



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-044

**ON MINISTRY FOR FOREIGN AFFAIRS AND DIPLOMATIC SERVICE OF
REPUBLIC OF KOSOVO**

The Assembly of Kosovo,

On the basis Article 65(1) of the Constitution of the Republic of Kosovo,

And for the purpose of regulating the authority and competences of the Kosovo's institutions in the conduct of relations with other States and subjects of international law,

And for the purposes of promoting Kosovo's political and economic interests internationally, upholding the rights of Kosovo's citizens abroad, and the development of good relations with other states,

Hereby adopts:

**LAW ON THE MINISTRY FOR FOREIGN AFFAIRS AND DIPLOMATIC
SERVICE OF KOSOVO**

Article 1
Subject of Regulation

This law establishes the Ministry of Foreign Affairs and Diplomatic Service of Kosovo, and defines their competencies and responsibilities.

Article 2
Definitions

For the purpose of this Law the following terms have this meaning:

-'**Citizen of Kosovo**'- is a natural person enjoying citizenship of Kosovo as defined by the applicable law of Kosovo;

-'**Ministry**'- is the Ministry of Foreign Affairs;

-'**Diplomatic Mission**'- is an Embassy or other office representing Kosovo in another State or in an inter-governmental organization within the meaning of the Vienna Convention on Diplomatic Relations (1961) or Vienna Convention on Consular Relations (1963);

-'**Diplomatic Service**'- is the permanent members of the Ministry and of the members of the Ministry assigned to diplomatic Missions in other countries and to other international organizations;

-'**Head of Mission**'- is the Ambassador or other person authorized by competent institutions of Kosovo, to perform that duty;

-'**Service Level Agreement**'- is a Memorandum of Understanding or other written agreement between the Ministry of Foreign Affairs and another Ministry or competent body of the Kosovo state which sets out the conditions by which one may act on behalf of the other or by which staff of one may be attached to the offices of the other.

Article 3

The Ministry for Foreign Affairs

3.1. The Ministry for Foreign Affairs and Diplomatic Service of the Republic of Kosovo, comprising the Ministry and its personnel in Embassies abroad, are part of the Government of Kosovo.

3.2. The Ministry of Foreign Affairs shall formulate and implement the foreign policy of Kosovo. In particular the Ministry shall:

- a) develop and co-ordinate policies towards other states and in external affairs, express and protect Kosovo's interests in relations with other countries and international organizations, in close co-ordination with other Ministries, depending on their particular competencies, and with the President of the Republic of Kosovo;
- b) represent Kosovo and its State Institutions in foreign countries and in inter-governmental international organizations, through such Embassies, Missions or other representative offices, established according to this law.
- c) conclude treaties and other binding international agreements with other states and international inter-governmental organizations;
- d) act in other countries and in international inter-governmental organizations on behalf of other Ministries or state organs. Such activities may include (but shall not be confined to) the promotion of trade and foreign investment in Kosovo and the issuance of passports or travel documents. Any executive functions carried out in the Ministry's capacity as agent of other bodies shall be governed by sub-normative acts and Service Level Agreements agreed by the Ministry for Foreign Affairs and the other Ministries or state organs concerned;

- e) provide such consular assistance to citizens of Kosovo in other countries shall be prescribed by sub-normative acts of the Ministry, and protect the rights of Kosovars as who are permanent or temporary residents in other countries;
- f) take the leading and co-coordinating role in relations between the Government of Kosovo and diplomatic or representative missions of other States and international inter-governmental organizations within Kosovo;
- g) take the leading role within the Government of Kosovo in protecting and upholding the immunities and privileges within Kosovo of Missions and persons entitled to such immunities and privileges in international Conventions and custom. The Ministry may take appropriate measures within generally recognized international law to regulate and prevent the abuse of diplomatic status, immunities, and privileges;
- h) report regularly to the President of the Republic of Kosovo, as well as the Government of the Republic of Kosovo, on issues of importance within the Ministry's competences, and co-ordinate with the President and Prime Minister over the strategic direction of, and important issues in, Kosovo's foreign policy. At the request of the President of Kosovo or on the initiative of the Minister for Foreign Affairs the Ministry may propose international activities to be undertaken by the President;
- i) publish an annual report to the Assembly setting out the Government's objectives in external affairs and the activities of the Ministry during the previous year;
- j) deposit copies of international treaties and agreements, concluded on behalf of the state and Government of Kosovo with the relevant authorities; maintain archives of such treaties and agreements and publish them on the Ministry's web-site; and maintain and archive relevant documentation of the activities of the Ministry and Diplomatic Service.
- k) carry out such other duties as are necessary for the implementation of items a), j) of Article 3 of this Law.

Article 4

Minister of Foreign Affairs and Treaty-Making Powers

4.1. The Minister for Foreign Affairs, and the President and Prime Minister of the Republic of Kosovo, have the authority to sign Treaties and other binding international conventions on behalf of the Republic of Kosovo, and sign instruments of accession to international Conventions which are already in force.

4.2. This authority may be delegated in writing by the Minister, in respect of specified Treaties and conventions, to:

- a) heads of Embassies of the Republic of Kosovo or diplomatic Missions abroad;
- b) other Ministers within whose competences the subject matter of the Treaty or international agreement may lie.

4.3. Treaties and binding international conventions shall not enter into force in respect of Kosovo until ratified in accordance with the Constitution of Republic of Kosovo. Instruments of accession to international Conventions which are already in force shall similarly be ratified based on the Constitution of the Republic of Kosovo. Such ratifications shall be promulgated by the President and be published, together with the text of the Treaties or international agreements concerned, in the Official Gazette.

Article 5
Kosovo Diplomatic Missions and Other Representative Offices Abroad

5.1. The President, after consultation with the Prime Minister, shall decide on establishing Embassies or other diplomatic Missions of Kosovo to other countries or international organizations, or such other offices abroad as may be appropriate in order to represent the Republic of Kosovo. Such Missions shall be subject to the authority and instruction of the Ministry for Foreign Affairs.

5.2. Ambassadors and Heads of Mission, as representatives of Kosovo and its institutions as a whole, may copy those reports or policy recommendations to the Ministry as they consider of appropriate importance to the President, Prime Minister, and such other Ministers within whose competences the subject matter of the reports or policy recommendations may fall.

5.3. Consulates or Consulates-General in countries where Kosovo has a duly accredited Ambassador shall be subject to the authority and instructions of that Ambassador and be considered as subordinate posts which are part of his Mission

5.4. Embassies and other diplomatic Missions abroad may, with the authorization of the Ministry, employ personnel in non-diplomatic functions who are residents of the country in which the Mission is located and who need not be citizens of Kosovo. Authorization of the Ministry shall be given only where such employment is financially more beneficial to Kosovo than assigning personnel of the same operational effectiveness from Kosovo to the Mission.

5.5 Locally employed personnel shall not be considered members of the Kosovo Diplomatic Service or Civil Service, or subject to the same terms and conditions of service. The contractual conditions of their employment shall be approved by the Ministry and may be regulated by sub-normative acts of the Ministry.

Article 6
Criteria for Selection of Ambassadors and Other Heads of Mission

Ambassadors and Consuls-General and other Heads of Mission should possess:

- a) Relevant Professional Skills;
- b) High Reputation;
- c) Knowledge of international relations;
- d) Knowledge of English language and normally, in case of European States an official language of the relevant country.

Article 7
Appointment of Heads of Mission

7.1. Vacancies for Ambassadors and other Heads of Mission shall be advertised also within the Civil Service. Procedures for interviewing candidates and narrowing down the list of applicants shall be established by sub-normative acts of the Ministry.

7.2 The Minister for Foreign Affairs, after consulting the President and Prime Minister, shall send a short-list of at least three candidates for each vacancy, in confidence, to the Committee for International Relations of the Kosovo Assembly. The Committee shall conduct private hearings of these candidates in order to confirm whether they meet the criteria set out in Article 6 of the present Law. It shall then report the results of its hearings, in confidence, to the President, Prime Minister, and Minister for Foreign Affairs. The Committee's report shall not make recommendations as between candidates who meet the criteria in Article 6 of this Law.

7.3 The President, after consulting the Prime Minister and Minister for Foreign Affairs, shall then decide whether one of the candidates should be nominated to the receiving State or international inter-governmental organization. Upon agreement being received from the receiving State the President shall accredit the successful candidate.

7.4. Notwithstanding Article 8 of this Law, the selection of candidates for the posts of Ambassadors or other Heads of Mission shall not be confined to Civil Servants. However, at least fifty per cent (50%) of new appointments of Heads of Mission, from the date five years after the entry into force of this Law, shall be made from serving members of the Kosovo Diplomatic Service.

7.5. The appointment of other personnel in Embassies or Missions abroad shall be carried out in accordance with the legislation regulating Civil Service and sub-normative acts of the Ministry. Such sub-normative acts may set out the normal or maximum lengths of appointments to Embassies or Missions or tours of duty within the Ministry headquarters.

Article 8 Personnel

8.1 The members of the Kosovo Diplomatic Service, except political appointees, shall be part of the Kosovo Civil Service and its personnel shall be subject to the same salaries, terms and conditions of service, except as may be otherwise prescribed by this or other Laws or by sub-normative acts in order to ensure the effective operation of Embassies and other Missions or offices outside Kosovo.

8.2 Diplomatic ranks in international usage of members of the Kosovo Diplomatic Service other than Heads of Mission shall be set out with sub-normative acts of the Ministry.

8.3 Ambassadors, Consuls-General, and other Heads of Mission shall be assigned Civil Service grades in keeping with the importance of their duties. In the interests of good relations with other States, the Civil Service grades assigned to such Heads of Mission need not be published.

Article 9 Financial Management and Public Procurement

9.1 Notwithstanding any provisions in other Laws, Embassies in other countries may have authority under the supervision of the Ministry for Foreign Affairs, to:

- a) open bank accounts and make payments from them;
- b) sign contracts on behalf of the Ministry for Foreign Affairs;
- c) receive goods and services;
- d) keep sub-accounts of the Ministry for Foreign Affairs.

9.2. The methods in which such powers may be exercised shall be subject to sub-normative acts issued by the Ministry for Foreign Affairs with the agreement of the Ministry of Finance and the Economy and (where appropriate) the Public Procurement Authority. Such Administrative Instructions shall be published on the web-site of the Ministry of Foreign Affairs. They shall endeavor to establish, so far as is possible within the staffing limitations of the Embassies, an equivalent level of segregation of duties, in procurement and financial management activities, to those set out by law for other Government institutions in Kosovo, taking into account the fact that Embassies may not be able to have full-time personnel for each activity.

Article 10

Assignments to Missions Abroad from Other Ministries or State Bodies

10.1. Personnel from other Ministries, Agencies, or organs of the state may be assigned to official duties in Embassies and other Missions of Kosovo abroad, with the agreement of the Ministry for Foreign Affairs.

10.2 The functions and financial responsibilities for personnel assigned on official duties to Missions abroad shall be regulated by Service Level Agreements between the Ministry for Foreign Affairs and the body that assigns the officer.

10.3. Personnel assigned on official duty to the Mission shall be considered equal to other members of the Mission of the same grade and shall be subject to the authority of the Head of Mission over the performance of their duties and general conduct.

Article 11

Sub-Normative Acts

Sub-normative acts of the Ministry, including those referred to in items d) and e) paragraph 2 of Article 3, paragraph 5 of Article 5, paragraph 1 and 4 of Article 7, paragraph 1 and 2 of Article 8 and paragraph 2 of Article 9 of this Law, shall be published on the Ministry's web-site.

Article 12
Entry into Force

This law shall enter into force upon its approval by Assembly of the Republic of Kosovo;
and after its announcement in the Official Gazette.

Law No. 03/L-044
13 March 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI

