

Parliament's Role in Promoting European Integration and Relations Between The Republic of Kosovo and The Republic of Serbia

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European Integration

- Copenhagen Criteria
 - Stability of institutions (guaranteeing democracy)
 - Rule of Law
 - Human rights and respect for protection of minorities
 - Functioning of market economy
 - Capacity to cope with competitive pressure and market forces within EU
 - Regional cooperation

European Integration

- Parliament/Assembly the highest legislative body
- Laying down the legal framework within which society functions
- Parliaments are involved in the process of:
 - negotiation,
 - dialogue, and
 - implementation of internationally negotiated decisions at the national level
- Parliaments play an important role in management of global politics

Case Study: Albania, Kosovo, Macedonia and Serbia



National Assembly of Albania

- Parliamentarism introduced in 1912
- Rights and competencies of the Parliament are set by State Constitution
- Assembly is elected every four years
- Composed of eight committees
- Parliament has approved resolutions for EU integration
 - For Albania's integration in EU (2010)
 - Liberalization of visa regime with EU (2010)
 - Albania's NATO Membership

Albania toward European Integration

- Stabilization and Association Agreement signed (2006)
- Visa liberalization (January 2010) approved by European Parliament
- Progress Report identified problems:
 - political instability,
 - lack of qualified human resources,
 - legal system,
 - apply norms of international law

Assembly of the Republic of Macedonia

- Declared independence from Yugoslavia September 8, 1991
- Functioning of the Assembly is regulated by Constitution
- Assembly is elected every four years
- Composed of twenty one working bodies or committees
- Has two parliamentary committees that play an active role on European integration

Macedonia toward the European Integration

- Assembly adopted a declaration on Development of Relations between Rep. of Macedonia and the EU
- Assembly adopted a Resolution on the Principles for the Accession of the Republic of Macedonia in the EU and opening of negotiation for EU membership (2007)
- Stabilization and Association Agreement (SAA) signed (2001)
- Visa liberalization (January 2010)

National Assembly of Serbia

- Assembly is the supreme representative body and the holder of constitutional and legislative power
- Composed of thirty committees, the highest number in the region
- Commission on Foreign Affairs
- Adopted a resolution on Accession to the European Union

Serbia toward the European Integration

- Road toward modern society, a stable democracy with a developed economy
- Stabilization and Association Agreement (SAA) signed (2008)
- Visa liberalization entered into force January 2010
- President of the Republic of Serbia submitted the request for membership at the European Union
- On September 9, 2010 the UN General Assembly adopted a joint resolution that facilitated a process of dialogue between RKS and RS

Kosovo fulfilling its European Perspective

- EU has been an integral part of the international effort to build a new future for Kosovo since 1999
- EU is the largest donor providing assistance in state building
- EU is present in Kosovo through:
 - The European Commission Liaison Office in Kosovo
 - European Union Special Representative
 - The European Union Rule of Law Mission in Kosovo(EULEX)
 - The EU Member State Representative

Kosovo fulfilling its European Perspective

- Kosovo is part of the Stabilization and Association Process dialogue (SAPD)
- Reforms that are intended to improve by the Rep. of Kosovo toward EU integration consider:
 - Functioning of the state, the judiciary and public administration;
 - Fiscal policy and economic stability;
 - Public procurement and the business environment;
 - Fight against corruption, money laundering and organized crime;

Kosovo fulfilling its European Perspective

- Kosovo's cooperation with countries of SEE is essential for its commercial development, economic growth and political stability
- Interstate dialogue between the Rep. of Kosovo and the Rep. of Serbia is welcomed for solving technical issues

Assembly of the Republic of Kosovo / Resolutions toward EU

- Based on the Action Plan of the Assembly of the Republic of Kosovo and Action Plan for European Partnership the Assembly has approved:
- Resolution on Commitment of the RKS towards the integration in the EU (April 2011)
- Resolution for the dialogue between the RKS and the RS (March 2011)

Interstate dialogue between the Republic of Kosovo and the Republic of Serbia

- Based on the Resolution of the ICJ A/RES/64/289 of 9th of September 2010 the RKS has accepted the international obligation to go in a technical dialogue
- Technical dialogue was launched on March 2011
- The process of technical dialogue is a factor for peace, security and stability in the region and it would promote cooperation, achieve progress on the path to the EU

Interstate dialogue between the Republic of Kosovo and the Republic of Serbia

- Finding solutions to the technical issues between RKS and the RS would lead toward strengthening neighborly relations, that is considered as fundamental precondition for stability, economic development and EU integration

Interstate dialogue between the Republic of Kosovo and the Republic of Serbia

- The dialogue is between two independent states and will cover technical issues that have a common interest without affecting territorial integrity.
- Technical dialogue is mediated by the European Union (Robert Cooper)
- Representatives of both states are appointed by the government

Principles of the dialogue

- Based on the platform for the interstate dialogue there are four principles that may not be discussed under any circumstances:
 - The status of the RKS
 - Sovereignty and territorial integrity of the RKS
 - Internal cases of the state are regulated the Constitution of the RKS
 - The Ahtisaari plan is the platform for the regulation of rights guaranteed for the communities which is also integrated in the Constitution of the RKS

Agenda of the dialogue

- Problems identified during the war and after the war involve:
 - Return of documents taken by Serbia (cadastral records, civil records, etc)
 - Issues of Serbia's illegal interventions in the field of energy, telecommunication, etc
 - Return of exhibits of cultural heritage taken/borrowed from Serbia; Protection of cultural and religious heritage in Kosovo
 - Finding the missing people from the war period
 - Return of displaced persons to their homes and properties

Agenda of the dialogue

- Issues on pension fund returns for citizens of Kosovo
- Trade relations between RKS and RS
- Indemnification for damages of war by the Serbia
- Issues related to the succession on the former Yugoslavia
- Demarcation of the border between RKS and RS in close cooperation with NATO and CAMKFOR

Benefits from the dialogue

- Improving the lives of citizens in the socio-economic field
- Strengthening the state of Kosovo
- Advance the European agenda for Kosovo
- Promotion of Euro-Atlantic agenda
- Harmonization of regional practices, norms and laws, in admission to aquis communautaire of EU
- Improve regional cooperation
- Increase number of state recognition
- Normalization of the relations between RKS and RS including the recognition of Kosovo's independence by Serbia

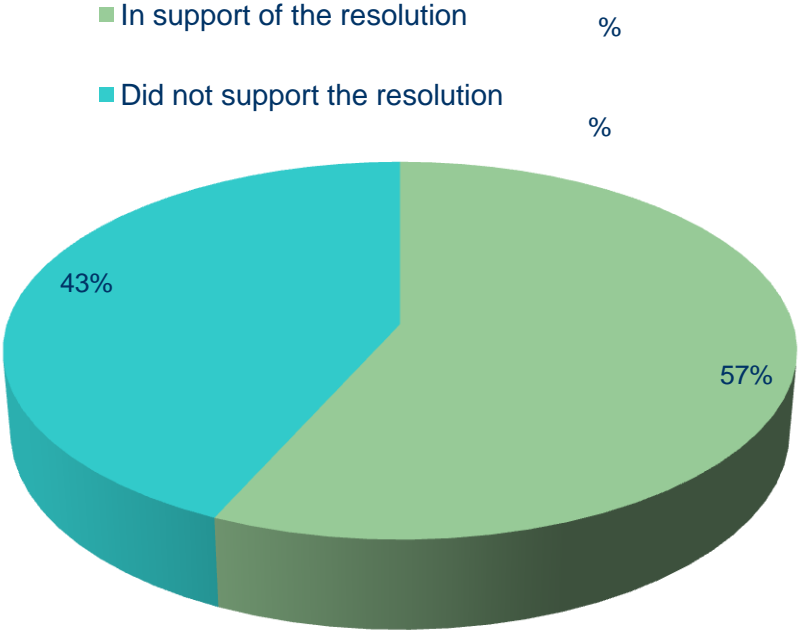
Agreed 'conclusions'

- In the fifth round of the technical dialogue were reached three agreement:
 - ✓ Freedom of movement across the border
 - ✓ Herd books (civil registries)
 - ✓ Recognizing education diplomas

The role of the Assembly in ratifying the agreements

- Plenary meeting held on March 10, 2011, in support of the technical dialogue the Assembly approved the resolution in respect to the following points:
 - ✓ (5) The Government of the RKS is obligated to present to the AoK basic documents of the dialogue within a legal term
 - ✓ (6) The person appointed by the PM as the head of RKS for a dialogue with RS should inform regular basis the Committee on Foreign Affairs, and should report in the plenary session of the AoK
 - ✓ (9) The AoK reconfirms the Constitutional right for ratification of international agreement signed by Government of the RKS

Survey result in support of the dialogue



Ratifying the agreements in the Assembly

- MP's continuously were not satisfied with the transparency of the process from the head of the dialogue
- The head of the dialogue report only one in the Committee of Foreign Affairs in April 2011
- The President of the Assembly was not informed by the head of the dialogue in the process
- The MP's invited the head of the dialogue to report after the 'conclusions' were reached on 14th of July 2011 to express parliamentary group opinion

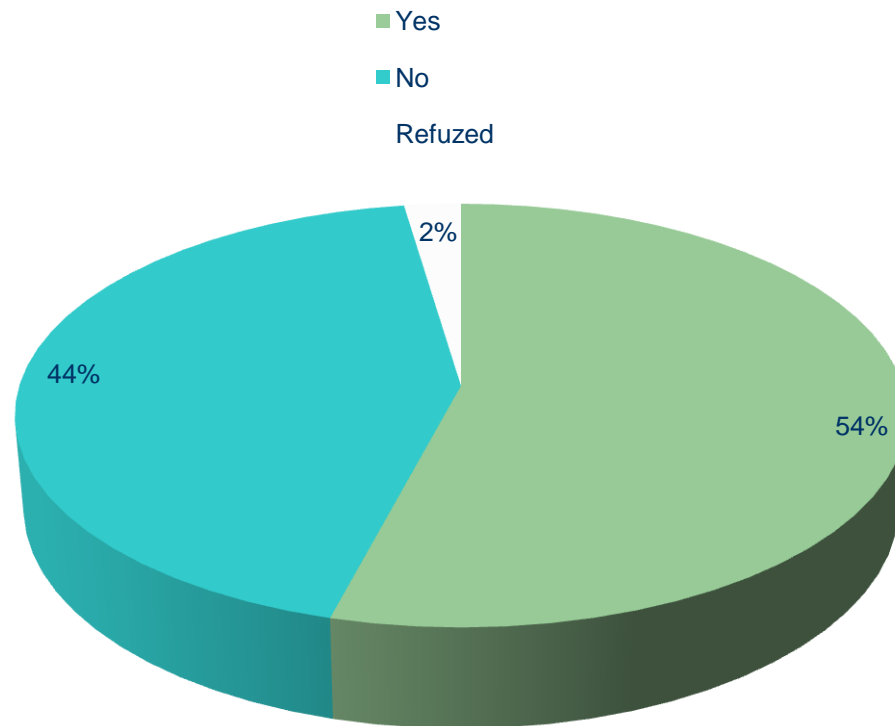
Project Findings

- Conclusions do not have to be ratified in the Assembly, therefore these are not considered as International Agreements between two independent states
- If agreements are not ratified in the Assembly there is no international obligation to be implemented

Project Findings

- Process of dialogue is considered to be a factor for peace, security and stability in the region, it will promote cooperation and achieve progress on the path toward European Integration
- Based on the research study the dialogue between the RKS and the RS, with 'conclusions' should continue-as the best way to solve problems for both states

Survey result in support of the dialogue without ratification in the Assembly



Recommendations

- ***To form groups of experts specialized in the fields in which the conclusions were reached and for the upcoming conclusions*** –will be required to pay close attention to the content of the conclusions reached and to proof facts if the conclusions hold legal obligations to be implemented or not

Recommendations

- ***To create an ad-hoc parliamentary committee on technical dialogue between the RKS and the RS-*** will be in charge for holding regular meetings with the head of the dialogue from RKS and will continuously provide recommendations for the upcoming issues

Recommendation

- ***To have specialist in the field of International Law-*** will provide suggestions for the parliamentary committee and for the deputies of the Assembly on issues that will violate the international law and will prove if the conclusions reach do touch the sovereignty of the RKS

THANK YOU!

Q&A

