

ADDENDUM

Changes to the Comprehensive Proposal for the Kosovo Status Settlement

MAIN BODY

Article 1 General Principles

1.6 Addition of new final sentence:

“The Turkish, Bosniak and Roma languages shall have the status of official languages at the municipal level or will be in official use in accordance with the law.”

Addition of new Article 1.10:

“1.10 Kosovo and the Republic of Serbia are encouraged to establish a joint commission to facilitate such cooperation, as well as to pursue and develop good neighborly relations.”

Article 4 Rights of Refugees and Internally Displaced Persons

4.1 Addition of new final sentence:

“Each individual shall have the right to make a free and informed decision on his/her place of return.”

Article 5 Missing Persons

5.2 Addition of new second sentence:

“The chair of the Working Group shall issue periodic public reports on the progress of the Working Group.”

Article 8 Economic and Property Issues

8.2 Replacement of “international debt” with “external debt.”

Addition of new article 8.5:

“8.5 The Kosovo Pension Savings Trust (KPST) shall continue to hold in trust private assets for pensions and shall invest those assets prudently. It shall carry out its functions independently. The KPST Governing Board shall exercise its fiduciary duty solely in the interest of its beneficiaries.”

8.7 Addition of new clause in first sentence (italicized):

“Kosovo and the Republic of Serbia shall *further develop economic ties between them.*”

Article 9 Security Sector

9.2 Addition of final clause “in accordance with Article 4.4 of Annex II of this Settlement.”

9.6 Replacement of “disbanded” with “dissolved.” Change in timeline for KPC dissolution from one year after “the entry into force of this Settlement” to within one year of “the conclusion of the transition period as set forth in Article 15 of this Settlement.”

Article 10 Constitutional Commission

10.4 Change in voting requirement for Constitution from a “two-thirds majority of those present and voting” to a straight “two thirds majority.”

Removal of former Article 10.5 on elections from Article 10 on Constitutional Commission to new Article 11.1.

Article 11 Elections

Addition of new Article 11 exclusively on elections, with former Article 10.5 becoming new Article 11.1.

Addition of new Article 11.2:

“11.2 All persons of voting age on the day of the relevant election who on the date of the entry into force of this Settlement are registered as habitual residents, or those residing outside Kosovo who left Kosovo on or after 1 January 1998 and on the date of the entry into force of this Settlement meet the criteria for being registered as a habitual resident, shall have the right to vote in these elections in accordance with the applicable law.”

Article 15 Transitional Arrangements and Final Provisions

15.1 Addition of new second sentence:

“During the transition period, KFOR shall continue to exercise its mandate in accordance with relevant UNSC resolutions.”

ANNEX I CONSTITUTIONAL PROVISIONS

Article 1 Basic Provisions

1.6 Deletion of word “obtain.”

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

2.3 Addition of new final clause:
“which shall be directly applicable in Kosovo.”

Article 3 The Assembly of Kosovo

3.7 Change in the double majority voting procedure with respect to the number of non-majority Assembly members voting from “the majority of Assembly members holding seats reserved or guaranteed for representatives of Communities that are not in the majority in Kosovo” to “the majority of Assembly members present and voting belonging to parties, coalitions, citizens’ initiatives and independent candidates having declared themselves to represent Communities that are not in the majority in Kosovo as specified in Article 3.2.”

Article 5 The Government of Kosovo

Addition of new Article 5.3:
“5.3 The selection of these Ministers and Deputy Ministers shall be determined after consultations with parties, coalitions or groups representing Communities that are not in the majority in Kosovo. If appointed from outside the membership of the Kosovo Assembly, these Ministers and Deputy Ministers shall require the formal endorsement of the majority of the Assembly members belonging to parties, coalitions, citizens’ initiatives and independent candidates having declared themselves to represent the Community concerned.”

Article 7 Central Election Commission

7.1 Change in total number of membership from nine (9) to eleven (11) members.

7.2 Change in number of members appointed by the Assembly members holding seats reserved or guaranteed for other Communities that are not in the majority in Kosovo from one (1) to three (3).

Article 8 Decentralization/Local Self-Government

8.4 Replacement of “extended competencies” with “enhanced competencies.”

ANNEX II THE RIGHTS OF COMMUNITIES AND THEIR MEMBERS

Article 3 Rights of Communities and their Members

3.1(k) Addition of new clauses (*italicized*):

“The right to create and use their own media, including to provide information in their language *through, inter alia, daily newspapers and wire services*, and the use of a reserved number of frequencies for electronic media in accordance with the law and international standards. *Kosovo shall take all measures necessary to secure an international frequency plan that will allow the Kosovo Serb Community access to a licensed Kosovo-wide independent Serbian language television channel.*”

ANNEX III DECENTRALIZATION

Article 2 Kosovo Legislation on Local Self-Government

2.3 Addition of new final clause (italicized):

“Kosovo shall enact basic legislation, in accordance with the principles set forth in this Annex, in order to ensure equitable treatment and minimum standards for all municipalities with regard to the regulation and management of the public affairs under their own responsibilities, respecting, in particular, the principle of subsidiarity *and having due regard for the municipalities’ and the central government’s fiscal sustainability.*”

Article 3 Municipal Competencies

3.1(j) Addition of new explanatory clauses (italicized):

“*Provision of family and other social welfare services, such as care for the vulnerable, foster care, child care, elderly care, including registration and licensing of these care centers, recruitment, payment of salaries and training of social welfare professionals;*”

Article 4 Enhanced Municipal Competencies

4.1 Replacement of “extended” competencies with “enhanced” competencies (in title of and throughout Article 4).

4.1.3(b) Replacement of “selection and dismissal” with “appointment.”

Article 7 Education

7.2.3 Revision to second sentence with respect to composition of University Board:

“The University shall have a Board consisting of nine (9) members, of which two (2) shall be appointed by the municipality, and five (5) shall be elected from among the faculty and/or student body of the University. The remaining two (2) members shall be appointed in a manner to be determined by the statute of the University.”

Article 8 Local Finance

8.1 Replacement of “shall establish their own budgets” with “shall have the right to determine the structure and size of their own budgets.”

8.3 Removal of final sentence to new Article 8.3.1.

8.3.1 Addition of new clauses (italicized), and removal of final clause “shall be set by law in accordance with international standards” to new Article 8.3.3.

“The distribution formula for block grants *shall provide for a reasonable degree of stability in municipal income, an appropriate measure of equalization between municipalities with different tax bases*, and an adequate allocation of resources for the non-majority communities in the respective municipalities.”

Addition of new Article 8.3.2:

“8.3.2 The distribution formula for block grants shall take into account, *inter alia*, the physical size of the municipality, the number of inhabitants, including the number of members of Communities that are not in the majority in the municipality, and the relative access of the inhabitants of the municipality to public services. ”

Addition of new Article 8.3.3:

“The basis of the block grants as a percentage of the total budget of the Government and the distribution formula shall be set by law in accordance with international standards.”

8.4 Replacement of “extended own” with “enhanced” competencies.

Article 9 Inter-Municipal Cooperation

9.1.1 Replacement of “extended own” with “enhanced” competencies.

Article 10 Cooperation with Institutions in Serbia

10.1 Addition of new clause in final sentence (italicized):

“Such cooperation may take the form of the provision by Serbian institutions of financial and technical assistance, *including expert personnel and equipment*, in the implementation of municipal competencies.”

10.3 Replacement of “staff” with “expert personnel.”

Article 11 Funding of Municipal Activities by the Republic of Serbia

Replacement of “donations” with “assistance” throughout the Article.

ATTACHMENT TO ANNEX III DELINEATION OF NEW MUNICIPALITIES

Kllokot/Vërboc – Klokot/Vrbovac

The following 4 cadastral zones have been removed from Kllokot/Vërboc – Klokot/Vrbovac municipality:

CZ Letnica/Letnica
CZ Shashar/Šašare
CZ Vërnakollë/Vrnavokolo
CZ Vërnez/Vrnez

ANNEX V RELIGIOUS AND CULTURAL HERITAGE

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

1.5 Addition of phrase “property reconstruction,” in first sentence, and removal of final sentence to new Article 1.5.1.

Addition of new Article 1.5.2:

“1.5.2 The Serbian Orthodox Church is encouraged to provide access to its premises by the public to foster and promote a better understanding and appreciation of its religious, cultural and historic significance.”

Addition of new Article 1.6:

“1.6 Kosovo shall not arbitrarily prohibit the entry into or residence within Kosovo of priests, candidates for priesthood, monks, nuns, laymen or other invitees and members of the Serbian Orthodox Church.”

Addition of new Article 1.7:

“1.7 Kosovo shall consult with the Serbian Orthodox Church in the promotion of the Serbian Orthodox heritage for touristic, scientific, educational or other public purposes. Such promotion shall fully respect Serbian historic and religious traditions in Kosovo.”

Article 2 Economic and Other Support

2.2 Replacement of “wines, brandy, honey and other bee products” with “and traditional agricultural products” in first sentence. Addition of “livestock” to final sentence.

Article 4 Protective Zones

4.1 Revision of last sentence to include reference to ownership rights:

“Without prejudice to ownership of the property within the Protective Zones, the following restrictions shall apply.”

4.1.1 Changes to list of prohibited activities as follows:

4.1.1(a) Addition of “exploitation” of mineral resources, “dams,” and “transit roads in rural areas” to list of prohibited activities.

4.1.1(b) Deletion of entire former Article 4.1.1(b).

New Article 4.1.1(b) / Former Article 4.1.1(c)

Addition of new final clause:

“or pollution of the environment.”

4.1.2 Several revisions as follows:

Change in procedure with respect to municipality’s obligation prior to conducting restricted activities from “shall consult the SOC” to “shall seek the agreement of the SOC,” followed by addition of new final sentence: “If no agreement is reached, the parties shall refer the matter to the IMC for review, in accordance with Article 5.4 of this Annex.”

Addition of new footnote 2: “In the case of any such activities within the Protective Zones for the following areas, the municipality concerned shall consult directly with the IMC: The Gazimestan Memorial Monument; the Zvečan medieval fortress; the medieval town of Novo Brdo; and Vojnović Medieval bridge/Old Bridge.”

4.1.2(a) Addition of following new restricted activities: “structures or edifices taller than the monastery/church/ cultural monument to be protected,” “street” construction, “hotels/motels,” and “petrol and automobile repair stations, supermarkets, night clubs.”

4.1.4 Several revisions as follows:

Addition of “Old Bridge” to name of Vojnović Medieval bridge.

Replacement in footnote 4 of “includes the Isa Boletini Memorial Complex” with “is a joint Protective Zone for the Sokolica Monastery and the Isa Boletini Memorial Complex. The municipality concerned shall, accordingly, seek agreement from both the SOC and the Isa Boletini Museum Administration for any new activity as envisaged in Article 4.1.2 of this Annex.”

Change in Protective Zone of the following site:

Hermitage with Church, Uljarice , Klinë /Klina

4.1.7 Replacement of final clause “with the Church of Saint George” with “Complex,” followed by addition of new footnote 6: The Episcopal Residence Complex includes the Bishop’s Residence, St. George Cathedral, churches of St. George (Runovic) and St. Nicholas (Tutic).”

Article 5 Implementation and Monitoring Council

5.4(d) Addition of new final clause:

“and provide relevant recommendations for action by the ICR as appropriate.”

5.6 Deletion of entire former Article 5.6.

New Article 5.6 / Former Article 5.7

Removal of final clause: “or its successor on the preservation and reconstruction of Serbian religious and cultural heritage.”

ANNEX VI EXTERNAL DEBT

Replacement of “international debt” with “external debt” throughout Annex, including in title.

Article 1 General Provisions

1.1 Redrafted as follows:

Removal of second sentence: “International debt to be apportioned includes *inter alia* debt to the World Bank, Paris Club and London Club creditors.”

Replacement of “taking into account the principles used for the allocation of sovereign debt in the case of the succession to the Socialist Federal Republic of Yugoslavia” with “on the basis of the following principles, in agreement with the relevant creditors: allocated external debt shall become a liability of Kosovo where the final beneficiary is located in Kosovo; non-allocated external debt shall be apportioned to the parties according to a proportional key to be established by agreement between the parties, in cooperation with the International Monetary Fund (IMF).”

Article 3 Arbitration

3.1 Replacement of “one year” with “six months” in first sentence.

3.3 Addition of “and assumed by” Kosovo.

ANNEX VII PROPERTY AND ARCHIVES

Article 1 Publicly Owned Enterprises

1.1 Replacement of “water” with “water supply” in second sentence. Addition of final sentence: “Kosovo shall respect European standards relating to water management, waste management and environmental protection.”

1.2 Replacement of “European Union” with “the relevant international” in first sentence.

Article 2 Socially Owned Enterprises

2.1 Removal of “successor institution” throughout Article, and addition of the following new bullet points in footnote 8:

- The KTA shall be financed from the Kosovo budget, extra budgetary resources provided by donors and from KTA Trust Funds following satisfaction of all valid creditors' and ownership claims;
- The KTA shall take decisions on privatization or liquidation only after having consulted officials from the municipalities in which the relevant SOEs are located;
- There shall be Review Committees to review claims against any actions of the KTA or a liquidation committee. A Review Committee shall issue a recommendation which shall be the final decision of the KTA. Such a decision can be challenged in the Special Chamber of the Supreme Court on KTA Related Matters;
- There shall be participation of Kosovo non-Albanian communities in the Board, liquidation committees, and review committees;
- The final determination of ownership and the adjudication of claims shall continue to be handled by the mechanism of a Special Chamber within the Supreme Court, in accordance with Article 3 of this Annex;

2.2 Addition of the final clause “the following international representatives.”

2.2(a) Deletion of “international” from “three (3) *international* members.”

2.2(d) Addition of new subparagraph to list of ICR appointees:
 “One (1) member, who shall also be the chair, in each of the Review Committees.”

Article 4 Kosovo Property Agency

4.2(a), (c), and (d) Deletion of “international” from “*international* members” and “*international* judges.”

Article 5 KPA Claims Adjudication Process

Addition of new Article 5.2:

“5.2 Illegal possession of private immovable property shall not confer ownership rights. If a claimant can establish that he or she had no access to the relevant institutions for timely submission of a claim for adjudication within statutory time limits, such a claim shall not be considered as not receivable by a competent court or by another judicial or quasi judicial organ.”

ANNEX VIII KOSOVO SECURITY SECTOR

Article 5 Kosovo Security Force

5.5 Change in date of initial operational capability from within one year of “this Settlement’s entry into force” to within one year of “the conclusion of this transition period as set forth in Article 15 of this Settlement.”

Article 6 Kosovo Protection Corps (KPC)

6.1 Addition of clause “having accomplished its goals, including facilitation of Kosovo’s post-conflict recovery,” to first sentence. Replacement of “disbandment” with “dissolution” in second and third sentences. Change in timeline for KPC dissolution from within one year of “this Settlement coming into force” to within one year of “the conclusion of the transition period as set forth in Article 15 of this Settlement.”

ANNEX IX INTERNATIONAL CIVILIAN REPRESENTATIVE

Article 2 Mandate and Powers of the International Civilian Representative

2.3 Addition of “border control” to list of areas in which the EUSR shall have power in second sentence.

2.3(a) Deletion of “jointly” from “acting *jointly* with Kosovo authorities....”

2.3(e) Replacement of “in support of” the competent Kosovo authorities with “with” the competent Kosovo authorities.

Article 3 Coordination with International Actors

3.2 Addition of new final two sentences:

“The OSCE Mission and its personnel will be accorded the same privileges and immunities as specified in Article 4.6 of this Annex. Kosovo shall facilitate all appropriate assistance to the OSCE Mission necessary for the efficient and effective discharge of its duties, including the provision of logistical and administrative support as necessary.”

Article 4 Structure/Staffing of the International Civilian Representative

4.6(b) Addition of “as well as those international professionals appointed by the ICR pursuant to his/her authority as set forth in this Settlement” to list of international personnel to be accorded privileges and immunities.

ANNEX XI INTERNATIONAL MILITARY PRESENCE

Article 1 Objectives

Removal of former Article 1.3 to new Article 1.9, and replacement of “IMP” with “NATO” in first sentence.

Addition of new Article 1.4:

1.4 The IMP, in consultation with the ICR and Kosovo, shall have executive authority over the KPC, and shall decide on the timing of the KPC's dissolution as set forth in Article 6 of Annex VIII of this Settlement.”

ANNEX XII LEGISLATIVE AGENDA

Article 1 Legislation to Be Formally Approved During the Transition Period

Replacement of “Adopted” with “Formally Approved” in title of Article.

Addition of final clause “or amendments thereto” to preambular paragraph.

Article 2 Legislation to Be Formally Approved During or Adopted After the Transition Period

Replacement of “Adopted During or After” with “Formally Approved During or Adopted After” in title of Article.

Addition of final clause “or amendments thereto” to preambular paragraph.

2.3 Replacement of “Civil Aviation Act” with “Legislation to establish a Civil Aviation Authority.”

2.5 Replacement of “Law” with “Legislation.”

2.8 Replacement of “Kosovo Security Force Service Act” with “Law on Service in the Kosovo Security Force.”

2.9 Replacement of “Kosovo Police Service Act” with “Law on Service in the Kosovo Police Force.”