

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Kosovo Serbia Yugoslavia (former)
Region	Europe and Eurasia Europe and Eurasia Europe and Eurasia
Agreement name	Conclusions of the EU Facilitator on justice, 30 November 2016
Date	30 Nov 2016
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Balkan Conflicts (1991 - 1995) (1998 - 2001))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Kosovo-Serbia Normalisation Process
Parties	Agreement unsigned, parties believed to be the Kosovo delegation, led by Edita Tahiri and the Serbian delegation led by Marko Djuric.
Third parties	Agreement unsigned, meeting facilitated by the European External Action Service.
Description	Agreement on integration of Kosovo Serb judges, prosecutors and administrative staff into the Kosovo judiciary, to implement the agreement on restructuring the justice system agreed on 9 February 2015.

Agreement document	KV_161130_Conclusions of the EU Facilitator on justice, 30 November 2016.pdf  Download PDF
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Groups

Children/ youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ ethnic/ national group	Groups→Racial/ethnic/national group→Substantive Summary: The agreement in its entirety provides for revising the judicial system in Serb-majority municipalities in northern Kosovo, in order to dismantle parallel structures and integrate the Serbian community. For full provisions see Judiciary and courts category.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision Page 1, D. Serbia will notify European External Action Service in writing, on 9 December 2016 at the latest, the termination of the employment relations of Judges, Prosecutors and administrative support staff candidates for integration, whit Serbian authorities and the cessation of payment of salaries, in accordance with relevant regulations. This will be final and effective on 10 January 2017. The names of Judges, Prosecutors and administrative support staff will be annexed to the correspondence.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of
emergency
provisions

No specific mention.

Judiciary
and courts

Summary: agreement in its entirety provides for further reforms of the judiciary, in particular relating to Serb-majority municipalities in northern Kosovo.

Page 1, A. The Parties endorsed the list of successful Judges, Prosecutors and administrative support staff for integration, as distributed on 17 October 2016.

Page 1, B. The Parties agreed on the principles of the Appellate Division of the Court of Appeals as provided by paragraph 10 of the First Agreement. These principles reflected in an Annex to the regulation on the organization of courts will be adopted by the competent Kosovo authorities and will enter into force on 7 December 2016 at the latest.

Page 1, C. Kosovo will notify in writing the European External Action Service, on 7 December at the latest, the final outcome of the integration process for administrative support staff.

Page 1, D. Serbia will notify European External Action Service in writing, on 9 December 2016 at the latest, the termination of the employment relations of Judges, Prosecutors and administrative support staff candidates for integration, with Serbian authorities and the cessation of payment of salaries, in accordance with relevant regulations. This will be final and effective on 10 January 2017. The names of Judges, Prosecutors and administrative support staff will be annexed to the correspondence.

Page 1, E. The Kosovo Judicial Council will officially notify all competent Kosovo authorities the July 2013 conclusions on validity- appeal by 9 December 2016 at the latest, including cases that are proceeded until 9 December 2016 as per conclusions on stay on new cases.

Page 1, F. The Parties agreed that these judges, prosecutors and administrative support staff will be appointed on 10 January 2017 and thereby integrated into the Kosovo Judiciary.

Page 1, G. The Parties also agreed to the following subsequent steps:
G.1. The vacancy notice for the position of the president of the Mitrovica Basic Court will expire on 11 January 2017 at 18:00. All the Judges of the Appellate Division of the Court of Appeals will meet on 11 January 2017 at 10:00 in the premises of the Mitrovica Basic Court with EULEX facilitation to hold consultations on the proposal for the Head of the Appellate Division.

Page 1, G.2. The Kosovo Serb President of the Mitrovica Basic Court will be appointed on 13 January 2017. The Kosovo Serb Head of the Appellate Division of the Court of Appeals will be designated on the same day following a meeting in Pristina of the collegium of the Court of Appeals.

Page 1, G.3. The Parties agreed that the premises of the Mitrovica Basic Court and of the Mitrovica Prosecution Office will simultaneously be made available to the integrated personnel along with their judicial colleagues of the Mitrovica region on 16 January 2017, after the premises are put in full operations conditions.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/ rights No specific mention.

Pastoralist/
nomadism
rights

No specific mention.

Cultural
heritage

No specific mention.

Environment

No specific mention.

Water or
riparian
rights or
access

No specific mention.

Security sector

Security
Guarantees

No specific mention.

Ceasefire

No specific mention.

Police

No specific mention.

Armed
forces

No specific mention.

DDR

No specific mention.

Intelligence
services

No specific mention.

Parastatal/
rebel and
opposition
group
forces

No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar Page 1, G. The Parties also agreed to the following subsequent steps: G.1. The vacancy notice for the position of the president of the Mitrovica Basic Court will expire on 11 January 2017 at 18:00. All the Judges of the Appellate Division of the Court of Appeals will meet on 11 January 2017 at 10:00 in the premises of the Mitrovica Basic Court with EULEX facilitation to hold consultations on the proposal for the Head of the Appellate Division.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Government of the Republic of Serbia, Negotiation process with Pristina <http://www.kim.gov.rs/eng/pregovaracki-proces.php>
