



DELEGATION OF THE GOVERNMENT
OF THE REPUBLIC OF SERBIA
Meeting in Paris

Paris, 15 March 1999

H.E. Mr. Christopher HILL, Ambassador
H.E. Mr. Wolfgang PETRITSCH, Ambassador
H.E. Mr. Boris MAIORSKY, Ambassador

Excellencies,

With regard to the letter of this morning, forwarding you the summary of this morning's meeting by which we have proposed establishment of the rules of procedure, we ask you kindly to let us know of your reaction in writing.

Please accept, Excellencies, the assurances of my highest consideration.

Nikola ČIČANOVIĆ
Ambassador
Secretary of the Delegation



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Excellencies,

During today's work with the experts on the proposed political agreement, we are transmitting you, in a written form, our proposals for amendments of the proposed agreement.

After the meeting, your experts have undertaken to submit to us their positions related to our proposals.

We would appreciate if the positions of the experts, as well as the positions of the delegation of the Kosmet Albanians be sent to us in writing, so that we may study them and prepare for the further work.

Please accept, Excellencies, the assurances of my highest consideration.

Prof. Dr Ratko Marković
Head of the Delegation

**~~Interim~~ Agreement for Peace
and Self-Government in ~~Kosovo~~ Kosmet**

The ~~parties~~ Signatories to the present Agreement,

Convinced of the need for a peaceful and political solution in ~~Kosovo~~ Kosmet as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in ~~Kosovo~~ Kosmet,

Reaffirming their commitment to the Purposes and Principles of the United Nations as well as to the OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London of January 29, 1999,

Recognizing the need for democratic self-government in ~~Kosovo~~ Kosmet, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in ~~Kosovo~~ Kosmet, as well as the rights of the members of all national communities,

~~Recognizing the ongoing contribution of the OSCE to peace and stability in Kosovo,~~

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

Framework

Article I: Principles

1. All citizens in ~~Kosovo~~ Kosmet shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.
2. National communities and their members shall have additional rights specified in Chapter 1. ~~Kosovo~~ Kosmet, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in ~~Kosovo~~ Kosmet.
3. All authorities in ~~Kosovo~~ Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.
4. Citizens in ~~Kosovo~~ Kosmet shall have the right to democratic self-government through ~~legislative~~ **normative**, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in ~~Kosovo~~ Kosmet. The right to democratic self-government shall include the right to participate in free and fair elections.
5. Every person in ~~Kosovo~~ Kosmet may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.
6. The ~~Parties~~ **Signatories** accept that they will act only within their powers and responsibilities in ~~Kosovo~~ Kosmet as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. ~~Kosovo~~ Kosmet shall have all rights and powers set forth herein, including in particular as specified in the ~~Constitution~~ **Basic Act** at Chapter 1. ~~This Agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement.~~
7. The ~~Parties~~ **Signatories** agree to cooperate fully with all international organizations working in ~~Kosovo~~ Kosmet on the implementation of this Agreement.

Article II. Confidence Building Measures

End of Use of Force

- 1) Use of force in ~~Kosovo~~ **Kosmet** shall cease immediately. ~~In accordance with this Agreement, alleged violations of the cease fire shall be reported to international observers and shall not be used to justify use of force in response.~~
- 2) The status of police and security forces in ~~Kosovo~~ **Kosmet**, including ~~withdrawal of forces~~ shall be governed by the terms of this Agreement. Paramilitary and irregular forces in ~~Kosovo~~ **Kosmet** are incompatible with the terms of this Agreement.

Return

- 3) The ~~Parties~~ **Signatories** recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents ~~under the condition that they are the citizens of the FRY. All persons shall have the right to reoccupy their real property, assert their occupancy rights in state-owned property, and recover their other property and personal possessions.~~ The ~~parties~~ **Signatories** shall take all measures necessary to readmit returning persons to ~~Kosovo~~. **Kosmet**.
- 4) The ~~Parties~~ **Signatories** shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees (UNHCR) and other international and non-governmental organizations acting under auspices of the UNHCR concerning the repatriation and return of persons, including those organizations' monitoring of the treatment of persons following their return.

Access for International Assistance

- 5) There shall be no impediments to the normal flow of goods into Kosovo including materials for the reconstruction of homes and structures. ~~The Federal Republic of Yugoslavia shall not require visas, customs, or licensing for persons or things for the Implementation Mission (IM), the UNHCR, and other international organizations, as well as for non-governmental organizations working in Kosovo as determined by the Chief of the Implementation Mission (CIM).~~
- 6) All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red

Cross, shall be allowed unrestricted access to the ~~Kosovo~~ Kosmet population for purposes of international assistance. All persons in ~~Kosovo~~ Kosmet shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other Issues

- ~~7. Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo. Such decisions, if any, shall be void with regard to Kosovo.~~
- ~~8. Martial law shall not be declared in Kosovo.~~
9. The Parties shall immediately comply with all requests for support from the Implementation Mission (IM). The IM shall have its own broadcast frequencies for radio and television programming in Kosovo. The Federal Republic of Yugoslavia shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosovo.

Detention of Combatants and Justice Issues

10. All abducted persons or other persons held without charge shall be released. ~~The Parties shall also release and transfer in accordance with this Agreement all persons held in connection with the conflict.~~ The parties Signatories shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.
11. All Parties Signatories shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Parties Signatories shall cooperate fully with the ICRC and the International Commission on Missing persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.
12. Each Party Signatory:
 - (a) shall not prosecute anyone for crimes related to the conflict in ~~Kosovo~~ Kosmet, except for persons accused of serious violations of international humanitarian law crimes against

humanity and international law. The Signatories shall grant access to foreign experts (including forensics experts) along with state investigators;

- (b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in ~~Kosovo~~ Kosmet. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law crimes against humanity and international law at a fair and open trial conducted pursuant to international standards.

~~13. All Parties shall comply with their obligation to cooperate in the investigation and prosecution of serious violations of international humanitarian law.~~

- ~~(a) As required by United Nations Security Council resolution 827 (1993) and subsequent resolutions, the Parties shall fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in its investigations and prosecutions, including complying with its requests for assistance and its orders.~~

- ~~(b) The Parties shall also allow complete, unimpeded, and unfettered access to international experts including forensic experts and investigators to investigate allegations of serious violations of international humanitarian law.~~

Independent Media

- 14. Recognizing the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosovo, the Parties shall ensure the widest possible press freedoms in Kosovo in all media, public and private, including print, television, radio and Internet.

Chapter 1

~~Constitution~~ Basic Act

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in ~~Kosovo~~ Kosmet are necessary for the harmonious development of a peaceful society,

Desiring through this ~~interim Constitution~~ Basic Act to establish institutions of democratic self-government in ~~Kosovo~~ Kosmet grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of ~~Kosovo~~ Kosmet should fairly represent the national communities in ~~Kosovo~~ Kosmet and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/ basic elements adopted by the Contact group at its ministerial meeting in London on January 29, 1999.

Article I: Principles of Democratic Self-Government in Kosovo

1. Recognizing multi-ethnic character of Kosmet, substantial self-government shall be based on self-government of citizens in Kosmet and self-government of national communities in Kosmet.
2. Respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and of the Republic of Serbia, substantial self-government in Kosmet shall be based on broadest powers and rights of Kosmet organs and national communities in Kosmet. However, federal organs and organs of the Republic of Serbia shall also exercise their powers and rights in Kosmet.
3. All federal laws shall be valid and implemented, in accordance with the Constitution of the FRY, in the entire territory of the FRY,

including the territory of Kosmet.

4. All republican laws enacted in accordance with the Constitution of the Republic of Serbia, whose validity and implementation are possible in line with personal principle, shall be valid and implemented in Kosmet for those physical and legal persons who chose to have these regulations implemented in their case or those laws shall be valid and implemented in the institutions, services and organizations founded by the Republic of Serbia, or whose functioning it regulated or whose work it finances (for example the laws in the field of education, science, culture, health-care, marital and family relations, adoption, tutorship, child and youth care, veterans' and disabled persons' protection, heritage, labour relations, social protection, social insurance and other).

In the fields listed above, the Assembly of Kosmet shall enact its regulations with legal force which shall be valid and implemented for those physical and legal persons in Kosmet who opt for them. They shall also be valid and implemented in the institutions, services and organizations founded by Kosmet, or whose work it regulated or finances.

5. In the fields in which validity and implementation of republican laws are not possible along the personal principle, the Assembly of Kosmet shall enact its regulations with legal effect which will be valid for all physical and legal persons in Kosmet. However, decision-making within each national community shall ensure protection from discrimination or endangering on the basis of nationality (for example, agriculture, environment, protection of plants and animals, hunting and fishing, use and management of land, public information, urban planning and construction, organization and work of the organs of Kosmet, public services of importance for Kosmet and other fields).
6. Each national community may enact separate rules for its members, in order to protect their specific national characteristics, subject to their approval (for example in the field of matrimonial and family relations, adoption, tutorship and heritage).
7. Federal laws, in the entire territory of the FRY, including in Kosmet, in accordance with the Constitution of the FRY, shall be directly enforced by the federal organs through their regional organs (they shall enact enforcement regulations, individual legal acts and carry out administration control and inspection duties);

8. Republican laws, which on the basis of personal principle, are valid and implemented in Kosmet, shall be enforced, as in the entire territory of the Republic of Serbia, including in Kosmet, by republican organs (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).
 9. Provincial regulations with legal effect implemented on the basis of personal principle, as well as provincial regulations with legal effect which are valid and implemented for all physical and legal persons in Kosmet, shall be enforced by the organs of Kosmet (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).
 10. Individual regulations of national communities shall be enforced by the organs of that national community.
1. ~~Kosovo~~ Kosmet shall govern itself democratically through the legislative normative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of ~~Kosovo~~ Kosmet shall exercise their authorities consistent with the terms of this Agreement.
 2. All authorities in ~~Kosovo~~ Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.
 3. ~~The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity, (b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation (h) federal elections, and (i) other areas specified in this Agreement.~~
 4. ~~The Republic of Serbia shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections.~~
 5. ~~Citizens in Kosovo may continue to participate in areas in which the Federal Republic of Yugoslavia and the Republic of Serbia have competence through their representation in relevant institutions, without prejudice to the exercise of competence by Kosovo authorities set forth in this Agreement.~~
 6. ~~With respect to Kosovo:~~

- ~~(a) There shall be no changes to the borders of Kosovo;~~
- ~~(b) Deployment and use of police and security forces shall be governed by Chapter 2 and 7 of this Agreement; and~~
- ~~(c) Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under Article 7 of the Constitution of the Federal Republic of Yugoslavia.~~

~~7. There shall be no interference with the right of citizens and national communities in Kosovo to call upon appropriate institutions of the Republic of Serbia for the following purposes:~~

- ~~(a) assistance in designing school curricula and standards;~~
- ~~(b) participation in social benefits programs, such as care for war veterans, pensioners, and disabled persons; and~~
- ~~(c) other voluntarily received services, provided that these services are not related to police and security matters governed by Chapter 2 and 7 of this Agreement, and that any Republic personnel serving in Kosovo pursuant to this paragraph shall be unarmed service providers acting at the invitation of a national community in Kosovo.~~

~~The Republic shall have the authority to levy taxes or charges on those citizens requesting services pursuant to this paragraph, as necessary to support the provision of such services.~~

8. The basic territorial unit of local self-government in Kosovo Kosmet shall be the commune. All responsibilities in Kosovo Kosmet not expressly assigned elsewhere shall be the responsibility of the communes.

9. To preserve and promote democratic self-government in Kosovo Kosmet, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

- ~~(a) No person who is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any office; and~~

- (b) All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political or resistance activities shall not be a bar to holding office in Kosmet.

Article II: The Assembly

1. Kosmet shall have an Assembly which shall comprise 130 members. Ninety-five members shall be elected directly by citizens, through the system of proportionate representation. Kosmet shall be one electoral unit and thirty-five shall be elected by the national communities of Albanians, Serbs, Turks, Romanies, Egyptians, Goranies and Muslims, five members each.

The Assembly of Kosmet shall make decisions from its competencies by majority vote of those present and voting, unless otherwise stipulated by this Basic Act.

When the Assembly of Kosovo enacts regulations which are valid and implemented in relation to all physical and legal persons in Kosmet (when no option exists for the regulations of the Republic of Serbia), such regulations shall be enacted by majority vote of those members present and voting. At least three members from the same national community, elected by the national community, may in relation to the proposed regulation initiate a separate procedure for the protection of their vital national interests in the following cases:

- regarding the election of organs of Kosmet and equal representation of all national communities in them;
- regarding resettlement of population;
- regarding impediments to the exercise of rights;
- regarding endangering security;
- regarding worsening of conditions of life;
- regarding the adoption of the Kosmet budget.

In a separate proceeding managed by the President of the Assembly of Kosmet, together with the Vice-Presidents of the Assembly of Kosmet, those proposing the regulations and the representatives of national communities elected by the national community, shall endeavor to eliminate the causes affecting vital national interests. Those taking part in this proceeding have to take account equally of the protection of general interests and vital national interests.

Should this procedure prove to be unsuccessful (within 30 days of its initiation) and the regulation is not enacted, a proposal for its adoption may again be placed on the agenda of the Assembly of Kosmet, if at least six months have elapsed since it was asserted that the causes affecting vital national interests have not been eliminated.

2. The Assembly of Kosmet shall elect President and 6 Vice-Presidents, at least one from each national community, at the proposal of the members elected by national communities, for a four-year term. No one shall be elected as President or Vice-Presidents of the Assembly of Kosmet for more than two terms.

The President and Vice-Presidents shall decide among themselves who will exercise which competency of the President of the Assembly of Kosmet.

The President of the Assembly promulgates the regulations enacted by the Assembly of Kosmet, represents the Assembly of Kosmet, proposes agenda for the meetings of the Assembly of Kosmet and chairs its meetings, holds regular meetings with the President of the National Assembly of Serbia and Presidents of the Chambers of the Federal Assembly, maintains contacts with the organs of national communities, proposes candidates for the President of the Council of Minister, proposes candidates for judges of courts in Kosmet and performs other duties set forth in the Basic Act and other regulations.

General

~~1. Kosovo shall have an Assembly, which shall be comprised of 120 Members.~~

~~(a) Eighty Members shall be directly elected.~~

~~(b) A further forty Members shall be elected by the members of qualifying national communities.~~

~~(i) Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.~~

~~(ii) Communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seats equally. The Serb and Albanian national~~

~~communities shall be presumed to meet the 5 per cent population threshold.~~

Other Provisions

- ~~2. Elections for all Members shall be conducted democratically, consistent with the provisions of Chapter 3 of this Agreement. Members shall be elected for a term of three years.~~
- ~~3. Allocation of seats in the Assembly shall be based on data gathered in the census referred to in Chapter 5 of this Agreement. Prior to the completion of the census, for purposes of this Article declarations of national community membership made during voter registration shall be used to determine the percentage of the Kosovo population that each national community represents.~~
- ~~4. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of words expressed or other acts performed in their capacity as members of the Assembly.~~

Powers of the Assembly

5. The Assembly shall be responsible for enacting **laws decisions and regulations with legal force of Kosovo Kosmet**, including in political, security, economic, social, educational, scientific and cultural areas as set out below and elsewhere in this Agreement. ~~This Constitution and the laws of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republics or the Federation.~~
 - a) The Assembly shall be responsible for:
 - (i) Financing activities of **Kosovo Kosmet** institutions, including by levying taxes and duties on sources within **Kosovo Kosmet**;
 - (ii) Adopting of budgets of the Administrative organs and other institutions of **Kosovo Kosmet**, with the exception of communal and national community institutions unless otherwise specified herein;
 - (iii) Adopting regulations concerning the organization and procedures of the Administrative organs of **Kosovo Kosmet**;

- (iv) Approving the list of Ministers of the **Government Council of Ministers**, including the Prime Minister;
 - (v) Coordinating educational arrangements in **Kosovo Kosmet**, with respect for the authorities of national communities and Communes;
 - (vi) Electing candidates for judicial office put forward by the President of **Assembly of Kosovo Kosmet**;
 - ~~(vii) Enacting laws ensuring free movement of goods, services, and persons in Kosovo consistent with this Agreement;~~
 - ~~(viii) Approving agreements concluded by the President within the areas of responsibility of Kosovo;~~
 - ~~(ix) Cooperating with the Federal Assembly, and with the Assemblies of the Republics, and conducting relations with foreign legislative bodies;~~
 - (x) Establishing a framework for local self-government;
 - (xi) Enacting **laws regulations** concerning inter-communal issues and relations between national communities when necessary;
 - (xii) Enacting **laws regulations** regulating the work of medical institutions and hospitals;
 - (xiii) Protecting the environment, where intercommunal issues are involved;
 - (xiv) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;
 - (xv) Adopting programs for the development of agriculture and of rural areas;
 - (xvi) Regulating elections ~~consistent with Chapters 3 and 5;~~
 - (xvii) Regulating **Kosovo Kosmet** -owned property; and
 - (xviii) Regulating land registries.
- (b) The Assembly shall also have authority to enact **laws decisions**

and regulations with force of law in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes on the basis of the agreement of these communes. In the absence of a law decisions enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Procedure

- ~~6. Laws and other decisions of the Assembly shall be adopted by majority of Members present and voting.~~
- ~~7. A majority of the Members of a single national community elected to the Assembly pursuant to paragraph 1(b) may adopt a motion that a law or other decision adversely affects the vital interests of their national community. The challenged law or decision shall be suspended with regard to that national community until the dispute settlement procedure in paragraph 8 is completed.~~
- ~~8. The following procedure shall be used in the event of a motion under paragraph 7:~~
 - ~~(a) The Members making the vital interest motion shall give reasons for their motion. The proposers of the legislation shall be given an opportunity to respond.~~
 - ~~(b) The Members making the motion shall appoint within one day a mediator of their choice to assist in reaching an agreement with those proposing the legislation.~~
 - ~~(c) If mediation does not produce an agreement within seven days, the matter may be submitted for a binding ruling. The decision shall be rendered by a panel comprising three Members of the Assembly: one Albanian and one Serb, each appointed by his or her national community delegation; and a third Member, who will be of a third nationality and will be selected within two days by consensus of the Presidency of the Assembly.~~
 - ~~(i) A vital interest motion shall be upheld if the legislation challenged adversely affects the community's fundamental constitutional rights, additional rights as set forth in Article VII, or the principle of fair treatment.~~
 - ~~(ii) If the motion is not upheld, the challenged legislation shall enter into force for that community.~~

- (d) ~~Paragraph (c) shall not apply to the selection of Assembly officials.~~
- (e) ~~The Assembly may exclude other decisions from this procedure by means of a law enacted by a majority that includes a majority of each national community elected pursuant to paragraph 1(b).~~
9. ~~A majority of the Members shall constitute a quorum. The Assembly shall otherwise decide its own rules of procedure.~~

Leadership

10. ~~The Assembly shall elect from among its Members a Presidency, which shall consist of a President, two Vice Presidents, and other leaders in accordance with the Assembly's rules of procedure. Each national community meeting the threshold specified in paragraph 1(b)(ii) shall be represented in the leadership. The President of the Assembly shall not be from the same national community as the President of Kosovo.~~
11. ~~The President of the Assembly shall represent it, call its sessions to order, chair its meetings, coordinate the work of any committees it may establish, and perform other tasks prescribed by the rules of procedure of the Assembly.~~

Article III: President of Kosovo

1. ~~There shall be a President of Kosovo, who shall be elected by the Assembly by vote of a majority of its members. The President of Kosovo shall serve for a three-year term. No person may serve more than two terms as President of Kosovo.~~
2. ~~The President of Kosovo shall be responsible for:~~
- ~~(i) Representing Kosovo, including before any international or Federal body, or any body of the Republics.~~
 - ~~(ii) Proposing to the Assembly candidates for Prime Minister, the Constitutional Court, the Supreme Court, and other Kosovo judicial offices.~~
 - ~~(iii) Meeting regularly with the democratically elected representatives of the national communities.~~
 - ~~(iv) Conducting foreign relations and concluding agreements within his power consistent with the authorities of Kosovo institutions under this Agreement. Such agreements shall~~

- ~~only enter into force upon approval by the Assembly.~~
- ~~(v) Designating a representative to serve on the Joint Commission established by Article 1.2 of Chapter 5 of this Agreement;~~
 - ~~(vi) Meeting regularly with the Federal and Republic Presidents; and~~
 - ~~(vii) Other functions specified herein or by law.~~

Article IV: The Government Council of Ministers and Administrative organs

The Council of Ministers shall perform executive functions. It shall be responsible for the enforcement of the regulations of Kosmet and shall make proposals for their adoption to the Assembly of Kosmet.

The Council of Ministers shall be composed of the President and Ministers. The candidate for the President of the Council of Ministers shall be proposed by the President of the Assembly of Kosmet. The candidate for the President of the Council of Ministers shall make a list of candidates for Ministers making sure that each national community is represented with at least one candidate and shall submit it to the Assembly for adoption. The President of the Council of Ministers cannot be from the same national community as the President of the Assembly of Kosmet. The Council of Ministers shall be elected when it receives majority of the total number of the members of the Assembly of Kosmet, i.e. when it receives majority by representatives of each individual national community.

~~1. Executive power shall be exercised by the Government. The Government shall be responsible for implementing the laws of Kosovo, and of the government authorities when such responsibilities are devolved by those authorities. The Government shall also have competence to propose laws to the Assembly of Kosovo.~~

~~(a) The Government shall consist of a Prime Minister and Ministers including at least one person from each national community meeting the threshold specified in paragraph 1 (b) (ii) of Article II. Ministers shall head the Administrative Organs of Kosovo.~~

~~(b) The candidate for Prime Minister proposed by the President shall put forward a list of Ministers to the Assembly. The Prime Minister, together with the list of Ministers, shall be approved by a majority of those present and voting in the Assembly. In the event that the Prime Minister is not able to obtain a majority for the Government,~~

~~the President shall propose a new candidate for Prime Minister within ten days.~~

~~(c) The Government shall resign if a no confidence motion is adopted by a vote of a majority of the members of the Assembly. If the Prime Minister or the Government resigns, the President shall select a new candidate for Prime Minister who shall seek to form a Government.~~

~~(d) The Prime Minister shall call meetings of the Government, represent it as appropriate, and coordinate its work. Decisions of the Government shall require a majority of Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are equally divided. The Government shall otherwise decide its own rules of procedure.~~

2. Administrative Organs shall be responsible for assisting the Government Council of Ministers in carrying out its duties.

The administration organs of Kosmet shall be responsible for direct implementation of laws and decision-making in administration matters. Public officials working in the administration organs shall be fairly representative of each national community.

~~(a) National communities shall be fairly represented at all levels in the Administrative Organs.~~

~~(b) Any citizen of Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review of the legality of that decision after exhausting all avenues for administrative review. The Assembly shall enact law to regulate this review.~~

3. ~~There shall be a Chief Prosecutor who shall be responsible for prosecuting individuals who violate the criminal laws of Kosovo. He shall head an Office of the Prosecutor, which shall at all levels have staff representative of the population of Kosovo.~~

Article V: Judiciary Courts and enforcement

1. The functions of the courts in Kosmet shall be performed by the courts of the Republic of Serbia, Kosmet courts and the courts of national communities.

The courts in Kosmet, except the courts of national communities, shall implement the federal and republican laws, and provincial decisions and regulations with legal force.

2. Citizens and legal persons in Kosmet shall have the right to choose the court which will try their case. Any citizen and legal person in Kosmet may, at the start of court proceedings (litigation, out-of-court proceedings and criminal) as a plaintiff, petitioner or accused, choose to be tried either by the Court of the Republic of Serbia or Kosmet court.

If other participants in the proceedings (defendant or the wronged party) are not members of the same national community judges as plaintiff or the defendant, they may request that the members of the panel be chosen from their national community. They are also entitled to other rights in the proceedings, specified by the laws on proceedings.

The courts of national communities may be established by those national communities which established the separate rules for the settlement of disputes among the members of that national community, who accepted those rules and who agreed to the competencies of these courts.

3. The Kosmet courts shall be established, organized and their judges and jurors elected by the Assembly of Kosmet. The Kosmet courts shall be established as first instance, second instance and the High Court of Kosmet.

The High Court of Kosmet, in addition to the competencies related to trials according to regular and extraordinary legal means, in a separate permanent council composed of five judges, shall ensure that all regulations enacted by the organs of Kosmet are in line with the Basic Act of Kosmet, as well as that other regulations and general acts of organs of Kosmet are in line with the regulations with legal force enacted by the Assembly of Kosmet. In exercising this authority, this council may revoke any regulation or general act of the organs of Kosmet.

All regulations and general acts of Kosmet enacted from the competencies of the federal and republican organs set forth in the Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia, shall be null and void. The federal and republican laws and other general acts of the federal and republican organs enacted in the fields in which Kosmet

enacts regulations with legal force, implemented for all citizens and legal persons in Kosmet, shall be null and void.

4. The function of the Public Prosecutor in Kosmet shall be performed by the Federal, Republican and Kosmet Public Prosecutor. The Federal and republican prosecutor shall act before the republican and Kosmet courts, whereas the Kosmet prosecutor shall act before the Kosmet courts. The establishment, organization and competencies of Kosmet Public Prosecutor shall be specified by the regulation adopted by the Assembly of Kosmet.
5. A citizen in Kosmet who, by legally effective and enforceable ruling of the Court of the Republic of Serbia or the Kosmet court, is sentenced to an unconditional prison term in a prison set up by the Republic of Serbia according to enforcement regulations of the Republic of Serbia, if he is convicted by the republican court in the prison set up by the Assembly of Kosmet and according to enforcement regulations enacted by it, if he is sentenced by the Kosmet court.

General

1. ~~Kosovo shall have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts.~~
2. ~~The Kosovo courts shall have jurisdiction over all matters arising under this Constitution or the laws of Kosovo except as specified in paragraph 3. The Kosovo courts shall also have jurisdiction over questions of federal law, subject to appeal to the Federal courts on these questions after all appeals available under the Kosovo system have been exhausted.~~
3. ~~Citizens in Kosovo may opt to have civil disputes to which they are party adjudicated by other courts in the Federal Republic of Yugoslavia, which shall apply the law applicable in Kosovo.~~
4. ~~The following rules will apply to criminal cases:~~
 - (a) ~~At the start of criminal proceedings, the defendant is entitled to have his or her trial transferred to another Kosovo court that he or she designates.~~
 - (b) ~~In criminal cases in which all defendants and victims are members of the same national community, all members of the judicial council will be from a national community of their choice~~

~~if any party so requests.~~

- ~~(c) A defendant in a criminal case tried in Kosovo courts is entitled to have at least one member of the judicial council hearing the case to be from his or her national community. Kosovo authorities will consider and allow judges of other courts in the Federal Republic of Yugoslavia to serve as Kosovo judges for these purposes.~~

Constitutional Court

- ~~5. The Constitutional Court shall consist of nine judges. There shall be at least one constitutional court judge from each national community qualifying court judge from each national community meeting the threshold specified under paragraph 1(b) (ii) of Article II. Until such time as the Parties agree to discontinue this arrangement, 5 judges of the Constitutional Court shall be selected from a list drawn up by the President of the European Court of Human Rights.~~
- ~~6. The Constitutional Court shall have authority to resolve disputes relating to the meaning of this Constitution. That authority shall include, but is not limited to, determining whether laws applicable in Kosovo, decisions or acts of the President, the Assembly, the Government, the Communes, and the national communities are compatible with this Constitution.~~
 - ~~(a) Matters may be referred to the Constitutional Court by the President of Kosovo, the President or Vice Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any national community acting according to its democratic procedures.~~
 - ~~(b) Any court which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Constitutional Court's jurisdiction shall refer the issue to the Constitutional Court for a preliminary decision.~~
- ~~7. Following the exhaustion of other legal remedies, the Constitutional Court shall at the request of any person claiming to be a victim have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Constitution have been violated by a public authority.~~
- ~~8. The Constitutional Court shall have such other jurisdiction as may be specified elsewhere in this Agreement or by law.~~

Supreme Court

9. ~~The Supreme Court shall consist of nine judges. There shall be at least one Supreme Court judge from each national community meeting the threshold specified in paragraph 1(b) (ii) of Article II.~~
10. ~~The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Except as otherwise provided in this Constitution, the Supreme Court shall be the court of final appeal for all cases arising under law applicable in Kosovo. Its decisions shall be recognized and executed by all authorities in the Federal Republic of Yugoslavia.~~

Functioning of the Courts

11. ~~The Assembly shall determine the number of District and Communal court judges necessary to meet current needs.~~
12. ~~Judges of all courts in Kosovo shall be distinguished jurists of the highest moral character. They shall be broadly representative of the national communities of Kosovo.~~
13. ~~Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose removal is in question shall not participate in the decision on his case.~~
14. ~~The Constitutional Court shall adopt rules for itself and for other courts in Kosovo. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members.~~
15. ~~Except as otherwise specified in their rules, all Kosovo courts shall hold public proceedings. They shall issue published opinions setting forth the reasons for their decision.~~

Local Police

1. In the communes in Kosmet, local police may be established as an organ performing certain police duties in the territory of a commune.

Heads and chiefs of departments of local police shall be appointed by an organ of communal government in charge of internal affairs with the approval of all national communities living in that commune.

Local police shall be representative of the national composition of the residents of the commune.

In communes with mixed population, local police departments shall be set up comprising police officers, members of the same national community. These departments shall carry out the tasks of local police in relation to members of the same national community.

In relation to members of different national communities, the duties of local police shall be jointly performed by local police officers from each department of local police.

2. Local police shall be responsible for preventing smaller violations of public order, investigation and other functions of police related to offences, traffic and patrol activities, fire protection, safety of traffic in local roads, prevention and suppression of offences, recording and controlling residence of citizens, establishment of a unique identification number and issuance of identity cards.

Other duties of police (State security, aliens, borders, serious criminal acts, arms, ammunition, explosives and other hazardous substances, traffic in regional main roads, passports, etc) in the communes where local police has been set up and all police duties in the communes where local police has not been set up, shall be performed by the state police. In larger places with mixed population traffic and patrol duties, in addition to local police, shall be performed by the State police, comprising police officers of different nationalities.

Relations between local and state police shall be based on mutual cooperation and they shall provide information to each other on all issues of importance to the performance of their duties.

3. The members of local police may use, as means of coercion, guns, rubber truncheons, handcuffs and passenger transport vehicles as well as appropriate communications means.

Local police shall be trained in appropriate police schools and its members shall be specifically trained to perform police duties in areas with mixed population.

The commune where local police has been established shall set

up a commission to oversee its work. It will be composed of the representatives of all national communities living in the commune.

Article VI: Human Rights and Fundamental Freedoms

1. All authorities in ~~Kosovo~~ Kosmet shall ensure internationally recognized human rights and fundamental freedoms in ~~Kosovo~~ Kosmet.
2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in ~~Kosovo~~ Kosmet. Other internationally recognized human rights instruments enacted into ~~laws~~ its regulations by the ~~Kosovo~~ Kosmet Assembly shall also apply. These rights and freedoms shall have priority over all other law.
3. All courts, agencies, government institutions, and other public institutions of ~~Kosovo~~ Kosmet or operating in relation to ~~Kosovo~~ Kosmet shall conform to these human rights and fundamental freedoms.

Article VII: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.
2. Each national community may elect through democratic means ~~and in a manner consistent with the principles of Chapter 3,~~ institutions to administer its affairs in ~~Kosovo~~ Kosmet.
3. ~~The national communities shall be subject to the laws applicable in Kosovo, provided that any act or decision concerning national communities must be non-discriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.~~
4. The additional rights of the national communities, ~~acting through their democratically elected institutions,~~ are to:

- (a) preserve and protect their national, cultural, religious, and linguistic identities, including by:
 - (i) inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions.
 - (ii) providing information in the language and alphabet of the national community.
 - (iii) providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards.
 - (iv) enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad.
 - (v) using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;
 - (vi) protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance, family, and matrimonial relations; tutorship; and adoption.
 - (vii) the preservation of sites of religious, historical, or cultural importance to the national community, in cooperation with other authorities.
 - ~~(viii) implementing public health and social services on a non-discriminatory basis as to citizens and national communities.~~
 - (ix) operating religious institutions in cooperation with religious authorities; and
 - (x) participating in regional and international non-governmental organizations in accordance with procedures of these organizations.
- (a) be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

- (b) finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

~~5. Members of national communities shall also be individually guaranteed:~~

- ~~(a) the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad.~~
 - ~~(b) equal access to employment in public services at all levels.~~
 - ~~(c) the right to use their languages and alphabets.~~
 - ~~(d) the right to use and display national community symbols.~~
 - ~~(e) The right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article; and~~
 - ~~(f) The right to establish cultural and religious associations, for which relevant authorities will provide financial assistance.~~
6. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.
7. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VIII: Communes

1. Communes shall be units of local self-government.

The Assembly of Kosmet may change the present borders of the existing communes only with their prior consent.

2. Each commune shall have an Assembly, Executive Board and administration authorities. The organs of commune shall be set up in accordance with the principles that the organs of Kosmet have been set up.
3. Through its organs, in accordance with the legal powers of the Assembly of Kosmet, a commune shall be responsible for:

- making development plans, town planning, budget and annual accounts
- regulating and ensuring and development of communal activities;
- regulating and ensuring the use of city construction land and business space;
- taking care of construction, maintenance and use of local roads and streets and other public facilities of communal importance;
- establishing organs, organizations and services for communal needs and regulating their work.

The Assembly of Kosmet may devolve some of the duties from its competencies to a certain commune and transfer the funds to it to carry out that work.

- ~~1. Kosovo shall have the existing communes. Changes may be made to communal boundaries by act of the Kosovo Assembly after consultation with the authorities of the communes concerned.~~
- ~~2. Communes may develop relationships among themselves for their mutual benefit.~~
- ~~3. Each commune shall have an Assembly, an Executive Council, and such administrative bodies as the commune may establish:~~
 - ~~(a) Each national community whose membership constitutes at least three per cent of the population of the commune shall be represented on the Council in proportion to its share of the communal population or by one member, whichever is greater.~~
 - ~~(b) Prior to the completion of a census, disputes over communal population percentages for purposes of this paragraph shall be resolved by reference to declarations of national community membership in the voter registry.~~
- ~~4. The communes shall have responsibility for:~~
 - ~~(a) Law enforcement, as specified in Chapter 2 of this Agreement.~~
 - ~~(b) Regulating and, when appropriate, providing child care.~~
 - ~~(c) Providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards.~~
 - ~~(d) Protecting the communal environment.~~

- ~~(e) Regulating commerce and privately owned stores.~~
 - ~~(f) Regulating hunting and fishing.~~
 - ~~(g) Planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo wide public works projects in coordination with other communes and Kosovo authorities.~~
 - ~~(h) Regulating land use, town planning, building regulations, and housing construction.~~
 - ~~(i) Developing programs for tourism, the hotel industry, catering, and sport.~~
 - ~~(j) Organizing fairs and local markets.~~
 - ~~(k) Organizing public services of communal importance, including fire, emergency response, and police consistent with Chapter 2 of this Agreement; and~~
 - ~~(l) Financing the work of communal institutions, including raising revenues, taxes, and preparing budgets.~~
- ~~5. The communes shall also have responsibility for all other areas within Kosovo's authority not expressly assigned elsewhere herein, subject to the provisions of Article II.5(b) of this Constitution.~~
- ~~6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.~~

Article IX: Representation

- 1. The citizens in Kosmet shall be represented by at least 10 representatives in the Chamber of Citizens of the Federal Assembly and at least 20 representatives in the National Assembly of the Republic of Serbia.
- 2. At least one citizen in Kosmet shall be elected to the Federal Government and to the Government of the Republic of Serbia.
- 3. At least one citizen in Kosmet shall be elected as judge of the Federal Court and three judges in the Supreme Court of Serbia.
- ~~4. Citizens in Kosovo shall have the right to participate in the election of:~~
 - ~~(a) At least 10 deputies in the House of Citizens of the Federal Assembly; and~~
 - ~~(b) At least 20 deputies in the National Assembly of the Republic of~~

~~Serbia.~~

- ~~2. The modalities of elections for the deputies specified in paragraph 1 shall be determined by the Federal Republic of Yugoslavia and the Republic of Serbia respectively, under procedures to be agreed with the Chief of the Implementation Mission.~~
- ~~3. The Assembly shall have the opportunity to present to the appropriate authorities a list of candidates from which shall be drawn:~~
 - ~~(a) at least one citizen in Kosovo to serve in the Federal Government, and at least one citizen in Kosovo to serve in the Government of the Republic of Serbia; and~~
 - ~~(b) At least one judge on the Federal Constitution Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.~~

Article X: Amendment

- ~~1. The Assembly may by a majority of two-thirds of its members, which majority must include a majority of the Members elected from by the national community pursuant to Article II, 1(b) (ii), adopt amendments to this Constitution Basic Act.~~
- ~~2. There shall, however, be no amendments to Article I.3-8 or to this Article, nor shall any amendment diminish the rights granted by Articles VI and VII.~~

Article XI: Entry into force

~~This Constitution Basic Act shall enter into force upon signature~~ entering into force of this Agreement.

Chapter 3

Conduct and Supervision of Elections

Census and the first Parliamentary elections

1. The competent state authorities shall organize, together with the OSCE, as soon as possible, an objective and free census of the population in Kosmet. The census shall include information on places of residence, citizenship, nationality and other data relevant to the conduct of elections.
2. Free and fair elections for organs of Kosmet shall be held within nine months of the signing of the Agreement on Kosmet, under the supervision of OSCE.
3. The rules for the first elections for the Assembly of Kosmet, communal assemblies in Kosmet, harmonization of candidates on the basis of the OSCE electoral standards, shall be determined by the representatives of all national communities and all political parties in Kosmet.

Article I: Conditions for Elections

- ~~1. The Parties shall ensure that conditions exist for the organization of free and fair elections, which include but are not limited to:~~
 - ~~(a) freedom of movement for all citizens;~~
 - ~~(b) an open and free political environment;~~
 - ~~(c) an environment conducive to the return of displaced persons;~~
 - ~~(d) a safe and secure environment that ensure freedom of assembly, association, and expression;~~
 - ~~(e) an electoral legal framework of rules and regulations complying with OSCE commitments, which will be implemented by a Central Election Commission, as set forth in Article III of this Chapter, which is representative of the population of Kosovo in terms of national communities and political parties; and~~
 - ~~(f) free media, effectively accessible to all registered political~~

~~parties and candidates, and available to voters throughout Kosovo.~~

- ~~2. The Parties request the OSCE to certify when elections will be effective under current conditions in Kosovo, and to provide assistance to the Parties to create conditions for free and fair elections.~~
- ~~3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Chapter.~~

Article II: Role of the OSCE

- ~~1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise elections as set forth in the Agreement.~~
- ~~2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:~~
 - ~~(a) Members of the Kosovo Assembly;~~
 - ~~(b) Members of Communal Assemblies;~~
 - ~~(c) other officials popularly elected in Kosovo under the Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.~~
- ~~3. The Parties request the OSCE to establish a Central Election Commission in Kosovo ("the Commission").~~
- ~~4. Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of the Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.~~

Article III: Central Election Commission

- ~~1. The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates,~~

~~parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.~~

~~2. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:~~

- ~~(a) the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;~~
- ~~(b) ensuring compliance with the electoral Rules and Regulations, established pursuant to the Agreement, including establishing auxiliary bodies for this purpose as necessary;~~
- ~~(c) ensuring that action is taken to remedy any violation of any provision of the Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and~~
- ~~(d) accrediting observers, including personnel from international organizations and foreign and domestic non governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.~~

- ~~3. The Commission shall consist of a person appointed by the Chairman in Office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.~~
- ~~4. The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.~~

Chapter 4

Economic Issues

Article I

1. The economy of ~~Kosovo~~ Kosmet shall function in accordance with free market principles.
2. The authorities established to levy and collect taxes and other charges are set forth in the Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with the Agreement.
3. Certain revenue from ~~Kosovo~~ Kosmet taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of ~~Kosovo~~ Kosmet shall enact appropriate non-discriminatory laws regulations for this purpose. The Communes may also levy local taxes in accordance with the Agreement.
- ~~4. The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.~~
- ~~5. Federal authorities shall ensure that Kosovo receives a proportionate and equitable share of benefits that may be derived from international agreements concluded by the Federal Republic and of Federal resources.~~
- ~~6. Federal and other authorities shall within their respective powers and responsibilities ensure the free movement of persons, goods, services, and capital to Kosovo, including from international sources. They shall in particular allow access to Kosovo without discrimination for persons delivering such goods and services.~~
7. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia which shall establish appropriate mechanisms to make such funds available to ~~Kosovo~~ Kosmet authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern ~~Kosovo~~ Kosmet shall be managed and implemented by the appropriate ~~Kosovo~~ Kosmet authority.

Article II

- ~~1. The Parties agree to reallocate ownership and resources in accordance insofar as possible with the distribution of powers and responsibilities set forth in the Agreement, in the following areas:~~
 - ~~(a) government owned assets (including educational institutions, hospitals, natural resources, and production facilities);~~
 - ~~(b) pension and social insurance contributions;~~
 - ~~(c) revenues to be distributed under Article I.5 of this Chapter; and~~
 - ~~(d) any other matters relating to economic relations between the Parties not covered by the Agreement.~~
- ~~2. The Parties agree to the creation of a Claim Settlement Commission (CSC) to resolve all disputes between them on matters referred to in paragraph 1.~~
 - ~~(a) The CSC shall consist of three experts designated by Kosovo, three experts designated jointly by the Federal Republic of Yugoslavia and the Republic of Serbia, and three independent experts designated by the CIM.~~
 - ~~(b) The decisions of the CSC which shall be taken by majority vote, shall be final and binding. The Parties shall implement them without delay.~~
- ~~3. Authorities receiving ownership of public facilities shall have the power to operate such facilities.~~

Chapter 4 A

Humanitarian Assistance, Reconstruction and Economic Development

- ~~1. In parallel with the continuing full implementation of this Agreement, urgent attention must be focused on meeting the real humanitarian and economic needs of Kosovo in order to help create the conditions for reconstruction and lasting economic recovery. International assistance will be provided without discrimination between national communities.~~
- ~~2. The parties welcome the willingness of the European Commission working with the international community to co-ordinate international support for the parties' effort. Specifically, the European Commission will be organizing an international donors' conference within one month of signature of this Agreement.~~
- ~~3. The international community will provide immediate and unconditional humanitarian assistance, focusing primarily on refugees and internally displaced persons returning to their former homes. The parties welcome and endorse the UNHCR's lead role in co-ordination of this effort, and endorse its intention, in close co-operation with the IM, to plan an early, peaceful, orderly and phased return of refugees and displaced persons in conditions of safety and dignity.~~
- ~~4. The international community will provide the means for the rapid improvement of living conditions for the population of Kosovo through the reconstruction and rehabilitation of housing and local infrastructure (including water, energy, health and local education infrastructure) based on damage assessment surveys.~~
- ~~5. Assistance will also be provided to support the establishment and development of the institutional and legislative framework laid down in the Agreement, including local governance and tax settlement, and to reinforce civil society, culture and education. Social welfare will also be addressed, with priority given to the protection of vulnerable social groups.~~
- ~~6. It will also be vital to lay the foundations for sustained development, based on a revival of the local economy. This must take account of the need to address unemployment, and to stimulate the economy by a range of mechanisms. The European Commission will be giving urgent attention to this.~~
- ~~7. International assistance, with the exception of Humanitarian aid, will be subject to full compliance with this Agreement as well as other~~

~~conditionalities defined in advance by the donors and the absorptive capacity of Kosovo.~~

Chapter 6

The Ombudsman

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in ~~Kesove~~ **Kosmet**. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the ~~Parties Signatories~~ may interfere with the functions of the Ombudsman.
2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of the **Assembly of Kesove Kosmet** and shall be elected by the Assembly ~~from a list of candidates prepared by the President of the European Court for Human Rights for a non-renewable three year term. The Ombudsman shall not be a citizen of any State or entity that was a part of the Former Yugoslavia, or of any neighboring State. Pending the election of the President and the Assembly, the CIM shall designate a person to serve as Ombudsman on an interim basis who shall be succeeded by a person selected pursuant to the procedure set forth in this paragraph.~~
3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have ~~two~~ **six** Deputies. ~~The deputies~~ One deputy shall ~~each~~ **be drawn** ~~each~~ **be elected** from ~~different~~ **each** national communities.
 - (a) The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.
 - (b) ~~The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.~~

The Ombudsman and his or her deputies shall have immunity equal to the immunity of the members of the Assembly.

Article II: Jurisdiction

1. The Ombudsman shall consider:
 - (a) alleged or apparent violations of human rights and fundamental freedoms in ~~Kosovo~~ **Kosmet**, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and
 - (b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.
2. All persons in ~~Kosovo~~ **Kosmet** shall have the right to submit complaints to the Ombudsman. The ~~Parties~~ **Signatories** agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.
2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.
 - (a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of ~~Kosovo~~ **Kosmet** to cooperate by providing relevant information, documents, and files.
 - (b) The Ombudsman may attend administrative hearings and meetings of other ~~Kosovo~~ **Kosmet** institutions in order to gather information.
 - (c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

- (d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.
 - (e) The ~~Parties Signatories~~ undertake to ensure cooperation with the Ombudsman's investigations. ~~Willful and knowing failure to comply shall be a criminal offense prosecutable in any jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that officials superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.~~
3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.
- (a) ~~A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.~~
 - (b) ~~In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission established by Chapter 5 of this Agreement, to the President of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.~~

Chapter 8

Amendment, Comprehensive Assessment, and Final Clauses

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the ~~Parties~~ **Signatories**, except as otherwise provided by Article X of Chapter 1.
2. Each ~~Party~~ **Signatory** may propose amendments at any time and will consider and consult with the other ~~Parties~~ **Signatories** with regard to proposed amendments.
3. ~~Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.~~
4. After three years, the signatories shall comprehensively review this Agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories.

Article II: Final Clauses

1. This Agreement is signed in the Albanian, English, Romany, Serbian and Turkish language. ~~English language. After signature of this Agreement, translations will be made into Serbian, Albanian, and other languages of the national communities of Kosovo, and attached to the English text.~~
2. This Agreement shall enter into forces ~~upon signature~~ after each signatory informs the other that it completed its internal procedure.

~~FOR~~ ~~FOR~~ ~~FOR~~

~~Federal Republic of~~ ~~Republic of~~ ~~Kosovo~~
~~Yugoslavia~~ ~~Serbia~~

**Delegation of Kosmet
Albanians**

Rexhep Qosja
Hydajet Hyseni
Mehmet Hajrizi
Bajram Kosumi
Azem Syla
Ramë Buja
Xhavit Haliti
Jakup Krasniqi
Hashim Thaqi
Mme Edita Tahiri
Adnan Bukoshi
Idriz Ajeti
Skender Hyseni
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Veton Suroi
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Ibrahim Rugova

**Delegation of the
Government of the Republic
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Prof. Dr. Ratko Marković
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Prof. Dr. Vladan Kutlešić
Prof. Dr. Vladimir Štambuk
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Guljbehar Šabović
Faik Jašari