

Appendix 2
(Item 2.1b)

Agreement between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Council of Europe on technical arrangements related to the Framework Convention for the Protection of National Minorities

The United Nations Interim Administration Mission in Kosovo (“UNMIK”) and the Council of Europe, collectively referred to as the “Parties”,

Recalling the Framework Convention for the Protection of National Minorities (“the Framework Convention”) of 1 February 1995 and the Committee of Ministers’ Resolution (97) 10 of 17 September 1997,

Noting that 35 States are Parties to the Framework Convention, including Serbia and Montenegro,

Considering United Nations Security Council Resolution 1244 (1999) of 10 June 1999, which, recognising the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (now Serbia and Montenegro), establishes the authority of UNMIK, as the international civil presence, to provide an interim administration for Kosovo,

Taking account of UNMIK Regulation No. 2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo, which provides for the responsibilities of the Provisional Institutions of Self-Government,

Recalling Chapter 3 of the Constitutional Framework which states that the provisions on the rights and freedoms set forth in the Framework Convention shall be directly applicable in Kosovo as part of the Constitutional Framework,

Recalling that UNMIK and the Provisional Institutions of Self-Government have undertaken to exercise their respective responsibilities under United Nations Security Council Resolution 1244 (1999) and the Constitutional Framework for Provisional Self-Government in Kosovo in compliance with the principles contained in the Framework Convention,

Having regard to the decision adopted on 30 June 2004 by the Committee of Ministers of the Council of Europe,

Emphasising that the present Agreement does not make UNMIK a Party to the Framework Convention and that it is without prejudice to the future status of Kosovo to be determined in accordance with Security Council Resolution 1244 (1999),

With a view to promoting technical cooperation between the Parties, ensuring respect and compliance in Kosovo with the substantive norms in the Framework Convention and facilitating monitoring arrangements in conformity with the Framework Convention,

Have agreed as follows:

Article 1
Compliance with the Framework Convention

UNMIK affirms on behalf of itself and the Provisional Institutions of Self-Government that their respective responsibilities will be exercised in compliance with the principles contained in the Framework Convention.

Article 2
Monitoring modalities

2.1 The Committee of Ministers of the Council of Europe ("Committee of Ministers"), assisted by the Advisory Committee on the Framework Convention, shall monitor the implementation of the Framework Convention in Kosovo.

2.2 Within six months following the entry into force of the present Agreement, UNMIK shall submit to the Committee of Ministers full information on the legislative and other measures taken to give effect to the principles set out in the Framework Convention. This submission shall be made public.

2.3 Thereafter, UNMIK shall submit to the Committee of Ministers on a periodical basis and whenever the Committee of Ministers so requests any further information of relevance to the implementation of the Framework Convention. The Advisory Committee on the Framework Convention may also request further information from UNMIK and other sources in Kosovo and hold meetings with them for this purpose.

2.4 Following receipt of information from UNMIK and an opinion of the Advisory Committee on the Framework Convention, the Committee of Ministers shall consider and adopt its conclusions concerning the adequacy of the measures taken to give effect to the principles of the Framework Convention. It may also adopt recommendations in respect of UNMIK and set a time-limit for the submission of information on their implementation.

2.5 The Committee of Ministers may invite UNMIK to attend meetings in which information on compliance with the Framework Convention in Kosovo is considered. UNMIK shall participate in such meetings in an observer capacity.

2.6 The Council of Europe Secretariat shall keep UNMIK informed about developments related to the implementation of the Framework Convention.

Article 3
Publicity of Conclusions and Recommendations of the Committee of Ministers

The conclusions and recommendations of the Committee of Ministers, the opinions of the Advisory Committee on the Framework Convention and any related comments by UNMIK, shall be made public.

Article 4
Amendment

The present Agreement may only be amended by written agreement of the Parties.

Article 5
Settlement of disputes

Any disputes or disagreements with respect to the interpretation or implementation of the present Agreement shall be resolved amicably by good faith negotiations between the Parties.

Article 6
Entry into force

The present Agreement shall enter into force upon signature by the duly authorised representatives of the Parties and shall remain in force for the duration of UNMIK's mandate as interim administration in Kosovo under the authority of the United Nations, unless terminated in accordance with Article 7.

Article 7
Termination

Either Party may at any time terminate the present Agreement by means of a notification addressed to the other Party. The termination shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification, unless otherwise agreed to by the Parties in writing.

IN WITNESS WHEREOF, the undersigned, being fully authorised thereto, have on behalf of the Parties signed the present Agreement.

Done at, this 2004, in English and in French, the English text being authentic, in two copies, one of which shall be deposited in the archives of the Council of Europe and the other transmitted to UNMIK.

FOR THE UNITED NATIONS
INTERIM ADMINISTRATION
MISSION IN KOSOVO

FOR THE COUNCIL OF EUROPE

Special Representative of the Secretary-General

Secretary General