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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

**D R A F T**

**INFORMAL MEETING OF THE  
WORKING GROUP ON KOSOVO  
(Paris, 18 February 2000)**

**DRAFT MEETING REPORT**

**1. Adoption of the agenda**

Having regard to the urgency of the draft regulation on municipalities, it was agreed to postpone consideration of the agenda item "Discussion of the paper on the Kosovo Assembly during the transitional period" to a forthcoming meeting.

**2. Information about developments since the last meeting**

The Special Representative of the Secretary General has recently adopted a number of important regulations:

- Regulations No 1999/24 and 25 on applicable law;
- Regulation No 2000/1 on the Kosovo Joint Interim Administrative Structure.

The draft Regulation on the municipal elections was discussed at a meeting in Strasbourg on 20 December 1999 with the participation of Venice Commission experts and the CLRAE Secretariat. Informal advice has been given to UNMIK/OSCE on the draft Regulation on the registration of political parties.

### **3. Draft Regulation on municipalities**

The representatives of UNMIK/ OSCE presented the draft Regulation on municipalities, underlining that the text is a first rough draft, which was prepared in a great hurry and does not claim to be final. The draft emphasises the role of the Municipal Council as the central body and is inspired by the European Charter of Local Self-government. It has to take into account a number of political decisions taken with respect to the present political situation in Kosovo. For example, it has been excluded to grant to the municipalities the possibility to raise taxes at the present stage.

The meeting then went on to discuss the text. The following were the main issues raised:

- There were differing opinions as to the usefulness of including a catalogue of general principles;
- the question of the delegation of powers from the Kosovo level to the municipal level should be reviewed;
- the article on the responsibilities of municipalities should be restructured;
- the rules on the election of the mayor by the Municipal Council have to be more detailed;
- while the office of the mayor needs some stability, it goes very far not to grant to the Council any possibility of removing the mayor (e.g. constructive vote of no-confidence);
- the role of the mayor as the head of the executive should be strengthened and the municipal secretary should be accountable to the mayor and not directly to the municipal council;
- one should try to ensure that the municipal secretary has the required qualifications by involving an independent body in the selection process;
- the committees of the Municipal Council should not have the task of implementing decisions of the Municipal Council;
- the question of insolvency of the municipality has to be reviewed;
- adequate minority protection has to be ensured, taking into account that the draft Regulation on municipal elections does not reserve specific seats for minorities;
- there are different options with respect to the role of the UNMIK municipal administrator and the question of supervision of the municipalities will have to be addressed in the light of this role.

Following the discussion it was agreed that the authors would prepare a revised draft and send it to Strasbourg, preferably before the meeting of the Standing Committee of the CLRAE on 2 March 2000. A first discussion of the new draft could then take place on the margin of the meeting of the Standing Committee on 2 March. Consideration of the text would be continued during the visit of a CLRAE delegation with Venice Commission participation to Kosovo on 5 to 8 March. Further discussion might take place at the next meeting of the working group on 30 March 2000 in Venice.

**LIST OF PARTICIPANTS**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW /  
COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT**

**BELGIUM/BELGIQUE:**

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**UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE:**

Mr Jed RUBENFELD, Professor, Yale Law School, Connecticut

Ms Bettina NEUEFEIND, Assistant to Mr Rubenfeld

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Mr Matthew RUSSELL, special representative of the Venice Commission for Kosovo

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**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES IN EUROPE/  
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M. Jean-Marie WOEHLING, France

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**UNMIK / OSCE**

Mr Rolf WELBERTS, Director, Human Rights and Rule of Law

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**SECRETARIAT**

Mr Thomas MARKERT

Mr Michael NEURAUTER, Head a.i. of the Council of Europe Office in Pristina