



• ASSEMBLY SUPPORT INITIATIVE  
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## **Interview with President Fatmir Sejdiu**

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**Also in this edition:**

**Director of Anti Corruption Agency addresses the Assembly  
Women Caucus of the Assembly makes a new start**

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# Kosovo is the Best Story of the International Community

*The Assembly Support Initiative (ASI) conducted an interview with Mr. Fatmir Sejdiu, President of Kosovo, and discussed the new developments in Kosovo and the President's interaction with the Assembly of Kosovo.*



**ASI: Mr. President, what is your comment on the latest political developments in Kosovo, and how would you define the role of the Office you head?**

**Mr. Fatmir Sejdiu:** The Declaration of Independence of Kosovo on 17th of February we have entered to a new era of beginnings. An intensive activity in concluding the state formation phase of Kosovo has been developed by approving: Kosovo Constitution, Kosovo state symbols, flag, emblem, hymn and the dynamic cycle concluded that emerged from the Ahtisaari Plan. I believe this has been a very intensive period of cooperation between Kosovo and international institutions, and well as an inter institutional cooperation taking into account intensive consultations of the parliamentary political spectrum itself.

The second wanted issue, that Kosovo institutions show readiness during this concluding phase of transition

period is to take over the responsibility based on Constitution and pursuant to their mandates. In this regard we see it necessary to have an acceleration of transition from UNMIK to the new mission and further to Kosovo institutions. We are aware that there is an initiative of the Secretary General for a reconfiguration of UNMIK for a limited period of time. We consider this initiative and wish to have this process concluded as soon as possible, taking into account the primary role of Kosovo institutions and their commitment for cooperation with the international institutions of ICO and Eulex in important areas of security and rule of law.

It is also important to mention that we appreciate the readiness of the international mechanisms to assist in facilitating the process of integration for all Serb citizens' in the institutions as well as facilitation of the cooperation processes with the Republic of Serbia as

two sovereign states. Though we shall never be ready to accept any negotiation process on Kosovo status which are being presented to Serbian governmental circles and their supporters. We have entered to the new phase, United Nations have recognised new reality that Kosovo has declared its independence and approved its constitution. The time has also come for the international mission to successfully conclude its mission. I believe Kosovo represents the best success story of the international investments.

**ASI: What are the main differences between the Constitution in one hand and the Constitutional Framework on the other hand?**

**Mr. Fatmir Sejdiu:** Kosovo is a democratic and sovereign state with all features of being a normal state, and in the Kosovo Constitution there is no other mechanism other than Kosovo institutions. The Sovereignty of people are Kosovo

Parliament and other institutions such as President, Government, Independent Judiciary and other pillars that enable a state to be functional accordingly.

Of course we have practical inherited problems but it is the responsibility of Kosovo institutions to do their work in the best possible manner based at this point. So I would not refer to constitutional framework for it served its purpose for a limited period of time during the transition period regardless what the dissatisfaction would have been related to its formulations. It has set for an important base of a functional life of Kosovo and served to the democratic processes, ensuring international support and we appreciate it as such.

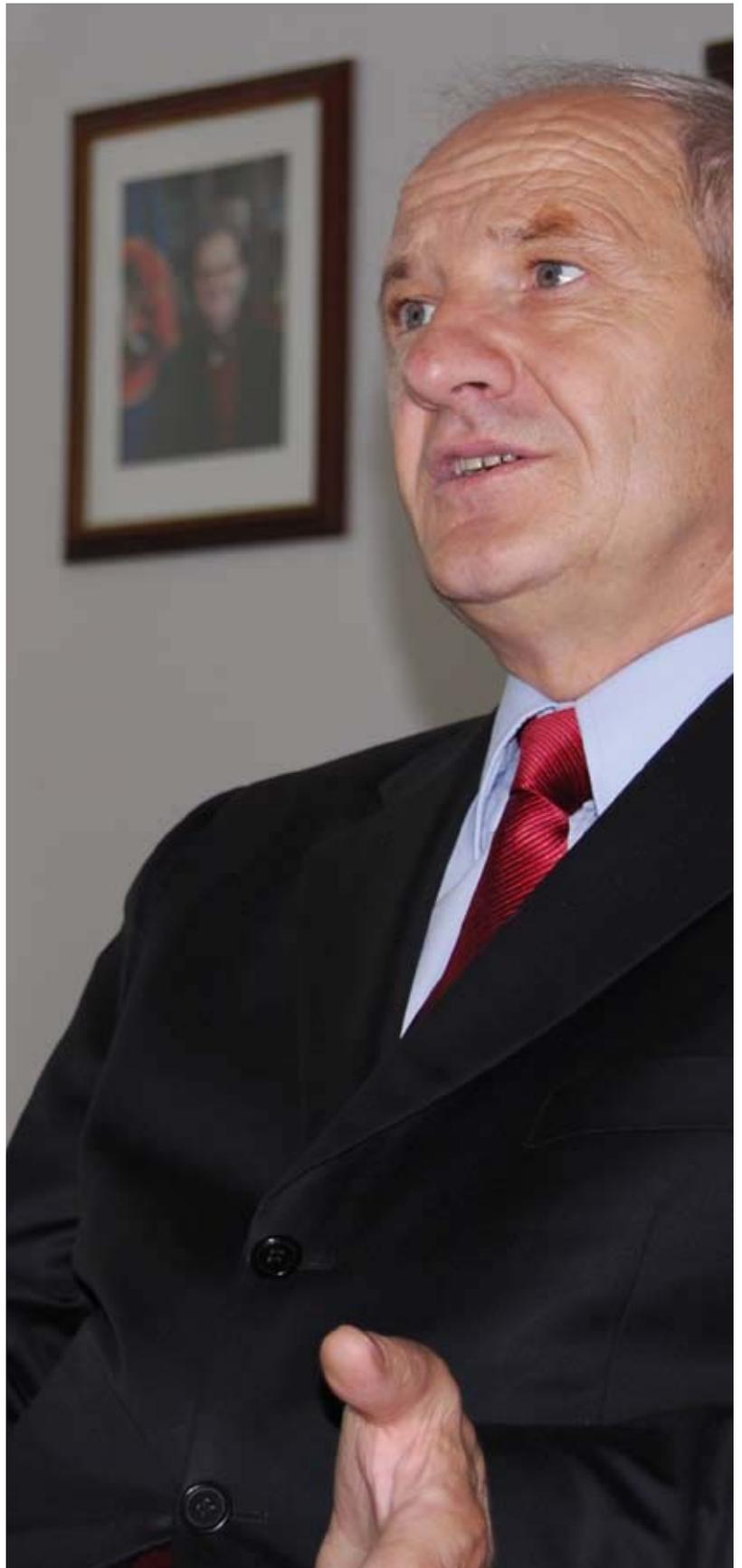
**ASI: To what extent has the relationship between the Office of the President versus Kosovo Assembly changed after June 15, taking into account the additional powers of the President in promulgating the approved laws of the Assembly?**

**Mr. Fatmir Sejdiu:** These are new powers. Of course there is an approach of complying with the modern governance principles. The Presidents is elected by the Assembly with the institutional power to return the laws to Assembly. This is a very important power which adds value to the general quality of legislation as at the least the President is obliged to follow closely the approval of a law in the parliament. It shall represent an important power but not a decisive factor in procedures a law undergoes during the parliamentary debate, but rather to give his opinion which might contradict the Constitution or violate Kosovo citizens' interests. And secondly, it is important to have the legislative initiative. These are both important and other powers are focused to the president and parliament with the divided respective powers.

**ASI: Consultative Community Council is foreseen to act under the authority of Kosovo President. Can you tell us something about its phase of preparations, what would be its role ?**

**Mr. Fatmir Sejdiu:** I have conducted several activities and had consultations with local and international experts to provide for a principal frame to be based on Kosovo Constitution and Ahtisaari's project in building up its structure efficiently. Soon concrete steps shall be made, I shall have consults with the representatives as foreseen by the Ahtisaari plan. We shall receive their ideas, suggestions to have a functional body, and secondly to take the decision on its foundation and support its functionality in the best possible manner.

*Interviewed by:  
Armend Bekaj and Blerim Vela*



# The Belgian House of Representatives and the Assembly of Kosovo: looking back on five years of exchanges and cooperation

by Robert MYTTENAERE, Secretary General of the Belgian House of Representatives



Mr. Jakup Krasniqi, President of the Assembly of Kosovo, signs the official guest book during the recent visit to the Belgian House of Representatives under the watchful eye of its President, Mr. Herman Van Rompuy.

When I received the notice, five years ago, that the Consortium formed by the French *Assemblée Nationale*, the German *Bundestag*, the Belgian House of Representatives and the French *Institut International de Paris La Défense* had won the European Agency for Reconstruction (EAR) tender for the project "Support to the Assembly of Kosovo", I could hardly imagine that the cooperation between the Belgian House of Representatives and the Assembly of Kosovo would be such a long-lasting and fruitful one.

The first EAR-project, indeed, was followed in January 2006 by a second one, called "Further Support to the Assembly of Kosovo" and managed by a Consortium enlarged with the National Assembly of Slovenia. The topics tackled by the second

project illustrate the evolution of the Assembly of Kosovo towards a mature parliament. Whereas the first project essentially involved support with regard to the material conditions of the functioning of a parliament - I recall sending our architect and other (IC) technicians - as well as the basic organisation of an assembly (Rules of Procedure, organisation of the departments, functioning of the committees), the second one required more detailed advice and coaching.

Although in both projects I learned to appreciate the expertise and commitment of all the team leaders, key experts and short term experts, in the context of this article I will highlight two contributions of the Belgian House of Representatives which I consider of particular interest and of which I am personally proud.

The first- and definitely most important one - relates to the personnel management. If MPs are the heart of the parliament, staff members are its memory. When the MPs go, staff members stay. Therefore, the importance of parliamentary staff in general and a non-partisan recruitment policy in particular can hardly be overestimated. Parliament deserves the best possible personnel, but they can only be recruited if they are offered a stable and specific personnel statute - protecting them from political pressure and reminding them of their deontological obligations -, an attractive salary, possibilities of further training, a transparent career and real chances to be promoted. I am proud Belgian experts have been able to contribute to an evolution I consider hopeful, though not yet completed.

Our second – more modest – contribution is the creation of a Legal Standardisation Unit. Every ‘old’ parliament of Western Europe is currently facing the same type of challenge: how to guarantee the making of high-quality laws in a rapidly changing society? How to keep a balance between legal stability, on the one hand, and approximation to international regulations and social and economical reality, on the other hand? It is very important that somewhere in the law-making process, a non-partisan legal advice is given to committees, in order to enlighten the MP’s of the legal consequences of their choices and promote a transparent wording of the rules.

A more than thirty-five years’ experience as a staff member of the Belgian House of Representatives and as a member of several international parliamentary organisations has taught me that building up a parliamentary ‘culture’ does not take only a couple of years, it takes decades. Parliamentary democracy is like a marriage: nothing is ever definitely ‘achieved’ and you have to work on it, every day... However fruitful the work of the Consortium may have been, it has not answered all questions nor solved every particular problem, and the Assembly of the Republic of Kosovo will certainly be facing new challenges in the forthcoming months.

That is why my President, Herman Van Rompuy, took the initiative to invite a delegation of the Presidency of the Assembly of the Republic of Kosovo to the Belgian House of Representatives. It is also why I seized that opportunity to affirm the readiness of the Belgian House to continue the cooperation with our Kosovar partners, by signing with my counterpart, Secretary General Ismet Krasniqi, a Memorandum in which we agree on maintaining contacts between both our administrations and re-affirm our willingness to exchange experts, either on a bilateral basis or within a new framework that is still to be defined (preferably with the financial help of other actors and in cooperation with other former members of the Consortium).

According to the Memorandum, the cooperation between our assemblies is intended to last till December 31, 2009, but I am convinced that the friendship between them will last much longer!

## Economic consequences of corruption amount to 30 million euros

*Excerpt from the speech of Mr Hasan Preteni, Director of the Anti-Corruption Agency in the plenary session of the Assembly of Kosovo, held on 3 June 2008, on the occasion of the review of the Annual Work Report of the Anti-Corruption Agency*

The Kosovo Anti-Corruption Agency is an independent body established as the main mechanism in preventing and fighting the phenomenon of corruption, and co-ordinating the anti-corruption policies in Kosovo. Funds for the Agency’s operations are provided by the Kosovo Consolidated Budget. Currently, the Agency (with reference to the reporting period) has 15 out of 35 foreseen officials. UNDP provided four advisors (two national and two international).

The Agency exercises its responsibilities according to the Law on Suppression of Corruption (2004/34), it was established on July 2006 and became operational on 12 February 2007.

The work of the Agency is monitored by the Agency’s Council. The Agency’s Council is composed of 9 members, out of which 3 representatives are appointed from the Assembly, 1 representative from the Office of the President, 1 representative from the Government, 1 representative from the Supreme Court, 1 representative from the Public Prosecutor’s Office, 1 representative from local authorities and 1 representative from the civil society.

The activities of the Anti-Corruption Agency (ACA) during the last year were based on three main pillars: Law implementation/enforcement; Prevention or elimination of the causes of corruption; Training /education.

### Law Enforcement

Special attention and activity in handling the information provided by the citizens, investigation and forwarding of the same to the Prosecutors Office in Kosovo. During 2007, the Agency has handled 124 information cases. After administrative investigations, 61 cases were closed due to lack of evidence, 47 cases of information

were forwarded to the prosecution, and in 2007, 16 cases of information were in the investigation phase. From the information forwarded to the Prosecution, 14 concerns are related to the judiciary, 13 to the Government, 11 Local Authorities and 9 public enterprises.

In accordance with the legislation in force, namely the Provisional Criminal Code of Kosovo, the nature of criminal offences is as follows:

- misuse of official duty -12 cases;
- embezzlement while on official duty – 9 cases;
- bribery – 10 cases;
- trading in influence – 4 cases;
- illegal issuance of court decisions – 7 cases;
- collection and illegal payments – 2 cases;
- forgery of official documentation – 3 cases.

By facts brought through cases of suspected corruption, which were forwarded for criminal prosecution in the pertinent prosecutorial office, the economic consequences that could harm the Kosovo society amount to approximately 30 million euros.

Out of all cases forwarded to the prosecution, we have officially been informed only about 6 of them, amongst which 5 are information related to cases of the judiciary and one case for local authorities.

### Prevention - elimination of corruption causes

**Declaration of assets** – though this activity was carried out for the first time in Kosovo, 98% of officials declared their assets. This legal obligation was carried out in three phases. In order to have it fully achieved, it was necessary to request initiation of

administrative measures for 24 officials, decrease of salary up to 20%, and in the case of other 14 officials, their employers were asked to terminate their contracts.

**Prevention of conflict of interests** – Based on founded information on the existence of conflict of interest, the Agency intervened in 15 cases and was able to avoid them. In some cases where violations of the Law on Public Procurement by the Kosovo Institutions were noted, the Agency undertook actions by recommending annulment of certain tenders and other initiatives of the PISG before the opening of bids, thus eliminating the discrimination of the economically-responsible operators. The estimated value of the annulled tenders amounts to 7 million euros.

### Education

The Agency has handled the education aspect in two directions:

Education- professional enhancement of the Agency officials and education of the general public aiming at raising public awareness.

During the reporting period, the Agency

officials have participated in 35 trainings, roundtables and study visits.

As result of a great co-operation with the Kosovo Education Centre, we actively participated in seminars organized in 10 Kosovo municipalities. Together with the OSCE and UNDP, we have carried out two information campaigns, we have visited all the Ministries of the Kosovo Government and the three biggest municipalities in Kosovo, where officials were informed of the legislation in force and anti-corruption mechanisms.

For all Agency activities, we have spent 336,956.06 euros, 88.11% from the allocated budget, by managing our budgeted expenditures well and by reducing phone call, lunch, dinner and fuel expenditures to a minimum, and only 5% of the budget was spent on minimal value procedures (by cash).

**Obstacles faced by the Agency:** Budget allocated was not as high as requested; the number of officials was not according to the organizational scheme; Small salaries; inability to engage experts and risk of the existing personnel leaving; the co-operation

with the prosecutorial offices below the desired level, small and insufficient work premises.

The ACA is functional for more than a year and this is the first report that is being submitted to you. I am convinced that the achieved results are far from what we aspire. However, I believe that Kosovo now has an agency that is standing on firm foundations, a body that increasingly enjoys the trust of Kosovo citizens, and with the continuous support of the central institutions it will achieve the desired results.

For the first time, the Agency has a budgeted as requested, the number of the officials will definitively be as foreseen, the Assembly is undertaking concrete measures towards the enforcement of the Agency, and there is progress in respect to our relations with the prosecutorial office. This is all resulting with an increase of the intensity and quality of the Agency's work.

Up to now, we have received 59 serious information for corruption activities. In order to prevent such activities, allow me to single out 2 of many forms of corruption.

The first form, as we are still witnessing is: Great abuses in the tendering processes (failure to announce tenders in web-site, discriminating responsible operators and failing to respect conditions set by themselves). During the last two weeks, after our intervention in the announced tenders, we were able to prevent an attempt to abuse with more that 2.5 million euros)

The second, rather new but with clear signs of metastasis is: Procedures for selecting international consultancies, the readiness of the international institutions to help in building of national institutions. On the other hand our officials respond to that by placing their family members on the lists and/or in order to extend the contracts for the consultancies they ask favors, such as new cars, employments and other.

In order to protect the rule of law and order, democracy and human rights, good governance, honorability and social justice, competition, economic growth, general trust in the public institutions and moral values of the society, the war against corruption and the participation of all institution is more than necessary.



# We still have to fight for our rights and place in society

*Interview with Kosara Nikolić, Serbian MP in the Assembly of Kosovo, Second Deputy Chair of the Committee for Budget and Finance, and member of the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning, and the Committee for Community Rights and Interests and for Return*

**ASI:** Are you satisfied with the level of representation of Serbian community interests in the new mandate of the Assembly of Kosovo?

**Kosara Nikolić:** The level of Serb representation in the new mandate of the Assembly of Kosovo after the November 2007 elections is brought down to what is guaranteed by the Constitutional framework, i.e. to have ten representatives of our community. That cannot be changed now, there are ten of us, but unfortunately not all of them take part in the work of the Assembly, apart from the deputies of the Independent Liberal Party, New Democracy and the Gora Citizen's Initiative.

**ASI:** Are you satisfied with the performance thus far?

**K.N.:** Personally I think that it's good we are present in Kosovo institutions, because if we have decided to remain and exist in this area, then we have to fight and win our place in society. Regarding the issue whether our participation in Kosovo institutions has provided the Serb community with results thus far, I'd say it has, however it is happening somewhat slowly. We know that unemployment rate in Kosovo is quite high, that there are about 65% of unemployed citizens, and I also speak of Albanian population, not only Serbian. We know that when there is no production everything comes to a standstill. We as representatives of the Serbian community within institutions, request fulfilment of what is guaranteed by the Constitutional framework. Which states that 10 to 12% of Serbs should be employed in the institutions and public enterprises in Kosovo. We don't accept that Serbs should be employed only in the ministries headed by Serbs, but rather that this would also be the case in other Ministries and publicly owned enterprises, where there is a need for new positions.

I would also mention the issue of unequal



regional development. I think that various projects should not only be implemented in Gračanica, since we also have other multiethnic municipalities, such as Lipljan and Mitrovica. Since I come from Lipljan, I can tell you that there are no development projects whatsoever in settlements such as Radevo, Lepina, Skulanevo, Suvi Do, Livađe, Dobrotin, Donja and Gornja Gušterica and in multiethnic places such as Staro Gracko and Rabovac. It is precisely in those places where something needs to be done, so that people get the feeling that someone is thinking of them, as they were brave and determined to remain and survive.

**ASI:** What are your observations on the performance of the Assembly Committees which you are a member of?

**K.N.:** My experience is not that extensive, since this is my first term as an MP. Thanks to the transparency and constructiveness of our SLS parliamentary group, I am nevertheless satisfied. Our opinion and

the right to vote is being respected in all the committees, however sometimes we lack translation. Due to technical reasons it happens that we are not provided with translated documents, while from the Government we always get them in English, Serbian and Albanian. I have objected to this a few times, and the justification is always time restrictions. I can understand that, as we are in the midst of drafting the entire legislation, but if we are to participate in the work of these Committees it's indispensable to find time for translation.

I regularly attend meetings of the Committees, because I am interested to be involved as much as possible, but also to present the developments to my community. The Serbian population is still not well informed about the work of their representatives at the Assembly of Kosovo. I don't have an office in my area, no premises to receive citizens. It is only when I meet people at weddings or funerals that I hear about their concerns, and then I pass the

matters to my Parliamentary group in order to address them.

I think that the Government should also do more for its citizens. Together with donors it should build premises where we could hold meetings and exchange opinions with citizens, as well as receive Government, Presidency or Municipality officials.

**ASI: What is your opinion on women participation in the politics in Kosovo?**

**K.N.:** I think that the participation of women in politics is still insufficient in Kosovo. According to European standards, the women representation should be approximately 30%, and this percentage should also increase even to 40%. Unfortunately in Kosovo the opinion that women should stay at home and give birth still prevails. In European countries lots of women are excellent directors, company managers, politicians.

Regarding the representation of women in the Independent Liberal Party, we have lots of women, but we don't have many opportunities to meet more often since we are far apart and have no premises. At elections 50% on our list were women. We are trying to get as many women as possible in the Kosovo institutions; now we have two men and two women deputies, Radmila Vujić and me. Nevertheless, we have to continue the fight for our rights and place in society.

**ASI: What message would you send to our readers, and to the representatives of the Serb community in Kosovo?**

**K.N.:** My message to the Serbian people would be brief. Since we already decided to remain and subsist in this place where our grandfathers and great-grandfathers lived for centuries, we can do that only through work and participation in all the structures in Kosovo. Otherwise we would be neglected and no one would think of us and our needs and concerns, whereas with our participation we can, and we have the moral right, to fight for everything. It remains to be seen what the result is going to be.

*Interviewed by Mario Maglov, Coordinator of Community Information Centers, DPI-UNMIK.*

# Kosovo on the Agenda of The NATO Parliamentary Assembly at Berlin Session

*By Ruxandra Popa,*

*Director of the Civil Dimension of Security Committee, NATO PA*

Twice a year the NATO Parliamentary Assembly convenes its membership to consider the key security issues of the day. At its most recent meeting on May 23-27, the NATO PA met in the historic Reichstag in the heart of Berlin. From this symbolic vantage point, the members of the Assembly discussed a range of issues including missile defence, relations with the Russian Federation, operations in Afghanistan, and, of course, the future of Kosovo.

The NATO PA is the inter-parliamentary organization that brings together members of parliament from across the Alliance to discuss security related matters. Each of its meetings convenes a mix of parliamentarians from across North America and Europe. It also brings to the table a range of partner countries such as Russia, Ukraine and Georgia for an extended dialogue. Since 2002, the Assembly of Kosovo has been regularly invited to participate in Assembly sessions and seminars as an ad hoc Parliamentary Observer. A high-level multiparty and multiethnic delegation of the Assembly of Kosovo attended the Berlin session. Xhavit Haliti (of the Democratic Party of Kosovo – PDK), Naim Maloku (of the Alliance for the Future of Kosovo – AAK) and Slobodan Petrović (of the Independent Liberal Party – SLS), all three members of the Presidency of the Assembly of Kosovo, had several opportunities to exchange views with the members of the NATO PA.

Kosovo features prominently on the NATO PA's agenda. Several of its five committees (Civil Dimension of Security, Defence and Security, Economics and Security, Political, and Science and Technology) have looked into the many issues surrounding the future of Kosovo, and visited the region in recent years. Most recently, a delegation from the Defence and Security Committee

(DSC) and the Committee on the Civil Dimension of Security (CDS) travelled to Pristina on 23-24 April, and met with the highest Kosovar authorities, as well as representatives of the international community.

Since 2007, the CDS Committee has taken the lead in monitoring developments in Kosovo, with two reports prepared by the Committee's General Rapporteur, Vitalino Canas (Portugal). In Berlin Mr Canas presented his draft report for 2008 entitled "Kosovo and the Future of Balkan Security". This report emphasizes that although the independence of Kosovo has been recognized by some forty States, many open questions remain for Pristina, Belgrade, and the international community. In his presentation, Mr Canas emphasized two particularly difficult issues: the uncertain fate of the Serb population of Kosovo; and the problematic "reconfiguration" of the international presence in Kosovo. The planned entry into force of the Kosovo Constitution on 15 June will add another layer of complexity to the current situation.

The presentation of the report gave rise to a lively debate in the Committee. Taking the floor on behalf of the delegation of the Assembly of Kosovo, Mr Haliti confirmed the many steps taken since February to consolidate Kosovo's institutions – including the Assembly of Kosovo – and convert the principles and provisions of the Ahtisaari plan into law. However, the discussion also highlighted the wide gap that remains between the positions of Belgrade and Pristina on the future of Kosovo. Serbian parliamentarians reaffirmed that Serbia will never abandon its territorial claim over Kosovo. They restated their opposition to any transfer of responsibility from UNMIK to EULEX, and warned against NATO's involvement

in building up Kosovo's future defence institutions. Concluding the discussion, Mr Canas called on all parties to move away from broad rhetorical statements and to work towards reopening dialogue between Belgrade and Pristina on issues of common interest.

The Canas report will now be updated on the basis of the comments provided by various national delegations, and a second and final draft will be presented to the CDS Committee for adoption at the NATO PA's annual session in Valencia, Spain, on 14-17 November.

More information about the NATO PA can be found at: [www.nato-pa.int](http://www.nato-pa.int)

The report by Vitalino Canas for the CDS Committee on "Kosovo and the Future of Balkan Security" can be accessed at:

<http://www.nato-pa.int/Default.asp?SHORTCUT=1480>



Mr. Xhavit Haliti Member of the Presidency of the Assembly of Kosovo at the NATO Parliamentary Assembly at Berlin Session

# Historical Constitution with anomalies that need to be corrected

*Interview with Mr. Hydajet Hyseni, Member of the Assembly of Kosovo*

**ASI: In your opinion what is the role that the Assembly of Kosovo needs to play in the Constitutional Process?**

**Hydajet Hyseni:** Crucial I would say. In the beginning of the process and after the conclusions of the conference organised by OSCE in 2006 I had expected that the Assembly of Kosovo would play its role as the key actor and coordinator of entire constitutional drafting process, as such a thing is in line with the democratic practices of drafting of a constitution. In the given context the Assembly of Kosovo was objectively a constitutional Assembly and it should have functioned as such.

The Assembly of Kosovo in its first mandate has both drafted and approved constitutional amendments. It has even dealt with a decision on drafting of a new constitution. In my capacity as a chairperson of the Committee on Legislation, judiciary and Constitutional Framework, I have initiated and proposed the concept and structure of the constitution drafting process. I do not know what are the reasons as to why the Legislative Committee was left aside after the establishment of the Unity Team. Whatever the reasons, I consider that it was a wrong thing to do. To leave the Assembly aside in this process especially through the imposed non-democratic and non-parliamentary procedure for review and adoption of the Constitution and Package of Laws.

**ASI: Considering the limitations in this process did the public have the chance to play a crucial role?**

**HH:** Drafting of a constitution is a major undertaking for the entire society, therefore a wider space should have been given to all interested segments of the society, especially groups of experts, academics and professionals. The limitations that were imposed, were done skilfully as a justification for many violations not only of procedural but also principal, substantial, functional and even logical technical and linguistic nature. The truth is that the limitations (many often redundant and unnecessary) had to do mainly with the level of human rights and rights of communities or the relationship with the international presence, these segments were objectively never much disputable. The public has shown high level of maturity regarding these requests and it would



also show more active role in the drafting of the constitution if it would have the opportunity to do so. We would eventually dispute the wrong conceptual formula which are anti-democratic and anti-European, dangerous errors which are potentially abusive and manipulative towards the tendencies for instrumentalisation, blockage, regeneration of tensions or conflict or intensions for further secession and division.

**ASI: How do you balance legal and political limitations when drafting a constitution?**

**HH:** We had to prevent absurd and non-functional formulas which would have contra productive effects. It is a dangerous trap, rather than balancing, if the constitution in one language starts with "We the people of Kosovo, and in another language "We the citizens of Kosovo", and in the following text none of the

versions are used. In one language Albanians are presented as a community and in the other one they are not a community and are not clarified what they are, whereas in the following text this issue remains vague and confused. Kosovo as a whole, despite its composition of over 90% of one ethnicity is proclaimed as multiethnic society, but in the following text everything is mentioned strictly in ethnical lines, by making an unprecedented division on ethnical grounds, even the composition of the Judicial Council, Election Commission etc. and by dispersing and breaking up even the existing multiethnic municipalities by imposing artificial, unnatural, and un-functional exclusively mono-ethnic municipalities, in violation of the European Charter for organisation of local government. Calling on the UNESCO principles but being in collision with them, different or even discriminatory treatment is imposed between religious faiths and religious monuments. In the name of the positive discrimination for the Serb community in Kosovo, a negative discrimination is imposed between the ethnic and religious communities in Kosovo.

The minority communities have the right to decide themselves on the names of their dwelling places, but this right is denied for the majority Albanian population, by imposing names that are foreign to them, this was not done even in the previous oppressive regime.

There are many anomalies like the ones that I mentioned that seriously impair, the core of organisation and democratic functioning and their eventual correction would help very much in the attempts for normalisation, reconciliation, democratisation and europeanisation of Kosovo. However, the Constitution of Kosovo is a historic act with extraordinary importance for the future of Kosovo and its people. Its effective implementation, wherever possible, especially the rights and freedoms should be understood as a principal duty of all segments of the society, whereas the evident gaps and anomalies I believe will be corrected in time, in line and in cooperation with the democratic world.

*Interview carried out by Artan Canhasi*

# The Informal Group of Women Parliamentarians in the Assembly of Kosovo – Plans and Challenges

*Interview with Mrs. Flora Brovina MP, Chairperson of the Informal Group of Women Parliamentarians in the Assembly of Kosovo*

**ASI: What are the achievements of the Informal Group of Women Parliamentarians in the past term?**

**Flora Brovina:** The beginning of the Informal Group of Women in the Assembly of Kosovo reflected many difficulties, since the desire for such a group was not realized in the first term. Fortunately, around the middle of the second term, partially thanks to the unreserved support by the NDI, OSCE and other international partners, this MP Group began its work. I think that for this period we have been successful in developing an internal dialogue between the parties in power and the opposition, a dialogue between various parties and between women parliamentarians from all communities. One might mention the fact that the woman's position in the Assembly has been enhanced, but nonetheless this does not mean we will stop at this. In the past years, we have also been successful in raising hot topics, such as women employment, education, social conditions etc. Also, in the past term, even the women from the Serbian community understood the strength of the group, and decided to take part and help it to address social problems, despite the institutional boycotting decision made by their colleagues at that time. I would also count one more achievement, that the Women Parliamentarian Group was established before the Unity Team, and in a sense I believe we have been a predecessor of such a Team. I would also underline the establishment of a regional link of communication and cooperation with Women Parliamentarians in Macedonia and Albania, apart from communication we have had with citizens of all the strata of society in visits we have had in the field.

**ASI: What is your assessment of the position and the role of women in the Kosovar society today?**

**F.B:** The position of women in Kosovo, be that in politics or common lives, is not very different from neighbouring countries. There is a comprehensive demand for empowering women in politics, for the implementation of the Law on Gender Equality, and a series of other matters through which numerous concerns of societies in transition may be addressed. I believe that the position of women in any



society may change, if only this was preceded by adequate empowerment of women in decision-making institutions, since women would do the best for women. We hope to continue our work in relation to the implementation of the Law on Gender Equality and the representation quota of at least 40% of women in institutions, in order to secure an acceptable presence of women in decision-making.

**ASI: What are the priorities of the Women's Group in the future?**

**F.B:** The Women Parliamentarians Group will in the future focus on several important issues, such as: cooperation with citizens, civil society and other stakeholders on a series of positive laws which are not implemented properly. Thus, the

implementation of the Law on Gender Equality, Law on Inheritance, Law on Essential Labour, etc., are only some items of our agenda. From our research, we had concluded that a very small number of women is familiar with the laws, and they have little access to the laws or any legal support in undertaking new initiatives, etc., be that in business, family relations or protection guaranteed by law.

Further, continued regional cooperation and strategic capacity-building for women parliamentarians will be another priority in the coming months, but also women empowerment in political parties, with the view of guaranteeing a dignified representation.

**ASI: What kind of contacts have you established with similar groups in the region?**

**F.B:** We have very good relations with similar groups in the region and beyond. We have attended various conferences and meetings in neighbouring countries, through initiatives of the Stability Pact. Also, in cooperation with the OSCE, last year we organized a Regional Conference, in which regional women MPs exchanged their experiences with the Assembly of Kosovo Members. We now have permanent communication links with Macedonian and Albanian MPs, but we do communicate with other Parliaments as well. I must underline the support of the Swiss Embassy, the American, Swedish, Dutch Embassies, and the Greek Office for their assistance, both in the form of visits made through their invitation, and support in the form of projects and trainings. Finally, allow me to express my gratitude to the OSCE for its logistical support and international expertise provided for empowering the role and the position of women parliamentarians in the Kosovar political arena.

*Interviewed by Bujar Maxhuni*

# Necessity for unhindered exercise of parliamentary oversight by the Committee

*Interview with MPs Shkumbin Demaliaj and Bojan Stojanović, First and Second Deputy Chairs of the Committee on Internal Affairs and Security of the Assembly of Kosovo*



*Members of the Committee in the DCAF conference*

The Geneva-based Centre for Democratic Control of Armed Forces (DCAF) organized and hosted a regional roundtable on parliamentary oversight in Geneva, 2-4 June 2008. For this occasion, DCAF invited the Committee on Internal Affairs and Security. The OSCE Mission in Kosovo was also invited to participate, being that they assisted in organizing this event.

Below, some thoughts and comments made by two Members of the Committee on Internal Affairs and Security.

**ASI: As Members of the Assembly Committee on Internal Affairs and Security, what are your general impressions of this roundtable?**

**Shkumbin Demaliaj:** Basically, I would say that I found this roundtable really interesting, and I particularly appreciated the very relaxing but also professional atmosphere. In addition to this, I can say that we had enough time to discuss thoroughly all the topics. The comparative and regional approach to security mechanisms was specially helpful.

**Bojan Stojanović:** The roundtable was very well organized, in a timely and professional

manner. Additionally, the topics discussed were definitely of the utmost relevance in light of Kosovo's present and future challenges in the field of security sector reform.

**ASI: On a more general note, what are the most important issues related to the oversight of security sector in Kosovo?**

**Sh.D.:** Although I will not identify one specific issue because of the complexity and broadness of the Security Sector Reform in Kosovo, I would underline the importance of the oversight of security sector, as the security of our citizens is at stake.

**B.S.:** According to my point of view, nowadays the creation of an accountable and democratic intelligence service is the most sensitive issue, because of its implications on the political balance of power.

**ASI: What is the role of parliament in the development and reform of security sector in the future?**

**Sh.D.:** It should be recalled that we are in the process of harmonizing our legislation. Having said that, and as the Vice Chairman of the Committee on Internal Affairs and

Security, I will make sure that this Committee will exercise its full capacity of oversight actor regarding the future development of security sector in Kosovo.

**B.S.:** It is crucial that the Committee on Internal Affairs and Security continues to exercise a permanent and vigilant oversight role. However, it is worth recalling that for the time being our role is quite reduced with regards the so-called Ahtisaari Laws.

**ASI: Building on this experience, what do you see as windows of opportunity for regional parliamentary cooperation in the field of security?**

**Sh.D.:** There is indeed a need to foster regional parliamentary cooperation, especially in the field of common security challenges facing countries of this region.

**B.S.:** I would personally advocate any kind of regional parliamentary cooperation activity. Indeed, it not only constitutes a long term confidence-building measure, but it is also an excellent means of exchanging best practices and information about common challenges and concerns.

**ASI: What fields can you identify in which there can be improvements within the committee, and that can be supported by partners/organizations from outside?**

**Sh.D.:** Our Committee should work in all security-related fields. Bearing in mind the present state of play of the security sector in Kosovo, any kind of support from our international partners will be more than welcome, particularly in respect to capacity-building and technical assistance. This support is for instance needed in relation to the creation of the Kosovo Security Agency and the preparation of the Kosovo Security Force.

**B.S.:** What we need now is a sort of Professional Development Programme, and to be introduced to more practical experience.

*Luis Moratinos Munoz*

# The Security Sector Reform in Kosovo ... at crossroads...

*“Security reform includes promoting transparency, the rule of law, accountability and informed debate, and reinforcing legislative capacity for adequate oversight of security systems.” OCDE DAC guidelines : Helping Prevent Violent Conflict, 2001.*



By security sector reform (SSR), we refer to the lengthy transformation process through which post-conflict societies have to go with regards to the redefinition of the whole spectrum of security actors and mechanisms. This new security system as a newly produced “bottle” is designed to contain a “new, legitimate and accountable wine”, in respect to the principles of good governance, transparency and rule of law. As a matter of fact, SSR *raison d’être* is the consolidation of a long-lasting secure and democratic environment.

It should be noted that SSR has been defined in many distinct ways. In our case, considering Kosovo as a transitional society, SSR is to be defined as the common path for the introduction of the principles of democratic governance to the security sector.

Having said that, and acknowledging the past, current and future situation of Kosovo security system, we could consider that SSR in Kosovo is presently at a turning point, where the democratic foundations of the embryonic security system will be of the utmost importance for the future political and security landscape.

In fact, if a common truism states that in the aftermath of a conflict situation the balance between the needs of security in general and the rule of law in particular remains very fragile, we could say that the ongoing transformation of the security system in Kosovo has gone beyond that

line of fire, being currently confronted by a more substantial and critical threshold, i.e. democratic governance.

And, it is at this critical juncture that the OSCE should continue to play a crucial role.

It should be recalled that, in line with its mandate and with principles of democratic oversight of the security sector, the OSCE Mission in Kosovo (OMiK) has so far been promoting an effective parliamentary oversight and accountability of the Ministry of Internal Affairs (MoIA) and of the Kosovo Police Service (KPS).

Considering that from a democratic governance perspective, the police services, like any other public institution, should be subject to some basic but fundamental principles such as accountability, transparency and participation, the OSCE has endeavoured to enhance parliamentary oversight of the Kosovo Police Service in order to contribute to the establishment of a transparent and effective democratic system.

In this regard, the OSCE Mission has fulfilled this important function in the area of democratic oversight of the security sector by assisting the Assembly of Kosovo, more particularly its Committee on Internal Affairs and Security, on issues of budget cycle, legislative processes, and policy development. Amongst other things, by undertaking a Professional Development Programme on Parliamentary

Security Oversight, the OSCE Mission has considerably contributed to the strengthening of the oversight role of the Assembly of Kosovo in the field of security and public safety. (See interview with Naim Maloku, previous Committee chairperson of the Committee on Security of the Assembly of Kosovo, in ASI Newsletter 26, February 2007, and Special Edition of ASI Newsletter 23, June 2006)

Nonetheless, and despite the quite successful achievements in building effective and efficient security structures in Kosovo hitherto, the security system as a whole currently faces a new and more decisive phase with regards to its democratic transformation. In this highly critical stage, there is an urgent need to understand and apprehend the SSR process in its full complexity and with a long term strategy, meaning by developing a profound culture of democratic governance.

Among the manifold challenges ahead, we can name the necessity to foster public faith towards the system per se and its actors, to consolidate the transparency and accountability of security actors, and to promote the role of civil society as a key and legitimate actor of security oversight.

It is time to create the democratic conditions that will direct Kosovo society to a cultural change.

*Luis Moratinos-Munoz*

## Kosovo Serb participation in the Assembly before and after 17 February remains stable

The Kosovo Serb boycott of the Kosovo Assembly (and Local) Elections of 2007 resulted in the community's utmost minimum representation possible, i.e. ten set-aside seats, with the Independent Liberal Party (Serbian: Samostalna Liberalna Stranka, SLS) in the lead when it comes to advocating for the interests of Kosovo Serbs. After a month of boycott following 17 February, the SLS caucus

has announced that its members will rejoin the Assembly in full capacity and will participate in its work on all levels: plenary, presidency, and standing committees. This can be seen as a positive signal for the active participation of Kosovo Serbs in the decision-making process and the voicing of the community's concerns and needs.

## Jakup Krasniqi, President of the Assembly of Kosovo hosts journalists

On 13 June, 2008 Assembly President Jakup Krasniqi on the honour of June's holidays and on the verge of the entry into force of the Constitution of the Republic of Kosovo offered lunch to the accredited journalists, camera people and photo reporters as well as media officers in the Assembly of Kosovo. On this occasion, recent developments were discussed as well as the role and the work of the Assembly on state building of Kosovo; media in the function of transparency and approach in the work of the Assembly. Aiming at enhancing the transparency the Assembly of Kosovo the voting results are published in the web site of the Assembly. There you can find information on the votes of the MPs on laws and other related issues.



## The New Rules of Procedure for the Assembly of Kosovo

The Assembly Committee on Mandate, Immunity and Rules of Procedure has initiated the procedure for complete scrutiny of currently used Rules of Procedure in order to prepare new Rules for the current Assembly. It is an established practice in the Assembly of Kosovo that at the beginning of its mandate the Committee on Rules of Procedure prepares new draft Rules and presents them to the Assembly for consideration and approval. Accordingly, after the adoption of the constitution, the Committee on Rules of Procedure

chaired by Mr. Ahmet Isufi started to prepare new Rules for the current Assembly. In order to facilitate the procedure, the committee formed a working group composed of seven members, where each parliamentary group is represented by one member, to prepare the first draft Rules in consistency with the Constitution, which would later be reviewed in detail by all committee. The OSCE is disposed to assist the Committee in order to have functional, democratic and efficient Rules of Procedure.

## Millennium Development Goals in the Kosovo Assembly

The commitment of the Kosovo Assembly towards the Declaration of Millennium Development Goals (MDG) - a mainstreaming process and monitoring mechanism for increasing human development and welfare - has started with the installment of the MDG project sponsored by UNKT.

The MDG Project aims to respond to Assembly's expressed desire to scale up the integration and mainstreaming of the Millennium Development Goals in the day-to-day work and overall strategy of Kosovo Assembly. The Declaration of the MDGs is an eight-point plan which locally corresponds and globally commits to:

1. eradicate extreme poverty and hunger
  2. achieve universal primary education
  3. promote gender equality
  4. reduce child mortality
  5. improve maternal health
  6. combat HIV/AIDS and other diseases
  7. ensure environmental sustainability
  8. develop a global partnership for development
- o In the context of Kosovo, the Civil Society and

representatives of Kosovo Authorities have identified the ninth goal – the Goal for Good Governance.

While at the global level progress has been made in achieving the Millennium Development goals, Kosovo has lacked behind and was not involved in this process. The conflict, violence and other occurring disputes of the last decade have had their negative impact in human development levels in our country. Nonetheless, with the new status developments, Kosovo has committed itself to join the 189 country members of the UN towards the commitment of these goals. Kosovo aspires to reach these measurable objectives by the target year 2015.

Kosovo institutions and the international partners have proved their commitment to building Kosovo as a place with high human welfare, providing each individual and group a favorable environment for a better life. This project marks the very first step toward working on the MDGs within the Kosovo Assembly. Strong and multi-level cooperation among all stakeholders in Kosovo will lead towards moving closer to the MDGs as a global vision for a better life across all societies.

*Nora Sahatciu – Project Manager*



# Shared Imaginary

By Filip Pavlovic, Chairperson of NGO Fractal

Fractal  
Frakta]



*"In the times of turbulences, the biggest danger is not coming from turbulence itself, It is coming from acting by yesterday's logic." Peter Drucker*

When anticipating possible scenarios for developments in Kosovo and even wider Western Balkan region, one can easily sacrifice long-term perspective for the sake of focusing only on the short-term challenges. I do believe that this is very wrong, even hazardous logic.

It seems that this is not a new phenomenon, but rather a pattern that is deeply rooted in this rich, colorful and very much intermingled, but turbulent history of this region. It appears in the form of the vicious circle: due to the challenging presence citizens and communities are not envisioning, and even believing, in long-term prospects and perspective, by not investing efforts into long-term vision the presence remains turbulent and unstable, from the unstable presence seems almost impossible to focus on the vision of the stable future.

It is not easy to find a path through such a labyrinth, since echoes of the past are inter-connected and mixed with the state of present and perspectives of future. It might be easier if we would have some quiet and distanced place where we could reflect and contemplate. But the reality is that there is no such place and there is no such time vacuum and shelter from on-going pace of life and history. Probably this is one of key difficulties, new issues and new conflicts are merging on the ruins and ashes of old but unaddressed ones. With each new layer and cycle the core of the conflict seems even harder to break, prejudices are becoming

confirmed truths and exit from this labyrinth seems even more distanced. On the contrary, and for hope, such repetition at certain points in history can trigger motivation and wider social readiness to end antagonisms, to break the vicious circle once forever. What is certain is that it is long-lasting journey, hard process that requires in first place *strong commitment*, but as well *sincerity* and *critical mass within societies*. All these elements are necessary in order to transcend constraints of today and generate strength for setting a long term vision, but as well for taking concrete steps and measures in this direction.

Organization and the team that I have a pleasure to lead - NGO Fractal has as its mission: *Improvement of communication, trust and cooperation of people with different background*. This mission is especially challenging in ethnically divided contexts since it is addressing the *peace* itself, and in our belief *peace* could be defined as *state of sustainable reconciliation*. Reconciliation is not an event but a constant direction; direction that is requiring many levels and tracks of communication, but as well concrete channels and domains for cooperation among all communities and people. I personally strongly believe that process in such direction, because of its depth and significance can become one of the driving forces of overall social change, economic development and stepping stone for creating brighter future.

Grass-root civil society, as among others is NGO Fractal, are by definition perceived as key actors and pioneers in establishment of communication and promotion of cross-frontier and cross-community partnerships.

Pioneering is important, but not sufficient. Such historic journey must be accompanied with all relevant actors and stakeholders in society: media, religious leaders, political and cultural elite, academia, but in the first place - citizens themselves. Enabling such central role of citizens will be important indicator and proof of a profound change in our social context.

The cross-community partnership can be established and maintained only with shared vision and understanding of common and particular goals, aims, fears and concerns, future and feasible interests. To go a step further, I would suggest taking certain risk-sharing by partnering sides that come from different communities. Risk-sharing in a sense of joint ventures, with investment of concrete stakes and shares to the "table"; by sharing risks partnering sides will build confidence beyond current expectations.

But how such process, if set, could evolve in years to come?

My answer to this question, although might be criticized as "over-optimistic" one, is still very clear and in my view more than feasible - Partnerships and joint efforts in creating brighter perspective for the region will become a new value, even important molecule of future common regional identity, shared imaginary – such example we can find in Franco-German current relations or as backbone motive of modern myth-size political value called: *EU-The Peace Project*.

[www.ngofractal.org](http://www.ngofractal.org)

# Narrowed transparency on the central level: the parliament and the government

*Alban Bokshi, ÇOHU, Head of Democratization and Public Integrity Office*

In March 2006 Nexhat Daci and Bajram Kosumi were removed from their posts as heads of the parliament and prime minister, respectively. These changes were carried out under the banner of democracy to, as it was then put, improve democracy, transparency and accountability of Kosovo central institutions. Agim Çeku was appointed new prime minister of Kosovo and Kolë Berisha the new head of Kosovo Assembly. It was expected that these changes would inject some energy into Kosovo institutions and bring them closer to citizens, namely to fulfilling their primary function. A year later the tender on second mobile telephony operator was concluded where a number of violations occurred, which caused Organization ÇOHU! and some media to qualify the tender as corrupt. The government considered that everything had proceeded in accordance with the laws and regulations in force in Kosovo, whereas the parliament did not think it appropriate to discuss about corruption allegations raised in relation with the tender. Considering the parliament as the one institution which is responsible for holding the government and its agencies accountable, for upholding the law and for protecting the interest of Kosovo citizens primarily, the Organization ÇOHU! prepared a pack of documents for each member of the parliament with a summary of violations that had occurred in the tender for the mobile telephony. What

we found out was that the parliament was closed for the constituency which it claims that it represents. The documents were not refused by the presidency of the parliament or its secretariat, but by the security guards at the entrance door, which was infuriating. After a couple of hours of struggling with the guards, our persistence to meet someone from the secretariat was met with refusal. The documents were received from the parliament two days later, only after pressure from the media grew stronger about parliament's refusal and after some opposition MPs rose this problem in the parliament.

I started this article with the previous assembly in order to draw a comparison with the current one and to try to come to a conclusion about how Kosovo institutions understand transparency and accountability. Do they understand the importance of their role, and do they understand their role properly first of all? It seems that for the new assembly and the new government, as well as the previous ones, transparency first of all means holding meetings which are open for the public and are transmitted through to the citizen via the public broadcasting tv station, RTK. They seem to understand transparency in very narrow terms, as a one-way communication, probably not realizing that the citizens cannot transmit back to them their concerns through their

TV monitors. The previous assembly had begun opening regional offices so that MPs could communicate with their constituencies directly, but that somehow has stopped functioning now.

In a debate organized by the IREX/Media on the Law on Access to Official Documents (LAOD) in May, one high official of Kosovo government after being presented with statistics which showed poor implementation of the law by the current government, promised the journalists and others present in the debate that from now on they will receive any document that they request not within 15 days as required by the law but within seven days! And he went on to say that this government is the most transparent government in Kosovo to date! This is a clear indication how transparency is very narrowly understood by Kosovo central institutions and sometimes purposely interpreted narrowly. And the misfortune is that even within that confined narrow understanding there is a poor application of transparency. The testing of the application of the LAOD by journalists, administered by IREX, where the half of the sixty one requests were submitted to nine Kosovo government ministries, showed a fall in the successful access to official documents as compared to 23.5% in 2007 to 14.75 % in 2008.



# For a more efficient Parliament

*The project for general assessment of the work of the Assembly has begun*

For the purpose of increasing work efficiency and meeting the international standards for the functioning of democratic legislatures, the National Democratic Institute (NDI) and the OSCE Mission in Kosovo have taken the initiative to develop a general assessment on the organisation and functioning of the Assembly of Kosovo. Two experts from Slovenia have been engaged for this purpose, considering that this is a country which has gone through a transition process and was faced with similar problems and challenges like Kosovo. The experts, Milan Cvikel MP and Jozica Veliscek, who served as Permanent Secretary of the Parliament for 12 years, have a vast experience in the Slovenian Parliament and have conducted similar assessments in Croatia, Bosnia and Herzegovina, Macedonia and Montenegro. The assessment is being organised under the auspices of the Speaker of the Assembly and Secretary General, since it aims to cover both political and administrative fields.

The assessment aims to make an overview of the current state of organisation and functioning of all political bodies in the Assembly, as well as special departments and sections of its administration. The assessment will focus especially on the identification of deficiencies on the process of review, amendment and adoption of draft laws, organisation of work of the Presidency, parliamentary committees and plenary sessions, management of human and financial resources, approval process of the Assembly budget, exercise of supervisory functions towards the executive branch, functioning of parliamentary caucuses and development of a constant relationship with voters.

The first stage of the process started in the first week of June, with the first visit of the Slovenian experts. On this occasion meetings were held with the Assembly Speaker, members of the Presidency, chairpersons of parliamentary caucuses, chairpersons of parliamentary committees, Permanent Secretary, heads of main departments and special sections of Assembly administration. Special meetings were conducted with some members of the Government and representatives of organisations who support the work of the Assembly. The experts' visit has been welcomed by the parliamentary presidency and

officials of the administration, whereas during the meetings there were discussions mainly on the current state of the Assembly as well as challenges and problems which are faced by the Assembly members and its administration.

Based on the information gathered from the visit and continuous consultations with NDI and OSCE officials as well as with the Assembly Speaker and Secretary General, the Slovenian experts are expected to come up with the assessment draft report. The report will contain an overview of the current condition in all levels of the Assembly of Kosovo, it will elaborate on the main

problems and challenges and will simultaneously offer concrete solutions, with the purpose of increasing the work efficiency of the bodies and administration of the Assembly. The report will be drafted in the next couple of months. The final draft is expected to be handed over to the Assembly Speaker in the beginning of September.

The Assembly of Kosovo as a new legislative body has gone through the process of reformation, however this has been mainly done on *ad hoc* basis, with the support of international organisations and institutions that are active in Kosovo. As a result of this, the Assembly has installed



The Slovene experts meeting with the President of the Assembly of Kosovo

# Human rights and democratic standards ought to pervade all aspects of security

*Report on the completion of the Roundtable on Parliamentary Oversight on Security in Geneva, 2-4 June 2008*

parliamentary practices from different countries that do not belong to a single harmonised system, and this has resulted in stagnation and confusion. Therefore, based on the recommendations that will derive from the assessment report, the aim is to draft a long-term strategic plan for the Assembly of Kosovo, with specific objectives for addressing and overcoming the current problems, increasing the work efficiency and improving the reputation of the Assembly. The observations and recommendations that derive from the report are of special importance and may be utilised especially now when the Assembly is engaged in the process of drafting its Rules of Procedures. Through this plan the Assembly will also determine the priorities for the coming years and will be able to guide the foreign donors who offer support to the Assembly. The strategic Plan will include time-frames for the implementation of specific objectives, necessary budget and potential donors.

With the entry into force of the new Constitution of the Republic of Kosovo, the Assembly shall enjoy full lawmaking authority, and as the only body directly elected by the vote of citizens should be capable of exercising its constitutional functions. With the political will of the Assembly Presidency, maximum engagement of the Assembly Secretariat and the support of partner institutions, the Assembly will determine the way forward, during the process of reformation into becoming an efficient parliament and reach the level of parliaments of democratic countries in the region.

*Rinor Beka, National Democratic Institute (NDI)*

The Geneva-based Centre for Democratic Control of Armed Forces (DCAF) hosted in Geneva a regional roundtable on parliamentary oversight between 2-4 June 2008. The OSCE Mission in Kosovo was invited to participate, being that they had provided generous assistance at setting up this event. For this occasion, DCAF invited the members of the Committee on Internal Affairs and Security of the Assembly of Kosovo. The Minister of Internal Affairs, Mr. Zenun Pajaziti, was also present during the first part of the roundtable, although most of his agenda had been agreed separately with DCAF and Swiss authorities, and ran parallel to the roundtable.

The roundtable was opened by Ambassador Gregor Zore, Special Diplomatic Advisor to DCAF. Comprehensive presentations were made on topics of Security Sector Reform (SSR) and the role of parliament in oversight. More theoretical overviews followed, with presentations on policing and democratic standards. Mr Anton Travner from DCAF in Ljubljana offered some interesting remarks on the new security paradigm and its applicability in the Balkans. He argued for a shift away from the communist-like perception of security, towards a common understanding that the concept of "the army being at the border is not acceptable anymore; that is the past", stressing the necessity for a cooperative and collective security. To buttress his arguments, he referred to the present EU Border Police practices, such as joint patrols, common centres of education/training, liaison officers, data exchange etc. He informed the audience that in the South-East European region some EU programmes and bilateral cooperation programmes have begun to be implemented, however lots more needs to be done in this respect.

Ms Teodora Fuior, Visiting Expert at DCAF, mentioned the challenges that might ensue from the potential tension that is embedded in between security and democracy, "the former being based on violence, discipline, obedience to orders, while the latter is based on quality and rule of law". She explained the theory of democratic control of armed forces, which is the philosophy that guides the work of DCAF, and which essentially states that the security sector should not only be controlled and supervised by civilians, but that additionally there should be democratic control of that sector.

Further, Mr. Peter Vanhoutte, DCAF consultant, moderated an exercise on the 2007 Report of the Police Inspectorate of Kosovo (PIK). The

Committee members had an opportunity to engage on an interpellation session with Minister Pajaziti, as well as to provide qualitative recommendations, as per the content of the Report.

What is also important to note is the exercise and the subsequent discussion on the current draft-law on private security companies. The roundtable provided ample opportunity for the MPs to propose some additional amendments to the draft-law, with the idea to consider incorporating them in the actual draft-law, before it goes to the Assembly for adoption.

An interesting discussion was facilitated on the issue of democratic policing. Col. Jozsef Boda, Director of the Ministry of Justice and Law Enforcement International Training Centre in Hungary, stated that the principles of democratic policing should always be: Code for Professional Conduct, Respect for human dignity and human rights, and Service for the community, with accountability to that community. MP Bojan Stojanović agreed that the security sector should be handled in its totality, with the view of always being at the service of the citizen.

The engaging and constructive approach of the members of the Committee on Internal Affairs and Security gave flare and dynamism to the event. MP Gani Geci was quite vocal in advocating for a robust, but unbiased and nonpartisan conduct in the security sector, which was an idea that was supported by the presentations that promoted democratic and human rights standards in policing. MP Naim Maloku intervened on a number of occasions with meticulous observations on incoming laws on security, commenting on the need for a fair and correct approach during their implementation. In respect to the topic of SSR and Gender, MP Melihate Tërmkolli briefed the audience on the quota for women in Kosovo institutions. She stated that, although a lot of progress has been achieved in this regard, there is still insufficient representation of women, which is reflective of the poor implementation of the Law on Gender Equality, passed in Kosovo in 2002, before other countries of the region.

Apart from the intensive three-day roundtable, the members and staff of the Committee were invited to visit the Geneva Centre for Security Policy. They also had opportunities to continue debating informally on the different topics of the roundtable in evenings, such as for example during the dinner hosted by Ambassador Dr. Theodor H. Winkler, Director of DCAF.

*Armend Bekaj*

# Funding of political parties in Kosovo



Nadia Cannata

A strong democratic system requires well functioning political parties which in turn need resources to maintain and operate a structure, represent people, run for elections, contribute to debates. Politics need money.

The issue of money and politics has been long discussed and the financing of political parties

is still a complex and multi-faceted topic in many Western countries. In developing and post-conflict countries the issue of financial resources for political parties is closely linked to the development of a sustainable democratic system.

There are growing numbers of international standards which aim to guide good practices in

the field of political finance, and the Council of Europe has been very active in providing common rules for the funding of political parties and to avoid corruption in the allocation and use of funds. In 2001, the Venice Commission of the Council of Europe adopted “guidelines on the financing of political parties” which provide the general principles for the public and private financing of parties within the Council of Europe region. These guidelines have been taken as reference also in Kosovo. How is the situation in Kosovo? How is the funding of political parties regulated? How did it develop since 1999?

In Kosovo, the private funding of political parties was regulated since the establishment of the UN Mission (Regulation 2000/16) while the first political agreement on public funding for political parties was reached among the biggest parties in 2003. A line for a “Democratisation Support Fund” (DSF) was placed under

the Kosovo Consolidated Budget as “Subsidy and Transfer” category to support political parties directly elected at the central level (excluding the set aside seats and the municipal assemblies). This first attempt to regulate the public funding of political parties was leaving unsolved issues, like to right for set aside seats to get financial support (thus affecting directly the parties representing the minority communities) or the financing of parties represented at the local level. The OSCE Mission in Kosovo played an important role in advising the Assembly on how to modify the way public funds for parties were regulated in Kosovo and presented “guidelines for the distribution and accounting of the democratisation support fund” which were drafted upon the principles adopted by the Venice Commission.

In 2004, a new regulation on the “registration and operation of political parties in Kosovo”

## Representation – the main function of parliaments

### *Highlighting the need for constant and mutual MP-citizen communication*

Tuesday in the Municipal Assembly in Istog begins just as any other working day. Corridors are full of citizens waiting in queues and administration employees guiding citizens to where they can address their requests.

The biggest challenge for the citizens of Istog and the municipal employees are issues that fall in the responsibilities of central institutions. In such cases, citizens are directed to go to Prishtina, or else the municipal employees are requested to raise these issues during their regular communications with central authorities.

Such was the case of Ali from village Lubozhdë, who for several months had not received his social assistance. After

several attempts in the Municipal Center for Social Labor, Ali had tried to settle his issues in the office of the MP Donika Kadaj – Bujupi, in the Municipal Assembly Building. The MP contacted the Department for Social Welfare and his case is ongoing investigation.

“As a citizen of Kosovo and a party activist, I have followed closely the work of both previous terms of the Assembly of Kosovo and I was aware of its deficiencies. The main problem is the lack of involvement of elected representatives in Kosovo citizens’ issues” – says, MP Kadaj.

“Representation is the main function of every democratic Parliament in the world. A Parliament that is not

accountable to its citizens fades the democratic nature of the governance of that country. I closely listened to the words of my colleagues, Gjylnaze Sylja and Fehmi Mujota, addressed to new MPs during the inception trainings, about their work with the offices for communication with citizens, and I decided to do the same thing in my Municipality, Istog.

I will be in Istog every Tuesday from 10am to 3pm, and in other working days an employee of the municipal administration shall be responsible for Tuesday appointments. Working in an office also helps the MP in a more rational use of time”, concludes MP Kadaj.

Four main problems hinder the MPs in communicating

with citizens. Firstly, it is the lack of accurate information about the time and nature of MPs’ dedication in Assembly affairs. In other words, it is the lack of an annual calendar of plenary sessions and committee meetings. The second problem is the hesitation of MPs to face citizens because of the nature of their requests, often irrelevant to their responsibilities. Thirdly, it is the complete lack of institutional support for such initiatives, and the fourth problem is election system. The election system and the Law on Election indicate that Kosovo is one electoral zone, which further diminishes the motivation of MPs to communicate with their voters”.

The MP - citizen communication

(2004/11) was promulgated which provided the general principles for the allocation of private and public funding to political parties. Based on this regulation, the Assembly prepared and approved the Law No. 2004/41 on the "Financing of Political Parties of Kosovo". However, this law was never promulgated because it was considered as in non-compliance with the Council of Europe guidelines and with the Reg. 2004/11. A new law has still not been promulgated and the only applicable legislation in place is the Reg. 2004/11. This legislation regulates the public and private funding of political parties, and gives the responsibility to the OSCE Political Party Registration Office to requests and audits financial reporting (bi-annual financial reports), foresees sanctions in case of non-compliance and audit the campaign financial disclosures reports from parties running for the elections. These competencies

will soon be handed over to local institutions.

Regarding public funding of political parties, the funds are now distributed proportionally to all parties represented in the Assembly (with the exclusion of municipal assemblies). The funds are distributed during the whole mandate and not only in the election period and political parties also receive in-kind contribution before elections in terms of free space in the media. Regarding the private funding, it is foreseen that parties can receive funds only from individuals and not from companies and donations can not exceed 20 000 euro per calendar year per individual; also the political parties should not engage in any commercial or for-profit activity.

The lack of enabling legislation that would address the allocation and legal constraints with regards to the DSF has continuously raised discussions among

political entities represented in the Assembly (indeed, the reg.2004/11 was only supposed to provide a framework for the adoption of a law on funding of political parties but, due to the non adoption of the latter, it was used as the only basis for the regulation of funding of parties in Kosovo).

Several topics have been raised by political parties that can not be addressed because of the lack of a proper legislation.

First, the DSF is allocated proportionally to political entities according to the number of seats received. It happened that following an internal party dispute, a party represented in the Assembly splits. Discussions arose about the possibility or not for the splinter group to also receive the DSF. Up till now the funds have still been only allocated to the political entity that participated in the previous election and not also to the splinter group or newly

established party.

Second, there has been cases of members of the parliament shifting from one party to another or that decided to continue their mandate as independent members. There possible inclusion (or exclusion) as beneficiaries of the DSF is also not regulated.

Third, in general there is no law regulating the public funding of parties in Kosovo. The reg. 2004/11 only provides a general framework based on which a law on financing parties should have been approved.

Political Parties have now the chance to address these problems and find a compromise that will lead to the adoption by the Assembly of a legislation on the financing of political parties which will be in line with the international standards of party funding.

*Nadia Cannata*

must be continuous and mutual throughout the term. Election serves only as an entry for the MP in the highest institution of a country, and his/her function as its representative doesn't end there. Democracy functions only when MPs are willing, and have accurate and sufficient information to take decisions that mirror the citizens' interests and needs. At the same time, citizens must have the will and the information to transmit their needs and interests to their elected representatives. At the end of the term, citizens must have the possibility to penalize or reward their representatives for their work.

*By Arben Kelmendi, National Democratic Institute (NDI)*



Activities in a constituency office

# The performance of civil employees should be based on professionalism

*Insight from the Administration of the Assembly of Kosovo*

The structure of public administration was in permanent need of a normative act which would create the rules of career-building and professional development of civil employees, who contribute to a modern functioning of the administrative apparatus.

The legislation passed after 1999 established a normative base, which stabilised the independence, integrity and professionalism of individuals who carry out administrative functions. These provisions regulated the legal and labour relationship of administrative staff in the public administration. During the drafting of normative acts for the Assembly Administration, we considered a vast number of modern elements, in order to establish a normative platform which is functional and guarantees rights and obligations as well as advances the status of civil servants. Besides rearticulating and formulating more precisely the rules and conditions for employment of civil servants, as well as their rights and duties, these provisions also determined the scheme of civil administration, the legal relationship between civil servants and the Assembly administration.

The Assembly civil service is based on some basic principles. It is presumed that they are at the forefront of the work of administration, thus establishing proper ethical basis for constant integration and development. More concretely, the work and performance of civil servants should be based on professionalism, integrity, independence, political impartiality, transparency, responsibility, correctness, career-improvement etc. Each civil service employee of the Assembly of Kosovo who enjoys such status should meet and adhere to these basic principles, without any exception.

The Presidency of the Assembly of Kosovo has approved the package of normative acts on the reformation of the Assembly Administration and is supported by the project called "Support to the Assembly of Kosovo" by Parliaments of four European Countries (Germany, France, Belgium and Slovenia).

This new reorganisation will offer a high level of responsibility with regard to hierarchical functions between the organisational units of the Assembly Administration.



The new reorganisation includes:

- Establishment of most common unit
  - Unit for Legal Standardisation, Legal Harmonisation and Counselling.
- Expansion of the Archives and Library Unit into a Unit for Research, Archives and Library, which is capable of offering documentation and research in a better and quicker way from the database, as well as in other Centres for Library Documentation and Research.
- Establishment of a responsible unit for preparation of the official minutes and transcripts of plenary sessions,
- Revitalisation of the Division for Protocol, International Relations, Communication and Support for Members of the Assembly, which needs complete restructuring,
- Strengthening of the Section for Media and Public Relations.
- Creation of positions for Internal Auditor and Certification Officer who shall report directly to the Administration Secretary.

The administration reforms have opened the way towards improvement of all necessary regulations, in order to establish or improve the managing procedures, organise new recruitment processes, increase the level of activities and training by appointing them at the most suitable time.

The Department of Administration has provided continuous support, with the purpose of reorganising its functions and

administration of the Assembly in general. New standards and regulations have been approved. The support provided through study visits, trainings, seminars, workshops and on-job trainings has produced its results.

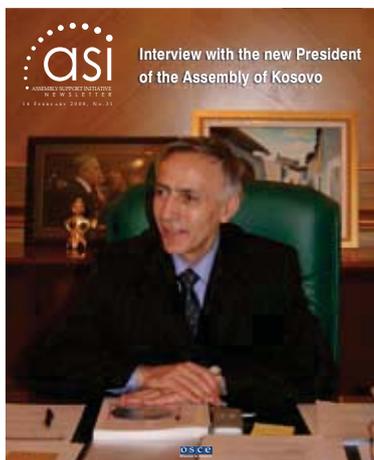
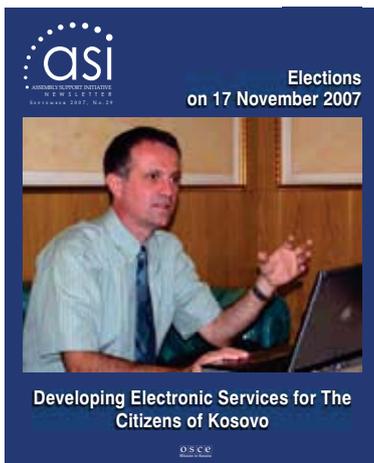
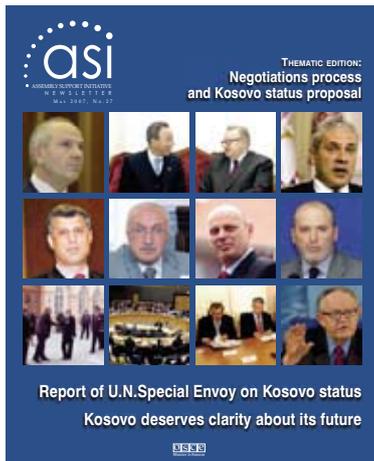
The overall objectives of the Administration of the Assembly of the Republic of Kosovo are:

- Consolidation of a sustainable institutional capacity of the Administration of the Assembly of Kosovo, which will result in a more professional effective, independent and transparent work.
- Continuation of strengthening professional capacities and technical skills of the administration, its departments other organisational units and staff,
- Support the Members of the Assembly and services for supporting their duties in the legislative process, with special emphasis on the harmonisation with EU acquis.
- Increase the professional and technical skills of the Administration of the Assembly.

Similar to practices in other parliaments in European democracies and according to the special responsibilities that are requested by the staff of Parliamentary Assemblies, the Administration of the Assembly needs to establish special rules for Assembly staff, in order to have internal flexibility and mobility and a perspective for career improvement inside the Assembly Administration. It was also necessary to strengthen and gain special responsibilities of impartiality, discretion and preservation of official secrecy, as well as availability, which is a duty of every civil employee in the Parliament.

These rules strengthen the professional and deontological responsibilities of civil employees at the Assembly, which includes a certain payment level and an advanced career perspective. For the civil employees of the Assembly these rules provide long-term perspective of employment within the Assembly, which will protect them against eventual political influence and stimulate them into being more motivated for a more successful completion of their daily work.

*Isa Neziri - Director of Administration of the Assembly of Kosovo*



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## 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. 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.

From this edition onwards, the ASI Newsletter is being published by the Assembly of Kosovo.

### *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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