



2003 Annual Report on the Assembly Support Initiative

The aim: a functioning Assembly of Kosovo

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The aim: a functioning Assembly of Kosovo

As the Assembly of Kosovo (hereinafter "Assembly"), one of the Provisional Institutions of Self-Government created according to the Constitutional Framework, completed its second year and enters the electoral year 2004, it can look back at a turbulent and to a certain effect also satisfactory two-year of operation.¹ As a completely new institution, the Assembly needed first of all to familiarise itself with the basic principles of a democratic parliamentary system, then to structure itself and begin functioning according to these principles. Composed of a number of bilateral and multi-lateral donors, the Assembly Support Initiative (ASI) has accompanied since the very beginning the development of the Assembly. ASI-partners worked with the OSCE Mission in Kosovo (OMiK) to define a joint approach for supporting the Assembly.

As a result of the common efforts of the Assembly and ASI-partners, many of the difficulties of the initial start-up phase have been overcome during 2003 and many of those that remain are in the process of being addressed. Increased adherence to procedures and established processes has gradually replaced ad-hocism and improvisation in the work of the Assembly. Assembly sessions are taking place on a regular basis and agendas are set in full recognition of the need to make progress on the legislative programme. What is more, the political rivalry and boycott mentality that jeopardised parliamentary work earlier in 2003 became less threatening by midyear, and some elements of consensual and issue-oriented behaviour although still pale came into play².

It has been noticed that the Assembly has made improvement in its compliance with the Provisional Rules of Procedure. Aware that Assembly proceedings were being monitored, Members have begun to pay closer attention to issues of procedure. Under the Revised Rules of Procedure³, the Assembly even adopted a practice for challenging the application of procedural rules. Improved compliance with the Rules has resulted in a greater ability for Members of all

parliamentary groups and Communities to make their points during the proceedings of the Assembly. However, besides improvement in the functioning of the Assembly in areas such as agenda, voting, distribution of documents, interpretation and translation of documents, further improvement is needed in these and other areas, on the part of both the Assembly and its administration. Therefore, continued international support programs remain critical for the Assembly to overcome the political, procedural and administrative challenges that lie ahead.

1. The Assembly Support Initiative

International assistance for the Assembly is mostly channelled through the Assembly Support Initiative (ASI), an inter-agency group co-ordinated by OMiK. The following organisations currently participate in ASI: Council for the Defence of Human Rights and Freedoms (CDHRF), Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNS), Konrad Adenauer Stiftung (KAS), East-West Parliamentary Practice Project (Netherlands), European Agency for Reconstruction (EAR) in co-operation with the Consortium of French, German and Belgian Parliaments, United States Agency for International Development (USAID) in co-operation with Bearing Point and the National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), OMiK Democratization Department, the Assembly Secretariat, the Office of the Prime Minister, and the country offices in Pristina of Austria, Belgium, Germany, Greece, Italy, The Netherlands, Sweden (SIDA), Switzerland, United Kingdom and United States of America.

ASI seeks to assist the Assembly in its development toward a stable, functional and productive legislature, operating in accordance with the rule of law and on behalf of all communities and citizens. ASI supports the Assembly via conferences and training, workshops, technical assistance, working visits to other

¹ See Annex 1 for a short overview of the Assembly over the past two-year.

² An encouraging example in this regard is the appreciation that Assembly Members have given to the high quality draft legislation produced by the Ministry of Agriculture, Forestry and Rural Development, the only ministry led by Coalition Return. One Assembly Member point out that every draft law proposed by this Ministry has been unanimously approved by the Assembly.

³ Adopted by the Assembly on 9 January 2003 and amended on 9 October 2003, not yet agreed upon by SRSG and on which, however, the Assembly aimed to operate throughout 2003.

Parliaments and advice on organizational and procedural matters.⁴ It has done so since its inception in January 2002 and proven a functioning mechanism of donor co-ordination. Having accompanied the development of the Assembly and assisted its Members and the Secretariat from the very start, it has earned itself the respect and the trust necessary for its work to succeed.

The ASI Co-ordinator also heads the Central Governance Support Team within the OMiK Democratization Department and maintains regular contact with the Assembly Secretariat and the Presidency to ensure maximum awareness of ASI programmes and secure support for implementation.⁵

Regular bi-weekly meetings bring ASI partners together and allow for an intensive information exchange on projects and programming, aiming to ensure coherence and avoid overlap. The bi-monthly ASI Consultative Forum is an “extended” ASI meeting that includes representatives of country offices and serves also to discuss political issues affecting the Assembly and request additional resources when new needs arise.

The bi-monthly ASI Newsletter⁶ has developed into a useful public information tool and is published in English, Albanian, Serbian and Turkish. Along with ASI projects’ designers and implementers, many Presidency Members including the President of the Assembly have repeatedly contributed to the ASI Newsletter. ASI distribution list includes a number of 8,000 recipients inside and outside of Kosovo. ASI Newsletters have an ample and diverse content. The last issue of 2003, for example, features a report on the OSCE Parliamentary Conference ‘The role of Parliaments in Human and Economic Development in South-East Europe: implications for legislative work and possibilities for regional institutional co-operation’, held in

Sarajevo in October 2003. Also interviews with Assembly members and other PISG representatives, information on different activities carried out in support to the Assembly and articles on working visits that Kosovo Assembly delegations paid to Germany and the Netherlands were incorporated in this 9-th edition of the Newsletter. ASI Newsletter is seen as a principal means for dissemination of knowledge and experience gathered by Assembly Members during their study visits abroad.

2. Explaining the basics of parliamentary work

During the Assembly start-up phase in the first half of 2002, OMiK and ASI assisted the Assembly to develop inclusive internal structures and, *inter alia*, secured adequate representation of all caucuses in Assembly committees.⁷ Above all, ASI concentrated on the training of the then newly elected Assembly members. Training workshops were dedicated to the role of the Assembly and that of its members. Issues such as transparency, Rules of Procedures and drafting legislation were addressed. A first ASI conference on ‘Principles of Parliamentary Government’ brought together a great majority of Assembly members in February 2002. In 2003 activities dedicated to general parliamentary themes became less frequent, although they remain relevant to ASI’s overall support programme and will regain momentum at the beginning of the next legislature. Assembly members have acquired considerable practical experience since and increasingly required specialized assistance that was tailored to their needs. Thus, when a workshop on research methods and data collection was held earlier 2003, it was offered to the members of three committees that take a special interest in economic issues.

⁴ ASI projects run by one or more ASI partners are sometimes referred to in this report as ASI projects only. The fact that individual actors are not specified should not be viewed as an attempt to withhold credit where it is due but as a means of making the text more readable. However, a comprehensive matrix of ASI activities and projects implemented throughout 2003 is presented in Annex 2.

⁵ The integration of the OMiK Public Administration Support Unit within the Central Governance Support Team has the potential to facilitate, on the one hand, efforts directed to strengthening the relationship between Assembly and the Cabinet in general and between Assembly committees and corresponding ministries in particular. On the other hand, it would make possible an exchange of experience concerning donor co-ordination and donor-recipient co-operation, as well as a dissemination of ASI good practice to the PISG executive branches.

⁶ <http://www.osce.org/kosovo/documents/newsletter/>

⁷ Due to the adoption of a May 2002 OMiK proposal to enlarge the number of committee members in the functional committees from nine to eleven, Alliance for the Future of Kosovo (AAK) and Other Communities (OC) are now present in each parliamentary committee (with the exception of the Committee on the Rights and Interests of Communities that foresees two Kosovo Albanian representatives only).

3. Work with Committees

Assembly committees meet regularly, often once a week. Since a per diem for travel expenses was introduced attendance by Assembly members has somehow improved, although participation in Committee meetings is far from complete. One reason is that some members are scheduled to attend several Committees while other members have several occupations outside the Assembly. In principle committee meetings are open to the public but schedules for the committee meetings are not well publicised and attendance by members of the public or media is the exception rather than the rule. Administrative and legal support for Assembly members and committees remains sometimes insufficient and Secretariat staff to certain committees finds itself often not in a position to respond to requests that go beyond regular meetings.

Since the Assembly committees were first established, support for the committees has been one of the main objectives of ASI assistance. Whilst initially emphasis was placed on procedural issues, later on support has been targeted at specific committees, and often directly related to specific legislative projects. In March 2003, to take one example, the Committees on Budget, Finance and Economy, and Trade and Industry, joined a roundtable discussion with a FNS expert on "Competitiveness". On 6 June 2003, a public hearing on the Draft Law on Access to the Official Documents to allow Assembly members to exchange ideas primarily with international experts in the field was organised with ASI/NDI assistance. In September, KAS organised a visit to Germany for a parliamentary delegation that consisted of the President of the Assembly, the Minister for Education and the members of the Education Committee. The aim of that visit was to discuss educational matters at various levels such as vocational training, university education, minority education (e.g. community integration into education). On that occasion, future support in the field of education has been committed by a regional legislative body in Germany. In general, each ASI partner chose to assist certain committees. ASI consultations aim to ensure that committees are being offered assistance when they request it.

Whilst Assembly committees have proven that they can handle law proposals without undue delays,

during 2003 only one law proposal has yet been submitted by an Assembly committee but it is an indication that this competency started being exercised. The Draft Law on Gender Equality was finalised in July 2003 by the Gender Equality Committee with support of international and ASI affiliated organisations. Another legal initiative was undertaken toward the end of 2003 by the Committee on Trade and Industry that decided to draft a package of laws on energy. The absence of a proper drafting support within the Secretariat structure as well as the lack of research resources necessary to explore practices in other countries render law drafting dependent on outside support.

Bearing Point legal advisors to the Assembly – on behalf of USAID - have worked intensively with the Budget Committee, the Committee on Trade and Industry and the Committee on Finance and Economy in reviewing draft economic legislation. Bearing Point advisors fully participated in the ASI consultations.

Public hearings represent an important means to gather useful information, including for the law drafting purpose, and ASI has strongly encouraged committees to hold public hearings on many legislative initiatives. A Public Hearing Manual has been drafted by NDI with input from other ASI partner organizations to enable Assembly Committees prepare and hold successful public hearings. The result of the important amount of support dedicated to this purpose can be assessed positively in so far as public hearings became almost a routine and the Assembly staff have begun recording and processing information gathered on such occasions. Also a practice of joint public hearings has been initiated. Thus, on 9 December 2003, the Assembly Committees on Legal, Judicial and Constitutional Framework Matters and on Public Services held a joint public hearing to discuss both the Anti-Discrimination and Gender Equality Draft Laws. It has been noticed that, in general, Assembly members are more eager to request input from "experts" rather than from NGOs and citizens of Kosovo when conducting public consultations.⁸ In addition, committees need to start exercising more fully their functions regarding the monitoring of governmental activities.

The functioning of Committees was assessed in depth by NDI in June and December 2003.

4. Work with Parliamentary Groups

In the first months of 2002 political parties began organising themselves as parliamentary groups or party caucuses. In April 2002 a conference on 'Political Parties in Parliament' (NDI and OSCE) explored the role of party caucuses and the relationship between individual Assembly members and their party. Starting from March 2002 various caucuses received briefings on budget preparations.

In May 2003, a roundtable meeting that East-West Parliamentary Practice Project (Netherlands) organised in Prishtinë/Pristina on 'Inter-party and Intra-party Relations in Parliament' explored ways to improve co-operation among parliamentary groups. Participants also debated issues such as internal party structures and the role of the parliamentary group leader. The heads of all five parliamentary groups participated in the meeting.

Since the beginning of 2003 parliamentary groups have offices and meeting rooms at their disposal. As a result more frequent meetings have been taking place. Particular support has been dedicated to increase efficiency of parliamentary groups in holding consultations and achieving common political stances based on rational arguments, though additional work need to be done in order to achieve better results. Special attention has been devoted to the Other Communities Parliamentary Group (OC)⁸

5. Executive Oversight

A March 2002 conference on 'Transparency and Legislative Oversight' marked the beginning of ASI efforts to facilitate constructive dialogue between Assembly and Government - a theme that has gained in importance as the legislative programme expanded. On several occasions, representatives of the Ministries are invited to policy specific workshops organized within the ASI framework.

The Assembly is making slow progress towards holding the Government accountable for its actions, although there is a lot of room for improvement. A practice has been established whereby Assembly members submit written questions to the Government that are then answered during one of the following

plenary session by a member of the Government, usually the Minister concerned. However, a regular Government question time (along the model of UK and other countries) with oral questions and immediate replies has not yet been introduced, although such a procedure is foreseen in the Provisional Rules of Procedure.

Ministers routinely address Assembly sessions when introducing draft laws on first reading. In May 2002, Prime Minister Bajram Rexhepi presented the draft Government Programme to the Assembly and on 13 March 2003 he presented his Annual Report. A general debate followed on each occasion.

One noticeable development is that the Assembly has begun to issue a number of reports (for example last year reports on energy and privatisation) whereby recommendations are made to the Government or UNMIK for that matter. Assembly committees are involved in the drafting of these reports but are only beginning to live up to the oversight function that should be an integral part of their mandate. All ten Ministries of the Government correspond with relevant committees in the Assembly. In principle, close interaction between established interlocutors on policy issues of common concern should be the outcome of such a setup and relations are improving. All ASI projects are also looked at in terms of whether representatives of central or local government might benefit from inclusion into the programming.

At a time when the Assembly proved relatively skilful in passing legislation¹⁰, Members should concentrate more on reviewing how laws are being implemented. Recognising the necessity to support law implementation, ASI partners will devote resources to guiding civil servants on the implementation of important pieces of legislation. For instance, training will be provided on the Anti-Discrimination Law once it is approved. In order to make possible the implementation of approved laws, Kosovo institutions, including the courts, as well as Kosovo citizens should be aware of the content of these laws. From this perspective, ASI partners – in particular the EAR Team in the Assembly and OMiK – regard the creation of an Official Gazette as an imperative, lobby for it and even consider committing support to the establishment of an instrument for publishing newly approved laws.

⁸ See NDI's Kosovo Central Assembly Committee Summary, June 2003.

⁹ See chapter on "Non-majority communities" in the text.

6. Dialogue and relations with other Parliaments

In April 2002 a conference on 'Parliamentary Government in Practical Terms' was addressed by the President of the Parliament of Slovenia- the beginning of a very productive relationship between the Assembly and the Parliament of Slovenia. During the same conference a Belgian parliamentarian provided an introduction to the challenges faced by a multi-lingual parliament. Ever since the Belgian Parliament has been particularly active on issues related to translation and interpretation. After a series of inter-parliamentary workshops and a visit by Assembly members to the Dutch Parliament a network is being developed between Assembly Members and Dutch MPs.

In 2003, with ASI assistance, Assembly member delegations conducted working visits to the Parliaments of France, Germany, Belgium, Austria, Sweden and visited several parliaments in the region. In many cases ASI partners undertook a Committee oriented approach in the preparation of those visits. Taking into consideration that working visits to other parliaments are important learning experiences on the conditions that they are well prepared and adequately followed-up, respect a number of criteria as the multi-party and multi-ethnic composition of the delegations, do not interfere with Members' legislative obligations and are relevant to the specificity of the Assembly of Kosovo and Committee work in particular, specific guidelines for international study visits have been agreed upon and implemented by ASI partners.¹⁰ However, based upon the practice during 2003, some ASI partners have strongly expressed the need for more thorough follow-up by Assembly Members on the findings and conclusions of the working visits.

The Assembly might be encouraged to draft its own Code of Conduct for study visits that would also provide for a proper mechanism of experience sharing, follow-up of the findings and implementation of the conclusions. Institutional memory on study trips does not exist. ASI is willing to offer assistance in developing a mechanism for building up such an institutional memory.

Aiming at establishing and preserving good relations within the region, an Inter-Parliamentary Conference

has been organized on 2-3 October 2003 in Sarajevo by the OSCE Missions in South-East Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). This was an opportunity for Kosovo Assembly members to exchange opinions with their counterparts from ten legislative bodies in the region and explore the role of parliaments in human and economic development. Later in the year, the possibility to invite a delegation from the Assembly to attend the OSCE Parliamentary Assembly session was explored. This initiative is believed to materialize in 2004, when follow up on the Sarajevo Conference is also planned. The envisaged follow up aims to encourage the establishing of a working relationship at Committees level between the Assembly and other parliaments in the region and enable a constant exchange of information on topics of common interest. This is expected to contribute to the implementation of the "Standards for Kosovo" regarding establishing of good (neighbourly) relations within the region.

In late August 2003, OMiK facilitated an intensive series of workshops in Geneva focused on "negotiation skills" and attended by representatives of all five main political groups in the Assembly. Between 15-18 December 2003, under the auspices of Harvard University, OmiK, Olof Palme International Centre and the Kosovo Institute for Policy Research and Development (KIPRED), a conference on 'Crafting Strategies for Negotiations' was organized and attended by 15 top PISG representatives and political party leaders and senior staff, including the President of Kosovo, the President of the Assembly and the Prime Minister. Unfortunately, Kosovo Serb leaders have declined the invitation. The event aimed to connect Kosovo highest leaders to modern and effective negotiation strategies and techniques, offering them the opportunity to learn from the experience of negotiators in South Africa, North Ireland, Chile and Middle East. It has been highly appreciated by participants and will receive follow up.

7. Three Parliaments Support Assembly of Kosovo

Several institutions, foundations and parliaments in the EU have been involved in the bidding process for

¹⁰ In 2003, the Assembly processed 46 draft laws. 32 laws were endorsed by the Assembly and 25 were promulgated by the SRS (see Annex 1). The other legal proposals are in various stages of the legislative process.

¹¹ Guidelines for working visits to other parliaments, ASI Newsletter 3, October 2002.

a tender issued by the European Agency for Reconstruction (EAR). A consortium of French, Belgian and German Parliaments was selected for implementation and commenced work on 11 September 2003. The project will last 18 months.¹²

The EAR's support programme for the Assembly envisages strengthening the Assembly to provide better services to Assembly members and the public. Training of Secretariat staff will focus on enhancing professional and technical skills and touch upon specific parliamentary matters as well as general aspects of civil service provision. One particular emphasis will be to provide technical assistance to plenary and committee support services, with special regard to the processing of legislation and the need for harmonization of legislation with the *acquis communautaire*. The project envisages structural reforms in the functioning of the Presidency, of the Secretariat and of the Assembly Committees as well as the establishment of Staff Rules and Regulations.

Additional EAR support will be devoted to strengthening the autonomy of the Assembly *vis-à-vis* the government, including by the means of drafting its own budget and exercising control over the Assembly building. Provisions for regular consultation and co-operation with ASI have been included in the Terms of Reference for the EAR program.

8. Provisional Rules of Procedure

Over the second half of 2002 ASI/NDI advised a special working group consisting of five Assembly members on certain issues related to the task of revising the Assembly's Provisional Rules of Procedure.¹³ The objectives of the review were to strengthen Assembly's ability to conduct executive oversight, encourage greater public participation in the legislative process and ensure the Assembly Members have the means to develop, amend and review legislation. In January 2003, the Assembly approved amendments to the Provisional Rules of Procedure, many of them having the potential to strengthen the Assembly's ability to be an effective PISG branch.

In February 2003, UNMIK/OLA have identified several

provisions of the new Rules conflicting with the Constitutional Framework and met with Assembly representatives to discuss these concerns. A joint Assembly-UNMIK working group has been set up with the aim to overcome disagreement on the rules and ASI has offered its support and advice to find compromise solutions that would take account of UNMIK's concerns. Two ASI partners, BearingPoint and NDI, played a significant role in advising the working group.

After many delays, further amendments to the Revised Provisional Rules of Procedure have been passed on 9 October 2003. However, some UNMIK concerns were still not addressed. Despite the fact that UNMIK has not recognised the revised rules, the Assembly began operating under them in January 2003. Toward the end of 2003, NDI put forward several new options that would allow UNMIK and the Assembly to agree on the Revised Rules of Procedure and the Assembly to carry out its duties on a day-to-day basis according to procedures that are endorsed by UNMIK. OMIK supported the proposal and encouraged UNMIK to address the issue. ASI repeatedly stated that it stands ready to provide advice and training once the revised rules are agreed upon.

9. Non-Majority Communities

The importance of regular direct contacts with Assembly members cannot be overestimated. In the case of the non-majority communities, these contacts have been used to encourage active participation in the institutions.

During the boycott by "Coalition Return" of the Assembly plenary sessions from November 2002 to January 2003 OMIK, in direct contacts with Kosovo Serb Assembly members, tried to convey the message that it is in the best interest of Kosovo Serbs to resume work and to engage in constructive parliamentary work. Advice was offered on how to best use the opportunities available according to Assembly Rules of Procedure. While Kosovo-Serb Assembly members remain critical of the conditions under which they are challenged to influence the political decision-making process, their participation in Assembly proceedings has been consistent and tended to be increasingly

¹² The main objectives of the EAR Support Program to the Assembly of Kosovo have been highlighted by Prof. Nicolas Maziau, Team Leader of the Consortium, in the interview in ASI Newsletter 9, December 2003.

¹³ The original Provisional Rules of Procedure were issued as Executive Decision 2001/12 dated 5 December 2001.

constructive over the past year.

The Other Communities Parliamentary Group was formally set up in March 2003, although in practice it had been functioning and it had been recognised as parliamentary group since the start of the Assembly proceedings on 10 December 2001. The decision to set up this parliamentary group that brings together Bosniak, Turkish, Gorani, Ashkali and Roma Assembly members was taken during a two-day retreat in Brezovica organised with OMiK support. On that occasion, the statute of the Other Community Group has also been adopted. It was presented to the Assembly President a couple of days later, when the President of the Assembly received the newly established Group in his office, prior to the press conference in which the decision has been made public.

The parliamentary group received particular attention from OMiK in 2003. The Mission organised a series of media training workshops to improve access to the media but also the ability of Other Community Group members to communicate minority concerns more effectively. Roma, Ashkali and Egyptian Community advocates attended Assembly sessions, and began meeting with the parliamentarians of Other Communities Group in order to establish effective communication. Assembly members from "Other Communities" and "Coalition Return" (KP) participated in a workshop on the protection of minority human rights and developing advocacy policies in support of their parliamentary work.

Following consultations with the leadership of parliamentary groups from non-majority communities, OMiK throughout 2003 assisted in the preparation of two draft laws, the Anti-discrimination Draft Law and Cultural Heritage Draft Law. OMiK facilitated that experts from non-majority communities were included in the drafting group of the second law.

10. Support to the Assembly Secretariat

The Assembly Secretariat is meant to offer administrative and legal support to the members of the Assembly. However, members do not have individual offices. In fact, it was only in mid 2003 that all heads of parliamentary groups could move into an office of their own. There remains a lack of meeting rooms and limited access to phone lines, computers and the internet.

Translation issues have perhaps caused most irritation so far. Assembly members routinely criticise the poor quality of the translation of draft laws. Functional committees spend a lot of their time compiling and discussing amendments to improve language or to bring various translations into harmony with one another. Thus, the necessity to ensure genuine legal translation services that is interpreters with good knowledge of legal terms in both English and Albanian, and if possible also in Serb language became obvious. OMiK in co-operation with the Assembly Secretariat, legal departments of the ministries and the EAR Teams in the Office of the Prime Minister and in the Assembly is in the process of compiling a trilingual Glossary of parliamentary and legal terms that will help address the problem.

Translation from and into English is related to the general problem but an issue of particular concern since it (i) affects the speed at which UNMIK is able to promulgate legislation and (ii) inhibits communication with the international community as well as with institutions in and outside the Balkans region. OMiK has seconded an interpreter/translator on a temporary basis during six months but also pressed for a longer-term solution. When notifying the Assembly Secretariat of the temporary extension of the OMiK seconded translator until September 2003, OMiK stressed the need for an "in" house solution and offered assistance with the establishment of a translation cell paid for out of the Kosovo Consolidated Budget (KCB). However, OMiK continues to provide simultaneous interpretation on various occasions such as public hearings held by Assembly Committees.

An ambitious project to establish electronic archives for the Assembly and a document management system that will ensure an unambiguous document flow for the proper functioning of the Assembly has been designed by UNDP/IPU and began its implementation phase in the second half of 2003. The new system envisaged to be operational in 2004 will allow standardized recording, processing and archiving of the Assembly proceedings and is designed to serve both Assembly members and the general public. However, issues such as flawed infrastructure and reduced number of computers available in the Assembly should be addressed to allow the new system function properly.

Another project intended to strengthen transparency

and accountability, on which work started in 2003, is the establishing of a website for the Assembly that will be launched with IT support provided by OMiK. The Assembly Secretariat requested additional OMiK support for the preparation of an informative brochure enclosing MPs' personal and professional data and aimed at bringing Assembly members closer to the public. Public information will also be improved through the regular, bi-monthly publication in Albanian and Serb language of the Assembly Bulletin, a magazine that was first published with OMiK support in June 2003.

In order to further improve transparency in the coverage of Assembly sessions and provide a more critical and in-depth approach to political developments by the electronic media, OMiK offered a series of workshops for journalists assigned to the Assembly. Three editions of the televised program "This Week in Parliament" have been broad-casted by Radio Television of Kosovo (RTK). Another project has been directed at the Assembly's Press and Public Information Office under which staff from this department visited the Slovenian Parliament to learn how the Slovenian Assembly interacts with the media and the public.

A wide range of training activities and study visits for Assembly Secretariat have been conducted throughout 2003 within ASI framework with the aim to increase staff members' technical and professional skills and familiarize them with European standards. Friedrich Naumann Stiftung offered several training for the legal staff of the Assembly. The EAR Support Program to the Assembly is further assessing the training needs.

Furthermore, it is estimated that the Assembly Secretariat remains understaffed. The short term contracts currently offered to the parliamentary staff pose the question of sustainability of capacity building efforts focused on staff in case their work contracts will not be renewed. There is no distinction between professional (independent), parliamentary staff that should have long term contracts, and political staff normally hired on short-term basis. In fact, with the exception of the position of political advisors for the Assembly President, there is no political staff position in the Secretariat. However, advocating practice of good governance implies further diminishing the risk of political interference into staff hiring.

Several ASI partners have expressed the need for improvement of the management skills in the Assem-

bly Secretariat. This would be required in order to ensure sustainability of the multiple support programs to the Assembly Secretariat. ASI partners could generate additional resources in the field of Assembly Management capacity building, if requested.

11. OMiK's interaction with the Assembly

Two OMiK staff members that until June 2003 had worked directly within the Assembly Secretariat have been withdrawn in line with UNMIK's policy of gradual transfer of responsibilities to the Provisional Institutions. OMiK's co-ordination function within ASI is just one of the ways in which the Mission interacts with the Assembly. High-level contacts are maintained by the Head of Mission who, along with the Director of the Democratization Department, meet regularly with the President of the Assembly and the Assembly Secretary.

The Human Rights/Rule of Law Department had regular consultations with the Prime Minister and individual Government Ministers to follow up on the OSCE/ UNHCR "Tenth Assessment of the Situation of Minorities in Kosovo." Similar consultations took place with relevant committee chairpersons. Assembly members play a prominent role in the Electoral Working Group (EWG). The Draft Law on the Independent Media Commission (IMC), once sent to the Assembly, will almost certainly require follow-up on part of OMiK and other international actors involved. Last, but not least, the OMiK Assembly Monitor will continue to report on Assembly proceedings.

12. Conclusion

As the Assembly matures, ASI will have to ensure that assistance offered corresponds closely to the needs of the Assembly. In the past, any training workshop offered was welcome since the majority of Assembly members and Secretariat staff members were completely new to the tasks and challenges they were confronted with. Tailor-made assistance and targeted advice to Assembly members have already in 2003 replaced many of the generic workshops on the role of Assembly members.

Whereas assistance on certain issues will be suggested, Assembly members will be encouraged to request assistance on their own initiative. Assembly

support in 2004 should be mindful of the general elections. ASI partners need to pay enhanced attention to the criterion of sustainability of their capacity building efforts and a strategy for handing over of ASI programs to the new legislature should be conceived before elections take place. Looking into the value added of a higher degree of co-ordination within ASI might prove worthwhile when this forum prepares to offer a new quality of support.

Annex 1

Some aspects of the Assembly's work from October 2001 until end of 2003

Following the October 2001 elections, it took the Assembly five months to become operational. Only once an agreement on the formation of a Provisional Government was reached in March 2002, was the Assembly able to agree on an inclusive Assembly Presidency and the nominations for chairpersons and vice-chairpersons of a total of 16 Assembly committees. By early May 2002 the membership of all committees could be agreed. Assembly plenary sessions began to take place on a regular weekly basis. In late May Prime Minister Rexhepi was able to present the draft Government programme to the Assembly although it was only in June that the full multi-ethnic Provisional Government took its oath of office. The draft Government programme foresaw that 11 draft laws would be presented to the Assembly before the end of 2002. On 4 July, the Assembly passed its first piece of legislation on pensions.

Disagreement over a procedural issue led to the first walkout of Coalition Return (KP) deputies on 4 July 2002. Over the second half of 2002 KP's relationship with the other parties represented in the Assembly remained tenuous with KP finally making good on its repeated threats of boycott in early November 2002. This had little effect on legislative work since

the Assembly does not rely on the 22 KP deputies to reach a quorum. Concerns that the Assembly was not able to handle draft legislation as speedily as required were soon superseded by concerns that the SRSG would not be in a position to promulgate legislation adopted by the Assembly. By the end of 2002 the Assembly had managed to discuss, amend and adopt seven draft laws.

Under the guidance of a new, more conciliatory caucus leader, KP decided to return to the Assembly in February 2003 and has since adopted an increasingly co-operative approach in Assembly proceedings. However, rivalries between the main Kosovo Albanian parties erupted soon thereafter and threatened the very stability of the Government.¹⁴ Although a no-confidence vote was avoided, the "war values" resolution that was eventually adopted in May 2003 disrupted regular legislative work for many weeks and further added to already strained relations with UNMIK.

However, following consultations, disagreements on certain amendments that had previously prevented the SRSG from promulgating a number of draft laws passed by the Assembly were overcome. BearingPoint/USAID was instrumental in overcoming the deadlock. Also, it was agreed that a joint Assembly-UNMIK working group would seek to resolve outstanding issues related to the Provisional Rules of Procedure as amended by the Assembly back in January 2003.

From January until end of December 2003, the Assembly debated and approved 32 laws of which 25 have been promulgated by the SRSG. In the same period of time the Assembly has issued a number seven conclusions, "positions" and recommendations. The Pristina Municipal Assembly was hosting plenary sessions of the Assembly of Kosovo for several months in 2003 during the renovation of the Assembly plenary hall. The renovation aims to improve working conditions for Assembly members and to conduct the proceedings of the plenary session in a technically rejuvenated (electronic voting equipment) Assembly hall.

¹⁴ Following the late December 2002 conviction for war crimes of the brother of the leader of the Alliance for the Future of Kosovo (AAK), and the arrest of Fatmir Limaj, the then Party for a Democratic Kosovo (PDK) caucus leader on indictments issued by the International Criminal Tribunal for the former Yugoslavia (ICTY) in February 2003, as well as the refusal of the Democratic League of Kosovo (LDK) Caucus and the Assembly's President Nexhat Daci to support a PDK-sponsored resolution on "war values of the UCK war", both AAK and PDK publicly aired the notion of "reviewing" the coalition formula.

Annex 2

Laws endorsed by the Assembly of Kosovo in 2003

1. 16.01.2003 / Law on Environmental Protection
2. 13.02.2003 / Law on Forests in Kosovo
3. 13.03.2003 / Law on Liquidation and Reorgantion of Legal Persons in Bankruptcy
4. 20.03.2003 / Law on Seeds in Kosovo
5. 04.04.2003 / Law on Libraries
- 6.17.04.2003 / Law on Impose of Tax on Immovable Property in Kosovo
- 7.17.04.2003 / Law on Archive Material and Archives
- 8.08.05.2003 / Law on External Trade Activities
- 9.08.05.2003 / Law on Telecommunication
10. 08.05. 2003 / Law on Management of Public Finances and Responsibilities
- *11.08.05.2003 / Provisional Criminal Code of Kosovo
- *12.08.05.2003 / Provisional Criminal Procedure Code of Kosovo
13. 15.05.2003 / Law on Farmers Cooperatives
14. 22.05.2003 / Law on Artificial Fertilizers
15. 29.05.2003 / Law on Roads
16. 26.06.2003 / Law on Access to Official Documents
17. 26.06.2003 / Law on Amendments and Additions to Law on Establishment of an Immovable Property Right Register
18. 03.07.2003 / Law on Spatial Planning
19. 11.07.2003 / Law on the Census of the Population, Households and Housing in Kosovo
20. 11.07.2003 / Law on Social Assistance Scheme in Kosovo
- *21. 11.07.2003 / Customs Code of Kosovo
22. 11.09.2003 / Law on Public Procurement in Kosovo
23. 09.10.2003 / Law on Postal Services
24. 09.10.2003 / Law on Health Insurance and Safety Working Environment
25. 16.10.2003 / Law on Pesticides
26. 23.10.2003 / Amendments to the Law on Public Financial Management
27. 06.11.2003 / Law on Disability Pensions
28. 06.11.2003 / Law on Sanitary Inspectorate of Kosovo
29. 20.11.2003 / Law on Sport
30. 04.12.2003 / Law on Medical Products and Equipment
31. 04.12.2003 / Law on Cadastre
32. 22.12.2003 / Law on Consolidated Budget, and Appropriations for the Period of January to 31st December 2004.

Laws Promulgated by the SRSG in 2003

From 32 endorsed Assembly laws in the period January – December 2003, the SRSG has promulgated the following laws:

* 21.02.2003 / Law on Labor Inspectorate of Kosovo

(AoK endorsed the above law on 19.12.2002)

1. 20.03.2003 / Law on Forests in Kosovo
2. 14.04.2003 / Law on Liquidation and Reorganization of Legal Persons in Bankruptcy
3. 15.04.2003 / Law on Environmental Protection
4. 15.04.2003 / Law on Seeds in Kosovo
5. 12.05.2003 / Law on External Trade Activities
6. 12.05.2003 / Law on Telecommunication
7. 12.05.2003 / Law on Management of Public Finances and Responsibilities
8. 23.06.2003 / Law on Libraries
9. 23.06.2003 / Law on Farmers Cooperatives
10. 23.06.2003 / Law on Artificial Fertilizers
11. 23.06.2003 / Law on Archive Material and Archives
12. 27.06.2003 / Law on Roads
- *13.06.07.2003 / Provisional Criminal Code of Kosovo
- *14.06.07.2003 / Provisional Criminal Procedure Code of Kosovo
15. 18.08.2003 / Law on Amendments and Additions to Law on Establishment of an Immovable Property Right Register
16. 18.08.2003 / Law on Social Assistance Scheme in Kosovo
17. 05.09.2003 / Law on Impose of Tax on Immovable Property in Kosovo
18. 10.09.2003 / Law on Spatial Planning
19. 06.11.2003 / Law on Health Insurance and Safety Working Environment
20. 06.11.2003 / Law on Access to Official Documents
21. 08.12.2003 / Law on Pesticides
22. 17.12.2003 / Law on Postal Services
23. 17.12.2003 / Amendments to the Law on Public Financial Management
24. 17.12.2003 / Law on Sanitary Inspectorate of Kosovo
25. 17.12.2003 / Law on Disability Pensions.

* Note: UNMIK and the Kosovo Government sponsored three Codes. The Provisional Criminal Code of Kosovo and the Provisional Criminal Procedure Code of Kosovo were promulgated by the SRSG on 06.07.2003 and will enter into force in April 2004. Promulgation of the Customs Code of Kosovo is still pending.

Annex 3

ASI projects and activities in 2003

A. Support to Assembly Members and the Committees

| Project/Activity | Target group | Timeframe | Venue | ASI partner | Co-partners |
|---|--|-------------------------------|-----------------------------------|---------------|--|
| Assistance and advise in economic and commercial laws drafting and review | Budget Committee, Committees on Trade and Industry and Finance and Economy | throughout the year | Pristina | USAID/Barents | |
| Assistance in the preparation of the Anti-Discrimination and Cultural Heritage Draft Laws | Assembly Committees Coalition Return Other Communities | throughout the year | Pristina | OMIK | CoE CDHRF |
| Consultancy on Rules of Procedure | Working group on Rules of Procedure | Second half of 2002-2003 | Pristina | NDI | OmiK; FES; FNS |
| Meetings with Coalition Return Assembly Members on boycott of plenary sessions | Coalition Return Assembly Members and Head of the parliamentary group | January – February | Pristina | OMiK | |
| Support to drafting a legal proposal on gender equality (translation and expertise) | Gender Equality Committee | February – March | Pristina | OMIK | FES; UNIFEM; NDI; World Learning Star |
| Workshop on research methods and data collection | Committees on Environment and Spatial Planning, Agriculture, Health, Labor and Social Welfare, and Public Services | 24-26 February | Pristina | FES | OmiK RIINVEST KIPRED KIDS; Index |
| Workshop on Human Rights and Civil Rights | One Member of the Assembly | 23 Febr. – 07 March | Germany | FNSSt. | IAF, International Academy for Leadership |
| Consultancy on the confirmation of the establishment of the Other Communities parliamentary group | non-Albanian and non-Serb Assembly Members | February 14-15 March 18 March | Pristina Brezovica Pristina | OMIK | |
| Consultancy on the work of selected Committees | Committees on Labor and Social Welfare, Health, and Environmental and Social Planning. Assembly staff | March May November | Pristina | FES | OmiK |
| Assembly and KAS discuss future support in the field of education | Committee on Education | 20 March | Pristina | KAS | OMiK |
| Roundtable on importance of Competitiveness in the region | Committee on Finance and Economy, Budget and Trade and Industry | 25 March | Pristina | FNSSt. | OMIK, Pillar IV, Government, RIINVEST |
| Meeting on “Promoting Tolerance in Central and Eastern Europe” | One Assembly Member, along with participants from SEE | 10-13 April | Skopje | FNS | American Jewish Committee |
| Inter-parliamentary workshop on democratic decision making | Members of Assembly of Kosovo | April | Kosovo | EWPPP | Dutch Parliament |
| Constituent Relations Workshops | Members of the Central and Municipal Assemblies | April - May | Kosovo | NDI | |
| Working visit to Albania | Chairpersons and deputy-Chairpersons of the Committees on Labor and Social Welfare, Health, Environment and Spatial Planning | 13-14 May | Tirana | FES | Assembly of the Republic of Albania; ANTARCC |
| Roundtable on “Inter-party and intra-party relations in Parliament” | 20 Members of the AoK including the Assembly President and all parliamentary group leaders | 9 May | Pristina | EWPPP | Representative s of Dutch political parties |
| Meeting with Member of the Bundestag on ways in which Committees can support economic development through legislation | Chairpersons and Members of Committees on Budget, Trade and Industry, Finance and Economy | 13 May | Pristina | FNSSt. | Bundestag OmiK |
| Training on media relation | Other Communities parliamentary group | 13 May | Pristina | OmiK | |

| | | | | | |
|---|--|--------------------------|----------------------------|--------------------------------|---|
| Training on conducting TV interviews | Other Communities parliamentary group | 20 May and 27 May | Pristina | OmiK | |
| Training workshop on organising a press conference | Other Communities parliamentary group | 2 June | Pristina | OmiK | |
| Meeting on “Promoting Tolerance in Central and Eastern Europe” | One Member of AoK, along with participants from SEE | 30 May – 2 June | Romania | FNS | American Jewish Committee |
| Public Hearing on the draft law on accessing official documents | Committee on Judicial, Legislative and constitutional Framework Matters | 6 June | Pristina | NDI | OMiK |
| Award of OMiK Certificate on Media Relations Training | Other Communities Parliamentary Group | 26 June | Pristina | Head Of Mission OMiK | |
| Training on public speech | Kosovo Albanian Members of the Assembly | 9-13 July | Pristina | FES | ANTTARCC |
| Workshop on “Governance and decision-making in a democratic state” | Assembly Members from all five parliamentary groups | 22-30 August | Geneva | CASIN Swiss gov. | KIPRED OMiK |
| Working visit to Germany on education issues | President of the Assembly, Minister of Education, Committee on Education, Science and Technology | 20-27 September | Berlin Brandenburg Hanover | KAS | OMiK Bundestag Parliament of Lower Saxony |
| Consultations on economic and finance issues | Committee on Trade and Industry and Finance and Economy | 30 September | Pristina | FNSt. | |
| Workshop on ways to increase interaction between Pillar IV and AoK in economy related issues | Committees on Trade and Industry, Finance and Economy, and Budget | 1 October | Pristina | FNSt. | Pillar IV OMiK |
| Expert advice on reviewing the 2004 budget | Budget Committee | October-December | Pristina | USAID/Barents | |
| Regional Inter-parliamentary conference on “The Role of Parliaments in Human and Economic Development in SEE” | Representatives of ten Assemblies and Parliaments in SEE | 2-4 October | Sarajevo | OSCE Missions in SEE and ODIHR | Stability Pact SEE World Bank |
| Working visit to the Netherlands focussed on parliamentary practice | 15 Assembly Members | 18-24 October | The Hague | EWPPP | OMiK |
| Study visit to the Romanian Parliament | Committees on Budget, Finance and Economy, and Trade and Industry | 25-29 October | Bucharest | FNSt. | Romanian Chamber of Deputies |
| Initiation of the “Young Parliamentarians Initiative” | Assembly Members of 35-year age and below | Nov.-Dec. 2003 | Pristina | OmiK | |
| Workshop on ways of improving relations between UNMIK/OLA and AoK in the legislative process | Committees on Budget, Finance and Economy, and Trade and Industry | 10 November | Pristina | FNSt. | UNMIK/OLA OMiK |
| Support in organising public hearing on the Draft Law on Health | Committee on Health | 24 November | Pristina | FES NDI | OMiK |
| Working visit to BiH | Chairs and Deputy-Chairs of the Committees on Labor and Social Welfare, Public Services, Health, and Environment and Social Planning | 29 November – 3 December | Sarajevo | FES | |
| Two-week study visit to the Swedish Parliament | Two young Assembly Members | December | Stockholm | SIDA | Swedish Parliament |
| Support in organising joint public hearing on Anti-Discrimination and Gender Equality Draft Laws | Committees on Judicial, Legislative and CF Matters, and Gender Equality | 9 December | Pristina | NDI FES | OMiK CDHRF |
| Study visit to Austria focussed on economy related issues | Committees on Budget, Finance and Economy, and Trade and Industry | 9-13 December | Vienna | FNSt. | Austrian Parliament OMiK |
| Study visit to USA focussed on promoting tolerance | One Member of AoK, along with participants from SEE | 6–28 December | USA | FNSt. | American Jewish Committee |
| Study visit to the Belgian House of Representatives and European Parliament (SPEAK-project) | One Member of Presidency, one Assembly Member and Assembly staff | 15-20 December | Brussels | UNDP/IPU | Belgian and European Parliament |

B. Capacity building for parliamentary staff & technical support to the Assembly Secretariat

| Project/Activity | Target group | Timeframe | Venue | ASI partner | Co-partners |
|---|--|-------------------------|--------------------|-----------------------------|--|
| Workshop on civil service | Assembly staff | 26 March | Pristina | FNSt. - FES | OmiK |
| Workshop for the legal staff | Assembly Legal Department | 30 May | Pristina | FNSt. | OmiK |
| Team building event for Assembly staff | Assembly staff | 24 May | Istog/Istok | Assembly Secretariat | OMiK |
| Presentation of and fundraising for the SPEAK Project on establishing electronic archives and document management system. | Assembly Secretariat Assembly Members Kosovo public | 21 March | Pristina | UNDP/IPU | Assembly Secretariat; EAR, NDI, Finish Team. |
| First phase of implementation of the SPEAK Project | Assembly Members and Secretariat | Second half of 2003 | Pristina | UNDP/IPU | Assembly Secretariat |
| Compiling a tri-lingual Glossary of Parliamentary and Legal Terms | Assembly Members and Secretariat | Second half of 2003 | Pristina Skopje | OmiK | NDI Skopje OPM, KLC |
| Producing and distributing ASI Newsletter | Assembly, government, country offices IOs, NGOs, etc. | Every two months | All over the world | OmiK | All ASI partners |
| Advice on producing the two-monthly Assembly Bulletin | Assembly Secretariat | first issue – June 2003 | Kosovo | Assembly Secretariat | OMiK |
| Web-site for the Assembly of Kosovo | Assembly Members and Secretariat | Second half of 2003 | Pristina | OmiK | Assembly Secretariat; UNDP/IPU |
| Support for the preparation of a booklet with biographical data of the Assembly Members | Assembly Members and Secretariat Public | Second half of 2003 | Pristina | Assembly Secretariat | OMiK |
| Secondment of an OSCE translator to the Assembly | Assembly of Kosovo Legal Department | March-September | Pristina | OmiK | |
| Workshop on improving the work within the legal department | Assembly legal staff | 30 September | Pristina | FNSt. | |
| Preparation of a “Manual on Public Hearing” | Assembly Committees | Oct.-Dec. | Pristina | NDI | OMiK; FES |
| Study visit to Slovenian Assembly for a delegation of the PPIO | Assembly Press and Public Information Office (PPIO) | 2-6 November | Ljubljana | OmiK | Slovenian Parliament |
| Providing the refurbished Assembly Hall with electronic voting equipment | Assembly of Kosovo | end of the year | Pristina | EAR | |
| Workshop on modern management practices to improve work efficiency within legal department | Legal Department of the Assembly | 10 November | Pristina | FNSt. | OmiK |
| Training workshop on <i>Acquis Communautaire</i> | Assembly legal staff | 28 November | Pristina | FNS | OMiK |
| Establishment of requirements for the Assembly electronic archives | Translation of report into Albanian and Serbian for use by Assembly staff | autumn | Pristina | UNDP/IPU | |
| Internal Rules of Procedure (guidelines) for the management of Assembly electronic documents | Secretariat staff and members | December | Pristina | UNDP/IPU | |
| Participation of a legal staff member in a study trip for Assembly Members | Assembly Committees dealing with economic issues and legal staff working with these Committees | 9-13 December | Vienna | FNSt. | Austrian parliament |
| Study visit to Belgian House of Representatives and European Parliament (SPEAK-project) | Five Assembly staff members, one Member of Presidency and one Assembly member | 15-20 December | Brussels | UNDP/IPU | Belgian and European Parliament |

C. Assessments and other advice to the Assembly

| Project/Activity | Target group | Timeframe | Venue | ASI partner | Co-partners |
|--|---|---------------------|--------------|--|---|
| Liaison with the EAR/GTZ support programme to the Office of Prime Minister. | Kosovo Government | Starting 28 January | Pristina | EAR/GTZ | OMiK |
| Briefings on ASI activities | All consortia short-listed for EAR tender | 8 May | Pristina | OMiK | EAR |
| Meeting with the Presidency of the Parliament of Lower Saxony, Germany to design future support | Committee on Education Ministry of Education Kosovo municipal administrations | 5 June | Pristina | OMIK KAS | |
| Stabilisation and Association Tracking Mechanism – Sectorial Meeting | Assembly of Kosovo | 13 June | Pristina | Pillar IV | OmiK, UNMIK/OLA Assembly Secretariat |
| Drafting report: “Assembly Committee Assessment” | Assembly Committees | June | Pristina | NDI | |
| Consultations on the 10 th “OSCE-UNHCR Minority Assessment Report” | Committee Chairpersons | second half of 2003 | Pristina | OSCE | UNHCR |
| Facilitating student visits to the Assembly | Students of the Departments of Political Science and Law of Pristina University | April-June | Pristina | OmiK | Assembly Secretariat |
| Compiling a monitoring report on Kosovo Assembly and Municipal Assemblies | Assembly of Kosovo Municipal Assemblies | second half of 2003 | Pristina | CDHRF | OMiK |
| Assessment of the legislative process and of professional and technical skills of the Assembly staff. Drafting recommendations for project implementation. | Assembly Presidency Assembly Committees Assembly Secretariat | Oct.-Dec. | Pristina | EAR Consortium of three parliaments | Assembly Secretariat |
| Assessment on the establishment of Internal Rules of Procedure | Secretariat staff | October - November | Pristina | UNDP/IPU | |
| Briefing on support programs to Assembly and developments in Assembly | Liaison offices | 15 December | Pristina | All ASI partners | |
| Advise to KODI conducting an assessment of Assembly’s performance | Assembly of Kosovo | second half of 2003 | Pristina | OMIK NDI | |

