

Constitutional Provisions

- The Settlement provides that Kosovo will have a Constitution, to be drafted and adopted by Kosovans.
- All provisions of the future Constitution must be consistent with the Settlement. In case of conflict between the Constitution and the Settlement, the Settlement will prevail.
- The Settlement does not prescribe a complete Constitution, but does define some key elements that must be included in the future Constitution
- The Constitution must provide that:
 - Kosovo is a multi-ethnic society based upon the equality of all its citizens;
 - Kosovo has no official religion and is neutral on question of religious beliefs;
 - Kosovo will have its own, distinct, flag, seal and anthem, which must reflect the multi-ethnic character of Kosovo;
 - The official languages of Kosovo will be Albanian and Serbian;
 - Kosovo will have the right to negotiate and conclude international agreements, including the right to seek membership in international organizations;
 - Kosovo will have no territorial claims against and will not seek union with another State or part of any State;
 - Kosovo will promote and facilitate the safe and dignified return of refugees and internally displaced persons from Kosovo;
 - The rights and freedoms set forth in the main international instruments and agreements on fundamental human rights and freedoms will be directly applicable in Kosovo;
 - Non-majority communities will be represented in the Assembly through a system of guaranteed/reserved seats;
 - Legislation dealing with areas of special interest to Kosovo's non-majority Communities requires a specific parliamentary procedure -- a "double majority" of Assembly members present and voting and those members holding seats guaranteed or reserved for majority communities
 - The Government of Kosovo, including its civil service, will reflect the diversity of the people of Kosovo;
 - The President of Kosovo will represent the unity of the people of Kosovo;
 - A Constitutional Court will be established, composed of nine distinguished jurists of the highest moral character.

Human Rights and Fundamental Freedoms **And the Rights of Communities and their Members**

Human Rights and Fundamental Freedoms

- The Settlement provides that Kosovo must uphold, promote and protect internationally recognized human rights and fundamental freedoms.
- All persons in Kosovo are entitled to these rights and freedoms without discrimination of any kind. All persons in Kosovo are equal before the law, and are entitled, without discrimination, to equal protection of the law.

Rights of Communities and their Members

- Under the Settlement, Kosovo must guarantee the protection of the national or ethnic, cultural, linguistic and religious identity of all Communities and their members.
- Members of Communities will have specific rights, in addition to their human rights and fundamental freedoms, including the right to freely express, foster and develop their identity and Community attributes. In accordance with applicable laws and international standards, members of Communities will, for example, have the right to:
 - Receive public education in one of the official languages of Kosovo of their choice at all levels or in their own language where they constitute a sufficient majority;
 - Establish and manage private educational and training establishments;
 - Use their language and alphabet freely in private and in public;
 - Use their language and alphabet in their relations with public authorities in areas where they represent a sufficient share of the population;
 - Use and display Community symbols;
 - Personal names registered in their original form;
 - Guaranteed access to and representation in public broadcast media as well as programming in their language; create and use their own media and the use of a reserved number of frequencies for electronic media;
 - Enjoy unhindered contacts within Kosovo and with persons in any States.
- Members of Communities will also have clear roles in the public affairs of and decision-making processes in Kosovo, including guaranteed representation in the Assembly, the Government, and judiciary.

Refugees and Internally Displaced Persons

- The Settlement also provides for the right of all refugees and internally displaced persons from Kosovo to return and reclaim their property and personal possessions in accordance with Kosovo and international law.

Missing Persons

- The Settlement calls upon both Kosovo and the Republic of Serbia to take necessary measures to determine and provide information regarding the identities, whereabouts and fates of missing persons, in full cooperation with the International Committee of the Red Cross and other international partners.

Decentralization

The Settlement provides for a system of decentralisation intended to promote good governance, transparency and effectiveness in public services. Recognizing the concerns of the Kosovo Serb community, in particular, the Settlement provides for it a high degree of control over its own affairs.

The Establishment of New Municipalities

- The Settlement establishes six new or enhanced Kosovo Serb municipalities: Mitrovicë/Mitrovica North; Graçanicë/Gracanica; Ranillug/Ranilug; Partesh/Parteš; Klllokot/Vërboc – Klokott/Vrbovac; and Novobërdë/Novo Brdo.
- The current municipality of Mitrovicë/Mitrovica will be split into the two municipalities of Mitrovicë/Mitrovica North and Mitrovicë/Mitrovica South, with cooperation and coordination between them facilitated through a newly established Joint Board.
- Additional municipalities for non-majority communities may be established in consultation with the respective communities.
- The Settlement's provisions related to the establishment of new municipalities may be reviewed and revised as necessary by the International Civilian Representative after a census is conducted.

Municipal Competencies

- All municipalities will have responsibility for areas affecting the daily life of Kosovo citizens, including: education at the pre-primary, primary and secondary levels; public primary health care; local economic development; urban and rural planning; public housing; naming of roads, streets and other public places; and the provision of public services and utilities, among others.
- In addition, designated Kosovo Serb municipalities will have the following extended responsibilities:
 - The Municipalities of Mitrovicë/Mitrovica - North, Graçanicë/Gracanica, and Shtërpçë/Štrpce will have authority over hospitals and the provision of secondary health care in their municipalities.
 - The Municipality of Mitrovicë/Mitrovica – North will have certain responsibilities with regard to the Serbian language university of Mitrovicë/Mitrovica.
 - All Kosovo Serb municipalities will be responsible for the protection and promotion of cultural and religious affairs at the local level;
 - All Kosovo Serb municipalities will have an enhanced role in the selection of local Police Station Commanders.

Municipal Finances

- All municipalities will be responsible for their own budgets and are entitled to financial resources of their own.
- A fair and transparent block grant system will be established, ensuring greater municipal autonomy in the allocation and expenditure of central funds.

Municipal Cooperation

- Municipalities will have the right to form associations and partnerships with other municipalities in Kosovo to carry out functions of mutual interest.
- Municipalities will have the right to cooperate with municipalities and institutions in Serbia, including the right to receive financial donations and technical assistance from Serbia, within certain clear parameters set by the Settlement.

Religious and Cultural Heritage

Religious Freedom and Protection

- Under the Settlement, Kosovo will have no official religion.
- The Settlement provides for the autonomy and protection of all religious denominations, their property and their sites.
- The Serbian Orthodox Church (SOC) in Kosovo will be afforded additional security and certain other protections, rights, privileges and immunities, including guarantees against expropriation, full discretion in the management of its property and access to its premises.
- The SOC will be free to receive donations and support from any institution, provided this occurs in a fully transparent manner.

Security

- The SOC, its monasteries, churches and other religious and cultural sites of special significance to the Kosovo Serb community will be provided the necessary physical security.
- Kosovo law enforcement agencies will have the main responsibility to provide such security.
- The International Military Presence will continue to provide security for the nine major Serbian religious and historic sites until a decision is made to transfer this responsibility to the Kosovo Police Service.

Protective zones

- 45 protective zones will be established around the most prominent churches and monasteries, as well as historical monuments.
- Protective zones will prohibit or restrict certain activities that can have a damaging effect on the historical, cultural and natural environment around the sites or severely disturb the monastic way of life, but will not affect property ownership rights.
- Of the 45 protective zones, there will be zones established around Visoki Dečani Monastery, Peć Patriarchate, Gračanica Monastery, Dević Monastery and Gorioč Monastery, Budisavci Monastery, Historic Center of Prizren, the village of Velika Hoča and a number of other sites.

Implementation Monitoring Council

- An Implementation Monitoring Council (IMC) with local and international participation will be established to monitor and facilitate implementation of the Settlement relating to the protection of the Serbian religious and cultural heritage in Kosovo.

Return of Archaeological and Ethnological Exhibits

- Serbian authorities are expected to return archaeological and ethnological exhibits, which were taken on loan from the museums of Kosovo in 1998-1999.

Economic and Property Issues

General

- The Settlement's economic provisions are aimed at ensuring Kosovo's economic sustainability.
- The Settlement provides for Kosovo's ability to apply for membership in International Financial Institutions (IFIs), among others, and to enter into contractual arrangements and other international agreements.
- The Settlement places special emphasis on ensuring that property-related disputes, which often affect the rights of minorities, are handled in a transparent manner, in accordance with relevant international standards, and with substantial international involvement.
- The International Civilian Representative (ICR) will play a role in the appointment to key economic positions.

Property

- Publicly Owned Enterprises (POEs), currently administered by the Kosovo Trust Agency (KTA), will be transferred to Kosovo. POEs providing services only in a limited number of municipalities will be transferred to these municipalities.
- The trusteeship over Socially Owned Enterprises (SOEs) will be transferred from the KTA to a KTA successor institution, which will have substantial international involvement. Appeals against decisions of the KTA will continue to be handled by a Special Chamber within the Supreme Court, with a majority of international judges.
- Private property disputes will continue to be handled by the Kosovo Property Agency (KPA) in accordance with its mandate, with strong international involvement. Appeals against decisions of the KPA Property Claims Commission will be handled by panels of the Supreme Court, with a majority of international judges.
- The Kosovo Assembly shall address property restitution issues, including those related to the Serbian Orthodox Church, as a matter of priority. All non-majority Communities will be included in this process.

External Debt

- Under the Settlement, Kosovo will assume its share of the international debt of the Republic of Serbia.
- Kosovo's share will be determined through negotiations between Kosovo and the Republic of Serbia, taking into account the principles used for the allocation of the external debt in the case of the succession to the Socialist Federal Republic of Yugoslavia.

The Justice System

The Settlement provides for a justice system in Kosovo that is based upon the rule of law, and is integrated, independent, professional and impartial.

Ensuring Ethnic Diversity

- In relation to the recruitment, selection, appointment, promotion and transfer of judges and prosecutors, the Settlement requires the relevant Kosovo authorities to ensure that its judiciary and prosecution service reflect the multiethnic character of Kosovo, and, in particular the ethnic composition of their area of jurisdiction. In this regard:
 - The Kosovo Judicial Council (KJC) is to take all measures necessary with a view to increasing the number of judges and prosecutors from currently underrepresented Communities;
 - At the District and Supreme Court levels, there will be a minimum requirement for the number of judicial positions reserved for Kosovo non-Albanian judges;
 - Candidates for judicial positions that are reserved for members of Kosovo non-Albanian communities will be nominated for appointment by the KJC members themselves representing Kosovo non-Albanian Communities;

Improving Access to Justice

- A Constitutional Court will be established, composed of nine distinguished jurists of the highest moral character.
- The Settlement focuses on improved access to justice for all persons in Kosovo, and, in particular, for inhabitants of the newly established Kosovo Serb majority municipalities;
- A new municipality will have the option of submitting a request to the KJC for the establishment of a new basic court on its territory, or to be under the jurisdiction of one of the basic courts in another municipality;
- If a new basic court is not established for that municipality, the competent authorities will have to take all measures necessary to ensure that local communities in the new municipality have access to justice, including, for example, establishing a Department of a basic court on the territory of that municipality, or provide for holding of sessions in that municipality of the basic court which has jurisdiction over it.

Strengthening the Kosovo Judicial Council (KJC)

- The Settlement provides for a composition of the KJC that is broadly representative, functional and independent;
- Upon the conclusion of UNMIK's mandate, the KJC will exercise final authority to propose to the President of Kosovo candidates for appointment or reappointment of judges and prosecutors;
- The KJC will continue to have authority over the on-going, comprehensive Kosovo-wide review of the suitability of all applicants for permanent appointments in the judiciary and prosecution service.

Security Sector

- The Settlement will significantly enhance the powers and responsibilities of the authorities in Pristina with respect to Kosovo's security.
- A new Kosovo Security Council, reporting to the Prime Minister, will be established to develop a comprehensive security strategy.

Kosovo Police Service (KPS)

- The KPS will have a unified chain of command throughout Kosovo.
- The ethnic composition of the KPS within a given municipality will, to the extent possible, reflect the ethnic composition of the population within that municipality.
- In Kosovo Serb majority municipalities, the Municipal Assembly will have a role in the selection of the local police Station Commander.

Kosovo Security Force (KSF)

- A new professional and multi-ethnic Kosovo Security Force will be established.
- The KSF will have a maximum of 2,500 active members and 800 reserve members, without heavy weapons. Members of the KSF will be recruited from across Kosovo through a formal selection process developed jointly by Kosovo and the International Military Presence (IMP)
- The KSF will initially be primarily responsible for crisis response, explosive ordinance disposal, and civil protection.
- The KSF will be designed and prepared to fulfil other security functions, not appropriate for the police or other law enforcement organizations. The IMP, in coordination with the ICR, will decide when to authorize the KSF to engage in these new security functions.
- The current KPC, having accomplished its goals, including the facilitation of Kosovo's post-conflict recovery, will be disbanded within one year. The International Community will develop a Demobilization and Reintegration process for the KPC retirees.

Intelligence

Kosovo will have a domestic security agency to monitor threats to Kosovo's internal security.

The International Presence

Kosovo will be responsible for managing its own affairs and for fulfilling its obligations under the Settlement. An International Civilian Representative will be appointed to supervise the implementation of the Settlement and support the relevant efforts of Kosovo's authorities. KFOR will continue to be present throughout Kosovo and work in support of Kosovo's authorities.

International Civilian Presence

a. International Civilian Representative

- An International Civilian Representative (ICR), who will also be the EU Special Representative (EUSR), will be appointed by an International Steering Group (ISG) comprised of key international stakeholders.
- The ICR will be the final authority in Kosovo regarding interpretation of the civilian aspects of the Settlement.
- The ICR will be supported by an International Civilian Office (ICO). The ICO will be smaller and its role will be substantially different than UNMIK.
- Unlike UNMIK, the ICR will not have an executive mandate to administer Kosovo. The ICR will have specific powers to allow him/her to take the actions necessary to oversee and ensure successful implementation of the Settlement. The ICR may, for example, correct or annul decisions by Kosovo public authorities that he/she determines to be inconsistent with the letter or spirit of the Settlement.
- The mandate of the ICR will continue until the ISG determines that Kosovo has implemented the terms of the Settlement. The ISG will conduct its first review of the status of settlement implementation after two years.

b. European Security and Defence Policy (ESDP) Mission

- An ESDP Mission, under the direction of the EUSR, will assist Kosovo in the development of effective, fair and representative rule of law institutions.
- The ESDP Mission will have the authority to ensure that specific sensitive crimes are properly investigated, prosecuted, and adjudicated, including, where appropriate, by independent international prosecutors and judges.
- The ESDP Mission will also have the authority to assume limited executive functions to ensure the maintenance and promotion of the rule of law, public order and security.

International Military Presence

- KFOR will remain in Kosovo as the International Military Presence (IMP) to provide a safe and secure environment, in conjunction with the ICR and in support of Kosovo institutions until such time as those institutions are capable of assuming responsibility for Kosovo's security.
- At the beginning of Settlement implementation, KFOR will provide security to a number of pre-designated sites of the Serbian Orthodox Church.
- For an initial period, the IMP will also supervise, monitor and have executive authority over a new Kosovo Security Force.

Transitional Arrangements

Once the Settlement enters into force, there will be a 120 day transition period.
During this transition period:

Constitutional Process

- A new Constitution will be drafted by a Constitutional Commission comprised of 21 members, who must possess the relevant professional qualifications and expertise necessary for this purpose.
- The Constitution will be certified by the International Civilian Representative (ICR).
- The Kosovo Assembly will be responsible for formally approving the Constitution. Such approval will require a 2/3 majority of the Assembly and appropriate consultations with non-majority Assembly members.

Kosovo Legislation

- The Kosovo Assembly must formally approve certain pieces of legislation necessary to implement the terms of the Settlement, which will enter into effect immediately upon the conclusion of the transition period.
- Such legislation must include laws on General and Local Elections, on Local Self Government and Municipal Boundaries, and on Establishing Protective Zones around designated Serbian religious and cultural sites.

UNMIK Presence

- During the transition, UNMIK will continue to exercise its mandate under UN Security Council Resolution 1244. On matters related to the implementation of the Settlement, it will consult with the ICR, who will have the authority to monitor implementation of the Settlement and make recommendations to UNMIK on any actions to be taken to ensure compliance with the Settlement.
- The Constitutional Framework and other applicable law will remain in effect to the extent not inconsistent with the Settlement.
- At the end of the transition period UNMIK's authorities will be transferred en bloc to Kosovo authorities, unless otherwise provided for in the Settlement.
- UNMIK will ensure an orderly transition of the existing legal framework to the legal framework established under the Settlement.

Elections

- No later than 9 months from the entry into force Kosovo shall hold general and municipal elections.