

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

**Pillar III (OSCE) Report 02/2007
On the Monitoring of the Assembly of Kosovo
1 March 2007 – 13 May 2007**

Highlights

- **Assembly adopts a declaration in support to the UN Special Envoy's proposal on the status of Kosovo**
- **Six previous LDK Assembly members establish new parliamentary group entitled "Lidhja Demokratike e Dardanisë - Democratic League of Dardania"**
- **Minister of Finance and Economy appears for interpellation regarding the purchase of armoured vehicle by former President of the Assembly**
- **Assembly discusses the 20 February 'Vetëvendosja' protest**

This fifty-first monitoring report is drafted in accordance with the Terms of Reference for UNMIK Pillar III for Institution Building (OSCE) Monitoring of the Assembly of Kosovo dated 26 November 2002 and is based on compliance with the new Rules of Procedure adopted at the end of the plenary session on 20 May 2005, as amended at the plenary session on 1-2 June 2006.

During the reporting period, the Assembly held eight plenary sessions, on 14 March, 16 March, 22 March, 30 March, 5 April, 13 April, 27 April and 10 May, as well as seven Presidency meetings, on 5 March, 12 March, 27 March, 10 April, 23 April, 25 April and 7 May. All ten Committees and the Subcommittee on Human Rights, Gender Equality, Public Petitions and Claims held meetings during the reporting period.¹ Pillar III (OSCE) monitored the plenary sessions and Presidency meetings, as well as 31 out of 61 committee meetings and three public hearings.²

¹ The Committee for Budget and Finance met on 20 and 29 March, 10 and 17 April and 9 May while the Committee for the Rights and Interests of Communities and Returns met on 5, 12 and 26 March, 2, 11 and 18 April and 8 May. The Committee for Judicial, Legislative and Constitutional Framework Matters met on 5 and 19 March, 2 and 17 April and 2 May while the Committee for Security met on 14 and 21 March, 4 and 25 April. The Committee for Public Services, Local Administration and Media met on 27 March, 25 April and 8 May while the Committee for Health, Labour, Social Welfare and Missing Persons met on 6, 22 and 27 March, 10, 17 and 26 April and 3 May. The Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications met on 6, 12, 13 and 27 March, 2, 10 and 24 April and 8 May while the Committee for Education, Science, Technology, Culture, Youth and Sports met on 7, 13, 19 and 23 March, 3, 10, 17 and 26 April and 4 and 8 May. The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning met on 6, 13, 20 and 27 March, 8, 10, 17 and 24 April and 8 May while the Committee for International Cooperation and EU Integration met on 9 and 21 March and 4 April. The Subcommittee for Human Rights, Gender Equality and Public Petitions and Claims met on 21 and 28 March, 6, 12 and 26 April and 9 May. The Committee for Education, Science, Technology, Culture, Youth and Sports, on 27 March 2007 held a public hearing on establishing the Kosovo Cultural Heritage Council. The Committee for Education, Science, Technology, Culture, Youth and Sports, on 18 April 2007 held a public hearing on the implementation of the law on Cinematography. The Committee for Education, Science, Technology, Culture, Youth and Sports, on 24 April held a public hearing on the situation of the education sector. The Committee for Public Services, Local Administration and Media, on 3 April held a public hearing in regards to the non implementation of the Law on Independent Media Commission. The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning, on 3 April held a public hearing of the Draft Law on amending the Law on Spatial Planning.

² The Committee for Budget and Finance on 20 and 29 March, 17 April and 9 May; Committee for the Rights and Interests of Communities and Returns on 5, 12 and 26 March, 2, 11 and 18 April and 8 May; Committee for Judicial, Legislative and Constitutional Framework Matters on 5 and 19 March, 2 and 16 April and 2 May; Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications on 13 and 27 March, 3 April; Committee for

1. Overview

The 14 March plenary session of the Assembly of Kosovo was chaired by Member of the Presidency Mr. Sabri Hamiti (LDK).

- Ninety-four Members of the Assembly were present at the 14 March plenary session.³
- Main agenda items of the 14 March plenary session:
 - Debate on the conclusion of the status settlement negotiations held in Vienna (All Unity Team members delivered statements, followed by parliamentary group leaders and a closing statement made by the President of Kosovo.)

The 16 March plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK) and Member of the Presidency Mr. Sabri Hamiti (LDK).

- Eighty-three Members of the Assembly were present at the 16 March plenary session.
- Main agenda items of the 16 March plenary session:
 - Questions to the Government for oral answers
 - First reading of the Draft Law on Habitation and Emplacement (The draft law was endorsed in principle with the majority of votes in favor and no votes in opposition.)
 - First reading of the Draft Law on Amending the Law No 2003/14 on Spatial Planning (The draft law was endorsed in principle with the majority of votes in favor and no votes in opposition.)
 - Debate on the licensing of the second mobile telephone operator by the Telecommunications Regulatory Agency (The item was postponed at the request of its sponsor.)
 - Review of the proposal of the Government on the appointment of members to the Independent Appeals Board (The appointments were endorsed with 46 votes in favor and 24 votes in opposition.)
 - Review of the recommendation of the Committee on Judicial, Legislative and Constitutional Framework Matters on the appointment of judges (The recommendation was rejected with 32 votes in favor and 36 votes in opposition.)
 - Review of the Assembly 2007 draft work program and calendar (The draft work program and calendar were approved with 58 votes in favor and six votes in opposition.)
 - Review of the proposal of the Government on the appointment of members to the Steering Board of the Central Banking Authority (The appointments were endorsed with 38 votes in favor and 26 votes in opposition.)

The 22 March plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK) and Member of the Presidency Mr. Naim Maloku (AAK).

- Eighty-one Members of the Assembly were present at the 22 March plenary session.
- Main agenda items of the 22 March plenary session:

Education, Science, Technology, Culture, Youth and Sports on 7, 13, 19 and 23 March, 3 April and 8 May; Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning on 6, 20 and 27 March, and 17 April; and Committee for International Cooperation and EU Integration on 21 March and 4 April. Public hearing on the method of implementation of the law on Cinematography on 18 April; Public Hearing of the draft law on amending the law on Spatial Planning on 3 April; and Public Hearing regarding the situation on education sector on 24 April.

³ Unless otherwise indicated, the figures given are the ones announced by the President of the Assembly or Chairperson at the beginning of each day.

- Debate on the licensing of the second mobile telephone operator by the Telecommunications Regulatory Agency
(Mr. Demir Lima (PDK), as proposer of the debate, delivered a statement, followed by the Head of the Telecommunications Regulatory Agency, Mr. Anton Berisha, Prime Minister Agim Çeku, parliamentary group leaders and several other Members. At the end of the debate, the Chairperson called for a vote on Mr. Lima's proposal to order an independent audit of the tendering procedure for the licensing of the second mobile telephone operator, which was rejected with 30 votes in favor, 32 votes in opposition and two abstentions.)
- Debate with regard to the 10 February 2007 protest
(Mr. Emrush Xhemajli (LPK), as sponsor of the debate, delivered a statement, followed by the Minister of Interior Blerim Kuçi, Mr. Naim Maloku, as the Chairperson of the Committee on Security, parliamentary group leaders, several other Members and a closing statement made by Mr. Xhemajli.)

The 30 March plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK) and Member of the Presidency Mr. Xhavit Haliti (PDK).

- Seventy-two Members of the Assembly were present at the 30 March plenary session.
- Main agenda items of the 30 March plenary session:
 - Questions to the Government for oral answers
 - ORA interpellation motion to Minister of Finance and Economy
(See below the section entitled "Interpellation".)
 - Second reading of the Draft Law on Protection from Noise
(The draft law was approved with majority of votes in favor and one vote in opposition.)
 - Second reading of the Draft Law on Apiculture
(The draft law was approved with majority of votes in favor and two votes in opposition.)
 - Review of the recommendation of the Committee on Judicial, Legislative and Constitutional Framework Matters to return the Draft Law on Martyrs Day to the Government
(See below the second paragraph under "Legislative process".)

The 5 April special plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK).

- One-hundred and one Members of the Assembly were present at the 5 April plenary session.
- Main agenda items of the 5 April plenary session:
 - Adoption of the declaration in support to the UN Special Envoy's proposal on the status of Kosovo
(All Unity Team members delivered statements, after which the declaration in support to the UN Special Envoy's proposal was adopted unanimously with only one vote in opposition.)

The 13 April plenary session of the Assembly of Kosovo was chaired by Member of the Presidency Mr. Sabri Hamiti (LDK).

- Eighty-five Members of the Assembly were present at the 13 April plenary session.
- Main agenda items of the 13 April plenary session:
 - Questions to the Government for oral answers
 - First Reading of the Draft Law on Organic Farming
(The draft law was endorsed in principle with majority of votes in favor and no votes in opposition.)
 - Second Reading of the Draft Law on Blood Transfusion
(The draft law was approved with majority of votes in favor and no votes in opposition.)
 - Second Reading of the Draft Law on Personal Name

- (The draft law was approved with majority of votes in favor and no votes in opposition.)
- Second Reading of the Draft Law on Personal Number
(The draft law was approved with majority of votes in favor and one vote in opposition.)
- Review of the report prepared by the Committee for Economy, Trade, Industry, Energy, Transport and Communications on the monitoring of the implementation of the Law on Protection of Consumers
(The Committee report and recommendations were approved with majority of votes in favor and one vote in opposition.)
- Review of the Public Procurement Regulatory Committee 2006 report
(The report was approved with 44 votes in favor and 18 votes in opposition.)

The 27 April plenary session of the Assembly of Kosovo was chaired by Member of the Presidency Mr. Xhavit Haliti (PDK).

- Eighty-six Members of the Assembly were present at the 27 April plenary session.
- Main agenda items of the 27 April plenary session:
 - Questions to the Government for oral answers
 - Second Reading of the Draft Law on Prevention of Infectious Diseases
(The draft law was postponed at the request of the Functional Committee.)
 - Second Reading of the Draft Law on Chemicals
(The draft law was approved with majority of votes in favor and no votes in opposition.)

The 10 May plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK) and Member of the Presidency Mr. Xhavit Haliti (PDK).

- Seventy-seven Members of the Assembly were present at the 10 May plenary session.
- Main agenda items of the 10 May plenary session:
 - Questions to the Government for oral answers
 - First Reading of the Draft Law on Trade Societies
(The draft law was endorsed in principle with majority of votes in favor and two votes in opposition.)
 - Second Reading of the Draft Law on Prevention of Infectious Diseases
(The draft law was approved with majority of votes in favor and two votes in opposition.)
 - Debate on the Ministry of Finance and Economy report on 2006 expenditures
(Report was approved with 45 votes in favor and 22 votes in opposition.)
 - Debate on primary and secondary education
(Mr. Enver Hoxhaj (PDK), as sponsor of the debate, delivered a statement, followed by the Minister of Education, Science and Technology Agim Veliu, parliamentary group leaders, and several other Members from various parliamentary groups. At the end of the debate, the recommendations of the Committee for Education, Science, Technology, Youth, Culture and Sport were approved with majority of votes in favor and no votes in opposition.)
 - Review of the recommendation of the Committee for Economy, Trade, Industry, Energy, Transport and Communications with regard to the appointment of members to the Competition Commission
(The item was postponed due to the lack of quorum.)
 - Review of the recommendation of the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning with regard to the establishment of the Board on Waters
(The item was postponed due to the lack of quorum.)
 - Review of the recommendation of the Committee on Judicial, Legislative and Constitutional Framework Matters with regard to the Draft Law on Mediation
(The item was postponed due to the lack of quorum.)

2. Parliamentary Practices and Proceedings of Assembly Sessions

Agenda

- At the beginning of 16 March plenary session, on behalf of LDK parliamentary group, Mr. Alush Gashi (LDK) proposed *in writing* to include the Government's proposal on the appointment of members to the Steering Board of the Central Banking Authority in the agenda of that day's session. The President of the Assembly called for a vote on Mr. Gashi's proposal, which was approved with majority of votes in favor.

At the beginning of 30 March plenary session, Ms. Teuta Hadri (PDK) *verbally* proposed that the issue of health system be added to the agenda of that day's session. At the same plenary session, Mr. Xhevat Bislimi (PDK) *verbally* proposed that the increase of energy tariffs for households be discussed at that day's session. The Chairperson asked for the opinions of parliamentary group leaders with regard to proposals made by Ms. Hadri and Mr. Bislimi, who generally supported both proposals but stated that the proposals could not be discussed at the session in question as they needed to have background information on both issues and more time to prepare for discussions before they take place. The Chairperson therefore advised Ms. Hadri and Mr. Bislimi to submit their proposals through the Table Office.

At the beginning of 13 April plenary session, the Chairperson announced that the SLKM parliamentary group had proposed *in writing* to remove the second readings of the Draft Law on Personal Name and Draft Law on Personal Number from the agenda of that day's session. The Chairperson called for a vote on the proposal, which was rejected with majority of votes in opposition.

At the beginning of 10 May plenary session, the President of the Assembly stated that he had not received *in writing* any proposal to amend the agenda and that therefore according to Rule 23.2 the agenda was considered as approved. Ms. Safete Hadërgjonaj (PDK) however requested to speak about the agenda and the President of the Assembly allowed her to do so. She proposed *verbally* that the item - debate on the Ministry of Finance and Economy report on 2006 expenditures - be removed from the agenda with the justification that the Budget Committee was not able to review the report prior to the debate because of the absence of the Minister of Finance and Economy at committee meetings. The President of the Assembly allowed parliamentary group leaders to express their opinions with regard to Ms. Hadërgjonaj's proposal and then called for a vote on Ms. Hadërgjonaj's proposal, which was rejected with majority of votes in opposition. Immediately after the vote, Mr. Gjergj Dedaj (For Integration/PLK) likewise requested to speak about the agenda stating that he had a proposal to make but the President of the Assembly did not allow him to do so reasoning that there could be no further discussion about the agenda as no proposal to amend the agenda had been submitted *in writing* prior to the session, and he proceeded with the next agenda item. Mr. Dedaj nevertheless insisted to speak about the agenda arguing that he had the right to speak about the agenda for two minutes. But the President of the Assembly did not allow him to speak and Mr. Dedaj walked out from the plenary hall as the sign of protest.

The new Rules 23.1-2 provide that "[t]he Presidency shall prepare a draft agenda for the upcoming Assembly session and make it immediately available to the Members of the Assembly. At the beginning of the session, the draft Agenda shall be deemed approved, unless one or more parliamentary groups or six (6) Members of the Assembly propose in writing to the President an amendment to the agenda (emphasis added), which should be put to a vote." The proposals of Mr. Gashi and SLKM, submitted in writing prior to the session, were made in compliance with new Rules. But, Mr. Bislimi, Ms. Hadri and Ms. Hadërgjonaj made verbal proposals, in accordance with the old Rule,⁴ which ceased to be in force in June 2006, and which allowed

⁴ The old Rule 23.1 provided that "[a]t the end of each session the President of the Assembly or another Member of the Presidency shall propose the agenda for the next session. This proposal shall be deemed approved, unless one or more parliamentary groups or . . . six Members object to it."

amendments to the agenda to be proposed verbally. Rule 22.7 provides that “[t]he discussion about the agenda shall not exceed two (2) minutes”. This provision cannot be interpreted as an isolated one, as argued by Mr. Dedaj at the 10 May plenary session, but as a part of the entire set of provisions of the Rules of Procedure. Therefore, the precondition for a Member to be allowed to present verbally his/her amendment to the plenary session agenda is to submit the same amendment *in writing* prior to the session, as requested by Rule 23.2, otherwise the agenda is considered approved and does not have to be discussed. Mr. Dedaj was not allowed to propose his amendment verbally, which was in compliance with Rule 23.2, but Ms. Hadërgjonaj, Ms. Hadri and Mr. Bislimi were nevertheless allowed to propose amendments verbally, which was not in compliance with Rule 23.2. The objective of the revision of agenda-setting provisions at the 1 June 2006 plenary session was to make the proceedings of the Assembly more effective and ordered, but, even after the revision of agenda provisions, Members have been allowed to propose verbally amendments to plenary session agendas⁵, as prescribed in the old Rule which is no longer valid. New provisions, which require that the amendments to plenary session agendas are proposed *in writing*, should be consistently adhered to, rather than selectively, in order to avoid confusion or discontent among Members of the Assembly.

- At the beginning of 16 March plenary session, on behalf of ORA parliamentary group, Ms. Fatmire Mulhaxha-Kollçaku proposed that the issue of vaccines, which were withheld at the customs a day earlier, be added as an urgent matter to the agenda of that day’s session. The President of the Assembly called for a vote on ORA’s proposal, which was rejected with majority of votes in opposition.

The President of the Assembly called for a vote on ORA’s proposal in compliance with Rule 29.2, which stipulates that “[t]he Assembly shall decide on the proposals of parliamentary groups regarding urgent matters”.

- At the beginning of 30 March plenary session, the Chairperson announced that Mr. Ramadan Kelmendi had a proposal to add as urgent matter to the agenda of that day’s session a discussion on illegal construction of apartment buildings in northern part of Mitrovicë/Mitrovica by the Government of Serbia and allowed Mr. Kelmendi to justify his proposal. The Chairperson asked for the opinions of parliamentary group leaders with regard to Mr. Kelmendi’s proposal, who supported the proposal in principle but reasoned that it was not so urgent as to discuss it at the session in question, adding that they needed to have information from the Government, municipality of Mitrovicë/Mitrovica and UNMIK on the matter before the discussion takes place in the Assembly. Thus, the Chairperson advised Mr. Kelmendi to submit his proposal through the Table Office.

Rule 29.1 provides that “[a]t any plenary session, any Member, in agreement with the President of the Assembly, may propose that the Assembly should immediately consider an urgent matter. If the President of the Assembly is satisfied that the matter merits the Assembly’s immediate attention, he/she shall permit the Member concerned to put his proposal to the Assembly, and then put it to a vote.” Thus, it was within the Chairpersons’s discretion to allow Mr. Kelmendi to present his proposal.

Debates

- At the 10 May plenary session, during the debate on primary and higher education, Mr. Alush Gashi (LDK) proposed that the time limit for Members’ statements should be reduced from ten to five minutes per each Member. Mr. Jakup Krasniqi (PDK) likewise supported Mr. Gashi’s proposal. The President of the Assembly therefore called for a vote on the proposal to limit the time of discussion from ten to five minutes per each Member, which was approved with majority of votes in favor and eight votes in opposition.

⁵ See Pillar III (OSCE) reports 01/2007, 07/2006, 06/2006 and 05/2006 on the monitoring of the Assembly of Kosovo, section entitled “Agenda”.

This was in compliance with Rule 22.7, which stipulates that “[a] discussion in the Assembly shall not exceed ten (10) minutes for each Member of the Assembly, if not otherwise decided by the Assembly (emphasis added).”

Chairing of plenary sessions

- At the beginning of 16 March plenary session, Mr. Gani Koci (PDK) proposed that the President of the Assembly should not chair the session in question adding that “he is doing it wrong”. The President of the Assembly called for a vote on Mr. Koci’s proposal, which was rejected with majority of votes in opposition. Mr. Hajredin Kuçi (PDK) then proposed that Mr. Sabri Hamiti (LDK), who was assisting the President of the Assembly in chairing the session, should step down, arguing that “he is influencing the proceedings of the Assembly”. Mr. Hamiti responded that he was carrying out his duty and that Mr. Kuçi should respect the Rules of Procedure.

Section 9.1.31 of the Constitutional Framework and Rule 8 provide that “[t]he President shall preside at meetings of the Assembly (emphasis added), call its sessions to order and perform other duties as specified in the Rules of Procedure.” It is a constitutional duty of the President to chair the sessions of the Assembly and he was therefore not obliged to call for a vote on Mr. Koci’s proposal. Similarly, Rule 10 provides that “[i]n chairing the sessions of the Assembly, the President shall be assisted by one of the members of the Presidency in accordance with the principle of rotation determined by the Presidency.” It is solely the right of the Presidency to decide which one of its Members will assist the President in chairing a plenary session.

Unparliamentary language

- At the 10 May plenary session, during the debate on primary and secondary education, Mr. Numan Balić (For Integration/SDA) proposed that there should be public debates on the inclusion of religious education in schools. Mr. Ymer Muhaxheri (LDK) made a comment,⁶ to which Mr. Balić replied that “I would ask the professor [Mr. Muhaxheri] not to interfere. You will soon go to grave, so I would recommend you to pray to God, your Creator [literal translation]”.⁷ At that point, the President of the Assembly switched off Mr. Balić’s microphone and asked him to withdraw his words. Mr. Balić did not withdraw his words.

The President of the Assembly’s intervention during Mr. Balić’s speech was in accordance with Rule 22.11, which stipulates that the President of the Assembly may direct any Member who has, in his or her opinion, used “unparliamentary language,” which is defined, among others, as “personal attacks or insults, or obscene language” to withdraw such words.

Distribution of Draft Legislation

- The Draft Law on Amending the Law No 2003/14 on Spatial Planning was distributed on 19 February, and the Draft Law on Habitation and Emplacement was distributed to Members of the Assembly on 26 February. Thus, the draft laws were distributed, respectively, 18 and 13 working days prior to their first reading at the 16 March plenary session. The Draft Law on Organic Farming was distributed on 19 March. Thus, the draft law was distributed 17 working days prior to its first reading at the 13 April plenary session. The Draft Law on Trade Societies was distributed on 17 April. Thus, the draft law was distributed 15 working days prior to its first reading at the 10 May plenary session.

The Draft Law on Habitation and Emplacement and Draft Law on Trade Societies were reviewed in first reading in compliance with the Rule 35.1, which requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. The Draft Law on Amending the Law No 2003/14 on Spatial Planning and Draft Law on Organic Farming were however reviewed in

⁶ Mr. Muhaxheri’s comment could not be heard from the observers’ gallery.

⁷ Mr. Balić made his comment in reference to Mr. Muhaxheri’s elderly age.

first reading slightly after three working weeks from the dates of their distribution. This represents an improvement over previous reporting periods, when most draft laws were reviewed in first reading well over three working weeks from the dates of their submission, but the Assembly is however still having difficulties reviewing incoming draft legislation according to the timeframe set forth in its procedural rules, despite the fact that it holds plenary sessions twice a month.

Legislative process

- The Draft Law on Protection from Noise was approved almost six months after its first reading on 9 October 2006. The Draft Law on Apiculture was approved over three months after its first reading on 14 December 2006. The Draft Law on Blood Transfusion was approved six months after its first reading on 9 October 2006. The Draft Law on Personal Name and the Draft Law on Personal Number were approved three months after their first reading on 11 January 2007. The Draft Law on Chemicals was approved almost four months after its first reading on 11 January 2007. The Draft Law on Prevention of Infectious Diseases was approved almost five months after its first reading on 22 December 2006.

Rule 35.6 provides that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading (emphasis added), unless an extension is approved by the Assembly.” The Assembly committees submitted their recommendations to all of the above-mentioned draft laws exceeding the deadline set forth in Rule 35.6, without asking the Assembly to extend the deadline. If Assembly wishes to increase the effectiveness of its legislative process, the committees should review and approve draft legislation in the timely manner, as required in the Rule above. Delays in reviewing and approving incoming draft legislation emphasize likewise the need for a better planning of the legislative agenda between the Assembly and the Government.

- At the 30 March plenary session, Mr. Alush Gashi stated that LDK supported the recommendation of the Committee on Judicial, Legislative and Constitutional Framework Matters to return the Draft Law on Martyrs Day to the Government as sponsor. He continued that the Government had likewise requested the withdrawal of the Draft Law in question from parliamentary procedure and reasoned that according to the Rules of Procedure the Government had the right to withdraw the draft law at any stage. On 21 March, the Committee on Judicial, Legislative and Constitutional Framework Matters proposed to return the Draft Law on Martyrs Day to the Government for further review. In its proposal, the Committee explained that the Draft Law on Martyrs Day was endorsed in principle at the 20 January 2006 plenary session, after which the Committee had organised a public hearing with the relevant stakeholders to discuss and agree upon fixing a date for Martyrs Day, but that no agreement had been reached due to the contradictions between stakeholders. On 8 May 2006, the Committee had requested from the Presidency to allow the Committee additional time to review the Draft Law, which was granted. But, an agreement with regard to the date for Martyrs Day could not be reached and the Committee decided to return the Draft Law to the Government for further review. The Assembly therefore approved the recommendation of the Committee on Judicial, Legislative and Constitutional Framework Matters to return the Draft Law on Martyrs Day to the Government for further review.

At the 10 May plenary session, the President of the Assembly urged the committees to start utilising Rule 35.7, which allows committees to review draft laws before their first readings, in order to make the legislative process more effective.

Under Rule 35.3, “[t]he sponsor may withdraw the draft law during the first reading, before the procedure of voting it in principle takes place (emphasis added).” The statement above that the sponsor has the right to withdraw the draft law at any stage is therefore incorrect. Moreover, by analogical interpretation, the Committee on Judicial, Legislative and Constitutional Framework Matters (Functional Committee) should have proposed to the Assembly to return the Draft Law

on Martyrs Day to the sponsor in accordance with Rule 35.3. As described in the paragraph above, Rule 35.6 stipulates that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading, unless an extension is approved by the Assembly (emphasis added).” After more than three months of review, the Functional Committee had asked the Presidency to approve an extension of time for the review of the Draft Law on Martyrs Day, but it is up to the Assembly to make such a decision, not the Presidency. The Functional Committee should have therefore asked the Assembly to approve an extension of time for the review of the Draft Law in question. As mentioned by the President of the Assembly, Rule 35.7 provides that “[t]he functional or main committee may review the draft law in principle even before the first reading of the draft law takes place in plenary session (emphasis added).” If the Functional Committee had reviewed the draft law in question before its first reading, as allowed by Rule 35.7, it would have had the opportunity to notice earlier the contradictions regarding the draft law and propose its return to the sponsor during the first reading, rather than making such a proposal fourteen months after its first reading. It is highly recommendable that the Assembly committees utilize the opportunity of reviewing draft laws before their first readings in order to make the legislative process more effective.

Interpellation

- On 1 March, ORA parliamentary group submitted an interpellation motion calling on Minister of Finance and Economy Haki Shatri to explain “his responsibility with regard to the permission for illegal purchase of armoured vehicle from different budgetary line.” In its motion, ORA furthermore stated that “the Assembly Investigative Committee concluded that the Ministry of Finance and Economy did not respect legal provisions by allowing the purchase of armoured vehicle by former President of the Assembly from the budgetary line allocated to renovation of the Assembly building. The Minister of Finance and Economy should therefore give explanations with regard to the implementation of the Law on Public Financial Management and Accountability.” On 5 March, the Presidency agreed without discussion to forward the interpellation motion to the Government. On 21 March, the Minister of Finance and Economy sent a letter to the Presidency stating that he was ready to respond to the interpellation. At its 27 March meeting, the Presidency scheduled the interpellation debate for the 30 March plenary session.

At the 30 March plenary session, Mr. Nazim Jashari (ORA) opened the interpellation debate with an objection to the application of procedural rules regarding interpellation. He argued that the Minister had not provided a timely reply to the interpellation motion as required by Assembly Rules of Procedure and that the Presidency should have included the interpellation for discussion at 16 March or 22 March plenary session without Minister’s reply. Minister responded that he had not tried to avoid the interpellation debate but asked the Presidency not to schedule the interpellation for discussion during the second week of March as he would be on official trip abroad. Several Members from various parliamentary groups delivered statements before the interpellation discussion was concluded by Mr. Jashari.

Under new Rules 25.5-6, “[a]s soon as the text of interpellation is received; the Presidency of the Assembly shall submit it to the Government, which is obliged to review it within seven (7) days. The interpellation shall be included in the Agenda within seven (7) days of receipt of the answer by the Government. If the Government does not reply to the request for interpellation, as foreseen in paragraph 5, it shall be placed as the last item on the agenda of the ongoing plenary session of the Assembly (emphasis added). If the Assembly is not in session, it shall be placed as the first item on the agenda for the next Assembly session.” The Minister of Finance and Economy provided his reply fifteen days after the interpellation motion had been submitted to him, exceeding the deadline foreseen in Rule 25.6. The Presidency was obliged to include the interpellation motion for discussion at the first plenary session, respectively on 16 March, after the expiry of seven days deadline for Minister’s reply. But, the Rule 25.8 provides that “[t]he

Prime Minister or minister to whom the request is addressed is obliged to present and argue the opinion of the Government regarding the issue raised by interpellation (emphasis added)”, and since the Minister stated that he had been abroad during the second week of March, when the 16 March plenary session was held, and not able to present the Government’s opinion at the session in question, the Presidency could have included the interpellation motion in the agenda of the 22 March plenary session, rather than delaying it for another week.

- On 11 April, PDK parliamentary group submitted an interpellation motion calling on Minister of Mines and Minerals Et’hem Çeku to explain the issuance of exploration license to “Kosovo Resource” Company by the Independent Commission for Mines and Minerals (ICMM). In its motion, PDK argued that “the ICMM has unjustly alienated the property of Trepça/Trepça mine in Draznjë/Dražnje by issuing this license. There are suspicions for conflict of interest and irregularities to have existed in issuing of this license.” At its 7 May meeting, the Presidency agreed to forward the interpellation motion to the Government.
- On 18 April, ORA parliamentary group submitted an interpellation motion calling on Prime Minister Agim Çeku to explain “the criteria for the selection by the Government of members to the boards of public enterprises.” In its motion, ORA reasoned that “since the boards have an important role in defining development policy and overseeing public enterprises, board members should be properly qualified as well as familiar with the work of such enterprises. The presentation of criteria for the selection of board members would therefore offer an overview of Government’s objectives with regard to the development of public enterprises.” At its 7 May meeting, the Presidency agreed to forward the interpellation motion to the Government.
The decision of the Presidency to forward the interpellation motion submitted, respectively, by PDK and ORA to the Government was in compliance with new Rule 25.5, according to which “[a]s soon as the text of interpellation is received; the Presidency of the Assembly shall submit it to the Government, which is obliged to review it within seven (7) days.”

Declaration in support to the UN Special Envoy’s proposal on the status of Kosovo

- At the 5 April plenary session, the President of the Assembly announced that the Unity Team, Assembly Presidency and parliamentary group leaders drafted a declaration in support to the UN Special Envoy’s comprehensive proposal on the status of Kosovo and read aloud the following text of the declaration “(a) the Assembly of Kosovo welcomes the UN Special Envoy’s final report on the status of Kosovo, presented by the UN Secretary-General at the Security Council on 26 March 2007, believing that its recommendations represent a fair and balanced settlement in accordance with the will of the people of Kosovo; (b) the Assembly of Kosovo is committed to implement fully the comprehensive proposal on the status of Kosovo and declares, under assumption that the proposal is acceptable for the Security Council, that its provisions will be legally binding for Kosovo; and (c) the Assembly of Kosovo welcomes the international civilian and security presence which will be established in Kosovo, as foreseen in the proposal, and pledges to cooperate with and support such a presence in any possible way as long as such an international civilian and security presence carries out its tasks set forth in the status proposal.” The President of the Assembly called for a formal vote on the declaration and announced that the declaration was unanimously approved with one vote in opposition. One-hundred and one Member of the Assembly were present at the plenary session.
This was in compliance with Rule 2, which states that a declaration is “a general policy statement voted upon and approved by the Assembly (emphasis added).”

Formation of new parliamentary group

- On 6 March, Mr. Lulzim Zeneli submitted a letter, “based on Rules 11.1-11.3 of the Rules of Procedure,” notifying the Presidency of the Assembly that he and the following Members of the Assembly had decided to form a parliamentary group entitled “Lidhja Demokratike e Dardanisë (LDD) - Democratic League of Dardania”: Mr. Nexhat Daci, Mr. Ramadan Kelmendi, Ms. Besa

Gaxherri, Mr. Milazim Haliti and Mr. Fadil Geci.⁸ Mr. Zeneli informed the Presidency that Mr. Kelmendi would serve as parliamentary group leader.

At the beginning of 16 March plenary session, Mr. Ramadan Kelmendi stated that the Presidency was informed on 6 March that the “LDD” had formed a parliamentary group and asked the President of the Assembly to inform the Assembly accordingly. The President of the Assembly responded that the Presidency would first ask OSCE to comment on the matter.

At the 30 March plenary session, Mr. Kelmendi asked again the Presidency to recognise the parliamentary group “LDD” in accordance with the Rules of Procedure. The Chairperson responded that the Presidency would soon consider the matter.

At the 10 April Presidency meeting, the President of the Assembly informed other members that the OSCE Head of Mission had sent a letter explaining that “[e]ven though the “LDD” is not yet a political party, according to the Assembly Rules of Procedure, Members have the right to establish separate parliamentary groups, if they have a common political aim and if the number of Members is at least six. Regarding the name issue, the new parliamentary group cannot be named “LDD” as, at the present moment, it is the name of an unregistered political initiative whose name may be in dispute.” The Presidency members supported the decision of six former LDK Members to form their own parliamentary group and agreed to functionalise it after the “LDD” political entity had been registered and name dispute resolved.

At the beginning of 27 April plenary session, Mr. Lulzim Zeneli made an objection that “LDD” was not yet recognised as a parliamentary group and added that he considered the issue was being deliberately dragged on. The Chairperson responded that the Presidency was not obstructing the recognition of “LDD” parliamentary group but that it was waiting for the registration process of the “LDD” political entity to be completed and name dispute resolved. He added that he believed the matter would be finalised at the next session.

On 7 May, the Presidency met with parliamentary group leaders to discuss the agenda of the upcoming plenary session. Mr. Kelmendi showed up at the meeting as he was apparently invited to attend the meeting as “LDD” parliamentary group leader. In reference to the above-cited letter sent by the OSCE Head of Mission, the President of the Assembly told Mr. Kelmendi that he could not attend the Presidency meetings arguing that his parliamentary group could not be called “LDD” until the political entity has been registered under that name. Mr. Kelmendi responded that his party was already registered by OSCE under the name “Lidhja Demokratike e Dardanisë (LDD)” and that the name dispute no longer existed. The President of the Assembly nevertheless reiterated that Mr. Kelmendi could not attend the meeting as he had not received any other letter from OSCE confirming that the “LDD” political entity had been registered. Mr. Kelmendi left the meeting and returned slightly later with copies of “LDD” registration certificates and delivered them to Presidency members.

At the beginning of 10 May plenary session, the President of the Assembly announced that a new parliamentary group called “Lidhja Demokratike e Dardanisë (LDD) - Democratic League of Dardania” had been formed.

Under Rule 11 (Chapter IV of the Rules of Procedure), any six or more Members of the Assembly may form a parliamentary group, based on a common political aim, and the parliamentary group shall inform the Presidency of the Assembly of the name of its leader and other members.⁹ Therefore, six former LDK Members had the right to form their own parliamentary group upon the communication of such a decision to the Presidency, but they could not be called “LDD” as that was the name of a still unregistered political entity, which had been disputed. “Democratic League of Dardania – Lidhja Demokratike e Dardanisë (LDD)” was registered under this name by OSCE on 18 April and the dispute regarding the

⁸ Six Members who decided to form “LDD” parliamentary group belonged to LDK parliamentary group.

⁹ See Rules 11.1 and 11.3: “The parliamentary group is a political formation that consists of no less than 5%, respectively 6 Members of the Assembly, on account of a common political aim . . . The name of the leader and members of the parliamentary group shall be communicated to the President and the Presidency of the Assembly in writing.”

party's name ceased to exist on that day. The formation of "LDD" parliamentary group could have been therefore announced at the plenary session held on 27 April and Mr. Kelmendi should have been likewise allowed to attend the 7 May Presidency meeting since the dispute regarding the name of the "LDD" political party had been already resolved.

Questions to the Government

- At the 16 March plenary session, nine out of twelve questions received responses. During the question period at the 16 March plenary session, Mr. Xhevat Bislimi (PDK) raised an objection that he had not received a response to a question which he had submitted to the Prime Minister four months ago. The President of the Assembly responded that Mr. Bislimi's question had been already included in agendas of two consecutive plenary sessions but the Prime Minister was not ready to provide a response, adding that the question would therefore be published in the Assembly bulletin.

At the 27 March Presidency meeting with the parliamentary group leaders, Mr. Alush Gashi (LDK) stressed that ministers must respond to Members' questions within the timeframe and that publication of questions that received no responses in the bulletin was not sufficient.

At the 30 March plenary session, five out of eight questions received responses. During the question period at the 30 March plenary session, Ms. Selviqe Halimi (PDK) received a response to her question by the Minister of Environment and Spatial Planning Ardian Gjini, but she criticised the Minister for delayed response to the question which she had submitted to him a month ago. At the 13 April plenary session, twelve out of 17 questions received responses. At the 27 April plenary session, all questions were postponed for the next plenary session as the Government could not participate at the session during the question period because it had a meeting with the UN SC Fact-Finding Mission members at that time. At the 10 May plenary session, eight out of 17 questions received responses. The President of the Assembly responded that questions that received no response within two plenary sessions would be published in the bulletin of the Assembly.

The question period was carried out by the Assembly in compliance with the new Rule 26 on "Questions to the Government for oral answers", which provides that the agenda of each session shall include a period up to 50 minutes for Members' questions to the Government, with one minute for the question, three minutes for the Minister's answer, one minute for a follow-up question, and two minutes for the response to the follow-up question.

Under new Rule 26.11, "[i]f a question has not been answered within two plenary sessions, the question will be published in the Bulletin of the Assembly." But the Assembly bulletin does not contain questions that have been submitted to the Government and therefore no pending question has ever been published.¹⁰ In parliamentary systems, questioning of ministers represents an important mechanism of scrutinising executive activities, thus it is required that the Assembly publishes in its bulletin questions of Members that had not received responses within the timeframe set forth in Rule 26.11, which could contribute to raising the accountability of the Government in relation to the Assembly.

3. Equal Access and Participation of Communities

- On 26 March, the Committee on the Rights and Interests of Communities submitted to the Presidency a proposal asking it to recommend to the Government to include the representatives of non-Albanian and non-Serb communities in the working groups for drafting of legislation. At its 10 April meeting, the Presidency approved the Committee proposal and forwarded it to the Office of Prime Minister. On 9 May, the Permanent Secretary in the Office of Prime Minister sent a letter to the Presidency informing that the Government agreed with the proposal of the Committee for Rights and Interests of Communities and asked the Assembly to provide a list of

¹⁰ See Pillar III (OSCE) reports 01/2007, 07/2006, 06/2006 and 05/2006 on the monitoring of the Assembly of Kosovo, section entitled "Questions to the Government".

legal experts belonging to non-Albanian and non-Serb communities, which would be invited by the Government to participate working groups for drafting legislation in the area of their respective expertise.¹¹

4. Access

During the reporting period, Pillar III (OSCE) received access to the plenary sessions, regular Presidency meetings, and Committee meetings. Pillar III (OSCE) also received copies of documents considered by the Assembly and transcripts of prior plenary sessions.

5. Transparency

Radio Television Kosovo (RTK) provided live coverage of the plenary sessions under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly of Kosovo has a website (www.assembly-kosova.org) containing biographical details of Members of the Assembly, information about the structure and functioning of the Assembly, copies of laws and resolutions adopted by the Assembly, along with other information, in Albanian, Serbian, and English.

6. Main recommendations

- The new Rules 23.1-2, which require that the amendments to plenary session agendas are proposed in writing, should be consistently adhered to in order to avoid confusion or discontent among Members of the Assembly.
- It is highly recommendable that the Assembly committees review draft legislation in the timely manner, as required in the Rule 35.6, and likewise utilize Rule 35.7, which allows committees to review draft laws before their first readings, in order to make the legislative process more effective.
- It is required that the Assembly publishes in its bulletin questions of Members that had not received responses within the timeframe set forth in Rule 26.11, which could contribute to raising the accountability of the Government in relation to the Assembly.

ENDS.

¹¹ This matter will be further followed up in the next report on the monitoring of the Assembly of Kosovo.