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Kosovo - Settlement [3]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. note	Larry Rossin to Jim. (1 page)	10/10/1998	P1/b(1)
001b. draft	OSCE Kosovo Verification Mission [at 2:43] [See also jp402_003c, 2006-0206-F] (5 pages)	10/10/1998	P1/b(1)
002a. note	Larry Rossin to Jim. [Duplicate of 001a] (1 page)	10/10/1998	P1/b(1)
002b. draft	[Near duplicate of 001b with marginalia] [at 2:43] (5 pages)	10/10/1998	P1/b(1)
003. draft	Concept Paper for the Kosovo Verification Mission [9:12am version] (8 pages)	10/12/1998	P1/b(1)
004. cable	re: Comments on Draft OSCE Verification Force Paper. (4 pages)	10/11/1998	P1/b(1)
005a. memo	To State Department Operations Center. From Lawrence Rossin. (1 page)	10/06/1998	P1/b(1)
005b. draft	Kosovo OSCE Supervision Force. (3 pages)	10/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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FOLDER TITLE:

Kosovo - Settlement [3]

2008-0994-F

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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]
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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.

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Kneza Milosa 50
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in Belgrade

TO : Jim Steinkamp
Dep Asst to Pres. for NSA

FAX NO.: 202/757-2679

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Not used

OSD Proposed Para. JCS Concur. State thinks it's not polite.

The paper is seriously flawed in a number of basic respects if it is intended as the core of an agreement in exchange for which NATO would suspend its plan for air strikes. Those flaws include failure to secure Milosevic's affirmative agreement to specific comprehensive action as specified in paragraphs 1-3 and 5-7 of the TORs. With respect to verification, the paper does not adequately address US requirements, including NATO air surveillance, a NATO HQ in Kosovo and NATO's independent authority to evaluate compliance, and it gives too exclusive a role to the OSCE and UNSC. Unless these basic problems can be solved or addressed in separate documents, this USG would not recommend the proposed agreement to NATO as a basis for deferring air strikes.

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AMERICAN EMBASSY BELGRADE

Kneza Milosa 50
11000 Belgrade, Serbia

Phone: (381) (11) 645-655
Telex: 11529 AMEMBA YU
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TO : Jim Steinkamp
Dep Asst to Pres. for NSA

FAX NO.: 202/757-
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1 pages inc.
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AMERICAN EMBASSY BELGRADE

~~SECRET/NO DIS~~Kneza Milosa 50
11000 Belgrade, Serbia

①

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immediately

FAX COVER PAGE6 PAGES
IN COVER
SHEET

DATE : 10/11/98

FROM : Larry Rossin with Holbrooke party

TO : Jim Steinberg
Dep Asst Pres. NSA

FAX NO.:

Jim, as discussed, here is the revised version reflecting changes flowing from Dick's discussions with Milosevic and Milutinovic this afternoon. He welcomes your further comments ASAP. Best probably to phone to the Palace secure setup.

All brackets are Milosevic's. Per discussion, we will work to retain all this language. The whole business of the NATO cell in Pristina is especially tough as I mentioned. In addition, we will try to add language into the evacuation paragraph that mentions "military means" or "...assets" or as fallback "all necessary means" or something comparable. I haven't put it here because I need to discuss with Dick first, and let him work it in.

Larry Rossin

~~SECRET/NO DIS~~DECLASSIFIED
PER E.O. 13526
2013-0870 - M
8/2/2015 KBA

(2)

OSCE Kosovo Verification Mission

Preambular Language

- Devoted to the respect of the principles of the UN Charter and to the Principles of the Helsinki Final Act on peace, stability and cooperation in Europe, as well as to the Paris Charter,
- Considering in particular the importance of reaching a peaceful, democratic and lasting solution of all existing problems in the Province of Kosovo and Metohija, based on the equality of all citizens and national and ethnic communities,
- Devoted to the respect of the sovereignty and territorial integrity of all states in the region, Willing to contribute to the implementation of Resolutions 1160 and 1199 of the UN Security Council,
- The Federal Government of the FR of Yugoslavia, on one side,
- and, The OSCE, on the other,
- have reached the following AGREEMENT:

Establishment and Termination

- The OSCE Kosovo Verification Mission will be established by the OSCE Permanent Council pursuant to a resolution of the United Nations Security Council calling upon OSCE to establish the Mission. ✓
- The FRY government has informed the OSCE Chairman-in-Office of its endorsement of the establishment of the Mission.
- OSCE will request member states to contribute personnel and funding for the Verification Mission in accordance with established procedures.
- OSCE will establish coordination with other organizations it may deem appropriate to allow the Verification Mission to accomplish all its objectives most effectively.
- KDOM will act in place of the OSCE Verification Mission pending its establishment. Once OSCE is operational, KDOM will be absorbed by the Verification Mission.
- The FRY government hereby guarantees the safety and security of the Verification Mission and all its members.

DECLASSIFIED

PER E.O. 13526

2013-0830-M

8/2/2015 KBA

(3)

- In the event of an emergency situation in Kosovo which in the judgment of the Mission Director threatens the safety of members of the Verification Mission, the FRY shall permit and cooperate in the evacuation of Verification Mission members. ✓
- The FRY government will accept the OSCE Verification Mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations. The Mission will enjoy the privileges and immunities conferred by such status, as will its members, in accordance with the Vienna Convention.
- The FRY government and its entities will designate formal liaison officers to work with the Verification Mission in Belgrade, Pristina and field locations. The FRY, Serbian and Kosovo authorities will undertake to provide full cooperation and support to the Verification Mission. This will include, but not be limited to, billets, frequency or frequencies, visas and documentation, customs facilities, vehicle registration, fuel, medical support, airspace access for support aircraft and access to Belgrade, Pristina and other airports in accordance with normal procedures.
- The OSCE and the FRY agree on a Verification Mission for one year, which can be prolonged upon decision of the UN Security Council. ✓ no change

General Responsibilities, Roles and Missions

- To verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council and the United Nations Security Council [and the NATO Secretary-General]. These reports will also be provided to the authorities of the FRY. ✓ ✓
- To establish permanent presences at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities;
- To maintain close liaison with FRY, Serbian and, as appropriate, other Kosovo authorities, political parties and other organizations in Kosovo and accredited international and non-government organizations to assist in fulfilling its responsibilities;
- To report and make recommendations to the OSCE Permanent Council, the UN Security Council [and the NATO Secretary-General] on areas covered by UN Security Council Resolution 1199. ✓

Specific Terms of Reference

- The Verification Mission will travel throughout Kosovo to verify the maintenance of the ceasefire by all elements. It will investigate reports of cease-fire violations.

(4)

Mission personnel will have full freedom of movement and access throughout Kosovo at all times.

- **[The Verification Mission will be permitted to visit all military/police cantonments within Kosovo.]**
- The Verification Mission will receive weekly information from relevant FRY/Serbian military/police headquarters in Kosovo regarding movements of forces during the preceding week into, out of or within Kosovo. Upon request of the Verification Mission Director, Mission personnel may be invited to accompany police within Kosovo.
- The Verification Mission will look for and report on roadblocks and other emplacements which influence lines of communication erected for purposes other than traffic or crime control. The Mission Director will contact the relevant authorities upon receipt of such reports. These authorities will explain the reasons for the emplacements or else direct that the emplacements be removed immediately. The Verification Mission will also receive notification should emergent circumstances lead to the establishment of a roadblock for other than traffic or crime control-related reasons. The Mission Director may request the removal of any roadblock.
- The Verification Mission will maintain liaison with FRY authorities about border control activity and movements by units with border control responsibilities through areas of Kosovo away from the border. The Verification Mission, when invited by the FRY authorities or upon its request, will visit border control units and accompany them as they perform their normal border control roles.
- When invited or upon request, the Verification Mission will accompany police units in Kosovo as they perform their normal policing roles.
- The Verification Mission will verify the return of displaced persons to their homes, the provision of facilitative and humanitarian assistance to them by the FRY, Serbian and Kosovo authorities as well as the humanitarian organizations and NGOs, and the level of cooperation and support provided by the FRY and its entities to the humanitarian organizations and accredited NGOs in facilitating procedural requirements such as issuance of travel documentation, expedited customs clearance for humanitarian shipments and radio frequencies. The Mission will make such representations as it deems necessary to resolve problems it observes.
- As the political settlement defining Kosovo's self-government is achieved and implementation begins, the Mission Director will receive from the OSCE implementation support in areas such as elections oversight, assistance in the establishment of Kosovo institutions and police force development in Kosovo.

(5)

- The Mission Director will receive periodic updates from the relevant authorities concerning allegations of abusive actions by military or police personnel and status of disciplinary or legal actions against individuals implicated in such abuses.
- The Verification Mission will maintain liaison with FRY, Serbian and, as appropriate, Kosovo authorities and with ICRC regarding ICRC access to detained persons.
- The Mission Director will, as required, convene representatives of national communities and authorities to exchange information and provide guidance on implementation of the agreement establishing the Verification Mission. ✓
- The Mission Director will report instances of progress and/or non-compliance or lack of full cooperation from any side to the OSCE [and NATO Secretary General]. ✓

Composition and Facilities

- A Director, together with headquarters staff to be determined by Verification Mission requirements, to include a liaison unit with [the NATO support element] [a small multinational military cell] to be established in Pristina.
- 1800 unarmed verifiers from OSCE member states will be permitted. Headquarters and support staff included in this total. [OSCE may include armed security personnel in its Mission for own-force protection.] ✓
- A headquarters in Pristina.
- Field presence in locations around Kosovo to be determined by the Mission Director.
- A small liaison office in Belgrade.
- Vehicles, communications and other equipment along with locally-hired interpreters and support staff which the Director deems to be required for the performance of the responsibilities of the Mission.

Field Presence

- Coordination centers will be established in the capital of each *opstina* in Kosovo with specific areas of responsibility, under the Mission Director located in Pristina.
- Many *opstina* coordination centers will have one or more sub-stations in smaller towns/villages in the *opstina*. The number and location of sub-stations will vary

(6)

from *opstina* to *opstina*, depending on the verification environment and past conflict situation.

- The chief of each coordination center will maintain a liaison relationship with the *opstina* authorities and the local leadership of the ethnic Albanian and other communities. Each sub-station will be responsible for coordination with the local authorities, including the local leadership of main ethnic groups.
- The number of verification personnel assigned to each coordination center and sub-station would depend on the complexity of verification issues in the particular area.
- Each coordination center and sub-station would have appropriately configured vehicles with which to patrol its assigned area of responsibility.

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FAX

U. S. State Department
S, Room 7246

Date September 29, 1998

Number of pages including cover sheet 8

To: Greg Schulte
NSC

From:

James C. O'Brien

Phone

Phone

202/647-7190

Fax Phone

456-9102 9150

Fax Phone

202/647-0753

CC:

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

Received
9/29/98 09:47
JB

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Kncza Milosa 50
11000 Belgrade, Serbia

Phone: (381) (11) 645-655
Telex: 11529 AMEMBA YU
U/C Fax: (381) (11) 645-332

S
D
S/S

FAX COVER PAGE

DATE :

FROM : TINA KRIDANOW / CHRIS HILL

TO : PASS TO
JIM O'BRIEN

FAX NO.: (202) 647-1811

Jim -

THE SERBS DID NOT HAVE THEIR
COMMENTS TRANSLATED AS PROMISED.

WHAT FOLLOWS HERE IS MY ROUGH +
TRANSLATION OF ^{MILUTINOVIC'S} HANDWRITTEN NOTES (IN SERBIAN)
ON YOUR DRAFT TEXT.

TOTAL PAGES (INCLUDING COVER SHEET): 7

I. INTRODUCTION

1. change to: All citizens in **Kosmet** have **equal** rights and duties as set forth in this agreement. In **Kosmet**, members of **each** national community have **equal** additional rights as set forth below.

2. The organs of **Kosmet** operating in the fields of their competence are independent. The organs of **Kosmet** cannot [unreadable -- could be "usurp" or "interfere"] the responsibilities of the Federal and Republic bodies unless those bodies have specifically transferred authority in those areas to **Kosmet**.

3. no change

4. The citizens and **members of each** national community in **Kosmet** shall enjoy, without limitation, human and democratic rights and shall be given the **opportunities** to be represented in all organs of authority.

5. Every person and **members of each** national community...

[insert after no. 5] **Resolution on the basis of this agreement must be in conformity with the legal system of the Republic of Serbia and the FRY, and with the Helsinki Final Act.**

6. replace "applicable" with "existing"

II. Rights and Duties of Citizens in **Kosmet** (note: they have changed "the territory" to "**Kosmet**" throughout)

1. change "legislative" to "**parliamentary**"

- the adoption of **statutory** documents of Kosovo (Tina's note: "statutory" in the Serbian context generally means founding documents for an organization). In the margins, Milutinovic replaces this whole sentence with "the adoption of a statute for Kosovo," which reads better in Serbian.

- no change

- no change

- no change

- participation in and conducting, consistent with this Agreement, free and fair elections for all **Kosovo** organs;

- ensuring freedom of movement (note in margin: **applicable to all FRY**);

- **participation in law enforcement, including criminal investigations, prosecution, and punishment to the extent determined by appropriate organs of the Republic of Serbia and the FRY;**



- no change
- establishing and regulating the work of medical institutions and hospitals **which are not state-owned.** (The rest of this provision is crossed out.)

- no change
- regulating commerce (Note in margin comments that this is in the federal competence.)
- no change
- no change
- no change
- no change
- no change
- no change
- no change
- no change

- the last provision on conducting foreign relations is cut out completely. They have instead added a new provision (which is incomplete in the Serbian) as follows: "Members of national communities shall have the right to maintain unobstructed contacts with other members outside of the FRY."

2. no change
3. there is a question mark next to "shall not interfere"

III. Rights of National Communities

1. no change
2. no change
3. no change
4. (i) - no change
 - "... consistent with decisions about style made by the communal organs and Serbia";
 - no change
 - no change
 - no change
 - using and displaying national symbols, as well the symbols of Serbia and the FRY;
 - no change
 - no change
 - no change
 - the sentence reading "Each community may establish procedures..." should begin a separate point.
 - no change
 - no change
 - no change

(ii) "and laws" is omitted

(iii) no change

(iv) Milutinovic has noted here cryptically (and mentioned in the meeting) that this will give Rukoshi a lot of power.

5. no change

IV. The Organs of Kosovo

Part I: General

1. "the Representative" is cut out.

The Assembly

2. (a) "under international supervision" is cut out.

(b) this entire paragraph is cut out

(c) The Assembly shall be responsible for enacting all regulations of the territory.

(Tina's note: regulations are at a lower level than laws; laws must always be adopted by Republican or Federal parliaments.) Areas of responsibility:

- first provision on conduct of relations with foreign entities is cut out altogether.

- no change

- unreadable comment

- no change

margin comment "which?" -- maybe meaning which judges at which level

(d) no change

(e) Milutinovic has put a question mark by the provision stating "If a majority of delegates is not present and voting...."

(f) no change

(g) no change

(h) "but may not be from the same national community as the territorial

Representative" is cut out. Instead, he moves up (i) into this paragraph.

(i) should be moved into h

(j) The president of the Assembly shall represent Kosmet before Federal and Republic organs. (Note: Milutinovic seems to be indicating that this sentence should be moved into the next section which defines the Representative)

3. The Representative -- this whole section is crossed out

Governing Board

4. (a) no change

(b) Gov. Bd. shall be responsible for implementing and enforcing decisions of the Assembly and of those Federal and Republic organs which confer their authority to the organs of the province.

(c) Milutinovic notes that this provision will lead to "outvoting" on an ethnic basis, in his words "as in the case of the Assembly."

Administrative Agencies

5. replace "where appropriate" with "when authority is conferred."

Ombudsman

6. (a) "president of the European court of Human Rights" is crossed out. Milutinovic also seems to be questioning the length of the mandate.

(b) replace "to intervene" with "to take it up with"

Part II: The Communes

NO CHANGE

Part III: Rep. of Kos. in Federal and Rep. Bodies

(a) no change

(b) no change

(c) no change

(d) "constitutional court" is crossed out

(e) no change

V. Resolving Conflicts and Maintaining Public Order

(1) National Communities

(a) "Each national community may est. its own dispute resolution system for conflicts concerning inheritance, family law, civil lawsuits..., and for criminal cases for which the criminal code envisages a penalty of up to one year."

(b) the entire section on "courts in the territory" is wiped out

(2) Police

(a) no change

(b) no change

(c) "will be representative of the population" has brackets around it.

(d) entire section d is crossed out

(e) "on all matters concerning the police" is underlined, but no specific comment.

VI. Financing

NO CHANGE

VII. Confidence-Building Measures

1. "international observers" is underlined

2. no change

3. Milutinovic has an exclamation mark next to "It is expected that int'l personnel will be present at all times in selected communities."

4. no change

5. "including KDOM, Contact Group, and others as agreed" is crossed out.

6. the entire no. 6 is crossed out

VIII. Implementation Period

1. no change

2. no change

3. no change

4. Milutinovic's new version: "Within [] months, there will be elections for the elective bodies established by this Agreement. The OSCE will be invited by the FRY government to observe elections."

5. no change

6. the word "transition" is questioned

7. no change

8. "during the transitional period" is crossed out

9. no change



IX. Amendments

NO CHANGE

X. Final Provisions

1. no change

2. "internal process" is questioned. In the margins, Milutinovic seems to indicate that representatives of each of the individual national communities in Kosovo should sign (he lists Albanians, Serbs, Montenegrins, Muslims, Roma)

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re: Comments on Draft OSCE Verification Force Paper. (4 pages)	10/11/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Kosovo - Settlement [3]

2008-0994-F
vz6333

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]
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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]

6

WASHFAX DEPARTMENT OF STATE
SITE 4

EXTREMELY URGENT

'98 OCT 6 A5 09

Message No. 00013437 Classification SECRET No. Pages Attached 4

From: STATE OPS
 (Officer name) (Office symbol) (Phone number) (Room number)

MESSAGE DESCRIPTION KOSOVO OSCE SUPERVISION
FORCE

TO: (Agency)	DELIVER TO: (Person/Office)	Phone no.	Room no.
<u>NSC</u>	<u>GREG SCHULTE</u>		
<u>JCS</u>	<u>GEORGE CASEY</u>		
<u>OSD</u>	<u>BERND McCONNELL</u>		

FOR: CLEARANCE ☐ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS: _____

_____ **CCH**

S/S Officer: _____

UNCLASSIFIED UPON REMOVAL
 OF CLASSIFIED ATTACHMENTS
 Initials: VC Date: 9/25/2024
 2008-0494-f-3

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005a. memo	To State Department Operations Center. From Lawrence Rossin. (1 page)	10/06/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Kosovo - Settlement [3]

2008-0994-F
vz6333

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005b. draft	Kosovo OSCE Supervision Force. (3 pages)	10/06/1998	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Kosovo - Settlement [3]

2008-0994-F
vz6333

RESTRICTION CODES

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Schulte, Gregory L.

From: WHSR
Sent: Wednesday, September 02, 1998 12:34 PM
To: Bandler, Donald K.; Bell, Robert G.; Clarke, Richard A.; Schulte, Gregory L.; Sigler, Ralph H.
Subject: MILOSEVIC ANNOUNCES HE'S READY TO

CLASS: ~~CONFIDENTIAL~~
DTG: 021141Z SEP 98
MSGTO: SECSTATE WASHDC IMMEDIATE 6502
ORIG: AMEMBASSY SKOPJE
PREC: IMMEDIATE
SSN: 2305
TOR: 980902122734 M3449459

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Department of State Guidelines, November 6, 2015
By VZ NARA, Date 4/28/2024
2008-1994-F.3

~~CONFIDENTIAL~~ SECTION 01 OF 03 SKOPJE 002305

NODIS

PLSE PASS TO BELGRADE FOR COM MILES
USNATO FOR AMB VERSHBOW
US MISSION USUN FOR AMB SODERBERG

E.O. 12958: DECL: 09/02/08
TAGS: PREL, PGOV, MK

**SUBJECT: MILOSEVIC ANNOUNCES HE'S READY TO
NEGOTIATE AN INTERIM DEAL FOR KOSOVO**

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

1. (C) JIM O'BRIEN AND I MET WITH MILOSEVIC, HIS FOREIGN POLICY ADVISER BUGARCIC, AND FRY DEPUTY PM SAINOVIC YESTERDAY (SEPTEMBER 1) IN WHAT WAS A DIFFICULT AND BLUNT SESSION. MILOSEVIC CONTINUES TO BE UNREPENTANT ABOUT THE OFFENSIVE AGAINST THE KLA AND RETURNED OFTEN TO THE PLIGHT OF 130-PLUS SERB HOSTAGES REGISTERED WITH THE ICRC, 22 OF WHOM ALLEGEDLY WERE FOUND IN A CREMATORIUM NEAR KLECKA. WE PRESSED HIM TO UNDERSTAND THAT OUR PATIENCE IS EXHAUSTED AND THAT WHEN WE SAY WE WILL CONSIDER "ALL OPTIONS" TO STOP REPRESSION IN KOSOVO, THAT MEANS ALL OF THEM.

2. AFTER MUCH WRANGLING, MILOSEVIC AGREED TO ANNOUNCE PUBLICLY THAT THE SERBS AND THE ALBANIANS WILL NEGOTIATE THE TERMS OF AN ACCORD WHICH CAN BE REOPENED IN THREE YEARS FOR CONSIDERATION OF "FURTHER MEASURES." MILOSEVIC'S OFFICE HAS ISSUED A STATEMENT TODAY (TEXT PARA. 14) TO THIS EFFECT. THIS SMALL STEP IS IMPORTANT. IT SIGNALS TO THE SERB PUBLIC THAT LIFE IN KOSOVO MAY CHANGE AND HELPS CLEAR AWAY A MAJOR OBSTACLE TO ALBANIAN PARTICIPATION IN THE TALKS. TODAY WE WILL WORK ON THE ALBANIANS IN PRISTINA.

A VISITOR FROM BOSNIA

3. (C) WHEN WE ARRIVED, MILOSEVIC TROTTED SRPSKA SPRS PRESIDENTIAL CANDIDATE ZIVKO RADISIC AND TWO LESSER SPRS CANDIDATES OUT UNDER THE REMBRANDT IN THE FOYER OF BELI DVOR. "HERE IS OUR CANDIDATE FOR

PRESIDENT OF SRPSKA. EITHER HE OR KRAJISNIK WILL BE CHAIRMAN OF THE BOSNIAN PRESIDENCY, SO IT IS IMPORTANT THAT RADISIC WIN." MILOSEVIC NOTED THAT THE RACE WAS "TIED" BUT EXPRESSED CONFIDENCE THAT RADISIC WOULD WIN. WE AGREED THAT THE RACE WAS TIGHT, SO WE TOOK THE LIBERTY OF TELLING RADISIC TO SAY GOODBYE TO HIS FRIEND MILOSEVIC, GO BACK TO BOSNIA, AND KEEP CAMPAIGNING. AS RADISIC AND COMPANY DEPARTED, WE WALKED INTO THE LIVING ROOM, REMEMBERING PREVIOUS SUPRISE VISITORS AND WONDERING WITH APPREHENSION WHO ELSE MILOSEVIC HAD IN STORE FOR US. THE ROOM THANKFULLY WAS EMPTY: "NO MORE GUESTS TODAY," MILOSEVIC ANNOUNCED.

THE PROVISIONAL AGREEMENT

4. MILOSEVIC'S ANNOUNCEMENT IS A HELPFUL CONCESSION, ONE WHICH HE ADAMANTLY REFUSED TO MAKE IN THE PAST. MILOSEVIC HAD ARGUED THAT AN INTERIM ACCORD WOULD BE REGARDED BY ALBANIANS AS NOTHING MORE THAN A ROADMAP TO INDEPEENCE. HE HAD ALSO MAINTAINED THAT SERBS LIVING IN KOSOVO WOULD REJECT ANY ACCORD THAT SMACKED OF AN EASTERN SLAVONIA-LIKE RESOLUTION.

5. TIRED OF DEBATING THESE POINTS ENDLESSLY WITH MILOSEVIC, I POINTED OUT BLUNTLY IN OUR MEETING YESTERDAY THAT THE INTERNATIONAL COMMUNITY WAS EXASPERATED BY THE DETERIORATING SITUATION IN KOSOVO. THERE WAS LITTLE PATIENCE FOR SERB EXCUSES IN THE FACE OF THE GROWING HUMANITARIAN CRISIS - AND NO ACCEPTANCE OF THE SERB VERSION OF "RESTRAINT." PROGRESS ON THE NEGOTIATING TRACK, I TOLD MILOSEVIC, IS NECESSARY FOR TWO REASONS: ONE, TO DEMONSTRATE TO THE INTERNATIONAL COMMUNITY THAT THE SERBS CAN ACT IN GOOD FAITH; AND TWO, TO SERVE THE SERBS' OWN PURPOSE OF DIFFERENTIATING BETWEEN THOSE ALBANIANS WHO ARE WILLING TO ENGAGE IN DIALOGUE AND THOSE WHO ARE NOT. UNLESS A SERIOUS NEGOTIATING EFFORT GETS UNDERWAY SOON, I UNDERLINED, THERE WILL BE INCREASING PRESSURE FOR FORCEFUL ACTION TO STOP THE SERB OFFENSIVE.

6. MILOSEVIC ACKNOWLEDGED THESE POINTS BUT AGAIN CLAIMED THAT THE TIMING WAS NOT RIGHT FOR A PUBLIC ANNOUNCEMENT ON AN INTERIM ACCORD. THE PROVISIONAL NATURE OF THE ACCORD IS JUST ONE ELEMENT OF THE NEGOTIATION, HE ARGUED -- WHY ANNOUNCE IT IN ISOLATION FROM ALL THE OTHER ELEMENTS? ("TIMING IS EVERYTHING." HE RECALLED MY NEWS THAT A SERB TANK HAD DRIVEN HROUGH THE WALL HOLBROOKE LEANED AGAINST DURING HIS INFAMOUS MEETING IN JUNIK WITH UCK REPRESENTATIVES. "IF HOLBROOKE HAD BEEN AT THAT

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TAGS: PREL, PGOV, MK

SUBJECT: MILOSEVIC ANNOUNCES HE'S READY TO
NEGOTIATE AN INTERIM DEAL FOR KOSOVO

WALL WHEN THE TANK DROVE THROUGH....POOR

HOLBROOKE.")

7. WE INSISTED THAT IT WAS CRITICAL TO ENDORSE THE "PROVISIONAL" CONCEPT OPENLY AND AT THE OUTSET. WITHOUT A CLEAR STATEMENT THAT THE ACCORD CAN BE REVISITED AFTER A GIVEN PERIOD, THE ALBANIANS WILL FLATLY REFUSE TO ENGAGE IN NEGOTIATIONS FOR LESS THAN INDEPENDENCE. WE WRESTLED WITH THE SERBS ON THIS QUESTION FOR WELL OVER AN HOUR, WITH MILOSEVIC FINALLY AGREEING TO ISSUE THE STATEMENT REPRINTED PARA. 10.

8. (S) AS IN PREVIOUS DISCUSSIONS, MILOSEVIC WAS UNREPENTANT ABOUT THE CRACKDOWN AGAINST THE KLA AND THE RESULTING CIVILIAN DISLOCATIONS. HE REFUSED TO ADMIT THAT THE SERBS HAD DELIBERATELY TARGETED CIVILIANS IN SOME INSTANCES, DESPITE AMPLE EVIDENCE PROVIDED BY KDOMND INTERNATIONAL NGO'S - AND OURSELVES. MILOSEVIC INSISTED THAT THE NUMBER OF IDP'S HAD BEEN VASTLY OVERESTIMATED BY THE INTERNATIONAL COMMUNITY, AND HE CLAIMED THAT NO MORE THAN 20,000 WERE LIVING IN VILLAGES OR WITHOUT SHELTER, PRIMARILY IN THE DECANI REGION. MILOSEVIC AND SAINOVIC REPEATEDLY ASSURED US THAT THEY WANTED TO COOPERATE WITH NGO'S IN DISTRIBUTING AID TO HOMELESS ALBANIANS. SAINOVIC POINTED WITH PARTICULAR PRIDE TO THE DISTRIBUTION OF CONSTRUCTION MATERIALS AT 11 "HUMANITARIAN CENTERS" LOCATED THROUGHOUT KOSOVO, SOMETHING HE ALSO MENTIONED TO A/S TAFT DURING HER VISIT HERE LAST WEEK.

9. (S) I TOLD SAINOVIC THAT, HAVING TOURED NCENTRAL KOSOVO WITH SENATOR WARNER JUST THE PREVIOUS DAY AND HAVING NOTICED MUP SOLDIERS LOUNGING MENACINGLY NEAR THESE "HUMANITARIAN DEPOTS," I WAS HIGHLY SKEPTICAL THAT ANY ALBANIAN WITH AN INSTINCT FOR SELF-PRESERVATION WOULD AVAIL HIMSELF OF BRICKS OR ROOF TILES GUARDED BY MUP LOOKING FOR SOME WAY TO OCCUPY THEIR TIME. SAINOVIC SAID THAT INTERNATIONAL HUMANITARIAN AGENCIES WOULD TAKE CHARGE OF DISTRIBUTION. I AGREED THAT THIS WOULD BE HELPFUL BUT URGED HIM TO REMOVE THE MUP FROM THE DISTRIBUTION SITES SO THAT PEOPLE COULD FEEL FREE TO START REBUILDING. HIS CONCERN ABOUT PILFERING WAS WEAKLY OFFERED (SHOWING GOOD SENSE ON HIS PART), BUT I DO NOT THINK HE WILL REMOVE THE MUP IMMEDIATELY.

10. MILOSEVIC AGREED THAT SAINOVIC SHOULD SIT DOWN WITH UNHCR IN ORDER TO RECONCILE CONFLICTING ESTIMATES ON THE NUMBER OF IDP'S. I UNDERScoreD THAT THE SERBS WOULD HAVE TO WORK FAR MORE AGGRESSIVELY TO GET IDP'S HOME -- SETTING A PILE OF BRICKS DOWN IN SOME REMOTE CORNER OF KOSOVO WAS SIMPLY NOT ENOUGH. SERB PERFORMANCE, I SAID, WOULD BE JUDGED BY THE NUMBER OF ACTUAL RETURNS.

11. (S) PRESSED ON THE HUMANITARIAN ISSUE, MILOSEVIC WENT ON THE OFFENSIVE. HE BLASTED THE INTERNATIONAL COMMUNITY FOR FAILING TO SHOW ADEQUATE CONCERN OVER THE PURPORTED SERB "MASS GRAVE" DISCOVERED RECENTLY AT KLECKA. MILOSEVIC ASKED ANGRILY HOW THE INTERNATIONAL COMMUNITY COULD OVERLOOK THE KILLING OF 22 SERB CIVILIANS, AS WELL AS THE PLIGHT OF SOME 60 OR MORE SERB HOSTAGES WHO MIGHT STILL BE ALIVE SOMEWHERE IN KOSOVO. IT IS CLEAR FROM MILOSEVIC'S COMMENTS, AS WELL AS FROM EARLIER DISCUSSIONS WITH VARIOUS SERB OFFICIALS, THAT THE HOSTAGE ISSUE HAS REAL RESONANCE FOR THE SERBS. WE TOLD MILOSEVIC THAT WE ARE NOT IGNORING THE KLECKA CASE BY ANY MEANS; IN FACT, WE SAID,

KLECKA ILLUSTRATES THE IMPORTANCE OF GRANTING INTERNATIONAL INVESTIGATORS FREE ACCESS TO ALL GRAVESITES DISCOVERED IN KOSOVO. IF AMBASSADOR SCHEFFER HAD BEEN IN KOSOVO AS HE PROPOSED, WE NOTED, THE SERBS WOULD HAVE HAD NO DIFFICULTY IN GAINING INTERNATIONAL ATTENTION FOR WHAT HAPPENED IN KLECKA. MILOSEVIC AGREED, SAYING IT WOULD BE "NO PROBLEM" TO HAVE FORENSIC EXPERTS VISIT KOSOVO IN FUTURE AND SAID THAT ASSISTANT SECRETARY SHATTUCK COULD VISIT THIS WEEK.

12. (S) THE DISCUSSION ONCE AGAIN POINTED TO A FUNDAMENTAL DIFFERENCE IN THE WAY WE AND THE SERBS VIEW THIS OFFENSIVE. WE SEE IT AS A BRUTAL SERB ASSAULT ON ALBANIAN CIVILIANS INTENDED BOTH TO PUNISH AND TO UNDERMINE POPULAR SUPPORT FOR THE KLA, BUT THE SERBS REGARD IT AS A NECESSARY AND EFFECTIVE ACTION AGAINST ALBANIAN "TERRORISTS." MILOSEVIC
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DENIED THAT ANY SECURITY OPERATIONS WERE CURRENTLY UNDERWAY BUT WOULD NOT PLEDGE TO HOLD BACK IN THE COMING WEEKS. SERB SECURITY FORCES WERE NOT INTERESTED IN HUNTING DOWN ALL KLA FIGHTERS, MILOSEVIC SAID, JUST THOSE WHO HAD BEEN INVOLVED IN "TERRORIST-TYPE KILLINGS." HE CLAIMED THAT THE SERBS HAD LET KLA SOLDIERS -- MANY OF WHOM SIMPLY SHED THEIR UNIFORMS AND EMERGED IN THEIR UNDERSHIRTS -- ESCAPE JUNIK UNHARMED BEFORE THE FINAL SERB OFFENSIVE ON THE TOWN.

13. (S) IF MILOSEVIC IS UNWILLING TO MAKE ANY COMMITMENTS TO STOP THE VIOLENCE, HE AT LEAST HAS TAKEN THE FIRST STEP -- ALBEIT TENTATIVE -- TOWARD PURSUING A NEGOTIATED SETTLEMENT. WE WILL HAVE TO MOVE QUICKLY TO FOLLOW UP ON THE MOMENTUM GENERATED BY MILOSEVIC'S PUBLIC STATEMENT. WE WILL VISIT LDK LEADER RUGOVA TODAY TO BRIEF HIM ON THE MILOSEVIC MEETING AND TO UNDERLINE THE IMPORTANCE OF SPEEDY PROGRESS NOW THAT BOTH SIDES HAVE COMMITTED THEMSELVES TO THE "PROVISIONAL" APPROACH. JIM O'BRIEN WILL BEGIN WORKING WITH THE ALBANIAN NEGOTIATING TEAM ON THEIR OPENING PLATFORM, TRYING TO MERGE THEIR IDEAS WITH NOTIONS THE SERBS HAVE ALREADY OFFERED. IN ADDITION, WE HAVE BRIEFED CONTACT GROUP AMBASSADORS ON THE OUTCOME OF YESTERDAY'S MEETING WITH MILOSEVIC (CG MEETING REPORTED SEPTTEL) AND HAVE ASSURED THEM THAT THEY WILL BE ABLE TO PREVIEW ANY TEXT WELL BEFORE IT IS PRESENTED AS FINAL.

14. (U) BEGIN TEXT OF MILOSEVIC STATEMENT ON KOSOVO NEGOTIATIONS:

YUGOSLAV PRESIDENT SLOBODAN MILOSEVIC RECEIVED ON TUESDAY SPECIAL U.S. ENVOY TO THE FEDERAL REPUBLIC OF YUGOSLAVIA AMBASSADOR CHRISTOPHER HILL.

DURING THE MEETING THE IMPORTANCE WAS NOTED OF RESUMING DIALOGUE BETWEEN THE GOVERNMENT AND ETHNIC ALBANIAN POLITICAL PARTIES AND OTHER ETHNIC COMMUNITIES IN THE YUGOSLAV REPUBLIC OF SERBIA'S PROVINCE OF KOSOVO AND METOHIJA.

THIS IS NECESSARY IN ORDER TO REACH AN ACCORD ON THE BASIS OF WHICH TO GIVE AN EQUATE LEVEL OF SELF-RULE TO THE PROVINCE, WHICH WOULD GUARANTEE EQUALITY TO ALL CITIZENS AND ETHNIC COMMUNITIES IN KOSOVO AND METOHIJA, IT WAS NOTED.

THE NEGOTIATORS - BOTH THE STATE AND THE ETHNIC COMMUNITIES - BEING WILLING TO SHOW TOLERANCE AND MUTUAL UNDERSTANDING, SHOULD UNDERTAKE TO ANALYZE AFTER A PERIOD OF MAYBE 3 TO 5 YEARS THE FUNCTIONING OF THE ACCORD AND AMEND IT WHERE NECESSARY BY MUTUAL AGREEMENT.

PRESIDENT MILOSEVIC AND AMBASSADOR HILL DISCUSSED ALSO THE HUMANITARIAN PROBLEM IN THE REGION, WHICH THE STATE IS MAKING GREAT EFFORTS TO SOLVE.

IT WAS NOTED THAT THE STATE AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND THE U.N. HIGH COMMISSIONER FOR REFUGEES (UNHCR) SHOULD CONTINUE TO COORDINATE THEIR ACTIVITIES ON PROVIDING RELIEF AID.

YUGOSLAVS EXPECT TERRORISM IN KOSOVO AND METOHIJA TO BE ERADICATED AND THE INTERNATIONAL COMMUNITY TO CONDEMN UNEQUIVOCALLY THE OPERATION OF TERRORIST GANGS WHOSE ATROCITIES, SUCH AS THE USE OF A CREMATORY FOR KILLING PEOPLE. THE WORST METHOD OF TAKING HUMAN LIFE, BORROWED FROM THE NAZIS IN WORLD WAR II, ARE ABHORRED BY ALL.

THEY EXPECT ALSO THE CONDEMNATION OF AND AN END TO ALL FORMS OF ASSISTANCE TO THE TERRORISTS FROM ABROAD, IT WAS SAID.

THE MEETING WAS ATTENDED BY YUGOSLAV VICE PREMIER NIKOLA SAINOVIC AND PRESIDENTIAL FOREIGN POLICY ADVISOR AMBASSADOR BOJAN BUGARCIC. (TANJUG, BELGRADE, SEPTEMBER 1)

END TEXT

JONES

DRAFT

31 Aug 98

PROVISIONAL AGREEMENT

On Kosovo

I. INTRODUCTION

1. All citizens in Kosovo have rights and duties as set forth in this Agreement. In Kosovo, members of each national community have in addition special rights as set forth below.
2. Federal and Republic organs shall not influence or intervene in the work of the organs of Kosovo acting within their areas of responsibility. The organs shall not intervene in the work of federal and republic organs acting within their areas of responsibility.
3. The organs of Kosovo shall follow principles of full respect for human rights, democracy and the protection of the equality of citizens and national communities.
4. The citizens and national communities in Kosovo shall enjoy, without limitation, human and democratic rights and shall be given the choice to be represented in all organs of authority.
5. Every person and national community in Kosovo shall have the right to apply to international institutions, including the European Court of Human Rights, for the protection of their rights in accordance with the procedures of such institutions.
6. The Agreement will be implemented by each side in accordance with applicable procedures.

III. RIGHTS AND DUTIES OF CITIZENS IN THE TERRITORY

1. The rights and duties of citizens in the territory are to be implemented in the legislative, executive, and judicial organs established in this Agreement. Those rights and duties are the right to democratic self-government, including:
 - The adoption of the organic documents of Kosovo;
 - The adoption of regulations on the organization and procedures of the organs of Kosovo;
 - The adoption of budgets and annual accounts;
 - Cooperation with Federal and Republic authorities;
 - Child care;
 - Establishing and regulating the work of medical institutions and hospitals. Special arrangements will be made for state-owned institutions.
 - Protection of the environment;
 - Regulating commerce and privately owned stores;
 - Regulating hunting and fishing;
 - Planning and carrying out public works of communal or Kosovo-wide territorial importance, including roads and water supplies;
 - Regulating Land use, town planning, building regulations, and housing construction;
 - Designing and implementing programs of economic, scientific, technological, demographic, regional, and social development, programs for the development of agriculture and of rural areas;
 - Developing programs for tourism, the hotel industry, catering, and sport;
 - Organizing fairs and local markets;
 - Organizing public services of communal and Kosovo-wide importance;
 - Financing the work of communal and Kosovo organs;
 - Conducting foreign relations consistent with the policy of the Federal Republic of Yugoslavia.

This Agreement shall determine the allocation of these responsibilities among the organs of Kosovo.

2. The organs of Kosvo shall not interfere in the special rights described in Part 3 of this Agreement.
3. The organs of Kosovo shall cooperate with Federal and Republic authorities on questions of common interest.

III. SPECIAL RIGHTS OF NATIONAL COMMUNITIES

1. Members of the national communities shall have the special rights determined by this Agreement. The special rights preserve and express the national, cultural, religious, and other aspects of the national communities in accordance with international standards and the Helsinki Final Act.
2. The national communities shall be legally equal and shall not use their special rights so as to endanger the special rights of other national communities or the rights of citizens of the Republic of Serbia or of the Federal Republic of Yugoslavia.
3. Each national community shall elect, in accordance with procedures it shall decide, a National Council to administer the affairs of the community in the territory. These councils will establish their own executive organs and procedures.
4. The special rights of the national communities are to:
 - (i) preserve and protect their national cultures, including by:
 - using their languages and alphabets;
 - 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;
 - providing information in the language and alphabet of the national community;
 - establishing educational, cultural and religious associations, for which the state shall provide financial assistance;
 - enjoying unhindered contacts with their respective national communities outside the Federal Republic of Yugoslavia;
 - using and displaying national symbols;
 - providing for education, in particular for schooling in their own language and alphabet and in national culture and history. National communities are encouraged to coordinate curricula with Republic authorities concerning appropriate subjects (for example, to ensure that students meet standards in subjects such as mathematics or science);

- protecting national views on family law by, if the community decides, arranging rules in the field of heritage, family, and matrimonial relations; tutorship; and adoption. Each community may establish procedures for resolving conflicts in these fields, subject to the agreement of the parties to each dispute;
- the preservation of sites of religious, historical, or cultural importance;
- implementing public health and social services;
- operating religious institutions in cooperation with Church authorities.

(ii) to adopt procedures and laws for courts of the national communities, as described in this Agreement, and means to enforce decisions of those courts;

(iii) be guaranteed at least one radio and TV frequency, which it shall administer subject to non-discriminatory, technical standards;

(iv) finance activities of the national communities by collecting charges a National Council decides to levy on members of its own community.

5. Members of national communities will also be guaranteed:

- the right to participate in regional and international non-governmental organizations in accordance with procedures of these organizations; and
- equal access to employment in public services.

IV. THE ORGANS OF KOSOVO

PART I: GENERAL

1. The organs of Kosovo are the Assembly, the Representative, the Governing Board, the Administrative Organs, and the Ombudsman.

The Assembly

2. The Assembly

- (a) The Assembly shall comprise [] Delegates. [] Delegates shall be directly elected under international supervision. The remaining [] Delegates shall be allocated equally among the National Councils, who shall each select Delegates according to its own procedure.
- (b) Each national community that is more than []% of the population shall be guaranteed at least [] Delegates. If fewer than [] Delegates of a national community are elected to the Assembly, the difference shall be selected by the Council of the respective national community.
- (c) The Assembly shall be responsible for enacting all laws of the territory. Its areas of responsibility are:
 - Conduct of foreign policy, in consultation with the Representative;
 - Financing activities of the Organs of the Provisional Government;
 - Coordination of policy with Federal and Republic authorities;
 - Coordination among communes or national communities when necessary; and
 - Confirmation of the members of the Governing Board and judges of the courts.
- (d) Decisions of the Assembly shall be taken by majority of those present and voting, except as provided in paragraph (e).

- (e) When a majority of the Delegates of a national community assert that a proposed decision affects the vital interests of their national community, that decision shall require for approval a majority that includes the majority of the Delegates present and voting from the affected national community. If a majority of Delegates from the asserting community is not present and voting, the regular voting rule shall apply.
- (f) A procedure for resolving disputes over the use of the procedure established in paragraph (e) will be agreed.
- (g) A majority of Delegates present shall constitute a quorum.
- (h) The Assembly will decide its own rules of procedure and select its officers. Each national community shall be represented in the leadership of the Assembly. The Presidency of the Assembly shall rotate each term of office among the national communities in alphabetical order but may not be from the same national community as the territorial Representative.
- (i) Each opstina shall have a local assembly, which shall follow the model of the territorial Assembly.
- (j) The President of the Assembly shall be responsible for representing the territory before Federal and Republic organs.

The Representative

3. There shall be a Representative, who shall be directly elected.

- (a) The Representative shall be responsible for:
 - Representing all persons in the territory of Kosovo before any international, Federal, or Republic body, with the President of the Assembly when required by this Agreement;

- Meeting regularly with the national councils and with other representatives of the national communities and other persons;
- Chairing the Governing Board;
- Deciding, after consulting with the Parliamentary Assembly, whether to consent to amendments to this Agreement;
- Signing agreements on behalf of Kosovo; and
- Serving on the Joint Implementation Commission established by this Agreement;
- Meeting regularly with the President of the Federal Republic of Yugoslavia and the President of Serbia to discuss issues of concern to Kosovo.

Governing Board

4. Executive power shall be exercised by the Governing Board.

- (a) The Governing Board shall comprise [] Members. Each national community council shall select [] Member(s).
- (b) The Governing Board shall be responsible for implementing and enforcing decisions of the Assembly and of Federal and Republic organs.
- (c) Decisions of the Governing Board shall require a majority of Members present and voting. The Board shall decide its own rules of procedure. The President of the Assembly and the President of the Governing Board may not be from the same national community.

Administrative Agencies.

5. Administrative agencies are responsible for implementing decisions of Kosovo and, where appropriate, those of Federal and Republic organs.

Ombudsman.

6. There shall be an Ombudsman of Kosovo, who shall protect the special rights of the national communities before Federal or Republic bodies.

- (a) The Ombudsman shall be nominated by the Federal Government from a list of Yugoslav citizens submitted by the [President of the European Court of Human Rights] after consultation with the national communities in the territory. The first term will be four years. Thereafter, the Ombudsman will be nominated by the Federal Government for a two year term.
- (b) The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

PART II: THE COMMUNES

1. The basic unit of government will be the communes. All responsibilities not expressly assigned elsewhere will be the responsibility of the communes. Communes may by mutual agreement form self-administering regions comprising multiple communes.
2. The government shall comprise a Council and such executive bodies as each Council will establish. Each national community is to be represented on the Council in proportion to its share of the regional population or by one member, whichever is greater.
3. The communes shall have exclusive responsibility for carrying out typical functions of local and regional government, including:
 - Child care.
 - Medical institutions and hospitals, other than those that are state-owned.
 - Educational institutions, other than those that are state-owned.
 - Environmental protection.
 - Trade and independent shops, consistent with Republic and federal law.
 - Hunting and fishing.
 - Public works of local or regional importance, including roads and water supplies.
 - Land use, town planning, building codes, and housing construction.

- Programs for economic, scientific, technological, demographic, regional, and social development, for the development of agriculture and rural areas, in accordance with applicable regulations.
- Tourism, the hotel industry, catering, and sport.
- Fairs and local markets.
- Public services, including fire, emergency response, and (as provided below) police.
- Finances for the commune, including raising revenues, taxes, and preparing budgets.

4. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

Representation of Kosovo in Federal and Republic Bodies.

7. Representation.

- (a) Kosovo shall be guaranteed at least [ten] deputies in the House of Citizens of the Federal Assembly and [twenty] deputies in the National Assembly of the Republic of Serbia.
- (b) Each national community in Kosovo shall be guaranteed at least one place in the Federal Government and in the Government of the Republic of Serbia.
- (c) Each national community in Kosovo shall be guaranteed at least one judge on the Constitutional Court of the Federal Republic and three judges on the Supreme Court of Serbia.
- (d) In order to monitor the protection of special rights of the national communities, a Council of the Republic for the protection of members of the national communities shall be established in the Republic of Serbia. The Council of the Republic shall be chaired by the President of the Republic.

V
RESOLVING CONFLICTS AND MAINTAINING PUBLIC ORDER

(1) Dispute Resolution.

(a) National Communities.

Each national community may establish its own dispute resolution system for conflicts concerning inheritance, family law, civil lawsuits as decided by the Provincial Assembly, and for criminal cases as described below.

Judges shall be nominated by the national community councils and confirmed by the Parliamentary Assembly. They must have qualifications required of judges of the corresponding state courts.

Decisions of the national community dispute resolution mechanism shall be honored by state courts.

(b) Courts in the Territory.

The Provincial Assembly shall establish common and appellate courts for the territory of Kosovo, with jurisdiction over civil and criminal matters not within the jurisdiction of the national community mechanisms established pursuant to paragraph (a).

(2) Police.

Duties. Police shall be sworn to uphold the law impartially, fairly, and with equal treatment for all persons.

Requirements. All police operating in Kosovo must be trained to internationally-accepted standards for police operations, in particular, with regard to human rights.

Organization. Every commune shall establish local police, which shall have membership representative of the commune. The state and border police shall recruit members of national communities so that its composition in Kosovo will be representative of the population.

Responsibilities. The local police shall be exclusively responsible for maintaining public order and peace; Federal and Republic police shall not carry out this responsibility. Federal and Republic authorities, in accordance with their respective responsibilities, shall retain responsibility for external security, border police, and the investigation of international and extra-Kosovo crime.

Commissions. Each commune shall establish a commission to review and make recommendations on all matters concerning the police, including in particular complaints about violations of human rights. Every national community in the commune will have the right to participate on the commission.

IV. FINANCING

(1) The bodies established in Sections II – IV shall have revenues from their own taxes and a part of the state tax revenue, so that they can carry out the rights and perform the duties established in this Agreement.

(2) In recognition of the fact that this Agreement confers new responsibilities upon bodies in Kosovo, Republic and the Federal authorities shall examine how to provide resources necessary for the conduct of its responsibilities. These resources shall include funds (including tax remission), equipment, and training.

(3) Federal and Republic authorities shall also facilitate, to the extent of their respective authorities, the delivery of resources from international sources to Kosovo.

V. CONFIDENCE-BUILDING MEASURES

1. A ceasefire and the withdrawal of forces will begin immediately. Alleged violations should be reported to international observers and will not be used to justify violence in response. State security forces will reduce their presence outside locations of their permanent encampment as the security situation allows, with a view to maintaining a normal presence consistent with external security requirements as soon as possible.
2. Each side will cooperate with and provide unimpeded access to humanitarian and international organizations; facilitate the delivery of humanitarian assistance; and expedite the return of displaced persons and refugees to their homes, including by facilitating travel of those persons and international personnel; by rehabilitating or providing shelter; and agreeing to security arrangements that create confidence among the displaced persons and refugees.
3. The signatories of this Agreement shall undertake all necessary measures and activities in accordance with their responsibilities and capacities, to build and strengthen inter-ethnic confidence, cooperation, and understanding between the members of different national communities.
4. Neither side shall prosecute persons for crimes related to the conflict in Kosovo or persons who turn in armaments and military equipment to the competent organs within [one month] of the entry into force of this Agreement.
5. Republic and Federal authorities shall reexamine, for extraordinary mitigation of punishments, all sentences pronounced on all sentenced members of national communities from Kosovo for criminal acts motivated by political goals.
6. The implementation of this Agreement shall be monitored and directed by a multi-ethnic commission to be comprised of the national communities in Kosovo, Federal and Republic representatives, and international representatives (one of whom shall serve as chair). The sides shall cooperate completely with the commission and to provide it with safe, complete, and unimpeded access to all places, persons, and information (including documents and other records) upon its request.

7. An international presence in Kosovo will be responsible for monitoring and observing the implementation of this Agreement and for such other responsibilities as described in this Agreement. The sides agree to provide complete cooperation as requested by the international presence and to take all necessary steps to ensure the safety of international personnel.

VIII TRANSITION PERIOD

1. This Agreement shall be implemented as quickly as possible.
2. The signatories recognize that complete implementation will require the adoption of necessary state regulations and other general acts, of the organic document of the territory, political acts and measures, and the elections of establishment of institutions and bodies established by this Agreement. Work will start without delay to complete all legal changes necessary for the full implementation of this Agreement.
3. Each national community in Kosovo is authorized to start exercising the special rights determined by this Agreement, to the extent possible, immediately upon signature. In particular, with [] months, there will be transitional elections under international auspices for the elective bodies established by this Agreement.
4. As soon as possible after signature of this Agreement, competent organs shall organize and carry out, under international supervision, an objective and free census of the population in the territory.
5. To facilitate the transition, the organs of the state shall provide updated all necessary records about the places of residence, citizenship, voters' lists, and other data indispensable for the implementation of this Agreement.
6. The signatories of this Agreement, members of the national communities shall provide active support, cooperation, and participation for the successful implementation of the Agreement.
7. The signatories of this Agreement take the obligation to allow, during the transition period, and in accordance with the nature of the rights and obligations under this Agreement, its adequate implementation even before the adoption and undertaking of all acts and measures fixed in the Agreement insofar as possible.
8. Laws and institutions currently in place in Kosovo shall remain until replaced by a decision of a competent body established by this Agreement.

IX AMENDMENTS

1. Amendments to the Agreement shall be adopted by signature of the parties.
2. Each signatory may suggest amendments and agrees to consider and consult with the other with regard to suggested amendments.
3. The sides agree to begin consultations upon the request of either side, with the aim of agreeing further measures concerning the status of Kosovo no later than three years from the entry into force of this Agreement.

X FINAL PROVISIONS

1. This Agreement is concluded in the languages.
2. This Agreement shall come into force upon the completion of the internal process of each side.

FOR

Federal Republic of
Yugoslavia

Republic of
Serbia

Kosovo

With the engagement of the international community, especially the United States, aimed at finding a solution to the Kosovo issue, unsolved during the process of dissolution of Yugoslavia, the governments of Yugoslavia and Serbia and representatives of Kosovo agreed on the following:

Provided
to Chris
Hill
on 26(?)
Aug 98

1. To determine a provisional settlement of the status of Kosovo, a governance for a given period of time and with international guarantees.

2. An agreement for a provisional governance of Kosovo and permanent settlement to be agreed later shall be based on the principles of the U.N. Charter, the Helsinki Final Act, and other international principles.

Agreements will take into consideration the fact that Yugoslavia (SFRY), the state of which Kosovo was an associate member and a federal unit, was dissolved.

The legal status of Kosovo before the dissolution of Yugoslavia, the creation of new states in these areas, and developments in Kosovo since the Constitutional Declaration (1990) and the Referendum for Independence (1991) will be orientating elements and basis for these agreements.

3. During the period of a provisional governance Kosovo shall function within Yugoslavia, as an associate entity for a given period of time, and on equal basis with other units of the federation.

4. During a period of provisional governance Kosovo shall be governed through its legislative, executive and judicial institutions; through its parliament with full and original powers of constitution making and decision-making, the president elected through direct vote, the government of Kosovo and its appropriate administration, and the courts at different levels, including the supreme court and the constitutional court and the public prosecutor of Kosovo.

Kosovo will have its own system of security, police and interior security, which will belong to Kosovo with regard to their composition and function.

The international community will provide assistance in having them organized, in training and their operation.

Elections will be conducted under international auspices within three months period after the agreement is signed.

5. The institutions of Kosova, including at the communal level will govern democratically, based on principles of democracy and the respect for the internationally recognized human rights; they will operate independently and will cover political, economic, social and cultural areas, excepting those which, based on the provisional agreement, shall be specified as functions that will partially, mainly, or entirely belong to the Federation.

Relationship between the institutions of Kosova and the institutions of Yugoslavia or other federal units of the Federation, Serbia and Montenegro, shall be relations of equality and coordination, when/if necessary, but without hierarchy relations.

6. Each ethnic community in Kosova will have the authority to exercise fully its rights with regard to education, language preservation of its culture and identity, and other matters to be agreed.

There will be special arrangements for sites of historical, cultural or religious importance.

7. The participation of Kosova, equal with other federal units, will be discussed.



8. In the Federation, as mainly common functions, but not exclusively, will be the territorial wholeness, common market, banknotes emission, defense, foreign policy, customs services, and other functions which can be specified through an agreement for a provisional governance.

Through an agreement for a provisional governance will also be specified modes, forms and the level of participation of Kosova in the realization of these functions.

9. All the natural resources and the wealth crated in Kosova belong to Kosova and its people.

The Kosova economy will function on the basis of private ownership principle, market law and open market within Yugoslavia.

Kosova will exercise monetary-investment functions and Central Bank and related institutions; the fiscal system, taxation, taxes, participation in customs and shares; its own budget; participation in economic foreign relations and cooperation with international financial organizations and institutions.

Kosova administers its own public economy or participates in administering of complex systems.

If certain measure in the common market of Yugoslavia risk seriously the economic interests of Kosova, Kosova can introduce specific temporary measures in protection of its interests.

Appropriate international institutions can assist in coordinating and harmonizing economic relations in the period of a provisional settlement.

11. A ceasefire and the withdrawal of forces shall begin immediately. Alleged violations should be reported to international observers and will not be used to justify violence in response.

Political prisoners will be released immediately.

No one will be prosecuted or convicted for his participation in fighting in Kosova, except those who have committed documented crimes against humanity.

12. Neither side will change elements or terms of a provisional governance unilaterally.

13. Mutual confidence-building measures will be undertaken.

14. The agreement for a provisional governance will set forth a procedure for reaching a permanent settlement no more than three years after the provisional agreement enters into force.

If in the meantime an agreement for a permanent solution is not reached a referendum will be conducted under international auspices through which the people of Kosova will declare themselves about its future.

15. Each side will cooperate and provide unimpeded access to humanitarian and international organizations; facilitate the delivery of humanitarian assistance; expedite the return of displaced persons and refugees to their homes, including by facilitating travel to those persons and refugees and international workers; rehabilitating or providing shelter; and agreeing to security arrangements that create confidence amongst the displaced persons

16. The International community is invited to provide assistance in reaching of a provisional agreement and permanent settlement, to provide economic and professional assistance, to be fully involved politically during the implementation of both agreements, and to provide guarantees for the definitive implementation of a provisional agreement and permanent settlement.