

**Amendments to  
Comprehensive Proposal  
For the Kosovo Status Settlement  
by the Negotiating Team of the Republic of Serbia**

**2 March 2007**

**Table of Contents**

General Principles.....	3
Annex I - Constitutional Provisions.....	13
Annex II -The Rights of Communities and Their Members.....	21
Annex III - Decentralization.....	25
Attachment to Annex III – Delineation of Serb Majority Municipalities.....	36
Annex IV - Justice System.....	44
Annex V-Religious and Cultural Heritage.....	49
Annex VI - International Debt.....	56
Annex VII - Property and Archives.....	58
Annex VIII -Kosovo Security Sector.....	63
Annex IX - International Civilian Representative.....	67
Annex X -European Security and Defense Policy (ESDP) Mission.....	72
Annex XI - International Military Presence.....	73
Annex XII - Legislative Agenda.....	76

## COMPREHENSIVE PROPOSAL FOR THE KOSOVO STATUS SETTLEMENT

### Article 1 General Principles

1.1 **Kosovo and Metohija is an Autonomous Province within the Republic of Serbia. In accordance with the Constitution of the Republic of Serbia, it shall be governed democratically, with full respect for the rule of law and the multi-ethnic character of its population.**

1.2 The exercise of public authority in Kosovo **and Metohija** shall be based upon the equality of all citizens and respect for the highest level of internationally recognized human rights and fundamental freedoms, **as specified in the Constitution of the Republic of Serbia (Art.18)**, as well as the promotion and protection of the rights and contributions of all its Communities and their members.

1.3 Kosovo **and Metohija** shall adopt a Constitution, **which shall be in full accord with the Constitution of the Republic of Serbia.** The Constitution of **the Autonomous Province of Kosovo and Metohija [hereinafter referred to as the Constitution of Kosovo and Metohija]** shall prescribe and guarantee the legal and institutional mechanisms necessary to ensure that Kosovo **and Metohija** is governed by the highest democratic standards, and to promote the peaceful and prosperous existence of all its inhabitants. The Constitution shall include, but not be limited to, the principles and provisions contained in Annex I of this Settlement.

1.4 Kosovo **and Metohija** shall have an open market economy with free competition. **In the interest of its economic recovery and development, it shall re-establish economic ties with central Serbia.**

[1.5 Kosovo shall have the right to negotiate and conclude international agreements and the right to seek membership in international organizations.] **DELETED**

1.6 The official languages of Kosovo **and Metohija** shall be **Serbian and Albanian.**

[1.7 Kosovo shall have its own, distinct, national symbols, including a flag, seal and anthem, reflecting its multi-ethnic character.] **DELETED**

[1.8 Kosovo shall have no territorial claims against, and shall seek no union with, any State or part of any State.] **DELETED**

[1.9 Kosovo shall cooperate fully with all entities involved in the implementation of and undertake all obligations under this Settlement. Kosovo and the Republic of Serbia are encouraged to cooperate in good faith on issues pertinent to the implementation and realization of the terms of this Settlement.] **DELETED**

1.10 **Based on a Special Agreement with the Republic of Serbia,** the international community shall supervise, monitor and have all necessary powers to ensure effective and efficient implementation of this Settlement, as set forth in Annexes IX, X and XI. **The Republic of Serbia and its Autonomous Province of Kosovo and Metohija** shall also issue an invitation

to the international community to assist Kosovo **and Metohija** in successfully fulfilling its obligations to this end.

## **Article 2 Human Rights and Fundamental Freedoms**

2.1 **In accordance with the Constitution of the Republic of Serbia (Art. 18)**, Kosovo **and Metohija** shall promote, protect and respect the highest level of internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols. [Kosovo shall take all necessary measures towards ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols.] **DELETED**

2.2 **In accordance with the Constitution of the Republic of Serbia (Art. 21)**, all persons in Kosovo **and Metohija** are entitled to human rights and fundamental freedoms, without discrimination of any kind on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, association with community, property, birth or other status. All persons in Kosovo **and Metohija** are equal before the law and are entitled, without any discrimination, to equal protection of the law.

2.3 The principles of non-discrimination and equal protection under the law shall be applied and respected in particular in the areas of employment in public administration and public enterprises, and access to public financing.

2.4 **In accordance with the Constitution of the Republic of Serbia**, the Constitution of Kosovo **and Metohija** shall prescribe the legal and institutional mechanisms for the protection, promotion, and enforcement of human rights of all persons in Kosovo **and Metohija**, as set forth in Annex I of this Settlement.

2.5 Kosovo **and Metohija** shall promote and fully respect a process of reconciliation among all its Communities and their members. [Kosovo shall establish a comprehensive and gender-sensitive approach for dealing with its past, which shall include a broad range of transitional justice initiatives.] **DELETED**

2.6 All competent authorities of Kosovo **and Metohija** shall cooperate with and provide unrestricted access to internationally recognized human rights monitoring mechanisms or organizations.

## **Article 3 Rights of Communities and Their Members**

3.1 Inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of Kosovo **and Metohija** (hereinafter referred to as Communities) shall have specific rights as set forth in Annex II of this Settlement, in addition to the human rights and fundamental freedoms provided for in Article 2 of Annex I of this Settlement.

3.2 **In accordance with the Constitution of the Republic of Serbia, Kosovo and Metohija** shall guarantee the protection of the national or ethnic, cultural, linguistic and religious identity of all Communities and their members. Kosovo **and Metohija** shall also establish the constitutional, legal and institutional mechanisms necessary for the promotion and protection of the rights of all members of Communities and for their representation and effective participation in political and decision-making processes, as set forth in Annexes I and II of this Settlement.

3.3 The authorities of Kosovo **and Metohija** shall be guided in their policy and practice by the need to promote a spirit of peace, tolerance and intercultural and inter-religious dialogue among all Communities and their members.

#### **Article 4 Rights of Refugees and Internally Displaced Persons**

4.1 All refugees and internally displaced persons from Kosovo **and Metohija** shall have the right to return and reclaim their property and personal possessions in accordance with international law, **in particular UNSCR 1244 (1999) and the June 2006 Protocol on Voluntary and Sustainable Return between the UNMIK, the Provisional Institutions of Self-Government in Kosovo, and the Government of the Republic of Serbia.**

4.2 Kosovo **and Metohija** shall take all measures necessary to facilitate and to create an atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon their free and informed decisions, including efforts to promote and protect their freedom of movement and freedom from intimidation.

4.3 Kosovo **and Metohija** shall cooperate fully with the United Nations High Commissioner for Refugees, who will assist the competent authorities in extending protection and assistance to returnees, and who will, *inter alia*, undertake periodic assessments and issue public reports on the conditions of return and the situation of the internally displaced within Kosovo **and Metohija**, and shall also extend the cooperation to other organizations involved in the return process.

#### **Article 5 Missing Persons**

5.1 **The Republic of Serbia and its Autonomous Province of Kosovo and Metohija** shall, in accordance with international norms and standards, take all measures necessary to determine and provide information regarding identities, whereabouts, and fates of missing persons, in full cooperation with the International Committee of the Red Cross (ICRC) and other relevant international partners.

5.2 **The Republic of Serbia and its Autonomous Province of Kosovo and Metohija** shall continue to take part meaningfully, effectively, and without undue delay in the Working Group on Missing Persons established in the framework of the "Vienna Dialogue," and chaired by the ICRC, or a similar successor mechanism as may be established. [Kosovo and the Republic of Serbia shall strengthen their respective governmental institutions charged with contributing to this effort with the legal mandate, authority, and resources necessary to maintain and intensify this dialogue, and ensure the active cooperation of all administrations concerned.] **DELETED**

## **Article 6 Local Self-Government and Decentralization**

6.1 Municipalities shall form the basic territorial units of local self-government in Kosovo **and Metohija**.

6.2 Local self-government in Kosovo **and Metohija** shall be based upon the principles of good governance, transparency, and efficiency and effectiveness in public service. **It shall also provide additional safeguards and enhanced competences in order to address specific concerns and interests of the Serb community and other non-Albanian communities.**

6.3 Municipalities in Kosovo **and Metohija** shall have the right to inter-municipal **cooperation and cooperation with the institutions of the Republic of Serbia** on matters of mutual interest in the exercise of their responsibilities, as set forth in Annex III of this Settlement. **In addition, Serb-majority municipalities shall have the right to form a Serbian Entity in order to ensure effective exercise of their powers and competences as set forth in Annex III, as well as provide a unified way of representing the interests of Kosovo and Metohija Serb community.**

6.4 New municipal boundaries shall be delineated in accordance with the Attachment to Annex III of this Settlement.

## **Article 7 Religious and Cultural Heritage**

7.1 **The Republic of Serbia and its Autonomous Province of Kosovo and Metohija** shall **jointly** ensure the autonomy and protection of all religious denominations and their sites within its territory.

7.2 The Serbian Orthodox Church in Kosovo **and Metohija** (SOC), including its clergy and their affiliates, activities and property shall be afforded additional security and other protections for the full enjoyment of its rights, privileges and immunities, as set forth in Annex V of this Settlement.

7.3 The SOC shall be the sole owner of its property in Kosovo **and Metohija**, with exclusive discretion over the management of its property and access to its premises, as set forth in Annex V of this Settlement.

7.4 An Implementation and Monitoring Council (IMC) shall be established **through a Special Agreement between The Republic of Serbia and** the International Civilian Representative (ICR) to monitor and facilitate full implementation of the special arrangements and protections accorded to the SOC and Serbian religious and cultural sites, as set forth in Annex V of this Settlement.

## **Article 8 Economic and Property Issues**

8.1 **In cooperation with the Republic of Serbia, the Autonomous Province of Kosovo and Metohija** shall pursue an economic, social and fiscal policy necessary for a sustainable economy, **as set forth in Annex VII of this Settlement.** To support, in particular, a sustainable system of public accounts, Kosovo **and Metohija** shall establish with the European Commission,

and in close cooperation with the International Monetary Fund, a fiscal surveillance mechanism. Kosovo **and Metohija**, in preparing its budget, shall consult with the ICR.

8.2 Any international debt of the Republic of Serbia apportioned to **the Autonomous Province of Kosovo and Metohija** as a result of the debt reconciliation process, as set forth in Annex VI of this Settlement, shall be deemed to be a financial liability of Kosovo **and Metohija**.

8.3 Immovable and movable property of the Federal Republic of Yugoslavia or the Republic of Serbia located within the territory of Kosovo **and Metohija** at the time of this Settlement shall **remain the property of the Republic of Serbia until the adoption of the Constitution of Kosovo and Metohija. At that time the status of the property shall be settled through a Special Agreement between provincial and central authorities.**

8.4 Publicly owned enterprises (POEs) and related obligations, and socially owned enterprises (SOEs) and their assets, currently under the jurisdiction of the Kosovo Trust Agency (KTA), shall be regulated as set forth in Annex VII of this Settlement.

8.5 Kosovo **and Metohija** shall recognize, protect, and enforce the rights of persons to private movable and immovable property located in Kosovo **and Metohija** in accordance with **the Constitution of the Republic of Serbia (Art. 58), and the** established international norms and standards. Claims regarding private immovable property, including agricultural and commercial property, shall continue to be addressed, where appropriate, by the Kosovo Property Agency (KPA), in accordance with Annex VII of this Settlement. Kosovo **and Metohija** shall address property restitution issues, including those related to the Serbian Orthodox Church, as a matter of priority, in accordance with **Annex V, Art. 4a and Annex VII, Art. 6** of this Settlement.

8.6 **The Republic of Serbia and its Autonomous Province of Kosovo and Metohija** shall strive to settle directly any claims between them, which are not otherwise addressed by this Settlement, by mutual agreement, taking into account relevant **domestic legislation and** international norms and standards. [Kosovo and the Republic of Serbia are expected to ensure fair and non-discriminatory treatment of property and financial claims of each other's citizens, and shall ensure fair and non-discriminatory access to their jurisdictions and claims resolution mechanisms.] **DELETED**

## **Article 9 Security Sector**

9.1 Except as otherwise provided in this settlement, **the Autonomous Province of Kosovo and Metohija** shall have authority over law enforcement, justice, public safety, **and** civil emergency response on its territory.

9.2 Kosovo **and Metohija** security institutions shall operate in accordance with internationally recognized democratic standards and human rights, and shall ensure equitable representation of all Communities throughout their ranks.

9.3 The International Civilian Representative (ICR) and the International Military Presence (IMP), in accordance with provisions of this settlement and in line with their respective mandates, shall supervise and guide the development and evolution of the Kosovo **and Metohija** security institutions.

[9.4 A new professional and multiethnic Kosovo Security Force (KSF) shall be established, and shall develop a lightly armed component capable of specified security functions, in accordance with Annex VIII of this Settlement.] **DELETED**

[9.5 Kosovo shall establish a civilian-led organization of the Government to exercise civilian control over the KSF, in accordance with this Settlement.] **DELETED**

9.6 The KPC shall be disbanded within **six months** after the entry into force of this Settlement. **After that time Kosovo and Metohija shall be fully demilitarized, with the exception of the IMP the responsibilities of which are set forth in Annex XI of this Settlement.**

9.7 All organizations not authorized by law to conduct activities in Kosovo **and Metohija** in the security sector shall cease to operate **upon the entry into force of this Settlement.**

## **Article 10 Constitutional Commission and Elections**

10.1 Immediately upon the entry into force of this Settlement, the President of Kosovo, in consultation with the Presidency of the Assembly of Kosovo, shall convene a Constitutional Commission to draft a Constitution, in consultation with the International Civilian Representative (ICR), in accordance with this Settlement.

10.2 The Constitutional Commission shall be composed of twenty-one (21) Kosovo **and Metohija** members, who shall possess the relevant professional qualifications and expertise necessary for this purpose, and who shall reflect the diversity of Kosovo **and Metohija** society having due regard for internationally recognized principles of gender equality, as reflected in the human rights instruments referred to in Article 2 of Annex I of this Settlement. **Fourteen (14)** members shall be appointed by the President of Kosovo, in consultation with the Presidency of the Assembly. **Five (5)** members shall be appointed by the **Kosovo and Metohija Serb Community at the municipal level, i.e. the Serb Community in the present Serb majority municipalities and the new Serb majority municipalities as set forth in Annex III**, and **two (2)** members appointed by the Assembly members holding seats reserved for other Communities that are not in the majority in Kosovo **and Metohija**.

10.3 The Commission shall establish meaningful mechanisms to inform members of the public about its work. The ICR shall appoint representatives to assist the work of the Commission, including in developing its rules of procedure and evaluating available international models for constitution drafting.

10.4 The Assembly may not formally approve the Constitution until such time as the ICR has certified it as in accordance with the terms of this Settlement. **The Constitution will not be submitted to the ICR for certification unless the majority of Serb Community representatives on the Constitutional Commission votes for submission.** The Assembly shall formally approve the Constitution within 120 days of the entry into force of this Settlement by the current members of the Assembly of Kosovo with a two thirds majority, [of those members present and voting.] **DELETED** following appropriate consultations with Assembly members of Communities who are not in the majority in Kosovo **and Metohija**. Upon formal approval, the Constitution shall be deemed adopted by the Assembly of Kosovo and shall enter into force on



the first day immediately following the end of the transition period, as defined in Article 14.1 of this Settlement.

10.5 No later than 9 months from the entry into force of this Settlement, Kosovo **and Metohija** shall organize general and municipal elections in accordance with the terms of this Settlement and the new municipal boundaries, as defined by Annex III of this Settlement. The elections shall be certified by a competent international authority as having met international standards.

## **Article 11 International Civilian Representative**

11.1 **On the basis of a Special Agreement between the Republic of Serbia and the United Nations**, an International Steering Group (ISG) comprising key international stakeholders shall appoint an International Civilian Representative (ICR), and will seek United Nations Security Council endorsement of the appointment. **This endorsement is to be renewed on a yearly basis by the Security Council.** The ICR and the European Union Special Representative (EUSR), appointed by the Council of the European Union, shall be the same person.

11.2 The ISG shall support and give guidance to the International Civilian Representative in fulfilling his/her mandate.

11.3 The ICR shall have overall responsibility for the supervision, and shall be the final authority in Kosovo **and Metohija** regarding interpretation of this Settlement, as set forth in Annex IX, in particular Article 2, of this Settlement.

11.4 As set forth in Annex IX of this Settlement, the ICR shall be entrusted to exercise certain powers to ensure and supervise full implementation of this Settlement including the power to take measures, as necessary, to prevent and remedy breaches of this Settlement. Powers shall also be conferred to the ICR in his/her capacity as EUSR, as set forth in Annex IX of this Settlement.

11.5 The ICR shall have the overall coordinating role over the activities of other international organizations in Kosovo **and Metohija** insofar as they relate to the ICR's responsibility to monitor and ensure full implementation of this Settlement, as set forth in its Annex IX.

11.6 The mandate of the ICR shall continue until the International Steering Group (ISG), **in consultation with the Republic of Serbia**, determines that Kosovo **and Metohija** has implemented the terms of this Settlement. The ISG shall provide direction on the ultimate phase-out of the ICR.

11.7 The ISG shall conduct its first review of the mandate of the ICR. on the basis of the state of implementation of this Settlement, no later than two years after the entry into force of this Settlement.

**Article 12 International Support in the Area of Rule of Law**

12.1 The European Union shall establish a European Security and Defense Policy (ESDP) Mission in the field of rule of law.

12.2 The ESDP Mission shall assist Kosovo **and Metohija** authorities in their progress towards sustainability and accountability and in further developing and strengthening an independent judiciary and police, ensuring that these institutions are free from political interference and in accordance with internationally recognized standards and European best practices.

12.3 The ESDP Mission shall support implementation of this Settlement and shall provide mentoring, monitoring and advice in the area of the rule of law generally, while retaining certain powers, in particular, with respect to the judiciary, police and correctional services, under modalities and for a duration to be determined by the EU Council, in accordance with Annexes IX and X of this Settlement.

**Article 13 International Military Presence**

13.1 **On the basis of a Special Agreement between the Republic of Serbia and the United Nations, an International Military Presence (IMP) shall be established** to support implementation of this Settlement. **The United Nations shall determine the mandate and the modalities of engagement of the IMP**, as set forth in its Annex XI.

[13.2 This IMP shall be a NATO-led force and shall operate under the authority, and be subject to the direction and political control of the North Atlantic Council through the NATO chain of command. NATO's military presence in Kosovo does not preclude a possible future follow-on military mission by another international security organization, subject to a revised mandate. ] **DELETED**

13.3 The IMP shall cooperate closely with, and support the work of, the ICR, the ESDP Mission, and other international organizations as may be present in Kosovo **and Metohija**, to monitor and ensure full implementation of this Settlement. **It shall also cooperate, where necessary, with the military and security forces of the Republic of Serbia.**

13.4 The IMP shall be responsible for providing a safe and secure environment throughout the territory of Kosovo **and Metohija**, in conjunction with the ICR and in support of the Kosovo **and Metohija** institutions. [until such time as central institutions are capable of assuming responsibility, on a case-by-case basis, for the security tasks performed by the IMP. Kosovo, supported by the ICR and the IMP shall develop a process to provide a transition plan for hand-over of IMP security responsibilities overtime.] **DELETED**

13.5 [The IMP shall have overall responsibility for the development and training of the Kosovo Security Force, and NATO shall have overall responsibility for the development and establishment of a civilian-led organization of the Government to exercise civilian control over this Force, without prejudice to the responsibilities of the ICR, as set forth in Annex IX of this Settlement.] **DELETED**

## Article 14 Transitional Arrangements and Final Provisions

**14.0. The parties to this Settlement are the Republic of Serbia, the PISG and the United Nations. The Settlement must be accepted in its entirety by all three parties prior to its formal adoption. As subjects of international law, the signatories of the Settlement are the Republic of Serbia and the United Nations. The signatories of the Settlement are at the same time its guarantors.**

14.1 Upon the entry into force of this Settlement, there shall be a 120 day transition period:

a) During the transition period, UNMIK shall continue to exercise its mandate in accordance with relevant UN Security Council (UNSC) resolutions, in consultation with the International Civilian Representative (ICR). The ICR shall have the authority to monitor implementation of the Settlement during the transition period and to make recommendations to UNMIK on actions to be taken to ensure compliance with the Settlement.

b) The Constitutional Framework for Provisional Self-Government and other applicable laws shall remain in effect until the end of the transition period to the extent not inconsistent with this Settlement.

c) The Assembly of Kosovo shall formally approve a new Constitution before the end of this transition period, in accordance with the terms of this Settlement.

d) If, by the end of the transition period, the new Constitution has not been formally approved, UNMIK shall amend the Constitutional Framework for Provisional Self-Government, in accordance with the terms of this Settlement. The amended Constitutional Framework for Provisional Self-Government shall remain in force until such time as the new Constitution is adopted by the Assembly.

[e) During the transition period, the Assembly of Kosovo, in consultation with the ICR, shall formally approve the necessary legislation, in particular as set forth in Annex XII of this Settlement, to fully implement the terms of this Settlement. Such legislation, which shall not require the further approval of, or promulgation by, UNMIK, shall be deemed formally adopted by the Kosovo Assembly and shall become effective immediately upon the conclusion of the transition period, if in accordance with this Settlement and the new Constitution or Constitutional Framework for Provisional Self-Government as amended by UNMIK. Until such legislation has become effective, competent authorities in Kosovo shall take all measures necessary to ensure that no actions are taken that contravene the provisions of this Settlement.] **DELETED**

f) During the transition period, UNMIK and the ICR, or his/her representative, shall co-chair working groups to formulate with Kosovo **and Metohija** the details and modalities of the transfer of authority.

g) At the end of the transition period, UNMIK's mandate shall expire and all legislative and executive authority vested in UNMIK shall be transferred *en bloc* to the governing authorities of **the Autonomous Province of Kosovo and Metohija**, unless otherwise provided for in this Settlement. At this time, the ICR and IMP shall assume full responsibility for the exercise of their respective mandates, as set forth in this Settlement.

h) The legal regime governing the resolution of all residual responsibilities of UNMIK shall be established during the transition period, [by agreement between the UN (UNMIK) and Kosovo] **DELETED** in consultation with the ICR.

14.2 In close cooperation with the ICR, UNMIK shall ensure an orderly transition of the legal framework currently in force to the legal framework established under this Settlement.

14.2.1 UNMIK Regulations promulgated by the SRSG pursuant to UNSCR 1244 (1999), including Administrative Directions and Executive Decisions issued by the SRSG, and promulgated laws adopted by the Assembly of Kosovo shall continue to apply, unless otherwise provided for in this Settlement, until their validity expires, or until they are revoked or replaced by legislation regulating the same subject matter in accordance with the provisions of this Settlement.

14.2.2 **The Republic of Serbia** shall continue to be bound, on the basis of reciprocity where appropriate, by all international agreements and other arrangements in the area of international cooperation that were concluded by UNMIK for and on behalf of Kosovo **and Metohija**, and which are in effect on the date of the entry into force of this Settlement. Financial obligations undertaken by UNMIK for and on behalf of Kosovo **and Metohija** under these agreements or arrangements shall be respected by **the Republic of Serbia and its Autonomous Province of Kosovo and Metohija**.

## ANNEX I

### CONSTITUTIONAL PROVISIONS

The future Constitution of **the Autonomous Province of Kosovo and Metohija** [hereinafter referred to as **the Constitution of Kosovo and Metohija**] shall include, but not be limited to, the following principles and elements.

#### **Article 1      Basic Provisions**

The Constitution of Kosovo **and Metohija** shall:

1.1 Be consistent in all its provisions with **the Constitution of the Republic of Serbia and** this Settlement, and be interpreted in accordance with **both**; in the event of a conflict between the provisions of the Constitution of **Kosovo and Metohija** and the provisions of **either** this Settlement **or the Constitution of the Republic of Serbia**, the latter **two** shall prevail.

1.2 Incorporate the provisions set forth in Article 1, General Principles, of this Settlement. **In particular, it shall affirm that Kosovo and Metohija enjoys substantial autonomy within the Republic of Serbia. In accordance with the Constitution of the Republic of Serbia, Kosovo and Metohija shall be vested with legislative, executive and judicial powers.**

1.2.1 **Affirm that, in the exercise these powers, Kosovo and Metohija shall be autonomous, with the exception of the following competences reserved for the Republic of Serbia: foreign policy, border control, monetary policy, customs policy, special customs inspection and control, final legal recourse in the protection of human rights, and the protection of Serbian religious and cultural heritage.**

1.2.2. **Affirm that the free movement of people, goods, capital and services between the Republic of Serbia and Kosovo and Metohija shall be established, as well as additional forms of cooperation in areas such as banking, the harmonization of fiscal policy, infrastructure, and communications.**

1.2a **Incorporate also the provisions set forth in Annex III of this Settlement.**

1.3 Affirm that Kosovo **and Metohija** is a multi-ethnic **province** based upon the equality of all citizens and the highest level of internationally recognized human rights and fundamental freedoms, as well as the promotion and protection of the rights and contributions of all its Communities and their members.

1.4 Affirm that Kosovo **and Metohija** has no official religion and that it shall be neutral on questions of religious beliefs.

1.5 Affirm the responsibility of the Kosovo **and Metohija** authorities to promote and facilitate the safe and dignified return of refugees and internally displaced persons from Kosovo **and Metohija**, and to assist them in recovering their property and possessions.

[1.6 Provide for the right of all citizens of the former Federal Republic of Yugoslavia habitually residing in Kosovo on 1 January 1998 and their direct descendants to obtain Kosovo citizenship regardless of their current residence and of any other citizenship they may hold.]  
**DELETED**

## **Article 2 Provisions on the Promotion and Protection of Human Rights and Fundamental Freedoms**

2.1 The Constitution shall provide, **in accordance with the Constitution of the Republic of Serbia (Art. 18)** that the rights and freedoms set forth in the following international instruments and agreements shall be directly applicable in Kosovo **and Metohija** and have priority over all other law; no amendments to the Constitution shall diminish these rights:

Universal Declaration of Human Rights;  
European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;  
International Covenant on Civil and Political Rights and its Protocols;  
Council of Europe Framework Convention for the Protection of National Minorities;  
Convention on the Elimination of All Forms of Racial Discrimination;  
Convention on the Elimination of all Forms of Discrimination Against Women;  
Convention on the Rights of the Child;  
Convention against Torture and Other Cruel Inhumane or Degrading Treatment or Punishment.

2.2 The Constitution shall affirm the principle that all persons in Kosovo **and Metohija** are entitled to human rights and fundamental freedoms set forth in Article 2.1 of this Annex without discrimination of any kind on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, association with community, property, birth or other status. It shall also affirm the principle that all persons in Kosovo **and Metohija** are equal before the law and are entitled, without any discrimination, to equal protection of the law.

2.3 The Constitution shall incorporate Articles 1 to 3 of the Rights of Communities and their Members, as set forth in Annex II of this Settlement.

2.4 The Constitution shall provide for the right for individuals claiming that the rights and freedoms granted to them under the Constitution have been violated by a public authority to introduce a claim to the Constitutional Court **of the Autonomous Province of Kosovo and Metohija and, if that fails, the Constitutional Court of the Republic of Serbia**, following the exhaustion of all other remedies.

## **Article 3 The Assembly of Kosovo**

With regard to the Assembly of **the Autonomous Province of Kosovo and Metohija** [hereinafter referred to as **the Assembly of Kosovo and Metohija**], the Constitution shall *inter alia* provide that:

3.1 The Assembly shall have 120 members elected by secret ballot, [on the basis of open lists,] **DELETED with Kosovo and Metohija considered as a single, multi-member electoral**

**district. One hundred (100) of 120 seats** shall be distributed amongst all parties, coalitions, citizens' initiatives, and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly. **The rank order of the candidates on lists of parties, coalitions and citizens' initiative submitted for the purpose of election to the Assembly shall be considered fixed.** Candidate lists shall have due regard for internationally recognized principles of gender equality, as reflected in the human rights instruments referred to in Article 2 of this Annex.

3.2 For the first two electoral mandates upon the adoption of the Constitution, the Assembly of Kosovo **and Metohija** shall have twenty (20) seats reserved for representation of Communities that are not in the majority in Kosovo **and Metohija**, as follows: Ten (10) seats shall be allocated to the parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo **and Metohija** Serb Community and ten (10) seats shall be allocated to other Communities as follows: the Roma community one (1) seat; Ashkali community one (1) seat; the Egyptian community one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali, or the Egyptian community with the highest overall votes; Bosniak community three (3) seats; Turkish community two (2) seats; and Gorani community one (1) seat. Any seats gained through elections shall be in addition to the ten (10) reserved seats allocated to the Kosovo **and Metohija** Serb Community and other Communities respectively.

3.3 After the first two electoral mandates:

3.3.1 Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo **and Metohija** Serb community shall have the total number of seats won through the open election, with a minimum of **twelve (12)** seats guaranteed if the number of seats won is less than **twelve (12)**.

3.3.2 Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats guaranteed, as set forth in Article 3.2, if each Community's number of seats won is less than the number of seats provided for in Article 3.2.

3.4 The group of Assembly members holding seats reserved or guaranteed for the Kosovo **and Metohija** Serb Community as well as the group of Assembly members holding seats reserved or guaranteed for other Communities shall each have at least one (1) representative in the Presidency of the Assembly.

3.5 At least one vice-chair of each Assembly Committee shall be from a different Community than the chair.

3.6 The current powers and procedures of the Committee on Rights and Interests of Communities shall remain in place. With respect to its composition, **the Committee shall have nine (9) members, five (5) of which shall represent the group of Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb Community, and four (4) of which shall represent the group of Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo and Metohija.**

3.7 The following laws shall require for their adoption, amendment or repeal the majority of the Assembly members, **that majority also including** the majority of the Assembly members

holding seats reserved or guaranteed for representatives **of the Kosovo and Metohija Serb Community, as well as the majority of the Assembly members holding seats reserved or guaranteed for other** Communities that are not in the majority in Kosovo and Metohija:

[a. Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities and their participation in inter- municipal and cross-border relations; ] **DELETED**

b. Laws implementing the rights of Communities and their members, other than those set forth in the Constitution;

c. Laws on the use of language;

d. Laws on local elections;

e. Laws on the protection of cultural heritage;

f. Laws on religious freedom or on agreements with religious communities;

g. Laws on education;

h. Laws on the use of symbols (including Community symbols) and on public holidays.

**i. Laws on social policy;**

**j. Laws on culture;**

**k. Laws on media and laws including provisions for the distribution of frequencies for electronic media;**

**l. Laws on police;**

**m. Laws on local finance.**

[3.8 Notwithstanding the provisions of Article 3.7 of this Annex, any such laws required to implement the terms of this Settlement, as set forth in its Annex XII, shall not be subject, in their initial adoption, to the requirements of Article 3.7 of this Annex.] **DELETED**

3.9 Neither **the Constitution nor any of its provisions, nor** laws subject to the requirements of Article 3.7 nor any proposal contradicting any provision of this Settlement may be submitted to a referendum.

3.10 The Assembly shall establish its own rules of procedure, which shall be consistent with the principles of openness and transparency in democratic decision-making.

#### **Article 4      The President of Kosovo**

With regard to the President of **the Autonomous Province of Kosovo and Metohija** [hereinafter referred to as **the President of Kosovo and Metohija**], the Constitution shall *inter alia* provide that:

[4.1 The President of Kosovo shall represent the unity of the people.] **DELETED** **The President of Kosovo and Metohija shall be elected in the Assembly of Kosovo and Metohija by the majority of the Assembly members, that majority also including the majority of the Assembly members holding seats reserved or guaranteed the Kosovo and Metohija Serb Community, as well as the majority of the Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo and Metohija.**



4.2 The President of Kosovo **and Metohija** may return once to the Assembly for reconsideration any bill he considers detrimental to the legitimate interests of one or more Communities.

## **Article 5        The Government of Kosovo**

With regard to the Government of **the Autonomous Province of Kosovo and Metohija** [hereinafter referred to as **the Government of Kosovo and Metohija**], the Constitution shall *inter alia* provide that:

5.1 There shall be at least one (1) Minister from the Kosovo **and Metohija** Serb Community and one (1) Minister from another Kosovo **and Metohija** non-majority Community. [If there are more than twelve (12) Ministers, there shall be a third Minister representing a Kosovo non-majority Community.] **DELETED These Ministers cannot be appointed without the consent of the majority of Assembly members representing the Kosovo and Metohija Serb Community and the majority of Assembly members representing other non-Albanian Communities, respectively.**

5.2 There shall be at least two Deputy Ministers from the Kosovo **and Metohija** Serb Community and two Deputy Ministers from other Kosovo **and Metohija** non-majority Communities. [If there are more than twelve (12) Ministers, there shall be a third Deputy Minister representing the Kosovo Serb Community and a third Deputy Minister representing another Kosovo non-majority Community.] **DELETED These Deputy Ministers cannot be appointed without the consent of the majority of Assembly members representing the Kosovo and Metohija Serb Community and the majority of Assembly members representing other non-Albanian Communities, respectively.**

5.3 The composition of the civil service shall reflect the diversity of the people **living in Kosovo and Metohija**, having due regard for internationally recognized principles of gender equality, as reflected in the human rights instruments referred to in Article 2 of this Annex. An independent oversight board for the civil service shall ensure respect for the rules and principles governing the civil service, and shall itself reflect the diversity of the people **living in Kosovo and Metohija**.

## **Article 6        The Constitutional Court and Justice System**

With regard to the Constitutional Court of **the Autonomous Province of Kosovo and Metohija** [hereinafter referred to as **the Constitutional Court of Kosovo and Metohija**], the Constitution shall *inter alia* provide that:

6.1 The Constitutional Court shall be composed of nine judges, which shall be distinguished jurists of the highest moral character.

6.1.1 Six (6) judges shall be **elected by the Assembly of Kosovo and Metohija upon the proposal of the Kosovo and Metohija Judicial Council (KMJC)**. Of the six judges **elected** for the first term of office following the entry into force of the Constitution, two (2) judges shall serve for a non-renewable term of three years, two (2) judges shall serve for a non-renewable term of six years, and two (2) judges shall serve for a non-renewable term of nine years.

Thereafter, each judge **elected** to the Constitutional Court shall be **elected** for a non-renewable term of nine years. The judges whose terms of office are to expire at the end of the initial periods of three or six years **shall be chosen by lot by the Assembly after their election.**

6.1.2 With respect to four (4) of the six judicial positions, the decision to propose a person as a judge of the Constitutional Court shall require a two-thirds majority within the Assembly; with respect to the other two positions, **in the case of one, the consent of the majority of the Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb Community, and in the case of the other, the consent of the majority of the Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo and Metohija, shall be required.**

6.1.3 Three international judges shall be appointed by the President of the European Court of Human Rights, upon consultation with the International Civilian Representative.

6.2 Ten or more members of the Assembly among others shall have the right to contest the constitutionality of any law or decision adopted by the Assembly before the Constitutional Court, both as regards its substance and the procedure followed.

6.3 Municipalities may contest the constitutionality of laws or acts of the Government infringing upon their responsibilities or diminishing their revenues before the Constitutional Court.

**6.3a A special chamber of the Constitutional Court shall be established to decide on the constitutionality of the laws and statutory acts affecting the interests of the Kosovo and Metohija Serb community. This chamber shall be composed of three (3) judges, one (1) of whom shall be elected by the Assembly of Kosovo and Metohija upon the proposal of the majority of Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb community, one (1) of whom shall be elected by the Assembly of Kosovo and Metohija upon the proposal of the ICR, and one (1) of whom shall be elected by the Assembly of Kosovo and Metohija upon the proposal of the Kosovo and Metohija Judicial Council, referred to in Art. 6.4 of this Annex.**

With regard to the justice system in Kosovo **and Metohija**, the Constitution shall *inter alia* provide that:

6.4 Judges and prosecutors **shall be elected and dismissed by the Assembly of Kosovo and Metohija** upon the proposal of the Kosovo **and Metohija** Judicial Council (**KMJC**). All vacancies for judicial and prosecutorial positions must be publicly advertised and open to all qualified applicants, who will be selected for proposal by the **KMJC** on the basis of merit in accordance with applicable law and the provisions of Article 6.6 of this Annex.

6.5 The Kosovo **and Metohija** Judicial Council shall have full independence in the performance of its functions for the purpose of ensuring an integrated, independent, professional and impartial justice system, ensuring access of all persons in Kosovo **and Metohija** to justice and guaranteeing that the Kosovo **and Metohija** justice system is inclusive and fully reflects the multi-ethnic nature of Kosovo **and Metohija**. [This shall not prejudice the establishment, at a later stage, of a separate entity responsible for matters related to the appointment, disciplining and dismissal of prosecutors, which, if established, shall enjoy the same independence in the performance of its functions.] **DELETED**

6.6 In relation to the recruitment, selection, appointment, promotion and transfer of judges and prosecutors, the relevant Kosovo **and Metohija** authorities shall ensure that the Kosovo **and Metohija** judiciary and prosecution service reflect the multiethnic character of Kosovo **and Metohija** and the need for equitable representation of all Communities in Kosovo **and Metohija**, having due regard for internationally recognized principles of gender equality, as reflected in the human rights instruments referred to in Article 2 of this Annex.

6.7 The current powers and role of the Ombudsperson shall remain in place. **The Ombudsperson shall be directly elected in the Assembly by the majority of the Assembly members present and voting, that majority also including the majority of the Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb Community, as well as the majority of the Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo and Metohija.**

## **Article 7 Central Election Commission**

7.1 The Commission shall have nine (9) members, including the Chair of the Central Election Commission who shall be appointed by the President of Kosovo **and Metohija** from among the members of the Supreme Court and the District Courts.

7.2 Six (6) members shall be appointed by the six biggest parliamentary' groups represented in the Assembly which were not entitled to participate in the distribution of the reserved seats. If fewer groups are represented in the Assembly, the biggest group or groups may appoint (an) additional member(s). One (1) member shall be appointed by the Assembly members holding seats reserved or guaranteed for the Kosovo **and Metohija** Serb Community, and one (1) member by the Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo **and Metohija**.

## **Article 8 Decentralization/Local Self-Government**

With regard to local self-government in Kosovo **and Metohija**, the Constitution shall **incorporate the provisions set forth in Annex III to this Settlement.**

[8.1 Kosovo shall be composed of municipalities, which shall enjoy a high-degree of local self-government and which encourage and provide for the active participation of all citizens in democratic life.] **DELETED**

[8.2 Competencies and boundaries of municipalities shall be set by law.] **DELETED**

[8.3 Municipalities have the right to local sources of revenue and the receipt of appropriate funding from central authorities.] **DELETED**

[8.4 Municipalities have the right to inter-municipal and cross-border cooperation in the areas of their own and extended competencies.] **DELETED**

**Article 9 Economic Provisions**

With regard to the economic/financial sector of Kosovo **and Metohija**, the Constitution shall *inter alia* provide that:

9.1 Kosovo **and Metohija** shall use one currency as legal tender.

9.2 Kosovo **and Metohija** shall have a **provincial** banking authority, **which shall cooperate closely with the National Bank of the Republic of Serbia.**

9.3 Kosovo **and Metohija** shall establish market regulatory bodies, **which shall cooperate closely with the market regulatory bodies of the Republic of Serbia.**

**Article 10 Constitutional Amendments**

With regard to amendments to the Constitution, the Constitution shall *inter alia* provide that:

10.1 The Constitution **cannot be amended or repealed, or a new Constitution adopted, without a two thirds (2/3) majority** of the Assembly members, **that majority** also including **a two-thirds (2/3) majority** of the Assembly members holding seats reserved or guaranteed **for the Kosovo and Metohija Serb Community, as well as a two thirds (2/3) majority of the Assembly members holding seats reserved or guaranteed for other Communities** that are not in the majority in Kosovo **and Metohija.**

10.2 No amendment to the Constitution may diminish any of the rights and freedoms referred to in Article 2 of this Annex.

**Article 11 Transitional Provisions**

The Constitution shall also provide that all authorities in Kosovo **and Metohija** shall give effect to decisions or acts of the international authority mandated to supervise implementation of the Settlement and shall abide by all of Kosovo **and Metohija's** obligations under the Settlement.

## ANNEX II

### THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

#### Article 1 Basic Provisions

1.1 **In accordance with the Constitution of the Republic of Serbia**, inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of Kosovo **and Metohija** (Communities) shall have specific rights as set forth in this Annex, in addition to the human rights and fundamental freedoms provided for in Article 2 of Annex I of this Settlement.

1.2 Every member of a Community shall have the right freely to choose to be treated or not to be treated as such and no discrimination shall result from this choice or from the exercise of the rights which are connected to that choice.

1.3 Members of Communities shall have the right to freely express, foster and develop their identity and community attributes.

[1.4 The exercise of these rights shall carry with it duties and responsibilities to act in accordance with Kosovo law, and shall not violate the rights of others. ] **DELETED**

#### Article 2 Obligations for Kosovo

2.1 Kosovo **and Metohija** shall create appropriate conditions enabling Communities and their members to preserve, protect and develop their identities. The Government **of Kosovo and Metohija** shall in particular support cultural initiatives from Communities and their members, including through financial assistance.

2.2 Kosovo **and Metohija** shall promote a spirit of tolerance, dialogue and support reconciliation between Communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, **already ratified by the Republic of Serbia**.

2.3 Kosovo **and Metohija** shall take all necessary measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity.

2.4 Kosovo **and Metohija** shall adopt adequate measures as may be necessary to promote, in all areas of economic, social, political and cultural life, full and effective equality between members of Communities. Such measures shall not be considered to be an act of discrimination.

2.5 Kosovo **and Metohija** shall promote the preservation of the cultural and religious heritage of all Communities. Kosovo **and Metohija** shall have a special duty to ensure an effective protection of the sites and monuments of cultural and religious significance to the Communities. **Where Serbian cultural and religious heritage is concerned, the authorities of Kosovo and Metohija shall offer all necessary cooperation to the appropriate institutions of the Republic of Serbia, entrusted with its preservation and protection.**

2.6 Kosovo **and Metohija** shall take effective actions against all those undermining the enjoyment of the rights of members of Communities. Kosovo **and Metohija** shall refrain from policies or practices aimed at assimilation of persons belonging to Communities against their will, and shall protect these persons from any action aimed at such assimilation.

2.7 Kosovo **and Metohija** shall ensure, on a non-discriminatory basis, that all Communities and their members may exercise their rights specified hereinafter.

### **Article 3 Rights of Communities and their Members**

3.1 Members of Communities shall have the right, individually or in Community, to:

a. Express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture;

b. Receive public education in one of the official languages of Kosovo **and Metohija** of their choice at all levels;

c. Receive pre-school, primary and secondary public education in their own language to the extent prescribed by legislation, with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions;

d. Establish and manage their own private educational and training establishments for which public financial assistance may be granted, in accordance with the law and international standards;

e. Use their language and alphabet freely in private and in public;

f. Use of their language and alphabet in their relations with the municipal authorities or local offices of **provincial** authorities in areas where they represent a sufficient share of the population in accordance with the law. The costs incurred by the use of an interpreter or a translator shall be borne by the competent authorities.

g. Use and display Community symbols, in accordance with the law and international standards;

h. Have personal names registered in their original form and in the script of their language as well as revert to original names that have been changed by force;

i. Have local names, street names and other topographical indications which reflect and are sensitive to the multi-ethnic and multi-linguistic character of the area at issue;

j. A guaranteed access to, and special representation in, public broadcast media as well as programming in their language, in accordance with the law and international standards;

k. The right to create and use their own media, including to provide information in their language, and the use of a reserved number of frequencies for electronic media in accordance with the law and international standards;

1. Enjoy unhindered contacts among themselves within Kosovo **and Metohija** and establish and maintain free and peaceful contacts with persons in any States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage, in accordance with the law and international standards:

m. Enjoy unhindered contacts with, and participate without discrimination in the activities of local, regional and international non-governmental organizations:

n. Establish associations for culture, art, science and education as well as scholarly and other associations for the expression, fostering and development of their identity.

#### **Article 4 Participation of Communities and Their Members in Public Life and Decision-Making**

4.1 Communities and their members shall be represented in the Assembly of **Kosovo and Metohija**. Legislation specifically designated by the Constitution may not be enacted or amended without the consent of the majority of the members of the Assembly holding seats reserved or guaranteed for Communities, as set forth in Article 3.7 of Annex I.

4.2 The appointment process of judges and prosecutors shall provide for specific modalities ensuring the participation of Communities and their members, as set forth in Annex IV.

4.3 There shall be a Community Consultative Council in which all Communities shall be represented. This Community Consultative Council shall be composed, *inter alia*, of representatives of associations of Communities. The mandate of the Community Consultative Council shall include the following:

4.3.1 Provide a mechanism for regular exchange between the Communities and the Government of Kosovo **and Metohija**.

4.3.2 Afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by Government, to suggest such initiatives, and to seek to have their views incorporated in the relevant projects and programs.

4.3.3 Any other responsibilities and functions as provided for in this Settlement, or in accordance with law.

4.4 Communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels, including in particular in the police service in areas inhabited by the respective Community, while respecting the rules concerning competence and integrity that govern public administration.

4.5 In municipalities where at least ten per cent (10%) of the residents belong to Communities not in the majority in those municipalities, a post of Vice President of the Municipal Assembly for Communities shall be reserved for a representative of these communities. The position of Vice President shall be held by the non-majority candidate who received the most votes on the open list of candidates for election to the Municipal Assembly. The Vice President for Communities shall promote inter-Community dialogue and serve as formal focal point for addressing non-majority Communities` concerns and interests in meetings

of the Assembly and its work. The Vice President shall also be responsible for reviewing claims by Communities or their members that the acts or decisions of the municipal assembly violate their constitutionally guaranteed rights. The Vice President shall refer such matters to the Municipal Assembly for its reconsideration of the act or decision. [In the event the Municipal Assembly chooses not to reconsider its act or decision, or the Vice President deems the result, upon reconsideration, to still present a violation of a constitutionally guaranteed right, the Vice President may submit the matter directly to the Constitutional Court, which may decide whether to accept the matter for review.] **DELETED**

**Article 5        Direct Applicability, Inalienability and the Protection of Community Rights**

**5.1 The Rights of Communities as defined by this Annex will be directly applied, and constitutional protected by vital interest provisions relating to the Communities, as set forth in Annex I.**

**5.2 No law may diminish any of the Rights and Protections of the Communities as specified in this Annex.**



## ANNEX III

### DECENTRALIZATION

To **safeguard the rights and** address the legitimate concerns **and interests** of the Kosovo **and Metohija** Serb and other Communities that are not in the majority in Kosovo **and Metohija** and their members, encourage and ensure their active participation in public life, and strengthen good governance and the effectiveness and efficiency of public services throughout Kosovo **and Metohija**, an enhanced and sustainable system of local self-government in Kosovo **and Metohija** shall be established in accordance with the following principles and provisions:

#### Article 1 Basic Provisions

1.1 Local self-government in Kosovo **and Metohija** shall be based upon the principles of the European Charter of Local Self-Government and, in particular, the principle of subsidiarity.

**1.1a Local self-government in Kosovo and Metohija shall also be based on the need for additional institutional safeguards and protections for the Kosovo and Metohija Serb Community and other non-Albanian Communities.**

1.2 Local self-government in Kosovo **and Metohija** shall protect and promote internationally recognized human rights standards, having particular regard for the needs of the non-majority Communities and their members in Kosovo **and Metohija**.

**1.2a Municipalities shall have financial autonomy based on their own freely determined budgets and substantial own revenues.**

1.3 The main principles of decentralization shall be enshrined in the Constitution, as set forth in Article 8 of Annex I of this Settlement.

#### Article 2 Kosovo Legislation on Local Self-Government

2.1 Kosovo **and Metohija** shall enact a new Law on Local-Self Government [within 120 days of the entry into force of this Settlement] **DELETED** that reinforces the powers and organization of municipalities, as set forth in this Annex, **within the period specified in Annex XII, Art. 2.1 of this Settlement.**

[2.2 Kosovo shall enact a new Law on Municipal Boundaries within 120 days of the entry into force of this Settlement, which shall delineate the new municipalities, as set forth in this Annex and Annex XII.] **DELETED**

2.3 Kosovo **and Metohija** shall enact basic legislation, in accordance with the principles set forth in this Annex, in order to ensure equitable treatment and minimum standards for all municipalities with regard to the regulation and management of the public affairs under their own responsibilities, respecting, in particular, the principle of subsidiarity.

### **Article 3      Municipal Competences**

3.1 Municipalities in Kosovo **and Metohija** shall have full and exclusive powers, insofar as they concern the local interest, while respecting the standards set forth in the applicable legislation in the following areas (hereinafter referred to as their own competences):

- a. Local economic development;
- b. Urban and rural planning;
- c. Land use and development;
- d. Implementation of building regulations and building control standards;
- e. Local environmental protection;
- f. Provision and maintenance of public services and utilities, including water supply, sewers and drains, sewage treatment, waste management, local roads, local transport, and local heating schemes;
- g. Local emergency response;
- h. Provision of public pre-primary, primary and secondary education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators;
- i. Provision of public primary health care;
- j. Family and other services;
- k. Public housing;
- l. Public health;
- m. Licensing of local services and facilities, including those related to entertainment, cultural and leisure activities, food, lodging, markets, street vendors, local public transportation and taxis;
- n. Naming of roads, streets and other public places;
- o. Provision and maintenance of public parks and spaces;
- p. Tourism;
- q. Cultural and leisure activities;
- r. Any matter which is not explicitly excluded from their competence nor assigned to any other authority.

### **Article 4      Enhanced Municipal Competences**

4.1 **Serb majority** municipalities in Kosovo **and Metohija** shall have **enhanced competences in the areas of education, culture, health care, social welfare services and benefits, as set forth in this Annex, as well as enhanced competences in the areas of justice (as set forth in Annex IV, Art. 3), and police (as set forth in Annex VIII, Art. 2).**

[4.1.1 The municipality of Mitrovice/Mitrovica North shall have competence for higher education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators;] **DELETED**

[4.1.2 The municipalities of Mitrovice/Mitrovica North, Gracanice/Gracanica, Shterpce/Strpce shall have competence for provision of secondary health care, including registration and licensing of health care institutions, recruitment, payment of salaries and training of health care personnel and administrators;] **DELETED**

[4.1.3 All municipalities in which the Kosovo Serb Community is in the majority shall have:

a. Authority to exercise responsibility for cultural affairs, including, in accordance with the provisions of Annex V of this Settlement, protection and promotion of Serbian and other religious and cultural heritage within the municipal territory as well as support for local religious communities;

b. Enhanced participatory rights in the selection and dismissal of police Station Commanders, as set forth in Article 2.6 of Annex VIII of this Settlement.] **DELETED**

4.2 With respect to these enhanced competences of Serb majority municipalities, Kosovo **and Metohija** shall enact framework legislation to provide for equal access to public services; minimum quality and quantity standards in the provision of public services; minimum qualifications of personnel and training facilities; general principles on licensing and accreditation of public service providers. **Any other provisions of such framework legislation may not diminish the level and scope of rights and competences of Serb majority municipalities as set forth in this Annex, Annex IV, Art. 3 and Annex VIII, Art. 2.**

4.3 Serb majority municipalities exercising enhanced municipal competences may cooperate with any other municipality in providing such services.

## **Article 5 Delegated Municipal Competences**

5.1 **Provincial** authorities in Kosovo **and Metohija** shall delegate responsibility over the following competences to municipalities, in accordance with the law:

- a. Cadastral records;
- b. Civil registries;
- c. Voter registration;
- d. Business registration and licensing;
- e. Distribution of social assistance payments (excluding pensions); and
- f. Forestry protection.

5.2 **The** authorities of Kosovo **and Metohija** may delegate additional competences to municipalities, as appropriate, in accordance with the law.

## **Article 6 Administrative Review of Municipal Activities**

6.1 Administrative review by **provincial** authorities of municipal activities in the areas of their own **and enhanced** competences shall be limited to ensuring compliance with the Constitution of Kosovo **and Metohija** and applicable **framework legislation**.

**6.1a Any review by Kosovo and Metohija authorities of municipal acts in the areas of their own and enhanced competences shall take the form of judicial review with the aim of ensuring compliance with the Constitution and the relevant framework legislation. The supervising authority shall not be able to suspend the execution of the municipal decision; however, it may request the municipality, which has issued the decision, to re-examine it; if the municipality accepts the request, the execution of the decision is suspended pending**

**deliberation by the municipal authorities. In case the municipality rejects the request or upholds its decision on review, the supervising authority can challenge the decision in the Constitutional court of Kosovo and Metohija.**

[6.1.1 The supervising administrative authority may request that the municipality re-examine a decision or other act considered to be inconsistent with the Constitution or laws adopted in accordance with this Settlement. Such a request shall state the alleged violations of the Constitution or law. The request shall not suspend the execution of the municipal decision or other act at issue.] **DELETED**

[6.1.2 If, pursuant to a request made under Article 6.1.1 of this Annex, the municipality accepts the request, it may decide to suspend the execution of the decision or other act pending deliberation by the municipal authorities.] **DELETED**

[6.1.3 If the municipality rejects the request or upholds its decision or act on review, the supervising administrative authority may challenge the decision or other act in the District Court competent for the territory of the municipality. The District Court may order, by interim measure, that application of the contested decision or other act be suspended.] **DELETED**

[6.2 With respect to delegated municipal competencies, central authorities may review the expediency of a given municipal decision or other act, in addition to its compliance with the Constitution of Kosovo and with legislation adopted in accordance with this Settlement, and may subsequently suspend, modify, or replace, as appropriate, the execution of a municipal decision or other act.] **DELETED**

## **Article 7        Education**

**7.0 In conformity with framework legislation on education, referred to in Annex I, Art. 3.7, Serb majority municipalities shall be responsible for pre-primary, primary and secondary education including curricula, textbooks, accreditation and licensing, teacher recruitment and training, salaries and selection of educational professionals, including principals, and administrative and educational monitoring. They may cooperate in providing educational services. These municipalities and/or partnerships of municipalities may establish appropriate bodies for the implementation and monitoring of the above competences.**

[7.1 With respect to educational curricula in Kosovo schools taught in Serbian language:

7.1.1 Schools that teach in the Serbian language may apply curricula or text books developed by the Ministry of Education of Republic of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology.

7.1.2 In the event of an objection by the Kosovo Ministry of Education, Science and Technology to the application of a particular curriculum or text book, the matter shall be referred to an independent commission to review the said curriculum or text book to ensure conformity with the Constitution of Kosovo and legislation adopted in accordance with this Settlement.

7.1.3 The independent commission shall be comprised of three (3) representatives selected by Members of the Assembly of Kosovo holding seats reserved or guaranteed for the Kosovo Serb Community, three (3) representatives selected by the Kosovo Ministry of Education,

Science and Technology, and one (1) international member selected by and representing the International Civilian Representative.

7.1.4 The commission shall take all decisions by a majority vote, and its Chairmanship shall rotate between a representative selected by Members of the Assembly of Kosovo holding seats reserved or guaranteed for the Kosovo Serb Community and a representative selected by the Kosovo Ministry of Education, Science and Technology every year.] **DELETED**

7.2 With respect to **higher education**:

**7.2.0 Higher education in the Serbian language shall be guaranteed by the constitution.**

**7.2.1 The Kosovo and Metohija Serb majority municipality of Zvečan-Mitrovica shall be responsible for a public Serbian Language University in Kosovo and Metohija.** The University of **Mitrovica** shall be an autonomous institution of higher learning. The university shall enact a statute to specify its internal organization and governance, and procedures and interaction with public authorities, in accordance with **provincial** framework legislation.

[7.2.2 Decisions on the conformity of the statute with central framework legislation, European standards and best practices and on matters concerning the accreditation of the university within the Kosovo university system shall be taken by an independent commission comprised of three (3) representatives selected by the university, three (3) representatives selected by the Kosovo Ministry of Education, Science and Technology, and one (1) international member selected by and representing the International Civilian Representative. The commission shall take all decisions by majority vote, and its Chairmanship shall rotate between a representative selected by the university and a representative selected by the Kosovo Ministry of Education, Science, and Technology every year.] **DELETED**

[7.2.3 The municipality of Mitrovica/Mitrovica North shall have authority to exercise responsibility for this public Serbian language university, in accordance with Article 4.1.1 of this Annex. The municipality shall have the right to appoint two members to the University Board, which shall consist of a total of nine members. The municipality shall also ensure that the university receive adequate premises and funding for its operation.] **DELETED**

7.2.4 The municipality of **Zvečan-Mitrovica** may cooperate with any other municipality in operating the university.

## **Article 7a Culture**

**7a.1 In conformity with the framework legislation on culture and media, referred to in Annex I, Art. 3.7, Serb majority municipalities shall be responsible for cultural affairs on a local and community related level, including the promotion of cultural activities, the preservation and promotion of national and local cultural tradition, the founding of cultural institutions and organizations, and the licensing of printed and electronic media. They shall also have authority to exercise responsibility, in accordance with the provisions of Annex V of this Settlement, for the protection and promotion of Serbian and other religious and cultural heritage within the municipal territory as well as authority to support local religious communities.**

## Article 7b Health Care

**7b.1 In conformity with framework legislation on health care, municipalities shall be responsible for primary health care. In addition, the Kosovo Serb majority municipalities shall also be responsible for secondary health care. These responsibilities include accreditation and licensing, recruitment and training of health care personnel, salaries and selection of health care professionals, including principals, and administrative and health care monitoring. Municipalities and/or partnerships of municipalities may establish appropriate bodies for the implementation and monitoring of the above competences.**

**7b.2 In addition to the provisions referred to in Art. 4.2 of this Annex, the framework legislation on health care shall include provisions on the development of health strategies with regard to hygiene, preventive health care and combating pandemics.**

## Article 7c Social Welfare Services and Benefits

**7c.1 In conformity with framework legislation on social policy, referred to in Annex I, Art. 3.7, Serb majority municipalities shall be responsible for supplying social welfare services, such as care for vulnerable population, family and elderly (nurseries, kindergarten, day care centres, foster care, home care and residential care, including social labour centres). These responsibilities include accreditation and licensing, recruitment and training of personnel, salaries and selection of social welfare professionals, including principals, and administrative and social welfare monitoring. Serb majority municipalities may cooperate in providing social welfare services. Such municipalities and/or partnerships of municipalities may establish appropriate bodies for the implementation and monitoring of the above competences.**

**7c.2 With regard to social assistance, the eligibility criteria and the level of benefits shall be determined by municipalities. The same applies to other possible pro-poor benefits.**

## Article 8 Local Finance

**8.1 In conformity with framework legislation on local finance, referred to in Annex I, Art. 3.7, municipalities shall establish their own budgets covering tasks falling within their competences. The municipalities shall be entitled to determine freely the size of the municipal budget, in the sense that the Kosovo and Metohija authorities shall have no power to impose limits on the total size of municipal budgets. Provincial legislation shall set forth the basic public financial management and accountability requirements applicable to all municipalities, in accordance with international standards.**

**8.2 Municipalities shall be entitled to financial resources of their own, which shall include the authority to levy and collect local taxes, charges and fees, such as personal income tax (including wage tax), property tax, local public utilities fees and charges, land use fees, local administrative fees, revenues from renting municipal property, donations and other revenues. The municipalities shall not levy or collect customs duties, corporate taxes, VAT and excise duties or any charges having an equivalent effect as such duties and taxes. The municipalities may keep all their revenues in their own accounts with commercial banks.**

8.3 The existing system of primarily earmarked **provincial** grants shall be **replaced by** a fair and transparent block grant system, ensuring greater municipal autonomy in the allocation and expenditure of **provincial** funds. The distribution formula for block grants, which shall take into account the need for an adequate allocation of resources for the non-majority communities in the respective municipalities, the need for a fair equalization system, and which shall provide for a reasonable degree of stability in municipal income, shall be set by law in accordance with international standards. **The formula shall at least include as criteria the size of municipal territory, the number of inhabitants, the ethnic diversity of the municipality, GDP per capita, and the responsibilities of the municipality for voluntary and sustainable returns.**

8.4 Notwithstanding the provisions of Article 8.3 of this Annex, municipalities with responsibilities for **enhanced** competences, as set forth in Article 4 of this Annex, shall be entitled to additional **provincial** funds within limits determined by the minimum quality and quantity standards for the provision of public services related to the exercise of these responsibilities, in accordance with **provincial** framework legislation.

**8.4a Notwithstanding the provisions of Article 8.3 of this Annex, delegated municipal competences shall also be funded by the provincial budget.**

8.5 Municipalities shall ensure independent and objective internal audits at least once a year, and shall be subject to random, independent, external audits performed by an autonomous authority, [to ensure effective management of public resources,] **DELETED** the results of which should be made public.

## **Article 9 Inter-Municipal Cooperation**

9.1 Based upon the principles of the European Charter of Local Self-Government, municipalities shall be entitled to cooperate and form partnerships with other **Kosovo and Metohija** municipalities to carry out functions of mutual interest. [in accordance with the law.] **DELETED**

9.1.1 Municipal responsibilities in the areas of their own and **enhanced** competencies may be exercised through municipal partnerships, with the exception of the exercise of fundamental municipal authorities, such as election of municipal organs and appointment of municipal officials, municipal budgeting, and the adoption of regulatory acts enforceable on citizens in general.

9.1.2 Municipal partnerships may take all actions necessary to implement and exercise their functional cooperation through, *inter alia*, the establishment of a decision making body comprised of representatives appointed by the assemblies of the participating municipalities, the hiring and dismissal of administrative and advisory personnel, and decisions on funding and other operational needs of the partnership.

9.1.3 Partnership decisions and activities shall be subject to [reporting requirements to the competent central authority and] **DELETED** administrative review for compliance with **the Constitution and framework** legislation, in accordance with the provisions of Article 6.1-6.1a of this Annex.

9.2 Based upon the principles of the European Charter of Local Self-Government, municipalities shall be entitled to form and participate in an association of **Kosovo and Metohija**

municipalities for the protection and promotion of their common interests, in accordance with the law.

9.2.1 Membership in such associations shall be limited to Kosovo **and Metohija** municipalities. Such associations may cooperate with their international counterparts.

9.2.2 Such associations may offer to its members a number of services, including training, capacity building, technical assistance, research related to municipal competencies and policy recommendations.

9.3 Municipalities engaged in a partnership or association pursuant to the provisions of Articles 9.1 and 9.2 of this Annex shall make public all information concerning the activities and budget of the partnership/association, in accordance with the law.

## **Article 9a Serbian Entity**

**9a.1 The Serb community in Kosovo and Metohija shall have the right to form a Serbian Entity in order to provide a unified way of protecting, representing and advancing its interests. Serbian Entity shall also be instrumental in ensuring effective exercise of municipal powers and competences as set forth in this Annex, Annex IV, Art. 3 and Annex VIII, Art. 2.**

**9a.2 The territory of the Serbian Entity should include 14 Serb majority municipalities: Zubin Potok, Zvečan-Mitrovica, Leposavić, Novo Brdo, Kusce-Ranilug, Parteš, Klokot-Vrbovac, Gračanica, Lipljan, Obilić, Štrpce, Osojane, Goraždevac, Velika Hoča. It should also include the main Orthodox monasteries, with the protective zones around them, if these are not situated within the Serb majority municipalities, as is the case in particular with Pećka Patrijaršija, Visoki Dečani, Bogorodica Ljeviška and Devič.<sup>1</sup>**

**9a.3 Serb majority municipalities shall be entitled to form the Serbian Entity Council, composed of all the mayors and a number of representatives of the Serbian Orthodox Church. This Council shall play a political and cultural role, as a body directly representative of the main interests and concerns of the Serb community in Kosovo and Metohija.**

## **Article 10 Cooperation with Institutions in the Republic of Serbia**

10.1 **Serb majority** municipalities shall be entitled to cooperate, within the areas of **all** their competences, with municipalities and institutions, including government agencies, in the Republic of Serbia. Such cooperation may take the form of the provision by Serbian institutions of financial, technical, **expert and personnel** assistance in the implementation of municipal competences.

---

<sup>1</sup> **For the boundaries of the Serb majority municipalities, see the Delineation of Existing and New Serb majority municipalities submitted at the Vienna talks by the Belgrade negotiating team.**



10.2 Municipalities shall notify the Kosovo **and Metohija** Ministry of Local Government Administration in advance **of the beginning of any cooperation program or project, and shall henceforth provide the same Ministry with regular reports. The notification should include the areas of the envisaged cooperation, the detailed specification of the assistance provided and the procedural arrangements for its transfer.**

[10.3 The draft cooperation agreement shall define the areas of the envisaged cooperation, the provision of staff and equipment, the level of funding and its processing mechanisms, and other relevant procedural arrangements, in accordance with public financial management requirements applicable to all municipalities.] **DELETED**

[10.4 Such intention to cooperate and attendant draft agreement may be subject to review by the Kosovo Ministry of Local Government Administration of its compliance with central framework legislation. Notwithstanding the provisions of Articles 6.1 of this Annex, the Ministry, pursuant to such review, may enjoin amendments to the draft cooperation agreement, or, if a serious breach of the law cannot be remedied otherwise, the Ministry may suspend the intended cooperation. The municipality may challenge such Ministry-action in the District Court competent for the territory of the municipality.] **DELETED**

10.5 Partnerships between Kosovo **and Metohija** municipalities shall be entitled to direct relations with institutions in the Republic of Serbia [only] **DELETED** to the extent necessary to **realize the envisaged forms of cooperation.** [implement practical activities of the partnership.] **DELETED**

10.6 A joint Republic of Serbia/**Autonomous Province of Kosovo and Metohija** commission shall be established **for monitoring purposes** [to foster such cooperation with institutions in the Republic of Serbia] **DELETED** and to address particularly sensitive issues between Pristina and Belgrade related to this cooperation.

## **Article 11 Funding of Municipal Activities by the Republic of Serbia**

11.1 **Serb majority municipalities and their partnerships** shall be entitled to receive financial donations from the Republic of Serbia, subject to the following provisions:

11.1.1 Any financial donations to Kosovo **and Metohija** municipalities from the Republic of Serbia, **in addition to humanitarian and emergency assistance**, shall be limited in their purpose to the exercise of a municipality's responsibilities in the areas of its own, **delegated and enhanced** competences, and shall be transparent and made public.

11.1.2 Municipalities may receive financial donations from the Republic of Serbia through accounts in commercial banks, **operating legally in** [certified by the Central Banking Authority of] **DELETED Kosovo and Metohija.** Any such receipts shall be notified to the **Provincial Treasury.**

11.1.3 Municipalities receiving financial donations from the Republic of Serbia shall report these donations, together with the corresponding expenditures, in their municipal budgets.

11.1.4 Financial donations from the Republic of Serbia to Kosovo **and Metohija Serb majority** municipalities shall not offset the allocation of grants and other resources provided to

municipalities pursuant to Articles 8.3 and 8.4 of this Annex, and shall not be subject to taxes, fees or surcharges of any kind imposed by any **provincial** authority.

11.2 Individualized transfers, including pensions, to individual Kosovo **and Metohija Serb residents** may be effected with funding from the Republic of Serbia.

## **Article 12 Establishment of New Municipalities**

12.1 New municipalities shall be established, as delineated in the attachment to this Annex, **with the entry into force of this Settlement**. [and shall be set forth in a new Law on Municipal Boundaries.] **DELETED**

12.2 **Not later than 60 days after the establishment of new municipalities**, [entry into force of the Law on Municipal Boundaries, the Kosovo authorities and] **DELETED** the International Civilian Representative (ICR), **in consultation with UNMIK and Kosovo and Metohija authorities**, shall take all necessary **measures to organize local elections in these new municipalities**. [preparations to ensure that, by the time of local elections, resources, properties, and administrative structures required for the establishment and functioning of these new municipalities have been allocated and established. Such preparations shall include the following:] **DELETED**

12.2.1 The ICR shall appoint, in consultation with the local Communities in the new municipalities, or, in the case of Novo Brdo, in the new cadastral zones, and **with UNMIK**, Municipal Preparation Teams (MPTs) to prepare **the organization of local elections in the new municipalities** and other related tasks as requested by the ICR.

12.2.2 **In the period before local elections in the new municipalities**, executive functions with respect to the new municipalities and the provision of public services to them shall **be temporarily transferred to** the MPTs.

[12.2.3 With respect to the current municipality of Mitrovica/Mitrovica, arrangements for the establishment of Mitrovica/Mitrovica North shall consist of those as set forth in Article 13 of this Annex.] **DELETED**

[12.2.4 These and other transitional arrangements between former and new municipalities shall be set forth in the Law on Municipal Boundaries.] **DELETED**

12.3 Immediately upon the completion of local elections **in the new municipalities**, all executive functions and competences shall be transferred from the former municipalities to the newly-elected governments of the new municipalities, in accordance with this Settlement. The Kosovo **and Metohija** authorities shall ensure that all funding for the new municipalities is allocated to and received by them, and shall take all necessary measures to ensure that the new municipalities may begin to operate as effective territorial units of local self-government.

12.4 Notwithstanding the provisions of Article 12.1 of this Annex, Kosovo **and Metohija** shall engage in consultations with a non-majority Community where that Community makes up at least 75% of the population of a concentrated settlement with a minimum total population of 5000 inhabitants, with a view to establishing other new municipalities.

**[Article 13 Mitrovice/Mitrovica] DELETED**

[13.1 In the territory of the current municipality of Mitrovice/Mitrovica, two new municipalities, Mitrovice/Mitrovica North and Mitrovice/Mitrovica South, shall be established, with the respective municipal boundaries as delineated in the attachment to this Annex III.

13.2 A Joint Board of the municipalities of Mitrovice/Mitrovica North and Mitrovice/Mitrovica South shall be established to carry out functional cooperation in the areas of their own competencies as agreed by the municipalities.

13.3 The Joint Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) international representative selected by the ICR. The Joint Board shall be chaired by the international representative.

13.4 The ICR shall establish a field office in Mitrovice/Mitrovica, which shall focus, in particular, on the areas of security/rule of law, freedom of movement/returns, property rights/housing, and economic development, as set forth in Annex IX of this Settlement.

13.5 During the 120 day transition period, the SRSB shall create provisional municipal structures, in coordination with the ICR, for the new municipality of Mitrovice/Mitrovica North, with its boundaries as delineated in the attachment to this Annex. Upon the conclusion of the transition period, such provisional municipal structures shall be under the authority of the ICR, until the time of the first local elections in that municipality.] **DELETED**

**[Article 14 Population Census and Review of Decentralization Provisions] DELETED**

[14.1 One year after the entry into force of this Settlement, Kosovo, in consultation with the ICR, shall call a population census, which shall be carried out in accordance with international standards and subject to international observation. In this context, the Republic of Serbia and other neighboring countries should authorize the registration by an international agency of refugees and internally displaced persons (IDPs) wishing to return to Kosovo.

14.2 The provisions of this Annex related to the establishment of new municipalities, including their boundaries, may be reviewed, and revised as necessary, by the ICR, in close coordination with the Government of Kosovo and the Community Consultative Council, within six months of the submission of final results of the Kosovo census. The review shall consider demographic developments in, and, in particular, refugee and IDP returns to municipalities, as well as the functionality and sustainability of municipal authorities and their activities.] **DELETED**

**Article 15 Other New Municipalities**

**15.1 If the conditions for the establishment of the new municipality specified in Art. 12.4 of this Annex are fulfilled, the non-majority Kosovo and Metohija Community which makes at least 75% of the population of the new municipality in question shall have the right to exercise all powers and responsibilities of the Serb majority municipalities as set forth in this Annex.**

**ATTACHMENT TO ANNEX III  
DELINEATION OF THE SERB MAJORITY MUNICIPALITIES**

The cadastral zones (CZ) forming each municipality are set out hereinafter:

**ZUBIN POTOK (46)**

CZ Banja  
CZ Brnjak  
CZ Bube  
CZ Zečeviče  
CZ Junake  
CZ Vojmislīce  
CZ Lučka Reka  
CZ Češanoviće  
CZ Međeđi Potok  
CZ Tušīce  
CZ Rezala  
CZ Čečevo  
CZ Oklače  
CZ Gornji Jasenovik  
CZ Velika Kaludra  
CZ Crepulja  
CZ Dren  
CZ Gornji Strmac  
CZ Krligate  
CZ Velji Breg  
CZ Zubin Potok  
CZ Kozarevo  
CZ Rujište  
CZ Jagnjenica  
CZ Čabra  
CZ Varage  
CZ Zubče  
CZ Drainoviće  
CZ Babudovica  
CZ Dobroševina  
CZ Gazivode  
CZ Jabuka  
CZ Kobilja Glava  
CZ Padine  
CZ Preseka  
CZ Ranice  
CZ Rovce  
CZ Ugljare  
CZ Vrba  
CZ Zagrađe  
CZ Crkolez  
CZ Banje  
CZ Kotare  
CZ Suvo Grlo

CZ Radeševo  
CZ 1/2 Kućica (D. Strmac)

### **ZVEČAN-MITROVICA (34)**

CZ Izvori  
CZ Rudine  
CZ Jankov Potok  
CZ Banjska  
CZ Valač  
CZ Lovac  
CZ Banov Do  
CZ Žitkovac  
CZ Grabovac  
CZ Žerovnica  
CZ Doljane  
CZ Matica  
CZ Korilje  
CZ Veliko Rudare  
CZ Zvečan  
CZ Srbovac  
CZ Sendo  
CZ Žaža  
CZ Banjska Reka  
CZ Banjski Suvi Do  
CZ Bresnica  
CZ Gornji Korilj  
CZ Joševik  
CZ Lipovica  
CZ Lokva  
CZ Ložište  
CZ Vilište  
CZ Vidomirić  
CZ G. Vinarce  
CZ D.Vinarce  
CZ G.Suvi Do  
CZ D.Suvi Do  
CZ Guševac  
CZ K.Mitrovica (north)

### **LEPOSAVIĆ (87)**

CZ Košutovo  
CZ Šaljska Bistrica  
CZ Borčane  
CZ Slatina  
CZ Seoce  
CZ Vuča

CZ Kamenica  
CZ Sočanica  
CZ Pridvorica  
CZ Grkaje  
CZ Crveni  
CZ Plakaonica  
CZ Popovce  
CZ Dobrava  
CZ Mosnica  
CZ Lozno  
CZ Kutnje  
CZ Leposavić  
CZ Graničane  
CZ Jelakce  
CZ Koporiće  
CZ Majdevo  
CZ Kajkovo  
CZ Gornji Krnjini  
CZ Borova  
CZ Berberište  
CZ Potkomlje  
CZ Lešak  
CZ Beluće  
CZ Zemanica  
CZ Rvatska  
CZ Vračevo  
CZ Bare  
CZ Trebiće  
CZ Ibarsko Kostenje  
CZ Bistrica  
CZ Donje Isevo  
CZ Ćirkoviće  
CZ Guvnište  
CZ Ostraće  
CZ Crnatovo  
CZ Miokoviće  
CZ Belo Brdo  
CZ Ceranja  
CZ Berberište  
CZ Banovili  
CZ Beg Luk  
CZ Brekinja  
CZ Brezance  
CZ Vitanoviće  
CZ Gnježdane  
CZ Gulije  
CZ Desetak  
CZ Duboka  
CZ Zabrđe  
CZ Zavrata  
CZ Zrnosek

CZ Jarinje  
CZ Jošanica  
CZ Kostin Potok  
CZ Košutica  
CZ Kruševo  
CZ Kruščica  
CZ Lazine  
CZ Mekiniće  
CZ Mioliće  
CZ Planinica  
CZ Rodelj  
CZ Rucmance  
CZ Tvrđan  
CZ Trikoce  
CZ Ulije  
CZ Dolac  
CZ Gornje Isevo  
CZ Ivanica  
CZ Jevtska Mala  
CZ Kamen  
CZ Krs Mala  
CZ Krušelj  
CZ Kukavica  
CZ Modromir  
CZ Parlin Potok  
CZ Potok Mala  
CZ Rikovo  
CZ Savska Mala  
CZ Smičište  
CZ Vrletnica

**NOVO BRDO (34)**

CZ Ajnovce  
CZ Boljevce  
CZ Bosce  
CZ Bratilovce  
CZ Vaganeš  
CZ Bušince  
CZ Gogolovce  
CZ Građenik  
CZ Grizime  
CZ Kololeč  
CZ Kostadince  
CZ Firićeja  
CZ Lještar  
CZ Miganovce  
CZ Močare  
CZ Oraovica

CZ Strezovce  
CZ Strelica  
CZ Tirince  
CZ Carevce  
CZ Mešina  
CZ Zajčevce  
CZ Kremenata 1 i 2  
CZ Izvor  
CZ Jasenovik  
CZ Labljane  
CZ Novo Brdo  
CZ Prekovce  
CZ Trničevce  
CZ Zebince  
CZ Bostane  
CZ Manišince  
CZ Klobukar  
CZ Rupište

### **KUSCE-RANILUG (31)**

CZ Gornje Kusce  
CZ Šilovo  
CZ Stanišor  
CZ Straža  
CZ Draganac  
CZ Gornji Makreš  
CZ Mozgovo  
CZ Donji Makreš  
CZ Paralovo  
CZ Poneš  
CZ Žegovac  
CZ Žegovačka Vrbica  
CZ Koretište  
CZ 1/2Brasaljce  
CZ 1/2Berivojce (Ograđe)  
CZ Boževce  
CZ Veliko Ropotovo  
CZ Glogovce  
CZ G. Korminjane  
CZ D.Korminjane  
CZ Domorovce  
CZ Drenovce  
CZ Malo Ropotovo  
CZ Odevce  
CZ Pančelo  
CZ Rajanovce  
CZ Ranilug  
CZ Tomance



CZ Odanovce  
CZ Prilepnica  
CZ 1/2Kmetovce

### **PARTEŠ (10)**

CZ Parteš  
CZ Donja Budriga  
CZ Pasjane  
CZ 1/2 Cernica  
CZ Mučibaba  
CZ Lipovica  
CZ Lovce  
CZ Burince  
CZ Slubica  
CZ Inatovce

### **KLOKOT-VRBOVAC (10)**

CZ Vrbovac  
CZ Mogila  
CZ Grnčar  
CZ Podgorce  
CZ Klokot  
CZ Šašare  
CZ 1/2 Vrnez  
CZ Vrnavokolo  
CZ Letnica  
CZ Žitinje

### **GRAČANICA (19)**

CZ Badovac  
CZ Gračanica  
CZ Dragovac  
CZ Laplje Selo  
CZ Preoce  
CZ Slivovo  
CZ Sušica  
CZ Čaglavica  
CZ Šaškovac  
CZ Novo Selo  
CZ Zlatare  
CZ Kišnica  
CZ Šišarka (O.Lip.)  
CZ Okosnica (O.Lip.)  
CZ Androvac (O.Lip.)

CZ Brus (O.Lip.)  
CZ Bresje (K.Polje)  
CZ Kuzmin (K.Polje)  
CZ Ugljare (K.Polje)

### **LIPLJAN (11)**

CZ Gornja Gušterica  
CZ Dobrotin  
CZ Donja Gušterica  
CZ Lepina  
CZ Livađe  
CZ Radevo  
CZ Skulanevo  
CZ Staro Gracko  
CZ Suvi Do  
CZ Batuse (K.P)  
CZ Lipljan (N.Naselje)

### **OBILIĆ (4)**

CZ Babin Most  
CZ Plemetina  
CZ Grace  
CZ Priluzje

### **ŠTRPCE (16)**

CZ Berevce  
CZ Brezovica  
CZ Brod  
CZ Viča  
CZ Vrbeštica  
CZ Gornja Bitinja  
CZ Gotovuša  
CZ Donja Bitinja  
CZ Ižance  
CZ Jažince  
CZ Sevce  
CZ Sušiče  
CZ Firaja  
CZ Koštanjevo  
CZ Štrpce  
CZ Drajkovce

**OSOJANE (15)**

CZ Šaljinovica  
CZ Žač  
CZ Belica  
CZ Tučep  
CZ Osojane  
CZ Poljane  
CZ Krnjina  
CZ Koš  
CZ Donja Mahala  
CZ Suvi Lukavac  
CZ Biča  
CZ Berkovo  
CZ Drenovčić  
CZ Belo Polje  
CZ Verić

**GORAŽDEVAC (1)**

CZ Goraždevac

**VELIKA HOČA (3)**

CZ Velika Hoča  
CZ 1/3Orahovac  
CZ 1/2 Zočište

## ANNEX IV

### JUSTICE SYSTEM

#### Article 1 Court Structure

1.1 The Supreme Court shall ensure the uniform application of the law by deciding on appeals brought in accordance with the law. At least fifteen per cent (15%) of the judges of the Supreme Court, but in no case fewer than **five (5)** judges, shall be from Communities that are not in the majority in Kosovo **and Metohija**.

1.2 At least fifteen per cent (15%) of the judges of each District Court, but in no case fewer than two (2) judges, shall be from Communities that are not in the majority in Kosovo **and Metohija**.

1.3 If there is no **municipal** court on the territory of one of the new municipalities established pursuant to Annex III, that municipality may, by decision of the Municipal Assembly, submit a request to the Kosovo **and Metohija** Judicial Council (**KMJC**) for a decision on the establishment of a **municipal** court within its territory, or for one of the existing **municipal** courts on the territory of another municipality to have jurisdiction for the territory of the new municipality. An existing municipality, where the majority of the population belongs to a Community that is not in the majority in Kosovo **and Metohija** and which does not have a **municipal** court of its own, shall have the same right.

1.3.1 The **KMJC** shall grant such requests unless, in the case of a request for a new **municipal** court, the weighted caseload for that jurisdiction would be insufficient to justify the existence of a separate court.

1.3.2 If a request for the establishment of a new **municipal** court is granted by the **KMJC**, the competent authorities shall take all necessary measures to ensure that any new court is established and functioning within a period of **four** months from the date of the decision.

1.3.3 If a request for the establishment of a new **municipal** court is not granted by the **KMJC**, **the municipality may request that one of the existing municipal courts on the territory of another municipality have jurisdiction for the territory of the new municipality. The KMJC is then obliged to grant such a request within a period of four months.** [or if the municipality requests an existing court to have jurisdiction for its territory, the competent authorities shall take all necessary measures to improve access to justice for local communities made difficult by reason of geographical isolation, lack of security or other relevant factors. Such measures may include the establishment in the territory of the new municipality of a Department of an existing basic court that the new municipality has requested have jurisdiction for its territory, or provide for the holding of sessions in the territory of the new municipality of this basic court.] **DELETED**

1.3.4 **With respect to the establishment of a public prosecutor's office in a new municipality or in an existing municipality, where the majority of the population belongs to a non-majority Kosovo and Metohija Community and which does not have a public prosecutor's office, the municipality in question shall have the same right to request the**

establishment of such an office that it is granted with respect to the municipal court in Art. 1.3 of this Annex. In case such a request is denied, it shall have the same right to request that one of the existing public prosecutor's offices have jurisdiction for its territory that it is granted with respect to the municipal court in Art. 1.3.3 of this Annex.

1.4 At least one District Court, and one District Public Prosecutor's Office, shall be formed that shall have jurisdiction for the territory of the Serb majority municipalities. This District Court shall also consider commercial and administrative cases for the territory of those municipalities.

1.5 Four separate chambers shall be formed in the Supreme Court of Kosovo and Metohija to consider civil, criminal, administrative, and commercial cases stemming from the District Court referred to in Art. 1.4 of this Annex or Municipal Courts in the Serb majority municipalities. Each of these chambers shall be composed of five (5) judges, two (2) of whom shall be selected among the Supreme Court judges belonging to the Kosovo and Metohija Serb Community, and one (1) of whom shall be an international judge, who shall also be the Chairman of the chamber in question.

1.6 The ESDP Mission shall monitor and supervise the functioning of the judicial system in Kosovo and Metohija, closely cooperating with the ICR. It shall pay particular attention to equal and efficient human rights protection of the members of all Communities not in the majority in Kosovo and Metohija.

## Article 2 Judges and Prosecutors

2.1 The composition of the judiciary and the prosecution service shall reflect the ethnic diversity of Kosovo **and Metohija** and the need for equitable representation of all Communities, having due regard for internationally recognized principles of gender equality, as reflected in the human rights instruments referred to in Article 2 of Annex I of this Settlement.

2.2 Kosovo **and Metohija** judicial institutions shall, in particular, reflect the ethnic composition of their area of jurisdiction. The Kosovo **and Metohija** Judicial Council shall take such measures as are necessary with a view to increasing the number of judges and prosecutors from Kosovo **and Metohija** Communities that are currently underrepresented among judges and prosecutors serving in Kosovo **and Metohija** or in any part thereof.

2.2.1 To fulfill its responsibilities to this end, the **KMJC** shall, *inter alia*, give preference, among equally qualified applicants for service as judges or prosecutors, to members of underrepresented Communities.

2.2.2 The preference for equally qualified candidates from underrepresented Communities shall apply as long as the percentage of judges and prosecutors who are members of Communities that are not in the majority in Kosovo **and Metohija** is below 15%, and/or the percentage of judges and prosecutors who are members of the Kosovo **and Metohija** Serb Community is below 8%.

### **Article 3        The Judicial and Prosecutorial Appointment Process**

3.1 The on-going, one-time, comprehensive, Kosovo/**Metohija**-wide review of the suitability of all applicants for permanent appointments, until the retirement age determined by law, as judges and public prosecutors in Kosovo **and Metohija** (the "Appointment Process"), shall continue to be carried out in accordance with Administrative Direction 2006/18<sup>1</sup> and shall not be affected by the termination of UNMIK's mandate or the entry into force of the new Constitution, as set forth in Article 14 of this Settlement, except to the extent provided for in this Annex.

3.1.1 All successful candidates who have been appointed or reappointed as judges and prosecutors by the SRSG as part of the Appointment Process shall continue to serve in their posts until the natural expiration of their appointment, or until such time as they are dismissed in accordance with law.

3.1.2 Following the termination of UNMIK's mandate, as described in Article 14 of this Settlement, the Independent Judicial and Prosecutorial Commission (UPC) shall submit recommendations on candidates for **election** [appointment or reappointment] **DELETED** as judges and prosecutors in writing to the Kosovo **and Metohija** Judicial Council (KJC), which shall exercise final authority to propose to **the Assembly of Kosovo and Metohija candidates for election** [the President of Kosovo candidates for appointment or reappointment] **DELETED** as judges and prosecutors.

3.1.3 All successful candidates who have been **elected** [appointed or reappointed] **DELETED** as judges and prosecutors by **the Assembly of Kosovo and Metohija** [the President of Kosovo] **DELETED** on the proposal of the **KMJC** [as part of the Appointment Process] **DELETED** shall continue to serve in their posts until the natural expiration of their **mandate** [appointment,] **DELETED** or until such time as they are dismissed in accordance with law.

3.2 At the conclusion of the transition period provided for in Article 14 of this Settlement, the composition of the **KMJC**, and its procedures [in the Appointment Process] **DELETED** regarding the selection of judges for judicial positions that are reserved for members of Communities that are not in the majority in Kosovo **and Metohija**, shall be established and carried out in accordance with the provisions of Article 4 of this Annex.

<sup>1</sup> Implementing UNMIK Regulation No. 2006/25 on a Regulatory Framework for the Justice System in Kosovo.

### **Article 3a        Additional Safeguards in the Judicial and Prosecutorial Appointment Process**

**3a.1 In the Serb majority municipalities, Municipal Assemblies elect Municipal Court Presidents and judges, Municipal public prosecutors and their deputies in accordance with the criteria and recommendations provided for by the Kosovo and Metohija Judicial Council (KMJC). Judges and public prosecutors elected in such a manner are thereafter confirmed and appointed by the Assembly of Kosovo and Metohija. If the Assembly does not confirm the candidates elected by the Municipal Assemblies, specific reasons must be provided why an elected judge or a public prosecutor does not meet the**

required criteria. In that case, Municipal Assemblies elect other candidates for judges or public prosecutors, who must then be appointed by the Assembly.

3a.2 With respect to judges and prosecutors of the District Court and the District Prosecutor's Office, referred to in Art. 1.4 of this Annex, the Supreme Court judges, referred to in Art. 1.5 of this Annex, and Constitutional Court judges, referred to in Annex I, Art. 6.3a, candidates for these functions are proposed by the Kosovo and Metohija Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb Community. In case the Assembly fails to elect these candidates, new candidates may again be proposed for the same functions by the Assembly members holding seats reserved or guaranteed for the Kosovo and Metohija Serb Community. If these new candidates also fail to be elected, they are appointed by the ICR in consultation with ESDP Mission, provided they possess the relevant professional qualification and expertise necessary for the performance of these functions.

3a.3 Municipal Assemblies elect magistrate judges for Magistrate Courts in the territory of one or more Serb majority municipalities, as well as Appellate Magistrate Chamber whose jurisdiction coincides with the jurisdiction territory of the District Court, referred to in Art. 1.4 of this Annex. The Assembly of Kosovo and Metohija has the right to reject the candidates elected provided that specific reasons are given why the elected judge does not meet the required criteria. Thereafter, the Municipal Assembly elects another candidate for that function and that election is final.

#### Article 4 The Kosovo Judicial Council

4.1 There shall be a Kosovo and Metohija Judicial Council (**KMJC**) responsible, *inter alia*, for decisions on the proposal of candidates for judicial office, promotion and transfer of judges and, for disciplinary proceedings against judges. The powers and procedures of the **KMJC**, including on matters related to the discipline and dismissal of its own members, shall be determined by law. The **KMJC** shall have full independence in the performance of its functions.

4.2 The **KMJC** shall be composed of thirteen (13) members.

4.2.1 Among those thirteen, five (5) members shall consist of the Kosovo and Metohija members of the IJPC who have been vetted by the UPC as part of Phases 1 and 2 of the Appointment Process, in accordance with Administrative Direction 2006/18. Of these five members, one (1) judge and one (1) prosecutor, randomly selected, shall serve on the **KMJC** until the natural expiration of their existing mandates, at which time they shall be replaced by one (1) judge and one (1) prosecutor vetted by the UPC and elected by their peers following methods intended to ensure the widest representation of the judiciary and prosecutorial service. The remaining two (2) judges and one (1) prosecutor, from among the five Kosovo and Metohija IJPC members, shall serve on the **KMJC** for an additional one (1) year term after the natural expiration of their existing mandates, at which time they shall be replaced by the same procedure as their former IJPC colleagues. In the event that an entity responsible for matters related to the election [appointment,] ~~DELETED~~ disciplining and dismissal of prosecutors were established, all five remaining members of the **KMJC** shall be judges.

4.2.2 Among the remaining eight members, two (2) members shall be elected by the Kosovo and Metohija Assembly members holding seats reserved or guaranteed for

representatives of the Kosovo **and Metohija** Serb Community, two (2) members shall be elected by the Assembly members holding seats reserved or guaranteed for representatives of other Communities, and two (2) members shall be elected by the Assembly members holding seats attributed during the general distribution of seats. In each case, at least one of the two members shall be a judge vetted by the IJPC. Two (2) international members, one of whom shall be a judge, shall be selected by the ICR on the proposal of the ESDP Mission.

4.2.3 All members of the **KMJC** shall possess the relevant professional qualifications and expertise necessary for the work of the **KMJC**.

4.3 Candidates for judicial positions that are reserved for members of Communities that are not in the majority in Kosovo **and Metohija**, may only be nominated for **election** [appointment] **DELETED** by the entire **KMJC** by the majority of the **KMJC** members elected by the Assembly members holding seats reserved or guaranteed for members of Communities that are not in the majority in Kosovo **and Metohija**. If this group of **KMJC** members does not nominate a candidate for a position at two subsequent sessions of the **KMJC**, all **KMJC** members shall have the right to nominate a candidate for these judicial positions. Such candidates shall be drawn from qualified applicants who have met all the criteria provided for by law.

[4.4 Candidates for judicial positions within basic courts the jurisdiction of which includes, exclusively, the territory of one or more municipalities where the majority of the population belongs to the Kosovo Serb Community may only be nominated for appointment by the entire KJC by the two KJC members elected by the Assembly members holding seats reserved or guaranteed for the Kosovo Serb Community acting jointly and unanimously. If these two members do not nominate a candidate for a position at two subsequent sessions of the KJC, all KJC members shall have the right to nominate a candidate for these judicial positions. Such candidates shall be drawn from qualified applicants that have met all the criteria provided for by law.] **DELETED**

4.5 No judge may be dismissed or transferred against his/her will to another post unless upon proposal by the **KMJC** in accordance with the Constitution and the law. A judge dissatisfied with such a decision shall have the right of appeal to the Supreme Court.



**ANNEX V**

**RELIGIOUS AND CULTURAL HERITAGE**

**Article 1 Name, Internal Organization and Property of the Serbian Orthodox Church**

1.1 The Serbian Orthodox Church (SOC) in Kosovo **and Metohija** shall be afforded the protection and enjoyment of its rights, privileges and immunities as set forth in this Annex. [The exercise of such rights, privileges and immunities shall carry with it duties and responsibilities to act in accordance with Kosovo law, and shall not violate the rights of others.] **DELETED**

1.2 Kosovo **and Metohija** shall **respect** the Serbian Orthodox Church in Kosovo **and Metohija**, including monasteries, churches and other sites used for religious purposes, as an integral part of the Serbian Orthodox Church seated in Belgrade **and Peć**.

1.3 Kosovo **and Metohija** shall respect the name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities. **In particular, provincial authorities shall respect the right of SOC to send priests, candidates for priesthood, monks, nuns, novices, and laymen working for the SOC to monasteries and parishes in Kosovo and Metohija.**

1.4 Kosovo **and Metohija** shall guarantee that the movable and immovable property and other assets of the Serbian Orthodox Church shall be inviolable and shall not be subject to expropriation.

1.5 The Serbian Orthodox Church in Kosovo **and Metohija** shall exercise full discretion in the management of its property and access to its premises. Kosovo **and Metohija** authorities shall have access to sites which constitute the property of the Serbian Orthodox Church only with consent from the Church, in the event of a judicial order issued **only in special circumstances as specified in the law on religious freedom, referred to in Annex I, Art. 3.7**, [relating to alleged illegal activities,] **DELETED** or in the event of imminent danger to life or health.

**Article 2 Economic and Other Support**

2.1 The Serbian Orthodox Church in Kosovo **and Metohija** shall be free to receive donations and other beneficial support from any institution within or outside of Kosovo **and Metohija**. Such donations shall be provided in a fully transparent manner.

2.2 Kosovo **and Metohija** shall grant customs duty and tax privileges to the Serbian Orthodox Church, in addition to those enjoyed by all religions in Kosovo **and Metohija**, for economic activities of the Church specific to its financial self-sustainability, such as the production of embroidery and clerical vestments, candles, icon painting, woodcarving and carpentry, **and agricultural products** [wines, brandy, honey and other bee products.]

**DELETED** These privileges shall cover import and purchase of relevant products, materials, machinery and tools; and export of products resulting from the said activities.

### **Article 3 Security for Religious and Cultural Sites**

3.1 The Serbian Orthodox Church, its monasteries, churches and other religious and cultural sites of special significance to the Kosovo **and Metohija** Serb community shall be provided the necessary security.

[3.1.1 The main responsibility to ensure the security of Kosovo's religious and cultural heritage shall lie with the Kosovo law enforcement agencies, in particular the Kosovo Police Service (KPS). Protection of the Serbian religious and cultural sites shall constitute a special operational task of the KPS. The ESDP Rule of Law mission, in consultation with the International Military Presence (IMP), shall monitor, mentor and advise the KPS in the implementation of this task.] **DELETED**

**3.1.1 The main responsibility to ensure the security of Serbian religious and cultural heritage in Kosovo and Metohija shall lie with the International Military Presence (IMP). The IMP shall cooperate closely in this task with Personnel from the Republic of Serbia (PRS), which shall return to maintain a presence at Serb patrimonial sites, in accordance with UNSCR 1244 (1999), Annex 2, Item 6. PRS shall comprise only policemen specially trained to provide security at religious sites and cultural and historic monuments.**

3.1.2 In the [immediate] **DELETED** post-settlement period, the IMP, **in close cooperation with PRS**, shall provide **continuing** security for the Gračanica monastery, the Devič monastery, the Zočište monastery, **Church of the Holy Virgin of Ljeviša**, the Holy Archangels monastery, **the Church of the Holy Saviour, the Episcopal Residence with the Church of Saint George (Prizren), the Orthodox Seminary of Saints Cyril and Methodius (Prizren)**, the Budisavci monastery, the Gorioč monastery, **the Sokolica monastery, the Draganac monastery**, the Visoki Dečani monastery, the Peć Patriarchate and the Gazimestan memorial monument. Provision of security for these sites shall continue **throughout the mandate of the IMP. The Republic of Serbia and the ICR shall form a Joint Monitoring/Advisory Commission (JMAC) to monitor and advise the IMP and PRS in the exercise of these responsibilities.** [until the IMP, after consultation with the ICR and ESDP Mission, decides the conditions have been met for transfer of these responsibilities to the KPS.] **DELETED**

**3.1.2a In view of the fact that the SOC intends to reconstruct the most important churches and monasteries largely destroyed in 1999, and that the reconstruction requires that further vandalization of the sites in question be stopped, the IMP, in close cooperation with PRS, shall also provide an appropriate level of security for Monastery of Saint Mark with the Hermitage of Saint Peter of Koriša, the Trinity Monastery at Mušutište, the Church of the Holy Virgin Hodegetria at Mušutište, the Binač Monastery, the Dolac Monastery, the Monastery of Saint Uroš at Nerodimlje, and the Church of Saint Nikola at Djurakovac.**

3.1.3 The level and duration of the specific measures to ensure the physical security of the sites by the IMP **and PRS** shall take into account, *inter alia*: i) a threat assessment conducted **jointly** by the IMP **and PRS**; ii) advice received from **JMAC and** the Implementation and Monitoring Council, pursuant to Article 5 of this Annex.

3.1.4 The IMP **and PRS** shall aim to build higher levels of trust and confidence and work towards the normalization of the security situation around the sites. [The capacities of the KPS shall be expanded as rapidly as possible in order to allow the IMP to disengage from these non-military tasks.] **DELETED**

3.2 Kosovo **and Metohija** shall guarantee freedom of movement to the clergy and affiliates of the Serbian Orthodox Church within Kosovo **and Metohija** and shall provide the necessary security arrangements for such movement as appropriate.

#### **Article 4 Protective Zones**

4.1 A select number of Serbian Orthodox Church monasteries, churches, other religious sites, as well as historical and cultural sites of special significance for the Kosovo **and Metohija** Serb Community, shall be provided special protection through the establishment of Protective Zones. The objectives of the Protective Zones are: to provide for the peaceful existence and functioning of the sites to be protected; preserve their historical, cultural and natural environment, including the monastic way of life of the clergy; and prevent adverse development around them, while ensuring the best possible conditions for harmonious and sustainable development of the communities inhabiting the areas surrounding such sites. The enjoyment of property rights in a Protective Zone may be restricted as follows:

4.1.1 Any new activity in the following areas shall be prohibited:

a) Industrial construction or development, such as: exploration of mineral resources; building of power plants or power lines, kilns and factories.

b) **Commercial or infrastructural construction or development, such as: road, railway, and heliodrome construction; construction of warehouses, workshops, shops, restaurants, bars, cafes, food stalls and kiosks, and any other large scale construction in rural areas;** [structures or edifices taller than the monastery/church/cultural monument to be protected;] **DELETED** the use of hazardous materials in any new construction (including residential); through roads, petrol and automobile repair stations; supermarkets; night clubs.

c) Public construction or development leading to deforestation in rural areas.

d) **Urbanization of agricultural land.**

**4.1.1a No large scale repairs to, or reconstruction of, existing buildings within the Protective Zones may be undertaken without the prior approval of the SOC. In considering such requests, the SOC will take into account both the needs of the owners and the interests of the local community.**

**4.1.1b Restrictions on activity within the Protective Zones shall not affect the work of construction and reconstruction on buildings and other property owned by the SOC, or other traditional modes of activity required for the economic sustainability of the monastic community.**

**4.1.2 Any activity within the Protective Zones in the areas of public gatherings, recreation and entertainment shall require prior approval of the SOC. In considering such requests, the SOC will take into account the interests served by the activity and its value to**

**the local community and its members.** [Any new activity in the following areas may be restricted as circumstances warrant. Prior to conducting activities in the following areas, the municipality concerned shall consult the SOC or the Serbian community:

a) Commercial construction or development such as: road construction, construction of warehouses, workshops, shops, restaurants, bars, cafes, food stalls and kiosks, and any other large scale construction in rural areas;

b) Public gatherings, recreation and entertainment;

c) Urbanization of agricultural land.] **DELETED**

[4.1.3 Kosovo shall ensure that spatial plans for areas within the Protective Zones, which are in conformity with the restrictions outlined in 4.1.1 and 4.1.2.] **DELETED**

[4.1.4 Protective Zones for the following sites shall be defined by the attached maps:

Visoki Decani Monastery, Decaa/Decani<sup>2</sup>  
Pec Patriarchate, Peje/Pec  
Gracanica Monastery, Prishtine/Pristina  
Church of Presentation of the Virgin, Lipjan/Lipljan  
Devic Monastery, Skenderaj/Srbica  
Gorioc Monastery, Istog/Istok  
Budisavci Monastery, Kline /Klina  
Sokolica Monastery, Zvecan/Zvecan<sup>3</sup>  
Draganac Monastery, Gjilan/Gnjilane  
Holy Archangels Monastery, Prizren/Prizren  
Banjska Monastery, Zvecan/Zvecan  
Zocište Monastery, ZoqishteV Zociste, Rahovec/Orahovac  
Village of Velika Hoca/Hoije e Madhe, Rahovec/Orahovac  
Duboki Potok Monastery, Zubin Potok/Zubin Potok  
Church of Saint George, Gornje Selo/Gornjaselle, Prizren/Prizren  
Socanica Monastery, Leposaviq/Leposavic  
Hermitage with Church, Uljarice , Kline /Klina  
  
Gazimestan memorial monument, Obiliq/Obilic<sup>4</sup>  
Zvecan medieval fortress, Zvecan/Zvecan  
Medieval town of Novo Brdo, Novoberde/Novo Brdo  
Vojnovic Medieval bridge, Vushtrri/ Vucitrn  
Hermitage of Saint Peter of Korisa, Korishe/Korisa, Prizren/Prizren

4.1.5 Protective Zones for the following sites shall be limited to a 100 meter area around their perimeter:

<sup>2</sup> The Protective Zone for the Visoki Decani Monastery is identical to the "Special Zoning Area\*" as defined in the UNMIK Executive Decision 2005/5 of 25 April 2005 and subsequent Executive Decisions.

<sup>3</sup> This Protective Zone includes the Isa Boletin Memorial Complex.

<sup>4</sup> It is recommended that the Barjaktarevo Turbe be either included in the same Protective Zone, the latter being expanded accordingly, or in a separate Protective Zone to be established for this monument. It is also recommended that there be established a Protective Zone for the Sultan Murad mausoleum.

Monastery of Saint Petka, Leposaviq/Leposavic  
Monastery of the Holy Healers, Leposaviq/Leposavic  
Monastery of the Holy Virgin of Hvosno, Skenderaj/Srbica  
Monastery of Saint Mark, KorisheVKorisa, Prizren/Prizren,  
Trinity Monastery, Mushtisht/Musutiste, Suhareke/ Suva Reka,  
Church of the Holy Virgin. Sredske/Sredska, Prizren/Prizren  
Monastery of Saint Uros, Nerodime/Nerodimlje, Ferizaj/Urosevac  
Monastery Binac. Buzovik/Buzovik, Viti/Vitina

4.1.6 Protective Zones for the following sites shall be limited to a 50 meter area around their perimeter:

Dolac Monastery, Kline Klina  
Church of Saint Nicholas, Gjurakoc/Djurakovac, Istog/Istok  
Church of the Holy Virgin Hodegetria, Mushtisht/Musutiste. Suhareke/Suva Reka  
Church of Saint Nicholas, Shterpce/Strpce  
Church of Saint Theodore, Biti e Poshtme/Donja Bitinja, Shterpce/Strpce  
Church of Saint Nicholas, Gotovushe/Gotovusa, Shterpce/Strpce  
Church of the Holy Virgin, Gotovushe/Gotovusa, Shterpce/Strpce  
Church of Saint George, Biti e Eperme/Gornja Bitinja, Shterpce/Strpce  
Church of Saint Nicholas, Mushnikove/Musnikovo, Prizren/Prizren  
Church of Saint Nicholas, BogoSevci, Prizren/Prizren  
Church of Saint Nicholas, Drajciq/Drajcici, Prizren/Prizren  
Church of Saint Nicholas, Sredske/Sredska, Prizren/Prizren  
Church of the Holy Apostles (or Saint Petka), Mushnikove/Musnikovo, Prizren/Prizren  
Church of Saint George, Sredske/Sredska, Prizren/Prizren

4.1.7 The Protective Zone for the Historic Center of Prizren/Prizren shall be established by the municipal authorities of Prizren/Prizren in cooperation with the IMC, and shall include Serbian Orthodox, Ottoman, Catholic, vernacular and other sites of historic and cultural significance. The following Serbian cultural and religious sites shall be included in the Protective Zone: Church of the Holy Virgin of Ljeviša; the old "Maras Mahala"; the Church of the Holy Savior; the Orthodox Seminary of Saints Cyril and Methodius; and the Episcopal Residence with the Church of Saint George.

4.2 The village of Velika Hoca/Hoce e Madhe shall have the right, in consultation with the municipality of Rahovec/Orahovac, to exercise limited authority over activities in the areas of protection and promotion of religious and cultural heritage, and rural planning with respect to its Protective Zone, in accordance with Section 5.2 on UNMIK regulation 2000/45 on Self-Government of Municipalities in Kosovo. The Implementation and Monitoring Council (IMC) shall facilitate such consultation, in accordance with Article 5.4 of this Annex.] **TO BE MODIFIED**<sup>2</sup>

---

<sup>2</sup> See the Proposal for the establishment of the Protective Zones submitted by the Belgrade negotiating team in the Vienna talks.

#### Article 4a Property Restitution

**4a.1 In addition to the Law on Restitution, referred to in Annex XII, Art. 2.13 of this Settlement, which shall contain general provisions on the restitution of property nationalized or expropriated in any other way by the Communist regime, formerly owned property of the Serbian Orthodox Church nationalized or expropriated after 1945 shall be treated as follows:**

- a) **provided that such property is at present publicly owned and falls within the Protective Zones outlined in Art. 4 of this Annex, the Kosovo and Metohija authorities shall *either* undertake to restore such property to the Serbian Orthodox Church, its legal former owner, immediately after the entry into force of this Settlement;**
- b) ***or*, if they choose not to do so within 30 days after the entry into force of this Settlement, they shall be obliged to make an offer to the Serbian Orthodox Church to buy back such property at its current market value, such value being assessed within a further 45 days by a Special Commission of three (3) experts in consultation with the ICR. This Special Commission shall be nominated by the Implementation and Monitoring Council, referred to in Art. 5 of this Annex.**

#### Article 5 Implementation and Monitoring Council

**5.1 On the basis of a Special Agreement between the Republic of Serbia and the ICR, an Implementation and Monitoring Council (IMC) shall be established **within 30 days after the entry into force of this Settlement**, and shall meet regularly, to monitor and facilitate the implementation of the provisions of this Settlement agreement relating to the protection of the Serbian religious and cultural heritage in Kosovo **and Metohija**.**

**5.2 The IMC shall be chaired by a senior **official appointed by the Government of the Republic of Serbia** [international official appointed by the International Civilian Representative (ICR) in Kosovo.] **DELETED****

**5.3 The IMC shall be composed of **ten (10)** members in addition to the Chairperson. Representatives of the following institutions shall serve on the IMC: [Ministry of Culture of Kosovo,] **DELETED three (3) representatives of the Serbian Orthodox Church, two (2) representatives of the Institute for the Protection of Cultural Monuments of Serbia, and one (1) representative each of the** Institute for Protection of Monuments in Prishtine/Priština, the Institute for Protection of Monuments in Leposaviq/Leposavić, OSCE, Council of Europe, and UNESCO.**

**5.4 The IMC shall:**

- a) **Advise and provide recommendations to **the Government of the Republic of Serbia and** the ICR on the implementation of the Settlement provisions relating to the protection of the Serbian religious and cultural heritage in Kosovo **and Metohija**;**
- b) **Supervise the delineation of the Protective Zones on the ground and their implementation;**

- [c) Recommend changes to boundaries of the Protective Zones and restrictions applied therein should the circumstances so warrant;] **DELETED**
- d) Facilitate resolution of disputes between the Serbian Orthodox Church and the **provincial** or local authorities of Kosovo **and Metohija** with regard to implementation of the provisions of this Annex;
- e) Recommend to the ICR measures to correct possible deficiencies in the implementation of the Settlement provisions relating to the protection of the Serbian religious and cultural heritage in Kosovo **and Metohija**;
- f) Advise [the Kosovo law enforcement agencies,] **DELETED** the International Military Presence, **the PRS** and the ESDP Mission on security related issues affecting the religious and cultural heritage sites.

5.5 The IMC shall be supported by a Secretariat, which shall be responsible for the day-to-day monitoring of the implementation of this Annex, and shall be comprised of **Serbian**, international and local staff members who report directly to the Chairperson.

[5.6 Kosovo and Serbian authorities shall abide by the present mechanism for the restoration of the Serbian Orthodox Church sites, the Reconstruction Implementation Commission, or its successor.] **DELETED**

[5.7 The IMC shall work closely with the Reconstruction Implementation Commission or its successor on the preservation and reconstruction of Serbian religious and cultural heritage.] **DELETED**

## **Article 6           Return of Archaeological and Ethnological Exhibits**

[6.1 The Republic of Serbia shall return archaeological and ethnological exhibits, which were taken on loan from the museums of Kosovo for temporary exhibitions in Belgrade in 1998-1999 within 120 days from the date of entry into force of this Settlement.] **DELETED**

**6.1 Appropriate institutions of the Republic of Serbia and the Autonomous Province of Kosovo and Metohija shall resolve all issues with regard to the archaeological exhibits within 120 days from the date of entry into force of this Settlement.**

**ANNEX VI**  
**INTERNATIONAL DEBT**

**Article 1        General Provisions**

1.1 **The Autonomous Province of Kosovo and Metohija** shall assume its share of the **external** debt of the Republic of Serbia. **External** debt to be apportioned includes *inter alia* debt to the World Bank, Paris Club and London Club creditors. Kosovo **and Metohija's** share shall be determined through negotiations between Kosovo **and Metohija** and the Republic of Serbia. **The principles used for debt apportionment shall be:**

a) **Allocated external debt shall become a liability of Kosovo and Metohija where the final beneficiary is located in Kosovo and Metohija. The definition of the final beneficiary will be based on loan documentation provided by foreign creditors and/or respective loan documentation issued in accordance with the relevant SFRY's legislation.**

b) **Non-allocated external debt shall be apportioned to the parties according to the key to be established by agreement between the parties, in cooperation with the IMF, and should be based on the available statistical data.** [taking into account the principles used for the allocation of sovereign debt in the case of the succession to the Socialist Federal Republic of Yugoslavia, in agreement with the relevant creditors.] **DELETED**

**Article 2        Debt Servicing Obligations**

2.1 [As long as the debt is not fully reconciled and re-apportioned in agreement with creditors, the Republic of Serbia shall, according to its responsibility as sovereign borrower/guarantor, ensure the continuity of debt servicing. Kosovo shall refund to the Republic of Serbia Kosovo's duly established share of the debt servicing that the Republic of Serbia has paid pending the completion of the debt reconciliation process.] **DELETED**

**2.1a Kosovo and Metohija shall be liable for the portion of the external debt of the Republic of Serbia identified and agreed upon, in accordance with the principles mentioned above, taking into account relevant debt restructuring operations that have already been accomplished, and including all principal repayments, interest payments, as well as the opportunity costs of these funds, measured by the corresponding interest rate that is paid to the foreign currency reserves deposits of the National Bank of Serbia in the foreign banks.**

**2.1b The duly established share of the external debt servicing to be refunded includes the total amount of the external debt already serviced by the Republic of Serbia since 31 December 2001 and which will be serviced until the external debt settlement.**

**2.1c New loans, or portions of loans, concluded by the Republic of Serbia after 10 June 1999, shall not be apportioned to Kosovo and Metohija. Consolidation/restructuring and similar loans are not considered new loans.**



**Article 3          Arbitration**

3.1. If, within one year after **the status settlement** enters into force, Kosovo **and Metohija** and the Republic of Serbia have not agreed to debt reconciliation and allocation, the International Steering Group shall nominate an international arbitrator after consultation with the parties, to apportion the **part of disputed external** debt of the Republic of Serbia [between the Republic of Serbia and Kosovo, or that part] **DELETED** that has not been agreed upon by the parties, in agreement with the relevant creditors.

3.2. The arbitrator's **external** debt allocation shall be irrevocable and shall decide which **disputed** debts are to be transferred to Kosovo **and Metohija**.

**Article 4          Debt Apportionment Agreement**

**4.1 The Debt Apportionment Agreement between the Republic of Serbia and Kosovo and Metohija shall stipulate in detail how Kosovo and Metohija's obligation to the budget of the Republic of Serbia shall be repaid, i.e. currency, maturity and interest rate (if it is not serviced at once), etc.**

## ANNEX VII

### PROPERTY AND ARCHIVES

#### Article 0 Protection of Legally Acquired Property

**0.1 Legality of acquiring property in Kosovo and Metohija is determined on the basis of legislation at the time of acquisition. Legally acquired property in Kosovo and Metohija shall be protected in accordance with international standards and practices including, but not limited to, the practice of the European Court for Human Rights.**

**0.2 When the property of property owners from Kosovo and Metohija is protected by the European Court for Human Rights, the damage compensation shall be a liability of Kosovo and Metohija. The ICR shall, where necessary, ensure effective implementation of the international court decisions by the Kosovo and Metohija authorities.**

#### Article 1 Publicly Owned Enterprises

1.1 [Ownership rights in publicly owned enterprises (POEs) and related obligations, including, but not limited to pre-incorporation liabilities shall be transferred to Kosovo. Ownership rights and related obligations of POEs providing services only in a specific municipality or in a limited number of municipalities, in particular in the areas of water, waste, irrigation, and heating shall be transferred to that municipality or the relevant municipalities<sup>3</sup>.] **DELETED**

1.2 [Notwithstanding these ownership rights, the competent Kosovo authorities shall take appropriate measures to implement European Union principles of corporate governance and liberalization. The above-mentioned measures should specifically exclude the reversion of the status of the incorporated POEs as independent Joint Stock Companies and the corporate governance structures that have been implemented within them.] **DELETED**

**1.1 All decisions on the basis of which public enterprises have been established in Kosovo and Metohija by separating parts of the public enterprises of the Republic of Serbia shall be legally void.**

**1.2 Companies, partly publicly and partly privately owned (e.g., Telekom Srbija A.D), whose property and the right to conduct activity in areas such as telecommunications have been divested without a legal basis and compensation shall have that property and right restored to them. In cases where restitution is not feasible, full compensation shall be granted.**

---

<sup>3</sup> UNMIK shall issue an amending Regulation and/or Administrative Direction during the transition period that shall transfer the ownership rights and related obligations of POEs to Kosovo, and allocate the ownership rights and related obligations for the individual POEs between the central level and specific municipalities in accordance with Article 1.1 of this Annex. Such Regulation and/or Administrative Direction shall enter into effect immediately after the transition period

## Article 2      **Socially Owned Enterprises**

2.1 The trusteeship for socially owned enterprises and their assets (SOEs) shall be exercised by the Kosovo Trust Agency (KTA) successor institution, as established by UNMIK Regulation 2006/xx amending Regulation 2001/12 as amended.<sup>4</sup> The adjudication of claims shall be handled according to the provisions set forth in Article 3 of this Annex.

**2.1a Full compensation shall be granted to socially owned enterprises (SOEs) and POEs from Central Serbia and Vojvodina, as well as from Kosovo and Metohija, for their equity in SOEs in Kosovo and Metohija that have been privatized through KTA. In such cases, the Special Chamber within the Supreme Court of Kosovo and Metohija shall handle the ownership issues and the adjudication of claims.**

2.2 To monitor, in particular, compliance with principles of the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) and with applicable legislation related to the privatization and liquidation of SOEs, the ICR shall appoint:

- a. Three (3) international members of the Board of Directors of the KTA successor institution;
- b. The Director of the Executive Secretariat of the Board of Directors of the KTA successor institution;
- c. One (1) member in each of the liquidation committees.

**In addition, the Privatization Agency of the Republic of Serbia shall appoint:**

- d. Two (2) members of the Board of Directors of the KTA successor institution;**
- e. The Deputy Director of the Executive Secretariat of the Board of the KTA successor institution;**
- f. One (1) member in each of the liquidation or restructuring boards of SOEs.**

---

<sup>4</sup> UNMIK shall issue an amending Regulation establishing a KTA successor institution during the transition period, that shall include the provisions of Article 2 of this Annex and the following principles. Such regulation shall enter into effect immediately after the transition period.

- o Private property shall be fully protected in accordance with principles of the ECHR;
- o The privatization process of SOEs shall continue to be carried out with transparency by the KTA successor institution, with relevant international participation;
- o The principle of compensation instead of physical restitution shall continue to be applied. Detailed rules on the method to determine such compensation shall be laid down in Kosovo legislation, which shall take into account relevant standards of the ECHR;
- o The liquidation process of privatized enterprises and assets shall continue to be carried out with transparency by independent liquidation committees appointed by the KTA successor institution;
- o The final determination of ownership and the adjudication of claims shall continue to be handled by the mechanism of a Special Chamber within the Supreme Court, in accordance with Article 3 of this Annex;
- o The KTA Trust Funds comprising privatisation or liquidation proceeds shall be preserved to meet valid creditors' and ownership claims. Investment of these funds shall be placed in investments, rated investment grade by international rating agencies;
- o Following the expiration of any period of time for submitting such claims and the satisfaction of all valid creditors' and ownership claims - within the limits of funds available in each case - the remaining KTA funds (socially owned property and privatization/liquidation proceeds from socially owned property) shall be transferred to the Government of Kosovo.

**2.2a Representatives of local self-government shall be members of the privatization committees during the privatization of socially owned enterprises located in these municipalities. Representatives of such enterprises shall also be members of these committees. Of five (5) members of these committees, two (2) members shall represent the local self-government, and one (1) member shall represent the enterprise itself. This committee would supervise the privatization process and approve its results.**

2.3 The international members of the Board of Directors shall have the authority, acting jointly and unanimously, to suspend a decision of the KTA successor institution if they determine that such decision is in conflict with principles of the ECHR and its Protocols, and applicable law, and to refer the matter to the Special Chamber of the Supreme Court for a decision. The Special Chamber shall decide on such cases as a matter of urgency.

2.4 Each individual payment from the privatization and liquidation proceeds collected in Trust Funds shall require the consent of the international members of the Board of Directors, acting jointly and unanimously, unless the Special Chamber has already issued a decision that payments should be made.

2.5 The two largest international donors to the KTA successor institution shall have the right to attend the meetings of the Board of Directors of the KTA successor institution as observers.

### **Article 3        KTA Claims Adjudication Process**

3.1 The final determination of ownership and the adjudication of claims shall continue to be handled by the Special Chamber within the Supreme Court established for this purpose under UNMIK Regulation 2002/13.

3.2 There shall be five specialized panels within the Special Chamber to deal with the following areas of jurisdiction: (i) privatization-related claims; (ii) employee list claims; (iii) general ownership and creditor claims; (iv) liquidation-related claims, (v) reorganization of enterprise claims. Each specialized panel shall be composed of two (2) international judges **and two (2) Kosovo and Metohija judges, one (1) of which will be appointed by a Kosovo and Metohija Serb majority municipality if the enterprise to be privatized is wholly or partly located on the territory of the Kosovo and Metohija Serb majority municipality in question.**

3.3 There shall be an appeals panel within the Special Chamber for reviewing Special Chamber decisions. The appeals panel shall be composed of three (3) additional international judges and two Kosovo **and Metohija judges, one (1) of which will be appointed by a Kosovo and Metohija Serb majority municipality if the enterprise to be privatized is wholly or partly located on the territory of the Kosovo and Metohija Serb majority municipality in question.**

**Article 4 Kosovo Property Agency (KPA)**

4.1 UNMIK Regulation 2006/10, as amended by UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, including Agricultural and Commercial Property, shall continue to be in force and implemented in accordance with the provisions of this Settlement. Adjudication of property cases should be finalized by 31 December 2007, with a view to completing implementation of decisions not later than 31 December 2008.

4.2 The following positions shall be filled with international representatives, as appointed by the ICR:

- a. Three (3) international members of the Supervisory Board, including its chairperson;
- b. The Director of the Executive Secretariat;
- c. Two (2) international members of the Property Claims Commission, including its chairperson;
- d. Two (2) international judges, in accordance with Article 5 of this Annex.

**Article 4a Adverse Possession and the Statute of Limitations**

**4a.1 Adverse possession as a mode of acquiring property title over immovable property shall not be allowed in cases where the owners became dispossessed without their consent after 10 June 1999.**

**4a.2 Statute of limitations in judicial, administrative and similar procedures shall not apply whenever free access to the relevant institutions was not granted.**

**Article 5 KPA Claims Adjudication Process**

5.1 Appeals against decisions of the KPA Property Claims Commission shall be decided by three-judge panels of the Supreme Court consisting of two (2) international judges and one (1) local judge.

5.2 Kosovo **and Metohija** shall implement additional measures, in consultation with the ICR, to ensure that the adjudication process on restitution/compensation of property claims is efficient and decisions are effectively enforced.

**Article 6 Property Restitution**

6.1 Kosovo **and Metohija** shall also address property restitution issues, including those related to the Serbian Orthodox Church, as a matter of priority. Kosovo **and Metohija** shall establish an independent mechanism to formulate the policy, legislative and institutional framework for addressing property restitution issues. Representatives of the international community shall be invited to participate in such a mechanism, which shall include representatives of non-majority Communities.

**Article 7      Archives**

**7.1 The Republic of Serbia may, on the basis of the Special Agreement, referred to in General Principles, Art. 8.3 of this Settlement, entrust Kosovo and Metohija with administering some of its public registers.** [Archives, including cadastral records and other documents relating to Kosovo and its inhabitants, which were displaced from Kosovo shall be returned to Kosovo. Holdings of the State Archives of the Republic of Serbia necessary for the normal administration of Kosovo shall, in accordance with the principle of functional pertinence, be transferred to Kosovo, irrespective of where those archives were or are located.] **DELETED**

**7.2 The Republic of Serbia and its Autonomous Province of Kosovo and Metohija shall allow free, unhindered and effective access to the registers mentioned in 7.1 above.** [The Republic of Serbia shall return or transfer all such archives within six months of the entry into force of this Settlement. Until the archives have been returned or transferred, the Republic of Serbia shall allow free, unhindered and effective access to them.] **DELETED**

## ANNEX VIII

### KOSOVO SECURITY SECTOR

#### Article 1 Security of Kosovo

1.1 Except as specified elsewhere in this Settlement, Kosovo **and Metohija** shall have authority over law enforcement, justice, public safety, **and** civil emergency response on its territory.

1.2 Kosovo **and Metohija** security institutions are to operate in accordance with the democratic standards and the rights of Communities and their members, as set forth in Annex II.

1.3 Kosovo **and Metohija** shall establish a parliamentary committee to oversee the security sector in accordance with this Settlement.

[1.4 Kosovo shall establish a Kosovo Security Council (KSC), reporting to the Prime Minister. The KSC shall develop a security strategy in accordance with this Settlement. Kosovo shall develop a legislative framework on the components of the security sector in accordance with this Settlement with appropriate budgetary and oversight provisions.] **DELETED**

[1.5 In those areas of the security sector where there is continued international involvement in accordance with this Settlement, Kosovo shall develop, in cooperation with the ICR and the IMP, strategies for a full transfer of responsibility to Kosovo authorities over time.] **DELETED**

[1.6 The process of developing Kosovo's security sector shall be fully transparent to Kosovo's neighbours, and Kosovo shall establish appropriate liaison and confidence-building measures with regional counterparts.] **DELETED**

[1.7 Kosovo shall comply with UN, OSCE, and EU standards and practices in the field of security and arms control, as well as other regional security agreements and statements under the purview of the OSCE.] **DELETED**

#### Article 2 Police

2.1 A unified chain of command for police services shall be preserved throughout Kosovo **and Metohija**.

2.2 Boundaries of police station districts shall coincide with municipal boundaries.

2.3 The ethnic composition of the police within a municipality shall, to the extent possible, reflect the ethnic composition of the population within that municipality.

2.4 Local Councils composed of municipal and police representatives including the Station Commanders shall be made fully functional in order to facilitate the cooperation between the Police Service and municipal authorities/local community leaders. Municipal Presidents shall chair the Councils.

**2.5 Provincial or special Kosovo and Metohija police forces shall have the right to enter the territory of the Serb majority municipalities only under precisely specified circumstances to be set forth in framework legislation on police, referred to in Annex I, Art. 3.7.** Local Station Commanders shall be informed in advance of **such** operations by **provincial** or special police forces within the perimeters of local police stations unless **specific** operational considerations require otherwise. **Local police forces shall, wherever possible, cooperate in such operations.**

2.6 In Kosovo **and Metohija** Serb majority municipalities, the local Station Commanders shall be selected according to the following procedure: The Municipal Assembly shall propose at least two names for Station Commander fulfilling all minimum professional requirements as set forth by **the Kosovo and Metohija framework legislation on police**. The Ministry of Internal Affairs may then appoint one candidate from this list within 15 days upon receipt of the list. In the event none of the candidates are acceptable to the Ministry, the Municipal Assembly shall provide a second list of at least two different candidates for consideration by the Ministry, [stemming from the existing Kosovo police service staff and] **DELETED** fulfilling all minimum professional requirements as set forth by **the Kosovo and Metohija framework legislation on police**. The Ministry is then obliged to appoint one of the candidates from the second list within 15 days of its receipt. **Local Station Commanders cannot be dismissed from their post without the consent of the Municipal Assembly unless they have been found guilty of serious breach of the law.**

### **Article 3      Border**

**3.1 Responsibility for the control of that part of the internationally recognized border of the Republic of Serbia that is located within Kosovo and Metohija shall be jointly exercised by the Border Police of the Ministry of Internal Affairs of the Republic of Serbia and the IMP.** [Kosovo shall develop, in coordination with the ICR and the IMP, a strategy to allow a phased hand-over of responsibility for control of the border and its associated integrated management to the Kosovo Police Service.] **DELETED**

[3.2 The territory of Kosovo shall be defined by the frontiers of the Socialist Autonomous Province of Kosovo within the Socialist Federal Republic of Yugoslavia as these frontiers stood on 31 December 1988, except as amended by the border demarcation agreement between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia on 23 February 2001.<sup>7</sup> ] **DELETED**

[3.3 Kosovo shall engage with the former Yugoslav Republic of Macedonia to establish a joint technical commission within 120 days of the entry into force of this Settlement to physically demarcate the border and address other issues arising from the implementation of the 2001 agreement between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia. The work of the technical commission shall be completed within one year from the date of its establishment. The ICR and the IMP shall be represented on this commission to facilitate discussions between the two parties, and may participate in the process of border demarcation at the request of either party.] **DELETED**



**[Article 4 Intelligence**

4.1 Kosovo shall establish a domestic security agency to monitor threats to Kosovo's internal security, in accordance with Annex IX. This agency shall be professional, apolitical, multiethnic and subject to parliamentary oversight and civilian administration.] **DELETED**

[In his statement on 7 March 2001, the President of the Security Council, mentioned *inter alia*: "The Security Council recalls the need to respect the sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia. In this context it emphasizes that the border demarcation Agreement, signed in Skopje on 23 February 2001 ...must be respected by all."] **DELETED**

**[Article 5 Kosovo Security Force**

5.1 A new professional and multi-ethnic Kosovo Security Force (KSF) shall be established. It shall not create an undue financial burden on the resources of Kosovo. A civilian-led organization of the Government shall be established to ensure civilian control over the KSF, in accordance with Annexes IX and XI.

5.2 The KSF shall be lightly armed and possess no heavy weapons, such as tanks, heavy artillery or offensive air capability. The KSF is to consist of no more than 2,500 active members and 800 reserve members.

5.3 Changes to the limits set forth in Article 5.2 of this Annex are to be determined by the IMP, in coordination with the ICR. A full review of these limits shall be conducted no earlier than 5 years from the date this Settlement enters into force.

5.4 Initially, the KSF shall be primarily responsible for crisis response, explosive ordinance disposal, and civil protection. In addition, the KSF will be designed and prepared to fulfil other security functions, not appropriate for the police or other law enforcement organizations. The IMP, in coordination with the ICR, shall establish a benchmarked, monitored process for the purpose of determining when to authorize the KSF to engage in these security functions.

5.5 Members of the KSF shall be recruited from across society. A formal selection procedure shall be developed jointly by Kosovo and the IMP. Recruitment shall begin shortly after the entry into force of this Settlement in order to ensure an initial operational capability within one year of this Settlement's entry into force.

5.6 Equipping the KSF will be a joint effort between Kosovo and the international community, as funds and resources are made available. Kosovo will identify to the IMP all sources of funds and equipment provided to the KSF from outside Kosovo.] **DELETED**

**Article 6 Kosovo Protection Corps (KPC)**

[6.1 The KPC shall be disbanded. The IMP, in consultation with the ICR and Kosovo, shall exercise executive oversight of the KPC, and shall decide on the timing of its disbandment. The disbandment is to be within one year of this Settlement coming into force. A Demobilization and Reintegration process is to be developed by the International Community for these KPC retirees.] **DELETED**

**6.1a The KPC shall be disbanded within six months after the entry into force of this Settlement. After that time Kosovo and Metohija shall be fully demilitarized, with the exception of the IMP the responsibilities of which are set forth in Annex XI of this Settlement.**

**[Article 7      Air Space Control**

7.1 Kosovo shall assume full ownership, responsibility and accountability for its airspace. It shall establish a Civil Aviation Authority (CAA) to regulate civil aviation activities in Kosovo, subject to the right of the IMP to re-establish military control over the airspace, as set forth in Article 2 of Annex XI. The CAA shall also designate a provider for air navigation services.] **DELETED**

**ANNEX IX**

**INTERNATIONAL CIVILIAN REPRESENTATIVE**

**Article 1 Objectives**

1.1 **As an Autonomous Province within the Republic of Serbia, Kosovo and Metohija shall, under the terms of this Settlement,** be responsible for managing its own affairs, based upon the democratic principles of the rule of law, accountability in government, and the protection and promotion of human rights, the rights of members of all Communities, and the general welfare of all its people. Recognizing that fulfilling Kosovo **and Metohija's** responsibilities under this Settlement will require a wide range of complex and difficult activities, an International Civilian Representative (ICR) shall supervise the implementation of this Settlement and support the relevant efforts of Kosovo **and Metohija's** authorities.

**[Article 2 Mandate and Powers of the International Civilian Representative**

2.1 Regarding the general supervision of the implementation of this Settlement, the ICR shall:

- a. Be the final authority in Kosovo regarding interpretation of the civilian aspects of this Settlement;
- b. Ensure effective implementation of this Settlement through the execution of specific tasks accorded to the ICR in other parts of this Settlement;
- c. Take corrective measures to remedy, as necessary, any actions taken by the Kosovo authorities that the ICR deems to be a breach of this Settlement, or seriously undermine the rule of law, or to be otherwise inconsistent with the terms or spirit of this Settlement; such corrective measures may include, but are not limited to, annulment of laws or decisions adopted by Kosovo authorities;
- d. In cases of serious or repeated failures to comply with the letter or spirit of this Settlement, and/or in instances of serious obstruction in the work of the ICR and/or ESDP Mission, the ICR shall have the authority to sanction or remove from office any public official or take other measures, as necessary, to ensure full respect for this Settlement and its implementation;
- e. Monitor, through his/her own office or through the establishment of appropriate reporting mechanisms from other international actors or organizations as may be present in Kosovo, the implementation of all civilian aspects of this Settlement.

2.2 In addition to his/her appointment authority as specified elsewhere in this Settlement, the ICR shall have the authority to appoint directly, or provide his consent for the appointment of certain positions as follows:

- a. The Auditor-General shall be an international appointed by the ICR.

b. Following the expiration of the mandate of the current international members of the Board of Directors of the Kosovo Pension Saving Trust (KPST), the ICR shall appoint an international representative as a member of the Board of Directors of the KPST.

c. International judges and prosecutors shall be selected by the ESDP Mission, who shall require, prior to their appointment, the consent of the ICR;

d. The Director-General of the Customs Service, the Director of Tax Administration, the Director of the Treasury, and the Managing Director of the Central Banking Authority of Kosovo (CBAK) shall be appointed by the competent appointing authorities following consent by the ICR:

e. In exercising his/her authority of appointment, the ICR shall consider the professional qualifications of the candidates, their reputation of integrity, and track record of rigorous and impartial application of the law.

2.3 The powers and authorities of the ICR and the powers and authorities of the EUSR shall be vested in the same person. The EUSR shall have the following powers in the field of the rule of law, including, in particular, in the judiciary, police, customs and correctional services, which shall be exercised on his/her behalf by the ESDP Mission as set forth in Article 12 of this Settlement, with modalities to be determined by the EU Council in accordance with this Settlement:

a. Authority to ensure that cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes, and other serious crimes are properly investigated according to the law, including, where appropriate, by international investigators acting jointly with Kosovo authorities or independently;

b. Authority to ensure that cases described in Article 2.3a of this Annex are properly-prosecuted including, where appropriate, by international prosecutors acting jointly with Kosovo prosecutors or independently. Case selection for international prosecutors shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International prosecutors shall serve in accordance with Kosovo law;

c. Authority to ensure that cases described in Article 2.3a of this Annex and property related civil cases are properly adjudicated, including, where appropriate, by international judges sitting independently or on panels with Kosovo judges in the court which has jurisdiction over the case. Case selection for adjudication involving international judges shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International judges shall enjoy full independence in the discharge of their judicial duties and shall serve within the Kosovo judicial system in accordance with the law;

d. Responsibility to ensure that decisions of cases described in Article 2.3a of this Annex are properly enforced according to the law by the competent Kosovo authorities;

e. Authority to assume other responsibilities independently or in support of the competent Kosovo authorities to ensure the maintenance and promotion of the rule of law, public order and security;

f. In consultation with the ICR, authority to reverse or annul operational decisions taken by the competent Kosovo authorities, as necessary, to ensure the maintenance and promotion of the rule of law, public order and security;

g. Authority to monitor, mentor and advise on all areas related to the rule of law. The Kosovo authorities shall facilitate such efforts and grant immediate and complete access to any site, person, activity, proceeding, document, or other item or event in Kosovo;

h. Authority to ensure efficient implementation of this Settlement through the execution of tasks accorded to the ESDP Mission in other parts of this Settlement;

i. Authority to appoint ESDP mission personnel to perform the functions accorded to the ESDP Mission.

2.4 The ICR shall supervise the development of Kosovo's civilian institutions including civilian control over its security institutions, without prejudice to the responsibilities of NATO and the IMP regarding the development of the KSF and its civilian oversight, as set forth in Article 13.5 of this Settlement.

2.5 The ICR shall oversee the development of a domestic security agency, as specified in Annex VIII of this Settlement.

2.6 The ICR shall have the authority to establish a mechanism to allow the review of the use of his/her powers and those of the EUSR without prejudice to the privileges and immunities enjoyed by the ICR and EUSR under this Settlement.] **TO BE MODIFIED IN LIGHT OF THE SPECIAL AGREEMENT BETWEEN THE REPUBLIC OF SERBIA AND THE UNITED NATIONS WHICH IS THE BASIS FOR THE APPOINTMENT OF THE ICR (General Principles, Art. 11.1 of this Settlement)**

### **Article 3      Coordination with International Actors**

3.1 To ensure maximum coherence and effectiveness in international engagement in Kosovo **and Metohija**, the ICR shall establish appropriate mechanisms to coordinate the activities of all international actors. These actors shall support such efforts by providing the ICR with information relevant to the exercise of his/her functions.

3.2 The Organization for Security and Cooperation in Europe (OSCE) is requested to maintain a Mission in Kosovo **and Metohija**, including a comprehensive field presence, to support the democratic development of Kosovo **and Metohija** and the work of the ICR and his/her Office. Specific arrangements for such support by the OSCE shall be established between the OSCE and the ICR.

3.3 The ICR shall, consistent with his/her overall coordinating role regarding supervision of the implementation of this Settlement, chair a Coordination Committee comprising the Head of the International Military Presence, the Head of the ESDP Mission, the Head of the OSCE Mission, and, as the Committee deems appropriate, representatives of other organizations contributing to the implementation of this Settlement.

#### **Article 4 Structure/Staffing of the International Civilian Representative**

4.1 **On the basis of a Special Agreement between the Republic of Serbia and the United Nations**, the ICR shall be appointed by an International Steering Group following consultations within the EU. The ISG shall seek UN Security Council endorsement of this appointment. **This endorsement is to be renewed on a yearly basis by the Security Council.** The ISG shall have the following membership: France, Germany, Italy, Russia, United Kingdom, United States, European Union, European Commission, NATO.

4.2 The ICR shall report directly to the International Steering Group and chair its meetings. The International Steering Group shall provide guidance to the ICR.

4.3 The ICR shall be supported by staff (the International Civilian Office (ICO)), as he/she deems necessary, to assist in carrying out the functions set forth in this Settlement.

4.4 The ICR may establish whatever field presence he/she deems necessary to supervise full implementation of this Settlement. The ICR shall establish a field office in Mitrovica which shall focus, in particular, on the areas of security, rule of law, freedom of movement, returns, property rights/housing, and economic development.

4.5 The ICR, also in his/her capacity as EUSR, shall enjoy, under the laws of **the Republic of Serbia**, legal capacity as may be necessary for the full exercise of his/her functions under this Settlement.

4.6 The ICR, also in his/her capacity as EUSR, shall be accorded the following privileges and immunities:

a. **The Republic of Serbia** shall accord the office of the ICR and the EUSR and its premises, archives, and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises, archives, and other property' under the Vienna Convention on Diplomatic Relations.

b. **The Republic of Serbia** shall accord the ICR, the EUSR, and professional members of his or her staff and their families the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

c. **The Republic of Serbia** shall accord other members of the ICR and EUSR staff and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

#### **Article 5 Reduction and Termination of the Mandate of the International Civilian Representative**

5.1 Based upon the recommendations of the ICR, the International Steering Group, **in consultation with the Republic of Serbia**, shall establish benchmarks for a periodical review of the mandate of the ICR, and shall conduct a full review of the powers of the ICR no later than two years after the entry into force of this Settlement, with a view to **confirmation or**

**appropriate redefinition of [gradually reducing] DELETED** the scope of the powers of the ICR [and the frequency of intervention]. **DELETED**

5.2 The mandate of the ICR shall be terminated when the International Steering Group, **in consultation with the Republic of Serbia**, determines that Kosovo **and Metohija** has implemented the terms of this Settlement.

## **Article 6 Cooperation**

6.1 Kosovo **and Metohija** authorities shall cooperate fully with the ICR, also in his/her capacity as EUSR, and other international organizations and actors, for the successful implementation of all aspects of this Settlement. Failure by the Kosovo **and Metohija** authorities to so cooperate shall constitute a breach of the terms of this Settlement under Article 2.1 of this Annex.

6.2 Kosovo **and Metohija** authorities shall facilitate all appropriate assistance to the ICR, also in his/her capacity as EUSR, for the efficient and effective discharge of their duties, including the provision of logistical and administrative support as necessary.

## ANNEX X

### EUROPEAN SECURITY AND DEFENSE POLICY (ESDP) MISSION

#### Article 1 Mandate and Powers

1.1 The ESDP Mission shall, under the direction of the European Union Special Representative (EUSR), exercise the powers of the EUSR as outlined in Article 2.3 of Annex IX of this Settlement.

1.2 The Head of the ESDP Mission shall assume day-to-day operational management of the Mission.

1.3 The ESDP Mission and its personnel will be accorded the same privileges and immunities as specified in Article 4.6 of Annex IX of this Settlement.

#### Article 2 Structure

2.1 The Head of the ESDP Mission shall be appointed by the Council of the European Union.

2.2 The Head of the ESDP Mission may establish whatever presence he/she deems necessary, at a **provincial** and/or local level, to ensure full implementation of the rule of law elements of this Settlement.

2.3 The ESDP Mission shall have a unified chain of command.

#### Article 3 Cooperation

3.1 Kosovo **and Metohija** shall facilitate all appropriate assistance to the ESDP Mission necessary for the efficient and effective discharge of its duties, including the provision of logistical and administrative support as necessary.



**ANNEX XI**

**INTERNATIONAL MILITARY PRESENCE**

**Article 1 Objectives**

1.1. The International Military Presence (IMP), **established through a Special Agreement between the Republic of Serbia and the United Nations**, shall be responsible for:

- a. Ensuring **general** security of Kosovo **and Metohija** [from external threats until Kosovo institutions can take responsibility]; **DELETED**
- b. Providing a safe and secure environment throughout the territory of Kosovo **and Metohija**, in conjunction with the ICR and in support of the Kosovo **and Metohija** institutions [until such time as Kosovo **and Metohija**'s institutions are capable of assuming responsibility, on a case-by-case basis, for the security tasks performed by the IMP]; **DELETED**
- c. [Supervising and supporting, with the assistance of others, the establishment and training of the Kosovo Security Force (KSF); this would include vetting potential members to ensure professionalism; striving to achieve appropriate ethnic representation, and, the right of sanction for inappropriate conduct of members of the KSF in coordination with the ICR;] **DELETED**
- d. Verifying compliance with any military security aspects of this Settlement;
- e. Supporting, and coordinating closely with the work of the ICR, as well as providing military advice to the ICR;
- f. [Assisting and advising with respect to the process of integration in Euro-Atlantic structures.] **DELETED**

1.2 Within means and capabilities, and until tasks can be relinquished to others under programmes to be agreed, the IMP will assist local authorities and the ICR in:

- a. Responding to violent extremists;
- b. Ensuring freedom of movement;
- c. Facilitating refugee return;
- d. Removing, safeguarding and destroying unauthorized weapons;
- e. Protecting designated religious and cultural sites;
- f. Conducting border monitoring duties as required; and
- g. Providing support, on a case-by-case basis, to the international community and key civil implementation organizations, in the fulfillment of their respective mandates.

[1.3 The IMP shall support the development of structures and expertise in Kosovo to ensure the effective civilian control and management over the KSF, in particular in the areas of strategy development, force planning, personnel management, Planning, Programming and Budgeting (PPBS), exercise planning and procurement, in accordance with Article 2.4 of Annex IX of this Settlement.] **DELETED**

[1.4 The IMP shall supervise, monitor and have executive authority over the KSF until the Force is judged by the IMP, in coordination with the ICR, to be self-sustaining and capable of fulfilling its assigned tasks in accordance with international standards.] **DELETED**

1.5 The IMP will continue the established practice of the current Joint Implementation Commission with the Republic of Serbia. [Over time, the activities of the Joint Implementation Commission will be subsumed by a new Joint Military Commission with authorities from Kosovo and the Republic of Serbia to address military security issues of common concern.] **DELETED**

[1.6 The IMP will establish confidence-building measures between the KSF and defense institutions of the Republic of Serbia, in coordination with the ICR.] **DELETED**

[1.7 In the longer term, the IMP will remain engaged with the KSF to provide advice aimed at Kosovo's further integration into Euro-Atlantic security structures and the involvement of elements from the security force in internationally mandated missions.] **DELETED**

[1.8 The IMP will operate under the authority and be subject to the direction and political control of the North Atlantic Council through the NATO Chain of Command. The IMP shall have a unified chain of command.] **TO BE DETERMINED IN LIGHT OF THE SPECIAL AGREEMENT BETWEEN THE REPUBLIC OF SERBIA AND THE UNITED NATIONS ON THE BASIS OF WHICH THE IMP IS ESTABLISHED (See General Principles, Art. 13.1 of this Settlement)**

## **[Article 2 Powers and Authorities**

2.1 In fulfilling the IMP's responsibilities, the Head of the IMP shall have the authority, without interference or permission, to do all that he/she judges necessary and proper, including the use of military force, to protect the IMP and other designated personnel and to carry out its responsibilities. The Head of the IMP is the final authority in theatre regarding interpretation of those aspects of the Settlement that refer to the IMP.

2.2 The IMP will have the following authorities:

- a. The right to carry out its responsibilities as it deems appropriate, including the use of all necessary force where required and without further sanction, interference or permission;
- b. The right to exercise complete and unimpeded freedom of movement throughout Kosovo, by any means;
- c. The right to re-establish immediate and full military control of the airspace (or parts thereof) should military requirements so dictate. The Head of the IMP shall ensure that Civil Aviation Authority of Kosovo is fully informed about any such decision;
- d. The right to conduct inspections of premises and facilities in connection with the fulfillment of its tasks;
- e. The right to approve and supervise, in coordination with the ICR, the establishment of all non-police, security-related forces proposed by Kosovo;

f. The right to take action as it deems appropriate in support of its mandate in accordance with this Settlement.

2.3 Kosovo shall grant the IMP the status, privileges and immunities currently provided to KFOR under UNMIK Regulation 2000/47.

2.4 In all cases, the authorities of the IMP will be kept under review and, after consultation with the relevant parties and decision by the NAC, adjusted accordingly, on a case-by-case basis, as Kosovo institutions develop capacity and increase ownership and responsibility.] **TO BE DETERMINED IN LIGHT OF THE SPECIAL AGREEMENT BETWEEN THE REPUBLIC OF SERBIA AND THE UNITED NATIONS ON THE BASIS OF WHICH THE IMP IS ESTABLISHED (See General Principles, Art. 13.1 of this Settlement)**

[ANNEX XII

**LEGISLATIVE AGENDA**

**Article 1        Legislation to Be Adopted During the Transition Period**

The Assembly of Kosovo shall formally approve the necessary legislation to implement the terms of this Settlement during the 120-day transition period, which shall be deemed adopted by the Assembly and shall become effective on the first day immediately following the transition period. Such legislation shall include, but not be limited to, the following:

- 1.1 Laws on General and Local Elections;
- 1.2 Law on Local Self-Government;
- 1.3 Law on Municipal Boundaries;
- 1.4 Law on the Establishment of Protective Zones;

1.5 Rules of procedures, or amendments thereto, as necessary to implement the terms of this Settlement immediately upon the end of the transition period, including, in particular, rules of procedures related to the protection and promotion of the rights of Communities and their members.

**Article 2        Legislation to be Adopted During or After the Transition Period**

The Assembly of Kosovo may formally approve other legislation during the transition period to implement the terms of this Settlement, which, if approved, shall be deemed adopted by the Assembly and shall become effective on the first day immediately following the transition period. Such legislation shall otherwise be adopted as a matter of priority immediately upon the conclusion of the transition period, and shall include, but not be limited to, the following:

- 2.1 Laws related to the Rights of Communities and their Members;
- 2.2 Law on the Establishment of the Kosovo Security Council;
- 2.3 Civil Aviation Act;
- 2.4 Amendments to the Assembly Rules of Procedure for the Establishment of an Assembly Security Oversight Committee;
- 2.5 Law on Local Finance;
  
- 2.6 Laws related to distribution of competences and other issues in the following sectors:
  - 2.6.1 Education;
  - 2.6.2 Health Care;
  
- 2.7 Law on the Kosovo Security Force;
- 2.8 Kosovo Security Force Service Act;
- 2.9 Kosovo Police Service Act;

- 2.10 Law on the Establishment of a Domestic Kosovo Intelligence Agency;
- 2.11 Law on Kosovo Citizenship;
- 2.12 Law on National Symbols and Public Holidays;
- 2.13 Law on Restitution.] **TO BE REPLACED BY:**

## **ANNEX XII**

### **TRANSITIONAL ARRANGEMENTS AND LEGISLATIVE AGENDA**

#### **Article 1        General Elections**

**1.1 No later than 90 days after the Assembly formally approves the Constitution of Kosovo and Metohija, general elections shall be held. Elections shall take place in accordance with the Constitutional Framework for Provisional Self-Government, Chapter 9, Section 1, Art. 9.1.2-9.1.3, and the corresponding provisions of Annex I, Art. 3.1-3.2 of this Settlement.**

#### **Article 2        Legislative agenda**

**2.1 The new Assembly of the Autonomous Province of Kosovo and Metohija shall adopt the following legislation within 180 days:**

- 2.1.1 Law on General Elections;**
- 2.1.2 Law on Local Self-Government;**
- 2.1.3 Law on the Establishment of Protective Zones;**
- 2.1.4 Laws on Health Care;**
- 2.1.5 Law on Restitution.**

**2.1.6 Laws referred to in Annex I, Art. 3.7 of this Settlement (requiring for their adoption a qualified majority under a “vital interest clause”):**

- a. Laws implementing the rights of Communities and their members, other than those set forth in the Constitution;**
- b. Laws on the use of language;**
- c. Laws on local elections;**
- d. Laws on the protection of cultural heritage;**
- e. Laws on religious freedom or on agreements with religious communities;**
- f. Laws on education;**
- g. Laws on the use of symbols (including Community symbols) and on public holidays;**
- h. Laws on social policy;**
- i. Laws on culture;**
- j. Laws on media and laws including provisions for the distribution of frequencies for electronic media;**
- k. Laws on police;**
- l. Laws on local finance.**

**Article 3 Election of Judges and Prosecutors**

**3.1 The newly elected Assembly shall elect members of the Kosovo and Metohija Judicial Council, Constitutional Court judges, Supreme Court judges, District Court presidents and judges, and District prosecutors and their deputies within a period of 120 days.**