

<b>Country/entity</b>	Kosovo Serbia Yugoslavia (former)
<b>Region</b>	Europe and Eurasia
<b>Agreement name</b>	Conclusions of the EU Facilitator on justice, 30 November 2016
<b>Date</b>	30 Nov 2016
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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

<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Kosovo-Serbia Normalisation Process
<b>Parties</b>	Agreement unsigned, parties believed to be the Kosovo delegation, led by Edita Tahiri and the Serbian delegation led by Marko Djuric.
<b>Third parties</b>	Agreement unsigned, meeting facilitated by the European External Action Service.
<b>Description</b>	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

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	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.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	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.



<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

---

### **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	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>

---