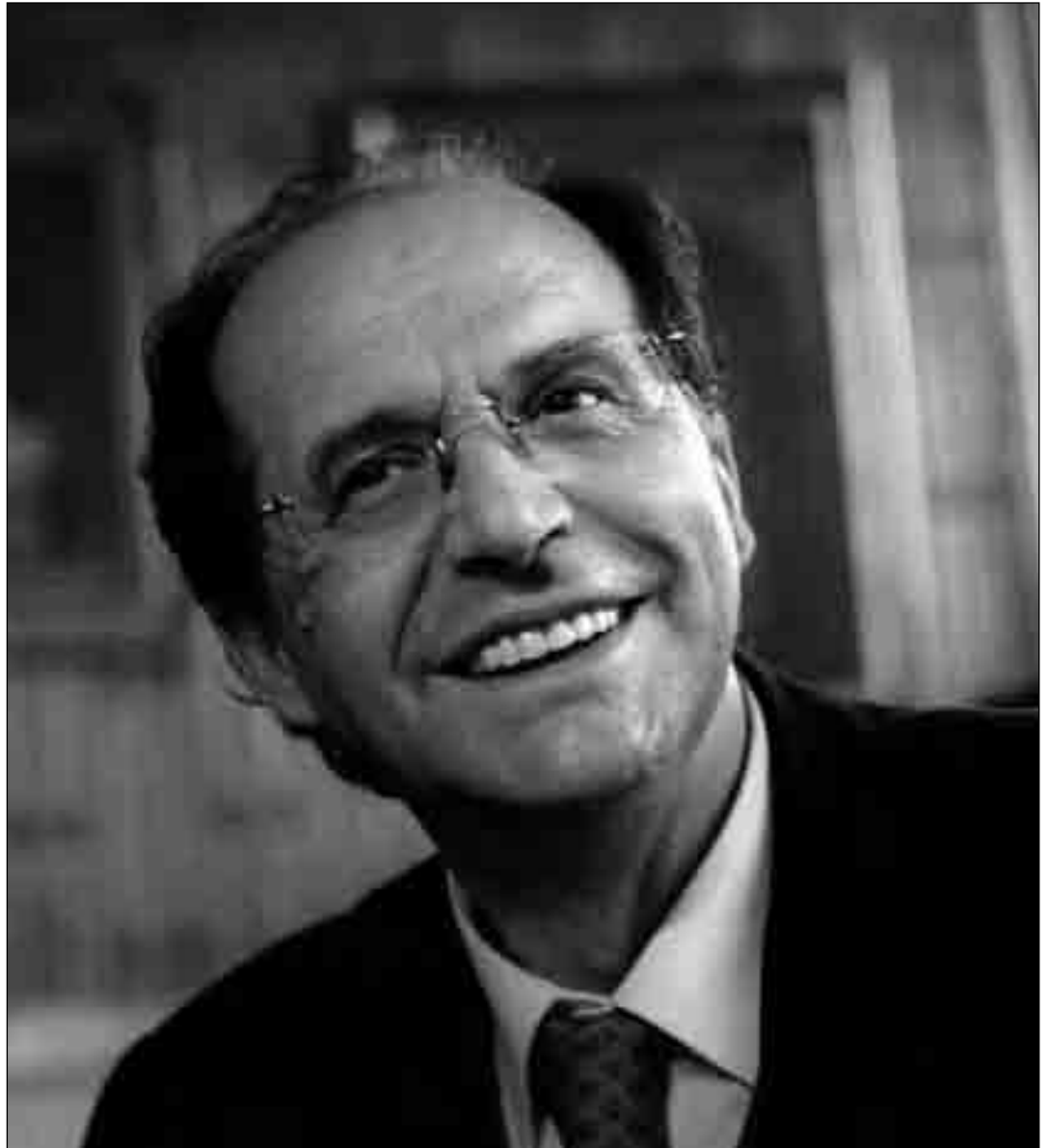
Arben Qirezi in Pristina (Balkan Investigative Reporting Network, Balkan Insight, 25 January 2006)

The death of the President of Kosovo, Ibrahim Rugova, on 21 January, is a major test for Kosovars as they enter the final stage of the definition of their country's political status. The man who was seen as the founding father of modern Kosovar nationalism, and an extraordinary leader, has died before his dream of Kosovo's independence became true. Now it is for other Kosovar leaders to realize his legacy.

Born in Cerrce, western Kosovo, in 1944, this Sorbonne-educated intellectual belonged to the cultural elite of Pristina that came of age in the late 1960s and which was active throughout the seventies and eighties.

During the eighties, this intellectual elite, consisting mainly of journalists, academics and writers, began to rethink Kosovar society after the long years of President Tito's rule. The rebellion in 1981, with its demand for Kosovo to enjoy republic status within the Yugoslav federation, triggered demands from Belgrade for Kosovo's autonomous status within Yugoslavia to be curbed.

At the forefront of the drive was the Serbian Writer's Association and the Serbian Academy of Science and Arts, which launched a political platform for Serbian nationalism based on the alleged suffering of Serbs in Kosovo and the need "to reunite Serbia."



Dr. Ibrahim Rugova

As president of the Kosovo Writer's Association, Rugova opposed this platform. Appearing initially as an intellectual, standing in defence of the rights of his people, rather than as a politician, he openly took on Serbian policy on Kosovo.

Although from today's pers-

pective this might not look deeply significant, it created an aura of leadership around Rugova in Kosovar eyes. At the time, criminal proceedings carrying up to 10-15 years' imprisonment were frequently launched in Kosovo for so-called verbal offences; few others dared speak up against Belgrade's official policies.

With the abolition of Kosovo's autonomy on 23 March 1989, resistance to Serbian rule in Kosovo became more open. Following the break-up of the League of Communists of Yugoslavia, a group of intellectuals led by Rugova formed the Democratic League of Kosovo, LDK, on 23 December 1989. Its formation

was the final blow to the regime of the communist puppet leadership of Kosovo led by the ex-police chief and ally of Slobodan Milosevic, Rahman Morina.

Rugova had by then gained prominence with his public defence of the rights of Kosovar Albanians. However, his political position as leader of Kosovo was not yet consolidated. Rugova's appeals to young people to halt the January-February 1990 protests, in which at least 30 unarmed protesters were killed, fell on deaf ears.

The brute force of the Serbian authorities convinced Rugova that the best strategy to defy Serb oppression was a pacifist movement, which would gain international support.

Until July 4 1990, neither the LDK, nor Belgrade had fully consolidated their intended positions. While Pristina was still calling for the return of its status under the 1974 Yugoslav constitution, abrogated a year before, it was increasingly moving towards the demand for an independent republic within a Yugoslav federation. Belgrade still did not completely remove what remained of Kosovo's self-governing structures either.

In response to the break-up of former Yugoslavia, on July 2 1990, the assembly of Kosovo issued a Declaration of Independence, written by some of Rugova's closest associates, including the late president of the Academy and Sciences and Arts of Kosovo, Gazmend Zajmi, and the vice-president of the LDK, the late Fehmi Agani.

This was the turning point in Rugova's career as undisputed leader of Kosovo. His political star rose around the concept of Kosovo's independence and he was seen as the only one who could rally Kosovar Albanian around this new idea.

Rugova's role in shaping Kosovo society was crucial in further developments in the region. Over ten years he homogenized the population of Kosovo around the idea of independence, emancipated Kosovar politics by orienting it towards western values and internationalized the Kosovo issue.

His political and social concepts were inspired by America's founding fathers and the American war for independence and the US combination of social liberalism and traditional values. He was also influenced by the values of the French Revolution.

At that time he would frequently say that although starting an armed conflict would be easy, it would also be counterproductive abroad. "Kosovo needs friends that will support its cause," Rugova said.

Indeed, gaining international support for the Kosovo cause was the key pillar of his strategy. He managed to gain international acknowledgement and was received by many heads of state and government and foreign ministers in the US and Europe. He gave special attention to relations with the US, EU countries and the Vatican, enjoying cordial relations with Pope John Paul II. Although criticism of his leadership never ceased, his opponents' handicap was that

Rugova's principal strategic orientations were fully supported by Kosovars. An ability to foresee processes gave him the aura of a visionary. In an interview for Albanian Television in 1996, for example, he mapped out a future plan that included an international civilian and military presence, the creation of democratic institutions in a transitional period and formal recognition of Kosovo's independence with international guarantees for the Serb minority. To many involved in current developments in Kosovo, this seems like "dëjà vu."

Rugova's vision went beyond Kosovo. Following the declaration of the Constitution of the Republic of Kosovo on 9 September 1990, in Kacanik, which was proclaimed secretly by the now disbanded assembly of Kosovo, a Consultative Council of Albanian Political Parties was created with the aim of coordinating political moves during the break-up of former Yugoslavia.

The Council was led by Rugova.

The platform of this council would become the key orientation for the solution of the Albanian question in former Yugoslavia over the next ten years.

The main points were the independence of Kosovo, the status of constituent nation for Albanians in Macedonia,

autonomy for Albanians in the Presevo Valley of southern Serbia and special status for Albanians in Montenegro.

Through this Council, Rugova briefly assumed political leadership over all Albanians in former Yugoslavia. However this strategy depended on whether Yugoslavia would survive as a state or break up in the subsequent months.

The final break up of the country in 1991-92 forced Albanians to change strategy. Instead of acting as a single body in one state, every Albanian entity within the former Yugoslavia now had to pursue its own agenda.

To create the political ground for independence, the LDK organized a referendum on independence in Kosovo in September 1991, in which more than 80 per cent of Kosovo's eligible voters took part, of whom 99.9 per cent voted in favour.

Kosovo Serbs boycotted the ballot, which was held in secret, with political activists going door-to-door to distribute ballot papers.

In the same year, the Consultative Council of Political Parties in Kosovo accepted Rugova's proposal to create a Kosovo Government in exile under Bujar Bukoshi as Prime Minister.

This government imposed an informal tax of three per cent

"Inspirers of the democratic Kosovo – a country belonging to all citizens, who live and develop themselves freely and equally irrespective of their ethnicity, may you guide us to the finalization of President Rugova's project, who, as of today, will rest in peace in his ancient Dardania – Kosovo," said Kosovo Assembly President Nexhat Daci.

“Kosovo, at these moments while honoring the President of Independence has entered the crucial stage of democratization, freedom and independence. Kosovo is showing that it can be a significant factor of security and stability in the region,” said Prime Minister Bajram Kosumi.

on Albanians in the diaspora and in Kosovo to support their own educational, health and humanitarian projects, and the political activities of the LDK.

Although the governments in exile, its financial, educational and health sectors functioned as parallel institutions in Kosovo. Internally, education became the main pillar of this parallel system and from 1991 their Albanian-language schools were widely attended.

As Rugova gave significant

importance to foreign relations, representative offices were formed in the main European capitals.

Bukoshi became dissatisfied with his role in decision-making, and in a bid to gain the upper hand openly challenged Rugova’s authority. Yet, Rugova did not replace him in his post, although he could have easily done so.

On 24 May 1992, the first elections for a parliament and president of Kosovo were held.

Rugova, unchallenged for the top post, won almost 100 per cent of the vote while the LDK took more than 90 per cent of seats in the parliament, which never actually met, however, as Serbian forces prevented this.

This election represented a new era in the Kosovar Albanian movement for independence, as the older consultative bodies were replaced with the so-called parallel institutions, acting on behalf of the Republic of Kosovo.

Rugova gained popular legitimacy and began to act as elected president. While the main backing for this system was the LDK, other parties also evolved. In this way, the

Kosovar Albanian political scene began to shape up, with those who supported Rugova and those who opposed him.

To avoid major disunity within the Kosovar camp, Rugova included prominent former political prisoners in the LDK’s leadership at the 1994 party convention. This faction coexisted within the LDK until 1998, when they split off to form a new party under Rexhep Qosja, the main critic of Rugova’s policies in the Nineties.

Hopes that Kosovo might gain independence through peaceful means faded in 1995 with the approval of the Dayton peace accords, which failed to address Kosovo in the context of the crisis in the former Yugoslavia. Although Rugova continued to enjoy the support of the overwhelming majority of Kosovars, young opponents of pacifist resistance began organizing an insurgent force, the Kosovo Liberation Army, KLA, mainly in the Drenica Valley of central Kosovo and the Dukagjin region of western Kosovo.

Acting in absolute secrecy, the KLA was known only to those directly engaged in it. Most Kosovars did not even believe in its existence until 28 November 1997, when, during the burial of a teacher killed by Serb police in the village of Llausha, central Kosovo, three KLA leaders publicly proclaimed the KLA platform for an armed uprising.

Fehmi Agami, Rugova’s right



European Union’s Foreign Policy Chief Javier Solana said: “It is a cruel irony of history that he left at the moment he was most needed, the very moment he was expected to provide leadership in helping to settle the future status of Kosovo.”

LDK Vice President Kolë Berisha said during the funeral ceremony that Kosovo has lost its articulator for freedom and independence. 'Kosovo lost the man and courageous historical leader who embodied not only the formation, development, contour of the first big political force, the LDK, but also the portion of its 16 years of history with Albanians in Kosovo and broader.'

arm, acknowledged the new reality, stating the next day: "The KLA is now a force without which the Kosovo question cannot be addressed and resolved." This statement would prove true over the next two years, when the KLA evolved into a guerrilla force and took control over developments in Kosovo. An attempt by Richard Holbrooke, the star of Dayton, to start a negotiating process between Pristina and Belgrade in May 1998 failed. Milosevic was determined to deal with the Kosovars once and for all. Instead, Rugova was granted a

Special envoy of United States President George W. Bush, Secretary Alphonso Jackson, said that the US is committed to the vision of President Rugova. "I urge all leaders and people of Kosovo to unite and to work in direction that was laid down by President Rugova. Now it is the time to unite and finish the work of Rugova and negotiate the future of the country," added Jackson.

reception in the White House by US President Bill Clinton on 29 May 1998.

Rugova remained publicly on the side of peaceful resistance to Serb rule throughout the war that followed in 1998-99. In an election organized in March 1998, he was re-elected President of Kosovo. During NATO's air war against Serbia, he shared the fate of the majority of Kosovars and remained at his house in Pristina, though many of his supporters joined the KLA, while continuing to believe in his leadership.

Under house arrest, and with constant threats against his family, as he explained in his testimony against Milosevic in The Hague in 2002, Rugova was forced to appear in front of the television cameras alongside his biggest enemy. Many saw this as evidence of Rugova's weakness and thought it would end his political career. However, most Kosovars viewed Rugova's decision to stay in Kosovo during the bombings as a sign of his peaceful defiance of Serb rule and they saw the TV appearance as an incident he had not desired. This mood was proved in the first free public elections in Kosovo when the LDK won more votes than any other party.

However, from then until the first municipal elections in 2000, which the LDK won with 64 per cent of the votes, Rugova's political position in Kosovo was rather weak. Political and social leadership had shifted to the ranks of the former KLA leaders.

Confirming his undisputed popularity as a leader, Rugova's

LDK was repeatedly voted the most popular party in Kosovo in four successive elections, in 2000, 2001, 2002 and 2004. In spite of the internal splits from which two new parties emerged, Rugova remained unchallengeable as overall leader of Kosovo. The LDK splinter groups never even gained enough support to be represented in the Kosovo assembly.

The announcement of his illness in September 2005 revealed how important Rugova still was in the eyes of supporters and rivals alike. The idea that Kosovo could enter final status talks without him was undesirable for all sides.

Rugova was, in fact, the only figure in Kosovo with the power to unite all factions

when necessary. He was not only a leader but a symbol of what everyone wanted Kosovo to become. His death presents a big test for Kosovo's political parties who now have no choice but to rely on his legacy in order to fulfil his dream.

In the meantime, his own party, the LDK, will need to rethink itself in the coming months. The party that championed the struggle for independence under Rugova's leadership will have to find a new agenda that suits the new era into which Kosovo is entering.

Arben Qirezi was spokesperson of the former prime minister of Kosovo, Ramush Haradinaj. A former Kosovo contributor and editor of IWPR, he now serves as principal advisor to the president of the Alliance the Future of Kosovo, AAK.

OSCE Chairman-in-Office offers condolences over death of Kosovo's President Rugova

The Chairman-in-Office of the Organization for Security and Co-operation in Europe (OSCE), Belgian Foreign Minister Karel De Gucht, has offered his sincere condolences to the people of Kosovo and the family of President Ibrahim Rugova, on hearing the news of his death.

"I am struck by a feeling of immense loss over the un-timely death of a person who came to embody the search for a peaceful and democratic future for his beloved Kosovo," he said.

The Chairman-in-Office added that the greatest tribute that could be paid to him would be to continue on the same peaceful path: "We must show our respect for him by not allowing his death at such a sensitive time to alter the very real prospects for a lasting solution. The OSCE will maintain its strong support."

News of his death was also greeted with personal sadness by the OSCE's Head of Mission in Kosovo, Ambassador Werner Wnendt: "President Rugova will be greatly missed. His presence has provided a sense of stability for Kosovo for many years and his example must continue to inspire us."

Statement by the Contact Group on the future of Kosovo



London, 31 January 2006

Contact Group Ministers together with the EU High Representative, the EU Presidency, the European Commissioner for Enlargement, the NATO Secretary-General and UN representatives including the UN Special Status Envoy and SRSG met on 31 January in London. Ministers express their profound regret over the loss of President Ibrahim Rugova, who had won the world's respect for his principled advocacy of human rights and democracy.

Ministers emphasise the importance they attach to a lasting Kosovo status settlement that promotes a multi-ethnic society. This would

immeasurably enhance regional stability, as well as the European and Euro-Atlantic perspectives of Serbia, Kosovo and of the region as a whole. Ministers recall that the character of the Kosovo problem, shaped by the disintegration of Yugoslavia and consequent conflicts, ethnic cleansing and the events of 1999, and the extended period of international administration under UNSCR 1244, must be fully taken into account in settling Kosovo's status. UNSCR 1244 remains the framework for the ongoing status process, with the Security Council and Contact Group continuing to play key roles.

Ministers believe that all possible efforts should be made to achieve a negotiated settlement in the course of 2006. To this end, Ministers strongly support the work of UN Special Envoy Martti Ahtisaari. They call on Belgrade and Pristina to work constructively with him to find realistic solutions to the many difficult issues that need to be addressed. These should include, inter alia, freedom of movement, transparent and constructive links between local communities in Serbia and Kosovo, mechanisms for resolving the fate of missing persons and a specific package of measures for the protection

of religious communities and sites. Arrangements for good relations between Belgrade and Pristina and within the region must also be part of a settlement.

Ministers stress that effective provisions for the decentralisation of government will be crucial to the status settlement. Decentralisation can ensure that minority communities remain a vital part of Kosovo's future and give impetus to the return of displaced persons who should be able to choose where they live in Kosovo. Ministers call on the parties to engage seriously on this issue.

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Authentic Voice of Representatives

Sabri Hamiti,

Chairperson of Committee on International Cooperation and Euro-Atlantic Integration of the Assembly of Kosovo, Democratic League of Kosovo (LDK)

The strict defining of functions of Kosovo institutions in the Constitutional Framework has narrowed the manoeuvring space of these institutions in the field of international cooperation. Consequently, the possibility (prospect) of defending Kosovo's interests abroad has been narrowed by the same proportion, especially when it comes to protecting our citizens living abroad, who are left almost defenceless.

The competencies of the Kosovo President in foreign affairs are limited. And our Government does not have a Ministry for Foreign Affairs.

In this situation, the Assembly of Kosovo, as the highest representative institution, has attempted to find ways to take in its role in the area of international cooperation. This was done mainly through contacts with the Assembly President or Assembly Presi-

dency, and especially through the Committee on International Cooperation and Euro-Atlantic Integration of the Kosovo Assembly.

So, in order to overcome the deficiencies and impediments in this area it would be good to attempt to establish real and direct contacts abroad.

It is important to point out that the deficiencies are of internal character and relate to the lack of professional and infrastructural organization of the Assembly committees.

The hindrances are of a pure political nature, since UNMIK, by maintaining the governing role in Kosovo, has maintained foreign relations as a reserved power. They haven't facilitated any special parliamentary, governmental and presidential contacts.

That is why the foreign relations activities of Kosovo Assembly and the Committee

have become a very difficult mission, almost a mission impossible.

On the other hand, infrequent contacts with foreign countries demonstrate the paramount importance that Kosovo lawmaker's presence has when it comes to testifying about the Kosovo's developments, events and objectives abroad.

Our absence in these relations has given way to a misconstrued and distorted picture about Kosovo, by giving false information, which were then followed by unsubstantiated comments. We have faced such situations not only in regional parliamentary events, but in parliamentary contacts with German Bundestag, French Assembly and even the Albanian Assembly.

In 2006, which is set to be as the year for determining the political status of Kosovo, the

Assembly should assume a more dynamic role in the area of international cooperation.

The Committee on International Cooperation and Euro-Atlantic Integration should have a special role in these endeavours. Moreover, the main activity of the Committee shall be focused on issues related to independence of Kosovo, especially in contacts with the United States and the European Union, which aim at assuming a more substantial role in economic and political developments in Kosovo in its path towards European Integration.

We are confident that only the authentic voice of the Kosovo institutions will articulate in a lucid and genuine way the needs and objectives of its citizens. The mediators, regardless of their goodwill, do not have the ability and capacity to carry out this duty.

Therefore, we expect that this year the role of Kosovo Assembly, in general and in particular of the Committee on International Cooperation and Euro-Atlantic Integration, in representing the interests of our country abroad will increase. This can be achieved through the institutionalization of relationships with counterpart committees and association of Kosovo Assembly in European parliamentary institutions. However, this requires hard work, courage and support from our friends, which is raising and will continue to rise.



From left to right; during a meeting of Committee on International Cooperation and Euro-Atlantic Integration of the Assembly of Kosovo: Fatmir Sejdiu, Bajram Rexhepi, Sabri Hamiti, Mahir Yağcilar, Alush Gashi

European Perspective for Kosovo

The domestic institutions, political entities and international community are lagging behind in finding an answer to Kosovo's political status. The status will most likely be determined during 2006, through shuttle diplomacy. However, it will not be so easy to persuade the government in Belgrade to accept the new reality in Kosovo, in the region and wider; and at the same time to impose to Kosovo Albanians any offer which is inconsistent with their political will.

Gjergj Dedaj, Member of the Assembly of Kosovo, Kosovo Liberal Party (PLK)

One of the serious deficiencies of Kosovo's governmental and institutional leaders derives from the fact that they lack state-building and leadership tradition, which comes as the consequence of the past legacy when Albanians were either vassals of the invaders and hence appointed by the invaders to lead (run) certain institutions as dictated by them.

Such lack of experience and the frustrations of the past will certainly damage not only Kosovo's image but its European and democratic perspective, given that even seven years after the conflict we are still being led by opportunism, nepotism, clans and sometimes even bolshevism.

Institutional leaders and Kosovo Government ministers have personalized and even debauched their responsibilities towards Kosovar electorate. Promises made to them for 2005, turned out to be false. All they did is learn empty phrases and speeches by heart and then delivered them before the Kosovar electorate. However, unfortunately, the electorate has not yet managed to get rid of the leadership mythology and to finally start sticking to the deeds and programs and not to the leaders and megalomania and hysteric promises of various political entities.

A European Perspective



Gjergj Dedaj

of Kosovo does not allow the running (governing) of Kosovo institutions as if they were private property of Kosovo leaders. Instead our European Perspective should be based on fundamental reforms. The lack of reform has become a serious hindrance for Kosovo's path to Europe and to creation of chances for Euro- Atlantic integration, rule of law, a free market economy, respect of human rights and minority rights, gender equality, combating crime and corruption as well as many other weaknesses.

Even after the establishment

jumping and attacking like starving sharks in the middle of the day.

Nevertheless, even if the status decision is reached by June of this year – as promised by Kosovar leaders - this still doesn't mean that the problems of Kosovo are over. This would rather mark a new beginning, which would be based on comprehensive democratic reforms and which would enable the fulfilment of European standards and the initiation of procedures for Kosovo's European prospect. At the outset, Kosovo would have a status of the candidate for membership in EU and other mechanisms, which means that the membership would not come as a gift but should be deserved and achieved through commitment, accountability and hard work of all our governing structures in all areas.

Once the final status of Kosovo is determined, the next step would be to have general elections, whereby giving equal opportunities to all political entities (forces) and enabling changes in the current political landscape to take place, given that the political forces have not only become a hindrance to themselves but have also choked democratic processes in Kosovo. Furthermore, with the same individuals in power, Kosovo's European and democratic perspective would be much more difficult.

of Negotiation and Political Groups the Kosovo leadership failed to prove its maturity and hence still remains the generator of current crises in Kosovo and an impediment to the integration of various ethnic communities in Kosovo's society and politics. This is due to the degraded mentality and inability of the main Kosovo leaders to come out of the clan and party shell (blindness), some of whom happen to be there only by chance, some of them were simply lucky enough to get there and some others were canny enough to use the merits and authority of others to built their own careers- by

Language Rights of the Turkish Community

Mahir Yagcilar, Member of the Presidency of the Assembly of Kosovo, Kosovo Turkish Democratic Party (KDTP)



Mahir Yagcilar

The adoption of the Law on Language Use in Kosovo is expected very soon. This law is very important for the future of all communities in Kosovo. If we want a truly multi-ethnic and multi-linguistic society, in other words if we want existence of communities and languages other than Albanian and Serbian in Kosovo, then this law should be drafted diligently and carefully.

According to the Draft Law, the Turkish language and other minority languages can be official in the municipalities where this population makes up more than 6%. However, such a restriction cannot be found in 1977 Language Law, neither in the Kaçanik/Kaçanik Constitution nor in the Constitutional Framework. The law concerning the use of languages currently in force is the Law of Kosovo

Autonomous Region, and in the introductory part of this Law there is the following statement: "The Turkish community which inhabits in certain regions of Kosovo is entitled to use Turkish language and Turkish alphabet on an equal basis." In accordance with this provision, the right to use the Turkish language in educational, judicial institutions and companies as well as in other areas has been expressly recognized.

If we look into the Constitutional Framework, it recognizes Albanian and Serbian as official languages. According to Article 4.4 of Constitutional Framework, "Communities are entitled to use their languages and alphabet freely in courts, associations and other institutions of Kosovo." This

is also foreseen in other articles. The use of languages in municipal institutions is regulated by UNMIK 2000/45 Regulation article 9 and paragraph 9.3, which reads: "In the municipalities where there are substantial number of other communities, all official documents must be issued in their languages too." A similar practice has also been envisaged in the Standards Implementation Document.

Given that all laws have to be in compliance with the Constitutional Framework, I believe that in the preparation of the draft law on Languages this issue was supposed to be taken into consideration.

The draft Language Law prohibits the use of other languages at the central level, except Albanian and Serbian languages. While the recognition of languages as official languages at the municipal level has been restricted to those which are used by not less than 6% of population in the relevant municipality, the right to use community languages before municipal authorities has been subjected to the 3% threshold. Hence, if the Assembly Commissions and Members do not make regulations in this manner than I think that this law will be in contradiction with the Constitutional Framework. For instance, article 3.4 of the Draft law is in discord with article 4.4 of the Constitutional Framework. If this Law is going to be adopted as such by Kosovo Parliament, then this will be the first law that violates the rights and

interests of communities.

In the first reading of this law in the General Committee it was one of the most controversial discussions and thereafter public discussions were held on this issue. Although very recently, UNMIK authorities intervened by sending two letters one from the SRSG and the other from the Legal Advisor, with views differentiating from each other. No steps forward have been taken in 8 months. We are aware that this law is related to Standards evaluation, but if there are restrictions of language rights of other communities for the standards implementation sake, than other standards will be violated.

In Kosovo, apart from Albanian and Serbian, other languages are in use. Nevertheless, in no article of the Draft Law are other languages mentioned. The Constitutional Framework refers to, apart from the Albanian and Serbian community, Turks, Bosniacs, Goranis, Ashkalis and the Roma. To date there has been no special demand as far as language is concerned, raised by Roma and Ashkali communities because their mother tongue is Albanian, and, hence their education is in Albanian language. The Gorani community uses the Serbian language as a spoken language and in their education The language of Roma in education in general is Albanian, but they also use, although limited, the Serbian, Bosniac and Turkish languages, and their demand in education is to

include the Roma language as an additional languages. The demands of Bosniaks are limited with the use of Bosniak alphabet.

Taking into these realities account, the provisions of the draft law on languages would most influence the use or non-use of the Turkish language. Nobody can say in which municipality the use of a language would meet the proposed criteria of 3% or 6% before census results and the outcome of decentralization are known. Therefore, the Draft Law on Language Use should

be adjusted and in concord with the Constitutional Framework and other laws in force. It will be a huge mistake to determine the official use of languages according to percentage, before the census is made and decentralization is over.

For the survival of languages, it is very important to investigate their real situation on the ground. Apart from Albanian and Serbian, we should strive to keep alive other languages as they ought to be considered as Kosovo's wealth. Therefore, the role and responsibility of

international actors, UNMIK and Kosovo institutions are of a paramount importance in keeping this languages alive.

As to the Turkish community, this issue is very important. The Turkish community believes that by preserving their language rights, the identity and the values of the community will also be preserved. The demand of the Turkish community concerning the use of its language is to ensure the same status of Turkish language with other languages, in municipalities where they live.

This is an already gained right for us. The Turkish language is in use in a number of towns of Kosovo – Prizren/Prizren, Gjilan/Gnjilane, Prishtinë/Priština, Vushtrri/Vučitrn, and Mitrovicë/Mitroica. These places are where the Turks live and the Turkish language is traditionally used.

We are aware that the language issue is a very sensitive one and that is why I would like to point out that we must elaborate this issue and its implications in the future in a more sympathetic and more qualitative manner.

Recent Developments in the Assembly

ORA requests special session of Assembly

On 7 November 2005, the ORA parliamentary group submitted, together with 40 signatures of Members in support of the initiative, a motion to hold an extraordinary plenary session to discuss (1) the manner in which the decision to build the "Administrative-Protocol Center" in Gërmia Park was taken and (2) the Assembly budget spending during the first half of 2005. As justification for the special session, the motion cites the imperative of determining whether there were procedural irregularities in the decision-making process and the allocation of Assembly funds for capital expenditures and other expenses. The items were scheduled to be discussed during the plenary session of 24 January 2006. Due to the death of President Rugova on 22 January, the debate has been postponed for February

Assembly adopts new legislation

During the 15, 16, and 19 December 2005 plenary session, the Assembly adopted in a second reading the Draft Law on Hunting, conducted the first and second readings of the Draft Legislative Proposal on the Approval of the Kosovo Consolidated Budget and Authorizing Expenditures for the 2006 calendar year. The Assembly approved in a first reading the Draft Law on Publishing Activities and Books, the Draft Law on Cultural Institutions, the Draft Law on Private Education and Training, the Draft Law on the Opera, Ballet, and Philharmonic of Kosovo, the Draft Law on Freedom of Association in Trade Unions, and the Draft Law on the Inspectorate of Construction Products.

During the 19-20 January 2006 plenary session, the Assembly adopted in a second reading the Draft Law on Health Inspectorate, the Draft Law on Preschool Education, the Draft Law

on Mines and Minerals, a Draft Law on Metrology, the Draft Law on Radio Television of Kosovo, and the Draft Law on Bar Examination. The Assembly approved in a first reading the Draft Law on Mediation, the Draft Law on Administrative Conflicts, the Draft Law on Defamation and Insult and the Draft Law on the Heroes Day.

New parliamentary group "For Integration"

Assembly members of six small political parties decided to form a new Parliamentary Group 'for Integration.' The members are Mr. Ferid Agani (PD – Party of Justice), Mr. Gjergj Dedaj (PLK – Liberal Party of Kosovo), Mr. Sabit Rahmani (PDAK – Democratic Party of Ashkali of Kosovo), Mr. Numan Balić (SDA – Party of Democratic Action), Mr. Rustem Ibiši (GIG – Citizens' Initiative of Gora), and Mr. Zylfi Merxha (PReBK – United Roma Party of Kosovo). Mr. Agani informed the Assembly Presidency that he would serve as parliamentary group leader for the first three months under a rotation plan of all members of the group. Participation in Assembly plenary debates and committee meetings has been agreed upon with the Assembly leadership

New member of Assembly Presidency

Based upon the rotating principle within the parliamentary group "6+," the Assembly plenary session on 15-16 December 2005 endorsed the appointment of Mr. Mahir Yagcilar (6+/KDTP) as a new Member of the Presidency of the Assembly, replacing Mr. Džezair Murati (6+/Vakat), who became the new member of the Committee on International Cooperation and Euro-Atlantic Integration

Implementation: to make a law applicable

Wolff-Michael Mors, Department of Human Rights and Rule of Law, OSCE Mission in Kosovo



The legislative activity in Kosovo in the past five years has resulted in the enactment of numerous UNMIK Regulations and Kosovo Assembly laws, which regulate a wide range of social relationships. The need for drafting new laws has been constantly emphasised by representatives of the international administration and the Kosovo public in order to overcome the existing gaps between the inherited Yugoslav legal system and the new social, economic and political realities. A large amount of the international administration's resources and the PISG have been devoted to fulfil this goal and the results of these activities could be viewed as notable achievements.

As with many other parliaments, the Assembly of Kosovo increasingly has neither the

time nor the expertise to consider detailed legislative rules on the administration of various matters. The authority for making rules and other instruments on such matters is regularly delegated to ministers. However, the principle of division of powers requires an authorisation to create subsidiary legislation specifically conferred to the respective actor by a law of parliament.

In practice, a law usually reflects distinctly the political decisions taken and sets out the skeleton of its subject. At the very least it provides a broad framework. The finer detail of its operation is often set out in various instruments of a rather technical nature that become legislation of a secondary rank to the framework of the decision taken by parliament.

Implementing in its original sense means "filling up", so with an administrative instruction the gaps left by the Assembly to the authorised executive body are filled up with secondary legislation. Thus, some laws essentially need secondary legislation to become a workable and applicable instrument.

Subsidiary legislation takes effect and has authority as if it were part of the enabling (parent) act, i.e., it has statutory force. It is a means by which experts in the subject covered by a law can improve the authoritative set of measures to enable practical application of the parent act. The parliament cannot foresee every eventuality and does not have the specific expertise that can be provided by the ministries and agencies.

Provided that the authority conferred by the parent act is sufficient and legal, subsidiary legislation can deal with practical implementation problems, technical details or the necessity for updated information as and when they arise by addressing them in hierarchically defined categories of subsidiary acts. Generally speaking, it is possible to issue subsidiary legislation more quickly than to enact primary legislation as the scope and principle of the law has already been agreed. Subsidiary legislation itself may be withdrawn or amended if it proves impracticable or circumstances change. From time to time, the original legislation may be redrafted together with any amendments to be produced as a piece of replacement legislation.

The OSCE Mission in Kosovo, through its Rule of Law Section, released in December 2005 the second report on the "Implementation of Kosovo Assembly Laws" assessing primarily Kosovo Assembly Laws promulgated in 2004.

Generally speaking, the OSCE found that most ministries continue to make considerable progress in the drafting of subsidiary legislation. As examples, the Ministry of Agriculture, Forestry and Rural Development and the Ministry of Education, Science and Technology have both proven highly successful and organised in this regard. On the other hand, there is major room for improvement in some ministries and in the Government. In most cases

the actors have proven unable to comply with the deadlines envisaged for the adoption of secondary acts. The follow-up research from the last report also makes it clear that several of the laws from the period of 2002–2003 still have not been implemented to the extent envisaged by the Assembly, notwithstanding vast progress in a number of ministries.

The data shows that, with respect to at least a few laws, nothing or very little has been done towards implementation, although it is often the case that secondary legislation is required in order to make the Law an applicable document. For example, the Laws on Air Protection, Consumer Protection, Patents and Competition (from 2004) all remain unimplemented. From 2003, the Law on the Liquidation and Reorganisation of Legal Persons in Bankruptcy and the Law on External Trade Activity both require a vast amount of implementing acts, but still almost nothing has been done. The Kosovo Assembly and the Government must each take measures to address such gaps immediately. Arguably, in some cases, from a rule of law perspective, having a non-implemented law can be worse than having no law at all.

In addition to a law by law analysis, the report elaborates on normative and functional aspects of implementation of laws. The information was obtained as a result of additional research conducted by OSCE in the legal offices of the ministries in order to find out how the drafting of secondary legislation is coordinated and organized as well as where the system lacks clarity, resources or expertise. The difficulties in

implementing laws can be partially attributed to the priority given by ministries and the Government to draft primary legislation at the expense of secondary legislation. Further, the lack of human resources and legal expertise in various legal offices has created the need to prioritise. In fact, compared to last year the staffing situation in most legal offices has become worse.

The report concludes with a set of recommendations addressing various areas of the implementing cycle. In addition to new suggestions, the report repeats some of the recommendations from the first version on for example a two-fold oversight mechanism that should be established in order to ensure implementation of laws. On the one hand the

Assembly of Kosovo should consider establishing periodic parliamentary oversight including regular presence by Members of the Government to Assembly Committees and a request by the Assembly of Kosovo to OPM for issuance of an annual report on the process of implementation. On the other hand, the Government should establish an oversight mechanism with focal points in each institution within the executive branch. The Government Rules issued in 2005 are a good starting point.

The report further recommends that the Assembly of Kosovo and the Office of the SRSG should agree to a procedure whereby changes made by an UNMIK promulgating regulation are incorporated into the text of the respective Assembly law, in order to

avoid confusion about the content of the law.

Officials preparing and passing draft laws should be precise when giving authorisations for the preparation of secondary legislation. Whenever a draft law envisages that specific issues be regulated with implementing acts, the proposed law must also contain a clear authorisation for the drafting and issuance of such acts and a clear indication of the basic starting points. To further support that, local and international actors should offer and support continuously effective courses on drafting of primary and secondary legislation as well as regulatory management. This could be combined with in-service training on drafting subsidiary acts to ensure progress on the job.

Law implementation report presented to Assembly

On 18 January 2006 the OSCE Mission in Kosovo met with a number of Chairpersons of Committees and Heads of Parliamentary groups to discuss the second report on the implementation of Assembly laws. The report reviews the degree of implementation of laws that have been promulgated during 2004 and finds that major problems, particularly in the legal capacities of the ministries and in the insufficient publication of legal acts, persist. In the discussing the document, the Assembly Members expressed their appreciation for the report, criticized the lack of co-operation between the Assembly, the government and especially the UN/OLA and expressed their concern about the growing inconsistency of the legal framework. It was agreed that the Assembly and in particular the Committees shall increase its oversight over the government in regards to the implementation of laws. The OSCE offered the Chairpersons to visit their committees individually to discuss specific issues concerning parliamentary oversight and the implementation of laws in their respective sectors.



Office of the Auditor General – a central pillar for Public Accountability

In a modern democratic society, institutions are held accountable via a system of checks and balances. The four most important areas in the checks and balances system are: (1) the Government, where the Executive needs to set up a financial control structure ensuring that the authorities under their jurisdiction report and carry out the budget in the intended way; (2) the Market, where the State needs to organise and enforce prerequisites for a well functioning market and defend the income side of the state budget; (3) the Judiciary, to ensure an independent and well functioning Law Enforcement and Judiciary; and finally (4) the Parliament, which needs a functioning external audit system to determine whether or not the Government has reported and executed the budget in line with the intentions, under good internal control and in a lawful way.

Serafim Sofroniev, deputy Auditor General

It is thus clear that the Legislature needs different functions to help them follow up on whether or not the Executive carries out the decisions taken by the Legislature in line with its intentions. The Legislature should also hold the Executive accountable for shortcomings, breaches etc. One important function in this is the Supreme Audit Institution.

The importance of a well functioning Assembly oversight and an effective Supreme Audit Institution has been acknowledged in the proposal for the European Partnership – the basis for the further programming of the community's financial assistance – as both a principle and a condition.

The INTOSAI Lima Declaration from 1977 is the common base for the role, mandate and task of an Supreme Audit Institution. According to the declaration a basic prerequisite for a well functioning Audit is a sufficient legal framework guaranteeing the Supreme Audit Institutions independence from both the Executive and the Legislative powers. This is internationally recognised as an indispensable feature for the confidence in the Supreme Audit Institution.

As part of the INTOSAI declaration, a well performing Supreme Audit Institution should fulfil its role as an independent control institution of economic and performance information, looking at the efficiency and effectiveness in public spending, with a view to the chain of command: Executing agency, via the responsible Ministry to the Government, ending up with the Assembly.

Further, the Supreme Audit Institution should promote the highest standards on transparency, accountability and integrity in financial management and performance of public administration, and have a well-developed system to follow-up on procedures, in order to ensure action on audit findings and recommendations by the parties concerned; the auditees, the Government and the Assembly.

The office of the Auditor General was established in 2003. The European Union, UNMIK Pillar IV and the European Agency for Reconstruction (EAR), supports the first phase of its development, which will be finalised in the middle of 2006. One important part of the current project is the drafting

of a Law on the External Audit of the public sector in Kosovo. External support is foreseen for an additional period of three year, assisting in the implementation of the foreseen new law and the further development of the Office of the Auditor General. The Auditor General will then gradually take over and carry out of the audit with its own staff.

Within the last two years, the Office of the Auditor General has conducted intensive training for about 60 trainee auditors. The office has in 2005 performed confined audits of procurement and asset management in most of the Municipalities and in several Ministries. Further, the Office of the Auditor General took the responsibility for the external audit of the 2004 Kosovo Consolidated Budget (KCB), engaging the most qualified audit staff in the audit with substantial external support from Netherlands Court of Auditors and long term audit advisors. The Audit report for 2004 KCB was published in February this year. The Office of the Auditor General has the immediate objective to plan for the external auditing of the

Kosovo Consolidated Budget within the budget cycle for the external audit of 2005 KCB.

External support for the Office of the Auditor General to conduct the external audit of budget organisations and the Kosovo Consolidated Budget will still be needed for the next three years to, among other things, implement certification programmes and to further train auditors in Government audits as well as in public sector audits.

Under UNMIK Regulation 2002/18, that established the Office of the Auditor General, the Auditor General reports to the SRSG as part of the reserved power. However, in the future the Supreme Audit Institution will report to the Assembly.

The Auditor General and the local Acting Directors have already visited the President of the Assembly and most of the Ministries. A meeting was also held with members of the Budget and Finance Committee in September 2005, where the local and international management presented an overview of the development of the Office of the Auditor General and the Audit report

of the Kosovo Consolidated Budget for 2002 and 2003.

Among the important strategic issues to be addressed by the Assembly in the near future are the securing of a sufficient legal framework around the Supreme Audit Institution, allowing for the best possible prerequisites to fulfil its role and mandate. Further, there is a need to continue interaction between the Assembly and the Office of the Auditor General in order to find the most efficient forms to support the Assembly in its work in holding of the Government accountable for the execution of the Budget. Finally, the dialogue between the Assembly and the Government should be strengthened, also allowing for dialogue in the follow-up of the recommendations of the Supreme Audit Institution reports.

Some key messages for the Assembly and the Office of the Auditor General to consider in this respect are:

The Assembly should enhance its working relations with the Supreme Audit Institution and its oversight of government activities including: (1) Designating an Assembly committee to oversee Supreme Audit Institution finances (without interference from the government) and to review - but not direct - its performance. The Assembly should ensure that the Supreme Audit Institution itself is independently audited in accordance with applicable standards; (2) Specify clearly the types of audit reports to be presented to Assembly, while at the same time be selective and leave the task to

the discretion of the Supreme Audit Institution; (3) Inform the Supreme Audit Institution of the Assembly's interests, including suggested audit topics, as the same time leave the final decisions on audit priorities to the Supreme Audit Institution; (4) establish rules for the operation of Assembly committees and provide them with adequate staff support in relation to the work of the Supreme Audit Institution and in overseeing the government spending; and finally (5) ensure that the appropriate Assembly Committee takes prompt cognisance of the audit reports from the Supreme Audit Institution.

At the same time it is important that the Office of the Auditor General: (1) Write audit reports in a clear and concise, fair and factual manner, avoiding political statements; (2) Give appropriate - but not exclusive - consideration to Assembly concerns in setting audit priorities; (3) Is selective in deciding which audit reports to submit to the Assembly by sending only those reports which clearly merit the attention of the Assembly and which include a clear statement of why the report is being sent to Assembly; and finally (4) Actively and methodically follows up on previous audit findings and inform Assembly of any patterns of inaction on important problems.

With this focus, a good basis will be founded enabling the Supreme Audit Institution to contribute to a better Assembly oversight; the development of the Government control system; and an effective implementation of budgets and policies.

Completion of the SPEAK project

Krenar Loshi - UNDP and Ali Caka - SPEAK Project Manager

Initiated two years ago by UNDP and the Inter-Parliamentary Union, the Support to Parliamentary Electronic Archives in Kosovo (SPEAK) project was operationally handed over to the Secretariat of the Kosovo Assembly on 25 October 2005. The full completion of the project is pending the Assembly's finalisation of procedures and regulations required for making the established electronic archives available to the general public as well.

The electronic archives are currently open for use only to internal and invited members of the Assembly. The new electronic document management system has been instrumental in enabling for a consistent workflow and harmonization the document management system to meet the needs of the Assembly and in ensuring that users have timely access to relevant documentation, as well as establish electronic archives for future use by the Assembly and the general public. The Assembly now has the opportunity to handle the increasing load of draft legislation being introduced by the Government of Kosovo in an efficient, accountable and transparent manner.

Registered members can already access the Assembly electronic archives through the Kosovo Assembly website in <https://bscw.assembly-kosova.org/>

Once the Assembly sets in place the required procedures and regulations, the general public will also be able to gain access to assembly information through access to electronic archives. Over the longer run, this combined with the establishment of Parliamentary Governance Information Center at the National and University Library ensure greater public outreach, transparency and accountability in the work of the Assembly of Kosovo.



The Assembly adopted the Kosovo Consolidated Budget for 2006

Kim Vetting, OSCE Mission in Kosovo

For the first time this past December, the Assembly held several serious discussions on the budget for 2006, prior to its final adoption after two full day plenary sessions. After being adopted in principle at the first reading on 15 December, it was adopted at its second reading on December 20. However it was adopted with objections from the PDK and ORA caucuses, represented with 28 votes in opposition and two abstentions.

In the ten days prior to the first reading, most Ministers as well as the Kosovo Trust Agency were called to individual sessions at the very busy Committee for Budget and Finance.

The start of the plenary debate in the first reading was difficult. In the beginning, there was no representative of the government. It was only after PDK and LDK insisted and the AAK-caucus leader requested a break till the government showed up, that the debate could continue in presence of several members of the government and the Prime Minister.

Among the serious issues addressed by the Assembly in the first reading, was the worrying sign that more than 60% of income still comes from customs rather than economic activities such as production. This meant that not much room was left to deal with many urgent additional needs, such as improving



health care and education. The government was urged by the Committee Chair to find a way to stimulate economic growth.

On 20 December, the Assembly likewise voted on 25 amendments, of which 23 were proposed by the Committee for Budget and Finance, one by the Assembly Committee for Public Services and one from the PDK parliamentary group. The two latter proposals, on

an increase of 10% in the 2006 budget for the Judicial System in Kosovo and PDK's proposal on changing the name of the budget line of the President of the Assembly, into the Presidency of the Assembly, were rejected, while all the proposals from the Committee for Budget and Finance were adopted with majority.

The biggest challenge for the Committee on Budget and

Finance will be the follow-up of the expenditures. In 2005, at several occasions, budget lines were changed or even exchanged between different budget organizations without any approval of the Assembly. The establishment of a mid-term budget review in July 2006 could be very helpful in order to avoid similar problems. A budget review is an excellent opportunity to evaluate the status of the expenditures and to discuss and agree upon urgent needs or changes in the budget.

2006 also offers the Committee on Budget and Finance the opportunity to regularly scrutinize expenditures, starting with the Assembly budget. In close co-operation with the Ministry of Finance, the Office of the Auditor General and the Treasury, the Committee should be able to define weaknesses in the budget execution and to formulate recommendations for further improvement. At the same time all functional committees should scrutinize the budgets of the Departments within their competence. The improved Assembly oversight on the budget – as the MPs are the elected eyes and ears of the citizens – will without any doubt result in a more coherent and effective spending of the limited budget resources.

The KCB in 2006 totals 700 Million Euro, compared to the 737 Million Euro in the budget for 2005. The planned budgets for 2007 and 2008, are 705 and 708 Million Euro respectively.

THE NEW EAR PROJECT

"FURTHER SUPPORT TO THE ASSEMBLY OF KOSOVO" STARTED ON JANUARY 5TH



From the very outset, the Assembly of Kosovo was assisted by several EU Parliaments, by bilateral support or through initiatives of the OSCE. This cooperation was formalized in 2003 by the European Agency for Reconstruction when a project dedicated to supporting the Assembly and entrusted to a consortium led by French Assemblée Nationale with German Bundestag, Belgian Chambre des Représentants, and Institut International de Paris La Défense (IIPLD) was launched.

This project led to significant results in areas such as revision of the Rules of Procedure, development of staff rules and regulations, recommendations on reorganization of the Presidency and the Secretariat, training local staff, technical assistance to the Legal Department on processing legislation and expert assistance to Law drafting, revision, and compliance with the Acquis communautaire. It ended on 11 March 2005 but EAR decided to go ahead and issue a new tender for "Further support the Assembly of Kosovo."¹

Considering the very positive results already seen and desiring to strengthen the links already established, the three Parliaments decided with IIPLD to apply again. They also invited the National

Assembly of Slovenia to join the consortium, taking into account the very impressive results of this new EU member state in terms of democratic transition, parliamentary institution building, and compliance with EU standards. Their proposal was selected and the contract signed in December.

The new project is organised in three Components, namely:

- 1) Further Support to the Institutional Building Process
 - Strengthening the Assembly Secretariat
 - Advice to the Presidency on the Implementation of the Rules of Procedure
 - Training and Capacity Building
- 2) Technical Assistance to the Secretariat and the Legal Department on the Processing of Legislation
 - Support in the Drafting of Legislation
 - Support to the Legal and Standardisation Unit, Standardisation and Harmonisation of Legislation
 - Improving the Legislative Process and Co-ordination with the Government and UNMIK
- 3) Activities to Enhance the Interaction between the

Assembly and the Civil Society

- Support to the Media and Public Relations Section
- Improving Public Access to the Assembly and Dialogue with Civil Society

The project will be supervised by Mrs. Joëlle Affichard, Scientific Director of the IIPLD, Project's Director. The team is primarily composed of four Key experts:

- A Team Leader, Mr. Jacques Roger-Machart, former Vice-President of the French Assemblée Nationale, also former elected local councillor, with a great experience in international cooperation, public management, public/private partnership, interactions between public authorities and civil society, assessment of public policies, regional development
- A Senior International Legal Expert, Mr. Alfons Lentze, a Dutch lawyer specialised in Acquis communautaire, drafting legislation and RoP, previously Senior Legal Expert in the EAR project "Support to the Prime Minister Office of Kosovo"
- A Senior Local Legal Expert, Mr. Virtyt Ibrahimaga, a lawyer specialised in European and International Law, legal framework of Kosovo, drafting legislation and RoP,

compliance with Acquis communautaire, who was already involved in the former project with similar responsibilities

- A Management/Organisation Expert, Mr. Jean-Marie Lebaron, former high-ranked member of staff of the French Senate, highly experienced in management of parliamentary staff, relations between Government and Parliament, needs assessment, design of training programs and training of staff in Parliaments of transitional countries.

In addition, an important network of international and local short term experts will contribute to the project. The four Parliaments will draw on their own resources and provide an optimal input for implementing the planned activities.

The project started on January 5th and will last two years. An Inception Phase of six weeks is dedicated to install the project office, identify the priorities of the beneficiary, review the work plan and set up the Steering Committee.

Co-ordination with other donors supporting the Assembly, notably through ASI, will be a main concern of the project in order to avoid duplication of efforts.

¹ Between both projects, the OSCE provided continuing support for the Assembly through an interim project implemented by the IIPLD. This project put legal advice regarding compliance with Acquis communautaire, support to the Committees, and translation services at the Assembly's disposal.

NDI initiatives in 2006

It was said that when British soldiers entered this region over the course of the First World War, they needed only to state the last name of the great author and Balkan explorer Edith Durham to explain both their nationality and intent. Working with the National Democratic Institute (NDI) in Kosovo is not dissimilar, one only has to utter the last name of our Chairman to explain who we are and our intent. 'Albright'.

As we begin our sixth year in Kosovo, with the support of the United States Agency for International Development (USAID), we were proud to have our Chairman's visit mark Kosovo's considerable progress in such a short time. Stable, inclusive political parties who were elected freely and fairly and in turn participate in a well organized Parliament are not insignificant achievements.

We all recognize there is more work left to do in ensuring institutions represent voters, integrate minorities and act in a transparent manner. Secretary Albright's words best describe the need for the next portion of our mission: "While democracy in the long run is the most stable form of government, in the short run, it is among the most fragile."

In the year ahead, NDI will prioritize our work in helping elected members, staff and parties build a stronger Central Assembly which can represent citizens, organize its work and provide executive oversight. We will continue our direct work with political parties - those rooted in Albanian, Serbian and other communities



Chad Rogers

- to assist them in articulating their beliefs and policies to citizens and increasing the flow of communication between members.

In the Central Assembly we will work with a core group of members to concentrate on making the institution stronger, more representative and more able to dispense with its work. We will increase our time and energy devoted to committees, assisting members in gathering more decision making information and discovering ways to increase the level of debate and public participation. Most importantly, we want to work with the Central Assembly to examine how they can assert their role in executive oversight, ensuring good legislation is passed and implemented.

With political parties, through

expert assistance and training, we will work to increase the amount of information that moves within parties and the capacity of parties to communicate ideas; ideas that can come in the form of core party beliefs, specific policies and proposals in the Central Assembly.

Having had the opportunity to come back to Kosovo a number of times since my original work here in 2003, it is a privilege to see so much progress and to work with partners who are as committed to their future as much as their past. We understand we too have to show progress, in the form of increasingly advanced training, more diverse expertise, and more customized program offerings. In short, we are changing our role to be less 'teacher' and increasingly consultant and advisors.

Our work is only that of a catalyst. We use our global experience in more than 80 countries, our network of experienced political and legislative experts and our national team to provide assistance to politicians, leaders and activists so that they might be able to better serve the public interest.

To this end, our team has recently been joined by David Payne (dpayne@ndi.org), who will serve as a resident expert to our legislative strengthening programs. David's more than 15 years of experience as an elected member, and his work abroad in the development sector and as a trade diplomat uniquely qualify him to serve the members and staff of the Central Assembly.

Internally, our office has re-organized in order to better serve our partners and reflect our areas of focus. Edmond Efendija (eefendija@ndikv.org) will lead our Legislative Strengthening Program, Arta Zherka (artazherka@ndikv.org) our Political Party program and Zoran Blagojevic (zoran@ndikv.org) will take on new responsibilities leading our work with Minorities. If you see any area in which our program could compliment an initiative you or your organization is working on or would like more information about the specifics of our work, please contact our program leaders.

Chad Rogers (crogers@ndi.org) is the director of the National Democratic Institute's programs in Kosovo. For more information, please consult NDI's website at www.ndi.org

OSCE Advises Assembly of Kosovo

Peter Vanhoutte, Special Advisor to the President of the Assembly of Kosovo

I still remember when the Assembly began a few years ago. MPs didn't know what they were expected to do, as if they were on board of a ship without a steersman. Today, the Assembly is functioning and developing into a real democratic institution. The MPs became real politicians. Many of them would without any problem fit in any parliament in the EU.

2006 is a crucial year for Kosovo. The Assembly will face many challenges. In order to improve its functioning, the President proposed an extensive action plan. The re-introduction of weekly plenary sessions with sufficient time to question the government will probably be the most visible aspects. The reorganization of the staff will be less visible, but even more important in support of the MPs.

Last year, the Assembly was committed to support the upcoming negotiations. This year, the biggest challenge for the Assembly is to become the steersman for the whole Kosovo-society, not only for topics as the future status, but also in tackling and solving everyday problems. There is an urgent need for additional legislation and regulations for education, healthcare and economic development, but also for the implementation of existing legislation. The Assembly should also take the lead in drafting action plans for the youth, to fight unemployment, devise plans with concrete actions to improve education, healthcare and environment.



Peter Vanhoutte

The Assembly should play a key role in supporting and pushing forward these issues as the real priorities for the years to come.

As Special Adviser to the President of the Assembly, I recently discovered that – as in every European parliament, the President of the Assembly carries a huge responsibility for ongoing political developments. Prof. Daci is deeply engaged in the political future of Kosovo, fully aware that he is the President of the Assembly, not only on behalf of one party, not only on behalf of the majority, but on behalf of all elected representatives. In order to reflect this in the functioning of the Assembly, there is, however, a need to establish additional mechanisms in order to strengthen the position of the Assembly. Such mechanisms,

like the introduction of regular meetings of the majority, together with the Government, and of the opposition, clear guidelines for the Ministers on their presence during committee meetings and plenary sessions, are vital for the democratic functioning of all institutions.

I also discovered that within the Presidency, there is serious concern about respect for the Rules of Procedure and growing space for open discussions. However, there still is often a lack of internal communication between caucus leaders, between parliamentarians, within the caucuses, between the members of the presidency and their respective parties and parliamentary groups. In parliamentary practice, communication on all levels is crucial. Deals and agreements

made during a committee meeting or a plenary session are never good, unless they have been informally agreed upon before. It is in the interest of the whole Assembly to strengthen such informal contacts and discussions based on a mutual trust.

The coming month will also be decisive for the Assembly from another perspective. Last December, the Government inaugurated its new building. The Office of the Prime Minister is on the move, which means that additional offices and meeting rooms will become available for the Assembly. The Assembly building will now really belong to the Assembly and it will be possible to schedule more committee meetings or meetings of caucuses in parallel. It is our hope that the smaller caucuses can be relocated and that MPs will finally also get limited office-space. This should encourage the Assembly to boost the legislative activities in fields as the development of a Constitution and additional regulations, supporting the establishment and functioning of the new Ministries of Internal Affairs and Justice.

Developing effective regional and international relations will also be high on the agenda this year. I sincerely hope that the Assembly Committee for International Relations will take serious efforts to foster these relations wherever possible, because the future of Kosovo is not to remain an island in the Balkans, but to become fully integrated in the EU and Euro-Atlantic structures.

Vision and Roadmap for the Future

OSCE started in spring 2005 a project, called 'Expert Consultancy to the Assembly Committee of Education' at the request of the Committee. The project provides a senior education expert to work with the Education Committee for four months. Mr. Reijo Aholainen, counsellor of education from the Ministry of Education in Finland, started as a consultant in Prishtinë/Priština on 15 June.

The main mission of Mr Reijo Aholainen is to assist the Committee in developing a long term education strategy, together with the Ministry of Education and other relevant stakeholders. Mr. Aholainen is also expected to advise the Education Committee in the scrutiny of draft laws on education, to oversee the implementation of legislation, to improve the functioning of the Education Committee and to increase the accountability of the Ministry of Education towards the Committee. The project continues to the end of October 2005.

The start of the project has concentrated on designing

the strategy and advising the Committee on draft laws. Dr. Enver Hoxhaj, the chairman of the Education Committee, sees that the most important task of the consultancy is the preparation of a proposal for an integrated long term strategy for the whole education and training sector. This autumn Mr Aholainen is expected to help the Committee to structure debate and consultations with other actors on the drafting of the strategy. After the strategy has been drafted the project shall invite the policy makers and other stakeholders to debate about the proposals. Later, the full strategy will be published and disseminated to all stakeholders.

Why there is a need for an education strategy in Kosovo?

There is an obvious need for an integrated long term education strategy, which would cover all parts of education and training, and prioritize the various development needs so that the implementation is realistic with the resources available. The strategy has also to be related to an economic

development strategy in Kosovo as well as to European developments and integration perspectives. The education strategy must focus on supporting economic growth and increasing employment. It is obvious that the only way to improve employment and welfare in Kosovo is to create economic growth. Employment and growth in turn pave way to increased public funding of education and training. On the other hand, it is widely seen that the European developments, especially those of the EU, set the framework for Kosovo future.

'Vision and a roadmap for the future'

Thus far, the project has produced a Synopsis for a Multi-year Education Strategy in Kosovo: "Vision and a road map for the future" (also translated to Albanian and Serbian). It is based on relevant education documents on the present situation the consultant has gone through and numerous meetings and discussions with the Education Committee members, senior

civil servants of the MEST and MLSW and international experts.

The Synopsis proposes that only a small number of development priorities (3 – 5) are defined for the whole education system up to 2015. More concrete, the draft Synopsis names four issues and the possible priorities for the future:

- 1) Support to Kosovo economic development and growth. The key issue is to support the national economic development by raising the quality and labour market relevance of vocational training and higher education in the economic sectors which are most likely to produce growth in the near future.
- 2) Ensure basic education for all, including minorities. Here, the most urgent target is to decrease early school leaving rates in primary and secondary for all, taking especially care of the most vulnerable groups, like minorities and children with special needs.
- 3) Increase opportunities for lifelong learning. The biggest challenge is to improve learning opportunities to the tens of thousands young people without employable skills and competences due to the highly difficult circumstances in the 1990ies and in the start of the post-conflict period.
- 4) Improve the quality of higher education and university research. Quality in higher education is very much about the competence

Assembly Education Committee initiates a long term strategy for education

The present situation and problems of Kosovo education and training have been described by several documents, produced by international organizations and the PISG. For example the Ministry of Education, Science and Technology has prepared strategies for primary and secondary education, higher education, vocational education and training, adult education and rural education. However, Kosovo is still lacking an integrated long-term education strategy, which would cover the whole education and training system and put the justified improvement needs in priority order so that they can be implemented with the limited resources available. This lack is now being tackled by the Assembly Education Committee, which has initiated the preparation of such a strategy.

and capacity of the teachers and professors. University research has a high potential to increase the quality of higher education, but has been long time a neglected field..

After the Assembly Education Committee, together with MEST, has agreed on the priorities, the Vision shall be completed with a Roadmap, which identifies the necessary steps for achieving the goals of the strategy, like the logical order of reforms, their timetable and financing. The implementation should be supported by more detailed Government Action Plans, which could seek for donor co-financing. The strategy should also be supported with a public promotion campaign in the media.

Commitment of the stakeholders is a key issue

A strategy is made to guide the right education measures and their resources in Kosovo for years to come. Therefore a true commitment of all main stakeholders is the most important precondition in designing the strategy. There should be a true consensus about the priorities and the implementation measures. The stakeholders' contribution shall become crucial in the implementation phase. Most likely the strategy's completion needs more time than is provided for the project. Therefore it is necessary to prepare one or more follow-up projects for the technical assistance needed after October 2005.

Reijo Aholainen, Expert Ministry of Education of Finland and consultant to the Assembly Committee on Education

Assembly performance from another standpoint

Last year we participated in a special programme in the Assembly of Kosovo. With support from the OSCE Mission in Kosovo, we undertook a six month Institutional Internship which permitted us to follow and attended activities of each Parliamentary Group in the Assembly.

The programme aimed at the temporary employment of students from the University of Prishtinë/Priština who are taking coursework in Law, Political Science and other areas. Interns were to assist on a daily basis the work of a Parliamentary Group, in preparing materials for Assembly members on Assembly Plenary Sessions, in compiling communiqués, in organizing, attending meetings and filing documents in the office.

We were lucky to be part of this very attractive and useful programme. Given that we are about to complete our studies, the six months experience was one of the best experiences gained recently. Our experience could be summarised in three main points.

First, for a short time we managed to get to know the Legislation of Kosovo, meet Assembly members, and at the same time co-operate with a number of them. We have attended almost all parliamentary sessions where political debates on various issues took place. It was also a great pleasure to assist Teuta Sahatqija, Head of the ORA Parliamentary Group, who provided her full co-operation and facilitated our work.

Second, we managed to apply part of our theoretical knowledge gained through our University studies into our daily work, while analyzing the Laws, reading Kosovar and International Press, and attending public hearings held by Assembly Committees.

Third, during the Internship Programme, we also attended numerous trainings, in order to become familiar with the work, build our skills, and this way become more efficient. Trainings provided by OSCE and Assembly considerably improved our professional skills.

Finally, we can say that the internship programme initiated by OSCE in co-operation with the Kosovo Assembly and its Parliamentary Groups was very important. It provided institutional practice for students from Prishtinë/Priština University, generally improved the work of Parliamentary Groups, and of Assembly

Members, in particular during their political and professional engagements. More importantly to us, it enabled students to engage in practical work. It suffices to say that some interns have gained a significant experience and have already ensured a steady job.

A second group of students have already begun to work in the Assembly. This is a good example, which should be followed by other Central Government and International Institutions of Kosovo. We were pleased and lucky to be part of this project where we were given an opportunity to co-operate with professional people and to at least give our humble contribution to ORA Parliamentary Group.

Congratulations to all the people who initiated and facilitated this project.

Bashmir Xhemaj & Samir Reka



Parliamentary Control of the Security Sector

Teodora Fuior, Advisor to the Committee for Defence, Public Order and National Security, in the House of Deputies, Romanian Parliament

Many times, and in many countries, people see security and democracy as incompatible. This happens because a democratic state is first of all supposed to ensure the free exercise of its citizens' rights and freedoms. On the other hand, in order to ensure the security of its citizens, a state needs strong institutions and an efficient security sector, which may in times of emergency limit rights and freedoms.

One of the most important missions of Parliament is to enable security and democracy to be compatible. Being elected by the people and representing the will of the people, Parliament is the most important guardian of democracy.

This is why, through the exercise of their fundamental functions, Parliaments are involved in the process of defining, formulating and implementing security policy.

The first function of Parliament is to **represent the citizens**. This explains its pre-eminence among state institutions, and its oversight prerogatives in relation to the executive. Of all governmental institutions, parliaments are the most accessible to the public. They reflect the sentiments and the opinions of the citizens and encompass the diversity of the society. This means that Parliaments also reflect the disagreements and the conflicts in a society, serving as a public arena for political debates and negotiations that aim to build consensus in a society.

The *proactive* function of Parliament, oriented toward future policies and activities of the executive, is the **creation of the national legal framework**. Through laws, Parliaments shape the institutions of the state and assign their powers.

The **exercise of parliamentary oversight** is the *reactive* instrument used by Parliament in order to evaluate activities and policies that have already been implemented. In a democracy, the representatives of the people hold the supreme power and no sector of state should be excluded from their control.

Yet the nature of the security sector raises a number of challenges to effective and efficient oversight.

First, we have to mention **complexity**. Parliamentarians must consider a variety of institutions and issues such as the armed forces, the police, the gendarmerie and other forces for public order, border controls, budgeting, procurement, arms control, intelligence activities, etc. Moreover, modern security issues have an important transnational dimension.

The security sector is necessarily **less transparent** than other governmental activities, due to the need to protect information vital to national security, but also due to the military 'caste mentality'. In many countries, institutions which possess the legal monopoly of force develop into *states within the state* – that is, having their own distinct values, norms, discipline, schools, courts, hospitals etc.

To the high **bureaucratic inertia** of the security sector we can also add the **strong involvement of the executive**, which is always tempted to look at security policy and institutions as its own exclusive responsibility, and a **weak involvement of civil society**, which is poorly informed or disinterested in security matters.

How can Members of Parliament overcome these challenges and provide efficient oversight of the security sector? There are **three levels of action**, each of them necessary and with a strong impact on security sector, but developed differently from Parliament to Parliament: plenary sessions, committees, and individually actions undertaken by Members of Parliament.

1. Plenary sessions.

Parliaments debate, in their plenary sessions, documents and decisions that shape national **security policy**: the National Security Strategy, the Government White Paper for Defence and Security or other long-term documents. Plenary sessions may grant confidence to the Executive for a specific policy or legislation within the security field, or withdraw this confidence through a motion of censure.

Parliaments in their plenary session adopt **legislation** that defines and regulates the size, structure, organization and functioning of the state actors mandated to use force; and of the civil management bodies that prepare and make decisions about the use of force.

One of the most important laws adopted by Parliament is the **Budget Law**. The power of the purse is potentially a very effective parliamentary tool that ensures the control of security forces. It allows Parliament to know where the money goes, increasing transparency of public spending and the accountability of governmental officials.

Parliaments in plenary give consent to important top **appointments** in the security sector, such as ministers, directors of intelligence and other agencies. They might have the power to approve the maximum number of personnel employed in ministries and security forces.

Parliaments in plenary have a crucial role in defining by law the **state of emergency** and the state of war, and also in declaring and lifting such states. Last but not least, in the plenary Parliaments ratify international **treaties**.

2. Committees are created to divide the labour of Parliament among specialised groups of Parliamentarians, who in turn **advise the plenary**. The permanent committee structure of Parliament parallels the structure of government. In most Parliaments there is a specialised permanent committee for each ministry. Most commonly, the committees that are involved in the security sector on a daily basis are those dealing with the armed forces, public order, and intelligence. Committees whose mandates less directly concern the security sector are those handling

foreign affairs, budgeting, energy and industry, and science and technology.

The advantage of working in committee meetings, aside from the concentration of expertise, is the lack of publicity and media coverage, which encourage open dialogue, facilitate negotiations and the development of a common view.

All decisions and laws adopted by the plenary are previously prepared and discussed in detail in committees. Committees are where inter-party and also government-parliamentary negotiations occur, often resulting in significant changes to the government's draft legislation. Their reports and recommendations enjoy multi-partisan support, and this is why the plenary usually follows their advice.

Independent of the plenary and much more free in their actions and schedules, Committees exercise **broad oversight powers** to investigate major public policy issues, defective administration, and accusations of corruption or scandal. The concrete actions undertaken by a Committee to control the executive include holding hearings or inquiries; summoning military personnel, civil servants or experts to

testify at committee meetings; questioning ministers and other executive representatives; requesting documents from the executive; examining petitions and complaints from military or civilian personnel; and visiting and inspecting army bases and other security sector premises.

3. Besides their activity in the plenary and in the Committees on which they sit, Parliamentarians can initiate **individual actions** to oversee the security sector. In most countries, Members of Parliament have the right to initiate and amend law. They also have the right to address questions and interpellations to the executive, whose response is mandatory. To make better use of these rights, Members of Parliament need knowledge and information.

Their two main sources of information are the Executive and their constituency. The right to request information from the Executive is invoked frequently by Parliamentarians. However, the electorate is often overlooked as the valuable source of information that it is, and Parliamentarians should make efforts to be more in touch with their constituency.



The Provisional Institutions of Self-Government, alongside all communities in Kosovo, must do much more to ensure that the UN Security Council-endorsed Standards are implemented. Their commitment is crucial to the prospects for a sustainable status settlement that enables all communities to live and thrive in safety. Ministers also call on Kosovo's Serbs and other minority communities to seize the opportunity of the status process to ensure their concerns are fully addressed.

The Contact Group Guiding Principles of November 2005 make clear that there should be: no return of Kosovo to the pre-1999 situation, no partition of Kosovo, and no union of Kosovo with any or part of another country. Ministers re-state the international community's willingness to establish, for an interim period after a settlement, appropriate international civilian and military structures to help ensure compliance with the settlement's provisions. Day-to-day governance, which must be conducted on a multi-ethnic basis, should rest with Kosovo's duly-elected representatives. Ministers recall NATO's continuing commitment to maintain a safe and secure environment through KFOR.

Ministers look to Belgrade to bear in mind that the settlement needs, inter alia, to be acceptable to the people of Kosovo. The disastrous policies of the past lie at the heart of the current problems.

Today, Belgrade's leaders bear important responsibilities in shaping what happens now and in the future. The Contact Group, the EU and NATO stand ready to support Serbian democratic forces in taking this opportunity to move Serbia forward. Ministers welcome the arrest of Jovo Djogo but reiterate that the leadership must fulfil their repeated pledges to co-operate fully with ICTY, notably in respect of Mladic and Karadzic. Ministers equally urge Pristina to recognise that a multi-ethnic settlement is the only workable option and that the more the vital interests of minorities are addressed the quicker a broadly acceptable agreement can be reached. Ministers warn those seeking to use violence that they will undermine their own cause.

Lastly, Ministers emphasise that a negotiated settlement is the best way forward. It will help to create the circumstances in which a settlement can be made to work for the benefit of all. Constructive engagement by the parties will also pave the way for a European and Euro-Atlantic future. Ministers urge leaders in Serbia and Kosovo to show the political courage and vision necessary to come forward with realistic and far-sighted proposals for the future of both Kosovo and Serbia. They have asked the Status Envoy and the SRSG to keep them updated on progress and undertake to return to the issue at their request or if the situation warrants.



ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency coordination 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), 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 cooperation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo



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The views expressed by the contributors to this Newsletter are their own and do not necessarily represent the views of the Assembly, OSCE Mission in Kosovo or the ASI partner organisations.

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