

Elections on 17 November 2007



Developing Electronic Services for The Citizens of Kosovo

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On 17 November 2007 Kosovo is going to the polls. In consultation with political parties and the Unity Team, the SRSG has determined the legal framework and date for the elections of the Assembly of Kosovo, municipal Assemblies and mayor of municipalities.

To the interest and expectation of many, elections will be governed by an open list system. People will determine which candidates take a seat in the Assembly based upon the number of votes they get. An electoral threshold of 5 % for parties from the majority community will be introduced while keeping the 30 % gender quota for members of the Assembly of Kosovo. Another novelty will be the direct election of the mayor of municipalities, if needed with a run-off during a second round.

The coming months we can expect an intensive political campaign period, ahead of the most sensitive period in determining the status of Kosovo. The troika of mediators from USA, EU and Russia, selected by the Contact Group, is consulting representatives of Kosovo and Serbia and is expected to submit its report to the UN SG Ban Ki-Moon on 10 December 2007.

Provided that the Kosovo status process is not being hampered by the prospect of elections, the announced elections will take place and the mandate of Kosovo's democratic institutions will be renewed.

As the second mandate (2004-2007) of the Assembly comes to a close, one can evaluate its progress and institutional strength. Parliamentary committees are well-organized and have held more public hearings; Members have improved their oversight of the government, particularly through a greater number of parliamentary questions; and the internal management of the Assembly is more efficient. The Assembly continues to make progress in reviewing and passing laws.

This issue of the ASI Newsletter includes an interview with the Minister of Economy and Finance, Haki Shatri, on the challenges of the 2008 budget process. In another interview, Genc Gorani, Member of the Assembly, describes the use of Information Communication Technology (ICT) in the public sector and its impact for citizens. The OSCE Mission produced its 50th monitoring report, which pinpoints the issues that need to be addressed to further enhance the work of the Assembly.

We want to thank all contributors to the Newsletter during the second mandate of the Assembly and we invite you to send your comments and ideas for upcoming editions.

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

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Developing Electronic Services for The Citizens of Kosovo: Information Communication Technology (ICT) policies in Kosovo

Interview with Mr. Genc Gorani, member of the Kosovo Assembly Delegation in Estonia

From 10 to 17 June 2007 a delegation of the Assembly and the Government of Kosovo, composed of Assembly members, IT technicians and senior Government officials went on a study visit to Estonia. The aim of the visit was to learn about the usage of Information Communication Technology (ICT) in the public sector in Estonia. The visit was organized by the Estonian Foreign Ministry, implemented by the e-Governance Academy and supported by the OSCE Mission in Kosovo.

ASI: *Mr. Gorani you were part of the delegation that visited Estonia to learn about ICT policy in the public sector. What are the ICT services that are offered to the citizens of Estonia?*

Genc Gorani: ICT services ('electronic services') proposed to citizens in Estonia are numerous and cover a huge part of public services. For example: consultation and issuance of certificates from a vast number of administrative registers such as the civil registry or the property registry (cadastral and urban), as from registers from the education, the social and the healthcare system. I would also like to mention the existence of an 'electronic notary system' which is interrelated to the complete chain of property transactions. Estonian citizens also have the possibility to declare and pay their taxes



through the internet from any place, without losing time, with minimal cost and high administrative efficiency. The Tax Administration in Estonia responds to citizens' actions within 5 days by presenting them with the equity of their taxes. Therefore, it is understandable why 95% of citizens in Estonia pay their taxes in this manner.

ASI: *Which of these services could be provided in Kosovo?*

GG: Currently, none of these electronic services are offered for the citizens and businesses in Kosovo. Very little has been done in this field by the Kosovo administration. On the other hand, the implementation requires modest investments in comparison to the huge effect that it has on the welfare of citizens and on the

efficiency of the administration. When I say this, I especially have in mind the services related to civil registers, which are the most required by the citizens.

ASI: *How could Kosovans benefit if these ideas (Estonian practices) were implemented here?*

GG: One of the most important effects and benefits of the implementation of Estonian practices here is that it would, to a large extent, promote order in Kosovo's governance and administration. From the citizens angle, this would mean that administration of their civil status and property, court cases etc, would be much clearer, safer and more efficient. The citizens would benefit directly from these services, because they would have easier access to admin-

istrative documents. Many of the obligations that the administration has to respect in terms of issuance of personal documents require a lot of efforts and time to be fulfilled. Through electronic services they could be met in only a few minutes. For example, the presentation of a request could be done without having to go to the relevant office. This is especially important for the citizens from the Diaspora. This would also provide an extraordinary improvement of the rule of law, because in today's era, failure to efficiently use modern methodology in governance would practically mean the inability to properly apply many laws.

ASI: *Is there any legal basis on which to implement these ideas?*

GG: During the many discussions that we had in Estonia, our hosts, through a very modest manner, continuously stressed that the vision and determination for the realisation of this digitalization project were the key elements to the success of Estonia in this field. The legal infrastructure is a precondition for concrete implementation. In Kosovo we don't have a sufficient legal basis for establishing and implementing electronic services. We have some documents at the government level, namely the CoE Convention on Cyber Crime adopted by the Assembly of Kosovo. How-

ever this is far from sufficient. It is assessed that at least one year is needed to adopt the elementary applicable legal infrastructure: a lot remains to be done.

ASI: What will be the concrete steps that you, as a Member of the Assembly, will undertake in order to form an ICT policy for Kosovo?

GG: As a member of the Kosovo Assembly, but also as a person with professional experience in ICT, I could contribute by introducing ICT into the Assembly of Kosovo, for example in the work of the Committees. In addition, as one of the drafters of the ICT policies which are a part of the ORA program, it is my view that it is the right moment to enact them. Since our return from the study visit to Estonia, I have been definitively convinced that Kosovo would benefit greatly from an investment in this field. A well-prepared program would bring substantial improvements in the life of Kosovo citizens. Taking into consideration that local and central elections have been announced and are due to be held this year, it is my opinion that now is the best time to draft proper policies on and about ICT, in order to establish a modern offer to our citizens in terms of proper electronic services and to provide solutions to many of their problems.

Finally, I would like to express, on my behalf and on the behalf of all participants, my sincerest gratitude to the Estonian Government, respectively to the Ministry of Foreign Affairs, for making this visit possible.

*Interviewer: Artan Canhasi,
OSCE Mission in Kosovo*

An alternative way to conclude the Kosovo status process

Speech of President Fatmir Sejdiu at the Assembly of Kosovo, held on July 30, 2007



Allow me, on behalf of the Unity Team, to brief you on the main developments related to the determination of Kosovo's political status, and the main directions we shall jointly embark on to complete this process of vital importance for Kosovo, in the shortest time possible.

As of March this year, when the Assembly of Kosovo supported the Comprehensive Proposal of President Ahtisaari, extending at the same time its commitment for the implementation of the Proposal in an independent Kosovo, numerous political developments have occurred in the international arena, focusing mainly on this Proposal at the UN Security Council. The Proposal has also been addressed gaining the support at European Union levels and other

European institutions.

It must be stated that this Proposal, which we consider to be a well-balanced document and the document of great compromises made by Kosovo, is the result of a long and intensive international process of negotiations led by President Ahtisaari and his team, and supported permanently by the Contact Group Member states.

Processed as such to the Security Council as well, in addition to the support provided by the United States of America, the European Union and other European mechanisms, this document gained the support of the UN Secretary-General, Mr. Ban Ki Moon and the majority of Security Council member countries.

Unfortunately, despite contin-

uous and extensively intensive efforts made by the USA, Security Council and EU member states, to conclude this process through co-sponsored resolutions which would result in having a new resolution approved to support the Proposal and thus abrogate Resolution 1244; the final text failed to be voted after five draft Resolutions due to the veto posed by the Russian Federation.

Closely taking notes on these developments, and expressing concerns of its own, institutions and the people of Kosovo on these unjustifiable obstacles, The Unity Team has also engaged in a wide and comprehensive diplomatic activity, aiming at ensuring support and providing the arguments to all UNSC member countries in favor of Kosovo's independence.

Although in the beginning the announced visit of members of the Security Council to Kosovo was perceived from different perspectives – often also as another effort to prolong the process, this visit was quite different as it set forward an already established positive reality in Kosovo; its political vision for the future of all its citizens, the majority and minorities, the willingness of institutions and the people of Kosovo to function as a sovereign and independent country, but also the instability of the status quo, as a fundamental barrier to overall democratic and economic developments and the prosperity of Kosovo

and its citizens. It should be noted that the positive stand on Kosovo and the support for President Ahtisaari's Proposal has been present in the vast majority of UNSC member countries, thus also in countries which were initially hesitant. The Russian Federation with its known approach represents an exception to this rule.

After the proposal of the French President Sarkozy at the G8 Summit, to extend the process with new efforts of parties for 120 days, The Unity Team has intensified its activities during this period, contacting SC member countries from the European Union, and the most senior officers of the USA reiterating the automatic entry into force of the Ahtisaari's proposal which has been proposed as such in many versions of draft resolutions in the SC.

Having in mind the clear position of the USA, stated by the highest state level, by the President George W. Bush himself in his trip to Rome, Tirana and Sofia, and the positions of key EU countries in support of Ahtisaari's Proposal and supervised independence for Kosovo, the Unity Team has also been guaranteed continuation of this support by the USA, the EU Commissioner for Foreign Policy, Mr. Solana, and key countries of the European Union individually.

At the same time, aware of the possible rejection of the resolution to be approved in supporting Ahtisaari's Proposal at the Security Council, these bodies have proposed an alternative approach, a new process of engagement to ensure support for the Proposal by Ahtisaari, and a coordinated recognition

of Kosovo's independence, after a supplementary engagement of 120 days.

The Unity Team, thoroughly analysing all these developments, and having great respect for the serious approach of the USA and the key EU countries; and especially following the recent contacts with the UN Secretary-General, Mr. Ban Ki Moon, the NATO General Secretary, Mr. Jaap de Hoop Scheffer, Mr. Solana and Mr. Barroso from the European Union, the foreign ministers of Italy, Germany, France and Portugal, which currently holds the office of EU Presidency, continuous assurances of support by the United Kingdom, and the Team talks with the USA Secretary of State, Mrs. Condoleezza Rice, Undersecretary Mr. Nicholas Burns, Assistant Secretary Mr. Daniel Fried, Political Director for South-Eastern Europe, Rosemary di Carlo, the Special Envoy Ambassador Frank Wisner, and the Advisor for National Security Steven Heidli, has expressed its willingness to contribute to the new engagement process, hence to the alternative way, in order to conclude the process with the independence of Kosovo.

Honoured deputies,

Taking close note of the difficulties this process has faced during this period, the Unity Team has put forward its clear vision that the best way would be to pass a resolution with support of the Security Council. Still, if the process is driven back towards blockage and stalling, we have strictly stated that Kosovo cannot permanently remain a case pending on blockages halting or hampering a proper conclu-

sion of this process. Therefore it shall seek for an alternative way of the efforts made by the countries which have supported the Ahtisaari's plan and our political vision for Kosovo, in this regard the crucial decision making by our institutions, respectively by the Assembly of Kosovo.

Taking into account the Kosovo Assembly Resolution related to the definition of Kosovo's political status, respectively its independence in 2005, it should be particularly stressed out that:

1. In the process of additional efforts made at the Contact group level, respectively in the volume that is to be determined these days, Kosovo has made it clear to all international relevant factors – yet we reiterate again – Kosovo independence is non negotiable!
2. Kosovo's territorial and functional integrity is intact – Kosovo is unique and undivided;
3. The comprehensive proposal of President Ahtisaari is considered as a completed document, and as such cannot be opened nor negotiated. We are committed to implement it entirely.
4. The Kosovo Delegation, respectively the Unity Team thinks that during this consultation period with the representatives of the International Community, shall provide its maximum contribution in addressing the special aspects of the topics regarding the future relationships of Kosovo and Serbia as two independent countries. The topics might be the completion of the

process related to the missing persons and the disclosure on their fates; the issues related to the pensioners rights and their implementation by one party country to the other; issues related to succession; issues related to the freedom of movement and the border liberation; providing conditions for sustainable return of Kosovo citizens who are currently in Serbia.

5. The Unity Team considers this as the final postponement in the process and shall not comply with further postponements of deadlines, which would bring along risks not only in jeopardizing the process but also in raising the concerns and tensions with unpredictable consequences.
6. The Unity Team is committed to lead the process to the end, including here the important decision making in the Assembly of Kosovo, the announcement of Kosovo independence shall be made in close cooperation and partnership with the USA and EU.
7. The Unity Team, in cooperation with the other Kosovo institutions shall engage, in preparing Kosovo and its legislative, constitutional and institutional structure in order to pave our way towards building an independent and sovereign state towards European Union integration, international mechanisms and organizations as well as in NATO.

Herewith, we remain convinced that this timeline period of 120 days shall be completed without any further delay.

Thank you!

A Time for Reflection

Veton Surroi writes to the members of the Unity Team on the dilemma's and his proposals for the status process

Honored colleagues,

It is through this letter that I would like to exchange several opinions with you and invite you to reflect and coordinate on the upcoming period.

The current moment, as I also stressed during our meeting with Mr. Fried on July 9, 2007, is characterized by the decease of the concept to achieve independence for Kosovo and the emergence of another approach. The deceased concept is the one we have had so far, the one led by President Ahtisaari.

This concept had a chain logic: we would enter into a negotiation process, which would consequently yield Ahtisaari's package, and thus on the basis of this package a new UN Security Council resolution would be passed, creating the possibility for, or proposing an obligation to legitimize Kosovo's independence.

In July it has been made clear that this sequence has now been abandoned by the West due to Russia's blockage. We are now in a situation where the formulation that depicts it best, though with the brutality of caricature, would be that of the West telling Kosovans "you can become independent if Russia and Serbia agree to it." Furthermore, with the same sentiment, Kosovans are receiving the other message: that a transition to another concept to achieve independence is happening without accepting neither the clear failure of the first concept nor the consequences stemming from this failure.



In my opinion, we should at least assess the consequences of the future negotiation process in the road so far, as well as of its failure.

Clearly, the first consequence is our vanished credibility. We have repeated without any critical approach the words said to us by western representatives. Now, when the discourse is changing, our citizens recall our words and the words of the international community. It will be increasingly difficult to become involved in the future phases of the negotiation process without relevant credibility.

The second consequence is the loss of concession capacity, respectively narrowing the road to a minimum to conduct negotiations. During

the Vienna process we were, as a price for independence, required to make concessions in the internal dispensation, territorial and non-territorial, and of the rights of minorities, especially Kosovo-Serbs. We have accepted almost all requests with almost no resistance (although we have had different approaches in our internal discussions).

The third consequence, sequentially, is the weakening of the negotiation position. As I said in our meeting with Mr. Fried, insistence on new negotiations transforms us into a weak party from which concessions will be required. This is so for the simplest possible reason, and because we are the very party interested in independence, thus the party

from which something can be required in exchange for independence.

When we add to this weak position the earlier conclusion that we have lost the capacity for concession (or more appropriately, the capacity for concessions that would preserve the functionality of Kosovo), then it turns out that the fourth consequence is that the furthering negotiation process might endanger the functionality of the future independent state of Kosovo. Theoretically, in a future field of negotiations, two new requests could be presented to Kosovo: territorial-political autonomy for Kosovo Serbs under (tacit or open) Belgrade administration and/or Kosovo's territorial partition, that is independence

for the part of Kosovo inhabited by the Kosovo-Albanian majority.

And, if “such an accident” would happen with the approval of any of the concessions, we shall no longer be talking about the independence of Kosovo, but about a new principle; one of matching state borders with ethnic borders, at least the borders between the state of Kosovo-Albanians and the state of Kosovo-Serbs. This principle, indispensably, would imply violence and displacement of population.

It is not difficult to understand that we are in this position mainly because of Russian blockage in the UN Security Council. Nevertheless, this blockage does not prevent us from looking with a critical eye at the work of the Unity Team.

An analysis, even a superficial and a critical one, would show, in my opinion, the following deficiencies:

- Uncritical reliance on the partnership with international mediators. For us, Ahtisaari and others were perceived as decision-making factors for independence and not as political mediating instruments. Formulations that “you should be generous, and in exchange you get independence” did not work out for the simple reason that decision-making was not in the hands of negotiators, as it is not usually.
- Lack of formalization of communication channels: The institutionalization of the diplomatic channels of communication has

been lacking throughout the Vienna process. There has been an improvisation, which still exists, and it is easily provable with an alarming lack of reporting in written by a majority of Unity Team members.

Such a deficiency has left the Unity Team at the mercy of personal interpretations of what the diplomatic steps are.

Also, the non-institutionalized diplomatic communication has resulted in the lack of a clear distinction between information solely for Unity Team members, and that appropriate for publication in a Kosovo newspaper.

- Lack of initiative and autonomy in decision-making: The distance between requisite consultations with representatives of the international community and receiving orders by representatives of the international community was erased throughout the process.

The Unity Team has not differentiated itself with initiatives of its own. And when there has been insistence on some initiative, as on the issue of the flag, the procedure has continued only under the dictation of foreign offices.

These days the transition from a failed concept for achieving independence to the new concept is taking place. The new concept that has emerged presents many challenges.

The first challenge is that the new concept is still being elaborated. A characteristic of this concept is the decomposition of Ahtisaari's package, i.e. the effort to establish the new international presence prior to the definition of status. A

consequential characteristic could be that the operations envisaged for the transitory 120-day period (for example decentralization) would take place now. Too, a characteristic could be the effort for two resolutions, as I had forewarned you last autumn: the first resolution establishing the international presence, and the second defining the status. To summarize, the first challenge is that we are not dealing yet with a consolidated concept, and the process for determining new Western policies does not include us as a partner.

Being consumers of new policies, we are being brought before a fait accompli. And there we have to deal with the second challenge: will we create continuity with our behavior from the earlier phase, the Vienna one? If yes, if we pass with automatism from one phase to the next without any critical analysis of what we passed and what awaits us, the future challenge is whether we can remain together in the Unity Team? And can we bring any benefits with our presence?

Furthermore, all these issues come to surface at a time when a decision on local and parliamentary elections is due. Elections themselves will present their own challenges: maintaining political unity in the country, the possibility of misusing elections for postponing independence, the possibility of not focusing elections on the country's functional issues but turning them into a competition on status...

I think we need to discuss and agree on all these (issues). It would be good if in pursuit of an agreement we seek answers also to the following

questions:

- What should be the Unity Team's position for a transition to Plan B?
- Is there an autochthonous Plan B, and if not, what could it be?
- Does Kosovo have its own dynamic, including deadlines, or will we continue to accept the ones imposed upon us?
- What should the Unity Team's position be regarding the proposed negotiations?
- How to functionalize the work within the Unity Team (the system of reporting and responsibility, formalization of the diplomatic channel)
- How to preserve political unity vis-à-vis status during the election campaign, and what the Unity Team's role could be?

I believe that we jointly share the concern for the current situation and the feeling that we need to talk and take positions on these issues before our joint departure for Washington to meet with Secretary Rice. I believe that a joint position would also help us fulfill our obligation of accountability to the Kosovo Assembly and the public.

For your response, along with and our joint and urgent debate during the upcoming days, I remain waiting and send my sincere greetings!

Pristina, July 12, 2007

Veton Surroi is member of the Assembly of Kosovo for Reformist Party ORA, he also is a member of the Unity Team

Kosovo Consolidated Budget 2008: Brief on Budgetary Circular and the challenges

Interview with the Minister of Economy and Finance Mr. Haki Shatri

October is the month when the Ministry of Economy and Finance should submit Kosovo Consolidated Draft Budget for approval by Kosovo Assembly. In this interview Mr. Shatri describes the budget preparatory budget for 2008, the specificities and the challenges entailed by this process.

ASI: *Does this year's process differ from the one of previous years?*

Haki Shatri: In general terms, the budget preparatory process bears no differences as the process itself is set within modern procedures, though there are some novelties that enable better conditions in budget drafting process vis-à-vis previous years:

The budget is based on the Mid Term Expenditure Framework (MTEF) emerged from the Draft Kosovo Development Plan and Strategy, and the Draft Memorandum on Economic and Fiscal policies known as "Letter of intention". The MTEF includes the macroeconomic frame and the expenditure ceilings for Government priority sectors, whereas "the letter of intention" includes employment policies, operational and capital expenditures, as well as aggregate expenditure ceilings. The Budgetary Process this year has its specificities and three components:

- regular budgetary process,



- the process of transferring the reserved powers to PISG and
- the new cost for Kosovo Status.

ASI: *How do you evaluate*

the budgetary hearings (June-August) with the Budgetary Organizations?

HSH: The Budgetary hearings this year have been developed due to the foreseen timetable

based on Budgetary Circular 2008/02. Compared to previous years, the budget hearings this year are held earlier (July-August) due to the time benefit in analysing and addressing the budgetary requests along with the Budget Organizations and participating entities in these budget requests (Office of Prime Minister, The Office for Fiscal Issues and the Budget Committee of Kosovo Assembly). Hearings are forums for the budget organization to explain their requests and provide answers to questions based on budgetary requests for funding submitted projects and programmes prior to hearings.

Budgetary Organization are mainly lead by the Ministry Permanent Secretaries or Directors of Agencies, with their managerial staff. In many cases, the budget organizations exceeded the budget ceilings foreseen by the Budget Circular 2008/02. Based on conclusions from the hearings it is expected from the Budget Organizations to review their request that exceed the budget ceilings and return them to the foreseen budget ceiling.

ASI: *Is there qualitative change in the next year Budget, in the sense of increasing the capital investments and the stimulation of economic development?*

HSH: The very fact that there shall be an increase in the capi-

tal expenditures in the general Budget structure for 2008 underlines that there shall be a quality change in the preparation of the budget and in providing preconditions for a better economic development. The main objective of the Government is to provide conditions leading "Rapid and sustainable economic development to the benefit of Kosovo citizens". All Government priorities should be complied in long and sustainable terms aiming at the preparation of Kosovo to enter to EU. MTEF and Budget 2008 provide for a donor conference immediately after the resolution of Kosovo status.

Another positive change is the preparation of capital projects is also more qualitative and we request to have the projects prepared for execution in the second trimester instead of the third or fourth trimester as it has been the practice so far. The foreseen capital expenditure ceiling this year is increasing to 264.3 million Euro (in 2007 it was 198.9 mil.) allocated according to the Government priorities and sector strategies.

ASI: Usually the Draft Law on Budget has been delayed in the Assembly. Is this going to be the case this year too?

HSH: Kosovo Government and the Ministry of Economy and Finance as pursuant to the Law on Public Finance Management and Responsibilities is obliged to submit the Draft Budget to Kosovo Assembly by the end of October.

As you are aware of Kosovo specificities, the journey of the draft-budget shall be longer until it comes to the Kosovo

Assembly, and there might have been some delays, which in turn we will try to shorten, to be able to submit the draft budget to the Assembly in a timely manner.

ASI: The Members of the Kosovo Assembly, especially the opposition, have often complained that the Ministry has not provided sufficient information on the Draft Budget Law, e.g. last year there was no list of capital projects foreseen for 2007. What is your comment in relation to this issue?

HSH: The approved Budget Law 2007 for the first time contains a detailed list of titles and respective amounts of capital projects of the central budget organizations. The budget documentation prepared for the Kosovo Assembly this year shall contain:

- Annual Draft Law on budgetary allocation,
- Budget allocation tables,
- Information on macro-economic framework,
- A list of capital projects.

ASI: How do you comment the surplus created in the Kosovo Consolidated Budget? Can this be attributed to a good budget management or non-implementation of planned budget?

HSH: Knowing that the Government of Kosovo does not have a monetary policy, nor an organized financial market, and can only control fiscal policies, it is fully understandable that the budget preparation was made in an outstandingly conservative manner, which

was a permanent requirement by the IMF and IFN. This policy requires the Government reserves to cover for budgetary expenditure for at least two first months of the new budgetary year, and even providing funds for new or transferred policies of the Government of Kosovo.

On the other hand, creation of budgetary surplus is also affected by a higher collection of revenues, which is positive, and under-spending budgetary organizations, which is the negative side of the coin. This under-spending shows that there is a permanent necessity for staff advancement in planning and implementation of budget, since it is natural that surpluses created by this improper management bring economic stalling and obstacles to development.

ASI: What can MEF do to ensure that capital investments foreseen by the Draft Budget Law shall be implemented this year?

HSH: In the manner of avoiding delays in tendering procedures, the MEF has allocated the budget approved for capital investments in accordance with the cash flow plan of the organizations themselves.

The delivery timelines have also been shortened with the new Law on Procurement, and recommendation was given that additional care should be assigned to single-source contracts. The Public Investment Program (PIP) – an EU-funded project – is providing training for our agencies' staff, towards an improved preparation and implementation of capital investments.

ASI: The Kosovo Assembly is in the process of administration restructuring, and has planned an increase of support staff members, while MEF is persistent in cutting down civil service. Will these requirements of the Kosovo Assembly be taken into account?

HSH: In its Budget Circular 2008/02, the MEF has set the service ceilings based on budget organizations, in coordination with the IMF and the Kosovo Government, for a cut-down of civil service staff for 3.000 posts in the next three years.

In 2008, the Government had agreed with the IMF that the reduction should be 500 positions, a reduction which would include also the Kosovo Assembly administration.

ASI: What is the Ministry forecast on the Budget 2008?

HSH: For the fiscal year 2008, the expenditure level has been set at the amount of 852 million euros, of which:

Salaries and wages
210.4 million Euro.

Goods and services
158.3 million Euro.

Transfers
181.0 million Euro.

Capital investments
264.3 million Euro.

Post-status expenditure
35.0 million Euro.

Reserves
3.0 million Euro.

Arben Kelmendi,
National Democratic Institute
(NDI)

OSCE produces its 50th report on the Assembly proceedings

Floriana Shala, OSCE Assembly Monitor

In November 2002, the Special Representative of the Secretary-General requested that the OSCE establish a mechanism to monitor the deliberations of the Assembly of Kosovo with respect to compliance with the Constitutional Framework, Rules of Procedure of the Assembly, and democratic parliamentary practices. The OSCE began monitoring the Assembly on 2 December 2002 and has to date produced 50 analytical monitoring reports.

The objectives of the monitoring mechanism are to observe deliberations of the Assembly concerning, inter alia, parliamentary practices including preparation of the agenda and other documents, as well as distribution of such documents to the Members of the Assembly, ensuring equal access to and participation in the Assembly debates for all Members of the Assembly,



review and adoption of legislation, voting process, public access to plenary sessions of the Assembly, and public access to available information on the Assembly's deliberations.

The Assembly has the responsibility to ensure that its procedures and mode of working are fair, inclusive and give equal opportunity to all its Members to play their part in its work as well as ensuring an

effective legislative process. OSCE monitoring reports place a special focus on the above-mentioned Assembly functions providing recommendations, as the one below, with the intention of improving the Assembly's practice and legislative process.

The Assembly has a key function in providing oversight of the Government, which it carries out through the committee system, parliamentary questions and interpellations. Parliamentary questions, as an instrument of parliamentary oversight, represent a significant investigative mechanism which aims to offer an opportunity for Members to solicit information on matters of public importance and make the Government accountable for its actions. The revision of the provisions on interpellations and parliamentary questions for verbal answers of the Assembly Rules of Procedure in June 2006 has considerably improved the interaction between the Assembly

and Government. In some cases, questions of Members had nevertheless not been answered in a timely manner, as required by the Rules. OSCE monitoring reports regularly observe the implementation of parliamentary questions, interpellations and

Under new Rule 26.11, "if a question has not been answered within two plenary sessions, the question will be published in the bulletin of the Assembly." The bulletin of the Kosovo Assembly nevertheless does not contain a section on questions that have been submitted to the Government and therefore no pending questions have ever been published. The publication in Assembly bulletin of questions of Members that had not received responses in a timely manner could raise the accountability of the Government towards Assembly.

See the 50th OSCE report on the monitoring of the Assembly, section entitled "Questions to the Government for oral answers".

Through its analytical reports and recommendations, the OSCE monitoring mechanism intends to contribute to the development of an effective and respected democratic legislative practice in the Assembly, which is the cornerstone for the functioning of a democratic society in Kosovo.

The Assembly committees submitted their recommendations to the draft laws, which were approved in second reading during the reporting period, considerably exceeding the deadline set forth in Rule 35.6 (Leading committee shall report its recommendations to the Assembly no later than two months after the first reading of a draft law, unless an extension is approved by the Assembly), without asking the Assembly to extend the deadline. The Assembly committees should consider accelerating the review of draft legislation in order to approve them in a timely manner as required by the Rules of Procedure. Delays in reviewing and approving incoming draft legislation emphasize a need for better planning of the legislative agenda between the Assembly and Government.

See the 50th OSCE report on the monitoring of the Assembly, first paragraph under section "Legislative process".

<http://www.osce.org/kosovo/documents.html?lsi=true&limit=10&grp=346>

A deputy should be a deputy!?

Interview with Mr. Sadudin Berisha – First vice Chairperson of the Committee for Judicial, Legislative Matters and Constitutional Framework, with sub committees for Gender Equality, Petitions and Public Complaints and Missing Persons.

On July 18, 2007, the Committee on Judicial Issues, Legislation and Constitutional Framework, Gender Equality, Petitions and Public Complaints reviewed and decided to proceed with the first reading of the draft Law on Rights and Responsibilities of Deputies.

ASI: What has your Committee done in relation to the Law on Rights and Responsibilities of Deputies?

Since the first legislature of the Kosovo Assembly, there has been a need for a law that defines the rights and responsibilities of deputies. A law that would aim to enable deputies to develop their identity as representatives of the citizens of Kosovo, that would determine their rights and duties during their public function and that would increase their accountability to the electorate. The Committee on Judicial Issues, Legislation and Constitutional Framework has taken the initiative to draft a law on the rights and responsibilities of deputies, in accordance with the Constitutional Framework and the Assembly's Rules of Procedure.

The Committee tasked a working group to prepare a version of the draft law taking into account the standards, conditions and developments in Kosovo and the modalities which are currently applied in the region. The procedure implies review and approval by the deputies themselves. It might seem that there is a conflict of interests, but there is no

other mechanism that can regulate this field. The Assembly of Kosovo will be the one to review and approve the law.

The Committee and the working group examined how the question has been tackled in the region, and we reviewed the options that are applied in Albania, FYROM, Montenegro, Croatia and Slovenia. We have accommodated all parts of those laws we thought could be implemented here, in developing the deputies' status, and in specifying their rights and duties.

ASI: What are the key points of the draft Law, the areas it aims to regulate?

The draft law aims to holistically regulate the matters of: deputy mandate, relations between deputies and central and local government institutions, and the right to compensation.

The immunity shall depend largely on the electoral system itself. It will also depend on the level of immunity that the Assembly of Kosovo would like to adopt, separately from the deputies. I believe that based on the approach taken, the matter of immunity will be much clearer than what it has been so far. The draft law also provides for the question of waiver of immunity, the procedures to be followed in that case, and the basis on which the immunity of a deputy may be revoked. The Committee, in the most recent version of the draft law it has approved, also discussed the issue of non-compliance of

the function with the deputy's engagements in public and private entities also providing for a solution of the issue. This shall be discussed further in the proceedings of the Assembly structures, lead committees, Budgetary Committee and the Assembly itself.

ASI: Based on the law, can a deputy be a minister?

There were many discussions on the issue whether a deputy can be a minister, or engage in other services or duties in a public or private entity. After many discussions, an agreement was reached that a deputy should be a deputy, and should not be involved in conflicts of interest with other eventual positions. This version was supported the majority of votes in the Committee, but it might happen that in further proceedings these provisions be revised, and another form be found on stipulating on rights of deputies, in eventually exercising other functions.

ASI: How does the draft law provide for compensation, expenses and other allowances for the deputies?

The issue of rights to compensation shall be resolved by setting clear criteria which will be linked to the duties that the deputy has to perform.

Also, the draft law aims to regulate the right to pensions, a right to which deputies are entitled in accordance with the time the deputy will have been in office; one, two or more mandates.

ASI: Are there any other rights and duties of deputies stipulated by this draft law?

The sole fact that we are dealing with rights and responsibilities of deputies means that the rights and responsibilities are clearly defined. The first duty of the deputy is to represent the interests of the citizens that elected him/her, and that support his/her political project during the four-year mandate. Dignified representation of citizens' interests and obviously the implementation of political projects voted for, is the basic and substantial responsibility.

ASI: Anything else to add?

It is my conviction that there was a necessity to proceed and approve such a law by the Assembly. I believe that this law will contribute to the development of deputies accountability to citizens, to the political entity they represent, and generally to the national interests, which in turn are represented by each deputy at the highest representative body in Kosovo.

This law is not only related to the existing legislature. This law aims at providing a defined legal basis for the third legislature which shall come out of democratic elections, in the manner of regulating rights and responsibilities of deputies, mandated by the free vote of citizens.

It is necessary to show maturity

Interview with Vesna Jovanović, member of Parliamentary Group SLKM-GIS.

ASI: How do you evaluate the cooperation with members of Kosovo-Albanian political parties?

VJ: Officially, there is no cooperation; the only cooperation is on a personal level. However, the majority of us - the members of the Serbian List and the members of the Albanian political parties - have known each other for several years; this is our second mandate; so there is therefore cooperation and fair relations in this regard. However, in most cases this is not seen by the public.

ASI: Do the deputies of minority parties co-operate with each other?

VJ: I'm afraid that I may perhaps irritate some of the deputies from the non-Albanian and non-Serbian communities but here are the facts: earlier when we were all involved in the work of the Assembly, 99% of the deputies of minority parties - I refer to the Kosovo Turks, Bosniacs, Ashkalis, Egyptians and others - voted in the same way the majority did, regardless of the fact that some of the laws were not adjusted to the needs of minorities. Whether this was the result of pressure or fear is something I cannot judge, but the fact is that minorities (non-Albanian and non-Serbian) in the Assembly vote as Kosovo Albanian parties do.

Speaking about outvoting, we come to Ahtisaari's proposal



and the alleged protective mechanism for minorities. As experience has shown, deputies of other communities vote as the Albanian majority does in most of the cases, and therefore the Serbian community requests to be excluded from this mechanism: because if we try to defend our rights together with other minorities (non-Serbian and non-Albanian), I'm afraid that we will again be the minority within the minority, because our

interests are obviously different.

ASI: Since we are already talking about Ahtisaari's plan, what does it imply and what would it mean for the Kosovo Serb community in the region of Gjilan/ Gnjilane?

VJ: We speak of the time when, I hope, Ahtisaari's plan will be seriously and importantly revised. However, I must say that there are some practical

proposals in this plan which can be useful for the communities, but I'm afraid that ways to implement them were not taken in consideration. The majority of the population believes that these proposals are concessions made to the Serbian community, which is not good. However, there is one huge grey zone between what is written and the future implementation, which is unlikely to be carried-out at the local level. The ques-

tion is mostly about the foreseen “village municipalities” located in rural areas. They are without proper infrastructure and responsible people who will be able to manage them, because our elite largely left in 1999, though in this respect I do not count the northern part of Mitrovica. I’m afraid that Ahtisaari’s plan has not sufficiently considered the present situation in Kosovo.

Starting implementation of Ahtisaari’s proposal in its present form would require six months to a year. The PISG and the International Community have no concrete plan on how to establish a municipality in the region. Naturally, it would be the job of the Ministry of Local Government Administration. To my knowledge, there are many laws on reform of local self governance in preparation by this ministry. However, representatives of the Serbian community are not familiar with the context of these drafts laws, nor have we been invited to present suggestions for drafting these laws. The Government’s practice of excluding us from the working groups drafting the laws is continuing. The local government reform is very important to us, and this is why we would like to have someone in the working groups. Someone who is not appointed by the minister, but someone who we would choose.

ASI: What would decentralization mean for the people of Parteš? What would the people there gain by it?

VJ: They would instantly gain

psychological security. At the beginning, there would be no material benefit, but psychological security is important. In light of the negotiations where a great degree of uncertainty is present regarding what will happen and what to do next, getting a municipality would mean certain security and a hope that Serbs can organize their lives. However, I know that it would be hard to start something from scratch. Secondly, it would mean that people would no longer have to go to Gjilan/Gnjilane to obtain certain documents and for various payments. It would also mean reduced expenses. I also hope that as the International Community, Belgrade, but also the PISG will focus their interests on us, it will result in significant investment. We have been working and we still are working on development projects which, in my opinion, have helped Parteš to become a municipality. We accepted to become a pilot project to see what it would look like and to learn from our own mistakes, and if there were were mistakes from the Provisional Institutions, to point them out. We could not reach an agreement with the Ministry of Local Government Administration and with the PISG, and there was no appropriate support from UNMIK. For this process we had the significant support of all the Liaison Offices in Prishtina/Priština, though, at the end, the PISG did not accept for Parteš to become a compact zone as we asked. A continuous area that would enable for all connections to schools, health and culture

facilities, an area that would not divide families, an area that would be sustainable.

ASI: What would be the main challenges of implementing plan of decentralization?

VJ: Someone should have made a concrete plan on how to improve, e.g. infrastructure in future “Serbian” Municipalities. Regardless of the fact that a final agreement has not been reached, in 70 percent of cases it is known where the new municipalities will be established, this process has to be followed, even without a final agreement.

We also have to think about the people who will lead the process of establishing municipalities at the local level. Today, the people who have the local authority were elected in 2002, and their mandate ended long time ago. Will they still be in charge of the process or will there be new elections in November or December? Are we all going to participate and then have representatives who will establish municipalities? Will these people be people from the parties or independent candidates? These are some of the questions that remain to be answered.

The OSCE is working on creating more qualitative human resources and they should at least start thinking how and by whom this process will be carried-out at the local level.

ASI: Apart from the events related to the status of Kosovo, there will be new elections in Kosovo. What is the position of SLKM regard-

ing future elections and will you invite voters to vote?

VJ: As you know, SLKM is a coalition composed of SDP, DP and SRM. Only DP out of these three is now in power in Belgrade. Probably, we will have to decide at the level of party, although I would prefer to decide at the level of the coalition, or even better to have a common decision of all Serbian parties operating here and if possible to vote as one single coalition. If that is not possible, the position of the SDP is to vote at the elections, local and central, and I believe that both elections should be held at the same time.

ASI: Do you have a message for the readers of our magazine?

VJ: I will now quote the president of SLKM on what to do at the moment status is decided. No matter what is the decision on status, the message is that people should not decide anything that day, neither Serbs nor Albanians. It means that we should not follow our Balkan mentality and show all our emotions right away, but to remain in our houses and with our families and try to think soberly what to do next. I believe that we had many chances, us and the Albanian community, to express our emotions in a positive or negative sense, and that the time has now come for us to show maturity.

*Interview by Mario Maglov,
Coordinator of Community
Information Centers, DPI-
UNMIK in Cooperation with
OSCE Mission in Kosovo*

Kosovo Human Development Report - closer to people

Nora Ahmetaj - UNDP Kosovo

The Human Development Report (HDR) is an independent report, and an annual publication commissioned by the United Nations Development Programme (UNDP). Every HDR presents agenda-setting data and analysis and calls international attention to issues and policy options that put people at the centre of strategies to meet the challenges of development today – such as economic, social, political, and cultural.

The National Human Development Reports (NHDR) on the other hand, take the Global Human Development Report approach to the national level, placing human development at the forefront of the national political agenda. The NHDR present a tool for policy analysis reflecting peoples priorities, strengthening national capacities, engaging national partners, identifying inequities and measuring progress.

The first Kosovo Human Development Report was published in 2002. It focused on building post-conflict Kosovo and measured an increase of citizens' readiness in seeking accountability from decision-makers. This report also for the first time, intended to calculate development indicators as the Human Development Index, the Gender Development Index and the Human Poverty Index.

The second HDR, published in 2004, approached and fea-



tured municipal-level human development data and the first Participation Index, which depicted the levels of civic and political participation across ethnic groups by municipality in both urban and rural settings in Kosovo.

The third report, KHDR 2006, was focused on the young people of Kosovo and stressed the problems that members

of this particular group have faced since the end of conflict in 1999.

Because the fourth Kosovo Human Development Report 2007 is in due process and aims to provide an opportunity to understand the necessity of energy in development, and correlation between the social dimension and energy, this essay will rather stress some

of the recommendations that the current published HDR 2006 on Youth provided.

Bearing in mind that over half of Kosovo's people are under the age of 25, and about 21 percent of that population is between the ages of 15 and 25, the challenges related to political, economic and social development during the ongoing transition period are first and foremost the challenges of young Kosovans, who happen to present Kosovo's future workers, business people, parents, citizens and leaders.

Education, employment, starting a family and exercising civic activities were some of the key components of the survey done with young Kosovans, aimed at assessing their problems during the period of transition from childhood to an adult with social responsibility and a role in society. Simultaneously, these problems were analyzed within transition challenges that Kosovo is facing from the building of democratic institutions, free market economy, and issues such as an undefined political future.

The report points out that education and employment are two components that mostly affect half of the Kosovo population - the youth. As an educated population is vital to every society in terms of social and economic development, the issue of education should not be considered as a preparation

of youth for the labour market only, but should instead be set as a national goal for everyone to get involved with.

UNDP Kosovo held two meetings with the Kosovo Assembly members in order to stress the importance of youth and bring MPs closer to an issue that requires an in depth elaboration and extra efforts from all layers of government and society. One of the meetings aimed at stressing the challenges of education system with parliamentary commission on education, while the other meeting held on June 27th was a joint meeting between MPs and representatives of all the UN agencies who presented Millennium Development Goals and discussed youth problems. Furthermore, the main findings and recommendation from the Kosovo HDR included mainly, but not only, education and employment components.

Improving a quality assurance system, establishing a national qualification framework that is harmonized with the European Qualification Framework, enhancing the concept of learning outside the formal education system, increasing financing directly related to capacity building of human resources are only some of the recommendations related to the education of youth in Kosovo, which need to be achieved by all stakeholders working together.

As the young compose a vast majority of people who are entering the labour market, and considering the lack of skills they possess and lack of job opportunities, employ-

ment remains another essential problem that Kosovan youth faces.

Supporting both the Youth Action Plan (2007–2010) and the Kosovo Youth Employment Action Plan (2007–2010), facilitating career decision-making, using entrepreneurship potential, enabling more favourable conditions for employment in public administration, providing opportunities for vocational education and coordinating the donor support efficiency are only some of the KHDR suggestions that need to be taken seriously, first by the Kosovo government. Unemployed young people in Kosovo see very limited employment opportunities, and they perceive that central and local institutions are making very limited effort in helping them find a job.

All young people in Kosovo, employed or not, believe Kosovo's institutions need them, but they are regularly disappointed by the options that institutions provide them. The optimistic ones believe the obstacles will be removed over time. Those less optimistic, who are in the majority, are not so certain. They think the current employment problems in Kosovo are endemic, which makes emigration ever more tempting to them; it is worrying that around 50% of young would like to emigrate out of Kosovo.

In order to keep the 'brain' in Kosovo, all institutions should reflect on finding the strategies of improving the education and enhancing the employment opportunities for young Kosovans. Better sooner than later.

Welcome to Carlo Binda, NDI Director



Carlo Binda joins NDI Kosovo after two years as a Resident Parliamentary Expert and Deputy Director for the Institute's program in Yemen. Prior to his tenure with the Institute, Binda was seconded from the Government of Saskatchewan to work as the Manager of Intergovernmental Affairs for the Royal Commission on the Future of Health Care in Canada. While with the government of the Canadian province of Saskatchewan, he served as Special Advisor to the Premier. He also possesses election campaign and party organization experience at the municipal, provincial, and national levels with Canada's New Democratic Party. During his time in Yemen, Binda managed a legislative capacity building project with the Parliament of the Republic of Yemen. He also established a national chapter of the Global Organization of Parliamentarians Against Corruption in Yemen, developed networks of accountability and policy development within the nation, and worked with MPs, academics, and political actors in the Middle East on a regular basis. Binda will be joined in Kosovo by his family this summer.

Franklin De Vrieze
OSCE Mission in Kosovo

Kosovo Parliamentarians in the NATO Parliamentary Assembly

Dr. Ferid Agani, Party of Justice



The long-term commitment of Kosovo's political institutions to be a part of Western European and North Atlantic integrations has started to become a reality. Invited as a guest by NATO Parliamentary Assembly, and supported by the OSCE Mission in Kosovo, delegation of the Kosovo Assembly comprised of: Naim Maloku, (Alliance for Future of Kosovo), Ferid Agani, (Party of Justice) and Husnija Bešković, (Coalition "Vakat"); has participated in the 8th New Parliamentarians Programme organized by NATO Parliamentary Assembly from 8 to 12 July 2007, in Brussels, Belgium.

Participants included parliamentarians of seven member delegations: Estonia, Latvia, Lithuania, Poland, Romania, Slovenia and Spain; six associate delegations: Bosnia and Herzegovina, Georgia, Moldova, Serbia, Russian Federation, and Former Yugoslav Republic of Macedonia; one Mediterranean Associate Delegation: Jordan; one representative of the European Parliament (Subcommittee on Security and Defense); and three Parliamentary delegations as guests: the Assembly of Kosovo, the Senate of Pakistan and the National Assembly of Afghanistan.

The programme was organized and successfully facili-

tated by the NATO Parliamentary Assembly International Secretariat.

The five-day programme provided an extraordinary opportunity for Kosovo parliamentarians. We attended various presentations and held discussions with NATO's top military and political leadership, headed by General John Craddock, Supreme Allied Commander Europe (NATO military headquarter SHAPE in Mons), and Jaap de Hoop Scheffer, NATO Secretary-General (political headquarter in Brussels).

The main topics of presentations and discussions were:

- Role of the NATO Parliamentary Assembly and its organizational structure (committees, sub-committees, working groups, administrative staff);
- The way in which the Assembly works, including financing issues;
- Partnership and co-operation programmes.: Rose-Roth seminars as a central part of Assembly work; the New Parliamentarians Programme; the Transatlantic Parliamentary Forum; The Mediterranean Special Group, and the Istanbul Co-operation Initiative, dedicated to the Broader Middle East;
- Membership of the Assem-

bly, constituted of 26 member delegations and 16 associate delegations;

- The political and operational role of NATO;
- NATO relations with Russia;
- Missile Defense;
- NATO's nuclear policy;
- Partnership for Peace and Non-Member Countries;
- Security Sector Reform and Parliamentary Assistance;
- NATO – EU relations;
- NATO's public diplomacy.

The questions and comments period was an opportunity for each of the countries to present specific points of view on relevant issues. Kosovo delegation has stressed the willingness, motivation and readiness of the Kosovar society and institutions, as an equal partner and part of the NATO alliance, to assume their share of responsibilities for peace and stability in the region. Comments and statements of our delegation has been evaluated by respective officials as constructive and constituting a productive contribution for the success of the Programme.

On this occasion, the delegation of the Kosovo Assembly has declared a special interest for participation in the Rose-Roth programme as well as for organization of one of the seminars of this Programme, next year in Prishtina/Prishtina. In addition, interest was also expressed in organization of the specific training programme for members of the Security Assembly Committee. Both initiatives were

welcomed and supported by Simon Lunn, Secretary General of the NATO Parliamentary Assembly and his staff.

An important characteristic of the Programme was the establishment of contacts with participating delegations as a foundation for future official relationships.

Successful participation in this NATO Parliamentary Assembly Programme has indicated that Kosovo is well ahead on the road towards becoming an independent and sovereign state strongly integrated in the Western European and North Atlantic political and military structures. NATO's readiness and motivation for integration of Kosovo in its structures is not in question. It is obvious that Kosovo institutions display the same level of commitment as other countries. It is now upon international community to ensure, as soon as it is possible, a just, sustainable, independent and sovereign political status for Kosovo, energizing in this way creative and constructive political resources within our society and at the same time, request from Kosovo's institutions to attain the necessary political and military standards in order to become a member of the prosperous NATO family.

Kind invitation for equal participation of our delegation in all parts of this Programme deserves deep respect, and special thanks therefore go to the NATO Parliamentary Assembly International Secretariat as well as for OSCE for facilitating this visit.

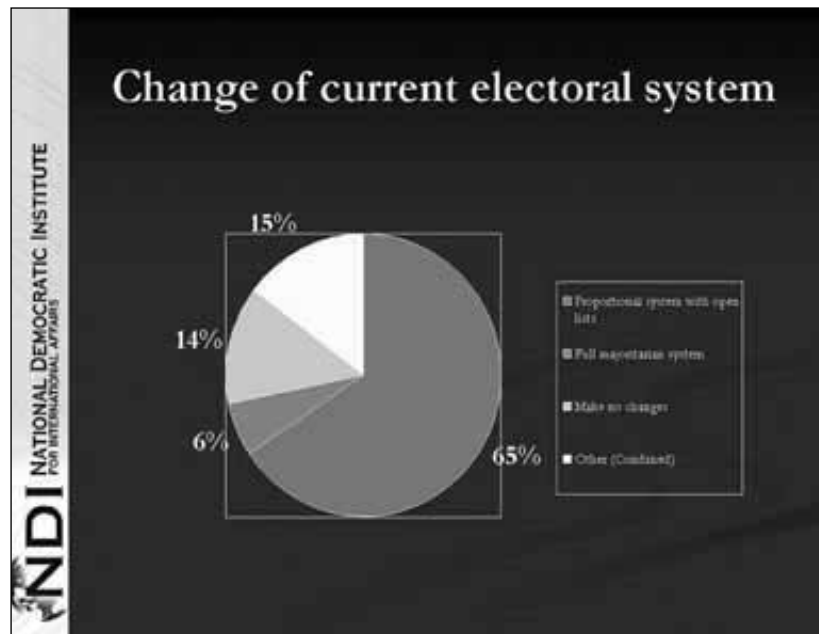
The Kosovo Assembly – a view of Assembly Members

Rinor Beka, National Democratic Institute (NDI)

With the aim of identifying institutional deficiencies, the needs of deputies and determining priorities out of these needs, the National Democratic Institute (NDI) has undertaken a wide survey through which it reflects impressions and convictions in relation to the functioning of the Kosovo Assembly. This survey made interviews with 86 deputies of the Kosovo Assembly, from all political parties represented to the Assembly. The data collected from the survey have resulted in interesting conclusions, identifying priority issues to be addressed in the effort of improving the work efficiency at the Assembly. In the following, we will unfold some of the key issues raised from the Deputies.

A key problem within the regular functioning of the Kosovo Assembly is seen by the deputies in insufficient support for the deputies, including working conditions, poor services, lack of working premises, and lack of assistants. Of the 86 interviewed, 67 deputies mentioned the necessity of establishing a new Analysis and Legal Advice Department. Deputies have also raised the need for creating budget-finance analysis sections, and a section for legislative research.

The deputies of the Kosovo Assembly think that changing the electoral system is necessary to improve the quality of representation at the Assembly.



65% of deputies interviewed have stated their support for a proportional electoral system with open lists, 21% support a combined or pure majority system, while 14% would not change the actual system. The deputies have stated that modification of the electoral system would improve regular communication of deputies with their constituencies. For 46%, the most preferred form of regular communication with the citizens was the opening of offices for deputies in their cities of origin, whilst also underlining necessity of institutional financial assistance of the Assembly.

In relation to the competencies, mechanisms and capacity of the Kosovo Assembly to exercise effective oversight of the work of the executive branch of government, there are various convictions of

deputies, depending on the political entity they pertain to. Over 35% of the deputies interviewed mainly came from the parties in government and believe that the Kosovo Assembly has adequate competencies for overseeing the executive, as well as the capacities necessary to implement it. From 86 deputies interviewed, 83 think that establishment of time for parliamentary questioning and other mechanisms has improved the quality of oversight. They also stated that there are great challenges in strengthening the oversight role of the Assembly, especially in implementation of the Government budget.

In relation to the actual electronic system for document management, though it is easy to use, 43% of deputies stated that there is a need for additional trainings on the use of

this system. 25% of deputies stated that this system does not contain relevant information and is therefore not used as much.

Transparency in the Assembly

Opening the Kosovo Assembly to citizens and developing relations between deputies and citizens was also considered to be one of the priorities to be addressed.

52% of deputies have stated the "Assembly Day" to be a set date when the Assembly opens the doors to citizens, while others proposed to realize regular visits of pupils, students and common citizens, and developing various cultural activities in the premises of the Assembly building.

Results of this survey have shown that addressing the issues raised by deputies is necessary for improvement of operational efficiency of the Assembly. These concerns have to be taken into account at this time, when projections are being made for the proposed Budget of the Kosovo Assembly for 2008. Deputies of the Assembly have welcomed the initiative for this survey, and have expressed the need for similar surveys in periodical basis.

Strengthening capacity to create systematic and coordinated legislative drafting

*Alfons B. Lentze, LL.M., EU funded Project 'Further support to the Assembly'.
Jennifer Ober, Senior Adviser to the Assembly, OSCE*



Systematic legislative drafting leads to better law making. That is, laws that are clear, unambiguous, coherent and uniform. These qualities support the legal framework in ensuring that citizens are informed of their rights and responsibilities under the law and by enabling courts to more easily rule on provisions of the law instead of exercising legislative competencies. While there is no single model for legislative drafting, there are guidelines that can be utilized whether the drafter is drafting laws in Prishtinë/Priština, Brussels or Washington. These guidelines, including technical drafting techniques, but also the principle of hierarchy of laws, harmonization of laws with the existing legal framework and codification can form the basis for systematic, coordinated drafting between and among the branches of government.

Consolidating one approach to legislative drafting is particularly important in Kosovo with its complicated legal order involving the UN, UNMiK, the Government and Assembly of Kosovo; add to this, the Constitutional Framework, and specific international human rights instruments to which all legislation must conform and its easy to see why legislative drafting in Kosovo can be difficult, confusing and time consuming. Delays and problems during the drafting phase have implications throughout the legislative process. By improving legislative drafting, one can improve the entire legislative process.

To this end, from July 9-13 2007, the EU funded Project 'Further Support to the Assembly of Kosovo', managed by the European Agency for Re-construction and the

OSCE Central Assembly Unit hosted a training program on "Guidelines on Legislative Drafting." The overall objective of the training was to consolidate a sustainable institutional capacity in the Assembly to draft legislation. The training had the specific objective to strengthen the professional capacities and technical skills of the Committee Section of the Legal Department within the Secretariat of the Assembly and to create stronger linkages with the Office of Legal Support Services, within the Prime Minister's Office and with legal officers from Ministries. In addition to officials from these institutions, NDI and OSCE committee assistants, who assist Assembly Committees to review draft laws, also attended the training. The training was delivered by Jennifer Ober from the OSCE Mission in Kosovo, Andrea Kerstges from the German Bundestag and Alfons B. Lentze from the EU funded project, "Further Support to the Assembly of Kosovo."

Participants attended a three day course consisting of three classes: Committee Support, Technical Legal Drafting, and Policy and the EU Approximation Process. During the last two days of the course, participants attended a practicum during which they had to choose one existing draft

law and take the law through the entire legislative process, beginning from the policy stage. Participants were asked to follow the SIGMA OECD (Organisation for Economic Co-operation and Development) checklist, a practical tool for all actors in the legislative process. In particular, the checklist covers questions concerning the law itself i.e. is there a better policy alternative? — but also examines organizational and staffing issues along with approximation of the law with the EU's *acquis communautaire*.

During the training it became clear that more efficient and effective processing of legislation can be achieved, including the priority legislation set by the Government Legislative Agenda, legislation required by the European Partnership Action Plan and the legislative agenda of the Ahtisaari package.

Final conclusions raised by the participants included: a recognition that the Assembly and Government should not only work together more closely but at an earlier stage in the legislative process; that policy alternatives to legislation should be discussed more frequently; that the public, including civil society should have increased input into the legislative process; and that a harmonized, consistent legis-

lative drafting model should be established in Kosovo, based on existing EU guidelines.

To this end, EAR and OMiK will support a technical working group of Government and Assembly stakeholders to draft such a set of guidelines. The importance of organizing a technical working group with officials from the Government and the Assembly is necessary to safeguard the legislative process. The working group should draft a set of legislative guidelines to be used by all stakeholders in the legislative process; should establish a mechanism to continuously verify and monitor the processing of legislation; and should establish a mechanism to scrutinize laws and ensure their standardization and harmonization with the existing legal framework. The working group will also discuss ways to enhance early exchange of documents between the legal departments within the PISG.

In conclusion, the PISG is confronted daily with more and more demands related to the drafting of high level legislation, by a multitude of actors and with increasingly shorter deadlines. Systematizing legislative drafting will serve to consolidate the legislative process, leading to more efficient use of resources, a faster, more efficient legislative process, and clear, unambiguous, coherent and uniform laws that are easier to implement and monitor. The benefit to Government, the judiciary and citizens cannot be overestimated.

My six month experience as an intern at the Assembly of Kosovo

Labiot Smakaj, Intern at the Parliamentary Group of Democratic Party of Kosovo (PG-PDK)



For the last 6 months, from the beginning of February to the end of July, I worked as an intern for the PDK Parliamentary Group at the Assembly of Kosovo. This internship was a personal and professional experience that has given me knowledge, experience and direct engagement in the following issues:

- involvement and establishment of relationship with the members of the Assembly,
- participation in the working groups of Parliamentary Committees,
- participation in drafting, delivering and processing of letters,
- participation, in the capacity of observer, at session of the Assembly,
- practices of communication and implementation of the internal parliamentary order.

I would like to thank the OSCE and the PDK Parliamentary Group for providing me with this very useful opportunity. I would also like to thank my intern colleagues who have worked with me during this period in which we have gained a lot of knowledge, experience and got engaged in the Kosovo parliamentary life.

I have a lot to say with regard to all the above mentioned fields, but I will only mention the main impressions related to them.

The Assembly of Kosovo was established in 2001 after the first parliamentary elections, and since then, although this has been a rather short period of time, it has shown good results in the development of parliamentary life within the current legal, political and constitutional system.

A special impression for me was that I could directly observe parliamentary prac-

tice in our Assembly, namely how it functions, what its internal rules are, how it is composed and how the Presidency functions, the Parliamentary Groups, the Committees, how the legislation adopted is, how requests for interpellation of government ministers are prepared etc.

As part of my experience, I will also mention the influence of the Assembly in exercising political-parliamentary control over the Government.

It is worthwhile mentioning that the knowledge that I have gained in the functioning of parliamentary life will help me in my future career as a lawyer. This practical experience makes a fruitful combination with the legal and parliamentary theory I studied at the University of Prishtina.

I am convinced that, besides increasing my professional skills and contributing to my maturity, the parliamentary environment, the rules of the meetings, the order of discussions at the meeting rooms of the parliamentary committees, have all had a deep impact on my behaviour and the respect for basic rules of parliamentary and intellectual life.

I would like to express my wish for the continuation of this internship program, which is supported by the OSCE and the Assembly of Kosovo, because I feel that all of my colleagues who study law would benefit from this precious experience.



ASI Mission Statement

The Assembly Support Initiative (ASI) is the inter-agency co-ordination mechanism of democratization programmes in support of the Assembly of Kosovo, seeking to strengthen and professionalize the Assembly of Kosovo. The work of ASI focuses on a democratic political culture based upon acknowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive, respect for the multi-linguality and participation in regional and inter-parliamentary contacts.

ASI partners work to bring resources together, share information and coordinate programs while identifying needs in direct interaction with the Assembly. As coordinator of the ASI, the OSCE Mission in Kosovo liaises with all ASI partners and calls regular coordination meetings in consultation with Assembly representatives. A regular ASI Newsletter informs a broad domestic and international public on the developments in the Assembly of Kosovo as well as the ASI support programmes.

Currently participating in ASI:

Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNSt.), Konrad Adenauer Stiftung (KAS), East West Parliamentary Practice Project (EWPPP), European Agency for Reconstruction (EAR) in cooperation with the Consortium of the parliaments of France, Germany, Belgium, Slovenia and the Institut International de Paris la Defense, United States Agency for International Development (USAID) in cooperation with the National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OSCE Mission in Kosovo and the Assembly of Kosovo



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Pictures in this Newsletter:

OSCE: 1, 4, 10, 12, 15, 19. NDI: 16 EAR: 18

UNDP: 14. Fisnik Dobreci/Express 4. Jetmir Idrizi/Express 8.