

Country/entity	Kosovo Serbia Yugoslavia (former)
Region	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)

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.

Close

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 (opens in new tab) Download PDF
---------------------------	--

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.

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>
