

**The Association/Community  
of Serbian majority municipalities in Kosovo**  
Brief Commentary of the proposed Statute

### The TASK:

Conceive the legal personality and legal capacity of the Association/Community of Serbian majority municipalities in line with the existing Kosovo constitutional framework and, at the same time, meeting the critical expectations of the international community listed below:

- Distinct character and legal capacity
- Direct channel of communication with the Kosovo Government
- A framework of stable relations between the Kosovo Serb Community and Serbia
- Self-management framework for the Kosovo Serb community
- A framework for the integration of the (parallel) Serbian education and healthcare system

The Kosovo Constitution defines four layers of governance: the local Government, the Central Government, the judicial power, and the legislative power.

Since the Association/Community is established directly per a specific law, the Association/Community is an organization and not a new layer of governance.

Now the question is, what kind of organization the Association/Community is?

This STATUTE proposal provides a creative legal solution meeting the international community's expectations and, at the same time, preserving the Kosovo constitutional framework.

### The rationale:

This STATUTE proposal derives from the 2013 and 2015 agreements, the 2015 Constitutional Court opinion, and the expectations of the Western community. This STATUTE uses inputs from the Friedrich Ebert Stiftung Statute in certain sections.

Inspired by the Sami Parliament, this Statute proposes a hybrid model. The Sami Parliament is in part a community body and in part a government agency. The part functioning as a government agency is under the purview of the Swedish Ministry of Justice. To be precise, the Sami Parliament acts in the capacity of a Swedish government agency, with limited and legally regulated tasks.

Per this Statute, the Association/Community is a blend (hybrid) of three pillars:

- A forum for inter-municipal cooperation (a regular Association of Municipalities),
- A public advocacy group engaged in the protection and promotion of Serbian community rights and interests,
- A joint administrative authority acting in the capacity of a specialized government agency with limited and legally regulated tasks.

This Statute proposes a model in which "the joint administrative authority with limited and legally regulated tasks" is within the purview of the Prime Minister. Putting it under the ambit of a specific ministry could create the impression of downgrading the relevance of the Association/Community.

The "joint administrative authority" concept is designed based on inputs from the existing Law on Inter-municipal cooperation and legal manoeuvring space provided by the Law on the Organization and Functioning of State Administration and Independent Agencies and the Council of Europe charters.

Per this Statute proposal, the Association/Community has core competencies (the inter-municipal forum and the advocacy pillars) and special authorizations or delegation of tasks (the administrative authority pillar).

Per the Swedish model, the Kosovo Government must be careful where it can and where it cannot exercise purview.

The Government cannot exercise any purview over the activities related to the core competencies (the inter-municipal forum and the advocacy components).

In Kosovo, municipalities have a constitutionally guaranteed right for inter-municipal cooperation. Purview, or any other interference from the central authorities, constitutes a serious constitutional violation.

The Association/Community, as a legal entity representing the common interest of the municipalities in which the Serbian community is in the majority, and the communities residing in those municipalities, has the constitutional right to engage in the protection and promotion of rights and interests of the Serbian community. However, the Association/Community has no supremacy over other legal entities representing the Kosovo Serb community. The Association is not a directly elected "Parliament of Kosovo Serbs" to have the eligibility of dominance and distinction. As suggested by the Constitutional Court, the Association can perform these tasks only alongside other entities representing the Kosovo Serb community. As such, the central authorities have no purview over these activities.

Regarding the special authorizations tasking the Association/Community to perform specific public authority tasks, the Government has the right to the authority of purview, article 39 of this Statute. This Statute provides a tick-in-the-box for every substantial expectation of the international community.

#### Distinct character and legal capacity:

Article 6 of this Statute defines the Association as a Special Legal Entity of Public Law.

Special Legal Entity of Public Law implies a unique organization established per a corresponding special law, capable of performing specific nonprofit nonpublic and public tasks as authorized per the specific Law.

The specific Law refers to the Law on the Ratification of the First Agreement.

This definition should be sufficient to meet international expectations.

#### Direct channel of communication with the Kosovo Government:

What does direct channel mean? Legally it takes work to turn this into something functional. However, this is an essential expectation of the international community.

The Swedish model inspires Chapter III [Relations with the Central Authorities]. Instead of saying NO, the proper attitude is "Let's see what we can do about it". Generosity and good faith principles guide the Swedish authorities' interactions with the Sami community.

All five (5) articles of Chapter III of this Statute are guided by generosity and good faith principles and seek to provide legal solutions to political problems.

The attitude and approach embedded in these five (5) articles have the potential to put Kosovo at the forefront of genuine European behaviour and conduct.

#### Relations between the Kosovo Serb Community and Serbia:

The international community has firmly cemented its position around the premise that the Serbian community, as a native community residing in Kosovo for many centuries, has the absolute right to know where it stands regarding its relationship with Serbia. The international community firmly expects that Kosovo should address these concerns.

Article 14 provides a framework for this expectation and turns it into an opportunity for Kosovo, a tool in the further process of normalization talks with Serbia.

### Self-management framework:

The international community expects Kosovo to provide a framework for the Kosovo Serb community to regulate and organize specific affairs at the local community level.

Articles 17 and 18 [special authorizations - delegated tasks] provide a detailed legal formula on how the Kosovo Serb community, at a local community level, can achieve this and, at the same time, act entirely within the existing constitutional and legal framework.

Articles 21, 22 and 23 use existing legal concepts and formulas in the Law on Intermunicipal Cooperation. The point is to demonstrate that the existing Kosovo laws already provide a comprehensive framework for many things.

The same applies to Article 15 [International Cooperation] as well.

Everything there already exists in the Law on International Cooperation.

### Integration of the (parallel) Serbian education and healthcare system:

The international community acknowledges that as long as Serbia fully normalizes relations with Kosovo, managing these structures will take much work. However, at the same, for the Western community, Kosovo is Kosovo, and Serbia is Serbia. Therefore, it would like to see something happening in transitioning these structures from the Serbian system into the Kosovo one.

This Statute proposes a creative and practical solution to solve the problem of existing educational and healthcare institutions established and financed by Serbia. It is (probably) the only model that can work. At the same time, if this model goes through, it will boost the integration process and help the overall normalization process.

Concluding remarks:

The name of the organisation to be established by this Statute is “the Community of Serbian majority municipalities”. However, the type of organisation is “Association”.

The word “community” has become essential for Serbia. Therefore, we should stick to it.

However, the organisation is not defined by its name but by its legal personality. Since the organisation depends on the contractual arrangements among the participating municipalities, it is an Association in its generic legal form.

Highlighting that the Community of Serbian majority municipalities is legally an Association is essential for Kosovo.

This approach embedded in this Statute solves the name controversy.

**The Association/Community  
of Serbian majority municipalities in Kosovo  
Draft STATUTE**



Pursuant to the Law on Ratification of the First Agreement of Principles Governing the Normalization of Relations,

in compliance with the European Charter on Local Self-Government, the Framework Convention for the Protection of National Minorities, and the Law on Organization and Functioning of State Administration and Independent Agencies,

with the aim of advancing democracy and local governance, and respect for the provisions of protection and representation of the rights and interests of communities embedded in the Constitution and laws of Kosovo,

demonstrating the willingness to implement the "Agreement on the Path to Normalization of Relations between Kosovo and Serbia, in good faith and without any preconditions,

the Government of the Republic of Kosovo approves the Statute of the Association of Municipalities, in which the Serbian Community is in the majority.

## **I – GENERAL PROVISIONS**

### **Article 1 [definitions]**

1. The below-listed terms or expressions used in this Statute shall have the following meaning:
  - a. Association – the Association of Municipalities in which the Serbian Community is in the majority.
  - b. Central authorities – the President, Assembly and Government of Kosovo.
  - c. Applicable Law – laws and other legislation of the Republic of Kosovo.
  - d. Official Gazette - the Official Gazette of the Republic of Kosovo.

### **Article 2 [objective]**

1. The Kosovo Serb community is a traditional ethnic community with distinct linguistic, cultural, and religious features, residing in Kosovo for centuries alongside other traditional communities. Per Article 57 of the Constitution, as a traditional community, the Serbian community is entitled to specific rights in addition to the human rights and fundamental freedoms provided in Chapter II of the Constitution.

2. The primary objective of this Statute is to create new opportunities for the Kosovo Serb community to take advantage of these specific rights already enshrined in the Constitution and the applicable Law.
3. The Association, established per this Statute, aims to provide a self-management framework for the Serbian community in Kosovo, the ability for service provision in specific areas, including the possibility for financial support by Serbia, and an effective direct communication channel for the Serbian community to the Government of Kosovo.

### **Article 3 [the Statute]**

1. This Statute is the highest legal act regulating the position, competencies, scope of work, organization and functioning of the bodies, and all other affairs of the Association.
2. The Association is considered established upon this Statute's publication in the Official Gazette after a positive review by the Constitutional Court.
3. This Statute enters into force upon adoption by the Assembly of the Association in the constituent session.

### **Article 4 [amendments]**

1. Only the bodies of the established Association, and its member municipalities, have the right to propose amendments to this Statute. Through the Office of the Prime Minister, the President of the Association presents the proposed amendments to the Constitutional Court for review.
2. Upon a positive review by the Constitutional Court, the Government approves the amendments.
3. Upon publication in the Official Gazette, the amendments enter into force upon adoption by the Assembly of the Association.

### **Article 5 [procedures of establishment]**

1. No later than seven (7) calendar days after the publication in the Official Gazette, the municipalities wishing to become founding members of the Association shall inform (in writing) the Office of the Prime Minister of this intent. The letter of intent needs to be endorsed by the Municipal Assembly.

2. The threshold is a minimum of three (3) municipalities interested in becoming founding members of the Association.
3. A participating municipality also needs to provide the list of delegates representing the municipality in the constituent session of the Assembly of the Association.
4. The Assembly of the Association comprises representatives appointed by each participating municipality. Members of the Assembly of the Association are elected by the Municipal Assemblies of participating municipalities. By a majority vote, each Municipal Assembly elects five representatives to serve as Assembly of the Association members. These representatives are elected among the elected members of the Municipal Assembly, being mindful of the political and ethnic composition.
5. The term of the Assembly of the Association will be connected to the terms of the municipal assemblies of the participating municipalities. Upon each local election, within one month after the establishment of the municipal assemblies, the municipal assemblies established thereby will undergo the procedure of electing their representatives in the Assembly of the Association, per the same procedure outlined in point 4.
6. No later than fifteen (15) calendar days after this Statute's publication in the Official Gazette, the Prime Minister publishes the list of the Association's founding member municipalities and the list of the elected members of the Assembly of the Association.
7. The constituent session should convene no later than forty-five (45) calendar days after the publication of this Statute in the Official Gazette.
8. The agenda of the constitutive session must include the following:
  - a. Confirmation of the participant list.
  - b. Adoption of the Statute.
  - c. Election of the Chairperson.

Other dynamics related to the constituent session are decided among the founding members.

#### **Article 6 [legal capacity and distinct character]**

1. The Association has the following rights:
  - a. To sue and be sued,
  - b. Own moveable and immoveable property,

- c. Co-own entities that provide local services within the scope of the Association,
  - d. Conclude contracts, including employment contracts,
  - e. And other rights specified in this Statute.
2. The Association is a Special Legal Entity of Public Law established per the Lex Specialis, "Law on Ratification of the First Agreement of Principles Governing the Normalization of Relations".
3. For the needs of this Statute, a "Special Legal Entity of Public Law" implies a unique organization established per a corresponding special law, capable of performing specific nonprofit nonpublic tasks and public tasks as authorized per the specific law.
4. For the needs of this Statute, "specific public tasks" implies the ability of the Association to act as a joint administrative body to perform specific tasks regulated per the special authorizations outlined in this Statute.
5. Per the European Charter on Local Self-Government and the Framework Convention for the Protection of National Minorities, enabling the attribution of powers and responsibilities for specific purposes in accordance with the law, and, per the Law on Organization and Functioning of State Administration and Independent Agencies, enabling the Government to delegate the performance of specific tasks explicitly defined by special legislation for the purpose of enhancing the quality of public services, while performing specific public tasks, the Association will act in the capacity of a Specialized Agency under the purview of the Prime Minister.

#### **Article 7 [main principles]**

1. The Association performs its activity based on the Constitution and the applicable law.
2. The bodies of the Association will fully respect both official languages, Serbian and Albanian.
3. In pursuit of its objectives, the Association will be exempt from duties and taxes on the same basis as the participating municipalities.

### **Article 8 [official name]**

1. The official name of the Association is "The Community of Serb Majority Municipalities".
2. The official acronym is CSMM.
3. The official name of the Association is without prejudice to other ethnic communities residing in these municipalities, and it does not imply any exclusion principle.

### **Article 9 [rights of communities]**

1. The established Association will not replace, supersede, or reduce the rights and interests of all communities residing in these municipalities.
2. All official interaction with the Association occurs in one (or both) of the Kosovo official languages, Serbian and Albanian. While interacting (both orally and in writing) with the Association, members of other communities (non-Serbian and non-Albanian) are free to address the Association in their mother tongue. The Association will provide the necessary translation services.
3. Elected municipal representatives from other (non-Serb) communities will enjoy proportional representation in the bodies of the Association.
4. At all times, there will be a Vice Chairperson of the Assembly of the Association and Vice Chairperson of the Board, representing other (non-Serb) communities. Only elected municipal officials from other (non-Serb) communities are eligible for these positions.
5. Members of other communities will enjoy proportional representation in all working positions.

### **Article 10 [official symbols]**

1. The Association will have its official symbols, including a coat of arms and a flag in keeping with the applicable law.
2. The design of these symbols should reflect the principle of inclusiveness and respect for all ethnic, religious, and other communities.
3. A Special Committee will propose the design of these symbols. Members of this Committee are three representatives of the Association, one representing other (non-Serb) communities, a representative of the Office of the Prime Minister and a representative of the European Union.

4. The Committee should conclude its work no later than thirty (30) working days after the constituent session.
5. The Assembly of the Association adopts the official symbols upon receipt of the Committee proposal.

#### **Article 11 [membership]**

1. The membership is based on the principles of voluntary participation.
2. Voluntary participation implies the ability to decide freely on joining the Association, the freedom to cease membership, and the freedom to exclude itself from any joint exercises conducted by the Association.
3. Membership does not imply that the Association will replace or reduce the rights and powers of the participating municipalities.
4. Member municipalities are free to join other associations in compliance with the applicable law.
5. The established Association is open for membership to any other municipality. The membership application is reviewed separately in the Municipal Assemblies of all member municipalities. The application is accepted, provided that two-thirds of all members agree.
6. A member municipality can be expelled only by a decision supported by a two-thirds majority of all its members, per the same procedure outlined in point 5.
7. The Association can be dissolved only by a decision supported by a two-thirds majority of all its members, per the same procedure outlined in point 5.
8. In the event of a dissolution decision, the Office of the Prime Minister carries out the dissolution process.

#### **Article 12 [assets of the Association]**

1. The assets assigned to, or owned by the Association, are public property.
2. Participating municipalities cannot transfer ownership of their immovable property to the Association.
3. In the event of the dissolution, the assets of the dissolved Association are distributed equally among its former members.

### **Article 13 [seat of the Association]**

1. The Assembly of the Association decides on the Seat of the Association in the first working session after the constituent session.
2. The hosting municipality will provide the necessary premises for the functioning of the Association.
3. The Association may rent or purchase additional working space.

### **Article 14 [relations with the Republic of Serbia]**

1. Per the provisions of the Framework Convention for the Protection of National Minorities and Article 59 of the Constitution, this self-management framework acknowledges and sustains the Serbian community's right to maintain contacts and links with the Republic of Serbia and its people.
2. The Association will engage in a constructive manner and play its part in the normalization of relations between Kosovo and Serbia. The Association does this by promoting the institutional and societal integration of the non-majority communities, reconciliation, cooperation, and trust building between different communities in Kosovo, and by promoting the necessity of cooperation and full normalization of relations between Kosovo and Serbia, for the benefit of all people and all communities.
3. The Association is entitled to receive direct assistance from the Republic of Serbia. This assistance can be financial, goods and equipment, and professional expertise.
4. Donations of goods and equipment will be exempted from any taxes or duties.
5. Until the complete and comprehensive normalization of relations between Kosovo and Serbia, the Association is authorized to manage the education and healthcare institutions established and financed by the Republic of Serbia, per the specific procedure and steps outlined in this Statute.

### **Article 15 [International Cooperation]**

1. The Association may conclude Memorandums/Agreements with Municipal Associations and non-governmental organizations based out of Kosovo.
2. The Association may conclude Memorandums/Agreements with institutions of other states and international organizations only if such agreements do not contain legally binding obligations for the Government of Kosovo. To conclude

these agreements, the Association shall adhere fully to Article 12 of the Law on International Agreements.

3. The Association may express interest in concluding legally binding Memorandums/Agreements with foreign governmental agencies, international inter-governmental organizations, and specialized agencies. Per articles 4 and 6 of the Law on International Agreements, these Memorandums/Agreements can be concluded only by the Prime Minister of Kosovo. The Association will provide the Prime Minister with a detailed justification of the benefits of such an agreement. In good faith, the Office of the Prime Minister will give the Association a genuine opportunity to be heard and comprehensively discuss the rationale behind their initiative. The Prime Minister makes his/her final decision guided by Kosovo's overall public interest and strategic interests.

## **II – COMPETENCIES, AUTHORIZATIONS AND TASKS**

### **Article 16 [core competencies]**

1. Per the Law on Local Self-Government, the Law on Intermunicipal Cooperation and the European Charter on Local Self-Government, the Association will act as a forum for inter-municipal cooperation and coordination through which the member municipalities review matters of their common interests, promote, disseminate, and advocate issues of common interest, assess the delivery of public services to its members and their residents, and provide services to its members per the applicable law.
2. The Association will engage in promoting and protecting the rights and interests of the Kosovo Serb community in line with Chapter III of the Constitution. This engagement will not replace, exclude, supersede, or reduce the rights and interests of other legal entities representing the Kosovo Serb community to pursue the same goals.
3. The Association will promote and support the return of all displaced persons.
4. The Association will coordinate, facilitate, and conduct research and development activities.
5. To facilitate the exercise of these competencies, the bodies of the Association have the right to adopt the following:
  - a. Regulations, legal acts regulating, in a general manner, issues under the core competencies outlined in Article 16 of the Association.
  - b. Decisions.
  - c. Declarations.



- d. Rules of Procedure.
  - e. Instructions.
6. In exercising the competencies outlined in this Article, the Association enjoys complete functional independence free from any purview from any central authority.

#### **Article 17 [delegated tasks - special authorizations]**

1. Per Article 6 of this Statute, to perform the below-specified tasks, the Association will act as a Specialized Agency under the purview of the Office of the Prime Minister. In the capacity of a Specialized Agency, the Association will perform coordination functions and functions of horizontal nature in the areas specified in point four (4) of the First Agreement of Principles Governing the Normalization of Relations, for the purpose of improving the quality of public services and the performance of administrative tasks, per the specific needs of the local communities.
2. The Association will exercise full overview (regulate, organize, coordinate and conduct affairs) to develop the local economy of its member municipalities.
3. The Association will exercise full overview (regulate, organize, coordinate and conduct affairs) in the area of education in the territory of its member municipalities.
4. The Association will exercise full overview (regulate, organize, coordinate and conduct affairs) to improve local and primary secondary healthcare in the territory of its member municipalities.
5. The Association will exercise full overview to coordinate urban and rural planning in the territory of its member municipalities.
6. The Association is authorized to fully manage the education and healthcare institutions established and financed by the Republic of Serbia per the specific procedures outlined in Article 14 and 19 of this Statute.
7. The Association will perform other tasks as may be authorized by the central authorities.

#### **Article 18 [exercise of the special authorizations]**

1. The Association will establish a joint administrative body to perform the specific tasks outlined in Article 17.

2. The Board of the Association supervises and manages the joint administrative body.
3. The joint administrative body shall carry out the professional and administrative work on behalf and in the interest of the participating municipalities. This joint exercise in no way undermines or replaces the status and rights of member municipalities. Individual member municipalities have the right not to participate in this joint exercise or, at any time they choose, to withdraw from it. Individual member municipalities also have the right to select which areas they want to participate in and which they do not wish to participate. These decisions will not affect their membership status.
4. The joint administrative body will have four departments:
  - a. The Department for Economic Development.
  - b. The Department for Education.
  - c. The Department for Health Care Services.
  - d. The Department for Urban and Rural Planning.
5. Directors of these departments are selected among the members of the Board of the Association.
6. Upon a detailed proposal by the Board of the Association, the Assembly of the Association needs to specify which member municipalities are participating in this joint exercise, the organizational structure, work positions required for the execution of this joint exercise, procedures for the solution of eventual conflicts among member municipalities, supervision and control mechanisms, budget, and financing of this exercise. The decision to participate in the joint administrative body must be confirmed separately by the Municipal Assemblies of the member municipalities willing to join in this joint exercise.
7. The participating municipalities assign municipal civil servants to work in the joint administrative body. For the joint exercise, the Association may recruit additional personnel.
8. To exercise these special authorizations, the Board of the Association will adopt the following:
  - a. Special Regulations.
  - b. Implementing Decisions to enforce the Special Regulations.
9. A Special Regulation is a legal equivalent of an administrative sub-instruction.
10. Special Regulations aim to enhance the implementation of existing laws and administrative instructions by focusing on the specific needs of the local communities residing in the participating municipalities. Adaption to the needs of

the local communities will further improve the quality of public services and the performance of administrative tasks.

11. The top-to-bottom hierarchy of legal norms is as follows: the Laws adopted by the Assembly of Kosovo, the administrative instructions adopted by the specific Ministries covering the specific area, and the Special Regulations adopted by the Board of the Association. Drafters of the Special Regulations will adhere to this hierarchy of legal norms. Drafters also need to provide a detailed rationale for each Special Regulation in the context of specific local community needs and the expected impact on these local community needs.
12. The Special Regulations and Implementing Decisions are applicable only in the territory of the municipalities that have confirmed participation in the joint administrative body and only for the duration of participation.
13. Special Regulations and Implementing Decisions are subject to administrative review by the Office of the Prime Minister.
14. Per Articles 27 and 36 of the Law on Organization and Functioning of State Administration and Independent Agencies, upon a specific agreement with the competent central authorities, the joint administrative body may also act in the capacity of a joint local branch for specific ministries and executive agencies covering the areas outlined in Article 17 of this Statute. Upon consultation with the Association, the Prime Minister may issue specific instructions outlining the execution of this joint exercise.
15. The Association may execute other tasks authorized by the Government or tasked by the Assembly of Kosovo.

**Article 19 [Management of the education and healthcare institutions established and financed by the Republic of Serbia]**

1. Until the full normalization of relations between Kosovo and Serbia, the Association is authorized to fully manage the existing education and healthcare institutions established and financed by the Republic of Serbia per the following steps:
  - a. In the spirit of Article 13 of the Framework Convention for the Protection of National Minorities, “Serbian Education Network” and “Serbian Healthcare Network” will be established as independent education and healthcare providers, highlighting the Republic of Serbia as the founder and financial contributor, as well as the main offices of these providers located in the Republic of Serbia.

- b. In Kosovo, these providers will have the status of foreign private education and foreign private healthcare providers. The Government of Kosovo will equip these providers with a temporary (five (5) years) operating license.
- c. Issues related to the curriculum are regulated in the transitory provisions of this Statute.
- d. Upon licensing, the Association may fully manage the functioning of these education and healthcare providers. The Republic of Serbia will appropriately compensate the Association for these services.
- e. These providers will be exempt from customs and all other duties for as long as they provide services free of charge.
- f. In the territory of member municipalities, these providers may use the existing public premises and public premises to be constructed in the future (schools and healthcare centres).
- g. The operation of these networks should in no way limit or hinder the functioning of the existing Kosovo system of public schools and the Kosovo system of public healthcare.
- h. These networks will also be authorized to provide their services in the territories of other non-member municipalities. However, to use public premises (schools and healthcare centres), these providers should obtain permission from the respective municipal authorities.
- i. The “Serbian Education Network” will have the right to issue double degrees. The design of the degree (the Kosovo degree) awarded by the “Serbian Education Network”, per the applicable law, will be regulated by a separate agreement between the provider and the competent authorities. The founding institution in the Republic of Serbia will issue a duplicate degree (the Serbian degree). The place of issuance of the duplicate degree is the city (in the Republic of Serbia) where the main offices are based. The Government of Kosovo will treat the duplicate degree as a valid foreign degree.

## **Article 20 [public joint enterprises and joint public-private partnerships]**

1. To perform local public services on behalf of member municipalities, the Association may establish joint public enterprises in compliance with conditions and procedures set forth by the Law on Public Enterprises. The Assembly of the Association must highlight which member municipalities participate in this joint exercise. Participating municipalities will be listed as co-founders and co-owners.

The participating municipalities own an equal number of shares. The shares owned by the Association cannot exceed fifty per cent.

2. On behalf of member municipalities willing to participate in a joint exercise, the Association may enter into institutional or contracting forms of public-private partnership in compliance with the terms and procedures outlined in the respective legislation for public-private partnerships.

#### **Article 21 [supporting the returnees]**

1. The Association will support the right of all people, regardless of their background, to return to their place of residence before the year 1999.
2. The Association will set up the “Department for Returnee Affairs” to coordinate and organize the daily affairs related to supporting the returnees.
3. The Association will engage in improving the local living conditions of returnees and will adopt appropriate measures accordingly. For this purpose, in the territory of its member municipalities, the Association may oversee projects in cooperation with the Ministry for Returns and Communities. Provide direct assistance to the returnees, gather financial and other support for infrastructure projects, and propose projects and action plans to the Government and the participating municipalities.
4. The Association will promote, support, and participate in trust-building efforts and activities.

#### **Article 22 [research and development activities]**

1. The Association will conduct, coordinate, and facilitate research and development activities.
2. The Association can establish one or more joint public institutions to conduct, coordinate and facilitate research and development activities. Participating municipalities will be listed as co-founders.
3. Individual member municipalities are free not to join in this joint exercise. This decision does not affect their membership status.
4. Upon consultations with the participating municipalities, the Assembly of the Association decides to establish these joint public institutions. This decision needs to be confirmed separately by the Municipal Assemblies of the member municipalities willing to participate in this joint exercise. The Assembly of the Association needs to specify which member municipalities are eager to act as co-founders, the name and seat of the institution, the scope of activities of such

institution, permanent sources of funding, the manner and conditions for ensuring the means for the work of the institution, mutual rights and obligations of the institution and founder, duration of the operation of the institution, rights, obligations and liabilities of the institution in the legal interrelations with the third parties, responsibility of Association and co-founding municipalities when it comes to the institution debts, organization of the institution and accompanying procedures, supervision and other aspects essential for the functionalization and operation of the joint institution in keeping with the applicable law.

### **III – RELATIONS WITH CENTRAL AUTHORITIES**

#### **Article 23 [key features]**

1. The Association will engage with the Kosovo central authorities based on mutual cooperation and information sharing in the spirit of promoting democracy and multiethnicity and in line with the Kosovo legal system.
2. In matters of collective interest, the Association represents its members.
3. The Association will promote the interests of the participating municipalities, communities and residents of its participating municipalities in good faith and the spirit of inclusive multiethnicity.
4. The Association/Community will have the right to have access to information from central authorities per the applicable law.

#### **Article 24 [direct channel of communication – obligation to consult]**

1. The Association may nominate representatives in the competent bodies and institutions of the central authorities, including the Consultative Council for Communities.
2. At any time, the Association may ask the Office of the Prime Minister and other relevant authorities for immediate inclusion in the consultation process prior to all decisions and actions that may influence the objectives of the Association. The Office of the Prime Minister and other relevant authorities shall provide the Association with a genuine opportunity to be heard and comprehensively discuss matters. Failure to use this opportunity in no way prevents the Office of the Prime Minister and the relevant authorities from proceeding in the matter. Observers from the European Union, the Council of Europe and the diplomatic core present in Kosovo may be invited (by either side) to observe these discussions.

3. The Government will invite the Association to present its opinion (in writing) during the consultative process to draft new legislation or amend the existing legislation on local governance and community rights. The Association is free (and encouraged) to present its opinion (in writing) on any other draft legislation covering any area that the Association considers to be of interest or concern.
4. The Association may raise concerns with the central authorities regarding the ethnic diversity of the Kosovo Police covering the member municipalities, the quality of community policing, the proportionate ethnic representation in the institutions, and any other matter of interest for the objectives of the Association. The relevant authorities shall provide the Association with a genuine opportunity to be heard and comprehensively discuss matters. Observers from the European Union, the Council of Europe and the diplomatic core present in Kosovo may be invited (by either side) to observe these discussions.

#### **Article 25 [Kosovo Police]**

1. The Commander of the Kosovo Police Regional Command covering the four northern municipalities (Severna Mitrovica/Mitrovicë e Veriut, Zvečan/Zveçan, Leposavić/Leposaviq and Zubin Potok) is selected from a list of nominations presented by the Association.
2. The mayors of these municipalities compile the list of nominations.

#### **Article 26 [legislative initiative]**

1. Per Article 79 of the Constitution, the Association is not an authorized party to directly propose new legislation. However, in good faith, the Office of the Prime Minister will work with the Association to accommodate the interest in such initiatives.
2. The Association may present to the Prime Minister legislative proposals relevant to local self-governance and legislative proposals pertinent to the safeguarding and promotion of the rights and interests of the Kosovo Serb community. In good faith, without prejudice to the content, on behalf of the Association, the Office of the Prime Minister will forward these proposals to the Assembly of Kosovo for further review. However, this does not imply that the Government is the official sponsor of the proposed legislation. The legal and administrative opinion of the Office of the Prime Minister will be attached to these proposals as a separate submission.

### **Article 27 [court referrals]**

1. The Association will have the right to initiate or participate in proceedings before the competent Courts against any acts or decisions from any institution affecting the exercise by the Association of its powers as outlined in this Statute.
2. Acting on behalf of its membership, through a collective legal action of all member municipalities, the Association can make a referral to the Constitutional Court against any act or decision from any institution believed to undermine or affect the rights and authorizations of the Association to act as a joint inter-municipal body, as outlined in this Statute.
3. The Association may present to the Prime Minister a constitutional case referral against any act or decision of any institution believed to violate Chapter III of the Constitution. In good faith, the Office of the Prime Minister will forward these referrals to the Constitutional Court on behalf of the Association.

## **IV – ORGANIZATIONAL STRUCTURE**

### **Article 28 [bodies of the Association]**

1. The bodies of the Association shall promote coexistence and peace among the citizens of their member municipalities and encourage appropriate building conditions to enable all communities to express, preserve, and develop their national, ethnic, cultural, religious, and linguistic identities.
2. The Association/Community will have the following bodies:

Assembly of the Association.

President of the Association.

Vice-president of the Association.

Council of the Association.

Board of the Association.

Appeals and Complaints Office of the Association/Community.

### **Article 29 [Assembly of the Association]**

1. The Assembly of the Association is the highest body of the Association.
2. The Assembly of the Association shall:



- a. Adopt and amend the Statute.
  - b. Adopt Regulations, Special Regulations, Rules of Procedure, decisions, statements, declarations.
  - c. Appoint and dismiss the President, Vice Presidents of the Community, the Chairperson and Vice Chairs of the Assembly of the Association, the Board of the Association, or selected members of the Board, and any other official who is directly responsible to the Assembly of the Association, per the procedures outlined in this Statute.
  - d. Review and adopt the budget of the Association.
  - e. Deliberate, review, and set policy priorities.
  - f. Review and approve cooperation agreements with third parties.
  - g. Regulate all affairs pertaining to the internal functioning of the Association.
3. Decisions are made by a majority vote, conditioned that the majority of all members of the Assembly (50% +1) is registered as present and voting.
  4. Chairperson of the Assembly of the Association, and a minimum of two Vice Chairs, are elected among the members of the Assembly of the Association by a majority vote of all members.
  5. The Mandate of the Assembly members is four years. However, at any time, every participating municipality has the right to replace their representatives, by a majority vote in the respective Municipal Assembly.

### **Article 30 [Board of the Association]**

1. The Board of the Association is the executive body of the Association.
2. The Board proposes the annual budget.
3. The Board is responsible for the execution of the budget and approving payments, it manages the assets of the Association, and other daily affairs of the Association.
4. The Board of the Association prepares the performance reports.
5. The Board of the Association reports directly to the Assembly of the Association.
6. The Board of the Association has seven (7) members.
7. The composition of the Board will reflect the ethnic diversity of the participating municipalities.
8. The Chairperson, and vice chairs, of the Board of the Association are elected among themselves.
9. The President of the Association, the Chairperson of the Assembly of the Association, and any other member of the Assembly of the Association, may

nominate candidates to serve as Board members. These candidates are selected from among the mayors and residents of the participating municipalities.

10. Members of the Board are elected by the majority vote of all members of the Assembly of the Association.
11. The mandate of the Board is four (4) years.
12. The members of the Board are supported in their work by professional collegiums, composed of experts. The Board decides on the scope of work of each collegium. These collegiums are listed below:
  - a. Collegium for Economic Development,
  - b. Collegium for Education,
  - c. Collegium for Healthcare.
  - d. Collegium for Urban and Rural planning,
  - e. Collegium for Research and Development,
  - f. Collegium for Human and Community Rights,
  - g. Collegium for the Quality of Public Services.
  - h. Collegium for Local Self-Governance.

#### **Article 31 [Chairperson of the Board]**

1. The Chairperson is the Chief Executive Officer of the Association. He/her manages and coordinates the work of the Board and represents the Board.
2. He/Her manages the human resources of the Association.
3. He/Her is authorized to sign contracts on behalf and for the account of the Association.
4. He/her presents the performance report to the Assembly of the Association.
5. The Chairperson may delegate his tasks to any other member of the Board.

#### **Article 32 [President of the Association]**

1. The President of the Association represents the Association before the central authorities and third parties, domestic or foreign.
2. The President of the Association is elected by the Assembly of the Association, from among the members of the participating municipalities' assemblies and their mayors. Election procedures are regulated by the Rules of Procedure of the Assembly of the Association.
3. The Vice-President of the Association will assist the President in the conduct of his/her duties. The Vice-President is elected by the Assembly from among the members of the participating municipalities' assemblies and their mayors.

Election procedures are regulated by the Rules of Procedure of the Assembly of the Association.

4. The mandates of the President and Vice-President are four (4) years. However, upon each local election cycle, the Assembly of the Association can call for a non-confidence vote, per the procedures regulated in the Rules of Procedure.

### **Article 33 [Council of the Association]**

1. The Council of the Association is an advisory body providing guidelines for the work of the Association.
2. The Council shall have a maximum of thirty (30) members. Membership in the Council will reflect the ethnic diversity of the participating municipalities.
3. By virtue of their position, all mayors of the participating municipalities are members of the Council.
4. Other members are selected from among the residents of the participating municipalities.
5. Rules and procedures to elect the remaining members of the Council will be regulated through a Regulation adopted by the Assembly of the Association.

### **Article 34 [Administration of the Association]**

1. The Association will have an administration, headed by a Chief of Administration appointed by and reporting to the Board.
2. The administration supports the work of the Association, in particular the Board and the President.
3. The staff of the administration is composed of impartial, professional, and accountable citizens of Kosovo, regardless of their municipal residence. The staff of the administration reflects the multi-ethnicity and gender equality standards embedded in the applicable law. The staff of the administration are employed by the Board based on merit and upon passing selection procedures drafted and approved by the Assembly of the Association.
4. The staff of the administration will benefit from a formal employment status with the Association and will enjoy the rights and protection afforded to employees by the Law on Labour.

### **Article 35 [Appeals and Complaints Office of the Association]**

1. The Appeals and Complaints Office shall be authorized to receive and deliberate upon appeals and complaints by the municipal authorities (mayor and municipal assembly) of the participating municipalities or civic groups, commercial entities, or professional unions from the participating municipalities.
2. The complaints and appeals that may be submitted to this Office are those pertaining to alleged violations by the Association against the rights and interests of its participating municipalities, their residents, commercial entities, or professional associations.
3. The Office will also be mandated to receive and deliberate upon motions and petitions by the societal actors from the participating municipalities with regards to the fulfilment of the objectives and the functioning of the bodies of the Association.
4. Decisions of this Office in relation to the complaints, appeals and petitions submitted to it shall be applicable to the relevant bodies of the Association.
5. Decisions of this Office can be appealed in the Courts.
6. The internal structure and organization of this Office is regulated by the Assembly of the Association.

## **V – BUDGET AND FINANCING**

### **Article 36 [Budget]**

1. The Association will have its own budget, which will be administered in accordance with the principles of transparency and accountability, and the provisions of the Law on Public Procurement.
2. The Association will have an annual integrated budget proposed by its Board and approved by its Assembly. Its annual budget shall be proportional to, defined by and appropriate for the Association objectives and functioning of its bodies, as defined by this Statute.
3. The Office of the Prime Minister and Auditor General of Kosovo shall receive each annual integrated budget of the Association prior to its approval. The Office of the Prime Minister and Auditor General will conduct a review of the draft budget for compliance with the Association objectives and functioning of its bodies as defined by this Statute. The Office of the Prime Minister and Auditor General will conduct the draft budget review within 15 working days upon receipt. If found to be compliant, the central authorities will notify the Assembly of the Association,

which will then approve the budget through its designated procedures. If a portion of the draft budget is found to be non-compliant, the Office of the Prime Minister and Auditor General will not hold the entire integrated budget pending. In such cases, the Assembly of the Association shall be given recommendations on amending or eliminating the disputed budget provisions. If the Assembly of the Association disagrees with the recommendations of the central authorities, it shall notify them within 10 working days. In such cases, the Office of the Prime Minister will refer the matter to the Constitutional Court, the decision of which will be final and obligatory for all parties.

4. Under the provisions listed above, the Association will have full autonomy in the management and perusal of its integrated budget.

#### **Article 37 [modes of financing]**

1. The Association will be funded from:
  - a. Contributions from its members.
  - b. Income and revenue from the services provided by the Association/Community, its companies or drawn from its movable or immovable assets.
  - c. Transfers from the central authorities.
  - d. Contributions, grants, donations, as well as financial support from other associations and organizations, domestic and international, including the Republic of Serbia.
2. Any funding that the Association may be set to receive beyond its integrated annual budget will be for expenditures in line with this Statute and shall require specific approval by the Office of the Prime Minister.

#### **Article 38 [oversight]**

1. The Association expenditures shall be subject to audits by the competent authorities, including by the Auditor General of Kosovo.
2. The Association shall provide annual reports to the Office of the Prime Minister on the receipt and management of its funds.
3. The Association shall not infringe on the exclusive powers of the participating municipalities guaranteed by Article 40.2 of the Law on Local Self-Government.

## **VI - MISCELLANEOUS PROVISIONS**

### **Article 39 [Purview of the Office of the Prime Minister]**

1. The purview of the Office of the Prime Minister is limited to the administrative review (as noted in point 14 of Article 18 of this Statute) and the oversight of the quality of performance per the public service code of conduct, and other values, as defined per the applicable law.
2. To ensure compatibility with the Constitution, this Statute and the relevant applicable law, all Special Regulations and Implementing Decisions will go through an administrative review by the Office of the Prime Minister. The administrative review process occurs within fifteen (15) calendar days after the Association submits its input. Only after a positive review, these decisions are enforced.
3. If the Association disputes the outcome of the administrative review, the Office of the Prime Minister will ask the Constitutional Court for an opinion. The referral occurs no later than three (3) working days after the Association notifies (in writing) the Office of the Prime Minister of its disagreement with the outcome. The opinion of the Court is final.
4. For the delegated tasks outlined in articles 17 and 18 of this Statute, the Prime Minister will designate a joint responsible unit to monitor the quality of performance indicators. The responsible unit will be composed of an equal number of members representing the Association and the Office of the Prime Minister. The responsible unit will establish a system of quality performance measurement indicators to effectively monitor the quality of performance of the delegated tasks.
5. The Prime Minister will separately approve these performance indicators upon consultation with the Board of the Association. These indicators should in no way hinder the functional independence of the Association.
6. The responsible unit prepares and presents at least one annual report to the Prime Minister.
7. This responsible unit will also monitor the implementation of Article 20 of this Statute concerning the management of education and healthcare institutions established and financed by the Republic of Serbia.
8. For this purpose, the responsible unit prepares and presents at least one annual report to the Prime Minister.

#### **Article 40 [employment and the status of staff]**

1. The Association shall appoint or employ its staff per the standards and procedures outlined in applicable law.
2. Per the Law on Public Officials, the administrative staff performing the specific tasks outlined in Articles 17 and 18 will have the status of public servants.
3. Members of the Board of the Association will also have the status of public servants.

#### **Article 41 [representative offices]**

1. For better representation, promotion and achieving the interests of member municipalities, the Association may set up representative offices in other municipalities outside of its membership.
2. These offices may also be set up abroad.
3. The funding for these offices should not affect other activities of the Association.

#### **Article 42 [legal aid service]**

1. The Association may set up a legal aid office to provide free legal assistance.
2. Legal assistance shall be provided to all persons who cannot afford professional legal assistance without compromising their own existence, regardless of their background or place of residence.
3. The Assembly of the Association regulates the internal structure and organization of this Office.

#### **Article 43 [The Official Bulletin]**

1. The Official Bulletin is an online resource managed by the Association where all decisions of the bodies of the Association are to be published.
2. Special Regulations and Implementing Decisions are published only after a positive administrative review, per Article 39 of this Statute.
3. All publications are published in three languages: Serbian, Albanian, and English.

## **VI - TRANSITORY PROVISIONS**

### **Article 44**

1. Within five years, the “Serbian Education Network” curriculums must be harmonized with the Kosovo Curriculum Framework unless regulated differently through a bilateral agreement between Kosovo and Serbia. After harmonizing the curriculums, the “Serbian Education Network” will be equipped with a standard operating license.
2. Upon a bilateral agreement between the Republic of Kosovo and the Republic of Serbia regulating cooperation and mutual assistance in the healthcare field, the “Serbian Healthcare Network” will be equipped with a standard operating license.
3. Pending a full normalization of relations between Kosovo and Serbia, the temporary licenses may be extended by a decision of the Government.
4. Pending a full normalization of relations between Kosovo and Serbia, the Association may be authorized to temporarily manage other services provided by the institutions established and financed by the Republic of Serbia upon a separate agreement between Kosovo and Serbia.

## **VII – FINAL PROVISIONS**

### **Article 45**

1. Within one year after the adoption of this Statute, the Joint Monitoring Committee shall review its implementation by supervising the implementation of the “Agreement on the Path to Normalization of Relations between Kosovo and Serbia”.