

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

**OSCE Mission in Kosovo Report 01/2010**  
**On the Monitoring of the Assembly of Kosovo**  
**1 January 2010 – 28 February 2010**

**Highlights**

- **New parliamentary group called "For integration" established**
- **SLS and For Integration reach an agreement on their representation in committees**
- **Ashkali community represented in the presidency based on the rotation agreement**
- **Assembly allocates funds to the Radio and Television of Kosovo**
- **Assembly encounters difficulties in managing parliamentary question periods**

**1. Background**

This 66<sup>th</sup> monitoring report is drafted in accordance with the terms of reference for UNMIK Pillar III for Institution Building (OSCE) Monitoring of the Assembly of Kosovo, dated 26 November 2002, and is based on compliance with the rules of procedure adopted at the plenary session on 20 May 2005, as amended at the plenary session on 1-2 June 2006 and 18 September 2007 plenary session.

The OSCE Mission in Kosovo monitored three regular plenary sessions, on 28 January, on 11 February, and on 25 February as well as five Presidency meetings, on 26 January, on 8 February, on 16 February, on 19 February, and 23 February.

**2. Overview**

**The 28 January plenary session** was chaired by the President of the Assembly Mr. Jakup Krasniqi (Democratic Party of Kosovo - PDK) and by member of the Presidency Mr. Naim Maloku (Alliance for the Future of Kosovo - AAK).

- Seventy-one members of the Assembly were present at the 28 January plenary session.<sup>1</sup>
- Main agenda items of the 28 January plenary session:
  - Questions to the government for oral answer
  - First reading of the draft law on Red Cross  
(The draft law was endorsed in principle with 63 votes in favour and no votes in opposition.)
  - First reading of the draft law on use and protection of the Red Cross emblem and other distinctive emblems and signals  
(The draft law was endorsed in principle with 60 votes in favour and no votes in opposition.)
  - First reading of the draft law on medical products and devices  
(The draft law was endorsed in principle with 53 votes in favour and ten votes in opposition.)
  - First reading of the draft law on execution of international sanctions  
(The draft law was endorsed in principle with 45 votes in favour and eight votes in opposition.)

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<sup>1</sup> This is the figure announced by the President of the Assembly at the beginning of the plenary session. Nevertheless, this figure does not correspond with the total number of votes on the agenda items below because it does not include abstentions and members that do not declare their vote at all

- First reading of the draft law on market inspectorate  
(The draft law was endorsed in principle with 56 votes in favour and two votes in opposition.)
- First reading of the draft law on protection from domestic violence  
(The draft law was endorsed in principle with 65 votes in favour and no votes in opposition.)
- First reading of the draft law on energy  
(The draft law was endorsed in principle with 37 votes in favour and 21 votes in opposition.)
- First reading of the draft law on electricity  
(The draft law was rejected because it received 29 votes in favour and 29 votes in opposition.<sup>2</sup>)
- First reading of the draft law on energy regulator  
(The draft law was endorsed in principle with 35 votes in favour and 30 votes in opposition.)
- First reading of the draft law on forensic medicine  
(The draft law was endorsed in principle with 61 votes in favour and no votes in opposition.)
- Review of the *ad hoc* Committee recommendation with regard to the appointment of one member of the Independent Oversight Board<sup>3</sup>  
(The appointment was endorsed with 39 votes in favour.)
- Review of the recommendation of the Committee for Budget and Finance with regard to the allocation of funds to the Radio and Television of Kosovo (RTK)  
(The recommendation was adopted with 49 in favour and 11 in opposition.)
- Review of government's proposal with regard to the appointment of board members of the Independent Commission for Mines and Minerals<sup>4</sup>  
(The appointments were endorsed with 45 votes in favour and 22 votes in opposition.)

**The 11 February plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly Jakup Krasniqi (PDK) and by member of the Presidency Mr. Ibrahim Gashi (Alliance for New Kosovo - AKR).

- Seventy-two members of the Assembly were present at the 11 February plenary session.
- Main agenda items of the 11 February plenary session:
  - Questions to the government for oral answer
  - First reading of the draft law on state administration  
(The draft law was removed from the agenda due to the absence of the Minister of Public Administration, who sponsored the draft law.)
  - First reading of the draft law on official gazette  
(The draft law was endorsed in principle with 54 votes in favour and one vote in opposition.)
  - First reading of the draft law on the Independent Oversight Board  
(The draft law was endorsed in principle with 53 votes in favour and three votes in opposition.)
  - First reading of the draft law on execution of penal sanctions

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<sup>2</sup> According to rule 31.6, in the event of an equal number of votes being cast for or against any proposal, it shall be deemed to have been defeated.

<sup>3</sup> The Assembly of Kosovo elected Mr. Naim Abazi as a member of the Independent Oversight Board (IOB). Mr. Hydajet Hyseni (PDK), the chairperson of the *ad hoc* committee for the selection of IOB candidates, took the floor and on behalf of the committee presented the two shortlisted candidates: Mr. Naim Abazi and Mr. Ali Dragusha. Each parliamentary group was then called to nominate a person to the verification commission for the voting process. Mr. Abazi was elected by secret ballot with 39 votes in his favour, while Mr. Dragusha received 20 votes, and seven ballots were declared invalid.

<sup>4</sup> The Assembly endorsed the appointment of following members of the Independent Commission for Mines and Minerals: Mr. Ahmet Tmava, Mr. Xhevdet Kastrati, Mr. Ibush Jonuzi and Mr. Shaip Latifi. All members were appointed to a four year term of office.

- (The draft law was endorsed in principle with 74 votes in favour and no votes in opposition.)
- Second reading of the draft law on protection from ionised, non-ionised radiation and nuclear security  
(The draft law was approved with 63 votes in favour and no votes in opposition.)
- Second reading of the draft law on amending and supplementing the law on tobacco  
(The draft law was endorsed in principle with 62 votes in favour and two votes in opposition.)
- Second reading of the draft law on declaration, origin and control of assets of senior public officials  
(The draft law was endorsed in principle with 61 votes in favour and no votes in opposition.)
- Second reading of the draft law on tourism and tourist activities  
(The draft law was endorsed in principle with 46 votes in favour and 16 votes in opposition.)
- Review of the recommendation of the Committee for Legislation and Judicial Affairs with regard to the appointment of members to the Bar Exam Commission  
(The appointments were endorsed with 41 votes in favour and 11 votes in opposition.<sup>5</sup>)

**The 25 February plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly Jakup Krasniqi (PDK) and member of the Presidency Mr. Sabri Hamiti (Democratic League of Kosovo - LDK).

- Eighty-five members of the Assembly were present at the 25 February plenary session.
- Main agenda items of the 25 February plenary session:
  - Questions to the government for oral answer
  - First reading of the draft juvenile justice code  
(The draft code was endorsed in principle with 65 votes in favour and one vote in opposition.)
  - Second reading of the draft law on genetically modified organisms  
(The draft law was returned to the sponsor with 59 votes in favour and one vote in opposition.)
  - Second reading of the draft law on amending and supplementing the law on forests  
(The draft law was approved with 64 votes in favour and no votes in opposition.)
  - Second reading of the draft law on protection of air from pollution  
(The draft law was approved with 67 votes in favour and no votes in opposition.)
  - Second reading of the draft law on financing of special housing programs  
(The draft law was approved with 57 votes in favour and no votes in opposition.)
  - Review of the Assembly Work Program for 2010  
(The work plan was adopted with 56 votes in favour and seven votes in opposition.)
  - Review of the Assembly Action Plan on European integration for 2010  
(The action plan was adopted with 56 votes in favour and no votes in opposition.)
  - Review of the government's proposal on allocation of funds for the purchase of vaccines  
(The proposal was approved with 46 votes in favour and no votes in opposition.)
  - Proposal of Independent Liberal Party (SLS) and "For Integration" parliamentary groups with regard to their representation in Assembly committees  
(The proposal was formally adopted with a majority of votes in favour and no votes in opposition. For more details, see below the section entitled "Equal access and participation of communities".)

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<sup>5</sup> Following the recommendation of the Committee for Legislation and Judicial Affairs, the Assembly endorsed the appointments of Mr. Adem Vokshi, Mr. Asllan Bilalli and Ms. Remzije Istrefi.

### 3. Parliamentary practices and proceedings of Assembly sessions

#### Legislative process

- During the review period, the Assembly approved seven laws as follows:

Name	Functional committee	First reading	Second reading	Timeframe
Law on protection from ionised, non-ionised radiation and nuclear security	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	20 November 2008	11 February 2010	One year and two months
Law on declaration, origin and control of assets of senior public officials	Committee for Legislation and Judicial Affairs	11 June 2009	11 February 2010	Eight months
Law on amending and supplementing the law on forests	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	25 June 2009	25 February 2010	Eight months
Law on amending and supplementing the law on tobacco	Committee for Health, Labour and Social Welfare	9 July 2009	11 February 2010	Seven months
Law on financing of special housing programs	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	23 July 2009	25 February 2010	Seven months
Law on protection of air from pollution	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	23 July 2009	25 February 2010	Seven months
Law on tourism and tourist activities	Committee for Economy, Trade, Industry, Energy, Transport and Communications	17 September 2009	11 February 2010	Five months

*Comment: Rule 35.6 provides that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading, unless an extension is approved by the Assembly.” All of the above-referenced draft laws were approved by the Assembly beyond the deadline required by rule 35.6 and the responsible functional committees did not ask the Assembly to extend the deadline, which is not in compliance with rule 35.6. Many previous monitoring reports noted that the Assembly committees are having difficulties to review and report their recommendations on draft legislation according to the timeframe set forth in rule 35.6. The Assembly should therefore consider hiring additional support staff and experts to assist the committees in reviewing draft legislation in a timely manner. Moreover, the committees should also strive to review the draft legislation within the required timeframe by meeting more often, when needed, rather than on a weekly or bi-weekly basis as they commonly do.*

- During the 25 February plenary session, the Assembly approved the request of the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning to return the draft law on genetically modified organisms to the sponsor for further revision. The draft law on genetically modified organisms was endorsed in a first reading at the 29 February 2008 plenary session and was therefore returned to the sponsor after two years of review.

*Comment: According to rule 35.3, “[t]he sponsor may withdraw the draft law during the first reading, before the procedure of voting it in principle takes place (emphasis added).” The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning should have requested the Assembly to return the draft law on genetically modified organisms to the sponsor in accordance with rule 35.3. Moreover, Rule 35.7 provides that “[t]he functional or main committee may review the draft law in principle even before the first reading of the draft law takes place in plenary session (emphasis added).” If the above-mentioned functional committee had reviewed the draft law in question before its first reading, as allowed by rule 35.7, it would have had the opportunity to notice earlier the flaws of the draft law and to return it to the sponsor during its first reading, rather than doing so two years after the first reading. It is highly recommended that the Assembly committees utilize the opportunity to review draft laws before their first reading in order to make the legislative process more efficient.*

- At its 8 February meeting, the presidency discussed a motion submitted by Mr. Riza Smaka (AKR) proposing that the Assembly should instruct the government to amend the applied law on economic zones. Additionally, at the 19 February meeting, the presidency discussed another motion submitted by Mr. Smaka, in which he proposed that the Assembly should instruct the government to amend the applied law on general elections and the law on public procurement, promulgated by UNMIK Regulation 2004/3. The presidency decided to request the opinion of the government regarding Mr. Smaka’s motions. The government nevertheless did not yet provide an opinion on the matter.

*Comment: The decision of the presidency was in conformity with rule 34.1, which provides that “when a member of the Assembly submits to the Table Office a motion that the Assembly should instruct the Government to prepare a draft law, the Presidency shall request the opinion of the Government.”*

#### Distribution of draft legislation

- The draft law on use and protection of the Red Cross emblem and other distinctive emblems and signals was distributed on 8 December 2009, the draft law on Red Cross was distributed on 9 December 2009, the draft law on execution of international sanctions was distributed on 24 December 2009, the draft law on market inspectorate was distributed on 29 December 2009, the draft law on protection from domestic violence was distributed on 30 December 2009, the draft law on energy and the draft law on forensic medicine were distributed on 6 January 2010, the draft law on medical products and devices was distributed on 8 January 2010, and the draft law on energy regulator was distributed on 11 January 2010. Thus, the draft laws were distributed, respectively, 32, 31, 20, 19, 18, 14, 13 and 12 working days prior to their first reading at the 28 January plenary session.

The draft law on official gazette and the draft law on Independent Oversight Board were distributed on 18 January 2010, and the draft law on execution of penal sanctions was distributed on 20 January 2010. Thus, the draft laws were distributed, respectively, 17 and 15 working days prior to their first reading at the 11 February plenary session.

The draft juvenile justice code was distributed on 4 February. Thus, the draft law was distributed 13 working days prior to its first reading at the 25 February plenary session.

*Comment: Rule 35.1 requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. Thus, seven of the above-mentioned draft laws – draft law on use and protection of the Red Cross emblem and other distinctive emblems and signals, draft law on Red Cross, draft law on execution of international sanctions, draft law on market inspectorate, draft law on protection from domestic violence, draft law on official gazette and draft law on Independent Oversight Board – were reviewed in a first reading more than three working weeks after their distribution, which is not in compliance with rule 35.1.*

- At the 11 February plenary session, the Assembly removed from the agenda the draft law on state administration, which was scheduled for first reading, because of the absence of the Minister of Public Administration, who was supposed to present the draft law to the Assembly. The President of the Assembly was very vocal in his criticism against the government for their absence stating, as a sign of protest, that the draft law in question would not be considered by the Assembly within the next three months. He demonstratively affirmed that “nothing should be more important for the government than attendance at plenary sessions.”

*Comment: Absence of a minister in plenary session to present the draft law, sponsored by his/her ministry, causes unnecessary delay in adoption of the draft law. It is however important for both institutions to facilitate better coordination between the Assembly and the government when planning first readings of draft laws in order not to delay adoption.*

#### Assembly encounters difficulties in managing parliamentary question periods

- During the questions period at the 28 January plenary session, 12 out of 35 questions were processed, of which nine received a response by the government. The remaining questions were postponed for the next plenary session. At the 11 February plenary session, 32 questions were included in the regular period of questions to the government for verbal response. Out of 32 questions, 23 questions were postponed from the previous session in addition to nine new questions. Nevertheless, only four questions received a response because the prime minister and a majority of ministers were absent. The President of the Assembly stated that questions which had not received a response in two plenary sessions would be published in the Assembly bulletin. The members of the Assembly harshly criticized the government's absence and called on the President of the Assembly to use his authority to have the government present to respond to questions. At the 25 February plenary session, 14 questions were processed of which nine received a response and five were postponed for the next session.

*Comment: Question periods during the reporting period were carried out by the Assembly in compliance with rule 26 on “Questions to the government for oral answers”, which provides that the agenda of each session shall include a period of up to 50 minutes for members’ questions to the government, with one minute for the question, three minutes for the minister’s answer, one minute for a follow-up question, and two minutes for the response to the follow-up question.*

*It has been noted earlier and during this reporting period that all questions could not be processed during the 50 minutes period because of the high number of questions submitted by members. It is worth mentioning that the Committee for Rules of Procedure has included new provisions in the new draft rules of procedure, according to which the question period would last up to 60 minutes and a member of the Assembly would have the right to ask only two questions per plenary session. New provisions intend to make the question period more effective by giving to members who submit questions a better opportunity to receive a response in a timely manner. Nevertheless, the absence of the government to respond to questions creates difficulties to the Assembly in managing properly the question periods and often causes the question to lose its relevance. The Assembly should therefore make more efforts and use its*

authority to ensure the government's accountability, which is a key democratic function of parliaments.

#### 4. Equal access and participation of communities

##### New parliamentary group called "For integration" is established

- The Assembly presidency received a letter submitted, on 29 January, by seven members of the Assembly representing non-majority communities in the Assembly informing the Presidency that they had decided to form a parliamentary group called "For integration". Four out of seven members represent the Serb community and they are: Mihailo Šćepanović (Serb People's Party/SNS), Dragiša Mirić (Serb Party of Kosovo and Metohija/SKMS), Vladimir Todorović (Democratic Serb Party of Kosovo and Metohija/SDSKiM) and Branislav Grbić (New Democracy/ND). While, two members represent the Bosniac community - Numan Balić (Democratic Action Party/SDA) and Vezira Emruš (SDA) - and one member represents the Ashkali community - Danush Ademi (Democratic Ashkali Party of Kosovo/PDAK). In their letter, they informed the Presidency that Numan Balić was appointed as their parliamentary group leader and Branislav Grbić as deputy leader.

*Comment: Under rules 11.1-2 of the Assembly Rules of Procedure, any six or more members of the Assembly may form a parliamentary group, based on a common political aim, and the parliamentary group should inform the Presidency in writing of the name of its leader and other members. The formation of the new parliamentary group was done in accordance with the Rules of Procedure, so the new group became functional from the day it had informed the Presidency.*

##### Agreement on representation in committees between SLS and "For integration" parliamentary groups

- On 8 February, the Assembly presidency discussed a request of the newly formed parliamentary group "For integration" regarding their representation in Assembly committees. The presidency members all agreed that "For integration" parliamentary group members had the right to be represented in committees and therefore authorised the Assembly secretariat to meet with "For integration" and SLS parliamentary group leaders in order to find a solution for the representation of "For integration" in committees.

During the 25 February plenary session, the chairperson of the session stated that the parliamentary groups SLS<sup>6</sup> and "For integration" reached an agreement on their membership in Assembly committees with the mediation of the Assembly secretariat. Based on the agreement, the new parliamentary group "For integration" will be represented in seven committees, while SLS will be represented in ten committees. The chairperson called for a formal vote on the agreement in question, which was adopted with a majority of votes in favour and no votes in opposition. The membership of SLS and "For integration" in committees is as follows:

<b>Committee</b>	<b>For Integration</b>	<b>SLS</b>
Committee on Rights and Interests of Communities	Two members	Chairperson and three members
Committee on Human Rights, Gender Equality, Missing Persons and Public Petitions	2 <sup>nd</sup> vice-chairperson	
Committee on Legislation and Judicial Affairs		2 <sup>nd</sup> vice-

<sup>6</sup> Note that the SLS parliamentary group consists of eight members of the Assembly of which five members represent the Kosovo Serb community, two members represent the Ashkali community and one member represents the Gorani community.

		chairperson
Committee on Budget and Finance		2 <sup>nd</sup> vice-chairperson
Committee on European Integration		One member
Committee on Rules of Procedure, Mandate and Immunity	One member	
Committee for Public Administration, Local Self-Government and Media	One member	
Committee for Health, Labour and Social Welfare	2 <sup>nd</sup> vice-chairperson	
Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	One member	
Committee on Education, Science, Technology, Culture, Youth and Sports		One member
Committee for Economy, Trade, Industry, Energy, Transport and Communication		2 <sup>nd</sup> vice-chairperson
Committee on Foreign Affairs		One member
Committee for Security and Internal Affairs		2 <sup>nd</sup> vice-chairperson
Committee for Oversight of Public Finance		2 <sup>nd</sup> vice-chairperson
Committee for Oversight of Kosovo Security Force		2 <sup>nd</sup> vice-chairperson
Committee for Oversight of Kosovo Intelligence Agency	One member	

*Comment: According to rules 48.5-6, the membership of all functional committees shall reflect the diversity and membership of the Assembly, and the parliamentary groups have the authority to appoint committee members and their substitutes. Therefore, the “For integration” parliamentary group had the right to be represented in Assembly committees and the agreement between the two parliamentary groups, SLS and “For integration”, was in compliance with the rules of procedure.*

Assembly Presidency discusses the allocation of a seat in the Presidency at the request of the Ashkali community

- On 26 January, the Presidency discussed the rotation system for the presidency seat reserved for the parties representing communities other than Kosovo Albanians and Kosovo Serbs. Two members of the Assembly belonging to Democratic Ashkali Party of Kosovo (PDAK) submitted a letter to the Presidency reminding the Presidency that according to a previous agreement on a rotation system, reached between the communities’ representatives, the Ashkali community should hold the seat for a six month period in the Presidency. The President of the Assembly stated that the agreement, reached in January 2008, should be respected and tasked the Assembly Secretary to discuss further steps with PDAK members. At the 28 January plenary session, the President of the Assembly announced that PDAK member, Mr. Etem Arifi, would sit in the Presidency from 1 February 2010 to 31 July 2010, replacing Ms. Müfera Şinik (Kosovo Democratic Turk Party/KDTP), based on the rotation system.

*Comment: Rule 4.2 (f) of the Rules of Procedure provides that one member of the Presidency “shall be appointed from among the members of the Assembly belonging to parties having declared themselves representative of a non-Kosovo Albanian and non-Kosovo Serb Community. The method for appointing this latter member shall be determined by members of the Assembly belonging to these same communities.” Accordingly, at the beginning of the*

*current Assembly term, in January 2008, members of the Assembly representing communities other than the Kosovo Albanians and Kosovo Serbs reached an agreement according to which these communities would be represented in the Presidency based on a rotation system. The rotation system was agreed upon as follows: the first year of term (2008) – coalition Vakaf (Bosniaks), which was already represented by Mr. Džezair Murati; the second year (2009) - KDTP (Turks), which was also already represented by Ms. Müferra Şinik; first half of the third year (2010) - PDAK (Ashkalis) and second half - SDA (Kosovo Bosniaks); first half of the fourth year (2011) - IRDK (Egyptian) and second half - PReBK (Roma). Therefore, in compliance with this agreed rotation system, a seat in the Presidency during the first half of 2010 belongs to the Ashkali community.*

#### **5. Access**

- During the reporting period, the OSCE Mission in Kosovo continued to receive access to the plenary sessions, presidency meetings and committee meetings. The OSCE Mission in Kosovo also received copies of documents considered by the Assembly and transcripts of plenary sessions.

#### **6. Transparency**

- The Assembly did not publish the records of electronic votes of plenary sessions, which took place during the reporting period.

*Comment: At the 15 February 2008 plenary session, the President of the Assembly stated that the Assembly would publish on its website the records of electronic votes of plenary session decisions. Following the President's announcement, the Assembly began publishing the records of electronic votes from the 17 February 2008 extraordinary session, but not in a consistent manner. It is strongly recommended that the Assembly regularly publishes the records of electronic votes in order to enhance the transparency of the Assembly, especially the accountability of members of the Assembly to their constituents.*

- Radio Television of Kosovo provided live television coverage of the plenary sessions under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly has a website ([www.kuvendikosoves.org](http://www.kuvendikosoves.org), [www.skupstinakosova.org](http://www.skupstinakosova.org), [www.assembly-kosova.org](http://www.assembly-kosova.org)) containing biographical details of members of the Assembly, information about the structure and functioning of the Assembly, minutes and transcripts of Assembly sessions and committee meetings, copies of laws and resolutions adopted by the Assembly, along with other information.

ENDS.