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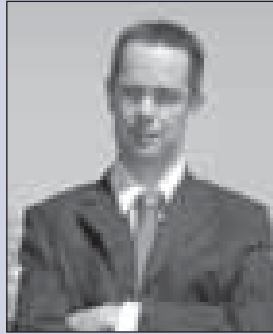
A portrait of SRSJ Jessen-Petersen, a middle-aged man with short, graying hair, wearing a dark suit, light blue shirt, and a striped tie. He is looking directly at the camera with a neutral expression. The background is a solid blue color.

**SRSJ Jessen-Petersen  
addresses inaugural  
session of Assembly**

**NDI's six goals in  
support to the  
Assembly**

**Džezair Murati:  
"Minority communities will show maturity"**

## Editorial



### Agenda of the new Assembly of Kosovo

*As the inaugural session of the Assembly of Kosovo proceeded on 3 December 2004, new challenges during the second mandate of the PISG became obvious. The election of a coalition government, depended upon the support of a number of parties in the Assembly (LDK, AAK, PSHDK, KDTP, VAKAT and IRDK) while being faced with a parliamentary opposition (PDK, ORA and smaller parties), marks a new phase in the development of the political process in Kosovo. What does it mean for the Assembly and its functioning in the years ahead?*

One of the first and major tasks of the Assembly is to pass legislation as proposed by the government. During the first mandate, the Assembly adopted around 80 laws. Prioritisation of the type of legislation further needed is to be expected. During the first mandate of the PISG, the Assembly ensured input of experts and civil society in the legislative process through public hearings. In his address, SRSG Søren Jessen-Peterson encouraged the Assembly to continue working in this way.

All parliamentary groups want laws in compliance with the European legislative standards. A project in support to the Assembly, financed by the European Agency for Reconstruction, will continue to assist the Assembly in this area. In addition, it is vital that laws adopted and promulgated are also being implemented. A recent survey by the OSCE Mission in Kosovo revealed serious shortcomings (see specific article in this Newsletter). It is the Assembly's task to control the government in its attempts to progress on implementing the laws as adopted by the Assembly.

Herewith, we move to the second main task of the Assembly: to hold the government accountable. This is true not only on the

issue of legislation and its implementation, but also in the areas of policy development, good governance and transparency the Assembly can exercise its right of "executive oversight". The first mandate of the PISG was marked by a rather weak exercise of the parliamentary control function. Now, one can expect that the parliamentary opposition would use all the instruments foreseen within the Constitutional Framework and Rules of Procedure to scrutinize the government's work. However, members of parties supporting the government also might have an interest, since they will be expected to set the norm at which Kosovo will be judged in the months and years ahead.

In this respect, the challenge ahead is to develop a culture of responsive government and constructive opposition. A responsive government, one can estimate, will continue working to develop transparent and democratic decision making processes and continue working to realize Standards. A responsive government is responsive to the needs of the population to improve its living conditions. From a constructive opposition one can expect to watch the government's adherence to rules of procedure and a policy of good governance. A constructive opposition evaluates the governments work based upon its merits and offers its policy alternatives.

The third task of the new Assembly is reviewing and adopting the Kosovo Consolidated Budget. While USAID / Bearing Point intends to continue supporting the budget process in the Assembly, challenges remain in terms of developing a transparent process in allocating the budget surplus and effective control of each of the budget organizations through, amongst others, mid-year budget reviews.

Under the umbrella of the "Assembly Support Initiative", ten organizations and parliaments -- based in Europe, USA or UN-affiliated -- are developing complementary and joint programs and projects to improve the professionalism of the Assembly as an institution. Partnership is the key in order to develop tailor-made support which really meets the needs of the Assembly Secretariat as well as the various parliamentary Groups and Committees.

Finally, it is important to stress that the Assembly of Kosovo is already a multi-ethnic Assembly, enjoying the full participation of members of the Bosniac, Turkish, Roma and other minority communities. Kosovo-Serb Assembly Members have not yet joined the work of the institution. However, as SRSG Jessen-Peterson stressed, the active participation of Kosovo-Serb Assembly Members is needed for the sake of the Kosovo-Serb population. Participation in the institutions remains the best way to improve living conditions.

The Newsletter gives information and analysis of recent developments and challenges in the Assembly and the capacity building programs related to it. We hope you find it useful.

*Franklin De Vrieze,  
Co-ordinator of the "Assembly Support Initiative"*

# SRSB address to inaugural session of Assembly

Søren Jessen-Petersen,  
Special Representative of the UN Secretary General, 3 December 2004

I am honoured to be at this inaugural session of the new Assembly and I congratulate you on your election.

Allow me first of all to thank the outgoing Government led by Prime Minister Rexhepi for its work over the past years. That Government took significant steps in bringing forward issues of importance for Kosovo, and made important progress in the recovery from the terrible violence of last March.

The October elections, which brought you here, were determined to be free and fair, and they proceeded in a peaceful manner. They were indeed a credit to Kosovo. Today's session is the reflection of that democratic process.

As members of the highest representative and legislative body of the Provisional Institutions of Self Government, you have a very important responsibility not only to your voters, whose trust in you must now be honoured, but also to Kosovo as a whole. You have the responsibility to make informed and conscientious decisions that are in the interests of all the people of Kosovo.

I have just returned from New York, where I briefed the Security Council on the situation in Kosovo, including our evaluation of progress and the way forward. I am pleased to tell you that I received strong support from the Security Council on the strategy for moving forward. That means that there is now a strong expectation on Kosovo's ability to deliver real progress on standards in order to pave the way for a positive assessment in mid-2005 and the subsequent process leading to

talks on final status. It is now up to you to show results. It is for this reason crucial that the new Assembly and Government begin functioning immediately. In this task, UNMIK is ready to support you.

As you know, implementation of Standards must be a priority for the PISG throughout the next months, in order to ensure that sufficient progress is made prior to the comprehensive assessment planned for mid-2005. The Assembly will play a key role in passing legislation that is vital to the fulfilment of Standards. However, it is equally important that the legislative process should be carried out in an open, democratic and accountable manner in full conformity with the Constitutional Framework. This too is a key Standard.

The previous Assembly frequently held public hearings to consult with local experts and members of the public on draft legislation and other matters of general interest, and I encourage you to build on that tradition. The Provisional Institutions must reach out to the larger public, listen to their concerns, and act upon them.

Indeed, Standards require that the legislative process should accommodate the concerns and opinions of all of Kosovo's Communities. For a number of reasons, Kosovo Serb participation in the elections was regrettably low, but there is still room for the active participation of all Kosovo's communities in the Assembly Presidency and Committees.

It is the responsibility of each Assembly Member, not just the committees or bodies designed



Søren Jessen-Petersen

specifically to consider Community interests, to give due consideration to viable proposals. It is the responsibility of all of you to make Kosovo a better place for all of its inhabitants.

As you are aware, UNMIK intends to transfer all competencies not directly involving sovereignty to the Provisional Institutions of Self Government as soon as possible. The recent establishment of three new ministries – returns and communities, energy and mining, and local government – will be followed by further transfers, particularly in the area of the economy and, eventually, also in areas linked to justice and security. UNMIK and the Provisional Institutions of Self Government should take a common approach in partnership in determining the best strategy for the transfer of competencies.

However, the transfer of competencies only has sense if it

leads to productive and positive actions. Additional competencies mean greater accountability and greater responsibility, particularly in light of the need to make progress on standards. I am fully prepared to use all tools and measures at my disposal to actively enforce the accountability of the Provisional Institutions.

These tools include strong monitoring and oversight but also eventual sanctions. I am prepared to challenge officials who fail to carry out their duties responsibly, or who block attempts to make improvements in key areas such as minority rights, freedom of movement, returns of displaced persons, equal provision of services, responsible media, and security. I count on the consistent support of the Provisional Institutions in the implementation of this policy and specific actions.

I am also fully aware that a successful transfer of competencies will require the building of additional capacities within the Provisional Institutions. To this end, I have taken the initiative to mobilise donors' assistance to the Provisional Institutions.

The next 12 months will be crucial in determining the future of Kosovo. The work of the Assembly, the Government coalition, as well as the parliamentary opposition, will determine to a large extent whether Kosovo succeeds or fails. Failure, however, is not an option. Only hard work, real action, and progress in the interest of Kosovo will count.

Thank you for inviting me to speak, and I wish you a productive term in office!

# An Assembly with European Features

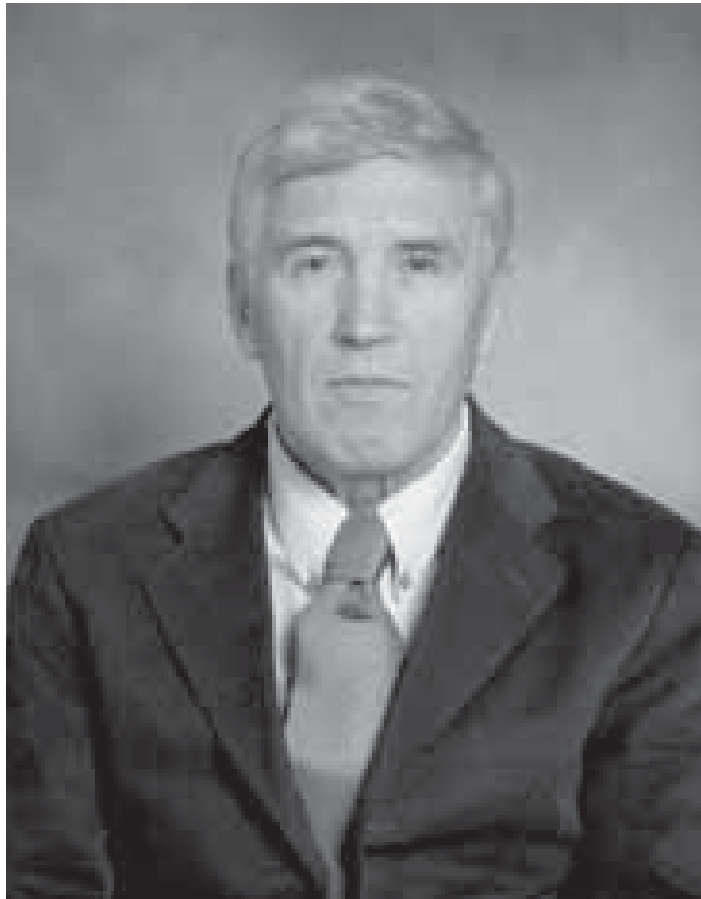
By Academic Nexhat Daci, President of the Assembly of Kosovo

The Assembly of Kosovo which emerged from the free, democratic and fair elections on 23 October 2004 will for the first time in its history have a leading political group and an opposition. This came as a result of the creation of a coalition government between the largest party and the third largest party in terms of the seats won in the Assembly and the Group Six Plus which represents Turkish and Bosnian minorities as well as some other smaller parties in the Assembly of Kosovo.

In the new government relationship, the third largest party secured the positions of the Prime Minister and four other ministries in the Government of Kosovo. On 22 December 2004, in a substantive and correct plenary session, after a fruitful debate and a voting in harmony with coalition power, the Government Programme was adopted.

New circumstances brought a new qualitative feature, a mutual appreciation between MPs and parliamentary groups, a seriousness during preparations for discussions, most often submitted in writing, and a constructive manner in submitting motions and proposals. This leads to the impression that the Assembly is unified in supporting the Government and its programme, which is obvious, and in favour to the interests of the country and all Kosovo citizens regardless of their background.

Another new element was the taking of the oath ceremony of MPs and the Government, made publicly in front of millions of viewers who were watching the session on



*Prof. Nexhat Daci*

their TV screens. It represented an act of moral responsibility towards people and institutions, as they, with the greatest commitment and honor, will work in accomplishing the objectives for Kosovo, which are big and important not only for ourselves but for the whole region as well.

In the forthcoming period the Assembly of Kosovo is expected to be much more efficient in approving laws. As such more appropriate solutions will be offered to the citizens in order to ease and facilitate their living and working conditions. Also, in doing so Kosovo

will bring its legislation in line with European legislation which will shorten time period and the procedures to become part of the European Union as soon as possible, which is an early objective of Kosovo's people.

Comfortability of the needed vote during the process of voting the laws also creates comfortability for drafting these laws and sets a useful cooperation between the Government, Parliament, UNMIK and other institutions that are assisting in drafting of laws. Now we won't anymore face the situation of changing the essence of

laws during our work in the Parliament or situations where the law is not approved by the Assembly, because everyone is involved in all stages of process and everyone will give its own contribution in order to improve the quality and professionalism, always bearing in mind common goals and objectives. In addition, cooperation with the international mission for a real partnership and for effective transfer of powers at Kosovo's institutions will be realized in accordance with the estimated and agreed plan and dynamics.

All this makes Kosovo an usual and ordinary country as any other country in Europe. This will make successful the international mission in Kosovo established by UNSC, with the best references for any other similar mission, and the people of Kosovo will be completely responsible for their own fate, with the elected institutions and with complete respect for the European norms and standards which integrates not only the citizens, but also Kosovo into Euro-Atlantic structures.



# "We will not let the coalition feel comfortable"

**Ramë Buja has been active in Kosovo politics for many years. He was member of the Kosovo delegation to the talks in Rambouillet (1999) and on 23 October 2004 he was elected Member of the Assembly for the Democratic Party of Kosovo (PDK). "ASI Newsletter" interviewed him in his new capacity as one of the two PDK Members of the Assembly Presidency.**

*Are you satisfied with the results of the elections?*

As PDK aimed to become the largest party through these elections, we cannot be satisfied with the current second place. However, we do recognize the election results. We are aware of our current position and the new role we will play, as the opposition.

*It is the first time that the Assembly of Kosovo has a governing coalition and opposition. What will be the approach of PDK?*

Kosovo is entering into a new phase of its democracy, where the government has its challengers. We won't let the governing coalition feel comfortable, even for a moment. Through positive words and actions we will promote the development of Kosovo. PDK will not only criticize and vote for or against. We will be very active as an alternative with new and productive proposals and ideas.

*Are you expecting cooperation with the governing coalition?*

For cooperation you always need the readiness and will of two parties. We are ready and willing, as much as our rival positions allow it, to work for the general benefit of Kosovo.

*Why would you consider a broad-based government more acceptable considering the importance of the year 2005?*

After the elections of 23rd of October 2004, PDK proposed to create a government with a wide political and ethnic spectrum. The reasons for this proposal were explained and well elaborated. We stressed that also during the second mandate of the PISG, Kosovo needed continuity of policy and even a more toler-



Ramë Buja

ant inter-party and interethnic environment. We initiated this proposal for the sake of being together in 2005, when all relevant international mechanisms will more seriously engage on the final status of Kosovo.

*In spring 2004, Assembly plenary sessions were reorganized, from weekly into monthly sessions. What is your opinion?*

The work of the Assembly should be full and regular, without defining it by week or by month. It should flow along in proportion to the obligations and tasks that emerge from the legislative groundwork.

*During the election campaign many political parties promised to make a new constitution within a year. Do*

*you think this is possible?*

The percentage of fulfilling the pre-electoral promises is low, especially in the Balkans. But this concrete promise is possible, but practically difficult to achieve, if not impossible within this frame time, due to the unnatural workflow in the coalition.

*In what way do you think the Assembly will supervise the fulfillment of standards by the Government?*

Assembly monitoring in the fulfillment of standards by the Government will have its logical and legal flow, similarly with the monitoring of other Government work and operations. On possible delays the Government might face in field of Standards, perhaps it would be convenient to have

parliamentary debates as well. This suggestion seems to aim at the facilitation and acceleration of the process of fulfillment of priority standards, for which Kosovo citizens are the most eager to see fulfilled. And if we really want to have the conditions met in order to start the negotiations on Kosovo's status, we should have good cooperation with UNMIK.

*What are the priorities for the Assembly?*

The engagement of the Assembly is a known and defined one. Its immediate task is establishing a sufficient and substantive legal base to meet the standards successfully and as soon as possible.

*How are you going to contribute as member of the Presidency of the Assembly to the work of Committees?*

In addition to all the other obligations, this time a new organizational quality is to be introduced by the members of Presidency. Although not directly involved in the committee work, members of the Presidency will be coordinators of the committees and work between committees, in order to progress the work and efficiency of the Assembly.

*What are your suggestions to improve the executive oversight by the Assembly?*

I would wish to have established, once and forever, a spirit of coordination and cooperation between Kosovo institutions. Once this is reached, all the rest will have its legal and institutional flow. And the issue of dependence and interdependence, responsibility and accountability will be known and measurable in advance.

## "Minority communities will show maturity"

***Džezair Murati, president of the coalition VAKAT, is the new member of the Assembly Presidency, representing the non-Albanian and non-Serbian communities. "ASI Newsletter" interviewed Mr. Murati after the first meeting of the Presidency following the inaugural session of the Assembly.***

*Mr. Murati, Vakati has three seats in the Assembly. Are you satisfied with the elections results?*

We were expecting to get three seats and Vakati got three seats. Many political entities from within our community were running in the elections and as a result our constituency was split. Many votes went to the entities that couldn't be elected, with the exception of SDA that got one set-aside seat. Vakati was the clear winner within the Bosniac community. This means that we will be the carriers of the seats in the Committees, a Ministry (Ministry of Health) and the rotating seat in the Presidency. The best possible solution for our community is to create a joint constituency, in order to be best represented in the central Assembly and the municipal Assemblies. The elections should be a lesson to the minority communities not to repeat the mistake of dividing the constituency.

*The Assembly is constituted of ruling parties and opposition. What will be the role of your party in this political landscape?*

Our coalition Vakati, which with the Turkish party KDTP formed the parliamentary group 6+, has a huge role to play. In the Assembly Presidency the balance of power is 3 against 3, leaving aside the Kosovo-Serb representative as these MPs still boycott Assembly work. On one side, there are PDK and ORA and on the other side there are LDK and AAK. Our representative could constitute the decisive vote. We are part of the governing coalition. Although we might disagree with the government



*Džezair Murati*

when it comes to the interests of other communities, when it comes to voting we might have to support the decisions of the governing coalition. The opposition must understand that this is the political decision that other communities have to take and this expresses the political will of other communities. The burden that has been put on our shoulders is very heavy.

*Do you expect co-operation between the governing coalition and the opposition?*

The essential difference in the second mandate of the Assembly, compared with the first one where a wide coalition of

Albanian parties was ruling, is that we have now a governing coalition composed of two Albanian parties (the first and third largest one) plus the Other Communities while the second and the fourth largest Albanian parties remained in opposition. Somebody might think that a wider coalition would be more successful. I believe that wherever there is competition, in the economy as well as in politics, things will be pushed forward. The constructiveness of the opposition will pressure the governing coalition to make quality moves. If in a certain situation we don't offer the best

solutions, the best solution will be offered to the public by the opposition and they will be scoring points. This is another reason to be cautious. Every time we don't come up with the best solutions the opposition will make us to try and find the best solution. The opposition has a positive role to play because it will make the ruling coalition to be concentrated, to think and work qualitatively.

*How do you assess the strength of the ruling coalition taking into account the evaluation of implementation of Standards by mid 2005?*

2005 is the year of the great test of our maturity, not only for the coalition and the opposition but for all the institutions of Kosovo and for Kosovo as a society, where it is and where it wants to be in the future. A lot will depend on how we will set the priorities. First, there is the beginning of decentralization and minority communities have a huge role to play, to ensure that the specific rights of minorities will be fulfilled. Second, there is standards implementation, again dealing with human rights of the majority community and of minority communities. In front of us are many other tests, such as the poor living conditions of Kosovo citizens, unemployment, the dead economy, lack of production. The wheels of development will start turning depending upon the ability of political entities as well as the negotiations between Pristina and Belgrade. The

government has made clear its readiness to start the negotiations. There are many unclear issues to solve, political issues but also economic ones such as property, functioning of factories, electricity, the issue of debts and investments.

We as minority communities are aware of the responsibility. We represent the minority communities that are constructive and which accept Kosovo as our own home. This we have proven during the years after the war. We are Kosovo orientated. But we will not give up or damage our basic rights, such as identity, tradition, culture, religion, language and equal rights for employment. In the area of use of languages in the institutions, a lot is still to be done, in the schools, in municipal assemblies, in law drafting process, in the courts and health care institutions. The burden on the minority communities is heavy and that's why we have to show maturity, and we will.

*How do you see your role as a Member of the Assembly Presidency?*

Within the Presidency we have the rotation principal for other communities. Bosniacs, Turks and Roma/Egyptians have the possibility to become Members of the Presidency based on this principal. Two thirds of this mandate belongs to the parliamentary group 6+. I will be in the first term and after me comes Mr. Mahir Yagcilar, president of KDTP.

Being a member of the Presidency is quite important since the Presidency is a political body that leads the political issues of the Assembly. It determines the agendas and the priorities during the set up of the tasks, issues, laws and other issues.

## "Regional parliamentary contacts are crucially important"

**On 10 December 2004, Ms. Liljana Popovska visited Kosovo to participate in the ASI induction program for the new Assembly. As deputy President of the Parliament of the Republic of Macedonia (FYROM) until recently, she shared her experience on issues such as regional dialogue and parliamentary cooperation.**



*Do you feel that inter-parliamentary co-operation can play an important role in fostering regional integration? Have you found programmes such as this useful in your work in Macedonia?*

Of course, in this multi-cultural world it is natural that we have all of these kinds of exchanges of expertise, of knowledge and of cultural values. All of this is necessary in a multi cultural world. We have many things in common and also of course many problems in common. Everything is easier when you work together.

*Macedonia is open to all kinds of co-operation, in fact we have taken a leading role in terms of regional co-operation. We co-operate on all levels- governmental, parliamentary, and so on.*

We have developed bilateral and multilateral regional co-operation initiatives. One good example is the parliamentary lobby on Corridor 8. This was formed at a meeting in Ohrid in June 2004, a meeting that was attended by politicians from Turkey, Bulgaria, Albania, Greece, Italy and of course Macedonia. This is a

very good initiative and it is in our common interest that it succeeds.

Another initiative is the Adriatic charter, signed in May 2003 by the heads of government of Croatia, Macedonia and Albania. The parliamentarians are involved in this initiative very intensively and there are very concrete results concerning the NATO-integration process.

*You have long been involved in women's organisations. Can regional programmes make a contribution in this area?*

Regional activities can play a very important role. For example, I work with the Gender Task Force of the Stability Pact's Working Table 1 - Democratization and Human Rights. We have formed Women's Parliamentary Clubs. These allow female politicians from countries across the region to meet and we can speak on any issue.

Over the past five years women's involvement in politics and decision making in the region has increased from 7 to 15% In Macedonia there has been a three-fold increase and now it's up to 18%.

*In contrast to the pre-election situation, Kosovo now has a significant opposition. What advice can you give as to how that opposition can play a constructive role in the legislative process?*

I wouldn't give advice - everyone knows what is best for

them. But, generally speaking, you cannot develop democracy without an opposition, it is quite simple. Over their history, all political parties evolve. They learn to be constructive when in opposition and when in government. Parties must learn not only to criticise but also to propose solutions. Finally, both the government and the opposition create the legislative framework and atmosphere in the country.

*Do you think anything can be learnt in Kosovo from Macedonia's efforts to ensure that different ethnic groups are represented in the political system?*

Most importantly, we must follow the rules. In Macedonia we have learned to be tolerant, we have learned to find solutions through dialogue, rather than through blackmail or other means. We are not perfect, of course, but we are in a developing process.

*This Assembly Induction programme involves international and local organizations, NGOs and politicians. Does this type of co-operation have any advantages?*

There are definite advantages in terms of support for inter-structural co-operation. It is important not to be closed to any sector. This way it is possible to reach better results and higher efficiency.

*Interview by Garrett O'Brien*

## NDI's six goals in support to the Assembly

**After having worked in the US Congress and Eastern Europe, Mr. Tomas Bridle recently moved to Kosovo to become the director for the National Democratic Institute (NDI). The "ASI Newsletter" posed him a series of questions on his views and projects.**

*You recently arrived as Director of NDI's program on political processes, which is funded by USAID. What are your first impressions of Kosovo's political environment and the Assembly?*

I arrived just before the Assembly election, so I got to see some of the campaign, watch a few rallies, and meet with some of the party leaders. There seemed to be vigorous competition and the some of the campaigning seemed very professional. Our program here, like NDI programs around the world, tries to encourage and train parties to run campaigns based on meaningful policies that are developed with input from party members and voters, and it was nice to see some of that here. It was also encouraging that the turnout was relatively high. The Get Out the Vote (GOTV) campaign conducted by a coalition of civic groups was visible everywhere I went in Kosovo, and, as you know, this effort received technical support from NDI through its USAID-funded program. From what I saw on Election Day, the voting itself went smoothly. As for the Assembly, it clearly faces a new set of challenges and opportunities. The biggest change of course is the presence of an opposition in parliament, which I think is basically a positive development. We also hope that the government will be energetic in pushing ideas and legislation, which will require more responsive reactions from the Assembly.

*What are your goals for your work with the Assembly of Kosovo?*

The first goal that I'd empha-

size is ongoing cooperation with other international organizations through ASI. Assistance must be coordinated to be effective, and ASI has been a model of that kind of cooperation. The series of trainings and seminars for new members of parliament is good example of what we can do together that would be less effective individually. So many of these goals I see as ASI goals rather than just our goals.

The second is to strengthen the rules of procedure and the working of the Assembly. This implies not only better rules, but more consistent compliance with those rules. They should become more accessible to members; an integral part of their day-to-day work rather than foreign strictures imposed on them. Those rules give the opposition rights that must be respected. Also, both opposition and the ruling coalition have a broader obligation to not only follow the letter of the rules, but to build a culture and tradition of tolerance for opposing views, substantive debate and respect for the democratic ideals that the institution represents.

Third would be to continue strengthening the work and role of the committees, which are really the heart of legislative work. This is closely linked to work on the rules of procedure and to the presence of an active opposition that will want to play a role in the law-making process.

The legislature's executive oversight function will also be more visible this session as members and committee chairs will want to monitor the implementation of laws and

the activities of individual Ministries, particularly how they spend money. Many members have raised this need in discussions and during the new member orientation trainings. Just as with the rules of procedure, the longer-term task is not only clarifying the procedures for oversight but developing a culture of constructive engagement between the legislature and the executive will be important.

Fourth, party caucuses play an important role in the legislative process, and it will be important to ensure that they – both government and opposition – have their own internally democratic procedures and a strategy for turning ideas and political platforms into legislative agendas.

I hope that members of this Assembly will also actively reach out to citizens and voters and we will try to assist with this. The legislature and government are creating six constituent relations offices in Pristina and municipalities, together with one staff person at each of those offices, and that is an important change for the Assembly.

Sixth and finally, in addition to being more responsive to individual constituents, I hope that this Assembly will be responsive to civil society. Our civic program has worked with local groups to monitor the work of municipal assemblies, which some of the municipal assemblies viewed with great suspicion at first – who are these people who are actually paying attention to and commenting on our work – but has

really proven to be a great asset to the assemblies as well as to the development of civil society.

*What will you be doing to accomplish those goals?*

I don't think those goals are radically different from what we – together with other ASI partners – have already been trying to accomplish. I think we have to be cognizant of how the existence of an opposition changes the context in which we'll be working, as well as being aware that we are now working with many members of parliament who have significant experience in the institution and in some cases even as formed Ministers. So that changes the context of the work – not just for NDI but for all the international organizations. But the basic vehicles for working with the legislature remain the same. Pat Cadle, the Director of our Legislative Strengthening Program, and Edmond Efendija will continue their excellent work in the Assembly. In the past several years we've made extensive use of two consultants, Kevin Deveaux and Sherrie Wolff. Kevin has already been here once this year as part of the new members and I hope to see him back soon. Sherrie has taken a position at USAID in Washington, so is no longer available as a trainer but I hope will come back to see some of the results of her earlier work.

*The program that NDI manages also works with the municipal assemblies.*

Yes. Pat Cadle also manages that program, with the help of Arben Kelmendi. It is analogous





*Tomas Bridle*

in many ways to the work on the central level: we work with them on developing and implementing the rules of procedure, on the work of committees, on holding public hearings and on outreach to constituents. And we cooperate closely with the civic groups that monitor the work of those assemblies.

Last year, your project worked with a coalition of civic groups on an election reform campaign. What are your thoughts on that campaign? Did it have any lasting results?

It happened before my time as director, but it seems to me that it had several important consequences. First, it raised public awareness of electoral law. There are not many places where the public is actively engaged in that kind of debate. Second, it gave citizens a great sense of being in control of their futures, of helping to influence not just who is in charge, but how those people are selected. I

think that's particularly important in a developing political system like Kosovo. Third, it brought together an unprecedented coalition of civic groups and I would anticipate that they continue to work together.

*On another election reform campaign?*

The first campaign was a very empowering—to use a somewhat hackneyed word—experience for the groups and individuals involved. I think that many civic groups and individual citizens will continue to ask if members of the Assembly are primarily responsible to the voters who elected them and who they are supposed to represent, or to the party leaders who gave them their place on the list. I come to this issue without a preconceived answer to that question, but I am sure it is an important question for civic groups to ask, and I think the fact that it is being asked is a sign of maturity

and development in Kosovo's political and civic life.

*Is this your first job with NDI?*

No. I've been with NDI since April of 2002, first in Russia, where I directed the regional political party programs, and then for almost the past two years as Country Director in Kazakhstan. Before that I worked in both the Senate and the House, and on Congressional, Senate and one Presidential campaign. My family is Czech and I spent five years working in Prague and Bratislava in the early 1990s, first in President Havel's office, then for a USAID contractor, and then in the private sector.

*Are NDI's programs in Kazakhstan similar to the ones here in Kosovo?*

Yes and no. The political context there is very different, with a very strong President facing an increasingly active and vocal

opposition. We worked with both government and opposition parties, conducting trainings and seminars like we do here on internal democracy within the parties, building a professional and effective party organization, developing meaningful platforms and messages, and so on. We also work very closely with two civic groups, the Republican Network of Independent Monitors, which obviously monitors the country's elections and the Youth Information Service of Kazakhstan, which works to increase youth political engagement. We've never had a formal parliamentary program there, in part because the parliament is so close to the government. In the last parliament five or six out of the 77 MPs were considered to be opposition; in the current parliament there's only one. But we have worked with party factions in the local parliaments and assemblies.

# "We don't implement the competencies which we have already"

*Interview with Gazmend Muhaxheri, Member of the Assembly Presidency for "ORA"*

*This is the first time that the Assembly of Kosovo has ruling parties and opposition. What will be ORA's role in the new Assembly?*

We will be a constructive opposition. We will try to work according to the Rules and Procedures of the Assembly. Although we are ready to co-operate with the majority, we will always be observers and criticsers of the ruling parties' stances.

*What is your opinion about the coalition? Do you think a wider government would be more acceptable considering the importance of the year 2005?*

The coalition is a result of the election. The political parties that formed the coalition did their calculations. I think it's their right to form this coalition and time will tell if it will be successful. It doesn't have to mean that a wider coalition would be more successful as we have seen a wider coalition in the past. We know that the year 2005 is important for Kosovo and believe that the opposition should be included in the talks.

*The plenary sessions moved from weekly to monthly sessions. Would it be likely to reconsider moving back to more regular sessions than only once a month?*

This will depend on the ruling parties. I think that more frequent sessions would be much more productive. The Assembly President, Prof. Daci said today that he is committed to be more productive because the Assembly in its first year passed only six laws. More laws were passed



*Gazmend Muhaxheri*

during the consequent two years, so the assembly should have more frequent sessions in order to discuss and pass these laws important to Kosovo. I would be in favour of more frequent sessions of the Assembly.

*In what way is the Assembly going to scrutinize the fulfilment of the Standards by the government?*

The only way we can scrutinize the fulfilment of the Standards by the government, which is allowed to us by the Constitutional Framework and the relevant regulations, is to call the government and ministries as often as possible to report to the Assembly about their work in meeting the Standards. As the opposition, we will be determined in scrutinizing the work

of the ministries and the government in general.

*Would you be in favour of special sessions on the Standards?*

I don't think it would be necessary to have special sessions on the Standards. Ministries know their duties and obligations for the Standards, so they should fulfil them. But if there is drawback in fulfilling them, then that must be checked and those drawbacks should be avoided. The success on meeting the Standards depends on how hard the government and ministries will work.

*What about the co-operation with UNMIK?*

The problem is that we complain about lack of competencies, whereas we don't imple-

ment those competencies which we already have. The Assembly should work harder to lead the processes and not to follow the events. Time will tell how successful the Assembly will be. We should by all means continue the co-operation with UNMIK in order to solve problems, if possible to approve the proposed amendments to the Constitutional Framework and then move on to other problems.

*In which way are you as a member of the Assembly Presidency going to contribute to improve the quality of the work of the committees?*

Today it was decided with a special decision that Members of the Assembly Presidency will not participate in committees as members, but they can be observers. Personally, I'm interested to co-operate with the Committee for Spatial Planning, which is merged with the Agriculture Committee. Perhaps this way more efficient work will be done to bring more laws in this field.

*Your impressions after the first meeting of the Assembly Presidency?*

For me, it was a new experience since it was my first time participating in the meeting. It showed that ruling parties-opposition stances will often be different. I hope that the Assembly President, Prof. Daci, will be constructive and will respect the opinion of the opposition. Time will tell if he's ready to do this.

*Interview by Mevlyde Salihu*

# The Role of the Government and the Opposition in a Parliamentary Democracy

By Jill Adler, Director, East-West Parliamentary Practice Project, email: jadler@ewppp.org

The East-West Parliamentary Practice Project (EWPPP), in the framework of the programme Aspects and Techniques of Parliamentary Democracy: a programme in support of the Assembly of Kosovo, organized the third in a series of five inter-parliamentary workshops on 11 December 2004 in Prishtinë/Priština. The workshop, which was organized in cooperation with the Assembly Support Initiative (ASI) of the OSCE Mission in Kosovo, focused on the respective roles of the majority and the opposition in a parliamentary democracy, coalition formation and continuity. Participants from Kosovo included the President of the Assembly of Kosovo, Professor Nexhat Daci, staff members from his cabinet, members of the Assembly Presidency, heads of the parliamentary groups, Members of Parliament from the LDK, AAK, PDK, ORA, and PDKSH parties, and representatives of the non-Serb minorities in Kosovo (Egyptian, Bosnian and Turkish). Two newly appointed ministers, Sadik Idrizi and Bujar Dugolli, also took part.

Participants from abroad included former U.S. Congressman David Skaggs; Petra Blass, former Vice-President of the Bundestag and Senior Advisor to the Stability Pact on Parliamentary Cooperation; Malcolm Bruce, Member of the House of Commons, U.K.; Fatmir Mediu, Member of the Albanian Parliament; Bert Koenders, Member of Parliament, The Netherlands; and Zoran Shapuric, Member of the Macedonian Parliament.

The President of the Assembly, Professor Daci, welcomed workshop participants and thanked the EWPPP for its support of the Kosovo Assembly. He noted that Kosovo is confronting major challenges, and that in order to move forward, Kosovo institutions need to determine their priority strategies. Introductory remarks on behalf of the majority parties were given by Fatmir Sejdiu (LDK) and Gjylnaze Syla (AAK). The view of the parties in opposition was presented by Jakup Krasniqi (PDK) and Teuta Sahatqija (ORA).

Ms. Syla emphasized that the majority coalition would be inclusive rather than exclusive – the AAK group has already agreed to establish its own rules of procedure – and would focus on promoting draft laws proposed by the government dealing with standards/status, the strengthening of Kosovo institutions, infrastructure, public administration and education. Mr. Sejdiu of the LDK underscored the importance of the topic under discussion. He emphasized that the majority and opposition should strive to reach consensus on major issues, and that all sides should value the work carried out by parliamentary committees. He further noted that the parliament should strengthen its oversight role in the coming four years. Mr. Sejdiu concluded his remarks by adding that the LDK will also be critical of the government. He noted that democracy does not only confer rights, but responsibilities as well.

Zoran Shapuric, member of the governing party of the

Macedonian Parliament, underscored that in young democracies, where major constitutional changes are the norm, it is essential that the government and opposition cooperate. Fatmir Mediu, member of the opposition of the Albanian Parliament, noted that such issues as the harmonization of legislation with EU standards should encourage the government and opposition to work together toward a common goal. He further emphasized the importance of the legislative duties of MPs above all, and noted the critical role of the opposition in ensuring transparency and checking the “tyranny of the majority.”

Hydajet Hyseni of the opposition party PDK noted that while everyone talks about the value of the opposition, they all want to be part of the ruling coalition. He suggested that due to the peculiar circumstances of political life in Kosovo, there cannot be a real majority/opposition at this time. He added that in order to have constructive relations between the majority and the opposition, relations between the Speaker of the Assembly, the Presidency and the Committees need to be improved.

Sadik Idrizi of VAKAT emphasized that the non-Serb minorities in Kosovo would like to be included in all political processes.

Professor Daci warned participants about the misuse of authority, and emphasized the need to balance stability and efficiency. In his view, the current governing coalition will be more efficient than its predecessor,

as during the last mandate efficiency was sacrificed in the interest of stability. He added that committee chairmanships would be proportional to the number of seats in the Assembly, which would benefit the opposition. He expressed the belief that Kosovo would be able to achieve normal independence by fulfilling the standards set by the international community.

David Skaggs, Director of the Centre for Democracy and Citizenship in Washington, D.C., noted that civic education is gaining more and more importance in the United States, and stressed the importance of awareness on the part of young people of their duties and responsibilities in a democratic society. Malcolm Bruce, MP from the United Kingdom, spoke about the essential role of the “loyal opposition” in criticizing the government, and the practical measures and instruments available to the opposition to strengthen its control function. Enver Hoxhaj of the PDK added that the opposition is now trying to determine which instruments to use in order to influence government policies.

The EWPPP’s programme in support of the Assembly of Kosovo will continue through 2005. Activities will include a working visit of Kosovo MPs to a parliament in the region, in winter/spring as well as a workshop in Prishtinë/Priština in May. The EWPPP will continue its close cooperation with the Assembly Support Initiative (ASI).

# Deficiencies Revealed in Preparing Subsidiary Acts to Implement Assembly Laws

Michael Schuetz,

*Head Rule of Law Section, OSCE Mission in Kosovo*

Diman Dimov

*Rule of Law Officer, OSCE Mission in Kosovo*

The main challenges for Kosovo have been the creation of democratic institutions and the establishment of a multiethnic society governed by the rule of law. UNMIK and the Provisional Institutions for Self-Government (PISG) have achieved substantial results in creating a legal framework necessary for achieving this goal by enacting numerous regulations and laws. The need for drafting new laws has been constantly emphasised by representatives of the international administration and the Kosovo public in order to overcome the existing gaps between the inherited Yugoslav legal system and the new social, economic and political realities. Great amounts of resources of the international administration and the PISG have been devoted to achieve this goal and the results are, for the most part, positive.

At the same time, the concept of good governance is characterized not only by enacting necessary legal regulations but also in their proper implementation. This, however, has arguably not been in the spotlight of the international administration and the PISG. Yet the ongoing process of transfer of powers sets as a prerogative for the international community to demand greater accountability from the PISG.

One form of accountability should be the implementation by the PISG of the legislation within their competences.

The OSCE Mission, through its Rule of Law Section, will in the new year release a report on the "Implementation of Kosovo Assembly Laws by the Executive Branch of the PISG". The primary aim of this first such overview is to establish to what extent laws passed by the Kosovo Assembly are being properly implemented by the adoption of subsidiary legislation.<sup>1</sup>

Subsidiary legislation takes effect and has authority as if it were part of the enabling (parent) act, i.e., it has statutory force. It is a means by which experts in the subject covered by a law can formulate an authoritative set of measures that allow for practical application of the parent act. This is done without the need for the Assembly itself to consider the detail of a technical matter as it cannot foresee every eventuality that needs to be covered by a piece of legislation when it is originally enacted. Provided that the authority conferred by the parent act is sufficient, subsidiary legislation can deal with problems, loopholes or the necessity for updated information as and when they arise by addressing them in hierarchically defined categories of subsidiary acts.

The general assessment is that the process of drafting and adopting of subsidiary acts by the PISG executive branch has started with certain delay, after which many institutions have managed

gradually to overcome initial difficulties. Currently considerable success has been achieved in the implementation process – such as establishing institutions envisaged in laws, including the Sanitary Inspectorate, Kosovo Cadastral Agency, and Kosovo Forest Agency. These institutions should now strive to achieve uniform practices in the applying laws. At the same time, most of the ministries were not able to comply with the deadlines envisaged for adopting subsidiary legislation. One reason for this is the priority given by ministries on preparing new draft laws within their respective fields of activities. Another is the lack of sufficient resources in the legal offices.

The report also reveals important deficiencies in the existing regulation of subsidiary acts and in the practices of their issuance. These include a lack of a legal definition of the types of subsidiary acts issued by the Government; use of inconsistent terminology on subsidiary acts in the Assembly laws; deviation from the legally established categories and issuance of new types of subsidiary act; insufficient definition of the boundaries of social relations regulated by each subsidiary acts; as well as failure to publish the subsidiary acts.

The report recommends strengthening the accountability of the executive branch of the PISG. This could be achieved by

the establishment of an oversight mechanism for the implementation of Kosovo Assembly laws within the Office of the Prime Minister (OPM). The mechanism could have the following structure. Focal points should be designated in each institution within the executive branch. After a law is promulgated, the legal office of the implementing institution should identify the subsidiary acts to be issued and prepare a timetable/matrix when deadlines should be met. This information should be then submitted to the OPM within a month after the law is in force. The legal office of the implementing institution should issue a quarterly report to the OPM on the progress of implementation of the primary legislation within its respective field of activities.

The report further recommends establishing periodic parliamentary oversight over the activities of the executive branch in order to ensure increased governmental accountability in the field of implementation of Assembly laws. Additionally, the OPM should issue at least annually a report to the Assembly on the process of implementation of primary legislation as part of this oversight.

The presence of different categories and definitions of subsidiary acts in various Kosovo Assembly laws creates confusion with respect to their hierarchy

<sup>1</sup> The scope of the report encompasses Kosovo Assembly laws promulgated in the period 2002-2003. The report does not include implementation of UNMIK Regulations and implementation of Kosovo Assembly laws at the municipal level.

<sup>2</sup> See Section 2 (s) of the Law on Environmental Protection; See also Section 2 of the Law on Liquidation and Reorganization of Legal Persons in Bankruptcy.

and uniformity. There are several examples where the Assembly defined the categories of subsidiary acts within each law.<sup>2</sup> This approach, though helpful for the implementation of an individual law, creates legal uncertainty in applying the whole body of law. Therefore, the report recommends that the Government should draft and the Kosovo Assembly should pass a Law on Normative Acts. The law should define the types and hierarchy of normative acts in Kosovo, the sphere of social relations regulated by them, and the organs responsible for their issuance. The adoption of this law will contribute substantially towards the creation of legal certainty.

The legal offices in the ministries face many challenges. Currently it is not unusual for legal offices with only 3-5 staff members to be confronted with tasks that require more capacity. Thus, it cannot be avoided that subsidiary acts are drafted in some cases even after one year from the expiration of the established deadline. Therefore, the report recommends that before laws that require specialized implementing expertise are adopted, a feasibility study is made by the responsible legal office to determine to what extent the institutions in Kosovo are able to contribute to the implementation of such laws. The legal offices at the various ministries should also adopt a more balanced approach, where the implementation of laws, already in force, receive a similar priority as the drafting of new legislation.

Finally, the international community, including aid organisations, should continue to support the PISG in preparing draft laws, as necessary. Such assistance should not, however, stop once a law is approved by the Kosovo Assembly, but should continue at the implementation stage. This approach would ensure the continuous development of the rule of law in Kosovo.

## "On final status, the Kosovo government and opposition need to work together."

***On 10 December 2004, Mr. Fatmir Mediu visited Kosovo to participate in the ASI induction program for the new Assembly. As Chairperson of the EU Integration Committee of the Parliament of Albania, he shared his experience on issues such as regional dialogue and parliamentary cooperation.***

*What do think can be achieved by regional parliamentary co-operation initiatives?*

I believe from my own experience that programmes where experiences are exchanges and then going home and using our new knowledge in our work and very helpful.

In the region we have moved at different speeds towards the European Union. Some countries have Stabilisation and Association Agreements (SAAs), some are still negotiating them. It is useful to share our experiences of this process, and to build relationships on different matters in the region. I attend meetings at least twice a year with politicians from across the region

Churchill once said that "The Balkans produces more history than it can consume" - I hope we can move beyond our history. Through our work with the EWPPP together we can find some sort of common ground.

In Albania for example, we have been held up in the signing of an SAA because we were lacking free and fair elections. These meetings could help us learn from the experiences of others and improve in that respect.

*What challenges do you foresee for the opposition in Kosovo following the recent elections?*

It will be challenging for the

opposition. I am in opposition at home at the moment. The opposition has two roles: its role in parliament and in the sphere of public opinion. It is difficult, because on issues like European integration and NATO, the consensus of the government and opposition is necessary, but at the same time the opposition needs to ensure that the government is behaving well and transparently.

In Kosovo, the situation is different again. The government and opposition must work together on final status issues. Local politicians must avoid focusing on tactics instead of issues. Debate must be based on policies.

*What could politicians of Kosovo do to ensure that the Assembly functions effectively?*

The Kosovo Assembly has a new committee on Foreign Affairs and European integration. I believe they should split these issues between two committees as they are very different.

I appreciate Kosovo having free and fair elections. Achieving this is a matter of great concern in Albania. They have also succeeded in setting up a parliament and institutions. It is now important that they don't base their work on tactics but on policies. They must consider Standards seriously before Status.

All of Kosovo society must respect the institutions that have been built by the international community, and listen to the opinions of the EU and the US.

*You are the chairman of the Committee on European Integration in the Albanian parliament. How is Albania progressing towards European integration, and what problems remain?*

In June 2005 we will have elections, which must be free and fair. Organised crime remains a major problem. Criminal gangs have a lot of money and in the past they have managed to influence politics to stop the fight against crime. However, there is now an increased public awareness and I believe progress can be made against organised crime.

The opposition is working positively towards the future. I believe that Albania has a young generation that is interested in working towards progress. We have built a strong relationship with the European Union. We receive assistance through the CARDS programme, and there are meetings with the European Commission every six weeks. Albanian MPs meet regularly with the European Parliament's South East Europe Delegation.

*Interview by Garrett O'Brien*

# Parliamentary Cooperation in Berlin, Brussels, Paris: Improvement of Administration Professionalism of the Assembly of Kosovo

by Alfred Drescher,

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Professor Heinrich Grosse - Sender,

*Senior Legal Reform-Parliamentary Drafting Expert, email:grosse-sender@t-online.de*

The capacity building program for Assembly of Kosovo employees, and the study trips to the Assemblée nationale in Paris, the Chambre de Représentants de Belgique in Brussels and the Deutscher Bundestag in Berlin were the professional highlights and the reward for active learning in European standards in the administration of the parliaments. This was implemented through experts of three European parliaments participating in the European Agency for Reconstruction (EAR) project "Support to the Assembly of Kosovo".

Lengthy preparations were needed in order to organize the study trips, especially when considering how needs could be addressed. The around 130 employees were mostly employed after the Assembly of Kosovo was constituted in spring 2002. Therefore, only after this period could they gain practical experience in the administration of a democratic parliament. We needed to find an initial solution that would take into account their limited practical experience in the administration of modern parliaments. The Project decided to establish working groups that would work on particular professional issues, compile proposals (for example rules of procedure, guidelines for the work of committees, statute of staff, instructions for staff), but also assess

areas for capacity building.

Training needs were discussed with the participating Assembly of Kosovo employees of both working groups "Legal Parliamentary – Reform" and "Personnel and Budget". This was followed by an in-depth discussion about the program with the Team Leader, Professor Dr. Nicolas Maziau, with the Head of Administration, Secretary General of the Assembly Mr. Isuf Demaj, and both heads of departments, Legislative department and Department of Administration, Mr. Daut Beqiri and Mr. Isa Neziri.

Once the comprehensive capacity building program was approved, the Secretary General suggested that the trainings should be held during the employees' free time to not hinder the parliamentary work of the presidency, the plenum and the committees of the Assembly of Kosovo. He also said that the employees foreseen to participate in the capacity building program were obliged to participate in the training sessions. The EAR asked the Project Team to allow participation in the study trips only those employees of the Assembly of Kosovo who participated successfully in the preparation seminars.

The comprehensive capacity building and training program started after this rigorous and necessary organizational basis

was in place. The guideline for all training programs was that parliament administrations are facilities for the parliament, the committees, parliamentary groups, and the deputies. Through regular visits of the Secretary General and participation of both heads of departments, it was clear that this target had the full support of the head of administration. This also had a mentoring character for the employees of the administration.

The first pilot seminar was held on "Procedures of Staff Electing and Career Planning in the Administration of the Assembly of Kosovo". Participants were all Assembly employees and heads of the Staff and Budgeting Departments. The evaluation of this seminar was very satisfactory. The head of administration asked the heads of the project to implement the other seminars and workshops in the same manner.

Another seminar for the administration was "Setting up, Approval, Implementation and Control of the Budget of the Assembly of Kosovo". This seminar aimed to deepen the practice and transmit basic knowledge about the work of the administration of the European parliaments.

While the activities in the area of staff and budgeting serve to improve the internal administration structure and, therefore,

directly to the parliament, the measures in the duty area Legal Parliamentary – Reform were targeted to an indirect improvement and extension of the service features and offers through the administration to the parliament, its committees and the deputies.

Since the mode and the comprehensiveness of services are defined through the beneficiaries, it was consistent to interview the deputies and the committees when assessing needs.

All proposals for the further development of the training's content were compiled together with the working group of the members of administration and the heads of departments. A higher acceptance could be reached by using the existing know-how and the historical characteristics that grew and were defined through general political conditions in Kosovo.

Seminars - "Bases of the Parliamentary Work of the Assembly of Kosovo; Professional Preparation, Implementation and Post-processing of Plenary Meetings", "Duties of the Committees of the Assembly of Kosovo; Professional Preparation, Implementation and Post-processing of Committee Meetings" and "Practical legislation work in Parliament and Harmonization with European Law for the Lawyers of Assembly of Kosovo" - were held on this basis.

The most important topics were: Functions of the parliament, especially the function of legislation and control; Techniques of legislation and preconditions for good laws; Rules of Procedure; Table office; Preparation, implementation and post-processing of plenary and committee meetings; Work on the laws with synopsis (Tableau comparatif); Parliamentary consultation service (gathering of information, advise on laws or particular questions based on request, compare parliamentary initiatives with the European Standards)

The seminars used common methods and instruments for the training of adults. The topics were taught through interactive discussions. Participants, including colleagues from the Belgian House of Representatives, the German Bundestag and the French National Assembly, intensively used the group work and individual case studies. This gave the opportunity to work on topics from different points of view, different historical backgrounds and different experiences, and to compare with the rules and general conditions in Kosovo.

The selection and treatment of the topics by the international experts increased the willingness of the participants to get the chance to know the daily work of the parliaments in Belgium, Germany and France, after the "laboratory experience" in working groups, workshops and seminars.

The study trips to three European parliaments were prepared very carefully, in line with the work already done, and were implemented with high commitment and engagement by the hosting parliaments. The general secretaries of the hosting parliaments used the opportunity to attend personally the Kosovan colleagues. Through this, a personal-collegial rela-



*Secretary to the Assembly, Mr. Isuf Demaj, and staff of the Legal Department recently visited the Assemblée Nationale in Paris*

tionship was established, which will be very important in future parliamentary cooperation. During evaluation discussions with participants, two aspects were apparent: the direct contact improved theoretical knowledge, but also proved the practice work, efficiency and the ability to make great efforts in the daily work of the parliament.

The second aspect was surprising, but no less important: It was obvious that during these study trips the self-awareness and self-confidence of the participants were considerably strengthened. Seeing the issues in the practice, confirmed the feeling for the necessary changes and solutions and "transmuted" theoretical knowledge into practical experience, which they can use during their daily work.

For the two professional groups were developed special programs. In the information technology-area two weekend seminars were organized with the Belgian and French parliaments' IT experts. These employees will most possibly have a chance to see the equipment and the technical support of the Belgian Parliament, and to meet its committees and deputies.

Another special program was developed for Protocol work. The

employees were made familiar with their theoretical work considering European experiences. After this part, they had a possibility to see the practical work in the German Bundestag and the French National Assembly.

Further seminars are planned for January and February 2005 to deepen and strengthen the acquired professional knowledge. These are seminars for the Legal Department, for the Staff and Budgeting Department and for the area of procurement. A special seminar, which will be addressed to the head of the organizational units, will deal with staff management and the cooperation of the administration.

The costs for the entire capacity building program, including the study trips, were covered by the EAR project "Support to the Assembly of Kosovo". The expenses for the additional study trips were covered by the both hosting parliaments with a participation of the Assembly of Kosovo.

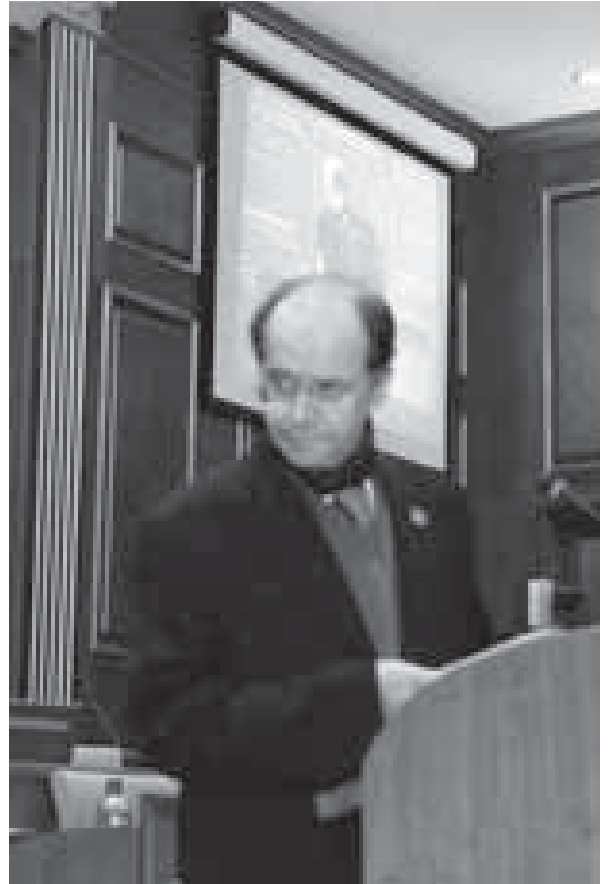
A general conclusion is that the administration of the parliament has made major progress within only one year. The administration offers good preconditions to cover the service needs of the new parliament – and according

to the international standards – to be an indispensable service for the parliament, its committees and the deputies.

The Project has also used the opportunity to offer its professional support to the deputies, at the beginning of the new mandate. Together with the OSCE-ASI we invited the Members of Assembly to attend to two seminars. Both seminars ("Seminar for Members of the newly elected Assembly"; "EU-Institutions and acquis communautaire for deputies") raised the interest of the deputies. The active discussions of the Kosovan deputies with their counterparts from France and Belgium and the lecturers showed the interest of the deputies on the experiences from the work of the European parliaments. At the request of the deputies another seminar will be held in February 2005 with a deputy from the Europe Committee of the German Bundestag to discuss current European issues.

Besides the lingual entanglement in Albanian, Serbian, English, French and German: the understanding of the democracy and the parliamentary work has grown. The work of the new parliament can begin. May it be successful!

Dr. Rugova, President of Kosovo, addresses the inaugural session of the Assembly on 3 December 2004.



Following his election as Prime Minister of Kosovo on 3 December 2004, Mr. Ramush Haradinaj confers with outgoing Prime Minister Bajram Rexhepi.



Dr. Alush Gashi, chair of the Parliamentary Group of LDK, talks with Mr. Pasquale Salzano, Head of the Italian Liaison Office, at the Parliamentary Evening on 24 November 2004.

Kosovo-Serb community leaders together with senior negotiators from Northern Ireland, South Africa, Croatia, Bosnia and Hercegovina, Ambassador Petritsch and Dr. Frischenschlager (see article pg. 17).





# Between “heroic failure” and active involvement

Andriani Mortoglou

Fourteen representatives from the Kosovo Serb community traveled to Vienna in mid-December 2004 in order to stimulate joint consideration and discussion of key issues currently faced by their community. The conference was held as a follow-up to a similar event organized in December 2003 in Austria for prominent leaders of the Provisional Institutions of Self Government (PISG) which was attended by Kosovo Albanian and Other Community representatives.<sup>1</sup> It was held in cooperation with the New York based “Project on Justice in Times of Transition”, the Austrian Foreign Ministry and the Olof Palme International Center in Sweden, and the OSCE Mission in Kosovo.

Entitled *Crafting Strategies for Negotiation and Effective Engagement*, the conference aimed at providing Kosovo Serb representatives with a unique opportunity to gain knowledge of how senior negotiators and leaders in other post-conflict contexts have approached similar problems and what lessons they learned from these approaches.

Under the skillful moderation of Ambassador Wolfgang Petritsch, the current Austrian Ambassador to the United Nations in Geneva, and Friedrich Frischenschlager, the former head of OSCE Mission’s Democratization Department, distinguished international

practitioners from South Africa, Northern Ireland, Bosnia & Herzegovina and Croatia<sup>2</sup> shared during this two-day meeting their insights with the group of Kosovo Serbs that comprised members of the Assembly of Kosovo and local representatives of the community.

They spoke about their firsthand experience in developing a vision for the future, in creating a relationship and sharing power with the “other” side, and in managing public expectations all through this process of moving from conflict to a negotiation and an eventual settlement. Watching former foes from different conflicts sitting around the same table and describing the process of their transformation into parties to a negotiation and to an agreement was a powerful experience in itself. Among the most moving contributions were the experiences shared by Milorad Pupovac, a Croatian Serb MP in the Sabor [the Croatian parliament] who played a key role in facilitating the reintegration of Croatian Serbs in Eastern Slavonia.

The presentations all pointed out to some recurring themes that could be seen by the Serb participants as useful parameters to remember for their way ahead, despite the fact that the situation in Kosovo is unique, just like each one of the other situations around the world. Negotiation between formerly opposing sides to a conflict is a

difficult but necessary process; it requires that each side is ready to put itself in the shoes of the other, be ready to compromise and accept something less than its ideal solution. Each side should develop a vision for the future and pursue it through dialogue and participation. In that sense, taking ownership of the problem and the solution is key to succeeding in influencing the process: “If you want the world to look as you want, be involved” in the words of David Ervine, senior negotiator from Northern Ireland.

The mandate to negotiate should be given by the people to the leaders. However, effective and decisive leadership is crucial to avoid the most radical elements high-jacking efforts to find a solution. Leaders should be frank with the constituency about what they can achieve and not fall prey to an attitude of “heroic failure”. Finally, right timing is crucial to finding a solution through negotiation, a solution that can be sustainable if it creates a win-win situation.

The event also gave Serb representatives from Kosovo ample opportunity to discuss the current situation of their community among themselves and develop more consensus on their specific needs and priorities before they consider next steps. Their overriding concern was how to establish security and safety for their community. Their disappointment with the

meager results of the returns process and their experience within the PISG, where they felt that their concerns were being ignored by the majority community, were considered to be amongst the main reasons for the lack of trust and reconciliation between the two communities. In this context participants discussed the role of the international community and the importance of its engagement as a neutral arbitrator and mediator between them. Discussions also touched upon possible confidence building measures, including decentralization, and how these could be used to create more trust between the communities. The group also considered the important role of the European Union and the need for a vision of Kosovo within European structures.

Formally, in their concluding remarks, and informally, at social events, all Kosovo Serb participants expressed their appreciation for the conference. What exactly they chose to get out of it was for them to decide. For the organizers, if the event constituted a small step to opening up the horizons of the participants’ thinking, it was a success. The OSCE Mission in Kosovo, the Project on Justice in Times of Transition and the Austrian Foreign ministry are all committed to helping carry on these conversations both within and between this community and the other communities in Kosovo.

<sup>1</sup> See article in ASI Newsletter February 2004.

<sup>2</sup> International participation included: Branko Damjanac, former Mayor of Brcko District, Bosnia & Herzegovina; Ismail Ebrahim Ebrahim, Political Advisor to the Deputy President of South Africa; Chair, Parliamentary Foreign Affairs Committee; senior participant in the multi-party negotiations and member of the African National Congress Executive Committee; David Ervine, Senior Negotiator in the talks leading to the 1998 Good Friday Agreement and Chief Spokesman of the Progressive Unionist Party in Northern Ireland; Seán Farren, Senior Social Democratic and Labor Party (SDLP) Negotiator, former Northern Ireland Assembly member and former Minister for Finance; Roelf Meyer, former Chief Negotiator for the De Klerk Government and former Minister of Constitutional Affairs of South Africa; and Milorad Pupovac, Representative of the Serb National Minority in Croatia and Member of the Parliamentary Committee on Migration, Refugees and Population.

# Joint ASI induction programme for the new Assembly

Ulrich Steinle

The newly elected Assembly of Kosovo can build upon the experiences and the professionalism that has been acquired in the past three years. The majority of those newly elected were in the last Assembly and all Assembly Members are being supported by the increasingly efficient Assembly Secretariat. Nevertheless, more than 50 Members without prior parliamentary experience have been elected. New political groups have entered the Assembly and new political challenges lie ahead. The Assembly will not only expand its competencies in transferred areas, but with the existence of a governing coalition and with true opposition groups it must also get accustomed to a new parliamentary culture and new roles.

The Assembly Support Initiative (ASI) designed a comprehensive induction programme for the newly elected Assembly. The programme was designed to address the needs of all Assembly Members by providing an overview on all the areas that a politician in Kosovo will face in the course of his or her mandate. With briefings on the Rules of Procedures, the Assembly Secretariat, work with NGOs and public relations, the Kosovo Consolidated Budget, EU institutions and standards, the work of KFOR and regional inter-parliamentary dialogue--to name only a few of the modules-- the induction programme addressed the main technical, procedural and political aspects of the parliamentary work.

The induction programme reflects in its development



and implementation the joint approach of ASI. It was developed in close coordination and dialogue between the ASI partners, the Assembly Presidency, leaders of the parliamentary groups, the Assembly Secretariat, the government and other international organizations. The PISG were involved to a great extent in its implementation, providing presentations and engaging into the discussions with the vast expertise and professionalism that has developed in the past years. The ASI partner organizations coordinated their contributions in order to avoid duplications and to fine-tune their presentations within the overall programme and in their respective fields of activities.

Starting from this general induction programme, more detailed and specialized programs for 2005 will be discussed with the Assembly Members to offer tailor-made support for the Assembly Committees and parliamentary groups.

Date	Title	ASI partner
<b>Thursday, 18 Nov.</b>	-Introduction for the newly elected Assembly of Kosovo -The Constitutional Framework -The Assembly on the Constitutional Framework	-OSCE, NDI, EAR Consortium -EAR Consortium -OSCE
<b>Friday, 19 Nov.</b>	-The Rules of Procedure -The Secretariat of the Assembly of Kosovo and the facilities of the Assembly	-NDI -Assembly Secretariat
<b>Wednesday, 24 Nov.</b>	-Parliamentary Reception	-OSCE
<b>Thursday, 25 Nov.</b>	-Work of the Government (morning) -Executive oversight (afternoon)	-OSCE / OPM -NDI
<b>Friday, 26 Nov.</b>	-Economic and Commercial Legislation -Social policies and social legislation	-FNS USAID/ Bearing Point -FES, RIINVEST
<b>Monday, 29 Nov.</b>	-Main aspects of the statute and work of an Assembly Member	-EAR - Consortium
<b>Monday, 6 Dec.</b>	-The functioning of EU institutions and European standards -Rights and interests of Communities in the Assembly	-Pillar IV (EU) and the EAR -Consortium -OSCE
<b>Friday, 10 Dec.</b>	-The Kosovo Consolidated Budget 2005 and BPK -International Cooperation and Regional Dialogue	-Pillar IV (EU) -OSCE
<b>Saturday, 11 Dec.</b>	-The work of governing and opposition parliamentary groups in a parliament	-EWPPP
<b>Friday, 17 Dec.</b>	-KPS and international Police -KFOR structures and security assessment -Constituent Relations, work with NGOs and petitions	-Police Commissioner -COMKFOR -NDI
<b>Wednesday, 12 Jan. 2005</b>	-Media relations and public speaking -The interaction of central and local governance Office for Coordination of International Cooperation and Regional Dialogue	-NDI -OSCE
<b>Monday, 17 Jan. 2005</b>	-Policy discussion on economic policy and instruments and on customs -Socially Owned and Publicly Owned Enterprises -Evaluation of induction programme, discussion on future ASI support for the Assembly	-Pillar IV (EU) -Pillar IV (EU) -All ASI partners

# Members of the Assembly of Kosovo, elected on 23 October 2004

	6 DRESHAJ-BALIU MYRVETE	52 LDK - LIDHJA	46 KAMBERI KAMBER
	7 DUGOLLI BUJAR	DEMOKRATIKE E	47 SUTAJ JUSUF
	8 QEKU ETHEM	KOSOVËS	
	9 SYLA GJYLNAZE	1 RUGOVA IBRAHIM	
<b>33 KOALICIJA VAKAT</b>		2 BERISHA KOLË	<b>53 KDTP - KOSOVA</b>
1 MURATI DŽEZAIR		3 KELMENDI NEKIBE	<b>DEMOKRATIK TÜRK</b>
2 IDRIZI SADIK	<b>46 PARTIA ROME E</b>	4 DACI NEXHAT	<b>PARTISI</b>
3 MURATI ŠPRESA	<b>BASHKUAR E KOSOVËS</b>	5 HAMITI SABRI	1 YAĞCILAR MAHIR
	1 MERXHA ZYLFI	6 TËRMKOLLI MELIHATE	2 KRASNIÇ RIFAT
	48 GIG - GRAĐANSKA	7 SEJDIU FATMIR	3 MALTA NURAN
	INICIJATIVA GORE	8 GASHI ALUSH	
<b>35 PARTIA SHQIPTARE</b>	1 IBIŠI RUSTEM	9 ALIAJ SANIJE	
<b>DEMOKRISTIANE E</b>		10 JERLIU NAIM	<b>55 PARTIA E DREJTËSISË - PD</b>
<b>KOSOVËS - PSHDK</b>		11 MUHAXHERI YMER	1 ÇERKEZI SYLEJMAN
1 KRASNIQI MARK		12 ZEQRAR SAMIJE	
2 MORINA ZEF	<b>50 PDK - PARTIA</b>	13 KRYEZIU FADIL	
	<b>DEMOKRATIKE E</b>	14 GECI FADIL	<b>56 PLK - PARTIA</b>
	<b>KOSOVËS</b>	15 NIMANI REMZIJE	<b>LIBERALE E KOSOVËS</b>
<b>37 GRAĐANSKA</b>	1 THAQI HASHIM	16 VULA FEHMI	1 DEDAJ GJERGJ
<b>INCIJATIVA SRBIJA</b>	2 REXHEPI BAJRAM	17 REXHEPI FATMIR	
1 PETKOVIĆ SLAVIŠA	3 BROVINA FLORA	18 MALOKU ZYHRIE	
2 KUJUNDIŽIĆ ZLATICA	4 KRASNIQI JAKUP	19 ALIMUSAJ NIMON	<b>59 LËVIZJA POPULLORE</b>
	5 KUÇI HAJREDIN	20 KELMENDI RAMADAN	<b>E KOSOVËS - LPK</b>
	6 DAUTI NERXHIVANE	21 HULAJ NURISHAHE	1 XHEMAJLI EMRUSH
<b>40 IRDK</b>	7 HALITI XHAVIT	22 KRASNIQI AGIM	
1 HOTI BISLIM	8 BAJRAMI ARSIM	23 PIREVA ILAZ	
2 NEZIRAJ XHEVDET	9 HADRI TEUTA	24 BERISHA GJULSHEN	<b>PDAK - PARTIA</b>
	10 HOXHAI ENVER	25 SHATRI HAKI	<b>DEMOKRATIKE E ASH-</b>
	11 BUJA RAMË	26 JONUZI IBUSH	<b>KANLIVE TË KOSOVËS</b>
<b>43 ORA</b>	12 AHMETAJ SALA	27 BERISHA NAFIJE	1 RRAHMANI SABIT
1 SURROI VETON	13 HYSANI - KALOSHI	28 ZENELI LULZIM	
2 HYSA YLBER	HYDAJET	29 BRAJSHORI BEXHET	
3 MULHAXHA	14 ARZUALLXHIU AFRIM	30 KRYEZIU BRIKENDA	<b>61 SDA - STRANKA</b>
KOLLÇAKU FATMIRE	15 STATOVCI DRITA	31 HALITI MILAZIM	<b>DEMOKRATSKE AKCIJE</b>
4 GORANI GENC	16 MUJOTA FEHMI	32 MUSLIU RAMADAN	1 BALIĆ NUMAN
5 MUHAXHERI	17 XHEMAJLI BAJRUSH	33 GAXHERRI BESA	
GAZMEND	18 SHALA SALA	34 REXHA NEXHAT	
6 SAHATQIJA TEUTA	19 HYSANI HAJREDIN	35 OSMANI NASER	<b>СЛКМ - СРПСКА</b>
7 JASHARI NAZIM	20 KOCI GANI	36 DOÇI NAXHIJE	<b>ЛИСТА ЗА КОЦОВО И</b>
	21 HADERGJONAJ SAFETE	37 ZEKOLLI RAGIP	<b>МЕТОХИЈУ</b>
	22 HASANI NAIT	38 BERISHA FETAH	1 IVANOVIĆ OLIVER
<b>44 AAK - ALEANCA</b>	23 LIMA DEMIR	39 BUKOSHI RUDINA	2 NOJKIĆ RANĐEL
<b>PËR ARDHMËRINË E</b>	24 HALIMI SELVIJE	40 ZHARKU LUTFI	3 MILIĆ SNEŽANA
<b>KOSOVËS</b>	25 LUZHA BERAT	41 HALIMI SHABAN	4 BOGDANOVIĆ GORAN
1 HARADINAJ RAMUSH	26 KRASNIQI EMIN	42 HOXHA QIBRIJE	5 KRSTOVIĆ DRAGIŠA
2 KOSUMI BAJRAM	27 JUSUFI ZAHRIJE	43 KASTRATI JANUZ	6 JOVANOVIĆ VESNA
3 HUNDOZI ZYLFIJE	28 CANZIBA XHELAL	44 GASHI FADIL	7 ILIĆ SLAĐAN
4 MALOKU NAIM	29 BASHOTA SOKOL	45 HYSANI LUMNIE	8 SAVIĆ GOJKO
5 ISUFI AHMET	30 HOXHA HATIXHE		

## ASI Mission Statement

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

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

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

### Currently participating in ASI:

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



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

Pictures in this Newsletter:

OSCE: pg. 1, 2, 16, 18, 20; NDI: pg. 9; UNMIK - DPI: 3; Assembly of Kosovo: 4,5,6,10,15.

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**ASI**  
NEWSLETTER

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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.