

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE COUNTRIES OF SOUTH-EAST EUROPE

2nd Informal Interparliamentary Meeting with a delegation of the Kosovo Parliamentary Assembly

**Thursday, 4 March 2004
Pristina**

DRAFT MINUTES

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Annex: List of attendance

26 August 2004
SMZ/sw/

The meeting started at 15h08, under the co-chairmanship of Mr Nexhat Daci, Chairman of the Kosovo Parliamentary Assembly (here after, KPA) and of Mrs Doris Pack, Chairperson of the EP delegation for relations with the countries of South-East Europe.

Mr Daci opened the meeting, welcomed all the participants and introduced the members of the Kosovo delegation.

Mrs Pack was pleased about the present meeting, representing the continuation of an interesting experience, especially because, normally, the EP would only meet parliamentary delegations of State-entities. She introduced the members of the European Parliament delegation and apologised for the absence of some members who had been obliged to leave earlier.

1. Adoption of the draft agenda

The agenda was adopted.

2. Functioning of local Institutions of Kosovo and standards for a democratic and multi-ethnic society

Mr. Daci, talking about the KPA, recalled that, in 2003, it had held 37 sittings, in comparison with 27 held in 2002. He stressed that it was not true that the KPA was not a dynamic Institution and was not in a position to follow the initiatives of the UNMIK or of the Government. He confirmed his will and personal commitment to advance the parliamentary mandate, with a target of six laws to be passed per month.

Mrs. Pack said that the main problem was that the KPA had lost time at the beginning of its mandate and now it was time to accelerate, especially on certain important issues. For example, after the transfer of power from the UNMIK to the provisional self-government Institutions, there were many unsatisfactory situations, like those described earlier that day during a talk with Mr. Todorovic, the Government's Interministerial Co-ordinator for Returnees and Communities, who had explained that he was not in a position to work effectively. She enquired why the Parliament had not invited Mr. Todorovic for a hearing, at the time of the debate on the refugees. Generally speaking, she considered that in Kosovo a much more organic relationship was needed between Parliament and the members of Government.

Mr. Daci said that there had been a misunderstanding. During the session of Parliament mentioned by Mrs. Pack, there was a vice-president in the chair, who did not happen to know Mr. Todorovic. Anyway, he assured her, that such incidents would not happen again in the future.

Mr. Ivanovic replied that, although Mr. Todorovic did not have the quality of a Minister, but of an interministerial co-ordinator, he should have been given the chance and the liberty to come to the Parliament and be heard. Unfortunately, he had noticed that sometimes the activities of Parliament had been marked by extreme nationalism and lack of transparency. It was correct to say that Parliament had passed several laws, but these often were of poor quality and had contradictory contents! Too many laws and draft laws undergoing the examination of the KPA had the sole purpose to promote the independence of Kosovo!

Mr. Haliti explained that he was the person in the chair during the session mentioned by Mrs. Pack, and said that he had acted in a reasonable manner. Infact, the debate on refugees that day, had been included by mistake on the agenda by the secretariat of the KPA and should not

have taken place. Moreover, since the interministerial co-ordinator had started to insult the Parliament, he had been obliged to suspend the sitting, and to postpone the debate to a later session.

Mr. Kosumi clarified that, according to the rules, a certain minority had of course the possibility to present a request or a position in Parliament, but Coalition "Povratak" had the tendency, as soon as it did not like a single sentence in a draft law, to ask the opinion of the Legal Service, with the result of blocking regularly Parliament's activity!

Then, talking about the functioning of the provisional Institutions, he said that they would not be able to reach the desired standards, although they knew well what these standards were, as long as the question of competencies remained unsolved. The Kosovo provisional Institutions did not have the instruments to reach the standards!

Mr. Hyseni said that the Kosovo provisional Institutions had to overcome considerable difficulties to reach the standards mentioned. It would be difficult to reach these standards even for democracies which were much more solid than Kosovo. After all, these "standards" represented the necessary conditions to be fulfilled to ensure a future to Kosovo. They had been accepted by all the communities of Kosovo. Nevertheless, there was in Kosovo also the aspiration to a certain amount of freedom, which was the reason why the provisional Institutions were insistently asking the international community to give them enough power to demonstrate that they were able to assume their responsibilities. For example, the KPA had requested to actively co-operate with the ICTY but it had been told that it did not have the competence to pass a law on co-operation with the ICTY! He was convinced that there was a lack of co-ordination on the side of the international community representatives acting in Kosovo, which had created inside and outside the province a negative image which needed to be corrected. Another element to be corrected was the provision, in the constitutional framework of 2001, allowing certain communities to oppose certain laws: it had been so misused that at present every single piece of law was attacked systematically.

Baroness Ludford was astonished to hear that the Kosovo provisional Institutions actually wanted to have more powers, when they did not seem able to deal not even with the matters already falling under their competence. She mentioned examples in which the KPA had also exceeded its competencies (resolution on the borders with the former Yugoslav Republic of Macedonia, resolution cancelling all legislation adopted in Kosovo after the lifting of the province's autonomy in 1989, etc.). She recognised that the co-ordination mechanism between the UNMIK and the Government had to improve tremendously, but, nevertheless, a lot of responsibility lay with the Kosovo Institutions themselves. She asked how they actually intended to proceed to reach the standards, for example such elementary standards as the payment of taxes and bills by the population, and encouraged the members of Parliament to act resolutely on these topics with their electors.

Mr. Sejdiu confirmed that Kosovo had big potential and its Institutions had the capacity to take on board more responsibilities. He said that, of course, the Kosovo provisional Institutions were conscious of the necessity to harmonise the legislation and the administrative practices with the constitutional framework adopted by UNMIK, but the problem was that they had no clear picture of who was responsible for what and they could not see what would happen in the future. Replying to the accusations addressed to the KPA of acting outside its powers, he said that those resolutions had been adopted because the borders of Kosovo needed to be protected and parallel structures established from other authorities were illegal, as it had been also confirmed by the UNMIK and the OSCE.

Mr. Krstovic explained that, at present, the members of Coalition "Povratak" were not taking part in the Parliament's work, because of the question of the building's murals. At the moment, no solution had been found to that problem and he wondered when one would be.

He said that the Coalition did not want to delay the Parliament's activity but, on the other hand, it was a "weak" political group, made up of few members, and more than once it had been obliged to accept to include in the Parliament's agenda some topics exceeding the Institution's competence. He clarified that it was not true that Coalition Povratak used to attack every single draft law, but only those where remarks were needed: for example, at present, Parliament was discussing a law on the cadaster for real estates, and the Coalition had raised the question on how the cadaster could be established if more than 200.000 refugees were actually outside the country and therefore not able to take part in the process of recording their property rights. In relation to this, he also said that parallel structures would be eliminated, but only when the standards for a democratic and multi-ethnic society would have been fulfilled in Kosovo.

Talking about the incident involving Mr. Todorovic, he shared the view that it was unacceptable and expressed the hope that it would stimulate more tolerance and understanding in the future.

Mrs. Pack, referring to some of the previous interventions, found it shameful that some parliamentarians did not know Mr. Todorovic, who was actually a member of the Government. She knew him, even though she was a foreigner! Then, addressing the members of Coalition Povratak, she said that they used pretexts too often to walk out of the Parliament, and their attitude was counter-productive. She urged them, if they intended to protest, to do it in Parliament. Replying to Mr. Krstovic on the fact that the Coalition was a "weak" political group, she considered that it was their responsibility because they had not prepared their candidates and electorate well enough before the parliamentary elections. Talking about the Parliament's murals, she said that the choice to display paintings with "Albanian-only" history had not been wise and had of course shown a certain lack of sensitivity. It would have been possible to hang paintings of contemporary art instead.. On the cadaster for the real estates, she stressed that, of course, the properties of the Serbs could not be sold without their agreement; on the other hand, however, if the cadaster had to be established in order to proceed with privatisations, then the operation had to go ahead anyway, for imperious economic reasons.

In concluding, she supported the view expressed by Baroness Ludford on the necessity that people finally pay their bills in Kosovo.

Mr. Haliti wanted to clarify that he had nothing to feel ashamed of in the fact of not knowing who Mr. Todorovic actually was.

Mr. Daci recalled that the President of the European Parliament, Mr. Cox, during his recent visit to Kosovo, had also raised the question of unpaid bills. People had gradually started to pay their bills for utilities in the first two or three years following the end of the war and during reconstruction, but he regretted to say that for the moment the Serbs were not paying at all!

Talking about the relation with the UNMIK, he regretted that the UNMIK did not pay any attention to Kosovo's priorities, when judging the successive order for the laws to be adopted.

Coming to the question of the murals, he assured that the other communities' cultural heritage would be displayed too, and that an appropriate solution would be found in the future. He strongly recommended his fellow Serb colleagues to stop attacking the Kosovo laws in the courts, because that was not the right way to proceed.

Mr. Bajrami encouraged the participants to consider that the Parliament's paintings were not the most important topic. Kosovo's provisional Institutions had been established on the basis of democratic elections, and the KPA had achieved remarkable results. Despite a certain "frustration", the members of Parliament were trying seriously to fulfil their task. Serious

limitations were the absence of a legislative strategy and a list of priorities, the cumbersome legislative procedure and the absence of a Central Agency for the harmonisation of the laws with the Kosovo legal framework and with the EU law. In this context, it was unfair to say that in Kosovo the conditions to apply a real European legislation were not present.

Also from the judicial power point of view, he regretted to observe that Kosovars had very little or no competence at all.

Mrs. Quisthoudt-Rowohl asked who actually elected or chose the Government and how were the Kosovo Institutions dealing with the very high level of unemployment, which represented, in her view, a social "bomb". She enquired if, in that respect, the parliamentarians had an efficient communication system with local authorities.

Mr. Savic invited his colleagues to look at the real situation of the practise of the legislative function. It was important not only to pass laws, but to consider their quality. After all, the period which had been allocated to the Kosovo provisional Institutions for reaching the standards was very short, when one thought that in 2005 the discussion on the future status of Kosovo was scheduled to start. He stressed that the decision on the status should come at the right moment, i.e. after the standards would have been reached.

He shared Baroness Ludford's view that the KPA had often dealt with matters falling outside its competence. Moreover, from the point of view of standards for a democratic, multi-ethnic and non discriminatory society, some laws were not appropriate. For example, the draft law on higher education had been rejected twice, because it had proved discriminatory for the Serb minority. How could the Serb children be educated in the enclaves? Teaching of history was unilateral! It was not enough, for the Serbs, to receive some "concessions " only!

Mr. Daci invited his colleagues to respect the agenda and to answer the questions asked by the members of the European Parliament.

Mr. Hamiti said that currently there was a need to amend both the UN Resolution No. 1244 and the Kosovo Constitutional Framework, possibly before the next parliamentary elections. In fact, the current proportional system was of course convenient for the small political parties, but, on the other hand, it allowed people to be elected who then proved unable to take responsibilities in Parliament. Should the system not be changed, there would be new clashes and confusion in the future!

He regretted to say that, at the moment, in the light of the difficult inter-ethnic relations going on in the province, he did not believe that Kosovo would be able to reach the desired standards. Anyway, a decision on the status of Kosovo had to be taken, also for economic reasons.

Mr. Dugolli described the confused institutional situation in Kosovo, made up of many players: parallel structures established from Belgrade, the Kosovo self-government provisional Institutions, the UNMIK "quasi-monarchy" and the authorities of Serbia. In this complicated picture, he wanted to stress that his party knew very well what they wanted: an independent and sovereign State. He found it unacceptable and incomprehensible that the authorities of Serbia still had not clarified what had happened to the ethnic Albanian people who had disappeared, or that the Serbs living in Kosovo were still supporting nationalist leaders such as Mr. Seselj. He personally found that Kosovo was already a brilliant example, if not the best in the world, for the protection of minorities.

Mr. Daci stressed that, during the Milosevic era, all the properties of Kosovo, all the patrimony of the banks, insurances and companies had been stolen. As a result, at the time of the arrival of

the international community, Kosovo had been transformed into a desert, no assets were left. He regretted to say this when in the past Kosovo used to be the first producer of zinc in Europe. At present, Kosovo had to privatise its properties, nothing more and nothing less than that. But the provisional Institutions had too few responsibilities and power. For example, the Minister of Finances was not even actually able to manage the budget of the province! In the end, it was the UNMIK who took all the decisions! He stressed that the self-government Institutions could not accept to be treated as slaves by the UNMIK and that they definitely needed to be allocated greater responsibilities. Moreover, the Kosovo provisional Institutions had lost a lot of precious time because of the attitude of the Serbs, who had not agreed to begin a constructive dialogue on the standards. At present, six parties in Parliament had agreed on the standards, but no progress was possible because of the Serbs!

Mr. Savic invited his colleagues to consider other points of view too: who had stolen from whom in Kosovo during the last five years?

Mr. Haliti regretted to note the disastrous political and economic situation of Kosovo. There was no relation between Parliament and Government, parliamentarians were not in a position to deal with the problems of the municipalities, unemployment stood at 60 % and privatisation was not proceeding at all.

Mr. Ivanovic, coming back to the system of recording of properties, explained that some owners were not co-operating because they did not have the relevant papers, nor could the public administration provide them with them. Therefore, he considered that the provisional Institutions, before asking for more powers, should acquire the necessary knowledge and experience to exercise those powers.

3. Minorities in Kosovo

Mr. Daci observed that 29 out of 120 seats in the KPA were allocated to minority representatives. If one compared that with the rate of Serb representation at the time of Milosevic (he mentioned some statistical data), and if one considered that more than 100.000 Serbs were still living in Kosovo, there was a feeling that not so many had fled. In Kosovo a policy of "positive discrimination" was applied, for example all the minorities of the province were represented in Parliament, which was not the case in any other place in the world! However, of course, it was desirable that the minority representatives carry out their mandate according to European standards for democracy. Recently, the Kosovo authorities had invited the Serb refugees to return, which had represented an historical event but, for the safe return of those who wished to do so, as usual, the Kosovo authorities were confronted with the wall of resistance of the UNMIK, and they could not act effectively, due to their lack of competencies. Moreover, it was necessary to understand the attitude of the ethnic Albanian population living in some parts of the province, like Gnjlane, which had been almost entirely destroyed at the time of the conflict, and which had seen tragic events take place, such as the burning of people alive, etc. Understandably, it was now very difficult to convince them that it was necessary to have a "technical" dialogue with the Serbs.

However, it was now definitely necessary to work hard together in Parliament and in the other Kosovo Institutions, and the Serbs needed to stop their boycott. Everybody could also see, of course, the situation of extreme poverty of the Serbs living in the enclaves. He was convinced that everybody was concerned and committed to the work to be done for the good of Kosovo.

Mr. Ivanovic disagreed with that way to present the situation. It was wrong to continue to look at the past, it was necessary to look at the present! Now, the ethnic Albanian population had taken advantage of the situation in Kosovo, and the statistical data mentioned were not the right ones! Therefore, it was unfair and purely rethoric to accuse the Serbs with the responsibility for the delays and the lack of progress in the political dialogue and in the economic sector. Increasing inter-ethnic tension was also increasing the fear of those living in the enclaves. Of course, the Government of Serbia could not get away from that situation, and was putting the people under pressure by raising the question: in the case of independence of Kosovo, how would the Serb minority live there? He regretted to say that incidents were already foreseeable.

Mrs. Pack asked to cool down the debate, and to consider the present situation. Security in Kosovo was better than a year earlier. The fear of a minority, in her view, should not be to be killed, but of becoming second class citizens. Therefore, the minorities of Kosovo needed concrete action to help them overcome this problem. In this respect, she enquired whether the minority population benefited from equal treatment as far as the social and health services were concerned.

Mrs. Gas shared Mrs. Pack's view that the citizens belonging to ethnic minorities should benefit from equal rights in Kosovo, according to international agreements on human rights. Unfortunately, in the education sector, the number of classes organised for minority children was lower than required, which did not correspond to the desirable standard for a multi-ethnic Kosovo.

Mr. Bajrami said that, despite the existence of an anti-discrimination law in Kosovo and the clearly expressed will to encourage minorities' constructive participation in the political life, unfortunately, the Serbs had not demonstrated a real interest.

Baroness Ludford remarked that, notwithstanding what had been said, there were reports on the non-respect of the rules established for guaranteeing fair treatment of the minorities: for example, a recent report of the United Nations said that administrative documents and information was not regularly provided in the two main languages.

Mr. Daci replied that the UN report was not completely fair. For example, the KPA worked in the two languages, although, regrettably, the translation quality of some documents was poor.

4. Role of the international community

Mr. Daci confirmed that the Kosovo provisional self-government Institutions really wanted to co-operate with the Institutions established by the international community but, to do so, they needed to establish a better network of contacts and to be allocated more responsibilities. He said that Mr. Solana had been informed of these needs and that he had promised to help in establishing more frequent contacts.

Mr. Hyseny considered that the European Parliament should have a much more active role in the Kosovo Parliamentary Assembly.

Mrs. Pack replied that, at present, a programme launched by the European Agency for Reconstruction was proceeding with the training of the Parliament's staff. Moreover, she was pleased to anticipate that, after the elections of the new European Parliament in summer 2004, a

smaller delegation would be established for relations with a more limited area of South East Europe, which would allow more frequent relations with Kosovo.

Mr. Daci thanked her for this information and promise.

Mr. Hamiti shared the view that a true political dialogue between the KPA and the European Parliament should be established and intensified, and recalled that the KPA had already established relations with the German Bundestag, the French Parliament and the Parliament of the United States.

5. Dialogue Belgrade-Pristina and perspectives for the future of Kosovo

Due to lack of time, this point was not discussed.

6. Any other business

Mr. Savic complained about the poor quality of the translation into Serbian of the documents related to the meeting, and about the fact that the invitation did not mention the place and the time of the meeting.

* * * *

The meeting finished at 18h 02

**DELTAGERLISTE/ANWESENHEITSLISTE/ΚΑΤΑΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD
OF ATTENDANCE/LISTA DE ASISTENCIA/LISTE DE PRESENCE/ELENCO DEI
PRESENTI/PRESENTIELIJST/LISTA DE PRESENÇAS/LÄSNÄOLOLISTA/DELTAGARLISTA**

Til stede	Formandskabet/Vorstand/Προεδρείο/Bureau/Ufficio di Presidenza/Mesa/Puhemiehistö/J.L. Presidium: (*) PACK
Anwesend	Medlemmer/Mitglieder/Μέλη/Members/Diputados/Députés/Deputati/Leden/Deputados/jäsenet/ Ledamöter:
Παρόντες	LUDFORD, QUISTHOUDT-ROWOHL
Present	Stedfortrædere/Stellvertreter/Αναπληρωτές/Substitutes/Suplentes/Suppléants/ Membri supplenti/Plaatsvervangers/Membros suplentes/Varajäsenet/Suppleanter:
Presentes	
Présents	
Presenti	
Aanwezig	
Läsnä	
Närvarande	
Art. 153,2	
Art. 166,3	
Art. 162.6 Endv. deltog/Weitere Teiln./ Συμμετείχαν επίσης/Also present Participaron igualmente/ Participaient également/ Hanno partecipato altresì/ Andere deelnemers/ Outros participantes/ Muut osallistujat/ Dessutom deltog	
(Dagsorden/Tagesordnung Pkt/Ημερήσια Διάταξη Σημεί/Point OJ/Punto OG/Agenda Punt/Ordem do dia- punto/punto orden del dia/ Esityslista Kohta/Föredragningslista punkt):	

* (P) =Formand/Vorsitzender/Πρόεδρος/Chairman/Président/Presidente/Voorzitter/Presidente/Puhemies/Ordförande
(VP) =Næstform./Stellv. Vorsitz./Αντιπρόεδρος/Vice-Chairman/Vice-Président/Vicepresidente/Varapuhemies
Ondervoorz./Vice-Pres./Vicepres/Vice ordförande.

Til stede den/Anwesend am/Παρόν στις/Present on/Présent le/Presente il/Aanwezig op/Presente em/Presente el/Läsnä/Närvarande den.
(2/12/2002)

Efter indbydelse fra formanden/Auf Einladung d. Vorsitzenden/Με πρόσκληση του Προέδρου/At the invitation of the Chairman/Por invitación del presidente/Sur l'invitation du président/Su invito del presidente/Op uitnodiging van de voorzitter/A convite do presidente/Puhemiehen kutsusta/		
På ordförandens inbjudan:		
Radet/Rat/Συμβούλιο/Council/Consejo/Conseil/Consiglio/Raad/Conselho/Neuvosto/Rådet: (*)		
Kommissionen/Kommission/Επιτροπή/Commission/Comisión/Commissione/Commissie/Comissão/Komissio/ Kommissionen: (*)		
Cour des comptes:		
ECOSOC :		
C.E.S.:		
Andre deltagere/Andere Teilnehmer Επίσης Παρόντες/Also present Otros participantes/Autres participants/Altri partecipanti Andere aanwezigen/Outros participantes Muut osallistajat/Övriga deltagare		
Grupernes sekretariat Sekretariat der Fraktionen Γραμματεία των Πολ. Ομάδων Secretariat political groups Secr. de los grupos políticos Secr. Groupes politiques Segr. dei gruppi politici Secr. van de fracties Secr. dos grupos políticos Puolueyhmién sihteeristö Grupernas sekretariat	PPE-DE PSE ELDR Verts/ALE GUE/NGL UEN EDD NI	MACHMER
Cab. du Président		
Cab. du Secrétaire Général		
Generaldirektorat Generaldirektion Γενική Διεύθυνση Directorate-General Dirección general Direction générale Direzione generale Directoraat-generaal Direcção geral Contrôle financier Service juridique Pääosasto Generaldirektorat	I II III IV V VI VII VIII	
Udvalgssekretariatet Ausschußsekretariat Γραμματεία επιτροπής Committee secretariat Secretaria de la comisión Secrétariat de la commission Segretariato della commissione Commissiesecretariaat Secretaria de comissão Valiokunnan sihteeristö Utskottssekretariatet		MAZZI - ZISSIS
Assist./Βοηθός		WHITTALL, ESCOFET

* (P) =Formand/Pres./Πρόεδρος/Chairman/Président/Voorzitter/Puhemies/Ordförande
(VP) =Næstform./Vize-Pres./Αντιπρόεδρος/Vice-Chairman/Vice-Président/Ondervoorz./Vice-pres/Varapuhemies/Vice ordförande.
(M) =Medlem./Mitglied/Μέλος/Member/Miembro/Membre/Membro/Lid/Membro/Jäsen/Ledamot
(F) =Tjenestemand/Beamter/Υπάλληλος/Official/Funcionario/Fonctionnaire/Funzionario/Ambtenaar/ Functionário/Virkamies/Tjänsteman

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE COUNTRIES OF SOUTH-EAST EUROPE

2nd informal EP/ Kosovo Interparliamentary Meeting

Thursday, 4 March 2003
from 15h00 to 18h30

Pristina

Composition of the Kosovo Parliamentary Assembly Delegation

Mr Nexhat Daci President of the Kosovo Parliamentary Assembly	DLK
Mr. Fatmir Sejdiu Presidency Member	DLK
Mr. Xhavit Haliti Presidency Member	DPK
Mr Hydayet Hyseni Presidency Member	DPK
Mr. Bajram Kosumi Presidency Member	AFK
Mr Oliver Ivanovic Presidency Member	RC
Mr. Gojko Savic - Presidency Member	RC
Mrs. Nafije Gas Presidency Member	Other Communities
Political Groups:	
Mr. Sabri Hamiti Chief of DLK Political Group	DLK
Mr. Arsim Bajrami Chief of DPK Political Group	DPK
Mr. Dragisa Krstovic Chief of RC Political Group	RC
Mr. Bujar Dugolli Chief of AFK Political Group	AFK
Mr. Gani SADIK Chief of Other Communities Political Group	Other Communities Political Group

Abbreviations

DLK	Democratic League of Kosovo
DPK	Democratic Party of Kosovo
AFK	Alliance for the Future of Kosovo
RC	Return Coalition ("Povratak" Coalition)