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Macedonia >> Framework Agreement

Framework Agreement

13.08.2001

The following points comprise an agreed framework for securing the future of Macedonia's democracy and permitting the development of closer and more integrated relations between the Republic of Macedonia and the Euro-Atlantic community. This Framework will promote the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens.

1. Basic Principles

1.1. The use of violence in pursuit of political aims is rejected completely and unconditionally. Only peaceful political solutions can assure a stable and democratic future for Macedonia.

1.2. Macedonia's sovereignty and territorial integrity, and the unitary character of the State are inviolable and must be preserved. There are no territorial solutions to ethnic issues.

1.3. The multi-ethnic character of Macedonia's society must be preserved and reflected in public life.

1.4. A modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comports with the highest international standards, which themselves continue to evolve.

1.5. The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.

2. Cessation of Hostilities

2.1. The parties underline the importance of the commitments of July 5, 2001. There shall be a complete cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups and their complete voluntary disbandment. They acknowledge that a decision by NATO to assist in this context will require the establishment of a general, unconditional and open-ended cease-fire, agreement on a political solution to the problems of this country, a clear commitment by the armed groups to voluntarily disarm, and acceptance by all the parties of the conditions and limitations under which the NATO forces will operate.

3. Development of Decentralized Government

3.1. A revised Law on Local Self-Government will be adopted that reinforces the powers of elected local officials and enlarges substantially their competencies in conformity with the Constitution (as amended in accordance with Annex A) and the European Charter on Local Self-Government, and

reflecting the principle of subsidiarity in effect in the European Union. Enhanced competencies will relate principally to the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care. A law on financing of local self-government will be adopted to ensure an adequate system of financing to enable local governments to fulfill all of their responsibilities.

3.2. Boundaries of municipalities will be revised within one year of the completion of a new census, which will be conducted under international supervision by the end of 2001. The revision of the municipal boundaries will be effectuated by the local and national authorities with international participation.

3.3. In order to ensure that police are aware of and responsive to the needs and interests of the local population, local heads of police will be selected by municipal councils from lists of candidates proposed by the Ministry of Interior, and will communicate regularly with the councils. The Ministry of Interior will retain the authority to remove local heads of police in accordance with the law.

4. Non-Discrimination and Equitable Representation

4.1. The principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development.

4.2. Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities. Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia, as specified in Annex C.

4.3. For the Constitutional Court, one-third of the judges will be chosen by the Assembly by a majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. This procedure also will apply to the election of the Ombudsman (Public Attorney) and the election of three of the members of the Judicial Council.

5. Special Parliamentary Procedures

5.1. On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

6. Education and Use of Languages

6.1. With respect to primary and secondary education, instruction will be provided in the students' native languages, while at the same time uniform standards for academic programs will be applied throughout Macedonia.

6.2. State funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia, on the basis of specific agreements.

6.3. The principle of positive discrimination will be applied in the enrolment in State universities of candidates belonging to communities not in the majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.

6.4. The official language throughout Macedonia and in the international relations of Macedonia is the Macedonian language.

6.5. Any other language spoken by at least 20 percent of the population is also an official language, as set forth herein. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law, as further elaborated in Annex B. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which will reply in that language in addition to Macedonian.

6.6. With respect to local self-government, in municipalities where a community comprises at least 20 percent of the population of the municipality, the language of that community will be used as an official language in addition to Macedonian. With respect to languages spoken by less than 20 percent of the population of the municipality, the local authorities will decide democratically on their use in public bodies.

6.7. In criminal and civil judicial proceedings at any level, an accused person or any party will have the right to translation at State expense of all proceedings as well as documents in accordance with relevant Council of Europe documents.

6.8. Any official personal documents of citizens speaking an official language other than Macedonian will also be issued in that language, in addition to the Macedonian language, in accordance with the law.

7. Expression of Identity

7.1. With respect to emblems, next to the emblem of the Republic of Macedonia, local authorities will be free to place on front of local public buildings emblems marking the identity of the community in the majority in the municipality, respecting international rules and usages.

8. Implementation

8.1. The Constitutional amendments attached at Annex A will be presented to the Assembly immediately. The parties will take all measures to assure adoption of these amendments within 45 days of signature of this Framework Agreement.

8.2. The legislative modifications identified in Annex B will be adopted in accordance with the timetables specified therein.

8.3. The parties invite the international community to convene at the earliest possible time a meeting of international donors that would address in particular macro-financial assistance; support for the financing of measures to be undertaken for the purpose of implementing this Framework Agreement, including measures to strengthen local self-government; and rehabilitation and reconstruction in areas affected by the fighting.

9. Annexes

The following Annexes constitute integral parts of this Framework Agreement:

A. Constitutional Amendments

B. Legislative Modifications

C. Implementation and Confidence-Building Measures

10. Final Provisions

10.1. This Agreement takes effect upon signature.

10.2. The English language version of this Agreement is the only authentic version.

10.3. This Agreement was concluded under the auspices of President Boris Trajkovski.

Done at Skopje, Macedonia on 13 August 2001, in the English language.

ANNEX A CONSTITUTIONAL AMENDMENTS

Preamble

The citizens of the Republic of Macedonia, taking over responsibility for the present and future of their fatherland, aware and grateful to their predecessors for their sacrifice and dedication in their endeavors and struggle to create an independent and sovereign state of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good -- the Republic of Macedonia, in accordance with the tradition of the Krushevo Republic and the decisions of the Antifascist People's Liberation Assembly of Macedonia, and the Referendum of September 8, 1991, they have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil liberties, providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and in this regard through their

representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, they adopt

Article 7

1. The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.
2. Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.
3. Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.
4. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.
5. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.
6. In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

Article 8

1. The fundamental values of the constitutional order of the Republic of Macedonia are:
 - o the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;
 - o equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life;

Article 19

1. The freedom of religious confession is guaranteed.
2. The right to express one's faith freely and publicly, individually or with others is guaranteed.

3. The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are separate from the state and equal before the law.
4. The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

Article 48

1. Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.
2. The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.
3. Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.
4. Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Article 56

...

(2) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

Article 69

...

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Article 77

1. The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

2. The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

.....

Article 78

1. The Assembly shall establish a Committee for Inter-Community Relations.
2. The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanians and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.
3. The Assembly elects the members of the Committee.
4. The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.
5. The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.
6. In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by majority vote whether the procedure applies.

Article 84

The President of the Republic of Macedonia

...

- proposes the members of the Council for Inter-Ethnic Relations;(to be deleted)

Article 86

1. The President of the Republic is President of the Security Council of the Republic of Macedonia.
2. The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.
3. The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

Article 104

1. The Republican Judicial Council is composed of seven members.
 2. The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.
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Article 109

1. The Constitutional Court of Macedonia is composed of nine judges.
 2. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.
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Article 114

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(5) Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia.

Article 115

(1) In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

....

Article 131

1. The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.
2. The draft amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

3. The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.
4. A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.
5. The change in the Constitution is declared by the Assembly.

ANNEX B

LEGISLATIVE MODIFICATIONS

The parties will take all necessary measures to ensure the adoption of the legislative changes set forth hereafter within the time limits specified.

1. Law on Local Self-Government

The Assembly shall adopt within 45 days from the signing of the Framework Agreement a revised Law on Local Self-Government. This revised Law shall in no respect be less favorable to the units of local self-government and their autonomy than the draft Law proposed by the Government of the Republic of Macedonia in March 2001. The Law shall include competencies relating to the subject matters set forth in Section 3.1 of the Framework Agreement as additional independent competencies of the units of local self-government, and shall conform to Section 6.6 of the Framework Agreement. In addition, the Law shall provide that any State standards or procedures established in any laws concerning areas in which municipalities have independent competencies shall be limited to those which cannot be established as effectively at the local level; such laws shall further promote the municipalities' independent exercise of their competencies.

2. Law on Local Finance

The Assembly shall adopt by the end of the term of the present Assembly a law on local self-government finance to ensure that the units of local self-government have sufficient resources to carry out their tasks under the revised Law on Local Self-Government. In particular, the law shall:

- Enable and make responsible units of local self-government for raising a substantial amount of tax revenue;
- Provide for the transfer to the units of local self-government of a part of centrally raised taxes that corresponds to the functions of the units of local self-government and that takes account of the collection of taxes on their territories; and
- Ensure the budgetary autonomy and responsibility of the units of local self-government within their areas of competence.

3. Law on Municipal Boundaries

The Assembly shall adopt by the end of 2002 a revised law on municipal boundaries, taking into account the results of the census and the relevant guidelines set forth in the Law on Local Self-Government.

4. Laws Pertaining to Police Located in the Municipalities

The Assembly shall adopt before the end of the term of the present Assembly provisions ensuring:

- That each local head of the police is selected by the council of the municipality concerned from a list of not fewer than three candidates proposed by the Ministry of the Interior, among whom at least one candidate shall belong to the community in the majority in the municipality. In the event the municipal council fails to select any of the candidates proposed within 15 days, the Ministry of the Interior shall propose a second list of not fewer than three new candidates, among whom at least one candidate shall belong to the community in the majority in the municipality. If the municipal council again fails to select any of the candidates proposed within 15 days, the Minister of the Interior, after consultation with the Government, shall select the local head of police from among the two lists of candidates proposed by the Ministry of the Interior as well as three additional candidates proposed by the municipal council;
- That each local head of the police informs regularly and upon request the council of the municipality concerned;
- That a municipal council may make recommendations to the local head of police in areas including public security and traffic safety; and
- That a municipal council may adopt annually a report regarding matters of public safety, which shall be addressed to the Minister of the Interior and the Public Attorney (Ombudsman).

5. Laws on the Civil Service and Public Administration

The Assembly shall adopt by the end of the term of the present Assembly amendments to the laws on the civil service and public administration to ensure equitable representation of communities in accordance with Section 4.2 of the Framework Agreement.

6. Law on Electoral Districts

The Assembly shall adopt by the end of 2002 a revised Law on Electoral Districts, taking into account the results of the census and the principles set forth in the Law on the Election of Members for the Parliament of the Republic of Macedonia.

7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

- Representatives may address plenary sessions and working bodies of the Assembly in languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A);
- Laws shall be published in the languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A); and
- All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents.

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents.

The Assembly shall amend by the end of the term of the present Assembly all relevant laws to make their provisions on the use of languages fully compatible with Section 6 of the Framework Agreement.

9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:

- That the Public Attorney shall undertake actions to safeguard the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life, and that there are adequate resources and personnel within his office to enable him to carry out this function;
- That the Public Attorney establishes decentralized offices;
- That the budget of the Public Attorney is voted separately by the Assembly;
- That the Public Attorney shall present an annual report to the Assembly and, where appropriate, may upon request present reports to the councils of municipalities in which decentralized offices are established; and
- That the powers of the Public Attorney are enlarged:
 - To grant to him access to and the opportunity to examine all official documents, it being understood that the Public Attorney and his staff will not disclose confidential information;
 - To enable the Public Attorney to suspend, pending a decision of the competent court, the execution of an administrative act, if he determines that the act may result in an irreparable prejudice to the rights of the interested person; and

- To give to the Public Attorney the right to contest the conformity of laws with the Constitution before the Constitutional Court.

10. Other Laws

The Assembly shall enact all legislative provisions that may be necessary to give full effect to the Framework Agreement and amend or abrogate all provisions incompatible with the Framework Agreement.

ANNEX C

IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES

1. International Support

1.1. The parties invite the international community to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes, and request such efforts to be coordinated by the EU in cooperation with the Stabilization and Association Council.

2. Census and Elections

2.1. The parties confirm the request for international supervision by the Council of Europe and the European Commission of a census to be conducted in October 2001.

2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

3. Refugee Return, Rehabilitation and Reconstruction

3.1. All parties will work to ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe, and invite the international community and in particular UNHCR to assist in these efforts.

3.2. The Government with the participation of the parties will complete an action plan within 30 days after the signature of the Framework Agreement for rehabilitation of and reconstruction in areas affected by the hostilities. The parties invite the international community to assist in the formulation and implementation of this plan.

3.3. The parties invite the European Commission and the World Bank to rapidly convene a meeting of international donors after adoption in the Assembly of the Constitutional amendments in Annex A and the revised Law on Local Self-Government to support the financing of measures to be undertaken for the purpose of implementing the Framework Agreement and its Annexes, including measures to strengthen local self-government and reform the police services, to address macro-financial assistance to the Republic of Macedonia, and to support the rehabilitation and reconstruction measures identified in the action plan identified in paragraph 3.2.

4. Development of Decentralized Government

4.1. The parties invite the international community to assist in the process of strengthening local self-government. The international community should in particular assist in preparing the necessary

legal amendments related to financing mechanisms for strengthening the financial basis of municipalities and building their financial management capabilities, and in amending the law on the boundaries of municipalities.

5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training. The parties invite the OSCE, the European Union, and the United States to send an expert team as quickly as possible in order to assess how best to achieve these objectives.

5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including:

- professional, human rights, and other training;
- technical assistance for police reform, including assistance in screening, selection and promotion processes;
- development of a code of police conduct;
- cooperation with respect to transition planning for hiring and deployment of police officers from communities not in the majority in Macedonia; and
- deployment as soon as possible of international monitors and police advisors in sensitive areas, under appropriate arrangements with relevant authorities.

5.4. The parties invite the international community to assist in the training of lawyers, judges and prosecutors from members of communities not in the majority in Macedonia in order to be able to increase their representation in the judicial system.

6. Culture, Education and Use of Languages

6.1. The parties invite the international community, including the OSCE, to increase its assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media. The parties also invite the international community to increase professional media training programs for members of communities not in the majority in Macedonia. The parties also invite the OSCE to continue its efforts on projects designed to improve

inter-ethnic relations.

6.2. The parties invite the international community to provide assistance for the implementation of the Framework Agreement in the area of higher education.

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