

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

**Pillar III (OSCE) Report 04/2006  
On the Monitoring of the Assembly of Kosovo  
20 May 2006 – 30 June 2006**

**Highlights**

- **Assembly adopts reforms in order to increase its efficiency and strengthen oversight of the Government, including some changes to Rules of Procedure**
- **With adoption of reforms, Assembly begins to hold regular Government question and answer sessions**
- **PDK and LDK members submit interpellation motions on the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War<sup>1</sup> and unregulated gravel mining**
- **After several months delay, Group for Integration members finally incorporated into Assembly functional committees**
- **Assembly asks UNMIK for clarification on appointment procedure for deputy ministers**

**1. Background**

This forty-sixth monitoring report is drafted in accordance with the Terms of Reference for UNMIK Pillar III for Institution Building (OSCE) Monitoring of the Assembly of Kosovo dated 26 November 2002 and is based on compliance with the Rules of Procedure adopted at the end of the plenary session on 20 May 2005, as amended at the plenary session on 1-2 June 2006 (see "Adoption of changes to the Rules of Procedure").<sup>2</sup>

During the reporting period, the Assembly held three regular plenary sessions, on 1-2 June, 15 June, and 29 June, and five Presidency meetings, on 25 May, 29 May, 12 June, 23 June, and 26 June. All Committees and the Subcommittee on Human Rights, Gender Equality, Public Petitions and Claims held meetings during the reporting period.<sup>3</sup> Pillar III (OSCE) monitored the plenary sessions and the Presidency meetings, as well as 31 out of 33 Committee meetings and three public hearings.<sup>4</sup>

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<sup>1</sup> Under the promulgating regulation (2006/29), the official name is the "Law on the Status and the Rights of the Families of Martyrs, Invalids, Veterans and Members of the KLA and of the Families of Civilian Victims of the Armed Conflict in Kosovo". For purposes of simplicity, and because the narrative reflects the discussion that took place in the Assembly, this report will refer to it as the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War.

<sup>2</sup> The amendments were adopted towards the beginning of the 1-2 June plenary session and therefore were not yet in force until that point.

<sup>3</sup> The Committee for Judicial, Legislative and Constitutional Framework Matters met on 29 May and 12, 14, 19 and 26 June while the Committee for Public Services, Local Administration and Media met on 6 June. The Budget Committee met on 25 May, and 7, 14 and 28 June while the Committee for the Rights and Interests of Communities and Returns met on 29 May, and 5 and 12 June. The Committee for Health, Labour, Social Welfare and Missing Persons met on 30 and 31 May, and 6, 13, 20 and 27 June while the Committee for Education, Science, Technology, Culture, Youth and Sports met on 24 May and 26 June. The Committee for International Cooperation and EU Integration met on 14 June while the Committee for Emergency Preparedness met on 29 May, and 8 and 27 June. The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning met on 23 May and 27 June while the Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications met on 22 and 30 May, and 6 and 19 June. The

## 2. Overview

**The 1-2 June plenary session of the Assembly of Kosovo** was chaired by President of the Assembly Kolë Berisha (LDK) and co-chaired by Mr. Xhavit Haliti (PDK).

- Seventy-six and 71 Members of the Assembly were present, respectively, on 1 and 2 June.<sup>5</sup>
- Main agenda items of the 1-2 June plenary session:
  - Proposal of reforms to improve the functionality of the Assembly and several related changes to the Rules of Procedure  
(The proposed changes to the Rules of Procedure were approved with 74 votes in favor and two votes in opposition. See “Adoption of changes to the Rules of Procedure”.)
  - Second reading of the Draft Law on the Opera, Ballet, and Philharmonic of Kosovo  
(The draft law was approved with 57 votes in favor and two votes in opposition.)
  - Second reading of the Draft Law on Protection against Natural Disasters and Other Disasters  
(The draft law was approved with 62 votes in favor and two votes in opposition.)
  - First reading of the Draft Law on amending the Law on Archives  
(The draft law was endorsed in principle with 66 votes in favor and one vote in opposition.)
  - First reading of the Draft Law on the Protection and Promotion of Breastfeeding  
(The draft law was endorsed in principle with 61 votes in favor and nine votes in opposition.)
  - First reading of the Draft Law on Geological Research  
(The draft law was endorsed in principle with 72 votes in favor and one vote in opposition.)
  - Endorsement of the appointment of Mr. Altay Suroy as Deputy Minister of Justice  
(The agenda item was postponed. See “Appointment of Deputy Ministers”.)
  - Proposal to increase the number of members of functional committees  
(The proposal was approved with 68 votes in favor and six votes in opposition. See “Appointment of new Committee members”.)
  - Review of the 2005 Kosovo Consolidated Budget Report  
(The report was approved with 52 votes in favor and 21 votes in opposition.)

**The 15 June plenary session of the Assembly of Kosovo** was chaired by President of the Assembly Kolë Berisha (LDK), and co-chaired by Mr. Sabri Hamiti (LDK).

- Seventy-three Members of the Assembly were present at the 15 June plenary session.

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Subcommittee for Human Rights, Gender Equality and Public Petitions and Claims met on 13 and 28 June. The Committee for Health, Labour, Social Welfare and Missing Persons held a public hearing on the Draft Law on Termination of Pregnancy on 24 May. The Committee for Budget and Finance held a public hearing on the Draft Law on Deterrence of Money Laundering on 13 June. The Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications held a public hearing on the Draft Law on Geological Research in Kosovo on 19 June.

<sup>4</sup> The Committee for Judicial, Legislative and Constitutional Matters on 29 May, and 12, 14, 19 and 26 June; the Committee for Public Services, Local Administration and Media on 6 June; the Budget Committee on 25 May, and 7, 14 and 28 June; the Committee for the Rights and Interests of Communities and Returns on 29 May, and 5 and 12 June; the Committee for Health, Labour, Social Welfare and Missing Persons on 30 and 31 May, and 6, 13, 20 and 26 June; the Committee for Education, Science, Technology, Culture, Youth and Sports on 24 May and 26 June; the Committee for Emergency Preparedness on 29 May and 8 and 27 June; the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning on 23 May; the Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications on 22 and 30 May, and 6 and 19 June; the Committee for International Cooperation and EU Integration on 14 June; the Subcommittee for Human Rights, Gender Equality and Public Petitions and Claims on 28 June; the public hearing of the draft law on Termination of Pregnancy on 24 May; the public hearing of the draft law on deterrence of money laundering on 13 June; and the public hearing of the draft law on geological research in Kosovo on 19 June.

<sup>5</sup> Unless otherwise indicated, the figure given is the one announced by the President of the Assembly or Chairperson at the beginning of the day. The number present varies throughout the day; for instance, at least ninety Members were present at a later point during the session on 1 June.

- Main agenda items of the 15 June plenary session:
  - Second reading of the Draft Anti-Defamation Law  
(The draft law was approved with 63 votes in favor, one vote in opposition, and one abstention.)
  - Second reading of the Draft Law on Hydrometeorological Activities  
(The draft law was approved with 67 votes in favor and one vote in opposition.)
  - Second reading of the Draft Law on Energy Efficiency  
(The Assembly decided, with 45 votes in favor, 25 votes in opposition, and three abstentions, to postpone the second reading of the draft law in order to allow for further consultation with the Government.)
  - First reading of the Draft Law on amending the Law on Standardization  
(The draft law was endorsed in principle with 58 votes in favor and one vote in opposition. See the first point under “Voting Process”.)
  - First reading of the Draft Law on Financial Reporting of Enterprises  
(The draft law was endorsed in principle with 68 votes in favor and two votes in opposition.)
  - Response of the Prime Minister to the interpellation regarding the Law on the Rights of KLA War Veterans, Martyrs’ Families, and Civil Victims of the War  
(See “Interpellation”.)
  - Review of the proposal for the appointment of the fifth member of the Independent Media Commission (IMC) Council  
(The item was removed from the agenda. See the first item under “Agenda”.)
  - Review of the proposed selection procedure for the Ombudsperson of Kosovo  
(The proposal was approved with 68 votes in favor and five votes in opposition.)
  - Questions to the Government

**The 29 June plenary session of the Assembly of Kosovo** was chaired by President of the Assembly Kolë Berisha (LDK) and co-chaired by Mr. Gazmend Muhaxheri (ORA).

- Seventy-nine Members of the Assembly were present at the 29 June plenary session.
- Main agenda items of the 29 June plenary session:
  - Farewell address of SRSG Jessen-Petersen to the Assembly
  - Questions to the Government
  - First reading of the Draft Law on Fishery and Aquaculture  
(The draft law was endorsed in principle with 63 votes in favor and one vote in opposition.)
  - First reading of the Draft Law on Public Procurement in Kosovo  
(The Assembly decided, with 44 votes in favor and 13 votes in opposition, to return the draft law to the Government with the instruction that it should be resubmitted in the form of amendments to the existing law.)
  - Second reading of the Draft Law on the Publication of School Textbooks, Educational Teaching Resources, Reading Materials, and Pedagogical Documentation  
(The draft law was approved with 66 votes in favor and no votes in opposition.)
  - Review of the report regarding the UNMIK OLA comments on the Law on Copyright and Related Rights (2004/45), adopted on 27 September 2004  
(The Assembly approved the proposed amendments to the law with 58 votes in favor and no votes in opposition.)
  - Review of the 2005 annual report of the Public Procurement Regulatory Commission (PPRC)  
(The Assembly approved the report, with a few critical comments, with 45 votes in favor and 16 votes in opposition.)
  - Interpellation of Minister of Environment and Spatial Planning Gjini at the request of Assembly Member Naser Osmani and ten LDK members

- Endorsement of new appointments from LDK, PDK, and Group for Integration to Assembly functional committees  
(The item was added to the agenda at the beginning of the session. The appointments were endorsed *en bloc* with 55 votes in favor and five votes in opposition.)

### 3. Parliamentary Practices and Proceedings of Assembly Sessions

#### Adoption of changes to the Rules of Procedure

- At the beginning of the 1-2 June plenary session, after the agenda had been adopted, the President of the Assembly reminded Members that, upon being elected President, he had publicly resolved to make the Assembly more democratic and to help it approach the parliamentary standards of more advanced countries. He then introduced the comprehensive reform plan that had been developed for the Assembly, which included a calendar for the remainder of 2006, with scheduled dates for plenary sessions two to three times per month and regular meetings with parliamentary group leaders and committee chairpersons, as well as the Assembly Standards Plan, which makes provisions for regular periods for questions to the Government, regular interpellations, technical support to the committees, draft budget initiated by the Budget Committee and adopted by the Presidency, and public access to documents. The President of the Assembly remarked that most of these reforms could be made within the framework of the current Rules of Procedure but that a limited number of provisions would need to be modified, such as those regulating the adoption of the plenary session agenda, questions to the Government, and interpellations. The LDK, PDK, AAK, ORA, 6+, and For Integration parliamentary group leaders all spoke in favor of the reforms, stating that they would make the work of the Assembly more efficient and would strengthen the Assembly's oversight of the Government. Mr. Gani Koci (PDK) raised an objection to the fact that the proposed changes to the procedural rules had not been reviewed first by the ad-hoc Committee on the Rules of Procedure, stating that he was in favor of the changes in principle but believed that additional changes to the Rules of Procedure should be considered. The President of the Assembly responded that every Assembly Member has the right to propose amendments to the Rules of Procedure and proceeded to call the Assembly to vote on each of the four proposed changes. Once each proposed change was approved, he called the Assembly to vote on the proposal in its entirety; it was adopted with 74 votes in favor and two in opposition.

*Rule 3.4 provides that the Assembly shall establish an ad hoc Committee on the Rules of Procedure at its inaugural session or at a meeting thereafter. "The Committee shall prepare draft Rules of Procedure and present them to the Assembly for consideration and approval. The Rules of Procedure to be adopted must be consistent with the provisions of the Constitutional Framework for Provisional Self-Government." The Rules do not stipulate that the committee must be involved in later amendments of the procedural rules. Under Rule 58, "[t]he Presidency shall keep the Rules of Procedure under review and may from time to time propose to the Assembly amendments that it considers necessary. Any Member supported by at least ten (10) other Members, may submit a proposal to the Presidency of the Assembly to amend the Rules of Procedure. The decision to amend the Rules of Procedure shall be made by the Assembly with the majority of votes of the Members of the Assembly. Until the new rules of procedure are adopted the Assembly shall act pursuant to the previous rules." The Rules of Procedure were therefore amended in compliance with the relevant provisions of the procedural rules. If it so chooses, the ad hoc Committee on the Rules of Procedure, which has not met since its final deliberations in January 2005 on drafting new procedural rules, may reconvene at any time to likewise propose changes to the procedural rules.*

#### Agenda

- The President of the Assembly presented the agenda of the 1-2 June plenary session for approval at the beginning of the session in question, with a proposal to add two more items: the

expansion of Assembly functional committees by two additional members each, and the introduction of the proposal of reforms to improve the functionality of the Assembly and several related changes to the Rules of Procedure. The amended agenda was approved with a formal vote.

The Chairperson presented the 15 June plenary session agenda for approval at the beginning of the session. Mr. Ibush Jonuzi (LDK), chair of the Committee on Economy, Trade, Industry, Energy, Transport and Telecommunications, requested that the second reading of the Draft Law on Energy Efficiency should be postponed in order to allow further consultation with the Government. Mr. Gani Koci (PDK) expressed his parliamentary group's objections to the proposal before it was put to the vote. The Assembly voted, with 45 Members in favor and 25 in opposition, to postpone the agenda item. Mr. Alush Gashi (LDK) commented that the Assembly had not received any information about the candidate to be appointed as the fifth member of the IMC Council and requested an explanation or the postponement of the agenda item. The Chairperson responded that the Presidency had decided earlier to propose the candidate, having learned in the meantime that he might have a conflict of interests, but nonetheless proposed that his appointment not be removed from the agenda until his status was clarified. Mr. Fehmi Mujota (PDK) stated that his parliamentary group supported the statement of Mr. Gashi, adding that the fifth IMC Council member should be selected by the Assembly in an *open manner*, implying, among other things, that biographical information should be made available, and that the Assembly should ascertain whether the candidate meets all of the criteria set forth, quite explicitly, in the law. A majority of Members present voted in favor of postponing the agenda item. Mr. Xhavit Haliti (PDK) likewise commented on the importance of the IMC Council and the need to give serious thought to the appointment process. Mr. Jakup Krasniqi (PDK) stated that, several weeks earlier, his parliamentary group, with at least forty signatures in support, had requested not only a discussion of the situation at the University but also a more general discussion of education in Kosovo. PDK had been told that the topic of education in Kosovo would be discussed at a later plenary session, he recalled, but it had not been included in the agenda of either of the two plenary sessions following the 12/15 May session, when the recent developments at the University were discussed. The Chairperson responded that the Presidency would discuss the issue.

The Assembly voted at the beginning of the 29 June plenary session to add to the agenda the endorsement of LDK, PDK, and Group for Integration appointments to functional committees.

*The previous Rule 23.1<sup>6</sup>, which required that the agenda for any plenary session shall be proposed by a Member of the Presidency and approved by the Assembly at the end of the previous session, was still applicable when the agenda for the 1-2 June plenary session was approved, since the four amendments to the Rules of Procedure (see previous section) were approved only afterwards. The agenda was therefore not presented in accordance with the procedural rules in force at that time, as has been the case with several previous sessions.<sup>7</sup>*

*The relevant provisions adopted later that day, which replace the above provision, are as follows: "The 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, which should be put to a vote" (new Rules 23.1-2). The rules in force when the 15 and 29 June plenary session agendas were adopted require the agenda to be adopted only at the beginning of the session in question. The 15 and 29 June plenary session agendas were therefore adopted in compliance with the Rules.*

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<sup>6</sup> "At 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."

<sup>7</sup> See Pillar III (OSCE) Report 03/2006 on the Monitoring of the Assembly of Kosovo.

### Procedural motions

- At the beginning of the 15 June plenary session, Mr. Emrush Xhemajli (LPK) proposed that the Assembly should suspend its proceedings until the recently arrested Vetëvendosje demonstrators were released. As he began to elaborate on his statement, his microphone was cut off. The Chairperson stated that the Assembly was in the process of discussing the agenda and that Members wishing to speak about the agenda are accorded only one minute. Mr. Xhemajli's proposal was not voted upon, but rather the Assembly continued to discuss the agenda for that day. Mr. Hydajet Hyseni (PDK) stated that he wished to challenge the application of the Rules of Procedure, citing Rule 30.1(e)<sup>8</sup>, and asserting that statements related to the agenda are allowed to last up to *two* minutes under Rule 22.7. Mr. Hyseni likewise raised an objection that Mr. Xhemajli's proposal to suspend the proceedings of the Assembly had not been put to a vote. The Chairperson responded that he himself had not decided on the time limit but that it was laid down in the procedural rules adopted by the Assembly. He did not comment on the assertion that the proposal should have been put to the vote.

On 23 June, Mr. Xhemajli submitted a motion to the Committee on Judicial, Legislative and Constitutional Framework Matters claiming that his rights under Rules 30.1(b) and 30.2 had been violated, in that he was allowed to speak only one minute and his proposal was not put to a vote.<sup>9</sup>

*Rule 30.1(b) and 30.2 provide that "[a]t any plenary session of the Assembly, a member is entitled to propose [a procedural motion] to . . . adjourn the session . . . A motion to adjourn the session shall require an immediate vote, without debate."*

*Rule 22.7 provides that "[i]f not otherwise decided by the Assembly, a discussion in the Assembly shall not exceed ten (10) minutes for all Members of the Assembly. The discussions about the agenda shall not exceed two (2) minutes." Mr. Xhemajli's proposal to suspend the proceedings of the Assembly was not a statement about the agenda but rather a procedural motion as defined in Rules 30.1(b) and 30.2. The Rules of Procedure do not make explicit mention of a time limit for procedural motions. Mr. Xhemajli's statement was cut off after one minute, under a mistaken assumption that he was speaking about the agenda, and with an incorrect assertion that statements about the agenda may last only one minute. Rule 30.2 provides that Mr. Xhemajli's proposal to suspend Assembly proceedings should have been put to "an immediate vote, without debate".*

### Distribution of Documents

- The Draft Law on Amending the Law 2003/7 on Archive Material and Archives and the Draft Law on the Protection and Promotion of Breastfeeding were distributed on 28 April; and the Draft Law on Geological Exploration was distributed on 3 May. Thus, the draft laws were distributed, respectively, 22 and 20 working days prior to their first reading at the 1-2 June plenary session. The Draft Law on Amending the Law 2004/12 on Standardization was distributed on 11 May and the Draft Law on Financial Reporting of Enterprises was distributed on 16 May. Thus, the draft laws were distributed, respectively, 24 and 21 working days prior to its first reading at the 15 June plenary session. The Draft Law on Fishery and Aquaculture was distributed on 30 May and the Draft Law on Public Procurement was distributed on 8 June. Thus, the drafts laws were distributed, respectively, 21 and 14 working days prior to their first reading at the 29 June plenary session.

*Rule 35.1 requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. Most draft laws during the reporting period were reviewed in first reading well after three working weeks from the dates of their distribution. The Assembly is still having some difficulties reviewing*

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<sup>8</sup> "At any plenary session of the Assembly, a member is entitled to propose [a procedural motion] to . . . challenge whether or not the rules of procedure have been violated."

<sup>9</sup> The Committee review of Mr. Xhemajli's motion fell outside of this reporting period and will therefore be covered in the next monitoring report.

*incoming draft legislation according to the timeframe set forth in its procedural rules, despite the fact that it has begun to hold plenary sessions more frequently.*

### Voting Process

- During the second reading of the Draft Anti-Defamation Law at the 15 June plenary session, Mr. Nazim Jashari (ORA) noted that the total number of announced votes on amendments was only 57 and asked the Chairperson to confirm that a quorum was present. The Chairperson stated that 62 Members were present but some were abstaining and “had the right to do so”. Later during the same session, as the Assembly voted on the Draft Law on amending the Law on Standardization in first reading, Mr. Jashari pointed out that a quorum was not present during the voting. The President of the Assembly called on administrative staff to count the number of Members present in the hall and, having determined that only 60 were present, declared the vote on the first reading of the draft law invalid and called on Members to return to the hall. Once a quorum was present, he called the Assembly to vote once more on the draft law and it was adopted with 58 votes in favor and one in opposition.<sup>10</sup> At the 29 June plenary session, the President of the Assembly ascertained that a quorum was not present when it was time to vote on the 2005 annual report of the PPRC, so he called on Members to return to the plenary hall. After several Members had returned, he announced that 64 Members were present and called the Assembly to vote. A quorum was present for all other voting at the plenary sessions under review.

*This was in compliance with Section 9.1.32 of the Constitutional Framework and Rule 31.1, which provide that a majority of the Members of the Assembly must be present in order for decisions to be taken.*

- During the second reading of the Draft Law on the Opera, Ballet, and Philharmonic of Kosovo, after an overwhelming majority of Members present had voted in favor of each of the first seven of a long list of amendments, Mr. Sabri Hamiti (LDK) proposed that the remainder of the amendments should be voted upon *en bloc*, stating that the Rules of Procedure allow such a manner of voting “if there are no objections from the committee.” The President of the Assembly responded that he agreed with the point Mr. Hamiti had made, but the Rules did not allow such a method of voting. Mr. Jakup Krasniqi (PDK) stated that the Assembly nonetheless had the authority to use a different voting procedure if it reached an agreement to do so. The President of the Assembly stated that on the basis of the two proposals, he would ask the Assembly to vote on whether to make the remainder of the amendments proposed to the draft law in question subject to a single vote. Forty-seven Members voted in favor of the procedure, four voted in opposition, and ORA parliamentary group walked out of the plenary hall, stating that the proposed procedure was a violation of the Rules. The remainder of the amendments were adopted *en bloc* with a majority of votes in favor.

During the second reading of the Draft Law on Protection against Natural Disasters and Other Disasters, the LDK, PDK, and AAK parliamentary group leaders all stated that their groups had no objections to any of the amendments. The President of the Assembly stated that the Assembly would therefore vote on the amendments *en bloc*. The amendments were adopted with a majority of votes in favor.

*Rule 37.2 provides that “[a]mendments shall be considered individually in the order in which they arise in the text of the draft law, unless a group of amendments have an impact on other articles. In such case they can be considered where they first arise in the text, and may be the subject of a single vote. It shall be for the President of the Assembly to decide where this applies. The lead committee shall also determine the order in which amendments should be considered pursuant to their substantial nature when they arise at the same place in the text.” The argument that was made during the second reading of both laws was not that the*

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<sup>10</sup> As noted by the Chairperson earlier in the session, Members frequently abstain from voting and the total number of votes is therefore sometimes less than 61, despite the presence of a quorum.

*amendments all have an impact on each other, but that there appeared to be no significant objection to any of the amendments within the Assembly. Rule 37.2 therefore makes no provision for voting on amendments en bloc in a case such as that of the Draft Law on the Opera, Ballet, and Philharmonic of Kosovo or the Draft Law on Protection against Natural Disasters and Other Disasters.*

*Rule 61 provides that “[d]epartures from the provisions of the Rules of Procedure may be decided upon the decision of two-thirds of the Members of the Assembly present, unless such a departure is incompatible with provisions of the Constitutional Framework.” A decision to vote upon amendments en bloc would not have violated any provision of the Constitutional Framework and therefore could have been taken by the Assembly under Rule 61, provided that the proposal received the support of two-thirds of the Assembly Members present. In future cases, when the Assembly wishes to depart temporarily from the Rules of Procedure, such a proposal should be framed in the context of Rule 61.*

### Appointment of Deputy Ministers

- When the Assembly reached the agenda item “Endorsement of the appointment of Mr. Altay Suroy as Deputy Minister of Justice” on 1 June, Mr. Džezair Murati (6+/Vakat) requested that the item be postponed until the next day because the number of Assembly members present at that time was “insufficient”, adding that he had reached an agreement on the postponement with some of the other parliamentary group leaders. The Chairperson replied that 79 Assembly members were present, disagreeing with the assertion that there were not enough Members present to proceed with the agenda item, but he stated that it was for the Assembly to decide whether to postpone the item. Mr. Jakup Krasniqi (PDK) proposed that the item should be removed from the agenda altogether, arguing that deputy ministers are not supposed to be voted upon by the Assembly and that their appointment is an internal issue of the Government. Mr. Alush Gashi (LDK) and Ms. Gjylnaze Sylja (AAK) agreed on behalf of their parliamentary groups that the item should be postponed until the next day. The Prime Minister, who was present at the session at that time, indicated to the Chairperson that he agreed with the proposal of Mr. Krasniqi not to make the appointment of deputy ministers subject to a vote by the Assembly.

The next day, the session continued, with the Chairperson stating that he had received many comments in the meantime regarding the appointment of deputy ministers. The Chairperson emphasized that the Assembly’s rules of procedure and the relevant UNMIK regulation foresaw that deputy ministers should be voted upon by the Assembly but reiterated his belief that their appointment should be an internal matter of the Government and asked parliamentary group leaders for their opinions.

Mr. Alush Gashi (LDK) stated that the Assembly had already established a practice of voting upon deputy ministers but he personally was not certain of the most appropriate method for their appointment. He added that he found the PDK proposal to leave the appointment entirely to the Government very constructive but suggested that there should be consultations with the SRSG as to the appropriate procedure. If the SRSG did not agree with the proposal, he said, the Assembly should vote on the candidate at the next session. Ms. Gjylnaze Sylja (AAK) stated that her parliamentary group supported the proposal of Mr. Gashi to consult with the SRSG on the issue. Mr. Naim Maloku (AAK) stated that he had been involved with the drafting of the regulation on the Ministry of the Interior and encouraged the Assembly to take a formal vote on the appointment of the deputy minister. Ms. Teuta Sahatqija (ORA) cited Rule 18.3 (see section below), stating that the Assembly should respect its procedural rules by voting on the candidate, otherwise it should amend the Rules if members didn’t agree with the provision in question. Mr. Gjergj Dedaj (Group for Integration) stated that the Assembly had voted on deputy ministers in the past and therefore should not change its practice. Mr. Nazim Jashari reiterated the statement of Ms. Sahatqija and recognized that the governing coalition did not want to vote on the candidate that day since he would most likely not receive the necessary 61 votes to be endorsed,

but he argued that any proposal to postpone an agenda item must be put to a vote. The Chairperson concluded, on the basis of the statements that had been made, that the item should be postponed until the next session and contended that it was not necessary to vote on the postponement because the governing coalition, who had put forward the candidate, were withdrawing their proposal for that day. There was no further objection to the postponement of the item beyond that expressed by ORA.

*Rule 18.3 provides that “[t]he Government of Kosovo, consisting of the candidate for Prime Minister, Deputy Prime Minister and the candidates for Ministers and Deputy Ministers, is elected where the candidates obtain the votes of a majority of the Members of the Assembly. The Assembly shall decide on the voting method for the election of the Government.” Section 1.2.1 of UNMIK Regulation 2005/15 amending UNMIK Regulation 2001/19 provides that “[t]he Deputy Prime Minister and Deputy Ministers shall be appointed by the Prime Minister upon the endorsement of the candidate concerned by the Assembly of Kosovo. The election of Ministers is regulated in the Constitutional Framework by Section 9.3.8, which provides that, “[f]ollowing Assembly elections, or if the Prime Minister resigns or his office becomes vacant for another reason . . . the Prime Minister shall be elected together with the Ministers by a majority of the members of the Assembly”. The Constitutional Framework does not contain a provision explicitly regulating the role of the Assembly in the appointment of individual Ministers or Deputy Ministers<sup>11</sup>. On 26 June, the Presidency sent to the UNMIK Office of the Legal Adviser a request for legal interpretation of the UNMIK regulations relevant to the appointment of the Deputy Minister.<sup>12</sup>*

### Interpellation

- At the 15 June plenary session, the President of the Assembly reminded Members that, under the amended provisions of the Rules of Procedure adopted at the previous plenary session, the parliamentary group proposing the interpellation debate had the right to open the debate with a ten-minute statement and to close the debate with a five-minute statement, while the time allocation throughout the remainder of the debate would reflect each parliamentary group’s representation in the Assembly. Mr. Jakup Krasniqi (PDK) opened the interpellation debate by asserting that the changes made to the Law on the Rights of KLA War Veterans, Martyrs’ Families, and Civil Victims of the War after its adoption represented an abuse of authority on the part of the SRSG and the Prime Minister, who “has the competence to implement the law, but not to sign it.” Prime Minister Agim Çeku stated that he had explained the issue fully in the press and in a letter to the Presidency of the Assembly, but that he would explain it again before the Assembly, out of respect for the principle of transparency. The Prime Minister stated that it had been the idea of the SRSG for him to sign the law, merely as a *symbolic gesture*, due to the importance of the law. He stressed that he was informed about the changes to the law only after it had been signed and immediately asked the SRSG for an explanation. He continued that the issue was currently under review within the UN Legal Office in New York, and that he accepts the Law only in the form that was adopted by the Assembly. Several Members from various parliamentary groups made statements before the debate was concluded by Mr. Krasniqi. At the 29 June plenary session, Mr. Naser Osmani (LDK) introduced his interpellation on illegal and unregulated gravel mining. Minister of Environment and Spatial Planning Ardian Gjini (AAK) gave a response, followed by statements of several Members from different parliamentary groups and a final response from Minister Gjini. Mr. Osmani requested the floor to conclude the debate, but the Chairperson proceeded to the next agenda item without recognizing Mr. Osmani’s request. Mr. Osmani did not make further attempts to speak.

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<sup>11</sup> The position of deputy minister did not exist within the PISG at the time that the Constitutional Framework was drafted.

<sup>12</sup> UNMIK OLA sent to the President of the Assembly the requested legal interpretation on 5 July. This falls outside of the reporting period in question and will therefore be covered in the next Report on the Monitoring of the Assembly of Kosovo.

*Under new Rule 25.7, the parliamentary group that has proposed the interpellation debate “has the right to close the debate [with a statement] not exceeding five (5) minutes”. Accordingly, Mr. Osmani should have automatically been granted the floor at the end of the interpellation debate on 29 June.*

#### Questions to the Government

- After the interpellation at the 15 June plenary session, The President of the Assembly reminded Members that, under the amended provisions of the Rules of Procedure adopted at the previous plenary session, up to 50 minutes of each plenary session would be dedicated to 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. Out of seven questions scheduled for the 15 June session, only two were answered; the other five questions received no response due to the absence of the corresponding ministers. On behalf of LDK, Mr. Alush Gashi called on all ministers to be present at upcoming sessions to answer the questions that they had received, recalling that the governing coalition had resolved to be a “responsible majority”. Mr. Sabri Hamiti (LDK) pointed out that it was the first time the new rule was being implemented and there might be a need for further clarification of the procedures. At the 29 June plenary session, Ministers responded to ten out of 14 questions. In each case when a question did not receive a response, the President of the Assembly informed the Assembly that it would be repeated at the next plenary session. Mr. Emrush Xhemajli (LPK) announced a question to the Government at the 29 June session but had not submitted it in writing prior to the session. The President of the Assembly responded that if the Minister was prepared to answer the question on the spot, he could do so, but that the question would otherwise be postponed for the next session. No response was given to Mr. Xhemajli’s question at that session.

*The question period was carried out by the Assembly in compliance with the new Rule 26, on “Questions to the Government for oral answers”. In the case of Mr. Xhemajli’s question, which was announced only verbally at the 29 June session, it must still be submitted in writing to the Table Office at least 48 hours prior to the next plenary session in order to receive a response.*

#### **4. Equal Access and Participation of Communities**

##### Appointment of new Committee members

- At its 25 May meeting, the Presidency once more considered the request of Group for Integration to be included in Assembly committees.<sup>13</sup> After much discussion on how to grant the request without “disturbing the political balance” in the committees, the Presidency eventually agreed to consider an ORA proposal to increase the number of members in each functional committee from twelve to 14, stipulating however that parliamentary group leaders should be consulted regarding the proposal as well. At the 29 May consultative meeting of Presidency and parliamentary group leaders, Ms. Teuta Sahatqija introduced the proposal on behalf of ORA. After a fair amount of discussion, Presidency members and parliamentary group leaders agreed on the proposal, more specifically, that one opposition member and one governing coalition member should be added to each of the eight functional committees. The precise allocation of seats was as follows: six for Group for Integration, two PDK, five LDK, and three AAK.<sup>14</sup> Mr. Gjergj Dedaj objected to the proposal on behalf of Group for Integration, insisting that his parliamentary group should be represented on *all* functional committees. Mr. Naim Maloku (AAK) proposed that LDK could take all eight committee seats allocated to the governing

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<sup>13</sup> Group for Integration first submitted such a request several months earlier. See Pillar III (OSCE) Reports 02/2006 and 03/2006 on the Monitoring of the Assembly of Kosovo.

<sup>14</sup> The allocation as listed – six GfI, two PDK, five LDK, and three AAK – is not proportionate to their representation in the Assembly as a whole but rather was intended to correct prior discrepancies in each parliamentary group’s committee representation.

coalition, reasoning that AAK was already represented sufficiently on the committees.<sup>15</sup> At the 1-2 June plenary session, in introducing the proposal to the Assembly, the Chairperson stated that PDK was prepared to make a sacrifice by receiving only two committee seats in order to reach an agreement on the inclusion of Group for Integration, “even though it is already represented in five committees”. Mr. Dedaj responded that until now, members of his parliamentary group belonged only to the Committee on the Rights and Interests of Communities, and he stated that he found it incomprehensible that it took six months for the group to be incorporated into the functional committees. Mr. Dedaj emphasized that Group for Integration would continue to insist on membership in all functional committees, but that they would accept the proposal currently under discussion as a first step towards wider inclusion. The proposal was endorsed with 68 votes in favor and six votes in opposition.

At its 12 June meeting, the Presidency reviewed a request of Group for Integration for its proposed new committee members to be formally endorsed by the Assembly. The Director of the Assembly’s Department of Legal and Procedural Support explained that to date, only the proposal to expand the committees had been endorsed; the names of new committee members remained to be voted upon. After a brief discussion, the Presidency concluded that the Group for Integration members should be endorsed together with the names of the new committee members from LDK and PDK, which had not yet been submitted. A similar discussion ensued at the 26 June Presidency meeting, when it was decided that all new committee members would be voted upon at the upcoming session on 29 June if LDK and PDK submitted its proposals in time. All names of proposed new committee members were indeed submitted prior to the 29 June plenary session, so the item was included in the agenda.

Towards the beginning of the session, Mr. Alush Gashi and Mr. Jakup Krasniqi presented the names of proposed new committee members from LDK and PDK, respectively.<sup>16</sup> Ms. Teuta Sahatqija (ORA) stated that her parliamentary group supported the proposals of LDK, since it is the right of each parliamentary group to propose its own committee members, but she called attention to the nomination of Mr. Behxhet Brajshori (LDK), pointing out that under Rule 42.1, Ministers are prohibited from being members of Assembly committees, and arguing that the same principle should apply to Deputy Ministers. The proposals were scheduled to be voted upon only at the end of the plenary session, so no further discussion took place at that time. Later, as the Assembly was preparing to vote on the proposals, Mr. Gashi declared that LDK had decided to propose Mr. Ilmi Ahmeti in place of Mr. Brajshori, recognizing that his appointment to a committee could be considered a conflict of interests. Mr. Ferid Agani (Group for Integration) commented that it had taken an extremely long time for his group to be incorporated into the functional committees, but he was glad that committee membership had finally been achieved. The new committee appointments from LDK, PDK, and Group for Integration were endorsed.

*As noted earlier in this report and in previous reports, the Group for Integration first submitted a request to be included in functional committees several months earlier. The request was granted only after several months of discussion at plenary sessions and Presidency meetings and two more written requests from Group for Integration. Even after the Assembly adopted a proposal to expand the committee size in order to incorporate Group for Integration members “without disturbing the political balance” in the committees, the actual endorsement of the new Group for Integration members in six committees was delayed a further four weeks, or two plenary sessions, with the justification that all new committee members (Group for Integration, LDK, and PDK) should be endorsed at once. The formal endorsement of members to committees is done with one quick vote; the Assembly could have voted to endorse the Group for Integration*

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<sup>15</sup> Mr. Maloku spoke on behalf of AAK because parliamentary group leader Ms. Gjylnaze Sylla was not able to attend the meeting.

<sup>16</sup> Group for Integration names were not presented at the beginning of the session because they had been submitted considerably earlier.

*members immediately rather than delaying their participation in committees several more weeks while waiting upon the LDK and PDK nominations.*

*The intervention of Ms. Sahatqija at the 29 June plenary session and the consequent decision of LDK to replace Mr. Brajshori with Mr. Ahmeti as a proposed new committee member was consistent with the principle of separation of powers laid down in Rule 42.1, which provides that “[a] Minister may not be a member of a Committee.” In keeping with this principle, the Assembly may wish to amend its procedural rules to extend the ban on Committee membership to deputy ministers.*

## **5. Access**

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

## **6. Transparency**

Radio Television Kosovo (RTK) provided 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.kuvendikosoves.org](http://www.kuvendikosoves.org), [www.skupstinakosova.org](http://www.skupstinakosova.org), [www.assemblyofkosovo.org](http://www.assemblyofkosovo.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.

ENDS.