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Congress / Public [1]

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TO: LOTT, TRENT  
ET AL

FROM: PRESIDENT

DOC DATE: 28 APR 99  
SOURCE REF:

KEYWORDS: KOSOVO  
CONGRESSIONAL

MILITARY POSTURE

*file:  
Congress*

PERSONS:

SUBJECT: LTRS RE GROUND FORCES IN KOSOVO

ACTION: PRESIDENT SGD LTR

DUE DATE: 04 MAY 99 STATUS: C

STAFF OFFICER: LACKEY

LOGREF:

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL  
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COMMENTS: NSC LEGISLATIVE FAXED CYS, RMO HANDCARRIED ORIGINALS 28 APR

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DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED  
ACTION DATA SUMMARY REPORT

RECORD ID: 9903205

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001

X 99042814 PRESIDENT SGD LTR

DISPATCH DATA SUMMARY REPORT

| <u>DOC</u> | <u>DATE</u> | <u>DISPATCH FOR ACTION</u> | <u>DISPATCH FOR INFO</u> |
|------------|-------------|----------------------------|--------------------------|
| 001        | 990428      | LOTT, TRENT                |                          |
| 001        | 990428      | HASTERT, J DENNIS          |                          |
| 001        | 990428      | GEPHARDT, RICHARD A        |                          |
| 001        | 990428      | DASCHLE, THOMAS A          |                          |

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

April 28, 1999

Dear Mr. Speaker:

I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

The Honorable J. Dennis Hastert  
Speaker of the  
House of Representatives  
Washington, D.C. 20515-6501



THE WHITE HOUSE

WASHINGTON

April 28, 1999

Dear Mr. Leader:

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The Honorable Trent Lott  
Majority Leader  
United States Senate  
Washington, D.C. 20510-7010

THE WHITE HOUSE

WASHINGTON

April 28, 1999

Dear Mr. Leader:

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Sincerely,

A handwritten signature in dark ink, appearing to read "Bill", is positioned below the word "Sincerely,".

The Honorable Thomas A. Daschle  
Democratic Leader  
United States Senate  
Washington, D.C. 20510-4103

THE WHITE HOUSE

WASHINGTON

April 28, 1999

Dear Mr. Leader:

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The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Gephardt', with a stylized, cursive script.

The Honorable Richard A. Gephardt  
Democratic Leader  
House of Representatives  
Washington, D.C. 20515-2503

THE WHITE HOUSE  
WASHINGTON

April 28, 1999

File:  
Congress

Dear Mr. Speaker:

I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

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Sincerely,



The Honorable J. Dennis Hastert  
Speaker of the  
House of Representatives  
Washington, D.C. 20515-6501



**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

**FAX TRANSMITTAL SHEET**

Number of pages + cover: \_\_\_\_\_

FROM: MILES LACKEY

TELEPHONE: 202-456-9171

FAX NUMBER: 202-456-9170

TO

PHONE

FAX NUMBER

1. Sandy / Jim

2. Jamie Baker

3. Grey Schulte

4. Eric Schwartz

5. \_\_\_\_\_

COMMENTS:

AMENDMENT NO. \_\_\_\_\_ Ex. \_\_\_\_\_ Calendar No. \_\_\_\_\_  
Purpose: To express appreciation to Macedonia and Albania and other  
countries in the region and to provide for debt relief for such  
countries \_\_\_\_\_

IN THE SENATE OF THE UNITED STATES \_\_\_\_\_ Cong., \_\_\_\_\_ Sess.

S. 767

(or Treaty \_\_\_\_\_)

H.R. \_\_\_\_\_ Short title

(title)

( ) Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

( ) Ordered to lie on the table and to be printed

Intended to be proposed by Mr. Dodd

Viz:

At the appropriate place in the pending bill add the following new sections

"Sec. (a) Findings.

(1) During the period of February 1998- March 1999 actions by Serbian security forces in Kosovo resulted in the deaths of more than 2,000 people and the displacement of more than 400,000 ethnic Albanian Kosovars.

(2) Political initiatives by the governments of the United States, Britain, France, Germany, Italy, and Russia to broker an agreement between Kosovo's Albanian political leaders and Yugoslav President Slobodan Milosevic in Rambouillet, France by providing for self government of Kosovo within the Federal Republic of Yugoslavia for an interim three year period, and the deployment of a NATO force to implement that agreement were rejected by President Milosevic on March 19.

(3) On March 24, NATO began air strikes against the Federal Republic of Yugoslavia with the military objective of degrading and diminishing the capacity of Serbian police and Yugoslav army troops



- 2 -

to conduct a campaign of oppression in Kosovo.

(4) Despite NATO bombings, Serbian military and security forces, under the direction of President Milosević, have proceeded to implement a massive campaign of ethnic cleansing of Kosovo's ethnic Albanian population causing more than 500,000 Kosovars to flee their country and seek refuge predominantly in Macedonia and Albania, and an additional 700,000 Kosovars to be internally displaced under conditions of extreme hardship.

(5) Ethnic cleansing by the Milosevic regime has already resulted in 329,000 Kosovar refugees entering Albania, 120,000 entering Macedonia, and 65,000 entering Montenegro and has precipitated a severe humanitarian crisis in these countries, imposing serious economic burdens on the countries involved.

(6) The Governments of Romania and Bulgaria have also received smaller numbers of refugees and are cooperating with NATO efforts in the region.

(7) Montenegro has endeavored to treat refugees humanely and to remain neutral in the NATO/Milosevic conflict and is under extreme pressure from President Milosevic and his military officials to support that government's efforts in Kosovo.

(8) The governments of Macedonia and Albania with assistance from NATO, United Nations relief agencies, and private humanitarian relief organizations have responded to the refugee crisis by establishing refugee camps, and otherwise providing food, shelter, and other humanitarian assistance to the Kosovar refugees and are working to develop and implement refugee processing and relocation programs as quickly as possible.

(9) Macedonia and Albania are small and extremely poor countries with per capita incomes of \$ 960 and \$ 1,370, respectively. The massive influx of refugees and the economic impact of the ongoing armed conflict in Yugoslavia have severely impacted the economies of these countries and will require the provision of additional humanitarian and other economic assistance by the United States and other NATO governments and international organizations to Macedonia and Albania and other affected states, on an expedited basis.

(b) It is the Sense of the Senate that --

(1) The Governments of Macedonia and Albania have responded in a credible and responsive manner to the humanitarian crisis that has unfolded in their countries as a result of the rapid influx of Kosovar refugees;

(2) The United States and other NATO governments should publicly express thanks and appreciation for all of the efforts and sacrifices made by the Governments and the peoples of

- 3 -

Macedonia and Albania in their efforts to assist the refugees who have sought to escape the criminal policies of the Milosevic regime and the barbarous acts against them by Serbian military and security forces;

(3) The governments of Romania and Bulgaria also deserve recognition and thanks for their cooperation with refugees and with NATO related efforts in the region.

(4) There is international recognition of the extremely difficult political pressures being brought to bear on the Government of Montenegro, and appreciation for its efforts to remain neutral in the conflict.

(5) The United States and other members of NATO should provide additional humanitarian and other economic assistance to Macedonia, Albania and other countries affected by the Kosovo armed conflict, on an expedited basis;

(6) The United States Congress is prepared to act expeditiously upon a request by the Clinton Administration for emergency supplemental appropriations for that purpose;

(7) In addition to humanitarian assistance, balance of payments support, and other bilateral economic aid, the United States and European governments should provide provide official debt relief, as needed, to the governments of Macedonia and Albania in conjunction with official multilateral debt relief efforts commonly referred to as the Paris Club; and

(8) The Clinton Administration should review the U.S. textile quota currently allocated to the country of Macedonia to determine whether such quota is consistent with efforts to assist Macedonia's economy recovery.

Section. Authority to Provide Debt Relief For Front Line States .

(a) The President is authorized to provide debt relief to Macedonia, and other countries adversely affected by the Kosovo armed conflict, by reducing amounts owed to the United States (or any agency thereof) on terms and conditions as least as favorable as those provided to developing countries pursuant to Section 558 of P.L. 105-118.

(b) Notwithstanding any other provision of law, there is hereby appropriated for FY 1999 \$ million, to remain available until expended to cover the cost, as defined in section 502 of the Congressional Budget Act of 1974, of reducing amounts owed the United States pursuant to subsection (a). Such sums shall be in addition to any funds already available for such purposes.

**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

**FAX TRANSMITTAL SHEET**

Number of pages + cover: \_\_\_\_\_

FROM: MILES LACKEY

TELEPHONE: 202-456-9171 FAX NUMBER: 202-456-9170

|    | TO            | PHONE | FAX NUMBER |
|----|---------------|-------|------------|
| 1. | Jim Steinberg |       |            |
| 2. | Greg Schulte  |       |            |
| 3. | Samie Baker   |       |            |
| 4. | David Leavy   |       |            |
| 5. |               |       |            |

COMMENTS:



106TH CONGRESS  
1ST SESSION

# H. CON. RES. \_\_\_\_\_

## IN THE HOUSE OF REPRESENTATIVES

Mr. CAMPBELL submitted the following concurrent resolution; which was referred to the Committee on \_\_\_\_\_

### CONCURRENT RESOLUTION

Directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Republic of Yugoslavia.

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring),*

3       **SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES**  
4               **FROM THE REPUBLIC OF YUGOSLAVIA.**

5       Pursuant to section 5(c) of the War Powers Resolu-  
6 tion (50 U.S.C. 1544(c)), the Congress hereby directs the  
7 President to remove United States Armed Forces from  
8 their positions in connection with the present operations  
9 against the Republic of Yugoslavia within 30 days after

1   the passage of this resolution or within such longer period  
2 as may be necessary to effectuate their safe withdrawal.



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RLC

106TH CONGRESS  
1ST SESSION

H. J. RES. \_\_\_\_\_

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IN THE HOUSE OF REPRESENTATIVES

Mr. CAMPBELL introduced the following joint resolution; which was referred  
to the Committee on \_\_\_\_\_

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**JOINT RESOLUTION**

Declaring a state of war between the United States and  
the Government of Yugoslavia.

1 *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*  
3 That pursuant to section 5(b) of the War Powers Resolu-  
4 tion (50 U.S.C. 1544(b)), and Article 1, section 8 of the  
5 United States Constitution, a state of war is declared to  
6 exist between the United States and the Government of  
7 the Republic of Yugoslavia.

N E W S R E L E A S E



## U.S. SENATOR JOE LIEBERMAN CONNECTICUT

Dan Gerstein; Press Secretary 202.224.0414, 202.966.0131 (H)

Kathie Scarrah; Director of Broadcast Comm. 202.224.9965, 703.845.2874 (H), 202.224.6095 (Actualities)

Leslie Phillips; Communications, Governmental Affairs Comm. 202.224.0384, 202.338.3372 (H)

Home Page: <http://www.senate.gov/~lieberman/>

March 29, 1999

### **Lieberman Makes Legislative Push to Help Bring Peace to Kosovo, Balkans** *Sponsors Plans to Arm Kosovar Forces, Bring Down Repressive Milosevic Regime*

WASHINGTON - Trying to speed the pace of peace in the war-torn Balkans, Senator Joe Lieberman (D-CT) proposed complementary pieces of legislation aimed at stopping the genocide in Kosovo and bringing democracy to Yugoslavia.

One of the bills, the Kosova Self Defense Act, would provide U.S. aid to help arm and train the ethnic Albanians in Kosovo in the event that the NATO air strikes currently underway did not compel Milosevic to sign a peace accord with the Kosovars.

Lieberman, who joined Senator Mitch McConnell (R-KY) in unveiling the Self Defense Act at a press conference on Capitol Hill today, said he hoped the bill would not be necessary.

"However, if, after extended air strikes, it becomes clear that Milosevic intends to continue his war of aggression against the Kosovar people, we must have an answer to the question of what next -- not just for the protection of our national interests and our credibility, not just for the protection of our men and women in harm's way, but for the protection of those Kosovars who we know Milosevic will continue to slaughter if this conflict drags on," Lieberman said.

- More -

"The bill we are proposing provides us with such an answer, and sends an uncompromising message to Milosevic: we will not stand idly by and allow the Yugoslav forces to brutalize the people of Kosova any longer."

Looking more long-term, Lieberman also joined with Senator Jessie Helms (R-NC), the Chairman of the Senate Foreign Relations Committee, in introducing legislation aimed at stopping Milosevic's rule of brutality.

Their bipartisan plan, the Serbia Democratization Act, would take several steps to isolate Milosevic and undermine his authority. Among other things, it would:

- pledge to uphold current sanctions against Yugoslavia until its government has implemented internal democratic reforms and has complied with several major agreements;
- deny U.S. visas to senior Yugoslav officials and their families;
- commit the U.S. to doing everything possible to block Yugoslavia's membership in international organizations;
- support for the International Criminal Tribunal's investigation of Yugoslav war criminals;
- provide funding to strengthen the independent media in Yugoslavia and expand the presence there of Voice of America and Radio Free Europe.

"As we know from years of aggression, repression, and gross atrocities, most of the instability and violence that has plagued the Balkans for the past decade can be traced to one man – Slobodan Milosevic," Lieberman said. "It is time for the United States to make a concerted effort to end his ruthless and ruinous era and foster a democratic regime to succeed it."



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S.L.C.

106TH CONGRESS  
1ST SESSION**S.** \_\_\_\_\_

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**IN THE SENATE OF THE UNITED STATES**

Mr. McCONNELL (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To make available funds for a security assistance training and support program for the the self-defense of Kosova.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Kosova Self-Defense  
5 Act of 1999".

6 **SEC. 2. POLICY OF THE UNITED STATES.**

7 It shall be the policy of the United States to provide  
8 the interim government of Kosova with the capability to  
9 defend and protect the civilian population of Kosova  
10 against armed aggression.



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S.L.C.

2

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SECU-**  
2 **RITY ASSISTANCE.**

3 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-  
4 tion to funds otherwise available to carry out section 23  
5 of the Arms Export Control Act (22 U.S.C. 2763), there  
6 are authorized to be appropriated to the President to carry  
7 out the provisions of such section, \$25,000,000, which  
8 amount shall be made available only for grants to the in-  
9 terim government of Kosova to be used for training and  
10 support for the established self-defense forces to carry out  
11 the policy of section 2.

12 (b) **AVAILABILITY OF FUNDS.**—Amounts appro-  
13 priated pursuant to subsection (a) are authorized to re-  
14 main available until expended.

15 **SEC. 4. RELATION TO EXISTING AUTHORITIES IN LAW.**

16 Assistance provided under section 3 may be made  
17 available notwithstanding any other provision of law (in-  
18 cluding any executive order or directive or any rule or reg-  
19 ulation).

JESSE HELMS, NORTH CAROLINA, CHAIRMAN

RICHARD C. LUGAR, INDIANA  
PAUL COVERDELL, GEORGIA  
CHUCK HAGEL, NEBRASKA  
GORDON M. SMITH, OREGON  
ROD GRAMS, MINNESOTA  
SAM BROWNBACK, KANSAS  
CRAIG THOMAS, WYOMING  
JOHN ASHCROFT, MISSOURI  
LL FRIST, TENNESSEE

JOSEPH R. BIDEN, JR., DELAWARE  
PAUL S. SARBANES, MARYLAND  
CHRISTOPHER J. DODD, CONNECTICUT  
JOHN F. KERRY, MASSACHUSETTS  
RUSSELL D. FEINGOLD, WISCONSIN  
PAUL G. WELLSTONE, MINNESOTA  
BARBARA BOXER, CALIFORNIA  
ROBERT G. TORRICELLI, NEW JERSEY

JAMES W. NANCE, STAFF DIRECTOR  
EDWIN K. HALL, MINORITY STAFF DIRECTOR

## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

**FOR IMMEDIATE RELEASE**

Date: March 25, 1999

Contact: Marc Thiessen

Phone: (202) 224-4651

# HELMS INTRODUCES BIPARTISAN "SERBIA DEMOCRATIZATION ACT"

WASHINGTON, DC — Senate Foreign Relations Committee Chairman Jesse Helms (R-NC), along with Sens. Gordon Smith, Richard Lugar, Joseph Lieberman, Frank Lautenberg, John McCain, Mike DeWine, today introduced the bipartisan "Serbia Democratization Act."

The legislation is designed to make Slobodan Milosevic's removal from power, and Serbia's democratic transformation, United States policy. The legislation will, among other things:

- Authorize \$100 million in U.S. funds to help support democracy and the development of a civil society inside Yugoslavia;
- Authorize increased Voice of America and RFE/RL broadcasting to Yugoslavia, to break Milosevic's monopoly on information;
- Authorize assistance to victims of Milosevic's repression in Kosovo and refugees displaced by the Kosovo conflict;
- Codify the "outer wall" of our sanctions on the Milosevic regime;
- Block all Yugoslav assets in the United States;
- Deny visas to senior Serbian and Yugoslav government officials and their families (with an exemption for Montenegrin government officials);
- Require certification that Yugoslavia has a freely elected government based on democratic principles and the rule of law before restoring MFN status to Yugoslavia;
- Prohibit strategic exports, U.S. loans to, or investment in, Yugoslavia;
- Prohibit U.S. military-to-military cooperation with the armed forces of Yugoslavia or Serbia.

*Copies of Senator Helms' floor statement, and a section-by-section bill summary, are attached.*



## HELMS STATEMENT INTRODUCING SERBIA DEMOCRATIZATION ACT

Mr. President, today I am offering what I believe to be a significant piece of legislation -- the Serbia Democratization Act of 1999 and I am pleased by the co-sponsorship of this measure by several distinguished colleagues -- Senator Gordon Smith, Senator Lugar, Senator Lieberman, Senator Lautenberg, Senator DeWine, and Senator McCain.

More than a year ago, Yugoslav President Slobodan Milosevic sent Serbian troops into Kosovo to launch a brutal assault on the ethnic Albanian population there. This action was the beginning of a merciless and unjustified Serbian offensive against ethnic Albanians in Kosovo. Two thousand victims of Milosevic's cruelty lie dead -- many of them innocent civilians. And hundreds of thousands of people have been driven from their homes.

Mr. President, this tragedy in Kosovo has emphasized the obvious: that if the United States continues to foolishly hope for good will on the part of Milosevic, the United States will be dragged into the crises this cruel man manufactures time and again. Instead of pursuing a strategy that leads to NATO airstrikes or the deployment of thousands of United States troops in peacekeeping operations, I believe it is the course of wisdom to examine the root cause of instability in that region -- the bloody regime of Slobodan Milosevic.

President Milosevic has imposed rigid controls on, or launched outright attacks against, the media, universities, and the judicial system in Serbia to prevent the possibility that a democracy and an independent civil society will develop. The massacres of innocent women and children in Kosovo demonstrate Milosevic's disregard for basic human rights. Milosevic, in a word, forbids the very thought of a democratic system in Serbia.

For too long this Administration has claimed that no viable democratic opposition exists in Serbia or that the United States has no choice but to work with Milosevic. Mr. President, I refuse to accept this argument. There are individuals and organizations in Serbia that can be a force for democratic change in that country. Milosevic is not the only option. And in no case should the United States treat that dictator as a responsible leader or as someone with whom we can do business.

The Serbia Democratization Act, which I am introducing today, has but one purpose -- to get rid of the murderous regime of Mr. Milosevic. Let me briefly summarize the key points of the legislation:

- It authorizes \$100 million over a two year period to support the development of a government in Yugoslavia based on democratic principles and the rule of law.
- It calls for increased Voice of America and Radio Free Europe/Radio Liberty broadcasting to Serbia to undermine state control of the media and spread the message of democracy to the people of Serbia.
- It calls for humanitarian and other assistance to the victims of oppression in Kosovo.
- It adds new sanctions or strengthens those that exist against Serbia until the President certifies that the government is democratic. For example, it codifies the so-called "outer wall" of sanctions that the United States has informally in place. It blocks Yugoslav assets in the United States. It prevents senior Yugoslav and Serbian government officials, and their families, from receiving visas to travel to the U.S.

And it requires a democratic government to be in place in Serbia before extending MFN status to Yugoslavia.

- It states that the U.S. should send to the International Criminal Tribunal for the former Yugoslavia all information we have on the involvement of Milosevic in war crimes.

Now, as for Mr. Milosevic's future, I do not care one way or the other if he lives out his days in sunny Cyprus if he will agree to step aside and make way for democracy in Serbia. The important thing is that he be removed from power, whether voluntarily or not.

Once the Milosevic regime has been replaced by a democratic government in Yugoslavia, this legislation calls for immediate and substantial U.S. assistance to support the transition to democracy. When that day comes, I will lead the way in encouraging Yugoslavia to take its place among the democratic nations of the West. Until that time, I will work to implement a policy that will undermine the autocratic regime of Slobodan Milosevic in every way possible.



## SERBIA DEMOCRATIZATION ACT OF 1999

### SUMMARY

#### TITLE I -- SUPPORT FOR THE DEMOCRATIC OPPOSITION

- Sec. 101 Findings on the undemocratic nature of the Milosevic regime
- Sec. 102 Authorization of \$100 million for FY2000 and FY2001 to promote democracy and civil society in Yugoslavia
- Sec. 103 Authorization for increased Voice of America and RFE/RL broadcasting to Yugoslavia

#### TITLE II -- ASSISTANCE TO THE VICTIMS OF SERBIAN OPPRESSION

- Sec. 201 Findings on the Serbian crackdown in Kosovo
- Sec. 202 Sense of Congress that neither the Yugoslav nor Serbian government will provide assistance to victims of oppression in Kosovo and the international community offers the only recourse for humanitarian assistance for Kosovars.
- Sec. 203 Authorization for assistance to individuals in Kosovo and refugees displaced by the Kosovo conflict

#### TITLE III -- MEASURES AGAINST YUGOSLAVIA

- Sec. 301 Codification of the "outer wall" of sanctions
- Sec. 302 Sense of the Congress that the U.S. should withhold from payment of its share of any replenishment to any international financial institution that approves a loan or other assistance to Yugoslavia over U.S. objection
- Sec. 303 Requirement that all Yugoslav assets in the United States be blocked, including termination of licenses currently in effect
- Sec. 304 Denial of visas to senior Serbian and Yugoslav government officials and their families (with an exemption for Montenegrin government officials)
- Sec. 305 Additional requirement before restoring Most Favored Nation status to Yugoslavia: certification that Yugoslavia has a freely elected government based on democratic principles and the rule of law
- Sec. 306 Prohibition on strategic exports to the Governments of Serbia or Yugoslavia (i.e. computers and computer software)
- Sec. 307 Prohibition on U.S. loans to or investment in Yugoslavia (with an exemption for Montenegro)
- Sec. 308 Prohibition of U.S. military-to-military cooperation with the armed forces of Yugoslavia or Serbia
- Sec. 309 Sense of the Congress that the President should encourage other countries to take similar measures contained in this title
- Sec. 310 Authority for the President to terminate or modify any measures in this title (with the exception of the "outer wall" of sanctions) if he certifies that the Government of Yugoslavia is based on democratic principles, the rule of law, and respects human rights

#### TITLE IV -- MISCELLANEOUS PROVISIONS

- Sec. 401 International Criminal Tribunal for the former Yugoslavia
- Findings on Yugoslavia's lack of compliance with the Tribunal
  - Policy statement that the United States should support the indictment of Milosevic if the Tribunal chooses to indict him
  - Sense of the Congress that the U.S. intelligence community should transfer to the Tribunal all information it has in support of an indictment of Milosevic for war crimes
- Sec. 402 Diplomatic properties in the United States that were owned by the Socialist Federal Republic of Yugoslavia (SFRY)
- Findings and policy statement that the United States should insist that Yugoslavia negotiate in good faith with the other successor states on a resolution of ownership and continued use of seven properties in Washington, D.C. and New York, NY.
  - Sense of the Congress that if Yugoslavia refuses to negotiate on the future status of the properties listed, the President should take steps to return the properties to the possession of the other successor states.
- Sec. 403 Sense of the Congress that once the Milosevic regime has been replaced by a democratic government in Yugoslavia, the United States should provide immediate and substantial assistance to support the transition to democracy

**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

**FAX TRANSMITTAL SHEET**

Number of pages + cover: \_\_\_\_\_

FROM: MILES LACKEY

TELEPHONE: 202-456-9171 FAX NUMBER: 202-456-9170

TO

PHONE

FAX NUMBER

1. Sandy Berger / Jim Steinberg

2. Don Kerrick

3. Samie Baker

4. Greg Schulte

5. David Leavy

COMMENTS:



106TH CONGRESS  
1ST SESSION

H. RES. \_\_\_\_\_

---

IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ submitted the following resolution; which was referred to the  
Committee on \_\_\_\_\_

---

**RESOLUTION**

Expressing the support of the House of Representatives for the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia.

Whereas the President has authorized United States participation in NATO military operations against the Federal Republic of Yugoslavia;

Whereas up to 22,000 members of the Armed Forces are presently involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

Whereas the House of Representatives and the American people have the greatest pride in the members of the Armed Forces and strongly support them: Now, therefore, be it

- 1       *Resolved*, That the House of Representatives supports
- 2 the members of the United States Armed Forces who are
- 3 engaged in military operations against the Federal Repub-
- 4 lic of Yugoslavia and recognizes their professionalism,
- 5 dedication, patriotism, and courage.

**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

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1. Greg Schulte
2. Samie Baker
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

COMMENTS:

Received Data

Page 1 of 2

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|                                       |                                                            |                                                    |                                                           |
|---------------------------------------|------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------|
| <u>GPO's PDF version of this bill</u> | <u>References to this bill in the Congressional Record</u> | <u>Link to the Bill Summary &amp; Status file.</u> | <u>Full Display - 2,780 bytes.</u> <a href="#">[Help]</a> |
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**Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct... (Placed on the Calendar in the Senate)**

SJ 11 PCS

**Calendar No. 19**

106th CONGRESS

1st Session

**S. J. RES. 11**

Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

**IN THE SENATE OF THE UNITED STATES****February 23, 1999**

Mr. SMITH of New Hampshire introduced the following joint resolution; which was read the first time

**February 24, 1999**

Read the second time and placed on the calendar

**JOINT RESOLUTION**

Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

Whereas United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States; and

Whereas Kosovo is a province in the Federal Republic of Yugoslavia, a sovereign state: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RESTRICTION ON USE OF FUNDS FOR MILITARY**



Received Data

Page 2 of 2

**OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).**

(a) IN GENERAL- Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS- Subsection (a) shall not apply to--

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

Calendar No. 19

106th CONGRESS

1st Session

S. J. RES. 11

**JOINT RESOLUTION**

Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

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**February 24, 1999**

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**Read the second time and placed on the calendar**

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**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

**FAX TRANSMITTAL SHEET**

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FROM: MILES LACKEY

TELEPHONE: 202-456-9171 FAX NUMBER: 202-456-9170  
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TO

PHONE

FAX NUMBER

1. Sandy Berger / Jim Steinberg
2. Jamie Baker
3. Miriam Sapiro / Mike Hurley
4. P. S. Crowley
5. \_\_\_\_\_

**COMMENTS:**

Final

## 106th CONGRESS

## 1st Session

**H. CON. RES. 42****CONCURRENT RESOLUTION**

Regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

HCON 42 EH

## 106th CONGRESS

## 1st Session

**H. CON. RES. 42****CONCURRENT RESOLUTION**

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the 'Peacekeeping Operations in Kosovo Resolution'.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

- (1) The conflict in Kosovo has caused great human suffering and, if permitted to continue, could threaten the peace of Europe.
- (2) The Government of Serbia and representatives of the people of Kosovo may agree in Rambouillet, France, to end the conflict in Kosovo.
- (3) Former Senator Robert Dole recently traveled to the region to meet with the Kosovar Albanians and deliver a message from President Clinton encouraging all parties to reach an agreement to end the conflict in Kosovo.
- (4) Representatives of the Government of Serbia and representatives of the Kosovar Albanians are scheduled to reconvene in France on March 15, 1999.
- (5) President Clinton has promised to deploy approximately 4,000 United States Armed Forces personnel to Kosovo as part of a North Atlantic Treaty Organization (NATO) peacekeeping operation implementing a Kosovo peace agreement.



### **SEC. 3. AUTHORIZATION FOR DEPLOYMENT OF UNITED STATES ARMED FORCES TO KOSOVO.**

(a) IN GENERAL- Subject to the limitations in subsection (b) the President is authorized to deploy United States Armed Forces personnel to Kosovo as part of a NATO peacekeeping operation implementing a Kosovo peace agreement.

(b) REPORTS TO CONGRESS- The President should, before ordering the deployment of any United States Armed Forces personnel to Kosovo do each of the following:

(1) Personally and in writing submit to the Congress--

(A) a detailed statement explaining the national interest of the United States at risk in the Kosovo conflict; and

(B) a certification to the Congress that all United States Armed Forces personnel so deployed pursuant to subsection (a) will be under the operational control only of United States Armed Forces military officers.

(2) Submit to the Congress a detailed report that--

(A) in classified and unclassified form addresses the amount and nature of the military resources of the United States, in both personnel and equipment, that will be required for such deployment;

(B) outlines and explains the military exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(C) certifies the chain of command for any such deployed United States Armed Forces personnel; and

(D) provides the percentage of United States Armed Forces participating in any NATO deployment in the Kosovo peace keeping operation, including ground troops, air support, logistics support, and intelligence support, compared to the other NATO nations participating in that operation.

(3) Submit to the Congress a detailed report that--

(A) in classified and unclassified form addresses the impact on military readiness of such deployment;

(B) provides the timeframe in which withdrawal of all United States Armed Forces personnel from Kosovo could reasonably be expected;

(C) in classified and unclassified form provides an unambiguous explanation of the rules of

engagement under which all United States Armed Forces personnel participating in the Kosovo NATO peace keeping operation shall operate; and

(D) in classified and unclassified form provides the budgetary impact for fiscal year 1999 and each fiscal year thereafter for the next five fiscal years on the Department of Defense, and each of the military services in particular; on the Intelligence Community; and on the Department of State as a result of any such deployment.

(4) Submit in classified form, to the Speaker, the Minority Leader, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives; and the Majority and Minority Leaders, the Select Committee on Intelligence, and the Armed Services Committee of the Senate, a detailed report that addresses the threats attendant to any such deployment and the nature and level of force protection required for such deployment.

(5) Submit to the Speaker, Minority Leader, and the Permanent Select Committee on Intelligence of the House of Representatives; and the Majority and Minority Leaders and the Select Committee on Intelligence of the Senate a detailed report that addresses--

(A) any intelligence sharing arrangement that has been established as a result of the Kosovo peace agreement;

(B) the intelligence sharing arrangement that currently exists within NATO and how such arrangement would be modified, if at all, in the Kosovo context; and

(C) whether Russian participation in a Kosovo peacekeeping deployment alongside NATO forces will affect, impede, or hinder any such intelligence sharing arrangement.

(6) Submit to the Congress a detailed report on the scope of the mission of the United States Armed Forces personnel.

(7) Submit to the Congress a detailed report prepared by the Secretary of State that--

(A) outlines and explains the diplomatic exit strategy that would control the withdrawal of United States Armed Forces personnel from Kosovo;

(B) outlines and explains the means and methodologies by which verification of compliance with the terms of any Kosovo peace agreement will be determined; and

(C) in classified and unclassified form, explains the terms and conditions included in any peace agreement reached with respect to the Kosovo conflict. Such report should include--

(i) a detailed discussion and explanation of any side agreement, whether or not all parties to the overall peace agreement are aware of the side agreement;

(ii) a detailed discussion and explanation of any obligations of the United States arising



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from the peace agreement, including any such obligations with respect to the introduction of weapons into Kosovo and Serbia;

(iii) a detailed discussion and explanation of any military arrangements, in addition to the NATO deployment, to which the United States has agreed to undertake as a result of the Kosovo peace agreement;

(iv) a detailed discussion and explanation of the funding source for any future plebiscite or referendum on independence for Kosovo; and

(v) a detailed discussion and explanation of any requirement for forces participating in the NATO peace keeping operation implementing the peace agreement to enforce any provision of such peace agreement.

#### SEC. 4. LIMMTATION.

The authorization in section 3 is subject to the limitation that the number of United States Armed Forces personnel participating in a deployment described in that section may not exceed 15 percent of the total NATO force deployed to Kosovo in the peacekeeping operation described in that section, except that such percentage may be exceeded if the President determines that United States forces or United States citizens are in danger and notifies Congress of that determination.

Passed the House of Representatives March 11, 1999.

Attest:

Clerk.

END



**NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20504**

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|    | TO                          | PHONE | FAX NUMBER |
|----|-----------------------------|-------|------------|
| 1. | Sandy Berger<br>Jamie Baker |       |            |
| 2. | Miriam Sapiro               |       |            |
| 3. | Bob Bell                    |       |            |
| 4. |                             |       |            |
| 5. |                             |       |            |

**COMMENTS:**

Latrst Hutchison draft

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|                  |               |         |            |            |   |
|------------------|---------------|---------|------------|------------|---|
| Post-it Fax Note | 7671          | Date    | 3/18       | # of pages | 8 |
| To               | MILES LACKLEY | From    | DAVE DAVIS |            |   |
| Co./Dept.        | NSC           | Co.     |            |            |   |
| Phone #          |               | Phone # |            |            |   |
| Fax #            | 456-9170      | Fax #   |            |            |   |

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To set forth restrictions on deployment of United States Armed Forces in Kosovo.

IN THE SENATE OF THE UNITED STATES—106th Cong., 1st Sess.

**S.544**

Making emergency supplemental appropriations and rescissions for recovery from natural disasters and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. HUTCHISON  
(for herself and \_\_\_\_\_)

Viz:

1 On page 58, between lines 15 and 16, insert the fol-  
2 lowing:

3 **TITLE \_\_\_\_\_—RESTRICTIONS ON**  
4 **DEPLOYMENT OF UNITED**  
5 **STATES ARMED FORCES IN**  
6 **KOSOVO**

7 SEC. \_\_\_\_01. SHORT TITLE.

8 This title may be cited as the “\_\_\_\_\_ Act  
9 of 1999”.

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S.L.C.

2

1 SEC. \_\_\_\_02. DEFINITION.

2 In this title, the term "Yugoslavia" means the so-  
3 called Federal Republic of Yugoslavia (Serbia and  
4 Montenegro).

5 SEC. \_\_\_\_03. FUNDING LIMITATION.

6 (a) LIMITATION.—None of the funds appropriated or  
7 otherwise made available to the Department of Defense,  
8 including funds appropriated for fiscal year 1999 and  
9 prior fiscal years, may be obligated or expended for any  
10 deployment of the Armed Forces of the United States to  
11 Kosovo unless and until—

12 (1) the parties to the conflict in Kosovo have  
13 signed an agreement for the establishment of peace  
14 in Kosovo;

15 (2) the President has transmitted to Congress  
16 the report provided for under section 8115 of Public  
17 Law 105-262 (112 Stat. 2327); and

18 (3) the President has transmitted to the Speak-  
19 er of the House of Representatives and the Presi-  
20 dent pro tempore of the Senate a report contain-  
21 ing—

22 (A) a certification—

23 (i) that deployment of the Armed  
24 Forces of the United States to Kosovo is  
25 in the national security interests of the  
26 United States;



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3

1 (ii) that—

2 (I) the President will submit to  
3 Congress an amended budget for the  
4 Department of Defense for fiscal year  
5 2000 not later than 60 days after the  
6 commencement of the deployment of  
7 the Armed Forces of the United  
8 States to Kosovo that includes an  
9 amount sufficient for such deploy-  
10 ment; and

11 (II) such amended budget will  
12 provide for an increase in the total  
13 amount for the major functional  
14 budget category 050 (relating to Na-  
15 tional Defense) for fiscal year 2000 by  
16 at least the total amount proposed for  
17 the deployment of the Armed Forces  
18 of the United States to Kosovo (as  
19 compared to the amount provided for  
20 fiscal year 2000 for major functional  
21 budget category 050 (relating to Na-  
22 tional Defense) in the budget that the  
23 President submitted to Congress Feb-  
24 ruary 1, 1999); and

25 (iii) that—

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1 (I) not later than 120 days after  
2 the commencement of the deployment  
3 of the Armed Forces of the United  
4 States to Kosovo, forces of the Armed  
5 Forces of the United States will be  
6 withdrawn from on-going military op-  
7 erations in locations where maintain-  
8 ing the current level of the Armed  
9 Forces of the United States (as of the  
10 date of certification) is no longer con-  
11 sidered vital to the national security  
12 interests of the United States; and

13 (II) each such withdrawal will be  
14 undertaken only after consultation  
15 with the Majority Leader of the Sen-  
16 ate, the Minority Leader of the Sen-  
17 ate, the Speaker of the House of Rep-  
18 resentatives, and the Minority Leader  
19 of the House of Representatives;

20 (B) an explanation of the reasons why the  
21 deployment of the Armed Forces of the United  
22 States to Kosovo is in the national security in-  
23 terests of the United States;

24 (C) the total number of the United States  
25 military personnel that are to be deployed in

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5

1 Kosovo and the number of personnel to be com-  
2 mitted to the direct support of the international  
3 peacekeeping operation in Kosovo, including  
4 ground troops, air support, logistics support,  
5 and intelligence support;

6 (D) the percentage that the total number  
7 of personnel of the United States Armed Forces  
8 specified in subparagraph (C) bears to the total  
9 number of the military personnel of all NATO  
10 nations participating in the international peace-  
11 keeping operation in Kosovo;

12 (E) a description of the responsibilities of  
13 the United States military force participating in  
14 the international peacekeeping operation to en-  
15 force any provision of the Kosovo peace agree-  
16 ment; and

17 (F) a clear identification of the bench-  
18 marks for the withdrawal of the Armed Forces  
19 of the United States from Kosovo, together  
20 with a description of those benchmarks and the  
21 estimated dates by which those benchmarks can  
22 and will be achieved.

23 (b) CONSULTATION.—

24 (1) IN GENERAL.—Prior to the conduct of any  
25 air operations by the Armed Forces of the United



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S.L.C.

6

1 States against Yugoslavia, the President shall con-  
2 sult with the joint congressional leadership and the  
3 chairmen and ranking minority members of the ap-  
4 propriate congressional committees with respect to  
5 those operations.

6 (2) DEFINITIONS.—In this subsection:

7 (A) APPROPRIATE CONGRESSIONAL COM-  
8 MITTEES.—The term “appropriate congres-  
9 sional committees” means—

10 (i) the Committee on Appropriations,  
11 the Committee on Armed Services, the  
12 Committee on International Relations, and  
13 the Permanent Select Committee on Intel-  
14 ligence of the House of Representatives;  
15 and

16 (ii) the Committee on Appropriations,  
17 the Committee on Armed Services, the  
18 Committee on Foreign Relations, and the  
19 Select Committee on Intelligence of the  
20 Senate.

21 (B) JOINT CONGRESSIONAL LEADER-  
22 SHIP.—The term “joint congressional leader-  
23 ship” means—

24 (i) the Speaker of the House of Rep-  
25 resentatives and the Majority Leader and

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S.L.C.

7

1 the Minority Leader of the House of Rep-  
2 resentatives; and

3 (ii) the Majority Leader and the Mi-  
4 nority Leader of the Senate.

5 SEC. \_\_\_\_04. REPORT ON PROGRESS TOWARD MEETING  
6 BENCHMARKS.

7 Thirty days after the date of enactment of this Act,  
8 and every 60 days thereafter, the President shall submit  
9 to Congress a detailed report on the benchmarks that are  
10 established to measure progress and determine the with-  
11 drawal of the Armed Forces of the United States from  
12 Kosovo. Each report shall include—

13 (1) a detailed description of the benchmarks for  
14 the withdrawal of the Armed Forces from Kosovo;

15 (2) the objective criteria for evaluating success-  
16 ful achievement of the benchmarks;

17 (3) an analysis of the progress made in achiev-  
18 ing the benchmarks;

19 (4) a comparison of the current status on  
20 achieving the benchmarks with the progress de-  
21 scribed in the last report submitted under this sec-  
22 tion;

23 (5) the specific responsibilities assigned to the  
24 implementation force in assisting in the achievement  
25 of the benchmarks;

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8

1 (6) the estimated timetable for achieving the  
2 benchmarks; and

3 (7) the status of plans and preparations for  
4 withdrawal of the implementing force once the objec-  
5 tive criteria for achieving the benchmarks have been  
6 met.

7 SEC. \_\_\_\_05. STATUTORY CONSTRUCTION.

8 Nothing in this title restricts the authority of the  
9 President to protect the lives of United States citizens.



**Schulte, Gregory L.**

---

**From:** Allen, Charles A.  
**Sent:** Thursday, March 18, 1999 10:41 AM  
**To:** Lackey, Miles M.; Tavlarides, Mark J.  
**Cc:** @KOSOVO; @LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; Hachigian, Nina L.; Sutphen, Mona K.  
**Subject:** Latest Hutchison draft [UNCLASSIFIED]

Miles, this morning's draft is not an improvement. All of the problematic provisions are intact. The bill remains one that raises serious constitutional concerns and that should be strongly opposed.

It adds a subsection (3(b)) requiring congressional consultations prior to any U.S. air operations against Yugoslavia. If the bill were enacted, this provision would tend to support a view that the reporting and certification requirements apply only to ground forces and not to air operations.

They deleted the findings section, but despite the offensive language of the previous findings, these were the least of our concerns.

## Schulte, Gregory L.

---

**From:** Allen, Charles A.  
**Sent:** Wednesday, March 17, 1999 9:41 PM  
**To:** Lackey, Miles M.; Tavlarides, Mark J.  
**Cc:** @KOSOVO; @LEGAL - Legal Advisor; Sutphen, Mona K.; Hachigian, Nina L.; @LEGISLAT - Legislative Affairs  
**Subject:** Observations on Hutchison 2 [UNCLASSIFIED]

We have a number of observations, but must say at the outset that the bill is highly objectionable in several respects and raises serious constitutional concerns. It should be opposed vigorously. We never thought we would praise Roberts, but would encourage support for Roberts as an alternative for simply saying this is rotten. Note: We have consulted informally with DOD/GC, OLC and State/L, who agree with the substance of this note, but will be making their own particularized comments to their Leg offices in the a.m.

### Constitutional concerns:

- Section 4(3)(A)(ii)(I) and (II) requiring the President to certify that he will submit an amended budget in the future. It would appear impermissible to require the President to exercise his constitutional authorities (e.g., under the Recommendation Clause) in a certain manner in the future. Circumstances may be quite different then, and it unduly infringes on his authority to require him to limit his options (or those of his successor) prospectively.
- Section 4(3)(A)(iii)(I) and (II) requiring withdrawals of forces "from on-going military operations", ostensibly worldwide, within 120 days of the Kosovo deployment, and to consult with Congress on such withdrawals, is ambiguous and raises serious concerns about unconstitutional infringement on the President's authority as Commander in Chief and to conduct foreign relations.

A major policy concern stems from section 4(1), which would condition any deployment to Kosovo on an agreement signed by all the parties. Although KFOR would not deploy without an agreement, this provision would not allow any other deployment to Kosovo that may be necessary to protect vital U.S. interests. We know of no precedent for such a provision, requiring a particular type of agreement before the President could deploy forces to protect U.S. national interests. We believe we would live to regret such a provision.

Applies to Air and Ground. Absent legislative history of the sort that accompanied Roberts (reference to ground units), it would be difficult not to interpret this provision ("any deployment") as applying to air deployments as well as ground.

Impossible certification/reporting hurdle. These requirements in the bill (section 4(3)(A) through (F)) go way beyond the Roberts reporting requirements. The result is, aside from serious constitutional concerns raised by some of the requirements as noted above, so onerous and takes micromanagement to such a degree, that we presume the bill is an attempt to create an obstacle to deployment that cannot be achieved under applicable operational conditions.

The findings, although not imposing binding requirements, are offensive and inaccurate in several particulars. (E.g., "The President has not made a compelling case for the deployment" and "The President has not provided sufficient detail to Congress.")

Notwithstanding the fact that the bill is highly objectionable and should be opposed vigorously, several reporting elements, taken alone, could probably be fulfilled in a Roberts-type report.

- Some would need to be tailored to avoid opsec and other problems; e.g., (C) asks for total numbers on U.S. military personnel, including breakdown by function. Providing intelligence support numbers as the bill specifies could pose such a problem.



- (B), (D), and (E) are probably items we could report upon (reasons, percentages relative to NATO, and description of U.S. responsibilities, respectively).
- (F) seeks clear benchmarks with estimated dates for achievement. Our policy is not to set timelines but rather to focus on functional achievements. Nevertheless, we could probably describe our approach on exit strategy and minimally satisfy this requirement.

Section 5 requires reports on progress toward meeting benchmarks 30 days after enactment and every 60 days thereafter. This appears similar to Bosnia legislation that conditions appropriations on receipt of regular reports on benchmarks. However, this requirement would be much more onerous than Bosnia reporting because of frequency and details required in these reports.

The only exception is that section 6 provides that the bill is not to be read to restrict the President's authority to protect U.S. citizens. This arguably adds nothing, since the President's constitutional authority is at its zenith when it comes to protecting U.S. citizens.



## Schulte, Gregory L.

---

**From:** Allen, Charles A.  
**Sent:** Thursday, March 18, 1999 9:40 AM  
**To:** Lackey, Miles M.; Tavlarides, Mark J.  
**Cc:** @KOSOVO; @LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; Hachigian, Nina L.; Sutphen, Mona K.  
**Subject:** Kosovo: H.Con.Res.42 [UNCLASSIFIED]

Miles, the analysis below on H.Con.Res 42 reflect some comments on yesterday's draft by State/L and CJCS/Legal.

You asked for legal's view on how to address the Kosovo concurrent resolution. This note reflects the substantive input of counsel at State, OLC, DOD, and JCS.

### Summary:

- If necessary to win support for our policy positions, or to hold off legislative provisions that would be worse, we could state that we will act consistent with the spirit of the resolution and fold into a Roberts report as many of reporting elements as feasible.
- If we do so, we should not indicate that we accept as binding a concurrent resolution and, moreover, one that states that the President "should" do certain things. Nor should we agree to or support all of the elements contained in the resolution, in particular the provisions noted as redlines below.
- Our nuanced support for this resolution is contingent on its concurrent nature and because the use of "should" allows us to support it, without committing politically to fulfilling all of its reporting and certification provisions in the same manner as might be expected if this were drafted as binding legislation. (Among other things, if the language were binding a waiver would be essential, e.g., "where the President determines it to be important to national security".)

### What we Can Support:

- Welcome Congressional support for our Kosovo policy and for U.S. Armed Forces.
- Indicate that we will act consistent with the spirit of the Resolution and provide as much information to Congress, in the context of a Roberts report, that is feasible under the time circumstances presented, regarding a ground deployment into Kosovo for KFOR.
- If pressed that this does not go far enough, note that not only is this a concurrent resolution, by its own terms the resolution uses hortatory language -- "should" -- and the President would be acting consistent with the plain language of the resolution if some, but not all, of the information requested were furnished.
- That we will, of course, provide such information under the Concurrent Resolution consistent with President's constitutional authority.

Redlines: What we should not accept or commit to

- The concurrent resolution contains a number of problematic provisions, some of which would be unconstitutional or unconstitutional as applied if it were binding in nature, and therefore we should not indicate that we can agree to them on the same basis as if each of the elements were binding legislation. Moreover, if accepted, some of these provisions could seriously impede the ability of the President to address events in Kosovo and provide for the safety of U.S. forces. Specifically:
    - a. Sec. 3 (b)(1)(B) requires the President to certify that all U.S. forces will be under the **operational control** of only U.S. Armed Forces military officers.
    - b. Sec. 4 limits the authorization to a **15% cap**. For the reasons cited in an earlier e-mail this could be unconstitutional as applied and is a bad provision for policy also; e.g., if an Ally pulls out forces for any reason at all, they could put the U.S. outside the authorization. (Of course, the President would then be acting pursuant to his constitutional authority alone if he continued the deployment.)
    - c. I don't know what is meant by "**certifies the chain of command**," but this is clearly something that is in the President's prerogative as Commander-in-Chief and he should not be obliged to lock into one chain of command or another on the ground.
    - d. Unambiguous explanation of **ROE**.
    - e. Detailed discussion of funding source for any future **plebiscite** on independence in Kosovo. (If we are understood to support the concurrent resolution, the audience in Kosovo may perceive this to include support for a plebiscite.)
    - f. Detailed discussion and explanation of any future side agreement, whether or not all parties to the agreement are aware of the side agreement.
- Note: With regard to some of these problematic reporting elements, it may be possible to report in a generic way that would nevertheless be responsive. E.g., we have made some limited comments about ROE in Iraq 60-day reports. However, such an approach might not meet Congressional expectations.
- Lawyers did not know enough about the following to offer an informed view on whether certain reporting elements would be problematic. Policymakers will need to consider whether they can live with:
- a. Five year fiscal report.
  - b. Report on intelligence sharing with NATO and KFOR.
- Air versus Ground. While the authorizing language covers only a KFOR deployment, there is some ambiguity as to whether the resolution's reporting elements cover deployment of air forces, or just ground units as with Roberts, with respect to any



deployment to Kosovo. The language reads: ". . . the President should, before ordering the deployment of any U.S. Armed Forces personnel to Kosovo do each of the following." If asked, we should not commit to doing a report under the Resolution in an air strike context.

- Orders v. Actual Deployment. As noted above, the resolution anticipates that the President will report before he orders a deployment rather than prior to the deployment itself as required by Roberts. Given notional timelines, and DOD's desire to deploy an ARRC element, this may be untenable, and could lead to debates as to whether the President, in fact, reported before ordering something done. (CJCS Legal notes that in reality there may not be much time lag between the "order" and "deployment.")
- Concurrent Res. is Not Binding. As a general matter, we cannot treat as binding a concurrent resolution, without having the benefit of the leverage that comes with the need to present a Joint Resolution to the President. If the Congress wants something to legally bind, they should go through the process of seeking a binding resolution. That said, there are advantages in encouraging Congress to act in this manner when future use of force issues arise, for the very reason that such resolutions do not impose any legal constraints on the President's ability to act.
- Slippery-Slope. Although non-binding, any provision we accept as a policy matter may come back later in a binding manner.



**Schulte, Gregory L.**

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**From:** Baker, James E.  
**Sent:** Wednesday, March 17, 1999 1:33 PM  
**To:** Lackey, Miles M.  
**Cc:** @KOSOVO; @LEGAL - Legal Advisor  
**Subject:** Kosovo: H.Con.Res.42 [UNCLASSIFIED]

**Draft**

You asked for legal's view on how to address the Kosovo concurrent resolution. This note reflects the substantive input of counsel at State, OLC, DOD, and JCS. With your concurrence, we would intend to circulate to our counterparts for specific comment, or you might circulate to your counterparts.

**Summary:**

- If necessary to win support for our policy positions, or to hold off legislative provisions that would be worse, we could state that we will act consistent with the spirit of the resolution and fold into a Roberts report as many of reporting elements as feasible.
- If we do so, we should not indicate that we accept as binding a concurrent resolution and, moreover, one that states that the President "should" do certain things. Nor should we agree to or support all of the elements contained in the resolution, in particular the provisions noted as redlines below.
- Our nuanced support for this resolution is contingent on its concurrent nature and because the use of "should" allows us to support it, without committing politically to undertaking to fulfill all of its reporting and certification provisions. (If the language were binding a waiver would be essential, e.g., "where the President determines it to be important to national security", or less favorable, "in emergency circumstances.")

**What we Can Support:**

- Welcome Congressional support for our Kosovo policy and for U.S. Armed Forces.
- Indicate that we will act consistent with the spirit of the Resolution and provide as much information to Congress, in the context of a Roberts report, that is feasible under the time circumstances presented, regarding a ground deployment into Kosovo for KFOR.
- If pressed that this does not go far enough, note that not only is this a concurrent resolution, by its own terms the resolution uses hortatory language -- "should" -- and the President would be acting consistent with the plain language of the resolution if some, but not all, of the information requested were furnished.
- That we will, of course, provide such information under the Concurrent resolution consistent with President's constitutional authority.

Redlines: What we should not accept or commit to

- The concurrent resolution contains a number of provisions that would be unconstitutional or unconstitutional as applied if it were binding in nature, and therefore we should not indicate that we can agree to them. Moreover, if accepted these same provisions could seriously impede the ability of the President to address events in Kosovo and provide for the safety of U.S. forces. Specifically:
  - a. Sec. 3 (b)(1)(B) requires the President to certify that all U.S. forces will be under the **operational control** of only U.S. Armed Forces military officers.
  - b. Sec. 4 limits the authorization to a **15% cap**. For the reasons cited in an earlier e-mail this could be unconstitutional as applied and is a bad provision for policy also; e.g., if an Ally pulls out forces for any reason at all, they could put the U.S. outside the authorization. (Of course, the President would then be acting pursuant to his constitutional authority alone if he continued the deployment.)
  - c. I don't know what is meant by "**certifies the chain of command**," but this is clearly something that is in the President's prerogative as Commander-in-Chief and he should not be obliged to lock into one chain of command or another on the ground.
  - d. Unambiguous explanation of **ROE**.
  - e. Whatever we say, we should make clear that our support does not extend to a reporting provision on how we will pay for a **plebiscite** in Kosovo. If we are understood to support the concurrent resolution, the audience in Kosovo may perceive this to include support for a plebiscite.

But note: With regard to some of these problematic reporting elements, it may be possible to report in a generic way that would nevertheless be responsive. E.g., we have made some limited comments about ROE in Iraq 60-day reports. However, such an approach might not meet Congressional expectations. (Lawyers prefer that the President's authorities be exercised unencumbered.),

Lawyers did not know enough about the following to offer an informed view on whether certain reporting elements would be problematic. Policymakers will need to consider whether they can live with:

- a. Five year fiscal report.
- b. Report on intelligence sharing with NATO and KFOR.
- c. Side agreements to peace agreement.
- Air versus Ground. While the authorizing language covers only a KFOR deployment, there is some ambiguity as to whether the resolution's reporting elements cover deployment of air forces, or just ground units as with Roberts, with respect to any deployment to Kosovo. The language reads: ". . . the President should, before ordering the deployment of any U.S. Armed Forces personnel to Kosovo do each of



the following." If asked, we should not commit to doing a report under the Resolution in an air strike context.

- Orders v. Actual Deployment. As noted above, the resolution anticipates that the President will report before he orders a deployment rather than prior to the deployment itself as required by Roberts. Given notional timelines, and DOD's desire to deploy ARRC element, this seems untenable. It could also lead to endless debates as to whether the President, in fact, reported before ordering something done.
- Concurrent Res. is Not Binding. As a general matter, it would set a bad legal and policy precedent to treat as binding a concurrent resolution, without having the benefit of the leverage that comes with the need to present a Joint Resolution to the President. If the Congress wants something to legally bind, they should go through the process of seeking a binding resolution.
- Slippery-Slope. Although non-binding, any provision we accept as a policy matter may come back later in a binding manner.





United States Information Agency

**FOR IMMEDIATE RELEASE FEBRUARY 14, 1999**

Press Briefing by

**Secretary of State Madeleine K. Albright**

Kleber Centre

Paris, France

February 14, 1999

Good afternoon. I want to begin by thanking Foreign Minister Vedrine for hosting the Contact Group today, with his co-chairman Robin Cook, for doing so much to get the Rambouillet talks off to a strong start.

I made this quick trip to Paris at president Clinton request to assess the progress the parties have made toward an agreement. I am particularly pleased that I was able to bring the leaders of the two delegations together for the first time earlier today. Both sides assured me that they recognize that the time is short and that the killing must stop. I hope that this joint meeting will be a model for further discussion in the days ahead.

I have had extensive discussions with my Contact Group colleagues, and I have spoken with the negotiators Chris Hill, Wolfgang Petritsch and Boris Mayorskiy, and heard their frank assessment of where we stand after one week of talks.

The Contact Group agreed that the sides have begun to grapple with the central issues in good faith. On that basis we have extended the Rambouillet talks for a second and final week.

But it is clear to us all that the most difficult work is only beginning.

Not surprisingly many of the thorniest issues remained unsettled. As they enter the final stage of talks, the parties need to remember that this is not a conventional negotiation.

I reminded both sides today that the Contact Group proposals were not put forward to provide opportunities for bickering and delay. Rather they are a road-map for peace. The parties may choose to take the path toward a rational solution that will achieve peace and justice for all the people of Kosovo, or they may turn back to disaster, chaos and more killing.

Let me also say that based on my talks with the Kosovo Albanian leadership today, I believe that they recognize that the plan is a fair deal for the people of Kosovo. And they gave me every indication that they will be ready to sign on to it by the time the conference closes.

My Contact Group colleagues and I continue to make it clear that the prospect of peace with international involvement will not remain on offer beyond February 20.

The parties are well aware of the consequences of failure to work productively at Rambouillet or to continue to wage war in Kosovo. The threat of NATO air strikes remains real.

And I am confident that our negotiators will have the full support of the Contact Group as they work to conclude an agreement in the week ahead.

Contact Group unity backed by the threat of NATO force has brought serious negotiators for both sides to the table to look hard at Kosovo's future, and nothing less than decisive actions from NATO and the Contact Group will keep both sides focused on the task at hand.

In my talk with America's NATO allies and European partners including Russia, I also stressed that an agreement without a strong international presence is no agreement at all. That means a robust civilian mission, building on the work of the OSCE to support human rights, democratic reforms, and reconstruction in Kosovo.

And it means a NATO led peacekeeping force that gives both sides the confidence to lay down their arms.

It is clear, as President Clinton said yesterday, that American participation in such a force is critical to achieving that confidence, and that America has important national interests at stake. Quote, "If there is an effective agreement and a clear plan," he said, "America should contribute to securing peace in Kosovo."

I will fly tonight to meet President Clinton in Mexico, and I will brief him on the state of the talks and on the road ahead. I will not be able to say that the path to an agreement is clear, or that success is in sight.

But I will say that there is a great deal at stake here -- for the people of Kosovo, for their neighbors, for Europeans and for Americans who believe in security, cooperation, respect for human rights and an adherence to the rule of law.

And I will say that I see every sign that if the international community stands together, we can lead the way towards peace. I would be happy to take your questions.

**Q:** When you say that (inaudible) Albanians gave you every indication they consider this a fair deal, does that mean they consider it fair to have self rule but not independence at least for three years? Is that issue pretty much dealt with now?

**A:** Let me say that they know what the plan is on the table, and how it is to be carried out for an interim period, and in my discussions, I have to say that it is a sense that I got from the way that they were talking about what could be done. It's an indication not a promise.

**Q:** Madame Secretary, you characterized out at Rambouillet a little bit of the Serb reaction, saying they were very interested and listening to what you had to say, but can you elaborate on that a little bit, as to what their response was and what the Serb President's response was to your message, because we've a different characterization from someone who talked to the Serbs that they were rather angry with the presentation.



A: Well, that's very interesting. I think that my presentation to them was clear-cut and realistic. I definitely did point out that there were two roads forward, that we were in a fork in those roads right now, and that one road led to chaos and killing and definitely, the further disintegration of the former Republic of Yugoslavia, and that the other road had possibilities. One, developing a functional and decent and appropriate relationship with the people of Kosovo in which the Kosovar Albanians would have a high degree of self-autonomy and other minority groups, their rights would be respected. That what we were dealing with was a question of democracy and human rights and not independence. And I think that I pointed out that if they chose the first road, they were leading their country into a deep dark hole, and if they chose the second, there was not only generally light at the end of the tunnel, but that was the road -- that way down it would ultimately lead to some kind of reintegration, and I did not note any anger. I think they actually were quite surprised about my personal relationships and past as a child that I spent in Belgrade, and my ability to understand everything they were saying when they were speaking Serbian. So, I did not feel any sense of anger. With President Multinovic, I had a sense that they know what they have to do, but that it is very difficult.

Q: Madam Secretary, I was surprised to learn that there are three American advisors with the Albanian delegation. Can you tell us a little bit about their background and what role they are playing out in Rambouillet?

A: I think that every delegation is entitled to whatever advisors they want. It is not up to me to tell you their background. Ask them.

Q: Without getting into too many details, how would you qualify the negotiators? Who would be the most stubborn, the Serbs or the KLA?

A: Well, I guess, I don't think it's fair to characterize anybody at the moment. I think there is no question that the slow-down this week was due to the Serbs. But I think that both sets of negotiators believe that they are looking out for their sides' best interests. I think the problem is for them to determine what is really in their best interest, and I think that if they were to really carefully study the documents, and all the documents now the negotiators have the discretion to put them down whenever they want, I think they would see that this is a comprehensive and fair agreement that deals with a long-standing and difficult problem, and that stubbornness is not the way to achieve peace for one's people, that the only way that one can actually achieve peace is to compromise, that is what negotiations are about.

Q: Madam Secretary, are you excluding totally any going beyond the February 20 deadline at mid-day if it's close to an agreement? Can you not envisage extending it by two or three days, or by another week if that's necessary?

A: Let me say that I found very interesting that the Contact Group members all agreed on putting a final deadline on this. I see no value in talking about an extension. I think many of you know that I'm a former professor, and people who come in and ask for extensions before they've done the work are not very well received.

Q: Secretary Albright, the issues of sovereignty on the one hand, and independence on the other have been largely spoken about as being a conflict, but it seems from some things



that at least President Milutinovic has said that the notion of sovereignty on this part of the Serbs is rather extensive and conflicts with many other aspects of the draft accord that we've seen, for example, withdrawing troops, for example international control of the police within Kosovo. I wonder if you could sort of comment on that.

A: I actually both with President Milutinovic and then with both groups -- we had a fairly interesting discussion about sovereignty and independence and political structures as we enter the 21st century. As I told you, I'm sorry to act like the professor, but were I still in my former business of a political scientist teaching about international relations, I think that we are in the process of developing different kinds of entities, and that great nations who understand the importance of sovereignty at various times cede certain portions of it in order to achieve some better good for their country. Arms control agreements for instance, are ways of making agreements that in some way, say to a highly sovereign country, I'm not going to have all the weapons that I really could produce because I think that there is value to my people if I limit my weapons so that the other side limits theirs. The way we are all operating as a global community means that we are looking at how the nation-state functions in a totally different way than people did at the beginning of this century and will be doing at the beginning of the next. I also think that the model that is now being described for Kosovo is really very, very imaginative. It gives the Kosovar Albanians, or everybody who lives in Kosovo, an ability to run their daily lives in a way that they had not been able to before when they were under a communist system. They will be able to have elections, local police, schools, various sets of institutions both at the local and their higher level, and they will have tremendous power and control over their own lives. So that the terms are not as absolute -- sovereignty, independence. What they are, are terms now that I think need to be looked at in a way that allows countries to operate in the freest possible way and get along with their neighbors.

Q: Is it your sense that the Serbs were beginning to accept some of this imaginativeness?

A: The questions is foreign troops on your territory. There is a big difference. If the troops invade or if they are invited and are a result of an agreement. And there are many cases throughout the world now where there are troops in a country that are there to implement a peace, that are not there as an invasion force. There can be no forces on anybody's territory without agreement and the Serbs, I hope, will understand that those forces there will also serve a purpose of enforcing the peace out of which they are also beneficiaries, and that the killing will stop.

Q: I want to ask you something that concerns the Republic of Montenegro. It is a question as to whether there is anything in the political document of the Contact Group that says that Kosovo will one day become a third republic, or that Kosovo has a possibility of becoming a third republic of Yugoslavia.

A: No, that is not an issue here. We are talking here about a high degree of self-autonomy for Kosovo for a three-year interim period.



**U.S. Department of State  
Office of the Spokesman  
(Paris, France)**

**FOR IMMEDIATE RELEASE**

**February 14, 1999**

**Press availability with  
Secretary of State  
Madeleine K. Albright**

Secretary Albright: I want to thank Ministers Vedrine and Cook for everything they have done to shepherd these talks through to this point. They have done a terrific job, I think, in keeping everyone together and keeping things moving. Let me also thank our negotiators Ambassador Hill, Ambassador Petritsch, and Ambassador Mayorskiy. I think they have been working together extremely well, I think, showing the extent to which this is a multinational effort in our desire to bring peace to Kosovo.

I came here to develop an on-the-ground assessment for President Clinton and to be able to report to him when I meet him in Mexico tomorrow morning. I think that the way I would describe this is that at the beginning of last week things were working well and then they became bogged down. Now we have exchanged or briefed the parties on most of the agreement. I believe that there is a basis for further discussions and movement forward, and therefore, in my view, there is justification for the discussions going on next week.

I am pleased that today I was able to bring the leaders of the two delegations together for their first joint meeting, in which both sides told me and each other that they recognized that they faced an historic opportunity, that the killing must stop, that time is short and I hope this joint meeting will be a model for further discussion in the coming days.

I came here with a clear message for both sides, that they face a fork in the road. One fork leads to disaster, chaos and more killing, and the other course leads back to a rational solution that will achieve peace, democracy and human rights for all the people of Kosovo. And in that regard, let me say that based on my conversations with the Kosovar Albanian leadership today, their delegation recognizes that the Contact Group plan is a fair deal for the people of Kosovo and there is every indication that they will be ready to sign by the time the conference is over. Thank you very much.

Question: you seem to be characterizing the Albanian view. Can you say something about the Serb view? How do they feel about losing authority over Kosovo?

Secretary Albright: You know, I think that they...my sense is that the Serbs were very interested in hearing what I had to say and listening to my description of the fork in the

road and I hope very much that the Serbs will see it in their interest also, to sign on, and my sense was that they listened very, very carefully and absorbed the distinction between the future of taking one fork versus the other.

Mr. Rubin: Thank you. We'll have a press conference back in Paris.

Question: (inaudible)...with Milutinovic this morning?

Secretary Albright: We had a good conversation...strong...strong.

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PREPARED STATEMENT OF THOMAS PICKERING UNDERSECRETARY OF STATE FOR POLITICAL AFFAIRS BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE WEDNESDAY, FEBRUARY 10, 1999

TRANSCRIPT BY FEDERAL NEWS SERVICE, 620 NATIONAL PRESS BUILDING, WASHINGTON, DC 20045

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Mr. Chairman, it is a pleasure for me to appear before you and your colleagues to discuss the Administration's efforts to bring an end to the tragic conflict in Kosovo. I will focus my statement on four themes: a summary of recent U.S. and international efforts to address the Kosovo crisis; the U.S. stake in Kosovo; a status report on the negotiations at Rambouillet; and where we go from here.

#### The Road to Rambouillet

Mr. Chairman, the U.S. has been focused on Kosovo as a potential flashpoint for more than a decade. The United States under Presidents Bush and Clinton has been at the forefront of international efforts to confront Serb military excesses against the civilian population of Kosovo. At the same time President Clinton, Secretary Albright and other Administration officials have maintained frequent contact with Kosovo Albanian leaders, including Ibrahim Rugova and others, to encourage their campaign for peaceful change.

Secretary Albright just last week reviewed our policy in detail in a statement to the United States Institute of Peace, which I commend for your reading and which I would like to have made part of the official record today.

The U.S. has sought to help Kosovo in a number of other ways as well.

In 1997 the United States opened an Information Center in Pristina, the first official international diplomatic office in Kosovo. We have provided nearly \$30 million a year in humanitarian aid to Kosovo from 1992 to 1997.

We have led efforts to keep Kosovo on the agenda of the U.N. Security Council, the Contact Group, the North Atlantic Council and other prominent international discussions.

In the face of U.S. and international concern about Kosovo, Milosevic raised the stakes one year ago by instituting a crackdown against the civilian population of Kosovo, killing hundreds of people, and driving thousands from their homes.

As winter approached, an estimated 250,000 internally displaced Kosovars had fled their homes, and 60,000 were living in the open without shelter.

In response, the U.N. Security Council passed Resolution 1199 in September demanding that all parties immediately cease hostilities, enter

into a meaningful dialogue without preconditions, and facilitate with the UNHCR and the ICRC the safe return of refugees and displaced persons. In parallel, NATO declared it would launch air strikes to enforce Serbian compliance. U.S. Special Envoy Richard Holbrooke, using the threat of NATO air strikes, brought together an agreement with President Milosevic which: - halted the FRY military offensive in Kosovo; - averted a possible humanitarian catastrophe; - led to the deployment of an unarmed, civilian OSCE mission in Kosovo to verify compliance with agreements; - set the basis for the later deployment of a NATO Extraction Force in Macedonia, more than 99% manned by our European allies, and a NATO air verification mission over Kosovo; and - included an agreement by Milosevic to comply with UN Resolution 1199.

On October 24, the U.N. adopted Resolution 1203, which endorsed the creation of the OSCE Kosovo Verification and NATO air verification missions.

Although NATO and the KVM succeeded in stabilizing the situation and enforcing some important, but incomplete Serb troop withdrawals, repression of the civilian population and unacceptable levels of violence continue. The violence culminated in the massacre of 45 Kosovars in Racak on January 15.

#### U.S. Interests

Mr. Chairman, some Americans have questioned the U.S. stake in Kosovo and why we may again need to deploy U.S. forces in the Balkans. President Clinton and Secretary Albright have addressed these concerns and laid out clearly the important interests the U.S. has at stake in Kosovo. They are four:

First, the conflict in Kosovo has no natural boundaries. If not stopped, it could draw in Albania and Macedonia, potentially threaten our NATO allies in Greece and Turkey and thereby divide the alliance, and jeopardize the gains we have made in Bosnia.

Continued conflict in Kosovo would unleash new waves of refugees, and create new opportunities for international terrorists, drug smugglers and criminals as well as for those who support ethnic and religious conflict and seek to exploit it for their own purposes.

America also has a fundamental interest in ending years of repression by strengthening democracy in the FRY, upholding the rule of law including the valuable contribution of the International Criminal Tribunal for the Former Yugoslavia, and protecting human rights.

Persisting conflict in Kosovo also would undermine NATO's credibility as the guarantor of peace and stability in the Balkans.

#### The Rambouillet Negotiations

The massacre at Racak, a better trained, better equipped and more assertive Kosovo Liberation Army, and the likelihood that spring would bring intensified conflict and casualties, led us to a new stage. We could of course try to merely reestablish the status quo and bring Milosevic into compliance with the October arrangement through the threat of the use of force. But we concluded that we had reached a stage where diplomacy backed by the threat of military force was needed to break the cycle of violence and misery in Kosovo and move immediately to a political settlement of the conflict.

NATO set in motion our new approach by demanding on January 28 that the parties abide by their international commitments. On January 29, Secretary Albright and other members of the Contact Group put forth a peace proposal in which the Contact Group: - summoned representatives of the FRY and Serbian governments and representatives of the Kosovo Albanians to Rambouillet on February 6; and - called upon the parties to conclude negotiations within seven days after which the negotiators will report to Contact Group Ministers.

The Ministers will then assess whether the progress made justifies a further period of no more than one week to bring the negotiations to a



successful conclusion.

On January 30, NATO's North Atlantic Council supported the Contact Group's summons to the parties by warning that it would take whatever measures necessary -- including air strikes -- to bring about compliance with the interim settlement draft proposed by the Contact Group negotiator. The threat of force is also a tool to keep the negotiations on track.

We are very pleased that both the Kosovar Albanians and the FRY sent delegations to Rambouillet and are now discussing the terms of the draft interim political agreement the Contact Group approved on February 5. This agreement is the fruit of months of tireless shuttle diplomacy by U.S. Ambassador Chris Hill and European Special Envoy Wolfgang Petritsch. These two Ambassadors, together with Russian envoy Boris Mayorskiy, are leading the intensive negotiations now underway.

As Secretary Albright and the President already have made clear, the negotiators are seeking a durable and fair interim agreement that would include among its central provisions: - a high degree of self-governance for Kosovo with its own legislative, executive and judicial branches; - full judicial protection of human rights and the rights of all national communities in Kosovo; and - a local police force with an ethnic makeup that reflects that of the Kosovo population.

END.



PREPARED STATEMENT OF THE HONORABLE WALTER B. SLOCOMBE UNDER SECRETARY OF  
DEFENSE FOR POLICY BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE SUBJECT  
- HEARING ON KOSOVO 10 FEBRUARY 1999 (WEDNESDAY)

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GRAEME AT INFO@FNSG.COM OR CALL 202-824-0520.

Thank you, Mr. Chairman. It is, as always, an honor to represent the  
Department of Defense before this Committee and to continue our discussion of  
the continuing challenge we face in the Balkans, and particularly the problem  
of Kosovo.

America has clear national interests at stake in a peaceful resolution of  
this conflict, which creates compelling reasons for us to seriously consider  
US participation on the ground in Kosovo.

America has a fundamental interest in peace and stability in southern  
Europe, and in seeing that NATO, the institution which is key to keeping the  
peace across that continent, stays strong. We need to preserve Bosnia's  
progress toward peace, for which our soldiers, diplomats and humanitarian and  
other aid workers have given so much - and which would be jeopardized by  
renewed violence in nearby Kosovo. And America has a fundamental interest in  
seeing the rule of law upheld, human rights protected, and justice done.

The Balkans remains the most volatile region in Europe. The danger of the  
conflict in Kosovo developing into a wider conflict, a conflict that could  
involve present or future NATO allies, remains real. Therefore, our first  
interest is to ensure regional stability and reduce the possibility of  
spillover into Kosovo's neighbors -- or into Bosnia. Stability in Kosovo has  
long been a U.S. interest. Indeed, in 1992, the Bush Administration judged it  
so important as to justify a warning of unilateral US military action.  
Second, recall that that NATO's original Activation Orders for air strikes  
last October were precipitated by our very real fear of a looming  
humanitarian disaster. That disaster was narrowly averted by the credible  
threat of NATO airstrikes. However, a breakdown of the fragile cease-fire  
would promptly recreate the humanitarian disaster we forestalled in the  
fall. Finally, resolving the crisis in Kosovo is a test of the credibility and  
capacity of NATO, as well as of the OSCE and the Contact Group. NATO  
credibility - now and in the future - remains on the line.

As Ambassador Pickering has described, we have agreed with our allies and  
Russia on a strategy that we believe can bring peace to Kosovo. The Contact  
Group has set out a timetable for concluding an Interim Political Agreement.  
The basic approach of that agreement would be to stop the fighting, establish  
broad autonomy for Kosovo within the FRY, secure the withdrawal of Serb



military and police forces (except border patrols), and set up local democratic institutions of government and local police. Under the chairmanship of British Foreign Secretary Robin Cook and French Foreign Minister Hubert Vedrine, we are in the first week of peace settlement talks in Rambouillet, France.

An important element in securing the success of the negotiations is the threat of NATO airstrikes if Belgrade torpedoes the talks, either by continued brutal repression or rejection of the Contact Group approach. Planning and preparation for such airstrikes continues in NATO. However, we do not intend to send NATO ground forces to impose a settlement.

On the other hand, if there is an agreement, a NATO commitment to provide a force in Kosovo could well be the deciding factor in achieving its implementation. A credible international military presence would assure the Kosovar Albanians that an autonomy agreement would stop Serb repression. The Serbs would be reassured that the rights of the Serb minority in Kosovo would be protected. Once deployed, an international force would contribute to the successful implementation of an agreed settlement by deterring renewed hostilities, ensuring compliance by armed elements on both sides, and contributing to the secure environment necessary for the OSCE Kosovo Verification Mission to conduct elections and set up local police. Based on our experience - including since the October agreements -- there is a very high risk that, without an international military presence, any settlement will quickly break down.

The exact mission of the force would need to be refined based on the ultimate agreement. Its tasks would likely include: - Maintaining a deterrent presence; - Monitoring and if necessary enforcing restrictions on Serb security forces, including police withdrawals and military reductions; and - Monitoring and if necessary enforcing restrictions on other forces, such as the KLA.

The President has said, "if a settlement is reached, a NATO presence on the ground in Kosovo could prove essential in giving both sides the confidence they need to pull back from their fights. If that happens, we are seriously considering the possibility of our participation in such a force. We are discussing it now with Congress and our allies. No decision has been reached."

Our feeling is that our European Allies must bear a greater share of the burden of dealing with Kosovo, even compared to the - substantial share they have carried in Bosnia. They have done just that. Several key Allies have already indicated publicly that, if there is an agreement, they will provide the bulk of the ground forces for a NATO force, provided the US also participates with ground forces.

In considering whether to participate in such a force, we would insist that a number of baseline requirements be met: - A clear NATO chain-of-command; - Full consent and cooperation by the parties, written into the agreement; - Demonstrated willingness of the parties to abide by their agreement, thereby assuring both a permissive security environment for the force and fundamental acceptance by the parties of the terms that are to be completed with the force's help; - A clearly defined mission, including a clear distinction between the military tasks assigned the NATO force and the civilian responsibilities assigned the OSCE KVM and other non-military institutions; and - A realistic exit strategy.

Planning, both in NATO and by the US military, is proceeding. To repeat, no commitment of US forces has been made. But such planning is necessary in order for the President to have the option to decide the US would join a NATO force. Indeed, without such detailed planning it is impossible to define such things as force structure, mission and costs with sufficient particularity to understand what is to be decided.

For now, the responsibility to achieve an Interim Peace Agreement lies squarely with the Serb and Kosovar Albanian teams in Rambouillet, France. They have the chance to reach a lasting agreement that will bring an end to the

conflict.

FOOTNOTE:

1 The President, Remarks at Baldrige Quality Awards Ceremony, 4 Feb  
1999.  
END.



Have discussed with Congress the possibility of US participating in NATO led peace implementation force for Kosovo

It is an option we are seriously considering. We have clear national interests is a peaceful resolution of this conflict (spell out)

Not appropriate to make a decision in the abstract/without knowing the terms of the agreement

Our willingness to participate would depend on a genuine agreement of the parties (permissive environment), a manageable security environment (e.g. withdrawal of adequate numbers of Serb security forces and agreement restricting weapons of Albanian paramilitaries) a clear definition of the mission and a reasonable prospect of success. The force would be mostly/predominately European

No decision at this time. Will consult with allies about what the role and composition of force might be, should we decide that a force with US participation is appropriate.

## Possible U.S. Contribution to a Post-Settlement Force in Kosovo

### Contingency Points

#### National Interests at Stake

- The US has clear national interests at stake in Kosovo.
- *First, we have an interest in protecting regional stability and our investment in Bosnia.* Escalating violence in Kosovo combined with a further exodus of refugees would destabilize other states in the area. Albania would increasingly become a staging area for the Kosovo Liberation Army, increasing the risk of cross-border conflict. The fledgling democracy in Macedonia would be put at risk. Such instability would create broader regional risks, potentially involving our allies Greece and Turkey. Violence in Kosovo would also reduce the prospects for political reform in Belgrade and create tensions in Bosnia, possibly undercutting any possibility for further reductions in SFOR at the end of this year.
- *Second, we have an interest in averting a humanitarian catastrophe.* Through the threat of NATO air strikes, we narrowly averted a humanitarian catastrophe last October when Belgrade's systematic campaign of violence and expulsions had left some 70,000 ethnic Albanians facing the prospect of winter without shelter. If Belgrade is allowed to renew widespread repressive operations with the arrival of spring, we can expect further deaths and displacement, as well as more atrocities like that at Racak.
- *Third, we have an interest in preserving NATO's credibility as a guarantor of European stability and U.S. credibility as the leader of NATO.* NATO's intervention in Bosnia has shown how the Alliance can project stability in and around Europe. NATO's involvement in Kosovo will be a test of NATO's future role and viability, as well as U.S. leadership in the Alliance.

#### Rationale for a Military Force

- A NATO commitment to provide a neutral implementation force for Kosovo could be the deciding factor in achieving a

sustainable peace by giving both sides the confidence to sign and implement faithfully an interim settlement.

- The prospect of an international military presence would give the Kosovar Albanians assurance that an autonomy agreement would truly free them from future Serb repression. The Serbs would be reassured that the rights of the Serb minority in Kosovo would be protected and that they would not be subject to continued provocations by the Kosovo Liberation Army.
- Once deployed, an implementation force would contribute to the successful implementation of an agreed settlement by preventing renewed hostilities, ensuring compliance with restrictions on armed forces and providing a secure environment for KVM to conduct elections and set up local police.
- Without an international military presence, the interim settlement that we are seeking could quickly break down in the face of renewed violence. This would likely lead to an escalation in fighting with more atrocities, humanitarian suffering and risks for regional stability.

#### Size and Nature of the Force

- Last year General Clark developed a concept for a NATO-led force to implement an interim settlement. He estimated that the force would require 28,000 troops, a figure that needs to be revalidated in current circumstances.
- In considering whether to participate in a force, we would expect it to meet a number of base-line requirements. These include:
  - a clear NATO chain-of-command;
  - full consent and cooperation by the parties, written into the agreement and demonstrated by their actions;
  - a permissive security environment;
  - a clearly defined mission linked to the withdrawal of Serb security forces;
  - a realistic exit strategy linked to the establishment of autonomous Kosovar institutions including multi-ethnic local police.



- We would also examine the security situation on the ground - whether there was a cease-fire and Serb security forces were coming into compliance with existing commitments.
- Finally, we would need to look at the final text of an interim agreement - including its provisions for deploying a force - before making any recommendation to the President on whether the United States should participate.

#### Mission and Tasks

- The exact mission of the force would need to be refined based on the interim settlement. Its tasks would likely include:
  - maintaining a deterrent presence;
  - monitoring and if necessary enforcing restrictions on Serb security forces including police withdrawals and military reductions;
  - monitoring and if necessary enforcing restrictions on paramilitary groups;
  - providing a secure environment for KVM and others to carry out the civil aspects of the agreement, including the establishment of local police and conduct of elections.
- The force would not assume any direct responsibility for civil policing. Its presence, however, would provide some reassurance to the Kosovars that it was safe to return to their homes and begin rebuilding.

#### End-State and Exit Strategy

- The interim settlement is to last three years.
- Learning from Bosnia, we would not set an absolute end-date for an implementation force, but rather focus on an end-state that we would aim to achieve well before the end of this interim period.
- The end-state would likely entail:
  - a sustained cease-fire;
  - replacement of Serb police (except on the border) with local police;
  - reduction of Serb army deployments to that required for border security;
  - co-opting the KLA into the political process;
  - fair, free, representative elections;

- establishment of autonomous Kosovar institutions based on them elections;
- a framework in place to determine Kosovo's final status.
- Achieving this end-state would likely require an exit strategy with the following elements:
  - KVM operations to conduct elections and develop local police and institutions;
  - a progressive reduction in NATO military forces after the Serb police have withdrawn and local police are fully operational;
  - increasing reliance on reaction forces "over the horizon" to deter Serb security forces to return to Kosovo in violation of the agreement.
- KVM is already being deployed (now over 1000 verifiers) and developing the capabilities necessary to play its part in this exit strategy.

#### Responding to Major Non-Compliance

- Any international military presence would be deployed with the consent of the parties and their commitment to comply with the settlement.
- It would not remain deployed if there were a general breakdown in the interim settlement.

#### Size and Nature of U.S. and Allied Contributions

- We are currently considering the size and nature of a U.S. contribution, considering such factors as military effectiveness, force protection, operational tempo and impact on other commitments.
- In doing so, it is our expectation that allies and partners would assume a greater share of the burden compared to IFOR or SFOR. We already have indications that they are prepared to do so.
- Developing a specific U.S. contribution would require more work at NATO and EUCOM to revalidate last year's estimate for the total force size and to elaborate the specific force structure.

- We would also need to consider any U.S. contribution from a regional perspective. It might be possible, for example, to compensate for a commitment in Kosovo by drawing down the 350 U.S. troops with the UN force in Macedonia. Furthermore, we are already drawing down U.S. forces in Bosnia from 6900 to 6200, and there is a possibility of further reductions toward the end of the year.
- We have not discussed with allies the size of their possible contributions to any such force. However, a number (including FR, IT, GE and UK) have signaled their willingness to contribute.

### Civil Implementation

- We are probably better prepared to implement the civil aspects of an interim settlement in Kosovo than we have been for similar peacekeeping operations in other regions in the past.
- KVM is already in place. It is rapidly building capabilities for human rights monitoring, elections supervision and civil police training, all of which would be important aspects of implementing a settlement. There would be no need to establish an "Office of the High Representative" from scratch or to mobilize other organizations to carry out these tasks.
- One civil task key to a force's exit strategy would be establishing local police. The United States has already developed a plan to establish in one year a 2,700 member police force, with basic police skills and a minimum civil disorder capability. An initial cadre of police trainers and monitors are already funded and deployed with KVM.

### Funding

- A U.S. contribution to a NATO implementation force would incur substantial costs. The precise figure would depend on a variety of factors including the exact size and composition of the U.S. contribution, how much infrastructure would need to be built, and the intensity of operations.
- This potential cost is not reflected in the current budget, since the prospect of a ground deployment was not on the table before it went to print.



- Defense offsets of this magnitude are not feasible. Further, since we recently increased defense spending to address shortfalls in readiness and modernization, it does not make sense to force the Department to absorb these costs.
- Therefore, should we decide to send ground forces to Kosovo to help implement a settlement, we would most likely need to seek an emergency supplemental request from Congress for the FY 1999 cost of Kosovo operations.
- This supplemental request would probably also cover U.S. costs associated with implementing the civil aspects of a settlement, including local police development and reconstruction. These activities would be an integral part of our overall effort to implement a settlement and key to the exit strategy for an implementation force.

If pressed on magnitude of costs:

- Ground operations in Kosovo could cost anywhere from \$1-3 billion for the rest of FY 1999, depending on a variety of factors.

Why not use the \$1.3 billion allowance contained in the FY 2000 budget to cover these costs:

- About \$900 million of that allowance is intended to cover Hurricane Mitch costs. The remainder would likely be insufficient to cover Kosovo costs.

What if ground forces aren't required and we pursue a bombing campaign instead:

- We hope not to go that route. If we did, the size of the operation (and therefore its cost) might vary. We would need to discuss with you possible funding options when the magnitude of any such operation became clear.

U.S. DEPARTMENT OF STATE  
Office of the Spokesman

For Immediate Release  
99/36

January 17, 1999

STATEMENT BY JAMES P. RUBIN, SPOKESMAN

Condemnation of Violence and Need for Cooperation with KVM

We condemn the further violence that has occurred this morning in the village of Racak in Kosovo, coming on the heels of the massacre of civilians in that village by Serb security forces. Today Serb security forces have returned in force to Racak, and fighting is reported to have broken out as a result. The Serb return to the area was a provocation with the predictable result of instigating these clashes.

The Serbs cite the pretext of returning to Racak to investigate the massacre of civilians. Only an impartial and international investigation of this atrocity can be credible. The ICTY has stated its readiness to do so immediately. This is the right way to investigate the massacre. No unilateral investigation by Serbian authorities can be credible under the circumstances.

The OSCE Kosovo Verification Mission has been doing outstanding and courageous work in managing the cease-fire and seeking to build compliance with the conditions set forth in UNSC resolutions and the October agreements with NATO and the OSCE. Both sides have a responsibility and a commitment to cooperate fully with the KVM and to ensure the safety of KVM personnel. Actions that put KVM personnel at risk, such as the Serb incursion in Racak this morning which was executed without proper regard for the safety of KVM verifiers present in the area, are irresponsible and unacceptable.

The White House  
Office of the Press Secretary

For Immediate Release

January 16, 1998

Statement by the President

I condemn in the strongest possible terms the massacre of civilians by Serb security forces that took place last night in the village of Racak in Kosovo. This was a deliberate and indiscriminate act of murder designed to sow fear among the people of Kosovo. It is a clear violation of the commitments Serbian authorities have made to NATO. There can be no justification for it.

The perpetrators must be brought to justice. The Serb authorities must act immediately to identify those responsible. They must cooperate with the Kosovo Verification mission and the International War Crimes Tribunal. They must withdraw security forces, carry out all the commitments they have made to NATO and cease their repression.

We are in close contact with Secretary-General Solana and our NATO allies. Together, we will work to stop the repression and prevent an escalation of fighting.

It is urgent that these murders not trigger a spiral of reprisals. Both sides have a responsibility to work towards a peaceful resolution of this crisis, and for a settlement that allows the people of Kosovo the self-government they so clearly deserve.

##



U.S. Department of State

Washington, D.C. 20520

**BUREAU OF EUROPEAN AND CANADIAN AFFAIRS****OFFICE OF SOUTH CENTRAL EUROPE (EUR/SCE)****FACSIMILE NUMBER (202) 647-0555 OR (202) 736-4853****PLEASE DELIVER TO:** Greg Schulte**FAX NUMBER:** 456-9150**MESSAGE DESCRIPTION:**Final Text of Pickering Senate Armed Services  
Statement**FROM:** Bob Blake**FAX NUMBER:** 736-4853**TelephoneNumber:** (202) 647-0608**REMARKS:****PAGE 1 OF 7 PAGES, INCLUDING COVER PAGE**

Mr. Chairman, it is a pleasure for me to appear before you and your colleagues to discuss the Administration's efforts to bring an end to the tragic conflict in Kosovo. I will focus my statement on four themes:

- the U.S. stake in Kosovo;
- recent U.S. and international efforts to address the Kosovo crisis;
- the negotiations at Rambouillet; and
- where we go from here.

### U.S. Interests

Mr. Chairman, some Americans have questioned the U.S. stake in Kosovo and why we are preparing again to deploy U.S. forces in the Balkans, should the President decide to do so. President Clinton and Secretary Albright have addressed these concerns and laid out clearly the important interests the U.S. has at stake in Kosovo. They are four:

- First, we have a clear interest in protecting stability in a key part of Europe and our investment in Bosnia. If we don't stop the conflict in Kosovo, it could draw in Albania and Macedonia, potentially threaten our NATO allies in Greece and Turkey and thereby divide the alliance.
- Second, we have an important interest in averting another humanitarian catastrophe in Kosovo. Continued conflict in Kosovo also would create new opportunities for international terrorists, drug smugglers and criminals as well as for those who seek to exploit ethnic and religious conflict for their own purposes.
- Third, America has a clear interest in ending years of Serb repression by strengthening democracy in the FRY, upholding the rule of law including the valuable contribution of the International Criminal Tribunal for the Former Yugoslavia, and protecting human rights.
- Finally, persisting conflict in Kosovo would undermine NATO's credibility as the guarantor of peace and stability in the Balkans, and U.S. credibility as one of the leaders of NATO.

### The Rambouillet Negotiations

Mr. Chairman, the past three weeks have marked a period of intense diplomatic activity as we and our allies backed the efforts of the negotiators to forge an agreement between the parties on the Interim Agreement for peace and self-government in Kosovo.

The broad terms of the durable and fair interim agreement the negotiators are seeking to finalize are by now familiar. They include:



- a high degree of self-governance for Kosovo with its own elections and with legislative, executive and judicial branches;
- the demilitarization of the region monitored by a NATO force deployed with the consent of the parties;
- full judicial protection of human rights and the rights of all national communities in Kosovo; and
- a local police force with an ethnic makeup that reflects that of the Kosovo population.

Let me summarize briefly some of the significant milestones of the Rambouillet negotiations. The first was Secretary Albright's travel to Rambouillet at the end of the first week of talks to send an unambiguous message to both sides that they must make rapid progress toward an agreement or face serious consequences.

The Secretary brought the parties together for their first non-ceremonial meeting on February 14. She then met with Serb President Milutinovic in Paris to tell him bluntly that the FRY delegation had to engage seriously.

Later the same day, the Secretary and her Contact Group counterparts agreed that while progress had been slower than expected, the parties had accomplished essential groundwork. The Contact Group therefore extended the negotiating deadline until February 20 at noon Rambouillet time.

Following the Secretary's return to Washington, the U.S. intensified its diplomatic efforts to move the parties to agreement. Secretary Albright called President Milosevic twice to explain he had a stark choice between pushing the FRY into further confrontation and violence or getting his country back on the path to joining the ranks of respected countries. She also dispatched Ambassador Hill to Belgrade to reinforce the message that Milosevic should in no way doubt allied resolve to proceed with NATO air strikes if Serb intransigence persisted.

To maintain allied unity and make clear to the parties allied resolve to see a successful conclusion of the Rambouillet negotiations, the Secretary and other Administration officials maintained daily contacts with their Contact Group, NATO, and OSCE counterparts.

Last weekend, Secretary Albright again traveled to Rambouillet to press both parties to sign the agreement before the noon deadline and to consult with Contact Group Ministers on next steps.



The negotiators reported to the Contact Group that the parties had made very substantial progress in reaching agreement on the Framework and political chapters of the Interim Agreement. On the basis of the negotiators' recommendation and their own assessment, Secretary Albright and her CG colleagues concluded that the parties' progress justified an extension of the negotiating deadline until Tuesday.

The Secretary stayed in Rambouillet to lead personally U.S. efforts to push the parties toward an agreement. On Tuesday, Contact Group Ministers announced the conclusion of the Rambouillet phase of the negotiations. The Ministers noted that:

- a political framework is now in place;
- the groundwork has been laid for finalizing the civilian and military implementation chapters of the agreement; and
- both sides have agreed to attend a conference in France on March 15 to discuss all implementation aspects.

The Rambouillet results reflected the markedly different approaches taken by the two parties to these negotiations. The Kosovar Albanians engaged seriously from the outset. They had serious concerns regarding the determination of Kosovo's final status and provisions for disarming the KLA. But they showed willingness to compromise for peace, and committed to sign the agreement after it is reviewed by technical experts and discussed with the people of Kosovo.

In stark contrast, the Serbian delegation failed to seize this important opportunity for progress. They stalled, raised side issues, and sought to avoid serious discussion. In the end, they accepted many of the basic elements of self-government for Kosovo but continued to reject discussion of a NATO-led military implementation force, which is the sine qua non of the draft Interim Agreement.

Mr. Chairman, we did not achieve all we had hoped on a very ambitious set of goals for Rambouillet. But Rambouillet was an extremely important building block in what we believe can be final agreement by the parties when the talks reconvene. The proposed interim settlement is the best deal either side will get and should be accepted by both.

#### Looking Ahead to Next Steps

The key challenge in the runup to the March 15 conference will be to minimize military activities by both sides in Kosovo so the parties

can focus on finalizing the terms of the settlement. Secretary Albright and her Contact Group colleagues underscored the need for military restraint in their public remarks Tuesday by:

- noting the Contact Group's concern about recent movements of Serb forces;
- calling on both sides to respect the ceasefire in Kosovo and refrain from provocations that could jeopardize the results of Rambouillet; and
- noting that the parties must ensure the conditions necessary for the OSCE's Kosovo Verification Mission to carry out its vital work.

The KVM's role in monitoring and verifying activities in Kosovo will be an essential element in the international community's efforts to maintaining a stable situation on the ground in Kosovo. The U.S. condemned strongly Serb harassment of KVM members earlier this week and insists that the KVM be permitted to carry out its vital role without interference from either side.

NATO also will have an indispensable role in this sensitive interval leading up the March 15 talks. In her remarks Tuesday, Secretary Albright reaffirmed that NATO's January 30 decision permitting NATO Secretary General Solana to authorize airstrikes remains in effect. Solana himself issued an important statement at the conclusion of the Rambouillet talks:

- calling on the parties to respect the ceasefire and avoid provocations; and
- affirming that NATO stands ready to use whatever means are necessary to bring about a peaceful solution to the Kosovo crisis and prevent further human suffering.

Mr. Chairman, if the Kosovar Albanians and the FRY agree to sign the interim agreement at the conference beginning on March 15, there is broad consensus that a NATO-led military force will be an indispensable element in ensuring effective implementation of the agreement.

In his weekly radio address on February 13, President Clinton told the nation that the U.S. should contribute troops provided three important conditions are met.



- The parties must agree to a strong and effective peace agreement that provides for an immediate cease-fire, rapid withdrawal of most Serb security forces, and demilitarization of the Kosovo Liberation Army.
- The parties must be committed to implementing the agreement and to cooperating with NATO.
- Lastly, the mission of any NATO operation will need to be carefully defined with a clear and realistic exit strategy.

Undersecretary of Defense Walter Slocombe and General Ralston have already discussed the military rationale, the tasks to be performed, and the scope of any U.S. troop contribution. But allow me to comment briefly on the diplomatic and political considerations that we are weighing regarding American participation in the military implementation force and our exit strategy for that force.

First, while our European allies would contribute 85% of the troops to any NATO ground force, American participation in such a force will be a key factor in the willingness of the Kosovar Albanians to accept the interim political settlement and lay down their arms.

Second, as I indicated above, NATO's credibility as the guarantor of peace in Europe is at stake in Kosovo. Our NATO allies naturally look to the U.S., as one of the leaders of the alliance, to play its role in defending the interests that the U.S. and NATO have in containing the Kosovo crisis.

An additional important element in ensuring an effective and sustainable agreement will be international assistance for Kosovo. The EU has announced that it will take the lead in this area by hosting a donors' conference on Kosovo reconstruction, broadly understood to include civil society and democratization assistance as well as economic reconstruction, within a month after a political settlement is in place. Our EU partners already have indicated they will contribute the bulk of the needed funds. This is an area where their leadership has and will continue to make an important contribution to a peaceful solution to the conflict.

The U.S. plans to make a substantial contribution to bolster EU efforts. We have requested \$50 million as part of the FY 2000 budget request. If the March 15 talks reach a successful outcome, we anticipate identifying additional funding needs to support the civilian implementation aspects of the agreement including funds to:



- support the OSCE;
- repair damaged infrastructure;
- stimulate economic growth in Kosovo, including through micro-lending;
- support free elections; and
- assist in the establishment both of communal police units and an independent judiciary system, both of which will inspire and reinforce trust at the local level.

Mr. Chairman, with respect to our exit strategy, we have learned from our experience in Bosnia that we should not set artificial deadlines. Rather, we should seek to create the conditions for self-sustaining peace so that the timing and circumstances for the reduction and ending of the presence of an international military force is well defined. There are a series of core conditions that will help us measure progress toward such a peace. They include:

- military stability including the swift and orderly departure of all Serb forces except those required for border security;
- replacement of Serb security forces with a functioning, local, representative police force;
- elections that meet international standards; and
- establishment of legitimate political institutions that would provide for substantial and sustained Kosovar autonomy.

Adjustments to force levels will be linked to regular and on-going assessments of progress toward the core conditions and the security situation in Kosovo. When the core conditions requiring a military presence have been satisfied, we should transition any residual tasks to the appropriate Kosovar authorities, but consider maintaining over-the-horizon capability as necessary. The agreement text and our plans will develop this idea for implementation.

Mr. Chairman, this concludes my opening remarks. I would be pleased to take your questions.

OFFICE OF THE  
UNDER SECRETARY OF DEFENSE  
FOR POLICY

4-E-808 THE PENTAGON  
WASHINGTON, DC 20301

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FAX TRANSMISSION FROM

JEFFREY PRYCE

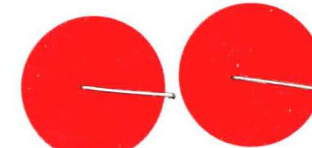
TO: JIM STEINBERG  
GEN. RALSTON  
JIM DOBBINS

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8 PAGES FOLLOW

MESSAGE:

REVISED SLOCOMBE STATEMENT  
ON KOSOVO. SEE EXPANDED LANGUAGE  
ON AIRSTRIKES, FOLLOWING DC DISCUSSION  
AT P. 4.

To Miriam Sopio-  
NSC  
(202) 456-9150



25

Mira - marked up.  
Have Dobbins (now)  
for to read  
M

P.S. for Tim - see #  
re using force  
& blurring  
trigger  
slightly.  
(pp 5, 6)

DRAFT

PREPARED STATEMENT FOR  
WALTER B. SLOCOMBE  
UNDER SECRETARY OF DEFENSE FOR POLICY  
BEFORE THE  
SENATE ARMED SERVICES COMMITTEE  
HEARING ON  
KOSOVO

25 FEBRUARY 1999

DRAFT OF 1630 24 FEB 99

Thank you, Mr. Chairman. It is, as always, an honor to represent the Department of Defense before this Committee and to continue our discussion of the challenges we face in the Balkans, and particularly the problem of Kosovo. I welcome the opportunity to address these issues with my colleagues, Vice Chairman of the Joint Chiefs of Staff General Ralston, and the newly named State Department Coordinator for the Balkans, Ambassador Jim Dobbins, who played a key role in the talks at Rambouillet.

US Interests: Why Care About What Happens in Kosovo?

America has clear national interests at stake in Kosovo which require that we take the lead in seeking a negotiated solution, and that we stand ready, with our NATO allies, to take military action to back up our diplomacy and to participate in an implementing force if an agreement is reached.

It is appropriate to start with the US interests at stake, because Kosovo is a small province in a remote corner of the Balkans, and so it is natural to ask why the US needs to be concerned about its problems. The answer is that the unresolved crisis in Kosovo threatens the stability of Europe and tests the credibility of NATO as the principal instrument for European security.

The Balkans remains the most volatile region in Europe. Trouble in the Balkans was the immediate cause of the First World War, and a major element in the Second. Stability in Kosovo has long been a US interest. Indeed, in 1992, the Bush Administration judged it so important as to justify a warning of unilateral US military action, long before we had military forces in Bosnia or Macedonia.



## DRAFT

If the problems of Kosovo could be confined to that small province, the situation might be different. But the conflict there has no natural geographic or strategic limit. The danger of the conflict in Kosovo developing into a wider conflict, a conflict that could involve present or future NATO allies, remains real. A renewed large scale conflict in Kosovo would be a humanitarian disaster -- on at least the scale of what was narrowly averted last fall, when tens of thousands faced a winter in the open. NATO's original Activation Orders for air strikes last October were precipitated by our very real fear of a looming humanitarian disaster. That disaster was narrowly averted by the credible threat of NATO air strikes. However, a breakdown of the fragile cease-fire would promptly recreate the humanitarian disaster we forestalled in the fall.

But from the point of view of our national interests the hard fact is that renewed large scale fighting in Kosovo would not be merely a humanitarian tragedy; it would be likely to spread and involve Kosovo's neighbors -- Macedonia and Albania with their large Albanian communities, other Balkan nations <sup>emerging from</sup> ~~with their traditional rivalries and conflicts~~, and NATO allies Greece and Turkey. The flood of refugees likely to be set off by a major conflict would affect these countries as well as Italy and other more distant European countries. And such a conflict between Belgrade and the Albanian majority in Kosovo would challenge Bosnia's real, if still incomplete, progress toward peace, for which our soldiers, diplomats and humanitarian and other aid workers have given so much.

To summarize our interests, beyond the obvious imperative to do what we can to avert a terrible humanitarian tragedy,

- Our first interest in Kosovo is to protect regional stability for America has a fundamental interest in peace and stability in Europe generally, and hence in southern Europe.

- Our second interest is to preserve the progress made in Bosnia which would be jeopardized by renewed violence in nearby Kosovo.

- Third we have an interest in maintaining the capability and credibility of NATO, the institution which is key to keeping the peace across the Euro-Atlantic community. NATO credibility -- now and in the future -- remains on the line. Resolving the crisis in Kosovo is a test of the credibility and capacity of NATO, as well as of the OSCE and the Contact Group.

*see back*  
*Q/A (3)*

## DRAFT

### The State of Play in the Negotiations

As Ambassador Dobbins will describe, the US has taken the lead in proposing and seeking a diplomatic solution. In outline, that solution would give Kosovo very broad autonomy, provide for a comprehensive cessation of hostilities, the withdrawal of Belgrade-controlled police and security forces (except for a small border patrol) and the demilitarization of the Kosovar resistance forces, establish a system of democratic local government in Kosovo, and set up a locally based police force to replace the oppressive Belgrade-controlled MUP. It would, however, also maintain Kosovo's status as a part of Yugoslavia and protect the rights of the Serb and other minority groups in the province. As Secretary Albright said yesterday, "The proposed interim agreement is the best deal either side will get and should be agreed to by both."

Unfortunately, the reluctance of the Kosovar Albanian leadership to accept <sup>formally</sup> ~~unconditionally~~ the proposals made by the US and the other Contact Group countries made it impossible <sup>to present</sup> ~~squarely~~ face Belgrade with the choice between a reasonable resolution of the problem that preserves Kosovo as a part of Yugoslavia and the prospect of strong military action by NATO.

However, We have made <sup>significant</sup> progress in Rambouillet. We have achieved a <sup>in principle</sup> ~~consensus~~ agreement on substantial autonomy for Kosovo, including provisions for free and fair elections <sup>for</sup> to democratic institutions, for the governance of Kosovo, for the protection of human rights and the rights of members of national communities, and for the establishment of a fair judicial system. <sup>With this</sup> A political framework ~~is~~ now in place, and the groundwork has been laid for finalizing the implementation Chapters of the Agreement, including the modalities of the invited civilian and military presence in Kosovo. It is essential that the agreement on the interim accord is completed and signed as a whole. Towards this, the parties committed themselves to attend a conference, covering all aspects of implementation, in France on 15 March.

### The Threat of NATO Airstrikes

An important element in ~~starting the process of~~ the negotiations, and the avoidance of a resumption of full scale fighting thus far, has been the

*during the next 3 weeks  
the Serbs must ~~now~~ accept that the only  
way to implement the agreement is by  
a NATO-led force. Otherwise, the agreement  
is just another piece of paper.*



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*The US & other Allies are carefully watching*

credible threat of NATO air strikes. ~~There is troubling evidence of a build up of Serb forces near Kosovo. Both sides must show restraint in this delicate period if there is to be a chance of an agreement.~~ If Belgrade were foolish enough to ~~use the forces it has massed inside and outside Kosovo~~ to attack the KLA in some deluded effort to destroy the Kosovar insurgency before an agreement took effect, Belgrade would meet with strong NATO military action. *The KLA too must show restraint & not lose NATO's support.*

*Similarly, the threat of military action if the Milosevic government is in the end the obstacle to agreement remains in effect.* While the Kosovar side is by no means blameless, the primary obstacle to peace remains the regime in Belgrade, whose brutal campaign of repression gave birth to the KLA as a major factor in Kosovo, and it has been Milosevic's at orders that the worst of the violence and suffering has occurred. ~~The time will come when Milosevic no longer has a choice. If the Kosovar Albanians accept the Interim Agreement, Milosevic must too, or face the consequences.~~

*No one wants to use force unnecessarily, but the Alliance is united in declaring that it is prepared to do so if Milosevic's actions make force necessary.* Foreign Ministers Vedrine and Cook made that clear in their statements on Tuesday, and Secretary General Solana spoke for the whole alliance when he said, "We remain ready to use whatever means are necessary to bring about a peaceful solution to the crisis in Kosovo and to prevent further human suffering. Those who prevent the achievement of an interim agreement, provoke violent incidents or threaten the security of the Kosovo Verification Mission personnel will be held fully responsible for their actions."

*Milosevic and his colleagues in Belgrade know that NATO's authority to use force, if necessary, remains in effect. NATO, acting through the North Atlantic Council, that is, the ambassadors representing all the alliance members, has authorized Secretary General Solana to order General Clark, as NATO's Supreme Commander for Europe, to carry out strikes if Belgrade torpedoes the diplomatic effort, either by continued brutal repression or by rejection of the Contact Group approach, once it is agreed by the Kosovar Albanian side. No further formal NAC action is required for such an order, but the NAC decision expressly requires that Secretary General Solana consult with the allies before acting. Therefore, military action involving US forces*

*Solana*

*Left also remains ready to act*

*same para*

*given*

*the authority to authorize*



SYG's authority of  
authorize air strikes

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could only take place with the express approval of the President of the United States.

~~The authority for strikes~~, and NATO's military readiness to execute them, will be maintained during the period up to ~~and including the resumed~~ talks in mid-March. Late last week, Secretary Cohen ordered the deployment of additional key air assets to forward sites in Europe, to join US and European aircraft already standing by in anticipation of NATO air operations in the Balkans should that become necessary. The military briefing to follow will provide the details. We will be making various adjustments in those deployments, but we, with our allies, will keep fully sufficient assets in place, should they be needed.

as we  
prepare  
for the  
resumption  
of formal

#### A NATO-led Implementation Force with US Participation

One of the major issues in the talks has been the requirement that Belgrade agree to the deployment of a NATO-led implementation force in Kosovo to help implement a political settlement. If there is an agreement, a NATO-led multinational force in Kosovo could well be the deciding factor in achieving its implementation. A credible international military presence would assure the Kosovar Albanians that an autonomy agreement would stop Serb repression. The Serbs would be reassured that the rights of the Serb minority in Kosovo would be protected. Based on our experience - including since the October agreements - there is a very high risk that, without an international military presence, a settlement will quickly break down.

an  
initiation?

There is, to be explicit, no consideration of NATO sending ground forces to impose a settlement nor to send them in before a settlement has been definitively agreed by both sides. We are only talking about the possibility of sending a NATO force if there is an agreement which includes agreement by both sides for such a force.

The exact size, composition, and mission of the force are still being determined by NATO military authorities, and are, of course, subject to adjustment as the terms of a possible agreement become definitively determined. However, the mission would include:

- Σ Maintaining a deterrent presence;
- Σ Monitoring and if necessary enforcing restrictions on Serb security forces, including police withdrawals and military reductions; and



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- Σ Monitoring and if necessary enforcing restrictions on Other Forces, such as the KLA.
- contributing to the secure environment necessary for the OSCE Kosovo Verification Mission to conduct elections and set up local police.

The US position has been that our European Allies must bear a greater share of the burden in dealing with Kosovo, even compared to the - substantial - share they have carried in Bosnia. They have done just that. Several key Allies have publicly committed the bulk of the ground forces for a NATO force, provided the US also participates with ground troops. <sup>Because given</sup> ~~US, as well as strictly European, interests are at risk, because without US participation there is no chance the Kosovar Albanians will accept the deal, and because US leadership is essential to success,~~ the President has indicated that we are prepared to join such a force, under the right circumstances.

Indeed, we believe that the proposed balance of effort can serve as a model for future NATO operations - both the US and Europe participating in a matter <sup>furthering</sup> serving common interests, but with the European role relatively greater than in most past operations. ~~carrying most of the burden~~

Our current planning indicates that the US contribution to a NATO implementation force would be just under 4000, out of a total projected NATO force of approximately 28,000. The British and French are even now moving substantial additional forces to Macedonia to augment the "Extraction Force" there now and to be ready to serve, with US Marines, as the initial NATO elements to be deployed if there is an agreement.

We in DOD have been very conscious of the need to limit the level of the US contribution, both to control costs and, more important, to avoid unnecessary strain on a US military force already heavily engaged. But we have also been conscious of the need to insure the capability of the NATO force as a whole and the US contingent in it, both to get the military job done and to do so meeting all applicable force protection concerns.

Planning and preparation, both in NATO and by the US military, is proceeding. <sup>As he has said,</sup> a final decision on the commitment of US forces <sup>unpl</sup> has not been made by the President. But ~~such~~ planning and preparation is necessary in order for the President to have the option to decide <sup>whether</sup> the US would join a NATO force. Indeed, without such detailed planning it is impossible to define such things as force structure, mission, and cost with sufficient particularity to understand what is to be decided.

(not leading KFOR)

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Let me emphasize:  
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In considering whether to participate in such a force, <sup>the administration</sup> ~~we~~ continue to insist that a number of baseline requirements be met:

- A sound military plan;
- Σ A clear NATO chain-of-command. There will be no "dual key" with OSCE, the UN or any other institution, and the force will be under the NATO military command, headed by General Clark as SACEUR.
- Σ Full consent and cooperation of the parties to abide by their agreement, thereby assuring both a permissive security environment for the force and fundamental acceptance by the parties of the terms that are to be completed with the force's help;
- Σ A clearly defined mission, including a clear distinction between the military tasks assigned the NATO force and the civilian responsibilities assigned the OSCE KVM and other non-military institutions;
- Σ A realistic exit strategy, based not on a rigid timetable, but on a reasonable prospect that conditions in Kosovo will be such that, within a reasonable period, neither US nor other NATO military forces will be needed on the ground.

A final decision on US participation in a NATO ground force hinges on the willingness of the parties to reach a signed agreement. As the President said on 19 February: "If there is an effective peace agreement, NATO stands ready to help it. We also stand united in our determination to use force if Serbia fails to meet its previous commitment to withdraw forces from Kosovo, and if it fails to accept the peace agreement. I have ordered our aircraft to be ready, to act as part of a NATO operation, and I will continue to consult very closely with Congress in the days ahead."<sup>1</sup>

During the next three weeks, the responsibility to achieve <sup>fast</sup> an agreement lies squarely with the Serbs and Kosovar Albanians. They have the chance to reach a lasting agreement that will bring an end to the conflict. To achieve this, diplomacy requires the backing of military force, including US willingness to participate in NATO air strikes if that is required and to

<sup>1</sup> Remarks by President Clinton at a Joint Press Conference with President Chirac on 19 February 1999.



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join in a NATO implementation force if there is an agreement. As in many other areas, American leadership is needed to make peace a real possibility and to serve our national interests.