



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

Strasbourg, 02 June 2005

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Annexes I - XII

**REPORT SUBMITTED BY THE
UNITED NATIONS INTERIM ADMINISTRATION MISSION IN
KOSOVO (UNMIK) PURSUANT TO ARTICLE 2.2 OF THE
AGREEMENT BETWEEN UNMIK AND THE COUNCIL OF
EUROPE RELATED TO THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(received on 02 June 2005)

ANNEX I

Security Council Resolution No. 1244 (1999)
10 June 1999¹



Security Council

Distr.
GENERAL

S/RES/1244 (1999)
10 June 1999

RESOLUTION 1244 (1999)

Adopted by the Security Council at its 4011th meeting,
on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on

2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;

7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;

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8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;

(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

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(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;

(h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;

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17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting
of the G-8 Foreign Ministers held at the Petersberg Centre
on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;

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- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other

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countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.

10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.¹ A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Notes

¹ Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);

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UNITED NATIONS
United Nations Interim
Administration Mission in
Kosovo



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Intérimaire des Nations Unies au
Kosovo

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**CONSTITUTIONAL FRAMEWORK FOR
PROVISIONAL SELF-GOVERNMENT**

Constitutional Framework for Provisional Self-Government

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CONSTITUTIONAL FRAMEWORK FOR PROVISIONAL SELF-GOVERNMENT

Preamble

The Special Representative of the Secretary-General (SRSG),

Pursuant to the authority given to him under United Nations Security Council Resolution 1244(1999) of 10 June 1999 (UNSCR 1244(1999));

Recalling that UNSCR 1244(1999) envisages the setting-up and development of meaningful self-government in Kosovo pending a final settlement;

Acknowledging Kosovo's historical, legal and constitutional development; and taking into consideration the legitimate aspirations of the people of Kosovo to live in freedom, in peace, and in friendly relations with other people in the region;

Emphasizing that, since its establishment, the United Nations Interim Administration Mission in Kosovo (UNMIK) has supported and assisted the people of Kosovo and has worked towards this aim by enabling them to take responsibility gradually for the administration of Kosovo through the establishment of the Joint Interim Administrative Structure (JIAS);

Considering that, building on the efforts undertaken by UNMIK and on the achievements of JIAS, including the valuable contribution by the people of Kosovo, and with a view to the further development of self-government in Kosovo, Provisional Institutions of Self-Government in the legislative, executive and judicial fields shall be established through the participation of the people of Kosovo in free and fair elections;

Determining that, within the limits defined by UNSCR 1244(1999), responsibilities will be transferred to Provisional Institutions of Self-Government which shall work constructively towards ensuring conditions for a peaceful and normal life for all inhabitants of Kosovo, with a view to facilitating the determination of Kosovo's future status through a process at an appropriate future stage which shall, in accordance with UNSCR 1244(1999), take full account of all relevant factors including the will of the people;

Considering that gradual transfer of responsibilities to Provisional Institutions of Self-Government will, through parliamentary democracy, enhance democratic governance and respect for the rule of law in Kosovo;

Endeavouring to promote economic prosperity in Kosovo and the welfare of its people through the development of a market economy;

Affirming that the exercise of the responsibilities of the Provisional Institutions of Self-Government in Kosovo shall not in any way affect or diminish the ultimate authority of the SRSG for the implementation of UNSCR 1244(1999);

Taking into account the Charter of the United Nations; the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights and the Protocols thereto; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of

the Child; the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; the European Charter for Regional or Minority Languages; the Council of Europe's Framework Convention for the Protection of National Minorities; and other relevant principles reflected in internationally recognized legal instruments;

Recognizing the need to fully protect and uphold the rights of all Communities of Kosovo and their members;

Reaffirming the commitment to facilitating the safe return of refugees and displaced persons to their homes and their exercise of the right to recover their property and possessions, and the commitment to creating conditions for freedom of movement for all persons;

Recognizing the importance of creating a free, open and safe environment which facilitates the participation of all persons including all members of Communities in the process of establishing democratic institutions of self-government;

Hereby promulgates the following:

Chapter 1

Basic Provisions

1.1. Kosovo is an entity under interim international administration which, with its people, has unique historical, legal, cultural and linguistic attributes.

1.2. Kosovo is an undivided territory throughout which the Provisional Institutions of Self-Government established by this Constitutional Framework for Provisional Self-Government-(Constitutional Framework) shall exercise their responsibilities.

1.3. Kosovo is composed of municipalities, which are the basic territorial units of local self-government with responsibilities as set forth in UNMIK legislation in force on local self-government and municipalities in Kosovo.

1.4. Kosovo shall be governed democratically through legislative, executive, and judicial bodies and institutions in accordance with this Constitutional Framework and UNSCR 1244(1999).

1.5. The Provisional Institutions of Self-Government are:

- (a) Assembly;
- (b) President of Kosovo;
- (c) Government;
- (d) Courts; and
- (e) Other bodies and institutions set forth in this Constitutional Framework.

1.6 The seat of the Provisional Institutions of Self-Government is Pristina.

1.7 The Provisional Institutions of Self-Government shall use only such symbols as are or as may be set forth in UNMIK legislation.

Chapter 2

Principles to be Observed by the Provisional Institutions of Self-Government

The Provisional Institutions of Self-Government and their officials shall:

(a) Exercise their authorities consistent with the provisions of UNSCR 1244(1999) and the terms set forth in this Constitutional Framework;

(b) Promote and fully respect the rule of law, human rights and freedoms, democratic principles and reconciliation; and

(c) Promote and respect the principle of the division of powers between the legislature, the executive and the judiciary.

Chapter 3

Human Rights

3.1 All persons in Kosovo shall enjoy, without discrimination on any ground and in full equality, human rights and fundamental freedoms.

3.2 The Provisional Institutions of Self-Government shall observe and ensure internationally recognized human rights and fundamental freedoms, including those rights and freedoms set forth in:

(a) The Universal Declaration on Human Rights;

(b) The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;

(c) The International Covenant on Civil and Political Rights and the Protocols thereto;

(d) The Convention on the Elimination of All Forms of Racial Discrimination;

(e) The Convention on the Elimination of All Forms of Discrimination Against Women;

(f) The Convention on the Rights of the Child;

(g) The European Charter for Regional or Minority Languages; and

(h) The Council of Europe's Framework Convention for the Protection of National Minorities.

3.3 The provisions on rights and freedoms set forth in these instruments shall be directly applicable in Kosovo as part of this Constitutional Framework.

3.4 All refugees and displaced persons from Kosovo shall have the right to return to their homes, and to recover their property and personal possessions. The competent institutions and organs in Kosovo shall take all measures necessary to facilitate the safe return of refugees and displaced persons to Kosovo, and shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees and other international and non-governmental organizations concerning the return of refugees and displaced persons.

Chapter 4

Rights of Communities and Their Members

General Provisions

4.1 Communities of inhabitants belonging to the same ethnic or religious or linguistic group (Communities) shall have the rights set forth in this Chapter in order to preserve, protect and express their ethnic, cultural, religious, and linguistic identities.

4.2 No person shall be obliged to declare to which Community he belongs, or to declare himself a member of any Community. No disadvantage shall result from an individual's exercise of the right to declare or not declare himself a member of a Community.

4.3 The Provisional Institutions of Self-Government shall be guided in their policy and practice by the need to promote coexistence and support reconciliation between Communities and to create appropriate conditions enabling Communities to preserve, protect and develop their identities. The Institutions also shall promote the preservation of Kosovo's cultural heritage of all Communities without discrimination.

Rights of Communities and Their Members

4.4 Communities and their members shall have the right to:

(a) Use their language and alphabets freely, including before the courts, agencies, and other public bodies in Kosovo;

(b) Receive education in their own language;

(c) Enjoy access to information in their own language;

(d) Enjoy equal opportunity with respect to employment in public bodies at all levels and with respect to access to public services at all levels;

(e) Enjoy unhindered contacts among themselves and with members of their respective Communities within and outside of Kosovo;

- (f) Use and display Community symbols, subject to the law;
- (g) Establish associations to promote the interests of their Community;
- (h) Enjoy unhindered contacts with, and participate in, local, regional and international non-governmental organizations in accordance with the procedures of such organizations;
- (i) Provide information in the language and alphabet of their Community, including by establishing and maintaining their own media;
- (j) Provide for education and establish educational institutions, in particular for schooling in their own language and alphabet and in Community culture and history, for which financial assistance may be provided, including from public funds in accordance with applicable law; provided that, curricula shall respect the applicable law and shall reflect a spirit of tolerance among Communities and respect for human rights and the cultural traditions of all Communities;
- (k) Promote respect for Community traditions;
- (l) Preserve sites of religious, historical, or cultural importance to the Community, in cooperation with relevant public authorities;
- (m) Receive and provide public health and social services, on a non-discriminatory basis, in accordance with applicable standards;
- (n) Operate religious institutions;
- (o) Be guaranteed access to, and representation in, public broadcast media, as well as programming in relevant languages; and
- (p) Finance their activities by collecting voluntary contributions from their members or from organizations outside Kosovo, or by receiving such funding as may be provided by the Provisional Institutions of Self-Government or by local public authorities, so long as such financing is conducted in a fully transparent manner.

Protection of Rights of Communities and Their Members

4.5 The Provisional Institutions of Self-Government shall ensure that all Communities and their members may exercise the rights specified above. The Provisional Institutions also shall ensure fair representation of Communities in employment in public bodies at all levels.

4.6 Based on his direct responsibilities under UNSCR 1244(1999) to protect and promote human rights and to support peace-building activities, the SRSG will retain the authority to intervene as necessary in the exercise of self-government for the purpose of protecting the rights of Communities and their members.

Chapter 5

Responsibilities of the Provisional Institutions of Self-Government

5.1 The Provisional Institutions of Self-Government shall have responsibilities in the following fields:

- (a) Economic and financial policy;
- (b) Fiscal and budgetary issues;
- (c) Administrative and operational customs activities;
- (d) Domestic and foreign trade, industry and investments;
- (e) Education, science and technology;
- (f) Youth and sport;
- (g) Culture;
- (h) Health;
- (i) Environmental protection;
- (j) Labour and social welfare;
- (k) Family, gender and minors;
- (l) Transport, post, telecommunications and information technologies;
- (m) Public administration services;
- (n) Agriculture, forestry and rural development;
- (o) Statistics;
- (p) Spatial planning;
- (q) Tourism;
- (r) Good governance, human rights and equal opportunity; and
- (s) Non-resident affairs.

5.2 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of local administration:

- (a) Supporting inter-municipal cooperation;
- (b) Promoting the development of a professional municipal civil service;

(c) Assisting the municipalities in the development of their own budgets and financial management systems;

(d) Monitoring the quality of municipal services;

(e) Identifying ways and means for training activities for the municipalities;

(f) Assisting the municipalities in making their activities transparent to the public;

(g) Providing legal guidance and advice to the municipalities;

(h) Coordinating the activities of international agencies and non-governmental organizations pertaining to municipalities; and

(i) Overseeing compliance with responsibilities and powers delegated to municipalities based on the organizational structures that emerged from the municipal elections in October 2000, as well as responsibilities and powers transferred in the meantime. It is understood that additional powers will be progressively transferred in an orderly manner.

5.3 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of judicial affairs:

(a) Making decisions regarding the appointment of judges and prosecutors;

(b) Exercising responsibilities regarding the organization and proper functioning of the courts, within existing court structures;

(c) The provision, development and maintenance of court and prosecutorial services;

(d) The provision of technical and financial requirements, support personnel and material resources to ensure the effective functioning of the judicial and prosecutorial systems;

(e) The training, including professional and vocational training, of judicial personnel in cooperation with the Organisation for Security and Cooperation in Europe (OSCE);

(f) The organization of examinations for qualification of judges, prosecutors, lawyers and other legal professionals through an independent professional body;

(g) The appointment, training, disciplining and dismissing of members of judicial support staff;

(h) Ensuring coordination on matters pertaining to the judicial system and the correctional service;

(i) Co-operating with appropriate organizations in respect of independent monitoring of the judicial system and the correctional service;

(j) Providing information and statistics on the judicial system and the correctional service, as appropriate;

(k) Protecting personal data relating to the judicial system and correctional service;

(l) Ensuring cooperation in judicial and correctional matters with appropriate entities inside Kosovo; and

(m) Assisting in the recruitment, training and evaluation of personnel for the correctional service.

5.4 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of mass media:

(a) Adopting laws and enforcement mechanisms in accordance with international human rights and freedom of expression standards as contained in Articles 19 and 29 of the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols to prevent defamation or hate speech in the Kosovo systems of mass media;

(b) Regulating broadcast media consistent with these international legal constraints and the best European practices through an independent media commission, whose members will be appointed by the Provisional Institutions of Self-Government from nominations submitted by non-governmental and non-political organizations in Kosovo; these members will include both genders and will reflect the ethnic and regional diversity of Kosovo society;

(c) Guaranteeing the editorial independence of the public broadcaster by safeguarding the independence of its Board, whose members will be appointed by the Provisional Institutions of Self-Government from nominations submitted by non-governmental and non-political organizations in Kosovo; these members will include both genders and will reflect the ethnic and regional diversity of Kosovo society; and

(d) Establishing an office or offices of public information to present the Institutions' deliberations and decisions to the international and local media.

5.5 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of emergency preparedness:

(a) Developing and implementing a strategy for emergency planning and civil protection services; and

(b) Directing and coordinating fire and rescue services in close cooperation with the municipalities.

5.6 The Provisional Institutions of Self-Government shall also have the following responsibilities in the field of external relations:

- International and external cooperation, including the reaching and finalising of agreements. Such activities shall be coordinated with the SRSG.

5.7 The Provisional Institutions of Self-Government shall be responsible for aligning their legislation and practices in all areas of responsibility with relevant European and international standards and norms, with a particular view to facilitating closer economic, social and other ties between the people of Kosovo and other Europeans, and in awareness that respect for such standards and norms will be central for the development of relations with the Euro-Atlantic community.

5.8 The Provisional Institutions of Self-Government shall have such other responsibilities as are specified herein or in other legal instruments.

Chapter 6

Law and Order

Maintenance of law and order is of fundamental importance for all the people of Kosovo. The Kosovo Police Service, which functions under the authority of the SRSG and under the supervision of UNMIK Police, contributes significantly to achieving this objective through its supporting role in crime prevention and public protection and safety. With the support of the international community, the capacity of the Kosovo Police Service in crime prevention, criminal information gathering, criminal investigation and fighting against criminality is being enhanced. This will make it possible for the Kosovo Police Service to gradually assume additional responsibilities for the maintenance of law and order.

Chapter 7

Kosovo Protection Corps

The Kosovo Protection Corps is a civilian emergency organisation, established under the law, which carries out in Kosovo rapid disaster response tasks for public safety in times of emergency and humanitarian assistance.

Chapter 8

Powers and Responsibilities Reserved to the SRSG

8.1 The powers and responsibilities of the Provisional Institutions of Self-Government shall not include certain reserved powers and responsibilities, which will remain exclusively in the hands of the SRSG. These reserved powers shall include:

(a) Full authority to ensure that the rights and interests of Communities are fully protected;

(b) Dissolving the assembly and calling for new elections in circumstances where the Provisional Institutions of Self-Government are deemed to act in a manner which is not in conformity with UNSCR 1244(1999), or in the exercise of the SRSG's responsibilities under that Resolution. The SRSG shall exercise this power after consultation with the President of Kosovo. The Assembly may, by a decision supported by two-thirds of its members, request the SRSG to dissolve the Assembly. Such a request shall be communicated to the SRSG by

the President of Kosovo;

(c) Final authority to set the financial and policy parameters for, and to approve, the Kosovo Consolidated Budget, acting on the advice of the Economic and Fiscal Council;

(d) Monetary policy;

(e) Establishing arrangements for the independent external audit of the Kosovo Consolidated Budget;

(f) Exercising control and authority over the UNMIK Customs Service;

(g) Exercising final authority regarding the appointment, removal from office and disciplining of judges and prosecutors;

(h) Deciding upon requests regarding the assignment of international judges and prosecutors, as well as change of venue, in accordance with the relevant UNMIK legislation in force;

(i) Exercising powers and responsibilities of an international nature in the legal field;

(j) Exercising authority over law enforcement institutions and the correctional service, both of which include and are supported by local staff;

(k) Exercising control and authority over the Kosovo Protection Corps;

(l) Exercising control and authority over the management of the administration and financing of civil security and emergency preparedness. Responsibility shall be gradually assumed by the Provisional Institutions of Self-Government;

(m) Concluding agreements with states and international organizations in all matters within the scope of UNSCR 1244 (1999);

(n) Overseeing the fulfilment of commitments in international agreements entered into on behalf of UNMIK;

(o) External relations, including with states and international organisations, as may be necessary for the implementation of his mandate. In exercising his responsibilities for external relations, the SRSG will consult and co-operate with the Provisional Institutions of Self-Government with respect to matters of concern to the institutions;

(p) Control over cross-border/boundary transit of goods (including animals). The Provisional Institutions of Self-Government shall co-operate in this regard;

(q) Authority to administer public, state and socially-owned property in accordance with the relevant UNMIK legislation in force, in cooperation with the Provisional Institutions of Self-Government;

(r) Regulation of public and socially-owned enterprises after having consulted the Economic and Fiscal Council and the Provisional Institutions of Self-Government;

(s) Administrative control and authority over railways, frequency management and civil aviation functions. Certain administrative functions shall be carried out by the Provisional Institutions of Self-Government and the relevant independent regulatory bodies;

(t) Control and authority over the Housing and Property Directorate, including the Housing Claims Commission;

(u) Defining the jurisdiction and competence for the resolution of commercial property disputes;

(v) Preserving the existing boundaries of municipalities;

(w) Responsibility to ensure that the system of local municipal administration functions effectively based on internationally recognized and accepted principles;

(x) Appointing the members of the Economic and Fiscal Council, the Governing Board of the Banking and Payments Authority of Kosovo, the chief executives of the Customs Service and Tax Inspectorate, and the Auditor General; convening and presiding over the Economic and Fiscal Council;

(y) Appointing international experts to the managing boards or commissions of the public broadcaster, the independent media regulatory body and other institutions involved in regulating the mass media, with the proviso that the number of such SRSG nominations will not constitute the majority of any such managing board or commission;

(z) Control and authority over the civil registry database, which shall be maintained in cooperation with the Provisional Institutions of Self-Government.

8.2 The SRSG shall coordinate closely with the International Security Presence (KFOR) in:

(a) Conducting border monitoring duties;

(b) Regulating possession of firearms;

(c) Enforcing public safety and order; and

(d) Exercising functions that may be attributed to the domain of defence, civil emergency and security preparedness.

Chapter 9

Provisional Institutions of Self-Government

Section 1: The Assembly

9.1.1 The Assembly is the highest representative and legislative Provisional Institution of Self-Government of Kosovo.

Composition of the Assembly

9.1.2 The Assembly shall have 120 members elected by secret ballot.

Election of the Assembly

9.1.3 Kosovo shall, for the purposes of election of the Assembly, be considered a single, multi-member electoral district.

(a) One hundred (100) of 120 seats of the Assembly 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.

(b) Twenty (20) of the 120 seats shall be reserved for the additional representation of non-Albanian Kosovo Communities as follows:

(i) Ten (10) seats shall be allocated to parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community. These seats shall be distributed to such parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly; and

(ii) Ten (10) seats shall be allocated to other Communities as follows: the Roma, Ashkali and Egyptian Communities four (4), the Bosniak Community three (3), the Turkish Community two (2) and the Gorani Community one (1). The seats for each such Community or group of Communities shall be distributed to parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing each such Community in proportion to the number of valid votes received by them in the election to the Assembly.

(c) Each person having attained 18 years of age on the day of the election and satisfying the other criteria of eligibility to vote as applied to the municipal elections held in Kosovo on 28 October 2000 shall be entitled to vote.

(d) The rank order of the candidates on lists of parties, coalitions and citizens' initiatives submitted for the purpose of election to the Assembly shall be considered fixed.

(e) Geographical and gender requirements in respect of candidate lists submitted by parties, coalitions and citizens' initiatives for the purpose of the election to the Assembly may be specified by the SRSG on the recommendation of the Central Election Commission.

Assembly Members' Mandate and Eligibility

Length of Mandate

9.1.4 The term of the Assembly shall be three years, commencing on the date of the inaugural session, which shall be convened within thirty days after the certification of the election results.

9.1.5 Without prejudice to the competencies of the SRSG, at least two-thirds of the members of the Assembly may request the SRSG to dissolve the Assembly. Such a request shall be communicated to the SRSG by the President of Kosovo.

Candidate Eligibility

9.1.6 A person who fulfils the voter eligibility requirements shall be eligible to stand as a candidate in Assembly elections provided he is not:

(a) A member of the Central Election Commission, the Election Complaints and Appeals sub-Commission, an Assembly Election Commission, or a Polling Station Committee;

(b) A member of the Kosovo Protection Corps or of the Kosovo Police Service;

(c) Serving as a judge or prosecutor;

(d) Serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia or under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal; or

(e) Deprived of legal capacity by a final court decision.

Presidency of the Assembly

9.1.7 The Assembly shall have a Presidency consisting of seven Assembly members who shall be selected as follows:

(a) Two members shall be appointed by the party or coalition having obtained the highest number of votes in the Assembly elections;

(b) Two members shall be appointed by the party or coalition having obtained the second highest number of votes in the Assembly elections;

(c) One member shall be appointed by the party or coalition having obtained the third highest number of votes in the Assembly elections;

(d) One member shall be appointed from among the members of the Assembly belonging to those parties having declared themselves representative of the Kosovo Serb Community; and

(e) One member shall be appointed from among the members of the Assembly belonging to parties having declared themselves representative of a non-Kosovo Albanian and non-Kosovo Serb Community. The method for appointing this latter member shall be determined by members of the Assembly belonging to these same Communities.

9.1.8 The Assembly shall endorse these appointments by a formal vote.

President of the Assembly

9.1.9 A member of the Presidency from the party or coalition having obtained the highest number of votes in the elections for the Assembly shall be the President of the Assembly.

Assembly Committees

9.1.10 There shall be Main and Functional Committees of the Assembly to review draft laws and make recommendations as appropriate.

Main Committees

Budget Committee

9.1.11 The Budget Committee shall be composed of 12 members, allocated proportionally among the parties and coalitions represented in the Assembly. It shall have general competencies in budgetary and financial matters. It shall also be responsible for ensuring that all proposed laws having budgetary implications are accompanied by a financial impact statement.

Committee on Rights and Interests of Communities

9.1.12 The Committee on Rights and Interests of Communities shall be composed of two members from each of Kosovo's Communities elected to the Assembly. Communities represented by only one member in the Assembly shall be represented by this member in the Committee.

9.1.13 At the request of any member of the Presidency of the Assembly, any proposed law shall be submitted to the Committee on Rights and Interests of Communities. The Committee, by a majority vote of its members, shall decide whether to make recommendations regarding the proposed law within the time limit specified below.

9.1.14 If the Committee on Rights and Interests of Communities decides to take such action, it shall, within a period of two weeks from receiving such a proposed law, make recommendations regarding the proposed law with a view to ensuring that Community rights and interests are adequately addressed and submit these recommendations to the relevant Functional Committee or to the Assembly as appropriate.

9.1.15 The Committee may on its own initiative propose laws and such other measures within the responsibilities of the Assembly as it deems appropriate to address the concerns of Communities.

9.1.16 Each member of the Committee shall have the right to attach a written opinion to any proposed law referred to or taken up by the Committee.

9.1.17 A matter may be referred to the Committee for an advisory opinion by the Presidency of the Assembly, a Main or Functional Committee or a group composed of ten or more members of the Assembly.

Functional Committees

9.1.18 The Assembly may establish such Functional Committees as it deems necessary and appropriate to carry out its responsibilities.

9.1.19 The Assembly shall decide on the number of members of each functional committee. The membership of all Functional Committees shall reflect the diversity of the membership of the Assembly.

9.1.20 If a party of coalition represented in the Assembly does not have a seat on a given Functional Committee, it shall have the right to send an Assembly member to all meetings of that Functional Committee in an observer capacity.

Chairmen and Vice-Chairmen of Committees

9.1.21 The chairmanships of all the Committees of the Assembly shall be distributed proportionally among the parties and coalitions represented in the Assembly.

9.1.22 Committees shall have two Vice-Chairmen from different parties or coalitions than that of the Chairman. At least one Vice-Chairman shall be of a different Community than the Chairman.

Rights, Immunities and Remuneration

9.1.23 Each member of the Assembly shall have an equal right and obligation to participate fully in the proceedings of the Assembly. This shall include, but not be limited to, the rights to initiate draft laws and resolutions, to vote on all proposed decisions by the Assembly, and to take part on an equal basis with other members in all debates of the Assembly.

9.1.24 All members of the Assembly shall be immune from all civil and criminal proceedings with regard to words spoken or other acts performed in their capacity as members of the Assembly. Such immunity shall not cover acts that are clearly conducive to inter-Community violence.

9.1.25 All members of the Assembly shall receive salaries for their participation in the work of the Assembly and its Committees.

Responsibilities of the Assembly

9.1.26 The Assembly shall have the following responsibilities:

- (a) Adopting laws and resolutions in the areas of responsibility of the Provisional Institutions of Self-Government as set out in Chapter 5;
- (b) Endorsing the Presidency of the Assembly;
- (c) Electing the President of Kosovo;
- (d) Endorsing or rejecting the Prime Minister candidate together with the list of Ministers of the Government proposed by the Prime Minister candidate;

(e) Making decisions on other appointments as specified in this Constitutional Framework;

(f) Considering and endorsing proposed international agreements within the scope of its responsibilities;

(g) Deciding on motions of no-confidence in the Government;

(h) Instructing the Government to prepare draft laws;

(i) Adopting the Rules of Procedure of the Assembly and its committees; and

(j) Other responsibilities specified herein or in other legal instruments.

9.1.27 Laws, once promulgated, are binding legislative acts of a general nature. Resolutions are non-binding declarations.

Responsibilities of the Presidency of the Assembly

9.1.28 The Presidency of the Assembly shall have the following responsibilities:

(a) Making recommendations to the Assembly on all organizational matters of Assembly business, including the agenda;

(b) Maintaining appropriate external parliamentary contacts, in coordination with the SRSG; and

(c) Acting on motions as provided in paragraphs 9.1.40 and 9.1.41.

9.1.29 The Presidency shall endeavour to adopt all decisions by consensus. When efforts to reach consensus have failed, except when acting on motions under paragraph 9.1.40, it shall decide by majority vote of those present and voting, provided that at least five members are present. In the event of a tie vote, the President's vote shall decide the matter.

Responsibilities of the President of the Assembly

9.1.30 The President shall represent the Assembly.

9.1.31 The President shall preside at meetings of the Assembly, call its sessions to order, and perform other tasks prescribed by the rules of procedure of the Assembly.

Decision-Making Procedures

9.1.32 A majority of the members of the Assembly shall constitute a quorum. The Assembly may initiate and conduct its proceedings when at least one-third of the members are present provided that, for the taking of decisions, the quorum requirement shall be satisfied.

9.1.33 Decisions of the Assembly shall be adopted by a majority of the members of the Assembly present and voting, unless otherwise explicitly provided herein.

Procedure for Adopting Laws

9.1.34 One or more members of the Assembly or the Government shall present the draft law to the Assembly for a first reading.

9.1.35 The draft law shall be considered by the relevant main and functional committees, which may propose amendments where appropriate.

9.1.36 The Assembly shall in the second reading consider the draft law together with any amendments proposed by the committee(s) or by individual or groups of members of the Assembly or by the Government.

9.1.37 At the end of the second reading, the Assembly shall vote on the proposed amendments and thereafter on the draft law as a whole. The draft law shall be approved if it receives the majority of the votes of those present and voting.

9.1.38 The Assembly may decide to submit a draft law that failed to receive the necessary votes in the second reading for a third reading together with any further amendments that have been approved. The draft law shall be approved if it receives the majority of the votes of those present and voting.

9.1.39 Within 48 hours from the approval of a law by the Assembly pursuant to paragraphs 9.1.37 or 9.1.38 above, any member of the Assembly, supported by five additional members, may submit a motion to the Presidency claiming that the law or certain of its provisions violate vital interests of the Community to which he belongs. The motion shall set out a reasoned explanation of the claimed violation. A motion may be made on the grounds that the law or provisions discriminate against a Community, adversely affect the rights of the Community or its members under Chapters 3 or 4, or otherwise seriously interfere with the ability of the Community to preserve, protect or express its ethnic, cultural, religious or linguistic identity.

9.1.40 The Presidency shall request the sponsors of the law or provisions to provide within three days reasoned arguments in reply. At the same time, the Presidency shall request each of the two sides to designate a representative to serve on the special panel provided for in paragraph 9.1.41. The Presidency shall attempt to submit, within five days following receipt of the reply, a consensus proposal to the Assembly.

9.1.41 If the Presidency fails to submit such a consensus proposal within the five-day period, a special three-member Panel consisting of representatives of the two sides and one member, who shall preside, designated by the SRSG shall automatically be seized of the matter. The Panel shall within five days issue a decision recommending that the Assembly reject the motion, that the Assembly reject the law or provisions at issue, or that the Assembly adopt the law with amendments that the Panel shall propose. The Panel shall take its decisions by a majority of its members.

9.1.42 The Assembly shall decide whether to accept the consensus proposal of the Presidency, if such a proposal is submitted, or the recommendation of the Panel. No amendments other than those proposed pursuant to paragraphs 9.1.40 or 9.1.41 above may be introduced at this stage. If the Assembly rejects the consensus proposal of the Presidency or the recommendation of the Panel, or accepts a consensus proposal or recommendation for the rejection of the motion, the law as previously approved by the Assembly shall stand.

9.1.43 If no motion is submitted within the 48-hour period specified in paragraph 9.1.39 above, or following approval of a law pursuant to paragraph 9.1.42 above, the law shall be considered adopted.

9.1.44 The President shall sign each law adopted by the Assembly and forward it to the SRSG for promulgation.

9.1.45 Laws shall become effective on the day of their promulgation by the SRSG, unless otherwise specified.

Other Procedures

Removal from Office

9.1.46 A member of the Assembly who has been convicted of a criminal offence and sentenced to serve a prison term of six months or more shall cease to be a member.

9.1.47 If a member of the Assembly fails throughout a period of six consecutive months to attend any session of the Assembly or the Committee(s) of which he is a member, he shall, unless the failure was due to a reason approved by the Assembly, cease to be a member.

Vacancies

9.1.48 Vacancies in the Assembly shall be filled in accordance with the UNMIK legislation governing the Kosovo-wide elections.

Languages of the Assembly

9.1.49 Meetings of the Assembly and its Committees shall be conducted in both the Albanian and Serbian languages. All official documents of the Assembly shall be printed in both the Albanian and Serbian languages. The Assembly shall endeavour to make official documents which concern a specific Community available in the language of that Community.

9.1.50 Assembly members from Communities other than the Kosovo Albanian and Kosovo Serb Communities shall be permitted to address the Assembly or its Committees in their own language and to submit documents for consideration by the Assembly in their own language. In such cases, interpretation or translation into the Albanian and Serbian languages shall be provided for the other members of the Assembly or Committee.

9.1.51 All promulgated laws shall be published in the Albanian, Bosniak, English, Serbian and Turkish languages.

Section 2: The President of Kosovo

9.2.1 The President of Kosovo shall represent the unity of the people and guarantee the democratic functioning of the Provisional Institutions of Self-Government.

9.2.2 The President of Kosovo shall, in coordination with the SRSG, represent Kosovo and exercise his rights and duties in accordance with the provisions of this Constitutional Framework and the applicable law.

9.2.3 The mandate of the President of Kosovo shall be three years.

9.2.4 The President of Kosovo shall exercise the following duties in accordance with this Constitutional Framework and the applicable law:

- (a) In coordination with the SRSG, take action in the field of external relations;
- (b) Following consultations with the political parties represented in the Assembly, propose to the Assembly the Prime Minister;
- (c) Communicate to the SRSG a request of the Assembly to dissolve the Assembly, in accordance with paragraph 8.1(b);
- (d) Present a report to the Assembly on the general state of affairs in Kosovo at least once a year; and
- (e) Present awards and express gratitude.

9.2.5 If the President of Kosovo becomes temporarily unable to perform his duties, the functions of the President of Kosovo shall be exercised by the President of the Assembly.

9.2.6 The President of Kosovo shall enjoy immunity with respect to acts performed in exercising his functions.

9.2.7 The President of Kosovo shall not hold any other office or employment.

9.2.8 The President of Kosovo shall be elected by the Assembly by secret ballot. A nomination for the post of President of Kosovo shall require the support of the party having the largest number of seats in the Assembly or of at least 25 members. The Assembly shall elect the President of Kosovo by a two-thirds majority of the members of the Assembly. If after two ballots a two-thirds majority is not obtained, in the following ballots a majority of the votes of all members of the Assembly shall be required for election.

9.2.9 The term of office of the President of Kosovo shall end upon:

- (a) The completion of his mandate;
- (b) His death;
- (c) His resignation; or
- (d) His dismissal from office by means of the votes of a two-thirds majority of all the members of the Assembly.

Section 3: The Government

Responsibilities of the Government

9.3.1 The Government shall exercise the executive authority and shall implement Assembly laws and other laws within the scope of responsibilities of the Provisional Institutions of Self-Government established by this Constitutional Framework.

9.3.2 The Government may propose draft laws to the Assembly at its own initiative and shall do so at the request of the Assembly.

Ministries and Executive Agencies

9.3.3 There shall be established ministries and other executive agencies as are necessary to carry out functions within the competence of the Government.

Composition of the Government

9.3.4 The Government shall consist of the Prime Minister and Ministers.

9.3.5 At all times, at least two Ministers shall be from Communities other than the Community having a majority representation in the Assembly.

(a) At least one of these Ministers shall be from the Kosovo Serb Community and one from another Community.

(b) In the event that there are more than twelve Ministers, a third Minister shall be from a non-majority Community.

(c) The selection of these Ministers and their responsibilities shall be determined after consultation with parties, coalitions or groups representing non-majority Communities.

9.3.6 The Prime Minister and Ministers may be members of the Assembly, or qualified persons from outside the membership of the Assembly. Ministers from Communities, other than the one having the majority among the members of the Assembly, shall, if appointed from outside the Assembly, require the formal endorsement of the members of the Assembly from the Community concerned.

Outside Activities of the Ministers

9.3.7 The Prime Minister and Ministers may not hold other public office or other employment on a full-time basis, nor exercise any activity on a part-time basis incompatible with their office, while exercising their responsibilities.

Election of the Prime Minister and Ministers

9.3.8 Following Assembly elections, or if the Prime Minister resigns or his office becomes vacant for another reason, the President of Kosovo shall, following consultations with the parties, coalitions or groups represented in the Assembly, propose to the Assembly a candidate for Prime Minister. The proposed candidate shall present a list of proposed Ministers to the Assembly. The Prime Minister shall be elected together with the Ministers by

a majority of the members of the Assembly.

9.3.9 If the proposed candidate does not obtain the required majority, the President of Kosovo shall propose within ten days a new candidate for Prime Minister. The new candidate, together with the list of ministers proposed by him, shall be elected by a majority of the members of the Assembly.

Motion of No-Confidence

9.3.10 The Assembly may express its lack of confidence in the Government only if, by a majority of its members, it elects simultaneously a new Prime Minister together with a list of Ministers proposed by him.

9.3.11 The term of office of the outgoing Government shall end with the election of the new Prime Minister and Ministers.

Changes in the Composition of the Government

9.3.12 Following his election, the Prime Minister may replace any Minister without the consent of the Assembly.

9.3.13 Upon the resignation of the Prime Minister, the entire Government shall resign. The Government shall continue in a caretaker capacity until the election of a new Prime Minister.

Procedures within the Government

9.3.14 The Prime Minister shall call and chair meetings of the Government and propose the agenda for these meetings. He shall represent the Government as appropriate, define the general lines of policy of the Government, and coordinate its work.

9.3.15 Each Minister shall be responsible for implementing the policy of the Government within his area of responsibility.

9.3.16 The Government shall endeavour to reach its decisions by consensus. If a vote is necessary, decisions shall be taken by a majority of the Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are divided equally. The Government shall otherwise decide its own rules of procedure.

Languages of the Government

9.3.17 Meetings of the Government and its bodies shall be conducted in both the Albanian and Serbian languages. All official documents of the Government shall be printed in both the Albanian and Serbian languages.

9.3.18 Members of the Government from Communities other than the Kosovo Albanian and Kosovo Serb Communities shall be permitted to use their own language.

Immunities

9.3.19 All members of the Government shall be immune from all civil and criminal proceedings with regard to words spoken or other acts performed in their capacity as

members of the Government. Such immunity shall not cover acts that are clearly conducive to inter-Community violence.

Section 4: The Judicial System

Administration of Justice

9.4.1 The courts are responsible for the administration of justice in Kosovo in accordance with the applicable law.

9.4.2 Each person claiming to have been directly and adversely affected by a decision of the Government or an executive agency under the responsibility of the Government shall have the right to judicial review of the legality of that decision after exhausting all avenues for administrative review.

9.4.3 Each person shall be entitled to have all issues relating to his rights and obligations and to have any criminal charges laid against him decided within a reasonable time by an independent and impartial court.

The Court Structure

9.4.4 There shall be the Supreme Court of Kosovo, District Courts, Municipal Courts and Minor Offense Courts.

Court Proceedings

9.4.5 Unless otherwise specified in the applicable law, all Kosovo courts shall hold proceedings in public.

Judges and Prosecutors

9.4.6 Judges shall be independent and impartial. They shall not hold any other public office.

9.4.7 Judges of all courts of Kosovo shall be distinguished jurists of the highest moral character, with adequate qualifications. The membership of the judiciary shall reflect the diversity of the people of Kosovo. International judges and prosecutors shall serve within the judicial system according to rules established by the SRSG.

9.4.8 Judges and Prosecutors shall be appointed by the SRSG from lists of candidates proposed by the Kosovo Judicial and Prosecutorial Council and endorsed by the Assembly. Decisions on the promotion, transfer and dismissal of judges and prosecutors shall be taken by the SRSG on the basis of recommendations by the Kosovo Judicial and Prosecutorial Council and exceptionally on his own initiative.

Office of the Public Prosecutor

9.4.9 There shall be an Office of the Public Prosecutor for Kosovo, as well as offices of district and municipal prosecutors.

9.4.10 The Office of the Public Prosecutor as well as the offices of the district and municipal prosecutors shall exercise its functions in accordance with the applicable law.

Special Chamber of the Supreme Court on Constitutional Framework Matters

9.4.11 A Special Chamber of the Supreme Court shall decide:

(a) At the request of the President of Kosovo, any member of the Presidency of the Assembly, any Assembly Committee, no fewer than five members of the Assembly, or the Government, whether any law adopted by the Assembly is incompatible with this Constitutional Framework, including the international legal instruments specified in Chapter 3 on Human Rights;

(b) In the event of disputes between or among Provisional Institutions of Self-Government, or between a Provisional Institution of Self-Government and an Assembly Committee, one or more members of the Presidency of the Assembly, or one or more members of the Assembly on the extent of their rights and obligations under this Constitutional Framework;

(c) At the request of any independent body or office referred to in Chapters 10 and 11, whether a decision of a Provisional Institution of Self-Government infringes upon the independence and responsibilities of the relevant independent body or office; and

(d) At the request of the Office of the Public Prosecutor, whether an act by a member of the Assembly, a member of the Government or the President of Kosovo constitutes an official act and as such is covered by immunity under this Constitutional Framework.

Chapter 10

Ombudsperson

10.1 Natural and legal persons in Kosovo shall have the right, without threat of reprisal, to make complaints to an independent Office concerning human rights violations or actions constituting abuse of authority by any public authority in Kosovo.

10.2 The Office, in accordance with UNMIK legislation in force, shall have jurisdiction to receive and investigate complaints, monitor, take preventive steps, make recommendations and advise on any such matters.

10.3 The Ombudsperson shall give particular priority to allegations of especially severe or systematic violations, allegations founded on discrimination, including discrimination against Communities and their members, and allegations of violations of rights of Communities and their members.

Chapter 11

Independent Bodies and Offices

11.1 The following bodies and offices shall carry out their functions independently of the Provisional Institutions of Self-Government:

- (a) Central Election Commission;
- (b) Kosovo Judicial and Prosecutorial Council;
- (c) Office of the Auditor-General;
- (d) Banking and Payments Authority of Kosovo;
- (e) Independent Media Commission;
- (f) Board of the Public Broadcaster; and

(g) Housing and Property Directorate and the Housing and Property Claims Commission.

11.2 The bodies and offices specified above, and such other independent bodies and offices as may be established by law, shall have the powers, obligations, and composition specified in the legal instruments by which they are established.

Chapter 12

Authority of the SRSG

The exercise of the responsibilities of the Provisional Institutions of Self-Government under this Constitutional Framework shall not affect or diminish the authority of the SRSG to ensure full implementation of UNSCR 1244(1999), including overseeing the Provisional Institutions of Self-Government, its officials and its agencies, and taking appropriate measures whenever their actions are inconsistent with UNSCR 1244(1999) or this Constitutional Framework.

Chapter 13

Authority of KFOR

Nothing in this Constitutional Framework shall affect the authority of the International Security Presence (KFOR) to fulfil all aspects of its mandate under UNSCR 1244(1999) and the Military Technical Agreement (Kumanovo Agreement).

Chapter 14

Final Provisions

14.1 In case of conflict between this Constitutional Framework and any law of the Assembly, this Constitutional Framework shall prevail.

14.2 The SRSG shall take the necessary measures to facilitate the transfer of powers and responsibilities to the Provisional Institutions of Self-Government.

14.3 The SRSG, on his own initiative or upon a request supported by two-thirds of the members of the Assembly, may effect amendments to this Constitutional Framework.

14.4 The English, Albanian and Serbian language versions of this Constitutional Framework are equally authentic. In case of conflict, the English language version shall prevail. This Constitutional Framework shall also be published in the Bosniak and Turkish languages.

14.5 This Constitutional Framework shall enter into force upon promulgation by the SRSG.

Signed on this 15th day of May 2001.



Hans Haekkerup
Special Representative of the Secretary-General

ANNEX III

UNMIK Regulation No.2001/19
dated 13 September 2001

On The Executive Branch of the Provisional
Institutions of Self-Government in Kosovo



UNMIK/REG/2001/19
13 September 2001

REGULATION NO. 2001/19

**ON THE EXECUTIVE BRANCH OF THE PROVISIONAL
INSTITUTIONS OF SELF-GOVERNMENT IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

In conformity with UNMIK Regulation No. 2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo,

For the purpose of setting out a legal framework for the Government that shall exercise the executive authority within the scope of responsibility of the Provisional Institutions of Self-Government to be established through participation of the people of Kosovo in free and fair elections,

Hereby promulgates the following:

Section 1
General Provisions

1.1 The Executive Branch of the Provisional Institutions of Self-Government shall consist of the Prime Minister and Ministers (the "Government") and the Ministries under their authority.

1.2 The Prime Minister shall head the Office of the Prime Minister which shall have the status of a Ministry. The Office of the Prime Minister shall liaise with the Assembly and coordinate the work of all other Ministries.

1.3 Each Minister shall, in accordance with policies set by the Government:

- (a) Lead and represent his or her Ministry;
- (b) Be accountable to the Assembly for matters concerning his or her Ministry;
- (c) Set the political direction for the work of the Ministry;
- (d) Issue decisions and administrative instructions in order to regulate the activities of the Ministry in general or its particular fields of activity;
- (e) Carry out other tasks within the framework of the Ministry's responsibilities as determined by legislation; and
- (f) Report to the Assembly on a periodic basis, as well as at the request of the Assembly, on the activities of the Ministry, including the use of all funds received.

1.4 Each Minister may be assisted by up to five advisers who shall have the status of political appointees and shall not be members of the Civil Service.

1.5 Each Ministry shall have as its staff such members of the Civil Service, including a Permanent Secretary who shall serve as its chief officer, as may be required to enable the Ministry to fulfill its functions as authorized in the Budget for the Provisional Institutions of Self-Government.

1.6 Each Ministry under the authority of the relevant Minister shall be responsible for the implementation of the Government's policy in its respective area of competence. Under the authority of the relevant Minister, Ministries shall prepare legislative and other acts, shall make policy recommendations and shall implement legislation in force within their areas of competence. Ministries may receive instructions in this regard from the Government, in accordance with the provisions of UNMIK Regulation No. 2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo ("Constitutional Framework for Provisional Self-Government") and pursuant to the responsibilities and functions set out in the present regulation for each Ministry.

1.7 In carrying out their responsibilities and functions, Ministers shall ensure that their respective Ministries:

- (a) Formulate clear priorities for the allocation of resources to be made available from the Budget for the Provisional Institutions of Self-Government and other sources;
- (b) Ensure the most appropriate, cost-effective, transparent and accountable allocation of funds received from the Budget for the Provisional Institutions of Self-Government and other sources;
- (c) Ensure that reliable services are provided in a transparent and accountable manner not discriminating against ethnic or social origin, race, gender, disability, religion, political or other opinion;
- (d) Establish and implement anti-fraud and anti-corruption measures, as well as promote general fraud awareness;

(e) Develop and maintain appropriate systems, procedures and processes to support the ministerial functions;

(f) Develop human resources and capacity building in the respective areas of responsibility;

(g) Design and implement a management information system so that all decisions, policies and processes rest upon a sound and up-to-date basis of accurate data; and

(h) Address the needs of vulnerable groups and other persons within the population who may be at risk.

Section 2

The Office of the Prime Minister and other Ministries

The Office of the Prime Minister

2.1 The Office of the Prime Minister shall have a section which includes political advisers and, in addition, shall encompass the following offices having responsibilities and functions as set out in Annex I to the present regulation:

- (a) Office of Legal Support Services;
- (b) Office of Public Information;
- (c) Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender;
- (d) Advisory Office on Communities; and
- (e) Senior Public Appointments Committee.

Other Ministries

2.2 The following Ministries having responsibilities and functions, as set out in relevant annexes to the present regulation, shall be established:

- (a) Ministry of Finance and Economy (Annex II);
- (b) Ministry of Trade and Industry (Annex III);
- (c) Ministry of Education, Science and Technology (Annex IV);
- (d) Ministry of Culture, Youth and Sports (Annex V);
- (e) Ministry of Health, Environment and Spatial Planning (Annex VI);
- (f) Ministry of Labor and Social Welfare (Annex VII);

- (g) Ministry of Transport and Communications (Annex VIII);
- (h) Ministry of Public Services (Annex IX); and
- (i) Ministry of Agriculture, Forestry and Rural Development (Annex X).

Section 3 Executive Agencies

3.1 The following Executive Agencies established by law shall operate within the Ministries to which they are attached, under the authority of the Minister concerned:

- (a) Kosovo Drug Regulatory Authority (Ministry of Health, Environment and Spatial Planning);
- (b) Kosovo Statistical Office (Ministry of Public Services); and
- (c) Kosovo Cadastral Agency (Ministry of Public Services).

3.2 The Executive Agencies specified above, and such other Executive Agencies as may be established by law, shall have responsibilities and functions as set out in the establishing legislation. The budgets of Executive Agencies shall be provided by the Ministry to which they are attached.

3.3 An Executive Agency shall be headed by a chief executive officer and its staff shall be members of the Civil Service.

Section 4 General Principles of the Civil Service

4.1 There shall be a provisional Kosovo Civil Service, which shall be governed by the legislation regulating the Civil Service.

4.2 Members of the Civil Service shall be recruited from all the communities of Kosovo on the grounds of professional qualification, competence and merit after fair and open competition. The non-majority community representation in the composition of the Civil Service at all levels shall be closely proportionate to the representation of non-majority communities in the Assembly.

4.3 Members of the Civil Service shall have the right to belong to political parties, trade unions and other organizations, but shall abstain from active involvement in political activity.

4.4 All members of the Civil Service shall be bound by the Civil Service Code.

Section 5
The Permanent Secretaries of the Ministries and the Chief
Executive Officers of the Executive Agencies

Appointment

5.1 The Permanent Secretaries of the Ministries and chief executive officers of the Executives Agencies shall be appointed by the Senior Public Appointments Committee. Such officials shall have the necessary competence, experience and high personal integrity to manage the resources for which they are responsible.

5.2 The terms of appointment and the conditions of service of the Permanent Secretaries of the Ministries and chief executive officers of the Executives Agencies shall be established pursuant to the legislation regulating the Civil Service.

5.3 The Permanent Secretaries of the Ministries and chief executive officers of the Executives Agencies may be removed from office only on the grounds of professional incompetence or misconduct or after being convicted of a criminal offence and sentenced to serve a prison term of six months or more.

Functions and Responsibilities

5.4 The Permanent Secretaries of the Ministries shall be directly accountable to the relevant Minister. The chief executive officers of Executive Agencies shall be directly accountable to the relevant Minister or other authority as may be set out in the legislation establishing the Executive Agency concerned. The Permanent Secretaries of the Ministries and the chief executive officers of Executive Agencies shall be responsible respectively for:

(a) The overall administration and management of the Ministry or Executive Agency and ensuring that the functions entrusted to it are implemented;

(b) Providing the proper guidance and accurate, impartial and expert advice to the appropriate authority over him or her;

(c) Staffing and organizing the Ministry or Executive Agency and issuing decisions and administrative instructions on any matters pertaining to its functions;

(d) The effective and efficient management of resources provided to the Ministry or Executive Agency;

(e) Implementing non-discriminatory personnel policies within the Ministry or Executive Agency, including equitable gender representation, in all areas and levels and ensuring that the composition of the personnel reflects the multi-ethnic character of Kosovo; and

(f) Ensuring that recruitment of the staff for the Ministry or Executive Agency is based on professional qualification, competence and merit and is undertaken through fair and open competition.

5.5 A Permanent Secretary or a chief executive officer shall not take instructions from any government, organization, institution or person except those having authority over his or her Ministry or Executive Agency.

5.6 The Permanent Secretary or the chief executive officer shall designate the financial authorizing officer for his or her Ministry or Executive Agency and shall ensure compliance with such decisions, administrative instructions and financial rules as may be issued in this regard by the Ministry of Finance and Economy, or other appropriate authorities.

Section 6 Transitional Arrangements

6.1 The Special Representative of the Secretary-General may take such measures as may be required to enhance the effectiveness of the Executive Branch of the Provisional Institutions of Self-Government, including transitional arrangements to facilitate the transfer of powers and responsibilities to such institutions.

6.2 The Special Representative of the Secretary-General may assign international and other personnel to Ministries and Executive Agencies to perform such functions as he judges appropriate and necessary.

6.3 The Special Representative of the Secretary-General may, after consultations with the Prime Minister and relevant members of the Government, instruct the Ministries and Executive Agencies to carry out such functions and duties as the Special Representative of the Secretary-General may require.

Section 7 Authority of the Special Representative of the Secretary-General

The exercise of the responsibilities conferred upon the Executive Branch of the Provisional Institutions of Self-Government pursuant to the present regulation shall not in any way affect or diminish the ultimate authority of Special Representative of the Secretary-General for the implementation of United Nations Security Council resolution 1244 (1999), including powers and responsibilities reserved to the Special Representative of the Secretary-General under the Constitutional Framework for Provisional Self-Government. The Special Representative of the Secretary-General shall have the final authority to interpret the scope and any other parameters of the executive responsibilities of the Provisional Institutions of Self-Government set out in the present regulation.

Section 8 Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 9
Entry into Force

The present regulation shall enter into force on 13 September 2001.

Hans Haekkerup
Special Representative of the Secretary-General

Annex IThe Office of the Prime Minister

The Prime Minister will be assisted by a section which includes political advisers of his or her selection. This section will be responsible for providing assistance to the Prime Minister in defining the general lines of policy of the Government and in coordinating its work. In addition, the Office of the Prime Minister shall encompass the following Offices:

A. Office of Legal Support Services

The Office shall:

- (i) Provide legal guidance, advisory services and expertise to the Executive Branch and other Provisional Institutions of Self-Government; and
- (ii) Review all draft legislation to be submitted by the Executive Branch to the Assembly to ensure consistency with the applicable law in consultation with the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender, and the Advisory Office on Communities, as appropriate.

B. Office of Public Information

The Office shall:

- (i) Ensure the openness and transparency of the work of the Executive Branch through the provision of information and documents to the general public and the media;
- (ii) Inform the public about the work and decisions of the Executive Branch through press conferences and issuing press releases;
- (iii) Ensure that the position of the Executive Branch is represented in public announcements, public information campaigns, press releases and media appearances by members of the Executive Branch through coordination with the bodies within the Executive Branch; and
- (iv) Liaise with the local and international press on matters related to the Executive Branch.

C. Advisory Office on Good Governance, Human Rights,
Equal Opportunity and Gender

The Office shall:

- (i) Oversee and advise the Ministries in the areas of good governance, human rights, equal opportunity and gender;
- (ii) Develop policy and issue guidelines in the areas of good governance, human rights, equal opportunity and gender equality;
- (iii) Review draft legislation prepared by the Executive Branch for compliance with applicable human rights standards and practices of good governance in coordination with the Office of Legal Support Services; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;
- (iv) Review Executive Branch policies, procedures and practices for consistency with applicable human rights standards, practices of good governance and equal opportunity; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;
- (v) Assist in the development and implementation of public information campaigns and other promotional schemes to promote public awareness of international human rights standards, transparency in governance, gender equality, equal opportunity and other principles basic to democratic governance;
- (vi) Consult with community representatives, and develop consultative bodies as needed, to address good governance, human rights, equal opportunity and gender issues;
- (vii) Facilitate the development of gender sensitive policies and work for the advancement of the status of women, in conjunction with civil society;
- (viii) Monitor anti-fraud and anti-corruption activities in the Executive Branch and promote fraud awareness;
- (ix) Promote democratic decision-making and broad-based consultation within the Government;
- (x) Encourage public participation in governance;
- (xi) Issue observations and recommendations; and
- (xii) Review, where appropriate, files and documents of the Government within the scope of the Office's functions and responsibilities, subject to authorization by the Prime Minister.

D. Advisory Office on Communities

The Office shall:

- (i) Monitor the state of community rights and interests and recommend to the Government measures to address community issues;
- (ii) Review draft legislation prepared by the Executive Branch for compliance with the provisions of Chapter 4 of the Constitutional Framework for Provisional Self-Government in coordination with the Office of Legal Support Services; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;
- (iii) Review Executive Branch policies, procedures and practices for consistency with the provisions of Chapter 4 of the Constitutional Framework for Provisional Self-Government and for an equitable distribution of public sector jobs, public services, and public funds to all communities; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;
- (iv) Monitor Executive Branch's consideration of and action on the recommendations and written opinions made by the Committee on the Rights and Interests of Communities regarding proposed legislation; and advise the Prime Minister and relevant Ministers;
- (v) Monitor proceedings initiated under paragraphs 9.1.39 and 9.1.40 of the Constitutional Framework for Provisional Self-Government and advise the Prime Minister and relevant Ministers on matters regarding such proceedings;
- (vi) Liaise with municipalities and non-governmental bodies on issues related to community rights and interests;
- (vii) Assist in the development and implementation of public information campaigns and other promotional schemes to increase public awareness of the rights and interests of communities; and
- (viii) Propose policy guidelines for the rights and interests of communities.

E. Senior Public Appointments Committee

The Committee shall:

- (i) Be organized and function in accordance with rules and procedures to be set out in a subsequent regulation;
- (ii) Be chaired by the Prime Minister and have as its members:
 - (a) The Minister of Public Services;
 - (b) The Minister under whom the candidate for appointment would serve;

- (c) The two Ministers from non-Kosovo Albanian communities;
 - (d) Three eminent inhabitants of Kosovo to be appointed by the Special Representative of the Secretary-General; and
 - (e) Three international members to be appointed by the Special Representative of the Secretary-General;
- (iii) Have secretariat services provided by the Ministry of Public Services;
- (iv) Appoint:
- (a) The Permanent Secretaries of the Ministries;
 - (b) The chief executive officers of the Executives Agencies; and
 - (c) Such other posts as may be decided by the Special Representative of the Secretary-General; and
- (v) In consultation with the Special Representative of the Secretary-General, remove the above officials solely on grounds of professional incompetence or misconduct or after having been convicted of a criminal offence and sentenced to serve a prison term of six months or more.

Annex IIMinistry of Finance and Economy

The Ministry shall:

- (i) Coordinate the development and ensure the execution of a balanced annual budget for the Provisional Institutions of Self-Government;
- (ii) Develop multi-annual budgets and longer term public investment programs for and in coordination with the Provisional Institutions of Self-Government;
- (iii) Coordinate with relevant Provisional Institutions of Self-Government and, where appropriate, with multilateral and bilateral donors on matters relating to donor financing and grant contributions;
- (iv) Ensure the effective and transparent use of donor funds in accordance with agreed purposes;
- (v) Ensure that all revenue and other sources of funds of the Provisional Institutions of Self-Government, including voluntary contributions, are recorded according to budget rules;
- (vi) Coordinate with the UNMIK Customs Service on administrative and operational matters;
- (vii) Perform economic analysis and research functions;
- (viii) Record and report to the Provisional Institutions of Self-Government and the Economic and Fiscal Council on the expenditures and revenues of the budget of the Provisional Institutions of Self-Government;
- (ix) Monitor compliance of the Provisional Institutions of Self-Government with applicable rules and procedures for public expenditure, including public procurement without prejudice to the powers of the Office of the Auditor-General;
- (x) Promote anti-fraud and anti-corruption activities in the Provisional Institutions of Self-Government, as well as general fraud awareness; and
- (xi) Ensure the adoption and implementation of standards of accounting in the public and private sector, consistent with relevant international accounting standards.

Annex IIIMinistry of Trade and Industry

The Ministry shall:

- (i) Develop framework conditions for trade, industry and commerce;
- (ii) Develop policies and implement legislation to encourage fair competition;
- (iii) Develop policies and implement legislation and programs for promoting industrial and commercial enterprises, particularly small and medium enterprises;
- (iv) Develop policies for private sector development;
- (v) Develop policies and implement programs for promoting external trade;
- (vi) Develop policies and implement legislation to facilitate tourism in Kosovo;
- (vii) Promote investment in Kosovo, in particular through the provision of information to potential investors, matching potential investors with local partners, assisting investors in obtaining necessary permits and authorizations and compiling and publishing foreign investment data;
- (viii) Make recommendations on issues relating to privatization;
- (ix) Develop and promote programs for the conservation of energy;
- (x) Encourage sustainable development of the mining sector; and
- (xi) Administer the business registration system.

Annex IVMinistry of Education, Science and Technology

The Ministry shall:

- (i) Develop policies and implement legislation for the development of education, including higher education, and science in Kosovo;
- (ii) Promote a non-discriminatory educational system in which each person's right to education is respected and quality learning opportunities are available to all;
- (iii) Extend non-formal education and adult education on all levels, including remote areas, and promote life-long learning opportunities for all;
- (iv) Design, implement and supervise equitable and effective forms of educational administration and school management;
- (v) Improve the quality, relevance and efficiency of education at all levels;
- (vi) Facilitate the development and qualitative improvement of the education system and the efficient delivery of educational services;
- (vii) Promote research related to the social, economic, scientific, technological and cultural development of Kosovo;
- (viii) Develop a comprehensive library system, which will include general, special and school libraries;
- (ix) Promote an inclusive policy for the integration of impaired and disabled persons into the educational system; and
- (x) Promote parental and community participation in educational activities and appropriate forms of school-community partnership at the local level.

Annex V

Ministry of Culture, Youth and Sports

The Ministry shall:

- (i) Develop policies and implement legislation for the promotion of the culture sector, including programs for the protection of cultural heritage, the promotion of cultural links and the formation of cultural clubs, groups and associations;
- (ii) Develop policies and strategies for the youth sector, including the identification of specific at-risk youth groups, the development of programs to address their needs and the promotion of youth clubs, groups and associations;
- (iii) Develop policies and implement legislation for the formation and functioning of sports organizations, associations, clubs and groups;
- (iv) Foster and facilitate communication and contacts between persons and cultural organizations through activities such as development, dissemination, and exchange of informational, cultural, educational and other materials;
- (v) Promote cultural, sports and youth activities and links with members of all ethnic, religious or linguistic communities, including those temporarily or permanently living outside of Kosovo (“non-residents”); and
- (vi) Liaise with established networks of non-residents, which address the cultural needs of Kosovo migrants and returnees.

Annex VIMinistry of Health, Environment and Spatial Planning

The Ministry shall:

- (i) Develop policies and implement legislation for a non-discriminatory and accountable healthcare system;
- (ii) Coordinate activities in the health sector and in the field of environmental protection in order to promote the coherent development of health and environmental protection policies;
- (iii) Develop norms and standards and issue guidelines for the health sector and in the field of environmental protection with due regard to relevant international standards;
- (iv) Oversee adherence to such standards, including, where appropriate, conducting inspections and other services;
- (v) Monitor the health situation and implement appropriate measures to prevent and control healthcare problems;
- (vi) Manage the use and development of the infrastructure relating to healthcare and environmental protection which falls under the responsibility of the Ministry;
- (vii) Promote community participation and the development of community initiatives and activities relating to health and environmental protection;
- (viii) Develop policies, implement legislation and oversee activities for the protection of the environment including water resources, air, soil and biodiversity;
- (ix) Participate in the development and implementation of public information campaigns and other promotional schemes to increase public awareness and compliance with health and environmental protection standards;
- (x) Monitor and assess the state of the environment, particularly the impact of the activities of industry, public utilities and economic activity as they relate to environmental protection;
- (xi) Encourage the development of health and environmental education to foster knowledge and competence in the fields of health and environmental protection;
- (xii) Develop policies for the management of water resources and oversee their implementation;

- (xiii) Promote the development, implementation and transfer of clean technologies;
- (xiv) Identify, in coordination with other relevant Ministries, areas to be protected for the benefit of the public, and develop policies and implement measures for their conservation and administration;
- (xv) Ensure the incorporation of Kosovo-wide spatial planning in the policies and programs of the Government and oversee their implementation by relevant authorities; and
- (xvi) Oversee, in coordination with the Ministry of Agriculture, Forestry and Rural Development, quality control services of food and agricultural inputs for the purpose of protecting consumers.

Annex VIIMinistry of Labour and Social Welfare

The Ministry shall:

- (i) Develop labour and social welfare policies and implement legislation in these areas;
- (ii) Promote and develop non-discriminatory labour relations and employment, taking into account applicable international labour standards;
- (iii) Monitor the employment and social welfare situation and propose appropriate measures to increase employment and reduce unemployment and to meet the social assistance needs;
- (iv) Promote labour and social welfare policies and practices for the protection of families and minors;
- (v) Develop labour safety standards and oversee their implementation;
- (vi) Direct and supervise labour and social welfare administration institutions, such as the Kosovo Office of Employment, and, in cooperation with the municipalities, the social welfare offices and other institutions involved in the implementation of labour and social welfare policies;
- (vii) Provide training programmes for the unemployed and job seekers to improve their employability;
- (viii) Encourage social dialogue, as well as the participation in such dialogue of the social partners (unions and employers and their organizations) and communities;
- (ix) Encourage the development of community initiatives and activities related to employment and social welfare;
- (x) Convene a tripartite advisory council of Provisional Institutions of Self-Government and employers' and employees' organizations for consultations on labour, social welfare and related economic policies and represent the Provisional Institutions of Self-Government in this council;
- (xi) Provide financial assistance, within allocated resources, to the families and individuals in need;
- (xii) Manage the use and development of the infrastructure relating to labour and social welfare which falls under the responsibility of the Ministry; and
- (xiii) Promote the development of a social insurance system, including unemployment and pension insurance.

Annex VIIIMinistry of Transport and Communications

The Ministry shall:

- (i) Develop policies and implement legislation for the provision of services and facilities in the sectors of road transport; public road transport; post; telecommunications; and information technology;
- (ii) Identify and establish, as appropriate, criteria, technical specifications and applicable standards with which service providers and infrastructure must comply; oversee the compliance, including, where appropriate, conducting inspections and audits and advising on the consequences of non-compliance;
- (iii) Oversee and monitor performance of the sectors and introduce appropriate measures to overcome service difficulties and problems;
- (iv) Develop policy and propose programs for promoting enterprises in the sectors, including strategies for restructuring and capital investment;
- (v) Participate in the development of public information campaigns and other promotional schemes to increase public awareness and responsiveness regarding sectoral issues;
- (vi) In the specific sector of telecommunications, review compliance with European standards covering tariffs and fees, quality of service and technical standards; develop policies to promote competition; and monitor the needs of consumers;
- (vii) In the specific sector of post, review compliance with European standards covering tariffs, quality of service and technical standards;
- (viii) In the specific sector of information technology, promote information technology as well as innovation in areas such as electronic commerce; promote access to technology; and encourage the development of information technology training systems;
- (ix) In the specific sector of road infrastructure, develop public road maintenance and construction programs, secure funding and organize the award of concessions, as appropriate; oversee the provision and management of the road infrastructure, including the performance of technical, organizational and developmental tasks related to the construction, maintenance and protection of public roads, control of the state of the roads, and maintenance of documentation on public roads and road traffic;

- (x) In the specific sector of road transport of persons and goods, oversee the licensing procedures for the companies, vehicles and drivers; award operating authority (routes and slots) on a competitive basis, where applicable; and support the provision of humanitarian and other special services; and
- (xi) Monitor transport safety and arrange for necessary action, investigation and response to ensure that risk to life and associated damage be minimized.

Annex IXMinistry of Public Services

The Ministry shall:

- (i) Develop and oversee the implementation of policies for a multi-ethnic, impartial, professional and accountable Civil Service;
- (ii) Develop, and coordinate the implementation of, policies for training and capacity development of the Civil Service;
- (iii) Administer the Civil Service payroll and payments system;
- (iv) Provide engineering and building management services for the Provisional Institutions of Self-Government;
- (v) Develop the information technology standards and services to be used by the Provisional Institutions of Self-Government and coordinate the provision of information technology services to the Provisional Institutions of Self-Government;
- (vi) Develop and oversee the implementation of policies for the provision of procurement services in conformity with Ministry of Finance and Economy rules and procedures;
- (vii) Assist in the administration and maintenance of the central civil registry and database;
- (viii) Assist in the administration of policies related to civil documents, vehicle registration and NGO registration;
- (ix) Supervise the collection, maintenance, analysis and publication of official statistics;
- (x) Perform functions in the area of local administration pursuant to paragraph 5.2 of the Constitutional Framework for Provisional Self-Government;
- (xi) Perform functions in the area of judicial affairs pursuant to paragraphs 5.3 (b) through (m) of the Constitutional Framework for Provisional Self-Government; and
- (xii) Perform functions in the area of civil emergency preparedness pursuant to paragraph 5.5 of the Constitutional Framework for Provisional Self-Government.

Annex XMinistry of Agriculture, Forestry and Rural Development

The Ministry shall:

- (i) Develop policies and implement legislation for the development of agriculture, including livestock and plant production, and rural development, including the setting of standards to be maintained;
- (ii) Facilitate the development of credit schemes aimed at supporting agriculture, forestry and rural development activities in the private sector;
- (iii) Develop policies for and assist in the administration and management of the forestry sector, including protection, reforestation activities, sustainable exploitation, fire-fighting, fire prevention, pest and disease control, licensing for tree-felling, and controlling hunting and fishing activities;
- (iv) Regulate hunting and fishing activities;
- (v) Oversee the provision of veterinary services, including, but not limited to, the prevention of animal diseases, zoonoses and the improvement of the quality of herds and flocks;
- (vi) Develop policies in the area of irrigation, including the planning of irrigation schemes;
- (vii) Develop policies and implement legislation regarding agricultural land use for the purpose of protecting agricultural land;
- (viii) Oversee, in coordination with the Ministry of Health, Environment and Spatial Planning, adherence to health standards as they pertain to agriculture, forestry, fish farming and rural development;
- (ix) Oversee, in coordination with the Ministry of Health, Environment and Spatial Planning, quality control services of food and agricultural inputs for the purpose of protecting consumers;
- (x) Oversee activities aimed at eradicating pests, vermin, plant diseases or other destructive agents;
- (xi) Participate in environmental protection activities as they relate to agriculture, forestry, hunting, fishing and water resources management; and
- (xii) Provide assistance in matters pertaining to veterinary, quality and phytosanitary controls of cross border and boundary transit of animals and animal products, food and agricultural inputs, and plants and plant products, respectively.

ANNEX IV

UNMIK Regulation No. 2005/15
dated 16 March 2005

Amending UNMIK Regulation No. 2001/19
On The Executive Branch of the Provisional
Institutions of Self-Government in Kosovo



UNMIK/REG/2005/15

16 March 2005

REGULATION NO. 2005/15

**AMENDING UNMIK REGULATION NO. 2001/19
ON THE EXECUTIVE BRANCH OF THE PROVISIONAL
INSTITUTIONS OF SELF-GOVERNMENT IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution No. 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Acting in conformity with the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Having promulgated UNMIK Regulation No. 2001/19 of 13 September 2001, as amended, on the establishment of the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, UNMIK Regulation No. 2002/5 of 4 March 2002 amending UNMIK Regulation No. 2001/19 and, pending the promulgation of the present Regulation, UNMIK Regulation No. 2004/50 of 2 December 2004 on the Establishment of New Ministries and Posts of Deputy Prime Minister and Deputy Ministers in the Executive Branch,

Having consulted with the Government,

For the purpose of amending sections 1 and 2 of UNMIK Regulation No. 2001/19 in order to reflect the changes within the organizational structure of the Executive Branch of the Provisional Institutions of Self-Government, and to set out responsibilities and functions of the new Ministries,

Hereby promulgates the following:

Section 1
Amendment

As of the date on which the present Regulation enters into force, UNMIK Regulation No. 2001/19 shall be amended as follows:

(a) New sections 1.2.1, 1.2.2, 1.2.3 and 1.2.4 shall be added which read:

1.2.1. There may be established within the Executive Branch posts of a Deputy Prime Minister and Deputy Ministers. The Deputy Prime Minister and Deputy Ministers shall be appointed by the Prime Minister upon the endorsement of the candidate concerned by the Assembly of Kosovo. Candidates for such posts shall be selected and proposed to the Assembly by the Prime Minister following consultations at the political level and in coordination with the SRSG. Selection of the candidates shall be carried out in a manner that duly takes into account the requirement to ensure equitable representation of Kosovo Serb and other non-majority Communities, as well as gender representation. Duties and responsibilities of the Deputy Prime Minister and a Deputy Minister shall be assigned respectively by the Prime Minister and the Minister concerned, subject to approval by the Government.

1.2.2 In case of the Prime Minister's death, resignation, or temporary incapacity to discharge his powers and duties, the Deputy Prime Minister shall exercise such powers and duties until the incapacity is removed or a Prime Minister is elected in accordance with section 9.3.8 of the Constitutional Framework.

1.2.3 In the exercise of his or her regular functions, the Deputy Prime Minister shall, *inter alia*, assist the Prime Minister in the prioritisation, development and implementation of the Government's policies, take part in the preparation of decisions and other acts regulating the activities of the Office of the Prime Minister and the Government, supervise in coordination with the Prime Minister activities of operational bodies of the Government and ensure that responsibilities and functions entrusted to such bodies are implemented. The Deputy Prime Minister shall also carry out such other duties and responsibilities within the Government as may be determined by the Prime Minister and approved by the Government.

1.2.4 If a Minister becomes temporarily unable to perform his/her duties, the functions of the Minister shall be exercised by a Deputy Minister or, if not available, by a senior Ministry official designated by the Minister;

(b) Section 1.4 shall be revised to read:

1.4 The Prime Minister may be assisted by up to twelve and each other Minister by up to six advisers who shall have the status of political appointees and shall not be members of the Civil Service. Post(s) of advisers authorized under this section may be allocated to the Deputy Prime Minister and to a Deputy Minister respectively by the Prime Minister and the Minister concerned;

- (c) Section 2 shall be revised to read:

The Office of the Prime Minister

2.1 The Office of the Prime Minister shall have a unit which includes political advisers referred in section 1.4 and, in addition, shall encompass the following organizational units having responsibilities and functions as set out in Annex I to the present Regulation:

- (a) Office of the Deputy Prime Minister;
- (b) Government Coordination Secretariat;
- (c) Office of Legal Support Services;
- (d) Office of Public Information;
- (e) Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender;
- (f) Office for Coordination of International Cooperation and Regional Dialogue;
- (g) Office for Public Safety;
- (h) Office for European Integration Processes; and
- (i) Senior Public Appointments Committee.

Other Ministries

2.2 The following Ministries having responsibilities and functions, as set out in relevant annexes to the present Regulation, shall be established:

- (a) Ministry of Finance and Economy (Annex II);
- (b) Ministry of Trade and Industry (Annex III);
- (c) Ministry of Education, Science and Technology (Annex IV);
- (d) Ministry of Culture, Youth and Sports (Annex V);
- (e) Ministry of Health (Annex VI);
- (f) Ministry of Labour and Social Welfare (Annex VII);
- (g) Ministry of Transport and Communications (Annex VIII);
- (h) Ministry of Public Services (Annex IX);

- (i) Ministry of Agriculture, Forestry and Rural Development (Annex X);
- (j) Ministry of Environment and Spatial Planning (Annex XI);
- (k) Ministry of Communities and Returns (Annex XII);
- (l) Ministry of Energy and Mining (Annex XIII); and
- (m) Ministry of Local Government Administration (Annex XIV).

Section 2
Repeal

UNMIK Regulation No. 2004/50 is hereby repealed.

Section 3
Applicable Law

The present Regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 4
Entry into Force

The present Regulation shall enter into force on 16 March 2005.



Søren Jessen-Petersen
Special Representative of the Secretary-General

Annex I

The Office of the Prime Minister

The Prime Minister will be assisted by a unit which includes political advisers of his or her selection. This unit will be responsible for providing assistance to the Prime Minister in defining the general lines of policy of the Government and in coordinating its work.

The Prime Minister may following consultations with the Government designate a political adviser to serve as the Secretary of the Government. The Secretary of the Government shall be responsible for assisting the Prime Minister in coordination of work of the Government and provision of administrative support to Government's meetings as set out in section B below.

In addition, the Office of the Prime Minister shall encompass the following organizational units:

A. Office of the Deputy Prime Minister

The Office shall carry out such functions as may be required for the provision of support to the Deputy Prime Minister in the exercise of duties and responsibilities assigned to him/her in accordance with the present Regulation. Functions of the Office shall be subject to approval by the Prime Minister.

B. Government Coordination Secretariat

The Coordination Secretariat shall:

- (i) Provide logistical and analytical support to the Prime Minister, to the weekly meetings of the Government and Permanent Secretaries, and to other meetings of Ministers, and ensure that the Prime Minister and Ministers are provided with all necessary information and analysis when taking decisions;
- (ii) Coordinate policy-making and policy implementation between the Ministries;
- (iii) Coordinate the planning on the Government's work and the monitoring of the implementation of Government decisions;
- (iv) Coordinate the Government's relations with the Assembly of Kosovo in conjunction with the Presidency, the Secretariat and the Office of Legal Services of the Assembly; and
- (v) Coordinate the Government's relations with UNMIK other than on matters within the responsibility of the Standards Coordinator.

C. Office of Legal Support Services

The Office shall:

- (i) Provide legal guidance, advisory services and expertise to the Executive Branch and other Provisional Institutions of Self-Government; and
- (ii) Review all draft legislation to be submitted by the Executive Branch to the Assembly to ensure consistency with the applicable law in consultation with the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender, and other offices and Ministries, as appropriate.

D. Office of Public Information

The Office shall:

- (i) Ensure the openness and transparency of the work of the Executive Branch through the provision of information and documents to the general public and the media;
- (ii) Inform the public about the work and decisions of the Executive Branch through press conferences and issuing press releases;
- (iii) Ensure that the position of the Executive Branch is represented in public announcements, public information campaigns, press releases and media appearances by members of the Executive Branch through coordination with the bodies within the Executive Branch; and
- (iv) Liaise with the local and international press on matters related to the Executive Branch.

E. Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender

The Office shall:

- (i) Oversee and advise the Ministries in the areas of good governance, human rights, equal opportunity and gender;
- (ii) Develop policy and issue guidelines in the areas of good governance, human rights, equal opportunity and gender equality;
- (iii) Review draft legislation prepared by the Executive Branch for compliance with applicable human rights standards and practices of good governance in coordination with the Office of Legal Support Services; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;

- (iv) Review Executive Branch policies, procedures and practices for consistency with applicable human rights standards, practices of good governance and equal opportunity; and advise and make recommendations to the Prime Minister and relevant Ministers accordingly;
- (v) Assist in the development and implementation of public information campaigns and other promotional schemes to promote public awareness of international human rights standards, transparency in governance, gender equality, equal opportunity and other principles basic to democratic governance;
- (vi) Consult with community representatives, and develop consultative bodies as needed, to address good governance, human rights, equal opportunity and gender issues;
- (vii) Facilitate the development of gender sensitive policies and work for the advancement of the status of women, in conjunction with civil society;
- (viii) Monitor anti- fraud and anti-corruption activities in the Executive Branch and promote fraud awareness;
- (ix) Promote democratic decision-making and broad-based consultation within the Government;
- (x) Encourage public participation in governance;
- (xi) Issue observations and recommendations to the Prime Minister and other relevant Ministers; and
- (xii) Review, where appropriate, files and documents of the Government within the scope of the Office's functions and responsibilities, subject to authorization by the Prime Minister.

F. Office for Coordination of International Cooperation and Regional Dialogue

The Office shall carry out its responsibilities and functions pursuant to UNMIK Administrative Direction No. 2004/7 of 22 April 2004 Implementing UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government.

G. Office for Public Safety

The Office shall carry out its responsibilities and functions pursuant to UNMIK Administrative Direction No. 2004/16 of 30 June 2004 Implementing UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government.

H. Office for European Integration Processes

The Office shall carry out its responsibilities and functions pursuant to UNMIK Administrative Direction No. 2004/18 of 16 July 2004 Implementing UNMIK Regulation No. 2001/19 on the Executive Branch of the Provisional Institutions of Self-Government.

I. Senior Public Appointments Committee

The Committee shall:

- (i) Be organized and function in accordance with rules and procedures to be set out in a subsequent regulation;
- (ii) Be chaired by the Prime Minister and have as its members:
 - (a) The Minister of Public Services;
 - (b) The Minister under whom the candidate for appointment would serve;
 - (c) The two Ministers from non-Kosovo Albanian communities;
 - (d) Three eminent inhabitants of Kosovo to be appointed by the Special Representative of the Secretary-General; and
 - (e) Three international members to be appointed by the Special Representative of the Secretary-General;
- (iii) Have secretariat services provided by the Ministry of Public Services;
- (iv) Appoint:
 - (a) The Permanent Secretaries of the Ministries;
 - (b) The chief executive officers of the Executives Agencies; and
 - (c) Such other posts as may be decided by the Special Representative of the Secretary-General; and
- (v) In consultation with the Special Representative of the Secretary-General, remove the above officials solely on grounds of professional incompetence or misconduct or after having been convicted of a criminal offence and sentenced to serve a prison term of six months or more.

Annex II

Ministry of Finance and Economy

The Ministry shall:

- (i) Coordinate the development and ensure the execution of a balanced annual budget for the Provisional Institutions of Self-Government;
- (ii) Develop multi-annual budgets and longer term public investment programs for and in coordination with the Provisional Institutions of Self-Government;
- (iii) Coordinate with relevant Provisional Institutions of Self-Government and, where appropriate, with multilateral and bilateral donors on matters relating to donor financing and grant contributions;
- (iv) Ensure the effective and transparent use of donor funds in accordance with agreed purposes;
- (v) Ensure that all revenue and other sources of funds of the Provisional Institutions of Self-Government, including voluntary contributions, are recorded according to budget rules;
- (vi) Coordinate with the UNMIK Customs Service on administrative and operational matters;
- (vii) Perform economic analysis and research functions;
- (viii) Record and report to the Provisional Institutions of Self-Government and the Economic and Fiscal Council on the expenditures and revenues of the budget of the Provisional Institutions of Self-Government;
- (ix) Monitor compliance of the Provisional Institutions of Self-Government with applicable rules and procedures for public expenditure, including public procurement without prejudice to the powers of the Office of the Auditor-General;
- (x) Promote anti-fraud and anti-corruption activities in the Provisional Institutions of Self-Government, as well as general fraud awareness; and
- (xi) Ensure the adoption and implementation of standards of accounting in the public and private sector, consistent with relevant international accounting standards.

Annex III

Ministry of Trade and Industry

The Ministry shall:

- (i) Develop framework conditions for trade, industry and commerce;
- (ii) Develop policies and implement legislation to encourage fair competition;
- (iii) Develop policies and implement legislation and programs for promoting industrial and commercial enterprises, particularly small and medium enterprises;
- (iv) Develop policies for private sector development;
- (v) Develop policies and implement programs for promoting external trade;
- (vi) Develop policies and implement legislation to facilitate tourism in Kosovo;
- (vii) Promote investment in Kosovo, in particular through the provision of information to potential investors, matching potential investors with local partners, assisting investors in obtaining necessary permits and authorizations and compiling and publishing foreign investment data;
- (viii) Make recommendations on issues relating to privatisation;
- (ix) Develop and promote programs for the conservation of energy;
- (x) Encourage sustainable development of the mining sector; and
- (xi) Administer the business registration system.

Annex IV

Ministry of Education, Science and Technology

The Ministry shall:

- (i) Develop policies and implement legislation for the development of education, including higher education, and science in Kosovo;
- (ii) Promote a non-discriminatory educational system in which each person's right to education is respected and quality learning opportunities are available to all;
- (iii) Extend non-formal education and adult education on all levels, including remote areas, and promote life-long learning opportunities for all;
- (iv) Design, implement and supervise equitable and effective forms of educational administration and school management;
- (v) Improve the quality, relevance and efficiency of education at all levels;
- (vi) Facilitate the development and qualitative improvement of the education system and the efficient delivery of educational services;
- (vii) Promote research related to the social, economic, scientific, technological and cultural development of Kosovo;
- (viii) Develop a comprehensive library system, which will include general, special and school libraries;
- (ix) Promote an inclusive policy for the integration of impaired and disabled persons into the educational system; and
- (x) Promote parental and community participation in educational activities and appropriate forms of school-community partnership at the local level.

Annex V

Ministry of Culture, Youth and Sports

The Ministry shall:

- (i) Develop policies and implement legislation for the promotion of the culture sector, including programs for the protection of cultural heritage, the promotion of cultural links and the formation of cultural clubs, groups and associations;
- (ii) Develop policies and strategies for the youth sector, including the identification of specific at-risk youth groups, the development of programs to address their needs and the promotion of youth clubs, groups and associations;
- (iii) Develop policies and implement legislation for the formation and functioning of sports organizations, associations, clubs and groups;
- (iv) Foster and facilitate communication and contacts between persons and cultural organizations through activities such as development, dissemination, and exchange of informational, cultural, educational and other materials;
- (v) Promote cultural, sports and youth activities and links with members of all ethnic, religious or linguistic communities, including those temporarily or permanently living outside of Kosovo (“non-residents”); and
- (vi) Liaise with established networks of non-residents, which address the cultural needs of Kosovo migrants and returnees.

Annex VI

Ministry of Health

The Ministry shall:

- (i) Develop policies and implement legislation for a non-discriminatory and accountable healthcare system;
- (ii) Coordinate activities in the health sector in order to promote the coherent development of health policies;
- (iii) Develop norms and standards and issue guidelines for the health sector with due regard to relevant international standards;
- (iv) Oversee adherence to such standards, including, where appropriate, conducting inspections and other services;
- (v) Monitor the health situation and implement appropriate measures to prevent and control healthcare problems;
- (vi) Manage the use and development of the infrastructure relating to healthcare which falls under the responsibility of the Ministry;
- (vii) Promote community participation and the development of community initiatives and activities relating to health;
- (viii) Participate in the development and implementation of public information campaigns and other promotional schemes to increase public awareness and compliance with health standards;
- (ix) Encourage the development of health education to foster knowledge and competence in the field of health; and
- (x) Oversee, in coordination with the Ministry of Agriculture, Forestry and Rural Development, quality control services of food and agricultural inputs for the purpose of protecting consumers.

Annex VII

Ministry of Labour and Social Welfare

The Ministry shall:

- (i) Develop labour and social welfare policies and implement legislation in these areas;
- (ii) Promote and develop non-discriminatory labour relations and employment, taking into account applicable international labour standards;
- (iii) Monitor the employment and social welfare situation and propose appropriate measures to increase employment and reduce unemployment and to meet the social assistance needs;
- (iv) Promote labour and social welfare policies and practices for the protection of families and minors;
- (v) Develop labour safety standards and oversee their implementation;
- (vi) Direct and supervise labour and social welfare administration institutions, such as the Kosovo Office of Employment, and, in cooperation with the municipalities, the social welfare offices and other institutions involved in the implementation of labour and social welfare policies;
- (vii) Provide training programmes for the unemployed and job seekers to improve their employability;
- (viii) Encourage social dialogue, as well as the participation in such dialogue of the social partners (unions and employers and their organizations) and communities;
- (ix) Encourage the development of community initiatives and activities related to employment and social welfare;
- (x) Convene a tripartite advisory council of Provisional Institutions of Self-Government and employers' and employees' organizations for consultations on labour, social welfare and related economic policies and represent the Provisional Institutions of Self-Government in this council;
- (xi) Provide financial assistance, within allocated resources, to the families and individuals in need;
- (xii) Manage the use and development of the infrastructure relating to labour and social welfare which falls under the responsibility of the Ministry; and
- (xiii) Promote the development of a social insurance system, including unemployment and pension insurance.

Annex VIII

Ministry of Transport and Communications

The Ministry shall:

- (i) Develop policies and implement legislation for the provision of services and facilities in the sectors of road transport, public road transport, post, telecommunications, and information technology;
- (ii) Identify and establish, as appropriate, criteria, technical specifications and applicable standards with which service providers and infrastructure must comply; oversee the compliance, including, where appropriate, conducting inspections and audits and advising on the consequences of non-compliance;
- (iii) Oversee and monitor performance of the sectors and introduce appropriate measures to overcome service difficulties and problems;
- (iv) Develop policy and propose programs for promoting enterprises in the sectors, including strategies for restructuring and capital investment;
- (v) Participate in the development of public information campaigns and other promotional schemes to increase public awareness and responsiveness regarding sectoral issues;
- (vi) In the specific sector of telecommunications, review compliance with European standards covering tariffs and fees, quality of service and technical standards; develop policies to promote competition; and monitor the needs of consumers;
- (vii) In the specific sector of post, review compliance with European standards covering tariffs, quality of service and technical standards;
- (viii) In the specific sector of information technology, promote information technology as well as innovation in areas such as electronic commerce; promote access to technology; and encourage the development of information technology training systems;
- (ix) In the specific sector of road infrastructure, develop public road maintenance and construction programs, secure funding and organize the award of concessions, as appropriate; oversee the provision and management of the road infrastructure, including the performance of technical, organizational and developmental tasks related to the construction, maintenance and protection of public roads, control of the state of the roads, and maintenance of documentation on public roads and road traffic;

- (x) In the specific sector of road transport of persons and goods, oversee the licensing procedures for the companies, vehicles and drivers; award operating authority (routes and slots) on a competitive basis, where applicable; and support the provision of humanitarian and other special services; and
- (xi) Monitor transport safety and arrange for necessary action, investigation and response to ensure that risk to life and associated damage be minimized.

Annex IX

Ministry of Public Services

The Ministry shall:

- (i) Develop and oversee the implementation of policies for a multi-ethnic, impartial, professional and accountable Civil Service;
- (ii) Develop, and coordinate the implementation of, policies for training and capacity development of the Civil Service;
- (iii) Administer the Civil Service payroll and payments system;
- (iv) Provide engineering and building management services for the Provisional Institutions of Self-Government;
- (v) Develop the information technology standards and services to be used by the Provisional Institutions of Self-Government and coordinate the provision of information technology services to the Provisional Institutions of Self-Government;
- (vi) Develop and oversee the implementation of policies for the provision of procurement services in conformity with Ministry of Finance and Economy rules and procedures;
- (vii) Assist in the administration and maintenance of the central civil registry and database;
- (viii) Assist in the administration of policies related to civil documents, vehicle registration and NGO registration;
- (ix) Supervise the collection, maintenance, analysis and publication of official statistics;
- (x) Perform functions in the area of judicial affairs pursuant to paragraphs 5.3 (b) through (m) of the Constitutional Framework for Provisional Self-Government; and
- (xi) Perform functions in the area of civil emergency preparedness pursuant to paragraph 5.5 of the Constitutional Framework for Provisional Self-Government.

Annex X

Ministry of Agriculture, Forestry and Rural Development

The Ministry shall:

- (i) Develop policies and implement legislation for the development of agriculture, including livestock and plant production, and rural development, including the setting of standards to be maintained;
- (ii) Facilitate the development of credit schemes aimed at supporting agriculture, forestry and rural development activities in the private sector;
- (iii) Develop policies for and assist in the administration and management of the forestry sector, including protection, reforestation activities, sustainable exploitation, fire-fighting, fire prevention, pest and disease control, licensing for tree-felling, and controlling hunting and fishing activities;
- (iv) Regulate hunting and fishing activities;
- (v) Oversee the provision of veterinary services, including, but not limited to, the prevention of animal diseases, zoonoses and the improvement of the quality of herds and flocks;
- (vi) Develop policies in the area of irrigation, including the planning of irrigation schemes;
- (vii) Develop policies and implement legislation regarding agricultural land use for the purpose of protecting agricultural land;
- (viii) Oversee, in coordination with the Ministry of Health, Environment and Spatial Planning, adherence to health standards as they pertain to agriculture, forestry, fish farming and rural development;
- (ix) Oversee, in coordination with the Ministry of Health, Environment and Spatial Planning, quality control services of food and agricultural inputs for the purpose of protecting consumers;
- (x) Oversee activities aimed at eradicating pests, vermin, plant diseases or other destructive agents;
- (xi) Participate in environmental protection activities as they relate to agriculture, forestry, hunting, fishing and water resources management; and
- (xii) Provide assistance in matters pertaining to veterinary, quality and phytosanitary controls of cross border and boundary transit of animals and animal products, food and agricultural inputs, and plants and plant products, respectively.

Annex XI

Ministry of Environment and Spatial Planning

The Ministry shall:

- (i) Coordinate activities in the field of environmental protection in order to promote the coherent development of environmental protection policies;
- (ii) Develop norms and standards and issue guidelines in the field of environmental protection with due regard to relevant international standards;
- (iii) Oversee adherence to such standards, including, where appropriate, conducting inspections and other services;
- (iv) Manage the use and development of the infrastructure relating to environmental protection which falls under the responsibility of the Ministry;
- (v) Promote community participation and the development of community initiatives and activities relating to environmental protection;
- (vi) Develop policies, implement legislation and oversee activities for the protection of the environment including water resources, air, soil and biodiversity;
- (vii) Participate in the development and implementation of public information campaigns and other promotional schemes to increase public awareness and compliance with environmental protection standards;
- (viii) Monitor and assess the state of the environment, particularly the impact of the activities of industry, public utilities and economic activity as they relate to environmental protection;
- (ix) Encourage the development of environmental education to foster knowledge and competence in the field of environmental protection;
- (x) Develop policies for the management of water resources and oversee their implementation;
- (xi) Promote the development, implementation and transfer of clean technologies;
- (xii) Identify, in coordination with other relevant Ministries, areas to be protected for the benefit of the public, and develop policies and implement measures for their conservation and administration; and
- (xiii) Ensure the incorporation of Kosovo-wide spatial planning in the policies and programs of the Government and oversee their implementation by relevant authorities.

Annex XII

Ministry of Communities and Returns

The Ministry shall:

- (i) Develop policies and promote and implement legislation for the promotion and protection of the rights of Communities and their members, including the right to return, in conformity with Chapters 3 and 4 of the Constitutional Framework;
- (ii) Promote the establishment of conducive conditions for return and ensure a rights-based approach to return;
- (iii) Provide the lead in confidence building, dialogue and reconciliation activities among communities and support the implementation of these activities;
- (iv) Develop and oversee implementation of a Government outreach strategy relating to communities and returns, and support the development and implementation of such strategies in all municipalities;
- (v) Develop and/or manage programmes and mechanisms to facilitate equitable integration of all Communities and their members currently residing in Kosovo, as well as to ensure the sustainable return of the displaced and refugees;
- (vi) Ensure that policy at central and municipal level includes provisions for the protection of Community rights, human rights and the interests of returnees, including in the areas of freedom of movement, use of languages, freedom of expression, fair representation, education, employment, and equitable access to justice, housing, and public utilities and services;
- (vii) Make recommendations to, and coordinate and monitor the activities of Ministries, municipalities and other authorities in respect of the promotion and protection of the rights and interests of Communities and their members including the right to return, as well as review where appropriate the practices, files and documents of these bodies, subject to authorization by the Prime Minister;
- (viii) Monitor and support municipal efforts to address community issues and returns, including the work of Mediation Committees, Communities Committees, Municipal Community Offices, and the development and implementation of Municipal Returns Strategies;
- (ix) Review, and provide assistance to other ministries in respect of, existing procedures and practices, as well as proposed policies and draft legislation, to ensure that the rights and interests of communities and their members and of displaced persons are fully respected and that PISG legislative acts and municipal regulations are compliant with the relevant international standards and provisions contained in the Constitutional Framework;

- (x) Coordinate with ministries, municipalities and other authorities to develop responses to displacement and to the humanitarian needs of communities and their members;
- (xi) Co-ordinate with other Ministries, municipalities and other authorities on the implementation of a human rights strategy with a view to ensuring that the rights of members of all communities, displaced persons and returnees are promoted and protected, with particular attention to the needs of women, children, elderly persons and any other vulnerable groups;
- (xii) Monitor and support the operational framework for returns to ensure a rights-based approach that is responsive to the needs of displaced persons, and work with other Ministries, agencies and NGOs in this process;
- (xiii) Monitor compliance of the legislative acts and policies of other Ministries and local authorities with the Standards for Kosovo and the Kosovo Standards Implementation Plan, and take the lead in implementing actions under that plan attributed to the Ministry by the Government;
- (xiv) Assist in the development and implementation of measures in the field of public information and other promotional projects for increasing public awareness of the rights and interests of Communities and their members including the right to return; and
- (xv) Perform other tasks defined under the legislation in force.

Annex XIII

Ministry of Energy and Mining

The Ministry shall:

- (i) Develop policies, prepare and implement legislation for the development of the energy and mining sector in close cooperation with the SRSG, in particular for obtaining the best possible coalescence of economic, social and environmental values;
- (ii) Provide leadership for inter-institutional cooperation and coordination of Government action with UNMIK, the PISG and the relevant regulatory bodies with a view to facilitating the development and implementation of an energy and mining strategy for Kosovo. In this context, the activities of the Ministry shall be coordinated with UNMIK, in particular with respect to related powers and responsibilities reserved to the SRSG;
- (iii) In coordination with the SRSG, promote and act as a liaison on behalf of the Government for activities aiming at the integration into the regional energy market established by the Energy Community South East Europe, and other activities related to enhancing the compliance with and the achievement of European standards in the energy and mining sector;
- (iv) Promote an investor friendly environment for the development of the energy and mining sector and closely cooperate with the Ministry of Finance and Economy, the SRSG and the relevant regulatory bodies to determine general investment conditions, in particular having regard to fiscal incentives, including taxation, royalty and leasing issues relevant to the energy and mining sector;
- (v) In coordination with UNMIK, oversee and ensure cooperation within the Government for the effective and transparent preparation and implementation of projects in the energy and mining sector funded through donors or international financial institutions, closely cooperating with the Ministry of Finance and Economy. In this context, prioritise bankable projects in the energy and mining sector;
- (vi) Adopt long term and annual energy balances, collect and process energy and mining statistics and update energy demand forecasts;
- (vii) Promote activities aiming at the reduction of environmental pollution as a result of energy and mining and related activities;
- (viii) In cooperation with relevant bodies and institutions, systematically collect, archive, compile, process and make available geo-scientific data pertaining to the geological resources of Kosovo and provide to the Government, upon request, available reports and expert opinions related to geo-scientific issues;

- (ix) Promote energy efficiency technologies and programmes, rational use of energy and mineral resources and promote renewable energy sources;
- (x) Support relevant inspectorates in the energy and mining sector in implementing their functions and responsibilities vested in them by law;
- (xi) Monitor the issuance by the independent mining regulator of licenses and permits for mining activities in Kosovo. The Ministry may make recommendations to the SRSG if it considers that a decision of the independent mining regulator is not consistent with approved mining sector policies or the applicable law;
- (xii) Receive information from the independent mining regulator regarding the issuance of licenses and permits for mining activities in Kosovo. The Government may seek additional clarification on such licenses and permits;
- (xiii) Support and promote the development of highly trained and professional human resources in the energy and mining sector;
- (xiv) Participate in the development of public information campaigns and other promotional schemes to increase public awareness and responsiveness regarding issues pertaining to the energy and mining sector;
- (xv) In coordination with the Kosovo Trust Agency, participate in conformity with the Constitutional Framework and the applicable legislation in oversight of POEs and SOEs in the energy and mining sector; and
- (xvi) Propose to the Government the nominees for the representatives of the Government in the Supervisory Boards of POEs and SOEs in the energy and mining sector.

Annex XIV

Ministry of Local Government Administration

The Ministry shall:

- (i) Develop policies and implement legislation for effective municipal self-government;
- (ii) Promote and affirm the right to self-government of local bodies in conformity with the European Charter on Local Self-Government;
- (iii) Perform functions in the field of local administration as are specified in paragraph 5.2 of the Constitutional Framework for Provisional Self-Government in Kosovo, namely:
 - (a) Supporting inter-municipal co-operation;
 - (b) Promoting the development of a professional municipal civil service, taking into account responsibilities of the Ministry of Public Services;
 - (c) Assisting the municipalities in the development of their own budgets and financial management systems;
 - (d) Monitoring the quality of municipal services;
 - (e) Identifying the ways and means for training activities for the municipalities;
 - (f) Assisting the municipalities in making their activities transparent to the public;
 - (g) Providing legal guidance and advice to the municipalities;
 - (h) Coordinating the activities of international agencies and non-governmental organizations pertaining to the municipalities; and
 - (i) Overseeing compliance of municipalities with responsibilities and powers delegated to the municipalities based on organizational structures that emerged from the municipal elections in October 2000, as well as responsibilities and powers transferred in the meantime;
- (iv) Coordinate with the concerned sectoral ministries for the effective provision of centrally controlled public services, including human and financial resources, to meet the needs for and ensure the access of all communities to essential basic goods and services;
- (v) Coordinate with the Ministry of Finance to ensure that municipal administrations receive the financial allocations to exercise their own responsibilities, including public investment;

- (vi) Contribute to the implementation of the Law on Gender Equality at the local level, allocate adequate financial and human resources for supporting Municipal Gender Officers, address gender inequalities and integrate a gender perspective in local governance policy-making and delivery of services.
- (vii) In coordination with the SRSG, address matters related to the composition of local government units and boundaries thereof,
- (viii) Develop policies regarding the form of decision-making and undertaking of free initiatives on issues of special interest for residents of a certain municipal location; and
- (ix) Perform other tasks defined under the legislation in force.

ANNEX V

UNMIK Regulation No. 2004/32
dated 20 August 2004

On the Promulgation of the Anti-Discrimination
Law Adopted by the Assembly of Kosovo



UNMIK/REG/2004/32
20 August 2004

REGULATION NO. 2004/32

**ON THE PROMULGATION OF
THE ANTI-DISCRIMINATION LAW
ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

In conformity with Chapter 8 and sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 6 August 2004, concerning the Anti-Discrimination Law initially approved by the Assembly of Kosovo on 19 February 2004,

Duly noting that on 30 July 2004 the Assembly of Kosovo adopted the Law with the amendments recommended in the Decision dated 15 July 2004 of the Special Panel that acted pursuant to paragraph 9.1.41 of the Constitutional Framework for Provisional Self-Government,

Hereby promulgates effective as of the date of signature the Anti-Discrimination Law adopted by the Assembly of Kosovo on 30 July 2004 (Law No. 2004/3), attached to the present Regulation, provided that:

- (a) The words "citizens of Kosovo" in Articles 1 and 2(c) shall be replaced by "persons in Kosovo"; and
- (b) Article 8.3 shall be deleted.

These amendments shall be reflected in the final official text of the Law.

Signed on this 20th day of August 2004.

A handwritten signature in black ink, appearing to read "Søren Jessen-Petersen".
Søren Jessen-Petersen
Special Representative of the Secretary-General

ANNEX VI

Assembly of Kosovo
Law No. 2004/3
The Anti-Discrimination Law



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No.2004/3

THE ANTI-DISCRIMINATION LAW

The Assembly of Kosovo

Pursuant to the Regulation No. 2001/9, of 15 May 2001, on the Constitutional Framework for Provisional Self-Government of Kosovo, in particular on the provisions of Chapters 3.1, 3.2 and 5.7 and further,

Bearing in mind the importance of supporting coexistence, protection of human rights, fair representation of people of Kosovo in the development process of democratic Self-governing institutions, and to provide opportunities for equal treatment and ensuring that the issuance of rules on these issues will be in accordance with relevant European and international standards and norms.

Adopts:

THE ANTI-DISCRIMINATION LAW

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose

The purpose of this Law is prevention and combating discrimination, promotion of effective equality and putting into effect the principle of equal treatment of the citizens of Kosovo under the rule of Law .

Article 2
Principles

The regulation of the issues dealing with non-discrimination is based on these principles:

- a) The principle of equal treatment shall mean that there shall be no direct or indirect discrimination against any person or persons, based on sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status;
- b) The principle of fair representation of all persons and all the members of communities to employment in the frame of public bodies of all levels.
- c) Good understanding principle and interethnic tolerance of the citizens of Kosovo.

Article 3 Terms

For the purposes of Article 2 (a), the terms below are defined as follows:

- (a). Direct discrimination shall be taken to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation based on one or more grounds such as those stated in Article 2(a);
- (b). Indirect discrimination shall be taken to have occurred where an apparently neutral provision, criterion or practice would put persons, on the basis of one or more grounds such as those stated in Article 2(a), at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- (c). Harassment shall be deemed to be discrimination within the meaning of Article 2(a) when an unwanted conduct takes place (including but not limited to unwanted conduct of a sexual and/or psychological nature) based on grounds such as those stated in Article 2 (a) which has the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment, as determined by that person;
- (d). An instruction to discriminate against persons based on grounds such as those stated in article 2(a) shall be deemed to be discrimination within the meaning of Article 2(a).
- (e). Victimisation shall be deemed to be discrimination within the meaning of Article 2(a) and shall be taken to have occurred when any person suffers any adverse treatment or adverse consequence as a reaction to a complaint, or to proceedings, which are aimed at enforcing compliance with the principle of equal treatment as defined in Article 2(a), and/or to the provision by such person of information, evidence or assistance in connection with such complaint or proceedings.
- (f). Segregation shall be deemed to be discrimination within the meaning of Article 2(a), and shall be taken to have occurred when a person or persons are separated from others by any natural or legal person or persons, or any combination thereof, who are from either the public or private sector or both, when such separation is made on the basis of one or more grounds such as those stated in Article 2(a), unless such separation shall be objectively justified by a legitimate aim and the means of achieving that aim are proportionate and necessary.

Article 4 Implementation Scope

This Law shall apply to all natural and legal persons as regards both the public and private sectors, including public bodies, in relation to any action or inaction which violates the right or rights of any natural or legal person or persons, to:

- (a) conditions for access to employment, self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;

- (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- (c) employment and working conditions, including dismissals and pay;
- (d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;
- (e) social protection, including the Social Assistance Schemes, social security and healthcare.
- (f) social advantages, including but not limited to humanitarian assistance;
- (g) education;
- (h) access to housing, and to all other forms of property (both movable and immovable)
- (i) access to and supply of goods and services which are available to the public;
- (j) fair treatment before tribunals and all other organs administering justice;
- (k) personal security;
- (l) participation in public affairs, including the right to vote and be voted for.
- (m) access to public places; and
- (n) any other right set forth by applicable laws.

Article 5

Real and determining occupational requirements

Notwithstanding Articles 2(a), 3(a) and 3(b), a difference of treatment which is based on a characteristic related to one or more grounds such as those stated in Article 2(a), shall not be defined as discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a real and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

Article 6

Positive Action

6.1. With a view to ensuring full equality in practice, a measure to prevent or compensate for disadvantages linked to one or more grounds such as those stated in Article 2(a), shall not be deemed to be discrimination, provided that it is also in compliance with international human rights standards.

6.2. All persons exercising a public function shall ensure that those parties to whom they award a public contract, loan, grant or other benefit, will execute a document which states that they will act in compliance with this Law and will respect and promote a non-discrimination policy, as they carry out their obligations related to such a public contract, loan, grant, or other benefit.

6.3. If the party, which obtains a public contract, loan, grant or other benefit as referred to in paragraph 6.2, violates any of the provisions of this law, such public contract, loan, grant or other benefit shall be declared null and void by the body that awarded it.

CHAPTER II

PROCEDURES AND SANCTIONS

Article 7 Procedure

7.1. Any claim of discrimination under this Law shall be decided or adjudicated in accordance with the applicable law by administrative bodies and courts of competent jurisdiction, which have jurisdiction over the concrete issue covered by the claim.

7.2. Such administrative bodies and courts act in accordance with provisions of this law in order to determinate a claim.

7.3. Upon completion of the procedure upon a claim of discrimination under the applicable law on general administrative procedure, a claimant who is unsatisfied may bring a claim in accordance with the Chapter entitled Special Provisions in the Law on Administrative Disputes at the court which is competent under the applicable law.

7.4. Any mediation or conciliation procedures which are available under the applicable law may be utilized, at the option of the claimant or the claimants, in order to address violations of this Law.

7.5. The use of procedures under Article 7.4 shall not preclude the claimant from filing a claim with the appropriate administrative organ or court of competent jurisdiction at any time.

7.6. Associations, organisations or other legal entities may institute or support legal actions either on behalf of a claimant or claimants, with their consent, for utilising any judicial and/or administrative procedure for the enforcement of obligations under this Law.

Article 8 Burden of proof

8.1. When persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

8.2. Paragraph 8.1 shall not prevent the introduction of rules of evidence, which are more favourable to plaintiffs. Further, a complainant may establish or defend their case of discrimination by any means, including on the basis of statistical evidence.

8.3. Paragraph 8.1 shall not apply to criminal proceedings and minor offences proceedings.

Article 9
Sanctions

9.1. A court of competent jurisdiction or an administrative body which has determined that a violation of this Law has occurred may impose sanctions, depending on the nature and scope of the violation and its impact on the victim or victims.

9.2. Sanctions foreseen in a decision of the competent body against a natural or legal person or persons violating the provisions of this Law include:

- (a). Compensation for both pecuniary and non-pecuniary damages, suffered by victims of violations which compensation may include restitution of all rights and other remedies, provided within the applicable Law which the competent body deems appropriate; and
- (b). A natural or legal person or persons, or any combination thereof, that has been found to be in violation of this Law will be fined based upon the nature and scope of the violations in accordance with the following ranges:
 - (i) a natural person - from 500 Euro to 1.000 Euro
 - (ii) an independent contractor - from 1000 Euro to 5.000 Euro
 - (iii) a legal person - from 1000 Euro to 1.0000 Euro
 - (iv) a natural person within a legal person who is responsible for a violation – from 500 Euro to 2.000 Euro
 - (v) a person exercising a public function who is responsible for a violation – from 500 Euro to 2.000 Euro.

9.3. The court, at its option, may impose judicial imposition of positive measures.

9.4. All monies collected through the imposition of the penalties mentioned in paragraph 9.2.(b) shall be placed in a fund which will be established for the purposes of supplying free legal assistance to natural or legal persons who claim violations of the right to equal treatment under this Law.

9.5. All monies collected pursuant to paragraph 9.2 b, should be administrated by and administrative or juridical body pending the establishment of the Centre for Equal Treatment.

9.6. The imposition of any sanctions under this Law shall not preclude the imposition of any other sanctions available under any other law within the applicable law in Kosovo.

CHAPTER III
BODIES FOR THE PROMOTION FOR EQUAL TREATMENT

Article 10

Existing body

An authorised body to receive and investigate complaints concerning violations of rights based on discrimination is the Ombudsperson of Kosovo, which will review cases in compliance with his or her authority according to the legislation in force.

CHAPTER IV
TRANSITIONAL AND FINAL PROVISIONS

Article 11

11.1 When this law come into effect it supersedes all previous applicable laws of this scope.

11.2. The provisions of the legislation introduced or into force for the protection of the principle of equal treatment are still valid and should be applied if they are more favourable than provisions in this Law.

Article 12
Implementation of the Law

12.1. Nothing in this Law may be interpreted as implying for the Provisional Institutions of Self-Government, any group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth in the applicable law or at their limitation to a greater extent than is provided for in the applicable law.

12.2. The restrictions permitted under this Law to the said right and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

12.3. For the implementation of this Law, The Government of Kosovo can issue relevant by-laws.

Article 13
Entry into force

13.1. This law shall enter into force thirty days after its adoption by the Assembly and promulgation by the SRSG.

13.2. The Government shall conduct a public awareness programme with regard to the Law immediately upon its promulgation.

Law No. 2004/3
19 Februar 2004

President of Assembly

Academic Nexhat Daci

ANNEX VII

UNMIK Regulation No. 2004/36
dated 8 September 2004

Amending UNMIK Regulation No.2000/43
On the Number, Names and Boundaries of
Municipalities

UNMIK/REG/2004/36
8 September 2004

**REGULATION NO. 2004/36
AMENDING REGULATION NO. 2000/43 ON THE NUMBER, NAMES AND
BOUNDARIES OF MUNICIPALITIES**

The Special Representative of the Secretary-General (SRSG),

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Having promulgated UNMIK Regulation No. 2000/43 of 27 July 2000 on the Number, Names and Boundaries of Municipalities,

Taking into account the recommendations of the Commission on Places Names as reflected in a communication from the Deputy SRSG for Civil Administration, dated 16 April 2004, and a related communication from the Directorate of Administrative Affairs, dated 10 August 2004,

In order to correct the official designation of certain municipalities as set out in Schedule A of UNMIK Regulation No. 2000/43, and provide further clarifications and adjust the designation of places names in Kosovo,

Hereby promulgates the following:

Section 1
Amendments

As of the date on which the present Regulation enters into force:

(a) Schedule A to UNMIK Regulation 2000/43 shall be amended and replaced by Schedule A attached to the present Regulation; and

(b) A new subsection 2 shall be added to Section 2 of UNMIK Regulation 2000/43 to read as follows: "The Special Representative of the Secretary-General may further clarify and adjust the designations contained in Schedule B of UNMIK Regulation 2000/43 through the issuance of Administrative Directions."

Section 2
Entry into force

The present Regulation shall enter into force on 8 September 2004.

A handwritten signature in black ink, appearing to read 'Søren Jessen-Petersen', written in a cursive style.

Søren Jessen-Petersen
Special Representative of the Secretary-General

SCHEDULE A

NAMES OF MUNICIPALITIES

	Albanian	Serbian
01	Deçan	Deçane
02	Gjakovë	Đakovica
03	Glogoc	Glogovac
04	Gjilan	Gnjilane
05	Dragash	Dragaš
06	Istog	Istok
07	Kaçanik	Kačanik
08	Klinë	Klina
09	Fushë Kosovë	Kosovo Polje
10	Kamenicë	Kamenica
11	Mitrovicë	Mitrovica
12	Leposaviq	Leposavić
13	Lipjan	Lipljan
14	Novobërdë	Novo Brdo
15	Obiliq	Obilić
16	Rahovec	Orahovac
17	Pejë	Peć
18	Podujevë	Podujevo
19	Prishtinë	Priština
20	Prizren	Prizren
21	Skenderaj	Srbica
22	Shtime	Štimlje
23	Shtërpce	Štrpce
24	Suharekë	Suva Reka
25	Ferizaj	Uroševac
26	Viti	Vitina
27	Vushtrri	Vučitrn
28	Zubin Potok	Zubin Potok
29	Zveçan	Zvečan
30	Malishevë	Mališevo

ANNEX VIII

UNMIK Administrative Direction No. 2004/23
dated 8 September 2004

Implementing UNMIK Regulation No. 2000/43,
As Amended, On the Number, Names and
Boundaries of Municipalities



UNMIK/DIR/2004/23
8 September 2004

**ADMINISTRATIVE DIRECTION NO. 2004/23
IMPLEMENTING UNMIK REGULATION NO. 2000/43, AS AMENDED,
ON THE NUMBER, NAMES AND BOUNDARIES OF MUNICIPALITIES**

The Special Representative of the Secretary-General (SRSG),

Pursuant to the authority given to him under section 2.2 of UNMIK Regulation 2000/43 of 27 July 2000 on the Number, Names and Boundaries of Municipalities, as amended,

Taking into account the recommendations of the Commission on Places Names as reflected in a communication from the Deputy SRSG for Civil Administration, dated 16 April 2004, and a related communication from the Directorate of Administrative Affairs, dated 10 August 2004,

For the purpose of clarifying the official designations of places names in Kosovo,

Issues the following Administrative Direction:

Section 1
Places Names

The official designations of places names in Kosovo shall be as set out in the Annex attached to the present Administrative Direction.

Section 2
Entry into force

The present Administrative Direction shall enter into force on 22 September 2004.

A handwritten signature in black ink, appearing to read "Søren Jessen-Petersen". The signature is fluid and cursive.

Søren Jessen-Petersen
Special Representative of the Secretary-General

ANNEX IX

UNMIK Regulation No. 2004/53
dated 13 December 2004

On the Promulgation of The Law
On the Kosovo Population and Housing Census
Adopted by the Assembly of Kosovo



UNMIK/REG/2004/53
13 December 2004

REGULATION NO. 2004/53

**ON THE PROMULGATION OF
THE LAW ON THE KOSOVO POPULATION AND HOUSING CENSUS
ADOPTED BY THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary-General (SRSG),

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244(1999) of 10 June 1999,

In conformity with Chapters 8 and 12 and sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government (UNMIK Regulation No. 2001/9),

Taking into account a communication from the President of the Assembly of Kosovo, dated 15 December 2003, concerning the Law on the Kosovo Population and Housing Census initially approved by the Assembly of Kosovo on 11 July 2003,

Recalling the Decision dated 5 December 2003 of the Special Panel that acted pursuant to paragraph 9.1.41 of the Constitutional Framework for Provisional Self-Government, and noting that the Assembly of Kosovo had rejected on 11 December 2003 the recommended amendments contained in the Special Panel's Decision and adopted the Law without these amendments,

Taking into account communications from the SRSG, dated 18 December 2003 and 4 June 2004, concerning the Law,

A. Hereby promulgates effective as of the date of signature, subject to Part B below, the Law on the Kosovo Population and Housing Census adopted by the Assembly of Kosovo (Law No. 2003/16) attached to the present Regulation; and

B. Determines that:

(a) Article 3(a) concerning interpretation of the definition "resident population", as well as Articles 11 and 12, shall be implemented based on decisions made in coordination with the SRSG. Section 12 shall furthermore be implemented in a manner that duly takes into account the requirement for equitable representation of Kosovo Serb and other non-majority Communities, and subject to such adjustments in respect of international members of the Central Commission of the Census as may be introduced by the SRSG following consultations with the Government;

(b) Article 4 shall be revised to read:

All members of the residential population of Kosovo are under an obligation to accurately provide the information required for the census concerning themselves as well as their relatives;

(c) Article 6 shall be revised to read:

The timeframe (date, month and year) for the execution of the Census shall be determined in a special decision to be issued by the Assembly of Kosovo in close coordination with UNMIK;

(d) In Article 7, paragraph 2 shall be revised to read:

The census includes the residential population as well as all buildings within the territory of Kosovo that are used for dwelling, regardless whether they are movable or immovable property;

(e) A new paragraph 2 shall be added to Article 8, which reads:

Information collected and registered for purposes of the Census pursuant to sections 8 and 11 shall be solely for statistical purposes and shall not in any way affect or confer any personal rights or rights in respect of movable and immovable property;

(f) Article 18 shall be revised to read:

The Kosovo Cadastral Agency (KCA) shall make available on time to the SAK maps and other geographical and cartographic information necessary for carrying out the census. In carrying out its responsibilities under this section the KCA shall coordinate with cadastral and other relevant governmental authorities in and outside Kosovo;

(g) The title of Chapter III "Budget" shall be replaced by "Operational Requirements";

(h) In Article 16.1: the words "two months" shall be replaced by "six months"; and, the words "as well as the draft account of general expenses for preparedness and normal development of Census process" shall be deleted and replaced by ", except for international members of the Commission";

(i) A new paragraph 3 shall be added to Article 16, which reads:

The Government shall within six months of the date of promulgation of this Law approve budgetary arrangements for the Census process in conformity with applicable budgetary procedures;

(j) In Articles 12.2 and 16.2, the words “, except for international members of the Commission who shall be subject to approval by the SRSG following consultations with the Government” shall be added at the end of the sentence;

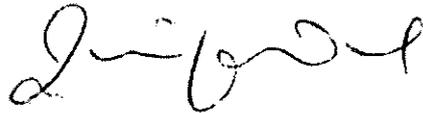
(k) The title of Chapter V “Punitive Measures” shall be replaced by “Administrative Sanctions”;

(l) In Article 25, the words “two months” shall be replaced by “six months”;
and

(m) The Central Census Commission shall, in the exercise of its competencies set out in Article 13, coordinate with the SRSG with a view to ensuring that technical assistance and expertise available from international organizations and agencies is utilized to maximize the quality and effectiveness of the Census process.

The changes in (b) through (l) above shall be reflected in the final official text of the Law.

Signed on this 13th day of December 2004.



Søren Jessen-Petersen
Special Representative of the Secretary-General

ANNEX X

Assembly of Kosovo
Law No. 2003/16
On the Kosovo Population and Housing Census

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 2003 / 16

Based on the Chapter 5, and point 5.1. (k); Constitutional Framework of the Provisional Self-Government, UNMIK regulation No.2001/9 of 15 May 2001, and UNMIK Regulation No. 2001/19 section 2, point 2.2, annex IX point (ix) over the branch of the executive for provisional Self-governing institutions in Kosovo.

Considering the regulation UNMIK/REG/2001/14 of 2 July 2001 establishing the Kosovo Statistical Office, specifically in its Section 1, point 1.2, and Section 2, point (g);

Upon the proposal of the Government, Assembly of Kosovo in its compulsory Plenary Session on July 11, 2003 approved:

LAW

ON THE KOSOVO POPULATION AND HOUSING CENSUS

Chapter I

GENERAL PROVISIONS

Article 1

Herein Law define:

- a) The way of organising and development process of the population ,Family Properties and Housing Census in Kosovo(in the following Draft: Census);
- b) Establishment, components, competencies and responsibilities of the bodies which maintain, assists and realise the Census.
- c) Starting, duration time and finalizing of the Census process.
- ç) The necessary documentation to accomplish the Census Process.
- d) Procedure of arranging, processing and saving of dates coming out of the Census results,
- dh) The way on publish of dates and protection of professional confidentiality, and
- e) Administrative measurements against the violators of the provisions under this Law.

Article 2
The aim of the census

1. The Census shall include collecting, processing and administration in accordance with updated standards of the correct statistical dates on population, economy, and housing of Kosovo and the other reliable information in need of Kosovo Institutions (Presidency, Government, Assembly of Kosovo and Municipalities) necessary for economical organisations, scientific and cultural institutions, Government and Non Government Organisations, scientific and cultural employees, others interested on, in order of planning and implementing of general development policies for taking decision, scientific researches and other necessary analyses on the various areas of Civil Society of Kosovo.

2. The census should provide information on:

- a. The number and the geographical distribution of the population;
- b. The demographic structure and main socio-economic characteristics of the population;
- c. The number, the geographical distribution and the structure of dwellings and buildings used for housing purposes;
- d. The housing conditions of the population.

Article 3
Use of terms

In the meaning of this law the terms below shall be understood as follows:

- a) **“Resident population”** shall mean the population consisting of individuals, who on the enumeration day, they or their relatives offer to the registration staff, proves and evidences of being permanent residents of Kosovo, as well as those who are temporarily out of Kosovo.

Resident Population in meaning under point (a) of this Article shall not be considered UNMIK, KFOR staff, the Foreign Liaison Offices staff present in Kosovo, the Government and Non Government Organisation staff, as well as refugees and the foreign citizens temporarily present in Kosovo.

- b) **“Dwelling”** shall mean one or more spaces, designated for dwelling, which have an independent entry to a street, and at the moment of the census is inhabited or is destined to be inhabited by a person or group of persons.

Other concepts to be used in the enumeration process shall be defined in the methodological guidelines of the census.

Article 4
Obligation to respond

Resident population of Kosovo are obligated to provide all reliable correct information details of themselves and their relatives.

Article 5
The authority of the census

Census is carried into execution by the Statistical Office of Kosovo , through relevant bodies determined in the chapter II of this Law under the direct supervision of Central Census Commission.

Article 6
Term within the census is carried into execution

Time (data, month and year) to carry into execution the census is determined through a special decision coming out of the Assembly of Kosovo.

Article 7
The object of the census

1. The census includes all urban and rural areas and is therefore conducted throughout the territory of Kosovo.
2. The census includes the residential population as well as all premises within the territory of Kosovo that are used for dwelling, independently if they are movable or immovable property, in state of time before March 23, 1989.

Article 8
The dates collected by the Census

The information collected by the census consists of two categories of data:

- a) The information data details on the individuals identity (Family Name, First Name, Father's Name, Mother's Name, Date of Birth/date, month, year/Place of birth, National entity, gender as well as the address-permanent residency.
- b) Information data details on the structure and the characteristics of the family or individual dwelling objects inquired only for statistical purposes in compliance with the international standards.

Article 9
Data protection and professional secrecy

Bodies determined in Chapter II of this Law, during and after the Census Process provide:

- a) Protection of the fully professional confidentiality on the personal information details dates of the registrants in compliance with the provisions of the Regulation 2001/4 on the establishment of the Statistical Office of Kosovo,
- b) Prevent the unauthorized access to the database of the personal information details,
- c) Treatment as” anonymous information details” of all personal dates information of the registrants during and after the census process, technical control and certifying of their correct authenticity,
- d) The aggregated data and the anonymous individual data can be communicated to an authorised third party only for activities that are in conformity with the statistical aim of the census. The recipient of the data is subject to the duty of professional secrecy; the recipient takes the appropriate security measures and ensures that any publication of statistical results will conform to the law provisions.

Article 10
The results of the census

SOK , in compliance with the provisions of the Regulation No:2001/4 and in compliance with this Law communicates and publish the preliminary results of the Census as well as the final ones.

Article 11
Statistical registers and questionnaires (forms) for Census process

In order to carry into execution the census, to collect the fully necessary details information, SOK and Census Office prepares the Registers, questionnaires and the other relevant documentation for census of individuals identifying information details, as well as the dates of dwellings, streets,(addresses), residencies, family economies and the enterprises of individuals who on the enumeration day , declare themselves self employed in (Agricultural, Industry, artisan and the other public services) as well as their business capacity.

Chapter II
**COMPOSITION, COMPETENCIES AND RELATIONS OF
THE BODIES IN CHARGE OF THE CENSUS**

**Article 12
Central Commission of the Census**

The Central Commission of the Census is composed from the representatives of the:

1. Government of Kosovo	Chairman
2. Ministry of Public Services	Deputy Chairman
3. Ministry of Finance and Economy	Member
4. Minister of Culture, Youth, Sports and Non Residents Affairs	Member
5. Minister of Agriculture, Forestry and Rural Development	Member
6. Kosovo Cadastre Agency	Member
7. Statistical Office of Kosovo	Member
8. Principal International Officer , Ministry of Public Services	Member
9. International Officer, Statistical Office of Kosovo	Member

2. With the proposal of the Government the Central Census Commission is elected by the Assembly of Kosovo

**Article 13
Competencies of the Central Census Commission**

The Central Census Commission the has the following competencies:

- a. It compiles and approves the administrative directions that functionalise this law.
- b. It supervises the preparation and ongoing of the census and advises SOK on the statistical information expected from the public authorities, the scientific circles and the civil society,
- c. It guarantees the co-ordination of work between public authorities and scientific organisation and civil society.
- d. It proposes to the Government members of the Municipality Census Commissions and defines their duties.

**Article 14
The Statistical Office**

The Statistical Office of Kosovo (SOK) has the following competencies:

- a. It compiles the program of work, defines the methodology, selects the appropriate technical means and software programs, draws the questionnaire, issues the necessary instructions and conducts the preparation and the execution of the census on independent scientific basis.

- b. It manages the staff engaged to the Census process and financial resources provided for the census and reports to the Central Commission of the Census and to international donors on the use of these resources.
- c. It informs the relevant governmental authorities and bodies on the steps that should be taken for the census, conducts the public information campaign and reports to the Central Commission of the Census on the development of the census operations.
- d. It establishes the terms of reference and training guidelines that must be applied by the census commissions and offices in municipalities for the selection and training of the census staff. It conducts the fieldwork by registering the dwellings and buildings and takes all the necessary measures to ensure the timely and correct completion of the census, in co-operation with the census organs in municipalities.
- e. It presents and publishes the preliminary and final results of the census.
- f. Statistical Office of Kosovo has the right to withdraw the administrative directions according to the needs of the execution of this law.

Article 15
Census organs in the municipalities

With the proposal from the Census Central Commission, Government establishes a Census Commission and a Census Office in each Municipality. This Office has the following tasks:

- a. Following the instructions and decisions of the SOK, it takes all necessary measures for ensuring the normal development of the census operations within the territory of the Municipality and provides information and assistance to census staff in cities and villages.
- b. It selects and trains the enumerators and controls the implementation of their duties.
- c. It reports every week to SOK on the development of the census process within the territory of the Municipality, while during the census week reports every day.
- d. It takes appropriate steps for ensuring good reception of census materials in the Municipality, safe depositing of these materials and timely delivery of them to SOK.

Chapter III

BUDGET

Article 16

1. Government of Kosovo is obligated, within two months from the signature date of promulgation of this Law to present for approval in the Assembly of Kosovo, the proposal of list on names of members to the Central Census Commission as well as the draft account of general expenses for preparedness and normal development of Census process.
2. Assembly of Kosovo after the reception of the documents from the paragraph 1 of this Article, in its order plenary session shall present them for debate and approval.

Chapter IV
CENSUS PROCEDURES

Article 17
Publicity

- a). SOK, through the media and by means of a broad information campaign, shall make public the aims, and procedures of the census, as well as the legal obligations related to it.
- b) The general information of the public on the conduction of a census in Kosovo, should start immediately after this Law comes into effect.
- c) An intensive and daily information campaign should start at least two months prior the beginning of the census.

Article 18
Kosovo Cadastre Agency

The Kosovo Cadastre Agency (KCA) shall make available on time to SOK the maps and other geographical and cartographic information that are needed in order to carry out the census.

Article 19
Local administration and municipalities

1. Responsible department for local administration and municipalities should determine, in a and clear method, street names in all cities and villages of Kosovo, prior to the beginning of the census activities. Municipalities, should, establish and facilitate the address system in compliance with Article 11, of this law.
2. Responsible department for local administration and municipalities should maintain a stable and clear system of names and addresses in all villages and towns of Kosovo.

Article 20
Central Data Processing Centre

The Central Processing Centre shall make available to SOK all information and material or equipment that are needed in order to carry out the census.

Article 21
Census staff

1. Census Staff is composed of:
 - a. Enumerators, who, equipped with a distinctive official identification sign, go to every residence in order to interview the inhabitants and fill the census questionnaire accurately;
 - b. Number of operators that they do coding and material checking;

- c. Controllers, who support and control the work of a number of enumerators;
 - d. Supervisors, who support and control the work of a number of controllers;
 - e. Processors of the data manually and operators who enter the data from the questionnaires in to the computerised systems;
 - f. Managerial staff, that organises and conducts the preparation, information, logistics and administration of the census;
 - g. Statisticians, demographers and other staff, who process the data, analyse the aggregates and produce the statistical results of the census;
 - h. International technical advisors.
2. SOK establishes the criteria for the selection, employment and training of census staff, that is appointed as follows:
- a. Appointment of enumerators is made by the Census Office at municipality;
 - b. Appointment of controllers is made by SOK offices on the proposal of the Census Office at municipality;
 - c. Appointment of supervisors is made by SOK;
 - d. Appointment of processors of the data manually, operators, managerial staff and scientific experts is made by SOK.

Article 22
Prohibition of similar data collections

- 1. Within period of six months of prior the execution of the census and during the period of the collection of census data it is prohibited to all individuals and organisations, local or international to collect similar data within the territory of Kosovo.
- 2. In conformity with the legislation in force, all subjects who during the period mentioned above intend to collect information on individuals and dwellings or related to private and commercial activities, shall request a special authorisation to the Central Commission of the Census.

Chapter V
Punitive measures

Article 23
Contraventions

- 1. Any breach to the rules provided in article 4 and 9 shall be considered as an administrative infringement and shall be punishable with a fine of 1,000 to 2,000 €.
- 2. Any breach of the rules provided in the article 19, shall be considered as an administrative infringement and shall be punishable with a fine of 1,500 to 3,000 €.

Article 24

The punishments by fine of administrative infringements set forth in article 22 are given from the chairman of the Census Commission in municipality. A claim against this decision can be filed at the Central Commission of the Census within 10 days, from the day the declaration of the decision was brought. A claim against the decision of the Central Commission of the Census can be filed at the Court of minor offences within 10 days of the declaration of its decision.

Chapter VI FINAL PROVISIONS

Article 25

Government of Kosovo is obligated, within two month after the date of coming into effect of this Law, to issue the sub normative acts in compliance with the provisions of the Articles 11-21 of this Law.

Article 26

Coming into effect of this Law avoid the execution of all current provisions which have already been maintaining this subject.

Article 27

This law enters into force on the signature date of promulgation.

**Law No.2003/16
11.07.2003**

ANNEX XI

Letter from the Office of The Prime Minister
dated 23 January 2005



**PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
INSTITUCIONET E PËRKOSSHME TE VETËQEVERISJES
PRIVREMENE INSTITUCIJE SAMOUPRAVLJANJA**

**ZYRA E KRYEMINISTRIT
OFFICE OF THE PRIME MINISTER
URED PREMIJERA**

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Prishtina, 23rd January 2005

Dear President,

We have entered into the important stage of the definition of Kosovo political status. In this stage of the development, the standards implementation apart from being the government priority it is also determining factor of many aspects that are linked with the Kosovo destiny and her future. Due to that and also based on the need for immediate action I require from you to start without any hesitation implementing actions that has to do with:

1) Language

- a. Until 10th February 2005 all street signs of your city have to be written in three languages.
- b. From today any official document in your municipality can not be distributed without being compiled in three languages.
- c. Before 30.01.2005 establish and functionalize the language unit within your municipality.
- d. You are obliged to send back any official document that is sent to you by any PISG institution, if that document is not compiled in three official languages.

2) Employment of the Minorities

- a. Within this week you should start the campaign for employing minorities.

3) Property Right

- a) Immediate pronounce against illegal occupations
- b) Continuously prevent and require from police that those who occupy face justice
- c) Request support from the police to implement the law in cases dealing with occupations
- d) Face with informal settlements issues as soon as possible
- e) Compile the list of municipal laws regarding the property

4) Returns

- a) Within this month finalize the Strategy for Returns
- b) Put in at disposal all your political, economic and legal efforts in order to enable the return.

5) Budget

- a) Before 1st February publish the annual report and financial statements
- b) Before 1st February compile additional component of the annual budget which will be used for the community needs.

6) Condemnation of violence

- a) Prevent and condemn each type of violence and crime (vandalism, harassment, throwing a stone)
- b) Immediately and each time publicly, be pronounced again each crime that is ethnically motivated.

In the next meeting that will be held in the beginning of February, I do expect from you to present full report for your achievements in implementation of the above mentioned items.

Sincerely,

Ramush Haradinaj
Kosovo Prime Minister

ANNEX XII

Letter from the Office of The Prime Minister
dated 18 August 2003



**PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT
INSTITUCIONET E PËRKOHSHME TE VETËQEVERISJES
PRIVREMENE INSTITUCIJE SAMOUPRAVLJANJA**

**OFFICE OF THE PRIME MINISTER
ZYRA E KRYEMINISTRIT
URED PREMIJERA**

18 August, 2003

Your Excellencies,

In recent days we are facing a new wave of a diplomatic incursion by Serbia in respect to Kosova. As Belgrade has become particularly enthusiastic and laud in trying to include Kosova in its new constitution and in spite of terrible effects that this might have, the wave in question has particularly increased after the recent tragic events where two minor Kosovars of Serb ethnicity were killed. I hereby feel compelled to reiterate my deepest condemnation of this act, and I once more urge for a more energetic involvement of police in investigating this and similar criminal acts. Although our capacities for action in this reserved area continue to be limited, we remain eager to do the utmost for giving an end to all acts of violence, and at this point we are considering all of the measures that can be taken in this respect.

At the same time, I have to express our disturbance with the manner in which Belgrade is abusing the recent tragedy of Kosovar citizens in trying to downgrade all the joint efforts of UNMIK and Provisional Institutions of Self-government. The last in this series of actions is Belgrade's call for a meeting of the respectable Security Council in order to present there only its distorted side of the story. While recognizing the discretion of the Security Council to meet and discuss matters that it deems relevant, I have to draw your attention that it is equally important to avoid attempts oriented in undermining efforts for establishment of a peaceful and multiethnic society in Kosova. Having Kosova under its administration, Security Council may easily and at any point invite for report the Special Representative of the Secretary General. But, giving unlimited space to Serbia and even those individuals previously involved in Milosevic's attempts for ethnically cleansing Kosova, when wounds and memories here are far from being healed, will only further toughen endeavors for wisely exiting any contending or perilous state of affairs.

Overlooking continuous destructive efforts of Belgrade, and particularly those of the Deputy Prime Minister of Serbia N. Covic, will only raise further the most serious concerns among us and our citizens at large. This per se makes extremely intricate all our unreserved efforts in pursuit of a multiethnic and tolerant society and for improving involvement of the Serb community in social and political life. Being prevented from an opportunity to address the respectable body, let me draw your attention via this letter to a number of facts that you might find relevant for our actions vis-à-vis those of Belgrade in respect to a course of continuous efforts for improving the situation of the Serb community.

At first, in a prompt process, together with the SRSG, we have established the position of the Inter-ministerial Coordinator for the Issue of Returns, a position held by a representative of a Serb community. The Coordinator enjoys my support and has a wide range of possibilities for action.

Further on, we have committed ourselves to the Strategy of Joint Principles for the return and integration of communities, and we remain closely involved with UNMIK, Office on Returns, Association of Municipalities and UNHCR in facilitating this process, which as seen by other former Yugoslav countries, remains difficult even after much longer period of time and even in environments, which unlike Kosova, do have their status clearly defined.

Government has proposed a Resolution, subsequently adopted by the Assembly, for the rights of communities and those displaced to return, which has had a remarkable impact in relaxing interethnic tensions.

We have provided for a Civil Service Law, where an affirmative action for communities is guaranteed, going much above their percentage in the overall number of the population (not only at this point in time, but also before the war).

Together with all other institutions and political entities we have called for a return to their homes and property of all those displaced accompanied by extensive calls to the rest of the population that return represents an unalienable right and that as such it should be respected by all in Kosova.

We have not refrained ourselves from visiting communities, particularly in pursuit of overcoming barriers in communication between the Serb community and the rest as an important step in building trust and confidence.

We have prioritized the issue of returns as one of the main objectives of the first freely elected government of Kosova, and we have accompanied this with concrete actions of assistance to Serb community, at the time when social crises and unemployment at large is becoming critical and a burning issue for all of our citizens in general.

The Government at the moment is also reviewing the draft Omnibus Anti-discrimination law, consistent with European Directives, which would promote uniformity in the adjudication of variety of forms of discrimination, including equality in the field of employment access to social and public services etc.

We have continuously publicly condemned all acts of violence and called for thorough investigations against perpetrators and a strong support for the rule of law.

We have established an Advisory Office on Communities, which, *inter alia*, works closely to monitor and assist the municipal structures regarding community rights and access.

In 28 out of 30 municipalities, we have established working groups with local authorities participating in them, aiming to improve the access of the communities to public services.

Several municipalities have provided assistance to support returns projects (road-work, water and sewer improvements etc.).

The Office of the Prime Minister has also initiated Civil Service Communities Outreach Campaign, with a 900 percent increase in the number of applications submitted to the Office from Serb community applicants.

Civil Service bus lines have been created and are providing transport access to government employment aimed mainly for minority communities civil servants, but which is being utilized by members of all communities. Though, in this respect, we ought not to forget that unemployment and municipal services are problematic for all Kosovars.

We are also working hard together with municipalities to improve fair-share financing, and this has already brought considerable results in many of the municipalities.

While enumerating here only a number in a series of endeavors undertaken by our newly established institutions, we also unequivocally recognize areas in which there is certainly a room for a more focused engagement of both UNMIK and PISG. In this context, we also need to stress that improvements made since June 1999 cannot be erased and denied. Hence, we have to build upon the foundation laid and circumvent destructive distractions from Belgrade. Unfortunately, statements and actions of Mr. Covic and other high governmental leaders in Belgrade, in most of the cases serve as nothing more than distractions to our wholehearted efforts for establishing a peaceful and tolerant society. Let us remind you that only a day after the criminal act took place in Gorazhdevc, Mr. Covic (and not only him) rushed to condemn one whole ethnic group, viz. Albanians. Such prejudgments, when neither investigation nor courts have set their verdict, only helps perpetrate further the cycle of violence in Kosova. As an illustration of this, let us mention reports that we've been receiving in last two days for actions of mobs against Kosovar Albanian citizens.

I do hope that you will seriously examine recent actions of Belgrade and use all your power to block such actions, which go in a direct confrontation with the will and goals of Kosova's legitimate institutions and its citizens at large as well as with objectives set jointly by UNMIK and PISG. In line of the above, I also remain hopeful that you'll avoid attempts of Belgrade to use the Security Council as a vehicle for its destructive discourse.

In hope that you'll give your attention to our concerns, please accept assurances of my highest consideration.

Sincerely,

Dr. Bajram Rexhepi,
Prime Minister

To: **H.E. Kofi Annan**
UN Secretary General

Cc: **H.E. Mr. Mikhail Wehbe**
S.C. President
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Syrian Arab Republic at the UN

H.E Mr Jean-Marc de La Sabliere
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of France at the UN

H.E Mr Gunter Pleuger
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Germany at the UN

H.E Mr Marcello Spatafora
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Italy at the UN

H.E Mr Adolfo Aguilar Zinser
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Mexico at the UN

H.E Mr Munir Akram

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan at the UN

H.E Mr Sergey Lavrov

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Russian Federation at the UN

H.E Mr. Inocencio F. Arias

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Spain at the UN

H.E Sir Jeremy Greenstock, KCMG

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of United Kingdom of Great Britain at the UN

H.E Mr John D. Negroponte

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of United States of America at the UN

H.E. Mr. Stefan Tafrov

Ambassador, Permanent Representative of Bulgaria at the UN

H.E. Martin Belinga Eboutou

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Cameroon at the UN

H.E. Wang Guangya

Ambassador and Permanent Representative of China at the UN

H.E. Heraldo Muñoz

Ambassador and Permanent Representative of Chile at the UN

Mr. Ch. Braishow

UNMIK, Acting SRSG