

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

Pillar III (OSCE) Report 03/2006
On the Monitoring of the Assembly of Kosovo
8 April 2006 – 19 May 2006

Highlights

- **Assembly discusses Standards implementation, privatization in Kosovo**
- **Assembly discusses situation at University, does not set date for debate on education**
- **Agenda-setting procedure once more problematic**
- **IMC Council members mistakenly declared not ratified, record corrected at next session**
- **Minister of Transport and Communications appears for interpellation on Kosovo roads**
- **Group for Integration still not incorporated into Assembly functional committees**

1. Background

This forty-fifth 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 three regular plenary sessions, on 20-21 April, 27 April, and 11 May, and one extraordinary plenary session, on 12/15 May, as well as three regular Presidency meetings, on 11 April, 19 April, and 4 May. All Committees and the Subcommittee on Human Rights, Gender Equality, Public Petitions and Claims held meetings during the reporting period.¹ Pillar III (OSCE) monitored the plenary sessions and the Presidency meetings, as well as 28 out of 31 Committee meetings, one meeting of the subcommittee for Human Rights, Gender Equality and Public Petitions and Claims, and one meeting of the ad-hoc committee for media as well as three public hearings.²

¹ The Committee for Judicial, Legislative and Constitutional Matters met on 18 April and 8 May while the Committee for Public Services, Local Administration and Media met on 3 May. The Committee for Budget and Finance met on 18 and 26 April and 8 and 18 May, while the Committee on the Rights and Interests of Communities and Returns met on 18 April, and 2, 8 and 19 May. The Committee for Health, Labour, Social Welfare and Missing Persons met on 11 and 19 April, and 4, 5, 16, 17 and 19 May, while the Committee for Education, Science, Technology, Culture, Youth and Sports met on 12 and 19 April and 8 May. The Committee for International Cooperation and Euro-Atlantic Integration met on 2 May, while the Committee for Emergency Preparedness met on 5 May. The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning met on 11 and 25 April, and 2 and 16 May, while the Committee for Economy, Trade, Industry, Energy, Transport and Communications met on 18 and 25 April, and 3 and 16 May. The Subcommittee for Human Rights, Gender Equality and Public Petitions and Claims met on 19 April and 10 May, while the ad-hoc committee on media met on 11 and 14 April. The Committee for Economy, Trade, Industry, Energy, Transport and Communications held a Public Hearing of the Draft Law on Road Traffic Safety on 10 April. The Committee for Education, Science, Technology, Culture, Youth and Sports held a Public Hearing on the Draft Law on the Publication of School Textbooks, Educational Means, Reading Materials, and Pedagogical Documentation on 12 April. The Committee for Judicial, Legislative and Constitutional Matters held a Public Hearing of the Draft Law on Martyrs' Day on 25 April.

² The Committee for Judicial, Legislative and Constitutional Matters on 18 April and 8 May; The Committee for Public Services, Local Administration and Media on 3 May; The Committee for Budget and Finance on 18 and 26 April, and 8 and 18 May; The Committee for the Rights and Interests of Communities and Returns on 18 April, 2, 8 and 19 May; The Committee for Health, Labour, Social Welfare and Missing Persons on 11 and 19 April, 4, 5, 16, 17 and 19 May;

2. Overview

The 20-21 April plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK) and co-chaired by Mr. Gazmend Muhaxheri (ORA) until the break and Mr. Xhavit Haliti (PDK) after the break on 20 April and on 21 April.

- Eighty-seven and 82 Members of the Assembly were present, respectively, on 20 and 21 April.³
- Main agenda items of the 20-21 April plenary session:
 - Discussion of the implementation of Standards
(Prime Minister Agim Çeku (AAK) made a presentation, followed by a plenary debate and responses by the Prime Minister and other ministers in attendance.)
 - Discussion of the privatization process in Kosovo
(Head of UNMIK Pillar IV Joachim Ruecker and Minister of Trade and Industry Bujar Dugolli (AAK) made presentations, followed by a plenary debate and response by the Minister of Trade and Industry.)
 - Discussion of information on the prevention of avian flu
(This agenda item was postponed for the next plenary session.)

The 27 April plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kolë Berisha (LDK), and co-chaired by Mr. Sabri Hamiti (LDK).

- Seventy-nine Members of the Assembly were present at the 27 April plenary session.
- Main agenda items of the 27 April plenary session:
 - First reading of the Draft Law on Internal Auditing
(The draft law was endorsed in principle with 62 votes in favor, one vote in opposition, and no abstentions.)
 - First reading of the Draft Law on Arbitration
(The draft law was endorsed in principle with 66 votes in favor and one vote in opposition.)
 - First reading of the Draft Law on Reproductive Health
(The draft law was endorsed in principle with 64 votes in favor and one vote in opposition.)
 - Discussion of information on the prevention of avian flu
(Minister of Health Sadik Idrizi (6+/Vakat) and Deputy Minister of Agriculture, Forestry, and Rural Development Tomë Hajdaraj (LDK) made presentations, followed by a plenary debate and responses by the Minister of Health and Deputy Minister of Agriculture.)
 - Review of the recommendation on the appointment of four civil society members to the Independent Media Commission (IMC) Council
(The appointments received 57 votes in favor, eleven votes in opposition, and six abstentions, and were announced not to have been ratified. See the second item under “Voting Process”.)

The 11 May plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kole Berisha (LDK) and co-chaired by Mr. Xhavit Haliti (PDK).

The Committee for Education, Science, Technology, Culture, Youth and Sports on 12 and 19 April and 8 May; The Committee for Emergency Preparedness on 5 May; The Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning on 11 April and 16 May; The Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications on 18 and 25 April and 3, 16 May; The Subcommittee for Human Rights, Gender Equality and Public Petitions and Claims on 10 May; The ad-hoc Committee for media on 14 April; Public hearing on the Draft Law on Road Traffic Safety on 10 April; public hearing of the Draft Law on the Publication of School Textbooks, Educational Teaching Resources, Reading Materials, and Pedagogical Documentation on 12 April; and public hearing on the Draft Law on Martyrs' Day on 25 April.

³ Unless otherwise indicated, the figure given is the one announced by the President of the Assembly or Chairperson at the beginning of the day.

- Seventy-six Members of the Assembly were present at the 11 May plenary session.
- Main agenda items of the 11 May plenary session:
 - First reading of the Draft Law on Construction Lands and Lease
(The draft law was endorsed in principle with 58 votes in favor and eight votes in opposition.)
 - First reading of the Draft Law on Public Health
(The draft law was endorsed in principle with 69 votes in favor and three votes in opposition.)
 - First reading of the Draft Law on Hydrometeorological Activities
(The draft law was endorsed in principle with 60 votes in favor and ten votes in opposition.)
 - Interpellation of Minister of Transport and Communications Qemajl Ahmeti, at the proposal of the PDK parliamentary group, regarding the condition of roads in Kosovo
(The interpellation was introduced by PDK parliamentary group leader Mr. Jakup Krasniqi, followed by a response by Minister Ahmeti, a plenary debate, final responses of Minister Ahmeti, and a proposed conclusion by Mr. Jakup Krasniqi. See “Interpellation”.)

The 12/15 May extraordinary plenary session of the Assembly of Kosovo was chaired by President of the Assembly Kole Berisha (LDK) and co-chaired by Mr. Naim Maloku (AAK) on 12 May. The session was chaired by Mr. Sabri Hamiti (LDK) and Mr. Naim Maloku (AAK) on 15 May.

- Ninety and 65 Members of the Assembly were present, respectively, on 12 and 15 May.
- Main agenda items of the 12/15 May plenary session:
 - Discussion of the state of affairs at the University of Prishtina
(PDK parliamentary group representative Mr. Enver Hoxhaj, as the initiator of the debate, made an opening statement, which was followed by a response by Minister of Education, Science, and Technology Agim Veliu (LDK) and a plenary debate.)

3. Parliamentary Practices and Proceedings of Assembly Sessions

Agenda

- The agenda of the 20-21 April plenary session – discussions of Standards implementation and privatization – was approved by the Assembly at the end of the 6 April plenary session, but one additional item – information on the prevention of avian flu – appeared on the agenda as distributed later to Members of the Assembly. At the beginning of the session on 20 April, Ms. Teuta Hadri (PDK) stated that the information submitted by the Government regarding avian flu was incomplete and proposed that the discussion should therefore be postponed. Several members of various parliamentary groups proposed items of discussion for future plenary sessions but were told to submit the proposals in writing. The President of the Assembly called for a vote on Ms. Hadri’s proposal to postpone the discussion of avian flu and it was defeated with 62 votes in opposition and 40 votes in favor. The agenda point was nonetheless postponed, on 21 April, because the discussions of Standards implementation and privatization lasted longer than expected. At the end of the debate on privatization, the President of the Assembly announced that the plenary session would continue on 27 April with the discussion of avian flu. The plenary session held on 27 April was in fact not a continuation of the 20-21 April session, but a separate session, with an agenda including the discussion of avian flu and several new points. The agenda was not presented to the Assembly for approval at the end of the 20-21 April session *or* at the beginning of the 27 April session. The agenda of the 11 May plenary session was presented for approval at the beginning of that session. A majority of members voted in favor of the agenda, but as they were voting, Mr. Emrush Xhemajli (LPK) raised his hand to make an intervention, requesting that the Assembly

add to that day's agenda a discussion of the changes that had been made to the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War⁴ by UNMIK in the promulgating regulation, expressing his indignation at the nature of the changes that had been made after the adoption of the law by the Assembly. Mr. Ramë Buja (PDK) echoed Mr. Xhemajli's objections, arguing that the SRSG should have requested that the Assembly make changes to the law, rather than making the changes unilaterally upon promulgation. Mr. Buja stated that, according to the law in its promulgated form, there had been "no war and no heroes" in Kosovo. He proposed that the law should be returned to the Assembly for further review; otherwise, it "could not be recognized as a law adopted by the Assembly." The President of the Assembly responded to both Mr. Xhemajli and Mr. Buja that the Assembly had not yet received any official text of the law as promulgated, but that the Assembly could proceed with its review upon receiving the official text. Mr. Alush Gashi stated that LDK supported the agenda as proposed by the Presidency but wished to know whether the Presidency planned to reintroduce the practice of proposing the plenary session one plenary week in advance, as required by the Rules, in which case the final agenda item should have been "Proposal of the agenda for the next plenary session." Mr. Gjergj Dedaj (For Integration/PLK) then began to comment on another aspect of the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War that he disagreed with. The President of the Assembly informed Mr. Dedaj that the item he was discussing was not on the agenda for that day. Mr. Dedaj responded that he wanted to speak about the law, regardless of whether it was on the agenda, because he considered it more important than the items on that day's agenda, and argued that the President of the Assembly could not take the floor away from him because he is an elected Assembly Member. The President of the Assembly responded that, as stated previously, the Assembly would discuss the fate of the law when they had received an official copy from UNMIK.

Ms. Gjylnaze Sylja (AAK) called for better compliance with Rules 23 and 29, stressing that the agenda of the upcoming plenary session should always be presented for approval at the *end of the previous session*, and that any urgent agenda items for review at that session should be proposed only *with prior permission of the President of the Assembly*. The agenda of the next regular plenary session was not presented for approval at the end of the 11 May session.⁵

While the practice of agenda preparation and approval improved considerably during previous months⁶, the Assembly seems to have reverted to earlier practices. The 20-21 April agenda was approved at the previous session, but one agenda item was added in the meantime. The 27 April agenda was not presented for approval at any time. The 11 May agenda was approved only at the beginning of that day's session, and the agenda of the next regular plenary session was not presented for approval at the end of the 11 May session. Agenda preparation and approval during the reporting period 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."

Rule 29.1 provides that "[a]t any plenary session, any Member, in agreement with the President of the Assembly, may propose that the Assembly should immediately consider an urgent matter. If the President of the Assembly is satisfied that the matter merits the Assembly's immediate

⁴ Under the promulgating regulation (2006/29), the official name is the "Law on the Status and the Rights of the Families of Martyrs, Invalids, Veterans and Members of the KLA and of the Families of Civilian Victims of the Armed Conflict in Kosovo". For purposes of simplicity, and because the narrative reflects the discussion that took place in the Assembly, this report will refer to it as the Law on the Rights of KLA War Veterans, Martyrs' Families, and Civil Victims of the War.

⁵ The next plenary session, on 12 May, was an extraordinary plenary session, with its agenda set in a separate procedure.

⁶ See Pillar III (OSCE) Reports 01/2006 and 02/2006 on the Monitoring of the Assembly of Kosovo

attention, he/she shall permit the Member concerned to put his proposal to the Assembly, and then put it to a vote.” Under Rule 29.1, it is within the President of the Assembly’s discretion to decide whether proposed “urgent” issues “merit the Assembly’s attention”.

The President of the Assembly’s intervention during Mr. Dedaj’s speech was in accordance with Rule 22.10, which obligates the President of the Assembly to call to order any Assembly Member who “departs from the matter opened for discussion” or “raises an issue outside the scope of the debate or motion”.

- At the beginning of the 27 April plenary session, Mr. Enver Hoxhaj (PDK) raised as an urgent issue the Administrative Directive issued one day earlier by the Ministry of Education, Science, and Technology, on the “full-scale re-elections to conclude the re-installation of lawful governance at the University of Prishtina”, pointing out that it grants the Minister the authority to dismiss high officials in the case of non-compliance with the procedures and timeframes in the directive. Mr. Hoxhaj requested that the issue be added to that day’s plenary session agenda and that the Minister of Education and the Prime Minister should appear before the Assembly to justify the introduction of “forceful measures” at the University. Ms. Gjylnaze Sylja (AAK) stated that her parliamentary group was in favor of a discussion not only of the latest developments at the University but of the issue of education in general, which would need more time to prepare. Ms. Teuta Sahatqija (ORA) declared her parliamentary group’s support for a discussion on education, pointing out that ORA had requested such a debate several months earlier, and proposed that parliamentary group leaders should meet to discuss whether to hold the debate as a point on the agenda of that day’s session or as an extraordinary plenary session. Mr. Alush Gashi stated that LDK was in favor of a well-prepared discussion of the issue. Mr. Ferid Agani (Group for Integration) declared his parliamentary group’s support for the PDK proposal and echoed Ms. Sahatqija’s proposal for a brief meeting of parliamentary group leaders. The Chairperson did not grant a break for consultation among parliamentary group leaders but called a vote on whether to add the issue as an urgent item to that day’s plenary session. The motion was defeated with 47 votes in opposition, 29 in favor and four abstentions. Ms. Gjylnaze Sylja reiterated that AAK was in favor of the proposed discussion but believed that more time was needed in order to prepare the debate properly.

On 3 May, PDK parliamentary group submitted a written request for an extraordinary plenary session “to debate the issue of Kosovo education in general and University of Prishtina in particular”, signed by 40 Assembly members, from PDK, ORA, and Group for Integration. The Presidency reviewed the request at its 4 May meeting, with a brief discussion of whether it would be feasible to discuss both issues at one session, and decided to hold the extraordinary session on 12/15 May, without taking a decision on whether to limit the items of discussion. The 12/15 May agenda that was later distributed to Assembly members included only a “discussion of the situation at the University of Prishtina”. The session opened with objections from PDK to the fact that the agenda was limited to a discussion of the University, recalling that the request had been for an extraordinary plenary session on both the University *and* the general issue of education in Kosovo. The President of the Assembly and Mr. Naim Maloku (AAK) responded that the request had in fact been for both topics, but that the Presidency had decided it was most logical to divide the request into two parts, treated in two separate plenary sessions, in order to treat the issue of the University as an urgent issue and provide the necessary time in order to prepare for a broader debate on education in Kosovo. After more than an hour of debate about the agenda, with PDK asserting that the Presidency does not have the authority to modify a request for an extraordinary plenary session, and after a break for consultation among parliamentary group leaders, PDK finally agreed to settle for a debate only on the University at that session, with the guarantee that a date would soon be set for a plenary discussion on education in Kosovo. Despite requests of PDK, ORA, and Group for Integration, no date was set at that session.

Rule 23.5 provides that “[t]he Presidency shall, upon its own initiative or in response to a request by the Prime Minister or by one or more parliamentary groups representing not less than one-third, respectively 40 (forty) Members of the Assembly, convene the Assembly for an extraordinary session in order to deal with an urgent matter. The request shall state the matter or matters to be considered, and the reasons why they are considered urgent and important in such a way as to justify recalling the Assembly. In such cases, only the items of business that form the basis of the request shall be considered.” The Rules do not give the Presidency the authority to modify the request, but in this case, the requesting parties eventually agreed to limit the discussion at the 12/15 May plenary session to the University.

Debates

- At the Assembly plenary session on 20 April, Prime Minister Agim Çeku made a presentation on the implementation of Standards, which was followed by a plenary debate lasting approximately six hours. The content of the debate followed typical party lines, with coalition members praising the progress that has been made so far towards the implementation of Standards, and opposition members, particularly those of PDK, criticizing the Government for failure to implement Standards and accusing it of corruption. All speakers who wished to speak longer than ten minutes were allowed to do so, with some members speaking almost twenty minutes, despite numerous interventions by the President of the Assembly. Towards the end of the debate, Prime Minister Çeku responded to the statements that had been made, thanking the Assembly for an overall constructive debate, but regretting that “offensive statements and accusations continue to be made without any facts – the same rhetoric that has been used since the beginning.” Regarding the accusations of corruption, Prime Minister Çeku acknowledged that there is probably corruption in the Government, but that he was going to fight it, and he added that “corruption did not begin with this Government.” He concluded his statement by saying that the Government respects the right of Assembly members to deliver criticism but asked members to back their criticism up with justification. Mr. Hajredin Kuçi (PDK) defended the right of Assembly members to make accusations, asserting that “with the exception of statements that are conducive to inter-community violence, Assembly members have the right to say what they wish.” Mr. Xhevat Bislimi (PDK) stated that “the Prime Minister’s loss of patience and his attempts to confront the Assembly and to defend corruption, organized crime, and violations of the law are proof that this Prime Minister will fail, like his predecessor. I regret that instead of fighting corruption and organized crime, he is becoming their advocate.” Ms. Gjylnaze Syla (AAK) called on the President of the Assembly to “apply Rule 22.10,” the provision dealing with unparliamentary language.

Under Rule 22.7, “a discussion in the Assembly shall not exceed ten (10) minutes for all Members of the Assembly” unless otherwise decided by the Assembly. Under Rule 22.9, the Chairperson may allow a Member to speak longer than the allotted time when he “considers that it is in the interest of the discussion.” At recent sessions, the President of the Assembly and Members of the Presidency chairing plenary sessions have granted additional time to speakers in almost every case requested. Those chairing the plenary sessions may wish to adopt a stricter approach in limiting Assembly members’ statements to the time allotted by the Rules.

Rule 22.10 provides that Assembly members shall not use unparliamentary language, which is defined as “offensive, defamatory, or threatening; personal attacks or insults; obscene language; or conducive to inter-community violence,” a definition far broader than that offered by Mr. Kuçi during the debate. Rule 22.11 stipulates that “[t]he President of the Assembly may direct a Member of the Assembly or Minister who has, in his or her opinion, used non-parliamentary language, to withdraw such words or, if necessary, take action in accordance with paragraph 13 of this rule.”⁷ It is within the discretion of the person chairing the session to

⁷ Rule 22.13 reads: “In case of grave disorder arising in the Assembly, the President of the Assembly may adjourn the session forthwith, or may suspend it for a specified time.”

make a determination as to whether a particular statement should be considered “unparliamentary language” and to ask the member to “withdraw” such words.

- During the discussion on the prevention of avian flu in Kosovo, Mr. Xhevat Bislimi (PDK) stated that the Assembly should take measures to fight another virus – corruption – and remarked that the Government should be put under quarantine. The President of the Assembly asked him to stick to the topic at hand, and Mr. Bislimi ended his statement.

The President of the Assembly’s intervention during Mr. Bislimi’s speech was in accordance with Rule 22.10, which obligates the President of the Assembly to call to order any Assembly Member who “departs from the matter opened for discussion” or “raises an issue outside the scope of the debate or motion”.

Distribution of Documents

- The Draft Law on Internal Auditing was distributed on 28 March, the Draft Law on Arbitration was distributed on 30 March, and the Draft Law on Reproductive Health was distributed on 6 April. Thus, the draft laws were distributed, respectively, 20, 18 and 13 working days prior to their first readings at 27 April plenary session. The Draft Law on Construction Land, Privatization and Renting of Construction Land was distributed on 7 April, the Draft Law on Public Health was distributed on 10 April, and the Draft Law on Hydrometeorological Activity was distributed on 25 April. Thus, the draft laws were distributed, respectively, 21, 18 and ten working days prior to their first readings at 11 May plenary session.

Rule 35.1 requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. Many draft laws during the reporting period were reviewed in first reading well after three working weeks from the dates of their distribution. The Assembly is still having some difficulties reviewing incoming draft legislation according to the timeframe set forth in its procedural rules, despite the fact that it has begun to hold plenary sessions more frequently. Some of the plenary sessions, however, are dedicated solely to discussions of vital current issues and not to the review of draft legislation.

Voting Process

- A quorum was present for all voting at the plenary sessions under review.
This was in compliance with Section 9.1.32 of the Constitutional Framework and Rule 31.1, which provide that a majority of the Members of the Assembly must be present in order for decisions to be taken.
- At the 27 April plenary session, the Assembly voted upon the four civil society appointees to the IMC Council nominated by the ad-hoc Assembly committee. Prior to the vote taking place, chairperson of the ad-hoc committee Mr. Sabri Hamiti (LDK) introduced the nominations, stating that the committee had met on 6 and 11 April and had selected four out of eight candidates, by secret ballot, and that the group of four nominees was gender-balanced and ethnically balanced. Mr. Hamiti informed the Assembly that under the Law on the Independent Media Commission and Broadcasting (IMC Law), the list of nominees had to receive “at least 50% of the votes of the Assembly”. The list of nominees was then put to a vote and received 57 votes in favor, eleven votes in opposition, and six abstentions. The nominees were declared not to have been ratified, on the basis that they received less than 61 votes in favor. Mr. Hamiti commented that those who had voted in opposition had made a mistake and had thereby extended the mandate of the Temporary Media Commissioner. At its meeting on 4 May, the Presidency briefly reviewed a memorandum from the Department of Legal and Procedural Support stating that the IMC Law was incorrectly interpreted at the 27 April plenary session and that the IMC Council nominees required the support of only a simple majority of Assembly members present and voting in order to be ratified. At the beginning of the 11 May plenary session, the President of the Assembly informed the Assembly that the IMC Council nominees

were in fact legally ratified when they received 57 votes at the previous plenary session, and the Assembly voted in favor of amending the 27 April plenary session minutes to reflect that fact. *Under 4.4 (g) of the IMC Law, the Assembly ratifies the four civil society nominees to the IMC Council “in a pro forma act”. The law does not stipulate a special voting requirement in this case; therefore ratification of the nominees required only a “majority of the members of the Assembly present and voting” (Constitutional Framework, Section 9.1.33, and Rule 31.3). The nominees were incorrectly declared not to have been ratified at the 27 April plenary session because Section 4.3 (c), rather than Section 4.4 (g), was taken as the basis for determining the necessary amount of support. The Albanian version of Section 4.3 (c), which applies not to the four civil society members nominated by the ad-hoc committee but only to the one member appointed directly by the Assembly, provides that the member must receive the support of the majority of all Members of the Assembly (i.e. at least 61 votes) in order to be appointed. The English version of Section 4.3 (c), which in such a case of discrepancy prevails, provides that the IMC Council member appointed directly by the Assembly needs only the support of the “majority of Members present”. This needs to be taken into account when the Assembly appoints one more member to the IMC Council.*

Questions to the Government

- At the beginning of the 27 April plenary session, Mr. Hydajet Hyseni (PDK) stated that he was not going to abandon the issue of the question he had submitted several months earlier to the Government regarding displaced people from the Preševo/Presheva valley, as well as the fate of five million Euros allocated by the Government at the recommendation of the Assembly, and insisted that he should receive a response. The Chairperson responded that “the questions have entered the parliamentary process” and that nothing more could be said except that it is the duty of Ministers to answer the questions submitted to them. Mr. Hyseni raised the issue once more at the beginning of the 11 May plenary session but did not receive a response. *Mr. Hyseni first mentioned the pending question at the 15/16/19 December plenary session, stating then that he had submitted it three months earlier.⁸ Under Rules 26-27, questions to the Government for oral answer shall be placed on the agenda of an upcoming plenary session soon after the question has been submitted, and questions to the Government for written answer shall be responded to within two weeks of their submission and “included in the records of Assembly Proceedings for the day on which it is answered, or the first day thereafter on which the Assembly sits in plenary session.” The same provisions require that questions to the Government that receive no written response within the deadline (Rule 27) or that are rejected within the Assembly for inconsistency with the procedural rules (Rule 26.5) “shall be published in the bulletin of the Assembly.” The Assembly of Kosovo bulletin does not contain a section on questions that have been submitted to the Government. Mr. Hyseni has now raised the issue of pending questions to the Government several times in the more than eight months since he submitted his question, and has received no indication from the Assembly leadership as to whether the matter has been further pursued with the Government. The Assembly leadership should inquire within the Government as to the status of the questions and ensure that they are answered in a timely manner.*

Interpellation

- At the end of the 11 May plenary session, Mr. Jakup Krasniqi presented the PDK interpellation directed to Minister of Transport and Communication Qemajl Ahmeti (LDK), at the same time asking a series of detailed questions related to those contained in the interpellation motion and expressing his dissatisfaction with the written response that the Minister had returned. Minister Ahmeti addressed the Assembly in response to the questions, and then the President of the Assembly opened the debate on the interpellation. The extensive discussion was dominated by

⁸ See Pillar III (OSCE) Report 10/2005 on the Monitoring of the Assembly of Kosovo, footnote 20.

members of the opposition, but representatives of the governing coalition likewise made comments or asked additional questions related to the topic. Towards the end of the discussion, Mr. Sabri Hamiti (LDK) commented that the interpellation had lasted too long. The Chairperson⁹ responded that each Assembly Member had the right to speak ten minutes. When all Members wishing to speak had done so, the Chairperson informed Minister Ahmeti that he could take as much time as needed to respond to the questions. Minister Ahmeti spoke for approximately 25 minutes, responding to most questions that had been asked. Mr. Jakup Krasniqi then concluded the debate with a number of comments and a proposed conclusion that an investigative committee should be formed in order to look into the “loss” of 6.9 million Euros from the Ministry budget, referring to a statement made by the Minister during the debate. Minister Ahmeti responded that there had been a misunderstanding – he had not intended to imply that that amount of money had been “lost” but rather that the amount had been allocated directly to the 2005 Kosovo Consolidated Budget instead of the Ministry budget. The proposed conclusion was therefore not put to a vote and the plenary session came to a close.

The debate on the interpellation was carried out in compliance with the relevant provisions¹⁰ of Rule 25 and Rule 22.7 (“If not otherwise decided by the Assembly, a discussion in the Assembly shall not exceed ten (10) minutes for all Members of the Assembly.”) Under Rule 22.9, it was within the discretion of the Chairperson to allow the Minister more than ten minutes to respond to the many questions of Assembly Members, since he considered it “in the interest of the discussion”.

4. Equal Access and Participation of Communities

- At the beginning of the 20-21 April plenary session, Mr. Sabit Rrahmani (Group for Integration/PDAK) raised the issue of his parliamentary group’s request to be included in functional committees. He stated that his group had submitted three such requests in the past five months and that the Presidency had responded to the first two requests by pledging to “review all possibilities” for incorporating Group for Integration members into committees. Mr. Rrahmani continued that after the most recent request, the Presidency proposed that Group for Integration could have committee seats only as observers or through an agreement with Group 6+ to share the committee seats allocated to Group 6+ from the beginning of the current mandate. Mr. Rrahmani commented that the solution proposed by the Presidency was a grave violation of Section 9.1.19 of the Constitutional Framework. In response to a statement made at the previous plenary session that five out of six Group for Integration members belong to committees, Mr. Rrahmani remarked that only four belong to a committee – the Committee on the Rights and Interests of Communities – on which they represent their *ethnic communities*, not their *parliamentary group*. He added that the fifth member, Mr. Ferid Agani, was never sworn in to an Assembly committee¹¹. Ms. Teuta Sahatqija (ORA) stated that her parliamentary group supported the Group for Integration request, arguing that every parliamentary group has the right to participate fully in Assembly committees. Mr. Džezair Murati (6+/Vakat) stated that his parliamentary group was categorically opposed to giving some of its seats to Group for Integration. Mr. Murati emphasized that his parliamentary group consisted of ethnic minority representatives, and it was “not a solution” to transfer committee seats from ethnic minorities to

⁹ Mr. Xhavit Haliti took over chairing the session from the President of the Assembly during the interpellation debate.

¹⁰ Rule 25.6-9: “An authorized representative of those presenting an interpellation has the right to argue in favor of the request at the beginning of the debate with regard to the request. The Prime Minister or the minister to whom the request is addressed is obliged to present and argue the opinion of the Government regarding the issue raised by the interpellation. Members have the right to debate the issue raised by interpellation in accordance with the Rules of Procedure. Debate regarding the interpellation shall be concluded with approval or refusal of draft conclusions presented by the Member presenting the interpellation.”

¹¹ AAK offered their seat on the Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning to the Party of Justice (PD) but Mr. Ferid Agani chose not to join the committee, hoping instead to join a committee more relevant to his area of expertise.

a parliamentary group partially consisting of Kosovo Albanian representatives. The Presidency is continuing to review the issue.¹²

The assertion that the Group for Integration already holds several committee seats, made at the 6 April plenary session,¹³ fails to make a distinction between the Committee on the Rights and Interests of Communities and functional committees of the Assembly. Currently, four members of the Group for Integration are members of an Assembly committee – the Committee on the Rights and Interests of Communities. The composition of the Committee on the Rights and Interests of Communities is dictated by the Constitutional Framework and is based on ethnic community, not political affiliation. Furthermore, the primary mandate of the committee is to review draft legislation and Government work from the aspect of its implications for ethnic communities. Not a single member of the Group for Integration belongs to any functional committee of the Assembly, although Section 9.1.19 of the Constitutional Framework requires that “the membership of all functional committees shall reflect the diversity of the membership of the Assembly.” Representatives of Group for Integration should be given full membership in functional committees of the Assembly, in accordance with the Constitutional Framework.

5. Access

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

6. Transparency

Radio Television Kosovo (RTK) provided coverage of the plenary sessions under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly of Kosovo has a website (www.kuvendikosoves.org, 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.

¹² The Presidency reached an agreement with parliamentary group leaders on this issue after the reporting period ended. It will be covered in the next report.

¹³ See Pillar III (OSCE) Report 02/2006 on the Monitoring of the Assembly of Kosovo.