

ASI

A S S E M B L Y S U P P O R T I N I T I A T I V E

NEWSLETTER

October 2003, No 08

osce
Mission in Kosovo

- 
- Chris Patten addresses the Assembly of Kosovo
 - Interview with V. Jovanovic and I. Markovic
 - Message from the German Office

The EU and Kosovo

On 11 September 2003, Mr. Chris Patten, European Commissioner in charge of External Relations, addressed the Assembly of Kosovo. In his key-note speech to the Assembly, he outlined the EU policy towards Kosovo as well as the EU's expectations towards the Kosovo society and political leadership. Following are some excerpts.

Chris Patten - European Commissioner in charge of External Relations

... I am very pleased to be back in Kosovo.

When I first came here, and I think I am being now in double figures since I came for the first time in 1999, I didn't think I would have dreamt that one day I would be addressing an assembly of democratically elected political leaders here in Prishtina, and perhaps it takes an occasional but enthusiastic visitor and a wellwisher to be able to see the progress that you made in partnership with the international community. ...

The discussion of final status of Kosovo isn't yet on the table. But what we all know absolutely clearly is this: that your future lies in Europe. That was the commitment of the entire European Union at its meeting at Thessaloniki in June and I am happy to confirm that promise today. ...

I know ... that you are all concerned about final status. That is not a subject for today although it is obviously not a subject, which can be delayed indefinitely. The important point is that everyone whether in Belgrade or frankly here in Prishtina should stop taking actions, which cause an increase in tension. That is the point that I intend to make crystal clear in Belgrade tomorrow. Parliamentary declarations against independence are, to put it mildly, not helpful but neither would be parliamentary declarations of independence. ...

"What is on the table today is the start of a new and constructive dialogue with Belgrade. This should be the priority for all institutions of Kosovo and for UNMIK: to begin the dialogue with Belgrade about issues that concern the everyday life of all Kosovo's citizens. ..."

"The launch of the dialogue would send a very positive message to the international community, as it would show that your leaders are capable of assuming their responsibilities in a constructive manner. It would clearly show that when we say that Kosovo is on the path towards Europe it is not solely because geographically and politically you are part of the old continent but because you are mature enough to talk to those with whom you have extremely strong disagreements. ..."

"A lot has been done in Kosovo in the past four years. A point that I made earlier. But more can and should be done to make the daily life of Kosovans easier. And there are no shortcuts for that. Because boring as it may sound, a coherent and efficient legal and administrative system has to be put in place, so that Kosovo becomes credible place to attract and secure domestic and international investment."

"Donors here are willing to help you and your UNMIK partners achieve this goal. We are proposing that you approximate your standards to our own. We do not pretend that our laws are always easy to implement. But when we stress the need for EU-compatibility, we do it because we believe that this will give you a competitive advantage, which will be beneficial for your economic development, not just because it is a requirement for ultimate membership of the Union."

"Implementing the reforms similar to those in the rest of the region will bring you closer to Europe. You will be able to benefit from the advantages of the regional cooperation that is being established in South East Europe. A clear example is the Free Trade Agreement that UNMIK has just signed with Albania, under the auspices of the Stability Pact. Participating in this network of agreements will improve your market access and will make Kosovo more attractive for investors."

"To that end, the EU has launched this year, in cooperation with you, the PISG, and UNMIK, the SAP Tracking Mechanism, to which Mr. Holkeri referred, to guide you closer to the EU through a process that will sometimes, frankly, be arduous. I have been extremely pleased to hear about the great personal engagement that the Prime Minister and his ministerial colleagues have shown to this. You have clearly seen the importance, both short and longterm, of this process, which will simultaneously provide you with an assessment of where reforms stand in Kosovo and a map of where you need to go."

"You have to be ready because this process will only become more difficult as it goes along. There is, as I said no short cut through reforms—the same democratic/political, economic and social reforms are needed everywhere from Vilnius to Tirana, from Ljubljana to Sofia. But all that hard work will undoubtedly pay off, as the upcoming enlargement clearly shows."

"Let me insist again that not only we in Europe, but our US partners, the International Financial Institutions and all other donors are also behind you and behind the EU in supporting Kosovo's journey towards our family."

I want to say one final word, a final word about where I believe you are heading and what is required. When I was meeting your ministers earlier

Germany is Committed to Kosovo's Future in Europe

Foreign policy is about national interests. The Federal Republic of Germany is engaged in Kosovo to promote its national interests. Kosovo is in the heart of the Balkans. The Balkans are close to Germany. Our ties to the Balkans are strong and manifold. This is true for all the people in the Balkans.

Peter Rondorf, Head of the German Liaison Office in Kosovo

The situation in the Balkans affects Germany immediately and directly. The guest workers from the former Yugoslavia were the second biggest group of foreign workers after the Turks in Germany. We want stability and prosperity in the Balkans. There is no stability in the Balkans if there is no stability in Kosovo. The best guarantee for stability is democracy. Democratic societies do not wage war against each other. Democratic societies respect human rights and the rule of law. They are tolerant and willing to integrate minorities.

Conflicts are not solved with guns. Might is not right. That is why Germany wants democracy to prevail in the Balkans. That is why we think Kosovo can only have a future if it is democratic, multi-ethnic and tolerant; if there is freedom of movement, freedom of expression, freedom of gathering peacefully; if there is respect of law so that organized crime and corruption do not rule.

The German engagement in Kosovo is a very strong one. As a part of KFOR, 3,400 German soldiers help provide for a safe and secure environment. They build bridges and houses, they help Serb refugees to resettle. They advocate tolerance and democratic values. 360 German policemen and women help to combat crime and try to empower their Kosovan colleagues to take over this difficult task in the not so distant future. The German taxpayer since 1999 donated nearly 200 million Euro in grant aid for the reconstruction of Kosovo and the development of its economy. Our commitment is steady, we will persevere. But we can only be successful if our Kosovo friends carry their fair share of the burden, that means pay taxes, pay their electricity bills and do not waste water.

UNMIK, KFOR, the International Community, the USA, the EU and Germany as a member of NATO, the Quint, the Contact Group and the Security Council, we all share the same vision about Kosovo's

future: Democracy should be firmly rooted in Kosovo. The Provisional Institutions play an indispensable role in shaping this future. The Kosovo Assembly is of special importance. In the end, all our efforts could be futile if there is no sense of responsibility from the part of the local institutions. This year, we have seen a lot of improvement in this respect. The Assembly, for example, has done good job in building the legal framework in Kosovo. I am glad that the German Political Foundations were able to contribute to this success under the umbrella of the Assembly Support Initiative. I am also glad that in the future the German Parliament itself, the Bundestag, is able to provide additional support thanks to a project sponsored by the European Agency for Reconstruction. Our commitment is steady and so is our policy: "Standards before Status", there should be no doubt about it. But this concept is not a static one, it should be interpreted in a dynamic way. The fact

that UNMIK is deliberating about a way how to implement the standards is proof of that. The PISG will be strongly involved in this process. There will be common ownership and common responsibility. And one day there will be the exam. Hopefully Kosovo will pass the test. Germany will be helping you along the way!

The road does not end there. Kosovo's future is within Europe, not only geographically but also politically and economically. As much as many people would wish, Kosovo is not an island in the Caribbean Sea and cannot become part of the United States. If the people of Kosovo really want to become a member of the European family, then they have to fulfil the necessary conditions. There will be a new set of standards facing Kosovo. The European Union in 1993 has clearly laid out the criteria which have to be met for societies which



want to join the Union. These are the so-called "Copenhagen Criteria," the most important of which are good neighbourly relations and respect of human rights and minority rights. In that sense the way for Pristina to Brussels leads through Belgrade. A European future for Kosovo means that borders will lose their separating character. All people within the Union are free to settle wherever they wish. I sincerely hope that all Kosovans will embrace this European future, understand what that means and work with all their energy to reach this goal.

“We should not be passive, but be involved”

Vesna Jovanovic is a member of Coalition Return (KP) in the Assembly of Kosovo, and Democratic Alternative (DA). She sits on two committees - Media and Environmental Protection. Ivana Markovic is a member of Democratic Party of Serbia (DSS) and a deputy in Assembly of Kosovo for KP. She is a member of the Committee for Culture, Sport and Youth.

At the start of the parliamentary season, ASI talked to both of them, being the young face of “Coalition Return.”

Interview by Biserka Ivanovic & Franklin De Vrieze

ASI: How is your position as women in the Assembly?

Vesna: I look on my position within the Kosovo Parliament as a member of the Serbian community and as a resident of Kosovo, and not specifically as a woman.

Ivana: As Vesna said, this division is not of primary importance. We are fighting for the interests of Serbian community in particular.

ASI: What were you doing professionally before entering in politics?

Vesna: Most recently I was as a professor in a secondary school in Partes near Gjilan/Gnjilane.

Ivana: I am the youngest Kosovo Parliamentarian and it is my great pleasure to have a chance to work with very experienced and wise people from whom I can learn a lot. Right now, I am finishing up my degree at the Faculty of Law.

ASI: We are talking

about your political work here in the Assembly of Kosovo, but would you be interested in being a candidate again, and serve another mandate?

Vesna: If you would have asked me the same question only 3 months ago I would have absolutely said no. But now my answer is YES because I have understood that this is a “fight” and if you want to change something you have to participate and you can not sit on the sidelines.

Ivana: I do not think that we should be passive when big problems exist. We should be involved.

ASI: How much are you in a position to have ongoing contact with your electoral body, with the people who voted for you and put you in the Assembly?

Vesna: We have different target groups since Ivana is an IDP and I live in Kosovo. I too was displa-



ced, forced to leave from Pristina. After two years I came and now live in Partes, in the Kosovsko Pomoravlje region. There are many people who remained. Let me give you an example of a working day. Some days ago, I met with villagers from Pasjane, and later went to Podgorce. People in this village have returned and are waiting for their houses to be rebuilt. I stayed with them until

23:00 listening to their issues. They, 14 of them, live for the time being in terrible conditions. I then called the SRSG’s Special Advisor on Return, Mr. Nenad Radosavljevic, and he will soon let us know what UNMIK plans to do. When I get this information from him I will go the next day to let the people know what’s going on. I do have quite a lot of contacts with people as you can see.

Ivana: I lived in Ferizaj/Urosevac until 1999. Now I live in Vrnjacka Banja and travel regularly for Assembly sessions. Youth from my town are displaced all over Serbia and Montenegro, but I am still in contact with them. I meet with them, with the ones who are internally displaced as well as with the ones who remained here, such as the youth from Gracanica. It is important for me to know what they think about the overall political situation in Kosovo. Young people are interested to come back to Kosovo. The question is when the conditions will be insured for their return. As time passes, I’m afraid that the majority of people are losing hope and they are wondering if they will ever come back again.

ASI: The most important and influential Albanian leaders called IDPs to return back to Kosovo. What do you think about that statement?

Vesna: While I was reading it I put myself in a position of IDPs. This act, generally speaking, is a good one if it can become reality. What does that mean? This means that all the leaders should publicly and in practice explain this to their people through a “live language” – over the media, over the TV stations in live discussions. While I was reading the part that says, “Kosovo is your land” I was asking myself – where am I going back to as an internally displaced person? Am I going back to my country or am I going back to another country? But, for the time being, let us leave that aside.

ASI: Ivana pointed out that there are many young people that she is in contact with from Ferizaj/Urosevac who want to come back to Kosovo. Would you also like to call your friends, neighbors, colleagues from studies and work, and relatives to come back to Kosovo?

Vesna: To make this call means to take the responsibility for that person’s life and future. I’m not in position to take responsibility because that does not depend on me. I would willingly call all to come back. But if they ask me, is it safe there? How are you going to

the Assembly? Who drives you? I would have to say the truth – I always have an escort and driven in bulletproof vehicles. I could not guarantee what all of them are asking for – freedom of movement, employment as well as activities for young people.

Ivana: Without the freedom of movement it is difficult to talk about anything.

Vesna: I would also like to add that we hope that the climate in Kosovo will change. And that international community will, together with Albanian representatives, work with us, the representatives of Serbian community, to improve conditions for all IDPs to come back.

ASI: One of the ways to find a solution is to propose draft legislation. If you would be in position, what would you propose and why?

Vesna: Resolution 1244 applies in Kosovo, ensuring rights for all people living here. However, I would suggest a draft law for the protection of the Serbian community, as well other communities. I do not want to say minority community because I don’t feel as a member of minority community here. One more law I would suggest

would be for the protection of women, families and youth because it seems to me that those categories are somehow left aside waiting for some better times to come.

Ivana: I would propose the law that would insure freedom of movement for all people in Kosovo and equality for all no matter what their religious background is or any other differences.

ASI: What are your policy proposals on environmental matters and how would you pursue them as Member of the Committee on Environment?

Vesna: It is important to respect of law and regulations concerning environmental protection. But also, care about the environment needs to be part of the educational system letting children be taught to respect and care about their living environment. Severe fines and punishments need to be introduced for legal and natural persons, and more experts need to be employed to increase the number of inspections to ensure the natural balance is not destroyed. Unfortunately, implementation of the law of environmental protection is going slow and I’m afraid that until we reach the full

implementation of the law the environment will suffer. As a member of the Committee for Environmental Protection I gave my proposals on the draft law related to liability of those who substantially degrade the environment. While those proposals were refused, they would have strengthened present regulations that are dealing with this problem which, in my opinion, are mild and declaratory.

ASI: What are the environmental problems faced by your community / village?

Vesna: After the exodus of my community, cities became something that Serbian people just dreamed of. People remain in rural areas that do not have appropriate infrastructure. In Kosovsko Pomoravlje, where I live, as well as other areas, there are no appropriate rubbish dumps, there are no water supplies, sewage, and drinking water is only just within the margins of permitted bacteria levels. In some places, it is outside these margins. There is also a constant lack of water supplies in Mitrovica north. From a study by the World Health Organization, it’s obvious that the ecological pollution in the area of

Mitrovica, Zvecan and the village of Malo Rudare has lead to a concentration of steel (Pb) in blood 10 times higher than in Pristina. Everywhere you can see sand separation facilities; hills are disappearing. Those problems are of importance from all inhabitants of Kosovo. You get an impression that the way of thinking “live today and don’t think about tomorrow” will come back to haunt all of us. I would very much like to invite my colleagues from the Committee for Environmental and Spatial Planning to visit places where the Serbian community lives and see how environmental problems affect our daily lives.

ASI: Are there any last messages you would like to make?

Vesna: I stand and I will stand for a better life for Serbs in Kosovo. That is the foundation of Coalition Return’s political fight. Since I live in Kosovsko Pomoravlje, problems and issues of concern of people living in this part of

Kosovo are of my highest interest and I will advocate for their interests.

Ivana: I want all people that live in Kosovo to live their lives freely, without fear.

Establishing Kosovo's Commercial Legal Basis

The legal system of any state reflects objective laws regarding its historical, social and economical peculiarities as society develops. Kosovo is currently at the stage where it is still establishing its own legal system, which has both common features with legal systems of developed countries and its special characteristics. The present legal system in Kosovo, for the most part, closely reflects the legal systems of the European Union and the United States, especially legislation that relates to economic development.

Pirro Rexhepi, Bearingpoint, Adviser to the Assembly of Kosovo

It has been the joint effort of the executive branch of the Provisional Institutions of Self-Government ("PISG") and the United States Agency for International Development (USAID) to project the necessary commercial and fiscal legal basis, such as the Law on the Establishment of the Immovable Property Rights Register, Law on Mortgages, Law on Public Finance and Accountability, Law on Telecommunication, Law on External Trade Activities, and the Bankruptcy Law. These are the laws that have already been passed by the Assembly and promulgated by the SRSG. Each are foreseen to stimulate new developments in their respective fields and regulate the new economic reality in post-war Kosovo.

The process of getting these laws passed was a not an easy one as there were many issues that either prolonged or made their

passing difficult. One of the major delaying factors was UNMIK objecting several provisions of the laws regarding competencies, claiming that they were reserved powers to the SRSG by the Constitutional Framework. These claims by UNMIK, in many cases, were deemed unreasonable by the Assembly and therefore often rejected after having been considered in the appropriate Assembly Committees.

This is an ongoing problem for which there are considerable differences in the interpretation between the PISG and UNMIK of the Constitutional Framework. UNMIK believes that the interpretation of the Constitutional Framework remains solely the authority of the SRSG, leaving little room for negotiations. Another delaying factor was the very late involvement of UNMIK Office of Legal Affairs in the legislative process. According to an agreement



by UNMIK and the PISG, UNMIK should submit any comments and take part in the process while the law is discussed in the Government level. However this was rarely the case, thus their comments arrived when the law was already submitted to the Assembly and in most cases when the Assembly Committees had completed their work in reviewing the laws.

Nevertheless, the Government and the Assembly are committed to the priorities listed in their agenda and

one of the most important being the development of a sustainable market economy, which starts with the establishment of a commercial as well as fiscal legal basis. Last year's, as well as this year's work of both the Government and the Assembly, proved to be very productive in the passing of what would be called the "backbone" of commercial and fiscal laws.

One of the most significant laws promulgated was the Law on the Establishment of the Immovable Property Rights Register ("IPRR"), passed by the Assembly on October 12, 2002 and promulgated by the SRSG on December 20, 2002. The establishment of an immovable property rights register provides ownership rights, as opposed to the previous system where ownership did not exist but owner's were merely "possessors" of their own property, which posed enormous obstacles

for financial property transactions. Immovable property rights are, in many ways, a requirement for investment to begin in Kosovo. The executive branch is highly focused on ensuring proper implementation of this law in the following six months to come. The Kosovo Cadastral Agency is tasked with the establishment of the IPRR and the funding comes from the Swedish Agency for International Development ("SIDA").

The Law on Mortgages is equally important for the development of the economy. It involves the transfer of an interest in land as security for a loan. It therefore creates more opportunities for small businesses and stimulates expansion of successful businesses. This is the most common method of financing real estate transactions. The mortgagor is the party transferring the interest in land. The mortgagee, usually a financial institution, is the provider of the loan or other interest given in exchange for the security interest. Normally, a mortgage is paid in installments that include both interest and a payment on the principle amount that was borrowed. Failure to make payments results in the fore-

closure of the mortgage. Foreclosure allows the mortgagee to declare that the entire mortgage debt is due and must be paid immediately. This is accomplished through an acceleration clause in the mortgage. Failure to pay the mortgage debt once foreclosure of the land occurs leads to seizure of the security interest and its sale to pay for any remaining mortgage debt. The foreclosure process depends on state law and the terms of the mortgage. The most common processes are court proceedings (judicial foreclosure). It was deemed more appropriate that the foreclosure process to be a non-judicial one, taking into account the current court system in Kosovo. Bankruptcy laws allow certain debtors to free themselves of the financial obligations they have accumulated, after their assets are distributed, even if their debts have not been paid in full and make a new start. Bankruptcy is an economic failure and on the surface it may seem as an obstruction or threat to economic development. However, in market economies it not perceived as such for it provides a development plan that allows a debtor, who is unable to pay his creditors, to resolve his debts through the division of his assets among his creditors. This supervised division also allows the interests of all creditors to be treated with some measure of equality. Certain bankruptcy proceedings allow a debtor to stay in business and use revenue generated to resolve his or her debts. However external trade law generally applies to transactions for goods or services that cross national boundaries. The Law prevents unfair export transactions, establishes a system of export and import transactions, and thereby aims at healthy development of foreign trade. Kosovo external trade law is now in full compliance with the requirements of the World Trade Organization. Telecommunications is a field that attracts business investment given the growth of the technologies sector within the global market economy. The Kosovo Telecommunications Law will attract natural competition for other service providers thus improving this sector and the services for the costumers. Today in Kosovo, there is some semblance of a

thriving business environment. As mentioned earlier the "backbone" of commercial and fiscal legislation has been promulgated and is currently being implemented but legislators are still facing challenges ahead. Commercial and fiscal legislation is a growing and changing field of law in which one must be in compliance with international standards and practices. Although current laws are being implemented, a large gap exists in Kosovo's commercial and fiscal legislation that regulates areas such as immovable property tax, competition, establishment and functioning of enterprises, and intellectual property rights, etc. Nevertheless, the Government is prepared with substantial assistance from experts of USAID and the European Agency for Reconstruction (EAR) in drafting other necessary laws within this field. Although this is a complicated issue regarding the blurred boundaries that lie within UNMIK and the Government on transferred and reserved matters, there is good faith to resolve these issues in order to simplify and pave the way in an expedited manner for upcoming legislation.

Continuation from pg. 2

I pointed out to them I was sitting next to my friend and colleague Nikolaus Lambsdorf, the son of the great German political leader and statesman whom I know well, and I reminded the Prime Minister and his colleagues of what the EU is in essence.

The EU is the best-institutionalized example of a historic reconciliation. My father-in-law was killed just before the end of the last war, and at his old college at Cambridge University there is a memorial to all the students from that college who died in two world wars and the names go on and on and on. They are mostly of course British names but there are also German names among them. British and German who studied together and then finally found themselves shooting at one another. Why? Because of the crudest and most violent expression of nationalism. The EU was founded to prevent that ever happening again. The EU is a union of minorities. A union of minorities who tried to find a way in which through magnanimity, generosity of spirit, they can provide a peaceful future for their citizens. So don't be surprised when here in Kosovo or in Serbia or elsewhere in the region we talk as we do about reconciliation, we talk as we do about horrors of ethnic violence, of ethnic hate and ethnic conflict. You have a real chance here in Kosovo with the international community wanting desperately for you to succeed. You have a real chance of demonstrating to the world that here you've been able to bury the animosities of the past and you've been able to create a future which is fair to everyone whatever their ethnicity or religion, a future which gives an equal esteem to everyone whatever their religious believes or whatever their parentage. I very much hope that you can rise to that challenge, it is an enormous challenge, it is an enormous adventure, but one reason why a lot of us are in politics which is very often criticized, because it should be an honorable adventure as Anna Lindh in her short political life demonstrated. I hope you ensure that Kosovo can rise to this challenges in a way, which is honorable, and in a way which means that, your sons and daughters have a much better future, a much better society to live in than you sometimes had to endure.

The Kosovo Population and Housing Census Law

The registration of population, households and houses represents an issue of special importance to each country and population. The Kosovo Government, since the beginning of its work, has considered a Population and Housing Census Law as an issue of highest importance. The Law would provide the legal basis to develop a process to make a population and housing census in Kosovo. In a census information such as the demographic structure and other social and economic features of Kosovo population would come to light. Other important information garnered from this activity would be the total number of population, territorial distribution, the structure of the settlements and buildings, as well as present living conditions.

Dr.sc.Azem Hajdari, Coordinator in the OPM Legal Office and Lecturer of the Right on Judicial Proceedings in the Faculty of Law in Tetovo University.

The Kosovo Government, as part of its programme and at the request of the Ministry of Public Services, approved in late 2002 the need for initiating the proposal of this draft Law. Subsequently, the Prime Minister decided to task his Permanent Secretary, in coordination with the Permanent Secretary of the Ministry of Public Services, to begin preparing such a law. A working group made of national and international experts and an UNMiK representative was appointed to start the drafting procedure. The group, after painstaking efforts, prepared a first draft of the draft Law, which the Ministry of Public Services submitted to the Government. The Government adopted this draft Law on 26 March 2003. The draft Law then passed to the Assembly of Kosovo for approval on 15 April 2003. At the draft Law's second reading in July this year, 27 addi-

tional amendments were approved, which in many cases made this Law more functional.

Also in July, the parliamentary group "Coalition Return" filed a motion on the Law with the Assembly of Kosovo, stating that the Law undermined interests of the Serbian community and diminished its possibilities to retain its ethnic identity. The motion read that the census is unfavourable to Serbs, because a large number of members of this community live outside Kosovo while inside there still is not total freedom of movement in Kosovo. According to these points the census was unrealistic.

In this context, the Assembly of Kosovo is continuing its efforts to establish a Panel by which the Government, the parliamentary group "Coalition Return" and UNMiK representatives would consider their argu-

ments and counter-arguments. Regardless of the panel's work, and whether such a committee will be established at all, the final result will still be an issue for discussion at the Assembly.

The Population and Housing Census Law comprises six chapters and includes provisions on: the census date; the Central Census Commission; Kosovo Statistical Office and municipal registration bodies; budget; the responsibilities of the Kosovo Cadastral Agency, local administration and municipalities; the main centre for the database and some provisions on the prohibition of the collection of similar data.

Further, a number of issues related to the Kosovo Population and Housing Census Law, are the following:

-In the view of the essence and content, the Population and Housing Census Law is in line and stan-

dardised with the most advanced laws of contemporary states.

-The law competently addresses the carriers of responsibilities and clearly defines their competencies. Accordingly, the law provides that the election authority is the Statistical Office of Kosovo, which is tasked with organisation and implementation of elections. According to the law, elections will be carried out under the supervision of the Central Elections Commission and the support of municipal census commissions.

-We consider that this law provides us the opportunity to carry out, for the first time after 22 years, an impartial, valid and sustainable registration of population and estates. The law does not contain any provision that undermines the right of the people of Kosovo to register. On the contrary, it creates the con-

ditions to have a most comprehensive census, including displaced persons. In this respect, Section 17 of the Law tasks the Kosovo Statistical Office to conduct a wide pilot information campaign, during which the purposes, procedures and individual duties of the registrants should be clarified.

-The census, which, according to this Law, is expected to be carried out in the first half of 2004, will make possible the determination of the number of inhabitants in Kosovo, the population's breakdown according to ethnic, social and other backgrounds, the factual situation regarding estates (the number, ownership, etc.) and the veracity of the Serbian statements on this issue.

Taking into account all these points, it is expected that the SRSG will promulgate this law in the shortest term possible.

Negotiations between equals

The negotiations between Kosovo and Serbia on practical issues are considered to be very important not only for these two countries, but also for the entire region. The successful outcome of these talks means recognition of the new reality in Kosovo and the respect of the new reality, which has proven to be functional for more than four years now, reflecting a normal, peaceful and secure situation.

Ramush Tahiri, Political Advisor to the President of the Assembly of Kosovo

Kosovo's Institutions have already expressed their readiness to start negotiations, but they are awaiting the invitation from relevant international institutions. Kosovo does not have preconditions and is not conditioning the agenda of these negotiations. However, we would like to make sure that the negotiations are not only declarative, but also feasible. Delegations on both sides of the table should be from the same level and completely equal. These kinds of negotiations are usually held on governmental level, which is on ministerial level, whereas the preparatory details are worked out in the departmental level. This level is responsible for carrying out the professional and institutional part of the job. Furthermore, the agreements can be valid and compelling only if they are ratified in the Parliaments of both countries.

Why is dialogue with Serbia so important for Kosovo? First of all because this is the expression of good will for resolving certain issues, which are in the interests of the citizens of

both countries, who have had a very bad experience in their past relations. Apart from this, it will help stabilize relations in the region, and prove that people can live and work together in their path towards European integration. Both Serbia and Kosovo are facing, and dealing with, common problems. A few of these are missing persons, internally displaced persons, security issues as well as combating crime. Kosovo would like to have the cadaster and main registry returned, as these important books were taken away by the Milosevic

regime during their pull out from Kosovo. Serbia recently returned these kind of registers and books to Croatia although the war ended almost a decade ago.

What does Serbia prove by accepting and entering negotiations with Kosovo? First and foremost it recognizes the new reality in Kosovo, and it represents a good will to get rid of past methods of the Milosevic regime and its ways of solving problems. At the same time, it would pave the way for the relaxation of relations, while enabling and ensuring that there is free movement for all

citizens. It can also help resolve the final status of Kosovo through negotiations - in the interest of both countries.

What are the obstacles for dialogue today? The past and the consequences of the past prevented us from looking into future. The tendencies to prejudice the status of Kosovo through these negotiations will impede the entire process. In addition, the determination of the parameters and the level of the delegation will also be an additional hampering factor. Serbia has established a Co-ordinating Council for Kosovo to maintain all contacts with UNMIK and Kosovo (according to Serbian officials it is with Albanians of Kosovo). Serbia, even after four years, refuses to recognize official UNMIK documents, passports and Kosovo identification. Moreover, Serbia refuses to recognize the institutions of Kosovo, which were elected through free elections, which were observed by the international community. The Serbian Assembly also passed a resolution that does not recognize the

Constitutional Framework of Kosovo. That is why we think that the international community should be very determined to push both sides towards dialogue and respect existing signed agreements. In this process UNMIK cannot be a mediator as it represents Kosovo both in the country and abroad.

Mediators can and should be the European Union and the USA, because of their role and respect they have in Kosovo. Their authority, power and mechanisms will enable and guarantee implementation of any agreement. The venue of the negotiations - only at the beginning - can be neutral, whereas afterwards the negotiations can continue on rotating basis in Prishtina and Belgrade. It is obvious that there will be an agreement between Kosovo and Serbia sooner or later, the sooner the better. It suffices that life has its own ways and the current ongoing processes have their normal and natural directions and aims, which are keeping in line with the expression of the free will of the people.



THE ASSEMBLY - THE MIRROR OF SOCIETY

Following their second anniversary, the work of the Assembly and other institutions in Kosovo can be assessed in different and sometimes opposing ways. The truth lies somewhere in between. The new institutions in Kosovo are neither a complete failure, as nihilists say, nor the most successful, as optimistic project-makers say. The new institutions of Kosovo are at a crossroads and up against arduous challenges, as is Kosovo itself.

Hydajet HYSENI

There are achievements to be acknowledged. The very establishment of the Assembly and the Government represents an achievement. Both the municipal and central elections were organized, and internationally acknowledged as fair and successful, thanks to our efforts and the direct assistance and support by the international community.

A new institutional system has been created, is continually being supplemented, and, despite disadvantages and shortcomings, is steadily improving. The Assembly of Kosovo, in which minority communities are advantageously represented, has conducted a continuous and perpetual legislative and policy-making activity, without many difficulties or conflicts. Members of parliament (MPs) and Assembly administrative staff have participated in an array of seminars and training sessions through the support of parliaments of different countries, foundations and



Hydajet Hyseni

other institutions, including NDI, the Westminster Foundation and the Friedrich Ebert Stiftung. Owing to the backing of these parliaments and the attention of the Kosovo Assembly Support Initiative (ASI), inter-parliamentary contacts with some countries have been established and mutual working visits have been organized and are very useful.

Without negating, nor mi-

nimizing the achievements, it can be said that there is much to be done and desired for, concerning the organisation and efficiency of our institutions. Things are moving, but sluggishly and not always in the right direction. The reported results show a considerable discrepancy, not only with what we desire and intend to achieve, but also with the potential and objective possibilities of a Kosovan political entity or institu-

tion. The extra-institutional policies can only be prevented in terms of institutional engagement, accountability and in terms of their results.

The Assembly of Kosovo and other related institutions have not managed either, to engage or use their creative and active potential, or to bridge the small and limited gap that they have inherited, in order to extend and strengthen existing advantages. This has damaged, and is still seriously damaging the processes in Kosovo, and diminishing the credibility of institutions among Kosovo citizens. Kosovo has already had a bitter experience that may have arisen as a result of allowing the disparagement of democratic institutions in the eyes of a disappointed public. The consequences of this experience were a lesson for us all.

The Assembly of Kosovo and the new democratic institutions in Kosovo had a difficult and unusual birth/rebirth. The restric-

ting conditions and framework inhibit and suffocate the way in which they operate. These restricting conditions include: an inadequate electoral system; the delay in functioning of the Assembly; the arbitrary and non-transparent recruitment of the Assembly administrative staff, and its steering and managing structures. The lack of basic conditions for a normal functioning Assembly and experience in democracy; the inertia of a bad and under experienced quasi-parliament and, consequently, the frequent procedural arbitrariness and blocking of MPs initiatives, are other constraints. Inadequate, destructive and undemocratic influences by external factors and various other experiences, which are often incompatible with the specific circumstances in Kosovo, have also restricted the functioning of Kosovo institutions. Finally, the continuous and extremely perfidious and fiendish obstruction and manipulation by those in Kosovo who do not wish

the best for Kosovo people has been another obstacle. These are only some of the causes and factors that have hampered the desired functioning of the Government and consequently have limited potential achievements. A number of these causes of the lack of desired efficiency of the Assembly are objective, and cannot be altered quickly or easily. But, there are some obstacles that can be considered subjective and as such are possible to overcome.

My observation is that these obstacles may represent the challenges that the Kosovo Assembly will face during this coming fall, in addition to the remaining part of the legislation.

- Defining the status, mandate and immunity of an MP;
- Creating necessary conditions for enabling MPs, the group's chairmanship, the committees and administration, to normally carry out their duties, by providing them offices, equipment, services, staff, transport, parking places and other necessary facilities;
- The comprehensive functionalization of the Assembly Presidency, the establishment, through a special regulation, of

adequate relations between the Assembly Presidency and President, the Presidency and parliamentary groups, the Presidency and parliamentary committees, and the Presidency to the Assembly Administration;

- Establishing functional and regular relations between Presidency and Assembly Secretariat and accordingly the provision of preconditions for regularity, transparency and democratic control on the issue of budget preparation, Assembly management, the process of staff recruitment and building of Assembly administrative structures;
- Finalizing of the process of supplementing and amending the Assembly Rules of Procedure and the general rules on Assembly activities;
- A free and tolerant parliamentary debate, with particular regards to the parliamentary questions and interpolations;
- Regular communication between the MPs and Assembly representatives with the citizens and civil society;
- Improving cooperation with parliaments of other countries and the integration of the Kosovo Assembly in internatio-

nal parliamentary structures and, in this context, the setting up of a service for international cooperation;

- Accelerating legislative activity and the concentration on the preparation of system legislation and, at the same time, refining the legislative procedure, particularly the procedure for reviewing and voting on the amendments, the revision of texts and the provision of the final and original text of an approved law;
- Creating functional relations between the Assembly and Government and, in this framework, the coordinating a compilation of an Assembly calendar of activities, with particular regard to legislative activities;
- Clarifying and functionalizing the Assembly to President of Kosovo relationship;
- Rectifying incongruities and apparent shortcomings of the current electoral system;
- Clarifying and specifying the functional and procedural relations between the Assembly and SRSG in terms of a close and regular cooperation, as well as the accurate definition and progressive

interpretation of the so-called reserved powers.

The Assembly of Kosovo through its first legislation has the historical mission of building and functionalizing other democratic and institutional structures, as well as to add air to the detrimental institutional and legal vacuum, by building and functionalizing itself. Thereafter, creating

the necessary preconditions for a full normalization of the general situation in Kosovo, in order to design and build a new free, independent and democratic future for Kosovo. On this basis a new real democratic, pluralistic, tolerant, prosperous and European society could emerge for all Kosovo communities and citizens.



Steady Improvement in Committee Work

A democratic legislative process resulting in laws that address people's needs requires a number of actions. It needs individual parliamentarians able to proactively engage in substantive analysis of issues to debate with their colleagues and enter dialogue with citizens. It needs Assembly committees with capable support staff able to review draft-laws. It needs organized political groups in the Assembly. And most importantly, it needs and effective coordination among these elements.

Heather Kashner, Kosovo Director of National Democratic Institute (NDI)

Despite regular criticism levied against the Assembly of Kosovo, it has made impressive advances toward achieving these goals in its daily operations. The Members and the staff are establishing a routine and the overall quality and productivity of the institution has improved. Much remains to be done. A recent assessment and report performed by the National Democratic Institute (NDI) aims to provide some observations for the Assembly and organizations that support it to continue this progress, particularly in the area of strengthening committees.

Committee work could be more efficient when several technical issues are addressed. These include assigning proper committee rooms, hiring staff, and the maintenance of document archives. Fortunately, UNDP is working to meet the latter challenge

through the SPEAK project.

Despite the remaining technical challenges there are several improvements have helped the Assembly to better function.

- Parliamentary groups (caucuses) now have offices resulting in more frequent meetings of the parliamentary groups. Currently, they meet before plenary sessions and a number meet on an additional day to discuss caucus business.
- Revised Rules of Procedure provided a mandate for committees to address Members' requests.
- Relations with ministries have improved in the majority of committees. Ministry contact is part of regular functioning for most of the committees including the written exchange regarding laws drafted by the government and presence

of Ministry representatives at committee meetings.

- Members now receive a per diem for their travel and for attendance at committee meetings, which has improved the attendance in committee meetings.
- The OSCE has seconded a full-time translator to the Assembly for improved daily communication between national and international staff at the Assembly.

A number of committees are working well and very active. They cooperate closely with experts from governmental and non-governmental organizations and invite them regularly to committee sessions. Thus far, three public hearings were held either to gather more information on a draft law or investigate an issue. There is growing interest among committees to use public

hearings as a means for use of experts and gathering relevant information for review of draft laws, while at the same time having their work more transparent and open to the public.

A number of committees have also conducted field visits to gain a better understanding on a given issue. These visits take place primarily when committee has to review a draft law but occasionally, visits are in response to direct citizen petitions and yield concrete results.

Committees are beginning to realize that it is their mandate to investigate certain issues considered relevant and through their reports make recommendations to the appropriate Ministry or even to UNMIK. Such undertakings usually happen at the request of the Assembly. Several such cases can serve as examples:

- The Committee on Public Services has drafted a report on the situation with personal property documents and data of Kosovan citizens (e.g. birth, death, wedding certificates, driver's licenses etc.).

- The Committee on Trade and Industry reported on the situation with energy supply in Kosovo.

These are important steps forward for the committees and for the Assembly as a whole. Continued assistance for committee members and staff is necessary to ensure that these excellent examples become part of regular business.

One concern identified in Assembly functioning, through the improvement of committee work and discussions of committee reports, is the coordination with Parliamentary Groups. Parliamentary Groups expressed disagreement with the conclusions of reports that

were reached with a consensus among the committee where all Parliamentary groups were represented. Of course it is normal if individual Members have disagreements with committee conclusions, however entire Parliamentary Groups disagreeing with the committee indicates a persistent lack of coordination between committee members and their party caucus regarding positions to take on issues.

This is of concern. However party groups continue to improve their functioning and coordination. In addition, the process will be improved as support organizations work with Assembly members and parties to help them establish stronger links to their constituents and further develop their policy profiles. Both of these efforts will strengthen the work of committees and the entire Assembly.

In all, the assessment undertaken by NDI revealed many positive developments in the pursuit of a democratic legislative process resulting in laws that better address the needs of Kosovan citizens.

Assembly Resolution Adds Momentum to the Returns Process

Building on the open letter encouraging the return of IDPs and refugees signed by all major Kosovo Albanian and other minority leaders, the Assembly of Kosovo on 10 July 2003 held a formal debate on the returns process—the second such debate in two years. The debate resulted in nine recommendations, which, with reference to last year's Assembly statement, reaffirmed the PISG's support for the right to return of all IDPs and refugees.

Brian Kuns, Office of Political Affairs, OSCE Mission in Kosovo

Returns and minority rights are highly important but also highly sensitive and politicized matters in post-conflict Kosovo. No one involved in this process, regardless of what community they are from or in what agency they work, will profess satisfaction with today's status quo.

However, a year and a half after the formation of the Provisional Institutions of Self-Government (PISG), after two Assembly resolutions on returns, and after the main Albanian and other minority leaders of Kosovo have strongly endorsed return in a public letter, it is useful to consider the course of this important debate within the Assembly, especially in advance of Prishtinë/Priština-Belgrade dialogue.

The Assembly Resolutions, as official proclamations, establish that the policy of the Kosovo institutions is to support the right of return. This fact should not be downplayed. There are always questions about the proper implementation of high profile

governmental policies, or of the commitment of leaders. Nevertheless, it is now much easier to hold the authorities to account, for they have seen fit to go on public record with their endorsement that all people have the right to return. Second, the very act of issuing such recommendations indicates an acknowledgement that the PISG have a proactive role to play in the returns process—that this is not just a reserved competency and therefore the sole business of UNMIK. Indeed, the ninth recommendation of the Assembly's resolution expressly states that the Assembly will follow up on the implementation of the recommendations.

One should also remark on the atmospherics of the debate, which are changed from the previous year's Assembly resolution on the matter. Though the debate was still an occasion for mutual recrimination - and in the end not all Assembly groups voted for the recommendations - there were positive exam-

ples of deputies from both sides reaching out with reconciliatory statements. Also, the number of nay votes on the Assembly statement decreased from the 2002 statement to just one nay vote in 2003. There is still room for improvement for the atmosphere of such debates, but it is important to acknowledge the progress that has been made.

Perhaps most important, the recent Assembly resolution contributes to the momentum building throughout Kosovo in support of returns. This momentum had been quietly developing throughout the year until late June when the major Kosovo Albanian and other minority leaders issued a public call for IDPs to come back. "Kosovo is your home, just as it is our home; we want and work for you to come back and live in peace with as neighbours, in a spirit of mutual respect," the letter said. The effect of such words has already registered, as Kosovo's most recent returnees-to

the village of Belo Polje/Bellopole in Pejë/Pec municipality—specifically cited this letter as encouragement for their decision to recommence their lives in Kosovo.

American politicians call it the "Big Mo." "Mo" as in momentum. Momentum, as in positive movement on an issue for which progress had previously been frustratingly non-existent or imperceptible. Momentum is gained by evidence of progress, evidence of the softening of once hardened attitudes, or evidence that opposing parties are coming together.

Momentum for support of the returns process within the PISG is building. It is of course important to be realistic. Much remains to be done before those involved in the returns process can profess satisfaction. However, after the summer of 2003, there is momentum in the right in the right direction within the PISG, momentum that can and must be sustained and accelerated.

“UNMIK & PISG: It needs two to tango”

A new Special Representative of the Secretary General (SRSG), former Finnish Prime Minister Harri Holkeri, has taken up his post as the head of the United Nations Interim Administration Mission in Kosovo (UNMIK). Holkeri will lead UNMIK at one of the most sensitive periods since the mission was established. The Kosovo Government is gradually gaining more responsibility, and status discussions are approaching. Yet a crucial relationship for UNMIK - with the Provisional Institutions of Self-Government (PISG) - is dangerously strained.

Val Percival, Director of ICG Kosovo, Ilir Deda and Jehona Gjurgjeala, ICG researchers



The International Crisis Group (ICG) recently examined this relationship and found that under the Steiner-led administration, tense relationships created unnecessary hostility and distracted officials from their effort to build democratic institutions. The key objective - to establish functioning democratic institutions with checks and balances among the judicial, legislative, and

executive branches of government - has often been lost in the rhetoric of who was to blame for Kosovo's governance problems.

SRSG Holkeri has a unique opportunity to learn from the mistakes of the previous UNMIK administration, refresh relations with the PISG, and ensure that any disputes lead to the identification and resolution of problems,

rather than the exacerbation of tensions.

Past mistakes include UNMIK's ambitious but unimplemented policy agenda. SRSG Steiner launched many initiatives, but most remained in their conception phase. Moreover, he failed to consult with key members of the government, and grabbed the media spotlight. With Steiner monopolizing attention - both locally as well as at international meetings - the government had little incentive to exercise leadership.

The ability of government leaders to take initiatives is undermined by the nature of the coalition government. Ministers report to their party leaders, not to the Prime Minister who himself is constrained by the fact that he does not lead his party. The government has been largely unable to launch policy initiatives or develop and implement a coherent government platform. The

Assembly is not operating as an effective check on the executive branch of government, and rarely debates the work of Ministers. Instead the Assembly focuses its attention on the failings of UNMIK.

Harri Holkeri will have to repair the relationship between UNMIK and the government while navigating extremely sensitive and important issues - such as the dialogue between Belgrade and Pristina, the transfer of competencies to the PISG, and the implementation strategy for the benchmarks. Maintaining a professional and collaborative relationship with the PISG will be important to ensure that these issues result in steps forward, not steps backward.

ICG recommends that Mr. Holkeri develop - in full consultation with the government, a clearly focused policy agenda. Holkeri should initiate a bi-weekly

high level meeting to facilitate UNMIK-government coordination. The SRSG should step back from the spotlight, both within the media as well as at international meetings, and acknowledge the contribution made by government officials.

The PISG also shares responsibility for ensuring that relations are collaborative. It is the weaker party in this relationship - with no status internationally and reliant upon UNMIK for reporting progress to the Security Council. Kosovo officials must recognize that collaboration is in their direct interest. Public disputes with UNMIK are not helpful; they mark Kosovo's reputation at a sensitive time (before status discussions). PISG officials must show leadership, being proactive in developing and maintaining dialogue and constructive relations with UNMIK, while working for their interests. Furthermore, the tendency of some political parties to unde-

mine the Government must stop.

To push the process forward, the PISG should proactively engage with UNMIK on key policy issues of concern to the PISG. Ministers of government must not undermine the Prime Minister. The government should also develop a coherent government platform, specific policy initiatives, and build consensus with the political parties for these initiatives. Senior officials in the executive, including President Rugova, should regularly address the Assembly.

The fates of UNMIK and PISG are intertwined. To safeguard its credibility and ensure its role in future peacekeeping missions, the UN needs its engagement in Kosovo to be a success. The PISG needs to safeguard continued international support and its path towards European integration. Yet neither side appears to realize their shared destiny. Given the grave challenges ahead, both UNMIK and the PISG would do well to learn from the mistakes of the past, and work collaboratively for the future. *The ICG's report on PISG-UNMIK relations is available on the ICG's website :*

www.crisisweb.org

For an accelerated dynamic of transferring competencies

The establishment of democratic institutions in the post-war period, under the mandate of UN Security Council Resolution 1244, has been the main challenge for the international mission in Kosovo, as well as for local political forces in Kosovo.

Fatmir Sejdiu (LDK), Member of the Presidency of the Assembly of Kosovo

The main idea behind the transfer of competencies relates to the immediate need for stabilization of normal life in Kosovo. This is true in many areas including the economic revival of Kosovo, facilitating a normal life for all its citizens, and the normal functioning of its democratic institutions which emerged from the free vote of its people.

In fact, institutions at both the central and municipal levels gain their legitimate mandate on this ground. They become carriers of direct competencies in different areas, including the progressive continuous process of gaining competencies from the reserved powers of the SRSG. Last but not least, the SRSG is responsible for transferring competencies to the Kosovo institutions as outlined in the Constitutional Framework.

"Standards before status" are often understood as "competition for power"

between locals and internationals. This cannot be understood but as readiness of Kosovo's Institutions to practice with competence these competencies due to the legitimacy gained. Through the experiences so far, despite encouraging results, we have learned that there had been a casual stagnation of this process, resulting in situation of "clashes" and "raised tensions" concerning vital issues for the future of Kosovo and its people.

From a critical point of view, determining "homework" as the need to fulfill "standards before status" on one hand, and not transferring the direct competencies on the other hand, can also be understood as a biased attitude of prolonging this process forever. This would only result in maintaining the status quo.

Such an attitude is not due to the supposed mandate of the international administration in Kosovo.



This is not in accordance with the dynamics of development of events in Kosovo, despite the difficulties in a new situation in Kosovo, especially after three successful elections – two at the municipal level one at the central level.

The challenges of present days, on political and economic level, faced by the Institutions of Kosovo, raise the justification for an acceleration of this process.

The arrival of Mr. Harri Holkeri in Kosovo as the new SRSG is supposed to result in a successful conclusion of the international mandate in Kosovo, while at the same time respecting and institutionalizing the political will of Kosovo people for a free and democratic Kosovo. Last but not least, this is the primary duty of the international community.

Government wants responsibility over KEK

The Assembly of Kosovo in its plenary session on 19 June 2003 approved ten recommendations to overcome the difficult energy situation in Kosovo. Members voted following a long debate that was accompanied by criticism towards the management in the Electro Energetic Corporation of Kosovo (KEK) over the last four years.

Ridvan Berisha, journalist Radio Television of Kosovo (RTK)

The ten approved recommendations reflect the dire energy situation in Kosovo and the perception of mismanagement by KEK. The Assembly would like to establish a committee on Energy, as well as a Ministry of Energy and to consider the restructuring of KEK, so it might be more profitable and competitive in the regional market. Bajrush Xhemajli (PDK), the Chairperson of the Committee on Trade and Industry, presented the recommendations hoping that the Government of Kosovo would take action.

A panel of Kosovo Government representatives and UNMiK representatives decided to establish a coordination office within the Government to deal exclusively with energy issues, including coordinating the work, investment, production and appointments within KEK. The office's establishment is seen as a result of the pressure, which the Assembly of Kosovo exer-



Bajrush Xhemajli, Chairperson of the Committee for Trade and Industry

cised in its parliamentary debate, dedicated to KEK. Members of Coalition Return (KP) partially agreed with the content of the recommendations. The anxiety of KP members was related to the issue of addressing the problem of return of Serb workers to KEK, and the facilitation of energy provided to minorities or returnees in Kosovo.

"As no one has access to investigate and confirm whatever the real situation in KEK is, then the initiative to form a coordination office, as the panel has suggested, is something that should be supported. There are more chances for the joint efforts of UNMIK and the Government to resolve the stalemate" said Oliver Ivanovic, member of Coalition Return.

Before the vote, Bajrush Xhemajli presented the committee recommendations, where among others, the human factor was found to be responsible for the present difficult situation in KEK. The Committee headed by Xhemajli also mentioned the undefined status of KEK as one of the causes of deficiency in work during these years. The situation, in turn, has had an impact on the production of coal as the Serbian authorities since 1990-1999 had significantly damaged main parts of equipment.

"Based upon the analysis on the landslide in the Bardhi coal-mine on 9 November 2002, the weight of the uncultivated ground, which was not removed, was one of the causes for the grave consequences of the fire in Obiliq," said Xhemajli. He also mentioned that the local science institution, INKOS, had prior warned for such a possible accident, but international managing authorities neg-

lected the warnings. "The Committee has investigated and there is no contest over the lightning strike, whereas for such large amount of damages, the human factor is responsible," said Xhemajli in criticism, accusing internationals as well, who according to Xhemajli, did not allow immediate intervention of firefighters.

The Committee also criticized the way investment had been managed by KEK. "It has been witnessed that there was mishandling and stealing by the leadership of KEK," said Xhemajli. He said the investigations were interrupted when a former top-manager came in office. On behalf of the Committee, Xhemajli suggested the establishment of an independent international committee from the Financial Investigation Centre to investigate the case. On a different note, the privatization of KEK cannot be discussed before def-

initiation of property and ownership.

The leader of the LDK parliamentary group, Sabri Hamiti, as well as most of the speakers, asked UNMIK to quit managing KEK and allow the Government of Kosovo to take the responsibility for Energy. "All these foreign people are not professionals. They know a few things but not much, and they cover their lack of professionalism with the excuses of having to pay their responsibilities to others rather than to Kosovo", said Hamiti in his statement. He did not agree with the conclusion of the Committee of Trade and Industry that the local staff of KEK or the local head of staff are the abusers. Hamiti blamed the Government of Kosovo for its negligence in performing its duties toward KEK, instead of the possibility of investigating eventual abuses by local manager staff.

The Minister of Economy and Finance, Ali Sadriu, reacted and expressed his disagreement. He said that "it is not correct to attack the government for something it has no authority or responsibility."

Ramush Haradinaj, AAK party president, requested that immediate action be taken to improve the situation and decrease the regime of power restrictions during winter. "We must have a picture of the management of KEK" was Haradinaj's suggestion.

The issue of electricity in Kosovo remains under the reserved powers of the SRSG. According to UNMIK's spokesperson, the SRSG can take action after the recommendations were read by the Assembly, although he is not obliged to resort to certain changes in issues, which fall under reserved powers.

The beginning of September marks a lack of engagement by the authorities in improving the lives of citizens of Kosovo. Power cuts remain one of the most discussed topics at all levels, and such discussions on the possibility of overcoming the present situation are upsetting.

Ten recommendations on how to overcome the energy situation in Kosovo:

The Assembly of Kosovo approved these recommendations at its plenary session on 19 June 2003, following consideration of

the report by the Committee of Trade and Industry on the situation in KEK and the parliamentary debate:

1. To establish an Assembly Committee on Energy;
2. To issue laws governing the work of KEK: a law on energy, a law on mines, a law on geological research and a law on organs of Regulator;
3. The Government of Kosovo should immediately take on responsibilities in the field of energy and establish a

Ministry of Energy.

4. To consider the restructuring of KEK in order to make it more competitive and profitable in the regional energy market until relevant systemizing laws are promulgated;
5. KEK should seek membership as a special entity in the Institutions of Southeastern European System of Electro Energy;
6. To support the strategy of constructing new energy capacities;
7. To construct the liaison line of 400 KW between Kosovo and Albania;
8. Strongly support the strategy that the local staff of all levels should lead KEK and international staff should take the role of consultants;
9. To support the project KEK-PO and increase the operating and financial effect;
10. The Assembly should authorize the Financial Investigation Center to investigate potential mismanagement in KEK.

The electricity powerplant in Obiliq/Obilic



Privatization discussed

Thor Helsa, KTA

On Thursday, July 3, The Kosovo Trust Agency (KTA), the economic management agency which was created by the United Nations Mission in Kosovo to manage privatization of the economy, delivered a comprehensive briefing on the privatization process to the Assembly of Kosovo membership. KTA officials asked for the support of the Assembly in attracting investors to Kosovo.

Several members of the Assembly responded that the Kosovo institutions should stop being asked to support processes in which they had not been actively involved. Following the insistence of Assembly

President Nexhat Daci, it was decided that the members of Parliament should submit their objections regarding the privatization process in writing, in order to draft recommendations to the KTA.

Since this briefing, there have been several important developments in the privatization programme. Its objective is not just to generate cash now, but also to attract bidders who will invest in Kosovo on a long-term basis and create new jobs.

The results for the first tenders, which were announced on 14 July, were judged as a solid success for Kosovo and

were far better than expected. Twenty-two bids were received at KTA headquarters with seventeen submitted in the final hour of bidding. Of those 22 bids, 5 were rejected as ineligible due to incomplete required documentation.

The total amount of bids placed in the first round of privatization was over €9,300,000, whereas the total amount of the 6 provisional winning bids was over €4,600,000.

Bids came from interested parties in Austria, Turkey, Bosnia - Herzegovina, the former Yugoslav Republic of Macedonia and Albania. Managers of the previously socially

owned enterprises (SOEs) placed two bids.

Following this success, the Kosovo Trust Agency held its second round of tenders in the first week of September. A marked increase in the number of potential investors bidding on SOEs could be seen: 180 potential investors bid on 18 SOEs, for an average of 10 investors per SOE. The total amount of bids placed in the second round was over €136,000,000 while the total amount of provisional winning bids in was over €24,500,000.

A third wave of SOE privatization will be launched later in Sep-

tember, it is expected to include a variety of enterprises e.g. hotels, shops, factories specializing in production of batteries, carpeting, plastics, as well as a brick manufacture, a bread factory, a chemical plant and a bottling plant.

The privatization process will continue in Kosovo throughout 2003 and 2004 when many more companies will be available from a wide variety of industries and sectors.

Information on the privatisation process is available via the Kosovo Trust Agency's web page:

KOSOVO TRUST AGENCY

Agjencia Kosovare e Mirebesimit • Kosovska Agencija Poverenja

Non-legislative work

An important component of the work of Assembly Committees

Edmond Efendija, National Democratic Institute (NDI)

The work of the committees has many functions including legislation review and drafting, and also investigative work on various issues, which fall under the jurisdiction of the committee and may represent problems for the citizens. As a consequence, the committees should not wait for the government to give them work, but proactively seek to get the best from the government. The committees' supervisory reports will help ensure that.

What is the function of committees? Is it only to review legislation? No, there are many functions that committees perform in addition to reviewing legislation, one being committees have to make sure that the government is doing its job. Executive oversight is one of the key functions of the parliament. This means that the parliamentary committees oversee the corresponding ministries. We might ask if it would be possible to effectively oversee the executive before gathering the ne-

cessary information on particular issues? The answer would be no - we need that information before we can exercise oversight. It is very difficult to have ideas on how the government could improve its work without understanding a particular area. This is why committees often organize sessions to gain information. Members are not always experts on the issues the committee examines. They are not required to be or expected to be, even though that might be desirable. They are the political representatives and by gathering information they are able to educate themselves on the issue, before they make the political decisions.

In fact, what are the functions of parliamentary committees besides reviewing and drafting legislation? Committees often assess the implementation of a law, which lies in their jurisdiction, that has passed and whether the law is providing the desired results. If it isn't having the desired effect

what are the difficulties it faces, what are the causes for these difficulties and how could these be eliminated? Committees assess the progress that the government has made in realizing its programme. Committees consider many issues, which may represent problems for the citizens and as such become priority for the committee. This is termed non-legislative work of committees.

The committee makes inquiries. The inquiries may be done through public hearings when representatives of the Government, governmental and non-governmental organizations, individual experts and other persons testify before the committee expressing their views on the selected topic. It is vitally important that the committee hears from the people who are most affected by an issue and not simply listen to the experts. In this way the committee is in the position to collect relevant facts and compile a report. This report will consist of two main parts: a

description of a factual situation and recommendations for action to be taken by the government. Reports should reflect the facts that the committee has collected from witnesses throughout the inquiry process.

In the circumstances in Kosovo, obviously there has been a lack of legislation in many areas. Therefore it is to be expected that the recommendation in the committee reports from public hearing inquiries would assist by carrying instructions for the government to draft specific legislation. Furthermore, individual committees could help provide the government with an outline of the requested draft-law. Recommendations could also be concrete action steps posed as suggestions.

It is crucial that the inquiry be finalized with a written report of the committee. The report should be made public, where it is easily accessed, and it should serve as a source of informed opinion that will help the

Assembly, Government and other bodies to plan future action including legislation.

There are committees in the Kosovo Assembly that are doing a very good job in this direction. The committees are conducting field visits to gain a better insight on certain issues. The committee of Trade and Industry has produced a report on KEK. It is our understanding that they are working on another report on the situations of mines in Kosovo. The Committee on Culture, Youth and Sport has produced a report on artifacts taken to Serbia. The practice should be expanded in all committees. Organizations within ASI can assist committees in organizing these public hearings and compiling committee reports.

Active committees mean a strong parliament - able to effectively oversee the executive and hold it accountable. This is what we all desire - getting the most from the government.

The first phase of the SPEAK - project: Establishing a Document Management System for the Assembly

On August 12 the "Support to Parliamentary Electronic Archives in Kosovo" (SPEAK) project began with the arrival of Mr. Roger Roy, a governance expert from Canada. Mr. Roy's primary task will be establishing the Document Management System for the Assembly of Kosovo. This important component of the SPEAK project is being financed by EAR through a grant of €199,700 to UNDP.

Krenar Loshi, Programme Analyst Public Administration and Capacity Building UNDP Kosovo



The establishment of a Document Management System (DMS) will ensure an unambiguous document flow for the proper functioning of the Assembly of Kosovo (AoK). The DMS primarily aims to create a consistent workflow within the AoK and to

harmonise how documents are managed. All documents will be standardized and the document management flow will be 100% electronic. The DMS will ensure that users achieve the optimal use of resources and will have timely access to Assembly documentation. In this initial phase, electronic and hard copy archives for future use by the Assembly and the public will also be established.

The integrated DMS will offer an electronic system for recording incoming documents and issues that are part of the Assembly's decision-making process. It will ensure that staff register incoming documents and issues in a standardized way, so that the full text documents can be stored. DMS will enable AoK staff to make a variety of searches (e.g. Boolean search, searches on words, word fragments or whole

sequences). This will be useful since the volume of data and documents of the AoK will increase, making simple free-text searches difficult. The AoK staff will also be able to store and retrieve documents electronically, and to publish them either on paper or electronically in a timely, accurate and rapid fashion. The workflow should follow the AoK's Rules of Procedure.

To ensure the success of the DMS, it is essential to identify and categorize all documents and to define document owners, authorization, storage and publication. Text, audio and video must be stored according to a thesaurus or archive/filing system that enables quick and accurate retrieval. It will take time to design the necessary computer programmes. All original paper prints will be registered and stored in the same

physical archive, preferably in the Assembly Library and Archives Section, which will also have hard-copies to lend out.

A system of hard-copy archiving will also be established, possibly in cooperation with the National Archive, taking into consideration the necessary language versions. Similarly, a system of archiving the daily mail will be established. Only documents that are likely to be requested by the Assembly, researchers, students and journalists will be included in the filing system.

Discussions will be held as to whether this document base should be linked to or integrated with the Government Database and the Legal Database, which is being developed by the Prime Minister's Office. Furthermore, those discussions will define who should be the authoritative

editor of an official gazette, built on information from these document bases.

Staff training is essential, and will be provided by the SPEAK project in order to ensure full comprehension of the technical aspects as well as an understanding of the document flow/procedure and the need to exercise discipline in the use of technical procedure and working routines.

The design of the document management system will stem from detailed consultations with the AoK staff, in order to obtain the correct input on their needs and their wishes. This will be one of the initial tasks of the project manager. The use of the system will thus be introduced from an early stage and the end product may appear as a pleasant and helpful tool in AoK's staff everyday work.

The Assembly of Kosovo Issues Its Bulletin

According to the Kosovo Assembly Rules of Procedures, the Office of Media and Public Affairs, within its programme, has envisaged the publication of the Assembly Bulletin. The first issue has been published in June. In regard to this, we talked to Mr. Sherif Konjufca of the Office of Media and Public Affairs.

Interview by: Edmond Efendija, NDI

ASI: What's the purpose of the Assembly Bulletin?

Sh. Konjufca: It is very important for the Assembly, as Kosovo's highest legislative institution, to have a publication reflecting the activities of the Assembly mechanisms, starting with the plenary sessions, President and Presidency members' activities, the work of the parliamentary committees, to the work of the individual members (MPs). The Bulletin aims to be open to the MPs' free opinion and ideas that might be beneficial to the Government and likely to be raised as issues of discussion during the Assembly plenary sessions or other times.

ASI: What is its circulation and where can the Bulletin be found? How informed are people about this magazine?

Sh. Konjufca: The Bulletin was originally meant to be a publication ranging somewhere between a newspaper and a chronicle of the Assembly activities, published on a monthly basis. This changed somewhat as our office is small and we are dealing with daily information from the Assembly activities. We decided to dedicate the newsletter to MPs, Kosovo Institutions, Municipal Assemblies, analysts, and journalists, for use by the government and not place it on the free market. The first edition totaled 1000 copies - 600 copies in Albanian, 200 in Serbian and 200 in Turkish.

ASI: What can be found in the Bulletin of the Kosovo Assembly?

Sh. Konjufca: Now and in the future many different items can be found, including: debates on the

adoption of legislation and documents approved by the Assembly; meeting minutes and activities of Assembly committees; comments by the President of Kosovo; comments of the Prime Minister and other government ministers; comments from representatives of the international community in Kosovo; as well as statements from experts who have been invited to speak at Assembly sessions.

ASI: What will the Bulletin look like after a year?

Sh. Konjufca: We are planning to gradually expand, and professionalize the staff of the editorial office, to turn the Bulletin into a Kosovo Assembly weekly magazine, one that is dynamic, interesting and attractive to a wide audience. For this purpose, we have

looked at similar publications from around Europe. Hopefully, with the support of interested parties, the Bulletin will increase in both frequency and circulation, while

also being published in some other world languages, indispensably starting with English.



OTHER SUPPORT ACTIVITIES TO THE ASSEMBLY

Human Rights Training for Coalition Return and Other Communities groups

On 14 July 2003, members of the Kosovo Serb parliamentary group Coalition Return (KP) participated in a training session on the protection of minority human rights, organised by the OSCE Department of Democratization in cooperation with the Office of UN High Commissioner for Human Rights (UNHCHR). Assembly members received a brief introduction to key human rights principles, and were advised on how to formulate a strategy and advocacy policy based on human rights principles in their parliamentary work. A further session was provided to parliamentarians from the Other Communities group on 16 July 2003. The primary topics of discussion were use of minority languages, education rights and access of the non-Albanian and non-Serbian Assembly members to the Kosovo central media.

RAE Community Advocates visit the Assembly of Kosovo

On 26 June, the Assembly Secretariat and the OSCE organised a visit to the Assembly of Kosovo for a group of Roma, Ashkali and Egyptian (RAE) community advocates. This was the first time that members of the RAE community had visited the Assembly and it provided them with the opportunity to tour the Assembly building, follow the Assembly's plenary session and familiarise themselves with its procedures. The debate on education matters was of particular interest to the advocates.

Outcome of the EAR Tender to the Assembly

The European Agency for Reconstruction has initiated a support programme to the Assembly of Kosovo. A tender for the programme's implementing partner has been awarded to a Consortium composed of the Parliaments of France, Germany and Belgium. Briefly, the EAR programme envisages to:

Strengthen the professional capacities and technical skills of Assembly Members, the Assembly's Legal Unit and the Assembly's staff;

Provide assistance to the Plenary sessions of the Assembly and Committees, with particular emphasis on harmonising legislation with European standards and the *acquis communautaire*;

Support to developing the Assembly Rules of Procedure in co-operation with all actors already involved in this field;

Support to the languages services of the Assembly.

These projects will be put into action with the assistance of experts on legal and procedural issues from the supporting Parliaments. This work will focus on administration and capacity building, and the contribution of local experts will be also sought. EAR and the Consortium are co-operating with other donors to the Assembly within the framework of the Assembly Support Initiative.

Friedrich Ebert Stiftung Internship Programme

The Internship Programme aims to involve students who are willing to work alongside Committees and assist in reviewing legislation. The 6-week long internship, sponsored by FES, SOROS Foundation and the University of Pristina, begins in September and ends in November 2003. The Political Science Department of the University of Pristina initiated this programme, taking into consideration the lack of qualified staff with legal expertise at the Assembly, and it will benefit both the Assembly staff and students. The successful candidates, who will be selected out of a pool of students, will be briefed prior to undertaking their duties, as to the working rules of the Assembly of Kosovo.

Friedrich Ebert Stiftung visit to Bosnia and Herzegovina

Building on the success of a regional exchange programme for Members of the Assembly of Kosovo

who sit in the Committees of Labour and Social Welfare, Public Services, Environment and Health, FES is organising a visit for Parliamentarians to B&H at the beginning of October 2003.

Friedrich Ebert Stiftung & ANTTARC Training on Public Speaking

A training programme, conducted by ANTTARC and funded by FES, on public relations and communication with media was held in Pristina on 4 July 2003 for Members of the Assembly of Kosovo. The goal of this session was to develop the capacity of the Parliamentarians to deal with media and, in particular, to increase their knowledge and skills on effective communication tools, techniques and public speaking. The main areas of focus during the training were public relations and its significance as a communication tools for institutions, communication tactics, guidelines for dealing with media, and advice on how to handle a broadcast interview.

**GOVERNMENT & ASSEMBLY LEGISLATIVE PROGRAM
UNTIL 1 AUGUST 2003 (as time of first reading)**

Nr.	Draft Law with its Table Number	1 st Reading	2 nd Reading	Promulgation by the SRSG
1.	(2002/01) Law on Basic Pensions	27 June 2002	4 July 2002	26/07/02 as UNMIK Regulation 2002/15
2.	(2002/02) Law Primary and Secondary Education	11 July 2002	25 July 2002	31/10/02 as UNMIK Regulation 2002/19
3.	(2002/03) Law on Higher Education	11 July 2002	25 July 2002	12/05/03 as Regulation 2003/14, supplementing it with a new section 10.8 reflecting the recommendation contained in the decision of the Special Panel of 9 August 2002.
4.	(2002/05) Law on the Establishment of Immovable Property Rights Register	26 September 2002	17 October 2002	20/12/2002 as UNMIK Regulation 2002/22
5.	(2002/04) Law on Mortgages	26 September 2002	17 October 2002	20/12/2002 as UNMIK Regulation 2002/21
6.	(2002/06) Law on External Trade Activities	10 October 2002	27 November 2002	12/05/03, as UNMIK Regulation 2003/15, after being revised by the Assembly
7.	(2002/7) Law on Telecommunication	31 October 2002	4 December 2002	12/05/03 as UNMIK Regulation 2003/16, after being revised by the Assembly
8.	(2002/8) Law on Environmental Protection	31 October 2002	16 January 2003	15/04/03 as UNMIK Regulation 2003/9
9.	(2002/09) Law on Labour Inspectorate	7 November 2002	19 December 2002	Promulgated on 21/02/2003 as UNMIK Regulation 2003/04
10.	(2002/10) Forestry Law	4 December 2002	13 February 2003	20/03/03 as UNMIK Regulation 2003/06
11.	(2002/11) Law on Public Finance and Accountability	9 January 2003	23 January 2003	12/05/03 as UNMIK Regulation 2003/17
12.	2003/2) Law on Liquidation and Reorganization of Legal Persons in Bankruptcy	13 February 2003	13 March 2003	14/04/03 as UNMIK Regulation 2003/7
13.	(2003/1) Law on Seeds	13 February 2003	20 March 2003	15/04/2003 as UNMIK Regulation 2003/10
14.	2003/4) Law on Libraries	27 February 2003	4 April 2003	23/06/03 with a necessary change in terminology, as UNMIK Regulation 2003/19
15.	(2003/5) Draft Law on Archive Material and Archives	27 February 2003	17 April 2003	Promulgated on 23/06/03 with a necessary terminology change, as UNMIK Regulation 2003/20
16.	(2003/3) Law on Taxation of Immovable Property	27 March 2003	17 April 2003	05/09/03 as UNMIK Regulation 2003/29
17.	(2003/6) Law on Agricultural Cooperatives	17 April 2003	15 May 2003	23/06/03 as UNMIK Regulation 2003/21
18.	(2003/7) Law on Roads	24 April 2003	29 May 2003	27/06/03 as UNMIK Regulation 2003/24.
19.	(2003/8) Law on Fertilizers	24 April 2003	22 May 2003	23/06/03 as UNMIK Regulation 2003/22
20.	(2003/11) Law on Access to Official Documents	22 May 2003	26 June 2003	
21.	(2003/12) Kosovo Population and Housing Census Law	22 May 2003	11 July 2003	
22.	(2003/13) Law on Public Procurement	29 May 2003	11 September 2003	
23.	(2003/15) Law on Spatial Planning	5 June 2003	3 July 2003	10/09/03 as UNMIK Regulation 2003/30
24.	2003/16) Law on Social Assistance Scheme	5 June 2003	11 July 2003	18/08/03 as UNMIK Regulation 2003/28
25.	(2003/18) Law on Petroleum and Petroleum Products	26 June 2003		
26.	(2003/19) Law on Postal Services	11 July 2003		

ASI Mission Statement

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

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

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

Currently participating in ASI:

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



Pictures in this Newsletter:

OSCE: pg. 2, 4, 5, 9, 10, 11, 14, 15, 16, 17, Rondorf: pg. 3

