



Editorial



Reforming Society

“Mid 2005 is very close,” warned Marc Grossmann, U.S. Deputy Secretary of State early July 2004 when he visited Pristina. He drew attention to the review date for the Standards implementation, launched during one of his previous visit and following consultations with all countries in the Contact Group. If the Standards implementation review is positive, “mid 2005” would become the long awaited start of negotiations on Kosovo’s final status.

The Standards Implementation Plan has become a comprehensive document: 120 pages of thoroughly describing how to reform the society. It has been launched on 31 March 2004 by then SRSG Holkeri and Prime Minister Rexhepi. The eight Standards are: functioning democratic institutions, rule of law, freedom of movement, returns and the rights of communities, economy, property rights and cultural heritage, dialogue, Kosovo Protection Corps.

Although it is Kosovo and its institutions that are required to make progress on the Standards, the international community has an essential supporting role in the implementation process, either through the provision of resources, capacity building and advice, or through the exercise of executive power in the reserved areas having an impact on the Standards. By working together – Kosovo’s democratic institutions and the international presence – Kosovo can become a better place to live, in the fastest possible way. The outcome will be a joint success or a joint failure.

Reading through the implementation plan, one can be surprised how concrete the objectives are. A few examples: increase participation of communities in civil service especially at senior levels - e.g. outreach programs for filling vacancies (p. 12), Rules of Procedure of the Assembly provide for debates/question times to review the work of Ministries (p. 13), start publication of Official Gazette and all PISG legislative issuances and administrative instructions to be notified in the Gazette in all official languages (p. 14), a Kosovo Assembly Committee is empowered to oversee the implementation of the official language policy (p. 14), Assembly Budget Committee oversees public expenditures in Ministries and all budget organizations (p. 19), develop strategy to reduce demand for and dismantle

parallel structures and integrate them into PISG structures (p. 21), adopt law on protecting and preserving Kosovo’s cultural heritage (p. 100), etc.

These are only a few examples from the eight Standards. It is clear that the implementation plan covers a wide range of areas where very concrete, do-able and tangible measures are outlined. It does require a reform of society. And it offers perspective for a substantial improvement of quality of life in Kosovo. However, this is a complex process with obstacles on the road, mainly related to human resources, refocusing of public attention and shared or undivided competencies. Some politicians feel that the standards-before-status policy was a policy deliberately chosen to keep the status issue off the table. Some argued that the PISG should not be held accountable for a lack of progress in areas controlled by UNMIK. The Standards Implementation Plan, drafted together by Kosovo and international officials in five working groups during more than four months, aimed at clarifying everyone’s role and responsibility. The mid-2005 review date has convinced many analysts and politicians that the coming months can be used constructively to consolidate the best position prior to final status discussions and accelerate the transformation of society.

The need to reform Kosovo society has become the topic of many debates. During a recent conference of the Kosovo-Turkish party KDTP, respect for languages was one of the central demands – shared by other interlocutors from PISG. Recently, political advisors to the Ministers conducted a working visit to Vienna and discussed their role in policy making. They experienced how the Standards implementation has become the lens through which Kosovo is being looked at.

Because of the central place of Standards in the current political process as there exist various opinions, we have asked Assembly Members, the Office of the Prime Minister and other interlocutors to reflect on the complex challenges ahead. This ASI Newsletter offers several views which we hope you’ll find interesting.

As the Assembly is finalizing its work prior to the summer recess, we have asked professor Daci, president of the Assembly, to make his analysis of the work done during this year as well as throughout the mandate of the Assembly. Various ASI-partner organizations provide most recent information on their activities in support to the Assembly: NDI elaborates on the findings of its survey on the functioning of the Assembly Committees, UNDP presents the newly established parliamentary governance information center, Friedrich Ebert Stiftung reflects on a joint workshop with OSCE on the role of the Ministers’ political advisors in their interaction with the Assembly.

*Franklin De Vrieze,
Co-ordinator Assembly Support Initiative.*

The new SRSG will “hit the ground running” in mid-August

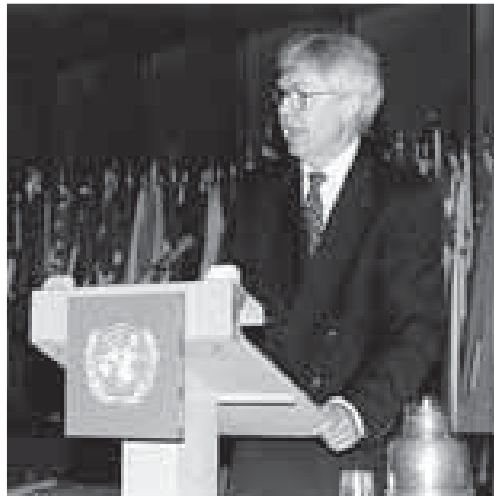
By David Buerstedde, OSCE

Since UN Secretary-General Kofi Annan informed the UN Security Council in mid-June that he intends to appoint Søren Jessen-Petersen from Denmark as his new Special Representative for Kosovo, and as head of UNMIK, Kosovo has been waiting for the new SRSG to take up his post. Some commentators have been losing patience, asking why it takes so long for the new SRSG to arrive.

The main reason is that Mr. Jessen-Petersen has some open commitments from his current position as the European Union's Special Representative in Skopje. There, he has helped to push forward the implementation of the Ohrid Agreement that institutionally redefines the relations between ethnic Macedonians and Albanians in FYROM and guarantees that minority and human rights are observed. He cannot simply leave without making sure that at least some of the loose ends are tied up. One of those is the plans for decentralization – an issue that will also play a prominent role in Kosovo over the coming months.

Of course, before actually arriving in Prishtinë/Priština, the new SRSG will want to be well briefed on the current situation here. Although Mr. Jessen-Petersen will be able to draw extensively from his considerable past experience in South East Europe, he will have to familiarize himself with Kosovo-specific issues with haste.

As mid-August draws closer, Kosovo issues will begin to take



*The newly appointed SRSG
Søren Jessen-Petersen*

up more and more of his time. Through conscientious preparation the new SRSG intends to make sure that he will “hit the ground running” and make an impact from the very start.

A new start presents new opportunities to establish close relationships untainted by mistakes that might have occurred in the past. Both the SRSG and the representatives of the PISG and civil society should be open for each other and seek to establish good relations from the outset.

The former SRSG Harri Holkeri set a good example in this respect. One of the first steps he undertook when first assuming office was to address the Assembly plenary and offer the Assembly and the PISG a partnership worthy of this name. This precedent is worth repeating, not least because it offers the Assembly the opportunity to get a feeling for the new SRSG and his ideas for Kosovo.

Søren Jessen-Petersen Biographical Note

Mr. Jessen-Petersen has served as EU Special Representative in Skopje since 1 February 2004. Concurrently he has been serving as Chairman of the Stability Pact Migration, Asylum and Refugees Regional Initiative (MARRI). As such, he initiated, developed and directed a strategy to manage population movements in the Western Balkans and, on this basis, a Programme of Action covering issues of migration, asylum, border management, visas and refugees return and settlement. Mr. Jessen-Petersen served as Assistant High Commissioner at UNHCR Headquarters in Geneva from January 1998 to December 2001. This position is the third highest ranking in the UNHCR. In this function Mr. Jessen-Petersen headed all UNHCR Operations worldwide and undertook some 80 missions to all regions of the world, aiming at developing operational strategies as well as mobilizing governments' support for UNHCR activities.

Prior to his last assignment in Geneva, Mr. Jessen-Petersen served as Director of the UNHCR Liaison Office at the United Nations Headquarters in New York, from 1 August 1994 until 9 January 1998. As such, he was the High Commissioner's liaison with the UN Secretary-General's Office as well as other UN Departments. During his assignment, he addressed the Security Council on a number of occasions.

Mr. Jessen-Petersen served as the High Commissioner's Special Envoy to the former Yugoslavia from December 1995 to September 1996 (based in Sarajevo), where he was responsible for developing the strategy for and overseeing the implementation of Annex VII of the Dayton Peace Agreement and directed a \$350 million humanitarian operation for approximately 4 million refugees, displaced persons, returnees and other victims, and managing more than 500 UNHCR staff.

Between 1990 and 1993, Mr. Jessen-Petersen served as the Chef de Cabinet of the High Commissioner in UNHCR Headquarters in Geneva. As such, he served as main political and diplomatic advisor to the High Commissioner.

In 1989, he served, on secondment from UNHCR, as Special Advisor to the Under-Secretary-General for Political affairs, and as a member of the Secretary-General's Task Force on the process leading to the independence of Namibia.

In 1986, Mr. Jessen-Petersen served as the High Commissioner's Regional Representative for the Nordic countries until 1989, covering Denmark, Finland, Iceland, Norway and Sweden.

Mr. Jessen-Petersen, a citizen of Denmark, is a lawyer and journalist by training, and has numerous publications. He is married and has four children.

"I hope for a real partnership"

Interview with prof. Daci, president of the Assembly, on the work of the Assembly, the UN and realtions with minorities

Interview by Doina Ghimici and David Buerstedde, OSCE

ASI: Professor Daci, one year has passed since your last interview for the ASI Newsletter. It was a year in which both positive and negative trends were noticeable in Kosovo. Throughout this period, the Assembly itself experienced "moments of glory" and reasons for criticism. What are, in your opinion, the most important achievements of the Assembly and where did Kosovo's legislature not manage to deliver expectations?

The best results achieved by the Assembly during this time relate to the number of processed laws. I know that in the media there is criticism of our activities but this usually comes from people that have never been to other parliaments in Europe and rely on newspapers as their source of information. In European countries, it takes around three to five months for a draft law to be processed by the parliament. The longest time it took us to approve a law was five weeks. In the current Assembly we have to strike a balance between the numbers of laws approved, taking into account that Kosovo does not have laws, and the quality of the laws. Another important achievement of the current Assembly is establishing a stable political environment, at least until the March crisis. Usually a parliament is the place where heated discussion takes place and where the temperature often rises. Taking into consideration that in our Parliament there are seven minority party groups, I have worked to create a pleasant atmosphere for debates. I am proud that many times I was able to defuse tensions between Albanian and Coalition Return Assembly Members. I was criticized for



Prof. Nexhat Daci, President of the Assembly of Kosovo

this and accused of stopping democracy but I took the decision that the peace and stability of Kosovo were more important. Critics have to bear in mind that after 15 years this is the first parliament that is internationally recognized and where we all need to work together. The Parliament is supported a lot by advisers from the international community, especially NDI, the OSCE Mission in Kosovo and many foundations.

ASI: What about the weak points?

There are many weak points. Our weakest point was that we did not succeed to accelerate the social programs and establish adequate social security sys-

tems in our society. For three years we hardly had an increase of salaries in the institutions, in education, in healthcare. We did not succeed to find any kind of solution to the problems that those working in the field of science are facing. We didn't have any law on science on our agenda. Another big failure is that we did not create the institutions to overcome the crisis and reduce the tensions between ethnic communities. I admit that I did not have enough courage myself. These issues, I'm afraid, will remain to be dealt with after the elections.

ASI: What institutions are you referring to?

I think of institutions in the sense of bodies or mechanisms that would be closer to the problems in order to solve them. Institutional mechanisms should exist inside the Parliament or the Government that aim to prevent or overcome divisions within the PISG. I am afraid that we did not succeed in this and that instability will rise in the coming period.

ASI: Is it because of the upcoming elections that the situation will be volatile?

This is the main reason. There could be a rise in temperature because political parties will fight hard to come to power and win the elections. And they have

enough issues to criticize, such as the situation in economy, justice, and security. All these aspects will worsen the situation. I hope that we will have normal elections and I will fight for it in the Parliament and somehow try to convince the electorate to go and vote. If dissatisfied voters do not go to the polls, we will have a problem in the future. It is possible that less than 50 percent will participate in the upcoming election.

ASI: You mentioned that this Assembly did not succeed in certain fields. Does this mean that changes will have to be introduced to the internal structures of the Assembly?

I hope that the next Parliament will have a smaller number of parties represented. I hope that as a result of the upcoming election there will be an opposition in Parliament, not an ethnic opposition but a strong opposition that will successfully hold the Government accountable. We will continue to need help from countries with a long tradition of democracy and countries that succeeded in overcoming ethnic problems of their past. I do not want to be alone, and I am not speaking about myself, Nexhat Daci, but the Assembly Speaker should rely on a team of national and international experts. The International Community should have an advisory role in our institutions. That will lead to results.

ASI: What about the organizational structure of the Assembly? Do you see any changes in the relationship between the Assembly Presidency and the Speaker, the Presidency and the Assembly, or within the Assembly Secretariat?

I think we shall not have a

Presidency any more. This is an old tradition from Tito's Yugoslavia because inside the Presidency there is a strong tendency of favoring political parties' interests. We will probably have a Board instead, with the President and a limited number of Vice-Presidents. I cannot complain about the current Presidency and indeed, I can even be thankful because we worked very closely together. It is very interesting that I received a lot of support from the members of Coalition Return on the Presidency. All in all, the work in the Presidency was very constructive. I would like the same spirit to prevail also in the plenary. The Committees also worked together well. The plenary was sometimes a different story, probably because of the presence of the media but I think that all taken together, the positive and negative, this Parliament was a successful parliament. And it kept Kosovo stable. You know that quite often I have taken initiatives that went beyond my function as Assembly President. I did so not to fight UNMIK or anyone else but to keep the situation under control. If the situation spins out of control in Kosovo, it would spread throughout the region.

ASI: Do you think that the relationship with UNMIK is likely to improve, perhaps with the arrival of the new SRSG, or will it deteriorate?

I think SRSG Holkeri tried very hard. He was an honest man. I saw in him a very serious politician but UNMIK is structured in a way that it cannot succeed. I always like to be honest and sincere. I do not think that the situation will improve. I had many meetings with Holkeri and I tried to share my analysis with him



Prof. Nexhat Daci, President of the Assembly of Kosovo

because my analytical pattern comes from science and usually it is accurate. I suggested to him not to leave completely – I do not want that – but to change the structures. UN Missions have problems everywhere in the world. It would be good to set a time-limit and to finish the job. I am not optimistic about the new SRSG. He will need time to familiarize himself with the situation. Also the UN is a very complex structure as many countries participate, and every country has its own interests, not necessarily those of the UN on its mind. It is extremely difficult to operate under these circumstances. The first three years were extremely successful in Kosovo with very good results in reconstruction and many other fields, but then successes started to become smaller and smaller. I hope that someone will come along who will change this downward curve. I also hope for a real partnership.

ASI: And what about the Standards? Do you place hope in the Standards?

Standards are widely accepted

in Kosovo. I am not very optimistic that with the tools that we have in our hands we can be very successful. The Parliament has to fulfill the standards that relate to the Parliament but this will be difficult if Serbs do not participate in the standards process and in political life. I had a meeting with some leaders of KP and received some signals that this might change. I intend to continue to speak to them and I hope that we will work together.

ASI: What steps could be taken to improve relations with minorities?

We will have to find ways. Criticizing Serbs cannot be a solution for Kosovo. Non-participation is not a solution for Serbs. So we have to find ways with those that are interested to live in Kosovo and have property in Kosovo. Their rights have to be respected: property rights, human rights, employment and business rights. I and the great majority of the population are prepared for that. I hope that Belgrade will realize that Serbs need to stay here and share with us the benefits and problems of Kosovo.

Barriers on the road to Standards

By: Prof. Dr. Hajredin Kuçi-Vice President of PDK and Member of the Assembly of Kosovo

The Standards for Kosovo that were initiated not so long ago by the former SRSG, Mr. Michael Steiner, have become the most discussed topic in our public debate. It is essential to say that the Standards are of vital importance. They represent the framework for actions of local and international institutions, but also for all citizens of Kosovo, to establish a society with a consolidated democratic order.

The Standards represent an action strategy of local and international institutions in Kosovo that complies or should be in compliance with perceptions and viewpoints of every democratic government in Kosovo now and in future, and even after the definition of the Kosovo's status. Indeed, the Standards are in line with the continuous efforts to build democratic institutions in Kosovo compatible with international standards, with the aim of creating equal conditions for all the citizens of Kosovo, regardless of their ethnic, religious, gender or racial background.

Three main actors are involved in the effort to establish a sustainable democratic society: Albanians as majority, Serbs as minority and the international community as an active participant and as a referee. To achieve the goals of the Standards in post-war Kosovo, we also have to make clear what the barriers on the road ahead are. The barriers begin with the initial intention to overcome the definition of national interests through preconditions, which are probably not even completely accomplished

absolutely in states with more consolidated democratic systems.

The concept of "Standards before Status" psychologically involves asymmetric actions of the main actors because political objectives substantially differ when dealing with the legal and political status of Kosovo. While the Albanian majority wants an independent state and the Serbian minority wants to return to the previous status, the International Community is occupied with assessments of how to measure the implementation of the Standards. In the meantime, everyone is following its own direction and the accomplishment of the Standards is perceived more and more as a tool to achieve personal political objectives.

Evaluation

In all these activities, the role of the International Community as a referee is crucial. The objective evaluation of accomplishing these standards mainly depends on the SRSG. Considering the fact that many representatives of the International Community remain in Kosovo only for a short period of time, the evaluation itself is more abstract than objective. The quantity and quality as well as the time-line of Standards Implementation are very important for Kosovo and its citizens, even though these issues seem very abstract. It would be preferable and very useful to know the factors for evaluation as preconditions for the final status that for the majority of Kosovans is independence. It would motivate but also oblige the institutions



Prof. Hajredin Kuçi

as well as citizens even more to implement the standards.

Minorities according to the Standards

The Albanian majority thinks that the Serbian minority is an inhibiting actor, not only in the process of an accelerated Standards Implementation, but also in the process of transferring powers from the international to the local institutions, with the aim to slow down the perspective of Kosovo towards a substantial independence.

Even though the creation of a normal environment for the

minorities is estimated to be in the hands of the Albanian majority, almost all legislation, implementation and judicial mechanisms are in the hands of the International Community as reserved powers.

At the same time we can say that the majority never developed a true dialogue and never gave a clear offer to the minorities, though there are tendencies to integrate minorities within the institutions and the democratic life in Kosovo. However, the International Community is partly responsible. With its over-nurturing attitude towards the Serbian

minority it has contributed to their instrumentalisation by governmental and political circles in Belgrade. Besides, the Serbian minority has not yet given up its goal of returning Kosovo under Serbian governance. This has been obvious in several cases when they have projected anti-Albanian ideas and plans that most of the times are similar to the ones of Milosevic's repressive regime. The Serb minority is still seen by Serbia as a movement for the reintegration of Kosovo into Serbia and not as

"standards before status" where each side is trying to find their limits and tries to present its arguments on how it interprets the implementation of the standards. Having in mind the historical rivalry of Albanians and Serbs and also the lack of will by the International Community to be a truly neutral arbiter by acknowledging the democratic rights of majority population of Kosovo, we can see how difficult it will be to achieve the Standards quickly.

Kosovo the standards have not been fulfilled. The International Community has for example not questioned the right of Bosnia and Herzegovina, Serbia and Montenegro and FYRoM to be independent countries, even though human rights and the establishment of truly democratic institutions is not going in the desired tempo even compared to Kosovo. I do not want to say that we should not be ahead of them, but we should have equal chances for the fulfillment of these objectives.

country is an important element in the fulfillment of the Standards. Local and international institutions, but also the citizens should be more careful not to allow a crisis to escalate, like it did in March, be it because of political, social or economic reasons. Any sort of crisis disables the Implementation of Standards. When the overall situation is in crisis, the Standards are also in crisis.

Standards vs. public opinion

Another key element is the public perception of the "Standards before Status" formula. It seems that in public there was no real differentiation whether these are true values or just propaganda. Until now all local and international institutions, individuals and intellectuals have only spoken about Standards in a general way. Standards have to be "touchable" for the citizens of Kosovo. They have to see them as a chance for a better and more secure life that respects personal and national identities, achieved by exercising full control of the institutions in the whole territory and over the whole population.



a bridge that could link these two countries. There should not be a predominant feeling that all the work on Standards Implementation is being done for the minorities. As minorities participate only a little or not at all in the process of implementing the standards, this de-motivates the majority in doing the whole work for those who do not work for themselves.

I am convinced that if the "standards and status" formula would have been defined thoroughly in advance, the development in the post-conflict Kosovo would have been different. Now the standards are a hostage of the concept

Comparative view

The Standards and their fulfillment can not be seen in isolation. There are some differences in content and form of decision-making in Kosovo and other countries especially in security, level of multi-ethnic integration, economic development, quality of public institutions, organized crime, and problems of privatization. Even though in the standards there are some common elements with neighboring countries that are in one way or the other under international protection as well. But they still are independent countries and the International Community considers that only in

From the overall engagement of the International Community and from many facts, one can get the impression that de facto the Standards are a pretext for delaying the decision on the final status of Kosovo and not with the real intention to consolidate a truly democratic order. It seems that this attitude of the International Community is determined by the uncertainty in the capitals of Western Europe on ways to solve the political status of Kosovo.

The influence of the General Situation

The general situation in this

More information on the Standard Implementation Plan can be found on these web-sites:

Web-site of the Prime Minister:
http://www.pm-ksgov.net/focus_article_UNMIK:
<http://www.unmikonline.org/>

"The sooner the standards are achieved the better"

Interview with Mr. Ilir Dugolli, Senior Political Advisor to the Prime Minister, on the relations with the Assembly, the Standard Implementation Plan and the work of the Office of the Prime Minister.

Interview by: Besnik Tahiri and Ulrich Steinle, OSCE

Asi: Ilir Dugolli, could you describe your main tasks and responsibilities within the Office of the Prime Minister?

My position is Senior Political Advisor to the Prime Minister, which in other words is a position of the chief political adviser. As such my main responsibility is to coordinate the work of all political advisors and the other political appointees of the Prime Minister and to review their work. In my portfolio there are also other matters to cover, including the office of legal affairs.

Asi: You are one of the 'young team' within the OPM. Do you think you could have an impact on the policies and what do you think are the chances for young political advisors in Kosovo's Institutions?

Indeed the team of the Prime Minister is a young one. I am 28 years old and other advisers are mainly in their early thirties. I started working for the Prime Minister two and a half years ago at a fairly young age. Over this time, initially as a civil servant, I have witnessed the Prime Minister's faith in young people and that he is ready to offer opportunities to those ready to engage. I believe that there are pretty good chances for young advisors interested in contributing to institution-building to find ways and opportunities of doing so. Unfortunately, in general, one notes some reluctance among youth to



Ilir Dugolli, Senior Political Advisor to the Prime Minister of Kosovo

get involved in the work of the government. Luckily, we have witnessed the establishment of the young team by the Prime Minister, who has to a great extent encouraged the interest amongst young people to get involved with our institutions.

Asi: What were your and the Office of the Prime Minister's main challenges? What are the main achievements and where are still the major problems?

It is extremely difficult to list all the challenges, and so I will list only few major ones.

There is a lack of previous experience, highly curtailed responsibilities, enormous legal and political vagueness, and extreme limitation to the responsibility of the Prime Minister solely as a coordinator with no real executive powers. Amongst the main results one should note the preservation of the cohesion of a multiparty government, the establishment of an ever improving non-political civil service, tabling more than 60 draft-laws in the Parliament and an exemplary attitude during the biggest post-war challenge, the events of

March 2004.

Asi: The reactions of the Prime Minister to the March Crisis was perceived by the International Community as the most responsible political reaction. What made his response different from other political actors?

Indeed the role of Prime Minister has been commended openly by key representatives of the international community as well as by Kosovan citizens at large. I believe that there is a number of his personal features that has oriented him to the course

of action that he choose, namely it was his courage, straightforwardness, hands-on approach, and experience with violent environment from the period that he was mayor of Mitrovica. It is our impression that Prime Minister's efforts to improve relations between Albanian and Serb communities, to reconstruct damages done during March are acknowledged widely amongst citizens of all ethnicities.

Asi: How efficient does the government work internally, given the problem that you have to govern with an all-party-coalition and sometimes weak coordination? Do you see the necessity to improve, and if yes, how?

I believe that there is lots of space for improvement when it comes to the work of the Government. It could certainly be more efficient. There were many omissions on the structural and legal basis upon which the Government was established. There were no proper coordinating mechanisms in place, whereas means to monitor and intervene are almost non-existent for the Prime Minister. On the other hand there were also no proper policy formulation units in place. All this was made even more difficult by the fact that none of the ministers is nominated by Prime Minister and thus leverage for monitoring, policy implementation or eventual intervention is limited to minimum.

Asi: How do you feel the cooperation with the Assembly functioned? Was the Assembly dealing professionally with the draft laws being forwarded



Kosovo Prime Minister Bajram Rexhepi and his advisors

by the OPM and how are the institutional and personal contacts with the Assembly? Do you think that there is room for improvement?

There is no doubt that all institutions are learning and that there is a lot that can be improved. I find the personal contacts to be exemplary and very good functioning. Of course, it took time and effort for proper procedural channels of communication to be established. Understandably, such channels and procedures are fit for further enhancement.

Asi: The Assembly is sometimes being accused of not being fast enough in processing laws. Do you think this is justified?

As I said, there is lots of room for all institutions to enhance their work and to do

better in fulfillment of their duties. This also applies to the Assembly, which in many instances has left the impression of being not a very hard working body.

Asi: How much do you use the Kosovo Standards Implementation Plan (KSIP) to prioritize your work?

KSIP has become an absolute priority since it was launched. The Actions required are certainly a guideline for the work of Government as a whole and the Prime Minister's office as well.

Asi: Do you feel that the actions prescribed in the KSIP can realistically be fulfilled within the next year or so, within the timelines indicated in the Plan?

Realistically it is impossible to fulfill in a year and a half

what UNMIK, with its entire human, financial and other resources, has been unable to achieve. Nonetheless, I believe that it is crucial to do the maximum possible in achieving what can be achieved. The sooner the standards are achieved the better, not only for the status but for the quality of life of each citizen and democracy as such. I also believe that it is the determination to fulfill the Standards and not only the final result that counts.

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"We should all work with maximum efforts, leaving aside skepticism and differences"

Interview with Mr. Xhavit Haliti, Member of the Presidency of the Assembly of Kosovo, on the Standards Implementation Plan.

Interview by Doina Ghimici and Mevlyde Salihu, OSCE

Asi: Mr. Haliti, what can the Assembly do to fulfill the Standards Implementation Plan?

All the institutions of Kosovo and the whole of Kosovo, not just the Assembly, should feel obliged to fulfill the standards for Kosovo. All countries of the region need to fulfill the same type of standards in order to become members of the European Community, NATO or European Union, even if they do not call them standards as we do in Kosovo. We as a parliament have taken the responsibility over the package of the laws that is related to the standards. We are the legislative branch of the government in Kosovo, and this package will have the priority in parliamentary proceedings. The issue how many laws are being tabled at the Assembly is a completely different story. Surely it would have been nice if parliamentarians themselves would have initiated laws related to the implementation of the standards and if we would not have waited for the government to sponsor the laws for us. We have had a discussion in the Assembly related to the standards, and I have met with UNMIK representatives that deal with the implementation of the standards. I would suggest to all involved to keep this process alive, because we cannot do this on our own. It is a very important process for Kosovo.

Asi: Do you think that the Assembly can realistically achieve



Mr. Xhavit Haliti, Member of the Presidency of the Assembly

the prescribed activities of the Standards Implementation Plan within a year?

I believe that the determined deadline is misunderstood by all of us. The International Community is not expecting us and Kosovo to fulfill something that in other countries took decades, at least as I have understood. The International Community rather wants to give us a guideline for the future, in order to assess on to which point we came on the long road of standards and if there is a will from our side and our institutions to fulfill standards, that in democratic countries are normal. They will assess whether there are

delays and if there are delays, did these happen due to reasonable or unreasonable factors. Therefore I believe that there is no space from our side to be skeptical towards the goals of the International Community, but we should all work with maximum efforts, leaving aside skepticism and differences.

Asi: Do you think that International Community is offering enough support to the Assembly for the fulfillment of the Standards? How could the International Community strengthen this process?

I believe that there are possibilities to help the Assembly

and the government in fulfilling the standards. I would appeal for more external experts that will work with Assembly Members in order to enable them to initiate laws that will not only contribute to the implementation of the standards, but also to the improvement of everyday life in Kosovo. I believe that the whole Assembly would welcome such an effort. Next year I think that the Assembly itself should allocate an amount out of its budget for consultancy, for experts from within Kosovo and abroad, so that the Assembly could be more active in initiating laws and processing laws faster and with a higher quality.

A functioning society depends on the credibility of its democratic system

From 1 July to 31 December 2004, the Netherlands will preside over the European Union. The ASI Newsletter therefore asked the Head of the Dutch office in Pristina, Mr. Bas-Backer, to address our readers.

By Peter Bas-Backer, Head of Dutch Liaison Office in Pristina and Representative of the current Dutch EU Presidency.

To an outsider, the European Union (EU) might look like a camel, a little bit odd and complicated, but rather safe and promising to those who depend on it. Since 1958 many improvements have been introduced to the EU decision making mechanisms. In this process the European Parliament (EP) has gained slowly but firmly an indispensable place in the institutional structures of the EU.

Although the EP is not yet represented in Kosovo, it has influence in the decision making about EU assistance to Kosovo. In the EU, the Parliament plays a key role in both the relationship between voters and civil society and the EU institutions. The EP has gradually moved into the EU decision making process, into controlling the EU Executive and in producing and approving a large portion of EU legislation. By now more than 50% of the Dutch legislation is made in Brussels. Last but not least the EP is playing a key role in approving the EU Budget together with the other EU institutions. It has done a lot to increase the democratic elements of the EU, although not yet enough. The most important administrative EU institutions, the EU Commission and the Council, still operate without the usual checks and balances of a normal democratic process. According to opinion polls, the EP is the most well known

institution of the EU. However, the relatively low turnout for the recent EP elections proved that the EU and the EP can still not inspire the EU citizens.

The EP struggles with the democratic deficit that occurs in the process of transferring competencies from the democratically controlled state level to the democratically incomplete EU institutions. But even if the EP is sometimes unable to reach out to the EU citizens, it still makes a big difference in their daily lives.

Bringing the EU institutions closer to the citizens was a central objective of the Irish Presidency. This is crucial, because in the end the success of the EU depends on its citizens and the credibility of its democratic system.

Kosovo has young institutions and, in comparison to Europe, also need to gain legitimacy. In the end the success of Kosovo as a functioning society depends on the credibility of its democratic system and the support it will receive from all its voters, including minorities, which are constituent parts of the Kosovan society.

To create a credible democratic system voters will have to scrutinize the performance of the Provisional Institutions for Self Government (PISG) on how the government and

individual ministers have exercised their mandates, how parties have succeeded in the Assembly in defending the interests of voters and in questioning the government and ministers about the responsibilities transferred to them. Assembly members are mandated by the voters to monitor the current and the next government on how it deals with the implementation of Standards, which aims at furthering the well-being of every single Kosovan.

The Assembly Members can, for example, monitor the government on how it will develop and implement new basic economic legislation in accordance with the Standards and on how it succeeds in attracting investments and creation of more employment opportunities.

All EU member states contribute in one way or another to support projects for the Assembly of Kosovo to process such basic economic legislation. The EU member states provide bilateral legal experts through training and seminars in their own countries or elsewhere in Europe. The OSCE has similar projects and I hope that the Council of Europe will soon attribute its experience to underpin the Assembly's effectiveness in checking the other parts of the PISG.

All this strengthens the Assembly's skills to operate as the



Mr. Peter Bas Backer, Head of Dutch Liaison Office in Pristina

true check and balance power in the governing mechanisms of Kosovo. The question is whether it helps to bring the Assembly of Kosovo closer to its voters. In the preparatory phase of the election, Assembly Members could visit the municipalities to explain the work of the Assembly and to encourage participation for the election on October 23.

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A healthy Committee structure with room for improvement

By Pat Cadle, NDI Legislative Support Program Manager

The National Democratic Institute (NDI) has been providing training, as well as technical and procedural advice, in cooperation with the Assembly Support Initiative (ASI), to the Central Assembly of Kosovo since it was inaugurated in November 2001. NDI's primary focus is the procedural aspects of the Assembly's functions. Concentrating on providing technical assistance relating specifically to the legislative process, NDI has conducted trainings and provided advice to Assembly members on such activities as conducting committee meetings and holding public hearings, responding to requests for assistance from constituents, engaging in executive oversight and improving legislative transparency and accountability to the citizens of Kosovo. To benchmark future needs, NDI conducts a survey of the status of the Committees every nine to twelve months. Following are the main findings of the latest survey from April 2004.

Generally speaking, the overall state of the Committee has steadily improved since the survey of June 2003. For example, it has become more common practice for many of the Committees to hold public hearings on each piece of legislation, which is referred to it. At least ten Committees have held a minimum of one public hearing in the past year. Additionally, public hearings have been held not only on specific pieces of legislation, but there have also been issue-based topical hearings. Another good example is that most of the Committees now routinely invite a represen-

tative of the pertinent Ministry to attend Committee meetings to provide information and answer questions concerning the draft laws under consideration. Additionally, none of the Committees NDI surveyed indicated any difficulty in achieving a quorum and many of them had conducted field visits outside of the immediate Pristina area.

However, some specific findings indicate the continuing need for improvements. The following points illustrate the areas in which additional work should be done.

1. The frequency of Committee meetings varies not only among the Committees, but also even within individual Committees at different times. A handful of Committees have been assigned a large number of draft laws, and meet on an almost weekly basis, while some Committees are assigned draft laws on an infrequent basis, and meet only when a draft law is referred to them.
2. Some Committee members, and even Chairpersons, are not completely comfortable with their ability to review draft laws, nor to offer substantive amendments.
3. Lack of executive responsiveness to the Committee still needs to be addressed in a minority of the Committees.
4. Many of the laws which are passed and promulgated are not being implemented by the executive branch. This is a weakness in the ability of the Assembly as a whole to engage in executive oversight functions.
5. Shortage of well trained legal support staff is still very much



Press Conference on the Publication of the Public Hearing Manual on May 26

a problem, leading to a concern at not having the input of a well trained legal draftsman on questions concerning draft laws in the Committee meetings. A related problem to staff shortages is the lack of office space for Committee Chairs and a shortage of meeting rooms.

6. Rules of Procedure specific to Committee work do not exist. Most Committee chairs adapt aspects of the plenary rules of procedure to the Committee process. This means that procedures can vary from one Committee to another.

7. Translation still remains a factor which slows down the legislative process. The "official" version of any law is always considered to be the English version, which can cause confusion. Subtle differences between the "official" version and the Albanian or Serbian languages can lead to misunderstandings about the true effects of a draft law.

8. Parliamentary groups still are not always well informed

by their leadership concerning the groups overall position on a given piece of legislation. It still sometimes occurs that the members of a parliamentary group within a Committee will support the legislation, but in the plenary session, the group as a whole may oppose it.

In summary, the overall Committee structure is healthy. In the areas of regular public hearing, Ministerial invitations for information, quorums and field visits, the Committees have made improvements since the last survey. In other areas, such as staff development, little progress has been made. In the current survey, some new areas for needed improvement have been identified. NDI has formulated some recommendations that may help to alleviate some shortcomings in the Committee structure. With the cooperation of the Committee Chairs and Vice-Chairs, the findings of the survey provide some excellent opportunities to affect lasting change.

More transparency and accountability through the new Parliamentary Governance Information Center

By Roger F. Roy, SPEAK Project Manager, email: roger.roy@undp.org

An important component of the Support to Parliamentary Electronic Archives in Kosovo (SPEAK) Project is the setting up of an information point outside the walls of the Assembly of Kosovo. In April 2004, SPEAK realized this goal through the signing of a Memorandum of Understanding between UNDP-Kosovo and the Inter-Parliamentary Union, the Assembly of Kosovo and the National and University Library of Kosovo. By means of this three way partnership, the Information Center located at the National Library, aims to provide the public with an Internet based link to the archive system and the website of the Assembly of Kosovo. Users will also have access to a library of books and periodicals on governance subjects at the Center.

The Parliamentary Governance Information Center (PGIC) Mission Statement is to ensure that the Assembly of Kosovo is more accountable and transparent to all sections of Kosovan society. It is well known that many Kosovans have little knowledge about their parliament and how

it actually works in terms of its plenary sessions, legislation that has been passed or is being considered, levels of attendance and so forth. Moreover, there is no background information that can be easily accessed by students and interest groups such as Parliamentary Committee work and the biographies



of Members of Parliament. The PGIC will help strengthen citizen outreach activities by promoting the legislative, representative and oversight functions of the Assembly of Kosovo.

At the center, users will have access to the Assembly of Kosovo Website, public documents from its database as well as other websites dedicated to parliamentary governance issues. One such website is the Inter-Parliamentary Union

based in Geneva, which is the international organization of Parliaments of sovereign states established in 1889 (www.ipu.org). Currently the IPU, which is a focal point for world-wide parliamentary dialogue, has over 130 national parliaments who are members. The Union itself works for peace and cooperation among peoples and the firm establishment of representative democracy.

The Parliamentary Governance Information Center also aims to encourage debate and raise particular issues of importance to Kosovan society. A public lecture series has been organized on issues of interest to the general public.

The first lecture at the PGIC on "Kosovan Women in Politics" was held on 17 June 2004. Mr. Robert Piper, UNDP Resident Representative in Kosovo was the moderator of the first lecture. "Gender-related issues cannot be solved solely through the rules and regulations of the Assembly of Kosovo," explained Mr. Piper. "They only help to provide a framework for the empowerment of women.



Real change will come from leaders who mobilize civil society around and advocate for the special needs and aspirations of all Kosovan women."

The event brought together three distinguished members from the Assembly of Kosovo –, Sala Ahmetaj, Hatixhe Hoxha and Edita Tahiri – along with participants from all walks of Kosovan society, to share their knowledge and experience. The speakers provided the audience with personal insights on the role of women in Kosovo politics and this resulted in a lively discussion with audience participants. More lectures are planned for the summer and fall months of 2004.

Third Kosovo-Dutch inter-parliamentary workshop

By Renee Vassilos, EWPPP, email: ewppp@ewppp.org, web-site: <http://www.ewppp.org>

The East-West Parliamentary Practice Project (EWPPP), in the framework of the programme Aspects and techniques of parliamentary democracy: a program in support of the Assembly of Kosovo, organized the third Kosovo-Dutch inter-parliamentary workshop from 18-19 June 2004 in Prishtinë/Priština. Par-

ticipants included members and former members of both chambers of the Dutch Parliament and Kosovo Assembly Members. The workshop highlighted the following points: duties and responsibilities towards the electorate, legal personality of the Assembly Member, campaign formulation of party policies, negotiating pre-

campaign compromises, and post-election attitudes of the political parties.

A fourth inter-parliamentary workshop will be held in December and focus on post-electoral processes. In addition to workshops, the EWPPP has been working with the newly created parliamentary

investigative committee, which is looking into the crisis of March 2004. A meeting to discuss the workings of the committee was held in Santpoort, the Netherlands, from 16-18 April 2004, and included the participation of representatives from all parties of the Assembly of Kosovo.

"We have to proof that the administration is not politically biased"

Interview with Mr. Isuf Demaj, Secretary to the Assembly of Kosovo

By: Edmond Efendija, NDI

ASI: Mr. Demaj, could you explain to our readers which are the main responsibilities for you as the Secretary to the Assembly and for the Secretariat as a whole?

Isuf Demaj: My main interest is the best possible management of the Assembly's staff. The administration of the Assembly has become efficient and up-to-date to try and provide the best services for the Assembly of Kosovo within a relatively short time.

ASI: Which are the main challenges that the Secretariat of the Assembly has faced and which are main achievements of the Secretariat and the Assembly as a whole?

Demaj: The administration, the entire personnel and I as the Secretary, have to prove that the administration is not politically biased and this is a great challenge. We also must have a good cooperation with OSCE, UNMIK and the Government in order to reach our goals and that is the timely adoption of draft laws.

The Secretariat was established only after the last elections so that the administration was unprepared for its tasks and some staff members did not meet the professional requirements. I can state that a lot has been accomplished, but we also need to work much harder to serve the Assembly as best as possible.

ASI: There are technical problems that in one way or another way

hamper the work of the Assembly like the lack of premises and sometimes a lack of staff namely in the legal department. When do you think these problems could be overcome?

Demaj: In the beginning it was very difficult for the MPs and staff in general. By now the MPs realise that the administration is there to serve the MPs and that there should be cooperation. All this has led to what can be described as a satisfying situation.

In the beginning even Members of the Presidency did not have an office. However, we have been able to provide all of them with an office as we did for the caucuses of the parliamentary groups. By the end of the year the Government will move into the new Government building and then we will have a lot more office space available. We are also starting with the renovation of the Assembly building and will then be better equipped to perform our duties.

ASI: The Assembly is sometimes accused of a lack of efficiency in processing the draft laws. What is your opinion on this?

Demaj: I honestly think that there are no grounds for this perception, since the Government is the one who sponsors the draft laws. For every law that reaches the Assembly there is a procedure to be followed and this we have always followed. In maybe 95% of the cases the Assembly has con-



Mr. Isuf Demaj, Secretary to the Assembly of Kosovo

cluded its considerations of draft laws in time and a number of important laws have been adopted. The majority of these laws were signed by the SRSG, while for those laws that were not signed, I am positive that he has a legal office and the competence in his hands.

ASI: You are the main link between the President and the Presidency of the Assembly as the political management on one side and the Secretariat of the Assembly as the administrative on the other side.

How does the cooperation work?

Demaj: I believe that we have made efforts to have a good cooperation. Until now I did not have problems with either the President or other Presidency members. Every time when explanations were required from me or my staff, we have been up to the task. Occasionally there were remarks over the minutes, but this problem has been reduced to a minimum.

ASI: Do you think the Assembly has succeeded in its Executive Oversight role towards the Government and to what extent did the Government respond to questions made by the Assembly?

Demaj: The Government is a coalition Government and there have been not many frictions between the Assembly and the Government. The Committees started very early to invite the Ministries into their sessions, but I think that this cooperation could be further advanced.

ASI: What would be the main areas in which ASI partners could support the Assembly in the near future?

Demaj: I have stressed this matter of cooperation at every meeting with ASI partners, since the Assembly in general, and by this I mean all the staff and the MPs, are in a great need for support. I think much has been achieved but of course more can be achieved.

I think that more help could be provided for a professional administration, so that I would not need to be necessarily involved in every matter. In this direction more could be done for us and we could meet with the ones who are interested in helping us, which are more than a few. We should be more concrete in regards to help on what we need to prepare for the upcoming elections and the new MPs.

ASI: The Assembly recently hired a Protocol Officer. What are the main tasks for this officer and what the contribution to the Assembly?

Demaj: The Assembly did not have a protocol section, and even during the previous system there was only a single protocol section for Kosovo.

Protocol is of interest for the Assembly since in the past there were various visits and what we will need is training for our protocol section.

ASI: The sometimes poor quality of the translation of draft laws impedes the work of the Assembly and many of the amendments are linguistic rather than political. What is your assessment of the legal translation and what can be done?

Demaj: I find it very easy to

We have advertised respective posts but since the salaries are not attractive we haven't got a translation service of a sufficient quality.

ASI: It is well-known that Kosovan experts have a good reputation, but we're also aware that in Kosovo politics is part of everything. Is it difficult to stay neutral and unbiased in a highly politicised environment as the Assembly of Kosovo?

Demaj: I find it very easy to

How is the employment situation in the Assembly?

Demaj: We are facing lots of difficulties in terms of staffing, not only with Albanian but also with Serbian staff members. Over 10% of our staff members are from the Serbian or the Turkish community. We make no divisions from an ethnic point of view and we want to have a proper representation of all communities in accordance with the structure of the population.



Demaj: Every law presented by the sponsor requires them to translate, revise and ensure the adequate linguistic quality and should only then be forwarded to the Assembly. I have personally discussed this matter with the Permanent Secretary of the Government in order to overcome this problem by recruiting staff that would deal professionally with translation. We were promised improvement, but the need is still there. We established a special unit dealing with the comparison of the Albanian and Serbian version of legal documents.

maintain this approach and I have always been neutral. Therefore it is very easy for me when talking to my staff members and telling them that it is not forbidden for them to be involved into politics but that in the Assembly they cannot take a political stance. I do not want the administration staff to be involved into politics, because this would undermine our daily work.

ASI: The Standards Implementation Plan also addresses the employment of non-Albanian communities within the PISG.

ASI: The elections are taking place on October 23 and new MPs can be expected to join the Assembly. Is the Secretariat prepared for the new MPs?

Demaj: We will try to prepare as best as possible for the new MPs, but we also know that we might not have enough time. It is likely that there will be new and old MPs and if we as an administration will have a good start then we shouldn't face any difficulties.

"The role of the Parliament in a Democratic Society: Relations with the Civil Society "

By: Catherine Perron, Senior Researcher at the Center for studies in International Relations, Paris and Prof. Dr. Nicolas Maziau, Team Leader, EAR-Consortium of the three Parliaments (introduction)

Within the broader objective to enhance the relations between the Assembly and the civil society, the EAR project at the Assembly of Kosovo organized an "International Forum on the role of a parliament in a democratic society: relations with the civil society". The Forum was held on 24-25 June with deputies participating from France (Mr. Christian Ménard and Mr. Jérôme Lambert), Belgium (Ms. Zoé Génot and Mr. Walter Muls), Germany (Ms. Petra Blass) and the Assembly of Kosovo, as well as representatives of the civil society of Kosovo.

The forum, coordinated by Ambassador Georges-Marie Chenu, was an opportunity to bring together deputies of three parliaments from the European Union and the Members of the Assembly of Kosovo to discuss various issues of common interest. "Being a parliamentarian" and "Being a lawmaker" were the two parts of the Forum around which all debates were organized. Topics such as "citizenship and representation", "representation and electoral system", "parliamentary work and relations with the voters", "the role of the Member of Parliament in the legislative process", but also "the relations between Government and Parliament in the legislative process" and "the participation of the civil society in the legislative process" were concrete themes on which Assembly Members and representatives from civil society exchanged views. Various representatives from civil society, involved in issues such as unemployment,

women in Kosovo, physically-challenged persons and participation of minorities in public life, had the possibility to address these problems and explain their expectations to the Members of the Assembly of Kosovo.

Traditionally, parliamentarians are in the centre of a democratic system. They interact between three poles: the government, political parties and the citizens. They have a central function, which includes

to these traditional elements, which are more related to the particular situation in Kosovo. The Parliamentarians of the first democratic Legislature of the Assembly of Kosovo represent rupture and revival



EAR Forum on 24 June 2004

The conference ended with concluding reports by Mr. Ylber Hysa, Executive Director of the "Kosovo Action for Civic Initiatives" (KACI) and Ms. Catherine Perron, Senior Researcher at the Center for International Relations Studies, Institut d'Etudes Politiques de Paris. Following is a shortened version of Ms. Perron's report.

quite different features. There is the responsibility to control the government and to debate on legislation, while at the same time they represent the citizens. Different other functions exist, such as the animation of political life and the integration of the political community. With regards to the Assembly Members, other functions appear to be added

at the same time. They must break with previous practices, the ones under Communism as well as the ones under the Milosevic regime and they must prepare the ground for a future pluralist and democratic Kosovo.

A great responsibility lies on them, much larger than on parliamentarians in established democracies. The Assembly

Members in Kosovo act as pioneers of democracy. I understand the word "pioneer" in various meanings: they are the first to practice democracy in Kosovo. They work in an institution that lacks routine, in which they have to start new customs and invent new traditions. Their way of acting is important, as their behavior will leave traces. Their practice will be inherited by their successors, who will continue where the former Assembly Members ended. Nevertheless, they are also those who took the risk, who have agreed to get into this adventure when success is not guaranteed.

The function of representing citizens is the basis for legitimacy. As elected officials the Members are the interpreters of the will of the citizens. The latter designated the Assembly Members to speak in their place, but they also expressed their political wishes. However, the position of the Members is uncomfortable: they must be accountable to those who elected them and at the same time put forward their own convictions. They act as representatives expressing the will of the citizens, which is far from always being noticeable. Many of the Members have underlined how problematic the issue of representation in Kosovo is, bearing in mind the non-Albanian communities. The representation of women also was a subject of debate. However, the representation of non-Albanian communities and women is finally a risk much more symbolic than technical. It has to do with the kind of equality that the Kosovan society sees as important and what the image is that the society wants to create from itself.

Let us return to the more gen-

eral problem of the representation and the relations between the elected officials and the citizens, and even to the definition of what a citizen is and its role in the democratic process. There is a risk, which is not specific only to Kosovo, to restrict the role of the citizens to their basic political rights, i.e. to their voting rights. Sometimes the political elites tend to allow citizens to participate only in elections. This indicates a limited and formal vision of democracy, in fact a too static vision.

However, in order to have a long-lasting democratic governance, and for Kosovo a successful process of democratization, a more dynamic approach to the role of citizens in a democracy is essential. In this field, the elected officials play a very important role. It is up to them to ensure the connection with voters after the elections. If it is constantly required from the elected officials to develop contacts with their voters and the nongovernmental sector, all this requires also equipment (offices, premises where to receive the voters, parliamentary assistants etc...), which are not only technical support but also genuine tools to exercise the power of an Assembly Member.

During the debates, I was surprised to remark that the link between the deputies and their political parties was not mentioned frequently. Nevertheless, it seems that the political parties have an essential role. They embody the pluralism of ideas. They formulate proposals for the future and the development of society. They establish electoral lists and provide a logistical support for the members of Parliament.

In this case, Germany can be

taken as a model. There, the role of the political parties is a constitutional matter. I will refer to two major elements: (1) the parties have an obligation to contribute to the development of the opinion of the citizens; (2) the parties have an obligation to comply with the rules of the democratic state. It is assumed that the political parties mean much more than a machinery to gain power. They represent tools for democratization e.g. by helping the citizens to develop an opinion, by animating the political debate and by informing the citizens of the consequences and the effects of the adopted laws. These are tools which serve the members of the Parliament in the performance of their duty by helping them to prepare strategies, to benefit from the expertise, to establish connections with associations, professional bodies, trade unions etc, being a place for debates and conflict of opinions.

It appears important to reconsider the external aspect of the democratization process in Kosovo and its effects on the mandate of the elected representatives. Many Assembly Members insisted on the particularity of their function because of the constraint imposed by the international community. They stressed the importance of competences as a condition for the full performance of their duty. Personally, I certainly see several challenges to the democratization process related to the undefined status of Kosovo. The uncertainty which reigns with regards to the final status and the feeling of a strong dependence on the political developments in surrounding countries, weaken the process of democratization. The international community must be aware of the complexity of

the task assigned to the Members of the Assembly and the conditions under which the latter must exercise their mandate. Indeed, without a state with stable and guaranteed borders, it is difficult to build democracy and impossible to establish an efficient economic system. Without the existence of a precisely defined society, which permits to identify who are citizens and who are not (or at least who recognizes themselves as such or not), it is difficult for an elected official of the Assembly to fully fulfill its role of political representation. It is essential to know where and on what the sovereignty is applied in order to establish a democratic regime.

At the same time, it is not possible anymore to consider the achievement of independence like a few decades before. Today, the right of people for self-determination is related to the respect of a certain number of principles, enacted by the international community throughout the years, and in particular after the Second World War. Parts of it are democracy, the respect of human rights and of the rights of non-majority communities. They are also conditions that must be fulfilled in order to enter into the European Union according to the criteria known as Copenhagen criteria. It is thus an issue for the Assembly of Kosovo to take up these challenges.

The Members of Parliament have the difficult and enthralling role to make the synthesis of these sometimes contradictory expectations, to create and to vivify the democracy in spite of the restrictions of sovereignty which according to my understanding do not make their activities less important, but quite the contrary!

Political Advisors: linking Ministries with the Assembly

By Dr. Wolf Preuss, FES Advisor to the Prime Minister's Office

"Interactions between Government and Assembly" was the topic of a workshop for Political Advisors to the Ministers on June 3, organized jointly by OSCE, National Democratic Institute (NDI), and the Friedrich-Ebert-Stiftung (FES). This workshop was part of the wider training offered to political advisors in May/June 2004.

The address by Wolf Preuss, FES Advisor to the Prime Minister's Office, concentrated on 'Executive Oversight and Parliamentary Control Function'. The oversight, as spelled out in the provisional Rules of Procedure of the Assembly, contains a number of specific instruments of parliamentary control: questions for oral answers, interpellation and questions for written answers. These possibilities could be used much more actively. A specific responsibility is oversight for the implementation of laws by the Assembly. Until now, this important task has not been well utilized, not because of lack of will, but for a number of other reasons including a lack of resources, lack of staff and lack of relevant training. In this respect there seems to be an imbalance, which may lead to a disturbance of the balance of power between government and parliament. In order to remedy this imbalance, it is necessary to have sufficient qualified staff supporting the parliamentary work.

As a way to partially remedy this unsatisfactory situa-



Political Advisors in the workshop on June 3

tion, the Assembly has regularly used the instrument of Public Hearings. The more than twenty hearings held on nearly one-third of draft legislation, are a valuable means to include important voices of the civil society into Assembly deliberations. In May 2004, OSCE and NDI have published a 'Public Hearing Manual'. It is a practical and valuable guide for preparing and conducting parliamentary hearings.

In the overall context of the relationship between parliament and executive branch the newly formulated draft "job description" for Political Advisors gives them a special responsibility vis-à-vis the Assembly. It states that in relation to the Assembly the Political Advisor "acts as a focal point for the Ministry." The Minister will have to decide, which of his Political Advisors will take over this important role. His/her role would be to coordinate the contributions by the Ministry for the Assembly and the respective Committee/s. He/

she will have to ensure that statements vis-à-vis a Committee are well coordinated between the working units of the ministry. One major task for the Political Advisor would be the coordination and final drafting of answers to questions and interpellations from the Assembly. In drafting laws by the ministry, it would be his/her responsibility to informally establish early contact with the Legal Office of the SRSB in order to speed up the legislative process by avoiding unpleasant surprises at a later stage. As parliamentary focal point, it will also be his/her task to ensure and maintain the proper 'executive responsiveness' to the Assembly and the Committee/s involved. This is an especially important 'oversight' function of the Advisor.

The role of Political Advisors in relationship to the Assembly has been publicly addressed by Daut Beqiri, Director of the Legal Department of the Assembly, and by Pat Cadle,

Legislative Coordinator of NDI. Daut Beqiri remarked that until now in most cases Political Advisors are not really identifiable from the side of the Assembly. They are seen as important but 'grey shadows' behind the minister, and their role has not been clear vis-à-vis the Assembly and its staff. This could change decisively once the new 'Job Description' for the Advisors would be formally accepted. Mr. Beqiri emphasized that the Assembly should in future be better informed about the financial implications of laws being tabled by the government. The usual formulation "no budgetary implications" has too often proved to be wrong. This task could be a special responsibility of the focal points.

Pat Cadle urged Political Advisors to act as future focal points to systematically follow up any draft law through its whole process in parliament starting from the first reading. This can be especially important when the functional committees need constant close cooperation with the government, and if amendments to draft laws are being discussed.

The lively discussion raised among other points the justified question why a 'Job Description' for Political Advisors and the subsequent series of training workshops came so late, shortly before the next general elections. Though late in the game, it is important to clarify this role now in order to avoid a similar vacuum for future Political Advisors after the elections.

Conference on Economic Development stresses European perspective

By Mr. Klaus Bunger, former state secretary at the ministry of Economy, Germany (email: klaus.buenger@gmx.de)

The conference “Economic Development of Kosovo - Ideas, Concepts and Obstacles” held on June 8 served foremost to strengthen the dialogue between the Government, the Assembly, UNMIK, the business community and civil society. It was organised by the Friedrich Naumann Foundation (FNSt) in cooperation with the OSCE Mission in Kosovo and ASI. Present among others were the Minister of Economy and Finance, Mr. Ali Sadriu, the Minister of Trade and Industry, Mr. Ali Jakupi, and representatives from the Kosovo Chamber of Commerce, from Pillar IV, USAID and RIINVEST as well as other representatives from various economic institutions. The presentation of the Chairperson of the Committee on Finance and Economy, Mr. Slobodan Bjelic, was given to the FNSt representative before the conference and distributed to the other participants of the seminar.

After an introductory speech by Mr. Rainer Willert, the FNSt coordinator for South East Europe, a very lively and controversial exchange of opinions took place. The participants agreed that the macroeconomic situation in Kosovo is at a satisfactory level. The budget was considered sustainable, taking into account that the 2003 budget had increased by 43 million Euro compared to the previous year. The low inflation rate of around 1% is not endangering economic development, whereas the external trade deficit was identified as a serious problem. The export covers only 4% of the import and the remaining difference has to be financed by transfer of capital



Conference on Economic Development on June 8

from abroad through international organisations and the diaspora, which makes Kosovo very volatile and dependent on these external financial means.

Special concern was expressed towards the difficult economic situation in Kosovo, leading some to feel that economic growth was too slow and there may be a possible recession. Unemployment continues to increase and not decrease. The growing number of unemployed youth (more than 50%) was identified as a serious concern for the institutions. Problems with structural adjustment have occurred especially in the mining sector, in electricity production and in agriculture. Mr. Slobodan Bjelic focused his contribution on the importance of building an electrical network and on increasing the investments into the education sector. The lack of statistical data was

mentioned as a serious problem for preparing a thorough economic analysis.

Economic growth was also seen to be hampered by insufficient funds for small and medium enterprises. It was emphasized that the overall infrastructure needs to be improved and that the state sector needs to be reduced. In this context several complaints were made about the paralyzed process of privatization, but also about the lack of qualified people and the wide-spread corruption.

Participants in the conference complained about the lack of competencies within the Government of Kosovo. USAID asked whether the government of Kosovo is using the competence that was offered to them.

Many ideas for development and improvement exist within

Kosovo, but they need to be better coordinated. UNMIK, the Government, and the Assembly need to develop a general concept for economic growth in Kosovo and the representatives of the private sector must be integrated in this process. The European perspective could serve as an orientation by studying the lessons learned of new EU member states. The path followed by the new EU member states displays a successful step by step development program of a market economy structure.

Considering the very difficult economic situation, the danger of increasing internal tensions was discussed. A positive perspective to create the preconditions for reducing political tensions in Kosovo is needed and might also focus towards Europe, while Europe is getting more and engaged in Kosovo.

Kosovo Serbs between Belgrade and Pristina

By Senad Sabovic, OSCE (Senad.Sabovic@osce.org)

The first half of 2004 has brought considerable political changes among the Kosovo Serb community. Their representatives, Coalition Return (Koalicija Povratak, KP), have for most of this year not been participating in the work of the Provisional Institutions of Self-Government (PISG). The boycott initially began over murals in the renovated Kosovo Assembly hall, but later continued in response to the violence that recently struck Kosovo, and in particular the Serbian community. The March violence also significantly shook the confidence of the Serbian community in the PISG and their representatives. In addition, the change of government in Belgrade in December 2003 has caused some changes in the political balance among the Serbs in Kosovo.

KP suffers from several vulnerabilities. Their community's support for political participation has never been excessive, yet it steadily increased, especially after early 2003 when Dragiša Krstović assumed the leadership of KP. This marked their 'u-turn' and resulted in KP's more active political engagement. The pro-active policy achieved considerable changes, especially in the legislative process, thereby managing to secure that the rights and interests of the Kosovo Serb community were not violated in the legal framework of Kosovo.

While this engagement demonstrated that Kosovo Serb representatives were able to make a difference, KP continued to complain that their views were not seriously taken into account by Kosovo Albanian PISG officials. Indeed, one strong focus of these officials has been to call for expansion in PISG competences. Such motions have almost always met resistance from KP, which saw them as means of paving the way for independence.

The dissatisfaction of the Kosovo Serb PISG representatives reached its peak in February 2004, when the renovated Assembly hall was about to be inaugurated. In the remodeled entrance hall, murals depicting moments from Albanian history were very prominent. There was nothing reflecting Serbian or any other history and tradition of Kosovo. KP decided to boycott Assembly sessions, but continued working in various Assembly sub-bodies, including committees and working groups. The March violence came during this politically tense period and as a result, KP began a full boycott of all institutions. The fragile interaction between the Kosovo Serbs and the PISG burned up along with the houses set on fire during the violence. In addition, for many Kosovo Serbs, the violence was a confirmation that participation in Kosovo's institutions did not pay off, as it was not suf-



Coalition Return Assembly Members in a Plenary session in September 2003

ficient to prevent or stop the tragedy. The March Crisis reinforced the ever-present notion that political participation in the PISG needed to produce concrete benefits for their community or it turns into "legitimizing" the existing structures, which are perceived as exclusively benefiting Kosovo Albanians.

The confidence of the Kosovo Serb community has been seriously shaken, just as the belief that KP could substantially affect the work of the PISG. On one hand, the boycott of the PISG deprives KP of mechanisms to regain some of the confidence of their community, but on the other hand it also lacks a clear idea of what would change through involvement due to the unconstructive approach that parts of the Kosovo Albanian officials have demonstrated.

Further changes in the political scene among the Kosovo Serbs have also come about from the political changes in Belgrade. The current coalition government in Serbia (consisting of DSS, SPO-NS, G17 Plus, supported by SPS in the National Assembly) favors political entities in Kosovo outside the KP framework. Indeed, the political ties between the Serbian government and Kosovo Serbs are now channeled through the 'Serbian National Council' (SNC), because DSS – led by Prime Minister Vojislav Koštunica – also has a leading role in the SNC, especially in its north-Kosovo branch. The SNC usually has a more uncooperative attitude, advocating that conditions for Kosovo Serb participation in the PISG are far from being met. The political ties between the Government of Serbia and the SNC do not

necessarily mean that the former would assume the latter's approach. Rather it is a matter of consolidating political control over the Kosovo Serb community for the purposes of joint action in and about Kosovo.

In addition, there have been changes of personnel and structure of the 'Coordination Center for Kosovo and Metohija' (CCK). Given that CCK is a governmental body, the changes aim at introducing persons close to the current coalition into CCK structures in Kosovo.

There are still further possible changes in the coming months as a result of Boris Tadić (DS) being elected as President of Serbia. It is now possible that DS could replace SPS as support to the current minority government or even join it, given that DS has seen considerable support in the presidential elections. Alternatively, even if DS does not approach the government, it can be anticipated that the party would be consulted in important decisions.

The implications of the Serbian presidential elections for Kosovo might be a renewed prominence of KP members, as KP is generally affiliated with the political block around the DS party. Furthermore, it can be assumed that Belgrade will have a strong say on whether or not Kosovo Serbs would participate in the October Assembly election. In the current state of affairs, such a decision would most definitely include DS influence.

Increasing the involvement of Other Communities in Standards Implementation

By: Doina Ghimici, OSCE (email:Doina.Ghimici@osce.org)

On 8 June 2004 a very interesting and mutually informative discussion on the Kosovo Standards Implementation Plan (KSIP) took place between Mr. Carne Ross, UNMIK Coordinator for Standards, and Other Communities Parliamentary Group Members (OC).

Mr. Ross took the opportunity to brief Kosovo Assembly Members on the Standards process that is now entering its decisive stage, which has the purpose of transforming the objectives into reality. As the KSIP spells out who is expected to do what and within what timeframe, a mechanism needs to be established to periodically assess performance, monitor progress on Standards and to point at continuing shortcomings. In this regard, a decision has been taken to reactivate the working groups that produced the KSIP.

The UNMIK official strongly encouraged OC MPs to join these working groups and to contribute their experience and knowledge about the communities they represent to the monitoring and focusing of the Standards implementation process. He saw their active participation in the process as the only way to account for the concordance between what is on paper and what actually happens on the ground. Mr. Ross shared OC MPs'



assessment that there was much rhetorical support for the Standards but not many concrete things have been implemented yet. He admitted, however, that only two months have elapsed since the Plan was adopted.

OC Assembly Members pointed to many instances in which the reality was contradicting the Standards and no remedial action was taken. Moreover, their impression was that nobody actually knew from where to start the implementation. A concrete proposal was made to begin with a fair evaluation of the current state of affairs in various fields, to know exactly the point from which the implementation process starts.

OC representatives expressed their grievance concerning the insufficient attention the non-Serb minorities receive from the international community and stated that the

greatest support comes from OSCE. They felt the need to be involved by the international community in its activities and requested that high level international officials visiting Kosovo, in addition to the meetings with Kosovo-Albanian and Kosovo-Serb representatives, to visit non-Serb minority communities.

The representatives of this parliamentary group are convinced that if they get more attention from the international community, their chances to receive more support from the government would increase. Major areas of concerns for OC are language policy, equality of treatment in employment and education (or even positive discrimination in case of Roma minority) and fair media access. Also, they were of the opinion that enforcement mechanisms and sanctions need to be introduced to ensure Standards' implementation.

Preparation of parliamentary elections fully on track

By Hugh Fulton, OSCE

With three previous elections organized and supervised by the OSCE Mission in Kosovo, the 2004 Assembly Election marks a fundamental change in elections management. On the 23rd of October this year the voting process in Kosovo will be conducted by the new local election management body, the Central Election Commission Secretariat (CECS). This body is the operational arm of the elections authority, the Central Election Commission. It is multi-ethnic in composition, funded by the Kosovo Consolidated Budget and non-political in nature.

The CECS is represented in all 30 municipalities by its field staff, the Municipal Executive Officers (MEO). The MEOs will chair and coordinate the Municipal Elections Commission and will receive support from the Municipal Assemblies in terms of logistics, staffing, warehousing and transportation so as to be able to run the election in their respective municipalities. At the central level, the CECS works closely with the Provisional Institutions of Self Government (PISG) including the Ministries of Public Services, Education, and Finance, as well as with the Office of the Prime Minister (OPM). Contacts have been made and a good working relationship is currently enjoyed with the PISGs.

The OSCE Department of Elections continues with its institutional building mandate to support the process by providing training, mentoring and monitoring, but the Department has its own tasks including the Out-of-Kosovo voting

programme, the registration of political parties and the counting of votes and delivery of results.

The first phase of the By-Mail Voting programme began on the 17th of June and runs until the 10th of August – the voter list update and new registration process for persons temporarily residing outside of Kosovo. Eligible voters, registered from previous elections, are being contacted with a request to re-confirm their status and apply for a ballot. New voters are given a chance to apply for a ballot paper. For the first time voters registered in Kosovo who know that they will be absent from Kosovo on Election Day, as they are temporarily living abroad, may apply for vote by mail. All votes cast outside Kosovo will be returned to Kosovo to be counted. An extensive public information campaign is running to support this programme and websites have been established to provide further information in addition to giving access to the application forms. There are a number of telephone help-lines available to assist voters with their By-Mail programme queries.

The political entity certification process concluded on the 24th of June. All political entities wishing to be placed on the ballot paper for the Kosovo Assembly Election of 2004 are required to certify. Political parties are further required to have undergone the registration process.

The end of June marks the start of the voter services period in



Kosovo. Most eligible voters were registered during previous elections. Those individuals who civilly registered since the 2002 Election will receive polling station allocations via mail. New civil registrants or individuals wishing to amend their civil registry details may do so at the Municipal Civil Records Centre. Further assistance may be gained visiting the Municipal Elections Office located in each municipality. The voter service period will run until early August.

A ballot lottery will take place at the start of August to determine the order by which political entities will be marked on the ballot. Towards the end of August to the middle of September voters will be able to “challenge” the provisional voter’s list. This is a necessary and transparent way of gaining voter’s list accuracy. A campaign period will be conducted over the month prior to the election, allowing political entities to conduct activities to engage voter support. The election process will also encom-

pass the needs of voters who have previously been involved in an early voting programme.

There will of course be a complaints and oversight mechanism. As before, any individual who wishes to complain about any aspect of the proceedings may do so through the Elections Complaints and Appeals Commission (ECAC). The Council of Europe will once again send its Elections Observation Mission for the duration of the elections period. Local observers, once accredited, will also be permitted to conduct their own overview of activities.

There is in addition, to the technical process noted above, a set of guiding principles, appropriate to the Kosovo situation, which the elections process needs to conform to. The first standard in the “Standards for Kosovo” programme refers to the election process. In general terms, the standards require inclusive elections which are free, fair and which lead to results which are accepted.

Students of Pristina University Learn about the Kosovo Legislative Process

By Fatmir Berisha, Student at the Law Faculty

In addition to the many subjects delivered at the Faculty of Law of the University of Prishtinë/Priština closely related to the functioning of parliaments, the students of this faculty recently had the opportunity to personally observe the work of the Assembly of Kosovo. Indeed, having examined the theory behind it, through subjects such as Parliamentary Theory, Preface to Public Administration, Kosovo's Transitional Law, as well as Constitutional Law, students were assisted by the University's Political Science Department, the OSCE Mission in Kosovo Democratization Department (OMiK DD) and Assembly Support Initiative (ASI), and the Secretariat to the Assembly of Kosovo in their wish to witness the law-making process in Kosovo.

Ninety Law students, from May to June, attended each Assembly session. In total over 60 students followed Assembly proceedings. This initiative is planned to continue in the long run beginning again next term, after exams and the fall election.

In addition to the law-making process, the students learned how the Assembly Secretariat functioned. Briefings were given by Daut Beqiri, Director of the Legal Department, Sali Rexhepi, Head of the Table Office, and Sherif Konjufca, Head of the Media and Public Relations Division. The briefings informed students on the actual proceedings which are followed in the legislative process of the Assembly of Kosovo. The students were also able to ask questions to the Secretariat staff on all related issues of interest to them.

On a personal note, I would like to express my gratitude on behalf of the Faculty of Law and all the students who participated in the program to the OMiK DD and ASI teams, as well as the Secretariat of the Assembly of Kosovo, for enabling us to closely follow the proceedings and learn more about the work that supports the legislative process. In particular, I would like to thank Ms Dhurata Abdiu (OMiK DD) who generously offered assistance to the students throughout the implementation of the project.

Online access to models and frameworks for legislative work

Legislationline.org is a free-of-charge online service provided by the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE, with the support of the European Union as well as the governments of Austria and Norway.

Legislationline.org contains national legislation and other documents from the OSCE participating States (55 countries located in the Caucasus, Central Asia, Europe and North America) along with international instruments all related to the protection of human rights and the rule of law.

The primary purpose of the database is to provide lawmakers with models and frameworks for their legislative work and to assist them in their efforts toward bringing domestic legal standards in line with their State obligations under international human rights law. Legislationline.org is primarily meant as a tool for lawmakers, not for law users. From the site, those who prepare and draft laws and other legal acts may obtain options from other countries' legislation that can help them make their own choices. The site has been organized accordingly with a view to allow for quick comparative information (providing excerpts and accessing data through more specific thematic keywords) in contrast to other sites that provide lists of laws categorized by conventional areas of law.

There are four main paths accessible from the homepage and combined in several ways throughout the whole site. You may either pick a particular topic (from the top menu), a country (from the menu displayed below the thematic menu), an international organization (from the "international standards" menu at the bottom of the page, left-handed panel) or a document from the EU/EC menu (at the bottom of the page, right-handed panel). One key feature is the possibility for users to refine their search by clicking on more specific issues from the thematic menus available under each topic homepage. This again can be combined in many ways with the other search roads mentioned above, allowing users to compare and to look at what they really need to look at for their work. Legislationline is not a search engine, which scans the internet for relevant information on law, but a self-contained databank.

As a rule, all documents are posted in any of the six OSCE official languages (English, French, German, Italian, Russian, Spanish). However, most texts available from the site are in English and, to a lesser extent, in Russian.

A news service provides daily headlines on the latest legal developments throughout the OSCE region (new constitutions or amendments to constitutional texts, domestic and international case-law, new treaties or other important documents, signatures/ratification, enactment of laws and other relevant pieces of legislation). This news service is accessible on the homepage. All news items along with additions to the site are compiled in a newsletter monthly extended to a list of subscribers. This service is free-of-charge. Users may subscribe by e-mailing to legislationline@odhr.pl.

The web-site can be accessed on <http://www.legislationline.org/>



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.



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

Pictures in this Newsletter: Lumni Rama (OSCE): cover and pages 4, 5, 10, 13, 14, 17, 18; OSCE: pages 7, 22, 24; UNMIK: page 4, Prime Ministers Office web-site: pages 8, 9; Dutch Liaison Office in Pristina: page 11; Ulrich Steinle (OSCE) page 12; Friedrich Nauman Foundation (FNSI): page 19; B92: page 21, ODIHR: page 23. Atthe Mulla: page 24.

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