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ECMI KOSOVO SHORT UPDATE ON POLITICAL DEVELOPMENTS: MINORITY COMMUNITIES WANT THE STALEMATE OVER

As a result of the stalemate over the election of the parliament Speaker, Kosovo remains with an acting government and many issues and challenges are left open. There are a number of pressing issues pertaining to minority communities that await full treatment by a new government. The minority communities agenda for the next government should include continuation of the dialogue with Serbia, further work on setting up the Municipalities north of the Ibar/Ibër river, the process of the establishment of the Association of Serbian Municipalities, the regulation of higher education in Serbian language in Kosovo, and work on the implementation of the strategy for integration of Roma, Ashkali and Egyptian communities, to name a few.

In order to end the stalemate, on 20 October 2014, representatives of minority political parties sent a petition to President Jahjaga wherein they ask President Jahjaga to, on their behalf, request an additional explanation from the Constitutional Court on Article 127 of its decision KO119-14 of 26 August 2014 on the procedures to elect the Speaker of the Assembly of Kosovo. The letter was signed by 17 out of 20 MPs representing minority communities; Nenad Rašić, Slobodan Petrović and Emilja Redžepi did not sign the letter. On 21 October, President Jahjaga officially replied to the petition, stating that she cannot support their request for a re-interpretation of Article 127 of the said Constitutional Court decision, as her position requires neutrality on issues pertaining to political parties. She also added that any further legal processes would delay the process of creating Kosovo's institutions, and would cause an even deeper divide between political parties and actors. She reiterated that a solution should be found within the framework of the Constitution and of the Constitutional Court decision. Representatives from minority communities were not happy with the refusal and explanation given by President Jahjaga, and have signaled that they might support an initiative by the so-called VLAN Bloc (LDK, AAK, Nisma and Vetëvendosje) to ask the Constitutional Court for a clarification and re-interpretation of Article 127.

The decision of the Constitutional Court KO119-14 stipulates that only the largest political party in the Parliament has the right to nominate a candidate for Speaker, and that he/she should be elected by a majority of votes. The largest political party following elections, the PDK, nominated a candidate for parliament Speaker twice but failed to garner the necessary support from the majority of MPs. Article 127 of the Constitutional Court decision states that “It is the right and duty of all Members of Assembly to find a way to elect President and Deputy Presidents of the Assembly in accordance with the constitutional provisions in conjunction with the relevant Rules of Procedure of the Assembly and make the Assembly functional.” The political parties forming the VLAN Bloc, who have a majority of MPs in the Assembly, have repeatedly asked for a debate in the Assembly on the way forward. PDK has sought to diffuse the political crisis and form the next government through a political agreement between the parties involved.

There have been many interpretations of the now-famous Article 127 of the decision of the Constitutional Court KO119-14, and there doesn't appear to be any consensus on what the article means exactly. President Jahjaga's refusal to ask the Constitutional Court for a re-interpretation of Article 127 means that now the VLAN MPs will initiate this procedure in the upcoming days. The procedure—similar to the one initiated by PDK MPs—requires the signature of 30 MPs, a number that the VLAN Bloc can easily muster. The exact nature of the question to the Constitutional Court remains to be seen. However, it is unlikely that the Constitutional Court will re-examine its decision on this matter, so the solution to this political deadlock needs to be found by the MPs, in line with the Constitution and the decisions of the Constitutional Court. A potential solution will have to be found within the ranks of the MPs in Parliament, and may require re-negotiation between VLAN members, but also with PDK.

About ECMI Kosovo

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.