

ASI

A S S E M B L Y S U P P O R T I N I T I A T I V E

NewsLetter

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osce
Mission in Kosovo

- Parliaments from South-East Europe meet in Sarajevo
- Three parliaments support Assembly of Kosovo
- Anti-discrimination Law under review

From the editor

It was a remarkable scene that day, 3rd of October 2003 in Sarajevo. Parliamentarians from South-East Europe met in the "Konak" residence, the place where Franz Ferdinand, Crown Prince of Austria-Hungary, died in 1914. The assault on him was a crucial moment prior to the First World War. Almost 90 years later and at the same place, parliamentarians from the whole region, from Vienna to Sofia, from Tirana to Belgrade, met to discuss common challenges in socio-economic development and poverty reduction.

The Kosovo delegation, headed by prof. Daci, met colleagues from 10 other parliaments. The multi-lateral framework of this conference, organised by OSCE, facilitated discussions in the workshops at technical level, bringing in expertise of specialised Committees, including from MPs from Kosovo and Serbia. Articles in this Newsletter give further information and feed-back on this conference and its results, outlining the need for Kosovo MPs to further engage in direct dialogue on practical issues with their colleagues from the region.

As this is the last ASI Newsletter for this year, one can find information on various capacity building activities with the Assembly, in particular a presentation of the support program of three parliaments, financed by the European Agency for Reconstruction (EAR). You will also find interviews with and articles from various Assembly Members and from the Minister of Education who visited Germany together with the Assembly Committee on Education.

OSCE Democratization Department and all partner organisations in the Assembly Support Initiative (ASI) are committed to contribute to strengthen the Assembly. This Newsletter gives news on that. Your feedback is most welcome.

*Franklin De Vrieze,
Assembly Support Initiative Co-ordinator.*

Thank you, Friedhelm and Rita !

After two and a half years of dedicated work in Kosovo Dr. Friedhelm Frischenschlager is returning to Austria. As former Minister of Defense of Austria and former Member of the European Parliament, Dr. Frischenschlager extensively contributed to the work of the OSCE Mission in Kosovo, first as head of the Political Party Division, afterwards as director of the Democratization Department. He closely followed the developments in the Assembly of Kosovo and encouraged the work of the Assembly Support Initiative (ASI).

Also Rita Taphorn is leaving Kosovo. She worked more than three years in the OSCE Mission, first in the Elections Department, afterwards in the Central Assembly Support Team of the Democratization Department. With a lot of energy and enthusiasm she facilitated meetings with Assembly Members and staff and substantially contributed to the co-ordination work with various parliaments, foundations and country offices. She has been one of the driving forces behind the Assembly Support Initiative (ASI) and is well respected by the Assembly Members and staff.

Friedhelm and Rita, thank you very much for your contribution. Good luck in your further activities during the coming years. We hope that you will visit Kosovo also in the future.



Three parliaments support Assembly of Kosovo

An 18 months European Agency of Reconstruction (EAR) support programme for the Assembly of Kosovo has now become operational. A consortium of three European parliaments, including the French Assemblée Nationale, the German Bundestag and the Belgian Chambre des Représentants, together with the Institut International de Paris La Défense is entrusted with carrying out the programme. A team of experts headed by Mr. Nicolas Maziau, Professor of Public Law in France, has recently taken up its work. ASI spoke to him and two of his team members, Mr. Alfred Drescher, former Head of Personnel in the German Bundestag and Prof. Heinrich Grosse-Sender, former Secretary General of the Landtag of North-Rhine-Westfalia.

Interview by David Buerstedde, Office of Political Affairs of the OSCE Mission in Kosovo.

First of all, Prof. Maziau, tell us about the team that will be implementing this project?

Nicolas Maziau: The team consists of the Team leader, three key experts, two of them are with us today and a third, Mr. Peter Vanhoutte, former member of the Belgian Chambre des Représentants will be tasked with all procurement and logistics issues. The Team also includes two local administrative assistants, two translators/interpreters, and one local legal expert whose primary task will be to check Kosovo legislation for compliance with European standards. In addition, we will also be working with international and local short-term experts.

Who are the local experts, who the international experts you will be consulting?

N.M.: We are in the process of identifying local experts from the academic community and other sectors

of society. The aim is not only to bring relevant experience to the Assembly but also make sure that the Assembly maintains and enhances its links with Kosovo civil society. As for the international experts, it is interesting to mention that all experts involved in the project are civil servants, mostly from the three parliaments involved in this project. The fact that they are not private consultants as is often the case with programmes run by the European Union will certainly bring a different approach to relations with Assembly members and staff. The experts are people that are embedded in their respective institutions at home, which will allow the Assembly to learn from first-hand experience but also help establish relations that will hopefully remain close even after the current project is completed. I sincerely wish and expect that the short-term experts will return to their respective institutions with



Prof. Nicolas Maziau

good memories and sympathy for Kosovo and its Assembly.

Does the consortium of parliaments you represent have any other experience of this sort of work in Southeast Europe or other places?

N.M. As a matter of fact, we do. In 1996 the French Assemblée Nationale was involved in a similar EU assistance programme for the first time. It related to the Russian Duma and

also associated the German Bundestag and the Spanish Cámara de los Diputados. There has been quite a number of such multi-lateral initiatives taking place over recent years.

What have you done so far?

N.M.: So far we have held consultations with local and international interests, most importantly of course within the Assembly itself. We have encountered a great willingness to work with us and are very pleased with the support we have received so far. We are also thankful to the Advisory Board that has been created to give guidance to our work.

Who is represented on the Advisory Board?

N.M.: Members include representatives from EAR, the European Office and

the Consortium. On the Assembly side, Prof. Fatmir Sejdiu represents the Assembly Presidency and Mr. Ysuf Demaj the Secretariat. The Advisory Board will meet every three months to review implementation of the project.

What, then, are the main aims of the support programme?

N.M.: Apart from the refurbishment of the Assembly premises, the programme offers technical assistance to the Secretariat Departments. In the Department of Administration assistance will be provided on personnel, budget and procurement and in the Department of Legal Affairs efforts will be concentrated on the Table Office and the Committees Support Section. This will also involve an overhaul of existing rules and further elaboration of the Assembly's internal regulatory framework with the aim of enhancing efficiency and improving the processing of legislation but

also to enhance the Assembly's financial and administrative autonomy.

Alfred Drescher: I would like to emphasise how vitally important it is for a functioning democratic system that the legislature is independent of the executive. This also goes for the training of Assembly Secretariat staff. Any self-respecting Assembly will want to train its staff according to its own rules.

Will changes to the internal rules of the Assembly also involve changes to the Rules of Procedure?

Heinrich Grosse-Sender: The Rules of Procedure are central to the functioning of any Assembly. From time to time they have to be adjusted as parliamentary practice evolves. We know that the Assembly's Rules have been the subject of intense debate over the past year. We have not been a party to this debate and do not wish to take sides but will make comments from a functional point of view as appropriate.

The Rules of Procedure have become a very political issue. You might be forced to give advice on other politically sensitive issues. How will you deal with this?

N.M.: Our role is technical, not a political one. We

have no agenda of our own. Our task is to help improve the functioning of the Assembly. Of course, any decision that is taken upon our advice might become a political issue even though this would be unintended. There is one issue, however, which is close to our heart, and will almost certainly involve some tough political choices. That is to make sure legislation is compliant with the *acquis communautaire*, the body of rules developed by the European Union the acceptance of which is required of all those wishing to join the EU.

Should it not be the Government's responsibility to make sure a draft law is in line with the acquis when introducing a draft?

H.G-S.: Of course, if it is the Government that proposes draft legislation, it needs to live up to its responsibilities and its declared objective to eventually join Europe. As you will know EAR is also running a support programme in the Office of the Prime Minister that puts emphasis on the need to adhere to the *acquis*. It will be crucial to enhance co-operation with the Government on all legislative initiatives. However, it is in the Assembly that drafts turn into laws and that's

where we will stand ready to assist. Also, we hope to see the Assembly make more use of its right to initiate its own legislation as has been the case with the Gender Equality draft law.

Co-operation with the Government is one issue. How do you assess the Assembly's relations with UNMIK?

N.M.: There is clearly room for improvement. However, this is mostly a political problem outside our limited influence. Together with the EAR Support Team in the Office of the Prime Minister, we will be working on possibilities to improve relations between all institutions that play a role in the processing of legislation. As with the Government there needs to be clarity as to when UNMIK intervenes in the legislative process.

How will next year's elections affect your support programme? Do you foresee any difficulties?

H.G-S.: The only inconvenience we foresee is that Assembly members might be busy with the election

campaign and therefore not otherwise available in the period prior to the elections. On the other hand the elections period will offer the opportunity to work more closely with the Secretariat staff. In addition, the elections will focus minds and efforts will be made to make sure that the newly elected Assembly will be able to count on an Assembly secretariat that has significantly enhanced its services. For the period after the elections we will prepare an induction course and an orientation guide for the new Assembly members - so you can see that the elections have become part of our planning process. One of the great advantages of

our project is that it extends beyond next year's elections.

Other organisations co-ordinated through ASI have been lending support to the Assembly since its inception. How will you ensure that your activities will be complementary to ASI's efforts?

N.M.: ASI has done a lot over the past years and we have benefited tremendously from the experience and institutional memory of the organisations that are involved in this initiative. We are now participating in ASI deliberations on a regular basis, not simply to exchange information but also to develop joint projects.



Prof. Heinrich Grosse-Sender and Mr. Alfred Drescher

EDUCATION COMMITTEE VISITS GERMANY

The Konrad Adenauer Foundation (KAS) has expanded its educational programme of advice and expertise to Kosovo by specifying that responsibilities and competencies are handed over from UNMIK to the local authorities. This transfer process was supported by KAS through an invitation to the members of the parliamentary Committee for Education, Science and Technology, the Minister for Education, Science and Technology Mr. Rexhep Osmani, and the Assembly President, Professor Nexhat Daci, to pay a one-week visit to Berlin, from 20 to 27 September 2003.

Dr. Bernhard Lamers, Konrad Adenauer Foundation, Head Regional Office

An essential and significant sector for the further development of every society is education and research, which is now part of the jurisdiction of the competent Minister and the Assembly of Kosovo. The goal of KAS's Expert and Advisory Programme in Germany was to enable the parliamentary committee, the Minister and Assembly president to have talks and discussions with various experts and politicians of different German political parties and to get an impression about the interaction between the executive and legislative powers. The participants also gained an insight into the discussion and reality in the area of educational politics in Germany.

Introductory reports provided an insight into the discussion in the field of educational politics and the organizational structure of the educational system. The goal to perform education as the development of the personality of the students was stressed. Based on the "Bologna Declaration", eu-

ropeanization of university education lays ahead in all of Europe. Special focus was given to the role of the Government and the Parliament regarding the development of new educational structures, when transforming the former socialist education system of East Germany in to a modern system. Practical political experience was given by Professor Schipanski, Minister of Science of the Thuringen Province and by the former UNMIK representative for Education, Schools and Universities, Mrs. Steffie Lamers.

The study visit also entailed site visits to educational institutions and discussions with teachers and directors about practical developments, problems and experiences in the German school system. Delicate questions such as the integration of foreign children into the German school system or conflict management among pupils were discussed. The vocational preparation of young people was discussed through a



detailed presentation of the so-called "Dual System", which combines practical and school education. Assembly members will most certainly not forget the visit to an elementary school class in which 15 children from 12 different nations peacefully learn German together.

A visit to the Technical University of Dresden, as well

as the visit to the Adlershof Technology Center in Berlin completed the programme. Lessons learned of the foundation of the Technology Center Adlershof were very significant for the Kosovo Assembly members since a similar center is planned to be built in Pristine/Pristina.

The Assembly members also had the opportunity to talk to a number of politicians; among them MPs from the Christian Democratic Party (CDU) Peter Hintze, Peter Weiss and Dr. Pflueger in order to get an impression about the political developments in Germany and express their political expectations towards the International

Community regarding Kosovo's future. A visit to the Foreign Ministry offered an opportunity to continue the intensive dialogue between Germany and the Kosovo representatives.

For most of the participants, this was their first visit to Berlin. The concept of the visit - to combine expertise and practical site visits - was very positive and productive, due to the fact that various Assembly Members have been working in the field of education. Based on our German experience, the specific situation in the multi-ethnic city of Berlin and the resulting challenges for integration turned out to be a very useful "laboratory" for the issues that are to be solved in Kosovo today.

The successful realization of the programme encourages the Konrad Adenauer Foundation to continue its engagement in Kosovo in the area of education through advice, seminars and dialogue programmes.

Ensuring quality and starting reforms in educational sector

Mr. Rexhep Osmani (LDK) is the Minister of Education, Science and Technology in the Kosovo Government. He has been one of the key-figures involved in education for over a decade. Now we visited him in a different setting in a real ministerial cabinet, as a Minister. He has many challenges ahead. First, he has to push through reforms in education and repair the intellectual damage caused by the long years of apartheid; and second to ensure recognition by all communities of his Ministry.

Interview by Edita Buçaj and Rita Taphorn, OSCE

Q. Mr. Osmani, what is the importance of your latest visit to Germany? How do you apply that experience in Kosovo?

A. We visited Germany from 17 - 27 September and initially participated in a conference of European ministers on higher education, which was a very important meeting for Kosovo. It was the first time that Kosovo participated in a highlevel conference of Ministers, though in the capacity of observer.

At the follow-up conference, which is to be held in Bergen, Norway in 2005, Kosovo will be accepted as a full-fledged member of the Bologna Process, which is reforming the University system. Kosovo will make efforts to meet the criteria in order to be a member of this process - to ensure quality in higher education - and to begin reforms in the University of Pristina.



In front of the parliament of Lower Saxony (Germany): Ms. Venera Llunije, Ministry of Education; Mr. Rexhep Osmani, Minister of Education; Mr. Juergen Gansauer, president of the Parliament of Lower Saxony; prof. Nexhat Daci, president of the Assembly of Kosovo; Ms. Rita Taphorn, OSCE; and Ms. Zoja Osmani, Assembly of Kosovo.

The visit to Germany was facilitated by the German Konrad Adenauer Foundation and supported by OSCE. Together with the Assembly's Committee of Education, Science and Technology and Assembly President Professor Daci, I was part of the delegation, which paid visits to the German Bundestag and Foreign Ministry. We had the chance to meet various parliamentarians as well as education experts who spoke about the German education system. This was useful for the Assembly Committee and for us in the Ministry, as we became familiar with the problems, concerns and good experiences that Germans have in their system.

Upon invitation of the President of the regional parliament of Lower Saxony, Professor Daci and myself also held various meetings in Hanover, discussing concrete projects of support in the field of education.

Q. Does the ministry have a clear policy on education in Kosovo? Including all communities and levels?

A. The ministry has a development strategy for 2003-2007, and it is being implemented in different segments, such as programmes, textbooks, teacher training and working to improve the educational system at all levels for all ethnic groups in Kosovo.

Q. Does this apply to the University in northern Mitrovica too?

A. All minorities have been integrated into this system and have accepted the development and teaching programmes of the ministry, except the Serb minority, which operates in parallel. In northern Mitrovica the parallel system is still operating, as the OSCE latest report stressed, and that causes serious problems.

Q. Should the Ministry approach this problem as it has the authority and competencies to do so?

A. The Ministry cannot approach problems which need to be solved at the political level - by UNMIK, the Assembly and the government. The ministry has tried to give its contribution, and to help the communities, including

here the Serb community. But they do not want to communicate with or recognize the authority of the Ministry of Education. Consequently it is difficult to offer help to someone who does not recognize you.

Q. Who should then take the lead for this initiative? And where do you see your role, as a Ministry, in this effort?

A. It should be a task of both, the highest institutions of United Nations and the Serbian Government itself, which should stop on operating these structures. The Ministry has created conditions for them all to be connected into the system. We pay salaries. New curricula have been compiled in four languages (Albanian, Bosniac, Serbian and Turkish). The Ministry therefore offers salaries, but expects services, the Serb minority did not accept them.

Q. But the Serb community is complaining about the lack of textbooks in their language? How soon can the Ministry provide them with textbooks?

A. The textbooks cannot be provided before the curricula. We have compiled the curricula and now we have opened a competition to provide us with texts and let's see. Textbooks can be prepared in Kosovo but for some subjects such as history, literature and subjects that are culturally important for their identity, can also be used from other countries, provided they are in the native language.

Q. How can they use books from outside when the Kosovo history books are being required to change?

A. This issue has been exaggerated by the media for its own interests. We act in the spirit of criteria set by Council of Europe to amend history textbooks or devise new history texts without inflammatory or hate speech. This is all, which is acceptable for us. Contrary to media statements, we will decide ourselves what will be the language in the history textbooks for our children, not only for the Kosovo Albanians but all minorities living in Kosovo.

Q. How are relations between the Government of

Kosovo and the Ministry of Education?

A. The Government of Kosovo operates as one. It is a coalition government and so far there were no major problems and I think that we have a good working relationship. This is also true for the Prime Minister too, even with recent tensions surrounding the issue of dialogue. The Prime Minister does not interfere as some of his political advisers were interfering when the Ministry was just beginning. He has realized now that the Minister and the Ministry is responsible for the field of education and not the Office of the PM.

Q. What has been the focus for donations from The World Bank and "Kosovo Educator Development Project", KEDP?

The World Bank has granted \$4.5 million, so far benefiting 10 schools. The pilot project, to encourage school attendance has ended. KEDP has informed us that it will continue their project until 2007, with the budget of \$4.5 million, most of it going to Kosovo but also some to Serbia.

"Kosovo's Criminal Legislation is a model for South East Europe"

Interview with Arsim Bajrami, Chairperson of the Committee for Judicial, Legislative and Constitutional Framework Matters

Interview by Edmond Efundija, NDI and Franklin De Vrieze, OSCE

Mr. Bajrami, what is the main role of the Committee you chair, and has this role been fulfilled?

The Committee for Judicial, Legislative and Constitutional Framework Matters has as a primary function to look at the constitutionality of the laws adopted by the Assembly of Kosovo and how these laws conform with European standards. So, first we check if the laws adopted are in compliance with the Constitutional Framework, and we also make a routine review of the fulfilment of international standards.

One of the main challenges for the Assembly in the coming years is to ensure the compliance of adopted laws with European standards or EU "Acquis Communautaire" - since Kosovo aims at the integration into Europe. Our perception is that, so far, this has not happened. Similar, it also seems that the Government doesn't always make such corroboration. How do you see the role of Assembly as a "guarantor" of the har-

monization of Kosovo laws with EU laws?

Despite the fact that we check whether Kosovo laws are based on European standards, I think that we still need assistance from international experts. The experts would help the Legislative Committee, but also the Government and Assembly to assess the compliance of these laws and other acts with European standards, since we need further training and instructions on European standards in the field of legislation. I believe that the initiative taken by the European Agency for Reconstruction is very welcomed and it will help the Assembly of Kosovo to adopt laws, which are totally compatible with European laws and accelerate the process of Kosovo integration into Europe.

The Criminal Law and Law on Criminal Procedure were promulgated. The Assembly gave a considerable contribution during their review. Which issues do you consider more important in relation to

these laws? Are there new and progressive elements in these two laws?

I think that the Criminal Law and the Law on Criminal Procedure, are the most important laws that the Assembly of Kosovo has adopted thus far, and laws which the co-operation between internationals and nationals was at its best. One of the most important things regarding these laws is the fact that Kosovo for the first time has the Law on Criminal Procedure. On the other hand, the Criminal Law is a modern law released from all ideological elements contained in previous laws and a law that aims to be a real model to South-East Europe. I hope that once we start with its implementation, the basis for a better functioning of the judiciary will be created.

It is known that Kosovo Provisional Institutions of Self-Government are preparing the proposals for amending the Constitutional Framework. Your Committee has created a Working Group, whereas, it



seems that the Government is doing the same thing. What is the relation between Assembly and Government initiatives? Was any co-ordination envisaged? What are the main points planned to be changed and what's the timeframe?

As it is known, the Assembly of Kosovo has taken the initiative for proposing amendments to the Constitutional Framework and I consider that this initiative is absolutely legal and ba-

sed on the Constitutional Framework. It is not an effort to challenge UNMiK or to unilaterally take over UNMiK competencies, but I would say a very serious offer by the Assembly of Kosovo to start a dialogue with UNMiK and to create a constitutional background to gradually transfer the competencies to Kosovo institutions. On the other hand, changes in Constitution are in fact in compliance with Resolution 1244 and Constitutional

Framework, which provide that people of Kosovo, at a latter stage, should be able and ready for the final definition of Kosovo status. As far as the constitutional reform is concerned, I think that it aims to reach three major goals. First, to create the constitutional basis for further transfer of competencies, not only those provided by chapter 5, but also, I would say, those provided by chapter 8, i.e. responsibilities that can be prejudiced without prejudicing the final status. The second goal is to provide the opportunity to Kosovo institutions to achieve progress in fulfilling standards before status. I consider that current limited competencies inhibit the move forward. Obtaining new competencies will enable us to move faster towards fulfilling the standards, particularly now when we have an idea how to operationalise standards. This way, the responsibility can be shared and in a way a timeframe could be set for obligations that lay with the Assembly and Government for achieving the required progress in fulfilling these standards.

UNMiK representatives had some reservations about this initiative. In this regard, how do you see future developments?

I think that current reservations of UNMiK are a consequence of their fears that Kosovo institutions are trying to unilaterally take over the reserved competencies. I stated previously that each amendment in the Constitutional Framework will be discussed with UNMIK. This is because, in the end, it is the SRSG, who will decide on the amendments, but I hope that UNMiK will have a pragmatic approach towards this process, since it is known that apart from the already fulfilled obligations, UNMIK is also responsible for the functioning of an efficient and substantial governance and, I would say, facilitation and acceleration of the processes aiming at a final solution. I believe that these changes in Constitution will push the process of international administration further to the third stage and I would say the final stage. That is why, I believe that we must continue our co-operation with UNMiK and we should avoid misunderstandings and tensions, which are totally unnecessary.

Website for Kosovo's Criminal Code and Criminal Procedural Code is:
www.unmikonline.org/regulations/2003/re2003_25.pdf

Working visit to the Netherlands

The East - West Parliamentary Practices Project (EWPPP) organized a visit of a delegation from the Assembly of Kosovo to Holland, from 18 - 23 October 2003.

Sadik Idrizi, spokesperson, Parliamentary Group "Other Communities"

A delegation comprised of representatives of all parliamentary groups visited the Dutch Parliament and Assembly, as part of the EWPPP programme "Aspects and Techniques of Parliamentary Democracy", which supports the Assembly of Kosovo.

Current and former members of the Dutch Parliament and Senate hosted Kosovo Parliamentarians. In total, four meetings were held where a number of key topics on the parliamentary system were held. These included a comparison of Dutch and Kosovo parliamentary systems, their representation of parties in the parliament, transparency and parliamentary flaws. Members of Kosovo Parliament also attended a meeting of the Dutch House of Representatives where they had an opportunity to observe the manner in which a parliament with a long parliamentary tradition operates.

This was followed by a visit to the Dutch Senate, and a meeting with Sen-



ator Eimert van Middelkoop and a group of parliamentary journalists.

The Kosovo delegation had also a meeting with Francois W. Weisglas, president of the House of Representatives of the Dutch Parliament. The delegation visited the Dutch Ministry of Foreign Affairs where they had a discussion with Jan-Lucas van Hoorn, director of the department for South East Europe and East Europe. EWPPP, the event's organizer, was founded in 1990 as a joint initiative of the European Culture Foundation and the Ford Foundation. Its purpose

was to support parliaments of newly established democracies in Central and East Europe, as well as the former Soviet Union.

EWPPP develops and implements programmes in cooperation with local parliaments to assist the parliaments in implementing organizational procedures and political issues in a democratic spirit. More than twenty parliaments of countries in transition are included in this project.

This specific programme was funded by the Dutch Ministry of Foreign Affairs, and will last through 2005.

All members of the Kosovo delegation shared the impression that this visit was very successful and valuable. As a part of this project, in spring 2004, a delegation of the Dutch Parliament will visit Kosovo. It is also planned that in autumn 2004 a delegation from the Assembly of Kosovo will visit parliaments in some of the countries in transition.

Parliaments: Advocates of the citizens

Parliaments from South-East Europe gathered in Sarajevo from October 2-4 to discuss common development issues and ways in which they, as legislators, can engage in the policy-making debate. The focus of this regional conference, organized by a number of OSCE missions and institutions, was the role of parliaments in overseeing human and economic development and holding the executive accountable.

Sven Lindholm, acting Spokesperson of the OSCE Mission in Kosovo

A democratically elected parliamentarian is both an advocate of the citizen and a backbone of a government's legitimacy, strength and prosperity," said Ambassador Robert Beecroft, Head of the OSCE Mission to Bosnia and Herzegovina, and the host of the conference.

In this role, parliamentarians can also build channels of communications with other governments to not only find solutions to common problems but also play a constructive role in reducing tensions in the region.

Economic Development/ Poverty Reduction

South-East Europe is a dynamic area with enormous potential. It is going through a considerable process of economic, social and institutional transition. According to studies by the World Bank, this has had a negative effect on the region's development.

"What we have in common are common problems,

common conflicts, and a common history," said Natasa Milojevic, a member of the National Assembly of the Republic of Serbia, and its Committee on Poverty Reduction.

"We are forced, more or less, by poverty to rely on each other."

Why should parliaments be involved? While there is a gap between what parliaments can do and should do, poverty is a social issue. It is not merely one of economics, but also one of human interest.

The Sarajevo Conference made reference to many of the ongoing processes affecting the region. Particular attention was given to the Poverty Reduction Strategy Process (PRSP). This is a multi-dimensional approach to poverty reduction strategies, involving broad participation by parliaments, civil society and the private sector as development partners.

Both Serbia and Albania have already begun developing long-term plans to

tackle poverty. Yet the challenge lies in making the strategy real, dealing with budget implications.

"The first step is to see how the strategy can be included in the budget, and then implemented," said Robert Ceku, a parliamentarian from the Republic of Albania, and member of the Committee on Economy, Finance and Privatization. "We are aware that without the necessary financial resources the strategy could fail."

A series of parallel workshops were also held on government-parliament relations, the parliament's role in supporting private enterprise and their role as a policy forum and legislator. The workshops offered expert contributions on human resources, economic development and poverty reduction.

The Kosovo Perspective

The Inter-Parliamentary conference offered an opportunity for a delegation from the Assembly of

Kosovo to meet - at an equal level - colleagues from all neighboring parliaments. The eight member multi-party Kosovo delegation was headed by Prof. Nexhat Daci, President of the Assembly.

Haki Shatri, chairman of the Budget Committee, gave a well received contribution on Kosovo's experiences in economic transition while trying to develop a social security system. His contribution initiated a lively debate with parliamentarians from, amongst others, Serbia.

The Kosovo delegation used the opportunity to explore the policy questions and practical issues of human and economic development as they have been dealt with in the region.

"We took the time to get to know each other and establish some form of co-operation, while recognizing each other's social and economic problems," said Shatri. Upon the delegation's return to Kosovo, Shatri stated that he would inform the Assembly of

the discussions and suggest that Kosovo also need devise an action plan. He also wished to give the message that such contacts have to continue in the future.

The Regional Dimension

What became clear through discussions is the region's long-term security and development is linked. Regional cooperation can begin to facilitate an understanding of social and economic policies as similar issues needing common stances.

"We should establish a network of us - first of parliamentarians and governmental authorities - because the experiences are the same but the differences can be found between the size of the market and the development of the market," said Natasa Milojevic.

A mutually shared view among participating parliamentarians was the need to further intensify regional cooperation through

information sharing initiatives on issues such as economy, poverty, reduction, environment, health care, energy, and a host of other issues.

This can also extend to 'lessons learned', as Angel Dimitrov, a parliamentarian from the former Yugoslav Republic of

Macedonia, explained: "I am sure there are benefits from regional cooperation because the experiences of countries that have already gone through this transition are very useful to us."

Regional cooperation is something indispensable. Parliaments can benefit

from sharing experiences to draft better legislation and deal with common social and economic issues on a regional level. Learning from each other can never be valued enough.

The OSCE Perspective

The Sarajevo Conference combined the OSCE's hu-

man dimension commitments with the economic and environmental dimension. It provided an opportunity to help strengthen institutional support for elected parliaments, and enhance their capacity to participate in debates on policy choices.

The OSCE Mission to Bos-

nia and Herzegovina, the OSCE Mission to Serbia and Montenegro, the OSCE Mission in Kosovo, and OSCE Presence in Albania are all currently implementing capacity-building projects with parliaments.

These missions, as well as the OSCE Spillover Mission to Skopje, are preparing



follow-up initiatives, with increased support to parliamentary work as well as encouraging bi-lateral and regional parliamentary meetings and other parliamentary support programs.

Additionally, the Office for Democratic Institutions and Human Rights (ODIHR) expressed its willingness to offer its significant expertise to parliaments on human dimension issues.

Conclusion

At the end of the conference, Ambassador Pascal Fieschi, Head of the OSCE Mission in Kosovo, presented the statement of organizers, summarizing the findings of the conference.

"Regional co-operation is possible as South East Europe shares common issues and goals," said Ambassador Fieschi. "This forum can be considered a step in further involving parliamentarians to tackle and solve the problems in the region."

The hope is that the momentum gained from the conference will push regional parliaments to foster dialogue and closer co-operation, and realize human and economic development for the region.

"Need for Political Consensus in Combating Poverty"

The Sarajevo Conference on 2-4 October 2003 was attended not only by members of the Assembly of Kosovo, but also by parliamentarians from Albania, Macedonia, Romania, Slovenia, Serbia and Montenegro, and Bosnia and Herzegovina.

Zylfije Hundozi, AAK, Member of Delegation to the Sarajevo Conference

All these states have gone through a major period of transition. And this provided a good opportunity to learn more about the activities of their parliaments in both plenary sessions and in working groups. In particular, it was interesting for us to learn more about the ways through which they fought poverty and developed their strategies for reducing poverty. Slovenia has successfully accomplished the criteria for the transition period. Therefore, after creating an independent state they managed to reduce the unemployment rate and complete the privatization process.

In the Conference deliberations it was also said that the Parliament should have close cooperation with the civil society in order to monitor policies for strategies to reduce the level of poverty. The Parliament should have control over the executive branch to make sure that the applied policies lead towards im-



proved services, and, in turn, reducing poverty.

We also had the opportunity to inform other participants in the working groups about the activities of the Assembly of Kosovo and the Government on their joint action against poverty, through the (introduction) of laws, which will at least slightly improve the social welfare in Kosovo. Moreover, we informed participants about the difficulties we face, during

the preparation of the long-term strategies for economic development and security, due to the undetermined status of Kosovo.

Regional cooperation and efforts for faster integration enable the constant combat against the poverty and thus, the struggle against other challenges easier to conduct such as: fighting corruption, trafficking and HIV/AIDS.

Discussions were held in an open atmosphere. Parliamentary representatives agreed that a political consensus should be reached and a general plan for meeting the international standards should exist in order to: launch and implement market economy reforms, establish democratic institutions that have adequate monetary and fiscal policies, adopt laws which will guarantee foreign investment, as well as further integration of the region in the Euro-Atlantic structures. It was concluded that the economic development and the fight against poverty are closely connected and dependent on the functioning of the rule of law and good governance.

The conference was successful and we welcomed the commitment of the OSCE, to continue with their assistance towards enhancing the regional cooperation and strengthening the role of Parliaments.

Recent developments in the Assembly

During the last two months, the Assembly of Kosovo held intensive debates, took decisions and initiatives and passed legislation, vital for Kosovo society. Following is an overview of recent political developments in the Assembly, from mid September till mid November 2003.

Franklin De Vrieze

Pristina-Belgrade dialogue debated in Assembly

Following the EU-Balkan Summit in Thessaloniki (June 2003), when direct talks between Pristina and Belgrade on practical issues had been endorsed, the new Special Representative of the Secretary General (SRSG) Harri Holkeri started consultations in preparation for a meeting to take place in Vienna on 14 October 2003. The participation of the Kosovo Provisional Institutions of Self Government (PISG) in the dialogue was subject of intensive debates for several weeks.

From August on Prime Minister Bajram Rexhepi expressed his view that talks with Belgrade could not begin without a decision of the Assembly and without a consensus on the start of the dialogue. In fact, on 15 September he stated that "the real danger in the prospective Pristina-Belgrade dialogue comes not from the talks themselves, but from disunity in Kosovo and a lack of internal



Prof. Nexhat Daci, President of the Assembly, speaks to the press following the opening session of the dialogue on practical issues in Vienna on 14 October 2003, along with Dr. Ibrahim Rugova, President of Kosovo.

consensus on the issue of the dialogue."

On 2 October the Prime Minister addressed the Assembly of Kosovo on the issue, reiterating that the Government would not participate in the talks without prior endorsement on the part of the Assembly. Mr. Sabri Hamiti, head of the parliamentary group of the Democratic League of

Kosovo (LDK), recalled that representatives of Kosovo institutions in the past had said that they supported dialogue with "all neighboring countries" and that the Assembly had no reason to be against dialogue. He noted that some of the items on the agenda for the dialogue did not fall within the competencies of the PISG. Mr. Arsim Bajrami,

speaking on behalf of the parliamentary group of the Democratic Party of Kosovo (PDK), similarly asked whether the timing was right. He said that the PISG lacked sufficient competencies. Mr. Ramush Haradinaj, the Alliance for the Future of Kosovo (AAK), suggested that the Assembly declare independence so that Kosovo could engage in dialogue

on an equal footing. Contrasting with the views expressed by his Kosovo Albanian colleagues, Mr. Dragisa Krstovic, head of the parliamentary group of Coalition Return (KP), stated that negotiations between the PISG and the Union of Serbia and Montenegro offered a real chance for improvement in interethnic relations and living conditions in Kosovo. Mr. Sadik Idrizi, speaking on behalf of the parliamentary group of "Other Communities" (OC), stated that his group would support the majority view on dialogue but would want to make sure that the OC would be adequately represented, if dialogue took place. The debate remained inconclusive.

On 8 October, representatives from the five country offices that make up the "Quint Group" and the SRSG held a five-hour meeting with President Rugova, Prime Minister Rexhepi, Assembly speaker Daci, AAK leader Haradinaj and PDK leader Thaci. The Kosovo Albanian leaders

tabled a proposal for more transfer of competencies and the creation of respective Ministries as a prerequisite for supporting the dialogue. However, no decision regarding the dialogue was taken. Diplomatic pressure to receive consent for participation in the dialogue mounted, pointing at the need to talk to all neighbours if Kosovo wants to become part of Europe. While the SRSG hinted that the Assembly's consent to a dialogue with Belgrade should not be considered a necessity, Prime Minister Rexhepi (PDK) continued to call for the need for an Assembly authorisation for the Government to take part in the talks. As the Kosovo Assembly agenda for the 9 October plenary did not include a debate on Pristina-Belgrade talks, the PDK caucus leader Arsim Bajrami proposed to add the debate to that day's agenda. However the proposal was outvoted and the Assembly proceeded with its regular legislative work.

On 10 October Kosovo President Ibrahim Rugova gave a positive reply to the request to attend the talks. Intense diplomatic efforts to convince the other Ko-

sovan leaders were unsuccessful, leaving the Kosovo delegation without representation from the Government. However, President Rugova was joined by the Assembly President Nexhat Daci in forming the Kosovo delegation to Vienna.

The launch of the dialogue took place in Vienna on 14 October, as scheduled. The two-person delegation on the Pristina side was matched by a delegation on the Belgrade side composed of Prime Minister Zivkovic and Deputy Prime Minister Covic. While both delegations painted a very different picture about the situation in Kosovo, the SRSG announced that the formation of working groups to discuss the four agenda items of the talks should take place in November. These agenda items are: energy, transport and communication, missing persons and return of IDP's and refugees.

Assembly rejects detention of KPC Commander Agim Ceku

On 22 October 2003, Slovenian police acting upon an international arrest warrant issued by the so-called Pristina District Court based in Niš, Serbia, detained

Kosovo Protection Corps (KPC) Commander Agim Ceku. Following a telephone conversation between SRSG Holkeri and the Slovenian Foreign Minister, in which the SRSG explained that the arrest warrant was unlawful since it was issued by an illegally operating parallel judicial system, General Ceku was released in the early hours of 23 October.

The same day the Assembly of Kosovo issued a formal statement that received the support of all parties in the Assembly, except that of Coalition Return (KP) and the People's Movement of Kosovo (LPK). In its statement the Assembly criticizes the actions undertaken by the Slovenian institutions in relation to Ceku's detention and rejects all arrest warrants and court decisions prepared by Serbian institutions and Serbian judicial parallel institutions against Kosovo citizens. The statement calls on international institutions in Kosovo and beyond, including INTERPOL and EUROPOL, not to recognize such warrants and decisions. The statement also invites the SRSG to take urgent measures towards elimination of parallel institutions in Kosovo. In the

plenary discussion reference was made to the recent OSCE-report on the functioning of parallel institutions in Kosovo.

Changes to Constitutional Framework advocated

The Assembly plenary session on 30 October 2003

gave green light to a proposal to create an Assembly Working Group to recommend changes to the Constitutional Framework. The sponsors of the initiative explained that such changes would allow for a speedier transfer of competencies, including those that currently fall under Chapter 8 and the reserved powers of the SRSG. New competencies would allow the Provisional Institutions to make more decisive progress on the benchmarks and thereby help UNMIK fulfil its mandate. In addition, the deliberations in the working group would help prepare for the final status. Mr. Arsim Bajrami, chairperson of the Committee on Legislative, Judicial and Constitutional Framework Mat-

ters, stated that "the process of changing the Constitutional Framework is legitimate and a very constructive offer of the Kosovo Institutions towards UNMIK to accomplish its mission successfully." With the exception of Coalition Return (KP), all parliamentary



Minister for Health, Ms. Resmiye Mumcu, proposed to the Assembly the Draft Law on Medical Products and Medical Devices and the Draft Law on Health.

groups supported the initiative. UNMIK expressed its reservations on the initiative.

Laws considered and approved

During the last two months the Assembly reviewed and approved several laws. Some laws have already been approved in second reading on the date mentioned.

Laws without date have only been endorsed in first reading but are - as of mid November - still under review in the Assembly committees: Law on Security at Work and Health Protection of Employees (09.10.2003), Law on Public Procurement (11.09.2003), Law on Disability Pensions (06.11.2003), Law on Medical Products and Medical Devices, Law on Sanitary Inspectorate (06.11.2003), Law Amending the Law on Management of Public Finances and Accountability (23.10.2003), Law on Pesticides (16.10.2003), Law on Postal Services (09.10.2003), Draft Law on Sports, Draft Law on Gender Equality, Draft Law on Cadastre, Draft Antidiscrimination Law, Draft Law on Health.

Gender Equality Law considered

On 23 October 2003 the Gender Equality law was endorsed in the first reading and is currently being reviewed by several Committees. While presenting this draft law, Ms. Melihate Term-

kolli (LDK), chair-person of the Gender Equality Committee, pointed out that this was the first law initiated from within the Assembly as well as the first piece of legislation in Kosovo dealing with gender issues. Prior to tabling of the law, many local and international organisations provided comments on the text, pointing at areas where legal and content related improvements would be welcomed.

Adopted laws challenged by "Coalition Return"

Based on the procedure described in the Constitutional Framework, the parliamentary group of



Ms. Melihate Termkolli, chairperson of the Gender Equality Committee, proposed the first Draft Law initiated from within the Assembly of Kosovo.

"Coalition Return" (KP) tabled several motions, challenging already adopted laws on the basis that the laws (or certain of their provisions) violate vital community interests. After receiving the answer of the sponsor of the law (government), the Presidency recommends that a Special Panel be formed, including representatives of the sponsor of the law, the challenging party and UNMIK.

Recently the Law on Access to Official Documents, the Law on Population and Housing Census, the Law on Public Procurement and the Law on Postal Services have been challenged by KP. On 16 October the Assembly plenary session adopted one out of three recommendations of the Special Panel on the Law on Access to Official Documents. The Assembly Presidency has rejected the motion challenging the Law on Postal Services as the motion was submitted after the deadline. After receiving the answer of the sponsor of the Law (Government) the Assembly Presidency rejected the motion against the Law on Public Procurement. The motion challenging the Law on Census is still ongoing.

Prime Minister introduces the anti-discrimination law

"This law is in compliance with the existing anti-discrimination standards and legislation at a European and international level, and is a fulfillment of the obligations appointed by the Constitutional Framework to the Provisional Institutions of Self-Government in Kosovo, because it directly and thoroughly fulfills those obligations. (...)

I wish to stress that the law is directly based on the European Union Council Directive 2000/43 with regard to the implementation of the principle of equal opportunity of persons without racial and ethnic distinction, however not limited to discrimination on racial and ethnic basis, it has widened its scope by protecting other categories / basis, such as gender, age, opinion or political belief, nationality, religion, physical and mental disability, etc, and is complied with the needs and specifications of Kosovo. (...)

I do consider that the law also bears a political importance, since it will put Kosovo in a leading position in the Balkans and Europe as far anti-discrimination legislation is concerned, a direct indicator that with the adoption of the Anti-Discrimination Law, Kosovo is making its very first steps of composing local legislation being in complete harmony with European legislation."

Dr. Bajram Rexhepi, Prime Minister of Kosovo, at the Assembly plenary session on 30 October 2003.

Assembly reviews the "Anti-discrimination Law"

The draft Anti-discrimination Law, which the Assembly is currently reviewing, has the potential to put Kosovo at the front end of anti-discrimination legislation in the Balkans and even Europe. Providing a legal remedy against any form of discrimination, the draft Anti-discrimination Law complements other legislation, as the Gender Equality.

Hubert Van Eck Koster, Advisory Office for Good Governance in the Office of the Prime Minister

More than a year ago OSCE submitted model legislation of the Anti-discrimination Law to the Government. A working group in the Office of the Prime Minister was set up, headed by Arberësha Shala, Office of Legal Support Services within the Office of the Prime Minister. The working group used the model legislation as a guideline and has worked intensely together with Kosovo experts, representatives of Kosovo civil society and the International Community to prepare a draft law which takes into account the specific needs of Kosovo as well legislation of the European Union and other international legal standards as required by Article 5.7 of the Constitutional Framework.

European Commissioner Chris Patten already mentioned in his speech to the Assembly on 11 September that he was impressed with the fact that the Government was drafting an Anti-discrimination Law taking into account



Prime Minister Bajram Rexhepi introduced the Anti-Discrimination Law in the Assembly on 30 October (see excerpts of his speech on previous page).

European standards. Indeed, the draft Anti-discrimination Law aspires to fulfill and implement European Union legislation, especially EU Council Directive 2000/43/EC (the racial equality Directive), 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 Political and Civil Rights (ICCPR), which is according to Article 3.3 of the Constitutional Framework part of the applicable law. Based on this article 26 of the ICCPR, the draft Anti-discrimination Law expands the protection against discrimination on

any ground regarding any right protected by law. This includes protection against discrimination for vulnerable groups such as children, the elderly, women, persons with mental and physical disabilities, members of ethnic communities, etc.

Therefore the draft Anti-discrimination Law protects not only members of ethnic communities, but all vulnerable groups. In addition, the draft law provides that the judiciary shall use the law which provides the greatest protection to a victim of discrimination. While the draft Anti-discrimination Law provides a legal remedy against any form of discrimination after it has occurred, other laws are needed to keep certain forms of discrimination from happening in the first place. For example the Gender equality Law which prevents discrimination based on gender, or a law which prevents discrimination against persons with disabilities.

Thus, the Anti-discrimination Law and the Gender equality Law and other laws protecting vulnerable groups, compliment each other by providing both legal remedies if discrimination occurs as well as measures to prevent discrimination from happening in the first place.

On 17 September the Government approved the Anti-discrimination Law. On 26 September the draft law was tabled in the Assembly Secretariat and on 30 October it was on the agenda of the Assembly for its first reading. After an impressive introduction speech by the Prime Minister and a heated debate which actually showed substantial accusations of ethnic discrimination from both the Kosovo-Albanian MP's towards the Serbian MP's and vice versa, all political groups voted for the Anti-discrimination Law, except Coalition Return. According to MP Oliver Ivanovic, Coalition Return would support the law in principal if the text had

not been so poorly written. Although not confirmed, but based on the specific concerns which were raised by group leader Dragiša Krstovic, it may well be that Coalition Povratak was given a poorly translated Serbian version of the Anti-discrimination Law.

The main bottlenecks which appeared in the discussion in the Assembly have to do with some progressive provisions in the draft law dealing with affirmative action, the creation of an Equal Treatment Centre, and the provision promoting the social dialogue between employees and employers. However, all these provisions are directly taken from EU Council Directive 2000/43/EC. Hopefully these bottlenecks will not be an obstacle for the adoption of the Anti-discrimination Law in the Assembly because once promulgated this law will put Kosovo at the front end of anti-discrimination legislation in the Balkans, and even Europe, as Kosovo will be one of the first to have such a comprehensive Anti-discrimination Law. An important step forward in Kosovo's aspiration to reach out to Europe.

The Assembly of Kosovo and Political Decision-Making

Prof Dr Svetomir Samardzic, Coalition Return

The last few months in the Assembly of Kosovo can be characterised by inter-party conflicts. The reasons are the inherited post-war atmosphere that cannot be overcome quickly, but also the atmosphere that is created with the recent start of the dialogue process in Vienna. Different positions of political parties concerning the dialogue and party discipline are preventing the already limited freedom of expression of the majority of MPs in the Assembly. As a result, the pace of democratisation process is slow. It is crucial to know that democracy is not easy to achieve and it cannot be imported from abroad.

We should approach democracy and fight for it in a proper way and with all democratic means. In this important political moment for Kosovo, responsibility lies with the political parties that are represented in the Assembly. However responsibility also lies with the international community, which has a difficult role as an interim government over



Kosovo. It shouldn't only be involved in monitoring, but it should also be an important factor in the development of reconciliation and democratisation process.

These days a very unusual case for the parliamentary life of Kosovo has occurred. The amendment to the Law on Sanitary Inspection, that I proposed as a member of the Com-

mittee for the Rights and Interests of Communities, has been adopted by the ruling majority, contrary to the previously expressed opinions of three Assembly Committees. This fact aroused ambivalent feelings in my heart: on the one hand I am pleased that I have persuaded the Assembly majority that the adoption of the aforementioned amendment is in the interest of the citizens of Kosovo.

On the other hand, frequent rejection of useful amendments just because of the fact that they were proposed by the opposite political group gives off a sense of lethargy, a sense of depression. At least in the areas concerning the everyday life of the citizens we need to have more tolerance, more political understanding on both sides. Adoption of the mentioned amendments is only the first, yet very important, step for the beginning of more tolerant relationships of the people who make decisions on the issues that are vital for the citizens.

Political decision-making must have its footing in the power of arguments, whereby provisions must be made to hear and analyse those arguments, and to adopt or reject them, if our interests so require. Exclusion, intolerance, personal and national insults will bring no one any good. Honour and reputation of the political opponent must not be inflicted. Such a procedure inevitably comes back as a boomerang.

Checks and balances in deciding Kosovo's budget

The Kosovo government is currently finalising the "KCB 2004", the Kosovo Consolidated Budget for next year. While the Assembly is waiting to review the budget, a complicated process of drafting the budget is coming to a close. An overview.

Stephen Leeds, Budget Advisor in the Ministry of Finance and Economy

It is not surprising that the unique form of government in Kosovo at the present time has resulted in there being a unique budget process in Kosovo. Under the Constitutional Framework, the Law on Management of Public Finances and Accountability and the annual budget regulation, the SRSG, the PISG, and the Assembly have specific roles and responsibilities regarding the budget process. In addition, international organizations and donors also have roles, which influence the budget process.

The Kosovo budget receives funds from tax revenues, user fees (especially in the municipality level of the budget), and donors. Donor funds are either designated for specific activities, or are "undesignated", that is, they are provided into the budget for general use.

The Ministry of Finance and Economy (MFE), which includes local staff and international advisors, manages the budget process. The main organizational

units have distinct roles in the budget process. The Minister's Office guides the policy-setting and priority-setting process, and relates with the SRSG, the Economic and Fiscal Council (EFC), other Ministers, the Assembly and the municipalities at the policy level. The Main Budget Department conducts the day-to-day process of formulating and presenting the Kosovo budget, and is relating with the EFC, other ministries, and the Assembly, at the operating level. The Municipal Budget Department conducts the day-to-day process of formulating the municipal portions of the Kosovo budget, and with relating with the municipalities at the operating level. The Treasury Department maintains Kosovo's budget execution information through the Free-balance system, which provides needed information to the Main Budget Department and the Municipal Budget Department. The Macro-Economic Department produces estimates of revenues

and related information, which is necessary to the formulation, presentation, and execution of the Kosovo budget. The Donor Coordination Department supports the processes of negotiations with donor organizations and their provision of funds to the Kosovo budget, including tracking the receipt and expenditure of those funds.

The MFE follows the model and calendar of drafting budgets as for any other government, however with the following differences. In general, the SRSG has final decision-making authority over the Kosovo budget. The SRSG can receive budget recommendations from the MFE and the EFC. He can accept or reject those recommendations and he can take unilateral action regarding budget decisions. As a result, some degree of tension will exist in the decision-making and resource-allocation processes because there may be divergent viewpoints about the priorities that should

be followed in providing funds to various activities within the government.

As is true in a number of transitioning governments, the role and status of publicly-owned enterprises (such as KEK and others) is unclear - they wish to receive funds from the central budget, but they are not under the control of the budget process in the same way that "traditional" governmental agencies are.

Since the budget process in Kosovo is new, and since the Law on Public Financial Management and Accountability was only enacted in May 2003, the budget process continues to be in an evolving state. That is, although major responsibilities and dates for specific actions are known, the budget process is not yet fully consistent with international practices. Most notably, because of the large and complex number of organizations and individuals involved in the overall decision-making processes, the timeline, which is considered neces-

sary for timely budget formulation presentation and provided by the Law, is not sometimes met. This results in too many decisions having to be made at the latter part of the year, in order for the budget to be enacted prior to December 31.

There is a budget surplus in Kosovo, due to two factors. Spending agencies and their managers and staff are often new in their jobs, and since the spending agencies are not yet fully evolved as governmental organizations, they are not yet fully able to implement all of the functions for which they are responsible. In some cases, spending agencies over-estimate their cost-estimates because the central Government has not yet been able to establish "standard costs" for goods and services that are generic to the government and/or unique to each spending agency.

The budget surplus can be expected to exist for a few years, until spending agencies achieve their proper levels of operational

effectiveness. While it is available, it can be used for one-time capital projects, for emergencies, and for other types of spending that are not expected to occur again. However, it should be used prudently, because a sound budget process is based on the concept of spending only the money that is appropriated, year by year.

According to macro-economic projections and based on current tax laws, revenue estimates, and donor funding, Kosovo's overall resources are nearing the maximum point. Kosovo is not expected to have an ever-increasing amount of money available to its government, and it is now approaching the point beyond which the budget cannot increase unless the economy expands or unless tax laws change.

However, the needs of the government in serving the public continue to grow through the addition of new programs, pension plans, and related activities. Care must be taken to ensure that there is a proper balance between revenues and spending, since the Constitutional Framework forbids the accumulation of budget deficit.

Information sharing: The key to successful co-governance

Rainer Willert, Head of Regional Office, Friedrich Naumann Foundation

There is already a tradition of co-operation between three important committees of the Assembly of Kosovo - Committee for Finance and Economy, Committee for Trade and Industry and Budget Committee and the Friedrich Naumann Foundation. We remember very well the first session in September 2002 when Mr. Klaus Büniger, former Secretary of State in the German Ministry for Economy, spoke about Social Market Economy. On this occasion Mr. Büniger elaborated on an example from German history regarding the difficulty of co-governance. Within the framework of the Allied rule over West-Germany after World War II, Mr. Ludwig Erhard had limited responsibilities as Minister for Economy. In June 1948 he was heavily criticized by the chief commander of the Allied Forces, General Clay, for unilaterally changing the set rules for markets and prices.

Even though the German situation of that time cannot directly be compared to the one in Kosovo today, Germany at that time had limited sovereignty. It was obvious that Mr. Büniger chose the example for discussion at the workshop, comparing some of the

peculiarities in post-war Germany with the actual reality of "Reserved Powers" in Kosovo. Under such circumstances opinions and ideas of how things should be done, are often different and easily lead to conflicts, as indicated in this example with Mr. Clay and Mr. Erhard.

It is truly wise to improve the mutual information flow between the different "players" in order to avoid conflict in the first place. The Friedrich Naumann Foundation considers that there is still a big need for increased information exchange, especially between the Provisional Institutions of Self-Government (PISG) and its international counterparts but also within the PISG as such, e.g. Government and Assembly.

Kosovo's quite complicated structures of co-governance between local and international forces make it even more important to mutually inform and regularly exchange information. This peculiar need for exchange is combined with another very obvious fact, which is the permanent arising of new uncertainties because of the ongoing process of handover of competencies

from UNMIK to the PISG. Above all, structural complications and changes in the limited know-how, which existed at the beginning of the transformation process in Kosovo, should not be forgotten. This know-how has grown considerably "by doing" and through training and consultancies, thus also compensating partly still very limited material and technical equipment within PISG.

In the meantime the Friedrich Naumann Foundation with the help of the OSCE organized four consultancy meetings. Occasionally, Ministers of the Government and/or representatives of UNMIK were invited. At one event some of the "customers" of legislation, such as entrepreneurs discussed with Assembly members how new legislative initiatives are judged by the business community in Kosovo.

One of the latest sessions took place mid September 2004 with the aim to gain updated information from "Pillar IV", the institution within UNMIK responsible for economic issues. Much curiosity of Assembly members arouse when Andreas Wittkowski, advi-



sor of Pillar IV, mentioned that the elaboration of a new development strategy for the economy of Kosovo was about to start. Most of the committee members present believed that they should definitely be part of such a strategic debate.

Should they really? Probably a clear rule about this does not exist. Precisely because of the existence of such a kind of "open" structures and sometimes missing or at least ambiguous rules in Kosovo, even more dialogue between UNMIK and the PISG seems to be needed. The Friedrich Naumann Foundation offers and facilitates such encounters. We are sure that this facilitation is an important instrument, which helps to overcome imperfect structures, which definitely characterize transition everywhere.

Assessing the work of the legal office of the Assembly of Kosovo

The Director of the Legal Department of the Assembly of Kosovo, Mr. Daut Beqiri, reflects upon the work of the Department. Despite acknowledging the quality of its work, he recognises that there is still room for improvement, so that the best services are offered to the Assembly of Kosovo.

Interview by Edi Efendia (NDI) and Dardan Velija (OSCE)

Q. How do you assess the work of your office, two years after its establishment?

A. The Department of Legal and Procedural Advisory Services is responsible for providing legal and procedural support to the Assembly Members, Assembly Committees, Parliamentary Groups and the Assembly Presidency.

The commitment of the staff is satisfactory, but there is still room for more creativity. Right now, the workload is great, both in the Table Office and the Committee Section. Hence, during the working week, the staff provides services to three or to four Assembly Committees and follows up with six to eight committee meetings. Each meeting requires certain preparations, such as compiling meeting minutes and reports with recommendations, which must be submitted to the Assembly and its Presidency. In order to increase the efficiency and

the quality of work in this department, we need more legal advisers.

Q. What's your opinion about the co-operation between PISG and UNMIK Legal Departments?

A. With no intention of assessing the co-operation between the PISG and UNMIK legal offices, I believe that this co-operation should be based on the criteria, terms and procedures provided by the Administrative Directive on Drafting and Proceeding of Draft Laws. According to this Directive, the legal offices, in certain phases, are obliged to submit notification and adjustments for many legal issues related to responsibilities and competencies.

The co-operation between the Assembly Legal Office and that of UNMIK is satisfactory. This is seen especially when it comes to legal and procedural issues, rules and procedures, and also during the stage of



reviewing the draft laws in the Assembly Committees. I think that the UNMIK Legal Office may contribute more during the compilation stage of draft laws, then during the reviewing phase in the Parliament.

Q. What are the priorities for staff training?

A. The improvement of staff performance is my permanent concern. Training should be regarded as preparing the staff to be able to handle the rules of procedures in all stages of work - from the Table

Office to the work of Assembly Committees and Plenary Sessions. Therefore, training should be carried out in conformity with the provisions of Rules of Procedures of the Assembly. However, we should insist on learning from parliamentary systems similar to the one we have in Kosovo, as this experience is an invaluable resource.

Q. How do you assess the recent initiatives undertaken by the Assembly Parliamentary Committees to initiate draft laws as in the case of the Law on Gender Equality?

A. According to the Constitutional Framework and Rules of Procedure they can draft and submit draft laws to the Assembly. The first draft law from Gender Equality Committee has already passed through the approval stage in principle, and thus soon the discussion and final approval are expected. This right has begun to be exercised by other Commit-

tees. Such achievements should always be supported. Moreover, even the Committee for Trade and Industry did the same thing, they approved the proposal for initiating the drafting of the Law on Energy. I think we should continue with this sort of practise as well as with training of committee officials, and with engaging both local and international experts.

Q. Are you planning on employing translators/ interpreters for English - Serbian-Albanian, in the legal office, so that you could more easily communicate with UNMIK officials?

A. Oral and written communication in all three languages, not only with UNMIK but with others, as well, is very important. The implementation of the EAR project for support of the Assembly in legislative area started on 15 September 2003. The project foresees the employment of two translators/ inter-

preters for Albanian, Serbian and English.

Q. You are a member of the recently established Project Board for the creation of a Glossary of Legal and Parliamentary Terms in three languages. How do you and the Legal Department plan to contribute?

A. The implementation of the project for compiling the Glossary of Legal and Parliamentary Terms supported by the OSCE - Department of Democratization has finally started. I am a member of the Project Board. However, I will also give my contribution as an expert on legal and parliamentary terminology, so that we could have a high quality glossary.

Q. In a meeting held by the FNSt (Friedrich Naumann Foundation) for legal staff, you have mentioned that the department is facing increased workload due to the increase of legislation. How do you plan the work of your staff with commissions? Do you have shortages in human resources? What are your plans in this respect?

A. It is an undeniable fact that the legislation process in the Assembly is increasing. Almost every working week, the Assembly at least discusses a law in

principle, and approves a law. This tempo of discussing and approving the laws requires maximum engagement and commitment of the staff in legal offices, during their work with Committees. The Assembly has thus far established 19 committees. There are only five staff teams, which carry out the support and administrative-professional work. Soon, the establishment of the team of officials, which will work with Committees, is expected.

Q. Mr. Beqiri, what do you think can ASI do in the future to support you overcoming the difficulties faced during your work?

A. The contribution of ASI is huge and incontestable. This help is focused more in the field of information on all the current issues and other support activities to the Assembly. I believe that in the future this contribution will be more needed, especially in projects such as publishing the Rules of Procedure. I also think that we would welcome projects for training the staff, taking into consideration our specific needs. In this respect, any project concerning implementation of new Rules of Procedure would be welcomed.



Pictures from recent Assembly plenary sessions.

Support Activities to the Assembly

Friedrich Naumann Stiftung (FNSf) organizes Committee visit to Austria

Besides the consultancy support offered to the members of the Parliament, Friedrich Naumann Stiftung organizes a working visit to Austria for the chairpersons and vice-chairpersons of the Committee for Budget, Committee for Trade and Industry and Committee for Finance and Economy. The aim of the visit, which will take place between 9-13 December, is to give an opportunity to the parliamentarians for exchanging experience with their colleagues from the Austrian Parliament. Contacts with economic institutions and potential investors have been also planned.

Workshop for the Assembly Legal Staff, by Mr. Michael Georg Link, FNSf.

On 30 September, Michael Link, consultant for the German Friedrich Naumann Foundation held a workshop for the legal staff of the Assembly of Kosovo. In co-operation with the OSCE Central Governance Support Team, the workshop reflected on methods to improve the workflow within the legal department of the Assembly such as practical ways of integrating amendments into draft laws. Besides those practical tips provided by their German colleague, the legal staff expressed a high interest in the European legislative process. In light of the need to align Kosovo legislation to the EU's Aquis Communautaire, FNSf. plans to offer future in-depth topical consultations for the legal staff.

Visit for the Press and Public Information Section of the Assembly to Slovenia

A visit was organised by the OSCE Central Governance Support and Media Teams to Slovenia for members of the Press and Public Information Section of the Assembly of Kosovo. The project brought together representatives of Kosovo with their counterparts in the Slovene Assembly and included meetings with the Deputy Head of the Information Unit of the Slovene National Assembly, the Editor of the Slovene Assembly's Bulletin "Porocvalec" (Informer) and the Head of the Slovene Government's Information Unit. The Kosovo delegation familiarised themselves with the way the Press and Public Information Department of the Slovene Assembly interacts with the public; the means that governmental agencies co-operate and the approach adopted by the Assembly in order to promote its work to the wider public, which includes informative journals, the internet (Assembly website) and regional network mechanisms to promote Slovenia abroad.



Media Project: Training for Parliamentary Journalists and TV Series on the Assembly of Kosovo, 29 September - 3 October

The first phase of the media programme, taking place under the auspices of the OSCE Central Governance Support and the Media Teams, was directed towards training for Parliamentary Journalists on political reporting. The result of the project is a series of 30 minute televised programmes, which are screened on a monthly basis (October, November and December). Building upon the success of the pilot phase, further programmes will be recorded in 2004.

The project aims strengthening the investigative skills of Kosovo journalists in political reporting and increase their knowledge of how to create a TV series, which accurately reflects political dialogue and developments, while at the same time informing the public. Following a recommendation, as communicated by the Slovene expert who provided the training in Kosovo, the second phase of this project will include a visit by four Kosovo journalists, under the guidance of the editor-in-chief, to Slovenia. Following intensive training and interaction with their counterparts in Slovenia, the Slovene expert will return to Kosovo in order to deliver the final part of this training in December.

NDI training on Constituent Relations throughout October

During October, NDI scheduled regional training on constituent relations in 5 regions within Kosovo. The training targeted municipal councilors and focused on a wide range of issues, such as the

functioning of municipal Assemblies, budget management, executive oversight and others. Part of the training was provided to a diverse audience, made up of municipal councilors, NGOs and political party representatives. The objective was to foster better co-ordination among all actors involved in order to improve constituent relations.

Constitutive meeting of the Editing Committee of the Glossary Project Established

On Friday 31 October 2003 the Editing Committee of the Glossary Project held its constitutive meeting. The work methodology and the Rules of Procedure were also discussed and approved.

KODI Analysis on the Internet

The Kosovo Research and Documentation Institute (KODI) has produced a report on the Assembly's work since the first elections were held in October 2001. The purpose of the report is to provide an analysis on how the current government functions by analyzing the work of four parliamentary committees and the four counterpart Ministries: (i) Trade and Industry, (ii) Labor and Social Welfare, (iii) Environment and Spatial Planning, and (iv) Education and Science. In addition to the respective ministers and committee chairs, the authors interviewed their respective advisors, International Secretaries, the OSCE Assembly Monitor and Coordinator of the Assembly Support Initiative (ASI). At the end of the report, KODI provides a comprehensive set of recommendations aiming at increasing the efficiency of the Assembly and the level of co-operation between the Kosovo institutions and the international community. The full report of KODI's analysis on the Assembly can be seen at KODI's website: www.kodi.ipko.net.

Public Hearings on Draft Legislation

The Friedrich Ebert Foundation (FES) and the National Democratic Institute (NDI) are harmonizing their efforts in assisting the relevant Committees to organise a public hearing on both the Anti-Discrimination and the General Health Laws.

Currently, the NDI is working on finalising a Public Hearing Manual. A draft of the manual has been submitted to all ASI Partners in order to provide feedback. Public hearings are considered absolutely central to the democratic functioning of a Parliament and Parliamentary Committees, since they allow citizens to take part in developing positions on certain issues and thus assisting in developing public opinion on a measure or an issue. Further public hearings improve the quality of draft legislation, through exchange of information, checking and monitoring the Government's work and present problems in a given field.

Friedrich Ebert Foundation (FES) organises visit to BiH for the Committee on Labour and Social Welfare

FES has chosen the Federal Parliament of Bosnia and Herzegovina as the next destination to be visited by selected Kosovo MPs between 29 November - 3 December 2003, in the framework of the established "Regional Exchange Program for Parliamentarians" supported by the contribution of the German Government to the Stability Pact. BiH has been selected because of the similarities in the systems, experiences and backgrounds, and the multiethnic framework of co-operation in both cases. For this activity, FES has been working with the Committee for Labour and Social Welfare as well as with the Committee for Health, because of the issues FES has chosen to focus on, such as social and health reforms and unemployment, which are pertinent to Kosovo's development. FES anticipates that the Kosovo MPs will gain considerably from their interaction with their counterparts in BiH, especially when dealing with the practical ways various ethnic groups work together, on a number of issues.

Political School in Strasbourg

A Seminar on Political Schools of Kosovo and Bosnia - Herzegovina was held in Strasbourg from 21 - 26 October 2003, organized by the Council of Europe. A multi-party delegation composed of members of all political parties - with the exception of Coalition Povratak (KP) - as well as an equal number of NGO representatives participated in this event. This seminar was the last of a series of three by the Political Schools of Pristina and of Bosnia and Herzegovina.

The site of the event was the city of Strasbourg, which is known as a symbol of century-long suffering due to its location at the border between two European powers, Germany and France, in the heart of Europe.

Mr. J.P. Clain and Ms. Doris Pack made the strongest impressions on the participants: both of them are very familiar with the political situation in the former Yugoslavia. Mr. Clain, worked in Bosnia and Herzegovina from 1997 till 2002 and completed his career as the Special Representative of the Secretary General (SRSG), while Mrs. Doris Pack is a Member of the European Parliament and had visited Kosovo on many occasions during the past 15 years. She stressed: "We are not asking you to hug each other, but we ask you to co-exist".

Mr. Dzezair Murati, member of Other Communities Parliamentary Group and co-president of Vatan, focused his presentation on the approach of the majority of international officials who see Kosovo through a black-and-white-prism of Serbian-Albanian relationships, disregarding the Other Communities and their positive role in integration into the new Kosovo society. Positive examples were presented, which may serve as an incentive to overcome the situation between the various communities, asserting, at the same time, that it is far from what is aspired.

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.



Pictures in this Newsletter:

OSCE (1, 3, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17, 20, 21, 22, 24), Lamers (p. 5), UNMIK-DPI (p. 13), Willert (p. 19).

ASI

Newsletter

Belgrade Street 32, 38000 Pristina
Tel. (+381-38) 500 162 Fax: (+381-38) 500 188
contact: franklin.de-vrieze@omik.org
<http://www.osce.org/kosovo>

The views expressed by the contributors to this Newsletter are their own and do not necessarily represent the views of the Assembly, OSCE Mission in Kosovo or the ASI partner organisations.