

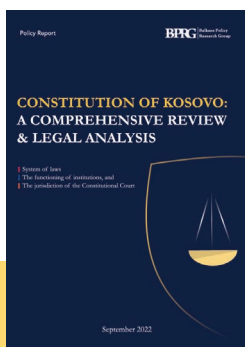
CONSTITUTIONAL FRAMEWORK, PARLIAMENTARISM, AND MEMBERSHIP TO THE CoE

Factsheet



Constitutional Review: Comprehensive analysis and advocacy

Balkans Group plays an important role in advocating for comprehensive reforms in Kosovo's constitutional framework, improvement of parliamentary procedures, and integration into the Council of Europe (CoE). This platform for practical recommendations contributes to the evolving democratic landscape and has been instrumental for institutions and key stakeholders.



The policy report *Constitution of Kosovo: A Comprehensive Review & Legal Analysis* provides analyses of 21 issues related to the system of laws, the functioning of institutions, and the jurisdiction of the Constitutional Court. Drawing on relevant constitutional and legal provisions, case law, Venice Commission opinions, other countries' best practices, and interviews with relevant stakeholders, the report recommends potential changes to the Constitution and/or relevant laws and concrete measures that institutions could take to ensure the proper implementation of constitutional and legal provisions.

I - System of Laws - The first part of the policy report analyses the constitutional definitions of various legal acts and how they relate. It identifies gaps in the absence of clear terminology and a normative hierarchy, which requires more clarity to allow easier navigation through the legal system.

II - The Establishment and Functioning of Institutions - The second part of the policy report contains 16 issues related to the authorities and functioning of the Assembly, the President, and the Government of Kosovo, as well as the potential conflict between their competencies, particularly regarding their competencies to negotiate and sign international agreements.

III - The Jurisdiction of the Constitutional Court and Methods for the Interpretation of the Constitution addresses issues related to the Court's authority to address "constitutional questions", its jurisdiction on the constitutionality of international agreements, the criteria for its interpretation, and the limits to amending the Constitution.

Constitutional Review IV: Kosovo and the Council of Europe: An Accession Roadmap

The policy paper "Kosovo and the Council of Europe: An Accession Roadmap" provides an analysis of Chapters II and III of the Constitution of Kosovo on Fundamental Rights and Freedoms and the Rights of Communities and their Members, with a particular focus on Kosovo's membership in the Council of Europe (CoE). It presents a roadmap of Kosovo's path toward accession to the CoE, the criteria for membership, and key challenges. Based on interviews, case law, and comparative analysis, the paper provides concrete recommendations on Kosovo's institutions' steps toward accession.



The 15th Anniversary Conference on the Kosovo Constitution, hosted by the Balkan Group, marked 15 years of Kosovo's Constitution. Notable speakers included Naim Rashiti, Executive Director of the Balkan Group, who emphasized the constitutional foundation's role in maintaining democracy and resolving crises.

Kosovo's President Vjosa Osmani and Assembly President Glauk Konjufca discussed the evolution and ongoing reforms of the Constitution. Norwegian Ambassador Jens Erik Grøndahl and the Chair of the Constitutional Court, Gresa Caka-Nimani, also highlighted the importance of inclusive constitutional revisions.

Professor Hajredin Kuçi, a key figure in the drafting of the Constitution, reflected on the balance achieved between honoring the majority will and protecting minority rights, underlining the enduring values embedded in the Constitution.



The Balkan Group's focused efforts on constitutional issues in Kosovo underscore a comprehensive approach to legal analysis and reform. By fostering a platform for expert discussions and practical recommendations, the Balkans Group significantly contributes to Kosovo's evolving democratic landscape.

The Balkans Policy Research Group is an independent, regional think-tank based in Prishtina, Kosovo. We provide timely policy analysis and recommendations on a wide array of state-building issues; institutional and democratic consolidation; minority integration and good neighbourly relations: European integration and policy change. We have decades of experience in policy reporting and development, strategic thinking, and advocacy with governmental, international, and non-governmental organisations.

Our rigorous, detailed, impartial reporting, always based on in-depth fieldwork, is the core of our work. We go beyond mainstream positions and seek to make change through creative, feasible, well-measured, and forward-looking policy recommendations to help develop strong, vibrant democracies, prosperous states, and societies based on the rule of law in the Western Balkans.

We engage in high-level advocacy, domestically, regionally, and internationally, impacting policy discussions and options with regard to the home affairs and European policies toward the Western Balkans.

Balkans Group has developed other tools and platforms to achieve this change:

The Expert Support Component provides policy support and experts to the governments and other key institutions on vital policy areas, including dialogue and negotiations, security, foreign policy, regional cooperation, EU agendas and reforms, good governance, development, and law-making.

Youth in Politics Programme aims to train and build the capacity of young people active in political parties in Kosovo in areas such as the rule of law, public policy, good governance, economic development and social policy, education policy, and regional cooperation.

The Women in Politics & Decision Making platform aims to create a gender-equal environment by increasing the representation of women in politics and decision-making roles across institutions.

The Western Balkans Policy Forum - a Think-Tankers High-level Advocacy Forum, is committed to enhancing the dialogue between civil society and institutions.

The Policy Dialogue promotes domestic dialogue in Kosovo, political consensus, and reform agendas.

The Dialogue Platform promotes the dialogue process between Kosovo and Serbia, by informing the wider public and generating debate about the agreements, benefits, and challenges of the Dialogue.

The Kosovo Serbia Policy Advocacy Group - a Cross-Border Civil Society Cooperation forum- aims to communicate, promote, and enhance dialogue toward full normalization between Kosovo and Serbia and their societies.

Constitutional Framework, Parliamentarism, and Membership to the CoE, aims to advocate for comprehensive reforms in Kosovo's constitutional framework, improvement of parliamentary procedures, and integration into the Council of Europe.

Energy, Green & Digital Policy Hub aims to bring together government officials, experts, and think tanks to jointly devise, develop, and advocate for the right solutions.

The Policy Idea Lab platform aims to create new policy tools and spaces where policymakers, members of institutions, advisors, experts, the CSO community, academics, etc., can share their knowledge, debate policy processes and topics, and devise solutions.