



## **NEW MANDATE, NEW OPPORTUNITIES**

**Evaluation of the work of the Assembly of Kosovo  
and recommendations for further development**

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Opinions expressed in this text are those of the author, Milan Martin Cvikl, and do not necessarily reflect the opinions of the institutions that have financed it or the institution where the author is employed. The research for this report has been organized by the National Democratic Institute (NDI) and co-financed by the OSCE Mission in Kosovo.

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## 1. ACKNOWLEDGEMENT

This assessment report has been prepared as part of the initiative to enhance the functioning of the Assembly of Kosovo. The preparation of the assessment has been managed jointly by the National Democratic Institute (NDI) for International Affairs in Kosovo and the Organization for Security and Co-operation in Europe (OSCE) Mission in Kosovo.

Together with our colleague Ms. Jožica Velišček, we were able to visit Kosovo during June and July 2008 and meet our colleagues in the Assembly of Kosovo to discuss progress achieved and suggestions for the way ahead. We appreciate the commitment expressed by all our interlocutors to make the Assembly a truly democratic and functioning institution. We would like to thank in particular the President of the Assembly, Mr. Jakup Krasniqi, and the Secretary General, Mr. Ismet Krasniqi.

The assessment and its recommendations have been prepared to assist the Assembly political leadership and Assembly Administration in building an effective legislature that is transparent, accountable and responsive to the needs of the communities it serves.

It offers recommendations for a better understanding of the effective and efficient performance of the Assembly of Kosovo and introduces a number of enabling tools and strategies to the Assembly leadership and Administration. We hope that the report's recommendations will be taken into consideration and be incorporated into the daily work of the Assembly of Kosovo. We are strongly convinced that such a step will assist the Assembly of Kosovo in enhancing its fairly new democratic parliamentary tradition, whilst helping to consolidate it in accordance with the best European parliamentary practices. It is important, though, to remember that this assessment report is a 'living document' and, as such, will be continuously modified in line with developments or changes during its three, six and nine year term.

The author would like to acknowledge the outstanding contributions of Ms. Jožica Velišček, former Secretary General of the National Assembly of the Republic of Slovenia (1992-2004) and currently Secretary on Legislation of the Government of the Republic of Slovenia in preparing the first draft of the report, and of NDI Kosovo staff (Carlo Binda, Ian Perkins, Arben Kelmendi and Rinor Beka) and OSCE Mission in Kosovo staff (Franklin De Vrieze, Blerim Vela, Armend Bekaj and Artan Canhasi) involved in further developing this report. Invaluable inputs were provided at the policy level - their generous assistance helped shape this assessment report and for this we are gratefully thankful.

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*Ljubljana, October 2008*

## 2. VISION OF THE ASSEMBLY OF KOSOVO FOR 2011, 2014 AND 2017

### 2.1. *Assembly of Kosovo: short, medium and long term vision*

#### **VISION**

**An Assembly that fulfills its constitutional role as Kosovo's highest legislative and representative institution.**

Legislators around Europe are discussing how to align democratic institutions and processes better to meet the needs of their people in the 21<sup>st</sup> century. In Kosovo, the same debate is carried on at all levels of government. At the legislative level, Assembly Members of all parties have expressed an interest in strengthening their representative and deliberative roles, and in cultivating active, responsible and inclusive relations with the public in Kosovo. This has an impact on how Assembly Members fulfil their roles in the plenary and in committees, and how they manage the work with their constituencies and their activities abroad.

In the summer of 2008 a wide-ranging assessment of the Assembly of Kosovo was undertaken which examined the organisation's structure and processes and provided the Assembly with a framework from which it could enhance its functioning. The assessment includes recommendations within key parliamentary areas and a dynamic approach with which to consider them in the short, medium and long term .

The assessment encompasses four guidelines which should inform the Assembly's development:

- Ensure that the Assembly work – in particular, the drafting, review and scrutiny of policy and legislation – is carried out in an environment that encourages debate, innovation and progress;
- Provide a platform for all of Kosovo's communities to influence the decision-making process;
- Encourage and develop public awareness of and engagement in the parliamentary process.

### 2.2. *Strategic Objectives and Principles*

The Assembly of Kosovo has identified five strategic objectives to focus its efforts and guide its activities during the next nine years and has identified major initiatives to be undertaken in support of each objective. The objectives are the following:

1. To facilitate an effective operation of the Assembly;
2. To ensure an inclusive legislative process;
3. To facilitate the process of accession to the European Union;
4. To improve public understanding and perception of the Assembly; and
5. To ensure effective parliamentary oversight of the government.

#### **Assembly of Kosovo political bodies:**

The guiding principles and beliefs which all Assembly of Kosovo political bodies are expected to demonstrate in their daily work should follow:

**Respect for the democratic process:** the Assembly of Kosovo reiterates the importance of parliamentary institutions and the democratic process, and pledges to work to strengthen and foster respect for them.

**Balancing continuity and change:** the Assembly of Kosovo will ensure institutional continuity, while supporting Members as their roles evolve and the institution evolves with them.

**Parliamentary excellence:** the Assembly of Kosovo will work to provide effective, accountable, and inclusive to minority communities and transparent legislature, and will act with integrity, in a manner that is responsible and ethical.

**Assembly Administration:**

The guiding principles and beliefs which all Assembly Administration staff are expected to demonstrate in their daily work should follow:

**Professionalism:** Reflected by a commitment to excellence; team-working; and a focus on meeting the needs of elected Members and the public whom the Assembly serves.

**Integrity:** Reflected by political impartiality, honesty and respect for diversity.

**Accountability:** Reflected by each member of staff taking responsibility for individual, team and Assembly performance; and openness and transparency towards the public.

### 3. EXECUTIVE SUMMARY

The effective and efficient performance of the Parliament, as the highest legislative, representative and oversight institution, is a prerequisite for democracy in any society. Through their representative function, Members of Parliament are expected to promote, argue and debate on the concerns and interests of constituencies whom they represent. If they fail to rise up to this challenge, those same constituencies will deem them to be unworthy of their vote, and by exercising their democratic right they might judge against placing their trust and confidence in them.

The performance of the Members of the Assembly is often enhanced if they are assisted by a good and efficient parliamentary administration and if support structures are sufficiently encouraging and accommodating to their parliamentary duties and obligations. A supportive President, Presidency and Secretary-General, an accommodating, efficient and proactive administration office, a satisfactory level of financial assistance, as well as a professionally developed support staff, are part of this structure that contribute towards enhancing the capacity of the Members of the Assembly to perform their expected roles as representatives of the people.

This is why an assessment with recommendations for further development, is an important tool that any parliament can take to help it improve its work and public standing. In its recent history, the Assembly of Kosovo has shown commitment to strengthening its role and advancing further its parliamentary procedures. As examples of some recent activities in this direction, in June 2006 the “Assembly Standards Plan 1” reform was introduced by then-President of the Assembly of Kosovo Kolë Berisha<sup>1</sup>. Moreover, the Project of the Consortium of four European Parliaments, called “Further Support to the Assembly of Kosovo” completed its work in January 2008.

This assessment report, titled befittingly “*New Mandate, New Opportunities*”, is born out of regular consultations with the President of the Assembly, Jakup Krasniqi, and the Secretary General of the Assembly, Ismet Krasniqi. The support and assistance of the National Democratic Institute for International Affairs (NDI) and the OSCE Mission in Kosovo (OMiK) have been invaluable in this process. As these two organizations have been working closely with the Assembly of Kosovo for many years, we found ourselves in the enviable position of being able to tap in their capacities and expertise, which helped us complete this project successfully. The result of this whole project is condensed into a comprehensive assessment of the work of Assembly of Kosovo.

On the methodology employed, more than 40 interviews were conducted with the Members of the Assembly, members of the Secretariat and personnel. Moreover, the presence of the authors in the premises of the Assembly could ensure that they had a close look at the daily parliamentary proceedings. The report gives an empirical overview of the Assembly of Kosovo as from the beginning of the third mandate. It also notes the latest political developments, such as the declaration of independence by the Assembly of Kosovo on 17 February 2008, and the entry into force of the Constitution of Kosovo on 15 June 2008. These developments are important to be taken into account for a more realistic and up-to-date evaluation of the Assembly’s work.

Chapter 5 focuses on the functions of the Assembly of Kosovo. In this chapter, recommendations have been offered which, if enacted, should assist the Assembly of Kosovo in improving its constitutional functions. On the *legislative function*, it is suggested that the role of Parliamentary

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<sup>1</sup> On 1 June 2006, Mr. Berisha introduced a comprehensive reform plan called “Assembly Standards Plan”. Based upon recommendations from NDI Kosovo, the plan introduced changes to the Rules of Procedure concerning adoption of the plenary session agenda, questions to the Government and interpellations. The objective was to make the plenary session agenda more effective and flexible, as well as enhance the parliamentary oversight of the government. In addition, the reform plan assigned the responsibility for drafting the proposal for the Assembly’s own budget to the Assembly Committee on Budget and Finance. In its 2006 annual report on Kosovo, the European Commission also noted that the operation of the Assembly has improved during 2006, that Rules of Procedure have generally been followed and that an important reform package was approved in June 2006. See Commission of the European Communities (2006) “Kosovo 2006 Progress Report”, Brussels, p. 7.

Committees is strengthened through an efficient legislative process. Also, parliamentary committees should have sufficient time and administrative support, to enable them to review and amend draft-laws, before sent to the Assembly for adoption. On the *oversight function*, the Rules of Procedure should limit the opportunity of ministers to avoid questions, and also to provide adequate staff, financial and technical support for the committees, necessary for increasing their oversight capacities. As an illustration, the Report emphasises oversight mechanisms of public budget and finances, as well as security sector, as important examples of parliamentary oversight. On the *representation function*, citizens should have easier access to the work of the Assembly, through establishing contacts between members of the Assembly and constituencies. Moreover, contacts with civil society organizations and media should be institutionalized, so that they are included in parliamentary deliberations as a matter of daily routine, with full transparency of the work of the members of the Assembly.

Assembly bodies are covered in Chapter 6, starting with Speaker's Office and the Presidency, the parliamentary groups and the parliamentary committees, the members of Assembly and finally the Secretary and Administration of Assembly. An analysis of the interaction between Assembly bodies with recommendations on how to improve the internal communication and political accountability balance is provided at the end of this chapter. The Assembly should work on preparing a development plan for financial, professional and administrative support for the members of the Assembly and parliamentary groups. As for parliamentary committees, it is essential that they are provided with better administrative and logistical facilities. The Secretary General plays a vital role in terms of facilitating and ensuring clear lines of communication between Secretary General's office, civil staff and political staff. The given recommendations would help ensure a better and more efficient administration. By default, this would translate into better working conditions for the Members of the Assembly, which would in turn have a positive effect in their representative performance.

The report takes into account the Rules of Procedure of the Assembly of Kosovo, as the basic act regulating the organization and the work of the Assembly, the duties and rights of the Members of the Assembly, as well as other bodies within the Assembly. In line with the Rules of Procedure, the given recommendations offer towards a more efficient and effective legislative proceedings, a clear division of labour between plenary session and committees and a stronger role for the latter, a more efficient implementation of the oversight function of the Assembly and the creation of a work plan.

A special emphasis in this report is placed on the autonomy of the Assembly, as a necessary prerogative for fulfilling its constitutional obligations. The autonomy of parliament in this report is categorized into 1) Regulatory (procedural) autonomy - which enables the Assembly to adopt its Rules of Procedure; 2) Organizational / administrative autonomy - which gives the Assembly the right to decide on its organizational issues; 3) Financial autonomy - which offers the Assembly the space to set without hindrance the budget proposal for its work; and 4) Security autonomy - which ensures that the Assembly decides on the manner it and its members are protected.

The successful implementation of the above categories is then translated into adequate administrative support for Members of the Assembly, which should be ensured by the Central Administration of the Assembly. Furthermore, it should be reiterated that the establishment and maintenance of clear lines of communication between the Secretary General, civil staff and the members the Assembly, is a prerequisite for enhanced democratic accountability and oversight.

The report "New Mandate, New Opportunities" contains detailed recommendations on every discussed issue, which we hope to be taken into consideration and be incorporated into the daily work of the Assembly of Kosovo. We are convinced that such a step will assist the Assembly of Kosovo in enhancing its fairly new democratic parliamentary tradition, whilst helping to consolidate it in accordance with the best European parliamentary practices.

## **4. THE ASSEMBLY OF KOSOVO AT THE BEGINNING OF THE THIRD MANDATE**

### ***4.1. Current developments and the functioning of the Assembly of Kosovo***

On 19 December 2007, the parliamentary election in November was concluded with the certification of the results of the second round of mayoral and municipal elections. On 9 January 2008 the Assembly elected as its President Jakup Krasniqi along with the members of its Presidency, and re-elected Fatmir Sejdiu as President of Kosovo. On the same day, the Assembly voted into office a new coalition government.<sup>2</sup> Six out of 10 Kosovo Serb members of the Assembly took the oath of office that day; the remaining four did not. Representatives of political parties representing the Kosovo Serb community were allocated the Ministry of Communities and Returns and the Ministry of Labour and Social Welfare, while the Ministry of Environment and Spatial Planning was allocated to a party representing the Kosovo Turk community.

On 17 February 2008, the Assembly of Kosovo held a session during which it adopted a declaration of independence, declaring Kosovo an independent and sovereign State.<sup>3</sup> The declaration stated that Kosovo fully accepts the obligations of the Comprehensive Proposal for the Kosovo Status Settlement. On 9 April 2008, the Assembly of Kosovo passed a constitution for Kosovo along with a package of laws covering decentralization and borders, and authorizing the creation of a Kosovo Foreign Ministry and Intelligence Service<sup>4</sup> that as scheduled came into force on 15 June 2008. The constitution is designed in such a way that it effectively removes from UNMIK its powers as an interim civil administration.<sup>5</sup>

Following Kosovo's declaration of independence, the U.N. Secretary General's report notes that Kosovo Serbs, with the support of Serbian authorities, have expanded their boycott of the institutions of Kosovo to include UNMIK Customs, the Kosovo Police Service (KPS), the Kosovo Corrections Service, the judicial system, municipal administration, and UNMIK railways.<sup>6</sup> Four Kosovo Serb Assembly Members continued their boycott of the work of the Assembly that began on 17 February. This expanded boycott has not been uniform, however. The remaining six Kosovo Serb members, who are part of the caucus of the Autonomous Liberal Party (SLS), ended their boycott of Assembly plenary sessions on 19 March. The two SLS ministers have also restarted attending the meetings of the Government on a regular basis. Eleven Kosovo Serb civil servants are working in the Assembly.<sup>7</sup>

### ***4.2. Kosovo's Economic Outlook***

Over the past nine years, the international community has invested in institution-building for future political and social stability. During this period, international administration has gradually transferred parts of its security, governance and administrative remits to the local Kosovo institutions. Moreover, Kosovo's economy has shown significant progress in transitioning to a

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<sup>2</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/211, New York, p. 1.

<sup>3</sup> United Nations (2008), *ibid.*

<sup>4</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/458, New York, p. 2.

<sup>5</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/354, New York, p. 2.

<sup>6</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/211, New York, p. 2.

<sup>7</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/458, New York, p. 11.

market-based system, but it is still highly dependent on the international community and the diaspora for financial and technical assistance. Still, Kosovo has become increasingly integrated into the regional economy.<sup>8</sup>

International and bilateral agencies have worked with international and local institutions to finance the rehabilitation of damaged and neglected infrastructure, and to try to put Kosovo on a path to sustainable economic growth. Kosovo's citizens are the poorest in Europe with an average annual per capita income of only € 1.150.<sup>9</sup> On 15 February 2008, the Assembly of Kosovo approved the budget for 2008, as previously endorsed by the Economic and Fiscal Council. The approved budget amounts to €1.1 billion, a substantial increase over the €718 million budget for 2007.<sup>10</sup>

The gross domestic product (GDP) was estimated to have grown by around 3.5 percent in 2007. That occurred despite a reduction in foreign aid, from 21.9 to 20.5 percent of GDP, and a decrease in government spending from 31.2 to 27.7 percent. The growth of GDP has been attributed, in large part, to growth in the local private sector.<sup>11</sup> The UN notes that the Kosovo Government needs to fully implement its commitments to the International Monetary Fund, including the need for stricter control, or revision of, eligibility criteria for basic pensions and other social benefits; refraining from the introduction of new social benefit schemes; the alignment of proposed legislation with available resources; and the commencement of detailed planning to implement the proposed reduction in public employment.<sup>12</sup>

In 2005/6, following stagnation of the GDP growth in 2005, it was estimated that 45.1 percent of the population were living below the national poverty line, with 16.7 percent of the population living in extreme poverty.<sup>13</sup> Now unemployment – estimated at more than 40% of the population – is a severe problem that encourages outward migration. Most of Kosovo's population lives in rural towns outside of the capital, Prishtina. Economic growth is largely driven by the private sector – mostly small-scale retail businesses. Thus, Kosovo is last in the Balkans region in terms of its performance against UNDP's Human Development Index (HDI). Recently calculated scores for Kosovo in 2007 indicate that there has been little positive change: Kosovo's overall HDI score for 2007 is 0.745, compared with 0.740 in 2006.<sup>14</sup>

Although, according to an UN report, an International Monetary Fund (IMF) mission visited Kosovo in April 2008 to assess the macroeconomic framework and fiscal policies. The IMF recently revised upwards the Kosovo gross domestic product (GDP) figures, which are now estimated at €3,343 million (€1,573 per capita) in 2007, and forecast a real GDP growth of about 5 per cent per annum over a five-year period.<sup>15</sup> The Government of Kosovo organized a donor conference on 11 July 2008 and received a pledge for 1,5 billion euros in investments.

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<sup>8</sup> United Nations (2008), *ibid* p. 5.

<sup>9</sup> ECIKS (2008), "Investors Guide: Investing in Kosovo 2008", Economic Initiative for Kosovo, p. 6.

<sup>10</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/211, New York, p. 15.

<sup>11</sup> UNDP (2007), "Energy for Development – Kosovo Human Development Report 2007", Prishtina, p. 2.

<sup>12</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/211, New York, p. 16.

<sup>13</sup> Statistical Office of Kosovo 2007a. Note that, as stated in the UNDP 2006 Europe and the CIS region MDG Report, the national poverty line for Kosovo in 2004 was given as PPP \$1.60 (€1.20) per day, with the extreme poverty line shown as PPP \$0.85 per day. Information obtained from website: [www.ks-gov.net/esk](http://www.ks-gov.net/esk).

<sup>14</sup> UNDP (2007), "Energy for Development – Kosovo Human Development Report 2007", Prishtina, p. 3.

<sup>15</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/458, New York, p. 5.

### 4.3. Kosovo's EU Integration Agenda

The International Crisis Group noted that the EU is Kosovo's largest benefactor, and the prospect of ultimate accession provides it with a focus for its energies.<sup>16</sup> Due to Kosovo's political status the EU has devised a unique instrument for Kosovo in the framework of the Stabilisation and Association Process (SAP). The Stabilisation and Association Process Tracking Mechanism (STM) for Kosovo was set up with the aim of restoring structural relations with the EU, and contributing in its internal and regional political and economic stability through applying the reforms in alignment with the EU standards.<sup>17</sup> During 2007, a new structure of sectoral meetings for the STM was established in the areas of good governance, economy, internal market, innovation and infrastructure. The new structure provided the mechanism for a more detailed analysis of the conformity of the legislation, practices and policies in Kosovo with European standards.<sup>18</sup>

The accession into the European Union will provide a stimulus for strengthening the institutional order in the countries of South-Eastern Europe, including Kosovo. The adoption and implementation of the EU legislation will certainly require reforms and an increase in the capacity of nearly all public institutions in Kosovo, which will certainly spill over to all domains of state activities.

SIGMA's assessment of Kosovo's public services and the administrative framework notes that the incoherence of the existing administrative legal framework in Kosovo resulted in a fragmented and sometimes inconsistent and contradictory legal framework which, coupled with persisting weak enforcement capacities, hampers adequate implementation and puts an additional burden on the Kosovo institutions when reviewing the existing legal framework and making it coherent and in alignment with the *acquis* and general European standards.<sup>19</sup>

The EU provides guidance to the authorities on reform priorities through the European Partnership.<sup>20</sup> Progress on these reform priorities is encouraged and monitored through the STM. On 13 February 2008, the European Union agreed on a new European Partnership Action Plan for Kosovo.<sup>21</sup> The Kosovo Government approved a European Partnership Action Plan in July 2008.<sup>22</sup> This plan stipulates the establishment of a High Level Coordination Committee with the membership of the President of Kosovo, the President of the Assembly and the Prime Minister, representing all three heads of branches of power in Kosovo. This Committee will deliberate and provide strategic guidance on European integrations issues for Kosovo.

While in the 2007 Progress Report, the European Commission noted that the Assembly Committee on International Relations and Euro-Atlantic Integration has not been involved in checking draft laws for their EU compatibility<sup>23</sup>, at the start of the third mandate in January 2008, the new Committee on European Integration has shown greater involvement and commitment to achieving the EU standards.

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<sup>16</sup> International Crisis Group (2007), 'Breaking the Kosovo Stalemate: Europe's Responsibility', Europe Report No.185, Brussels, p. 12.

<sup>17</sup> Van Meurs W., and Weiss S. (2003), 'The next Europe: South-eastern Europe after Thessalonica', Center for Applied Policy Research & Bertelsmann Foundation, p. 6.

<sup>18</sup> The European Commission (2007), "Kosovo under UNSCR 1244 2007 Progress Report", SEC (2007) 1433, Brussels, p. 5.

<sup>19</sup> SIGMA (2006), 'Kosovo: Public Service and the Administrative Framework', SIGMA Assessment Report, Paris, p. 2.

<sup>20</sup> The European Commission (2007), *ibid* p. 6.

<sup>21</sup> United Nations (2008), "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo", S/2008/211, New York, p. 4.

<sup>22</sup> Office of Prime Minister (2008), "Conclusions from the 29<sup>th</sup> meeting of the Government of Republic of Kosovo", Kosovo Government Press Release, July 31, 2008, Prishtina at <http://www.ks-gov.net/pm/Lajme/tabid/62/EntryID/867/Default.aspx>

<sup>23</sup> The European Commission (2007), *ibid* p. 8.

Relating to the European Integration, the Assembly of Kosovo has to position itself clearly when it comes to the division of tasks between the executive and legislative branch. Thus, it is necessary to foresee a proactive approach from the Assembly in this regard, starting from the definition of the Government approach to EU accession, following with close scrutiny the negotiation process and later on facilitating the membership in European Union.

## 5. ASSEMBLY OF KOSOVO FUNCTIONS

As in most democratic parliaments, the Assembly of Kosovo exercises three main functions: legislation (making laws), representation (acting on behalf of voters and citizens) and oversight of the executive branch. The most important role the Assembly plays is to make new laws and change or improve old ones. Most laws are written by Government departments and introduced into the Assembly by Government ministers. The Government implements the laws and other decisions of the Assembly. The Assembly has the authority to oversee what the Government does, especially how it spends money. The opposition plays an important part in the Assembly's oversight activity.

All the competencies described and reserved by the constitution fall within one of the three main functions of every democratic parliament. Below, we will elaborate the practices and quality by which the Assembly exercises the representative, legislative and oversight function.

### 5.1. Legislative function

An efficient legislative process, good organization and good planning is one of important conditions for quality implementation of competencies of the legislative branch. This segment deserves special attention in the new Rules of Procedure of the Assembly, because there are a large number of draft laws to be processed, approved, and harmonized with the new Constitution and with European Union legislation. In the end, the reputation of the Assembly of Kosovo will depend on the number and the quality of approved legislation<sup>24</sup>.

It is important that when amending the Rules of Procedure the ultimate goal is to have a more efficient legislative process. A principle that could be adopted is: "never discuss the same issue twice"- every reading in the plenary sessions should have a clearly defined purpose and that is not to repeat the discussion.

In this procedure, the first reading provides general information to Assembly members on the draft law and, only under specific request of a certain number of deputies, a discussion in the plenary session can take place which results in changes in further proceeding of the draft law.

The second reading is intended for discussion and voting on articles and on proposed amendments, first in committee, where the working method enables active participation of external experts and relevant organizations (university, economic chamber etc), and subsequently in plenary session, Assembly Members vote on amended articles of the draft law and new amendments proposed.

The third reading serves to correct the possible mistakes that might have occurred during approval of amendments in the second reading. Discussion at the plenary session should be only on the issues that have not been solved in committee.

Reform of the legislative process depends on the will of the leadership of the Assembly and deputies during the process of drafting and approving new Rules of Procedures. Without major changes in the Rules of Procedures it is impossible to reform and increase the efficiency of the legislative process, the role of committees and the parliamentary groups.

Experience in the Assembly of Kosovo has shown that many committees have not fulfilled *their role*, mainly for the following reasons: too short a time for work in some Committees, nonexistence of working plans, too little expert support, too little preparation of deputies in parliamentary groups for committee work.

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<sup>24</sup> For more information please refer to "Rules of Procedure of the Assembly of Kosovo", approved on 20 May 2005 and amended on 1 June 2006, Rules 33-40, pp. 35-40

Too much attention is paid to the plenary sessions, and perhaps because of the live TV broadcast. Members of the Assembly, especially those from the opposition, lack the resources and expert support they need to contribute to the legislative process and in carrying out the fundamental oversight by parliament.

An efficient legislative process implies a strong role for parliamentary committees. Their power is reflected through their active role in all parliamentary activities, and mostly in the legislative process, in shaping the policies and in carrying the oversight activities over the executive and over other bodies. In functional parliamentary committees the discussion is carried out without limitations on draft proposals, with the support of experts and stakeholders. In the same way, the discussion should be held in other committees based on their competencies, which must have the chance to express their opinions about the draft proposal and to send them to the functional parliamentary committees to review them during their discussions. Reports on the proposed act can be set to the plenary only by the functional parliamentary committee. One should take into consideration the parliamentary committees and what specific roles and competences they have.<sup>25</sup>

For such work it is necessary that they have enough time for work of parliamentary committees and in preparing reports on the draft proposal. Without this report, there should be no discussion in the plenary session.

Parliamentary committees reflect proportional representation of caucuses in plenary body. Assembly delegations to international organizations and inter-parliamentary groups should also be based on proportionality. Delegations must be always composed by Assembly members of the government and opposition. This represents an international democratic standard.

The Committee on Rights and Interests of Communities and Returns (CRIC) is one of the two main committees of the Assembly of Kosovo and has a significant role in the legislative process. Every draft law tabled in the Assembly of Kosovo has to be reviewed by the CRIC. It can make recommendations with a view to ensure that communities' rights and interests are adequately addressed. CRIC can also initiate legislation within the Assembly in order to address community concerns.<sup>26</sup>

The legislative process of the Assembly of Kosovo has been designed to maximise participation and provide opportunities for minorities to voice their concerns. Alongside the CRIC there are other community safeguard mechanisms within the Assembly of Kosovo. The most prominent are: 1. the ability of any member of the Presidency of the Assembly to request that a draft law is submitted to the CRIC and, by majority, make recommendations that communities rights and interests are adequately addressed; 2. The existence of committees in which the communities must be represented according to law; and 3. the Vital Interest procedure which is designed to protect minority interests and encourage their engagement with the legislative process. If a bill has passed the procedures, any member of the Assembly supported by five other members may submit, within the 48-hours before the President signs the law, a motion to the Assembly Presidency claiming that the law or certain of its provisions violate the interest of the Community to which he or she belongs. The motion shall set out a reasoned explanation of the claim of violation.

### **Recommendations:**

- Draft work plans that would enable parliamentary committees enough time for preparation and discussion;

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<sup>25</sup> OSCE Mission in Kosovo (2008), "Monitoring the work of the Assembly of Kosovo. Compilation of Assembly Monitoring Reports 5 August 2006 – 30 November 2007", Pristina, pp. 7.

<sup>26</sup> The membership of the CRIC is composed of two members from each of the Kosovo Communities elected to the Assembly. According to the constitution, membership of the CRIC will foresee one third of members from the majority community, one third of members representing the Kosovo Serbian community and one third of members representing the other non-majority communities.

- Implement the principle of efficient legislative process: “never discuss the same issue twice”, by sending the draft law directly to the functional committee before the first reading. During the first reading, Assembly hears the opinion of the functional committee, with regard to the quality of law and if the draft law meets the requirements for approval in the first reading;
- Strictly obey the rules of Rules of Procedure when the Assembly is in the plenary session and do not have a discussion without the report of functional parliamentary committee; and
- Preparation and approval of new Rules of Procedure with the widest possible consensus of governing coalition and the opposition. This would ensure the respect for Rules of Procedure with the widest possible consensus of governing coalition and the opposition.

## 5.2. Oversight function

In a system where parliamentary democracy is defined by a constitution, duties and the responsibilities of every Parliament and of all members of Parliament are to carry out parliamentary oversight of other branches of government and of those bodies responsible to report to parliament based on Constitution and Laws. Legislatures can hold the executive branch accountable through several means, such as questioning senior government officials (including ministers), reviewing or confirming executive appointments, establishing investigative committees, applying the motion of no confidence for the government. Accountability mechanisms vary by parliament based on constitutionally defined powers, institutional arrangements between government branches, divisions of authority between national, and local governments, and the degree of legitimacy conferred on the legislature.<sup>27</sup> As in most legislatures, the Assembly of Kosovo possesses a mix of mechanisms guaranteed by the Constitution and Rules of Procedures that allow for oversight of the executive branch. These mechanisms include the Question Period, questions for written answers, Interpellations, Investigative Committees, Budgetary Oversight Mechanisms, and Oversight by parliamentary committees and Motion of no Confidence.

The Assembly has not been very effective on exercising oversight functions during the first mandate mainly due to the lack of experience as well as a broader coalition that governed the country for the four previous years. During the second mandate and especially after leadership changes and institutional reform initiation, the usage of oversight mechanisms by the opposition has been increased and the oversight role of the Assembly has been enforced.<sup>28</sup> Despite considerable progress, the usage of oversight mechanisms can still be improved and the quality of oversight in general can be improved through supplementations in the Rules of Procedures with regard to oversight mechanisms as well as having more active and well supported opposition caucuses.

The Question Period is probably the most effective oversight mechanism in the Assembly, considering the 2006 changes in the Rules of Procedures. Question period is the first *fixed item* in the agenda for every plenary session and recent statistics show that there is a great increase in number of questions asked as well as quality of questions, while the majority of MPs complains that answers from ministers are not adequate.<sup>29</sup> The main deficiencies in the functioning of question period are the absence of Ministers, quality of questions forwarded and publication of unanswered questions in the bulletin, which enable ministers to avoid critical questions.<sup>30</sup> The Assembly President needs to insist on Ministers’ presence during the Plenary Sessions as well as in relevant committee sessions. Only in very few cases can their absence can be justified. In setting conditions for the presence of Ministers, the Assembly should have an annual timetable of its legislative

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<sup>27</sup> National Democratic Institute for International Affairs (2006) “Towards Development of International Standards for Democratic Legislatures”, Washington

<sup>28</sup> Comments provided during a meeting with a coalition caucus leader, held on the 3<sup>rd</sup> of June 2008.

<sup>29</sup> “The Rules of Procedures of the Assembly of Kosovo”, Rule 26

<sup>30</sup> Comments provided during a meeting with an opposition caucus leader, held on the 3<sup>rd</sup> of June 2008.

agenda and, based on that plan, Ministers should harmonize their activities and their obligations with those of the Assembly.

Interpellation<sup>31</sup> as an oversight mechanism are not used very often in the Assembly. The Rules of Procedures provide a clear and effective interpellation procedure that could be used strategically by opposition caucuses.<sup>32</sup> Main deficiencies for effective functioning of the Assembly are the inability of a certain number of Assembly members to submit an interpellation request (the current RoP allows only caucuses to submit an interpellation). Opposition caucuses are not well prepared and motions are unclear, debate is not focused on the issue and in some occasions the motion has not been put forward for voting by the President.<sup>33</sup>

Investigative Committees have also been used very rarely in the Assembly. So far, only two investigative committees have been established<sup>34</sup> while only the second one managed to conclude its investigation and submit a report. Investigative committees faced lots of difficulties due to the lack of legal basis and lack of Law on Investigative Committees. Rules of Procedures provided very little with regard to establishment and functioning of investigative committees<sup>35</sup>, therefore committee membership had difficulties on exercising their authority and fulfilling the mandate. The Law on Investigative Committees is still in procedure, but members should be careful when reviewing, amending and approving it, considering its importance on enforcing the oversight role of the Assembly.

Committees should play a strong role in overseeing the government activities and policies. Committees have been engaged on summoning ministers through informative hearings and monitoring implementation of laws, but still the quality of oversight can be improved. Committees are overloaded with tasks and responsibilities, considering the wide field of work they cover (in some cases one committee covers the work of four ministries). Small support staff are burdened to deal with the large number of draft laws under committee revision as well as the public hearings and legal expertise on different issues. Committees also need a special annual fund that could be used to hire experts conduct field visits and study trips.<sup>36</sup> Committees should be supported with adequate financial and technical support to acquit their mandate in a democratic fashion. At least three full time professional staff per standing committee should be assured in effort to complete committee tasks. Committees should also be entitled to a specific annual budget to engage more experts on different issues but also use many experts and organizations, which will provide free advice to the committees.

To increase further the capacity and quality of oversight, the Assembly should establish two new oversight committees. The Assembly has neither a Public Accounts Committee nor a Committee for Oversight of Intelligence Agencies. The establishment and functioning of these committees are key elements for proper oversight.

To enforce the oversight function of the Assembly, it is necessary to create adequate conditions for the work of all Assembly members but specifically opposition caucuses. Influence of the opposition

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<sup>31</sup> A structured debate that parliamentary groups or a group of MPs request, asking the government or a specific minister to explain an act or policy, that may end with a motion to request certain measures or vote of no confidence

<sup>32</sup> The Rules of Procedures of the Assembly of Kosovo. Rule 25

<sup>33</sup> Interpellation submitted by ORA caucus, for Ministry of Education with regard to primary school years, held on 25.06.2007

<sup>34</sup> First investigative committee has been established on March 2004 riots, while the second one on findings of Office of Auditor General in the Assembly in 2005

<sup>35</sup> The Rules of Procedures of the Assembly of Kosovo, Rule 50, Investigative Committees

<sup>36</sup> In most parliaments, despite other professional and research services, committees have a senior clerk, senior legal officer and an administrative assistant. Currently, in the Assembly of Kosovo a staff of two legal officers and one legal assistant provide support to two different committees.

in the oversight parliamentary committees can be set in many ways which can be combined in the following ways:

- Chairing the oversight parliamentary committees by opposition members,
- Strictly defined rights for the minorities in such parliamentary committees (e.g. one - third of member can make the request to call on the meeting or to get the data and documents from Government or from Ministry and other bodies and organizations of public sector etc.)

### **Recommendations:**

- Assembly amends RoP (Rule 26), by limiting the opportunity of ministers to avoid questions;
- Assembly amends RoP (Rule 25), to allow a certain number of MPs to submit an interpellation request;
- Assembly reviews the Law on Investigative Committees, improves its quality by providing necessary amendments and approves it; and
- Assembly ensures that committees are supported by adequate staff, financial and technical support, necessary for increasing oversight capacities (minimum requirements for a parliamentary committee one Secretary, expert assistant and administrative assistant).

### **5.2.1. Budget oversight and control of public finances**

Parliament's 'power of the purse' is a fundamental feature of democracy. The vast majority of democratic constitutions require appropriations and taxation measures to be approved by the parliament in order to become effective. The parliament must ensure that the revenue and spending measures it authorizes are fiscally sound, match the needs of the population with available resources and are implemented properly and efficiently.<sup>37</sup>

Parliamentary oversight of budget and control of other public finances is carried out to control the transparency of public money expenditure;

- Assure that budget execution is in line with law and within the set purposes;
- Control the government's policies.<sup>38</sup>

Under such budget oversight i.e. Kosovo Consolidated Budget - it is important to put other public legal entities that are financed by the Government (health care fund, pensions fund, and similar funds) and the entire public sector (public institutions, public companies, public spending in municipalities and institutions that are owned by municipalities).

Within the Assembly of Kosovo, the Committee on Budget and Finance has the main role in overseeing the implementations of the Kosovo Consolidated Budget. The Committee receives periodic reports from the Ministry of Finance on governmental expenditures but also from audit institutions. The Committee is responsible for analyzing these reports and presenting findings before the Assembly.<sup>39</sup> The Assembly still has not developed the capacity to analyze the budget. Many legislatures have created budget offices, which are staffed with professionals who have expertise to advise the legislature while reviewing budgets.<sup>40</sup>

Considering the importance of parliamentary control, a special Committee for Public Accounts should be established, responsible for budget control and control of other public finances. This

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<sup>37</sup> National Democratic Institute for International Affairs – NDI (2007) "Handout on Parliamentary oversight", Prishtina

<sup>38</sup> About the review of the draft budget and government expenditures, see: Inter-Parliamentary Union, Parliament and Democracy in the Twenty-First Century. A Guide to Good Practice, (Geneva: Inter-Parliamentary Union, 2006), pp. 140.

<sup>39</sup> Rules of Procedures of the Assembly of Kosovo. Budget and Finance Committee. Rule 51

<sup>40</sup> Comments provided during a meeting with Budget and Finance Committee member, held on the 4<sup>th</sup> of June 2008.

Committee should be chaired by the opposition. The argument for these arrangements is that the government chairs the Budget Committee that approves the budget, while the opposition, through the reports of the Office of the General Auditor and other sources of information, controls the execution of budget and other public finances.

At the same time, other committees, within the scope of their competencies, should revise the budget proposal and the final budget bill. Government ministers, during the revision of draft budget in the Assembly, should present information to committees on the policies, on the amount of funding needed for a certain field and on how their goals will be achieved. At the end of every fiscal year ministers should explain to what purpose the budget means have been spent and to what extent the goals of each policy have been achieved.

This independent oversight body reports to the Assembly. In this context, the work of parliamentary committee for oversight of public finances is based on the reports of this professional body, which is the “right arm” of the Assembly.

### **5.2.2. Public Accounts Committees (PAC)**

Parliamentary engagement with the budget normally has several stages. First, the Parliament votes the proposed budget submitted by the Government, then it monitors the budget execution and finally, it considers whether the budget implementation complied with its wishes. The audit of accounts has traditionally been performed by a body distinct from the legislature, in some cases a court or an auditor general. But it is the Parliament that is tasked with considering the results of such an audit. While some legislatures do not have a dedicated committee to perform this function, many legislatures have established a Public Account Committees (PAC) for this purpose. There is a global trend towards greater openness in government finances.<sup>41</sup> This is based on a belief that transparent budgetary practices can ensure that funds raised by the state for public purposes will be spent as promised by the Government, while maximizing the benefits derived from spending. One crucial component of a transparent system of resource allocation involves an independent assurance of the integrity of public budgeting through an audit process, and the scrutiny of its outcomes by the representatives of the people, in the parliament. Reforms in Britain in 1861 gave rise to the creation of a PAC and many other Commonwealth countries followed this model from there on. The historical fact that the PAC tends to be one of the oldest of all parliamentary committees indicates that its importance as the legislative body for financial oversight and scrutiny has long been recognized.

The rules of procedures that apply to all committees also apply to the PAC, unless particular exemptions or additions are made. Generally, it is the primary duty of the PAC to examine the reports of the Auditor General. But the PAC differs from most other committees in the sense that it is prevented from questioning the wisdom of the underlying policy that informs public spending. Rather, it is asked to investigate whether or not government expenditure complied with the legislature’s intention and expected standards, and also whether or not value for money was obtained. Its main functions are to see that public monies are applied for the purposes prescribed by the Parliament.

The relationship between the Parliament and the Audit Institution varies between systems. In the Westminster tradition, the PAC is the primary audience of the Auditor General, and it is vital that a cordial relationship is maintained between the two. While the PAC depends on high quality audit reporting to be effective, the Auditor General in turn requires an effective PAC to ensure that departments take audit outcomes seriously. This mutual dependency is underlined where the Auditor General has been made, by statute, an officer of the Parliament. All reports of the Auditor General are addressed to the Parliament, and the Auditor General or one of its representative will attend the sittings of the PAC. In some cases, the PAC can request the Auditor General to conduct a

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<sup>41</sup> The World Bank (2002), Strengthening oversight by legislatures. Prem Notes. Number 74

specific investigation, and the Auditor General has no discretion and must do so.<sup>42</sup> More recently, audit institutions have also tended to develop a more *ad hoc* advisory function, whereby the legislature requests advice or comments on specific issues under consideration. Especially in the absence or lack of dedicated legislature research capacity, this can broaden the access of the Parliament to independent expert analysis.<sup>43</sup>

The exact content of the work of the PAC depends largely on what it receives from the Audit Institution. In a recent survey, 85 percent of PACs indicate that their work primarily depended on the Auditor General's report. The Office of the Auditor General is the primary resource available to the Committee, and accompanies the work of the PAC on an ongoing basis. In some cases, the Finance Ministry also provides officials to follow and support Committee deliberations. Such support may involve having to answer questions from Committee Members.

### **5.2.3. Best practices for functioning of Public Accounts Committees**

In the majority of Parliaments, and as tends to be the case in most other committees, the proportion of Government and opposition members reflects the proportions in the Assembly. It is a long-standing tradition in many parliaments that the chairperson of the PAC is a member of the opposition. The chairperson has to ensure the smooth and effective running of the committee. In particular, PAC chairpersons are responsible for setting the committee's agenda, usually in consultation with the Committee and the Auditor General. Tradition in many parliaments favours unanimity for PAC decisions, but in specific cases the PAC reports can contain the view of minority that disagree with the content of the report. However, committee membership should strive for consensus because it strengthens the impact of the report. In principle, PAC meetings and hearings are open to the media and the general public.

The prime mechanism for considering audit reports is the hearing, at which witnesses are called before the committee to answer to questions by members on critical issues raised. The PAC should plan its program carefully in consultation with the Auditor General, so that the release of reports is synchronized with parliamentary hearings. Individual members of the committee should each have a chance to put questions to the witnesses. In some cases, time limitations are applied to each member's right to ask questions. In Britain, for instance, the PAC of the House of Commons allows the chairperson 30 minutes for questioning, at the beginning of a session. Afterwards, each ordinary member of the committee has no more than 15 minutes to pose questions.

Once hearings are completed and necessary materials have been gathered, it is usually the PAC chairperson's responsibility to draft a report, in close cooperation with committee clerk. The draft report is debated in the PAC, where any changes can be proposed, and accepted or rejected. PAC reports are usually debated and approved during the plenary sessions. In most parliaments, PAC reports are open to media and public. In the other hand, most PAC reports are followed by a formal response from the Government within a certain period of time. To ensure that particular concerns of the PAC have been addressed, in some parliaments the PAC follows up by requesting periodic reports to measure the progress and implementation of its recommendations.

So far, in the Assembly of Kosovo, the role of the PAC has been exercised by the Budget and Finance Committee, which is overwhelmed by a large number of draft laws in procedure, by the analysis of the budgetary implications of every draft laws submitted in the Assembly and by the preparation of the Assembly budget. Considering the lack of time and qualified staff, the Committee on Budget and Finance was not able to efficiently exercise its oversight role by

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<sup>42</sup> Staphenurst, Rick (2004) Good governance, parliamentary oversight and financial accountability. Parliamentary Consideration of the Budget. World Bank Institute

<sup>43</sup> Wehner, Joachim (2002) Best Practices of Public Accounts Committees. Institute for Democracy in South Africa. Best Practices of Public Accounts Committees. Cape Town

reviewing neither the Government quarterly reports on expenditures, nor the audit reports provided by the Office of the Auditor General.<sup>44</sup>

A survey done by the National Democratic Institute (NDI) in 2007 showed that more than 40 percent of Assembly members believe that the Assembly does not have the necessary means and capacities to conduct oversight over budget expenditures. The need for establishing a PAC has been raised by NDI back in 2006 with the former Budget and Finance Committee membership, but at that time, coalition parties didn't show the will and interest of establishing a PAC. However, the establishment of a PAC has been recently raised during a debate and preparation for drafting the new Rules of Procedures, mainly by International Organizations supporting the Assembly. Once established, there is a lot to be done in effort to have a fully organized and efficient Public Accounts Committee.

**Recommendations:**

- The Assembly of Kosovo to establish a Public Accounts Committee, as a separate functional committee;
- The jurisdiction of the Public Accounts Committee needs to be specifically defined in the new Rules of Procedure;
- An open and professional relationship between Public Accounts Committee and the Office of the Auditor General needs to be established and maintained; and
- The Assembly Secretariat needs to ensure that Public Accounts Committee is sufficiently well resourced.

**5.2.4. Parliamentary Oversight of Security and Intelligence**

In the plenary session held on 14 September 2006, the Assembly of Kosovo adopted the proposal by the then-Committee on Emergency Preparedness to transform and rename this parliamentary body into a Committee on Security. Upon that occasion, the Assembly voted to endorse the terms of reference of the new Committee, providing it with comprehensive oversight competencies over the police and other security providers.

In the current mandate of the Assembly of Kosovo, this committee has been renamed the Committee on Internal Affairs and Security with a mandate to oversee the security sector, give advice and make recommendations to the Assembly on legislation, decisions and governmental practices concerning the security of the population and the use of force by the relevant security providers.

This swift transition of the Committee on Internal Affairs and Security has been agreed upon so as to reflect the evolving political developments in Kosovo. It can also be viewed as an empowering initiative on the side of the Assembly to take ownership of the oversight capacity on security-related issues. However, with the immediate plans to create the Kosovo Security Force with its own Ministry, as well as the Intelligence Services, it is crucially important that the Assembly exercises its oversight functions, in order to ensure democratic control over security mechanisms. Moreover, the Committee on Intelligence Oversight should carefully observe the creation of the Agency on Intelligence.

**Recommendations:**

- Urge the Assembly to proceed in creating a sub-Committee on the Kosovo Security Force and the Committee on Intelligence Oversight swiftly, so that sufficient time is given for institutional built-up of the oversight mechanisms of these sectors; and

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<sup>44</sup> Comments provided by an opposition member of Committee on Budget and Finance, during a meetings held on the 2<sup>nd</sup> of June 2008.

- Ensure that the new Committee on Intelligence Oversight is led by an opposition member, what will increase democratic oversight, transparency and accountability in accordance with internationally-accepted human rights standards.

### **5.2.5. Cooperation with other independent institutions**

Legislators can also establish institutions outside of the legislature – such as the Ombudsperson, the Auditor General, and the Anti Corruption Agency – to assist them with legislative oversight. Their work relieves legislators from some of the burdens of oversight, much of which requires continual examination and painstaking attention to detail. In this sense, they can be a useful and credible source of information.

Detailed review of the reports of these institutions, which are obliged to report to the Assembly i.e. to its parliamentary committees and in the plenary session, will increase the transparency and accountability of these bodies. Within the framework of the applicable law, the Assembly can improve the work of these institutions as well as the work of the executive and judiciary branch by following up on the recommendations presented by the independent institutions.<sup>45</sup>

In the field of anti-corruption measures, the way how public institutions organize their work is important to prevent conflict of interests, e.g. in terms of holding public offices at both central and municipal level. In this respect, the declaration of wealth of public officials is important, as well as to check this report during the time that the person is holding the public position and after a certain period of time after the person has left the public position. Similarly, it is important to carry out the control of activities of public officials that obtain other financial gains parallel to their public functions, when that is allowed under specific circumstances.

It is in the interest of all citizens if the Assembly plays a more assertive role in the anti-corruption strategy. In this regard, the Assembly should encourage approval of general political platform e.g. in a shape of resolution, aiming at coordination of anti corruption efforts and activities of all relevant bodies and to see the possibility of establishing an independent body to continuously monitor the situation in this field.

#### **Recommendations:**

- To clearly define in the Rules of Procedures the reporting of independent institutions to the Assembly.

### **5.3. Representation function**

Representation is central to the democratic functioning of a legislative body. A legislature that is not representative of and accountable to the people undermines the nature of democracy in a country. “Democracy can only be realized when legislators have the will, ability and information to make decisions that reflect the interests and needs of society. Likewise, the people must have the will, ability and information to transmit their needs and interests to the legislature, to evaluate the performance of legislators and their parties and to reward or sanction their actions”<sup>46</sup>.

During the assessment of the representative function of a legislature, three criteria are taken into account. Firstly, citizens’ observation of parliamentary proceedings, secondly citizens’ access to accurate and timely information on the work of the Assembly and finally, citizens’ interaction with members of the Assembly (constituency work).

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<sup>45</sup> The independent institutions in Kosovo, as in other democracies, are independent bodies that perform functions of oversight and regulation. These can be roughly divided into two types of bodies: 1) independent good governance and human rights institutions which perform oversight functions over the government and typically do not have significant own-source revenues; and 2) independent agencies and regulators which perform a regulatory or licensing function and frequently collect fees.

<sup>46</sup> “USAID Handbook on Legislative Strengthening” (2000) Center for Democracy and Governance, Washington DC

### **5.3.1. Citizens' observation of parliamentary proceedings**

Citizens of Kosovo can observe the work of plenary body via live broadcast from the Public Broadcaster (Radio Television of Kosovo - RTK). If sessions carry on after 5pm, RTK interrupts its broadcast and continues with its usual program scheme. A special TV channel that would broadcast parliamentary proceedings is not very realistic solution today, but a second TV channel of the Public Broadcaster, that would, among other things, cover the work of Assembly, is currently the best solution. The cheapest solution would be live video streaming through Internet, but then one can make an argument on how many Kosovars currently have access to Internet. Committee meetings are never broadcast live and were poorly covered by journalists, accredited to the Assembly.

When citizens express interest to follow the plenary work or Committee meetings from inside the building, they need to put a request forward to Assembly service and it will very likely be turned down due to very limited space in "the gallery", which is sometimes full of representatives of different foreign offices in Pristina as well as organizations that support the work of the Assembly. The situation with Committee meetings is even worse. They are usually held in conference rooms with no space for the public.

The general public is usually informed about the next plenary session, immediately after the Presidency meeting when the Assembly issues the main conclusions of the meeting. As for Committee meeting, the only place for this kind of information is available is on the Assembly official web site, where you can also get the agenda of the meeting.

Another example of interaction with citizens, the "Week of the Assembly", had been implemented for the first time in June 2007 and will again take place in September 2008. During these weeks, group of Assembly members visit different regions in Kosovo and meet with citizens. Holding such an event, once per year, can scarcely be considered as interactive activity and proposes more frequent events (every other month, would be more preferable).

The Assembly of Kosovo also needs to open a "Visitor's Centre", where citizens can get more acquainted with the work of the Assembly, its history etc. The Section for Media and Public Relation should be in charge of this section.

#### **Recommendations:**

- Set easier procedures for citizens request to attend plenary sessions and committee meetings;
- Organize "Week of Assembly" in regular and more frequent manner. An occurrence every three months would be a good starting point; and
- Assembly of Kosovo to open A "Visitor's Centre" that would serve outside visitors to the Assembly building to learn more on the Assembly, its history etc.

### **5.3.2. Citizens' access to accurate and timely information**

Citizens are informed on the developments in the Assembly through reports from TV stations and daily newspapers. If they are interested in more detailed information they can check the Assembly official website that posts a brief review of the plenary session and Committee meeting the same day. On the official website, one can also find laws adopted by the Assembly and already promulgated.

Transcripts from plenary sessions have just started to be made available to the public, although with three week delays. The publication of votes is still experiencing technical difficulties, despite political will from current Assembly Leadership to publish vote results and the vote of individual Assembly Members<sup>47</sup>.

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<sup>47</sup> At the beginning of Plenary Session of Feb 15<sup>th</sup> 2008, Speaker Krasniqi announced publication of results of the votes and votes of individual Assembly Members, from that session on.

A Legislative Tracking System is non-existent, although it could be initiated through the existing Assembly Document Management System (DMS). This system enables every citizen to track all legislation under parliamentary review, amendments as well as Committee reports on specific pieces of legislation. In order to increase the transparency of parliamentary proceedings as well as to obtain citizen input on legislation, the Assembly install a legislative tracking system<sup>48</sup>.

The Assembly publishes its bulletin on a periodical basis (every three months) but it needs a better distribution plan, as it can be found only within the premises of the Assembly. Another good initiative came from the Cabinet of the previous President of the Assembly just before turning the office over to the new President. This initiative produced a publication “Guideline for new members of the Assembly”. Other publications are mainly initiated and funded by international organizations supporting the work of Assembly. The Assembly should set a separate budget line for various publications aiming to inform the general public about the Assembly work as well as educating citizens on the parliamentary procedures and making them aware of their rights as the citizens of Kosovo to be informed on the Assembly work and, most important, to become aware of legislation and the way to provide their input.

### **Recommendations:**

- Assembly leadership should put additional efforts on ensuring compliance with its decision at the beginning of this legislature for the publication of votes as well as transcripts of the meetings in due and timely manner;
- Initiate a Legislative Tracking System, using the existing Document Management System; and.
- Set a separate budget line for various publications aiming to inform general public with the Assembly work.

### **5.3.3. Citizens’ interaction with legislators**

In a parliamentary democracy, Assembly Members are elected through direct votes of citizens, therefore maintaining connection with citizens is of vital importance for their political career. Electoral systems may provide stronger or lesser incentives for Assembly Member-citizen communication while others encourage stronger linkage with their political parties and party leaders.

The one-district electoral system in Kosovo stimulates a stronger connection with political party rather than with the voters. Despite this fact, it is still necessary to find connecting points, by respecting the nature of society in which the Assembly Members would in a systematic way be connected with voters (in their hometowns, regions or places where Deputies currently live).

Strengthening linkages between elected representatives and the citizens of Kosovo has become a real concern among political parties in general and Assembly Members in particular. The previous legislature witnessed a series of initiatives taken from individual Deputies on opening constituency offices as an attempt to conduct constituency outreach. Since the opening of the first constituency office (by Gjylnaze Sylja in November 2005), seven other offices<sup>49</sup> were opened. 14 Deputies were involved in eight constituency offices throughout Kosovo.

New deputies are showing initiative for constituency offices. Donika Kadaj and Myrvete Pantina during the first months of third legislature opened constituency offices in municipal assembly buildings<sup>50</sup>. However, these offices received no institutional support from the Assembly of Kosovo

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<sup>48</sup> Kosovar Research and Documentation Institute (KIPRED) & OSCE Mission in Kosovo (2007) “Civil Society and the Legislative Process in Kosovo – Analytical Study at the End of the Second Mandate of the Assembly of Kosovo”, Prishtinë/Priština

<sup>49</sup> Fehmi Mujota (PDK), Berat Luzha (PDK), Bajrush Xhemaili (PDK), Safete Hadergjonaj (PDK), Hajredin Hyeni (PDK), Genc Gorani (ORA) and group of MPs from Gjakova

<sup>50</sup> Donika Kadaj opened her office in Istog and Myrvete Pantina’s office is functioning in Vushtrri.

and had no resources to properly address the concerns of citizens visiting these offices. Without further addressing these deficiencies, the existing constituency offices are not sustainable.

The Assessment team identified three main challenges in Assembly Members' engagement in constituency relations:

1. Timing and nature of their commitments in parliament on any given day, week or month.
2. Assembly members are often asked to provide assistance on issues outside the scope of their mandate – e.g. requests for employment and financial assistance.
3. The lack of institutional support for Assembly members for constituency outreach.

The first challenge can be solved through the adoption of an Assembly Annual Work plan at the beginning of each year, while the second can be addressed through Deputy's explanations to citizens on the limit of their authorities. Publication of "What can your Deputy does for you" type of leaflets can be very useful. The third challenge requires the political will of Assembly leadership in order to set a separate budget line for constituency outreach for each Assembly Member. It is a generally accepted standard for the functioning of democratic legislatures that legislature shall provide legislators with sufficient resources to enable the legislators to fulfill their constituency responsibilities, including travel to and from their constituencies<sup>51</sup>.

The budget for the Assembly should foresee some means for renting premises and for minimal administrative support. Ideally, every Assembly Member would have his/her office in a part of country and it would be open on certain time and for it the public should be well informed. Such a solution is presently unrealistic for Kosovo, but, having in mind that the basic role of an Assembly Member is representation of voters, it is necessary to find an initial first step and with it to initiate and stimulate contacts between Deputies and the constituency.

#### **Recommendations:**

- Encourage and support Assembly Members on establishing contacts with constituency;
- In three following years set a separate budget line for constituency outreach, starting with covering travel costs to and from the constituency and in following years including the operational costs for the constituency office; and
- Set a day each week in the Assembly Annual Work Plan for Constituency Outreach. In normal circumstances no plenary sessions or committee meetings are held during that day. Assembly Presidency could meet that day.

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<sup>51</sup> National Democratic Institute, Inter-Parliamentary Union, Commonwealth Parliamentary Association (2007) "International Minimum Standards for the Functioning of Democratic Legislatures", Washington DC

## 6. OPERATIONS OF THE ASSEMBLY OF KOSOVO

The operation of the Assembly of Kosovo is managed through different bodies and groups which each have their own responsibilities. This chapter will analyze and provide recommendations on the functioning of the President and the Presidency, the parliamentary groups, the Parliamentary Committees, the Members of the Assembly, the Secretary General and the Administration of the Assembly.

### 6.1. *President and Presidency*

A better organizational structure would facilitate a more efficient functioning of the Assembly. In order to reach this objective, the Assembly should be composed of bodies that guarantee the implementation of its competencies conform the Constitution<sup>52</sup>. These bodies are: the President of the Assembly, the Deputy Presidents of the Assembly, the Parliamentary Committees, the parliamentary groups, as well as the Secretary General and the civil service. The provisions of the constitution require that the current organizational structure of the Presidency of the Assembly undergo changes<sup>53</sup>.

According to the new constitution, the competencies of the Presidency will be reduced. The new Presidency, comprised of the President and the five Deputy Presidents, will be responsible only for the administrative functioning of the Assembly. Until the next parliamentary elections, the current Presidency will remain in place with those powers foreseen under its existing mandate.<sup>54</sup>

Having in mind that in the beginning of the next mandate, the Presidency will be have different roles and competencies, there is a need to transform the Presidency and define the role of the heads of the parliamentary groups in the overall organization of the work of the Assembly.

One of the ways to address the aforementioned challenge is the creation of a new body, named the *Collegium of the Assembly President*. The new Assembly Rules of Procedure could define the Collegium of the Assembly President as a decision-making body that consists of the President, the Deputy Presidents, the Heads of parliamentary groups, the Secretary General and a representative from the Government.

The main responsibilities of such a body would be to prepare and approve the annual timetable of work, should this not be done by the plenary, to prepare bimonthly essential plans of work. Thus, with the involvement of the Collegium, caucus leaders would have more influence and take on board more responsibilities.

Caucus leaders are presently are invited to attend Presidency meetings, but their role is limited to the part of the meeting regarding the agenda setting. Current practice seems that the caucus leaders are informed of the proposed agenda rather than they are able to guide and shape the agenda setting process. They have a very limited role in decision-making. The proposed Collegium of the Assembly President would enable them to participate with equal rights and influence in its proceedings.

Such collegiums exist in most democratic parliaments. Usually, meetings are chaired by the president, while heads of parliamentary groups have the real power during the decision making process. In the parliament of Belgium, for example, the “Conference of the President” or Collegium consists of the President, deputy Presidents and heads of all parliamentary groups.<sup>55</sup> The Collegium

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<sup>52</sup> “Constitution of the Republic of Kosovo” on <http://www.kushtetutakosoves.info>

<sup>53</sup> Ibid.

<sup>54</sup> “Constitution of the Republic of Kosovo”, Transitional Provisions, Article 161.2

<sup>55</sup> Chambre des Représentants, Règlement, October 2003, Brussels, art. 14

serves for consultations regarding the preparation of plenary sessions, possible agenda items, preparation of work plans and other issues that could influence the functioning of the Parliament.

In most parliaments, collegiums decide based on the votes of the heads of parliamentary groups, which reflect the number of seats that their group has in the parliament. Chairs of committees and other persons invited by the president may also attend the sessions of the Collegium without voting rights.

### **Recommendations:**

- For the current mandate of the Assembly, the Heads of parliamentary groups shall be given more influence during the proceedings of the current Presidency of the Assembly, specifically with regard to setting of the agenda for the sessions;
- In the new Rules of Procedures, the administrative function of the next Presidency as foreseen by the Constitution, needs to be determined specifically; and
- Restructured Presidency and its altered competencies in the next mandate, shall “pave the road” for the establishment of the Collegium by providing Heads of parliamentary groups a more enhanced role in decision making process.

### **6.2. Parliamentary groups**

In the Assembly of Kosovo, most Members of the Assembly are organized in parliamentary groups, chaired by their heads who represent the Group during certain procedures of work of the Assembly. However, for the time being the Presidency of Assembly plays the most important role.

One of the gaps identified is the lack of expertise or administrative support that would tackle specific problems and interests of the parliamentary groups. Currently, parliamentary groups only have one administrative assistant, which is below minimal standards that clearly states that party groups in the legislature should receive assistance in the form of technical, administrative or logistical support. If public funds are being used, expenditure must always be made pursuant to a clear and transparent formula that does not unduly advantage the majority party. These deficiencies are clearly reflected in the quality of their work in the legislative process, in the oversight role and even in the course of planning and organization of general parliamentary work. It should be noted, however, that the role of the opposition and the governing coalition partners was heretofore not clearly practiced due to the common aspiration of the resolution of status. But there is a need to create in the near future suitable working conditions for the opposition in line with standards of parliamentary democracy.

Each parliamentary group should have a secretary, one expert assistant and an administrative assistant. One additional expert assistant should be provided to the group for every five M.P's over the base minimum. Since parliamentary group staffs are selected by the group in question, there is no expectation that they will be politically impartial which is why they are hired only for the Parliamentary mandate i.e. for the time the parliamentary groups exists. Those who work on a time-bound contract should be paid more than those with no time limit contracts.

Every year political parties receive funds from the Assembly budget under the budget line of the “Democratization Support Fund”. For the functioning of the parliamentary group, they should receive more than five percent they currently receive from “Democratization Support Fund”.

Also, in order to increase the efficiency and quality work of parliamentary groups, it is advisable for each of these groups to have their own Rules of Procedure or some other regulatory act. This act would define the organizational issues and would set the framework within which parliamentary groups could conduct their work, would clarify the rights and responsibilities of Members of the Assembly, matters of expert support and other relevant issues. Parliamentary groups must allocate time for their joint work, which should be set by an annual timetable.

### **6.2.1. Women's Informal Group**

The Women's Informal Group is the first interest caucus established in the Assembly of Kosovo, in July 2005. Groups' activities are focused mainly on gender analyses of draft laws including Kosovo Consolidated Budget and monitoring the implementation of gender sensitive laws, such as Law on Labour, Law on Health Care etc.

Interest caucuses like Women Informal Group should be encouraged and supported by the parliamentary leadership as it enriches parliamentary life and offers an alternative forum for the underrepresented groups in raising their concerns. As stipulated in Article 4.2. of International Covenant on Civil and Political Rights "...each legislator shall have the right to join any formal or informal grouping of legislators for the pursuit of common interests..."

#### **Recommendations:**

- Prepare a development plan of professional and administrative support to the Members of the Assembly and to parliamentary groups with defined start/end dates;
- Political parties are encouraged to increase the allocation of financial means obtained from the "Democratization Support Fund" to the work of their parliamentary groups;
- Define clear rules on responsible spending of means dedicated for parliamentary groups and report on their spending;
- Create an annual timetable based of Assembly timetable for the work in parliamentary groups; and
- Approval of own Rules of Procedure on internal organization of the groups.

### **6.3. Parliamentary Committees**

Committees are the lifeblood of parliamentary life allowing the legislature to perform numerous important functions simultaneously. They assume a major role in the democratic process by: studying draft laws clause by clause, consulting the general public, summoning Ministers and government administrators for questioning; calling upon experts to give guidance and testimony. Though they vary in power across countries, committees are accepted as a practical way of managing the workload of the legislature by providing a focused working environment which a large assembly cannot offer in a plenary session.

Rules of Procedures of the Assembly determine that there should be Main and Functional Committees of the Assembly to review draft laws and make recommendations as appropriate. The Assembly of Kosovo has two main committees, the Budget and Finance Committee and Committee on Rights and interests of Communities.<sup>56</sup> On the request of one-third of all of the members of the Assembly, the Assembly can establish ad-hoc committees with all the powers of a functional committee to investigate a specific issue such as Committee on the Rules of Procedure or investigative committees with all the powers of a functional committee to investigate a specific issue. Heavy and diverse workload of committees is usually resolved through creation of sub-committees or small working groups. Sub-committees and working groups report for their work to the committee and decisions are taken thought voting. The membership of all functional committees reflects the diversity and membership of the assembly.

Recent changes in include establishment of the permanent Committee on Rules of Procedure. In addition to drafting Rules of Procedure at the beginning of the mandate, Committee will continuously monitor implementation of the RoP and if necessary prepare proposals for amending and supplementing the Rules. Development of the new RoP for the third mandate is in its final stage and it is expected that establishment of two new committees with be reviewed as a proposal. A Committee on Oversight of Intelligence Agency and Public Accounts Committee could be

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<sup>56</sup> The Rules of Procedures of the Assembly. Rule 48. Main and Functional Committees

established in effort to enforce the oversight role of the Assembly and increase accountability of the government.

With the goal of gathering information on a subject under debate, committees hold public hearings inviting experts, public organizations, representatives of interest groups and civil society. In addition, because NGOs typically know a great deal about the issues, they can provide legislators with valuable information to assist them in their oversight efforts. Public hearings usually consist of general discussion with persons invited or expert analysis on specific issues, with the aim to clarify facts and issues under discussion. Though there has been progress public hearings have been characterized with low level of citizen's participation, experts, NGOs and other individuals, which resulted with poor recommendations and remarks that might affect the amendments in the laws.<sup>57</sup> Some committees are working on developing and updating the experts and NGO data base in effort to identify and invite the right organizations and expert from whom they will gather relevant information during the legislative public hearings.

Committees also have the authority to monitor the implementation of laws by summoning members of the government, a minister or deputy minister to attend hearings over the activities of specific Ministries and conducting field visits.<sup>58</sup> Information gathered through field visits and direct talks with stakeholders and general public enabled committee members to understand the situation better and prepare proper recommendations for the government. As a rule one representative of the government shall be invited to attend the meetings of the committees, while during the consideration of the draft laws, committees usually invite the sponsor of the draft law to attend their meeting. Unfortunately, this does not happen and has been raised as a problematic issue in several committees.

Committees usually meet twice a month, while meetings are chaired by the Chairperson who determines the agenda and should communicate it to other members at least four working days before the meeting takes place. However, specific committees like Budget and Finance meet more often in effort to complete large number of tasks and responsibilities under its jurisdiction. Committees report to the Assembly on items of business in writing and may supplement them orally during a session. In principle, committee meetings are open to the public except where a committee is debating matters of security in Kosovo or other similar important matters.<sup>59</sup>

All committees have developed their annual work plans to increase efficiency and better organization of work. The plans mainly reflect the program of the corresponding Ministry, and the chronological order of the events and issues to be considered by the Committee. Work plans can be improved and made more sophisticated by including plans to hold investigations or public hearing to provide information to the Assembly in preparation to request a draft law from the Government or to provide information to the public. Dynamics of the meetings of the Commissions is estimated to be relatively satisfying. Despite that in the new Rules of Procedures, it is expected to enable specific Committees to develop and approve internal Rules of Procedures, which of course will be in full compliance with the RoP of the Assembly.

Committees of the Assembly of Kosovo are overloaded with tasks and responsibilities, considering the wide field of work they cover (in some cases one committee covers the work of four Ministries). Small number of committee support staff cannot effort to deal with the large number of draft laws under committee revision, large number of public hearing and legal expertise on different issues. Committees also need a separate annual fund that could be used to hire experts, conduct field visits and study trips. In most parliaments Committees are supported by permanent staffers as well as other sectors that provide expertise internally. Unfortunately, in the assembly of Kosovo a staff of two legal officers and one legal assistant provide support to two different

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<sup>57</sup> Kosova Democratic Institute. Scorecards on the Assembly of Kosovo. Prishtina. January 2007.

<sup>58</sup> *The Rules of Procedures of the Assembly*, Rule 53. Authority of the Committees in Monitoring the Implementation of Laws

<sup>59</sup> *The Rules of Procedures of the Assembly*, Rule 46. Public Hearings

committees. Therefore, at least three full time professional staff per standing committee should be assured in effort to complete properly all tasks.

#### **Recommendations:**

- Parliamentary committees should be provided with better administrative and logistical facilities, and if possible an assistant supporting committee chairperson;

#### **6.4. Members of the Assembly**

Members of the Assembly are elected representatives and as such they represent all categories of citizens. They need to have adequate support that can be ensured by the administration of the Assembly and that of the parliamentary groups. Central Administration Services of the Assembly are those civil servants that are politically impartial and are permanently employed to carry out duties for the Assembly and its parliamentary committees<sup>60</sup>.

Based on the consultations with the Members of the Assembly and administrative staff<sup>61</sup>, it is clear that there is support for the professionalization of Members. Professional work means that their only occupation is the mandate as Assembly member, therefore it is not realistic to expect them to hold *other duties or positions* during their mandate. The current situation is such that for some of them their posts as directors, professors etc., seem to be more important than being an Assembly Member. Similar problems are highlighted in cases where a Member is also a Minister in the Government. The last one is prohibited under the new constitution<sup>62</sup>.

In some parliaments, where members of the Assembly carry out their mandates professionally, they can have another occupation. This provision however can limit the extra-parliamentary working hours to maximum one-fifth of total working hours. Such solutions are brought forward so as to insist on a higher degree of responsibility from members of the Assembly, as well as greater presence at Assembly meetings and Parliamentary committees. It also includes restriction measures for non-attendance. The professionalization of all members of the Assembly would enable more responsible and higher quality of work, better organization and, at least, it would prevent possible conflicts of interest.

On 2 November 2007, the Assembly of Kosovo adopted the Draft Law on Rights and Responsibilities of Deputies. Since the Draft Law had not yet been promulgated by the SRSG, amongst others because it did not entail an accurate financial impact statement, the Draft Law has been returned to the Assembly for further consideration.

The new timeframe for this Draft Law provides an opportunity for the Assembly to address a number of issues needing regulation, including the status, immunity and benefits of Assembly members as well as incompatibility of a Member's mandate with other functions in the public and private sector. It will also be an opportunity to make the new law compliant with other laws already in force, and to correct and harmonize inconsistent and contradictory provisions in the Law.

Since there are important political decisions at stake, the discussion on this topic should be included during the preparation of the new Rules of Procedure of Assembly of Kosovo or to open the discussions at some other forum.

The professional development of the Members of Assembly is also important to enable the Assembly work in an efficient manner. The main responsibility for this professional development falls with the political parties who put forward their best candidates, and the voters who ensure

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<sup>60</sup> Assembly of Kosovo "Rules of Procedure of the Assembly of Kosovo", approved on 20 May 2005 and amended on 1 June 2006, Rule 12-15, pp. 19-21

<sup>61</sup> Interviews conducted with Mr. Ibrahim Gashi MP, Mr. Dzezair Murati MP, Mr. Isa Neziri, Head of the Administration Department, Mr. Daut Beqiri, Head of the Legal Department, on 02<sup>nd</sup> June 2008

<sup>62</sup> "Constitution of the Republic of Kosovo", at <http://www.kushtetutakosoves.info>

their mandate. However, it is possible that even the candidates that get the highest number of votes in their regions are not well-informed with the specific work of the Assembly.

Following elections, at the beginning of the new mandate, Members must in the shortest possible time prepare for a more qualitative and efficient utilization of their functions. At this stage it is necessary to organize tours around the Assembly building, of its administration, to introduce new Assembly Members to the Rules of Procedure and other relevant documents, as well as their rights and obligations. Administration of Assembly and re-elected members of the Assembly can provide an important contribution. Since 2001 three parliamentary elections took place and three induction programs for newly elected members of the Assembly have been organized. While the first two induction programs were prepared by the OSCE Mission in Kosovo (OMiK) and the National Democratic Institute (NDI), the third induction program (January – February 2008) was marked by the clear lead role of the Assembly Secretariat in developing the program and organizing the working sessions with the new Assembly members.

During their mandate, members of the Assembly must have more possibilities for further training and skills development in the line with the needs of Assembly and with interests of members of the Assembly, based on their field of expertise and on the parliamentary committees they are members of. The organization of seminars on parliamentary work and the work of European Union institutions, foreign language courses, computer and IT courses, protocol etc., should be included in the training list for members of the Assembly. Foreign donor support is important but the Assembly of Kosovo must be able to develop such programs with the advice of foreign donors to pass the best practices from the region and from developed parliamentary democracies.

Training of members of the Assembly should be set with a special act in which the necessary rules and means would be defined.

#### **Recommendations:**

- Members of the Assembly, who decide to keep their previous occupations (before they were elected as members of the Assembly and which do not represent a conflict of interest with his mandate as the member of the Assembly) should respect constraints on the time committed to the “second job” of the maximum of one-fifth of the weekly working hours (eight hours a week or one full working day);
- To continue to organize preparation of Assembly members for work in the Assembly at the beginning of their mandate;
- To approve a special act on the professional development of members of the Assembly during their mandate, and to dedicate means for this purpose.
- To review and improve the Draft Law on Rights and Responsibilities of the Members of the Assembly during the Assembly’s third mandate, taking into full account the financial impact, as well as clarifying the functions of the members of the Assembly in the public versus private sphere.
- As from next mandate, the provisions of the Constitution which state that Assembly Members cannot become Ministers, should be respected.

#### **6.5. Secretary General of the Assembly**

As is the case in other democratic parliaments, in the Assembly of Kosovo the Secretary General is responsible to provide the needed administrative and operational services to all parliamentarians equally. It is therefore important that the Secretary of the Assembly can function independently and is free of political pressure. One of the recent achievements of the Assembly has been the transition from the second to the third legislature and the changes in the position of the Assembly President, while ensuring continuity through the presence and the professional service of the Secretary General. In the future, it will be important that the Presidency and all parliamentary groups

continue to support the functioning of a professional and politically neutral Secretary General, the highest civil servant in the Assembly.

Functions of Secretary General are defined by Chapter 2, Article 7, of the Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo, passed by the Presidency of the Assembly on 25 April 2007<sup>63</sup> in an effort to clarify the role and responsibilities of the Secretary General and relations with the President of the Assembly, heads of parliamentary groups leaders, committee chairs and members of the Assembly<sup>64</sup>.

The main role of the Secretary General is to manage the administration of the Assembly, organizing and managing professional services, ensuring equal services and continues development of these services. Based on internal regulations, the following responsibilities and authorizations should be given to the Secretary General:

- Preparation of the draft budget for the Assembly, which would be approved by a higher body
- Approval of financial means for work of Assembly and Administration
- Deciding on the selection of officers in charge of supplying services
- Issuing of regulations and other acts in compliance with laws
- Deciding on hiring employees in compliance with the laws and regulations of the Assembly
- Preparing draft regulations that should be later approved by a higher body

#### **Recommendations:**

- Ensure clear lines of communication between the Secretary General, civil staff and the political staff.
- Fully respect the responsibility and authority of the Secretary General as defined by the Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo.

### **6.6. Assembly Administration**

#### **6.6.1 Legal basis and current developments**

On 25 April 2007, the Presidency of the Assembly of Kosovo, based on the UNMIK Administrative Instruction 2007/2 for implementing the regulation 2001/36 for the Civil Service of Kosovo and in accordance with the rule 56.2 of the Rules of Procedure of the Assembly of Kosovo and the UNMIK Administrative Instruction 2001/21, adopted the ‘Statutory Rules for the Civil Service of the Assembly of Kosovo’, the ‘Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo’, the ‘Staffing table of the Assembly of Kosovo’, the ‘List of level and title of staff in the Assembly’ and the Salary scales of the employees of the Assembly’.<sup>65</sup>

Known as the ‘Reform package of the civil service of the Assembly of Kosovo’ which was supported by the European Agency for Reconstructions Project ‘Further Support to the Assembly of Kosovo’<sup>66</sup> a consortium of the Parliaments of Belgium, France, Germany and Slovenia, these documents present the basis of the work of the Assembly of Kosovo civil service.

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<sup>63</sup> For more information see “Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo”, Prishtina/Pristina, 2007

<sup>64</sup> Assembly of Kosovo “Rules of Procedure of the Assembly of Kosovo”, approved on 20 May 2005 and amended on 1 June 2006, Rule 56.3, p. 52

<sup>65</sup> For more check the minutes of the Assembly Presidency meeting: [http://www.assembly-kosova.org/common/docs/proc/proc\\_0\\_2007\\_04\\_25\\_al.pdf](http://www.assembly-kosova.org/common/docs/proc/proc_0_2007_04_25_al.pdf); For UNMIK regulations check [www.unmikonline.org](http://www.unmikonline.org)

<sup>66</sup> Final Report “Further Support to the Assembly of Kosovo” (2008), an EU Funded Project Managed by the European Agency for Reconstruction, Prishtina/Pristina

All 157 positions in the Assembly administration are presently filled. In particular, the Division for Protocol, Support to the Deputies and Communication is now fully operational and the position of Head of Division for Legal Standardization, Legal advising, Research, Library and Archives is filled for the first time; all Heads of Division positions are filled for the first time. On the other hand, it is also worth mentioning that, in March 2008, the Head of the Procurement Division, recruited in the summer of 2007, who had filled a key position which had remained vacant during more than one year, left the Assembly. Consequently, this represents a significant weakening of administrative capacity to cope efficiently and transparently with the procurement issues until new staff has been fully trained.

### **6.6.2 The issue of duration of the permanent staff contracts**

Article 14 of the statutory rules for the Civil Service of the Assembly of Kosovo' states that "(i) when the probationary period is judged satisfactory, then the probationer is appointed on a permanent basis". However, during interviews with the staff in the Assembly of Kosovo they showed that they have various lengths of contract with the Assembly. It should be noted that this is a decision of the Presidency of the Assembly of Kosovo and that, as such, the statutory rules should be fully implemented.

One of the problems at the Assembly is the employment of new staff, since salaries are not very attractive for better-qualified staff. Salaries are not enough to cover basic expenses and often civil servants are forced to find alternative ways of generating income. A large number of qualified people avoid the challenge of working in the public administration and rather choose employment in private or civil society sector. Expert, administrative, technical support to Assembly members and to parliamentary groups is very important for the quality work of Assembly. Deputies need professional support in order to offer a quality contribution in the legislative process and in the oversight of the Government in harmony with the constitution and existing legal framework. Insufficient expert support is reflected in debates during the committee meetings and plenary sessions. Some deputies lack informed arguments and proposals and often discuss issues that are not on the agenda.

### **6.6.3 The 'combined model' of the parliamentary administrations**

Seeing the need for adequate support, the situation in the parliaments of European Union member-states has changed in the sense that the central administration services provide professional and impartial support for the parliament, for its members and for parliamentary groups. Now, central administration services also offers expert and administrative support in carrying out the MP functions, in fulfilling the promises made during election campaigns and during field visits done in the mandate. In other words, parliamentary administrations are being developed on the basis of the so-called 'combined model'. This means that the central administration, as a permanent and impartial institution, carries out the professional and administrative duties for the parliament as a whole, while carried out by professional and administrative teams of special interest for a certain group of members of the Assembly.

The Assembly should find a way to enable the support to members and to parliamentary groups based on the "combined model" mentioned above. This support can be organized by providing parliamentary groups with means to hire professional staff for a limited period of time or as long as the parliamentary groups exists and/or provide means that would cover the costs of expert support for conducting analyses, studies, draft laws, and other acts by contract. On this proposal, it is important to stress that parliamentary groups must have absolute freedom in selecting the candidate they want. Such autonomy does not mean hiring the "leader" but hiring experts in particular fields of legislation process.

The current staffing table should be reviewed. If possible, one needs to increase the number of positions in professional support at the expense of administrative and technical staff.

#### 6.6.4 The administration bodies that need support

In the Assembly of Kosovo almost everyone agreed that the current structure of staff, the number of staff or their educational background and other job required specifications (knowledge of foreign languages, computer skills, knowledge on European Union legal institutions and work of modern parliaments), do not meet the needs of the Assembly i.e. do not provide the necessary support needed for normal work.<sup>67</sup>

The bodies responsible for the quality work of the legislative and outreach functions of the Assembly are:

**Division for Parliamentary Committees Support** (in particular the Unit that supports the parliamentary committee on European Union Integration) is responsible for providing legal advice, legislative and procedural support to parliamentary committees including preparation of legal reports on draft legislation; providing support on preparation of the agenda and the work plan of the Committees; preparation of the agenda; legislative-technical review of draft laws<sup>68</sup>. This service, in cooperation with the respective service in the Government, should also initiate and prepare standardized rules for the review of laws and the interpretation of European Union laws.

**Division for Legal standardization, Legal advising, Research, Library and Archive** is responsible for offering support to the legislative drafting services for drafting the legislation and amendments; legal standardization by legal, technical and unified methodology; linguistic standardization; harmonization of the legislation with *acquis communautaire* and international law applicable in Kosovo<sup>69</sup>. The research and library unit reviews issues from different fields, conducts analysis, comparative research of legislation from other countries (especially European Union countries) on issues related to the status and the work of deputies. The Documentation Office together with the Assembly Library will support the work of the deputies and other internal users on European and national legal system, gathers, reviews and prepares different library material.

**Division for Information Technology** is responsible for: administering and managing with the entire electronic system of the Assembly; for supply, development and maintenance of the Information System, develops and conducts professional work in the IT field while supporting the legislative process<sup>70</sup>.

**The Media and Public Relations Section** is responsible for<sup>71</sup> the institutional communication of the Assembly,; reporting and publishing of the information and documentation, press releases, information regarding the activities as well as the organization of the press conferences for the bodies of the Assembly as: the President, Presidency and the Parliamentary Committees; maintenance and update of the web page of the Assembly; The Relation with the media, civil society and the citizens in order to facilitate access to the information within the Assembly, etc.

Support staff of Parliamentary Committee on European Integration deals with work that is relevant to the committee, considering its specific role.

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<sup>67</sup> Interviews carried out by the team with the members of the Presidency, Heads of parliamentary groups, Deputies and staff during the first assessment visit, 2-6 June 2008, Prishtina/Pristina

<sup>68</sup> The description of the responsibilities of the Division for Parliamentary Committees Support is described in "Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo", adopted by the Presidency of the Assembly of Kosovo on 25 April 2007 in Prishtina/Pristina, p. 5.

<sup>69</sup> The description of the responsibilities of the Legal standardization, Legal advising, Research, Library and Archive is described in the "Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo", adopted by the Presidency of the Assembly of Kosovo on 25 April 2007 in Prishtina/Pristina, pp. 5 – 6.

<sup>70</sup> The description of the responsibilities of the Media and Public Relations Section is described in the "Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo", adopted by the Presidency of the Assembly of Kosovo on 25 April 2007 in Prishtina/Pristina, pp. 7.

<sup>71</sup> The description of the responsibilities of the Media and Public Relations Section is described in "Regulation on Organization and Responsibilities of the Administration of the Assembly of Kosovo", adopted by the Presidency of the Assembly of Kosovo on 25 April 2007 in Prishtina/Pristina, p. 9.

### **6.6.5 Recruitment and training**

In all above-mentioned divisions, sections and units, the gradual recruitment process, for additional staff should start according to the financial analysis presented in this Report. In the shortest time possible it is necessary to hire staff in the legal unit (4 staffers), Committee European Union Integrations (2 staffers), IT unit (2 staffers) and in public relations unit (2 staffers).

Parliamentary groups and members of the Assembly services should have budget to recruit their staff. It is necessary to draw attention to the transparency on spending these means. Although the Parliamentary Group leader decides on the manner the expert support is going to be used, these budget funds must be made available only when the contract has been signed. Contracts for employment should be signed by the Secretary of the Assembly, who needs to ensure that contracts are in legal compliance. All contracts signed in this way must be liable to the Auditor General's auditing and other financial and working inspections. This ensures that parliamentary groups will act responsibly with public money.

Hiring procedures should be followed strictly to allow for the best candidates to be chosen to fill the positions throughout the civil service of the Assembly.

For the current employees and future staff, adequate courses should be organized in the premises of the Assembly building, and financial means should be secured. The existing 'training plan' developed by the Personnel section needs to be supplemented to address the increased needs. Funds that currently are available from foreign donors should be used based on priorities of the Assembly by proposing courses and seminars that respect the specifications and the needs of Assembly work. The Assembly should not wait for the offers to come from outside. Defining the needs and the way how to meet them should be more in the hands of the Assembly of Kosovo.

In the work of the administration one needs to develop and stimulate team work, cooperation among organizational units, especially by establishing project teams on certain fields and in building good collegial relations. A good working environment that is based on good personal relations and readiness to help a colleague at work, presents a necessary precondition for a quality and efficient work. The necessary flow of information from Collegiums of Secretary General and Heads of different sectors and should be accessible through the Document Management System or on Notice Boards etc.

### **Recommendations**

- Ensure implementation of the Statutory Rules for the Civil Service of the Assembly of Kosovo adopted by the Presidency of the Assembly of Kosovo.
- Establish adequate independent, professional, administrative and technical support in the shortest time possible, which would require changes to acts that cover the parliamentary groups' Services.
- Define clear rules on responsible spending of means dedicated to parliamentary groups
- Prioritize strengthening of the following sectors of services: Division for Parliamentary Committees Support, Division for Legal standardization, Legal advising, Research, Library and Archive, Division for Information Technology and the Media and Public Relations Section.
- Hire qualified staff that has good knowledge of foreign languages, functioning of European Union and other qualifications
- Ensure obligatory and continuous flow of information between organizational units through regular meetings and to enable access to internal and external information.
- Ensuring political impartiality of public servants of Assembly (except those that work with parliamentary groups and in the Office of Assembly Speaker);
- Further professionalize the skills of the administration of parliament through approving the permanent programme of training for public servants in the Assembly.

## **6.7. Efficient work of the Assembly of Kosovo**

Democracy requires that those who are freely elected have the power to fulfil their constitutional responsibilities effectively. At the same time, to be considered democratic, a legislature must demonstrably adhere to standards across the entire spectrum of legislative life, specifically with respect to the organization, procedures, functions and values of the legislature as enumerated herein. Selective adherence to or “cherry picking” standards does not assure the emergence of a democratic legislature, and may in fact serve as a façade or cover for non-democratic practice. The true measure of efficiency of the legislature is how well it makes public policy on behalf of the citizens its members represent, and the quality of its oversight of the executive.<sup>72</sup> In order to better perform in fulfilling its constitutional competencies Assembly at least should fulfil the minimum conditions for its work. Some of these conditions are elaborated in the text below.

### **6.7.1 Annual Work Plan of the Assembly of Kosovo**

One of most important conditions that enables transparency, efficiency, quantity and quality is organizing and programming the work of the Assembly. Members must know when the Assembly will be in session and what will be on the Order Paper. This is no less relevant for the public, which has to be involved with its remarks and opinions or to follow the process and the discussions.

It is necessary that at the end of the annual session to approve the annual work plan of the Assembly of Kosovo for the following year. The plan sets the days of the month that plenary sessions will be held, meetings of Parliamentary Committees, work of the Members in the parliamentary groups and the work with the voters. It is also necessary to set a detailed plan at least two months in advance that would include which draft laws will discuss and which Parliamentary Committees will be involved. Draft plans should be prepared by the administration (Secretary General in cooperation with the Section for Support to the Members) and then approved by the Collegium of the Assembly President, or in current form the Presidency of the Assembly in cooperation with caucus leaders. Draft laws must be prepared and submitted on time, so that Members can properly address their remarks and suggestions. Revision of work plans can occur in certain circumstances and can be made through the same procedure as they are approved. It is important to stress that both plans must available to Assembly Members, to the Assembly Administration, the Government, the media and to the general public.

#### **Recommendations:**

- Prepare annual timetable of work;
- Prepare two-month detailed plan of work;
- Make plans available to Assembly Members, administration and general public.

### **6.7.2 Office space and other material conditions for work**

To be able to fulfil its competencies the Assembly has to have at its disposal adequate working space for members of the Assembly, parliamentary groups, parliamentary committees, plenary, administration and for work of members of the Assembly with constituents outside of the Assembly. Currently the Assembly does not have suitable working conditions as it lacks on space and in other material needs.

In the **premises** of Assembly and in the buildings in its vicinity it is necessary to have:

- Work premises for every Assembly Member;
- Premises for parliamentary groups based on the number of their members;

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<sup>72</sup> National Democratic Institute for International Affairs (2006) “Towards Development of International Standards for Democratic Legislatures”, Washington

- Premises for Chairs of parliamentary committees
- Premises for meetings of Parliamentary Committees;
- Premises for Assembly Administration.

Assembly Administration should prepare a report of needs and a plan how to meet those needs. Necessary financial means should be evaluated based on a thorough analysis by the Assembly. A basic evaluation has been presented in this report in the chapter on financial resources.

Professionalization of members of the Assembly (members of the Assembly are engaged on a daily basis in their activities in the plenary sessions or parliamentary committees). This requires some members of the Assembly to travel from their hometowns each day, and a number of these towns are more than 50 km from the capital city.

- **Official vehicles** should be available to carry out official business. Regulations should determine the type of vehicle, type of usage (with or without a driver). Records of trips and their destination shall be kept and made publicly available.

- **Official landline and mobile phones**, should be given based on a set criteria and standards and to what extent their usage is paid from the budget.

- **Official computers**, that can be assigned based on a fixed criteria and standards.

#### **Recommendations:**

- Priority should be defining a plan to solve the problem of lack of space (more details in the chapter on financial resources);
- Approve suitable norms and standards through which can be set the type and the measure of material conditions.

#### **6.7.3 Information System**

The information exchange in the Assembly of Kosovo is not being conducted in a satisfactory organized way. It is not enough to maintain the Assembly web page. One needs to maintain an internal database where documents related to parliamentary activities can be easily accessed.

The Table Office already has access to the Document Management System and it should be the responsible body for feeding information into the system. Through support from international organizations (namely UNDP) a lot was invested in this modern Document Management System (DMS) but the system is at present not functional.

Efficient work requires an effective information system that is independent from outside influence and control. Policies regarding the use of the system must be generated by the leadership of the Assembly.

Documents that are sent to the Assembly or are created in the Assembly should be archived into a structured database that would be available to all Assembly Members and the Assembly Administration through the network of computers in the Assembly (Intranet). Feeding the databases should be done on the principal of decentralization, meaning, the person or body that receives the document (Cabinet of the President of the Assembly, staff) or person that creates the document (Members, staff, Parliamentary Committee) should be responsible for putting the documents into the respective database. Such system enables that every Assembly Member and staff can have access from their computer to all documents in a fast, simple and cheap way.

Further development of the information system in the Assembly is necessary to ensure that the relevant documents be available to the public through internet. A partial list of what should be available is posted below.

- Annual timetable and detailed work plan
- Meetings of the Assembly: meetings' order, changes in the agenda, notification for extension of meeting, transcripts from meetings;

- Meetings of Parliamentary Committees: meetings' order changes in the agenda, notification for extension of meeting, transcripts from meetings;
- Draft laws: text of draft law in all phases of legislative process, proposed amendments, reports of parliamentary committees and other texts connected to draft laws, voter results;
- Proposals of other acts: text of proposed act in all phases of legislative process, proposed amendments, reports of parliamentary committees and other texts connected to draft laws, voter results;
- Approved laws that have been sent for promulgation, text of approved laws
- Approved acts: text of approved acts
- Parliamentary questions: transcripts of questions and answers
- Reports: text of reports from institutions which are obliged to report to the Assembly, reports of parliamentary committees and the decisions taken.
- Voting records of each Member should be easily accessible

#### **Recommendations:**

- To set up the internal computer network and to update it regularly with materials and documents that the Assembly receives or are created within the Assembly and grant public access for the public domain only;
- Implementation and usage of the current Document Management System;
- Ensure the Assembly webpage is updated on a regular basis and determine the appropriate chain of command for its update.

#### **6.7.4 Financial Resources**

There is no doubt that Assembly of Kosovo in order to fulfil its new constitutional role needs more means than the budget so far dedicated to it. It is necessary that starting with the budget 2009 to gradually increase the amount of means based on carefully prepared development plan. After the approval of its plan of activities, the Assembly should present this to the Government and especially to the Minister on Finance and to the Deputy Prime Minister in charge of European Union Integrations. The new needs are connected to strengthening the role of parliamentary democracy, which will be one of most important conditions for proving the fulfilment of the Copenhagen criteria. The Assembly must take legal and internal measures to ensure a transparent and responsible manner of spending budget means,

#### **6.7.5 Analysis of the Assembly budget for 2008**

In the 2008 budget there are not enough means for a normal functioning of the Assembly of Kosovo. This can be confirmed by many indicators – starting from the number of employees up to the means for the material and technical working conditions of the Assembly. The salaries for the Members of the Assembly and for Assembly staff confirm a huge gap between the salary scales of both, and this could lead to non qualitative support for the work of the Members of the Assembly and parliamentary groups. A comparison with the amount for the employees (see Table 1) in the Parliament of Republic of Slovenia (17,2 mil. Euros) and Kosovo (3, 9 mil. Euros) shows the huge difference in the number of staff – in Slovenia, some 350 and in Kosovo 157 and even bigger difference in the income. Spending for salaries for staff in Kosovo is in average six times lower than in Slovenia.

Table 1. confirms that the budget for material expenses and for maintenance gained from the Budget of Kosovo (1,2 mil. Euros) in average are five times lower than the budget for the same purposes from the budget of the Republic of Slovenia (6.4 mil. Euros). This difference is visible but still is less than the difference in the pay-scale. The Consolidated Budget of Kosovo provides limited means for capital investments (1,5 mil Euros), compared to Slovenia is only two times less,

even though the Assembly lacks space for the Members of the Assembly, parliamentary groups and staff. Some parliamentary groups have only space for their joint meetings and not for the Members of the Assembly individually. members of the Assembly who chair Parliamentary Committees are in a better position but these premises don't have in their vicinity premises for their assistants and other staff of parliamentary committees. At the same time, part of the premises of the Assembly of Kosovo are used by the President of Kosovo and by one Ministry of the Government.

There exists a difference in financing political parties between Slovenia (2.8 mil. Euros) and Kosovo (1.9 mil. Euros). However, one should have in mind that both systems do not finance same things. In Slovenia, for example, the financing of political parties does not allow the money to be used to finance expenses of election campaigns.

By comparison it is noticeable that differences can result in an inadequate and inefficient functioning of the Assembly or for a need to overspend the means in one budget year. One example is purchasing of lap-top computers without purchasing the wi-fi equipment and non development of maintenance of IT. There were also investments in Document Management System, which is still not operational. Also, the Assembly doesn't have adequate IT Team and that means not enough autonomy of Assembly. All this is important for a quality and transparent work of members of the Assembly and for quality information to the public about the work of parliament. Finally, in the budget there is no line for professional training for the Members of the Assembly and staff and for purchase of literature in the Assembly.

The budget of the Assembly of Kosovo for 2008 - approximately 8.7 mil. Euros - does not enable the creation of conditions for an efficient, legislative oversight and representative work of parliament. If we take out the amount set for salaries of members of the Assembly and Parliamentary Parties, some 5.8.mil.Euros, we end up with a figure of fewer than 3 mil. Euros for salaries of staff, operational expenses, and capital investments. This amount doesn't enable to implement of all necessary investments, neither to offer the expert support for the work of the Assembly, for parliamentary committees, for the Members of the Assembly and parliamentary groups. Support given by international organizations fills the gap to some extent but it should be taken under consideration that this is not a permanent solution.

It is estimated that for the normal work of the Assembly the amount of money needed should be increased to approximately 13 mil. Euros per year, depending on the number of staff, salary scale of members of the Assembly and staff and the amount of expert support to parliamentary groups. This amount doesn't include such capital investments as adaptation of the Assembly premises necessary for the efficient work. This is difficult to be estimated without a clearer vision where to put other institutions of Kosovo. If there were available premises for the President of Kosovo and for the Ministry then finding a solution for working space for Assembly would be easier. There is a need to draft a general strategy where to put all institutions of Kosovo.

Current budget: Analyses of current budget of the Assembly of Kosovo in comparison with parliamentary budget of one of the new member countries of the European Union, Republic of Slovenia shows the big difference. The Budget of Assembly of Kosovo is almost four times smaller then the budget of the Parliament of the Republic of Slovenia, while the total difference is 22 mil. Euros.

*Table 1. Comparison of budget of Parliament of Republic of Slovenia and Kosovo for 2008*

	<b>Parliament of Slovenia</b>	<b>Assembly of Kosovo</b>	<b>Difference</b>
<b>BUDGET FOR 2008.</b>	30.411.179	8.719.962	- 21.691.217
<b>A. Salaries and other fees for members of the Assembly and</b>	15.221.966	3.902.486	- 11.319.480

<b>Staff</b>			
<b>B. Material expenses and maintenance</b>	6.424.114	1.231.000	- 5.193.114
<b>C. Investments and Maintenance of Investments.</b>	3.484.292	1.524.550	- 1.959.742
<b>D. Expert Support to THE MEMBERS OF THE ASSEMBLY and parliamentary groups</b>	2.070.315	0	- 2.070.315
<b>E. Financing of political parties</b>	2.825.504	1.901.783	- 923.721

Main reasons for existing differences can be seen in the following:

- The Slovenian Parliament spends five times more on salaries and Assembly Members fees and staff. In Kosovo number of staff is smaller and their incomes are lower. Especially the difference is big in the salaries of staff which in average in Kosovo it is six times less than in Slovenia, while the difference in salaries and fees of the Members of the Assembly in Slovenia and Kosovo is in average 2:1;
- The Slovenian Parliament spends five times more in material and maintenance. The Assembly of Kosovo has fewer material expenses because of limited support given to the Members of the Assembly in terms of staff and material support;
- The Slovenian Parliament spends about two times more in investments and maintenance of investments but, we have to bear in mind that most of investments in Slovenia are finished long time ago, while in Kosovo they are yet to come;
- In the Slovenian Parliament there is a budget line of 2 mil Euros to cover the expenses of support to the Members of the Assembly and parliamentary groups while in the budget of the Assembly of Kosovo such a line doesn't exist. A very small portion is in the budget line that has to do with material expenses and for financing political parties;
- The Slovenian Parliament spends some 1/3 more means in financing political parties. Taking into consideration the difference in the purpose of means from the budget line for financing political parties, the amount for financing of political parties in Kosovo should currently be more than sufficient.

Although Kosovo by population is similar to Slovenia. its GDP is five times lower, this doesn't mean that the budget of the Assembly of Kosovo should be five times smaller.

Defining the ideal budget depends on tasks that are in front of parliament and in this regard, the Assembly of Kosovo carries out same functions as the Parliaments of Luxembourg, German Bundestag or Slovenian Parliament. This requires the minimum of financial, material and human resources. Table 2 shows that if we compare the data for one of past years, we can see that Kosovo had the lowest budget level and the smallest number of staff per MP from all European parliaments that are showed.

*Table 2: members of the Assembly, staff and budget of parliament<sup>73</sup> in million Euros in some countries.*

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<sup>73</sup> These budget data are represented in average (depending on the year and currency market that have been used); information on the number of staff in parliaments sometimes doesn't include the staff of parliamentary groups and MP Assistants (depending on system of internal organization of a certain parliament). Source: Research of European Centre for Parliamentary Research and Documentation (ECPRD) and the research of NDI in 2004.

<b>State</b>	<b>Number of members of the Assembly</b>	<b>Number of Staff</b>	<b>Total Budget</b>	<b>Euros per MP</b>	<b>Staff per MP</b>
<b>Austria</b> <sup>74</sup>	183	385 (+ 200)	115 mil.	628 000	2.1 (3.19)
<b>Belgium</b>	150	519	86.5 mil.	576 000	3.46
<b>Denmark</b>	179	363	60.3 mil.	337 000	2
<b>Finland</b> <sup>75</sup>	200	411 (+ 200)	59.7 mil.	298 000	2.05 (3.05)
<b>France</b> <sup>76</sup>	577	1279 (+2130)	440 mil.	762 000	2.2 (5.9)
<b>Germany</b>	669	2354	560 mil.	837 000	3.5
<b>Greece</b> <sup>77</sup>	300	598 (+900)	98.3 mil.	327 000	1.9 (4.9)
<b>Ireland</b>	166	168	53.7 mil.	323 000	1.01
<b>Italy</b>	630	1900	730 mil.	1 159 000	3
<b>Luxembourg</b> <sup>78</sup>	60	44 (+60)	17.3 mil. <sup>79</sup>	288 000	0.73 (1.73)
<b>Netherland</b>	150	564	71.8 mil.	479 000	3.76
<b>Portugal</b>	230	387	85.2 mil.	370 000	1.68
<b>Spain</b>	348	326	94 mil.	270 000	0.93
<b>Sweden</b> <sup>80</sup>	349	600 (+170)	135 mil.	387 000	1.71 (2.2)
<b>UK</b> <sup>81</sup>	659	1421 (+1812)	445 mil.	675 000	2.15 (4.9)
<b>Slovakia</b>	150	491	24.1 mil.	161 000	3.27

<sup>74</sup> Staff in parliament plus 200 MP assistants

<sup>75</sup> MP has the right to hire and Assistant (short term contract) and he/she will be in the salary register of parliament

<sup>76</sup> Staff in parliament plus 2.130 MP Assistants

<sup>77</sup> 1.200 staff work as MP assistants (4 per MP), out of which 300 are indirectly paid by parliament and 900 of them are directly paid by parliament

<sup>78</sup> members of the Assembly get a monthly remuneration to hire assistants for research

<sup>79</sup> Expenses that have to do with parliament building maintenance and of parliamentary groups are paid by the state

<sup>80</sup> Except 600 staff parliamentary groups hire some 170 political Assistants

<sup>81</sup> Parliament staff plus 1.812 MP assistants

<b>Czech Republic</b>	200	Some 700	28.5 mil.	142 000	3.5
<b>Croatia</b>	152	333	31.6 mil.	207 000	2.19
<b>Slovenia</b>	80	165	30 mil.	375 000	2.06
<b>Serbia</b>	250	300	26 mil.	104 000	1.20
<b>Montenegro</b>	75	55	2.9 mil.	38 000	0.73
<b>Kosovo</b>	120	157	8.7 mil.	72 500	1.3

### 6.7.6 Proposal of new budget

In order for the Assembly to function normally it is necessary to increase the new Assembly budget gradually to 13 mil. Euros. The dynamics of setting this amount is directly dependent on fulfilling the plans in terms of the number of staff, decision on salary increase and the amount of expert support to parliamentary groups. The same is valid for material expenses. One of the main issues in this investment is relocating the work premises for the President of Kosovo and one of the Ministries of the Government. Work should be planned to enable a gradual renovation of entire building for work of the Assembly.

#### 1. Salaries and Fees for the Members of the Assembly and Staff

A significant problem of the public administration in every country is connected to the setting of salaries of Assembly staff. In Kosovo it is important to note that there is a big difference in the pay scale between members of the Assembly and staff. The amount for salaries and other expenses of work now are at the level 2.171 Euros per MP and only 375 Euros per staff member which is five times smaller. Therefore, first stance should be that in the new budget should be foreseen phased in salary increases for an average net salary for staff members from 375 Euros<sup>82</sup> to 675 Euros, where gross salaries would be in the range from 400 to 1000 Euros, for best paid staffers.

Also the assumption is that here will be some 50 staff members employed in the Administration of the Assembly of Kosovo (simultaneously there will be 50 more persons for support to the work of parliamentary groups, depending on the size and number of parliamentary groups, see Point 4).

*Table 3: Proposal of new targeted budget for the Assembly of Kosovo in Euros.*

<b>Budget line</b>	<b>Current Assembly budget</b>	<b>Proposal for new Targeted Budget</b>
	8.719.962	12.500.000
<b>1. Salaries and fees for members of the Assembly and Assembly staff</b>	3.902.486	5.000.000
<b>2. Material expenses and maintenance</b>	1.231.000	2.000.000
<b>3. Investments and maintenance of investments</b>	1.524.550	2.500.000

<sup>82</sup> It is estimated that now average monthly salary for a staff member is 375 Euros under the assumption that from parliamentary budget are paid 157 staff member which represents the number of employees planned in budget.

<b>4. Expert support for members of the Assembly and parliamentary groups</b>	0	1.000.000
<b>5. Financing of political parties</b>	1.901.783	2.000.000

Although at the first sight this proposal might look like a significant salary increase at once for the staff, one should take into consideration the fact that there is no bigger expense than the one that comes as a result of bad work in parliament and as a consequence bad laws. In order for the Assembly to fulfil its constitutional role in the best manner it must attract the most competent individuals, and most of all young people from universities. To achieve this, it is necessary to offer stimulating offers manifested in better salaries and possibilities to be trained both at home and abroad. In this context, the budget line for staff salaries should be increased. Concerning the salaries of members of the Assembly, the assumption is that they are at a satisfactory level for now and therefore that part of the budget remains the same.

#### **Recommendations:**

- In the Assembly the salaries of staff should be increased significantly, aimed at hiring, keeping and stimulating quality staff.
- Salaries of the Members of the Assembly must stay at the current levels; suitable measures should be introduced aiming to prevent conflict of interest and to impose penalties for unjustified absence of the Members of the Assembly from work in the Assembly.
- The Assembly has to increase number of staff for about 50 staff members.

#### **2. Material expenses and maintenance**

It is obvious that the current amount of 1.2 mil. Euros are not enough to cover the material expenses and expenses for maintenance in an active parliament with a bigger number of staff. The budget of the Slovenian Parliament in this sector is five times higher (not including parliamentary groups) and is 6 mil. Euros. An active parliament will need more computers, printers, office equipment, more means for official trips, for receiving foreign delegations and also for services of associated staffers, especially for translators. This will become important once the international organizations supporting the work of the Assembly reduce their support<sup>83</sup>.

#### **Recommendations:**

- Means that will be used for material and maintenance expenses should be increased at least at the level of 2 mil. Euros.

#### **3. Investments and Maintenance of Investments**

The current amount of annual investments in the Kosovo Assembly (1,5 mil. Euros) compared to 3,5 mil. Euros in Slovenia is not a small amount. It is important to continue with the computerization of the Assembly and the renovation of premises. It is hard to evaluate the cost for these proposals but the assumption would be that amount 2,5 mil. Euros must be secured for the start of this important investment.

*Renovation of the information system:* Currently one of the priorities appears to be the creation of a consistent information system, which would serve as support to the legislative system, work of members of the Assembly and parliamentary groups. Such a complex long term project of construction of information system would require a big amount, at least several millions Euros. In

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<sup>83</sup> Some foreign donor organizations cover part of these expenses. Such donations should be included in the budget of Assembly (and into all other budget users). This means that, that there should be maintenance e.g. licensing of computer that Assembly has received as a donation and they should be included in the budget as means that would cover the expenses.

Slovenia, during the period of the next five years 6 mil. Euros will be spent in the renovation of information system.

The Assembly Section for Information Technology should develop a detailed registry of the existing system of information technology and to draft a plan for its renovation and expansion for the next five years. Written plans should contain estimations for expenses for every year. It is possible that expenses of a well drafted plan can be subject to the financing programs for Assembly in the framework of a special proposal for an EU project.

As a part of the renovation of information system one should not forget books, daily and periodical press and other literature. The Assembly has already invested means in renovating the premises of library. It is also important to purchase books, publications, magazines, computers, to install online access to computer networks, to train staff in these areas and to plan such investments carefully in time.

*Solving the issue of lack of space:* The second most important part of investments has to do with securing adequate space for the work of Parliamentary Committees, parliamentary groups, Members of the Assembly and staff in the Assembly building. Estimates of these expenses have not been calculated. The Assembly Administration should prepare a document that would define the needs and the development plan with the goal of securing the necessary working space. One option to be considered is moving the Kosovo President's Office and the Ministry of Transport out of the Assembly Building. After this, a designated body of Assembly should review the options and decide in the shortest time possible the best solution. This document should be used later as the basis for a public tender for a project of reconstruction of existing building.

The need for increasing the amount in the budget for 2009 (that has to be approved until the end of 2008) should stress the urgency of this project. Those who will take the decision on this issue must take into consideration to choose the option that will address this issue for a longer period. In the meantime, the rest of investments should be directed in finding solutions in the framework of existing building or in renting premises in the vicinity of Assembly building (this will increase expenses).

*Long term plan for developing projects:* Finally, it would be good if the budget of Kosovo would contain the long term plans of draft development projects for the Assembly. This would mean that with the general part of the budget (economy classification) and the special part (divided by institutions and programs) there would be a third part for planning long term budget items.

As an example, in Slovenia, this part includes the financial plans of the projects foreseen for the next four year: investment in the information system, audio and video equipment, adaptation of certain floors of the parliament building, purchase of licenses and cars, adaptation of security equipment and finally major works in maintenance of investments. In total, the investments for the four years draft development program represent some 14 mil. Euros.

#### **Recommendations:**

- Budget in the part of investments should be increased in the next year for about million Euros, i.e.: from 1.5 mil. Euros to 2.5 mil Euros until the main capital investments are complete.
- The need for increasing the budget should be well rationalized with carefully drafted long term plans for the renovation of the information system, the enlargement of the work space for Parliamentary Committees and parliamentary groups (providing apartments or reimbursement where necessary and other investments).

#### **4. Expert support to Assembly Members and parliamentary groups**

Even though expert support to Assembly Members and parliamentary groups is one of the most important points, and in Slovenia it takes 8% of the parliamentary budget, in the budget of Kosovo it doesn't exist. These budget items are especially important for the work of opposition parliamentary groups the only expert support they get is from their party or from the professional services of their parliamentary groups. In Slovenia the expert support to parliamentary groups

average amount set is some 22,000 Euros per Assembly Member. A gradual inclusion of this system in the Assembly of Kosovo should be considered, our proposal is to establish such services with 50% of the budget that is now being given by the Slovenian Parliament per Assembly Member.

Such a proposal means securing 1 mil. Euro out of which 400.000 Euros for about 50 staff members employed in parliamentary groups tied to the mandate of MP, and some 600,000 for drafting studies, analyses, opinion, draft laws, amendments for the work of parliamentary groups. In this mount are not included direct material costs for functioning of parliamentary groups like maintenance expenses, premises etc, that part of material expenses of the Assembly.

In most developed Parliaments the library is one of the most important institutions. It provides access to needed research, it produces requested research papers, and it is the repository of relevant national and international periodicals. The research capacity of the library of the Assembly of Kosovo is at present barely functional. Many Members are unaware of its existence.

**Recommendations:**

- The Assembly should secure a budget to ensure expert support to Assembly Members and parliamentary groups in the amount of 1 mil. Euros.
- The Assembly should increase the number of short term contracted staff that would be connected to the mandate of parliamentary groups by hiring 50 new staff.
- The physical plant of the library requires the installation of an adequate heating/cooling system. The library requires dedicated computers with internet access installed in the workstations. The library should be provided with adequate funds to purchase subscriptions to daily newspapers and a small budget to acquire necessary books and periodicals. An electronic link to the national library should be established. A dedicated non-partisan research capacity should be created within the library that would provide research on an ongoing basis to individual Assembly Members and to Committees.

## 7. CONCLUSION

This report was developed to provide a review of the present situation and a road map to the future for the Assembly of Kosovo. There are a number of areas which are touched upon in this report but for which it does not provide an in depth analysis and recommendations, one example of this is the Assembly administration. The Assembly does, however have in its possession a comprehensive report on this topic that was presented by the EAR-funded Consortium of four European Parliaments.

In regard to recommendations requesting a substantial investment, such as the renovation of the Assembly and the provision of office space for Assembly Members, it is recommended that if there is a political will, a competent contractor be hired to make an assessment of the costs and timelines involved in such a project. But this report contains a large number of recommendations that can be achieved with little or no impact on the budget such as the creation of a Public Accounts Committee and a Committee for Oversight of Security and Intelligence Agencies, other areas will require a substantial inflow of funds. It is the hope of those who commissioned this report that the Presidency of the Assembly of Kosovo should conduct a detailed review of the report and implement as many of the recommendations as they are able given the resources that are available.

To implement the changes recommended in this report, the Presidency under the chair of the President are invited to form a working group to develop an action plan for the short, mid, and long term. The formation of this group should be seen as a starting point in the long process of advancing the development of the Assembly. The working group should develop a detailed action plan with a clear set of achievable goals.

Taking into consideration that in the fall there will be a budget prepared for 2009 it is important to have this action plan ready so that the Assembly can, request funding in the budget and from international donors to achieve its goals.

Except for the preparation of new Rules of Procedure, the work on the new draft budget of the Assembly will be one of the most important tasks of the Administration and of the Presidency of the Assembly. While doing so, one needs to keep in mind the current financial reality. One needs to find a fine balance between the need to have certain projects enacted and securing the necessary financial resources to do so.

The Assembly has to take the responsibility for rational spending of funds provided both through the Budget and international donations and ensure absolute a transparency in the spending of these funds.

As it embarks upon these new challenges for this new mandate, the Assembly will be able to count on the support of both NDI and the OSCE.

## **ANNEX 1. LIST OF MEETINGS OF THE ASSESSMENT TEAM**

### **7.1. First visit to Kosovo (June 2<sup>nd</sup> – June 5<sup>th</sup> 2008)**

#### **June 2<sup>nd</sup>**

- 10.00 Assembly Plenary Session
- 13.00 Members of Presidency  
Dzezair Murati (7+) and Ibrahim Gashi (AKR)
- 14.00 Heads of administrative departments  
Daut Beqiri, Head of Legal Department and  
Isa Neziri, Head of Administration)
- 16.30 Hydajet Hyseni (PDK Member of the Assembly)

#### **June 3<sup>rd</sup>**

- 09.00 Budget and Finance Committee Staff  
Natasha Prica (Committee Coordinator)  
Arta Hajra (Committee Legal Advisor)
- 10.00 Bahri Hyseni (Chair of Legislative Committee)
- 11.00 Assembly Presidency Meeting
- 12.00 Assembly Plenary Session
- 15.00 Sali Rexhepi (Head of Procedural and Plenary Session Division)  
Mikel Mirakaj (Table Officer)
- 16.30 Flora Brovina (Chair of Women Caucus)

#### **June 4<sup>th</sup>**

- 09.00 Ibrahim Makolli (AKR Caucus Chair)
- 10.00 Zef Morina (MP, former Minister of Transport)
- 10.30 Ahmeti Isufi (AAK), RoP Committee Chair
- 11.30 Lutfi Haziri (LDK Caucus Leader)
- 12.00 Speaker Jakup Krasniqi and Speaker's cabinet
- 13.00 Rame Buja and Safete Hadergjonaj (PDK Caucus chair and deputy-chair)
- 14.00 Lulzim Zeneli LDD Caucus Leader
- 15.00 Assembly Plenary Session
- 16.00 Ismet Krasniqi (Assembly Secretary General)

#### **June 5<sup>th</sup>**

- 09.00 Committee Coordinators  
Hasan Tahiri, Shpresa Haxhijaj and Minire Hasani
- 10.00 Xhavit Haliti (Assembly Presidency Member)
- 11.00 RoP Committee Meeting
- 12.00 Sabiha Shala (Head of EU Integration Agency)
- 14.00 Gani Koci (Budget and Finance Committee Chair)
- 15.00 Ahmet Shala, Minister of Economy and Finance

- 16.00 Shpresa Azemi EAR Project for Support to the Assembly  
17.00 Ismet Krasniqi (Assembly Secretary General)

**June 6<sup>th</sup>**

- 09.00 Arsim Bajrami (Minister of Public Services)  
09.30 OSCE Assembly Monitoring Team  
10.15 Sabri Hamiti and Slobodan Petrovic (Assembly Presidency members)  
12.00 Speaker Jakup Krasniqi and Speaker's cabinet

**7.2. 2<sup>nd</sup> visit to Kosovo (July 16<sup>th</sup> – July 18<sup>th</sup> 2008)**

**July 17<sup>th</sup>**

- 10.00 Presentation of the the 1<sup>st</sup> draft of Assessment Report to the Assembly Leadership (Speaker, Presidency members, caucus chairs, committee chairs)  
15.00 Rame Manaj Deputy PM (Assembly – Government Liaison Officer)  
16.00 Ismet Krasniqi (Assembly Secretary General)  
Daut Beqiri, Head of Legal Department and  
Isa Neziri, Head of Administration

**Friday, July 18<sup>th</sup>**

- 09.00 Assembly Library  
10.30 RoP Committee  
11.30 Speaker Jakup Krasniqi and Speaker's cabinet

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# ANNEX 3. ASSEMBLY ADMINISTRATION ORGANIZATIONAL CHART



