



• ASSEMBLY SUPPORT INITIATIVE
NEWSLETTER
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Week of the Assembly



**Members of the Assembly of Kosovo
meet the People they Represent**

EDITORIAL



The Assembly of Kosovo is operating in several tracks at the same time. A duty and obligation that is not easy to be fulfilled by a new parliament. While the Assembly is working to carry out responsibilities that are considered 'normal' for every democratic parliament, it is also going through reforms within its administration and reaching its constituents. At the same time

Assembly is also preparing for the transitional period and fulfilling its obligations to approve the laws that are foreseen in the Status Settlement submitted by the Special Envoy President Ahtisaari to the Security Council.

The last months have seen the Members of the Kosovo Assembly use some time to meet the people in different municipalities throughout Kosovo. In these meetings pupils, teachers, students, officials and all citizens could address questions to the President of the Assembly and Members. Questions raised during these meetings ranged from the work and structure of the Assembly, legislative process, committee work, Assembly plans on education policies to the status and national symbols. While these activities were carried by some Members, others opened offices in their respective regions to be as close to the citizens as possible and the Committee for Rights and Interests of the Communities organised field visits in different municipalities to get first hand information for its scope of work.

This edition of the ASI Newsletter contains observations and interviews on the developments 'in and around' the Assembly. The enhancement of the work of the Assembly through reforms and changes in personnel are described in the interview with Mr. Ismet Krasniqi – permanent secretary of the Assembly. In another interview the Chairman of the Committee for Economy, Trade, Industry, Energy, Transport and Telecommunication Mr. Ibush Jonuzi elaborates the steps the committee took to monitor the implementation of the Law on Consumer Protection.

With the support of OSCE and other ASI partners the Assembly organised the Week of the Assembly and the Parliamentary Conference in the Security and Public Safety Sector.

In conclusion we would like to thank all the contributors to the ASI Newsletter and at the same time invite you all to send us any comment or article for the future editions

Franklin De Vrieze,
Assembly Support Initiative Co-ordinator.

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In Memoriam Dëfrim Krasniqi (1958 - 2007)

The Assembly will remember friend and colleague Dëfrim Krasniqi.

In this sad moment, colleagues and friends from the Assembly of Kosovo wish to express their deepest consolidation, and pay tribute to Defrim for his special personality and professional qualities.

Dëfrim has left upon us an impression of a man with a unique character and abilities, but also of a man of high legal and professional standing. He acted as an Assembly 'filter', by checking each and every article of the many laws that passed through the Assembly. Working with the highest sense of commitment, Defrim was always ready to receive advice from his colleagues, and never complained about the significant workload to which he was subject.

In this regard, his many activities and engagements gave us limited opportunity to have personal meetings with him, but his sense of commitment and responsibility was showed when the Secretary asked him to accompany an Assembly delegation to the Belgian and French Parliaments; his initial response was: "let someone else go in my place, I have too much work to do!" At the Secretaries insistence he agreed to go, but on his return requested that for future visits he be replaced, as his participation had prevented him from completing his duties.



Dëfrim had a professionalism, strength, will, commitment, and readiness to accomplish all the tasks which he managed.

Today, I can tell you that that after some health complications the Chair of the Assembly, Mr. Kolë Berisha, offered him the possibility to take a leave of absence, an offer that was refused because Defrim wished to continue with his work. His continued commitment perhaps masked the true extent of his illness, which took him from us in such a sudden manner and at such a young age, in time when many had expectations from him, his family first, but we also in the Assembly of Kosovo.

At 10 o'clock on Tuesday 6 March 2007 we were informed of Defrim's sudden death. He is now a part of our memory and pride that we will continue to safeguard; we are proud to have called him a friend and colleague, and the memory of him will last forever!

Dëfrim, we thank you for all your contributions in working in the Administration of the Assembly of Kosovo!

Farewell, our dear and pleasant friend and colleague!

Based upon the farewell speech delivered by the Secretary of the Assembly of Kosovo, Mr. Ismet Krasniqi, on Wednesday 7 March 2007

Week of the Assembly

Kosovo MPs meet their constituents

Hasan Sopa, OSCE Mission in Kosovo

During one week members of the Kosovo Assembly traveled through Kosovo's largest towns meeting with people, students and local officials. This was the first wide-reaching attempt to try and establish closer contacts with the people they serve and improve communication links between the central and local level. The OSCE Mission offered its support to this important democratic activity

The OSCE Mission in Kosovo has been providing substantial assistance to the Assembly of Kosovo ever since it first met in December 2001. Monitoring legislation as it develops, strengthening parliamentary groups, improving interaction between the Assembly and the Government, enhancing budget planning and expenditure control, and protecting the interests of minority communities are just some of the areas where the OSCE plays a significant role.

According to the Franklin De Vrieze, Head of the Mission's Central Assembly Unit, the OSCE has especially focused on the areas of capacity building and democratization programmes. "In the last five years," he says, "the Mission has provided numerous trainings and workshops to improve the quality of work of the Assembly of Kosovo."

Reaching out

However, the Assembly's current practices include very little outreach activities directed at the broader public



or municipal level officials. Municipal and regional political party offices are the only lines of communication with the general public, except for a few members who have opened constituent offices in towns where they are from.

To bring Kosovo Assembly members closer to the people they serve, the OSCE helped to organize and promote visit five regions from 21 May to 5 June 2007.

Each visit included meetings with high school students, local officials, as well as a town hall meeting with the general public. The questions posed to Assembly Members in the meetings were straight and to the point, which indicated that the public was interested and concerned with the parliamentary and political process.

"These visits were a unique opportunity for the Assembly Members to interact with the population," says the Mission project coordinator, Bujar Maxhuni. "They discussed a number of relevant issues, such as the process of drafting and enacting laws, ways

that the Assembly Committees function, the separation of powers between the local and centre level, as well as the Kosovo's final status process."

Mutual benefit

"This was an important meeting," said Arzana Kryeziu, student of the Secondary School 'Sami Frasheri', who attended the meeting in Prishtinë/Priština. "For the first time we spoke directly with the Members of the Kosovo Assembly and we discussed the most important issue for us, the education."

Kumrije Kallaba, the Principal 'Sami Frashëri', was very proud that her school was chosen to welcome Kosovo MPs. "This is the first time that the President of Assembly of Kosovo sits in the same classroom with the students and listens to the concerns





they have," she said.

While meeting with their constituents, Assembly Members faced difficult questions, especially the ones related to the resolution of Kosovo's status. Sometimes they felt uncomfortable by the questions, but still they were happy to be among the people.

"This is part of democracy," said Kolë Berisha, President of the Assembly of Kosovo in one of the meetings in Mitrovicë/Mitrovica.

"These kind of discussions help to bring Kosovo institutions closer to the people, and I truly hope this to become a practice in the future," said Sabri Hamiti, a member of the Assembly presidency. "They have the right to know what we do," he said, and considers it as a principle of democratic institutions.

Worthwhile activity

The initiative, has proven to be a worthwhile activity of

Assembly outreach concept, which enabled the gap between central and local level structures to be bridged.

According to Maxhuni, this project set the groundwork for the future outreach activities, and the Mission intends to develop further follow-up initiatives. With Kosovo's electoral system expected to change to the open-list system, direct contact between members of the Kosovo Assembly and people is becoming increasingly important both for the politicians and their constituencies.

In conclusion, Maxhuni says: "Sharing information about the work and functioning of the Kosovo Assembly is very important for functioning democracy but it is also helping improve the image of the Assembly. We hope that the future outreach activities will be driven by the Assembly and that the OSCE will have a purely advisory and supportive role."

Implementation of the Law on Consumer Protection

Interview with Mr. Ibush Jonuzi, Chair of Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications

On April 13, 2007, the Kosovo Assembly reviewed and unanimously approved the Report of the Committee for Economy, Trade, Industry, Energy, Transport and Telecommunications (ETIETT), regarding the implementation of the Law on Consumer Protection. In the report, the Committee presented the most important findings, as well as compiling a list of recommendations for the Ministry of Trade and Industry.

ASI: How did the idea for such an initiative emerge in your Committee, considering that so far the Assembly of Kosovo has not done much in overseeing the work of the Government of Kosovo?

IJ: The Committee for ETIETT has a wide portfolio of work, covering four ministries of the Government of Kosovo. According to Rule 53 of the Working Regulation of the Kosovo Assembly, parliamentary committees are entitled to monitor the implementation of laws approved by the Assembly. In answer to your question, I would say that we are especially grateful to NDI for the significant assistance it has provided our Committee with for the duration of our work. Selection of the Law on Consumer Protection by this Committee came taking into account that this Law affects

lives of all citizens of Kosovo.

ASI: What activities has the Committee engaged in to more fully understand the implementation of the Law?

IJ: Following the Committee's decision to monitor the Law, a working group composed of Ibush Jonuzi, Bajrush Xhemajli, Xhevdet Neziraj, Milazim Haliti and Genc Gorani was appointed. The Working Group drafted a work plan, which was further reviewed and approved by the Committee. Based on the work plan, the Committee began undertaking visits, including one to the Ministry of Trade and Industry. On this occasion, I would like to thank Minister Dugolli and all the Ministry staff for their cooperation with the Committee. The Ministry proved willing to provide any information requested in relation to implementation of the Law on Consumer Protection. The Committee further visited five municipalities: Ferizaj/Urosevac, Klinë/Klina, Gjilan/Gnjilane, Prishtina/Pristina and Peja/Pec. It also met with representatives of the Kosovo Chamber of Commerce, the Kosovo Business Alliance, and regional and municipal inspectors. When organising these visits, the greatest problem faced was making contact with officials of the Consumer Protection Association. After



several unsuccessful attempts, the Committee established that the Association does not actually exist; rather there were only initiatives by individuals to establish such an Association. It should be noted that the creation of an Association for Consumer Protection was one of the recommendations made for the Ministry of Trade and Industry.

ASI: What were the main challenges faced by members and staff of the Committee during field visits?

IJ: The main challenges we faced were mainly of a technical and logistical nature. The Assembly of Kosovo assisted us in providing a vehicle for our field visits, but apart from this, there was no support. The successful conclusion of this activity is testament therefore to the Committee's members and support staff; something I emphasised in my speech at the plenary session.

ASI: Did government officials

prove willing to cooperate with the Committee?

IJ: We found that all the municipalities and institutions that we visited were understanding and cooperative. Municipal presidents, together with chief executive officers, had invited respective municipal directors responsible for the field.

ASI: What were the most important findings of the Committee in monitoring the Law on Consumer Protection?

IJ: The degree of implementation of the Law varies across municipalities, though the Committee has concluded that there is a satisfactory level of implementation regarding domestic production enterprises. Producers have observed the Law's provisions concerning the classification of products according to quality and expiry date. We asked citizens (consumers) whether they are aware of the Law's

existence for the protection of their rights, but the Committee has concluded that despite the awareness-raising campaign carried out by the Ministry of Trade and Industry, very few citizens are aware of the Law and its provisions. Further, we visited public enterprises in all the municipalities mentioned, and the most satisfactory state of public utilities can be found in Prishtine/Prishtina. The regional water company "Prishtina", which despite difficulties in the collection of payments and the flat fee readings of metering devices, is one of the enterprises we found to be particularly willing to observe the relevant legal provisions. Furthermore, this company has already begun opening offices to assist consumers in relation to their water supply and payment enquiries. As usual, there are comments to make regarding electricity supply and late meter readings, as these further impact upon the already expensive water rates. Citizens in the municipality of Kline/Klina have also complained about the poor quality control of electrical voltage, which is damaging their home appliances.

ASI: The Committee has produced a series of recommendations for the Ministry of Trade and Industry. What will your Committee do to ensure that recommendations of the Report are taken into account by the Ministry?

IJ: Great progress has been made with this Law, but the remaining problems cannot be solved only with a Law on Consumer Protection. Con-

sumer protection can only be achieved by the implementation of other laws, to be drafted by the Ministry of Agriculture and Rural Development, the Ministry of Health, and the Ministry of Energy and Mining. In the Committee's Report we have detailed a few necessary laws: the Law on Veterinary Medicine, Law on Artificial Fertilizers, Law on Pesticides, Law on Seeds, and the Law on the Sanitary Inspectorate. A solid infrastructure in this field would provide the Kosovo consumer with protection, as it so deserves.

The Committee presented eleven recommendations that were unanimously approved in a Plenary Session, earning the Committee compliments for its work. We shall obviously follow up and monitor the Governments activities regarding the implementation of the Committee's recommendations. Several results are already visible; the Ministry has stepped up its activities to create a Consumer Protection Program, and has also offered its support in establishing a national-wide Consumer Protection Association.

ASI: Is the Committee planning similar activities for the future?

IJ: The Committee has already begun preparation to monitor the Law on Transport of Hazardous Materials. The Committee has concluded that this Law is of high importance, especially following the most recent case of oil and derivative imports.

*Arben Kelmendi,
National Democratic Institute*

The newest Parliamentary Group of the Kosovo Assembly

Interview with Mr. Ramadan Kelmendi, Chairperson of the Democratic League of Dardania (LDD) Parliamentary Group



On May 10, 2007 the President of the Assembly announced that a new Parliamentary Group was formed – the Democratic League of Dardania (LDD)

ASI: Mr. Kelmendi, as Chairperson of the LDD Parliamentary Group, what is the situation of your groups' activities in the Assembly?

Ramadan Kelmendi: It's good luck that after an unreasonable length of time where we were facing obstacles within the Assembly, the Assembly was formally informed of the creation of the new Parliamentary Group of Democratic League of Dardania. However, even though this procedure is complete, we still do not have the basic conditions necessary to perform our work. We were not provided with an office, a computer, stationary or any other opportunities. We haven't been allocated the financial means to which we are entitled for 2007. For all of these things we have lodged a written request and I hope that

decisions of the Assembly of Kosovo will be accomplished by that of the Permanent Secretary who is authorized to execute the decisions of the Presidency. It is completely normal and logical that if these conditions are not to be met within the legal deadline, then we will be forced to address this issue before the other relevant institutions in order to achieve protection and accomplishment of our rights.

ASI: As a parliamentary group, do you now plan to lodge more questions before the Government than when you used to be a part of LDK?

RK: Our group plans to use the professional potential and long experience of the Assembly to review the content of the laws before the Assembly by introducing remarks, suggestions to the Committees where we are members, and suggestions to the functional Committees especially during the first reading of draft laws in the Assembly. As it has to date, the LDD Parliamentary Group will continue to present amendments to those provisions that it is considered necessary to be enriched and harmonized with EU Legislation.

ASI: How do you see your group in the Assembly? As the majority, or the opposition?

RK: As a new group, we are firstly focused on implementation of the Assembly's Rules of Procedure and in supporting the principles of the rule of law

needed for an open society; where human, national and professional values are paramount and where there is no hatred or revenge. We won't support animosity between those in power and those in the opposition but we'll be there when voting takes place, for the general interests of the citizens of Kosovo and civic democracy.

ASI: How is your relationship with LDK Assembly Members?

RK: Personally, I have not noticed that our relationship has been spoiled in any way to date. I had good relationships with LDK members, and I shall do my best to continue these both as a member of the Assembly and as a citizen. Further, we have good relations with other political parties. We don't want to create a political crisis or an Assembly crisis unless the others put us in such situation. We have proved this many times to all political parties. Therefore, the same goes for LDK.

ASI: Then why did you separate?

RK: The separation is already obvious to everybody. It is not a consequence of inter-human relations but is rather a consequence of relations established on the basis of status implementation and the LDK's Sixth Elections proceedings, since the actives' conventions up to the Sixth Election Convention there where many procedural

and statutory violations that occurred.

ASI: Why have you been elected as the Chairperson of the Parliamentary Group, and not Mr. Daci or any other member of the group?

RK: So far nobody has asked me about this, but the Presidency of LDD, especially Daci, appreciated my previous political contribution, especially as a member of two mandates that had been decided unanimously. This goes further toward avoiding duplication, something that would happen for instance if the academic Daci had been elected.

ASI: Who's the most preferred Minister of your Parliamentary Group in the Government of Kosovo?

RK: In my opinion I would not divide ministers into favourites and others, but I would advise them to fully exercise their power by supporting a principle of lawfulness, and also to rationally use the means of society at their disposal. In my opinion, the Minister of Labour and Social Welfare is managing to maintain social calmness regardless of a small budget, a huge unemployment rate, and the huge number of individuals dependant on social assistance (such as war and labour invalids). We shouldn't forget the realistic MFE budgetary allocation.

*Ramadan Islami,
OSCE Mission in Kosovo*

Reforms in Administration of the Assembly Started

The EU funded Project 'Support to the Assembly of Kosovo, implemented by the consortium of the parliaments of Germany, France, Germany and Slovenia and the 'Institut International de Paris La Defense, initiated the process of the reforms in the Administration of the Assembly, in order to modernize the administration.

The Assembly as a whole has been consulted on the content of the reform and it took ownership on the implementation of the reform package. ASI interviews Ismet Krasniqi, the Secretary of the Assembly, to get his views on the reform.

Interview with Ismet Krasniqi, the Secretary of the Assembly of Kosovo.



ASI: *What is the purpose and which are the key positive elements of this reform?*

Ismet Krasniqi: First of all, as regards the reform, I would initially express my special thanks to the project from Consortium Parliaments, which has provided support to the work of the Assembly of Kosovo. This support has had two components: administration and political staff. In our situation, the term reform means an effort to advance, operationalise and better organise the work of the Assembly. Initially, I would like to highlight that the process of reform takes a very serious approach to the future work of the Assembly of Kosovo.

ASI: *What does this reform foresee as regards the organisation of the Administration?*

IK: I can say that the Administration was compatible at the time the Assembly was organised, but that the need and dynamics of the work has given rise to the need for organisation of the Assembly administration itself. This resulted in a set of rules and regulations according to which we undertake organisation of the Administration. A special focus on the organisation of the Administration was expressed through amending and supplementing the Administrative Instruction No. 2000/31. This amendment facilitates a change from the

Administrative Instruction for Kosovo Civil Servants, whereby the Assembly of Kosovo is allowed to differ from other institutions in relation to staff employment, staff salaries, working hours, and all other matters enhancing the work of the Assembly.

ASI: *What about changes in personnel status?*

IK: These reforms have resulted in the division of civil staff into two groups: civil officials or civil servants; and officials or political support staff. Officials should be professional people, civil staff who are dedicated to that work, as under these regulations we will have permanent job contracts for officials from September. While political staff are in a better position regarding remuneration due to the fact that their salaries are twenty percent higher, they share the fate of the mandate of political staff of the Assembly of Kosovo. This increase in remuneration covers, without any misunderstanding, the risk of termination.

ASI: *What about supporting the work of MPs and management?*

IK: These are two sectors; two additional segments that will see an advancement under these rules. Regarding MPs, we have the commitment and dedication of staff able

to undertake all necessary technical and administrative work so MPs may be dedicated to his/her political function. The second special segment in these reforms is the budget management as the needs are constantly increasing and there are insufficient means to cover all requests. It should also be noted that the working conditions for MPs, parliamentary groups and parliamentary committees are far from perfect. We still lack the necessary office space for deputies, and there is also insufficient space even for the needs of the Administration. Since last year, all MPs have been equipped with personal laptops, which have helped matters. However, the needs of the Administration are also increasing, so it is hoped that the budget for 2008-2010 will make sufficient provision for this.

ASI: *What are the first steps to be undertaken to implement this reform?*

IK: The first steps in implementation of this regulation are known. The responsible officers and project team leader are appointed with the approval of this regulation. We have also issued vacancy notices for the positions foreseen by this regulation. There are two positions available that are currently vacant as a result

of disciplinary measures, and most importantly, there are vacancy notices for administrators in the parliamentary committees. The work of the committees is not currently up to standard because we have not yet succeeded in gaining their full commitment needed to prepare and review the draft laws from the Government and make recommendations. This is, subsequently reflected in delays regarding adoption of laws. The regulations foresee a deadline of sixty days, the this often has to be extended due to the lack of professional staff within the committees.

ASI: What kind of support do you have from the Presidency in this process?

IK: The relationships between Presidency members (or the Presidency as a whole) and the Secretary is evolving into a very serious and cooperative working relationship day by day. The provisions foresee that the Secretary of appointed by, and accountable to, the Presidency. I have had an excellent relationship of cooperation and co-ordination with the President of the Presidency, and a relationship of the same intensity with other Presidency members. We conduct debates on certain items, which then are shaped into a content for the Assembly meetings, sometimes ending in concrete decisions at plenary sessions.

ASI: What are the first results of this reform regarding your responsibilities and tasks?

IK: Among the first results, I would list the opportunity to deal with some more professional issues; delegating com-

petencies to support staff or directors, by means of chain of command with Unit Leaders within the two Departments. At the same time, it gives me the opportunity to delegate competencies and exercise control over the manner of implementation of the delegated competencies, which would finally be implemented by the Assembly administration.

ASI: What was the response of administration staff to the new rules?

IK: Acceptance of the new rules has been accompanied by concern. It was said that 2006 will be a year in which staff cuts might be made within the Provisional Institutions of Self-Government. However, by amending the Administrative Instruction on civil officials these concerns have also been removed, and we have been provided with the opportunity to create additional positions. Following various consultations with the staff, during which the President, Presidency members, Assembly Support Project and the Consortium were also participating, it became clear that there would be no job cuts, while various moves in terms of appointments or assignments to new positions may take place in accordance with professional skills. A deadline of six months has been set, within which we will conduct performance evaluations, and based on those performance evaluations make adjustments and arrangements in conformity with existing salary grades.

ASI: In your opinion, what would the future priorities be to ensure implementation of

the reform?

IK: I think that future decisions will be determined by time. For the time being there will be some decisions that will be in favour of providing civil officials with the conditions and opportunities needed for them to be key to the Assembly in years to come. We are at the stage of having a strategy of the legislature of the Assembly containing 103 laws. A number of laws need to be completed within a timeframe of 120 days following announcement of the status. All of these will be useful in helping us to make the future decisions needed to better operationalise the administration, meaning that we would have a very testing and challenging period ahead of us. The results of this period will give us a coordinate on what direction future decisions to be manifested in a reform will take, as a continuation of the reform we have already started.

ASI: How do you see your staff functioning in 3 years time?

IK: The fact itself that our officials may have an additional salary and different working hours, meaning flexibility in terms of organisation of work, makes me believe that this staff will become more and more dedicated to the tasks entrusted to them. This will be to their benefit, as well as to mine, but also they will be more encouraged to further rise up to the level of the task requested of them.

ASI: What other support, in your opinion, do you and your staff need?

IK: I believe the Assembly

needs support in several areas. First of all, it is necessary to advance the information technology systems. For the time being, it has been factorised by the Ministry of Public Services, but there is a desire and willingness to have an independent information technology system provided by donors and through projects, which would be compatible with that of the Ministries. However, we should be the ones exercising independence and autonomy in the progress of this system. It is our intention to functionalise some rooms concerning the work of the parliamentary committees, as they do not currently possess good working conditions, due to a lack of transcripts, recordings, and the conditions needed for public debates. I believe that this therefore represents another area for support. We have an Office of Media and Public Relations, and it is there that we need advancement, both in terms of personnel and computer access; online access to the Assembly should be available to each citizen as a source of information. At the same time, providing citizens, schools and institutions with access to the Kosovo Assembly is another way of serving the interests of the people of Kosovo. Further support could be given to the new officials that are envisaged to be employed with parliamentary committees. Training from the Consortium would increase both capacity and knowledge, something that they could then transmit to the Kosovo Assembly.

*Alfons B. Lentze LL.M,
Further Support to
the Assembly of Kosovo*

Parliamentary Conference in Kosovo gathers representatives from 10 Assemblies

Kim Vetting, OSCE Mission in Kosovo

“We will have a modern and effective security sector, with strong parliamentary oversight, which Kosovo people will be proud of.”

These were the words from the PISG Prime Minister, Agim Çeku, when the participants of the Regional Parliamentary Conference visited the Government on 19 May, as part of the final three briefings on the security institutions of Kosovo. The conference on Security Oversight ended with a briefing by the Commander of the Kosovo Force (KFOR), Lieutenant General Roland Kather, listing the challenges to his mission, and assuring the participants that KFOR will be up to its task. With the possibility for the participants to meet KFOR staff from most of the more than 30 participating nations, the farewell reception at the KFOR base ‘Film City’ made a relaxing ending following the previous days intensive meetings.

The ‘Regional Conference on Parliamentary Oversight of the Security and Public Safety Sector’ is the third broad regional conference co-arranged between the OSCE-Mission in Kosovo and the Assembly of Kosovo. The earlier conferences focussed on Budgetary oversight (2005) and oversight on the Police (2006). However, this conference was the first to take place



Commander KFOR, General Kather, briefs the participants in Film City

following the establishment of a Parliamentary ‘Committee on Security’ in Kosovo, back in September 2006, and could therefore have stronger elements of the topics and challenges faced by the Committee. Hence, the long-term supporter and OSCE partner in Kosovo in the development of oversight of the Security sector, DCAF (The Geneva based Democratic Control of the Armed Forces), also co-organized this conference.

At the opening session, OSCE Head of Mission, Amb. Werner Wnendt, stated that the conference had three goals: to strengthen the skills of parliamentarians involved in overseeing the security

sector; to improve the general democratic oversight of the security sector in the region; and to create a better relationship and co-operation with parliamentarians involved in the security sector throughout the region.

“The Security sector does not work against people but should work on their security. Therefore, constant work on increase of capacities should be done here”, stated Wnendt.

The four main subjects discussed were:

- I) Parliamentary oversight of the security sector;
- II) Regulation and oversight

of the private security sector;

- III) Co-operation between Parliamentary Committees on Security; and
- IV) Oversight of emergency planning and preparedness.

Each session was chaired by a Member of Parliament from the region, with a rapporteur from the Assembly of Kosovo. The debates were open topics, however with a keynote speaker to stimulate debate. Via links to the NATO Parliamentary Assembly, especially the Political Committee, three members and the director of the Committee, participated intensively, with

insight and observations on developments in the Region. One of the participants, Senator Raynell Andreychuk from Canada, even agreed to chair the session on Regional co-operation, where several topics, from how to participate fruitfully in Inter-Parliamentary forum's (like OSCE and NATO PA), to overcoming obstacles in Governmental Oversight was discussed. The participants however, started the morning with discussing very concrete issues; how do you perform budgetary oversight of the security sector, with a keynote address by the former Dutch Minis-

ter of Defence, Mr Willem van Eekelen. His presentation went through the whole budget cycle, and from the participant's side, it was clear that Bosnia and Herzegovina had established a good working pattern.

The others concrete subject was the oversight of the Private Security Sector, a subject that is being legislated in Kosovo at the moment, in a working group under the Minister of Internal Affairs. Dr Michael Von Tangen Page highlighted elements that should be addressed in the legislation, giving examples

from the region, when the legislation had not been adequate and was in need for remedial legislation. In Kosovo, the committee on Security has formed a sub-working group, trained by the OSCE mission, which follows the control of the private security sector more intensively.

Following the afternoon sessions, which included a keynote address by Mr Maloku on what his experiences has been in relation to oversight of the PISG's ability to prepare for emergencies, a project supported by OSCE that included a research done by

the Kosovo Institute for Public Research and Development (KIPRED), feedback was provided by rapporteur's from the Assembly of Kosovo, with concluding remarks by the director of OSCE Mission's Department for Good Governance and Democratic Institutions, Ms Wilma Theuws, and the Assembly Support Initiative Co-ordinator, Mr Franklin Devrieze.

It was the first time that Kosovo hosted a conference with such a wide participation from the region, and looking at the participant's evaluation, it will certainly not be the last time.



The chairman of the Committee on Security, Mr Maloku, head of OMIK, Ambassador Wnendt and the representative from DCAF, Mr Wim van Eekelen, at the opening session at Hotel Grand

Women Caucus at the Assembly of Kosovo

A real factor or just a temporary challenge in the existing political landscape of Kosovo.

Interview with Ms. Gjylshene Berisha (LDK) and Ms. Hatixhe Hoxha (PDK), co-chairs of the Women Caucus at the Assembly of Kosovo.



Gjylshene Berisha

The initiative for the establishment of a Women's' Caucus dates from the first legislation of the Assembly of Kosovo, but was only realised a few years later following extensive consultations with MPs and heads of parliamentary groups at the Assembly of Kosovo. Female MPs gathered to promote their joint agenda for improvement of the position of women in Kosovo society.

This group was established on 5 July 2005, corresponding with the visit to Kosovo of Ms. Madeleine Albright, the former U.S. Secretary of State. Such a multi-party and multi-ethnic group, in which government and opposition, majority and minority communities, work closely together on joint

objectives is unique for the Assembly of Kosovo.

ASI: Could you please describe the current structure of the Women's' Caucus?

Gjylshene Berisha: Our group consists of 36 members and has a steering board of 8. This reflects the formula of the presidency of the Assembly of Kosovo: two members from LDK, two from PDK, one from AAK, ORA and 6+, and one member from the Kosovo Serb community. The activities of the Women's' Caucus are directed by two co-chairs on a rotating basis, one from the majority and one from the opposition with the mandate of one year.

ASI: What are the objectives of your group?

Hatixhe Hoxha: Our objectives correspond with the following issues: the empowerment of women in politics and decision-making; monitoring the implementation of the Law on Gender Equality, Human Rights and all laws relevant to gender equality; improvement of the position of women in society, education, culture and economy; cooperation between women MPs and civil society, and with other MPs in the region.

ASI: What do you consider as the biggest achievement of women MPs in the Assembly of Kosovo?

Hatixhe Hoxha: I believe that the initiative to draft the Law

on Gender Equality, as well as the amendment of other laws (e.g. maternity law) represent some of the most important achievements.

ASI: What were the main activities of the women caucus this year?

Gjylshene Berisha: Members of the Women's' Caucus have participated in several international events in Zagreb and Sarajevo organized by the Stability Pact for South-East Europe. In these, the Women's' Caucus was admitted as an equal member of the parliamentary groups from SEE. In addition, the Women's' Caucus has successfully organized several roundtables in Prishtinë/Pristina on the following topics: gender equal-



Hatixhe Hoxha

ity, election law, workshops on education, social issues, and health problems in Kosovo, as well as the round table on combating human trafficking. Members of the Women's Caucus are regularly organizing visits to the field for the purpose of data-gathering and information-sharing with the population of Kosovo, especially with women groups from all communities living in Kosovo. Women MP's from the Assembly of Kosovo were the first group of MP's ever to visit local high school.

Last month in cooperation with the OSCE we have organized a regional conference of women parliamentarians aiming at strengthening links with our counterparts from the neighbouring parliaments. I would like to mention one more thing: the group of women MPs from the Assembly of Kosovo are signatories of the International Memorandum against the Human Trafficking, signed in Bern/Switzerland on March 8, 2006.

ASI: You did not start from scratch, correct?

Gjylshene Berisha: No. The previous board was led by Ms. Sanije Zeqiri and Flora Brovina, and it conducted a number of activities despite the difficulties that the Women's Caucus was facing. At that time, the group developed a strategy, vision and mission. According to this document, the Women's Caucus will work for improving women's participation in decision making in the Assembly of Kosovo and in all other Kosovo institutions. Furthermore, the mission of the group overlaps with tendencies to improve the exist-

ing situation at the local levels where no women is in the post of Municipal Assembly President or Chief Executive Officer. The Women Caucus is committed to representing the voice of all women in Kosovo institutions, and as such, build the capacities of democratic structures in Kosovo to ensure participation of women in all spheres of public life and decision-making.

ASI: What are your plans for the future?

Hatixhe Hoxha: We have carefully assessed our engagement over the next couple of years and based on this, our priorities are ensuring further empowerment of women in decision-making structures and institutions of Kosovo, a contribution to the drafting and enacting of the Election Law, the constitutional process and the Law on Political Parties. We have, therefore, planned extensive meetings with the leading institutions of Kosovo: the President, Prime Minister, President of the Assembly of Kosovo, Heads of Political Parties and parliamentary groups, and the main media and civil society actors in Kosovo. We are looking forward to coordinating our activities with the Office of the Prime Minister/Agency for Gender Equality, the Kosovo Women's Network, UNIFEM, UNDP, and the Stability Pact for SEE. I would like to express our gratitude to our partners and supporters, for example the OSCE Mission in Kosovo, NDI, liaison Offices of Switzerland, the Netherlands, Sweden and Belgium.

*Bujar Maxhuni,
OSCE Mission in Kosovo*

Members of the Women Caucus

LDK

Nekibe Kelmendi
Melihate Termkolli
Sanije Aliaj
Samije Zeqiraj
Remzije Nimani
Zyrije Maloku
Nurishehe Hulaj
Gjylshen Berisha
Nafije Berisha
Brikenda Kryeziu
Besa Gaxherri
Naxhije Doçi
Rudina Bukoshi
Lumnije Hyseni
Qibrije Hoxha

PDK

Flora Brovina
Nerxhivane Dauti
Teuta hadri
Sala Ahmeti
Drita Statovci
Sala Shala Berisha
Safete Hadergjonaj
Selvije halimi
Zahrije Jusufi
Hatixhe Hoxha

AAK

Gjylnaze Syla
Zylfije Hundozi
Myrvete Dreshaj

VAKAT

Shpresa Murati

ORA

Teuta Sahatqija
Fatmire Kollqaku

GIS

Zlatica Kujundzic

KDTP

Nuran Malta

SLKM

Snezana Milic
Vesna Jovanovic

GIG

Vezira Emrush

Assembly Members Listen To The Voice Of The Citizens

Arben Kelmendi, National Democratic Institute



Gjylnaze Sylja

In a functional democratic system, elected representatives meet their obligations towards the citizens. Organization of free elections establishes the foundations of a democratic society but does not guarantee realistic representation of citizens' interests. Elected representatives should establish mechanisms for regular communication with citizens in order to ensure that their voices are being listened to. Parliaments that fail to exercise their representative function cause an increase in citizen dissatisfaction, as well as a failure to support their "democratic" system.

Assembly members keep in regular contact with their constituents. One of the most popular and efficient ways of doing so is opening special offices aimed at improving communication with the citi-

zens in their electoral areas.

Last year similar initiatives to open such offices were made by a number of Assembly Members, despite a lack of institutional support.

Assembly member Gjylnaze Sylja from AAK is a pioneer of these initiatives. Her office for communication with citizens has been open for a year and a half already, and as she expressed: "the very first day that I opened this office, I really felt like the peoples representative...there were many cases when citizens were aware that we cannot necessarily resolve their problem, but they just needed someone who would listen to them."

Hajredin Hyseni, a member of PDK, is the most recent representative to open such an office, and 200 citizens of Podujevë/Podujevo city were

present during its opening ceremony. "Citizens were curious to know what services this office could provide and the times at which they could meet me," stated PDK member Hyseni.

Assembly member Fehmi Mujota (PDK) was also present during this ceremony, and assisted his new colleague by providing advice and examples from his similar experience in Shtime/Štimlje. "Today I am here to provide moral support to my colleague and to pass on my experience in this direction," says Assembly Member Mujota, full of modesty.

Another PDK member, Mr. Bajrush Xhemajli, met with citizens of Ferizaj/Urosevac in his office for two months, and has admitted that some of the information that he collected from citizens served him whilst preparing parliamentary questions for the

ministers. Some examples of this are questions relating to the construction of a road in Jezerc, the case of Ferizaj/Urosevac patients forced to travel every week to Gjilan/Gnjilane because of their dialysis as well as the question about security measures along the railroad going through the center of Ferizaj/Urosevac. These are just a few examples of the way in which use can be made of the information gathered to make the government more responsible, accountable, and ready to address citizens' concerns.

Similar offices have been opened by Assembly Members in Gjakova/Djakovica town and by Berat Luzha in Kaçanik/Kacanik town. Members of the Assembly of Kosovo have now realized that changing the election system, adopting open lists, and having regular meetings with citizens is of great importance.



Bajrush Xhemajli

Constitutional Process

Nekibe Kelmendi, (LDK) Member of the Kosovo Assembly,



Following the submission of President Ahtisaari's Proposal, I was a member of the group of experts of the Political and Strategic Group, engaged by the Unity Team. This group immediately began drafting the Constitutional Material (informal Constitution) in order to facilitate the work of the newly established Constitutional Council in drafting the Draft Kosovo Constitution and accelerate the drafting process of this highest legal instrument for Kosovo after the definition of its political status.

Initially, some sub-working groups were established for the purpose of drafting constitutional chapters. In this way, the output of each of these groups would be incorporated into a unique constitutional material.

Once completing the incorporation of these outputs into a Constitutional Material, the working group continued its work in harmonising and systematising the outputs and

elimination of (possible) overlapping elements. This working group has also drafted the Constitutional Law on the Rights of Communities and their members, which was distributed to all the members of the group and some members of the Unity Team.

The entire Constitutional Material, which took months to prepare, will now be transferred to the recently established Constitutional Council of Kosovo, in order to provide them with an opportunity to intervene where necessary, and complete it, before the Constitution proceeds to the Kosovo Assembly for its adoption.

The Draft Regulation on the Operation of the Constitutional Council for Drafting the Constitution was drafted in parallel with these two other documents, whereas USAID/OSCE have worked on drafting a plan to educate the public on the Constitution of Kosovo, which, like the aforementioned documents, is

an informal plan. The Constitutional Council shall work on all these materials, and submit the final content, whereas the Constitution will be made public, so that every citizen of Kosovo is informed on the content of the future Kosovo Constitution.

It is my personal opinion that during the transition period, which is due to commence after the adoption of the new Resolution for Kosovo, the Kosovo institutions, together with all its national and international experts, will be able to fulfil all the duties that arise from President Ahtisaari's proposal for drafting of the Constitution and laws. This will mean that they are finalised in time to assume all the responsibilities that are to be transferred from the United Nations Mission in Kosovo.

In the past 17 months, the process has consumed much time, effort and energy, from the beginning of the negotiations process undertaken with international support, such as President Ahtisaari and the UNOSEK Group, to the completion of these documents.

One should not forget the engagement of the international organisations established in Kosovo, among them USAID, the OSCE, the Contact Group, Liaison Offices, and a number of American experts and experts from neighbouring countries. Their help is highly appreciated by the Kosovo institutions, Kosovo's experts and the people of Kosovo. The assistance provided to

them was of a financial and professional nature, through the organisation of different symposiums and conferences abroad, attended by members of all minority communities, and of great assistance when producing the Constitutional Material.

When speaking about the Constitutional Material completed by the respective working group, allow me to specify that drafting this material was not an easy job, as the Constitution of Kosovo, like the Status of Kosovo, will be sui generis and cannot be considered as a precedent by any other country in the world. A unique point about the Constitutional Material is that it contains provisions allowing for positive discrimination, that is a positive deviation from international standards and constitutions regarding minority communities and their members. However, it should be noted that the European Convention on the Rights of Minorities labels communities as 'minorities', and outlines a different set of rights.

The people of Kosovo is now extensively aware that, irrespective of the blood of the those that gave their life for the liberation of Kosovo and their right to self-determination, they are committing yet another sacrifice; positive discrimination and other favours for minority communities. This is being done to achieve, with God's help, the century old objective of Kosovo's independence and its Euro-Atlantic integration.

Committee for the Rights and Interests of Communities visits communities in Municipalities throughout Kosovo

Interview with Mr. Randel Nojkić (SLKM), President of the Committee for the Rights and Interests of Communities and Mrs. Sanije Alijaj (LDK), Vice President of the Committee.



Sanije Alijaj

ASI: Earlier, the Communities Committee had difficulties, but now things look better. What are the reasons for this positive progress?

R. Nojkić: I wouldn't agree with the statement that the situation in the Committee has changed. On behalf of the Committee for the Rights and Interests of Communities, I wrote to the Assembly Presidency about certain issues, and the Presidency did not see it reasonable to respond. Consequently, I addressed a letter to the SRSG, and I am still waiting for his response. I have the right to receive an answer from the Assembly's Presidency, and in this case I believe that procedures have been violated.

S. Alijaj: Earlier, the Committee suffered some difficulties. There were some delays in the fulfillment of the work plan,

considering that all the activities regarding the interests of communities were dealt with in the Community Consultative Council. Now we have a positive approach, where the Committee invites representatives of the Ministry during its regular meetings as well as during their field visits. At the end of October, OSCE started a new project to increase the efficiency of the Committee's work. The Plan contained four points: increase in co-operation activities between the Committee and the Ministry for Returns; an study visit abroad for the Committee in December, work visits in Municipalities throughout Kosovo, and round tables with international and national stakeholders that are dealing with communities. All of these point have now been realized, and we will continue with the same during 2007.

ASI: Your Committee has prepared a plan for 2007. What are the challenges of this plan?

R. Nojkić: Any draft law addressed to the Committee on time enters the agenda and is discussed. In this plan, we have foreseen field visits, which are very important to our work. On some occasions we could not organize them properly because the Ministry for Communities and Returns didn't send its representatives for these visits. I hope that we will fulfill all we have foreseen in the Plan. However, I don't believe that we will further proceed the issues raised by the communities during our field visits. This is because the Committee has limited rights and because the Ministry for Communities and Returns is not following or attending our field visits. As a Committee, we have submitted a request to the Ministry to provide us with data regarding the Ministry's budget for 2006 and the plan for the allocation of budgetary means for 2007. This would help the work of the Committee during its field visits. We still haven't received a response from the Ministry for Communities and Returns with regard to the budget.

S. Alijaj: The Committee has approved the Work Plan for 2007. This Plan was prepared in co-operation with the OSCE Coordinator. I would stress that, to date, none of the amendments of draft laws

under procedure touch the interests of the communities. The members of the Committee will supervise the application of the adopted laws, to check if they are being implemented correctly and efficiently. The Committee will have an active role in adopting draft laws during the 120 days of transition after the approval of the Ahtisaari's Plan by the UN Security Council. The Communities Committee will concentrate mainly on the Laws concerning the life, rights and freedoms of the communities in Kosovo.

ASI: What are your relations with the Ministry for Communities and Return? How is your co-operation with the new Minister?

R.Nojkić: I believe that my previous answer offers a sufficient explanation as to our relationship with the Ministry for Communities and Return.

S. Alijaj: The Committee was continuously ready to offer its co-operation to everyone, including the Ministry for Communities and Returns, aiming to solve the issues raised during the field visits and in the Committee. At present, the Committee has a good relationship with the Ministry for Communities and Return, and with the Ministry of Local Government Administration. Naturally, there's a constant need for a better coordination of work.



Randel Nojkić

ASI: Your Committee has organized field visits in several municipalities; what is the result of these visits?

R. Nojkić: The result of these visits is not very satisfactory. For example, during our visit to Ferizaj/Urosevac one of the members of the Committee, in charge of mediating certain issues between the Committee, the Ministry and communities we meet there, did not attend the regular meetings of the Committee nor did he undertake anything with regard to the issues raised by the communities we visited. In light of this, we cannot say that we have done a good job. I believe that the regulation of the work of the Assembly should contain and provide measures against those not fulfilling the conditions of their work. Currently, there are no such measures, and the work of the members of the Committee is based only on their good will. The members of the Committee that are willing to work are active, whereas those unwilling are passive. There are no sanctions whatsoever for this matter.

S. Alijaj: Yes, we have visited several Municipal Assemblies and we have seen that the local governments are working to integrate communities and improve their welfare. Though further work is needed for the benefit of all citizens, there are some encouraging results. On this occasion, I would like to distinguish the Municipality of Dragash/Dragas, where 43% of the local government is comprised of local communities, and almost all donor projects are concentrated in locations where communities reside. In Ferizaj/Urosevac, all houses of Serbs living in Bablak and Baubuse are rebuilt and waiting the return of their owners. The President of Novo Bërda/Novobrdo is a Serb and, though living in a municipality with an underdeveloped economy, he declares that the word "discrimination" does not exist there. The Committee also informs the Ministry for Communities and Returns regarding all citizens' concerns.

ASI: As one of the main Committees of the Assembly of

Kosovo, your Committee reviews every draft law passing through the Assembly. What are the main challenges of the Committee during the review of Laws?

R. Nojkić: Yes, this is one of the main Committees. However, when we raised the issue of the Draft Law on Personal Numbers, which was returned by the Committee for Rights and Interests of Communities, the law was sent again to the Assembly and was subsequently adopted. This shows that, officially, this is one of the main Committees, but practically that is not the case. As regards the review of laws, this Committee has always acted in a timely manner, and never delayed its review. There are cases where members of the Committee disagree, but this is a normal thing to occur during the review of laws by Committees. I think that the issue of how to approach and resolve situations when there are problems is not adequately regulated however. The Serb community has objections to Ahtisaari's Plan, as it foresees mechanisms similar to the ones already in place, which have not produced satisfactory results. If these mechanisms were to be regulated, then I am sure that this Committee would have fewer problems. During our visit to Belgium, we saw that the communities there enjoy equal rights, including the German community that comprises 3-5% of the population. There, the communities decide on what is acceptable for them. This principle should be practiced in Kosovo as well.

S. Alijaj: During some recent meetings, we had an atmo-

sphere of intolerance amongst the members of the Committee as there was resistance to returns or attempts to delay the procedure of approving the amendments of certain draft laws after the second reading, reasoning that Kosovo has no internationally recognized status. Obviously, this contradicts the Assembly's regulation, and at no time were the interests of communities touched. Therefore, we reached an agreement between the members of the Committee to provide that the draft laws proceeding to the Assembly, especially those emerging from Ahtisaari's Plan, be reviewed by the Committee prior to the first reading. This way, their adoption would be expedited and the Committee would have more time to review the laws.

ASI: Is there anything else you might want to add?

R. Nojkić: I think that the OSCE should organize more meetings and roundtables, where people and members of communities with different opinions would participate. This is a problem with all the international organizations in Kosovo as they talk separately both with Albanians and Serbs, and this does not contribute to a solution of the interethnic problems.

S. Alijaj: I only want to stress that I am proud to be a part of such an important Committee, and that my contribution in the Committee is to ensure that all communities living in Kosovo enjoy equal rights.

*Elita Vokshi,
OSCE Mission in Kosovo*

Disclosure of Assets by Senior Officials as a Tool to Combat the Corruption

According to Anti-Corruption Law, all senior officials are obliged to disclose their assets

Interview with Mr. Hasan Preteni, Director of Kosovo Anti-Corruption Agency

ASI: What does disclosure of assets mean?

Hasan Preteni: The disclosure of assets is a mechanism for combating and preventing the corruption as foreseen by the Anti-Corruption Law (ACL), adopted by the Assembly of Kosovo on 22 April 2005 and promulgated by UNMIK Regulation No. 2005/26. Through this process, all senior officials (as stated in Article 2 of ACL) are obliged to provide information on their assets. In addition, they will be subject to investigation as regards any existence of conflicts of interest, as well as to prevent the possibility of increasing their assets in an illegal manner.

ASI: What does the Law say on this?

HP: The supervision of assets is regulated by the ACL; it specifies the manner and form of assets disclosure required by senior public officials, an aspect regulated in Chapter 5 of the Law. Article 39 of the Law inter alia states: The Kosovo Anti-Corruption Agency shall supervise the senior official person's assets on the basis of information submitted by the senior official person on a special form, which shall be determined by the Agency.

Within one month of assuming office, the senior official shall therefore provide the



Agency with the necessary information, such as functions being performed professionally or non-professionally, other functions or activities being conducted by the official, functions conducted by the official immediately prior to assuming office, the status of their assets and the assets of persons in a close relationship to him or her.

ASI: What should senior officials disclose?

HP: Information on the situation of assets belonging to a senior official or to persons in a close relationship with him or her, should include data on their assets and income such as: real estate, movable property of greater value, shares in commercial companies, securities, cash held in banks, savings banks and other savings and loans institutions, debts,

undertaken securities and other obligations, and annual income (serving as a tax base). According to ACL, movable property of greater value is considered to be a movable property whose value exceeds €5,000. The Agency may demand proof of the information included on the assets disclosure form. Any changes to the asset status must be reported to the Agency by the senior official annually. The Agency may at any time request that the senior official submit information on the data stated above. The senior official person shall comply with the Agency's requests within fifteen days of receiving the request.

ASI: Which officials are obliged to disclose their assets?

HP: According to the Anti-

Corruption Law, the Agency shall supervise the assets of 'senior official persons'. Article 2 of the ACL defines senior official persons as: the President of Kosovo, the Prime Minister, elected members of the Assembly and its President, ministers, secretaries of the government, permanent secretaries, directors of offices within ministries, judges and prosecutors and international senior officials.

ASI: What happens when senior officials fail to submit the assets disclosure form? Are there any sanctions that could be undertaken?

HP: Should the senior official fail to submit the information by the deadline determined by the ACL (31 March), the Agency issues a warning and determines a new deadline, which shall be no less than fifteen days from the day the warning was delivered. Should the senior official again fail to submit the required information within the determined deadline, the Agency informs the body in which the senior official is executing his or her office, or the body responsible for determining the payment of wages or wage compensation. In this case, the wage or wage compensation shall be reduced by one-fifth every month, until the Agency receives the required information. If the senior official fails

to submit the required information within three months, the Agency notifies the body responsible for initiating the procedure for termination of office. The payment of wage or wage-compensation is stopped.

ASI: To what extent the process of disclosures of the assets was successful?

HP: The process of disclosure of assets was successful up until 04 May 2007 – of 732 senior officials that were obliged to disclose their assets, 94.4% of them fulfilled this legal obligation. It should be emphasised that even though the deadline has expired, this process is ongoing, meaning that the Agency received more forms following the expiration of the deadline.

ASI: What can you say regarding the confidentiality of the disclosures?

HP: According to ACL, all persons that are within the Agency, such as members of the Agency Council and any person employed by the Agency, shall be required to guard as an official secret, any information considered an official secret acquired by the Agency in the execution of its duties. Articles 44, 45 and 46 of the ACL regulates the issue of confidentiality in detail. In addition, forms submitted shall be subject to a comprehensive investigation in order to verify the genuineness of the data, and the assets disclosed, as well as existence of any conflicts of interest.

*Lodewijk Vanoost,
OSCE Mission in Kosovo*

Return of Gorani People to Kosovo is Vital

An interview with Mrs. Vezira Emrus (GIG) – the newest member of the Kosovo Assembly



In this interview Mrs. Vezira Emrus, as the newest member of the Assembly of Kosovo, discusses the situation of women in Kosovo, Gorani community, the returns process as well as her perspective on the Ahtisaari plan.

ASI: Mrs. Emrus, how do you view the current role of women in Kosovo politics, bearing in mind the traditionalism of Kosovo society?

Vezira Emrus: The role of women of all communities in Kosovo today is difficult. Women, and in particular those within the Gorani community, have had and continue to have, a patriarchal upbringing; they are the pillar of the family but cannot become fully visible. When a young woman in a village turns eighteen or nineteen, she is fettered by her family and discouraged to continue her education. In the cities the situation is different however. I was, for instance, born in 1954, and I had the opportunity to get a formal education. Now I believe that I can do something in Kosovo politics; I consider my position very responsible, and I represent not only our Gorani women, but each and every woman of Kosovo.

ASI: What are the political goals of the Gorani Citizen's Initiative?

VE: We are a small community, and we have always had identical goals to those of the

country we lived in. We are very much interested in the process of European integration, improvement of the economic situation in Kosovo, better livelihoods, regional integration and networking.

ASI: Since you are a representative in the Kosovo Assembly, what are, in your opinion, the main challenges for the Gorani community in this period?

VE: We are very much concerned. The majority community is disunited. Why? Our Gorani community up in Dragash/Drageash is disunited, into the Bosniak and Gorani communities. Therefore, some political actors are striving to split the minority communities, to make them weaker subjects on the political scene. The same is taking place within the majority Albanian community, so we also hope that it achieves unity in order to effectively address the challenges faced by small communities. That would assist integration within Kosovo society, as well as regional integration.

ASI: Are you happy with the place that 'other communities' have within current Kosovo society?

VE: To be frank, I am not happy. We have a certain quota, a secured quota, and when it comes to the election, our community is greatly torn and manipulated by many political actors. Regarding the electoral laws, we have a secured seat in the Assembly. Though there was previously a threshold of 0.5% (of the total of the Kosovo constituency), now there is a tendency to shift it to 2, 3 or 4%, which would enable

neither any of the smaller communities, nor the smaller Albanian parties to enter the Assembly. I believe that we are not adequately represented, and I think that it is necessary to take action and introduce laws that would be favorable for smaller communities, to enable us to participate in the taking of relevant decisions that Kosovo is now facing.

ASI: You are also a member of the Parliamentary Group for Integration. In your opinion, what are the major obstacles to the integration of minority communities into the Kosovo society?

VE: First of all, our Gorani community is a very scattered one. A great portion is living outside Kosovo – in Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, Croatia, and many of them are living in the Western European countries. This is an inherent problem of our community. I would hereby appeal to the Kosovo Government to encourage investment in the Gora region, and the creation of a development fund to encourage people to stay.

ASI: And regarding the returns process?

VE: The returns process is an issue of our survival. No one can positively ascertain the quantitative status of our community, as people are constantly migrating. I know that in 1999 there were between 13,000 and 17,000 Gorani living throughout Kosovo, in Dragash/Drageash, Pejë/Peć, Prishtinë/Priština, and Prizren, and now there remain only 3-4,000. The community is very much dispersed, and the issue of returns is of vital

importance for us.

ASI: What do you think should be done in order to encourage members of the Gorani community to return?

VE: Particularly, there should be more investment into the infrastructure in Gora villages. There should be investment in our settlements in order to create a more sound economy, which would in turn encourage returns; the prospect of employment and homes are needed to encourage returns. Further, I would stress the need for Gorani municipalities. You are aware that one of the more important elements of Ahtisaari's plan is decentralization. Our community had its own municipality in 1931, named the 'Gora Municipality'. Later on, in 1968 it was transformed into Dragash/Drageash Municipality. Today, it is multiethnic and there are Albanian, Gorani and Bosniak communities living there. The Municipality is the most important issue related to the returns process, as the people are not only more likely to believe their own bodies, it would encourage people's confidence the most. It would also facilitate additional employment, and enable better contacts with officials.

ASI: Is Ahtisaari's plan going to improve the status of minority communities and to what extent are they going to be affected?

VE: Regarding Ahtisaari's plan, it doesn't define each of the respective communities; they were not analyzed. The Plan suits our community and we find one positive aspect - the process of decentralization. Kosovo is of a similar size

to Slovenia and has approximately the same population size. Today, Slovenia has 240 municipalities, while Kosovo has just 30. The majority Albanian community aspires to that, and this remains so. Ahtisaari's plan offers a possibility to create new municipalities with 5,000 inhabitants or 75% of the majority population in the respective area, and we have all the requirements for such a unit. If we achieved this, a Gorani would be responsible and in charge of their existence in Kosovo; they would address their economic and political situation by themselves. Besides that, there is an issue of language. We are all aware that in Kosovo, in addition to Albanian, Serbian is also an official language. Our children had their education in Serbian. We do not want to be accused of still using the Belgrade curricula, and we therefore ask the Kosovo Government and the Ministry of Education to, after eight years, draft the curriculum in the Serbian language which we are going to adopt, in order for our children to have a proper education. It is very important to us that our children can continue their education in Serbia, Bosnia and Herzegovina and Macedonia.

ASI: Any messages for our readers?

VE: Yes. You see, I have a life motto; each of us should love themselves in order to love others.

Interview by Mario Maglov, Coordinator of the Community Information Centres, DPI-UNMIK in cooperation with OSCE Mission in Kosovo.

Looking forward at the work of the Assembly

Liia Hänni, Senior Adviser to the President of the Assembly of Kosovo, OSCE Mission in Kosovo



When I arrived in Kosovo it was deep winter. For a Nordic person like myself it was a relief to realize that winters in Kosovo can also be quite cold and snowy. I thought to myself, 'perhaps it is not so difficult for me to understand the people of Kosovo and their representatives in the Assembly'. The fight for survival with forces of nature and political superpowers that have shaped Kosovo's society are rather similar to those that Estonians experienced during the course of their history. However, now it is almost summer, and the time has come for me to summarize some forward-looking thoughts following the work of the Assembly.

The Assembly of Kosovo is a unique institution. Having been elected as a result of the free will of the people of Kosovo, the Assembly is still not permitted to exercise some of the normal elements that constitute a full mandate of a sovereign parliament. It is not an easy role to carry, and one should therefore credit the political maturity of the deputies and political groups of

the Assembly not to rush the course of events. But it is also risky to stand around waiting for the status resolution. Life in Kosovo should go on, and the Assembly, as legislator, has an important role to play for that aim.

The Legislative Agenda for 2007 approved by the Assembly is a very ambitious one. It contains more than one hundred laws. In addition, the Constitution of Kosovo and draft laws required for the implementation of the Status Settlement should be prepared and approved in due course. To date, only seven laws from the list have actually been passed by the Assembly, and it is therefore no longer realistic to get all the planned work done during the remaining half year period. There is therefore an obvious need to elaborate a new legislative action plan for the Kosovo Government and the Assembly in order to meet the challenges of the time ahead.

Although Kosovo needs new laws in many areas, the list of priority laws should be agreed upon as soon as possible. The action plan needs to indicate the deadlines for submitting the draft laws to the Assembly proceedings and the government departments concretely responsible for the preparation of the drafts. Similar to the Legislative Agenda for 2007, the lead committee for a particular draft law should also be agreed upon beforehand. This gives the mandate to the Committees of the Assembly to scrutinize the drafting process in order to ensure that deadlines are met and the proper quality of draft laws is achieved. It would be

useful to reach an agreement with the Government to enable the representatives of the respective committees (future rapporteurs) to be invited to the meetings of the drafting working groups. This offers a mechanism to keep the committees informed about the progress of the work and an opportunity for the drafting working group to consult with the lead committee on important aspects of the law.

There is also a need to streamline the legislative process in the Assembly. The current practice, in which the main and functional committees officially get involved only after the first reading, seems to be outdated. In reality, a number of committees begin working on the draft laws at an earlier time. The opportunity for early involvement of the committees is also foreseen by the Rules of Procedure of the Assembly, where Rule 35.7 states: "The functional – lead or main committee may review the draft law in principle even before the first reading of the draft law takes place in plenary session".

The reasoning behind this is that when the draft law is tabled for the Assembly proceedings, the deliberation on the draft by lead and main committees can start immediately. Not without grounds, the committees are considered to be the brains of a parliament since committees have the capacity to analyze the content of a draft by the presence of the unpoliticised approach that is characteristic of plenary debates. The recommendations by the lead and main committees also provide the Assembly with the capacity

to make a more informed decision to approve or otherwise the draft law at the first reading. I do not think that anybody is satisfied with the fact that the Assembly has to vote a draft law out of proceedings after the first reading. This is a vast amount of time which reduces the efficiency of the Assembly's work. The conversations I have had with committee chairs show their positive attitude towards the early involvement of the committees. For this to happen, the Rules of Procedure do not need to be amended either; all that we need is to begin universal implementation of Rule 35.7. The Presidency of the Assembly is then fully entitled to make practical arrangements to adjust the work of the Secretariat and the Plenary Session for the lightly revised flow-chart of the legislative proceedings.

Although the current version of the Rules of the Procedures provides some flexibility for better organization of Assembly business, it seems necessary to undertake a complex analysis of it. An apt legacy for this Assembly would be the passing of the revised Rules of Procedure in time for the next Assembly. There is an important resource to be utilised - the experiences of the present composition of the Assembly. It is time to re-establish the ad hoc Committee for the Rules of Procedure in order to undertake this important job in preparation for the next Parliament. I am sure that the international partners working here to support the Assembly of Kosovo are ready to underpin this work.

Impressions of the Assembly of Kosovo from a former Parliamentarian

At a first glance, life in the Assembly in Kosovo when the Assembly is holding a plenary session appears to be no different than life in the House of Commons on Parliament Hill in Canada. Prior to the start of the session, MPs gather in the foyer of the Assembly, greeting each other, drinking coffee, and exchanging pleasantries. Black BMW automobiles line the driveway in front of the Assembly. Security is omnipresent, as are members of the media, with their cameras and tape recorders in hand awaiting the opportunity to get their “sound bite” and media clip. All of these signs are indicative of the imminent arrival of the Prime Minister at the Assembly. There is an exciting buzz in the air. And in fact, when the Prime Minister arrives, he also finds the time to sit down at the coffee bar, and greet and chat with other MPs prior to the commencement of the session. The calm before the storm.

Last week’s session brought not only the Prime Minister to the Assembly, but also his entire Cabinet - a very impressive, albeit, rare sight, at the plenary sessions of the Assembly. The reason for the stellar attendance of the entire cabinet became clear by reviewing the Agenda for the plenary session.. The first item of business on Thursday morning’s agenda was the interpellation of Prime Minister Agim Ceku which had been requested by the Parliamentary Group of ORA, and the next order of business, after the first reading of four draft laws, was the review of the 2006 Annual Report on the work of the Government. However, by Thursday afternoon and Friday morning the number of Ministers present had been reduced to seven and by Monday morning, only four Ministers were left in the Assembly. In fact on Friday afternoon, when the debate on the Youth of Kosovo was deferred to the session to be held on Monday morning, the Minister of Culture, Youth and Sports addressed the Assembly to advise the Members that he was not available to attend the session on Monday, but welcomed the opportunity for discussion during another session.

What is also quite striking about the Assembly plenary sessions is that the Assembly is full of members, and not just during the “Time for Parliamentary Questions”, or during interpellations. While the plenary sessions of the Assembly usually only take place twice per month, many of the Members hold additional positions or are employed outside the Assembly. But the Rules of Procedure do provide members for additional remuneration for participating in plenary sessions of the Assembly, as well as for their work in the Committees of the Assembly.

But the real work of the Assembly takes place when the Assembly is not in session, even though the “buzz” that one experiences walking into the Assembly on plenary session days may not be present on a usual working day in the Assembly. Mem-

bers can still be seen in the Assembly carrying lots of documents and running from meeting to meeting. All Members sit on at least one Committee, as well as on Sub-Committees. Attendance by Members at Committee meetings is also very impressive. While the Rules of Procedure only require Committees to meet, if necessary, at least once in every two working weeks, it appears that some Committees meet much more often.

Having met with a number of the Committee Chairs, and Vice-Chairs, as well as having attended a number of Committee hearings, including public hearings, I can only be impressed by the amount of work that individual MPs undertake at Committees, but even more so by the fact that MPs virtually undertake the work on their own. There are very limited resources for Committees. There is a lack of experts to assist Committees in their work. There is also a lack of researchers and professional support staff for Committee members. In the House of Commons, each Committee is assigned a Clerk and one or two researchers from the Library of Parliament. In addition, Committees are empowered to retain the services of expert, professional, technical and clerical staff as they deem necessary.

In Kosovo, Chairs of Committees are completely without any staff. However, the MPs which Chair a committee are the more fortunate ones. At least they have an office and a phone. The majority of MPs do not have an office; these MPs must avail themselves of the office of their Parliamentary Group to hold meetings. Fifty LDK members share one office, while thirty PDK members share another office. It would be trite to say that the Assembly does not provide members with an annual Member’s Operating Budget (MOB).

The wonderful part of being an MP is to participate in a Committee’s public hearings. The cameras are rolling; the media and their tape recorders, in hand, are visible everywhere. It is a “photo op” and “sound bite” opportunity of which Committee members should not overlook to avail themselves. As in Canada, public committee hearings in Kosovo allow witnesses to lambaste a Minister or Ministry for not fulfilling their commitments, notwithstanding the fact that this type of submission is not necessarily the right tactic for witnesses to take if they really want to move their agenda forward.

While public hearings serve to facilitate legislative review, executive oversight and transparency, these hearings also provide an opportunity for members of the Committee to take “shots” at Ministers who chose to hold committees in contempt. At a public meeting in Kosovo on cinematography a Committee member thanked the witnesses for inviting the Minister to attend the Committee meeting as the Committee itself had not



been successful on its own to secure the Minister's attendance before the Committee.

However, the commentary of this one Committee member is not an anomaly. Many committee members complain that Ministers do not attend their meetings when summoned. To-date, there appears to be no consequences for Ministers who bypass and ignore committees.

However, the biggest challenge for Committees and individual members of the Committees is the receipt of draft laws which are very poorly drafted, sometimes necessitating more amendments than there are sections contained in the draft law. The problem is also compounded by the fact that there appears to be no standard template for a draft law. Unlike the Standing Orders of the House of Commons in Canada, the Rules of Procedure of the Assembly of Kosovo do not provide that "no bill may be introduced either in blank or in an imperfect shape".

In addition to attending sessions of the Assembly, and Committee meetings, MPs also have their respective Caucus meetings to attend. However, most of these meetings take place a day or so before a plenary session of the Assembly, and on the day of plenary session, should the need arise. There is no provision within the Rules of Procedure to allow Caucuses to meet regularly or at a specified time. In the House of Commons in Canada all of the Party caucuses meet regularly, typically on Wednesday morning when Parliament is in session. On Wednesdays,

because of caucus meetings, the House of Commons does not sit until 14:00 hours.

Each caucus/parliamentary group appears to elect the Chair of their respective Caucus. However these caucus chairs/parliamentary group leaders do not only serve as leaders of their party caucus, but they also serve as House Leaders and Whips of their party caucus. Consequently, these leaders also warrant an office and one assistant which are provided by the Assembly.

The female parliamentarians also have an additional caucus to attend. While not recognized as an official parliamentary group, the female parliamentarians have organized themselves into an Informal Group of Women Parliamentarians (IGWP) which consists of female members of the Assembly from all political parties represented in the Assembly. The IGWP is chaired by two co-chairs, one co-chair from the parties in the government coalition, and the other co-chair from the opposition parties. The mandate of IGWP is to address the needs and concerns of women in the Kosovar society. In fact, the IGWP is the second largest caucus grouping in the Assembly.

One of the key issues which the IGWP is addressing is to ensure that the new election law retains one-third of the seats in the Assembly for women in an open list system. Last week members of the IGWP met with Fatmir Sejdiu, the President of Kosovo, to seek his support on this issue and they presented him with a list of recommendations which highlighted the need to include women in all levels of the government.

So while this week there is no plenary session of the Assembly and a walk through the Assembly foyer will not reveal a lot of security, the media, great numbers of MPs, Ministers or the Prime Minister, MPs can still be found rushing from one meeting to another and going about doing the work that they have been assigned to do, with the limited resources that they have. As a former Parliamentarian, I can only admire and applaud all of the individual MPs for their commitment to public service and for the incredible amount of work that they do.

June 7, 2007

Prepared by The Hon. Sarmite D. Bulte, P.C.

"Sam" served as a Member of Parliament in the Canadian House of Commons from 1997 to 2006 and held a number of positions, including Chair of the Ontario Liberal Caucus, Chair of Standing Committee on Canadian Heritage, Chair of the Sub-Committee on International Trade, Trade Disputes and Investments, Parliamentary Secretary to the Minister of Canadian Heritage and Parliamentary Secretary to the Ministry of Industry (with special emphasis on women entrepreneurs).

Focus on Environment

Blerim Vela, OSCE Mission in Kosovo



1. The European Union (EU) and Environment

Near the beginning of his term, Jose Manuel Barroso, President of the European Commission, compared the EU's three main preoccupations – the economy, social solidarity and the environment – to his three children. “If one child is ill, you put everything aside to care for them,” he explained. “It doesn't mean you love the others any less.”

At that time, for Barroso, the economy was the sickly one in the family. In the meantime, Barroso's attention has turned to the environment, an issue which even his aides admit he once saw as an impediment to jobs and growth. The Commission president admits it took him some time to draw the connection between saving the

planet and his original economic agenda, but that he is now convinced that the two agendas are complementary.

2. Kosovo's environmental priority

In April 2006, the Kosovo Environmental Action Plan 2006-2010 was adopted as a part of the Governmental Programme. It is the first such document developed

in Kosovo, which aims at gradual improvement of the environmental situation and with that the improvement of public health in general. The Kosovo Environmental Action Plan, for the next 5 years, will be the main framework of all activities to be undertaken for the purpose of gradual environmental improvement and protection in Kosovo, where all environment related priority activities of respective institutions at local and central level should be based.

Nonetheless, the next years present challenging years for environmental protection in Kosovo. There is a pressing need for increased economic development, which in turn by some is perceived as sidelining environmental concerns. Such is the tone of the current

debates about Kosovo C coal-based thermal power plant. Kosovo's institutions, by completing their structures with the necessary bodies, should show readiness for tackling the main environmental problems. It is expected that within these years the environmental legislation be completed with subsidiary laws. At the same time environment should be more used in promotion of democratic premises (citizen participation in decision-making, access to information and justice) included within it. Lastly, environment being a property of all of us, knows no border; further more it is the only thing that we possess and as such it is a standard that we have to meet in order to have a future.

3. Environmental Legislation

On 16 January 2003, the Assembly of Kosovo passed the Environmental Protection Law. The Law intends to improve the environment and health of the people of Kosovo by gradually introducing environmental standards held in the European Union. The law established the responsibilities of different public agencies and mandates the creation of the Kosovo Environmental Protection Agency (KEPA), which must be established within 18 months. Under this law the government must develop a Strategy for Protection and Sustainable Development of the Environment, and must also present an Environmental Report every two years. Much has been achieved, but still some provisions of the law, 4 years after its adoption are not

fully implemented. Clearly, there is a tendency to address environmental issues on sectorial basis, while ignoring the holistic one.

The environmental legislation introduced some of the principles of the Aarhus convention, including the “Polluter Pays” principle and the right of citizens to information about the quality of their environment. The new laws laid out a requirement for environmental impact assessments, environmental protection measures, hazardous waste rules, and some rules establishing who is liable for damage caused to the environment.

4. Challenges

There are two major challenges facing Kosovo in the field of environmental protection. The first will be meeting the timelines for establishing plans and agencies laid out by the Assembly. In addition, there should be clear policy priorities that drive actions of Ministry. The second challenge will be to implement and enforce the environmental laws and policy in a meaningful way. Assembly Committee on Environment should continue to scrutinize the work of the Ministry and assure that environmental laws and policy is fully implemented. The people of Kosovo deserve a clean and healthy environment, but the environmental legislation protects them only as good as its enforcement. Without adequate funding for KEPA and other environmental initiatives the environmental will ultimately be futile.

Hiring interim assistants: another step towards strengthening the role of committees

Rinor Beka National Democratic Institute (NDI)



Parliamentary committees play an important role in the legislative process; undertaking detailed reviews of draft-laws, organizing public hearings, and supervising ministries and the implementation of laws. Some committees cover the activities of two or more ministries, something that requires proper professionalism and coordination by the support staff of committees.

Taking this situation into account, a few months ago the National Democratic Institute (NDI), in cooperation with the Chairpersons of the Kosovo Assembly Committees, made the decision to hire six assistants, for a shorter period of time, in order to support the work of four NDI partner committees. Assistants were engaged in performing the daily administrative tasks of the Committee, organizing public hearings, making field visits and other procedural issues. Further, since the Assembly of Kosovo currently lacks a research development center, so therefore a major part of their work is oriented to legislative research development.

The recruitment of assistants had three main objectives aimed at improving the quality of work in the Committee: to initiate the process of drafting annual work plans; to perform research on the compliance of sub-legal acts with basic laws approved by the Assembly, and to change and supplement the committee's database of NGOs and experts.

Committee's annual work plans

In cooperation with the Chairs of the committees and their support staff, assistants have drafted annual work plans, which largely depend on the legislative agendas of ministries. These plans take into account the chronological order of the draft-laws to be reviewed by the committee, as well as the organization of public hearings, field visits

and reporting to ministries and governmental officers on their work.

Annual work plans have been reviewed by the committees as a separate issue, and including amendments proposed by members of parliament, were approved as an official document according to which the activities within the committee shall be developed. Other committees of the Assembly followed the initiative of the National Democratic Institute, and with the support of the OSCE and EAR, drafted their annual work plans. The drafting of work plans has been well accepted by members of parliament, and this initiative was also supported by the President of the Assembly. Recently, the work plans were published and made available to members of parliament and the public.

Secondary legislation's compliance with the basic laws approved by the Assembly

Apart from passing legislation, an important part of the Assembly's work is the supervision of the Government's implementation of laws. The assistants hired by NDI therefore provide support to this aspect of the Assembly's work, by performing research on the compliance of secondary legislation issued by ministries and other institutions, with the basic laws that are approved by the Assembly. Some of the research undertaken has revealed gaps in the compliance between secondary and primary laws. Results of the research have forced the committees to summon the legal officers of respective ministries before hearings and demand



accountability and an explanation on the discrepancies, thus further strengthening the supervisory function of the committees.

Changing and supplementing the committees' database

Parliamentary committees continuously organize public hearings with the purpose of gathering information and incorporating public opinion, as it is the public who will be the beneficiaries and those negatively affected by the draft laws reviewed in the Committee. In this sense, assistants have been involved in completing and classifying the database of NGOs and experts who will be invited by the Committee to take part in public hearings, depending on the nature of issues regulated by the draft law under review. Some committees already have lists of names and contact information for many organizations, institutions, unions and freelance experts, all of which can be used for improving the quality of public hearings.

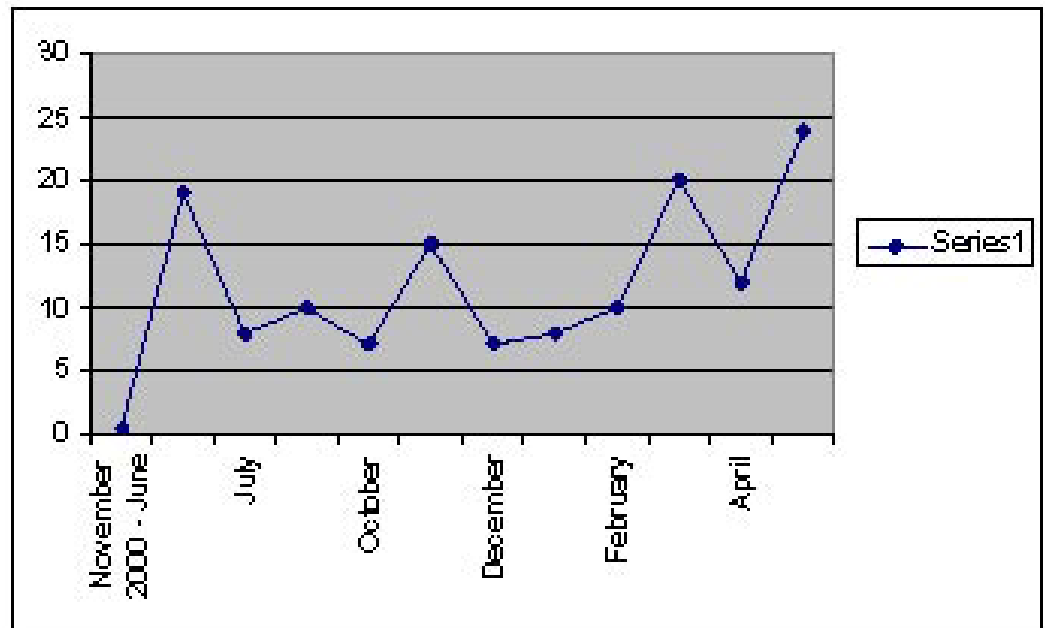
With the merit of their high educational level and extensive experience, the assistants hired within committees have proven to be efficient in their performance, and their contribution has been highly appreciated by the chairpersons and their support staff. Parliamentary committees continue to carry the heaviest burden of work in the Assembly of Kosovo and continuous support to them is therefore necessary to improve the working quality of this institution.

Assembly Standards Plan Impact

On June 1st 2006, Speaker Kole Berisha introduced Assembly Standards Plan. This reform package aiming a better exercise of the executive oversight through regular Question Period and interpellation sessions was welcomed by all caucuses.

In first 12 months, since the introduction of Standards Plan 140 questions are asked and 5 interpellation debates are held.

Month	Number of questions
November 2000 - June 2006 (monthly average)	0.5
June (ASP Introduction)	19
July	8
September	10
October	7
November	15
December	7
January	8
February	10
March	20
April	12
May	24



The Bulgarian Anti-Discrimination Law and the Role of NGOs in its Advocacy and Implementation

Polina Roussinova

Lawyer at the Bulgarian Helsinki Committee, a keynote speaker at the Round Table on 'Implementing the Law on Anti-Discrimination', Kosovo, 18 April 2007

The Bulgarian Anti-Discrimination Law, The Protection against Discrimination Act (PADA), which entered into force in January 2004 and transposed the EU anti-discrimination legislation, is perceived by experts as a successful and well-functioning instrument, and one of the progressive anti-discrimination laws across Europe. This high appraisal is due to the elevated standards of protection provided by the law as well as the active use of its remedies for combating discriminatory practices through anti-discrimination litigation brought by public interest NGOs.

The consultation process on the drafting of PADA was marked by the active involvement of human rights activists and vulnerable groups' organizations, which contributed to the full transposition of EU directives in the field of anti-discrimination. Indeed, NGO advocacy in the course of legal drafting furthered the adoption of even higher standards and wider possibilities for victims protection, compared with those envisaged under EU law. The Bulgarian PADA prohibits discrimination in all spheres of social life rather than the fields listed in the Directives; it labels incitement to discrimination as discrimination itself, something wider than the "instruction to discrimination" contained within the text of the Directives, as well as racial segregation and inaccessible architectural environment,

and thus shifts the burden of proof in cases involving these additional forms. In this way it not only recommends but also places a duty on state bodies to adopt positive measures for achieving equal opportunities for all. Therefore, the endeavors of public interest groups invested in the legal drafting process present a possibility not only for simply copying the European standards, but also for developing a model of more advanced protection and enrichment of anti-discrimination with local practices.

Litigation under PADA, especially the bringing of strategic lawsuits, is by all means the most powerful and compelling instrument to trigger the reforms intended by the legislation, and to disseminate the message that this piece of legislation aims to spread among society. Through such litigation, the Bulgarian Helsinki Committee and other public interest NGOs have sought to challenge systemic discrimination of people of Roma origin in various spheres of life and their social exclusion from qualitative education, employment and service provision; gender-based discrimination, especially in the field of employment where women are overrepresented in subordinate positions, receive lower payment and face more difficulty in promotion; the discriminatory government policy of isolation and neglect toward physically and intellectually disabled people; sexual

orientation-based discrimination and denial of the equal dignity of LGBT people.

One of the most strategic and high-profile cases taken to date under PADA, with a serious public impact, was the case brought by the Bulgarian Helsinki Committee together with 70 other NGOs and prominent figures against the MP and political party leader of the far-right parliamentary party Ataka, Volen Siderov. The case challenged his systemic and radical hate speech propaganda, delivered through the media as well as from the parliamentary tribune, against a wide range of minority groups such as Roma, Muslims, Turks, Jews, and homosexuals. The broader target that the lawsuit sought to address was the phenomena of hate speech and incitement to hatred, which are widespread among different layers of Bulgarian society. The Bulgarian court decided to divide the case into 8 separate sets of proceedings based on the identity of the claimants, for which reason different judgments are expected. The first ruling was a positive one finding that hate speech infringed not only the rights of minority people, but also was harmful to society as a whole. However, it still remains to be seen what the overall result of the lawsuits will be and where the courts will draw the boundary between freedom of speech and hate propaganda. Nevertheless, the cases have already produced enormous

public impact through broad media coverage, and by triggering public debate on the limits of freedom of speech in political campaigning.

The litigation efforts of NGOs have had a serious impact on the creation of a positive jurisprudence under PADA. The courts have already demonstrated a proper attitude towards anti-discrimination protection by ruling against even government bodies and powerful institutions. The Commission for Protection against Discrimination, the specialized body responsible for monitoring the law's implementations, also attempts to play the role attributed to it by the law, and has already pronounced progressive decisions.

The active role of public interest NGOs in the enforcement of the Bulgarian PADA has contributed to the strengthening of the general public perception of the law, not as a dead letter, but as a piece of legislation that is effectively enforced in practice. The social attention thus generated, together with the serious attitude of both the courts and the Commission for Protection against Discrimination toward the law, have contributed to empowering victims to defend their basic human rights and improving their position in society, which, as a long-term effect, gradually leads to achievement of full and effective equality for all.



ASI Mission Statement

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

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

Currently participating in ASI:

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



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