



- Program and methodology of three years ASI cooperation
- The work of the Committees on "acquis communautaire"
- Austria committed to support Kosovo's institutions

Editorial



Program and methodology of three years ASI cooperation

At the end of the first mandate of the Assembly of Kosovo, we would like to present you the program and the methodology of the partner organizations within the "Assembly Support Initiative" (ASI) as well as some observations from the last three years. While lack of donor coordination is often mentioned as a serious handicap in international assistance to societies in transition, there was a substantial effort to avoid this as capacity building programs with the Assembly of Kosovo began. Ten organizations worked together intensively along six main lines of activity (the "six pillars"). They had four types of consultations and three layers of cooperation.

The *ten organizations* which worked together in developing a comprehensive support program included European, American and UN-affiliated organizations. "ASI" was born when the National Democratic Institute (NDI) and the OSCE Mission's Democratization Department jointly organized a first conference for all newly elected Assembly Members prior to the inaugural session in December 2001. During 2002, the initiative was joined by Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNSt.), United States Agency for International Development (USAID), Bearing Point and East West Parliamentary Practice Project (EWPPP). During 2003, United Nations Development Program (UNDP) in cooperation with Inter-Parliamentary Union (IPU), Konrad Adenauer Stiftung (KAS) and the European Agency for Reconstruction (EAR)-sponsored Project in support to the Assembly joined the ASI-network as well.

These ten organizations and projects have developed six main lines of activity, which we call the "*six pillars of ASI*".

1. *Advise on the basic components of parliamentary life*, such as the role of parliamentary groups, interaction between government and Assembly and executive oversight, relations with constitu-

ency and interaction with civil society. Several major events and conferences captured these topics. The President of Parliament of Austria and Slovenia contributed as well as parliamentarians from more than 15 countries.

2. *Advise on procedural questions*, such as training workshops on the Rules of Procedure (RoP) and assistance in revising these Rules. As time passed, we noticed stronger compliance with and knowledge of them. Public Hearings on draft laws became an important part of the legislative process. A Manual on Public Hearings was published.

3. *Technical support to the Committees in the legislative process*, such as advice on reviewing draft laws, assistance in drafting amendments, and advice on the draft laws' compliance with the EU "Acquis Communautaire". Specific technical and policy support has been given by ASI organizations in areas of economy, social and health policy and good governance. Advice has been given to the Assembly when initiating and drafting own legislation. However, serious gaps in implementation of legislation have been noticed. This needs to become a priority in the second mandate of the PISG.

4. *Assistance to international working visits of Assembly delegations*. ASI partners undertook a Committee oriented approach in preparing visits abroad, which are important instruments of capacity building. ASI organizations agreed on criteria to be taken into account, such as proper preparation and follow up of the visit, multi-party and multi-ethnic composition of the delegation, no interference in the Members' legislative obligations and relevance to the work of the Committee or the Assembly as a whole. Visits with delegations of the Presidency of the Assembly have also been facilitated.

5. *The role and participation of non-majority communities in the Assembly* has been a constant point of attention, including support to the parliamentary group "Other Communities" and ongoing communication with "Coalition Return" on their presence in the Assembly. It is clear that political circumstances had a major impact on any capacity building attempted in this area.

6. *Advice and training to various departments in the Assembly Secretariat*, in particular the Legal Department, the Press and Public Information Department and the IT-section. The Parliamentary Governance Information Center was set up. A Document Management System (electronic archives), electronic voting equipment and the web-site of the Assembly are in place. Specific programs are addressing ongoing translation problems.

To realize the specific projects within these "six pillars", ASI developed *four types of consultations* as the heart of the ASI methodology. Consultations have been structured along: (1) regular bi-lateral consultations with Members of Presidency, Committee chairpersons and Assembly Secretariat; (2) monthly coordination meetings with all ASI partners, Assembly and the Office of the Prime Minister; (3) two-monthly meetings of ASI partners and country liaison offices in Prishtinë/Priština on the political aspects of ASI programs; and (4) weekly internal meetings with

Anti-Discrimination Law signed into law by the SRSG

Katja Chirizzi,

Department for Human Rights and Rule of Law, OSCE Mission in Kosovo

On 20 August 2004, the SRSG promulgated the Anti-Discrimination Law, which was adopted by the Kosovo Assembly on 30 July. The Kosovo Assembly had initially approved the law on 19 February 2004. Subsequently, "Coalition Return" (KP) submitted a motion to challenge the law as permitted under the Constitutional Framework. The challenge procedure, which meant to be expeditious, was delayed because of the deadlock in the appointment of the three members of the panel tasked with recommending solutions to the Assembly. On 14 and 15 July the Special Panel was convened and reached an unanimous decision, consisting of seven recommendations.

The Law originates from an omnibus anti-discrimination law drafted by the OSCE Mission in Kosovo's (OMiK) Department of Human Rights and Rule of Law and submitted to the Provisional Institutions of Self-Government (PISG) in September 2002. The

OSCE Mission has strongly lobbied for the adoption and promulgation of such a law, and provided the PISG with legal advice throughout its preparation.

The Law serves three functions. First, it consolidates and strengthens currently existing law on discrimination in Kosovo by conforming it to international and European anti-discrimination standards.

Next, it promotes uniformity in the adjudication of a variety of forms of discrimination, including discrimination in employment, in access to essential services (including social and public services, education, housing, social security, supplies of goods and services). The Law protects a variety of vulnerable groups, including ethnic, religious and linguistic minorities, women and children and persons with mental and physical disabilities.

Finally, it provides effective judicial and administrative reme-

dies for victims of any form of discrimination, and effective, proportionate, and dissuasive sanctions to address violations in both the public and private sectors.

While expressing satisfaction with the final passage of the Law, concern remains over recommendation five of the Decision of the Panel (deleting the former sections 11 and 12 of the challenged Law, on the establishment of the Centre for Equal Treatment). Such recommendation in fact diminishes the Law's compliance with the relevant European and international standards.¹

The OSCE Mission therefore supports the invitation to the Assembly of Kosovo, contained in recommendation six of the Decision, 'to take any additional measures necessary to ensure that the law in force is fully in compliance with the European and international standards and norms.'



Katja Chirizzi

In the meantime, the OSCE is currently involved in following up on the envisaged process of implementation of a public awareness campaign by the government before its entry into force – a month after its promulgation. Further we will be following up on the next necessary steps for the successful implementation of the Law.

¹ The Law had as its model legislation the EU Council Directive 2000/43/EC (the Race Equality Directive), The EU Council Directive 2000/78/EC (Establishing a General Framework for Equal Treatment in Employment and Occupation), and Article 26 of the International Covenant on Civil and Political Rights.

key-partners and daily bi-lateral contacts. These four types of consultations have ensured that all stakeholders are informed and involved, and activities streamlined, made more comprehensive and avoiding potential overlap.

During the last year, *three levels of cooperation* also became clear. Interaction amongst ASI organizations can be situated at various levels, depending upon program priorities, interests, trust and willingness to cooperate. The first level of interaction is information exchange. All organizations were part of this level, with different degrees of information sharing. The second level of interaction is the development of complementary activities, avoiding duplication and working towards an agreed division of work. The third and most intensive form of interaction between ASI organizations has been to develop joint activities, a common

approach and a shared programmatic view. As coordinator of the ASI, the OSCE tried to interact with partners at these three levels and facilitate a comprehensive support program to the Assembly, taking into account that donor coordination needs to build upon the voluntarily engagement of all partners.

During this first Assembly mandate (2001 – 2004), we had the opportunity to be part of and contribute to the unique experience of building an entirely new institution. Following the October 2004 elections, reform of the institution and strengthening what has been achieved will be the challenge.

Franklin De Vrieze,

Assembly Support Initiative Coordinator.

Benefits for those who suffered

During the plenary session of 16 – 18 June 2004, the Assembly of Kosovo positively assessed the draft “Law on the Rights of Participants of the KLA War, Families of Martyrs and Civilian War Victims” in first reading, while voting to change the name of the draft law. The following article reflects on the possibilities to adopt human rights compliant laws on benefits for war veterans.

Hjortur Sverrisson,

Coordinator of the Analysis and Reporting Cell of the Department of Human Rights and Rule of Law of the OSCE Mission in Kosovo.



Hjortur Sverrisson

After armed conflicts there is often a clear need to recognize the sacrifices made by those who put their lives at risk in the struggle for their cause, their families and community. Unfortunately, most armed conflicts leave behind scores of injured and dead soldiers and civilians as well as family members who have lost their loved ones or need to restructure their future due to disabilities of the providers of the income. The need to take care of those who suffered is a common element of most post-conflict societies and a natural part of the healing process.

It is common for post-conflict societies to provide special benefits for those who suffered serious losses as a result of the war. As early as in 1789 the United States adopted laws granting disability pension to officers who served in the Revolutionary War and death benefits to their widows. After the Civil War in the United States the later half of the nineteenth century similar laws were adopted.

In a society recovering from internal ethnic conflicts and where one community is perceived as the victor, numerous challenging questions come up. What should be done for those who did not share the vision of the victors but have nevertheless suffered from the conflicts? Also, should benefits be granted only to those who formed a part of organized armed groups or to civilians also? Furthermore, who should decide who gets the benefits? And most importantly, how can a post-conflict society come up with a benefits scheme for those who suffered, which is in compliance with modern international human rights standards and does not alienate communities that are not able to share the sense of victory?

None of these questions have easy answers. The last question is particularly difficult to address. For example, laws on war veterans' benefits which only provide support to one side of a civil struggle are likely to fall into the trap of discrimination and be counterproductive for the post-conflict transition. It is vital for interethnic relations as well as for further development of Kosovo and its alignment with requirements for European integration, to ensure that laws on war veterans' benefits are fully compliant with the rules of the game, such as the principle of non-discrimination. It is also important for the credibility of the scheme among Kosovans in general to ensure that such laws contain clear provisions on eligibility, provide for transparent

procedures and comply with due process requirements.

But what options are available for drafters of such laws here in Kosovo? In fact there are several options some good, some not. First, such laws could be narrowly tailored to benefit only a core group of disabled fighters and the immediate surviving families. The criteria for those who qualify would be made clear in the law and the process of granting such benefits would be transparent and provide for review of decisions by an appeal body. Evaluation of disability would be based on medical evidence. Evidence of causes of injuries would be based on written records, testimony of commanders or unit leaders, or other objectively reliable sources. This option, depending on its further elaboration and implementation, might be compliant with international human rights standards and due process requirements. However, it would do little to contribute to unity among the different communities.

Another option would be to define the criteria broader and make it more 'ethnicity-neutral', i.e. to design a scheme that benefits not only those who fought for the liberation of Kosovo but also those civilians who suffered injuries or lost loved ones because of the war, irrespective of which ethnic community they belong to. The thought behind such an approach is that everyone suffered, the war itself was the enemy, and all deserve recognition.

This approach, provided that procedural requirements are met, would be more likely to be in line with international human rights standards. It could also contribute to the integration of minority communities in the future Kosovo. The main difficulties would be to ensure its financial sustainability.

The worst option, however, would be to establish a scheme benefiting a large group of soldiers and civilians of only one ethnic group, without clear procedures for the evaluation of disability or eligibility, and without the right to appeal decisions. Such an approach would alienate the communities that need to be included in the reconstruction of post-conflict Kosovo. It could create an environment conducive to corruption. It would not meet international standards for due process and might therefore not have the credibility among Kosovans that such laws deserve. And, ironically, it would violate the principle of non-discrimination, the very principle the beneficiaries of such scheme fought to protect.

As with many other challenging questions, it is up to the Kosovars to come up with the answers, not the international presence in Kosovo, the Quint, or the Contact Group. It is up to the Kosovars whether such scheme will be in harmony with the vision of a tolerant Kosovo, or if it will, as the former regime did, promote discrimination and intolerance. Fortunately, the choice is easy to make.

Lack of implementation of the Law on Access to Official Documents

The OSCE Mission in Kosovo is concerned that Provisional Institutions of Self-Government (PISG) at the central level do not properly implement the provisions of the Law on Access to Official Documents, as entered into force on 6 November 2003.

Rule of Law Input, OSCE Department of Human Rights and Rule of Law, Weekly Report

The Kosovo Assembly adopted the Law on Access to Official documents for the purpose of helping citizens of Kosovo participate more closely in the decision making process of public institutions. This is a means to guarantee that public institutions enjoy greater legitimacy, transparency, while also being more effective and more accountable to those they serve.

Several provisions of this law foresee measures that should be undertaken in order to implement it. These provisions refer to two addressees: the Government and the institutions. ("Institutions" can be interpreted broadly to include all PISG organs and agencies, KTA, municipal organs and agencies, as well as independent bodies and offices listed under Chapter 11 of the Constitutional Framework.)

For example, Section 4.3 provides that the Government shall draft a list of documents which shall be treated as sensitive documents; Section 17.1 foresees that the Government shall adopt adequate rules and procedures regarding the classification of sensitive documents sixty days after the Law enters in force; Section 16.2 establishes that the Office of the Prime Minister (OPM) at the latest by 31 July 2004, and every year thereafter, shall publish a report and file a copy with the Assembly of Kosovo, on the implementation of this Law.

The provision of Section 10.3 of the Law contains an obligation for the institutions to take necessary measures to establish a register which should have been operational by 1 January 2004. Such a register was to contain the names of documents that are housed by the institution and their respective locations; Section 8.1 of the Law envisages that sensitive documents are documents originating from the institutions classified in accordance with the rules of the institution concerned, which protect essential interests of the PISG. These rules should be made public.

During the period June – August 2004, the OSCE Mission in Kosovo - Department of Human Rights and Rule of Law held meetings where the implementation of the Law on Access to Official Documents was discussed, with representatives of the legal departments of the following institutions: Office of Prime Minister (OPM); Ministry of Labour and Social Welfare; Ministry of Environment and Spatial Planning; Ministry of Public Services; Ministry of Agriculture and Rural Development; Ministry of Education, Science and Technology; Ministry of Culture, Youth and Sports; Ministry of Transport and Communications; Ministry of Finance and Economy; Ministry of Health; and Kosovo Cadastre Agency.

First, it was assessed that the deadlines in the Law were

not kept. For example, the OPM did not publish a report by 31 July 2004 on the Law's implementation. None of the above mentioned institutions have a register, which should have been operational by 1 January 2004. Also, the Government has not yet adopted rules and procedures regarding the classification of sensitive documents, which should have been done by 5 January 2004. Second, the Government has not fulfilled its obligation under Section 4.3 of the Law to draft the list of documents, which were to be treated as sensitive.

There have already been projects designed to assist the PISG structures in implementing the Law. The National Democratic Institute (NDI) Kosovo conducted, in February 2004, training on the Law to members of the Kosovo Assembly, ministry officials, and representatives of municipalities. NDI Kosovo also prepared, in co-operation with OMiK's Assembly Support Initiative, a manual for the implementation of the Law, which contains explanation of the text of each section of the Law. The manual also contains several model applications that can serve as examples when filing a request for access to official documents. The OSCE Mission encourages such initiatives. It remains for the PISG structures to put the lessons into practice.

As a next step the Kosovo Assembly could request from the Government a report on the

implementation of the Law on Access to Official Documents, as per section 16.2 of the Law; and that the PISG at central level comply with their obligation under the Kosovo Assembly Law on Access to Official Documents.

FES organizes conference on law implementation

During the first mandate of the Assembly an impressive number of draft laws have been passed. It is appropriate to inquire how much impact the legislative work of the Assembly actually had. What happened to the laws upon promulgation? Did they meet their expected goals? Are they known to the citizens, the politicians and the civil servants in the municipalities and in the ministries? Are they being taught at the law faculties and are they being used in courts?

These are the questions that shall be considered on a conference organized by the Friedrich-Ebert-Stiftung (FES) and OSCE on Wednesday 29 September. Stakeholders from the Assembly, the Government, the municipalities and the judiciary are invited to review the actual situation of the implementation of laws and to discuss recommendations.

EAR Support Project to the Assembly on the legislative process: The work with the Committees on "acquis communautaire"

Virtyt Ibrahimaga, LL.M. Eur.,
Senior Legal Expert of the EAR Project "Support to the Assembly of Kosovo"



Virtyt Ibrahimaga

Over the last two years, the process of harmonization of Kosovo's legislation with the achievements of the European Union laws is making considerable progress. This is clearly visible from the fact that this year the Assembly of Kosovo adopted parts of EU legislation in some very important areas like anti-discrimination, gender equality, consumer protection, protection of environment, transport of dangerous goods and standardization of products.

The legal basis for harmonization is contained in Section 5.7 of the Constitutional Framework [UNMIK Regulation 2001/9]. This provision comprises the responsibility of the PISG for aligning legislation with European standards. In the first meeting of the so-called SAp [Stabilisation and Association process] Tracking mechanism, PISG and UNMIK committed themselves to take measures to ensure the review of the legislation with EU standards before the adoption of the legislation. In the third meeting

of the SAp Tracking Mechanism for Kosovo, UNMIK and PISG committed themselves to establish a compatibility check of legislation, which should aim the strengthening of the approximation of the Kosovo legislation, with "EU rules and standards".

EU rules and standards are known as *acquis communautaire*. The entire framework of the European laws is known as the *acquis communautaire*, which includes all treaties, regulations and directives passed by the European institutions, as well as judgments laid down by the Court of Justice. Moreover, the so-called European Agreements point to the importance of harmonization of the legislation in the process of association and, as the next step, accession to the European Union.

The process is very ambitious. It includes the approximation and unification of legislation in many fields, like transport, security, health, property, public order, justice, taxation, financial and economic issues, customs, energy, agriculture, company law, and education to name a few, as well as the harmonization with EU practices. This means that candidate countries, in addition to the formal adoption of legislation compatible with *acquis communautaire*, should undertake concrete measures to implement adopted legislation. Therefore, the harmonization of the domestic legal system with EU legislation is one of the main challenges of the European integration process. It requires an immense number of political

and legislative measures, and coordination and monitoring of the legal harmonization process. Because of the complexity of the topic, most of the candidate countries entrusted the coordination and monitoring of the harmonization process to a separate Ministry for European Integration.

This process in Kosovo is at its beginning stage. In this regard, the PISG is supported by several EAR-Projects. The EAR funded Project "Support to the Assembly of Kosovo" is supporting the Assembly *inter alia* on the adoption of EU best practices, while assisting with approximation toward the *acquis communautaire*, in line with the requirements of the Stabilisation and Association process. The EU 2003 Project Support the Assembly was launched in September 2003 and will be completed in early 2005.

The harmonization of the legislation with the *acquis communautaire* is one of the key activities of this Project. Any bill introduced to the Assembly must be in compliance with the *acquis communautaire*, the overall legal framework in Kosovo, in particular the Constitutional Framework, and community rights and interests. However, with regards to the principle of separation of powers between the Legislative and the Executive, the Assembly of Kosovo needs to create capacities for an independent legislation check taking into account the above mentioned principles. This compliance check is currently done through

the Senior Legal Expert of the Project and the Senior Legal Officer of the Parliament, Mr. Defrim Krasniqi. It is foreseen to create a permanent Unit for the compliance check. For this purpose, the Assembly has committed itself to employ additional legal officers.

Yet, this project is only covering the immediate need for a legislation check directly in the amendment or drafting phase aiming on strengthening the capacities of the Assembly Staff. The project has also envisaged trainings in December 2004 on the topic of preparation and revision of legislation, with special presentation on *acquis communautaire*.

For the time being, the Project is working closely with eight Assembly committees. Once the committee receives the bill, the Senior Legal Expert or an external expert prepares the theoretical expertise on the regulated matter. The expertise is distributed to the members of the relevant committee and to the supporting staff of this committee. The expertise contains information and conclusions regarding the weaknesses of the submitted bill and incompatibilities with *acquis communautaire*, the Constitutional Framework and applicable legislation. In the committee meetings the conclusions of the legal expertise are discussed openly. The Project participates always in the committee meeting in order to be able to demonstrate and explain in details the content of the expertise. Once the committee decides to amend the bill in line

with the recommendations of the Project, the Project assists the committee staff to prepare relevant amendments. After the adoption of the bill through the Assembly committee, the project prepares the final report on the bill for submission to the Legal Department. The final report contains conclusions about the compatibility respectively incompatibility of the bill with primary sources of EU, EU legislation (secondary source of law), Constitutional Framework, existing legislation and reasons for partial compatibility or non-compatibility.

The Project does not influence the decision of the members of the committee. The decision whether the recommendation should be followed or not remains by the members of the committee.

One must admit that the work on legislation at the Assembly level is not always easy. A large number of bills submitted are not of the best quality. A large number of bills are neither in compliance with the Constitutional Framework nor with *acquis communautaire*. The compliance of the legislation with the *acquis communautaire* can not be warranted at the stage when the bill has been submitted to the Assembly for adoption, if the sponsor didn't attempt to include at least the directives of the European Union on the particular bill. The timetable for the adoption of the bill by the Assembly is limited. In addition, because of high demands of the European Legislation, it sometimes also lacks in the readiness of some members of committees, especially within committees dealing with trade issues, to support the full compliance of legislation with *acquis communautaire*.

To conclude, there are some principles for the process of harmonization of legislation

with *acquis communautaire*, bearing in mind the weaknesses of the bills submitted to the Assembly, difficulties to start the harmonization process after the submission of the bills by the sponsor, and limited possibilities of the Assembly to initiate the harmonization of legislation.

- The mechanisms for checking drafted legislation with the *acquis communautaire* shall be established within the main ministries.
- Due to the complexity of the matter, the coordination and monitoring of the process of the legal harmonization shall be operated by one agency or ministry. As the harmonization is carried out by various organs, its speed and the quality of results depends in particular on the co-ordination of their activities.
- The sponsor of the bill shall attach to the bill the table of concordance of the bill with the Constitutional Framework and the *acquis communautaire*.
- Since the harmonization of legislation with the *acquis communautaire* is always followed by a significant financial impact, the sponsor of the draft legislation shall always attach to the bill the declaration on expenses related to the implementation of the Act.
- The sponsor of the bill shall include provisions for the delegating Authority and for the Implementing Acts.
- It is of an essential importance to establish in the future a special ad hoc (not necessarily a standing) parliamentary committee whose task would be to check all bills which, however different in substance, have a common denominator aiming at the harmonization of the Kosovo legislation with the *acquis communautaire*.

News in brief

Parliamentary Internet Café and ECDL training

From the 1st September, Members of the Assembly of Kosovo have the opportunity to use the computers in the new "Parliamentary Internet Café". This is part of the SPEAK-project in Support of Assembly of Kosovo and has eight computers and 1 printer. Computers are configured to help Parliamentarians in their daily work, for fast and easy access to the Assembly Web page and especially to access and use New Document Management System that have been installed and is in use as a Test System. To help Members of Parliament to become more Computer literate, the SPEAK Project has organized a series of computer trainings on ECDL (European Computer Driving License) with expectation that the Members will attend trainings. Further information is available with Mr. Ali R. Caka, National Project Officer of the SPEAK Project in Support of the Assembly of Kosovo. Email: ali.caka@undp.org

NDI continues to support the Assembly

The National Democratic Institute (NDI) is planning a number of activities with the Assembly Members in the remaining period of 2004. At the request of one parliamentary group, NDI will provide legal assistance in drafting the Rules of Procedure for the parliamentary group functioning. NDI is conducting consultations with Assembly Members and the Secretariat in advancing constituent relations activities. NDI is working with relevant Assembly committee and government representatives to ensure an effective implementation of the Law on Access to Official Documents. In cooperation with other ASI partners, NDI will cover sections of the New Member Orientation Training. NDI will cover several topics, such as: Introduction to the Assembly Rules of Procedure, preparing and conducting public hearings, and possibly constituent relations, executive oversight, and communications for legislators. NDI will conduct a workshop with women members of the Assembly in reviewing, amending and drafting legislation. More info is available with Mr. Edmond Efendija, email: eefendija@ndikv.org

Thank you, Heather !

NDI Kosovo would like to announce that the current NDI Country Director, Mrs. Heather Kashner, is approaching the end of her very successful mission in Kosovo. Being in Kosovo for over three years and leading the NDI office for the last two years, Mrs. Kashner has been able to provide a priceless support to the democratic developments in Kosovo.



The new country director, Mr. Tom Bridle is to arrive in Kosovo by the end of October 2004. The NDI Kosovo team is very happy to welcome Mr. Bridle. We hope his extensive experience in the US Congress and political party work, as well as working experience in transition countries of Central Eastern Europe and Asia, will be of a great value for our partners.

A new partner to get Kosovo closer to the EU

Rafael Peralta,
political affairs officer at the European Office, UNMIK EU Pillar.

The European Union (EU) - Western Balkans Summit of Thessaloniki, held in June 2003, marked an important step in the deepening of the relationship between the EU and the Western Balkans. At the Summit, the prospect of EU membership for the Western Balkans was not only underlined once again, but new support mechanisms to accelerate the realisation of this prospect were introduced. These new support measures, which were outlined in the so-called "Thessaloniki Agenda for the Western Balkans", are modeled after those that were used by the EU to support the efforts of the accession countries in approximating their legislation, policies, administrative capacities and economy to the European standards.

One of the new instruments opened for the Western Balkans is TAIEX, that is, the Technical Assistance and Information Exchange unit of Directorate-General Enlargement of the European Commission. Since 1996, TAIEX has been providing short-term technical assistance to the accession countries in the field of approximation, application and enforcement of legislation. Kosovo and the rest of the Western Balkans were officially invited, starting in spring 2004, to use the services of TAIEX. Beginning in June 2004, TAIEX has organised more than 20 seminars for officials from Kosovo and the rest of the region. These seminars have dealt with a variety of sectors ranging from agriculture to environment or public

procurement. It is foreseen that more seminars will be organised by TAIEX in the coming months, including one for Parliamentary staff.

TAIEX assistance is in many ways different to other assistance Kosovo has been receiving. First, TAIEX only deals with issues related to the approximation of domestic legislation to the EU Legislation, the so-called "EU Acquis Communautaire", as well as with problems faced when applying or enforcing EU-compliant legislation. Second, TAIEX can not only provide assistance to civil servants working at all levels of the public administration, but also to Assembly Members and Assembly staff, associations representing social partners, the Judiciary and the Law Enforcement authorities, as well as to interpreters, revisers and translators of legislative texts. A third distinctive feature of TAIEX assistance is that it solely relies on civil servants coming from the national administrations of the Member States of the EU. On occasions when seminars or workshops take place in Brussels, officials from the European Commission may also take part. Fourth, TAIEX services are largely demand-driven, or in other words, most of the assistance provided is in response to requests from the beneficiaries.

TAIEX delivers its assistance through a number of specific services. The most important of these services are the experts sent to the beneficiaries to advise on



Rafael Peralta

legislative acts and interpretation of the EU legislation, or to provide guidance on administrative arrangements for its implementation and enforcement. Following the identification of a specific problem, a beneficiary can request TAIEX to send an expert.

TAIEX can also deliver assistance in the form of workshops or seminars to present and explain issues related to the EU legislation to a wider audience. Such type of assistance can be focused on the needs of an individual beneficiary or of a group of beneficiaries facing similar challenges. TAIEX can also organise study visits to provide the opportunity for officials of the beneficiary

administration to understand how the EU Member States deal with practical issues related to the implementation and enforcement of the EU Legislation and issues related to the interaction with stakeholders.

The opening of TAIEX services offers an invaluable opportunity for Kosovo to benefit from a range of services that have proved invaluable for other administrations to progress in their efforts to get closer to the European standards. In the same light, the Assembly of Kosovo could benefit substantially from TAIEX provided that it makes an effort in identifying its needs and requesting the tailor-made assistance of TAIEX in order to address them.

The EU Must Take Over Kosovo

A spasm of violence orchestrated by ethnic Albanian extremists in Kosovo this spring put paid the notion that the troubled Balkan province is ready for full self-government. Yet a stumbling U.N. administration has failed to foster the institutions and economic stabilization that are essential if self-government ever is to be achieved. Caught between its own unreadiness and the disappointments of the present form of international tutelage, Kosovo needs a fresh approach.

Doug Bereuter,

Member of the US Congress, Republican from Nebraska (USA), chairperson of the Subcommittee on Europe of the House International Relations Committee and President of the NATO Parliamentary Assembly. This column has been published on 25 August 2004 in The Wall Street Journal Europe (copyright).

As the international community faces a decision on Kosovo's status in mid-2005, consideration should be given to an option that would facilitate European integration of the entity while continuing international guarantees of minority rights. The United Nations should next year hand over the governance of Kosovo to the European Union itself, under the authority of the U.N. trusteeship system.

Establishing a Trust Territory of Kosovo under the administration of the EU would be a creative mechanism to bring good government to Kosovo today. At the same time, it would put Kosovo firmly on the path to eventually become part of the EU without immediately prejudging whether it ultimately will enter the union as a part of Serbia or as an independent state.

Given the EU's own vision for integrating the Western Balkans into the Union, it makes sense to begin the arduous process

of harmonization as soon as possible. But Kosovo is not like other European lands, because its civil service, government, and courts are not ready to handle the job of harmonization. Therefore, the EU itself should take over the civilian administration of Kosovo, while leaving NATO in charge of security in the province.

Admittedly, this idea is unlikely to be popular in the corridors of the EU institutions. EU officials will note that they have plenty on their plate at the moment, as they integrate the newest member states, seek ratification of the draft constitutional treaty, and prepare to assume the peace operation in Bosnia from NATO. We would expect little enthusiasm in Brussels for involving the EU in an economic basket case and political tinderbox. Nevertheless, an EU trusteeship in Kosovo holds out the prospect of bringing long-term stability to one of Europe's

most troubled territories, and the overall benefits would greatly outweigh the short-term burdens.

An EU administration would have the authority to adapt Kosovo's legal system largely a leftover from Yugoslav communism to modern European law. In turn, a solid commercial code would facilitate foreign direct investment in Kosovo, essential if an economy currently suffering from 57% unemployment is ever to revive. The EU could also admit Kosovo, which already uses the euro as its currency, to the European Economic Area, reducing the cost of imported goods and facilitating Kosovan exports to the EU.

There are two possible challenges to such an arrangement. First, the U.N. Charter makes no explicit provision for an international organization other than the U.N. to administer a trust territory. Second, the Charter states, "The trusteeship system shall not apply to territories which have become Members of the United Nations," and Serbia and Montenegro is a U.N. member.

With respect to the first concern, the Charter plainly provides for international organizations other than the U.N. to discharge Security Council mandates. Add to this Article 81, which allows a trusteeship to be administered by more than one state, and it seems permissible to give the task to a regional organization like the EU.

As to the second concern, there may be two ways forward. First, it may be that the 1999 withdrawal of Yugoslav authorities left Kosovo without any government whatsoever, necessitating international administration. That would negate any argument by Belgrade that trusteeship violates its "sovereign" rights. Alternatively, it is possible that Serbia and Montenegro might agree to having Kosovo become a trust territory if Belgrade were persuaded that it was the only alternative to the inevitability of Kosovo independence and the best way to protect Kosovo's Serb minority.

The most important step would be to gain the assent of the Kosovans themselves. There is no doubt that the Albanian majority prefers independence, notwithstanding all the international problems that it would almost certainly cause. Yet the violence of this spring demonstrated that some form of international administration is still needed to protect the Serb minority and to ensure that Kosovo becomes a responsible member of the international community. For an EU trusteeship to work, the international community, and the EU specifically, would have to persuade the people of Kosovo that the Union can deliver the rights and prosperity they long have sought. A European Union trusteeship may be the best way forward to help all of the people of Kosovo to enjoy those benefits



Constitutional changes can be made

Kosovo as an entity has passed from the situation of 2001 when the Constitutional Framework was announced. It has been celebrated as a good initiative that the highest legal act of Kosovo expressed the reality, and provided space for full transfer of competencies which would result in greater responsibility for Kosovo's institutions towards their voters and the international community, for the benefit of all its citizens.

Ramush Tahiri,
Senior political advisor to the President of the Assembly of Kosovo



Ramush Tahiri

Any country would welcome constitutional changes, it would engage a large number of experts, and the act of announcing these changes officially would be a moment to celebrate. This is because the greater aims of society came from the highest legal act, including allowing citizens' objectives to reach highest democratic standards possible.

In Kosovo, too, this should also hold true. The initiative for constitutional changes was welcomed. The work lasted almost a year and in its plenary session in July 2004 the Assembly of Kosovo adopted 38 out of 42 amendments that were under consideration by the

working group of the Constitutional framework. Arsim Bajrami, Chairperson of the Commission of Legislative Issues said that, "the amendments made are far from the will and expectations of Kosovo citizens to have a proper Constitution." This implies that the amendments were done by compromise and according to current circumstances. On the other hand, UNMIK officials expressed disagreement

with these amendments with the justification that this remained under reserved powers. Later, probably taking note of provision 14.3 of Constitutional Framework whereby "SRSG with its initiative or upon the request of the two thirds of members of the Assembly amendments to the Constitutional Framework can be done" and taking into account that the request for changes has been submitted in written with 38 amendments approved in the Assembly of Kosovo, UNMIK officials said amendments would be discussed separately and prior to SRSG taking the decision.

Why did disagreements happen on this issue? The handicap is due to the existence of two

administrations with different legitimities and mandates - PISG and UNMIK. UNMIK will emerge successful when its mandate ends, and transfers all the competencies to the legal and legitimate institutions of Kosovo, whereas PISG of Kosovo will emerge successful only when all competencies to govern are taken over. There are some very important political decisions, which will affect the partnership and confrontation, between Kosovo PISG and UNMIK, in co-governing or administration in Kosovo.

The political stance: are we building a state and state institutions in Kosovo or are we building an interim administration which ensures peace and security? Does the power emerge from the peoples will or out of international administration, respectively our of a form of protectorate? And in this context, should the essential decisions be taken by UNMIK and Kosovo institutions, or by international decision-making centres, such as the UN Security Council, as Kosovo is governed based on Resolution 1244?

I consider that the right to submit requests, as well as the right for constitutional changes can not be denied to anyone and also can not be ignored, because this is a basic civic right, especially if this is done in a democratic manner and procedure, which is an achievement of every society.

The decision of the SRSG for the constitutional changes in Kosovo is envisioned to express the interest of UNMIK and citizens of Kosovo, and that some of the amendments will be approved right after the election, and the others will be reviewed in the following period.

I am not expecting a decision before the elections in Kosovo, because it would have a negative effect in current overwhelming context of debates for state-building or international administration and in the Albanian - Serbian differences in Kosovo and abroad. Furthermore, I am not expecting disagreement for any of the proposed amendments, because none of them is in conflict with international conventions and none deal with the rights of communities living in Kosovo. Finally, thirty-eight amendments approved in Assembly of Kosovo and waiting for the signature of UN SRSG for Kosovo are separated from each-other. They are approved individually, each of them expresses certain reality, and they will be applicable after being approved and signed by the SRSG. Amendments that are not signed in a certain time aren't rejected, but it means that they will be reviewed in following period. From the experience of UNMIK and PISG, I don't expect that they will start polemics about who is right and who is wrong, but the SRSG decision will contribute to this.

Implementation of language policy to be placed on political agenda

Senad Sabovic,
Program officer OSCE Mission in Kosovo.

The OSCE Mission in Kosovo organized, on 14-15 September 2004, a conference on the language policy in Kosovo. Panelists and participants at the conference were representatives of the relevant Provisional Institutions of Self-Government (PISG) - Office of the Prime Minister, Ministry of Public Services, Ministry of Education, Science and Technology, Committee on the Rights and Interests of Communities in the Assembly of Kosovo, other Members of the Assembly of Kosovo as well as experts from the OSCE Mission, and UNMIK Office of Returns and Communities. Three leading minority rights and minority languages experts substantially contributed to the conference: Dr. Fernand de Varennes, professor at Murdoch University (Australia) and a leading expert in the field of minority languages, Clive Baldwin, from Minority Rights Group International, and Marcel Kourthiades, professor at Paris University and member of the National Institute of Oriental Languages and Civilisations (INALCO).

The purpose of this conference was to clearly define current problems with the use of official languages in Kosovo, as well as attempt to design policy suggestions for overcoming this problem. Indeed, the use of minority languages in Kosovo has frequently been raised as an issue of concern by representatives of minority communities in Kosovo, while shortcomings in the implementation of the languages policy have also been reported throughout Kosovo.

Given the reports of shortcomings in the implementation of the language policy in Kosovo, which defined the scope and purpose of this conference, the event shed light on the particular problems each of the Kosovo minority community faces in the area of official language use. This was secured through active participation of members of the Committee on the Rights and Interests of Communities (CRIC), which, according to the set-up regulated by the Constitutional Framework for Self-Government of Kosovo, features representatives of all Kosovo communities. In their presentations, CRIC members shed more light on concrete problems their communities face in terms of using their language in institutions and public life.

The bulk of the problems are related to accessing institutions on the central and municipal levels, printing of forms and documents in only one language, lack of translation/interpretation services in the institutions which causes inability on the part of minority Kosovo residents to require services in their language, and even feeling of intimidation to speak their language in these institutions. The lack, and even non-existence in some areas of Kosovo of street, road, and public signs in non-majority languages was also frequently mentioned as frustrating for various communities, as both a technical problem and a matter of principle.

These problems have also been identified by international officers

working in Kosovo, in particular by the UNMIK Task Force on Language Policy Compliance and the OSCE staff throughout Kosovo. The problems are widely considered as 'shortcomings in implementation' because of the fact that legal framework for the official use of languages exists in Kosovo for over three years. Indeed, the Constitutional Framework has clear provisions on this matter, and also sets out the provisions of the European Charter on Regional or Minority Languages and the Council of Europe Framework Convention for the Protection of National Minorities as applicable law in Kosovo. In addition, UNMIK Regulation 2000/45 on Self-Government of Municipalities in Kosovo defines the language requirements of municipal authorities.

The panelists and participants pinned the reasons for the shortcomings in the implementation of the Kosovo legal framework on languages down to lack of human and financial

resources, but also to the lack of commitment on the part of officials from the majority community in relation to implementing the provisions on minority languages. In light of the main conclusion of the conference that language-related frustration of minority communities lies in the improper implementation of the relevant legal framework, the participants suggested that this problem is tackled by means of a special law on language policy.

This law, concluded the conference participants, should be drafted as a matter of priority in the next government mandate and should clearly define the role and responsibility of central and municipal institutions and their officials in the implementation of the language policy. Likewise, this law should anticipate proper penalties for those institutions/officials which do not comply with the legal provisions, and clearly define mechanisms for establishing whether or not such compliance indeed takes place.



USAID focuses on market-economy and democratic institutions

In the beginning of September, the Ministry of Finance and Economy (MFE) began holding budget hearings with all spending agencies regarding their initial budget requests for the 2005-2007 fiscal years. Budget hearings are held each year by the MFE with the participation of the Budget Commission to allow spending agencies to explain and respond to questions based on their initial budget requests for funding of new or expanded programs and investment projects.

Sharon Hester,
Economic Policy Advisor at USAID Kosovo

In order to achieve the strategic objective of developing a market-economy, we have placed advisors in the Assembly to assist with the prioritization, review and analysis of economic and commercial laws. Based on their expertise in commercial law and other transition economies, they advise the members of the Assembly on laws related to economic growth and private investment. They work primarily with the chairpersons of the economic committees to review, analyze, and amend each law that has a significant impact on the economy.

Since the Assembly was established in 2001, they have provided assistance on more than 40 laws, including: basic pensions, mortgages, property rights registry, external trade, telecommunications, environmental protection, public management and accountability, bankruptcy, social assistance, public procurement, petroleum, chamber of commerce, energy, international financial agreements, consumer protection, internal trade, personal income tax, profit tax, property tax, tax administration, obligations, competition, real rights, promotion of employment, games of chance, and mining.

In light of the increase in competency transferred to the

Provisional Institutions of Self-Government in Kosovo, our support is strictly advisory in nature and our primary goal is capacity-building. In this regard, we attend virtually all of the meetings of the economic committees (trade and industry, budget, finance and economy, transport and telecommunications) in order to provide on-the-job training to the committee members and their staff. Our advice relates primarily to policy decisions, impact on the budget, consistency with other laws, approximation of EU legislation, implementation issues, and drafting. Assuming the Assembly increases the quality and quantity of its legal staff, we will work directly so these civil servants so that they will assume the work that we do.

Our assistance in the Assembly is directly supported by our efforts in the Office of the Prime Minister where we are establishing a centralized drafting unit comprised of local with expertise in substantive economic areas and legal drafting skills. The Government could then provide more considered and well-written laws to the Assembly and the Assembly, like the other Parliaments in Europe, would need to spend much less effort changing draft legislation.

Political advisors visit Austrian government and parliament

As part of its support to the Provisional Institutions of Self-Government (PISG), the OSCE Mission in Kosovo and the Austrian Government jointly organized the visit of PISG Political Advisors to Vienna from 4 to 8 July 2004.

Besnik Tahiri,
National political advisor, Democratization Department OSCE Mission in Kosovo

A group of 20 political advisors representing all of the PISG's Ministries and the Office of the Prime Minister, who were active participants in the other components of the capacity building programme for political advisors, undertook a working visit to Vienna.

The aim of this initiative was to highlight the role of political advisors in administrative processes, both in terms of structures and leadership, to exemplify their support to policy development in a Ministry, the division of competencies between political appointees and civil servants, and intra- as well as inter-ministerial co-operation. The participants, who represented Kosovo-Albanian, Serb, Bosniac and Turkish communities, play an essential role in communication and consensus-building in and between PISG ministries and the UNMIK. Also, they have a vital function in advising the PISG on policy issues, in order to timely and comprehensively put into operation the Kosovo Standards Implementation Plan.

At the Diplomatic Academy of Vienna, political advisors attended two separate sessions with Austrian experts in the above mentioned issues, and got acquainted with the way in which the governmental system is functioning in an EU country, in particular with the role of political advisors to Ministers and their interaction with civil servants. During the visit, the Kosovo del-

egation had several meetings at the Austrian Ministry of Foreign Affairs, Austrian Parliament and with the representative of the Federal Cancellor Office. Accompanied by the OMiK desk officer in the OSCE Secretariat, the delegation visited the OSCE Conflict Prevention Centre as well as the UN HQ in Vienna.

The Kosovo delegation also visited the Austrian Parliament. The focus of the meetings were legislative issues, composition of the parliamentary groups, decision making processes, cooperation with the government and civil society, and the history of the Austrian Parliament.

In conducting this activity, the OSCE Mission had a fruitful co-operation with the Austrian Office in Prishtinë/Priština and the Permanent Mission of Austria to OSCE in Vienna. Similar capacity building activities are planned for the new Kosovo government resulting from October elections.

The political advisors appreciated this visit and acknowledged as highly beneficial programme for their future professional development and institutional performance. The participants expressed thanks for the entire capacity building programme that ranged from facilitating the accomplishing of the legislative framework for political advisors, job description and code of conduct, and developing a comprehensive training programme with them.

Austria committed to support Kosovo's institutions

I am very pleased that the editors of the "ASI Newsletter" have given the Austrian Office in Pristina the opportunity to reflect on our cooperation with the Kosovo Central Assembly and the OSCE Mission in Kosovo. At the Austrian Office we have always tried our best to support the Assembly and indeed in the last couple of months this cooperation has not only borne fruit in terms of a number of high ranking seminars but has also significantly intensified qualitatively and quantitatively in the time being. By now we can look back on quite a record of important initiatives. Let me just shed some light on some initiatives which are particularly important to me.

Alexander Bayerl, *Head of Office, Austrian Office in Pristina.*

Right after the high ranking Belgrade - Pristina Dialogue of October 2003 in Vienna, the Austrian office had the pleasure of helping prepare the first round of seminars on Change Management together with OMIK and the PISG from 20-24 October 2003. This first workshop focused on the training of the PISG chiefs of cabinet.

Two weeks after this initial part came the crucially important second part of the seminar (3-7 November 2003) on "Change Management", this time for the Office of the Prime Minister and the Ministers of the Kosovo PISG Institutions. Once more it was held at the Diplomatic Academy in Vienna. Prime Minister Bajram Rexhepi as well as the Ministers Ali Sadrija, Zef Morina, Goran Bogdanovic, Ali Jakupi, Rexhep Osmani, Behxhet Brajshori, Resmije Mumxhiu and finally Milorad Todorovic represented the PISG. The delegation met with Austrian representatives from the Federal Chancellery, the Ministries of Interior and Foreign Affairs as well as representatives of the Parliament tried to explain the mechanism and interaction of the respective Austrian institutions. This seminar was conducted in a very positive atmosphere. All participants, including the Prime Minister were actively engaged in quite vivid discussions during the workshop. The Austrian Office is grateful to have been able to contribute to the success of this seminar.

The Austrian Office, from 15-17 December 2003, assisted in the preparation of a conference at the European University Center for Peace Studies in Stadtschlaining in Austria which was organized by the Project on Justice in Times of Transition of Harvard University together with the PISG. This conference proved to be successful. Reconciliation and negotiation techniques in crisis regions stood at the centre. Focus areas were the examples of South Africa, Central America, the Near East and Northern Ireland. High ranking international experts – all experienced practitioners of politics in crisis regions - from the respective regions came to Austria. Apart from this, international participation the main achievement of the seminar certainly was the composition of the Kosovan delegation: President Ibrahim Rugova, Prime Minister Bajram Rexhepi, Assembly President Nexhat Daci, the leader of PDK Hashim Thaci, the leader of AAK Ramush Haradinaj as well as representatives of "Other Communities" were brought together in this remote and peaceful rural setting in order to have lengthy discussions on a wide range of topics.

Also in December 2003, just a few days ahead of the top level political meeting in Stadtschlaining the Austrian Office assisted the German Friedrich Naumann Foundation in organizing a two day working visit of members of

the Assembly of Kosovo to the Parliament in Vienna. Members of the group comprised LDK, PDK, KP, AAK as well as KDTP from the committees for Finance and Economy, for Trade and Industry as well as the Budget Committee.

The fifth and final initiative was organized by the OSCE Mission and the Austrian Government. This was a seminar for political advisors at the Diplomatic Academy in Vienna from 4-8 July 2004.

A group of 20 political advisors representing all of the PISG's Ministries and the Office of the Prime Minister covering Kosovo-Albanian, Kosovo-Serb, Bosniac and Turkish communities were active participants in an initiative which tried to highlight the role of political advisors in administrative processes, both in terms of structures and leadership. The main focus was to exemplify their support to policy development in a Ministry, the division of competencies between political appointees and civil servants, and intra- as well as inter-ministerial co-operation. The vital function of advisors in advising the PISG on policy issues, in order to timely and comprehensively put into operation the Kosovo Standards Implementation Plan stood at the centre of this endeavour. EU related matters also played a prominent



Alexander Bayerl

role. In rather technical terms, the EU STM process and its implications for Kosovo were widely discussed. In general terms the political and economic forces shaping the EU's development were amply introduced. Further modules and discussions focused on the evolution from the common market to the single market and beyond. The implications of the Future of Europe discussion with its ramification for Kosovo and the Western Balkans were also addressed at length.

In conclusion, the OSCE Mission is planning to organize similar capacity building activities for the new Kosovo government resulting from the October election. The Austrian Government in general and the Austrian Office in particular will be pleased to once more contribute to such highly fruitful activities.

Ministry of Finance and Economy Holds Budget Hearings for 2005-2007

Budget Priorities to Support Strengthening of the Economy and Job Creation

In the beginning of September, the Ministry of Finance and Economy (MFE) began holding budget hearings with all spending agencies regarding their initial budget requests for the 2005-2007 fiscal years. Budget hearings are held each year by the MFE with the participation of the Budget Commission to allow spending agencies to explain and respond to questions based on their initial budget requests for funding of new or expanded programs and investment projects.

Jeannette Sanchez,
Public Information and Education Advisor in the Ministry of Finance and Economy

This is the second year that the MFE will hold hearings with Kosovo's spending agencies, which includes executive and legislative branches of government, public service providers, task forces and special groups.

Budget estimates and projections are now required to be constructed within a medium term, or multi-year, framework. Therefore, the budget for 2005 includes assessments for the fiscal years 2006 and 2007. Preliminary economic projections and analyses of revenues (tax and non-tax) and donor funding over the three-year period are undertaken by the MFE in March of each year. These projections also take into account changes in the price level in determining the size of the operating budget and certain public expenditure programs. Based on these projections, the process of carving up the budget among the spending agencies begins. In June, spending agencies received instructions for completing their Initial Budget Requests for funding for 2005-2007, and in July they received a preliminary indication of budget ceilings, or indicative levels of funding not to be exceeded.

As a sign of increasing maturity of the budget process, a major change has been introduced to this year's planning:

"results-oriented budgeting". There are several purposes and advantages in having a results-oriented budget. However, one of the most important is that it communicates to reviewers and decision-makers of the budget the results expected by



the spending agencies. Another advantage is that it links decisions with specific choices about public priorities and expenditures. This allows for greater spending in areas that are important, thereby helping to control or reduce spending in areas which are less important or deemed to be less productive.

The focal point of the results-oriented budget process can be

found in the Government's goals for 2005-2007—strengthening of the economy and job creation. Priority areas which contribute to these goals include: economic development; education; health and sanitation; transportation; and rural development.

The budget hearings represent the third of a six-phase process that culminates with the SRSG's signing of 2005-2007 Kosovo Consolidated Budget, which is based on advice provided by the EFC, at the end of the year.

In the fall, the MFE will produce updated projections. Spending agencies will develop their final requests on the basis of these estimates as well as the initial decisions of the Budget Com-

mission, Government and the Special Representative of the Secretary-General (SRSG).

To arrive at the final budget, the MFE submits its final budget documentations to the Budget Commission. Subsequently, the Budget Commission submits these documents, along with its recommendations, to the Government who then modifies them as necessary and makes recommendations to the Economic and Fiscal Council (EFC), the Assembly and the SRSG for approval.

Kosovo's budget process is conducted in a transparent way, involving a broad spectrum of the public sector, including the Office of the Prime Minister, the Office of the President, the central government budget organizations, the Assembly, the municipal assemblies, municipalities and the SRSG. It is a process whose procedures of operation are spelled out in the Law on Public Financial Management and Accountability. As in the previous budget period, the 2005-2007 budget will reflect the hard work, professionalism and responsible leadership taken by those whose commitment is to serve the people of Kosovo who have paid their taxes and who, in return, expect their Government to provide quality programs and services.

Parliamentary Session Simulation with Youth Assemblies

High school students from all over Kosovo went to Zabljak, Montenegro, for a Youth Assembly Retreat. This retreat, organized by the OSCE Mission in Kosovo on August 19-26, included youth from all communities. Two groups of over 100 Kosovo participants each took part. The main purpose was to simulate a parliamentary plenary session. The group were briefed on the major aspects of the organization and functioning of the Assembly of Kosovo and were explained principles of parliamentary work and relevant procedural rules. Also, they were given the necessary tools and information to proceed to a parliamentary-like debate on an issue related to the multi-lingual functioning of an imaginary multi-ethnic state.

Doina Ghimici,
Program officer OSCE Mission in Kosovo

The script for this simulation was carefully designed to ensure sufficient departure from the reality but also one that had adequate relevance to Youth Assemblies. The main objective of the simulation was to familiarize participants with both democratic principles and human and minority rights standards. Another aim envisaged, was to take the participants out of the context of their day-to-day life by placing them in an imaginary situation and help spur their creativity. To this purpose, they were taken to a remote and beautiful location outside Kosovo and offered them the opportunity to talk to one another, either directly or through interpreters, to play and establish friendship, forgetting at least for a while the sad aspects separating them in the real life.

According to the script, participants served in an imaginary parliament that had recently started its third mandate but had its structures in place and the government established. All ethnic communities living in that imaginary country were represented in the new parliament and many of them even in the government. A multi-ethnic and "civic" party (named "the Greens") was part of the government as well. On the first day of the simulation, the imaginary

parliament was called into session to discuss the topic "providing multi-lingual education" and vote upon a draft resolution prepared by the Committee on Education Youth and Sports. That Committee had acted upon the initiative of the civil society and thoroughly discussed this issue with various stakeholders in a series of public hearings. During the session, participants had to debate on modalities of ensuring that all communities, living in a country with had two official languages, were able to speak in both languages, or at least to understand and have basic communication skills. Acknowledging that school was the place where children should start learning systematically the official language that was not their own, imaginary MPs agreed on the role of education in achieving multi-lingual functioning of their imaginary state. Divided into parliamentary groups, they had a democratic dispute on the best model of multi-lingual education policy to be adopted.

Students were assigned roles somewhat in contradiction with their own background (many of those coming from majority communities had to play minority representatives' roles in the simulation). Although this fact complicated their tasks, it perfectly served the purpose of



the simulation since teenagers came to realize that they were unable to resort to ready-made solutions and thinking patterns often used around them in the real life, but had to think with their own mind and understand that another reality was possible. Students took up the challenge and proved that they were able to understand complicated tasks and adapt to a completely new situation, after overcoming initial challenges. However, within the framework of the instructions, Youth Assembly members managed to produce rational, reasonable and intelligent arguments, at times even going beyond instruction to discover new ways of achieving the objectives we set for them.

The high school students enjoyed playing roles of modern politicians and realized that building a new reality and a better future could be in their hands. But most importantly, they got to know one another and overtook those circumstances that normally prevent them from meeting and establishing relationships. There were Kosovo Serb teenagers meeting Kosovo Albanian colleagues first time in their life. However, they managed to surpass their initial reservation and came together. While it was new for them to play the roles of adults, as many young people like to, this simulation was prepared knowing and thinking of the time when they will not be children any more, but adults and possibly future leaders.

ASI Mission Statement

As the inter-agency coordinator of democratization programs to support the Assembly of Kosovo, the Assembly Support Initiative (ASI) seeks to strengthen and professionalise the Assembly of Kosovo in developing skills so that it may become a stable, functional and productive legislative assembly, operating in accordance with the rule of law and on behalf of all communities and citizens equally.

Members of ASI will work to bring resources together in a common pool in the furtherance of this goal. The work of ASI will focus on a democratic political culture based upon knowledge of and respect for democratic rules of procedure, transparency and accountability to the public, developing and implementing a legislative agenda, oversight over the Executive and respect for multi-linguality of the Assembly.

As the inter-agency coordinator of support to the Assembly of Kosovo, ASI supports the Assembly via conferences and training, workshops with the Committees, technical assistance on the legislative process, advise to the Presidency, Committees chairpersons and individual Assembly Members, working visits to other parliaments, training for the legislative staff and interpreters of the Assembly. The work of advisers and consultants to the Assembly and its Committees is also part of the ASI-coordination.

Currently participating in ASI:

Council for the Defence of Human Rights and Freedoms (CDHRF), Friedrich Ebert Stiftung (FES), Friedrich Naumann Stiftung (FNS), Konrad Adenauer Stiftung, East-West Parliamentary Practice Project (The Netherlands), European Agency of Reconstruction (EAR), United States Agency for International Development (USAID) in co-operation with National Democratic Institute (NDI), United Nations Development Program (UNDP) in co-operation with the Inter-Parliamentary Union (IPU), Consortium of French, German and Belgian parliament, OSCE Democratization Department and the Assembly Secretariat with the active support of the Office of the Prime Minister, UNMIK's Pillar IV (EU) and the country offices in Pristina of Austria, Belgium, Germany, Italy, The Netherlands, Switzerland, United Kingdom and United States.



<http://www.kuvendikosoves.org>
<http://www.skupstinakosova.org>
<http://www.assemblyofkosovo.org>

Pictures in this Newsletter: OSCE: pg. 1, 2, 3, 4, 6, 8, 10, 11, 15, 16; NDI: pg. 7; EU: pg. 9; Austrian Office: pg. 13.

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ASI
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