

**ANNEX IX**  
**INTERNATIONAL CIVILIAN REPRESENTATIVE**

**Article 1      Objectives**

1.1 Kosovo shall be responsible for managing its own affairs, based upon the democratic principles of the rule of law, accountability in government, and the protection and promotion of human rights, the rights of members of all Communities, and the general welfare of all its people. Recognizing that fulfilling Kosovo's responsibilities under this Settlement will require a wide range of complex and difficult activities, an International Civilian Representative (ICR) shall supervise the implementation of this Settlement and support the relevant efforts of Kosovo's authorities.

**Article 2      Mandate and Powers of the International Civilian Representative**

2.1 Regarding the general supervision of the implementation of this Settlement, the ICR shall:

- a. Be the final authority in Kosovo regarding interpretation of the civilian aspects of this Settlement;
- b. Ensure effective implementation of this Settlement through the execution of specific tasks accorded to the ICR in other parts of this Settlement;
- c. Take corrective measures to remedy, as necessary, any actions taken by the Kosovo authorities that the ICR deems to be a breach of this Settlement, or seriously undermine the rule of law, or to be otherwise inconsistent with the terms or spirit of this Settlement; such corrective measures may include, but are not limited to, annulment of laws or decisions adopted by Kosovo authorities;
- d. In cases of serious or repeated failures to comply with the letter or spirit of this Settlement, and/or in instances of serious obstruction in the work of the ICR and/or ESDP Mission, the ICR shall have the authority to sanction or remove from office any public official or take other measures, as necessary, to ensure full respect for this Settlement and its implementation;
- e. Monitor, through his/her own office or through the establishment of appropriate reporting mechanisms from other international actors or organizations as may be present in Kosovo, the implementation of all civilian aspects of this Settlement.

2.2 In addition to his/her appointment authority as specified elsewhere in this Settlement, the ICR shall have the authority to appoint directly, or provide his consent for the appointment of certain positions as follows:

- a. The Auditor-General shall be an international appointed by the ICR.
- b. Following the expiration of the mandate of the current international members of the Board of Directors of the Kosovo Pension Saving Trust (KPST), the ICR shall appoint an international representative as a member of the Board of Directors of the KPST.
- c. International judges and prosecutors shall be selected by the ESDP Mission, who shall require, prior to their appointment, the consent of the ICR;

- d. The Director-General of the Customs Service, the Director of Tax Administration, the Director of the Treasury, and the Managing Director of the Central Banking Authority of Kosovo (CBAK) shall be appointed by the competent appointing authorities following consent by the ICR;
- e. In exercising his/her authority of appointment, the ICR shall consider the professional qualifications of the candidates, their reputation of integrity, and track record of rigorous and impartial application of the law.

2.3 The powers and authorities of the ICR and the powers and authorities of the EUSR shall be vested in the same person. The EUSR shall have the following powers in the field of the rule of law, including, in particular, in the judiciary, police, customs and correctional services, which shall be exercised on his/her behalf by the ESDP Mission as set forth in Article 12 of this Settlement, with modalities to be determined by the EU Council in accordance with this Settlement:

- a. Authority to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes, and other serious crimes are properly investigated according to the law, including, where appropriate, by international investigators acting jointly with Kosovo authorities or independently;
- b. Authority to ensure that cases described in Article 2.3a of this Annex are properly prosecuted including, where appropriate, by international prosecutors acting jointly with Kosovo prosecutors or independently. Case selection for international prosecutors shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International prosecutors shall serve in accordance with Kosovo law;
- c. Authority to ensure that cases described in Article 2.3a of this Annex and property related civil cases are properly adjudicated, including, where appropriate, by international judges sitting independently or on panels with Kosovo judges in the court which has jurisdiction over the case. Case selection for adjudication involving international judges shall be based upon objective criteria and procedural safeguards, as determined by the Head of the ESDP Mission. International judges shall enjoy full independence in the discharge of their judicial duties and shall serve within the Kosovo judicial system in accordance with the law;
- d. Responsibility to ensure that decisions of cases described in Article 2.3a of this Annex are properly enforced according to the law by the competent Kosovo authorities;
- e. Authority to assume other responsibilities independently or in support of the competent Kosovo authorities to ensure the maintenance and promotion of the rule of law, public order and security;
- f. In consultation with the ICR, authority to reverse or annul operational decisions taken by the competent Kosovo authorities, as necessary, to ensure the maintenance and promotion of the rule of law, public order and security;
- g. Authority to monitor, mentor and advise on all areas related to the rule of law. The Kosovo authorities shall facilitate such efforts and grant immediate and complete access to any site, person, activity, proceeding, document, or other item or event in Kosovo;
- h. Authority to ensure efficient implementation of this Settlement through the execution of tasks accorded to the ESDP Mission in other parts of this Settlement;

- i. Authority to appoint ESDP mission personnel to perform the functions accorded to the ESDP Mission.

2.4 The ICR shall supervise the development of Kosovo's civilian institutions including civilian control over its security institutions, without prejudice to the responsibilities of NATO and the IMP regarding the development of the KSF and its civilian oversight, as set forth in Article 13.5 of this Settlement.

2.5 The ICR shall oversee the development of a domestic security agency, as specified in Annex VIII of this Settlement.

2.6 The ICR shall have the authority to establish a mechanism to allow the review of the use of his/her powers and those of the EUSR without prejudice to the privileges and immunities enjoyed by the ICR and EUSR under this Settlement.

### **Article 3      Coordination with International Actors**

3.1 To ensure maximum coherence and effectiveness in international engagement in Kosovo, the ICR shall establish appropriate mechanisms to coordinate the activities of all international actors. These actors shall support such efforts by providing the ICR with information relevant to the exercise of his/her functions.

3.2 The Organization for Security and Cooperation in Europe (OSCE) is requested to maintain a Mission in Kosovo, including a comprehensive field presence, to support the democratic development of Kosovo and the work of the ICR and his/her Office. Specific arrangements for such support by the OSCE shall be established between the OSCE and the ICR.

3.3 The ICR shall, consistent with his/her overall coordinating role regarding supervision of the implementation of this Settlement, chair a Coordination Committee comprising the Head of the International Military Presence, the Head of the ESDP Mission, the Head of the OSCE Mission, and, as the Committee deems appropriate, representatives of other organizations contributing to the implementation of this Settlement.

### **Article 4      Structure/Staffing of the International Civilian Representative**

4.1 The ICR shall be appointed by an International Steering Group following consultations within the EU. The ISG shall seek UN Security Council endorsement of this appointment. The ISG shall have the following membership: France, Germany, Italy, Russia, United Kingdom, United States, European Union, European Commission, NATO.

4.2 The ICR shall report directly to the International Steering Group and chair its meetings. The International Steering Group shall provide guidance to the ICR.

4.3 The ICR shall be supported by staff (the International Civilian Office (ICO)), as he/she deems necessary, to assist in carrying out the functions set forth in this Settlement.

4.4 The ICR may establish whatever field presence he/she deems necessary to supervise full implementation of this Settlement. The ICR shall establish a field office in Mitrovica which shall focus, in particular, on the areas of security/rule of law, freedom of movement/returns, property rights/housing, and economic development.

4.5 The ICR, also in his/her capacity as EUSR, shall enjoy, under the laws of Kosovo, legal capacity as may be necessary for the full exercise of his/her functions under this Settlement.

4.6 The ICR, also in his/her capacity as EUSR, shall be accorded the following privileges and immunities:

- a. Kosovo shall accord the office of the ICR and the EUSR and its premises, archives, and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises, archives, and other property under the Vienna Convention on Diplomatic Relations.
- b. Kosovo shall accord the ICR, the EUSR, and professional members of his or her staff and their families the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.
- c. Kosovo shall accord other members of the ICR and EUSR staff and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

#### **Article 5      Reduction and Termination of the Mandate of the International Civilian Representative**

5.1 Based upon the recommendations of the ICR, the International Steering Group shall establish benchmarks for a periodical review of the mandate of the ICR, and shall conduct a full review of the powers of the ICR no later than two years after the entry into force of this Settlement, with a view to gradually reducing the scope of the powers of the ICR and the frequency of intervention.

5.2 The mandate of the ICR shall be terminated when the International Steering Group determines that Kosovo has implemented the terms of this Settlement.

#### **Article 6      Cooperation**

6.1 Kosovo authorities shall cooperate fully with the ICR, also in his/her capacity as EUSR, and other international organizations and actors, for the successful implementation of all aspects of this Settlement. Failure by the Kosovo authorities to so cooperate shall constitute a breach of the terms of this Settlement under Article 2.1 of this Annex.

6.2 Kosovo authorities shall facilitate all appropriate assistance to the ICR, also in his/her capacity as EUSR, for the efficient and effective discharge of their duties, including the provision of logistical and administrative support as necessary.