

**REGULATION NO. 2001/16**

UNMIK/REG/2001/16

4 July 2001

**AMENDING UNMIK REGULATION NO. 2000/16 ON THE REGISTRATION AND OPERATION OF POLITICAL PARTIES IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, and UNMIK Regulation No. 2000/16 of 21 March 2000 on the Registration and Operation of Political Parties in Kosovo,

For the purposes of regulating the registration and operation of political parties in Kosovo and other related matters,

Hereby amends section 2, 3, and 5 of UNMIK Regulation No. 2000/16,

Consequently, the regulation will have the following wording as of the date on which the present regulation enters into force:

**REGULATION NO. 2000/16**

**ON THE REGISTRATION AND OPERATION OF POLITICAL PARTIES IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the registration and operation of political parties in Kosovo,

Hereby promulgates the following:

**Section 1**

**General Provisions**

The present regulation shall govern the registration, operations and dissolution of political parties in Kosovo.

1.2 For the purposes of the present regulation a political party is an organization of individuals who voluntarily associate on the basis of a common idea, interest or view, with

the objective to obtain political influence and to have their representatives elected to governing bodies. The present regulation shall not prejudice the right of individuals to freedom of association.

## Section 2

### **Registration**

2.1 A political party may apply for registration with the Administrative Department for Democratic Governance and Civil Society (hereinafter “the Department”) in order to operate as legal persons in Kosovo.

2.2 A political party applies for registration by submitting to the Department an application form, founding instrument and its statutes and a fee of 500 DM. This fee shall be deposited in the Kosovo Consolidated Fund. The application form shall include the following written information:

- (a) The official name, acronym and symbol of the political party;
- (b) The names, dates and places of birth, addresses and other contact information and signatures of the members of the highest executive body of the political party;
- (c) The addresses and telephone numbers of all offices of the political party;
- (d) The statutes of the political party; and
- (e) The political programme of the political party, approved by its highest executive body, describing the political objectives and activities of the political party and which shall specifically include a commitment to democratic principles and the protection and promotion of human rights as well as an affirmation of respect, tolerance and understanding for all, irrespective of their ethnicity.

2.3 Applications for registration shall include a supporters registration form that shall contain the names, dates and places of birth, addresses and signatures of supporters of the political party applying for registration, which form shall be treated confidentially by the Department. Blank supporters registration forms may be obtained from the Department.

2.4 The minimum number of registered supporters required for a valid application for registration shall be 500.

2.5 Supporters shall not enlist in support of the application for registration of more than one political party. Supporters listed on more than one supporters registration form shall not be counted for purposes of meeting the qualifying threshold set out in section 2.4 of the present regulation.

2.6 A political party shall inform the Department within thirty (30) business days of any material change with respect to documents submitted when applying for registration. Amendments to applications for registration shall be subject to procedures, standards, and time limits equivalent to those applicable to initial applications for registration.

2.7 Applications for registration shall be published by the Department in accordance with an administrative direction issued by the Special Representative of the Secretary-General. Anyone who wishes to object to an application for registration of a political party on the basis

of any of the provisions of the present regulation, may submit such objections, in writing (together with any information or material substantiating the objection), to the Department within 14 days of the application.

2.8 The Department shall consider applications for registration of political parties in light of the eligibility and other criteria for registration of the political parties under the present regulation.

2.9 The Department shall issue to a political party a written decision accepting or denying registration within two (2) months of receiving an application to register, unless the Department requests in writing further information or clarification.

2.10 Written requests by the Department for further information or clarification concerning an application for registration shall toll the two (2) months' period referred to in section 2.9 of the present regulation.

2.11 Any decision by the Department denying registration of a political party shall be automatically reviewed by a Review Committee, consisting of at least three (3) members to be nominated by the SRSG's Office and the DSRSG's Offices for Civil Administration and for Institution Building, to ascertain the validity of the grounds for denial and compliance with the present regulation. A simple majority vote by the members of the Review Committee is sufficient to reverse the decision of the Department. The political party shall be notified of the decision of the Review Committee within the time period provided under section 2.9 of the present regulation. If registration is denied, the Department shall include an explanation of the grounds upon which registration was denied. A political party may appeal a decision denying registration to the Special Representative of the Secretary-General within fifteen (15) days of the date of notification of the decision of the Review Committee.

2.12 The Department shall maintain a register of registered political parties. The register shall state the addresses and telephone numbers of all offices of the political party, as well as the names, addresses and other contact information of the members of the highest executive body. The register shall be available to the public in a central location during regular business hours to be established by the Department.

### Section 3

#### **Grounds for Denying Registration**

The Department may deny an application for registration of a political party if:

- (a) The registration documents do not comply with the requirements of the present regulation;
- (b) The statutes or political programme of the political party would violate any UNMIK regulation or other provision of the applicable law;
- (c) The political party applying for registration is in violation of section 4.3 of the present regulation;
- (d) The political party applying for registration has a name which, in the discretion of the Department, may incite hatred or violence; or

- (e) The political party applying for registration has the same name or one so similar to a previously registered or already established political party that confusion is likely to result. The Department shall determine which party shall have the right to use the name, taking into account the totality of the circumstances, including history and the date on which each party submitted its application.

3.2 The Department may suspend or revoke a registration for violation of any provision of the present regulation. Except in cases of serious violations posing a threat to the public peace and order, the Department shall give a political party written notice of the violation and an opportunity to respond prior to suspending or revoking registration.

## Section 4

### **Internal Governance and Organization of Political Parties**

4.1 The highest decision-making body of a political party shall be the assembly of members. The assembly of members shall consist of all members of the political party or their elected delegates and shall meet at least every second year. The assembly of members shall have ultimate responsibility for the political programme, the policies and financial affairs of the political party. All decisions shall be taken through democratic procedures.

4.2 A political party shall elect from its members an executive body including a chairman and other officers. The political party shall clearly indicate who is authorized to sign on behalf of the political party in financial matters and who is responsible for activities and statements on behalf of the political party. The executive body of the political party shall be elected by the assembly of members at least every second year. The executive body shall be responsible for the administration of the political party.

4.3 No individual who has been indicted by the International Criminal Tribunal for the former Yugoslavia, or any war-crimes tribunal as may be established by the Special Representative of the Secretary-General may hold any appointive, elective or other function within or representing the political party.

4.4 Members of the executive body of a political party shall not serve as members of any other political party. Judges, prosecutors and their deputies, ombudsperson and their deputies, professional members of the police and members of the Kosovo Protection Corps shall not serve as members of the executive body of a political party.

## Section 5

### **Property and Resources**

5.1 Income of political parties may include donations of cash, membership fees, subventions, gifts, grants, bequests, real or personal property and income generated from any lawful activities undertaken by the political party with its property and resources.

5.2 A registered political party shall prepare and submit to the Department annual financial reports containing any or all contribution or contributions made to the political party by a single source that exceed 3,000 DM in total during any one year period, which financial reports shall be documents maintained by the Department and available for review by the public. The Department reserves the right to request, verify, investigate, and where necessary revoke or suspend the registered status of the political parties which are in violation of financial reporting and disclosure requirements as contained in this present section 5.

5.3 The statutes of a registered political party shall include detailed provisions on its system of annual financial reporting and disclosure requirements.

5.4 A registered political party shall not engage in commercial activities for any purpose.

5.5 A political party shall not distribute any income or assets as such to any person. The assets and income of a political party shall be used to support the political not-for-profit purposes of the political party and shall not be used to provide benefits, directly or indirectly, to any member of the political party, its executive body or donor of the political party. The present section does not preclude the payment of reasonable compensation to such persons for work performed for the political party.

5.6 A registered political party may own and manage property and assets for the accomplishment of its political not-for-profit purposes.

## Section 6 **Dissolution**

The statutes of a political party shall include provisions on the dissolution of the party, in particular on the distribution of funds and assets after discharge of liabilities.

## Section 7 **Implementation**

The Special Representative of the Secretary-General may issue administrative directions to implement the present regulation.

## Section 8 **Applicable Law**

The present regulation supersedes any provision in the applicable law relating to the registration and operation of political parties in Kosovo which is inconsistent with it.

## Section 9 **Entry into Force**

The present regulation<sup>1</sup> shall enter into force on 4 July 2001.

*Hans Haekkerup*  
*Special Representative of the Secretary-General*

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<sup>1</sup> The original regulation entered into force on 21 March 2000.