

# THE ROLE AND FUNCTIONS OF THE ASSEMBLY OF THE REPUBLIC OF KOSOVO

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## Abstract

Clarifying what has been the journey of the Rule of Law dimension in the Republic of Kosovo is an important commitment, as it enables you to see the future without repeating the same mistakes, and to see it from a broader perspective. In this sense, an analysis of the basic constitutional arrangements, starting from the normative provisions and also from the interpretations that clarify these provisions, is both necessary and relevant. Therefore, the purpose of this paper is to analyze in a deductive way the meaning of some of the fundamental constitutional issues while underlying the importance of the rule of law in the Republic of Kosovo. Thus, this paper aims to serve as a contribution to the emergence of positive lessons for the country because building the legal state is without a doubt a product of civic engagement as well and it represents a contribution by state institutions and also a contribution by all stakeholders in the country, including individuals, civil society, professionals and even universities and the Academy of Sciences. Any help in this regard is presented with special attention to the fact that Kosovo is in the process of integration into the European Union, a process, which requires the consolidation of the rule of law in the country. Thus, reflections on the specific requirements of state organization and functioning are important because their fulfillment directly affects the advancement or not of the process of integration into the European family.

*Keywords:* Rule of Law, Constitution, Rule of Law, European Integration

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## 1. Introduction

It is well known that the Republic of Kosovo has been subject to numerous challenges until the formation of its institutions. The Resolution 1244, Kosovo's Constitutional Framework, the Special Representatives of the Secretary-General (SRSG), and many other documents, were challenging its status until its declaration of independence on February 17, 2008, which also received approval constitution. In this series of events, the parliament of Kosovo finds the main factor in drafting legislation, as well as the institution with a key role in state-building. In this paper, we aim to describe briefly, the evaluation of the highest legislative institution in the country, starting from 1999 onwards.

In the first part of the paper, I have tried to present the functioning of parliament at of period time when the Constitutional Framework took place, and its challenges as a result of the SRSG, when their competences were known at that time, and the evaluation of this institution until the declaration of independence. In the second part, I presented the role and functions of the Assembly of the Republic of Kosovo, with a particular emphasis on its role as legislator, controller and its mechanisms of the legal and constitutional functioning. While in political terms, I tried to analyze the importance of reserved sites, as the cause and barrier of many political processes and state-building.

It is noteworthy that the Assembly of the Republic of Kosovo, as a legislative body, laws and has established mechanisms for harmonization the EU legislation with the national legislation. In this context, it is worth noting that in recent years we have made progress in harmonizing

with EU legislation, but we still have challenges and stagnation in some aspects mainly in politics and rule of law.

## **2. The historical aspect of the development of the Constitutional institutions of the Republic Kosovo – Assembly**

Historically, the Republic of Kosovo is characterized by many events, which somehow disrupted the democratic life and creation of democratic institutions. In this context, it is of a great importance to mention, the periods that characterized it.

- The communist system was installed or in many literatures we will find that this period is called as the system before the war.
- System under United Nations administration, June 10, 1999-2008
- The system developed after the declaration of Independence 2008-2012 - onwards

Looking through this historical timeline of events we can notice that in the Republic of Kosovo, we lack a tradition of state building and creating independent institutions. The Serbian regime and the recent war brought many damages and it destroyed the legal system and institutional functioning.

### **a. Constitutional and Legal Organization of the Assembly of Kosovo through the Framework - Constitutional Court of Kosovo (CCC)**

It is known that with the end of the war in Kosovo, the process of state formation was occurring and various institutions were created, and this process required a civic engagement and involvement of citizens but not only. In accordance with the United Nations Security Council Resolution 1244 (UNSC) adopted on June 10, 1999 an international administration was created in order to create conditions for resolving the Kosovo's final status.

In addition to Resolution 1244 and other documents that formed the basis legal for the establishment and functioning of the Assembly were: the Rambouillet agreement, Constitutional Framework, Rules of Procedure of the Assembly of Kosovo from April 2008 Constitution of the Republic of Kosovo.<sup>1</sup>

According to Resolution 1244, UNMIK had the task of assisting the local representative in the creation of the Provisional Institutions of Self-Government of Kosovo (PISG), where it was first established The Provisional Administrative Council (KPA) in which all groups were represented political and ethnic communities living in Kosovo. In 2001, the SRSG endorsed one the most important documents of that time, the "Constitutional Framework of Kosovo", which presented the highest legal act in the country, after Resolution 1244. The Constitutional Framework differed from other UNMIK regulations and the fact that its design was also attended by local experts and jumped to formal approval by IAC, before it is signed by the SRSG. On the basis of this document, for the first time begins the process of building democratic self-governing institutions, under the supervision of the international presence in Kosovo. The Constitutional Framework was the basis of an important legal entity that recognized the people of Kosovo, the right to establish institutions self-government, at central and local level, through free and fair elections. It is known that The Constitutional Framework of Kosovo (CCF) was undoubtedly the most important document that was approved by the Special Representative of the Secretary-General (SRSG) at the time, and was the highest legal

<sup>1</sup> Kosovo Democratic Institute, KDI, Over 10 Years of Parliamentarianism in Kosovo, 2015, p.5.

act, which organized institutional life to Kosovo. It's worth noting at drafting of this document was attended by, in addition to internationals, local experts in Kosovo.

According to this document (CCC), in Chapter 9, is regulated in detail legal and functional organization of the Assembly. The Assembly of Kosovo is the highest representative and legislator institution of the Provisional Self-Government of Kosovo <sup>2</sup>. Further organization functions through the composition of the Assembly, the number of deputies, where it is worth mentioning one challenging actions, the so-called 'places reserved for non-majority communities'. So, by numir of the 120 deputies would have the Assembly of Kosovo and a range, 20 of them belong to no community majority. This was a factor that often influenced the development of national policies majority community - Albanians, because the reserved seats have been, are and will be continue to be an 'apple of contention' for Kosovo. It is known that the assembly was established with the aim of to produce laws, however, extremely strong powers had SRSG, The SRSG didn't sign many laws, in order to not enter into force. Through the CCC, the SRSG, had sufficient power to expand, or rather extended powers which enable it, just head 8, <sup>2</sup> Powers the Special Representative of the Secretary-General, Hans Haekkerup, Regulation No. 2001/9, on the Constitutional Framework for Provisional Self-Government in Kosovo. and the rights reserved to the SRSG<sup>3</sup> b) The right to dissolve the Assembly and to proclaim new elections in cases where provisional institutions of self-government are considered to operate in violation of United Nations Security Council Resolution 1244 or in a manner incompatible with the responsibilities of the SRSG under this Resolution. The SRSG exercises this power after consulting with the President of Kosovo. With the request supported by two thirds of to its deputies, the Assembly may request that the SRSG dissolve the Assembly. The SRSG communicates such a request to the President of Kosovo; (c) Final authority for setting financial and political parameters and for approval of the Kosovo Consolidated Budget, acting on the recommendation of the Economic Council and Fiscal; as well as many other powers that often-created double power as well unimportant role for the Assembly. After many political developments, this practice continued until year 2008, when the Assembly declared independence.

### **Constitutional and Legal Organization of the Assembly of the Republic of Kosovo through the Constitution of Kosovo**

Although with many challenges and a very difficult journey, Kosovo after signing the package of Ahtisaari, on February 17, 2008, declared itself an independent state. This was achieved the first and for the first time the Assembly adopted the Constitution of Kosovo, which entered into force on 15th June 2008<sup>4</sup>. Although by 2012, we had some oversight of independence from internationals, but now Kosovo had a better base for organization and development democratic parliamentary life.

#### **b. Functions of the Assembly of the Republic of Kosovo**

Parliament is one (or two) assembly of people elected to ensure the representation of his. As the holder of legislative power, parliament is the place for discussion and voting of laws and state budget as well as government control. By having in mind, the etymology of the *parler* verb, it is "the place where it is spoken". Parliament is the place where it is discussed and

<sup>3</sup> Ibid, Chapter 9, point b and c

<sup>4</sup> Article 162, Constitution of the Republic of Kosovo

debated achieved in decision making<sup>5</sup>. In the Constitution of the Republic of Kosovo, the Parliament is familiar with the term Assembly of the Republic of Kosovo, the Assembly is a legislative institution. The Republic of Kosovo directly elected by the people. <sup>6</sup>Within the functions it can classify them as follows:

- Legislative function
- Electoral function
- Supervisory-control function

### **2.1.1. Legislative function**

Among the main functions that an Assembly may have is the legislative function at the border the high, includes: adoption of the Constitution of the country, the lower limit adoption of laws and other norms, such as regulations and other acts. Within the aspect of adopting or making laws three important phases are involved:

- Legislative Initiative
- Review of laws in the Assembly /adoption
- Entry into force of adopted laws

Based on this, we can classify some of the most important aspects of approval laws, such as:

- Approval of the state budget through a separate law, the Law on Budget
- Ratification of international agreements
- Announcing a referendum - through the law (we do not have a law on the referendum), etc.

### **2.1.2. Electoral function**

In addition to the legislative function of passing laws and other documents, the Assembly of The Republic of Kosovo also has an electoral function. It is well known that the state of Kosovo is a Republic Parliamentary, the role and function of the Assembly is crucial in the selection of key institutions state. Within this we can classify some of the electoral functions:

- Elects and dismisses the President and Vice- Presidents of the Assembly;
- Elects and may dismiss the President of the Republic of Kosovo in accordance with the Constitution;
- Elects the Government and expresses no confidence in it; (*Government case Isa Mustafa- passes mistrust*)
- Elects members of the Kosovo Judicial Council and the Prosecutorial Council of Kosovo, in accordance with this Constitution;
- proposes the judges of the Constitutional Court;

### **2.1.3. Supervisory function-controller**

It would not be democratic and the development of parliamentary affairs would not be transparent, as if there were no oversight or control mechanisms. This is one of the key forms to and accountability to citizens who have chosen their representatives. Within this we will divide through two forms:

- regular forms of parliamentary control
- extraordinary forms of parliamentary control

<sup>5</sup> <http://shtetiweb.org>, access link: <http://shtetiweb.org/2012/09/08/ceshte-parliament-2/>, accessed 01.12.2018

<sup>6</sup> Article 63, Constitution of the Republic of Kosovo.

Within the regular forms of parliamentary scrutiny, which are based on obligations constitutional and legal, we would distinguish:

- Approval of the Budget of the Republic of Kosovo;
- Oversees the work of the Government and other public institutions, which, on the basis of Constitution and laws, report to the Assembly;
- Oversees foreign and security policy;
- Submitting periodic reports to various state institutions.

And within the extraordinary means by which some form of control is made that cannot be said to happen too often, as some actions remain at will MPs, we would distinguish:

- MPs' questions
- Parliamentary interpellation
- Commissions investigation confidence of the government (*the case of government Isa Musatafa*)

### 3. Structure of the Assembly of the Republic of Kosovo

The Assembly of the Republic of Kosovo occupies the main place in the Constitution, respectively in the chapter of its IV, takes the place as the legislative body in the country. Within its structure, it is enough interesting as there are reserved seats in this kwenmd too. The Assembly of Kosovo is elected by four - year term, starting from the day of the constituent session, which is held within thirty (30) days after the official announcement of the election results. The Assembly elects the President and 5 vice presidents. The President of the Assembly is nominated by the largest parliamentary group and elected by the majority of the votes of all Members of the Assembly. In the framework of the organization of the work in the Assembly, the Assembly of the Republic of Kosovo approves rules of procedure, which is adopted by a third (2/3) of the votes of all his deputies. The Assembly has one hundred and twenty (120) deputies elected by secret ballot based on the lists of open. The seats in the Assembly are divided between all parties, coalitions, and civic initiatives independent candidates, commensurate with the number of valid votes won by them, at elections to the Assembly. Within this division, **twenty (20) out of one hundred and twenty (120) countries are guaranteed to represent non-majority communities** in Kosovo, as follows: (1) independent parties, coalitions, civic initiatives and candidates who have declared that representing the Serb community, will have the number of seats in the Assembly won in the elections open, with a minimum of ten (10) guaranteed seats, if the number of seats won is in less than ten (10); parties, coalitions, civic initiatives and independent candidates who are declared to represent other communities, the Assembly will have the number of seats won in the by- elections with the minimum guaranteed seats as follows: Roma community one (1) site; Ashkali community one (1) place; the Egyptian community one (1) country; and one (1) seat the extra will be given to the Roma, Ashkali, or Egyptian community, which has the largest number of votes. general; Bosniak community three (3) seats, Turkish community two (2) seats and community Goran one (1) seat if the number of seats won by each community is less than the number of guaranteed seats.

### 4. Committees

Very important role in the functioning of parliament in general have undoubtedly parliamentary committees, where their scope is regulated by the Rules of Procedure of the Assembly. The committees shall proceed without delay to the matters referred to them. Commissions shall recommend to the Assembly final decisions that relate only to matters or to the tasks that were

sent to them, or questions directly related to them. Committees may also deal with other issues of their scope. Based on these regulations, the Assembly of Kosovo appoints:

- standing committees,
- functional committees
- commissions ad hoc

The committees reflect the political composition of the Assembly. The Assembly, at the request of one solvent (1/3) of all MPs, form committees on a particular issue, including also investigative matters.

▪ **Standing committees are:**

1. Committee on Budget and Finance,
2. Committee on Rights, Interests of Communities and Returns,
3. Committee on Legislation and Judiciary,
4. Committee on European Integration.

▪ **Functional committees are:**

1. Committee on Foreign Affairs,
2. Committee on Education, Science, Technology, Culture, Youth and Sports,
3. Committee on Economy, Trade, Industry, Energy, Transport and Telecommunications,
4. Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning,
5. Committee on Health, Labor and Social Welfare,
6. Committee on Public Administration, Local Government and Media,
7. Committee on Internal Affairs and Security,
8. Committee on Human Rights, Gender Equality, Missing Persons and Petitions,
9. Public Finance Oversight Committee,
10. Oversight Committee of the Kosovo Intelligence Agency,
11. Supervision Committee of the Kosovo Security Force,
12. Committee on Mandates, Immunities and Rules of Procedure of the Assembly.

So, all these committees have a duty and obligation to oversee the work of government, respectively the implementation of legislation through each sector. So here it begins, overseeing the work of the government, to this end the importance of committees is quite high, where for his work can also establish, depending on specifications and work. Ad hoc committees, especially established for an issue, may also be relevant assigned, no matter how important it may be, but this is a form of control government and committee work in general.

## **5. Legislative initiative or proposal of laws**

When the Assembly takes the initiative in drafting the draft law, the Presidency of the Assembly requests the opinion of Government. The government must declare the bill within one month. The initiative of a Member of Parliament, a committee or a parliamentary group, with or without the opinion of the Government, shall be considered for plenary session, within two months from the date of submission. If the Assembly approves the initiative, the Government is required to prepare the draft law within three (3) months, from the day the initiative was approved. The President of the Republic of Kosovo may propose the Draft Law to the Assembly, in the field of its activities, Government, Members of Parliament, Parliamentary Committee, Group parliamentary and at least six (6) deputies, ten thousand electors, as determined by law.

Parliamentary electors, through the Presidency of the Assembly, are sent to the Government for opinion. The Government shall submit its written opinion within one month from the date of acceptance of the Draft Law. After the expiry of this deadline, the Draft Law is proceeded

to the Assembly for consideration. If a bill is proposed by at least ten thousand (10,000) voters it must proceed according to the procedure prescribed by law. The Bureau of Proposals and Submissions records and distributes the text to MPs Draft-law, with accompanying letter signed by the Secretary of the Assembly and publishes it on the website electronics of the Assembly.

## **6. Review of draft laws**

*The first reading of* a bill cannot be made without two weeks of work and no later than four working weeks, from the day of its distribution. Prior to the first reading of the bill at the meeting plenary, functional committee - rapporteur, in charge of the Presidency of the Assembly, reviews the bill in principle. The Committee shall submit a report to the Assembly with recommendations for adoption or for disapproval of the draft law in principle. The first reading of the bill implies its discussion and voting in principle. After approval of the draft law under first reading, the Assembly places the following for further consideration: Functional Committee, as Reporting Committee and Committees: for Legislation and Judiciary, for Budget and Finance, European Integration, Human Rights, Gender Equality, Persons Missing and Petitions and Rights and Interests of Communities and Returns, as commissions permanent.

*The second reading of* the draft law begins with the submission of the report of the functional committee by the reporter. After submitting the report, the committee representatives have the right to discuss it permanent representatives of parliamentary groups, Government representatives and MPs. The second reading of the bill continues with the consideration and voting of the amendments proposed by the Functional Reporting Committee and the amendments proposed by other committees, from parliamentary groups, from the Government and from deputies. Amendments are reviewed and voted one by one, in the order presented, along with the text of the draft law.

*Third reading* - When the draft law in the second *reading* does not receive the required number of votes for approval, at the request of the draftsman or the functional committee, the Assembly decides to submit the draft law to the third reading, together with the amendments of approved. Amendments that have been considered and that have been rejected at the second hearing, or which are the similar amendments in the second reading, cannot be proposed for consideration of third. The procedure for considering supplementary amendments and the procedure for considering the draft law as amended at third reading shall be in accordance with section 58 of the Rules of Procedure The work of the Assembly.

## **7. Ratification of International Agreements**

The Assembly of the Republic of Kosovo ratifies international agreements by law, on the basis of Article 18 of the Constitution of the Republic of Kosovo. Assembly of the Republic of Kosovo by two votes a third (2/3) of all MPs ratify international agreements on the following issues:

- (1) territory, peace, alliances, political and military affairs;
- (2) the rights and fundamental freedoms;
- (3) membership of the Republic of Kosovo in international organizations;
- (4) taking over the financial obligations of the Republic of Kosovo.

International agreements, except those referred to in point 1, shall be ratified upon signature by the President of the Republic of Kosovo.

President of the Republic of Kosovo or the Prime Minister notifies the Assembly as often as an international agreement is signed.

## **8. Signing and promulgation of laws<sup>7</sup>**

The law approved by the Assembly shall be signed by the President of the Assembly within ten working days, from the date of approval. The law signed by the President of the Assembly is sent to the President of the Republic for advertisement. If the President of the Republic returns the law for reconsideration to the Assembly, the Presidency of It shall immediately forward it to the functional reporting committee for consideration. Commission Functional only considers issues contained in the President's decision. Commission within two weeks working from the date of its accession, Parliament shall submit a report with recommendations. Assembly with the majority of the votes of all the deputies decides to approve the recommendation of the committee for the remarks of the President, which with the approved amendments are considered promulgated. If the Assembly does not approve the Commission's recommendation on the President's remarks, the law remains as adopted the first considered by the Assembly and promulgated. If the President of the Republic, within the term of provided by law does not promulgate the law or return it to the Assembly, the law is considered promulgated and is published in the Official Gazette of the Republic of Kosovo. The Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo, unless by the law itself does not specify otherwise.

## **9. Legislation with Vital Interest**

A majority vote is required for the adoption, amendment or repeal of the following laws Members of the Assembly present and voting, and the majority of the Members of the Assembly of the Assembly present and voting, holding reserved seats or guaranteed to representatives of non-majority Communities:

- 1) The laws that change the boundaries of municipalities, establish or terminate municipalities, define extension of municipal powers and their participation in inter- municipal relations; and cross-border;
  - 2) laws that apply to the rights of communities and their members, with the exception of those stipulated by the Constitution;
  - 3) laws on the use of languages;
  - 4) laws on local elections;
  - 5) laws for the protection of cultural heritage;
  - 6) laws on religious freedoms or agreements with religious communities;
  - 7) laws on education;
  - 8) laws on the use of symbols, including symbols of communities and public holidays.
- None of the laws of vital interest can be subject to referendum.

## **10. Distribution of the Assembly**

As constituted, the constitution of our country provides for the dissolution of the Assembly. Pursuant to Article 82 of the Constitution of the Republic of Kosovo, the Assembly is hereby dissolved in these cases:

- If within sixty (60) days from the date of appointment of the mandate by the President of the Republic of Kosovo, the Government cannot be formed;
- If two thirds (2/3) of all deputies vote for the dissolution of the Assembly, distribution by

<sup>7</sup> Article 18, Constitution of the Republic of Kosovo.



- decree of the President of the Republic of Kosovo;
- If within sixty (60) days from the date of commencement of the procedure, the President of the Republic of Kosovo shall not be elected.
  - The Assembly may be dissolved by the President of the Republic of Kosovo after voting the success of the Government's confidence.

## **11. Political Challenges and the Numbers Game in the Assembly of Kosovo**

However, reserved seats were born as a result of compromises and agreements several that have come as a result of the final status of citizenship (independence for) of Kosovo and a range, they practically, often, they become 'apple of contention' when making a decision important. The last case is the formation of the army, precisely Article 65, paragraph 2, specifies that it decides to amend the Constitution by two-thirds (2/3) of the votes of all its Members, including two-thirds (2/3) of all deputies holding reserved and guaranteed seats for representatives of non-majority communities in Kosovo. In this context, the form of the military as a constituent category is being questioned because of its (non) voting by the minorities.

It is also worth noting that often the Assembly of the Republic of Kosovo remains hostage of (not) voting on different laws, because of the numbers game which is often challenge the normal functioning of the Assembly. When it is known that the government's connection to the Assembly should it must be a balance of the numbers of the majority MPs, because we have cases where laws of major importance, such as the Budget Law, are also challenged. As well as many political challenges are following it as a result of the 'numbers game'.

## **12. Challenges of Kosovo's EU Integration**

In terms of European integration, Kosovo has done quite a lot in terms of time shortly after the end of the Security Council's mandate for the UN Security Council independence. In this context, we can say that despite the challenges Kosovo has managed to meet some criteria in terms of approximation of legislation with the EU. In this context, Kosovo has worked quite, we can say that it has drafted very good legislation harmonized with the acquires, however It is worth noting that EU reports point out that Kosovo lacks implementation laws. Precisely in recent years, there have been political developments that hinder the functioning of the Assembly of the Republic of Kosovo.

In the framework of EU integration, the Republic of Kosovo has developed legislation and has meeting different criteria that condition free movement - visa waiver, however, still remains this issue, a political issue considered by the EU. Also, with reference to the Brussels Report, 29.5.2019 SWD (2019) 216 final of European Commission<sup>8</sup>, Kosovo still has much to do.

In terms of political criteria, Kosovo has made progress in implementing some reforms key issues related to the EU, especially in improving the legal framework in the areas of rule of law and public administration. However, a number of *ad hoc* measures and decisions were not in place compliance with the stated objectives of government reform. The size of the government, including here even further increasing the number of deputy ministers, it continued to affect

<sup>8</sup> Commission Staff Working Paper, Kosovo Report \* 2019 Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, 2019 Communication on EU Enlargement Policy {COM (2019) 260 final}

the credibility and its effectiveness. The Assembly has managed to have a majority on some key strategic issues for Kosovo, as demonstrated by the ratification of the demarcation agreement of administrative border with Montenegro and the adoption of important legislative reforms in relation to the EU. However, the Assembly has continued to function in a highly political context the polarized, and thus continued to be present weaknesses in its functioning overall, as evidenced by the continued lack of quorum, resulting in delays in legislative activity.

There has been limited progress in addressing the findings and recommendations of the EU Mission. The observation of the parliamentary and municipal elections held in 2017. The situation in northern Kosovo remains particularly challenging.

There is a level of preparation in the area of **public administration reform**. Through overall progress has been made in the reporting period, however efforts are needed serious to tackle the political impact on the recruitment of senior civil servants. There has been progress in adopting the package of laws on the functioning and organization of public administration, officials public and wages. Other achievements include the adoption of planning guidelines strategic planning and implementation of the action plan for rationalizing agencies. Framework of the revised legislation is an important step towards the creation of a modern civil service and professional as well as towards improved accountability. Although the Law on Wages introduces a system more transparent and equitable pay for public officials, its medium-term budgetary impact the raises several concerns <sup>9</sup>Kosovo's judicial system is at an early stage. Some progress has been made as it is adoption of the Law on Disciplinary Liability of Judges and Prosecutors and the Law on Mediation and progress has been made in introducing an electronic case management system. The number of judicial staff in prosecutors and courts has increased during 2018, including here Office of the Special Prosecutor. Although integration into the judicial system of judges and Serbian prosecutors as well as their support staff have been completed in 2017, more work should be done to ensure their full functionality, especially with regard to the Court of Justice Appeal. The judiciary is still vulnerable to irregular political influence. Providing justice, it remains slow and inefficient and the rule of law institutions need efforts constantly increasing their capacity.

Kosovo is at an early stage / has some level of preparation in the fight against its corruption. Kosovo has made some progress through important legislative reforms in the field of rule of law and in the investigation and prosecution of high-level cases. Progress has also been made in the prior seizure of property, although final seizures remain at a low level. Corruption is widespread and remains a matter of concern.

Kosovo is at an early stage in the fight against organized crime. Progress is achieved through important legislative reforms in the field of rule of law, investigation and prosecution of high-level cases and prior freezing of property. However, a little progress has been made on eventual confiscation of assets and there is still very little investigation financial and final penalties. Measures are needed to strictly ensure that it does not there is political interference with the operational activities of law enforcement and prosecutors. The situation in northern Kosovo over organized crime continues to pose challenges for agencies of law enforcement.

Progress has been made in the fight against terrorism, especially in relation to the creation of better conditions for the rehabilitation and reintegration of terrorist fighters in foreign countries and their families. The Kosovo authorities need to be more effective in their efforts for it fight

<sup>9</sup> European Commission Progress Report for Kosovo 2019, p.3

against money laundering and the relevant law must be in line with the EU acquires and international standards.

The legal framework generally guarantees the protection of fundamental human rights in compliance with European standards. However, implementation of legislation and rights strategies the man often plagued by financial resources and other inadequate resources, especially local level, limited political prioritization and lack of coordination. Existing mechanisms for coordination and enforcement of human rights are ineffective. Great dependence on donors the alien continues to be present. More needs to be done to effectively guarantee the rights of persons belonging to minorities, including Roma and Ashkali and persons e displaced, to ensure gender equality in practice, to create an integrated system of protection of children and to enhance the protection of cultural heritage. Kosovo has some level of preparation regarding freedom of expression, which is enshrined in the Constitution. Kosovo benefits from a pluralistic and vibrant media environment. Rule of law institutions constantly follow up on threats and attacks against journalists and there is a decrease in the number of incidents. Remains to adopt a sustainable solution for the financing of the public broadcaster. Broadcaster remains vulnerable to political pressure and influence.

In terms of economic criteria, Kosovo is at an early stage and has marked progress in developing a functioning market economy. Economic growth was robust, but the very difficult labor market situation remains a concern. The government adheres to the rules fiscal, but spending pressure related to social benefits for certain groups of the population and the salaries of public employees pose risks to public finances and hinder them private sector development. The business environment has improved to some extent, but there are still challenges continued, including the widespread informal economy, a slow judiciary and inefficient, high prevalence of corruption and weak rule of law institutions. Despite the sharp increase in service exports, economic diversification has advanced slowly.

Kosovo is at an early stage and there are advances in its capacity for it facing competitive pressure and market forces in the EU. Kosovo has made some progress road improvements, but there are major shortcomings in railway and energy infrastructure. Little progress has been made on ensuring sustainable energy supply and losses on the electricity sector remains very high. Kosovo has been progress as regards digitalization of the economy. Little progress has been made on improving the quality of education and addressing skills gaps in the labor market. Structural changes are slowly emerging and the economy remains highly dependent on the domestic trade sector. Export growth is driven mainly by exports of services to the Diaspora, while the lack of diversification of products hinders the growth of exports of goods.

Regarding good neighborly relations and regional cooperation, Kosovo continued to participate in most regional forums. However, Kosovo's decision to decide a 100% tax on imports from Serbia and Bosnia and Herzegovina has hurt efforts regional cooperation.

As for normalizing relations with Serbia, Kosovo remains committed to dialogue. However, the Kosovo government must abolish taxes on imports from Serbia and Bosnia and Herzegovina. Kosovo needs to make further substantial efforts to create one favorable environment for the conclusion of a legal agreement with Serbia. An agreement of it is urgent and crucial for Kosovo and Serbia to advance on their European paths<sup>10</sup>. All of these are challenges for Kos, which must take them seriously and make improvements the right and open the way for integration into the European family.

<sup>10</sup> European Commission Progress Report for Kosovo 2019, pp.3-6.

### 13. Conclusion

Relying on the data collected, through various literature and as we analyze them, we came to some conclusions, which characterizes the historical, political and legal developments regarding the highest legislative institution of Kosovo.

In the first part of this paper we presented the historical aspect of evaluation of the Assembly of the Republic of Kosovo. In this context, it is clearly seen that parliamentary life and its development has been full of challenges and risks, the Constitutional Framework of Kosovo as well the overwhelming powers of the SRSG, where we often deal with creating order. re legal (two legal orders) in the country. However, despite this, the Republic of Kosovo has come to an end in the long-awaited moment, the declaration of its independence. Building on this, the journey of its legal and political achievement through the adoption of the Constitution of the Republic of Kosovo. In this, the series of events, no doubt a great achievement, is the conclusion of the surveillance international of the Republic of Kosovo and a range 2012.

From the historical, legal and political point of view, the Republic of Kosovo, respectively The Assembly of the Republic of Kosovo has often been, is and will remain with many obstacles, as a result of reserved seats. In this context, one of the elements that is presented to us is army of the Republic of Kosovo. Where as a result of the political developments in the country, we are not able to have the government as a constitutional category. Therefore, as long as the seats are reserved, I think These problems will be followed up by the Kosovo Assembly.

Relying on various European reports as regards the integration road Kosovo in the EU, the Republic of Kosovo respectively the Assembly of Kosovo has made quite a number of steps. It is important to draft legislation compatible with that of the EU. But it still remains to be done in the field of rule of law, namely judicial institutions exercise policy- independent function. For this reason, we, like Kosovo, still have criteria that the EU has proposes for us, despite the European spirit of EU integration, we are still a movement scheme we are also still not members of UNESCOS, INTERPOL, and in many other organizations, for political reasons, as well as for bad neighborliness with the Serbian state.

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