



**Organization for Security and Co-operation in Europe
MISSION IN KOSOVO**

Co-operation of the Assembly of Kosovo with Civil Society

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EXECUTIVE SUMMARY

In recent years, the Assembly of Kosovo (the Assembly) has advanced its contribution to public policy in Kosovo. It has expanded its activities on draft law review to include oversight of the implementation of laws, and most recently, the initiation of legislation. The expanded role of the Assembly increases the significance of transparency and openness to public participation. This report looks at the opportunities for civil society participation in the work of the Assembly. It focuses on three themes: public information output by the Assembly, the institutional arrangements for civil society relations at the Assembly, and public consultation practices. It assesses the Assembly's performance against international standards and good practices.

In 2012, the Assembly has taken the initiative to create formal structures for relations with civil society. It has adopted a comprehensive Information and Public Relations Strategy that will improve the pool of information for public participation in its work. The Assembly is in the course of developing a comprehensive institutional set-up, including a civil society registry (a web-based database), and a civil society relations portfolio in the Office of the Secretary of the Assembly. The Assembly has committed to engaging with civil society in a comprehensive dialogue, adding to the existing regular consultations within its legislative and oversight work.

This report acknowledges these important achievements and identifies key challenges. The Assembly's public information output should be further expanded. The Assembly needs to regularly publish all work documents in a timely fashion and accessible manner. Implementation of the Assembly's Information and Public Relations Strategy would largely address this deficit.

Once the Assembly's institutional arrangements for civil society relations are put in place, the Assembly should begin internal monitoring of public participation in Assembly committees' work in a comprehensive manner, in order to assess the scope and quality of participation by civil society in the Assembly's legislative and oversight processes. This will also allow the Assembly to plan its outreach activities accordingly. The increasing scope of interaction of the Assembly with civil society calls for a comprehensive definition of this relationship at the level of the Assembly Presidency.

The Assembly's practice of consulting widely in its legislative and oversight work is commendable. However, consultation practices should be further enhanced to comply with international best practices. The information offered to consulting parties could be expanded upon in order to enhance transparency. Committees should strive to announce hearings in a timely fashion, to publish complete transcripts and written testimonies and to provide feedback to consulted parties as to whether their input was taken into account in the decision-making process.

Addressing these challenges will require the Assembly to allocate budgetary and staff resources to new activities. These new responsibilities should fall under the supervision of the new post of Senior Civil Society Relations Officer and committee support staff.

1. INTRODUCTION

Over the last decade, there has been recognition of the growing importance of co-operation between democratic institutions and the public. Improved availability of information to the public has prompted governing institutions to increasingly consult members of the public in policy-making processes. This practice of participatory democracy has important advantages over a reductionist model in a representative democracy, where institutions are shielded against participation of the public between elections: “It creates a framework for citizens to advocate for their legitimate interests and thus contributes to the development of a vibrant democratic society..., [it] makes the work of public authorities more transparent and closer to their constituencies ... [and it] contributes to the quality of adopted public policy and its smooth implementation.”¹ As a result, governments and parliaments in many European countries have adopted mechanisms for public participation, most of which target the involvement of civil society organizations (CSO) in the legislative process.² In the Western Balkans region, these steps have been encouraged by the European Union Stabilization and Association processes.³

Parliaments increasingly realize that involvement of the public needs to move beyond outreach to policy experts in legislative matters towards a more comprehensive framework of co-operation and consultation. A best-practice example is the Latvian parliament. In the Western Balkans region, the Parliament of Montenegro has made its first steps towards such a comprehensive framework. Both parliaments are relatively young, unicameral, comparable in size as and with similar competencies as the Assembly of Kosovo. The Latvian parliament is an advanced legislature of an EU Member country, and the Parliament of Montenegro a young legislature from the Western Balkans region.

Over the last few years, the Assembly of Kosovo has expanded its co-operation with civil society and has made important improvements in the institutional infrastructure in this regard. However, recent reports have noted continuing challenges in developing its co-operation with civil society.⁴

This report analyses participation of civil society in the work of the Assembly in a comprehensive manner. It gathers best practices from parliaments in the Western Balkans region and the rest of Europe on three aspects of public participation: the provision by the legislature of actionable information to the public, the existence of institutional mechanisms for facilitating civil society participation, and the application of sound practices of public consultation. It proceeds to assess the Assembly’s performance against these practices.

¹ Dragan Golubovic, “An Enabling Framework for Citizen Participation in Public Policy: An Outline of Some of the Major Issues Involved”, *International Journal of Not-for-Profit Law* 12/14, November 2010, pp. 30-40.

² See Kosovo Civil Society Foundation, *Citizen Participation. Best Practices in the Western Balkans and the European Union*, Pristina, October 2011.

³ Civil society development and participation in policy making has been identified as field of EU assistance in the basic document underlying the Stabilization and Association Process, European Commission, *Communication from the Commission to the Council and the European Parliament on the Stabilisation and Association process for countries of South-Eastern Europe*, COM(1999)235, 26 May 1999.

⁴ *Ibid.*, p.7.

The findings of this report are based on both primary and secondary data. Advanced practices are drawn from international guideline documents⁵ as well as inquiries with parliaments that apply such practices, most importantly the Parliament of Latvia. Data on the performance of the Assembly are derived from prior assessment reports, Assembly of Kosovo records and interviews with stakeholders. Interviews were conducted between May and June 2012 with eight Assembly Members (Assembly Presidency Members and leading figures of Assembly committees); ten Assembly administration staff working with civil society (representatives of the Office of the Secretary, the Department for Media and Public Relations (DMPR) and committee staff); and 13 representatives of civil society organizations active in the work of the Assembly.

As noted in previous reports, one underlying factor that slows progress in Assembly-civil society co-operation is a lack of confidence and trust between the two.⁶ Therefore, this report clearly sets apart information derived from interviews by italicizing statements quoted. Where no secondary data was available, and the assessment had to rely exclusively on interview data, the report only includes views that were broadly supported by interviewees.

Section 2 introduces requirements and best practices for parliament in the fields of public information provision, institutional mechanisms for civil society relations, and public consultation practices. Where guidelines and best practice documents are not readily available, advanced practices from the Western Balkans region (Albania, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia,) and from other European countries (Austria, Latvia, Slovenia and the United Kingdom) provide the baseline for the standards developed in this chapter. Section 3 assesses the performance of the Assembly against these standards. It takes into account recent steps the Assembly has made in expanding its public information portfolio, and in developing an institutional infrastructure for civil society relations. Sections 4 and 5, respectively, present conclusions and recommendations to relevant actors, based on the report's findings.

⁵ These documents include publications of the Inter-Parliamentary Union and several guideline documents on public consultation published by national governments in Austria, Croatia and the United Kingdom, as well as the European Commission.

⁶ Kosovo Civil Society Foundation, *Dyert, Gjysmë të Hapura apo Gjysmë të Mbyllura*, March 2010, <http://www.kcsfoundation.org/repository/docs/Studim_mbi_perfshirjen_e_organizatave_te_shoqerise_civile_ne_procesin_legjislativ_shqip.pdf>, (accessed 19 May 2012); Kosovar Research and Documentation Institute, *Civil Society and the Legislative Process in Kosovo—Analytical Study at the End of the Second Mandate of the AoK*, December 2007.

2. STANDARDS AND GOOD PRACTICES - CO-OPERATION BETWEEN PARLIAMENT AND CIVIL SOCIETY

Public access to parliamentary information

Public participation in parliamentary work requires a sound informational basis. Firstly, parliaments should have transparent and easily accessible procedures in place in order to process requests for official information submitted by the public. Secondly, parliaments should ensure that all official information related to their work is readily available to the public. Many parliaments, including those of Albania, Latvia, Montenegro and Serbia, have a bulletin where information on the work of the parliament, including parliamentary questions, is published on a regular basis. Often a public information requirement is anchored in the Rules of Procedure.⁷

It is important that information published by parliament includes work documents, such as draft laws and their supporting documentation, transcripts of plenary and committee sessions, and committee reports. These documents are the subject of public consultation and they need to be published in a timely fashion. It is therefore good practice that these work documents, along with relevant information on the bodies producing them, their meeting schedules and event notifications are published on the website within 2-3 days of their adoption.⁸ The public and CSOs need to be able to easily identify counterparts in committees and to participate in their work. Another common practice is the selection and announcing of a point of contact for committees on parliamentary websites.⁹

Institutional prerequisites for civil society participation in the work of parliament

There is no single institutional model for parliamentary-civil society relations. In several parliaments, civil society relations are part of the public relations portfolio. This is the case in Albania,¹⁰ Latvia¹¹ and Slovenia¹². In other parliaments, such as Montenegro¹³, it is part of the Office of the Secretary-General.

Regardless of how this relationship is institutionalized, it is important that, in practice, the structure gives effect to the functions outlined below.

Parliament should gather data on and analyze the participation of civil society in its work. This data can be used for assessing the scope and quality of civil society participation, to identify

⁷ This is the case for the Parliament of Croatia and the Parliament of Albania, where entire chapters of their Rules of Procedure are devoted to the publicity of their work. Some other parliaments reference the publicity of the parliamentary work in their chapters on the plenary or committee work of the Rules of Procedure.

See OSCE Mission to Bosnia and Herzegovina, *Answers to Questionnaire* document from regional meeting of the parliamentary Public Relations staff, Sarajevo, 22-23 June 2011;

⁸ See Inter-Parliamentary Union, *Guidelines for Parliamentary Websites*, March 2009, <<http://www.ipu.org/PDF/publications/web-e.pdf>>, (accessed 10 October 2012).

⁹ *Ibid.*, p.18.

¹⁰ *Answers to Questionnaire*, OSCE Regional meeting of the parliamentary PR staff, 22-23 June 2011

¹¹ Karina Petersone, *Involvement of Civil Society in the work of the Parliament and Policy Making*, Presentation delivered at "Seminar on Institutional Models for Civil Society - Assembly Relations in Kosovo", 8 June 2012, Prishtinë/Priština, Kosovo.

¹² *Answers to Questionnaire*, *supra* note 10.

¹³ Head of the Secretary General Office, Parliament of Montenegro, email correspondence, 6 November 2012.

opportunities for and constraints of access by civil society, and to plan outreach activities. Parliament should keep official registers of CSOs¹⁴, along with a register of experts, to allow committees to pool from the available expertise and reach out to key constituencies represented by civil society.

Parliament's interaction with civil society is no longer confined to facilitation of public participation in committee hearings. Parliaments are increasingly inviting participation from the public and developing additional programmes with civil society.¹⁵ The Latvian Parliament organizes regular policy discussions, seminars and conferences on important topics with CSOs. In addition, it organizes an annual forum, where committee leaders engage in sectoral policy discussions with civil society.¹⁶ Hence, parliaments need to provide for adequate budgetary resources and staffing to allow for further participation and joint activities.

In addition, the enhanced scope of interaction between the parliament and civil society calls for a comprehensive definition of this relationship, resulting from dialogue between both parties. The results of such dialogue can take the form of a parliamentary resolution or declaration, as is the case in Latvia,¹⁷ or of a memorandum of understanding, as seen in Montenegro¹⁸. This dialogue is usually held between the parliament leadership and a representative civil society platform. These formal proclamations between parliament and the civil society sector can outline the terms of co-operation, and may also cover the broader questions of civil society sector development, and the legal and economic framework in which civil society operates.¹⁹

In light of the above, any institutional mechanism for civil society relations needs to provide a channel from the administration (the Office of the Secretary, the Public Relations Office and the Committee Support Office) to the parliamentary leadership, which provides direction on relations with civil society. In addition to its civil society relations portfolio at the Department for Public Relations, the Parliament of Latvia has set-up a permanent political working group to co-ordinate the interaction and activities of the Parliament with civil society. The President of the Parliament, the Director of the Chancellery, the Political and Legal Advisor to the Speaker and the Head of the Public Relations Department of the Parliament of Latvia all participate in the working group.²⁰

¹⁴ Inter-Parliamentary Union, *Parliament and Democracy in the Twenty-first Century. A Guide to Good Practice*, 2006, p.86.

¹⁵ *Ibid.*, p.80.

¹⁶ Latvia, Public Relations Department of the Parliament of Latvia, *Cooperation of the Saeima with NGOs*, Briefing Note provided in May 2012.

¹⁷ Latvia, Parliament of Latvia, *Declaration about the Development of a Civil Society in Latvia and Co-operation with non-governmental organizations*, Riga, 30 March 2006, < <http://www.saeima.lv/en/public-participation/the-saeima-and-ngo-forum>>, (accessed 25 October 2012).

¹⁸ Parliament of Montenegro, *Memorandum of Co-operation between the Parliament of Montenegro and the Network of Civil Society Organisations for Democracy and Human Rights*, Podgorica, 2011.

¹⁹ In its declaration, the Latvian Parliament commits to put in place a “favourable financial and budgetary policy, required for developing and strengthening a civil society” and to support the development of CSO co-operation mechanisms. Parliament of Latvia, *Declaration about the Development of a Civil Society in Latvia and Cooperation with non-governmental organizations*, *supra* note 17.

²⁰ Parliament of Latvia, *Cooperation of the Saeima with NGOs*, *supra* note 16.

Standards for Public Consultation

Public Consultation is a process whereby institutional decision-makers solicit views from the public. “It is a two-way relationship in which [the public institution] determines participants, in order to receive sound feedback. [The public institution] ensures that citizens are provided with pertinent information in advance.”²¹ Written consultations on a government strategy or a parliamentary hearing on a draft law are two examples of such consultations.²²

Public consultation is implemented by governments and parliaments in both the legislative and governmental oversight processes. Several institutions have published minimum standards for public consultations.²³ Several parliaments, including the Austrian and Scottish Parliaments, have introduced a practice called “pre-legislative scrutiny”, which is a public consultation process held before a draft law is introduced. In Scotland, this process is driven by parliamentary committees²⁴, while in Austria the government is conducting these consultations.²⁵ In Kosovo and Western Balkan countries, the current practice is for committees to hold consultative hearings during the legislative and oversight process, especially at the stage where draft laws are considered in detail by committees.²⁶

Though both the modalities of public consultation and the question of its compulsiveness depend on which institution seeks input and at what stage of the policy-making process, common principles for consultations can be identified:

- A consultation should concisely define its subject matter. This includes information on

²¹ Dragan Golubović, “An Enabling Framework for Citizen Participation in Public Policy: An Outline of Some of the Major Issues Involved”, *supra* note 1, pp. 42-43.

²² Consultations can be distinguished from information-sharing on the one hand, and participation on the other. Information-sharing is a one-way interaction where public institutions disseminate information to the public, but do not seek a response. Participation describes repeated interaction between the decision-maker and the counterpart of the public, for example NGOs serving on a government working group.

²³ Examples include the European Commission’s *General principles and minimum standards for consultation of interested parties by the Commission*,

<http://ec.europa.eu/transparency/civil_society/consultation_standards/index_en.htm#_Toc46744756>, 11 December 2002, (accessed 4 November 2012); the United Kingdom Government’s binding code of conduct: Better Regulation Executive, *Code of Practice on Consultation*, July 2008, <<http://www.bis.gov.uk/files/file47158.pdf>> (accessed 3 November 2012); the Austrian Government’s non-binding standards: Austrian Federal Chancellery, *Standards of Public Participation. Recommendations for Good Practice*, 2011, <http://www.partizipation.at/fileadmin/media_data/Downloads/Standards_OeB/oeb_standards_engl_finale_web.pdf>, (accessed 20 October 2012); the Croatian government’s non-binding Code of Practice: Government of Croatia, *Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts*, 21 November 2009, <<http://www.uzuvrh.hr/userfiles/file/code%20of%20practice%20on%20consultation-croatia.pdf>>, (accessed 5 November 2012)

²⁴ United Kingdom, The Scottish Parliament, *Guidance on Committees, Part 2: Stages of Bills – the General Rules*, <<http://www.scottish.parliament.uk/parliamentarybusiness/20956.aspx>>, (accessed 10 November 2012).

²⁵ In Austria, these processes, drafts laws or concept documents are published on the government website for a specific consultation period, submissions by the public are also gathered and published.

²⁶ An example applicable to Kosovo is the Assembly of Kosovo Public Hearing Manual. National Democratic Institute Kosovo & OSCE Mission in Kosovo, *Assembly of Kosovo Public Hearing Manual*, May 2004, <<http://www.ndi.org/node/13402>>, (accessed 7 July 2012).

which aspects are open to consultations, and which have already been finalized.²⁷ In addition, the consulting institution should provide background information relating to the rationale behind the consultation²⁸ and the aims of the policy decision.²⁹

- The target audience of a consultation should be properly identified in advance of the process to ensure that affected groups can make their voice heard and relevant expertise can be mobilized.³⁰
- The public should have access to information regarding the process in advance of the consultation. Information should include the topic of the consultation, target/affected audience, consultation period, consultation method, and follow-up. This information should be standardized to allow for pertinent information to be identified quickly.³¹ Information is sometimes attached to the consultation invitation or announcement.³²
- Adequate time should be set aside for consultations. The specified consultation period may vary, but usually several weeks are allowed for the submission of written evidence.³³ One week's advance notice is often considered a minimum for public hearings of committees.³⁴
- The consultation process should be entirely transparent. Submissions received should be published in a timely fashion and an easily accessible manner. It is a common practice to publish both written submissions to and transcripts of consultation hearings on the committee's website.³⁵ Where consultation is limited to a specific target audience, this should be made explicit and public.³⁶ The requirement of transparency is often extended to the consulted parties, requiring them to declare the interests that they represent.³⁷
- Clear feedback should be provided to organizations that have participated in the consultation process. All inputs should receive an initial acknowledgment of

²⁷ Austrian Federal Chancellery, *Standards of Public Participation. Recommendations for Good Practice*, p.13.

²⁸ *Ibid.*, p.15.

²⁹ Better Regulation Executive, *Code of Practice on Consultation*, July 2008, p. 9.

³⁰ *Ibid.*, p. 10; The European Commission criteria for selection includes a balance of representation of counterweighing interests. Selection is based on the past performance of consulted parties during previous consultations. European Commission, *General principles and minimum standards for consultation of interested parties by the Commission*, *supra* note 23; The Austrian Government recommends taking into account mainstreaming of vulnerable groups when selecting parties for consultation. Austrian Federal Chancellery, *Standards of Public Participation. Recommendations for Good Practice*, *supra* note 27, p. 13.

³¹ Better Regulation Executive, *Code of Practice on Consultation*, *supra* note 29, p. 10.

³² Austrian Federal Chancellery, *Standards of Public Participation. Recommendations for Good Practice*, p.14

³³ In the Scottish Parliament's Member's Bills, which are drafts prepared by MPs, the prescribed consultation period is seven weeks. Standing Orders of the Scottish Parliament, Rule 9.14,

<<http://www.scottish.parliament.uk/parliamentarybusiness/26514.aspx>>, (accessed 10 November 2012).

³⁴ See, for instance, The United States, House of Representatives, *Rules of the House of Representatives, One Hundred Twelfth Congress, Rule XI.3 (A)*, <<http://www.rules.house.gov/singlepages.aspx?NewsID=160&rsbd=165>> (accessed 17 January 2013)

³⁵ See, for instance, The Scottish Parliament, *Policy on treatment of written evidence by subject and mandatory committees*, <<http://www.scottish.parliament.uk/Helpandguidance/ParliamentPolicy.pdf>>, (accessed 10 November 2012).

³⁶ European Commission, *General principles and minimum standards for consultation of interested parties by the Commission*, *supra* note 23, p. 17.

³⁷ See for instance Government of Croatia, *Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts*, 21 November 2009, p. 4.

contribution.³⁸ When all submissions have been reviewed, additional feedback should describe the decision taken in light of what has been learned from the submission. Ideally, this information should be published before the final policy decision is made.³⁹

³⁸ European Commission, *General principles and minimum standards for consultation of interested parties by the Commission*, *supra* note 23.

³⁹ Better Regulation Executive, *Code of Practice on Consultation*, *supra* note 29, p. 12.

3. ASSEMBLY OF KOSOVO - COMPLIANCE WITH STANDARDS AND GOOD PRACTICES IN CO-OPERATION BETWEEN PARLIAMENT AND CIVIL SOCIETY

The performance of the Assembly in providing access to information on its work

In 2011, the Assembly received 13 requests for access to official documents, a relatively modest number, five of which it failed to respond to.⁴⁰ In late 2011, in accordance with the Law on Access to Public Documents, the Assembly has appointed a focal point at the Office of the Secretary to receive and process requests for official information by the public.⁴¹ The Assembly's performance in providing access to official information is expected to improve as a result. In the interest of transparency of its work, the Assembly should strive to provide a response to all requests for access to official information.

Assembly plenary sessions and committee meetings are public and can be attended subject to prior registration.⁴² Draft laws submitted to the Assembly, agendas for and transcripts of plenary sessions, agendas for and minutes of committee meetings and electronic voting records for plenary sessions are published on the Assembly website.⁴³ In addition, the Assembly issues a quarterly bulletin, where questions by Assembly Members to the government that remain unanswered are published.⁴⁴ The bulletin is also published on the website of the Assembly.⁴⁵ The Assembly also maintains a meeting calendar on its website, where the public is informed on plenary sessions, committee meetings and meetings of the Assembly Presidency. In addition, the Assembly regularly issues press releases covering plenary sessions and committee meetings. This information output, if consistently implemented, would allow for sufficient public participation. Prioritizing the Assembly website as a public information tool is in line with best practices.⁴⁶

However, several important deficiencies remain. The mandatory supporting documentation⁴⁷ of a draft law, the explanatory note establishing the purpose of the law, including its compliance with existing legislation, and the budget impact assessment, are not published on the Assembly website. These documents should be made available to the public as they allow for further insight into the rationale and impact of each proposed law.

Critical information on the work of committees is either not available, or does not get published in a timely manner. Currently, committee reports are not published at all. Minutes of committee meetings are often published belatedly, when the information they contain is no longer

⁴⁰ Office of the Prime Minister of Kosovo, *Comprehensive Report 2011 – on Public Institutions, Achieving the Right to Access Public Documents*, Pristina, 2012, p. 8, <http://www.kryeministri-ks.net/repository/docs/Comprehensive_Report_Anglisht.pdf>, (accessed 3 November 2012).

⁴¹ Law No.03/L – 215 on Access to Public Documents, 7 October 2010, Article 5.

⁴² Assembly of Kosovo, Rules of Procedure of the Assembly of Kosovo, 29 April 2010, Articles 43 and 65.

⁴³ *Ibid.*, Articles 43, 51 and 53.

⁴⁴ *Ibid.*, Articles 45 and 46.

⁴⁵ See Assembly of Kosovo website, <<http://assembly-kosova.org/?cid=2,163>>, (accessed 10 November 2012).

⁴⁶ See Inter-Parliamentary Union, *Guidelines for Parliamentary Websites*, *supra* note 8.

⁴⁷ Assembly of Kosovo, Rules of Procedure of the Assembly of Kosovo, 29 April 2010, Article 54

actionable for CSOs seeking to participate: “[M]ost of the information provided by the Assembly is not relevant to our work. For example, the draft laws under discussion are published on the Assembly website, only in the versions which are submitted by the Government, while the changes within the committees are not reflected and published. Similarly, the minutes of committee meetings are published late, often after that specific issue is no longer of any interest, or not published at all.”⁴⁸

In late 2012, the Assembly approved its first Information and Public Relations Strategy.⁴⁹ The strategy focuses on media relations, relations with civil society, constituency relations, and public information output. Covering the period 2012-2015, the Assembly strategy addresses several deficiencies outlined above. It commits the Assembly to consistently publishing information on the work of the committees in a timely fashion on the Assembly website.⁵⁰ These actions should be prioritized during the implementation of the strategy.

The institutional set-up for civil society co-operation at the Assembly

Since late 2012, a new institutional arrangement for civil society relations has been created to replace and improve upon the past responsibilities of the Department for Media and Public Relations (DMPR).⁵¹

The Assembly has put in place a civil society database on its website which will serve as a register of civil society organizations in accordance with international best practices.⁵² The database is open for registration to all civil society organizations and accessible to all Assembly of Kosovo members and stakeholders. It will serve as a resource for identifying relevant parties during consultations. Since the public call for registration, over 60 organizations have registered.⁵³ These registered organisations have provided information on their topical interests, their areas of expertise and past activities, and they have been invited to sign up for committees they would like to follow. The database will allow committee support staff to identify organizations based on their expertise and experience.

The holder of the post of Senior Civil Society Relations Officer is charged with administering the civil society database, and with developing and preparing joint activities of the Assembly and its leadership with civil society. This will address one concern identified during the interviews for this report.

⁴⁸ Interview with Taulant Hoxha, Programme Manager, Kosovo Civil Society Foundation, May 2012.

⁴⁹ Assembly of Kosovo, *Information and Public Relations Strategy of the Assembly of Kosovo*, 25 October 2012, <http://assembly-kosova.org/common/docs/2012_10_25_Strategy.pdf>, (accessed 2 October 2012).

⁵⁰ *Ibid.*, pp. 2-3.

⁵¹ The DMPR was previously responsible for “informing civil society and citizens about the activities of the Assembly and its bodies”. However, under this previous mechanism, few outreach activities were conducted. Assembly of Kosovo, *Regulation on the Organization and Responsibilities of the Assembly of Kosovo*, Prishtinë/Priština, October 2010.

⁵² The database is available at <<http://assembly-kosova.org/?cid=2,1007>>, (accessed 10 November 2012).

⁵³ Fifty organizations had registered as of November 2012.

*“The Assembly should have a special person or officer appointed to communicate only with the CSOs. If everybody deals with this, no one is responsible.”*⁵⁴

The new Senior Civil Society Relations Officer should use the civil society database to track participation of CSOs in the work of the Assembly and to identify an audience for joint activities and targeted communication. The functionality and use of the database should be regularly assessed and further developed. It should be used to monitor and report on civil society participation in the work of the committees, and good practices of public consultation should be promoted internally. It is also important that this officer co-ordinates closely with staff at the DMPP to allow for broader public outreach activities and to ensure that the work of DMPP is in compliance with the objectives of the Assembly Information and Public Relations Strategy.

Beyond these requirements of routine co-operation, the new arrangement will have to satisfy the need for interaction between civil society and the political leadership of the Assembly. The Assembly needs to define its relationship vis-à-vis the civil society sector more broadly, and engage with civil society at the level of the Assembly Presidency. As one member of the Assembly Presidency observes: *“Members, administration staff and civil society should draft a strategy for institutionalized co-operation between the two [parties]. This also enables [...] regulation of the status of the CSOs [in the Assembly]”*.⁵⁵

The Assembly Presidency should engage with civil society to improve the flow of important information, including information on the Assembly’s work programme: *“The Assembly should have [two] regular meetings with CSOs regarding the presentation of the legislative strategy. The first meeting to put consultations in the work programme and the second meeting is to see how many of those are realized.”*⁵⁶

The Information and Public Relations Strategy proposes the set-up of an Assembly of Kosovo – civil society working group which will include a designated member of the Assembly’s Presidency and will “meet regularly with representatives of civil society to negotiate a parliamentary resolution, on principles of co-operation – taking into account the provisions of the co-operation strategy between the government and civil society.”⁵⁷ Support of this working group is the responsibility of the holder of the post of the Senior Civil Society Relations Officer. This solution is closely modelled on the best practices implemented in Latvia and Montenegro, outlined in the preceding chapter. Once a framework document covering principles of co-operation and regulation of the civil society sector is agreed upon, the working group will need to jointly supervise implementation of those standards and activities, based on data gathered by the Senior Civil Society Relations Officer.

Finally, it is important that these new structures and activities are adequately funded from the Assembly of Kosovo budget in 2013 and 2014. The Senior Civil Society Relations Officer’s

⁵⁴ Interview with Ismet Mahmuti, Media Officer, Department for Media and Public Relations, Assembly of Kosovo, May 2012.

⁵⁵ Interview with Glauk Konjufca, Member of the Presidency, Assembly of Kosovo, May 2012.

⁵⁶ Interview with Zenun Pajaziti, Chairperson, Committee for Economic Development, Infrastructure, Trade and Industry, Assembly of Kosovo, May 2012.

⁵⁷ Assembly of Kosovo, *Information and Public Relations Strategy of the Assembly of Kosovo*, supra note 49, p. 6.

outreach activities and the support of the Assembly-civil society working group, in particular, will require the allocation of a modest operational budget covering expenses for outreach visits, meetings, roundtables and awareness-raising activities.

The quality of Assembly practices in public consultation

Participation of civil society in the work of Assembly Committees is regulated by the Assembly Rules of Procedure. Article 65 (4) specifies that “committees may invite representatives of institutions and of civil society to attend its meetings in order to present evidence or produce important documents.”⁵⁸ In addition, committees may hold public hearings “of experts, public organizations, representatives of interests groups and other persons”, where the committees engage in in-depth discussion with these persons.⁵⁹ Public hearings thus provide opportunities for civil society organizations to present and argue their views. Committees may also hire experts to support them in their legislative and oversight work.⁶⁰ These procedural provisions are comparable in nature and scope to those of many Western Balkans and other European parliaments and adequate for facilitating participation of civil society in the work of the Assembly.⁶¹

Like most parliaments, the Assembly, by its Rules of Procedure, is not bound to conduct public consultations. The recently adopted Manual on the Oversight Function of Parliamentary Committees, however, outlines rudimentary standards for consultation. It specifies that public hearings are announced at least one week in advance to allow participants to prepare their testimony, that hearings are announced on the website of the Assembly and advertised in news media, and that the entire hearing is transcribed.⁶²

At a public hearing, a committee invites experts and members of the public to comment on a matter before the committee. Usually, the invitees are allocated between 5 to 10 minutes to present their case, after which committee members ask questions.

Public hearings are usually convened by the lead committee⁶³ in the legislative review process or the process of oversight over the implementation of laws by the Government of Kosovo. The scope of consultation in the legislative review process is the entire text of the draft law (but not its supporting documentation, which is currently not published). In the oversight process, hearings may be more targeted, covering certain aspects of implementation that have been identified as problematic. In 2011, the Assembly adopted 65 laws, oversaw the implementation

⁵⁸ Rules of Procedure of the Assembly of Kosovo, 29 April 2010, Article 65 (4).

⁵⁹ *Ibid.*, Article 66.

⁶⁰ *Ibid.*, Article 65 (3).

⁶¹ For example, it is comparable to the Rules of Procedure of the Parliament of Montenegro, which also allows for hiring of experts and so-called consultative hearings of Committees. Montenegro, Parliament of Montenegro, Rules of Procedure of the Parliament of Montenegro, Article 73, <http://www.skupstina.me/cms/site_data/poslovnik/Poslovnik%20Skupstine%20Crne%20Gore.pdf>, (accessed 12 November 2012).

⁶² Assembly of Kosovo, *Manual on the Oversight Function of Parliamentary Committees*, Pristina, June 2012, pp. 17-18.

⁶³ In the legislative review process, the lead committee is responsible for reviewing a draft law article by article, for collecting and reviewing possible amendments to the draft law, and for reporting to the Plenary.

of 11 laws and reviewed 80 audit reports and reports of independent institutions⁶⁴. It held 68 public hearings.⁶⁵ On average, committees consult with the public extensively in their work; nearly half of all Assembly activities have had a public consultation element. This is an excellent example of good practice in public consultation that the Assembly should endeavor to continue in the future.

Unlike the online consultations of ‘pre-legislative scrutiny’ practiced by several European parliaments, parliamentary public hearings are consultation exercises that are limited in terms of time allocated and audience consulted. During a two to three-hour hearing, a committee can only hear from a small number of persons. Therefore, identifying the right parties to consultation is essential. Those persons or groups who are affected by a draft law or those with the sectoral expertise to assess its quality should be selected. Identification of the target audience has proved a challenge in the current consultation practice of the Assembly. Until recently, the Assembly did not have a register of civil society organizations, which led committees to invite those organizations regularly participating in their work. Committees should make use of the Assembly civil society database when identifying parties for consultation. Committee coordinators should regularly review the database entries and invite civil society organizations that have expressed interest in their committee to provide extensive information on their activities in the database.

Currently, committees do not consistently respect the time schedule suggested for public hearings in the Assembly’s Manual on the Oversight Function of Parliamentary Committees. Public hearings are often announced only a few days in advance of the event on the Assembly website. This limits the time for identifying the right parties to consult, and the ability of those parties to prepare their testimony and written submissions. Committees should therefore announce hearings at least one week in advance of the event.⁶⁶

Information on the topic, target audience, consultation period, consultation method, and follow-up of the hearing provided to the public is limited. The Assembly does not currently have templates for announcements, invitations and follow-up communication to a public hearing. In practice, public hearings are announced on the calendar of the Assembly website. The announcement contains only basic information, including the responsible committee, date and place of the hearing, as well as the “hearing agenda”, which is usually limited to one line.⁶⁷ The Assembly should develop a template for explanatory documents accompanying announcements and invitations to public hearings. The explanatory documents should feature summary information on the topic of the hearing, on the rationale for and subject of the consultation, on the targeted parties of consultation, on written inputs requested, and on any follow-up activities planned. To ensure that the written submissions received are useful,

⁶⁴ Figures are aggregated from OSCE regular monitoring reports. The Assembly of Kosovo monitoring reports can be found at: <<http://www.osce.org/kosovo/66128>>, (accessed 10 November 2012).

⁶⁵ *Ibid.*

⁶⁶ National Democratic Institute Kosovo & OSCE Mission in Kosovo, *Assembly of Kosovo Public Hearing Manual*, p. 10.

⁶⁷ The Assembly calendar can be found at <<http://assembly-kosova.org/?cid=2,159>>, (accessed 12 November 2012).

committees might issue a standard form for submission that would be circulated along with the announcement for the public hearing.⁶⁸

The shortage of information also hampers the transparency of committee consultations. While lists of participants and transcripts of public hearings are produced, these documents are not provided to participants, nor are they consistently published on the Assembly website. It is important to note that submissions by consulted parties are neither collected nor published.

As outlined above, the Assembly has committed in its Information and Public Relations Strategy to publish the lists of participants and the transcripts of public hearings on committee web-pages. The Assembly should also publish submissions received from experts, civil society and international organizations. Publishing such submissions would increase the accountability of committees towards the public: *“We should think to have a special place on the website of the Assembly to publish the proposals made by CSOs for amending different provisions of the laws.”*⁶⁹ An alternative option in the short term would be to annex submissions from public hearings to committee reports. Committee reports would then need to be published on the Assembly web-page in line with international best practices.⁷⁰

Public consultation is a two-way process of communication. However, committees do not consistently provide feedback to consulted parties, which would indicate whether a submission was taken into account by the committee. Committee coordinators should track the consideration of submissions and provide feedback to consulted parties upon their request.

The consultation practice by the Assembly Committee needs to be further developed and codified, in line with recent advances of the government.⁷¹ Codification could take the form of Principles of Consultations introduced into the Rules of Procedure of the Assembly. Short of a comprehensive solution for the Assembly, interested Committees could also anchor more strict requirements in their own committee Rules of Procedure.⁷²

It is important to note possible deficiencies of civil society performance in terms of participation and inputs submitted in the Assembly’s public hearings:

*“In public hearings, many NGOs do not provide any comment or make any contribution. They simply attend the meetings of the committees in a passive manner.”*⁷³ *“The role of civil society should be oriented towards the provision of alternatives, proposing solutions and moving on from this current phase of making mostly critical statements”.*⁷⁴ *“When certain CSOs have suggestions or remarks on laws being adopted at the Assembly, they come to us at the last minute*

⁶⁸ OSCE Mission in Kosovo, *Reference Book for Civil Society Organizations – Participation in the Legislative Oversight and Budget Processes of the Assembly*, November 2011, <<http://www.osce.org/kosovo/89170>>, (accessed 29 May 2012).

⁶⁹ Interview with Sherif Konjufca, Director, Department for Media and Public Relations, Assembly of Kosovo, May 2012.

⁷⁰ Inter-Parliamentary Union, *Guidelines for Parliamentary Websites*, *supra* note 8, p. 23.

⁷¹ The draft- proposals for which a concept document is required are published by the responsible ministry for legal initiatives and comments from CSOs affected by the initiative are actively solicited, see Article 32, Regulation No. 09/2011, Rules and Procedure of the Government of Kosovo, 7 September 2011.

⁷² See Article 62, Rules of Procedure of the Assembly of Kosovo.

⁷³ Interview with Ismet Mahmuti, Media Officer, Department for Media and Public Relations, Assembly of Kosovo, May 2012.

⁷⁴ Interview with Kushtrim Kaloshi, Executive Director, Advocacy and Training Resource Centre, May 2012.

*or even much later, when the law has already finished being worked on in the functional committees. [...] It is often the case that the CSOs address standing committees in order to express their views and suggestions.”*⁷⁵

Unfortunately, due to a lack of documentation on public hearings, these assertions cannot be finally verified.⁷⁶ Only comprehensive monitoring of civil society participation and publishing of input provided to Committees will allow the Assembly to identify systematically the deficits of civil society inputs provided into the work of Committees.

⁷⁵ Interview with Goran Marinković, Chairperson, Committee for the Rights and Interests of Communities and Returns, Assembly of Kosovo, May 2012.

⁷⁶ The OSCE was unable to retrieve both the complete transcripts of public hearings and the list of participants from 2011 for this report.

4. CONCLUSIONS

The Assembly has made significant progress in enhancing co-operation with civil society. Building up on this progress depends on further development of the institutional arrangements as well as consequent implementation of commitments in terms of public information. Both require that the Assembly Presidency pays adequate attention to the allocation of budgetary and staff resources for these activities.

The fact that Assembly work documents often remain unavailable to the public hampers the quality of participation. Supporting documentation to draft laws, committee reports, transcripts of public hearings, and submissions from civil society in public hearings should be published consistently. In implementing the Information and Public Relations Strategy, the Assembly should give priority to publication of work documents on its website. Publishing these documents will increase the workload of committee support staff and of staff at the DMPR. The Assembly will need to clarify responsibilities and establish fair burden-sharing. In addition, the Assembly will have to recruit additional committee support staff to cope with increasing demands on and workloads of committees.

In 2012, the Assembly has taken important steps towards improving its infrastructure for co-operation with civil society organizations. It is imperative that the holder of the post of Senior Civil Society Relations Officer further develops the functionality of the civil society database and uses it as a monitoring tool. The new officer will need adequate training and budgetary resources to fulfill such duties and effectively reach out to civil society. In the face of the Assembly's limited experience in civil society relations, it could rely on donor support to build the capacities of the new officer.

The Assembly Presidency has not interacted regularly with civil society in the past. In light of the increased complexity of its relations with, and increased demands for co-operation from civil society, the Assembly needs to define this relationship with civil society at the highest level. Convening a high-level working group with the participation of civil society, as foreseen in the Assembly's Information and Public Relations Strategy, is an adequate solution.

Assembly committees consult the public extensively in their legislative and oversight work. On average, they hold public hearings on nearly half of all matters before them. Civil society participates regularly in these hearings. Committees should plan public hearings carefully and develop standard information packages and forms for submissions for consulted parties. However, the current workload and staffing levels for committee support may not allow for very detailed feedback. Publication of written submissions on committee web-pages would be a first step.

Finally, information acquired through interviews points to deficiencies in the performance of CSOs in public hearings. However, due to a lack of monitoring data on CSO participation, the nature and extent of these deficiencies is not clear. A response to this issue by the Assembly and interested donors will only be possible once a comprehensive monitoring system is in place.

5. RECOMMENDATIONS TO THE ASSEMBLY:

Provision of access to information on the work of the Assembly:

- The Assembly should publish all mandatory supporting information of draft laws along with the text of the laws on the Assembly website in accordance with the timeframe specified in the Assembly Rules of Procedure and other relevant regulations;
- The Assembly should publish information relevant to the work of committees on the committee web-pages within 2-3 days of the relevant committee meeting or public hearing. In particular, publish all committee reports, minutes of committee meetings, transcripts of committee hearings and lists of participants.
- The Assembly should strive to consistently respond to all requests for access to official documents, including in cases where access to the requested

The institutional set-up for civil society co-operation at the Assembly:

- The Assembly should encourage CSOs to register in the Assembly's civil society database, providing comprehensive information on their interests, as well as documentation of past activities;
- The Senior Civil Society Relations Officer should continuously assess and improve the functionality of the civil society database;
- The Senior Civil Society Relations Officer should develop a monitoring system for participation of civil society in the work of Assembly committees. The civil society database could form the basis of this system;
- The Senior Civil Society Relations Officer should plan and facilitate outreach activities, including seminars and workshops on pertinent topics, making use of the information stored in the civil society database. A modest operational budget should be allocated for civil society outreach activities from the Assembly of Kosovo budget;
- The Senior Civil Society Relations Officer and the DMPR should co-operate closely in civil society outreach activities;
- The Assembly Presidency should lead the establishment of the Assembly-Civil Society Working Group which will conduct a dialogue on improved principles of co-operation between the Assembly and civil society;
- The Assembly-Civil Society Working Group should analyze cases of good practice in parliamentary civil society co-operation, such as the framework in the Latvian Parliament and the regional best practice in Montenegro;

- The Assembly-Civil Society Working Group should negotiate a definition of the relationship between the Assembly and civil society which is agreeable to all sides, and develop a draft document on principles of co-operation;
- The Assembly Presidency should consider increasing its engagement with civil society. One option would be to hold regular (semi-annual) briefings on the legislative agenda and the Assembly's work programme for civil society organizations and the media.

Assembly practices on public consultation:

- Committees should make use of the Assembly civil society database in identifying parties for consultation;
- Committees should announce public hearings at least one week in advance of the event to allow those parties taking part in the consultation to adequately prepare their testimonies and supply written comments;
- The Assembly should issue a template for explanatory documents accompanying announcements and invitations to public hearings. The explanatory documents should include summary information on the general topic of the hearing, on the rationale for and specific subject of the consultation, on the targeted parties of the consultation, on written inputs requested and on any follow-up activity planned;
- The Assembly should issue a standard form for submission of comments to be circulated along with the announcement of the public hearing;
- Committee coordinators should track the consideration of submissions and, where possible, provide feedback to consulted parties on the extent their submission was taken into account;
- Committees should publish the lists of participants, transcripts of public hearings and submissions received from experts, civil society and international organizations on their web-page within 2-3 days of the hearing;
- Committees should consider adopting Rules of Procedure for themselves with more stringent regulations for public consultations, including minimum consultation requirements;
- The Assembly should assess the adequacy of staffing levels for committee support. Adequate staffing of committees should be a priority.

ANNEX I: Questionnaire

1. In broad terms, how would you assess the co-operation between the Assembly and the Civil Society Organizations?
2. The recent EU Progress Report has highlighted several aspects of the relationship between the Assembly and Civil Society. The report states that “Public hearings remain sporadic and civil society is not effectively involved in any Assembly debate (page 6 of the report)”. What is your opinion on this?
3. Moreover the Progress Report adds that “there is no institutionalized platform that would allow a regular dialogue between the Assembly and civil society organizations” What is your opinion on this?
4. The Progress Report adds that “Public understanding of the role of civil society remains low” How would you comment on this? Why?
5. Moreover, the report suggests that “The government, the Assembly and municipalities need to cooperate more effectively with civil society”. Do you agree with this? In your opinion, what type of cooperation should be established between the Assembly and civil society?
6. Which is the current role CSOs are playing in working with the Assembly? What role should they play?
7. What is your personal experience in working with CSOs/ the Administration/ Members in the Assembly?
8. How many CSOs/Assembly staff/Members have you been directly or indirectly involved with in your daily business with the Assembly?
9. How relevant and useful were the information you received from CSOs/Assembly staff/Members in your work (being those public hearings, working groups, public debates etc.)
10. Can you name some of the CSOs you have worked with?
11. Do you have direct contact (email and or phone) with the CSO representatives / Assembly Members? How often do you communicate with them?
12. Have you and how often been contacted by CSOs / Assembly Members regarding involvement in the work of the Assembly?
13. Should the Assembly do anything else to involve the CSOs to a greater extent in its work?
14. Is there anything else you want to add on the cooperation between CSOs and Assembly?

ANNEX II: List of interviewees

No:	Name	Surname	Function
Assembly Members			
1.	Ahmet	Isufi	Chairperson of the Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, Assembly of Kosovo
2.	Ganimete	Musliu	Chairperson of Parliamentary Youth Caucus, Assembly of Kosovo
3.	Teuta	Sahatqija	Chairperson of Parliamentary Women Caucus, Assembly of Kosovo
4.	Glauk	Konjufca	Member of Presidency, Assembly of Kosovo
5.	Enis	Kervan	Member of Presidency, Assembly of Kosovo
6.	Zenun	Pajaziti	Chairperson of the Committee for Economic Development, Infrastructure, Trade and Industry, Assembly of Kosovo
7.	Goran	Marinković	Chairperson of the Committee for the Rights and Interests of Communities and Returns, Assembly of Kosovo
8.	Susan	Novobërdali	Chairperson of the Committee on Human Rights, Gender Equality, Missing Persons and Petitions, Assembly of Kosovo
Assembly Administration Staff			
9.	Ismet	Krasniqi	Secretary, Assembly of Kosovo
10.	Sherif	Konjufca	Head of the Office for Media and Public Relations, Assembly of Kosovo
11.	Ismet	Mahmuti	Media Officer, Office for Media and Public Relations, Assembly of Kosovo
12.	Xheladin	Hoxha	Chief of Division for Support Parliamentary Committees, Assembly of Kosovo,
13.	Idriz	Tahiri	Committee Coordinator, Committee on Legislation, Assembly of Kosovo
14.	Nur	Çeku	Committee Coordinator, Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, Assembly of Kosovo
15.	Rrahim	Demaj	Committee Coordinator, Committee on Human Rights, Gender Equality, Missing Persons and Petitions, Assembly of Kosovo
16.	Lule	Ymeri	Committee Coordinator, Committee for Education, Culture, Youth, Sports, Public Administration, Local Government and Media, Assembly of Kosovo
17.	Armend	Ademaj	Committee Coordinator, Committee for Economic Development, Infrastructure, Trade and Industry, Assembly of Kosovo
18.	Safet	Beqiri	Senior Officer, Committee for European Integration, Assembly of Kosovo
Civil Society Organizations			
19.	Valdete	Idrizi	Director, CiviKos

20.	Taulant	Hoxha	Programme Manager, Kosovo Civil Society Foundation (KCSF)
21.	Driton	Selmanaj	Programme Manager, Kosovo Democratic Institute (KDI)
22.	Valmir	Ismaili	Programme Manager, Democracy for Development (D4D)
23.	Kushtrim	Kaloshi	Executive Director, Advocacy Training and Resource Centre (ATRC)
24.	Petrit	Zogaj	Executive Director, “Lëvizja FOL”
25.	Hajrulla	Çeku	Director, “Ec ma Ndryshe”
26.	Artan	Venhari	Senior Researcher, Kosovar Institute for Policy and Research and Development (KIPRED)
27.	Albert	Krasniqi	Researcher, Kosovar Institute for Policy and Research and Development (KIPRED)
28.	Luljeta	Demolli	Programme Manager/Researcher, Kosovo Centre for Gender Studies (KCGS)
29.	Flutura	Kusari	Project Coordinator and Legal Adviser, Balkan Investigative Reporting Network (BIRN)
30.	Albulena	Sadiku	Project Coordinator, Balkan Investigative Reporting Network (BIRN)
31.	Raba	Gjoshi	Executive Director, Youth Initiative for Human Rights (YIHR)