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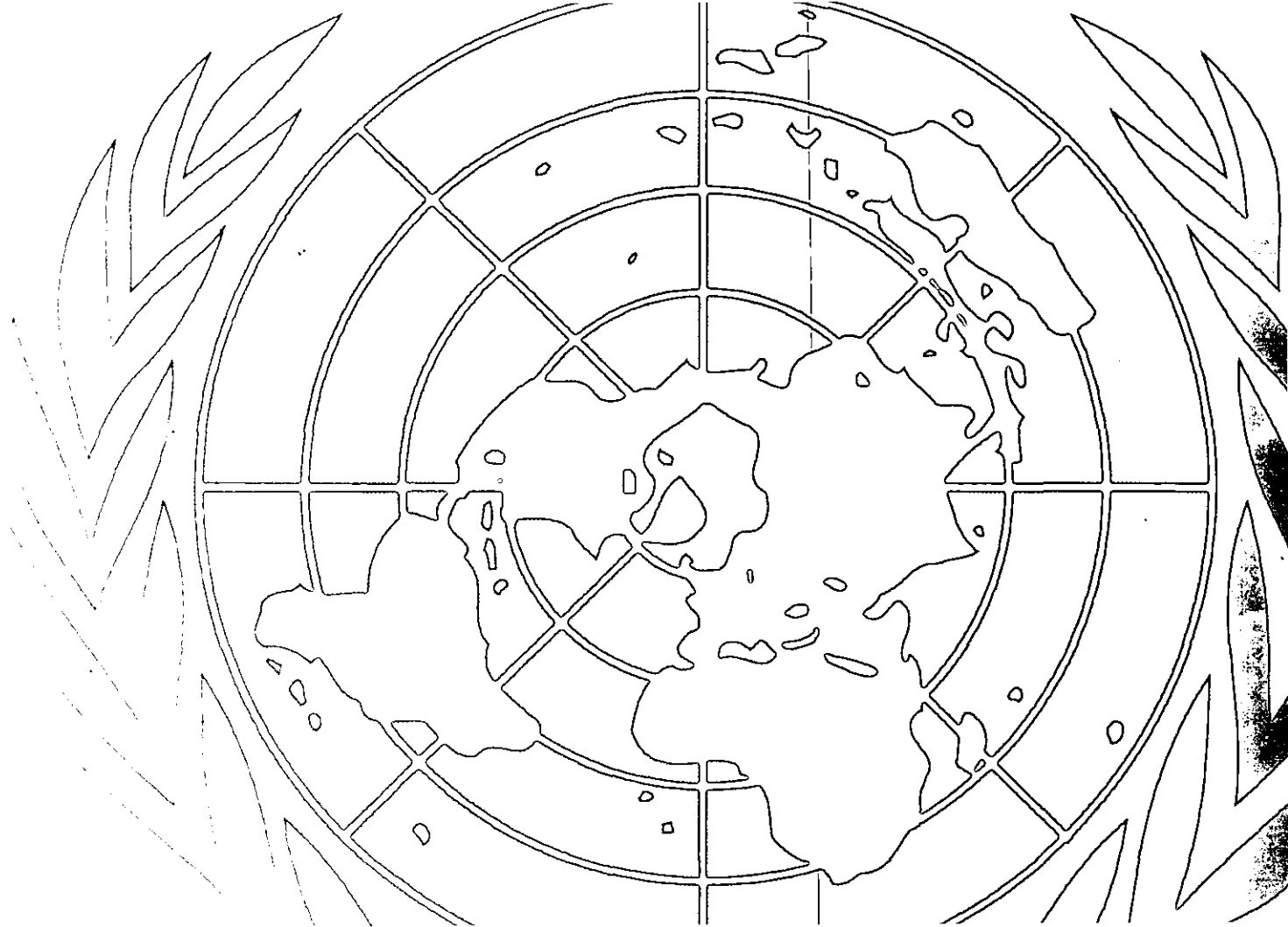


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the way ahead

**CONSTITUTIONAL FRAMEWORK
FOR PROVISIONAL
SELF-GOVERNMENT IN KOSOVO**



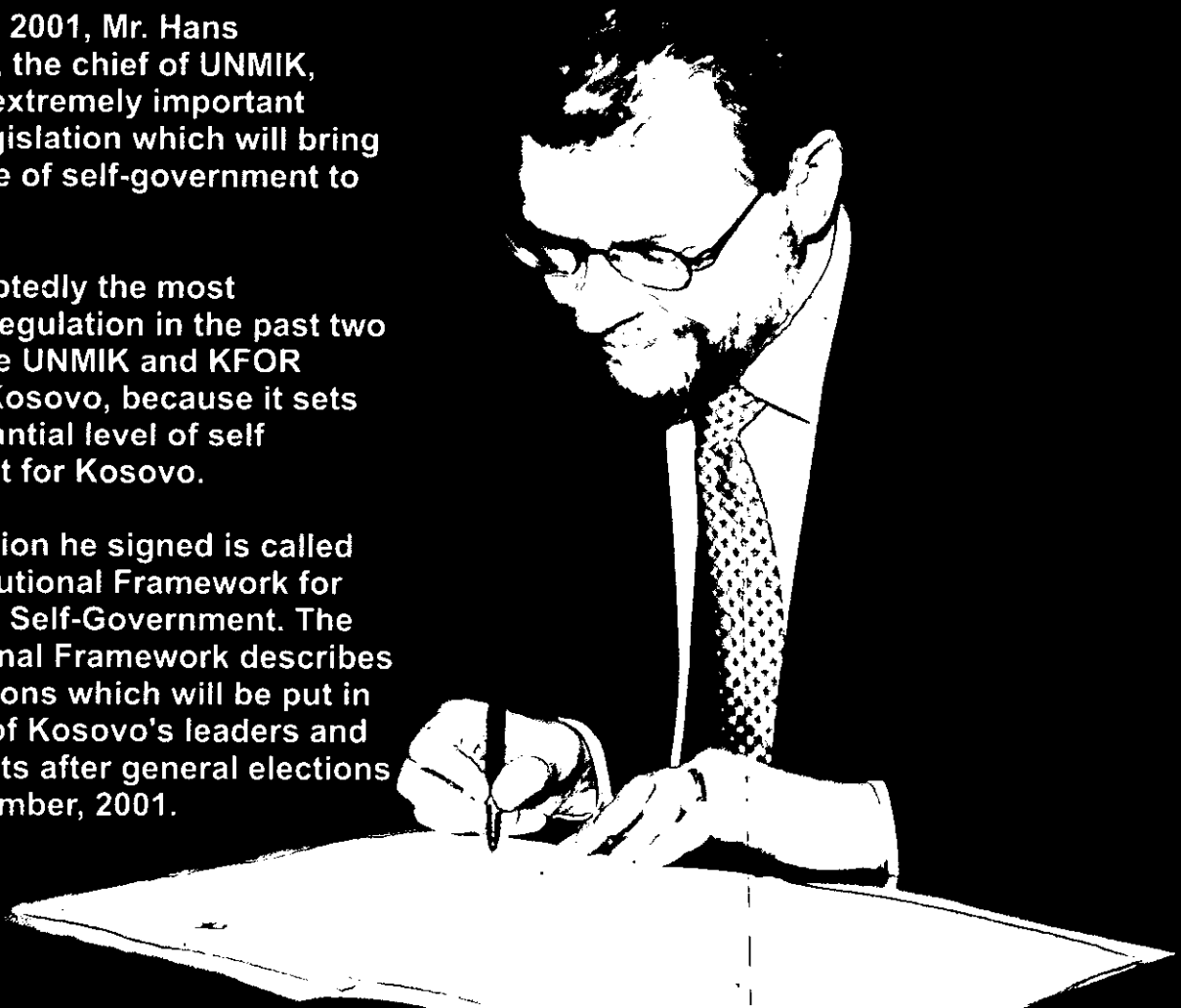


WHAT'S IT ALL ABOUT?

On May 16, 2001, Mr. Hans Haekkerup, the chief of UNMIK, signed an extremely important piece of legislation which will bring a new stage of self-government to Kosovo.

It is undoubtedly the most important regulation in the past two years, since UNMIK and KFOR arrived in Kosovo, because it sets up a substantial level of self government for Kosovo.

The regulation he signed is called the Constitutional Framework for Provisional Self-Government. The Constitutional Framework describes the institutions which will be put in the hands of Kosovo's leaders and civil servants after general elections on 17 November, 2001.



Anyone over 18 who lived in Kosovo on January 1, 1998, can register to vote. Everyone who is registered to vote can take part in the elections.

You will vote for a political entity (this includes political parties, coalitions, citizen initiatives and independent candidates) and the entity with the most votes will select representatives to sit in the Assembly.

This will be the first time in Kosovo's recent history when the people could freely vote, by a secret ballot, for its own Assembly.

The Assembly of 120 members will elect a President of Kosovo. The President will nominate a Prime Minister and the Prime Minister will form the Government which will enact the laws proposed by the Assembly.

All these bodies will be filled by people of Kosovo. There will be 20 Assembly seats and other ministerial posts set aside for communities that are not part of the majority population.

The Constitutional Framework, which was written by Kosovo and international legal experts, includes strong protections for communities who are not in the majority. Human rights are also ensured by this legislation.

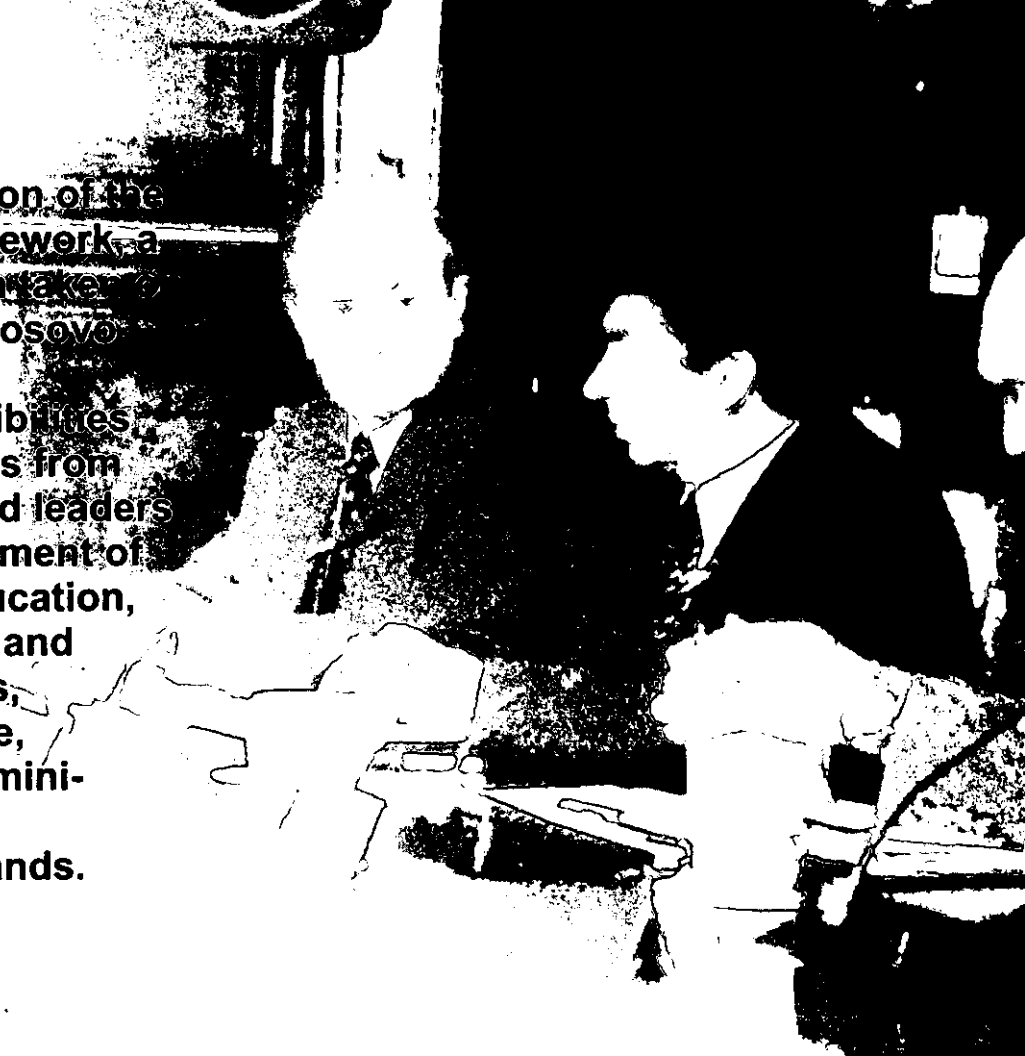
Creating the institutions of self-government is an important stage in the history of Kosovo and in the mandate of UNMIK, which is defined by the United Nations Security Council in its Resolution 1244 of 10 June 1999.

After the elections, as the stages of the new self-government are implemented, UNMIK will still be here. Security Council Resolution 1244 will still be in effect. But gradually, UNMIK will take a back seat in many areas of government.

The head of UNMIK, the SRSG, will retain certain executive powers, powers that might otherwise be exercised by a federal authority. The SRSG will oversee law and order, the Kosovo Protection Corps and the Kosovo Budget. He will also make sure that Resolution 1244 is followed. And, if there are problems concerning minority communities which the Assembly cannot resolve, he will step in.

With the promulgation of the Constitutional Framework, a major step has been taken on the way ahead for Kosovo.

Significant responsibilities and powers will pass from UNMIK to the elected leaders and the new government of Kosovo. Health, education, social welfare, post and telecommunications, transportation, trade, planning, public administration and more will all be in your hands.



There was much negotiation over the Constitutional Framework with representatives of your political parties and communities.

Almost all the substantial items proposed by the Kosovo Albanians are included in the final document. Yet some people are still not fully satisfied. Among Kosovo Albanians, there was an urgency to move more quickly to determine Kosovo's final status.

Among Serbs, there were fears that their interests would not be adequately protected and that the Constitutional Framework would move Kosovo too quickly toward a final status.



In the end, SRSG Hans Haekkerup, the only person who could sign the Framework, decided to sign it without the complete agreement of all concerned.

He reminded people that UNMIK cannot determine the final status of Kosovo; that is for another point in the future and for many others to determine.

But, by having the Constitutional Framework, democratically elected leaders and a substantial degree of self-government, Kosovo will continue to move toward the day when the final status can be determined.

The Constitutional Framework is a major stepping stone on the road toward substantial autonomy and toward a future in which all the people can live peaceful, safe and fulfilling lives in Kosovo.



WHAT WILL YOUR GOVERNMENT LOOK LIKE?

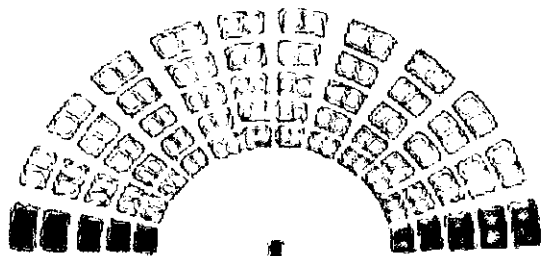
Kosovo will have a democratic government with three main branches. The branches are the legislature, the executive and the judicial bodies. They will be responsible for the provisional self-governing functions in Kosovo, in accordance with UN Security Council Resolution 1244. Above all, the Provisional Self-Government will promote and respect the rule of law, human rights and freedoms and democratic principles.



Legislature



The assembly will have 120 members. The people of Kosovo will elect the members on November 17, 2001. Each member will serve a three year term.



THE ASSEMBLY

100 of the 120 seats will be distributed in proportion to the number of votes received among all communities.

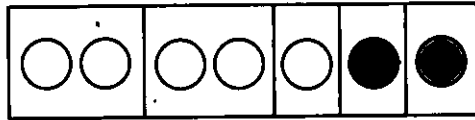
10 of the 120 seats will be reserved for Kosovo Serbs. They will be distributed based in proportion to the number of votes received.

THE ELECTION

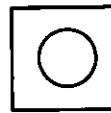
10 of the 120 seats will be allocated to other communities. The Roma, Ashkali and Egyptian community will receive 4 seats; the Bosniaks 3 seats; the Turkish community 2 seats and the Goranis one seat. They will be distributed based in proportion to the number of votes received.

These 20 set-aside seats will be beyond the seats which the political entities representing these communities might win from the other 100 seats. These will be elected by the voters and will guarantee the representation of the interests of all Kosovo communities in the Assembly.

PRESIDENCY OF ASSEMBLY



The Assembly will have a 7 member presidency. Two members will be appointed by the party obtaining the highest number of votes in the Assembly election. Two members will be appointed by the party with the second highest number of votes. One member will be appointed by the party with the third highest number of votes. One member will be appointed by the Kosovo Serb Community and one member will be from the non-Kosovo Albanian or Serb Community.



PRESIDENT OF ASSEMBLY

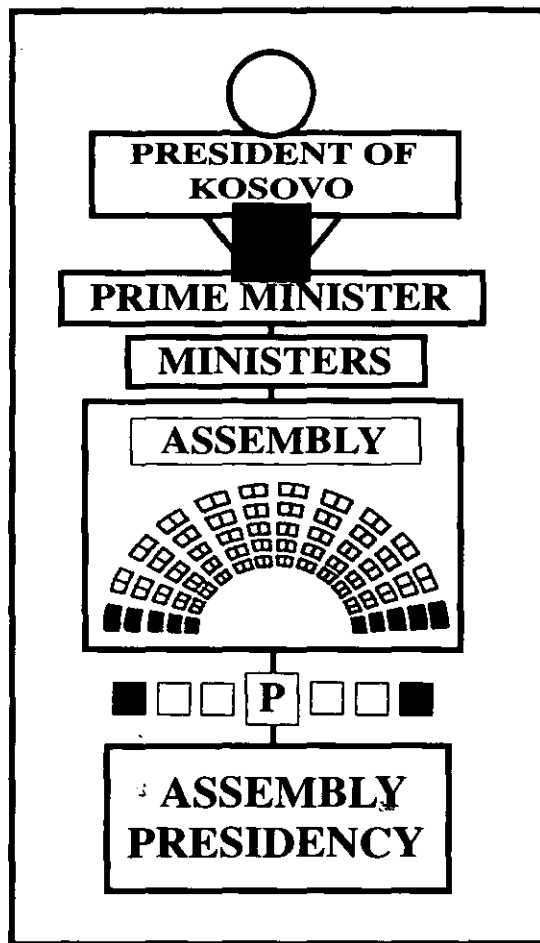
A member of the party obtaining the highest number of votes in the Assembly election will be appointed as the President of the Assembly.

RESPONSIBILITIES

The Assembly will pass laws in their area of responsibility, elect the President of the Assembly, elect the President of Kosovo, endorse or reject the nominated Prime Minister and Ministers, among other things.

LANGUAGES

All laws will be published in Albanian, Bosniak, English, Serbian and Turkish.



PRESIDENT OF KOSOVO

How the president is elected

The party having the largest number of seats, of at least 25 members in the Assembly, will nominate the President. The entire Assembly will vote and elect the President with a 2/3 majority of the vote.

The President will represent the people of Kosovo. In coordination with the SRSG, he will be responsible for external relations and will ensure the democratic functioning of the Provisional Institutions. The President will also have the important task of nominating a Prime Minister and other members of the government to the Assembly for approval.

COMPOSITION

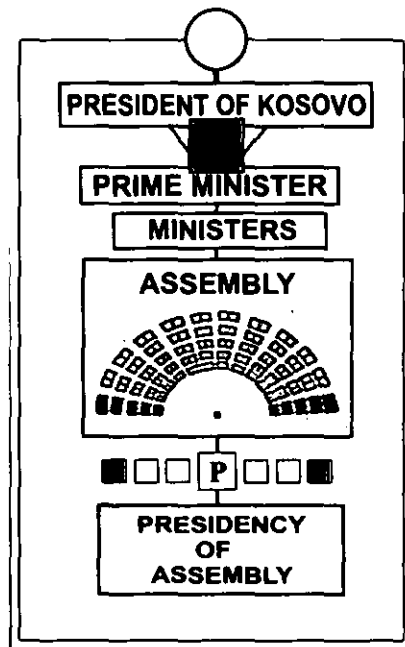
Ministers shall be established to carry out Kosovo's governmental responsibilities transferred to the Provisional Self-Government. At all times there must be at least two ministers from communities other than the community with the majority in the Assembly

PRIME MINISTER AND MINISTERS

The President of Kosovo will nominate a Prime Minister to the Assembly. The Assembly will approve or reject the nomination. The Prime Minister will nominate the Ministers to the Assembly. The Assembly will approve or reject their nomination.

LENGTH OF TERM

The Ministers' term shall end only if the Assembly expresses a lack of confidence in the Ministers and votes them out of office.

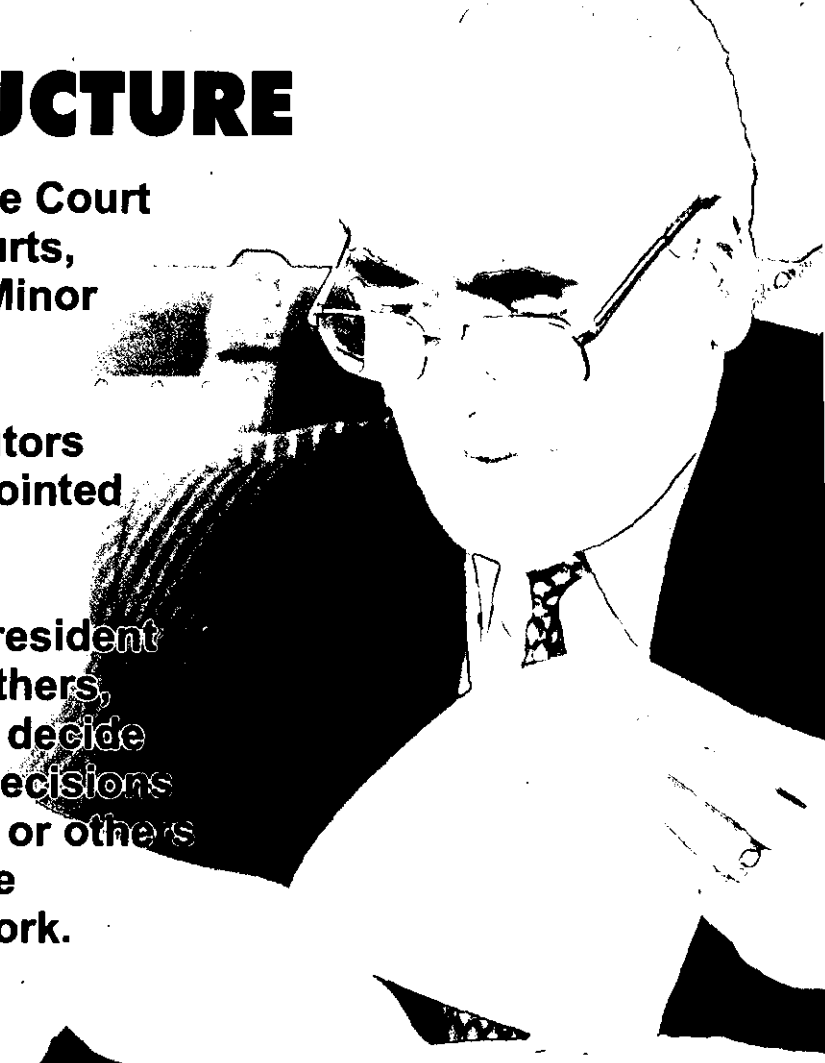


COURT STRUCTURE

There will be a Supreme Court of Kosovo, District Courts, Municipal Courts and Minor Offense Courts.

All judges and prosecutors will continue to be appointed by the SRSG.

At the request of the President of Kosovo or several others, a Special Chamber will decide if any laws passed or decisions made by the Assembly or others is incompatible with the Constitutional Framework.





LAW AND ORDER

Maintenance of law and order is of fundamental importance for all the people of Kosovo.

KOSOVO POLICE SERVICE

The KPS functions under the authority of the SRSG and under the supervision of the UNMIK Police. The KPS continues its role in crime prevention, public protection and safety.

KOSOVO PROTECTION CORPS



The KPC is a civilian emergency organization which carries out rapid disaster response tasks for public safety in times of emergency and for humanitarian assistance.



WHAT ARE MY RIGHTS?



WHAT ARE MY RIGHTS?

The Constitutional Framework places a great emphasis on the protection of the rights of individuals and communities.

In fact, the major purpose of a parliamentary democracy is to ensure the respect for the rule of law in order to protect the rights of its people.

WOTE!

One of the most fundamental rights, the right to vote for your political representatives, will be exercised on November 17, 2001. Every registered Kosovo voter can cast a ballot on that day. And remember, your vote is secret...

PROTECTING YOUR RIGHTS

The Constitutional Framework includes all the major internationally recognized covenants and laws on human rights. These spell out the universally accepted rights of children, minorities and women and they prohibit discrimination based on race, gender, age, religion, or political or ethnic membership. All provisions of those documents will be applicable in Kosovo.

If any resident of Kosovo feels his or her civic or human rights have been violated, or that a public authority has been abusive, that resident may complain to the Office of the Ombudsperson.

The Ombudsperson must investigate all allegations of abuse and can take action in the case of violations.



RIGHTS OF COMMUNITIES AND THEIR MEMBERS

The Constitutional Framework takes great care to point out the need for Kosovo's various communities to enjoy full human rights. To begin with, it states that refugees and displaced people have the right to return to their homes, to recover their property and possessions and to move freely around Kosovo.

The Constitutional Framework states that the rights of all communities must be fully protected. Due to the special circumstances surrounding Kosovo, the new Self-Government must, in policy and practice, promote co-existence and support reconciliation among communities.

Recognizing that Kosovo has several communities who do not consider themselves part of the ethnic Albanian majority, the Constitutional Framework is careful to spell out the fact that all communities must enjoy equal rights. The Framework gives many examples of what that means.

Great attention is given to the rights of communities in order to preserve, protect and permit the expression of ethnic, cultural, religious and linguistic identity.



What does this mean? First of all, it is your right to decide to which community you belong. It is your right to use the language of your community freely, including before the courts and other public bodies in Kosovo.

It is your right to receive education in your own language and to enjoy access to information in your own language. For instance, members of your community are free to provide information in their language and to establish their own media. Communities should have access to and representation in the public broadcast media, which should offer programming in languages of the communities.

Likewise any community may provide education in its own language and may seek public funds to do so, provided the curricula respects the law and the human rights and traditions of all communities.

Everyone must enjoy equal rights to employment in public jobs and access to public services, including health and social welfare.

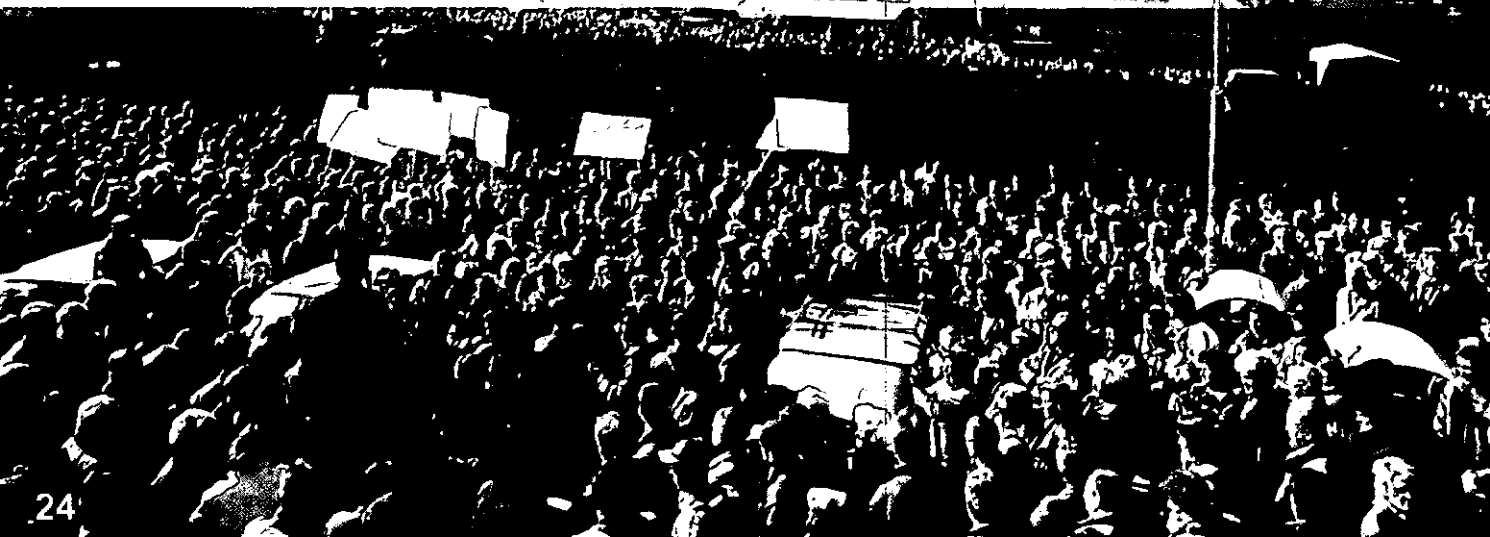
Members of communities have the right to promote respect for community traditions, to operate religious institutions and to finance their activities by seeking voluntary contributions from their members or organizations outside Kosovo, or even from public authorities.



It is your right to have contact with other members of your community within and outside Kosovo and to establish associations to promote community interests.

It is your right to use symbols of your community, within the existing legal framework.

The Provisional Self Government is mandated to ensure that all communities and their members enjoy their rights and equal rights. Should the rights of any community or its members be threatened or abused, the SRSG has the full authority to intervene to remedy the situation.



PROTECTING THE RIGHTS OF COMMUNITIES IN THE ASSEMBLY

One of the major committees in the Assembly is the Committee on Rights and Interests of Communities, which will be composed of one or two members from each of Kosovo's communities elected to the Assembly.

When a law is proposed to the Assembly, any member of the Presidency of the Assembly can submit a proposed draft to the Committee on Communities. That Committee can make recommendations to ensure that community rights and interests are addressed adequately in the law. The Committees' recommendations are then submitted to the relevant functional committee or to the Assembly itself. The Committee on Communities can also propose laws.

There is an additional mechanism in the Assembly's Procedure for Adopting Laws to ensure the majority members cannot arbitrarily act against the rights and interests of the minority members. This involves the formation of a special subgroup of the Assembly which can make a motion to the Presidency to ensure a proposed law does not threaten a community's rights or interests. If the Presidency cannot reach consensus on the matter, the SRSG may propose a special panel with representatives of the two sides, which will make its own recommendation to the Assembly. In the end, laws are signed only by the SRSG, who can veto any act which could threaten the rights or interests of a community.



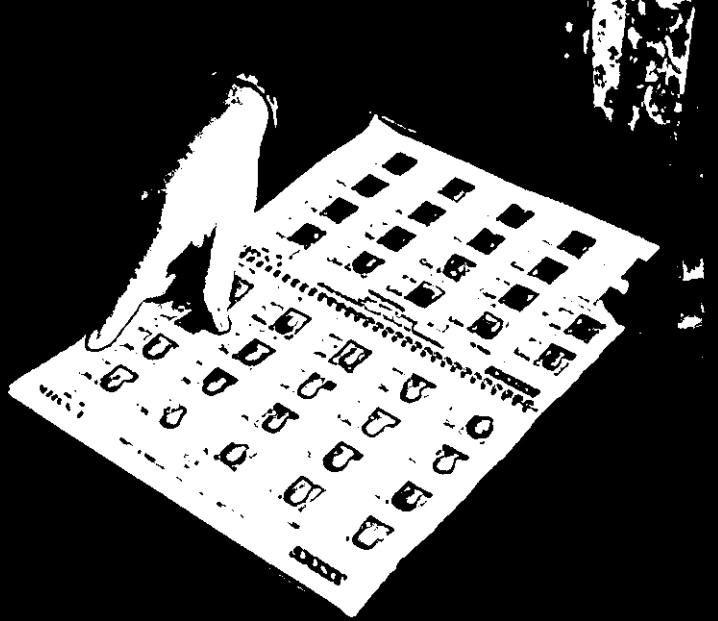
CONSTITUTIONAL FRAMEWORK: WHAT COMES NEXT?

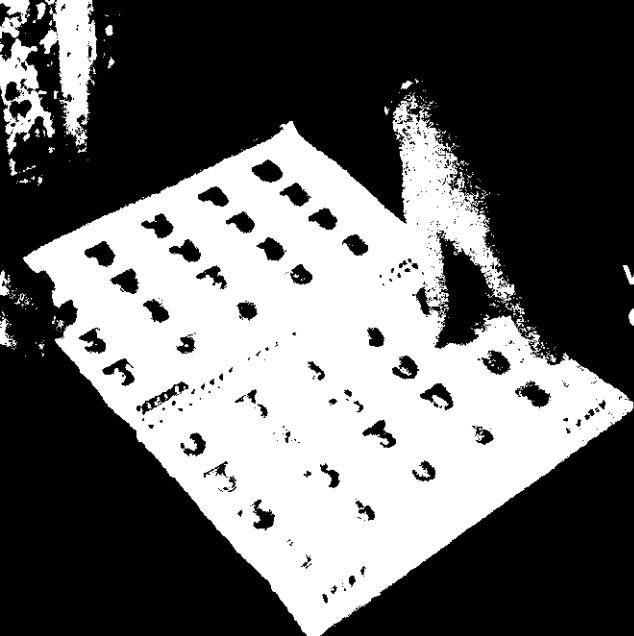
Now that the Constitutional Framework has been promulgated, the next step in preparing for interim self-government and substantial autonomy are the elections on November 17 2001.

During the next six months political parties, coalitions, community initiatives and independent candidates will be registered. The election commissions will produce campaign rules and codes of conduct. Polling station staff will be recruited.

WHO CAN VOTE?

Any person who is registered on the civil register and who is at least 18 years old on Election Day will be eligible to vote. People living outside of Kosovo but who lived in Kosovo on January 1, 1998, will also be able to register to vote.





If you registered in the civil registration after last year's municipal elections, or if you had problems finding your name on the Voters' List during last year's elections, you must visit an OSCE Voter Service Center, which will open later this year, to find out where you will vote on 17 November.

If you have not registered, you can visit a UN Municipal Civil Registration Center in your municipality. If you live in an enclave and cannot travel to the Registration Center, you can wait for a UN/OSCE registration team to visit your town or village.

Watch for information in the media during July and August about where, when, and how to use the OSCE Voter Service Centers or how to register as a voter living outside Kosovo. Voting will be done in person in Serbia and Montenegro and by mail from other countries.

WHAT AM I VOTING FOR?

The Assembly will have 120 seats - 100 will be elected by all voters, and the other 20 "set-aside" seats will represent non-majority ethnic communities:

Ten of the set-aside seats will be for Kosovo Serb community political entities (this includes political parties, coalitions, citizen initiatives and independent candidates) . Four set-aside seats will be for representatives of the Kosovo Roma, Ashkali, and Egyptian communities; three of the set-aside seats will be for the Kosovo Bosniaks; two of the set-aside seats will be for Kosovo Turks; and one for the Kosovo Gorani community.

The purpose of these extra seats is to ensure that the interests of all of Kosovo's communities are represented in the Assembly.

WHAT KIND OF ELECTION WILL IT BE?

The ballot will be completely secret - only you will know who you vote for. This election will be conducted according to high international standards. You will be free to vote as you choose.

The Assembly will be elected from a single Kosovo-wide district. All voters will have the same ballot and the same choices. The election will be proportional. For example, if a political party wins about 40% of the vote, it will also win about 40 of the 100 seats in the Assembly that all voters will elect.

Last year you could vote for a party and a candidate. This year there may be more than 2,000 candidates, too many to place on a ballot. So, this year you will vote for political entities, which include political parties, citizen initiatives and independent candidates. However, before the election, you can see the candidate list of each party, which will be posted in each Polling Center.

Candidate lists may be required to include both women and men and people from the smaller municipalities to ensure that the Assembly will reflect the true diversity of Kosovo.

WHAT IS MY ROLE AS A VOTER?

Candidates, media, and voters should follow the rules of a democratic society and reject any violence during the campaign and election. That way, the 2001 Assembly Elections will be another important step toward democratic self-government in Kosovo.

AND AFTER ELECTIONS?

Within thirty days after the final certification of the election results, the first session of the new Assembly will be convened.

First, the new Assembly must elect a seven-member Presidency of the Assembly. The Assembly will appoint a President of this Presidency, according to the rules stated in the Constitutional Framework.

Then, the Assembly elects a President of Kosovo. The newly elected President of Kosovo will have consultations with various political entities, and based on those consultations, will nominate a candidate for Prime Minister. The Prime Minister-designate will then compile a list of members of the government (Ministers, etc) from which he will create some 10 ministries, which will be a consolidation of the 20 Joint Interim Administrative Structure departments which exist now.

Once the Assembly appoints the Prime Minister, together with the ministers', the new Government will start to work on the responsibilities laid out in the Constitutional Framework. At all times, there has to be at least one member of the Kosovo Serb community and one member representing communities other than Albanians and Serbs in the Government.

Slowly and according to the Government's progress, the international Community will withdraw from day-to-day business administration and limit itself to a supervisory role. However, as the United Nations will hold the SRSG and UNMIK responsible for any failure and mismanagement, the internationals cannot completely withdraw from their present functions. UNMIK will have regular meetings with the Government and assess progress. According to this progress, additional functions will be transferred to the newly formed ministries. This process may take some time.

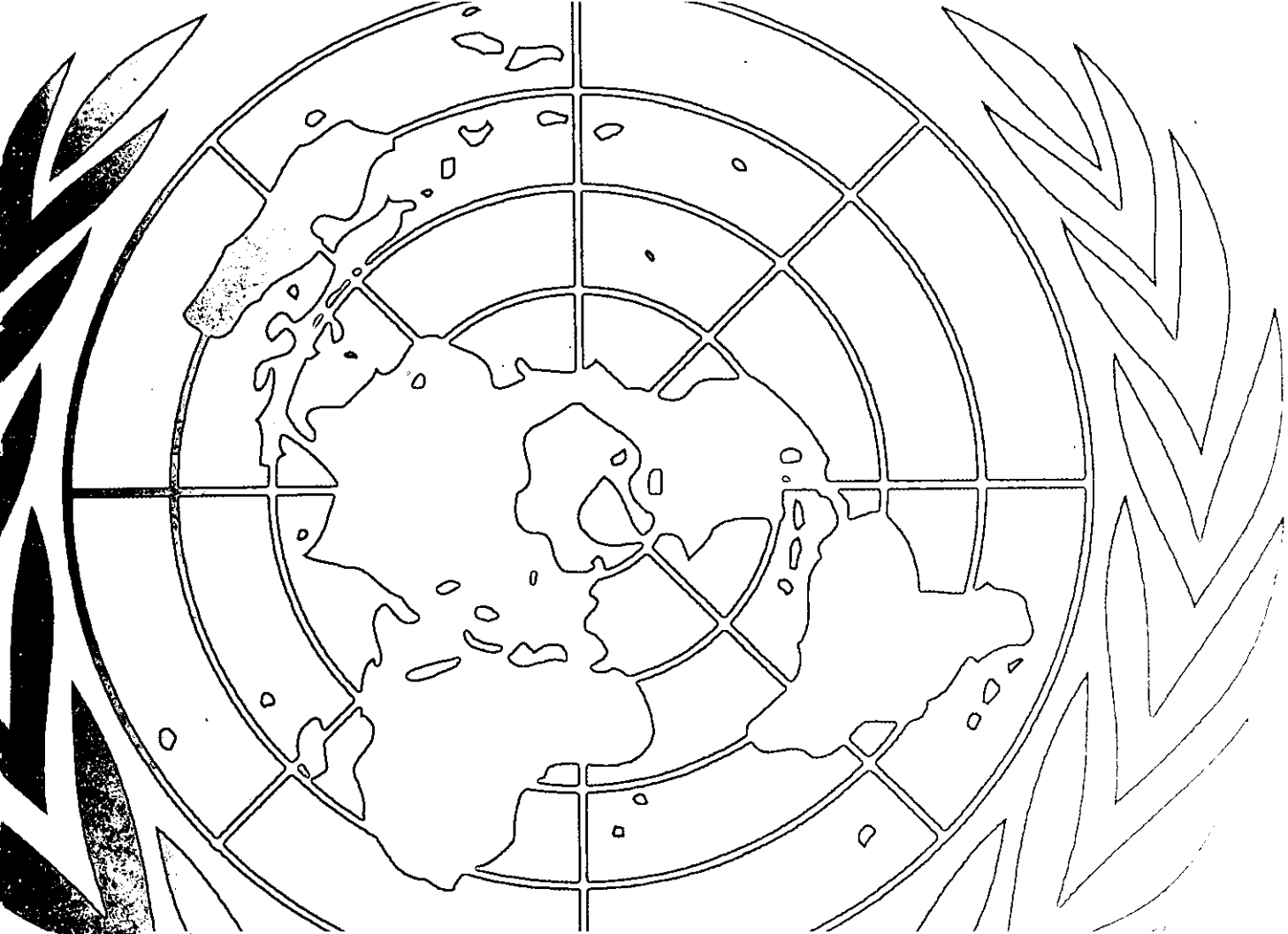
In the months between the election and the formation of the new Government, law-making procedures in Kosovo will be the same as before, i.e. UNMIK and JIAS will produce legislation and the SRSG will issue regulations when needed. The SRSG will continue to have the right to issue regulations after the Assembly has taken up its work and it is he who will sign all legislation produced by the Assembly.

Buildings and offices will have to be established. UNMIK will concentrate efforts to identify appropriate locations for the Assembly and the Government. Security will become a paramount concern as it is vital that all members of Kosovo's political life be fully able to work.

The Interim Administrative Council, the Joint Interim Administrative Structure and the Kosovo Transitional Council will continue to function as before until they are replaced by the Provisional Self Government. Municipal governments and assemblies will continue to run as they do now, in the near term, and after the Provisional Self-government is in power.

Once the new government is established, the terms of office will run for three years. The Assembly's term of office begins with the Inaugural Session and also runs for three years. The Government's mandate expires with the mandate of the Assembly, and the Government remains in a caretaker capacity until the new Assembly has elected a new Government. The President of Kosovo will serve for three years, beginning on the date of his or her election..

Under the rules set out by United Nations Security Council Resolution 1244, the Constitutional Framework cannot contain any specific mention on the time or the procedure as to Kosovo's final status. This process will be left to a yet unknown point in the future when the Security Council will have to issue a new resolution that will replace UNSCR 1244. The new interim Self-Government of Kosovo is a major step on the way ahead.





the way ahead