

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

Pillar III (OSCE) Report 08/2005
On the Monitoring of the Assembly of Kosovo
6 August – 21 October 2005

Highlights

- **Assembly votes on President Rugova's declaration on negotiations "team of unity"**
- **PDK proposes resolution on Kosovo's status, Assembly working group makes changes, Presidency cites "procedural and substantive reasons" for not proceeding with resolution**
- **PDK calls PM Kosumi for interpellation, PM Kosumi argues he will not respond to improperly formulated interpellation motion**

1. Background

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

During the reporting period, the Assembly held one special plenary session, on 5 September; one regular plenary session, on 28 and 29 September and 3 and 5 October; and five Presidency meetings, on 19 August, 14 and 20 September, 7 and 11 October. All Committees and the newly-established Subcommittee on Human Rights, Gender Equality, Public Petitions and Claims held meetings during that period.¹ Pillar III (OSCE) monitored both plenary sessions and all Presidency meetings, as well as 56 out of 68 Committee meetings and three public hearings.²

¹The Committee for Judicial, Legislative, and Constitutional Matters met on 5, 12, 19, and 26 September, 3, 10, 17, and 18 October while the Committee for the Rights and Interests of the Communities and Returns met on 7, 12, 13, and 19 September, 10, 14, and 18 October. The Committee for Budget and Finance met on 7, 13, 20, and 23 September, 13 October while the Committee for Economy, Trade, Industry, Energy, Transport and Communications met on 6, 13, 20, and 27 September, 11 and 18 October. The Committee for Public Services, Local Administration and Media met on 31 August, 1, 16, and 26 September, 5 and 18 October while the Committee for Health, Labor, Social Welfare and Missing Persons met on 23 and 31 August, 8 and 15 September, 6, 11, 14, and 20 October. The Committee for Education, Science, Technology, Culture, Youth and Sports met on 25 and 31 August, 19 September, 7, 10, 13, 14, 17, 18, 19 and 21 October while the Committee for International Cooperation and EU Integration met on 26 August, 23 September, and 3 October. The Committee for Emergency Preparedness met on 31 August, 1, 23 and 30 September, 13 October while the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning met on 8, 20 and 27 September, 7, 12 and 18 October. The Sub-Committee for Human Rights, Gender Equality, Public Petitions and Claims met on 12 and 21 September. The Committee for Public Services, Local Administration and Media held two Public Hearings: Public Hearing on the Draft Law on Languages on 8 September, and Public Hearing on the Draft Law on RTK on 7 October. The Committee for Education, Science, Technology, Culture, Youth, and Sports held a Public Hearing on the Draft Law on Cultural Heritage on 12 September.

²The Committee for Judicial, Legislative, and Constitutional Matters on 5, 12, and 19 September, 10, 17, and 18 October; Committee for the Rights and Interests of the Communities and Returns on 7, 13 September, 10, 14, and 18 October; Committee for Budget and Finance on 7, 13, and 23 September, 13 October; Committee for Economy, Trade, Industry, Energy, Transport and Communications on 6, 13, 20, and 27 September, 11 and 18 October; Committee for Public Services, Local Administration and Media on 31 August, 1, and 26 September, 18 October; Committee for Health, Labor, Social Welfare and Missing Persons 23 and 31 August, 8 and 15 September, 11 and 20 October;

2. Overview

The 5 September special plenary session of the Assembly of Kosovo, held on the eighth anniversary of the death of Mother Teresa, was chaired by President of the Assembly Nexhat Daci (LDK). President of the Assembly Daci; Don Lush Gjergji, Catholic priest and President of the Mother Theresa Society; and Mr. Rexhep Ismajli, President of the Kosovo Academy of Arts and Sciences each delivered a speech in honour of Mother Teresa.

The 28 and 29 September and 3 and 5 October plenary session of the Assembly of Kosovo was chaired by President of the Assembly Nexhat Daci (LDK) and co-chaired by Mr. Naim Maloku (AAK).

- 80, 79, 82, and 92 Members of the Assembly were present, respectively, on 28 September, 29 September, 3 October, and 5 October.³
- Main agenda items of the 28 and 29 September and 3 and 5 October plenary session:
 - Approval of the request of the President of Kosovo regarding preparations for talks on the final status of Kosovo
(The declaration was approved with a majority of votes in favour. The voting results were not announced.)
 - Second reading of the Draft Law on Health Insurance
(The draft law was postponed in order for the Ministry and the relevant functional committee to further discuss a proposed amendment with budgetary implications.)
 - Second reading of the Draft Law on Tobacco
(The draft law was approved with 67 votes in favour.⁴)
 - Second reading of the Draft Law on Central Heating
(The draft law was approved with 58 votes in favour.)
 - Second reading of the Draft Law on the Procedure for the Awarding of Concessions
(The draft law was approved with 61 votes in favour.)
 - First reading of the Draft Law on Emergency Medical Services
(The draft law was endorsed in principle with 63 votes in favour.)
 - First reading of the Draft Law on Publishing Activities and Books
(The draft law was postponed.)
 - First reading of the Draft Law on Preschool Education
(The draft law was endorsed in principle with 63 votes in favour.)
 - First reading of the Draft Law on Hunting
(The draft law was endorsed in principle with 61 votes in favour.)
 - First reading of the Draft Law on Trademarks
(The draft law was endorsed in principle with 79 votes in favour.)
 - First reading of the Draft Law on Mines and Minerals
(The draft law was endorsed in principle with 75 votes in favour.)
 - Review of the Draft Energy Strategy for Kosovo 2005-2015

Committee for Education, Science, Technology, Culture, Youth and Sports on 25 and 31 August, 10, 13, 14, 17, 18, 19 and 21 October; Committee for International Cooperation and EU Integration on 26 August, 23 September, and 3 October; Committee for Emergency Preparedness on 31 August, 1, 23 and 30 September, 13 October; Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning on 8, 20 and 27 September, 7, 12 and 18 October; Sub Committee for Human Rights, Gender Equality, Public Petitions and Claims on 12 and 21 September; Public Hearing on Draft Law on the Use of Languages on 8 September; Public Hearing on the Draft Law on RTK on 7 October; and Public Hearing on Draft Law on Cultural Heritage on 12 September.

³ These are the figures announced by the President of the Assembly at the beginning of the plenary session each day.

⁴ Unless otherwise indicated, the number of votes in opposition and abstentions were not announced. Since the electronic voting equipment was used, the entire voting result was shown on the display screen at the front of the plenary hall, but the numbers are not visible from the observers' gallery in the back of the hall.

- (The draft energy strategy was approved with a majority of votes in favour.)
- Review of the KCB Report for the first six months of 2005
(The Assembly discussed the report but did not vote on it, as the Ministry report did not require endorsement by the Assembly.)
- Review of the request of the Parliamentary Group 6+ regarding the replacement of committee members
(The request was approved with two votes in opposition and one abstention.)

3. Parliamentary Practices and Proceedings of Assembly Sessions

Agenda

- The agenda of the 28 and 29 September and 3 and 5 October plenary session was not presented to the Assembly for approval at any time, whether at the end of the previous session or at the beginning of the session on 28 September. Similarly, the agenda for the upcoming plenary session was not presented to the Assembly for approval at the end of the session on 5 October. *This was in violation of Rule 23.1, which requires 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. “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.” As noted in all past reports from February 2004 onward, the setting of agendas has become extremely problematic since the Assembly began to hold plenary sessions on a monthly basis in February 2004. At its meeting before each plenary session, the Presidency does not even attempt to compile an agenda for the plenary session following the upcoming session, due to uncertainty about which items will be ready for review one month later. While the Rules have been amended to reflect the adoption of a monthly plenary system⁵, the provision requiring the presentation and adoption of each plenary session agenda at the end of the previous plenary session remains. If it is not feasible for the Presidency to propose a plenary session agenda one month in advance, the Assembly should consider amending the Rules appropriately. Moreover, if the Presidency is not able to present the agenda to the Assembly for approval at the previous session, as required by the Rules, the Presidency should – at the very least – present the agenda to the Assembly for approval at the beginning of the session in question. The Rules clearly state that while the Presidency proposes the agenda, it is ultimately the authority of the Assembly to approve or reject the agenda. However, it has become the practice that no time is allotted during the session for presentation of the agenda to the Assembly for approval, whether at the end of the previous session or at the beginning of the session in question. Any review of the agenda depends on a Member being given the floor to present an amendment to the agenda before the Assembly proceeds with the first agenda item. In many cases, the President of the Assembly or Chairperson has proceeded immediately with the first agenda item, leaving no opportunity for the Assembly to object to the proposed agenda.*
- At the beginning of the plenary session on 29 September, Mr. Hashim Thaçi (PDK) delivered a statement condemning the manner in which the session had been chaired on the previous day (see the first point under “Debates”). He argued that political unity is absolutely essential with regard to negotiations on Kosovo’s future status and proposed that the Assembly should adopt a resolution on Kosovo’s status and on the negotiations process. Mr. Thaçi added that the

⁵ Rule 22.4: “The plenary sessions, under normal conditions, shall take place at least once in a month within a plenary week. The plenary week begins usually on Wednesday of the fourth week of each month and ends on Friday. The Presidency may depart from this order whenever it deems to be necessary.” Note that the Rules allow for plenary sessions to be held more frequently than once monthly. Aside from the plenary session on 28 and 29 September and 3 and 5 October, no plenary session was held or scheduled to be held in October. The next session is provisionally scheduled for mid-November. Such infrequent sessions result not only in complications in agenda-setting but in delays in adoption of legislation and other important initiatives that must go through the Assembly.

resolution ought to be adopted by consensus, stating that PDK would be open to modifications that other parliamentary groups might wish to propose. He read aloud the text of the proposed resolution, which called for a “reconfirmation of the will of the people of Kosovo from all political parties for an independent and sovereign state of Kosovo,” a position of the Assembly “on the non-negotiation of the independence of Kosovo,” and a declaration that “any political decision stemming from the talks and all definitive agreements should be ratified by the Assembly of Kosovo or through a referendum of the citizens of Kosovo.” The President of the Assembly stated that he had nothing against the proposal but that the resolution should go through the normal procedure – it should be submitted in writing to the Table Office and distributed to all Assembly members for discussion – adding that he had the “constitutional right” to determine whether an issue should be considered urgent. Mr. Gani Koci (PDK) stated that he wished to move that the procedural rules had been violated (see the first point under “Procedural Motions”). After the break, Mr. Thaçi asked for the opinions of the other parliamentary groups regarding the proposed resolution. The parliamentary group representatives expressed general support for the resolution but stated that they wished to discuss it only after having received it in writing. The President of the Assembly began to proceed to the next agenda item, but Mr. Jakup Krasniqi (PDK) stated that he had a request regarding the agenda. The President of the Assembly responded that Mr. Krasniqi was speaking “out of context” and the agenda had already been approved the day before. Mr. Krasniqi stated that PDK did not consider the agenda item in question to have been completed. The President of the Assembly responded that the assertion was merely Mr. Krasniqi’s own opinion, and Members of PDK abandoned the plenary hall.

At the continuation of the plenary session on 3 October, Mr. Thaçi once more proposed that the resolution, which had by that point been submitted to the Assembly in writing, should be added to the plenary session agenda as an urgent item. Representatives of the other parliamentary groups once more expressed general support for the resolution but proposed that a working group should be formed to review and finalize the text of the resolution, which would be presented to the Assembly in an extraordinary plenary session. A break was called in order for parliamentary group leaders to discuss how to proceed; afterwards, Mr. Krasniqi presented the agreement that had been reached: a working group, consisting of parliamentary group leaders and the Committee on Judicial, Legislative and Constitutional Framework Matters and Committee on International Cooperation, would finalize the text, and an extraordinary plenary session would be convened by the end of the next week (14 October).

The decision of the President of the Assembly not to add the PDK resolution to the agenda of the plenary session in progress as an urgent item was in compliance with Rule 29, which grants the President of the Assembly the discretion to determine whether a matter “merits the Assembly’s immediate attention.”

While a proposal regarding the agenda mid-way through the second day of the plenary session would indeed have been out of place, it was not accurate to assert that the agenda had already been approved the day before. As noted in the previous item, the Assembly was never called upon to approve the agenda.

Debates

- At the plenary session on 28 September, the President of the Assembly introduced the “Declaration of President Rugova regarding Preparations for Eventual Talks on the Final Status of Kosovo”, a text proposing a negotiations “team of unity”, led by President of Kosovo Ibrahim Rugova (LDK), and consisting of President of the Assembly Nexhat Daci (LDK), Prime Minister Bajram Kosumi (AAK), Mr. Hashim Thaçi (PDK), and Mr. Veton Surroi (ORA) and calling on the Assembly for endorsement. The President of the Assembly stated that the team represented a new institution that would “meet the requests of the people of Kosovo, as well as the international community, producing a functional unity, respecting the institutions elected by free vote, and fully representing the political and ethnic spectrum of Kosovo.” Mr. Jakup

Krasniqi (PDK) declared on behalf of PDK that the “factor of political unity represented in the Assembly should formalize the independence of Kosovo before talks begin.” He likewise stated that PDK valued the initiative of President Rugova but that it had been proposed “without consultations with the relevant parties, and it is offending for the entire political, civic, and minority spectrum,” adding that the composition of the team should be “supplemented with representation of ethnic communities.” Mr. Alush Gashi (LDK) expressed his parliamentary group’s support for the declaration and declared on behalf of LDK that all actions of the national unity team should be “in compliance with the declaration of independence of 1990 and the referendum of 1991” and that an “independent Kosovo with modern sovereignty would have correct relations with all neighbors and would contribute to stability.” Ms. Gjylnaze Sylja (AAK) declared AAK’s support for the proposed negotiating team and declared that the right to self-determination is guaranteed by the Rambouillet agreement and was non-negotiable, adding that AAK believed the objectives of UN Security Council Resolution 1244 had been fulfilled. Mr. Veton Surroi (ORA) argued that the negotiations process had already begun in 1999, after the NATO bombing campaign ended, adding that two issues will be essential to the future negotiations: the level of intervention by the international community after status has been determined and the level of self-governance of the Kosovo Serb community. He confirmed that ORA would accept President Rugova’s invitation to participate in negotiations. Mr. Surroi argued on behalf of ORA that the Assembly should not be called to formally endorse President Rugova’s proposal, because such a vote would be to the detriment of political unity and consensus. Mr. Mahir Yagcilar (6+/KDTP) stated that non-Serb minority communities should be included in negotiations because they are an “inseparable part of Kosovo” but they did not want to appear to be obstructing the process.

The President of the Assembly stated that he had wanted to allow the parliamentary group leaders to express their opinions before calling the Assembly to vote on the declaration. At that point, Mr. Emrush Xhemajli (LPK) and Mr. Numan Balić (SDA) both approached the front of the plenary hall, objecting loudly to the fact that they had not been allowed to speak. The President of the Assembly proceeded to call a vote on the declaration despite the vocal opposition expressed not only by Mr. Xhemajli and Mr. Balić, but also by other Members who remained at their seats, including several Members of PDK. A majority voted in favour of the declaration. The President of the Assembly called a break after the vote, and when the session was reconvened, Mr. Emrush Xhemajli (LPK) was waiting by the podium, soon joined by Mr. Gjergj Dedaj (PLK). Mr. Xhemajli declared that he had the support of seven Members of the Assembly, presenting a paper with signatures, and therefore should be allowed to speak. The President of the Assembly responded that Mr. Xhemajli wouldn’t be allowed to speak, “even if [he] has the support of 77 Members.” Mr. Dedaj stated that “if this Parliament is democratic, the small parties should also be allowed to express their opinions.” Mr. Xhemajli asserted that he had the right to speak under the Rules of Procedures and questioned the importance of having procedural rules if they are not adhered to. The President of the Assembly responded that as long as he was the President of the Assembly, Members would speak when given the floor. The President of the Assembly called a halt to proceedings for the day and announced that the session would reconvene the next morning.

Under Rule 12, “[t]he members of the Assembly have an equal right and responsibility to participate fully in the proceedings of the Assembly . . . [including the right] to take part on an equal basis with other Members of the Assembly in all debates of the Assembly.” The Rules do not differentiate between the speaking rights of parliamentary group leaders and other Members, nor do they include any provision on setting such strict limits on the number of speakers in a debate. While the Rules grant the President of the Assembly considerable authority in interpreting the procedural rules during a plenary session, a debate on such an

*important topic as the negotiations team for Kosovo's future status should not have been limited to such a small number of speakers without broad agreement among political entities.*⁶

Rule 6.5 provides that "[t]he Presidency shall ensure that any substantial motion supported by six or more deputies of the Assembly is placed on the agenda of the plenary session of the Assembly within three working weeks of securing this degree of support," but the Rules do not contain a provision conditioning the right of Members to speak during the session on the number of Members in support.

Distribution of Documents

- The Draft Law on Emergency Health Care was distributed to the Members of the Assembly on 22 July; the Draft Law on Preschool Education and the Draft Law on Publishing Activities and Books were distributed on 27 July; the Draft Law on Hunting was distributed on 3 August. Thus, the draft laws were distributed, respectively, 55, 52 and 47 days prior to their first reading on 3 October plenary session. The Draft Law on Trade Marks was distributed on 16 August and the Draft Law on Mines and Minerals was distributed on 17 August. Thus, the draft laws were distributed, respectively, 34 and 33 working days prior to their first reading on 5 October plenary session.

Scheduling the first reading of the draft laws on 3 and 5 October was in compliance with Rule 28.2, which requires a draft law to be distributed to Members of the Assembly at least ten working days before it is to be considered for its First Reading.

Voting Process

- A quorum was present for all voting at the plenary sessions under review. Shortly after PDK abandoned the plenary session on 29 September, Ms. Fatmire Mulhaxha-Kollçaku (ORA) asked whether a quorum was present before delivering her statement on the draft law in question. The President of the Assembly responded that 61 Members were present. At that point, one Member walked out, leaving the Assembly without a quorum. The President of the Assembly called a halt to proceedings for the day and announced that the Assembly would reconvene on 3 October.

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. In the case of the lack of quorum on 29 September, the plenary session nonetheless could have continued with at least forty Members present, provided that a quorum was present during all voting.

Interpellation

- On 12 September, PDK submitted to the Presidency of the Assembly an interpellation motion, including the signatures of its Members, calling on Prime Minister Kosumi to respond to charges of corruption, in particular with regard to "his return from Turkey with a private airplane." At its meeting on 20 September, the Presidency agreed without discussion to forward the interpellation motion to the Government and to place the interpellation on the plenary session agenda as soon as the Government returned a response. On 6 October, Prime Minister Kosumi sent a letter to the President and the Presidency of the Assembly, in which he asserted that the formulation of the motion was not in compliance with the Assembly's procedural rules. "According to Rule 25.3 of the Rules of Procedure of the Assembly of Kosovo, an interpellation motion must contain a concise formulation of the issue that is the subject of the interpellation . . . I must stress that the document requesting an interpellation does not contain a clearly formulated question on a concrete issue . . . I assure you that I am prepared, at any time that it's considered

⁶ It should be noted that the President of the Assembly attempted to gather the leaders of the main Kosovo Albanian political parties on 27 September, the day prior to the Assembly vote on the declaration, in order to create political unity regarding the resolution, but the meeting failed because most party leaders did not show up.

necessary, to respond to questions that are formulated clearly and in compliance with the Rules of Procedure of the Assembly, but not to respond to presumptions, prejudgments, and accusations, like the ‘motion’ of PDK Parliamentary Group.”

Rule 25.3 stipulates, as asserted by the Prime Minister, that an interpellation motion shall include “a concise formulation of the issue dealt with by the interpellation”, along with “the suggested conclusion and justification, the full name of the Member who brought the interpellation before the Assembly, and the signatures of the Members supporting the interpellation.” Under Rule 25.4, “[t]he interpellation is put forward to the Presidency of the Assembly. As soon as the text of the interpellation is received, the Presidency of the Assembly shall submit it to the Government, which is obliged to review it within fifteen (15) days.” Rule 25.5 provides that “[t]he interpellation shall be included in the agenda within ten (10) days of receipt of the answer by the Government . . . The Assembly cannot reject the inclusion of the review of interpellation in the agenda, with the exception of cases when it does not meet the formal conditions stipulated in paragraph 3 of this rule.”

Neither the Assembly’s procedural rules nor the Government’s procedural rules⁷ grant the Government a role in determining whether the interpellation has been formulated in accordance with Rule 25.3. Similarly, the Assembly Presidency is required by Rule 25.4 to forward the interpellation motion to the Government, with no authority to block the motion on the basis that it is incorrectly formulated. Only the full Assembly can make such a determination, as stipulated in Rule 25.5. This same rule requires that the interpellation shall be included in the plenary session agenda “within ten (10) days of receipt of the answer by the Government,” regardless of the content of the Government’s response. In the future, parliamentary groups submitting interpellation motions may wish to consult closely with the Assembly’s Department of Legal and Procedural Support, in order to avoid cases in which an improperly formulated interpellation motion proceeds through the Assembly Presidency and the Government, only to be rejected at the Assembly plenary session.

Resolution on Kosovo’s status

- On 11 October, the Assembly Presidency met to discuss the proposed extraordinary plenary session on the resolution on Kosovo’s status (see the second point under “Agenda”). The Presidency had received two reports, from the Committee on International Cooperation and the Committee on Judicial, Legislative and Constitutional Framework Matters. Both reports made reference to the latest version of the resolution, as amended by the working group. The report submitted by the Committee on International Cooperation asserted that the committee had discussed the text of the proposed resolution, unanimously approved it, and proposed to the Presidency to proceed with the resolution. The report submitted by the Committee on Judicial, Legislative and Constitutional Framework Matters likewise recommended that the Presidency should proceed urgently with the resolution but proposed amending the first point of the new resolution to propose a “reaffirmation of the will of the people of Kosovo for an independent and sovereign state” rather than a “reaffirmation of the declaration of Kosovo as an independent and sovereign state.” Members of the Presidency expressed concern that the text of the resolution had been radically changed from the original proposal and that the responsible parties had not met all together and agreed on one text but rather the committees had made two separate proposals. The Presidency concluded that, for “procedural and substantive reasons”, the resolution could not proceed further at that time. Mr. Ramë Buja (PDK) objected to the conclusion, arguing that indefinite postponement of the resolution was simply a political game.

⁷ Article 71 of the Government’s Rules of Procedure provides that “[w]henver the Assembly debates a vote of confidence or no-confidence in the Government, proposals for the appointment or dismissal of Ministers or an interpellation for the work of the Government, the Government shall be represented in the Assembly by the Prime Minister.” The Government’s procedural rules make no further mention of interpellations.

Procedural motions

- After the President of the Assembly declared that the PDK resolution was not an urgent item (see the second point under “Agenda”), Mr. Gani Koci (PDK) stated that he wished to move that the procedural rules had been violated. The President of the Assembly responded that Mr. Koci should submit the motion in writing to the Table Office and did not allow him to proceed with proposing the motion verbally. Mr. Koci responded that the President of the Assembly should “respect the rules,” which allow Members to propose such motions at any time during the plenary session. Mr. Jakup Krasniqi proposed that a brief recess should be called, because PDK was dissatisfied with the manner in which their request was being handled, and the President of the Assembly agreed to call a recess.

Rule 30.1 provides that “[a]t any plenary session of the Assembly, a member is entitled to propose any of the following procedural motions . . . [including a motion] to challenge whether or not the rules of procedure have been violated.” Rule 30.5 further provides that “[w]here a motion challenging a potential violation of the rules of procedure is made, the President of the Assembly shall decide immediately, or, if necessary, upon a further review, whether the motion is in order. In such cases the President shall instruct the violator of the rules to comply with the rules of procedure.” Rule 30.8 provides that “[a] motion to challenge the application of the Rules of Procedure and the motion on the violation of the rights of a Member can be made by even one Member. This motion is submitted to the Committee on Judicial, Legislative and Constitutional Framework Matters, which has to express its recommendation in the first Assembly Plenary Session to follow.”

Under Rule 30.1, Mr. Koci clearly had the right during the plenary session to challenge whether the rules of procedure had been violated. The issue is, however, somewhat complicated by Rule 2, which defines motions as written proposals.⁸ If a Member of the Assembly wishes during a given plenary session to challenge the application of the Rules of Procedure, as allowed by the Rules, he or she must be given the opportunity to raise the issue upon requesting to do so, rather than being instructed to submit the motion in writing to the Table Office. The Rules do not set forth a special procedure for cases when the President of the Assembly (or Chairperson of the plenary session) himself is accused of violating the Rules of Procedure, but rather he has the authority, under Rule 30.5, to determine whether his own actions were in accordance with the Rules. If the Member of the Assembly challenging the application of the Rules is dissatisfied with the ruling, he or she could, under Rule 30.8, submit a motion in writing to the Committee on Judicial, Legislative and Constitutional Framework Matters. The Rules do not, however, define the relationship between decisions taken by the President of the Assembly during a plenary session and those taken by the Committee: it is not clear whether one decision has precedence over the other. The Assembly may wish to consider amending Rule 30, or issuing supplementary guidelines, in order to better define the procedure for challenges to the application of the procedural rules.

- On 24 August, ORA parliamentary group submitted to the Presidency a motion asserting that the manner in which the planned 26 August plenary session had been cancelled, through a forwarded e-mail from the Assembly administration citing “technical reasons”, constituted a procedural violation. ORA asserted that plenary sessions that had been agreed upon by the Presidency of the Assembly could be cancelled only by the Presidency in consultation with parliamentary group leaders. The Presidency agreed without discussion at its 20 September meeting to forward the motion to the Committee on Judicial, Legislative and Constitutional Framework Matters. The Committee discussed the motion on 10 October, with Members asserting that the procedural rules on agenda-setting and consultation with parliamentary groups

⁸ From Rule 2, which defines terms used in the Rules: “**Motion** means: (a) a written substantive proposal submitted to the Table Office; or (b) a written procedural proposal presented to the Assembly for debate and vote in accordance with these Rules.”

were not always followed. The Committee concluded that ORA's motion was justified and that "the procedural rules should be adhered to."

Under Rule 30.8, "[a] motion to challenge the application of the Rules of Procedure and the motion on the violation of the rights of a Member can be made by even one Member. This motion is submitted to the Committee on Judicial, Legislative and Constitutional Framework Matters, which shall express its recommendation in the first Assembly Plenary Session to follow." The Committee should therefore state its recommendation at the upcoming plenary session in November.

4. Equal Access and Participation of Communities

- On 2 September, Mr. Mahir Yağcılar (6+/KDTP) submitted to the Presidency of the Assembly a request to open a Turkish language version of the website of the Assembly of Kosovo, "based on the principles of equal use of languages for documents of the Assembly of Kosovo." Mr. Yağcılar stated in his request that it would be necessary to hire a Turkish translator and proofreader in order to open such a webpage. Mr. Gazmend Muhaxheri stated that a Turkish version of the Assembly website would be a positive step towards Standards implementation. The President of the Assembly stated that he had nothing against the proposal, but it would be better to wait until the Draft Law on Language Use is adopted.
- At the 20 September Presidency meeting, Mr. Džezair Murati (6+/Vakat), stated that, without wanting to politicize the issue of the status negotiations team, he wished to present Parliamentary Group 6+'s position that the delegation was "incomplete" and should include at least one member of the "so-called integrated minority communities". He added that the inclusion of a minority community representative would be to the benefit of the negotiations team, because it would demonstrate that other communities share the Kosovo Albanians' position on Kosovo's status. The President of the Assembly responded that he had no intention to disagree with Mr. Murati, but that the composition of the team had been proposed through a declaration of the President of Kosovo. The President of the Assembly proposed that minority communities could be represented in the working groups.
No concrete follow-up actions, such as the Assembly making a recommendation to the negotiations team, were taken, despite the PDK statement that the composition of the team should be "supplemented with representation of ethnic communities" and the President of the Assembly's assertion that the team represented a new institution that would "fully represent the political and ethnic spectrum of Kosovo", both made during the brief debate on President Rugova's declaration (see "Debates").

5. Access

During the reporting period, Pillar III (OSCE) received access to the plenary sessions, the Presidency meetings, and all 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 live television coverage of the plenary session under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly has a website (www.kuvendikosoves.org, www.skupstinakosova.org, 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.