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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. briefing paper	Achieving a Political Settlement in Kosovo. (4 pages)	12/07/1998	P1/b(1)
002. cable	re: UCK Comments on the Draft Agreement. (5 pages)	11/18/1998	P1/b(1)

COLLECTION:

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Kosovo - Settlement [1]

2008-0994-F

vz6331

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Schulte, Gregory L.

From: WHSR
Sent: Tuesday, December 22, 1998 1:02 PM
To: Allen, Charles A.; Bell, Robert G.; Braden, Susan R.; Brown, Keirn C.; Butler, Lawrence E.; Clarke, Richard A.; Davidson, Leslie K.; Flanagan, Stephen J.; Gordon, Philip H.; Guarnieri, Valerie N.; Hawley, Leonard R.; Hurley, C. Michael; McEldowney, Nancy E.; Schulte, Gregory L.; Sigler, Ralph H.
Subject: KOSOVO:UCKAnnouncesRea
CLASS: INTERNATIONAL
ORIG: FBIS
PREC: RUSH
TOR: 981222120616

F2190
FBIS S 190DEC22
UNCLAS 2Y

KOSOVO: UCK Announces Readiness To Negotiate With Serbia AU2212171298
Paris AFP (North European Service) in English 1644 GMT 22 Dec 98

Report by Ibrahim Osmani]

[FBIS Transcribed Excerpt] DRAGOBILJE, Yugoslavia, Dec 22

AFP) -- The rebel Kosovo Liberation Army (KLA [UCK in Albanian]) is ready to negotiate with Belgrade, a spokesman for the group said Tuesday [22 December] after talks in central Kosovo with a US State Department official.

"KLA is ready for negotiations and we expect to be included into the negotiating process" over the future of Kosovo," Jakup Krasniqi, the KLA representative, said after three hours of talks with State Department official Laurence Rossin.

The talks were held in the local offices of the Kosovo Diplomatic Observing mission (KDOM) in Dragobilje, some 50 kilometres (30 miles) southwest of the provincial capital Pristina.

Rossin, who was accompanied by the head of the US branch of KDOM Shaun Byrnes, gave no statement to reporters.

"We are not against, but for the negotiations. KLA unilaterally proclaimed restraint from actions to give a chance to the political solution, if such is possible after everything that has happened in Kosovo," Krasniqi said. [passage omitted]

The KLA has "distanced itself from all violent acts against civilians," Krasniqi said, referring to Belgrade's accusations that the rebels carried out a series of deadly attacks on Serb targets.

"We are not dealing with civilians. Our policy and strategy are clear -- struggle for freedom and independence of Kosovo," Krasniqi said.

Since mid-December, violence has erupted again in Kosovo, with at least 50 people, among them 36 KLA rebels at the border with Albania and six Serb civilians were killed in last ten days.

Meanwhile in Pristina, KLA political representative Adem Demaci told reporters that the meeting in Dragobilje was aimed at examining ways to avoid a degradation of the situation in the province.

- The talks also focused on ways to "stabilise the fragile peace" in Kosovo in place since an October ceasefire. [passage omitted]

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FBIS 12/22/98 12:11:00
<^TOR>981222120616

Schulte, Gregory L.

From: WHSR
Sent: Monday, December 21, 1998 1:51 PM
To: Braden, Susan R.; Flanagan, Stephen J.; Hurley, C. Michael; Schulte, Gregory L.; Weiss, Andrew S.
Subject: KOSOVARS AGREE TO MEET TO CONSIDER FORMING A

CLASS: ~~CONFIDENTIAL~~
DTG: 211826Z DEC 98
MSGTO: RUEHC/SECSTATE WASHDC IMMEDIATE 0876
ORIG: AMEMBASSY BELGRADE
PREC: IMMEDIATE
SSN: 1967
TOR: 981221133006 M3615652

DECLASSIFIED E.O. 13526
Department of State Guidelines, November 6, 2015

By VZ NARA, Date 4/25/2024
2008-0994-F.3

~~CONFIDENTIAL~~ SECTION 01 OF 03 BELGRADE 011967

ROME ALSO FOR VATICAN

E.O. 12958: DECL: 12/21/08

TAGS: PREL, PGOV, PINS, SR

SUBJECT: KOSOVARS AGREE TO MEET TO CONSIDER FORMING A
NEW ALBANIAN NEGOTIATING TEAM

1. (U) CLASSIFIED BY BRIDGET BRINK, POLITICAL OFFICER,
REASON: 1.5 (B) AND (D).

2. (C) SUMMARY. REPRESENTATIVES OF THE CONTACT GROUP PLUS AUSTRIA FOR THE EU PRESIDENCY JOINED FORCES DECEMBER 14 IN PRISTINA TO ASK KOSOVAR ALBANIAN POLITICAL LEADERS TO BE MORE UNITED. LEADERS FROM THE DEMOCRATIC LEAGUE OF KOSOVO (LDK), THE UNITED DEMOCRATIC MOVEMENT (LBD), AND THE KOSOVO LIBERATION ARMY (UCK) AGREED TO MEET IN PRISTINA OR ABROAD TO DISCUSS THE FORMATION OF A NEW ETHNIC ALBANIAN NEGOTIATING TEAM. LDK AND LBD LEADERS EXPRESSED A STRONG WILLINGNESS TO PARTICIPATE IN SUCH A PROJECT WHILE THE UCK RESPONSE WAS LESS THAN ENTHUSIASTIC. ALL REJECTED THE LAST DRAFT PLAN FOR KOSOVO AND ASSERTED THAT INDEPENDENCE MUST BE AN EXPLICIT OPTION AT THE END OF THE INTERIM PERIOD.
END SUMMARY.

TALKING POINTS

3. (C) FRENCH AMBASSADOR TO MACEDONIA JACQUES HUNTZINGER DELIVERED THE FOLLOWING TALKING POINTS AT EACH MEETING:

-- THE CONTACT GROUP IS MAKING EVERY EFFORT TO OBTAIN A SOLUTION ON THE BASIS OF SUBSTANTIAL AUTONOMY, INCLUDING THREATS OF FORCE AND PRESSURE ON BELGRADE TO ACCEPT AN AGREEMENT WITH NATO AND OSCE.

-- THE INTERNATIONAL COMMUNITY HAS FULLY TAKEN UP ITS RESPONSIBILITIES. THIS IS NOT THE CASE WITH THE KOSOVAR

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SIDE, WHICH IS NOT MEETING ITS OBLIGATIONS UNDER UNSCR 1199 AND 1203. IT HAS NOT TAKEN UP ITS RESPONSIBILITIES BY FAILING TO SHOW A REAL COMMITMENT TO NEGOTIATE A POLITICAL SOLUTION WHICH ALONE CAN GUARANTEE PEACE AND STABILITY IN THE REGION.

-- THE INTERNATIONAL COMMUNITY IS NOT GOING TO BE

ENGAGED IN THE BALKANS FOR AN UNLIMITED PERIOD OF TIME. TIME IS NOT ON THE SIDE OF THE KOSOVARS. EXTERNAL PROBLEMS SUCH AS LACK OF UNITY CAN NOT BE AN ALIBI FOR INACTION. THE OSCE AND NATO ARE NOT THE POLITICAL ARMS OF THE UCK. THE UCK CANNOT CONTINUE TO COMMIT PROVOCATIVE ACTS. THE DEATH OF SIX YOUNG SERBS ON DECEMBER 14 IN PEC IS INEXCUSABLE AND UNJUSTIFIABLE.

-- AMBASSADOR HILL'S PROPOSALS INCLUDE ALL THE ESSENTIAL ELEMENTS OF AN AGREEMENT TO PROVIDE FOR SUBSTANTIAL AUTONOMY FOR AN INTERIM PERIOD. THESE PROPOSALS ARE THE ONLY TEXTS. THEY SHOULD SERVE AS A BASIS FOR NEGOTIATIONS. THE SERBS WHO REFUSED ANY INTERNATIONALIZATION OF THE KOSOVO PROBLEM ACCEPT THIS NOW.

-- THIS DOES NOT MEAN ALBANIANS HAVE TO GIVE UP THEIR ASPIRATIONS BUT THESE ASPIRATIONS ARE NOT SUPPORTED BY BELGRADE OR THE INTERNATIONAL COMMUNITY. ALBANIANS MUST BE REALISTIC.

-- IT IS AN URGENT CONDITION THAT THE KOSOVAR SIDE EXPRESSES PUBLICLY AND COLLECTIVELY ITS WILLINGNESS TO NEGOTIATE. IF IT DOES NOT, IT WILL APPEAR MORE AND MORE TO BE THE PARTY WHICH REFUSES TO NEGOTIATE. THE CONTACT GROUP IS PRESSING FOR A UNION OF KOSOVAR ALBANIANS TO CREATE A NEGOTIATING TEAM AND PROPOSES A MEETING WITH CONTACT GROUP REPRESENTATIVES AT THE BEGINNING OF NEXT YEAR IN PRISTINA OR ABROAD.

-- IF THE KOSOVARS RECOGNIZE THAT THE INTERNATIONAL COMMUNITY STANDS READY TO SUPPORT NEGOTIATION AND RECONSTRUCTION, THE NEGOTIATING PROCESS WILL PROMOTE A POSITIVE FUTURE FOR KOSOVO WITH THE ENGAGEMENT OF THE INTERNATIONAL COMMUNITY.

-- CG REPRESENTATIVES WILL PASS A SIMILAR MESSAGE TO THE SERB SIDE.

THE NEGOTIATING TEAM COMMENTS: YES TO UNITY

4. (C) THE ETHNIC ALBANIAN NEGOTIATING TEAM, COMPRISED OF FEHMI AGANI, EDITA TAHIRI, TADEJ RODIQI, AND ILIJA KURTESI MADE THE FOLLOWING COMMENTS:

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-- ON THE CALL FOR UNITY, AGANI EXPRESSED WILLINGNESS TO
~~CONFIDENTIAL~~ SECTION 02 OF 03 BELGRADE 011967

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E.O. 12958: DECL: 12/21/08
TAGS: PREL, PGOV, PINS, SR
SUBJECT: KOSOVARS AGREE TO MEET TO CONSIDER FORMING A
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UNITE WITH OTHER POLITICAL PARTIES BUT EXPRESSED A DESIRE TO DISCUSS SUCH A PROJECT WITH LDK PRESIDENT RUGOVA. AGANI ADDED THAT THE TEAM WAS NOT THE ONLY FACTOR WHICH SHOULD DECIDE UPON SUCH A PROJECT. AGANI NOTED THAT AS REGARDS TO KOSOVAR ALBANIAN DEMANDS, ALL THE PARTIES WERE UNITED. EVEN IF WE ARE NOT PHYSICALLY AT THE SAME TABLE, HE SAID, OUR DEMANDS ARE THE SAME.

-- ON COMPLIANCE ISSUES, AGANI REJECTED THE ACCUSATION THAT THE ALBANIAN SIDE IS NOT READY TO ENTER NEGOTIATIONS; HE STATED THAT ALBANIANS HAD PARTICIPATED IN ALL DRAFTS, IN THE MEETING BETWEEN RUGOVA AND

MILOSEVIC, AND IN ALL LEGITIMATE DISCUSSIONS ON THE STATUS OF KOSOVO. HE STATED THAT THE ALBANIAN SIDE TRIED TO AVOID "TRICKS" OF THE SERBIAN SIDE, NOTING THAT INVITATIONS FROM RATKO MARKOVIC COULD NOT BE TAKEN SERIOUSLY. AGANI ALLEGED THAT PREVIOUSLY ONGOING TALKS WITH THE SERBS WERE INTERRUPTED BECAUSE MILOSEVIC WAS TRYING TO LEGITIMIZE ONGOING VIOLENCE THROUGH THE MAINTENANCE OF CONCURRENT DISCUSSIONS. HE ADDED THAT ALBANIANS TALKED TO SERBS ON THE EDUCATIONAL AGREEMENT FOR MORE THAN SEVEN YEARS WITHOUT RESULTS.

-- ON THE DRAFT HILL PLAN, AGANI SAID THAT THE NOVEMBER DRAFT COULD SERVE AS A BASIS FOR TALKS BUT THAT THE DECEMBER DRAFT COULD NOT. DESPITE THE NEED FOR NEGOTIATION AND A SOLUTION, ALBANIANS COULD NOT ACCEPT LESS THAN WHAT THEY HAD BEFORE 1989, HE COMMENTED. AGANI ADDED THAT IF THE DOOR IS FULLY CLOSED TO INDEPENDENCE THEN THERE IS NO COMPROMISE.

QOSJA AND THE LBD REPLY: A STRONG YES TO UNITY

5. ~~(C)~~ THE UNITED DEMOCRATIC MOVEMENT, LED BY CHAIRMAN REXHEP QOSJA, VICE PRESIDENT BAJRAM KOSUMI, SECRETARY GENERAL MEHMET HAJRIZI, AND INTERNATIONAL RELATIONS ADVISOR HYDAJET HYSENI MADE THE FOLLOWING COMMENTS:

-- ON THE CALL FOR UNITY, QOSJA STATED THAT THE LBD WAS READY TO JOIN A NEGOTIATING TEAM BUT ADDED THAT NO AGREEMENT COULD COME FROM NEGOTIATIONS WITHOUT THE PARTICIPATION OF THE UCK. THE UCK IS A FORCE WITH AUTHORITY AND INFLUENCE IN KOSOVO, QOSJA ASSERTED. ITS NUMBER OF SUPPORTERS ARE INCREASING, HE ADDED. QOSJA STATED THAT THE NEGOTIATING TEAM SHOULD INCLUDE REPRESENTATIVES OF THE LDK, LBD, UCK, AND MEMBERS OF THE STUDENT MOVEMENT. "WE ARE READY TO ENTER THIS TEAM," HE SAID. THE LBD IS READY TO MEET BEFORE THE END OF THE YEAR IN PRISTINA OR ABROAD, QOSJA STATED. HE COMMENTED

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THAT A MEETING ABROAD MAY BE THE EASIEST WAY TO ENSURE THE PRESENCE OF THE UCK.

-- ON THE DRAFT HILL PLAN, QOSJA COMMENTED THAT THE LAST DRAFT WAS A BIG STEP BACKWARD. "WE CAN START WITH THE THIRD DRAFT BUT WE CAN NOT ACCEPT THE LAST ONE," HE SAID. HE STATED THAT THE LBD WOULD ACCEPT AN INTERIM SOLUTION ON KOSOVO WITH ONE CONDITION -- A REFERENDUM IS HELD AT THE END OF THE INTERIM PERIOD "SO THAT THE PEOPLE OF KOSOVO CAN DECIDE THE FATE OF KOSOVO." QOSJA OFFERED THAT THE DATE OF THIS REFERENDUM -- THREE YEARS, FIVE YEARS -- WAS NEGOTIABLE. HE ADDED THAT THE CONTENT OF THE REFERENDUM MUST BE THE QUESTION OF WHETHER KOSOVO REMAINS WITHIN THE FRY OR BECOMES AN INDEPENDENT STATE. "THIS IS THE EXTENT OF OUR COMPROMISE," QOSJA STATED, "WE WILL RESPECT THE RESULTS OF THAT REFERENDUM."

-- KOSUMI ADDED THREE CRITICISMS OF THE DRAFT HILL PLAN. FIRST, THE PLAN DOES NOT CONTAIN MECHANISMS TO ENSURE A RE-NEGOTIATION OF THE STATUS AFTER THE INTERIM PERIOD. SECOND, THE PLAN LEGITIMIZES THE CURRENT SITUATION IN KOSOVO -- A REALITY CREATED BY FORCE. THIRD, THE DIVISION OF POWER IN THE PLAN GIVES EACH NATIONAL COMMUNITY IN KOSOVO EQUAL POWER. THIS IS A RECIPE FOR CIVIL WAR, HE COMMENTED.

DEMACI AND THE UCK: A RELUCTANT YES

6. ~~(C)~~ ADEM DEMACI, POLITICAL REPRESENTATIVE OF THE UCK,

MADE THE FOLLOWING COMMENTS:

-- IN RESPONSE TO THE CALL FOR UNITY, DEMACI INITIALLY REFUSED TO PARTICIPATE IN A UNITED NEGOTIATING TEAM. HE ARGUED THAT

PAST NEGOTIATING TEAMS HAD FAILED, THAT ALBANIANS COULD NOT NEGOTIATE WITH SERBS, AND THAT
~~CONFIDENTIAL~~ SECTION 03 OF 03 BELGRADE 011967

ROME ALSO FOR VATICAN

E.O. 12958: DECL: 12/21/08

TAGS: PREL, PGOV, PINS, SR

SUBJECT: KOSOVAR AGREE TO MEET TO CONSIDER FORMING A
NEW ALBANIAN NEGOTIATING TEAM

RUGOVA HAD CONTRIBUTED TO THE LACK OF UNITY WITHIN THE KOSOVAR ALBANIAN COMMUNITY BY REFUSING TO RECOGNIZE OTHER POLITICAL FACTORS IN KOSOVO. NEVERTHELESS, RELUCTANTLY AND FINALLY, AFTER STRONG PRESSURE FROM PETRITSCH AND HUNTZINGER, DEMACI AGREED TO PARTICIPATE IN THE FORMATION OF A "PROVISIONAL" NEGOTIATING TEAM. HOWEVER, HE OFFERED SEVERAL CAVEATS: SUCH A NEGOTIATING TEAM COULD NOT BE "RUGOVA'S TEAM" BUT MUST BE A TEAM OF THE PEOPLE OF KOSOVO; IT MUST INCLUDE GROUPS WHICH BOYCOTTED THE MARCH 22 ELECTIONS AS WELL AS KOSOVAR INTELLECTUALS SUCH AS VETON SURROI AND BLERIM SHALA; FINALLY, IT MUST OBTAIN LEGITIMACY FROM AN ASSEMBLY REPRESENTING THE PEOPLE OF KOSOVO.

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-- ON COMPLIANCE ISSUES, DEMACI MERELY STATED THAT THE UCK HAD PROVIDED WRITTEN COMMENTS ON THE LAST DRAFT PLAN.

-- AS TO THE RECENT VIOLENCE IN KOSOVO, DEMACI STATED THAT THE UCK IS AWARE THAT IT CANNOT GAIN FREEDOM BY COMMITTING CRIMES AGAINST INNOCENT PEOPLE. DEMACI NOTED THAT THE GENERAL STAFF CONDEMNED SUCH CRIMES. DEMACI ASSERTED THAT THE UCK WOULD WELCOME AN ICTY OFFICE IN KOSOVO TO INVESTIGATE THESE CRIMES.

-- ON THE DRAFT HILL PLAN, DEMACI FLATLY STATED THAT AMBASSADOR HILL'S PROPOSALS COULD NOT BE A BASIS FOR NEGOTIATIONS. HE STATED THAT HE THOUGHT THE THIRD AND FOURTH DRAFTS WERE THE SAME -- A WAY TO FORCE ALBANIANS TO ACCEPT AUTONOMY. THE FRAMEWORK USED TO SEEK A SOLUTION IS TOO LITTLE, TOO LATE, HE SAID. IT POSTPONES THE SOLUTION, WHICH ONLY MAKES THE PROBLEM WORSE. DEMACI EXPRESSED FEAR THAT THE ALBANIAN PEOPLE WOULD HAVE TO ATTAIN THEIR GOAL THROUGH BLOODSHED, ADDING THAT THEY WOULD PAY ANY PRICE TO BE FREE FROM SERBIAN OPPRESSION. IT IS NOT FAIR TO REQUIRE FROM ALBANIANS WHAT WAS NOT REQUIRED FROM ALL THE OTHER REPUBLICS OF THE FORMER SFRY, DEMACI CONCLUDED.

COMMENT

7. (S) IN DISCUSSIONS AFTER THE MEETINGS, THERE WAS CONSIDERABLE DEBATE OVER WHAT EXACTLY DEMACI AGREED TO DO. HIS STAND, WHICH WAVERED THROUGHOUT THE MEETING, WAS NEITHER FIRM NOR CLEAR. HIS AGREEMENT TO PARTICIPATE IN A MEETING TO DISCUSS A NEW NEGOTIATING TEAM WAS AT FIRST CONDITIONED ON THE FORMATION OF AN ASSEMBLY OF KOSOVARS WHICH WOULD NOMINATE THE MEMBERS OF THE TEAM. LATER, DEMACI AGREED THAT A "PROVISIONAL" TEAM COULD BE CREATED BEFORE THE FORMATION OF AN ASSEMBLY. THROUGHOUT THE DISCUSSION, DEMACI MAINTAINED THAT AN ASSEMBLY WAS NECESSARY TO LEGITIMIZE BOTH THE

TEAM AND AN EVENTUAL POLITICAL AGREEMENT. ADDITIONAL PRESSURE IS LIKELY TO BE REQUIRED TO CONVINCE HIM TO PARTICIPATE.

8. (U) TIRANA MINIMIZE CONSIDERED.

MILES

Schulte, Gregory L.

From: WHSR
Sent: Monday, December 21, 1998 6:53 AM
To: Allen, Charles A.; Bell, Robert G.; Braden, Susan R.; Brown, Keirn C.; Butler, Lawrence E.; Clarke, Richard A.; Davidson, Leslie K.; Flanagan, Stephen J.; Gordon, Philip H.; Guarnieri, Valerie N.; Hawley, Leonard R.; Hurley, C. Michael; McEldowney, Nancy E.; Schulte, Gregory L.
Subject: SERBIA:KOSOVOALBANIAOF
CLASS: INTERNATIONAL
ORIG: FBIS
PREC: RUSH
TOR: 981220065045

F0069
FBIS S 069DEC20
UNCLAS 2Y

SERBIA: KOSOVO ALBANIA OFFICIAL: NEGOTIATING TEAM DEAL REACHED LD2012115198
BELGRADE RADIO B92 IN SERBO-CROATIAN 1100 GMT 20 DEC 98

[FBIS TRANSLATED TEXT] THE KOSOVO ALBANIANS HAVE COME TO A COMPROMISE ON THEIR UNITED NEGOTIATING TEAM, THE POLITICAL REPRESENTATIVE OF THE ILLEGAL KOSOVO LIBERATION ARMY, ADEM DEMACI, SAID AFTER THE TALKS WITH THE CONTACT GROUP REPRESENTATIVES IN PRISTINA LAST NIGHT.

I BELIEVE THAT WE HAVE FOUND A COMPROMISE SOLUTION. WE WILL MAKE A CONCERTED EFFORT IN TWO DIRECTIONS, SO THAT NO ONE HAS ANY REASON TO COMPLAIN, DEMACI SAID LAST NIGHT. WE MADE A STEP FORWARD IN COOPERATION WITH THE CONTACT GROUP AND THE AMERICANS, AND IT IS UP TO US, THE ALBANIANS, TO RESOLVE SOME MINOR REMAINING PROBLEMS.

ACCORDING TO DEMACI, ACTIVITIES ON FORMING THE NEGOTIATING TEAM, AS WELL AS ON SETTING UP A NEW ASSEMBLY WHICH WILL RALLY ALL RELEVANT POLITICAL FORCES OF THE KOSOVO ALBANIANS, WILL BE SPEEDED UP.

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FBIS 12/20/98 06:56:00
<^TOR>981220065045



United States Department of State

Washington, D.C. 20520

POLICY PLANNING STAFF

FACSIMILE COVER SHEET

Date Sent: 12/17/98Number of Pages: 8
(Excluding Cover Sheet)

Time Sent: _____

S/P FAX #: 202-647-4147Verification #: 202-647-3536

TO:

NAME	AGENCY	PHONE #	FAX #
<u>Greg Schulte</u>	<u>USC</u>	_____	<u>456-9150</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

FROM: Jon LentskyPHONE #: 647-1965SUBJECT: _____

_____COMMENTS: As requested: Cheers,
Jon



INTER-OFFICE MEMORANDUM

TO : GS, PE, JDR, VG, SM, HB
FROM : NV / Election Section
SUBJECT : Meeting in Vienna....
DATE : Thursday, November 19 1998
CC :

Enclosed, after the meeting with Amb. Hill:

- **amended, as of November 19**, preliminary comments on Draft 1 and Draft 2, for Annex 4;
- the text of Draft 1 as of November 18 and
- the text of Draft 2 as of November 18.

Nikolai Vulchanov

PELIMINARY COMMENTS ON DRAFT 1 AND DRAFT 2

In Draft 1 it is assumed that the OSCE/KVM will be supervising the anticipated Kosovo elections in 1999 by effectively administering / conducting these elections. The rationale of this option is that the texts of Annex 4 will be simple, clear and will therefore, allow for the Agreement to be signed relatively quickly if this approach accepted by the Parties to the Agreement. Additionally, it will enable the OSCE/KVM to administer the elections in line with the international standards without wasting time to bargain on each election issue. On the other hand, it assigns all responsibilities for the elections to the OSCE/KVM and it might also be difficult to convince all Parties to the Agreement that this is the best option.

In Draft 2 it is assumed that the OSCE/KVM supervision will be "very intrusive and focused intervention" in the election process whenever compliance with the OSCE 1990 Copenhagen Document is at stake. The rationale is that there is plenty of room to negotiate different aspects of the supervision which will, however, require a lot of good faith on the part of the Parties to the Agreement to sign it reasonably quickly. Internally, Draft 2 contains many options denoted by [...]. It is recommended that the agreed option be in the range of a "minimum" and a "maximum" option.

In general, the "maximum" option for Draft 2 will include that the OSCE/KVM will:

- adopt the electoral legal framework (which might even be an amended version of the existing Serbian election legislation, the amendments being done in line with the OSCE/ODIHR recommendations from the ODIHR Final Reports from the election observations in Serbia in 1997);
- appoint the election commissions;
- provide for the Supervisors to chair the election commissions' meetings and be granted the right to veto at any time any resolution of the respective election commission {Option 1 for Art.2.2(c)}.

In general, the "minimum" option for Draft 2 is based on "approval" rather than "adoption and appointment" and it gives more details of the rights and responsibilities of the Supervisors. However, the "veto" right of the Supervisors has to be preserved.

The "negotiating" substance of Draft 2 may enable to involve Serbia in the process of improvement of the Serbian election legislation and it may be efficient if some of the Parties to the Agreement insist to include the Kosovo election as part of some broader election process. However the negotiations over a Draft 2 - type Agreement may become extremely long if the Parties do not act in good faith. Additionally, the OSCE/KVM will be engaged in a long and tiresome election process and its work, in the course of this process, will be a function of the "good faith performance" of each individual Party to the Agreement.

DRAFT 1, November 18 1998, 09.00

ANNEX 4: CONDUCT AND SUPERVISION OF ELECTIONS

AGREEMENT ON ELECTIONS

In order to promote the progressive achievement of democratic governance throughout Kosovo and to enable the citizens of Kosovo to fulfil their right to participate in free and fair elections, in accordance with the relevant documents of the United Nations Security Council (UNSC), the Organisation for Security and Co-operation in Europe (OSCE) and the October 16 1998 Agreement between the OSCE Chairman-in-Office, Minister Bronislav Geremek and the Federal Republic of Yugoslavia Minister of Foreign Affairs Zhivadin Jovanovich, the Federal Republic of Yugoslavia, The Republic of Serbia and Kosovo ("the Parties") have agreed as follows:

ARTICLE 1 CONDITIONS FOR ELECTIONS

1. The Parties shall ensure that conditions exist for the organisation of free and fair elections, which include but are not limited to:
 - (a) a sustained cease-fire;
 - (b) freedom of movement for all citizens;
 - (c) a politically neutral environment;
 - (d) an environment conducive for the return of displaced persons;
 - (e) an environment free of intimidation from security forces, including the regular army and police;
 - (f) an environment that ensures freedom of assembly, association and expression;
 - (g) an electoral legal framework, including rules and regulations, complying with OSCE Commitments, which will be implemented by an election administration representative of the population of Kosovo in terms of national communities and political parties;
 - (h) free media, allowing for the effective access by political parties and candidates, available to all voters throughout Kosovo;
 - (i) a credible Voters' Register [extracted from a relevant Civil Register and] prepared on the basis of an objective and free civil registration exercise [census] according to paragraph X.5 in the Political Settlement [...];
 - (j) secure, transparent and accountable procedures for the production and dissemination of the ballot papers and other sensitive election materials, and their delivery to the voters on election day;
 - (k) secure, transparent and accountable procedures for the vote count, the tabulation and the publication of the elections' results.
2. The Parties request the OSCE to certify, 90 [...] days prior to the date set for elections, whether elections can be effective under current conditions in Kosovo and, if necessary, to provide assistance to the Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Agreement

ARTICLE 2 THE OSCE ROLE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise the elections as set forth in this Agreement.
2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organisation the OSCE deems necessary, the preparation and conduct of elections for:
 - (a) The Members of the Assembly of Kosovo;
 - (b) [The President of Kosovo];
 - (c) [The Members of the Municipal Assemblies of the Communes of Kosovo, as specified by Annex 6 of the [Political] Agreement on Kosovo];
 - (d) [The Deputies of Kosovo in the House of Citizens of the Federal Assembly of the Federal Republic of Yugoslavia];
3. The Parties request the OSCE to establish a Central Election Commission in Kosovo ("The Commission").

ARTICLE 3. THE CENTRAL ELECTION COMMISSION

1. The Commission shall adopt electoral Rules and Regulations including: the registration [for these elections] of political parties and independent candidates; the eligibility of candidates and voters; the ensuring of a free and fair election campaign; the administrative and technical preparation of the elections including the establishment, publication and certification of election results; the role of international and domestic election observers.
2. The Parties shall comply fully with the electoral Rules and Regulations, which shall prevail over any contradictory legal authority of any of the Parties.
3. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:
 - (a) the preparation, conduct and supervision of all aspects of the electoral process;
 - (b) the determination of the voter registration provisions;
 - (c) ensuring compliance with the electoral Rules and Regulations, established pursuant to this Agreement;
 - (d) ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties against any person or body that violates such provisions;
 - (e) accrediting observers, including personnel from international organisations and foreign and domestic non-governmental organisations, and ensuring that the Parties grant the accredited observers unimpeded access and movement

4. The Commission shall consist of the Head of the OSCE Kosovo Verification Mission or his representative, representatives of the national communities and political parties in Kosovo, and any such other persons, as the Head of the OSCE Kosovo Verification Mission [, in consultations with the Parties,] may decide. The Head of the OSCE Kosovo Verification Mission shall act as the President of the Commission. In the event of disputes within the Commission, the decision of the President will be final.
5. The Commission shall enjoy the right to establish communication facilities and to engage local and administrative staff.

ARTICLE 4. ELIGIBILITY

[To be drafted after the fact-finding]

ARTICLE 5 ENTRY INTO FORCE

This Agreement shall entry into force upon signature.

For
The Federal Republic
of Yugoslavia:

For
The Republic
of Serbia:

For
Kosovo:

DRAFT 2, November 17 1998, 13.00**ANNEX 4: CONDUCT AND SUPERVISION OF ELECTIONS****AGREEMENT ON ELECTIONS**

In order to promote the progressive achievement of democratic governance throughout Kosovo and to enable the citizens of Kosovo to fulfil their right to participate in free and fair elections, in accordance with the relevant documents of the United Nations Security Council (UNSC), the Organisation for Security and Co-operation in Europe (OSCE) and the October 16 1998 Agreement between the OSCE Chairman-in-Office, Minister Bronislav Geremek and the Federal Republic of Yugoslavia Minister of Foreign Affairs Zhivadin Jovanovich, the Federal Republic of Yugoslavia, The Republic of Serbia and Kosovo ("the Parties") have agreed as follows:

ARTICLE 1 CONDITIONS FOR ELECTIONS

1. The Parties shall ensure that conditions exist for the organisation of free and fair elections, which include but are not limited to:
 - (a) a sustained cease-fire;
 - (b) freedom of movement for all citizens;
 - (c) a politically neutral environment;
 - (d) an environment conducive for the return of displaced persons;
 - (e) an environment free of intimidation from security forces, including the regular army and police;
 - (f) an environment that ensures freedom of assembly, association and expression;
 - (g) an electoral legal framework, including rules and regulations, complying with OSCE Commitments, which will be implemented by an election administration representative of the population of Kosovo in terms of national communities and political parties;
 - (h) free media, allowing for the effective access by political parties and candidates, available to all voters throughout Kosovo;
 - (i) a credible Voters' Register [extracted from a relevant Civil Register and] prepared on the basis of an objective and free civil registration exercise [census] according to paragraph X.5 in the Political Settlement [...];
 - (j) secure, transparent and accountable procedures for the production and dissemination of the ballot papers and other sensitive election materials, and their delivery to the voters on election day;
 - (k) secure, transparent and accountable procedures for the vote count, the tabulation and the publication of the elections' results.
2. The Parties request the OSCE to certify, 90 [...] days prior to the date set for elections, whether elections can be effective under current conditions in Kosovo and, if necessary, to provide assistance to the Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Agreement

ARTICLE 2 THE OSCE ROLE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise the elections as set forth in this Agreement.
2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organisation the OSCE deems necessary, the preparation and conduct of elections. The supervision will include but will not be limited to:

(a) The adoption [approval] [, after consultations with authorised representatives of the Parties,] of the electoral legal framework, in line with Article 1.1(g)-(k) and Article 3, not later than [...] days before the elections [after the signing of this Agreement by the Parties];

(b) The appointment [approval] [, after consultations with authorised representatives of the Parties,] of [Central, Municipal and Precinct] Election Commissions [(CEC), (MEC) and (PEC)] in Kosovo responsible for the administering of the elections in Kosovo, in line with Article 1.1(g)-(k) and Article 2.2(a), and including in their staffs at least one International Election Expert ("The Supervisor"). The Head of the OSCE Kosovo Verification Mission, or his representative, will act as the Supervisor of the Central Election Commission and in the event of disputes his decision will be final.

{ Option 1 for Article 2.2(c) }

- (c) The Supervisor shall chair each meeting of the respective provisional election commission. He/she shall certify compliance and/or non-compliance of any resolution of the respective election commission with OSCE Commitments and this Agreement, and shall veto any resolution in case of non-compliance. In the event of disputes the decision of the Supervisor will be final.

End of Option 1 for Article 2.2(c) }

{ Option 2 for Article 2.2(c), etc. }

(c) The Supervisor shall be obliged to participate in each meeting of the respective election commission. In the absence of the Supervisor such a meeting shall be considered illegal. The work of each PEC on election day, including the opening of the precinct, the voting, the vote count, the preparation of the protocol of the PEC with the election results and its submission to the superior election commission shall be considered as one meeting of the respective PEC.

(d) The Supervisor shall be informed, in a formal, timely and comprehensive manner, about the time, the place and the agenda of the meeting of the respective election commission. The Supervisor shall be granted, by each institution and/or individual, in good faith, immediate and unimpeded access to any election related information including an immediate copy of each election related document, draft or computer file. [However, specific

arrangements have to be made in relation to military voting not later than [...] days [after the signing of this Agreement] [before the day of the elections].]

(e) The Supervisor will be granted the right to: propose inclusion or removal of items in the agenda; participate in the discussion of each item of the agenda; give advice on each item of the agenda; veto at any time any decision of the commission; certify compliance (or non-compliance) with the OSCE Commitments and the Agreements. [However, the Supervisor will not have the right to vote in the decision making process of the respective election commission.]

End of Option 2 for Article 2.2(c), etc.}

3. The Parties request the OSCE to supervise, in line with Articles 2.1 and 2.2, the elections for

(a) The Members of the Assembly of Kosovo;

(b) [The President of Kosovo];

(c) [The Members of the Municipal Assemblies of the Communes of Kosovo, as specified by Annex 6 of the [Political] Agreement on Kosovo];

(d) [Deputies of Kosovo in the House of Citizens of the Federal Assembly of [the Republic of Serbia and] the Federal Republic of Yugoslavia];

5. The Supervisors enlisted by the OSCE Kosovo Verification Mission shall enjoy the right to establish communication facilities and to engage local and administrative staff.

ARTICLE 3. ELIGIBILITY

[To be drafted after the fact-finding]

ARTICLE 4 ENTRY INTO FORCE

This Agreement shall entry into force upon signature.

For
The Federal Republic
of Yugoslavia:

For
The Republic
of Serbia:

For
Kosovo:

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. briefing paper	Achieving a Political Settlement in Kosovo. (4 pages)	12/07/1998	P1/b(1)

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

DRAFT SETTLEMENT

12/2/98

I. INTRODUCTION

1. All citizens and peoples in Kosovo have equal rights and duties as set forth in this Agreement. Members of each national community shall have additional rights as set forth below. The national communities shall be legally equal and shall not use their additional rights so as to endanger the rights of other national communities or the rights of citizens.
2. The authorities of Kosovo shall follow principles of full respect for human rights and democracy, and for the equality of all citizens and national communities. Citizens in Kosovo shall enjoy human and democratic rights and shall be given the opportunity to be represented in all institutions in Kosovo. All citizens and national communities in Kosovo shall be guaranteed full affirmation and equal treatment of their national, confessional, and cultural values and historic patrimony.
3. The authorities in Kosovo, acting in accordance with this Agreement, shall be independent. Citizens in Kosovo shall have the right to democratic self-government through assemblies, executive, judicial, and other institutions established in accordance with this Agreement. The right of democratic self-government shall include the right to participate in free and fair elections.
4. Every person in Kosovo shall have the right to apply to international institutions for the protection of their rights in accordance with the procedures of such institutions.
5. The Parties accept and will abide by the principle that their powers and authorities in Kosovo are as specified by this Agreement, which shall prevail over any other legal provisions of the Parties. In implementing this Agreement in accordance with their procedures and international standards, the parties shall harmonize their governing practices and documents. All parties shall make the necessary political and legal commitments to implement this Agreement fully.

II. GOVERNANCE IN KOSOVO

PART I: GENERAL

1. The basic territorial unit of local government will be the communes. All responsibilities of government and public authority affecting Kosovo not expressly assigned elsewhere by this Agreement will be the responsibility of the communes.
2. The Federal Republic's authority in Kosovo over the following areas shall not be affected by this Agreement, except as specified in paragraph 3:
 - (a) territorial integrity;
 - (b) maintaining a common market within the Federal Republic of Yugoslavia;
 - (c) monetary policy;
 - (d) defense;
 - (e) foreign policy;
 - (f) federal taxation;
 - (g) customs services; and
 - (h) [].¹
3. The Federal Republic of Yugoslavia shall act in Kosovo in a manner consistent with Kosovo's democratic self-governance. This includes, but is not limited to, the following undertakings:
 - (a) No changes to the external or internal borders of Kosovo shall be made without the consent of the Kosovo Assembly and Presidency.
 - (b) Deployment and use of Federal military forces in Kosovo shall be governed by Annex 2 of this Agreement.
 - (c) Kosovo officers and institutions shall have the authority to conduct foreign relations within the areas for which they are responsible, subject to respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, and consistent with Article 7 of the present Constitution of the Federal Republic of

¹ Note: A proposal may be made to expand the list of Federal responsibilities to include other matters.

Yugoslavia and Article 109(6) of the Constitution of the Republic of Serbia.

- (d) Citizens in Kosovo will have the opportunity to participate in carrying out customs activities in Kosovo. They shall serve this function as Federal customs officers. Customs officers in Kosovo shall be representative of the national communities of Kosovo.
- (e) All Federal taxes and duties applicable within Kosovo shall be set in a non-discriminatory way at uniform rates applicable for the whole territory of the Federation.
- (f) Martial law shall not be declared in Kosovo without the consent of the Kosovo Presidency.
- (g) Federal measures having a differential, disproportionate, or discriminatory impact on Kosovo shall not take effect in Kosovo without the consent of the Kosovo Presidency.
- (h) The institutions and officers of the Federal Republic shall abide by this Agreement in its entirety.

4. Within Kosovo the institutions established by this Agreement shall exercise all competences currently exercised by the Republic, except for the following and any other competences expressly reserved for the Republic by this Agreement:

- (a) The Republic may continue to maintain a system of health care, of education, and of care for war veterans and disabled persons, which shall be available equally to the members of all national communities. This authority shall not be interpreted to limit the authority of Kosovo institutions to establish similar systems in these areas. Arrangements will be made in Annex 3 for the treatment of existing health care and educational facilities.
- (b) The Republic shall have the authority to enact measures relating to the protection of workers' safety and health, provided that all such measures shall be administered in a nondiscriminatory manner throughout the Republic.
- (c) The Republic may maintain systems of social protection and social security and provide other public services to citizens in Kosovo. These programs shall not discriminate on the basis of membership in a particular National Community, and participation and use (including payment of any taxes necessary to fund participation in or use of such

services) shall be on a voluntary basis. This authority shall not be interpreted to limit the authority of Kosovo institutions to establish systems and provide services in these areas.

5. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of the additional rights described in Article IV of this Agreement.

PART II: ASSEMBLY, PRESIDENCY, AND ADMINISTRATIVE BODIES

The Assembly

1. There shall be an Assembly, which shall comprise [] Members.
 - (a) [] Members shall be directly elected in accordance with Article IX(4) and Annex 4.
 - (b) The remaining [] Members shall be allocated equally among the national communities with at least []% of the population of Kosovo, each of which shall elect Members democratically according to its own procedure. Each applicable national community shall have at least one Member in the Assembly.
2. The Assembly shall be responsible for adopting the Constitution of Kosovo and enacting Decisions of Kosovo, including those regulating relations in political, economic, social, and cultural areas. The Constitution and Decisions of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republics or the Federation so long as they are consistent with this Agreement and within the scope of the jurisdiction herein provided for Kosovo.
 - (a) The Assembly's areas of responsibility shall include:
 - Financing activities of Kosovo institutions, including by levying taxes and duties on sources within Kosovo;
 - The adoption of budgets and annual accounts of the Administrative Bodies and other institutions of Kosovo, with the exception of communal and national community institutions unless otherwise specified by this Agreement;
 - The adoption of regulations concerning the organization, procedures, and functioning of the Administrative Bodies of Kosovo;

- Approving candidates put forward by the Kosovo Presidency for Kosovo judicial offices;
- Ensuring freedom of movement of goods, services, and persons consistent with the responsibilities of other authorities;
- Conducting relations with foreign entities and approving agreements within its areas of responsibility, consistent with the authorities of Kosovo institutions under this Agreement;
- Cooperating with the Federal Assembly, and with the Assemblies of the Republics;
- Establishing, in accordance with this Agreement, the main rules of local self-government, including in particular rules on elections, finance, the status of elected local officials, and on local government employees;
- Coordination among communes or national communities when necessary, including the enactment of Decisions concerning inter-communal issues;
- Protection of the environment where inter-communal issues are involved; and
- Designing and implementing programs of economic, scientific, technological, demographic, regional, and social development, as well as programs for the development of agriculture and of rural areas.

(b) The Assembly shall also have authority to enact Decisions in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes or if uniform legislation is necessary to ensure throughout Kosovo the equality of rights granted by this Agreement to individuals. In the absence of a specific Decision by the Assembly validly taken within this authority that preempts communal action, the Communes shall retain their authority.

3. Decisions of the Assembly shall be taken by majority of those present and voting, except as provided in paragraph 4.

[Option 1:

4. When a majority of the Members of a national community selected pursuant to paragraph 1(b) assert that a proposed decision affects the vital interests of their national community, that decision shall require for approval, in addition to the majority specified in paragraph 3, a majority of the Members present and voting from that national community. If a majority of Members

from the asserting community is not present and voting, the regular voting rule shall apply. Any other national community wishing to assert that the same proposed decision also affects its vital interests must make its claim within two days after the privilege is first asserted. After that two day period has elapsed, no national community may assert the privilege set forth in this paragraph with respect to the same proposed decision.

5. The following procedure shall be used to resolve disputes regarding the exercise of the national community privilege set forth in paragraph 4:

- (a) The national community or communities asserting the privilege will give reasons to the Assembly explaining its concerns. Members of the Assembly supporting the proposed decision will be given an opportunity to respond. The Presidency of Kosovo shall mediate the dispute and attempt to reach a settlement agreeable to all affected national communities.

[Option 1a:

- (b) If mediation does not produce a mutually agreeable result within seven days, there shall be a vote of the Assembly. The proposed decision shall take effect if it receives the support of [4/5] of the Members of the whole Assembly, including a simple majority of the members representing each of at least two national communities selected pursuant to paragraph 1(b).]

[Option 1b:

- (b) If mediation does not produce a mutually agreeable result within seven days, the matter shall be given to the Constitutional Court. The Court shall determine whether as a matter of law the vital national interests of the community or communities asserting the privilege set forth in paragraph 4 are affected by the proposed decision. The Court shall hear argument and rule within ten days.
- (c) The decision of the Court may be appealed by either party to the [Director of the Kosovo Verification Mission so long as the mission remains in place, or alternatively the designee of the OSCE Chair in Office] [Chair of the Joint Commission], who shall resolve the

matter acting in a quasi-judicial capacity. He or she shall rule within ten days. The judgment shall be final.]]

[Option 2:

Decisions of the Assembly are presumed valid. If a majority of the members from any national community delegation selected pursuant to paragraph 1(b) believes that its vital interests are adversely affected by a Decision, the delegation may seek review of the Decision before the Constitutional Court and, on appeal, the [Director of the Kosovo Verification Mission so long as the mission remains in place, or alternatively the designee of the OSCE Chair in Office] [Chair of the Joint Commission]. Decisions determined to affect adversely a national community's vital interests will be set aside.]

6. A majority of Members shall constitute a quorum. The Assembly will decide its own rules of procedure. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of opinions expressed or votes cast in the Assembly.
7. The Assembly shall elect from among its Members a President, two Vice-Presidents, and other leaders in accordance with the procedures of the Assembly. Each national community covered by paragraph 1(b) shall be represented in the leadership.
 - (a) The President of the Assembly shall represent the Assembly, call its sessions to order, chair its meetings, coordinate the work of any Committees it may establish, and perform other tasks prescribed by the rules of procedure of the Assembly.

[Option 1:

- (b) The President of the Assembly may not be from the same national community as the Chair of the Kosovo Presidency.]

[Option 2:

No text.]

Presidency

8. Executive power shall be exercised by the Presidency, which shall consist of one representative from each National Community qualifying under the terms set forth in Annex 5.

- (a) Each member of the Presidency shall be selected by the Assembly for a [three] year term. No person may serve more than two terms as a member of the Presidency.
- (i) There shall be a Chair of the Presidency, who shall be selected from among its members by majority vote of the Assembly. The Chair shall call meetings of the Presidency, represent it in areas within its competence, and organize its work.
- (ii) The Presidency shall decide its own rules of procedure. It shall endeavor to act by consensus. Subject to the privilege set forth in section (a)(iii) of this paragraph, decisions may be taken by the Chair where all efforts to achieve consensus have failed.
- (iii) Within four days of the adoption of a Decision of the Presidency, a Member of the Presidency may assert that the Decision affects a vital interest of his or her national community.
 - (a) The issue shall be promptly referred to his or her national community. If the national community affirms within ten days by a decision taken under its own democratic procedures that its vital interests are affected, the Decision shall be rescinded.²
 - (b) Dissenting Members of the Presidency may petition the Constitutional Court to have a Decision reinstated on the grounds that the vital interests of the national community asserting the privilege are not adversely affected. The Court shall rule within ten days.
 - (c) The ruling of the Constitutional Court may be further appealed by either party to the [Director of the Kosovo Verification Mission so

² Note: The privilege to block a Decision of the Presidency as affecting a vital interest could be limited to certain categories of important matters. This will be a subject for further discussion.

long as the mission remains in place, or alternatively the designee of the OSCE Chair in Office] [Chair of the Joint Commission] who shall resolve the matter acting in a quasi-judicial capacity. He or she shall rule within ten days. The decision shall be final.

(b) The Presidency shall be responsible for:

- Representing all citizens in Kosovo before any international or Federal body, or any body of the Republics.
- Implementing the Decisions of the Assembly and of other authorities when authorized by those authorities.
- Selecting officers of the Administrative Bodies to assist in carrying out these executive responsibilities.
- Proposing to the Assembly candidates for the Constitutional Court, the Supreme Court, and other Kosovo judicial offices.
- Proposing Decisions to the Assembly.
- Meeting regularly with the democratically selected representatives of the national communities and other persons.
- Conducting foreign relations and concluding agreements on behalf of Kosovo after they are approved by the Assembly, consistent with the authorities of Kosovo institutions under this Agreement.
- Serving or designating a representative to serve on the Joint Commission and Joint Council established by Article VII of this Agreement.
- Meeting regularly with the President of the Federal Republic of Yugoslavia, the President of Montenegro, and the President of Serbia.
- Other duties specified in this Agreement.

Administrative Bodies

9. Administrative Bodies shall be responsible for assisting the Presidency in implementing Decisions of Kosovo and, where authorized, of other authorities.

- (a) Employees of administrative bodies shall be fairly representative of the population and national communities of Kosovo.
- (b) Any citizen of Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review of that decision after exhausting any avenues for

administrative review. The Assembly shall enact administrative law to regulate this review.

- (c) An administrative body of Kosovo shall have primary responsibility for all criminal law enforcement matters in Kosovo, in accordance with Annex 2 to this Agreement.

PART III: COURTS IN KOSOVO

General

1. Kosovo shall have a Constitutional Court, a Supreme Court, District Courts, and Communal Courts. The Kosovo Supreme Court shall, upon approval by the Kosovo Assembly, promulgate rules of procedure consistent with this Agreement to guide the courts' activities.

[Option:

- (a) Until such time as the parties mutually agree to discontinue this arrangement or the Federal Republic becomes a member of the Council of Europe and appeals are possible under its rules to the European Court of Human Rights, a majority of judges on the Constitutional Court shall be selected from a list presented by the Committee of Ministers of the Council of Europe pursuant to Council Resolution (93)6.]
2. The Kosovo courts shall have jurisdiction over all matters arising under the Constitution of Kosovo, Decisions of the Assembly, and laws of the Republic of Serbia. Disputes presenting solely questions of Republic law may be appealed to the Supreme Court of Serbia after all appeals available in the Kosovo courts have been exhausted.
3. The Kosovo courts shall also have jurisdiction as specified in this paragraph over matters arising under federal law or raising questions of federal law. Disputes presenting federal questions may be appealed to the Federal courts after all appeals available under the Kosovo system have been exhausted.
 - (a) Kosovo courts shall adjudicate all civil and administrative cases in Kosovo arising under Federal law or raising federal law questions in the first instance. Except as specified in Section 3(b) of this Part, Kosovo

courts shall also adjudicate criminal cases in Kosovo arising under federal law.

- (b) Those federal criminal matters specified in []³ shall be adjudicated entirely by the courts of the Federal Republic of Yugoslavia. An appropriate branch of the Federal court shall be established in Kosovo for this purpose.

- 4. The Republic of Serbia shall continue to maintain separate courts in Kosovo. Citizens in Kosovo may opt to have civil and administrative disputes to which they are a party adjudicated by the Republic courts, which shall apply applicable Kosovo legal authorities and shall refer matters falling within paragraph 6(b) to the Constitutional Court. Criminal defendants may opt to have their cases decided by a Republic court pursuant to the same provisos applicable to civil and administrative cases, except with respect to those cases involving federal matters specified in Section 3(b) of this Part.

Members of the Judiciary

- 5. Composition. The Constitutional Court shall consist of [nine] judges. The Supreme Court shall consist of [nine] judges. The Assembly shall determine the number of other judges necessary to meet current needs.

- (a) The judges shall be distinguished jurists of the highest moral character.
- (b) The judges shall be broadly representative of the national communities of Kosovo. There shall be a least one Constitutional Court judge and one Supreme Court judge from each national community representing at least []% of the population of Kosovo.
- (c) Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose dismissal is in question shall not participate in the deliberations on his case.

- 6. Jurisdiction of the Constitutional Court.

³ This section of the Agreement will set forth a list of serious crimes with cross-border implications, such as counterfeiting of money and narcotics trafficking. The list will be a subject for negotiation between the parties.

The Constitutional Court shall have sole authority to resolve disputes relating to the meaning of the Kosovo Constitution. That authority shall include, but is not limited to, determining whether decisions or actions of the Presidency, the Assembly, the Council of Ministers, the Communes, and the national communities are compatible with the Kosovo Constitution.

- (a) Matters may be referred to the court by the Presidency of Kosovo, the President or Vice-Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any national community acting according to its democratic procedures.
- (b) Any court, which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Court's jurisdiction, shall refer the issue to the Court for a preliminary decision.
- (c) Following the exhaustion of other legal remedies, the Court shall at the request of any natural or legal person or association have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Agreement have been violated by a public authority.
- (d) The Constitution of Kosovo may provide that the Court shall have jurisdiction over other questions arising under it. The Constitutional Court shall have such other authorities and jurisdiction as may be specified elsewhere in this Agreement.

7. Jurisdiction of the Supreme Court. The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Subject to the specific powers of the Constitutional Court, and to paragraphs 2, 3, and 4 of this Part, the Supreme Court shall take the final decision in all cases arising within Kosovo. Its decisions shall be recognized and executed by all public authorities on the territory of the Federal Republic of Yugoslavia.

8. Functioning of the Courts. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members. All Kosovo courts shall hold public proceedings, and issue published opinions setting forth the reasons for their decisions along with any dissenting views.

National Community Dispute Settlement Mechanism

9. Each national community may establish procedures for resolving conflicts concerning inheritance, family law, matrimonial relations, tutorship, adoption, civil lawsuits as decided by the Assembly of Kosovo, and criminal cases for which a monetary fine is prescribed as punishment in the currently applicable penal code.
- (a) Dispute settlement mechanisms established under this provision shall have jurisdiction only when all parties consent.
 - (b) Within the framework of these procedures, no decisions on arrest or detention of a person may be taken. If a competent authority established under this provision considers during its review of a criminal case that a sentence of imprisonment might be appropriate, it shall refer the case to the competent court.
 - (c) Procedures established under this provision must maintain practices consistent with internationally recognized human rights. At the request of one of the parties, the Constitutional Court of Kosovo shall review whether any decision taken within this framework respects the provisions of this Agreement, including in particular the human rights guarantees set forth in Article III.
 - (d) Decisions of the national community dispute resolution mechanism shall be honored in accordance with applicable rules by Kosovo courts, Republic courts, and the courts of the Federal Republic of Yugoslavia.

PART IV. THE OMBUDSMAN

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosovo.
- (a) The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of the national communities.
 - (b) He or she shall be nominated by the Presidency and shall be elected by the Assembly from a list of candidates

prepared by the President of the European Court for Human Rights for a non-renewable [four] year term.

2. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have two Deputies. The Deputies shall each be drawn from different national communities, and neither shall be from the same national community as the Ombudsman if he or she is a member of a national community in Kosovo.
3. The Ombudsman shall have a right to review the acts and shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. The Ombudsman shall have other powers and jurisdiction as set forth in Annex 1.

PART V. COMMUNES

[Option 1:

1. Kosovo shall have the existing communes.]

[Option 2:

1. Kosovo shall have [] communes within the boundaries specified in Annex 6 of this Agreement.]
2. Communes may develop relationships among themselves for their mutual benefit.
3. Each commune shall have an Assembly, a Council, and such executive bodies as the commune may establish. Each national community with at least []% of the population of the commune shall be represented on the Council in proportion to its share of the regional population or by one member, whichever is greater.
4. The communes shall have responsibility for:
 - Law enforcement, as specified in Annex 2 of this Agreement.
 - Regulating and, when appropriate, providing child care.
 - Establishing and regulating the work of medical institutions and hospitals.
 - Providing and regulating education, consistent with the rights and duties of national communities.

- Protecting the communal environment.
 - Regulating commerce and privately owned stores.
 - Regulating hunting and fishing.
 - Planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo-wide public works projects in coordination with other communes and Kosovo authorities.
 - Regulating land use, town planning, building regulations, and housing construction.
 - Developing programs for tourism, the hotel industry, catering, and sport.
 - Organizing fairs and local markets.
 - Organizing public services of communal importance, including fire, emergency response, and police consistent with Annex 2 of this Agreement.
 - Financing the work of communal institutions, including raising revenues, taxes, and preparing budgets.
5. The communes shall also have responsibility for all other areas not expressly assigned elsewhere by this Agreement, subject to the provisions of Article II, Part II.2(b).
6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

III. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. The Parties shall ensure that the highest level of internationally recognized human rights and fundamental freedoms is secured for all persons in Kosovo.
2. Applicable rights and freedoms shall include those specified in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols.
 - (a) The European Convention shall be directly applicable in Kosovo and in any matter involving a person of Kosovo, and shall take precedence over all other law.
 - (b) All courts, agencies, government institutions, and instrumentalities of the Parties and all of their officials and employees shall conform to these human rights and fundamental freedoms.

IV. RIGHTS AND DUTIES OF MEMBERS OF NATIONAL COMMUNITIES

1. Members of the national communities shall have additional rights determined by this Agreement in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act.
2. Each national community shall select through democratic means, in accordance with procedures it shall decide, institutions to administer its affairs in Kosovo.
3. The national communities shall be subject to Decisions of the Assembly of Kosovo, provided that any action concerning national communities must be nondiscriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.
4. The additional rights of the national communities, acting through their democratically selected institutions, are to:
 - (a) preserve and protect their national cultures, including by:
 - inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Serbian, consistent with decisions about style made by the communal institutions.
 - providing information in the language and alphabet of the national community,
 - establishing cultural and religious associations, for which relevant authorities will provide financial assistance.
 - providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance. National communities are encouraged to coordinate curricula with Republic authorities concerning some subjects (for example, to ensure that pupils satisfy common standards in subjects such as math and science).
 - enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad.

- using and displaying national symbols, along with symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;
- protecting national practices on family law by, if the community decides, arranging rules in the field of inheritance, family, and matrimonial relations; tutorship; and adoption.
- the preservation of sites of religious, historical, or cultural importance to the national community, in cooperation with other authorities.
- implementing public health and social services.
- operating religious institutions in cooperation with religious authorities.
- participating in regional and international non-governmental organizations in accordance with procedures of these organizations.

(b) adopt mechanisms for dispute resolution, as provided in Article II, Part III(9) of this Agreement;

(c) be guaranteed at least one radio and one television frequency, which they shall each administer subject to non-discriminatory, technical standards;

(d) finance their activities by collecting charges the national communities may decide to levy on members of their own communities.

5. Members of national communities shall also be individually guaranteed:

- the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad.
- equal access to employment in public services at all levels.
- the right to use their languages and alphabets,
- the right to use and display national community symbols on private occasions.
- The right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article.

6. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the

Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

V. REPRESENTATION OF KOSOVO IN FEDERAL AND REPUBLIC INSTITUTIONS

1. Kosovo shall be offered the following representation, without prejudice to the rights of persons in Kosovo to decide whether to accept this offer:
 - (a) At least [] deputies in the House of Citizens of the Federal Assembly.
 - (b) At least [] deputies in the National Assembly of the Republic of Serbia.
 - (c) The opportunity for the Kosovo Assembly to present to the appropriate authorities a list of candidates from which shall be drawn:
 - (i) at least one citizen in Kosovo to serve in the Federal Government, and at least one citizen to serve in the Government of the Republic of Serbia.
 - (ii) at least one judge on the Federal Constitutional Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.
2. There shall be a Council of the Republic of Serbia for the protection of the rights of the members of national communities. The President of the Republic of Serbia shall preside over this Council.

VI. FINANCING AND OTHER ECONOMIC ISSUES

Financing

1. The authorities established to levy and collect taxes and other charges are set forth in this Agreement. Except if otherwise expressly provided in this Agreement, those bodies have the right to keep all revenues from their own taxes or other charges.
2. In accordance with the provisions of Annex 3, the authorities of Kosovo shall forward to Federal authorities a fair share of revenue collected within Kosovo, if necessary for funding of

Federal responsibilities within Kosovo and not covered by revenue from Federal taxes from Kosovo.

3. In accordance with the provisions of Annex 3, revenue from certain Kosovo taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Communes shall also be able to levy local taxes, in accordance with the provisions of Annex 3.
4. Federal and other authorities shall also ensure, to the extent of their respective powers, the delivery of resources from international sources to Kosovo.

Other Economic Issues

5. Annex 3 of this Agreement shall specify, in terms consistent with this Agreement, arrangements for the disposition of government owned assets in Kosovo; the resolution of disputes over pension and social insurance contributions; and the resolution of other matters relating to economic relations between the parties.

VII. JOINT COMMISSION AND JOINT COUNCIL

Joint Commission

1. A Joint Commission will serve as the central mechanism for monitoring and coordinating the implementation of this Agreement. It will be comprised of Federal and Republic representatives, representatives of the national communities in Kosovo, representatives of Kosovo political institutions including the Presidency and the Ombudsman, and international representatives (including the Kosovo Verification Mission and the Contact Group).
2. A person of high moral character shall be selected to serve as Chair of the Joint Commission. The Chair will coordinate and organize the work of the Joint Commission, supervise the overall implementation of this Agreement, and shall have other powers, authorities, and duties as set forth herein or as may be later agreed by the Parties.
 - (a) For [ten] years following the entry into force of this Agreement, the Chair shall be a person chosen by the Chair in Office of the OSCE after consultation with the Parties. During this initial period, the Chair of the

Joint Commission shall not be a citizen of the Federal Republic of Yugoslavia or a surrounding state.

- (b) After the initial period, the Chair shall be selected by consensus between the President of the Federal Republic of Yugoslavia, and the Presidency of Kosovo. In the event the parties cannot reach an agreement, the Chair shall be a person selected by the Chair in Office of the OSCE after consultation with the Parties.
3. The Parties shall cooperate with the Commission and its Chair. The Joint Commission as a whole and the Chair individually on his or her own initiative shall have safe, complete, and unimpeded access to all places, persons, and information (including documents and other records) both within Kosovo and, where the Joint Commission or the Chair deem it relevant, within the Federal Republic.
4. In the event of disagreement as to the meaning of any provision of this Agreement a Party may petition the Chair of the Joint Commission, who shall have final authority to resolve such disputes. The Parties agree to abide by the Chair's decision.

Joint Council

5. The national communities shall establish a Joint Council to coordinate their activities under this Agreement, and to provide an informal mechanism for the resolution of disputes. The Joint Council shall consist of one member from each of the national communities. Its activities shall be funded equally by the participating national communities. It shall meet no less than once each month. The Joint Council shall encourage the creation of similar mechanisms at the communal level, building on the example of local commissions established pursuant to Article VIII(5) of this Agreement.

VIII. CONFIDENCE-BUILDING MEASURES

1. Violence in Kosovo shall cease. Alleged violations of the cease-fire shall be reported to international observers and will not be used to justify violence in response. All persons held by the Parties without charge shall be released.
2. [An agreement on the status of security forces in Kosovo, to be added after expert consultations.]

3. [An agreement on the status of police forces in Kosovo, to be added after expert consultations.]
4. Each side will encourage all persons displaced during the conflict to return to their homes as the security situation permits. There will be no impediments to the normal flow of goods into Kosovo. International humanitarian organizations will be freely permitted to provide building materials and other assistance to persons returning to their homes in Kosovo.
5. In each community a local commission, representative of all national communities there, will assist international humanitarian agencies in the delivery and distribution of food, medicine, clothes, construction materials, the restoration of electricity and water supply, and in encouraging returns.
6. International personnel, including the Kosovo Verification Mission and members of non-governmental organizations, shall be allowed unfettered access, at any time, throughout Kosovo. It is expected that international personnel will be present at all times in selected communities.
7. Each side shall respect its obligation to cooperate in the investigation and prosecution of war crimes, crimes against humanity, and other violations of international humanitarian law. In acknowledgement that allegations of atrocities cannot be resolved to the satisfaction of the other, each side will allow complete, unimpeded, and unfettered access to international experts-including forensics experts-authorized to investigate such allegations. Each side will provide full support and cooperation to the activities of the International Criminal Tribunal for the Former Yugoslavia.
8. No person shall be prosecuted for crimes related to the conflict in Kosovo, except for those who have committed war crimes, crimes against humanity, and other fundamental violations of international humanitarian law.

[Option 1:

Republic and Federal authorities shall reexamine, for extraordinary mitigation of punishments, all sentences pronounced on members of national communities from Kosovo for acts motivated by political goals.]

[Option 2:

There shall be a general amnesty for all persons in Kosovo convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing war crimes, crimes against humanity, or other fundamental violations of international humanitarian law.]

IX. IMPLEMENTATION PERIOD

1. This Agreement shall be implemented as quickly as possible. The Parties undertake to allow, insofar as possible, its adequate implementation even before the adoption and undertaking of all acts and measures required to implement this Agreement.
2. The Parties will start without delay on any and all legal changes necessary for the full implementation of this Agreement. They acknowledge that complete implementation will require the adoption of necessary state regulations and other general acts, of the Constitution of Kosovo, political acts and measures, and the election and establishment of institutions and bodies set forth in this Agreement. This Agreement shall take precedence over all existing legal authorities of the parties.
3. Each national community in Kosovo is authorized to start exercising the additional rights determined by this Agreement, to the extent possible, immediately upon signature.
4. Within [nine] months, there shall be elections in accordance with and pursuant to procedures specified in Annex 4 of this Agreement for all authorities established herein, according to an electoral list prepared to international standards. The Government of the Federal Republic of Yugoslavia hereby invites the Organization for Security and Cooperation in Europe (OSCE) to supervise those elections to ensure openness and fairness.
5. Under the supervision of the OSCE and with the participation of Kosovo authorities, Federal authorities shall conduct an objective and free census of the population in Kosovo, which shall be carried out when the OSCE determines that conditions allow an accurate census.

- (a) The first census shall be limited to name, place of birth, address, gender, age, citizenship, nationality, and religion.
 - (b) The institutions and authorities of the Parties shall provide the institutions of Kosovo with all records necessary to conduct the census, including data about places of residence, citizenship, voters' lists, and other information.
- 6. The Parties shall provide active support, cooperation, and participation for the successful implementation of the Agreement.
 - 7. Institutions currently in place in Kosovo shall remain until the establishment of the bodies created by this Agreement.
 - 8. Martial law shall be repealed. Laws compatible with this Agreement shall remain in force until replaced by the decision of a competent body established herein.

X. AMENDMENTS

- 1. Amendments to the Agreement shall be adopted by agreement of all the parties.
- 2. Each Party may propose amendments at any time and will consider and consult with the other with regard to proposed amendments.
- 3. In three years, the Parties will undertake a comprehensive assessment of the Agreement, with the aim of improving its implementation and considering proposals by either side for additional steps, which will require mutual agreement for adoption.

XI. FINAL PROVISIONS

- 1. This Agreement is concluded in the [] languages.
- 2. This Agreement shall enter into force when each Party has notified the others of the completion of its internal process.

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Federal Republic of
Yugoslavia

Republic of
Serbia

Kosovo

ANNEX 1: THE OMBUDSMANGeneral

1. The Office of the Ombudsman shall be an independent agency of Kosovo. In carrying out its mandate, no person, institution, or entity of the Parties may interfere with its functions.
2. The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.
3. The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.

Jurisdiction

4. The Ombudsman shall consider:
 - (a) alleged or apparent violations of human rights and fundamental freedoms in Kosovo, as provided in the Constitutions of the Federal Republic and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and
 - (b) alleged or apparent violations of the rights of national communities specified in this Agreement.
5. All citizens in Kosovo shall have the right to submit complaints to the Ombudsman. The Parties agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Powers and Authority

6. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in paragraph five. He may act either on his own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

7. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.
- (a) He shall have access to and may examine all official documents, and he can require any person, including officials of Kosovo, the Republic of Serbia, and the Federal Republic of Yugoslavia to cooperate by providing relevant information, documents, and files.
 - (b) The Ombudsman may attend administrative hearings, meetings of other Kosovo institutions, and meetings and proceedings of the Republics and the Federal Republic of Yugoslavia in order to gather information.
 - (c) He may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.
 - (d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.
 - (e) The Parties undertake to ensure cooperation with the Ombudsman's investigations. Willful and knowing failure to comply shall be a criminal offense prosecutable in any jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that official's superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.
8. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.
- (a) A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.

(b) In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission set forth in Article VII of this Agreement, to the Presidency of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.

9. The Ombudsman shall promptly report to the International Criminal Tribunal for the Former Yugoslavia evidence of war crimes, crimes against humanity, and other fundamental violations of international humanitarian law that may fall within the jurisdiction of that tribunal.

Other Annexes

The following additional annexes will be a part of the completed Agreement:

Annex 2: Police and Security Matters

Annex 3: Financing and Other Economic Issues

Annex 4: Conduct and Supervision of Elections

Annex 5: National Communities

[Annex 6: Communal Boundaries]

Executive Summary: Law Enforcement & Security Annex

The attached draft, which would be appended to a Kosovo political settlement document, sketches the broad outlines of an agreement on police, courts and security in Kosovo. The draft is the product of an Interagency Working Group convened to address these issues.

The main features of the draft are as follows:

- Kosovo would establish a 2700 person local police force. These forces would be organized and stationed at the communal level, but would be "coordinated" by Pristina.
- Police personnel would be trained at a Kosovo-wide academy supported initially by the internationally community.
- "Security commissions" would be established at the communal and provincial levels to provide forums for civilian government officials, communal police commanders, national community representatives, and Republic authorities to discuss security issues and address civilian complaints.
- During an interim period, MUP units (limited to the RJB) would remain in Kosovo. The draft does not specify their numbers. MUP/RJB jurisdiction would be limited to a discrete set of quasi-federal crimes. At the conclusion of the interim period, the draft contemplates MUP units leaving Kosovo entirely.
- Republic Border and Customs police would continue to operate in Kosovo. VJ units in Kosovo would be limited to defined garrisons, and their authority to patrol would be circumscribed.
- Kosovo would establish a civil and criminal court system, and a Prosecutor's office. Persons arrested by Kosovar authorities (namely, Serbs) could "opt out" of the Kosovar system, and choose to be tried instead in Republic courts.

Note: The draft does not address the phased, step-by-step manner in which local police would need to be trained and established, and in which MUP units might be redeployed over time.

LAW ENFORCEMENT AND SECURITY ANNEX

I. GENERAL PRINCIPLES

A. All Kosovo, Republic and Federal law enforcement and military authorities shall be obligated, in their respective areas of authority, to ensure freedom of movement and safe passage for all persons, vehicles and goods.

B. In exercising authorities under this annex, all law enforcement and military components shall observe internationally recognized standards of human rights, due process and fundamental fairness.

C. An international civilian police mission will be undertaken in the territory of Kosovo to monitor the enforcement of this Agreement and guide the implementation of the agreement. The Parties agree to cooperate fully with the international civilian police mission.

-KVM?

II. LAW ENFORCEMENT COMPONENTS

A. Communal Police Units

1. Communal police units, organized and stationed at the communal and municipal levels, shall have primary responsibility for local law enforcement in Kosovo. The specific responsibilities of the communal police will include:

- a. Police patrols and crime prevention
- b. Criminal investigations
- c. Arrest and detention of criminal suspects
- d. Crowd control
- e. Traffic control

2. Number. The total number of communal police operating within Kosovo shall not exceed 2,700 active duty law enforcement officers (exclusive of administrative officers).

3. Civilian Police Administration. Communal police units will be coordinated by a civilian police administration located in Pristina. The civilian police administration will be created by the Kosovo authorities established in this Agreement.

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4. Communal Commanders. Each communal government will appoint, and may remove for cause, a communal police commander with responsibility for police operations within the commune.

5. Recruitment.

a. Communal police recruitment will be conducted primarily at the local level. Local and communal governments, upon consultation with communal security commissions, will nominate officer candidates to attend the Kosovo Police Academy. Offers of employment will be made by communal police commanders, with the concurrence of the academy director, only after the candidate has successfully completed the academy basic recruit course.

b. Recruitment, selection and training of communal police officers shall be conducted in cooperation with the international civilian police mission during the period of its operation.

6. Uniforms and Equipment

a. All communal police officers, with the exception of officers participating in crowd control functions, will wear a standard dark blue uniform. Such uniform will include a badge, picture identification, and name tag.

b. Communal police officers will be equipped with a sidearm, handcuffs and a baton. Each commune may maintain, either at the communal headquarters or at municipal stations, no more than 20 long-barreled weapons. Long-barreled weapons may be carried or used only with the permission of the communal police commander (and the international civilian police mission for as long as it is present). When not in use, all weapons will be securely stored and each commune will keep a registry of all weapons assigned to it.

c. Communal police officers engaged in crowd control functions will receive equipment appropriate to their task, including batons, helmets and shields.

B. Interim Police Academy

1. Under the supervision of the international community, the Kosovo Civilian Police Administration shall establish an interim Police Academy that will offer

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mandatory and professional development training for all communal police officers. All police candidates will be required to successfully complete a course of police studies before serving as communal police officers.

2. The Academy shall be headed by a director appointed and removed by the Kosovo Civilian Police Administration in consultation with the Kosovo Security Commission.

III. SECURITY COMMISSIONS

A. The parties shall establish a Kosovo Security Commission and Communal Security Commissions. The Commissions shall be forums for cooperation, coordination and the resolution of disputes concerning law enforcement and security in Kosovo.

B. The functions of the Commissions shall include the following:

- a. Review, and make recommendations regarding, communal police practices and other law enforcement issues.
- b. Review, and make recommendations regarding the recruitment, selection and training of police officers and commanders.
- c. Consider complaints regarding police practices filed by individuals or national communities.
- d. In the Kosovo Security Commission only: In consultation with designated local, Republic and Federal police liaisons, monitor jurisdiction sharing in cases of concurrent criminal jurisdiction between Kosovo, Republic and Federal authorities.

C. The membership of the Kosovo Security Commission and each Communal Security Commission shall be representative of the population and shall include:

1. In the Kosovo Security Commission:
 - a. a representative of each commune.
 - b. the head of the Kosovo Civilian Police Administration.

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c. a representative of each Republic and Federal law enforcement component operating in Kosovo (for example, RJB, Customs police, Border police, etc.).

d. a representative of each national community.

e. a representative of the International Civilian Police Mission (as part of the KVM), during its period of operation in Kosovo.

f. a representative of the VJ.

2. In the Communal Security Commissions:

a. the communal police commander.

b. a representative of each Republic and Federal law enforcement component operating in the commune.

c. a representative of each national community.

d. a civilian representative of the communal government.

e. a representative of the International Civilian Police Mission (as part of the KVM), during its period of operation in Kosovo.

f. a representative of the VJ.

D. Each Security Commission shall meet at least monthly, or at the request of any Commission member.

IV. FEDERAL AND REPUBLIC POLICE OPERATIONS IN KOSOVO

A. Republic and FRY law enforcement authorities may only patrol, investigate, arrest or detain individuals, or otherwise operate individually or collectively within the territory of Kosovo in accordance with the provisions of this Agreement.

B. Permissible Number and Type of Units.

1. The only Republic police authorities permitted to be stationed or operate in Kosovo during the effective period of this Agreement shall be officers of the RJB.

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2. At the conclusion of the effective period of this Agreement, upon establishment of communal police units that are representative of, and effectively protect the entire population of Kosovo, all Republic police authorities shall be redeployed to locations outside of Kosovo.

C. Scope of Authority to Patrol

During the operation of the International Civilian Police Mission (ICPM), RJB units permitted to maintain a presence in Kosovo shall patrol the territory of Kosovo only along routes and in areas designated by the Chief of the ICPM in consultation with RJB and Kosovo communal police authorities.

D. Scope of Criminal Investigative Jurisdiction

RJB units operating within Kosovo shall only have authority to investigate, and arrest and detain individuals in connection with, the following crimes:

1. The sale and distribution of significant quantities of narcotics.
2. Kidnappings that may involve the transport of victims across the Kosovo border.
3. Extortion
4. Smuggling
5. Counterfeiting Money
6. Forgery of Government Documents
7. Murder or Aggravated Assault of Republic or Federal authorities
8. Destruction of Republic property
9. Criminal violations of the civil and human rights of ethnic Serbs, including property crimes and crimes of violence committed against Serb victims because of their ethnicity.

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V. SECURITY ON THE INTERNATIONAL BORDERS

The Government of the FRY will maintain official border crossings on its international borders. Personnel from the organizations listed below may be present along Kosovo's borders and at international border crossings.

A. Republic Border Police

1. The Border Police shall continue to exercise authority at Kosovo's international border crossings and in connection with the enforcement of FRY immigration laws.

2. Membership. The ranks of the existing Border Police units operating in Kosovo shall be supplemented by new recruits so that they are representative of the Kosovo population.

3. Training. All new Border Police recruits must attend police training at the Kosovo police academy.

B. The Federal Army (VJ)

1. VJ garrisons shall be limited to the locations specified on Map A [tbd].

2. VJ units shall be permitted to patrol in Kosovo only within 5 km [??] of the international border.

3. The VJ may travel through the territory of Kosovo to reach its duty stations and garrisons only along routes that have been agreed upon between the VJ and communal police commanders.

C. Customs Officers

1. The FRY Customs Service will continue to exercise customs jurisdiction at Kosovo's official international border crossings and in such customs warehouses as may be necessary within Kosovo.

2. The FRY Customs Service shall recruit persons of Kosovar Albanian ethnicity to work as officers within the Customs Service. Within eight months of the effective date of this agreement, each unit of Customs officers working at an international border or elsewhere within Kosovo shall include at least one officer of Kosovar Albanian ethnicity.

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3. Kosovar Albanian officers of the Customs Service shall be trained and compensated by the FRY.

VI. ARREST AND DETENTION

A. Except as noted in the following paragraphs, only officers of the communal police shall have authority to arrest and detain individuals in the territory of Kosovo. Immediately upon making such arrests, communal police authorities shall notify the detention, and the location of the detainee, to the designated representative of the national community to which the detainee belongs.

B. Border Police officers shall have authority within Kosovo to arrest and detain individuals who have violated criminal provisions of the immigration laws. Immediately upon arrest, Border Police officers shall notify the detention, and the location of the detainee to the designated representative of the national community to which the detainee belongs.

C. Officers of the Customs Service shall have authority within Kosovo to arrest and detain individuals for criminal violations of the customs laws. Immediately upon arrest, Customs Service officers shall notify the detention, and the location of the detainee, to the designated representative of the national community to which the detainee belongs.

D. Officers of the RJB operating in Kosovo shall have authority to arrest and detain individuals in Kosovo only for those crimes specified in paragraph IV(D). Immediately upon arrest, RJB officers shall notify the detention, and the location of the detainee, to the designated representative of the national community to which the detainee belongs.

VII. ADMINISTRATION OF JUSTICE

A. Authorities

1. Except in accordance with paragraphs 2-3, any person arrested within Kosovo shall be subject to the jurisdiction of the criminal courts of Kosovo.

2. Persons arrested within Kosovo by the communal police on charges that could result in more than one year of

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imprisonment may elect to submit themselves to the jurisdiction of Republic courts located in Kosovo, rather than the criminal courts of Kosovo. Where individuals so elect, Republic authorities shall be obligated to pursue such prosecutions in good faith, and in full cooperation with communal police authorities and the Office of the Prosecutor of Kosovo.

3. Any person arrested within Kosovo, in accordance with the law and with this Agreement, by the Border Police, Customs Police, or RJB, shall be subject to the jurisdiction of Republic courts located in Kosovo.

B. Prosecution of Crimes

1. Kosovo shall create an Office of the Prosecutor responsible for prosecuting individuals who violate the criminal laws of Kosovo before the criminal courts of Kosovo.

2. The civilian administration of Kosovo shall appoint, and have the authority to remove, a Chief Prosecutor with responsibility for the Office of the Prosecutor.

3. Republic prosecutorial authorities shall maintain a presence in Kosovo to prosecute those persons properly within the jurisdiction of Republic courts in Kosovo pursuant to this Agreement.

C. Judiciary

1. Kosovo shall establish communal courts to hold civil and misdemeanor criminal proceedings, and district criminal courts to hold criminal felony proceedings.

2. Republic criminal courts shall continue to operate in Kosovo and shall have jurisdiction to hold those judicial proceedings authorized by this Agreement.

D. PRISONS

Kosovo and its constituent communes shall establish jails and prisons to accommodate the detention of criminal suspects and the imprisonment of individuals convicted of violating the laws of Kosovo.



United States Department of State

Washington, D.C. 20520

UNCLASSIFIEDFAX COVER SHEETTO: *Greg Schulte*FAX NO: ~~202~~ 456-9150

TEL NO: 456-9602

FROM: *Larry Rossin*

FAX NO:

TEL NO: 647-0608

SUBJECT:

*Greg, the Serbian "draft agreement"**LR*This transmission Consists of a Cover Sheet plus 9
Page(s)UNCLASSIFIED



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EMBASSY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA
Office of the Charge d' Affairs
WASHINGTON D. C., 20008

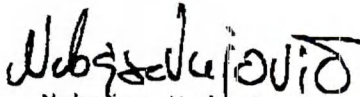
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O'Brien (fax)
Hoh
Palmer
Schulte (fax)

Mr. Larry Rossin
Department for South Central Europe
United States Department of State
Washington, DC

November 23, 1998

Dear Mr. Rossin,

Please find enclosed herewith the Joint Proposal of the Agreement on the political framework of self-governance in Kosovo and Metohija, dated November 20, 1998.


Nebojsa Vujcovic

cc-: Mr. Matthew Palmer, Desk Officer

YUGOSLAV DAILY SURVEY
BELGRADE, 22 November 1998

SPECIAL ISSUE

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The political solution to the problems in Kosovo and Metohija was considered in Pristina on 18 November and in Belgrade on 19 November, with the delegations of the National Party of Kosovo, Kosovo Democratic Initiative, representatives of the National Community of the Turks, National Community of the Gorancies, National Community of Muslims, National Community of Romanies, National Community of Egyptians, representatives of Parliamentary parties from Kosovo and Metohija, as well as with the representatives of the Socialist Party of Serbia and Presidents of the Serbian Radical Party and the Yugoslav United Left Party. President Milutinovic also held consultations on the same issues on 20 November with the Presidents of the Serbian Renewal Movement, New Democracy and Alliance of the Vojvodina Hungarians.

At all these talks and consultations, full support was given to the Agreement between President Milosevic and Ambassador Richard Holbrooke, particularly to the political framework for the resolution of problems in Kosmet expressed in 11 points of the Government of Serbia. Also, many concrete comments and suggestions were made on the ways to achieve an institutionalized and political solution to the problems in Kosovo and Metohija.

The result of all these talks and consultations is the following:

JOINT PROPOSAL OF THE
AGREEMENT
ON THE POLITICAL FRAMEWORK
OF SELF-GOVERNANCE IN KOSOVO AND METOHIIJA
Belgrade, 20 November 1998

Signatories to this Agreement.

Considering that, in view of the complex national structure in Kosovo and Metohija, it is necessary to protect the development and existence of each individual national community;

Firm in their commitment to the position that all national communities, regardless of their numbers, are mutually equal and that, therefore, in relations among them there can be no discrimination;

Considering that persons belonging to all national communities in Kosovo and Metohija should be enabled to exercise fully their ethnic, cultural, linguistic and religious identity, in accordance with the highest international standards and basic documents of the United Nations, Organization on Security and Cooperation in Europe, Council of Europe (the Charter of the United Nations, Universal Declaration on Human Rights, Helsinki Final Act, Paris Charter, European Convention on Human Rights, Council of Europe Framework Convention on the Rights of the Persons belonging to National Minorities, 1998), etc;

Considering that it is necessary to set up appropriate democratic institutions in order to create the atmosphere of tolerance and dialogue;

Determined in their position that broad self-governance within national communities and in the territory of Kosovo and Metohija is a precondition for overcoming inter-ethnic tensions and conflicts;

Bearing in mind the most positive experience and legal solutions developed through long-standing common life;

Have agreed as follows:

I. PRINCIPLES

1. Political approach and peaceful solution of problems in Kosovo and Metohija achieved through dialogue are the only acceptable way to reach a lasting, just and humane solution to all outstanding questions;
2. All solutions for Kosovo and Metohija must respect the territorial integrity and sovereignty and internationally recognized borders of the Federal Republic of Yugoslavia, in compliance with the basic principles of the UN Charter, the Helsinki Final Act and the Paris Charter of the OSCE. ✓
3. The solution has to be based on full respect of equality of all citizens and national communities in Kosovo and Metohija. Full affirmation and equal treatment of their national, religious, cultural values as well as historic heritage shall be guaranteed;
4. The future of Kosovo and Metohija lies in peace, equality, integration, economic prosperity and free and common existence, not in ethnic, religious, cultural or any divisions and isolation;
5. The legal arrangements establishing self-governance in Kosovo and Metohija should be in line with legal systems of the Republic of Serbia and of the FR of Yugoslavia, and with international standards and basic documents; ✓
6. Citizens of Kosovo and Metohija shall exercise their rights democratically through assembly, executive, and judicial organs.
7. Citizens and members of each national community in Kosovo and Metohija shall enjoy, without limitations, human and democratic rights and shall have the opportunity to be represented in all organs of authority.
8. Members of national communities shall have additional rights, in order to be able to express and preserve their national, cultural, religious, and linguistic identity, in accordance with international standards and fundamental international documents.

The national communities and their members shall be equal before the law, they shall abide by all State laws and shall not use their additional rights to endanger the rights of other national communities or other rights of citizens, especially territorial integrity and state sovereignty of the Federal Republic of Yugoslavia.

9. The responsibilities of organs in Kosovo and Metohija shall be set forth in this Agreement. The organs in Kosovo and Metohija acting within their competencies, shall be independent.
10. All citizens of Kosovo and Metohija shall have the right to apply to international institutions, including the European Court of Human Rights, for the protection of their rights, after all legal means envisaged by domestic legislation are exhausted.

II. RIGHTS OF CITIZENS

1. The rights of citizens of Kosovo and Metohija shall be realized through assembly, executive and judicial organs established by this Agreement. These rights make up democratic self-governance, including:
 - the adoption of the Statute of Kosovo and Metohija;
 - the adoption of regulations on the organization and procedures of organs of Kosovo and Metohija;
 - adoption of the budget and annual accounts;

- (5)
- regulation and provision of child care;
 - establishment and regulation of the functioning of health institutions and hospitals, except those owned by the State;
 - protection of environment;
 - regulation of trade and private stores in accordance with republican and federal laws;
 - regulation of hunting and fishing;
 - planning and execution of public works of communal importance or of importance to Kosovo and Metohija;
 - regulation of the land use, town planning and civil engineering, in accordance with republican and federal regulations;
 - adoption and implementation of programs of economic, scientific, technological, demographic, regional and social development, as well as programs for development of agriculture and rural areas;
 - adoption of tourism development programs, catering and sports;
 - organization of fairs and local markets;
 - setting up of public services of communal importance and of importance to Kosovo and Metohija;
 - financing of the activities of communal organs and organs of Kosovo and Metohija.
2. The organs of Kosovo and Metohija shall not interfere with the additional rights of the members of national communities.
 3. A commune shall be the basic unit of local self-governance.

III. ADDITIONAL RIGHTS OF MEMBERS OF NATIONAL COMMUNITIES

1. The members of national communities shall have additional rights set forth this Agreement. The additional rights shall preserve and express national, cultural, religious, and linguistic and other characteristics of members of national communities, in accordance with international standards and the Helsinki Final Act.
2. National communities shall be equal in terms of law and may not use their additional rights to threaten additional rights of other national communities or rights of citizens of the Republic of Serbia or of the Federal Republic of Yugoslavia.
3. Each national community shall select, in accordance with procedures it shall establish, a National Council which will make decisions on additional rights of national communities in Kosovo and Metohija. Each Council shall establish its own executive organs.
4. Additional rights of the national communities include:
 - Using their language and alphabet;
 - Inscribing local names of towns and villages, squares and streets, and of other topographic names, in the language and alphabet of the national community, along with inscriptions in Serbian;
 - Providing information in the language and alphabet of the national community.
 - Establishment of educational, cultural and religious associations, to which the State authorities will provide financial assistance.
 - Maintenance of unimpeded contacts with their respective national communities outside the Federal Republic of Yugoslavia.
 - Using and displaying national symbols, along with the State symbols of Serbia and the FR of Yugoslavia;
 - Providing education, in particular for schooling in their own language and alphabet, in

no reference
to
"democratic
means"

subjects related to national culture and history. National communities are encouraged to coordinate curricula with the republican authorities concerning some subjects (for example to ensure that pupils satisfy certain standards in subjects like math or science, 1998);

- Protection of national customs in the field of family law, if a community so decides, by establishing regulations in the field of heritage, family and matrimonial relations, adoption and tutorship;
- Each commune shall be able to establish a procedure for resolving disputes in these areas, with the consent of the parties to a dispute. These regulations have to be in accordance with internationally recognized human rights;
- Protecting the sites of religious, historical, or cultural importance to national communities.
- Setting up public health and social services;
- Operation of religious institutions in cooperation with religious authorities.
- Determining procedures of the courts of national communities as provided for in this Agreement and ensure the funds for the implementation of the decisions of those courts;
- Guaranteeing the right to at least one radio and TV frequency, which it shall administer subject to non-discriminatory technical standards;
- Financing activities of national communities by collecting duties which the National Council decides to levy on members of its own community.
- Participating in regional and international non-governmental organizations in accordance with the procedures of these organizations;
- Having equal access to employment in public services.

IV. THE ORGANS OF KOSOVO AND METOHIJA

1. The Assembly

1. The Assembly shall be elected directly. The Assembly shall have two Chambers: Chamber of Citizens and Chamber of National Communities. ✓
2. Members of the Chamber of Citizens shall be elected directly in line with the principle one citizen - one vote.
3. Members of the Chamber of National Communities shall be elected democratically, within each national community. Each national community shall have a delegation with equal number of members in the Council. ✓
4. The Assembly shall be responsible for:
 - the adoption of the Statute of Kosovo and Metohija;
 - making decisions and adoption of other acts regulating some questions related to rights of citizens of Kosovo and Metohija;
 - the adoption of budgets and annual accounts;
 - cooperation with Federal and Republic Assemblies;
 - financing activities of the organs established by this Agreement;
 - coordination among communes or national communities when necessary, including decisions concerning inter-communal issues, and
 - election of members of the organs set forth in this Agreement.
5. Decisions of the Assembly shall be taken by majority in both Chambers, except as provided for in paragraph (6, 1998).
6. If members of one national community assert that a proposed decision affects the vital interests of this

national community, such decision shall require majority vote, which includes the majority among the members of that national community delegation in the Council of National Communities.

7. If a decision cannot be taken on account of reasons referred to in paragraph 6, but needs to be taken, the National Assembly of Serbia shall make an interim decision pending the one taken pursuant to paragraph 5.
8. The Assembly shall elect the Presidency of the Assembly which shall consist of one representative from each national community. The Presidency shall have a President, which function shall rotate among members of Presidency each year, in alphabetical order.

The Presidency shall be responsible for:

- calling the meetings of the Assembly and proposing the agenda;
- representing the Assembly;
- regular contacts with National Councils and other representatives of the national communities in order to facilitate the work of the Assembly.

Each national community shall be represented in the leadership of the Assembly. The President of the Presidency of the Assembly cannot be a member of the same national community as the President of the Executive Council and Ombudsman.

2. Executive Council

Executive Council shall exercise executive power.

The Council shall comprise at least one person from each national community. Members shall be proposed by the Presidency of the Assembly and shall be elected by both Assembly Chambers on the basis of equality.

The Executive Council shall be responsible for implementing the decisions of the Assembly and regulations of the State authorities, when authorized for their implementation.

Decisions of the Council shall be adopted by majority vote of Members present and voting, except on questions affecting vital interests of a certain national community. In that case, the principle valid for voting in the Assembly shall apply.

3. Administrative organs

The administrative organs of Kosovo and Metohija shall have responsibility for the implementation of decisions and general acts, in accordance with this Agreement.

Executives in administrative organs in Kosovo and Metohija shall be representative of the local population.

4. Ombudsman

FR7 citizen

The Ombudsman shall monitor the realization of the rights of members of national communities.

The Ombudsman shall be nominated by the Presidency of Assembly and shall be elected by the Assembly, each term from another national community.

The Ombudsman shall have a right to review the acts and unimpeded access to any person or place and shall have the right to appear before any domestic organ.

V. THE COMMUNES

1. Communes shall be basic units of self-governance.

2. Each commune shall have an Assembly and Executive Council and such administrative organs established by Executive Council. The organs of a commune shall be organized along the same principles as the organs of Kosovo and Metohija.

3. The duties of local self-governance in a commune include:

- Providing child-care;
- Health institutions and hospitals, except those owned by the State;
- Educational institutions except those State-owned;
- Protection of environment;
- Public works of communal or regional importance, including roads and water supplies.
- Land use;
- Tourism, hotel industry, catering, and sport.
- Fairs and local markets.
- Public services of communal importance, including fire department, emergency response, and local police.
- Financing the work of communal organs, levying duties in accordance with the law.

VI. REPRESENTATION OF THE CITIZENS OF KOSOVO AND METOHJA IN FEDERAL AND REPUBLIC BODIES

1. Citizens of Kosovo and Metohija shall be represented by at least ten deputies in the Chamber of Citizens of the Federal Assembly and at least twenty deputies in the National Assembly of the Republic of Serbia.
2. From among the citizens of Kosovo and Metohija at least one member shall be elected to the Federal Government and the Government of the Republic of Serbia.
3. From among the citizens of Kosovo and Metohija at least one judge in the Federal Court and three judges in the Supreme Court of Serbia shall be elected.
4. There shall be a Council of the Republic of Serbia for the protection of the rights of the members of national communities. The President of the Republic of Serbia shall preside over the Council of the Republic of Serbia for the protection of the rights of members of national communities.

VII. COURTS AND LOCAL POLICE

1. Courts of National Communities

Each national community may establish, in accordance with the law, courts and determine procedures for resolving disputes concerning inheritance, family law, matrimonial relations, tutorship, adoption and trials for which imprisonment of up to one year is prescribed by the Penal Code. The competence of these courts may be established only if parties to a dispute agree.

The judges shall be appointed by the National Councils and approved by the Assembly. The judges of these courts have to meet criteria necessary for the selection of judges in the corresponding State courts.

2. Local police

Each commune may, if it so decides, establish its local police representative of the population in the commune.

The local police shall be trained in specialized state police schools to respect human rights, particularly the rights of national communities.

The members of local police shall be sworn in to uphold the law impartially, fairly, equally treating all persons.

The local police shall be responsible for the maintenance of public order.

The members of the local police may use, as means of coercion, only guns, rubber truncheons and handcuffs and passenger transportation vehicles and adequate means for communication. The members of the local police cannot use means of coercion against the members of another national community.

If necessary, local police shall be obliged to place itself under control of the State police in fulfilling its tasks in accordance with the law.

A commune may establish a commission to monitor the work of local police. Each national community in a commune shall have the right to participate in the work of the commission.

VIII. FINANCING

1. The organs established in Sections II-IV shall be entitled to income from their own duties and to a share of State taxes.
2. In view of the fact that this Agreement establishes new responsibilities for the organs of Kosovo and Metohija, the Republic and Federal authorities shall consider possibilities to ensure additional resources to exercise the competencies of the organs in Kosovo and Metohija established by this Agreement. These resources shall include funds (plus tax deductions, 1998), equipment and training.

IX. CONFIDENCE-BUILDING MEASURES

1. No person shall be prosecuted for acts related to the conflicts in Kosovo and Metohija except for crimes against humanity and international law as set forth in Chapter XVI of the Federal Penal Code. In order to facilitate transparency, the State shall grant access to foreign experts (including forensics, 1998), along with state investigators.
2. The competent organs shall, through the relevant judicial procedure based on the law, grant amnesty to persons for whom it is proved that they had not committed crimes against humanity and international law, mitigate the sentences to those who cooperated with investigative authorities, those who had been forcibly drafted or voluntarily handed over weapons.

X. IMPLEMENTATION OF THE AGREEMENT

1. The signatories to this Agreement undertake the obligation to implement it as soon as possible.
2. The State authorities shall undertake the amending of regulations necessary for the implementation of the Agreement, without delay.
3. The competent State organs shall organize, as soon as possible, an objective and free census of the population in Kosovo and Metohija, under the OSCE supervision. The census shall provide necessary information on the places of residence, citizenship, voter lists, and other data relevant for conducting elections.

4. Within nine months, there shall be free and fair elections for all organs in Kosovo and Metohija. The Government of the FR of Yugoslavia invites the OSCE to monitor the elections. *viz "supervise"*
5. The signatories to this Agreement shall extend active support and cooperation to, and shall participate in the implementation of the Agreement.
6. The State authorities shall ensure initial and necessary conditions for the functioning of organs established by this Agreement.

(10)

XI. AMENDMENTS

1. Amendments to this Agreement shall be made by agreement of the signatories.
2. Each signatory may propose amendments to this Agreement. The signatories undertake to duly consider proposed amendments.
3. After three years, the signatories shall comprehensively review this Agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories.

XII. FINAL PROVISIONS

1. This Agreement is concluded in the Serbian language and the languages of national communities (Albanian, Romany, and Turkish, 1998) in Kosovo and Metohija.
2. This Agreement shall enter into force on the day of its signature.

FOR THE REPUBLIC
OF SERBIA

FOR THE NATIONAL
COMMUNITIES IN KOSOVO AND

METOHIIJA (in alphabetical order, 1998)

FOR THE FR OF YUGOSLAVIA

Deleted
Section IV on Human Rights, inc. ICTY
cooperation.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	re: UCK Comments on the Draft Agreement. (5 pages)	11/18/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Kosovo Office (Schulte, Gregory)
OA/Box Number: 1709

FOLDER TITLE:

Kosovo - Settlement [1]

2008-0994-F
vz6331

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Schulte, Gregory L.

From: WHSR
Sent: Thursday, November 05, 1998 10:43 AM
To: Braden, Susan R.; Flanagan, Stephen J.; Hurley, C. Michael; Schulte, Gregory L.; Weiss, Andrew S.
Subject: CLOSING THE DEAL WITH THE ALBANIANS

CLASS: ~~CONFIDENTIAL~~
DTG: 051455Z NOV 98
MSGTO: SECSTATE WASHDC IMMEDIATE 6931
ORIG: AMEMBASSY SKOPJE
PREC: IMMEDIATE
SSN: 3034
TOR: 981105103551 M3543503

DECLASSIFIED E.O. 13526
Department of State Guidelines, November 6, 2015
By VL NARA, Date 4/25/2014
2008-0994-f.3

~~CONFIDENTIAL~~ SECTION 01 OF 03 SKOPJE 003034

NODIS COBRA

PLEASE PASS TO USNATO FOR AMB VERSHBOW
TIRANA FOR AMB LINO
BELGRADE FOR COM MILES
USUN FOR AMB SODERBERG

E.O. 12958: DECL: 11/05/08

TAGS: PGOV, PREL, SR
SUBJECT: CLOSING THE DEAL WITH THE ALBANIANS

(U) CLASSIFIED BY AMBASSADOR CHRISTOPHER R. HILL FOR
REASONS 1.5 (B) AND (D) .

1. ~~(S)~~ SUMMARY: WITH THE DRAFT AGREEMENT RAPIDLY
TAKING ON WHAT WILL PROBABLY BE ITS FINAL OUTLINE,
WE NEED TO START THINKING SERIOUSLY ABOUT HOW TO GET
THE ALBANIANS - AS MANY OF THEM AS POSSIBLE - TO BUY
ON TO THIS ACCORD, EITHER EXPLICITLY OR TACITLY. I
SPOKE WITH RUGOVA ON THIS SUBJECT NOVEMBER 3 AND
POSED THREE FEASIBLE OPTIONS DESIGNED TO GIVE THE
PRISTINA LEADERSHIP POLITICAL COVER: A) CONVENE AN
ALL-PARTY ALBANIAN CONFERENCE, WHICH WOULD REVIEW
THE DRAFT AND - IN A MEETING WITH THE CONTACT GROUP -
SELECT A REPRESENTATIVE TO SIGN THE AGREEMENT; B) IF
THE ALBANIANS NEED MORE COVER AND REFUSE TO SIGN,
OFFER THEM THE OPTION OF PUBLICLY OBJECTING TO THE
AGREEMENT ON THE PRINCIPLED GROUNDS THAT IT DOES NOT
LEAD TO INDEPENDENCE. IN THE SAME UNILATERAL
STATEMENT, THE ALBANIANS COULD NEVERTHELESS AGREE TO
PARTICIPATE IN THE INSTITUTIONS SET UP UNDER THE
ACCORD; OR C) IN CONJUNCTION WITH OPTION ONE, KEEP
NEGOTIATING BUT BREAK OFF CERTAIN IMPORTANT ELEMENTS
- LIKE POLICE - FOR IMPLEMENTATION EVEN BEFORE THE
AGREEMENT IS SIGNED. RUGOVA PROMISED TO CONSIDER
THESE OPTIONS AND GIVE ME HIS OPINION BY FRIDAY
MORNING WHEN I NEXT MEET WITH HIM. END SUMMARY.

2. ~~(S)~~ AFTER A LOT OF INTENSIVE CONSULTATION WITH
ALBANIANS OF ALL POLITICAL STRIPES OVER THE LAST TEN
DAYS, OUR DRAFT AGREEMENT IS BEGINNING TO TAKE ON A
DEFINITIVE SHAPE. OUR LAWYER, JON LEVITSKY, HAS
BEEN ON THE GROUND IN PRISTINA SPEAKING WITH
EVERYONE FROM RUGOVA TO HAJRIZI TO DEMACI, ENGAGING
ALL OF THEM IN A SUBSTANTIVE AND TECHNICAL
DISCUSSION OF THE PROVISIONS OF THE DOCUMENT. THE

RESULT IS A THIRTY-TWO PAGE DRAFT (NOT INCLUDING VARIOUS ANNEXES THAT HAVE YET TO BE DEVELOPED IN DETAIL) WHICH GIVES KOSOVO ALL OF THE VITAL ELEMENTS OF SELF-RULE. EVEN THE ALBANIANS - WHO ARE NOT PRONE TO GIVE US ANY COMPLIMENTS - HAVE ACKNOWLEDGED THAT THE LATEST DRAFT IS FAR MORE "ALBANIAN-FRIENDLY" THAN THE LAST.

3. (S) FRANKLY, THE DRAFT IS PROBABLY TOO "ALBANIAN-FRIENDLY" FOR THE SERBS TO SWALLOW WHOLE. I GAVE MILUTINOVIC AN ADVANCE COPY ON MONDAY (NOVEMBER 2), WITH THE PROVISIO THAT HE NOT YET SHOW IT TO HIS LAWYERS (AND FIRST LET ME GET OUT OF SERBIAN AIRSPACE). I URGED HIM TO LOOK AT THE DRAFT AS AN OVERALL APPROACH AND NOT TO FOCUS TOO HEAVILY ON THE PRECISE FORMULATIONS, MANY OF WHICH ARE STILL IN BRACKETS AND WILL NEED FURTHER MASSAGING. MILUTINOVIC PROMISED TO KEEP AN OPEN MIND.

4. (S) I HAVE NO ILLUSIONS THAT THE SERBS WILL ACCEPT THIS TEXT WITHOUT REVISION. THEY WILL FIGHT LONG AND HARD ON CERTAIN ASPECTS, MOST IMPORTANTLY ON THE ISSUE OF CREATING A KOSOVO POLICE FORCE WHERE THEY ARE AFRAID THAT MAJOR CHANGES HERE WILL TRIGGER AN EXODUS OF REMAINING SERBS FROM KOSOVO. STILL, I THINK WE CAN BEAT UP ON THEM ENOUGH THAT THEY CAN BE CONVINCED THAT THE PACKAGE IN ITS ENTIRETY WILL RELIEVE THEM OF A TROUBLESOME POLITICAL PROBLEM, REDUCE THE FINANCIAL BURDEN OF KEEPING MUP AND VJ TROOPS IN KOSOVO, AND ULTIMATELY - WITH FAITHFUL IMPLEMENTATION - IMPROVE THEIR STANDING WITH THE INTERNATIONAL COMMUNITY.

5. (S) COMING TO CLOSURE WITH THE ALBANIANS IS FAR MORE PROBLEMATIC. THERE HAVE BEEN SIGNS IN RECENT DAYS - MUCH HERALDED BY SUCH OPTIMISTS AS BLERIM SHALA AND NOTED EVEN IN THE LOCAL KOSOVO PRESS - THAT ALBANIANS FROM DIFFERENT POLITICAL FACTIONS ARE BEGINNING TO TALK TO EACH OTHER BEHIND THE SCENES. UNFORTUNATELY, THEY MAY BE COALESCING AROUND THE IDEA THAT THEY "CANNOT ACCEPT ANYTHING LESS THAN INDEPENDENCE," AS A KLA COMMUNIQUE PROCLAIMED JUST YESTERDAY MORNING IN KOHA DITORE. IT IS CRYSTAL CLEAR THAT AGANI AND THE NEGOTIATING TEAM ARE PLEASED WITH THE LATEST VERSION OF THE DRAFT AND THE SIGNIFICANT BOOST IT GIVES TO THE AUTHORITY OF KOSOVO INSTITUTIONS. AT THE SAME TIME, AGANI HAS BEEN UNABLE TO SHED HIS REMARKABLY DEMACI-LIKE RHETORIC AND ACCEPT AN AGREEMENT THAT SHELVES THE ISSUE OF KOSOVO'S STATUS FOR AN INTERIM PERIOD.

6. (S) JON LEVITSKY IS SET TO DISCUSS OUR NEWEST DRAFT WITH HAJRIZI, HYSENI AND DEMACI WITHIN THE NEXT DAY OR TWO. THEIR ANSWER IS LIKELY TO BE THE

~~CONFIDENTIAL~~ SECTION 02 OF 03 SKOPJE 003034

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E.O. 12958: DECL: 11/05/08

TAGS: PGOV, PREL, SR
SUBJECT: CLOSING THE DEAL WITH THE ALBANIANS

SAME AS AGANI'S: SURE, WE LIKE THE INSTITUTIONS YOU'VE SET UP UNDER THIS DRAFT BUT WE CAN'T SIGN ANYTHING WITHOUT AN EXPLICIT PROVISION TAKING KOSOVO OUT OF SERBIA AND PAVING THE WAY FOR INDEPENDENCE. THE LOGIC BEHIND THEIR POSITION IS IMPECCABLE: WHY SIGN AN AGREEMENT THAT WILL LABEL YOU AS A TRAITOR TO THE INDEPENDENCE CAUSE WHEN THE SITUATION ON THE GROUND CONTINUES TO IMPROVE WITHOUT A SIGNED ACCORD? OSCE/KVM IS BUILDING ITS INFRASTRUCTURE, THE ENLARGED KDOM IS PATROLLING ROADS AND VILLAGES, THE UCK IS MOVING BACK INTO AREAS ABANDONED BY THE SERBS, AND INTERNATIONAL ASSISTANCE IS POURING INTO KOSOVO. THE STATUS QUO SEEMS MORE ATTRACTIVE TO THE ALBANIANS THAN AN ACCORD WHICH DOES NOT ADDRESS THE STATUS ISSUE.

7. ~~(S)~~ THE FACT THAT OSCE/KVM WILL SOON BE UP AND RUNNING UNDERLINES THE IMPORTANCE OF HAVING A SETTLEMENT IN HAND FOR THE VERIFIERS TO VERIFY. THE ALBANIANS MAY HOPE TO DELAY AN "UNFAVORABLE" DEAL - UNFAVORABLE IN TERMS OF FORMAL STATUS ONLY - AS LONG AS POSSIBLE, BUT WE NEED TO MOVE THE PROCESS FORWARD. WITH THIS IN MIND, I SPOKE TO DR. RUGOVA YESTERDAY (NOVEMBER 3) ABOUT THE VARIOUS SCENARIOS WE MIGHT DEVELOP TO GET ALL THE ALBANIANS ON BOARD.

8. ~~(S)~~ I TOLD HIM THERE WERE ROUGHLY THREE OPTIONS: 1) HAVE THE CONTACT GROUP BLESS THE DRAFT, THEN PRESENT IT TO AN ALL-PARTY CONFERENCE OF ALBANIANS, INCLUDING BOTH LDK-ASSOCIATED PARTIES AND THE OPPOSITION. THE CONTACT GROUP'S UNITED POSITION WOULD GIVE THE ALBANIANS THE POLITICAL COVER THEY NEED TO ACCEPT THE DRAFT, ALBEIT RELUCTANTLY. 2) ASSUMING THE ALBANIANS OUTRIGHT REFUSE TO SIGN THE DRAFT, HAVE THE SERBS AGREE TO THE TEXT AS AN ELABORATION OF THE 11-POINT UNILATERAL DECLARATION THEY MADE AS PART OF THE HOLBROOKE-MILOSEVIC PACT. THE ALBANIANS WOULD NOT HAVE TO PUT THEIR NAMES ON THE DOTTED LINE, WHICH WOULD REMOVE A THORNY PROBLEM BUT WOULD ABSOLVE THEM OF ANY RESPONSIBILITY IN IMPLEMENTATION - SOMETHING THAT NEITHER I NOR RUGOVA FIND ACCEPTABLE. 3) AS ANOTHER VARIANT ON OPTION ONE, KEEP NEGOTIATING WITH BOTH SIDES WHILE BREAKING OUT CERTAIN ELEMENTS - LIKE POLICE - FOR IMPLEMENTATION EVEN BEFORE THE AGREEMENT IS SIGNED. THE DOWN SIDE OF THIS OPTION, AS I STRESSED TO RUGOVA, IS THAT THE SERBS MAY LOSE INTEREST IN STRIKING AN OVERALL DEAL AS INTERNATIONAL ATTENTION TO KOSOVO WANES WITH THE PASSAGE OF TIME.

9. ~~(S)~~ RUGOVA TOLD ME HE WOULD THINK OVER THESE OPTIONS SERIOUSLY AND GET BACK TO ME WITH AN OPINION BY THE END OF THE WEEK. UNLESS HE TELLS ME SOMETHING VERY DIFFERENT - WHICH I DON'T THINK HE WILL - MY OWN BELIEF IS THAT WE NEED TO WRAP THIS ALL UP BY THE END OF NOVEMBER. I AM CONVINCED THAT OPTION ONE REMAINS THE WAY TO GO: CONVENING AN ALL-PARTY ALBANIAN CONFERENCE, WITH KLA PARTICIPATION VIA DEMACI (AND HYSENI AND HAJRIZI, WHO PROBABLY HAVE MORE INFLUENCE ON MANY OF THE KLA FACTIONS THAN DOES THE SELF-SERVING DEMACI), AND PRESENTING THE PLAN AS CONTACT GROUP-SPONSORED AND APPROVED.

10. ~~(S)~~ WE OBVIOUSLY CANNOT BE IN THE POSITION OF FORCING THE ALBANIANS TO SIGN THIS DOCUMENT OR IMPOSING A SOLUTION ON THEM. I STILL HOPE THAT WE CAN MAKE THE DRAFT ATTRACTIVE ENOUGH, AND FIND ENOUGH POSITIVE POLITICAL AND ECONOMIC INCENTIVES, TO GET THEM TO SIGN ON VOLUNTARILY. BUT SHOULD THEY STUBBORNLY REFUSE TO PUT A SIGNATURE ON THE PAPER,

THERE MAY BE ANOTHER WAY OUT: WE CAN HAVE THE ALBANIANS UNILATERALLY ISSUE A STATEMENT OBJECTING TO THE SETTLEMENT ON THE PRINCIPLED GROUNDS THAT IT

DOES NOT ADDRESS KOSOVO'S FINAL STATUS, BUT ACKNOWLEDGING THAT THE INSTITUTIONS CREATED UNDER THE DRAFT ARE DESIRABLE AND SHOULD BE IMPLEMENTED. WITH THIS QUALIFIED ACCEPTANCE OF THE PLAN, WE CAN AT LEAST PROCEED TO HOLD ELECTIONS, GET INSTITUTIONS UP AND RUNNING, AND PUT A REAL POLITICAL FRAMEWORK FOR KOSOVO IN PLACE.

11. ~~(S)~~ THERE IS ONE OTHER OFFER I HAVE BEEN HOLDING IN MY POCKET AS A LAST-MINUTE INDUCEMENT FOR THE ALBANIANS: THE PROMISE OF AN INTERNATIONAL CONFERENCE ON KOSOVO TO REVIEW IMPLEMENTATION OF THE ACCORD AT THE END OF THE THREE-YEAR PERIOD. I DISCUSSED THIS POSSIBILITY, AS WELL AS THE VARIOUS ENDGAME SCENARIOS, WITH EU SPECIAL ENVOY WOLFGANG ~~CONFIDENTIAL~~ SECTION 03 OF 03 SKOPJE 003034

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TAGS: PGOV, PREL, SR
SUBJECT: CLOSING THE DEAL WITH THE ALBANIANS

PETRITSCH THIS MORNING IN PRISTINA. HE AGREED THAT SUCH AN INTERNATIONAL CONFERENCE MIGHT HELP REASSURE THE ALBANIANS THEY WILL NOT BE ABANDONED AFTER THREE YEARS. HE ALSO AGREED THAT WE MUST PRESENT THE DRAFT TO AN ALL-PARTY ALBANIAN GROUP, WHICH CAN AT LEAST TACITLY BUY ON TO THE ACCORD. PETRITSCH SUGGESTED VERY USEFULLY THAT WE BEGIN TO THINK ABOUT DISSEMINATING INFORMATION, EITHER VIA THE OSCE OR THROUGH OTHER CHANNELS, THAT WILL HELP CONVINCE THE ALBANIAN POPULATION OF KOSOVO THERE ARE DIRECT AND IMMEDIATE BENEFITS TO BE GAINED FROM SIGNING THIS AGREEMENT.

12. ~~(S)~~ I WILL BE IN BELGRADE TOMORROW FOR A TALK WITH MILOSEVIC, BUT IT WILL BE DIFFICULT TO GET INTO THE NITTY GRITTY OF THE DRAFT WITH HIM OR MILUTINOVIC WHEN THEY HAVE NO GUARANTEE THIS IS THE FINAL PRICE THEY'LL BE ASKED TO PAY. THE MESSAGE THAT JON LEVITSKY AND I ARE CARRYING TO THE ALBANIANS IS THEREFORE VERY SIMPLE: IF YOU WANT REAL INSTITUTIONS OF AUTHORITY IN KOSOVO, IF YOU WANT AN EXPLICIT COMMITMENT BY THE SERBS TO RESPECT THOSE INSTITUTIONS, AND IF YOU WANT THE INTERNATIONAL FORCE IN KOSOVO - A FORCE OF UNPRECEDENTED SIZE AND MANDATE - TO MONITOR AND ASSIST THOSE INSTITUTIONS, YOU NEED TO GIVE US SOMETHING IN RETURN WE WILL SEE WHAT RESPONSE THIS MESSAGE GETS OVER THE NEXT FEW DAYS.

13. ~~(S)~~ I AM GOING BACK TO PRISTINA ON FRIDAY TO MEET WITH RUGOVA AND - IMPORTANTLY - WITH UCK INTERLOCUTORS ON THE GROUND IN DRENICA. WHILE THERE IS STILL NO ASSURANCE THAT ANYONE IN THE UCK SPEAKS FOR ANYONE ELSE, THESE ARE THE GUYS - NOT THE ONES IN GENEVA OR TIRANA - WHO CAN PROVIDE CRITICAL SUPPORT FOR OUR PROCESS. I WILL MAKE THE SAME CASE

TO THEM AS I AM MAKING TO THE POLITICAL TYPES IN
PRISTINA. WITH LUCK, SOME OF THE "MEN WITH GUNS"
MAY BE MORE RESPONSIVE THAN AGANI AND COMPANY HAVE
BEEN IN RECENT DAYS.

HILL

YUGOSLAV DAILY SURVEY

attn:
Mr. Gregory
Schulte

URGENT

SPECIAL ISSUE**BELGRADE, October 13, 1998****SERBIAN GOVERNMENT ENDORSES ACCORD REACHED BY PRESIDENT MILOSEVIC**

The Serbian Government held a session on Tuesday chaired by Prime Minister Mirko Marjanovic to discuss a report presented by Serbian President Milan Milutinovic on the political talks held by the President of the Federal Republic of Yugoslavia Slobodan Milosevic with the special US envoy Ambassador Richard Holbrooke, the Serbian Information Ministry said in a statement.

President Milutinovic informed the Government of the talks held during several days by President Milosevic and Ambassadors Holbrooke and Christopher Hill and on the definite accord reached Monday on resolving the problems in Serbia's southern Province of Kosovo-Metohija in a peaceful way and by political means.

President Milutinovic presented to the Government a full report on the talks and especially on the interest of the international community in full-scale monitoring of the situation in Kosovo-Metohija.

It has been agreed that this task should be carried out by an OSCE mission as the best way of enabling the international community to verify the positive trends underway.

The fact that a positive approach has been adopted is very important, as it will form the basis for a lasting political solution for the autonomy of Kosovo-Metohija within Serbia, in line with the principles of equality of all citizens and ethnic communities living in this area.

In addition, a political framework has been worked out and agreement has been reached on the principles of a political solution and on a timetable framework for its realization, which is an important achievement. The principles are the following:

1. Political approach and a peaceful solution of problems in Kosovo, achieved through dialogue are the only acceptable means for reaching any lasting, just and humane solution of all open issues;
2. Violence and terrorism, as inadmissible means, contrary to all international norms, must stop immediately;
3. Any solution for Kosovo must respect the territorial integrity and sovereignty and internationally recognized boundaries of the Federal Republic of Yugoslavia, in full compliance with the basic principles of the UN Charter, the Helsinki Final Act and the Paris Charter of the OSCE;
4. The solution has to be based on the full respect of equality of all citizens and national communities in Kosovo. Full affirmation and equal treatment of their national, confessional, cultural values and historic patrimony should be guaranteed;
5. The future of Kosovo lies in peace, equality, integration, economic prosperity and free and common life, not in ethnic, confessional, cultural or any division and isolation;
6. The legal arrangements establishing Kosovo's self-governance and legal frameworks of the Republic of Serbia and the FRY are to be harmonized, and be in accordance with international standards and the Helsinki Final Act;
7. Citizens in Kosovo shall govern themselves democratically through assemblies, executive and judicial organs of Kosovo. Within nine months, there will be free and fair elections for Kosovo authorities, including those on the communal level. The Government of the FRY hereby invites the Organization for Security and Cooperation in Europe (OSCE, 1998) to supervise those elections to ensure their openness and fairness;
8. Members of the national communities shall have additional rights, in order to preserve and express their national, cultural, religious and linguistic identities in accordance with international standards and the Helsinki Final Act. The national communities shall be legally equal and shall not use their additional rights so as to endanger the rights of other national communities or other rights of citizens;
9. In the context of the political settlement for Kosovo, which will devolve many responsibilities to the communal level, police under local - communal direction will be established. These local police, which will be representative of the local population, will be coordinated by administrative organs of Kosovo. The settlement

must address the security of all citizens and national communities;

10. No person will be prosecuted in state courts for crimes related to the conflict in Kosovo except for crimes against humanity and international law, as set forth in Chapter XVI of the Federal Penal Code. In order to facilitate full transparency, the state will allow complete, unimpeded access for foreign (including forensics, 1998) experts, along with state investigators;

11. The competent organs shall reexamine, with the aim of extraordinary mitigation of the punishments, the sentences of the sentenced members of the national communities in Kosovo and Metohija for criminal offenses motivated by political aims.

TIMETABLE

1. By Wednesday, October 14, it will be agreed on a comprehensive timetable, building on the following elements:

- By October 19 - an agreement on the status of the international presence, including verification, OSCE and other elements;
- By November 2 - the completion of an agreement containing core elements for a political settlement in Kosovo using as a basis the paper proposed by the Contact Group (October 2, 1998, 1998);
- By November 9 - the completion of a rules and procedures for elections.

The Serbian Government has fully endorsed the accords that have been reached as they fully preserve the territorial integrity and sovereignty of the country, avert a conflict and lay the conditions for a political dialogue on the basis of the principle that all solutions must be within the framework of the legal systems of the Republic of Serbia and the Federal Republic of Yugoslavia

The Serbian Government decided to propose to the Yugoslav Government to accept the accords that have been reached, the statement says.
(tanjug, Belgrade, October 13, 1998)