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A s s e m b l y i n i t i a t i v e

Newsletter

May 2003, No 06

- Interview with chairpersons of the Committees on Budget, Education, and Labour and Social Welfare
- Prime Minister addresses the Assembly
- Increased support activities to the Assembly

From the editor

In this issue you will read interviews with the chairpersons of three Assembly Committees. It was striking to notice that the common message from each was that there is need for change and improvement. Changes in educational, social, budget and economic matters. Changes are needed, and working on improvements today will shape Kosovo's future.

It is encouraging to see the energy by which various organisations and foundations are forming a team and working together with the Assembly to bring about this change and improvement, and contributing to a better life for the people in Kosovo. This Newsletter includes articles on substantial activities and advice given to the Assembly Members, the Committees as well as the staff.

When I attended several Committee meetings during the last weeks, I was encouraged to notice the qualified discussions taking place on the draft laws as they had been tabled by the Government. During the past two months political debates have intensified. One of the key roles of any parliament, next to its legislative work, is to debate about differences in opinions in a democratic manner.

OSCE Democratization Department and all partner organisations in the Assembly Support Initiative (ASI) are committed to contribute to strengthen the Assembly. This Newsletter gives news on that. Your feedback is most welcome.

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

Assembly Committees and its chairpersons

Committee on Budget	Haki Shatri
Committee on the Rights and Interests of Communities	Dragiša Krstovic
Committee for Finance and Economy	Slobodan Bjelic
Committee for Trade and Industry	Bajrush Xhemali
Committee for Education, Science and Technology	Hajredin Kuqi
Committee for Culture, youth and Sports	Edi Shukriu
Committee for Health	Nafye Gas
Committee for Environment and Spatial Planning	Naim Maloku
Committee for Labour and Social Welfare	Stojanka Petkovic
Committee for Transport and Communications	Edita Tahiri
Committee for Public Services	Nekibe Kelmendi
Committee for Agriculture, Forestry and Rural Development	Tomë Hajdaraj
Committee on International Co-operation	Sabri Hamiti
Committee on Emergency Preparedness	Agim Krasniqi
Committee on Judicial, Legislative and Constitutional Framework Matters	Arsim Bajrami
Committee on Public Petitions and Claims	Nergjivane Dauti
Committee on Missing Persons	Flora Brovina
Committee on Gender Equality	Melihate Tërmkollli
Committee on Media	Bogoljub Milošević

"WE NEED TO CHANGE FISCAL POLICY IN KOSOVO"

Earlier this year an intensive roundtable discussion was held on economic matters with representatives from Assembly Committees, Ministers, UNMIK and other economic experts (see article elsewhere in this Newsletter). Mr. Haki Shatri, the chair-person of the Budget Committee, elaborated in an interview to ASI the impact of the current economic situation on the work of his Committee.

Interview by David Kahrmann

What are the main activities of the budget committee?

The budget committee is one of the two main committees of the Assembly. Before reviewing any law in the Assembly the budget committee is consulted. Our committee examines each law and amendment that is proposed in the Assembly. Every amendment we want to make, we present to the Assembly and it is then discussed.

Does the committee work primarily with the international community, or independently?

We work with consultants who work for the Assembly, the USAID consultants, with the consultants from the Prime Minister's office and with people in the offices of all ministers. We cooperate with various NGOs, business associations and economic chambers of Kosovo. We also work with individuals who are specialists in particular areas and with which we need to consult. In this



respect, the latest workshop organised by the Friedrich Nauman Stiftung and OSCE has been very helpful in bringing all these actors around the table.

What are the priorities for the budget committee in 2003?

We have a lot of intensive tasks related to the reviewing and approving of laws in the Assembly. The process of transfer of competencies will also open a whole range of activities for the budget committee.

What has been the decision about what to do

with the surplus from last year's budget?

We are now discussing the surplus. On the basis of the data I have, unused surplus from 2001 and 2002 is about 290 million Euro. For Kosovo, with its few financial resources, such poor management of budget is unacceptable. UNMIK's Pillar Four has suggested that the surplus from last year's budget should be made available to KEK. At the same time, over the past three years KEK has never accounted for the funds invested there and the return on these

investments. When an Assembly committee went to get this information from KEK, it was not provided with any sort of report or documents to look into. Under these conditions, giving the surplus to KEK would be irresponsible.

Most of the budget comes from VAT, excise tax and customs. What are other ways in which the government will seek to raise revenues?

I think we need to change fiscal policy a bit, because the current fiscal policy does not provide positive conditions for the private sector to develop. The policy adopted in Kosovo is the easiest method for collecting taxes, but doesn't take into consideration side effects, especially in regards to the private industry. We also should think about expanding the base of tax collection. We are trying to do this with our proposed law on property tax. Later, we should lower the maximum rate for taxation in

some areas.

Is there some plan to tax the income of those working abroad?

First of all we have problems taxing Kosovo residents who work for international organisations within Kosovo. As for people working in the Diaspora, they are subject to laws and taxes where they are working. It would be much better if they would invest the means that they have setting up small and middle-sized businesses involved in production. We made an analysis and the Kosovo Diaspora could have approximately 5 to 6 billion dollars in capital. Kosovo's institutions should take measures for making the circumstances more attractive for such investments. For example, when an investor wants to import technology for production, he could pay the customs and other taxes on the technology later, once he is actually producing and employing people. Also, importers of raw materials

should be looked upon and taxed in a different way than those importing finished products.

How much does smuggling hurt the budget?

We have no way to accurately determine how much we suffer from smuggling. But, on the basis of what can be seen as an ordinary citizen in Kosovo, it isn't hard to come to the conclusion that smuggling is a serious problem.

Will the budget committee be involved in any future talks with Belgrade?

We have not been informed that we should be prepared for such talks, nevertheless, there are a number of issues we should discuss with them, for example taxation and customs.

When will Kosovo truly be able to pay for itself, while at the same time providing minimum European standards to its people?

I think that Kosovo should be involved in integration in the region and in Europe. Through integration, standards will definitely rise. Maybe in five years or so we will find Kosovo in the mainstream, on the road toward economic prosperity, without having big social or economic problems.

LATEST DEVELOPMENTS IN THE ASSEMBLY

During the last two months the Assembly faced many challenges. Following is the summary of a period marked by intensive political debates.

Franklin De Vrieze

Two resolutions and Serb walkout

The Assembly plenary session of 27 February 2003 saw a walkout of Coalition Return (KP) after the majority of the Assembly members decided to add two extraordinary items to the agenda of the session. These "urgent issues" were a declaration on the arrest of Fatmir Limaj, head of PDK parliamentary group, by The Hague Tribunal and a declaration opposing the creation of the Union of Serb Municipalities. The parliamentary groups of LDK, PDK, AAK and Other Communities supported the resolutions, while KP stated that these matters fall outside of the Assembly's mandate. The resolution on the ICTY indictments reiterated support for The Hague Tribunal, but called for the release of Mr. Limaj, pending trial.

PDK/AAK and LDK clash during March 2003

The Assembly proceedings during March 2003 were marked by a growing rift between PDK/AAK and LDK. Mr. Bujar Dugolli, head of the AAK parliamentary group, and supported by the PDK Assembly group proposed a resolution on "the recognition of the efforts of the Kosovo Liberation Army (KLA) to liberate Kosovo." During several weeks the Assembly Presidency and Plenary session debated at length whether this draft resolution would be put on the agenda or not. On March 6th, the issue led to the postponement of the plenary session for the following week. On March 20th, PDK and AAK Assembly members boycotted the plenary session due to non-inclusion in the agenda of the proposed resolution on war values. Prominent members of these two parties called for a review of the three-party co-governance model and coalition agreement that

forms the basis for the current government. On March 20th Assembly President Nexhat Daci proposed that the scheduled debate with the Prime Minister on his first annual speech be postponed "in the interest of the preservation of the stability and unity of Kosovo's institutions." While a growing split between the Kosovo Albanian parties became most apparent in the Assembly, the Prime Minister expressed confidence in the continuity of the work of the Government. The

Assembly plenary session on March 27th saw attendance by all parliamentary groups, following expressed support for the Prime Minister and the coalition-agreement by representatives of the international community in Pristina. With the contested resolution not mentioned, Mr. Dugolli indicated that further co-ordination with other parliamentary groups, in particular LDK, was needed in order to harmonise positions before forwarding the issue to the Assembly again.

Bujar Dugolli, head of the AAK Parliamentary Group, on 6th of March 2003.



Djindjic's assassination puts Belgrade - Pristina talks on hold

The assassination of Serbia's Prime Minister Zoran Djindjic on 12 March 2003 has shocked Kosovo Serbs. Member of the Assembly presidency and Coalition Return (KP), Gojko Savic, said "A period of uncertainty has come for Serbs in Kosovo." While the Kosovo Government condemned the murder as a "cowardly act," President of the Assembly Daci said that Djindjic was the symbol of the beginning of democratic processes in Serbia and added that the murder will damage the democratic process in the region. KP did not attend the plenary session of the Assembly of Kosovo of March 13th as they were observing the period of official mourning in Serbia.

The events in Serbia have put on hold efforts to start direct talks as proposed by SRSG Steiner on March 3rd between Pristina and Belgrade on "practical issues" which would be in the immediate interests of the people of Kosovo. The proposal for direct talks was a follow-up to the dinner meeting on February 28th which Mr. Steiner hosted for PM Rexhepi, Assembly President Daci, President of

Kosovo and LDK President Rugova, and PDK President Thaci. The purpose of the meeting was to commemorate the one-year anniversary of the formation of the coalition government and to assess and agree on the way forward. The joint declaration issued after the meeting on February 28th called for "direct dialogue with all countries.. to address practical matters of mutual interest." After the muder on Prime Minister Djindjic, Mr. Steiner acknowledged that more time is needed before talks can start.

New Criminal Codes being considered by Assembly

On March 28th SRSG Steiner forwarded the draft Provisional Criminal Code and the draft Provisional Criminal Procedure Code to the Prime Minister so that the government and Assembly would have a chance to review and comment on the documents. Pursuant to the SRSG's reserved powers these draft bills will be promulgated as UNMIK Regulations, but Mr. Steiner stressed that "the Kosovo institutions should be fully engaged in this major legal initiative."

Preparations of the two Codes have been a major exercise, involving Kosovo

legal experts on the Joint Advisory Council on Legislative Matters, which began on the initiative of the former SRSG Bernard Kouchner. Legal experts from the Council of Europe, OSCE, the American Bar Association-Central and Eastern European Law Initiative, UNICEF and other agencies played an important role in drafting these Codes. Extensive consultations have been taken place within the Kosovo legal community. Judges, prosecutors, lawyers and academics have also reviewed the draft texts and have provided comments. Consultations have also taken place within UNMIK, including Pillar I, and with the Office of Legal Affairs at the UN Headquarters.

Assembly debates JusticeSystem

Following the first discussion of this kind on January 23rd (see ASI Newsletter n. 5, p. 10-11), the Assembly continued the analysis and debate on the current situation in the Justice system on April 10th. Jean-Christian Cady, Deputy SRSG for Police and Justice (UNMIK Pillar I), presented a report on the Status of the Judiciary between December 2002 and April 2003. He outlined the achievements to

date and the challenges ahead in building an independent, multi-ethnic, impartial and competent judiciary.

Ms. Nekibe Kelmendi (LDK) presented a 10-page report on the current situation of the Justice system, on behalf of the Assembly Committee for Legislative, Judicial and Constitutional Framework Matters. The report recommended substantial reforms including an increase in the number of judges, prosecutors and professional legal assistants in the courts, the creation of a Ministry of Justice and Constitutional Court, as well as the honoring of the principles of division of the judicial, executive and legislative power.

Mr. Arsim Bajrami, Chairperson of the Assembly Committee, said the main reasons for the difficult situation in the court system are the bad personnel policy and the "applicable law" dating from the days of former Yugoslavia, and which is still being implemented in order to avoid a legal vacuum.

Mr. Dragisa Krstovic (KP) said that the report of the Assembly Committee did not rightly criticize the applicable law from the former Yugoslavia. While expressing the need for a fruitful discussion on improvements of the Jus-

tice system, he reiterated that the Assembly should not discuss accusations against individual Serbs but leave that to the courts.

Mr. Cady noticed a significant improvement in the Kosovo legal system, because one has to take into account that the court system had to be built from scratch four years ago. He said the number of judges and prosecutors per residents has reached the European average. Replying to the critics that the laws of the former Yugoslavia are still being applied, he said all the laws containing no discriminatory clauses are still effective. "We cannot bring packages of new laws in our briefcases" said Mr. Cady. He said that a good job has been done with penal code procedure and the penal code that would very soon be sent to the Kosovo Assembly, "Then you can say that you have your own laws." Cady emphasized that, "Multi-ethnicity in the judicial system will be the leading principle, for the moment Serbs are only 5% of judges and only 2% of prosecutors, while other minorities have bigger percentages." He welcomed efforts by judges and prosecutors to be impartial, regardless of threats and pressure imposed on them.

Assembly approves Report of Committee on Missing Persons

On April 10th the Assembly Committee on Missing Persons presented its findings to the plenary session. Committee chairperson Flora Brovina said that 4,000 persons are still missing. She stated that private camps and prisons with missing people from Kosovo do exist in Serbia. Stojanka Petkovic (KP) inquired about the missing persons of Serb and other communities, which have disappeared during and after the conflict. Brovina explained that the figure of 4,000 missing persons includes members of all communities living in Kosovo, including Serbs. The Assembly approved the Committee's report, which includes a recommendation to draft an Assembly resolution on the fate of the missing persons.

Assembly receives 10th Minority Assessment Report

On March 10th OSCE and UNHCR launched the tenth joint "Assessment on the Situation of Ethnic Minorities in Kosovo." The report aimed to provide an objective assessment of the situation of minorities

in order to enable Kosovo governmental institutions to evaluate what steps are required, not only to facilitate returns, but also to improve the conditions for minorities living in Kosovo. The Assessment found that, despite improvements noted during the last half year, concerns remain in minorities' access to essential services, property rights, justice and public, civil and political structures, and their security and freedom of movement. A remaining key concern is the continuing discrimination against minorities in gaining access to employment opportunities in the public sector as well as discrimination in the provision of essential services such as health care, education and social services. The report recommends that the Omnibus Anti-Discrimination Law be passed by the Assembly of Kosovo, in order to provide stronger protection against discrimination for various groups in society, including ethnic minorities. All Assembly Members received a copy of the report. The report is accessible at: http://www.osce.org/kosovo/documents/reports/minorities/min_rep_10_eng.pdf

Promulgation of Laws

On 15 April 2003 SRSG Steiner wrote a letter to Prof. Daci, President of the Assembly, informing him about the promulgation of the Law on Environmental Protection, Law on Liquidation and Reorganisation of Legal Persons in Bankruptcy and the Law on Seeds. In his letter the SRSG indicated that four other laws, which have been sent to him and which are pending for promulgation, are in violation of UNSCR 1244 (1999) and the Constitutional Framework (CF). These are the Law on Higher Education in Kosovo, the Law on External Trade Activity, the Law on Telecommunications and the Law on Management of Public Finances and Accountability. He asked the Assembly to bring these laws into conformity with UNSCR 1244 (1999) and the CF by 30 April 2003. In absence of this action, the SRSG said, he will proceed to promulgate these laws with such adjustments as are necessary under UNSCR 1244 (1999) and the CF. Following this letter, the Government expressed readiness to participate in consultative mechanism on these laws. Assembly



Prof. Nexhat Daci, President of the Assembly, received a letter of SRSG Steiner on the promulgation of laws.

Committees have been meeting in order to consider the proposals for adjustments of the laws. The legislative process for the work of the Assembly has been seriously strained during the past year since the majority of the laws that it has adopted have not yet been promulgated. The reasons stated for non-promulgation are varied and complex. Assembly officials expressed hope that it would be possible to bring this issue to a close. However, adjustments to the Law on Higher Education seem to be most sensitive.

Media Committee established

On 3 April 2003 the plenary session of the Assembly approved the composition of the newly established Media Committee. The Committee is composed of 11 members, including representatives from all 5 parliamentary groups. The chairperson of the Committee is Mr. Bogoljub Milosevic (Coalition Return). The first vice-president of the Committee is Mr. Sabit Rrustemi (LDK) and the second vice-president is Mr. Lirak Çelaj (PDK).

AGRICULTURAL LAWS 2003

In addition to economic and social legislation, the Assembly has begun to adopt several agricultural laws. This legislation aims to provide the legal basis for a much needed recovery of Kosovo's agricultural sector. Below is a summary of the main provisions of these laws.

Guillaume Wagener, International Advisor to the Legal and Procedural Department of the Assembly of Kosovo.

Law on Seeds

The Law on Seeds regulates the production and marketing of seeds of a variety of agricultural crops, including hybrids, seedlings for forest and fruit trees, vegetables and grape vines, as well as and seed potatoes.

The Ministry of Agriculture will be responsible for handling all applications for both the inclusion of new seed varieties on the official list, and the granting of plant breeders' rights. Therefore, a Plant Variety Rights Office will be established to administer all these matters.

The application for official listing will be accepted if the variety: (a) has an approved name; (b) is different from all the approved and known varieties; (c) is uniform in terms of composition; (d) is stable with generations; and (e) if the species to which the plant variety belongs is entered in the list of botanical families and species governed by the law.

The testing of a plant variety for distinctiveness,

uniformity and stability will be conducted by the entity authorized by the Ministry of Agriculture. Additionally, the law rules on the control of production, certification, testing, marketing and importation of seeds and seeds potatoes.

The law was approved by the Assembly on 20 March 2003 and promulgated by the SRSG on 15 April 2003.

Law on Agricultural Cooperatives

The purpose of this draft law is to regulate the establishment of agricultural cooperatives, including their work and role in the development of agriculture. In the short-term, it aims to increase the performance of the farmers. An agricultural cooperative is a legal entity created by natural or legal entities who must all be farmers contributing their private property to the sharing of capital. Any agricultural cooperative created in Kosovo will be required to

be registered in order to operate. A cooperative will have rights and duties as a legal person independent of its members. It will have its own property and duties, and will be responsible for its own property and for any act performed in its name.

The draft law also rules on the founding assembly, the rights and duties of cooperative members, the share capital and the capital contributions, the annual general assemblies, the external auditor, the steering council and the president and the director of the cooperative. On the economic side, the draft includes standards on the allocation of net income and losses, the liquidation of the cooperatives when necessary, the merger or break-up, the union(s) of cooperatives, the subsidiary and affiliated companies, and possible punitive measures rules and administrative instructions implementing the law are broken.

A last important provision is that any agricultural

cooperative existing when this law becomes effective will need to re-register within one year or it shall cease being an agricultural cooperative.

After its first reading on 17 April 2003, Assembly committees are reviewing the draft law.

Law on Fertilizers

The draft Law on Fertilizers will establish rules and a regulatory system governing and protecting fertilizer producers and consumers. 'Fertilizer' means an organic or inorganic substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

Generally, the purpose of this draft law is to maintain the quality of fertilizer. Any person - including a manufacturer, importer or dealer - who intends to sell or offer for sale needs a certificate of registration,

which will be valid for a maximum period of 3 years.

The production, import, repackaging, distribution or use of fertilizer not complying with quality and other conditions according to designated standards is prohibited. For example if fertilizer does not contain sufficient nutritive active ingredients, or contains destructive ingredients or has properties harmful to plant growth when used according to the directions. Moreover, inspectors and analysts are appointed for the enforcement of the law with powers like 'stop sale' orders, seizure, condemnation and sale, as well as offenses and punishment are drafted in case of violations of the law. The sale or distribution or misbranded and imitation fertilizers or short in weight are also prohibited.

After its first reading on 24 April 2003, Assembly committees are currently reviewing the draft law.

YOUNG MAN IN A HURRY TO IMPROVE EDUCATION

Hajredin Kuqi, 31, chair of the Assembly Education Committee is in the center of the controversy on the law on higher education. Poul Smidt talked to him on this and other issues.

Interview by Poul Smidt

Hajredin Kuqi is a young man in a hurry. He wants to change and improve the educational system in Kosovo. At 31 he is the youngest member of the Education Committee in the Assembly of Kosovo and its chairman. He has a reason to be proud, and so he is. "We have a very good working relationship in the committee, no problem at all," he says. "I am surprised, but also happy with the respect the other members, including some very experienced professors, show me. My committee is one of the most professional."

His own experience is a remarkable international academic road to his present job as a law professor at University of Pristina. He studied at The University of Bilkent, the American university in Ankara, and went on to one of the most prestigious law schools, Georgetown

University in Washington D.C. - and finally to Graz in Austria. Since 1999, he has been Vice-President of his party, the Democratic Party of Kosovo (PDK), while recently PDK added a few more responsibilities, like public affairs, to his portfolio.

You can not talk to Hajredin Kuqi for a long time without knowing that he is in love with his family and his academic freedom. And then, he pretends that politics is something different, maybe even something temporary, like an obligation to participate at the most important period for changes in Kosovo. Maybe he is right, but more probably he is wrong in this assessment of his affiliation with politics and policy-making. Speaking with him only for a few hours leaves the impression that politics is in his blood. It is in every

sentence of the conversation about his chairmanship and the work in the Assembly. His background in student politics and as an editor of a student magazine is not only a clue but also a confirmation of Hajredin Kuqi being a full-fledged politician.

Is education in Kosovo politicized?

Not directly, but some try to use it.

You are saying that your committee is the most professional, but are there not too many teachers and professors in politics?

Sometimes, maybe, but institutions need teachers.

And the dominating issue in the committee?

The law on higher education.

The law SRSG is not signed because it is in violation of 1244 or the

constitutional framework...?

I think it is necessary to sign it, as only one article is in question, and we need to sit down and solve the problem. But I'm against a "University of Mitrovica" that will not be a part of the Kosovo education system.

Some would say that the issue of a university in Tetovo was that important to many that they would fight for an Albanian speaking university - and then you say no to a Serbian speaking university in Mitrovica...

You cannot compare the two situations. The people of Tetovo would respect the laws of Macedonia and the Macedonian education laws.

Would you be interested in visiting the faculties in north Mitrovica?

Yes, but they will not invite me.

And your proposals to solve the deadlock?

We need to solve it, we need to look at education as an education issue. If in Mitrovica they accept local laws, it is solved. Teachers, fees and some other issues have to be a part of the local laws.

I'm in favor that they will apply at the Agency for Accreditation in the Ministry of Education, but they cannot be supported retroactively.

THE STUDENTS FEE AND THE MINISTRY

How do you evaluate the professional education level at the university?

Very positive, but at the moment we are not investing too many funds.

We have heard that students are raising their voices on the education fee, indicating that the money they pay do end up in the wrong pockets, is it so?



THE HISTORY, THE BOOKS AND THE BIG PROBLEMS

After posing many questions and hearing many answers one could not say that Hajredin Kuqi is steering up problems and controversy, but, on the contrary, being so diplomatic that he may make you believe that Kosovo education system is just perfect. Of course it is not, but Hajredin Kuqi is not the one to say that LDK and PDK are struggling for the souls of the young people, the spirit of LDK dominating in primary and secondary schools and the spirit of PDK very visible at the University. When you ask him who is going to write the history books of Kosovo you hear a laugh that could make the porcelain fall off the table at our humble table in the cafeteria of the Assembly building. But problems there are.

"In fact, we do not yet have a strategy for education," says professor Kuqi. "Still, we are producing students like in the time of communism without asking how many we need. When a young person has left secondary school there is no other

way than heading for university. With a high rate of unemployment that's the natural and only way."

What is the importance of the recent establishment of the Faculty of Education?

It is a very good step, thanks also to a donation from Canada we can now teach the teachers to teach in a better way.

But you still need better books and educational material on all levels?

Yes, no books, no science. We have had a lot of donations, but the need is large. Another problem is the profile of the secondary school. We need to change it from a general school to an education leading in more directions than only the university. Technical schools are one such example.

Will the pupils have to learn about the KLA values and at what level?

The values of KLA are a very important part of our recent history, in fact the most important part of our history. We need to build upon our history, respect history, increase and not decrease history as part of education.

Pristina University needs its own account, which is true. We are losing time by having the money to pass the ministry...

Is this your way to mention the speculations on corruption in a very carefully worded way?

No, I am against corruption and I am against speculation about corruption. You need proof.

Do you have information

on possible political appointments of school directors?

We have had some complaints on this issue, and a letter has been sent to the minister to have a review of the cases.

What are the possibilities to improve the co-operation between your committee and the LDK-led ministry?

I think we have the neces-

sary co-operation. It is working well.

And can you in the committee or in the ministry find a solution to the problems of teachers' low salaries and possible social unrest?

I think we can. We have had many constructive discussions in the committee, and we can discuss and find solutions when we are not under pressure.

PRIME MINISTER ADDRESSES THE ASSEMBLY

One year after starting the work of the Government, Kosovo's Prime Minister, Dr. Bajram Rexhepi, addressed the Assembly of Kosovo on 13 March 2003. On 3 April 2003 the Assembly conducted an extensive debate on the performance and responsibilities of the government. A summary of the Prime Minister's introduction speech follows.

The creation of the Government as a result of the 28 February 2002 Agreement between the main parties represented in the Parliament has created solid grounds for the functioning of Kosovo's institutions, known and recognized by the international community.

The Government has consolidated itself and has started the procedure of law-making, in order to face the needs of our society. So far, 18 laws were presented to the Assembly. A further 20 laws are in their final drafting phase in the Government and are waiting to be sent to the Assembly. We are all familiar with the difficulties we face concerning the issue of procedures in law-making and their approval.

We need to be realistic in evaluating what we have done and which obstacles we have to overcome. The International Community is decreasing its presence in Kosovo. In the following days and months we will be given more competencies, which will test our abilities. Concretely, we have had our first meetings with the SRSG

concerning the transfer of competences.

Kosovo's Government has compiled a strategy concerning the transfer of competencies in the areas it has evaluated as necessary. In this direction, the Government has requested competencies in all public corporations - PTK, KEK, the creation of an Air Company, frequencies, the privatization issue, issuance of documentation - always having in mind the Albanian community abroad. We have also called for a closer cooperation between UNMIK and the Government in the areas where the competencies are reserved for the SRSG. Concretely, we are requesting participation in the areas of foreign policy, issues of internal affairs, the justice system, security issues, energy issues, mines, and so forth.

The Government has faced and will be faced with many challenges in the upcoming years. Our civil servants are in need of training and advice. They also need to have higher wages. We want our children to be taught by better teachers, so they



could use their potential. We want our medical service to be competent, our sportive and cultural life richer. We want our youth to have more possibilities and space to undertake a larger variety of activities.

Our economy depends on many factors. Therefore we have our strategy to deal with these obstacles in economic development, by encouraging internal and external investors to invest in our production companies. Our extreme dependence on imports is unbearable. Many of the imported items can be produced here as well. Our businesses can also produce for foreign markets. We have to require the removal of Kosovo's export barriers.

The privatization of social corporations is on its way and we will do our best to attract investors, and getting them to establish private production companies which would also bring new technology. In this effort we will necessarily need the sources of the International Finance Institutions.

We have another task to start now. We know that the issue of final status of Kosovo is to be addressed directly and in certain time and it needs to be at a favorable moment for the international community. We need to prepare for the moment when the international community will sit along with us and Serbia and Montenegro to solve this issue, which is fundamental for our existence, our future. A part of this issue has to deal with strengthening the democratic society which we are building. A part is left to the creation of an economy which would support our citizens. And another part is our past and our ethnic separations that will continue to weaken our security.

The request for dialogue between Belgrade and Pristina is now actual. It will involve representatives of national institutions for, as it's said, technical issues. The topics, given by Mr. Steiner as discussion points, have been dealt with in some occasions in the past by Belgrade and Pristina. The question arises, what is requested from us? Within only 7 days, Belgrade started the dialogue issue with some technical request and ended it with the separation of Kosovo. It is not hard to comprehend that our neighboring country Serbia is not interested for a dialogue on technical issues or the final status of Kosovo, it is simply interested in dividing Kosovo and that is made clear to us every day.

Belgrade's goals are known to Kosovar citizens, to political subjects and its institutions. Naturally, this fact is frightening, and we seek help by international actors, especially the USA, New York and Brussels; to not let our neighboring country Serbia, to still use Kosovo as a political instrument in favor of their policy. The dialogue should

be stretched on a clear institutional strategy where the competence of Kosovo's institutions would not be questioned.

However, the Government of Kosovo will invest all of its energy during the next governance year into economic development, investments, opening new job possibilities (especially in agriculture). For this is the only way for us to have more job vacancies, to continue to create a public administration, to integrate minority communities (especially the Serb minority) in all areas of life, to have a functioning Rule of Law in Kosovo, and to start establishing new ministries.

The legal structure remains our continuing priority and we will do everything to have a Constitution of Kosovo as soon as possible, to make Kosovo a place where law functions and is obeyed, where all democratic institutions serve the citizens. In this manner we will stretch the issue of receiving the competences from UNMIK and the SRSG. Kosovo can not have parallel governance other than the one legitimized by the votes of its citizens.

Bajram Rexhepi
Prime Minister of Kosovo.

EAR OFFERS SUPPORT TO LEGISLATIVE PROCESS

The European Union, through the European Agency of Reconstruction (EAR), has launched an ambitious programme of support to the Prime Minister's Office (PMO). The programme aims at contributing to improvements in the legislative process, drafting of legislation, training, the establishment of a fully functional translation unit and assisting in establishing a network of expertise that would be made available to the PMO.

Miro Prek, Team Leader EAR/ GTZ support team to the Office of the Prime Minister

The programme is being implemented by the German Foundation for Technical Co-operation (GTZ) and its partners. The core team is composed of a Team leader, a Legal Expert and a Translation Expert.

The technical assistance programme will offer advice and expertise through deployment of short-term experts in the respective fields of activities to Kosovo. Perhaps its most ambitious aim is to establish relations with local legal experts and to include them in the support activities on an equal basis with international experts. EAR wants to ensure that Kosovo legislation is in line with the EU "Acquis Communautaire."

Since its establishment in the Office of the Prime Minister on January 20th, the team participated in the legislative working groups on the draft Law for Public Procurement, the draft Law for Access to Public Documents, as well as the draft Law for Health and Safety at Work. Support was granted in the form of legal and linguistic review of the drafts, consultations

with local NGOs and National Democratic Institute (NDI), and preparation of an explanatory memorandum (including translation and legal review). Furthermore, legal opinion was provided on the compatibility of the draft law on Health and Safety at Work with European standards.

The Steering Committee of the EAR project consists of representative of the Office of the Prime Minister, EAR and UNMIK Pillar IV. On March 31st, it approved the Terms of Reference for a variety of projects. Those include the preparation of draft laws for a Civil Service Code, Intellectual Property, a Company Law, a Law on Tracking Systems as well as against Illicit Trafficking of Drugs. Furthermore, the EAR project aims to establish a legal database and develop a strategy for the development of the legal system in Kosovo as well as granting support for a general improvement of legislation. The Project Team is making necessary arrangements to organize the implementation of projects including the deployment of local

and international experts. At the same time the team is preparing the Terms of Reference to be approved at the next Steering Committee meeting which is going to be held on 8th of May 2003.

Future support is planned to be provided in the following areas: creation of draft laws for Construction, a framework for Technical Regulations and Standards (roads and bridges), a draft law on Broadcasting, as well as a draft law for an Official Gazette for publication of promulgated laws. In addition to this, support is planned for the creation of legislation on Public Administration (Law on General Administrative Procedure, Law on Administration, Law on Government).

Other activities should include the creation of an Anti-Corruption Strategy as well as the revision of Rules of Procedures for the Government.

A first engagement of international experts was arranged to undertake an

assessment of training and capacity building needs with particular focus on legal services of the Prime Minister's office as well as organizational issues pertaining to procedures within the Office of Legal Support Services and Office of Prime Minister.

Several assessments of the translation capacity of the linguistic staff of the PMO were carried out. In order to accommodate the demand for translation services within the PMO, new staffing structures and additional recruitment for English, Albanian and Serb revisers have been proposed. Specialized training is being offered to the translators.

Contacts have been established with the Assembly Support Initiative (ASI) and the National Democratic Institute (NDI) in Kosovo as well as NDI in the former Yugoslav Republic of Macedonia in order to combine efforts in establishing a widely accepted glossary of legal and parliamentary terms.

“WE NEED TO PROTECT THE MOST VULNERABLE PEOPLE”

Stojanka Petkovic is the Chairperson of the Committee for Labour and Social Welfare in the Assembly of Kosovo. She is member of “Coalition Return.” As the Assembly is expecting to receive several draft laws on social matters, Mrs. Petkovic gives her analysis on the current social situation in Kosovo.

Interview by Snezana Petrusic

What do you consider the main social problems that Kosovo is facing at the moment?

The main social problems that all of Kosovo's communities are facing first and foremost is poverty, including unemployment. The majority of the Kosovo population is unemployed. Significant numbers of workers either left their jobs or have been expelled. Literally speaking, we may say that they are now on the streets. Persons with social problems are mainly those who have families, most of them are around forty years old, and trying to support their family. They can't find new jobs, and in addition, they are unable to obtain social care services. In addition, the upcoming privatisation process can create more social problems.

To what extent do you consider the use of drugs in Kosovo amongst young people a problem?

It is definitely one of the major problems from which our society suffers. One of the main reasons is the situation of lawlessness, the effects of the war, poverty and unemployment. The family and education are

one of the most important pillars for protecting the children. But often, young people are hanging around without any supervision by adults. Next to the problem of drugs, there are many other problems as crime, trafficking and prostitution. All of these things have to be stopped if we want to protect our society.

What objectives has the Committee for Labour and Social Welfare set itself for this year?

Our objective is first of all to warn, to send a signal, a recommendation, to the Kosovo Government to elaborate a social programme that would be implemented after the privatisation process starts. The purpose would be the regulation of the rights of all workers. If the government does not make such a social programme, we could expect more problems in the sphere of employment.

During one of the recent meetings of the Committee for Labour and Social Welfare one of the issues debated was “special needs provisions” for the most vulnerable people in need of such assistance. What do

you hope can be achieved in this matter?

As a chairperson of the Committee for Labour and Social Welfare, I've started a debate on financial coverage and protection of those having special needs, of those not able to take care of themselves. All Committee members support my initiative. The idea is to make proposals to the Ministry of Labour and Social Welfare and the Government of Kosovo, to start drafting a law on resolving special needs cases, a law on social care. Regarding social issues, for the time being we adopted only a law on pension provisions and a law on labour inspection. We need a law on special needs, because we have ill people, people with war trauma and the number of those having cancer has increased. A number of the people have not enough financial protection and lack help such as wheelchairs or hearing devices. People do not have enough money to pay medical expenses, they need to be reimbursed for it, and I see the Ministry of Health engaging in this matter.

My idea is to compile all of this in a future project and



to call various NGOs who deal with these issues. These NGOs are the ones that have been covering social problems after the war, due to their involvement in these topics. In co-operation with them, with the Ministry for Labour and Social Welfare, Ministry for Health and some of the experts, I intend to organise a round table on this subject, with the purpose of recognising which provisions need to be compiled in the law.

Serbs, Albanians and other communities all share the same concerns in regard to fighting poverty. Is this an area in which cross-party co-operation can be found?

Certainly. I say very often that social problems are troubling all communities. This is the matter in which no distinction must be made

by ethnicity or nationality. The Serbian, Albanian and other communities should find a mutual interest in this field and establish co-operation in good will. If progress on social issues is to succeed, it should not be politicised. Social problems affect all communities. If we are looking from the Serbian community's perspective, or from Albanian community's, each of them will insist that they are in the worst position. I know a lot of the problems that the Serb community is facing, and my Albanian colleagues know what troubles their community. Although we might have different opinions on many issues, I would appeal that for resolving social problems we have to talk with each other without politics involved.

SHIFTING GEARS FOR A COMPETITIVE ECONOMY IN KOSOVO

Efforts to set the Kosovo economy on a new, productive and competitive footing took a new turn in March with key figures responsible for economic decision-making gathering for a roundtable discussion. Organisers believe a valuable path has been laid down for effective and productive interaction within Kosovo's governing mechanisms.

Mustafa Eric

The warnings were stark: Kosovo produces only one third of its domestic income; two thirds come from abroad in the form of remittances from Kosovans working abroad or from donors. Kosovo's trade deficit is bigger than its GDP; its imports amount to more than ten times its exports, this is untenable. Most importantly, given the war in Iraq and the expected mobilisation of international aid for the reconstruction in that country, financial support to Kosovo is bound to dwindle in the not-so-distant future. And exchanges were frank: legislative effort is much in need to set the stage for a systematic and sustainable stride for economic development, but efforts to produce such legislation are hitting firewalls, being returned to the Assembly for reconsideration without any comment on even why it should be reconsidered.

The setting was a special meeting on 25 March: a workshop organised by Friedrich Naumann Stiftung (FNSt.) with the

former German State Secretary in Economics, Mr. Klaus Buenger, and OSCE in the framework of the Assembly Support Initiative (ASI). It brought together representatives from all major pillars of governance in Kosovo. Participating were the Assembly Committees from the field of Trade and Industry, Finance and Economy as well as the Budget Committee, the Ministers for Trade and Industry and Finance and Economy and UNMIK's Pillar Four, as well as local NGO's who have an interest in economic activities.

Juergen Voss, from the EU-pillar speaking on behalf of the UNMIK administration, openly told the participants that Kosovo would have to realise the seriousness of the situation and start to mobilise all resources to generate employment and income. He emphasised that privatisation had a key role in ensuring that Kosovo became a competitive economy, integrated within the Balkan market. He also underlined that banking

reform and the building of infrastructure were indispensable to attract foreign investment, a vital input of efforts to achieve a competitive edge in regional and international trade.

The Minister of Finance and Economy Ali Sadriu, while pointing to the achievement in tax collection saying "the Kosovo Budget, which in 1999 was entirely financed by donors, will be, in 2003, almost entirely be financed by Kosovan taxpayers," also had a warning that "...there is still a disproportion between incomes gathered by custom taxes and those gathered in Kosovo. It can be said that tax collection inside Kosovo's territory is still on a very low scale. Unless this disproportion is changed it will be very difficult to secure a sustainable budget."

The Minister of Trade and Industry Ali Jakupi, on the other hand, underlined that "...laws that legitimise competition have yet to be approved." Mr. Jakupi, throughout his speech, focused on the need to lay the groundwork for

competition by regulating the economic environment. He stressed that "Economic legislation such as laws on competition, anti-corruption, consumer protection, foreign and domestic trade, oil products and customs," topped the list of priority issues that need to be tackled urgently.

Chairmen and members of the Assembly Committees attending the workshop agreed with the need to speedily produce legislation to put the economy in order. However they also complained that the legislative acts already passed, let alone implemented, had been returned to the Assembly after long delays for reconsideration. Haki Shatri, head of the Budget Committee, said it was true that legislation was necessary but that it was more urgent to mobilise the productive forces to empower the local economy to generate jobs and income. Slobodan Bjelic, head of the Finance and Economy Committee, remarked that promotion of European standards was of utmost importance in terms of

achieving competitive power and for that political stability was the prime requisite.

All in all, the meeting did not come to a conclusive decision on how to move forward or design a strategy for the future development of Kosovo's economy. However, there was consensus among the participants that Kosovo institutions would have to start reducing their dependency on foreign donations and build up necessary structures to exploit the territory's own resources in a bid to create a competitive economy.

A consensus on the priority listing of the steps to be taken will most probably require another meeting or workshop of the kind, one that will again bring key representatives of the legislative and executive branches of Kosovo's governing machinery. That, however, the precedent has been set for dialogue among the main pillars on the future of economy, is widely seen as a very productive outcome of the workshop.

RECENT SUPPORT ACTIVITIES TO THE ASSEMBLY

“Other Communities” establish parliamentary group

Assembly Members from non-Albanian and non-Serbian Communities established their own parliamentary group. The decision was taken during a two-day retreat in Brezovica, March 14-15, with support of the OSCE Democratization Department. Ambassador Pascal Fieschi, Head of OSCE Mission in Kosovo, addressed the parliamentarians and attended the ceremony formally setting up the group. Before announcing their decision at a press conference on March 18th, “Other Communities” were received by the President of the Assembly, Prof. Daci, in his office. He expressed his appreciation for the new parliamentary group and indicated that it had been established according to the Rules of Procedure of the Assembly. He advised them to adopt a culture of common decision-making that can operate to the benefit of all their communities, although heterogeneous in ethnic and political background.

The group now consists of 10 non-Albanian and non-Serbian elected Assembly Members, which makes it fourth in size in the Assembly (after LDK, PDK and KP). The group consists of 4 Bosniaks, 1 Gorani, 3 Turks, 1 Ashkali and 1 Roma. Egyptians are not part of “Other communities” having opted to join AAK in the Assembly.



From left to right: Dzezair Murati (VATAN), Zylfi Merxha (PREBK), Faik Marolli (PDASHK), Sadik Idrizi (VATAN) and Gani Sadik (KDTP) at a press conference in the Assembly on 18 March 2003.

Dutch Foundation to advise parties in parliament

The East-West Foundation's Parliamentary Practice Project (EWPPP) recently started implementing a long-term programme in support of the Assembly of Kosovo called, “Aspects and techniques of parliamentary democracy.” Programme activities include a series of inter-parliamentary workshops in Kosovo, one to be held in the region, and one working visit to the Dutch Parliament in The Hague. An ongoing component of the programme consists of three-day consultations between (former) Members of the Dutch Parliament and their counterparts in the Assembly. The first roundtable discussion on inter-party and intra-party relations in parliament will take place on May 9 in Pristina.

Konrad Adenauer Stiftung to support education sector

On March 20th a delegation of the Konrad Adenauer Stiftung was on a fact-finding mission to Kosovo. It was concluded that support to the education sector would become a priority for this German foundation. Specific programmes with the Ministry on Education, Science and Technology will be established, as well as with the Assembly Committee on Education. The Konrad Adenauer Stiftung plans to invite a mixed delegation of the Assembly of Kosovo and the Government for a working visit on educational matters to Germany in early July 2003.

Between Marginalization and EU-Membership

On 11-13 April 2003 the Friedrich Ebert Stiftung (FES) together with the German Institute for International and Security Politics and the Protestant Academy Tutzing organised the conference “South-East-Europe - between Marginalization and EU-Membership”. This conference in Germany was attended by participants from the whole of South East Europe. Two Members of the Assembly of Kosovo participated: Alush Gashi (LDK) and Hajredin Kuqi (PDK). Topics of debate included instruments of the international community to foster stability in the region such as the Stability Pact, European Agency for Reconstruction, the Stabilization and Association Process, consequences of the new Schengen-borderline in the midst of SEE, regional cooperation in the Balkans.

Friedrich Ebert Stiftung organises Committee visit to Albania

During the last week of April, the Friedrich Ebert Stiftung organised a working visit to Albania. The chairperson and two vice-chairpersons of three Committees participated: Committee on Labour and Social Welfare, Committee on Health and Committee on Environment and Social Planning. The Kosovo parliamentary delegation, including representatives from all major parliamentary groups, had intensive discussions and exchanged experiences with Committee chairpersons in the Assembly of Albania.

Glossary of parliamentary and legal terms being prepared

The Assembly Secretariat and the OSCE Mission in Kosovo have started a joint project for the creation of a "Glossary of Parliamentary and Legal Terms." The Glossary will be a legal document issued in three languages (Albanian, Serbian and English) compiling parliamentary and legal terms in use in the Legislative and Governmental bodies in Kosovo and giving full definitions of all terms. Co-ordination with similar projects in the region as well as with other institutions and organisations within Kosovo are envisaged: the Office of the Prime Minister, Economical and Fiscal Council, UNMIK Language Unit, UNMIK Pillar I (Police and Justice), Finnish Human Rights Group and the nation Democratic Institute (NDI). The project has been initiated to overcome the current problems in establishing a functional multi-lingual Assembly.

UNDP establishes electronic archives for the Assembly

On March 21st, UNDP presented to interested donors its project to establish electronic archives for the Assembly. This project includes recording, processing and archiving of the Assembly proceedings and hearings, establishment of the document management system and information access and dissemination. The project has been joined by the Inter Parliamentary Union (IPU) because of its world-wide expertise in parliamentary support and its technical capacity. The project will be implemented in close co-operation with the Assembly Secretariat and in co-ordination with ASI, EAR, NDI, the Finnish Governmental Team and the Ministry of Public Services. For further information, see <http://www.undp.org>

NGO started monitoring the Assembly

The Council for Defence of Human Rights and Freedoms (CDHRF), one of the well established NGOs in Kosovo, started an intensive monitoring programme of the work of the Central Assembly and of 11 Municipal Assemblies. At the central level, monitors of the CDHRF started to attend most committee meetings. Its goal is to provide credibility to the political processes in Kosovo through accountable and transparent government. Monitoring is a component of the overall advocacy strategy on issues that CDHRF regards as its key concerns such as respect for human rights. OSCE and NDI are supporting the project. The first report will be published during May 2003 and will be accessible at www.cdhrf.org.

University students attend plenary Assembly sessions

Students of the Faculty of Political Science of the University of Pristina started to attend the plenary meetings of the Assembly. OSCE and the Assembly Secretariat are assisting the visits on a weekly basis. The initiative is considered highly relevant for the students from this faculty, and is in line with the requirement of the Rules of Procedure stating that "...sessions of the Assembly shall take place in public."

Gender Equality Committee calls co-ordination meeting

On March 25th the Gender Equality Committee invited to a co-ordination meeting the international organisations dealing with gender issues. These groups included OSCE, UNIFEM, UNMIK's Office of Gender Affairs (OGA), Kosovo Civil Society Foundation (KCSF) and STAR Network and the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender (Office of Prime Minister). The Committee asked support by providing laws from different democratic countries and making experts available.

Until now, eight laws have been translated and provided to the O/PM and to the Committee: laws from Slovenia, Bulgaria, Lithuania, Rumania, Finland, Croatia, The Netherlands and Bosnia-Herzegovina. These laws will be used as reference documents to make initial steps in drafting the law on Gender Equality in Kosovo. "There won't be a copy of these laws but our law will be based on the reality of Kosovo. It will lead to the foundation of institutions to protect gender equality," stated Ms. Melihate Termkolli, chairperson of the Committee. OSCE will provide further support via experts and translation of laws. A workshop on strategic planning of Gender Equality Committee for years 2003-2005 and a study visit to Slovenia and Bulgaria is planned from KCSF for April and May 2003.

FOR A PROFESSIONAL AND VIABLE MEDIA IN KOSOVO

Journalists and media experts gathered in Pristina on Saturday 29th March 2003 for a conference on the future of journalism in Kosovo and a debate on the proposed new draft legislation on the establishment of the Independent Media Commission (IMC).

Marie-Helene Verney, OSCE Senior Media Advisor

The conference was organised by the Association of Professional Journalists of Kosovo, with the support of the OSCE. It was chaired by Mr Baton Haxhiu, who is currently chairman of this journalist association, and moderated by Mr Dukagjin Gorani.

OSCE Ambassador Pascal Fieschi opened the discussion with a speech highlighting the importance of an independent commission to monitor and regulate the broadcast media in Kosovo. He stressed that the measure of a functioning democracy is the vitality and professionalism of its press and media. He said the future of democratic institutions in Kosovo is linked to the independence of Kosovo's press and media; and that the OSCE is deeply committed to making sure that any future broadcasting law served the best interest not just of the media, but also of the people of Kosovo. Ambassador Fieschi believed that the future of the public broadcaster, RTK,

needed to be guaranteed and one of the aims of the new legislation. This is why it is would be important that the proposed draft meets European standards and best practices.

Mr Rexhep Hoti, advisor at the Prime Minister's office, said that a working group of experts would start meeting soon to discuss the proposed draft. The working group would be made up of representative of the public and independent broadcasters, as well as international experts. He emphasised that the government wants to make sure that there is transparency at all times during the process of drafting the legislation - something that, he said, has not been the case. He said the government was open to suggestions and did not want a law that would privilege any broadcaster to the detriment of others.

One of the most disputed issues of the debate was the introduction in the new draft of a clause that suggests that advertising

to RTK should be reduced to zero when the levelling of the RTK license fee through KEK is fully functioning. Mr Agim Zatriqi, Director General of RTK, made a forceful speech in which he said that this "Zero Target Zero" on RTK would lead to the collapse of the public service broadcaster. Mr Hoti replied that the aim of the legislation is not to destroy any broadcaster, but give all broadcasters an equal chance. Mr Zatriqi also expressed concern about the over-seeing power on RTK's budget given to the IMC's executive director in the proposed draft.

Some of the journalists present pointed out that before debating the legislation on the IMC, there should be a discussion about the role of the IMC, and indeed whether or not the IMC was needed. Most agreed that it was needed to have a regulatory body, but said that as far as the print media was concerned no such mechanism was in place or proposed.

Mr Shkelzen Maliqi, of the Gani Bobi Institute, opened

the afternoon session with a speech that sounded a warning bell for the journalists of Kosovo. He said he feared that journalism in Kosovo is entering a very difficult period, and that the crisis would become apparent when international money starts phasing out. Many of Kosovo's broadcasters, he said, would not be sustainable without international help. He added that the level of competition between broadcasters and the lack of solidarity in the profession would make the crisis worse.

Many of those present agreed that journalists in Kosovo need to do more to organise themselves, and that unless they present a united front, their voice will not be heard and the conditions for their profession will not improve. There was wide agreement on the urgent need for a strong and well-organised professional association. The Association of Professional Journalists of Kosovo plans to meet again in April to discuss a voluntary code of conduct for the print media.



BUILDING CONSTITUENT RELATIONS PREPARING FOR NEGOTIATIONS

Effective constituent relations in a newly developing democracy is a major indicator of progress toward establishing a dialogue between citizens and their elected representatives. Constituent relations allow elected representatives to assist the citizens who voted for a democratic system. Unfortunately, under many proportional representation election systems, elected members of parliament often believe that their first loyalty belongs to the party who elected them, and not to the citizens who voted.

Sherrie Wolff, Ph.D. Consultant, National Democratic Institute (NDI)

The National Democratic Institute (NDI) conducted constituent relations workshops for elected members of the Central Assembly, municipal assemblies and local party branch leaders of the political parties: LDK, PDK, AAK, Kosovo Serbian parties, and parties representing smaller ethnic and political communities. The workshops lasted for several weeks in April and May 2003.

During these workshops officials from the Central and municipal Assemblies as well as from the political parties were divided into the regions they represent. It is often unusual to combine trainings for each of these institutions simultaneously, but it is an effective way for participants to learn to communicate and coordinate an integrated plan. Each group was then asked to cooperate and coordinate amongst

themselves in determining whom the people are that they represent, the major groups to be represented, the educational facilities and other demographic information particular to each region. They then listed the major issues and goals for that region and designed a strategic work plan with timelines, budgets and persons responsible for implementing designated actions. Information was provided for contacting citizens locally. Following workshops will further develop methods of distribution of information to citizens as to what assistance they can realistically expect from the party, where they can go to express their concerns and desires and how those needs can most effectively be expressed.

One of the major obstacles listed by elected members throughout the world is

a lack of time, staff and money. During these trainings, discussion centered on the importance of elected officials and party leaders learning to coordinate the issues and plans for delivering constituent services. It is often the local party leaders who become responsible for helping to deliver effective assistance.

It was exciting to see the participants' growing involvement in the process as they learned how they could assist in improving citizen's lives. One attendee asked if he could attend all of the rest of the sessions since, according to him, "I have so much to learn." While similar constituent training workshops have been offered by NDI, these participants seemed to have a much more enthusiastic and receptive attitude toward the idea of reaching out to assist in real democratization.

Lulzim Peci

The Kosovar Institute for Policy Research and Development (www.kipred.org) in cooperation with Olof Palme International Center (www.palmecenter.se) and the Center for Applied Studies in International Negotiations (www.casin.ch) have been working together in the field of capacity building of the Kosovo institutions for the last couple of years.

KIPRED and CASIN, supported by Swiss Foreign Ministry and OSCE, in August last year organized a seminar entitled "Decision Making in a Democratic State: Challenges ahead" for fifteen members of the Assembly of Kosovo and the Government. Negotiation was a specific topic covered. KIPRED has identified the need for further work in this field following consultation with the key representatives of Kosovo parliamentary groups. In this regard, KIPRED and CASIN organized a one-day workshop "Preparing for Negotiations" on 5 March 2003, aiming to prepare the Kosovo institutions for negotiations.

Dr. Jean Fraymond, Director of CASIN, conducted the workshop. Selected representatives from the Presidency, Assembly, Government and

KIPRED participated in the workshop. Participating in this event were Ramush Tahiri (Chief Political Adviser to the President of the Assembly), Hydajet Hyseni (Member of Presidency of Assembly), Mahmut Bakalli (MP), Fadil Kryeziu (MP), Enver Hasani (Professor at Pristina University), Teuta Hadri (MP), Lulzim Peci (KCSF/KIPRED Executive Director) and Leon Malazogu (KIPRED Program Director).

The workshop concentrated on techniques used to prepare negotiations. The agenda covered topics such as setting objectives, gathering information, establish negotiating positions, negotiating strategies, the delegation of duties and the organization of negotiations. However, the workshop also took a close look at previous high-level negotiation experiences, including examples of dialogue from Israel-Palestine (Oslo), Cyprus, Rambouillet, Dayton, and Marcoussis.

Finally, KIPRED expresses its gratitude to the Olof Palme's International Center and Center for Applied Studies in International Negotiations for their continued support to the strengthening of Kosovo political parties and Governmental Institutions.

A STRONG ASSEMBLY NEEDS A STRONG CIVIL SERVICE

Only politically neutral Civil Servants ensure that the Assembly can function according to basic democratic rules. But what empowers the Civil Servants to act neutrally and unbiased? It is their legally defined rights and duties as well as the credibility of the institutions that protect these rights against political influence and arbitrariness.

Michael Georg Link, FNSt & Uli Steinle, FES

Two German foundations, the Friedrich-Naumann-Stiftung (FNSt.) and the Friedrich-Ebert-Stiftung (FES) joined efforts to provide the Assembly's civil servants with a workshop on how to support and promote their credibility of their profession. On 26 March 2003 about eighty interested Civil Servants found their way to the press room of the Assembly for this occasion.

In the first part, Michael Georg Link of FNSt emphasized the importance for every institution to find the adequate way in which the civil servants working in this body can find an appropriate form of internal self-protection.

He outlined effective ways of self-organization of civil servants in the form of a work council, citing the example of the "Personalrat" or "Staff Council" of the German Bundestag. This Staff Council serves as an elected, representative body for the interests of all German parliamentary employees. The Staff Council deals with all major and minor staff affairs and brings them into regular talks with the Presidency of the Parliament. This can range from work-time regulations to bicycle parking space, from planning a parliamentary kindergarden to installing information boards in all parliamentary buildings. The Staff Council has developed into a reliable voice for the Staff's interest, thus making it easier for ordinary staff members to express themselves but also easier not only for the Parliamentary Directorate when it comes to implementing new working conditions. In order to get the optimal representation of the Staff's interests, the Staff Council in the German Bundestag needs to be elected by secret vote on a regular basis, including representatives of all staff levels. The Staff Council then represents the staff as a whole in its deliberations with the Presidency.

In the second part, Uli Steinle (FES) discussed the legal situation for civil servants in Kosovo as laid down in UNMIK Regulation 2000/36 and Administrative Directive 2003/2. Special emphasis was given in clarifying procedures for internal disciplinary proceedings as well as those for cases of complaints and appeals against management decisions or behavior. This was of special interest since not even the members of the newly established internal disciplinary board and board of appeals were effectively informed about the function and responsibilities of these bodies.

In the following discussion the need for a self-organization of the Civil Servants and for a higher awareness of the formal procedures in internal dealings were highlighted. Concerns were raised, whether the internal boards could live up to the necessary neutrality since its members are

appointed rather than cooperatively chosen. The lack of a detailed legal framework for the creation of a staff council was also seen as a problem that should be addressed as soon as possible. The general notion was that the internal institutions still need to show their effectiveness, especially since external institutions like the Independent Oversight Board for Kosovo is not yet set up.

Dr. Friedhelm Frischenschlager, Director of the OSCE Department of Democratization, later presented the conclusions of the workshop to the senior civil servants of the Assembly. These included:

- A staff council as modern management tool to help give legitimacy, sustainability and rationality of management's decisions;
- Staff councils as a fundamental right that is enshrined in most European Constitutions, and in UNMIK Regulation 2000/36 Section 5;
- The sharing of practice in other parliaments to help effectiveness of civil service in Kosovo;
- The senior staff welcomed this initiative and supported a gradual build-up of cooperative management practices.

As follow up, both German foundations will continue their support for the Assembly staff and assist in the process of forming a Staff Council.



POLITICAL GRIDLOCK IN MUNICIPALITIES

Last October 26, voters expressed their will and their desire for a better future, hoping that democracy was just around the corner. This was just the kind of moment that should spur politicians to better serve the people. In most municipalities, the post-election transition went smooth, and the new administrations began their work. However, this has not been the case everywhere. Some local governments are at a standstill.

Sven Lindholm

Political gridlock has worked its way into Kosovo, and boycott of municipal work. Why? And what is the point of local government if leaders do not take up their responsibilities and, above all, solve the problems at hand?

"Political gridlock is mainly due to political entities failing to accept loss," said Ibrahim Makolli of the Council for Defence of Human Rights and Freedoms.

Elected members of political bodies have decided that their interest, and that of the people who elected them, is best served by not attending those bodies. These are the same bodies people voted for and placed their trust in.

Boycott as a political tool can be effectively used to draw attention to issues which have not or cannot be solved in daily business. In extreme cases of such gridlock it can undermine the running of an institution. It also suggests a refusal to accept the results of the democratic process.

"Boycott impedes solutions," said Lutfi Haziri, President of the Association of Kosovo Municipalities. He added that, "it causes problems in proper administration and offering services to people while also hampering integration...of many priorities of common interest."

Municipal Assembly boycotts in Kaçanik/Kacanik and Novoberdë/Novo Brdo began when parties either found their leading role seriously diminished or were now in opposition. These boycotts are still in place. Gridlock in other municipalities - Deçan/Deçani, Kamenicë/Kamenica, Klinë/Klina, Lipjan/Lipljan, Malishevë/Mališevo, Suharekë/Suva Reka and Vitina/Vitina - is symptomatic of boycott, or political protest, through non-participation in either Assembly or committee work.

In Lipjan/Lipljan, where LDK lost its leading role to PDK, the voters did not give a clear mandate to any political party. No government has yet been

formed and there is a blockade of municipal work at all levels, including the approval of the 2003 budget. To some extent the Policy and Finance Committee has played the Municipal Assembly's role by approving emergency budgets to cover the basic needs of some municipal departments.

Mr. Haziri, who is also President of Gjilan/Gnjilane municipality, believes that active participation can lead to solutions. "It is important to find a satisfactory compromise. Through active participation, these small differences which are hampering so much the normalization of work would be overcome," said Haziri.

Even when boycott is carried out for considered reasons, it is always negative, creates gridlock, and contributes nothing to debate. This refusal may be successful in getting concessions from other parties but, in the meantime, a constant penalty is paid. Business can still be

done without the presence of the boycotters, but it is then in an atmosphere where results would have been better had they remained and tried to influence the debate.

In Viti/Vitina and Suharekë/Suva Reka assemblies, both with an LDK majority, PDK is withdrawing its members as a sign of protest as, according to Mr. Makolli, "the majority in the Assembly does not take into consideration the opposition's suggestions, remarks, or proposals."

PDK and AAK members in Kamenicë/Kamenica are boycotting the work of Assembly and committees because of the perceived attitude of the LDK. The result is little of the municipal budget being used. However at the last Assembly meeting, a narrow quorum was reached with the attendance of Kosovo Serb representatives, making it possible to approve proposals.

A further contentious issue is dissatisfaction with the

process of selecting municipal civil servants. The fact that civil service is meant to be apolitical and professional seems to be irrelevant to parties in their attempt to gain positions for "their" people.

All is not bad and boycott can be overcome. In both Rahovec/Orahovac and Shtime/Štimlje, political parties recently came to agreements that ended stalemate in those municipalities. And while the boycott continues in Malishevë/Mališevo, PDK, as a sign of compromise to the LDK, agreed to increase the number of seats in the Policy and Finance Committee.

Democratic society is all about debate. There are no problems which have not been solved through talks. "By serving citizens, we serve Kosovo. This can be achieved only by active participation," concluded Haziri. Boycott, the refusal to participate, only leads to gridlock and harms the interest and development of society.

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:

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), 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.

Time-line of up-coming support activities

May 2003

- 5 May: Workshop with Legal Staff, by FNSt.
- 6 May: Consultations on Rules of Procedure, by FNSt.
- 9 May: Workshop on intra-party and inter-party relations, by EWPPP.
- Between 12 and 31 May: Round table in Committee on Social Welfare on the Law on Social Assistance Scheme and the Law on Essential Labour and Health, by FES.
- Between 12 and 31 May: Round Table in the Health Committee on the Law on Medicine Products and Medical Devices, by FES.
- Assistance in establishing a "working council" for Assembly staff, by FES.
- Assistance to the legislative process, by Bearing Point/ Barents.
- Advise upon request to the new parliamentary group of "Other Communities", by OSCE.
- Working visit to Slovenia for the Gender Equality Committee, by Kosovo Civil Society Foundation (KCSF).
- Consultations on the Freedom of Information Law, by NDI.
- Consultations with Members of Municipal and Central Assembly on constituent Relations, by NDI.
- Consultations on establishing a Glossary of parliamentary and legal terms, by O/PM, OSCE, NDI and Assembly Secretariat.
- Start of the implementation of the SPEAK-project by UNDP and IPU. SPEAK = Support to Parliamentary Electronic Archives in Kosovo.
- Ongoing co-ordination of donor support to the Assembly in framework of ASI, by OSCE.

June 2003

- During second half of June, Workshop with Budget and Gender Equality Committee on "budgeting from gender perspective", by OSCE.
- Assistance to the legislative process, by Bearing Point/ Barents.
- Consultations on establishing a Glossary of parliamentary and legal terms, by O/PM, OSCE, NDI and Assembly Secretariat.
- Workshops on the Freedom of Information Law, by NDI.
- 28 June till 5 July, working visit to Germany on educational matters for a mixed delegation of Assembly and Government, by Konrad Adenauer Stiftung.
- Assistance to the legislative process, by Bearing Point/ Barents.

July 2003

- 2 July: Consultations with Committees for Trade and Industry and Finance and Economy, by FNSt.